

### O-16 Sierra Club

- O-16-1** The comment states that Chatten-Brown & Carstens represents the Sierra Club and that at the Sierra Club's request, it has reviewed portions of the Draft EIR and accompanying studies. The comment notes the Co-Chairs of the Sierra Club Conservation Committee have also reviewed the Draft EIR and their comments are incorporated. The County acknowledges the comment as an introduction to comments that follow. This comment is included in 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.
- O-16-2** The comment states there are "flaws, inconsistencies, and omissions" related to "the analysis of greenhouse gases (GHGs), biological impacts, traffic impacts, fire safety impacts, and impacts to Native American resources" "such that the Draft EIR fails to comply with the California Environmental Quality Act ('CEQA')." The County acknowledges the comment addresses general subject areas, which received extensive analysis in the Draft EIR, specifically sections 2.4, Biological Resources, 2.5, Cultural Resources, 2.7, Greenhouse Gas Emissions, 2.8, Hazards and Hazardous Materials, and 2.13, Transportation and Traffic. 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.
- O-16-3** The comment states "the EIR should not be finalized until the Climate Action Plan (CAP) is adopted and no project requiring amendment to the 2011 General Plan should be approved until the County is on target to meet the GHG emission reduction goals it set." The County acknowledges the comment and notes it expresses the opinions of the commentator, 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 or necessary.

Nonetheless, the County does not concur with the comment that projects which require a GPA should not be approved until the CAP is approved. The General Plan EIR did not enforce such a mitigation measure or condition for future projects. Please refer to **Topical Response GHG-3, CAP Consistency**.

Further, the CAP does not preclude General Plan amendments. Indeed, the *Guidelines for Determining Significance: Climate Change and Climate Action Plan Consistency Review Checklist* developed by the County in conjunction with the 2018 CAP are

designed to ensure that individual development projects proposed for approval after the CAP's adoption do not obstruct attainment of the CAP's reduction targets. Like the "net zero" approach proposed for the Sierra project, the County's documentation requires General Plan amendment projects to achieve "no net increase in GHG emissions from additional density above the 2011 GPU" *or* "no net increase over baseline conditions (carbon neutrality)." The County's Supplemental EIR for the 2018 CAP determined that implementation of this approach – which is required by Mitigation Measure M-GHG-1 in that Supplemental EIR – would ensure that GHG emissions from in-process and future General Plan amendment projects would be offset, such that the CAP's emissions inventories would not be affected. The same rationale applies here; specifically, because the Sierra project proposes to reduce its GHG emissions to net zero, the project would not impair the CAP's ability to achieve the contemplated emission reductions.

Lastly, the CAP was approved by the Board of Supervisors on February 14, 2018. As stated in the County's CAP, the County is on track with existing state and local measures to achieve the State-mandated requirement for 2020 established in AB 32. In fact, the County will achieve this legislative requirement for 2020 without the measures adopted in the CAP. The CAP provides substantial evidence that the County will achieve the legislative target for 2030 established in SB 32.

**O-16-4** The comment states the Draft EIR cannot be lawfully certified nor the project approved until substantial revisions to it are completed. The County acknowledges the comment and notes it expresses the opinions of the commentator, 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 or necessary.

The County disagrees regarding the need for recirculation of the Draft EIR. The Draft EIR was prepared in accordance with CEQA, and sufficient analysis was performed; enforceable and effective mitigation measures proposed; and a reasonable range of feasible alternatives discussed in that document. The Final EIR includes minor modifications and clarifications based on comments received during public review, none of which trigger the recirculation provision of CEQA Guidelines section 15088.5.

Please see also **Response to Comment O-1-13** regarding the EIR as a County document, which has undergone extensive research, review, and writing on the part of County staff and County experts. The County has independently verified the entire EIR, technical appendices, other supporting documentation, and the entire record for

the Project since the Notice of Preparation was release for public review on February 12, 2015. At time of this writing and preparation of the Final EIR, the County has been working on this EIR for over three years.

- O-16-5** The comment states that “The Project’s Ability to Use Offsets From Outside the County of San Diego Is Inconsistent with the County General Plan’s Requirement to Achieve Specified Greenhouse Gas Emissions Reductions in the County.” The County does not concur that the proposed Project would not comply with the requirements of Mitigation Measure CC-1.2 from the County General Plan Update (GPU) EIR. Please refer to **Response to Comment O-1-142**, which states the following regarding the project’s compliance with General Plan Update EIR Mitigation Measure CC-1.2.

Mitigation Measure CC-1.2 from the County GPU EIR is a requirement applicable to the County of San Diego to prepare a Climate Action Plan which would achieve a 17% reduction in emissions from County operations (not applicable to individual development project) and a 9% reduction in community emissions; however, this is not a mandate for individual projects to meet either threshold. The County disagrees that GPU Mitigation Measure CC-1.2 requires all mitigation to reduce GHG emissions from the Project to be local and that to allow mitigation to achieve GHG reductions out-of-county would conflict with the requirements of the 2011 GPU EIR Mitigation Measure CC-1.2. The County has full discretion to allow the achievement of GHG emissions reductions within or out-of-county so long as those measures can be demonstrated through substantial evidence to feasibly reduce GHG emissions.

The County updated the GPU Mitigation Measure CC-1.2 through the CAP to include the requirement of SB 32 to reduce emissions to 40% below 1990 levels by 2030. GPU Mitigation Measure CC-1.2 was originally certified in 2011 to reduce cumulative GHG emissions to 1990 levels consistent with the requirement of AB 32. The proposed changes in the CAP also require the CAP to be consistent with the requirements of Section 15183.5 of the CEQA Guidelines addressing requirements of a qualified CAP. It is also important to note that the County Board of Supervisors approved the CAP on February 14, 2018 with 26 reduction measures to achieve state-legislative targets under AB 32 and SB 32 that will all be achieved locally, in full compliance with GPU Mitigation Measure CC-1.2 and General Plan policies.

Nonetheless, the proposed project does include 32 Project Design Features which would be implemented within the proposed community that would reduce GHG emissions. These include PDFs 1-20, which comprise the TDM program for the Proposed Project and which are demonstrated to reduce VMT, and thereby GHG emissions, by 11.1% from mobile-source emissions. Implementation of the TDM

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Program would “result in a direct 11.1% reduction in the project’s mobile emissions, or approximately 4,722 MT CO<sub>2</sub>E per year.”

In addition, PDF 22 requires “Solar panels shall be required on all residential units. ... All light fixtures along public roads shall be solar powered. The project can use centralized solar arrays (e.g., a solar array on top of a shade structure in a parking lot) to implement this requirement” and that “installation of solar technology on all single-family and multi-family housing units would reduce overall GHG emissions generated from electricity by 3,453 MT CO<sub>2</sub>E per year.”

Combined, these two measures would reduce CO<sub>2</sub>e from the proposed project by 8,175 MT CO<sub>2</sub>e per year. Table 14 of Appendix K shows the annual GHG emissions before mitigation are approximately 52,986 MT CO<sub>2</sub>e per year; thus, the combined reduction of PDFs 1-20 and 22 would reduce emissions within San Diego County by approximately 15.5% annually.

Further, the remaining mitigation measures include a geographic priority system that prioritizes emissions reductions in San Diego County as identified in **Response to Comment O-1-137**.

Thus, the proposed project does mitigate GHG impacts, would not allocate 100% of its emissions reductions to off-site actions outside San Diego County, and further reduces emissions beyond those anticipated in the County Climate Action Plan by committing to “offset all of its greenhouse gas emissions to achieve and maintain carbon neutrality (i.e., net zero emissions) for the life of the project.” The CAP does not require the underlying land uses to meet such a stringent threshold of achieving Carbon Neutrality.

**O-16-6** The comment states “The County Should Explain the Relationship Between the Project’s Efficiency Metric and the Unlawful County Efficiency Metric.” The proposed Project was initially analyzed under different thresholds based on then applicable County requirements. As noted in the comment, “The Superior Court ordered the County to set aside the 2016 Document for Determining Significance of Greenhouse Gases and enjoined use of the County Efficiency Metric in the County’s environmental review.” Accordingly, the Draft EIR relies on the following thresholds only for determining the proposed Project’s potential impacts on Greenhouse Gas Emissions, which is based on CEQA Appendix G, and not on the efficiency metric:

Whether the project would:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

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2. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The proposed Project and Draft EIR do not rely on the Efficiency Metric; however, all references to this metric were, in error, not removed from the Draft EIR and Appendices. (For example, at Draft EIR Appendix A to Appendix K.) The Final EIR has been revised to remove all references to the Efficiency Metric.

- O-16-7** The comment provides a “List of Additional Concerns Regarding the Draft EIR’s Greenhouse Gas Emissions Analysis,” based on comments by Dr. Phyllis Fox, which comments have been incorporated in the Final EIR as Comment Letter O-1.4. The County acknowledges the comment as an introduction to comments that follow. This comment is included in 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.
- O-16-8** The comment states, “The DEIR underestimated emissions from construction and vegetation. The information is not presented consistently in the DEIR, but emissions from construction and vegetation could be as much as 30 times higher than disclosed.” The County does not concur with this comment. Please refer to Response to Comment Letter O-1.4, specifically **Response to Comment O-1.4-21**. No further response is required.
- O-16-9** The comment states, “The DEIR underestimates emission from vegetation, because it characterizes 100% of removed vegetation as “scrub,” when in fact, most of the vegetation on site is chaparral.” The County does not concur with this comment. Please refer to Response to Comment Letter O-1.4, specifically **Response to Comment O-1.4-22**. No further response is required.
- O-16-10** The comment states, “Emissions for construction equipment are underestimated, because the analysis assumes Tier 4 engines that are not required by the Project’s mitigation measures.” The County does not concur with this comment. Please refer to Response to Comment Letter O-1.4, specifically **Response to Comment O-1.4-30**. No further response is required.
- O-16-11** The comment states, “Emissions from construction of off-site road and utility improvements do not appear to have been included.” The County does not concur with this comment. Please refer to Response to Comment Letter O-1.4, specifically **Response to Comments O-1.4-34 through 38**. No further response is required.
- O-16-12** The comment states, “Emissions from induced VMT by surface road improvements were not considered.” The County does not concur with this comment. Please refer to

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Response to Comment Letter O-1.4, specifically **Response to Comment O-1.4-43 through 45**. No further response is required.

**O-16-13** The comment states “congestion leads to inefficient auto use, which increases emissions. These emissions were not included either.” The County does not concur with this comment. Please refer to Response to Comment Letter O-1.4, specifically **Response to Comment O-1.4-44**. No further response is required.

**O-16-14** The comment states, “The DEIR gives too much emissions reduction credit for weak transportation demand management measures.” The County does not concur with this comment. Please refer to Response to Comment Letter O-1.4, specifically **Response to Comment O-1.4-46 through 51**. No further response is required.

**O-16-15** The comment states, “The DEIR did not account for emissions from increased freeway congestion.” The County does not concur with this comment. Please refer to Response to Comment Letter O-1.4, specifically **Response to Comment O-1.4-52**. No further response is required.

**O-16-16** The comment states, “Emissions from moving upstream water supply were not properly accounted for.” The County does not concur with this comment. Please refer to Response to Comment Letter O-1.4, specifically **Response to Comment O-1.4-53 through 57**. No further response is required.

**O-16-17** The comment states, “The DEIR omits emissions from residential electricity use because it does not provide enough evidence that its residential solar and EV charging proposals will offset 100% of all residential electricity demand.” The County does not concur with this comment. Please refer to Response to Comment Letter O-1.4, specifically **Response to Comments O-1.4-59 through 60**. No further response is required.

**O-16-18** The comment states, “The DEIR fails to address increased emissions resulting from climate change.” The County does not concur with this comment. Please refer to Response to Comment Letter O-1.4, specifically **Response to Comment O-1.4-62**. No further response is required.

**O-16-19** The comment states, “Mitigation measures are inadequate because emissions were underestimated, the ‘priority’ system should be mandatory, and the DEIR’s ‘true up’ provision enables the County to allow the developer to decrease the amount of emissions required to be offset without any further CEQA review.” The County does not concur with this comment. Please refer to Response to Comment Letter O-1.4, specifically **Response to Comment O-1.4-72**. No further response is required.



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- O-16-20** The comment provides factual background information regarding the North County MSCP (NC MSCP) and summarizes the project Site by restating information from the Draft EIR. The County notes the comment 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 because the comment does not raise an environmental issue.
- O-16-21** The comment states “Inclusion of the Newland Project in the 2017 Draft North County MSCP as a Private Hardline Project Is Improper.” The comment notes “The hardline Preserve configuration in the proposed Newland project has not been agreed upon by the Wildlife Agencies, nor has it been approved by the County Board of Supervisors,” and “request[s] that it be removed.” The County notes the comment provides factual background information but 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 because the comment does not raise an environmental issue.
- O-16-22** The comment states, “in Chapter 5 of the 2017 Draft North County Plan, Figure 5-11 shows the Newland project site as a “Private Hardline Area.” We submit that this designation is not correct, as explained above, and request that figure 5-11 be corrected to show the Newland project site in its current condition.” Similar to the above comment, the County acknowledges the comment provides factual background information but 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 because the comment does not raise an environmental issue.
- O-16-23** The comment states that the conservation objective for MSCP lands “has always been 75%,” and that CDFW has recommended this same onsite conservation goal. The comment addresses issues that pertain to the draft NC-MSCP. The comment does not identify any defect in the Draft EIR or raise any other CEQA issue. Therefore, no further response is required. Nevertheless, the County provides the following information regarding the project’s onsite and offsite mitigation program.

First, to clarify, the proposed off-site mitigation property is in the NC MSCP Planning Area.

Second, please refer to **Topical Response BIO-1**.

Third, with respect to the comment that the off-site mitigation land “does not contribute value to the Merriam Mountains connection,” the County acknowledges the comment and clarifies that **M-BIO-8A** includes both the off-site 212-acre parcel as well as the on-site 1,209 acres of open space as mitigation for wildlife corridor impacts to the Merriam Mountains connect.; Further, the DEIR states in Section 2.4.15.3, Wildlife Movement and Nursery Sites, that impacts to Wildlife Movement would be mitigated as follows:

The project would include construction monitoring to avoid unintentional species and habitat impacts (M-BIO-1); construction areas would have temporary construction fencing to avoid inadvertent habitat destruction (M-BIO-2); there would be monitoring verification through preparation of a biological monitoring report (M-BIO-3); and vegetation would be replaced through a vegetation plan, where possible, for temporary vegetation impacts (M-BIO-6). With these measures, short-term, direct impacts that would impact potential foraging and breeding habitat would be significant and mitigated. Mitigation for long-term direct impacts to potential foraging and breeding habitat for wildlife species includes M-BIO-8A through M-BIO-8E (habitat preservation and management).

Section 2.4.16.3 concludes that with implementation of mitigation measures M-BIO-1, 2, 3, 6, 7 and 8A through 8E, impacts to wildlife movement would be less than significant.

Finally, with respect to the comment that mitigation for project impacts should be onsite, the County acknowledges the comment and notes it expresses the opinions of the commentator, 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 or necessary.

- O-16-24** The comment states “The Project Is Inconsistent with the Goal of the 2017 Draft MSCP Plan to Preserve Large Blocks of Habitat” because “development is proposed for the southern half to two-thirds of the project site.” As a result, development “will cover most of that portion of the site, with the exception of two blocks of open space (DEIR, p. 747, Map of Wildlife Connectivity [identifying Blocks 2 and 3]) and several corridors linking the blocks internally and to the open space on the exterior of the project site.” The comment states, “the Project should implement the list of “Conservation Actions” identified in the 2017 Draft MSCP Plan, which would help to protect this core area of valuable habitat as a NC-MSCP Preserve.” The County does not concur with this comment.



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As an initial matter, however, the comment does not identify a defect in the Draft EIR or raise any CEQA issue; thus, no further response is necessary. Nevertheless, the County provides the following information relevant to the comment.

The proposed Project was evaluated for consistency with the draft North County plan's proposed conservation goals for the area applicable to the project site: the San Marcos- Merriam Mountains Core Area. (Draft EIR, p. 2.4-88- 2.4-89.) Conservation goals for this area include:

- a) Conserve oak woodlands, coastal sage scrub (particularly in Twin Oaks) to maintain populations and connectivity of coastal California gnatcatcher and other coastal sage scrub-dependent species, and chaparral on mafic or gabbro soils that support sensitive plant species, such as chaparral beargrass and Parry's tetradlea, San Diego thornmint (particularly in San Marcos Mountains), or California adonis;
- b) Ensure that a core community of coastal California gnatcatcher and other coastal sage scrub-dependent species remains in the coastal sage scrub block in Twin Oaks;
- c) Conserve the north-south connectivity of coastal California gnatcatcher habitat along I-15 between the Riverside County line and the City of Escondido. Maintain the east-west connectivity of natural habitats on either side of I-15 for dispersal of coastal sage scrub community birds;
- d) Conserve the riparian and upland habitats of Gopher Canyon Creek for water quality and sensitive species, such as southwestern pond turtle and least Bell's vireo; and
- e) Ensure the San Diego thornmint population in the Palisades open space preserve is maintained and enhanced, if practicable. (Draft EIR, p. 2.4-88 – 2.4-90, 2.4-6.)

The Draft EIR finds the project would be consistent with each of these draft conservation goals. (Draft EIR, p. 2.4-90.)

The Draft EIR also evaluates the project against, and finds the project consistent with, "preserve design principles" established for interim project review while the draft plan is being prepared. (Draft EIR, p. 2.4-83 – 2.4-87.) These principles include providing long-term biological benefit through on-site open space preservation, protecting on-site open space habitat of equal or greater value as that habitat being impacted, contribution of on-site open space to regional conservation efforts,

maintaining biological diversity through open space design, maintaining habitat connectivity between areas of high quality habitat through open space design, protecting the most sensitive resources to maximize long-term viability, and minimizing edge effects and habitat fragmentation. (Ibid.) Consistency with each preserve design principle is addressed in the Draft EIR, at pages 2.4-83 through 2.4-87. (Ibid.)

Finally, the draft North County plan is not an approved, adopted plan. Instead, it is a draft document and CEQA does not require an agency to speculate on the future environmental consequences of a project where an environmental plan is still in draft form, and is not yet adopted. In *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1144, the Court of Appeal considered whether the City of Chula Vista had erred in failing to include, in its Program EIR, an analysis of project impact on a draft conservation plan in south San Diego County. (Id.) The Court held draft plans did not need to be included in CEQA analysis as, “there is no express legislative or regulatory requirement under CEQA that a public agency speculate as to or rely on proposed or draft regional plans in evaluating a project.” (Id. at p. 1145.) Rather, CEQA only requires applicants and public agencies “engage in analysis of the impacts of the proposed project on the environment.” (Id.)

- O-16-25** The comment states “there are problems with these corridors (Corridors A through D, DEIR p. 747), as some of them cross roadways, which is hazardous for wildlife and vehicles.” The comments suggests the “DEIR should incorporate the guidelines for wildlife crossing structures and wildlife fencing, natural vegetation, and natural lighting identified in the 2017 Draft MSCP Plan.”

The Draft EIR describes existing conditions on the project site with respect to wildlife corridors, and explains how the project’s proposed open space maintains connections between blocks of habitat in the Draft EIR at Section 2.4.1, Proposed Open Space Design; Section 2.4.3, Existing Conditions; and Section 2.4.10, Habitat Connectivity and Wildlife Corridors. (Draft EIR, pp. 2.4-1– 2.4-5; pp. 2.4-50– 2.4-54.) As described in the Draft EIR, the project would preserve three blocks of habitat, including an 870-acre Block 1, 153.9-acre Block 2, and 185-acre Block 3. (Draft EIR, p. 2.4-2.) The blocks would be situated within the northern half and along the eastern boundary of the project, with a third large block in the center of the site that connects the above mentioned blocks to open space east and south. (Draft EIR, p. 2.4-2 – 2.4-3, Figure 2.4-1, Proposed Open Space Design and MSCP Preserves.) Block 3, in the south-central portion of the site, is particularly unique as it provides a diversity of topography and microhabitat features that few, if any, preserves in the vicinity provide; it is directly connected to adjacent pre-approved mitigation area (PAMA)

lands; and it is larger than nearly all of the other preserves in the vicinity. (Draft EIR, p. 2.4-76 – 2.4-77.)

These blocks would provide live-in habitat as well as movement habitat for species. (Draft EIR, 2.4-2.) Block 2 and 3 would be directly connected by a 1,600-foot wide connection, which wildlife would be able to use for movement. (Draft EIR, p. 2.4-77.) These open space blocks of habitat would be “internally linked through Corridors A through D.” (Draft EIR, p. 2.4-51), as shown in Figure 2.4-8, Wildlife Connectivity, and described as follows:

“Corridor A would include an approximately 1,000-foot by 400-foot linkage. Corridor B would include an approximately 700-foot by 750-foot area. Corridor C would include an approximately 1,500-foot by 800-foot linkage. Corridor D would include an approximately 2,250-foot by 200-foot linkage.” (Draft EIR p. 2.4-51.)

The Draft EIR analyzes the project’s potential impacts with respect to wildlife corridors in Section 2.4.12.4, Wildlife Movement and Nursery Sites. Despite incorporating preservation of the above-described habitat blocks and internal corridors, the Draft EIR identifies the following significant impacts to wildlife movement and nursery sites: WM-1 (short-term direct impacts to potential foraging and nesting habitat), WM-2 (permanent, direct impacts to the loss of potential foraging and nesting habitat), WM-3 (impact to movement of large mammals from loss of wildlife corridors), WM-4 (impacts to habitat connectivity for larger wildlife species) and WM-5 (impacts to wildlife behavior resulting from noise and/or nighttime lighting in a wildlife corridor). (Draft EIR, p. 2.4-72 - 2.4- 80, 2.4-105.) Sections 6.2.2 and 6.2.3 of the Draft EIR Technical Appendix H, Biological Resources Technical Report, pages 6-4 through 6-10, further detail anticipated project effects to connectivity between blocks of habitat and the creation of non-natural movement corridors.

To reduce the project’s impacts to less-than-significant levels relative to wildlife movement and nursery sites, the Draft EIR identifies the following mitigation measures, including M-BIO-1, M-BIO-2, M-BIO-3, M-BIO-6, M-BIO-7 and M-BIO-8A through M-BIO-8E. (Draft EIR, p. 2.4-106 – 2.1-119.) With incorporation of these mitigation measures, impacts would be reduced to less-than-significant levels. (Draft EIR p. 2.4-125 - 2.4-127.) See also response to **Comment Letter O-1.5**.

- O-16-26** The comment states “wildlife crossings should be designed and built as part of the Deer Springs Road project that would help wildlife move safely across the busy road.” The comment further notes that “no wildlife undercrossings are proposed for Sarver Lane, which would ...carry significant traffic through open space areas.” The

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comment expresses the commenter's opinions and preferences regarding wildlife crossings at Deer Springs Road; it does not identify any defect in the Draft EIR or raise any other CEQA issue. The County does not concur with this comment. With respect to Deer Springs Road, please refer to **Response to Comments O-1.5-15 through O-1.5-20**. With respect to Sarver Lane, please refer to **Response to Comment O-1.5-23**.

- O-16-27** The comment states the DEIR should consider how wildlife undercrossings could be developed for other roads impacted by project traffic, including Twin Oaks Valley Road and Buena Creek Road, to allow animals to safely cross. The County acknowledges the comment and notes it expresses the opinions of the commentator, 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 or necessary.

Nonetheless, the County does not concur with this comment. As stated in **Response to Comment O-2.1-18**, impacts to wildlife movement is mitigated through mitigation measures which include **M-BIO-1, M-BIO-2, M-BIO-3, M-BIO-6, M-BIO-7, and M-BIO-8A through M-BIO-8E**. These mitigation measures would require biological monitoring, preparation and implementation of a SWPPP, preparation of a biological monitoring report, preparation of a revegetation plan for temporarily impacted areas, minimize nighttime and outdoor lighting, and which would provide for habitat management and conservation of open space areas that would allow for unimpeded wildlife movement and use. With implementation of these mitigation measures, Section 2.4.16.4 concludes that impacts related to wildlife movement would be reduced to less than significant.

Accordingly, no additional measures such as wildlife under-crossings are required as all impacts are reduced to **less than significant**.

Further, with respect to Twin Oaks Valley Road, please refer to **Response to Comment O-1.5-24**.

With respect to Buena Creek Road, an aerial review shows that the north side of Buena Creek Road is already significantly developed, which would limit the effectiveness of any undercrossing as there is no corridor from the area north of Buena Creek Road through existing developed areas and south, into an open space area which is further surrounding by development.

- O-16-28** The comment states that I-15 is a barrier to wildlife movement and habitat connectivity and that the proposed project proposes future improvements to the I-

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- 15/Deer Springs Road interchange. The comment questions when those improvements would occur, what entity would be responsible for those improvements, and how viable wildlife undercrossings could be included as part of the interchange improvement project. Please refer to **Response to Comment O-1.5-21**.
- O-16-29** The comment states that many of the wildlife corridors are adjacent to the proposed project and would cause edge effects that reduce the effectiveness of the proposed corridors. The comment notes that Corridor D appears to be long, narrow and completely graded. The comment states that graded areas would have to be re-planted. The comment also notes that fuel modification areas would require thinning and/or replacement of natural vegetation which could reduce their viability as corridors. The comment restates information from the Draft EIR relative to these wildlife corridors including some portion of fuel modification areas. The County acknowledges the comment and notes it addresses general subject areas, edge effects and wildlife corridors, which received extensive analysis in the Draft EIR, specifically Section 2.410, Habitat Connectivity and Wildlife Corridors. 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.
- O-16-30** The comment states the Draft EIR should clarify the extent to which the “Conservation Actions” from the Draft 2017 NC MSCP to ensure effective wildlife corridors were incorporated into the proposed project design. Please see **Response to Comment O-16-24**, above.
- O-16-31** The comment states that the proposed project does not follow the goals, guidelines and recommended actions of the Draft 2017 NC MSCP plan and any project approvals should be deferred until the NC MCSP is released to the public. The County does not concur with this comment.

As detailed in **Topical Response BIO-1**, and summarized in the Draft EIR, “the proposed project would not preclude or prevent the preparation of the subregional NCCP because the project has been planned in accordance with the planning principles of the draft North County Plan.” (Draft EIR, p. 2.4-82.)

First, as detailed in the Draft EIR, the project has been identified as a proposed hardline area in the draft North County MSCP, which means both the project’s development areas and biological open space areas have been incorporated into the overall conservation strategy of the draft plan. (Draft EIR, p. 2.4-82, 2.4-6.) The Draft EIR states that, based on the proposed hardline area as shown for the draft North

County MSCP, the proposed biological open space would assemble approximately 1,209 acres of on-site habitat into three cohesive, contiguous blocks and an additional off-site block of habitat totaling 212 acres (providing habitat value for proposed MSCP-covered species), and protect the biological open space from future encroachment through habitat management and land stewardship in perpetuity (see Draft EIR Figure 2.4-4; and Draft EIR, p. 2.4-82.) The project has been designed in accordance with this proposed hardline area. (*Ibid.*) Second, the project has been designed in accordance with objectives, and principles, and conservation goals established in the draft North County MSCP. (Draft EIR, p. 2.4-82.) The Draft EIR evaluates the project's consistency against the eight preliminary conservation objectives from the draft plan. (Draft EIR, p. 2.4-83, Table 2.4-26.) The Draft EIR finds the project would be consistent with these preliminary conservation objectives. (*Ibid.*)

The Draft EIR also evaluates the project against, and finds the project consistent with, "preserve design principles" established for interim project review while the draft plan is being prepared. (Draft EIR, p. 2.4-83 – 2.4-87.) These principles include providing long-term biological benefit through on-site open space preservation, protecting on-site open space habitat of equal or greater value as that habitat being impacted, contribution of on-site open space to regional conservation efforts, maintaining biological diversity through open space design, maintaining habitat connectivity between areas of high quality habitat through open space design, protecting the most sensitive resources to maximize long-term viability, and minimizing edge effects and habitat fragmentation. (*Ibid.*) Consistency with each preserve design principle is addressed in the Draft EIR, at pages 2.4-83 through 2.4-87. (*Ibid.*)

Lastly, the project is evaluated for consistency with the draft North County plan's proposed conservation goals for the area applicable to the project site: the San Marcos- Merriam Mountains Core Area As explain in Response to Comment O-16-24.

Thus, the Draft EIR has fully complied with CEQA in evaluating and disclosing the project's potential impacts relative to the draft North County plan. The project also has incorporated the draft North County plan into the project's design. The open space preserve system created by the project will thus be consistent with the draft North County plan, serve as open space for the future establishment of a regional North County habitat preserve, and comply with regional open space planning.

In closing, the Draft EIR's Biological Resources chapter demonstrates the project has been planned consistent with the draft North County plan and with regional



conservation goals in mind. Based on the analysis contained in the Biological Resources chapter, the project would consequently result in a less-than-significant impact as the project would not preclude or prevent completion of the draft North County MSCP.

- O-16-32** The comment states the proposed Project includes trails in Block 1 of the Preserve, including a 3-mile loop and an equestrian trail, and that these trails should not be located in the Preserve because they would impact wildlife activity and patterns within PAMA, and would increase human activity in the Preserve. The comment requests the Draft EIR identify non-Preserve areas where trails would be appropriate. The County does not concur with the comment regarding trails in the Preserve. Trails are an integral part of the circulation and recreation system of the proposed project. Not only would the proposed trails system provide a recreational outlet for future residents of the proposed Project, they would be available to residents of San Diego County. Accordingly, the Draft EIR has evaluated the potential for increased human activity as a result of the proposed Project. The Draft EIR states in Section 2.4.13.1:

*Increased Human Activity*

The proposed project would involve development of seven neighborhoods, recreational facilities (e.g., parks), and designated open space. Increased human activity could result in trampling of vegetation and soil compaction outside of the impact footprint, and could affect the viability and function of suitable habitat for wildlife species. Trampling can alter an ecosystem, creating gaps in native vegetation either leading to soil erosion or allowing exotic, non-native plant species to become established. Trampling may also affect the rate of rainfall interception and evapotranspiration, soil moisture, water penetration pathways, surface flows, and erosion. An increased human population increases the risk for damage to suitable habitat for wildlife species. In addition, increased human activity can deter wildlife from using habitat areas near the proposed project Site. The cumulative indirect project impacts would be significant (Impact BI-C-1).

Increased human activity is also noted as contributing to impacts CWA-3, W-7, WM-3, and WM-5.

The Draft EIR identifies Mitigation Measures M-BIO-1, M-BIO-2, M-BIO-3, M-BIO-6, and M-BIO-7 (Impact CWA-3), M-BIO-1, M-BIO-2, M-BIO-3, M-BIO-4, M-BIO-5, M-BIO-6, and M-BIO-7 (Impact W-7), M-BIO-7 and M-BIO-8A through M-BIO-8E (Impact WM-3 and WM-5), and M-BIO-8A through M-BIO-8E (Impact BI-C-1) which would reduce the above impact to **less than significant**. Accordingly, the DEIR adequately analyzed the potential impacts of increased human activities,

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including trails, and recommends mitigation to reduce such impacts. Please also refer to **Response to Comment O-1.5-26** and **O-1.5-27**, above. No further response is required.

- O-16-33** The comment states that the Project proposes to amend the Resource Protection Ordinance (RPO) to allow for an exemption for the Project. The comment then states that the Draft EIR does not explain why the proposed Project does not conform to the RPO. The County does not concur that the Draft EIR fails to explain why an exemption to the RPO is proposed.

As stated on page 2.4-8 of the Draft EIR, “the project footprint is not strictly in conformance with RPO; therefore, the project includes a proposed amendment to the RPO that would exempt the project from the requirements of the ordinance through implementation of superior regional resource protection.” The RPO Analysis for wetlands within the Resource Protection Plan (RPP) concludes that the project would be fully consistent with the County RPO with the exception of impacts to coastal California gnatcatcher–occupied habitat along the eastern side of the project Site and impacts to 2.13 acres of on-site RPO wetlands and 0.92 acre of off-site impacts with additional off-site impacts to the RPO buffers. These impacts are required given the project goals of concentrating development in the southern portion of the property to create a biological preserve in the northern portion of the property, creating large FMZs for fire protection, providing a core habitat block in the Merriam Mountains, and improving Deer Springs Road as well as other offsite improvements. As described within the RPP, the majority of RPO wetlands would remain within open space preserve, and the greatest impacts would result from fuel modification activities. Approximately 3% of the 30.2 acres of RPO wetlands within the project Site would be directly impacted by the proposed development. The RPO states that impacts to sensitive habitat lands are permitted when all feasible measures necessary to protect and preserve the sensitive habitat lands are required as a condition of permit approval and mitigation provides at least an equal benefit to the affected species (County of San Diego 2011a). Accordingly, the proposed project includes a CRMP (Appendix H of the EIR), which addresses all RPO resources and describes features incorporated in the project to protect and manage those resources, which will be further refined into a Final Resource Management Plan in conformance with the County RPO requirements.

- O-16-34** The comment states the proposed project would increase the population from zero residents to over 6,000 in a Very High Fire Severity Zone which comes with enormous increases in activities in the wildlands urban interface zone. The comment concludes that the Sierra Club believes the risks to human life and natural resources from steep slopes, Santa Ana winds, and old growth chaparral are too severe to

consider for development. The County acknowledges the comment and notes it expresses the opinions of the commentator, 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.

Nonetheless, relative to the comment that the project would increase in population in a very high fire severity zone, the County agrees that the proposed project would increase the population at the project Site. Accordingly, in compliance with the County's Guidelines for Determining Significance for Wildland Fire and Fire Protection, the Draft EIR Section 2.8, Hazards and Hazardous Materials, analyzes the proposed project's potential impacts on wildfire hazard. The proposed Project includes a Fire Protection Plan (Appendix N-1), designed to assess a project's compliance with current regulatory codes and ensure that impacts resulting from wildland fire hazards have been adequately mitigated. The Fire Protection Plan provides for a 250-foot fuel modification zone, as well as enhanced building techniques and other requirements which reduce the potential impact of wildland fires. Further, the proposed Project includes a Wildlife Fire Evacuation Plan (Appendix N-2) which demonstrates that the proposed project site could be evacuated in a reasonable amount of time, or would otherwise provide for sheltering in place, if determined to be safer than evacuating. Accordingly, the Draft EIR adequately evaluates the proposed project's fire safety impacts. No further response is required or necessary.

**O-16-35** The comment states the Newland Sierra Wildland Fire Evacuation Plan's assumption of residents having access to their electronics while evacuating in order to access the Wildland Fire Evacuation Plan, pages 1 through 6, is not realistic for residents. The County acknowledges the comment and notes that the Wildland Fire Evacuation Plan, pages 1 through 6, will be available in new home sales packets, as well as annually reviewed as part of an ongoing coordination with the Deer Springs Fire Protection District. This comment does not raise an environmental issue within the meaning of CEQA and, therefore, no further response is required or necessary. 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.

**O-16-36** The comment questions what considerations were given for Santa Ana wind conditions, and accompanying probability of disabled electrical supplies and telephone services, in considering an online evacuation plan. The Wildland Fire Evacuation Plan will also be available in new home sales packets, as well as annually reviewed as part of an ongoing coordination with the Deer Springs Fire Protection District, as discussed in Response to Comment O-16-35, above. The comment does

not raise any specific issue within the meaning of CEQA regarding the 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.

Nonetheless, Appendix N-1 does consider Santa Ana winds as part of the project analysis. Section 1.4.4, Climate, describes: “Sustained wind speeds recorded during recent major fires in San Diego County exceeded 30 mph and may exceed 50 mph;” and that “Santa Ana winds generally coincide with the regional drought period and the period of highest fire danger.” Accordingly, Appendix N-1 modeled fire behavior based on a wind speed of 41 mph (Appendix N-1, Table 6, Fire Behavior Modeling Inputs, pg. 33). The corresponding outputs state, “In this case, flame lengths can be expected to reach up to approximately ... 67 feet with 41 mph wind speeds (Peak condition). Spread rates range ...to 17.3 mph (Peak). Spotting distances, where airborne embers can ignite new fires downwind of the initial fire, range ... to 2.8 miles (Peak condition).” It should be noted that in the Post Developed Condition, “[t]he 67-foot tall flames predicted during pre-treatment modeling are reduced to 10 feet tall at the outer edges of the FMZ and to 3 by the time the inner portions of the FMZ are reached.” In sum, the Draft EIR considered Santa Ana wind conditions; and the potentiality of disabled electrical supplies and telephone services are appropriately accounted for by providing residents with hard copies of the Fire Evacuation Plan.

- O-16-37** The comment questions whether County staff “considered evaluations of the 2003 and 2007 wildfires in relation to functional, non-overloaded cell towers or landline phone service lines” in the Fire Protection Plan.

The County’s Guidelines for Determining Significance and Report Format and Content Requirements for Wildlife Fire and Fire Protection were adopted on August 31, 2010 after these fires, and incorporated the lessons learned from these events. Cite applicable after action reports (i.e., see pg. 19, Section 5.5, Defensible Space, Ornamental Landscaping and Vegetation Management). Evaluation in Section 2.8.3.1 of the Draft EIR was consistent with these requirements. Also, the County’s actions with respect to improving emergency phone service is beyond the scope of this Project and its Draft EIR

Further, Appendix N-2 at page 7 does note that, with respect to previous wildland fires:

“the evacuation procedures should be regularly updated with lessons learned from actual evacuation events, as they were following the 2003, 2007, and 2014 San Diego County fires. The authors of this Evacuation Plan recommend that occasional updates are provided, especially following lessons learned

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from actual incidents, as new technologies become available that would aid in the evacuation process, and as changing landscapes and development patterns occur within and adjacent the Newland Sierra project that may impact how evacuation is accomplished.”

See also, **Response to Comment O-16-38**, below.

**O-16-38** The comment questions how County staff explains “to concerned taxpayers as to why the experiences of the 2003 Cedar Fire and 2007 Witch Fire as far as cell phone and land line service failures are being ignored in the DEIR in relation to instructions to residents.” See **Response to Comment O-16-37**, above. Contrary to the comment, the Draft EIR considers the availability of instructions to residents, and as noted in Appendix N-2, states:

“Situation awareness requires a reliable information source. One of the most effective public notification methods is Reverse 911. The San Diego Office of Emergency Services operates the reverse 911 notification system that provides a recorded message over land line telephone systems relating to evacuation notices. In addition, the Office of Emergency Services operates a program known as “Alert San Diego” that has the capability to send emergency notifications over both land lines as well as to cell phones and via text messages. It is up to individual residents to register their cell phones for “Alert San Diego”. The registration of cell phones can be done on line at [www.ReadySanDiego.com](http://www.ReadySanDiego.com). The Newland Sierra HOA will strongly encourage all residents to register telephone numbers.”

The Wildland Fire Evacuation Plan will also be available in new home sales packets, as well as annually reviewed as part of an ongoing coordination with the Deer Springs Fire Protection District, as discussed in **Response to Comment O-16-35**.

**O-16-39** The comment questions “What motivated the County Planning and Development Services to select Dudek to construct the Wildland Fire Evacuation Plan for the Deer Springs Fire Protection District, while simultaneously having Dudek acting as Newland Sierra’s DEIR consultant? Is such an arrangement not a conflict of interest for the County of San Diego?” The County acknowledges the comment and notes it raises issues that do not appear to relate to any physical effect on the environment. 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.

Nonetheless, the County notes that both the San Diego County Fire Marshall and Deer Springs Fire Protection District have reviewed and accepted the project's Fire Protection Plan, Draft EIR Appendix N-1, which was prepared by a professional environmental consultant included on the County's official CEQA Consultant List. (<https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/CeqaConsultantsList.pdf>). Specifically, Deer Springs Fire Protection District accepted the Fire Protection Plan on May 18, 2015 (and subsequently updated and accepted June 13, 2017), and the San Diego County Fire Marshal accepted the Fire Protection Plan on May 15, 2015.

**O-16-40** The comment asks, "Did the Deer Springs Fire District Board of Directors evaluate, vote or in any manner verify and approve the Wildland Fire Evacuation Plan by Dudek, Newland's preparer of the Draft EIR?" As noted in Response to Comment O-16-39, the Deer Springs Fire Protection District was involved in the review of the Fire Protection Plan (Appendix N-1); and the Deer Springs Fire Protection District did accept the Fire Protection Plan on May 18, 2015. (Draft EIR p. 2.8-18) (and subsequently updated and accepted the FPP of June 13, 2017)

**O-16-41** The comment questions, "What safeguards are in place for citizens to be assured the most comprehensive, conservative and safety minded fire protection plans are achieved?" In response, the comment addresses general subject areas, which received extensive analysis in the Draft EIR, specifically in Section 2.8, Hazards and Hazardous Materials, as well as Appendix N-1 and Appendix N-2. As noted in the Draft EIR, the project generally meets or exceeds applicable regulatory requirements:

The project's FPP (EIR, Appendix N), which already has been incorporated into project design, demonstrates that the proposed project would be in compliance with applicable portions of the County of San Diego 2017 Consolidated Fire Code and the Deer Springs Fire Protection District's Ordinance Number 2013-01. The project's FPP was approved by the County of San Diego on May 15, 2015 and DSFPD on May 18, 2015. The proposed project would also be consistent with the 2013 California Building Code, Chapter 7A, 2013 California Fire Code, Chapter 49, as adopted by San Diego County. (*See*, Draft EIR pages 2.8-18 to 2.8-19)

Further, as summarized on page vii of Appendix N-2, the following measures are incorporated:

1. Preparation of a Construction Fire Prevention Plan detailing the important construction phase restrictions and fire safety requirements that will be implemented to reduce risk of ignitions and pre-plans for responding to an unlikely ignition.



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2. Project buildings will be constructed of ignition resistant construction materials based on the latest Building and Fire Codes.
3. Fuel Modification will be provided throughout the perimeter of the site and will be 250 feet wide in most locations. Maintenance will occur as needed and the HOA will annually hire a 3rd party, qualified Fuel Modification Zone inspector to provide twice yearly (June 1 and October 1) certification that it meets the requirements of this FPP.
4. Fire apparatus access roads will be provided throughout the community and will vary in width and configuration, but will all provide at least the minimum required unobstructed travel lanes, lengths, turnouts, turnarounds, and clearances.
5. Firefighting staging areas/temporary refuge areas are available throughout the facility as well as along roadways and site green spaces.
6. Access to the site's open space area is provided via access points that are spaced on average every 650 lineal feet with a maximum of 1,300 feet.
7. Water capacity and delivery provide for a reliable water source for operations and during emergencies requiring extended fire flow.
8. A project-specific evacuation plan has been prepared for the project based on input and coordination with DSFPD and SDCFA.
9. The Community HOA will include an outreach and educational role to coordinate with DSFPD and the local Fire Safe Council, oversee landscape committee enforcement of fire safe landscaping, ensure fire safety measures detailed in this FPP have been implemented, educate residents on and prepare facility-wide "Ready, Set, Go!" plans.

Please see also Draft EIR at pages 2.8-17 through 2.8-21, which describes the project's Fire Protection Plan, fuel modification zones, and additional fire protection measures. The project would also incorporate mitigation measures M-HZ-1 through M-HZ-3, which will reduce potential impacts at three lots on the western portion of the project Site, and to a Community building and storage shed within Sierra Farms, to less than significant.

As the comment does not raise any specific issue regarding the Fire Protection Plan or the Draft EIR's analysis of fire hazards, 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.

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**O-16-42** The comment questions whether “the County of San Diego Planning and Development Services utilize the extensive expertise of the San Diego County Office of Emergency Services in evaluating the Newland Project and evacuation plan,” and if there was any coordination with or approval by the San Diego County OES. The comment 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, as noted in Appendix N-2, “This Newland Sierra Wildland Fire Evacuation Plan is consistent with the existing Deer Springs Fire Safety Council plan,” which is the only published evacuation information specific to the project vicinity.” Appendix N-2 is, “more specific, and provides guidance and pre-planning for [project] residents...[and] can be integrated into a regional evacuation plan when and if the area officials and stakeholders (DSFPD, CAL FIRE, San Diego County Fire Authority, Office of Emergency Services, San Diego Sheriff’s Department, and others) complete one.” Further, Appendix N-2 anticipates, “This plan defers to Law Enforcement and Office of Emergency Services to appropriately phase evacuations and to consider the vulnerability of communities when making decisions.”

**O-16-43** The comment questions the date of any public agenda, comment, discussion and vote on the Fire Protection Plan. The comment 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 that the Fire Protection Plan was circulated for public review as Appendix N-1 of the Draft EIR from June 16<sup>th</sup> through August 14<sup>th</sup>, 2017. Further, both the San Diego County Fire Marshal and Deer Springs Fire Protection District approved the Fire Protection Plan as noted in **Response to Comments O-16-39 and 40**, above.

**O-16-44** The comment introduces background on the Office of Emergency Services. The County acknowledges the comment as an introduction to comments that follow. This comment is included in 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. Please refer to the following responses.

**O-16-44a** The comment questions “where and how does the Fire Protection Plan demonstrate consistency with the San Diego County OES, the ultimate authority on County emergencies.” The comment addresses general subject areas, which received extensive analysis in Section 2.8.3.1 and Section 3.5, and Appendix N-1 and N-2 of

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the Draft EIR. 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.

**O-16-44b** The comment questions “Where is the demonstrated coordination, and or approval, of the Fire Protection Plan with OES or to the United Disaster Council, the joint powers authority comprised of the 18 cities and San Diego County.” The comment addresses general subject areas, which received extensive analysis in Section 2.8.3.1 and Section 3.5, and Appendix N-1 and N-2 of the Draft EIR. 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.

**O-16-44c** The comment questions “Has the City of Escondido fire department been appraised of, and involved with the Newland fire protection plan?” The comment addresses general subject areas, which received extensive analysis in Section 2.8.3.1 and Section 3.5, and Appendix N-1 and N-2 of the Draft EIR. The comment does not raise any specific issue regarding the analysis in the Draft EIR nor does it raise an issue within the meaning or CEQA 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.

**O-16-44d** The comment questions “is it appropriate for the Planning and Development Services to rely upon proponent-employed consultants instead of seeking counsel from the trained professionals at OES who administer the CERT training for emergencies?” The comment does not raise an 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 because the comment does not raise an environmental issue. Nonetheless, The County notes that the San Diego County Fire Marshall and Deer Springs Fire Protection District reviewed and approved the Fire Protection Plan, which was prepared by a County-certified preparer pursuant to the County’s list of preparers.

**O-16-45** The comment poses a series of questions regarding the Community Emergency Response Team (CERT) Program, which is a community-based program developed by the San Diego Fire Rescue following the 2003 Cedar Fire. The County acknowledges the comments and notes that it does not raise an issue within the meaning of CEQA.

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Nonetheless, the County refers the commenter to Appendix N-2, page 32, which states the following:

“The Newland Sierra community will provide information to residents regarding notifying County OES and Health and Human Services of special needs residents so that accommodations for their notification (Accessible AlertSanDiego, CERT programs, or other), transportation or other special requirements can be provided during an emergency evacuation.”

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.

**O-16-46** The comment restates information from OPR’s May, 2015 planning guide entitled, “Fire Hazard Planning: General Plan Technical Advice Series.” The County acknowledges the comment as an introduction to questions that follow. This comment is included in the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. Please see the following Response to **Comment O-16-47** through **O-16-52**. No further response is required or necessary.

**O-16-47** The comment questions how many Tribal members, and from which Tribal Bands, were consulted regarding Government Code Section 65352.2 and 65562.5 and the duration of the Tribal consultation. The comment addresses general subject areas, Tribal consultation, which received extensive analysis in the Draft EIR, specifically in Section 2.5 of the Draft EIR. 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.

Nonetheless, Confidential Appendix E to Appendix I provides the requested Tribal Consultation Documentation information.

**O-16-48** The comment questions if there were physical evaluations of the entire project area. The comment addresses general subject areas, Tribal consultation, which received extensive analysis in the Draft EIR, specifically in Section 2.5 of the Draft EIR. 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.

Nonetheless, the entire project site (impact area and open space) and off-site impact areas were surveyed (as shown on Fig. 1-2), except for areas of dense vegetation.

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which are not specifically mapped.. Evaluations were performed at the individual sites described in Section 4.2.2 of the Appendix I and Section 2.5.1.4 of the EIR. The maps showing these locations are located in Confidential Appendix B and cannot be made public.

- O-16-49** The comment questions if the results of the consultation were the same as for Merriam Mountains project and whether the same consultation report information was used. The comment addresses general subject areas, Tribal consultation, which received extensive analysis in the Draft EIR, specifically in Section 2.5 of the Draft EIR. 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.

Nonetheless, consultation performed for the previous project was not used for the project and the County initiated new consultation. The County determined that archaeological fieldwork for the prior project was sufficient to meet the current County guidelines, however the previous report format was found to be outdated. Therefore, the report was updated to meet current County requirements. Additional survey and evaluation work was performed to supplement the previous efforts. Methods describing all work performed are included in Section 4.1 in the tech report and Section 2.5.1.2 of the EIR

- O-16-50** The comment questions if any alterations were made to the proposed project to allow for further fire protection of cultural resources. The comment addresses general subject areas, Tribal consultation, which received extensive analysis in the Draft EIR, specifically in Section 2.5 of the Draft EIR. 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.

Nonetheless, Section 6.5 of Appendix I discusses design elements of Deer Springs Road to minimize impacts to three archaeological sites and the TCP (specifically soil nail wall. In addition, the P-1 (Oak Grove) Park area was designed to avoid impacts to the significant deposit of SDI-4558. Finally, MM-CR-8 added at the request of the tribes. Confidential Appendix E to Appendix I provides Tribal Consultation Documentation information.

- O-16-51** The comment restates additional information from the OPR Planning Guide. The County acknowledges the comment as an introduction to questions that follow. This comment is included in the Final EIR for review and consideration by the decision-

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makers prior to a final decision on the project. Please see the following **Response to Comment O-16-51A through O-16-51H**. No further response is required or necessary.

**O-16-51A** The comment questions what date tribal members were contacted regarding the proposed General Plan Amendment. The comment addresses general subject areas, Tribal consultation, which received extensive analysis in the Draft EIR, specifically in Section 2.5 of the Draft EIR. 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.

Nonetheless, the first page of Appendix E contains a table listing all contact dates for each tribe. Approximately 75 documented dates over a four year period (2014-2017) are provided in the Confidential Appendix. Confidential Appendix E to Appendix I provides Tribal Consultation Documentation information.

**O-16-51B** The comment questions how tribal members were made aware of the proposed land use changes. The comment addresses general subject areas, Tribal consultation, which received extensive analysis in the Draft EIR, specifically in Section 2.5 of the Draft EIR. 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.

Nonetheless, tribal member were notified in the SB18 consultation request letter, sent from the County to the tribes (as listed in the table mentioned above) and through email and in-person meetings. Confidential Appendix E to Appendix I provides Tribal Consultation Documentation information.

**O-16-51C** The comment questions how many Tribal members participated in the consultations concerning the general plan amendment's potential impacts to their culture, history, and spiritual sites. The comment addresses general subject areas, Tribal consultation, which received extensive analysis in the Draft EIR, specifically in Section 2.5 of the Draft EIR. 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.

Nonetheless, Confidential Appendix E to Appendix I provides Tribal Consultation Documentation information.



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**O-16-51D** The comment questions at what other points in the process were Tribal members again consulted. The comment addresses general subject areas, Tribal consultation, which received extensive analysis in the Draft EIR, specifically in Section 2.5 of the Draft EIR. 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.

Nonetheless, Confidential Appendix E to Appendix I provides Tribal Consultation Documentation information. See **Response to Comment O-16-51A**, above.

**O-16-51E** The comment questions if Tribal members were notified that the proposed project is a discretionary action subject to review by the Planning Commission and County Board of Supervisors. The comment addresses general subject areas, Tribal consultation, which received extensive analysis in the Draft EIR, specifically in Section 2.5 of the Draft EIR. 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.

Nonetheless, Confidential Appendix E to Appendix I provides Tribal Consultation Documentation information.

**O-16-51F** The comment questions if Tribal members were allowed to survey the entire project Site. The comment addresses general subject areas, Tribal consultation, which received extensive analysis in the Draft EIR, specifically in Section 2.5 of the Draft EIR. 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.

Nonetheless, the Tribes were invited to provide monitors to participate in the fieldwork efforts. They are listed on Page 2.5-5 of the Draft EIR and Sections 4.1.1 and 4.1.2 in Appendix I. Confidential Appendix E to Appendix I provides Tribal Consultation Documentation information.

**O-16-51G** The comment questions if locations subject to “fire mitigation” were inspected and approved by Tribal members to insure protection of cultural items and sacred shrines. The comment addresses general subject areas, Tribal consultation, which received extensive analysis in the Draft EIR, specifically in Section 2.5 of the Draft EIR. 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

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comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

Nonetheless, Confidential Appendix E to Appendix I provides Tribal Consultation Documentation information.

**O-16-51H** The comment questions how many sites were inspected and by how many Tribal members. The comment addresses general subject areas, Tribal consultation, which received extensive analysis in the Draft EIR, specifically in Section 2.5 of the Draft EIR. 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.

Nonetheless, Confidential Appendix E to Appendix I provides Tribal Consultation Documentation information.

**O-16-52** The comment provides a brief description of SB 18. The County notes the comment provides factual background information and does not raise an environmental issue within the meaning of CEQA. The County acknowledges the comment as an introduction to comments that follow. 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.

**O-16-52A** The comment questions whether the applicable provisions and safeguards of SB 18 an integral part of the discussion with tribal members related to cemeteries, places of worship, ceremonial and sacred sites.

Through SB 18 consultation, cemeteries, places of worship, and sacred sites were discussed extensively and attempts to preserve and protect such resources have been included in the project design. Confidential Appendix E to Appendix I provides Tribal Consultation Documentation information. 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.

**O-16-52B** The comment questions if specific, previously identified sites were brought to the attention of the Tribal members selected to preserve these sites. The comment addresses general subject areas, Tribal consultation, which received extensive analysis in the Draft EIR, specifically in Section 2.5 of the Draft EIR. 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

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comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project.

Nonetheless, all cultural resources were discussed during consultation, and tribes were offered the chance to provide comments and edits to the tech report and EIR. Please refer to **Comment Letters O-13** and **O-15**. Confidential Appendix E to Appendix I provides Tribal Consultation Documentation information.

**O-16-52C** The comment questions if all streams, pools, and ponding sites were inspected by Tribal members. The comment addresses general subject areas, Tribal consultation, which received extensive analysis in the Draft EIR, specifically in Section 2.5 of the Draft EIR. 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.

Nonetheless, Confidential Appendix E to Appendix I provides Tribal Consultation Documentation information.

**O-16-53** The comment states the County improperly refused to disclose Excel spreadsheets supporting the proposed project's GHG and Air Quality emissions calculations (Appendices G and K of the Draft EIR). The County acknowledges the comment and notes that the requested files were provided, along with specific instructions prepared by Dudek. Please refer to **Response to Comment O-1.4-3**.

**O-16-54** The comment states that the County's claim that the Excel spreadsheets are not used by the County is false and notes the Draft EIR uses these spreadsheets to arrive at conclusions regarding the project's air quality and greenhouse gas impacts. The County acknowledges the comment and refers the reader to **Response to Comment O-16-53**, above.

**O-16-55** The comment states the County's refusal to disclose these files violates CEQA because the County must disclose data that supports the conclusions in the Draft EIR. The County acknowledges the comment and refers the reader to **Response to Comment O-16-53**, above.

**O-16-56** The comment states the Draft EIR must be revised with the requested "new information" and then recirculated for public comment. The comment requests to be included on all notification regarding the project. The County acknowledges the comment and notes it expresses the opinions of the commentator, and does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. The County notes the comment provides concluding remarks that do not raise new or

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additional environmental issues concerning the adequacy 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 or necessary.