

O-7 California Native Plant Society, San Diego Chapter

- O-7-1** The comment summarizes California Native Plant Society’s work and focus, which is to “protect California’s native plant heritage and natural ecology” with a focus on “California’s native plants, the vegetation they form, and climate change as it affects both.” The County of San Diego (County) acknowledges the comment and notes it provides factual background information on the commenter and does not raise an issue regarding the adequacy of the California Environmental Quality Act (CEQA) analysis. This comment is included in the Final Environmental Impact Report (EIR) for review and consideration by the decision makers prior to a final decision on the Newland Sierra Project (hereafter referred to as “project” or “proposed project”). No further response is required or necessary.
- O-7-2** The comment states that the California Native Plant Society, San Diego Chapter, supports the No Project (No Build) Alternative and advocates for the rejection of the proposed General Plan Amendment. The County acknowledges the comment and notes it expresses general opposition for the project but does not raise an issue concerning the adequacy of the Draft EIR. For this reason, the County provides no further response to this comment.
- O-7-3** The comment states that the California Native Plant Society, San Diego Chapter, identified “issues regarding representation of the North County Multiple Species Conservation Program (NCMSCP), with both the data presented for plant species and vegetation and the mitigation of impacts to these two, and with the discussion of greenhouse gases mitigation measures.” The County acknowledges the comment as an introduction to the comments that follow. No further response is required. Please refer to **Responses to Comments O-7-5 through O-7-27** for more specific responses to the issues raised.
- O-7-4** The comment clarifies that the use of “we” refers to the California Native Plant Society, San Diego Chapter, and “I” refers to the author of the letter, Mr. Frank Landis. The County acknowledges the comment and notes it provides a clarification on the commenter and does not raise an issue regarding the adequacy of the analysis. No further response is required.
- O-7-5** The comment provides background information on the North County Multiple Species Conservation Program (MSCP) Steering Committee and the preparation of the updated draft North County MSCP. The comment restates information from the draft North County MSCP, which notes that “[w]hile the wildlife agencies have not agreed to include this hardline design [Newland Sierra], at the applicant’s request, this project is being presented in this chapter.” The comment states that the reason for including the project Site in the draft North County MSCP is because “the previous

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Merriam Mountain proposed development for the site, which was rejected by the Board of Supervisors, was listed as a hardline project in the 2008 draft of the NCMSCP, a document that was never approved.” The County acknowledges the comment and notes it provides background information and does not raise an issue as to the adequacy of the Draft EIR. Therefore, no further response is required.

- O-7-6** The comment restates information from the Draft EIR that the proposed project includes connected blocks of habitat that create an on-site, 1,209-acre open space preserve, “which has been designated as a proposed hardline area in the draft North County Plan of the County of San Diego MSCP (North County Plan; County of San Diego 2016).” The comment questions how the Draft EIR can be found to be in accordance with the draft North County MSCP Plan, since the list of covered species has not been finalized, and the final hardline designations required rerunning habitat assessment modeling prior to approval of required agencies. The comment states it is “procedurally improper to claim concurrence with a preliminary draft document that has not even been released to the public and is not supposed to be finalized until 2020, years after the Project theoretically would be approved and break ground.”

The commenter is referred to **Topical Response BIO-1**, which concludes that the Draft EIR fully complied with CEQA in evaluating and disclosing the project’s potential impacts related to the draft North County MSCP Plan. The proposed project incorporated the draft North County MSCP Plan into the project’s design. The open space preserve system created by the project would be consistent with the draft North County MSCP 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 section (Section 2.4) demonstrates that the project has been planned consistent with the draft North County MSCP Plan and with regional conservation goals in mind. Based on the analysis contained in the Section 2.4 of the Draft EIR, the proposed project would result in a less-than-significant impact because the project would not preclude or prevent completion of the draft North County MSCP.

- O-7-7** The comment questions if the Draft EIR “follow[s] the NCMSCP in protecting listed species and habitats, given the wide gap between MSCP principles and what is in the DEIR.” The comment mentions specific impacts to Engelmann oak (*Quercus engelmannii*), coastal sage scrub, and wetlands. The comment concludes by questioning why the 2008 draft North County MSCP was not followed in designing avoidance and mitigation.

The County’s response is as follows: The proposed project does not follow the 2008 draft North County MSCP for the same reason it does not follow 2014 draft North

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County MSCP: both plans are drafts. Accordingly, the County relied on existing guidance to determine the significance of the project's impacts.

Nonetheless, with respect to Engelmann oak, as analyzed in Section 2.4.12.1 of the Draft EIR, "the proposed project would impact ... 64 percent of the Engelmann oaks mapped on Site (Table 2.4-16). These proposed impacts to County List D species would be **less than significant** because, based on the species California Rare Plant Rank (CRPR) of 4, these species are of limited distribution but not considered 'rare' from a statewide perspective; therefore, proposed impacts are not expected to substantially affect long-term survival of the species (CNPS 2014)."

With respect to coastal California gnatcatcher (*Polioptila californica californica*), the Draft EIR identifies potentially significant impacts as follows:

Impact W-1 Direct loss of federally threatened coastal California gnatcatcher nesting individuals (including nests and/or young).

Impact W-2 Significant long-term direct impacts to coastal California gnatcatcher as a result of removal of suitable habitat.

Impact BI-C-2 Cumulative direct impacts to California gnatcatcher movement within the region would be significant.

The Draft EIR drew the following conclusion with respect to the proposed Project's impacts to coastal California gnatcatcher:

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 [County Department of Planning & Development Services] 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 [habitat loss permit] process or through Section 7 consultation with the U.S. Army Corps of Engineers and the USFWS [U.S. Fish and Wildlife Service]. 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 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 [Natural Community Conservation Plan] 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

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for habitat management and conservation of open space areas that would allow for unimpeded wildlife movement and use.

With respect to wetlands, the Draft EIR identifies the following project-related impacts:

- Impact V-4** Permanent direct impacts to County RPO [Resource Protection Ordinance] wetlands, CDFW [California Department of Fish and Wildlife] riparian habitat, and non-wetland waters of the United States/state.
- Impact V-7** Significant direct impacts to County RPO wetlands and wetland buffers.
- Impact P-1** Significant permanent direct impacts to RPO wetlands through a legislative amendment to the RPO.

The Draft EIR states the following with respect to project-related impacts on wetlands:

- Impact V-4** The proposed project would result in permanent direct impacts to County RPO wetlands, CDFW riparian habitat, and non-wetland waters of the United States/state, which would be reduced to less than significant through **M-BIO-8A** through **M-BIO-8E**. These mitigation measures would require the permanent preservation and management of open space. In addition **M-BIO-12** would require permits from the appropriate federal and state agencies to impact jurisdictional resources. County RPO wetlands, CDFW riparian habitat, and non-wetland waters of the United States/state would be conserved within the open space, thus retaining the functions and values of those resources. Mitigation for permanently impacted jurisdictional resources would be identified through the permitting process to ensure that impacts to these resources are mitigated in accordance with state and federal laws and regulations. Mitigation for permanently impacted jurisdictional resources will be identified through the permitting process to ensure that impacts to these resources are mitigated in accordance with state and federal laws and regulations.
- Impact V-7** The significant direct impacts to County RPO wetlands and wetland buffers would be reduced to less than significant

through implementation of **M-BIO-8A** through **M-BIO-8E**, which would involve the permanent preservation and management of open space, and management of RPO resources as specified in the RMP [Resource Management Plan]. Much of the County RPO wetlands would be conserved within the open space, thus retaining the functions and values of those resources. Additionally, the RPP [Resource Protection Plan] (Appendix H) provides information about the proposed project as generally consistent with the RPO, and where not consistent, it meets the RPO exemption because the project design concentrates development in the southern portion of the Site to create a biological preserve in the northern portion of the Site, provides a core habitat block in the Merriam Mountains, and requires improvements to Deer Springs Road. Since the County RPO wetlands are also jurisdictional resources of the state, implementation of **M-BIO-12**, which requires permits from the appropriate federal and state agencies to impact jurisdictional resources, would identify additional mitigation through the permitting process to ensure that impacts to these resources are mitigated in accordance with state and federal laws and regulations.

Impact P-1 The significant permanent direct impacts to RPO wetlands would be significant and avoidable through a legislative amendment to the RPO. The project's avoidance of the RPO wetlands and wetland buffers is infeasible because the development would be concentrated in the southern portion of the Site. While this results in permanent impacts to RPO wetlands, this design is intended to create a biological preserve in the northern portion of the Site, provide a core habitat block in the Merriam Mountains, and provide required improvements to Deer Springs Road. The RPP provides information on the RPO resources, including sensitive habitat lands, RPO wetlands, steep slope lands, floodplains, and lands containing significant prehistoric and historic sites (Appendix H). Impacts would be reduced to less than significant with implementation of **M-BIO-8D**, **M-BIO-8A**, and **M-BIO-12**. The on-site RMP provides for the management of RPO resources (**M-BIO-8D**). In addition, the project would include habitat preservation and management of existing populations of sensitive species, suitable habitat, and special-status vegetation communities (**M-**

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BIO-8A), and require obtaining permits from the appropriate federal and state agencies to impact jurisdictional resources (**M-BIO-12**).

Accordingly, the Draft EIR properly analyzed the Project's impacts to Engelmann oak, coastal California gnatcatcher and associated coastal sage scrub habitat, and wetlands and recommended mitigation measures to reduce these impacts to less than significant. No further response is required.

O-7-8 The comment questions why the County would allow the Draft EIR to make a statement regarding the proposed project's compliance with the 2014 draft North County MSCP. The comment asks what steps the County would take to ensure the review of the Draft EIR "in a manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." The comment does not identify any deficiency in the Draft EIR. Therefore, no further response is required.

Nevertheless, with respect to the 2014 draft North County MSCP, please refer to **Topical Response BIO-1**, which concludes that the proposed project would not interfere with the implementation of the draft North County MSCP Plan.

O-7-9 The comment introduces the following 11 comments related to plants and vegetation. The County acknowledges the comment as an introduction to the comments that follow. No further response is required or necessary.

O-7-10 The comment criticizes the Draft EIR's biology surveys because they were conducted during a drought year and notes that the surveys potentially missed fall-blooming plants, including Encinitas baccharis (*Baccharis vanessae*). The County does not concur with the comment and directs the commenter to **Responses to Comments O-1.6-5 and O-1.6-6**.

O-7-11 The comment states the Draft EIR biological surveys did not cover the entire project Site. The comment also states that summer holly (*Comarostaphylis diversifolia*) and wart-stemmed ceanothus (*Ceanothus verrucosus*) could be detected by surveys conducted in early spring. The Draft EIR acknowledges that some areas of the project Site were inaccessible and could not be surveyed (see Section 2.4.7.2, County List A and B Species). Because of this limitation, the Draft EIR assumes that those species with potential to occur based on suitable Site conditions (i.e., vegetation, elevation, soils, and range) could be present within the inaccessible areas of the project Site, even if they were not directly observed (see Table 2.4-5, Plant Species Detected or Moderate Potential to Occur On Site, on page 2.4-140 of the Draft EIR). The County notes that summer holly is an evergreen shrub and, therefore, was identifiable at the

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time of the surveys. The County further notes that surveys were conducting for rare plants in April and early May (see Table 1-1, Schedule of Surveys, in Appendix H, Biological Resources Technical Report, of the Draft EIR).

O-7-12 The comment states that the plant list is incomplete and that the California Natural Diversity Database is “likely inadequate for both the Project site and the proposed mitigation site” because “the San Diego Natural History Museum Plan Atlas records no plant collections for either site.” The commenter states that he has on other occasion in other locations had unexpected species occur and notes anecdotally a similar experience in the Merriam Mountains for scrub oak (*Quercus berberidifolia*). The comment concludes with a series of questions.

The Biological Technical Report refers to sources other than the California Natural Diversity Database queries. For example, Section 1.3.1, Literature Review, explains that an extensive literature search was conducted to identify special-status biological resources present or potentially present. This search included review of plant species proposed for coverage under the draft North County MSCP. Therefore, the County disagrees with the comment. County-listed sensitive plant species were reviewed and surveyed for at the appropriate phenological stage of the plant (blooming and fruiting) to detect and identify the target species (see page 1-49 of Section 1.4.5.2 of the Biological Technical Report; Appendix H of the Draft EIR).

Regarding the questions at the end of the comment, the County notes that the questions do not raise an issue within the meaning of CEQA because they do not raise a specific inadequacy in the Draft EIR. Nonetheless, the County responds to the questions below:

- *Why was the common Quercus × acutidens not noted?*

Despite the extensive surveys of the project Site, this species was not detected. For that reason, it was not included on the list of species occurring on the project Site.

- *What else was missed?*

The biological surveys for the project were extensive and designed to identify species with the potential to exist on the project Site. To the County’s knowledge, no species were missed during the surveys. Appendix H, Table 1-1, provides a summary of surveys conducted on the project Site. Section 1.3.1, Literature Review states the following:

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Special-status biological resources present or potentially present on Site were identified through an extensive literature search using the following sources: U.S. Fish and Wildlife Service (USFWS) (USFWS 2014), California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) (CDFW 2014a), *California Native Plant Society's (CNPS)* [emphasis added] Online Inventory of Rare and Endangered Vascular Plants (2014), San Diego Plant Atlas (SDNHM 2014a), San Diego Bird Atlas (SDNHM 2014b).

Plant species proposed for coverage under the draft North County Multiple Species Conservation Program (County of San Diego 2009) were also reviewed. General information regarding wildlife species present in the region was obtained from Unitt (2004) for birds, Bond (1977) for mammals, Stebbins (2003) for reptiles and amphibians, and Emmel and Emmel (1973) for butterflies. The Soil Survey, San Diego Area, California Part 1 (Bowman 1973) was overlaid with the project boundary to identify potentially occurring sensitive plants based upon known soil associations.

Native plant community classifications used in this report follow Preliminary Descriptions of the Terrestrial Natural Communities of California (Holland 1986) as modified by the County and noted in Draft Vegetation Communities of San Diego County (Oberbauer et al. 2008). The literature review also included review of Merriam Mountains Project Biological Technical Report: Summary of Studies and Impact Analysis (PSBS 2007) and Biological Resources Technical Memorandum for the Merriam Mountains Specific Plan and the General Plan Amendment/Circulation Element, San Diego County, California (Dudek 2009).

The following is stated in Section 1.3.4:

Focused surveys for special-status plant species has been conducted within suitable habitat throughout the project Site. Two separate passes, spring and summer, were conducted to record species that have different blooming periods throughout the year. During these surveys, *all plant species encountered during the field surveys were identified and recorded* [emphasis added]. Latin and common names for plant species with a California Rare Plant Rank (CRPR; formally CNPS list) follow the California Native Plant Society On-Line Inventory of Rare, Threatened, and Endangered Plants of California (CNPS 2014). A list of plant species observed within the project study area is presented in Appendix A.

- *Were any voucher specimens collected to confirm the identity of the plants?*

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No. The collection of voucher specimens is not required by CEQA. Moreover, the project biologists were able to confirm the identity of the plants in the field.

- *Why were there no follow-up surveys in early 2017, after the wet winter?*

CEQA does not require follow-up surveys. In addition, the surveys identified in Table 1-1, Schedule of Surveys, in Appendix H, Biological Resources Technical Report, were adequate in determining the presence and/or absence of plant and wildlife species on the project Site. The one exception was fairy shrimp. As noted in Section 1.3.2, Field Reconnaissance, “after substantial rains in January 2017, a habitat assessment for fairy shrimp was conducted. Sampling of puddles for fairy shrimp species was conducted in winter 2017.” Accordingly, there were follow-up surveys performed in 2017. Further, the commenter is directed to **Responses to Comments O-1.6-5 and O-1.6-6**.

O-7-13 The comment states that the vegetation mapping in the Draft EIR is problematic but acknowledges that the same maps in Appendix H were readable. The County acknowledges the comment and notes the challenge in presenting large amounts of data in a usable format online and limitations in file size for some computers. The County notes that the figures in the EIR have been further optimized in the Final EIR. In addition, the County notes that the hard copies of the Draft EIR available at the County Department of Planning & Development Services were created from the optimized files and were clearly legible.

O-7-14 The comment states that “the vegetation descriptions in both the Draft EIR Section 2.4 and Appendix H do not actually list what is present in each community,” but instead, “list a few dominant plant species,” which makes it “difficult to determine whether the vegetation will be preserved.” The comment asks, “Why wasn’t the vegetation mapped to state standard?” The County does not concur with the comment. The Draft EIR and Appendix H comply with the County’s Format and Content Requirements. Specifically, Appendix H, Section 1.3.3, Resource Mapping states the following:

Consistent with the latest County of San Diego Report Format and Content Requirements: Biological Resources (County of San Diego 2010b), vegetation community classifications used in this report follow Holland (1986) and Oberbauer et al. (2008), where feasible, with modifications to accommodate the lack of conformity of the observed communities to those of Holland (1986) or Oberbauer et al. (2008).

The comment also raises an issue of habitat type conversion because wildland fires tend to be “small” and “quickly suppressed” in areas surrounded by development. As

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a result, the comment states it is unclear what vegetation would replace dying chamise and notes that if it is replaced by non-native grasses, the value of the vegetation as habitat is decreased, and the risk of fire and landslide is increased. The County acknowledges the comment but notes that the issues raised relate to speculative events that may or may not occur in the future and, thus, are beyond the scope of CEQA. The County notes, however, that the open space preserve would be managed and maintained by a funded assessment mechanism in perpetuity. A Conceptual On-Site RMP (Appendix L of Appendix H) was prepared. Appendix L evaluates tasks such as baseline and updated biological resource mapping; removal of invasive species; as-needed species management; monitoring; and post-fire tasks, including reseeding and replanting. Please refer to Table 2 of the On-Site RMP for a complete list of tasks that would be implemented and that would reduce the potential for habitat type conversion as described by the comment.

- O-7-15** The comment questions the analysis of the off-site mitigation site (the Ramona parcel) (1) because the assessment was “buried” in an appendix, and (2) because of the property’s location relative to the project Site. Regarding the first statement, the analysis of the off-site mitigation parcel, while placed in an appendix, which is standard practice, is not buried. It is not a “report” such as the one issue in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*. To the contrary, Appendix K, Off-Site Mitigation Site Memorandum, of Appendix H discusses the off-site mitigation parcel in a comprehensive and specific analysis of the habitat and mitigation potential of the Ramona parcel. Moreover, the Draft EIR includes a summary of the analysis and concludes that it would adequately serve the mitigation purposes to which it has been assigned. Regarding the second statement, the fact that the off-site mitigation parcel is located in Ramona (approximately 20 miles from the project Site) does not disqualify it as a mitigation property. As concluded in Appendix K of Appendix H, the Ramona parcel supports the requisite habitat to offset and mitigate impacts at the project Site.

The comment concludes with a series of questions, which are addressed below:

- *How does the purchase of a small parcel that is not even within the same watershed mitigate for impacts to the Project site?*

The off-site parcel is included as part of the 1,420.9 acres of preserve open space identified as M-BIO-8A. No impact is singularly mitigated for by M-BIO-8A. Rather, M-BIO-8A is included as a component of mitigation for several impacts, as shown in Table 2.4-29, Summary of Impacts and Mitigation for Special Status Species, Vegetation Communities, and Jurisdiction Areas, in the Draft EIR.

- *Where is the analysis of this site within the main body of the DEIR?*

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The off-site open space is described on page 2.4-4, which states, “The parcel includes a variety of upland and wetland vegetation communities and is situated in a key natural gap in the adjacent agricultural (ranches, poultry farms) landscape amid cattle ranch lands and open space (Figure 2.4-3, Biological Resources Map).” Please refer to Figure 2.4.3 and Table 2.4-27, which provides specific acreages and resource types for the off-site mitigation area.

- *Why should anyone accept as current field studies that were conducted in 1990-1996 by people who did not write the current analysis?*

As stated in Appendix M of the Biological Resources Technical Report, “the vegetation communities were updated by Dudek biologist Erin Bergman and a general wildlife habitat assessment was conducted by Dudek biologist Brock Ortega in December 2016.” Moreover, it is common practice in CEQA to review and consider past studies conducted by other scientists, provided the studies in question meet industry standard, which these did.

- *Why is the supplemental visit by one person to map vegetation in December 2016 (how long was that visit?) considered sufficient to determine what plant and animal species use the mitigation site throughout the year?*

As noted in Appendix M of the Biological Resources Technical Report, “the vegetation communities were updated by Dudek biologist Erin Bergman and a general wildlife habitat assessment was conducted by Dudek biologist Brock Ortega in December 2016.” Based on the habitat observed during the vegetation mapping and general wildlife habitat assessment, the biologists determined that the off-site mitigation area in Ramona would aide in the connection of segments of the Cleveland National Forest and San Diego Parks, and provide protection for continued use by a variety of wildlife.

- *Why didn't the DEIR provide up-to-date, thorough surveys before proposing this (or any) site as mitigation?*

Additional surveys are not required to determine specifically what species utilize the mitigation site as the site is not being used to mitigate for one particular species, but rather as habitat for a suite of species and continued wildlife movement throughout the area.

- *Why not find a mitigation site in the same wildlife corridor complex and watershed as the project it proposes to mitigate?*

As stated in the Draft EIR, “the off-site open space located in Ramona within the draft North County MSCP area provides a 211.8-acre block of continuous habitat

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situated between segments of the Cleveland National Forest and San Diego County Parks land.” Thus, it is an important wildlife corridor for connectivity that is “situated in a key natural gap in the adjacent agricultural (ranches, poultry farms) landscape amid cattle ranch lands and open space.”

O-7-16 The comment has been combined with Comment O-7-15. Please refer to **Response to Comment O-7-15**.

O-7-17 The comment states that the treatment of invasive species is not adequate. The comment asks about invasive species that are already occurring on Site under existing conditions. The comment states that without control, these plants could degrade vegetation, decrease wetland function, and increase fire danger. The County acknowledges the comment and notes that, under CEQA, the proposed project does not have an obligation to eradicate invasive species that already exist on the project Site because their occurrence is not an impact of the proposed project. Nevertheless, the proposed project would establish and fund a permanent open space preserve on the areas the commenter is questioning. The on-site preserve would be managed through an endowment established with the dedication of the open space. Please refer to Section 4.2.2 of the On-Site Conceptual RMP (Appendix L to the Biological Resources Technical Report), which states, in part, that up to 120 hours per year is anticipated to be needed for removal of invasive species; “the Resource Manager will map occurrences of perennial, non-native species;” and “weed control measures will be implemented, as necessary, to prevent expansion of existing or establishment of new exotic species in the Open Space Preserve.”

O-7-18 The comment states that mountain biking has become a major source of environmental degradation in local wildlands. The commenter notes instances where this has occurred and speculates these problems are likely to get worse due to “motorized” bikes. The comment asks, “Has any effort been made to work with local environmental groups and local mountain bike riders to determine which trails are important and which can be closed? How will the Project address all the impacts mountain bikers bring to the natural resources it claims to protect?”

The County acknowledges the comment and notes that the Draft EIR analyzes such activities. The Draft EIR analyzes increased human activity on page 2.4-96 and concludes that “hiking/biking would be managed and kept to select trails.” The Draft EIR notes that as part of the proposed project, “permanent post and rail fencing, along with walls and strategic placement of signage shall be installed approximately every 200 feet. The illegal trails would be closed and new trail creation (which currently occurs) would potentially stop.” As a result, the Draft EIR concludes that “the proposed development is expected to lead to a decrease in human activity in the open

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areas of the project Site. The potential cumulative indirect project impacts would be less than significant.”

O-7-19 The comment queries the treatment of wetlands and asks a series of questions regarding impacts to wetlands and compliance with the RPO. The County acknowledges the comment and notes that it does not raise an issue with the adequacy of the Draft EIR or the analysis contained therein. 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. Nonetheless, the County offers the following responses:

- *Why does the Project propose permanent impacts to wetlands 3.62 acres of wetlands and 12.55 acres of protected wetland buffers, AND an exemption from the County Resource Protection Ordinance (RPO) to justify them?*

Please see **Responses to Comments A-3-12 through A-3-15**.

- *Why are wetlands losses not avoided or at least appropriately mitigated?*

As shown in Table 2.4-7, there are 13.04 acres of on-site wetlands, riparian habitat, and non-wetland waters; 5.33 acres additional acres of non-wetland waters; and 30.2 acres of RPO wetland buffers. The proposed project would only impact a portion of the on-site resources and, thus, has been designed to avoid and minimize such losses. Regarding mitigation, the commenter is referred to the following answers:

- *Why was an off-site mitigation space that contained appropriate wetlands not chosen?*

An off-site mitigation space for wetlands was not chosen because impacts:

Would be mitigated to less than significant through implementation of mitigation measure M-BIO-8A (habitat preservation and management of existing populations of sensitive species, suitable habitat, and special-status vegetation communities); easement for the open space (M-BIO-8B); limited building zone easement (MBIO- 8C); development of a resource management plan (M-BIO-8D); open space fencing and signage (M-BIO-8E); and M-BIO-12 (federal and state agency permits). Additionally, M-BIO- 8D includes preparation and implementation of an RMP (Dudek 2017b), which would provide specific management for the RPO wetlands. The RPP also includes information about the project’s general consistency with the RPO and how the proposed project design is the superior alternative (Dudek 2017a).

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Accordingly, no additional off-site mitigation is necessarily required at this time; however, the County notes that implementation of **M-BIO-12** may result in off-site mitigation for compliance with applicable wetlands permitting requirements.

- *How does the County propose to deal with the federal policy of “no net loss” to wetlands?*

The County acknowledges the comment and refers the reader to the previous responses to comments, as well as **M-BIO-12**, which requires compliance with the state and federal regulations for impacts to U.S. Army Corps of Engineers, Regional Water Quality Control Board, and CDFW jurisdictional resources, including securing the following agency permits:

- a. A Clean Water Act, Section 401/404 permit issued by the California RWQCB [Regional Water Quality Control Board] and ACOE [U.S. Army Corps of Engineers] for all project-related disturbances of waters of the United States and/or associated wetlands.
- b. A Section 1602 Streambed Alteration Agreement issued by CDFW for all project-related disturbances of any streambed and/or associated riparian habitat.

Implementation of **M-BIO-12** ensures compliance with federal requirements through review and permitting by the U.S. Army Corps of Engineers.

- *Why should the Project not comply with the RPO?*

As stated in the RPO, a project with an RMP can be exempted from the RPO. Accordingly, the proposed project includes both on-site and off-site RMPs, which would ensure the proposed project mitigates for impacts to RPO resources.

O-7-20 The comment questions why the proposed project includes non-native fuels in Fuel Modification Zone (FMZ) 1. The comment suggests, “Given the number of wildland fragments the Project proposes, only native plants species that occur both within the Project and on this list should be used in the fuel modification zones.” The comment further suggests that “fuel modification zones themselves should be set back into the development, not out into the preserved lands.” The County does not concur with the comment. The FMZs are not part of the open space preserve. Rather, they are treated as development and not included in the total 1,209 acres of open space preserve. As noted in the comment, the County FMZ plant list includes both native and non-native species, and the proposed project FMZ landscape palette has been reviewed and accepted by the County. Lastly, the County notes FMZ1 is within the first 100 feet

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from the edge of development. A second, 150-foot fuel modification zone (FMZ2) extends an additional 150 feet from the FMZ to the edge of the preserve.

O-7-21 The comment questions the cumulative impacts to biological resources. The comment notes loss of wetlands, habitat fragmentation and loss of connectivity, loss of sensitive species, and unmitigated impacts from mountain bikers and fire clearance would “shred” this “bit of the PAMA [Pre-Approved Mitigation Area].” The comment asks how the proposed project reconciles the claim that the project is consistent with the draft North County MSCP with the “disruption” it would cause.

The County does not concur with the comment. Please refer to the previous responses to comments, as well as Section 2.4.13, Cumulative Impact Analysis, of the Draft EIR. As summarized in Section 2.14.4.5, the proposed project would result in the following potentially significant cumulative impacts:

- Impact BI-C-1** Potential cumulative indirect impacts would be significant.
- Impact BI-C-2** Cumulative direct impacts to California gnatcatcher movement within the region would be significant.
- Impact BI-C-3** Cumulative impacts to wildlife movement corridors would be significant.

The Draft EIR identifies mitigation measures, including M-BIO-8 and M-BIO-10 through M-BIO-12, to reduce cumulative impacts to biological resources. The following is concluded in Section 2.4.16.5, Cumulative Impacts, of the Draft EIR:

- Impact BI-C-1** Potential cumulative indirect impacts would be significant and would be reduced to less than significant through mitigation measures M-BIO-8A through MBIO- 8E, which would provide for habitat management and conservation of open space areas that would allow for unimpeded wildlife movement and use. This impact would also be mitigated for through M-BIO-10 through M-BIO-12.
- 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.

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Impact BI-C-3 Cumulative impacts to wildlife movement corridors 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.

As noted in **Topical Response Bio-1**, the proposed project would not impede the County from implementing the draft North County MSCP; however, as described in Section 2.4.16.5 of the Draft EIR, even without the draft North County MSCP, cumulative impacts to biological resources would be mitigated to **less than significant**.

- O-7-22** The comment expresses that the San Diego Chapter of the California Native Plant Society appreciates the proposed project's commitment to solar panels but notes three issues with the proposed mitigation for greenhouse gas (GHG) emissions. The County acknowledges the comment as an introduction to the 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 to Comments O-7-23** through **O-7-25** for more specific responses to the general issues raised in this comment and described in the following comments.
- O-7-23** The comment questions the need to provide natural gas to the proposed project when "there are electrical equivalents to all equipment and appliances that could use natural gas, and their cost is roughly equivalent to those powered by natural gas." The comment concludes that all natural gas emissions could be avoided. The County acknowledges the comment and notes it does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. As explained in Section 2.7, Greenhouse Gas Emissions, of the Draft EIR, the proposed project would offset GHG emissions to net zero through implementation of M-GHG-1 through M-GHG-3 such that impacts would be less than significant. Because impacts to GHGs would be less than significant, no further mitigation 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. No further response is required or necessary.
- O-7-24** The comment questions if the proposed project could "meet all the needs its solar panels are intended to power." The comment states that due to the proposed project's location and orientation, it may not be possible to design sufficient roof space to accommodate the required size solar panel system. The comment asks why the proposed project was designed this way if it is supposed to run on solar power to minimize GHG emissions.

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In response, as noted in **Responses to Comments O-1.4-59, O-1.4-60, and O-1.4-96**, as stated in the General Plan, consistency analysis in Table 2.7-17 of the Draft EIR, the proposed project would include solar installation on single-family and multi-family residential units and on common areas and Community facilities (e.g., pool areas, recreation centers), which would offset 100 percent of the project's electricity demand associated with these uses. The applicant has made the commitment to achieve the required level of solar installations. The County intends to adopt a Condition of Approval that would ensure that this commitment by the applicant would be implemented.

Project Design Feature (PDF-) 22 further requires the following (Draft EIR page 7-9):

Solar panels shall be required on all residential units. Where feasible, roof-integrated solar panels should be considered to minimize visual impacts. 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.

It should be noted that PDF-22 indicates the project can use centralized solar arrays (e.g., a solar array on top of a shade structure in a parking lot), which might be more feasible for some multi-family complexes. The use of such arrays may address the commenter's concern that "it may not be possible to design sufficient roof space" to offset 100 percent electricity demand.

Further, because PDF-22 is incorporated in the Draft EIR in Table 2.7-7, PDF-22 would be required by M-GHG-3 and incorporated into the monitoring and reporting program (Draft EIR page 7-44.) It should also be noted that the ninth element of M-GHG-2 prioritizes PDFs/on-site reduction measures for GHG reduction features and GHG reduction projects and programs, such as this on-site solar installation.

While the applicant has committed to offsetting 100 percent of the project's electricity demand associated with single-family and multi-family residential units (as well as common areas and Community facilities), the specific methods by which M-GHG-3 would be met and relevant design details for meeting this Condition of Approval cannot be specified at this time. This is because solar technology is rapidly changing and improving. Advances in solar panel technology, such as the Tesla solar roof system, continue to make solar panel implementation feasible in new configurations, which allow for flexibility in project design. Battery storage, in conjunction with solar systems, is also under development and becoming more cost effective. While the specific details for solar photovoltaic systems are not specified, as required by M-GHG-3, the applicant or its designee must install solar photovoltaic system, and as required by M-GHG-2, the applicant or its designee must demonstrate

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that emissions have been offset prior to issuance of a building permit. Accordingly, the Draft EIR provides the assurance that this commitment would be effected by the applicant, but states that specific design details may be addressed later.

Regarding the portion of the comment related to vehicle charging, PDF-22 and M-GHG-3 require, and the Draft EIR assumes, that the project's use of solar would offset "100% of the residential structural electricity demand" (Draft EIR Appendix K, Greenhouse Gas Emissions Technical Report, page 62). In addition, PDF-23 requires electric vehicle charging equipment in all garages of the single-family units (Draft EIR Tables 2.7-5, 2.7-7, and 2.7-17). PDF-23 also states that "electric vehicle charging stations shall be installed in 3% of the Town Center's commercial core parking spaces," and electric vehicle charging equipment may also potentially be installed at park-and-ride facilities (if acceptable by Caltrans) (Draft EIR Tables 2.7-7 and 2.7-17). The project also incorporates a transportation demand management program to reduce vehicle miles traveled related to the project and associated GHG emissions by 11.1 percent (Draft EIR Table 2.7-7). GHG emissions from vehicles would be reduced from these on-site measures.

Further, as explained in Section 2.7, the proposed project would offset GHG emissions to net zero through implementation of M-GHG-1 through M-GHG-3 such that impacts would be less than significant. Because impacts to GHGs would be less than significant, no further mitigation is required.

O-7-25 The comment questions why commercial buildings are not designated for solar power. As explained in Section 2.7, the proposed project would offset GHG emissions to net zero through implementation of M-GHG-1 through M-GHG-3 such that impacts would be less than significant. No additional commitment is required to reduce emissions to net zero or the project's GHG impacts to less than significant. In other words, the Draft EIR includes mitigation measures that reduce the proposed project's potential impacts to GHG emissions to less than significant without a requirement for solar panels on commercial uses. Nonetheless, the County's Climate Action Plan was adopted following the circulation of the Draft EIR. The proposed project would be required to comply with the Climate Action Plan. Please refer to **Topical Response GHG-3**, Climate Action Plan Consistency.

O-7-26 The comment questions who would own and manage the solar panels on the multi-family/attached units and commercial buildings, and asks how that power would be supplied to tenants. The County acknowledges the comment and notes it does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR. See also **Response to Comment O-7-24**, which states that while the applicant has committed to offsetting 100 percent of the project's electricity demand associated

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with single-family and multi-family residential units (as well as common areas and Community facilities), the specific methods by which M-GHG-3 would be met and relevant design details are not necessary and cannot be specified at this time. 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-7-27** The comment states that the strategy for purchasing carbon credits needs to be further refined. The comment then summarizes the commenter’s experience with the Climate Action Reserve. The comment notes that the American Carbon Registry and the Verified Carbon Standard do not have any projects in Southern California. The comment notes that Southern California is a challenge for sequestering carbon due to droughts and high temperatures, which result in wildlands accumulating less biomass per acre than forests in other areas such as Northern California. The comment notes the South Coast Air Quality Management District’s “project life” of 30 years and the conflict with the duration of time between actual tree harvesting of “40 and 100” years. The comment asks why the Draft EIR uses 30 years as the time frame for offsets and not 100 years, which is used by the Climate Action Reserve.

The County notes those portions of the comment that provide background information and do not comment on the adequacy of the Draft EIR. The County will include such comments as part of the Final EIR for review and consideration by the decision makers prior to a final decision on the project. Regarding the remainder of the comment, the County acknowledges the comment and refers the commenter to **Topical Response GHG-1**, which addresses the 30-year project life and corresponding duration of M-GHG-2.

- O-7-28** The comment is a summary of Comments O-7-5 through O-7-27. The County refers the reader to the previous responses for more detailed responses to the restated comments.

The comment also raises several issues not raised in the previous comments, including traffic, fire, vehicle miles traveled, and “leapfrog development.” The comment addresses general subject areas, which received extensive analysis in the Draft EIR, specifically in Sections 2.7; 2.8.3.1, Wildfire Hazards; 2.13, Transportation and Traffic; and 3.3, Land Use and Planning. The comment does not raise any specific issue regarding that analysis, and therefore, more specific response cannot be provided or is not 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.