

APPENDIX 1-3

NOP Comment Letter



U.S. Fish and Wildlife Service
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Carlsbad, California 92008
760-431-9440
FAX 760-431-9624



California Department of Fish and Wildlife
South Coast Region
3883 Ruffin Road
San Diego, California 92123
858-467-4201
FAX 858-467-4299

In Reply Refer To:
FWS/CDFW-15B0072-17CPA0055

20 January 2017
Sent by email

Mr. Mark Slovik
Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, California 92123

Subject: Notice of Preparation of an Environmental Impact Report for the Otay Ranch Village 14 and Planning Areas 16 and 19 (PDS2016-GPA-16-008, PDS2016-SP-16-002, PDS2016-REZ-16-006, PDS2016-TM-5616, PDS2016-STP-16-027, and LOG NO. PDS2016-ER-16-19-005), San Diego County, California

Dear Mr. Slovik:

The U.S Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced Notice of Preparation (NOP) dated December 15, 2016, to prepare an environmental impact report (EIR) for the Otay Ranch Village 14 and Planning Areas 16 and 19 project. The project details provided herein are based on the information provided in the NOP, our knowledge of sensitive and declining vegetation communities in the region, multiple meetings with the County and the project applicant regarding a proposed land exchange, and our participation in the Multiple Species Conservation Program (MSCP) and the County's MSCP Subarea Plan . As part of this response, the Wildlife Agencies are including general comments to assist the County in fulfilling the conservation obligations described in its MSCP Subarea Plan and to address potential impacts to the golden eagle (*Aquila chrysaetos*) and the federally listed endangered Quino checkerspot butterfly (*Euphydryas editha quino*; Quino) and San Diego fairy shrimp (*Branchinecta sandiegonensis*).

The primary concern and mandate of the Service is the protection of fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. As such, the Service is responsible for administering the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712), Bald and Golden Eagle Protection Act (Eagle Act) (16 .S.C. 668-668c), and Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1)(B) of this Act.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§ 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered

Species Act (CESA; Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program.

On March 17, 1998, the Service issued a section 10(a)(1)(B) permit pursuant to the Act for the County's Subarea Plan and the Department also issued an NCCP Approval and Take Authorization per Section 2800 *et seq.* of the California Fish and Game Code. The MSCP is a comprehensive, long-term habitat conservation planning program that addresses the needs of multiple species and the preservation of natural vegetation communities within the southwestern subregion of the County. The MSCP also addresses the loss of covered species and their habitats due to the direct, indirect, and cumulative impacts associated with land development. The Subarea Plan and its associated Implementing Agreement and section 10(a)(1)(B) permit obligates the County to assemble a regional preserve and to mitigate for impacts to covered species and their habitats.

The 1,284-acre project site is located within Proctor Valley in the County of San Diego, just east of the City of Chula Vista and immediately south of the unincorporated community of Jamul and is part of the Otay Ranch Specific Plan. Vegetation communities observed on site include Diegan coastal sage scrub, chamise chaparral, and non-native grasslands. The project proposes to construct 1,119 homes within Otay Ranch Village 14 and Planning Areas 16 and 19. A fire station, an elementary school, parks, and a mixed use site are also included in the project.

The Wildlife Agencies responded to the draft EIR for Otay Ranch Village 13 in a letter dated May 21, 2015 (FWS/CDFW-15B0202-15CPA0237) (Enclosure 1). Our letter included comments related to implementation of the MSCP and the Otay Ranch Specific Plan that are also relevant to the proposed project. We have not received a response to this letter. We recommend that the draft EIR for the proposed project address the concerns that we raised in our May 2015 letter regarding the MSCP and Otay Ranch Specific Plan.

In addition, we are providing general comments (Enclosure 2) and the following specific comments and recommendations to assist the County in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with all applicable requirements of the approved Subarea Plan and associated Federal and State permits.

1. The development footprint depicted in Figures 2 and 3 of the NOP includes areas that are designated as "Otay Ranch Areas Where No 'Take Permits' Will be Issued" (see Figure 1-3 of the Subarea Plan). In order to approve development in these areas, the County will need to process an amendment to the MSCP (see Section 1.14 of the Subarea Plan). The EIR should include an analysis of the proposed changes to the existing approved hardline preserve for this project, including any additional take of covered species.
2. The NOP acknowledges the need for the draft EIR to analyze a range of reasonable alternatives to the project and describes a "clustered" alternative that would include exchanging State-owned lands in Village 14 with privately held lands in Planning Areas

16 and 19. The Wildlife Agencies responded to this proposal in a letter dated July 22, 2016, to the project proponent (Enclosure 3) and declined to proceed with the exchange. Therefore, the clustered alternative/land exchange is not feasible and should not be included in the draft EIR.

3. The project site is located within the Rancho San Diego (now referred to as San Miguel) golden eagle nesting territory that is identified in Table 3-5 of the final MSCP Sub-regional Plan. This nesting territory was expected to remain viable because less than 10 percent of its habitat would be impacted by development. Although the direct loss of habitat may still be less than 10 percent, preliminary golden eagle information collected by the U.S. Geological Survey suggests that the indirect effects due to fragmentation of habitat within the territory may result in a greater percentage of the mapped territory becoming unusable for eagles, which may cause abandonment of the territory. The draft EIR should analyze the direct, indirect, and cumulative impacts to golden eagles, including the effects of increased recreation, adjacent land use, and direct loss of foraging habitat. In addition, the draft EIR should address how the existing mitigation measures in the Otay Ranch General Development Plan/Subregional Plan(GDP/SRP) that was adopted on October 28, 1993, have been (or will be) complied with in order to minimize impacts to golden eagles and help to ensure that the San Miguel territory remains viable as anticipated by the MSCP. This is especially important because the County's 10(a)(1)(B) permit does not exempt incidental take of this territory.

Specifically, for golden eagles the GDP/SRP required the development and implementation of a long-term raptor management plan for Otay Ranch. We are unaware of any raptor management or monitoring efforts that have taken place on Otay Ranch since Ogden prepared the Otay Ranch Raptor Management Study (1992) as part of the Otay Ranch GDP/SRP. This study included management and monitoring recommendations that should be implemented to maintain and enhance raptor species diversity and abundance on Otay Ranch. These recommendations included monitoring, habitat enhancement, protection of raptor habitat from human disturbance, and development of an environmental awareness program.

4. The majority of the project site supports potential/suitable habitat for the Quino. Although Quino were not observed in recent surveys, they have been detected in at least three locations previously. The Wildlife Agencies have been working with the County to develop a regional conservation strategy for the Quino in anticipation of a proposed amendment to the County's Subarea Plan. The amendment will address section 10(a)(1)(B) permit and NCCP approvals to add Quino to the covered species list and exempt incidental take of this species under the Act for County authorized projects. The draft EIR should analyze the direct, indirect and cumulative impacts to this species and its habitat and identify mitigation measures that will contribute to the regional conservation strategy being developed by the County.
5. Vernal pool habitat, including basins that support San Diego fairy shrimp occur on City of San Diego Cornerstone Lands located along the existing Proctor Valley Road. Any

improvements to the road should be designed to avoid and minimize impacts to these pools. We recommend that the draft EIR include an alternative that bridges the vernal pool areas in order to minimize impacts to the resources that are located on both sides of the road. A bridge/causeway in this area will also help maintain wildlife connectivity across the valley.

6. Road access through protected parcels such as the Department's Proctor Valley Unit of the Rancho Jamul Ecological Reserve (RJER) may have been assumed, but currently no road easement is identified in this area. The Wildlife Agencies are not supportive of development, new roads or easements through State Ecological Reserve lands to support sewer/water/power infrastructure.
7. Roadways associated with the proposed project must be designed to allow for safe wildlife passage through identified wildlife movement corridors. Additional focused surveys should be conducted to ensure movement corridors remain fully functional. Additionally, a modified or widened Proctor Valley Road alignment should not render key biological resources inaccessible to wildlife by its placement in proximity to such resources. For example, a natural water source was recently discovered on RJER on the north side of the Proctor Valley Road. This feature is considered extremely valuable to wildlife because it did not dry up even during the prolonged drought. We are concerned that the widening of Proctor Valley Road to four lanes in this vicinity may prevent wildlife from using this area.
8. A steel Off Road Vehicle (OHV) barrier was installed along the dirt road surface of Proctor Valley Road to prevent unauthorized vehicle entry into preserve lands and is currently set 15 feet back from the road edge (i.e., onto RJER property) to allow for driver safety. Therefore some of these buffer areas are still on State-owned ecological reserve property. Project planning should not include these areas in the absence of consultation with and approval by the Department.
9. The Wildlife Agencies are participating with the County and other landowners regarding a regional trail system across Otay Ranch and adjoining lands. In the absence of completing this process, the project should not make any commitments for trail segments that rely on connections to offsite properties, including through RJER.
10. The project plan should include an assessment regarding minimization of light sources affecting the adjacent preserve areas. This analysis should include residential and community structural night lighting, as well as utility lighting and any proposed street lighting.

We appreciate the opportunity to comment on the subject NOP. Given the complexity of this project, we recommend that we meet early in the environmental review process to ensure that the draft EIR adequately addresses all of the environmental issues and that the project is consistent

Mr. Slovik (FWS/CDFW-15B0072-17CPA0055)

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with the goals and objectives of the County's MSCP Subarea Plan. If you have questions or comments regarding this letter, please contact David Mayer of the Department at (858) 467-4234 or Susan Wynn of the Service (760) 431-9440.

Sincerely,

KAREN GOEBEL (legally signed by KAREN GOEBEL)

Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service



Gail K. Sevens
Environmental Program Manager
California Department of Fish and Wildlife

Enclosure:
Wildlife Agency Comments

cc: State Clearinghouse

Mattson, Gregory

From: Capilla, Morgan <capilla.morgan@epa.gov>
Sent: Thursday, December 29, 2016 10:49 AM
To: Mattson, Gregory
Subject: NOP for Otay Ranch Village 14 Project

Hi Greg,

I'm a NEPA Reviewer with US EPA's Region 9 office and recently received the NOP and CEQA Initial Study for the Otay Ranch Village 14 project. I just wanted to touch bases with you to see if you suspect the proposal will go through the NEPA process. If so, we'd love to take a look at any NEPA related documents that become available in the future.

Thanks!
Morgan

Morgan Capilla
Environmental Review Section (ENF 4-2)
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December 29, 2016

11-SD-125

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Otay Ranch Proctor Valley

Village 14 and Preserve

NOP/SCH# 2016121042

Mr. Gregory Mattson, Project Manager
Planning and Development Services
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Dear Mr. Mattson:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has reviewed the Notice of Preparation (NOP) for the draft Environmental Impact Report (EIR) on the proposed Otay Ranch Proctor Valley Village 14 Planning Area Plan in proximity to State Route 125 (SR-125). Caltrans has the following comments:

A traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to the State facilities – existing and proposed – and to propose appropriate mitigation measures.

The geographic area examined in the traffic study should include as a minimum all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State highway facilities that are experiencing noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.

A focused analysis may be required for project trips assigned to a State highway facility that is experiencing significant delay, such as where traffic queues exceed ramp storage capacities. A focused analysis may also be necessary if there is an increased risk of a potential traffic conflicts.

All freeway entrance and exit ramps where a proposed project will add a significant number of peak-hour trips that may cause any traffic queues to exceed storage capacities should be analyzed. If ramp

metering is to occur, a ramp queue analysis for all nearby Caltrans metered on-ramps is required to identify the delay to motorists using the on-ramps and the storage necessary to accommodate the queuing. The effects of ramp metering should be analyzed in the traffic study. However, ramp meter delays above 15 minutes are considered excessive.

The data used in the TIS should not be more than 2 years old.

Caltrans endeavors that any direct and cumulative impacts to the State Highway System be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards.

Mitigation measures to State facilities should be included in TIS. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation. This includes the actual implementation and collection of any "fair share" monies, as well as the appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.

If you have any questions, please contact Mark McCumsey at (619) 688-6802 or by email at mark.mccumsey@dot.ca.gov

Sincerely,

A handwritten signature in black ink, appearing to read 'JMA', is written over the word 'Sincerely,'.

JACOB M. ARMSTRONG, Branch Chief
Development Review Branch

NATIVE AMERICAN HERITAGE COMMISSION

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December 20, 2016

Greg Mattson
Mark Slovick
San Diego County
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San Diego, CA 92123

sent via e-mail:
gregory.mattson@sdcounty.ca.gov
mark.slovick@sdcounty.ca.gov

RE: SCH# 2016121042; Otay Ranch Village 14 & Planning Areas 16 & 19 Project, Notice of Preparation for Draft Environmental Impact Report, San Diego County, California

Dear Mr. Mattson and Mr. Slovick:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. **Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).

- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - I. Planning and construction to avoid the resources and protect the cultural and natural context.
 - II. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
- c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
- e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
- f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)). *This process should be documented in the Cultural Resources section of your environmental document.*

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason,

we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Barbara A. Lee, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

January 10, 2017

Mr. Greg Mattson
Project Manager
Planning & Development Services
County of San Diego
5510 Overland Ave, Suite 310
San Diego, California 92123

NOTICE OF PREPARATION (NOP) FOR THE OTAY RANCH VILLAGE 14 & PLANNING AREAS 16 & 19 PROJECT ENVIRONMENTAL IMPACT REPORT (SCH# 2016121042)

Dear Mr. Mattson:

The Department of Toxic Substances Control (DTSC) has reviewed the subject document. The following project description is stated in the NOP: "The project would consist of entitlements for a general plan amendment, specific plan, rezone and tentative map. The project is a master planned community consisting of 1,119 units with single family and estate lots, 10,000 sf of neighborhood commercial uses, a 9.7-acre school site, 2.3-acre fire station/sheriff site, a community village green, approximately 18 acres of public/private parks, approximately 424 acres of biological open space and 127 acres for limited development areas."

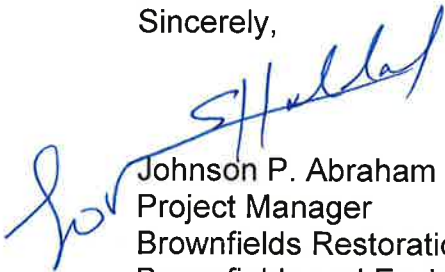
Based on the review of the NOP, DTSC has the following comments:

1. The EIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances. Historic uses of the site are not provided in the NOP. A Phase I Environmental Site Assessment (Phase I) may be appropriate to identify any recognized environmental conditions.
2. The NOP states, "The Village Core will comprise of a 9.7-acre elementary school." If state funding is anticipated, Phase I should be reviewed and approved by DTSC pursuant to California Education Code. For school projects that do not require state funding, DTSC recommends environmental review under the DTSC school program oversight to ensure the school is safe for students and staff.

3. If there are any recognized environmental conditions in the project area, then proper investigation, sampling and remedial actions overseen by the appropriate regulatory agencies should be conducted prior to the new development or any construction.
4. If buildings or other structures are present onsite, then lead-based paints or products, mercury, and asbestos containing materials (ACMs) should be addressed in accordance with all applicable and relevant laws and regulations.
5. If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).
6. If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the EIR should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.

If you have any questions regarding this letter, please contact me at (714) 484-5476 or email at Johnson.Abraham@dtsc.ca.gov.

Sincerely,



Johnson P. Abraham
Project Manager
Brownfields Restoration and School Evaluation Branch
Brownfields and Environmental Restoration Program – Cypress

kl/sh/ja

cc: See next page.

Mr. Greg Mattson
January 10, 2017
Page 3

cc: Mr. Mark Slovick
County of San Diego
Mark.Slovick@sdcountry.ca.gov

Governor's Office of Planning and Research (via e-mail)
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
State.clearinghouse@opr.ca.gov

Mr. Guenther W. Moskat, Chief (via e-mail)
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
Guenther.Moskat@dtsc.ca.gov

Mr. Dave Kereazis (via e-mail)
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Mr. Shahir Haddad (via e-mail)
Supervising Engineer
Brownfields Restoration and School Evaluation Branch
Brownfields and Environmental Restoration Program – Cypress
Shahir.Haddad@dtsc.ca.gov

CEQA# 2016121042



401 B Street, Suite 800
San Diego, CA 92101-4231
(619) 699-1900
Fax (619) 699-1905
sandag.org

January 23, 2017

File Number 3300300

Mr. Mark Slovick
Mr. Greg Mattson
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Dear Mr. Slovick and Mr. Mattson:

SUBJECT: Otay Ranch Village 14 and Planning Areas 16 & 19 Notice of Preparation

Thank you for the opportunity to comment on the City of Santee's Mobility Element Update Notice of Preparation (NOP). The San Diego Association of Governments (SANDAG) is submitting comments based on the policies included in San Diego Forward: The Regional Plan (Regional Plan). These policies will help provide people with more travel and housing choices, protect the environment, create healthy communities, and stimulate economic growth. SANDAG's comments are submitted from a regional perspective emphasizing the need for better land use and transportation coordination.

State Congestion Management Plan

In October 2009, the San Diego region elected to be exempt from the State Congestion Management Plan (CMP) and, since this decision, SANDAG has been abiding by 23 Code of Federal Regulations §450.320 to ensure the region's continued compliance with the federal congestion management process. SANDAG's current CMP, featured in the most recent Regional Plan (approved October 2015), does not include the large project provision that is defined as "generating, upon its completion, an equivalent of 2,400 or more average daily vehicle trips." Please see the County of San Diego's most recent Traffic Impact Study guidelines for current threshold guidance.

On page 36 of the project's Initial Study, please correct the reference to SANDAG's "Congestion Management Program" to read "Congestion Management Plan."

Transportation Demand Management

Please consider the incorporation of transportation demand management (TDM) strategies into the Environmental Impact Report for the Otay Ranch Village 14 and Planning Areas 16 & 19 Project. The incorporation of TDM strategies will help reduce single-occupancy vehicle trips and greenhouse gas emissions within and around the development.

MEMBER AGENCIES

Cities of
Carlsbad
Chula Vista
Coronado
Del Mar
El Cajon
Encinitas
Escondido
Imperial Beach
La Mesa
Lemon Grove
National City
Oceanside
Poway
San Diego
San Marcos
Santee
Solana Beach
Vista
and
County of San Diego

ADVISORY MEMBERS

Imperial County
California Department
of Transportation

Metropolitan
Transit System

North County
Transit District

United States
Department of Defense

San Diego
Unified Port District

San Diego County
Water Authority

Southern California
Tribal Chairmen's Association

Mexico

Examples of TDM strategies may include:

- Safe bicycle and pedestrian facilities that connect residents to community destinations, such as to school, the park, and Village Center.
- Convenient bicycle parking at the community destinations to augment investments in bicycle infrastructure identified in the Otay Ranch General Development Plan.
- Promotion of vanpooling and carpooling to residents and provision of a Park & Ride to facilitate vanpool and carpool formation in the eastern and unincorporated Otay Ranch community

The SANDAG TDM program, iCommute, can assist with promoting rideshare options, as well as other regional services that encourage the use of transportation alternatives and reduce traffic congestion. Regional TDM programs include the SANDAG Vanpool Program, online ridematching services, the Guaranteed Ride Home program, and bicycle encouragement programs, such as free bike education courses, the GO by BIKE Mini-Grant program, and the Walk, Ride, and Roll to School Mini-Grant and education program.

Information on the SANDAG TDM program can be accessed through www.iCommuteSD.com.

Other Considerations

SANDAG has a number of additional resources that can be used for additional information or clarification on topics discussed in this letter. These can be found on our website at www.sandag.org/igr:

1. SANDAG Regional Parking Management Toolbox.
2. Riding to 2050, the San Diego Regional Bike Plan.
3. Regional Multimodal Transportation Analysis: Alternative Approaches for Preparing Multimodal Transportation Analysis in Environmental Impact Reports.
4. Planning and Designing for Pedestrians, Model Guidelines for the San Diego Region.
5. Integrating Transportation Demand Management into the Planning and Development Process – A Reference for Cities.

When available, please send any additional environmental documents related to this project to:

Intergovernmental Review
c/o SANDAG
401 B Street, Suite 800
San Diego, CA 92101

We appreciate the opportunity to comment on the County's Otay Ranch Village 14 and Planning Areas 16 & 19 NOP. If you have any questions, please contact me at (619) 595-5609 or via email at katie.hentrich@sandag.org.

Sincerely,



KATIE HENTRICH
Regional Planner



INTER-DEPARTMENTAL MEMORANDUM

DATE: JANUARY 30, 2017

TO: MARK SLOVICK

FROM: DAVID WILLIAMS, CONSTRUCTION TECHNICIAN, WASTEWATER
MANAGEMENT

SUBJECT: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR
OTAY RANCH VILLAGE 14

San Diego County Sanitation District (SDCSD) staff reviewed the Notice of Preparation Documentation dated December 15, 2016 and has the following minor comment:

1. On page 5, table 9, Sewer District Approval row – under “Agency”, add San Diego County Sanitation District.



9335 Hazard Way • Suite 200 • San Diego, CA 92123
(858) 614-7755 • FAX (858) 614-7766

San Diego Local Agency Formation Commission

Website: www.sdlafco.org

Chairman

Sam Abed
Mayor
City of Escondido

January 23, 2017

Vice Chairwoman

Jo MacKenzie
Vista Irrigation District

Greg Mattson, Project Planner
County of San Diego, Planning & Development Services
5510 Overland Ave., Suite 310
San Diego, CA 92123

Members

Bill Horn
County Board of
Supervisors

Dianne Jacob
County Board of
Supervisors

Andrew Vanderlaan
Public Member

Lorie Zapf
Councilmember
City of San Diego

Vacant
City Member

Ed Sprague
Olivenhain Municipal
Water District

SUBJECT: Notice of Preparation of an Environmental Impact Report: "Otay Ranch Village 14 and Planning Areas 16 & 19" (PDS2016-GPA-16-008; PDS2016-SP-16-002; PDS2016-REZ-16-006; PDS2016-TM-5616; PDS2016-STP-16-027; Log No. PDS2016-ER-16-19-006)

Mr. Mattson,

Thank you for providing the San Diego Local Agency Formation Commission (LAFCO) an opportunity to comment on the preparation of an Environmental Impact Report (EIR) for the proposed "Otay Ranch Village 14 and Planning Areas 16 & 19" project (PDS2016-GPA-16-008; PDS2016-SP-16-002; PDS2016-REZ-16-006; PDS2016-TM-5616; PDS2016-STP-16-027; Log No. PDS2016-ER-16-19-006).

The State Legislature has empowered LAFCO with purview over changes to local government organization and sphere of influence actions, and with responsibility to encourage the efficient provision of public services. LAFCO generally serves as a responsible agency under the California Environmental Quality Act (CEQA) when a project involves proposed changes to local government organization and/or sphere of influence actions. Therefore, we offer the following comments:

The project is described as a proposed residential development involving 1,119 residential units on approximately 1,284 total acres within an approximately 860 acre development footprint that lies within Otay Ranch Village 14 and Planning Areas 16 & 19 (PAs 16 & 19). Approximately 994 of the 1,119 residential units will be located in Village 14; 13 one-acre estates will be located in PA 19; and 112 Ranchettes, averaging 3 acres in size, will be located in PA 16. The Village Core will include a 9.7 acre elementary school, a 2.3 acre public safety site with a fire station, a 7.2 acre Village Green, and a 1.7 acre mixed use site with 10,000 square feet (sq.ft.) of neighborhood commercial uses.

The proposed project area is presently located within the adopted sphere of influence and authorized service area of the Otay Water District (WD) and County Service Area (CSA) No. 135 (Fire Protection and EMS Services LP Area). CSA No. 135 (Fire Protection and EMS Services) provides fire protection and emergency medical services within its service area and sphere via contract

Alternate Members

Greg Cox
County Board of
Supervisors

Chris Cate
Councilmember
City of San Diego

Racquel Vasquez
Mayor
City of Lemon Grove

Harry Mathis
Public Member

Judy Hanson
Leucadia Wastewater
District

Executive Officer

Michael D. Ott

Legal Counsel

Michael G. Colantuono

Page 2

SUBJECT: Notice of Preparation of an Environmental Impact Report: "Otay Ranch Village 14 and Planning Areas 16 & 19" (PDS2016-GPA-16-008; PDS2016-SP-16-002; PDS2016-REZ-16-006; PDS2016-TM-5616; PDS2016-STP-16-027; Log No. PDS2016-ER-16-19-006)

with the California Department of Forestry and Fire Protection (CAL FIRE). The Otay WD is authorized to provide both water and sewer services within its service area and sphere; the project description states that Otay WD will only provide water service to the project area.

Sewer service for the project is proposed to be provided by the San Diego County Sanitation District (SD) through the City of Chula Vista's Salt Creek Interceptor; however, the proposed project area is not located within the SD's adopted sphere of influence or authorized service area. Therefore, the proposed project requires LAFCO review and approvals for the project area's inclusion within the San Diego County SD's sphere of influence in addition to the proposed annexation to the SD's service area.

Accordingly, San Diego LAFCO will serve as a responsible agency for the project's environmental review. As part of the required sphere of influence action associated with the proposed extension of sewer services to the project area, LAFCO must review the adopted sphere of influence for the San Diego County SD and potentially conduct a Municipal Service Review (MSR) in accordance with Government Code Sections 56430 and 56425.

To assure that the project's environmental review and determinations are germane to LAFCO's responsibilities regarding review of the proposed changes to local government organization and sphere of influence actions, the project's environmental documents must contain, at a minimum: a discussion of the required LAFCO approvals for the proposed jurisdictional changes, sphere of influence actions, and the potential need for a MSR; a description of the ability of existing agencies to provide services; a discussion of the proposed provision of public services to the subject territory, including a detailed description of existing and proposed infrastructure and capacities; and, discussions regarding the project's conformance with applicable LAFCO statutes and policies.

Should you have any questions, or if San Diego LAFCO may be of any further assistance, please contact me at (858) 614-7788.

Sincerely,

A handwritten signature in cursive script that reads "Robert Barry".

ROBERT BARRY, AICP
Chief Analyst

RB:ra



Wildlife and Habitat Conservation Coalition

--Dedicated to the sustained conservation of native animal and plant species in the Southwest Bioregion.

January 23, 2017

Mr. Mark Slovick, Planning Manager, Planning & Development Services
Mr. Greg Mattson, Project Manager, Planning & Development Services
County of San Diego

VIA EMAIL

RE: Conservation organizations comments on the Notice of Preparation for OTAY RANCH VILLAGE 14 AND PLANNING AREAS 16 & 19, PDS2016-GPA-16-008, PDS2016-SP-16-002, PDS2016-REZ-16-006, PDS2016-TM-5616, PDS2016-STP-16-027 and LOG NO. PDS2016-ER-16-19-006. (Village 14)

Dear Mr. Slovick,

The Wildlife and Habitat Conservation Coalition is dedicated to the protection and conservation of our regional wildlife resources. We are fully aware of the guidance and general allocation of open space and development outlined in the Otay Ranch GDP/Otay SRP and associated documents and MSCP and County's Subarea Plan. Also, we understand that subsequent planning for each village and planning area could involve changes to the original GDP, if concurred by the permittees and permitting agencies and consistent with subsequent public environmental reviews.

We have reviewed the NOP project description and the Initial Study identifying 18 issue areas of potential significant impact and, as a result, our Coalition is compelled to share our continued concerns regarding the Village 14 development, which encompasses Planning Areas 16 and 19.

Through this letter we suggest that the developers the County and the environmental community engage in a comprehensive approach to planning within this sensitive area and that collectively we work together to find the best solutions to achieve a healthy balance between development and conservation.

The Coalition and those it represents, are united in our objection to the project as currently designed and described. And as a general matter, we are not supportive of accommodating

growth in sensitive and irreplaceable wildlife habitat areas, in high risk fire areas, or in areas that will inevitably increase greenhouse gas emissions.

Although we are in opposition to the application as proposed, the Coalition looks forward to its continued dialogue with the County and developers to find adequate solutions that balance development with conservation and to help address the following concerns that remain unresolved.

- As proposed, the development footprint does not comply with the hardline agreement or the Baldwin Agreement within the MSCP Sub Area Plan. The proposal is therefore not consistent with the requirements or intent of the MSCP and its goals to ensure that high quality conservation is maximized while less important habitat areas are set aside for development.
- As proposed, the project will significantly impact golden eagle territory as established in Table 3-5 of the MSCP. The commitments made by the County and developers regarding mitigation and monitoring for raptors, including the golden eagle, have yet to be accomplished and the determinations by the Wildlife Agencies regarding the golden eagle territory associated with Village 14 and Planning Areas 16 and 19 and Table 3-5 remain unresolved.
- The proposed project poses a serious threat to the endangered quino checkerspot butterfly, particularly when viewed in conjunction with future identified development in the Village 13 area and reports of declining numbers in southern San Diego County, represents a significant impact that must be addressed.

The Wildlife Coalition understands the need for appropriate development, the need to house the population and the intent of this proposal. However, due to these significant, unresolved and outstanding issues, we are not in support of this project.

Through this letter we urge that the County take a different approach to the planning for Proctor Valley, Village 14 and Otay Ranch Village 13 project areas. A comprehensive approach to planning for development and conservation is needed. This requires that the developers of both projects (V14 and V13), the County and the environmental community work together to achieve a productive balance between development and conservation.

Such a sensitive and significant environment requires different tools and solutions to solve its complex conservation and development issues and achieve a and workable balance. The Coalition is requesting that the County discourage the continuation of a piecemealed approach to planning and development in this area. Alternatively, it is suggested that the County

establish an overall vision for this area that will enable solutions and outcomes for ecosystem planning and development planning to produce conservation and housing wins for both people and nature. Finally, we ask that the County work with us to find creative planning approaches to resolve the golden eagle, quino, vernal pool and other issues associated with this area.

At this time, we urge the development interests to reconsider this proposal and to **relocate** the units in an area far less destructive to the environment, where any such development is consistent with the MSCP and its species goals. We ask this so that the County can continue to meet the housing needs of the region and to enable the conservation actions necessary to maintain the biological value of San Diego's irreplaceable nature with all of its ecosystem services intact.

We know there are alternative options out there that will satisfy all interests. The Coalition looks forward to working with the County and the developers to find such solutions through the use of creative conservation and planning approaches.

Thank you for your consideration,

Undersigned Member Organizations of the Wildlife and Habitat Conservation Coalition

Joan Herskowitz, Buena Vista Audubon Society

Frank Landis, California Native Plant Society San Diego Chapter

Richard Halsey, California Chaparral Institute

Cara Lacey, The Nature Conservancy

Dan Silver, Endangered Habitats League

Pamela Heatherington, Environmental Center of San Diego

Laura Hunter, Escondido Neighbors United

Richard Fowler, Palomar Audubon Society

Diane Nygaard, Preserve Calavera

Jim Peugh, San Diego Audubon Society

Dr. Michael McCoy, Southwest Wetlands Interpretive Association

Van Collinsworth, Preserve Wild Santee

Renée Owens, President, Wild Zone Conservation League

Blair Crossman, Project Director, WildCoast

cc.

Mr. Mendel Stewart, US Fish and Wildlife Service

Mr. Ed Pert, California Department of Fish and Wildlife

Ms. Sarah Aghassi, Deputy Chief Administrative Officer, Land Use and Environmental Group, San Diego County

Mr. Mark Wardlaw, Director, Planning & Development, San Diego County

Mr. Brian Albright, Director, Parks and Recreation, San Diego County

Mattson, Gregory

From: Dan Silver <dsilverla@me.com>
Sent: Monday, December 19, 2016 11:06 AM
To: Slovic, Mark; Mattson, Gregory
Subject: Proctor Valley Village 14 and Planning Areas 16 & 19

Dear Mr Slovic and Mr Mattson:

Endangered Habitats League (EHL) is in receipt of the NOP for an EIR for this proposed project. Please retain EHL on all notification and distribution lists, including CEQA documents and public hearings.

Thank you and best wishes for the Holidays and New Year, Dan

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750

dsilverla@me.com

www.ehleague.org



San Diego County Archaeological Society, Inc.

Environmental Review Committee

18 December 2016

To: Mr. Mark Slovick
Department of Planning and Development Services
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, California 92123

Subject: Notice of Preparation of a Draft Environmental Impact Report
Otay Ranch Village 14 and Planning Areas 16 & 19
PDS2016-GPA-16-008, PDS2016-SP-16-002, PDS-REZ-16-006,
PDS2016-TM-5616, PDS2016-STP-16-027,
Log No. PDS2016-ER-16-19-006

Dear Mr. Slovick:

Thank you for the Notice of Preparation for the subject project, received by this Society last week.

We are pleased to note the inclusion of cultural resources in the list of subject areas to be addressed in the DEIR, and look forward to reviewing it during the upcoming public comment period. To that end, please include us in the distribution of the DEIR, and also provide us with a copy of the cultural resources technical report(s).

SDCAS appreciates being included in the County's environmental review process for this project.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(858) 694-2982 • Fax (858) 694-2555
www.sdcounty.ca.gov/pds

VILLAGE 14 AND PLANNING AREAS 16 & 19

PDS2016-GPA-16-008; PDS2016-SP-16-002; PDS2016-REZ-16-006; PDS2016-TM-5616
PDS2016-ER-16-19-006, PDS2016-STP-16-027

JANUARY 10, 2017, OAK GROVE MIDDLE SCHOOL, LIBRARY

PUBLIC SCOPING MEETING COMMENT SHEET

- 1) How will horse trails from Rector Valley Rd into USF&W be affected?
- 2) Are Residents of Village 14 allowed to drill wells? - Water issue
- 3) What is the current status of crediting acres under MSCP? What is the ratio of development to Conservation? Is it accounted for in Village 14?
- 4) The original density approved was "X" units per acre. Now you have fewer acres. Is the density ratio the same?
- 5) How have the biologicals: plants/natives been protected?
construction & post construction

Mail to:

Responder:

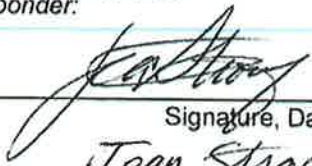
Greg Mattson AICP, Project Manager
5510 Overland Ave., Suite 310
San Diego, CA 92123

Email: Gregory.mattson@sdcounty.ca.gov

Mark.slovick@sdcounty.ca.gov

FAX: (858) 694-3373

Phone: (858) 694-2249 or (858) 495-5172

 1/17/17
Signature, Date
Jean Strouf
Print Name
16089 Lyons Valley Rd
Address
Jamul, CA 91935
City, State, Zip Code



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(858) 694-2962 • Fax (858) 694-2555
www.sdcountry.ca.gov/pds

VILLAGE 14 AND PLANNING AREAS 16 & 19

PDS2016-GPA-16-008; PDS2016-SP-16-002; PDS2016-REZ-16-006; PDS2016-TM-5616
PDS2016-ER-16-19-006, PDS2016-STP-16-027

JANUARY 10, 2017, OAK GROVE MIDDLE SCHOOL, LIBRARY

PUBLIC SCOPING MEETING COMMENT SHEET

Please insert trails within this plan and take into account the needs of trails within preserves and planned communities. Further trail planning should be done prior to the EIR rather than an after thought. Historical routes and adjoining trails from other parks and preserves should be a priority while planning the project footprint.

Mail to:

Greg Mattson AICP, Project Manager
5510 Overland Ave., Suite 310
San Diego, CA 92123

Email: Gregory.mattson@sdcounty.ca.gov

Mark.slovick@sdcounty.ca.gov

FAX: (858) 694-3373

Phone: (858) 694-2249 or (858) 495-5172

Responder:

1/10/2017

Signature, Date

Ben Stone 619-504-5806

Print Name

eservesd@gmail.com

Po Box 712153

Address

San Diego CA 9217

City, State, Zip Code



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(858) 694-2962 • Fax (858) 694-2555
www.sdcountry.ca.gov/pds

VILLAGE 14 AND PLANNING AREAS 16 & 19

PDS2016-GPA-16-008; PDS2016-SP-16-002; PDS2016-REZ-16-006; PDS2016-TM-5616
PDS2016-ER-16-19-006, PDS2016-STP-16-027

JANUARY 10, 2017, OAK GROVE MIDDLE SCHOOL, LIBRARY

PUBLIC SCOPING MEETING COMMENT SHEET

I would like to see natural surface^{narrow} trails planned^(County trail definition width 4') as part of this development that would be used by all user groups (mountain bikers; equestrians; hikers; etc.) Having a well planned trail system that connects into planned parks and community pathways will add to the quality of life and enhance the rural character of the project. Working to balance access to quality recreational trail experience and the preservation of natural resources is key. The San Diego Mountain Biking Assn. stands ready to assist w/any trails planning and development.

Mail to:

Responder:

Greg Mattson AICP, Project Manager
5510 Overland Ave., Suite 310
San Diego, CA 92123

Email: Gregory.mattson@sdcounty.ca.gov

Mark.slovick@sdcounty.ca.gov

FAX: (858) 694-3373

Phone: (858) 694-2249 or (858) 495-5172

SAM Murphy
Signature, Date

Susie Murphy
Print Name

San Diego Mountain Biking Assn.
718 Elm Ave.
Address

Chula Vista, CA 91910
City, State, Zip Code



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
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www.sdcountry.ca.gov/pds

VILLAGE 14 AND PLANNING AREAS 16 & 19

PDS2016-GPA-16-008; PDS2016-SP-16-002; PDS2016-REZ-16-006; PDS2016-TM-5616
PDS2016-ER-16-19-006, PDS2016-STP-16-027

JANUARY 10, 2017, OAK GROVE MIDDLE SCHOOL, LIBRARY

PUBLIC SCOPING MEETING COMMENT SHEET

CONSIDER BUILDING NATURE BASED TRAILS, FOUR FEET
WIDE OR LESS, MULTUSE. YOUR PLAN ONLY MENTION
A PATH TO LINK CHULA VISTA AND JAMUL WE CURRENTLY
HAVE A SINGLE TRACK TRAIL THA IT WILL BE LOST WITH
YOUR DEVELOPMENT, PLEASE CONSIDER BUILDING LOOP
TRAILS AND LINK TO JAMUL AND THE SAN DIEGO
NATIONAL WILDLIFE PRESERVE AS THE CURRENT TRAIL
DOES. IM WITH THE SAN DIEGO MOUNTAIN BIKING
ASSOCIATION AND WOULD LIKE TO HELP ON THIS

Mail to:

Responder:

Greg Mattson AICP, Project Manager
5510 Overland Ave., Suite 310
San Diego, CA 92123

Email: Gregory.mattson@sdcounty.ca.gov

Mark.slovick@sdcounty.ca.gov

FAX: (858) 694-3373

Phone: (858) 694-2249 or (858) 495-5172

JOSE GALAZ 1/10/17
Signature, Date

JOSE GALAZ
Print Name

2452 EAGLE VALLEY DR
Address

CHULA VISTA, CA 91914
City, State, Zip Code

josegalaz@hotmail.com

March 1, 2017

County of San Diego
Planning & Development Services
Attn: Greg Mattson
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Submitted via email to: Gregory.Mattson@sdcounty.ca.gov

Subject: **CITY OF SAN DIEGO COMMENTS ON THE NOP FOR THE OTAY RANCH VILLAGE 14 AND PLANNING AREAS 16 & 19 PROJECT**

The City of San Diego ("City") Planning Department has received the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Otay Ranch Village 14 and Planning Areas 16 & 19 Project, PDS2016-GPA-16-008, PDS2016-SP-16-002, PDS2016-REZ-16-006, PDS2016-TM-5616, PDS2016-STP-16-027 and Log No. PDS2016-ER-16-19-006, prepared by the County of San Diego (County), which was distributed to multiple City departments for review. The City, as a Responsible Agency under CEQA, has reviewed the NOP and appreciates this opportunity to provide comments to the County.

In response to this request for public comments, the City has identified potential environmental issues that may result in a significant impact to the environment. Continued coordination between the City, the County, and other local, regional, state, and federal agencies will be essential. Following are comments on the NOP for your consideration.

Kristy Forburer – Senior Planner
Planning Department – Multiple Species Conservation Program (MSCP)
kforburer@sandiego.gov | (619) 236-6583

General Comments:

1. All figures associated with Surrounding Land Uses and Biological Resources shall include clear depiction of the City of San Diego Multi-Habitat Planning Area (MHPA) Boundaries and Cornerstone Lands.
2. Discussion of the City's Cornerstones Lands and MHPA should be included in Draft DEIR Sections addressing surrounding land uses and biological resources.
3. The City's Vernal Pool Habitat Conservation Plan (VPHCP) is currently in process. Upon adoption of the VPHCP, the associated interactive plan would be updated based upon site specific survey information as a result of the environmental analysis for this project.
4. It is difficult to determine if impacts to the Cornerstone Lands and MHPA would result with construction of Proctor Valley Road. The Initial Study states a Site Development Permit would be required from the City for Proctor Valley Road, implying impacts to Cornerstone Lands may result with project implementation. If impacts to the City's Cornerstone Lands and MHPA would result, a City of San Diego MHPA Boundary Line Adjustment would be required.

Planning Department
1010 2nd Avenue, MS 413 – San Diego, CA 92101-4155
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5. The Draft EIR and associated Biological Technical Report shall include discussion of how the project would implement Area Specific Management Directives (ASMD's) for MSCP covered species with a moderate to high potential of occurrence. ASMD's are depicted in Table 3-5 of the Final MSCP Plan and Appendix A of the City's MSCP Subarea Plan.

Specific Comments

MHPA Boundary Line Adjustment

6. The project would encroach into conserved baseline MHPA land beyond the allowable development area [See Sections 143.0142 and 131.0250(b) of the Land Development Code and pages 5 and 6 of the City's Biology Guidelines], requiring a MHPA boundary line adjustment for the replacement of the City baseline Cornerstone MHPA Land. Under the City's MSCP Subarea Plan, an adjustment to the City's MHPA boundary is allowed only if the new MHPA boundary results in an exchange of lands that are functionally equivalent or higher in biological value.
7. A determination of functionally equivalent or higher biological value will be based on site-specific information (both quantitative and qualitative) that addresses the six boundary adjustment criteria outlined in Section 5.4.3 of the Final MSCP Plan (August 1998), which are as follows:
 - *Effects on significantly and sufficiently conserved habitats (i.e., the exchange maintains or improves the conservation, configuration, or status of significantly and sufficiently conserved habitats; as defined in Section 3.4.2 [of the MSCP Plan]).*
 - *Effects on covered species (i.e., the exchange maintains or increases the conservation of covered species).*
 - *Effects on habitat linkages and function of preserve areas (i.e., the exchange maintains or improves any habitat linkages or wildlife corridors);*
 - *Effects on preserve configuration and management (i.e., the exchange results in similar or improved management efficiency and/or protection of biological resources);*
 - *Effects on ecotones or other conditions affecting species diversity (i.e., the exchange maintains topographic and structural diversity and habitat interfaces of the preserve); and*
 - *Effects on species of concern not on the covered species list (i.e., the exchange does not significantly increase the likelihood that an uncovered species will meet the criteria for listing under either the federal or state Endangered Species Acts).*
8. The project biology report must include all the following elements:
 - A map showing the existing MHPA boundary, as approved in the MSCP, the proposed encroachment (in red) and proposed addition (in green).
 - An MHPA exchange table showing (by habitat tier) what is proposed to be removed and what is proposed to be added to the MHPA as well as the net change in acreage. The table should include the following columns/rows or equivalent: a) Tier; b) Habitat; c) Existing MHPA/Cornerstone Lands; d) Proposed Encroachment; e) Proposed Addition; and f) Net Change.
 - A written analysis of the adjustment's consistency with the six boundary adjustment criteria.

9. The City's MSCP Subarea Plan states: "Any adjustment to the MHPA boundary will be disclosed in the environmental document (project description) prepared for the specific project. An evaluation of the proposed boundary adjustment will be provided in the biological technical report and summarized in the land use section of the environmental document. An adjustment that does not meet the equivalency test shall require an amendment to this Subarea Plan." As proposed, the County Draft EIR does not meet the equivalency test for a MHPA Boundary Line Adjustment; therefore, an amendment to the City's MSCP Subarea Plan may be necessary.

Consistency with the City of San Diego MSCP

10. The Land Use Section of the Draft EIR should include a Consistency Analysis with the City of San Diego MSCP Subarea Plan (SAP). The Analysis should be in tabular form and demonstrate how the project complies with MSCP SAP Sections 1.4.2, 1.4.3, and 1.5.2 and any specific management directives pertaining to Cornerstone Lands.

MHPA Land Use Adjacency Guidelines (MSCP Section 1.4.3)

11. Due to the adjacency to the MHPA and Cornerstone Lands, the development will need to conform to all applicable MHPA Land Use Adjacency Guidelines (Section 1.4.3) of the City's MSCP Subarea Plan. In particular, lighting, drainage, toxics, landscaping, grading, brush management, access, and noise must not adversely affect the MHPA. Please demonstrate in the project biology report and draft environmental document how these issues are being addressed. Provide mitigation measures and/or project conditions as well as notes/conditions on the construction plans, as appropriate.

Myra Herrmann - Senior Planner/Archaeology/Tribal Liaison
Planning Department - Environmental & Resource Analysis
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Cultural Resources

The proposed project will require off-site road improvements to connect, realign and construct Proctor Valley Road, affecting City-owned/managed open space. Based on a preliminary review of archaeological site data for the area, these improvements have the potential to impact recorded archaeological sites and tribal cultural resources within the jurisdiction of the City of San Diego and as such, is subject to consultation in accordance with Assembly Bill 52 (Public Resources Code Section 21074). The CEQA Initial Study (Appendix G) prepared for the project does not acknowledge this requirement, nor does it incorporate the recent amendments to Appendix G addressing Tribal Cultural Resources as an issue area to be analyzed. As more information is obtained regarding potential impacts to such resources, coordinating with qualified City staff early in the process regarding the archaeological and tribal cultural resources analysis on City-owned lands, and during the AB 52 tribal consultation process, is highly recommended.

It should also be noted, that within the City of San Diego, archaeological sites which have been determined to be significant under CEQA are automatically eligible for local designation by the City's Historical Resources Board and could require a Site Development Permit if mitigation cannot be accomplished in accordance with the Historical Resources Regulations, Historical Resources Guidelines or the Secretary of the Interior Standards for Archaeological Resources. As such, qualified archaeological staff requests a copy of the draft cultural resources report and

confidential maps so we can determine which sites within our jurisdiction and permitting authority will require further oversight as noted below. Of specific concern is the City's ability to coordinate with the County early in the CEQA review process for the treatment of any sites that are within the City's jurisdictional boundaries, including those within City-owned/managed open space that will require review for permitting in accordance with the City's Historical Resources Regulations.

Although the County of San Diego is Lead Agency under for CEQA for this project, if human remains are encountered within City-owned public right-of-way or open space during any phase of the archaeological mitigation program (data recovery or monitoring), consultation in accordance with the California Health and Safety Code and the Public Resources Code must include qualified archaeological staff from the City of San Diego in order to assure that resources under our jurisdiction are being treated in accordance with City requirements. The treatment of human remains, associated artifacts, and soils discovered on projects within the City's jurisdiction may result in a different recovery, repatriation, or curation process than would be required under the County's permitting authority. This is true not only for Native American human remains, but for any archaeological site within the City jurisdiction. For this reason, early coordination on any archaeological issues within City-owned/managed open space will be required. This may require modification to the County's archaeological mitigation program or acknowledgment that additional measures may be adopted by the City for resources within our permitting authority.

During the City's discretionary permit review process, it is the intent that the decision-maker would likely adopt the County's MMRP for Archaeology, Tribal Cultural Resources, and Paleontology, assuming that any additional City requirements can be incorporated or addressed as part of the mitigation program. If not, then the City would incorporate our own mitigation requirements to any permits issued by the appropriate decision-maker to be adopted by resolution.

Kim Wehinger – Associate Planner/Natural Resources Planner
Public Utilities Department – Watershed & Resource Protection
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We have reviewed the NOP for an EIR dated December 15, 2016, and appreciate the opportunity to comment. The City of San Diego owns and operates Upper and Lower Otay reservoirs, and owns and manages a 2,782-acre source water protection buffer around the reservoirs and in Proctor Valley. These combined sites are designated Cornerstone Lands under the City's Multiple Species Conservation Program (MSCP). The drinking source water reservoirs are located downstream of Proctor Valley and will be affected by the proposed 1,284-acre Otay Ranch Village 14 and Planning Areas 16 and 19 development.

Local rain runoff captured in Upper and Lower Otay reservoirs contributes to the water supply for 1.3 million people in the City and neighboring communities. Lower Otay Reservoir also stores water imported from the Colorado River and northern California. The proposed development will significantly alter the natural landscape in Proctor Valley, likely leading to direct affects to water quality as water drains over and under the landscape.

Over 15 miles of streams and smaller water courses flow over the development site. All of the drainages convey source water to Upper Otay Reservoir, via Proctor Creek. Water impounded in Upper Otay Reservoir is transferred to Lower Otay reservoir. Managing salt and nutrient loading from the catchment into the reservoirs is key to protecting water quality. It is important to understand how the proposed development will affect water quality in the City's drinking source

water reservoirs. It is also important to understand how the proposed development will affect habitat health and the ecosystem services of the native landscape surrounding the site. There are several issues of concern that may occur in the reservoir catchment due to implementation of the proposed development.

General Comments

The Draft EIR should identify the City of San Diego's land and reservoirs on the project map and present a thorough analysis of the identified issues as well as reasonable alternatives, a cumulative analysis, and mitigation measures.

The City and the Village 14 share roughly two miles of parcel boundaries. It should be noted that potential unauthorized access to City land will likely result, due to the inclusion of 1,119 homes and associated Village Core on the 860-acre development adjacent to the City property.

Specific Comments

Air Quality

Nutrient loading as a result of anthropogenic land use changes can adversely affect native habitats and water quality in streams and reservoirs. Nitrogen is of particular concern at a watershed scale. Nitrogen enters the water supply as non-point source pollution, including deposition. It is a primary contributor to eutrophication and drives algae blooms. Atmospheric nitrogen deposition can increase soil nitrogen content over time and may shift habitat type in favor of weedy, non-native grasses.^[1] This cumulative effect may affect native landscapes and local water resources by increasing nutrient loads.

The Draft EIR should thoroughly analyze and discuss the additional nitrogen and the cumulative effect of nitrogen on water quality and the native landscape as a result of the proposed project. The analysis should include construction, as well as long-term energy consumption, and all aspects of landscape maintenance.

Biological Resources

An intact, native landscape has a great influence on and is a prime indicator of stream health. Cumulative disruption of terrestrial biological systems can degrade water quality. Nutrient and salt loading are of particular concern on a landscape scale because the proposed development includes 1,119 homes, over 20 acres of the Village Core, and widening of Proctor Valley Road on 860-acres adjacent to the City's Cornerstone Lands.

The Draft EIR should identify the link between the cumulative impacts on ecosystem services resulting from the development. The analysis should include potential upland and riparian habitat and water quality degradation, salt and nutrient loading over time, and potential impacts to the City's Cornerstone Lands from unauthorized access, night lighting, and edge effect of the urbanization.

^[1]Allen, Edith B., Rao, L., Steers, R.J., Bytnerowics, A., Fenn, M.E. 2009 *Impacts of Atmospheric Nitrogen Deposition on Vegetation and Soils at Joshua Tree National Park*

Please discuss the landscaped areas adjacent to Cornerstone Lands and what plant pallet will be used. We respectfully request that no plant species be introduced at the proposed project that are deemed invasive by the California Invasive Plant Council.

The abandonment of a portion of the current alignment of Proctor Valley Road for one east of the current roadway, presents an opportunity to mitigate impacts to biological resources onsite and restore the site's original hydrology. The abandoned segment of road should be fully restored.

Hydrology and Water Quality

Please include the following text in the Draft EIR Hydrology and Water Quality Section: *The land around Otay Reservoir has been owned and controlled by the City of San Diego as part of its water system for more than one hundred years. The City's Public Utilities Department manages these lands for the overarching purpose of protecting water quality in the City's source waters. All other management goals are subordinate to ensuring the health and safety of the public's water supply. Other beneficial uses of this land, such as the MSCP Cornerstone Lands, are overlays to this fundamental purpose and use.*

Best Management Practices

The DEIR should define what specific actions are planned for implementation adjacent to swales, streams, or other waterways to protect water quality and native habitat downstream. Please include a water quality analysis and detailed drawings of all site design measures, source control Best Management Practices (BMPs), and treatment control BMPs proposed to limit potential storm water pollutants.

All plants used for phytoremediation in swales and other bioremediation systems for storm water management should be identified. The species should have a high nitrogen uptake ability over time and not be invasive.

Please discuss how maintenance of the storm water systems will be accomplished and how funding in perpetuity is assured, including irrigation needs, plant and medium replacement requirements over time, and who will be responsible.

Salt and Nutrient Loading

Regional storm water regulations do not address salt and nutrient loading at the level needed to fully protect drinking source water reservoirs. Analysis of salt and nutrient loading to Proctor Creek and Otay Reservoirs should be conducted and discussed in the Draft EIR.

Recreation

Pressure for recreational access to San Diego County backcountry is increasing. The potential detrimental effects to water quality and to MSCP Cornerstone Lands from the significant intensification of residential land uses in Proctor Valley and adjacent to Otay reservoirs cannot be overstated. The Draft EIR should evaluate these potential effects in detail in associated sections such as Land Use and Planning, Public Services, Biological Resources, and Growth-Inducing Impacts.

An expanded discussion of the potential impacts to the City's MSCP land due to increased recreational uses should be disclosed. Trails from the project area will not link with existing

authorized trails in Proctor Valley and around Otay Reservoirs since they do not currently exist. The addition of people and their pets will lead to greater pressure for recreation on and around Upper and Lower Otay reservoirs. This will also lead, inexorably, to more unauthorized access and vandalism. History and experience show that development close to undeveloped rural reservoir properties greatly increases the scope and severity of problems such as trespassing, off road vehicle use, degradation of vegetation and soil, trash and hazardous material dumping, cultural resource looting, and a general increase in pollutants. At other city-owned reservoirs with adjacent development, there are dozens of unauthorized access points, miles of unauthorized trails, and continuing problems with vandalism, poaching, homeless encampments, and serious crime.

The Draft EIR should explicitly state that City-owned land around Otay Reservoirs and in Proctor Valley is not open to public use. This land is not parkland nor "open space." The Draft EIR should analyze the proposed project's effects on recreational uses, unauthorized access, off road vehicle use, etc. on City-owned land, even if these are unintended "spill over" effects.

The Draft EIR should explain how impacts from the network of proposed trails would be mitigated by this proposed project to reduce impacts on City-owned land and a major public water supply reservoir to less than significant.

Utilities and Service Systems

Please disclose what precautionary measures will be incorporated to protect water quality in Proctor Valley and Otay reservoirs should the sewer conveyance system malfunction. These precautionary measures should be included on the Tentative Map and in the permit conditions.

Mark Stephens - Associate Planner
Transportation & Storm Water Department - Storm Water Division
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Initial Study

IV. Biological Resources (Pages 14-16). The NOP Initial Study indicates the proposed project would have "potentially significant impacts" on biological resources. The project site is located generally northwest of the Jamul Mitigation Bank Phase IIB (Bank), and a portion of the project site may extend into the Bank or otherwise affect it if developed. The scale of mapping provided doesn't yet allow a precise determination. The Bank proposes to conduct stream and wetland restoration in the form of wetland re-establishment and enhancement along Jamul Creek and its tributaries. The property is publically owned by the California Department of Fish and Wildlife (CDFW), a State resource agency, and managed as an ecological reserve for species and habitat. The City has purchased critical mitigation credits within the Bank, and requests that the County consult with the Bank applicant, Rancho Jamul II Holding, LLC (Wildlands). We would also be happy to discuss this with the County. Please note the location of the Bank in relation to the proposed project, and avoid any potential adverse effects on the Bank. (Please refer to the attached map relating to the Rancho Jamul Mitigation Bank.)

IX. Hydrology and Water Quality (Pages 24-29). Please update information presented regarding water quality requirements to reflect the most recent provisions in effect, including the San Diego County Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO) effective February 26, 2016; the San Diego Regional Water Quality Control Board Municipal

Separate Storm Sewer System (MS4) Permit (Order No. R9-2013-0001, as amended by Order No. R9-2015-0001 and Order No. R9-2015-0100, NPDES No. CAS0109266); San Diego County Jurisdictional Runoff Management Program (JRMP); and San Diego County Best Management Practice (BMP) Design Manual, which replaced the San Diego County Standard Urban Stormwater Mitigation Plan (SUSMP). Please also add the San Diego Bay Watershed Management Area Water Quality Improvement Plan (WQIP) now in effect to the listing of applicable documents. Please also make these updates to other appropriate places in the Initial Study and other related documents where these topics are referenced.

Attachment: Aerial Photo of Rancho Jamul Mitigation Bank Phase IIB Area

Thank you for the opportunity to provide comments on the NOP. Please contact me directly if there are any questions regarding the contents of this letter or if the County would like to meet with City staff to discuss our comments. Please feel free to contact Susan Morrison, Associate Planner, directly via email at SMorrison@sandiego.gov or by phone at (619) 533-6492.

Sincerely,

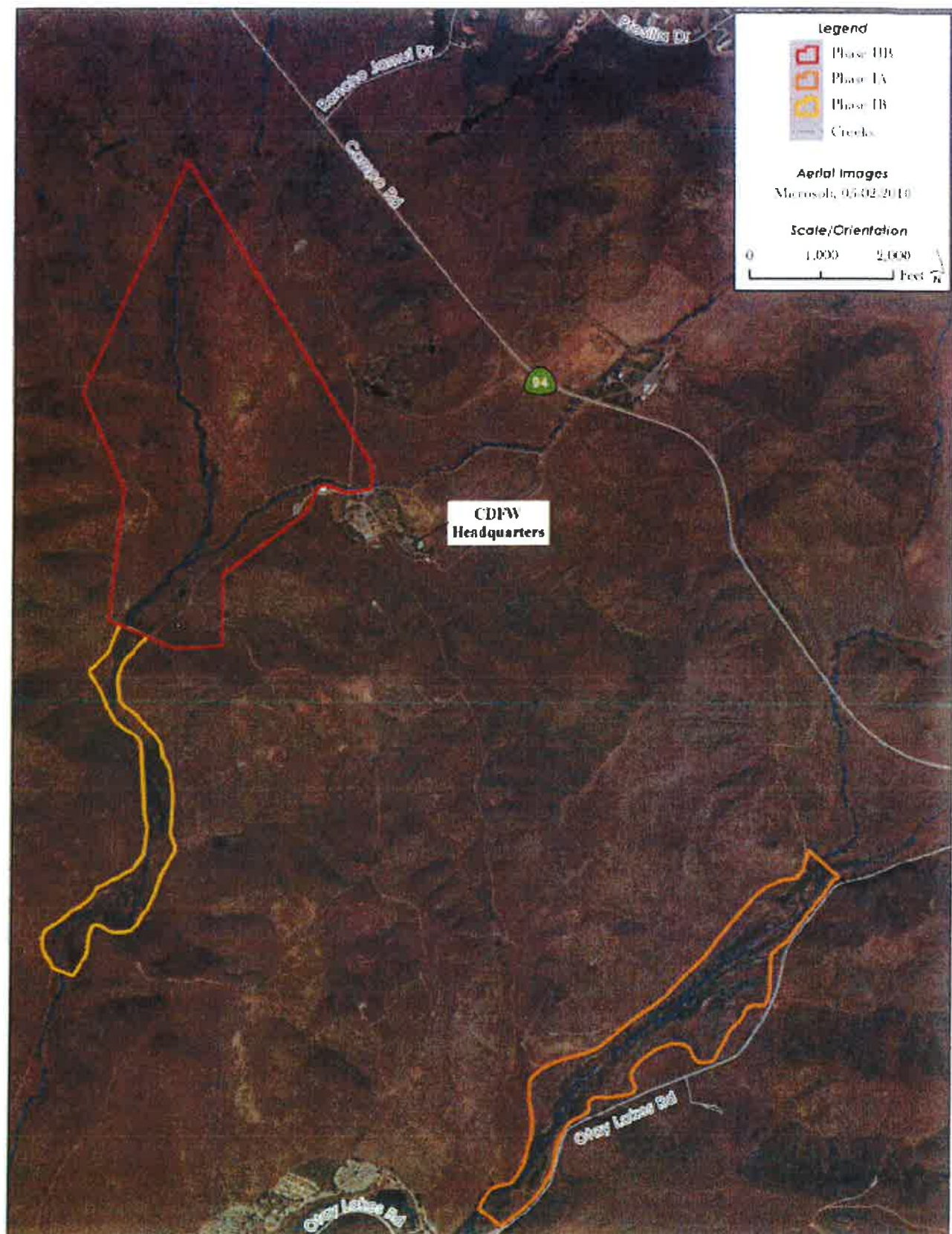
A handwritten signature in black ink, appearing to read "Alyssa Muto". Below the signature, the word "For" is written in a smaller, cursive script.

Alyssa Muto, Deputy Director
Planning Department

SM/sm

cc: Reviewing Departments (via email)
 Review and Comment online file

ATTACHMENT



WILDLANDS

Rancho Jamul Mitigation Bank Phase IIB
Prospectus

Figure 4
Aerial Photograph of Phase I and Phase IIB

