

O-8 THE CHAPARRAL LANDS CONSERVANCY

- O-8-1** The comment expresses appreciation for the opportunity to comment on the Draft EIR. The comment does not raise an issue regarding the Draft EIR; therefore, no further response is required or provided.
- O-8-2** The comment provides background information on The Chaparral Lands Conservancy (TLCL, or “the commenter”). The comment does not raise an issue regarding the Draft EIR; therefore, no further response is required or provided.
- O-8-3** The comment provides background information regarding the Proctor Valley Vernal Pool Restoration Plan. The comment does not raise an issue regarding the Draft EIR; therefore, no further response is required or provided.
- O-8-4** The comment provides background information regarding additional surveys for vernal pools, fairy shrimp, and western spadefoot toad on properties within Proctor Valley conducted since the release of the Proctor Valley Vernal Pool Restoration Plan. The comment does not raise an issue regarding the Draft EIR; therefore, no further response is required or provided.
- O-8-5** The comment provides background information regarding implementation of restoration on the City of San Diego’s Cornerstone Lands located west of the Project Area. The comment summarizes the goals of the TLCL’s restoration project, including restoration of vernal pools (Sites A and B in the TLCL Vernal Pool Restoration Plan) and uplands habitat along Proctor Valley Road.

The County notes that the long-term goal of the TCLC restoration project is to “obliterate Proctor Valley Road” and advises that (i) the County General Plan designates Proctor Valley Road as a mobility element road, and (ii) the MCSP identifies Proctor Valley Road as an approved facility. The comment does not raise an issue regarding the Draft EIR; therefore, no further response is required or provided. It should be noted, however, that the Proposed Project has been designed to avoid the vernal pools within sites A and B. The Proposed Project would re-align the portion of Proctor Valley Road between TCLC restoration project sites A and B to preclude impacts to these sites.

- O-8-6** The comment provides background information regarding another enhancement and restoration project initiated by TLCL in the Rancho Jamul Ecological Reserve, north of the realigned Proctor Valley Road between Otay Ranch Village 14 and Planning Areas 161/9. The comment does not raise an issue regarding the Draft EIR; therefore, no further response is required or provided.

- O-8-7** The comment states that the Proposed Project could result in significant direct and indirect impacts to vernal pools and vernal pool species and should be addressed with project design and/or mitigation.

The Draft EIR, Section 2.9, Biological Resources, analyzes project-related impacts on pools (referred to as “features” in the Draft EIR). One of the features analyzed in the Draft EIR is classified as a vernal pool (B2), which is located off-site approximately 300 feet from the proposed realigned Proctor Valley Road and the northern edge of Village 14. The Draft EIR and the Biological Resources Technical Report (Appendix 2.4-1 to the DEIR) also evaluated project-related impacts on special-status species, including San Diego fairy shrimp and western spadefoot.

- O-8-8** The comment suggests that the Draft EIR has omitted disclosure of a number of vernal pool areas on or near Otay Ranch, some of which were identified in a 1992 document, *A Report on the Flora of Otay Ranch Vernal Pools, 1990-1991*. The comment also suggests that the Draft EIR omits the results of several protocol surveys conducted for San Diego fairy shrimp in Proctor Valley and available from the USFWS. According to the comment, these documents and surveys show several more "vernal pools" supporting San Diego fairy shrimp than were identified in the Draft EIR. The comment also suggests that the Draft EIR omits vernal pools and floodplain scour pools identified in the *TCLC's Proctor Valley Vernal Pool Restoration Plan*.

The County notes that surveys to identify branchiopods (fairy shrimp) in vernal pools in the Proctor Valley region have occurred over the last several decades and were first recorded in 1978 (AECOM and Hogan 2012; Appendix F of the Biological Resources Technical Report). Many of these surveys were conducted prior to the USFWS 1996 Interim Survey Guidelines, which formalized survey methods for listed large branchiopods. When preparing the Draft EIR, the project biologists consulted both the 1992 study titled *A Report on the Flora of Otay Ranch Vernal Pools, 1990-1991* prepared by Dudek (the “1992 Dudek Report”) and the *Proctor Valley Vernal Pool Restoration Plan* prepared by AECOM and Hogan in 2012 (the “2012 AECOM and Hogan Report”), both of which document earlier studies and provide results from two years of USFWS branchiopod protocol level surveys.

The County notes that while criteria for identifying vernal pools throughout Otay Ranch have not changed, the technologies have improved. Many of the earlier studies, including the 1992 Dudek Report itself, were based on vernal pool studies that used older methods and technologies that have since been superseded. Thus, the more recent habitat assessments and subsequent vernal pool branchiopod surveys

conducted specifically for the Draft EIR better and more accurately reflect actual existing conditions at the Project Site.

For example, though the botanists who conducted the surveys discussed in the 1992 Dudek Report had extensive field experience, they mapped vernal pools by identifying the elevation at which the greatest visible change in plant abundance occurred (page 20 of Dudek & Associates 1992). Base maps were typically aerial photographs; and USGS or project-level topographic maps upon which vernal pools were delineated were produced by hand. Current methods have the advantage of sub-meter accuracy using GPS technology and digital mapping techniques. The results of early surveys cannot be completely replicated today. This is largely due to different field methods, improved mapping precision, and on-the-ground changes in habitat conditions that have occurred over time. The County notes that habitats related to fairy shrimp are microhabitats and not landscape level habitats. For all of these reasons, the impact analysis in the Draft EIR is based on the protocol surveys for listed vernal pool branchiopods in the Project Area, not other surveys elsewhere in Proctor Valley.

Nevertheless, the County provides the following information to explain how the surveys from the 1992 Dudek Report compare with, and were integrated into, the more recent vernal pool surveys conducted specifically for this EIR:

The 1992 Dudek Report describes four vernal pool complexes that were identified within or adjacent to the Project Area: R1, R2+, R3+ and R4+.

The R1 complex is located within the City of San Diego Cornerstone Lands outside of the Project Area. It is, however, bisected by the existing Proctor Valley Road. The R1 complex is being rehabilitated as part the Proctor Valley Vernal Pool Restoration Project.

The 1992 Dudek Report identified the R2+ complex within what is now the Project Area, specifically within the Otay Ranch RMP Preserve just north of the R1 complex. The 2014-2016 habitat assessments and protocol surveys for the Draft EIR, however, were not able to locate the R2+ complex or any features associated with it.

The 1992 Dudek Report identified the R3+ complex along Proctor Valley Road outside the Project Area but very near the existing alignment of Proctor Valley Road. The 2014-2016 habitat assessments and protocol surveys for the Draft EIR were able to locate the R3+ complex and determine that most of the features within it did not constitute vernal pools. One feature, however, which the Draft EIR designates B2, did

meet the vernal pool criteria.

The 1992 Dudek Report identified the R4+ complex as being partially located on lands owned and managed by CDFW and partially located within what is now the Development Footprint. However, the 2014-2016 habitat assessments and protocol surveys were not able to locate the R4+ complex or any feature associated with it.

During 2010-2011, the City of San Diego, the Chaparral Lands Conservancy, and AECOM mapped potential vernal pool features in Proctor Valley to assist in the preparation of the *Proctor Valley Vernal Pool Restoration Plan* (Restoration Plan) (AECOM and Hogan 2012). Additionally, Rocks Biological Consulting and the Branchiopod Research Group at San Diego State University (SDSU) completed vernal pool surveys in the Valley to document vernal pool species for the Restoration Plan. As shown on Figures 3f, 3i, 3k and 3n of the Proctor Valley Vernal Pool Management Plan, some of the areas surveyed include private lands owned by the applicant and are within the Project Area.

In 2014 Dudek conducted a habitat assessment utilizing all of the available vernal pool data for the Project Area, including the 1992 Dudek Report, the AECOM and Hogan 2012 studies, and the surveys conducted by Rocks Biological Consulting and the SDSU Branchiopod Research Group. In addition, Dudek biologists reviewed the specific on-site microhabitats (e.g., flat topography, soil types, and slopes) and the potential vernal pool locations provided in the Proctor Valley Vernal Pool Restoration Plan (AECOM and Hogan 2012) (page 79).

As mentioned above, during the 2014 habitat assessment, none of the pools or features identified in the 1992 Dudek Report were observed in either the R2+ complex or the R4+ complex. Although these features were not observed during the 2014 habitat assessment, any features identified by the AECOM and Hogan 2012 studies that had a potential to be either directly or indirectly impacted by the Proposed Project were included within the survey study area for review during the rainy season to see if any features emerged. None of the features mapped within the R2+ and R4+ complexes filled with water during the two years of wet season surveys. Thus, neither complex was included in focused surveys conducted from 2014 through 2016.

Other pools within the vicinity did fill and hold water during this time period. For this reason, the Biological Resources Technical Report (Appendix 2.4-1 of the Draft EIR) concludes that there are no features within the R2+ and R4+ complexes. Road ruts were identified along Proctor Valley Road near the R4+ series (Draft EIR Figure 2.4-8b and Figure 2.4-8d) but they were not in the locations described in the 1992 Dudek

Report. The AECOM and Hogan 2012 study maps one of the R4+ features as a “potential vernal pool” and notes that the other pools were no longer present. No indicator plants were observed in the areas identified in the 1992 Dudek Report as the R2+ and R4+ complexes.

The R1 complex and the R3+ complex identified in the 1992 Dudek Report were located during the 2014 habitat assessments and some features were surveyed during the 2014-2016 protocol surveys. None of these features, however, will be directly impacted by the Proposed Project. The R1 complex is currently divided by Proctor Valley Road and is the focus of current City of San Diego restoration activities identified in the Proctor Valley Vernal Pool Restoration Plan (Restoration Plan) (AECOM and Hogan 2012). The Proposed Project would realign Proctor Valley Road in this location for the express purpose of avoiding this complex and restoration area. The Proposed Project could have indirect impacts on pools within R1, but these were determined to be less than significant (See **Response to Comment O-8-17**).

The R3+ complex includes the only vernal pool observed during the habitat assessment and subsequent USFWS protocol surveys conducted by Dudek from 2014 to 2016. That vernal pool is identified as B2 in the Draft EIR for the Proposed Project. The Proposed Project would realign Proctor Valley Road at this location specifically to avoid direct impacts to the R3+ complex and the B2 vernal pool. The Proposed Project may have indirect impacts on B2, but the recommended mitigation measures would reduce these impacts to a less than significant level.

O-8-9 The comment states that the Draft EIR entirely omits the R2+ and R4+ vernal pool areas identified in the 1992 Dudek & Associates report, including 9 basins in the R2+ area located just east of the proposed development in the western portion of Village 14. According to the comment, the 1992 report also identified three basins in the R4+ vernal pool area located in the western development area of Planning Areas 16/19.

As stated in **Response to Comment O-8-8**, these areas were included in the habitat assessment and subsequent focused surveys conducted for the Proposed Project from 2014 to 2016. The County notes that while the 1992 report provides valuable information for the general locations of vernal pool areas and other features that could be occupied by listed branchiopods, as described in detail in **Response to Comment O-8-8**, the methods used to delineate these features were less refined than those used during the more recent surveys. For these reasons, the protocol surveys conducted in the Project Area for this EIR provide the best available information for the purpose of CEQA. Importantly, Dudek biologists, during the 2014-2016 habitat assessments, attempted to re-locate the R2+ and R4+ complexes but were unable to do so. It is

perhaps the case that the original mapping for R2+ and R4+ was incorrect or the two complexes no longer exist. In either case, they could not be re-located.

- O-8-10** The comment states that some of the R2+ features identified in the 1992 Dudek Report and associated watersheds could be directly or indirectly impacted by development of the western portion of Village 14 and associated rural residential road.

As explained in **Response to Comment O-8-8**, the complexes identified in the 1992 Dudek Report were included in the 2014-2016 habitat assessment and protocol surveys for listed large branchiopods. However, the habitat assessments and subsequent field verifications were not able to locate the R2+ complex or any features associated with it.

While the 1992 report provides valuable information for the general locations of vernal pool areas and other features that could be occupied by listed branchiopods, the methods used to delineate these features were not as precise as current GPS methods. For these reasons, the 2014 to 2016 protocol branchiopod surveys conducted in the Project Area provide the best available information for the purpose of CEQA. Please refer also to **Response to Comment O-8-8**.

- O-8-11** The comment states that all three R4+ features identified in the 1992 Dudek & Associates report would be impacted by development in Planning Areas 16/19.

Please refer to **Response to Comment O-8-8**. As stated in that response, none of the features within the R4+ complex were observed during habitat assessments or protocol surveys conducted for the Proposed Project from 2014 to 2016.

- O-8-12** The comment states that the 1992 Dudek & Associates report identified three R3+ vernal pools in the same area as seven features identified in the Draft EIR northeast of the Village 14 Development Footprint within the Ranch Jamul Ecological Reserve.

The Draft EIR indicates that two of the features support San Diego fairy shrimp and one supports western spadefoot. Dudek & Associates also found San Diego button-celery at this site. The County notes that the comment provides background information regarding vernal pools. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-8-13** The comment states that the TCLC uses the R3+ site to track control conditions for the vernal pool restoration project and it is the site for another restoration project. The comment provides information on the number of vernal pools and species in the R3+ area. The County notes that the comment provides background information. The

comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-8-14** The comment states that these R3+ features could be subject to indirect edge impacts from development and the realigned Proctor Valley Road.

One vernal pool (identified as B2 in the Draft EIR) was observed within the R3+ vernal pool complex during the habitat assessment and subsequent protocol surveys conducted for the Proposed Project from 2014 to 2016. Please also refer to **Responses to Comments O-7-15** and **O-8-8** for a detailed discussion of indirect impacts to Feature B2 and proposed mitigation.

- O-8-15** The comment suggests that mitigation for vernal pool impacts on the Rancho Jamul Ecological Reserve and elsewhere on Otay Ranch could be accomplished with funding to TCLC for the planned Rancho Jamul Vernal Pool & Uplands Habitat Restoration Project at the R3+ site.

The comment suggests that mitigation, in the form of funding a TCLC restoration project, could be provided for impacts to vernal pools. As there are no significant direct impacts to vernal pools from the Proposed Project (refer to page 2.4.1 of the Draft EIR, Section 2.4.3.3, Guideline 4.3: Jurisdictional Wetlands and Waterways), and no mitigation for direct impacts are required. Mitigation is provided for potential indirect impacts; see **Response to Comment O-8-21 and O-7-15** for indirect impacts to vernal pool B2 located within the R3+ complex.

- O-8-16** The comment states that more vernal pools and special-status vernal pool species are located in the Otay Lakes Cornerstone Lands (Cornerstone Lands) west of Village 14. The comment further states the 1992 Dudek & Associates report identified 19 R1 pools in the area, and the Draft EIR identifies almost the same number of features. The comment also states that TCLC found 47 pools in this same area. The comment provides additional information about vernal pools west of Central Village 14 and east of current Proctor Valley Road. This information provides off-site contextual information that is applicable to the following comments. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-8-17** The comment refers to Attachment 6 of the comment letter showing that the watershed for the R1 vernal pools located on Cornerstone Lands (TCLC restoration area) extends well inside the central Village 14 development area. The comment also describes field observations of rainwater sheet flow from Village 14 into a natural

system of swales and vernal pools on the Cornerstone Lands that contribute to ponding of the R1 vernal pools. The comment states that development of the central portion of Village 14 and resulting alteration of the vernal pool watershed could cause significant indirect impacts to vernal pools, listed and special-status vernal pool species, designated critical habitat and the restoration project.

As explained in **Response to Comment O-8-8**, the R1 vernal pool complex is currently bisected by the existing alignment of Proctor Valley Road. It is also being rehabilitated through the Proctor Valley Vernal Pool Restoration Project. The Proposed Project would realign Proctor Valley Road to avoid the R1 complex, thus precluding any project-related direct impacts on the resources there. The Proposed Project would, however, could create the potential for indirect runoff impacts on R1. Dudek assessed this potential effect by mapping the watersheds for each pool identified during the 2014 habitat assessment. Site B is the portion of the R1 vernal pool complex/restoration site that could be impacted by the Proposed Project. Based on that mapping, Dudek determined that the watersheds for the pools are much smaller than what is identified in the map provided as Attachment 6 of the comment letter. Based on Dudek's mapping of these watersheds, there is a marginal (0.0005 acre) overlap with the Proposed Project and a feature's watershed. Further, to address potential indirect impacts of the Proposed Project, a 100-foot buffer around the watershed of the R1 vernal pool complex would be provided. Therefore, the Proposed Project is not expected to significantly directly or indirectly affect the watersheds of the features mapped within site B.

O-8-18 The comment requests that the Proposed Project mitigate impacts to the R1 vernal pools watershed in part by implementing project design features to provide filtered stormwater runoff from the project into the adjacent vernal pool area. The comment suggests this could be accomplished with a drainage system in the western portion of the central Villa 14 development area that directs runoff to a detention basin(s) and a gravity filtration system and percolation area that provide dispersed discharge of filtered stormwater to the vernal pool area. As the Draft EIR determined that the R1 vernal pool watershed does not overlap with the Project Area (see Response O-8-17) and did not identify any project-related significant effect with respect to vernal pools, no mitigation is required. Since the watershed is outside of the Proposed Project, water flow to the features identified within the R1 complex (restoration site B as identified in the Restoration Plan) would not be restricted. Adding water from stormwater runoff as the comment suggests would be providing more water to the site than it could likely handle and may negatively affect the features located in R1. Thus,

the County cannot impose the mitigation measure requested by the commenter. No further response is required.

O-8-19 The comment requests that additional funding for any impacts to vernal pools in the area be provided to TCLC to restore nearby vernal pools described in the comment. As the Draft EIR did not identify any project-related significant impact to vernal pools, no mitigation is required. Thus, the County cannot impose the mitigation measure requested by the commenter. No further response is required.

O-8-20 The comment notes that other vernal pools and potential vernal pools identified by TCLC are located on Cornerstone Lands immediately west and south of the Village 14, as shown in Attachment 1, figures 3d and 3f, to the comment letter. The comment states that at least two of the pools support San Diego fairy shrimp and that possible pools in this area should be surveyed for branchiopods.

As described in Section 3.3.8 of the Biological Resources Technical Report (Appendix 2.4-1 to the Draft EIR), a habitat assessment and mapping of potential features (i.e., vernal pools, ephemeral basins, and road ruts) was conducted throughout the study area in April and June 2014. The study area used for conducting vernal pool branchiopods habitat assessment and surveys included areas outside of the Project Area that could be impacted by the Proposed Project. During these efforts, Dudek biologists reviewed the specific on-site microhabitats (e.g., flat topography, soil types, and slopes) and the potential vernal pool locations provided in the Proctor Valley Vernal Pool Restoration Plan (AECOM and Hogan 2012, page 79). Specifically, the features identified in Figure 3d of Attachment 1, which are along the Proposed Project boundary, were reviewed during the habitat assessment and monitored during the 2014/2015 and 2015/2016 wet season surveys. None of these features ponded during those survey periods and thus focused surveys were not conducted. The features identified in Figure 3f of Attachment 1, were also reviewed during the habitat assessment. Those features that ponded long enough to meet the USFWS survey requirements were surveyed. The full survey reports are provided as Appendix F of the Biological Resources Technical Report. The two features identified on Figure 3f of the Attachment as supporting San Diego fairy shrimp were mapped during the habitat assessment but did not fill during the 2014/2015 or 2015/2016 survey years. Regardless, these features will not be directly impacted by the Proposed Project. In fact, Proctor Valley Road will be realigned away from the features. Since Proctor Valley Road is currently located immediately adjacent to the features, indirect impacts will be reduced by relocating the road.

- The Draft EIR relies on two consecutive years (2014/2015 and 2015/2016) of protocol fairy shrimp surveys (including both wet and dry season surveys). The County determined these surveys and the subsequent analysis of fairy shrimp to be adequate for the purposes of CEQA. Additional surveys outside of the Project Area are not required.
- O-8-21** The comment suggests that the pools referenced in **Comment O-8-20** may be indirectly impacted by construction and edge effects from the southern Village 14 development area and the realigned Proctor Valley Road. Several mitigation measures in the Draft EIR will be implemented to address potential temporary construction-related and permanent indirect effects to protect off-site resources such as vernal pools and San Diego fairy shrimp, including mitigation measures M-BI-1 (biological monitoring), M-BI-2 (temporary construction fencing), M-BI-14 (stormwater pollution prevention plan), M-BI-15 (erosion and runoff control), M-BI-16 (prevention of invasive plant species), and M-BI-17 (prevention of chemical pollutants). These mitigation measures are described in detail in Section 2.4.6, Mitigation, of the Draft EIR.
- O-8-22** The comment notes that TCLC and TCLC contractors identified several "artificial vernal pools" supporting western spadefoot and branchiopods (species unconfirmed) and floodplain scour pool wetlands on Cornerstone Lands preserve near the existing Proctor Valley Road crossing of "Proctor Valley Creek", as shown in Attachment 1, figures 3b and 3c, to the comment letter. The comment suggests that these artificial vernal pools could be indirectly impacted by construction and edge effects from Village 14 development and the realigned Proctor Valley Road. The comment further suggests that construction of the realigned Proctor Valley Road may directly and indirectly impact several of the floodplain the scour pool wetlands. The features identified in Figure 3b of Attachment 1 would not be directly or indirectly impacted by the Proposed Project. These features are located outside of the Development Footprint and are approximately 1,300 feet from the current alignment of Proctor Valley Road. The features will be almost 2,000 feet from the realigned road. Dudek reviewed the artificial pools shown in Figure 3c of Attachment 1 during that habitat assessment and monitored the pools during the 2014/2015 and 2015/2016 survey season. The majority of the artificial pools did not fill during either survey year and were not included in the focused surveys. These features will not be directly impacted by the Proposed Project but may be indirectly impacted by the Proposed Project. Refer to **Response to Comment O-8-21** regarding indirect impacts that have the potential to affect the two artificial pools identified in the Proctor Valley Vernal Pool Management Plan.

Regarding the areas mapped as “floodplain scour pool wetlands,” these features are not subject to regulation by any agency. A formal delineation was conducted for the Proposed Project in 2014 and did not identify these areas as wetlands under the regulation of the ACOE, RWQCB nor CDFW.

- O-8-23** The comment states that the text of the comment letter does not describe all of the Proctor Valley pools that have been omitted from the Draft EIR’s biology section. The comment then states that Attachments 1 through 6 to the comment letter provide “information on the location of all vernal pools, vernal pool species, and other wetlands documented by TCLC.” The commenter is referred to **Response to Comment O-8-20**.

The Attachments to the comment letter have been reviewed. The Draft EIR describes all features, including vernal pools, potentially impacted directly and/or indirectly by the Proposed Project. Thus, the features evaluated in the Draft EIR comprise a subset of the total number of pool features which currently exist (or historically existed) within Proctor Valley as a whole.

- O-8-24** The comment states that road crossings of “Proctor Valley Creek (Creek)” and major tributaries from improvements to Proctor Valley Road could result in significant impacts to hydrology and wetlands on the Rancho Jamul Ecological Reserve that should be addressed through project design and/or mitigation. The County acknowledges the comment as an introduction to comments that follow. No further response is required or provided.

- O-8-25** The comment notes that the proposed realignment of Proctor Valley Road would cross the “Creek” on the Cornerstone Lands southwest of the Village 14 Development Footprint and that this area is important to the hydrologic function of the “Creek”, supports several scour pool wetlands (shown on Attachment 1, figure 3b and 3c to the comment letter), and is an important wildlife corridor. The comment introduces comments that follow and the document incorporated by reference. No further response is required or provided.

- O-8-26** The comment states that the proposed realignment of realigned Proctor Valley Road would directly and indirectly impact several of the unique floodplain scour pools. The comment also states that realigning the road could compromise “Proctor Valley Creek” hydrology depending on the type of crossing constructed in this location. The comment furthers states culverts or bridges that span just a primary “creek” channel can result in constriction of high flows upstream and accelerating scouring flows downstream of the crossing. The comment suggests at this road crossing, the entire floodplain of “Proctor

Valley Creek,” and not just the primary “creek” channel, should be bridged to prevent altered hydrology, channel modification, scouring, and erosion, and other significant impacts to “Proctor Valley Creek” and wetlands upstream and downstream of the crossing. A bridge spanning the floodplain would minimize significant impacts and maintain the function of this important wildlife corridor. Lastly, the comment states the proposed realignment should be adjusted to avoid impacts to unique scour pool wetlands.

The County notes that the drainage that the commenter refers to “Proctor Valley Creek” is not mapped by FEMA, so there is no defined FEMA flood plain. However, the Draft EIR Appendix 3.1.2-1 CEQA Drainage Study, Otay Ranch Village 14 and Planning Areas 16/19 includes hydraulic calculations showing the proposed 160- foot bridge crossing by Proctor Valley Road South conveys the 100-year frequency storms without adversely affecting flows or erosive velocities.

As contained in Section 3.1.2.2.1 of the EIR, construction impacts to “Proctor Valley Creek” due to development of the Proposed Project would be minimized through compliance with the Construction General Permit (SWRCB Order 2009-0009-DWQ, as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ). This permit requires the discharger to perform a risk assessment for the proposed development with differing requirements based on the determined level. Also, the permit requires preparation and implementation of a SWPPP that must include erosion and sediment control BMPs that would meet or exceed measures required by the determined risk level of the Construction General Permit. Therefore, the Proposed Project is designed to prevent alteration of hydrology, channel modification, scouring, and erosion.

In conformance with the Otay Ranch GDP/SRP and Otay Ranch RMP, three wildlife crossings would be provided under Proctor Valley Road to allow for wildlife movement through natural topography, including creeks and ephemeral channels. A wildlife crossing/bridge is located at crossing 4, within Cornerstone Lands as shown on Figure 5-7 of the Biological Resources Technical Report, Appendix 2.4-1 to the Draft EIR. This crossing supports movement within the major local corridor L3. The bridge 160 feet wide with a soft bottom, which allows for a natural corridor for wildlife to move through, exceeds the length-to-width ratio of less than 2, provides line of site through the bridge along with natural lighting and is therefore in conformance with the guidelines set forth in the MSCP County Subarea Plan.

In addition, as described on page 2.4-103 of the Draft EIR, this crossing has been designed to create an openness ratio (calculated as $W \times H/L$ of the crossing in meters) of greater than 0.6, which is the minimum “openness” for crossings to facilitate the

movement of mule deer (Reed et al. 1979). The openness ratio provides a quantitative standard for likely success of a wildlife crossing. Providing a movement corridor suitable for mule deer ensures that other large mammals would use the corridor. The openness ratio ensures that the crossing will facilitate movement of mule deer and then movement of large mammals. One of the MSCP County Subarea Plan design criteria guidelines is to provide a crossing with the size and height of opening so that there is direct line of sight from one end to the other. Since the openness ratio was designed to measure ambient light in the passage, all crossings were designed to meet the minimum openness ratio rather than relying solely on the 2:1 length to width ratio suggested in the MSCP County Subarea Plan.

Therefore, the wildlife crossings/culverts within the Project Area, and specifically the one within the Cornerstone Lands, were designed specifically to allow for wildlife movement through these drainages. These crossings are shown on Figures 5-4 through 5-7 of Appendix 2.4-1 to the EIR and include the openness ratio.

- O-8-27** The comment states that the realigned Proctor Valley Road would cross a major ephemeral tributary to “Proctor Valley Creek” that is important to the hydrologic function of the “Creek” and is also an important wildlife corridor. According to the comment, the entire floodplain of the tributary should be bridged to protect hydrological functions and the wildlife corridor.

The County notes that this ephemeral tributary crossing is located on Cornerstone Lands between the southern and central Village 14 development areas. Proctor Valley Road does not cross the “Proctor Valley Creek” at his location. The County notes that this is not a “major” ephemeral tributary. The ephemeral tributary identified in the comment is not mapped by FEMA, so there is no defined FEMA flood plain. However, Appendix 3.1.2-1 CEQA Drainage Study, Otay Ranch Village 14 and Planning Areas 16/19 includes hydraulic calculations showing the proposed arch culvert crossings of the ephemeral tributary by Proctor Valley Road safely convey the 100-year frequency storms without adversely affecting flows or erosive velocities. The proposed road crossing of the ephemeral tributary would be a 34-foot-wide and 12-foot-high culvert, with an openness ratio of 0.78 meters, as shown as Crossing 3 in Figure 5-6 of the Biological Resources Technical Report, Appendix 2.4-1 to the Draft EIR.

- O-8-28** The comment refers to the Rural Residential Road that would be constructed to access the western development area of Village 14. The comment states that the Rural Residential Road crossing should bridge the entire “Creek” floodplain in the Village 14 location to avoid altered hydrology, channel modification, scouring, and erosion, and

other significant impacts to the “Creek” and wetlands upstream and downstream of the crossing. A bridge crossing would also maintain its function as a wildlife corridor.

This drainage is not mapped by FEMA so there is no defined FEMA flood plain. However, Appendix 3.1.2-1 CEQA Drainage Study, Otay Ranch Village 14 and Planning Areas 16/19 include hydraulic calculations showing the proposed arch culvert crossings by Rural Residential Road access to Neighborhood R-12 safely convey the 100-year frequency storms without adversely affecting flows or erosive velocities. Thus, a bridge is not necessary to safely convey the flows.

The Rural Residential Road is Crossing 2 shown on Figures 5-3 and 5-5 of the Biological Resources Technical Report, Appendix 2.4-1 of the Draft EIR. This crossing would be an 84-foot-wide and 15-foot-high culvert with a soft bottom which allows for a natural corridor for wildlife to move through. It has an openness ratio of 1.8.

O-8-29 The comment states that development storm water runoff onto the Cornerstone Lands and the Rancho Jamul Ecological Reserve could result in erosion, pollution and destruction of wetlands, and other significant impacts that should be addressed with project design and/or mitigation.

The Draft EIR Appendix 3.1.2-2 Major Stormwater Management Plan for Otay Ranch Village 14 and Planning Areas 16/19 analyzes and provides mitigation for the runoff from the proposed development. The methodology for this analysis and all other projects under jurisdiction of the San Diego RWQCB is predicated on point discharge mitigation. This requires that each and every storm drain outlet for the entire project is mitigated for point source pollutants and hydromodification. Since every outlet of every project must be mitigated, cumulative impacts are also mitigated.

In addition, the Draft EIR analyzes construction-related impacts on hydrology in Section 3.1.2.2.2.1, Hydrology, Construction Impacts, on pages 3.1.2-14 and 3.1.2-15. That analysis determined that such impacts would be less than significant “[w]ith the implementation of site design features, low-impact design features, BMPs, and compliance with the Construction General Permit and the General Order for Dewatering.” Further, per the State Water Resources Control Board Construction General Permit Order 2009-0009-DWQ, a Storm Water Pollution Prevention Plan, which would include site monitoring program that identifies monitoring and sampling requirements during construction, would be required prior to any clearing, grading of disturbances to the natural ground.

- O-8-30** The comment requests that the County explain how storm water runoff from the Project Area onto Preserve lands will be prevented or its effects (e.g., erosion and pollution) mitigated to less than significant. The County acknowledges the comment and refers the commenter to **Response to Comment O-8-29**.
- O-8-31** The comment asks how storm water runoff from Single Family 2, R-5 and R-6 designations in Village 14 and water potentially polluted by dog waste from dog parks in the Scenic Park (P-3) will be prevented from draining directly onto the adjacent, lower elevation vernal pool area and the TCLC restoration area on Cornerstone Lands.

The runoff from all of the developed areas of Single Family 2, R-5 and R-6 and Scenic Park (P-3) are collected and routed to the Biofiltration/Hydromodification Basin in OS-1. Appendix 3.1.2-2, Major Stormwater Management Plan, to the Draft EIR, analyzes and provides mitigation for the runoff from the proposed development. The methodology for this analysis and all other projects under jurisdiction of the San Diego RWQCB is predicated on point discharge mitigation. This requires that each and every storm drain outlet for the entire project is mitigated for point source pollutants and hydromodification. Therefore, all pollutants of concern, including dog waste, will be mitigated prior to releasing flows to the unnamed drainage channel within Proctor Valley. Flows from the Biofiltration/Hydromodification Basin OS-1 are not tributary to vernal pools. Therefore, the Proposed Project is designed to prevent storm water from impacting sensitive off-site biological resources.

- O-8-32** The comment asks how modification of natural runoff onto the Cornerstone Lands will be prevented from harming vernal pool hydrology and the TCLC restoration project. Please refer to **Response to Comment O-8-29**.
- O-8-33** The comment states that unauthorized public recreation and vehicle access from the development areas, as well as legitimate trails, is a potentially significant impact that should be addressed through project design and mitigation.

Impacts from unauthorized off-road use/human activity are analyzed in the Draft EIR Section 2.4.3.1. The Draft EIR identifies Impact BI-10 for special-status plants and Impact BI-12 for special-status wildlife. Mitigation measure M-BI-5 (fencing and signage) is provided for as mitigation for potential impacts from increased human activity, including unauthorized activities. Specifically, Mitigation Measure M-BI-5, requires, “an open space fence or wall [to] be installed along all open space edges where open space is adjacent to residential uses, along internal streets, and as indicated in the Proctor Valley Village 14 and Preserve Edge Plan and Proposed

Fencing, Preserve Signage, and Fuel Modification Zones” (see Draft EIR, Section 2.4.6, Mitigation Measures, page 2.4-138).

In addition, the Otay Ranch RMP Preserve is managed by the Preserve Owner/Manager (POM) via the guidelines provided in the Otay Ranch RMP Phase I and Phase II. RMP Phase I identifies Preserve areas within Otay Ranch and contains policies for species and habitat conservation and long-term management of the Preserve. RMP Phase II includes Otay Ranch-wide studies that provide details on conveyance, management, and funding for the Otay Ranch RMP Preserve. Portions of the RMP Phase II were adopted by the County of San Diego, and the RMP has been incorporated in the Chula Vista MSCP Subarea Plan (City of Chula Vista and County of San Diego 1993a). The County of San Diego and the City of Chula Vista were in the process of updating the Phase 2 RMP as of the writing of the response. The Otay Ranch RMP Preserve was designed and is managed specifically for protection and enhancement of multiple species present on Otay Ranch. These guidelines include management of illegal access and unauthorized trail use.

The Specific Plan (Section C, III – Circulation Plan) and Tentative Map (Sheet 3) depict street sections on Proctor Valley Road which include landscape parkways on either side of the street, landscape medians, No Parking, and a split rail fence (along the community pathway) to restrict access to the Preserve land.

O-8-34 The comment states that unauthorized off-road vehicle use in the Project region is a long-standing problem and will worsen with new residential development. The County notes that the comment both states background information and expresses opinions about off-road activity in the Project region. The Draft EIR Chapter 1, Project Description, notes there is “currently a network of unauthorized, primitive trails of various tread widths throughout Proctor Valley” (Draft EIR, pp 1-14), and that the applicant “is participating in this Trail Study as an interested property owner and stakeholder” (Draft EIR, page 1-14). The comment does not raise a specific issue concerning the adequacy of the Draft EIR in addressing increased human activity, including off-road vehicle use. For more information on this issue, please refer to **Response to Comment O-8-33**.

O-8-35 The comment states that unauthorized mountain biking in the Project Area is increasing and will additionally increase with new residential development.

Signage and fencing would be placed between the Proposed Project and the Preserve to deter unauthorized use within the Preserve. Please also refer to **Response to Comment O-8-33**.

- O-8-36** The comment provides recommendations about the structure of fencing (e.g., height) along the Preserve boundaries in relation to several "Public Parks" that would protect biological resources in the Preserve such as the vernal pool restoration area on the Cornerstone Lands. The comment states that "wildlife-friendly" fencing should be used where appropriate to avoid impacts to wildlife movement corridors.

As stated in **Response to Comment O-8-33**, the Draft EIR recommends Mitigation Measure M-BI-5 which requires fencing and signage. With implementation of mitigation measures, including mitigation measure M-BI-5, the Draft EIR determined that indirect impacts would be reduced to less than significant (see Draft EIR, Section 2.4.7, Conclusion).

As shown in the Preserve Edge Plan on Exhibit 16, Conceptual Fence and Wall/Access Plan, post and rail fencing, walls, or 6-foot chain link fence are planned along the perimeter the Project Area and along Proctor Valley Road to control access and to preserve views out of and into areas such as parks. Appropriate signage will be posted notifying the public of Preserve access restrictions. Fencing is not a requirement of the MSCP County Subarea Plan. Chapter 1, Section 1.10. – Guideline D of the MSCP County Subarea Plan states: Fencing along the preserve boundary is desirable but not mandatory and may provide a barrier to fire, invasive species, and uncontrolled human access. Should a landowner or preserve management decide to install fencing, the type, style and height must conform to existing regulations or those included in the applicable Specific Plan. Fencing design takes into account the need to protect sensitive biological resources, access to the Preserve and community needs.

Wildlife crossings have been provided to facilitate movement surrounding the Proposed Project (see Section 2.4.3.4 of the Draft EIR and Figure 5-7 of the Biological Resources Technical Report, Appendix 2.4-1 of the Draft EIR). The Proposed Project fencing will not facilitate wildlife movement within the Proposed Project and thus "wildlife-friendly" fencing is not required per the comment.

- O-8-37** The comment provides additional recommendations about the structure of fencing along the Preserve boundaries to prevent unauthorized vehicles from Proctor Valley Road and other roads accessing the Cornerstone Lands, Otay Ranch open space, and Rancho Jamul Ecological Reserve.

Refer to **Response to Comment A-3-78**.

- O-8-38** The comment recommends that all motorized vehicles, including electric mountain bikes, should be prohibited on the Community Pathway, Park to Park Loop, DG Walkway, and other authorized trails and paths on Otay Ranch.

The County notes that the comment recommends prohibitions on motorized vehicles in certain areas, but does not raise a specific issue concerning the adequacy of the Draft EIR. However, all motorized vehicles will be prohibited from the Community Pathway, Park to Park Loop, DG Walkway, and other authorized trails and paths in Otay Ranch.

- O-8-39** The comment recommends that impacts to biological resources resulting from the realigned Proctor Valley Road on the Cornerstone Lands and Rancho Jamul Ecological Reserve be located on the same preserve elsewhere in Proctor Valley. The County acknowledges the comment and notes that it expresses a recommendation of the commenter. The comment does not raise an issue regarding the adequacy of any specific section or analysis of the Draft EIR; therefore, no further response is required or provided.

- O-8-40** The comment recommends that where the current Proctor Valley Road will be abandoned, the old roadbed should be obliterated and habitat restored on the same preserve lands as part of mitigation for construction of the realigned road across preserve lands. Two exceptions to this recommendation to obliteration of the abandoned road are described in **Comment O-42**.

The County acknowledges the comment and notes that it expresses a recommendation of the commenter. The City of San Diego will determine what happens to the abandoned portions of Proctor Valley Road within Cornerstone Lands through the City's Site Development Permit process. As identified in the Draft EIR, Section 1.0, Project Description Table 1-6, the Site Development Permit process was identified as a potential future discretionary action in the City of San Diego through which the City would grant "Approval to locate Proctor Valley Road improvements and/or other infrastructure (e.g., detention basins) on property currently owned by the City of San Diego." As part of the Site Development Permit Process, the City of San Diego may impose such conditions on the Proposed Project.

Off-site improvements are also proposed on property within lands owned by CDFW. As noted in previous response to comments (i.e., **Responses to Comments O-8-8, O-8-17**), the Proposed Project would specifically realign a portion of Proctor Valley Road to avoid and provide for a 100-foot buffer from vernal pools to avoid both potentially significant direct and indirect impacts. The County understands that the

- Project applicant, to acquire CDFW-owned lands for the additional right-of-way, may be required to provide CDFW with additional consideration. Whether and to what extent CDFW will request such consideration is subject to negotiation between the parties, and is outside the purview of CEQA. The comment does not raise an issue regarding the adequacy of any specific section or analysis of the Draft EIR; therefore, no further response is required or provided.
- O-8-41** The comment recommends that vehicle barriers, gates, riprap, and wire fence be removed from Cornerstone Lands during obliteration of the abandoned sections of the road. The County acknowledges the comment and notes that it expresses a recommendation of the commenter. The City of San Diego will determine what happens to the abandoned portions of Proctor Valley Road within Cornerstone Lands through the City's Site Development Permit process. Please refer to **Response to Comment O-8-40**. The comment does not raise an issue regarding the adequacy of any specific section or analysis of the Draft EIR; therefore, no further response is required or provided.
- O-8-42** The comment identifies two exceptions to obliteration of the abandoned road. The comment recommends driveways and gates should be provided in either side of the Project development areas adjacent to Rancho Jamul Ecological Reserve or from the realigned road where it crosses the Reserve in order to access the old road and two planned or possible vernal pool restoration sites near the old road. The comment refers to TCLC **Comments O-8-45 through O-8-50** regarding restoration project access. The County acknowledges the comment and notes that it expresses a request of the commenter. Please also refer to **Response to Comment O-8-40** regarding the City of San Diego Site Development Permit process. The comment does not raise an issue regarding the adequacy of any specific section or analysis of the Draft EIR; therefore, no further response is required or provided.
- O-8-43** The comment states that invasive plants from development are inevitable and a significant threat to the ecology of the Cornerstone Lands, the Rancho Jamul Ecological Reserve, and Otay Ranch open space, and should be addressed with project design, conditions, and mitigation.

Invasive species are analyzed in Section 2.4.3 of the Draft EIR and are mitigated through mitigation measure **M-BI-16** (prevention of invasive plant species), which requires native plantings and prohibits invasive species per the most California Invasive Plant Council's California Invasive Plant Inventory for the Proposed Project region. In addition, as required by the Otay Ranch RMP, the Proposed Project would include a 100-foot Preserve edge buffer, which is detailed in the Preserve Edge Plan.

The Preserve edge is a 100-foot buffer between the Preserve and development and is not located within the Otay Ranch RMP Preserve. The 100-foot buffer is intended to lessen the edge effects of development on the RMP Preserve. The Preserve Edge Plan details the uses allowed within the 100-foot-wide Preserve edge and provides a list of plant species that are appropriate adjacent to the Otay Ranch RMP Preserve. The Preserve Edge Plan addresses drainage, toxic substances, lighting, noise, fuel modification, fencing, and invasive species (page 2.4-72 of the Draft EIR). Controls on urban runoff from entering the Preserve will help prevent the spread of invasive species.

- O-8-44** The comment makes recommendations regarding invasive plants and suggests that endowments be established for use by CDFW and City of San Diego Public Utilities Department, as well as the Otay Ranch POM, to fund invasive species management in perpetuity.

Refer to **Response to Comment O-8-43**. Additionally, invasive species management and funding of the preserve management is covered under the Otay Ranch RMP Phase I and Phase II. RMP Phase I identifies Preserve areas within Otay Ranch and contains policies for species and habitat conservation and long-term management of the Preserve. RMP Phase II includes Otay Ranch-wide studies that provide details on conveyance, management, and funding for the Otay Ranch RMP Preserve. Portions of the RMP Phase II were adopted by the County of San Diego, and the RMP has been incorporated in the Chula Vista MSCP Subarea Plan (City of Chula Vista and County of San Diego 1993a). The County of San Diego and the City of Chula Vista were in the process of updating the Phase 2 RMP as of preparation of these responses to comments of the Draft EIR.

- O-8-45** The comment requests that the Project include gates and driveways in three particular areas to provide access to vernal pool restoration projects.

The County acknowledges the request and refers to **Response to Comment O-8-40** regarding the processing of a Site Development Permit through the City of San Diego. Further, the County notes that the Proposed Project Tentative Map identifies potential future access points on Proctor Valley Road and that ultimate access to adjacent properties may be further refined as part of the final detailed engineering done with grading and improvement plans. The comment does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR; therefore, no further response is required or provided.

O-8-46 The comment requests a driveway and vehicle gate to access to the Otay Lakes Cornerstone Lands and the TCLC vernal pool restoration project.

The County acknowledges the request and refers to **Response to Comment O-8-45**. The comment does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR; therefore, no further response is required or provided.

O-8-47 The comment requests a second driveway and vehicle gate to access from the Village Core and the Rancho Jamul Ecological Reserve project sites.

The County acknowledges the request and refers to **Response to Comment O-8-45**. The comment does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR; therefore, no further response is required or provided.

O-8-48 The comment requests a third driveway and access gate from the northern Village 14 and the TCLC vernal pool restoration project.

The County acknowledges the request and refers to **Response to Comment O-8-45**. The comment does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR; therefore, no further response is required or provided.

O-8-49 The comment asks that requested driveways and gates provide space adequate for vehicles to safely park off the roadway while opening gates. The comment also requests the type of gate to be provided and that permission should be secured from preserve property owners.

The County acknowledges the request and refers to **Response to Comment O-8-45**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-8-50 The County acknowledges the comment and notes that it provides concluding remarks. The comment does raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is provided or required.

O-8-51 The comment (Attachment 1) is a copy of the Proctor Valley Vernal Pool Restoration Plan dated September 2012, which is referenced in comments O-8-3, O-8-20, O-8-22, O-8-25 and O-8-47. See **Response to Comments 8-3, O-8-20, O-8-22, O-8-25 and O-8-47**.

O-8-52 The comment (Attachment 2) is an aerial photo referenced in Comment O-8-5. See **Response to Comment O-8-5**.

- O-8-53** The comment (Attachment 3) is an aerial photo referenced in Comment O-8-5, O-8-16. See **Response to Comment O-8-5** and **O-8-16**.
- O-8-54** The comment (Attachment 4) is an aerial photo referenced in Comments O-8-6, O-8-13 and O-8-14. See **Response to Comment O-8-6, O-8-13** and **O-8-14**.
- O-8-55** The comment (Attachment 5) is a “Report on the Flora of the Otay Ranch Vernal Pools, 1990-1991”, referenced in Comment O-8-8. See **Response to Comment O-8-8**.
- O-8-56** The comment (Attachment 6) is an aerial photo referenced in Comment O-8-17. See **Response to Comment O-8-17**.