

**FINAL ENVIRONMENTAL IMPACT REPORT
Responses to Late Comment Letters**

Otay Ranch Village 14 and Planning Areas 16/19 Project

State Clearinghouse # SCH 2016121042

**GPA 16-008, SP 16-002, REZ 16-006, TM 5616,
ER-16-19-006**

Lead Agency:

**County of San Diego
Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, California 92123**

June 2019

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Late Letter (LL)-1

**United States Department of the Interior
Fish & Wildlife Service
November 20, 2018**

(Take Authorization)

1. Introduction

The comment letter submitted by Mr. Michael Fris, Assistant Regional Director, Pacific Southwest Region, United States Department of the Interior Fish and Wildlife Service (USFWS), received November 20, 2018, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the November 20, 2018, letter from USFWS. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The letter states PV 1, 2 and 3 were not placed into “preserve” when the MSCP was finalized and remain in that same condition today.

The comment is consistent with the analysis in the Final EIR, which evaluated PV 1, 2 and 3 as areas designated for development, not “preserve”. No further response is required.

3. The letter states USFWS is evaluating approaches for authorizing take in PV 1, 2 and 3.

The comment restates similar comments raised during public review and does not raise any new issue under CEQA. Take authorization is beyond the scope of CEQA. The issue of

“take” falls under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA) and is governed by rules and standards different from those in CEQA. Please refer to Response to Comment Letters A-3 (CDFW) and O-6 (EHL).

Late Letter (LL)-2

California Department of Fish and Wildlife November 26, 2018

(Take Authorization/PV-1, 2, 3)

1. Introduction

The comment letter submitted by California Department of Fish and Wildlife (CDFW), dated November 26, 2018, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the November 26, 2018, letter from CDFW. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The letter is reiterating and expanding upon issues raised in previous comment letters.

The comment restates similar comments raised during public review and does not raise any new issue under CEQA. Take authorization is beyond the scope of CEQA. The issue of “take” falls under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA) and is governed by rules and standards different from those in CEQA. Specifically, please refer to **Response to Comments A-3-15, A-3-16, A-3-23, A-3-24**, as well as **Response to Comments O-6-5, O-6-29, O-6-33, O-6-71, O-6-74, O-6-82, and O-6-94**. Please also refer to **Thematic Response – Baldwin Letter and PV1, PV2, PV3**.

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Late Letter (LL)-3

**Shute, Mihaly & Weinberger, LLC
on behalf of Endangered Habitats League
November 26, 2018**

(PV-1, 2 & 3)

1. Introduction

The comment letter submitted by Shute, Mihaly & Weinberger on behalf of EHL, dated November 26, 2018, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the November 26, 2018, letter from Shute, Mihaly & Weinberger. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The letter is reiterating and expanding upon issues raised in previous comment letters.

The comment restates similar comments raised during public review and does not raise any new issue under CEQA. Take authorization is beyond the scope of CEQA. The issue of “take” falls under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA) and is governed by rules and standards different from those in CEQA. Please refer to Response to Comment Letters A-3 (CDFW) and O-6 (EHL). Specifically, please refer to **Response to Comments A-3-15, A-3-16, A-3-23, A-3-24**, as well as **Response to Comments O-6-5, O-6-29, O-6-33, O-6-71, O-6-74, O-6-82, and O-6-94**. Please also refer to **Thematic Response – Baldwin Letter and PV1, PV2, PV3**.

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Late Letter (LL)-4
Endangered Habitats League
December 5, 2018
(Fire Evacuation)

1. Introduction

The comment letter submitted by EHL, dated December 5, 2018, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the December 5, 2018, letter from EHL. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The letter is not specific to the Proposed Project or the analysis contained in the Draft EIR and is reiterating and expanding upon issues raised in previous comment letters.

The comment restates similar comments raised during public review related to wildfire evacuation and fire hazards. The Final EIR analyzes wildfire in Section 3.1.1, Hazards and Hazardous Materials, specifically section 3.1.1.2.4, Wildlife Hazards and section 3.1.1.2.5 Emergency Response Plans. Please refer to **Response to Comment Letters O-6.4 (Reax Engineering)** and **O-6.5 (Griffin Cove Transportation, PLLC)** as well as **Responses to Comments O-4-14, O-5-62, O-5-66, O-5-83, O-5-84**, and **Responses to Comments O-6-194 through O-6-262**. Please also refer to **Thematic Response – Wildfire Protection and Evacuation**.

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Late Letter (LL)-5

Shute, Mihaly & Weinberger, LLC
on behalf of Endangered Habitats League
December 21, 2018

(Take Authorization)

1. Introduction

The comment letter submitted by Shute, Mihaly & Weinberger on behalf of EHL, dated December 21, 2018, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the December 21, 2018, letter from Shute, Mihaly & Weinberger. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The letter is reiterating and expanding upon issues raised in previous comment letters.

The comment restates similar comments raised during public review and does not raise any new issue under CEQA. Take authorization is beyond the scope of CEQA. The issue of “take” falls under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA) and is governed by rules and standards different from those in CEQA. Please refer to Response to Comment Letters A-3 (CDFW) and O-6 (EHL). Specifically, please refer to **Response to Comments A-3-15, A-3-16, A-3-23, A-3-24**, as well as **Response to Comments O-6-5, O-6-29, O-6-33, O-6-71, O-6-74, O-6-82, and O-6-94**. Please also refer to **Thematic Response – Baldwin Letter and PV1, PV2, PV3**.

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Late Letter (LL)-6
Endangered Habitats League
January 3, 2018
(Paradise Fire)

1. Introduction

The comment letter submitted by EHL, dated January 3, 2019, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the January 3, 2019, letter from EHL. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The letter does not address the analysis contained in the Final EIR.

The comment is a copy of a Los Angeles Times article regard the 2018 Paradise Fire and does not address the analysis contained in the Final EIR. The County notes that Paradise, CA and Proctor Valley have disparate vegetation and climactic conditions. Please refer to **Thematic Response – Wildfire Protection and Evacuation**. Please also refer to **Response to Comment Letters O-6.4 (Reax Engineering)** and **O-6.5 (Griffin Cove Transportation, PLLC)** as well as **Responses to Comments O-4-14, O-5-62, O-5-66, O-5-83, O-5-84, and Responses to Comments O-6-194 through O-6-262**.

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Late Letter (LL)-7

Mr. Robert T. Foor and Ms. Norma Trust Foor

February 5, 2019

(Traffic/Emergency Evacuation/Alternatives)

1. Introduction

The comment letter submitted by Mr. Robert T. Foor and Ms. Norma Trust Foor, dated February 5, 2019, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the November 26, 2018, letter from CDFW. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The letter is reiterating and expanding upon issues raised in previous comment letters.

First, the County wishes to clarify that the number of homes in Planning Area 16 has not changed as suggested by the comment. The County notes that of the 112 homes in Planning Area 16 (which are a minimum of two acres), approximately 30 to 40 homes are forecasted to use Whispering Meadows Lane and Valley Knolls Road.

The comment restates similar comments raised during public review and does not raise any new issue under CEQA. Transportation and Traffic is analyzed in Section 2.9, Wildfire Evacuation is analyzed in Section 3.1.1, Hazards and Hazardous Materials, and Alternatives, including an alternative that connects Proctor Valley Road directly to SR-94 as suggested by the comment, are considered in Section 4.0 of the Draft EIR. Please refer to **Response to Comment Letters O-6.4, Reax Engineering and O-6.5, Griffin Cove Transportation, PLLC**. Please also refer to **Thematic Response – Wildfire Protection and Evacuation**.

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Late Letter (LL)-8

Shute, Mihaly & Weinberger

March 1, 2019

(San Diego County's Climate Action Plan Obligation and the Injunction against Using Mitigation Measure GHG-1)

1. Introduction

The comment letter submitted by Mr. William White, dated March 1, 2019, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the November 26, 2018, letter from CDFW. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The letter is reiterating and expanding upon issues raised in previous comment letters.

The comment letter addresses the use of the County's Climate Action Plan (CAP) Mitigation Measure GHG-1, which allows projects to use carbon offsets to mitigate a project's impacts to greenhouse gases. Refer to **Thematic Response – Carbon Offsets** and **Thematic Response – CAP Consistency**, as well as **Response to Comments O-5-113, O-6-164 through O-6-179**, and **Response to Comments O-7-60 through O-7-68**.

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Late Letter (LL)-9

Josh and Andrea Harris

March 1, 2019

(Traffic, Emergency Evacuation, School Enrollment)

1. Introduction

The comment letter submitted by Mr. and Mrs. Josh and Andrea Harris, dated March 1, 2019, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the November 26, 2018, letter from CDFW. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The letter is reiterating and expanding upon issues raised in previous comment letters.

The comment letter raises similar issues as those raised by the Jamul Dulzura Community Planning Group (**Comment Letter O-2**), Jamul Dulzura Unified School District (**Comment Letter O-5.1**), Reax Engineering (**Comment Letter O-6.4**), Griffin Cover Transportation LLPC (**Comment Letter O-6.5**) and individual commenters, including secondary access through Whispering Meadows Road and Valley Knolls Road, concerns regarding wildfire evacuation, and concerns about school enrollment. Refer to **Thematic Response – Proctor Valley Road and Other Off-Site Roads**, **Thematic Response – Wildfire Protection and Evacuation**, **Response to Comment A-5.1-16** and **Comment A-5.1-28**, **Response to Comments O-6.4-36**, **O-6.4-38**, and **O-6.5-14** and **Response to Late Letter LL-7**. The comment does not raise any new issues regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

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Late Letter (LL)-10

Kevin and Marcy May

March 2, 2019

(Traffic, Emergency Evacuation, School Enrollment)

1. Introduction

The comment letter submitted by Mr. and Mrs. Kevin and Marcy May, dated March 2, 2019, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the November 26, 2018, letter from CDFW. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The letter is reiterating and expanding upon issues raised in previous comment letters.

The comment letter raises similar issues as those raised by the Jamul Dulzura Community Planning Group (**Comment Letter O-2**), Jamul Dulzura Unified School District (**Comment Letter O-5.1**), Reax Engineering (**Comment Letter O-6.4**), Griffin Cover Transportation LLPC (**Comment Letter O-6.5**) and individual commenters, including secondary access through Whispering Meadows Road and Valley Knolls Road, concerns regarding wildfire evacuation, and concerns about school enrollment. Refer to **Thematic Response – Proctor Valley Road and Other Off-Site Roads**, **Thematic Response – Wildfire Protection and Evacuation**, **Response to Comment A-5.1-16** and **Comment A-5.1-28**, **Response to Comments O-6.4-36**, **O-6.4-38**, and **O-6.5-14** and **Response to Late Letter LL-7**. The comment does not raise any new issues regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

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Late Letter (LL)-11

Paula Ames
March 11, 2019

(Traffic and Emergency Evacuation)

1. Introduction

The comment letter submitted by Ms. Paula Ames, dated March 11, 2019, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the November 26, 2018, letter from CDFW. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The letter is reiterating and expanding upon issues raised in previous comment letters.

The comment letter raises similar issues as those raised by the Jamul Dulzura Community Planning Group (**Comment Letter O-2**), Reax Engineering (**Comment Letter O-6.4**), Griffin Cover Transportation LLPC (**Comment Letter O-6.5**) and individual commenters, including secondary access through Whispering Meadows Road and Valley Knolls Road and concerns regarding wildfire evacuation. Refer to **Thematic Response – Proctor Valley Road and Other Off-Site Roads**, **Thematic Response – Wildfire Protection and Evacuation**, **Response to Comments O-6.4-36**, **O-6.4-38**, and **O-6.5-14** and **Response to Late Letter LL-7**. The comment does not raise any new issues regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

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Late Letter (LL)-12

Wildlife Habitat Conservation Coalition

April 1, 2019

(MSCP Dispute Resolution)

3. Introduction

The comment letter submitted by the Wildlife Habitat Conservation Coalition, dated April 1, 2019, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the December 21, 2018, letter from Shute, Mihaly & Weinberger. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

4. The letter is reiterating and expanding upon issues raised in previous comment letters.

The comment raises the issue of dispute resolution and does not raise any new issue under CEQA. Take authorization is beyond the scope of CEQA. The issue of “take” falls under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA) and is governed by rules and standards different from those in CEQA. Please refer to **Response to Comments A-3** (CDFW) and **O-6** (EHL). Specifically, please refer to **Response to Comments A-3-15, A-3-16, A-3-23, A-3-24**, as well as **Response to Comments O-6-5, O-6-29, O-6-33, O-6-71, O-6-74, O-6-82**, and **O-6-94**. Please also refer to **Thematic Response – Baldwin Letter and PV1, PV2, PV3**

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Late Letter (LL)-13

Robert and Carolyn Novinsky

April 8, 2019

(Traffic/Emergency Evacuation/Alternatives)

1. Introduction

The comment letter submitted by Mr. and Mrs. Robert and Carolyn Novinsky, dated April 8, 2019, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the November 26, 2018, letter from CDFW. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The letter is reiterating and expanding upon issues raised in previous comment letters.

First, the County wishes to clarify that the number of homes in Planning Area 16 has not changed as suggested by the comment. The County notes that of the 112 homes in Planning Area 16 (which are a minimum of two acres), approximately 30 to 40 homes are forecasted to use Whispering Meadows Lane and Valley Knolls Road.

The comment restates similar comments raised during public review and does not raise any new issue under CEQA. Transportation and Traffic is analyzed in Section 2.9, Wildfire Evacuation is analyzed in Section 3.1.1, Hazards and Hazardous Materials, and Alternatives, including an alternative that connects Proctor Valley Road directly to SR-94 as suggested by the comment, are considered in Section 4.0 of the Draft EIR. Please refer to **Response to Comment Letters O-6.4, Reax Engineering and O-6.5, Griffin Cove Transportation, PLLC**. Please also refer to **Thematic Response – Wildfire Protection and Evacuation**.

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Late Letter (LL)-14

USFWS/Endangered Habitats League

May 21, 2019

(2019 Quino checkerspot butterfly sightings)

1. Introduction

The comment letter submitted by Mr. Dan Silver, dated May 21, 2019, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the November 26, 2018, letter from CDFW. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The letter is reiterating and expanding upon issues raised in previous comment letters.

Helix biologists evaluated the graphics and data provided in the comment letter and the additional 2019 QCB sightings are noted. These additional sightings are generally in similar locations to previous locations documented adjacent to the proposed project and do not change the project-specific and regional context analysis conducted for the EIR. Further, the proposed project is mitigating for all impacts to suitable QCB habitat within the project footprint and the additional sightings do not change the mitigation obligations for the proposed project.

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Late Letter (LL)-15

Mr. Clark Hudson

May 23, 2019

(Traffic, Emergency Evacuation, School Enrollment)

1. Introduction

The comment letter submitted by Mr. Clark Hudson, dated May 23, 2019, is a late letter that does not require a written response from the County.

Under CEQA Guidelines Section 15105, the County was legally required to provide a 45-day public review period on the Draft EIR. The public comment period for the Draft EIR began on March 1, 2018 and ended on April 16, 2018. All comment letters received after expiration of the public review and comment period ending on April 16, 2018, are considered late comments.

A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Resources Code, §21091(d)(1); Pub. Resources Code, §21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the November 26, 2018, letter from CDFW. (See, CEQA Guidelines, §15088(a)).

Nonetheless, for information purposes, the County has elected to respond to this late letter, but without waiving its position that written responses to late comment letters are not required by law.

2. The letter is reiterating and expanding upon issues raised in previous comment letters.

The comment letter raises similar issues as those raised by the Jamul Dulzura Community Planning Group (**Comment Letter O-2**), Jamul Dulzura Unified School District (**Comment Letter O-5.1**), Reax Engineering (**Comment Letter O-6.4**), Griffin Cover Transportation LLPC (**Comment Letter O-6.5**) and individual commenters including secondary access through Whispering Meadows Road and Valley Knolls Road, concerns regarding wildfire evacuation, and concerns about school enrollment. Refer to **Thematic Response – Proctor Valley Road and Other Off-Site Roads**, **Thematic Response – Wildfire Protection and Evacuation**, **Response to Comment A-5.1-16** and **Comment A-5.1-28**, **Response to Comments O-6.4-36**, **O-6.4-38**, and **O-6.5-14**, and **Response to late Letter LL-7**. The comment does not raise any new issues regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

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