

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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