

**O-7 CENTER FOR BIOLOGICAL DIVERSITY,
PRESERVE WILD SANTEE, CALIFORNIA CHAPARRAL INSTITUTE**

- O-7-1** The comment introduces other comments to follow. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-7-2** The comment restates information contained in Chapter 1, Project Description, of the Draft EIR regarding the Proposed Project. The comment also states that the Proposed Project would degrade the ecosystem of the Project Area and negatively impact biological resources. The comment further asserts that the Proposed Project will generate significant GHG emissions and require exorbitant amounts of potable water. The County considers the comment as an introduction to comments that follow, specifically with respect to biological resources, GHG emissions, and water supply. The County refers the commenter to **Responses to Comments O-7-6 through O-7-48** (Biological Resources), **O-7-49 through O-7-72** (GHG emissions), and **O-7-73 through O-7-102** (Water Supply).
- O-7-3** The comment requests the Draft EIR be revised to better analyze and avoid the Proposed Project’s significant environmental impacts for the reasons detailed in the comment letter. The comment provides an introduction to the comment that follow. The comment does not raise any specific issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-7-4** The comment provides background information on the commenters (Center for Biological Diversity, Preserve Wild Santee, and the Chaparral Institute). The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-7-5** The comment is a header that introduces other comments that follow regarding the analysis of impacts to biological resources contained in the Draft EIR. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-7-6** The comment states that the Draft EIR appears to only evaluate impacts to vernal pools only if the features are occupied by special-status species or are considered jurisdictional wetlands, but most of the “vernal pool” features in the Project Area do not meet either criterion. The comment states that, as a result, the Draft EIR understates vernal pool impacts.

The County does not agree with the comment. The Draft EIR did not limit its assessment to features considered jurisdictional wetlands or features occupied by special-status species. As stated in Section 2.4.1.6 of the Draft EIR (page 2.4-44), the features identified during the initial habitat assessments and focused surveys for vernal pool branchiopods were classified as one of the following²¹:

- a. road ruts (depressions that are typically formed by vehicular traffic within or immediately adjacent to roadways, generally lack aquatic vegetation, and are heavily disturbed by vehicular traffic),
- b. ephemeral basins (surface depressions that retain sufficient water level, may support aquatic vegetation, and generally lack vehicle disturbance), or
- c. vernal pools (depressions that retain sufficient water level, support vernal pool indicator plant species, and support vernal pool branchiopods).

The definition of a vernal pool stated above is consistent with the definition provided in the Report on the Flora of the Otay Ranch Vernal Pools, 1990–1991, San Diego County, California (Dudek & Associates 1992), which was incorporated in the Otay Ranch Resource Management Plan (Otay Ranch RMP). This report states: “A vernal pool is a basin or shallow depression that supports at least one plant species (‘indicator species’) whose distribution in coastal California is completely or substantially restricted to vernal pools basins.”

Based on these classifications, the Draft EIR identified only one feature (B2) in the Project Area that would be classified as a vernal pool. This was the only feature which supports vernal pool indicator plants. This feature is located off site, within California Department of Fish and Wildlife (CDFW)-owned and managed lands, and will be avoided—with a 100-foot buffer—during the realignment of Proctor Valley Road. Therefore, the Draft EIR does not understate the Proposed Project’s vernal pool impacts as suggested by the comment.

O-7-7 The comment states that the Proposed Project’s direct, indirect, and cumulative impacts on vernal pools not occupied by special-status species and not jurisdictional wetlands must still be considered potentially significant under CEQA.

As stated in response to **Response to Comment O-7-6**, the Draft EIR did not limit its review to vernal pools occupied by special status species and/or vernal pools that qualify as jurisdictional wetlands. Surveys conducted for the Draft EIR identified only

²¹ (However, see revision to the vernal pool criteria in **Response to Comment O-7-8** that removes branchiopods from the definition).

one feature (B2) that would be classified as a vernal pool. This feature is located off-site within CDFW-owned and managed lands and was specifically avoided during the realignment of Proctor Valley Road. The vernal pool is located approximately 40 feet from the existing Proctor Valley Road and 300 feet from Proposed Project construction associated improvements and realignment of Proctor Valley Road. Therefore, the Proposed Project will not have a direct impact on any vernal pools. See also **Response to Comment O-7-15** regarding indirect impacts to vernal pools.

O-7-8 The comment states that the Draft EIR's criteria for classifying features as vernal pools or ephemeral basins is not consistent with the scientific literature or state and federal regulatory definitions. While the USFWS 1998 Vernal Pools of Southern California Recovery Plan (Recovery Plan) definition of vernal pool is based primarily on hydrology rather than on the species that occupy the feature, the Draft EIR defines vernal pools as supporting indicator plant species and branchiopods. The comment suggests this definition is overly narrow.

As stated in response to **Response to Comment O-7-7**, the definition for vernal pools within the Project Area was based on the definition provided for the Otay Ranch RMP, which is also the basis for the impact analysis. This definition relies on the presence of indicator plant species; i.e., indicator plant species *must* be present for a feature to be classified as a vernal pool. The vernal pool observed outside the Project Area (B2) supports both indicator plant species and vernal pool branchiopods. Note, however, that the Draft EIR's classification of vernal pools does not mean that a feature, to be categorized as a vernal pool, must contain both indicator plant species *and* vernal pool branchiopods. Only the presence of indicator plant species is required to for the vernal pool classification to apply. As it happens, however, the one feature classified as a vernal pool (B2) in the Draft EIR actually contained both indicator plant species *and* vernal pool branchiopods. To ensure clarity in the classification criteria, the Draft EIR on page 2.4-43 has been revised to read:

...or vernal pools (depressions that retain sufficient water level and support vernal pool indicator plant species, ~~and support vernal pool branchiopods~~).

It should be noted that the 1998 Recovery Plan (page 26 of USFWS 1998; boldface added for emphasis) states:

Road ruts, man-made ponds, minor impoundments on drainages, and abandoned borrow sites, **are generally not considered vernal pools**. However, these areas may function as vernal pool habitat by supporting vernal pools species, and may even be a consequence of previous land alterations to

historical pool habitat. These areas remain subject to Endangered Species Act requirements **if they support listed species**, with a determination of their significance to recovery addressed individually.

As stated in **Responses to Comments O-7-6 and O-7-7**, the Proposed Project was designed to avoid all features, vernal pools and road ruts that contain San Diego fairy shrimp (*Branchinecta sandiegonensis*), thereby avoiding impacts to San Diego fairy shrimp.

O-7-9 The comment restates information that the Recovery Plan calls for existing pools and their watersheds, regardless of occupancy, to be secured and for pool habitat to be reestablished to the historic structure when necessary. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-7-10 The comment states the recovery objective in the Recovery Plan is not dependent on pool occupancy, but anticipates even unoccupied pools must be protected to promote species recovery. The comment also states that the Draft EIR must address the Proposed Project's impacts on recovery of vernal pools.

As previously stated in **Response to Comment O-7-7**, the Proposed Project will not result in direct impacts to the one feature classified as a vernal pool (B2) based on the presence of indicator plant species—the RMP definition of vernal pools employed in the analysis. The Proposed Project avoids all features that are occupied by the listed San Diego fairy shrimp, regardless of whether those features are classified as vernal pools. For this reason, the Proposed Project will not result in any significant direct impact on vernal pools or San Diego fairy shrimp, and no mitigation is required. The Proposed Project will, however, result in some indirect impacts on vernal pool B2, but design features will reduce such impacts to less than significant levels. See also **Response to Comment O-7-15** regarding indirect impacts to vernal pools.

In addition, CEQA does not require that projects contribute to recovery of any particular resource. Nevertheless, all vernal pools within the designated Otay Ranch Village 15 will be conserved because this area has been acquired for Preserve. This conservation will aid recovery of vernal pool habitat.

O-7-11 The comment suggests that the Draft EIR has omitted some important vernal pool areas on Otay Ranch, some of which were documented in a 1992 document, A Report on the Flora of Otay Ranch Vernal Pools, 1990–1991.

Refer to **Response to Comment O-8-8**.

O-7-12 The comment states that the Draft EIR and associated Biological Resources Technical Report (Appendix 2.4-1 to the Draft EIR) fail to access the results of several protocol surveys conducted for San Diego fairy shrimp in Proctor Valley and that are available from the USFWS and that show many more "vernal pools" supporting San Diego fairy shrimp than identified in the Draft EIR. The impact analysis in the Draft EIR is based on the protocol surveys conducted for listed vernal pool branchiopods in the Project Study Area. A California Natural Diversity Database search does not show any known locations of San Diego fairy shrimp within the Project Area. Please refer to response to Comment Letter O-8, The Chaparral Lands Conservancy, specifically **Responses to Comments O-8-7 through O-8-23**.

O-7-13 The comment states that the Draft EIR fails to evaluate impacts on 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. The 1992 report also identified three basins in the R4+ vernal pool area located in the western development area of Planning Areas 16/19.

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 contained in **Responses to Comments O-8-8, O-8-9, and O-8-10**, the methods used to delineate these features were not according to a formal systematic protocol, field delineations were somewhat subjective and unlikely be as precise as current GPS methods, and habitat conditions may have changed in some areas over the last 25 years. For these reasons, the protocol surveys conducted in the Project Area from 2014 to 2016 provide the best available information for the purpose of CEQA.

O-7-14 The comment states that some of the R2+ features and associated watersheds could be directly or indirectly impacted by development of the western portion of Village 14 and all three R4+ features would be impacted by development in Planning Areas 16/19.

While the comment accurately portrays the potential impacts to features identified in the 1992 report, these features were not identified as vernal pools in surveys conducted from 2014 to 2016 for the Proposed Project. Please refer to **Responses to Comments O-7-13, O-8-9, and O-8-10**.

O-7-15 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 (*Spea hammondi*), and that San Diego button-celery

(*Eryngium aristulatum* var. *parishii*) was also found at this site. The comment states that these features could be subject to indirect impacts from development and the realigned Proctor Valley Road.

The comment appears to be referring to feature B2 (classified as a vernal pool in the Draft EIR) which supports both San Diego fairy shrimp and western spadefoot, and where San Diego button-celery has been found. Currently Feature B2 is located immediately adjacent to Proctor Valley Road and is subject to indirect impacts such as dust from cars travelling along the road. Proctor Valley Road was specifically realigned at this location to protect the vernal pool from direct impacts and provide a buffer for the pool and its watershed. Feature B2 will be located approximately 300 feet from the realignment of Proctor Valley Road and more distant from the edge of development in Village 14. In combination with mitigation measures and the Preserve Edge Plan included in the Draft EIR, the 300-foot distance will reduce the potential indirect effects to these species to a level less than significant, such as invasive plants and animals, increased human activity, altered hydrology and pollution from development-related runoff, noise, and lighting. This conclusion is supported by a study prepared by the Conservation Biology Institute (CBI 2000). CBI prepared a buffer analysis for the state-endangered San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*) that examined the effect of buffer distances for a variety of indirect effects based on a review of the scientific literature (CBI 2000). While the study was prepared with a focus on spineflower, the results are applicable to potential indirect effects on wetland/aquatic features supporting San Diego fairy shrimp, western spadefoot, and San Diego button-celery.

CBI (2000) evaluated various buffer widths from 15 feet to 300 feet for effectiveness in controlling several edge effects, including invasive animals, increased fire frequency, invasive plants, vegetation clearing, increased water supply, trampling, and chemicals. The CBI study focused on the edge-effect distance into habitat areas with and without management. CBI, for example, suggested that an unmanaged 100-foot-wide buffer should be highly effective against chemical effects and moderately effective against invasive plants, vegetation clearing, increased water supply, and trampling. Effects that are controlled at a moderate level with a 100-foot buffer would improve to a high level of control with a 200-foot buffer. A minimum 100-foot-wide buffer would have relatively low effectiveness for invasive animals and increased fire frequency because of the higher penetration level of these effects. Invasive animals and increased fire-frequency effects would only reach moderate levels of control with a 200-foot buffer because of their higher penetration level. CBI also suggested that management measures can improve buffer effectiveness at given widths for certain

kinds of impacts. For example, a buffer between 80 feet and 100 feet is moderately effective against invasive plants, but that this buffer can be managed to be highly effective by restoring disturbed areas within a Preserve and adjacent to the urban boundary to reduce disturbance gaps where invasive species can propagate. As noted above, these conclusions were made for spineflower management but should in principle apply to buffers related to wetland/aquatic and upland habitat wildlife species.

In addition, both the realigned Proctor Valley Road and the Project Development Footprint along the northern edge of Village 14 slope away from feature B2 and thus are at lower elevations; B2 is at approximately 920 feet, Proctor Valley Road is at 900 feet, and the edge of Village 14 is at 890 feet. Therefore, altered hydrology and pollution from runoff affecting B2 will not occur and the local watershed supplying B2 will not be impacted.

Applicable mitigation for indirect impacts include mitigation measures M-BI-5 (permanent fencing and signage), M-BI-14 (stormwater pollution prevention plan or SWPPP), M-BI-15 (erosion and runoff control), M-BI-16 (prevention of invasive plant species), M-BI-18 (noise), and M-BI-20 (lighting), contained in Section 2.4.6, Mitigation, of the Draft EIR. The Preserve Edge Plan requires a 100-foot buffer between Preserve edge and development (increasing the buffer for B2 to about 400 feet) and includes project design features such as urban runoff controls and prohibits non-native invasive plants in landscaping with the buffer.

O-7-16 The comment is a section heading that introduces comments to follow. The County refers the commenter to **Responses to Comments O-7-17 through O-7-27** for specific responses to comments raised under this heading.

O-7-17 Then comment states that altered hydrology of Proctor Valley Creek (Creek) from improvements to Proctor Valley Road and resulting impacts to wetlands and wildlife movement are interrelated and should be avoided through project design and/or mitigated. The comment further states impacts to wetlands must be avoided according to the MSCP County Subarea Plan and the Biological Mitigation Ordinance (BMO).

The County acknowledges the comment as an introduction to comments that follow. No further response is required or provided.

O-7-18 The first portion of this comment restates the impacts to the ephemeral channel along Proctor Valley Road, referred to as “Proctor Valley Creek” (“Creek” in subsequent comments and responses) and states that the realignment of the road could result in

scour and accelerated downstream flows, as well as other hydrological alterations. Please refer to **Response to Comment O-8-26**.

- O-7-19** The comment states that the Proctor Valley Road crossing of the entire Creek floodplain should be bridged to prevent altered hydrology, channel modification, scouring, and erosion, and other significant impacts to the Creek and wetlands upstream and downstream of the crossing. Please refer to **Responses to Comments O-8-26 and O-8-27**.
- O-7-20** The comment states that the Proctor Valley Road crossing of the entire Creek floodplain should be bridged to avoid impacts to wildlife movement. Please refer to **Responses to Comments O-8-25 and O-8-26**.
- O-7-21** The comment states that Proctor Valley Road should be realigned to avoid the unique scour pool wetlands. Please refer to **Response to Comment O-8-26**.
- O-7-22** The comment states that Proctor Valley Road would be realigned and constructed to cross a major ephemeral tributary to the Creek that is important to the hydrologic function of the Creek and wildlife movement in the valley. Please refer to **Response to Comment O-8-27**.
- O-7-23** The comment states that the Proctor Valley Road crossing of the entire ephemeral tributary floodplain should be bridged to prevent altered hydrology, channel modification, scouring, and erosion, and other significant impacts to the tributary and the Creek. Please refer to **Response to Comment O-8-26**.
- O-7-24** The comment states that the Proctor Valley Road crossing of the entire Creek floodplain should be bridged to reduce significant impacts and maintain the function of this important wildlife corridor. Please refer to **Response to Comment O-8-26**.
- O-7-25** The comment states that a Rural Residential Road would be constructed across the Creek to access western development area of Village 14 and that this area is important for hydrologic function and wildlife movement. Please refer to **Response to Comment O-8-28**.
- O-7-26** The comment states that the Rural Residential Road crossing of the entire Creek floodplain in the western development area of Village 14 should be bridged to avoid altered hydrology, channel modification, scouring, and erosion, and other significant impacts to the Creek and wetlands upstream and downstream of the crossing. Please refer to **Responses to Comments O-8-26 and O-8-27** for design considerations related to maintaining hydrological functions.

- O-7-27** The comment states that the entire Creek floodplain in the Village 14 location should be bridged to reduce significant impacts and maintain function of this important wildlife corridor. Please refer to **Responses to Comments O-8-26 and O-8-27**.
- O-7-28** 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. Please refer to **Response to Comment O-8-33**.
- O-7-29** The comment states that unauthorized off-road vehicle use in the Proposed Project region is a long-standing problem and will worsen with new residential development. Please refer to **Response to Comment O-8-33**.
- O-7-30** The comment states that unauthorized mountain biking in the Proposed Project region is increasing and will increase with new residential development. Please refer to **Response to Comment O-8-33**.
- O-7-31** The comment provides recommendations about the structure of fencing (e.g., height) along the Preserve boundaries in relation to several “Public Parks.” The comment states that such fencing 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.
- Please refer to **Response to Comment O-8-36**.
- O-7-32** 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. The County notes that the comment recommends fencing design, but does not raise a specific issue concerning the adequacy of the Draft EIR in addressing potential vehicle access to open space. Please refer to **Response to Comment O-8-37**.
- O-7-33** 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. Please refer to **Response to Comment O-8-38**.
- O-7-34** The comment states two segments of the realigned Proctor Valley Road and one segment of “rural residential road,” along with utilities, will result in significant

impacts to the CDFW-owned land (i.e., the Rancho Jamul Ecological Reserve and would trespass on the Rancho Jamul Ecological Reserve, and are not authorized under the MSCP County Subarea Plan.

Please see **Response to Comment A-3-64** and **Thematic Response – Proctor Valley Road and Other Off-Site Roads**.

O-7-35 The comment quotes portions of the Draft EIR with regard to Proctor Valley Road and other roads as approved facilities in the MSCP County Subarea Plan. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

O-7-36 The comment states that the Draft EIR misrepresents provisions in the MSCP County Subarea Plan applicable only to Proctor Valley Road on Cornerstone Lands and that it disregards these portions of former “take authorized area” that are now preserved as Rancho Jamul Ecological Preserve.

Please see **Response to Comment A-3-64** and **Thematic Response – Proctor Valley Road and Other Off-Site Roads**.

O-7-37 The commenter argues that Proctor Valley Road should not be constructed through property that was previously planned for residential development in “take authorized areas,” but has subsequently been acquired by CDFW and included in the Rancho Jamul Ecological Reserve (“RJER”). The commenter argues that two segments of Proctor Valley Road within the take authorized area are no longer available for construction because they are now in the RJER and should be realigned through the “development footprint” of the Otay Ranch Project.

Please see **Response to Comment A-3-64** and **Thematic Response – Proctor Valley Road and Other Off-Site Roads**.

O-7-38 The comment states that two segments of the proposed realignment of Proctor Valley Road – i.e., the one between the central and northern development areas of Village 14 and the one west of the western development area of Planning Areas 16/19 – can be realigned and constructed within land owned by the Project applicant without intrusion into Rancho Jamul Ecological Preserve. Proctor Valley Road through the Proposed Project is in an alignment that is consistent with the alignment of the County’s General Plan Mobility Element. As noted in the **Response to Comment O-7-37**, there is no need or requirement to realign Proctor Valley Road onto privately owned property. Please see also **Responses to Comments A-3-64, A-3-83, and A-3-84**. Please also refer to **Thematic Response – Proctor Valley Road and Other Off-Site Roads**.

O-7-39 The commenter contends that the rural residential road proposed between the middle and eastern development areas of Planning Areas 16/19 is “a redundant proposed road [that] is not necessary to provide access across the Rancho Jamul Ecological Reserve to either development.” The road referred to by the commenter is required by the County as secondary emergency access for Planning Area 16. County policy requires two points of access. Please refer to **Response to Comment A-3-64** and the **Thematic Response – Proctor Valley Road and Other Off-Site Roads**.

O-7-40 The comment states that “realignment of these segments of Proctor Valley Road onto current Otay Ranch private property is not barred by the MSCP County Subarea Plan as indicated by the Otay Ranch project proposal.” While the MSCP County Subarea Plan may not bar realigning Proctor Valley Road so that it crosses only privately owned land, it does not require such an alignment either. The comment does not raise a specific issue regarding the adequacy of the analysis in the Draft EIR; therefore, no further response is required or provided.

O-7-41 The comment states that while the Draft EIR discloses the Proposed Project would have direct and indirect effects on areas designated as critical habitat, the Draft EIR does not acknowledge any potentially significant impacts associated with “destruction or adverse modification” of designated critical habitat for federally listed species, including coastal California gnatcatcher (*Polioptila californica californica*), Quino checkerspot butterfly (*Euphydryas editha quino*), spreading navarretia (*Navarretia fossalis*), and Otay tarplant (*Deinandra conjugens*).

A determination of “destruction or adverse modification” of designated critical habitat, as defined under the federal Endangered Species Act, is made by the USFWS in their Biological Opinions for Section 7 consultations. As such, it is a determination under federal law, not CEQA. Thus, it is not included in the Draft EIR.

O-7-42 The comment cites sections of the United States Code regarding definitions of critical habitat and conservation. The County notes that the comment provides factual 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-7-43 The comment states that the Draft EIR fails to evaluate the loss or modification of designated critical habitat for federally listed species.

Adverse modification of critical habitat is an issue to be determined under the federal Endangered Species Act, not CEQA (see **Response to Comment O-7-41**). In addition, California gnatcatcher, spreading navarretia, and Otay tarplant are Covered Species

under the MSCP Plan. As stated in Section 2.3.3 of the Biological Resources Technical Report, Appendix 2.4-1 to the Draft EIR, “Section 1.4 of the Implementing Agreement (USFWS et al. 1998) for the MSCP County Subarea Plan, the Wildlife Agencies (i.e., USFWS and CDFW) have agreed to areas where development can occur, and areas required to be preserved as mitigation for granting take authorization for the 85 Covered Species.” Impacts to these species and their recovery have been evaluated as part of the MSCP Plan and the Otay Ranch RMP. Dedication of the required mitigation and Preserve lands are consistent with the Otay Ranch RMP and impacts to these species would be reduced to less than significant by virtue of participation and consistency with the Otay Ranch RMP.

The Draft EIR analyzes significant impacts to suitable habitat (including designated critical habitat) on pages 2.4-77 through 2.4-79. By analyzing impacts to suitable habitat, the Draft EIR analyzes whether the Proposed Project would have significant impacts on critical habitat as well, and mitigation in the form of habitat conveyance is provided to reduce impacts to less than significant and whether the Proposed Project would reduce the likelihood of survival and recover per County Guideline 4.5J. However, as noted in **Response to Comment O-7-41**, USFWS makes the final determination as to adverse modification and destruction of designated critical habitat, as that is an issue to be considered when seeking take authorization under the federal Endangered Species Act.

- O-7-44** The comment states that the Draft EIR fails to evaluate the Proposed Project’s effects on the recovery of the listed species or to reference their recovery plans and recovery criteria. Refer to **Response to Comment O-7-43** regarding the USFWS responsibility to address recovery and survival of listed species through Section 7 and Section 10 Biological Opinions.
- O-7-45** The comment states that the Draft EIR fails to propose any mitigation to compensate for permanent loss of critical habitat. For Quino checkerspot butterfly, the Draft EIR (page 2.4-77) describes preservation of 274.6 acres of designated critical habitat located in the Otay Ranch RMP Preserve and 37 acres located within Conserved Open Space. Through preservation of a mosaic of open habitat communities along with some chaparral areas, hilltop areas, cryptogamic soils, and scattered host plant areas that are connected to other large blocks of preserved habitat that is considered suitable for Quino checkerspot butterfly, impacts to suitable habitat and this species is mitigated. Additional species with critical habitat on site (California gnatcatcher, spreading navarretia, and Otay tarplant) are Covered Species and impacts to these species, along with critical habitat, were evaluated through the MSCP Plan. However, impacts to their critical habitat are evaluated in Section 2.4.3.1 of the Draft EIR and mitigation is

provided through habitat conservation through the Otay Ranch RMP Preserve and Conserved Open Space.

- O-7-46** The comment notes that the Draft EIR attributes critical habitat for Otay tarplant in Village 14 to a registration error and suggests that the Project applicant petition the USFWS to revise the designation. The comment states that the Draft EIR provides no evidence that the putative error excuses the County from its obligation to evaluate and mitigate the Proposed Project's impacts to Otay tarplant critical habitat.

Otay tarplant is a Covered Species under the MSCP Plan. Therefore, impacts to this species and its suitable habitat were evaluated through the MSCP Plan. Additionally, as stated on page 2.4-74 of the Draft EIR, impacts to narrow endemic species associated with the road improvements within the City of Chula Vista have been previously mitigated; therefore, this portion of the Proposed Project is in compliance with the protection provisions of the MSCP Chula Vista Subarea Plan. Therefore, impacts to Otay tarplant and its critical habitat are adequately evaluated and mitigated in the Draft EIR.

- O-7-47** The comment states that the Proposed Project will have significant impacts on variegated dudleya (*Dudleya variegata*; a narrow endemic species) in violation of the MSCP County Subarea Plan and BMO. The comment notes that according to the Draft EIR, significant impacts to the dudleya would be mitigated by following the guidelines of the RMP, conveying habitat, and transplanting the impacted population. The comment then states these measure violate County requirements to protect narrow endemic species. The comment further states that impacts to narrow endemic species must be avoided to the maximum extent practicable in addition to conveying land to the Preserve, but the Project applicant provides no rationale for why impacts are unavoidable.

Variegated dudleya is an MSCP covered species and a narrow endemic. Impacts to this species were evaluated through the BMO. Section 86.505 of the County's BMO states that impacts to narrow endemic plant species "shall be avoided to the maximum extent practicable" and projects shall follow certain design criteria, including compliance with "applicable design criteria in the County MSCP Subarea Plan." In certain cases where it may be infeasible for a project to meet all the goals and criteria of the BMO, the County may grant an exception to the specific requirements of the BMO (BMO, Section 86.509(b); MSCP Implementing Agreement, Section 10.13). Such an exception requires concurrence of the USFWS and the CDFW (collectively, the Wildlife Agencies). As explained in the BMO analysis (Appendix A of the Biological Resources Technical Report), it is not feasible to avoid variegated dudleya within the portion of the Project Area identified as PV3 because this would limit the ability to achieve the

density and land use policies set forth in both the County's General Plan and the Otay Ranch General Development Plan/Otay Subregional Plan, Volume II. In addition, even if the on-site variegated dudleya populations were preserved, they would be isolated and subject to stochastic loss. Based on the BMO analysis and findings, the County has determined that the proposed development on PV3 can be constructed without compromising the conservation of the variegated dudleya and that the exception is the minimum necessary to afford relief and accommodate development. As noted above, the exception would require concurrence from the Wildlife Agencies.

- O-7-48** The comment states that the origin and spread of 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 without perpetual control. The comment recommends endowments be established for use by CDFW and City of San Diego Public Utilities Department, as well as the Otay Ranch Preserve Owner/Manager, to fund invasive species management in perpetuity.

The County acknowledges the comment and notes that it expresses the opinions of the commenter.

The County also notes that 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 II RMP as of the writing of this response. The Otay Ranch RMP Preserve was designed and is managed specifically for protection and enhancement of multiple species present on Otay Ranch. In addition, the Preserve Edge Plan prohibits the use of invasive plant species in the 100-foot buffer between the Preserve edge and development and controls to prevent urban runoff from entering the Preserve and potentially facilitating the spread of invasive species.

- O-7-49** The comment expresses the general opinion of the commenter that the Proposed Project's greenhouse gas (GHG) analysis and mitigation is inadequate. The comment also restates information contained in the Draft EIR, and serves as an introduction to comments that follow. Please refer to **Responses to Comments O-7-52 through O-7-**

- 72 for detailed analysis regarding why the Draft EIR adequately addresses the Proposed Project's impacts to GHG emissions.
- O-7-50** The comment provides scientific background information on the effects of climate change and sources of GHG emissions, as well as information on California-specific targets and legislation for the reduction of GHG emission. Please note that Draft EIR Section 2.7, Greenhouse Gas Emissions (and specifically Section 2.7.1 therein), provides an overview of climate change, a discussion of GHGs, sources of GHG emissions, and potential effects of climate change; Section 2.7.1 establishes the necessary background framework for this CEQA issue area. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-7-51** The comment restates information contained in the Draft EIR regarding carbon sequestration and the loss of on-site vegetative cover. The comment asserts the approach in the Draft EIR is flawed. The County notes the comments serves as an introduction to comments that follow. Please refer to **Responses to Comments O-7-52 through O-7-59** for a detailed analysis of the commenter's concerns regarding the Draft EIR's calculation of GHG emissions associated with changes to the existing vegetative landscape.
- O-7-52** The comment asserts that the Draft EIR uses generic carbon sequestration values without providing detailed specific information (age, density, and type) on the vegetation being converted.

In response, the Draft EIR's carbon sequestration analysis is based on CalEEMod, which is the industry-standard model for the estimation of GHG emissions. As discussed in the CalEEMod User's Guide, the model's vegetation removal attributes (including its emission factors) are based on scientific data and evidence collected by the Intergovernmental Panel on Climate Change (IPCC), a recognized expert on the subject of global climate change (CAPCOA 2016).

Moreover, the CalEEMod User's Guide states that the calculation of the loss of sequestered carbon should not generally require detailed information about the types of vegetation being removed due to implementation of a project (CAPCOA 2016, Appendix A, Section 11, Vegetation, page 50; italics added):

The program calculates GHG emissions from vegetation activities according to the IPCC protocol for vegetation since *it has default values that work well with the information typically available for development projects*. This method is

similar to the CAR Forest Protocol and the Center for Urban Forest Research Tree Carbon Calculator, but *it has more general default values available that will generally apply to all areas of California without requiring detailed site-specific information.*

Section 4.4, Land Use Change and Vegetation Carbon Sequestration, specifically Section 4.4.1, Loss of Sequestered Carbon, of Draft EIR Appendix 2.7-1, Greenhouse Gas Emissions Technical Report, presents the calculation methodology and inputs used to estimate the loss of sequestered carbon associated with the Proposed Project's removal of existing vegetation. Each habitat type/vegetation community identified as impacted in Draft EIR Appendix 2.4-1, Biological Resources Technical Report, was matched with the appropriate CalEEMod vegetation category to estimate carbon loss based on the professional judgment of experienced biologists and GHG emissions specialists. Detailed calculations, including specific vegetation types utilized in the carbon sequestration analysis, are presented on pages 2,612 through 2,616 of the Greenhouse Gas Emissions Technical Report (see Draft EIR Appendix 2.7-1). The discussion of the methodology, approach, and calculations within Draft EIR Section 2.7 and Appendix 2.7-1, Greenhouse Gas Emissions Technical Report, as well as the supporting technical documentation provided in the Greenhouse Gas Emissions Technical Report Appendix A, provide sufficient information and analysis to allow the public to discern the basis for the County's impact findings.

- O-7-53** The comment states that the Draft EIR assumes a one-time loss of existing vegetation; however, the emissions estimates fail to include any estimate of forgone future sequestration associated with continuing growth of existing vegetation. The comment further states that this omission results in a potential undercounting of emissions associated with vegetation change.

As discussed in **Response to Comment O-7-52**, the carbon sequestration analysis is based on CalEEMod, the industry-standard emission estimator model. The Draft EIR Section 2.7, pages 2.7-23 and 2.7-47, based on the results of the CalEEMod modeling presented in Appendix 2.7-1, Greenhouse Gas Emissions Technical Report, the estimated 10,382 metric tons of carbon dioxide equivalent (MT CO_{2e}) represents the carbon loss associated with removing approximately 810 acres of various vegetation types. As stated in Section 2.5, Carbon Sequestration, of Draft EIR Appendix 2.7-1, and supported by the CalEEMod User's Guide (Section 11.1, Land Use Change, page 50 (CAPCOA 2016)), "A development which changes land use type results in changes in CO₂ sequestration from the atmosphere which would not have been captured had there been no land-type change." Accordingly, CalEEMod estimates the one-time loss of carbon stored in mature vegetation community that has accumulated biomass over

many years, and assumes all carbon stored is released into the atmosphere as carbon dioxide once the vegetation is removed.

It is speculative to evaluate the future gain of sequestered carbon of vegetation removed because there are various factors that affect sequestration, particularly for mature vegetation. The amount of biomass that vegetation gains is known to diminish overtime; and, following maturity (e.g., the end of the active growing cycle), the annual carbon sequestration rate slows substantially, and carbon gains are potentially offset with carbon losses. As recognized by the CalEEMod User's Guide (Section 11.2 Sequestration, page 52 (CAPCOA 2016)), "The program assumes the IPCC active growing period of 20 years. Thereafter, the accumulation of carbon in biomass slows with age, and will be completely offset by losses from clipping, pruning, and occasional death."

Accordingly, the GHG emissions calculations follow the industry standard provided in CalEEMod, which in turn is informed and supported by evidence developed by the IPCC.

O-7-54 The comment asserts that the approach to estimating vegetation removal directly contradicts the approach the Draft EIR takes when calculating emissions gained from planting 8,000 trees. The comment further asserts the Draft EIR cannot assume a one-time loss of GHG emissions from removing over 800 acres of vegetation while also taking credit for 20 years of carbon sequestration from new trees being planted.

The carbon sequestration analysis, as detailed in Draft EIR Section 2.7, Greenhouse Gas Emissions, and Appendix 2.7-1, Greenhouse Gas Emissions Technical Report, is informed by a two-part equation: (1) the loss of sequestered carbon associated with the removal of vegetation and (2) the gain of sequestered carbon associated with planting new trees. The carbon dioxide (CO₂) emissions associated with the loss of sequestered carbon is included in the construction GHG emissions assessment as an increase in GHG emissions. The gain of sequestered carbon and the associated reduction in CO₂ emissions from planting new trees is included in the operational GHG emissions assessment as a reduction in GHG emissions. CalEEMod bases the calculation of carbon loss and gain on same expert agency recommendations from the IPCC.

As explained in **Response to Comment O-7-53**, the CalEEMod default CO₂ accumulation per acre for vegetation categories assumes an established vegetation community that has sequestered carbon over many years. While the default mass of sequestered CO₂ per unit acre value in CalEEMod does not have a specific assumption related to the associated years of growth, it is reasonable to assume that the value reflects vegetation that accumulated biomass over an extended period of time, potentially 20 years, to reach maturity. It also is appropriate to assume that the newly

planted trees would also grow to maturity and sequester carbon over a period of time, which CalEEMod assumes to be 20 years. Therefore, the sequestered carbon gain equation and assumptions in CalEEMod do not contradict the loss of sequestered carbon equation and assumptions included in CalEEMod.

- O-7-55** The comment states that the Draft EIR estimates total loss of sequestered carbon using a net loss figure by relying on initial and final number of vegetated acres lost because of the Proposed Project, but the Draft EIR provides no explanation on where the initial and final acres estimates come from or how the loss of vegetation will be recovered.

The County does not agree with the comment that there is no explanation of the origin of the vegetation assumptions. The Draft EIR Section 2.7, Greenhouse Gas Emissions, Table 2.7-7, Vegetation Removal – Estimated Loss of Sequestered Carbon (page 2.7-47), presents the estimated initial and final acres of each CalEEMod vegetation land use category to estimate the net loss of acres. As also explained in **Response to Comment O-7-52**, each habitat type/vegetation community identified to be impacted in the biological resources analysis prepared for the Proposed Project was matched with the appropriate CalEEMod category to estimate carbon loss based on the professional judgment of experienced biologists and GHG emissions specialists. A detailed categorization of the specific vegetation types identified in Draft EIR Appendix 2.4-1, Biological Resources Technical Report, as matched to available CalEEMod vegetation categories, is presented on pages 2,612 through 2,616 of Draft EIR Appendix 2.7-1, Greenhouse Gas Emissions Technical Report. The vegetation data was generated by the biological surveys contained within Appendix 2.4-1, Biological Resources Technical Report. Accordingly, project-specific data was used to model the anticipated acreages of impacts to vegetation.

As stated on page 86 of Appendix 2.7-1, Greenhouse Gas Emissions Technical Report, “It is conservatively assumed that all sequestered carbon from the removed vegetation will be returned to the atmosphere; that is, the wood from the trees and vegetation communities would not be re-used in a solid form or another form that would retain carbon.” Therefore, it is conservatively assumed that there is no recovery of existing vegetation. (Note, however, that the Project Area would be revegetated, as discussed further in **Response to Comment O-7-56**.)

- O-7-56** The comment asserts that to the extent the Draft EIR is relying on the 8,000 trees being planted to make up for the initially lost acreage, the Draft EIR would be double counting its emission reduction estimates.

The County does not agree with the commenter that the new trees would be “double counting.” The Draft EIR does not rely on 8,000 trees being planted to “make up for the initially lost acreage” as the comment states. As explained in **Response to Comment O-7-54**, the loss of sequestered carbon and the gain of sequestered carbon are separately assessed in the Draft EIR’s carbon sequestration analysis; and, the analysis reflects anticipated removal of existing vegetation as estimated in Draft EIR Appendix 2.4-1, Biological Resources Technical Report, and anticipated planting of new trees, as estimated by SJA Inc. (SJA Inc. 2016). In other words, the carbon sequestration analysis represents what is anticipated to occur as a result of implementation of the Proposed Project; the analysis does not depend on tree planting to offset vegetation removal. The County also refers the commenter to **Responses to Comments O-7-54 and O-7-59**.

O-7-57 The comment notes that if the Draft EIR is assuming that some of the lost vegetation will return or be replanted, it provides no evidentiary basis for that assumption.

The Draft EIR does not assume that removed vegetation would be returned or replanted. Instead, the carbon sequestration analysis assumes that all carbon sequestered in the existing vegetation that would be removed to prepare the Project Area for development will be returned to the atmosphere as carbon dioxide, as explained in Section 4.4.1, Loss of Sequestered Carbon, of Draft EIR Appendix 2.7-1, Greenhouse Gas Emissions Technical Report (page 85). Please refer to **Responses to Comments O-7-54 through O-7-56**.

O-7-58 The comment notes that the Draft EIR should provide the difference between the initial and final acres of lost vegetation and the evidence underlying those assumptions should be made clear.

As explained in **Response to Comment O-7-55**, the assumed initial and final acres of each vegetation category, and the associated estimated total loss of acres of vegetation, is clearly described in the Draft EIR, as presented in Draft EIR Section 2.7, Greenhouse Gas Emissions, Table 2.7-7 (page 2.7-47), Table 19 of Appendix 2.7-1, Greenhouse Gas Emissions Technical Report (page 90), and Appendix A for Appendix 2.7-1 (pages 2,612 through 2,616). The Draft EIR adequately disclosed the necessary data to assess potential GHG emissions impacts.

O-7-59 The comment raises a concern that the Draft EIR does not describe the basis for the estimated number of new trees, nor does it explain the methodology by which emissions reductions from new trees were determined.

The estimate of 8,000 trees to be planted with development of the Project Area was conservatively calculated based on information provided by SJA Inc., a licensed Landscape Architect, which is presented in the table below.

Estimated Proposed Project Tree Planting

Location/Area	Number of Trees
Proctor Valley Road (18,000 linear feet)	1,100
Parks and Recreation Areas	500
Dwelling units (1 tree per each unit)	1,119
Interior Open Space (190 acres; 1 tree per 1,500 square feet)	5,517
Total	8,236 trees

Source: SJA 2016.

As presented in the table above, the estimate of the 8,000 trees is a conservative estimate provided by a certified Landscape Architect. The assumption of one tree per dwelling unit reflects the minimum amount of trees planted at each unit. It is reasonable to anticipate that substantially more trees will be planted by future residents, which were conservatively not included in the carbon sequestration gain calculation.

The methodology for estimating the gain of sequestered carbon, as measured in metric tons of carbon dioxide, is clearly documented in Draft EIR Appendix 2.7-1, Greenhouse Gas Emissions Technical Report, Section 4.4.2 Gain of Sequestered Carbon (pages 86-87), with calculations presented on page 93 (Table 24, Planted Trees – Estimated Gain of Sequestered Carbon). The sequestration calculations are part of CalEEMod, the accepted model for calculating GHG emissions. It is appropriate to apply the vegetation carbon sequestration equations and inputs provided in CalEEMod to the analysis of the Proposed Project’s GHG emissions because CalEEMod was specifically developed to estimate GHG emissions, including carbon loss and gain, for land use development projects within California.

As explained on page 87 of Appendix 2.7-1, “As the types of tree species that will be planted within the Project Area are currently unknown, the CO₂ sequestration rate of 0.0354 MT CO₂/tree/year for the miscellaneous tree species category was assumed in this analysis.” Also as explained on page 87, the 20-year growth period input is per CalEEMod and is based on the IPCC active growing period assumptions. The use of the miscellaneous tree species in CalEEMod is appropriate to assume for the Proposed Project because a specific number of trees by tree species is not available.

Trees planted and maintained by the Homeowner’s Association (HOA) would be irrigated; the irrigation-related water demand was included in the estimated water consumption estimate for the Proposed Project (see Appendix 3.1.2-3 of the Draft EIR,

Otay Ranch Village 14 and Planning Areas 16/19 Water Conservation Plan, prepared by Dexter Wilson Engineering) and therefore was included in the GHG emissions associated with outdoor water consumption.

In reviewing Appendix E (Technical Source Documentation) of the CalEEMod User's Guide, it is noted that CalEEMod calculates VOC emissions from fertilizer application at parks and golf courses. The decision made by CalEEMod developers to limit fertilizer application assumptions to VOCs (a criteria air pollutant, not a GHG) and to certain land use types suggests that the developers determined that any emission of GHGs attributable to fertilizer application was not substantial enough to warrant estimation in the modeling platform. It is also noted that it would be speculative to determine the amount and type of fertilizer used.

The GHG emissions analysis does assume that all 8,000 trees would be planted successfully and would reach the end of the active growing cycle (i.e., 20 years). If any planted trees maintained by the HOA die or are removed for health issues, another tree would be replanted in the space or elsewhere within the Project Area. If a location of a planted tree is not conducive to successful growth, a tree could be planted in another location within the Project Area. As shown in the Estimated Proposed Project Tree Planting table above, a minimum of 8,236 trees are assumed to be planted as part of the Proposed Project; only 8,000 trees were assumed in the GHG emissions analysis. As also noted above, it is anticipated that substantially more trees would be planted on residential lots; however, no credit was taken for private planting of trees or vegetation because it would be speculative. This serves to underscore the conservative parameters of the carbon sequestration gain calculations.

The Proposed Project includes a plant palette, as outlined in the Otay Ranch Village 14 and Planning Areas 16/19 Village Design Plan (RH Consulting 2018a); Preserve Edge Plan (RH Consulting 2018b); and Appendix 3.1.1-2, Fire Protection Plan, which lists the various types of landscaping, including trees, anticipated as part of the Proposed Project. This plant palette includes peppermint tree (*Agonis flexuosa*), crape myrtle (*Lagerstroemia* sp.), Brisbane box (*Lophostemon confertus*), white alder (*Alnus rhombifolia*), arroyo willow (*Salix lasiolepis*), blue elderberry (*Sambucus nigra*), lance leaf willow (*Salix lucida*), strawberry tree (*Arbutus* sp.), palo verde (*Parkinsonia* sp.), sweet bay (*Laurus nobilis*), olive tree (*Olea europaea*), London planetree (*Platanus ×hispanica*), California sycamore (*P. racemosa*), African sumac (*Searsia lancea*), coast live oak (*Quercus agrifolia*), and holly oak (*Q. ilex*). Many of these trees (such as coast live oak, holly oak, alder, and willow) could be classified as mixed hardwood, which has a higher sequestration value than the miscellaneous input used in the CalEEMod analysis; however, other trees included in the plant palette do not have a

clear match to the CalEEMod sequestration factors, so use of the miscellaneous input was appropriate. Additionally, it is unknown how many of each tree species will be planted; therefore, more precise assumptions would be speculative.

O-7-60 The County acknowledges the comment restates information contained in the Draft EIR and serves as an introduction to comments that follow regarding the use of carbon offsets to mitigate the Proposed Project's impacts to GHG emissions. The County refers the commenter to **Responses to Comments O-7-61 through O-7-68**.

O-7-61 The comment provides background information regarding mitigation fees and CEQA, and cites court cases that argue that carbon offsets are a type of mitigation fee that is not permissible.

In response, the use of carbon offset credits to mitigate GHG emissions is expressly authorized by CEQA Guidelines Section 15126.4(c)(3). Specifically, the CEQA Guidelines recognize that off-site mitigation, which may include purchase of offsets, may be used as mitigation for GHG emissions. Additionally, as described by the comment, carbon offsets are not analogous to mitigation fees in the traffic context because the Proposed Project's mitigation framework requires the use of an offset that "represents the *past* reduction or sequestration" of GHG emissions. This ensures that the reduction has been achieved and realized, unlike the situation that arises in the traffic setting where a mitigation fee is paid and the necessary improvement is never implemented due to the lack of an approved plan or program. In this instance, the Proposed Project would rely on carbon offsets issued by recognized, acceptable registries that have verified the reduction or sequestration of emissions through protocols and methodologies that preserve environmental integrity. Please refer to **Thematic Response – GHG (Carbon Offsets)** regarding the use of carbon offsets as mitigation for GHG emissions.

O-7-62 The comment states that the Draft EIR fails to specify the sources of offsets credits and does not provide evidence that offset registries are functioning and will continue to function in a manner that will result in actual, effective mitigation.

The Draft EIR, Section 2.7 Greenhouse Gas Emissions, describes the registries that are available at this time and presents that offset purchases must meet the following standard as outlined in mitigation measures M-GHG-1 and M-GHG-2: "the purchased carbon offsets used to reduce construction and vegetation removal GHG emissions shall achieve real, permanent, quantifiable, verifiable, and enforceable reductions (California Health & Safety Code Section 38562(d)(1))." The mitigation measures also require that the offsets be secured from specified carbon registries. As required by these measures, the

County will verify these offsets prior to the impact being realized because the issuance of grading permits (and associated GHG emissions associated with construction activities) and site plan permits (and associated building permits and construction and operational emissions) would not be issued without such evidence. The County will enforce this standard as it monitors the purchase of offsets in implementation of the Mitigation Monitoring and Reporting Program. Please refer to **Thematic Response – GHG (Carbon Offsets)**.

- O-7-63** The comment asserts that the Draft EIR fails to provide evidence that a sufficient quantity of GHG offset credits is available from existing, functioning programs to mitigate the Proposed Project’s emissions to net zero.

The County notes that critically, because of the parameters of the mitigation framework, the Proposed Project must mitigate—via offsets—the incremental quantity of GHG emissions at issue *before* it can proceed with development.

Based on the County’s research, it believes that sufficient carbon offsets are available for use within the CEQA context (Ecosystem Marketplace 2017). By way of example, as of November 2017, the Climate Action Reserve has issued more than 100 million carbon offsets (Climate Action Reserve 2017a, 2017b). The Climate Action Reserve found that California leads the nation in the number of offset projects registered (52) and the number of credits issued (22.5 million) (Climate Action Reserve 2017a). The American Climate Registry reached the same milestone in August 2017 (American Carbon Registry 2017), and the Verified Carbon Standard (now referred to as Verra) has certified more than 1,300 projects that have removed or reduced more than 200 million tons of GHGs (Verra 2018). Please refer to **Response to Comment O-7-62** and **Thematic Response – GHG (Carbon Offsets)**.

- O-7-64** The comment repeats Comment O-7-63. No further response is required or provided

- O-7-65** The comment raises concerns that there is no enforcement mechanism to ensure that the offsets purchased to mitigate the Proposed Project’s impact will come from local, regional, or state level GHG reduction projects. The comment further asserts that the Draft EIR fails to include the necessary measures to ensure that offsets are real, enforceable, additional and otherwise consistent with CEQA mitigation requirements.

The geographic location of the offset projects from which the Proposed Project will purchase its offsets from will be determined at the time of purchase. Regarding geographic preference, please refer to **Thematic Response – GHG (Carbon Offsets)**,

which includes a revision to mitigation measures M-GHG-1 (Sixth item) and M-GHG-2 (Ninth item), as follows:

... all carbon offsets required to reduce the Project's operational emissions shall be associated with reduction activities that are geographically prioritized according to the following locational attributes~~the County of San Diego Planning & Development Services shall consider, to the satisfaction of the Director of PDS, the following geographic priorities for GHG reduction features, and GHG reduction projects and programs: (1) project design features/on-site reduction measures; (2) off-site, within the unincorporated areas of the County of San Diego; (3) off-site, incorporated areas within the County of San Diego; (4) off-site areas within California; (5) off-site areas within the United States; and (6) off-site internationally areas.~~ As listed, geographic priorities would focus first on local reduction options/features (including projects and programs that would reduce GHG emissions) to ensure that reduction efforts achieved locally would provide cross-over, co-benefits related to other environmental resource areas~~air quality criteria pollutant reductions within the San Diego Air Basin, and to aid in San Diego County jurisdictions' efforts to meet their GHG reduction goals.~~ The Proposed Project applicant or its designee shall first pursue offset projects and programs locally within unincorporated areas of the County of San Diego to the extent such offset projects and programs are financially competitive in the global offset market.

The Director of the PDS shall issue a written determination that offsets are unavailable and/or fail to meet the feasibility factors defined in CEQA Guidelines Section 15364 in a higher priority geographic category before allowing the Project applicant or its designee to use offsets from the next lower priority category. In making such a determination, the Director of the PDS shall consider information available at the time each Project-related building permit request is submitted, including but not limited to:

- The availability of in-State emission reduction opportunities, including funding and partnership opportunities with the County, other public agencies, or environmental initiatives with demonstrated integrity;
- The geographic attributes of carbon offsets that are listed for purchase and retirement;
- The temporal attributes of carbon offsets that are listed for purchase and retirement;

- The pricing attributes of carbon offsets that are listed for purchase and retirement; and/or,
- Any other information deemed relevant to the evaluation, such as periodicals and reports addressing the availability of carbon offsets.

Through implementation of the Mitigation Monitoring and Reporting Program and with the identified mitigation refinements, the County would have a measured process in place to evaluate the Proposed Project's compliance with the geographic priority provisions.

- a) Please also see **Thematic Response – GHG (Carbon Offsets)**, which explains that CEQA does not mandate a particular geographic priority for the mitigation of GHG emissions; rather, that issue is subject to the discretion of the lead agency.

O-7-66 The comment expresses an opinion that the Proposed Project sets a dangerous precedent for the County and that it sets the stage for more sprawling development projects that shift their GHG emission reduction requirements elsewhere.

The Proposed Project does not represent a precedent-setting case. Rather, the use of carbon offsets to mitigate GHG emissions is expressly authorized by the CEQA Guidelines; is consistent with the California Air Resources Board's 2017 Climate Change Scoping Plan; and has been used by multiple projects certified by the governor as environmental leadership projects for CEQA streamlining purposes under Assembly Bill 900. It also is noted that the Proposed Project includes multiple emissions-reducing design features applicable to the Proposed Project's primary emissions-generating sources that would be implemented on site. For additional information, refer to **Thematic Response – GHG (Carbon Offsets)**.

O-7-67 The comment expresses an opinion that the use of carbon offsets would undermine the County's ability to reach local reduction goals for GHG emissions. The County notes that, unlike criteria pollutants where individual districts are characterized by varying levels of pollutant concentrations and source types, GHGs and their attendant climate change ramifications are a global problem (CAPCOA 2008). Climate change is a global phenomenon in that all GHG emissions generated throughout the earth contribute to it; the action of GHGs is global in nature, rather than local or regional (or even statewide or national) (CAPCOA 2008). The California Supreme Court recently acknowledged this point in *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204: "the global scope of climate change and the fact that carbon dioxide and other greenhouse gases, once released into the atmosphere, are not contained in the local area of their emission means that the impacts to be evaluated are also global rather than local." Accordingly, geographical limits to mitigation options

does not align with the science and understanding of GHGs and the global, cumulative nature of GHG emissions. As all GHG emissions generated throughout the earth contribute to climate change, a reduction in GHG emissions on earth would offset the generation of GHG emissions and their contribution to climate change regardless of geographic location.

The carbon offsets purchased by the Proposed Project would be from the voluntary marketplace (because the Project is not a regulated entity covered by and subject to the California Air Resources Board's Cap-and-Trade Program). Entities that direct and regulate the Cap-and-Trade Program have direct operational control of the long-term GHG emissions from the source profile, whereas land use developers do not have continuing control and authority over many if not all of the sources (e.g., homeowners decide when to turn appliances on and off; business owners decide their hours of operation). The County refers the commenter to **Thematic Response – GHG (Carbon Offsets)**.

- O-7-68** The comment asserts that the Draft EIR's approach to addressing its significant GHG emissions not only violates CEQA, but also is an irresponsible step in the wrong direction for the County. This comment provides concluding remarks. Please refer to **Responses to Comments O-7-60 through O-7-67** and **Thematic Response – GHG (Carbon Offsets)**.
- O-7-69** The comment asserts that the Draft EIR fails to adopt all feasible mitigation measures. The comment also provides background information from the Public Resources Code regarding adoption of mitigation measures to lessen significant environmental effects. The County acknowledges the comment as an introduction to comments that follow. Please refer to **Responses to Comments O-7-70 through O-7-72**.
- O-7-70** The County acknowledges the potential mitigation measures to reduce GHG emissions recommended by the commenter. The Draft EIR, Section 2.7, identifies mitigation measures M-GHG-1 through M-GHG-4, which would reduce the Proposed Project's GHG emissions to net zero. The Draft EIR Table 2.7-5, Project Design Features that Reduce Greenhouse Gas Emissions, which identifies the on-site energy efficiency, transportation, and water strategies that the Proposed Project would implement to reduce GHG emissions. CEQA does not require the consideration of additional mitigation measures for project impacts that have been mitigated to less than significant (14 CCR 15126.4(a)(3)). Nonetheless, the County has considered the additional recommended measures and they are evaluated below.

**Table O-7-1
Suggested Additional CO₂e Reduction Measures**

Suggested Mitigation Measure	Evaluation
Car sharing programs	<p>PDF-TR-1 includes the following related to car sharing:</p> <ul style="list-style-type: none"> • Coordinate with San Diego Association of Governments' (SANDAG's) iCommute program for carpool, vanpool, and rideshare programs that are specific to the Proposed Project. <p>Accordingly, the suggested mitigation measure is already considered in PDF-TR-1.</p>
Transportation center that bring together various modes of public transport	<p>PDF-TR-1 includes the following related to transportation stops/stations:</p> <ul style="list-style-type: none"> • Coordinate with San Diego Metropolitan Transit System and SANDAG about the future siting of transit stops/stations within the Project Area. <p>Accordingly, the suggested mitigation measure is already considered in PDF-TR-1.</p> <p>Further, the Proposed Project is part of the Otay Ranch community, which has been identified by SANDAG for no less than five transit stops as part of the South Bay Bus Rapid Transit. Those stations include the Heritage, Lomas Verdes, Santa Venitia, Otay Ranch, and Millenia Stations. Further, SANDAG has conceptual plans for a "Mobility Hub" and the Otay Ranch Station, which could include an enhanced transit waiting area, passenger loading zones, walkways, crossings, bikeways, bike parking, dedicated transit land, NEV, EV charging, and smart parking (http://www.sdforward.com/fwddoc/mobipdfs/OtayRanch-Profile-SketchUp.pdf). The South Bay Bus Rapid Transit Map is appended to this response for the commenter's reference.</p>
Build additional bus stops earlier-on in the project construction	<p>Regarding bus stops, PDF-TR-1 includes the following:</p> <ul style="list-style-type: none"> • Coordinate with San Diego Metropolitan Transit System and SANDAG about the future siting of transit stops/stations within the Project Area. <p>The provision of on-site transit stops/stations would occur per the temporal recommendations of the identified transit agencies, based on their expertise concerning transit demand/usage</p>

**Table O-7-1
Suggested Additional CO₂e Reduction Measures**

Suggested Mitigation Measure	Evaluation
	<p>trends and needs. Accordingly, the suggested mitigation measure is already considered in PDF-TR-1.</p>
<p>Mandate building construction take advantage of natural features that improve energy efficiency including shade and prevailing winds</p>	<p>The Specific Plan for Otay Ranch Village 14 and Planning Areas 16/19 Section II.A.1 states:</p> <p>“Promote balanced, contoured grading to soften the visual aesthetic within the Project Area and foster passive solar heating and cooling opportunities.”</p> <p>Accordingly, this measure is already included.</p>
<p>Mandate cool roofs and pavements</p>	<p>The following PDF-AQ/GHG-8 was added:</p> <p><u>Prior to the issuance of residential building permits, the Proposed Project applicant or its designee shall submit building plans illustrating that residential structures shall meet the U.S. Green Building Council standards for cool roofs. This is defined as achieving a three-year solar reflectance index (SRI) of 64 for a low-sloped roof and an SRI of 32 for a high- sloped roof.</u></p> <p><u>Prior to the issuance of non-residential building permits, the Proposed Project applicant or its designee shall submit building plans illustrating non-residential structures shall meet the U.S. Green Building Council standards for cool roofs. This is defined as achieving a three-year SRI of 64 for a low-sloped roof and 32 for a high- sloped roof.</u></p> <p>The following PDF-AQ/GHG-9 was added:</p> <p><u>Outdoor pavement, such as walkways and patios will use paving materials with three-year SRI of 0.28 or initial SRI of 0.33.</u></p>
<p>Limit hours of operation of outdoor lighting and heating/cooling systems</p>	<p>This measure is infeasible from an administration perspective because it would require monitoring of every residence. It also would undesirably limit the ability of residences to operate lighting, heating, and cooling for any unique safety purposes, such as residents with off-peak work schedules who leave for or arrive from work during the nighttime hours and utilizing cooling systems in extreme heat days to protect older adults, young children, or other vulnerable populations.</p>

**Table O-7-1
Suggested Additional CO₂e Reduction Measures**

Suggested Mitigation Measure	Evaluation
Mandate water-efficient irrigation systems	<p>This measure is already included in the Draft EIR through implementation of PDF-UT-4, which states: “All Proposed Project landscaping shall comply with the Model Water Efficient Landscape Ordinance, California Code of Regulations Title 23, Division 2, Chapter 2.7 (Section 490 et seq.) By complying with this ordinance, it is estimated that outdoor water use at single family residences will be reduced by approximately 10 percent. Residential water use can vary widely based on the size of lots; however, based on OWD factors for the Proposed Project, <u>estimated water sue for a typical single family home is 435 gpd for densities of 3.0 to 10 units per acre, 700 gpd for densities of 1.0 to 3.0 units per acre, and 1,000 gpd for densities of less than 1.0 units per acre. With an estimated 50 percent of this water used outdoors, the estimated annual water savings is 7,940 gallons per single family residence where densities are from 3.0 to 10 units per acre, 12,775 gallons per single family residence where densities are from 1.0 to 3.0 units per acre, and 18,250 gallons per single family residence where densities are less than 1.0 units per acre based on these assumptions.”</u></p>
Mandate building be water efficient with water-efficient fixtures and appliances	<p>This measure is already included in the Draft EIR through implementation of PDF-AQ/GHG-4, which states: “All appliances (washer/dryers, refrigerators, and dishwashers) that will be installed by builders in residences and commercial businesses shall be Energy Star rated or equivalent.” Additionally, PDF-UT-3 states: “Water efficient dishwashers that carry the Energy Star label shall be installed in all residential units and commercial uses where appropriate.”</p>
Build additional pedestrian and bike pathways	<p>This measure is already included in PDF-TR-1, which includes the following provision (Section 1.2.5, page 19 of the Greenhouse Gas Technical Report): “[d]evelop a comprehensive pedestrian network designed to provide safe bicycle and pedestrian access between the various Proposed Project phases, land uses, parks/open spaces, schools, and the Village Core. Where approved by the appropriate jurisdiction, the pedestrian network would also provide connections to the various recreational trails/pathways and multi-modal facilities accessing the Project Area.”</p>

O-7-71 The County does not agree that the Draft EIR fails to adopt all mitigation measures to reduce its GHG emissions. The Draft EIR, Section 2.7, Greenhouse Gas Emissions, recommends mitigation measures, which, in combination with identified project design features, would reduce the Proposed Project’s GHG emissions to net zero, supporting a

determination that Proposed Project impacts would be less than significant. CEQA does not require the consideration of additional mitigation measures for project impacts that have been mitigated to less than significant (14 CCR 15126.4(a)(3)). Additionally, it is within the discretion of the County, acting as the lead agency for the Proposed Project, to select the portfolio of mitigation measures it finds are supported by substantial evidence and desirable (for more information on this point, please see the **Thematic Response – GHG (Carbon Offsets)**). The County has no continuing obligation to identify additional or alternative mitigation measures for the Proposed Project's less than significant GHG emissions.

O-7-72 The comment asserts that the County's failure to take all feasible steps to reduce emissions from this Proposed Project undermines California's ability to meet its GHG reduction targets. The County does not agree with the comment and refers the commenter to **Responses to Comments O-7-70 and O-7-71**. As described in Section 2.7, Greenhouse Gas Emissions, of the Draft EIR, implementation of mitigation measures M-GHG-1 through M-GHG-4 would reduce the Proposed Project's emissions to net zero. Accordingly, the Proposed Project would not preclude the state of California from achieving GHG reduction targets.

O-7-73 The comment states that California faces challenges to allocate and conserve its water resources in the face of climate change and population growth. The comment states the Proposed Project would "further exacerbate regional and statewide supply issues by constructing water-intensive residential communities in arid San Diego County." The comment states the Draft EIR fails to adequately consider all potential significant impacts and fails to include adequate mandatory or enforceable water conservations strategies. The comment provides an introduction to comments that follow.

The County does not agree with the general comment that the Proposed Project would "further exacerbate regional and statewide supply issues by constructing water-intensive residential communities." The Proposed Project would be a residential community, consistent with the County General Plan and Otay Ranch General Development Plan/Otay Subregional Plan, Volume II (which has been included as part of the Otay Water District (OWD) plans at least since the early 1990s).

The Draft EIR Section 3.1.8.2.1, pages 3.1.8-32 through 3.1.8-33, identifies the Proposed Project's total estimated potable (e.g., drinking water) demand of approximately 797,970 gallons per day (gpd) or 893.9 acre-feet per year (afy), without water conservation; and the Proposed Project's estimated water demand, with conservation, of approximately 753,357 or 843.9 afy. With water conservation, this water savings represents

approximately 5.6% of the total estimated Proposed Project water usage, and it would contribute to lowering the per-capita water use within the OWD.

The OWD is the retail water district that would serve the Proposed Project because the Project Area is located within the jurisdictions of OWD, the San Diego County Water Authority (SDCWA), the wholesale water agency for the San Diego region, and the Metropolitan Water District of Southern California (Metropolitan).

- O-7-74** The comment states that the water supply analysis in the Draft EIR was “improperly narrow” because the chosen thresholds of significance only address the ability to supply the Proposed Project and did not assess the “wisdom of allocating such quantities in this manner, or the implications for state and regional supply regimes.”

The County does not agree with this comment. The County of San Diego, in its role as Lead Agency, has the discretion to determine the significance thresholds used in the preparation of an EIR, as noted in **Response to Comment O-7-78**. The thresholds of significance used in the Draft EIR are from the CEQA Guidelines Appendix G. The questions in Appendix G are largely derived from standards found in environmental laws and regulations, provisions of the CEQA Guidelines, and significance thresholds commonly used by agencies. Although Appendix G is designed to function as an initial study checklist for determining whether an EIR is required, many lead agencies use the standards in Appendix G as a basis for defining standards of significance in an EIR. (See *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal.App.5th 160, 192). Further, the County, as lead agency, has substantial discretion in determining the appropriate significance criteria to evaluate the severity of a particular impact (see CEQA Guidelines section 10564(b); *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068). Here, the County has determined that the significance criteria used in the Draft EIR to assess the significance of water supply impacts appropriately evaluates the issues to be considered. The County does not exclude other considerations, but the EIR’s water supply analysis, measured against the significance criteria identified, is considered adequate for purposes of CEQA.

Further, the County notes that the first threshold related to whether there would be “sufficient water supplies available to serve the Proposed Project from existing entitlements and resources, or require new or expanded entitlements” does in fact consider regional and statewide supply regimes. As noted in **Response to Comment O-7-73**, the Project Area is within the jurisdiction of the OWD, the SDCWA, and Metropolitan. Metropolitan is the wholesale water district that supplies water to its member agencies (including the SDCWA) and obtains its supplies from two primary

sources: the Colorado River through the Colorado River Aqueduct, which it owns and operates; and Northern California through the State Water Project (SWP), a water facilities/delivery system owned and operated by the State Department of Water Resources (DWR).

The Draft EIR (pages 3.1.8-32 through 3.1.8-35) assesses both near-term and long-term water service capabilities. The assessment in the Draft EIR is based in part on the urban water management planning documents adopted by Metropolitan, the SDCWA, and OWD, along with the Proposed Project's Water Supply Assessment and Verification Report (WSA), a report required by the Water Code. The assessment contained in the SDCWA's and OWD's 2015 Urban Water Management Plans (UWMPs) forecasts water supply reliability through the next 25 years (2015–2040), and that analysis corresponds to the population growth forecasts conducted by SANDAG, which includes the population growth anticipated by the Proposed Project (Draft EIR, pages 3.1.8-32 through 3.1.8-35). Thus, the analysis contained in the Draft EIR does consider regional and statewide supply regimes.

- O-7-75** The comment states that the Draft EIR used two criteria provided by the CEQA Guidelines, one which analyzes whether current entitlements are sufficient to supply the Proposed Project, and one which analyzes whether the Proposed Project would require construction of new facilities or the expansion of existing facilities, the construction of which would have significant environmental impacts. The County notes the comment restates the significance guidelines contained in the Draft EIR. The comment does not raise a specific issue regarding the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required or provided.
- O-7-76** The comment states that reliance on the thresholds used in the Draft EIR does not inform the public or decision makers about the “long term sustainability of Project supplies” or how supplying the Proposed Project will affect other users.

The County does not agree with this comment. The Proposed Project's WSA (Appendix 3.1.8-4 to the Draft EIR) concludes, based on substantial evidence, that sufficient water supplies are planned for and are intended to be acquired to meet projected water demands of the Proposed Project as well as existing and other reasonably foreseeable planned development projects within the OWD service area for a 20-year planning horizon, in normal and in single and multiple dry years (see Appendix 3.1.8-4 to the Draft EIR, pages 52 through 57). Please also refer to **Response to Comment O-7-74** and **O-6-267**.

- O-7-77** The comment expresses the commenter’s opinion that the Draft EIR should be revised to use thresholds of significance that consider the Proposed Project’s impacts on the water supply system and “not simply its paper-water entitlements.”

The County does not agree with this comment. Please refer to **Responses to Comments O-7-74 through O-7-76**.

Also, the 2015 UWMPs adopted by the SDCWA and OWD explain in detail the water supply sources relied on at the regional and local level. For example, as to Metropolitan’s SWP supplies, the State Department of Water Resources (DWR) produces biennial reports addressing the delivery capability of SWP supplies. The latest DWR report is titled, “The State Water Project Final Delivery Capability Report 2015” (July 2015). This report identifies the regulatory restrictions on SWP water deliveries; it also estimates SWP delivery capability (without relying on contract entitlements).

Further, the Proposed Project’s WSA includes “verification” of its available supplies and plans for acquiring additional supplies. The WSA identifies these supply sources for both Metropolitan and the SDCWA (see Appendix 3.1.8-4 to the Draft EIR, pages 22 through 30). In addition, the WSA identifies the documents that serve as the basis for the water supply sources (Appendix 3.1.8-4 to the Draft EIR, pages 30 through 39, 42 through 43, and 44 through 47).

- O-7-78** The comment states that while it is within the County’s discretion to use the CEQA Appendix G checklist questions in the significance determination, the checklist may not necessarily cover all potential impacts that may result from a particular project. The comment states that a thorough analysis may require changes to the checklist questions to fully address all of a project’s potentially significant impacts. Please refer to **Responses to Comments O-7-74 through O-7-77**.

- O-7-79** The comment expresses the commenter’s opinion that in light of water supply challenges facing California and the western United States, the Draft EIR should analyze whether the Proposed Project is “a wise allocation of water resources” and what its allocation would mean for other users. The County does not agree with this comment. Please refer to **Responses to Comments O-7-74 through O-7-76**.

- O-7-80** The comment states that Draft EIR does not clearly state or explain the Proposed Project’s demand for potable water. The County does not agree with this comment.

The water demand projections for the Proposed Project were prepared in accordance with adopted OWD guidelines. The demand is presented in the Draft EIR Section 3.1.8.2.1, pages 3.1.8-32 through 3.1.8-33, which identifies the Proposed Project’s total

estimated potable (e.g., drinking water) demand of approximately 797,970 gpd or 893.9 afy, without water conservation, as well as Table 2-2 of Appendix 3.1.8-1, Overview of Water Services. The comment also provides an introduction to comments that follow. Please refer to **Responses to Comments O-7-81 and O-7-82**, below.

- O-7-81** The comment states restates information in the Draft EIR that Proposed Project anticipates residential water use ranging from 435 to 1,000 gallons per day per unit (gpd/unit), depending on the type of single-family lot. The comment then states the average residential lot will use approximately 676 gpd. The comment further states using 2.8 persons per household, the Proposed Project would per capita use would average 240 gpd. The comment then states the average residential use in California in 2016 was 85 gpd per person. The comment states that the Draft EIR should explain what the Proposed Project demand totals are based on and why the Proposed Project would use three times more water than the state average.

The comment does not address the adequacy of the analysis contained in the Draft EIR; rather, the comment seeks clarification of the underlying analysis upon which the Draft EIR is based. To clarify, the water demand factors used to estimate total projected water demand are established by the OWD based on use type and size (i.e., large lot single-family residential vs. multi-family residential vs. non-residential uses). These values, although they may be conservative as the comment suggests, must be used for planning purposes by all projects within the jurisdiction of OWD. This is stated in the Draft EIR on page 3.1.8-32: “The projected water demand estimate is based on OWD planning factors and does not take into account the mandated water use reductions required by the state.”

- O-7-82** The comment states that the Draft EIR contains internal inconsistencies regarding its projected water demand. The comment notes that the water use demand in the Draft EIR is based on a scale of use/acre dependent on dwelling unit density. The comment further states that the Draft EIR uses 300 gpd/unit and 500 gpd/unit to calculate the percentage reduction for conservation measures; however, this is only time in the document these totals are used to estimate average usage and conveniently increases the reduction. The comment states that the Draft EIR must be internally consistent in order to properly inform the public and decision makers.

The water demand figures in Draft EIR, Section 3.1.8, Utilities and Utility Systems, Table 3.1.8-1, are based on “Water Duty Factors” expressed in gpd/unit. These Water Duty Factors vary according to the type and density of land use in question. The effectiveness of the Residential Water Conservation Measures described in Table 3.1.8-6 of the Draft EIR likewise use the same metric (i.e., gpd/unit). The discrepancy

identified in the comment relates to an error in footnote 1 to Table 3.1.8-6 (Proposed Residential Water Conservation Measures). This footnote should have reflected the same information as that set forth in footnote 1 to Tables 8 and 9 of the Water Conservation Plan, which is Appendix 3.1.2-3 to the Draft EIR. The correct footnote information is as follows: “Based on 435 gpd/unit for 3–8 DU/Ac [dwelling units per acre], 700 gpd/unit for 1–3 DU/Ac, and 1,000 gpd/unit for <1 DU/Ac.” These figures match up exactly to the Water Duty Factors used in Table 3.1.8-1 of the Draft EIR to measure water demand from residential land uses. Thus, there is no inconsistency.

The incorrect footnote has been revised and is reflected in the Final EIR in ~~strikeout~~/underline so that the documents are consistent; however, the totals presented in the Draft EIR were accurate and the analysis does not require any revisions; therefore, no further response is required or provided.

- O-7-83** The comment states that the Draft EIR fails to properly assess the impacts of climate change on the Proposed Project’s water supply. The County refers to **Response to Comment O-6-267** regarding the cited case (*Vineyard Area Citizens*), and **Thematic Response – Water Shortage/Drought**, which shows that the State of California, the State Water Board, Metropolitan, the SDCWA, and its member agencies (including OWD) account for and conduct ongoing drought planning in response to climate change and other uncertainties affecting the State’s water supply resources. Nonetheless, Metropolitan, the SDCWA, and OWD state that despite such uncertainties, which are regularly addressed and monitored, there are sufficient water supplies to meet demand for the short and long term.
- O-7-84** The comment states that the Draft EIR finds the Proposed Project would have a less than significant impact on water supply related to sufficiency of water supply, based in part on the WSA (Appendix 3.1.8-4 to the Draft EIR) prepared by OWD. The comment states that the WSA “does not discuss climate change or the dramatic effect it will have on fresh water supplies in the arid West in the near future.” Please refer to **Thematic Response – Water Shortage/Drought** for information responsive to this comment.
- O-7-85** The comment refers to a 2007 document by the Intergovernmental Panel on Climate Change, climate change research by Barnett (2008), and a document from the California Center on Climate Change (Cayan 2007). Please refer to **Response to Comment O-6-272** and **Thematic Response – Water Shortage/Drought**. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.

- O-7-86** The comment states that climate change may directly affect water supplies, or change how the Proposed Project will use water, and may also impact other activities outside the Project Area. Please see **Response to Comment O-6-272** and **Thematic Response – Water Shortage/Drought** for further information responsive to this comment. The comment does not raise a specific issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-7-87** The comment, in the section header, states that the Draft EIR does not adequately account for supply shortages in its significance determination. The comment also states the Draft EIR “anticipates demand outpacing supply as soon as 2025 in the single-dry water year assessment, and 2037 for the multiple-dry weather year assessments.” The comment serves as an introduction to comments that follow. This comment does not raise a specific issue regarding the Draft EIR; therefore, no further response is required or provided.
- O-7-88** The comment states that the Draft EIR acknowledges potential shortages, “but claims they will be ‘offset through carryover storage and management actions’ (Draft EIR at 3.1.8-34).” The comment states that the analysis does not explain such management actions, or quantify or describe the potential for carryover storage. The comment states that supply shortage cannot be carried over to the next short year. Please refer to **Response to Comment O-6-279**.
- O-7-89** The comment states that the Draft EIR must be revised to account for supply shortages. The County does not agree with the comment. Please refer to **Response to Comment O-6-279**.
- O-7-90** The comment states that the Proposed Project will be vulnerable to climate change induced water shortages due to SDCWA’s reliance on imports from Metropolitan. The County does not agree with the comment. Please refer to **Response to Comment O-6-272** and **Thematic Response – Water Shortage/Drought**. Further, the County notes that the assertion that SDCWA is becoming increasingly reliant on Metropolitan supplies is not accurate. In 1991, SDCWA received 95% of its water supply from Metropolitan. In 2017, only 40% of the total SDCWA supply was provided by Metropolitan (SDCWA website).
- O-7-91** The comment restates information from the Draft EIR regarding projections of Metropolitan imports in normal/average water years. The comment states the Draft EIR projects decreased Metropolitan deliveries in dry years, and states this correlates with reduced local supplies. The comment also restates the Draft EIR that in a single-dry year scenario in 2020, SDCWA will receive 40% of its water from Metropolitan, which

- relies on water from the Colorado River Aqueduct and the SWP. The comment does not raise an issue regarding the adequacy of the Draft EIR; therefore, no further response is required or provided.
- O-7-92** The comment states that the Draft EIR “assumes the imported water will continue to flow,” and does not analyze “impacts that the Proposed Project’s allocation would have on other regions; or contingencies for unexpected decreases in future imports.” The County does not agree with this comment. Please refer to **Response to Comment O-6-279**, **Response to Comment O-7-74**, and **Responses to Comments O-7-76 through O-7-79**.
- O-7-93** The comment states that the Draft EIR is unclear regarding the inclusion of groundwater in the Proposed Project supply and contains conflicting information. The comment quotes Section 3.1.2, Hydrology and Water Quality, but conflates the use of on-site groundwater resources analyzed therein with the analysis contained in Section 3.1.8, Utilities and Utility Systems, regarding the use of groundwater as part of the OWD and SDCWA portfolio of potential supplies of potable water. The Proposed Project does not use groundwater to meet its potable or irrigation demands, and neither OWD nor SDCWA has identified groundwater projects in the vicinity of the Project Area. While OWD and SDCWA have identified potential groundwater projects as a means for increasing future water supplies, the Draft EIR is not required to analyze the impacts of other regional water supply projects that may occur in the future.
- O-7-94** The comment restates information from the Draft EIR regarding groundwater. The comment then states, “the Draft EIR fails to provide any analysis of groundwater impacts related to groundwater development by OWD and SDCWA” and “must provide additional information to clarify whether or not the Proposed Project will receive groundwater from OWD.” The comment states that additional analysis of that groundwater sourcing is required under CEQA. The County does not agree with the comment. Please refer to **Response to Comment O-7-93**.
- O-7-95** The comment states that the Draft EIR’s discussion of water conservation measures is misleading because Project Design Feature (PDF) UT-1 through PDF-UT-4 are “only proposed, not mandated conservation.” The comment states that if these PDFs are not mandatory, the Draft EIR must be revised to clarify this point. The County does not agree that PDF-UT-1 through PDF-UT-4 are not required. Refer to Section 2.7.6, Greenhouse Gas Emissions Mitigation Measures, of the Draft EIR, specifically Mitigation Measure M-GHG-4, which is restated below:

M-GHG-4 To reduce greenhouse gas emissions, the applicant or its designee shall provide evidence to the County of San Diego that the following project design features identified for the Proposed Project ~~herein~~ in Table 2.7-5 and Table 1 of the Mitigation Monitoring and Reporting Program (MMRP), will be implemented: PDF-AQ/GHG-1 (Wood-Burning Stoves and Fireplaces), PDF-AQ/GHG-2 (Zero Net Energy Residences), PDF-AQ/GHG-3 (Non-Residential Energy Improvement Standards), PDF-AQ/GHG-4 (Energy Star Appliances), PDF-AQ/GHG-5 (Solar Water Heating), PDF-AQ/GHG-6 (Efficient Outdoor Lighting), PDF-AQ/GHG-7 (New Resident Information Packet), PDF-AQ/GHG-8 (Cool Roofs), PDF-AQ/GHG-9 (Cool Pavement), PDF-AQ/GHG-10 (Electric Vehicle Charging Stations), PDF-TR-1 (TDM Program), PDF-UT-1 (Hot Water Pipe Insulation – Residential and Non-Residential), PDF-UT-2 (Pressure Reducing Valves – Residential and Non-Residential), PDF-UT-3 (Water Efficient Dishwashers), and PDF-UT-4 (Residential Landscaping), and PDF-UT-5 (Water Conservation).

Accordingly, these PDFs are required to be implemented and will be monitored through conditions of approval and the Mitigation Monitoring and Reporting Plan.

O-7-96 The comment states, “the likelihood of actual consumptive reductions is ... diminished by the lack of enforcement underlying the proposed PDFs.” The comment provides an example of the residential landscaping measure PDF-UTL-4, which would be the responsibility of the Homeowner’s Association (HOA) to enforce. The comment states it is unclear what mechanisms would be available to the HOA to ensure the measures are enforced. Please refer to the Water Conservation Plan, Appendix 3.1.2-3 to the Draft EIR. “Water Conservation Implementation” section (page 25) of the Water Conservation Plan details how the required landscaping measures will be enforced.

O-7-97 The comment states that the Proposed Project should require water-saving landscape practices, and that it is irresponsible to proposed single-family residential development without mandating all feasible measures to reduce water use. The County notes that the Draft EIR determined there would be a less than significant impact on water supply; thus, there is no nexus to require any additional water conservation measures beyond those discussed in the Draft EIR, including the Water Conservation Plan. Note that the Water Conservation Plan, on pages 18 and 19, requires that residential landscaping at

the Proposed Project comply with the Model Water Efficient Landscape Ordinance, California Code of Regulations Title 23, Division 2, Chapter 2.7 (Section 490 et seq.).

O-7-98 The comment states that the Draft EIR confuses the reader by speculating about the use of graywater systems and rainwater harvesting systems. The comment states the Water Conservation Plan “discussion of these systems is unnecessary due to the highly attenuated scenario in which they would actually be implemented.” The comment concludes by restating the opinion that the Proposed Project “should require that all feasible measures to conserve water be implemented.” The County does not agree with the characterization of graywater and rainwater harvesting systems. The information presented is an accurate characterization of the necessary requirements to implement these practices. The analysis presented also explains that the implementation of such systems was not relied upon for the findings of the Draft EIR. Please refer also to **Response to Comment O-7-97**.

O-7-99 The comment states that the Draft EIR relies on an inadequate cumulative water supply impact analysis. The comment then states that the Draft EIR’s cumulative water analysis used an improperly small area. The comment further states that this is an inappropriate study area because OWD does not operate in a closed system but rather, relies on SDCWA, and therefore the cumulative analysis should be based on the SDCWA’s service area.

The County does not agree with the assertion that the Proposed Project’s water supply evaluation does not take into account regional water supply from SDCWA. The OWD’s WSA (Appendix 3.1.8-4) relies on the findings of the SDCWA’s UWMP, as explained in **Response to Comment O-6-267**. Further, as explained in **Response to Comment O-6-290**, the SDCWA’s 2015 UWMP and OWD’s 2015 UWMP are service-area-wide assessments of the availability and reliability of the region’s water supplies to meet existing and projected water demands from the 2015 through 2040 planning horizon. These adopted plans also constitute part of the Draft EIR’s project and cumulative impacts analysis of water supplies and demands within both the SDCWA’s service area and OWD’s service area. Based on the Draft EIR, the WSA, and the adopted water planning documents in the record, the County has determined that the Proposed Project’s cumulative impacts analysis of water supplies is in compliance with CEQA and the CEQA Guidelines, and that analysis uses the UWMPs from both OWD and the SDCWA to assess cumulative water supply impacts.

O-7-100 The comment states that the Draft EIR does not properly address regional water supply and must reassess the Proposed Projects contribution to cumulative water supply

impacts in light of foreseeable regional demand development and the SDCWA's projected water supply capabilities.

The County does not agree with the comment. Please refer to **Response to Comment O-7-99**.

- O-7-101** The comment states that SDCWA's supply and demand projections present a problem within the context of cumulative impacts analyses because the UWMP does not account for new demand that is likely to occur but not accounted for in growth projections. The comment is similar to **Comments O-6-294 through O-6-298**. The comment also refers to the Draft EIR for the Lilac Hills Ranch Project and specifically to the Draft EIR's water supply analysis. The County has considered this water supply analysis in conjunction with the Proposed Project.²²

Please also refer to **Responses to Comments O-6-294 through O-6-298**.

- O-7-102** The comment states that the failure to consider foreseeable upcoming water users has resulted in the cumulative impact analysis being incomplete and inadequate. The comment asserts that the Draft EIR should restructure its cumulative impact analysis to consider other forthcoming users inside the SDCWA service area. The comment further asserts that SDCWA "should expand its supply-demand forecasts to consider pending projects whose foreseeable approval is not accounted for in the SANDAG growth projections." The County does not agree with the comment. Please refer to **Response to Comment O-6-294**.
- O-7-103** The comment provides concluding remarks. The comment does not raise an issue regarding the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required or provided.

²² The Lilac Hills Ranch Draft Final EIR also includes an EIR Utilities and Service Systems section (County of San Diego 2013), which contains a water supply and demand analysis. This analysis also includes a cumulative water supply impacts assessment.