



# HAMILTON BIOLOGICAL

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February 17, 2020

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

**SUBJECT: CEQA ANALYSIS OF LAND EXCHANGE PROJECT  
OTAY VILLAGE RANCH 14 AND CDFW LANDS  
PROCTOR VALLEY, COUNTY OF SAN DIEGO**

Dear Dr. Silver,

At your request, I have reviewed the December 2019 *Biological Resources Technical Memorandum for the Proposed Project Amendment – Otay Ranch Village 14 and Planning Areas 16/19* (“DUDEK Memorandum”), prepared by the consulting firm DUDEK for GDCI Proctor Valley, LP (GDCI) in Proctor Valley, southern San Diego County. Page 1 of the DUDEK Memorandum explains its purpose:

This Memorandum evaluates proposed changes to the Otay Ranch Village 14 and Planning Areas 16/19 Project that was approved by the San Diego County Board of Supervisors on June 26, 2019 (Approved Project). The changes to the Approved Project would reconfigure the development footprint to consolidate development in Village 14; add 147 units, for a total of 1,266 residential units; and reduce impacts by approximately 230 acres, to 579 acres (the Proposed Project Amendment).

I have reviewed and commented on all previous biological reports and associated CEQA analyses prepared for the Approved Project (or “Village 14 project”). With Jerre Ann Stallcup, I reviewed and commented on a Land Conversion Evaluation dated December 31, 2019, that the California Department of Fish and Wildlife (CDFW) prepared as justification for the proposed Land Exchange Project (i.e., the subject of the DUDEK Memorandum).

The County of San Diego (County) processed an “Environmental CEQA Addendum Checklist” to address inconsistencies between the Approved Project and the proposed Land Exchange Project, concluding that the Land Exchange Project does not differ enough from the Approved Project to require further CEQA review. My analysis, presented herein, discusses several pieces of new information of substantial importance, which were not known and could not have been known at the time the Village 14 EIR was certified as complete, showing that the project will have significant effects not discussed in the Village 14 EIR, and that significant effects previously examined will be substantially more severe than shown in the Village 14 EIR.

## New Information from CDFW Invalidates the Village 14 EIR's Quino CEQA Impact Analysis

The Land Exchange Project would violate the applicable and binding terms of the 1992 Otay Ranch Final Program EIR, as reflected in the *Otay Ranch Subregional Plan*, "County Board of Supervisors Final Plan," *Final CEQA Findings of Fact and Statement of Overriding Considerations*, as revised to reflect final actions taken on October 28, 1993 (1993 Final CEQA Findings). Page 62 of the 1993 Final CEQA Findings states, in part:

- One hundred percent (or approved HCP/MSCP standards) of occupied habitat required for [the Quino Checkerspot Butterfly, Quino, or QCB] shall be preserved."
- At the SPA level, the Applicant shall conduct focused surveys for this species [QCB] in appropriate habitat.
- A mitigation plan for significant impacts [to QCB] shall be prepared and implemented. The following measures shall be incorporated into the mitigation plan:
  - The project is designed to avoid impacts to occupied habitat.
  - Preserve in natural open space all occupied habitat.

In the Village 14 EIR and subsequent DUDEK Memorandum, DUDEK claimed consistency with these requirements by citing negative results of protocol surveys conducted during the drought years of 2015 and 2016. See Table 3 on page 9 of the DUDEK Memorandum:

**Table 3. Quino Checkerspot Butterfly Resources and Critical Habitat within the Land Exchange Parcels**

Land Exchange Parcel	Quino Checkerspot Butterfly Resources (acres)				Quino Checkerspot Butterfly Critical Habitat (acres)		
	Non-Surveyed Areas	Potential Habitat	Host Plants	Occupied Habitat per Protocol Surveys	Critical Habitat Designation	Non-Surveyed Areas	Critical Habitat
<b>GDCI Parcels Exchanged to the CDFW</b>							
PV1	0	18.9	0.52	0	18.9	0	18.9
PV3	3.2	125.2	0.90	0	128.4	3.2	125.2
R-14	0	191.5	0.51	0	7.5	0	7.5
R-15	0	49.9	<0.01	0	0	0	0
R-16	0	142.5	0.24	0	0	0	0
<i>Subtotal</i>	3.2	528.1	2.17	0	154.8	3.2	151.6
<b>CDFW Parcels Exchanged to GDCI</b>							
Parcel A	34.1	96.0	1.07	0	130.1	34.0	96.1
Parcel B	0	25.9	0.36	0	25.9	0	25.9
Parcel C	0	21.7	0.09	0	21.8	0	21.8
Parcel E	0	29.4	0.20	0	29.4	0	29.4
PVR N	0	12.3	0.04	0	10.6	0	10.6
<i>Subtotal</i>	34.1	184.4	1.76	0	217.7	34.0	183.7
<b>Net Gain</b>	-	<b>+342.7</b>	<b>+0.41</b>	<b>0</b>	-62.9	<b>+30.8</b>	<b>-32.1</b>

PVR N = Proctor Valley Road North

Note the claim in Table 3 that **zero acres of QCB-occupied habitat** occur anywhere on the Land Exchange Project site (“per protocol surveys”). This claim follows the September 2018 report that DUDEK prepared for the County, entitled, *Final Otay Ranch Village 14 and Planning Areas 16/19 1993 Otay Ranch GDP/SRP PEIR Mitigation Monitoring Program Compliance*:

Quino Checkerspot				
120	One hundred percent (or approved HCP/MSCP standards) of occupied habitat for this species shall be preserved.	Applicable	Based on focused survey results, the Project Area is not occupied by Quino checkerspot butterfly. Further satisfied by Updated or replacement Project-Level Mitigation Measures.	<b>Based on focused survey results, the Project Area is not occupied by Quino checkerspot butterfly.</b>  Nevertheless, the project applicant shall consult – either directly or through the acting federal agency – with the USFWS to determine if incidental take authorization is required under the federal ESA. Should such take authorization be required, the applicant shall comply with all terms and conditions imposed by USFWS. (M-BI-8, M-BI-9, M-BI-10)
121	At the Specific Plan level, the Applicant shall conduct focused surveys for this species in appropriate habitat. <ul style="list-style-type: none"> <li>The Applicant shall assess direct and indirect impacts from proposed development and roads.</li> <li>A mitigation plan for significant impacts shall be prepared and implemented. The following measures shall be incorporated into the mitigation plan: <ul style="list-style-type: none"> <li>The project is designed to avoid impacts to occupied habitat.</li> <li>Preserve in natural open space all occupied habitat.</li> <li>Preserve historical habitat in conjunction with mitigation for other species (e.g., <i>Streptoccephalus woottoni</i>).</li> <li>Introduce into vernal pools where appropriate, native <i>Plantago</i> species, the larval hosts for Quino checkerspot.</li> </ul> </li> <li>A management plan for this species shall be developed and implemented.</li> </ul>	Applicable	Replaced by Project-Level Mitigation Measures. Measures incorporated into Project-level EIR. Habitat assessment and focused surveys conducted at Project-level and included in EIR, Section 2.4, Biological Resources	Based on focused survey results, Quino checkerspot does not occur within the Project Area or within offsite improvement areas.  Although there are no direct or indirect impacts to habitat occupied by Quino checkerspot butterfly, as a condition of the Proposed Project, a long-term Quino Checkerspot Butterfly Management/ Enhancement Plan will be prepared prior to the issuance of the first grading permit that impacts suitable habitat.  Additional mitigation includes preservation of suitable habitat within onsite and offsite RMP Preserve areas. (M-BI-8, M-BI-9, M-BI-10)

As stated above by DUDEK:

- “Based on focused survey results, the Project Area is not occupied by Quino checkerspot butterfly.”
- “Based on focused survey results, Quino checkerspot does not occur within the Project Area or within offsite improvement areas.”
- “. . . there are no direct or indirect impacts to habitat occupied by Quino checkerspot butterfly . . .”

Note that DUDEK’s September 2018 report argues that the Village 14 project complies with the 1992 Program EIR/1993 Final CEQA Findings strictly on the basis of the negative results of focused (protocol) surveys conducted on the Village 14 project site in 2015 and 2016. This is consistent with treatment of this issue in the Village 14 EIR.

The CEQA analyses contained in the Village 14 EIR and in the subsequent DUDEK Memorandum fail to incorporate several relevant facts concerning the QCB, some of which were not known until CDFW released its Land Conversion Evaluation at the end of 2019:

- The protocol surveys conducted on the GDCI parcels and CDFW preserve lands in 2015 and 2016 took place at the end of a record-setting, five-year drought that caused very weak flights of QCB in San Diego County during both 2015 and 2016 (USFWS data).
- During 2017, 2018, and 2019, 50 QCB were by documented by qualified personnel on and adjacent to CDFW and GDCI lands within the Land Exchange Project area (USFWS data).

- Page 3 of CDFW's Land Conversion Evaluation states, **"Occupied habitat for the Quino occurs throughout Proctor Valley, based on sightings in recent years by qualified individuals combined with a 1 km buffer distance of suitable habitat from documented sightings."**
- Page 8 of CDFW's Land Conversion Evaluation further states, **"An adverse result of the Land Exchange is the presumed loss of occupied Quino habitat on CDFW Exchange Lands A, B, C, and E. Absent the ability to perform a focused survey of Quino host plants in the appropriate late winter/early spring season on CDFW property, site visits by CDFW staff in October of 2019 were made to assess the total amount of high value habitat for Quino. A total of approximately 120 acres of high value Quino habitat is estimated to occur on the CDFW Exchange Lands and would be disposed of and subsequently transferred to GDCI."**

The above-quoted information, provided in CDFW's Land Conversion Evaluation, dated December 31, 2019, fundamentally conflicts with DUDEK's CEQA analysis for the Land Exchange Project. As was the case in the Village 14 EIR, the impact analysis in the DUDEK Memorandum, Table 3, identifies **zero acres** of QCB-occupied habitat ("per protocol surveys" conducted during drought years).

The distinction that DUDEK continues to draw between QCB data derived from "protocol surveys" versus data collected "incidentally" (outside of protocol surveys) implies that the protocol survey results carry greater weight in CEQA analysis. In reality, each sighting of a Quino Checkerspot Butterfly by a qualified person is just as valid as any other, whether or not the sighting took place during a protocol survey. **The only time protocol versus non-protocol data makes a difference is in evaluating the validity of negative survey results.** The protocol is designed to reduce the potential for false-negative results — that is, the intent is to ensure a survey effort intensive enough to detect this inconspicuous species in the areas where it occurs. The problem is that, in our region, droughts can and do persist for multiple years, meaning that we can expect Quino remain essentially undetectable across large areas of occupied habitat for multiple years. Note, especially, this important caveat on page 5 of the USFWS 2014 Quino Checkerspot Survey Guidelines<sup>1</sup>:

Because Quino adults may not emerge at detectable densities during low rainfall years due to extended larval diapause, lack of adult Quino observation(s) under such conditions may not be considered adequate evidence to conclude a particular site is unoccupied, even if guidelines are followed. Nevertheless, we encourage surveys be conducted regardless of rainfall levels because negative adult data can be useful long-term to support conclusions of population absence.

Whereas DUDEK has repeatedly highlighted the USFWS's acceptance of the negative protocol survey results obtained in 2015 and 2016, **subsequent observations demonstrated that the protocol survey results were false-negative, and therefore invalid.** We know that the protocol results were false-negative because qualified personnel observed

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<sup>1</sup> [https://www.fws.gov/carlsbad/TEspecies/Documents/QuinoDocs/Quino%20Survey%20Guidelines\\_version%2015DEC2014.pdf](https://www.fws.gov/carlsbad/TEspecies/Documents/QuinoDocs/Quino%20Survey%20Guidelines_version%2015DEC2014.pdf)

dozens of QCB in and around the Land Exchange Project area during 2017, 2018, and 2019. We should not be surprised that the earlier protocol survey results were false-negative, given (a) that the QCB Survey Guidelines specifically identify the potential for QCB adults to “not emerge at detectable densities during low rainfall years,” and (b) that the five-year drought that broke in 2017 was an extreme climatic event known to have greatly depressed the flights of QCB in 2015 and 2016.

Protocol surveys, or at least some form of systematic Quino survey effort, conducted across the Land Exchange Project area in 2017, 2018, and/or 2019 almost certainly would have produced many more records of Quino from central Proctor Valley — because more person-hours would have been spent searching for Quino. No such survey effort was ever authorized by GDCI on their lands during these normal-to-high Quino flight-years. As a result, the Land Conversion Evaluation prepared by CDFW provides an accounting of Quino-occupied habitat in the Land Exchange Area (“Occupied habitat for the Quino occurs throughout Proctor Valley, based on sightings in recent years by qualified individuals combined with a 1 km buffer distance of suitable habitat from documented sightings”) that bears no resemblance to DUDEK’s long-standing insistence that Quino-occupied habitat is not present in the Land Exchange Project area.

While maintaining the fiction of zero acres of occupied habitat, the DUDEK Memorandum erroneously characterizes all 528.1 acres of the GDCI exchange lands as “potential habitat” for the QCB, and on this basis claims that the Land Exchange Project would provide a “Net Gain” of **+342.7 acres** of potential Quino habitat compared with the Approved Project. Several pieces of new information, provided in CDFW’s Land Conversion Evaluation, contradict this claim:

- CDFW reports on page 5 that the 128.4-acre PV3 includes “a substantial amount of disturbed CSS” and “a greater concentration of non-native grasses on PV3 than at PV1 or the CDFW exchange lands.” CDFW concludes that “management, such as control on non-natives,” would be required for large parts of PV3 to achieve conservation value for QCB that could possibly approach that of the CDFW preserve lands. Since the Land Exchange Project does not identify any specific restoration/management actions or funding sources, the most current baseline information contradicts DUDEK’s conclusion that PV3 includes 128.4 acres of potentially suitable QCB habitat.
- CDFW reports on page 6 that “neither R15 [49.9 acres] nor R16 [142.5 acres] are expected to support a significant Quino population.” Yet DUDEK treats these areas as if they are as valuable to QCB as the CDFW lands known to support significant Quino populations.
- CDFW reports on pages 6-7 that large areas of R14 (191.5 acres) that the Village 14 EIR erroneously mapped as intact coastal sage scrub actually consist of disturbed, grassy habitats unsuitable for QCB. CDFW’s most optimistic conclusion is that “the central third of R14” could have “potential for restoration to support breeding by Quino.” The other two-thirds were not judged to support Quino or even the poten-

tial to be restored to Quino habitat. Since the Land Exchange Project does not identify any specific restoration/management actions or funding sources, the available baseline information contradicts DUDEK's conclusion that any part of the 191.5-acre R14 currently represents potentially suitable QCB habitat.

Thus, several pieces of information provided in CDFW's Land Conversion Evaluation, dated December 31, 2019, contradict and invalidate the fatally flawed QCB impact analysis provided in the Village 14 EIR and carried forward in the DUDEK Memorandum, and show that the Project's significant QCB impacts would be more severe than analyzed in the Village 14 EIR.

### **Proposed Increase in Land-use Intensity Requires CEQA Analysis**

The Land Exchange Project would establish 1,266 residential units in Proctor Valley, an increase of 147 units (13%) over the 1,119 residential units allowed under the Approved Project. Page 12 of CDFW's Land Conversion Evaluation states:

Currently, conserved lands within Proctor Valley are challenged with management issues arising from illegal public use and trespass. Increasing human presence on the landscape via the Approved Project is likely to exacerbate these issues.

The potential for this substantial increase in residential units to increase public use and trespass, and to increase human presence on this landscape, above the level analyzed in the Village 14 EIR are important aspects of the Land Exchange Project that should be subject to CEQA review.

### **Edge Effects of the Land Exchange Project Require CEQA Analysis**

The EIR for the Approved Project found:

1. That a Preserve Edge Plan would mitigate all potential edge effects of the Approved Project to CDFW preserve lands to below the level of significance.
2. That any potential increase in illegal public use of/trespass into preserved parts of Proctor Valley resulting from the Approved Project would result in less-than-significant impacts.

Contradicting the County's findings of no significant impacts from the Approved Project, page 4 of CDFW's recent Land Conversion Evaluation states, "These [CDFW] parcels, particularly Area A, would be subject to significant edge effects under the Approved Project."

Given a binary choice between the extreme edge effects associated with implementing the Approved Project (effects that the County found to be not significant) and the less extreme edge effects associated with the Land Exchange Project, the Land Conversion Evaluation favors the latter. What is missing, however, is a credible, fact-based CEQA analysis of the potential for the Land Exchange Project to result in potentially significant edge effects. At this point, the Land Exchange Project is simply identified by CDFW as



being preferable to the wildly sprawling Approved Project, which maximizes edge effects to the surrounding areas.

Note, for example, that CDFW has long identified problems with the Village 14 EIR's evaluation of potential adverse edge effects resulting from realignment of Proctor Valley Road. CDFW raised this specific issue in comment A-3-78 on the Draft EIR for the Approved Project:

Abandonment of portions of Proctor Valley Road that occur on the Ecological Reserve would also include the removal of an existing steel barrier installed to prevent unauthorized uses such as off-road vehicles from entering conserved lands. We recommend the new sections of Proctor Valley Road include equivalent or better protective measures to ensure that adjacent lands will be protected, and that maintenance of these protections will be a responsibility of the Preserve Owner Manager (POM).

The County responded:

The steel barrier would be removed because the road is being realigned at this particular location to avoid vernal pool feature B2. Under the proposed realignment, the road bed and curb would be at an elevation substantially above that of the surrounding Preserve land. This elevation differential will make it nearly impossible for any vehicle—even an OHV—to gain access to the Preserve from Proctor Valley Road. Further, the Specific Plan (Section C, III – Circulation Plan) and Tentative Map (Sheet 3) depict street sections on Proctor Valley Road that include landscape parkways on either side of the street, landscape medians, No Parking, and a split-rail fence (along the community pathway) to restrict access to the Preserve land.

The Village 14 EIR did not adopt CDFW's recommendation that "new sections of Proctor Valley Road include equivalent or better protective measures to ensure that adjacent lands will be protected, and that maintenance of these protections will be a responsibility of the Preserve Owner Manager (POM)." As a result, CDFW considers this issue to be unresolved for purposes of evaluating the potential adverse edge effects of either the Approved Project or the Land Exchange Project. See page 16 of the Land Conversion Evaluation:

As described in section 9 below, approximately \$1 million in private and mitigation funding have been used to install steel pipe fencing along the majority of Proctor Valley Road. The Approved Project will result in removal of significant portions of the steel pipe fencing and **certain sections of fencing may be rendered useless** where the realigned road surface is routed away from the existing fencing. **It is unclear if the Land Exchange will increase the length of the Proctor Valley Road realignment or increase the loss of the protective steel-pipe infrastructure.** For management purposes, infrastructure to prevent vehicle trespass to/from a realigned surface of Proctor Valley Road is necessary to protect sensitive and recovering conserved land habitats. If CDFW is required to replace the necessary protective infrastructure, it can be reasonably assumed previous funding sources would not be made available. [emphasis added]

Thus, CDFW, as one of the parties to the Land Exchange Project, continues to express this long-standing concern about both the Approved Project and the Land Exchange Project. This issue, and the wider topic of potentially significant adverse edge effects of the Land Exchange Project, should be subject to thorough and credible CEQA analysis in a new EIR.

## Baseline Data is Inadequate and Unreliable

The Land Conversion Evaluation dated December 31, 2019, repeatedly refers to errors and inadequacies in the baseline information that CDFW biologists relied upon after being tasked with hastily evaluating the Land Exchange Project. This letter has already described the internally conflicting QCB impact analyses — one made by CDFW and the other made by GDCI's consultants — resulting from GDCI's refusal to conduct focused QCB surveys across the Land Exchange Project site in 2017, 2018, or 2019. The Land Conversion Evaluation discusses several other instances of inadequate or unreliable baseline information, as summarized in the following points (page numbers are those in the Land Conversion Evaluation):

- **Page 2:** “An updated inventory of the flora, fauna, and microhabitats of the lands currently owned by CDFW in Proctor Valley was not possible owing to the seasonality and time constraints imposed on completing this evaluation. Relatively brief site visits were performed in October and December of 2019 by CDFW staff. Previous surveys on lands currently owned by CDFW were performed by consultants of GDCI in 2016; however, CDFW is aware of biological resource occurrences that were not documented by GDCI consultants in 2016.”
- **Page 2:** The Crotch Bumble Bee (*Bombus crotchii*), a species recently made a candidate for listing under the California Endangered Species Act (CESA) as threatened or endangered. This species has been identified on contiguous conserved land owned by the USFWS to the north. Habitat quality on both the CDFW and GDCI exchange parcels described in Section 2 below appears very well suited to Crotch bumble bee; however, its on-site status is unknown.
- **Page 5:** “Not documented in the baseline biology information for Area B, but observed in December of 2019 following late fall rains, a relatively large area of flooded vernal basins (totaling 0.35 acre) was evident just north of Proctor Valley Road. These basins were observed to support an abundance of ostracods, as well as aquatic beetles and Pacific treefrog (*Hyla regilla*) tadpoles; however, no fairy shrimp or spadefoot toad tadpoles were observed. These basins had not been identified during previous biological surveys for the Current Land Plan.” The attached CDFW emails and photos, dated December 31, 2019, show that these previously unreported vernal basins near Proctor Valley Road are large and conspicuous, and appear to represent “jurisdictional aquatic resources”. DUDEK's failure to record these seasonal aquatic habitats during their baseline surveys provides additional strong evidence that the biological information being relied upon for the Land Exchange Project is far from adequate. Impacts to jurisdictional aquatic resources are considered significant in the Village 14 EIR. In the absence of focused/protocol surveys for listed fairy shrimp<sup>2</sup> and Western Spadefoot toads, and spring surveys for rare plants, presence/absence of various special-status species is unknown and thus potentially significant impacts must be identified.

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<sup>2</sup> <https://www.fws.gov/cno/es/FinalSurveyGuidelinesforListedLargeBranchiopods.pdf>



- **Page 5:** “Additionally, in October of 2019, Area C contained substantial coverage of ashy spike-moss (*Selaginella cinerascens*); although, this species was not mapped on this property by Dudek as part of their (2019) biological equivalency analysis. Ashy spike-moss is a strong indicator of undisturbed soils.”
- **Page 5:** “During the site visits by CDFW in October and December of 2019, a few San Diego barrel cactus were also observed on PV1; this species had not previously been documented on this parcel.”
- **Page 6:** A seasonal pond on R16 “was not surveyed during the baseline period in a timeframe to allow determination if it is a breeding location for western spadefoot toad.”
- **Page 6:** “Regarding R14, there has been disagreement on some of the habitat mapping as reported by Dudek (2019) and contested by Hamilton (2019) on R14. While a complete review or reworking of the vegetation delineation was not possible in preparation for this evaluation, an October 2019 site visit by CDFW staff” found that one large area that DUDEK mapped as undisturbed coastal sage scrub (CSS) “may have been better to have mapped out smaller polygons of disturbed CSS (dCSS) or identified this area as a disturbed CSS/non-native grassland ecotone and categorized it as Tier 3 due to the lack of shrubs. Because the area has been subject to historic and/or recent disturbances (i.e., grazing, trespass, fire, or other causes), habitat recovery is questionable and/or could require significant effort to restore the area to a more functional CSS habitat. At present, the site’s disturbed soil condition renders it noticeably less intact than habitat on CDFW’s Areas B and C; therefore, despite the habitat value judgement commonly voiced between chamise chaparral (Tier 3) and CSS (Tier 2), in the present circumstance the chamise chaparral of Areas B and C is considered to be of higher biological value than the disturbed CSS in the northern portions of R14.”
- **Page 6:** “Also observed during the October 2019 site visit were patches in the northern half of R14 that were mapped as “Disturbed” but which should probably have been delineated as non-native grassland, and a sizeable patch that probably should have been delineated as native grassland (Tier 1) rather than non-native grassland (Tier 3).”

## SUMMARY AND CONCLUSION

As discussed herein, several pieces of new and important information provided in the CDFW Land Conversion Evaluation, dated December 31, 2019, were not known and could not have been known at the time the Village 14 EIR was certified as complete on June 26, 2019. This new information shows that implementing the proposed Land Exchange Project would result in significant adverse effects upon the endangered Quino Checkerspot Butterfly that were not identified in the Village 14 EIR.

Given the high biological sensitivity of the natural open space in Proctor Valley, the proposed increased intensity in land use for the Land Exchange Project, 13% above that of the Approved Project, warrants CEQA analysis.

CDFW's Land Conversion Evaluation rejects the finding of the Village 14 EIR that implementing the Approved Project would not entail potentially significant edge effects upon preserved lands in Proctor Valley. Although CDFW concludes that edge effects would be reduced for the proposed Land Exchange Project, no finding has been made that the edge effects would be reduced to below the level of significance. In particular, CDFW identifies potentially significant edge effects associated with realignment of Proctor Valley Road that were not acknowledged in the Village 14 EIR. These effects require thorough and credible CEQA analysis.

Finally, the Land Conversion Evaluation identifies several important holes in the baseline data, and repeated instances of DUDEK overstating the biological value of the GDCI exchange lands and understating the biological value of the CDFW preserve lands, all of which point to a clear need for thorough and credible studies that would provide an adequate and reliable baseline upon which to evaluate the potential effects of the proposed Land Exchange Project on the many sensitive biological resources found in Proctor Valley.

I appreciate the opportunity to provide this additional analysis. If you have questions, please send e-mail to [robb@hamiltonbiological.com](mailto:robb@hamiltonbiological.com) or call me at (562) 477-2181.

Sincerely,



Robert A. Hamilton  
President, Hamilton Biological, Inc.  
316 Monrovia Avenue  
Long Beach, CA 90803

Attachment: CDFW emails and photos re: vernal basins discovered on CDFW Parcel B, near Proctor Valley Road, in December 2019

## Nelson, Tracie@Wildlife

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**From:** Nelson, Tracie@Wildlife  
**Sent:** Friday, December 13, 2019 4:32 PM  
**To:** Dillingham, Tim@Wildlife  
**Cc:** Mayer, David@Wildlife  
**Subject:** RE: Ponding in PVU  
**Attachments:** Dec 2019 Pools PVWsU.jpg; IMG\_3252.JPG; IMG\_3252.JPG; IMG\_3243.JPG

Tim- I've never seen this series of pools before, but they are pretty obvious from PV road. I happened to run into John Martin on the road, and he doesn't remember seeing pools here either. They look like disturbed vernal pools, off-road scars clearly visible. Our aerial imagery of this site is on the FDMA. You can see the features that make up the pools clearly, although they were dry when the images were taken. They appear to have all the substrate characteristics (including off-road scars) of our vernal pool on the same parcel to the northeast. I did not see fairy shrimp in these pools. Fairy shrimp are abundant in our pool to the northeast. All other biology is the same. I'll try to keep an eye on these and get more photos, but it may be worth having Ken re-fly this small area to map the pools properly. Not ready to rule out fairy shrimp yet, as I'm not able to get down on my knees with this bum ligament, but it might be worth having another look. I suspect there may be another pool further to the west, but I exacerbated my knee injury while out there so returned to the vehicle. I attach a couple photos with GPS data embedded. I have more photos, but download time to U: drive is irksome. There seems to be at least 3-4 distinct pools, but the scars and overhead vegetative debris makes it a bit hard to picture at ground level. The pools are clearly restorable.

I'll check with Kim to see if they also found fairy shrimp in their vernal pool restoration site to the southwest.

Oh, and a very flighty and vocal CAGN flew across the road right in front of me while I was walking back to my truck. Wasn't fast enough with the camera to get a photo, but the bird was clearly visible and the call was unmistakable.

Tracie

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**From:** Dillingham, Tim@Wildlife <Tim.Dillingham@wildlife.ca.gov>  
**Sent:** Friday, December 13, 2019 10:15 AM  
**To:** Nelson, Tracie@Wildlife <Tracie.Nelson@wildlife.ca.gov>  
**Subject:** Ponding in PVU

Hi Tracie,

Some folks were out in Proctor Valley and noted that we had a lot of ponding on our lands. Is anyone available to go out to GPS and photograph the current status of ponding on our lands? We hope to be able to add this info by next Wednesday if possible.

Thanks,

*Tim Dillingham*

Senior Environmental Scientist/ Lands Program Supervisor  
South Coast Region 5  
3883 Ruffin Road  
San Diego, CA 92123







12/13/2019 13:52



