

## Hingtgen, Robert J

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**From:** Campbell, Dennis  
**Sent:** Friday, May 22, 2015 2:22 PM  
**To:** Hingtgen, Robert J  
**Cc:** Fogg, Mindy  
**Subject:** FW: Otay Ranch Village 13  
**Attachments:** Ballmer-CV, May 2015.pdf; EHL-OtayRanchVillage13DEIRcomments.pdf; Faulkner-CV=12.2.02.pdf; Faulkner-Letter, QCB, 2015.pdf; Klein-Comments Letter on the DEIR for Otay Ranch Resort Village - May 15, 2015.pdf; Marschalek\_Web\_CV\_Jan2014.pdf; Marschalek-QuinoLetter.pdf; Osborne CV 2015.pdf; Osborne letter Final.pdf; Pratt-Ballmer-Critique+of+Otay+Mesa+SRP+EIR, (28 Apr).pdf; Pratt-CV.pdf; Preston et al 2012 QCB Changing Dist Patterns.pdf

### EHL Otay 13 Comments

Dennis Campbell  
Land Use & Environmental Planner  
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**From:** Dan Silver [<mailto:dsilverla@me.com>]  
**Sent:** Friday, May 22, 2015 2:19 PM  
**To:** Campbell, Dennis  
**Cc:** Wardlaw, Mark; Gretler, Darren M; Sibbet, David; Real, Sami; Fogg, Mindy; Elias, Alexandra  
**Subject:** Otay Ranch Village 13

May 22, 2015

### *VIA ELECTRONIC MAIL ONLY*

Mr. Dennis Campbell  
County of San Diego  
Planning and Development Services  
5510 Overland Avenue, Suite 110  
San Diego, California 92123

**RE:**  
**Draft Environmental Impact Report, General Plan Amendment, and Specific Plan Amendment for Otay Ranch Village 13/Resort Village (PDS2004-3800-04-003; PDS2004-38 10-04-002; PDS2004-3600-04-009; PDS2004-3 I 00-536 I A & B; LOG NO. PDS2004-04-19005; SCH NO. 2004101058), San Diego County, California**

Dear Mr. Campbell:

Endangered Habitats League (EHL) submits the enclosed comments in order to assist the County in its environmental review. Please find:

1. EHL letter
2. Pratt-Ballmer letter
3. Pratt CV
4. Ballmer CV
5. Klein letter
6. Faulkner letter
7. Faulkner CV
8. Marschalek letter
9. Marschalek CV
10. Osborne letter
11. Osborne figures (under separate cover)
12. Osborne CV
13. Preston et al paper

*If you would confirm timely receipt of all 13 files, that would be much appreciated.*

We have identified large problems with the environmental review to date and therefore recommend that the County take greater ownership of its own document to establish scientific credibility.

Also, additional comments may be submitted later to provide more detail.

As always, we look forward to working with you and the applicant on collaborative solutions.

Yours truly,  
Dan Silver

Dan Silver, Executive Director  
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May 22, 2015

Dennis Campbell  
Planning and Development Services  
5520 Overland Ave Suite 310  
San Diego, CA 92123

**RE: Otay Ranch Village 13 – Draft Environmental Impact Report, General Plan Amendment and Specific Plan**

Dear Mr. Campbell:

Endangered Habitats League (EHL) appreciates the opportunity to comment on this proposed project. EHL is Southern California's only regional conservation group and an active stakeholder in the County's planning efforts. We are always honored to participate in public processes such as this.

**General comments**

As background, EHL participated in the public process for Otay Ranch in 1992-1993. At that time, an historic opportunity was bypassed to combine "smart" and transit-adaptive urban growth (in Chula Vista) with a biologically sound habitat reserve. Instead, this unique and intact coastal landscape was to be broken apart with dispersed "villages" of auto-dependent development, estate subdivision, and associated infrastructure.

O-6-1

In the intervening 25 years, many important circumstances have changed. Greenhouse gas emissions and climate change have emerged as primary drivers of how and where to develop. Fire safety is paramount due to multiple intervening catastrophic wildfires, making the irresponsible expansion of the urban-wildland interface – as proposed – even more untenable. Severe drought has intervened and water supplies are increasingly uncertain.

**Quino checkerspot butterfly**

During the original approval, decision-makers brushed aside the impending gnatcatcher listing, leaving the Multiple Species Conservation Program with a reserve design compromised by the entitlements. However, the subsequent listing of the quino checkerspot butterfly, a species not covered by the MSCP, now *mandates* a reassessment of reserve design, in order to provide a viable conservation plan for this species. Given the non-completion of a County-wide quino amendment, the Village 13 project now must fully assess and address cumulative impacts, including Proctor Valley, and address

O-6-2

conservation strategies on the landscape and regional scale. Regional is the *only* scale relevant to this unique animal, which was once one of the most common butterflies in Southern California. It is highly sensitive to incremental habitat loss and fragmentation, with an ominous history of population collapses after core areas have reached a threshold of disruption by development, even with most ostensibly suitable habitat still remaining.

O-6-2  
Cont.

EHL has consulted with quino checkerspot butterfly experts, whose reports are submitted for the benefit of this public process. As a result, it is apparent the quality of biological science in the DEIR is substandard and deficient. From this point forward, it is therefore essential that the *County* provide the public and decision-makers with the *best science* available and not simply defer to consultants hired by and inevitably accountable to the applicant. When the DEIR calls an impact to an endangered species insignificant and top experts anticipate population collapse, there must be a resolution that inspires confidence.

O-6-3

As a next step in this process, *EHL recommends that the County establish its own quino review*, making use of the best expertise and methodologies, and objective scientists. Other key aspects of the biology review, such as golden eagle, should also benefit from independent review. In the past the County has pursued this very approach of independent analysis for complex and controversial biological issues, as with the California gnatcatcher on the Bridges project. As the County undertakes such an independent review for Village 13, EHL recommends collaboration among all parties involved.

### **Wildlife movement**

O-6-4

Apart from quino issues, we note that the redesigned project blocks a mapped regional wildlife corridor (R2, Figure 2.3-13). Narrowly sandwiched between developments areas, it will lose function and values. The DEIR fails to disclose these impacts to a range of target species. Rather, the DEIR states in a conclusory manner, “The originally designated R2 regional linkage would be preserved as a new configuration with the proposed MSCP Preserve.” (p. 23-30) No evidence is provided to support claimed *preservation* of linkage values as compared to existing conditions (or even compared to the previous configuration).

O-6-5

The DEIR (p. 23-30) goes on to state that a new central linkage will serve the quino checkerspot butterfly. However, presence of quino here is simply a snapshot in time that ignores edge effects and the documented likelihood of extirpation of quino so close to developed areas.<sup>1</sup>

### **Hydrology and runoff**

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<sup>1</sup> Preston, et al, “Changing distribution patterns of an endangered butterfly: Linking local extinction patterns and variable habitat relationships,” *Biological Conservation* 152 (2012) 280–290. See Figure 3 showing *overwhelming* extinction of quino within 1 km of development as well as dependence upon intact native vegetation within 1 km.

O-6-6

Other portions of the Otay Ranch development, using similar mitigation measures, have turned historically intermitted streams with minimal vegetation into riparian habitat, due to seepage and runoff. These drainages include Salt Creek, Telegraph Canyon, Otay River Valley, and Poggi Canyon. The result has been dry canyons converting to a significantly altered ecosystem, with invasive Argentine ants following the introduced moisture. For example, the ants consume the young of least Bell's vireo, cactus wren, and California gnatcatcher, as well the invertebrate prey of these species. The DEIR for Village 13 does not analyze this foreseeable effect, present in related project development areas, disclose the impacts, or provide mitigation. Thresholds in prior regulatory agreements that should have triggered new studies of such impacts have not been acted upon.

**Light pollution**

O-6-7

Nocturnal communities of animals will be impacted by new light sources in currently dark locations. For example, the night-foraging wood rat would be affected, as increased light increases predation success by owls and housecats. At a minimum, mitigation should replicate techniques that have documented success.

**Golden eagle**

O-6-8

The DEIR is highly deficient in its outdated, superficial, and erroneous analysis of the golden eagle. At the informational level, flight data from the SANDAG/USGS eagle studies has not been utilized though it is the *best available*, and indeed essential, information. This information should be obtained by the County from the wildlife agencies and become part of the administrative record. EHL will also seek additional expert review of this material. Also of vital importance is that the 1993 Otay Ranch approval required full eagle studies at the current level of planning. *This has not been done.*

O-6-9

Flight data from SANDAG/USGS shows that the site of Village 13 is core foraging habitat for at least two eagle territories, that for the Cedar Canyon nest and for the recovering San Miguel Mountain nest. There were a total of 5 eagles foraging here this year. Flight data shows the project site to be a *primary* foraging location for these territories. For the Cedar Canyon pair, this amounts to roughly 30-40% of its entire foraging territory. This degree of habitat loss will predictably result in the loss of this nesting pair. The MSCP recognizes that a 20% loss of territory means non-viability.

The statistic quoted in the DEIR as to percent of *onsite* habitat protected is simply not relevant. What matters is the impact of the loss of so much core foraging habitat relative to entire foraging habitat. The recovering San Miguel Mountain pair also use this location, and the proposed habitat loss would preclude the recovery of its fire-damaged territory. Using best available information, no studies have been done on the effects on regional eagle populations, either individually or cumulatively, including such locations as Proctor Valley.

0-6-10

The DEIR has also failed to analyze the *indirect* effects of development on golden eagles. Flight data show that the eagles refuse to cross over developed areas into what otherwise would be good foraging habitat. Eagles are currently not moving along lower Otay Valley due to adjacent development. Similarly, Salt Creek is not being utilized for this reason. The effect of the Otay Village 13 project will be to move this barrier even further east, foreclosing access to remaining foraging areas to the north on the Refuge. This will degrade the value of the Refuge to eagles. Thus, the impact effect substantially exceeds what the direct habitat loss of habitat would indicate. And there has been no effort to analyze the cumulative effects on the eagles from the addition of anticipated Proctor Valley development.

0-6-11

The loss of 1 or 2 pair of golden eagles is a highly significant and indeed catastrophic impact for not only San Diego’s tenuous population of golden eagle but also for Southern California’s as a whole. The loss of even one of the two pair affected by this project would constitute an incontrovertible violation of the MSCP Conditions of Coverage, as neither of these pair are part of the 4 of 11 pair contemplated for loss.<sup>2</sup> Also, an Eagle Permit for take will be required for this project under the Bald and Golden Eagle Protection Act.

The golden eagle, as the quino checkerspot, cries out for independent analysis conducted under the direct auspices of the County itself.

**Miscellaneous**

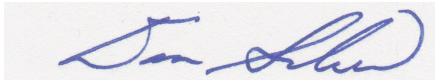
0-6-12

We also note another serious mistake in the DEIR on page 3.3-7, that is, the erroneous statement that the Baldwin Letter is not a “formal, binding agreement.” We urge correction.

0-6-13

In conclusion, EHL looks forward to continuing to work with the County with the goal of environmental review and project planning that exemplify scientific integrity and objectivity.

Yours truly,



Dan Silver  
Executive Director

<sup>2</sup> MSCP Covered Animal Species Summary at p. 54  
<[http://sdmmp.com/Libraries/San\\_Diego\\_MSCP\\_Status\\_Report/Appendix2\\_MSCP\\_StatusReport\\_Dec2012.sflb.ashx](http://sdmmp.com/Libraries/San_Diego_MSCP_Status_Report/Appendix2_MSCP_StatusReport_Dec2012.sflb.ashx)>.