

## CHAPTER 8.0 LETTERS OF PUBLIC COMMENT AND RESPONSES AND REVISIONS TO THE DRAFT EIR

This chapter contains all public comments received on the Draft Environmental Impact Report (DEIR) and County responses thereto. Section 8.1 contains a list of commenters (Table 8-1) and a summary of changes made to the text of the DEIR and technical reports (Table 8-2). Section 8.2 contains the comment letters received and the County's responses to those comments.

The focus of the responses to comments is on the disposition of significant environmental issues raised in the comments, as specified by Section 15088(c) of the CEQA Guidelines. Detailed responses are not required to be provided to comments on the merits of the Proposed Project. Each comment letter is lettered and the issues within each comment letter are bracketed and numbered. Comment letters are followed by responses, which are numbered to correspond with the bracketed comment letters.

The County's responses to comments on the DEIR represent a good-faith, reasoned effort to address the environmental issues identified by the comments. The County is required to respond to those comments on the DEIR that raise environmental issues. In accordance with CEQA Guidelines 15088 and 15204(a), the County has independently evaluated the comments and prepared the attached written responses describing the disposition of any significant environmental issues raised.

### 8.1 List of Agencies and Individuals that Commented on the DEIR

This section identifies the written comments received during the public comment period. Table 8-1 provides an index to commenters and comment letters.

**Table 8-1**  
**Commentors and Comment Letters**

<b>Letter Designation</b>	<b>Commentator, Contact</b>	<b>Type of Organization</b>
A	California Department of Fish and Wildlife, Gail K. Severns, Environmental Program Manager	State Agency
B	California Department of Transportation, Jacob Armstrong, Chief, Development Review Branch	State Agency
C	Local Agency Formation Commission, Ingrid E. Hansen, Chief of Governmental Services	Local Agency
D	Pala Pauma Community Sponsor Group, Charles Mathews, Chairperson	Community Organization

E	San Diego County Archaeological Society, Inc., Environmental Review Committee	Local Organization
F	Endangered Habitats League, Dan Silver, Executive Director	Organization
G (Late Comment)	Pala Tribal Historic Preservation Office, Shasta C. Gaughan, Ph.D., Tribal Historic Preservation Officer	Tribal Agency
H	California Department of Conservation, California Geologic Survey, John G. Parrish, Ph.D, State Geologist	State Agency
I	State Mining and Geology Board, Stephen M. Testa, Executive Officer	State Agency
Late Comment	Darlene V. Shiley	Individual
Late Comment	Thomas Cerruti	Individual



## 8.2 Comment Letters, County Responses to Comments, Revisions to DEIR

Table 8.2, “Summary of Changes to the DEIR,” beginning on the following page, summarizes changes made to the DEIR text, graphics, and technical reports following public review, which occurred from August 21, 2014 to October 6, 2014. Some revisions to the DEIR and technical reports were made as a result of responding to comments received during the public review period. Other revisions have been made to clarify certain information or to improve data consistency or editorial accuracy.

Many of the revisions listed in Table 8.2 are related to addressing the following issues that have occurred since public review:

1. The project applicant has made much progress regarding proposed annexation to the Yuima Municipal Water District (YMWD), San Diego County Water Authority (SDCWA), and Metropolitan Water District (MWD) for potable water service. The applicant’s coordination with the agencies has been lengthy but has progressed to determining the geographic area to be annexed as shown in Figure 1-8 of the DFEIR. In addition, on February 28, 2019 the SDCWA adopted Resolution No. 2019-04 establishing preliminary, informal terms and conditions for the proposed annexation to YMWD and requesting that MWD set formal terms and conditions.
2. Changes in recognized air quality analysis methodology required that the Air Quality Assessment Report (Appendix B of the DFEIR) and be revised as well as revisions in the DFEIR. Air Quality emissions modeling was done with the URBEMIS software for the report that was circulated for public review. The CalEEMod software has replaced URBEMIS and is supported by California Air Districts. The revised modeling done with CalEEMod resulted in the previously identified potentially significant but mitigated impacts for PM<sub>10</sub> emissions to no longer be identified. South Coast Air Quality Management District that developed both models acknowledges that use of CalEEMod may result in lower estimates of fugitive dust emissions compared to URBEMIS; however, CalEEMod is the preferred model for conducting air quality and greenhouse gas analysis for CEQA documents.
3. In February 2018 the County Board of Supervisors approved the County’s Climate Action Plan (CAP). Subsequently, the Global Climate Change Report (Appendix N of the DFEIR) and DFEIR was updated to address the project’s consistency with the CAP requirements and the applicant’s proposal to incorporate rooftop solar systems on all proposed residences.
4. Both the Drainage Study (Appendix Q of the DFEIR) and Storm Water Quality Management Plan (Appendix S of the DFEIR) have been updated to ensure the project design meets current requirements of the County’s Watershed Protection Ordinance and Regional Water Quality Control Board Order Nos. R9-2015-000 and R9-2015-0100.

Other revisions to the DFEIR relate to comments made by agencies, organizations, or individuals during the public review period. For example, additional traffic counts were made following public review to address comments raised by the Pala Pauma Community Sponsor Group, and additional information regarding biological resources was added to address comments raised by California Department of Fish and Wildlife. This additional information did not result in any changes to impacts or mitigation measures that were identified in the public review documentation.

Other revisions to the DFEIR documentation were made to clarify discussions or make editorial corrections.

Following Table 8.2 are the public comments and responses. They are included in the order shown in Table 8.1.

**TABLE 8.2 SUMMARY OF CHANGES TO THE DEIR**

Section (page)	Edit	Reason for Edit
<b>EIR Text</b>		
<b>Front Material</b>		
Cover page and title page	Date edited; Name and address edited	Updated to identify the latest information
Table of Contents, pp i-ix	<u>Reference to Chapter 8.0 added</u> Ref to Figure (F) 1-8 added;	<u>Update to add Chapter 8, Response to Comments</u> <u>Correction of titles, update of titles reflecting revised studies; Update of pagination; Addition of figure to show updated annexation and GHG discussion</u>
Table of Contents, pp ix-x	Dates of five technical studies edited; Ref to 3 addenda for minerals, biology, traffic added; Ref to Table 1-8 added, Table 3-1-3 struck	Updated to reflect technical studies: air quality, biological resources, geotech, traffic, and climate change; Correction of noise study; mineral resources addendum title
Table of Contents, pp xi	Reference to Attachment C added	Updated to reflect inclusion of the NOP docs
Table of Contents, Technical Appendices	Titles, dates, authors of Appendices Q and S updated, Appendix R removed, and Preliminary Grading Plan (PGP) added as Appendix V.	Updated to reflect revisions to the Drainage Study and Stormwater Quality Management Plans, and inclusion of the PGP as it is referenced by these studies and depicts stormwater BMPs
Abbreviations p xiii-xv	3 abbreviations added	Clarification
<b>Summary</b>		
Section S.1, Project Synopsis, p S-1, 2 <sup>nd</sup> para +	Discussion about annexation revised	Updated of annexation requirements and in response to comment C.6 and D.10
S.1, Project Synopsis	Last sentence, second paragraph	Edited due to the project no longer needing to annex to YMWD for fire protection service
S.1 Project Synopsis, 5 <sup>th</sup> paragraph; 1.2.2.1, 1 <sup>st</sup> paragraph; 3.1.1.1, last paragraph; 3.1.2.2, under “Step 1 – Land Use Consistency” heading; 3.1.5.1, 2 <sup>nd</sup> paragraph	Revised land use designation from RL-40 to SR-10	Revisions made for accuracy.
S.5, Proj Alternatives	Number of significant effects edited	Updated to reflect revised noise study
<b>Chapter 1.0 Project Description</b>		
1.2 Project Description, p 1-1; 1.2.1, p 1-2 and 1-3 ¶	Discussion about annexation revised; Wording change; Ref to Caltrans right-of-way and native plant palette added.	Updated to reflect changes to annexation requirements, made in response to coordination with CWA and comments C.6 and D.10; Clarification of information related to annexation and landscaping
1.2, Project Description; 1.2.1, Project’s Component Parts; 1.2.2.1, Technical Characteristics; Table 1.5.1, Matrix of Approvals; 1.5.2, Related	Last sentence third paragraph; removed fire annexation component part; Fire Service/Annexation; Annexation to YMWD for fire service; first sentence third paragraph, and last	Edited due to the project no longer needing to annex to YMWD for fire protection service

Section (page)	Edit	Reason for Edit
<b>EIR Text</b>		
Env Review; 1.8, Growth Inducing Impacts;	paragraph; first sentence third paragraph, and last paragraph	
1.2.1, items 4-7, p 1-2	Actions related to annexation edited	Update of annexation requirement. Made in response to comment A.11;
1.2.2.1, page 1-5	Revised total acreage of open space from 146.25 to 138.4.	Revision made for accuracy.
1.2.2.1, LAFCO, p 1-6; Water Service/Annexation, pp 1-7 to 1-8	LAFCO and Water Service sections edited; Words “minimum” and “irrigation” added; Water savings number edited; added statement that amendment of sphere of influence also required	Update to reflect change in annexation requirements, and in response to comments C.6 and D.10. Correction of typos, clarification of lot size; Update of water data
1.2.2.1, Access, p 1-7,	References to “ungated” added	Clarification
1.2.2.1, Agriculture, p 1-10	References to 100-foot visual buffer and tree removal added; Owner options added	Addition clarifies HOA duties with respect to agriculture; Clarification of owner options re: continuation of agriculture
1.2.2.2, pp 1-12, 1-14, 1-15	Acres of retained agricultural edited; Groundwater savings percentage edited from 10 to 25 percent; Reference to main access edited. Discussion of proposed pipeline edited	Updated to reflect revised agricultural acreage; Groundwater savings percentage corrected. Main access point clarified. Pipeline discussion updated to provide clarity
1.4, p 1-16	Word “project” added before “stie”; Existing agricultural acreage revised;	Clarification; Correction
1.5.1 Matric of Approvals, p 1-17	Reference to Caltrans encroachment permit added. Agencies needed for approval of annexation added	Clarification of Caltrans encroachment permit action; Update of annexation made in response to discussions with agencies and in response to comments C.6 and C.10
1.5.2, p 1-17	Reference to consultation with MWD, CWA, MMWD added	Updated and corrections to reflect additional consultations. Also made in response to comment C.6 and D.10
1.8, p 1-19-20	Discussion of annexation edited; Figure title edited	Updated in response to annexation requirements, and comments C.6 and D.10. Correction
1.9.1, p 1-22; 1.9.2 p 1-22; 1.9.3, p 1-23; 1.9.4; 1.9.5, p 1-24;	Section reference edited; Text added related to electricity use; Reference to Title 24 edited; Reference to Appendix N added; Changed “east” to “west”; Fig title edited	Correction of section ref. Updated energy demand data; Clarification that current Title 24 requirements will be used; Clarification of reference; Correction
<b>Chapter 2.1 Mineral Resources</b>		
2.1, Mineral Resources, p 2-1; S2.1.2.1, p 2-5;	Added reference to addendum; Acreage of potentially mineable area edited;	Added reference to Addendum for completeness of reference; Acreage corrected in response to comment H.4;
2.1.2.1, p 2-6, ¶ 3	Phrase edited	Edit made to more accurately reflect the significance guideline

Section (page)	Edit	Reason for Edit
<b>EIR Text</b>		
2.1.5 Mitigation; 2.1.6 Conclusion	Added additional text as to why mitigation measures are not feasible. Sentence edited	Clarification regarding infeasibility of mitigation measures. Clarification
<b>Chapter 2.2 Aesthetics</b>		
2.2.1.1, p 2-8; 2.2.2, pp 2-11 and 2-12; 2.2.4, p 2-20	Edit of reservoir description. Indentation of paragraphs and subparagraphs aligned	Clarification of reservoir discussion. Correction of formatting
<b>Chapter 2.3 Air Quality</b>		
2.3 Air Quality, p 2-21	Date of study edited	Updated, reflects date of revised air quality study
2.3.1.2 Regulatory Setting, State Standards, p 2-22	Added sentence about restrictive nature of California Ambient Air Quality Standards	Clarification based on revised air quality analysis
2.3.1.3 p 2-24; 2.3.2.1 Guidelines, p 2-24 through 2-26	Added reference to location of methodologies in air quality report; Edited air quality standards discussion. Defined VOC & ROG	Clarification of location and definitions for reader; Updated to reflect revised air quality analysis
2.3.2.2 Analysis, pp 2-27 – 2.3.2.4; Odors, p 2-33	Revise analysis for Guidelines 2a - 2e, 3a&b, 4a & b, 5; Previously identified direct impact AQ-1 for PM10 emissions removed; Edited odors discussion	Updated based on revised air quality analysis and change in methodology from use of URBEMIS to CalEEMod to calculate emissions; Clarification of how agricultural odors are disclosed
2.3.3 Cumulative Impact Analysis, p 2-33; 2.3.4 and 2.3.5. p 2-34	Edited to reflect removal of previously identified direct impact AQ-1 and cumulative impact AQ-2 new information	Update to reflect revised air quality analysis and change in methodology from use of URBEMIS to CalEEMod to calculate emissions
2.3.6 Conclusion, p 2-35	Conclusion revised to reflect previous edits, datum corrected	Update based on revised air quality analysis, correction
<b>Chapter 2.4 Biological Resources</b>		
2.4 Biological Resources p 2-36	Date of study edited, reference to addendum added	Correction of date, Update to reflect additional information
2.4.1, p 2-36	Table title edited	Title corrected to reflect full table name
2.4.2.3, Criteria 3 and 4, p 2-46	Discussion of Southwest Pond Turtle, San Diego Cactus Wren added, concluding no significant impacts; Edited discussion of arroyo toad habitat	Update made in response to new surveys to address comments A.9 and A.10; Clarifies the location of the habitat and how it will be protected
2.4.2.3 Criterion 7, p 2-47; 2.4.5.1 M-BI-1, p 2-64	Impact BI-3 and MM M-BI-1 edited to distinguish between lighting and noise effects	Clarification. Edits made in response to comment A.23
2.4.2.5, Criteria 1 and 2, p 2-49; 2.4.2.7, Criterion 2, p 2-52 2.4.4.2, p 2-61; 2.4.4.3, BI-4, p 2-62; 2.4.5.3, M-BI-3, p 2-64; 2.4.5.4, M-BI-4, p 2-65	Numbering of Impact BI-4 and BI-5 interchanged	Correction of text to make impact and mitigation discussions consistent
2.4.2.5, Criterion 3, p. 2-53	Added reference to Appendix P	Reference added to support sentence stating groundwater use would be reduced by 28 percent.

Section (page)	Edit	Reason for Edit
<b>EIR Text</b>		
2.4.2.7, Crit. 2, p 2-52; 2.4.4.2, BI-4, p 2-61;	Added word “federal” to “jurisdictional wetlands.” Edited number of drainage crossings from 4 to 3 and/or total area and lineal feet impacted by crossing to 0.015 acres and 258 lineal feet from 0.02 acres and 358 lineal feet (a reduction)	Correction of data for consistency. Made in response to comments A.3 and A.4.
2.4.2.5 Criteria 3 and 5, p 2-50 and 2-51	Water savings corrected to 25 percent Frey Creek buffer discussion edited	Correction. Criterion 5 a clarification. Made in response to comment A.7
2.4.2.11, p 2-55; p 2-56	SCC edited to CSS. Spelled out acronym SHL, added to acronym list	Correction of typographical error. Clarification
2.4.3.1, p 2-59; 2.4.3.5, p 2-60	Reference to TM 5545 added, with appropriate text edits as needed	Update; Edits made in response to comment D.35
2.4.5.1 M-BI-1, p 2-62 2.4.5.2 p 2-63 2.4.5.3 M-BI-3, p 2-64	Mitigation measures revised	2.4.5.1--Clarification to better identify requirements for different bird groupings, made in response to comment A.232.4.5.2—Clarification of impact numbers. 2-5-3—Reference to use of native vegetation in Wetland Mitigation Plan
2.4.6 Conclusion, p 2-65	Revised conclusion to reference the impact numbers and mitigation measures	Text added for clarification
<b>Chapter 2.5 Cultural Resources</b>		
2.5.1.1, p 2-69;	RPO section number edited.	<u>Clarification.</u>
2.5.3, p 2-77	Figure title edited	Correction
2.5.5, M-CR-3, p 2-80+ M-CR-5, p 2-84	Replace mitigation measures	Update reflecting consultation with Native American Representatives
<b>Chapter 2.6 Hazards/Hazardous Material</b>		
2.6.2.2 Analysis Fire Hazards; 2.6.3.1 Fire Hazards	Fourth and last paragraph; second paragraph	Edited due to the project no longer needing to annex to YMWD for fire protection service
Top of p 2-95; 2.6.2.2,; Water Supply, p 2-92 Ignition Resistant, Nos 2, 6, p 2-93	Edited “form” to “from”; Reference to annexation edited; Acronym identified, bullets edited	Correct typo; Update annexation info in response to comments C.6, D.10 and D.19; Clarification of acronyms and numbering
2.6.2.3, “a, f, g,” p 2-98 2.6.2.4, p 2-99 and 2-100	Acronyms identified by name; Reference to appendix added	Clarifications
2.6.2.6, pp 2-103 and 2-104- 2.6.3.1, p 2-105 and 2.6.3.2, p 2-106	Date and appendix references added: Date updated; Reference to Warner Ranch edited.	Clarifications; Update to reflect change in status of project
<b>Chapter 2.7 Geologic Resources</b>		
2.7.2.1, p 2-112; 2.7.2.2, p 2-113	Acronym identified; Text describing impact edited	Clarification of acronym reference. Clarification of impact discussion
<b>Chapter 2.8 Noise</b>		
2.8.2.1, p 2-120; 2.8.5, p 2-127	Format of subparagraph edited; Sentence edited	Clarification for ease of reference; Grammar correction

Section (page)	Edit	Reason for Edit
<b>EIR Text</b>		
<b>Chapter 2.9 Paleontology</b>		
2.9, p 2-128; 2.9.5, pp 2-132 to -135	Date of report edited; Title of cited document placed in italics	Update; Clarification to differentiate existing and edited text
<b>Chapter 2.10 Traffic</b>		
2.10 Traffic, p 2-137	Date of study edited; Dates of traffic counts edited	Update of study and traffic counts which were performed in response to comment D.24
2.10.5, p 2-148; 2.10.8 Conclusion, pp 2-149	Word “Impact” added to “TR-1” Dates of traffic counts edited, additional info about TIF added	Clarification. Update dates of traffic counts, made in response to comment D.24; Clarification
<b>Chapter 3.0 Effects Found Not Significant</b>		
Agriculture: 3.1.1, p 3-1; 3.1.1.1, p 3-1 and 3-3; 3.1.1.2, Analysis, Guideline 1, p 3-6	Sentence deleted; Acronym corrected. Spelling of Frey Creek edited. Added reference to Appendix M, Table 1	Removal of sentence from prior version— correction. Correction of acronym and spelling. Reference added to support statement pertaining to low soils rating
3.1.1.3, p 3-11 through 3-14,	Word “Figure” capitalized. Cumulative discussion edited	Correction ; Edits to clarify cumulative project agricultural uses, incorporate withdrawn project. No change in impact conclusions
Climate Change: 3.1.2, p 3-15	Text added re GHG emissions significance	Update based on revised study mainly related to the County’s CAP
3.1.2.1 Existing Conditions, pp 3-15 through 3-23	Text edited; Name of agency added Edited discussion of laws and regulations affecting global climate change	Updated text to reflect revised technical report and more current information related to the County’s CAP ;
3.1.2.2 Analysis of Project Effects, p 3-23 through 2-29+	Section has been rewritten	Update to reflect revised technical report.No change in impact conclusions
3.1.2.3 Cumulative Impact Analysis, p 3-29	Section has been rewritten	Update to reflect revised technical report
3.1.2.4 Informational GHG Report Discussion, p 3-29	Section added	Update to reflect revised technical report
3.1.2.5 Conclusion, p 3-30	Section revised	Update to reflect revised technical report
Groundwater: 3.1.3.1, Hydrogeology, Pp 3-31; Groundwater Occurrence, p 3-32; Current Groundwater Usage, p 3-33	Addition of reference to use of bottle water under existing conditions. Well discussion edited; Water use numbers edited. Word change	Correction of water use profile. Updated to reflect new well information; Correction of usage data from 0.5 to 1.0 AFY for two existing onsite residences; Clarification of terminology
3.1.3.2 Analysis – Future Groundwater Use, pp 3-35-38; Potable Water Service, and footnote, p 3-35 to 3-36, Nitrogen Loading, p 3-38; 3.1.3.4, Conclusion, p 3-39	Water use data added. Text revised to clarify potable water service, agencies involved in annexation. Acreage of grove acreage and reduction of nitrogen loading, percent of water saved and number of residential units edited; Conclusion edited	Correction and clarification of data; Made in response to comment D.10
Hydrology and Water Quality: 3.1.4, , p 3-39	Reference to Appendices Q, R, and S have been edited	Update based on revised Drainage Study and Storm Water Quality Management Plan
Hydrology and Water Quality, 3.1.4.1	Revised statement concerning 303(d) impaired water bodies, reference to County’s BMP Design	Updated to reflect current status of these documents

Section (page)	Edit	Reason for Edit
<b>EIR Text</b>		
	Manual and Watershed Protection Ordinance, and Regional Water Quality Control Board Order Nos. edited	
Hydrology and Water Quality, 3.1.4.2	Several edits made regarding analysis to surface hydrology significance guidelines 1 through 3 and hydromodification analysis, and surface water quality significance guidelines 1 through 5	Updated to reflect analysis performed in revised Drainage Study and Storm Water Quality Management Plan.
Land Use, 3.1.5.2 Analysis of Project Effects...	Page 3-57 and 60	Edited due to the project no longer needing to annex to YMWD for fire protection service
Land Use: Page 3-54 to 3-55; 3.1.5.2, p 3-57, 3-58 to 3-60, Page 3-61	EDA policy number identified; Number of units corrected; Annexation discussion edited; Word change	Clarification; Updated to reflect current annexation requirements/agencies involved, clarification, and in response to comments C.6 and D.10; References added to support the Land Use discussion concerning the use of clustering.
Land Use, 3.1.5.2 under heading “GP, Zoning Ordinance, RPO”	Revised total acreage of open space from 146.25 to 138.4.	Revision made for accuracy.
3.1.3.2, under heading “Potable Water Service”, page 3-37; Land Use, 3.1.5.2 under heading “GP, Zoning Ordinance, RPO”	Revised acreage of three offsite parcel included in annexation, from 10.96 acres to 13.38 acres.	Revision made for accuracy.
Utilities and Service Systems: 3.1.6.2 , pp 3-64—65; 3.1.6.4, p 3-66	Annexation narrative edited; Water supply discussion edited	Updated in response to comments C.6, C.8 and D.10 and to reflect annexation requirements and potable water demand
<b>Chapter 4.0 Alternatives</b>		
4.2 No Project Alternative	First paragraph	Edited due to the project no longer needing to annex to YMWD for fire protection service
4.1, p 4-1; Page 4-2	Number of significant effects by the project alternatives edited. Acronym written out	Update based on the revision of air quality analysis from significant to not significant; Clarification
4.2, p 4-2; 4.2.1.4, p 4-3	Discussion of objectives added; Edit to impact discussion	Clarification Added for clarity and in response to comment D.1.
4.2.1.3, pp 4-3 ; 4.2.1.4, p 4-4; 4.2.1.8, p 4-5	Sentence about existing condition edited Text deleted in 4.2.1.4. Subject added to sentence in 4.2.1.8	Clarification. Deletion based on update of air quality study; Grammar correction.
4.3 Legal Lots Alternative	First paragraph	Edited due to the project no longer needing to annex to YMWD for fire protection service
4.3 Legal Lots Alternative, pp 4-6 to 4-7	Minor edits to text; Reference to MWD, CWA added. Edits to reflect change from 5 to 4 legal lots. Discussion of objectives added	Clarification and update to reflect all agencies involved in annexation for imported water service and in response to comments C.6 and D.10; Update and clarification



Section (page)	Edit	Reason for Edit
<b>EIR Text</b>		
4.3.1.3, p 4-8; 4.3.1.4, p 4-9; 4.3.1.5, p 4-9; 4.3.1.7, p 4-10; 4.3.1.8, p 4-11, 4.3.1.10, p 4-13	Minor edits to text. Cult Resources discussion edited to clarify direct vs indirect impact	Update of text to reflect change of legal lots from 5 to 4
4.4, p 4-13	Name of Figure 4-2-2 edited; Additional statements regarding annexation added. Discussion of objectives added	Correction to provide complete title of graphic; Update of discussion about annexation; Clarification
4.4.1.1, p 4-14; 4.4.1.4 Air Quality, p 4-15	Number of cumulative projects edited. Note on withdrawal of Warner Ranch added. Ccronym corrected.	Correction and update. Correction.
4.4.1.5, p 4-15 4.4.1.7, p 4-16	“Direct” added; Fault setback edited to be 75 to 100.	Clarify direct vs indirect impacts; Edit to provide correct range of setbacks
4.4.1.6, Hazards	Third paragraph	
4.4.1.10 p 4-18	Format adjusted	Format accuracy
4.5, pp 4-18	Annexation discussion edited. Statement about objectives added; Sentence stating no recreation lot provided with Reduced Visual Impact alternative was deleted.	Update based on new annexation requirements. Correction.
4.5.1.4, p 4-20	Air Quality discussion edited	Update based on revised air quality report
4.5.1.7, p 4-22	Fault setback edited	Correction
<b>Chapter 5.0 List of References</b>		
Chapter 5.0	Revised list of references	To improve accuracy in references used for public review and to update references since public review
<b>Chapter 6.0 List of DEIR Preparers</b>		
6.0 List of DEIR Preparers	Names added, titles added	Updated to accurately reflect additional participants and titles added to clarify roles
<b>Chapter 7.0 Significant Effects and Design Considerations</b>		
7.1.2 Air Quality, P 7-1	Text deleted	Removed air quality impact mitigation measures due to removal of those impacts due to reflect the revised air quality report
7.1.3 Biology, Pp 7-1 to 7-2	Revised mitigation measure provided	Updated to reflect revisions to mitigation measures for clarity and accuracy
7.1.3 Biology, Pp 7-2 to 7-4	Minor edits to impact numbers, text, reference to use of native plants added	Updated to reflect renumbering, clarification to indicate resources will be protected by an easement; Clarification for revegetation plan
7.1.4 Cultural Resources, M-CR-3, M-CR4, and C-CR-5, p 7-6 through 7-13;	Appendix reference edited; Title edited. Revised mitigation measures carried from EIR text	Clarifications and update of mitigation measures
7.1.6 M-GE-2,p 7-13	Setback width edited; Mitigation measure revised	Updated to reflect DEIR text
7.1.7 Noise, M-N-2, p 7-14	Sentence added about noise monitoring	Clarification of monitoring requirements
7.1.8 Paleontology, Pp 7-15 to 7-19	Formatted text	Revisions to make format consistent
7.2.1, Aesthetics, P 7-19	Text added to refer to visual	Clarification of characteristics of 100 foot

Section (page)	Edit	Reason for Edit
<b>EIR Text</b>		
	easement	visual buffer
7.2.2 Greenhouse Gases, p 7-19	Text added	Update to reflect the revised global climate change report, incorporation of solar panels on each residence.
7.2.3.1, Pp 7- 20 to 7-22	Numbering replaces bullets	Correction to make format consistent
7.2.4 Geology P 7-24; 7.2.6, p 7-24	Text added about landscaping including indigenous plants in Frey Creek; Word “acre” added	Clarification made in response to comment A.11; word added to clarify meaning of number
<b>Figures and Tables</b>		
Figures (F) 1-1, F1-2A, 1-2B, 2-4-1, 2-4-2, and 2-4-3, 2-7-1, 4-2-2, and 4-2-3	Base map revised	Update to reflect deletion of recreation area bathroom, location of new well
F 1-3, Water Circ and Well Locations	Revised mapping	Update to reflect new well, correct piping layout
F 1-6, Cumulative Projects; F 2-4-4, Cumulative Projects F 3-1-2, Cumulative Projects	Added project	Correction, made in response to Comment D-35
F 1-7, YMWD Boundary	Boundary at project modified	Update to reflect new annexation boundary
F 1-8, Annexation Areas	Graphic added	Update to reflect annexation area required by water agencies
F 2-6-1, Fire Safety	Map edited to show two exit points	Correction and in response to comment D.32
F 4-2-1, Legal Lot Alternative	Revisions to reflect 4 vs 5 legal lots	Update to reflect additional research on legal lots
Table (T) S-1	Modified mitigation measures	Updated based on revised air quality technical report that resulted removal of impacts AQ-1 and AQ-2; and for accuracy and clarification
T S-2	Deleted air quality comparison	Update reflecting revised study
T 1-1	Added project TM 5545 to cumulative projects list. Deleted effects of Warner Ranch	Correction, made in response to Comment D-35. Warner Ranch withdrawn
T 3-1-1, 3-1-2	T 3-1-1 deleted, new T 3-1-1 and T 3-1-2 added	Update to reflect revised Global Climate Change and Air Quality technical reports
<b>Studies</b>		
Air Quality Report	Report revised; Air Quality impact previously identified for PM10 emissions is no longer significant	Revisions made to incorporate changes in recognized air quality modeling methodology. Use of URBEMIS model is no longer supported and was replaced with CalEEMod which, it is recognized, can result in lower estimates of fugitive dust emissions.
Biology Report	Discussion of San Diego Cactus Wren and Southwest Pond Turtle added including as memorandums attached to the report (Attachment F to the Bio Report (Appendix C)). No change in conclusions; Update from 2019 added to appendix	Made in response to comments A.9 and A.10; Update of study

<b>Section (page)</b>	<b>Edit</b>	<b>Reason for Edit</b>
<b>EIR Text</b>		
Fire Study	Corrected reference to the number of exits from 3 to 2; Corrected map to reflect edits. No change in conclusions	Made in response to comment D.32
Global Climate Change Report	Report revised. No change in conclusions	Made per revised County standards, added discussion of County Climate Action Plan, incorporated new design measure for each residence to have an average of 10 285-watt solar panels. CAP Checklist added as Attachment A to the Global Climate Change Report (Appendix N)
Groundwater Supply Letter (Appendix P)	Data revised	Update to reflect updated annexation process and status of annexation; revised acreage and groundwater use figures for accuracy.
Traffic Study	Updated to include dates of post-public review traffic counts. Added results of 2014 and 2019 weekend traffic counts. No change in conclusions	Made in response to comment D.24 and D.25. Update of study
Preliminary Grading Plan - Final Grading Condition CULT#GR-2	Text modified as related to repatriation of artifacts and/or human remains	Made in response to comments E.3 and E.4
Preliminary Grading Plan, Final Grading Condition CULT#GR-4	Text modified as related to repatriation of artifacts and/or human remains	Made in response to comments E.3 and E.4



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



October 7, 2014

Mr. Robert Hingtgen  
County of San Diego  
Planning & Development Services (PDS)  
5510 Overland Avenue, Suite 310  
San Diego, California 92123  
Robert.Hingtgen@sdcounty.ca.gov

**Subject: Comments on the Draft Environmental Impact Report and Draft Habitat Loss Permit for the Shadow Run Ranch Project, County of San Diego (SHADOW RUN RANCH; PDS2001-3100-5223, PDS2000-3300-00-030, PDS2000-3710-00-0205, LOG NO. PDS2000-3910-0002035; SCH#2002061066), California**

Dear Mr. Hingtgen:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced draft environmental impact report (EIR) and draft Habitat Loss Permit (HLP) for the Shadow Run Ranch Project (SCH# 2002061066) dated March 2014. The comments provided herein are based upon information provided in the draft EIR (and associated reference materials including the Biological Resources Survey Report for the Shadow Run Ranch Project Prepared by Vincent N. Scheidt, Final March 2014), our knowledge of sensitive and declining vegetation communities, and ongoing regional habitat conservation planning in the County of San Diego (County).

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the State of California's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA, Fish and Game Code §2050 et seq.) and other sections of the Fish and Game Code. The Department is also responsible for the administration of the Lake and Stream Alteration Agreement Program (Fish and Game Code §1600 et seq.). The Department also administers the Natural Community Conservation Planning (NCCP) program (NCCP, Fish and Game Code §2800 et seq.). The County is a participant in the NCCP program. Currently, the County is actively pursuing its draft North County Multiple Species Conservation Program (NC-MSCP) which, although not yet completed, has undergone substantial negotiation and is anticipated to receive approvals in the next one to two years (County of San Diego, 2013). The Project site is located within unincorporated San Diego County within the boundaries of the NC-MSCP. Within the NC-MSCP, the site is located in the Upper San Luis Rey (Planning Unit 20) and entirely within the draft Pre-Approved Mitigation Area (PAMA). One of the main goals for Planning Unit 20 is to maintain/improve connectivity along the San Luis Rey River between the Pala Reservation and Hellhole Canyon Open Space Preserve, which includes maintaining linkages through natural and agricultural lands for wildlife movement of large and medium-sized mammals between San Luis Rey River and Palomar Mountain (County of San Diego, 2009).

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1. The County concurs with the comment. The comment provides an overview of the proposed project, the draft North County Multiple Species Conservation Plan (NC-MSCP) and the role of the California Department of Fish and Wildlife (CDFW) as a Responsible and Trustee Agency. No changes to the EIR are required in response to the comment.

## Comments Letter A

## Response to Comments Letter

The Shadow Run Ranch property is located on the north side of State Route (SR) 76 just west of the intersection with Adams Drive within the unincorporated community of Pala/Pauma in north San Diego County. The Project proposes a major subdivision (TM 5223RPL4) of 44 residential lots on 248.2 acres (APNs 111-080-07, -08, -09, -10, -18, & -19, APN 111-070-12 & -13, and portions of APN 111-080-14, -15, & -16). The proposal includes a Major Use Permit (MUP 00-030) for a Planned Residential Development, which would cluster the residential lots on 2-acre minimum lots in order to maximize the overall open space of the project. Forty-seven lots are proposed on the 248.2-acre site, consisting of 44 residential lots ranging in size from 2.01 to 7.35 acres, one biological open space lot (91.31 acres), one agricultural lot (39.12 acres), and one recreation lot (7.96 acres). The project's main access will be directly off SR-76 approximately 1,400 feet west of Adams Drive. A secondary access is proposed to connect with Adams Drive. On-site circulation will utilize proposed private roads. Annexation to the Yuima Municipal Water District is also proposed for potable water and fire services. The residential lots will have on-site wastewater treatment systems.

Elevations on the property range between approximately 770-feet MSL at the site's southwestern corner and 1,620 feet MSL at the site's highpoint near the northeastern corner. Existing land uses on-site include active agriculture (154 acres of crops), which covers the majority of the property, several trailers and single-family homes, which are located on the southern portion of the site, a reservoir located near the northeastern property corner, and various dirt roads that cross the property. Areas of native upland vegetation are found on the northeastern and western portions of the site. The site is situated on the southern flanks of Palomar Mountain, and the native vegetation on the northern and western portions of the site is continuous with the large block of habitat associated with Palomar Mountain and the Cleveland National Forest. Frey Creek runs along the western property boundary. Several other drainages cross the property in a north-south direction, all of which are tributaries to the San Luis Rey River located just south of the project site across Highway 76. Land uses on surrounding parcels include active agriculture (to the west and southeast), scattered homes (to the southeast), and undisturbed areas to the north, south, and southwest. All adjoining lands are under private ownership. No preserved lands adjoin or are contiguous with the project site. The Pauma Indian Reservation is located immediately to the east of the site, and the Pala Indian Reservation adjoins part of the western property and the Cleveland National Forest is located a short distance to the north of the property.

The Shadow Run Ranch property contains developed as well as native upland/wetland habitats and agricultural-related and developed uses. The Project proposes to directly impact 1.2 acres of coastal sage scrub (CSS) and 3.0 acres of coast live oak woodland (CLOW) habitats and mitigate at a 2:1 and 3:1 mitigation to impact ratio, respectively. Previous impacts 2.3 acres of CSS and 0.14 acre of CLOW are proposed to be mitigated at a 3:1 and 4:1 ratio, respectively. Impacts to upland and wetland habitats are proposed to be mitigated on-site (total mitigation of 9.4 acres of CSS and 9.6 acres of CLOW).

The Department offers the following comments and recommendations in the enclosure to assist the County in avoiding, minimizing, and adequately mitigating Project-related impacts to biological resources, and to ensure that the Project is consistent with ongoing regional habitat conservation planning efforts (i.e., that it would not preclude the preserve assembly or prevent the achievement of the biological goals anticipated under the North County MSCP). We appreciate the opportunity to comment on this draft EIR/HLP and look forward to further coordination among the County and Department to discuss and resolve the issues associated

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2. The County appreciates the guidance provided by CDFW with respect to avoiding, minimizing, and mitigating project-related impacts to biological resources, and ensuring that the project is consistent with the NC-MSCP. Furthermore, the County looks forward to coordinating with the CDFW to resolve any issues should they arise.

Mr. Robert Hingtgen  
County of San Diego  
October 7, 2014  
Page 3 of 3

with the Project, including those raised in this letter. If you have questions regarding our comments on the Project, please contact Randy Rodriguez (858) 637-7100 or [Randy.Rodriguez@wildlife.ca.gov](mailto:Randy.Rodriguez@wildlife.ca.gov).

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Sincerely,  


Gail K. Sevrens  
Environmental Program Manager  
South Coast Region

cc: State Clearinghouse, Sacramento  
Michelle Moreno, U.S. Fish and Wildlife Service

Enclosure

## Comments Letter A

### ENCLOSURE

#### Comments/Recommendations Shadow Run Ranch Project Draft EIR/HLP

1. The draft EIR and biology report indicate that there is an existing riparian corridor along the site associated with Frey Creek that runs in a northeast-southwest direction along the western property boundary. There are also several other drainages that cross the property in a north-south direction, all of which are tributaries to the San Luis Rey River located just south of the Project site across SR 76. Based on the information provided in the draft EIR, the Project would impact State jurisdictional wetland areas, which is proposed to be mitigated on-site.
- a. The Department has responsibility for the conservation of wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. The Department opposes any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent or perennial, should be retained and provided with substantial setbacks to preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife and plant populations. Mitigation measures to compensate for impacts to mature riparian corridors should be included in the final EIR and must compensate for the loss of function and value as a wildlife corridor.
- b. The Department has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. As a Responsible Agency under CEQA, the Department may consider the County's final EIR for the project. To minimize additional requirements by the Department pursuant to section 1600 et seq. and/or under CEQA, the final document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of an SAA.
- c. The Project biology report indicates that wetland mitigation is proposed to occur within the conserved open space along existing on-site drainages. Mitigation, if on-site to offset the Project's impact to State jurisdictional areas, would need to be viable and managed under a conservation easement. The Project proposes a 200-foot buffer along most of the length of Frey Creek to protect on-site wetlands (page 2.48 of the draft EIR). Specifically, the Project proposed a 100-foot native vegetation buffer, a 100-foot agricultural (citrus) buffer, and a 100-foot limited building zone (LBZ) along the entire length of Frey Creek, with the exception of a pinch point on Lots 33-35 where the buffer would narrow to only 100 feet of native vegetation and a 100-foot LBZ. The Department

## Response to Comments Letter

3. The County concurs with the comment. The project will have small but measurable impacts to state jurisdictional wetlands, consisting of 0.015 acre (258 lineal feet) of non-wetland waters of the United States and state wetlands, as stated in Impact BI-4 discussed in Section 2.4.2.7, Criterion 2, pages 2-53, and summarized in Sections 2.4.4.2, Impacts to Riparian Habitat or Sensitive Natural Communities, page 2-61, and 2.4.4.3, Impacts to Federal Jurisdictional Wetland and Waterways, page 2-62 of the DEIR. The data were corrected to 0.015 acres (258 lineal feet) in Sections 2.4.2.7 and 2.4.4.2. The correction was made because data from a previous design was mistakenly used. The change represents a correction of already discussed impacts and is not a new impact. The DEIR provides mitigation for this impact as Mitigation M-BI-3 in Section 2.4.4.3 on page 2-64 of the DEIR. In order to mitigate this impact to a level below significance, mitigation shall require preparation and implementation of an approved final Wetland Mitigation Plan (WMP), a conceptual version of which has been provided in the biological report (Attachment D of Appendix C). The DEIR also states in Section 2.4.5.3, page 2-64 that: "[b]ecause the project will impact state wetlands and state and federal 'waters,' it will likely be necessary to obtain certain Regulatory Agency permits. To that end, it is recommended that the applicant provide to the Director of Planning & Development Services proof of notification of the ACOE and the California Regional Water Quality Control Board (CRWQCB) regarding Clean Water Act Section 404/401 Permits, or evidence that such notification is not required. Also recommended prior to recordation of the Final Map shall be proof provided to the Director that the applicant has obtained a 1600-series Streambed Alteration Agreement with the CDFW, or proof that such an agreement is not required. The details of any additional mitigation for impacts to jurisdictional wetlands and waterways will be established through the permitting process required to obtain 404-401 and 1600-series documents from the regulatory agencies."
4. The County recognizes that the CDFW has responsibility for the conservation of wetlands and riparian habitats. The project has been designed to avoid and minimize impacts to wetlands and wetland habitat values. As stated in DEIR Section 2.4.2.5, Criterion 2, page 2-49 the project would impact 0.015 acre of non-wetland waters of the United States and state wetlands in the form of three crossings that would occur over a non-vegetated, man-made drainage swale. The data were corrected to 0.015 acres (258 lineal feet) in Sections 2.4.2.7 and 2.4.4.2 of the DEIR. Flowage will be carried beneath this crossing in an appropriately-sized culvert. Because the improved crossing will impact waters and state wetlands, complete mitigation will be provided within Frey Creek at a 1:1 or higher ratio, meaning that no less than 0.015-acre (258 lineal feet) of waters/wetlands will be created, enhanced, or restored in a conserved and managed natural area. As previously detailed in the response to comment 3, a final WMP shall be made a specific condition of project approval and Final Map recordation. The Plan will be prepared by a County-approved revegetation practitioner. The initial WMP shall be consistent in form and content to the conceptual WMP outline provided in the project Biology Technical Report and the County's Revegetation Plan Guidelines. The Regulatory Agencies will be asked for guidance during the preparation of this WMP as a part of required agency permitting. No changes were made to the DEIR as a result of the comment.

5. The County concurs with the comment, and recognizes that the applicant or “entity” must provide written notification to CDFW, who will then determine if a Lake and Streambed Alteration Agreement (Sec. 1600) for wetland impacts is required for the project. As detailed in DEIR Section 2.4.5.3, page 2-64 prior to recordation of the Final Map, proof shall be provided to the Director of PDS that the applicant has obtained a 1600-series Streambed Alteration Agreement with the CDFW, or proof that such an agreement is not required. Wetland impacts are fully identified in the DEIR as Impact BI-4 in Section 2.4.4.3 on page 2-62. Riparian corridors will be maintained by the full replacement (“no net loss”) of riparian areas on the site. No changes were made to the DEIR documentation as a result of this comment.
6. The County concurs with this comment. The wetland mitigation is proposed to occur within the conserved open space that will be protected by an open space easement, as stated in revised DEIR Section 2.4.5.3, page 2-64. The mitigation area will be required to be viable and will be managed under Resource Management Plan (RMP). The paragraph was clarified to note that Frey Creek, the location of the proposed mitigation, will be protected by a conservation easement.
7. The project “pinch point” reduces the buffer from 300 feet to 200 feet (100 feet of native vegetation and 100 feet of structural limited building zone (LBZ) on Lot 33 and parts of Lots 32 and 35 due to limited design options. This reduction is practical in this location because Frey Creek is physically separated from development by an essentially vertical cliff 37 to 55 feet in height. Wildlife movement is associated with the creek bed below while development will be located above and away from the creek set back from the top of the cliff. Therefore no wildlife passage associated with the creek below will be affected. The buffer width except for the pinch point is 300 feet along the length of Frey Creek, including a 100-foot LBZ, and a native vegetation buffer that is a minimum of 200 feet and in some places, much more. The County’s Resource Protection Ordinance specifies that a 200-foot buffer is adequate. Therefore the reduced buffer will not impact biological resources or the Frey Creek corridor. The following text was added to the discussion in Section 2.4.2.5 under Criterion 5, page 2-50, for clarification:  
“The development area on Lots 33-35 will be adjacent to a steep cliff on the west and between 37 and 55 feet higher than the creek. Therefore the narrowed buffer will not impact wetlands due to the physical separation between sensitive areas and proposed development.”



## Comments Letter A

recommends that for alt on-site jurisdictional areas, the proposed 200-foot width be maintained along the entire length of Frey Creek to best protect habitat for the CESA- and federal endangered species act (ESA)-listed least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*) and maintain local wildlife movement in the area in all areas, including from the edge of limits where any mitigation is proposed.

- d. Any proposed on-site mitigation areas should complement preserved areas on-site. For example, where breaks within the riparian corridor occur, the creation should strive to fill in these gaps to create one continuous canopy through the conserved area. To the extent possible, where native trees need to be replaced for the Project (to meet County requirements), they should be included adjacent to the on-site conserved lands to further buffer these lands from project edge effects and to maximize the overall use of open space areas by wildlife.
2. The final EIR should disclose whether any suitable habitat for cactus wren and/or southwestern pond turtle exist on-site and any potential impacts to these state species of special concern. The cactus wren (*Campylorhynchus brunneicapillus*) has been known to occur in the area southeast of the Project site and the biology report (Table 4-Observed Species List-Flora) notes the presence of *Opuntia* (cactus) species on-site but does not discuss its potential to provide nesting and foraging habitat for cactus wren. The southwestern pond turtle (*Emys marmorata*) is the state's only native freshwater turtle and can occur in streams, ponds and other small bodies of water and lake habitat, all of which exist on-site.

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## Response to Comments Letter

8. The County concurs with this comment. The required wetland mitigation will complement the preserved areas along Frey Creek. By providing wetland mitigation within the Frey Creek floodplain, the project will fill in gaps in the habitat and generally improve the hydrology of the floodway. No changes were made to the DEIR documentation as a result of this comment.
9. The County concurs with the comment. The site was surveyed for the presence of the San Diego Cactus Wren on November 18, 2014. The memo covering the additional survey work carried out is attached to this letter and is included as new Attachment F to Appendix C of the EIR. Specifically the purpose of the survey was to inspect all accessible stands of *Opuntia* cactus and open water. This distinctive species is not anticipated on this site due to a lack of suitable habitat with the exception of a few thickets in the far northern portion of the property 2,750 feet from any proposed development. Most of the *Opuntia* found onsite consists of *O. ficus indica* and hybrids with unsuitable structure. *Opuntia littoralis*, the native species, occurs onsite but only in the aforementioned thickets at the extreme north end of the site, well within dedicated biological open space. No San Diego Cactus Wren were detected during the field survey and none are expected due to the limitations of the habitat. The site is considered unoccupied by the San Diego Cactus Wren. In addition the following text was added in DEIR Section 2.4.2.3 under Criterion 3, page 2-46 as a result of this comment:

"The project site was surveyed for the presence of the San Diego Cactus Wren, and no evidence of the species was found. Limited habitat for this bird species is found on the extreme north of the property, within a proposed open space area and approximately 2,750 feet (0.52 miles) from any development area. The site was determined to be unoccupied by the San Diego Cactus Wren. Criterion 3 is not exceeded, and impacts are less than significant. No mitigation is necessary."

10. The County concurs with the comment. A focused search for the Southwestern Pond Turtle (SWPT) and SWPT habitat was completed by the project biologists on November 18, 2014. The memo covering the additional survey work carried out is attached to this letter and is included as new Attachment F of the biological report for the project (Appendix C of the EIR). The species was not anticipated on this site due to a general lack of habitat. All potential habitat areas, including the water reservoir and upper reaches of Frey Creek, were surveyed and no SWPTs were found. The reservoir supports no turtles and little vegetation, and the upper reaches of Frey Creek are beneath a closed canopy. Therefore the site is considered unoccupied by the SWPT. In addition, the following text was added in DEIR Section 2.4.2.3 under Criterion 3 as a result of this comment:

The project site was surveyed for the presence of the Southwestern Pond Turtle, a California Species of Concern. The site supports limited areas of Southwestern Pond Turtle habitat. These areas were searched and no evidence of this species was found. Criterion 3 is not exceeded. Impacts are less than significant and no mitigation is necessary.

3. To increase potential habitat and functionality of on-site riparian areas/corridors, the Department recommends that any Project-graded slopes and fuel clearing areas be planted with compatible, low-fuel natives (e.g., cacti and other succulents) to minimize the potential for invasive species to spread into the proposed on-site mitigation/open space areas and into adjacent natural lands. In addition, we recommend that native plants (endemic to the local area) be used to the greatest extent feasible in landscaped areas adjacent to and/or near mitigation/open space areas and/or wetland/riparian areas to avoid degradation of native habitats. The California Invasive Plant Council provides a list of exotic plants species (Invasive Plant Inventory [Cal-IPC; <http://www.cal-ipc.org/>]) that should be avoided in landscaped areas. We recommend this measure be incorporated into the final EIR or that the final EIR identify other measures to address the potential degradation of native habitats from the use of invasive species in the landscaped areas.
4. All areas on-site proposed for mitigation must demonstrate that they would be viable over time and not impacted from the edge effects from project development. Some open space areas proposed on-site (e.g., open space adjacent to Lots 14-20) may not be acceptable for mitigation due to their proximity to development on multiple sides, lack of connectivity to other conserved lands, or overall small size compared to the developed area of the site. The final EIR/HLP should clearly identify which areas on-site are proposed for mitigation and would be managed under the resource management plan for the Project.

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11. The County concurs with the comment. The project's Concept Landscape Plan (CLP) will utilize only indigenous, native riparian species in the Frey Creek open space and will not use any invasive species anywhere on the project site. The EIR has been modified in Sections 2.4.5.3, page 2-64 and 7.1.3, page 7-4, to reflect this information. Reference to the landscape plan has also been added to Section 1.2.1 of the DEIR, page 1-2. During County of San Diego review of final project design and engineering, the applicant will be required to obtain approval of a Landscape Plan. That review will ensure that plants on the current California Invasive Plant Council list will be avoided.
12. The County concurs with this comment. The habitat within the open space adjacent to lots 14-20 is not considered mitigation because the majority of the area has been developed with a road, graded slopes, and structures. The under story has also been managed to minimize recruitment by natives. However, this area is being conserved to avoid direct impacts to mature oaks that line the drainage bisecting the area. The project will not be seeking mitigation credits within this open space for the reasons noted above. No changes were made to the DEIR documentation as a result of this comment.
13. The project's EIR Figure 2-4-3, "Open Space, Fencing, and Signage Plan," as well as the Tentative Map and/or Grading Plan for the project, clearly define all proposed on-site open space areas. The Resource Management Plan (RMP) identifies all areas that are proposed to be managed, as shown in Figure 4 of that plan and on Figure 2-4-3 of the EIR. This includes all of Lot 46 (Open Space Lot), and portions of Lots 12-14, 17-20, 28-30, and 32-34 that contain biological open space, as shown. These areas will be fenced and/or signage will be employed. The RMP can be found as Attachment A to the biological resources report of the Project, which is Appendix C of the EIR.

5. Federal ESA- and CESA-listed endangered species are known or have the potential to occur within the Project site (i.e., least Bell's vireo, southwestern willow flycatcher, and arroyo toad). Section 1.3 of the draft EIR assumes presence for the least Bell's vireo and southwestern willow flycatcher, both of which are listed as endangered under ESA and CESA. Therefore, based on the potential direct and indirect impacts that may occur to these listed species and/or designated critical habitats as a result of the proposed Project, it may be necessary for the applicant to obtain federal "take" authorization for these species/critical habitats through a Section 7 consultation (if a federal nexus exists, such as through involvement of the U.S. Army Corps of Engineers). For ESA listed species, if a federal nexus is not involved, it may be necessary for the applicant to obtain "take" authorization for the species alone through development of a Habitat Conservation Plan, pursuant to section 10 of the ESA.

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14. No LBV or SWWF has been observed on the site during any of the field surveys conducted over the course of several years, however, the riparian habitats have been considered potentially "occupied" for LBV, SWWF and other riparian species during the breeding season to avoid the need for focused field surveys (Section 2.4.1.4 of the DEIR, page 2-41). A potentially significant impact was identified (BI-1) for this potential occupancy (Section 2.4.2.3 of the DEIR, page 2-45). However, the project has been designed to avoid direct and indirect impacts to Federal ESA and CESA-listed species including the Least Bell's Vireo (LBV) and Southwestern Willow Flycatcher (SWWF), which are assumed to potentially occur in the Frey Creek floodway.

Direct impacts will be reduced to less than significant prevented by dedicating an open space easement along Frey Creek and its riparian areas which precludes the removal of riparian resources in potential habitat areas (Section 2.4.5.3 of the DEIR, page 2-64). Indirect impacts will be prevented by providing adequate biological buffering between future residential development and potential habitat. For example a minimum of 300 feet along buffer is maintained along Frey Creek, with the exceptions discussed in response no. 7 above. Fencing and signage will also be used to control access to open space areas. Monitoring, reporting, and repair of fences or signage, as provided in the RMP (Attachment A of Appendix C) will ensure that the integrity of the habitat in the open space area is maintained. In addition, seasonal grading restrictions will be implemented through project conditions to ensure conformance with the federal Migratory Bird Breeding Act (MBTA) and various relevant sections of the California Fish and Game Code. This will include management activities that may need to be performed in the open space. For these reasons direct or indirect impacts to LBV and SWWF are less than significant.

Two Arroyo Toad (AT) surveys were completed pursuant to the current survey protocol and the site was determined to be "unoccupied" by AT as a resident, breeding species (Section 2.4.2.3 of the DEIR). Although AT dispersal and aestivation could occur onsite from the nearby San Luis Rey River, this would be restricted to the Frey Creek floodway and adjoining natural areas. All of the potential dispersal and aestivation areas will be conserved and managed, preventing any direct or indirect "take" of this species. No changes were made to the DEIR documentation as a result of this comment.

6. Since the NC-MSCP has not yet been completed, any take authorization for impacts to CESA-listed species including the least Bell's vireo, southwestern willow flycatcher, and California yellow-billed cuckoo (*Coccyzus americanus occidentalis*) would have to be achieved through CESA (see Fish and Game Code, §§ 2080, 2085). If the applicant intends to have take of any CESA-listed species addressed through a 2080.1 consistency determination (CD; least Bell's vireo, southwestern willow flycatcher, and potentially yellow-billed cuckoo), it is important that the final EIR and supporting documentation contain a mitigation program that would fully mitigate for impacts to those state-listed species. Moreover, for the Department to evaluate and potentially issue a CD, it is important that the federal biological opinion for the project contain measures to clearly demonstrate that the state take would be fully mitigated under CESA. As part of the mitigation required under CESA, a biological conservation easement over the protected lands would be required along with adequate secured funding to ensure that the mitigation land would be managed, maintained, and monitored for listed species in perpetuity by qualified personnel. 15
7. As a condition of any CESA take authorization for the Project, the land manager and entity that would hold conservation easements for any mitigation area would need to be approved by the Department. This review and approval process may occur when the 2081(b) CESA application (or 2080.1 CD request) is provided to the Department. The Department is not currently interested in managing the conserved lands associated with this Project. For purposes of CESA compliance, ownership of the conserved lands by a home owner's association would not be appropriate. For purposes of CESA compliance (where there is not adopted NCCP), a biological conservation easement (held by a bona fide conservation entity) would be required over the on- and off-site mitigation lands regardless of who ultimately would have fee title. 16
8. A final site-specific resource management plan (RMP) should be developed and implemented for the proposed on- and off-site mitigation areas as a condition of HLP approval to ensure the long-term conservation of the mitigation sites. The final RMP should provide measures and demonstrate that adequate funding would be provided to protect and manage the resources on the on-site and off-site mitigation lands in perpetuity. The RMP should include biological goals, management objectives, and specific tasks to achieve the objectives, provisions to monitor populations of sensitive and/or listed species, control for invasive plants, provide adequate fencing, limit public access, and address any other relevant land/species management issues (e.g., potential for cowbirds to impact nests of riparian birds on-site and the need for potential trapping). The RMP for the on- and off-site mitigation lands would require approval by the Department and the U.S. Fish and Wildlife Service (Service) as part of the County's HLP process. 17
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15. The project will not result in any impacts to state-listed species, including LBV, SWWF, or California Yellow-billed Cuckoo (YBC). The site contains no habitat suitable for YBC as described in the footnotes following Table 7 in the Biological Resources Technical Report, and all potential habitat for LBV and SWWF has been avoided by design and mitigation (see DEIR Sections 2.4.1.4, 2.4.2.3, 2.4.2.11, 2.4.4.1, 2.4.4.4, and 2.4.5.1). Avoidance includes open space, easement protection, fencing and signage, and restrictions of noise-generated activities such as grading to the non-breeding season. This restriction will apply to management activities that may need to be performed in the open space. For this reason, specific mitigation measures, other than avoidance, are not required. All potential habitat will be conserved in managed open space. No changes were made to the DEIR documentation as a result of this comment.
16. Please see response nos. 14 and 15 above. Take authorization is not required for these species due to avoidance of direct and indirect impacts. An open space easement will be provided to protect resources in open space areas. No changes were made to the DEIR documentation as a result of this comment.
17. As previously detailed in response nos. 14 and 15, the project would not require take authorization pursuant to the CESA. However, a land manager is required by the RMP, included as Attachment A of the biological report for the project (Appendix C). A specific land manager will be named in the final RMP, which will be routed to the CDFW and USFWS for review prior to approval of the RMP. The RMP can be found as Attachment A of Appendix C of the EIR. No changes were made to the DEIR documentation as a result of this comment.
18. The County concurs with this comment. An open space easement will be provided to protect biologically sensitive areas. The holder of the open space easement will be qualified to hold and manage conserved lands and will be approved by the Department, per conditions of the Resource Management Plan. A final site-specific RMP will include all on-site mitigation areas. The plan will include the factors noted in the comment. Specifically, biological goals, management objectives, specific work tasks, and funding sources will be identified. Specific tasks to be included are habitat monitoring, control of invasive plants, fencing, and signage installation and maintenance. Wildlife Agency approvals of the final RMP will be required as part of the County's CEQA mitigation and monitoring process. No changes were made to the DEIR documentation as a result of this comment.
19. The County concurs with this comment. A Conceptual RMP was included as Attachment A of the Biological Resources Report. Resource management elements and goals were provided in Chapter 5 of the CRMP. The final, site-specific RMP will include all onsite mitigation areas. The plan will include the factors noted in the comment. Specific biological goals, management objectives, work tasks, and funding sources will be identified. Specific tasks to be included are habitat monitoring, control of invasive plants, fencing, and signage installation and maintenance. Wildlife Agency approvals of the final RMP will be required as part of the County's HLP process. No changes were made to the DEIR documentation as a result of this comment.

9. The draft EIR and biology technical report document the use of Frey Creek onsite as wildlife connection through the site down to the San Luis Rey River. The Project is proposed to provide a 200-foot buffer along the majority of Frey Creek (see measure 4.1E on page 34). The biological technical report (page 28) also notes that many species of wildlife are dependent on the ecological functions provided by the Shadow Run Ranch site. Numerous large mammals occur on-site, such as mountain lion (*Felis concolor*), mule deer (*Odocoileus hemionus*), bobcat (*Lynx rufus*), coyote (*Canis latrans*), and gray fox (*Urocyon cinereoargenteus*). AU of these species are expected to utilize the wildlife corridor provided by Frey Creek. Various rodents and lagomorphs, scores of riparian and other birds, reptiles, and amphibians are also known to use resources found on the Project site. The final EIR should provide an analysis of the pre- and post-project width and functionality of the Frey Creek wildlife corridor, including identifying any potential project features that may constrict wildlife movement, and how the proposed Project would help achieve NC-MSCP goals for the Upper San Luis Rey River Linkage and connect with areas to the east that are included as part of the County's East County MSCP (County of San Diego, 2009 and 2013).
10. The Department recommends that the Service be contacted to discuss potential impacts to the ESA-listed endangered arroyo toad (*Anaxyrus californicus*), including the potential to impact any aestivation areas.
11. The final EIR should discuss the potential for the CESA-listed endangered California yellow-billed cuckoo to occur on-site. If suitable habitat exists on-site, the Department recommends that protocol surveys for this species be conducted in all areas of suitable habitat within and adjacent to the project site and the results of these surveys included in the final EIR and supporting documents. If it is determined that the area is occupied by yellow-billed cuckoo, all impacts to occupied habitat should be mitigated with in-kind habitat at appropriate ratios. Any take of yellow-billed cuckoo that results from the Project is prohibited, except as authorized by state law (see Fish and Game Code, §§ 2080, 2085).

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20. The DEIR analyzes wildlife movement in Section 2.4.2.9, page 2-53. Frey Creek, a primary movement corridor on the site, will be protected in open space. Enhancements to this area will include discontinuation of agriculture and related management activities, such as pruning and picking, that currently take place in the creek; as well as installation of fences and signage that will deter intrusions where no deterrent currently exists. For example, at some points agriculture extends to the creek bed of Frey Creek. With the cessation of agriculture in the creek bed area, the wildlife corridor will be expanded by a minimum of 200 feet. The upper reaches of Frey Creek will be within the open space easement and no development is proposed near this area. A 300-foot agricultural/biological buffer will be maintained between development and the creek. One pinch point, where the buffer is reduced to 200 feet, will not be a detriment to wildlife movement because of the elevation differences between development and the creek. Details about the 200 foot buffer are provided in response no. 7 above. The project will contribute to the NC-MSCP Upper San Luis Rey Linkage and improve connection to areas to the east that are part of the County's East County MSCP Subarea Planning Area because it will provide protections of the linkage where none exist, it has no detrimental effect on the existing linkage, and it widens the linkage at some points. The DEIR discussed the NC-MSCP in Section 2.4.2.11, page 2-55. No changes to the DEIR are required as a result of the comment.
21. The County acknowledges the comment. Two Arroyo Toad (AT) surveys were completed pursuant to the current survey protocol and the site was determined to be "unoccupied" by AT as a resident breeding species. Although AT dispersal and aestivation could occur onsite from the nearby San Luis Rey River, this would be restricted to the Frey Creek floodway and adjoining natural areas. All of the potential dispersal and aestivation areas will be conserved and managed and an open space easement will be placed over the Frey Creek area, preventing any direct or indirect "take" of this species. For this reason, consultation with the Service is not warranted. Please also see Section 2.4.2.3 (Criterion 4) of the DEIR and response no. 14 above.
22. The County acknowledges the comment. As related to the yellow-billed cuckoo, please see response no. 15 above.

12. The biological technical report notes (page 28) that the entire Shadow Run Ranch property provides foraging habitat for raptors, including Cooper's hawk (*Accipiter cooperii*), red-shouldered hawk (*Buteo lineatus*), red-tailed hawk (*Buteo jamaicensis*), and white-tailed kite (*Elanus leucurus*), a state fully-protected species. The report concludes that any of the tall trees on-site could support raptor nesting activities. The Department recommends that measures be incorporated into the final EIR to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the Fish and Game Code prohibit take of all native bird species and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed Project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, we recommend surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

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23. Seasonal restrictions on noise generating activities are required and have been included as mitigation in DEIR Section 2.4.5.1, Mitigation Measure M-BI-1, page 2-62, and Section 2.4.5.3, Mitigation Measure M-BI-3, page 2-64. These measures will be required to ensure project conformance with the MBTA and various relevant sections of the California Fish and Game Code and will be included as part of the Final EIR. Mitigation Measure M-BI-1 in Section 2.4.5.1 of the DEIR, page 2-62, has been revised to read as follows:

(Impacts BI-1, BI-3, BI-8) Because the project site is considered potentially occupied by Least Bell's Vireo (LBV), Southwestern Willow Flycatcher (SWWF), and other nesting migratory birds or nesting raptors could occur on the site, breeding season avoidance shall be implemented through Project plans. Brushing, grading or construction generating noise levels in excess of 60 decibels shall not be permitted within 300 feet of LBV, SWWF, or other nesting migratory birds during the breeding season of these species (March 15th to September 15th), in order to avoid impacts to potentially nesting vireos, flycatchers, and/or other riparian obligate songbirds. There shall be no brushing, clearing, and/or grading within 500 feet of any active raptor nests during the breeding season of these species (February 1 through September 1<sup>st</sup>). The restrictions may be waived by the director of Planning and Development Services, with written concurrence from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife, if surveys indicate nesting or breeding bird activity is not occurring in the vicinity of the brushing, clearing, and/or grading as specified above. Surveys will be carried out by a County-approved biologist within one week prior to the start of disturbance. It will include all areas within 300 feet of the proposed activity for the LBV, SWWF, or other nesting riparian obligate songbirds, or within 500 feet of the proposed activity of nesting raptors. The results of these surveys should be provided in a report to the Director of Planning & Development Services for concurrence with the conclusions and recommendations. The biologist shall coordinate with the on-site acoustician in determining noise levels on the site, unless it is determined by directed surveys that the nesting birds are not present. These restrictions will pertain for the duration of brushing, clearing, grading, or construction.

Additional text was added in Section 2.4.2.3 of the DEIR to discern between potential lighting and noise impacts by stating "Impacts with respect to lighting are not significant and no mitigation is required."

### References

County of San Diego, 2009. Preliminary Public Review Draft. Multiple Species Conservation Program: North County Plan. Volume I. Prepared by Technology Associates International Corporation. February 2009.

County of San Diego, 2013. Planning Agreement By and Among the County of San Diego, the California Department of Fish and Wildlife, and the United States Fish and Wildlife Office Regarding the North and East County Multiple Species Conservation Plans: Natural Community Conservation Program Plans and Habitat Conservation Plans. November 15, 2013.

Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. Nongame-Heritage Program, State of California, Department of Fish and Wildlife, Sacramento. 156 pp.

Oberbauer, Thomas. 2008. Terrestrial Vegetation Communities in San Diego County Based on Holland's Descriptions. Revised from 1996 and 2005. July 2008.

Saunders, D. A., R. J. Hobbs, and C. R. Margules. 1991. Biological consequences of ecosystem fragmentation: A review. *Conservation Biology* 5(1). Pp. 18-32.

Scheidt, 2014. A Biological Resources Survey Report for the Shadow Run Ranch Project [3100-5223 (TM) RPL#3, 3300-00-030 (MUP), 3710-00-0205 (BC), Environmental Log No. 3910-00-02-035], Pauma Valley, County of San Diego. Prepared for Shadow Run Ranch, LLC by Vincent N. Scheidt. Final March 2014.

Sproul, F., T. Keeler-Wolf, P. Gordon-Reedy, J. Dunn, A. Klein, and K. Harper. 2011. Vegetation classification manual for Western San Diego County. Prepared by AECOM, California Department of Fish and Game, Vegetation Classification and Mapping Program, and Conservation Biology Institute. Prepared for San Diego Association of Governments. Five sections + appendices and figures.



VINCENT N. SCHEIDT

Biological Consultant

3158 Occidental Street • San Diego, CA • 92122-3205 • 858-457-3873 • 858-336-7106 cell • email: vince.scheidt@gmail.com

## Memorandum

To: Mr. Mark Thompson, TRS Consultants

From: Vince Scheidt, Consulting Biologist   
Brandon Myers, Biological Field Associate 

Date: December 19, 2014

RE: Shadow Run Ranch: Status of San Diego Cactus Wren and Southwestern Pond Turtle Habitat

In response to your recent request, we have surveyed the Shadow Run Ranch project site in Pauma Valley for two California Species of Concern that were mentioned in a CDFW letter of comment on the project's EIR. The purpose of this survey was to inspect all accessible stands of *Opuntia* cactus and all areas of open water. These site features could constitute potential habitat for the San Diego Cactus Wren (*Campylorhynchus brunneicapillus sandiegensis*) and Southwestern Pond Turtle (*Clemmys marmorata pallida*), which are known to occur in similar habitat in the general vicinity of the project site. We visited the site on the afternoon of November 18, 2014. Specific features examined included all stands of *Opuntia* that could be accessed (some were on very steep slopes and could not be safely approached), all areas of Frey Creek, and the existing irrigation pond.

The San Diego Cactus Wren is not anticipated on this site due to a lack of suitable habitat with the exception of a few remote thickets of *Opuntia littoralis* in the far northern portion of the property in excess of 2,750 feet from any proposed development. Within the development area, most of the *Opuntia* consists of *O. ficus-indica* and hybrids with unsuitable structure for cactus wrens. *O. littoralis*, the native species, occurs onsite but only in the aforementioned remote thickets at the extreme north, well within proposed biological open space. No San Diego Cactus Wren's were detected during the field survey, and none are expected due to the limitations of the habitat. Should any Cactus Wrens occur on this site, they would be restricted to the remote thickets. Based on the results of this survey, the development area of the site and adjoining lands are considered "unoccupied" by San Diego Cactus Wren.

Southwestern Pond Turtle was not anticipated on this site due to a general lack of suitable habitat. A focused search for pond turtles and pond turtle habitat was completed by searching all potential habitat areas, including the water reservoir and all areas of Frey Creek with a focus on wet areas in the headwaters. No pond turtles were found during this survey. The reservoir definitely supports no chelonians, native or introduced, and very little vegetation. Frey Creek is mostly dewatered and very rocky, and the upper reaches are beneath a closed canopy. Suitable habitat is therefore not present within Fry Creek or in the onsite reservoir. Shadow Run Ranch is considered "unoccupied by Southwestern Pond Turtle.

Attached are site photos showing features that were searched during the November 2014 field survey. Please contact us with any questions.



## ADDENDUM TO COMMENTS LETTER A



Photo 1. Scattered stands of *Opuntia ficus-indica* hybrids along the fringes of Frey Creek.



Photo 2. A stand of *Opuntia littoralis* near the northern property edge on very steep slopes. This stand is found at a excess of 2,750 feet from the proposed development area.



Photo 3. Water reservoir located in the northern-central portion of the property. No turtles were observed and banks showed no signs of turtle activity. Note the lack of riparian vegetation.

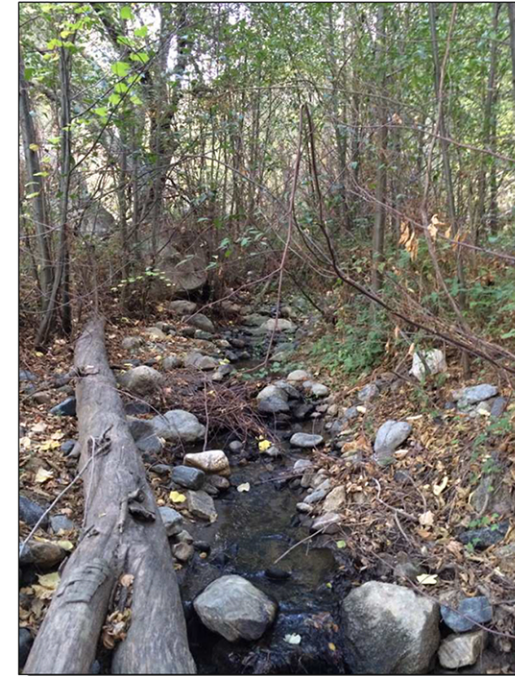


Photo 4. Fry Creek running through the northern portion of the property. No Pond Turtles were found or are anticipated to occur in this area.

# Comments Letter B

# Response to Comments Letter

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION  
DISTRICT 11, DIVISION OF PLANNING  
4050 TAYLOR ST., M.S. 240  
SAN DIEGO, CA 92110  
PHONE (619) 688-6960  
FAX (619) 688-4299  
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Flex your power!  
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October 6, 2014

11-SD-76  
PM 27.9

DEIR August 2014

Mr. Larry Hofreiter  
County of San Diego, DPLU  
5510 Overland Avenue  
San Diego, CA 92123

Dear Mr. Hofreiter:

The California Department of Transportation (Caltrans) reviewed the Draft Environmental Impact Report (DEIR) dated August 2014 for the Shadow Run Ranch project to be located north of State Route 76 (SR-76) and Adams Drive. Caltrans would like to make the following comments:

## Traffic Operations:

- Synchro files are needed for complete review. Queue length analysis/calculations are needed for each of the proposed left turn pockets at the new project entrance.
- This segment of SR-76 does not have the center median. All proposed left turns on this highway segment need to have proper approach/bay taper according to HDM Sect. 405.2 (b).
- Appendix H, Conceptual Layout shows 4ft for outside shoulder. Standard 8ft outside shoulders are required for all new widening in this area.

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## Hydraulics General Comments:

- Caltrans will not be held liable for any damages that may occur due to changes that may be made to the design after approval of the Shadow Run Ranch development. Grading for this proposed project which would modify existing drainage and increase runoff to State facilities will not be allowed.

4

## Hydraulics Specific Comments:

- Identify the existing bridge as "Frey Bridge" in the report.
- Include equations used.
- Include discussion of assumptions and justifications.
- Provide an enlarged view of the Pre-Development Hydrology Map of Basins 1 and 2 (similar to Exhibit B).
- Provide map showing sub-areas delineated for each soil group ( $A_s$ ) as back-up for "Decimal fraction soil group..." inputs and CN calculations.
- Provide a printout of the HEC-HMS Input information. These are typically available in the .met, .basin, etc files.
- Exhibit B: The Basin boundaries are unclear. Provide colored maps.
- Please provide a table that lists which sub basins belong in Post\_Development Basin 1, Basin 2, and Basin 3.
- Please provide a signed copy of the Final Drainage Report with full sized map exhibits along with the DEIR CD for our records.

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1. The County concurs with the comment. Pursuant to the email correspondence received from Jacob Armstrong of Caltrans on October 16, 2014, Synchro or a similar file type and queueing length analysis for each left turn pocket at the new project entrance will be provided during Caltrans' final design/permit review procedure at the final map stage of processing. No changes were made to the DEIR documentation as a result of this comment.

2. The County acknowledges the comment that no center median is present. Sheet 4 of the Tentative Map, showing the Preliminary Striping Plans and Road Improvement for SR-76, did not show a center median. The Project will comply with Caltrans standards as related to proper approach and bay taper, as provided in HDM Section 405.2 (b). The change does not affect the analysis in the DEIR. No changes were made to the DEIR documentation as a result of this comment.

3. The County concurs with the comment. Eight (8) foot wide shoulders have been shown on Sheet 4 of the Tentative Map. The additional footage occurs within the Caltrans right of way and no new impacts resulted from the change. The changes can be reviewed on the Tentative Map, Sheet 4. No changes were made to the DEIR documentation as a result of this comment.

4. The comment is acknowledged. There will be no increase in post development runoff, as demonstrated in the drainage study and hydro-modification report (DEIR Appendices Q and R respectively) indicating detention/hydro-mod basins will be used to prevent this effect. No changes were made to the EIR documentation as a result of this comment.

5. Pursuant to the email correspondence received from Mr. Jacob Armstrong of Caltrans on October 16, 2014, the information requested in the bullet item list contained in this comment will be provided during Caltrans' final design/permit review procedure at the final map stage of processing. The design elements listed pertain to final engineering for the Project and will be incorporated during the Final Map phase of the project. The items listed in the comment do not affect the analysis that is contained in the DEIR. No changes were made to the DEIR documentation as a result of this comment.

## Comments Letter B

### Noise:

- Noise easement is relying on the vegetation providing noise attenuation, studies have shown that the vegetation has to be sufficiently dense and FHWA/Caltrans does not suggest using vegetation as a noise attenuation measure. 6
- Caltrans will not be held responsible for any noise impacts to this development. If there is a noise impact, the developer has the responsibility to provide mitigation. 7

### Biology:

- Impacts to waters of the U.S. and state within Caltrans Right of Way (R/W) are anticipated. The applicant will be required to apply for 404/401 permits and 1600 streambed alteration agreement prior to Encroachment Permit approval. 8
- Biological impacts anticipated within Caltrans R/W include impacts to coast live oak woodlands, coastal sage scrub, and field/pasture. Proposed mitigation for these impacts appears to be sufficient. 9

### Cultural Resources:

- Cultural or paleontological resources are not expected within Caltrans right of way. During the Encroachment Permit review, a Screened Undertaking would be prepared to address impacts within the Caltrans right of way. 10

### Encroachment Permit General Comments:

Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. 11

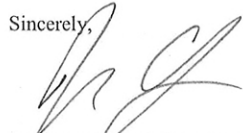
As part of the encroachment permit process, the applicant must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Identification of avoidance and/or mitigation measures will be a condition of the encroachment permit approval as well as procurement of any necessary regulatory and resource agency permits. Encroachment permit submittals that are incomplete can result in significant delays in permit approval. 12

Improvement plans for construction within State Highway R/W must include the appropriate engineering information consistent with the state code and signed and stamped by a professional engineer registered in the State of California. Caltrans Permit Manual contains a listing of typical information required for project plans. All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements. 13

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised for all encroachment permits. 14

If you have any questions, or require further information, please contact Trent Clark, at (619) 688-3140 or email at Trent\_Clark@dot.ca.gov.

Sincerely,



JACOB M. ARMSTRONG, Chief

## Response to Comments Letter

- Vegetation is not being used as a noise attenuation measure. Noise attenuation from the grove was only utilized as a calibration factor in the existing conditions and development of the potential contours. Noise mitigation is based on the effect of noise without attenuation from the grove. No changes were made to the DEIR documentation as a result of this comment.
- The County appreciates with the comment. Potential noise impacts resulting from the Proposed Project and proposed mitigation are described in Chapter 2.8 of the DEIR. No changes were made to the DEIR documentation as a result of this comment.
- The County concurs with the comment. The DEIR discloses all potential biological resources impacts and proposed mitigation in Chapter 2.4 of the DEIR. No changes were made to the DEIR documentation as a result of this comment.
- The County acknowledges the comment. The DEIR discloses all potential biological resources impacts and proposed mitigation in Chapter 2.4 of the DEIR. No changes to the DEIR are needed as a result of the comment.
- The County acknowledges the comment that a Screened Undertaking would be carried out as part of the encroachment permit process. Pursuant to the email correspondence received from Jacob Armstrong of Caltrans on October 16, 2014, this would be provided during Caltrans' final design/permit review procedure at the final map phase of processing. No changes were made to the DEIR documentation as a result of this comment.
- The County acknowledges the comment that review that, following the potential approval of the FEIR and associated County entitlements, an encroachment permit will be required prior to project construction activities within the Caltrans right of way. No changes were made to the DEIR documentation as a result of this comment.

12. The County acknowledges the comment. As previously stated in Response 11, the project will need to complete processing of the applications under the County's jurisdiction prior to applying for an encroachment permit with Caltrans. If successful, the project applicant will include a certified Final EIR when application is made for an encroachment permit. The DEIR has analyzed all potential impacts and has provided proposed mitigation measures. No changes were made to the DEIR documentation as a result of this comment.
13. The County acknowledges the comment that engineering documents drawn to Caltrans specifications will be required for an encroachment permit. No changes were made to the DEIR documentation as a result of this comment.
14. The County appreciates the referral for additional information should it be required. No changes were made to the DEIR documentation as a result of this comment.



# Comments Letter C

9335 Hazard Way • Suite 200 • San Diego, CA 92123  
(858) 614-7755 • FAX (858) 614-7766

C

San Local Agency Formation Commission  
www.sdlafco.org

Website:

Chairman September 17, 2014

Andrew Vanderlaan  
Public Member

Vice Chairman

John Ingalls  
Santa Fe  
Irrigation District

Members

Bill Horn  
County Board of  
Supervisors

Dianne Jacob  
County Board of  
Supervisors

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Jo MacKenzie  
Vista Irrigation District

Lorraine Wood  
Councilmember  
City of Carlsbad

Harry Mathis  
Public Member

Executive Officer

Mbhael D. Ott

Counsel

Thomas Bosworth

TO: Robert Hingtgen (0650)  
Department of Planning and Development Services

FROM: Chief, Governmental Services (0216)  
Local Agency Formation Commission

SUBJECT: Draft Environmental Impact Report: Shadow Run Ranch;  
PDS2001-3100-5223, PDS2000-3300-00-030, PDS2000-  
3710-00-0205, LOG NO. PDS2000-3910-0002035; SCH  
NO. 2002061066

Thank you for the opportunity to provide additional information associated with this project. LAFCO submitted comments on June 25, 2002 when the Notice of Preparation for the Schoepe (Shadow Run Ranch) Tentative Map and Draft Environmental Impact Report (EIR) was initially circulated. To summarize, LAFCO's concerns focused on the conversion of prime agricultural land to other uses, the provision of sewer service, and the adequacy of structural fire protection. Because circumstances may have changed over the last 12 years, these issues should be discussed and addressed in the context of current conditions and incorporated into the environmental document.

At this time, the development plan includes subdividing 248 acres into 44 clustered residential parcels on two-acre minimum size lots, one biological open space lot of 91± acres, an agricultural open space lot of 39± acres, and one recreational open space lot of approximately 8 acres. Also, four parcels totaling about 12 acres under the same ownership will be added to the project area. A copy of LAFCO's previous letter is attached for reference. In addition, we offer the following remarks.

Agriculture

As discussed in our previous letter, the area proposed for development contains extensive acreage designated as Unique Farmland and is adjacent to land that was in agricultural production. LAFCO's definition of "prime agricultural land" differs from that used by the County. For your convenience, a copy of the definition contained in the Cortese-Knox-Hertzberg Act has been included with this letter. Moreover, San Diego LAFCO's Policy L-101 specifically discourages conversion of open space

## Response to Comments Letter

1. The County of San Diego acknowledges the comment.
2. The comment is acknowledged. The issues of agriculture, sewer service, and fire protection have been analyzed in the DEIR that was released for public review. Prime agricultural land, as defined in Government Code 56064, and San Diego LAFCO's related Policy L-101 (the text of which were attached to and are included with the LAFCO letter), were addressed in DEIR Chapter 1, Project Description, on pages 1-6 under the LAFCO discussion, and on pages 1-7 (Water Service/Annexation), and 1-9 (Agriculture). A complete evaluation of the agriculture on the property is also included in Chapter 3.1.1. Sewer service is discussed in Chapter 1, Septic systems, on page 1-9 and in Chapter 3.1.6.2. The project will rely on private onsite wastewater systems for wastewater disposal. Fire protection service and annexation was discussed in the DEIR in Chapter 1, Fire Service/Annexation, on page 1-9, and Chapter 2.6.2.2 summarizes the fire protection plan design considerations prepared for the project. The full fire protection plan is Appendix E of the DEIR. No changes were made to the DEIR documentation as a result of this comment.
3. The County acknowledges the comment; however, needs to clarify the statement made concerning the addition of "four parcels totaling 12 acres." The project application includes a Boundary Adjustment (BA 00-0205). The boundary adjustment will adjust the boundaries such that Parcel B is the site of the proposed subdivision and planned residential development. Resulting Parcels A, C, and D, located on the east side of Parcel B total approximately 16.9 acres and lie outside of the proposed subdivision. These three parcels would not be eligible for future subdivision given the current SR-10 land use designation. No changes were made to the DEIR documentation as a result of this comment.
4. The comment is acknowledged. The discussion in the DEIR, noted in Response 2 above, incorporates an analysis of LAFCO Policy L-101, which pertains to this provision. LAFCO Policy L-101 uses "prime agricultural lands" as a focus for its evaluation of agricultural lands. The definition of prime agricultural land provided on the San Diego LAFCO website (sdlafco.org, procedures/guidelines, glossary) was used in analyzing the Project's agricultural effects. The technical agricultural analysis completed for the Project determined that the site does not have prime agricultural land. There are no prime agricultural soils on the

and prime agricultural land to other uses. Thus, if conditions have remained consistent, the EIR must address preservation of open space and prime agricultural land in the context of both LAFCO's definition of prime agricultural land as well as Policy L-101, a copy of which is attached.

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cont.

#### Public Services

The proposed project involves annexation to the Yuima Municipal Water District (MWD) for provision of water and fire protection services. Access to imported water in San Diego County is restricted to member agencies of the San Diego County Water Authority (CWA), which purchases water from the Metropolitan Water District of Southern California (MET). Consequently, to receive that water, property must be located in the boundary of a CWA member. At this time, none of the Shadow Run Ranch plan area is in the boundary of a member agency and thus is not eligible to obtain imported water.

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CONT. project site. The soils onsite, Soboba stony loamy sand (SsE), 9 to 30 percent slopes; Cienega-Fallbrook rocky sandy loam (CnG2), 30 to 65 percent slopes, eroded; Stony Land (SvE); and Cienega-Fallbrook rocky sandy loam (CnE2), 9 to 30 percent slopes, eroded, and rocky outcrop land, while adaptable to agriculture, are not considered prime soils. There is no Prime Farmland or Farmland of Statewide Importance on the site. The majority of the site is designated Unique Farmland, which is a classification for land producing the state's major high economic value crops on land not qualifying for Prime or Statewide Importance. A portion of the site is designated Other Land, which is land that does not meet the criteria of any other category. While no data on carrying capacity of the land is available, the site's current production is completely dependent on irrigation. This requirement is acknowledged by the State of California as an integral part of the Unique Farmland classification, and a key reason why the site is not Prime or Statewide Importance land. Consequently, the DEIR concluded that there would not be significant impacts to Prime Agricultural Land because there are no prime soils on the site, and there is no Prime Farmland or Farmland of Statewide Importance. Additionally the LARA Model analysis indicates the site is not a significant agricultural resource, as discussed in the DEIR, Section 3.1.1.2. Further, the project proposes an agricultural open space lot of 39.12 acres to preserve part of the existing agricultural grove operation and protect visual resources in a buffer along SR-76. This area is extensive enough to operate as a commercial agricultural activity. Provisions are also made to encourage and support the continuation of agriculture on individual lots. For example, lot grading will be restricted to building pads and a driveway, while grove trees outside these areas may be retained. Lastly, biological open space totaling 91.31 acres will be preserved and protected, mainly along Frey Creek in the western portion of the site, and higher elevation areas in the northern portion of the site. The Project does not affect prime agricultural land, but does preserve functioning commercial agriculture on the site. No changes were made to the DEIR documentation as a result of this comment.

5. The County acknowledges the comment that the project site is not within a County Water Authority (CWA) member agency boundary. The project proposes to annex to the Metropolitan Water District (MWD), CWA, and Yuima Municipal Water District (YMWD), which is a CWA member agency. See response C-6 for a description of the annexation process. No changes were made to the DEIR documentation as a result of this comment.

Therefore, water service provision is contingent upon the following actions: (1) annexation to Yuima MWD, which is a CWA member; (2) concurrent annexation to CWA and MET; and (3) amendments to include the territory in all three agencies' spheres of influence. Moreover, current drought conditions require that the EIR evaluate the District's ability to provide an adequate water supply to the project as well as addressing potential impacts to existing customers and resources resulting from distributing water to additional territory.

At this time, the project proposes that subsurface sewage disposal systems be installed on the residential lots. Provision of sewer service for the recreational open space lot was not mentioned and should be discussed and addressed. Utilizing septic systems appears to be the most feasible method of wastewater disposal since Yuima MWD does not have infrastructure in place to provide sewer service, and does not have authorization to do so. Extensive construction, numerous permits and approvals as well as activation of latent powers from LAFCO would be required for Yuima MWD to become a sewer service provider. Thus, annexation to Yuima MWD for wastewater service would not be a viable alternative.

Provision of structural fire protection and emergency medical services in San Diego County has changed dramatically over the last several years. LAFCO's previous letter questioned the adequacy of service provision to the increased population associated with residential development given the terms contained in Yuima's contract for fire services with the State. The current contract with information pertaining to response time and staffing levels should be examined and discussed in the environmental document. Specifically, the projected response times and the number of new staff members that would be hired to address the addition of at least 44 new residential units.

#### Sphere of Influence

Prior to or concurrent with consideration of the proposed annexation to Yuima MWD and the associated sphere of influence amendment, LAFCO needs to conduct a Municipal Service Review and Sphere of Influence Update Study. This type of report periodically evaluates service provision by each special district and includes recommendations for any potential sphere changes. Yuima, Mootamai, and Pala MWDs would be reviewed together based on their geographic location

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6. Since public review it has become clear that amendments to the sphere of influence and annexation to MWD, CWA, and YMWD will be necessary. A policy is in place for annexation, described in "San Diego County Water Authority Annexation Packet" (April 2016), Attachment A of Appendix P of the DEIR) which details annexation procedures for the MWD, CWA and YMWD. This attachment has been included in the public review files. The project will follow these procedures in annexation to the MWD, CWA, and YMWD for potable water service. The DEIR was changed in Section 5.1, 1.2, 1.2.1, 1.2.2.1, 1.5.1, 1.5.2, 2.6.2.2, 3.1.5.2, 3.1.6.2, and 4.3 to reflect this information. A summary of these changes is provided in Table 8.2 of the EIR Chapter 8.0. The primary text changes, from Section 1.2.1, items 4-6, pages 1-2 and 1-3, read as follows:

4. Amendment of the MWD, CWA, and YMWD spheres of influence to include the project site, three BA-adjusted lots, and three existing off-site lots not a part of the project;
5. Annexation to the MWD, CWA, and YMWD to provide potable water to the residential area of the proposed project. Three BA-adjusted lots, and three existing off-site lots not a part of the project will also be annexed but will not receive potable water from the project;
6. Detachment of one off-site parcel from Mootamai MWD prior to annexation to the MWD, CWA, and YMWD to provide potable water;

7. YMWD has indicated it has adequate resources to serve the project. An updated service availability letter to this effect has been included in the project record and is attached to these responses. The proposed 44 residential lots and recreational lot are anticipated to require 22 acre-feet per year of potable water. An additional three acre-feet would be needed if the six parcels outside the proposed subdivision included in the annexation eventually connect to YMWD's supply. According to the YMWD Comprehensive Annual Financial Report ending June 30, 2016, a total of 5,955 acre-feet of water was produced which was comprised of 39 percent groundwater (2,334 acre-feet) and 61 percent imported water (3,621 acre-feet). The 25 acre-feet that would be needed as a result of the proposed annexation would comprise 0.6 percent of the imported water amount for fiscal year ending 2016. Since 2007 the amount of imported water has ranged from a low of 1,184 acre-feet in 2012 to a high of 3,720 acre-feet in 2008. The additional 25 acre-feet of potable water demand is well within the annual fluctuations of total water produced by the District the past 10 years. No new facilities to supply this water are anticipated other than the water line extension shown in Figure 1-3 of the DEIR. No changes were made to the DEIR documentation as a result of this comment.

8. The County appreciates the comment. The proposed recreation area had proposed the use of a septic system for the restroom; however, the project no longer proposes a restroom on the recreation lot, mainly due to increased annexation costs to provide potable water to the recreation lot. The recreation lot is not included in the proposed annexation area. The annexation narrative in Section 3.1.6.2 has been revised to clarify that annexation of only the residential area of the project is proposed.
9. The County concurs with the comment that annexation to YMWD for sewer service would not be advisable and that septic systems represent the best approach to wastewater disposal. Impacts related to installation of septic systems were assessed in Section 3.1.6.2 of the DEIR, page 3-64. Impacts were less than significant and no mitigation is proposed. No changes were made to the DEIR documentation as a result of this comment.
10. Chapter 4.1 of the fire protection plan for the project (DEIR, Appendix E) discusses the availability of fire service and the response times. The DEIR summarized this information in Section 2.6.2.2, "Analysis—Fire Hazards/Emergency Services", page 2-92 and concluded that the Calfire Rincon station, located approximately 4.8 miles from the project site, can provide service to the project site and meet the 10-minute travel time requirement. As described on page 1-9 of the DEIR, Calfire provides fire protection service to the Yuima Municipal Water District by contract, and the project site will annex into this District for fire protection service. No changes were made to the DEIR documentation as a result of this comment.
11. The County acknowledges the comment that states LAFCO needs to conduct a Municipal Service Review and Sphere of Influence Update Study in conjunction with annexation. No changes were made to the DEIR documentation as a result of this comment.



LAFCO will be a responsible agency for environmental review for this project because the jurisdictional changes including annexations to Yuima MWD, San Diego CWA, and MET as well as amendments to their spheres of influence are proposed. To satisfy our requirements, the EIR should: (1) discuss the project's agricultural implications as they relate to Government Code Section 56064 (definition of prime agricultural land) and LAFCO's Policy L-101; (2) identify proposed changes of organization (sphere amendments and annexations); and (3) evaluate the fire services contract to ensure that an adequate level of fire protection will be available.

Should you have any questions, or if LAFCO can provide additional assistance, please contact me either by e-mail at [ingrid.hansen@sdcounty.ca.gov](mailto:ingrid.hansen@sdcounty.ca.gov) or by phone at 858/614-7755.

INGRIDE. HANSEN  
Chief of Governmental Services

IEH:ih  
Attachments: June 25, 2002 LAFCO Letter  
LAFCO Policy L-101  
Government Code Section 56064

- 12. The County acknowledges the comment that LAFCO will be the responsible agency for environmental review as related to annexations. No changes were made to the DEIR documentation as a result of this comment.
- 13. The County acknowledges the comment. Agriculture is addressed, as detailed in the responses to comments nos. 2 and 4 above. No changes were made to the DEIR documentation as a result of this comment.
- 14. Changes in the sphere of influence and Annexation requirements for the project are discussed in Chapter 1, "Water Service/Annexation", pages 1-7, and "Fire Service/Annexation", page 1-9 of the DEIR. No changes were made to the DEIR documentation as a result of this comment.
- 15. Fire protection services are addressed as detailed in the responses to comments nos. 2 and 10 above. No changes were made to the DEIR documentation as a result of this comment.

*Pala Pauma Community Sponsor Group ("PPCSG")*  
*Comments regarding the DEIR for the proposed Shadow Run Ranch.*

I. Demand for the Project

As stated at § 4-2<sup>2</sup> "[t]he NPA is the environmentally preferred project" and at § 4.6 "[t]he LLA is the environmentally superior alternative after the NPA ..." Yet the DEIR discounts these two alternatives on the basis that they do not meet the project objectives set forth at § 1.1 which, among other things, include "providing needed housing for the community." However there is no justification in the DEIR that there is a requirement for housing of the type and at the anticipated initial and subsequent monthly cost level levels indicated by the nature the accommodations proposed in the Project. The Project does nothing to address an apparent need in the community for low cost housing compatible with local income levels. Correspondingly, PPCSG recommends that the Applicant:

- i. be required to submit to the decision making process a justification of this demand assumption taking into account projects in the pipeline and clearly demonstrating the source and timing of the demand and the benefits to the community (not just financially to the Applicant) of the demand being fulfilled (neither under- nor over-subscribed).
- ii. not be permitted to use the term "enhanced amenities" as a decision factor of the decision making body as proposed at § S.4 as the Project provides no enhanced amenities to the community other than a minimum private park and meeting facility.
- iii. be required to include in the DEIR a section addressing how the Project will be maintained in the period between street and infrastructure completion and sell out (estimated by the DEIR to be five years) so that the unsold lots do not become a detriment within the Project or to the community and that before permit issuance there be required a demonstration of financial capacity to so maintain the Project.
- iv. as a condition of any approval of the Project be required to contribute meaningfully to the community need for low cost housing.

<sup>1</sup> Unless otherwise stated abbreviations, capitalized terms and definitions have the same meaning as in the DEIR document

<sup>2</sup> Unless otherwise stated paragraph figure and table numbers refer to those of the DEIR

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1. The County acknowledges the comment. Market studies are not required as part of the analysis of a Draft EIR (DEIR) and project applicants are not required to demonstrate the "need" for proposed residential subdivisions. There is a general acknowledgement in the County of San Diego General Plan, Chapter 2, Guiding Principle 1, that population growth will occur and that the General Plan will accommodate the County's fair share of that growth. The most recent data concerning the need for additional housing can be found in the Housing Element Background Report of the General Plan, prepared by Planning & Development Services in April 2013. This report shows that population in the Pala-Pauma Community Plan Area is expected to change little between now and 2020, but is anticipated to increase by 38% between 2020 and 2030, with an additional 54% increase between 2030 and 2050. This same report shows that the number of housing units is expected to increase by 15% between 2010 and 2020 (305 units); 33% between 2020 and 2030 (752 units); and, by 45% between 2030 and 2050 (1,362 units). The need for housing was established at that time.

The objectives of the Project stated in § 1.1 are:

1. Create a residential development that will provide high quality living amenities in a rural setting that will be compatible with the environment,
2. Provide needed housing for the community,
3. Preserve the site's agricultural resources by providing an ongoing agricultural use,
4. Preserve the site's natural beauty, landforms, and biological resources, and
5. Preserve the community character of the area with a design that is consistent with the Pala/Pauma Subregional Plan.

Objectives 1 would not be met because no development would take place and no houses would be created. Objective 2 would not be met because no additional housing stock would be provided. Objective 3 to preserve agriculture would be met as long as agriculture remains on the site. However, in the long term, all agricultural uses could be terminated by the owner and all agricultural functions could be lost. In this case the Objective 3 would not be met. The Project preserves agriculture in the long term by creating a 39.12-acre agricultural preserve that would be managed in perpetuity. Therefore the Project meets Objective 3 while the No Project Alternative could result in the

- 1 cont. objective not being met in the long term. Objective 4 would not be met by the NPA in the long term because the site could be converted out of agriculture to some other use, affecting the rural oriented visual resources on the site. Landform alterations could result from some other land use proposal, such as mining. Biological areas would receive no protections. The Project, on the other hand, preserves agriculture, visual amenities, and biological resources. Objective 5 is not met by the No Project Alternative because no project would be designed. Statements have been added at the end of Sections 4.2, 4.3, 4.4, and 4.5 regarding whether the alternative meets project objectives.
2. The County acknowledges the comment. The Project is not intended as a low cost housing development; therefore, an assessment of this type of housing was not undertaken. The need for low cost housing stated in the comment was not substantiated with specific references. Houses are expected to sell for prices similar to existing homes in the area with similar characteristics. The housing type proposed, single-family residences set among agricultural uses, is common in the area. The DEIR documents these housing types in Figures 3-1-3 through 3-1-6. Many larger estate sized homes are located in the area that might be expected to sell for more than the new homes of the proposed development. The Housing Element Background Report cited in response no. 1 reported two homes sold in the Pauma Valley in 2012 with a median price of \$126,000. Considering how housing prices have increased since 2012, the new homes provided by the project are expected to be priced much higher than that figure. In summary the project is expected to fit within the range of home types and prices in the area. Affordable housing programs in the unincorporated area of San Diego County are administered through the County's Housing and Community Development Department. Programs for home ownership under Federal "Section 8", as well as other programs, are application -based and are funded through grants and tax revenue. This is in contrast to programs that require developers to set-aside a given number of affordable units in their project. No changes were made to the DEIR documentation as a result of this comment.
3. The County appreciates the comment. Assessment of housing demand is not required as part of a DEIR. As related to "benefits to the community....of the demand being fulfilled", the built-out project will contribute improvements to SR-76 and a bus stop at Adams Drive, 91.31 acres of protected open space will be provided, including enhancement of the wildlife corridor in Frey Creek. Additionally, a 39.12-acre agricultural preserve and dedicated easements will be created that will preserve agriculture on the site. The project will also contribute park fees that can be used to enhance public park facilities in the area. The project will also contribute to the maintenance of Adams Drive through participation in PRD-6, the district that oversees maintenance for that roadway. No changes were made to the DEIR documentation as a result of this comment.

4. The County acknowledges the comment. The term “enhanced amenities” correctly applies to open space preservation, which increases protections for biological and cultural resources where none currently exist. It is correctly applied to the long term agricultural preservation proposed. Where over time this use could be eliminated, the project offers long-term protection for agriculture. The term correctly applies to the park, which is being improved with recreational features. Please see the response to no. 3 above as well. No changes were made to the DEIR documentation as a result of this comment.
5. The County acknowledges the comment. The developer will be responsible for site maintenance and security until half of the homes are occupied, at which time the HOA will take over responsibility for the facilities. Developer responsibilities to complete infrastructure are addressed in the California Subdivision Map Act, §66462 and in other regulations with which the developer will be required to comply. Handoff of the responsibilities to the HOA will be governed by the Davis-Stirling Common Interest Development Act, as replaced on January 1, 2014. Sections 4500-4650, Ownership and Transfer of Interest, govern the transition of ownership. Generally the contractor/owner is required to provide all homeowners with all documents in effect when they purchase a lot. These would include the Declaration of Covenants, Conditions and Restrictions (CC&Rs), current on-going contractual arrangements relevant to the property, and any related financial information. The CC&Rs that govern the HOA should include provisions for the transition of powers. Numerous public and private resources are available to homeowners to assist with the transition and management of the HOA. The State of California Department of Consumer Affairs, Bureau of Real Estate, provides information related to HOA issues. The state's Department of Justice provides limited assistance for HOA legal issues. Private organizations such as the California Association of Homeowners Associations, Inc., provides a clearing house or helpful information and assistance services for a fee. Likewise, the CC&Rs will specify the required maintenance responsibilities and the HOA Board will be responsible for enforcing them. No changes were made to the DEIR documentation as a result of this comment.
6. The County acknowledges the comment. There are no County regulations requiring low cost housing for this site. No changes were made to the DEIR documentation as a result of this comment.

## Comments Letter D

- II Applicable Pala Pauma Subregional Plan ("SRP")  
At § 3.1.5.2 the DEIR quotes what its maintained to be the applicable version of the SRP as calling for "orderly planned growth as need arises and essential services such as water, sewer, .... are made available." The view of PCSG is that the Project does not meet that requirement because:
- i. it is the opportunistic development of an island of residences disconnected from the villages of both Pala and Pauma, far removed from shopping and entertainment facilities, providing few community facilities, and situated such that it is improbable that it can become the nucleus of, or maybe even adjacent to, future development.
  - ii. as set forth above, it is not clear that the need has yet arisen particularly as significant other housing projects in and adjacent to the Pala Pauma corridor have not progressed as anticipated because of lack of demand for the proposed class of housing.
  - iii. essential services such as sewer and mains gas are not available; resulting in on-lot provision of those facilities by propane tanks and septic systems that ill represent the concept of an orderly, planned development.

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## Response to Comments Letter

7. The County appreciates the comment. The project is not intended to be the nucleus of future development in the area. It is intended to fit into the immediately surrounding land use pattern of already developed single family residences, many with agricultural uses. For this reason the project proposed only residential uses similar in character to the surrounding neighborhood. The project site is located approximately three miles west of the village area of Pauma Valley and four miles east of the Pala Reservation village and casino. It therefore lies between these existing potential hubs for future development and does not propose development that would contribute to a new hub, such as commercial uses. Figure 3-1-7 of the DEIR is an aerial photograph that shows the project site in relation to surrounding lots, many of which are smaller than two acres. Amenities such as grocery stores, restaurants, casinos and other services are located within five miles of the site. This situation will not change as a result of the project. No changes were made to the DEIR documentation as a result of this comment.
8. The County acknowledges the comment. The DEIR is not required to evaluate the financial motivations of other projects in the area. As described in response no. 1 above, there is an anticipated need for additional housing units in the Pala-Pauma Community Plan area. No changes were made to the DEIR documentation as a result of this comment.
9. The County acknowledges the comment. Services are generally available to serve the project, as analyzed in the DEIR, Sections 1.2.2.1, "Water Service/Annexation," page 1-7, and "Fire Service/Annexation," page 1-9. This includes the availability of adequate potable water, and close proximity of existing fire protection services. Septic Systems are commonly used in San Diego County and are not in themselves indicative of an inappropriate extension of services. DEIR Section 3.1.6, beginning on page 3-64, provides details of the systems. Commercial and other services are available both east and west of the project, so the project is not located on the edge of or beyond already developed areas. Fire and water services are currently provided in the vicinity. The area is served by existing school districts, and by the County Sheriff's Department. Septic systems and the use of propane are rather common in rural and semi-rural areas. No changes were made to the DEIR documentation as a result of this comment.

## Comments Letter D

### III. Water supply

The DEIR states that the Project will use less water than the present land use. However there is an absence of clarity on many of the statements in the DEIR concerning the supply, use and permitting of potable and non-potable water supply to and in the Project, were it to be approved. Consequently PPCSG recommends that the DEIR be amended to clarify the following apparent issues:

1. Together § 3.1.3.1 and § 3.1.3.2 compare the present 616 AFY to the anticipated 424 AFY implying a reduction in water intensity. This statement masks the facts that potable water demand will increase by 21 AFY while non-potable demand will decrease by 196 AFY. The Project proposes to annex into YMWD for the supply of this potable water, a commodity delivered from SDCWA and already in short supply. PPCSG therefore recommends that the DEIR be modified to:
  - i. consider and possibly propose the provision of an on-Project water treatment facility that will convert the excess non-potable water to potable water thereby eliminating the otherwise additional demand on SDCWA, especially since § 3.1.3.1 states that groundwater is currently used for potable water and irrigation.

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## Response to Comments Letter

10. The County concurs that overall water use would decline, due largely to the reduction in the area devoted to groves needing irrigation. Analysis in DEIR Section 3.1.3.2, page 3-36, indicates overall water use on the project site will decline by 25 percent. Groundwater is supplied by the applicant's wells south of SR-76 and off the project site. The groundwater is pumped to a large tank, tested and treated as necessary before entering and blending with the water in the YMWD system. The amount of groundwater currently provided by the applicant's wells to YMWD will be well in excess of the potable water demand anticipated by the project. The commenter is correct in that the project will result in an increased demand for potable water (from YMWD) and to ensure that potable water service to residences will be maintained, the Project will also annex into the Metropolitan Water District (MWD) and the County Water Authority (CWA) for water service. The primary text change, from Section 1.2.1, page 1-2, is an alteration of the project's principle components items 4-6 to read as follows:

4. Amendment of the MWD, CWA, and YMWD Yuima Municipal Water District spheres of influence to include the project site, three BA-adjusted lots, and three existing off-site lots not a part of the project;
5. Annexation to the MWD, CWA, and YMWD to provide potable water to the residential area of the proposed project. three BA-adjusted lots, and three existing off-site lots not a part of the project will also be annexed but will not receive potable water from the project;
6. Detachment of one off-site parcel from Mootamai MWD prior to annexation to the MWD, CWA, and YMWD.

This requirement is also discussed under the heading Potable Water Service in Section 3.1.3.2, page 3-36. The text has been modified to indicate that annexation to the MWD and CWA will occur to ensure that residents will have long term access to potable water through YMWD. The text states:

The Project proposes to annex into the MWD, CWA, and YMWD Yuima Municipal Water District for its potable water needs. Water for irrigation in the agricultural open space lot and residential lots will be provided by the applicant. The existing infrastructure on the site will be modified to provide a separate non-potable water supply system to the agricultural open space lot and individual lots.

The DEIR was also changed in Section S.1, 1.2, 1.2.1, 1.2.2.1, 1.5.1, 1.5.2, 2.6.2.2, 3.1.3.2, 3.1.5.2, 3.1.6.2, and 4.3 to reflect this information. A summary of these changes is provided in Table 8.2 of the EIR Chapter 8.0. See also the response to comment C-7. The 25 acre-feet of water that would be needed as a result of the proposed annexation would comprise 0.6 percent of the imported water amount by YMWD in fiscal year 2016. The additional 25 acre-feet is well within the annual fluctuations of amounts of imported water and total water produced by the District the past 10 years.

- ii. otherwise identify a valuable use for the potentially future amount of available groundwater for non-potable use in a community where there is an acute shortage of such affordable groundwater and valuable agricultural assets are being destroyed because of that shortage. 12
- 2. § 3.1.3.1 states that wells PV2 thru PV4 on the Project property (which presumably are non-potable wells) are managed and pumped by YMWD. § 3.1.5.2 states that YMWD purchases groundwater from the Property so the questions arise to be answered in the DEIR: 13
  - i. where and to what extent is water from wells PV2 thru PV4 and the groundwater purchased by YMWD counted in the water analysis for present and projected usage.
  - ii. at what point does this purchased water enter the YMWD system which, anecdotally, is a potable system, and how is such non-potable water converted to potable water for delivery by YMWD to its customers. 14

- 11. Please see Response 10 above. YMWD has provided an updated Service Availability Form which states that annexation into YMWD is needed, and that facilities to serve the project are reasonably expected to be available within the next five years. The updated Service Availability Form is included in Attachment A of the DEIR as well as attached to these responses to comments.
- 12. The project will decrease the amount of overall groundwater use on the project site because the amount of agriculture on the site will be reduced. Groundwater from wells owned by the applicant has been and will continue to be supplied to the YMWD for distribution within the District. Onsite It is the District's responsibility to determine the amount of groundwater needed from the applicant's wells and how to distribute that water within the District. No changes were made to the DEIR documentation as a result of this comment. Please see response no. 10 above. No changes were made to the EIR as a result of this comment.
- 13. The groundwater that is pumped from wells PV2, PV3 and now PV-6A that are on property owned by the project applicant, but operated by YMWD and that feed into the YMWD water supply, is not counted in the water analysis for the proposed project (see Appendix P of the DEIR). The project has an estimated demand of 22 AFY of water for potable water needs, which is an increase over current potable water use which is approximately 1.0 AFY. This potable water will be obtained from YMWD after the annexation process is complete. The amount of groundwater supplied by wells PV-2 and PV-3 was approximately 102.4 AF in 2013 and 74.7 AF in 2014. from offsite wells under contract with YMWD. These numbers are given here to show that the amount of potable water required by the project is about one-quarter the amount of water that is already provided to the YMWD from wells in the same watershed. This, in combination with the reduced amount of groundwater that would be utilized onsite for irrigation purposes if the project is approved (175 acre-feet less) demonstrates that water supply is available for the increased potable demands of the project. No changes were made to the DEIR documentation as a result of this comment.
- 14. The County appreciates the comment. Groundwater is supplied by the applicant's wells south of SR-76 and off the project site. The groundwater is pumped to a large tank, tested and treated as necessary before entering and blending with the water in the YMWD system. The wells are regularly managed by YMWD, which maintains them and tests the groundwater quality. No changes were made to the DEIR documentation as a result of this comment.

## Comments Letter D

- iii. whether or not there is a requirement for an encroachment permit from Caltrans for a water line to cross SR-76 to serve potable water to the Project from the point identified as being south of SR-76 adjacent to Adams as in Figure 1-3 as such permit is not clearly included in the matrix of approvals and permits at § 1.5.1. 15
- 3. Given that the DEIR states that it will be used by LAFCO in considering annexation and as at § 1.8 the DEIR states the "[p]roposed water line extension will be sized only to serve the Project..." so as to avoid growth inducing impacts, PPCSG recommends that: 16
  - i. the true purpose to the annexation by YMWD of the two additional parcels (111-080-16 and -17 of 10.46 acres) as set forth at § 3.1.3.2 should be identified in the DEIR. Otherwise once the additional parcels, disconnected with the Project, are annexed the reality of avoiding growth inducement will be lost.

## Response to Comments Letter

15. The County acknowledges the comment. Section 1.5.1, "Matrix of Approval/Permits," page 1-17, has been modified to indicate separate encroachment permits will be needed from the County (for County roads) and Caltrans (for SR-76). The table was altered by adding the following text: "Caltrans Encroachment Permit for roadway improvements and water line installation" to the permit type column, and "Caltrans" under Approving Agency. Figure 1-3 of the DEIR correctly shows the proposed path of the pipeline.
16. The County acknowledges the comment. Four parcels (APNs 111-080-14, 111-080-16, 111-080-17, and 111-080-20) are owned by the applicant and would be annexed to the WD, CWA, and YMWD. Figure 1-8 of the DEIR shows the parcels discussed below. These parcels are included in the annexation to avoid an island of unannexed land. The creation of islands is not allowed by the water agencies and is discouraged by LAFCO. APN 111-080-16, consists of 6.38 acres and is unoccupied and undeveloped. APN 111-080-17, consisting of 2.86 acres, has a house on it. It is within the Mootamai Municipal Water District (MMWD). It is included to allow the residence to obtain a more reliable source of potable water and reduce the MMWD "island" of three parcels that currently exists along Adams Drive. APN 111-080-20 has an area of 2.21 acres and is undeveloped. None of the parcels will be provided with potable water by the project. APN 111-080-14 currently receives approximately 40 AFY of non potable water from the project's wells for its agriculture. This will continue whether or not the project is approved. Parcel APN 111-080-14 is included in the Project's boundary adjustment. These parcels would be subject to permit applications for building construction and/or the extension of water lines. All of the parcels are within the County's Semi-Rural Land Use Designation, with a minimum lot size of 10 acres (SR-10). Therefore they are not subdividable and would not further increase growth. <sup>1</sup> No changes were made to the DEIR documentation as a result of this comment.

<sup>1</sup> County policy currently requires that the computation of lot yield be based on whole numbers, with any fraction of a whole being rounded down. Under this restriction, APN 111-080-14 would be rounded from 1.7 units (17.16/10) down to 1 unit.



- ii. further consideration be given to the previous recommendation of PPCSG that these lots (between the project and Adams Road and across which an easement has to be granted to provide a second access to the Project) be incorporated into the Project. 17
- iii. the DEIR, which is a Project DEIR, should justify the legal and regulatory basis for including in it proposals that have no direct connection with the Project, presumably so that such can be considered by LAFCO in its use of the DEIR. 18

17. The County acknowledges the comment. The lots in question are not intended for development and so are not included in the overall project proposal. The two lots across which the private road easement would occur are 5.8 and 12.6 acres and are subject to Land Use Designation SR-10, and are therefore not further subdividable. The County cannot require the applicant to include additional area under their ownership as part of the proposed project. The County is satisfied that the proposed private road easements will be sufficient for the project's future access to Adams Drive. No changes were made to the DEIR documentation as a result of this comment.

18. The County acknowledges the comment. LAFCO has jurisdiction over annexations by MWD and CWA, as stated in "San Diego County Water Authority Annexation Packet (April 2016)." LAFCO's authority derives from the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code Section 56000 et seq.). MWD authority derives from the Metropolitan Water District Administrative Code adopted by M.I. 31609 on January 11, 1977. The CWA derives its authority under the County Water Authority Act (As of January 1, 2008). The proposed annexation is also a discretionary permit process over which LAFCO has authority. This requires LAFCO to develop or rely upon a CEQA environmental document. In this case, the proposed project's DEIR is designed to address the issues of annexation so that LAFCO will be able to rely on this CEQA document and not have to create new or supplemental environmental analyses for their decision-making process. No changes were made to the DEIR documentation as a result of this comment.

4. The DEIR at § 2.6.2.2, and as set forth in the Fire Protection in Appendix E, defines the required fire flow as being 2,500 gpm of water, PPCSG suggests that this be clarified to:
  - i. identify whether this requirement will be fulfilled from potable or non-potable water source.
  - ii. consider whether this supply from potable would be consistent with the statement set forth in para. 3 above, as potable water supply for domestic use for 44 homes would require only a flow of around a few hundred gpm.
  - iii. consider whether this fire flow can be met by gravity feed of non-potable water from the reservoir with the presently existing reservoir piping structure or whether additional supply piping is required.
5. The DEIR sets forth at page 3-52 the YMWD position that "SDWCA and Met annexation is not required" as part of the annexation into YMWD following LAFCO approval, yet the Groundwater Exhibit P shows annexation process and costs. Correspondingly, PPCSG recommends that:
  - i. the assertion of YMWD be confirmed, or otherwise, by the inclusion in the DEIR of correspondence from both SDCWA and Met clearly stating their position in this regard.

19. The County acknowledges the comment. Fire flow for the project will be fulfilled from the YMWD potable water system. The second sentence of the first paragraph under the heading Water Supply in Section 2.6.2.2, page 2-92, has been revised to state: "The required flow for the project is 2,500 gallons per minute (gpm) which will come from the YMWD potable water supply system."
20. The County acknowledges the comment. A single potable water system will be provided and it will be pressurized to accommodate the pressures needed for fire flows, approximately 2,500 gpm. The system also will be designed to accommodate the lesser pressures needed for individual homes by installing pressure control mechanisms. The DEIR has been modified to reflect this, as noted in Response 19 above. The County concurs that normal flows for domestic use are much lower than that required for a brief period of firefighting that may need to occur. However, the water system must be designed to accommodate a period of higher flows for potential firefighting activity. Water system design will include the piping, pressure valves, and necessary controls in conformance with the California Building Code to assure the system functions properly. No additional changes were made to the DEIR documentation as a result of this comment.
21. The County acknowledges the comment. The required fire flow design of 2,500 gpm cannot be met through gravity feed from the onsite reservoir due to the intermittent nature of that water supply. The reservoir may be emptied from time to time for cleaning and other maintenance, and this would leave the residential development vulnerable to fire, which is not an acceptable option. No changes were made to the DEIR documentation as a result of this comment.
22. The County agrees that the discussion regarding annexation in various locations in the EIR was not consistent. The project will require annexation into YMWD, CWA and MWD pursuant to recent guidance from the YMWD to the applicant, associated with the updated Service Availability Letter provided by YMWD (Attachment A of the EIR). While the LAFCO letter references an annexation process document dated April 2016, the most current annexation process as of this writing is dated January 3, 2018. The most up to date procedures will be used in the annexation process. The most current document has been included as Attachment A to Appendix P of the EIR. The DEIR has been modified to reflect this change. These edits are discussed in Response 10 above and in C-6.

IV. Traffic

The statement at § 2.10.8 that "adherence to the forgoing mitigation [the payment of TIF] will reduce project traffic impacts to below significance" is misleading. It is not the payment of a TIF amount that mitigates, but rather the construction of a highway having capacity to handle the projected traffic. Within that framework::

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1. The data of Existing Conditions included in the Traffic Study Appendix L at page 16 was collected in June 2009, October 2009 and November 2010 between the hours of 7:00 and 9:00 in the morning and from 4:00 to 6:00 in the afternoon. Over the past five years traffic on SR-76 has grown significantly, largely as an outcome of the expansion of casinos on Indian lands, and the configuration of SR-76 has changed with improvements at the interchange with I-15, the signalization at Pauma Reservation Road, etc. Consequently, PPCSG recommends that:
  - i. the basis for the Traffic Study be reestablished with a present day data collection including the examination of other EIRs, and similar documents, recently published on SR-76 traffic,
  - ii. that the revised Traffic Study reflects that the busy hour on SR-76 is not that of traditional timing but one that reflects weekend casino traffic and weekend desert related traffic.

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23. The County disagrees the statement is misleading. Section 15130(a)(3) of CEQA states that a project's cumulative impact may be determined to be less than cumulatively considerable by funding its fair share of a mitigation measure designed to alleviate the cumulative impact. Additional text has been added to Section 2.10.8, Conclusion, page 2-150, stating that the TIF fee collection will be effective mitigation "because it will enable the County to fund improvements to roadways that will reduce the cumulative effect of increased traffic in the region."

24. The County acknowledges the comment. New traffic counts were conducted in October 2014 and April 2019 as a result of this comment (see also the response to D-25 below). The DEIR Section 2.10 has been modified to correct the date of the traffic study, which is September 2015, and to indicate the dates that traffic counts were taken, which were 2009, 2010, 2014, and 2019. DEIR text has also been modified in Section 2.10, page 2-137, and Section 2.10.8, page 2-150, to indicate the years that traffic counts were taken. The dates of the traffic counts in the TIS (EIR Appendix L) have also been corrected. Counts for 2009, 2010, 2014, and 2019 are included in the TIS report.

25. The County appreciates the comment. The project DEIR/TIS uses data from 2009, 2010, 2014 and 2019. In response to concerns raised by the Planning Group, data was collected for week day and weekend traffic from October 16 through 20, 2014 (Wednesday through Sunday). The counts showed the following traffic volumes for SR-76 (Pala Road) west of Pauma Ridge Road:

DAY	AM Period	PM Period	Total
Thursday October 16	2914	5257	8171
Friday October 17	3225	7228	10463
Saturday October 18	3733	7712	11445
Sunday October 19	4027	7613	11640
Monday October 20	2940	4688	7628

25 cont. For comparison purposes, the DEIR/TIS published traffic volume was analyzed at 9,456 ADT. The TIS therefore analyzed traffic volumes higher than the 2014 Monday and Thursday counts by 19 and 13 percent, respectively, and it analyzed a traffic volume that is lower than the Friday count by 10 percent. The standard traffic analysis “typical day” of analysis is a midweek day. Weekend traffic was greater than the traffic level analyzed in the TIS and DEIR by 21 percent on Saturday and 23 percent on Sunday. However, the October 2014 volumes reveal that despite the higher weekend counts no new impacts are identified and therefore, the midweek analysis remains valid for assessing project impacts. The October 2014 data are included in Appendix C of the revised traffic report (Appendix L).

Traffic counts were updated again in April 2019. A comparison of road segments from 2014 and 2019 is provided in the traffic memo from KOA dated April 30, 2019, (Figure 7). The memo is included at the front of the traffic study, Appendix L. The following table summarizes the change in traffic levels for selected road segments of SR-76.

SR-76 Road Segment	2014 Count	2019 Count	Difference	% Change
East of Adams Drive	9090	9527	437	4.5
In front of Project	9456	9656	200	2.0
West of Project and east of Pala	9456	9575	119	1.2
In Pala	10329	12965	2626	20
West of Pala and east of Rice Canyon Road	10224	12824	2600	20
West of Rice Canyon Road at Horse Ranch Creek Road	11031	13979	2948	21
Immediately east of I-15 interchange	11031	16237	5206	32

25 cont.

At I-15 interchange	19359	26067	6708	25
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The data indicate that traffic volumes have increased by a small amount in the vicinity of the Project, but that the increases become much greater for those segments between I-15 and Pala Road. The traffic memo notes that the capacity of SR-76 and the I-15 interchange have increased since 2014 due to new roadway improvements, allowing for more traffic to be accommodated. The roadway capacity for SR-76 in these locations at LOS E is now 22,900 ADT. The highest current ADT is 16,237 just east of I-15 and the project will add 232 trips at that location. Therefore, based on these current traffic counts, the existing plus project ADT is below the County's threshold of significance and the Shadow Run Ranch project would not result in a new significant impact.

2. The Traffic Study projects traffic passing the proposed Project at the rate of 9,456 ADT existing and 25,326 ADT with Cumulative Effects. The stated capacity of SR-76 at that point is 22,900 at LOS E (itself undesirable congestion) resulting in a LOS F. (extreme congestion). Figure 4.7 of Appendix L projects a Cumulative Effect 950 vehicle one way busy hour (one vehicle every 3.5 seconds). According to the ADT San Diego County LOS table set forth in Appendix L, steady to stable flow of 25,000+ could be provided by a 4-lane collector road configuration. In that light PPCSG recommends that steps be taken now to ensure that projected traffic flow can be eventually satisfactorily accommodated by:

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- i. initially providing a deceleration lane for westbound traffic entering, and an acceleration lane for eastbound traffic exiting, the Project so as to maximize safety and minimize the impact of Project on steady flow on SR-76, especially in the busy hour, as traffic builds toward the eventual Cumulative Effect level<sup>3</sup>.

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<sup>3</sup> PPCSG has repeatedly made this recommendation and has yet to receive a full response to reconcile the statement of the representatives of the Applicant at the July 1 PPCSG meeting that Caltrans would not permit the provision of such lanes with the statement of Caltrans, by Ms. Berman the Director of District 11, in its letter dated March 7 to PPCSD noting that "Caltrans made a recommendation for the inclusion of a westbound deceleration lane and an eastbound acceleration lane."

26. The County acknowledges the comment. The TIS indicates in Table 4.2 that 9,456 ADT occur on the SR-76 road segment from Lilac Road to the Project Entrance in the existing condition. Existing + cumulative +project traffic on this segment is 25,326 ADT, which would be the expected traffic level in the year 2030. The project's share of this total is 368 ADT, or 1.4 percent. This road segment is Box 13 on Figure 4.7 of the revised traffic report (Appendix L of the DEIR) and would have 967 west-bound trips at Adams Drive in the PM peak hour in year 2030. Ultimate buildout of the roadway is under the jurisdiction of Caltrans and is not a project responsibility. However, the project acknowledges its contribution to cumulative traffic and will pay a TIF fee to address this impact, as acknowledged and discussed in Sections 2.10.3 through 2.10.7 of the EIR. A statement was added to the third paragraph of Section 2.10.8 of The DEIR regarding how payment of TIF enables the County to fund improvements to roadway facilities to address cumulative traffic.

27. The County appreciates the comment. Deceleration and acceleration lanes are not required for the proposed intersection according to Caltrans methodology and comments on the project dated December 30, 2013 and October 6, 2014. The project proposal includes improvements to the SR-76/Project Entry that will comply with all Caltrans design requirements for a safe intersection. These include separate left turn pockets and an 8-foot wide shoulder with adequate sight distance as shown on Sheet 4 of the Tentative Map. No changes were made to the DEIR documentation as a result of this comment.

- ii. including in the DEIR a review of the Project frontage design along SR-76 to ensure that there can be a future provision of pavement and intersection design adequate to carry the Cumulative Effect traffic at steady to stable flow as and when the 25,000+ ADT becomes reality.
- 3. Road segments of SR-76 to the west of the Project are set forth in Table 8-1 of Appendix L generally indicate a deterioration from LOS C to LOS F from Horse Ranch Creek Road to Lilac Road. Indeed, the LOS deterioration is likely to occur well before the totality of the Cumulative Effects because the theoretical capacity of the road type grossly overstates the actual capacity of the road segments as the sharp radius curves and restricted sight lines result in traffic speeds inconsistent with the theoretical capacity of the road category. While this Project plays a small cumulative effect the totality of the impact would be significant upon residents of the Project, if it were to be approved, people accessing other projects in development and contemplation, and existing road segment users. Consequently, PPCSG recommends that:
  - i. the DEIR should consider the impact of public safety in the event of a need for an emergency evacuation along SR-76 including the effect of traffic from Valley Center traversing Cole Grade Road as the emergency exits for Valley Center may well have insufficient capacity for emergency conditions.
  - ii. the County of San Diego should immediately consider placing a moratorium on approving further development projects that will develop traffic volumes on SR-76 until such time as a plan has been formulated and funding sources committed and in place that would provide for at least a LOS D on SR-76 from its intersection with I-15 to Valley Center Road.

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28. The right of way that will be created for SR-76 will be 100 feet wide. Details of the design are shown on Sheet 4 of the Tentative Map. The design shows a 100-foot Irrevocable Offer of Dedication (IOD), two 12-foot through travel lanes, and a 12-foot left turn lane. Shoulders of 8 feet are provided. Sight distance for the various improvements at the new intersection is also shown. The General Plan Mobility Element Map for the Pala-Pauma area shows SR-76 in the vicinity of the project as a Community Collector with bike lane. The maximum width anticipated by the General Plan for the collector series is 96 feet. Therefore the project dedicates adequate right of way to allow for further planned improvements to SR-76. No changes were made to the DEIR documentation as a result of this comment.

29. The County acknowledges the comment. The deterioration in LOS referred to in the comment is the result of additional ADT placed on SR-76 by cumulative projects in the absence of mitigation measures. However, the project will pay TIF as mitigation for its cumulative impacts and also make frontage improvements to accommodate project related and through traffic. The issue of whether the theoretical capacity of the road is overstated by the County relates to an issue outside the scope of the DEIR for the project. The road capacity rating for the road segment is derived from the County Public Road Standards that takes into account local roadway conditions in estimating roadway capacity. The County therefore does not concur with the comment that rated capacity is "grossly overstated." No changes were made to the DEIR documentation as a result of this comment.

30. The County acknowledges the comment. The traffic analysis has identified that the project does contribute to significant cumulative impacts to six segments of SR-76 west of Adams Drive. Mitigation in the form of a TIF payment is required, as stated in the DEIR, Section 2.10.7, page 2-149 Regional emergency responses are beyond the scope of the EIR for this individual project. Public safety in the event of an emergency is the responsibility of the County of San Diego Office of Emergency Preparedness (OEP), which provides informational assistance and planning for emergencies. No changes were made to the DEIR documentation as a result of this comment.

31. The County acknowledges the comment. The issue of a moratorium on development that will contribute traffic to SR-76 in this area is outside the scope of the DEIR for this project. The traffic analysis has identified that the project does contribute to significant cumulative impacts to six segments of SR-76 west of Adams Drive, and the project will contribute TIF program payment for the construction of roadway facilities to address the cumulative

## Comments Letter D

### V. Fire Protection Plan

§ 4.2 of the Fire Protection Plan Appendix E of the DEIR postulates the availability of three Project access roads whereas the Tentative Map at Figure 1-1 clearly shows only two Project access points. Accordingly PPCSG recommends that:

- i. the Fire Protection Plan be reviewed and rewritten to both ensure that it aligns with the Tentative Map and that the plan of only two access points has no effect on fire safety.

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### VI. Noise

The conclusion on page 16 of Noise Assessment Appendix J that "the exterior noise levels will meet the County of San Diego 60 dBA CNEL standard" is not consistent with the data set forth in Table 2-4 of that Exhibit nor with Figure 2-8-2. That figure clearly shows that shows a projected 60 dBA CNEL at first floor level at lots 5, 6, 15 and 16 abutting and covering building pads and within the 100' visual buffer. Such noise level will most probably adversely impact the quiet enjoyment of their property by future homeowners. Therefore PPCSG recommends:

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1. the DEIR should be revised to contemplate the initial mitigation of noise at ground level on lots immediately adjacent to SR-76 either by the provision of denser screening or the erection of an aesthetically acceptable sound barrier, so as to make the rear parts of such lots desirable and safe from the point of view of a homeowner.

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## Response to Comments Letter

32. The County acknowledges the comment. The first sentence of Section 4.2 of the Fire Protection Plan has been revised to recognize only two access points. In addition, a revised fire protection plan map has been included in the project's Fire Protection Plan and is included in the EIR as Figure 2-6-1, Fire Safety Design. The DEIR correctly refers to two exits in DEIR Section 2.6.2.2, Access Roads and Gates, on page 2-92.

33. Noise contours are lines that, when drawn from a noise source, indicate a continuous or equivalent level of noise exposure. The noise contour lines shown were used as a planning tool to assess potential impacts and the need for additional analysis. Future noise contour lines from SR-76 that may affect the project site were developed for the unmitigated future buildout conditions as shown in Figure 2-8-2 and as stated in the second paragraph of DEIR Section 2.8.2.2, page 2-122.

The contours suggest that noise sensitive land use (NSLU) areas may exceed the County of San Diego 60 dBA CNEL exterior noise standard. Based on these findings, additional detailed exterior noise analysis was provided in Section 2.8.2.2 to determine the extent of potential noise impacts and needed mitigation measures. Exterior noise levels were determined to meet the 60 dBA CNEL standard for an outdoor living area at all proposed lots without incorporating additional screening from the visual buffer proposed along SR-76. However, if two-story homes were to be built on lots 5, 6, 15, 16, 29, and 30, the second floor facades are likely to have noise levels above the 60 dBA CNEL which indicates the interior noise levels could exceed the 45 dBA CNEL requirement. This was identified as a potentially significant impact N-1 for which mitigation has been identified in DEIR Section 2.8.5, page 2-126. No changes were made to the DEIR documentation as a result of this comment.

34. The County acknowledges the comment. Please see the response to comment 33 above.

## VII. Cumulative Projects

It appears that TM 5545 Pauma Estates, a development of residential units adjacent to Pauma Village, has been omitted from the list of Cumulative Projects considered as set forth in Figure 1-6 and Table 1-1. Consequently PPCSG recommends:

- i. The DEIR be amended to incorporate TM 5545 and its effects.

## VIII. Potentially Unaddressed Environmental Issues

## 1. Proposed Yuima Pipeline

§ 1.2.2.2 briefly mentions the potential of the construction of a large water pipeline through and across the Project referring to the associated EIR. Other than that mention, it is not clear that the DEIR considers the implications of such a pipeline being constructed subsequent to the start of Project grading. In that context, PPCSG suggests that the DEIR should be modified to include:

- i. an analysis of the environmental impacts should construction of the at pipeline begin subsequent to Project grading and, in particular, subsequent to the construction of streets and homes within the Project,
- ii. an assessment of the impact of the Project contemplated by the DEIR on the assumptions and findings of the EIR certified for the pipeline, especially with regard to rights of way.

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35. The County concurs with the comment. TM 5545, Pauma Estates, is located at 32979 Temet Drive off of Cole Grade Road. The project, approved with a Mitigated Negative Declaration by the Planning Commission on April 30, 2010, is 22 acres and proposed 16 residential lots. An open space lot for the Arroyo Toad was created and will be revegetated. A five year monitoring plan with reporting requirements was required. The fire authority declared the site had an acceptable fire safety design. The project was determined to result in 180 ADT, 28% (50 ADT) of which would travel west on SR-76. The traffic analysis determined there were no direct impacts, and that the project would pay TIF program fees for any cumulative impacts. The addition of this project in the cumulative analysis does not change the conclusions reached in the DEIR; however, the following revisions have been made in the DEIR to include the project: (1) Figures 1-6, 2-4-4, and 3-1-2 have been updated to show the location of TM 5545. (2) Table 1-1 has been updated to include the above information; (3) The analysis of cumulative biology impacts has been updated in sections 2.4.3.1, 2.4.3.5, and 3.1.1.3 to include the project. Conclusions of the cumulative biology analysis or the cumulative analysis of the DEIR were not changed as a result of the additional references because the additional project fully mitigated its biological impacts and was in keeping with the policies and program requirements of the County as related to open space design and monitoring.

36. The County acknowledges the comment. The pipeline impact was assessed under its own certified EIR (Northern Route Pipeline Project Environmental Impact Report/Assessment, State Clearing House (SCH) No. 2007091022), as stated in the DEIR Section 1.2.2.2, page 1-15. Therefore additional environmental analysis is not needed. The route of the pipeline was coordinated with the project engineer when its proposed route was designed. The route was placed so as to minimize impacts to the project. This includes using an existing dirt road for the crossing of Frey Creek and following planned street layouts to minimize disruption of residential properties. The DEIR notes that residents will be notified of the possibility that the pipeline could be built. It will indicate that construction may temporarily disrupt traffic patterns and create noise and dust. These effects were identified and mitigated in the EIR noted above, which evaluated a 100-foot-wide area along the proposed pipeline route. The reader is referred to SCH No. 2007091022, available through the YMWD. No changes were made to the DEIR documentation as a result of this comment.

37. Please see Response 36.



2. Tree removal

Referenced is made throughout the DEIR regarding the intent to reduce agricultural activity by the removal of existing crop bearing tree. However it is not clear that the DEIR has analyzed the environmental impact of the removal and destruction of such trees. Therefore PPCSG recommends that:

- i. the DEIR be modified to include a discussion of the method of removal and disposal of the crop bearing trees and environmental impacts therefore arising, if any.

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- 38. The County acknowledges the comment. The extent and pace of orchard tree removal will vary with the area being graded and timing of project development. Noise and dust associated with removal was addressed in the construction analysis in the noise report (Appendix J) and the air quality analysis (Appendix B). Tree disposal could take several forms, including making wood available to residents for use as mulch from chipping or hauled away. Any traffic associated with hauling wood will be temporary, intermittent, and limited in scale, and as such would not constitute an additional significant traffic impact. No changes were made to the DEIR documentation as a result of this comment.

Comments Letter E  
**San Diego County Archaeological Society, Inc.**  
Environmental Review Committee

14 September 2014

To: Mr. Robert Hingtgen  
Department of Planning and Development Services  
County of San Diego  
5510 Overland Avenue, Suite 310  
San Diego, California 92123

Subject: Draft Environmental Impact Report  
Shadow Run Ranch  
PDS2001-3100-5223, PDS2000-3300-00-030, PDS2000-3710-00-0205  
Log No. PDS-2000-3910-0002035

Dear Mr. Hingtgen:

I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR and its Appendix D, we have the following comments:

1. The copy of Appendix D posted on the County's website includes site locational information, in the form of site maps. Examples include Figures 5, 6 and 7, but there are more. This is a violation of the prohibition of site location disclosure. Those maps should have been removed from the public review copy. The County must take immediate action to correct this error.
2. The treatment of cultural resources in Appendix D is comprehensive and we concur with its significance assessment of the various sites.
3. We also concur with cultural resources mitigation measures M-CR-1, M-CR-2, M-CR-3 and M-CR-4 as included in Section 2.5 of the DEIR, though the mitigation measures should note the process to be followed should any human remains be encountered.

Response to Comments Letter

1. The County acknowledges this comment. The study has been removed from the County's website. The figures will be removed from the formal study and placed in the confidential appendix prior to notification for the Planning Commission hearing. No changes were made to CEQA documentation as a result of this comment.
2. The County acknowledges this comment. This comment is noted.
3. The County acknowledges this comment. Should human remains be identified, the developer is required to consult with the Most Likely Descendant pursuant to Public Resources Code Section 5097.98. In addition, the project would also be required to follow Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5. Final Grading Condition CULT#GR-2 on Sheet 4 of the Preliminary Grading Plan includes text that identifies the regulations that must be adhered to should human remains be identified. In addition, DEIR mitigation measure M-CR-3 has been revised to read as follows:

M-CR-3      Grading Monitoring Program for Archaeological Resources During Construction

INTENT: In order to comply with the County of San Diego *Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources*, a Cultural Resource Grading Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The Project Archaeologist and Luiseno Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Luiseno Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor.

- 3 cont. b. In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist or the Luiseno Native American Monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Luiseno Native American Monitor, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Luiseno Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program. A Research Design and Data Recovery Program (Program) is required to mitigate impacts to identified significant cultural resources. The Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in coordination with the Luiseno Native American Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
- c. If any human remains are discovered, the Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- d. The Project Archaeologist shall submit monthly status reports to the Director of PDS starting from the date of the Notice to Proceed to termination of implementation of the grading monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted

## Comments Letter E

## Response to Comments Letter

4. We note that the testing collections from site SDI-9357/H have already been curated, as have a few recovered artifacts from SDI-266, SDI-714 and SDI-731. The mitigation measures will, as required by the Register of Professional Archaeologists' *Standards of Research Performance* and *Code of Conduct*, provide for the curation of the collections that result, other than any human remains and associated burial goods.

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**Thank** you for providing SDCAS this opportunity to review and comment upon this project's environmental documents.

Sincerely,

Environmental Review Committee

cc: Professional Archaeological Services  
SDCAS President  
File

- 3 cont. describing the plan compliance procedures and site conditions before and after construction.

DOCUMENTATION: The applicant shall implement the Archaeological Monitoring Program pursuant to this condition.

TIMING: The following actions shall occur throughout the duration of earth disturbing activities.

MONITORING: The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact PDS if the Project Archeologist or applicant fails to comply with this condition.

4. The County acknowledges this comment. Although some of the artifacts have already been curated at the San Diego Archaeological Center, the Pala Band of Mission Indians has requested that the artifacts be repatriated only. According to the Native American community, cultural values are specific to the individual group. As such, it cannot be assumed that curation is the culturally sensitive method for the disposition of prehistoric artifacts. Therefore, mitigation in the form of repatriation and curation will be included in the conditions of approval so that if one method of prehistoric artifact disposition is not available, an alternative is provided. The final conditions of approval will be revised to provide both measures discussed in this comment. However, it should be noted that historic artifacts will be required to be curated at a San Diego curation facility and may not be repatriated or curated with a Tribal curation facility. Final Grading Condition CULT#GR-4 on Sheet 4 of the Preliminary Grading Plan has been revised and includes text regarding repatriation and curation as follows:

CULT#GR-45 ARCHAEOLOGICAL MONITORING – FINAL GRADING [PDS, FEE]

INTENT: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to PDS2001-3100-5223, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Cultural Resources, an Archaeological Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. The report shall include the following, if applicable:

- County of San Diego Department of Parks and Recreation Primary and Archaeological Site forms.
- Daily Monitoring Logs

4 cont. c. Evidence that all cultural materials have been curated and/or repatriated as follows:

(1) Evidence that all prehistoric materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

(2) Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

d. If no cultural resources are discovered, a ~~brief letter to that effect~~ Negative Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. ~~Daily~~ Grading Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit the report ~~it to the [PDS,PCC] for review and approval.~~ Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and the culturally-affiliated Tribe.

TIMING: Prior to ~~the any occupancy of any structure, final grading release, or use of the premises in reliance of this permit PDS200-3300-030, and prior to Final Grading Release (Grading Ordinance Sec. 87.421.a.3,~~

## Comments Letter E

4 cont. <http://www.sdcountry.ca.gov/dpw/docsprograderd.pdf>, the final report shall be prepared ~~completed~~.

MONITORING: The {PDS, PCC} shall review the final report for compliance with this condition ~~the project MMRP~~ and the report format guidelines. Upon acceptance of the report, {PDS, PCC} shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then {PDS, PCC} shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

## Comments Letter F

**From:** Dan Silver [mailto:dsilverla@me.com]  
**Sent:** Thursday, August 28, 2014 1:17 PM  
**To:** Hingtgen, Robert J  
**Cc:** Wardlaw, Mark; Gretler, Darren M; Snyder, Todd; Real, Sami; Fogg, Mindy  
**Subject:** Shadow Run Ranch

August 28, 2014

Robert Hingtgen  
Dept of Planning and Development Services  
5510 Overland Ave., Ste 110  
San Diego, CA 92123

**RE: SHADOW RUN RANCH; PDS2001-3100-5223, PDS2000-3300-00-030, PDS2000-3710-00-0205, LOG NO. PDS2000-3910-0002035; SCH NO. 2002061066**

Dear Mr Hingtgen:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on the DEIR for this proposed project on 244 acres. Shadow Run Ranch would insert dozens of residential estate lots into the Pauma Valley, a still largely intact farmland and habitat area. Due to its distance from infrastructure and services, to reduce GHG emissions from long distance commuters, and to protect natural resources, the property was properly designated as Rural 1:40 in the General Plan Update. However, according to the DEIR, the project is allowed to proceed at 10 times that density under the outmoded old General Plan due to "pipelining." The result is sprawl.

According to the biased LARA model that the County uses despite criticism, the site is, predictably, deemed "unimportant" farmland.

Given the unfortunate circumstance of pipelining, it is nonetheless commendable that the project was redesigned as a PRD on 2-acre minimum lots that at least preserves the most sensitive areas as biological open space. Thus, riparian connectivity and associated coastal sage scrub uplands are conserved, maintaining compatibility with a future North County MSCP. There is also a lot for limited continued agriculture.

In conclusion, EHL *concurs* with and appreciates the use of the proposed open space design to mitigate the impacts as feasible given the pipelined 1:4 density.

Yours truly,  
Dan Silver

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

213-804-2750  
[dsilverla@me.com](mailto:dsilverla@me.com)  
[www.chleague.org](http://www.chleague.org)

F

## Response to Comments Letter

1. The County acknowledges the comment. The project did gain "pipeline" status many years ago and is being processed pursuant to the previous General Plan Regional Category of Estate Development Area, and Land Use Designation of Intensive Agriculture. These designations allow for a potential of 62 residential lots on the project site; however, the project is proposing a Planned Residential Development of 44 residential lots clustered on 2-acre minimum lots. This design reduces the residential area footprint and preserves agricultural and biological resources in open space such that 56% of the site will be comprised of these open space areas. The project's residential area also allows for and encourages continued agricultural use. The project has been located adjacent to an existing neighborhood of single family homes, many with an agricultural component. It has been designed to reflect the character of the surrounding area and there are existing facilities that serve the community. These include small-scale grocery stores, shops, a gas station, restaurants, and churches within five miles of the site. Modest employment centers exist in two casinos, within three miles. And there is an established agricultural industry that can serve the needs of the continuing agricultural operations on the site. The project is consistent with land use designations and zoning under the previous General Plan, and proposes a Planned Residential Development to cluster development to two acre lots in order to create open space and continue agricultural production activities. The project does not have significant land use impacts for these reasons. The project continues to rely on automobile transportation to reach nearby facilities, but will also install an improved bus stop on the northeast corner of Adams Drive and SR-76 to encourage the use of mass transit. The EIR examined the issue of greenhouse gas emissions in Chapter 3.1.2 and in a Global Climate Change report (Appendix N of the EIR) that have been revised since the public review period, but not as a result of this comment. Project design features will now reduce emissions below the CAPCOA screening threshold, and therefore there will be no impacts. Please refer to the attached table entitled "Summary of EIR Text and Technical Report Changes" for a description of these changes.
2. The Comment is acknowledged. Impacts to agricultural resources were determined to be less than significant. This determination can be found in Chapter 3.1.1, page 3-1 of the DEIR. The project design includes a 39-acre agricultural open space lot and agricultural operations may continue on the residential lots. No change to the DEIR is required as a result of the comment.
3. The County appreciates the comment. No change to the DEIR is required as a result of the comment.
4. The County appreciates the comment. No change to the DEIR is required as a result of the comment.

## Comments Letter G

## Response to Comments Letter

### PALA TRIBAL HISTORIC PRESERVATION OFFICE

PMB 50, 35008 Pala Temecula Road  
Pala, CA 92059  
760-891-3510 Office | 760-742-3189 Fax



# G

October 21, 2014

Robert Hingtgen, Project Manager  
County of San Diego Planning & Development Services  
5510 Overland Ave, Suite 310  
San Diego, CA 92123

Re: Shadow Run Ranch; PDS2001-3100-5223, PDS2000-3300-00-030, PDS2000-3710-00-0205, Log No.  
PDS2000-3910-0002035; SCH No. 2002061066

Dear Mr. Hingtgen,

The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Robert Smith, Tribal Chairman. We are aware that this correspondence is dated after the comment deadline for reviewing the draft EIR but request that our comments be included in the record.

We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. It is, however, within the boundaries of the territory that the tribe considers its Traditional Use Area (TUA) and located in immediate proximity to reservation boundaries. Therefore, we request to be kept in the information loop as the project progresses and would appreciate being maintained on the receiving list for project updates, reports of investigations, and/or any documentation that might be generated regarding previously reported or newly discovered sites.

This project has the potential to impact multiple cultural sites both documented and potentially undiscovered. While we largely agree with the mitigation measures proposed in the draft EIR, we would like to request further consultation with the County to discuss the possibility of avoidance of sites within areas proposed for development. Specifically, we are concerned about impacts to site SDI-9537/H. Recorded information for this site indicates that it has a high level of potential for containing Native American human remains. We do not feel that data recovery is the appropriate mitigation strategy for impacts to this site and that avoidance should be considered and added to the EIR. Furthermore, if data recovery is undertaken for this site, we prefer that any artifacts be recorded but then reinterred on-site, rather than collected for curation. Data can be collected via site forms, artifact inventories, and photographs, rendering curation unnecessary.

We appreciate involvement with your initiative and look forward to working with you on future efforts. If you have questions or need additional information, please do not hesitate to contact me by telephone at 760-891-3515 or by e-mail at [sgaughen@palatribe.com](mailto:sgaughen@palatribe.com).

Sincerely,

Shasta C. Gaughen, Ph.D.  
Tribal Historic Preservation Officer  
Pala Band of Mission Indians

1. The County acknowledges comment. This letter has been accepted, responded to, and included as part of the FEIR.
2. The County acknowledges this comment. Further consultation was conducted with the Tribal Historic Preservation Officer for the Pala Band of Mission Indians to discuss their concerns related to archaeological site, CA-SDI-9537/H and the project as a whole. Conditions concerning archaeological grading monitoring were updated to include repatriation as requested. Revisions to the final grading conditions are described in responses to comments E-3 and E-4. Final Grading Condition CULT#GR-2 on Sheet 4 of the Preliminary Grading Plan includes text that identifies the regulations that must be adhered to should human remains be identified, and CULT#GR-4 was slightly revised as described in response E-4 and addresses requirements for curation of artifacts. Mitigation measure M-CR-3 regarding archaeological monitoring during construction was revised as described in response E-3.
3. The County acknowledges comment. This comment is noted.





# DEPARTMENT OF CONSERVATION

## CALIFORNIA GEOLOGICAL SURVEY

801 K STREET • MS 12-30 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 445-1825 • FAX 916 / 445-5718 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

RECEIVED  
FEB 17 2015

February 10, 2015

PDS-DIRECTOR'S OFFICE

Mark Wardlaw, Director  
County of San Diego, Planning & Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

RE: Notice of Public Review – Statement of Reasons to Permit Proposed Use and Extinguish Access to Mineral Resources of Statewide Significance Findings Pursuant to Section 2762 of the California Public Resources Code. Shadow Run Ranch; PDS2000-3100-5223, PDS2000-3300-00-030, PDS2000-3700-00-0205, LOG No. PDS2000-3910-00-02-035; SCH No. 20020610066

Dear Director Wardlaw:

This letter is in response to the Notice of Public Review (Notice) by the County of San Diego's Planning and Development Services dated December 18, 2014. The proposed development project is described as the Shadow Run Ranch which is in the upper San Luis Rey River area. The following comments apply to the Background Information and Project Description sections of the Statement of Reasons.

### Background Information:

The Statement of Reasons confuses the process of Mineral Land Classification with the process of Mineral Resource Designation. These are two separate processes, the first performed by the State Geologist and the second performed by the State Mining and Geology Board (Board).

Mineral Land Classification is the process of identifying lands containing economically significant mineral deposits, based solely on geologic factors, and without regard to present land use or ownership. Mineral Land Classification is performed by the State Geologist.

Mineral Resource Designation is the formal recognition by the Board, after consultation with lead agencies and other interested parties, of areas containing mineral deposits of regional or statewide economic significance, and based on the Mineral Land Classification performed by the State Geologist.

The area in question originally was classified MRZ-2 by the State Geologist in Special Report 153 - *Mineral Land Classification: Aggregate Materials in the Western San Diego County Production-Consumption Region* (1982).

Subsequent to the Classification by the State Geologist, portions of the classified area were Designated to be regionally significant by the State Mining and Geology Board in *SMARA*

*The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.*

1. The County agrees with the Background Information provided and confirms that the project site is located in Sector E of the area classified as MRZ-2. No changes were made to the DEIR documentation as a result of this comment.

## Comments Letter H

*Designation Report 4 – Designation of Regionally Significant Construction Aggregate Resource Areas in the Western San Diego County Production-Consumption Region, April 1985. Those regionally significant areas near the proposed project are:*

Sector D – Alluvial deposits of the upper San Luis Rey River, extending discontinuously from the Interstate 15 bridge upstream to the community of Rincon in Pauma Valley; and,

Sector E – A hillside alluvial fan deposit located northeast of the San Luis Rey River, extending from the community of Pala to Pauma Valley.

The Statement of Reasons indicates that the area is designated to be of statewide economic significance when it is actually designated to be of regional economic significance.

The lead agency requirements for action prior to permitting a use which would threaten the potential to extract minerals in an area classified or designated differ somewhat depending on the classification or designation of the area. For areas classified MRZ-2 (Mineral Resource Zone 2 – Economic), those requirements are found in Public Resources Code (PRC), Division 2, Chapter 9, Article 1, Section 2762. For areas designated by the Board as having mineral resources to be of regional or statewide economic significance, those requirements are found in PRC, Division 2, Chapter 9, Article 1, Section 2763. Lead agency land use decisions involving areas designated as being of regional economic significance shall be in accordance with the lead agency's mineral resource management policies and shall also, in balancing mineral values against alternative land uses, consider the importance of these minerals to their market region as a whole and not just their importance to the lead agency's area of jurisdiction.

### Project Description:

The project description states that approximately 110 acres of the 248 acre site have been designated by the State Mining and Geology Board as an area that contains mineral resources of regional significance. The figure included with the Notice shows only the project boundary and not the areas classified by the State Geologist or designated by the Board. It appears that approximately 75 to 80 percent of the project area overlaps with the classified and designated areas. This would be more than the 110 acres indicated in the document, possibly as much as 180-200 acres. The 110 acres may represent the footprint of just the residential development on the project site, but the document indicates that future access to the MRZ-2 lands for mineral extraction would not be allowed on the biological open space, agricultural open space, or recreational open space portions of the project site in addition to the residential development area.

## Response to Comments Letter

2. The County agrees that the MRZ-2 area in which the project is located should have been designated to be of regional economic significance rather than statewide economic significance. As a result of this comment the title of the Statement of Reasons will be revised as follows: "STATEMENT OF REASONS TO PERMIT THE PROPOSED USE AND EXTINGUISH ACCESS TO MINERAL RESOURCES OF REGIONAL SIGNIFICANCE."
3. The County agrees with the descriptions provided regarding the lead agency requirements for action prior to permitting between Sections 2762 and 2763 of the Division 2, Chapter 9, Article 1 of the Public Resources Code. The County also agrees that the lead agency land use decision shall be in accordance with the lead agency's mineral resource policies and consider the importance of the minerals to the market region. Impacts to mineral resources were evaluated in Chapter 2.1 of the DEIR pursuant to the County's Significance Guidelines for Mineral Resources. The project site was not identified for mineral extraction with a General Plan land use designation of (25). Policy 3 of the Conservation Element required that designation for sites that were anticipated to be mined. Nor was the site identified for mineral extraction with a zoning classification of S82 (extractive use) pursuant to Policy 4 of the Conservation Element. The Pala/Pauma Subregional Plan did not contain any goals or policies related to mineral resources. The County decision-maker (San Diego County Planning Commission) will weigh the consistency of this project with the applicable mineral resources policies. Impacts to mineral resources have been described as significant and unmitigable in the project DEIR and a Statement of Overriding Considerations (pursuant to CEQA) will be drafted for consideration by the Planning Commission. No changes were made to the DEIR documentation as a result of this comment.
4. The County agrees that the Statement of Reasons should have stated that 183 acres (rather than 110) of the 248 acre site have been designated as MRZ-2. The Mineral Resource Investigation (Appendix T of the DEIR) that was performed for the project considered the potential extent of on-site mining after taking into consideration geological information from onsite investigations and land use constraints related to biological resources along Frey Creek. The report concluded that a 110-acre portion of the site could potentially be mined, and noise buffering from offsite residences would further reduce the size of a potential on-site mine to 75 acres. The total amount of aggregate that would be lost from the 110 acres was determined to be about 3.8 million tons. At 75 acres, the total amount of aggregate that would be lost would be about 2.6 million tons. The following sentence from the Statement of Reasons to Permit the Proposed Use and Extinguish Access to Mineral Resources of Regional Significance will be revised as follows:

- 4 cont. “Approximately ~~440~~183 acres of the 248-acre project site has been designated by the State Mining and Geology Board as an area that contains mineral resources of regional or statewide significance (i.e. Mineral Resources Zone 2).”

In addition, the following sentence on page 2-3of the DEIR was revised:

“The potentially mineable area is approximately ~~440~~183 acres and would exceed the minimum dollar value per County Guidelines.”

In addition, one of the reasons given for project approval is that there are single family residences within a quarter mile of the project site, which are incompatible with future extraction of mineral resources within the MRZ-2 area of the project site. If the presence of single family residences is seen as an incompatible land use, then the construction of additional residences on the project site could prevent future extraction of mineral resources in MRZ-2 and designated areas beyond the project boundary. If the future extraction of mineral resources within a quarter mile buffer around the project site were also precluded by the development, then an additional 200-300 acres of classified and designated mineral resources would be unavailable for exploitation.

5

5. The County appreciates the comment. A Mineral Resource Investigation was performed (Appendix T of the DEIR) in which offsite impacts from proposed onsite land use was considered in accordance with the County Guidelines for Determining Significance - Mineral Resources. It was determined that areas within 1,300 feet of the site would be impacted if the proposed subdivision were to be approved. Within the 1,300-foot radius, the analysis considered existing land uses that are already incompatible to mining and it was determined that 60 acres of MRZ-2 north of Frey Creek would be impacted by this project after taking into consideration existing incompatible land uses. The quantity of material within this area that could be mined was estimated to be approximately (about 2.1 million tons). Therefore, when taking both on-site (75 acres) and off-site (60 acres) losses into account, the total estimated loss as a result of this project is estimated to be approximately about 4.7 million tons. Please see Figures 7 and 8 of Appendix T and Figures 2.1-3 and 2.1-4 of the DEIR. However, as noted in the

previous response the total onsite area designated as MRZ-2 is 183 acres. No changes were made to the DEIR documentation as a result of this comment.

The total loss of classified and designated mineral resources could be as much as 400 to 500 acres and not the 110 acres indicated in the Statement of Reasons. This could impact as much as 50 million to 60 million tons of aggregate resources.

6

6. The County does not concur with the comment. Please see the responses to nos. 4 and 5 above.

**Summary of Issues:**

The Statement of Reasons does not recognize the distinction between Classified and Designated mineral resources. In addition, the Statement of Reasons does not appear to accurately describe the overlap between the project area and the classified/designated mineral resources nor does it fully consider the potential impact of the proposed project to the mineral resources.

The construction and paving industries consume large quantities of aggregate and future demand for this commodity is expected to increase throughout California. Aggregate materials are essential to modern society, both to maintain the existing infrastructure and to provide for new construction. Therefore, aggregate materials are a resource of great importance to the economy of any area. Because aggregate is a low unit-value, high bulk weight commodity, it must be obtained from nearby sources to minimize economic and environmental costs associated with its transportation. If nearby sources do not exist, then transportation costs can quickly exceed the value of the aggregate. Transporting aggregate from distant sources results in increased construction costs, fuel consumption, greenhouse gas emissions, air pollution, traffic congestion, and road maintenance. Land-use planners and decision makers in California are faced with balancing a wide variety of needs. Increasingly, as existing permitted aggregate supplies are depleted, local land-use decisions regarding aggregate resources can have regional impacts that go beyond local jurisdictional boundaries.

According to California Geological Survey Map Sheet 52 (2012), the projected 50-year demand for construction aggregate in the Western San Diego County region is more than 1,000 million tons for the period January 1, 2011 through December 2060. The estimated aggregate reserves (currently permitted resources) as of January 2011 is 167 million tons with an expected life of less than ten years.


We respectfully request that the County thoroughly weigh its considerations regarding the availability of its locally obtainable aggregate resources when planning developments that may adversely impact the local and regional environment, and remove those resources from local and regional public consumption. Thank you for allowing us to comment on this matter.

Sincerely,



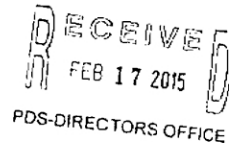
John G. Parrish, Ph. D., PG  
State Geologist

7. Please see the responses to nos. 1 and 2 above.
8. The County believes the potential impact to mineral resources was adequately described in Section 2.1.1 of the DEIR, beginning on page 2-1. Please also see the response to no. 5 above.
9. The County appreciates the comment and is in general agreement with the statements made in the comment. No changes were made to the DEIR documentation as a result of this comment.
10. The County agrees with the statements made in this comment. No changes were made to the DEIR documentation as a result of this comment.
11. The County appreciates the comment. The San Diego County Planning Commission will consider all the information in the project record regarding potential impacts to mineral resources before making a decision on the project. No changes were made to the DEIR documentation as a result of this comment.

STATE OF CALIFORNIA, NATURAL RESOURCES AGENCY		EDMUND G. BROWN JR., GOVERNOR
	<b>STATE MINING AND GEOLOGY BOARD</b> <b>DEPARTMENT OF CONSERVATION</b> 801 K Street • Suite 2015 • Sacramento, California 95814	
	PHONE: 916 / 322-1082 • FAX: 916 / 445-0738 • TDD: 916 / 324-2555 • INTERNET: conservation.ca.gov/smgb	
GIDEON KRACOV, CHAIR JELISAVETA GAVRIC, VICE CHAIR	BRIAN ANDERSON GEORGE KENLINE STEPHANIE LANDREGAN JOHN LANE	MICHAEL MENDEZ NEGAR NOUSHKAM SANDRA POTTER

February 11, 2015

Mr. Mark Wardlaw, Director  
 Planning & Development Services, County of San Diego  
 5510 Overland Avenue, Suite 310  
 San Diego, California 92123



**Re: Notice of Public Review – Statement of Reasons to Permit Proposed Use and Extinguish Access to Mineral Resources of Statewide Significance Findings Pursuant to Section 2762 of the California Public Resources Code, Shadow Run Ranch (SCH No. 20020610066)**

Dear Mr. Wardlaw:

On behalf of the State Mining and Geology Board (SMGB), I have reviewed the County of San Diego's Notice of Public Review and Statement of Reasons to permit the proposed use and extinguish access to mineral resources of statewide significance findings pursuant to Public Resources Code (PRC) Section 2762, dated December 18, 2014. The SMGB works closely with the California Geological Survey (CGS), to establish policy for the conservation and development of mineral resources throughout the state. Pursuant to Division 2, Chapter 9, Article 4, PRC Sections 2763(a) and 2763(b), if an area is designated by the SMGB as an area of regional or statewide significance, and the lead agency either has designated that area in its general plan as having important minerals to be protected pursuant to subdivision (a) of Section 2762, or otherwise has not yet acted pursuant to subdivision (a) of Section 2762, then prior to permitting a use which would threaten the potential to extract minerals in that area, the lead agency shall prepare a statement specifying its reasons for permitting the proposed use, in accordance with the requirements set forth in subdivision (d) of Section 2762. Lead agency land use decisions involving areas designated as being of regional or statewide significance shall be in accordance with the lead agency's mineral resource management policies and shall also, in balancing mineral values against alternative land uses, consider the importance of these minerals to their market region as a whole and not just their importance to the lead agency's area of jurisdiction.

PRC section 2762(d) further states that prior to permitting a use which would threaten the potential to extract minerals in the proposed project area, the lead agency shall prepare, in conjunction with preparing any environmental document required by Division 13 if required, a statement specifying its reasons for permitting the proposed use, and shall forward a copy to the State Geologist and the SMGB for review. In this context, the following discussion and comments are offered for your consideration.

### Proposed Project Description

The proposed project under review is referred to as the Shadow Run Ranch (PDS2000-3100-5223, PDS2000-3300-00-030, PDS2000-3700-00-0205, LOG No. PDS2000-3910-00-02-035; SCH. No. 20020610086). Proposed is a major subdivision of 248 acres that will be subdivided into 44 residential lots, one biological open space lot (91.31 acres), one agricultural open space lot (39.12 acres), and one recreational open space lot (7.96 acres). A major Use Permit filed concurrently for a Planned Residential Development (PRO) would cluster the residential lots on two acre minimum lots to maximize the overall open space for the project. A boundary adjustment totaling 260 net acres is also included. The project's main access will be directly off SR-76. The Draft Environmental Impact Report and Draft Habitat Loss Permit for this project were made available for public review and comment from August 21, 2014 to October 17, 2014. As part of this proposed project, approximately 110 acres of the 248-acre project has been previously designated by the SMGB as an area that contains mineral resources of regional significance (i.e., Mineral Resources Zone 2; MRZ-2). The proposed project would effectively eliminate access for mineral extraction to these designated areas.

### Classification and Designation of Mineral Lands

Classification is the process of identifying lands containing significant mineral deposits. The proposed project is situated in an area that was, in part, classified by CGS (formerly the Division of Mines and Geology). Designation is the formal recognition by the SMGB, after consulting with lead agencies and other interested parties, of areas containing mineral deposits of regional or statewide significance.

Classification of MRZ-2 lands was published in 1982 by CGS as Special Report 153 titled "Mineral Land Classification: Aggregate Materials in the Western San Diego County Production-Consumption Region. In 1985, the SMGB subsequently designated certain mineral resources lands as published in the Designation Report 4 titled "*Designation of Regionally Significant Construction Aggregate Resource Areas in the Western San Diego County Production-Consumption Region*". A large portion of the proposed project (approximately 110 acres) is situated within a portion of Sector E which has been designated by the SMGB. Section D which has also been designated by the SMGB borders the proposed project to the southwest. Sector D and Sector E are described as follows:

Sector D – Alluvial deposits of the upper San Luis Rey River, extending discontinuously from the Interstate 15 bridge upstream to the community of Rincon in Pauma Valley

Sector E – A hillside alluvial fan deposit located northeast of the San Luis Rey River, extending from the community of Pala to Pauma Valley.

1. The County agrees with the summary of the project description provided in the comment; however, the Draft EIR was circulated from August 21, 2014 through October 6, 2014 rather than October 17, 2014 as stated in the comment. No changes were made to the DEIR documentation as a result of this comment.

2. The County appreciates the descriptions of the differences between classification and designation of mineral lands. The County also confirms that the project site is located in Sector E (designated) of the area classified as MRZ-2. No changes were made to the DEIR documentation as a result of this comment.

**Comments and Recommendations**

In recognition that the proposed project will diminish an important mineral resource area, the SMGB offers the following comments and recommendations:

Comment No. 1 – Clarification Regarding Statewide versus Regional Significance: The mineral aggregate resources have been historically and continue to be designated as being of regional significance, not statewide significance.

3

Comment No. 2 – Clarification Regarding Classification versus Designation: The distinction between classified mineral resources lands that have been classified (i.e., MRZ-2) by CGS and those that have been designated by the SMGB, are not accurately noted in the Statement of Reasons.

4

Comment No. 3 – Aggregate Sustainability Projections: The justification for the regional loss of these mineral resources is important since the potential loss of available, permitted PCC aggregate resources from the designated area may have a strong deleterious effect on the northern San Diego County and southern Riverside County areas. In its most recent and comprehensive study of *Aggregate Sustainability in California, Map Sheet 52, CGS (Updated 2012)* reported that only about 16 percent of the projected construction aggregate demand over the next 50 years for the areas will be met by currently permitted resources 167 million tons permitted; whereas, the 50-year demand is on the order of 1,014 million tons). This estimate indicates that fewer than 10 years of permitted aggregate reserves within the western San Diego County's Production-Consumption region remains.

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3. The County agrees with the comment. Please see response to no. 2.

4. The County agrees that the Statement of Reasons does not accurately note the distinction between classification and designation of mineral lands. Text under the heading “Background Information” in the Statement of Reasons has been revised as follows: “As mandated by the Surface Mining and Reclamation Act of 1975 (SMARA), the California State Geologist classifies California mineral resources with the MRZ system.” However, this does not change the determination of a significant and unmitigable impact to mineral resources that was identified in the DEIR. No changes were made to the DEIR documentation as a result of this comment.

5. The County agrees with the information presented concerning California Geological Survey Map Sheet 52, updated in 2012. However, the County would like to clarify the mineral resources on the project site are not currently permitted and therefore would not contribute to a loss of permitted PCC aggregate. If the amount of aggregate identified in Chapter 2.1 and Appendix T of the DEIR, and in response to comment H-5 (4.7 million tons) were ultimately mined, it would amount to three percent of currently permitted resources, and less than 0.5 percent of the amount needed for the 50-year supply in the

**Comment No. 4 – Lack of Clarity in Description of Acreage:** The Notice points out that the potential reasons why the County may permit the loss of potential resources as a result of the subject proposed project being implemented, is 1) the presence of single-family residences within a quarter mile of the project site which are incompatible with the future extraction of mineral resources (i.e., significant increase in noise, air quality, traffic, among other adverse impacts), 2) the proposed project would conserve 91.31 acres of biologically valuable habitat, and 3) the proposed project would conserve 39.2 acres of existing onsite agriculture in a dedicated open space easement. It is unclear as to whether the "Site" boundary provided on the accompanying map incorporates all 248 acres, or simply the area planned for residential development; a map showing the areas for residential development, biological, agricultural and recreational areas relative to areas that have been designated by the SMGB would be helpful. Should this proposed project be implemented, it could be inferred that a minimum one-quarter mile buffer would also be established (i.e., one-quarter mile at minimum) and further preclude the future extraction of mineral resources in the region.

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**Comment No. 5 – Consistency with the County's Mineral Resources Management Policies (MRMP):** The Purpose and scope of the County's Conservation and Open Space Policies is to "manage the remaining mineral deposits while striving to ensure that adequate resources are available to support the economic prosperity of future generations of San Diego County residents." Three specific policies are:

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*"COS-10.1 Siting of Development. Encourage the conservation (i.e., protection from incompatible land uses) of areas designated as having substantial potential for mineral extraction. Discourage development that would substantially preclude the future development of mining facilities in these areas. Design development or uses to minimize the potential conflict with existing or potential future mining facilities. For purposes of this policy, incompatible land uses are defined by SMARA Section 3675.*

*COS-10.2 Protection of State-Classified or Designated Lands. Discourage development or the establishment of other incompatible land uses on or adjacent to areas classified or designated by the State of California as having important mineral resources (MRZ-2), as well as potential mineral lands identified by other government agencies. The potential for the extraction of substantial mineral resources from lands classified by the State of California as areas that contain mineral resources (MRZ-3) shall be considered by the County in making land use decisions.*

*COS-10.9 Overlay Zones. Provide zoning overlays for MRZ-2 designated lands and a 1,500-foot-wide buffer area adjacent to such lands. Within these overlay zones, the potential effects of proposed land use actions on potential future extraction of mineral resources shall be considered by the decision-makers."*

It is unclear how the County has discouraged the development or balanced the needs of the proposed project with the future needs for aggregate for the San Diego County production-consumption region and maintained adhered to its MRMP.

6. The site boundary map provided with the notice is the boundary of the entire 248-acre project site. If the proposed project is approved and implemented it may preclude the extraction of mineral resources on an additional 60 acres west of the site as described in Chapter 2.1 and Appendix T of the DEIR. Please also see the response to comment H-5. No changes were made to the DEIR documentation as a result of this comment.
7. The County agrees that the Mineral Resources Policies from the current General Plan are correctly stated. However, the project was granted "pipeline" status in 2003 by the Board of Supervisors and is being processed under the General Plan that existed prior to August 2011. The Mineral Resources Policies from the previous General Plan (located in the Conservation Element at <http://www.sandiegocounty.gov/content/dam/sdc/pds/advance/oldgp/conservationelement.pdf>) that apply to the project include:

Policy 1 - The County will, to the extent practicable and appropriate, conserve construction aggregate resources in the entire County to ensure a minimum of 50 years supply; and,

Regarding Policy 1 - As pointed out in comment I-5, the permitted aggregate reserves in the Western San Diego County Production-Consumption region currently amounts to only about 10 years of supply. A significant and unmitigable project impact for the loss of access to 4.7 million tons of mineral resources has been identified in Chapter 2.1 of the DEIR. As pointed out in response to comment H5, this loss would amount to three percent of currently permitted resources, and less than 0.5 percent of the amount needed for the 50-year supply in the Western San Diego County Production-Consumption region.

Policy 3 - The extractive overlay designation, as defined in Policy 2.6 of the Land Use Element, will be applied to appropriate areas throughout the County.

Regarding Policy 1 - As pointed out in comment I-5, the permitted aggregate reserves in the Western San Diego County Production-Consumption region currently amounts to only about 10 years of supply. A significant and unmitigable project impact for the loss of access to 4.7 million tons of mineral resources has been identified in Chapter 2.1 of the DEIR. As pointed out in response to comment H5, this loss would amount to three percent of currently permitted resources, and less than 0.5 percent of the amount needed for the 50-year supply in the Western San Diego County Production-Consumption region.



**Comment No. 6 - Loss of Aggregate Justification:** The Notice and Statement of Reasons provides inadequate justification, since it fails to consider the importance of these minerals to their market region, as a whole, and not just their importance to the lead agency's area of jurisdiction. For example, the potential loss of aggregate from this proposed project could reach close to one-third of the estimated reserves currently permitted. Thus, how does the County plan to recover the loss of aggregate resources should the proposed project be implemented when the County already has limited supply of permitted reserves (projected to be less than 10 years)? Prior to proceeding with this proposed project, it is recommended that the Notice address the justification for the loss of this mineral resource as required by State law under PRC Sections 2762 and 2763, and how the County plans to make up the loss of available aggregate should the project move forward, including, but not limited to, identifying specific areas that are both accessible and will make up the resource loss if the County chooses to proceed with the proposed project

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7 cont. Regarding Policy 3 - The project site was not classified with an extractive overlay designation or zoning classification pursuant to the pre-August 2011 General Plan and zoning classification, and is not designated for extractive use pursuant to the current General Plan and zoning classification. The nearest land with this designation lies over five miles to the west of the site along the San Luis Rey River on the south side of SR-76.

County staff is required to process the proposed project and make a recommendation to the San Diego County Planning Commission prior to any future public hearing. The Planning Commission will consider whether the project is consistent with these policies and also determine if CEQA overriding findings can be made regarding the significant and unmitigable impact to mineral resources. No changes were made to the DEIR documentation as a result of this comment.

8. The Mineral Resource Investigation that was performed for the project indicates that access to 75 acres of on-site mineral resources and 60 acres of off-site resources would be lost as a result of this project. The total estimated loss of resource was estimated at about 4.7 million tons, rather than 50 or 60 million tons as indicated by the comment. The evaluation was conducted in accordance with the County Guidelines for Determining Significance - Mineral Resources and relied upon geologic information gathered during onsite surveys. A significant and unmitigable impact was identified in Section 2.1.6 of the DEIR, page 2-7. Please also see the responses to comments H-4 and H-5.

In terms of future resources in northern San Diego County, the County has two mines for which increases in their permitted reserves was recently approved as follows:

1. Rosemary's Mountain Quarry (P87-021W1, RP87-001W1, approved August 2012), increased reserves from 22 million to 24 million tons.
2. Inland Valley Materials (RP78-003W1 approved June 2014), increased reserves from 538,500 to 963,600 cubic yards.

Additionally, the National Quarries Quarry (now known as Twin Oaks Quarry) in northern San Diego County, has total reserves of 50,000,000 tons of aggregate according to the most recent Reclamation Plan amendment (RP79-005W1,

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approved October 2008). The estimated depletion date within the Reclamation Plan is the year 2106.

In other portions of the Western San Diego County Production - Consumption Region, the County is currently processing permit applications for four mining projects that will expand permitted aggregate resource reserves if approved. These project applications are as follows:

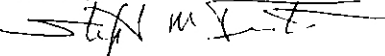
1. Otay Hills Quarry (P04-004, RP-04-001), 19 to 89 million tons of aggregate from rock/decomposed granite;
2. East County Sand Mine (P09-016, RP-09-001), 1.1 million cubic yards of sand;
3. El Monte Sand Mine (MUP-98-014W2, RP-15-001), 10 million tons of sand; and,
4. Turvey Pit (P01-009W1, RP-01-001), 305,000 cubic yards of additional D.G.

No changes were made to the DEIR documentation or Statement of Reasons as a result of this comment.

9. The County will provide these responses to comments and notice of future public hearings regarding this project to the State Mining and Geology Board at least 10 days in advance of any hearing.

The SMGB appreciates the opportunity to review and provide comments on the Notice, and would appreciate being included on future notices or notice of public hearings concerning this matter. Should you have any questions regarding the contents of this correspondence, or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Stephen M. Testa  
Executive Officer

cc: Dr. John G. Parrish, State Geologist and Director of the California Geological Survey  
John Clinkenbeard, Senior Engineering Geologist, California Geological Survey