



DEPARTMENT OF CONSERVATION
CALIFORNIA GEOLOGICAL SURVEY

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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.

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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.

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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.

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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.