

## Late Public Comment Letters

The following letters on the Draft EIR were received after the close of the public review period (which was July 31, 2025 to September 15, 2025).

**Table 1. Late Letters Received**

Respondent	Contact Information
<b>Manzanita Band of the Kumeyaay Nation</b> Letter dated: January 23, 2026	PO Box 1302 Boulevard, CA 91905 <i>Contact: Angela Elliott-Santos, Tribal Chairwoman, Manzanita Band of the Kumeyaay Nation</i>



## Manzanita Band of the Kumeyaay Nation

January 23, 2026

Nick Koutoufidis, MBA

Land Use & Environmental Planner

County of San Diego | Planning & Development Services

Email: [Nicholas.Koutoufidis1@sdcounty.ca.gov](mailto:Nicholas.Koutoufidis1@sdcounty.ca.gov)

Dear Nick,

These comments are submitted on behalf of Manzanita Band of the Kumeyaay Nation residents and stakeholders regarding the Starlight Solar Project (PDS2022-MUP-22-010). While the comment period had closed, County staff have indicated that written community and Tribal input will continue to be accepted and considered prior to final EIR certification and any project approvals.

Accordingly, this letter identifies substantial environmental impacts, CEQA deficiencies, and community concerns that remain unresolved and that must be addressed before the County considers approval for this project.

### **1. CEQA Legal Standard**

These comments are submitted pursuant to the California Environmental Quality Act (CEQA), including Public Resources Code (PRC) §821000 et seq. and the CEQA Guidelines (14 Cal. Code Regs. §§15000 et seq.).

CEQA requires that and environmental implant report (EIR):

1. Identify and analyze all potentially significant environmental impacts.
2. Avoid or substantially less on those impacts where feasible; and
3. Provide decision-makers and the public with sufficient information to make an informed decision prior to project approval (PRC §§21000, 21061; CEQA guidelines §§15002,15121).

As discussed below, the Draft EIR for the Starlight Solar project fails to meet these standards.

## ***2. Incompatibility with Rural Character and Land Use Policies***

(CEQA Guidelines §§15125, 15126.2(a), 15126.4

The proposed approximately 588-acre utility scale, solar and battery energy storage facility is fundamentally incompatible with the established rural character of Manzanita and the Mountain Empire region. CEQA requires analysis of project consistency with the applicable land use plans, and the community character (CEQA guidelines §§15125(d).,

The industrial scale of the project, including large solar arrays, fencing, lighting, substations, access roads, and battery storage facilities would permanently convert open rural land into an industrial energy facility. The draft EI understates these impacts and improperly characterizes them as less than significant without substantial evidence or adequate mitigation.

## ***3. Fire Hazard and Public Safety Impacts***

(CEQA guidelines §§15064.7, 15126(2); PRC §21002)

The project site is located within a very high fired, hazard severity zones the draft EIR in adequately and analyzes wildfire risks associated with large scale, battery energy storage systems, vegetation clearing, ignition sources, limited evacuation routes and constrained emergency responses capacity typical of rule areas such as Manzanita and the surrounding areas of Manzanita.

CEQA requires mitigation, measures to be feasible, enforceable and supported by substantial evidence (CEQA guidelines §15126.4(a)). Reliance on future plans, compliance with general regulations or deferred mitigation does not reduce these impacts to a less than significant level.

## ***4. Water resources and Hydrology***

(CEQA §§15064, 15126.2(a); Appendix G)

The Draft EIR acknowledges potential impacts to groundwater supply and recharge but fails to adopt enforceable mitigation measures. Manzanita residents rely on limited and vulnerable water resources. CEQA prohibits deferring mitigation where impacts are known or reasonably foreseeable. (CEQA guidelines §15126.4(a)(1)(B)).

### **5. Visual, Glare, Noise, and Traffic Impacts**

(CEQA Guidelines §§15126.2 Appendix G)

The Draft EIR does not adequately analyze or mitigate,

- Long range visual impacts to scenic rural landscapes,
- Glare impacts affecting residents and motorists,
- Construction noise and vibration over an extended construction period,
- Heavy construction traffic on rural roads not designed for industrial use.

These impacts are minimized without significant baseline data, modeling, or enforceable mitigation, contrary to CEQA's informational requirements.

### **6. Cultural Resources and Tribal Cultural Resources**

(PRC §§21074, 21080.3.1-21080.3.2; CEQA guidelines §15064.5)

#### **A. Cultural Sensitivity**

*The project region is a culturally sensitive landscape with long standing Kumeyaay presence. CEQA expressly recognizes that the absence of recorded sites does not indicate absence of cultural resources (CEQA guidelines §15064.5(f)).*

*The project would involve extensive grading, trenching, pile installation, road construction, and excavation across hundreds of acres, creating a high likelihood of encountering undiscovered archaeological and cultural resources.*

#### **B. Inadequate analysis of Tribal Cultural Resources**

Under PRC §21074, Tribal Cultural Resources include cultural landscapes, sacred places, and areas of traditional use, not merely discrete archaeological sites. The Draft EIR improperly narrows its analysis and fails to evaluate impacts to Tribal Cultural landscapes, in violation of CEQA guidelines §15126.2(a).

### **7. Inadvertent Discovery and Human Remains**

(CEQA guidelines §§15064.5, 15126.4; PRC §5097.98; Health and Safety Code §7050.5)

The Draft EIR relies primarily on standard inadvertent discovery procedures as mitigation. This reactive approach does not satisfy CEWA where the likelihood of encountering cultural resources and Human Remains is high.

CEQA requires mitigation to avoid or substantially lessen impacts before they occur, not merely to halt work after damages are done. The draft EIR also fails to require full time Native American and archaeological monitoring during all ground disturbing activities or to clearly establish Tribal authority over treatment and reburial decisions.

#### **8. Failure to Analyze Feasible Alternatives**

(PRC §21002; CEQA guidelines §15126.6)

The Draft EIR fails to meaningfully analyze feasible alternatives that could reduce impacts, including smaller scale or distributed solar, siting, battery storage in industrials areas, or use of previously disturbed lands. This failure undermines CEQA's core mandate to avoid environmental damage where feasible.

#### **9. Requested Actions**

Manzanita respectfully requests that the County,

1. Address the issues raised in this letter in the final EIR and any findings or conditions of approval,
2. Strengthen analysis and mitigation related to rural land use compatibility, wildfire risk, water resources, and cultural and Tribal resources,
3. Require full-time Tribal and archaeological monitor for all ground disturbing activities; and
4. Reevaluate feasible alternatives and project design modifications prior to any project approval.

Thank you for your consideration of these comments. Manzanita requests that this letter be included in the administrative record and considered by decision makers prior to any certification of the Final EIR or project approval.

Sincerely,



Angela Elliott-Santos  
Tribal Chairwoman  
Manzanita Band of the Kumeyaay Nation

## Response to Late Public Comment Letter from Members of the Manzanita Band of the Kumeyaay Nation

Response	
1.	<p>The commenter states that the County must address deficiencies in the environmental analysis included in the Draft Environmental Impact Report (EIR), as the Draft EIR fails to provide sufficient information to inform decision makers and the public.</p> <p>This comment letter was received on January 23, 2026, after the end of the noticed public comment period. The Draft EIR for the project was released for public review on July 31, 2025. The public comment review period closed on September 15, 2025. According to the California Environmental Quality Act (CEQA) Guidelines, Section 15088(a), lead agencies are not required to respond to comment letters received outside of the noticed public comment period.</p> <p>Additionally, this comment letter was received from a California Native American tribe that did not request consultation in accordance with AB 52. Pursuant to AB 52, the County initiated tribal outreach and government-to-government consultation with interested California Native American tribes. Nine tribes (Barona Group of Capitan Grande Band of Mission Indians, Campo, Iipay Nation of Santa Ysabel, Jamul, Kwaaymii Laguna Band of Mission Indians, Manzanita Band of the Kumeyaay Nation, San Pasqual, Sycuan Band of the Kumeyaay Nation, and Viejas) were sent notices of the project. Four tribes (Campo, Jamul, San Pasqual, and Viejas) requested formal government-to-government consultation. The County conducted and concluded consultation with Campo, Jamul, San Pasqual, and Viejas, and no Tribal Cultural Resources (TCRs) were identified within the project site as a result of the consultation.</p> <p>The County received a comment letter from the Manzanita Band of Kumeyaay Nation on September 15, 2025, requesting government-to-government consultation through the Assembly Bill (AB) 52 process. However, the AB 52 process for the project had closed, and despite multiple attempts to contact representatives of the Manzanita Band, no response was received. The Manzanita Band was therefore not included in AB 52 consultation on the project. A formal response to this letter is included in the Final EIR (see Response T-2-1).</p> <p>Specifically, Angela Elliott-Santos and Lisa Haws of the Manzanita Band of the Kumeyaay Nation were noticed on February 15, 2023, by e-mail and certified mail of the project. The request for consultation was required within 30 days of this notification in accordance with PRC § 21080.3.1(d). No response was received within the specified AB 52 timeline. In response to their request for consultation included in the September 15, 2025, letter, which came outside of the AB 52 consultation period, County staff met with the Manzanita Band of the Kumeyaay Nation on September 29, 2025, to discuss the details of the project and explain that the AB 52 process had already been completed. No comments regarding the environmental analysis included in the Draft EIR were made at the September 29, 2025, meeting or included in the letter dated September 15, 2025.</p> <p>CEQA does not require lead agencies to engage in AB 52 consultation outside of the formal consultation window. According to the Public Resources Code:</p> <p style="padding-left: 40px;">(b) Prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: <b>(1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.</b> When responding to the lead agency, the California Native American tribe shall designate a lead contact person. If the California Native American tribe does not designate a lead contact person, or designates multiple lead contact people, the lead agency shall defer to the individual listed on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004. For purposes of this section and Section 21080.3.2, "consultation" shall have the same meaning as provided in Section 65352.4 of the Government Code. (PRC § 21080.3.1(b)).</p> <p>CEQA allows a lead agency to certify an EIR for a project with a significant impact on an identified TCR if the lead agency has complied with its notification obligations under PRC § 21080.3.1(d) and the California Native American tribe has failed to request consultation within the required time period. (PRC § 21082.3(d)). Here, the County conducted consultation with four California Native American tribes that requested consultation in accordance with AB 52, and no TCRs were identified during the consultation process.</p> <p>The Draft EIR discusses TCRs in detail in Section 2.6 and adopts mitigation measures M-CR-2 (Treatment Agreement and Preservation Plan) and M-CR-3 (Archaeological and Native American Monitoring) during project construction to ensure proper identification, documentation, evaluation, treatment, and reporting of inadvertent discoveries, including TCRs. The adoption of these mitigation measures would mitigate impacts to potential TCRs to a level that is less than significant.</p> <p>Because this comment letter was received outside of the noticed public comment period from a California Native American tribe that did not request consultation, the comments included in the letter dated January 23, 2026, do not require formal responses or revisions to the Draft EIR. Regardless, the County has prepared the responses herein to support the administrative record of the project.</p>
2.	<p>The commenter states that the project would be incompatible with the rural land use designation of the project site.</p>

<b>Response</b>	
	<p>Regarding land use policy consistency, the Draft EIR addresses land use policy in Section 2.1. The County's General Plan identifies that the project site is within the rural regional category and designates the project site as Rural Lands 80 (RL-80). The County's Zoning Ordinance identifies the site as General Rural (S92). The project would be considered a Major Impact Service and Utility under Section 1355 of the Zoning Ordinance, which is an allowable use with the approval of a Major Use Permit (MUP). According to Section 1350 of the Zoning Ordinance, Major Impact Services and Utilities may be conditionally permitted in any zone if it is determined that public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community-wide interest. The MUP process considers the location, size, and operating characteristics of the proposed use and must find that the project would be compatible with adjacent uses with consideration given to the following: harmony in scale; availability of public facilities, services and utilities; effect on desirable neighborhood character; generation of traffic; and suitability of the site for type and intensity of use (Section 7358). The application for a MUP would be processed according to Section 7350 of the Zoning Ordinance, including making required findings pursuant to Section 7358. In accordance with Section 6954(b)(3), the project would be subject to requirements related to setbacks, height, visual, and security. The MUP would also be referred to the Boulevard Community Design Review Board, pursuant to Section 7355.</p> <p>Regarding compatibility with rural character, the Draft EIR addresses aesthetics and impacts to visual character in Section 2.1 and determines that impacts to visual character are significant and unavoidable. The Draft EIR states that no feasible mitigation measures have been identified to reduce the visual impacts of the project to a less than significant level. The County disagrees that the Draft EIR understates visual impacts. The Draft EIR identifies and adopts project design features PDF-AE-1 through PDF-AE-4 to alleviate adverse aesthetic effects to the extent feasible. Therefore, the project would be consistent with the County's Zoning Ordinance and with CEQA requirements related to potential impacts to rural character, and no revisions to the Draft EIR are required.</p>
3.	<p>The commenter states that the Draft EIR inadequately analyzed potential environmental impacts related to fire risk and public safety.</p> <p>The Draft EIR addresses potential impacts related to fire risk and public safety in Section 2.7. The Draft EIR concludes that, with the incorporation of mitigation measures M-WF-1 through M-WF-6, the project would not exacerbate the risk of fire ignition at the project site and would ensure adequate fire mitigation, access, and safety; therefore, environmental impacts were determined to be less than significant. The commenter does not provide any evidence to demonstrate that the proposed mitigation measures or the analysis included in the Draft EIR are inadequate. Mitigation measures M-WF-1 through M-WF-6 are detailed and enforceable in accordance with CEQA Guidelines § 15126.4, and therefore the County disagrees with the commenter's assertion that these mitigation measures may constitute deferred mitigation. No revisions to the Draft EIR are required.</p>
4.	<p>The commenter states that the Draft EIR fails to incorporate enforceable mitigation measures to address potential impacts to groundwater supply.</p> <p>The Draft EIR addresses potential impacts to hydrology, water quality, and groundwater resources in Section 2.4 and adopts mitigation measure M-HY-1 to reduce impacts associated with flood hazards and risk of pollutant release to a level that is less than significant. The project does not propose the use of any on-site wells and would therefore not result in the draw down of the local groundwater aquifer. Further, the project would not result in a significant increase in impervious surfaces or significantly alter the existing drainage pattern of the project site. As such, the project would not result in impacts related to groundwater recharge. The project would import non-potable water for construction and fire suppression purposed from the Jacumba Community Services District (JCSD), and it would implement a Groundwater Mitigation Monitoring Plan (GMMP) for the JCSD groundwater wells that would ensure that the project would not result in significant impacts to the local groundwater aquifer. The GMMP is included in the Draft EIR as Appendix G-2. The commenter does not provide any evidence to support the claim that implementation of the GMMP would not be enforceable. Mitigation measure M-HY-1 and the GMMP are detailed and enforceable, and therefore the County disagrees with the commenter's assertion that they may constitute deferred mitigation. No revisions to the Draft EIR are required.</p>
5.	<p>The commenter states that the Draft EIR fails to adequately analyze the project's long range visual impacts, glare impacts, construction noise and vibration impacts, and construction traffic impacts.</p> <p>The commenter does not include substantial evidence to indicate why the Draft EIR's environmental analysis is inadequate. The Draft EIR analyzed the project's impacts to visual resources and increased light and glare in Chapter 2.1, Aesthetics. The Draft EIR found that the project would result in significant and unavoidable impacts related to visual character, community image, and panoramic vistas. However, the Draft EIR also concluded that the project would not result in visual impacts related to light or glare. Additionally, the Draft EIR included an analysis of noise and vibration generated during project construction. The Draft EIR found that, with incorporation of mitigation measures M-N-1 and M-N-2, and in addition to project design features PDF-N-1 and PDF-N-1, noise and vibration impact during construction would be less than significant. Lastly, the Draft EIR would implement project design features PDF-TR-1 through PDF-TR-3 which would include the preparation of a Traffic Control Plan, Construction Notification Plan, and require the Notification of property owners which would address potential impacts to existing roadways during construction. All construction traffic would be required to adhere to specific roadway weight limits outlined by Caltrans. Therefore, no revisions to the Draft EIR are required.</p>
6.	<p>The commenter states that the Draft EIR fails to include an analysis of potential cultural landscapes in the Cultural Resources and Tribal Cultural Resources EIR sections.</p>

<b>Response</b>	
	<p>CEQA defines TCRs as: (1) sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that are included in the state or local register of historical resources or that are determined to be eligible for inclusion in the state register; and (2) resources determined by the lead agency, in its discretion, to be significant on the basis of criteria for listing in the state register of historical resources. (PRC § 21074(a)). Regarding discretionary TCRs, a lead agency's determination that a resource qualifies as a TCR must be supported by substantial evidence. (PRC § 21074(a)(2)).</p> <p>Here, the commenter has not provided substantial evidence to indicate that a cultural landscape that should qualify as a discretionary TCR may be present on the project site. As discussed, above, the Manzanita Band of the Kumeyaay Nation were given notice on February 15, 2023, by e-mail and certified mail, of the project. The request for consultation was required by March 24, 2023. No response was received within the specified AB 52 timeline. Nonetheless, in response to their request for consultation that came outside of the AB 52 consultation period, County staff met with the Manzanita Band of the Kumeyaay Nation on September 29, 2025, to discuss the details of the project. No indication that the project site should be considered a cultural landscape was presented at the September 29, 2025, meeting or included in the letter dated September 15, 2025. Additionally, the Campo Tribe, who engaged in AB 52 consultation on the project, did not indicate the project site should be considered a cultural landscape or Tribal Cultural Resource. As no tribe or tribal representative provided evidence that the project site should be considered a cultural landscape, further analysis of cultural landscapes was not included in the Draft EIR.</p> <p>Regarding the commenter's assertion that project grading and construction work may create a high likelihood of encountering undiscovered archaeological and cultural resources, Draft EIR Section 2.6 addresses TCRs in detail and incorporates mitigation measure M-CR-2 and M-CR-3 to ensure proper identification, documentation, evaluation, treatment, and reporting of inadvertent discoveries, including TCRs. Section 2.6.7 states that although no TCRs have been identified within the project site during consultation, "previously undocumented TCRs could be identified and impacted during project implementation (Impact TCR-1). Impacts to TCRs would be mitigated to less than significant through implementation of M-CR-2 (Treatment Agreement and Preservation Plan) and M-CR-3 (Archaeological and Native American Monitoring)." Because the Draft EIR adopts mitigation measures to reduce potential impacts to TCRs to a level that is less than significant, no revisions to the draft EIR are required.</p>
7.	<p>The commenter states that the mitigation measures proposed by the Draft EIR to reduce impacts related to inadvertent discovery of human remains are inadequate, and that the Draft EIR fails to require full time Native American monitoring.</p> <p>See Response 6 above. The commenter does not provide any evidence demonstrating that mitigation measures M-CR-2 and M-CR-3 would be inadequate. M-CR-2 and M-CR-3 clearly require the creation of a Cultural Resources Treatment Agreement and Preservation Plan, monitoring by Kumeyaay Native American monitors during project construction (all grading, clearing, grubbing, trenching, and earth-disturbing activities) and a multi-step discovery plan compliant with PRC 5097.98, CEQA 15064.5, and Health and Safety Code 7050.5. Therefore, no revisions to the Draft EIR are required.</p>
8.	<p>The commenter states that the Draft EIR fails to explore all feasible alternatives to the proposed project, including alternate sites.</p> <p>As discussed in Chapter 4, Project Alternatives, of the Draft EIR, an alternative location for the project would not be feasible. State CEQA Guidelines Section 15126.6(f)(1) lists several factors that may be considered when addressing feasibility of alternatives (any alternative, not just alternative locations) and states that "No one of these factors establishes a fixed limit on the scope of reasonable alternatives." Specifically, an alternative site need not be considered when implementation is "remote and speculative," such as when the alternative site is beyond the control of a project applicant (<i>Goleta Union School District v. Regents of University of California 1995</i>). No other readily available undeveloped parcels of comparable size exist in the eastern part of the County that could accommodate the project. Other sites have either already been evaluated and deemed unsuitable for similar solar development, lack sufficient access, are too distant from existing infrastructure, or are not available for acquisition by the applicant within a reasonable timeframe. As such, a feasible alternative site was not identified. Therefore, no revisions to the Draft EIR are required.</p>
9.	<p>The commenter requests that the County addresses the issues raised by the letter in the Final EIR and conditions of approval for the proposed project.</p> <p>The commenter does not provide any evidence to substantiate their claims that the analysis or mitigation measures contained in the Draft EIR are inadequate. Therefore, no revisions to the Draft EIR are required.</p>