

**Rough Acres Ranch**  
**Notice of Preparation / Initial Study**  
**Comment Letter #11**  
**Boulevard Planning Group**

**Erin Crouthers**

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**From:** Bennett, Jim [Jim.Bennett@sdcounty.ca.gov]  
**Sent:** Tuesday, May 20, 2014 2:29 PM  
**To:** Erin Crouthers  
**Cc:** Campbell, Dennis  
**Subject:** Rough Acres Ranch - Comment Letter#11  
**Attachments:** RAR MUP EIR BPG comments 5-19-14-signed.pdf

Jim Bennett, P.G. #7707, CHG#854  
Groundwater Geologist

**County of San Diego**

Planning & Development Services  
5510 Overland Avenue, Suite 110, San Diego, CA 92123  
Phone: 858-694-3820 Fax: 858-694-3373

**From:** Donna Tisdale [<mailto:tisdale.donna@gmail.com>]  
**Sent:** Monday, May 19, 2014 3:48 PM  
**To:** Bennett, Jim  
**Cc:** Jacob, Dianne; Wilson, Adam; Wardlaw, Mark; Fogg, Mindy; Gretler, Darren M  
**Subject:** Rough Acres Ranch EIR comments

Hello Jim,

Please find the attached Boulevard Planning Group scoping comments on the Rough Acres Ranch Conference/Retreat and Wellness Center and Campground Facility: PDS2012-3300-12-021 (MUP); PDS2012-3910-1221005 (ER).

My apologies they are not better organized. As usual, I ran out of time.

Regards,

Donna Tisdale, Chair  
619-766-4170

# BOULEVARD PLANNING GROUP

PO Box 1272, BOULEVARD, CA 91905

Jim Bennett, Project Manager  
San Diego County Planning & Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

May 19, 2014

Sent via: [jim.bennett@sdcounty.ca.gov](mailto:jim.bennett@sdcounty.ca.gov); cc: [Dianne.jacob@sdcounty.ca.gov](mailto:Dianne.jacob@sdcounty.ca.gov),  
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## **RE: Rough Acres Ranch Conference/Retreat and Wellness Center and Campground Facility: PDS2012-3300-12-021 (MUP); PDS2012-3910-1221005 (ER)**

Dear Mr. Bennett,

These scoping comments reflect Boulevard Planning Group and public issues/concerns expressed on this cumulative impact project:

1. As of May 1<sup>st</sup>, the ARCC office reported that project parcel, APN 611-070-03-00, was delinquent for \$8,358.62 in taxes.
2. Can the County lawfully process an EIR for a property that is delinquent in taxes?
3. Clarification needed on ARCC's use of PDS code "75" for COMMERCIAL for project APN 611-070-03-00. We were told the commercial use is a "hotel".
4. Clarification is needed on referenced "current commercial" use of Rough Acres Ranch in the NOP, when there is no commercial zoning outside the village center area; the land is zoned S92 and A72.
5. APN 611-060-08-00 is listed with the ARCC office as 563.30 acres.
6. APN 611-070-03-00 is listed with the ARCC office as 160 acres.
7. Discrepancy: 563.30 +160 = 723.30, not 713 acres as stated in the NOP.
8. The applicant's representatives claimed that their surveys confirm 713 acres is correct.
9. This discrepancy must be resolved.
10. The MUP Project Area map<sup>1</sup> posted on the project website is outdated. It misidentifies the location of **Boulevard** and includes a long-closed and x'd out private landing strip.
11. Project maps should include the following:
  - a. Most current and up-to-date satellite view of project and surrounding lands
  - b. Existing public and private uses and /or conserved / recreation lands within the potential project zone of influence, minimum of 2-3 miles.

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<sup>1</sup> <http://www.sdcounty.ca.gov/pds/regulatory/docs/3300-12-021/3300-12-021-Vicinity-Map.pdf>

- c. Cumulative impact projects and related components proposed for various parcels identified as Rough Acres Ranch and adjacent lands including but not limited to: Tule Wind MUP; Rugged Solar MUP; Rough Acres Ranch Road Major Grading Permit; Rock crushing and batch plant.
12. Rural Lands Designation of RL 80 (only one dwelling unit per 80 acres) applies to both project parcels: 723 divided by 80 = 9.03 dwellings.
13. 9.03 dwellings is a much more practical, environmentally sustainable, neighbor and nature friendly and less exploitive use than the proposed project with maximum occupancy of 2,600, 44 apartments, bunk houses, 10-20 full time employees.
14. Major concerns with groundwater impacts and need for County monitoring, with funding from project applicants.
15. Clarification is needed on Rough Acres Ranch Water Company, Inc & Rough Acres Domestic Water Supply Permit # 375068 for non-transient use, and transfer of all Rough Acres Ranch water infrastructure to Rough Acres Water Company, Inc.
16. The Rough Acres Domestic Supply Permit is for non-transient use, but the vast majority of the project is proposed for transient use.
17. Staff has stated they do not recognize Rough Acres Water Company, Inc as a Water Agency under the Groundwater Ordinance.
18. Please advise how the Rough Acres Ranch, Rugged Solar, and/or Tule Wind projects will be authorized to use water from the same Rough Acres Ranch water infrastructure (wells, pipes, tanks) that has already been transferred, via recorded grant deed, to Rough Acres Water Company, Inc, without buying it from the already formed Rough Acres Water Company, Inc, that is not recognized by the County?
19. NOAA/National Weather Service maps, dated May 13, 2014<sup>2</sup> and May 15, 2014<sup>3</sup> document that Boulevard is in the D3 Extreme Drought stage that is likely to persist through the current assessment period of May 15 through August 31.
20. The County's Guidelines for Determination of Significance and the Groundwater Ordinance admittedly do not address expected climate change impacts on our sole-source groundwater resources related to extended and persistent drought, changed weather patterns, reduced rainfall and recharge, increased heat, and higher rates of evaporation.
21. These guidelines and ordinances must be updated to address changed circumstances in addition to increased and cumulative large-scale project use of reduced resources.
22. Whole of the Project, Direct, Indirect (reasonably foreseeable), Cumulative and Cumulatively Significant effects must be fully disclosed and addressed—including:
  - a. Incompatible land uses; exposure to 20,000 chickens and high voltage projects and hazards related to the 500kV Sunrise Powerlink, Tule Wind turbines, 138vk gen-tie

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<sup>2</sup> [http://www.cpc.ncep.noaa.gov/products/expert\\_assessment/drought\\_monitor.pdf](http://www.cpc.ncep.noaa.gov/products/expert_assessment/drought_monitor.pdf)

<sup>3</sup> [http://www.cpc.ncep.noaa.gov/products/expert\\_assessment/seasonal\\_drought.pdf](http://www.cpc.ncep.noaa.gov/products/expert_assessment/seasonal_drought.pdf)

- lines and substation; Soitec's Rugged Solar CPV project, substation, gen-tie line, noise and air pollution impacts from rock crushing and cement patch plant operations.
- b. Incompatible uses with horses, shooting, and helipad proximity to corrals.
  - c. Incompatible uses with adjacent prison camp and campers; McCain Conservation Camp reportedly had two level two inmates with violent felonies.
  - d. Rough Acres Water Company, Inc and transfer of Rough Acres Ranch water infrastructure.
  - e. This Rough Acres Ranch Campground MUP project.
  - f. Withdrawn Rough Acres Ranch Rock Crushing MUP that has basically been moved to Rugged Solar MUP.
  - g. Rough Acres Ranch Road Major Grading Permit for secondary access for project across Tule Creek 100 year floodplain and wildlife corridor.
  - h. Cumulative groundwater investigation should include groundwater age dating
  - i. Road impacts, improvements, maintenance for McCain Valley Road and Ribbonwood Road must be addressed and mitigated.
  - j. The Tule Wind MUP 3300 09-019 Public Road Improvements section, @ pages 24-28 of 112, does not include substandard Ribbonwood Road which will be the main access for 80 ton cranes and multi-ton wind turbine components that are too large to fit under the I-8 underpass on McCain Valley Road.
  - k. Health in All Policies and equal protections under the law do apply to Boulevard.
  - l. Increased human activities, including shooting, campfires, BBQ's, OHV activities and other activities, increased access and risk of wildfire ignition in a designated Wildfire Corridor and Very High or High Fire Severity Zone.
  - m. This project and other cumulative impact projects must be required to pay their fair share towards paid staff at the Boulevard Fire Station, for the life of their projects.
  - n. Independent and cumulative impacts on resident and migratory wildlife, habitat, and movement corridors, including valid mitigation in the Boulevard Planning Area, monitoring, and reporting requirements.
  - o. Cumulative impacts to cultural and historic resources and landscapes.
  - p. Testimony was provided, by former Cal Fire Battalion Chief in Charge of CDC's McCain Valley Conservation Camp, on known extensive cultural resources on adjacent property that continues onto Rough Acres Ranch.
23. Overlying Groundwater Rights are not limited to Rough Acres Ranch owners:
- a. "The California Supreme Court decided in the 1903 case Katz v. Walkinshaw that the "reasonable use" provision that governs other types of water rights also applies to ground water. Prior to this time, the English system of unregulated ground water pumping had dominated but proved to be inappropriate to California's semiarid climate. *The Supreme Court case established the concept of overlying rights, in which the rights of others with land overlying the aquifer must*

*be taken into account. Later court decisions established that ground water may be appropriated for use outside the basin, although appropriator's rights are subordinate to those with overlying rights".<sup>4</sup>; the rights of existing neighbors and wildlife must be protected.*

24. The 27-page list of cumulative impact projects is referenced in the NOP but ***is not*** included in the copy that is posted on project website<sup>5</sup>
25. The 27-page list of projects provided to BPG chair Tisdale, as a single hard copy, needs to be cleaned up and reduced to only projects that are actually located or proposed within or adjacent to the Boulevard Planning Area—which is not the case now
26. Everett Hauser, PDS, recently confirmed that proposed projects must include and address impacts to the Boulevard Trails and Pathways map<sup>6</sup>
27. The trails and pathways map includes routes along Ribbonwood Road that will be impacted by increased traffic and potential use, along with potential trespass issues.
28. The on-site SDG&E helipad should have been removed with the Sunrise Powerlink Rough Acres Ranch Construction Yard components, it was never permitted as a full time use; an existing helipad is located at the US Border Patrol Station on Ribbonwood Road and is available for emergency use according to Cal Fire's Battalion Chief John Francois and others.
29. Locals say they have witnessed what appear to be recent private helicopter activities in the Rough Acres Ranch area near McCain Valley Road.
30. NOP and Initial Study fail to adequately disclose or identify the designated recreation areas, conserved public lands, Wilderness Areas, proposed Wilderness Areas, ACEC's or Designated Critical Habitat within and adjacent to the McCain Valley project location, with McCain Valley Road as the sole legal public access route for those public areas.
31. What is the farmland / grazing designation for the project parcels? Are they prime, or of statewide importance?
32. Where is the Local Agricultural Resource Assessment (LARA) Model report?
33. Does the applicant have up-to-date Verification of Agriculture Operations<sup>7</sup> forms?
34. Previous Boulevard Planning Group comments and minutes on this project and cumulative impact projects (Rough Acres Ranch Road Major Grading Permit, Soitec's Rugged Solar MUP/PEIR, Tule Wind MUP/EIR/EIS) are incorporated in full by reference

Regards,



Donna Tisdale, Chair

619-766-4170

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<sup>4</sup> [http://www.swrcb.ca.gov/waterrights/board\\_info/water\\_rights\\_process.shtml](http://www.swrcb.ca.gov/waterrights/board_info/water_rights_process.shtml)

<sup>5</sup> <http://www.sdcounty.ca.gov/pds/regulatory/docs/3300-12-021/3300-12-021-IS.pdf>

<sup>6</sup> [http://www.co.san-diego.ca.us/reusable\\_components/images/parks/doc/CTMP/02-IndCommPlansandMaps\\_pdf/CommunityTrailsMaps/Boulevard.pdf](http://www.co.san-diego.ca.us/reusable_components/images/parks/doc/CTMP/02-IndCommPlansandMaps_pdf/CommunityTrailsMaps/Boulevard.pdf)

<sup>7</sup> [http://www.sdcounty.ca.gov/reusable\\_components/images/awm/Docs/VerofAgApp\\_2013.pdf](http://www.sdcounty.ca.gov/reusable_components/images/awm/Docs/VerofAgApp_2013.pdf)

## Erin Crouthers

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**From:** Bennett, Jim [Jim.Bennett@sdcounty.ca.gov]  
**Sent:** Tuesday, May 20, 2014 2:30 PM  
**To:** Erin Crouthers  
**Subject:** Rough Acres Ranch - Comment Letter#11 (e-mail 2 of 2)

Jim Bennett, P.G. #7707, CHG#854  
Groundwater Geologist

### County of San Diego

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**From:** Donna Tisdale [<mailto:tisdale.donna@gmail.com>]  
**Sent:** Monday, May 19, 2014 3:56 PM  
**To:** Bennett, Jim  
**Subject:** additional Rough Acres MUP comments

Jim

Please include this information on the significant drought impacts to southern California raptors to the Boulevard Planning Group Rough Acres Ranch MUP comments: <http://www.ocregister.com/news/hawks-194690-birds-prey.html>

Thanks

Donna Tisdale, Chair

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NEWS

# Empty nests: Are Orange County's raptors dying?

Scientists who track birds of prey say adults are dying off, nest sites are vacant, and environmental changes are likely to blame.

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By PAT BRENNAN / THE ORANGE COUNTY REGISTER  
Published: July 24, 2008 Updated: Aug. 21, 2013 1:17 p.m.



JEBB HARRIS, THE ORANGE COUNTY REGISTER

The red-tailed hawk showed no sign of injury, but it was brought, weakened and starving, to veterinarian Scott Weldy for treatment.

"This one is real skinny and debilitated," Weldy said as he handled the bird, one of nine ailing birds of prey now recovering at his animal hospital in Lake Forest. "There's competition for eating sites. The restaurants are all closing."

Weldy, who has treated and rehabilitated raptors for more than 20 years, is one of several raptor experts in Orange County who say they are seeing a disturbing trend: bird of prey numbers plummeting, long-inhabited nest sites empty, and far fewer chicks hatching in the nests that remain.

They say raptors in Orange and San Diego counties, and perhaps across Southern California, appear to be suffering a variety of harmful environmental changes that are happening all at once: reductions in available prey, drought, West Nile virus and continuing loss of habitat because of expanding human presence and large, destructive wildfires.

"What we're observing here is an advanced degree of ecosystem decay," said Pete Bloom, who has trapped, tagged and studied Orange County raptors since 1970. "It's quite alarming. The question is, is this natural? Because in 40 years of monitoring I have

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not seen it look this bad - not across so many species in the same geographical area."

The drop in numbers appears to be affecting almost all raptor species, as well as their prey, and the scientists worry that climate change could be helping to drive dramatic changes in habitat that are harming the birds.

### EMPTY NESTS

Bloom and raptor researcher Scott Thomas, who track success and failure of nesting raptors, say they are increasingly seeing raptor nesting sites that have been occupied for decades turning up empty.

Successful hatching of raptor chicks, and survival of those chicks to adulthood, also appears to be declining at an alarming rate.

"It's not necessarily because adults are just not having kids," Thomas said. "We have seen what appears to be a loss of adults, too. We need to look at this further."

Thomas, Bloom and Weldy say preliminary numbers so far seem to back up their fears, but that much more extensive survey work must be done to determine the true extent of the problem.

The species hit hardest so far include red-tailed and red-shouldered hawks, kestrels, barn owls and white-tailed kites.

### SANCTUARY BIRDS HARD HIT

At the Starr Ranch Sanctuary in eastern Orange County, a stretch of undisturbed native habitat monitored closely by biologists, 35 to 60 barn owl chicks would be banded in a normal year of nesting.

By three years ago, the number had dropped to about 15. And in the past three years, Thomas said, it was three to 10 birds.

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Published: July 24, 2008 Updated: Aug. 21, 2013 1:17 p.m.

In most years, there would also be four or five active red-tailed hawk nests at Starr Ranch. In the past two years, Thomas has seen only two nests.

He has noted a decline in red-shouldered hawk nests as well.

"That type of trend is what we've seen all across Orange County, and into San Diego County, with a few minor exceptions in a few localized areas," Thomas said.

Weldy, who runs the Orange County Bird of Prey Center in Silverado Canyon, says the numbers of raptors brought there for treatment also has been dropping steadily over the years - and that among those brought to him, more seem to be suffering weakness or starvation with no visible injuries. That "debilitation" is suggestive of a scarcity of prey and of hunting territory for the raptors, he said.

The center released 184 rehabilitated birds in 2005, a banner year. Last year, the center released 64.

The numbers do not include raptors brought to local animal hospitals that are too sick to save and are euthanized.

Birds of prey are routinely trapped and relocated from the wildlife refuge at the Seal Beach Naval Weapons Station, to prevent them from preying excessively on rare and endangered species - least terns, clapper rails, snowy plovers.

But trapping statistics also show a decline, for example, among American kestrels.



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"In the late 80s and early 90s, they used to bring 20 to 30 kestrels from the Seal Beach Naval Weapons Station," Weldy said. "Now it's 10 to 15."

The number of kestrels brought to his hospital for treatment also appears to be dropping.

"Definitely, I've noticed a big difference," he said. "My hospital staff has noticed, too."

### EXCEPTION COULD PROVE RULE

Even the exceptions to the general decline among raptors seem to tell a tale of humanity's profound effects on native ecosystems and even the behavior of native animals.

"Cooper's hawks seem to be doing pretty well," Bloom said. "They've adapted to us humans. They've adapted to nesting in urban environments."

And all three raptor experts give the same reason: Cooper's hawks, which often feed on smaller birds, have keyed into the bird feeders residents hang from their homes.

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"We do know it is the bird feeders that are doing it," Thomas said. "It's a fast-food restaurant for the Cooper's hawks. Where I have a bird feeder in my back yard, a Cooper's hawk sits in the same place, in the same tree, and grabs birds. And I watch it doing it."

The Cooper's hawks' success might be shortlived, however. In the urban environments, Bloom said, while the hawks do well in an "artificial forest" of ornamental trees that is free of most predators, they could ultimately be undone by power lines and windows.

"A lot of Cooper's hawks pursue avian prey into windows," he said. "We find a fair number of Cooper's hawks with broken necks."

That might lead to a grim result: while the hawks' reproduction benefits from the alterations humans introduce, young birds might not live long enough to breed themselves.

Changes in ecosystems are not only affecting hawks. Scientists have seen declines in many other bird species as well. The numbers of rodents and other prey species also seem to be declining.

Bloom said the ecosystem decay he's noted in Orange County could lead to permanent loss of native habitat in some natural areas, although far more investigation is needed before such a conclusion could be reached.

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"When you throw in the ominous potential of global warming, I think local ecosystem collapse is plausible, absolutely," he said. "We are seeing major habitat changes. We are seeing actual conversion of type: habitats are going from what was coastal sage scrub or chaparral to non-native grasslands. And mustard and wild radish burn more frequently than the natural vegetation that was there before."

But pinning down the cause, or causes, of the raptor declines will take a concerted effort among scientists and conservation agencies, he said. While several environmental factors - drought, West Nile, fire, habitat loss - appear to be involved, detailed study is needed to build a more precise picture.

"We really don't know what is going on," he said. "It could be one of those. It could be three in combination. It could be something we're not really thinking about yet."

"But it's apparent to those of us who monitor resident breeders that raptor populations, probably for all species, is depressed right now, and has been for a number of years. And it only seems to be getting worse as each year goes by. It's quite stunning. These are some fairly common species."

Contact the writer: 714-796-7865 or [pbrennan@ocregister.com](mailto:pbrennan@ocregister.com).



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