

EXHIBIT

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HAMILTON BIOLOGICAL

January 31, 2018

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

**SUBJECT: REVIEW OF BIOLOGICAL RESOURCE ISSUES
PROPERTY SPECIFIC REQUESTS GENERAL PLAN AMENDMENT
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
COUNTY OF SAN DIEGO**

Dear Mr. Silver,

On behalf of the Endangered Habitats League, Hamilton Biological, Inc., has reviewed the Biological Resources section of the Draft Subsequent Environmental Impact Report (SEIR) for the proposed Property Specific Requests (PSR) General Plan Amendment. Hamilton Biological, Inc., is a consultancy specializing in field reconnaissance, regulatory compliance, preparing CEQA documentation, and providing third-party review of CEQA documents. Please refer to the attached curriculum vitae.

OVERVIEW OF PROPOSED ACTIONS

The proposed project would amend the existing (2011) General Plan Land Use designations and zoning (when necessary for consistency) on private properties including their surrounding study areas, totaling approximately 9,336 acres within approximately 882 parcels throughout unincorporated San Diego County (the County). The proposed project would amend certain land use designations within the following community planning areas (CPAs) and subregional planning areas (Subregions):

- Bonsall CPA (approximately 965 acres)
- Crest/Dehesa CPA (approximately 101 acres)
- Desert Subregion (approximately 338 acres)
- Fallbrook CPA (approximately 1,856 acres)
- Mountain Empire Subregion (approximately 940 acres)
- North County (NC) Metro Subregion (approximately 1,512 acres)
 - NC Metro Subregion includes approximately 389 acres in Twin Oaks
 - NC Metro Subregion includes approximately 1,030 acres in Hidden Meadows

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- NC Metro Subregion includes approximately 93 acres not represented by a CPG/CSG
- Pala/Pauma Subregion (approximately 518 acres)
- San Dieguito CPA (approximately 69 acres)
- Valley Center CPA (approximately 3,037 acres)

03-A-2 The proposed project's amendments to the land use designations would result in increased residential densities for most of the PSR areas and study areas. The proposed project would result in an increase of approximately 1,800 residential dwelling units above the number currently allowed by the existing General Plan. In a few instances, project implementation would change an existing residential land use to a commercial or industrial designation. County staff has worked with property owners, planning groups, and other stakeholders to analyze the proposed project land use maps and develop alternatives to be analyzed in the EIR. Within the expired Champagne Gardens Specific Plan area, Residential Policy 8 of the Valley Center Community Plan would halve the minimum lot sizes in the SR-2 and SR-4 designations.

STANDARDS OF ADEQUACY FOR AN EIR

Section 15151 of CEQA states:

03-A-3 An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

As explained in these comments, the County has completed "preliminary analyses" of the proposed actions for each of the PSR areas that greatly exceed the level of detail presented in the SEIR. In order to comply with CEQA's requirement for "adequacy, completeness, and a good faith effort at full disclosure," the SEIR should have incorporated these analyses into the SEIR. By withholding the information contained in the preliminary analyses, the EIR preparer is not providing the level of information that decisionmakers, and the public, need to intelligently take into account the environmental consequences of the proposed actions.

SEIR'S CEQA ANALYSIS IS GROSSLY INADEQUATE

03-A-4 Page 2.4-21 states:

Implementation of the following adopted General Plan policies and 2011 PEIR mitigation measures would reduce Impact BI-1 and Impact BI-5 but not to a level below significant; therefore, the impacts would remain significant and unavoidable.

The SEIR identifies the following significant impacts to biological resources:

- BI-1: Direct and indirect impacts to habitat types that support sensitive plant and wildlife species.
- BI-2: Direct and indirect impacts to riparian habitat.
- BI-3: Impacts to federally protected wetlands through direct removal, filling, hydrological interruption, or other means.
- BI-4: Direct or indirect impacts to functioning wildlife movement paths and habitat linkages, and to wildlife nursery sites.
- BI-5: Significant cumulative impact associated with special status plant and wildlife species.

Page 2.4-21 declares that mitigating these impacts to below the level of significance would be infeasible because the County, together with federal and state agencies, has not completed the MSCP planning processes for northern and eastern parts of San Diego County:

These conservation plans require approval at the federal and State levels, which the County cannot guarantee ahead of time. In addition, the timing of these programs (i.e., MSCP adoption and implementation) may not coincide with the Proposed Project impacts in these areas. Therefore, this measure cannot be considered feasible mitigation for the Proposed Project.

Section 15126.4 of CEQA discusses the requirements for mitigation measures in a CEQA document, including:

An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.

The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

For reasons discussed in these comments, the SEIR's failure to identify fully enforceable mitigation measures for several acknowledged significant impacts to biological resources flatly violates Section 15126.4 of CEQA. In order to satisfy CEQA's basic requirements, the County must identify feasible measures to mitigate the project's poten-

tially significant impacts to below the level of significance. The County cannot cite its own inability to finalize MSCP subarea plans as a valid rationale for failing to satisfy basic CEQA mitigation requirements by other means.

FAILURE TO INCLUDE ALL AVAILABLE INFORMATION IN IMPACT ANALYSIS

03-A-9
Prior to release of the SEIR, the County prepared fairly detailed “preliminary analyses” for each of the 21 PSR Analysis Areas. The preliminary analysis of each area is available at <https://www.sandiegocounty.gov/content/sdc/pds/advance/PSR/public-meetings.html>. See, for example, the exhibits on the next page showing Fallbrook Community Planning Group “FB2+”. The first, presented on page 9 of the preliminary analysis of “FB2+”, shows vegetation communities and “upper tier” vegetation types that have elevated ecological sensitivity. The second, presented on page 10 of the preliminary analysis, shows the relationship of “FB2+” to existing Preserve Lands and Pre-Approved Mitigation Area (PAMA) identified in the draft North County MSCP. These, and numerous other exhibits included in the “preliminary analyses,” show the resources present in each of the 21 PSR Analysis Areas in relation to various relevant policy and planning overlays, such as surrounding land uses, steep slopes, fire hazard areas, floodplains, and many more. Clearly, much, if not all, of this information is relevant to the SEIR’s impact analysis of the proposed actions, for disclosing important information to the public and decisionmakers, and for determining appropriate avoidance/mitigation strategies.

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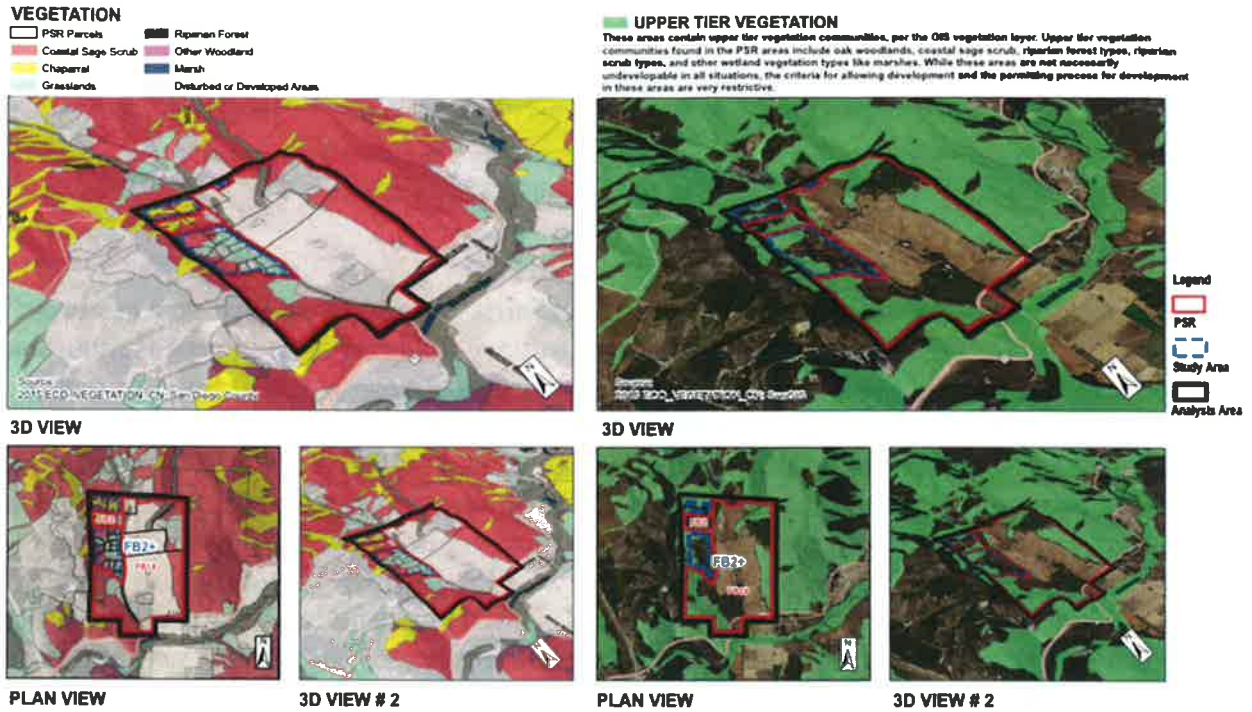


Exhibit 1. Aerial maps showing vegetation communities (left) and “upper tier vegetation” (right) mapped at Fallbrook Community Planning Group “FB2+”. Source: Page 9 of the County’s preliminary analysis.¹

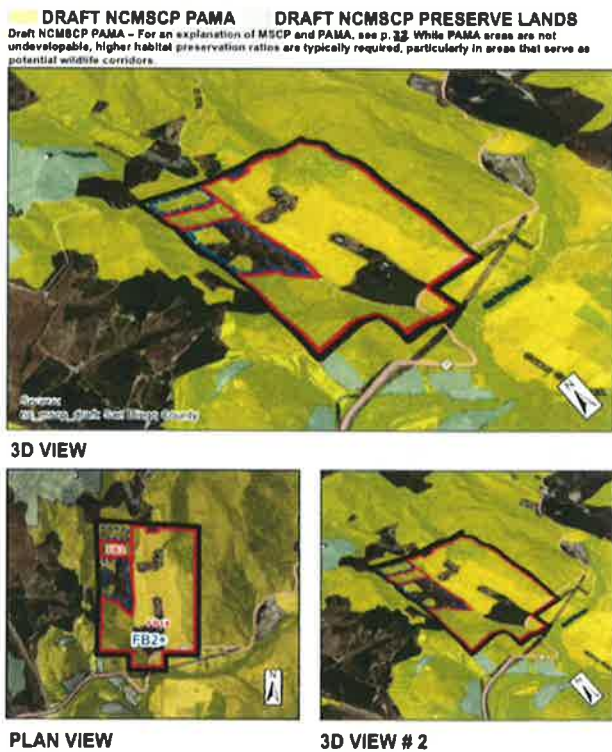


Exhibit 2. Aerial maps showing the relationship of “FB2+” to PAMA and Preserve Lands identified in the draft North County MSCP. Source: Page 10 of the County’s preliminary analysis.¹

¹ <https://www.sandiegocounty.gov/content/dam/sdc/pds/advance/PSR/prelim-analysis-fb2plus.pdf>

Using "MSCP Core and Linkage Areas" as an example, the SEIR does not include any of this detailed information about the natural resources present in the 21 PSR Analysis Areas, opting instead to depict the sites as small outlines with minimal detail. See, for example, Figure 2.4-1 from the SEIR:

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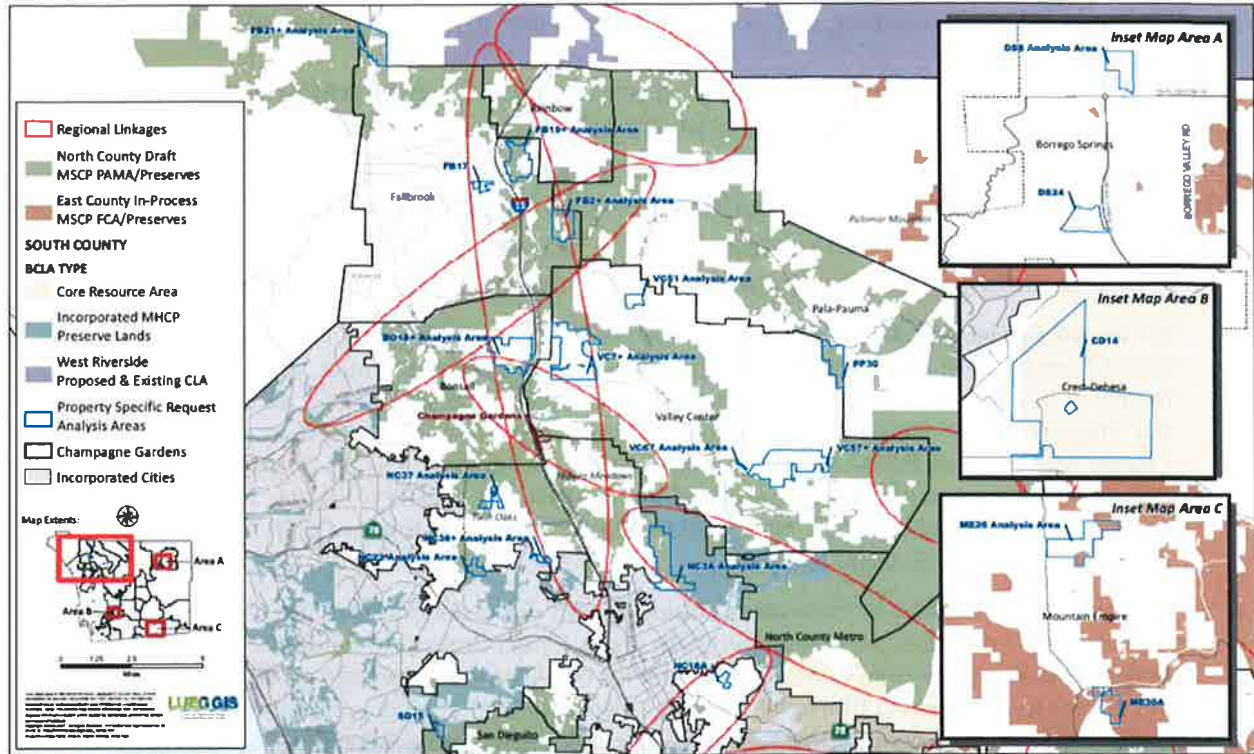


Exhibit 3. Figure 2.4-1 from the SEIR shows "FB2+" and several other PSR Analysis Areas, without the descriptive information provided in the "preliminary analyses." For example, Figure 2.4-1 in the SEIR depicts "FB2+" as lying within two different "Regional Linkages" but fails to analyze the potential importance of this in a meaningful way, or to identify measures that would maintain the linkages. In fact, the SEIR (page 2.4-15) states only the obvious: "increases in allowed density/intensity associated with the Proposed Project may cause potential impacts within these regional linkages..."

Compare the non-descriptive language in the SEIR with the following discussion of linkages, PAMA, etc., on page 21 of the preliminary analysis of "FB2+":

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<p>North County MSCP - Draft Pre-Approved Mitigation Area (PAMA) overall in the Analysis Area and acreage within the areas of additional density. See p. 32 for an explanation of MSCP and PAMA.</p>	<ul style="list-style-type: none"> • FB2 & Study Area parcels west of Rice Canyon Road (SR-4 proposed): <ul style="list-style-type: none"> ➢ All of the areas of additional density potential are in the draft PAMA for the North County MSCP. ➢ For the southern Study Area parcel that could be split into two parcels under the proposal, the western undeveloped portion is in draft PAMA and the eastern developed portion is not. • FB18 & Study Area parcel east of Rice Canyon road (RL-20 proposed): <ul style="list-style-type: none"> ➢ Approximately 320 acres of the 390-acre FB18 PSR area is in the draft PAMA. ➢ The FB18 Study Area parcel is not within draft PAMA. 	<ul style="list-style-type: none"> • If the draft PAMA designation is approved for these areas, effective wildlife corridors will be sought on the western and eastern portions of the Analysis Area, to connect to existing offsite corridors. The location and habitat characteristics of the additional density potential in the SR-4 proposed area would limit the feasibility of additional development there if the PAMA is approved. • There are approximately 1,000 acres of undeveloped lands to the north and northwest of the FB2 area, with the majority of that area in open space preserves.
<p>Adjacent open space preserves or large blocks of undeveloped native habitat (if the Analysis Area is in draft PAMA)</p>	<ul style="list-style-type: none"> • FB2 & Study Area parcels west of Rice Canyon Road (SR-4 proposed): <ul style="list-style-type: none"> ➢ Adjacent to a habitat corridor to the west and north that includes approximately 600 acres of open space preserves • FB18 & Study Area parcel east of Rice Canyon road (RL-20 proposed): <ul style="list-style-type: none"> ➢ Adjacent to an area of approximately 5,000 acres that is mostly undeveloped native vegetation, stretching to the northeast ➢ The San Luis Rey River corridor runs through the southern end, south of SR-76. 	
<p>Regional wildlife corridors</p>	<ul style="list-style-type: none"> • The entire Analysis Area is in close proximity to the Santa Ana to Palomar Regional Wildlife Corridor, which links the Santa Ana Mountains and nearby coastal lowlands to the Palomar Mountains and other inland ranges of San Diego County. 	

03-A-12 The preceding chart from the "preliminary analysis" demonstrates that the County has completed a substantial level of conceptual planning of the draft PAMA and wildlife corridors in and around the "FB2+" PSR Analysis Area. This is precisely the type of information that should have been included in the SEIR to inform the public and decisionmakers of the full environmental consequences of the proposed Project, and to provide the basis for determining appropriate avoidance and mitigation measures.

Each of the 21 "preliminary analyses" prepared by the County contains similarly detailed treatments of regional linkages/MSCP/PAMA issues, as well as other plentiful details regarding each area's ecological resources and constraints, and yet the SEIR withholds this relevant and useful information. In its place, the SEIR provides only general information about potential project effects. See, for example, the generalized discussion of potential project effects on regional linkages on page 2.4-15 of the SEIR:

03-A-13 As shown in Figure 2.4-1, the draft map for the East County Subarea Plan shows draft Focused Conservation Areas (FCAs), which are intended to serve a similar function to PAMA. Increases in allowed density/intensity associated with the Proposed Project may cause potential impacts within these regional linkages, designated PAMA/Core Resource Area (South County MSCP), draft PAMA (North County MSCP), and draft FCA (East County MSCP). The PSR Analysis Areas within these areas include BO18+, CD14, FB2+, FB19+, FB21+, ME26, ME30A, NC3A, NC18A, NC22, NC37, PP30, SD15, VC7+, and former CGSP Subareas CG1, CG2, CG3, CG4, CG5, CG6, and CG8.

Intensified development in these areas could result in direct and indirect impacts to the wildlife movement corridors present within these areas. Direct impacts to wildlife movement corridors generally occur from removal of habitat for development, blockage or interference with the connectivity between blocks of habitat, a decrease in the width of a corridor or linkage that constrains movement, or the loss of visual continuity within a linkage or corridor. For example, roadway and utilities extensions to serve future development in the PSR Analysis Areas would have the potential to block a connection between two habitats or increased development land use densities would have the potential to present a visual barrier that discourages wildlife movement within a linkage or corridor. Indirect impacts would occur from increased noise levels, nighttime lighting, activity in or near the linkage or corridor by humans and domestic animals, and other artificial introductions that would discourage movement within corridors or linkages.

Official corridor and linkage designations have not been established outside the South County Subarea Plan boundary; however, buildout of the Proposed Project in the northern and eastern areas of the unincorporated County would have the potential to result in direct or indirect impacts to functioning wildlife movement paths and habitat linkages (Impact BI-4).

03-A-14 Rather than examining each property, or cluster of properties, in relation to identified wildlife linkages, PAMA, etc., and requiring adequate avoidance/mitigation to avoid potentially significant impacts, the SEIR takes the inexplicable position that nothing can be done to effectively avoid or mitigate potentially significant adverse effects until the North County and East County MSCPs are finalized:

The County is preparing NCCP plans (north and east) to cover the remaining lands under the County's jurisdiction. Potential habitat linkages and corridors have been identified for the draft North County Plan (and in more of a preliminary stage for East County); however, these features will not be formally designated until the plan is adopted. Until these plans are in effect, the County will continue to use all available biological data and mapping applications

to identify potential movement paths and nursery sites. The County's Guidelines for Determining Significance for Biological Resources are then used to evaluate the potential effects of private and public projects on wildlife movement, corridors, and nursery sites.

Even with these programs and measures in place, the impacts would not be reduced to a level below significant. Therefore, the Proposed Project could result in a potentially significant impact to wildlife corridors and nursery sites (Impact BI-4).

03-A-15 The County provides no rationale for failing to provide at least the level of detail contained in their "preliminary analyses" of the PSR Analysis Areas. Furthermore, CEQA does not allow the County to point to the stalled MSCP planning process as a barrier to identifying other feasible, "fully enforceable" mitigation measures that do not hinge upon the existence of a finalized MSCP.

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03-A-16 An adequate CEQA analysis of this issue would (a) examine each of the SPR "Analysis Areas" in at least as much detail as was contained in the "preliminary analyses," (b) determine the potential significance of each proposed action upon identified wildlife linkages, and (c) identify feasible mitigation measures, such as avoidance of any especially important areas, to address each potentially significant impact.

NO EFFORT TO ANALYZE AND MINIMIZE SIGNIFICANT ADVERSE IMPACTS

03-A-17 The proposed project consists of a series of "property specific requests" for more intensive zoning. Given that the County has already evaluated each request in some detail — see the "preliminary analyses" discussed previously — one might reasonably expect the SEIR to provide "property specific" impact and mitigation analyses. Instead, the County has chosen to withhold their earlier detailed analyses in favor of producing an SEIR that makes only generalized assumptions about the anticipated impacts of the proposed actions on plant communities, loss of sensitive plant and wildlife species, removal of riparian habitat and wetlands, blockage of functioning wildlife movement paths and habitat linkages, loss of wildlife nursery sites, and cumulative impacts to various sensitive resources. The County's approach is to make broad-brush, worst-case assumptions about impacts, and then claim that no feasible avoidance or mitigation measures are available. In those cases where a vague need for future studies is identified, the SEIR contains no specific requirement that any such study be conducted. As discussed below, 03-A-18 03-A-19 this approach seems to be designed to maximize the allowable impacts of the project, and to minimize commitments to avoidance and effective mitigation, rather than highlight areas known to have ecological importance that should be prioritized for avoidance and/or mitigation.

Impacts to Plant Communities

03-A-20 Page 2.4-6 states:

All PSR Analysis Areas and the former CGSP Area proposed for SR-0.5 (SD15-portion), SR-1 (DS24, FB17-portion, NC18A-portion, NC22-portion, NC38+), SR-2 (CD14-portion, FB17-portion, NC18A-portion, PP30-portion, VC7+, VC57+, CG3, CG4, CG5), VR-4.3 (DS8), VR-10.9 (SD15-portion), General Commercial (SD15-portion), Rural Commercial (former CGSP

Subareas CG6-portion and CG8-portion), and Medium Impact Industrial (VC67) are estimated to have 100 percent impact to habitat because of the level of vegetation removal that could potentially be required during future land development. Although the higher density areas are assumed to have 100 percent impact for purposes of this SEIR, future projects would be required to demonstrate avoidance of the most sensitive areas, compliance with existing ordinances and conservation plans, and implementation of mitigation measures to reduce impacts.

Lower density residential areas (SR-4) are estimated to result in the removal of 75 percent of vegetation, while also avoiding some areas of natural habitat. PSR Analysis Areas and the former CGSP Area that propose an SR-4 designation include BO18+, FB2+ (portion), ME30A (portion), NC37, VC51, as well as former CGSP Subarea CG2. Semi-rural-10 (SR-10), a lower density than SR-4, is estimated to result in the removal of 50 percent of vegetation, while avoiding roughly half of the natural habitat. PSR Analysis Areas and former CGSP Subareas that propose an SR-10 designation include FB19+, FB21+, ME26, NC3A, NC22 (portion), and CGSP Subareas CG1, CG6 (portion), CG7, and CG8 (portion). Rural Lands designations would have the largest parcel sizes and are estimated to result in an impact range of 5 acres per dwelling unit. The RL-20 designation is anticipated to remove 25 percent of the vegetation and RL-40 is anticipated to remove 12.5 percent of the vegetation. PSR Analysis Areas CD14 (portion) and FB2+ (portion) are proposed for RL-20 and PSR Analysis Areas proposed for RL-40 include ME30A (portion) and PP30 (portion).

Table 2.4-2 provides the estimated total acreage of each vegetation classification over all Analysis Areas. Vegetation map data was gathered from SanGIS (2017) and utilizes the vegetation classification from Holland and Oberbauer (Oberbauer 2005). Table 2.4-4 shows the estimated acreages of vegetation communities per Analysis Area. PSR Analysis Areas and former CGSP Subareas within North County Metro (NC3A, NC18A, NC22, NC37, and NC38+, CG5 and part of CG4) and Fallbrook (FB2+, FB17, FB19+, and FB21+) contain an estimated 719 acres of southern mixed chaparral and 658 acres of Diegan coastal sage scrub habitat. The majority of estimated acreage in PSR Analysis Area CD14 is Diegan coastal sage scrub (85 out of 101 acres). The majority of estimated acreage in PSR Analysis Areas ME26 (439 acres) and ME30A (139 acres) is granitic northern mixed chaparral (578 acres out of 939 acres).

The SEIR makes blanket assumptions about the levels of impact that would take place within different areas, without any consideration of the existing resources that have been mapped in each area. The "preliminary analyses" of the 21 PSR Analysis Areas, referred to previously, provide mapping that the SEIR could have analyzed in order to identify areas of greater and lesser ecological sensitivity. An adequate SEIR would prioritize development of areas of lower ecological sensitivity and preservation of areas of higher ecological sensitivity. Analyzing all areas with a broad brush, and simply assuming the worst-case scenario without identifying feasible avoidance and mitigation measures, will not minimize the project's potentially significant impacts. This approach is, therefore, not consistent with the requirements of CEQA.

Impacts to Special-Status Species

Page 2.4-7 states:

Table 2.4-3 presents approximate acreages of suitable habitat that would support special status species by CPA or Subregion that contain PSR Analysis Areas and former CGSP Area. There are limitations to the accuracy of these acreages and it is likely that they under-represent the potential effects on species as there can be some degree of cross utilization of

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a number of habitats based on the life history of the species. The presence (or the potential to occur) of sensitive species would require confirmation through site-specific biological resource surveys and project-level mitigation when future discretionary development projects are proposed.

03-A-23 The SEIR makes no effort to provide relevant information on the areas in which special-status species have been observed, or where they have greatest potential to occur. A need for "site-specific biological resource surveys" is identified, but the SEIR fails to identify the types of biological resource surveys required to reliably determine presence or absence of the special-status species potentially present in different PSR Analysis Areas. Simply identifying a vague need for additional studies, which may or may not be adequate or appropriate to find all of the species present, and which may not be undertaken at all, at least in some cases, will not minimize potentially significant impacts to special-status species.

03-A-24 An adequate SEIR would prioritize development of areas with relatively low potential to support special-status species. This could be accomplished by evaluating the general mapping of plant communities within each PSR Analysis Area, as shown in the "preliminary analyses" the County already completed. Sensitive plant communities and other areas that have high potential value to special-status species would then be prioritized for preservation, pending results of more detailed site-specific surveys, the minimum requirements of which would be spelled out in the SEIR's mitigation measures. Locations of designated Critical Habitat would be mapped and the relevance of this designation in each PSR Analysis Area would be discussed. Such an approach would represent a good-faith effort to minimize the project's significant impacts to special-status species, as required by CEQA.

Impacts to Coastal Sage Scrub and Associated Special-Status Species

Page 2.4-10 states:

03-A-25 The Southern California Coastal Sage Scrub NCCP is applicable to the Proposed Project. This program enables the County to benefit from interim take provisions established in the USFWS Special Rule 4(d). The County is allowed a loss of up to 5 percent of its coastal sage scrub habitat if it is actively developing a comprehensive NCCP for the area. The interim take refers to the authorization for removal of coastal sage scrub and/or any incidental impacts to target species (such as California gnatcatcher and orange-throated whiptail) if achieved in accordance with findings set forth in the NCCP Process Guidelines. The Habitat Loss Permit Ordinance allows the County to issue these interim "take permits" in the form of Habitat Loss Permits for projects impacting California gnatcatcher and/or coastal sage scrub habitat.

03-A-26 As stated, USFWS Special Rule 4(d) empowers the County to allow up to 5 percent of coastal sage scrub in active NCCP planning areas via a Habitat Loss Permit. For decades now, the County has exploited this temporary mechanism to facilitate removal of coastal sage scrub and associated species (i.e., through issuance of numerous Habitat Loss Permits, which streamline the process and generally allow for greater net loss of sensitive habitats compared with non-NCCP options for complying with the federal Endangered Species Act). As discussed in this letter, the County is now going a step far-

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ther, invoking the Special Rule to facilitate ongoing loss of coastal sage scrub resources (up to the 5 percent cap) while simultaneously citing the lack of completed MSCP sub-regional plans as the reason why significant impacts to various biological resources cannot be feasibly mitigated. As discussed previously, CEQA does not allow the City to point to the stalled MSCP planning process as a barrier to identifying other feasible mitigation measures that do not hinge upon a finalized MSCP.

Impacts to Habitat Conservation Plans and NCCPs/MSCPs

03-A-28
The North County and East County MSCPs represent vitally important, ongoing conservation planning efforts taking place across the project area. Through the MSCP processes, the County has worked with federal and state agencies to identify those areas of highest ecological importance – in terms of the biological resources present and the need to maintain functional habitat connectivity/wildlife movement opportunities – as Pre-Approved Mitigation Areas (PAMA; North County MSCP) and Focused Conservation Areas (FCAs; East County MSCP). Since the MSCP reserve system is expected to consist largely of PAMA/FCA parcels, development within PAMA/FCA overlays must be carefully planned. That is, the SEIR should (a) analyze each PAMA/FCA where an increase in development intensity is proposed, and (b) determine the effects of increased development intensity on the potential MSCP habitat preserve system, and on the wildlife corridors that occur within the PAMA and FCA.

Page 2.4-18 states:

03-A-29
Although draft or adopted PAMA/FCA designations are found within the Analysis Areas listed above, and/or coastal sage scrub is found in many of the Analysis Areas as noted above, regulatory processes are in place to ensure implementation of and conformance with applicable HCPs and NCCPs for future projects within the PSR Analysis Areas. Therefore, impacts associated with conflicts with HCPs and NCCPs would be less than significant.

Page 2.4-21 states:

Cumulative projects under the County's jurisdiction are required to comply with applicable HCPs and NCCPs, including the San Diego MSCP and Southern California Coastal Sage Scrub NCCP. Therefore, potential cumulative impacts associated with conflicts with applicable HCPs and NCCPs would be less than significant.

03-A-30
Identifying a future need to comply with applicable HCP/NCCP/MSCP process guidelines does not negate the County's responsibility to fully evaluate the potential adverse effects that implementing this project could have upon those planning efforts. The SEIR's impact analysis should begin by providing at least as much detail as provided in the "preliminary analyses" discussed previously in this letter. The SEIR should then specify avoidance and mitigation measures designed to prevent the ecological integrity of the overall reserve system from being compromised by project actions taken during the interim period before the MSCPs are ultimately adopted (if they ever are).

03-A-31
Furthermore, and perhaps even more importantly, the SEIR fails to observe that, in authorizing increased development density in areas identified as PAMA/FCA, the County would not only be "allowing" development in these high-value areas, but in fact en-

couraging land owners to increase the level of development in and around the anticipated future preserve system. If other landowners in PAMA/FCA demand the same increases in development intensity that the County seeks to allow in the 21 PSR Analysis Areas, this could undermine the ability to establish an ecologically viable MSCP habitat preserve system.

03-A-32

Thus, in the absence of a detailed impact analysis — one that credibly explains how the proposed actions contribute to ongoing regional planning efforts, rather than detracting from them — the SEIR should identify a potentially significant impact to NCCP planning efforts (and the required mitigation to reduce the impact to less than significant).

“FUTURE STUDIES”

The DEIR makes frequent reference to the need for future studies that would presumably result in avoidance and minimization of impacts to sensitive resources. For example, Page 2.4-6 states:

03-A-33

All PSR Analysis Areas and the former CGSP Area proposed for SR-0.5 (SD15-portion), SR-1 (DS24, FB17-portion, NC18A-portion, NC22-portion, NC38+), SR-2 (CD14-portion, FB17-portion, NC18A-portion, PP30-portion, VC7+, VC57+, CG3, CG4, CG5), VR-4.3 (DS8), VR-10.9 (SD15-portion), General Commercial (SD15-portion), Rural Commercial (former CGSP Subareas CG6-portion and CG8-portion), and Medium Impact Industrial (VC67) are estimated to have 100 percent impact to habitat because of the level of vegetation removal that could potentially be required during future land development. **Although the higher density areas are assumed to have 100 percent impact for purposes of this SEIR, future projects would be required to demonstrate avoidance of the most sensitive areas, compliance with existing ordinances and conservation plans, and implementation of mitigation measures to reduce impacts.** [emphasis in bold type added]

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If the statement above it true, why does the SEIR identify potentially significant impacts to (a) sensitive plant and wildlife species, (b) riparian habitat and wetlands, (c) wildlife movement paths and habitat linkages, and (d) wildlife nursery sites, none of which can be avoided or mitigated to below a level of significance? Once the County has assumed worst-case scenarios for all of the PSR Analysis Areas, and adopted a Statement of

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Overriding Considerations for a wide range of significant impacts, what impetus would the County have to require thorough future studies, or avoidance of all sensitive resources? With the County having acknowledged the lack of adequate mitigation measures in this SEIR, members of the public have no reason to expect that any mitigation concepts that might be developed in the future will be feasible, let alone effective.

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Moreover, the SEIR makes clear that compliance with ordinances and conservation plans is a meaningless exercise, given its ultimate conclusion that the vast majority of the Project’s impacts upon biological resources would be significant and unavoidable.

PROGRAM EIR REQUIREMENTS

03-A-37

As a program EIR, the SEIR is supposed to analyze the “big picture.” Per Section 15168(b)(1)-(2) of the CEQA Guidelines, a program EIR must (1) provide “more exhaus-

tive consideration” of effects and alternatives than can be accommodated by an EIR for an individual action, and (2) consider “cumulative impacts that might be slighted in a case-by-case analysis.” Moreover, it is only at this early stage that the County can design wide-ranging measures to mitigate County-wide environmental impacts (Section 15168(b)(4) of the CEQA Guidelines: a programmatic EIR “[a]llows the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility. . .”).

03-A-38 Therefore, rather than defer the detailed analysis and development of mitigation approaches to some future process that may or may not occur with public review, the SEIR must (a) identify the range of studies that should be conducted in each PSR Analysis Area, based upon the County’s detailed “preliminary analyses” discussed previously in this letter; (b) identify the especially sensitive resource areas to be avoided altogether; and (c) develop mitigation approaches sufficient to protect these resource areas. Such an approach would be consistent with the requirements of CEQA, especially for a program EIR such as this one.

FAILURE TO FOLLOW GUIDELINES FOR DETERMINING SIGNIFICANCE

03-A-39 Page 2.4-4 states that the SEIR’s impact analysis was conducted in accordance with the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements, Biological Resources* (Fourth Revision September 15, 2010), which provides the County’s methods of determining whether a proposed action would represent a potentially significant impact per the CEQA Guidelines, Appendix G, IV. Biological Resources, IX. Land Use and Planning, and XVII. Mandatory Findings of Significance.

03-A-40 The *Guidelines for Determining Significance* provide numerous examples of analyses to be performed as part of the effort to determine whether a given action may entail potentially significant impacts to one or more biological resources; for example, pages 11-13 state:

The following information should be evaluated to provide evidence to support a determination of impact significance.

- A. The project would impact one or more individuals of a species listed as federally or state endangered or threatened.
- B. The project would impact an on-site population of a County List A or B plant species, or a County Group I animal species, or a species listed as a state Species of Special Concern. Impacts to these species are considered significant; however, impacts of less than 5 percent of the individual plants or of the sensitive species’ habitat on a project site may be considered less than significant if a biologically-based determination can be made that the project would not have a substantial adverse effect on the local long-term survival of that plant or animal taxon.
- C. The project would impact the local long-term survival of a County List C or D plant species or a County Group II animal species.
- D. The project may impact arroyo toad aestivation, foraging or breeding habitat. Any alteration of suitable habitat within 1 kilometer (3,280 feet) in any direction of occupied breed-

ing habitat or suitable stream segments (unless very steep slopes or other barriers constrain movement) could only be considered less than significant if a biologically-based determination can be made that the project would not impact the aestivation or breeding behavior of arroyo toads.

- 03-A-40
con'd.
- E. The project would impact golden eagle habitat. Any alteration of habitat within 4,000 feet of an active golden eagle nest could only be considered less than significant if a biologically-based determination can be made that the project would not have a substantially adverse effect on the long-term survival of the identified pair of golden eagles.
 - F. The project would result in the loss of functional foraging habitat for raptors. Impacts to raptor foraging habitat is considered significant; however, impacts of less than 5 percent of the raptor foraging habitat on a project site may be considered less than significant if a biologically-based determination can be made that the project would not have a substantial adverse effect on the local long-term survival of any raptor species.
 - G. The project would impact the viability of a core wildlife area, defined as a large block of habitat (typically 500 acres or more not limited to project boundaries, though smaller areas with particularly valuable resources may also be considered a core wildlife area) that supports a viable population of a sensitive wildlife species or supports multiple wildlife species. Alteration of any portion of a core habitat could only be considered less than significant if a biologically-based determination can be made that the project would not have a substantially adverse effect on the core area and the species it supports.
 - H. The project would cause indirect impacts, particularly at the edge of proposed development adjacent to proposed or existing open space or other natural habitat areas, to levels that would likely harm sensitive species over the long term. The following issues should be addressed in determining the significance of indirect impacts: increasing human access; increasing predation or competition from domestic animals, pests or exotic species; altering natural drainage; and increasing noise and/or nighttime lighting to a level above ambient that has been shown to adversely affect sensitive species.
 - I. The project would impact occupied burrowing owl habitat.
 - J. The project would impact occupied cactus wren habitat, or formerly occupied coastal cactus wren habitat that has been burned by wildfire.
 - K. The project would impact occupied Hermes copper habitat.
 - L. The project would impact nesting success of the following sensitive bird species through grading, clearing, fire fuel modification, and/or other noise generating activities such as construction.

03-A-41

Rather than evaluating each of these considerations, the County EIR preparers cut to the chase and acknowledged blanket findings of significance to special status species, and to other broad categories of resources. The problem with this approach is that it conflicts with CEQA Section 15149(b), which states, in part:

The EIR serves as a public disclosure document explaining the effects of the proposed project on the environment, alternatives to the project, and ways to minimize adverse effects and to increase beneficial effects.

03-A-42

By failing to conduct an impact analysis that explains the potential effects of the proposed project on the species and habitats listed in the County's *Guidelines for Determining Significance*, the SEIR prevents the public and decisionmakers from understanding the nature of the likely impacts, and from evaluating whether the County has adequately considered ways to "minimize adverse effects and to increase beneficial effects."

SUMMARY AND RECOMMENDATIONS FOR ADEQUATE CEQA ANALYSIS

Summary of the SEIR's Approach to CEQA Analysis

03-A-43 To summarize, most of the SEIR's biological impact/mitigation analyses follow a similar general formula:

- 03-A-44 1. Identify a potentially significant impact to general class of resources — loss of special-status species, removal of riparian habitat and wetlands, blockage of functioning wildlife movement paths and habitat linkages, loss of wildlife nursery sites, cumulative impacts to various sensitive resources.
- 03-A-45 2. Fail to provide an actual analysis of the impacts per the *Guidelines for Determining Significance*.
- 03-A-46 3. In some cases, identify need for future studies, but without identifying the specific studies required in each area, and without providing any mechanism to ensure (a) that the studies are actually conducted, or (b) that results of future studies will be used to conduct adequate impact analysis and develop adequate mitigation.
- 03-A-47 4. Refer back to mitigation measures developed for the 2011 PEIR, while acknowledging that those general measures would be inadequate to reduce most of this project's impacts to insignificance.
- 03-A-48 5. Claim that no other feasible mitigation can be identified due to lack of finalized North County and East County MSCP's.

03-A-49 The last point, concerning mitigation or lack thereof, directly contradicts Section 5.0 of the County's *Guidelines for Determining Significance* ("Standard Mitigation Measures and Project Design Considerations"), which states:

When it has been established that a significant impact will potentially occur, the project must propose mitigation to lessen or compensate for the impact. As defined by CEQA (Section 15370), mitigation includes either measures to avoid, minimize or rectify impacts or measures that compensate for impacts by adequately replacing or providing substitute resources.

03-A-50 In order to satisfy the requirements of a program EIR, in compliance with CEQA and the County's *Guidelines for Determining Significance*, the SEIR requires a complete overhaul.

Recommendations for Adequate CEQA Analysis

03-A-51 An approach to the proposed project that would satisfy the requirements for a program EIR, in compliance with CEQA and the County's *Guidelines for Determining Significance*, would involve the following steps:

- 03-A-52 1. Map the plant communities present in each of the 21 PSR Analysis Areas, as has already been done as part of the "preliminary analyses."
- 03-A-53 2. Provide a detailed analysis of the potential for special-status plant and wildlife species, riparian habitat and wetlands, functioning wildlife movement paths and habi-

tat linkages, and wildlife nursery sites, to occur in different parts of each Analysis Area.

03-A-52 3. Identify any areas where future development should be avoided or mitigated to less-than-significant through avoidance, restoration, purchase of off-site mitigation, etc.

03-A-53 4. All site-specific avoidance/mitigation measures should (a) be incorporated into the language that would effectuate the zoning change for each property, and (b) be as specific as feasible, and (c) be "fully enforceable" as required by CEQA.

03-A-54 5. For each PSA Analysis Area, specify whether additional CEQA analysis will be required prior to granting of final development approvals.

03-A-55 6. Identify any specific biological studies that may be required, as part of future CEQA analysis, to provide the basis for future impact analysis and potential avoidance/mitigation requirements; if no future CEQA analysis is required, state the rationale for reaching this determination.

03-A-56 Such an approach would provide mechanisms by which the County could examine the resources present, or potentially present, within each Analysis Area, and then determine the parts that (a) should definitely be avoided, (b) can be safely developed at greater density, and (c) require further study before a final determination is reached.

03-A-57 Only by following such a process can the County assure decisionmakers and the public that the proposed actions would not lead to undermining and unraveling of ongoing MSCP planning processes that require each land owner to contribute equitably to a fully functioning ecological reserve system. For reasons explained in these comments, the existing Draft SEIR does not provide such assurance. Any landowners not wishing to accept the CEQA findings conducted as outlined above could opt to retain the existing (pre-project) General Plan zoning designation.

03-A-58 I appreciate the opportunity to provide these comments on the SEIR. If you have questions, please call me at (562) 477-2181 or send e-mail to robb@hamiltonbiological.com.
Sincerely,



Robert A. Hamilton
President, Hamilton Biological, Inc.

Attached: Curriculum Vitae

Robert A. Hamilton

President, Hamilton Biological, Inc.

Expertise

Endangered Species Surveys
General Biological Surveys
CEQA Analysis
Population Monitoring
Vegetation Mapping
Construction Monitoring
Noise Monitoring
Open Space Planning
Natural Lands Management

Education

1988. Bachelor of Science degree in Biological Sciences, University of California, Irvine

Professional Experience

1994 to Present. Independent Biological Consultant, Hamilton Biological, Inc.

1988 to 1994. Biologist, LSA Associates, Inc.

Permits

Federal Permit No. TE-799557 to survey for the Coastal California Gnatcatcher and Southwestern Willow Flycatcher

MOUs with the California Dept. of Fish and Game to survey for Coastal California Gnatcatcher and Southwestern Willow Flycatcher

California Scientific Collecting Permit No. SC-001107

Robert A. Hamilton has been providing biological consulting services in southern California since 1988. He spent the formative years of his career at the firm of LSA Associates in Irvine, where he was a staff biologist and project manager. He has worked as an independent and on-call consultant since 1994, incorporating his business as Hamilton Biological, Inc., in 2009. The consultancy specializes in the practical application of environmental policies and regulations to land management and land use decisions in southern California.

A recognized authority on the status, distribution, and identification of birds in California, Mr. Hamilton is the lead author of two standard references describing aspects of the state's avifauna: *The Birds of Orange County: Status & Distribution* and *Rare Birds of California*. Mr. Hamilton has also conducted extensive studies in Baja California, and for seven years edited the Baja California Peninsula regional reports for the journal *North American Birds*. He served ten years on the editorial board of *Western Birds* and regularly publishes in peer-reviewed journals. He is a founding member of the Coastal Cactus Wren Working Group and in 2011 updated the Cactus Wren species account for *The Birds of North America Online*. Mr. Hamilton's expertise includes vegetation mapping. From 2007 to 2010 he worked as an on-call biological analyst for the County of Los Angeles Department of Regional Planning. From 2010 to present he has conducted construction monitoring and focused surveys for special-status bird species on the Tehachapi Renewable Transmission Project (TRTP). He is a former member of the Los Angeles County Significant Ecological Areas Technical Advisory Committee (SEATAC).

Mr. Hamilton conducts general and focused biological surveys of small and large properties as necessary to obtain various local, state, and federal permits, agreements, and clearances. He also conducts landscape-level surveys needed by land managers to monitor songbird populations. Mr. Hamilton holds the federal and state permits and MOUs listed to the left, and he is recognized by federal and state resource agencies as being highly qualified to survey for the Least Bell's Vireo. He also provides nest-monitoring services in compliance with the federal Migratory Bird Treaty Act and California Fish & Game Code Sections 3503, 3503.5 and 3513.

Board Memberships, Advisory Positions, Etc.

Coastal Cactus Wren Working Group (2008–present)

Los Angeles County Significant Ecological Areas Technical Advisory Committee (SEATAC) (2010–2014)

American Birding Association: Baja Calif. Peninsula Regional Editor, North American Birds (2000–2006)

Western Field Ornithologists: Associate Editor of Western Birds (1999–2008)

California Bird Records Committee (1998–2001)

Nature Reserve of Orange County: Technical Advisory Committee (1996–2001)

California Native Plant Society, Orange County Chapter: Conservation Chair (1992–2003)

Professional Affiliations

American Ornithologists' Union

Cooper Ornithological Society

Institute for Bird Populations

California Native Plant Society

Southern California Academy of Sciences

Western Foundation of Vertebrate Zoology

Mr. Hamilton is an expert photographer, and typically provides photo-documentation and/or video documentation as part of his services.

Drawing upon a robust, multi-disciplinary understanding of the natural history and ecology of his home region, Mr. Hamilton works with private and public land owners, as well as governmental agencies and interested third parties, to apply the local, state, and federal land use policies and regulations applicable to each particular situation. Mr. Hamilton has amassed extensive experience in the preparation and critical review of CEQA documents, from relatively simple Negative Declarations to complex supplemental and recirculated Environmental Impact Reports. In addition to his knowledge of CEQA and its Guidelines, Mr. Hamilton understands how each Lead Agency brings its own interpretive variations to the CEQA review process.

Representative Project Experience

From 2008 to present, Mr. Hamilton has served as the main biological consultant for the Banning Ranch Conservancy, a local citizens' group opposed to a large proposed residential and commercial project on the 400-acre Banning Ranch property in Newport Beach. Mr. Hamilton reviewed, analyzed, and responded to numerous biological reports prepared by the project proponent, and testified at multiple public hearings of the California Coastal Commission. In September 2016, the Commission denied the application for a Coastal Development Permit for the project, citing, in part, Mr. Hamilton's analysis of biological issues. In March 2017, the California Supreme Court issued a unanimous opinion (*Banning Ranch Conservancy v. City of Newport Beach*) holding that the EIR prepared by the City of Newport Beach improperly failed to identify areas of the site that might qualify as "environmentally sensitive habitat areas" under the California Coastal Act. In nullifying the certification of the EIR, the Court found that the City "ignored its obligation to integrate CEQA review with the requirements of the Coastal Act."

In 2014/2015, on behalf of Audubon California, Mr. Hamilton collaborated with Dan Cooper on *A Conservation Vision for the Los Cerritos Wetlands, Los Angeles County/Orange County, California*. The goals of this

Insurance

\$3,000,000 professional liability policy (Hanover Insurance Group)

\$2,000,000 general liability policy (The Hartford)

\$1,000,000 auto liability policy (State Farm)

Other Relevant Experience

Field Ornithologist, San Diego Natural History Museum Scientific Collecting Expedition to Central and Southern Baja California, October/November 1997 and November 2003.

Field Ornithologist, Island Conservation and Ecology Group Expedition to the Tres Mariás Islands, Nayarit, Mexico, 23 January to 8 February 2002.

Field Ornithologist, Algalita Marine Research Foundation neustonic plastic research voyages in the Pacific Ocean, 15 August to 4 September 1999 and 14 to 28 July 2000.

Field Assistant, Bird Banding Study, Río Nambí Reserve, Colombia, January to March 1997.

References

Provided upon request.

comprehensive review of ongoing conceptual restoration planning by the Los Cerritos Wetlands Authority were (a) to review the conceptual planning and the restoration work that had been completed to date, and (b) to set forth additional conservation priorities for the more intensive phases of restoration that were being contemplated.

From 2012 to 2014, Mr. Hamilton collaborated with Dan Cooper on *A Conservation Analysis for the Santa Monica Mountains "Coastal Zone" in Los Angeles County*, and worked with Mr. Cooper and the County of Los Angeles to secure a certified Local Coastal Program (LCP) for 52,000 acres of unincorporated County lands in the Santa Monica Mountains coastal zone. The work involved synthesizing large volumes of existing baseline information on the biological resources of the study area, evaluating existing land use policies, and developing new policies and guidelines for future development within this large, ecologically sensitive area. A coalition of environmental organizations headed by the Surfrider Foundation selected this project as the "Best 2014 California Coastal Commission Vote" (http://www.surfrider.org/images/uploads/2014CCC_Vote_Chart_FINAL.pdf).

In 2010, under contract to CAA Planning, served as principal author of the *Conservation & Management Plan for Marina del Rey, Los Angeles County, California*. This comprehensive planning document has two overarching goals: (1) to promote the long-term conservation of all native species that exist in, or that may be expected to return to, Marina del Rey, and (2) to diminish the potential for conflicts between wildlife populations and both existing and planned human uses of Marina del Rey (to the benefit of humans and wildlife alike). After peer-review, the Plan was accepted by the Coastal Commission as an appropriate response to the varied challenges posed by colonial waterbirds and other biologically sensitive resources colonizing urban areas once thought to have little resource conservation value.

Contact Information

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Third Party Review of CEQA Documents

Under contract to cities, conservation groups, homeowners' associations, and other interested parties, Mr. Hamilton has reviewed EIRs and other project documentation for the following projects:

- Safari Highlands Ranch (residential, City of Escondido)
- Newland Sierra (residential, County of San Diego)
- Harmony Grove Village South (residential, County of San Diego)
- Vegetation Treatment Program (statewide fire management plan, California Department of Forestry and Fire Protection)
- Watermark Del Mar Specific Plan (residential, City of Del Mar)
- Newport Banning Ranch (residential/commercial, City of Newport Beach)
- Davidson/Scott Ranch (residential, City of Petaluma)
- Mission Trails Regional Park Master Plan Update (open space planning, City of San Diego)
- Esperanza Hills (residential, County of Orange)
- Warner Ranch (residential, County of San Diego)
- Dog Beach, Santa Ana River Mouth (open space planning, County of Orange)
- Gordon Mull subdivision (residential, City of Glendora)
- The Ranch at Laguna Beach (resort, City of Laguna Beach)
- Sunset Ridge Park (city park, City of Newport Beach)
- The Ranch Plan (residential/commercial, County of Orange)
- Southern Orange County Transportation Infrastructure Improvement Project (Foothill South Toll Road, County of Orange)
- Gregory Canyon Landfill Restoration Plan (proposed mitigation, County of San Diego)
- Montebello Hills Specific Plan EIR (residential, City of Montebello; 2009 and 2014 circulations)
- Cabrillo Mobile Home Park Violations (illegal wetland filling, City of Huntington Beach)
- Newport Hyatt Regency (timeshare conversion project, City of Newport Beach)
- Lower San Diego Creek "Emergency Repair Project" (flood control, County of Orange)
- Tonner Hills (residential, City of Brea)
- The Bridges at Santa Fe Units 6 and 7 (residential, County of San Diego)
- Villages of La Costa Master Plan (residential/commercial, City of Carlsbad)
- Whispering Hills (residential, City of San Juan Capistrano)
- Santiago Hills II (residential/commercial, City of Orange)
- Rancho Potrero Leadership Academy (youth detention facility/road, County of Orange)
- Saddle Creek/Saddle Crest (residential, County of Orange)
- Frank G. Bonelli Regional County Park Master Plan (County of Los Angeles)

Selected Presentations

Hamilton, R. A. Six Legs Good. 2012-2017. 90-minute multimedia presentation on the identification and photography of dragonflies, damselflies, butterflies, and other invertebrates, given at Audubon Society chapter meetings, Irvine Ranch Conservancy, etc.

Hamilton, R. A., and Cooper, D. S. 2016. Nesting Bird Policies: We Can Do Better. Twenty-minute multimedia presentation at The Wildlife Society Western Section Annual Meeting, February 23, 2016.

Hamilton, R. A. 2012. Identification of Focal Wildlife Species for Restoration, Coyote Creek Watershed Master Plan. Twenty-minute multimedia presentation given at the Southern California Academy of Sciences annual meeting at Occidental College, Eagle Rock, 4 May. Abstract published in the Bulletin of the Southern California Academy of Sciences No. 111(1):39.

Hamilton, R. A., and Cooper, D. S. 2009-2010. Conservation & Management Plan for Marina del Rey. Twenty-minute multimedia presentation given to different governmental agencies and interest groups.

Hamilton, R. A. 2008. Cactus Wren Conservation Issues, Nature Reserve of Orange County. One-hour multimedia presentation for Sea & Sage Audubon Society, Irvine, California, 25 November.

Hamilton, R. A., Miller, W. B., Mitrovich, M. J. 2008. Cactus Wren Study, Nature Reserve of Orange County. Twenty-minute multimedia presentation given at the Nature Reserve of Orange County's Cactus Wren Symposium, Irvine, California, 30 April 2008.

Hamilton, R. A. and K. Messer. 2006. 1999-2004 Results of Annual California Gnatcatcher and Cactus Wren Monitoring in the Nature Reserve of Orange County. Twenty-minute multimedia presentation given at the Partners In Flight meeting: Conservation and Management of Coastal Scrub and Chaparral Birds and Habitats, Starr Ranch Audubon Sanctuary, 21 August 2004; and at the Nature Reserve of Orange County 10th Anniversary Symposium, Irvine, California, 21 November.

Publications

Gómez de Silva, H., Villafaña, M. G. P., Nieto, J. C., Cruzado, J., Cortés, J. C., Hamilton, R. A., Vásquez, S. V., and Nieto, M. A. C. 2017. Review of the avifauna of The Tres Mariás Islands, Mexico, including new and noteworthy records. *Western Birds* 47:2–25.

Hamilton, R. A. 2014. Book review: The Sibley Guide to Birds, Second Edition. *Western Birds* 45:154–157.

Cooper, D. S., R. A. Hamilton, and S. D. Lucas. 2012. A population census of the Cactus Wren in coastal Los Angeles County. *Western Birds* 43:151–163.

Hamilton, R. A., J. C. Burger, and S. H. Anon. 2012. Use of artificial nesting structures by Cactus Wrens in Orange County, California. *Western Birds* 43:37–46.

- Hamilton, R. A., Proudfoot, G. A., Sherry, D. A., and Johnson, S. 2011. Cactus Wren (*Campylorhynchus brunneicapillus*), in The Birds of North America Online (A. Poole, ed.). Cornell Lab of Ornithology, Ithaca, NY.
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- Erickson, R. A., R. A. Hamilton, and S. G. Mlodinow. 2008. Status review of Belding's Yellowthroat *Geothlypis beldingi*, and implications for its conservation. *Bird Conservation International* 18:219-228.
- Hamilton, R. A. 2008. Fulvous Whistling-Duck (*Dendrocygna bicolor*). Pp. 68-73 in California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California (Shuford, W. D. and T. Gardali, eds.). Studies of Western Birds 1. Western Field Ornithologists, Camarillo, CA, and California Department of Fish and Game, Sacramento, CA.
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- Erickson, R. A., R. A. Hamilton, S. González-Guzmán, G. Ruiz-Campos. 2002. Primeros registros de anidación del Pato Friso (*Anas strepera*) en México. *Anales del Instituto de Biología, Universidad Nacional Autónoma de México, Serie Zoología* 73(1):67-71.
- Hamilton, R. A. and J. L. Dunn. 2002. Red-naped and Red-breasted sapsuckers. *Western Birds* 33:128-130.
- Hamilton, R. A. and S. N. G. Howell. 2002. Gnatcatcher sympatry near San Felipe, Baja California, with notes on other species. *Western Birds* 33:123-124.
- Hamilton, R. A. 2001. Book review: The Sibley Guide to Birds. *Western Birds* 32:95-96.
- Hamilton, R. A. and R. A. Erickson. 2001. Noteworthy breeding bird records from the Vizcaíno Desert, Baja California Peninsula. Pp. 102-105 in *Monographs in Field Ornithology* No. 3. American Birding Association, Colorado Springs, CO.
- Hamilton, R. A. 2001. Log of bird record documentation from the Baja California Peninsula archived at the San Diego Natural History Museum. Pp. 242-253 in *Monographs in Field Ornithology* No. 3. American Birding Association, Colorado Springs, CO.

- Hamilton, R. A. 2001. Records of caged birds in Baja California. Pp. 254–257 in *Monographs in Field Ornithology* No. 3. American Birding Association, Colorado Springs, CO.
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- Howell, S. N. G., R. A. Erickson, R. A. Hamilton, and M. A. Patten. 2001. An annotated checklist of the birds of Baja California and Baja California Sur. Pp. 171–203 in *Monographs in Field Ornithology* No. 3. American Birding Association, Colorado Springs, CO.
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- Wurster, T. E., R. A. Erickson, R. A. Hamilton, and S. N. G. Howell. 2001. Database of selected observations: an augment to new information on migrant birds in northern and central portions of the Baja California Peninsula. Pp. 204–237 in *Monographs in Field Ornithology* No. 3. American Birding Association, Colorado Springs, CO.
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Erickson, R. A., A. D. Barron, and R. A. Hamilton. 1992. A recent Black Rail record for Baja California. *Euphonia* 1(1): 19-21.

Responses to Letter O3, Exhibit A, Endangered Habitats League

O3-A-1 This comment provides a brief summary of the proposed project.

This comment does not raise issues regarding the adequacy of the Draft SEIR, therefore, no further response is necessary.

O3-A-2 This comment continues to provide an overview of the proposed project as well as the process the County conducted to develop the proposed project.

This comment does not raise specific issues relative to the Draft SEIR, and, therefore, no further response is provided.

O3-A-3 This comment cites Section 15151 of the State CEQA Guidelines, which establishes the standards of adequacy for an EIR. The comment then states that in order to meet these standards, the County should have included in the Draft SEIR the “preliminary analyses” that were conducted for each of the PSR areas.

Information contained in the preliminary policy analysis reports was used to help inform the public outreach process and provide factual information associated with the criteria that would be used to evaluate General Plan conformance for the General Plan policies applicable to a stand-alone GPA/Rezone. The criteria for evaluation of the applicable General Plan policies includes discussion of certain issues that could also be applicable to CEQA review; however, they were not prepared to address CEQA compliance (with the exception of the General Plan conformance section of the Draft SEIR), but to address criteria associated with applicable General Plan policies. The preliminary policy analysis reports were prepared for each Analysis Area, in batches by Community Plan Area (CPA), in advance of stakeholder meetings and Community Planning/Sponsor Group (CPG/CSG) meetings for the particular CPA. The Project Manager for the GPA/Rezone has attended 28 of these community meetings on the project so far, in addition to several other meetings with individual stakeholders and stakeholder groups. Paper copies of the preliminary policy analysis reports were provided at each meeting, in addition to sending web links to all interested parties and planning group members in advance of the meetings.

Once a preliminary policy analysis report was ready, it was linked on the project web page. Notices to property owners subject to proposed changes, neighbors within 300’ of proposed changes, and applicable agencies that should receive notice of General Plan Amendments (per California Government Code) have received three mailed notices about the project since the start of processing (additional notices to come for notification of hearings), with each notice referring to the web page for additional information. In addition, links directly to the preliminary policy analysis reports were emailed to interested parties who provided an email address. Any suggestion that the County is withholding information on this project from the public or decision makers is absurd. Staff would challenge the commenter to find anyone of the hundreds of interested stakeholders (including the EHL point of contact for the project)

who felt that the project process and staff responsiveness to information requests was anything less than transparent.

Preparation of the Draft SEIR analysis involved the review of the same and/or similar sources of data (the County's geographic information system [GIS] databases, U.S. Geological Survey [USGS] data, etc.) that were used to prepare the preliminary analyses. Therefore, while not specifically referenced in the Draft SEIR, the information presented in the preliminary analyses was taken into consideration and disclosed in various analyses throughout the Draft SEIR, where it fit with the programmatic format of the Draft SEIR, and the approach of a tiered document (tiered from the General Plan PEIR). The SEIR data sources and references are appropriately cited in the SEIR and the data that the SEIR and the preliminary analyses rely on are publicly available. The SEIR is adequate as a programmatic-level document and it was not necessary to include the preliminary policy analysis reports in the Draft SEIR.

In response to this comment, the Draft SEIR has been edited to reference these preliminary analyses in the Project Description (at the end of Section 1.9 of the SEIR) and in the References (Section 5.0, County of San Diego, 2016a) section of the Final SEIR so that this additional documentation is specifically acknowledged in the SEIR.

- O3-A-4 This comment cites a passage from page 2.4-21 of the Draft SEIR regarding mitigation measures that would reduce impacts on biological resources, but that would remain significant and unavoidable. This comment provides context for the comment provided in O3-A-8.

This comment does not raise issues regarding the adequacy of the Draft SEIR, therefore, no further response is necessary.

- O3-A-5 This comment summarizes the significant impacts on biological resources identified by the Draft SEIR. This comment provides context for the comment provided in O3-A-8.

This comment does not raise issues regarding the adequacy of the Draft SEIR, therefore, no further response is necessary.

- O3-A-6 This comment cites the conclusion on page 2.4-21 of the Draft SEIR that mitigating biological resource impacts to less-than-significant is infeasible because the MSCP planning process for the northern and eastern parts of the county have not yet been completed. This comment provides context for the comment provided in O3-A-8.

This comment provides an incorrect reference to the Draft SEIR. The reference to the infeasible mitigation measure associated with not being able to guarantee adoption of MSCP Plans for North County and East County is not given as the only reason why impacts BI-1 through BI-5 cannot be mitigated to below a level of significance. Refer to Section 2.4.6 of the Draft SEIR for the impact conclusion information associated with Biological Resources. Pages 2.4-22 through 2.4-26 list the mitigation measures and General Plan policies that are applied, and would reduce impacts to biological resources. These are mitigation measures carried forward from the General Plan PEIR, which the current Draft SEIR tiers from. The General Plan Implementation

Plan is the main mechanism for implementing the mitigation measures, as will be discussed in the Mitigation Monitoring and Reporting Program (MMRP) for the Final SEIR.

- O3-A-7 This comment cites Section 15126.4 of the State CEQA Guidelines, which discusses the requirements for mitigation measures in a document. This comment provides context for the comment provided in O3-A-8.

This comment does not raise issues regarding the adequacy of the Draft SEIR, therefore, no further response is necessary.

- O3-A-8 This comment states that based on the above comments, the Draft SEIR's failure to identify fully enforceable mitigation measures for impacts on biological resources violates CEQA, and further states that the unavailability of a finalized MSCP plan is not a valid reason for identifying mitigation measures.

See the response to comment O3-A-6. The Draft SEIR includes 11 feasible mitigation measures, in addition to reliance on the noted General Plan policies, to reduce impacts. However, to be conservative at this programmatic level of analysis, these impacts were determined to remain significant and unavoidable for reasons cited in the Draft SEIR. Future discretionary applications (subdivisions, grading permits, and/or Site Plans) would require further CEQA review, which would include additional mitigation measures, as needed, to reduce development project-specific impacts on biological resources. The type of future discretionary action requirement differs, based on the Analysis Area, but none of the parcels covered in the project would be able to realize additional residential density/development intensity (associated with any PSR approvals) without one or more of these discretionary actions.

- O3-A-9 This comment discusses the preliminary policy analysis reports prepared by the County for each of the PSR Analysis Areas and notes that the information presented in these analyses is relevant to the Draft SEIR's impact analysis.

As discussed in Response to Comment O3-A-3, the Draft SEIR involved review of the same or similar sources of information as presented in the preliminary policy analysis reports. Information similar to that included in the preliminary policy analysis reports is presented in the Draft SEIR at a programmatic-level.

- O3-A-10 This comment states that the Draft SEIR does not include the level of detail presented in the preliminary policy analysis reports for MSCP Core and Linkage Areas. Specifically, this comment also states that SEIR fails to include the descriptive information in the preliminary policy analysis reports for PSR Analysis Area FB2+ in regard to regional linkages.

Section 2.4.3.4 of the Draft SEIR evaluated impacts on regional linkages and disclosed that impacts on these regional linkages could occur. The Draft SEIR specifically includes FB2+ as one of the PRS Analysis Areas that may cause potential impacts within the regional linkages. Without project-specific development proposals and site plans, the extent of impacts on regional linkages cannot be determined.

- O3-A-11 This comment cites information from the preliminary policy analysis reports of FB2+ and provides context for the comments made in comment O3-A-12.

This comment does not raise issues regarding the adequacy of the Draft SEIR, therefore, no further response is necessary.

- O3-A-12 This comment states the information provided in the preliminary policy analysis reports demonstrates that the County has completed a substantial level of conceptual planning of the draft PAMA and wildlife corridors in and around the FB2+ PSR Analysis Area and that the information provided in the preliminary policy analysis reports should be included in the SEIR.

The County disagrees with this comment. The County did not complete conceptual planning for a specific development project within FB2+; instead, text in the preliminary policy analysis reports addresses particular relevant criteria used in General Plan consistency analysis for a particular General Plan policy. As noted in response to comment O3-A-3, the Draft SEIR relied on the same or similar information as used for the preliminary policy analysis reports but served a different purpose for a different format of report. As such, it was not necessary to include every bit of information in the preliminary policy analysis reports in the SEIR. The SEIR data sources and references are appropriately cited in the SEIR, and the data that the SEIR and the preliminary policy analysis reports rely on are publicly available.

- O3-A-13 This comment states that each of the 21 preliminary policy analysis reports prepared by the County contains much more detailed information than the Draft SEIR related to regional linkages/MSCP/PAMA issues and other information about each area's ecological resources and constraints. This comment also includes text from page 2.4-15 of the Draft SEIR.

See the response to comment O3-A-3. A programmatic EIR was prepared for this project, consistent with Section 15168 of the State CEQA Guidelines, which states that a program EIR may be prepared on a series of actions that can be characterized as one large project and are related geographically or as logical parts in the chain of contemplated actions. There are no development applications or proposals associated with the proposed project. The Draft SEIR analysis relied on the same or similar resources as used for the preliminary policy analysis reports.

- O3-A-14 This comment states that rather than examining each property, or cluster of properties, in relation to identified linkages, PAMA, etc., the Draft SEIR takes the position that nothing can be done to avoid or mitigate significant effects until the North County and East County MSCPs are finalized. The comment cites language from the Draft SEIR regarding Impact BI-4.

The County disagrees with this comment. As discussed in Section 2.4.5.4 of the Draft SEIR, implementation of adopted 2011 General Plan PEIR mitigation measures (Bio-1.1, Bio-1.2, Bio-1.3, Bio-1.4, Bio-1.5, Bio-1.6, Bio-1.7 and Bio-2.3) and adopted General Plan Policies (COS-1.1, COS-1.2, COS-1.3, COS-1.4, Cos-1.5, LU-6.1 and LU-6.7) would reduce Impact BI-4. Although the impact would be reduced, these mitigation measures and GP Policies would not reduce it to a level below significance. Therefore, Impact B-4 would remain significant and unavoidable.

- O3-A-15 This comment claims that the County does not provide a rationale for failing to provide the same level of detail in the Draft SEIR as in the preliminary policy analysis reports and violates CEQA by dismissing feasible mitigation due to the stalled MSCP planning process.

Refer to response to comment O3-A-3 for comments related to the preliminary policy analysis reports, which states that analyses in the Draft EIR relied on the same sources as the preliminary policy analysis reports, and as such, it was not necessary to include them in the SEIR. Refer to response to comment O3-A-8 for comments related to the determination that relying on the MSCP for mitigation for impacts on biological resources is infeasible. As noted, the Draft SEIR does not rely on the MSCP for mitigation for impacts on biological resources.

- O3-A-16 The comment states that an adequate CEQA analysis would examine each of the PSR Analysis Areas at the same level of detail as the preliminary policy analysis reports, would determine the significance of the action upon identified wildlife linkages, and would identify feasible mitigation measures, such as avoidance of any important areas to address significant impacts.

Refer to response to comment O3-A-3. Furthermore, as detailed in Section 3.4, *Biological Resources*, of the Draft SEIR, potential impacts on wildlife linkages are disclosed, including the PSR Analysis Areas in which impacts could potentially occur, and mitigation measures to address those impacts are identified. When future development projects are proposed (for densities/intensities allowed under the GPA proposals) within areas covered by the proposed project, the proposed development footprint would be analyzed in relation to potential impacts to biological resources and potential edge effects. The future projects would have to meet requirements in the County's Guidelines for Determining Significance – Biological Resources, the Resource Protection Ordinance (RPO), the Biological Mitigation Ordinance (BMO) where applicable, and the Habitat Loss Permit (HLP) where applicable, as referenced in mitigation measures Bio-1.5 and Bio-1.6 of the Draft SEIR.

- O3-A-17 This comment suggests that because the County has evaluated PSRs in the preliminary policy analysis reports in more detail, the Draft SEIR should provide more specific analyses related to biological resources.

Refer response to comment O3-A-3 regarding the preliminary policy analysis reports. The County did not choose to “withhold” information in the preliminary policy analysis reports. As discussed in the response to comment O3-A-3, they have been available on the project website for longer than the SEIR, and referred to in notices to interested parties. They were prepared for a different purpose and in a different format than the Draft SEIR, as discussed in the response to comment O3-A-3. In addition, there are no development applications or proposals associated with the proposed project; therefore, development project-specific impacts cannot be analyzed. Accordingly, the County analyzed the proposed project at the programmatic level, which is appropriate for planning-level actions.

- O3-A-18 This comment claims that the County makes broad-brush, worst-case assumptions about impacts and then claims that no feasible avoidance or mitigation measures are available and does not identify the specific situations in which follow-up studies would be required.

As noted above in previous responses to comments, the Draft SEIR analyzed the proposed PSR Analysis Areas at a programmatic level, which is appropriate for planning actions, such as a General Plan Amendment. In the absence of specific project development proposals, where specific development footprints and ground-disturbing activities would be known, the level of detail provided in the Draft SEIR provides sufficient information to identify potential impacts on biological resources. In addition, while the Draft SEIR dismisses the adoption of MSCP Plans for the North County and East County as an infeasible mitigation measure, the Draft SEIR identifies 11 other mitigation measures to address potential impacts on biological resources. Furthermore, with or without mitigation measures, all subsequent discretionary actions resulting from adoption of the proposed project would be required to undergo project-level CEQA analyses during which project-specific impacts would be analyzed and mitigated, as necessary, and in accordance with development regulations that serve to protect biological resources (see response to comment O3-A-16). Future subdivision applications and/or Site Plan applications would be required for development at any of the proposed densities/intensities of the proposed project, within all of the areas covered by the project (in addition to grading permits and other potential discretionary applications, depending on the area). These are discretionary processes which would trigger CEQA review.

- O3-A-19 This comment suggests that the approach in the Draft SEIR seems to have been designed to maximize the allowable impacts of the projects and to minimize commitments to avoidance and effective mitigation, rather than highlight areas known to have ecological importance that should be prioritized for avoidance and/or mitigation.

See response to comment O3-54. The Draft SEIR analyzed the proposed PSRs at a programmatic level similar in approach to the 2011 General Plan Final PEIR. In the absence of project-specific development proposals where specific footprints of ground-disturbing activities would be known, the level of detail provided in the Draft SEIR provides sufficient information to identify that the proposed action could result in impacts on biological resources, from future development projects.

The purpose of the programmatic Draft SEIR is to identify potential impacts that could result from project-specific actions that could occur with development projects in the areas covered by the proposed project. Its intent is not to “allow” these impacts to occur, as suggested by the comment, but to identify where and to what extent impacts would be likely to occur. All subsequent project-specific proposals (for densities/intensities allowed under the current GPA proposals) would undergo development project-level CEQA analyses where specific impacts and mitigation measures applicable to development could be identified.

- O3-A-20 This comment provides a citation from page 2.4-6 of the Draft SEIR regarding plant communities. It provides context for the comment in O3-A-21.

This comment does not raise issues regarding the adequacy of the Draft SEIR, therefore, no further response is necessary.

- O3-A-21 This comment suggests the Draft SEIR makes blanket assumptions about the level of impacts that would occur within the different PSR areas. The comment states that given the mapping used in the preliminary analyses, the Draft SEIR should have identified areas of lesser or

greater ecological sensitivity. The comment claims that using a broad-brush approach is not consistent with the requirements of CEQA.

As discussed in response to comment O3-53, the 2011 GPU PEIR and the Draft SEIR use impact percentage criteria to estimate impacts. This approach is appropriate for a programmatic-level EIR. The Draft SEIR does disclose information regarding the ecological sensitivity within the PSR Analysis Areas, including vegetation communities and location of draft PAMA/FCA (refer to Figures 2.4-1 and 2.4-2 in the Draft SEIR). In addition, specific future development proposals that could occur within the areas covered by the proposed project (for densities/intensities allowed under the current GPA proposals) would be required to undergo project-level CEQA analyses during which specific impacts and mitigation measures applicable to development would be identified.

- O3-A-22 This comment cites page 2.4-7 of the Draft SEIR regarding special-status species. It provides the context for the comment made in O3-A-23.

This comment does not raise issues regarding the adequacy of the Draft SEIR, therefore, no further response is necessary.

- O3-A-23 This comment asserts that the Draft SEIR made no effort to provide relevant information about where special-status species have been observed or where there is the greatest potential for impacts to occur to special-status species.

Section 2.4.3.1 and Table 2.4-4 of the Draft SEIR identify known acreages of special status species for each PSR Analysis Area (with groupings of Analysis Areas by Community Plan Area [CPA] in Table 2.4-4). Refer to response to comment O3-A-21. Until specific development plans are proposed, details of the significance of impacts cannot be provided at the programmatic-level at which the Draft SEIR was prepared.

- O3-A-24 The comment suggests that the Draft SEIR did not prioritize development of areas with low potential to support special-status species and did not identify areas with high potential for special-status species to occur as being prioritized for conservation.

The Draft SEIR does include general mapping of vegetation communities within each PSR Analysis Area; refer to Figure 2.4-1. The Draft SEIR also discloses estimated acreages potentially supporting special status species by CPA/Region in Table 2.4-4. Until specific development plans are proposed, details of the significance of impacts and identification of areas for conservation, as avoidance or mitigation, cannot be determined.

- O3-A-25 This comment cites information from page 2.4-10 of the Draft SEIR regarding coastal sage scrub and associated special-status species. It provides the context for the comment made in O3-A-26.

This comment does not raise issues regarding the adequacy of the Draft SEIR, therefore, no further response is necessary.

- O3-A-26 This comment asserts that the County has exploited “for decades” USFWS Special Rule 4(d), which allows loss of up to 5 percent of coastal sage scrub habitat through Habitat Loss

Permits. This comment provides a general opinion regarding the County's use of the USFWS Special Rule 4(d).

This comment does not raise issues regarding the adequacy of the Draft SEIR, therefore, no further response is necessary.

- O3-A-27 This comment asserts that the County is invoking the USFWS Special Rule 4(d) while simultaneously citing the lack of a completed MSCP subregional plan to explain why significant biological resources cannot be mitigated and goes on to say that CEQA does not allow the stalled MSCP planning process as a barrier to identify feasible mitigation measures.

See the response to comment O3-A-16. In addition, while the Draft SEIR dismisses the adoption of MSCP Plans for the North County and East County as an infeasible mitigation measure, the Draft SEIR identifies 11 other mitigation measures, in addition to General Plan policies, to address potential impacts on biological resources.

- O3-A-28 This comment states that development within Pre-Approved Mitigation Areas (PAMAs) in the North County MSCP and Focused Conservation Areas (FCAs) in the East County MSCP must be carefully planned and that the Draft SEIR should analyze each PAMA/FCA where increased development intensity is proposed and determine the effects of the increased development intensity on the potential MSCP habitat preserve system and wildlife corridors.

Section 2.4.3.6 of the Draft SEIR identifies the PSR Analysis Areas that fall within the draft PAMA of the Draft MSCP North County Plan and draft FCAs in the MSCP East County area. Future development proposals, including those occurring within areas identified as draft PAMA or FCA lands, would require subsequent environmental review, which would ensure that these future proposals conform to any applicable HCPs and NCCPs.

- O3-A-29 This comment provides citations from pages 2.4-18 and 2.4-21 of the Draft SEIR regarding HCPs and NCCPs. This comment provides context for comments O3-A-30 and O3-A-31.

This comment does not raise issues regarding the adequacy of the Draft SEIR, therefore, no further response is necessary.

- O3-A-30 This comment states that the Draft SEIR's reliance on the future need for subsequent projects to comply with applicable HCP/NCCP/MSCP guidelines does not negate the County's responsibility to evaluate potential adverse effects that implementing the proposed project could have upon those planning efforts. The comment asserts again that the Draft SEIR should include as much detail as was provided in the previously discussed preliminary policy analysis reports and then should specify avoidance and mitigation measures that would ensure the ecological integrity of the overall preserve system.

Please see response to comment O3-A-3 regarding the preliminary policy analysis reports. In addition, as discussed in Section 2.4.3.6, the PSR Analysis Areas that fall within the adopted and draft HCPs and NCCPs are disclosed; however, until specific development plans are proposed, the development specific impacts cannot be provided.

- O3-A-31 This comment suggests that the Draft SEIR fails to observe that in authorizing increased development density in areas identified as PAMA/FCA, the County would not only be

allowing development in these high-value areas, but also encouraging landowners to increase the level of development in and around the anticipated future preserve system and result in other landowners in PAMA/FCA demanding similar increases on their lands, which could ultimately undermine the ability to establish an ecologically viable MSCP habitat preserve system.

Please see response to comment O3-62. The Draft SEIR takes into consideration the increased density of development that could occur within PAMA/FCA lands with approval of the proposed project. Refer to Section 2.4.3.6, page 2.4-18 of the Draft SEIR for information on how the regulatory process works for development proposals within PAMA/FCAs. Conformance with the MSCP would be required for future development projects, regardless of the applicable General Plan land use designation.

- O3-A-32 This comment states in the absence of a detailed impact analysis, the SEIR should identify a significant impact to NCCP planning and mitigation.

As noted in the Draft SEIR, existing regulations would require all future development occurring under implementation of the proposed project to comply with any adopted HCPs and NCCPs. As such, impacts related to these plans would be less than significant.

- O3-A-33 This comment states that the Draft SEIR makes frequent reference to the need for future studies that would result in avoidance and minimization of impacts on sensitive resources. The comment provides a citation from page 2.4-6 of the Draft SEIR as an example.

This comment is correct that the Draft SEIR states that future analyses would be required as part of the discretionary review process of future development proposals occurring as a result of implementation of the proposed project. This comment does not address the adequacy of the SEIR; therefore, no further response is necessary.

- O3-A-34 This comment raises the question that if future studies would be required that would avoid or minimize impacts, why are potentially significant impacts identified for sensitive plant and wildlife species, riparian habitat and wetlands, wildlife movement paths and linkages, and wildlife nursery sites.

While future development projects would be required to avoid and minimize impacts on sensitive resources, because the exact impacts of future development projects cannot be identified at this stage, the Draft SEIR cannot assume that all impacts would be minimized to less-than-significant levels. Therefore, the Draft SEIR conservatively assumes that future projects in the areas covered by the project and at densities/intensities of the proposed project, may result in some significant and unavoidable impacts.

- O3-A-35 This comment suggests that once the County adopts a Statement of Overriding Considerations for a wide range of significant impacts, there would be no impetus for the County to require future studies or require avoidance of sensitive resources.

A significant and unavoidable impact determination does not absolve the County from complying with federal, state, and local regulations. These regulations, including CEQA, require that future development projects comply with applicable sensitive biological

resources protections and that project-specific impacts and mitigation measures be identified. As discussed previously, the SEIR references one mitigation measure being determined to be infeasible, but identifies and applies 11 feasible mitigation measures in addition to General Plan policies that would reduce impacts. When future development projects are proposed (for densities/intensities allowed under the GPA proposals) within areas covered by the proposed project, the proposed development footprint would be analyzed in relation to potential impacts to biological resources. The future projects would have to meet requirements in the County's Guidelines for Determining Significance – Biological Resources, the Resource Protection Ordinance (RPO), the Biological Mitigation Ordinance (BMO) where applicable, and the Habitat Loss Permit (HLP) where applicable, as referenced in mitigation measures Bio-1.5 and Bio-1.6 of the Draft SEIR.

- O3-A-36 This comment suggests that the Draft SEIR makes it clear that compliance with ordinances and conservation plans is a meaningless exercise given the conclusion that the vast majority of the project's impacts on biological resources would be significant and unavoidable.

The County disagrees with this comment. As noted in response to comment O3-A-35 above, a significant and unavoidable impact determination does not absolve the County from complying with regulations, including ordinances and conservation plans. Also, as discussed in response to comment O3-A-34 above, future development projects would be required to conduct environmental analyses so that project-specific impacts and mitigation measures can be identified.

- O3-A-37 This comment quotes sections of the State CEQA Guidelines concerning program EIRs.

This comment does not raise issues regarding the adequacy of the Draft SEIR, therefore, no further response is necessary.

- O3-A-38 This comment states the commenter's opinion that the Draft SEIR should identify the range of studies that should be conducted in each PSR Analysis Area (based on the preliminary policy analysis reports mentioned earlier), identify the especially sensitive resource areas to be avoided altogether, and develop mitigation approaches sufficient to protect these resource areas.

Given the absence of specific development proposals for the PSR Analysis Areas, the programmatic-level analysis provided in Section 2.4, Biological Resources, provides a sufficient level of detail to adequately evaluate the potential impacts that could occur on biological resources under implementation of the proposed project. The Draft SEIR also identifies mitigation measures to minimize those impacts to the extent feasible. Specifically implementation of mitigation measure Bio-1.5 would require future development projects to address the County's Guidelines for Determining Significance for Biological Resources in a project specific manner which would determine which specific biological resources studies would be required. Please refer to response to comment O3-A-3 regarding the preliminary policy analysis reports.

- O3-A-39 This comment cites page 2.4-4 of the Draft SEIR, which states that the Draft SEIR was prepared in accordance with the *County of San Diego Guidelines for Determining Significance*

and Report Format and Content Requirements, Biological Resources to determine whether the proposed project would result in potentially significant impacts per the State CEQA Guidelines, Appendix G.

This comment is correct. This comment does not raise issues regarding the adequacy of the Draft SEIR, therefore, no further response is necessary.

- O3-A-40 This comment includes a verbatim citation from pages 11 through 13 of the County's *Guidelines for Determining Significance*, which provides a list of items that should be evaluated to support a determination of impact significance.

This comment provides context for follow up comments (see below). This comment does not raise issues regarding the adequacy of the Draft SEIR; therefore, no further response is necessary.

- O3-A-41 This comment suggests that rather than evaluating each of the considerations outlined under comment O3-A-40, the County made blanket findings of significance to special-status species and other broad categories of resources. The comment further opines that this conflicts with CEQA Section 15149(b).

The County disagrees with the commenter's opinion that the Draft SEIR conflicts with CEQA. Section 2.4.3.1 of the Draft SEIR discusses the State CEQA Guidelines and the County's Guidelines used in evaluating the projects biological impacts. The Draft SEIR provides a programmatic-level of analysis for direct and indirect impacts on sensitive species. Therefore, the Draft SEIR does disclose to the public and decision-makers the potential impacts associated with implementation of the proposed project, including identifying mitigation measures at the programmatic level.

- O3-A-42 This comment suggests that the Draft SEIR fails to conduct an impact analysis that explains the potential effects of the proposed project on the species and habitats listed in the County's Guidelines and prevents the public and decision-makers from understanding the nature of the likely impacts and whether ways to minimize adverse effects have been adequately considered.

Please see response to comment O3-A-41 above.

- O3-A-43 This comment is the first of five comments that summarizes the commenter's interpretation of the process used in the Draft SEIR to evaluate impacts on biological resources. Specifically, this comment suggests that the process utilized in the Draft SEIR began with identifying a potentially significant impact on a general class of resources, including special-status species, riparian habitat and wetlands, wildlife movement paths and habitat linkages, wildlife nursery sites, and cumulative impacts on sensitive resources.

Although potentially significant impacts are identified for the first four significance guidelines for biological resources, the review process began with a review of available relevant maps, databases, and literature regarding biological resources in the areas of the PSR Analysis Areas as described in Section 2.4.3 of the SEIR.

- O3-A-44 This comment provides the commenter's opinion that the Draft SEIR failed to provide an actual analysis of the impacts per the County's *Guidelines for Determining Significance*.

Please see response to comments O3-A-41, which states that the Draft SEIR used the State CEQA Guidelines and the County's Guidelines in evaluating direct and indirect impacts on biological resources at the programmatic level. None of the items that the commenter lists (in comment O3-A-40) from the County's Guidelines for Determining Significance can be definitively determined without a specific development proposal with a defined development footprint. As there are no proposed development footprints associated with the current project, the County provides a programmatic analysis of potential impacts from future development projects. This analysis follows the format of the 2011 General Plan PEIR, which it tiers from.

- O3-A-45 The comment suggests that, in some cases, the Draft SEIR identified the need for future studies without identifying specific studies needed, and without providing any mechanism to ensure that the studies are actually conducted or that the results of these studies would be use to conduct adequate impact analyses and mitigation measures.

Please see response to comment O3-A-38, which states that the programmatic-level analysis provided in Section 2.4, Biological Resources, provided a sufficient level of detail to adequately evaluate the potential impacts that could occur on biological resources under implementation of the proposed project. The response also states that implementation of mitigation measure Bio-1.5 would require future development projects to address the County's Guidelines for Determining Significance for Biological Resources in a project specific manner which would determine which specific biological resources studies would be required.

- O3-A-46 This comment states that the Draft SEIR refers back to the mitigation measures developed for the 2011 PEIR and suggests that the Draft SEIR acknowledges that those general measures would be inadequate to reduce most of this project's impacts to less-than-significant levels.

Until specific development plans are proposed, details of the significance of impacts and development project-specific mitigation measures cannot be provided. When future development projects are proposed (for densities/intensities allowed under the GPA proposals) within areas covered by the proposed project, the proposed development footprint would be analyzed in relation to potential impacts to biological resources. The future projects would have to meet requirements in the County's Guidelines for Determining Significance – Biological Resources, the Resource Protection Ordinance (RPO), the Biological Mitigation Ordinance (BMO) where applicable, and the Habitat Loss Permit (HLP) where applicable, as referenced in mitigation measures Bio-1.5 and Bio-1.6 of the Draft SEIR. Thus, the Draft SEIR cannot definitively conclude that the mitigation measures would completely reduce all potentially significant impacts on biological resources, and, as such, conservatively assumes that impacts would remain significant and unavoidable even with implementation of the 2011 General Plan PEIR mitigation measures.

- O3-A-47 This comment suggests that the Draft SEIR claims that no other feasible mitigation measures can be identified due to the lack of finalized North County and East County MSCPs.

Please see response to comment O3-A-8, which states that mitigation of biological resources impacts does not rely solely on the adoption of MSCP Plans for North County and East County, but also includes 11 other mitigation measures that were identified in the General Plan 2011 PEIR, as well as the incorporation of several adopted General Plan policies.

- O3-A-48 This comment suggests that the mitigation proposed in the Draft SEIR directly contradicts Section 5.0 of the County's *Guidelines for Determining Significance*, which states that mitigation to lessen or compensate for an impact must be proposed when impacts have been identified.

The County disagrees with this comment. The County believes that the mitigation measures identified in the Draft SEIR comply with Section 5.0 of the Guidelines. In addition, see responses to comments O3-A-8, which states that the Draft SEIR does identify mitigation measures, and O3-A-46, which states that because the proposed project is not a specific development project, the Draft SEIR cannot definitively conclude that the mitigation measures would completely reduce all potentially significant impacts on biological resources.

- O3-A-49 This comment provides the commenter's opinion that in order to satisfy the requirements of a program EIR per CEQA, the Draft SEIR needs a complete overhaul.

The County disagrees with this comment. Given the lack of specific development applications or proposals, the programmatic-level analysis provided in the Draft SEIR provides a sufficient level of detail to adequately evaluate the potential impacts that could occur with future development projects at the proposed designations' densities/intensities and identifies mitigation measures to minimize those impacts to the extent feasible. Refer to responses to comments O3-A-3, O3-A-19, and O3-A-21. As detailed in responses to comments O3-A-19 and O3-A-21, because the PSR GPA cannot predict when and how future development would occur, the Draft SEIR analyzed maximum development potential associated with the proposed changes.

- O3-A-50 This comment provides an introductory statement related to the commenter's recommendations to make the Draft SEIR an adequate CEQA analysis. The comment includes the first recommendation, which recommends mapping the plant communities present in each of the PSR Analysis Areas, as had been done in the preliminary policy analysis reports.

Figure 2.4-2 of the Draft SEIR includes vegetation mapping within the PSR Analysis Areas. This mapping is based on the County's GIS records. Plant community mapping in the preliminary policy analysis reports is based on the same GIS records but provided at a larger scale. The plant community mapping and analyses in the Draft SEIR is adequate for a programmatic-level EIR and meets the requirements of CEQA.

- O3-A-51 The comment recommends that the Draft SEIR provide a detailed analysis of the potential for biological resources to occur in different parts of each PSR Analysis Area.

As discuss in Section 2.4.3 of the Draft SEIR, the biological data provided in the Draft SEIR was based on a thorough review of relevant maps, databases, and literature pertaining to biological resources known to occur within the PSR Analysis Areas. Please refer to Figure 2.4-1 in the Draft SEIR regarding the location of PSR Analysis Areas within regional wildlife

linkages. Figure 2.4-2 shows vegetation communities PSR Analysis Areas. Figure 2.4-3 provides the location of identified wetlands within the PSR Analysis Areas. Also please refer to Table 2.4-2 which provides estimated vegetation within each PSR Analysis Area. In addition, Table 2.4-4 provides estimated acreage supporting special status species within PSR Analysis Areas, by CPA/Subregion. These maps and tables provide sufficient programmatic-level information regarding the location of biological resources. Specific future development projects that could occur at the proposed designations' densities/intensities would be required to undergo project-level CEQA analyses during which development project-specific impacts and mitigation measures would be identified.

- O3-A-52 This comment recommends the Draft SEIR identify areas where future development should be avoided or mitigated to less-than-significant levels through avoidance, restoration, purchase of offsite mitigation, etc.

The analysis in the Draft SEIR identifies the programmatic-level impacts for each of the PSR Analysis Areas. When future specific development proposals are submitted per densities/intensities proposed in the current project, discretionary project review will be required in every case, triggering CEQA environmental analysis to determine where specific impacts would occur and would develop specific mitigation for those impacts. Mitigation measures Bio-1.5 and Bio-1.6 already require what this comment requests by requiring adherence to the County's Guidelines for Determining Significance and other referenced regulations/ordinances for future development projects.

- O3-A-53 This comment recommends that all site-specific avoidance/mitigation measures should be incorporated into the language that would effectuate the zoning change for each property, be specific, and be fully enforceable, as required by CEQA.

The mitigation measures identified in the Draft SEIR, as well as compliance with existing regulations, would ensure that the impacts of future development proposals be analyzed and that site-specific mitigation measures be incorporated.

- O3-A-54 This comment recommends that the Draft SEIR specify whether additional CEQA analysis will be required for each PSR Analysis Area prior to granting of final development approvals.

Future subdivision applications and/or Site Plan applications would be required for development at any of the proposed densities/intensities of the proposed project, within all of the areas covered by the Project (in addition to grading permits and other potential discretionary applications, depending on the area). These are discretionary processes which would trigger CEQA review and review of the General Plan policies that are applicable to development applications/proposals.

- O3-A-55 This comment recommends that the Draft SEIR identify specific biological studies that may be required under future CEQA analysis, to provide the basis for future impact analysis and potential avoidance/mitigation requirements, and if no future CEQA analysis is required, state the rationale for this determination.

This Draft SEIR was conducted at the programmatic level. When specific development proposals are submitted, subdivision applications and/or Site Plan applications would be

required for development at any of the proposed densities/intensities of the proposed project, within all of the areas covered by the project (in addition to grading permits and other potential discretionary applications, depending on the area). These are discretionary processes which would trigger CEQA review. These future development projects would be reviewed in accordance with the County's Guidelines for Determining Significance and other applicable ordinances/regulations as discussed in Draft SEIR mitigation measures Bio-1.5 and Bio-1.6. Requirements for additional studies and surveys would be applied to future development projects based on the proposed development footprint (and likely edge effects), in accordance with these Guidelines and regulations.

- O3-A-56 The comment suggests that the above-outlined approach would provide the mechanism by which the County could examine the resources present, or potentially present, within each Analysis Area and then determine which areas should be avoided, which properties can be safely developed at greater density, and which properties require further study before a final determination can be reached.

Please see responses to comments O3-A-50 thru O3-A-55 above.

- O3-A-57 This comment suggests that only by following the above-outlined approach can the County assure decision-makers and the public that the proposed project would not undermine the ongoing MSCP planning processes that require each land owner to contribute equitably to a fully functioning ecological reserve system.

Section 2.4.3.4 of the Draft SEIR evaluated the PSR Analysis Areas and potential impacts on the adopted South County MSCP, and draft MSCP North and East County planning efforts. As noted in responses to comments O3-A-50 through O3-A-55, the Draft SEIR has met the requirements of CEQA for programmatic analyses that provide sufficiently detailed information such that the public and decision-makers can make an informed decision based on the impacts of the proposed project disclosed in the Draft SEIR.

- O3-A-58 This comment suggests that any landowners not wishing to accept the CEQA findings conducted as outlined could opt to retain the existing (pre-project) General Plan zoning designation.

This comment does not raise issues regarding the adequacy of the Draft SEIR, therefore, no further response is necessary.