

10/27/2018

Planning and Development Services (PDS)  
Project Processing Counter  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123

**Re: PDS2015-MUP-98-014W2, PDS-2015-RP-15-001, LOG NO. PDS2015-ER-98-14-016B; SCH NO. 2015081025; EL MONTE SAND MINING PROJECT**

Dear Robert Hingtgen and Heather Steven:

I submit this comment letter on behalf of myself and my family, Patricia C. Digenan and the Digenan family trust.

The purpose of this letter is to provide comments on the Draft Environmental Impact Report (DEIR) for the El Monte Valley sand mine. For the reasons below, the DEIR for the Project does not adequately describe the Project and fails to analyze the significant environmental impacts of the Project. Additionally, the project does not propose adequate mitigation measures or alternatives to address those impacts. It is necessary that the DEIR must be revised to permit an adequate understanding of the environmental issues, monetary issues, health and wellness issues, truthfulness and future impacts.

Below you state:

3.1.2.2 Issue 2: Land Use Conflicts Guidelines for the Determination of Significance Based on the County Guidelines for Agricultural Resources, the proposed project would have a significant impact if it conflicts with Agricultural Zoning and/or Williamson Act Contracts. Analysis Consistency with Zoning Classifications County Zoning Ordinance – The majority of the project site (404 acres) is zoned S82 Extractive Use. However, approximately 75 acres of land located in the northeastern portion of the project site are zoned A70 Limited Agriculture (see Figure 3.1-1). As detailed in Chapter 1, Project Description, prior to the 1940s, the project site was used as grazing land for local dairy cattle. None of this land zoned for agriculture is currently in active production. The proposed activities that would occur within the area zoned as A70 include initial extractive operations to remove materials from the surface, refilling of a large depression, and revegetation of the resulting surface once backfill is completed. The intent of the A70 zoning classification is to create and preserve areas intended for agricultural crop production, and would be applied to areas throughout the County to protect moderate to high quality agricultural land. The A70 zoning classification does allow for mining activities and other types of utility and recreational land uses with approval of a MUP. Therefore, the proposed project would be consistent with the project site's A70 agricultural zoning classification. Implementation of the proposed project would not conflict with agricultural zoning, and a less than significant impact would occur. Williamson Act Contracts/Agricultural

Preserves The project site does not contain any Williamson Act Contract land or Agricultural Preserve land, and there are no Williamson Act Contract or Agricultural Preserve lands that exist within a 0.25-mile radius of the project site. Thus, there would be no land use conflicts between agricultural operation on Williamson Act Contract land and the proposed project, and a less than significant impact would occur.

The Foster family dairy used this land as did other dairy families and poultry producers prior to the flood before the El Capitan Dam was constructed the flood cause angry water that washed away cropland, farms, dairies homes and property. Since then it has been used for grazing, dry crop farming hay crops, mostly oat hay and before the “Gulf course” removed the trees, topsoil and changed the topography of the soil it was a flourishing fruit tree orchard.

You also have an arbitrary 0.25-mile radius stating that no significant damage would be done to land in the Williamson act. The Digenan Family trust and the Hartung Ranch land is all in the Williamson act and the impacts to our land would be very significant. The traffic caused by the sand mining trucks will affect the air quality in the valley, which in turn will affect the lambs health and the quality of the free range, grass fed lambs. The noise levels will effect the breeding and pregnancies of the ewes therefore effecting the lambing ratio, the traffic will be frustrating for buyers, less buyers will make the effort to buy free range lamb in a construction zone and with only one way in and one way out the traffic will be customer prohibitive. There are other small ranches in the valley that sell show pigs, custom raised luau pigs and beef cattle these business will be compromised by this sand mine and the traffic as well. Thus the farms and ranches north of the sand mine will be negatively affected and comprised by this project. There was no real impact study conducted therefore a new EIR must be conducted with surveys to buyers asking them if they would travel through 158 trucks per day to purchase their product and look at the affects of traffic on animal behavior and fertility rates.

In the follow section 3.1.1.2you state:

Prime Farmland, Unique Farmland, and Farmland of Statewide Importance exist within the project’s Zone of Influence (ZOI), as well as other FMMP classifications including Grazing Land, Farmland of Local Importance, Urban and Built-Up Land, and Other Land. The project’s ZOI is defined as the area within 0.25-mile of the project site, and any parcels that intersect the 0.25-mile Boundary.

Currently, an area southeast of the project site is designated as Prime Farmland, and is engaged in agricultural activities. Crops typically grown in the area includes bamboo shoots, chives, and snow peas. Farmland of Statewide importance is located both north and southeast of the project site, and unique farmland is located southeast of the project site. North of the project site and also east of Dairy Road, the land has been developed with a working dairy farm (The Van Ommering property). A new EIR is needed this is out dated the land with bamboo is now a nursery with an adjacent stone fruit orchard and an agritorism business combined. This sand mine will have significant impact on this business and its wells. Please do your due diligence and do real impact study on the business that now exist in the EL MONTE VALLEY.

### 3.1.2.3 Issues 3 and 4: Conversion of Forest Land or Timberland

In this section you state:

#### Guidelines for the Determination of Significance

The County does not have specific guidelines for determining the significance for forest land or timberland. For the purpose of this EIR, Appendix G of the CEQA Guidelines applies to the impact analysis regarding if the proposed project would result in a significant impact to forest land or timberland if it would conflict with Section 3.1

3.1-8 El Monte Sand Mining Project PDS2015-MUP-98-014W2, PDS2014-RP-15-001, PDS2015-ER-98-14-016B

Draft Environmental Impact Report August 2018 existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production; or result in the loss of forest land or conversion of forest land to non-forest use.

#### Analysis

The project site does not contain forest land or timber land as defined by the Public Resources Code, sections 1220(g), 4526, or 51104(g). The project site is zoned as S82 Extractive Use (404 acres), and A70 Limited Agriculture (75

acres), and does not include or propose rezoning of forest land, timberland, or timberland-zoned Timberland Production. Therefore, no impacts would occur Regarding the loss of forestland or conversion of forestland to non-forest use.

Nothing could be future from the truth the chaparral forest provide a much needed function to capture rainfall and let it fall slowly on to the parched soils in our semi arid climate. By removing the vegetation you create rapid run off in the rainy season creating an erosion problem. This not only impacts homeowners but farms and ranches as well. Please do your due diligence and conduct another EIR study.

Here you state:

The project has potentially significant impacts from the site preparation, Construction, excavation and reclamation activities related to noise and air quality that were also considered for potential effects on the Van Ommering Dairy Farm, which is located just north of the project site near the intersection of Willow Road and Dairy Road. However, these impacts have been determined to be less than significant with implementation of noise mitigation measures and air quality mitigation measures and design considerations. The sound threshold expected to cause a behavioral response by animals (including dairy cows) is 85 to 90 dB, but the actual noise limit for cattle is unknown (CHSRA 2012).

The Van Ommering Dairy Farm holds their dairy cows in a barn located approximately 820 feet from the proposed project's mobile processing plant operations in Phase 1, the project's highest noise generation sources for that phase. At this distance, plant operations would be

approximately 58 dBA, and therefore would not impact dairy cows. In addition, at this distance, site preparation activities would be approximately 54 dBA, and excavation and reclamation activities would be approximately 57 dBA, and therefore would not impact dairy cows. In addition, as the project is phased from east to west, reclamation and revegetation would create additional buffer widths between subsequent mining phases and the dairy farm. All truck traffic associated with the project site would occur along the onsite haul road and exit on El Monte Road, west of the surrounding agricultural land uses. Water would be used to minimize dust created from truck traffic and construction equipment on the project site. As a result, the proposed project would not have a significant negative impact to the surrounding agricultural production, and would not interfere with the surrounding ongoing agricultural practices.

As described above, there would be no land use conflicts between agricultural operations on Williamson Act Contract land and the proposed project, and the proposed project would not conflict with nearby agricultural uses or convert agricultural resources to non-agricultural use. In addition, the proposed project would not adversely impact the viability of the surrounding agricultural uses. Therefore, impacts would be less than significant.

You need to do another EIR with an agriculture expert and someone that understands the noise levels that can be reached in the El Monte Valley. The narrow walls of the valley not only capture and amplify sound but trap dust and contaminants as well. The noise of the machines and the dust will negatively impact the animals both farm and wild native animals. The dust and emissions from the machinery will trap and cause pollution in the valley negatively impacting the air quality for animals, plants, crops residence and visitors to the El Monte Park and El Capitan Dam.

In the next sections you state the following:

3.1.3 Cumulative Impact Analysis Issue 1: Direct Conversion of Agricultural Resources For the proposed project's agricultural cumulative study area, the cumulative projects list (Table 1-11 in Chapter 1.0) was focused on projects that would be developed on land that is currently under agricultural production or currently designated as Prime Farmland by the FMMP within a 0.5-mile radius of the proposed project. This area was generated on the basis of the following considerations: (1) applicable cumulative project locations relative to the project site; (2) the presence of agricultural activity or designations; and (3) agricultural resource potential (e.g., the presence of high quality soils). Based on this analysis and a review of the cumulative projects listed in Table 1- 11, there are no projects that would be developed on land that is currently under agricultural production or currently designated as Prime Farmland within a 0.5- mile radius of the proposed project.

According to the County Guidelines for Agricultural Resources, a project that is determined not to be an important agricultural resource under the LARA Model analysis, that would not have significant indirect impacts to agricultural resources, and that would not conflict with

agricultural zoning or lands under a Williamson Act Contract, would not have the potential to contribute to a cumulative impact.

Thus, the proposed project would not cause or contribute to a cumulative impact associated with the direct conversion of agricultural resources.

**Issue 2: Land Use Conflicts** The proposed project is not located on or adjacent to any Williamson Act Contract lands, and there is no potential for it to contribute to a cumulative project impact related to Williamson Act Contract lands. Similarly, there are no agricultural preserves located within the project site so there is no potential to contribute to a cumulative project impact related to agricultural preserves. The proposed project would also be in compliance with local agricultural zoning and would not contribute to a cumulative project impact related to agricultural zoning. Therefore, the proposed project would not cause or contribute to impacts associated with land use conflicts.

**Issues 3 and 4: Conversion of Forest Land or Timberland** As the proposed project is not located on or adjacent to forest land or timberland, there is no potential for the proposed project to contribute to a cumulative project impact related to conversion of forest land or timberland. Agricultural and Forest Resources 3.1-11 El Monte Sand Mining Project PDS2015-MUP-98-014W2, PDS2014-RP-15-001, PDS2015-ER-98-14-016B Draft Environmental Impact Report August 2018

**Issue 5: Indirect Conversion of Agricultural Resources** Cumulative projects could result in the development of non-agricultural uses near agricultural uses, or the development on land zoned as agriculture, resulting in land use conflicts. Cumulative impacts related to the conversion of agricultural resources could result from edge effects such as trespassing, damage to crops, or damaged farm equipment. Indirect impacts associated with the cumulative projects located adjacent to agricultural operations could result from traffic, air quality, and noise impacts.

The cumulative projects having similar indirect impacts as the proposed project would be required by the County to implement similar measures (i.e. dust minimization and buffers) to reduce their urban/agricultural interface impacts. Thus, each cumulative project would mitigate their own incremental contribution toward a cumulative impact and the proposed project, even when considered in conjunction with the cumulative projects identified in Table 1-11, would not contribute to a cumulatively considerable indirect impact.

**3.1.4 Significance of Impacts Prior to Mitigation** As discussed above, no significant direct or indirect impacts related to agricultural resources would result from the proposed project. Thus, no mitigation is required.

**3.1.5 Conclusion** The proposed sand mining activities would occur over a 12-year period, after which, the reclaimed areas of the project site would be restored to open space with a recreational trail system.

The LARA Model analysis prepared for the proposed project indicates that the conversion of this portion of the existing agricultural resources along the San Diego River would be considered less than significant as the project site is not considered a significant agricultural

resource (Appendix E). The project site's existing zoning and land use designation is consistent with the proposed uses and long-term development of the project site would not significantly affect nearby agricultural areas. No conflicts with plans and policies related to agriculture have been identified. In addition, no impacts would occur regarding the loss of forest land or conversion of forest land to non-forest use. The proposed project is determined to have a less than significant impact related to indirect impacts to adjacent agricultural land uses. Therefore, impacts are considered less than significant.

Impacts are less than significant? Again I ask when was this study done, what are the agricultural qualifications of the person doing this study. Perhaps living in the El Monte Valley and holding two degrees Bachelors of science in animal science and a masters in agriculture science, holding 4 teaching credentials in general science, biological science, agriculture science, an agriculture specialist credential does not make me all knowing but it does tell me that you have not done your due diligence. When the Sunrise power link went through the valley and the noise levels through machinery and helicopters reached high enough levels to cause ewes to abort lambs, abandon lambs, or cause the deformation of lambs un utero...SDGE paid compensation for these animals. Is there a trust set aside to pay for these damages over the course of this project? A new EIR with a compensation structure must be completed. This project is not even providing the assurances SDGE did this EIR is being based on old and erroneous studies that are antiquated and incompetently pieced together.

In looking at the huge phallic shaped proposed sand mine site the damage to the tranquility of the El Monte valley, the damage to the water quality of the EL Monte valley by disturbing the aquifer, the damage to the farmland, grassing land or property by erosion, the damage to the air quality of the El Monte Valley and surrounding areas has not been appropriately addressed in this pieced together old and tagged on EIR in fact there are many inconsistencies in your reports and statements. Therefore a new EIR, which addresses these issues and the negative impact on the history and culture of the valley, must be conducted

#### 2.1 Aesthetics

The aesthetics, view shed, tranquility, history and culture of the valley would forever be impacted negatively with the huge phallic shaped 40-90 foot hole in the valley. The traffic and noise levels will also negatively impact the cultural rural nuance of the El Monte Valley. You have not addressed the impact or mitigation of this impact properly. And therefore a new updated and complete EIR must be completed.

#### 3.3.2.2 Issue 2: Conflict with Greenhouse Gas Emission Reduction Regulations

According to the 2017 Scoping Plan Update (not yet adopted by CARB as of August 2017), reductions needed to achieve the 2030 target are expected to be achieved by targeting specific emission sectors, including those sectors that are not directly controlled or influenced by the project, but nonetheless contribute to project-related GHG emissions. For instance, the project itself is not subject to the Cap-and-Trade regulation; however, project-related emissions would

decline pursuant to the regulation as transportation fuel producers are themselves subject to Cap-and-Trade regulation and the LCFS (emissions reductions from the LCFS are from the fuel production side and not from end-user combustion). The project would not interfere with implementation of the 2017 Scoping Plan 2 Reduction in haul truck emissions was determined based on the difference in vehicle miles traveled currently to get aggregate from the current aggregate mines and the vehicle miles traveled anticipated from the location of the project within the central portion of San Diego County.

The determination of reduction in vehicle miles traveled is detailed in Appendix M, Greenhouse Gas Emissions Technical Report. Greenhouse Gas Emissions 3.3-15 El Monte Sand Mining Project PDS2015-MUP-98-014W2, PDS2014-RP-15-001, PDS2015-ER-98-14-016B Draft Environmental Impact Report August 2018 Update or strategies that would be implemented under the Scoping Plan to achieve the State's 2030 GHG reduction target. Furthermore, the proposed project would not conflict with the SCS. The key goal of the SCS is to achieve per capita GHG emissions reduction targets through integrated land use and transportation strategies. The focus of these reductions is on transportation and land use strategies that influence vehicle travel. As discussed above, the project is estimated to reduce vehicle miles traveled from haul trucks supplying sand and aggregate within the County by a substantial (approximately 56 to 67 percent) amount, which exceeds the SB 375 requirement for SANDAG (7 percent by 2020 and 13 percent by 2035). Therefore, the project would not conflict with the achievement of SB 375 goals and impacts would be less than significant.

In this section you state that the impacts would be LESS THAN SIGNIFICATE! First of all you have not included any scientific studies or the new study submitted by the UN by highly respected scientists from around the world stating that Global climate will be significantly impacted and most of the impact is due to human activity. You are not taking into consideration the greenhouse gasses emitted from these trucks as the sit idling in traffic. You are not taking into consideration the negative impact on future generations of San Diegans and Lakeside residence.

The IPCC special report on the impacts of global warming of 1.5 °C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty. This report responds to the invitation for IPCC '... to provide a Special Report in 2018 on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways' contained in the Decision of the 21st Conference of Parties of the United Nations Framework Convention on Climate Change to adopt the Paris Agreement.<sup>1</sup>

Impacts on natural and human systems from global warming have already been observed (high confidence). Many land and ocean ecosystems and some of the services they provide have already changed due to global warming (high confidence). {1.4, 3.4, 3.5, Figure SPM.2}

A3.2. Future climate-related risks depend on the rate, peak and duration of warming. In the aggregate they are larger if global warming exceeds 1.5°C before returning to that level by 2100 than if global warming gradually stabilizes at 1.5°C, especially if the peak temperature is high (e.g., about 2°C) (high confidence). Some impacts may be long-lasting or irreversible, such as the loss of some ecosystems (high confidence). {3.2, 3.4.4, 3.6.3, Cross-Chapter Box 8}

A3.3. Adaptation and mitigation are already occurring (high confidence). Future climate-related risks would be reduced by the upscaling and acceleration of far-reaching, multi-level and crosssectoral climate mitigation and by both incremental and transformational adaptation (high confidence). {1.2, 1.3, Table 3.5, 4.2.2, Cross-Chapter Box 9 in Chapter 4, Box 4.2, Box 4.3, Box 4.6, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.4.1, 4.4.4, 4.4.5, 4.5.3}B1. Climate models project robust differences in regional climate characteristics between present-day and global warming of 1.5°C,8 and between 1.5°C and 2°C.8 These differences include increases in: mean temperature in most land and ocean regions (high confidence), hot extremes in most inhabited regions (high confidence), heavy precipitation in several regions (medium confidence), and the probability of drought and precipitation deficits in some regions (medium confidence).

Global warming presents significant NEGATIVE impacts, projects such as this sand mine presents significant NEGATIVE impacts on the green house gas emissions and temperature increases. Removing an aquifer when a drought is eminent is reckless and as county officials in charge of foresightedness and mitigating damage you are negligent in your duties if you do not heed the warnings of respected scientists in the field of global climate from around the world. Not so distant and future generations will be impacted by this money grab. Be prudent and look at the higher needs of the citizens of Lakeside And San Diego county...sand or precious water. You need to conduct a new EIR that balances the benefits and pitfalls of this proposed sand mine pit renamed a nature preserve or an aquifer with the holding capacity of the old San Vincente dam.

## 2.10 Transportation and Traffic

You are not accurately stating the impact to the residence of El Monte Valley. This is a two-lane road with one way in and one way out. There are several elderly residences and younger residences with compromised health issues. They have a need for ambulance and emergency help. With the traffic produced by 158 trucks 6 days a week emergency help can not get to these folks in time if they are relying on ground transportation; therefore a new study must be conducted and trust set aside by the sand mine company, the county of San Diego, the investors in the project or the proposed or so called ecological preserve to insure and pay for life flight for anyone in need of an ambulance or emergency help on or in the El Monte Valley. Also a new study must be conducted using the devastation suffered by much of the El Monte residence during the cedar fire in 2003. A fire station and an evacuation plan must be put in to place in the El Monte Valley. Perhaps a second route out of the valley going through the El Capitan Dam and road and connecting to the interstate 8. The safety of humans and animals has not been properly addressed in this EIR amalgamation from the 1990's to the patchwork added as of late. Please conduct a new study and address the needs of the current residence and project to future generations needs as the climate changes.

Also you are not taking into consideration sand mines in the area that were approved by the Lakeside citizens. Small businesses within Lakeside and their future the Turner family owns a small sand mine they are using sustainable practices. They are long time Lakeside residents and contribute to the fabric of Lakeside. This huge project would wipeout small businesses such as theirs. It will destroy the infrastructure, congest our roads, and endanger our children going to and from school, especially young drivers go to and leaving from El Capitan high school. Not to mention the pedestrians trying to get to school with huge sand trucks barring down on them. There are so many reasons to take another look at the feasibility of the EIR study and redo it as to be prudent and make sure you are doing your fiduciary duty.

Thank you for the opportunity to provide these comments.

Sincerely,

Patricia C. Digenan , Digenan Trust