



Sierra Club San Diego Chapter
8304 Clairemont Mesa Blvd., suite 101
San Diego, CA 92111-1315

Robert Hingtgen
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, California 92123

Sent via Email to Robert.Hingtgen@sdcounty.ca.gov

Copying

COBRecords@sdcounty.ca.gov

Bronwyn.Brown@sdcounty.ca.gov

Nathan Fletcher, Chairperson District 4, Nathan.fletcher@sdcounty.ca.gov

Nora Vargas, Vice Chairperson, District 1, District1community@sdcounty.ca.gov

Joel Anderson, District 2, joel.anderson@sdcounty.ca.gov

Terra Lawson-Remer, District 3, terra.lawsonremmer@sdcounty.ca.gov

Jim Desmond, District 5, jim.desmond@sdcounty.ca.gov

Dear Mr. Hingtgen and County Supervisors:

Subject: Cottonwood Sand Mine

Sierra Club San Diego vehemently opposes the proposed Cottonwood Sand Mine and finds the Sand Mine DEIR fatally flawed. The county should reject the EIR and permanently stop this project. In addition to these comments from the Conservation Committee of Sierra Club San Diego, our legal counsel, Shute,

Mihaly, & Weinberger will be providing additional comments on the problems with the EIR including lack of compliance with CEQA and the inappropriateness of this project.

As we have noted in our prior letter on the notice of preparation (NOP), the location of the proposed sand mine is entirely unsuitable for a large industrial project like a sand mine.

- First, it is located in the heart of the Rancho San Diego community. This residential community has no industrial projects and at present is a quiet, suburban, residential community. The area already has high levels of traffic that would only be exacerbated by additional traffic. The community will be impacted by substantial noise, air pollution, and high potential for “valley fever” (coccidioidomycosis) from the project. It is also in close proximity to two elementary schools and a middle school that would be negatively impacted by the project.
- Second, the project will have major impacts on the quiet environment of the adjacent Steel Canyon Golf course and the contiguous homes.
- Third, the proposed mine is adjacent to the McGinty Mountain Ecological Reserve and National Wildlife Refuge. The McGinty Mountain reserve was purchased to maintain and protect rare and endangered plants, animal and bird population, the unique form of coastal sage scrub and chaparral vegetation present, and was designated as an ecological reserve by the Fish and Game Commission in 1993. It contains substantial wildlife and numerous threatened or endangered plants. The reserve is jointly managed by the Nature Conservancy, San Diego County Parks, and the Environmental Trust. Additionally, wildlife corridors would be cut by the project connecting McGinty Mountain to other Multiple Species Conservation Project lands.
- Fourth, the project is located in the actual riverbed of the Sweetwater River. This 57-mile-long river starts high in the Cuyamaca Mountains and flows to San Diego Bay crossing many sensitive ecosystems and preserves and provides water for nearly a quarter million residents of San Diego County.

It is preposterous to think the extraction of 570,000 tons per year of sand and aggregate would not have extremely deleterious effects on the Rancho San Diego Community and nearby natural habitat.

In the following sections we emphasize how this project will increase greenhouse gas (GHG), result in loss of open space and damage to sensitive biology, destroy numerous trees, contribute to toxic air quality, dust, potentially cause valley fever, pollute regional water supply, create unacceptable levels of noise in a quiet residential community, and fails to comply with many sections of the California Environmental Quality Act (CEQA). The planning and development services department, the Land Use and Environmental Group (LUEG) and the County of San Diego Board of Supervisors should reject this project.

Greenhouse Gas

The DEIR: 1) fails to control and mitigate the substantial greenhouse gas (GHG) that will be produced by the project; 2) Fails to correctly calculate and account for the project's increased GHG. 3) Fails to comply with CEQA on analyzing and controlling GHG.

- 1) The Cottonwood Sand Mine would contribute significantly to greenhouse gas, severely damaging San Diego County's Climate Action Plan and failing to meet county or state standards on GHG. It will make an unacceptable contribution to GHG when the San Diego County Board of Supervisors and state are making significant efforts to reduce GHG.

Specifically, the sand mine would generate considerable GHG associated with grading, excavating, grinding, and hauling sand and aggregate to other locations as well as GHG associated with employees and vendors driving to and from the project. Additionally, GHG would be generated by improvements to Willow Glen Drive and during the reclamation process. The DEIR states that the project would emit over 5283 metric tons of CO² into the atmosphere of San Diego County during the 10+ years of the project.

These many tons of CO² are not mitigated in the DEIR. Indeed, the DEIR skirts the entire issue of the mitigation of GHG. Nowhere in the section on

GHG nor in the 191-page technical GHG report does the DEIR discuss the elimination or mitigation of GHG through any kinds of environmental mitigation. The failure to mitigate the GHG associated with the project is in blatant violation of CEQA.

The DEIR fails to acknowledge the Golden Door case, which required that GHG be mitigated here within San Diego County. This case was recently sustained by the California Court of Appeals. The DEIR conveniently avoids any mention of such requirement for mitigation imposed by California or the County. Direct link to the California Court of Appeals case:

<https://oag.ca.gov/system/files/attachments/press-docs/D075478%20Opn%20Cert%20%2800000003%29.pdf>

The DEIR attempts to minimize the impact of the project's newly generated GHG by stating: "However, given the magnitude of the impact of GHG emissions on the global climate, GHG emissions from individual projects could result in significant, cumulative impacts with respect to climate change. Thus, the potential for a significant GHG impact is limited to cumulative impacts." This argument misses the point. No single GHG release anywhere in the world is significant globally. The accumulation of individual projects around the world creates a global issue. San Diego County and the State of California are committed to the reduction of GHG and the emissions from the proposed Cottonwood Sand Mine adds to total GHG and prevents its reduction.

It should also be noted that ozone is technically a greenhouse gas created in the generation of GHG:

<https://www.eia.gov/tools/faqs/faq.php?id=84&t=11#:~:text=Ozone%20is%20technically%20a%20greenhouse,found%20in%20the%20earth%27s%20atmosphere.&text=In%20the%20United%20States%2C%20emissions,under%20the%20Clean%20Air%20Act>

It should not be a required reminder that the County of San Diego ranks #6 in the United States in ozone air pollution, serious health concern that is monitored and regulated by the Clean Air Act. The DEIR recognizes that the San Diego Air Basin exceeds state and federal standards for ozone and

several other pollutants. The DEIR states: “the SDAB has been designated as a federal non-attainment area for ozone, and a State non-attainment area for ozone, PM10 and PM2.5; therefore, a regional cumulative impact currently exists for ozone precursors (NOX and VOCs) and PM10 and PM2.5.” *Indeed, for the 5th year in a row, San Diego is rated 6th nationally for worst ozone pollution out of 229 included metropolitan areas.*

<https://www.iqair.com/us/usa/california/san-diego>

The DEIR needs to account for the ozone generated by the project but is not analyzed in the current DEIR.

Unfortunately, the DEIR is sloppy in its reporting of GHG. They report that the phase two of the project will emit “1,1771.0” making it impossible to accurately calculate the GHG since no such number exists. One can only hope their calculations are more accurate than their reporting of GHG.

- 2) The DEIR makes mistaken assumptions and incorrect calculations regarding the GHG produced by the project. The DEIR erroneously concludes that “As discussed above, the Project would have less than significant impacts related to GHG emissions. Therefore, no mitigation is required.”

First, the DEIR attempts to suggest that the GHG, produced by customers and operation of a mostly closed golf course offsets that substantial GHG produced by the Cottonwood Sand Mine. This assumes that the Cottonwood Golf course would remain fully functional in the absence of a sand mine. This is false, since the Golf Course is mostly closed and most of the GHG producing operations that they allege are presently occurring are no longer actually occurring. Moreover, plans are to entirely close the total golf course operation. It is the applicant’s burden of proof to show that in the absence of a sand mine that any GHG would be produced by the golf course. Quite the opposite. The trees and plants presently on the golf course are continuously *sequestering* substantial amounts of GHG. No such accounting of the GHG sequestration by current vegetation on the golf course is provided, a violation of CEQA.

Second, the DEIR suggests that the Cottonwood Sand Mine would actually reduce GHG by claiming, without evidence, that the sand and aggregate would be used locally and would replace material shipped from outside the county. There is no need for additional aggregate in San Diego County; it could be obtained locally. Indeed, nearly every area of San Diego County has PCC – grade sand/aggregate that could be mined. Additionally, sand and aggregate are a national, and indeed, an international market. Price, not proximity, often determines the destination of sand and aggregate. There is no evidence and no analysis in the DEIR that sand and aggregate would be shipped to local projects. It may well be that sand and aggregate from the proposed Cottonwood Sand Mine will be shipped to Northern California or Arizona depending on quality of the material and price. The DEIR cannot foresee the future and there is no assurance that constructing the Cottonwood San Mine would result in any *possible* reduction of GHG. Environmental Impact Reports should refrain from such crystal ball predictions and guesses.

3) The DEIR violates CEQA requirements on controlling GHG.

First, the DEIR erroneously asserts that the applicant does not have to ameliorate or mitigate GHG since the courts have overturned the County of San Diego Climate Action Plan. This ignores the fact that two courts have ruled that in lieu of the current CAP all GHG must be mitigated within the county of San Diego. Thus, the DEIR is in violation of the court rulings and violates the basic integrity of the County of San Diego Planning and Development Services Department.

Second, the DEIR attempts to finesse their requirement to mitigate GHG by stating: "...there is no approved CAP in San Diego County and the CAP Checklist cannot be used to determine the significance of a project's cumulative GHG emissions impacts until such time as it is reapproved in compliance with CEQA." This is not a legitimate explanation for failing to fully mitigate GHG from this project. CEQA requires that in the absence of a local CAP the applicant is required to complete a Project Specific EIR to fully account for and mitigate GHG. Again, this cynical circular reasoning

jeopardizes the integrity of the County of San Diego, reflecting poorly regarding state legislation and the prior six (6) trials rejecting the County's attempts to avoid state required responsibilities to the wellbeing of its residents.

Third, the applicant fails to acknowledge that the county is preparing a new CAP that will be available in 2022, long before this EIR receives numerous final approvals, if ever. Sierra Club expects the final Environmental Impact Report will demonstrate it is in compliance with the new San Diego County CAP.

Fourth, the DEIR is in violation of CEQA because it admits to considerable GHG but fails to consider it significant. Instead, we get a bogus argument that GHG from this project would be cumulatively nonsignificant compared to global emissions. The applicant states: "However, given the magnitude of the impact of GHG emissions on the global climate, GHG emissions from individual projects could result in significant, cumulative impacts with respect to climate change. Thus, the potential for a significant GHG impact is limited to cumulative impacts." However, a 2018 revision to CEQA requires that applicants and lead agencies "shall make an effort to assess the GHG" for a given project. Recent cases (see Friends of Oroville City of Oroville) invalidated attempts to compare a project's emission to that of a larger entity such as a city or country.

Loss of Open Space and Biological Resources

The Sierra Club opposes industrial projects in parks, open space, and wildlife corridors. The DEIR acknowledges that: "The entire Project site is identified in the General Plan Land Use Element Open Space-Recreation (OS-R) land use designation, which applies to large, existing recreational areas and allows for active and passive recreational uses." Sierra Club San Diego opposes conversion of open space and recreation land to industrial uses. A much better use of this land would be for parkland, green space, and wildlife habitat. Placing a mining operation in a residential neighborhood is the antithesis of smart growth, professional planning and common sense. Moreover, exposing unprotected

residents, including children, seniors, sensitive receptors and any immune compromised residents, especially during a pandemic, to the impacts of mining operations may place the County responsible under the regulatory requirements of the Americans with Disabilities Act.

Furthermore, the proposed project is adjacent to the San Diego National Wildlife refuge and the McGinty Mountain Nature Reserve and the McGinty Mountain Preserve that is located just 300 feet away from the proposed project. Sierra Club maintains that it is entirely inappropriate to locate a sand mine next to a federal nature reserve. Similarly, the DEIR indicates that the project would be literally just a few feet from the MSCP hardline preserve. As the DEIR states: "In the context of the MSCP, the Project site occurs within both the northeastern portion of the South County Segment and southwestern portion of the Metro-Lakeside-Jamul Segment of the adopted County MSCP Subarea Plan." MSCP lands should be protected in perpetuity and industrial projects immediately adjacent to such lands are wholly inappropriate and injurious.

The current golf course land contains sensitive Pre-Approved Mitigation Areas (PAMA) that constitute important wildlife corridors with adjacent preserves and habitat. The DEIR recognizes that "16 acres of PAMA under the MSCP" are present on the existing golf course. Similarly, the DEIR acknowledges that, "The configuration of preserve lands includes large, contiguous areas of habitat supporting important species populations or habitat areas and important functional linkages and movement corridors between them." The DEIR acknowledges that they will be destroying the PAMA but fail to mention any way to preserve or compensate for such a loss.

Moreover, the PAMA is adjacent to other PAMA lands with the proposed sand mine effectively destroying the wildlife corridor. The DEIR clearly states: "The southeastern section of PAMA is contiguous with other off-site lands mapped as PAMA. These lands represent undeveloped habitat and open space areas associated with the McGinty Mountain Ecological Reserve and SDNWR."

The DEIR concludes that "The Project would result in direct impacts to lands mapped as BRCA and PAMA and would impact sensitive habitats present in these areas found to support, or with potential to support, special status wildlife species. Impacts to sensitive habitats and wildlife species within the BRCA would

be considered potentially significant (Impact BIO-4).” For lands within the MSCP, the project would not minimize impacts to Biological Resource Core Areas (BRCAs), as defined in the Biological Mitigation Ordinance (BMO). Here we see the convergence of the County LUEG and project proponents destroying nature in a wholesale manner in direct contradiction of the County Board of Supervisors Biological Mitigation Ordinance excerpted below.

[https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/BMO Update 2010.pdf](https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/BMO_Update_2010.pdf)

COUNTY OF SAN DIEGO BIOLOGICAL MITIGATION

ORDINANCE

An Excerpt from The San Diego County Code Of
Regulatory

Ordinances (Amendments effective 4-2-10)

BIOLOGICAL MITIGATION ORDINANCE

ORDINANCE NO. 8845 (N.S.)

ORDINANCE NO. 9246 (N.S.)

ORDINANCE NO. 9632 (N.S.)

ORDINANCE NO. 10039 (N.S.)

SAN DIEGO COUNTY CODE TITLE 8, DIVISION 6 CHAPTER 5. BIOLOGICAL MITIGATION ORDINANCE SEC. 86.501. FINDINGS, PURPOSE AND INTENT. “The Board of Supervisors finds that the ecosystems of the County and the vegetation communities and sensitive species they support are fragile, irreplaceable resources that are vital to the general welfare of all residents; these vegetation communities contain habitat value which contributes to the region's environmental resources; special protections for these vegetation communities must be established to prevent future endangerment of the plant and animal species that are dependent upon them. This Chapter will protect the County's biological resources and prevent their degradation and loss by guiding development outside of biological resource core areas, and by establishing

mitigation standards which will be applied to discretionary projects. Adoption and implementation of this Chapter will enable the County of San Diego to achieve the conservation goals set forth in the Subarea Plan for the Multiple Species Conservation Plan ("MSCP"), adopted by the Board of Supervisors on October 22, 1997, and will preserve the ability of affected property owners to make reasonable use of their land subject to the requirements of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 and following, and other applicable laws, and the avoidance and mitigation requirements contained herein. This Chapter sets forth the criteria for avoiding impacts to Biological Resource Core Areas and to plant and animal populations within those areas, and the mitigation requirements for all projects requiring a discretionary permit. It is the policy of this Chapter to promote the preservation of biological resources by directing preservation toward land which can be combined into contiguous areas of habitat or linkages. It is further the policy of this Chapter to give greater value to the preservation of large contiguous Biological Resource Core Area or to linkages when formulating avoidance and mitigation requirements."

The contradictions of the Land Use and Environmental Group and the County Board of Supervisors could not be more pronounced or employed in a more abusive manner than outright destruction of sensitive and protected plant and animal species from Biological Resource Core Areas. LUEG effectively defines BIOLOGICAL MITIGATION ORDINANCE SEC. 86.501 null and void, regardless of County Ordinances, and regardless of the Board of Supervisors.

Moreover, the DEIR admits that "The Project site is identified as a linkage between core areas in the MSCP, and small portions of the site are identified as PAMA (16.4 acres)." The fact that the proposed sand mine admits to the destruction of important wildlife corridors is a warrant for the rejection of the project.

The present golf course contains considerable important biological resources. The DEIR erroneously claims that, "The majority of habitat along the river has been heavily modified by development of the golf course and is dominated by Bermuda grass that is subjected to on-going disturbances associated with maintenance activities (i.e., mowing)." This information is obsolete and no longer true. One of

the golf courses where much of the mining would occur has been closed for years and not currently maintained. A casual observation of this property reveals that much of the course has returned to a wild state and it is populated by considerable numbers of mammals, birds, and raptors.

In fact, the DEIR admits that there is considerable vegetation on the golf course. "HELIX identified a total of 151 plant species within the Project site, of which 69 (46 percent) are native species and 82 (54 percent) are non-native species. This vegetation includes a number of California rare and endangered plants as detailed in the DEIR." We should not accept a project that takes important plant resources, particularly a number of endangered native species.

Similarly, endangered birds would be adversely affected by the proposed Sand Mine. The DEIR acknowledges that "The Project would result in potentially significant impacts to the federal listed threatened coastal California gnatcatcher, and potentially significant impacts to the federal and state listed endangered least Bell's vireo." Indeed, the DEIR indicates that noise alone will have significant impacts to these species. "Noise effects would be considered potentially significant if noise levels generated during construction and/or extraction operations exceed a level of 60 A-weighted decibels (dBA) hourly average (LEQ) or ambient (whichever is greater) adjacent to sensitive nesting bird species such as California gnatcatcher, least Bell's vireo, and raptors."

Likewise, the DEIR states that, "San Diego ambrosia, is present in the southwestern portion of the Project site (Figure 2.2-2) and critical habitat for the federal -and state-listed endangered southwestern willow flycatcher occurs to the west of the Project site, within the SDNWR." Moreover, the DEIR discloses that: "Impacts to potential nesting and foraging habitat would be potentially significant (Impact BIO-2a). Direct impacts to nesting red-shouldered hawk and/or indirect noise impacts to red-shouldered hawk nesting within 300 feet of active construction, mining, or reclamation areas would be potentially significant."

The DEIR identifies considerable wetlands and riparian habitat on the site, it states: "A total of 24.52 acres of potential WUS [waters of the United States] occurs on site, comprised of 23.96 acres of wetlands and 0.56 acre of non-wetland waters. These WUS would also be subject to RWQCB jurisdiction pursuant to CWA Section 401."

The DEIR also finds that several projects in the area would have cumulative impacts on wildlife and biology. The DEIR concludes that: “Of these 15 cumulative projects, nine would result in significant or potentially significant cumulative impacts to sensitive biological resources.” Clearly, the synergistic effect of this project, along with other projects would have a significant deleterious effect on wildlife and biology. On particular concern is the effect on endangered and threatened birds. The DEIR states: “The Project has the potential to contribute to the cumulative impact on coastal California gnatcatcher and least Bell’s vireo...”

Loss of Trees

Nowhere within the DEIR is there an accounting of how many trees would be lost. Numerous tree species are mentioned in the EIR but there is no accounting for the number of trees that would be lost. This is a major deficiency of the DEIR in violations of CEQA. Though many native and non-native trees on the site are listed, presumably all of them would be lost. The DEIR does admit that there would be “significant and unmitigable” impacts to trees. It states, “Implementation of the proposed mining and reclamation activities would result in removal or substantial adverse change of features (i.e., golf course and visually notable trees) that contribute to the visual character of the area, resulting in a potentially significant impact related to scenic resources.”

First, this loss of trees from the project would have significant negative impacts on species, including native species, and particularly bird species, which inhabit that arboreal environment.

Second, trees are a major source of carbon sequestration. Nowhere in the DEIR is this net increase in GHG from loss of trees accounted for. Failure to disclose these numbers is a clear violation of CEQA.

Third, trees also provide shade and cooling in the Rancho San Diego area. The DEIR is deficient in failing to examine the impact of lost trees on the ambient temperature of the Ranch San Diego community. This is a CEQA violation.

The DEIR lists a number of types of trees but no accounting of the number of trees is provided. “Dominant species include arroyo willow, black willow, and sandbar willow. Peruvian pepper trees and oleander (Nerium oleander) lining Willow Glen Drive along the site’s northern boundary, totaling approximately 4.2 acres.

Additionally, native and non-native planted trees including cottonwoods, eucalyptus, shamel ash, and northern catalpa (*Catalpa speciosa*) are present along the borders of the previous fairways. A total of 93.1 acres of disturbed habitat is mapped on site.”

The Project would impact the golf course where several bird species are known to forage and would remove trees suitable for nesting. Impacts on potential nesting and foraging habitat would be potentially significant (Impact BIO-2a). Direct impacts to nesting Cooper’s hawk and/or indirect noise impacts to Cooper’s hawks nesting within 300 feet of active construction, mining, or reclamation areas would be potentially significant (Impact BIO-2b).

Given the sensitivity of this land, its current status as a wildlife corridor, contiguity to MSCP lands, and proximity to the McGinty Mountain reserve, it is the view of Sierra Club San Diego that this property would be ideal for acquisition for open space. Perhaps it could be acquired by the State or the County, or it could serve as mitigation for other proposed projects in San Diego County.

Air Quality, Dust, and Toxic Air Contaminants.

Sand and aggregate mining is certain to release fugitive dust and Toxic Air Contaminants (TACs).

Despite the best practices fugitive dust from mining, hauling, conveying, and loading will occur. Fugitive dust is carcinogenic and is implicated in many respiratory problems including COPD, asthma, emphysema, and premature death. Given the close proximity to homes and schools, the release of dust constitutes a major threat to the residents of the community. The closest school and the closest residences are less than a quarter mile away from the proposed sand mine. Indeed the DEIR discloses that mining could occur within 100 feet of nearby residences.

Indeed, the DEIR states that: “Project implementation would result in exposure to TACs (including diesel particulate matter and respirable crystalline silica [particles four microns or less in diameter or PM4]) resulting in a maximum incremental cancer risk greater than one in one million.”

Moreover, dust pollution would blow westward with the prevailing winds and cover endangered plants in the McGinty Mountain Preserve. Finally, canyons in

East County like the Sweetwater River Valley are prone to fierce Santa Anna Winds that would reduce the number of mining days and blow fugitive dust into the Rancho San Diego Community and beyond into Spring Valley, Lemon Grove, and San Diego.

The DEIR contains a fugitive dust plan administered by the applicant. As a project design feature, the Project would implement a Fugitive Dust Control Plan (refer to Appendix I of this EIR) during construction (as well as during operations and reclamation activities) that would include fugitive dust control measures to minimize dust emissions and meet applicable dust control requirements. This plan seeks to *minimize* fugitive dust but not eliminate it. Thus, even under the best of circumstances fugitive dust would escape into the community and the surrounding ecological reserve.

In fact, the plan to limit truck, bulldozers and front loaders to a 15-mph speed limit on unpaved surfaces would still release considerable dust into the community. The EPA recommends vehicles be limited to less than 11-mph and 1.3 MPH during acceleration and deceleration.

The DEIR contains no evidence that dust can be controlled during the loading of the hundreds of trucks that will be loaded each month.

Additionally, there is no assurance that the project would minimize fugitive dust since no independent agency would monitor it. Given that dust control is costly and time consuming the developer would be incentivized to do little or no dust control. Allowing the developer to administer their own fugitive dust plan is like the fox guarding the henhouse.

Even with these control measures the DEIR admits that “Project operational activities would have the potential to adversely affect air quality through the generation of criteria pollutants (which includes fugitive dust emissions) and TAC emissions.”

Additionally, the DEIR reports that the project would release a variety of the Toxic Air Contaminants (TACs). The DEIR states: “Project implementation would result in exposure to TACs (including diesel particulate matter and respirable crystalline silica [particles four microns or less in diameter or PM4]) resulting in a maximum incremental cancer risk greater than one in one million.”

The DEIR acknowledges that, "TACs can cause long-term health effects such as cancer, birth defects, neurological damage, asthma, bronchitis, or genetic damage, or short-term acute effects such as eye watering, respiratory irritation (a cough), runny nose, throat pain, and headaches."

The DEIR divulges that residents and school children would be subjected to dangerous diesel emissions from the project. "Most mining activities would occur at distances much greater than 100 feet from residences based on the large area of the mining site. The odor of diesel exhaust from the mining equipment may be objectionable to some; however, emissions would be intermittent." There is no substantial evidence that this arbitrary choice number of 100 feet has any beneficial mitigation of health impacts, especially when emissions generation is occurring all the workdays and corresponding school days. Such statements are specious conjecture. The DEIR must show that these emission would not harm residents, particularly school children who are present during virtually all the mining activities.

Another risk from the project is Valley Fever. According to the DEIR valley Fever "due to the spores' very small size and buoyancy, spores can remain aloft for great distances and thus may be present in air that appears quite clear." The DEIR recognizes the risk of valley Fever "The Project would also be required as a project design feature to provide training to all employees on potential risks associated with site work regarding Coccidioidomycosis, including providing a fact sheet entitled "Preventing Work-Related Coccidioidomycosis (Valley Fever)" by the CDPH (2013). However, the DEIR fails to specify what design feature special training would be available to the resident population, many of whom are homebound retired seniors. Can this prevent "homeplace" Coccidioidomycosis, where the dangers are present 24 hours a day, 7-days a week should mining be allowed? This applicant's proposed non-solutions and face-saving measures that have no proven efficacy while residents' very health and lives are placed at risk by the mere fact they live near the project.

Noise Pollution

Considerable noise will be generated by the project for more than a decade. The project will entail mining of over half a million tons of aggregate, each year, grading with diesel equipment, loading trucks, the operation of front loaders, use

of a long conveyor belt to haul aggregate, the separation of sand from aggregate, and an operational aggregate processing facility. All of these activities would produce substantial, consistent noise levels with occasional louder bursts that would be difficult or impossible to diminish. These huge noise impacts would operate in the formerly quiet environment of both the local residential community, nearby schools, and the adjacent ecological reserve.

The DEIR clearly states, “The project would generate noise during operations from mobile off-road equipment for excavation area grading; raw material extraction, loading, and transport; a conveyor belt for material transport; processing plant equipment; on-site haul trucks and associated loading equipment; and on-road haul trucks. Noise associated with operations would exceed County of San Diego noise standards at nearby residential properties, as well as the ADEONA Healthcare facility.”

Indeed, in a subsequent section of the DEIR on water quality we learn that most of the mining would be near the boundaries of the project near residences, schools, and health care facilities. “All extractive activities would take place within areas lying adjacent to the existing channel and extend outwards to the Project limits. ALSO All extractive activities would take place within areas lying adjacent to the existing channel and extend outwards to the Project limits.”

Noise impacts on the nearby Jamacha Elementary School are mentioned in a perfunctory manner but no analysis of the impact on the school, the students, or their learning outcomes. Jamacha Elementary School is located just 1200 feet from the proposed mine and will surely be adversely affected. Moreover, Steel Canyon High School and Hillsdale Middle School are located in close proximity of the project. The DEIR is not compliant with CEQA in that no analysis of the educational, emotional, or psychological impacts of nearby noise generated by the Sand Mine is provided.

Some of the noise would be virtually continuous. A conveyor belt would be used to transport mined material to the processing site. According to the DEIR, “The conveyor belt would generate a low rumbling noise as it transports mined material. Modeled noise levels associated with operation of the conveyor belt are based on measurements conducted by HELIX at a similar facility on January 28, 2020. A noise level of 54.7 dBA at 50 feet is used for modeling the conveyor belt

as a line source.” What is missing from the DEIR is an analysis of the vibrations and decibel levels and associated learning loss at the Jamacha Middle School that is less than a quarter mile away. Such an analysis would be required by CEQA. Likewise, there is no analysis of the noise generated by hundreds of large trucks filled with sand and aggregate as they enter and leave the neighborhood.

The project would be located at the bottom of the Sweetwater valley in the streambed of the Sweetwater River. In every direction high elevations surround the proposed Sand Mine. Yet, no analysis of the potential reverberation or echoes off the canyon wall is provided in violation of CEQA. Instead, comparisons are made to other mines that do not share the same acoustical or topographic features as the proposed project.

The chart in the DEIR suggests that decibel levels of 65 or 70 would be conditionally acceptable for schools or residences. But research shows that continuous noise at 65 or 70 decibels can result in hearing loss. Again, the DEIR fails to ascertain the effects of these continuous decibel levels, not only on hearing loss, but on the negative impacts cognitively, emotionally, or psychologically on nearby residents, schools or health care facilities. The glaring absence of any mention of cognitive, emotional, or psychological effects on nearby residents and school children is a violation of CEQA.

In sum, the acoustic analysis in the DEIR concludes that nearby residences and locations would receive sound above, sometimes considerably above, the 60 decibel level. “...because 11 of the receiver locations exceed the applicable 60 dB CNEL limit, noise impacts from mining activities to exterior use areas at NSLUs are assessed as potentially significant (Impact N-1).” The DEIR concludes that for some locations “noise impacts associated with the combination of the proposed project’s operations and existing noise levels associated with traffic along Willow Glen Drive would be considered potentially significant.”

The mitigation measure NOI-1 fails to fully mitigate these high noise levels. The DEIR states: “Raw material extraction equipment operating within 400 feet of off-site NSLU useable space areas shall be located at the lowest feasible elevation within the project’s excavation areas such that the topography shall provide noise attenuation to off-site properties.” The “lowest possible” standard is an ineffective mitigation measure because it may not always be possible to generate

sound at a lower level. Thus, NSLU's would often be exposed to decibel levels in the 60's and 70's. Additionally, the applicant plans to erect a continuous 12-foot acoustic barrier with no gaps or cracks. First, no provisions are made for continuous monitoring and enforcement of the sound barrier. Second, given the location in a valley, sound may travel above the 12-foot variable and reverberate off canyon walls. No such analysis of this possibility is provided in the DEIR in violation of CEQA.

Often combined construction activities on the Sand Mine would exceed 70 decibels. "The loudest noise during construction of the Willow Glen Drive improvements is anticipated to occur from the simultaneous use of a bulldozer, dump truck, and water truck and the individual use of a saw cutter. The use of this equipment would occur 50 feet from the property line on the opposite side of the roadway and 170 feet from the nearest off-site occupied property usable area, as measured from the portion of the improvement area closest to the off-site occupied property. For work at this location for a duration of two hours (before moving to another location along the linear construction work area), the simultaneous use of a bulldozer, dump truck, and water truck would generate a noise level of 73.8 dBA LEQ." This is the same noise level as a coffee grinder or a vacuum cleaner. Clearly this level of noise is wholly inappropriate near and detrimental to a quiet suburban or semi-rural community.

Moreover, the DEIR identifies significant cumulative impacts as a result of the proposed Sand Mine. It states: "Cumulative off-site noise impacts are identified as cumulatively significant (Impact N-3)." This indicates that the synergistic effects of project noise and existing noise would be significant and harmful.

Water Pollution. The proposed Cottonwood Sand Mine project will be located in and directly adjacent to the riverbed of the Sweetwater River. This is an important river that carries considerable water and flows heavily during the rainy season and during water transfers from Loveland Reservoir to the Sweetwater Reservoir. South of the proposed sand mine the river winds through the San Diego National Wildlife Refuge and the Sweetwater River Trail. Silt, sand, and toxic heavy metals will be carried downstream into environmentally sensitive areas and into the Sweetwater Reservoir drinking water supply. During much of winter and other heavy rain events the proposed Sand Mine would carry pollution including sandy

soil and heavy metals that would be swept down the Sweetwater River and into the Sweetwater Reservoir, a major source of drinking water for nearly a quarter million residents of San Diego County.

Downstream from the Reservoir the river passes through the Sweetwater Regional Park, parkland in the City of Bonita, and the environmentally sensitive Sweetwater Marsh, a part of the San Diego National Wildlife Refuge. It empties into San Diego Bay near the Living Coast, an ecological reserve and nature center. Metals, sand and silt from the proposed mine would constitute a threat to this entire ecosystem. Attempts at previous restoration for mining sites that incorporate mining waste into the restoration substrate have been shown to fail in the post 5-year monitoring period in several studies. In short, the Sweetwater Watershed will be negatively impacted by the proposed Sand Mine.

The DEIR is less than reassuring that heavy metals and mining debris would be kept out of the Sweetwater River channel. The DEIR states: "mining activities proposed during the rainy season (November through March) would be located away from the river channel, to the extent feasible. The DEIR fails to discuss what would happen if it were not feasible for mining activities to be located away from the river bed.

Moreover, the DEIR states that, "above average rainfall years, substantial flows within the Sweetwater River channel can occur through the Project site." There is no assurance that mining debris, heavy metals, and toxins would not enter the river channel during these periods.

The DEIR needs to clarify whether or not the channel of the Sweetwater River would be disturbed or not. The DEIR is contradictory as to whether or not the channel of the Sweetwater River will be disturbed during project activities. On the one hand the DEIR states: "The bottom of the trapezoidal channel would, however, be undisturbed in order to minimize impacts to jurisdictional resources and allow Sweetwater Authority water transfers to continue along their current path." On the other hand, the DEIR suggests that: "A sizeable portion of the Sweetwater River floodplain would be altered within the Project site boundaries. The increased width of the flood channel would allow the flows to extend outward from the existing channel, balancing the effects of the increased roughness with the carrying capacity of the channel." Similarly, the DEIR states:

“Lastly, the widening of the river channel would improve the channel’s ability to accommodate natural flows and would dissipate water energy during large storm events.” Perhaps the various consultants working on the DEIR did not communicate with each other regarding if the channel of the Sweetwater River would be altered. Clearly, the applicant and County of San Diego Land Use and Environmental Group need to resolve this contradiction and clearly state what the plans for the Sweetwater River are as it runs through the project.

Finally, the DEIR concludes that it is entirely possible that the project could pollute the Sweetwater River when it states: “Sediments from disturbed ground (specifically roadways and manufactured slopes), particulates from extracted material, and chemicals (e.g., diesel fuel and lubricants) associated with mining equipment could be discharged into receiving waters, which would have the potential to degrade water quality, impair beneficial uses, and conflict with WQOs.”

Supplies of Aggregate and Sand

First, the need for more sand and aggregate is questionable and inadequately demonstrated in the DEIR. According to the US Geological Survey the production of Sand and Gravel in the United States has been steadily rising. <https://prd-wret.s3.us-west-2.amazonaws.com/assets/palladium/production/atoms/files/mis-2021q3-conagg.pdf>

According to this report, the production of sand and gravel recently has been steadily increasing in the United States by about 4% to 7% annually. In fact, statistics indicates that there has been a huge increase in production over the last decade: “The production of industrial sand and gravel has gradually increased in the U.S. from about 27.5 million metric tons in 2009 to 71 million metric tons in 2020.” <https://www.statista.com/statistics/376643/industrial-sand-and-gravel-production-in-the-us/>

Second, it is also unclear if there is any shortage of sand and aggregate within San Diego County because according to the DEIR there is no data on supply for the last seven years. The DEIR states the “actual production data for San Diego County not being available after 2015.” And the last definitive report from SANDAG was

written in 2010. Therefore, it cannot be concluded that a shortage of aggregate exists in San Diego County.

Third, imports play a major role in supplying sand and aggregate here in San Diego County as stated in the DEIR. “The imports of mainly fine aggregate play such a significant role in satisfying demand in San Diego County.” the California Department of Conservation (DOC) states. The DEIR notes that 36% of the aggregate in San Diego is imported. For example, the DEIR states that, “From the south, sand is imported from Mexico by Associated Ready Mix from the Las Palmas Valley site located approximately 30 miles southeast of Tijuana.”

Fourth, San Diego has numerous existing sand and aggregate mines. According to the DEIR, “San Diego County currently has 13 active production sites, 2 idle operations and one newly permitted, small mining site – the East County Sand Mine.” No analysis is provided in the DEIR that these existing mines could not increase production.

Fifth, as the 2011 SANDAG report entitled, *San Diego Region Aggregate Supply Study* noted, another alternate source of sand and aggregate is from area reservoirs. “Sediment removal from reservoirs is another potential source of construction aggregate. This option was recently reviewed by the City of San Diego. Staff found that dredging of the city’s reservoirs has potential benefits, including the increase in supply of aggregate and restoration of lost water storage areas (by the removal of sediment buildup).”

<file:///C:/Users/PAndersen/Downloads/SANDAG%20Aggregate%20Study%202011.pdf> This would have the added benefit of improving water storage capacity in the county.

Sixth, the DEIR fails to account for recycled sand and aggregate. According to the USGS: “Increasingly, recycled asphalt and portland cement concretes are being substituted for virgin aggregate.” <https://prd-wret.s3.us-west-2.amazonaws.com/assets/palladium/production/atoms/files/mis-2021q3-conagg.pdf> According to another USGS report “significant quantities of concrete are recycled for use as a construction aggregate.” The DEIR is deficient in that it fails to account for concrete as an alternative sources of aggregate.

In short, given the lack of evidence for the need for more sand and aggregate and the extreme environmental damage to the Rancho San Diego area, makes this a project that should be soundly rejected.

Traffic

Mobility analysis

The DEIR focuses on Vehicle Miles Travelled as is required by SB 743. Additionally, it provides only a cursory and inadequate assessment of mobility and traffic analysis. Specifically, the DEIR does an incomplete analysis of traffic along several relevant roadways. Jamul drive, which is just to the south, within less than 1000 feet from the Sand Mine, fails to be analyzed for traffic impacts in the DEIR. Jamul Drive is a winding, rural road that is increasingly used as an alternative route given sustained heavy impacts on Willow Glenn and Highway 94. The DEIR mobility analysis is also remiss in failing to consider downstream, westward effects on Highway 54, just a quarter of a mile from the project, and Highway 94 just a mile west of the project. The DEIR estimates that: “The project is calculated to generate approximately 476 ADT (PCE adjusted)” that are mostly heavy trucks.” These hundreds of heavy truck trips along these highways would exacerbate heavy traffic in these areas and would create traffic jams along these streets as required by CEQA.

Despite these substantial oversights in the DEIR the analysis concludes that several intersections will be impacted by the project according to the DEIR that “project causes the average intersection delay to be LOS E or F during the peak hour.” One particularly problematic intersection that the project would cause is the intersection of, “Willow Glen Drive / Muirfield Drive (LOS E during AM and PM peak periods)” an intersection that is already jammed during several times of the day. The DEIR indicates that this intersection would degrade to F status during the morning rush hour.

Additionally, a problematic deficiency in the DEIR is that each of the traffic analysis maps in the mobility analysis are dated, 10/25/20, during the peak of the pandemic when traffic was at decades-long lows. A fair analysis would select data from 2019 or earlier when few people were working from home unlike during the pandemic when a substantial portion of the population were not commuting and traffic is low.

The DEIR also is in violation of CEQA in that other proximate projects are not amazed for cumulative traffic impact. Two large Casinos, the expanded Sycuan Casino that lies just east of the project and the Jamul Casino which impacts highway 94 and Steel Canyon drive are omitted from the required CEQA cumulative impact analysis.

Community Character. A sand and gravel mine is stunningly incompatible with community character of the surrounding suburban community. Dust and traffic will impact two high schools, a junior high school, and an elementary school. The elementary school will be just ¼ mile from the mine. Quiet residential areas surround the proposed Cottonwood Sand Mine which is zoned as recreational, not industrial. Adding this property to the National Wildlife Refuge or converting it to County Parkland would be compatible with the community character, but a sand and gravel mine is strikingly incompatible with the community character.

Project Alternatives

Sierra Club San Diego strongly advocates for the No Project Alternative and the protection of the Cottonwood property as parkland, open space, and as a potential mitigation property for other projects.

The DEIR proposes six goals of the project but only one of them is a real result of the proposed Sand Mine: “Provide reliable, high-quality, aggregate product in the amount of 570,000 tons per year (approximately one-quarter of San Diego County’s annual sand demand).” The other 5 alternatives are essentially remediation or mitigation for the extreme damage created by this project.

Since the acquisition of sand and aggregate is the only real goal of this project Sierra Club suggests six other real alternatives to the Cottonwood Sand Mine should have been entertained and discussed. Failure to discuss these alternatives is a violation of CEQA. The alternatives that should have been entertained, as discussed above in the section on *Supplies of Aggregate and Sand* are as follows.

- 1) Obtaining sand and aggregate from sources outside the county including other locations in California or elsewhere in the United States.
- 2) Obtaining sand and aggregate from sources outside the United States including nearby sources in Mexico or from other countries by barge.
- 3) Obtaining sand and aggregate from the dozen or more existing sand mines in San Diego County.
- 4) Obtaining sand and aggregate from San Diego County reservoirs including planned new reservoirs

used for pump storage power generation. This has the added benefit on increasing water supply in San Diego County. 5) Obtaining sand and aggregate through recycling existing structure. San Diego State University has recently built both a huge student union complex and a football stadium using mostly recycled material.

Each of these five alternatives are real solutions to obtaining addition aggregate, the only real goal of the project.

The DEIR is inadequate for the provision of real alternatives to the project with the exception of Alternative 1: No Project Alternative. Which the Sierra Club and Community completely favor. The DEIR suggests: "Under the No Project Alternative, a Major Use Permit (MUP) would not be issued, mining activities would not occur at the site, and a Reclamation Plan would not be implemented." This is the preferred alternative where the plethora of community, human, and environmental harms, documented above, would not occur.

Alternative 2: Biological Resources Avoidance Alternative is not a real alternative just a barely scaled back version of the same project. First, it avoids none of the biological resources as suggested by its disingenuous title. No evidence is presented that there would be lesser impacts on biological resources. Such an outcome is merely asserted. All of the major aforementioned adverse impacts remain. This is not a real alternative; the same amount of annual extraction would occur-it is just planned over 6 years rather than 10. Thus, all of the impacts would still occur to air pollution, health of the community, and biological resources.

Alternative 3: The Noise Receptor Setback Alternative is another minor modification in the project and does not constitute a real alternative to the project as required by CEQA. It merely "would be set back 400 feet from residential properties surrounding the Project site, as well as from the Adeona Healthcare facility." This is tokenism that would not ameliorate the major harms of this project. The total area of the project would be reduced by just 95 acres and would involve the same annual extraction. So other than noise, as implied by the title, all of the major harms to wildlife, air quality, water pollution, valley fever, greenhouse gas, traffic, and community character would still accrue. The very existence of this alternative and its title suggests that the proposed project would have significant noise impacts to the surrounding community. Alternative three

admits that the negative impacts of the project would remain significant and unmitigable.

In my 40 years of reviewing EIRs, this is one of the worst projects we have reviewed with a terrible cost benefit ratio. Thanks for your attention to the many inadequacies in the DEIR and our opposition to this damaging project.

Sincerely,

Dr. Peter Andersen, Vice Chair
Conservation Committee
Sierra Club San Diego

George Courser, Chair
Conservation Committee
Sierra Club San Diego