

Date: February 25, 2022

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Subject: Cottonwood Sand Mining Project Draft Environmental Impact Report Issued 12/16/21  
(PDS2018-MUP-18-023), (PDS2018-RP-18-001); LOG NO. PDS2018-ER-18-19-007;  
SCH# 2019100513

I am Lori Loiselle and my family has resided in the Cottonwood neighborhood since 1984 on Wind River Road overlooking Willow Glen and Cottonwood Golf Course.

The Cottonwood Sand Mining Project draft Environmental Impact Report issued on December 16, 2021 ("EIR") for public review is a **flawed, inadequate and incomplete document that does not adequately analyze the significant environmental impacts of the potential Project to the people, wildlife, water, air, noise and roads of the community. Nor does the ERI meet or satisfy California's public policy regarding public health, environmental and wildlife protection.**

First, the conclusions of the EIR report are not supported by (i) the Valle de Oro Community Plan; (ii) current zoning of the space; and (iii) the public health, environmental and wildlife policies of California regarding mining/extraction.

The Valley de Oro Community Board has written a letter to directly address the first two points. The sand mine operation does not meet the goals of the Valle de Oro Community Plan as can be read in their response.

Regarding California's public health policies, the EIR report is in direct contrast to the general public health policies recently presented and supported by Governor Newsom.

In October 2021, Governor Newsom positioned California to be a leading state in the nation to put the healthcare of its State's residents ahead of those of mining/extraction companies. Governor Newsom

proposed a 3,200 feet buffer zone separating homes, schools, nursing homes and healthcare facilities from oil drilling/mining sites in order to protect and promote our healthcare and environment.

The same healthcare and environmental concerns behind that policy also directly apply to the current sand mine operation to protect our residents, children and senior citizens from the adverse dangers exposed to the toxic materials being released into our air (including cancer inducing silica and valley fever-which does not have a cure and the EIR report acknowledges is a concern) and into our drinking water (as the Sweetwater river runs right through the proposed site).

Governor Newsom expressly stated that he is greatly concerned with children's health (<https://www.gov.ca.gov/2021/10/21/california-moves-to-prevent-new-oil-drilling-near-communities-expand-health-protections-2/>) . He stated a top concern of his is "kids getting asthma" from breathing in the air pollutants. The resulting sand mine will release toxic pollutants and dust into the air which will negatively affect the breathing of our residents and children, including those recovering from covid which directly targets the lungs.

As a state, California is recognizing the harmful health effects of mining and is pro-actively protecting communities, nature and our children from the harmful effects of such operations. California is making the conscious decision to put its communities' health, first and above, a private company's profit.

Per the **Office of Governor Gavin Newsom's website** (<https://www.gov.ca.gov/2021/10/22/what-theyre-saying-environmental-and-health-advocates-support-californias-move-to-prevent-new-oil-drilling-near-communities-expand-health-protections/>), the following organizations/people have praised and strongly supported Governor Newsom's larger buffer zones around mining sites to put California community's health needs first:

- (i) The buffer zone has been praised by the **Center for Biological Diversity's Climate Law Institute Director, Kassie Siegel** who stated, "we need more leadership like this that finally confronts the climate, health and justice crisis."
- (ii) The **Natural Resources Defense Council Senior Attorney Ann Alexander** stated, "State regulators listened to the scientists and did not shy away from proposing the largest statewide setback requirements in the nation when it became clear that it was needed to protect public health."
- (iii) **State Senator Lena Gonzalez** stated, "We're committed to clean environments for our communities."
- (iv) **Los Angeles Mayor Eric Garcetti** stated, "Thank you Governor Newsom for taking bold action."

- (v) **Los Angeles County Supervisor Janice Hahn** stated, “This is how we take a stand for our health and the environment.”
- (vi) **Environment California Director Laura Deehan** stated that extraction sites are “happening startlingly close to homes, schools, hospitals and places of worship, leading to increased risk of asthma, complications during pregnancy and elevated cancer risk. But with these new rules, California will have the strongest safety buffer zone in the country at 3,200 feet.”
- (vii) **Communities for a Better Environment Executive Director Darryl Molina Sarmiento** stated, “California took a critical step forward for public health and safety of our families and children....California is prioritizing frontline residents most impacted by harmful pollution...”
- (viii) **California Lieutenant Governor Eleni Kounalakis** stated, “California made a big step towards cleaner air and safer communities today.”
- (ix) **California State Senate President pro tem Toni Atkins** stated, “I applaud Governor Newsom’s latest effort to protect Californians.”
- (x) **The State Oil and Gas Supervisor Uduak Joe Ntuk** supported the proposal and stated, “We thank all the partners we worked closely with to develop these proposed regulations to safeguard the health of communities across California. To develop this detailed set of rules, we collaborated with a range of state agencies and an independent public health expert panel to ensure a thorough analysis of relevant science and engineering practices.”
- (xi) **Sierra Club California Director Brandon Dawson** stated, “The announcement of a 3,200 foot setback distance is a huge first step towards protecting the health and safety of California’s frontline communities.”
- (xii) **Greenpeace USA Co-Executive Director Annie Leonard** stated, “This success belongs to the frontline communities and environmental justice groups.”
- (xiii) This recognition of protecting neighborhoods from mining/excavations has been applauded by the Chair of American Academy of Pediatrics California, California Environmental Justice Alliance and the Consumer Watchdog President.

Governor Newsom’s interest in protecting our community’s health and environment did not just start last year, but is strongly reflected by his actions in 2019 when he signed into law Senate Bill 307 which proactively protects our California desert water, wildlife and parks from mining.

**Again the same principles of protecting our water supply, environment, wildlife, and our community's tribal cultures that were upheld by Senate Bill 307 can be applied to this proposed sand mine operation** which will (i) negatively interfere with our community's water supply from the Sweetwater river that runs right through the middle of the site and Sweetwater reservoir; (ii) negatively affect Tribal land; and (iii) negatively affect the nature and wildlife that is protected in the San Diego National Wildlife Refuge and which is also located in the immediate area of the proposed sand mine operations.

Per the ***National Parks Conservation Association website*** (<https://www.npca.org/articles/2239-california-governor-newsom-signs-bill-to-protect-desert-water-wildlife-and>),

- (i) **Chris Clarke, California Desert Program Manager for the National Parks Conservation Association** stated, "By signing SB 307, Governor Newsom has made clear that California will step in to defend water supply, wildlife, national parks..."
- (ii) Governor Newsom stated, "Prior to allowing any project to move forward there must be certainty that it not threaten the important natural and cultural resources."

In September 2020, Governor Newsom also expressed a strong interest in preserving California's wildlife, which would be negatively affected by the sand mine operation. Per the ***Office of Governor Gavin Newsom's website*** (<https://gov.aws-staging.sites.ca.gov/2020/09/29/governor-newsom-signs-legislation-to-protect-mountain-lions-and-other-wildlife-from-toxic-rodenticides/>), the Governor stated, "My father was a naturalist..he would be proud to know that California is taking action to protect mountain lion populations and other wildlife from the toxic effects of rodenticides."

The principles behind the Governor's statements are not limited to rodenticides, but can be applied to the harmful and toxic air and water pollutants that will be produced from the sand mining operation that will have a direct negative health affect on our wildlife population.

On November 16, 2021, even our own San Diego County Board of Supervisors, with Chair Nathan Fletcher, expressed direct concerns over new drilling/mining sites in California. Even though Mr. Fletcher was directly being confronted with offshore drilling, his same concerns to the healthcare and environmental impacts applies directly to this sand mine extraction project and cannot be separated.

Per the November 16, 2021 news coverage (<https://www.newsbreak.com/news/2436012996147/county-supervisors-support-stopping-new-offshore-drilling-in-socal>), the following was stated:

- (i) **Board Chairman Nathan Fletcher** expressed that the action he took to stop such extraction practices was another step in our County's commitment to deliver a clean, safe environment. This is consistent with Mr. Fletcher's environmental stand which is reflected on his website

(<https://www.supervisornathanfletcher.com/content/d4/en/about/bio.html>) which states, “**A committed environmentalist**, Chair Fletcher uses his position on the California Air Resources Board, Board of Supervisors and as Chair of the Metropolitan Transit Agency to ensure we tackle climate change and work to ensure environmental justice... His policies... fight for environmental justice, make racial justice and equity a County priority; and improve the circumstances for children.”

- (ii) **Board of Supervisor Jim Desmond** stated, “We’ve all be united in that opposition across party lines. We need to push against any attempt to revive drilling.”
- (iii) U.S. Rep. Mike Levin stated it’s time to put our environment ahead of the “**companies that profit from more drilling.**”

There is one overriding theme that permeates these decisions from our San Diego Board of Supervisors, US Representative and Governor Newsom. That theme is that California and San Diego County will prioritize and protect the health of our community and environment over mining and drilling operations.

The proposed sand mine is in the middle of a residential neighborhood well within 3,200 feet of homes, school children, senior citizens. The negative effects of the air pollutants cannot be mitigated during the handling, mining or processing of sand as they come from extremely tiny particulars, only a few microns (one twenty-five thousandth of an inch) in diameter. Breathing in these particulars can lead to cancer of the lungs, Silicosis, and the area is susceptible to Valley Fever. This is exactly the type of health risk that our Governor Newsom and the State of California are protecting its citizens against.

The negative effects of water pollutants is inevitable as the mining operation will be using chemicals to clean, wash and remove unwanted minerals during their extraction and processing of sand. These chemicals will enter into the groundwater and cannot be prevented. Being located in the Sweetwater river, the risk of this ground water contamination cannot be properly or adequately mitigated and will negatively affect the residences who rely on well water received from that area and our community that relies on the water contained in the Sweetwater reservoir.

Thus, the EIR report fails to properly support the public health policy of California, the environment, wildlife, tribal cultures of our community and is in contrast to the Valle de Oro Community Plan.

Second, the Sand Mine report regarding noise is an incomplete analysis. The noise produced by the sand mine operations will cause a significant negative environmental impact on the neighborhood and the noise is not mitigatable, especially for homes located in EIR Figure 2.4-2.

Per Section 2.4.2.1, “The calculated noise level at the location adjacent to the screen plant is 74.7 dBA and the calculated noise level at the location adjacent to the haul truck loading area is 71.4 dBA. Both are below the 75-dBA threshold, and so it is anticipated that noise levels along the entire Project site property line would be below the 75-dBA threshold. In addition, as shown in Table 2.4-1, noise levels

at the receivers at residential groups 10 and 11, which are along the property line in proximity to mining excavation areas, would not exceed 75 dBA. Therefore, noise impacts at on-site property lines from the operation of the Project would be less than significant....[w]hile the Project would result in noise level increases of greater than 3 dB CNEL at residential groups 6 and 7, Isolated Residence 1, and Hilton Head County Park, overall noise levels would remain below 60 dB CNEL and, therefore, no impact would occur.”

The “less than significant” and “no impact would occur” determinations are not accurate for the following reasons:

- (i) it fails to (a) take into consideration that the noise will be a sustained level of dBs that exceed the current dBs of this neighborhood for 8 hours a day for 5 days a week for a projected multi-year project (not a few hours of inconvenience for a short-term period); and (b) does not address the negative health effects of consistent daily exposure to higher DBs on residents (stress, anxiety, sleep deprivation for those residents that work night shifts and other time zone hours so they can rest during the day, long-term exposure to noise and its correlation with higher rates of cardiovascular disease/high blood pressure, and the negative effects of noise on our school children’s concentration and cognitive performance);
- (ii) the sand mine operation noise will be generated from a piece of land that is **not zoned** for mining extraction as it was purchased by the owner with full knowledge of the property’s zoning limitations and will increase the noise level to dBs that currently exceed the acceptable and permissible levels of the current zoning for residential areas as homeowners reasonably relied upon those zoning regulations when purchasing their property (the noise from the sand mine on property that is not zoned for such use is essentially an impermissible and unreasonable noise nuisance to the community);
- (iii) the noise analysis fails to take into consideration the effects of Covid on our community, as many families now have one or more persons working full time from home, students studying from home and senior citizens who will be subject to the sand mine’s consistent operational dB noise (which exceeds the permissible residential dBs) during the entire period of day-time operations of the proposed project;
- (iv) the “8-foot- (or 12-foot) high noise barrier” (a) will not be able to substantially mitigate the noise for the immediate residences and healthcare facilities as sound is omnidirectional and will travel upward in a valley that is surrounded by hills; (b) will not be able to mitigate the noise for the homes that live above Willow Glen as sound travels up the hill to those residences; and (c) will not prevent the noise from disturbing nesting birds and valuable wildlife in our neighborhood who they have no sound basis for stating will return once the project is complete; and

- (v) the noise analysis fails to fully take into consideration the cumulation of noises that will negatively affect residences. The current noise along Willow Glen will be amplified by the increase of a large quantity of trucks operating during the same set of hours in the same space which will be combined with new higher noise levels being generated from the mining and processing procedures. Which in turn, will be intermingled with daily existing Willow Glen traffic noises, including noises from the emergency vehicle sirens that utilize Willow Glen on a daily basis and close range military helicopters that fly multiple times directly above the homes on Wind River Road and the proposed mining site. This cumulative effect is not “insignificant” to the residents whose daily lives will be subjected to this constant level of noise that is not permissible or reasonable for an established residential area.

Thus, the EIR does not demonstrate that the noise due to the mining operation will be insignificant on the residents, school children and healthcare workers/patients in our community.

Third, the Sand Mine EIR regarding aesthetics has a significant negative and unmitigable impact on the community, especially regarding homes on Wind River Road that overlook Willow Glen and Cottonwood Golf course.

The homes currently on Wind River Road have an unobstructed view of the valley and the Cottonwood golf course which would be turned into a strip mine, depleting the area of its green space and native plant life. The view, as depicted in the attached photos to my email, which shows blended greenery from the valley intertwining with the Ivanoe’s well cared for property (seasonally green and well maintained) with the manicured Steele Canyon golf course and mountains will be destroyed by the harsh contrast of a sand mine which strips the Cottonwood golf course of all plant life, wild life and reduces the site by stripping down the ground to deep depths that will destroy all aesthetics of the land and negatively alter the course of valley and river forever.

In addition to the destruction by stripping of the land itself, the long term multi-year visuals of construction/mining materials, equipment and processing facility all are in stark contrast and inappropriate to the aesthetics of our well established community.

As Section 2.1.2.1 of the EIR states, “The proposed mining and reclamation elements would replace existing views of the currently maintained Ivanhoe Course and the unmanicured Lakes Course with exposed soil and aggregate processing activities, processing equipment and trucks, and stockpiles of the proposed mining operations; perimeter fencing and mesh screening; and newly reclaimed, sparsely vegetated areas with temporary irrigation. Further, proposed mining operations would create substantial contrast and reduce the existing visual quality of the site and surrounding area.”

This is not a case where a sand mining operation was zoned for the area and in use prior to a neighborhood being built up around it where residents purchased property at a reduced price for dealing with the negative visual, noise, air quality, water quality and health effects of being exposed

to such an operation. Rather this is a case in which a piece of property, which is **not zoned** for mining is coming into an established community with schools, healthcare facilities and a high population of senior citizens/senior community residences to convert an open green space into a use that is (i) not zoned for such mining use; (ii) destroys the aesthetics of the land; and (iii) is not compatible with our community plan.

The reclamation plan (which would not even be put into place until years after operations of the sand mine have decimated the land, polluted the water and released cancer inducing silica particles into our community's air) fails to truly establish any plan beyond using vague and broad terms to describe no real process.

The EIR states, "As shown, with approximately 8 and 9 years of growth at the end of subphases 3A and 3B, respectively, height and density would incrementally increase over time. Prior to this time frame, vegetative density and height on the Project site would be less prominent and large pockets of exposed soils would be visible between planting groupings... the perceived contrast/changes to the visual setting resulting from Proposed Project changes may continue as assessed above for each of the identified viewer groups until the vegetation reaches a level of visual maturity (in approximately 10 to 15 years for each phase)."

Thus, we know the following: (i) the aesthetics of the proposed mining space will be knowingly decimated and destroyed by the sand mining operation (this is a 100% known indisputable fact); and (ii) the reclamation plan merely provides a fake handshake that there will be any sort of proper restoration of a land that is currently home to native species and wildlife, if at all, possibly some 20 years after the strip sand mining operations begin. Therefore, the EIR does not support the conclusion that aesthetics can be properly mitigated.

Additionally, the Sand Mine Project does not propose adequate mitigation measures or alternatives to address those impacts. The draft EIR does not comply with applicable goals, policies or requirements of the San Diego County General Plan as well as the Valle De Oro Community Plan.

Upon review, it seems that the draft EIR is incomplete and not in compliance with CEQA and therefore must be revised and reissued to the public for review.

In addition to my detailed points above, below is a list of the most significant issues noted in the Cottonwood Sand Mining Project draft EIR include:

1. Aesthetics is a significant unmitigable environmental impact.
2. The proposed project is inconsistent with the Valle de Oro Community Plan.
3. Biological Resources are significant environmental impacts with incomplete analysis.
4. The draft EIR states that "the Project would result in significant impacts" to Federally and State Endangered or Threatened Species. Proposed mitigation plans are not sufficient to protect endangered and threatened species in the area.
5. Noise is a significant environmental Impact with incomplete analysis.

6. The health risk associated with Valley Fever is drastically minimized in the draft EIR.
7. The draft EIR appears to gloss over the impact on air quality as not being significant. However, even a moderate impact could be catastrophic and should be considered and studied.
8. The EIR must be revised to describe mitigation related to VMT and GHG that will occur onsite.
9. The draft EIR does not properly address that the Project may have a significant impact to property water wells near the property site.
10. The proposed Project is inconsistent with the Land Use Element of the County of San Diego General Plan. The designation for the entire project site is Open Space-Recreation which applies to large, existing recreational areas and allows for active and passive recreational uses.
11. The Major Use Permit Findings cannot be made.
12. The draft EIR does not specify how the impacts and location of the sand mine will be consistent with the San Diego County General Plan.
13. The draft EIR is incompatible with the Valle de Oro Community Plan regarding Conservation.
14. The draft EIR did not adequately address how its proposed sand mining activities will conserve rather than destroy wildlife habitats.
15. Transportation/Traffic is a significant environmental impact with incomplete analysis.
16. The draft EIR did not address Emergency Access adequately. The report indicates that a "Traffic Control Plan would establish procedures" however these procedures are not described.
17. A Fire Protection Plan has been prepared for the project per the draft EIR. However, it does not state that the plan has been reviewed and approved by the San Miguel Fire District and the County of San Diego.

I stand with hundreds of community members and other stakeholders who are seriously concerned about the significant impacts the Cottonwood Sand Mining Project's twelve-year sand mining operation will have on the residential community in Rancho San Diego, surrounding communities, and to the San Diego National Wildlife Refuge. As much as the sand, for concrete, is a needed commodity, the location proposed by the Applicant seems highly inappropriate. Industrial sand mines do not exist in developed, residential areas – nor should this one at the expense of the community and the environment.

As described in my letter, this conclusion is supported by the precedent actions of our Governor Newsom, Board Chairman Nathan Fletcher, San Diego Board of Supervisors and US Representative Mike Levin who have put California communities' health and environmental needs above mining operations.

Sincerely,

*Lori Loiselle*

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