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Practice limited to California law

Meeting Date:
September 10, 2025
Agenda Item: 6
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September 9, 2025

Chairperson Pro Tem Paloma Aguirre
Vice Chairperson Monica Montgomery Steppe
Supervisor Joel Anderson
Supervisor Terra Lawson-Remer
Supervisor Jim Desmond
County of San Diego Board of Supervisors
1600 Pacific Highway, Room 355
San Diego, CA 92101

Re: Cottonwood Sand Mine Final Environmental Impact Report PDS2018-ER-18-19-007;
SCH No. 2019100513 (the "FEIR")
September 10, 2025 Board of Supervisors Hearing, Agenda Item 6

Dear Board Chairperson, Board Vice Chairperson, and Supervisors:

We represent PV Ivanhoe, LLC ("Ivanhoe") regarding its ownership and development of a residential community ("Ivanhoe Ranch") on approximately 120 acres of real property ("Ivanhoe's Property") located in the community of Valle de Oro in the unincorporated County of San Diego (the "County"), in the vicinity of the proposed Cottonwood Sand Mine.

Ivanhoe commented on the draft environmental impact report for the Cottonwood Sand Mine (the "DEIR") on February 27, 2022. The County responded to Ivanhoe's comments in the FEIR, posted online. The County's responses are not responsive to Ivanhoe's comments, nor adequate under the California Environmental Quality Act ("CEQA"). Ivanhoe met with County Planning and Development Services staff in June 2025 to discuss the inadequacies of the County's responses. We understand that staff have taken no action in follow-up to that meeting.

To reiterate the discussion at the meeting, the County's response to Ivanhoe comment D-164-3 indicates that the County is deferring an assessment of floodplain impacts of the proposed Cottonwood Sand Mine to some point in the future, a deferral that is not permitted under CEQA. DEIR/FEIR Section 3.1.5 analyzes the proposed Cottonwood Sand Mine's impacts to hydrology, drainage, groundwater, and water quality within the Sweetwater River floodplain based on a Drainage Study included in the DEIR/FEIR at its Appendix O (the "Drainage Study"). The

Drainage Study in turn relies upon a Sweetwater River floodplain line shown on the HEC-RAS WORK MAP (the "Work Map") in the same Appendix O.

The DEIR/FEIR's analyses are in error in their reliance on the Work Map. The Work Map was not updated to reflect the final Sweetwater River floodplain line in the area of the westerly boundary of Ivanhoe's Property, as determined by the Federal Emergency Management Agency ("FEMA") in its Flood Insurance Rate Map revision dated April 14, 2021.

CEQA requires that the analyses and their conclusions must be based on FEMA's map revision. As a result, the proposed Cottonwood Sand Mine's impacts to the Sweetwater River floodplain must be re-analyzed, the conclusions of the DEIR/FEIR reviewed for accuracy, and the results of the new analyses and the confirmed or revised conclusions made available to the Board of Supervisors and the public before Board of Supervisors' consideration of the FEIR and the proposed Cottonwood Sand Mine.

Secondly, as we discussed with staff, the County's response to Ivanhoe comment D-164-4 is inadequate. The response states that the DEIR did not consider noise impacts to future residences at the Ivanhoe Ranch project because the notice of preparation for the environmental impact report ("NOP") for Ivanhoe's project was not published at the time that the NOP for the proposed Cottonwood Sand Mine was published.

That is of no consequence to Ivanhoe's comment. Ivanhoe submitted its application for its project to the County on May 23, 2018. On April 15, 2021, County staff determined that Ivanhoe's application was complete under CEQA and published the NOP for the Ivanhoe Ranch project.

The Ivanhoe Ranch project future residences are reasonably foreseeable noise-sensitive land uses under CEQA. CEQA requires that the FEIR analyze the proposed Cottonwood Sand Mine's noise impacts to those future noise-sensitive land uses. The FEIR must provide those analyses and conclusions and make them available to the Board of Supervisors and the public before the Board of Supervisors' consideration of the FEIR and the proposed Cottonwood Sand Mine.

Very truly yours,



Cynthia L. Eldred, Esq.
THE LAW OFFICE OF CYNTHIA L. ELDRED, APC

cc: (via electronic mail only)
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