

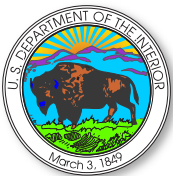
**VOLUME I
FINAL**

Environmental Impact Report/
Environmental Impact Statement (EIR/EIS)
for the San Dieguito Wetland Restoration Project



September 2000

SCH# 98061010



U.S. Fish &
Wildlife Service
(USFWS)



San Dieguito River
Park Joint Powers
Authority (JPA)

Volume I consists of the conclusions of the Final EIR/EIS on the San Dieguito Wetland Restoration Project, the comments that were received on the Draft EIR/EIS that was circulated for public review, and the responses to those comments. Each substantive comment was numbered, and the responses contain corresponding numbers. The comments and responses are coded according to the type of commentor; i.e., comments from federal agencies begin with "F," those from state agencies begin with "S," those from local agencies begin with "L," those from organizations begin with "O," and those from individuals begin with "I." Comments from the public hearing on the Draft EIR/EIS are coded "PH."



CONCLUSIONS

SAN DIEGUITO WETLAND RESTORATION PROJECT FINAL ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT STATEMENT

PROJECT:

The San Dieguito Wetland Restoration Project involves the development, design, and ultimate implementation of a comprehensive coastal restoration plan for the western end of the San Dieguito River Valley, San Diego County, California. The project includes restoration of tidal wetlands, creation of nesting areas for threatened and endangered birds, re-establishment of historic uplands, enhancement and expansion of freshwater and seasonal coastal wetland areas, and a public access and interpretation component. Essential to the project is the restoration of the lagoon's tidal functions, to be accomplished by maintaining the inlet channel in an open configuration in perpetuity. In accordance with the adopted San Dieguito River Park Concept Plan, a Park Master Plan for the project area has also been prepared to address the various elements of the project.

BACKGROUND:

The Draft EIR/EIS for the San Dieguito Wetland Restoration project was distributed for public review in January 2000. Numerous agencies, organizations, and individuals provided substantive and constructive comments. The responses to these comments are provided in the final section of this volume of the Final EIR/EIS. As a result of the comments received, revisions have been made to the previously distributed document. These revisions were necessary to clarify the discussions already provided in the draft. No new significant impacts were identified. The bulk of the revisions, which have been underlined to assist the reader, can be found in Chapter 2 and sections 4.2, 4.4, 4.8, and 4.10. Additional minor revisions, also underlined, were made throughout the text to address specific public comments.

As a result of input from the City of Del Mar, one mitigation measure presented in section 4.1 regarding the provision of access from the beach to Camino Del Mar has been reevaluated. It appears that through coordination with the City of Del Mar, the provision of a pedestrian pathway along the south side of the inlet channel is technically feasible. SCE has agreed to design and construct this pathway, in accordance with the City of Del Mar's development and engineering standards. Construction of this pathway would mitigate impacts related to access across the beach. Please refer to Volume II, section 4.1.1.2 of Final EIR/EIS for a complete discussion of this issue.

SUMMARY OF ALTERNATIVES:

Five restoration alternatives and the No Action alternative were analyzed in this document. Restoration alternatives include Maximum Tidal Basin, Mixed Habitat, Hybrid, Maximum Intertidal, and Reduced Berm. All but the Reduced Berm and No Action alternatives have the same restoration footprint. The reason for this relates to the purpose and need for the project, which is to restore the habitats that historically occurred within this coastal area, taking into consideration the constraints now imposed by existing adjacent land uses. The footprint of the majority of the alternatives represents the maximum area available within the river valley that can feasibly be restored (taking into consideration existing land use, ownership, and physical constraints).

Provided in Table 1 is a comparison of the overall tidal prism, total material to be excavated, and depth of the inlet sill for each alternative. The habitat types and acreages to be created by each alternative are presented in Table 2, and the net acres of habitat created by restoration alternative are presented in Figure 1.

Table 1. Comparison of Alternatives

	Maximum Tidal Basin	Hybrid	Mixed Habitat	Maximum Intertidal	Reduced Berm
Diurnal Tidal Prism (cubic feet)*	43,623,580*	43,032,840	42,841,530	38,896,643	30,420,830
Volume of Excavated Material** (cubic yards)	2,352,950**	2,070,750	1,990,250	1,758,650	776,750
Inlet Sill Depth (feet NGVD)	-1.97	-1.33	-1.60	-0.89	-0.46

*The diurnal tidal prism under existing conditions is 20,650,080 cubic feet.

**Volumes are based on a 1/2-foot over dredge allowance, consistent with levels achieved for the Batiquitos Lagoon Enhancement Project. Sand to be excavated from the inlet and river channel is not included in these figures.

Elements common to all of the alternatives except the No Action alternative include implementation of a public access and interpretation component, maintenance of the inlet channel, provision of five nesting sites in proximity to proposed tidal wetlands, upland and freshwater marsh restoration, and the need for disposal sites to accommodate the excavated material to be generated as a result of project implementation.

Table 2. Habitat Types and Acreages per Alternative

Habitat Type	Existing Conditions	Maximum Tidal Basin	Hybrid	Mixed Habitat	Maximum Intertidal	Reduced Berm
Subtidal	8.42 acres	83.58 acres	49.61 acres	37.1 acres	24.86 acres	13.54 acres
Frequently Flooded Mudflats	0	20.22 acres	23.6 acres	25.33 acres	27.61 acres	15.32 acres
Frequently Exposed Mudflats	0.68 acre	2.77 acres	5.79 acres	4.08 acres	7.0 acres	8.62 acres
Estuarine Flats Nontidal	5.16 acres	3.32 acres	3.32 acres	3.32 acres	3.32 acres	0
Low Marsh	0.01 acre	15.14 acres	29.11 acres	34.81 acres	34.81 acres	22.87 acres
Mid Marsh	0.77 acre	24.71 acres	31.39 acres	44.16 acres	38.88 acres	20.51 acres
High Marsh	2.67 acre	18.41 acres	23.31 acres	20.08 acres	27.19 acres	21.68 acres
Transitional Wetlands	0	15.38 acres	17.38 acres	14.67 acres	19.76 acres	2.51 acres
Seasonal Salt Marsh	20.72 acres	3.34 acres	3.34 acres	3.34 acres	3.34 acres	3.34 acres
Seasonal Salt Marsh Transitional	0	7.66 acres	7.66 acres	7.66 acres	7.66 acres	7.66 acres
Uplands	17.1 acres	5.24 acres	5.31 acres	5.24 acres	5.39 acres	2.69 acres
Nesting Area	0	21.29 acres	21.29 acres	21.29 acres	21.29 acres	21.29 acres
Re-seeded Coastal Sage Scrub/Native Grassland	0	27.32 acres	27.32 acres	27.32 acres	27.32 acres	27.32 acres
Freshwater Marsh	1.14 acres	0.92 acre	0.92 acre	0.92 acre	0.92 acre	0.92 acre
Coastal Sage Scrub	1.13 acres	84.1 acres	84.1 acres	84.1 acres	84.1 acres	84.1 acres
Riparian Southern Willow Scrub	0.6 acre	7.08 acres	7.08 acres	7.08 acres	7.08 acres	7.08 acres
Ruderal Successional	254.8 acres	10.47 acres	10.47 acres	10.47 acres	10.47 acres	0
Chaparral	0	12.73 acres	12.73 acres	12.73 acres	12.73 acres	12.73 acres

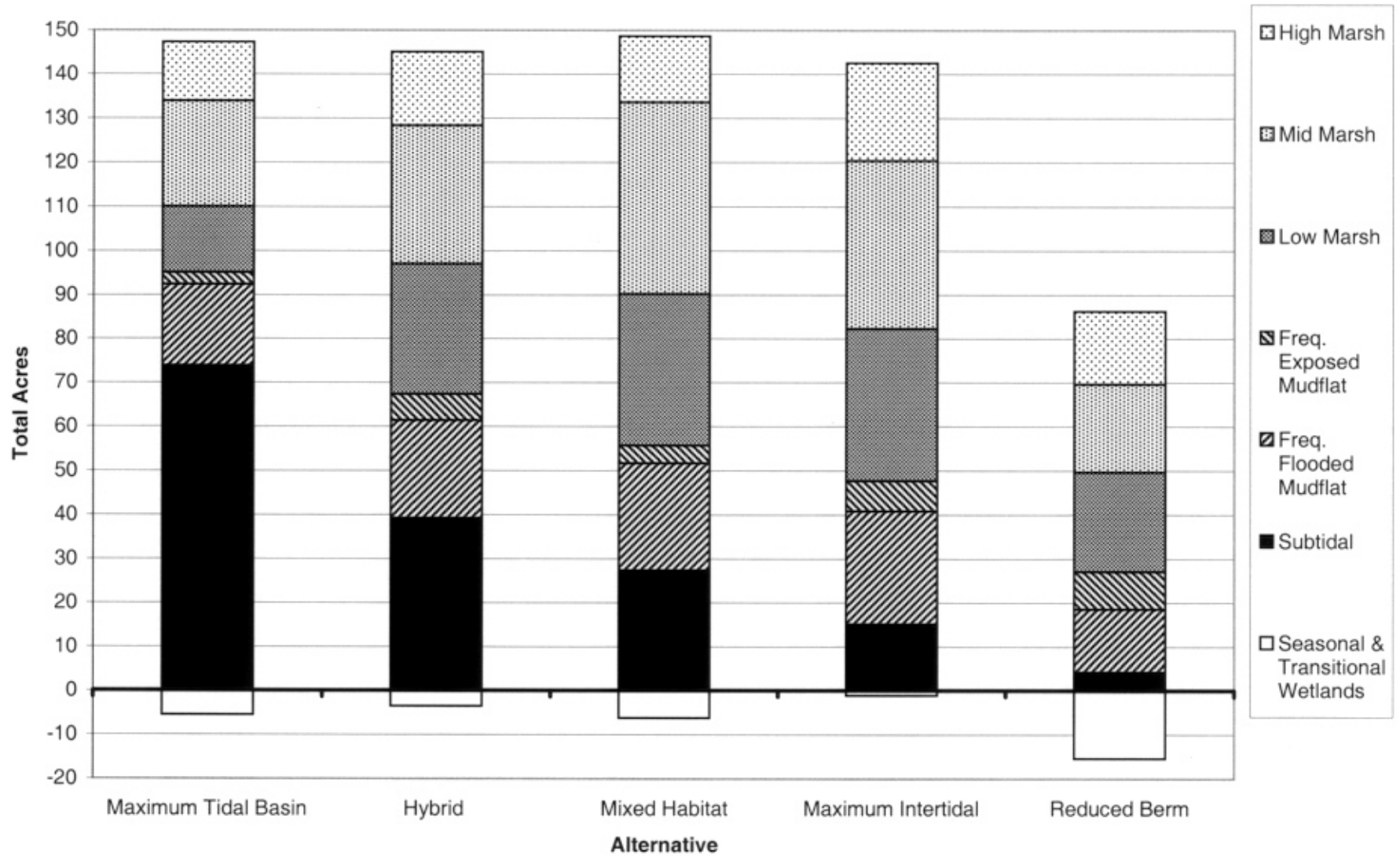


Figure 1. Net Acres of Tidal Habitats Created By Restoration Alternatives

The EIR/EIS examined an array of options for disposing of the soil (cut) to be generated by the excavation of new tidal wetlands. A portion of the soil to be generated would be used to construct the berms (125,600 cubic yards) and the bases of three of the nest sites (71,200 cubic yards), accommodating approximately 196,800 cubic yards of material for all of the action alternatives except the Reduced Berm Alternative. Under the Reduced Berm Alternative, the berms (73,200 cubic yards) and bases of the nest sites would require 144,400 cubic yards of material. Sand generated from the project (up to about 84,400 cubic yards) would be used first to cap the nest sites, with the remaining sand to be used for beach nourishment. The construction of the berms and nest sites would only accommodate a fraction of the material to be generated; therefore, the EIR/EIS also evaluated the environmental impacts associated with disposing of this excess material on a variety of disposal sites in the immediate vicinity of the restoration project, including five upland sites and three sites located within the floodplain. One of the sites located within the floodplain (DS44) would involve overexcavation of the airfield property to remove beach quality sand that is present at subsurface depths and replace it with less suitable material removed from other portions of the site. No one disposal site can accommodate all of the material generated by the project; therefore, it will be necessary to distribute the material over several of the sites evaluated in the document. Further, there is more than adequate capacity among the sites to accommodate the project-generated material; therefore, project implementation does not require the use of all of the sites that were considered. The maximum capacity of each of the potential disposal sites is provided in Table 3.

Table 3. Maximum Capacity of Potential Disposal Sites

Disposal Site Number	Disposal Site Name	Area (acres)	Maximum Capacity (cubic yards)*
DS32	Via de la Valle	32.5	917,600
DS33	El Camino Real N	13.7	89,000
DS34	El Camino Real SE	11.0	172,000
DS35	El Camino Real SW	3.8	55,400
DS36	Ranches	42.5	749,800
DS37	Fairgrounds Paved Parking Lot	22.0	62,900
DS38	Surf & Turf	28.0	289,600
DS44	Airfield (overexcavation site)	45.0	1,683,000
*As stated above, 196,800 cubic yards of the material to be generated would be used to construct berms and the bases of nest sites for all but the Reduced Berm Alternative. Under the Reduced Berm Alternative, 144,400 cubic yards would be used for berms and nest sites.			

CONCLUSIONS:

Lead Agencies' Preferred Alternative for Wetland Restoration

The U.S. Fish and Wildlife Service, as the Federal lead agency for the San Dieguito Wetland Restoration Project EIR/EIS, identifies the Mixed Habitat Alternative as the Preferred Alternative, pursuant to the National Environmental Policy Act. The San Dieguito River Park Joint Powers Authority (JPA), as lead agency for the project in accordance with the California Environmental Quality Act, will select a preferred alternative in association with the certification

of the Final EIR/EIS. JPA staff recommends to the JPA Board that the Mixed Habitat Alternative is the most appropriate restoration alternative for the western river valley.

The identification of the Mixed Habitat Alternative as the preferred restoration alternative follows consideration of public and agency comments on the full array of alternatives described in the Draft EIR/EIS, consultation with professional biologists of the National Marine Fisheries Service (NMFS), California Department of Fish and Game (CDFG), and the California Coastal Commission (CCC), and consideration of the goals and objectives established by the Working Group, as well as the goals and objectives set forth in the San Dieguito River Park Concept Plan.

The process of selecting a preferred alternative also involved a screening level evaluation of numerically based criteria and the projected ability of the alternatives to fulfill program objectives, particularly as related to biological benefits. For this evaluation only the “action” alternatives were considered since the Final EIR/EIS concludes that the No Action Alternative would not fulfill the project objectives.

Each project alternative was first evaluated based on a matrix format, which focused on criteria that could be defined using a numeric value or metric (Table 4). Specifically, each biological criterion in the table is based on a project-associated value such as the number of acres of a particular type of wetland habitat that would benefit, by its creation, a type or group of species. This type of habitat metric represents an indirect measure of projected benefits to the species in question, and assumes successful habitat creation and maintenance will occur. As an example, the optimum habitat for fish-eating birds, including the least tern, would be represented by the alternative that would create the greatest number of subtidal acres, in this case the Maximum Tidal Basin Alternative. Under this ranking approach the Maximum Tidal Basin Alternative would receive the highest value, a “1” as shown on the table, with the other alternatives ranked as a decimal percentage of this maximum acreage. Similar logic was applied for habitat creation that would benefit shorebirds (including western snowy plover) and Belding’s savannah sparrow, although in these instances the Maximum Intertidal Alternative would create the highest number of beneficial acres. Another type of indirect criterion is tidal flushing, using tidal prism values as the surrogate measure, based on the assumption that greater flushing will produce better circulation and health of the restored wetland. Finally, based on the generally greater difficulty in creating successful high marsh habitat, as compared to mid- or low-marsh habitat, the combined number of acres for these latter categories was used as an indicator of the maximum chance of successful marsh restoration, in this case represented by the Mixed Habitat Alternative.

For non-biological criteria, two metrics are listed in the table: lowest excavation volume as an indirect measure of the fewest short-term impacts (e.g., to air quality and traffic, as detailed in Chapter 4 of the EIR/EIS) due to initial construction, and “trafficability” as a surrogate for public safety during crossings of the inlet region by pedestrians.

Based on the matrix subtotals and totals (Table 4), initial screening of the results indicates that the Reduced Berm and Maximum Tidal Basin alternatives have consistently lower values than the other action alternatives and, consequently, were eliminated from further consideration as the preferred alternative. No further use of Table 4 information was included in the final agency

selection of a preferred alternative. As a second level evaluation, the Mixed Habitat and Hybrid alternatives were identified as preferable to the Maximum Intertidal Alternative since they both incorporate at least one tidal basin, along with intertidal components. The basins, by definition, would provide important, intermediate-sized areas of subtidal/open water habitat for use by fishes and fish foraging birds, a feature deemed desirable by the agencies. Thus, the amount and types of habitat for these alternatives represent an important compromise for project design.

Table 4. Scaled Comparison of Criteria that Differentiate Among Alternatives.
Best = 1, followed by decimal percentage of progressively worse alternatives as estimated based on criterion metric. (Actual metric values are listed below the percentages)

Biological Criteria	Maximum Intertidal Alternative	Maximum Tidal Basin Alternative	Mixed Habitat Alternative	Hybrid Alternative	Reduced Berm Alternative
Maximum Flushing of Created/ Restored Wetland Habitat: Best = maximum tidal prism (root mean squared current)	.61 (0.92 ft/sec)	1 1.5 ft/sec)	.91 (1.37 ft/sec)	.83 (1.25 ft/sec)	.76 (1.14 ft/sec)
Maximum Chance of Successful Marsh Restoration: Best = most low plus mid marsh acres	.93 (72.68 acres)	.50 (38.84 acres)	1 (77.96 acres)	.78 (61.02 acres)	.55 (42.58 acres)
Maximum Shorebird Habitat (incl. Snowy Plover) Created: Best = most marsh + mudflat + nontidal wetland acres	1 (127.73 acres)	.54 (69.11 acres)	.91 (115.61 acres)	.81 (103.73 acres)	.52 (66. acres)
Maximum Fish, Least Tern, and Other Fish-Eating Bird Habitat Created: Best = most subtidal acres	.20 (15.12 acres)	1 (73.84 acres)	.37 (27.36 acres)	.53 (39.21 acres)	.06 (4.19 acres)
Maximum Belding's Habitat Created: Best = most high and mid marsh acres	1 (60.27 acres)	.62 (37.32 acres)	.97 (58.44 acres)	.80 (48.04 acres)	.61 (36.60 acres)
SUBTOTAL FOR BIOLOGICAL CRITERIA	3.74	3.66	4.16	3.75	2.50

Table 4. Continued.

Non-Biological Criteria	Maximum Intertidal Alternative	Maximum Tidal Basin Alternative	Mixed Habitat Alternative	Hybrid Alternative	Reduced Berm Alternative
Minimizes Construction-Related (Short-term) Impacts (e.g., to AQ and traffic): Best = lowest excavation volume, including overdredge (1/x)	.44 (1,758,650 cubic yards)	.33 (2,352,950 cubic yards)	.39 (1,990,250 cubic yards)	.38 (2,070,750 cubic yards)	1 (776,750 cubic yards)
Minimizes Public Safety Concerns: Best = lowest increase in % time that inlet is non-trafficable (1-x)	.79 (21.4%)	.64 (36.2%)	.68 (32.4%)	.72 (28.5%)	1 (11.6%)
SUBTOTAL FOR NON-BIOLOGICAL CRITERIA	1.23	0.97	1.07	1.10	2
TOTAL COMBINED CRITERIA	4.97	4.63	5.23	4.85	4.50

Many other biological and non-biological criteria were considered, particularly as related to the goals and objectives developed by the Working Group. All of the restoration alternatives meet many of the Working Group goals and objectives; therefore it was not possible to distinguish among the alternatives with respect to those issues. For example, all of the alternatives would meet the following Working Group criteria:

- Improve, preserve, and create a variety of habitats to increase and maintain wildlife and ensure protection of endangered species;
- Ensure adequate tidal and fluvial flushing and circulation with an optimal tidal regime to support a diversity of biological resources while maintaining the appearance of a natural wetland ecosystem; and
- Project should not contribute to the net loss of beach and sand north or south of the river mouth.

With respect to the Working Group objective of “providing regionally scarce habitats including habitats for rare or endangered species,” the alternatives were evaluated to determine which would maximize habitat for threatened and endangered species. In this case, the Mixed Habitat Alternative ranked slightly higher, followed by the Maximum Intertidal Alternative. The Maximum Tidal Basin and Hybrid alternatives ranked a close third and fourth, while the Reduced Berm Alternative was considered the least effective in achieving this objective. In evaluating the objective of “optimizing subtidal and intertidal areas,” the Mixed Habitat Alternative is slightly better, followed by Maximum Tidal Basin, Hybrid, Maximum Intertidal, and Reduced Berm. All of the restoration alternatives would comply equally with the goals and objectives outlined in the San Dieguito River Park Concept Plan.

Having considered all of the information described above, as well as input from biologists representing NMFS, CDFG, and CCC, the Mixed Habitat Alternative has been identified by the U.S. Fish and Wildlife Service and the JPA staff as the most appropriate restoration alternative for the San Dieguito Lagoon. The Mixed Habitat Alternative best optimizes a balancing of biological benefits with improved tidal flow. That is, increased seawater volume circulated nearer the lagoon mouth improves the self-maintaining nature of the mouth and will develop very high aquatic habitat values. Three of the alternatives considered have these qualities: Maximum Tidal Basin, Hybrid, and Mixed Habitat. Farther from the mouth of the lagoon and east of the I-5 freeway, the hydraulic and biological benefits of seawater volume are less. Alternatives that have this larger volume but lower biological value water area east of I-5 include the Maximum Tidal Basin, Hybrid, and Maximum Intertidal alternatives. The Mixed Habitat Alternative has the highest likelihood of biological success and broadest spectrum of fish and wildlife benefits, for the least amount of dredging.

Full completion of all the nesting areas, including surfacing with clean sand, is an important part of the preferred alternative. The sites as designed constitute an optimal array (size and location) for providing essential habitat for Federally listed threatened and endangered birds.

Preferred Disposal Site Options

Disposal sites that are located outside of sensitive habitat areas and do not raise the elevation of the existing floodplain are preferred locations for disposal of excess cut material generated by the project. The upland sites DS32 through DS36, with a combined capacity of 1,983,800 cubic yards, would accommodate the excess material for all alternatives except the Maximum Tidal Basin Alternative. If the Maximum Tidal Basin Alternative were ultimately approved, DS-44 would also have to be included as a disposal site in order to accommodate all of the excess material generated by the restoration.

Disposal sites DS37 and DS38, located west of I-5, are both within the floodplain and jurisdictional wetlands have been identified on DS38. The Final EIR/EIS identifies significant, unmitigated impacts associated with the use of these two disposal site options. As a result, these sites are not among the preferred sites. Although located within the floodplain, use of DS44 would not raise the elevation of the floodplain and would not result in any unmitigated environmental effects.

Summary of the Project's Significant, Unmitigated Impacts

The following environmental impacts have been identified as significant and unmitigable:

- Loss of Agriculturally Important Lands
- Landform Alteration Resulting from Disposal of Excavated Material On-site
- Visual Impacts Related to the Contrast in Appearance of the Nesting Site with the Surrounding Area
- Loss of Wetlands, Should DS38 be Approved as a Disposal Site
- Conflicts with Trail Users if the Tram is Permitted to Operate on the Coast to Crest Trail

Mitigation, Monitoring and Reporting Program

Other impacts, as described in Volume II, were identified as potentially significant, but mitigable to below a level of significance through the implementation of specific mitigation measures. To ensure that these measures are strictly enforced, a Mitigation, Monitoring and Reporting Program (MMRP) has been prepared for consideration and adoption by the San Dieguito River Park Joint Powers Authority in accordance with the California Environmental Quality Act. The JPA will coordinate with the California Coastal Commission (CCC) to avoid any inconsistencies between the requirements of the MMRP and the maintenance and monitoring program to be developed by the CCC for SCE's required Coastal Development Permit.

COMMENTS ON THE DRAFT EIR/EIS





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

MAR 21 2000
SAN FRANCISCO
CALIFORNIA

March 20, 2000

Jack Fancher
Coastal Program Chief
Attn: San Dieguito Wetlands
Restoration Project
US Fish and Wildlife Service
Carlsbad Field Office
2730 Loker Ave. West
Carlsbad, CA. 92008

Dear Mr. Fancher:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the project entitled **San Dieguito Wetlands Restoration Project, San Diego County, California**. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The US Fish and Wildlife Service (Service) and San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) propose to implement a tidal wetland restoration project at the San Dieguito Lagoon that would 1.) restore the aquatic functions of the lagoon through permanent inlet maintenance and expansion of the tidal basin and 2.) create subtidal and intertidal habitats on both the east and west sides of Interstate 5. Tidal restoration would involve modifications to the existing drainage pattern, excavation of the tidal inlet to promote continual tidal exchange, excavation/dredging of sediments to create/restore wetlands, construction of berms along the river to maintain existing flood flows and direct sediment transport to the ocean, and identification of appropriate disposal sites for excavated/dredge material. Nesting sites for least terns, snowy plovers, and other shorebirds would also be provided. It is anticipated that tidal restoration would be accomplished primarily by Southern California Edison and partners (SCE), provided the restoration satisfies the conditions of the California Coastal Commission (CCC) permit for the construction and operation of the San Onofre Nuclear Generating Station (SONGS) Units 2 and 3. Upland habitat restoration, non-tidal wetland restoration, and public trails and interpretive facilities would be provided by the San Dieguito River Park in cooperation with other agencies and organizations.

The DEIS analyzes six project alternatives including the Mixed Habitat, Maximum Tidal Basin, Maximum Intertidal, Hybrid, Reduced Berm, and No Action Alternatives. The principal differences among the action alternatives are the amount of soil and

Alternatives. The principal differences among the action alternatives are the amount of soil and sediment that would be excavated or dredged and the net amount of various tidal habitats (e.g., open water versus intertidal/mudflat and low, mid, or high marsh) that would be created. The project includes measures to mitigate some potential impacts, while other mitigation will be made conditions of subsequent permits.

F1-1 EPA commends the Service and JPA for the commitment to wetland restoration. We strongly support projects which provide a positive benefit and net gain in wetland habitat with minimum adverse impacts to existing wetlands and environmental resources. While our review has not identified any potential significant adverse environmental impacts, we remain concerned with the amount of proposed dredging and the potential for undiscovered hazardous waste or contaminated soil within the areas to be dredged. We note that historical land uses have included a Naval Air Station with ammunition bunkers, Municipal Airfield, sewage aeration and infiltration ponds, and an unregulated landfill of household waste. Given these past land uses and the ready public access to the restoration site, we believe discovery of contaminated soil or hazardous waste remains a possibility. In addition, parts of the existing lagoon have pesticide contamination (e.g., DDE, pg. 3.3-15) and the site is next to the Del Mar Fairgrounds which has three active leaking Underground Storage Tanks (pg. 3.3-20).

We understand that recent soil testing indicates that sediments from areas that would be excavated do not contain substantial concentrations of chemical contaminants (pg. 4.2-6). Nevertheless, to ensure the safety of restoration crews and the public, we strongly recommend a soil contamination monitor and a monitoring, emergency response, and reporting plan be included as part of the restoration program. In addition, the FEIS should describe and commit to all appropriate local, State, and Federal testing and dredge disposal regulations.

F1-2 We have classified this DEIS as category EC-2, Environmental Concerns - Insufficient Information (see attached "Summary of the EPA Rating System"). Suggestions for additional clarifying language and information are described in our detailed comments below. We appreciate the opportunity to review this DEIS. Please send two copies of the Final EIS to this office at the same time it is officially filed with our Washington, D.C. office. If you have questions or wish to discuss our comments, please call Ms. Laura Fujii, of my staff, at (415) 744-1601.

Sincerely,



David J. Farrel, Chief
Federal Activities Office
Cross Media Division

DETAILED COMMENTS

Water Resources

- F1-3 1. The DEIS states that a Section 404 Wetland Permit will be needed and implies that a Nationwide 27 permit is being considered (pg. 4.4-8 and Appendix G). To ensure full disclosure, we recommend the DEIS provide a Section on Wetland Regulation that clearly describes the Section 404 Wetland Permit process, the proposed permit action being sought, and the wetland delineation(s) done.
- F1-4 2. It is our understanding that use of disposal site option DS38 on the Surf and Turf property may impact jurisdictional wetlands for which no mitigation is proposed (pg. 6-10). Furthermore, the exact number of acres of impact would require review by the US Army Corps of Engineers (USACE) during the 404 permit processing in order to resolve differences between the original delineation conducted by the USACE (identifying approximately 19.5 acres of wetland) and a more recent delineation prepared for the District (identifying approximately 7.8 acres of wetland)(pg. 4.4-12). If a decision is made to utilize this disposal site, we strongly recommend mitigation be provided for the potential jurisdictional wetlands. The FEIS should also provide a clear rationale for this disposal decision.
- F1-5 3. The DEIS implies that the berms are needed to maintain existing flood flows and sediment transport (pg. 4.2-20) in order to prevent scour of existing bridge structures and sediment deposition within the restored wetlands. However there is no clear description of the relative environmental tradeoffs between berms and no berms. We recommend the FEIS provide a detailed description of how the restoration project would work with and without berms. For instance, depict how the restored wetland/lagoon system would function without the berms.
- F1-6 4. Pursuant to the Clean Water Act (CWA) and Coastal Zone Act Reauthorization Amendments (CZARA), EPA is responsible for overseeing State management and protection of water quality and activities which impact the integrity of aquatic systems. In particular, pursuant to CWA Section 303(d), the State is required to identify those waters which are not meeting or are expected not to meet water quality standards and to develop attainment strategies for these waters, (i.e., Total Maximum Daily Loads (TMDLs)). The FEIS should specify if watersheds within the San Dieguito Wetlands project area include 303(d) listed waters.

General Comments

- F1-7** 1. The Human Use Inventory (KTU+A 1994) of the restoration site recommended that an improved pedestrian access connection between the lower beach areas and the bridge at Camino Del Mar be implemented as a part of the restoration project (pg. 10.9-1). This connection would provide both a better alternative for pedestrians when the river mouth cannot be crossed by foot and improve lateral beach access at all times. It is our understanding that this feature is not presently included in the project plans. We also understand that the improved connection may not be feasible and that additional lifeguard patrols and removal of wood pilings in the river inlet are proposed as mitigation for the increased safety hazard. Nevertheless, we strongly recommend the project include at least a study to determine the feasibility of providing the recommended improved connection. We believe such a study is reasonable since the EIS clearly demonstrates that the project would substantially reduce the ability for pedestrians to cross at the river inlet, thus exacerbating an already known safety hazard.
- F1-8** 2. The DEIS does not appear to describe the potential cumulative effect of upstream activities on the restored wetlands. For instance, could increased upstream diversions or watershed activities adversely affect the fresh water entering the restored lagoon and wetlands? What is the water quality of San Dieguito River water going into the wetlands? Is there potential for bioaccumulation of toxins such as selenium? How critical is the fresh water component to the restored wetland system? To provide the above information, we suggest the FEIS include a short section describing the role and importance of the San Dieguito River flow in the wetland restoration project.
- F1-9** 3. The DEIS states that the JPA activities are not fully funded (pg. 2-94) and does not provide a firm schedule or deadline for when non-SCE project components would be implemented. The FEIS should describe how likely it is that JPA and its partners will be able to provide the upland and recreational components of the proposed project within a reasonable time. The FEIS should also discuss possible funding mechanisms, the reliability of these mechanisms, and legal methods to ensure implementation of management and restoration commitments. Describe fallback options if funding and/or resources prove to be inadequate to ensure full implementation of the restoration project or long-term maintenance and monitoring of habitat viability and sustainability.
- F1-10** 4. We recommend inclusion of a more detailed implementation schedule with target dates and consideration of an adaptive management approach which would readjust management to address new information. We also encourage the Service and JPA to consider a research component as part of the project through which scientists can gain information on restoration of tidal, intertidal, and nontidal wetlands.

F1-11 5. A component of the recreational part of the restoration project is to allow use of a Tram on the proposed trail system (e.g. Coast to Crest Trail) during the Del Mar fair and the first day of horse races (pg. 4.1-13). The tram would have significant adverse effects on existing trail uses which cannot be mitigated (Executive Summary - Table of Impacts). We also note that the use of the Tram appears to be inconsistent with many of the local land use and recreational plans (Chap. 5). If a decision is made to allow use of a Tram system, we urge consideration of shorter operation times (e.g., morning and afternoon peak fair times versus from morning to midnight) and smaller Tram sizes to minimize the adverse impacts on existing trail uses.

F1-12 6. For those not within the San Diego region, the FEIS should state whether the San Onofre Nuclear Generating Station (SONGS) Units 2 and 3 are already built.

Enclosure: Detailed Comments
Summary of EPA Rating System

Filename: dieguitodeis.wpd
MI003124

cc: Principal Planner, San Dieguito River Park
Vicki Campbell, NMFS
RWQCB, San Diego Region
Victoria Touchstone, San Dieguito JPA

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

MAR 20 2000

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RECEIVED

MAR 24 2000

Principal Planner
San Dieguito River Park
18372 Sycamore Creek Road
Escondido, California 92025

Dear Principal Planner:

F2-1 Thank you for the opportunity to review the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the San Dieguito Wetland Restoration Project.

The National Marine Fisheries Service (NMFS) believes the DEIR/EIS adequately addresses most issues of concern to our agency. However, we do not agree with analysis that concludes that the Maximum Intertidal Alternative is the environmentally superior alternative.

This conclusion is based on the assumption that all of the alternatives would have similar environmental benefits and, therefore, the alternative with the least impacts would logically become the environmentally superior alternative. This analysis is flawed since each of the alternatives clearly do not have the same environmental benefits and also since it assumes that all environmental impacts are of equal weight. It is our belief that a more detailed analysis of all of the alternatives would likely conclude that the hybrid alternative is the environmentally superior alternative. We believe that alternative not only is the environmentally superior but also provides the best mix of habitats. Therefore, NMFS recommends that it be selected as the preferred project.

F2-2 Finally, the 1996 amendments to the Magnuson-Stevens Fishery Management and Conservation Act set forth a number of new mandates for NMFS, regional fishery management councils, and other federal agencies to identify and protect important marine and anadromous fish habitat. One of these mandates was the delineation of "essential fish habitat" (EFH) for all managed species. Federal action agencies which fund, permit, or carry out activities that may adversely impact EFH are required to consult with NMFS regarding the potential effects of their actions on EFH, and respond in writing to the recommendations of NMFS. In addition, NMFS is required to comment on any state agency activities which would impact EFH.



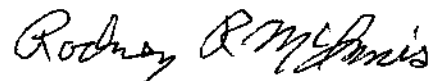
The proposed wetland restoration project is located within an area designated as EFH for the Coastal Pelagics and Pacific Groundfish Management Plans. As such, an assessment to determine if the proposed activity may adversely affect EFH is required. That assessment must contain the following elements:

- 1) A description of the proposed action.
- 2) An analysis of the effects, including cumulative effects, of the proposed action on EFH, the managed species, and associated species, such as major prey species, including affected life history stages.
- 3) The Federal action agency's views regarding the effects of the proposed project on EFH.
- 4) Proposed mitigation, if applicable.

In order to assist you in completing this assessment and to provide you with additional information pertinent to EFH, enclosed are sections from the December 19, 1997 Federal Register which describes relevant provisions and an Essential Fish Habitat Primer for Federal Agencies.

Should you have any questions, please contact Mr. Robert Hoffman at 562-980-4043 or e-mail: bob.hoffman@noaa.gov.

Sincerely,



Rodney R. McInnis
Acting Regional Administrator

Enclosures

new data will become available. This information should be reviewed as part of the annual Stock Assessment and Fishery Evaluation (SAFE) report prepared pursuant to § 600.315(e). A complete review of information should be conducted as recommended by the Secretary, but at least once every 5 years.

(b) *Optional components.* An FMP may include a description and identification of the habitat of species under the authority of the Council, even if not contained in the FMU. However, such habitat may not be EFH. This subpart does not change a Council's ability to implement management measures for a managed species for the protection of another species.

(c) *Development of EFH recommendations.* After reviewing the best available scientific information, as well as other appropriate information, and in consultation with the Councils, participants in the fishery, interstate commissions, Federal agencies, state agencies, and other interested parties, NMFS will develop written recommendations for the identification of EFH for each FMP. In recognition of the different approaches to FMP development taken by each Council, the NMFS EFH recommendations may constitute a review of a draft EFH document developed by a Council, or may include suggestions for a draft EFH FMP amendment and may precede the Council's development of such documents, as appropriate. In both cases, prior to submitting a written EFH identification recommendation to a Council for an FMP, the draft recommendation will be made available for public review and at least one public meeting will be held. NMFS will work with the affected Council(s) to conduct this review in association with scheduled public Council meetings whenever possible. The review may be conducted at a meeting of the Council committee responsible for habitat issues or as a part of a full Council meeting. After receiving public comment, NMFS will revise its draft recommendations, as appropriate, and forward a final written recommendation and comments to the Council(s).

(d) *Relationship to other fishery management authorities.* Councils are encouraged to coordinate with state and interstate fishery management agencies where Federal fisheries affect state and interstate managed fisheries or where state or interstate fishery regulations affect the management of Federal fisheries. Where a state or interstate fishing activity adversely impacts EFH, NMFS will consider that action to be an adverse effect on EFH pursuant to

paragraph (a) (5) of this section and will provide EFH conservation recommendations to the appropriate state or interstate fishery management agency on that activity.

Subpart K—EFH Coordination, Consultation, and Recommendations

§ 600.905 Purpose and scope and NMFS/Council cooperation.

(a) *Purpose.* These procedures address the coordination, consultation, and recommendation requirements of sections 305(b)(1)(D) and 305(b)(2-4) of the Magnuson-Stevens Act. The purpose of these procedures is to promote the protection of EFH in the review of Federal and state actions that may adversely affect EFH.

(b) *Scope.* Section 305(b)(1)(D) of the Magnuson-Stevens Act requires the Secretary to coordinate with, and provide information to, other Federal agencies regarding the conservation and enhancement of EFH. Section 305(b)(2) requires all Federal agencies to consult with the Secretary on all actions, or proposed actions, authorized, funded, or undertaken by the agency, that may adversely affect EFH. Sections 305(b)(3) and (4) direct the Secretary and the Councils to provide comments and EFH conservation recommendations to Federal or state agencies on actions that affect EFH. Such recommendations may include measures to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH resulting from actions or proposed actions authorized, funded, or undertaken by that agency. Section 305(b)(4)(B) requires Federal agencies to respond in writing to such comments. The following procedures for coordination, consultation, and recommendations allow all parties involved to understand and implement the requirements of the Magnuson-Stevens Act.

(c) *Cooperation between Councils and NMFS.* The Councils and NMFS should cooperate as closely as possible to identify actions that may adversely affect EFH, to develop comments and EFH conservation recommendations to Federal and state agencies, and to provide EFH information to Federal or state agencies. The Secretary will seek to develop agreements with each Council to facilitate sharing information on actions that may adversely affect EFH and in coordinating Council and NMFS comments and recommendations on those actions. However, NMFS and the Councils also have the authority to act independently.

§ 600.910 Definitions and word usage.

(a) *Definitions.* In addition to the definitions in the Magnuson-Stevens Act and § 600.10, the terms in this subpart have the following meanings:

Adverse effect means any impact which reduces quality and/or quantity of EFH. Adverse effects may include direct (e.g., contamination or physical disruption), indirect (e.g., loss of prey, reduction in species' fecundity), site-specific or habitatwide impacts, including individual, cumulative, or synergistic consequences of actions.

Council includes the Secretary, as applicable, when preparing FMPs or amendments under section 304 (c) and (g) of the Magnuson-Stevens Act; and when commenting and making recommendations under the authority of section 305(b)(3) of the Magnuson-Stevens Act to any Federal or state agency on actions that may affect the habitat of fishery resources managed under such FMPs.

Federal action means any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken by a Federal agency.

Habitat areas of particular concern means those areas of EFH identified pursuant to § 600.815(a)(9).

State action means any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken by a state agency.

(b) *Word usage.* The terms "must", "shall", "should", "may", "may not", "will", "could", and "can", are used in the same manner as in § 600.305(c).

§ 600.915 Coordination for the conservation and enhancement of EFH.

To further the conservation and enhancement of EFH in accordance with section 305(b)(1)(D) of the Magnuson-Stevens Act, NMFS will compile and make available to other Federal and state agencies, information on the locations of EFH, including maps and/or narrative descriptions. NMFS will also provide information on ways to improve ongoing Federal operations to promote the conservation and enhancement of EFH. Federal and state agencies empowered to authorize, fund, or undertake actions that may adversely affect EFH are encouraged to contact NMFS and the Councils to become familiar with areas designated as EFH, and potential threats to EFH, as well as opportunities to promote the conservation and enhancement of such habitat.

§ 600.920 Federal agency consultation with the Secretary.

(a) *Consultation generally—(1) Actions requiring consultation.* Pursuant

to section 305(b)(2) of the Magnuson-Stevens Act. Federal agencies must consult with NMFS regarding any of their actions authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken that may adversely affect EFH. EFH consultation is not required for completed actions, e.g., issued permits. Consultation is required for renewals, reviews, or substantial revisions of actions. Consultation on Federal programs delegated to non-Federal entities is required at the time of delegation, review, and renewal of the delegation. EFH consultation is required for any Federal funding of actions that may adversely affect EFH. NMFS and Federal agencies responsible for funding actions that may adversely affect EFH should consult on a programmatic level, if appropriate, with respect to these actions.

(2) *Appropriate level of consultation.*

(i) NMFS and other Federal agencies may conduct consultation at either a programmatic or project-specific level. Federal actions may be evaluated at a programmatic level if sufficient information is available to develop EFH conservation recommendations and address all reasonably foreseeable adverse effects to EFH. Project-specific consultations are more appropriate when critical decisions are made at the project implementation stage, or when sufficiently detailed information for the development of EFH conservation recommendations does not exist at the programmatic level.

(ii) If, after a Federal agency requests programmatic consultation, NMFS determines that all concerns about adverse effects on EFH can be addressed at a programmatic level, NMFS will develop EFH conservation recommendations that cover all projects implemented under that program, and no further EFH consultation will be required. Alternatively, NMFS may determine that project-specific consultation is needed for part or all of the program's activities, in which case NMFS may develop some EFH conservation recommendations at a programmatic level, but will also recommend that project-specific consultation will be needed to complete the EFH consultation requirements. NMFS may also determine that programmatic consultation is not appropriate, in which case all EFH conservation recommendations will be deferred to project-specific consultations.

(b) *Designation of lead agency.* If more than one Federal agency is responsible for a Federal action, the consultation requirements of sections 305(b)(2)-(4) of

the Magnuson-Stevens Act may be fulfilled through a lead agency. The lead agency must notify NMFS in writing that it is representing one or more additional agencies.

(c) *Designation of non-Federal representative.* A Federal agency may designate a non-Federal representative to conduct an abbreviated consultation or prepare an EFH Assessment by giving written notice of such designation to NMFS. If a non-Federal representative is used, the Federal action agency remains ultimately responsible for compliance with sections 305(b)(2) and 305(b)(4) of the Magnuson-Stevens Act.

(d) *Best available information.* The Federal action agency and NMFS must use the best scientific information available regarding the effects of the proposed action on EFH. Other appropriate sources of information may also be considered.

(e) *Use of existing consultation/environmental review procedures—(1) Criteria.* Consultation and commenting under sections 305(b)(2) and 305(b)(4) of the Magnuson-Stevens Act should be consolidated, where appropriate, with interagency consultation, coordination, and environmental review procedures required by other statutes, such as the National Environmental Policy Act (NEPA), Fish and Wildlife Coordination Act, Clean Water Act, Endangered Species Act (ESA), and Federal Power Act. The consultation requirements of section 305(b)(2) of the Magnuson-Stevens Act can be satisfied using existing or modified procedures required by other statutes if such processes meet the following criteria:

(i) The existing process must provide NMFS with timely notification of actions that may adversely affect EFH. The Federal action agency should notify NMFS according to the same timeframes for notification (or for public comment) as in the existing process. However, NMFS should have at least 60 days notice prior to a final decision on an action, or at least 90 days if the action would result in substantial adverse impacts. NMFS and the action agency may agree to use shorter timeframes if they allow sufficient time for NMFS to develop EFH conservation recommendations.

(ii) Notification must include an assessment of the impacts of the proposed action on EFH that meets the requirements for EFH Assessments contained in paragraph (g) of this section. If the EFH Assessment is contained in another document, that section of the document must be clearly identified as the EFH Assessment.

(iii) NMFS must have made a finding pursuant to paragraph (e)(3) of this

section that the existing process satisfies the requirements of section 305(b)(2) of the Magnuson-Stevens Act.

(2) *EFH conservation recommendation requirements.* If an existing consultation process is used to fulfill the EFH consultation requirements, then the comment deadline for that process should apply to the submittal of NMFS conservation recommendations under section 305(b)(4)(A) of the Magnuson-Stevens Act, unless a different deadline is agreed to by NMFS and the Federal agency. The Federal agency must respond to these recommendations within 30 days pursuant to section 305(b)(4)(B) of the Magnuson-Stevens Act. NMFS may request the further review of any Federal agency decision that is inconsistent with a NMFS EFH recommendation, in accordance with paragraph (j)(2) of this section. If NMFS EFH conservation recommendations are combined with other NMFS or NOAA comments on a Federal action, such as NOAA comments on a draft Environmental Impact Statement, the EFH conservation recommendations shall be clearly identified as such (e.g., a section in the comment letter entitled "EFH conservation recommendations") and a response pursuant to section 305(b)(4)(B) of the Magnuson-Stevens Act is required for only the identified portion of the comments.

(3) *NMFS finding.* A Federal agency with an existing consultation process should contact NMFS at the appropriate level (regional offices for regional processes, headquarters office for national processes) to discuss how the existing process, with or without modifications, can be used to satisfy the EFH consultation requirements. If, at the conclusion of these discussions, NMFS determines that the existing process meets the criteria of paragraph (e)(1) of this section, NMFS will make a finding that the existing or modified process can satisfy the EFH consultation requirements of the Magnuson-Stevens Act. If NMFS does not make such a finding, or if there are no existing consultation processes relevant to the Federal agency's actions, the action agency and NMFS should follow the consultation process in the following sections.

(f) *General Concurrence—(1) Purpose.* The General Concurrence process identifies specific types of Federal actions that may adversely affect EFH, but for which no further consultation is generally required because NMFS has determined, through an analysis of that type of action, that it will likely result in no more than minimal adverse effects individually and cumulatively. General

Concurrences may be national or regional in scope.

(2) *Criteria.* (i) For Federal actions to qualify for General Concurrence, NMFS must determine, after consultation with the appropriate Council(s), that the actions meet all of the following criteria:

(A) The actions must be similar in nature and similar in their impact on EFH.

(B) The actions must not cause greater than minimal adverse effects on EFH when implemented individually.

(C) The actions must not cause greater than minimal cumulative adverse effects on EFH.

(ii) Actions qualifying for General Concurrence must be tracked to ensure that their cumulative effects are no more than minimal. In most cases, tracking will be the responsibility of the Federal action agency, but NMFS also may agree to track actions for which General Concurrence has been authorized.

Tracking should include numbers of actions, amount of habitat adversely affected, type of habitat adversely affected, and the baseline against which the action will be tracked. The agency responsible for tracking such actions should make the information available to NMFS, the Councils, and to the public on an annual basis.

(iii) Categories of Federal actions may also qualify for General Concurrence if they are modified by appropriate conditions that ensure the actions will meet the criteria in paragraph (f)(2)(i) of this section. For example, NMFS may provide General Concurrence for additional actions contingent upon project size limitations, seasonal restrictions, or other conditions.

(iv) If a General Concurrence is developed for actions affecting habitat areas of particular concern, the General Concurrence should be subject to a higher level of scrutiny than a General Concurrence not involving a habitat area of particular concern.

(3) *General Concurrence development.* A Federal agency may request a General Concurrence for a category of its actions by providing NMFS with a written description of the nature and approximate number of the proposed actions, an analysis of the effects of the actions on EFH and associated species and their life history stages, including cumulative effects, and the Federal agency's conclusions regarding the magnitude of such effects. If NMFS agrees that the actions fit the criteria in paragraph (f)(2) of this section, NMFS, after consultation with the appropriate Council(s), will provide the Federal agency with a written statement of General Concurrence that further consultation is not required, and

that preparation of EFH Assessments for individual actions subject to the General Concurrence is not necessary. If NMFS does not agree that the actions fit the criteria in paragraph (f)(2) of this section, NMFS will notify the Federal agency that a General Concurrence will not be issued and that abbreviated or expanded consultation will be required. If NMFS identifies specific types of Federal actions that may meet the requirements for a General Concurrence, NMFS may initiate and complete a General Concurrence.

(4) *Notification and further consultation.* NMFS may request notification for actions covered under a General Concurrence if NMFS concludes there are circumstances under which such actions could result in more than a minimal impact on EFH, or if it determines that there is not a process in place to adequately assess the cumulative impacts of actions covered under the General Concurrence. NMFS may require further consultation for these actions on a case-by-case basis. Each General Concurrence should establish specific procedures for further consultation, if appropriate.

(5) *Public review.* Prior to providing any Federal agency with a written statement of General Concurrence for a category of Federal actions, NMFS will provide an opportunity for public review through the appropriate Council(s), or other reasonable opportunity for public review.

(6) *Revisions.* NMFS will periodically review and revise its findings of General Concurrence, as appropriate.

(g) *EFH Assessments—(1) Preparation requirement.* For any Federal action that may adversely affect EFH, except for those activities covered by a General Concurrence, Federal agencies must provide NMFS with a written assessment of the effects of that action on EFH. Federal agencies may incorporate an EFH Assessment into documents prepared for other purposes such as ESA Biological Assessments pursuant to 50 CFR part 402 or NEPA documents and public notices pursuant to 40 CFR part 1500. If an EFH Assessment is contained in another document, it must include all of the information required in paragraph (g)(2) of this section and be clearly identified as an EFH Assessment. The procedure for combining an EFH consultation with other consultation of environmental reviews is set forth in paragraph (e) of this section.

(2) *Mandatory contents.* The assessment must contain:

(i) A description of the proposed action.

(ii) An analysis of the effects, including cumulative effects, of the proposed action on EFH, the managed species, and associated species, such as major prey species, including affected life history stages.

(iii) The Federal agency's views regarding the effects of the action on EFH.

(iv) Proposed mitigation, if applicable.

(3) *Additional information.* If appropriate, the assessment should also include:

(i) The results of an on-site inspection to evaluate the habitat and the site-specific effects of the project.

(ii) The views of recognized experts on the habitat or species that may be affected.

(iii) A review of pertinent literature and related information.

(iv) An analysis of alternatives to the proposed action. Such analysis should include alternatives that could avoid or minimize adverse effects on EFH, particularly when an action is non-water dependent.

(v) Other relevant information.

(4) *Incorporation by reference.* The assessment may incorporate by reference a completed EFH Assessment prepared for a similar action, supplemented with any relevant new project specific information, provided the proposed action involves similar impacts to EFH in the same geographic area or a similar ecological setting. It may also incorporate by reference other relevant environmental assessment documents. These documents must be provided to NMFS with an EFH Assessment.

(h) *Abbreviated consultation procedures—(1) Purpose and criteria.* Abbreviated consultation allows NMFS to quickly determine whether, and to what degree, a Federal action may adversely affect EFH. Federal actions that may adversely affect EFH should be addressed through the abbreviated consultation procedures when those actions do not qualify for a General Concurrence, but do not have the potential to cause substantial adverse effects on EFH. For example, the abbreviated consultation procedures should be used when the adverse effect(s) of an action or proposed action could be alleviated through minor modifications.

(2) *Notification by agency.* The Federal agency should notify NMFS and, if NMFS so requests, the appropriate Council(s), in writing as early as practicable regarding proposed actions that may adversely affect EFH. Notification will facilitate discussion of measures to conserve the habitat. Such early consultation should occur during

pre-application planning for projects subject to a Federal permit or license, and during preliminary planning for projects to be funded or undertaken directly by a Federal agency.

(3) *Submittal of EFH Assessment.* The Federal agency must submit a completed EFH Assessment, prepared in accordance with paragraph (g) of this section, to NMFS for review. Federal agencies will have fulfilled their consultation requirement under paragraph (a) of this section after notification and submittal of a complete EFH Assessment.

(4) *NMFS response to Federal agency.* NMFS must respond in writing as to whether it concurs with the findings of the EFH Assessment. If NMFS believes that the proposed action may result in substantial adverse effects on EFH, or that additional analysis is needed to accurately assess the effects of the proposed action, NMFS will request that the Federal agency initiate expanded consultation. Such request will explain why NMFS believes expanded consultation is needed and will specify any new information needed. If additional consultation is not necessary, NMFS will respond by commenting and recommending measures that may be taken to conserve EFH, pursuant to section 305(b)(4)(A) of the Magnuson-Stevens Act. NMFS will send a copy of its response to the appropriate Council.

(5) *Timing.* The Federal action agency must submit its complete EFH Assessment to NMFS as soon as practicable, but NMFS must receive it at least 60 days prior to a final decision on the action. NMFS must respond in writing within 30 days. NMFS and the Federal action agency may agree to use a compressed schedule in cases where regulatory approvals or emergency situations cannot accommodate 30 days for consultation, or to conduct consultation earlier in the planning cycle for proposed actions with lengthy approval processes.

(i) *Expanded consultation procedures—(1) Purpose and criteria.* Expanded consultation allows maximum opportunity for NMFS and the Federal agency to work together in the review of the action's impacts on EFH and the development of EFH conservation recommendations. Expanded consultation procedures must be used for Federal actions that would result in substantial adverse effects to EFH. Federal agencies are encouraged to contact NMFS at the earliest opportunity to discuss whether the adverse effect of a proposed action makes expanded consultation appropriate.

(2) *Initiation.* Expanded consultation begins when NMFS receives from the Federal agency an EFH Assessment completed in accordance with paragraph (g) of this section and a written request for expanded consultation. Federal action agencies are encouraged to provide in the EFH Assessment the additional information identified under paragraph (g)(3) of this section. Subject to NMFS's approval, any request for expanded consultation may encompass a number of similar individual actions within a given geographic area.

(3) *NMFS response to Federal agency.* NMFS will:

(i) Review the EFH Assessment, any additional information furnished by the Federal agency, and other relevant information.

(ii) Conduct a site visit, if appropriate, to assess the quality of the habitat and to clarify the impacts of the Federal agency action. Such a site visit should be coordinated with the Federal agency and appropriate Council(s), if feasible.

(iii) Coordinate its review of the proposed action with the appropriate Council(s).

(iv) Discuss EFH conservation recommendations with the Federal agency and provide recommendations to the Federal action agency, pursuant to section 305(b)(4)(A) of the Magnuson-Stevens Act. NMFS will also provide a copy of the recommendations to the appropriate Council(s).

(4) *Timing.* The Federal action agency must submit its complete EFH Assessment to NMFS as soon as practicable, but at least 90 days prior to a final decision on the action. NMFS must respond within 60 days of submittal of a complete EFH Assessment unless consultation is extended by agreement between NMFS and the Federal action agency. NMFS and Federal action agencies may agree to use a compressed schedule in cases where regulatory approvals or emergency situations cannot accommodate a 60-day consultation period.

(5) *Extension of consultation.* If NMFS determines that additional data or analysis would provide better information for development of EFH conservation recommendations, NMFS may request additional time for expanded consultation. If NMFS and the Federal action agency agree to an extension, the Federal action agency should provide the additional information to NMFS, to the extent practicable. If NMFS and the Federal action agency do not agree to extend consultation, NMFS must provide EFH conservation recommendations to the

Federal action agency using the best scientific information available to NMFS.

(j) *Responsibilities of Federal action agency following receipt of EFH conservation recommendations—(1) Federal action agency response.* As required by section 305(b)(4)(B) of the Magnuson-Stevens Act, the Federal action agency must provide a detailed response in writing to NMFS and the appropriate Council within 30 days after receiving an EFH conservation recommendation. Such a response must be provided at least 10 days prior to final approval of the action, if a decision by the Federal agency is required in fewer than 30 days. The response must include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on EFH. In the case of a response that is inconsistent with NMFS conservation recommendations, the Federal action agency must explain its reasons for not following the recommendations, including the scientific justification for any disagreements with NMFS over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate, or offset such effects.

(2) *Further review of decisions inconsistent with NMFS or Council recommendations.* If a Federal action agency decision is inconsistent with a NMFS EFH conservation recommendation, the Assistant Administrator for Fisheries may request a meeting with the head of the Federal action agency, as well as any other agencies involved, to discuss the proposed action and opportunities for resolving any disagreements. If a Federal action agency decision is also inconsistent with a Council recommendation made pursuant to section 305(b)(3) of the Magnuson-Stevens Act, the Council may request that the Assistant Administrator initiate further review of the Federal agency's decision and involve the Council in any interagency discussion to resolve disagreements with the Federal agency. The Assistant Administrator will make every effort to accommodate such a request. Memoranda of agreement or other written procedures will be developed to further define such review processes with Federal action agencies.

(k) *Supplemental consultation.* A Federal action agency must reinstate consultation with NMFS if the agency substantially revises its plans for an action in a manner that may adversely affect EFH or if new information becomes available that affects the basis

for NMFS' EFH conservation recommendations.

§ 600.925 NMFS EFH conservation recommendations to Federal and state agencies.

(a) *General.* Under section 305(b)(4) of the Magnuson-Stevens Act, NMFS is required to provide EFH conservation recommendations to Federal and state agencies for actions that would adversely affect EFH. NMFS EFH conservation recommendations will not suggest that state or Federal agencies take actions beyond their statutory authority.

(b) *Recommendations to Federal agencies.* For Federal actions, EFH conservation recommendations will be provided to Federal action agencies as part of EFH consultations conducted pursuant to § 600.920. These recommendations fulfill the requirements of section 305(b)(4)(A) of the Magnuson-Stevens Act. If NMFS becomes aware of a Federal action that would adversely affect EFH, but for which a Federal agency has not completed an EFH consultation, NMFS may request that the Federal agency initiate EFH consultation or NMFS will provide EFH conservation recommendations based on the information available. NMFS will provide a copy of such recommendation to the appropriate Council(s).

(c) *Recommendations to state agencies—(1) Establishment of*

procedures. Each NMFS Region should use existing coordination procedures under statutes such as the Coastal Zone Management Act or establish new procedures to identify state actions that may adversely affect EFH, and for determining the most appropriate method for providing EFH conservation recommendations to the state agency. NMFS will provide a copy of such recommendation to the appropriate Council(s).

(2) *Coordination with states on recommendations to Federal agencies.* When an action that would adversely affect EFH requires authorization or funding by both Federal and state agencies, NMFS will provide the appropriate state agencies with copies of EFH conservation recommendations developed as part of the Federal consultation procedures in § 600.920. NMFS will also seek agreements on sharing information and copies of recommendations with Federal or state agencies conducting similar consultation and recommendation processes to ensure coordination of such efforts.

§ 600.930 Council comments and recommendations to Federal and state agencies.

(a) *Establishment of procedures.* Each Council should establish procedures for reviewing Federal or state actions that may adversely affect the EFH of a species managed under its authority.

Each Council may receive information on actions of concern by methods such as: Directing Council staff to track proposed actions; recommending that the Council's habitat committee identify actions of concern; or entering into an agreement with NMFS to have the appropriate Regional Administrator notify the Council of actions that may adversely impact EFH. Federal and state actions often follow specific timetables which may not coincide with Council meetings. Therefore, Councils should consider establishing abbreviated procedures for the development of Council recommendations.

(b) *Early involvement.* Councils should provide comments and recommendations on proposed state and Federal actions of concern as early as practicable in project planning to ensure thorough consideration of Council concerns by the action agency. Copies of Council comments and recommendations should be provided to NMFS.

(c) *Anadromous fishery resources.* For the purposes of the commenting requirement of section 305(b)(3)(B) of the Magnuson-Stevens Act, an "anadromous fishery resource under a Council's authority" is an anadromous species that inhabits waters under the Council's authority at some time during its life cycle.

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A Primer for Federal Agencies

Essential Fish Habitat:

New Marine Fish Habitat Conservation Mandate for Federal Agencies



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Executive Summary

The 1996 amendments to the Magnuson-Stevens Fishery Management and Conservation Act set forth a number of new mandates for the National Marine Fisheries Service (NMFS), regional fishery management councils, and other federal agencies to identify and protect important marine and anadromous fish habitat. The Councils, with assistance from NMFS, are required to delineate "essential fish habitat" (EFH) for all managed species. Federal action agencies which fund, permit, or carry out activities that may adversely impact EFH are required to consult with NMFS regarding the potential effects of their actions on EFH, and respond in writing to the fisheries service's recommendations. In addition, NMFS is required to comment on any state agency activities which would impact EFH.

The EFH provisions of the Magnuson-Stevens Act support one of the nation's overall marine resource management goals - maintaining sustainable fisheries. As evidenced for all wildlife resources, suitable habitat is absolutely essential for their sustenance. Although the concept of EFH is similar to "Critical Habitat" under the Endangered Species Act, measures recommended by NMFS or a Council to protect EFH are advisory, not proscriptive.

For the Pacific and Western Pacific regions, EFH is identified for a total of 89 species covered by three fishery management plans (FMPs) under the auspices of the Pacific Fishery Management Council and 62 species covered by four FMPs under the auspices of the Western Pacific Regional Fishery Management Council. FMP amendments describing and identifying EFH were to be completed by October 1998 and are expected to take effect in early to mid 1999.

Wherever possible, NMFS intends to use existing interagency coordination processes to fulfill EFH consultations for federal agency actions that may adversely affect EFH. Provided certain specifications are met, EFH consultations will be incorporated into interagency procedures established under the National Environmental Policy Act, Endangered Species Act, Clean Water Act, Fish and Wildlife Coordination Act, or other applicable statutes. If existing processes cannot adequately address EFH, a number of other avenues are available for carrying out consultations. Programmatic consultations may be implemented or General Concurrences may be developed when program or project impacts are consistently and cumulatively minimal in nature. Moreover, NMFS will work closely with federal agencies on programs requiring either expanded or abbreviated individual project consultations. An effective EFH consultation process is vital to ensuring that federal actions serve the Magnuson-Stevens Act resource management goals.

Essential Fish Habitat:

New Marine Fish Habitat Conservation Mandate for Federal Agencies

Introduction

The 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act set forth a number of new mandates for the National Marine Fisheries Service (NMFS), regional fishery management councils, and federal action agencies to identify and protect important marine and anadromous fish habitat. The Councils, with assistance from NMFS, are required to delineate "essential fish habitat" (EFH) in fishery management plans (FMPs) or FMP amendments for all managed species. Federal action agencies which fund, permit, or carry out activities that may adversely impact EFH are required to consult with NMFS regarding potential adverse effects of their actions on EFH, and respond in writing to the fisheries service's recommendations. In addition, NMFS is required to comment on any state agency activities that would impact EFH.

The purpose of addressing habitat in this act is to provide for one of the nation's overall marine resource management goals - maintaining sustainable fisheries. As evidenced for all wildlife resources, suitable habitat is absolutely essential for their sustenance. Although the concept of EFH is similar to that of "Critical Habitat" under the Endangered Species Act, measures recommended to protect EFH by NMFS or a Council are advisory, not proscriptive. An effective EFH consultation process is vital to ensuring that Federal actions serve the Magnuson-Stevens Act resource management goals.

EFH Designation

The Act requires that EFH be identified for all species which are federally managed. This includes species managed by the Councils under Council fishery management plans (FMPs), as well as those managed by the National Marine Fisheries Service under FMPs developed by the Secretary of Commerce. Applicable species in the southwestern U.S. are listed in Table 1, along with the FMP authority.

Table 1. Fishery management plans and managed species or species complexes for the Pacific and Western Pacific regions.

PACIFIC FISHERY MANAGEMENT COUNCIL

COASTAL PELAGICS FISHERY MANAGEMENT PLAN

Northern anchovy - *Engraulis mordax*
Pacific sardine - *Sardinops sagax*
Pacific (chub) mackerel - *Scomber japonicus*
Jack mackerel - *Trachurus symmetricus*
Market squid - *Loligo opalescens*

PACIFIC SALMON FISHERY MANAGEMENT PLAN

Chinook salmon - *Oncorhynchus tshawytscha*
Coho salmon - *Oncorhynchus kisutch*
Pink salmon - *Oncorhynchus gorbuscha*

PACIFIC GROUND FISH FISHERY MANAGEMENT PLAN

Butter sole - *Isopsetta isolepis*

Curlfin sole - *Pleuronichthys decurrens*
Dover sole - *Microstomus pacificus*
English sole - *Parophrys vetulus*
Flathead sole - *Hippoglossoides elassodon*
Pacific sanddab - *Citharichthys sordidus*
Petrale sole - *Eopsetta jordani*
Rex sole - *Glyptocephalus zachirus*
Rock sole - *Lepidopsetta bilineata*
Sand sole - *Psettichthys melanostictus*
Starry flounder - *Platichthys stellatus*
Arrowtooth flounder - *Atheresthes stomias*
Ratfish - *Hydrolagus colliei*
Finescale codling - *Antimora microlepis*
Pacific rattail - *Coryphaenoides acrolepis*
Leopard shark - *Triakis semifasciata*
Soupfin shark - *Galeorhinus zyopterus*
Spiny dogfish - *Squalus acanthias*
Big skate - *Raja binoculata*

(Continued on Page 2)

(Table 1 continued)

PACIFIC GROUND FISH FISHERY MANAGEMENT
PLAN (cont.)

Longnose skate - *Raja rhina*
Pacific ocean perch - *Sebastes alutus*
Shortbelly rockfish - *Sebastes jordani*
Widow rockfish - *Sebastes entomelas*
Aurora rockfish - *Sebastes aurora*
Bank rockfish - *Sebastes rufus*
Black rockfish - *Sebastes melanops*
Black-and-yellow rockfish - *Sebastes chrysomelas*
Blackgill rockfish - *Sebastes melanostomus*
Blue rockfish - *Sebastes mystinus*
Bocaccio - *Sebastes paucispinis*
Bronzespotted rockfish - *Sebastes gilli*
Brown rockfish - *Sebastes auriculatus*
Calico rockfish - *Sebastes dallii*
California scorpionfish - *Scorpaena gutatta*
Canary rockfish - *Sebastes pinniger*
Chilipepper - *Sebastes goodei*
China rockfish - *Sebastes nebulosus*
Copper rockfish - *Sebastes caurinus*
Cowcod rockfish - *Sebastes levis*
Darkblotched rockfish - *Sebastes crameri*

Dusky rockfish - *Sebastes ciliatus*
Flag rockfish - *Sebastes rubrivinctus*
Gopher rockfish - *Sebastes carnatus*
Grass rockfish - *Sebastes rastrelliger*
Greenblotched rockfish - *Sebastes rosenblatti*
Greenspotted rockfish - *Sebastes chlorostictus*
Greenstriped rockfish - *Sebastes elongatus*
Harlequin rockfish - *Sebastes variegatus*
Honeycomb rockfish - *Sebastes umbrosus*
Kelp rockfish - *Sebastes atrovirens*
Mexican rockfish - *Sebastes macdonaldi*
Olive rockfish - *Sebastes serranoides*
Pink rockfish - *Sebastes eos*
Quillback rockfish - *Sebastes maliger*

Redbanded rockfish - *Sebastes babcocki*
Redstripe rockfish - *Sebastes proriger*
Rosethorn rockfish - *Sebastes helvomaculatus*
Rosy rockfish - *Sebastes rosaceus*
Rougheye rockfish - *Sebastes aleutianus*
Sharpchin rockfish - *Sebastes zacentrus*
Shortraker rockfish - *Sebastes borealis*
Silvergrey rockfish - *Sebastes brevispinis*
Speckled rockfish - *Sebastes ovalis*
Splitnose rockfish - *Sebastes diploproa*
Squarespot rockfish - *Sebastes hopkinsi*
Starry rockfish - *Sebastes constellatus*
Stripetail rockfish - *Sebastes saxicola*
Tiger rockfish - *Sebastes nigrocinctus*
Treefish - *Sebastes serriceps*
Vermilion rockfish - *Sebastes miniatus*
Yelloweye rockfish - *Sebastes ruberrimus*
Yellowmouth rockfish - *Sebastes reedi*
Yellowtail rockfish - *Sebastes flavidus*
Longspine Thornyhead - *Sebastolobus altivelis*
Shortspine Thornyhead - *Sebastolobus alascanus*
Cabezon - *Scorpaenichthys marmoratus*
Kelp greenling - *Hexagrammos decagrammus*
Lingcod - *Ophiodon elongatus*
Pacific cod - *Gadus macrocephalus*
Pacific whiting - *Merluccius productus*
Sablefish - *Anoplopoma fimbria*

WESTERN PACIFIC REGION FISHERY MANAGEMENT COUNCIL

BOTTOMFISH FISHERY MANAGEMENT PLAN

Shallow water bottomfish species (0-100 M):

Uku - *Aprion virescens*
Thicklip trevally - *Pseudocaranx dentex*
Lunartail grouper - *Variola louti*
Blacktip grouper - *Epinephelus fasciatus*
Ambon emperor - *Lethrinus amboinensis*
Redgill emperor - *Lethrinus rubrioperculatus*
Giant trevally - *Caranx ignobilis*
Black trevally - *Caranx lugubris*
Amberjack - *Seriola dumerili*
Taape - *Lutjanus kasmira*

Deep water bottomfish species (100-400 m):

Ehu - *Etelis carbunculus*
Onaga - *Etelis coruscans*
Opakapaka - *Pristipomoides filamentosus*
Yellowtail Kalekale - *P. auricilla*
Yelloweye opakapaka - *P. flavipinnis*
Kalekale - *P. sieboldii*
Gindai - *P. zonatus*

Hapupu - *Epinephelus quernus*

Lehi - *Aphareus rutilans*

(Continued on Page 3)

(Table 1 continued)

BOTTOMFISH FISHERY MANAGEMENT PLAN (cont.)

Seamount Groundfish (0-300 Fathom)

Armorhead - *Pseudopentaceros richardsoni*

Ratfish/butterfish - *Hyperoglyphe japonica*

Alfonsin - *Beryx splendens*

PELAGIC FISHERY MANAGEMENT PLAN

Marketable temperate species:

Striped Marlin - *Tetrapturus audax*

Bluefin Tuna - *Thunnus thynnus*

Swordfish - *Xiphias gladius*

Albacore - *Thunnus alalunga*

Mackerel - *Scomber* spp.

Bigeye - *Thunnus obesus*

Pomfret - family Bramidae

Marketable tropical species:

Yellowfin - *Thunnus albacares*

Kawakawa - *Euthynnus affinis*

Skipjack - *Katsuwonus pelamis*

Frigate and bullet tunas - *Auxis thazard*, *A. rochei*

Blue marlin - *Makaira nigricans*

Slender tunas - *Allothunnus fallai*

Black marlin - *Makaira indica*

Dogtooth tuna - *Gymnosarda unicolor*

Spearfish - *Tetrapturus* spp.

Sailfish - *Istiophorus platypterus*

Mahimahi - *Coryphaena hippurus*, *C. equiselas*

Ono - *Acanthocybium solandri*

Opah - *Lampris* sp.

Unmarketable:

Oilfish - family Gempylidae

Pomfret - family Bramidae

Crocodile shark

Sharks:

Requiem sharks (family Carcharinidae)

Thresher sharks (family Alopiidae)

Mackerel sharks (family Lamnidae)

Hammerheads sharks (family Sphyrnidae)

CRUSTACEANS FISHERY MANAGEMENT PLAN

Spiny and Slipper Lobster Complex:

Hawaiian spiny lobster - *Panulirus marginatus*

Spiny lobster - *P. penicillatus*, *P. sp.*

Ridgeback slipper lobster - *Scyllarides haanii*

Chinese slipper lobster - *Parribacus antarcticus*

Kona Crab Complex:

Kona crab - *Ranina ranina*

PRECIOUS CORALS FISHERY MANAGEMENT PLAN

Deepwater Precious Coral (300-1500 M):

Pink coral - *Corallium secundum*

Red coral - *C. regale*

Pink coral - *C. laauense*

Midway deepsea coral - *C. sp. nov.*

Gold coral - *Gerardia* sp.

Gold coral - *Callogorgia gilberti*

Gold coral - *Narella* spp.

Gold coral - *Calyptrophora* spp.

Bamboo coral - *Lepidisis olapa*

Bamboo coral - *Acanella* spp.

Shallow Water Precious Coral (20-100 M):

Black coral - *Antipathes dichotoma*

Black coral - *Antipathis grandis*

Black coral - *Antipathes ulex*

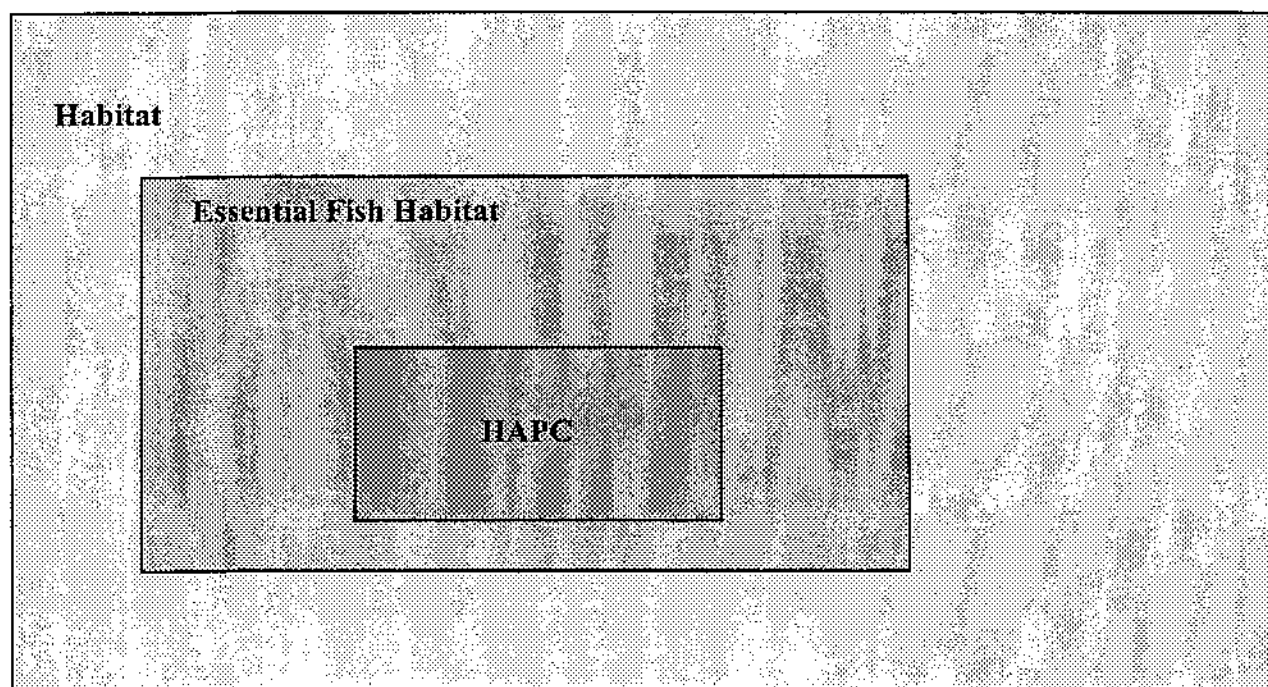
Essential fish habitat (EFH) is defined in the Magnuson-Stevens Act as "...those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." As required by the Act, NMFS promulgated regulations to provide guidance to the Councils for EFH designation. The regulations further clarify EFH by defining "waters" to include aquatic areas and their associated physical, chemical, and biological properties that are used by fish and may include aquatic areas historically used by fish where appropriate; "substrate" to include sediment, hard bottom, structures underlying the waters, and associated biological communities; "necessary" to mean the habitat required to support a sustainable fishery and the managed species' contribution to a healthy ecosystem; and "spawning, breeding, feeding, or growth to maturity" to cover a species' full life cycle.

EFH will be a subset of all areas occupied by a species (Figure 1). Acknowledging that the amount of information available for EFH determinations will vary for each species, the regulations direct the Councils to use the best information available, and to be increasingly specific and narrow in their delineations as more refined information is available.

The regulations also direct the Councils to consider a second, more limited habitat designation for each species in addition to Essential Fish Habitat. Habitat Areas of Particular Concern (HAPCs) are described in the regulations as subsets of EFH (Figure 1) which are rare, particularly susceptible to human-induced degradation, especially ecologically important, or located in an environmentally stressed area. Designated HAPCs are not afforded any additional regulatory protection under the Act; however, federal projects with potential adverse impacts to HAPCs will be more carefully scrutinized during the consultation process.

Designating the boundaries of EFH has taken careful consideration by the Councils, which are required to identify and delineate EFH in their fishery management plans by the statutory deadline of October 11, 1998. These EFH designations are expected to go into effect by means of fishery management plan amendments under the Magnuson-Stevens Act in early to mid 1999.

Figure 1. Conceptual relationship of all habitats used by a species (habitat), essential fish habitat (EFH) and habitat areas of particular concern (HAPC).



Besides delineating EFH, FMPs or FMP amendments must also identify and describe potential threats to EFH, which includes threats from fishing or any other sources, and recommend EFH conservation and enhancement measures. Councils are required to implement management measures to minimize, to the extent practicable, any

adverse impacts to EFH caused by fishing gears. Guidelines for development of EFH amendment sections for each of these issues are included in the EFH regulations.

EFH Consultations

In the regulatory context for conserving fish habitat, the most important provisions of the Act are those which require federal agencies to consult with NMFS when any activity proposed to be permitted, funded, or undertaken by a federal agency may have adverse impacts on designated EFH. In fact, this provision has raised some concern among federal action agencies regarding potential increases in workload and regulatory requirements

for the public. NMFS has addressed these concerns in the EFH regulations by emphasizing the use of existing environmental review processes. Provided the specifications outlined in the regulations are met, EFH consultations will be incorporated into interagency procedures previously established under the National Environmental Policy Act, Endangered Species Act, Clean Water Act, Fish and Wildlife Coordination Act, or other applicable statutes.

The consultation requirements in the Magnuson-Stevens Act direct federal agencies to consult with NMFS when any of their activities may have an adverse effect on EFH. The EFH regulations define an *adverse effect* as “any impact which reduces quality and/or quantity of EFH...[and] may include direct (e.g. contamination or physical disruption), indirect (e.g. loss of prey, reduction in species’ fecundity), site-specific or habitat wide impacts, including individual, cumulative, or synergistic consequences of actions.

Once NMFS learns of a federal or state project that may have an adverse effect on EFH, NMFS is required to develop EFH Conservation Recommendations for the project. These recommendations may include measures to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH. Federal agencies are required to respond to EFH Conservation Recommendations in writing within 30 days. The Act also authorizes Councils to comment on federal and state projects, and directs Councils to comment on any project which may substantially impact anadromous fish habitat. The EFH regulations developed to assist Councils in EFH designation also further clarify the consultation requirements set forth in the Act.

In order to incorporate EFH consultations into coordination, consultation and/or environmental review procedures required by other statutes, three criteria must be met:

- (1) The existing process must provide NMFS with timely notification of the action;
- (2) The notification of the action provided to NMFS must include an assessment of the impacts of the proposed action on EFH as outlined in the requirements for “EFH Assessment;”
- (3) NMFS must have completed a written finding that the existing process satisfies the requirements of the Act.

An “EFH Assessment” is a review of the proposed project and its potential impacts to EFH which is prepared by the Federal action agency. As set forth in the regulations, EFH Assessments must include (1) a description of the proposed action; (2) an analysis of the effects, including cumulative effects, of the action on EFH, the managed species, and associated species by life history stage; (3) the federal agency’s views regarding the effects of the action on EFH; and (4) proposed mitigation, if applicable. If appropriate, the assessment should also include: the results of an on-site inspection; the views of recognized experts on the habitat or species effects; a literature review; an analysis of alternatives to the proposed action; and any other relevant information. The regulations require NMFS to provide EFH Conservation Recommendations in a timely manner.

Consultations may be conducted at either a programmatic or project specific level. Evaluation at a programmatic level is appropriate when sufficient information is available to develop EFH Conservation Recommendations and address all reasonably foreseeable adverse impacts under a particular generic topic. In these

situations, General Concurrences for categories of activities may be requested by the Federal agency. General Concurrences alleviate the need for individual project consultation in most cases because NMFS has determined that projects of this category will likely result in no more than minimal adverse effects, individually and cumulatively. For example, NMFS might grant a General Concurrence for the construction of docks or piers which are designed to minimize adverse effects on coastal habitats.

Consultations at a project specific level are required when critical decisions are made at the project implementation stage, or when sufficiently detailed information for development of EFH Conservation Recommendations does not exist at the programmatic level. If existing processes are not used, then project specific consultations must follow either the abbreviated or expanded procedures. Abbreviated consultations allow NMFS to quickly determine whether, and to what degree, a federal action may adversely impact EFH, and should be used when substantial impacts to EFH are not expected. For example, the abbreviated consultation procedure would be

used when the adverse effect of an action or proposed action could be alleviated through minor modifications, such as seasonal restrictions or the use of modified construction techniques.

Expanded consultations allow NMFS and a federal action agency the maximum opportunity to work together in the review of the action's impact of EFH and the development of EFH Conservation Recommendations. Expanded consultation procedures must be used for federal actions that would result in substantial adverse effects to EFH. Federal action agencies are encouraged to contact NMFS at the earliest opportunity to discuss whether the adverse effect of a proposed action makes expanded consultation appropriate. Expanded consultation procedures provide additional time for the development of Conservation Recommendations, and may be appropriate for actions such as the construction of large marinas or port facilities.

The Act mandates that a federal action agency must respond to NMFS proposed EFH Conservation Recommendations in writing within 30 days. The regulations require that such a response be provided at least 10 days prior to final approval of the action, if a decision by the federal agency is required in fewer than 30 days. The response must include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on EFH. In the case of a response that is inconsistent with NMFS Conservation Recommendations, the Agency must explain its reasons for not following the recommendations, including the scientific rationale for any disagreements with NMFS over the anticipated effects of the proposed action and the measures needed to offset such effects. If an agency decision is inconsistent with a NMFS Conservation Recommendation, the NMFS Director may request a meeting with the head of the agency to further discuss the project.

Conclusion

The EFH mandates of the Magnuson-Stevens Act represent a new effort to integrate fisheries management and habitat management by stressing the ecological relationships between fishery resources and the environments upon which they depend. The EFH consultation process will ensure that federal agencies explicitly consider the effects of their actions on important habitats, with the goal of supporting the sustainable management of marine fisheries. The National Marine Fisheries Service is committed to working with federal and state agencies to implement these mandates effectively and efficiently, with the ultimate goal of providing for the sustainability of the Nation's fishery resources.

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March 20, 2000

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U.S. FISH AND WILDLIFE SERVICE

Gentlemen:

Thank you for the opportunity to review the draft San Dieguito Wetland Restoration EIR/EIS. The San Dieguito River Park Joint Powers Authority, the US Fish and Wildlife Service, and other members of the EIR/EIS team have produced a thorough document that considers the environmental benefits and impacts of the San Dieguito Wetland Restoration Project. We appreciate the opportunity to comment on the draft EIR/EIS for this project and offer the following comments to improve the usefulness of the document to the public, and to local, state and federal agencies.

Our comments are the results of consultation with the Commission's mitigation scientists and, on hydrological issues, with Dr. Peter Goodwin, and are organized under the following topics:

1. Habitats and Biology
2. Restoration Acreage and Credit
3. Hydrological and Tidal Modeling
4. Appropriate Engineering
5. Management of Physical Characteristics of the Project
6. Disturbance by Humans and Exotic Animals
7. Permitting
8. Miscellaneous comments
9. Editorial Comments

The major areas of concern we have are not new, but relate to (1) restored wetland acreage requirements of the SONGS permit, including any mitigation for existing wetlands which are eliminated or converted as part of the project, and (2) trail alignment and buffers that avoid or reduce impacts to existing or restored wetlands. The Final EIR/EIS therefore needs to include the following additional information:

- S1-1 1. Additional information that will enable the public, the applicant, the Coastal Commission and other permitting agencies to more easily evaluate the degree to which the various proposed alternatives fulfill the restoration credit requirements of the SONGS permit.
- S1-2 2. Additional information that will enable the public and permitting agencies to evaluate how the various proposed trail plans will affect biological resources as well as (e.g. buffers and plant and animal populations) as well as existing uses (e.g. ongoing 22nd District Agricultural Association operations).
- S1-3 3. Additional information that specifies how impingement on buffers will be mitigated or ameliorated.
- S1-4 In addition, based on Dr. Goodwin's review of the document, we believe the Final EIR/EIS should provide better justification for the apparent over-engineering (e.g., berm heights 3 feet greater than those required by FEMA for its 100-year flood standard, culverts, overflow weir) that will require unsightly land alterations, rock armoring, costly and destructive maintenance, and permanent negative impacts on estuarine biological resources.

Our comments below offer details on these issues at this stage of the process. At the time the Commission reviews the coastal development permit there may be additional issues that must be resolved. We look forward to continuing to work with you, SCE, and the other members of the EIR/EIS team to complete the planning and environmental review for this comprehensive restoration project.

1. Habitats and Biology

- S1-5 The draft EIR/EIS has done an excellent job of integrating the CCC staff definition of 4.5' NGVD as the upper limit of high marsh into the impact analysis while recommending a grading plan between -6 and +4.5' to restore habitats from subtidal to high marsh (p. 4.6-35). The elevation of 4.5' was chosen as the upper limit of high marsh because the cover of undesirable exotic species increases above 4.5' in San Dieguito Lagoon and other southern California estuaries. Given the uncertainty in the precision of the hydraulic modeling, and the estimated error of +0.25' associated with grading, we believe an upper limit of 4.5 for the constructed tidal marsh is critical to ensuring the project goals and objectives are met. For these reasons the staff would strongly oppose any change in the grading plans based on predicted upper boundaries derived from the historical hydroperiod modeling results of Jenkins and Wasyl as mentioned on p. 2-11 (lines 36-39) and p. 2-12 (lines 1-2).
- S1-6 p. ES-23-24. Relocation of sensitive plants destroyed by construction is proposed. Is there any information on the likely success of such transplants?
- S1-7 p. 4.4-5, lines 30. The draft states that "...recolonization and immigration into new areas would begin within a short time frame (<1 year)...". We agree that this may be true in subtidal and lower intertidal habitats. However, there are numerous examples (e.g., Ash Avenue restoration at Carpinteria Salt Marsh, Caltrans restoration at San Dieguito Lagoon) where the colonization of upper intertidal areas takes much longer. Therefore, we suggest that this statement be qualified to indicate that colonization and immigration would likely occur more slowly in the upper intertidal and transition areas.

2. Restoration Acreage and Credit

S1-8 Condition A of the SONGS Permit requires that SCE submit a final plan to the CCC that includes a total of 150 acres of credit: "up to 35 acres for inlet maintenance and 115 acres of creation and/or substantial restoration." The Commission's *Adopted Findings and Conditions on Condition Compliance* (approved by the CCC on 11/5/97) contain the Special Condition that "all wetland acreage destroyed by the implementation of the restoration project shall be mitigated on a 4:1 ratio". The acreage tables in Section 2.0 and in Appendix C-5 provide information on the number of acres restored, eliminated or converted. The calculations are based on the presumption of a 1:1 mitigation ratio. Therefore, a footnote or some other designation is needed with the tables indicating that a 4:1 mitigation ratio has not been applied in the calculation of net change in acres.

S1-9 We suggest the following table for inclusion in the document:

Summary of Acres Credit for tidal, non-tidal, and total wetland for SCE's portion of various alternative plans excluding and including Least Tern nesting islands. Note that providing credit for acreage lost due to the construction of Least Tern nesting islands is not a requirement of SCE's CCC permit. Acres credit = Acres Created – Acres Converted – 4 x Acres Eliminated.

Alternative	Acres Credit					
	SCE Portion of Plan excluding Least Tern Islands			SCE Portion of Plan including Least Tern Islands		
	Tidal	Non- tidal	Total	Tidal	Non- tidal	Total
Mixed	118.20	-8.26	109.94	110.88	-12.06	98.82
Maximum Intertidal	112.98	-3.15	109.83	105.66	-6.95	98.71
Maximum Tidal Basins	116.53	-6.59	109.94	109.21	-10.39	98.82
Hybrid	115.45	-5.53	109.92	108.13	-9.33	98.80

The acreage tables (Tables 2.3.1-1b, 2.3.2-1b, 2.3.3-1b, 2.3.4-1b) in the draft EIR/EIS indicate that there will be a net loss of nontidal wetland associated with each alternative and in one alternative (Maximum Intertidal Alternative) the area of tidal habitat created (114.45 acres) will be less than 115 acres. The credit table above shows the same pattern, and about a 2-acre shortfall in credit for the Maximum Intertidal alternative. The EIR/EIS should explicitly describe the source of the additional acreage that will be used to satisfy the 115-acre credit requirement and to mitigate for the loss of nontidal wetland. This description needs to take into account that the use of modules proposed to mitigate for the loss of nontidal wetland by berms and nesting sites (M series) are also proposed to be used to mitigate for loss of wetland during trail construction (p. 4.4-20). The type of habitat currently present in these mitigation modules needs to be given.

The acreage tables that present the amount of tidal habitat created (e.g., Tables 2.3.1-1a, b, Appendix C-5) need to include the type (e.g., ruderal, agricultural, coastal sage shrub), location, acreage, and fate of upland impacted by the various alternatives. This information should be summarized in Section 2.0, and presented for each module in Appendix C-5 to facilitate the determination of whether SCE will meet the mitigation acreage requirements.

- S1-10 p. ES-3, line 2-4. This statement is incomplete. The SONGS permit states that up to 35 acres of enhancement credit will be given for permanent, continuous tidal maintenance if the final restoration plan provides for enhancement of at least 126 acres through tidal maintenance. The 35 acres of enhancement credit is based upon the determination that 126 acres of existing wetlands at San Dieguito will be enhanced by 28% if the tidal flows are maintained continuously. If less than 126 acres are enhanced, then the amount of enhancement credit awarded will be equal to 28% of the total number of existing tidal wetland acres that are enhanced by tidal maintenance.
- S1-11 p. ES-7 lines 8-10: The document states that all of the restoration alternatives were viewed as having similar environmental benefits, but the Reduced Berm alternative provides considerably less net wetland increases and therefore less environmental benefit. This is discussed in Section 4.4 Biological Resources (p. 4.4-2, lines 14-15). It should be stated here in the Executive Summary as well.
- S1-12 p. ES-17. Destruction of seasonal wetland (termed conversion to upland) through the use of DS38 is deemed less than significant. The destruction of wetland is significant and must be mitigated at a 4:1 ratio.
- S1-13 p. ES-18. What is the basis of the 1:1 mitigation ratio for destroyed freshwater marsh?
- S1-14 p. 4.4-5, Please check for a possible acreage discrepancy and lack of data on acreage of M35. The text on page 4.4-5 states that about 19 acres credit can be obtained from areas W30, M35, and M38 through M45, suggesting that M35 is about 3 acres in area; however, we are unable to find the acreage of M35 listed in the EIR/EIS.
- S1-15 p. 4.4-12, lines 39-41: The document states that the restoration project provides more than adequate surplus of wetland acreage to offset the loss of seasonal wetland, even at 4:1 mitigation ratio. Most of the restoration is already mitigation for impacts from the operation of SONGS and therefore cannot also be counted as mitigation for restoration project impacts. It isn't clear within the body of the document whether there is in fact an adequate surplus after the SONGS requirement is met, but this distinction needs to be made.
- S1-16 p. 4.4-13, last paragraph. Perhaps this paragraph needs to include a discussion of the impact of nesting sites on acreage for the SCE project. As it stands, the discussion of the impact of the nesting sites on acreage is confusing and perhaps misleading since none of the alternatives "provide more than sufficient acreage of new wetland habitat to offset losses of wetlands associated with nesting islands..." for the SCE project as presented in the tables (e.g., Table 2.3.2-1b).
- S1-17 Appendix C-5. This version of Appendix C-5 is out of date and needs to be corrected. Also, use actual identification labels (e.g., W1, W2, etc.) for the tables in Appendix C-5. The abbreviations do not correspond to the plan view maps or text.

3. Hydrological and Tidal Modeling

- S1-18 **a. General Comments:** The question of model sensitivity and calibration is ignored in the draft EIR/EIS and appendices. To what extent is the success of the project dependent on the accuracy of the model results?
- S1-19 It is not clear which channel and inlet bathymetry was used throughout the project area in the model simulations. Was it based on the post construction bed, the existing bed, the elevation predicted by the model, or the estimated cross-sectional area from a hydraulic geometry database? If the latter was used, which database or derivation of coefficients was used? How sensitive are the model results to the selection of initial conditions (or bathymetry).
- S1-20 Is it possible for bars to form between the San Dieguito River and the channels feeding the offstream wetland areas, such as the DFG mitigation area? If so, will maintenance be extended to include these local areas?
- S1-21 No description of the freshwater contributions to the lagoon is provided at low flows. What is the typical baseflow during the summer and fall and is this water supply increasing or decreasing over time? Is this likely to exert an influence on the riparian corridor or boundary between saltmarsh, brackish and freshwater marsh? As an example, the baseflow to Los Penasquitos Lagoon has fluctuated widely during the past few decades with corresponding encroachment of freshwater and brackish vegetation.
- b. River Modeling:** The riverine modeling effort has been subject to thorough review, discussion and modification. FLUVIAL-12 provides a more accurate simulation of river flows and sediment transport in this type of system than would be possible with HEC-2 or HEC-6. A further advantage of FLUVIAL-12 is the extensive experience and research undertaken by Dr. Chang during the past two decades within this river basin. A few remaining questions about the river hydrology include:
- S1-22 Impact on channel vegetation: p. 4.2-2 line 29. Emphasis appears to be on off-channel enhancement, but the river channel also has a significant ecological value. Is the improved hydraulic efficiency of the channel described in the text achieved by the smooth revetments/berms or by some other means? Does the confinement of these flows into a channel over 20 feet deep create additional scour of the bed, and perhaps create scour of vegetation at flows less than would occur naturally?
- S1-23 Selection of Channel Section: Appendix F-1, p. 27. Is there any geomorphic rationale for the selection of the cross-sections in the proposed designs? The text stated the cross-section was "devised to pass the tidal flow and to avoid adverse impacts on channel-bed scour during floods". However, if a major flood occurs in the future, the natural evolution of the channel form will probably have created very different cross-sections than the ones simulated in the model. How sensitive is the model to different cross-sections? If the model indicates the results are very sensitive to different sequences of flows or channel cross-section, is it intended to undertake periodic dredging to return the channel to the design cross-sections? What is the expected frequency and quantity of this maintenance dredging?
- S1-24 Upstream boundary condition: how would the findings of FLUVIAL-12 be affected if all instream sand and gravel operations were halted due to economic or permit reasons (Appendix F-1, p. 15)?

S1-25 Risk of headcutting: p. 4.2-11 line 1. The text indicates additional scour will occur in the main river channel. If this is the case, could a headcut be initiated upstream of I-5 which threatens buried utilities?

4. Appropriate Engineering

The rationales for the extent and for the height of the engineered components within the proposed project are unclear and conflicting.

S1-26 **a. Berms: Extent:** p. 2-31 line 24. There appears to be inconsistencies in the rationale given for why such extensive berms are required throughout the project. It is important to note that the berms are no longer being proposed for flood containment. However, Appendix F-1 p. 1 states that the levees will be constructed to prevent overtopping by the 100 year flood and will be constructed to be 3.0 feet above the 100 year flood event (Appendix F-1, p. 25). It should be noted that since 1996, the Corps of Engineers no longer specifies 3.0 feet of freeboard as implied on p. 25, but calculates freeboard based on Risk and Uncertainty Analysis. Also, this criterion is not applicable to the berms at San Dieguito Lagoon because these berms are not levees designed to contain flood flows (water can flow around the land side of the proposed berms).

S1-27 **Height:** Why is it necessary to have berms so high, if there is no need to keep flood waters out? What are the problems with allowing the berms to overtop, if vegetation and/or erosion mats are installed to prevent failure by overtopping? Certainly a lower berm would require less fill in the wetland area and satisfy the main objective of confining bed material load to the main channel. If this can be achieved, the same quantity of sediment is delivered to the inlet channel with the proposed project as would occur under existing conditions. This will ensure that there is no induced scour – i.e., the rate of scour is no greater with the proposed project than under existing conditions. Most of the bed material load that will affect scour occurs within the main channel, and under existing conditions overbank flows deposit just very fine material (Appendix F-5, p. 6). This fact seems to be confirmed by the design of the weir structure that has a sill elevation of 6.0 feet below the top of the berm (Figure 2.3.1-12a and p. 4.2-22 line 6), to avoid bed load being diverted into the restoration areas.

Further, previous analyses of the flow pattern with no berms in the project area (Figure 4.2-1) indicates there is relatively minor exchange between the main channel and 'offstream' areas under flood conditions.

Given these two analyses, why do the berms need to be so high? Is coarse sediment going to be transported across the top of a berm over 20 feet above the bed, particularly in an area that the two dimensional modeling indicated that there was no significant exchange of flows or current? Why is it not possible to lower the berm by a few feet and avoid the need for the weir structure entirely? Doing so would lessen impacts relating to landform alteration and visual quality.

S1-28 **b. Culverts:** p. 2-6, line 18. Culverts are used extensively in diked tidal wetlands, where it is essential to either mute the tidal range for habitat reasons or to reduce flood risks to adjacent property. At San Dieguito in the northeast tidal basin, there is a channel 80 feet wide and a marsh plain 300 feet wide (both scaled from Figure 2.3.1-1) at River Mile 1.4 to discharge flood waters into the basin. This opening would overwhelm any contribution the culvert discharge

might make. It is unlikely that the culverts will serve a significant role in flood discharge. Are there any other purposes for these culverts?

Culverts are notoriously high maintenance features, particularly in dynamic tidal systems such as San Dieguito Lagoon. Problems include settling of the structure, sedimentation, debris accumulation, scour and blockage of the gates by floating debris. How is it intended to operate and maintain these structures to minimize these difficulties?

S1-29 **c. Overflow Weir:** The use of a significant structure that concentrates the flow energy, could pull sediment into the region the berm is attempting to protect from sedimentation. Would a lower berm elevation allow a more diffuse flow into the northeast tidal basin and achieve the same result without the need for a major (and costly) artificial structure in a wetland?

S1-30 **Hydraulics of the Overflow Weir:** p. 4.2-21, line 26 and Figure 2.3.1-12a &b. It may be assumed that at the peak of the 100 year flood, the water at the I-5 bridge would back up into the northeast tidal basin. A reasonable assumption is that the water surface elevation at this discharge in the northeast tidal basin would be horizontal. Thus the water surface elevation on the downstream end of the weir would be the same or greater than at River Mile 1.451. Appendix F-1, Figure 18 indicates that the head difference across the berm (and weir) would be 2.4 feet (1.5 feet if the HEC-2 simulations are used). Appendix F-5, Table 1 predicts a head difference of 3.7 feet. This difference in head across the weir reduces the proposed diversion flows from 4000cfs to about 2000cfs. If this latter discharge is correct, the width of the weir would need to be increased, or the elevation of the weir reduced.

S1-31 **Overflow Weir Dimensions:** There appears to be a conflict in the weir dimensions between p. 4.2-22 line 6, Figure 2.3.1-12a and Appendix F-5. Is the crest of the weir only 2-3 feet above the bed elevation? There appears to be an inconsistency somewhere in either the figures, the text, or the magnitude of the diversion discharge that should be corrected.

5. Management of the Physical Characteristics of the Project

S1-32 **a. Channel Maintenance:** The river floods act to scour the inlet channel as described by Dr. Chang. However, it is the tidal flow which replace sediment in scour holes and gradually refills the inlet channel over time. Projections of depositional patterns under tidal flows have been made from observations by Coastal Environments from 1992-4 (p. 2-27, line 25). These observations are extremely valuable, but represent just a brief snapshot in time under existing conditions. The increased tidal prism and maintenance of the mouth of the inlet channel, (p. 2-27, line 34) will likely extend deposition in the channel beyond the identified maintenance reach (from the beach to 150 feet east of the railroad bridge). An indication that this may be a problem is given in Table 4.2-3. This Table shows that peak flood currents exceed peak ebb currents, possibly implying that there will be net flux of sediment into, rather than out of the inlet channel. Secondly, peak flood currents are 50% greater with the preferred plan than existing conditions, implying sediment may be transported further on a given tidal cycle. Confirmation of this hypothesis could be obtained by a sediment flux computation at the inlet. Has this additional deposition and maintenance been anticipated?

S1-33 **b. Adaptive Management:** The draft implies the channel configuration will be maintained at the May 1993 configuration (p. 2-27, lines 28-30). What management trigger will initiate

S1-33 maintenance dredging? We recommend an adaptive management approach, where maintenance is initiated when the reduction in tidal range reaches a pre-determined value. A criterion could be based on the continuous tide recorder at Scripps Institute of Oceanography and a new second continuous recorder inside the lagoon. The recorders could be connected to the web as an educational resource and could be monitored by agencies and other interested parties. Inlet surveys (p 2-30) would be initiated in response to an observed reduction in tidal exchange.

S1-34 **c. River Maintenance:** Appendix F implies the river channel will be maintained at the design cross-section. What is the anticipated frequency of maintenance dredging in the project area outside the tidal inlet channel? Where will the dredged material be placed?

S1-35 **d. Slope Protection:** The extent of rock and articulated concrete blocks is reasonable to protect infrastructure and adjacent property (Revetment #1 and #2). However, the structural stabilization (at least 10 feet in vertical height and 4000 feet long) on Berm 8 could pose both an aesthetic and biological impact. Have less structural alternatives been considered? If the berm did scour, this would increase the sediment delivery to the inlet channel and will reduce the potential for induced scour. Maintenance dredging could be used to periodically replace material eroded from the berm. If the berm is set back from the existing channel bank, could more environmentally sensitive stabilization approaches be adopted?

Is it critical to reinforce 4000 feet of Berm 8? This reduces channel bank habitat. Could this be replaced by biostabilization techniques? If the bank scoured, would this be detrimental to the project – particularly if the berm was set back from the edge of bank and sedimentation rates in the tidal basins are small?

6. Disturbance by Humans and Exotic Animals

S1-36 **a. Trails and Buffers:** The SONGS Permit Condition A (given in Table 1-1) provides the CCC minimum standards and objectives for the wetland mitigation project. These standards and objectives include a buffer zone “not less than 100 feet wide, measured from the upland edge of the transition area”. The “uses permitted in wetland buffer areas [by the Coastal Act] include access paths, fences and other improvements necessary to protect wetlands” (p. 5-15). The only explicit mention of the 100-foot buffer zone in the draft EIR/EIS is in the Introduction (Table 1-1); there is no discussion of how the proposed trails meet the above permitted uses or on the potential impacts of the trail corridors on the 100-foot buffer zone and biological resources. There is, however, the statement (p. 4.1-9, lines 4-5, Land Use Compatibility Issues) that “none of the trails would occur adjacent to existing residential development or other sensitive land uses.” Discussion of the 100-foot buffer zone in the context of biological resources could be developed in the Land Use, Compatibility Issues section and in Biological Resources, Public Access (p. 4.4-14).

S1-37 p. ES-30. The conflicts between the Coast to Crest Trail and 22nd Agricultural District parking needs further underscore the impacts the trail will have on reducing any buffers to the restoration. The proposed use of the trail as a seasonal parking lot makes it all the more imperative that the trail be located as far as possible from the restoration.

S1-38 **b. Tram:** Tram use on the Coast to Crest Trail is proposed by the 22nd Agriculture District for 21 days from late June through July, 7 am to 12 am during the Fair and on the first day of horse

- S1-38 racing (p. 2-85). The tram will travel at speeds of from 10 to 15 mph and will produce noise during transit estimated at 70 to 75 dB at 50 feet. This noise level ranges from "moderately loud" to "very loud" or corresponds to the noise produced by a freeway at 100 feet distance or by a garbage disposal in a kitchen (Table 3.14-2, Typical Sound Levels). In the section on Unavoidable Adverse Impacts (9-1), the effects of the noise and disturbance by the tram on wildlife is not discussed, but referenced to Section 4.4. However, there is no information in Section 4.4 about the potential effects of the tram on wildlife. In addition, there may be a question of whether a 100-foot buffer would be adequate during tram operations.
- S1-39 *c. Dogs:* p. 4.1-5, line 46. "Retriever training, which is currently allowed on CDFG property could continue.." Although retriever training is currently allowed on CDFG property, this should be discontinued during and following the restoration. Dogs disturb nesting, roosting, and feeding birds and the use of the wetland for retriever training is incompatible with the restoration objectives of this project.
- S1-40 There are a number of references to Dog Beach. Currently, "mandatory leashing of dogs is required in the summer months [June-Sept] but not the winter months" (p. 3.10-1, l. 13). Because Belding's Savannah Sparrows may begin breeding in May and Snowy Plovers may begin breeding in March, we recommend that the mandatory leashing of dogs begins in March and extends through September. March through September is considered the breeding season for Snowy Plovers at other sites (e.g., Vandenberg).
- S1-41 p. 4.4-13. "Dogs would be allowed only if on a leash, and along designated trails." Loose dogs and roosting, nesting, and feeding birds are totally incompatible. Much more detail needs to be given in the EIR/EIS on how the leashing regulations both in the restoration area and on Dog Beach will be enforced.

Leashing may not be sufficient mitigation. Allowing supervised canine access will require significant policing if we're to avoid loose dogs. Allowing dogs "limited" access to the restoration would jeopardize the two additional nesting sites (NS11 & NS12)]

7. Permitting

- S1-42 **Land Use:** On Page 5-3, the document incorrectly states that the City of Del Mar LCP Implementing Ordinances are not certified by the Coastal Commission. In fact, they were certified with suggested modifications in November, 1999. However, required follow-up action by the City Council and Coastal Commission has not yet occurred, such that coastal development permit authority for the portions of the proposed project within Del Mar remains with the Commission at this time. There is, however, a potential that the City could be issuing its own coastal development permits by the time the project applicant is ready to submit permit applications. In this event, it appears likely that Del Mar would first need to amend its LCP to incorporate revisions to the San Dieguito Lagoon Resource Enhancement Program (SDLREP) since that document is a component of the certified land use plan. The DEIR/EIS indicates on Page 5-20 that several elements of the proposed restoration project are inconsistent with that older restoration program.
- S1-43 On Page 1-30, the document correctly identifies that a coastal development permit may be needed from the City of San Diego as well. Any portions of the project occurring within the Torrey Pines Community Plan area would be under the City of San Diego's permit jurisdiction,

S1-43 but appealable to, or by, the Commission. This would apply to any use of the Surf and Turf property as a disposal site, as well as construction of portions of the proposed trail system in that same area. Although the Torrey Pines Community Plan references the SDLREP, it does not appear to incorporate that document as part of the land use plan, such that changes to the SDLREP would not require an amendment to the City of San Diego LCP. All remaining project components appear to be within Subarea II of the North City Future Urbanizing Area, which is located east of Interstate 5 and outside the area addressed in the SDLREP. That area has not yet been certified by the Commission and the Commission thus retains coastal development permit authority in Subarea II.

S1-44 **Wetlands/Buffers:** Within Section 4.4, which begins on Page 4.4-1, the DEIR/EIS identifies that the proposed development will adversely affect existing wetland resources in three ways. First, there are direct permanent impacts on existing wetlands by the placement of fill for berms, trails and nesting sites. Second, there is the conversion of existing wetlands of one type to wetlands of another type. Third, there is a failure to provide adequate buffers to protect both existing and created wetlands, particularly through the proposed alignment of portions of the public trail system.

The direct impacts to wetlands may ultimately be found consistent with Section 30233 of the Coastal Act, if these elements are determined to be necessary components of an overall restoration project and represent the least environmentally damaging alternative. However, even where a use is found consistent, appropriate and adequate mitigation is required. The DEIR/EIS discusses mitigation ratios on Pages 4.4-12, 4.4-13 and 4.4-20. The document identifies a mitigation ratio of 4:1 for seasonal marsh impacts resulting from the fill needed to create the berms and trails, and a 1:1 ratio for freshwater marsh. This is generally consistent with past Commission precedent, although required mitigation ratios for freshwater marsh have varied over the years and have been as high as 4:1 in the more distant past. The DEIR/EIS does not identify a specific ratio for creation of the nesting sites, but suggests that creating this beneficial use should require a lesser mitigation ratio than creation of the berms and trails. Since the creation of the nesting sites in effect converts salt marsh wetlands to uplands, the impact on wetlands is no different than for the berms and trails; thus, a 4:1 mitigation ratio should be identified for purposes of the DEIR/EIS.

With regard to the second type of impact, the document, on Page 4.4-6, identifies a mitigation ratio of 1:1. Over the years, the Commission has applied different ratios to the conversion of one habitat type to another, depending on the specific circumstances of each case. In regard to the subject proposed development, the Commission has already identified and accepted the 1:1 ratio as appropriate in their earlier review of the concept plan for restoration of San Dieguito Lagoon.

The DEIR/EIS correctly identifies in several places within Section 4.4 that the overall project includes more than enough created wetlands to address these mitigation ratios. Thus, as a "stand-alone" project, the subject proposal would provide adequate mitigation for all identified impacts even if the maximum mitigation ratios are applied to all impacts. This statement does not address whether or not all proposed uses would be consistent with the Coastal Act, nor does it address what development would ultimately be found to represent the least environmentally-damaging alternative. In addition, it should be noted that the Commission will not be reviewing this development solely as a "stand-alone" wetlands restoration project. Rather, the Commission will review this project as potential condition compliance for the

- S1-44 previous approval of the construction and operation of San Onofre Nuclear Generating Station Units 2 and 3. In that regard, although the restoration project may be self-mitigating by virtue of the extensive wetlands being created, the Commission must find that the project meets the specific requirements of its prior permit in order to find that the applicant has met its full mitigation obligation. This is an issue to be addressed in the future review of the coastal development permit, and is appropriately not part of the discussion contained in this DEIR/EIS.
- S1-45 With respect to buffers, Commission precedent has been to require a minimum 100-foot-wide buffer between wetland resources (except riparian wetlands, where a 50-foot buffer has been allowed in some instances) and all proposed development. With concurrence from the resource agencies, a lesser-width buffer has occasionally been permitted, generally where other factors such as a significant elevational difference, substantial fencing, etc. are present. In addition, passive public uses, such as benches and foot trails, have sometimes been permitted in the inland half of the required buffer. Such trails have typically been the minimum width necessary (4-6 feet generally) and of permeable surfacing. A description of proposed trail improvements begins on Page 2-68. The proposed development delineates a system of trails and associated interpretive signage, which in some locations will be immediately adjacent to both existing and proposed wetland resources. The proposed trail width would total twelve feet, since the current plans call for a four-foot-wide pedestrian/equestrian trail and an adjacent eight-foot-wide trail for bicycles, use by persons with disabilities, and potential use by the Fairgrounds' motorized tram system. Moreover, the eight-foot-wide trail would have to be paved to accommodate the designated uses, and, if the tram use is ultimately approved, would have to be widened to twelve feet as it passes under I-5 to accommodate tram operations. Approval of all these elements in their currently proposed locations would represent a significant departure from the Commission's historic buffer requirements, and it is unlikely that Commission staff would recommend approval of all these project features as currently described in the DEIR/EIS.
- S1-46 **Disposal Sites:** A discussion of potential disposal sites begins on Page 2-49. Most of the identified disposal sites consist of existing, disturbed uplands, wherein no significant impacts to coastal resources are envisioned. However, the DEIR/EIS identifies two disposal sites on Fairgrounds' property: namely the main, paved parking lot west of Jimmy Durante Boulevard and the dirt overflow parking lot east of Jimmy Durante Boulevard known as the Surf and Turf site. Both properties are within the 100-year floodplain of the San Dieguito River, and fill in the floodplain is generally inconsistent with Section 30236 of the Coastal Act, which addresses channelization of streams. Since the main parking lot is already paved and is part of the pre-Coastal Act Fairgrounds development that includes a significant number of structural improvements, it may be possible for staff to recommend approval of some fill in this area, particularly in conjunction with a landscaping program such as is described in the DEIR/EIS. The Surf and Turf site is an entirely different matter. It is an unimproved dirt lot used for overflow parking during some Fairgrounds events and for seasonal uses such as a pumpkin patch and Christmas tree lot. In addition to being within the floodplain of the San Dieguito River, significant portions of the Surf and Turf site have been delineated as wetlands. Staff would suggest this element (DS38) not be carried forward as part of the final proposal.
- S1-47 With respect to DS32, also identified as area U18, the DEIR/EIS, on Pages 5-24 and 5-25, correctly states the Commission's permit history on this site. In approving a residential subdivision south of the river and east of El Camino Real, all development rights were transferred from the subject site, which is identified in the environmental document for dredge disposal and an interpretive center. The use of the site for those two purposes, and for

S1-47 wetlands restoration, an equestrian cross-country track and public trails, was specifically called out in Coastal Development Permit (CDP) #6-98-154. That permit formalized the stated restrictions through imposition of an open space deed restriction. Use of the site for any other purposes, such as training tracks, show barns, etc., as described in the DEIR/EIS beginning on Page 2-85, would require an amendment to CDP #6-98-154. It is unlikely that any application to amend the permit in a manner that would diminish the intent of the open space deed restriction would be accepted for processing by the Commission. If such an amendment application were accepted, it is unlikely that staff would recommend approval.

S1-48 Visual Resources: The main concern identified by staff in prior meetings and discussions had been with how dredge disposal on the various upland sites would affect existing public views to and within the river valley. Based on the photographs in Section 4.6 of the DEIR/EIS, it would appear that, once vegetation on the fill areas matures, visual impacts will not be significant. Although the landform changes may be noticeable close-up, the overall views of open land and native vegetation will not vary significantly from current views. Other identified visual impacts are all related to construction and would be temporary in nature. The DEIR/EIS seems to have adequately addressed this issue.

S1-49 Beach Access: This issue is discussed in Section 3.1 of the DEIR/EIS, beginning on Page 3.1-7 under the subheading "Recreation." The document indicates that current public use of the river mouth area will change to some degree under all alternatives, since a major element of the project is to maintain the river mouth in an open configuration. Currently, the river mouth is closed much of the year and the public can generally cross the river mouth except at the highest tides and during, and immediately after, severe winter storms. The proposal does not include structural improvements which would permanently obstruct access, but initial channel deepening and periodic maintenance dredging would be required. The resulting increased tidal prism will likely cause greater depth and velocity of water crossing the public beach area. This could result in the public being unable to safely traverse the beach from north to south across the river mouth at many times of the day and year, and may also affect the ability of lifeguards and emergency vehicles to access all areas of the beach at all times. Given the Coastal Act mandate to protect and enhance public access to and along the shore, this presents a significant issue that staff and the Commission will address during the coastal development permit process. The DEIR/EIS appears to adequately identify the current levels and types of public use of this area, and the changes that the proposed project will bring.

Various:

S1-50 p. 2-6, lines 33-36: The document states that the District would receive credit for providing the nesting sites. It should be noted that the credit would be under a separate, previously existing coastal development permit condition. Also, unless other arrangements were made, the District would be responsible for wetland mitigation requirements arising from elimination of existing wetland habitats as a result of construction of the nesting sites.

S1-51 p. 2-11, lines 1-2: The document reads: "If the nesting sites are not implemented by SCE, another party or funding would have to be identified..." The document should note that it is the District's obligation to provide the nesting sites (and funding) under its own permit requirements if SCE chooses not to include the nesting sites in its portion of the restoration project.

- S1-52 p. 2-91, line 40: The document states that the submittal of SCE's final restoration plan would start the review of the coastal development permit. The mitigation permit requirements now have a 2-step process (see October 1998 permit amendment) in which SCE submits the final restoration plan for Commission review and approval at the conclusion of the environmental review process. The coastal development permit application is to be submitted following SCE's receipt of the other required permits.
- S1-53 p. 4.1-10, lines 15-16: The document states that the District will have the final approval authority for the segment of the trail which crosses Horsepark. This could be interpreted to mean that no other permits are required after trail alignment is approved by the District, which is not the case.
- S1-54 p. 5-15, California Coastal Act, first paragraph: There should be a cross-reference here regarding the requirement for the SCE-portion of the project also having to meet the SONGS mitigation permit objectives (see p. 1-10, lines 8-16, Table 1-1, and p. 1-8, lines 1-6).

8. Miscellaneous

- S1-55 p. 4.4-21, Section 4.4.1.3.2. "Prior to use of SA3 during mid March through September period, a qualified biologist shall confirm the absence of nesting ...within 500 feet of staging area and haul route." Conceivably, use of this staging area could be eliminated for several months. How significant are the impacts to the construction timetable?
- S1-56 Tidal creek configurations. The view plans provide excellent general drafts of what channels and creeks may look like for the various alternatives. CCC staff hopes that particular attention will be given to forming "natural" looking tidal creeks and channels in the Final Plan. An examination of the configurations in other less disturbed southern California marshes (e.g., Tijuana Estuary, Carpinteria Salt Marsh) will help in the design of natural-looking tidal creek configurations.

9. Editorial Comments

- S1-57 Figure 3.2-10. Please define the subscript on H.
- S1-58 p. 3.2-2, Figure 3.2-1. San Dieguito River watershed boundary is incorrect.
- S1-59 Table 3.2-1. Are these design discharges used by FEMA and accepted by the County of San Diego?
- S1-60 p. 3.2-10, line 1. The authors may wish to clarify why the more recent standard NAVD (North America Vertical Datum, 1988) is not used. Presumably, it is because the project started collecting data before this new datum became widely accepted. It would be useful to cite the difference between NAVD and NGVD at the project site for future reference. Another important figure to cite here would be the difference between the NGVD datum and the MLLW datum used by NOAA to measure tides (or reference Table 3.2-4). This should be cross-referenced to section 3.2.3.2. The mean sea level on p 3.2-21 line 33 should be defined (i.e., is this the NOAA MSL or NGVD?)
- S1-61 p. 2-6, line 17. Where is Berm B8? Only Berm B8a is shown on Figure 2.3.1-1.

Messrs. Bobertz & Fancher
March 20, 2000
Page 14

S1-62 p. 2-12, Table 2-3.1-1a. The sign is wrong for "Net Change" for "Transitional Wetlands."

S1-63 p. 4.2-22, line 10. "Degradation" should be replaced with "aggradation" or "sedimentation" in this context.

S1-64 Are all elevations on graphs such as Figure 4.2-3, measured in feet (NGVD)?

S1-65 CD-ROM Version of DEIR/S. The plan view of the Mixed Habitat Alternative (p. 88) has inadvertently been substituted for the Plan View for the Maximum Intertidal Alternative (p. 173), so there are two maps of the Mixed Habitat and none for Maximum Intertidal.

S1-66 p. 5-23. The reference to Section 30240 of the Coastal Act should be to Section 30241.

Sincerely,



Susan M. Hansch
Chief Deputy Director

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
P.O. BOX 85406
SAN DIEGO, CA 92186-5406
PHONE: (619) 688-6954
FAX: (619) 688-4299



April 10, 2000

11-SD-005
PM 35.0
(K.P. 53.3)

Principal Planner
San Dieguito River Park
18372 Sycamore Creek Road
Escondido, CA 92025

Dear Principal Planner:

Draft EIR/EIS for the San Dieguito Wetlands Restoration Project - SCH 1998061010

Caltrans District 11 comments are as follows:

- S2-1 • The EIR needs to address the Caltrans Project Study Report (PSR) for Interstate 5 (I-5) widening in this area (EA 23580K). This PSR addresses freeway widening needs to the year 2020 and the projected increase in traffic on the freeway in the project area.
- S2-2 • Table 3.7-1. The existing daily traffic volumes should be consistent with the Caltrans and SANDAG counts and should identify the year of the data. Use the most current available data.
- S2-3 • Table 3.7-1. Needs to show the General Plan number of lanes proposed for all roads and identify the general plan that governs. I-5 should show a planned 12 general purpose lane freeway with 2 added HOV lanes and auxiliary lanes on both sides of the freeway.
- S2-4 • Nesting and Habitat areas should be developed away from the freeway as much as possible. High speed traffic, noise and exhaust make this necessary. See NS-15 and investigate moving this site to the west. A setback distance from the freeway right of way should be provided to allow for construction activities related to freeway widening.
- S2-5 • Explain how the haul road shown in Figure 2.3.1-13 will cross the freeway.
- S2-6 • Provide a more detailed grading plan for disposal site 38. It may be possible to use fill material for the I-5 widening project. See Figure 2.3.1-14f.

Principal Planner

April 10, 2000

Page 2

- S2-7 • If this site is to continue as a golf driving range and is raised significantly, a protection fence may be needed to deter golf balls from being hit onto the freeway.
- S2-8 • Figure 2.3.1-16 and 20. Show the existing ground profile. Show water level profile for Q_{50} and Q_{100} .
- S2-9 • Section 4.7. The SANDAG trip generation rates of 5 trips per acre for Undeveloped Regional Park and 20 trips per acre for the developed portion of the park should be used for all traffic studies.
- S2-10 • The figures presented in the EIR/EIS are not presented at a resolution that allows an accurate environmental analysis of the relationship between the project and Caltrans' right of way limits. More detailed mapping is required to determine more accurately the potential of environmental enhancements to conflict with future highway construction.
- S2-11 • Any work performed within Caltrans' right of way will require an encroachment permit. For those portions of the project within the Caltrans right of way the permit application must be stated in both English and Metric units (English first, with Metric in parentheses). Information regarding encroachment permits may be obtained by contacting our Permits Office at (619) 688-6158. Early coordination with our agency is strongly advised for all encroachment permits.

John Rieger, at (619) 220-5391, is the Project Manager for the I-5 widening project. We recommend close coordination between the Joint Powers Authority (J.P.A.) and Caltrans staff regarding the two projects.

Sincerely,



for

BILL FIGGE, Chief
Development Review and Public Transportation Branch

BF/LS:ds

CALIFORNIA STATE LANDS COMMISSION
 100 Howe Avenue, Suite 100-South
 Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
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Contact Phone: (916) 574-1872
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March 20, 2000

File Ref: W 20725.103

Ms. Nadell Gayou
 The Resources Agency
 1020 Ninth Street, 3rd Floor
 Sacramento, CA 95814

Principal Planner
 San Dieguito River Park
 18372 Sycamore Creek Road
 Escondido, CA 92025

RECEIVED
 MAR 24 2000
 SAN DIEGUITO RIVER
 PARK

Dear Ms. Gayou and Principal Planner:

SUBJECT: Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the San Dieguito Wetland Restoration Project, SCH 98061010

Staff of the California State Lands Commission (CSLC) has reviewed the subject document. Under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) and the U.S. Fish and Wildlife Service (Service) are joint lead agencies and the CSLC is a Responsible and/or Trustee Agency pursuant to the CEQA for any and all projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

Our files indicate that by letter dated July 16, 1998, CSLC staff provided comments to the Notice of Preparation. Those comments are still applicable and are expanded by the comments that follow.

S3-1 Section 1.9 of the Draft EIR/EIS lists those agencies that have approval authority for the project. The reference to the CSLC is cited as a "Possible Lease of State Lands". It is CSLC's staff position that some form of lease will definitely be required.

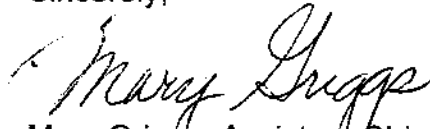
S3-2 As you are aware, we are in discussions with the 22nd District Agricultural Association attempting to resolve state ownership rights within lands of the 22 DAA and

Ms. Gayou and Principal Planner
March 20, 2000
Page Two

the project area. We look forward to working with the 22nd DAA, the JPA and the Service to resolve those ownership issues in order to facilitate the completion of this important restoration project.

Thank you for the opportunity to comment. If you have any questions concerning the CSLC's jurisdiction, please contact Curtis L. Fossum, Senior Staff Counsel, at (916) 574-1828.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Griggs". The signature is written in a cursive style with a large initial "M".

Mary Griggs, Assistant Chief
Division of Environmental Planning
And Management

cc: Paul Thayer, Executive Officer
Curtis L. Fossum, Senior Staff Counsel
Brad Gessner, 22nd DAA



©22nd D.A.A.

22ND DISTRICT AGRICULTURAL ASSOCIATION
State of California

March 20, 2000

RECEIVED
MAR 21 2000
AGRICULTURE

Principal Planner
San Dieguito River Park Joint Powers Authority
18372 Sycamore Creek Road
Escondido, CA 92025

**SUBJECT: COMMENTS ON DRAFT EIR/EIS FOR THE SAN DIEGUITO
WETLANDS RESTORATION PROJECT**

Dear Principal Planner:

The State of California, 22nd District Agricultural Association (District) appreciates this opportunity to provide comments regarding the adequacy of the analysis of significant environmental impacts of the proposed San Dieguito Wetlands Restoration Project. The District owns and operates the Del Mar Fairgrounds and Racetrack, located adjacent to the San Dieguito Lagoon at the mouth of the San Dieguito River, and Del Mar Horsepark, adjacent to the San Dieguito River at El Camino Real.

The District has been a longstanding and early supporter of the JPA's Wetlands Restoration Project and related park planning efforts. The District notes that the proposed Wetlands Restoration Project identifies use of certain District property to accomplish the contemplated restoration, and the JPA proposes to implement significant segments of the Coastal portion of the proposed Coast to Crest Trail on District property. The proposed project has the potential to substantially affect District property and its operations, namely the Del Mar Fairgrounds and Racetrack, which serve over three million visitors annually, and Del Mar Horsepark, which the District operates as one of the premier equestrian facilities in the United States.

The District previously responded to the original Notice of Preparation (NOP) for the joint EIR/EIS on July 6, 1998, and subsequently responded to the Amended NOP on March 17, 1999. The District provided a detailed description of the issues and concerns it felt should be addressed in the Draft EIR/EIS in this previous correspondence. This comment letter focuses on the adequacy of the Draft EIR/EIS analysis in addressing the District's issues of concern.

S4-1 1. *Project Description*

It is noteworthy that both the Fairgrounds/Racetrack property and Horsepark are outside the project area boundaries for the Coastal Area Park Master Plan, as shown on Figure 2 of the draft plan and Figure 1-2 in the Draft EIR/EIS. Yet, substantial portions of the

most significant park facility, the Coast to Crest Trail, are proposed for these two 22nd District properties. Thus, it appears that the JPA is proposing to construct and operate park facilities outside the proposed park boundaries.

The District requests that the project description in the Final EIR/EIS be revised to indicate that the 22nd District has not endorsed, approved or accepted the salt marsh restoration proposal shown on the 8-acre parcel it owns, shown as Area W6b in the Draft EIR/EIS. The District had previously requested that JPA staff remove this proposal from the proposed Wetlands Restoration Plan, because it is our understanding that this area is not necessary to achieve the purpose and need for the project. The JPA'S inclusion of this parcel in the restoration plan, over the District's objections, unnecessarily constrains future use of this parcel.

S4-2 2. *Least Tern Nesting Sites*

The District notes that the Draft EIR/EIS identifies the proposed least tern nesting sites as being provided to meet the District's Coastal Permit condition to provide 16 acres of least tern nesting habitat, with the District responsible for 7 acres and the CDFG responsible for 9 acres. It is important to revise Section 1.9 of the EIR/EIS to add the following action to the list of required permits and approvals:

California Coastal Commission acceptance of the proposed 15.7 acres of least tern nesting habitat as satisfying Special Condition 1 of CDP #6-84-525.

S4-3 3. *Proposed Levee/Berm along Horsepark Western Boundary*

The District has consistently objected to the north-south berm proposed just west of and adjacent to Horsepark's western boundary. In previous conversations with Dr. Howard Chang during the planning process, Dr. Chang acknowledged that the north-south berm would cause a "backwater" effect on Horsepark. Together with the increased velocity of flood flows predicted by the Draft EIR/EIS analysis, this increased risk at Horsepark is unacceptable. The Draft EIR/EIS is silent on the site-specific hydrology impacts at Horsepark, other than to indicate that the proposed weir at River Mile 2.09 would provide additional hydraulic capacity at the 25-year flood level. The District is very concerned that the hydrology effects of the proposed project during the far more common 10-year to 20-year flood conditions are not addressed, when apparently the weir would not come into effect to transmit flood flows through Horsepark and the berm would cause a backwater effect on Horsepark. This condition is totally unacceptable. Any exacerbation of flooding conditions will cause a serious hazard for the horses and humans who occupy Horsepark; horses are very sensitive to abrupt changes in their environment and are susceptible to dangerous panic reactions in flood conditions.

The District understands that the purpose of the berms in the Wetland Restoration Plan is to protect the constructed tidal basins and associated constructed wetlands from washing out in a major flood. The District questions the legitimacy of protecting constructed

wetlands that can be reconstructed after a major flood, at the expense of possibly seriously endangering people, horses and capital facilities at Horsepark.

- S4-4** In addition to our concerns regarding the flooding impacts on Horsepark, the Draft EIR/EIS does not adequately address the visual quality, aesthetic and public health and safety effects of the proposed 18' to 20' high berm adjacent to Horsepark's western boundary. The Draft EIR/EIS documents the prevailing westerly onshore flow of seabreezes through the San Dieguito River Valley, which frequently reverse to easterly offshore air flows in the evening and colder months. This pattern of breezes and airflow is critical to the health and enjoyment of the equestrian and human users of Horsepark year-round. The free flow of air across the Horsepark site aids in dispersing odors and potential vectors, as well as provides important cooling for the equestrian occupants of the Horsepark site. The Draft EIR/EIS does not address the significant adverse effect the proposed north-south berm would have on this important environmental feature of Horsepark.
- S4-5** The 18' to 20' berm west of Horsepark will also deprive Horsepark events and users of the existing scenic and visual qualities currently experienced at the property. The berm will eliminate the westerly views from this world-class equestrian facility. The Draft EIR/EIS does not address the visual quality impact of the berm on Horsepark, and consequently does not identify any mitigation measures or alternatives to reduce or avoid this significant adverse impact.
- S4-6** Lastly, the north-south berm totally defeats the purpose and need for the Villages property land exchange to mitigate the loss of almost one-third of Horsepark's usable land to the proposed Trail. The Villages land exchange is needed to offset the loss of the southern third of Horsepark to the Trail, including the loss of the equestrian cross-country course. The only acceptable mitigation for the proposed Trail alignment across the southern third of Horsepark is the addition of adjacent, contiguous property, which is necessary to maintain the operational program of this unique and important equestrian show and training center. The insertion of a 20-foot high wall between two sides of the facility is infeasible and unacceptable from an operational and facility management perspective. Any vertical separation between the two sites is unacceptable to Horsepark operations. The San Dieguito River Park JPA should embrace the protection and continuity of this very compatible equestrian center within the River Park. The importance of Horsepark as a local, regional, statewide and indeed, national equestrian training and show facility is perhaps best exemplified by the selection of Horsepark as the location for this summer's Olympic show jumping trials.
- S4-7** The cross-sections shown in Figure 2.3.1-5 do not illustrate the proposed height of the berm relative to the existing elevation of the adjacent Horsepark property. Notwithstanding, all of the preceding comments apply to a berm of any height along Horsepark's western boundary. The EIR/EIS should be revised to identify and address alternatives that eliminate the north-south berm adjacent to Horsepark, as the District had

S4-7 requested in its responses to the NOP. The impacts of the proposed north-south berm on the Horsepark property and its continued safe operation are significant and unmitigable, and can only be avoided by an alternative that eliminates the north-south berm.

4. *Proposed Trail Alignment and Associated Improvements*

S4-8 The proposed Trail Alignment and Interpretive Locations shown in Figure 2.3.1-15 of the Draft EIR/EIS illustrate a number of proposals that appear to be incompatible with the continued operations at the Fairgrounds and Racetrack. While we have previously discussed each of these features in concept with JPA staff during the planning process, the Draft EIR/EIS provides the first more specific description of the JPA's proposal for the location of each facility.

S4-9 Unfortunately, the project description in the Draft EIR/EIS has insufficient detail of the proposed Trail improvements and facilities at both Horsepark and the Fairgrounds to allow an adequate analysis of the impacts and any necessary mitigation measures and/or alternatives. Thus, the Draft EIR/EIS is inadequate as the project-specific environmental document for the proposed Trail improvements on District property. Once the District and the JPA have determined the preferred Trail alignment and related facilities on District property, subsequent environmental review will be required for the District to consider approving such improvements. Examples of several problematic features of the proposed Trail concepts identified in the Draft EIR/EIS, which will need to be resolved, include the following:

S4-10 *Interpretive Point "g" in the Driving Range*

The proposed plan shows an "Interpretive Point" along the trail in the Surf & Turf Driving Range. It is difficult to tell from this conceptual plan exactly what is envisioned, but the draft Park Master Plan shows a detail for the design of the interpretive points with fairly substantial signage that would likely need to be setback from the trail to the north, into the driving range. In all of our previous conversations with JPA staff, we have consistently cautioned them that no facilities should be planned for the driving range, other than the trail alignment itself, which should be pushed as close to the river's edge as possible. The proposed plan includes protective fencing for the trail, recognizing the potential hazard from "errant" golf balls.

The proposed content for Interpretive Point "g" (page 70 of plan) could be well served at any number of alternative locations along the trail, including Interpretive Point "h" east of I-5, and should be eliminated from the currently proposed location.

S4-11 *Trailhead Parking Location in South Overflow Lot*

The proposed plan shows a 20-space Parking Location for the western trailhead in the South Overflow Lot, at the same location where we have our permitted Flower Show Dirt Stockpile. The storage location for our Flower Show dirt is permitted by the California Coastal Commission. Minimally, if the District were to agree to this park access and

S4-11 parking location, the District would need to relocate and re-permit the Flower Show dirt stockpile location. However, more importantly, the proposed parking may not work very well for the District. It is too close to the very narrow transition route between the South Overflow and East (Big Dirt) parking lots. This is a very constrained area that is critical to driving cars between the two lots, which keeps cars off of Jimmy Durante Boulevard when parking management needs to direct cars to travel between the two lots.

S4-12 This parking proposal raises a larger issue that is not adequately addressed in the Draft EIR/EIS or the draft Park Master Plan. The District is not comfortable with the JPA's assumed use of the South Overflow Lot and its driveway and handicap access ramp for all pedestrian, bicycle and equestrian access between Jimmy Durante Boulevard and the Trail. Again, while we have discussed these issues in concept, the JPA has not been ready to discuss the details of the trail alignment and access points with the District. While the District has consistently supported the Park and the Coast to Crest Trail, it is critical that the JPA work closely with the District to design an acceptable trail alignment and access facilities on District property. The specific locations of these facilities will materially affect District operations.

5. *Disposal of Dredge Material on District Property*

S4-13 The District has consistently indicated its willingness to accept dredge spoil material in its parking lots, as long as the material is clean of hazardous materials and is of structural quality (i.e., can support the weight of a car). The District objects to the Draft EIR/EIS assertions that fill with dredge spoil material on the Surf & Turf parcel would cause significant land use compatibility impacts. This conclusion is based on purely speculative assumptions. It is wholly inappropriate for the JPA to assume that the District's future reuse of the Surf & Turf parcel would be incompatible with other adopted plans and the adjacent wetlands restoration project. The District is just beginning an approximately two-year planning and environmental review process to update its Master Plan. No long range plan for the Surf & Turf parcel has yet been identified, so there is no basis for the impact assumptions presented in the Draft EIR/EIS.

The speculative statements regarding future land use impacts associated with a yet to be defined reuse of the Surf & Turf parcel are prejudicial to the District's planning process, and should be removed from the Final EIR/EIS. The District requests that the Final EIR/EIS simply retain the statement on page 4.1-7 that ". . . any future use of the site for purposes other than parking or driving range would require subsequent environmental review in accordance with CEQA to evaluate project-specific impacts".

6. *Flooding Liability on District Property*

S4-14 The preceding comments on the increased flood hazard impacts at Horsepark identify the District's concern that the flooding impacts at that facility are not adequately addressed in the Draft EIR/EIS. The District understands one of the primary habitat enhancement

S4-14 goals of the proposed plan is to maintain an open rivermouth, which should have the beneficial, coincidental effect of improving flood protection for properties adjacent to the floodway in the City of Del Mar and the Fairgrounds/Racetrack. The District remains concerned that the plan be fully and carefully reviewed for its predicted effect on water surface elevations within the San Dieguito River channel and the tributary Stevens Creek channel, as they will affect the drainage facilities at the Fairgrounds/Racetrack.

Additional hydrology concerns that the District specifically requested to be addressed in its responses to the NOP include the following issues that do not appear to be adequately addressed in the Draft EIR/EIS:

S4-15 a. A primary source of flooding at the Fairgrounds is when the water surface elevation in the river channel rises above the elevation of the storm drain outlets, typically as a result of the river mouth being closed. The Draft EIR/EIS needs to document that the proposed project would result in water surface elevations that will not block the Fairgrounds storm drain outlets to the river channel.

S4-16 b. The District's NOP responses specifically requested that the EIR/EIS address the hydrology effects of the proposed project on the Stevens Creek drainage that traverses the north and west sides of the Racetrack backstretch (barn) area. Stevens Creek is an important local drainage that receives the majority of the watershed of the City of Solana Beach, and enters the San Dieguito River Channel at the railroad trestle. Any rise in the water surface elevation in the Stevens Creek channel has the potential to flood the Racetrack backstretch and upstream properties, endangering millions of dollars worth of capital facilities, as well as the lives of humans and horses who live and work in the Racetrack backstretch.

7. *Protection of Existing Sewer Main*

S4-17 The District feels it is not appropriate to defer a determination of the potential impact of the project on the sewer main that crosses the river channel between the Fairgrounds and the City of Del Mar pump station. This conditional approach to the probable need to relocate the sewer main does not provide adequate public disclosure of the significant public health and safety impacts of a potential failure of this sewer line as a result of the increased flow velocities designed for the river channel and the maintenance dredging activities that will be needed to maintain the open river mouth inlet. Furthermore, the mitigation alternatives should be subject to appropriate environmental review. The District has long maintained that the sewer main should be relocated out of the river channel as part of the proposed project.

8. *Seasonal Tram Usage of Trail*

S4-18 The District has indicated that one acceptable mitigation to offset the impacts of the proposed project on District parking and operations would be for the Coastal portion of the Trail from Horsepark to the Fairgrounds property to be designed to provide for

S4-18 seasonal use by the District's pedestrian tram. The Draft EIR/EIS addresses this potential use. The District disagrees with the conclusion that such minimal use of the trail by the District's pedestrian tram would cause significant unmitigable impacts. Compatible joint use of the Trail by the District's tram for the three-week annual Del Mar Fair and a few days during the Race meet is certainly achievable by sensible management of the Trail.

For example, while the District and the JPA have not even begun to discuss the details of Trail management, it is the District's position that the Trail across the Fairgrounds west of I-5 should be closed to public use during the Fair, thus avoiding a myriad of possible conflicts between Trail usage and Fair traffic and parking. The District believes that Trail usage and tram usage on the remaining segment from I-5 to Horsepark can be managed to successfully achieve joint use during the relatively few days per year when the District believes tram usage would be very beneficial to reducing localized traffic congestion during the Fair and Races.

9. *Construction Impacts*

S4-19 The District concurs with the Draft EIR/EIS mitigation measure that indicates that all construction activities to be located on District property will need to be coordinated with the District in advance of the beginning of construction. Similar to the preceding observations regarding the specific location of trail facilities, the District has previously discussed its willingness to cooperate with the JPA in finding an acceptable location for a construction staging area on the District's property, understanding the need for close proximity to the river channel. However, the Draft EIR/EIS is the first we have seen the proposed "Construction Staging Area" in the southeast corner of the driving range, which may not be acceptable for ongoing driving range operations.

S4-20 The District is also concerned about the proposed desilting basin shown to occupy a major portion of the Surf & Turf driving range. Again, there is not enough information in the Draft EIR/EIS to understand the effects of this proposal on use of the driving range for parking during the Del Mar Fair, or on driving range operations. Elimination of this much area from parking use during the Fair would be an extreme hardship on Fair operations, and would cause a significant parking impact.

10. *Future District Use of Villages Property Exchange Land*

S4-21 The District objects to the findings in the Draft EIR/EIS regarding the hypothetical impacts of the future, yet-to-be designed equestrian facilities at the Villages property. The discussions in the Draft EIR/EIS are purely speculative, and as such, are prejudicial to the future use and related environmental review that will be required for those improvements. Moreover, mitigation measures identified in the Draft EIR/EIS may limit the usefulness of the exchange property to the District. Such limitations may prevent the District from accepting the Villages property in exchange for the desired Horsepark property for the Trail, thereby rendering the proposed Trail alignment across Horsepark infeasible. The Draft EIR/EIS clearly indicates that the District's future use of the

S4-21 Villages property will be subject to subsequent environmental review. Therefore, the District requests that all of the speculative and prejudicial discussion of possible impacts and mitigation be removed from the Final EIR/EIS.

The Draft EIR/EIS raises another issue relative to the proposed land exchange at the Villages property. Page 4.1-13 indicates "If disposal is not permitted on this site, the property would not be transferred to the JPA and no District uses would occur in association with this project". It is important to note that the District's consideration of a Trail alignment across the Horsepark property is conditional upon the District receiving the Villages property to offset the loss of a significant portion of the Horsepark property to the Trail.

S4-22 Thank you for considering the District's comments on the Draft EIR/EIS in your preparation of the Final EIR/EIS. The District is a responsible agency as defined by Section 15381 of the State CEQA Guidelines, and will be unable to use this EIR for its consideration of the respective implementation activities that require District participation without a CEQA document that adequately addresses the environmental issues that affect District property and operations. The District looks forward to receiving the revised analysis in sufficient time to conduct a reasonable assessment of the JPA's responses to these comments.

Sincerely yours,

22ND DISTRICT AGRICULTURAL ASSOCIATION



Brad Gessner
Deputy General Manager



March 20, 2000

Shawna Anderson, Principal Planner
San Dieguito River Park
18372 Sycamore Creek Road
Escondido, CA 92025

Subject: Draft EIR/EIS for the San Dieguito Wetland Restoration Project

Dear Ms. Anderson:

Congratulations to the Joint Powers Authority (JPA) on reaching this important milestone in the planning process of the San Dieguito Wetland Restoration project! The City would like to commend the work of the JPA, U.S. Fish and Wildlife Service, Southern California Edison and Science Applications International Corporation (SAIC) for their contributions in reaching this milestone.

The restoration of the San Dieguito Lagoon has been a long supported goal of the City of Del Mar, and we look forward to continuing our working relationship with the JPA. The City is highly supportive of the goals and objectives of the restoration project; therefore, it is of paramount importance that we understand any and all effects of the project and that any significant impacts are mitigated to the greatest extent possible. It is in this spirit of cooperation that we provide to you our comments on the draft EIR/EIS.

The City Council reviewed the draft EIR/EIS for the San Dieguito Restoration project at its meeting of March 13, 2000. Our staff has reviewed and commented on the project and also met with property owners interested in the restoration and its impacts in an effort to understand and identify any additional issues. Several letters have been received and are attached for your review (Attachment D).

Staff has also worked with a group of Sandy Lane property owners and their consultant, Rick Engineering Company. Mr. Dennis Bowling and Mr. Wayne Chang (Rick Engineering Company) have been very helpful and have assisted

us in identifying issues associated with potential sediment transport, tidal flushing, fluvial analysis, and localized scour at the mouth/entrance of the San Dieguito lagoon.

Outlined below for your review are seven general issues that we believe will require additional analysis within the scope of the EIR/EIS and/ or require more specific details regarding the proposed mitigation. In addition, included as Attachment A, we have provided specific detailed comments addressing specific sections/pages of the draft EIR/EIS.

Hydrology/Riverbank Erosion

- L1-1** Rick Engineering Company reviewed the fluvial model analysis prepared by Dr. Howard Chang for the San Dieguito River. Rick Engineering prepared an overlay of the fluvial model findings using a cross section of the existing condition model and a cross section of the proposed project condition at mile point .04 (see Attachment B). Under existing flood conditions (shown in black), there is a slightly deeper scour within the river near the center of the channel. Under the proposed project conditions (shown in blue), the maximum scour near the center of the river is less than under existing conditions; however, the scour adjacent to the south river bank has increased. We would recommend that this type of cross section overlay be prepared for the following river mile stations as outlined in Figure 3.2-6: 0.001, 0.036, 0.073, 0.132, 0.198, 0.272, 0.329, 0.412, 0.452, 0.496, 0.555, 0.606, 0.652, 0.708, 0.767, 0.812, 0.859.

Based on the overlay of cross sections provided by Rick Engineering, it appears that, under the proposed project conditions, the restoration project may have the potential to exacerbate scour along the southerly bank of the river. It would be helpful to include overlays of the existing and proposed hydraulic calculations at each river crossing for each of the proposed projects to determine the impact of the project throughout the river.

If the proposed project/s could exacerbate scour or erosion, the appropriate mitigation for this impact may need to be the fortification of the existing revetments. The City Council is requesting that the post-project conditions be clarified and appropriate mitigation be identified in the final EIR/EIS.

- L1-2** In addition, a FEMA map revision will be necessary, as well as a design revision to eliminate the rise in the floodway elevation. The EIR/EIS should address the floodway impacts and the satisfaction of the required FEMA criteria.

Localized Beach Erosion

- L1-3** The EIR/EIS indicates that the proposed project will increase sediment transport to the ocean, which will benefit our beaches. While the project may provide regional benefits to the beaches, the constant tidal flushing may also negatively impact the beach areas adjacent to the lagoon mouth resulting in a net loss of sandy beach. Historical photographs (provided by Rick Engineering Company) show that when the mouth of the lagoon is open the beaches adjacent to the river mouth recede (Attachment C). When the river mouth is closed, the littoral drift causes sand to accumulate on the beach. Any potential loss of beach will reduce the availability of useable public beach. In addition, loss of sand could increase the exposure of the beachfront properties to damage from ocean waves. The EIR/EIS should provide an analysis of potential localized scour/erosion to the Del Mar beach. The analysis should quantify amounts and locations of any and all beach sand losses and gains due to the project/s.

Should the analysis identify a potential reduction of sandy beach area, the mitigation for such an impact should be a comprehensive beach nourishment/replenishment program. The beach nourishment/replenishment program should identify sand quantities, proposed beach profiles, costs and identify the on-going responsible agency for the program.

Lateral Beach Access

- L1-4** Increases in water depth and velocities will make crossing the river mouth on foot significantly more difficult. In fact, much of the time, particularly during high tides, crossing will be impossible. The EIR/EIS states that the project has the potential to substantially alter present conditions for beach users by reducing the ability for pedestrians to cross at the river inlet. This represents a significant change in current use patterns. No mitigation for this impact is currently proposed; therefore, this impact is considered significant and unmitigated.

A Human Use Inventory (KTU& A 1994) recommended that an improved connection between the lower beach areas and the bridge at Camino del Mar be implemented as part of the restoration project. Staff believes that an all weather, grade separated (from the elevation of the existing residents) pedestrian pathway should be incorporated into the revetment located along the south side of the river to mitigate impacts to lateral public access. This pathway should connect with the pedestrian path on the Camino del Mar bridge and then should connect to a new pathway/access along the north side of the river.

- L1-4 In addition, the EIR/EIS does not discuss the loss of the vehicular access across the river mouth. Lifeguard vehicles cross the river mouth several times each day to provide lifeguard services to the north beach area. The City's beach cleaner also crosses the rivermouth to access the north beach area for routine beach cleaning. This impact should be reviewed as part of the EIR/EIS and appropriate mitigation should be defined.

Trails

- L1-5 The Coast to Crest Trail, which is proposed to extend along the north side of the San Dieguito River from Jimmy Durante Boulevard to El Camino Real, would comprise two side-by-side trails: a 4-foot-wide tread surface trail for hikers and equestrians and an 8-foot wide hardened surface trail for bicyclists and other users. Portions of the preferred trail alignment would occur along the southern edge of 22nd DAA property, specifically the area between Jimmy Durante Boulevard and I-5 and the area east of the Via de la Valle property along the southern edge of Horsepark.

The proposed seasonal use of a tram would supplement the use of buses to transport visitors from parking areas on the Horsepark property to the Del Mar Fairgrounds, which would benefit visitors to the Fair and provide an alternative to bus use of public streets for some riders. The tram would use the bicycle portion of the proposed Coast to Crest Trail. During use of the tram, which would occur for 21 days in June and July during the Fair and on the first day of racing, it would be necessary for bicyclists and other users of the hard-surfaced trail to share the trail with the tram. The tram would operate at speeds of 10-15 miles per hour and could cause conflicts with bike and other users on the hard surfaced trail, as these users would find it necessary to get off the trail in order to permit the tram to pass.

The presence of a large, motorized vehicle on the paved trail would also conflict with equestrians and hikers using the adjoining trail. These conflicts relate to disruption in the overall recreational experience, as well as to the effects that the presence of the tram could have on a horse's behavior. In addition, motorized trams could cause impacts to significant environmental resources in the lagoon. Therefore, the City of Del Mar does not support the joint use of the proposed pathway by any motorized vehicle and considers the impacts significant and unmitigable.

Public Safety

- L1-6 The proposed project would increase the tidal inlet size and the flow velocities, as well as creating a permanent waterway. The tidal inlet would be as much as

L1-6 five feet deep during normal tides and approximately 100 feet wide. Based on information provided by Rick Engineering, the average tidal current velocities could increase by approximately 110-percent, with the maximum tidal currents reaching 4.6 feet-per-second. The primary mitigation proposed in the EIR/EIS

recommends additional Lifeguarding; however, staff recommends that the EIR/EIS analyze additional mitigation measures, including but not limited to the need of a temporary lifeguard tower and funding for fast water rescue training.

Existing 22nd DAA Sewer Line across the River

L1-7 An 8-inch sewer force main runs through the San Dieguito River from the fairgrounds to the public works yard. The EIR proposes that, prior to issuance of any permits from the City of Del Mar for the project, the exact location of the sewer main shall be determined and mapped. The sewer line in question was constructed by the 22nd DAA as a temporary line in approximately 1979. The City of Del Mar requests that the line not only be located and mapped prior to issuance of permits, but that an evaluation of the integrity of the line be incorporated into the EIR/EIS and that the sewer line be required to be replaced in coordination with the construction of the project.

Proposed Fill at the Surf and Turf Site

L1-8 The 22nd DAA Surf and Turf property is one of the potential disposal sites for the project. This site is currently used as an overflow parking area and golf driving range. The project proposes to dispose of fill on this site, raising it to 15 feet NGVD. As correctly noted in the draft EIR/EIS, the property supports delineated wetlands.

The City of Del Mar has not and will not support the placement of fill in these delineated wetlands. In addition, a portion of the site is located within the effective flow area of the San Dieguito River. The use of the Surf and Turf property as a disposal site would enable the 22nd DAA to develop this area with other uses in the future, which could create potentially adverse environmental impacts to the lagoon.

The loss of delineated wetlands in this area would represent a significant unmitigated impact. Should the Surf and Turf site be recommended as a potential dredge disposal site, the EIR/EIS should include mitigation measures for the direct impacts of filling the wetlands and for the growth induced impacts.

San Dieguito River Park JPA
EIR/EIS San Dieguito Wetland Restoration Project
March 20, 2000

Conclusion

The City of Del Mar thanks the JPA and the U.S. Fish and Wildlife Service for the opportunity to review the draft EIR/EIS for the San Dieguito Wetland Restoration Project. If you have any questions regarding our comments please contact Monica Tuchscher, the City's Advance/Special Projects Manager, at (858) 755-9313.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Schooler". The signature is fluid and cursive, written over a white background.

Andy Schooler
Mayor

cc: City Council

Attachment A- Specific EIR/EIS line items
Attachment B- Cross-section profiles
Attachment C- Historic photographs
Attachment D- Letters from residents

ATTACHMENT A

Attachment A
Letter from the City of Del Mar
Re: EIR/EIS San Dieguito Wetland Restoration Project

Project Description

- L1-9 2-44 at Line 18-20 states that construction vehicle access to the beach would be accommodated by constructing a temporary dirt ramp from the edge of the southbound lane of Highway 101 down onto the staging area. This section should also identify the existing North Beach access as a potential access point for the beach.
- L1-10 2-40 under Phase I, beginning at line 40, it is stated that "cleared and grubbed material would be removed by truck to the Miramar Landfill." The EIR/EIS should identify the estimated quantity and number of truckloads of material that will need to be removed from the site for each alternative, and these estimates should be included in the Traffic Impact Section 4.7. Additionally, the EIR/EIS states that only cleared and grubbed material would be removed from the site and the rest of the usable fill would be deposited or disposed of in within the project area. However, on page 4.7-3 lines 21-24, it states, "short term truck traffic could also occur if some portion of the project's excavated material is transported off-site to a location or locations where an approved project and its certified environmental document have identified the need to import soil as a part of the project implementation." This option needs to be clarified. Is usable fill going to be totally disposed of on the site, or is there a plan to haul some quantity away? If fill is being hauled, it needs to be quantified and the truck impacts identified in Section 4.7.
- L1-11 2-46 under Sub-paragraph 2, Line 13, it is stated that, "Light vehicle construction traffic would travel on San Dieguito Drive before turning onto the Grand Avenue bridge ..." This bridge is deteriorated and not rated for vehicle traffic. The use of this bridge may require a structural analysis and may not be usable for heavy trip traffic. This analysis should be completed and identified as adequate in the EIR/EIS if this is the case; if it is in adequate, a new traffic pattern needs to be identified.
- L1-12 Figure 2.3.1-5. Typical Sections, Mixed Habitat Alternative, After Page 2-24: Although dredging will occur between the railroad bridge and Camino Del Mar and again between the railroad bridge and Jimmy Durante Boulevard, typical sections are not shown at these locations. Typical sections should also be provided as of the April 1999 date for reference and clarification. This data should be included on typical sections for the Mixed Habitat alternative and all other alternatives to detail planned grading/dredging at these two important locations.

- L1-13 Section 2.3.1.7 - The water used during construction will need to be metered. The connection and meter location will need to be reviewed and approved by the City Public Works Director.
- L1-14 2.3.1-3 Mixed Habitat Alternative – Cut and Fill Summary – land owner information refers to “City”. This should be revised to clarify if the reference is to the City of Del Mar or City of San Diego.
- L1-15 2.3.1-2 Grading Plan – Mixed Habitat Alternative – the property adjacent to the Public Works Yard along the south side of the San Dieguito River is identified as “Jefferson.” The ownership of this property has been transferred to the City of Del Mar.
- L1-16 2.3.1 7-4 Fugitive Dust and Mud Control – This section should reference the required NPDES construction permit requirements including best management practices measures to control the mud and sediment transport.
- L1-17 Several residents/property owners have raised the issue of alternative methods that would maintain adequate tidal exchange for the lagoon enhancement. The City of Del Mar is aware of extensive studies by SCE that analyzed this issue. The City would recommend that a synopsis of the alternatives that were studied and an explanation as to why they were rejected be included with in the EIR/EIS.

Land Use

- L1-18 3-1, line 7 Section 1.7 should be changed to read like Section 1.9.

The City of Del Mar believes that a detailed analysis be provided in the EIR/EIS that addresses the proposed trail at Showpark. The analysis should include identifying the appropriate setbacks from the river, identifying the existing structures within the river and trail corridor, and identifying, if needed, appropriate the relocation of any structures or uses.

Staging Areas

- L1-19 4.4-10, lines 3-12. It is stated that the project commits to restoration of all staging areas; however, the plans are only generally developed at this time. Final details need to be reviewed and approved for the method and timing of the restoration of the staging areas prior to the issuance of permits for the project.
- L1-20 4.4-15, lines 26-31. Construction staging area SA3 and the associated haul road overlap potential nesting and resting area NS15 for least terns and other water birds. Although the area has not been used for nesting in years, it could be in the

future. As mitigation, it has been identified that any construction activities within a distance determined by the USFWS (but no closer than 500 ft.) of a California least tern or western snowy plover breeding habitat shall not resume or begin until a qualified USFWS biologist determines that breeding is not taking place. However, depending on the stage of construction and the conditions on the site, there may be a need to relocate Staging Area SA3 in order to continue time sensitive grading or planting. This situation should be considered and evaluated for whether an alternative staging site and haul road should be identified prior to issuance of permits.

- L1-21 SA1 – on beach at rivermouth – store equipment and dredge material, temporary fencing highly visible from CDM, from bluff, from beach would restrict some views impact on aesthetics (short term 6-8 mo.) If this staging area (SA1) is kept as part of the proposal, the site should be reduced in size, and the timing should be limited to three months or certain specified time periods.
- L1-22 Staging areas should be returned to their previous conditions with all native vegetation restored. Non-native vegetation currently existing should be replaced with native vegetation.
- L1-23 The proposal to utilize a large expanse of the beach at the river mouth as a staging area for project construction for extended periods of time needs to be minimized as much as possible.
- L1-24 The EIR/EIS should also address the potential revenues losses to the City of Del Mar from temporary staging area SA1. This staging area will impact the public use of the beach and will also impact revenues derived from the pay parking area.

Traffic

- L1-25 3.7-3, A. Classification: It is not known what is the basis for the displayed road classifications. However, these classifications are not consistent with the Federal Functional Classification System (FHWA) listed in the Highway Performance Monitoring System Database for Del Mar. B. Existing Daily Traffic Volumes. Listed traffic volumes on Camino Del Mar and Jimmy Durante Boulevard are substantially higher than those recorded by the City. If this information is obtained from the 22nd District Agricultural District as shown in the footnote, it is possible these counts would reflect the higher volumes during events such as the Fair and races. The existing daily traffic volumes shown should, in fact, reflect more normal non-event periods, or both sets should be shown.

L1-26 4.7, Traffic - Heavy construction equipment and truck traffic will likely cause damage to the existing public and private roadways. Mitigation measures should include video documenting of the existing conditions and a plan for protecting and restoring damaged street improvements within a certain time frame after completion of construction.

L1-27 4.14-7 lines 27-34. Due to the narrow width of San Dieguito Drive and Racetrack View Road, the use of this access route to staging area SA3 has been prohibited for use by daily construction site workers. It is noted that these conditions shall be listed on the construction plans and discussed with the contractor at the preconstruction meeting. It is requested that these conditions be clarified to identify approximately how often this route will be used for each phase of the project on a daily basis and what types of equipment or workers (if not daily construction site workers) will be using it. It appears that the mitigation measure is intended to ensure that this staging area will be minimally used; however, detail needs to be added to the mitigation measure. As noted previously, any construction traffic damage to any roadways within the City of Del Mar, Solana Beach, and San Diego should be repaired at the completion of the project to the satisfaction of the respective City Engineers.

L1-28 4.7-3 lines 9-35. There is discussion of the possibility of some portion of the project's excavated material being transported off-site. A traffic control plan is called for to accommodate the movement of trucks to and from the project site during periods of intense truck activity. It is requested that a traffic and construction control plan be required to be submitted prior to issuance of permits on the project and that the anticipated type and number of truck loads or truck trips, and parking areas for workers be estimated and identified ahead of project implementation. This would allow time for the project applicant to submit the plan to the appropriate agencies for review and approval and for the public to be adequately educated and prepared for the anticipated impacts of the construction traffic and staging over the anticipated two-year period.

Construction

L1-29 4.4-19 and 4.4-20 Lines 4-35 and Lines 1-13
This section presents conditions that need to be attached to any issued grading permits to enforce many of the mitigation measures for the protection of biological resources.

L1-30 4.14-7 Lines 2-10 Mitigation for noise impacts at SA1 includes keeping the construction boundary at least 100 feet from the residences south of the rivermouth. Construction equipment will also be properly muffled, and weekday

hours of operation are from 7 a.m. to 7 p.m. with Saturday hours from 9 a.m. to 7 p.m. Construction cannot take place on Sundays or City of Del Mar holidays.

- L1-31 4.14-3 Lines 28-30 Hourly average construction noise levels would exceed the 75 dBA Leq hour significance threshold unless an electric dredge were used in place of conventional construction equipment. Mitigation should require that an electric dredge to be used.
- L1-32 4.14-7 Lines 13-21 An electric dredge will be used for excavation between the beach and the railroad bridge and 1000 feet east of Jimmy Durante bridge. The EIR/EIS needs to specify that the electric dredge will be used for maintenance at the rivermouth, if at all possible, as well.
- L1-33 2-42, Phase I, Area West of the Jimmy Durante Boulevard Bridge: Paragraph 6 lines 30-37 discuss dredging methods in the section between the railroad bridge and Camino Del Mar bridge. The discussion of dredging methods and equipment to be used is too generic and does not consider specific site conditions. Particularly, in the section between Camino Del Mar and the railroad bridge, there is limited access from the south side due to condo development and bank riprap. The north side has sensitive habitat and steep grades from the highway restricting access. This section is proposed for initial dredging as part of the construction phase and every eight months thereafter for maintenance if required. The specific plan identifying equipment to be used, the access and environmental consequences, and proposed measures mitigation need to be provided in the EIR/EIS.
- L1-34 2-49, Construction Schedule and Operations: Under lines 5 and 6, it states, "It is anticipated that construction would start at sunrise and end at sunset Monday through Saturday." Work on Sundays and holidays are prohibited. Work from sunrise to sunset depending on the time of the year could be in conflict with the City Noise Ordinance. The Noise Ordinance prohibits construction work on Sundays and holidays and restricts work Monday through Friday from 7 AM to 7 PM and on Saturday from 9 AM to 7 PM. This needs to be recognized in both construction and dredging operations.
- L1-35 4.14-7, lines 5-26. It is proposed that as mitigation for noise impacts from staging area SA1, the boundaries of the staging area be kept at least 100 feet from residences located adjacent and to the south. Because 100 feet is minimal, the City of Del Mar has concerns that, even with other mitigation measures the noise and visual impacts will be significant. Therefore, it is requested that the boundaries of the staging area be pulled at least 500 to 1,000 ft. away from the residences located to the south. This additional distance would help not only with the noise impacts but the visual impacts as well. This request is consistent

with our general comment that staging area SA1 should be reduced in size as much as possible to reduce the overall impacts to the residences and the beach.

Public Utilities

L1-36 4.13-1, lines 3-7. This section states that impacts to utilities/public facilities would be considered significant if one or more of the following would occur, "as a result of excavation/dredging or other construction activities," add here the words, ", or final project design."

L1-37 4.13-5, lines 3-16. It is noted that a detailed scour analysis needs to be submitted to the San Diego City Engineer for the feeder channel area W6a prior to issuance of permits. The purpose is to determine scour impacts to the cable vault in this area in order to determine if the inlet channel should be relocated.

A similar detailed analysis needs to be submitted to the Del Mar City Engineer and the 22nd DAA prior to issuance of permits for the areas adjacent to the City of Del Mar Public Works Yard and the Fire Station located on the 22nd DAA land for determination of whether that area of the channel needs to be relocated or redesigned.

L1-38 4.13-4, Bridges: In the sentence on lines 7 – 9, it is stated, "In addition, the project proposes to prevent increased scour of foundations of the five major bridges by maintaining passage of current volumes of river sediments past these bridges." The City Engineer or a Consultant Hydrologist needs to review the calculations to verify that this is a reasonable statement and that major City bridge structures will not be threatened or impacted due to this project during storm events. The EIR/EIS apparently concludes that the upstream berms cause or accomplish the movement of sediment, but it is unclear how it gets deposited by the bridges.

Habitat, Flora, and Fauna

L1-39 4.4-10, lines 3-12. It is stated that the project commits to restoration of all staging areas; however, the plans are only generally developed at this time. Final details need to be reviewed and approved for the method and timing of the restoration of the staging areas prior to the issuance of permits for the project.

L1-40 4.4-22, lines 15-40, and 4-23, lines 1-36. It has been identified that a nesting site created in 1996 has not been successful in this area but that sites created at Batiquitos Lagoon have been very successful. It is expected that the techniques used to create the nesting habitat at Batiquitos Lagoon would be duplicated as

much as possible for the 5 sites in the project area. This should be clarified in the EIR/EIS.

L1-41 4.4-24, lines 36-39, and 4.4-25, lines 1-7. It is stated that there are no resident gnatcatchers on-site; however, it was reported at the EIR Public Hearing on February 28, 2000, that two gnatcatchers were observed on site. This needs to be noted and verified in the EIR/EIS prior to issuance of permits.

L1-42 ES-13 Table ES-1, Hydrology/Water Quality: First paragraph, under Mitigation Measure, states "the temporary sedimentation and de-silting basins shall be maintained throughout the duration of the construction project." These sedimentation basins need to be maintained past the end of the construction project and until re-vegetation in the adjacent graded areas has grown to the point where erosion is no longer a problem.

L1-43 Figure 2.3.1-1, After Page 2-6: This plan shows frequently flooded mud flats "light blue, east and west of Jimmy Durante Boulevard." This mud flat section is apparently sandwiched between two sub-tidal areas. This designation makes no sense because historically this section of the river has been flooded at all times and no mud flats are visible. It seems unlikely there would be water on both sides with an occasional mud flat in between even under extreme low tides. Should this section be classified as sub-tidal? Please clarify.

Public Safety

L1-44 ES-31 Table ES-1, Public Health/Public Safety: In the middle of the paragraph, under Mitigation Measures, it is stated, "in addition to increasing the level of guarding, the wood pilings just west of the Camino Del Mar bridge should be removed." These pilings should be removed as part of the initial dredging of the river mouth. It should be a requirement for the project applicant to remove the piling.

L1-45 As previously noted, due to the increased velocity of the river, it will be necessary for the project to fund two additional full time lifeguards and 1 additional permanent or portable lifeguard station depending on further analysis. Additionally, the project should be required to fund additional fast water rescue training for the City of Del Mar Lifeguard staff.

Hydrology

L1-46 4.4-4 Lines 3-8 Why were only optimized conditions considered for the mixed habitat alternative and not the other alternatives? There is significant difference between the predicted sill depth for the mixed habitat alternative based on the

optimum conditions and the "standard" conditions. This suggests that there would be significant difference for the other alternatives, too. What is the effect on the biological resources under the other alternatives if the sill depth is predicted based on the optimum conditions?

L1-47 ES-13 Table ES-1, Hydrology/Water Quality: First paragraph, under Mitigation Measure states "the temporary sedimentation and de-silting basins shall be maintained throughout the duration of the construction project." These sedimentation basins should be maintained past the end of the construction project and until re-vegetation in the adjacent graded areas has grown to the point where erosion is no longer a problem.

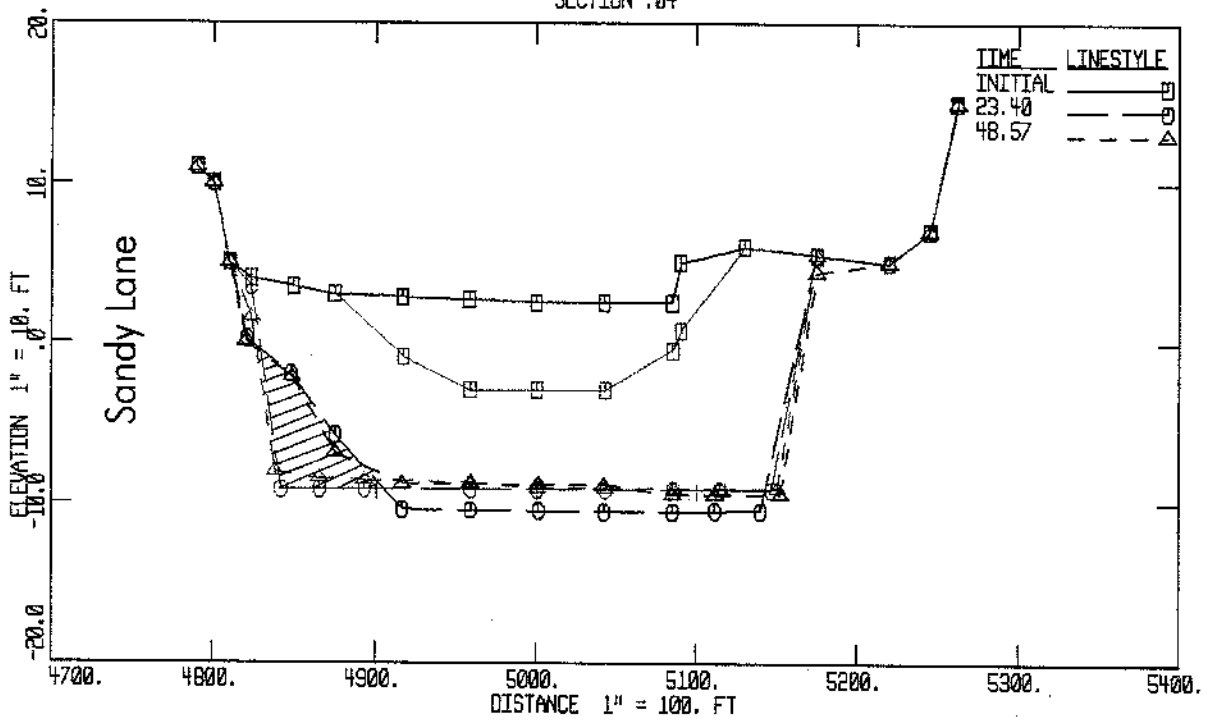
L1-48 4.2-1, Hydrology Water Quality: Under lines 9 and 10, Significant Criteria for Hydrology it is stated, "River or debris flow conditions were substantially altered, potentially causing damage to structures or exposing the public to substantial risk." e.g. this would be considered significant. It is acknowledged in a number of sections of the document that routine tidal currents will increase in some spring and tide conditions (up to 50% higher than existing for the mixed habitat alternative (Page 4.2-16, Line 10) and up to 100% greater than existing for the maximum tidal basin alternative). The conclusion in the report seems to be that - - since the velocity during the flood events (Figure 4.2-9) is several times higher than these recurring daily velocities and at least the section between the river mouth and Jimmy Durante Boulevard -- the flood event flow doesn't change substantially between existing and proposed conditions then the hydrologic impact is no worse. While this maybe true for major structures such as bridges and protected banks, it is the City's concern that the unreinforced, unprotected soil sections of the river bank particularly between the railroad bridge and Jimmy Durante bridge could be adversely affected and eroded by this recurring daily significantly increased tidal flow. Further information should be included that addresses riverbank erosion during the proposed increased and recurring daily flows in addition to small storm events.

L1-49 3.2 Hydrology/Water Quality - Maintaining the sedimentation basins will be a significant cost. The EIR should address what type of security is in place to assure the proper maintenance of the desiltation basins.

L1-50 In addressing the berms and proposed revetments, the City of Del Mar would appreciate including an evaluation of covering the berms or any proposed revetment with soil and plantings.

ATTACHMENT B

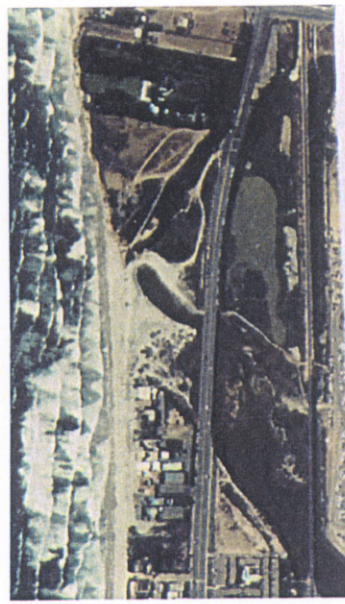
SECTION .04



ATTACHMENT C



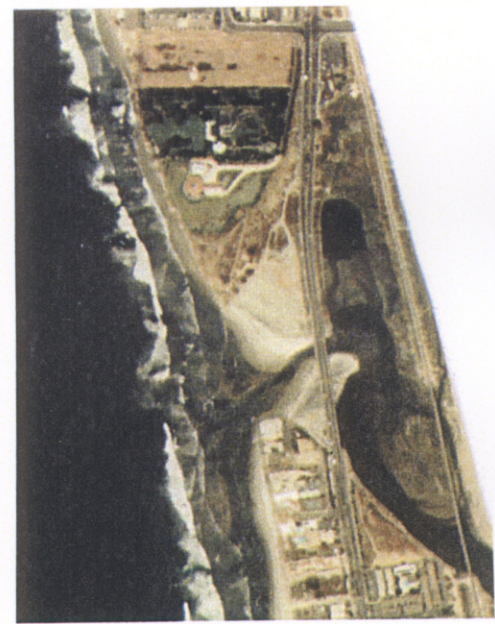
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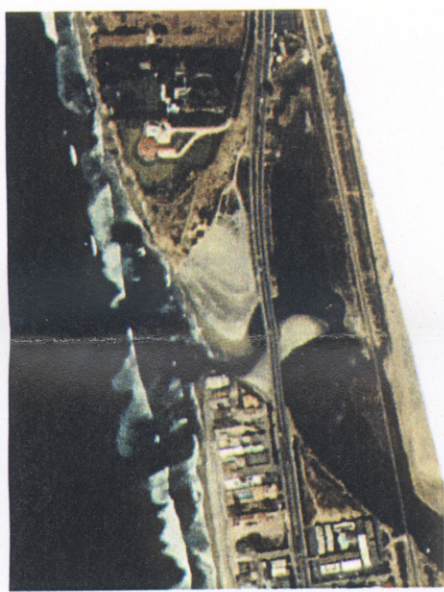
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11-2-79



7-20-83



3-5-84



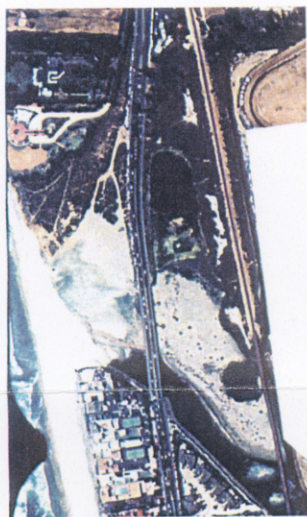
4-3-86



6-20-89



6-30-90



6-22-91



6-21-92



7-1-95



3-12-98

ATTACHMENT D



5620 Friars Road
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RICK ENGINEERING COMPANY

March 1, 2000

Ms. Monica Tuchscher
City Planning Department
City of Del Mar
1050 Camino del Mar
Del Mar, California 92014

**SUBJECT: SANDY LANE PROPERTY
(RICK ENGINEERING COMPANY JOB NUMBER 11868-H)**

Dear Monica:

I have reviewed the draft *Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the San Dieguito Wetland Restoration Project*, dated January 2000, and am concerned that a number of important issues have not been adequately addressed.

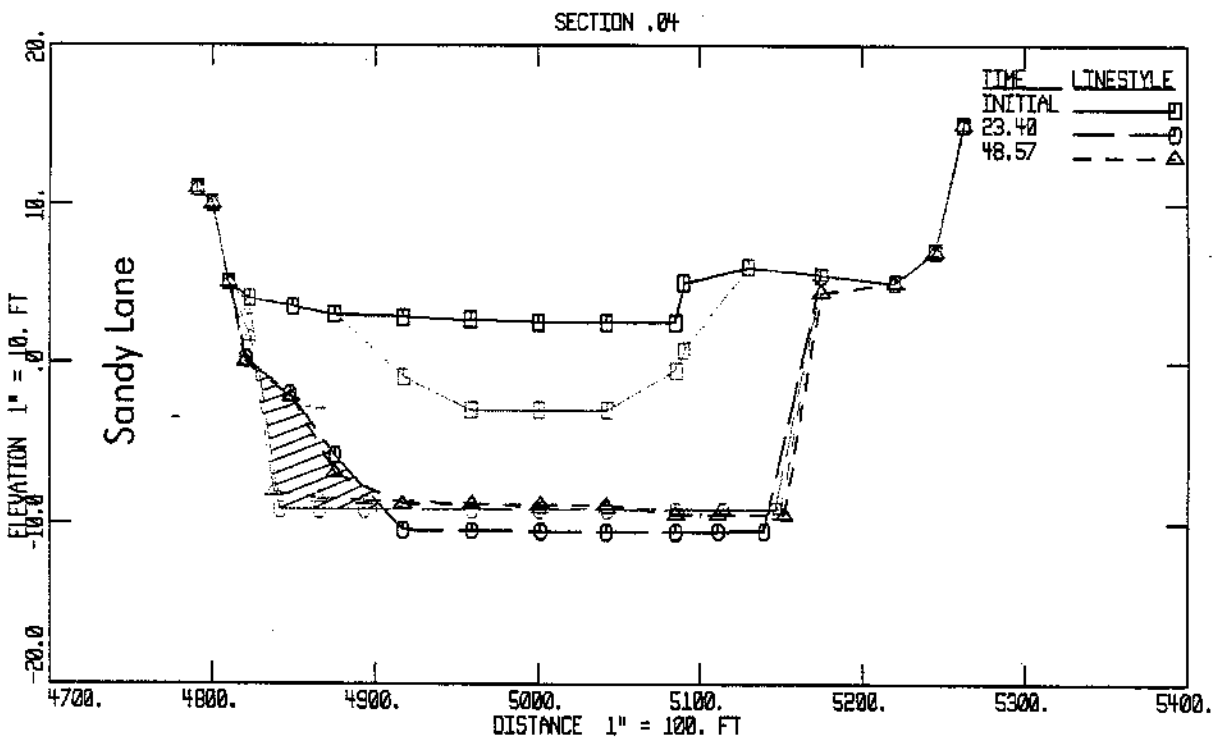
The impact on the beach immediately south of the lagoon mouth and the reduction in beach area due to the river channel is not addressed in the EIR/EIS. The EIR/EIS indicates that the proposed project will increase sediment transport to the ocean, which will benefit the beaches. While the project may provide some regional benefits to beaches, this constant tidal flushing will also negatively impact the beach south of the lagoon mouth and the sand area at the lagoon mouth.

I have monitored the lagoon mouth for years and noted that when the mouth is open the south-lying beach recedes. This result is due to the river flow forcing sand seaward and preventing it from accumulating on the adjacent beach. On the other hand, when the natural tidal process closes the mouth, littoral drift causes sand to accumulate on the beach. If the lagoon mouth is kept open, as proposed in the lagoon restoration project, the naturally occurring littoral drift will be impacted and portions of the south-lying beach will be lost permanently.

I have attached historical photographs with the lagoon mouth open and closed, which illustrate the impacts on the beach level. The photographs show that when the lagoon is open to tidal flushing there is a 35-percent reduction in the sand area of the beach, most of which is at the lagoon mouth. In addition, the beach is an important energy dissipater that protects the adjacent homes, seawalls, and rock revetments from tidal action. The resulting lack of beach sand south of the lagoon mouth will increase the exposure of the Sandy Lane properties to damage from ocean waves. This will require the sea walls and rock revetments to be fortified to withstand this additional wave energy.

We were provided with copies of Dr. Howard Chang's fluvial analysis for the San Dieguito River. Two fluvial files were given to us, one for the San Dieguito River Wetland Restoration existing conditions dated September 1997, and the other for the San Dieguito River Wetland Restoration proposed plan dated August 1998. Both analyses were run and the output was reviewed. The first review of the output showed that the analysis we were given had different design storms. In order to make a reasonable review of the data, we took the storm provided to us in the existing condition plan and inserted it into the proposed condition plan. This storm appeared to be the 100-year storm.

Cross-section 0.04 is near the end of Sandy Lane, and crosses the beach area intersecting Camino Del Mar. Under the existing conditions there is slightly deeper scour within the San Dieguito River near the center of the channel. The proposed conditions shows that the maximum scour in the river is less than the existing conditions near the center, but the scour adjacent to Sandy Lane has increased due to the channel widening.



This cross-section is looking downstream and it shows the differences in scour near Sandy Lane. The blue colored area represents the proposed project. The black colored area represents the existing condition. The crosshatched area shows additional scour at the Sandy Lane slope revetment. Since there is a significant increase in scour near the riprap revetment protecting the homes along Sandy Lane, the San Dieguito Wetland Restoration Project must provide slope protection for this area to mitigate for this scour.

The EIR/EIS suggests that the project would not increase the risk of damage to the revetment. However, the report states that the toe of the revetment is not known. Close review of the fluvial cross-sections show a significant increase in scour near Sandy Lane, which is caused by the project. It is imperative that the EIR/EIS provides a detailed analysis of the revetment including measures to ensure the integrity and maintenance of the revetment under proposed conditions.

As discussed above, the project will alter the beach significantly. In fact, 35% of the beach will be permanently lost due to the project. The proposed condition FLUVIAL-12 analyses were based on the proposed grading of the tidal inlet, but not this additional lost beach area. Additional analyses are required that model the ultimate beach configuration as the initial condition in the analysis.

Another issue relates to the project impacts on the San Dieguito River floodway, which has been mapped by the Federal Emergency Management Agency (FEMA). Portions of the project are located within the defined floodway. FEMA prohibits a rise in floodway elevations unless certain criteria are met, as defined in the *Code of Federal Regulations, Title 44, Section 65.12*. See the following:

[Code of Federal Regulations]
[Title 44, Volume 1, Parts 0 to End]
[Revised as of October 1, 1999]
From the U.S. Government Printing Office via GPO Access
[CITE: 44CFR65.12]

[Page 341]

TITLE 44--EMERGENCY MANAGEMENT AND ASSISTANCE

CHAPTER I--FEDERAL EMERGENCY MANAGEMENT AGENCY

PART 65--IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS--Table of Contents

Sec. 65.12 Revision of flood insurance rate maps to reflect base flood elevations caused by proposed encroachments.

(a) When a community proposes to permit encroachments upon the flood plain when a regulatory floodway has not been adopted or to permit encroachments upon an adopted regulatory floodway which will cause base flood elevation increases in excess of those permitted under paragraphs (c)(10) or (d)(3) of Sec. 60.3 of this subchapter, the community shall apply to the Administrator for conditional approval of such action prior to permitting the encroachments to occur and shall submit the following as part of its application:

(1) A request for conditional approval of map change and the appropriate initial fee as specified by Sec. 72.3 of this subchapter or a request for exemption from fees as specified by Sec. 72.5 of this subchapter, whichever is appropriate;

(2) An evaluation of alternatives which would not result in a base flood elevation increase above that permitted under paragraphs (c)(10) or (d)(3) of Sec. 60.3 of this subchapter demonstrating why these alternatives are not feasible;

(3) Documentation of individual legal notice to all impacted property owners within and outside of the community, explaining the impact of the proposed action on their property.

(4) Concurrence of the Chief Executive Officer of any other communities impacted by the proposed actions;

(5) Certification that no structures are located in areas which would be impacted by the increased base flood elevation;

(6) A request for revision of base flood elevation determination according to the provisions of Sec. 65.6 of this part;

(7) A request for floodway revision in accordance with the provisions of Sec. 65.7 of this part;

(b) Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to the Administrator of the adoption of flood plain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition.

(c) Upon completion of the proposed encroachments, a community shall provide as-built certifications in accordance with the provisions of Sec. 65.3 of this part. The Administrator will initiate a final map revision upon receipt of such certifications in accordance with part 67 of this subchapter.

[53 FR 16279, May 6, 1988]

A FEMA map revision is necessary, as well as a design revision to eliminate the rise in the floodway elevation. The EIR/EIS needs to address the floodway impacts and the satisfaction of the required criteria.

With the lagoon open to tidal flushing, the beach in Del Mar is bisected in half since velocities will be significantly higher than under existing conditions and the larger tidal prism will cause a wider channel at the lagoon mouth. This channel will be unsafe to cross due to its width and high velocities. The project will effectively create two beaches. It will separate the beaches in such a way that it will be impossible for lifeguards to traverse across the inlet.

The river channel tends to migrate to the south with the littoral drift of the sand. This keeps the channel up against the rocks on the south bank of the river. This causes the public to use the rock revetment as a pathway to the beach and is an unsafe condition.

The EIR/EIS indicates that lifeguards perform an average of six daily rescues during the summer and one to two weekly rescues during the winter. The rescues can be partially attributed to the presence of river currents. The proposed project would increase the tidal inlet size and the flow velocities, as well as creating a permanent waterway. The tidal inlet would be as much as five

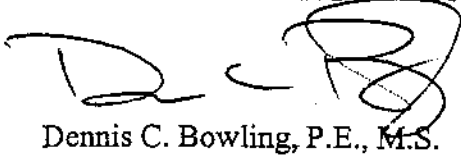
Ms. Monica Tuchscher
March 1, 2000
Page 5 of 5

feet deep during normal tides and approximately 100 feet wide. The average tidal current velocities would increase approximately 110-percent, with the maximum tidal currents reaching 4.6 feet-per-second. The primary mitigation proposed in the EIR/EIS recommends additional lifeguarding. However, given the importance of public safety, additional mitigation measures should be analyzed. In particular, the measures should discuss the provision for handicap access across the tidal inlet.

There are other issues that we are investigating that impact the river. As I have more information, I would appreciate the opportunity to share it with you. If you need any additional information, please call me at (619) 688-1447.

Sincerely,

RICK ENGINEERING COMPANY

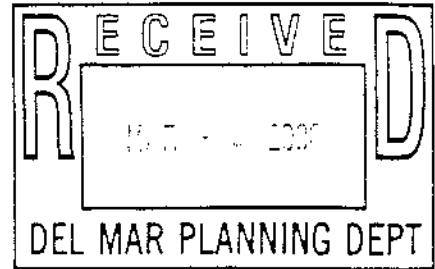
A handwritten signature in black ink, appearing to read "Dennis C. Bowling". The signature is stylized and somewhat cursive, with a large loop at the end.

Dennis C. Bowling, P.E., M.S.
Principal

DCB:emn.002.doc
Attachment

February 25, 2000

Ms. Monica Tuchscher
Del Mar City Hall
235 11th Street
Del Mar, CA 92014



Re: Commentary, San Diequito River Lagoon Project

Dear Monica,

You may well remember Joan and I. During the early '90's, we had frequent contact with you as we planned to remodel our residence at 3002 Sandy Lane. You impressed me as a fair-minded, well-informed official who wished to protect the city's interests, but also safeguard the individual citizen's rights. I'm addressing these comments to you for your consideration and for distribution to whomever you feel appropriate.

Joan and I were very pleased when the San Diequito River basin was selected for funding as a wildlife refuge and recreational area. We still are. However, we are concerned over a major feature of the project as delineated in the EIR/EIS document. This feature is the creation and maintenance of a permanent channel connecting the San Diequito lagoon with the ocean. We see three possible negative consequences to the proposed channel: 1) further beach erosion 2) access to the beach, and 3) public safety. Let's consider each of these.

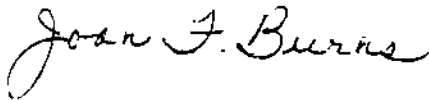
1. **Beach Erosion.** We understand that expert opinion predicts loss of sand from the beach immediately to the south of the channel. The technical basis for this prediction is beyond the scope of this letter. If correct, the results would be two-fold:
 - a) loss of a public recreational asset, the beach, and
 - b) loss of an important shield protecting beachfront residences from the sea. For decades, ending with the storms of the early 80's, the beach was wide even at high tide and protective concrete walls or rip rap were never a consideration.
2. **Access to the Beach.** The EIR/EIS describes a channel 50 or 60 feet wide, and at times, several feet deep, maintained with rip rap walls from the ocean's edge to several hundred feet to the east. For most casual strollers, dog walkers, and other beach pedestrians the channel will present a formidable barrier.
3. **Public Safety.** In the February 24, 2000, issue of the San Diego Union-Tribune there is a brief item announcing that tidal flow has been restored at San Diequito river. The article further states that due to heavy urban run off and the fact that there had not been tidal flow since May, 1999, that the lagoon water entering the ocean was likely contaminated. Accordingly, signs warning the public were posted 200 feet north and

200 feet south of the newly created channel. The channel, of course, was not created by any natural phenomenon, but by the workers for the 22nd Agricultural District using a bulldozer. One wonders how often a walker, a wader, a swimmer, or a surfer will fail to see the warning sign or chose to ignore it. Would the permanent channel as described in the EIR/EIS be an ongoing, continuous source of contamination? There is little of reassurance in the document. Thus, the proposed channel presents two threats to the public safety:

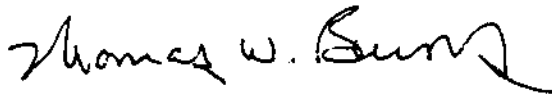
- a) that of water accidents posed by any deep, rapidly moving stream.
- b) that caused by contamination of the channel water and the ocean it enters. The contaminants include bacteria and toxins such as pesticides.

We hope that modifications in the proposed project will provide reassurance regarding the concerns outlined above.

Sincerely Yours,



Joan F. Burns



Thomas W. Burns, M.D.

3002 Sandy Lane
Del Mar, CA 92014

3/6/00

To: Del Mar CITY COUNCIL / MONICA T.
From: Jack Jaeger 129-10th ST Del Mar
RE: San Dieguito WETLANDS Project

I am a longtime Del Mar resident and my family has owned homes on the North end of Del Mar Beach for many decades. My concerns and objections relate only to the Park Plan alternatives that include a "permanently maintained" river channel crossing the beach at the mouth of the Lagoon.

FIRST PUBLIC SAFETY / Ongoing Expense

A permanently maintained surface channel would create an ongoing dangerous condition for the public, due to a rapidly flowing river and the public's temptation to cross it. The Del Mar Lifeguard Department informs me that a new permanent Lifeguard Tower with at least two LIFEGUARDS, and equipped with Boat Rescue would be necessary just North of the river-mouth. (Rough cost estimates for this were volunteered to me at approx. \$350,000 for the Tower, and ongoing salary/burden of at least \$150,000 for additional LIFEGUARDS)

There would also be lost parking revenue to the City at the North end of Camino Del Mar

due to a largely reduced beach area for recreation.

Over the proposed 30-year LIFE of the Park Plan, these costs would amount to VERY substantial sums of money, quite probably enough to finance and justify an alternative that puts the ingress/egress of tidal waters sub surface in large pipes. This plan would also eliminate the inevitable tremendous loss of sand on the South side of a proposed river mouth, as a river-flow would interrupt the natural littoral drift of sand which determines the size of our beach. All of these factors must be seriously considered and positively mitigated. Any ongoing financial burden and expenses MUST be put back on Southern California Edison (in the form of an ongoing "Maintenance / PUBLIC SAFETY FUND" over the LIFE of the RIVER PARK PLAN so that it does not fall back on the City of Del Mar and its TAXPAYERS!

SECOND Who owns the land at the mouth of the LAGOON? The STATE of CALIFORNIA and the PUBLIC TRUST. PUBLIC TRUST lands have been set aside for use and enjoyment by the public, especially recreational beach LAND.

No action may be undertaken that would reduce the public's enjoyment of the beach... either by loss of access or depletion of the beach itself. The California Coastal Commission currently issues a permit to the 22nd District giving it authority to breach the beach with a channel when it fears Fairground flooding. However, the Del Mar Beach is in the Public Trust and CCC's authority to issue this permit must be challenged, especially when the 22nd District arbitrarily opens the mouth of the Lagoon spreading polluted waters across our beach and into our ocean. We must require an EIR to check that the criteria for opening the Rivermouth are very strictly prescribed, and NEVER tolerate the spread of pollution.

Win-Win-Solution: Subsurface inlet and outlet of Lagoon Waters better controls tidal waters (with pumps), eliminates a dangerous fast flowing river condition and also eliminates the construction of any walkways or impediments blocking the current floodway. Any "sidewalk" plan connecting to the bridge from the beach must be studied in connection with the Lagoon project and under CEQA, an EIR must be performed. A walkway falling in the current floodway would require a FEMA MAP revision or design revision.

Subsurface pipes are a win-win solution.

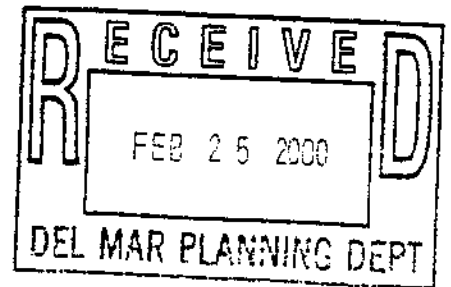
STEPHEN G. FLETCHER, INC.

**STEPHEN W. FLETCHER, GRI
REAL ESTATE INVESTMENTS**

P.O. Box 1071 - Rancho Santa Fe, California 92067 - 756-1444

2/24/00

Monica Tuchscher
City of Del Mar
1050 Camino Del Mar
Del Mar, Ca. 92014



Re: Comments on the EIR/EIS for the Wetlands Restoration Project.

Dear Monica,

Enclosed is a copy of my letter to the San Dieguito River Park Principal Planner for your review. I will not be able to attend the February 28th Public Hearing. Thank you for your understanding.

Best Regards,

A handwritten signature in cursive script that reads "Stephen Fletcher".

Stephen Fletcher
3004 Sandy Lane
Del Mar, Ca

Copy

San Dieguito River Park
Attn: Principal Planner
18372 Sycamore Creek Road
Escondido, Ca. 92025

Re: Comments on the EIR/EIS for the Wetlands Restoration Project.

To Whom it May Concern:

After reading over the draft, I still have a number of concerns about the area laying between Highway 101 and the Pacific Ocean.

I've lived at 3004 Sandy Lane, Del Mar, next to the river mouth, for over 35 years. Over the years I've seen what can happen to the northerly beach and river mouth area under many different conditions. From the years without much rain to the years with enough rain to overspill Lake Hodges and Southerland Dams together. Under most storm runoff conditions, the beach and river mouth sand levels can change greatly. When Lake Hodges Dam overflows, the runoff changes the entire river mouth and northerly beach area. The combination of the rain runoff, outflow and the incoming tides scour away a tremendous amount of sand from the Dog Beach area and also in front of the Northerly beach front properties. I can remember the sand level dropping down a good 15 feet below the westerly rip rap level. There for awhile, the low tides were just a few feet from the bottom of the rip rap. When the river mouth is closed, the entire beach area builds up with sand slowly but surely. The mouth of the river can vary in size and direction too. You could easily find that your year around river would meander and greatly deplete the availability of usable beach for the general public and deplete the Dog Beach area. My main point is that I'm very worried about beach sand loss along the northerly beach properties and in the river mouth lagoon area itself. In looking at the Initial Grading description on page 2-24 to 27, lines 25 to 3 on page 2-27 and Figure 2.3.1-5 (Section A), it is obvious to me that the proposed channel will not control the normal, let alone the big winter storm runoffs within its boundaries. I could not find anywhere in the plan where they would create a properly designed revetment to control the southerly bank of their year around channel. The existing southerly rock revetment was created under emergency conditions and was not built according to any engineered plan. The toe of the revetment is not deep enough and the rock size and placement were not correctly done due to the speed that it had to be built. I feel that due to the overall size of the Wetlands Project, it should include a properly designed southerly revetment from the 101 Highway bridge to the existing westerly corner by the Pacific Ocean. If nothing else, at least reinforce the existing one. The general public currently walks over the existing revetment when they go to the public beach. They have, over time, shifted some of the rocks, which have created a very dangerous situation, not only for the general public, but also for the integrity of the revetment. Believe me, if the time comes and you need to work on it because the river is scouring it away, it will be too late to get any equipment in there to do the job.

Whom ever is going to be responsible for maintaining the channel location, as shown on page 2-28, figure 2.3.1-6, they will never be able to control the river mouth location as designed. When the river meanders to the south and constantly flows next to the existing revetment, that's there now, then there is a good chance that the adjacent private property owners could sustain some property damage due to scouring and erosion.

Southern California Edison must own up to the fact that the results of this overall project will cause a substantial sand and usable beach loss compared to what would be there if they left the river mouth alone. Without a year around channel the sand would get a chance to rebuild the public beach, including the beach in front on the northerly beachfront homes.

Another concern is that it appears the new channel will cut off all access allowing the elderly and handicapped people to have free access along the beach and around the Dog Beach area. As mentioned on the draft page 3.1-11, lines 3-30, the year around channel will create a very dangerous situation for the general public, dogs and City of Del Mar.

Generally speaking, my main concern is that the existing river mouth will not be able to handle and properly control a year around water flow without loosing a large area of the public beach. The

increased water flow from up stream will cause more pollutants to be deposited along the public beach coastline.

Please take a long hard look at what will happen to the river mouth and require everything that is necessary to not only protect the general publics rights, but also to protect the private property owners who happen to be affected by the massive project.

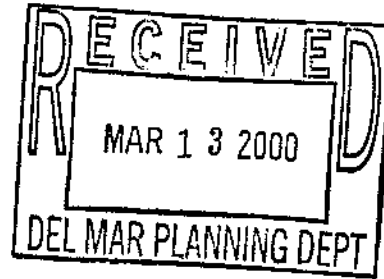
Thank you for your understanding and consideration on this entire matter.

A handwritten signature in black ink that reads "Stephen Fletcher". The signature is written in a cursive style with a large, sweeping initial 'S'.

Stephen W. Fletcher
3004 Sandy Lane
Del Mar, Ca. 92014
858 755-4976

March 13, 2000

Ms. Monica Tuhscher
City Planning Department
City of Del Mar



REGARDING: the EIR/EIS for the San Dieguito Wetland Restoration Project

I'm a resident of Solana Beach and current chairman of the Budget & Finance committee. I'm a long time and almost daily user of the beach at Del Mar. By profession I'm a real estate broker and certified real estate investment analyst.

I oppose the proposal for the construction of a flow way across "dog beach" to permanently open the river mouth channel. I believe that such action would cause sand to be stripped from the beach south of the channel as has occurred to the formerly lovely and valuable beaches to the north. To allow such an occurrence were a shame – more than a shame, a monstrous disaster – aesthetic and financial.

I've scanned the documents. (A foot thick report is intended to intimidate, not to encourage reading.)

One of the stated goals of the Master Plan is that the changes proposed, "do not impact sensitive habitats or species".

Elsewhere it speaks of "returning the natural tidal flow" when, "wetlands (were) subject to continuous tidal flushing until the 1920s.....the mouth has been continuously open throughout the year only 10 times during the years 1900 to 1993.."

Finally, I found in Appendix G, 2.4 (7):
(The project), "would not result in substantial increase in the erosion of beach sediments....and, in fact may increase the amount of sand delivered to the shoreline. This would serve to slow the beach erosion rate."

These small quotes have been selected to highlight my concern with the report and the project.

First: human beings are a species and the beach at Del Mar is long known to be one of that species' habitats. One for which they (the human species) pay handsomely.

Next: while proclaiming the intention to return the shoreline to its "natural" condition, the proposal betrays the uncertainty that plagues experts about the nature of the shoreline with the ambiguous arithmetic about the "continuous tidal flushing".

Finally: In all that foot thick outpouring of information, analysis and comment, the only statement that I found that addressed directly the effect of the plan on the erosion of the beaches to the south, was this single tentative comment in Appendix G! I don't think that's an accident.

The most salient, decisive, unavoidably observable fact of the area being studied is the Del Mar Beach. Because it is such a desirable habitat for our species, it is worth hundreds of millions of dollars in property values. Stripping away that beach will strip away value from the properties of Del Mar costing owner/taxpayers something in excess of \$100 million. That money will disappear with the sand into the ocean trench to return when, as and if the sand returns. No one could have missed that point. And no one could seriously propose and expect acceptance of a project that posed so formidable and expensive a hazard unless and until the danger could be shown to have been fully considered and favorably resolved.

But those who wrote the report could give no such assurance about the erosion of the south lying beach; so, they chose to ignore the matter rather than, I believe, deliberately expose their inability to cope with the sand loss. They must suspect that, without convincing assurance regarding the integrity of the beach at Del Mar, the spillway segment of the proposed project would be condemned by the citizens of Del Mar and by all the people who have a care and concern for property values, for the habitat, including our own, and for the mysteries of nature.



Robert Neville Berke
880 Del Mar Downs Rd.
Solana Beach, CA
(858) 793-0814
Robert@rnberke.com



THE CITY OF SAN DIEGO

March 31, 2000

Mr. Jack Fancher, Coastal Program Chief
U.S. Fish and Wildlife
2730 Loker Avenue West
Carlsbad, CA 92008

SUBJECT: REVIEW AND COMMENT OF THE DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACTS STATEMENT FOR THE SAN DIEGUITO WETLAND RESTORATION PROJECT (SCH No. 98061010)

Dear Mr. Fancher:

The City of San Diego Planning & Development Review Department has reviewed the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the San Dieguito Wetland Restoration Project. Under the California Environmental Quality Act, the City is a Responsible Agency. This letter summarizes our review and provides comments on the adequacy of the EIR/EIS analysis and conclusions as it pertains to the City of San Diego.

L2-1 Land Use

The San Dieguito River Valley and Lagoon are within the City of San Diego's Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA Map # 7). The Land Use Section of the Draft EIR/EIS should include an MSCP discussion and analysis of potential impacts in accordance with the City's MSCP Subarea Plan (March 1997) and Biological Guidelines (January 2000). The Draft EIR/EIS should also incorporate, as mitigation measures the MHPA Land Use Adjacency Guidelines found on Page 48 of the MSCP Subarea Plan. The adjacency guidelines are a regulatory tool to assist in managing land uses adjacent to the MHPA and ensure minimal impacts to the MHPA.

L2-2 The proposed wetland restoration project would require a Site Development Permit pursuant to the Environmentally Sensitive Lands Regulations (ESL) of the City of San Diego's Land Development Code (January 2000). Please replace all references to "Land Development and Sensitive Coastal Resources Permit" requirements in the DEIR/EIS and replace with "Site Development Permit" (i.e. Pages 1-30, 5-14).

L2-3 The Consistency Section of the DEIR/EIS indicates that a conflict with the General Plan would occur with the conversion of agricultural land to native habitat and use of the area as disposal



Development Services

Development Services Center • 1222 First Avenue, MS 501 • San Diego, CA 92101-4155
Tel (619) 236-6460

sites. This conversion of land may require a General Plan Amendment. Please contact the Long Range Planning Division of the Planning and Development Review Department for additional requirements.

L2-4 Hydrology/Water Quality

Although excavation and dredging in excess of approximately 2.6 million cubic yards of sediments (247 acres) would be a short-term impact, we concur that the long-term benefit resulting from the maintenance of the tidal inlet of the San Dieguito River and restoration of tidally influenced wetland/upland habitat would be consistent with the San Dieguito River Park Concept Plan. Construction for the proposed restoration project could increase sedimentation in the river valley. This impact, while identified as less than significant in Table ES-1 would be mitigated through pre- and post- construction Best Management Practices (BMPs). Additional disturbance for construction of impervious surfaces for buildings and parking lots with more than twenty spaces could introduce increased runoff, sediments and pollutants into the river valley. Therefore, BMP's must be identified and included on grading plans for the proposed project when submitted to the City of San Diego for permit processing.

We concur with the proposed mitigation, but request the following language be added to the program: All permanent controls (i.e. BMP's) shall be privately maintained to the satisfaction of the City Engineer.

L2-5 Cultural Resources

With the revisions to CEQA in 1998, Appendix K was deleted and replaced with Sections 21083.2, 21084.1 and 15064.5. Please revise the DEIR/EIS and Technical Appendix to reflect this change.

The City of San Diego Land Development Review Department has revised the language found within the Mitigation Monitoring and Reporting Program (MMRP) for Cultural Resources and now includes a Mitigation Monitoring Coordination Section. Their task is to implement the MMRP for all private and public projects. New language within the MMRP requires that notification of Land Development Review staff occur immediately after discovery of resources. This would be accomplished through the Mitigation Monitoring Coordinator and the Resident Engineer. This is an informational item and should be considered if unexpected discoveries occur as a result of project implementation.

L2-6 Paleontological Resources

The City of San Diego Land Development Review Department has revised the language found within the Mitigation Monitoring and Reporting Program (MMRP) for Paleontological

Page 3

Mr. Jack Fancher

March 31, 2000

Resources and now includes a Mitigation Monitoring Coordination Section. Their task is to implement the MMRP for all private and public projects. New language within the MMRP requires that notification of Land Development Review staff occur immediately after discovery of resources. This would be accomplished through the Mitigation Monitoring Coordinator and the Resident Engineer. This is an informational item and should be considered if unexpected discoveries occur as a result of project implementation.

Other

L2-7 Where referenced, the Development Services Department should be replaced with Planning and Development Review Department (i.e. Page 13-1).

Thank you for the opportunity to comment on the Draft EIR/EISD for the San Dieguito Wetland Restoration Project. We look forward to receiving a copy of the Final EIR prior to the public hearings on this matter. If you have any questions regarding the application process for the Site Development Permit, please contact the Project Management Division of the Land Development Review Department at (619)446-5210. For questions related to the MSCP please contact Mary Ladiana at (619) 236-6545.

Sincerely,



LAWRENCE C. MONSERRATE,
Environmental Review Manager

LHM:cgz:mjh

cc: Councilmember Mathis, District 1
Rick Duvernay, Assistant City Attorney
Chris Zirkle, EAS Senior Planner
Mary Ladiana, MSCP Senior Planner
Robert Hawk, Senior Engineering Geologist
Labib Qasem, Transportation Development
Anna McPherson, Long Range Planning
Vicki Touchstone, Consultant for JPA
EAS file CAMyFiles\SD Wetlands DEIR-EIS_RC ltr.wpd



March 17, 2000

San Dieguito River Park
Attention: Principal Planner
18372 Sycamore Creek Road
Escondido, CA 92025

Subject: Draft Joint Environmental Impact Report/Environmental Impact Statement for the San Dieguito Wetland Restoration Project

Dear Sir/Madam:

North County Transit District (NCTD) has reviewed the Draft Joint Environmental Impact Report/Environmental Impact Statement for the San Dieguito Wetland Restoration Project (Draft EIR/EIS). NCTD reaffirms its support of this project, which it believes will be a tremendous asset to the natural coastal environment and the public.

As you are aware, NCTD provides Coaster commuter rail service between Oceanside and San Diego and is responsible for the maintenance of the railroad right-of-way. Part of this right-of-way has been included in the wetland restoration project area including the wooden railroad trestle bridge (Bridge 243.0) spanning the mouth of the San Dieguito River. This bridge is a critical link in the only railroad line connecting San Diego with the rest of the national railroad system. As such, NCTD responded to the initial Notice of Preparation for the Draft EIR/EIS and requested that a number of potential impacts on NCTD's right-of-way be evaluated as part of the study. NCTD's letter, dated June 24, 1998 (attached), identified the following potential impacts:

1. Potential increase in scour or marine borer activity at Bridge 243.0
2. Potential impact to railroad embankment north of Bridge 243.0 during a storm event
3. Potential impact to future plans to double track
4. Potential flooding or erosion of Del Mar Wye
5. Potential flooding or erosion of two NCTD parcels
6. Potential impact to two NCTD parcels (same parcels as in point 5) and railroad right-of-way by proposed pedestrian path

NCTD has carefully reviewed the Draft EIR/EIS in the context of these concerns. The remainder of this letter presents NCTD's response to the Draft EIR/EIS as it relates to each of our specific concerns.

L3-1 1. Potential Increase in Scour or Marine Borer Activity at Bridge 243.0

Draft EIR/EIS Analysis:

The Project includes excavation and grading of up to 247 acres of tidal and upland property within the project boundaries. This includes excavation in the vicinity of Bridge 243.0. The Project would involve an initial grading which would ensure that channel depths in the vicinity of the bridge are about -2 to -3 feet NGVD (National Geodetic Vertical Datum). Maintenance dredging would be necessary to preserve the channel depths. Various methods of excavation in the vicinity of the bridge are described and a barge-mounted hoe excavator is suggested for excavating immediately beneath and adjacent to the bridge.

The Project would include staking of the foundations of Bridge 243.0 prior to excavation. This would prevent contact with the construction equipment or undermining of the foundations.

The Project also proposes to prevent increased scour of the bridge foundations by maintaining passage of current volumes of river sediments. This would be achieved through the construction of river berms.

The study states that Bridge 243.0 will likely fail during a 100-year design flood, given the existing hydrologic environment. However, the Project would reduce the amount of channel bed scour and, as such, is beneficial to the bridge. Nevertheless, it is still anticipated that the bridge would fail during a 100-year design flood.

The impact of floating debris is also evaluated. The Draft EIR/EIS notes that more efficient channel flow would result in a small increase in the potential to convey debris from the upstream watershed through the project area. The report also states that the railroad bridge, with its multiple pile bents, has and would accumulate a significant debris load, which could clog the entire channel conveyance up to the bridge deck. Further on, the report notes that "Although this would be significant, this impact exists under present conditions, and the increased potential associated with the proposed project is considered to be insignificant."

NCTD Response:

NCTD is pleased that the Draft EIR/EIS analysis indicates that the impact to Bridge 243.0 is not significant. NCTD would appreciate the opportunity to examine in detail the technical documentation supporting this analysis and independently verify the conclusions reached. NCTD will require that an agreement between NCTD and Southern California Edison (SCE) be executed prior to any work proceeding so that NCTD is protected in the event that significant impacts do occur. The agreement would require SCE to (i) assume the costs of annual underwater surveys to monitor channel elevations and detect scour or marine borer activity at the bridge, and (ii) remediate, at SCE's expense, any impacts to

the bridge caused by the project. NCTD has the following specific concerns regarding the analysis presented in the Draft EIR/EIS:

Scour Issues

- L3-2 ▪ On Page 4.2-21 of the Draft EIR/EIS, local scour at Bridge 243.0 is mentioned, but no technical backup is provided. Local scour should be checked at all of the bents as well as the abutments. Of special concern is the potential for local scour at the south abutment. This abutment is heavily riprapped, and may have been a railroad maintenance problem in the past. Per Figures 2.3.1-6 and 2.3.1-7, significant dredging is proposed along the south side of the channel. It is possible that the proposed dredging scenario could direct the current towards the south abutment, thereby causing additional scour. NCTD would like to be provided with the backup and analysis of both the local scour and the total scour at the bridge.
- L3-3 ▪ Along with local scour calculations, figures showing the existing and proposed channel cross-section beneath Bridge 243.0 should be provided. Total scour across the entire bridge cross-section should also be indicated.
- L3-4 ▪ The pilings in the existing bridge have an embedment in the river bottom of approximately 35 feet in length. If a scour of approximately 25 feet occurs in the 100-year flood event, the lateral stability of the bridge would be severely affected, as about 70% of the lateral passive soil pressure on the piles would be lost. This reduction in lateral resistance could result in failure of the wooden pile bents when subjected to lateral loading such as stream flow pressure, debris buildup pressure, dynamic forces generated by passing trains, and/or seismic loading.
- L3-5 ▪ The study is not clear in assessing the amount of scour that occurs at the bridge due to lesser flood events. It is possible that lesser flood events could still generate scour that could significantly decrease the lateral stability of the bridge. Due to the dredging and channelization, it is possible that local scour potential would be greater for lesser events, increasing the probability for failure of the bridge under significantly lesser floods. Both general and local scour data should be provided for flood events less than the 100-year design flood for NCTD review.
- L3-6 ▪ The differences in the water surface elevations between the HEC-2 and FLUVIAL-12 models are significant. It should be clarified in the text why this is so. The assumption of bridge failures in the FLUVIAL model and how this relates to scour at the bridges is unclear and should be described as part of the technical backup requested above.

Drift (Debris) Accumulation Impacts

- L3-7 The report (page 4.2-12) states that there is an increased potential for debris accumulation at Bridge 243.0 due to the project. The potential for increased debris accumulation at Bridge 243.0 is of significant concern to NCTD for several reasons:

- L3-8 ▪ Much of the discussion focuses on the assertion that Bridge 243.0 would fail anyway (under existing conditions) during a 100-year event. The bridge has withstood significant flood events over its life. If the debris loads were increased, these same events may result in more clogging, and a higher risk of failure. Additional discussion concerning the potential for debris accumulation is warranted, as it is not clear from the study what debris impacts the bridge will experience during floods at levels less than the design storm. It is possible that increased levels of debris accumulation due to the project could threaten the structural integrity of the bridge at flood levels significantly less than the design storm. If potential for debris blockage of the bridge is not increased significantly (including lesser events and simply over time), this should be confirmed.
- L3-9 ▪ Any debris accumulations are a maintenance consideration for NCTD. Accumulation of dry drift under the bridge could result in an increased fire hazard to the structure. NCTD maintenance forces will be required to promptly remove any drift accumulations to afford the structure the maximum level of protection.
- L3-10 ▪ Drift removal is difficult at Bridge 243.0 due to the environmentally sensitive nature of the area adjacent to and underneath the bridge. Environmental restrictions generally prohibit any kind of vehicle traffic under or around the bridge, although it is possible that special consideration would be given in an emergency. In addition, less of the bridge will be accessible in this manner after the channel is dredged.
- L3-11 ▪ When access to the bridge from below is limited, drift accumulations are typically removed by employing clamshell-type cranes that travel along the track. In this manner the drift can be removed without access to the channel bottom by loaders or other construction equipment. However, there is little track time available for such work, due to the single-track bridge and the number of trains using the bridge. Consequently, the removal of drift will be a difficult and time-consuming process that could result in significant maintenance costs to the District and potentially major interruptions in commuter, intercity and freight rail service.

Marine Borer Issues

- L3-12 ▪ Another impact of the project will be to increase the tidal flows into and out of the lagoon by deepening the existing channel. This will expose additional sections of the bridge piling below the existing mud line to attack from marine timber borers (both *Limnoria* and *Toredo*) which have had a detrimental impact on the bridge in the past. Additionally, the increased tidal flows may provide a more favorable environment for sustaining marine borer activity than is the existing condition. This is because the bridge will have significant exposure to fresh seawater, which is vital for sustaining marine borer growth.
- L3-13 ▪ According to a January 1999 bridge inspection report, the bridge was not under marine borer attack at that time. If marine borers were reintroduced to the lagoon, it would be necessary to protect the 456 pilings in the existing bridge. This would be achieved by

- L3-13 pile wrapping, whereby the pilings would be wrapped with a protective layer of plastic in the vicinity of the water line to inhibit marine borer activity. Installation of the pile wraps typically involves the removal and reinstallation of some of the sway bracing and sash bracing on the bridge, and would result in initial installation and periodic maintenance costs for the District.
- L3-14 ■ It is not possible to protect the sway bracing and sash bracing at the waterline from borer attack. As such, any damage to the bracing would require periodic replacement of the affected members.

NCTD Plans for Maintenance/Repair of Existing Bridge

- L3-15 ■ As mentioned above, Bridge 243.0 was inspected in January 1999 in accordance with the procedures outlined in the NCTD Bridge Inspection Manual. The track, deck structure, T-rail stringers, upper sash braces, and pile caps were found to be in good condition. Twelve of the 456 pilings in the bridge will require replacement by posting and another 14 pilings will require remedial repair. The sway bracing and lower sash bracing were found to be in poor condition, with much of the lower sash bracing missing. Much of the sway bracing and the lower sash bracing will require replacement and all of the through-bolted timber brace connections in the bridge should be re-tightened to ensure that the bracing functions effectively.
- L3-16 ■ As mentioned previously, a primary concern for Bridge 243.0 is the potential for attack by marine timber borers, which has caused structural damage to the bridge in the past. At the time of the inspection there appeared to be no current marine borer activity. However, this condition is subject to change at any time as long as the bridge is exposed to variations in tidal flow. Another area of concern is wood decay in the piling and pile caps. Approximately 20% of the 456 pilings in the bridge were found to have decay. In-place retreatment of the piling and caps will be crucial to extend the service life of the bridge.

- Planned bridge repairs include the following:

Piling	Post piles	10 ea.
	Install fiberglass jacket	7 ea.
	Hydraulic cement	9 ea.
	Install shims	3 bents
Pile Caps	Install double cap	1 bent
Sway Bracing	Install sway brace set	29 bents
Lower Sash Bracing	Install sash brace set	25 bents
Track Structure	Spot surface track	10 locations
	Tighten rail anchors	Bridge and northern (RR western) approach
	Build crib wall	Northwest corner
Decay Prevention Treatment	Piling and Caps	All Piling and Caps
Inspection Planks	Install new planks	All bents

Dredging and Potential Damage to Existing Bridge

- L3-17** ▪ Dredging adjacent to Bridge 243.0 will be a concern to NCTD due to the potential for damage to the existing bridge. The existing bridge bents are on nominal 14-ft. centers and there is only about eight to ten feet of clearance under the bridge. As such, any dredging or excavating equipment will be working in tight quarters. A complicating factor could be the existence of old piling bents cut off just below the mud line between the existing bents. These old bents could remain from earlier times, as the original bridge at this site was washed out in the early 1900's and replaced with the existing structure.
- L3-18** ▪ Dredging operations adjacent to and underneath the structure will need to be conducted in a manner to avoid damage to the existing piling, sash and sway bracing, and other bridge components.
- L3-19** ▪ A railroad flagman will likely be required full time during dredging operations to protect the movement of trains in the event that dredging operations impact the structure.

2. Potential Impact to Railroad Embankment North of the Bridge during a Storm Event

Draft EIR/EIS Analysis:

Although NCTD's concern does not appear to be specifically addressed, the Draft EIR/EIS states that water-surface elevations, and thus flooding potential, would be at or below existing conditions.

NCTD Response:

L3-20 NCTD is pleased that the Draft EIR/EIS analysis indicates that there is no increase in flooding potential associated with the project. As with our previous concern, NCTD would appreciate the opportunity to examine in detail the technical documentation supporting this analysis and independently verify the conclusions reached. NCTD anticipates that the proposed agreement with SCE would also protect NCTD in the event that significant impacts occur due to increased flooding potential.

3. Potential Impact to Future Plans to Double Track

Draft EIR/EIS Analysis:

The Draft EIR/EIS states that the Project would not preclude future proposals to widen or rebuild any of the bridges in the project area. In the 'Cumulative Impacts' section (Chapter 6) the study discusses the Project in relation to other major projects in the area including the NCTD Railroad Double-Tracking Project. The study notes that "the Railroad Double-Tracking Project could result in improved river hydraulics through the San Dieguito Lagoon and (is) therefore viewed as potentially beneficial"

NCTD Response:

L3-21 NCTD is pleased that the San Dieguito River Bridge Replacement and Second Track Project could result in improved river hydraulics through the San Dieguito Lagoon and is therefore viewed as beneficial to the Wetland Restoration Project. NCTD anticipates commencing conceptual design of the San Dieguito River Bridge Replacement and Second Track Project in the Fall of 2000, with comprehensive environmental study and preparation of an environmental document commencing in January 2001. NCTD anticipates close coordination with the San Dieguito River Park Joint Powers Authority during the conceptual design and environmental phase of the San Dieguito River Bridge Replacement and Second Track Project. It is NCTD's desire that the San Dieguito River Bridge Replacement and Second Track Project achieve its goals and objectives while being compatible with and complementary to the San Dieguito Wetland Restoration Project.

4. Potential Flooding or Erosion of Del Mar Wye

Draft EIR/EIS Analysis:

The Del Mar Wye is located immediately south of the river and east of the railroad. Although potential impacts to the Del Mar Wye do not appear to be specifically addressed the Draft EIR/EIS does state that water-surface elevations, and thus flooding potential, would be at or below existing conditions.

NCTD Response:

L3-22 NCTD is pleased that the Draft EIR/EIS analysis indicates that there is no increase in flooding potential associated with the project. As with our previous concerns, NCTD would appreciate the opportunity to examine in detail the technical documentation supporting this analysis and independently verify the conclusions reached. NCTD anticipates that the proposed agreement with SCE would also compensate NCTD in the event that the Del Mar Wye is impacted.

5. Potential Flooding or Erosion to Two NCTD Parcels

Draft EIR/EIS Analysis:

The two parcels are located on the south bank of the river and on the east side of Jimmy Durante Boulevard. Potential impacts to these parcels do not appear to be specifically discussed in the document. However, the Draft EIR/EIS does state that water-surface elevation, and thus flooding potential, would be at or below existing conditions.

NCTD Response:

L3-23 As with our previous concerns, NCTD would appreciate the opportunity to examine in detail the technical documentation supporting this analysis and independently verify the conclusions reached. NCTD anticipates that the proposed agreement with SCE would also compensate NCTD in the event that these parcels are impacted.

6. Potential Impact to Two NCTD Parcels and Railroad Right-of-Way by Proposed Pedestrian Path

Draft EIR/EIS Analysis:

The proposed alignment of the Coast to Crest Trail extends from El Camino Real to Jimmy Durante Boulevard. It does not impact NCTD's parcels or the railroad right-of-way. However, the document does state that ultimately this route would provide access to the proposed Coastal Rail Trail.

NCTD Response:

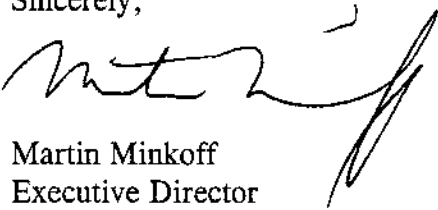
L3-24 Any connection to the Coastal Rail Trail would likely necessitate traversing NCTD's right-of-way. NCTD looks forward to cooperating with the project sponsors to assure that design of such a connection is coordinated with the design of NCTD's San Dieguito River Bridge Replacement and Second Track Project. NCTD would be supportive of proposals to underpass the railroad right-of-way to ensure the safety of trail users and eliminate the potential for encroachments upon the right-of-way. As mentioned above, there is the possibility of incorporating an underpass at the south end of the proposed new bridge to permit a pedestrian/bike trail along the south bank of the San Dieguito River to cross under the bridge. The additional cost to incorporate such an underpass would be borne by the sponsor of the pedestrian/bike trail. The current bridge configuration will not permit an underpass.

L3-25 NCTD will require that all plans for improvements and construction in the NCTD right-of-way be reviewed and approved by NCTD or NCTD's engineering representative. NCTD will also require that the costs of such review be reimbursed. As such, NCTD and SCE must execute a reimbursement agreement (Memorandum of Understanding) prior to the performance of such review.

L3-26 SCE, or SCE's contractor, is required to obtain a "Right-of-Entry" permit from NCTD in advance of any construction in NCTD's right-of-way. The permit fee is \$500. The permit would also require that the permittee deposit sufficient funds to cover NCTD's estimated construction related expenses (including, but not limited to, flag protection, construction submittal review, construction inspection).

As mentioned before, NCTD is very supportive of this regionally significant environmental and recreational enhancement project. We thank you for the opportunity to comment on the Draft EIR/EIS and look forward to working with you to resolve the issues outlined above. Please contact Leslie Blanda of my staff at 760-967-2852 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Martin Minkoff', with a stylized flourish at the end.

Martin Minkoff
Executive Director

Attachment

Cc: Karen King, NCTD
Leslie Blanda, NCTD
Tom Lichterman, NCTD
Chip Willett, NCTD

June 24, 1998



Ms. Victoria Touchstone
San Dieguito River Park
1500 State Street, Suite 280
San Diego, CA 92101

Re: Notice of Preparation: San Dieguito Wetlands Restoration Project

Dear Ms. Touchstone:

North County Transit District (NCTD) has reviewed the Notice of Preparation of a Draft Joint Environmental Impact Report/Environmental Impact Statement for the San Dieguito Wetlands Restoration Project and has the following comments:

1. NCTD is the owner and operator of the San Diego Northern Railway (formerly the Atchison, Topeka and Santa Fe Railway) including the wooden trestle bridge (Bridge 243.0) over the San Dieguito Lagoon/River mouth and the railroad embankment south of Villa De La Valle. The San Diego Northern Railway is host to Amtrak intercity passenger service, BNSF freight service and Coaster commuter rail service. The railroad is the second busiest corridor in the United States and currently operates over forty (40) trains daily.
2. NCTD has concerns about the potential impacts that the proposed dredging of the river channel might have on the trestle bridge and the railroad. Specifically, we have concerns that the project might increase scour at the trestle or increase marine borer activity. Both impacts could have a negative impact on the San Diego Northern Railroad and potentially upon train service between San Diego and Los Angeles. The draft EIR/EIS should include an analysis of the impact of the project on the bridge and any mitigation. As you are aware, NCTD will also be seeking to execute an agreement with Southern California Edison (SCE) to ensure that potential impacts on the bridge will be mitigated by SCE.
3. The railroad embankment to the north of the trestle bridge may also be affected by the project especially during a storm event. NCTD would like to have the potential impacts on the earthen fill assessed as part of the EIR/EIS. Additionally, NCTD will be studying the potential for double tracking this section of railroad. Such an improvement would result in the replacement of the existing trestle and the widening of the embankment to accommodate the second track. The EIR/EIS should address if such an improvement would be precluded if the lagoon restoration project was implemented. NCTD is seeking assurance that future improvements to the railroad would not be jeopardized.

4. NCTD also owns non-active railroad property within the project area including the Del Mar Wye located immediately south of the river and east of the railroad. This wye has not been functional for some time, but NCTD may make the wye operational in the future. The land also contains wetlands. NCTD also owns a sliver of land that runs along the south bank of the river channel on the east side of Jimmy Durante Boulevard which could be affected by the project. The assessor parcel numbers for these two parcels are 299-100-3300 and 299-071-0200. Both parcels may be impacted by the effects of the restoration project including future flooding and erosion which should be addressed in the draft EIR/EIS.
5. The two parcels identified above may also be impacted by the proposed pedestrian path. NCTD is very concerned about the proposed path design which shows the path abutting the railroad right-of-way on both the east and west sides of the tracks without identifying a legal means of crossing. It is unacceptable to NCTD to have pedestrian activity invited into and across the railroad right-of-way in this fashion. The proposed path design would be opposed by NCTD unless the California Public Utilities Commission approves a pedestrian crossing at this location. NCTD would like the potential impacts upon and use of any NCTD property assessed as part of the draft EIR/EIS.

NCTD is supportive of this regionally significant environmental and recreational enhancement project and looks forward to reviewing the draft EIR/EIS. Thank you for the opportunity to comment on this project. If you have any questions, please contact me at (760) 967-2859.

Sincerely,



Chris Schmidt
Assistant Planner

cc: Frank Malone, SCE
Chip Willett, NCTD

March 20, 2000

Mr. Dick Bobertz,
Executive Director
San Dieguito River Park
18372 Sycamore Creek Rd.
Escondido, CA 92025

Subject: Comments on Draft San Dieguito Lagoon Restoration Joint Environmental
Impact Report/Environmental Impact Statement

Dr. Mr. Bobertz,

Enclosed are Southern California Edison Company's comments on the draft
Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the San
Dieguito Wetlands Restoration Project.

The focus of the enclosed comments is principally on 1) excavation of the river mouth, 2)
the over-excavation disposal option for excavated soils, 3) calculations of construction
related air emissions and necessary mitigation. However, we have also suggested
numerous editorial changes. We hope these comments and suggestions are helpful in
finalizing the EIR/EIS.

Thank you for the opportunity to provide comment on the draft document. We look
forward to continuing to work with the River Park and the U.S. Fish and Wildlife Service
as the EIR/EIS is finalized and prepared for certification.

Sincerely,



Frank L. Melone

DEIR/EIS Reference	Comments
Page xi L4-1	Table 2.3.2-2 is missing from the List of Tables
ES-14 Geology/Soils L4-2	Modify the text that states that all soils have to be de-watered before placement at the appropriate upland disposal sites as follows. "De-watering of soils shall be completed prior to sediment placement to allow pre-construction shrinkage of soils in areas proposed for future structure construction (e.g., JPA interpretative center)." This will be important in eliminating the need for double handling of material, which would require additional equipment usage, hence increase air emissions.
ES-14 Biological Resources L4-3	Since the final construction method (dry excavation or wet dredging) will not be determined until the final design is completed, modify the text regarding grading tolerance from +/- 0.25 feet to +/- 0.5 feet. This will be similar with the tolerance established for the Batiquitos Lagoon Enhancement Project in Carlsbad, California.
ES-35 Noise L4-4	<p>The EIR recommended using electrical dredging equipment to excavate the area between Highway 101 and the railroad bridge during regular inlet maintenance. We recommend excavation in this area be done with conventional excavation equipment instead of an electrical dredge for the following reasons:</p> <ol style="list-style-type: none"> 1. Conventional excavation equipment is capable of working at no/low water depth (< 3 ft). Electrical dredges require high water levels (> 4 ft) to operate. This is due to the draft needs of the dredge. 2. Mobilization /demobilization of an electrical dredge takes more time than a conventional dredge. An electrical dredge takes about 2-4 days to put together and get into the water from the bank. It will also take the same time to get it out. For conventional equipment mobilization/demobilization time is much less. 3. Access to the West Channel between Highway 101 and railroad bridge by an electrical dredge is difficult because of surrounding public properties, rip rap, highway 101 bridge, etc. 4. Only a small electrical dredge would be able to fit into the West Channel area. Additionally, small electrical dredges are not efficient and are not readily available in the market. 5. Using an electrical dredge may require closing the lagoon to maintain a high water level by perhaps pumping water from the ocean to the lagoon. 6. Conventional excavation equipment will move sand faster than an electrical dredge. Conventional equipment has proved efficient at other lagoon projects in the area (Elwany et al., 1997). 7. An electrical dredge will require discharge pipelines to extend from the dredge area to the beach. A staging area

		<p>will be required to store additional pipes and de-watering areas will be needed on the beach.</p> <p>8. Since conventional equipment will be used west of Highway 101, operating the same equipment both west and east of Highway 101 will simplify operations and logistics.</p>
<p>Figure 2.3.1-5 Figure 2.3.2-4 Figure 2.3.3-4 Figure 2.3.4-4 Figure 2.3.5-4</p>	L4-5	<p>Typical Sections- Mixed Habitat Alternative Typical Sections- Maximum Tidal Basin Alternative Typical Sections - Maximum Intertidal Alternative Typical Sections - Hybrid Alternative Typical Sections - Reduced Berm Alternative Add note on drawings that the Figures have been reduced therefore, the scale is incorrect.</p>
<p>Page 1-5, Figure 1-2</p>	L4-6	<p>Replace with more recent USGS map</p>
<p>Page 1-10, Lines 27-29</p>	L4-7	<p>Refer to the document that contains the California Coastal Commission definition of high salt marsh habitat.</p>
<p>Page 2-53, Lines 5-10</p>	L4-8	<p>Several geotechnical cores have been taken west and east of I-5 and within the proposed areas to be dredged for the SCE restoration project-at San Dieguito Lagoon. These are known as Horseworld (HW), South Wetland (SW) and Lagoon (LG). A description of the cores, their locations and the results of the grain size analysis has been provided in reports prepared by Ogden Environmental and Energy Services (1999) and Ninyo & Moore (1999). These two studies addressed the geological, seismic, and geotechnical engineering questions regarding over-excavating a certain project area and placing the dredged sand on the beach. The main conclusions of these two studies are:</p> <p>1.) San Dieguito Lagoon is underlain by river and estuarine alluvium of variable thickness. These materials consist primarily of sandy silt and silty sand east of the I-5 roadway (HW and SW) and silty sand and sand west of I-5 (LG). The percentage of fines (fine sand and silt) is 20 to 50 for those areas located east of I-5 (HW, SW) and 15 to 95 for (LG) up to 20 feet below the land surface. Areas located west of I-5 are underlain by clean sand (5 to 10%). Soil samples from beneath the lagoon channels were found to contain on average 49 % fines.</p> <p>2.) Ninyo & Moore (1999) indicated that there is a potential for liquefaction of the alluvial soil within approximately 25 feet of the existing ground surface and consequent dynamic settlement, should the design seismic event occur. They stated that differential settlement of the ground surface of up to 7 inches due to earthquake induced liquefaction is possible.</p> <p style="text-align: center;">We would like to raise the following points.</p> <p>1.) The quality of the sand from the surface to a depth of 20 ft below ground surface is not fully known. There is the possibility of additional silt layers between the sand layers. A study conducted by Elwany et al (1998) indicated</p>

	<p>that when mixed with seawater a small percentage of clay material in the sand may cause a hard crust layer to be formed on the top of the sand placed on the beach face.</p> <ol style="list-style-type: none"> 2.) The dredged sand needs to be pumped 8,000 ft to 10,000 ft in order to be placed on the beach. This will require long pipes, which will go through the lagoon channels and cross the beach during construction.. 3.) Due to biological issues associated with beach disposal of material, such as forging of terns and grunion runs, the project could be delayed if over-excavation occurs. 4.) The project requires dredging the LG area (44 acres) to -6 ft. In order to reach the sandy material which can be placed on the beach, a dredging of additional 300,000 - 400,000 yd³ of material would be required. These materials would be de-watered, stored near the site, and placed in the over-excavated area. This will increase environmental impacts such as : a) increase air emissions; b) extend the noise level impacts and c) extend the project completion time period. 5.) Clearly the study by Ninyo & Moore raised the issue of potential liquefaction hazard near the project area (LG). Any disturbance of the soil voids due to over dredging and filling by new material may cause significant change in the grain voids. This may enhance liquefaction effects and cause damage to the existing I-5 infrastructure. 6.) The over-excavation option appears more designed to enhance sand on the beach - which does not address any significant project impacts. <p>In addition to our above comments on the EIR, please be aware that:</p> <ul style="list-style-type: none"> - The Coastal Act requires applicants to select the "least environmentally damaging alternative." - Historically, the Coastal Commission has required grading volumes to be kept to a minimum. <p>In conclusion, Edison does not consider the over-excavation disposal method viable since other suitable disposal options are available which will cause less adverse environmental impact, result in a shorter project duration. Furthermore, the over-excavation disposal option would subject the project proponent to unnecessary liability for potential damages to the I-5 bridge, even with mitigation methods discussed in the draft document.</p>
<p>Page 3.13, Lines 11 & 12</p>	<p>L4-9 Revise sentence to "The top of the casing is buried approximately 1-foot below the soil surface."</p>
<p>Page 4.1-2,</p>	<p>L4-10 Revise sentence to "The construction plans propose an access road from San..."</p>

Line 41	L4-10	
Page 4.1-3, Lines 31 & 32		Modify the sentence as follows: "During construction, access across the beach at the river mouth would be maintained to replicate existing conditions."
Page 4.1-4, Lines 35 & 36		Modify the sentence as follows." The proposed project would return the inlet channel to its more historic configuration, with the river mouth open more frequently"
Page 4.1-7, Lines 8-12		The EIR/EIS notes that upland disposal could displace some existing agricultural uses. These disposal sites could be replanted with agricultural species to mitigate for these impacts.
Page 4.1-14, Lines 32-38		Add sentence: "Since most, if not all, of contractor maintenance will occur at night, low illumination using lighting directed downward in the area of operations is needed."
Page 4.1-14, Lines 37 & 38		This text needs to be revised otherwise a bridge would be required to allow construction workers to gain access to the site. Edison believes that construction of a bridge has more environmental impact that the mitigation of the existing road.
Page 4.1-15, Lines 15 & 16		Define what "peak times" are in the document.
Page 4.2-20, Lines 16-18	L4-11	Provide a reference for this statement regarding beach suitable sediment criteria.
Page 4.2-20, Lines 3-28		The current text does not adequately explain the potential environmental impacts associated with beach and nearshore disposal.
Page 4.2-24, Lines 14-16		Revise sentence to: "...areas, temporary berm/cofferdam shall be constructed on the oceanside to minimize the transport of spilled materials into adjacent waterway."
Page 4.2-24, Lines 14-16 and Lines 28 & 29		Define "temporary" as during construction period.
Page 4.2-31, Line 19		Replace the words "Tidal Basin" with "Intertidal".
Page 4.2, Line 31		Replace the words "Maximum Tidal Basin" with "Hybrid".

Page 4.3-1 Line 26	L4-12	Delete 'have been' and insert "shall be."
Page 4.4-19, Lines 14-16	L4-13	Clarify that the haul route may be in the ruderal habitat, but the water control structure will be located in the river channel.
Page 4.4-19, Lines 19 & 20		An alternative is to build SA4 in the DS32 area. This enables all of the civil site work and utility work for the Interpretive Center to be in place.
Page 4.4-19, Line 31		SA1 and SA4 will not be returned to pre-condition.
Page 4.4-19, Lines 33-35		Recommend that the distance requirement be reduced to 100 feet which would be consistent with the distance required in the Batiquitos Lagoon Enhancement Project in Carlsbad, California.
Page 4.5-2, Lines 25-29	L4-14	The impacts to Disposal Site 36 would be the same as the impacts to DS 32. Both sites should be treated in a similar manner.
Page 4.6-38, Lines 34 & 35	L4-15	Delete this text since it is redundant with p.4.6-39, lines 3-4.
Page 4.6.-39, Lines 1 & 2		Delete this text since it is redundant with p. 4.6-38, lines 32-33.
Page 4.8-3, Line 36	L4-16	Replace the words "Maximum Tidal Basin Alternative" with "Mixed Habitat Alternative."
Page 4.8-4, Lines 1-5		This text should be modified to focus on the objective of meeting air quality emissions criteria rather than stating a specific method only. Modify the text to indicate that other construction methods may be submitted to the permitting authorities for approval prior to construction.
Sections 3.8 and 4.8.1 through 4.8.6		<p>There are six project scenarios presented in the <i>DEIR (Section 4. DEIR)</i>, three of which are assumed by the DEIR to require air quality mitigation and three which do not.</p> <p>Common Assumptions Used in the Six DEIR Scenarios (Section 4.8)</p> <ul style="list-style-type: none"> • NOx is shown as the only air quality emission that would be significant, based on potential annual emissions of 50 tons or more. • The draft EIR assumes all construction equipment will operate on diesel oil fuel. Equipment includes but is not limited to backhoes, dump trucks, trucks, front end loaders, cranes, bulldozers, chipping machines, off-road

L4-16	<p>haulers, drilling machines.</p> <ul style="list-style-type: none"> • It is assumed in the report that the use of 2 degree retard of diesel engines is the only NOx control measure available to reduce equipment NOx emissions. • It is assumed in the report that spreading the work over more phases and or years would be the second suggested method of reducing NOx emissions below the conservative significance trigger level of 50 tons/year for each applicable scenario. <p>EIR/EIS Conclusions Regarding Air Quality Mitigation by Scenario</p> <ul style="list-style-type: none"> • <i>Over excavate:</i> Use 2 degree retard and shift 3 % of Phase1 & 2 work to Phase 3. • <i>Max Tidal Basin:</i> Use 2 degree retard, make project construction period 3 years, and shift 8 % of Phase 1 and 2 % of Phase 2 to Phase 3. • <i>Max Intertidal:</i> No mitigation required. • <i>Hybrid:</i> Use 2 degree retard and shift 1 % of Phase 1 and 2 work to Phase 3. • <i>Reduced Berm:</i> No mitigation required. • <i>No Action:</i> No mitigation required. <p>Comments on EIR/EIS Air Quality Mitigation Conclusions</p> <ul style="list-style-type: none"> • If the way to maintain an insignificant air quality impact is to limit project annual emissions to below 50 tons of NOx, then the mitigation methods described in the EIR/EIS by the agency should be <u>emphasized as being only examples</u>, and not create the impression that they are required. • Alternative fueled equipment and alternative construction methods (such as using human labor for sensitive areas) could significantly reduce NOx emission estimates. • Diesel equipment can be retarded beyond 2 degrees. Stationary diesel engines are routinely required to be retarded 4 degrees in some air districts. The EIR assumes that the fuel penalty beyond 2 degrees would be unacceptable. However, the proponent might decide otherwise when the costs of going to a higher retard level are compared to other alternatives, including the significant time delays suggested in the draft EIR.
Page 4.10-2, Lines 28 & 29	L4-17 Revise text to make it clear that the maximum velocities are associated with river flows and these won't be increased by implementation of project components.
Page 4.11-5, Lines 16-18	L4-18 This text should be modified to indicate that the onsite environmental monitor would contact the construction foreman to halt or redirect construction activities.
Page 4.12-3, Lines 33 & 34	L4-19 This text should be modified to indicate that the onsite environmental monitor would contact the construction foreman to halt or redirect construction activities.
Page 4.14-7, Lines 30-34 Page 2-49, Lines 3-17	L4-20 Recommend modifying text to state that impacts can be mitigated by restricting construction hours from 7am to 7pm to those areas near houses; however, leave flexibility for the project proponent to approach agencies (e.g., City of Del Mar) with alternative methods. The agencies and people they represent should be able to decide if they want a relatively high level of noise over a small time-frame or a relatively low level of noise over a large time-frame.

<p>Page 4.14-7, Lines 30-34</p> <p>L4-21</p>	<p>Modify the text to state that impacts can be mitigated by restricting construction hours from 7am to 7pm to those areas near houses; however, leave flexibility for the project proponent to approach the appropriate agencies with alternative methods. The agencies and people they represent, should be able to decide if they want a relatively high level of noise over a small time-frame or a relatively low level of noise over a large time-frame.</p> <p>Remove the text that states construction worker daily access to SA3 via San Dieguito Racetrack Drive shall be prohibited. If access is not allowed through this location then the river channel will have to be bridged and alternative staging areas will have to be identified.</p>																												
<p>Page 9-1, Lines 23 & 24</p> <p>L4-22</p>	<p>Delete last sentence as it is redundant.</p>																												
<p>Page 13.1</p> <p>L4-23</p>	<p>Add to list "Hemphill, Michael. Moffatt & Nichol Engineers."</p>																												
<p>Chapter 4, section 4.2.1.2, page 4.2.16, table 4.2-3</p> <p>L4-24</p>	<table border="1" data-bbox="506 597 1675 829"> <thead> <tr> <th></th> <th>Max flood current ft/sc</th> <th>Max ebb current ft/sec</th> <th>Root mean squared ft/sec</th> </tr> </thead> <tbody> <tr> <td>Mixed Habitat</td> <td>+4.63</td> <td>-4.25</td> <td>1.46</td> </tr> <tr> <td>Maximum tidal basin</td> <td>+4.78</td> <td>-4.59</td> <td>1.77</td> </tr> <tr> <td>Maximum salt Marsh</td> <td>+4.09</td> <td>-3.66</td> <td>1.29</td> </tr> <tr> <td>Hybrid</td> <td>+4.61</td> <td>-3.98</td> <td>1.45</td> </tr> <tr> <td>Reduced Berm</td> <td>+4.15</td> <td>-3.71</td> <td>1.36</td> </tr> <tr> <td>Existing</td> <td>+3.26</td> <td>-2.50</td> <td>0.86</td> </tr> </tbody> </table> <p>The numbers in table 4.2-3 were not the maximum value for the hydro-period envelope. The maximum values are due to the extreme high water event of November 1997 as listed above.</p>		Max flood current ft/sc	Max ebb current ft/sec	Root mean squared ft/sec	Mixed Habitat	+4.63	-4.25	1.46	Maximum tidal basin	+4.78	-4.59	1.77	Maximum salt Marsh	+4.09	-3.66	1.29	Hybrid	+4.61	-3.98	1.45	Reduced Berm	+4.15	-3.71	1.36	Existing	+3.26	-2.50	0.86
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RECEIVED

MAR 22 2000

US FWS
CARLSBAD FIELD OFFICE, CA

March 20, 2000

Mr. Jack Fancher
U.S. Fish & Wildlife Service
2730 Loker Avenue West
Carlsbad CA 92008

RE: SAN DIEGUITO LAGOON RESTORATION PLAN DRAFT EIR/EIS

Mr. Fancher:

L5-1 San Diego Gas & Electric Company (SDG&E), by its duly authorized agent and parent company Sempra Energy, is responding to your request for comments on the draft EIR/EIS (DEIS/R) for the San Dieguito Lagoon Restoration Plan. We are responding by facsimile copy, as well as mailing a written original. Our comments assume that all costs for relocating SDG&E's existing electrical or natural gas utilities are already included in the total cost of the lagoon restoration project. We also assume that SDG&E will not be subject to any additional costs for construction or mitigation as a result of the proposed relocations, beyond those costs already included in the total lagoon restoration project cost.

Required Permits and Approvals

L5-2 The relocation of SDG&E's 69kV electric transmission line Circuit TL 667 and 12kV distribution underbuilds is subject to the jurisdiction of the California Public Utilities Commission. The DEIS/R should list the CPUC as an approving agency on page ES-4.

California Public Utilities Commission

L5-3 The project proposes relocating existing SDG&E 69kV transmission line Circuit TL667 and related distribution underbuilds. An electric transmission relocation exceeding 2,000 feet in length requires a Permit to Construct (PTC) from the California Public Utilities Commission (CPUC) pursuant to General Order 131-D (GO 131-D). However, GO 131-D, Section III.B.1.f. provides exemption from a PTC where that relocation has undergone environmental review under CEQA as part of a larger project for which the final CEQA document finds no significant environmental impact associated with the relocation. To qualify for such an exemption, the DEIS/R should:

- L5-3** • Discuss the preferred route and compare it to any feasible alternative routes including a discussion of advantages or disadvantages of those routes.
- Include diagrams indicating the design and appearance of the proposed new poles. If visual images or renderings are included in the DEIS/R they should clearly indicate the location of the new poles and lines.
 - Provide the new transmission and distribution conductor (wire) sizes if they will be different from the lines being relocated.
 - Delineate the route of the relocated lines on a map showing and labeling existing land uses within 300 feet of the relocated line.
 - Include a discussion of electric and magnetic fields (EMF) in an appropriate section (i.e. Public Health & Safety) of the DEIS/R.
 - Clearly and separately state that the relocation of the lines will have no significant unavoidable environmental impacts when evaluated according to the environmental checklist form in Appendix I of the State CEQA Guidelines, as amended effective January 1, 1998.

It is SDG&E's intention to relocate the existing lines pursuant to the exemption in GO 131-D, Section III.B.1.f. If the DEIS/R does not provide adequate discussion allowing SDG&E to construct the relocation of TL667 and associated transmission underbuilds pursuant to the exemption, SDG&E will be required to obtain a PTC from the CPUC for the transmission line relocation. Processing of the PTC would take approximately 12 to 18 months, resulting in costly delays to the lagoon restoration project.

Other Permits and Approvals

- L5-4** The wetlands restoration project is responsible for securing all necessary permits and approvals required for the relocation of any SDG&E electric or gas utilities. SDG&E will not make separate discretionary or ministerial permit applications to, or obtain permit approvals from, any federal, state or local agency for utility relocations or alterations required for the lagoon restoration project.

Mitigation Measures

- L5-5** The mitigation measures on page 4.13-4 for relocation of the electric transmission and distribution lines concentrate on minimizing disruptions to existing electrical service. However, the DEIS/R does not mention what mitigation measures will be taken for possible temporary or permanent impacts to sensitive vegetation or habitats (i.e. marsh, coastal sage scrub, chaparral etc.) and species associated with the relocation of electric lines.

L5-5 SDG&E needs to be assured that the lagoon restoration project has considered all impacts or “take” associated with the electric line relocations. And, has provided for mitigation measures such as habitat restoration, or on-site or off-site mitigation, at appropriate ratios, to fully mitigate any potential impacts associated with the relocation of electric lines.

SDG&E will not be responsible for providing on-site or off-site restoration or mitigation, or mitigation for any harassment or “take” of any species resulting from relocation of the electric lines. Nor will SDG&E make deductions from the conservation bank established under its Subregional Natural Community Conservation Plan (50 Year Permit) to compensate for habitat or species impacts resulting from the relocation of electric lines or other utilities required for the lagoon restoration project.

L5-6 Construction for Relocation of TL 667 and 12kV Distribution Underbuilds

Relocation of TL 667 and associated 12kV distribution underbuilds will require that the existing lines be de-energized and removed at some point during construction. Obtaining an outage to de-energize and remove the existing electric transmission line will require SDG&E to coordinate with and obtain approval from the California Independent System Operator (ISO). The choice of dates for scheduling outages is therefore not entirely in SDG&E's control.

An outage may be scheduled during a particular species' nesting or breeding season, requiring SDG&E to work on the relocation of the lines or removal of the existing lines during that nesting or breeding season. The lagoon restoration project must provide the necessary biological or wildlife monitors required to facilitate that work, without an impact to the particular species or its habitat. If any existing habitats or species are temporarily or permanently impacted by activities required to either relocate the lines or remove the existing lines, the lagoon restoration project shall be responsible for any on-site or off-site mitigation associated with the relocation and removal activities.

L5-7 Long Term Maintenance and Reliability of Utilities

Maintenance of SDG&E's natural gas, and electric transmission and distribution system, is critical to providing the San Diego region with reliable, uninterrupted electrical and gas energy delivery. Retaining access to all utility facilities for the purpose of future emergency response, repairs, upgrades, relocations or expansions is critical to maintaining a reliable energy delivery system.

SDG&E must be assured that, following relocation of TL 667 and associated 12kV distribution underbuilds, permanent uninterrupted access to the facilities for maintenance must be provided. Probable access routes to the relocated lines should be determined in coordination with SDG&E Transmission Engineering and Sempra Energy's Real Estate Management sections.

L5-7 The access routes should be conceptually mapped and discussed in the DEIS/R. To the greatest extent possible, access routes to the relocated transmission and distribution lines must be placed to avoid sensitive habitats and species seasonal nesting or breeding areas to assure permanent, unobstructed, year-round access to all facilities.

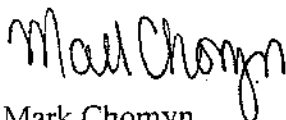
Conclusion

The lagoon restoration project is an extremely beneficial and ambitious undertaking, with significant benefit to San Diego's biological diversity and the quality of life for the general public. Due to the restoration project's complexity, the draft DEIS/R is a large (approximately 645 pages) and very detailed volume. Our comments attempt to address major permitting and environmental concerns associated with the electric transmission and distribution line relocations and are not an exhaustive review of the entire text.

Prior to preparation of the DEIS/R, SDG&E Transmission Engineering and Customer Project Planning, and Sempra Energy Real Estate Management and Land Planning and Natural Resources met with Southern California Edison Environmental Affairs. The purpose of that meeting was to discuss probable routes for the proposed relocation and potential permitting issues. Items discussed in this letter were discussed at that meeting.

L5-8 To avoid unnecessary and costly project delays, the construction, maintenance, permit and environmental issues associated with the electric utility component of the lagoon restoration project must be adequately addressed in the final EIS/R. SDG&E and Sempra Energy are available to meet with Southern California Edison and the U.S. Fish and Wildlife Service, should any of our comments require further discussion or clarification. Please call me at (619) 696-2732 if you have any question about our comments on the DEIS/R, or Michele Kaiser at (760) 480-7651 if you would like to schedule a meeting.

Sincerely,
SAN DIEGO GAS & ELECTRIC COMPANY
by its duly authorized agent,
Sempra Energy



Mark Chomyn
Senior Land Planner

cc: Michele Kaiser, SDG&E Customer Project Planning
Bill Torre, SDG&E Transmission Engineering
Gary Vogt, SDG&E Transmission Engineering
Gerry Travers, SDG&E Distribution Management & Strategies
John Hernandez, Sempra Real Estate Management
Samir Taniou, Southern California Edison Environmental Affairs

CARMEL VALLEY COMMUNITY PLANNING BOARD
12220 El Camino Real, Suite 300
San Diego, CA 92130
PH: (858) 794-2500/FAX: (858) 794-2599

March 16, 2000

San Dieguito River Park
Attention: Principal Planner
18372 Sycamore Creek Road
Escondido, CA 92025

RECEIVED

MAR 28 2000

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5111

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR THE SAN DIEGUITO WETLAND RESTORATION PROJECT

Dear Principal Planner:

The Board continues to support ongoing efforts to preserve and restore the river valley on our northern boundary. Community representatives participated in the restoration project "Working Group." This large undertaking will benefit not only natural open space goals of the region but the quality of life in surrounding communities, as well.

O1-1 Scope and Content of the EIR/EIS

Community organizations could not presume to assess the veracity of this highly technical study. What we can, perhaps, contribute is a view of how well the document aids in final selection of an alternative to the restoration project.

O1-2 Most Viable Alternatives

From the original fourteen working alternatives to the six alternatives in the EIR/EIS we focus on the four alternatives that, in our view, meet the basic federal and state agencies' criteria for mitigation of the San Onofre Nuclear Generating Station (SONGS) wetlands loss: (1) Mixed Habitat; (2) Maximum Tidal Basin; (3) Maximum Intertidal; and (4) Hybrid. The "Reduced Berm" and "No Project" alternatives do not achieve the target goal of +/- replacement of 150 acres of wetland and/or habitat mix.

O1-3 The Criteria For Final Alternative Should Be Which One Offers Sustained Success in Restoring San Dieguito to Functioning Wetlands/Uplands

The EIR/EIS is a complete study of the types of wetland each alternative would provide, as well as complete documentation of the impacts of each:

"Each...action alternative(s) proposes a different mix of tidally-influenced habitat types and require(s) a different grading plan, with those alternatives that would create larger areas of subtidal and low salt marsh requiring more

excavation than those alternatives that would create intertidal mudflats and high marsh." [ES-5,6]

The single weakness of the document is that in its thorough explication of impacts, it reads as an emphasis on the impacts of grading/excavation of each alternative, rather than a guide to which alternative best meets the goals of the San Dieguito River Park; its Working Group; state and federal agencies; and the California Coastal Commission. The CCC permit that allows SONGS to continue operating clearly spells out the criteria for this mitigation project:

"SONGS Permit Condition A...(Objectives) 1. Provides maximum overall ecosystem benefits (e.g., maximum upland buffer), enhancement of downstream fish values, regionally scarce habitat, and potential for local ecosystem diversity." [1-18]

A corollary condition is that the mitigation meet the following "biological performance standard": "Within 4 years of construction, the total densities and number of species of fish, macroinvertebrates, and birds shall be similar to the densities and number of species in similar habitats in the reference wetlands."

Rather than using avoidance of the impacts of dredging as the major criteria, the preferred alternative should be the one that meets the goals established by the agency group, supported by the working group:

"These criteria established that...(1) the project provides fish habitat and adequate subtidal acreage; (2) the design is feasible from an engineering and biological perspective; (3) the proposal builds on existing natural habitat; (4) the project restores regionally scarce coastal wetland habitat; and (5) there would be an integration of buffer and upland habitat." [2-2]

Each of the four alternatives requires 147 acres of dredging. As we read it, the alternatives differ in this aspect only in how much of the dredge material in the 150 acres would exceed the project capacity for fill (all for berms.)

<u>Alternative</u>	<u>Cut</u>	<u>Fill</u>	<u>Excess</u>
Mixed Habitat	2,602,000 c.y.	125,600 c.y.	2,405,400 c.y.
Maximum Tidal Basin	3,047,600 c.y.	125,600 c.y.	2,850,800 c.y.
Maximum Intertidal	2,370,600 c.y.	125,600 c.y.	2,173,800 c.y.
Hybrid	2,682,700 c.y.	125,600 c.y.	2,485,900 c.y.

Since the EIR/EIS well documents sound options (all mitigable) for export of this dredge material, it would seem the relative differences in amount for each alternative would be secondary to which alternative best meets environmental goals.

O1-4 22nd District Agricultural Association Tram On the Coast-to-Crest Trail

"The District desires to use the Coast to Crest Trail to transport people who park on the Horsepark property to and from the Del Mar Fairgrounds via a tram." [2-85] using the 8-foot-wide proposed trail for bikers north of the San Dieguito River. Under I-5, it would require widening to 12 feet.

The EIR/EIS states this use would be inconsistent with the Torrey Pines Community Plan " ...public access in areas of environmentally sensitive habitats shall be limited to low-intensity recreational, scientific, and educational use....The use of trams on the trail would not be consistent with the intent of permitting only low-intensity uses on the trails." [5-23]

Although the EIR/EIS says the San Dieguito River Regional Plan and the City of San Diego MSCP Subarea Plan share the same intent that trails should be located in the least sensitive areas, it does not cite these plans in this discussion. In the final EIR/EIS please elaborate on these plans' goals to avoid high-intensity uses this close to the river and floodplain.

O1-5 The Wetland Restoration Project Should Be Closely Coordinated With the Planned Widening of El Camino Real and Bridge Replacement

September 14, 1999 this Board wrote regarding the Notice of Preparation of a Joint EIR/Environmental Assessment for the El Camino Real project. We emphasized that "the City consider this structure a major element of the preservation of the river valley, in keeping with the 'Wetlands Restoration Project' (Edison) effort":

"Our major concerns...are the design and function of the new bridge over the San Dieguito River. The environmental review of this project should consider foremost the critical importance of the locale---the western San Dieguito River Valley---and park goals for restoring a healthy wetlands/hydrological system. How will each of the alternatives improve on the river flow, and enhance floodplain habitat qualities, for example, allowing the river to meander and course freely while enhancing floodplain habitat qualities?"

The EIR/EIS [6-5] could be strengthened by more emphasis on the effects of this widening/bridge project on the entire wetlands restoration. Design alternatives vary considerably on location of pilings, flow velocity outcomes, etc. and this project and the restoration should be well coordinated.

Thank you for the opportunity to respond,


Jan Fuchs, Chair


Joan Tukey, Vice-Chair



TORREY PINES COMMUNITY PLANNING GROUP

March 14, 2000

RECEIVED

Principal Planner
San Dieguito River Park Joint Powers Authority
18372 Sycamore Creek Road
Escondido, CA 92025

MAR 17 2000

S.
RIVER

RE: Response to the EIR/EIS for the San Dieguito Wetland Restoration Project

Dear Sirs:

We appreciate this opportunity to respond to the EIR/EIS and to offer some questions and insights to this important restoration project. We are excited about receiving the benefits from this mitigation project.

At the March 9th regular meeting of the Torrey Pines Community Planning Board, the Board unanimously passed the following motion:

Whereas the project anticipates modification of existing sensitive habitats in the Torrey Pines Community Planning Area, including extensive dredging and filling of wetlands, the Torrey Pines Community Planning Board responds to the EIR/EIS for the San Dieguito Wetland Restoration Project with the following questions, recommendations, and statement of concerns:

Questions:

- O2-1 Question 1: Do experts agree that the proposal will substantially mitigate the impacts on the marine environment of the operation of SONGS 2 & 3? Or, is this a negotiated, legal solution that is not substantially connected to the original, natural transgression?
- O2-2 Question 2: Are there any successful examples on similar scales of habitat creation and/or restoration; and tidal hydraulic designs that incorporate the principles that are the basis for this proposal and the analyses in this EIR/EIS? Please give examples with lifetimes comparable with the expected lifetime of SONGS 2 & 3, as required in the mitigation order. If there are no examples, the project as described requires much more public discussion and review.
- O2-3 Question 3: Since the project has the expectation that regular dredging will be required to keep the lagoon mouth open, why bother to dredge these basins to such a large degree, thereby creating/exacerbating the spoil disposal issue?
- O2-4 Question 4: Much discussion is devoted to the point that dredged material with 80% or more sand is suitable for disposal offshore and on the beaches, while materials with proportionally less sand and more fine particles are not suitable. Thus the requirement for on site disposal (viz., filling) for material with more than 20% "fines." This seems to make little sense. If the natural processes of the river had not already been interfered with by Lake Hodges Dam, the I-5 dike and bridge, the other dikes and bridges, and the fill for the airport, fairgrounds and shopping center, all this material would already be naturally washed out to the beaches and to the sea.

In any case, you are arguing that the beach and sea can accept unlimited materials with 20% "fines." Then it can accept unlimited fines, whether or not they are mixed with more or less sand. No case is made for anything other than offshore disposal--the natural alternative. No case is made for disposal on any existing wetland or any other sensitive area. Why not dispose in an off-site insensitive area?

O2-5 Question 5: The hydraulic modeling of the project is very important in the design and the analysis. In the flood of '82-'83, the entire valley floor was flooded. Dead animals floated by in the floodwaters. Telephone service was interrupted for weeks. Every bridge was damaged. Concern for the I-5 Bridge was expressed. Statements were published that the dangerous condition of water rushing over the entire length of the Lake Hodges Dam could not be relieved, neither before, nor during the flood event, by opening the gates at the base of the dam because they hadn't been used in such a long time that there was fear that once opened they could not be closed. And we read in the EIR/EIS that this was not the 100-year flood. There is no doubt that each and every construction within this floodplain exacerbates serious floods. Especially dikes and short bridges and landfills close to the channel.

This project contemplates dikes and landfills close to the channel. No estimate is given about the statistical or other limits of confidence about any calculation of flood height, neither before, nor after the project is executed. The proposed berm design is intended to accelerate flow beneath the I-5 Bridge beyond the speeds that threatened it just a few years ago. This is serious business and the EIR/EIS does not present the data to justify/defend the hydraulic changes proposed.

The selected information from the modeling effort that is presented in the EIR/EIS is neither clear nor inspires confidence. Beginning with Table 3.2-3 Computed Water-Surface Elevations for 100-year Flood Based on Existing Conditions: Results are presented for the first 2.69 miles of the river for two models. The differences range from +0.5% to minus more than 625%. In feet, the difference is +0.1ft to -8.3ft. This stretch encompasses the entire project. How can any statement regarding hydraulic efficiency, or area flooded under any particular discharge condition be meaningful, if there is no estimate of the height of the flood that can be relied upon? How can the need for the berms at any particular height be justified, if no flood height can be relied upon? Can you explain how it is possible to have any other result than Figure 4.2-1 with large areas of "low hydraulic efficiency" when the cross sections shown in Figure 3.2-13 do not include those areas?

O2-6 Question 6: On page 31, item 1, the Torrey Pines Community Plan stands against any encroachment on open space by the activities of the 22d District Agricultural Board. The proposed operation of the tram between 22d District sites through open space is such an encroachment. Why is this proposed?

Recommendations:

O2-7 Recommendation 1: Provide an alternative pedestrian crossing of the river mouth with trails to and over the Camino del Mar Bridge from the beach.

O2-8 Recommendation 2: Create a regional forum among the communities directly impacted (Torrey Pines, Del Mar, Solana Beach, Rancho Real) by the project to monitor and receive public input as the project progresses and provide a public interface to the Project Manager.

Statement of Concerns:

O2-9 The project is directed to a broad goal of habitat creation and restoration and presents the community with an unusual opportunity to move toward that goal. The EIR/EIS represents a major effort that is appropriate for such a significant project. It presents the view that the plan for habitat creation and restoration justifies destruction, modification, and encroachment of existing habitat, including massive dredging and filling generally prohibited by the Torrey Pines Community Plan.

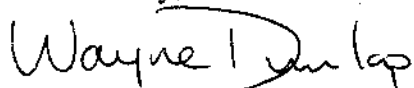
While this Board agrees that the broad goal of habitat enhancement in open space is consistent with the Torrey Pines Community Plan, the analysis presented is not sufficient to justify and defend the destruction, modification, and encroachment contemplated in the project described. The Board seeks further information and assurances that the principles and methodologies upon which the design and analyses are based are tried and tested and can indeed be relied upon to produce the described results.

O2-10 Further, the EIR/EIS is especially weak in areas in which the lead agencies are not strong. The discussion of socioeconomic and environmental justice does not characterize the impacted areas correctly. Many minimum wage--and below--jobs are held in these communities by persons working on the valley floor at the nonprofit, commercial, and agricultural enterprises that are established there. Most of these workers live in other communities, in the trailer park at Surf & Turf, in housing on the Fairgrounds, and/or in unauthorized workers encampments on the valley floor. Their interests are ignored in this document, because they are not included in the Census. The temporary and permanent changes caused by this project will significantly affect their livelihood and residences.

O2-11 Finally we note the lack of perspective suggested by the elevation of the tram operation and the creation of a year-round river mouth with water in it to the status of the only significant permanent negative impacts for a project of this scope is very concerning.

We appreciate your immediate attention to this matter. Please address any response to 13045 Via Grimaldi, Del Mar, CA 92014. If you have any questions, feel free to call me at (858) 259-8680 or e-mail me at wdunlap@san.rr.com.

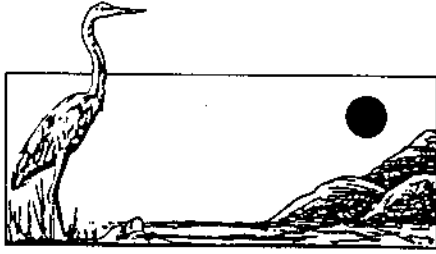
Sincerely,



Wayne Dunlap
Chair, Torrey Pines Community Planning Board

WD:mac

Copy: Deputy Mayor Harry Mathis, City of San Diego, file



Friends of the
San Dieguito River Valley

P. O. Box 973 Del Mar CA 92014

Board of Directors:

Jacqueline Winterer
—President

Alice Goodkind
—Vice President

Lorraine Rouse
—Treasurer

Candy Bowman

Brooke Eisenberg

Mary Farrell

Ann Gardner

Sylvia Troy

FROM: FRIENDS OF THE SAN DIEGUITO RIVER VALLEY
TO: SAN DIEGUITO RIVER PARK JOINT POWERS AUTHORITY
SUBJECT: RESPONSE TO EIR/EIS FOR THE SAN DIEGUITO WETLAND RESTORATION PROJECT
DATE: MARCH 16, 2000

The purpose of the EIR/EIS is and must be to plan the implementation and maintenance of a coastal wetland restoration project. This should be the focus of any decision made by the JPA. Other matters and concerns should be accommodated without losing sight of this primary goal.

Four primary concerns have surfaced in discussions about the impacts of the alternatives:

O3-1 1. Two existing and successful coastal wetland habitats will apparently be degraded by all five of the suggested alternatives: the Rivermouth Lagoon between Camino Del Mar and the railroad track, and the South Tidal Basin (map reference 3.4-2). These areas presently support bird and amphibian habitats and provide open water for diving ducks. Both are highly visible to the public.

- All alternatives appear to reduce the Rivermouth Lagoon from sub tidal to a closed basin that is not subject to tidal flux. This reduction is contrary to suggestions made early in community discussions when maintenance of the Rivermouth Lagoon was listed as a priority.
- The South Tidal Basin, in all alternatives offered, will be reduced from open water to mud flats.

The selected alternative must replace the acreage of open water lost if two thriving and highly visible habitats are to be maintained.

O3-2 2. The 22nd District Agricultural Association is misrepresented in the EIR/EIS, first as owner (Pages 2-88, 3.1-1, 5-20) when it is only manager, of state property, and second as a regulatory agency, (Page ES4), when it is only a neighbor and probably has no legal jurisdiction over the restoration area. **The California State Lands Commission must make a ruling on the public nature of the river channel and river mouth, which may be tidelands subject to the public trust (Page 2-88).**

The Agricultural District and its demands, wishes, preferences, suggestions, and requirements appear on more than 60 pages of the document, a number far in excess of the legitimate concerns of a neighbor. The District has a mission statement and a vision antithetical to that of a River Park and a restoration project, yet it appears that it has used the EIR/EIS as an opportunity to advance its development agenda. As examples, **we cite suggested Agricultural District projects that we feel should have no part in a wetlands restoration:**

- Seasonal operation of a tram, (Pages 2-85, 4.1-12 with unmitigable negative impacts, (Page 4.1-13) on an 8-foot wide hardened surface;
- A thoroughbred training track, requiring 5 acres of level ground enclosed by an 8-foot-high chain-link fence, uncovered show rings, a cross-country course, demonstration agricultural uses for youth, which could include storage sheds, animal pens and garden areas, relocation of existing show barns, staging trailers up to 60 feet in length and 16 feet high, and overflow parking for 800 to 1000 cars (Page 2-87); “Limited information is available ... a number of assumptions were made in an effort to facilitate a review of potential environmental effects.” (Page 2-87);
- Disposal of excavated material on District sites, raising the main parking lot by 1 to 4 feet, and the eastern parking lot and the Surf and Turf property by 3.5 to 9.5 feet. This could “potentially enable the District to develop this area with other uses in the future.” (Page 4.1-6) (See also Table 2.1.1-7) “The placement of fill in these areas would therefore result in the conversion of wetland to non-wetland areas.” (Page 4.4-12). The land managed by the 22nd District is subject to the California Coastal Act.

We oppose the 22nd District Agricultural District’s infringement of and intrusion into the Park restoration program.

O3-3 3. Recent modifications to Lake Hodges Dam will allow for no spillover. It appears that this fact has not been taken into account in the hydrological studies completed for the EIR. **Clarification of this is needed.**

O3-4 4. The proposal to convert construction staging area SA3 (map 2.3.1-13) to a permanent storage site along the west side of I-5, south of the river, includes the possibility of constructing and maintaining a permanent access road. "This road would be maintained for the life of the project." (i.e. at least 30 years) (Page 4.1-2) While we recognize the possible need for a permanent storage area for dredging equipment, we feel that **a more appropriate site, closer to the river mouth, should be identified.**

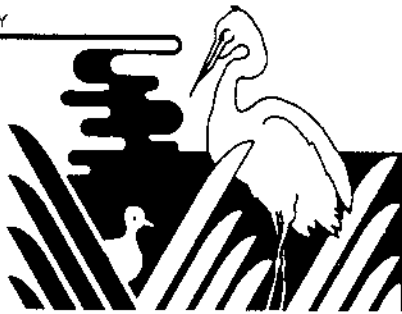
General concerns raised by the groups who have studied the document include the following:

O3-5 a. Possible difficulty for pedestrians in crossing the river mouth when the maximum tidal flow occurs. A protected pedestrian walkway already exists, and a special effort should be made to render it easily accessible from both north and south, including a south-side path along the rip rap. **During construction, the staging area at the beach must allow for public access to the beach from the north so people can walk north at low tide.**

O3-6 b. The accelerated schedule for project implementation provides for 12-hour workdays 6 days a week. Nearby residents will be adversely impacted and **a reduced schedule should be considered.**

c. **The need for an ombudsman** who will act as local liaison between the project manager and the community **should be addressed.**

O3-7 Our study of the EIR/EIS continues. We have not sufficiently mastered the details of this very long, complex document to make a definite recommendation as to which alternative should be chosen, although we have eliminated three of the alternatives: the Maximum Tidal, Reduced Berm and No Action, since they fail to balance restoration goals. The concerns delineated above must, however, be addressed no matter which alternative is chosen.



March 13, 2000

Victoria Touchstone
Consultant
San Dieguito River Park
18372 Sycamore Creek Road
Escondido, CA 92025

Re: Response to EIR/EIS, San Dieguito Wetland Restoration Project

Dear Ms Touchstone:

The San Dieguito River Valley Land Conservancy has had for many years the goal of the restoration of a natural lagoon system (based on increased tidal flushing) including associated upland, employing the best management practices to protect the natural diversity of the coastal wetlands and uplands. We are anxious to see the project move forward. We understand that this is not the appropriate time to select a preferred alternative. Please accept our comments on the EIR/EIS.

O4-1 1. Comparison of tidal hydraulics for each alternative.

We were unable to locate a table comparing the alternatives regarding tidal hydraulics, although the information can be pulled out of the text. A table would be helpful in evaluating each alternative as tidal flushing is the basis for the success of lagoon restoration. (Eg., 4.4-18, lines 17-18; 4.4-18, line 17-18 says the hybrid alternative ranks in the middle in terms of tidal hydraulics. At 4.4-16 section ranks Hybrid as second highest out of 5, not 'in the middle'.

O4-2 2. Velocity at inlet.

Various entries regarding velocity are very confusing and inadvertently alarming. See for example, 3.1-11; 3.2-25; 3.10-2; 4.10-2, lines 16-35; 4.10-5, line 17-26, 35-4 ; 4.10-6, lines 11-23, 28-37.

Perhaps a table comparing velocity for each alternative, including that for normal, spring tide, El Nino, storm, plus a base-line—what it is without the restoration program for each of those. Also, include the duration for the 'peaks'. That is, 4.2-16, lines 13-15; the duration is 10 to 15 minutes.

If an attempt is made to characterize the velocities (example, normal now is about 1 foot/sec) it is incorrect to say that 1.4 feet/sec (for Mixed Habitat alternative) would increase velocity 110% more than now. This information should be accurate and understandable to anyone reading the section, including laypersons.

O4-3 3. Construction Access.

4.1-2, 3 and 4.6-3, lines 28-33. Is the 'permanent' construction access road off San Dieguito Drive or off Racetrack View Drive?

If this road is to be a permanent access road, it should be situated to minimize its view impact (notice the fire access road in Crest Canyon as a bad example), and also placed to minimize or eliminate

SAN DIEGUITO RIVER VALLEY LAND CONSERVANCY

erosion in the road itself which would impact the water quality of the restoration.

4.6-2, line 34-39. 'If dredging equipment is used, this area may be modified into a launch facility. This site should likely be left in place as part of the project for future maintenance access.' Does this mean the launch facility will be left in place permanently? Please clarify.

O4-4 4. Comparison of net restoration acres with other habitats in area.

It would be helpful to show acreage of other habitat in the area between El Camino Real and the ocean. This would give a total picture of the habitats.

O4-5 5. Relative success of restoring habitat.

Regarding 4.4-16, lines 23-26. It would be helpful to include a chart showing success probability and maintenance requirements. Is it more difficult to do successful high marsh restoration, than, say, intertidal?

O4-6 6. Dredging/Disposal sites.

4.2-20, lines 20-28; 4.4-11, lines 32-38. It doesn't appear that any regulations specifically prohibit disposal of dredge spoils offshore, nearshore and on the beach. In light of the loss of beaches and subsequent loss of bluff protection, it seems that every effort should be made to put as much material as possible in these places. Other locations in the EIR/EIS refer to fine materials naturally causing plumes off the river mouth in storm events. Fine materials therefore are not an unnatural addition to the nearshore area.

The next best deposit is over-dredging. Consideration should be given to disposal away from the lagoon area.

O4-7 4.6-4/39. Considering Disposal Sites in the context of Landform. The description of the Disposal Sites, one by one, compared with Mitigation Measures, 4.6-39, is confusing. For example: 4.6-5, "[Using D533] impacts to landforms would be significant (Class II)." Then 4.6-39: "Unless redesigned or eliminated, the grading proposal at ...DS33... would be considered significant and unmitigated (Class I)."

O4-8 7. Trams.

Trams are inconsistent with the goals and objectives of the River Park Concept Plan which includes no motorized vehicles. The point of the restoration plan is to enhance the natural system, not introduce vehicular traffic into the natural area.

O4-9 8. Via de la Valle property.

4.1-13, line 18-20. It is inappropriate to move buildings or other structures onto this property, or to park cars on it. The sweeping view of the River Valley from Via de la Valle would be adversely impacted. The site should be restored to appropriate uplands habitat. This area has had Canada geese foraging and resting on it in the past. Explain the meaning of the sentence.

O4-10 9. Monitoring & Management Plan.

What is full operating plan?

Although the monitoring, mitigation and reporting program will be dependent on the chosen alternative, are there general parameters or guidelines which should be included in the EIR/EIS: Is there a public process for the public to be involved in a review of the MMRP before it is finalized? If there are several 'models' for MMRPs, this important and high profile project should have the most stringent long-term program utilized.

Our understanding is that resource agencies generally require a 5 year monitoring period. It appears that the EIR/EIS document calls for monitoring for the 'life of the project'.

Are there contingency plans to put in place in case of failures?

O4-11 10. **Kayaks.**

Why is kayaking an illegal activity?

O4-12 11. **Retriever training.**

The impacts of retriever training should be analyzed in the EIR.

O4-13 12. **Trash.**

4.2-25. Regarding trash associated with possible tram use: there should be no trams. But if there are trams in the River Park which would accommodate the Agricultural District, then any trash resulting from the tram run should be the responsibility of the Ag District, not that of the JPA.

O4-14 13. **Bridging small tidal channel.**

4.4-9, lines 26-27. Could a longer span be used to eliminate the need to fill?

O4-15 14. **Table 4.4-2: Impacts on other Sensitive Plant & Animal Species.**

4.4-32. San Diego Desert Woodrat. Woodrat nests have been seen on the old Del Mar 88 property. They are frequent in the Crest Canyon area.

4.4-39. Sea Dahlias. Although not found on site, they are just off-site in the Crest Canyon area.

O4-16 15. **Landforms.**

Via de la Valle view. EIR/EIS should include discussion of blockage of 'sweeping view' from Via de la Valle, with the combination of 917,600 cu yds of fill, 35 feet high, 1000 feet long, plus the addition of possible Ag Dist. Buildings, structures, fences, or a ~~1000~~^{thousand} parked cars. It would be helpful to have an additional view simulation along Via de la Valle east of Views 1/2 (Figures 4.6-1, -2).

O4-17 16. **Maps.**

We understand that the USGS base map was required, although that shows El Camino Real in the wrong routed. Do the maps show the proper boundary delineations?

Although these comments seem numerous, they are offered to make the document more understandable to the lay person.

Thank you.

Sincerely,

Karen Berger
Karen Berger
Advisory Board

Christopher P. Khoury
President, SDRVLC



March 10, 2000

San Dieguito River Park
Attention: Principal Planner
18372 Sycamore Creek Road
Escondido, CA 92025

Re: EIR/EIS for San Dieguito Wetland Restoration Project
State Clearinghouse Number: 98061010

To the San Dieguito River Park:

Thank you for allowing the Fairbanks Ranch Association the opportunity to respond to the referenced document. Since we are located within and adjacent to the San Dieguito River Valley, Fairbanks Ranch feels the proposed project is particularly relevant to our interest.

O5-1 It appears direct impacts to our community are minimal, as the restoration work will occur west of us in all cases. We are concerned, however, with the traffic congestion during the construction and restoration activities associated with the various project alternatives. The truck movements are certain to be disruptive to the ingress and egress of our residents as they travel about the area.

While the EIR/EIS contends that a traffic management plan will mitigate potential impacts below a level of significance, we are convinced that fewer truck movements would be preferred. We therefore endorse the Maximum Intertidal Alternative, as it would require the least amount of excavation of the four major alternatives, and has been identified as the 'environmentally superior' alternative. We encourage that this alternative be seriously considered and advanced as the 'agency preferred' alternative.

Please continue to send us information and notifications regarding the review and processing of this project.

Sincerely,

David J. Abrams, AICP
General Manager
FAIRBANKS RANCH ASSOCIATION



San Diego County Archaeological Society

Environmental Review Committee

27 February 2000

RECEIVED
FEB 27 2000
SAN DIEGO COUNTY
RIVER PARK JPA

To: Principal Planner
San Dieguito River Park
18372 Sycamore Creek Road
Escondido, California 92025

Subject: Draft Environmental Impact Report/Environmental Impact Statement
San Dieguito Wetland Restoration Project


Dear Sir or Madam:

O6-1 I have reviewed the cultural resources aspects of the subject DEIR/DEISS on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR/DEIS and its Appendix E, we agree with impact analysis and mitigation measures presented for cultural resources.

Thank you for including SDCAS in the public review of this project's environmental documents.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SAIC, Santa Barbara
SDCAS President
File



March 20, 2000

Principal Planner
San Dieguito River Park
18372 Sycamore Creek Road
Escondido, CA. 92025

Thank you for this opportunity to comment on the Environmental Impact Report for the San Dieguito Wetlands Restoration Project. We are faxing our comments with this transmittal notice. Hard copy of our EIR/EIS comments will be mailed tomorrow.

COMMENTS (March 20, 2000): SAN DIEGUITO WETLAND RESTORATION PROJECT

Notice of Availability of draft EIR/EIS (No. 98061010)

- O7-1 *Wetlands Creation.*** Most if not all of the proposed wetlands restoration acreage is really wetlands creation, and not restoration. The upland acreage that will be lowered by excavation will yield new elevations and expose new soil surfaces that will require a long time before they will support wetlands plant and animal communities. The document does not provide any assessment of the expected rate of colonization, maturation, or level of biodiversity expected by when. How is it possible to know when and where the project is showing signs of failure, and what kinds of remediation actions are needed? Why was the subject of remediation contingency planning not addressed in this project?
- O7-2 *Use of Reference Sites.*** SCE's permit requires that successful achievement of the performance standards shall be measured relative to performance of approximately four reference sites, i.e. four other relatively undisturbed, natural tidal wetlands. Why haven't the four reference sites been included in this assessment, and justified, so that the public can assess the merit of the yard stick by which the progress of the proposed restoration project will be measured? There has been some mention of use of CDFG's ecological reserve has a reference site. How could this site qualify as a viable reference site since most of it's acreage will be converted from subtidal habitat to intertidal habitat and since this area has undoubtedly been significantly degraded since the lagoon has been closed for most of 1999? Please, specify what reference sites will be used in this project and why.
- O7-3 *Habitat Acreage.*** The document has not given the public an adequate understanding of the rationale for the restoration designs and acreage that have been proposed. Regional perspective is needed in order to evaluate that the types of habitats that are in the greatest regional needs are being maximally included in the designs and that endangered species are also being maximally included. For example, why is the lower salt marsh habitat, i.e. cordgrass and the Light-footed clapper rail, not receiving greater emphasis? Additionally, a discussion of what are "optimal slopes" for the kinds of proposed intertidal habitats is needed so the public can evaluate merit of the actual slopes being proposed and evaluate the differences between the proposed alternatives. Beyond the mix, locations, and types of habitats being proposed, the proposed slopes of these habitats will be critical to their successful colonization and maturation.
- O7-4 *No Success Criteria.*** In the absence of specification and descriptions of the four required reference wetlands, how will we know if the physical and biological performance standards outlined in SCE's permit are being met by the implemented restoration project? More importantly, these performance standards were not adequately developed ecologically and need to be much more strongly defined.

07-5 *No Regional Values.* Regional perspective is needed in this document in order to evaluate that the types of habitats that are in the greatest regional needs are being maximally included in the designs and that endangered species are also being maximally included. Zedler's (1996) recommendation that the greatest regional need was to restore salt marsh and intertidal flats was based on a few measurements made at Tijuana, San Diego Bay, and Mission Bay, hardly representative of our coastal wetlands. We need a rigorous explanation and both a local and regional justification for the types, mix, and acreage of habitats that are being proposed. Which habitats are the scarcest, and of those, which can be successfully implemented in this project? For example, if the Light-footed clapper is in such extreme danger of extirpation, why didn't it receive high priority, including planting of cordgrass in the design of the proposed alternatives?

07-6 *Project Put Off.* On July 16, 1991 the Coastal Commission adopted new permit conditions for SCE's permit to operate the SONGS. In a few months, 9 years will have passed. SCE has not met a single required deadline as outlined by the Coastal Commission. How will the public be compensated for the continued loss of marine resources and delay of implementation of the required mitigation projects?

07-7 *Trails.* What is the justification for inclusion of trails in jurisdictional wetlands? The trail located between J. Durante bridge and I-5 and south of the shopping center east of I-5 should be rerouted to not traverse any wetland. For example, the trail behind the shopping center could be routed through the parking lot, which would provide views. Inclusion of a tram within the trail system is just going to far and should be deleted.

07-8 *Absence of A Monitoring Program.* Why wasn't the Mitigation Monitoring and Reporting Program included in the draft EIR/EIS? The composition and design of this program is key to evaluating the success and need for remediation of the entire restoration project and must be subject to public review now, as part of the review of the proposed project, and not tacked on at the end with publication of the final EIR/EIS.



5620 Friars Road
San Diego
California 92110-2596
(619) 291-0707
FAX: (619) 291-4165

RICK ENGINEERING COMPANY

Water Resources Division

March 17, 2000

San Dieguito River Park
Attn: Principal Planner
18372 Sycamore Creek Road
Escondido, California 92025

SUBJECT: SANDY LANE PROPERTY
(RICK ENGINEERING COMPANY JOB NUMBER 11868-H)

Attn: Principal Planner – San Dieguito River Park

O8-1 Thank you for the opportunity to review your files for the San Dieguito Wetland Restoration Project. Researching the files showed that several methods of insuring uninterrupted supply of seawater into the lagoon were considered. The use of siphons or direct pumping through offshore pipelines was discarded because of high initial costs and high maintenance costs.

A benefit cost analysis should be done to determine whether the costs of these facilities outweigh the benefits to the beach in Del Mar. Factors that should be considered in the benefit cost analysis should include loss of beach area, public safety, public access, additional life guard costs, and reduction in property values.

O8-2 (Loss of Beach Area)

It can be seen from historic photographs of the area that when the lagoon is open to tidal flushing there is a severe impact at the beach. As I stated in my earlier letter, under historic conditions 35 percent of the beach area is lost when tidal interaction is allowed. With the larger tidal prism upstream created by the San Dieguito Wetland Restoration Project, this loss of beach area will certainly increase.

O8-3 (Public Safety/Public Access/Additional Life Guard Costs)

The Environmental Impact Report/Environmental Impact Statement (EIR/EIS) indicates that lifeguards perform an average of six daily rescues during the summer and one to two weekly rescues during the winter. The rescues can be partially attributed to the presence of river currents. The proposed project would increase the tidal inlet size and the flow velocities, as well as creating a permanent waterway. The tidal inlet would be as much as five feet deep during normal tides and approximately 100 feet wide. The average tidal current velocities would increase approximately 110 percent, with the maximum tidal currents reaching 4.6 feet-per-second. This additional velocity and the widened channel will make the channel uncrossable by the public or lifeguard vehicles. The primary mitigation proposed in the EIR/EIS recommends additional lifeguarding. However, given the importance of public safety, additional mitigation measures should be analyzed.

O8-4 (Reduction in Property Values)

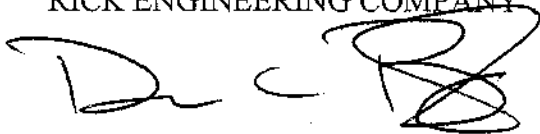
Reduced beach width and access will negatively impact the value of all properties in the affected beach area.

All of these factors should be considered in the benefit cost analysis to be sure that constructed construction of a siphon or pump system is not appropriate in this area.

If you have any questions, please call me at (619) 688-1447.

Sincerely,

RICK ENGINEERING COMPANY



Dennis C. Bowling, P.E., M.S.
Principal

DCB:emn.001

cc: Ms. Monica Tuchscher – City of Del Mar
Sandy Lane Property Owners:
Mr. Douglas Allred
Dr. Thomas Burns
Mr. Steve Fletcher
Mr. Jerry Herritt – Transcontinental Management, Inc.
Mr. Bill and Mrs. Lila Jaeger
Mrs. William Kennedy
Mr. Frank Warren



ROSENTHAL & ZIMMERMAN

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March 17, 2000

669.001

RECEIVED

MAR 24 2000

By Facsimile and U.S. Mail

Ms. Victoria Touchstone
San Dieguito River Park
1500 State Street, Suite 280
San Diego, CA 92101-2922

Re: San Dieguito Wetlands Restoration Project Joint Environmental Impact Report/Environmental Impact Statement

Dear Ms. Touchstone:

We represent Philip J. Wyatt, the owner of two parcels on San Dieguito Road, shown as within the boundaries of the San Diego Wetlands Restoration Project. We have reviewed the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the San Dieguito Wetland Restoration Project, dated January 2000, and we offer the following comments:


O9-1 Dr. Wyatt's parcels, APN 299-072-17 and APN 299-072-18, appear to be included in the areas outlined as the "project area" or the "project study area" on all maps throughout the document, although the text states that the project generally includes only public lands. As we stated in our response to the initial NOP and again in our response to the amended NOP, as privately owned property, these parcels are not a part of the Restoration Project, and should not be included within its scope or within the planning process for this project. Figure 3.1-1 should be modified to clarify that these properties are in private ownership.

This letter confirms that the Wyatt properties are not within the project area or the project study area of the San Diego Wetlands Restoration Project. In addition, we would like to confirm that no trails, other improvements or physical alteration related to the San Dieguito Wetland Restoration Project are planned for the property.

Ms. Victoria Touchstone
March 17, 2000
Page 2

We appreciate the opportunity to comment on the Draft EIR/EIS, and we request continued notice of all further meetings and documentation related to this project.

Very truly yours,



Deborah M. Rosenthal

DMR:ead
699.001LtrPA3.wpd

cc: Philip J. Wyatt, Ph.D.



Norwest Mortgage, Inc
4180 La Jolla Village DR, ste. 150
La Jolla CA 92037
(800) 447-0770
(858) 458-9949
(858) 678-9948 FAX

A **WELLS FARGO** COMPANY

March 17, 2000

*San Dieguito River Park
Principal Planner
18372 Sycamore Creek Road
Escondido, CA 92025*

Re: San Dieguito River Park

Dear Sirs,

Please allow this letter to memorialize our position as homeowners in the Playa Del Mar Townhome Complex. Our twenty units are adjacent to the southwest foot of the river mouth in Del Mar, California.

O10-1 *Clearly, our community could only benefit from the constant exchange of waters represented by the Pacific Ocean and the San Dieguito River. As many of our units actually have views of this basin, certainly clear, clean water would enhance this already scenic piece of nature. However, we vehemently disagree with the proposed projects unnatural solution of building a constant flowing channel at the north end of the Del Mar beach. This could create a Pandora's box of catastrophic events which would have a deleterious effect on this municipalities crown jewel - her outstanding, world class beach!! Inaccessibility for beachgoers, constant contamination and most importantly (and hugely overlooked and miscalculated by the eir/eis) erosion, are just a few of the many damaging effects of this aspect of the proposed project.*

It is important that you understand we support much of this projects well-intentioned desire to preserve and enhance our areas natural habitat. As San Diegans, we are truly blessed to have such a remarkable abundance of beautiful wetlands and indigenous wildlife. However, we sincerely hope that we do not have to lose anymore of our not so abundant sandy beaches.

O10-2 *Certainly there must exist a less damaging approach to this prodigiously important issue. We urge you to please explore carefully the possibilities of utilizing an underground water transport system that would adequately exact the cause you seek.*

Please help us preserve what is truly natural, our beautiful, sandy beach.

Respectfully,

*Robert H. Fleet
President*

Playa Del Mar Homeowners Association

LEAGUE FOR COASTAL PROTECTION

March 20, 2000

Principal Planner
San Dieguito River Park
18372 Sycamore Creek Road
Escondido, CA 92025

Dear Sir or Madam:

The League for Coastal Protection welcomes the opportunity to comment on the draft EIR/EIS for the San Dieguito Wetland Restoration Project.

We are submitting this letter and our attached comments by facsimile transmission, and by US mail.

We were disappointed to see that our response to the original NOP/NOI was not included in the Draft EIR/EIS. Consequently, we are resubmitting them to you at this time to complete the record.

We are pleased that this project is finally coming to some resolution and we applaud the substantial effort that has been made to prepare the draft EIR/EIS for a very complex project at a location that is constrained by many interests. Nonetheless, we believe that there is still room for further improvement in the design and construction of the proposed project. There were also several important topics that were omitted from the document.

Sincerely,



Joan Jackson
Secretary

**NOTICE OF AVAILABILITY OF A DRAFT JOINT ENVIRONMENTAL
REPORT/ENVIRONMENTAL IMPACT STATEMENT
(Clearinghouse Number 98061010)
SAN DIEGUITO WETLAND RESTORATION PROJECT**

**GENERAL COMMENTS
March 20, 2000**

O11-1 1. Delay in Completion of the Joint EIR/EIS.

The original NOP of the joint EIR/EIS was issued on 6/1/98 and then an amended NOP was issued on 2/16/99; 8 ½ months later. The Draft joint EIR/EIS was then published on 1/31/2000; 21 months after the original announcement. Delay in completion of this document for the purposes of inclusion of a Park Master Plan and the Villages property has put further off the time when the public can recover, via mitigation, public resources lost due to operation of the SONGS. Why did it take 21 months to produce this document?

O11-2 2. Upland and Non-Tidal Wetland Restoration, Public Access Trails, and Interpretation Features.

The Park Master Plan substantially overlaps with SCE's wetlands mitigation project. To what extent has the desire for public access, etc. constrained optimizing the ecological attributes of the restoration project. For example, the berms may gain acceptability because they could support trails and increasing the elevation of properties in the flood plain could promote their development in the future. Wouldn't such development conflict with the restoration project and the requirement for adequate buffer areas? How is it possible to verify that SCE's buffer requirements are being met by SCE, and not by "restoration of the project's other nontidal wetland and upland restoration proposals?" It was not clear where SCE's project and required buffer areas end or even start and the JPA's upland projects begin. Combining evaluation of these two documents is extremely confusing and makes it very difficult to specifically evaluate SCE's project! A combined review may facilitate the JPA's purposes, but it is unfair to the public, and it contributed to completion of the document by another 8 ½ months.

O11-3 3. Range of Alternatives Evaluated.

The original Alternatives A – E, that were developed with good public review, were subsequently redesigned in a vacuum by SCE due to the presumed concern for liability. The public is now forced to evaluate a very narrow set of berm driven alternatives that severely limit design options. In fact, the proposed alternatives now all have an "identical grading footprint." How are these really true alternatives? The fact is that the berms really serve as a mechanism for disposal of dredge material. Plus, the berms will also have to be armored to keep them from eroding during floods. Unfortunately, all alternatives presented include the same basic configuration of berms. Consequently, the basic grading footprint and design of the alternatives presented, and their basic patterns of flow are identical (as acknowledged on page 2-5 line 2). The alternatives presented are really not alternatives. NEPA requires that a reasonable range of alternatives must be explored and objectively evaluated. The information presented in Table 2.4-1 (page 2-

137) reveals that the range of differences between the alternatives is minimal. Obviously the agencies are struggling with the same problem, i.e. there is not much difference amongst the alternatives, so they can not select a preferred alternative either, because they are all the same! The consequence is that a reasonable range of alternatives has not been presented to the public.

O11-4 4. Tidal Flushing.

Sustained tidal flushing is critical to the success of this project. Although, there was some discussion about use of an inlet maintenance dredging plan, it is not apparent how this plan will actually be implemented to achieve or sustain the hydroperiods predicted by Jenkins, Josselyn, and Wasyl (1999). While the month selected for analysis (January 1992) may have been optimal from an oceanic tidal range perspective it may not have been optimal from the elevation of the channel bed perspective. Doesn't the hydroperiod modeling assume a static channel bed elevation? How will the hydroperiod modeling results change if the channel bed accretes marine sand such that the depth of the channel bed is decreased by 50% and extends as far up the channel as the J. Durante bridge? As tidal flushing is dampened won't the tidal amplitude also be reduced? What tidal amplitude is needed to sustain the projected community elevations?

O11-5 5. Impact Assessment.

We greatly appreciate your use of the 4 class system of assigning impacts and in providing the significance criteria that were used. However, impact assessment was often overly simplistic and frequently lumped topics and then assigned a single impact, when several separate impacts were warranted. The terms "temporary", "localized", and "short term" are used excessively without defining any of them for the topic being evaluated. For example, it is important to understand how these terms are being used so that the public can assess if the existing habitat, e.g. the CDFG ecological reserve, will be impacted during and after construction.

O11-6 6. Inlet Maintenance Permit.

Assignment of the inlet maintenance permit, ownership of the inlet property, responsibility for maintenance (i.e. actual dredging), criteria used to signal that dredging is required, and where dredged sediments will be disposed are details that must be clarified for this project is approved. This topic can not be managed by a committee (e.g. SCE, City of Del Mar, 22nd Agricultural District, State Lands Commission, Coastal Commission, etc.). This critical topic can kill the long term viability of this wetland if it is left to a complicated bureaucracy. Why does SCE need permission from the 22nd Agricultural District to dredge and maintain the mouth of the lagoon if the project gains approval from all the regulatory agencies including the State Lands Commission? Doesn't the District lease the land from the SLC? Doesn't the City of Del Mar actually retain the permit to open the lagoon. The 22nd Agricultural District can not be the gatekeeper for this project because they have biased interests, and the 22nd Agricultural District is the primary cause of the demise of the lagoon in the first place and continues to expand their footprint and incompatible use of the floodplain. The various state agencies really need to evaluate how they are going to manage the competing needs of the 22nd Agricultural District (fairgrounds ... which have little to do with agriculture and a lot to

do with recreation) and restoration of wetlands resources. These two land uses just may not be compatible at all.

O11-7 7. Water Level Management Plan.

The description of how the construction phases would be implemented is just not detailed enough and does not enable the public to evaluate the interpretation of the assigned levels of impacts. The problem is that the document describes a weir, various plugs, haul roads, initial inlet dredging, and tidal flushing, but does not integrate any of this. How will the existing wetlands communities (i.e. plants, invertebrates, fish) survive if the lagoon is closed during construction, if water levels are excessive in order to support a dredger, if turbidity plumes move throughout the lagoon due to tidal currents and cause excessive sedimentation, if sea water is not pumped in to the lagoon (if closed) to sustain the dredger, if fish have no place to escape to because of the plugs, etc. A water level management plan is needed so that construction does not kill the communities that are needed to populate the newly created habitats.

O11-8 8. Criteria Used to Trigger Need for Inlet Maintenance.

How can anyone justify allowing San Dieguito Lagoon to remain closed during most of 1999 while the details of how the lagoon will be restored, etc. are worked out is the most significant impact of this proposed project and it has not even started yet. The degradation that has occurred at this lagoon due to lack of tidal flushing demonstrates a lack of commitment by SCE, a lack of civic responsibility on the part of the cities and 22nd Agricultural District, and a lack of will on the part of the regulatory agencies. Because of this poor performance record, specific criteria are needed for signaling the need for future maintenance of the inlet by dredging and clear responsibility for implementation and methodology are needed.

O11-9 9. Flushing Rates.

We need to know the flushing rates of each of the new and old basins for each of the proposed alternatives for the extremes of both neap and spring tides. Since there are fuel lines, sewer lines, trucking accidents, and now year-round urban runoff, pollution spills will happen. How long will it take to disperse these pollution problems and to what extent will a pollution spill in one basin will affect the whole system?

O11-10 10. Future Salinity Regime.

What will be the future salinity regime in each of the new and existing basins for each of the proposed alternatives? For example, will W4 and W16 become a fresh water, brackish water, or marine water system?

O11-11 11. Sediment Disposal Sites.

Use of DS33 – DS36 makes good sense. Use of DS 32 will create future unwanted slope and use/development problems. Use of DS37 and DS38 should be deleted from the project. There is adequate acreage elsewhere (i.e. DS33 – DS36) to dispose of sediments or if deep dredging of W1 is selected then this site could accommodate a substantial volume, if not all, of dredged sediments, and then capped.

O11-12 12. Lagoon Closed.

This document acknowledges and describes exactly what happened to the lagoon since it was closed during most of 1999. Hasn't this closure changed the lagoon baseline conditions? If not, why not?

O11-13 13. Construction Methods and Impact Assessment.

The evaluation of the Impacts of Construction is inadequate, because the methods of construction are not characterized sufficiently and hence the assessment of impacts is generalized. This is a serious problem. Two construction scenarios need to be evaluated: 1). Entire project is done by dry excavation, 2). Entire project is done by a combination of dry excavation and hydraulic dredging. Dredging requires an adequate water depth to float the dredger and an adequate water supply to pump dredged sediments. If the lagoon is closed then there is not sufficient water to operate a dredger. So, either you pump in sea water or you keep the lagoon inlet open. If the lagoon inlet is open the tidal circulation will move the dredger and dewatering sediment turbidity plumes throughout the entire lagoon. Prolonged submergence of salt marsh habitat is very destructive. Please include a clear description of all sediment plugs, in which channels they will be used, how long they will be in place, what water level elevation will be needed for the dredge to operate, how will turbidity from both the dredge and from dewatering be controlled? Describe a detailed "water level control plan. Will ocean water be pumped into the lagoon over the sand plugs?

O11-14 14. Berms.

Increasing the elevation of DS37 and DS38 in combination with construction of B7 will effectively channelize the appearance and function of the main channel such that the river flows will be confined to the channel and facilitate more frequent, excessive, and greater distance of scouring of the channel bed even during low floods. For example, a 10 year flood event with the berms might scour as much bed sediment as a 25 year flood event without the berms. Also, existing bank-full flow rates will now be extended to include 50 and 100 year flood flows. Under existing conditions these floods would exceed the existing channel banks and disperse over the flood plain. This more frequent scouring of the channel bed will take out the the river bottom sediments and associated invertebrates and fish that SCE has just gotten credit for enhancing. Every few years, the year bottom life will have to recolonize and start over. Under these conditions what would be defined as a normal aquatic community? Would the aquatic community remain at a low level of maturity due to frequent episodic disturbance? During major flood events these berms could fail and dump large volumes of sediments into the newly created basins; potentially much more sediment that might accumulate in the absence of berms. Since we do not know how these berms would actually perform, perhaps requiring repair, rip-rap, reconfiguration or additional berms to be constructed, their construction could be a major mistake. It is possible that these berms have some engineering merit, but they have no ecological value. If sediment delivery to the beach is estimated to be 210,000 tons per 30 years (7000 tons per year) without the berms (existing conditions), and it is estimated to be 230,000 tons per year per 30 years (7667 tons per year) with the berms, then the net gain is 20,000 tons of sediment per 30 years (667 tons per year) delivered to the beach rather than deposited over the lagoon floodplain. 20,000 tons is equivalent to about

16,000 cy per 30 years (533 cy per year). This is a meaningless benefit. 533 cy dispersed over 200 acres is a gain of about 2 mm per year. It is much better to delete the berms and convert the berm footprint to functional wetland habitat! The potential gain in wetland habitat from deleting the berm footprint would be 12.4 to 14.5 acres!

**SPECIFIC COMMENTS ON THE DRAFT JOINT EIR/EIS FOR THE SAN
DIEGUITO WETLAND RESTORATION PROJECT
March 20, 2000**

- | | <u>Page</u> | <u>Line</u> | <u>Comment</u> |
|--------|-------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| O11-15 | 1-1 | 10 | What has "future granting of federal funds for various aspects of project implementation" have to do with SCE's mitigation project obligations? Please, explain or delete this. |
| O11-16 | 1-1 | 17 | Inclusion of an additional assessment of implementation of a "Park Master Plan" proposed by the JPA is extremely confusing to the public. It also significantly delayed completion of the EIR/EIS that was supposed to be focused on SCE's proposed project. |
| O11-17 | 1-10 | 21 | SCE is required to create or restore 150 acres of tidal wetland. "Enhancement" of 35 acres is not "restoration". This document assumes that they are equivalent. Is restoration and enhancement considered to be ecologically equivalent, and, therefore, merit identical credit values? Please, explain the rationale for awarding 35 acres of enhancement credit. |
| O11-18 | 1-10 | 31 | Jenkins and Wasyl's (1998, 1999a-d) calculations of tidal inundation/exposure frequencies for various elevations assumes no changes in elevation of the channel bed. This is an incorrect assumption. The channel bed and inlet characteristics change dramatically, and, therefore, so does the rate and volume of tidal exchange; eventually leading to a trickle and finally closure, and no tidal exchange. |
| O11-19 | 1-18 | 1 | This EIR/EIS must the "effectiveness of the proposed mitigation plan", because each of the alternatives proposed must actually satisfy these requirements in terms of acreage, endangered species, ecosystem support, buffer areas, perpetuity, etc., or else they are not viable alternatives. |
| O11-20 | 1-18 | 23 | The Earth Island settlement requires SCE to "acquire and restore" additional acreage. SCE purchased 86 acres (Horseworld Property) and another 54 acres (south of Via de la Valle). What formula was used to determine how many acres of former wetlands must be "restored", and how many acres will actually be restored? Restoration of coastal sage scrub is not equivalent to restoration of wetlands habitat. |
| O11-21 | 1-21 | 15 | The proposed project design(s), impacts of restoration, and measures of performance are all driven by the mitigation requirements of SCE. What is the rationale behind this statement? These subjects cannot be uncoupled. |
| O11-22 | 2-1 | 8 | It appears that a Park Master Plan would substantially overlap with SCE's wetlands mitigation project. To what extent has the desire for public access, etc. constrained optimizing the design of the restoration project alternatives? For example, the berms may gain acceptability because they could support trails. Combining evaluation of these two documents is extremely confusing and makes it very difficult to specifically evaluate SCE's project! A combined review may facilitate the JPA's purposes, but it is unfair to the public. |
| | 2-1 | 17 | For example, how is it possible to verify that SCE's buffer requirements are being met by SCE, and not by "restoration of the project's other nontidal wetland and upland restoration proposals?" |

- O11-23 2-1 23 When was the "restoration alternatives evaluation framework requirements" made public? If this was a written document it should be made available. How were the goals and objectives prioritized? What were the design criteria and measures of performance?
- O11-24 2-1 38 There are no goals identified in Sec. 1.6 Public Involvement. There are site-specific goals mentioned on page 1-20 line 18 but they are not prioritized.
- O11-25 2-2 5 The alternatives developed with public review were subsequently redesigned in a vacuum by SCE due to the presumed concern for hydrologic constraints, i.e. liability. Now the public is forced to evaluate a very narrow set of berm driven alternatives that severely limit wetland design options. In fact, all the alternatives now have an "identical grading footprint." How are these really true alternatives? The fact is that the berms really serve as a mechanism for disposal of dredge material. For example, what is the justification for berms to be 20 ft wide? Plus, the berms will also have to be armored to keep them from eroding during floods. This imparts a major channelized, contrived landscape.
- O11-26 2-2 17 Why was this area an unsuccessful nesting area? If it was due to predation then further restoration will not help. Is the existing substrate or elevation appropriate? If it is due to weeds, why was it not maintained?. A clear explanation needs to be made before 5 more nesting sites are built to also fail.
- O11-27 2-2 28 Please specify the evaluation criteria used. Are you referring to SCE's Permit Condition A Minimum Standards and Objectives and Long Term Physical and Biological Standards?
- O11-28 2-2 38 The conclusion that excavation within the "effective flow area of the San Dieguito River would result in significant increase in downstream scouring during flood events" is not logical. As flows increase to exceed bank-full flow, much of the velocity is dissipated over the flood plain. Construction of berms would limit and narrow the area of flood flow dissipation and, therefore, accelerate flows and cause downstream scouring at the bridge choke points, and exacerbate impingement of debris on the railroad trestle pilings.
- O11-29 2-2 39 The originally prepared alternative design concepts are feasible from an engineering and liability point of view! The best non-berm alternatives were incorrectly eliminated. The public is now being forced to evaluate the wrong set of "channelized" alternatives. Inclusion of berms has severely constrained this project!
- 2-2 40 The explanation for elimination of all non-berm restoration alternatives is minimal and not adequately justified or proven. This was a critical leap and caused a major change in the direction of the project.
- O11-30 2-2 42 These new alternatives were developed by SCE. Unfortunately, all alternatives presented include the same basic configuration of berms. Consequently, the basic grading footprint and design of the alternatives presented, and their basic patterns of flow are identical (as admitted on page 2-5 line 2). The alternatives presented are really not alternatives. NEPA requires that a reasonable range of alternatives must be explored and objectively evaluated. The information presented in Table 2.4-1 (page 2-137) reveals that the range of differences between the alternatives is minimal. Obviously the agencies are struggling with the same problem, i.e. there is not much difference amongst the alternatives, so they can not select a preferred alternative either, because they are all the same! The consequence is that this so called alternatives analysis is not valid.

- O11-31 2-3 3 The proposed "berm alternatives" are not the public's desire. This was a unilateral decision made by SCE!
- O11-32 2-5 28 Is creation of 13.8 transitional wetland habitat adequate compensation for loss of 25 acres of existing and functional seasonal salt marsh?
- O11-33 2-5 33 Does the number 143 acres include Earth Island contribution? How many acres is SCE actually improving as their permit requires? Please separate out SCE's permit requirements, Earth Island settlement, buffers, and JPA upland acreage. Inclusion of culverts in the major berms (B7 and B8) are not discussed anywhere else in the text and they are not shown in any of the cross sections of the berms. No culverts are shown in berm B7 in Figure 2.3.1-2. Please, provide a rationale for their inclusion and give details. Does the need for culverts imply that there may be minimal tidal flushing in the new basins and that the culverts are meant to aid mixing? What is the expected flushing rate in each basin with and without the culverts? These culverts need to be adequately justified or deleted.
- O11-34 2-6 20 This weir is yet another engineering fix. Explain the necessity for its inclusion. How many more weirs will be needed upstream? What is the downside of deleting the weir?
- O11-35 2-6 36 Why does SCE need permission from the 22nd Agricultural District to dredge and maintain the mouth of the lagoon if the project gains approval from all the regulatory agencies including the State Lands Commission? Doesn't the District leases the land from the SLC anyway? Doesn't the City of Del Mar hold the permit to open the lagoon. The 22nd Agricultural District can not be the gatekeeper for this project, since they reflect a significant conflict of interest. The 22nd Agricultural District is the primary cause of the demise of the lagoon in the first place!
- O11-36 2-7 Figure 2.3.1-1. Please provide the rationale for building NS14 and Berm 9. Won't Berm B7 cause erosion of the existing marsh west of NS11? Why is the north channel, most of the south channel, the CDFG restoration area, and both new basins east of I-5 all color designated Frequently Flooded Mud Flat? Why are some of the channels in the CDFG restoration area shown in Figure 3.4-1 as Open Water, redesignated as Frequently Exposed Mud Flats in Figure 2.3.1-1? Are these sites for post-project sedimentation? The channel depths of the new basins east of I-5 are too shallow, i.e. +1.0 ft NGVD will invite establishment of cattails and bulrushes. This would be inappropriate habitat for meeting SCE's mitigation requirements.
- O11-37 2-8 Figure 2.3.1-2 The dredged channel depths are not consistent with Figure 2.3.1-6. The locations of the stone revetments is not clearly shown.
- O11-38 2-11 23 Why is it 143 acres here and 148.68 acres in Table 2.3.1-1a?
- O11-39 2-11 38 Jenkins and Wasyl's (1998, 1999a-d) calculations of tidal inundation/exposure frequencies for various elevations assume no changes in elevation of the channel bed. This is an incorrect assumption. The channel bed elevation does change, and, therefore, so does the rate and volume of tidal exchange; eventually leading to a trickle and finally closure, and no tidal exchange. Even if tidal flushing is sustained, the channel bed elevation will not be fixed. So the upper boundary elevations of 4.7 to 4.9 ft NGVD (7.11-7.31 ft MLLW) will probably not happen. In fact, 4.5 ft NGVD (6.91 ft MLLW) will not happen either.
- O11-40 2-13 4 The 15 acres of transitional habitat on the slopes of the berms is meaningless habitat and merits no credit. If the 15 acres of new Transitional Habitat on

the berms is being used to balance the elimination of 1.16 acres and conversion of 18.8 acres of Seasonal Salt Marsh, as outlined in Table 2.3.1-1a, this is not legitimate replacement. Hence, the Total Nontidal Wetland acreage should be a deficit of -20.37 acres not -5.71 acres.

- O11-41 2-14 9 If the total footprint of the five nesting sites is 21.5 acres, and if you are going to cap these sites with one yard of sand you will need 104,060 yd³ of cap material not 77,300 yd³ (i.e. $21.5 \times 4850 \text{ yd}^2 = 104,060 \text{ yd}^3$).
- O11-42 2-24 11 Goodwin and Florsheim (1997) is not given in the list of references.
- O11-43 2-24 25 Please, verify that the initial grading depths of the main channel and inlet given in the text in NGVD are also in NGVD in Figures 2.3.1-6 and 2.3.1-7. Depths given in the two figures are not labeled.
- O11-44 2-27 18 The inlet maintenance plan does not discuss locations of contractor access/launching sites. This must be worked out with all interested property owners before finalization and approval of the project.
- O11-45 2-27 30 The inlet channel configuration in May 1993 relates to the tidal prism at that time.
- O11-46 2-27 35 Since the restoration project will increase the tidal prism, won't this change the desired inlet channel configuration or, at least the rate at which the inlet and main channel accumulate marine sediments and, therefore, change the maintenance dredging schedule to some new frequency?
- O11-47 2-30 27 How can berms be justified to maintain existing conditions if existing conditions lack berms? Presence of berms will enhance flow in the river channel and increase scour of the channel bed and episodically destroy whatever benthic community had developed since the last major flood. Presence of berms will, therefore, increase the magnitude of impacts to the benthos that support the fish community.
- O11-48 2-30 29 There is no existing one rate of channel scour. The berms will increase channel scouring when flood levels exceed the existing bank full flow rates.
- O11-49 2-35 35 Here, the purpose of the berms (B7) is to constrain flow from entering basin W1, whereas on page 2-3 line 29 the purpose of the berms is to maintain existing scour. Inclusion of berms in the design of the alternatives is a major turning point and a significant design constraint on this project. The justification for using berms is weak and not credible ecologically.
- O11-50 2-30 44 Please, explain the source and volume of the sand that would fill in the new basin?
- O11-51 2-31 2 What is the rationale for this weir? Is it to control head cutting and migration of channel bed scouring further upstream?
- 2-31 4 What is the purpose of this berm?
- O11-52 2-31 18 Geotextile material has caused problems elsewhere, particularly when it is used on steep slopes, and it restrains penetration and growth of foets.
- O11-53 2-34 19 Does construction of Stone Revetment #2 conflict with future widening of I-5?
- O11-54 2-34 29/41 Geotextile fabric can be a problem and must be securely fastened down and trenched in around the edges. Water can flow under this material and rip it all out.
- O11-55 2-40 12 Now we learn about another reason for building the berms, i.e. to prevent bed scour at the

- bridge foundations by maintaining the current level of supply of sediment from upstream.
 Won't the weir cut off the upstream supply of sediment?
- O11-56 2-40 23 The Grand Ave bridge should remain in place to enable access for maintenance of NS11 and B7.
- O11-57 2-40 31 Actual construction methods must be described in the EIR/EIS! This is critical. Batiquitos Lagoon was excessively submerged for many months while dredging was conducted. Prolonged submergence of salt marsh habitat was very destructive. You must include evaluation of construction in this assessment. Please include a clear description of all sediment plugs, in which channels they will be used, how long they will be in place, what water level elevation will be needed for the dredge to operate, how will turbidity from both the dredge and from dewatering be controlled? Describe the water level control plan. Will ocean water be pumped into the lagoon over the sand plugs?
- O11-58 2-41 1 If DS37 and DS38 are eliminated as dredge disposal sites, because they are jurisdictional wetlands, will this water level control structure be eliminated? You can not build a desiltation basin DB1 on top of a jurisdictional wetland. How will turbidity that discharges from DB1 back into the main channel be managed? What will the impact of this turbidity be on the existing aquatic portion of the lagoon?
- O11-59 2-41 20 What is the location of his sand plug (associated with W17 or W1?) and how long will it be in place? How long will the lagoon be closed to ocean circulation? If the lagoon will be closed how will this impact the existing aquatic habitats? What are the months of closure?
- O11-60 2-43 24 Where will topsoil be stockpiled?
 2-43 29 How will the soil be treated to eradicate weed seeds?
- O11-61 2-43 38 Are the temporary stockpile areas the same as the sediment disposal sites?
 Please map the locations of stockpile areas?
- O11-62 2-43 39 How many scraper trips will be required to move the estimated volumes of sediment and how long will it take?
- O11-63 2-44 42 Staging area SA4 will impact existing habitat. Why not move it east of San Andreas Drive to W16 or use San Andreas Drive or even better move it further east on to 22nd Agriculture District property?
- O11-64 2-45 6 Will the construction access roads also be returned to the original condition? What does "for the most part" mean?
- O11-65 2-45 21 Confirm that construction access roads (dashed red line in Figure 2.3.1-13) would be compacted and covered with gravel, but haul roads (solid red line in Figure 2.3.1-13) would not be compacted and would not be covered with gravel? Which roads in Figure 2.3.1-13 will have added gravel?
- O11-66 2-47 Figure 2.3.1-13 Please show the location of desiltation basin channels and discuss how they would be operated and how turbidity would be controlled from impacted existing aquatic habitats?
- O11-67 2-49 15 Is the lagoon closed this entire time?
- O11-68 2-49 18 This statement does not allow the public to evaluate the magnitude of the construction aspect/impacts of the project. Why can't you speculate on two scenarios: 1). Impacts of total dry excavation and 2) impacts of dry plus dredging? Some characterization of the construction duration, water levels, turbidity, etc. is needed. Will there be 1000 or 10,000 scraper trips? Will the existing marsh habitats be submerged for 1 month or 10 months?

- O11-69 2-53 5 On-site burial of sediment in a pit in Area W1 makes the most sense. It minimizes trucking, turbidity, etc.
- O11-70 2-67 35 This statement confirms that the Park Master Plan (Landscape Unit A) is in conflict with a meaningful selection and equitable evaluation of viable project alternatives. It also points out that inclusion of berms has significantly constrained design of real project alternatives. The Park Master Plan can not be yet another filter factor constraining design and selection of the best alternative for restoration of of San Dieguito Lagoon.
- O11-71 2-68 23 How will the conflict between public access and protection of endangered species be resolved?
- O11-72 2-75 1 How will you manage horse and dog wastes along the trails.
2-76 16 Can the gravel recovered from the construction access roads be used as the rock base for the trail?
- O11-73 2-85 3 How is increasing the footprint and activities of the 22nd Agricultural District, especially with operation of a tram, compatible with the concept and purposes of the San Dieguito River Park? If the 22nd Agricultural District has a problem with parking, etc. why isn't just extending the number of fairground days the most obvious solution? The cumulative effects of the District's appetite and plans for growth are ecologically significant and not mitigable!
- O11-74 2-85 35 How is the District's proposed use of U18 compatible with a major wetlands restoration project and the needed buffers? How can SCE justify purchasing this property to settle the Earth Island lawsuit and then turn around and lease to the District? Obtaining mitigation credits and then enabling development with the same property is wrong!
- O11-75 2-88 15 Ownership of the tidelands associated tidal inlet must be clarified, and defined as subject to the Public Trust and not control by the 22nd Agricultural District, before this EIR/EIS is finalized. Responsible management of tidal flushing is critical to sustaining productivity of the lagoon. How can tidal flushing be sustained if implementation can be scuttled by the District?
- O11-76 2-92 33 What does no significant(?) structural change to the CDFG ecological reserve mean? How can change be interpreted if the lagoon has been degraded by lack of tidal flushing? How can the old existing baseline information data be representative of the real lagoon conditions or even the range of environmental conditions, if the lagoon has been severely degraded?
- O11-77 2-93 8 What is the estimated tidal prism for this alternative? Please, also include tidal prism estimates in Table 2.4-1. How will the increased tidal prism affect the scope and dredging frequency of maintenance of the inlet? How will the salinity regime throughout the lagoon differ for each alternative? How will each basin perform as a sediment sink for fine particles? What is the flushing rate for each basin? How will the increased tidal prism affect the hydraulic performance and configuration of the inlet? Why has the subtidal area in the CDFG ecological reserve decreased for this alternative in Figure 2.3.2-1? Why are there 6 culverts through berm B8a here and 3 culverts in Figure 2.3.1-2? Why are there 4 culverts in berm B7 in Figure 2.3.2-2 and none in berm B7 in Figure 2.3.1-2?

- O11-78 2-94 35 This statement implies that the need for stone revetment #1 is due to the increased tidal prism in W4 +W16 and not from future flood events. Please explain this statement?
- O11-79 2-115 35 If the elevation of the existing property of the old sewage treatment ponds (about 7 ft NGVD?) is adequate to constrain higher velocity flows without constructing berm B7, then why is berm B7 proposed to be 16.5 to 17.5 ft NGVD in the other alternatives? Are you assuming the old sewage treatment pond berms (12 ft NGVD?) will not be breached? There is a big difference between the existing topography of the old ponds, including the old sewage treatment pond berms, and the proposed elevation of berm B7. It sounds like the proposed berms are extremely oversized as a mechanism for disposal of excavated sediments. It is not clear whether the berms are needed for hydraulic requirements within the project footprint (in the absence of storm fluvial flows) or for storm water flows from upstream input? Why has the subtidal depth of the CDFG ecological reserve increased in Figure 2.3.3-1?
- O11-80 2-130 1 This is not consistent with the Earth Island settlement. Does this mean that SCE would implement Earth Island's wetlands restoration requirements at some other lagoon?
- O11-81 2-137 Table 2.4-1 Please add estimated tidal prism, inlet dredging frequency, and tidal flushing rate to this Table.
- O11-82 3.2-1 17 If the excavated sand mining pits "intercept essentially all bed load arriving from upstream", then what is the source of the sediment that is estimated to be delivered to the ocean, i.e. 230,000 tons/30 years? Is the sediment load primarily composed of silts and clays? Also, why do we need the berms if most of the sediment will be washload?
- O11-83 3.2-15/17 - Why are the "existing" channel bed elevations different in Figures 3.2-7 and 3.2-8? The plot of the channel bed elevation in Figure 3.2-8 shows scouring of the channel bed west of El Camino Real bridge, I-5 bridge, J. Durante bridge, railroad bridge, and Highway 101. It also show "deposition" below the scour areas. Are these elevated portions of the channel bed real sites of sediment deposition or are they hard mud? If the scour and deposition areas shown in Figure 3.2-8 line up with the changes in initial bed elevations shown in Figure 3.2-7 west of El Camino Real, why do they not line up west of I-5? Explain the predicted presence of 4 deposition sites west of I-5, and no deposition sites west of J. Durante Blvd?
- O11-84 3.2-29 36 Why has this section ignored all the baseline data collected by MEC (1993)? Coastal Environments (1993a) and Boland (1998) are not the only data available.
- O11-85 3.2-31 15 This section on salinity trivializes the fact that during periods of river runoff most of the lagoon can be exposed to a very low salinity for many weeks or months. Even if such floods occur every few years, the impact of prolonged low salinity is significant for the invertebrate and fish communities.
- O11-86 3.2-32 29 This is not correct. Five years (1979-1983) of nutrient data were collected by G. Peters of the RWQCB. These data should be reviewed and included.
- O11-87 3.3-5 13 Why can't the sand deposit in this proposed subtidal basin be over-dredged and put on the beach, and the pit used to bury other dredged sediments that are too fine for any other uses, and then capped with sand from the bed of the new basin?

- O11-88 3.3-15 23 Why were the Horseworld, southern channel and other area sites sampled for sediment contaminants not mapped?
- O11-89 3.3-21 34 How will the soil plantability results be used in the grading and planting plan? Can these data be used to estimate the future success and rates of natural colonization or planned revegetation efforts?
- O11-90 3.4-1 1 This section needs to address the fact that the lagoon has been closed for a substantial period of time (12 months?), while the EIR/EIS was being prepared. So, the existing baseline aquatic conditions described in the EIR/EIS do not reflect the present degraded system. Are there any data to treat this major problem? This is a fundamental problem.
- O11-91 3.4-2 33 Why was the lagoon allowed to remain closed to tidal flushing during most of 1999? If this is proof of the lack of communication and commitment amongst agencies, cities, agricultural district, SCE, etc., this project is in serious trouble.
- 3.4-5 37 Since lagoon closure is known to cause significant mortality of mudflat benthos, why was the lagoon allowed to remain closed during most of 1999?
- O11-92 3.4-7 5 The response of the benthic community needs to be described so that the effects of heavy river flows can be factored into long term monitoring, selection of internal and external reference sites, and documentation of rates of colonization/recovery.
- 3.4-7 13 Table 3.4-1 shows that after the major rainfall event of 1992/1993 the benthic community throughout the lagoon had become a brackish water system. Is this altered benthos an adequate forage base for the fish community? If so, which fish species will this forage base support?
- O11-93 3.4-8 20 Patches of eelgrass were present in the lagoon when the lagoon was opened after 1992/1993.
- O11-94 3.4-9 10 What are the locations of Schrocter et al. (1997, 1998) fish sampling stations? Please provide a map.
- O11-95 3.4-9 11 Why weren't the detailed seasonal fish data presented for both basin and river sites? Are the valid winter data indicators of the composition of the fish community that is likely to be found in the new and old basins after the restoration project is completed? Please present winter and spring results and discuss the differences. Results from 1999 surveys need to be presented, since the lagoon has been closed to ocean circulation during much of this year.
- 3.4-9 36 Why are you discussing striped bass?
- O11-96 3.4-11 25 Why was there no discussion about slope of the marsh habitats? Since the information that was provided was presented at a generic level, please include a discussion of ideal slopes for low, middle, and high salt marsh and for adjacent upland habitat. What are the actual subtidal, marsh, and upland slopes in the CDFG restoration site? How long did it take the CDFG restoration area to colonize with salt marsh plants? Does the CDFG salt marsh habitat also produce algae?
- O11-97 3.4-12 21 There is no L-1 shown in Figure 3.4-1.
- O11-98 3.4-14 17 Why were mammalian predators omitted from this section?
- 3.4-29 10 What predator management and public education program will be implemented to accompany construction of the least tern habitats?
- 3.4-30 34 What method of weed control will be used at the constructed least tern habitats and who is responsible for implementation?

- O11-99 3.4-31 2 What size and quality of habitat is needed to make a least tern nesting site successful?
- O11-100 3.4-31 29 Closure of the lagoon during 1999 and failure to sustain tidal flushing has eliminated the cordgrass that was beginning to colonize the lagoon. If concern for Light-footed clapper rail is this extreme, then a significant management problem exists amongst the agencies for allowing loss of cordgrass at this lagoon.
- O11-101 3.4-37 19 How does construction of the least tern nesting sites (especially NS11, NS12, NS15) square with Sec. 404(b)1 about restrictions on placement of fill? How does use of construction staging areas, and desiltation basins of the least tern nesting sites (especially NS11, NS12, NS15) square with Sec. 404(b)1 about restrictions on placement of fill? Launch Site SA2 (shown in Figure 2.3.1-13) should be eliminated in favor of launching from 22nd Agricultural District Property west of J. Durante Blvd. How will desiltation basins DB2 and DB3 drain to the existing main channels? How will the dredge spoils at the least tern nesting sites be drained or will these be constructed by trucking sediment?
- O11-102 3.4-37 24 The total amount of wetland acreage presented in Figures 3.4-1 and 3.4-2 is less than the 268 jurisdictional wetlands acreage identified here. Why are there differences?
- O11-103 3.4-37 33 If the USACE has determined that the Surf and Turf and the East Parking Lot are jurisdictional wetlands how can disposal sites DS37 and DS38 be permitted? How can these sites be used for a future tramway or continued to be used for parking?
- O11-104 3.4-37 39 Why were proposed trail corridor routes located in from wetland habitat? The trail plans should be revised and moved out of the wetland!
- O11-105 3.6-1 31 Disposal sites DS37 and DS38 should be deleted from the project. These sites are jurisdictional wetlands! Obviously, disposal of dredged sediment is proposed at these sites to counter the effect of proposed berm B7. If these sites are deleted (i.e. maintain the existing elevations), how will construction of berm B7 affect the behavior of river flow?
- O11-106 3.9-1 10 Please include a discussion of what pesticides are being used to control mosquitoes, frequency, and what is there toxicity to other species.
- O11-107 3.10-2 4 The channel depths should be described for the entire project area; all the way to El Camino Real.
- O11-108 3.10-3 7 During excavation of the mouth of the lagoon, SCE should undertake to remove the old wood pilings that present a human safety problem. These pilings would also present a future excavation problem during routine channel maintenance dredging.
- O11-109 3.10-3 18 What contingency plans exist to deal with old airport facilities if problem structures, e.g. underground storage tanks, obviously contaminated soils, etc. are encountered during excavation?
- O11-110 3.10.3 19 This statement is not true. Sediment quality and toxicity was investigated by the State Water Resources Control Board (1997). This text should be updated to include these dated.
- O11-111 3.13-2 18 What is the specific depth of this sewer line in NGVD units?
- O11-112 3.15-2 28 Please include a description of what pesticides are used with growing of tomatoes, their application rate over the historical life of the fields, and their rate of breakdown.

- O11-113 4.1-1 10 These significance criteria have nothing to do with wetlands restoration and enhancement of environmental productivity.
- O11-114 4.1-2 4 Why can't Grand Ave bridge be used for construction access instead of creating a new access road next to I-5? Why can't San Andreas Road be used instead of SA4 or use part of Horseworld?
- 4.1-5 38 Why can't the Grand Ave bridge be left in place to permit maintenance and monitoring access to the site, but fence off public access with a locked gate?
- O11-115 4.1-6 21 Does the 22nd Agricultural District actually own land or is it leased via the State Lands Commission? How can DS37 and DS38 be used for dredge material disposal if they are jurisdictional wetlands and if the 22nd Agricultural District could subsequently develop these sites? Use of these sites should be deleted from consideration. If these disposal sites are not used, what are the flood impacts from constructing berm B7 on the District's properties?
- O11-116 4.1-9 13 How can a paved trail be permitted through a jurisdictional wetland?
- O11-117 4.1-15 11 Why is there no discussion about impacts and mitigation for filling of jurisdictional wetlands?
- O11-118 4.2-1 4 Why are changes in ecosystem structure (and function) not included as an impact criterion? Isn't this supposed to be an ecological restoration project? For example, excessive bottom scouring would destroy benthic habitat.
- O11-119 4.2-1 29 Criteria should include turbidity and sedimentation, not just contaminants.
- O11-120 4.2-2 18 Are the culverts needed because the channels are inadequate to enable sufficient tidal flow and the tidal range would be dampened without them? Why wouldn't presence of culverts lead to sections (nodes) where tidal mixing is actually reduced in the new basins?
- O11-121 4.2-3 7 What has been the historical sedimentation rate in the CDFG ecological reserve basin since it's construction?
- O11-122 4.2-3 32 Won't the presence of these berms also facilitate/exacerbate scouring of the channel bed during lower river flow rates and therefore increase the frequency of bed scouring? What is the river flow rate that would occur during bank-full flow and what bed scouring would occur at this rate? Above this rate the flow would dissipate over the flood plain (and scour degree would remain about the same), in the absence of berms, but would be confined to the channel (and continue to scour) in the presence of berms.
- O11-123 4.2-5 Figure 4.2-1 Are the proposed berms present or absent in this figure? This figure does not give any information about what velocities are needed to initiate and sustain bed scouring of what size sediment grain sizes. The maximum surface water velocity plotted is about 2 fps. It is likely that most of the suspended sediment would be transported through the lagoon, even in the absence of the berms, because silts and clays do not settle out fast anyway, and coarse particles will never reach most of the floodplain because the velocities there are minimal.
- O11-124 4.2-6 17 Why has the issue of dredging and dredge material disposal runoff generated turbidity not been evaluated seriously in this document and considered to be a significant impact? How will turbidity be controlled? Is the lagoon open to tidal flushing during dredging? Are the main channels diked off during dredging? How will you keep the existing benthos, fish, and salt marsh communities from being impacted by excess sedimentation?

- O11-125 4.2-8 6 Construction of the berms effectively channelizes the river! If the channel velocities could double, won't this increase the prospect of destroying the railroad trestle, especially if the trestle traps large amounts of cattails? The proposed berms are taking this project in the wrong direction. We need to slow the river flow down, not accelerate it. Delete the berms.
- O11-126 4.2-11 3 Here you state that the flow velocities would increase "slightly", yet on page 4.2 line 7 you state that velocities could reach "two times higher than existing conditions."
- O11-127 4.2-11 7 If sediment delivery to the beach is estimated to be 210,000 tons per 30 years (7000 tons per year) without the berms (existing conditions), and it is estimated to be 230,000 tons per year per 30 years (7667 tons per year) with the berms, then the net gain is 20,000 tons of sediment per 30 years (667 tons per year) delivered to the beach rather than deposited over the lagoon floodplain. This is a meaningless benefit. It is much better to delete the berms and convert the berm footprint to functional wetland habitat! The potential gain in wetland habitat from deleting the berm footprint would be 12.4 to 14.5 acres!
- O11-128 4.2-12 1 This minor extra sediment delivery to the beach is not a beneficial impact. First, it is mostly silts and clays, second it reduces supply of organic materials to the lagoon, which is important to maturation of the newly graded lagoon sediments and overall productivity of the lagoon. The new salt marsh communities will take 10 years to mature!
- O11-129 4.2-12 6 How have you concluded that there is a "small" increase in the potential to convey upstream debris downstream to be trapped by the railroad trestle if the velocity could be as much as twice as high with the berms? See comment to page 4.2-11 line 3.
- 4.2-12 16 This is a significant impact (Class II at least) and may not be mitigable without a new railroad bridge.
- 4.2-12 26 This conclusion is not warranted because Figures 4.2-5 and 4.2-6 do not show any "upstream" data past I-5.
- O11-130 4.2-12 35 The surmised increase in delivery of sand to the beach is conjecture. No where is there any information regarding the grain size of this sediment. The fact is that most of this sediment delivered to the beach will be silts and clays.
- O11-131 4.2-14/15 Figures 4.2-5 and 4.2-6. Why are the initial bed elevations different in these two figures? These two figures show that there are little differences with and without the berms. Delete the berms. Why are there no data plotted east of I-5?
- O11-132 4.2-16 Table 4.2-3 The maximum ebb current velocities are not adequate to remove cobbles from the inlet. As loss of beach sand continues and sand is replaced by cobbles, what is the long term plan to manage cobbles in the inlet?
- O11-133 4.2-17 26 What is the spatial extent of this impact?
4.2-18 1 What does localized mean? What is the spatial extent of this impact?
- O11-134 4.2-19 11 Sediment transported by scrapers is different than sediment transported by dredging. If the adjacent river channel is going to be blocked off, return flow to the channel would be contained. If the lagoon will be open to tidal flushing during dredging then turbidity plumes will be distributed throughout the lagoon. If the lagoon is not open to tidal flushing and you are going to discharge some sand to the beach, the lagoon could be sucked dry by the dredger, etc. The whole issue of construction impacts has been treated very superficially and inadequately. How are these impacts mitigable?

- O11-135 4.2-19 24 Again, please the define the spatial extent of the turbidity impacts. "Localized" is not an adequate description nor a basis for evaluating impacts. How are these impacts mitigable?
- O11-136 4.2-20 7 Why have you not treated the deep dredging of basin W1 here?
4.2-20 13 Why have you not treated the deep dredging of basin W1 here?
- O11-137 4.2-21 26 Won't the proposed weir trap sand and prevent it from transiting the lagoon to the ocean? Therefore, since the only sediment being delivered to the ocean is silts and clays, any sediment deposited in the lagoon will be extremely fine sediment that could not possibly fill in the restored basins and wetlands.
4.2-22 6 Won't the weir interrupt the normal river flow?
- O11-138 4.2-23 23 This property was purchased as part of the settlement with Earth Island to restore wetlands habitat. Use of this property for parking, equestrian uses, agriculture, or any future development is a misuse of the settlement funds!
- O11-139 4.2-24 30 Will these methods prevent burial of existing aquatic communities?
- O11-140 4.2-24 35 How exactly do you plan to monitor the dewatering effluent? This description of the monitoring effort is vague and inadequate.
4.2-24 38 This water quality monitoring is entirely inadequate! Management of the runoff from construction needs to be taken a lot more seriously.
- O11-141 4.2-25 3 Sedimentation basins only trap sand. Desilting basins do not trap silts or clays.
- O11-142 4.3-3 36 Isn't permitting of sediment fill in a jurisdictional wetland (DS38) and thereby enabling subsequent development of the fill site an incompatible use of property adjacent to a major restoration project? What about the requirement for buffer habitat?
- O11-143 4.4-4 26 Why striped bass?
- O11-144 4.4-6 31 What evidence (examples) was used to support that the success rate would justify a ratio of 1:1?
- O11-145 4.4-8 4 The evaluation of the Impacts of Construction is inadequate, because the methods of construction are not characterized sufficiently and hence the assessment of impacts is generalized. This is a serious problem. Two construction scenarios need to be evaluated: 1). Entire project is done by dry excavation, 2) entire project is done by dry excavation and hydraulic dredging. Dredging requires an adequate water depth to float the dredger and an adequate water supply to pump dredged sediments. If the lagoon is closed then there is not sufficient water to operate a dredger. So, either you pump in sea water or you keep the lagoon inlet open. If the lagoon inlet is open the tidal circulation will move the dredger and dewatering sediment turbidity plumes throughout the entire lagoon. Prolonged submergence of salt marsh habitat is very destructive. Please include a clear description of all sediment plugs, in which channels they will be used, how long they will be in place, what water level elevation will be needed for the dredge to operate, how will turbidity from both the dredge and from dewatering be controlled? Describe a detailed "water level control plan. Will ocean water be pumped into the lagoon over the sand plugs?
- O11-146 4.4-9 7 Why can't SA2 be deleted and launch from the 22nd Agricultural District property west of J. Durante Blvd?
4.4-9 12 Why can't you delete SA3 and access via the Grand Ave. bridge?
4.4-9 31 Why can't SA4 be deleted and moved to San Andreas Drive.

- O11-147 4.4-10 7 If the plans for accomplishment are only generally developed then the impact assessment can only be generally developed. Generalized assessments are inadequate.
- 4.4-10 27 If the dredging plan has not been described how can you justify use justify the vague conclusions of "temporary", "localized", and "short term"? If plankton will be transported during tidal currents so will turbidity plumes!
- O11-148 4.4-10 33 This assessment is superficial. How will recolonization occur relatively rapidly if the lagoon has been closed to tidal circulation for most of 1999. How will the any of the benthos that are left survive the sedimentation that will occur from the dredging and dewatering operations? This is not a Class III impact.
- O11-149 4.4-11 12 How will transient fish populations transit the lagoon if the channel(s) are plugged during construction?
- O11-150 4.4-12 12 How is it possible that you can assign filling a jurisdictional wetland a mitigable impact (Class II)?
- O11-151 4.4-12 39 Please specify the acreage that supports the conclusion of "more than adequate" so we can determine that the 4:1 ratio has been satisfied.
- O11-152 4.4-13 25 This is simply not true. NS15 does include construction. See Figure 2.3.1-3e for the construction grading plans!
- O11-153 4.4-13 32 Please support the "more than sufficient acreage" conclusion with actual acreage.
- O11-154 4.4-14 8 How was previous construction on wetlands permitted and how do you justify not restoring it? A utility maintenance road is not used that frequently that it can not be restored.
- O11-155 4.4-14 24 This paragraph acknowledges and describes exactly what has happened to the lagoon since it was closed during most of 1999. Hasn't this closure changed the lagoon baseline conditions? If not, why not?
- O11-156 4.4-15 18 The existing and restored high marsh at the foot of berm B7 and NS11 would be vulnerable to degradation/destruction because of presence of the berm. Delete berm B7 and NS11.
- O11-157 4.4-16 21 Zedler's (1996) conclusion was based on a limited data set. Nonetheless, why have you not given any consideration as to the regional needs of habitat in the shortest supply?
- O11-158 4.4-16 40 No subtidal habitat east of I-5 is unacceptable. Subtidal fish refugia is essential during low tide.
- 4.4-17 2 Conversion or CFDG ecological reserve subtidal to intertidal is unacceptable. Subtidal fish refugia is essential during low tide.
- 4.4-17 19 The CFDG ecological reserve is the best source of propagules for colonization of the new habitats.
- O11-159 4.4-20 9 This haul road is not needed if DS 37 and DS38 are deleted.
- O11-160 4.4-20 15 Why have you not evaluated water level management during construction, turbidity control, effects of river plugs, or pumping sea water into the lagoon?
- O11-161 4.4-20 25 How can you just dismiss this fill in a jurisdictional wetland? This must be answered.
- O11-162 4.4-21 7 What specific criteria will be used to trigger the signal that the lagoon inlet needs to be dredged?
- O11-163 4.4-22 37 Why was this site not successful?

- O11-164 4.4-23 40 If the Light-footed clapper rail requires cordgrass, and cordgrass will grow here, why have the proposed alternatives minimized restoration of low salt marsh? Why is this habitat component not a high priority?
- O11-165 4.4-37 18 This land exchange is inappropriate. Wasn't this property purchased as part of the Earth Island settlement, and wasn't the purchase supposed to be used to restore wetlands? How can this purchase be used to enable development?
- O11-166 4.13-1 30 Wouldn't this power line pass right over the new nature center?
4.13-3 37 What is the contingency plan for a break in the sewer line?
- O11-167 5.1 3 This section should discuss who owns the permit for management of the lagoon inlet and a competent discussion of land ownership, especially that of the 22nd Agricultural District. Although, this district is a state agency, does the State Lands Commission actually hold title?
- O11-168 5-21 7 Why won't construction of the berms actually have negative impacts on the existing and restored/created wetlands habitats? The berms and disposal sites DS37 and DS38 effectively channelize the river, and significantly increase scouring of the channel bed (and loss of this habitat), reduce dissipation of flood flows over the flood plain, reduce input and sedimentation of upstream organic particulates over the wetlands habitats, reduce scenic views, and fragment wildlife movement. Inclusion of the berms in this project is solely driven by engineering thinking. They have no ecological value. In fact, the berms have significantly limited the design of the wetlands alternatives to the point that there is little difference amongst the alternatives. The options evaluated are really not a legitimate range of alternatives.
5-21 12 Disposal site DS37 and DS38 should be deleted from the project. Isn't addition of sediment at these sites really designed to balance the construction of berm B7 and won't they increase the potential for loss of downstream facilities and bridges, even under moderate river flood flows.
5-21 31 If use of DS37 and DS38 is approved, and since the final elevations would be above the elevation of the flood plain, why would this action not be facilitating future development of these sites?
5-21 40 Doesn't this sentence simply say that building structures requires mitigation? The act does not justify construction of structures.
5-22 2 Since DS37 and DS38 are really not needed, how can filling jurisdictional wetlands be justified?
- O11-169 5-22 15 Isn't the wisdom of dispersion of flood flows over the flood plain a beneficial natural process, in contrast to channelization with berms?
- O11-170 6-1 5 What criteria were used to define "projects in the area?" What criteria were used to assess significance of cumulative impacts? If all of these projects were implemented what will their cumulative effect be? This analysis is a piece meal, fragmented, disparate presentation of information. What factors integrate all of these projects and by what mechanisms would they affect future effectiveness of the proposed restoration project? Why is no consideration given to changes in the watershed, e.g. management of Lake Hodges water levels, sand mining, excess nutrients from golf courses, growth of additional urban runoff from upstream projects, etc? Why was future upgrading of the fairgrounds, the fair grounds train station, widening of I-5 and Via de la Valle not evaluated?

O11-171 continued to operate during this period of time, an additional 7 years worth of similar coastal impacts can be assumed to have occurred . Mitigation for these additional years of impacts should be added on to the wetland acreage requirement. If the requirement for 150 acres of wetlands restoration is based on 20 years of coastal impacts at San Onofre, then an additional 53 acres of wetland mitigation should be required for the past 7 years of continued impacts. Creation of 19 acres of least tern habitat is not restoring wetlands habitat. If enhancement of endangered avian habitat is going to be included in this project please explain the rationale for giving credit for creating this upland habitat.

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March 20, 2000

San Dieguito River Park
Attn: Principal Planner
18372 Sycamore Creek Road
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Re: WRITTEN COMMENTS TO DRAFT JOINT ENVIRONMENTAL IMPACT
REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR THE SAN
DIEGUITO WETLAND RESTORATION PROJECT

After reviewing the draft Joint Environmental Impact Report/Environmental Impact Statement ("EIR/EIS") for the San Dieguito Wetland Restoration Project dated January, 2000, it is apparent that the Draft EIR/EIS is deficient in several important respects. The comments that follow in part echo concerns expressed in previous communications prepared by Rick Engineering Company (see letters dated March 1, 2000 and March 17, 2000 from Dennis Bowling of Rick Engineering attached hereto as Exhibits A and B), as well as comments made by other interested individuals during the public hearing conducted on February 28, 2000 in the Del Mar City Hall Annex.

Turning first to the Draft EIR/EIS's analysis of the environmental impacts of the project proposal, while it is true that the document identifies several significant impacts, it is equally true that the Draft EIR/EIS fails to adequately discuss or evaluate several other significant adverse environmental impacts associated with the project proposal, including the following:

- I1-1 • **Project Description: Alteration of Historic Natural Landforms.** The Draft EIR/EIS seemingly assumes that the lagoon mouth historically was constantly open to the ocean and accommodated continual flushing in its naturally open condition. However, as the attached archival photographs compiled by Rick Engineering confirm, the historic natural condition of the lagoon mouth is that it is closed the majority of the time and is scoured open only during periods of extremely heavy rainfall which periodically results in flooding of the San Dieguito River or if dredging is undertaken to open the channel. Accordingly, the assumption made in the Draft EIR/EIS that the project proposal (which contemplates opening the lagoon mouth and keeping it constantly open) would simply restore the lagoon environment to its natural condition is patently erroneous. Accordingly, the Draft EIR/EIS must be rewritten to address the environmental consequences resulting from the proposed project's alteration of the pre-existing historic natural condition of the lagoon area.

- Inadequate Analysis of Significant Environmental Impacts of the Project Proposal. The Draft EIR/EIS's analysis of the environmental impacts resulting from the implementation of the project proposal is seriously deficient in several important respects:

- I1-2 1. **Inadequate Analysis of Life Safety Issues.** The Draft EIR/EIS cryptically notes that maintaining the channel between the lagoon and the ocean in a constantly open condition may complicate rescue efforts which the lifeguards are called upon to undertake periodically during the winter and on a daily basis during the summer months, and suggests that a possible mitigation measure is simply to add more lifeguards to existing staff. What this analysis overlooks is that with the beach area at the San Dieguito Lagoon river mouth closed off during most years, the lifeguards can quickly and easily move life-saving equipment from the northern Del Mar to the southern Solana Beach area. The speed and ease with which life-saving efforts can be undertaken all up and down the beach will be greatly impeded if the beach area is permanently bisected by the artificial channelization proposed in the draft EIR/EIS. Moreover, while it is self-evident that a constantly open rapidly-flowing channel through the beach area will aggravate life-safety concerns associated with significant beach usage, there is no attempt in the Draft EIR/EIS to quantify the number of additional life rescues that the lifeguard staff will be required to undertake.
- I1-3 2. **Inadequate Analysis of Public Safety Impacts.** The archived photographs attached as Exhibit "C" graphically demonstrates how quickly the northern Del Mar beach area is subject to significant erosion during those periods of time when the lagoon channel opens to the ocean. As extensively detailed in Rick Engineering's March 1, 2000 letter (see Exhibit "A"), this erosion is likely to impact not only the beach area immediately contiguous to the channelized area, but also the beach area for as much as 2,000 yards to the south along the north Del Mar beaches. While this erosion has occurred in the past when the lagoon periodically opens to the ocean, the beach invariably has been restored over time providing a safety buffer for all of the developed property in northern Del Mar. However, if the project proposal is implemented and the channel is maintained in a constantly open condition, the buffer created by sand accretion along the northern Del Mar beaches will be permanently lost. Remarkably, the Draft EIR/EIS makes no attempt to quantify the potential damage that may result to property in the northern Del Mar area if this beach buffer is permanently lost. The failure of the draft EIR/EIS to assess these

public safety issues constitutes a serious inadequacy in the draft document.

- I1-4 3. **Inadequate Analysis of Public Access to a Beach Area.** The beach area normally existing between the lagoon and the ocean is one of the most extensively utilized public beaches still remaining in San Diego's North County area. Indeed, it is perhaps a sad commentary that so many projects styled "public benefit" projects that have been undertaken in the beach areas of North County during the past 50 years have resulted in such a dramatic loss of usable beach areas throughout the San Diego region. Suffice to say, maintaining the channel in a permanently open condition not only will permanently alter the natural condition of the beach, but will dramatically reduce the amount of usable beach area and will bisect what remains of the beach in a way that will further impair public use and access to this beach. This loss of public access, which directly contravenes important public policy objectives articulated in the California Coastal Act (see California Public Resources Code §§ 30001.5(c) and 30210 et seq.) must be thoroughly analyzed and quantified in order to permit informed decision-making by the project proponents. Moreover, considering the ever-increasing loss of useable beach area in North County, the cumulatively significant impacts resulting from further loss of what limited publicly accessible beaches remain in North County must be analyzed in detail. 14 CCR § 15130.
- I1-5 4. **Inadequate Analysis of Beach and Ocean Pollution.** It is universally recognized and understood that up-river discharges into the San Dieguito River result in degraded lagoon water quality within the lagoon. On those occasions when the lagoon mouth is opened up to the ocean, significant beach and ocean pollution results in the northern Del Mar area as a consequence of the degraded water discharging into the ocean. Indeed, when the channel mouth was artificially opened as recently as February 24, 2000, pollution of the near-shore ocean waters and northern Del Mar beach area necessitated closing of the beach (see photographs attached hereto as Exhibit "D"). Notwithstanding this obvious significant environmental impact that would result from permanent opening of the channel between the lagoon and the ocean, the Draft EIR/EIS makes scant mention of this issue and provides no detailed analysis of this significant environmental impact. No attempt was made to evaluate the ongoing water quality, including levels of bacteria, that would be expected from constant ocean discharge in this location. If this Project is to proceed without risking recurring pollution of the near shore ocean waters and northern Del Mar beach area, it will be necessary to quantify the extent of water quality

degradation in the lagoon under various scenarios. Moreover, in light of the inevitability of up-river pollution currently resulting from discharges into the San Dieguito River, as a condition precedent to approval of any project relating to lagoon enhancement the appropriate regulatory authorities must insist that all upstream uses resulting in discharge into the San Dieguito River are fully compliant with Federal Clean Water Act § 402 Discharge Requirements, including requirements for the adoption and implementation of effective storm water pollution prevention plans ("SWPPPs"). Without requiring such compliance as a precondition to implementation of any lagoon enhancement project, water quality in the lagoon itself and ultimately in the nearby ocean waters and beach area will continue to suffer serious degradation with the prospect of periodic beach closings.

- I1-6 5. **Inadequate Analysis of Related Agency Permitting Requirements and Conditions.** The temporary channel excavation that currently is periodically undertaken for the lagoon is authorized pursuant to a permit issued by the U.S. Army Corps of Engineers ("ACOE") based on the authority of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. This permit expires in July of 2000, at which point further channel excavation will not be allowed absent the issuance of new permit(s). Although this Draft EIR/EIS presumably would be relied upon by the ACOE in issuing appropriate permits to accommodate permanent channelization, before such permits could be issued, compliance with Section 401 of the Clean Water Act also will be necessary. However, in light of the current degraded condition of water quality in the San Dieguito River lagoon, it is unlikely that the Regional Water Quality Control Board will be in a position to determine that state water quality standards will not be adversely impacted by this proposed project which will result in the discharge of degraded waters to the ocean. On its face, this result appears to violate the State Water Resources Control Board's Ocean Plan. Without detailed analysis of this issue, the Draft EIR/EIS is inadequate. Finally, because of the likelihood of continuous discharge of degraded lagoon water into the ocean, the JPA may have to obtain an NPDES permit pursuant to Section 402 of the Federal Clean Water Act, yet this is not even mentioned in the Draft EIR/EIS. The total absence of description of the water quality impacts on the ocean from this new point of discharge require recirculation of a revised EIR/EIS under CEQA Guidelines § 15088.5, because the Draft EIR/EIS is "fundamentally and basically inadequate ... that meaningful public review and comment were precluded."

I1-7 6. **Inadequate Analysis of Project Mitigation Costs.** As noted, the inevitable loss of beach area in northern Del Mar significantly increases the risk of storm damage to property throughout the northern Del Mar area. Nevertheless, the Draft EIR/EIS makes no attempt to quantify the economic cost that will be incurred by both public and private property owners to mitigate the storm damage impacts likely to result from project implementation. Moreover, no analysis has been provided in the Draft EIR/EIS concerning the potential diminution of public and private property values and the loss of economic benefit realized by the surrounding communities that would result from reduced public access to this beach area.

I1-8 • The Draft EIR/EIS's Analysis Of Project Mitigation Measures and Alternatives Is Inadequate. While CEQA contemplates somewhat less rigorous analysis of alternatives to the project proposal than the analysis required for the project itself, NEPA and the CEQ Guidelines set a far more demanding standard for analysis of feasible project alternatives and requires substantially the same level of detail as that devoted to the project itself. While this Draft EIR/EIS is unquestionably a weighty document, the inadequacy of its analysis of beach-related impacts is manifest. Even more troubling, however, its analysis of feasible and environmentally superior alternatives to permanent channel opening is woefully inadequate. In March 1980, SEA Science Services and Pacific Southwest Biological Services, Inc., prepared a report on Environmental Baseline Studies for the San Dieguito Lagoon Enhancement Plan. That report detailed a feasible environmentally superior alternative to permanent channelization of the opening between the lagoon and the ocean, namely buried siphon pipes. (See Environmental Baseline Study's report pages 88-125, attached hereto as Exhibit "E"). The buried piping alternative to permanent channelization would mitigate most, if not all of the adverse impacts detailed above without compromising any of the environmental objectives set forth in the proposed project. Remarkably, this feasible environmentally superior alternative which was identified as early as 1980 is not even mentioned in the Draft EIR/EIS. For a project forecasted to cost in the neighborhood of \$65 million total, whatever additional cost might be associated with buried siphon piping cannot possibly be a legitimate justification for rejecting a feasible and obviously environmentally superior alternative. In all events, whether the standards of NEPA or CEQA are applied, this feasible and environmentally superior alternative must be analyzed in detail or the Draft EIR/EIS will be deemed inadequate.

I1-9 For the foregoing reasons, I strongly urge the JPA to revise and recirculate the Draft EIR/EIS to reflect a fair and reasoned analysis of both the true environmental impacts associated with the project proposal and a thoughtful and thorough analysis of feasible mitigation measures project alternatives, including the buried piping alternative to permanent

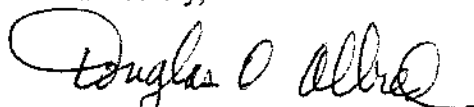
San Dieguito River Park

March 20, 2000

Page 6

channelization. Without this, the decision makers will be deprived of the environmental full disclosure which both CEQA and NEPA require and their options in achieving the project's goals in a more environmentally sensitive way will be obscured if not foreclosed. I look forward to the opportunity of providing further testimony when the JPA, the Department of Interior and the Army Corps of Engineers conduct further hearings on the project proposal.

Sincerely,

A handwritten signature in cursive script that reads "Douglas O. Allred". The signature is written in black ink and is positioned above the printed name.

Douglas O. Allred

INDEX OF EXHIBITS TO ALLRED COMMENT LETTER

- Exhibit A Rick Engineering Letter dated March 1, 2000
- Exhibit B Rick Engineering Letter dated March 17, 2000
- Exhibit C Compilation of Historic Aerial Photos of Northern Del Mar Beach Area
- Exhibit D Recent Photographs of Postings Announcing Beach and Ocean Pollution
- Exhibit E Extract from Report on Environmental Baseline Studies for San Dieguito Lagoon Enhancement Plan, dated March 1980 by SEA Science Services and Pacific Southwest Biological Services, Inc. (Pages ii through vi, xiv and 88 through 125)



5620 Friars Road
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RICK ENGINEERING COMPANY

EXHIBIT A

March 1, 2000

Ms. Monica Tuchscher
City Planning Department
City of Del Mar
1050 Camino del Mar
Del Mar, California 92014

SUBJECT: SANDY LANE PROPERTY
(RICK ENGINEERING COMPANY JOB NUMBER 11868-H)

Dear Monica:

I have reviewed the draft *Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the San Dieguito Wetland Restoration Project*, dated January 2000, and am concerned that a number of important issues have not been adequately addressed.

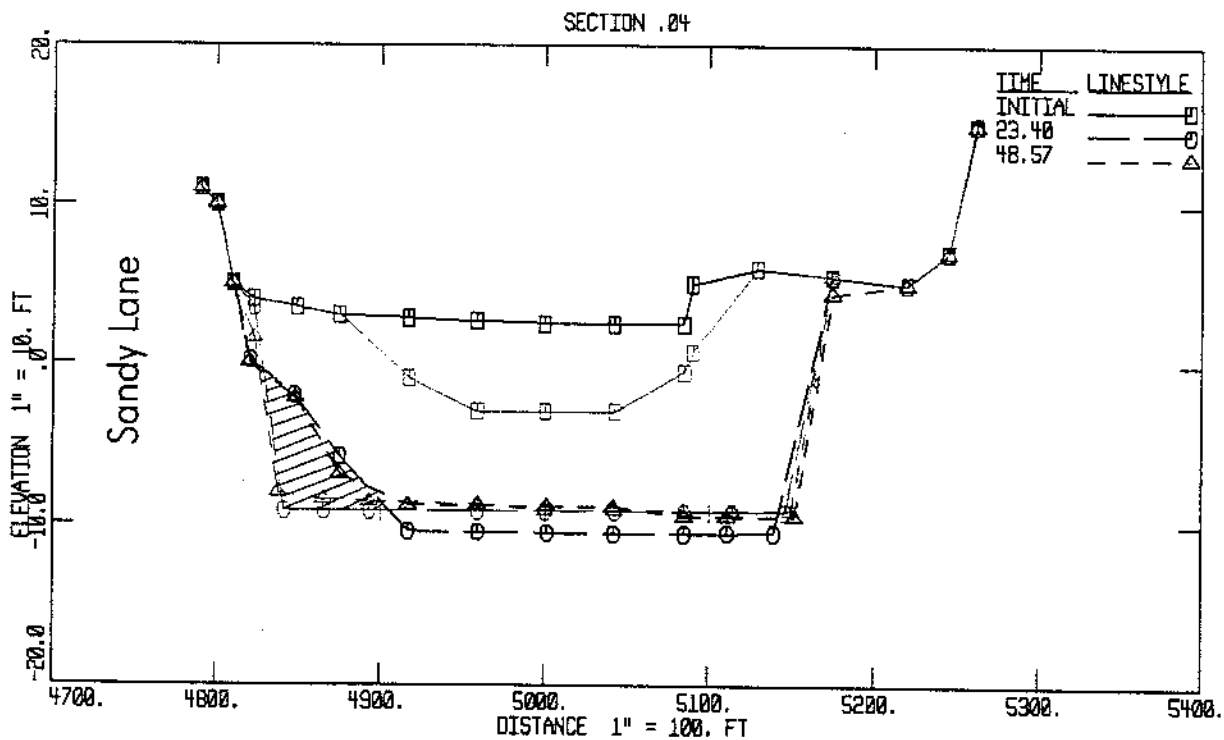
The impact on the beach immediately south of the lagoon mouth and the reduction in beach area due to the river channel is not addressed in the EIR/EIS. The EIR/EIS indicates that the proposed project will increase sediment transport to the ocean, which will benefit the beaches. While the project may provide some regional benefits to beaches, this constant tidal flushing will also negatively impact the beach south of the lagoon mouth and the sand area at the lagoon mouth.

I have monitored the lagoon mouth for years and noted that when the mouth is open the south-lying beach recedes. This result is due to the river flow forcing sand seaward and preventing it from accumulating on the adjacent beach. On the other hand, when the natural tidal process closes the mouth, littoral drift causes sand to accumulate on the beach. If the lagoon mouth is kept open, as proposed in the lagoon restoration project, the naturally occurring littoral drift will be impacted and portions of the south-lying beach will be lost permanently.

I have attached historical photographs with the lagoon mouth open and closed, which illustrate the impacts on the beach level. The photographs show that when the lagoon is open to tidal flushing there is a 35-percent reduction in the sand area of the beach, most of which is at the lagoon mouth. In addition, the beach is an important energy dissipater that protects the adjacent homes, seawalls, and rock revetments from tidal action. The resulting lack of beach sand south of the lagoon mouth will increase the exposure of the Sandy Lane properties to damage from ocean waves. This will require the sea walls and rock revetments to be fortified to withstand this additional wave energy.

We were provided with copies of Dr. Howard Chang's fluvial analysis for the San Dieguito River. Two fluvial files were given to us, one for the San Dieguito River Wetland Restoration existing conditions dated September 1997, and the other for the San Dieguito River Wetland Restoration proposed plan dated August 1998. Both analyses were run and the output was reviewed. The first review of the output showed that the analysis we were given had different design storms. In order to make a reasonable review of the data, we took the storm provided to us in the existing condition plan and inserted it into the proposed condition plan. This storm appeared to be the 100-year storm.

Cross-section 0.04 is near the end of Sandy Lane, and crosses the beach area intersecting Camino Del Mar. Under the existing conditions there is slightly deeper scour within the San Dieguito River near the center of the channel. The proposed conditions shows that the maximum scour in the river is less than the existing conditions near the center, but the scour adjacent to Sandy Lane has increased due to the channel widening.



This cross-section is looking downstream and it shows the differences in scour near Sandy Lane. The blue colored area represents the proposed project. The black colored area represents the existing condition. The crosshatched area shows additional scour at the Sandy Lane slope revetment. Since there is a significant increase in scour near the riprap revetment protecting the homes along Sandy Lane, the San Dieguito Wetland Restoration Project must provide slope protection for this area to mitigate for this scour.

The EIR/EIS suggests that the project would not increase the risk of damage to the revetment. However, the report states that the toe of the revetment is not known. Close review of the fluvial cross-sections show a significant increase in scour near Sandy Lane, which is caused by the project. It is imperative that the EIR/EIS provides a detailed analysis of the revetment including measures to ensure the integrity and maintenance of the revetment under proposed conditions.

As discussed above, the project will alter the beach significantly. In fact, 35% of the beach will be permanently lost due to the project. The proposed condition FLUVIAL-12 analyses were based on the proposed grading of the tidal inlet, but not this additional lost beach area. Additional analyses are required that model the ultimate beach configuration as the initial condition in the analysis.

Another issue relates to the project impacts on the San Dieguito River floodway, which has been mapped by the Federal Emergency Management Agency (FEMA). Portions of the project are located within the defined floodway. FEMA prohibits a rise in floodway elevations unless certain criteria are met, as defined in the *Code of Federal Regulations, Title 44, Section 65.12*. See the following:

[Code of Federal Regulations]
[Title 44, Volume 1, Parts 0 to End]
[Revised as of October 1, 1999]
From the U.S. Government Printing Office via GPO Access
[CITE: 44CFR65.12]

[Page 341]

TITLE 44--EMERGENCY MANAGEMENT AND ASSISTANCE

CHAPTER I--FEDERAL EMERGENCY MANAGEMENT AGENCY

PART 65--IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS--Table of Contents

Sec. 65.12 Revision of flood insurance rate maps to reflect base flood elevations caused by proposed encroachments.

(a) When a community proposes to permit encroachments upon the flood plain when a regulatory floodway has not been adopted or to permit encroachments upon an adopted regulatory floodway which will cause base flood elevation increases in excess of those permitted under paragraphs (c) (10) or (d) (3) of Sec. 60.3 of this subchapter, the community shall apply to the Administrator for conditional approval of such action prior to permitting the encroachments to occur and shall submit the following as part of its application:

(1) A request for conditional approval of map change and the appropriate initial fee as specified by Sec. 72.3 of this subchapter or a request for exemption from fees as specified by Sec. 72.5 of this subchapter, whichever is appropriate;

Ms. Monica Tuchscher

March 1, 2000

Page 4 of 5

(2) An evaluation of alternatives which would not result in a base flood elevation increase above that permitted under paragraphs (c)(10) or (d)(3) of Sec. 60.3 of this subchapter demonstrating why these alternatives are not feasible;

(3) Documentation of individual legal notice to all impacted property owners within and outside of the community, explaining the impact of the proposed action on their property.

(4) Concurrence of the Chief Executive Officer of any other communities impacted by the proposed actions;

(5) Certification that no structures are located in areas which would be impacted by the increased base flood elevation;

(6) A request for revision of base flood elevation determination according to the provisions of Sec. 65.6 of this part;

(7) A request for floodway revision in accordance with the provisions of Sec. 65.7 of this part;

(b) Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to the Administrator of the adoption of flood plain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition.

(c) Upon completion of the proposed encroachments, a community shall provide as-built certifications in accordance with the provisions of Sec. 65.3 of this part. The Administrator will initiate a final map revision upon receipt of such certifications in accordance with part 67 of this subchapter.

[53 FR 16279, May 6, 1988]

A FEMA map revision is necessary, as well as a design revision to eliminate the rise in the floodway elevation. The EIR/EIS needs to address the floodway impacts and the satisfaction of the required criteria.

With the lagoon open to tidal flushing, the beach in Del Mar is bisected in half since velocities will be significantly higher than under existing conditions and the larger tidal prism will cause a wider channel at the lagoon mouth. This channel will be unsafe to cross due to its width and high velocities. The project will effectively create two beaches. It will separate the beaches in such a way that it will be impossible for lifeguards to traverse across the inlet.

The river channel tends to migrate to the south with the littoral drift of the sand. This keeps the channel up against the rocks on the south bank of the river. This causes the public to use the rock revetment as a pathway to the beach and is an unsafe condition.

The EIR/EIS indicates that lifeguards perform an average of six daily rescues during the summer and one to two weekly rescues during the winter. The rescues can be partially attributed to the presence of river currents. The proposed project would increase the tidal inlet size and the flow velocities, as well as creating a permanent waterway. The tidal inlet would be as much as five

Ms. Monica Tuchscher

March 1, 2000

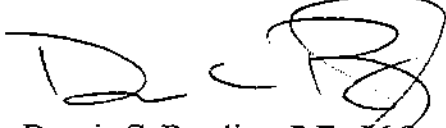
Page 5 of 5

feet deep during normal tides and approximately 100 feet wide. The average tidal current velocities would increase approximately 110-percent, with the maximum tidal currents reaching 4.6 feet-per-second. The primary mitigation proposed in the EIR/EIS recommends additional lifeguarding. However, given the importance of public safety, additional mitigation measures should be analyzed. In particular, the measures should discuss the provision for handicap access across the tidal inlet.

There are other issues that we are investigating that impact the river. As I have more information, I would appreciate the opportunity to share it with you. If you need any additional information, please call me at (619) 688-1447.

Sincerely,

RICK ENGINEERING COMPANY



Dennis C. Bowling, P.E., M.S.
Principal

DCB:emn.002.doc
Attachment





5620 Friars Road
San Diego
California 92110-2596
(619) 391-0707
FAX: (619) 391-4165

RIK ENGINEERING COMPANY

EXHIBIT B

March 17, 2000

San Dieguito River Park
Attn: Principal Planner
18372 Sycamore Creek Road
Escondido, California 92025

SUBJECT: SANDY LANE PROPERTY
(RIK ENGINEERING COMPANY JOB NUMBER 11868-H)

Attn: Principal Planner – San Dieguito River Park

Thank you for the opportunity to review your files for the San Dieguito Wetland Restoration Project. Researching the files showed that several methods of insuring uninterrupted supply of seawater into the lagoon were considered. The use of siphons or direct pumping through offshore pipelines was discarded because of high initial costs and high maintenance costs.

A benefit cost analysis should be done to determine whether the costs of these facilities outweigh the benefits to the beach in Del Mar. Factors that should be considered in the benefit cost analysis should include loss of beach area, public safety, public access, additional life guard costs, and reduction in property values.

(Loss of Beach Area)

It can be seen from historic photographs of the area that when the lagoon is open to tidal flushing there is a severe impact at the beach. As I stated in my earlier letter, under historic conditions 35 percent of the beach area is lost when tidal interaction is allowed. With the larger tidal prism upstream created by the San Dieguito Wetland Restoration Project, this loss of beach area will certainly increase.

(Public Safety/Public Access/Additional Life Guard Costs)

The Environmental Impact Report/Environmental Impact Statement (EIR/EIS) indicates that lifeguards perform an average of six daily rescues during the summer and one to two weekly rescues during the winter. The rescues can be partially attributed to the presence of river currents. The proposed project would increase the tidal inlet size and the flow velocities, as well as creating a permanent waterway. The tidal inlet would be as much as five feet deep during normal tides and approximately 100 feet wide. The average tidal current velocities would increase approximately 110 percent, with the maximum tidal currents reaching 4.6 feet-per-second. This additional velocity and the widened channel will make the channel uncrossable by the public or lifeguard vehicles. The primary mitigation proposed in the EIR/EIS recommends additional lifeguarding. However, given the importance of public safety, additional mitigation measures should be analyzed.

(Reduction in Property Values)

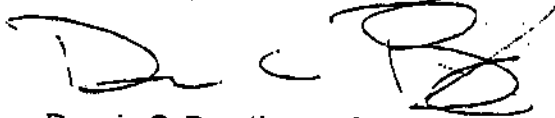
Reduced beach width and access will negatively impact the value of all properties in the affected beach area.

All of these factors should be considered in the benefit cost analysis to be sure that constructed construction of a siphon or pump system is not appropriate in this area.

If you have any questions, please call me at (619) 688-1447.

Sincerely,

RICK ENGINEERING COMPANY



Dennis C. Bowling, P.E., M.S.
Principal

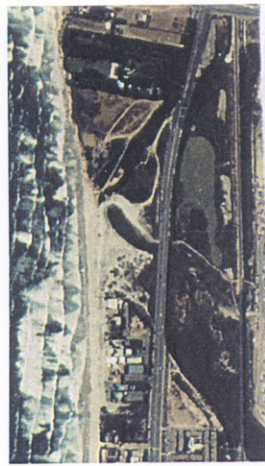
DCB:emn.001

cc: Ms. Monica Tuchscher – City of Del Mar
Sandy Lane Property Owners:
Mr. Douglas Allred
Dr. Thomas Burns
Mr. Steve Fletcher
Mr. Jerry Herritt – Transcontinental Management, Inc.
Mr. Bill and Mrs. Lila Jaeger
Mrs. William Kennedy
Mr. Frank Warren





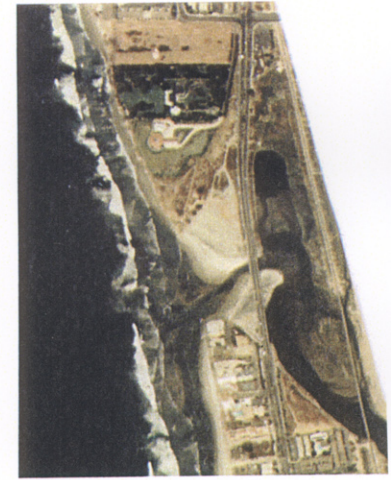
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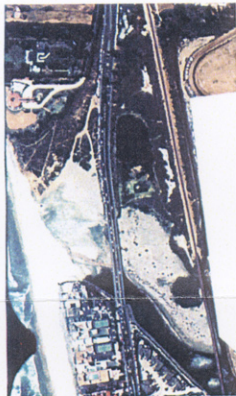
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6-22-91



6-21-92



7-1-95



3-12-98

**EXHIBIT D IS ON FILE
WITH THE JPA**



Report on
Environmental Baseline Studies
for the
SAN DIEGUITO LAGOON ENHANCEMENT PLAN,

DEL MAR, CALIFORNIA
FILE COPY
DO NOT REMOVE

prepared for the
Department of Planning and Community Development,
City of Del Mar
and the
State of California - Coastal Conservancy

March, 1980

by

SEA SCIENCE SERVICES

P.O. Box 7246

San Diego, California 92107

and

PACIFIC SOUTHWEST BIOLOGICAL SERVICES, INC.

P.O. Box 985

National City, California 92050

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*submitted separately

Introduction

obtained by the maintenance of a permanent or near permanent saltwater condition subject to regular flushing.

Several methods of ensuring the uninterrupted supply of seawater into the Lagoon have been considered. The construction of jetties and the periodic dredging of the protected channel between them has been rejected because of environmental disruptions and high cost. The use of siphons and direct pumping through offshore pipelines has been discarded because of high initial costs, and high maintenance costs due to anticipated biological fouling problems. The installation of a fluidization and/or crater-sink sand bypassing system is not recommended at this time because such systems are still highly experimental, their costs are not known, and they are energy consumptive.

It is believed that the promotion of natural tidal flushing is the best way to ensure the regular influx of large volumes of seawater into the Lagoon. Probably San Dieguito Lagoon was continuously flushed by the tides one hundred years ago. Continuous natural flushing may be achieved by enlarging the tidal prism. Although the initial costs are high, the maintenance costs are expected to be minimal. Furthermore, the method would result in the substantial expansion of aquatic habitats.

A recommended plan has been prepared to preserve the existing wildlife populations and the higher quality environments, and to enhance and expand the aquatic habitats. Particular concerns include the protection of endangered species, the necessity to limit energy consuming activities, and the need to avoid any aggravation of flooding impacts. The recommended plan is based upon the premise that the regular tidal inundation of the Lagoon is the only feasible method for providing a stable, high quality environment maintained by continuous flushing. The

VI. METHODS FOR ACHIEVING PERMANENT SALTWATER MARSH

A. Maintenance of a permanent entrance channel

1. Jetty construction. A pair of rock or concrete jetties might be constructed across the beach and through the surf zone in order to protect the Lagoon entrance channel from rapid deposition. During past decades jetties have been considered an acceptable method for maintaining channels to bays and lagoons. Jetties do work successfully if the channels are dredged periodically. However, in most areas, if the channel deposits are not regularly removed, then the channel will silt up in much the same manner as if the jetty wasn't there at all. Without expensive dredging jetties should be considered an unsuccessful method for channel maintenance.

Some reduction in the siltation problems in jetty-protected channels may be achieved by the construction of an offshore breakwater, paralleling the shoreline, and sheltering the jetty entrance. This solution is also very expensive.

Jetties interrupt the natural littoral drift, and trap the sand which normally moves back and forth along the coast. The trapping of sand results in shoreline erosion on the down current side of the structures. Initially this results in the loss of sand from the beach, and subsequently, the erosion and destruction of properties and structures adjoining the beach. A variety of methods can be used to mitigate these undesirable side effects, but each is fairly expensive, and may introduce additional adverse impacts.

The cost of the jetties and the severity of the adverse impacts resulting from their construction are related to the length of the jetties. The longer the jetty, the more it will cost, and the greater will be the erosional impacts.

If a pair of jetties were to be constructed in order to protect the San Dieguito Lagoon entrance channel, they should be relatively short in order to reduce impacts and costs. They might be roughly similar to those protecting the entrance to Agua Hedionda Lagoon. These are about 10 to 15 feet high and several hundred feet long. However, they must be designed to withstand the most severe wave action occurring along the coast.

The use of jetties to protect the entrance channel would require substantial funding for both the initial construction, and for periodic dredging. Unit costs for jetties built in the San Diego area may range from \$600 to \$1,000 per linear foot, depending on the height and width of the jetty, the depth of water and wave exposure. Prices have greatly increased during the past two decades and, because of inflation, future costs may be much higher. For a pair of jetties similar to those at Agua Hedionda, the present costs are estimated to range from \$1.0 million to \$2.0 million. The addition of an offshore protective breakwater would cost another \$1 million to \$2 million depending on the length and water depth.

The net littoral drift along the Del Mar Beach in the vicinity of the entrance channel has been estimated to be about 200,000 to 300,000 cubic yards per year (Nordstrom and Inman, 1973). It is possible for a lagoon entrance channel to trap sand at rates either higher or lower than the littoral drift rate across the entrance. Some

sands may be washed around the entrance channel, passing through deeper waters without becoming trapped within the channel. This bypassing would result in rates of sedimentation lower than the net littoral drift rate.

The net littoral drift rate is the difference between the drift rate to the north and the drift rate to the south. If the drift rate to the south is 300,000 cubic yards per year, and the drift rate to the north is 100,000 cubic yards per year, this would result in a net drift to the south of 200,000 cubic yards per year, and a gross littoral drift rate of 400,000 cubic yards per year. The north, south, and gross rates of longshore sediment transport are not known. However, the gross rate is certainly substantially larger than the net littoral drift rate. It is possible that the rate of sedimentation within the Lagoon entrance channel could be as large as the gross littoral drift rate in the vicinity of the entrance channel.

The efficiency of the entrance channel as a sand trap will depend partially on the current flow. If the current through the channel is slowed by deposition, then the rates of flow and sedimentation may continually decrease until both terminate. If the jetty-protected channel is fairly narrow, closure might occur within three to six months following any previous period of channel clearance. Thus, the channel might have to be dredged every few months, if it is not designed with a sufficient reservoir capacity to store all of the sand deposits which might be trapped within it during a much longer period.

Dredging in the open sea is both hazardous and expensive. The dredging costs would depend on the size of dredge that was used, the degree to which the deposits to be excavated were exposed to the open sea, and the volume of material to be moved. Open sea dredging might

cost from \$2 to \$4 per cubic yard, depending partially on the size of the deposit and the availability of protection from high waves (by an offshore breakwater).

It might be possible to remove the entrance channel deposits from a totally protected position inside the entrance. This is done periodically in Agua Hedionda Lagoon. The costs are estimated to be \$0.75 to \$1.50 per cubic yard, plus about \$100,000 per operation for mobilization and demobilization.

If a channel trapped about 200,000 cubic yards of sand per year in the Lagoon entrance area, then the minimum annual dredging cost might be estimated to be about \$250,000. The rate of entrapment might be as low as 150,000 cubic yards per year. The minimum annual dredging cost for this rate of entrapment would be about \$220,000.

The only way that the high annual cost of dredging could be supported is by converting the Lagoon to a marina, or waterfront subdivision, or some other type of development that would generate high tax revenues. Such developments are not compatible with the wildlife habitat enhancement objectives being considered in this study.

Because of the high initial costs, high dredging costs, and severe environmental impacts, further consideration of the proven jetty construction method for entrance maintenance is not recommended.

2. Tidal gates. Tidal gates are not commonly used along the southern California coastline for controlling tidal flows. One reason for this is that it is difficult to maintain such gates in areas where rapid sand sedimentation is likely to occur. The deposition of sand around or adjacent to a tidal gate could prevent it from closing or opening.

Tidal gates might be considered as a possible aid for maintaining the entrance to San Dieguito Lagoon. However, such gates would be difficult to design because of the principal advantage or function of a gate is to reduce or terminate flows. What is actually needed to keep the channels open, and free of sediment is a method to increase the channel flows. The only way tidal gates can be used to enhance channel maintenance is by constructing them in such a way that they can produce high velocity ebb flows daily or weekly which are sufficient to scour the entrance channel of sediments that have been deposited during periods of low flow. Hopefully, some design might be able to 1) trap all of the tidal waters that have entered the Lagoon at high tide, and 2) discharge these waters rapidly, at low tide, when the differences in the elevation of the Lagoon and the sea are maximum. This rapid discharge would be expected to increase the rates of erosion resulting from any given total volume of flow (see Appendix C and Figure 11).

The tidal gates could be located 1) at the crest of the beach ridge, dividing the Lagoon from the sea, 2) seaward of the beach ridge, 3) a short distance to the landward of the beach ridge, or 4) some distance east of the beach ridge, and east of Camino del Mar. Because of sedimentation problems, it is difficult to see how the tidal gates might work, without becoming blocked with sand. For the seaward locations, one can anticipate rapid sedimentation on the landward side of the gates. For the locations further inland, one may expect deposition between the gate and the sea.

The gates must be very large if they are not to impede the tidal flow between the Lagoon and the sea. Very large gates would be fairly expensive to construct and very expensive to maintain. Maintenance would

involve both the opening and closing of the gates, which often might be required at odd hours. Also, the frequent excavation of sand deposits from the vicinity of the gate would be required. This would necessitate the use of skiploaders and trucks. In addition, high pressure water hoses might be required to wash the sediment from some parts of the tidal gate structure.

Tidal gates would be unesthetic. The larger the system of gates, the less acceptable they would be. Tidal gates would also tend to restrict flood flows.

The costs of tidal gate construction are not known, but it is believed that the design of a system might require in excess of \$40,000, while the actual construction of a permanent gate system might cost from \$200,000 to \$800,000. Annual maintenance costs might range from \$30,000 to \$100,000 per year. This figure includes the salary of at least one person trained in sand management and tidal gate operating techniques.

Tidal gates are not recommended for use in maintaining the entrance to the Lagoon because of their 1) limited effectiveness, 2) high initial and annual maintenance costs, 3) adverse visual impacts, and 4) negative impacts on flood line levels.

3. Fluidization. It may be possible to increase the sediment load transported in many natural channels by fluidizing the channel bed (Hagyard et al., 1969). This involves pumping a fluid into the bed at a rate sufficient to cause the upward flow of water to support the sand grains in suspension. Ideally, one might fluidize the bed of a lagoon entrance channel during the ebb tidal periods. This would substantially

increase the rate of sediment transport away from the entrance channel area. Theoretically this might be done by placing a water pipe fitted with jets beneath the axis of the channel, and by pumping water at high pressure from the jets for a period of perhaps 1 to 4 hours during the ebb tidal period.

It is understood that so far, the feasibility of this method has not been proven, even on an experimental basis. Problems include the difficulty in determining the optimum rates of flow, and keeping the channel bed aligned with the subsurface jets.

The initial cost of this method might be relatively low (less than \$100,000). However, the system may require frequent maintenance. The power costs for electrically driven pumps would probably be less than \$3,000 per year. The method probably would have a minimum visual impact, as long as one could keep the pipes buried.

If the channel fluidization could be proven to work, it would appear to have a high potential because of its relatively low cost and minor adverse impacts. It might be used by itself, or in conjunction with some other method of entrance maintenance (i.e., natural flushing, tidal gates, jetties, etc.).

However, until the method has been proven to work, it can not be recommended.

4. Sand bypassing. Several attempts have been made to manage sand along various coasts using fixed pumping installations to promote sand bypassing across inlets, estuaries, or harbor entrances (Hagyard et al., 1969). All of these installations have been expensive and none have proven to be satisfactory (Harris et al., 1976). The paramount

problem has been the inability of a fixed sand bypassing system to effectively interrupt the littoral drift of sand for long periods of time.

Over a 5- to 6-year period the Shore Processes Laboratory of Scripps Institution of Oceanography (SIO) experimented with a proposed sand bypassing technique utilizing jet and centrifugal pumps which removed sand from the bottom of a submerged crater. The effective perimeter of the crater was greatly expanded by adding a duct-flow fluidization pipe to the dredging system. Extensive laboratory tests were carried out and demonstration experiments were conducted beneath the shallow waters of Oceanside Harbor (Harris et al, 1976) and in the entrance channels of Los Penasquitos and Agua Hedionda Lagoons (Inman and Nordstrom, 1978; and Inman and Bailard, 1979).

Originally the crater-sink sand bypassing system consisted of three essential components: 1) an intake pipe located semipermanently at the bottom of a sand crater in the seafloor or channel bed; 2) a pumping system mounted on a barge, or on shore, and 3) a discharge pipe. Because of the limited perimeter of the crater, which supplies sand to the dredge pump, a fourth component has been added to the system. This is a duct-flow fluidization pipe which may extend from the crater a distance of 50 yards or more (Figure 12). Water is pumped into the fluidization pipe at high pressure, and injected into the seabed sediments from a number of small jets located on the bottom of the pipe. This jet action results in the fluidization of the sands below the pipe. The fluidized sand flows by gravitational action into the crater-sink where it is removed by the dredge pump.

The initial field experiments in Oceanside Harbor resulted in the removal of sand from bottom craters at average and maximum rates of 24 and 52 cubic yards per hour, respectively. The craters were found to function well as natural sand traps and the duct-flow fluidizing pipe was determined to be an efficient means of increasing the sand trapping potential of a crater.

The experimental opening of Los Penasquitos Lagoon during April and May of 1976 with a jet pump and a portable, prototype duct-flow fluidization system has been described by Inman and Nordstrom (1978) and Inman and Bailard (1979). A 150-foot-long, 4-inch fluidizing pipe was used to extend one side of the crater in the direction of the desired channel (Figure 12). When one 130-foot segment of channel was adequately excavated, the system was moved and the operation repeated until a 680-foot channel had been completed between the Lagoon and the sea.

One major problem encountered during the channel-cutting operation resulted from the presence of extensive cobble deposits lying at a shallow depth below the sand surface. The cobbles limited the maximum rate of transport to about 30 cubic yards per hour. The cutting of a 5-foot-deep, 14-foot-wide, 130-foot-long segment of the channel was reported to take about 3.5 hours.

According to J. A. Bailard of Scripps Institution of Oceanography, the system used was designed to open a lagoon rather than to maintain a channel entrance. Consequently, some changes in the design and operating system would be called for if the system were to be adapted to channel maintenance. It was concluded that a system of the size used was unsuitable for this type of use in inlets with substantial cobble deposits.

According to Inman and Bailard (1979), the system is well suited for reopening a closed inlet channel, if few cobbles are present.

The SIO Shore Processes Laboratory also conducted sand bypassing experiments in Agua Hedionda Lagoon in order to evaluate the feasibility of using the crater-sink dredging and fluidization methods to maintain a stable, open inlet channel. This Lagoon inlet is protected by a pair of 300- to 400-foot-long jetties. Sand deposits within the Lagoon have been removed by intermittent dredging at the rate of about 160,000 cubic yards per year (Ritter, 1971). The system was judged to work fairly successfully during two days of experimental operation, except when 1) the suction line intake became partially plugged, or 2) when the current became so strong it swept sands from the bottom of the fluidizing trench.

The distribution of cobbles in the subsurface layers of the sand plug which intermittently closes the San Dieguito Lagoon entrance channel is not known. Few cobbles are evident on the sand surface during most of the year. However, this does not necessarily indicate the absence of cobbles in the lower layers. The relatively close proximity of the entrances of San Dieguito and Los Penasquitos Lagoons suggests that cobbles might be abundant below the surface sands near the entrance to San Dieguito Lagoon.

The use of fluidization in conjunction with various bypassing techniques is not recommended at the present time because 1) the method is still considered highly experimental and the operating characteristics are not well known, 2) the presence of cobbles in the entrance channel area might greatly limit the efficiency of the crater-sink bypassing system, 3) the initial and annual maintenance costs appear to be

substantial, and 4) the system may be judged to create low to medium environmental impacts.

However, this system is believed to warrant consideration when further developed, or when used in conjunction with other methods. Perhaps future tests and experiments will provide more information on the adaptability and reliability of the method, and on the costs for installing and maintaining the system. It might be that the system would work well with natural flushing, or with a short jetty-protected channel.

5. Use of standard earth-moving equipment. Conventional earth-moving equipment such as bulldozers, backhoes, and skiploaders have been used with varying degrees of success to clear the entrances of San Dieguito Lagoon and most other north San Diego County lagoons that suffer from intermittent closure. Typically, a small bulldozer is used during a 4- to 12-hour period to excavate a trench between the lagoon and the sea. If the excavated trench is adequate to drain the lagoon over a period of 12 hours or more, the operation is considered at least temporarily successful.

The reasons for the success or failure of these operations have not been systematically investigated, but casual observations by the author and others suggest that the factors which determine the success of the operation depend upon:

- 1) the type of equipment used,
- 2) the availability of the equipment for completing the desired task,
- 3) the motivation and experience of equipment operator,

yards of material might be excavated for every cubic yard of increased tidal prism.

The excavations can be carried out by bulldozers and/or draglines working with skiploaders and trucks, or by hydraulic dredges. The costs may range from \$.50 per cubic yard (plus mobilization costs) to \$5 per cubic yard, depending on the method of excavation and the various factors previously listed. Thus the enlargement of a tidal prism by 100,000 cubic yards might cost from \$200,000 to \$1,500,000. The problems and costs of excavation are described in greater detail in Section VII.

Natural flushing is strongly recommended as the most reasonable method of water management for the Lagoon. This recommendation is based on the possibility of achieving the highest quality Lagoon at the least possible maintenance cost. In comparison with other possible methods of water management, the natural flushing plan offers 1) the highest possible rate of water circulation, 2) the greatest feasible range in tides, and 3) the least possible maintenance cost. In addition, the plan will provide a substantial increase in water and intertidal areas.

It is assumed that \$500,000 to \$900,000 can be obtained to carry out the recommended plan in one or more stages.

B. Saltwater supply through pipelines or syphons

1. Continuous pumping. It is possible to maintain a saltwater environment in the estuary simply by pumping seawater into the Lagoon. If this was done, the continuous, alternating flow through a channel cut in the beach would not be necessary for maintaining the Lagoon waters in a saltwater state. Seawater might be pumped continuously or intermittently

through an offshore pipeline into the Lagoon. The accumulated water could be pumped back into the sea, permitted to overflow across the beach or through a drainpipe, or simply allowed to evaporate and seep through the beach sand. The fate of the imported water would depend somewhat on the quantity pumped.

Seawater is pumped ashore in very large volumes for cooling purposes for electric power generation stations. However the pumping of seawater at lower rates is not commonly done along the California coastline and, as far as can be determined, has not been done anywhere along the California coast for lagoon enhancement purposes. For this reason, the method should be considered experimental, and the estimated costs given are necessarily of limited accuracy.

There are several possible designs for piping seawater into the San Dieguito Lagoon. In considering the feasibility of any of these methods, one must make some estimate of the rate of inflow desired, or required. There is very little information for determining the minimum acceptable flow into the Lagoon necessary for the maintenance of high quality habitats. The optimum flow might be considered the rate that has occurred in the past, when the Lagoon has been open to the tides, or the rate of input that might occur in the future, if the Lagoon entrance was open. A comparison of the Lagoon volumes at low tide (when the Lagoon water elevation is near sill level) and at high tide suggests that on the average the Lagoon is completely flushed at least once every 2 days when the entrance is open. The rates of flow may average 100 to 160 cfs during the spring tidal periods; 50 percent of the time the flow would be out of the Lagoon.

The minimum rate of input would need to be somewhat greater than the evaporation rate, which is roughly estimated to be about 3 feet per year, or 1 inch every 10 days (Calif. Dept. of Water Resources, 1959). For low water levels this is equivalent to a rate of outflow of about 0.28 acre-foot per day, or about 0.14 cfs.

If, however, the water were replaced only at the evaporation rate, then one would expect rapid increases in the salinity and increasing concentrations of nutrients and pollutants. This would cause eutrophication, a depletion in dissolved oxygen levels, and the degradation of all submerged habitats. Such conditions would result in the reduction of species of fishes, molluscs, and other large invertebrates which might be found in the Lagoon. For this reason, it is assumed that any acceptable rate of saltwater input must provide enough circulation to prevent the excessive buildup of nutrient and pollutant concentrations.

The rates of flushing required to prevent these unacceptable buildups are not known, but it might be assumed that the complete exchange of the Lagoon waters every month would be sufficient. This rate of exchange (about 0.85 cfs) would be perhaps 15 to 30 times slower than the average rate of tidal exchange. It may require the importation of seawater at a rate of about 6 to 12 times that required to replace evaporation losses. It would not be surprising to find that somewhat higher rates of exchange may be required to produce acceptable rates of circulation. Possibly the Lagoon waters should be replaced at a rate which would provide a complete exchange once every 10 days.

Any artificially controlled rate of flushing lower than the natural fortnightly tidal average is likely to have some adverse effects

upon the diversity and abundance of the faunal populations dwelling within the Lagoon.

The actual rate of inflow required to produce a complete exchange of salt water once a month would be in part dependent upon the volume of the Lagoon. This volume, in turn, would be a function of the depth. At the present sill level, the Lagoon is believed to have an approximate volume of about 45 acre-feet; at elevations about 1.8 feet above sill level (MHW) the lagoon volume might be about 75 acre-feet. These volumes might be increased by factors of 1.5 to 2.5 if the modifications recommended in Section VII are carried out. The supply of 50 acre-feet of seawater per month to the Lagoon would require a constant input rate of 0.85 cfs or about 0.54 mgd.* Thus, the system would have about the same pumping requirements as the proposed City of Del Mar water reclamation system (Jokela, 1978).

The seawater pumping method has the advantage that the discharge of fresh seawater into the Lagoon could be located well inland. The introduced seawater could be pumped a mile or more inland where it would be discharged into the eastern end of the Lagoon. The high quality of the introduced waters would upgrade the habitat quality of the landward extremities of the Lagoon, and would result in the efficient westward flushing (assuming that the pumping rate was sufficient to provide a significant rate of return flow into the sea).

The supply of seawater to the Lagoon through pipes is useful only when the entrance to the Lagoon is closed. There would be no point in promoting saltwater flows into the Lagoon by other means if the entrance was open to tidal flushing. Thus, if one were to install the plumbing required for supplying piped seawater to the Lagoon, then one

*Million gallons per day.

would have to establish a policy for periods when the entrance was open to the tides. The entrance would open naturally during any flood, and also after any period of prolonged runoff. Subsequently, the entrance could be closed (by bulldozers), or the pumping operations could be suspended, temporarily.

The closure of the Lagoon would increase floodwater levels, and necessitate the establishment of some system of return flow. If no return flow was established, the water quality would rapidly deteriorate, in spite of the continuous introduction of ocean water.

Some decision would need to be made in regard to the establishment of a stable water level (or a managed fluctuating water level simulating tidal action). If this was not done then rates of return flow could not be determined accurately, and one might expect the alternate occurrences of sill overflow (perhaps causing sufficient erosion to reopen the Lagoon), and excessive evaporation and the creation of hypersaline habitats and salt flats. One or both of these extreme conditions might be considered highly undesirable. It is doubtful whether the water level could be raised high enough to overflow the natural beach barrier which separates the Lagoon from the sea whenever the entrance is closed, unless the influx water was pumped into the Lagoon at a very high rate. Thus if the rate of pumping was inadequate there would be no overflow or surface return flow. This would result in the deterioration of water quality, in spite of the continuous influx of seawater.

A stable water level might be most easily established within the Lagoon if the return flow was pumped, or allowed to drain into the sea through a discharge pipeline. However, several problems may arise from the use of a gravity flow discharge line to drain off the return flow.

These would result from seasonal changes in the beach profile (and width). During the winter the pipe foundation may be undermined by erosion, and during the summer the end of the pipe may be buried by beach sediments. If burial occurred, the pipe would become clogged with sand.

Tidal action might be provided by pumping intermittently and/or by controlling the flow from the Lagoon through a valve located in the return flow-pipe pipeline. However, it probably would not be feasible to create the large and rapid changes in water level produced by actual tidal flows through an open entrance. The maximum rates of water level change that could be produced by a 0.54 mgd flow would be about 1 inch every 40 hours. About 40 days would be required to produce a 2-foot tidal rise.

One of the most severe disadvantages in using offshore pipelines for the procurement of seawater results from biological fouling of the inside of the pipes. Sessile marine organisms which thrive in the strong currents attach themselves to the walls of undersea pipes. When one layer of organisms dies, another layer grows on top of them. Eventually, the pipe may become entirely clogged with living and dead invertebrates. This problem is sometimes solved by removing the growth mechanically, or by periodically altering the conditions within the pipe in order to kill the encrusting organisms. The Scripps Institution of Oceanography Aquarium runs their intake water through a 1,000-foot-long trough which is mounted on the Scripps pier. Every 2 weeks the top of the trough is removed so that it can be scrapped clean. This requires about 2 man-days of effort.

The large power generating stations located along the southern California coast eliminate growths in their seawater intake lines by

periodically reversing flow, and pumping hot water through the pipes. Other solutions include using a dual or triple pipeline system, and alternating the flow from one pipeline to another. The pipes not in use are allowed to dry. Alternatively, they might be filled with fresh water.

The mechanical cleaning of the underwater line would be very expensive. The pumping of hot water or toxic fluids through a pipeline off Del Mar would be either 1) too costly, or 2) not environmentally acceptable. If the pipeline was underwater, it would be difficult or impossible to dry. The feasibility of using fresh water as a growth retardant in an underwater pipeline has not been demonstrated.

The pumping system would include one or more offshore intake lines, a pump station, and a discharge line. The pipeline would have to be buried to a depth of several feet in order to protect it from erosion and the severe wave stresses. The trenching, installation, and burial operation is sufficiently expensive that reducing the pipe size to diameters of less than 1 foot would not result in an appreciable savings.

The outer end of the pipeline would have to be constructed so that the intake was covered by a filter, and was raised a sufficient distance above the bottom to prevent significant quantities of sediment from being sucked into the system. The filter would also have to be designed to withstand intense wave forces, erosion, and deposition. The intake must be deep enough in order not to constitute a hazard to swimmers, surfers, and small boats. It should be located seaward of the surf zone to avoid the extreme stresses of breaking waves, and the problems created by high concentrations of suspended sands. This will require a pipe length of 1,500 to 2,500 feet beyond the landward edge

of the beach. The cost would depend partially on the size of the system (pipe lengths and diameters, number of pipes, and pump sizes).

The installation of the offshore pipeline would be the most expensive part of the system. Normal installation rates for a single offshore pipeline from 1 to 3 feet in diameter are about \$600 to \$1,200 per foot. The addition of a second pipeline installed in the same trench might increase the cost by 10 to 30 percent. The cost of the installation of small diameter (12 to 15 inch) self-burying steel pipes might be 30 to 50 percent less, but their life span may be much shorter than the life span of conventional, offshore pipelines. The design and emplacement of the filter might cost between \$50,000 and \$150,000.

If one assumes an offshore pipeline length of about 1,500 feet, then one might estimate the costs of an offshore pipeline and filter to be at least \$1.5 million. The cost, including installation (but not land acquisition costs) for a 0.54 mgd pumping plant might be about \$40,000. The costs of the discharge pipe and the optional overflow pipe might range from \$2,000 to \$20,000 depending on the length, and various installation problems. Thus, the minimum initial cost of the total system might be about \$1.6 million. Annual operating costs might include about \$1,000 to \$2,000 for electric power, and \$2,000 to \$10,000 per year for required maintenance and inspections; if severe biological fouling occurred, the maintenance costs might be much higher.

If the rate of flow were to be increased two to four times the proposed rate (to 1 to 2 mgd), the initial costs might be increased 5 to 10 percent and the maintenance costs would be increased by 50 to 100 percent. However, it would not be economically feasible to pump salt water into the Lagoon at rates comparable to natural tidal flows.

The pumping of seawater into the Lagoon is not recommended as an alternative to tidal flushing because of the high initial costs, high maintenance costs, the low rates of circulation considered to be feasible, the difficulty in providing significant tidal action, and the fact that the method requires a higher energy input than other alternatives.

2. Siphons. The concept of connecting the Lagoon to the ocean with a large pipe or siphon which might pass over, or underneath the beach often appears worthy of consideration. The pipe would allow tidal waters to flow in and out of the lagoon, thus bypassing the entrance channel and the surf zone. If the western end of the siphon was located seaward of the surf zone, and the eastern end was located well to the east of the beach, there would be little possibility that the pipe would become clogged with littoral sediments. (Figures 13 and 14).

One might assume that the simplest arrangement would be to lay the pipe directly on the beach. However, this would create a number of problems. It would constitute an esthetic nuisance, and it would divide the beach into compartments. The pipe would be subject to severe wave and current stresses. It would act as a jetty or groin, trapping sand on one side and causing erosion on the other. In addition, it would suffer from foundation problems during the winter when the beach surface is normally eroded to lower levels. Finally, it would create a hazard to swimmers and surfers. Also, the pipe joints would need to be airtight in order to prevent a loss of flow. The siphon would have to be primed before any flow took place. This would require pumping all of the air out of the pipe. A priming system would be fairly expensive.

Most of these problems could be solved by burying the siphon in a trench cut well beneath the beach and the surf zone. Burial would remove the pipe from the zone of high wave stresses, and would greatly reduce foundation problems which might result from seasonal erosion and deposition. Also, the burial would completely hide the pipe from beach users.

The seaward end of the pipe would require an intake structure similar to but larger than the intake described previously for the seawater pumping system. The intake should be designed to prevent the pipe from sucking in large quantities of sediment, other debris, swimmers, etc. A similar, though somewhat simpler intake would be required on the end of the siphon located in the lagoon.

The flushing of the Lagoon would be most efficient if the elevation of the Lagoon end of the pipe was lower than the lowest tidal level. This would allow the ebb and flood flows to pass through the pipe during the complete tidal cycle. If the end of the siphon was placed at the lowest tidal level (-1.8 feet below MLLW, or -4.5 feet below MSL) then most of the water within the Lagoon would drain from it at the lowest tides (if there were no inertial and frictional delays and if the pipe was large enough to accommodate the flow).

Because of adverse impacts upon fish, this complete drainage probably would not be highly desirable. Furthermore it would require some excavation of the Lagoon floor. The Lagoon end of the pipe should be located well above the channel bed in order to reduce the rate of sediment input. Probably, some sediment would enter the pipe from one or both ends, regardless of the intake design.

It is quite probable that the inside of the pipe would become clogged with a great variety of fouling organisms. It would be very hard to control the growth of such organism, or to remove them from the inside of the pipe.

The rates of flow that might be expected from various siphon diameters and selected tidal ranges are presented in Table 18. This suggests that satisfactory rates of exchange might be obtained with 3- to 5-foot-diameter pipelines. The 5-foot-diameter pipeline would pass about 240 percent more flow than the 3-foot-diameter pipeline.

The cost of the installation of a siphon under the beach and surf zone would be extremely expensive. The recent installation of the 18-foot-diameter cooling water pipes off of the San Onofre nuclear power plant cost about \$2,000 per foot. The installation of a 57-inch pipeline off Dana Point several years ago cost \$1,200 per foot. A 30-inch pipe recently installed off San Luis Obispo cost about \$570 per foot. It cost about \$216 per foot to lay an 8,800-foot-long, 30-inch pipeline off Oceanside, California, in 1973. One might assume that the offshore installation of 3- to 8-foot-diameter pipes off Del Mar would cost between \$600 and \$1,500 per foot. Onshore portions of the pipe might cost only 25 to 50 percent of this amount. However, a total length of 1,500 to 2,500 feet of pipe would be required. The total installation cost might range from \$1.5 to \$2.5 million.

Annual maintenance costs are not known but would probably be in excess of \$40,000 per year. Most of this money would be utilized for inspection and cleaning of the siphon.

The construction of a siphon to provide seawater to the Lagoon is not recommended because of the high initial and maintenance costs,

and the difficulty in keeping the siphon free of large sediment deposits and organic growths.

REC-
MAR 4 11 1999
SAN DIEGUITO

February 25, 2000

San Diequito River Park
Attn: Principle Planner
18372 Sycamore Creek Rd.
Escandido, CA 92025

Re: Commentary, San Diequito River Lagoon Project

To Whom It May Concern:

Joan and I were very pleased when the San Diequito River basin was selected for funding as a wildlife refuge and recreational area. We still are. However, we are concerned over a major feature of the project as delineated in the EIR/EIS document. This feature is the creation and maintenance of a permanent channel connecting the San Diequito lagoon with the ocean. We see three possible negative consequences to the proposed channel: 1) further beach erosion 2) access to the beach, and 3) public safety. Let's consider each of these.

- I2-1 1. **Beach Erosion.** We understand that expert opinion predicts loss of sand from the beach immediately to the south of the channel. The technical basis for this prediction is beyond the scope of this letter. If correct, the results would be two-fold:
- a) loss of a public recreational asset, the beach, and
 - b) loss of an important shield protecting beachfront residences from the sea. For decades, ending with the storms of the early 80's, the beach was wide even at high tide and protective concrete walls or rip rap were never a consideration.
- I2-2 2. **Access to the Beach.** The EIR/EIS describes a channel 50 or 60 feet wide, and at times, several feet deep, maintained with rip rap walls from the ocean's edge to several hundred feet to the east. For most casual strollers, dog walkers, and other beach pedestrians the channel will present a formidable barrier.
- I2-3 3. **Public Safety.** In the February 24, 2000, issue of the San Diego Union-Tribune there is a brief item announcing that tidal flow has been restored at San Diequito river. The article further states that due to heavy urban run off and the fact that there had not been tidal flow since May, 1999, that the lagoon water entering the ocean was likely contaminated. Accordingly, signs warning the public were posted 200 feet north and 200 feet south of the newly created channel. The channel, of course, was not created by any natural phenomenon, but by the workers for the 22nd Agricultural District using a bulldozer. One wonders how often a walker, a wader, a swimmer, or a surfer will fail to see the warning sign or chose to ignore it. Would the permanent channel as described in the EIR/EIS be an ongoing, continuous source of contamination?

There is little of reassurance in the document. Thus, the proposed channel presents two threats to the public safety:

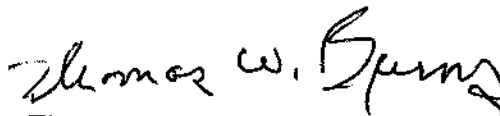
- a) that of water accidents posed by any deep, rapidly moving stream.
- b) that caused by contamination of the channel water and the ocean it enters. The contaminants include bacteria and toxins such as pesticides.

We hope that modifications in the proposed project will provide reassurance regarding the concerns outlined above.

Sincerely Yours,



Joan F. Burns



Thomas W. Burns, M.D.

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Del Mar, CA 92014



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RECEIVED

MAR 28 2000

SAN DIEGO RIVER PARK LPA

March 20, 2000

Principal Planner
 San Dieguito River Park
 18372 Sycamore Creek Road
 Escondido, CA 92025

Dear Principal Planner,

I am writing concerning the Draft EIR/EIS for the San Dieguito Wetland Restoration Project. I have reviewed the various restoration alternatives in the EIR/EIS, and based on the material presented, I feel that the Maximum Intertidal Alternative offers the most opportunities for the restoration of a functioning wetland system. I base this evaluation on the specific points below.

13-1 First, in terms of food web support the Maximum Intertidal Alternative offers the most promising design. Given the strong link between the productivity of intertidal habitats and the fish food web (especially *Spartina* and intertidal algal habitats; see paper by Kwak and Zedler 1997 cited below), it is essential that intertidal areas be incorporated into the restoration design. The Maximum Tidal Basin Alternative would provide subtidal area, but it would be substantially lacking in intertidal wetlands and food web support.

The absolute acreage of habitat restored and created is not the only concern, but also how these habitats are arranged spatially. Subtidal areas should be adjacent to intertidal areas; the greater the interface between these habitats, the more access for fish to move between habitats on high tides. Research completed by Janelle Johnson (now Janelle West) for her Master's thesis at San Diego State University showed that when access is available, fish use the marsh surface for feeding during high tides (Johnson 1999). In this regard, the Mixed Habitat Alternative is problematic. It provides a variety of habitat types; however the deep, subtidal habitats are all west of Interstate 5, and there are no subtidal habitats to the east of Interstate 5, where the intertidal wetland habitats are found. The Hybrid Plan would be my second choice in this regard; however, it lacks substantial intertidal wetland habitat on the west of the interstate. The inclusion of high marsh areas (as refuge for Clapper Rails and other species during high tide) is also an important issue, and this is best addressed by the Maximum Intertidal Alternative.

Finally, ongoing research at the recently restored Model Marsh in the south arm of Tijuana Estuary by the Pacific Estuarine Research Laboratory (PERL; where I was a post-doctoral research associate and later Associate Director from 1994-1999) at San Diego State University is further evaluating the importance of small intertidal creeks for food web dynamics. PERL will be determining differences in fish use and invertebrate establishment in areas with and without

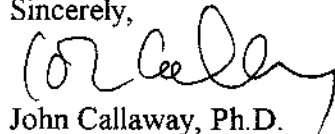
small tidal creeks, in an effort to improve linkages between wetland and subtidal areas at future restoration projects. As results for the Model Marsh become available, these data may help to fine tune the details of the restoration design at San Dieguito Lagoon.

I3-2 My second major concern about the restoration alternatives is the long-term sustainability of the site given ongoing inputs of sediment from the watershed. In this sense, it may be wise to slightly overexcavate the site in order to allow for sediment accumulation over time. However, I am not certain of sediment dynamics at the site (or if efforts will be made to minimize or control sediment inputs from the watershed), so I cannot provide specific comments in this area. I know that at other nearby wetlands (e.g., Los Peñasquitos Lagoon, San Elijo Lagoon and Tijuana Estuary), sediment inputs (especially during wet winters) continue to lead to a reduction in tidal prism. Cahoon et al. (1996) and Kristen Ward (thesis in progress at SDSU) have both documented annual sedimentation rates of over 5 cm in *Spartina*-dominated and mudflat areas of Tijuana Estuary during wet years.

I3-3 In the EIR/EIS, I found information on hydrology and flooding rates, as well as on beach sediment dynamics, but there was little information about sediment dynamics within the lagoon. Are data presently available for sediment dynamics within San Dieguito Lagoon (e.g., suspended sediment loads and sediment accretion in intertidal wetlands and mudflats, especially during wet years)? These data would be useful in evaluating the restoration alternatives. Furthermore, detailed measurements of sediment dynamics should be completed as part of the monitoring of the project. At the Model Marsh, efforts are underway to control sediments before they reach the estuary, and this consideration may be needed at San Dieguito Lagoon.

I3-4 Last, the consideration of historic loss of habitats that is outlined in the EIR/EIS supports the choice of the Maximum Intertidal Alternative, and I agree with this evaluation. While the Mixed Habitat and Hybrid Alternatives may achieve similar net acreages, the Maximum Intertidal Alternative is preferable based on the fact that the spatial mix of habitats is more appropriate, as discussed above. Please contact me if you have any questions concerning these comments.

Sincerely,



John Callaway, Ph.D.
Assistant Professor

CITATIONS

- Cahoon, D. R., J. C. Lynch, and A. N. Powell. 1996. Marsh vertical accretion in a southern California estuary, U.S.A. *Estuarine, Coastal and Shelf Science* **43**:19-32.
- Johnson, J. 1999. Fish use of a Southern California salt marsh. Thesis. San Diego State University, San Diego, California, USA.
- Kwak, T. J. and J. B. Zedler. 1997. Food web analysis of southern California coastal wetlands using multiple stable isotopes. *Oecologia* **110**:262-277.

Gerald E. Finnell

250 Ocean View Avenue
Del Mar, California 92014
(858) 792-2750

March 15, 2000

San Dieguito River Park
Joint Powers Authority
18372 Sycamore Creek Rd.
Escondido, CA 92025

Re: Draft EIR/EIS for the San Dieguito Wetland Restoration Project

My comments regarding the subject project are summarized below for your consideration.

I4-1 Recommended Alternative-~~Maximum Intertidal~~

The EIR acknowledges in section 2.3 that the *Maximum Intertidal Alternative* is considered to be the *environmentally superior* alternative. Recognizing the principal purpose for which this project is even being considered, selection of the *environmentally superior* alternative is both logical and appropriate. None of the other alternatives have advantages which even come close to offsetting the acknowledged superiority of the Maximum Intertidal alternative, as further discussed in section 2.3.3.

Disposal Sites Options

I4-2 The preferred disposal site is **DS32**. Arguments for this site include the important fact that such site has been purchased by So. California Edison for that specific purpose. Additionally, the environmental impacts are clearly superior utilizing this site.


DS 37 and DS38, both located on 22nd District Agricultural Association property, should **not** be used for disposal sites. Both sites represent protected *delineated wetlands*, which must be protected from further degradation, as required by existing California statutes and recently announced Federal regulations protecting wetlands (adopted by the Clinton Administration).

* * * * *

I commend the Joint Powers Authority for the progress accomplished to date.

I appreciate this opportunity to provide input to this important process.

Very truly yours,



Gerald E. Finnell

2/24/00

San Dieguito River Park
Attn: Principal Planner
18372 Sycamore Creek Road
Escondido, Ca. 92025

RECEIVED
FEB 26 2000
SAN DIEGUITO
RIVER PARK JPA

Re: Comments on the EIR/EIS for the Wetlands Restoration Project.

To Whom it May Concern:

After reading over the draft, I still have a number of concerns about the area laying between Highway 101 and the Pacific Ocean.

I5-1 I've lived at 3004 Sandy Lane, Del Mar, next to the river mouth, for over 35 years. Over the years I've seen what can happen to the northerly beach and river mouth area under many different conditions. From the years without much rain to the years with enough rain to overflow Lake Hodges and Southerland Dams together. Under most storm runoff conditions, the beach and river mouth sand levels can change greatly. When Lake Hodges Dam overflows, the runoff changes the entire river mouth and northerly beach area. The combination of the rain runoff, outflow and the incoming tides scour away a tremendous amount of sand from the Dog Beach area and also in front of the Northerly beach front properties. I can remember the sand level dropping down a good 15 feet below the westerly rip rap level. There for awhile, the low tides were just a few feet from the bottom of the rip rap. When the river mouth is closed, the entire beach area builds up with sand slowly but surely. The mouth of the river can vary in size and direction too. You could easily find that your year around river would meander and greatly deplete the availability of usable beach for the general public and deplete the Dog Beach area. My main point is that I'm very worried about beach sand loss along the northerly beach properties and in the river mouth lagoon area itself. In looking at the Initial Grading description on page 2-24 to 27, lines 25 to 3 on page 2-27 and Figure 2.3.1-5 (Section A), it is obvious to me that the proposed channel will not control the normal, let alone the big winter storm runoffs within its boundaries. I could not find anywhere in the plan where they would create a properly designed revetment to control the southerly bank of their year around channel. The existing southerly rock revetment was created under emergency conditions and was not built according to any engineered plan. The toe of the revetment is not deep enough and the rock size and placement were not correctly done due to the speed that it had to be built. I feel that due to the overall size of the Wetlands Project, it should include a properly designed southerly revetment from the 101 Highway bridge to the existing westerly corner by the Pacific Ocean. If nothing else, at least reinforce the existing one. The general public currently walks over the existing revetment when they go to the public beach. They have, over time, shifted some of the rocks, which have created a very dangerous situation, not only for the general public, but also for the integrity of the revetment. Believe me, if the time comes and you need to work on it because the river is scouring it away, it will be too late to get any equipment in there to do the job.

I5-2 Whom ever is going to be responsible for maintaining the channel location, as shown on page 2-28, figure 2.3.1-6, they will never be able to control the river mouth location as designed. When the river meanders to the south and constantly flows next to the existing revetment, that's there now, then there is a good chance that the adjacent private property owners could sustain some property damage due to scouring and erosion.

Southern California Edison must own up to the fact that the results of this overall project will cause a substantial sand and usable beach loss compared to what would be there if they left the river mouth alone. Without a year around channel the sand would get a chance to rebuild the public beach, including the beach in front of the northerly beachfront homes.

I5-3 Another concern is that it appears the new channel will cut off all access allowing the elderly and handicapped people to have free access along the beach and around the Dog Beach area. As mentioned on the draft page 3.1-11, lines 3-30, the year around channel will create a very dangerous situation for the general public, dogs and City of Del Mar.

Generally speaking, my main concern is that the existing river mouth will not be able to handle and properly control a year around water flow without losing a large area of the public beach. The

I5-4 increased water flow from up stream will cause more pollutants to be deposited along the public beach coastline.

Please take a long hard look at what will happen to the river mouth and require everything that is necessary to not only protect the general publics rights, but also to protect the private property owners who happen to be affected by the massive project.

Thank you for your understanding and consideration on this entire matter.

A handwritten signature in black ink, appearing to read "Stephen Fletcher". The signature is written in a cursive, flowing style with some loops and flourishes.

Stephen W. Fletcher
3004 Sandy Lane
Del Mar, Ca. 92014
858 755-4976

March 14, 2000

San Dieguito River Park
Attn: Principal Planner
18372 Sycamore Creek Road
Escondido, CA 92025

Subject: EIR/EIS for San Dieguito Wetland Restoration Project

The following comments are provided in response to the subject document:

- I6-1 1. Fully realizing that this project is itself a mitigation measure for the impact of SONGS Units 2 and 3, which in itself has political connotations, language such as that in 2.3.1.1 Parties Responsible for Project Implementation, and 2.3.1.9 Land Ownership and Transfers speak to the unfortunate behind-the-scenes manipulations that are shaping the destiny of this project. Despite the voluminous discussion on the environmental benefit of this project, it is obvious that without the success of the deals being made between all the landowners involved this project will also suffer limited success. Swapping of "credits" and real estate for anticipatory profit are thus overshadowing the real need for this project. Did the CCC's determination of suitability of this site include a determination whether or not all landowners were going to be amenable to this project? Did the CCC have the authority to designate the entire San Dieguito Wetland for restoration if only some of the landowners were amenable to the project, e.g. if maintenance of the inlet is a CCC permit condition for SCE, how/why is the District able to place conditions on inlet maintenance?
- I6-2 2. 2.3.1.2.3 Upland Habitat: If funding for restoration of upland habitat can not be found to allow wetland and upland restoration to coincide what will happen to SCE's schedule? Will all restoration be implemented at once to minimize the duration of the construction effort or will the wetland restoration be allowed to proceed without funding for the upland restoration only to be impacted by construction of the latter at a later date?
- I6-3 3. 3.9.1.1 Mosquitos: Abatement will apparently be conducted on an as-needed basis. Neither the abatement techniques nor the impact of the abatement on the newly formed wetlands surrounding the potential freshwater breeding areas has been discussed.
- I6-4 4. 4.4.1.2 Impacts Unique to Different Alternatives: Long-term inlet maintenance is obviously an important factor in this project. This section stated that some alternatives are hydraulically more efficient than others, and that this would lead to less frequent maintenance of the inlet, and facilitate the establishment of native salt marsh communities. Why then, is hydraulic efficiency – which contributes to the long-term viability of the wetlands - not considered more important than the short-term impact due to excavation, which has led the lead agencies to consider the maximum intertidal alternative the preferred alternative? "All else being equal, habitats that can be restored with a high probability of success and minimal maintenance requirements will generally be preferable."
- I6-5 5. It does not appear that the exact silt/sand composition of site W1/DS44 is known, and subsequently the usable volume of the site for disposal remains unknown. Additional unknowns, such as the presence of established nest sites and plants to be avoided during construction, funding availability for upland habitat restoration, and reaching of agreements discussed in paragraph 1 above all impact the feasibility of the project from a contractual standpoint in addition to the numerous conditions which will already be placed on the contractor to minimize the impact of the construction on the surrounding communities. All of these unknowns will have an adverse impact on the construction cost and schedule, and can potentially render a contract unbiddable unless it is administered as a cost-reimbursement contract. While the taxpayers' money is not involved in this project (unless that is the JPA's funding source for upland restoration) and SCE must fulfill their portion of the project for permit conditions this may be looked upon as an unnecessary concern. Clear definition of contract scope and

the subsequent adherence to budget estimates, however, will contribute to the success of the project and hopefully ensure that the public does not end up paying for miscalculations and unforeseen conditions by some hidden costs either in electrical utilities or taxes in the future.

- I6-6 6. The properties upon which farming currently takes place are destined to be disposal sites in this project. A figure of \$222,300.00 was quoted as the impact caused by the conversion of U18, but there was no cost impact associated with the other areas. All of these areas are owned by one of the parties involved in this project or the City of San Diego, and presumably they are willing to accept the impact of the loss of revenue from these agricultural lands. The local farmer has not been considered however. These farmlands must have been or are currently being contracted to farmers who depend on farming these lands for income, but this socio-economic impact has not been considered.
- I6-7 7. 3.10.3 Sediments and Water: Contaminated subsurface sediments may not be relevant to human exposure, but why is their potential impact on the wetlands ignored? Excavation of the area will not only expose the subsurface but material from the subsurface will be used to build berms and nesting sites. If the excavated material is contaminated how will it impact the wetland once it is used as fill?
- I6-8 8. This project does not introduce a source of air pollution into the area, but the effects of existing air pollution (i.e. I-5 in the middle of the area) on the project have not been discussed.
- I6-9 9. There is no discussion on nesting site #5 other than the fact that it has been unsuccessful in the past. Is its proximity to I-5 a factor in its failure? Will a sand cap be sufficient for its success?
- I6-10 10. Table 2.3.1-1a: Net Change of Transitional Wetlands should be +14.66
- I6-11 11. Figures for site capacity of nest sites in Table 2.3.1-7 Disposal Site Options do not coincide with nesting site figures in any other tables.
- I6-12 12. The Net Change column of Table 2.3.4-1a, Tidal Habitat Created for the Hybrid Alternative: Full Project Implementation is a copy of the Net Change column of Table 2.3.4-1b rather than the difference between columns a and d.
- I6-13 13. The legend in Figure 4.2-3, Comparison of Water-Surface Profiles has all proposed profiles labeled as "100-yr proposed" omitting the 50 and 10-year profiles.



Patrick Hochstein

3/17/00

Attention: Principal Planner
 San Dieguito River Park
 18372 Sycamore Creek Road
 Escondido, CA. 92025

Jack Jaeger
 129-10th St., B
 Del Mar, CA. 92014
 (858) 755-7566

SUBJECT: COMMENT LETTER

RE: THE DRAFT EIR/EIS FOR THE SAN DIEGUITO
 WETLAND RESTORATION PROJECT

My concerns and objections relate only to the River Park Plan alternatives that include a "permanently maintained" river channel crossing the beach at the mouth of the Lagoon. There are several concerns that have not been adequately addressed, or omitted entirely, by the EIR, and need further mitigation, or entirely different solutions.

I7-1 FIRST: Public Safety and an Ongoing Financial Burden

A permanently maintained surface channel would create an ongoing dangerous condition for the public, due to a rapidly flowing river and the public's temptation to cross it, and desire to continue swimming at that beach location. The Solana Beach and Del Mar Lifeguard Departments inform me that it would be absolutely necessary to construct a permanent Lifeguard Tower on the North side of a proposed channel, due to increased dangers that would be created. This new Tower would have to be equipped with Rescue boats, and manned full-time by a minimum of two Lifeguards. The threat to Public Safety was not addressed adequately in the EIR/EIS, nor was the ongoing financial burden that would be created ever discussed or negotiated in the EIR. It would not be acceptable (nor probably legal) to pass the burden of building a major lifeguard tower, and permanently staffing this site, on to the City of Del Mar and its Taxpayers. An alternate solution to the permanently maintained river channel needs to be studied and mitigated, that would sensibly avoid the threat to public safety and exposure to ongoing financial burden by some municipality.

I7-2 SECOND: Loss of Beach Sand/Erosion to the South of the River

Your office is in receipt of a study performed by Rick Engineering, and numerous other credible reports that illustrate the resulting loss of sand on the South side of the River Mouth if a permanently maintained channel is constructed. The littoral drift of sand southerly across the mouth of the river is a natural occurrence. Artificially opening and "permanently maintaining" a river channel is not natural. No alternatives, nor mitigation measures were presented that would eliminate this environmental problem, nor was potential beach erosion addressed and the increased exposure to the homes there of wave damage due to the loss of their protective beach front.

I7-3 The EIR/EIS does not address adequately the public's loss of access North and South. Any recommendation to connect the lower/Southerly beach areas to the bridge at Camino Del Mar, must be studied in connection with this Lagoon Project, and under CEQA, an EIR must be performed, a FEMA map revised or the design changed.

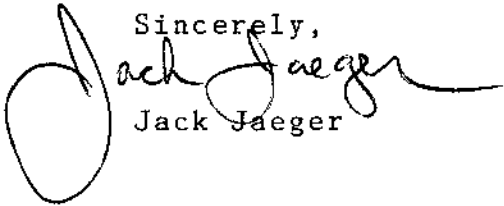
I7-4 THIRD: Ownership and Rights to the Land at the Rivermouth

The State of California and the Public Trust own this beach area, and no action may be undertaken that would reduce the public's enjoyment of the beach, either by loss of access or depletion of the beach itself. The current permit authorizing the 22nd Ag. District to open the river mouth must be thoroughly studied and commented upon in the EIR/EIS. It is unclear whether authority exists to permanently maintain a channel. (Current authority seems to only allow the District to protect itself from and avoid flood dangers.) Whether issued by the California Coastal Commission or the Army Corps of Engineers, the authority to issue this permit must be challenged for its legal substance. We must require that further EIR studies are performed to check that the criteria for opening the river mouth are very strictly prescribed. We respectfully request that comments be made about adhering to the Water Quality Act, and that no Agency ever tolerate the spread of pollution. When the 22nd District arbitrarily opens the mouth of the Lagoon, they knowingly spread polluted waters across the beach and into the ocean.

I7-5 LASTLY: A WIN-WIN SOLUTION EXISTS

An alternative where the inlet and outlet of Lagoon waters are placed subsurface needs to be fully studied, and mitigated. There are numerous benefits to utilizing underground pipes, or siphons, that avoid the dangers of a permanent river channel, the subsequent loss of beach lands, and the ongoing financial burdens that would ensue. A cost analysis needs to be performed over the thirty year life of the River Park, and compare the impacts of a permanent surface channel to a subsurface pipeline system.

Sincerely,



Jack Jaeger



JAEGER VINEYARDS

17 March 2000

WILLIAM P. JAEGER
GENERAL PARTNER

San Dieguito River Park
Attention: Principal Planner
18372 Sycamore Creek Road
Escondido, CA 92025

**SUBJECT: FURTHER COMMENTS ON THE DRAFT EIR/EIS FOR THE
SAN DIEGUITO WETLAND RESTORATION PROJECT**

To Whom It May Concern:

In furtherance of the comments my wife and I made to you in our letter of 24 February 2000, there are a couple of additional points that we wish to raise that are not adequately covered by the EIR/EIS.

The safety of the public and the special burden placed on homeowners.

I8-1 There is a self-imposed public duty for government to protect members of the public from danger. This duty applies even though the danger is natural. In that sense, the Ocean is considered as an attractive nuisance by many municipalities, and this is the reason they employ lifeguards.

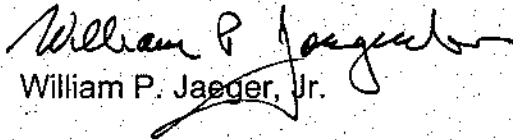
Creating a fast-flowing river, both wide and deep, that runs through a heavily used beach, will increase the already-existing danger to the public that uses that beach, as it will attract people to wade and swim in that river as well as in the Ocean. The currents, both in the river and in the Ocean near the river mouth, will be different from the normal current and tidal action along the beach shore, and will surely catch some members of the public off-guard and unprepared, creating a need for help. But with the beach cut in two by the channel, lifeguards on one side of the river will be of no help to people in need of help on the other side of the river. At the present time there is no permanent lifeguard station in the vicinity of the river mouth. If a permanently maintained river channel is created across the Del Mar Beach at the mouth of the river as part of this project, it will be absolutely necessary that one be built and that a staff of lifeguards be stationed there. During the summer months it will be necessary to have two shifts of lifeguards on duty to cover the 14 hour period the public will be using the beach. This public safety problem and its mitigation, and who should bear the cost of the mitigation, were either ignored or not adequately treated in the EIR/EIS.

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e-mail: bill@jaegervineyards.com

I8-2 When the sand on the south side of the river mouth disappears following construction of the river channel, and the Ocean waves break against the rocks that protect the beach-front houses on Sandy Lane, members of the public, which walk along the beach, will find occasions when they need to climb up on those rocks to protect themselves. Those rocks are not public property, and they were not designed to accommodate beach-walkers. They are dangerous to walk on. Therefore, the project will actually force members of the public, trying to protect themselves from one danger, to trespass on private property and face another danger of serious injury. This is not a choice that any government should ever be allowed to force upon its citizens, and a permanent means must be provided, as a mitigation measure, that protects the beach-walking public when the sand on the beach disappears because of an unnatural condition permitted by government. Forcing the public to trespass on dangerous rocks is likely to increase the cost of insurance, a cost that the homeowners should not have to bear. The cost of any mitigation measures needed to protect the public from the effect of the unnatural river mouth channel should not fall on the private property owners, nor on the local municipality, which prefers that the beach be left in its natural condition.

Sincerely,


William P. Jaeger, Jr.



**JAEGER
VINEYARDS**

RECEIVED
FEB 29 2000
SAN DIEGUITO
RIVER PARK JPA

24 February 2000

WILLIAM P. JAEGER
GENERAL PARTNER

San Dieguito River Park
Attention: Principal Planner
18372 Sycamore Creek Road
Escondido, CA 92025

**SUBJECT: COMMENT ON THE DRAFT JOINT EIR/EIS FOR THE SAN
DIEGUITO WETLAND RESTORATION PROJECT**

To Whom it May Concern:

Our comments and objections relate solely to the portion of the project involving the sandy beach at the mouth of the San Dieguito River, and the project plan's stated intention to destroy the natural conditions there. There are several different points of view from which it is clear that the beach portion of this project

I9-1 must not be built if the alternative selected includes a permanent open surface channel through the north end of the public beach at Del Mar. I will make the objections according to the points of view.

The public's rights and rights of way on and over the beach.

I9-2 A permanently maintained channel through the sandbar, which is the Ocean-front beach at the mouth of the San Dieguito River, would take away from the public its right to use the area occupied by the channel for public recreational purposes, like walking dogs, sun bathing, playing volley ball, etc. This beach area is the northern portion of the Del Mar public beach, one of the best in all of California. A maintained permanent river channel would also divide this large river mouth beach area in two much smaller parts, making two small beaches that would not be easily accessible from each other by beach walkers. This is destroying a public right of way to walk safely from the north, or the Solana Beach side of the beach to the Del Mar, (south), side of the beach, and vice versa. The EIR/EIS admits that the permanently maintained open channel would create a dangerous condition for those who might continue to try to make this north-south beach journey on foot, by wading through the channel. It is clear from the EIR/EIS that the flow of water in this channel could, at times, be quite severe and the channel deeper, at those times, than would be obvious, causing dangerous conditions that would necessitate the constant attention of lifeguards. Additionally, the EIR/EIS acknowledges that the increased difficulty of access across the river inlet represents a *significant* change in current use patterns.

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Though some of these facts are recognized in the EIR/EIS, there are no alternatives, nor mitigation measures presented in the project plan or the EIR/EIS as to how the beach portion of this project could be built to eliminate or mitigate these environmental problems. The EIR/EIS does state that a 1994 Human Use Inventory recommended implementation of an improved connection between the lower beach areas and the bridge at Camino Del Mar, to both improve access for pedestrians when the river mouth is impassable, and also improve lateral beach access at all times. The EIR/EIS adds that the feasibility of the improved connection is uncertain, due to current conditions at the river inlet (particularly the presence of riprap protection along the southern banks of the inlet channel). Although the document concludes that such a by-pass, if feasible, would reduce the impact to a level that is less than significant, there is no effort made to determine feasibility; indeed, the EIR/EIS states that this feature is not included in project plans.

I9-2B The EIR/EIS discussion is clearly inadequate in light of the substantive mandate of both CEQA and NEPA that avoidable significant environmental damage be substantially lessened or avoided where feasible. (Public Resources Code §§ 21002(b)(4); CEQA Guidelines §§15002(a)(3), 15021(a)(2), 15126(f), 15126.6). We request that studies be undertaken to determine whether feasible mitigation and/or alternatives do exist, including the by-pass route identified in the Human Use Inventory as well as other options. We specifically request that the analysis consider the feasibility of conveying flows from the mouth of the river into the ocean *via subsurface channels or pipelines*, which would guarantee unimpeded pedestrian access across the inlet. If this is not considered feasible, please provide a reasonable level of detail as to why that conclusion was reached. If the studies show that a subsurface flow channel (preferably) or by-pass channel or other remedy is feasible, then CEQA and NEPA require that the EIR/EIS disclose this information.

I9-2C Finally, we request that the Draft EIR/EIS be recirculated when these studies are completed. Recirculation will provide the public with an opportunity to review and comment on the actions that could feasibly be taken to reduce this significant adverse impact. CEQA Section 15088.5 requires recirculation where a feasible alternative or mitigation measure clearly different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents have declined to adopt it.

I9-3 The natural littoral drift of sand southerly across the mouth of the river.

I9-3A There is a natural drift of sand along California's Ocean's shore. It moves in a southerly direction, helped by the Ocean current. This sand drift creates a natural sand bar at the mouth of the San Dieguito River, a sand bar that remains in place most all of the time and completely separates the Ocean waters from the waters in the river bed. The only way this sand bar at the mouth of the River is removed naturally is by floodwaters flowing down the River and out to sea, and in the "Cadillac Desert" conditions of the San Dieguito River watershed, this seldom happens. The portion of this project that crosses this sand bar is described in the plan and EIR/EIS as a permanently maintained channel. A maintained channel through a natural sand bar is not at all natural. It is completely artificial, and competes with the natural condition. The EIR/EIS offers surprisingly little discussion of this littoral drift of sand, a natural phenomenon. It also generally fails to discuss the effect that the interruption of this littoral sand drift would have on the amount of sand deposited in the area, sand that determines the size of the Del Mar public beach. Finally, it fails to provide an alternative that would not compete with the natural tendency of the littoral sand drift to close the permanent channel described in the plan and EIR/EIS.

The Draft EIR/EIS does indicate that implementation of the project alternatives (excluding the No Project Alternative) would increase the volume of sand deposited at the mouth of the lagoon through direct deposits and increased sand deposition. However, Appendix F-3 of the EIR/EIS notes that deposition could actually *decrease* (from 230,000 to 201,000 tons over 20 years) if the stream sediments are coarse. Despite the significance of this statement, we were unable to find any text discussing the expected composition or distribution of sediments – either at the time of initial project implementation or over time. What conclusions can be drawn with respect to the sand volume and distribution (including deposits to the north of the inlet and those to the south) over the 30-year life of the project? What are the thresholds of significance with respect to impacts on the distribution of sand, and will potential changes in the distribution of sand (from one or more of these activities) meet one or more of these thresholds?

The EIR/EIS must provide mitigation measures to address the potential for reduced sand deposition resulting from altered littoral drift and/or decreased sedimentation. It is common knowledge amongst people who live on the Pacific Coast near a jetty or channel that interrupts this littoral drift of sand, that the sand will build up on the north side of the jetty, and be depleted on the south side. If there is no jetty, but instead, an unnatural flow of water, the sand will not build up.

I9-3A on the north side, but will be washed to sea by the artificial flow of water. The beach on the south side of this unnatural water flow will be severely depleted, just as though a jetty was there. The construction of the portion of this project that bisects Del Mar's public beach would create a severe loss of beach available to the public and the shore birds. In times of high tide, the north end of Del Mar's public beach would disappear entirely, and any members of the public in that area would have to climb the rock rip-rap on private property to avoid the waves of the Pacific. The conditions described here have occurred frequently in recent years when governmental agencies have illegally cut a channel through the public beach at the mouth of the San Dieguito River, so there is no speculation involved in describing the effects of such an artificial channel. The oversights described here need to be addressed in the EIR/EIS, and alternatives and mitigation measures must be provided that do not allow the depletion or unnatural diminution of the size of this treasured public beach. It should be easy to recognize that there is a natural competition between the river water that flows to the sea on the surface, and the littoral sand drift, which is also a surface phenomenon. This competition can easily be removed, at least most of the time, by using an underground means to transfer water back and forth from the Ocean and the lagoon.

I9-3B We noted discussion in the EIR/EIS concerning the San Diego Association of Governments' plans to augment the beach south of the lagoon with an estimated 270,000 cubic yards of additional sand. Does the baseline condition for sand volumes and distribution patterns *include* the 270,000 cubic yards? Our understanding of "existing conditions" would suggest that the augmented sand *should* be considered a part of the baseline since it is an approved project. We would also appreciate a conversion factor that can be used to understand the relationship between cubic yards and tons in reference to sand volumes.

I9-4 The spreading of pollution.

The waters in the lagoon, in the riverbed near the Fairgrounds, and in the entire project area, are currently polluted. They have been polluted for a very long time. This situation has been reported regularly by the County's Environmental Health Department, and is regularly carried in the local newspapers as a warning to the people. There are multiple causes for this pollution, but a significant cause is the toxic materials that collect on the streets and parking lots of the cities and Fairgrounds, substances that are washed into the river bed by almost any rain that falls on those streets and parking spaces. The project covered by the EIR/EIS must not be used as a means of spreading this pollution to the Ocean,

as this would certainly be an environmental disaster. The precise cause of this pollution must be determined and corrected, and the waters containing the pollution must be directed elsewhere, like to a holding pond, where the polluted waters can be treated. The EIR/EIS must address this pollution problem, making certain that project does not become a means of spreading the pollution to the Del Mar beach. An alternative must be provided that will assure the public and the public health agencies that transporting polluted waters is not one of the purposes of this project. Spreading pollution is not a matter that can be mitigated, because it must not be allowed.


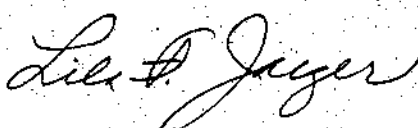
I9-5 Flooding.

The permanently maintained channel through the sand bar at the mouth of the San Dieguito River, which is a part of the project, lies right in the middle of the floodway of the River as it flows into the Ocean. Anything erected there, meant to withstand the natural flow of flood waters in the River, must not become an impediment to that flow of flood water, or it will increase the damage that would otherwise be inflicted on the project area and the properties around it. The EIR/EIS does not make it clear that nothing will or should be built in this floodway, and if something is to be built there, how it might be built so as not to diminish the natural flow of flood waters headed for the Ocean.

I9-6 Ownership of the Land at the Mouth of the River.

There is an important legal question as to who owns the land at the mouth of the river. Certain lands in California are not subject to private ownership, as they are impressed with a public trust which requires that they be held by the State in perpetuity. Any title that was erroneously deeded by the State to others, whether to public or private entities, are either not valid, or entitle the grantee to none of the usual rights of ownership. This issue, while not an environmental issue, certainly calls for early resolution to avoid the waste of valuable resources. We would appreciate comment on the ownership of the land at the mouth of the river, and the restrictions that govern its use.

Sincerely,

 and 
William P. Jaeger, Jr. and Lila F. Jaeger
Homeowners on Sandy Lane, Del Mar

Principal Planner
San Dieguito River Park
18372 Sycamore Creek Road
Escondido, CA 92025

Dear Sir or Madam,

I10-1 I have reviewed the Draft EIR/EIS of the San Dieguito Wetland Restoration Project. The main purpose of this project is to restore habitats that historically occurred within this area of the San Dieguito River Valley, and which included a heterogeneous mix of vegetated saltmarsh and associated tidal embayments, channels, creeks, and mudflats. Such habitat has now been extensively altered, and even as we speak, the surrounding area is undergoing rapid development for various residential and commercial purposes. There is thus critical need for urgent action to restore one of a handful of remnant salt marsh habitats such as the San Dieguito wetlands.

As part of the Draft EIR/EIS, a total of six restoration alternatives were considered. These were (in no particular order): No Action, Hybrid, Reduced Berm, Mixed Habitat, Maximum Tidal Basin, and Maximum Intertidal Alternatives. After carefully reviewing each alternative, I support the one which calls for restoring the largest amount of intertidal area (the Maximum Intertidal alternative), and below state my reasons for doing so.

For over 2 decades, research at the Pacific Estuarine Research Laboratory has focused on restoration of coastal wetlands in Southern California, and time and again, our work has come to bear on several key issues about structure and function in these systems. One important finding is that intertidal salt marshes with tidal creek networks that drain the marsh, and associated adjacent subtidal channels are a critical component of coastal wetlands. The heterogenous habitat supports a variety of organisms representing all trophic levels of the estuarine food web. Our research has also shown that intertidal salt marshes are a valuable component of the coastal wetland ecosystem. For example, 5 species of fish use these vegetated marshes for foraging whenever possible, and we have shown that fish foraging on the marsh surface ate at least 6 times as much food as those restricted to subtidal channels. Recent simulation models, combined with our field data show that killifish that feed on the marsh surface can grow from 20 to over 100 % faster than those feeding only in subtidal areas. Killifish are very abundant in most southern California marshes, and are a critical component of the food web. Because these marshes are inundated only intermittently, thus limiting access to fish predators, food resources can build up over time and these areas serve as food repositories. The intertidal marshes are also linked to nearby subtidal systems, as many organisms transport energy from the

marsh to the subtidal areas and vice versa. Because invertebrates are abundant, the marsh surface serves as a rich foraging area for many bird species. The heterogeneous microtopography of the marsh surface (small pools, etc.) serve as refuge for larval fish species and epibenthic invertebrates when tides are low. The microalgae, macroalgae, and vascular plants that grow on the marsh surface ultimately nourish the entire estuarine food web.

For these reasons, the Maximum Intertidal Alternative (with adjacent deeper subtidal channels) seems to be the most appealing choice.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharook P. Madon". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Sharook P. Madon, Ph.D.
Associate Director
Pacific Estuarine Research Laboratory
San Diego State University
San Diego, CA 92182-1870
Ph: (619) 594 5809

CC: Dan Pearson, SCE

RECEIVED

MAR 13 2000

SAN DIEGUITO
WATER JPA

March 8, 2000

San Dieguito River Park
18382 Sycamore Creek Road
Escondido, CA 92025

ATTENTION: PRINCIPAL PLANNER

SAN DIEGUITO LAGOON RESTORATION PROJECT

The following are my comments on the draft EIR/EIS for the subject project. I am very passionate about the potential impacts of this project on the Del Mar beach. Having lived in Del Mar for a number of years, I clearly recall what happened when the San Dieguito River flooded nearly 20 years ago. Following a tremendous deluge, which created a great flood flow in the San Dieguito River, debris washed down the river and appeared on the beach the next day. The flood flows in the river carried a huge quantity of sand and soil, which quickly built up as a delta in the surf zone at the river mouth. The important point here is the next summer, sand and sediment scoured from the floodway appeared on the Del Mar beach as a high quality, relatively coarse sand that makes ideal beach material.

Having already been familiar with some of the work of the geologists at Scripps Institution of Oceanography, I was aware of studies that pointed out how the beaches are nourished with new sand. The primary sources being floods in the various river systems as well as sand created by the erosion of coastal bluffs. The significance of the rivers as sand transport mechanisms has become even more important since the bluffs are no longer being allowed to erode and their significance as a sand source has been reduced.

One of the primary, if not the fundamental goals of the restoration project, should be to avoid any changes to the river that would reduce its efficiency as a sand transport mechanism. In fact, improving and enhancing the river's capability as a sand transporter should be a primary, if not **the** primary goal. There should be no fixed structures built on the beach that would interfere with the movement of sand up and down the beach. There should be no lining or armoring of the river channel, which would retard, reduce or eliminate erosion when the river is flooding. Erosion along the river course must be allowed to occur or the Del Mar beach is doomed.

San Dieguito River Park
ATTENTION: PRINCIPAL PLANNER

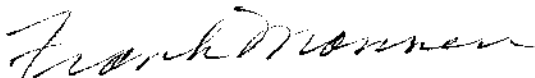
A program to provide periodic opening of the lagoon mouth to maintain the quality of water within the Lagoon is the only acceptable approach in my opinion. Any fixed structures would have a devastating impact on the beach. There are numerous classic and tragic examples of the effect of putting artificial structures on the beach and in the surf zone. No need to look any further north than Oceanside to understand this point.

I11-2 In regard to flood control or flood protection for properties, it is my view there are adequate structures in place to protect property to a reasonable degree. I believe it is an unreasonable expectation for property owners to believe they should have absolute protection from flooding in the river. There are risks inherent in buying properties along the coast and in proximity to a river system that the sophisticated buyers of those properties should understand. In fact, the property I own, while not in the flood way, is in the flood zone and prone to inundation, and, in fact, has been inundated. I understood that risk when I acquired the property; I accept that risk; and, I am willing to live with that risk. I am also very confident that my property will be subject to inundation sometime in the future (that's why we never buy very expensive carpet).

The restoration plan as it is currently constituted seems to meet most of the concerns I have expressed. Any modifications or improvements to the plan, should, in my view, only be allowed if they enhance or promote the objectives I have outlined above.

Thank you for the opportunity to comment on this project. I am excited to see the project moving forward and feel confident that my concerns are going to be dealt with in the final project design.

Sincerely,



Frank Mannen
P.O. Box 338
1841 Coast Boulevard
Del Mar, CA 92014

ma

203 12th Street
Del Mar, Ca 92014

March 17, 2000

San Dieguito River Park JPA
Attention: Principal Planner
18372 Sycamore Creek Road
Escondido, CA 92025

Dear JPA Staff:

Like many others who have worked to preserve the San Dieguito River Valley, I am very happy to see the draft EIR/EIS for the San Dieguito Lagoon restoration project in print. Thanks to everyone involved for committing to this restoration, which is essential to preserving a natural river valley for future generations.

- I12-1 In considering what to say about the draft, I found myself referring time after time to the guiding document produced by the Lagoon Restoration Working Group, established over six years ago when project planning began. (Please refer to pp. 121-22 of the draft EIR.) The Overall Policy Statement of this group begins: **“Preservation and enhancement of biological functions are the overriding objectives of the wetlands restoration project.”** I believe that all alternatives in the EIR/EIS should be judged against this policy and the goals and objectives established to implement the policy. I also believe that a suitable lagoon restoration plan can be found within the alternatives presented, provided some apparent problems are resolved.
- I12-2A This being said, there is one element present in all the proposed alternatives, except the No Project alternative, which threatens to subvert the overriding objectives of *preservation and enhancement*, i. e., the placement of dredged material on-site for any purpose other than creating berms to maintain essential tidal exchange or constructing bird nesting sites. For example, there are numerous references to possible dredge/fill sites on land controlled by the Twenty-Second District Agricultural Association. Would filling in these locations allow future development of more structures in the floodplain? Many people familiar with typical development patterns in the San Diego region—
- I12-2B Mission Valley being a prime example—believe that it would. In fact, The Working Group recommends exporting the majority of dredged materials. If exportation is not entirely possible, the technique of “over excavation” should be considered more closely than it has been so far. Please refer to Table ES-1, Landform Alteration/Visual Quality; Figure 2.3.1-13; Project Description 2.3.1.6; Landforms/Visual Quality 4.6.1.3; and other related discussions throughout the EIR/EIS.
- I12-3 Secondly, the proposal to run motorized vehicles over a pedestrian/bike/equestrian path located on fairgrounds property conflicts with a primary goal of the Working Group as

well as with the San Dieguito River Valley Park and Preserve Concept Plan. The Working Plan goal re. Public Access reads, "*Public access and uses should be designated only at those locations where they will not interfere with a naturally functioning ecosystem or the natural open space character of the river valley,*" with the goal's objectives being:

--"*Design the restoration project for biology first, then consider trails and other public access in a manner that is consistent with the biological goals.*"

--"*The development of trails and other public access infrastructure and recreation should be carried out in a manner that is compatible with the biological functions of the wetland and natural open space character of the valley.*"

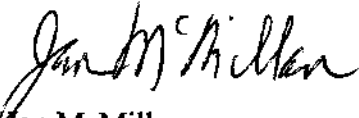
--"*Biological functions shall take precedence over public access.*"

In general, it is puzzling to see the amount of space in this EIR/EIS devoted to a motorized tram and other Twenty-Second District development proposals that have little to do with wetlands preservation and enhancement.

- I2-4 Third, please continue to respond to concerns about flooding as expressed by people living downstream from the restoration area. Please note that while one Working Group objective re. Water Circulation is "*[to]keep lagoon mouth open as required to ensure attaining biological goals herein,*" another objective states that "*[the]project should not exacerbate flooding.*" The means necessary to achieve these and other objectives should be provided for by Southern California Edison.

Thanks again for all your diligent work.

Sincerely,



Jan McMillan

Councilmember, City of Del Mar, 1988-96

Director, San Dieguito River Valley Joint Powers Authority, 1990-96

Director, San Dieguito River Valley Land Conservancy, 1996-99

03/16/2000

To: San Dieguito River Park Joint Powers Authority & U.S. Fish and Wildlife Service

Re: Response to the EIR/EIS for the San Dieguito Wetlands Restoration Plan

From: Freda Reid, 1105 Cuchara Dr. Del Mar, CA 92014 858 755 9662

I13-1 This is a **wetland restoration** project involving mitigation for **biological impacts**. This is the basis on which I judge the EIR/EIS. This is "one chance in a million" to achieve the results which have been envisioned for many years by a hard working group of volunteers and others.

California has been losing wetlands rapidly and therefore I think it is important to emphasize the restoration of this ecosystem although the recreational aspects are also important.

The project should be compatible with surrounding landscapes and land uses as they impact the river valley. The five alternatives presented to us (ignoring the no-action) are similar in many respects but I find significant differences in emphasis of various parts.

I13-2 **1. Water versus wetland/marsh/mudflats/scrub**

For the lagoon to function in a healthy manner there must be an adequate tidal prism to ensure proper flushing at the rivermouth. On the other hand there is loss of habitat for non-aquatic organisms if there are insufficient transitional areas intermittently covered with water.

The MTB alternative passes the first test but fails the second. The MIT alternative seems to balance these best.

I13-3 **2. Rivermouth**

A lagoon cannot function without exchange of fresh and salt water on a regular basis and until recently this particular lagoon has a history of being open for much of the time. The prior restoration in the southeast area helped to assure this and the new restoration should follow suit. If this means loss of sand at the northern Del Mar beach (and the extent of this is not clear from the EIR) I believe this is a fair trade-off for the restoration of a very large and conspicuous area which will provide aesthetic and recreational opportunities for many and preserve disappearing floral and faunal habitat. Mitigation for loss of beach access at certain times can be accomplished and this should be emphasized in the final document. The MIT alternative has the potential for reduced flow rates at the mouth which is advantageous for safety and access.

I13-4 **3. Berms**

I am persuaded by the EIR that berms are necessary to prevent excessive overflow of the river onto the wetland and marsh areas and to direct the flow of the river. Although I would prefer that there were no constructed barriers I hope that they will be as low as possible and that they will be camouflaged successfully with permanent vegetation so that they will blend into the landscape and not be unduly conspicuous.

I13-5 4. Dredging material

This material should not be placed on flood plain land where it will raise the level. The MIT alternative produces less fill for disposal and this is one of the major reasons I support it.

I13-6 5. Construction

I am concerned about the length of construction days and the use of San Dieguito Dr. This narrow road leading to many homes will be severely impacted for two years and more consideration should be given to alleviating this problem.

I13-7 6. Trails

Consideration should be given to designating some of the trails as pedestrian -only paths. These are good for bird watching and recreational walking and would not have the visual impact that the wider bicycle/equestrian/walking trails will have. They do not need the structural foundations either. Over time people will make their own trails unless they are clearly marked at the beginning.

I13-8 7. Emphasis on accommodation to 22nd Agricultural District.

It should be remembered that the 22nd Agricultural District is only one of the neighbors of this project and that its agenda is not generally environmentally driven. This state entity should not have undue influence on the final restoration. The EIR/EIS has devoted much attention to the wishes of the District especially to the proposed tram which would run adjacent to a pedestrian/equestrian right of way causing probable conflicts.

I support the implementation of the **Maximum Intertidal alternative** with the provisions stated above.

Freda M. H. Reid.

MAR 2 1 2000

Anne B. Rust

Anne Byme Rust
740 S Cedros Ave
Solana Beach CA 92075-1927

March 19, 2000

San Dieguito River Park
Principal Planner

Dear Sir,

I14-1

Please be careful to honor
we citizens who enjoy the San
Dieguito River mouth Beach. We
are afraid that the San Dieguito
Wetlands Restoration Project will
destroy this beautiful beach. I
am on the beach, (we call it "dog
beach"), every morning. I've watched
the natural shifting of the sand.

Maybe less tinkering with
nature is better for all creatures.

Sincerely,

Anne Byme Rust

March 16, 2000

San Dieguito River Park
Attention: Principal Planner
18372 Sycamore Creek Road
Escondido, CA 92025

Thank you for this opportunity to respond to the Draft EIR/EIS for the San Dieguito Wetland Restoration Project. It is gratifying to see this important project reach this phase of its development. Let's hope that with a little fine tuning the actual digging can begin! In that spirit, I offer the following comments on the Draft EIR/EIS.

I15-1 TRAFFIC: More analysis is needed of potential traffic impacts during the construction phase of the project. Two years may seem a short time to accomplish this large restoration project, but it will seem an incredibly long time to a lot of residents if steps are not taken to mitigate some apparent adverse impacts.

While I cannot speak for all the affected roads, I am familiar enough with San Dieguito Drive to know that the traffic counts given are inaccurate. This street does not have a capacity level of 10,000 trips. This is particularly true for the part of the street south of the commercial zone, which only provides access for residents of about 60 homes and a small number of recreational users of the canyon. It does not have existing traffic counts of 3000 cars a day. A figure provided by the City of Del Mar was a count of something less than 700 cars a day. While this count was done a few years ago, it seems reasonable to assume it is still accurate as there has been no new construction in the canyon since then. Using 700 cars/day as a base line, it is clear that the proposed addition of 500 trips in a roughly 12 hour period will be significant and the impacts on residents should be considered. This is particularly true for the narrow, windy section of the road south of Grand Avenue which has several blind and near blind turns. This is the portion that the project intends to use for "heavy equipment." Noting that canyon residents do not have the choice of an alternate route, one suggested mitigation is, obviously, to try and relocate some of the project traffic elsewhere. Efforts should be made to keep heavy equipment off the southern portion during those periods of the day when children and school buses will be present. Perhaps residents could be assured that there will some periods of each day when the road will not be used for heavy equipment? Also, if it becomes necessary to close the road for any reason during construction, there must be some assurance that closures will be for very brief periods of time and advance notification will be given when possible.

The Jimmy Durante/San Dieguito intersection is often problematic for drivers waiting to exit either road by turning left. Long delays can occur, particularly if there are traffic problems on the freeway. The addition of the projected trips can only exacerbate this situation. Some consideration should be given to mitigating this problem, particularly during rush hours.

While Table 2.3.1-6 indicates a lot of workers on site 12 hours a day, six days a week, I see no discussion of where these workers would be expected to park their cars. There is no parking allowed along San Dieguito Drive, and other parking in the area is at a premium, particularly during large events at the Fairgrounds. Is there enough space on Staging Area SA2? If not space will need to be found somewhere, or perhaps the workers shuttled in from a remote lot.

I15-2 NOISE: There needs to be an analysis of construction level noises and consideration of how they relate to local noise ordinances. There should be some consideration of shortened hours for particularly noisy activities. In this respect, is it necessary that dredging occur continuously? If so, how many days of such activity are anticipated? Will machine maintenance be conducted during working hours? During the Crest Canyon restoration project very loud equipment maintenance occurred long after the regular work day. This should not be allowed to happen

I15-3 DISPOSAL: There is no reason to further consider disposing of any surplus material in any part of the floodway/floodplain. This project is designed to restore the river/lagoon system, and should not be considering raising the surface level of lands currently subject to flooding. To do so not only goes against Federal policy and the aims of this project, it subjects other properties to increased flooding hazards, particularly along the beach front.

I15-4 TRAM: Any consideration of use of a motorized tram on project trails should be dropped. The Draft EIR has analyzed this proposal and found that a tram would be "unavoidable adverse impact" (Sec 9-1). The "adverse impact" is of course "avoidable". Just say "No tram."

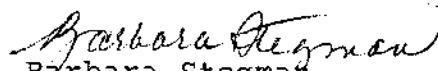
I15-5 UNAUTHORIZED USES: Sec. 3.1.12 notes that unauthorized uses of lagoon lands include horseback riding and notes that trails radiate out from "Horsepark". Can barriers be placed to prevent entry from this property onto lagoon lands other than those designated as horse trails? One unauthorized use not noted is boating in the lagoon. Small boats, including kayaks and inflatables are sometimes launched by the Grand Avenue bridge and from downstream sites. These sites should be signed, and if possible designed to hamper boat access to the lagoon.

I15-6 ACTIVITY IN THE RESTORED AREA: This project to restore a natural lagoon area generally closed to human activity except in

designated areas along the fringes, seems to leave behind it a network of access options for large equipment including the Racetrack View Drive access road and Staging Area SA3; maintenance roads along the berm tops, and the roads needed to reach them; and a water level control structure requiring removal every time large storms are predicted. This type of activity needs to be kept to the absolute minimum, and, the smallest equipment possible, including hand tools, should be used. It is further noted, that running maintenance roads along the berm tops is not going to contribute anything to the aesthetics of the area. How often will these roads be used?

Thank you again for the opportunity to comment. I would like to add my appreciation for the detailed historical material provided. It was great to learn more about this place I call home.

Sincerely yours:


Barbara Stegman

Mrs. J. M. Stegman
1174 Oribia Road
Del Mar, California 92014
(858-755-8784)

March 15, 2000
201 Ocean View Ave.
Del Mar, CA 92014

San Dieguito River Park
18372 Sycamore Creek Road
Escondido, CA 92025

Attention: Principal Planner

RE: Draft EIR/EIS, San Dieguito Wetland Restoration Project.

I16-1 The lagoon committee has selected the Maximum Intertidal and Mixed Habitat alternatives as the best of the six analyzed in the draft EIR/EIS of January, 2000. We have dismissed the No Project and Minimum Berm alternatives because we believe that these will not provide sufficient restoration both east and west of Interstate 5. The Maximum Tidal Basin alternative was dismissed because it had the highest amount of excavation and highest flow rates at the river mouth with a relatively low biological diversity. Of the three alternatives remaining, the Maximum Intertidal alternative results in the lowest amount of excavated materials and flow velocities at the river mouth while offering the highest biological diversity. For these reasons, the committee has expressed a slight preference for the Maximum Intertidal alternative at this time. However, we have several concerns/questions that we feel need to be more fully explored in the EIR/EIS before a final project design alternative is selected. They are listed below.

RIVER MOUTH: Opening the river mouth to facilitate good water circulation is an important feature of all the design alternatives except the No Project alternative. We were members of the working group formed in the early 1990's by Southern California Edison (SCE) and the Joint Powers Authority (JPA) for the River Park and agree with its conclusion (see Jan, 1993 Resource Insights report) that *the river mouth should be "open as required" to achieve the biological goals of the full restoration project.*

We also agree with the working group goal that *public access and uses should not interfere with a naturally functioning ecosystem and the natural open space character of the river valley.* This objective stated specifically was that *biological functions take precedence over public access.* The working group understood that an open river mouth and channel would occupy some of the river mouth beach available for public use when the mouth is closed. Historically (see 1929 map in draft EIR/EIS), much less beach area west and east of Highway 101 (Camino Del Mar) was available for public use than is presently the case. An open river mouth condition has also been the norm more recently. After the south tidal basin was created and the western river channels dredged in 1982-3, the river mouth was open until the late 1980's. It was also open during much of the mid 1990's. Loss of beach area in the immediate vicinity of the river mouth was considered by the working group to be a necessary consequence of having a tidal lagoon and of restoring the biological values of the lagoon.

However, the magnitude of increased water velocities at the river mouth was unknown at this time. We share some of the homeowners' and beach users' concerns related to possible negative effects of the open river mouth designs and associated higher water flow velocities at the river mouth. These concerns are: the possible long term significant loss of beach sand extending from the river to more than 1000 ft south of the river (suggested by the Rick Engineering firm); the possible increased erosion on the south bank of the river channel west of Jimmy Durante Blvd.; and the possible negative effects on public access and safety. It is important to note that the opinion of the working group was that the *river mouth opening should not (1) result in a significant net loss of sand to beaches north and south of the river mouth over time and that (2) flooding should not be exacerbated over present conditions.*

Therefore, we request complete analyses of design consequences regarding these issues. These should include a comprehensive budget of all beach sand losses and gains due to project designs. Negative effects of project design which lead to a significant net loss of sand to beaches north and south of the river mouth over time and/or increase the potential of serious erosion and flood damage are unacceptable unless they can be rendered negligible by mitigation. Complete analyses of any necessary mitigation measures (such as sand replenishment programs and rip-rap construction) and costs should be included in the EIR/EIS. The effects of increased water velocities at the river mouth due to project design on public safety and public access to the beach and laterally along the beach as well as their mitigation measures and costs should also be analyzed in detail in the EIR/EIS. Monitoring programs and monitoring costs to make sure that mitigation programs work over the long term should be included in the EIR/EIS. The economic impacts of the project design, mitigation measures and monitoring should be considered part of the total project costs and be born by SCE.

We have several additional questions which relate to assessing the relative effects of the different project designs on river mouth issues. (1) Can the relationship between water flow velocities at the river mouth and effects, such as beach loss, increased erosion/flooding and decreased public access and safety, be at least semi-quantified? (2) Has a minimum water velocity to keep the river mouth open enough to achieve biological goals been determined? (3) Are any of the alternatives close to this minimum? (4) What is the relationship between the frequency of dredging required to keep the mouth open and water flow velocities? (5) The principal difference between the Maximum Intertidal and Mixed Habitat alternatives is that the former calls for more cut on the property northeast of I-5 and the latter calls for more excavation on the JPA property west of I-5. What is the difference in the sand quality between these two sites? Would one of these sites provide more sand suitable for beach replenishment?

I16-5 POLLUTION: We support the working group's recommendation that *appropriate land use and erosion and runoff control policies be implemented in and around the lagoon and watershed to control pollution*. Are these policies to be developed and coordinated among the various jurisdictions? How will monitoring be carried out and who will pay costs?

I16-6 WEST BASIN AT RIVER MOUTH: It is important that a final project include provisions to ensure good water circulation and the optimal biological values of the far west basin which lies between highway 101 and the railroad tracks. This is a historically important biological resource area (e.g., see 1929 map), which is highly visible to the public.

I16-7 DISPOSAL SITES: The working group stated that the majority of dredged material not suitable for beach replenishment should be exported off site. All beach quality sand should be placed on Del Mar beaches as partial mitigation for any beach loss north or south of the river due to project design. However, in addition to berms and nesting areas, several project area sites for disposal of excavated materials have been proposed in the EIR/EIS (e.g., Ag District property west and east of I-5). The visual and flooding effects of disposal at these sites should be fully analyzed in the EIR/EIS. Disposal proposed on the Ag District main parking lot and Surf and Turf property, both important flood absorbing and flow areas, would bring them to +12 and +15 feet NGVD, respectively. These and other disposal sites that do not enhance the biological values of the project should be eliminated.

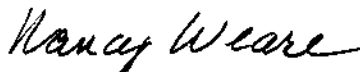
I16-8A 22ND. AGRICULTURAL DISTRICT: Since this state agency has an agenda that is not environmentally driven, it should not have undo influence on the final restoration project and park plan. Why are so many accommodations in the draft EIR/EIS for a restoration project being given to the Ag District?

I16-8B -Tram: The proposed seasonal tram use by the Ag District has unmitigable impacts and should not be allowed. Such use would not be consistent with the JPA Restoration Concept Plan's stated goal to include only "compatible passive recreational uses in the area. It would violate the plan's prohibition against motorized vehicles (except in case of emergencies) and endanger trail users. Its incompatibility with other trail uses would lead to requests for additional hard-surfaced trails in this area. It would cause pollution. All of these effects need to be assessed.

I16-8C -Structures on Land South of Via de la Valle: A training track, show rings and barns, cross-country course, chain-link fence, storage and animal sheds, staging trailers and overflow parking (800-1000 cars), etc. have been proposed for this property which was acquired to implement the restoration and park plans. Why are these incompatible uses proposed in this draft EIR/EIS for a restoration project?

- I16-8D** -Parking and Staging Areas: Parking sites for trail users should be designated on 22nd Agricultural District land. A major result of the District's expansion plans has been to build more parking area over the floodplain. Sufficient amount of this parking space should be available to meet trail users' (the public) needs.
- I16-9** **BUFFERS:** New public and private use resulting from the restoration project and park plan should be consistent with California Coastal Commission (CCC) buffer requirements governing wetlands.
- I16-10** **TRAILS:** Analyses of the effects of human and animal access to the project site should include not only direct biological effects on the resource from noise, light, pollution, traffic etc. but also the effects on the surrounding communities. The visual impacts of multiple trails, including hard surface trails for bikes, on the aesthetic values of the open, natural appearing floodplain (see goal of working group listed above) need to be addressed. It seems likely, from past experience elsewhere, that use of a single trail by bikers, equestrians and pedestrians will prove infeasible and lead to the demand for more trails in the future. The compatibility of multiple uses on trails needs to be explicitly addressed under the Public Access as well as under Public Safety issues. Trails should follow CCC recommendations for buffer zones. An option evaluated throughout the project area should be the limitation to pedestrian only traffic on trails.
- I16-11** **CONSTRUCTION IMPACTS:** The proposal to mitigate for construction impacts to the residents near San Dieguito Drive by an accelerated construction schedule (12-hour workdays, 6 days a week) places a heavy burden on these residents. Can more reasonable mitigation measures be found?
- I16-12** **MONITORING:** Details of the monitoring programs, including project assessment notification and problem correction procedures, should be included in the EIR/EIS. The City of Del Mar should be part of the monitoring/mitigation process.
- I16-13** **ECONOMIC IMPACTS:** The EIR/EIS should include all the economic impacts of the full project design, mitigation and monitoring measures and indicate how these costs will be paid.

Sincerely,



Nancy Weare, Chair
San Dieguito Lagoon Committee

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4 DRAFT OF EIR/EIS)
5 PUBLIC HEARING)
6 _____)
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15 TRANSCRIPT OF PROCEEDINGS
16 Del Mar, California
17 Monday, February 28, 2000
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24 Reported by:
25 MONIQUE GURROLA
CSR No. 10818
JOB No. 12603

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1 Del Mar, California, Monday, February 28, 2000
2 7:09 p.m. - 8:24 p.m.
3
4 DICK BOBERTZ: I'd like to get started. This
5 is, as you know, San Dieguito wetland Restoration
6 Project. My name is Dick Bobertz. I'm the executive
7 director of the San Dieguito River Park Joint Powers
8 Authority. Sitting next to me is Jack Grancher. He is
9 with the U.S. Fish & Wildlife Service. And in the CEQA
10 parlance, we are the lead agencies. I guess that means,
11 if you want to know where the buck stops, it's 50 cents
12 with me and 50 cents with Jack.
13 I want to introduce the other team members here
14 that have worked on this EIR and are going to be talking
15 to you throughout this public hearing. Working down the
16 line is Andrew Lissner. He's with Science Applications
17 International Corporation. SAIC is probably the phrase
18 best known to you. He's been the lead researcher on
19 this EIR. He's the consultant to the Joint Powers
20 Authority and to the U.S. Fish & Wildlife Service.
21 Sitting next to him, down at the end, is Susan
22 Carter. She is with the San Dieguito River Park. She
23 has been our lead on this project.
24 And sitting to the left of me is Vicki
25 Touchstone, who has probably spent more of her life on

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4 DRAFT OF EIR/EIS)
5 PUBLIC HEARING)
6 _____)
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15 Transcript of Proceedings, taken
16 at 1050 Camino Del Mar, Del Mar,
17 California, beginning at 7:09 p.m.
18 and ending at 8:24 p.m. on Monday,
19 February 28, 2000, before MONIQUE
20 GURROLA, Certified Shorthand Reporter
21 No. 10818.
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23
24
25

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1 this EIR than she cares to admit over the last couple of
2 years. She has been responsible, under the San Dieguito
3 River Park, for making sure this EIR gets out, gets
4 complete, and is a complete document. She did a
5 terrific job, and she will be telling you all about it
6 shortly.
7 Also to be introduced -- I don't know that
8 everyone is here yet, but I know that our members of the
9 Joint Powers Authority Wetland Committee had planned to
10 be here. I was going to let you know their names. Pam
11 Slater is the chairperson of that wetland committee. We
12 also have Marianne Dodson, who is a city council member
13 in Solana Beach who is on that committee. Also Mark
14 Whitehead, who is a city council member of the city of
15 Del Mar. And Phil Pride, who leads our Citizen Advisory
16 Committee. They are all on the Wetland Advisory
17 Committee and have been very involved in this project
18 also. I know that Crystal Crawford, who is also on our
19 JPA board, is here among you. And we have also some
20 staff members from the California Coastal Commission
21 from the local office. I know Alan Lowery is here,
22 Steve Shroeder, Mark Page. And also from one of our --
23 what's called responsible agency member, Monica Tusher
24 (phonetic), from the City of Del Mar. And I see that
25 Supervisor Slater just walked in the door.

4

1 Supervisor Slater, I just introduced you.
2 We also have a recorder sitting over on the
3 left side here who is recording every word that's
4 spoken. She's guaranteed me that. We'll tell you more
5 about what's going to transpire with that recording, but
6 we're -- I just want to lay out what we're going to
7 accomplish here this evening very quickly. And that is
8 to give you an idea of what this project entails. Vicki
9 will be doing that. We want you to give you an idea of
10 what the process is, the environmental planning process,
11 and tell you where it's going to go from here. Vicki
12 will also give you the description of that.
13 We're going to then go to Andrew, who is going
14 to describe the project and the project alternatives.
15 And after you get all that, I think it's going to be
16 time for a 15-minute break. And we're going to give you
17 that break so you can then get up and look at some of
18 these graphics that are around the room. And we'll
19 wander around the room and you may want to ask us some
20 questions and clarifications and so forth. But after
21 that, then the meeting is yours. When we come back into
22 order, we're going to be asking you to give us your
23 comments on this document that we worked so hard on for
24 two years. And all of us -- and particularly our JPA
25 board members -- are going to be very interested in

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1 As far as the public participation, the end of
2 public review for your written comments is March 20th.
3 And those comments are to be mailed to the San Dieguito
4 River Park office. It was on the notice that you
5 received in the mail. If you don't have a copy of that
6 notice, there are a few copies on the table over there,
7 or you can ask me at the break and I'll give you that
8 address.
9 Once we have received all of the public
10 comments, we will begin to respond to those comments.
11 And that process should take, approximately, two months.
12 Once we've completed the response to comments, we'll
13 prepare a final Environment Impact Report/Environmental
14 Impact Statement. Once again, because of the federal
15 document being involved, there will be a 30-day review
16 period for that document. After that review period is
17 complete, we will be able to take the project to public
18 hearing to have the JPA board consider certification of
19 the document. And we anticipate that that will happen
20 sometime in July or August. And it will depend on the
21 number of comments that we receive.
22 And that is the process. I think most of you
23 are probably pretty familiar with that. Andrew will now
24 talk about a brief review of the project description and
25 the alternatives.

7

1 hearing what you have to say.
2 So with that, I'm going to -- let's see. Have
3 I forgotten to introduce anyone? I don't think so.
4 Anybody want to remind me of anything?
5 Okay. At this time I'm going to turn it over
6 to Vicki to talk about the purpose of the meeting and
7 the project participation time line.
8 VICKI TOUCHSTONE: I'd like to thank all of you
9 for coming tonight. The purpose of the meeting is --
10 the meeting's actually being held in compliance with the
11 National Environmental Policy Act. And because this is
12 a joint document -- Environmental Impact Report and
13 Environmental Impact Statement -- we are required by
14 federal law to have this meeting to take public comments
15 from you. And as I said, the purpose is for you to have
16 the opportunity to provide your comments verbally. But
17 you also still have the opportunity, whether you speak
18 tonight or not, to provide your comments in writing.
19 And I'll talk about that time line in just a moment.
20 All of the comments that are made tonight will
21 be recorded, and the responses to your comments will be
22 presented in writing as part of the final EIR/EIS. We
23 will not be responding to comments here tonight. This
24 is simply to listen to what you have to say, and then we
25 will respond in writing.

6

1 MR. LISSNER: Thank you.
2 One of the things that you'll notice on all of
3 the different posterboards back there -- we have a wide
4 selection of different project alternatives. There are
5 six of these in total, including the No Action
6 alternative, which means the absence of a project. And
7 they are by name.
8 Just so you get used to hearing these, there's
9 Mixed Habitat alternative, Maximum Tidal Basin, Maximum
10 Intertidal, the Hybrid alternative -- which I'll
11 describe is a mixture of some of these, based on some of
12 the public scoping comments. There's the so-called
13 Reduced Berm alternative, and I mentioned No Action.
14 And all but the Reduced Berm and, of course, No Action
15 alternative, have the same area, same size footprints,
16 about 247 acres.
17 And each of the -- what we'll refer to as the
18 action alternatives, the five of these, proposes a
19 different mix of tidally-influenced habitat. In other
20 words, different kinds of marsh habitats. And this also
21 requires a different grading plan and a different amount
22 of excavation of material.
23 The range of excavation that would occur from
24 the project ranges from about 1.2 to about 3 million
25 cubic yards of material. Some of the project elements

8

1 that are in common for each of these different action
2 alternatives are as follows: One is to maintain regular
3 tidal exchange in this restored wetland area. And this
4 is by using inlet maintenance. The second of these is
5 to restore historic tidal wetlands on the east and west
6 sides of I-5. Third, is the construction of four new
7 nesting sites and rehabilitation of a fifth. There
8 would be the construction of berms, which were
9 originally referred to as levees, but more correctly,
10 these are berms which are to maintain the river's
11 current sediment flow and velocity characteristics to
12 ensure that the existing conditions, as far as the
13 scouring and flooding, are not negatively affected by
14 the project.

15 Another item is to develop appropriate disposal
16 options for this dredged and excavated material. And
17 we'll talk a little bit more about that in a moment.

18 We want to -- part of it also is to restore
19 upland areas of the project site to native upland
20 habitats, as appropriate.

21 There is implementation of public access and
22 interpretive proposals that are included in the Park
23 Master Plan. And then, there's one element that is
24 going to remove most of the Grand Avenue bridge in its
25 present configuration. This is to restrict physical

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1 footprint alternative for this one and the three other
2 ones -- which is Maximum Tidal Basin, Maximum Intertidal
3 and the Hybrid -- are about 247 acres. This would
4 represent a net gain of about 143 acres of wetland
5 habitat as a result of the restoration project.

6 The restoration on the west side of I-5 -- one
7 of the things it would focus on is a fairly large
8 subtidal basin. And as you're looking on the maps over
9 there, this is an area indicated as W1. It's one of the
10 larger features. It would be created on the old
11 airfield property.

12 Then there would be restoration and conversion
13 of marsh habitat on both the west and east sides of I-5
14 that goes along with this. The excavated material would
15 be used for several different purposes. A part of this
16 would be the construction of these large berms that
17 you'll see -- they're color-coded on the posterboards --
18 and also for the nesting sites. Now, those that are not
19 used for these purposes would be disposed of using some
20 combination of disposal sites within the area -- within
21 the project footprint. Additionally, there's a
22 possibility for on-site burial in an overexcavated pit.
23 Simply dig down deeper than is needed. There are some
24 sand lenses down underneath that. This will provide
25 some additional sand for other purposes, such as beach

11

1 access to a lot of these new, sensitive habitats.

2 Some of the main differences between these five
3 action alternatives are best described in terms of
4 the -- the net types of different tidal habitats that
5 would be created. And more specifically, if you look at
6 a lot of the different posters over there, you'll notice
7 some of them have greater amounts of open water area,
8 indicated in blue. Other ones have greater percentages
9 of marsh and intertidal types of habitats.

10 And, for example, as you might expect, the
11 amount of open water is the highest in the Maximum Tidal
12 Basin alternative and the lowest in the Maximum
13 Intertidal alternative. Conversely, the amount of marsh
14 habitat is higher for the Maximum Intertidal and lowest
15 for the Maximum Tidal Basin.

16 I'll give you a very brief description of what
17 these different alternatives are. And I'll emphasize
18 that all of this information is in excruciating detail
19 in the document. So I'm not going to put you through a
20 whole lot of details and numbers, but I do want to give
21 people that might not have had a chance to go through
22 this all the way to get a flavor of what you want to
23 look for on some of those maps when we have a short
24 break.

25 The Mixed Habitat Alternative, the project

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1 disposal and also near-shore disposal.

2 For the second alternative, it's referred to as
3 a Maximum Tidal Basin alternative. The excavation of
4 the tidal basin on the west side of I-5 would be the
5 same as we just described for the Mixed Habitat
6 Alternative. The difference is that, on the east side,
7 there would also be more excavation of the wetland
8 areas. This would create larger tidal basins in that
9 area, so you'll note more blue when you look at the
10 posterboard. And this would expand the overall tidal
11 exchange and tidal prism of the lagoon.

12 For the Maximum Intertidal Alternative -- for
13 this one, the western tidal basin that we indicated was
14 the same for the Mixed Habitat and Maximum Tidal Basin,
15 this would be replaced with a combination of salt marsh
16 and intertidal mudflats. On the east side of I-5, more
17 excavation would occur. For the Mixed Habitat
18 alternative, this would be in order to create lower
19 types of marsh. Specifically, mid- and so-called low
20 marsh habitat. But there would be less overall
21 excavation than would occur for the Maximum Tidal Basin.

22 One of the keys of these to look at is, the
23 more dirt you're going to be digging out, you're going
24 to be making more tidal basins and more excavated
25 material that has to go someplace. This is one of the

12

1 trade-offs. And we're looking at some disposal site
2 options.

3 The Hybrid alternative, this is something we
4 came up with -- it was a suggestion based on the public
5 scoping comments. And this, in the true spirit of its
6 name, represents a combination of the -- of tidal basin
7 components west of I-5 that we described for the Mixed
8 Habitat and the Maximum Tidal Basin alternatives. But
9 then, the lower and middle marsh components east of I-5
10 are as we just talked about for the Maximum Intertidal
11 Alternatives.

12 Now, the ones that I just described, those
13 four, they have the same project footprint. What
14 happens -- what's different is what you're doing, as far
15 as maximizing the amount of open water versus the marsh
16 and intertidal mudflats. And this, of course, then
17 results in different amounts of excavated material.

18 The final action alternative is the so-called
19 Reduced Berm alternative. And this is an overall
20 reduction in the project area to about 153 acres, versus
21 about 247 for the other ones. And the purpose of this
22 is to reduce the amount and extent of the berms. But it
23 also reduces the marsh and the basin components for the
24 restoration conversion on both the west and east sides
25 of I-5.

13

1 Having gone through all these, most of what the
2 focus of this document then becomes is to evaluate what
3 the potentially significant environmental impacts are as
4 you go through all of these different resources for the
5 project. And there have been potentially significant
6 impacts identified for land use, landform alteration/
7 visual quality, hydrology/water quality, traffic
8 circulation, noise, air quality, geology and soils,
9 public utilities, biological resources, public health
10 and safety, and natural resources.

11 However, having looked at these, the project
12 includes a substantial number of measures to mitigate
13 most of these potential impacts. And a lot of the other
14 mitigation will be made conditions of subsequent permits
15 that would result.

16 In noting that there are potential for many
17 impacts, the other thing that's very important to notice
18 is that there are a substantial number of effects and
19 impacts on the project. And I'd like to just list a few
20 of these for you.

21 One of these is that, by opening up this tidal
22 channel, one of the things that you're doing, very
23 importantly, is you're restoring the so-called aquatic
24 functions of this habitat. You're opening up the
25 exchange between the ocean and these lagoon/wetland

14

1 areas which were so important historically. For any of
2 you who have been down in that area over the past six
3 months, who live in that area, you'll realize, with the
4 exception of the swath that's been cut there recently,
5 it's been closed off for any exchange to the ocean for a
6 large number of months now. And it's really painful to
7 watch that, from my perspective. And when I look at the
8 potential and the beneficial impacts of this project,
9 this is why I like to make sure that we're also bringing
10 these things to the forefront.

11 Some of the other things that are beneficial --
12 it's restoring this habitat and improving the existing
13 habitat values, benefiting a lot of threatened and
14 endangered species -- least terns, snowy plovers,
15 Belding's savannah sparrow. You're increasing the
16 acreage of all the tidal habitats, with beneficial
17 impacts on all the associated species in those habitats.

18 You have improved function of existing tidal
19 habitats and also the beneficial impacts to the species
20 that exist in the current habitats. You're enhancing
21 the value of the seasonal wetlands which are in the area
22 and those associated species. Similarly, the same thing
23 pertains to the native upland areas. Freshwater and
24 brackish water, marsh areas, riparian woodland and scrub
25 habitats. The creation of these nesting sites is going

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1 to benefit the least tern and snowy plovers and other
2 waterbirds that might use these sites.

3 Preserving this site in open space and
4 restoring the number of both filled and otherwise
5 degraded area with native vegetation is also going to
6 improve the overall aesthetic quality of the site.

7 And then, finally, you have substantial
8 additional recreational opportunities in the areas that
9 are currently closed to public use. So through the
10 design implementation of regional trails, nature trails,
11 a nature/interpretive center, and trail staging areas,
12 this will also be an extensive beneficial effect for the
13 public.

14 Now, the final couple things that I'll mention
15 is that, if you start to look at what each of these
16 restoration alternatives is going to do, there are
17 pluses and minuses in all regards, as far as the
18 positive and negative benefits. For the purpose of
19 selecting an environmentally superior alternative, the
20 lead agencies, at this point, didn't attempt to rank the
21 benefits from the standpoint of the beneficial impacts.
22 Rather, all of these different restoration alternatives
23 were viewed as having similar types of environmental
24 benefits. The alternatives were then ranked in terms of
25 their overall negative impacts to the environment. And

16

1 based on this analysis, the Maximum Intertidal
2 Alternative is indicated, in the present document, as
3 being the environmentally superior alternative. The
4 reason for this is that -- because of the reduced amount
5 of excavation that would result to things such as air
6 quality, traffic, landform, water quality, and noise.
7 Now, the Reduced Berm alternative has
8 substantially less excavation as well. However, this
9 one was not selected as the one that was environmentally
10 superior because it was perceived to have greater
11 long-term environmental impacts. This would result in
12 the need for more frequent maintenance of the river
13 mouth and river channel because of the reduced amount of
14 tidal flow that would be occurring, due to this
15 alternative. And all this increase in maintenance would
16 also result in greater disruption at the river mouth and
17 the beach over the long-term of the project and the life
18 of the project, resulting in more frequent short-term
19 effects to recreation and visual quality.
20 Now, the final thing that I'll mention is that
21 neither the National Environmental Policy Act or the
22 National Environmental Quality Act require that you have
23 this environmentally superior alternative be the same as
24 the agency-preferred alternative. So it shouldn't be
25 assumed that what we are identifying right now as the

17

1 Maximum Intertidal alternative will also be considered
2 eventually as the agencies' preferred alternative. The
3 lead agencies intentionally have not selected the
4 preferred alternative yet. This will be done after
5 taking into account all the public comments that are
6 going to be received either this evening or in writing
7 on this draft EIR/EIS.
8 So the final document, which will be made
9 available for public review in accordance with the
10 schedule that Vicki was indicating -- at that point
11 we'll identify the lead agencies' preferred alternative.
12 And, Dick, that's --
13 MR. BOBERTZ: Now, I know that a lot of you out
14 there -- I recognize you, and I know that you're very,
15 very well-informed about this EIR. But there are a lot
16 of people out there that I think are not necessarily --
17 have had study groups on this EIR. So we'd like to give
18 you an opportunity to take what you've just heard and
19 then compare it to the graphics that are up there, the
20 various alternatives that are up there, to -- so that it
21 kind of clarifies in your head what we're talking about.
22 At least it always does for me when I see a picture, as
23 opposed to hearing someone talk about it. So we'd like
24 to take a 15-minute break to allow you to do that. And
25 the five of us are going to circulate among you. So in

18

1 case you need something clarified about what you've just
2 heard, just hit one of us up so we can do that.
3 I'd also like to remind you that we have
4 speaker slips in the back. We only have about six or
5 seven that have been turned in. If something occurs to
6 you while you're looking at the graphics or talking to
7 us and you want to make a comment, please don't hesitate
8 to bring your speaker slip up. And after our break,
9 why, we'll hear the comments.
10 One other housekeeping note, if you haven't
11 signed in yet and you want to receive future notices of
12 future public hearings, please give us your name and
13 address and we'll make sure that you're on that mailing
14 list.
15 So with that, let's take 15 minutes to look at
16 the diagrams, and then we'll come back.
17 (Recess.)
18 MR. BOBERTZ: All right. I have speaker slips
19 up here that have been turned in. If there are any more
20 speaker slips, why, please bring them on down.
21 I'm going to call the names as the speaker
22 slips are laid out in front of me and ask for your
23 comments. And please keep in mind we're looking for
24 your comments. We can't necessarily answer questions at
25 this point. We want to hear from you.

19

1 The first speaker slip is Barbara Stegman.
2 BARBARA STEGMAN: I'm Barbara Stegman. I live
3 in Crest County. I want to point that out because I
4 think your analysis of the affects on -- I'll start
5 over.
6 I'm Barbara Stegman. I live in Crest County.
7 I want to point that out because I think your analysis
8 of the affects of the traffic on San Dieguito Road are
9 way off the mark.
10 San Dieguito is a very narrow road. It could
11 never handle, as you say, 10,000 cars a day. I think
12 maybe you got it out of a book and not out of looking at
13 the road. It's a very narrow road. It's the only
14 access to 27 homes on my side, probably equal number on
15 the other side. In your traffic analysis, have you
16 analyzed the effect you'll have at rush hour when the
17 school buses are coming? Because it's two years of PH-1
18 constant traffic in there.
19 The other comment I'd like to make is, I think
20 you really skirt the issue of dumping on fairgrounds'
21 property. In a couple of places -- I only had this for
22 about two days, so I really skimmed it. But in a couple
23 places you talk about, "if we dump on the fairgrounds' PH-2
24 property." But nowhere to do you analyze what effect
25 that would have on the flood plain. I've been flooded

20

1 in twice because of the -- the flood plain fills up. It
2 just covers the roads. And I think you have to analyze
3 how much putting dirt on any of those proposed flood
4 plain sites would affect the depth of the flood when it
5 comes. And it's going to come. And so I think you
6 really need to analyze that. I'm really, actually,
7 opposed to any more dirt. The last floods we had were
8 even before the fairgrounds built the new Betty
9 (phonetic) facility, which is also elevated, which means
10 it added to the problem.
11 Thank you.
12 MR. BOBERTZ: Thank you very much.
13 Jacqueline Winteur.
14 JACQUELINE WINTEUR: I'm Jacqueline Winteur.
15 I'm the president of the Friends of the San Dieguito
16 River valley, and I've worked with a group of people in
17 the western valley to study the document. It is
18 700 pages long -- or at least I stopped counting after
19 that. I want to commend you for having produced this
20 magnificent document that is really going to be there as
21 a wonderful resource for many years to come. We are not
22 prepared, though, to say anything about our conclusions,
23 which we have not reached. We will turn them in in
24 writing. But I am speaking as an individual.
25 I think I understand that you would like to

21

1 have your attention called to what may be mistakes or
2 maybe ambiguities and clarifications. And those are two
3 things that I'm going to address. They both have to do
4 with the 22nd Agriculture District.
5 In two places -- more, actually, than two.
6 Both in the Draft Park Master Plan and the EIR, you
7 state that the 22nd Agricultural District is the
8 property owner. I don't think that this is correct. I
9 think that the State of California, you and us, own that
10 property. If that is correct, I think that it would be
11 useful to change that.
12 The purpose of the Environmental Impact Report
13 is to inform the decision makers and the public of the
14 effects associated with the various alternatives of the
15 restoration project. The EIR deals with the
16 requirements of several regulatory agencies -- federal,
17 state and locals. Locals, a total of 13. One of these
18 is, hopefully, neutral. It is the California State Land
19 Commission, who is going to make determinations on who
20 own what, when. And I think that it will be
21 independent.
22 One agency, North County Transit District, has
23 a specific mission. That is, to build the railroad.
24 And in the past, it has come in conflict with the
25 River Park purposes. But this is not discussed here.

22

1 Ten of the agencies have a congruence of
2 purpose with the restoration plan. I will quickly quote
3 them. The two proponent agencies, the JPA and the
4 U.S. Fish & Wildlife Service. The cities of Del Mar and
5 San Diego, the U.S. Army Corps of Engineers, California
6 Department of Fish & Game. Caltrans, which has
7 workstation (phonetic) sites there. The Regional Water
8 Quality Control Board, the San Diego County Air
9 Pollution Control District, and the California Coastal
10 Commission. They all work hand-in-hand to bring this
11 about.
12 Only one agency, the 22nd Agricultural
13 District, has a vision antithetical to that of the
14 River Park and the restoration project. It is a vision
15 of development where a wetland is an annoyance and the
16 flow of a river is a threat and a danger. Now, the
17 district is not a regulatory agency, and that is the
18 ambiguity. On your page ES-4, I think, you list it as
19 if it were a regulatory agency, having oversight over
20 the River Park. It is not. It is one of your
21 neighbors. And it is a big neighbor. And as such, it
22 has genuine boundary issues to address and to solve. An
23 example, too, the opening and the maintenance of the
24 San Dieguito river mouth and the desire of the River
25 Park to receive an easement on the southeastern edge of

23

1 the district property for the coast-to-coast trade.
2 That use is compatible with the district's NASA plan,
3 which calls for re-creation of uses of the district
4 site.
5 what puzzles me -- what alarms me -- is the
6 fact that the district has used the opportunity of this
7 report to, not only formulate, but also negotiate
8 several issues that have nothing to do with the
9 legitimate boundary concerns that I mentioned earlier,
10 but have everything to do with the district's
11 development agenda. I will list three such district
12 proposals.
13 One, the use of the coast-to-coast trail by
14 tram, which is a fake, cute name for a bus. A use
15 specifically prohibited by the River Park concept plan.
16 The second one is the raising of the floor of the
17 district property over 50 acres by 12 to 15 feet. That,
18 without the Coastal Commission permit. I'm sure that
19 there is ample room on the restoration project site to
20 absorb -- I've been assured that there is ample room on
21 the restoration project site to absorb excess dredge
22 material. There is no need for this dredge disposal
23 site. And thirdly, the request to transform the
24 village's property from the coastal sage area gently
25 sloping toward the river into a limited-use parking lot.

24

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1 These three proposals do not belong to the
2 environmental impact. I hope they are removed from the
3 final document.

4 Briefly, in seven words, there is a fox in the
5 henhouse. Thank you.

6 MR. BOBERTZ: Thank you.

7 Tom Burns.

8 TOM BURNS: My name is Tom Burns, and my
9 habitat is on Sandy Lane, which is very close to the
10 outlet of the San Dieguito river.

11 And it seems to me at the heart of all of the
12 proposals, except No. 6, is the creation and the
13 maintenance of a permanent channel from the lagoon to
14 the sea. And that is going to be the basis for the new
15 environment for the endangered species. I think that
16 both my wife and myself are concerned about whether or
17 not that is going to be achieved with safety for the
18 endangered species higher up in the evolutionary scale
19 on the beach there, for one thing. We've proposed a
20 number of questions and we've put these in written form.
21 And in a few minutes, a good friend and relative of
22 mine, Jack Jaeger, will address them more fully.

23 Thank you.

24 MR. BOBERTZ: Thank you.

25 Jack Jaeger.

25

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1 travel north and south along the beach front and, in its
2 place, would substitute a potentially dangerous channel,
3 particularly given the favored alternative at this time,
4 which is the 8- or 9-foot-deep channel. But that's just
5 one of many of the alternatives that would have a
6 significant flow.

7 It is dangerous because of people inevitably
8 trying to traverse a river where the depth and the
9 currents are uncertain. The EIR points out that the
10 conditions created could be dangerous. And this puts
11 our lifeguards on constant alert in this one location.

12 Secondly, a permanently maintained channel
13 could hamper lifeguards' ability to protect our beaches
14 and provide for public safety. The lifeguard
15 departments in Solana Beach and Del Mar -- I am told
16 they work very closely together. A permanent channel
17 cuts off their ability to travel and aid one another.
18 Personnel from each department confirmed this with me
19 last week. And so we potentially add more hazardous
20 conditions with a flow of water, and yet we impede the
21 lifeguards' ability to patrol and serve the beach
22 completely.

23 Third is the issue of sand loss on the south
24 side of the beach of the proposed channel and,
25 potentially, that entire area. The EIR, surprisingly,

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1 JACK JAEGER: Thank you. Good evening. My
2 name is Jack Jaeger. I live at 129 Tenth Street, but
3 have had the great privilege of growing up on the north
4 end of the beach since at least 1959. And the
5 San Dieguito wetlands -- the restoration project is
6 outstanding. It's a great, great plan, except for any
7 of the alternatives -- and sadly, they're all but one --
8 that include a permanently open surface channel through
9 the north end of the public beach of Del Mar. This
10 beach is, without argument, one of the best in all of
11 California and a prized asset for Del Mar. But a
12 permanent channel would destroy the natural conditions
13 there. My objections focus only on how the restored
14 wetlands connect to the ocean via a channel. And I
15 question whether the EIR has adequately addressed some
16 of the following points.

17 The public safety and the publics' right-of-way
18 there at the beachfront. The redistribution and
19 ultimate loss of sand. And there is a question of
20 ownership of the land -- as Jacqueline just pointed
21 out -- at the mouth of the river, specifically. A
22 permanently maintained channel through the sandbar at
23 the mouth of the river would obviously sever the beach
24 in two. Solana Beach to the north, Del Mar to the
25 south. And that takes away the publics' right-of-way to

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1 says very little about how a constant river flow
2 interrupts the literal drift. The literal drift, which
3 is a natural phenomena on the Pacific Ocean, state of
4 California, deposits a healthy volume of sand which
5 determines the size of our Del Mar beach. We've all
6 seen the affects of a constant river flow during El Nino
7 and other serious winter months during the '80s, how the
8 entire end of Del Mar beach disappeared and you're left
9 with only riffraff to crawl across if you're trying to
10 get back to your car.

11 There is a possible alternative. I understand
12 that Rick Engineering, working for the producers of EIR,
13 they looked at alternatives on how and where the
14 San Dieguito river meets the ocean at the beach. I did
15 not see an alternative -- one that proposes, literally,
16 to bury this portion of the project beneath the beach
17 and provide an ingress and egress of the lagoon waters,
18 via pipelines. Large, significant, covert-type
19 pipelines. This option deserves a study. Or if it has
20 been looked at, we would love to hear a comment.
21 Because it clearly provides a win-win solution at the
22 beach and preserving the natural condition of our beach
23 at the river mouth.

24 Lastly, there is this question of ownership of
25 the land of the river mouth. And when it is referred

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1 to, throughout the EIR, to permanently maintain a
 2 channel to the ocean, I ask and I wonder, how will that
 3 be done? By what method and with whose authority?
 4 well, currently, when the 22nd District feels threatened
 5 by the possibility of flooding on their lands, they
 6 direct one of their tractors to the river mouth and open
 7 up the lagoon to the ocean. I am told that they have
 8 this authority via a permit from the California Coastal
 9 Commission. Last Wednesday, the 23rd, the 22nd District
 10 exercised this authority, and they knowingly spilled
 11 those polluted waters into our ocean. There was a
 12 years' worth of run-off in the lagoon, we all were
 13 aware. And at Rancho Santa Fe, sewage spill that was
 14 contained in there as well, before they intentionally
 15 were being directed across the beach and into the ocean
 16 last Wednesday.

17 I am certain that the Coastal Commission's
 18 permit does not allow any agency or city or district to
 19 pollute the ocean directly, as it violates the federal
 20 Clean Waters Act. Nor do they permit severing the
 21 public's right-of-way permanently, going north and south
 22 at the beach front, nor to take land away from the
 23 public, who uses the beach constantly for recreational
 24 purposes.

25 Does the EIR assume that the current permit,

1 talked -- and it must have been ten years ago, I think.
 2 Well, as regards to Mr. Jaeger's natural
 3 condition of the beach, I guess he hasn't been around
 4 very much lately, because prior to last April '99, the
 5 beach was open all the time. And, in fact, the EIR
 6 determined that the river mouth has been open 85 percent
 7 of the time. And that was just research that was done.
 8 So the natural condition of the lagoon is open to the
 9 river. Sorry about that, but that's the way it is.
 10 It's outrageous to have, you know, threats based on such
 11 misinformation. I'm sorry that the City's been
 12 threatened by this kind of stuff.

13 well, we had a little preferred alternative
 14 that we designed amongst the environmental groups, two
 15 planning groups. And we all cut and pasted and made up
 16 our ideal preferred alternative. This was before the
 17 latest batch came out. And we wanted to see restoration
 18 of the channels to the river mouth lagoon, which is a
 19 very productive area for birds -- or at least it was.
 20 And I was really disappointed that this project doesn't
 21 address that at all.

22 And the other thing I'm really concerned that
 23 isn't being addressed, I don't think, in this EIR, is
 24 the future of the Lake Hodges dam. It is now -- the
 25 water level has been drawn way down. It's supposed to

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1 obtained by the 22nd District, gives them the ongoing
 2 authority to open up the channel? That's unclear.

3 I'd like to know -- and I'm sure the public
 4 would also like to know -- who owns this land at the
 5 river mouth. Isn't it the State of California and,
 6 thereby, the public's land, as Jacqueline pointed out?
 7 we believe so.

8 And I refer to the EIR in their description of
 9 the land ownership. And it says, "The district, which
 10 manages the Del Mar fairgrounds, who holds the opinion
 11 that it has control over the tidal areas at and near the
 12 tidal inlet, as well as along the northern edge of the
 13 San Dieguito river. However, these areas may be tied
 14 lands, subject to the public trust." Though it's not an
 15 environmental question, it is one of land use and a
 16 legal question. And one that we certainly would need to
 17 clear up before wasting any valuable resources.

18 Thanks.

19 MR. BOBERTZ: Thank you.

20 Alice Goodkind.

21 ALICE GOODKIND: Good evening. Alice Goodkind.

22 I live on Forest Way. with the Friends of the River
 23 Valley, we've been involved with this since the working
 24 group, and I don't even know how many years ago that
 25 was. But we sat around and talked and talked and

1 stay down for two to five years. And there will be
 2 fixing of the dam and pumping water up to the liven
 3 (phonetic) high reservoir, at cetera, et cetera, so we
 4 never have overspillage, overtopping of the dam again.
 5 Now, that clearly has to change the hydraulics. So I
 6 don't see why that wouldn't have been figured into all
 7 these numbers.

8 For instance, do we need these berms that all
 9 of us dislike so much? I mean, what is the flushing
 10 rate going to be? What is the turnover of water going
 11 to be in w1 and the fishing game -- fishing game south
 12 basin and all these alternatives? I'm really suspicious
 13 of the berms. And the fact that they're held up for
 14 trails and everything is kind of outrageous to me. This
 15 is restoration for habitat, not for trails and for
 16 tramways.

17 Two more things. One is, are the California
 18 Gnatcatchers that exist in the w1 area going to be
 19 mitigated for? we were out there yesterday and there
 20 were two pair. We not only heard them, but we saw them.
 21 And that's in the w1 area near the freeway. It's not --
 22 it's rural, I suppose. It's not ideal habitat, but
 23 nonetheless, they're there. And has that been mitigated
 24 for?

25 And the other thing is, the state of the

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1 lagoon. I think it's really unforgivable, but for the
2 past nine months, that lagoon has been closed without
3 anybody helping it. I mean, the fairgrounds does it for
4 self-interest, but nobody's looking after the health of
5 the lagoon. And Edison's been involved for so long and
6 yet refuses to lift a finger on things like this. I'm
7 sorry, but I'm really offended about this. This
8 project's going to drag on for another two years and
9 who's going to be doing anything to keep it open?

10 So those are my comments. Thank you.

11 MR. BOBERTZ: Thank you very much.

12 Brooke Eisenberg.

13 BROOKE EISENBERG: Brooke Eisenberg. Hoska
14 Drive, Del Mar. I'm a member of the lagoon committee
15 and Friends of the River Valley. I'm a relative
16 newcomer. I've only been involved with the lagoon for
17 15 years and with this project since its inception.

18 However, I'm still a newcomer, because some of these
19 other people have been around the lagoon a lot longer.

20 This project is ostensibly being designed to
21 restore and enhance the biological resource values of
22 the wetlands. So it's with surprise and unhappiness
23 that I see things in the plan that have nothing to do
24 with enhancing, restoring, protecting, preserving, any
25 biological resource. And I will tell you that these are

1 even be mentioned or considered. First of all, part of
2 the site, the middle of the surf and turf side, is in
3 the effective flow area. I don't think you're talking
4 about putting fill in the effective flow area. That's
5 from Chang's study. So what you're going to have is
6 fill on both sides of that area. You're talking about a
7 wetland. You're talking about area for absorption of
8 flooding. And you're also talking about an enabling
9 document. This document is going to enable the
10 Ag District to develop buildings where they should not
11 be developing. You've got wetlands on that site as
12 well.

13 And the other thing -- and this is just a minor
14 one, but it goes along with the dredge disposal. There
15 are areas in the EIR that talk about reducing the
16 required Coastal Commission buffer from the wetland so
17 that it doesn't impact the fairgrounds operation.

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18 Excuse me. But this plan is not being written for the
19 fair board's operation. Please try to understand where
20 this is supposed to be coming from. Southern California
21 Edison did not do anything to impact the fair. This
22 project is being done as a mitigation for something that
23 happened in San Onofre. So I don't know what you're
24 talking about when you talk about reducing buffers that
25 are required so that you don't impact the fairgrounds.

PH-21

1 my off-the-cuff comments. You will be receiving written
2 comments with page numbers and citations, et cetera.
3 But three things come to mind.

4 One has to do with the tram. What in the world
5 does a motorized tram have to do with this project? As
6 far as I can see, it has nothing to do with this project
7 and a lot to do with the desires of the Ag District. It
8 makes the trail that it's unusable by pedestrians,
9 horses, bicycles and the handicapped for the time that
10 it's running. It's going to be going, according to the
11 report, between 10 and 15 miles per hour. It's going to
12 carry a double bus. I forget the length. That, I'll
13 have to put into my written letter. It's going to --
14 the impact is described by the EIR as "immitigable." It
15 prevents the trail from being used and widens it, the
16 turnout areas, and gives it a hardened surface that can
17 be used by this tram, but which is unnecessary for all
18 of the other uses. So I think this is something you
19 have to consider seriously removing totally from this
20 plan. That's one thing. These things I think you've
21 heard before.

22 The other is the dredge disposal. I am really
23 concerned that you would even consider somewhere in that
24 plan that any dredge be disposed of on the surf and turf
25 side. This was almost a guarantee that it would not

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1 Thank you for listening.

2 MR. BOBERTZ: Thank you.

3 Andy Schooler.

4 ANDY SCHOOLER: Good evening. I simply wanted
5 to come and represent what a lot of residents have
6 expressed to me as a concern about the unmitigated
7 negative impact to the beach. And I am not certain that
8 that is not an unsolvable problem. I think we all want
9 to see this enhancement. We understand it would be a
10 great benefit to the area. Our beach is also our No. 1
11 resource here. If you'll look at the configuration of
12 Del Mar, you can see that it is, in big part, about the
13 couple miles of the best beach in the world. So I think
14 that this can be worked out. Maybe it's not a pipe
15 transfer, maybe it's something else. I don't know. But
16 I would hope that that would be looked at further and
17 that it would be mitigated.

PH-24

18 Thank you.

19 MR. BOBERTZ: Thank you.

20 Jan McMillan.

21 JAN McMILLAN: I'm only coming up here so I can
22 go on record. I just want to agree completely with all
23 the comments that Brooke Eisenberg made. I couldn't say
24 them better.

25 Thank you.

1 MR. BOBERTZ: Thank you.
 2 Hershill Price.
 3 HERSHILL PRICE: My concerns have been
 4 addressed by others.
 5 MR. BOBERTZ: Thank you.
 6 John Gillies.
 7 JOHN GILLIES: Hi. My name's John Gillies. I
 8 was on the executive committee that was the forerunner
 9 to the Joint Powers Authority that has us now sitting
 10 here and promoting this project. And I also worked on
 11 the citizens' working group that met with Southern
 12 California Edison for several months, a couple times a
 13 week sometimes, to get this whole process started. And
 14 right now I'm not representing any organization, just
 15 myself.
 16 Some general comments. I think the more
 17 excavation, the better. This is a once-in-a-lifetime
 18 project that's taken so much effort of so many people to
 19 get this to the point it is now. This may not happen
 20 again in any of our lifetimes. I think while the
 21 equipment is there and while this project has all the
 22 permits it needs, we ought to go for creating as many
 23 tidal basins, creating as much tidal wash as possible,
 24 and getting as much dirt out as possible.
 25 And a second general comment is, I think we

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1 ought to remove as much dirt from the site as possible.
 2 The dirt that's going to be dredged up or excavated is
 3 highly erodible. And piling it up on-site, in proximity
 4 to the tidal basins, is just going to invite future
 5 siltation. The existing lagoon, I understand, has lost
 6 a couple feet of depth since it was created back in
 7 1980. We have rain, erosion is inevitable, and I
 8 haven't seen anybody come up with a decent siltation
 9 basin plan that protects the lagoon. Every year our
 10 existing lagoon gets shallower and shallower. And I'm
 11 sure that's going to happen in this project. So the
 12 bigger it is in the beginning, the longer it's going to
 13 function successfully.
 14 I am especially opposed to depositing any dirt
 15 on the 22nd Ag District's land. As has been stated,
 16 their goal has always been to develop as much of their
 17 property as they can and to maximize their income. And
 18 I don't see how that should be any part of our plan. I
 19 understand that we want to put some trails on their
 20 land. I don't think that, in any way, is a trade-off
 21 for increasing the elevation of what are now parking
 22 lots on their land. And in relation to that, I noticed
 23 that figure 2.3.1-14F, which is the disposal site on the
 24 surf and turf property, has absolutely no numbers on it.
 25 It doesn't state what any of the existing elevations are

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1 or what the proposed elevations are or how much fill
 2 dirt is being proposed. I'm not surprised. I think the
 3 tram is problematic. I don't see why it needs to be
 4 part of this project. I understand some trade-offs have
 5 to be made, but maybe the JPA could allow the
 6 Ag District to build a tram trail on some of its land in
 7 exchange for a walking and bicycle and horse trail on
 8 the Ag District's land. And the only two places they'd
 9 have to conflict would be under the freeway bridge, if
 10 the width of that space is constricting.

11 I was very interested at the comment of putting
 12 a pipe at the beach to get the water in and out. That
 13 had never occurred to me, and I don't even know how
 14 practical it would be. But if it could happen, I would
 15 think that would be desirable. And it occurs to me that
 16 if there were a structure like that, underground
 17 structure that weren't visible -- if there's a pipe that
 18 you could have pump motors that could flush it out to
 19 keep the sand from building up so that you wouldn't have
 20 to annually go open the river mouth, you could just flip
 21 a switch and jets of water would blast anything that had
 22 build up in the pipe.

23 I'm very encouraged that this project has come
 24 this far, and I hope we keep moving forward.
 25 One other thing, I keep hearing about offshore

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1 disposal of dredge materials or near-shore or beach
 2 requires lengthy permits. And I just think somebody
 3 ought to encourage the obtaining of those permits now.
 4 I mean, we have enough information and we ought to apply
 5 for getting rid of all the spoils that way. And if we
 6 don't have to use those permits, that's something else.
 7 But I'm really going to be upset when it comes down to
 8 the -- to starting construction and say, "Oh, we can't
 9 do that because we don't have the permits. It takes too
 10 long." And I would like to see all of the -- I would
 11 like to see overexcavation of the site so that sand can
 12 be removed, deposited on the beach, and then the silts
 13 put into that hole. And it seems like a dredging
 14 operation would lend itself to that.

15 Thank you.
 16 MR. BOBERTZ: Thank you very much.
 17 I don't have any other speaker slips. I'm
 18 going to ask Vicki to quickly go over where we go from
 19 here again and tell you what is going to happen with
 20 these comments and the rest of the review process.
 21 VICKI TOUCHSTONE: Okay. Thank you very much
 22 for your comments. These comments will be responded to
 23 in writing as part of the response to comments that will
 24 be included in the final Environmental Impact Report/
 25 Environmental Impact Statement. Also, remember that you

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1 can provide your comments in writing. Those comments
2 are due on March 20th and they should be mailed to the
3 River Park office.
4 If you have any questions regarding the
5 process, we do have an information line that you can
6 leave your name and number and someone, probably me,
7 will get back to you. And that number is
8 (858) 674-2275, Extension 18. No one answers that line
9 directly, so leave a message and I will get back to you.
10 Okay. Thank you. It's (858) 674-2275, Extension 18.
11 But if you have real lengthy questions, it's probably a
12 good idea to put them in writing and we'll respond as
13 part of the response to comments. Thanks.
14 MR. BOBERTZ: I want to thank you all for
15 coming out tonight. We are going to stay here until
16 9:00 o'clock. We've advertized this public hearing
17 until 9:00 o'clock, so we're going to hang around. So
18 if you have anything you just want to chat about, please
19 do that. And we're going to be here and -- otherwise
20 we'll be talking to ourselves.
21 Thank you all very much.
22 //
23 //
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41

1 STATE OF CALIFORNIA)
 : ss
2 COUNTY OF SAN DIEGO)
3 I, the undersigned, a Certified Shorthand
4 Reporter of the State of California, do hereby certify:
5 That the foregoing proceedings were taken
6 before me at the time and place herein set forth; that
7 any witnesses in the foregoing proceedings, prior to
8 testifying, were placed under oath; that a verbatim
9 record of the proceedings was made by me using machine
10 shorthand which was thereafter transcribed under my
11 direction; further, that the foregoing is an accurate
12 transcription thereof.
13 I further certify that I am neither financially
14 interested in the action nor a relative or employee of
15 any attorney of any of the parties.
16 IN WITNESS WHEREOF, I have this date subscribed
17 my name.
18
19 Dated: _____
20
21
22 _____
23 MONIQUE GURROLA
24 CSR No. 10818
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RESPONSES TO COMMENTS

FEDERAL

U.S. Environmental Protection Agency

- F1-1** Soil Contamination Monitoring and Emergency Response plans have been addressed in section 4.10 of the Final EIR/EIS.
- F1-2** The suggestions described in your letter under the heading “Detailed Comments” are addressed in Responses F1-3 through F1-12. Your detailed review of the Draft EIR/EIS is appreciated. Two copies of the Final EIR/EIS have been distributed to your office as requested.
- F1-3** Section 3.4.9 of the Final EIR/EIS has been revised to provide more information on wetland regulations and specific information regarding permitting and the potential use of NWP 27 has been added to the Final EIR/EIS as section 4.4.4.

Wetland Regulation Requirements

Wetland environments are highly restricted in nature and have been even more restricted by the activities of man. A long history of dredging and filling, channelization, and clearing has resulted in diminishment of wetlands to the extent that many agencies have adopted regulations to protect wetlands and even seek to restore lost habitats and values. This section addresses the applicable regulatory programs affecting the proposed project work.

Defining Characteristics

Wetlands have many distinguishing features, the most notable of which is the presence of standing or flowing water, unique wetlands soils, and vegetation adapted to, or tolerant of, saturated soils. Riparian wetlands typically exhibit a high groundwater table because of their proximity to a river, stream, or other body of water and are distinctive because of their linear form. Conversely, tidally influenced wetlands, such as San Dieguito Lagoon, exhibit the distinctive leveling and erosional forms associated with tidally driven coastal processes.

These wetland characteristics are evident within the study area where tidal and freshwater influence has created a diverse wetland system. These wetland areas fall under the jurisdiction of a variety of local, state, and federal agencies. The following describes the three parameters used to determine the presence/absence of wetlands and non-wetland water streambeds on the site.

Hydrophytic Vegetation. Vegetation communities which met the criteria of wetland-associated vegetation were dominated by a preponderance (> 50 percent) of species classified as obligate wetland plants (OBL), facultative wetland plants (FACW), or facultative plants (FAC) based on the National List of Plant Species that Occur in Wetlands (U.S. Fish & Wildlife Service 1988). Obligate wetland plants are defined

as occurring almost always (estimated probability >99 percent) in wetlands under natural conditions. Facultative wetland plants are defined as occurring usually in wetlands (estimated probability > 67 percent to 99 percent). Facultative plants are defined as having a similar likelihood (estimated probability 33 percent to 67 percent) of occurring in both wetlands and non-wetlands.

Wetland Hydrology. Hydrologic wetland indicators included both surficial flow characteristics (e.g., visual observation of surface flow, drainage patterns, water marks, and drift lines) and sub-surficial field observations (e.g., presence of free water in a test pit). Hydrologic indicators were also used to define non-wetland waters of the United States. Most of this flow information consisted of drainage patterns and water-borne debris accumulated at the base of existing vegetation.

Hydric Soils. To confirm the presence of hydric soils, soil test pits were excavated using a shovel. Soils taken from depths ranging from 12 to 18 inches were examined for physical and chemical evidence of hydric conditions. Soils were evaluated using the chroma index from the Munsell Soil Color Charts (Munsell Color 1974); however, soil color was not used as the only indicator in the study area's mineral sandy soils. Other indicators of hydric soils such as vertical streaking, high organic matter content in the surface horizon, mottling, spodic zones, and organic pans were also sought during the survey.

Regulatory Agency Purviews

U.S. Army Corps of Engineers

Under section 404 of the Clean Water Act (CWA), the U.S. Army Corps of Engineers (ACOE) has regulatory authority over the discharge of dredged or fill materials into the waters of the United States (1344 USC). Such activities are authorized through issuance of a Department of the Army permit. This permit, in addition to addressing section 404 CWA impacts may also be used to authorize activities subject to regulation under section 10 of the Rivers and Harbors Act (RHA), such as placing structures within navigable waters, including all tidal waters.

Under the CWA, the term "waters of the United States" is defined in 33 CFR Part 328 and includes: (1) all navigable waters (including all waters subject to the ebb and flow of the tide); (2) all interstate waters and wetlands; (3) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce; (4) all impoundments of water mentioned above; (5) all tributaries to waters mentioned above; (6) the territorial seas; and (7) all wetlands adjacent to waters mentioned above.

In the absence of wetlands, the limits of ACOE jurisdiction in non-tidal waters, such as intermittent streams, extend to the ordinary high water mark (OHWM) which is defined at 33 CFR 328.3(e) as:

(T)hat line on the shore established by the fluctuation of water and indicated by physical characteristics such as clear, natural lines impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Wetlands are defined at 33 CFR 328.3(b) as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support . . . a prevalence of vegetation typically adapted for life in saturated soil conditions."

United States Coast Guard

The U.S. Coast Guard has jurisdiction over all bridges that cross navigable waters. This is to maintain the safety of vessels passing under bridges. In the case of the San Dieguito River, the U.S. Coast Guard considers the river navigable up to the Interstate 5 bridge (as of a 1972 U.S. Coast Guard survey). That section of the river passes under the Jimmy Durante, railroad, and Highway 101 bridges, and these are therefore considered to be under U.S. Coast Guard jurisdiction. However, the Coast Guard extends "Advance approval" to bridge and clearance modifications over navigable waters that do not currently support vessel traffic that could be impacted by bridge or clearance modifications, such as vessels with inboard motors and extended antennas. Finally, the San Dieguito Wetland Restoration Project will not modify any of the bridges that cross the river and the water level of the river will not significantly be affected, removing the requirement for any U.S. Coast Guard permits. Title 33 CFR 115.70 describes Advance approval requirements.

California Department of Fish and Game

The California Department of Fish & Game (CDFG) regulates alterations of "streambeds" through development of a Streambed Alteration Agreement pursuant to Division 2, Chapter 6, sections 1600-1603 of the California Department of Fish and Game Code. An Agreement is required whenever a project would "divert, obstruct or change the natural flow or bed, channel or bank of any river, stream or lake designated by the Department."

The breadth of areas subject to regulation by CDFG under section 1600 are less clearly defined than those regulated by ACOE; however, in general, the policies are fairly consistent. It is clear that all rivers, streams, lakes, and streambeds that may exhibit intermittent flows of water are covered by the California statutes. Section 1600 et seq. does not extend to isolated wetlands and waters such as small ponds not located on a drainage course, wet meadows, vernal pools, or tenajas, as does federal jurisdiction. Moreover, department jurisdiction does not extend over tidal waters; however, section 1600 et seq. jurisdiction extends over all riparian habitat supported by a river, stream, or lake regardless of the riparian area's federal wetland status.

Unlike the ACOE process, the Streambed Alteration Agreement is not a discretionary permit, but rather an Agreement developed between an applicant and CDFG with mitigation, impact reduction, or avoidance measures. These measures are subject to acceptance by the applicant or may be countered with alternative measures. If an Agreement cannot be reached between CDFG and the applicant, a formal arbitration process is available.

California Coastal Commission

The California Coastal Commission (CCC) regulates wetlands occurring throughout the California coastal zone through development of a Coastal Development Permit. The Coastal Act defines "wetland" in section 30121 of the Coastal Act as follows:

Wetland means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflat, and fens.

The CCC uses the same three criteria system for defining wetlands as the ACOE and, like CDFG, only one of the three criteria need to be present for an area to be classified as a wetland. Unlike CDFG, the CCC extends beyond streambeds to include all tidal areas; however, jurisdiction is limited to areas within the Coastal Zone.

State Lands Commission

The tidelands of California are subject to a public trust easement that preserves and protects the right of the public to use these lands for trust purposes such as fishing, boating, and recreation. This public trust easement is held by the State of California, in trust for the public, and is administered by the State Lands Commission. Prior to implementing any portion of this project that would involve lands within the public trust easement, specifically those lands that were subject to tidal action in 1850, a lease from the State Lands Commission will be required.

Regional Water Quality Control Board

The Regional Water Quality Control Boards (RWQCBs) are the operative arms of the State Water Resources Control Board. They are charged with implementation of the Porter-Cologne Act, the state's version of a clean water act designed to protect the beneficial uses of the waters of the State of California. In addition, the RWQCB is charged with evaluating the effects of proposed discharges under section 404 of the Clean Water Act on state water quality standards. This mandate is provided under section 401 of the CWA. In order for the Corps of Engineers to issue a section 404 permit, the RWQCB must first certify with a standard or conditions certification signifying that the proposed action would not harm the beneficial uses established by the State for the particular affected water body. The Regional Water Quality Control Board does not independently define jurisdictional wetlands; however, the Board does assess all aspects of the actions that would result from Corps issuance of a permit under the CWA that may result in a degradation of waters of the state.

Regulation of Wetlands at San Dieguito Lagoon

While the jurisdictional boundaries for San Dieguito Lagoon differ significantly between regulatory agencies, the degree of wetland impact has been reported as the maximum impact across all agency jurisdictions. For permitting purposes, the CDFG would need to address the least amount of wetland impact, since this agency's jurisdiction is limited to the main drainage of the San Dieguito River and various smaller tributary drains and ponds along these tributaries. The Coastal Commission has the greatest amount of jurisdiction, including all tidal and non-tidal areas supporting any one of the three parameters discussed previously. A similar, but slightly lesser extent of jurisdictional wetlands and other regulated waters fall under the Corps of Engineers CWA regulatory purview.

Wetland Impact Permitting Requirements

The specific permits for implementation of the San Dieguito Lagoon Enhancement Project have not, as yet, been applied for. However, all of the permits identified above are anticipated to be required. Permitting under section 404 of the CWA may be suited to the use of a national general permit specifically addressing wetland restoration projects.

At the time of publication of the Draft EIR/EIS the Corps of Engineers was contemplating modifications to its nationwide general permit Nationwide Permit (NWP) 27 for stream and wetland restoration activities. The prior NWP 27 would not have been applicable to the restoration efforts at San Dieguito Lagoon since use of this permit was precluded in tidal water bodies. However, as contemplated in the Draft EIR/EIS, the reissued NWP 27 does apply to tidal waters as well as non-tidal water bodies and would authorize activities associated with the restoration and enhancement of degraded tidal and non-tidal systems such as San Dieguito Lagoon. It is unknown at this time whether or not NWP 27 would be supported as the permit form of choice by the Corps of Engineers in authorizing the restoration of the lagoon. The Corps may find that elements of the work are not permissible under this NWP, even where a nationwide permit is fully applicable, if the Corps deems that the activities being contemplated warrant individual public review under sections 404 and the 404(b)(1) EPA guidelines. The draft 404(b)(1) guidelines submitted as Appendix G to the Draft EIR/EIS are proposed to address concerns regarding the availability of less damaging practicable alternatives and findings of effect of discharge on the aquatic environment as required under the EPA guidelines. If the Corps opts to require an individual permit for the proposed action, then a public notice will be circulated requesting comments on the proposed issuance of a permit. The applicant will then be required to respond to these comments or may seek to resolve issues with commenters prior to the Corps making a decision as to whether or not a permit should be issued and how such a permit should be conditioned. If NWP 27 is selected as the permitting avenue by the Corps, then state and federal responsible agencies will be notified of the intent to issue a permit for the work and provided an opportunity to comment, but no additional public notice period would be provided.

A public notice period will accompany any processing of a Coastal Development Permit. No additional public notice period is provided for by the California Department of Fish and Game streambed alteration agreement process, nor is a public review process provided for on RWQCB certifications under section 401 of the CWA.

F1-4 Disposal Site DS38 is not included among the lead agencies' preferred options for disposal sites due to unmitigated impacts, including impacts to wetland resources, that would occur as a result of its use as a fill site. If the decision makers choose to include DS38 as one of the approved disposal sites, appropriate mitigation would have to be identified and incorporated into the Mitigation, Monitoring, and Reporting Program prior to project approval. However, neither SCE nor the 22nd District Agricultural Association has agreed to implement the mitigation measures that are identified in section 4.4 of this Final EIR/EIS. Therefore, impacts to jurisdictional wetlands as a result of placing fill on DS38 are currently considered to be significant and unmitigated. Ultimately, it is the Corps responsibility to determine if a permit can be issued that would allow excavated material to be deposited on jurisdictional wetlands.

F1-5 The importance of incorporating berms in the overall project design for any significant restoration of the San Dieguito Lagoon is described in several places within the Draft EIR/EIS, including section 2.3.1.4.3 (page 2-30), page 3.2-16, and page 4.2-3. As described in the draft, berms are needed to maintain existing flood flows and sediment transport when considering the additional off-channel excavations proposed to create, restore, or enhance tidal wetland habitat in these off-channel areas. Without the berms the proposed project, again due to the proposed dredging and associated increase in tidal prism, will result in lower velocity floodwaters passing through the system, which would tend to drop out sediment within the upper reaches of the proposed wetland restoration project.

The San Dieguito River is a coastal river that supplies littoral sediments to the beach. These sediments are the source of beach sand that provides both a recreational resource and an effective means for shore protection to beachfront properties. Under the present plan for all but the No Action alternative, off-channel tidal basins for lagoon restoration would be created and, at the same time, berms would be incorporated to maintain the effective flow rate of the river channel and bypass these tidal basins. This design would maintain the sand flow through the river reach to avoid potential scour impacts by the project, both riverine and coastal. By implementing the project but eliminating the berms, the hydraulic conveyance of the river system would be decreased, thus reducing sand flow through the system and ultimately to the beach, impacting both the coastal sand supply and increasing river scour within the downstream reaches of the project. Without the berms, river sand would be trapped in the proposed tidal basins, resulting in degradation of the restored wetland areas and a deficit sand supply to downstream areas and the beach.

As described in sections 3.2 and 4.2 of the Draft EIR/EIS, the results of numerical modeling show that downstream of Interstate 5, the project reduces the potential

scour for infrastructure (e.g., bridges) and maintains the present sediment delivery to the beach and nearshore zone. The concept of protected off-channel tidal wetland development within the low-lying areas of the San Dieguito River Valley enables a tidally-driven off-channel habitat to flourish, thus supporting the main purpose of the San Dieguito Wetland Restoration Project. At the same time, this design essentially eliminates the undesirable effects of siltation and habitat degradation common for on-channel lagoonal systems.

Language describing the relative environmental tradeoffs between berms and no berms is presented in the Conclusions section of Volume I of the Final EIR/EIS. A description of how the project would function without berms is provided below.

Berms are common to all of the restoration alternatives, excluding the "No Action" alternative. Berms are proposed within the main channel to essentially confine the 100-year flood within a well-defined, relatively narrow, on-channel corridor that can efficiently transport riverine sediments through the river system and into the littoral system. Implementation of any of the action alternatives without berms would create the following potential impacts:

1. **Disruption to Sand Flow in the River Channel** - The San Dieguito River is an alluvial river with sand flow during floods. In order to maintain the equilibrium of the river channel, it is essential to maintain the sand flow. Tidal basins created by excavation in the river channel would reduce the hydraulic conveyance and channel velocity through these basins. As the velocity slows down, river sand settles into the basins resulting in a reduction in sand flow to the downstream channel. In other words, river sand would be trapped in the basins. As trapping occurs, river sand is no longer delivered to the downstream channel.
2. **Reduction of Sand Supply to the Beach** - Trapping of river sand in tidal basins would also reduce the sand supply to the beach. This has the associated impact of increasing coastal erosion and reducing recreational opportunities in the lower reaches of the Oceanside Littoral Cell.
3. **Scour Impacts Along the Downstream River Channel** - A reduction in sand supply would induce scour along the downstream reaches of the channel. As sediment is dropped out within the upper tidal basins, accelerating flood waters passing through the lower confined reaches of the river channel can again pick up additional bed material to satisfy the river's transport capacity, resulting in additional riverbed scour.
4. **Reduced Stability of Bridges and River Banks** - The existing bridges, including the Camino Del Mar Bridge, the railroad bridge, and the Jimmy Durante Bridge, have been found to be unstable during the 100-year flood under the existing river channel conditions without the proposed project. Increased scour in the channel due to the project without berms would further reduce the stability of the bridges, as well as the existing bank

protection. Elimination of the berms would also increase riverbed scour at the I-5 Bridge crossing.

5. Requirements for Tidal Basin Maintenance Dredging and Beach Sand Replenishment - The proposed upstream tidal basins would only undergo minor refill in the next 100-year time span. Therefore, these basins would continue to act like sand traps in the long term and the downstream scour impacts they cause should also increase from flood event to flood event. These basins would cease to be sand traps only after they are refilled to the pre-excavation level. In order to mitigate the reduction in downstream/beach sand supply, sand deposited in the tidal basins would then require trucking to the beach. However, it is very difficult to deliver sand by mechanical means during a storm to simulate what occurs naturally, so downstream scour would still occur and cannot be mitigated through any formal maintenance dredging program.

F1-6 San Dieguito Lagoon and upstream surface waters within the immediate watershed are not on the present 303(d) list. A statement has been added to section 3.2 of the Final EIR/EIS.

F1-7 Additional discussions with the City of Del Mar have occurred as a result of their comments on the Draft EIR/EIS. These discussions have lead to the determination that a pedestrian pathway along the south side of the river is technically feasible.. Included in the Final EIR/EIS is a revised discussion of public access (section 4.1.1.2) and public safety (section 4.10.1.1) at the river mouth. These sections have been revised to clarify the changes that would occur at the river mouth as a result of project implementation, as well as to describe in greater detail those mitigation measures that would be required to reduce any impacts to below a level of significance.

F1-8 Section 6.2.2 (Cumulative Impacts – Water Quality) of the Draft EIR/EIS includes a discussion of the potential cumulative effects of upstream activities on the restored wetland. This discussion has been expanded in the Final EIR/EIS.

The project itself would have little control over what happens upstream and must rely on the effectiveness of mitigation measures imposed on future development projects by surrounding jurisdictions. From the time the JPA was created in 1989, JPA staff has monitored development proposals within the Focused Planning Area of the San Dieguito River Park in an effort to ensure that all future developments include, as a part of the overall project scope, adequate measures to protect downstream water quality. Where adequate measures were not being provided, the JPA Board has submitted written comments requesting the decision makers with permitting authority to condition those projects as necessary in order to reduce downstream water quality impacts to below a level of significance. This practice would continue following restoration. In addition, all new development upstream of the lagoon would be subject to stringent water quality regulations that are aimed at reducing downstream water quality impacts. The implementation of best management practices, including the construction of detention basins, the use of

grease traps, and other methods, would minimize new water quality impacts and could result in some overall improvement in water quality over time.

Freshwater inputs to the San Dieguito Wetlands are crucial to both the hydrological function and water quality of the lagoon. No significant changes in the current influx of freshwater into the western river valley are anticipated. Current proposals by the County Water Authority to utilize Lake Hodges as part of the Emergency Water Storage project would have little effect on the proposed restoration. Under current conditions, water only flows downstream from Lake Hodges when the water level exceeds the elevation of the spillway. Water cannot be manually released from the dam. Although the Emergency Water Storage project would result in greater regulation of the water levels behind the dam, the potential for the dam to spill would not be significantly altered. The quantity of freshwater entering the lagoon downstream of the dam could, however, increase as a result of increased development within the lower portion of the watershed. This increase in freshwater can be attributed to the increase in year-round urban runoff that traditionally accompanies urban development. Requirements for permanent detention basins and other best management practices being imposed by the City of San Diego should reduce some of these issues.

Recent testing of sediments and soils within the project area indicate that accumulation of chemical contaminants from watershed sources is minimal within the project area. The Regional Water Quality Control Board performs assessments and regulation of watershed inputs. Inputs may increase due to future urbanization or decrease due to possible reductions in agricultural runoff and improved control of urban runoff. It is not possible at present to determine how these watershed changes could change the quality of freshwater inputs in the future.

It is important to note that under any of the action alternatives, restoration of the San Dieguito wetlands would result in substantially improved tidal exchange within the numerous off-channel areas, encouraging and sustaining a healthy off-channel biological habitat. Any potential cumulative effects from upstream activities are significantly mitigated and/or improved well beyond existing conditions, due to the presence of the hydraulically-efficient on-channel berms and improved tidal exchange within the off-channel areas.

F1-9 Section 2.3.1.11 (Overall Project Schedule) has been revised to include a more detailed discussion of future funding issues.

F1-10 Section 2.3.1.11 has been revised to clarify the implementation schedule. Adaptive management would be an essential element of the Coastal Commission's Maintenance and Monitoring Program for the SCE portion of the project. An adaptive management approach to upland and freshwater restoration and the potential for research opportunities within those portions of the project that are not required for mitigation have also been incorporated into the recommendations for the Park Master Plan as a result of this comment.

- F1-11** These suggestions would reduce to some extent the land use conflicts identified in the Draft EIR/EIS, but implementation of these measures would not reduce this impact to below a level of significance.
- F1-12** The San Onofre Nuclear Generating Station (SONGS) is located next to San Onofre State Beach, which adjoins the Camp Pendleton U.S. Marine Corps Base in northern San Diego County. The plant contains three nuclear reactors, Units 1, 2, and 3. SONGS Unit 1 was retired in 1992 after 25 years of service and is currently being decommissioned. Unit 2 began commercial operation in 1983, and Unit 3 followed in 1984. Units 2 and 3 are currently in use and producing electric power.

National Marine Fisheries Service

- F2-1** The Draft EIR/EIS includes a discussion of the environmentally superior alternative, pursuant to Section 15126.6(e)(2) of the CEQA Guidelines. Unfortunately, the CEQA Guidelines provide little guidance regarding the process to be used in making the determination as to which of the alternatives under consideration should be identified as the environmentally superior alternative. As stated on page 2-4 of the Draft EIR/EIS, “the very nature of the [current] proposal, the restoration of native wetland and upland habitats, makes this [choosing the environmentally superior alternative] a difficult task.” Although NMFS may disagree with the assumptions used to make the determination, the decision making process is clearly defined in the draft. CEQA’s focus is on identifying potential impacts to the environment. Therefore, for the purpose of this particular analysis, a review of the negative impacts of each alternative was used to develop the environmentally superior alternative. The Draft EIR/EIS also states on page 2-4, “Neither CEQA nor NEPA require that the environmentally preferred alternative be the same as the ‘agency preferred’ alternative.” As stated in the Conclusions of Volume I of the Final EIR/EIS, the CEQA-required environmentally superior alternative was not selected as the lead agencies’ preferred alternative. In making the determination as to which of the alternatives was considered by the lead agencies to be the preferred, or recommended, alternative, both the adverse and beneficial impacts of each alternative were evaluated.
- F2-2** An Essential Fish Habitat (EFH) assessment has been prepared and incorporated into the Final EIR/EIS as Appendix C-7. Cross references to the EFH appendix have been added to the Final EIR/EIS in sections 3.4 and 4.4.

STATE

California Coastal Commission

- S1-1** This has been accomplished as described in Responses S1-5, S1-8, S1-9, S1-10 and S1-44.
- S1-2** A discussion of potential trail impacts is provided in section 4.4.1.1.2. Based on the various measures that have been incorporated into the scope of the project, as described in section 2.3.1.8.2 of the Draft EIR/EIS and the Draft Park Master Plan, it was determined that non-motorized use of the proposed trail system following

construction would not impact either directly or indirectly the biological resources that occur in proximity to the trails.

The potential impacts of trails on the 22nd District's operations are described in detail on pages 4.1-9, 4.1-10, and 4.7-4 through 4.7-8 of the Draft EIR/EIS.

S1-3

The proposed Coast to Crest Trail has been aligned to avoid sensitive habitat to the extent feasible. It would be located along the outer edge of the project area perimeter and on existing disturbed areas in all cases.

However, the buffer between wetland habitat and some segments of the trail would be smaller than is normally allowed. Two segments would have a less than 100 foot buffer adjacent to restored wetlands. One such segment of the trail would extend for about 1,100 feet from the I-5 bridge north to a point 100 feet north of restoration Module W4. This segment of the trail would be aligned within an existing utility easement used by Pacific Bell to maintain its fiber optic cables that parallel I-5. Another portion of the trail that would occur within 100 feet of the restored wetland extends for 477 feet from the southern terminus of San Andres Drive to an existing driveway cut that is the proposed access point for the future Nature Center. This latter segment would be located within the road right-of-way. Additionally, segments of the trail west of I-5 would be within 100 feet of existing wetlands.

Coastal Commission approvals of other constrained projects, such as the City of Coronado's Silver Strand Beautification project, indicate that the Commission recognizes that a minimal buffer can be acceptable given appropriate mitigating factors.

There are numerous mitigating factors, which are listed below, that recommend support for the Coast to Crest Trail alignment, despite the minimal buffer.

1. Under current conditions, the public is coming as close and even closer to sensitive habitat as will occur with the proposed Coast to Crest Trail;
2. There is an existing dirt berm several feet wide and several feet high located between the vegetation and the proposed trail for most of the distance west of I-5;
3. The trail represents the type of low-intensity, passive recreational use often allowed in buffers;
4. No lighting is proposed and the trail would be posted closed after dark, thus not disturbing normal nighttime wildlife activities;
5. The proposed trail is mostly on existing trail or roadbeds. Several segments are in areas already affected by human use, such as the freeway, parking areas, commercial development, driving range, etc.
6. A fence would be installed between the trail and the most sensitive resources;

7. The area will be well-patrolled by Ranger staff and Volunteer Patrol to ensure that the public use respects the sensitive vegetation and wildlife;
8. The trail is needed to provide opportunities for nature study of coastal wetlands;
9. The trail is part of a system that will ultimately enable public access to the beach and to other coastal trails;
10. The many agencies involved in protecting our coastal resources all recognize the value of public education and acknowledge that it is difficult to educate the public about resources they cannot see, and thus appreciate.

In addition, as noted in revised Section 4.4.1.1.3, dog owners will be required to keep their dogs leashed and to clean up after their pets.

Finally, the 1994 Human Use Inventory stated, "Because it is clear from the many field observations that people are going to continue to use the restoration area after the improvement project is underway, it is critical that a well-defined, thoughtfully planned system of pedestrian/bicycle/equestrian trails be implemented."

The implementation of the measures included in the Park Master Plan and in Section 4.4.1.3.2 of the Final EIR/S would insure that the buffer, although less than 100 feet wide in places, should still function as intended, thereby mitigating potential impacts to below a level of significance.

S1-4 Based on the input of Dr. Goodwin and other technical reviewers, the height of the berms has been modified somewhat from that originally proposed. Use of a 100-year flood hydrograph, as developed by the U.S. Army Corps of Engineers, assumes a peak discharge of around 42,000 cfs, with a flood duration on the order of 1½ days. It is important to note that three significantly larger floods occurred earlier this century: January 18, 1916, with a peak flow of about 52,000 cfs and a flood duration of about five days (Goodwin 1997); January 27, 1916, with a peak discharge of about 72,000 cfs and a flood duration of four days (Goodwin, 1997); and in 1927, with a peak discharge of approximately 56,000 cfs and a storm duration of almost three days (Chang 1998e). All three of these storms were significantly larger in both peak discharge and total volume than the Corps of Engineers' 100-year design storm. As questions were raised about the potential impact of a larger flood discharge, numerical modeling was also conducted for the 1927 flood, and formed the basis for the sizes (height) of the berms. Moreover, water surface profiles for which the berms were sized were also based on fluvial modeling, and not the Corps' HEC-2 water surface profile model. Thus, when comparing the 100-year water surface elevations using the HEC-2 model, the berms as currently designed are below the 100-year water surface elevation and, upstream of I-5, the berms are approximately 1/2 foot above the 100-year HEC-2 water surface elevation.

Although Dr. Goodwin questioned the need for berm elevations 3 feet above the 100-year flood standard, Dr. Nordin (one of the Coastal Commission's three required technical reviewers) strongly supported the original 3-foot design freeboard for the following reasons:

1. Overtopping during floods might breach the berm;
2. The preferential size for the beach sand is about 0.2 millimeter. During floods, fine sands would be fairly uniformly distributed in the flows, and even shallow flows over the berms would introduce substantial concentrations of sands into the tidal basin;
3. If the flows over the berms are shallow, debris would be likely to hang up along the berm crest, inducing scour along the face of the berm; and
4. In the event of a major flood with deep flows over the berms, large amounts of debris would likely be carried into the basin, substantially increasing maintenance costs (Goodwin 1997).

The analysis of visual and landform impacts associated with the construction of the berms is presented in section 4.6.1.4 of the Draft EIR/EIS. No significant, unmitigated visual impacts were identified; therefore, reducing the height of the berms is not necessary. The berms do contribute to the project's significant landform impacts; however, reducing the height of the berms by three feet would not change this determination.

- S1-5** The lead agencies agree.
- S1-6** These species are annuals that are known to colonize open disturbed areas, and hence there is a reasonable likelihood of success given that the project will result in extensive areas of suitable habitat.
- S1-7** The recommended revision has been incorporated into the Final EIR/EIS.
- S1-8** The Final EIR/EIS includes revised acreage tables that correct and where necessary clarify the information provided.
- S1-9** The Final EIR/EIS includes a revised Summary of Acreage Credits table.
- S1-10** The text in the Executive Summary, as well as in the Introduction, has been revised to more accurately reflect the SONGS permit.
- S1-11** This statement describes the assumption that was made in order to determine the CEQA-required "Environmentally Superior" Alternative. Although the Reduced Berm Alternative may provide fewer benefits than the other alternatives, the statement made in the Draft EIR/EIS, which relates to the assumptions used to make the determination, is true and therefore does not require any revision.

A complete discussion of the environmental benefits and potentially adverse effects of each alternative is presented in the Conclusion section of the Final EIR/EIS. This discussion also identifies the lead agencies' preferred alternative. The inclusion of this discussion responds to the comment regarding the degree of benefit provided by the Reduced Berm Alternative. See also Response F2-1.

- S1-12** Table ES-1 has been corrected to reflect the language presented on page 4.4-20 of the Draft EIR/EIS, which identifies this impact as significant and unmitigated. Although the identified impacts may be mitigable through creation of new tidal wetlands at a 4:1 ratio, no mitigation for such impacts has been proposed at this time. This disposal site is not included among the list of preferred disposal site options identified by the lead agencies.
- S1-13** A 1:1 mitigation ratio is proposed because the impacts to this freshwater wetland area would occur as a result of a proposal to improve water quality within the greater restored coastal wetland project. This freshwater marsh area exists at the end of storm drain that conveys a considerable volume of urban runoff to the edge of the Horseworld property. The JPA proposes to develop wetland treatment ponds at the end of this storm drain outlet in order to improve the quality of the water that enters the tidal wetland area. These ponds, which would be vegetated with native freshwater marsh vegetation, would also include an interpretive element. The lead agencies believe that the benefits to be derived by incorporating these natural treatment ponds into the project justify the proposal to mitigate impacts to this artificial freshwater habitat at a 1:1 ratio.
- S1-14** These mitigation sites were identified on the plan view maps in Chapter 2 and the acreages of most (but not all) were included in the summaries of cut and fill associated with each alternative. The "M35" referred to in section 4.4 should have been "W35" as shown in these figures. For clarification, a new subsection on mitigation sites, including a table showing all of the corresponding acreages, has been added to Chapter 2. Section 4.4 has been revised to be consistent with this information and to clarify the adequacy of mitigation site acreage to address SONGS requirements.
- S1-15** The Final EIR/EIS has been revised to clarify this issue. To summarize, as detailed in Appendix C-5, wetland impacts from berm construction for all alternatives except "Reduced Berm" would involve the loss of 0.49 acre of open water and 0.65 acre of seasonal wetland, a total of 1.14 acre requiring 4.56 acres of mitigation. An additional 0.04 acre of freshwater marsh would also be impacted, requiring 0.16 acre of mitigation. These impacts and required mitigation have been taken into consideration in calculating the total acres of wetland habitat to be restored, and there would be adequate surplus after the SONGS requirement to meet this requirement.
- S1-16** The referenced paragraph has been revised in the Final EIR/EIS to clarify the additional mitigation requirements triggered by the nesting sites and the availability of additional acreage to meet these requirements for the SCE project.

- S1-17** The Final EIR/EIS includes revisions to Appendix C-5 to correct and where necessary clarify the information provided.
- S1-18** With regard to model sensitivity and calibration studies for the Fluvial-12 program used by Dr. Chang, a fairly detailed description of the mathematical modeling and calibration testing is described in the Chang (September 1998) "Hydraulic and Fluvial Study for Wetland Restoration in the San Diego River" report, which was included in Appendix F of the Draft EIR/EIS. Additional discussion on the testing and calibration of the Fluvial-12 model using data from the San Dieguito River was also published in a Chang (1994) document, also referenced in the draft and available for review at the JPA Office. The latter document references a calibration study of the Fluvial-12 model based on data from the San Dieguito River during the 1993 flood. Those calibration study results modeling the San Dieguito River show that the model precision on predicting channel bed scour is about 1 foot. There was also a sensitivity analysis for the model documented in the calibration study report. It is notable that the model sensitivity and model calibration went through the process of national review. Application of the Fluvial-12 model for this project has also been approved by the reviewers approved by the Coastal Commission.
- S1-19** Numerical modeling was performed for both the existing conditions and for the proposed project conditions. All of the restoration alternatives, excluding the "No Action" alternative, incorporate the same main channel configuration confined by a series of berms. The hydraulic geometry data for the existing conditions was based on the topographic survey made in February 1992. The map was at a scale of 1 inch equals 100 feet. The proposed conditions utilized the February 1992 topographic geometry data as modified to reflect the proposed site grading, essentially as shown on Figures 2.3.1-2 and 2.3.1-5. Modeling for the proposed alternatives was performed with the inlet channel maintained at -3 feet NGVD, extending upstream to Jimmy Durante Boulevard.
- S1-20** It is possible for bars to form between the river channel and channels feeding the off-channel wetlands. However, this may not be a problem for this restoration project, as evidenced by the experience of the California Department of Fish and Game's southern tidal basin restoration project. The project, however, does acknowledge that periodic maintenance of the channels and basins could be required. To clarify this issue, section 2.3.1.10 has been expanded to address these types of issues. Included within this revised section is the statement that if bars form and it is determined that this could result in the degradation of an offstream wetland area, maintenance would be undertaken to correct the problem.
- S1-21** Base flow contributions were not addressed as part of these studies. The project design was based on the 100-year flood, which is not affected by the fluctuations in base flow. The City of San Diego maintains a recording stream gauge at the outlet of Lake Hodges and due to the historically low lake levels, discharges over Lake Hodges Dam are relatively infrequent and provide no contribution to base flows passing through the lower reaches of San Dieguito River. Downstream of Lake Hodges, the watershed is approximately 23 square miles in size and it is this lower watershed that provides base flows through the lagoon. Although stream gauge

records are unavailable to provide any quantitative base flow values, the presence of a growing urban development within the watershed downstream of Lake Hodges typically provides some small variable fresh water base flows to the lagoon. The incorporation of detention basins into these projects, as well as the presence of an existing detention basin on the 105 acres, will reduce the quantity of fresh water base flows. As this is a regional issue, control of fresh water base flows requires the cooperation of both the County of San Diego and City of San Diego.

S1-22 The improved hydraulic efficiency results from the berms confining flow and thus maintaining a uniformly deep channel flow. As the hydraulic efficiency is roughly proportional to flow depth raised to the 5/3 power ($Q \propto d^{5/3}$), overbank flow is much less efficient than the deep channel flow, and the berms ensure this hydraulic efficiency.

The confinement of flood flows within the main channel would increase the potential for scour of vegetation at flows less than would occur naturally. While it is recognized that the river channel also has a significant ecological value, under normal conditions, the ecology of the main river channel would be increased due to the improved tidal circulation. However, it is recognized that the channelized project reduces slightly the threshold river flows above which scour in the channel would occur. This slightly negative effect is offset by the significant improvement in off-channel habitat quality.

S1-23 The rationale for the selection of cross sections is to provide good representation of the channel geometry. For this reason, many cross sections were used in the study. The channel is expected to undergo changes during future floods; the extent of change is directly related to the flood magnitude. There is no plan to restore the channel to its present form after future changes, unless a change jeopardizes the performance of the project.

The model is somewhat sensitive to different cross sections. However, the model, like nature, tends to smooth out the hydraulic efficiency of adjacent cross sections in order to minimize the stream power of the channel. Any flowing river trends toward a stable equilibrium flow condition, where the stream power per unit channel becomes uniform along the channel, subject to given constraints. A stable channel is referred to as a regime channel. This concept is described in the engineering textbook "Fluvial Processes and River Engineering" (Chang 1988) referenced in the draft and available for review at the JPA office.

S1-24 Upstream mining at Via De Santa Fe has not occurred for several years and the use permit that allowed this activity has expired. Although mining has ceased for now, the remaining pit continues to deplete the supply of sediment to the channel reach downstream. It will take a long time span, measured in hundreds of years, for upstream sediment to pass through the sand pit; therefore discontinuation of this mining activity would not affect the proposed project for at least 100 years. If the past mining operation is permitted to resume at some future date, it will be the responsibility of the applicant for the sand mining operation to assess the effects, if any, on downstream resources.

S1-25 The proposed project, particularly in the vicinity of the berms, increases somewhat the channel velocities within those sections now confined by the berms. Figure 4.2-2 illustrates changes in 100-year flood velocities passing through the Wetland Restoration Project. It is important to note, however, that within the upstream reaches of the San Dieguito River, the existing hydraulic efficiency is so slow as to currently drop out any sediments, with considerable streambed scour occurring primarily downstream of the Jimmy Durante Bridge. The proposed project increases riverine sediment transport through the upper reaches of the project area, ultimately reducing general bed scour downstream of the I-5 Bridge. Figures 4.2-5 and 4.2-6 illustrate the changes in streambed scour from existing conditions to the proposed project conditions under the 100-year design storm. This actually reduces the potential for channel bed scour damaging utilities downstream of I-5. However, at least locally, this slightly increases the potential for channel bed scour upstream of I-5. The potential impact of increased riverbed scour in the vicinity of the Pacific Bell Duct Bank is recognized, and mitigation measures are discussed in section 4.13.

S1-26 See Responses F1-5 and S1-4.

S1-27 See Responses F1-5, S1-4, and S1-22. The primary purpose of this project is to provide a healthy biological habitat within the off-channel areas, to minimize stream channel degradation downstream of I-5, and to optimize sediment delivery to the beach. The berms accomplish all three of these objectives. By reducing the berm height, the hydraulic efficiency of the channel is reduced by a small amount ($Q \sim d^{5/3}$) and both washload and debris would pass over and be deposited in the tidal basins. This reduction in berm height would have a significant increase in the degradation of off-channel biological habitat, and a small decrease in sediment delivery to the beach.

To provide additional perspective, the Coast of California Storm and Tidal Waves Study, sponsored by the Los Angeles District Corps of Engineers, includes a relevant report on the Oceanside Littoral Cell Preliminary Sediment Budget (CCSTWS 87-4). Included is a significant discussion on sediment production from the upland watershed within the Oceanside Littoral Cell, of which the San Dieguito Watershed comprises 12 percent. Contemporary annualized estimates of sediment production amount to approximately 160,000 cubic yards of sand-size material from upland sources. However, more importantly, the upland watershed produces 1.45 million cubic yards of fine-grained material that is transported to the coast on an annualized basis and discharged into the Oceanside Littoral Cell. This amounts to approximately 170,000 cubic yards of fine-grained material annually passing through the San Dieguito River Basin, which with berms would preclude any deposition of this material into the off-channel basins. Reduction in berm height would result in a substantial amount of this material being carried into the off-channel tidal basins instead of being carried out to sea, all of which would degrade the quality of the off-channel biological habitat. The berms were designed and sized with these considerations in mind.

The upstream weir, near River Mile 2.09, has been incorporated in this area to eliminate any backwater effect of the berm upstream of I-5.

- S1-28** The culverts are used for the equalization of water levels between the river and the adjacent tidal basin. The inlet channel for each tidal basin is located at one end of the basin. Culverts are needed to allow flow exchange along the entire berm covering the entire tidal basin. While it is recognized that culverts at times have certain maintenance requirements, final project design will address and incorporate appropriate measures to mitigate any ongoing maintenance problems. The culverts in all instances have been designed as open pipes, 4 feet in diameter, with the culvert invert well above the toe of the berm in order to minimize maintenance problems. The culverts do not incorporate gates and since the invert elevation is well above the channel bottom this essentially eliminates sedimentation and scour concerns. Flowing debris can likewise be minimized by culvert inlets flush with the face of the berm. Concerns regarding culvert settlement will be addressed by geotechnical foundation design for the berms. As a practical matter, all culverts would require periodic inspection and clean out to ensure their ongoing hydraulic performance. A detailed discussion of the culvert design and performance can be found in Appendix F-7.
- S1-29** See Response S1-27. The weir has a crest elevation considerably higher than the riverbed. For this reason, only fine suspended sediment can be transported into the northeast basin, and only during the more infrequent flood flows. Excessive lowering of the overflow weir would substantially increase the frequency of washload entering the tidal basin and would transport more and coarser sediment into the basin, all to the detriment of the biological habitat of Areas W16 and W4. The primary purpose of the weir, in addition to eliminating This mitigation measure would, however, somewhat degrade the habitat quality of Area W16. any backwater effect of the berm upstream of I-5, is to provide improved off-channel biological habitat north of the berm. Although the detailed design of the weir will be included in final project design, its purpose is to ensure no net increase in any backwater effect from the berm, while at the same time maximizing off-channel habitat quality, primarily in area W16.
- S1-30** Flow through the overflow weir was computed based on the river level at the weir and the weir configuration. The discharge of flow through the weir is controlled by the crest elevation of the weir, independent of the water level in the northeast basin. The northeast basin has a lower water level and does not cause a backwater effect to influence the weir flow. In the hydraulics of flow, critical flow would be maintained at the weir crest. The critical flow is independent of the downstream water-surface elevation in the northeast tidal basin.
- S1-31** See Responses S1-29 and S1-30. A typographic error does in fact exist and has been corrected in the final document. The spillway invert elevation will be finalized in the final project design. The adjacent channel bed elevation upstream of the weir is near elevation +3, still well below the crest elevation of the weir.
- S1-32** The maintenance dredging plan prepared by Coastal Environments (1999) considers the wide variety of inlet channel cross sections and geometries that were used for the technical hydraulic and oceanographic studies prepared for the project. The maintenance plan uses a conservative analysis method that yields a more frequent

recurrence interval for maintenance dredging (about 8 months) than would be expected under normal conditions. In addition, there is likely to be river flow over any eight month time frame, which will remove sediment from the inlet channel. A quantitative sediment flux calculation was presented for the restoration alternatives and contrasted to the existing conditions in section 2.5 of Jenkins and Wasyl 1988. The model shows that all of the restoration alternatives would result in a reduction of sand influx rate into the lagoon when compared to existing conditions. The maintenance dredging recurrence interval (approximately 8 months) is based on this analysis. However, the actual dredging of the lagoon would be triggered by monitoring of the channel depths, the lagoon tidal prism, and water quality (salinity, dissolved oxygen, and pH). Results of the sediment flux computations are presented in Table 4.2-3 (Reference: Jenkins, May 23, 2000).

- S1-33** Section 2.3.1.4.2 has been revised to describe in detail the trigger mechanism for maintenance dredging. To summarize, the trigger mechanism would be based on water level measurements within the lagoon, inlet profile monitoring, and monitoring of water quality in the lagoon. When the tidal prism falls below the minimum necessary, maintenance dredging shall be conducted. In addition, if water quality parameters such as salinity, dissolved oxygen, and pH are at levels that are unsuitable for project goals, maintenance dredging would be conducted. The areas to be dredged would be based on the survey data as compared to the design configuration. It is important to note that the plan recognizes that frequency of dredging should be minimized due to the short-term impacts of dredging on the lagoon. The approach is adaptive and relies on environmental monitoring.
- S1-34** Maintenance of that portion of the river channel located between the Pacific Ocean and 150 feet east of the railroad bridge is described on pages 2-27 through 2-30 of the Draft EIR/EIS. To summarize, maintenance dredging in the area west of the railroad bridge is expected to be necessary approximately every 8 months (the schedule would vary slightly depending on which alternative is implemented). The area just east of the railroad bridge is expected to require dredging about every two years. The material that is expected to accumulate in the channel would be clean sand, which would be disposed of by placing it on the beach approximately 1,000 feet north and south of the river mouth on the open beach between the mean higher high water and mean lower low water line. No maintenance dredging is expected to be required beyond the area 150 feet east of the railroad bridge.
- S1-35** As shown in Figure 2.3.1-11 of the Draft EIR/EIS, slope protection along the south side of Berm 8 would include a combination of rock slope protection at the base to elevation +5 feet NGVD, open cell concrete block with vegetation to elevation +10 feet NGVD, and geotextile with vegetation above +10. It has been determined that stone revetment at the base of the berm is necessary to ensure berm stability during periods of flood flow. Bioengineered riverbank stabilization is gaining usage throughout the United States and could provide added benefits. The current berm design does not, however, result in any significant impacts that would warrant the requirement for additional mitigation measures; therefore, no changes to the current design are required. The applicant will, however, consider the incorporation of this new technology as a substitute for the current design during the final design phase

of this project, if it can be demonstrated that this new technology would provide the same or better performance standards as those of the current design. See also Responses F1-5, F1-8, S1-4, and S1-27.

S1-36 See Response S1-3. With the measures identified, we believe the buffer will function as intended and that no additional mitigation should be required.

Section 4.1.1.6.1 and section 4.4.1.1.3 have been revised to incorporate an expanded discussion of the impact analysis that has been conducted with respect to the alignment of a portion of the Coast to Crest Trail within the 100-foot buffer required as part of Condition A of the SONGS Unit 2 and 3 Coastal Development Permit.

S1-37 The segment of the Coast to Crest Trail that is proposed to be constructed within the 22nd District's existing seasonal parking area is located well outside the required 100-foot buffer described in the SONGS permit conditions. Additionally, as described in detail on page 4.7-5 – 4.7-7 of the Draft EIR/EIS, the proposed trail would be aligned within an area where cars currently park during the two weeks of the Fair (refer to Figure 2.3.1-15, Trail Segments 2 and 3). The mitigation proposed in the draft on page 4.7-8 requires the JPA to work with the District to develop a contingency parking plan for days of very high attendance. This could include allowing cars to park on the trail, where and when feasible, such as at night when the trail is not being used, and using the parking area proposed for the Nature Center. That portion of the trail that would occur west of Surf & Turf is proposed to be developed in an area currently used for parking, therefore, such an agreement would not result in permitting parking in an area currently unavailable for parking.

S1-38 Section 4.4.1.1.3 has been revised to clarify issues related to the effects on wildlife of operating a tram on Coast to Crest Trail. It is not expected that tram operations as proposed would significantly affect wildlife in the adjoining buffer zone.

S1-39 The California Department of Fish & Game has jurisdiction over uses that occur on their property. In August of this year the Fish & Game Commission took action to delete the Special Regulation that had allowed retriever training in the San Dieguito Lagoon Ecological Reserve in order to stop impacts to sensitive habitats and listed species nesting sites. Sections 3.1 and 4.1 of the Final EIR/EIS have been modified accordingly. Retriever training is not proposed as a permitted use within those lands that are either currently owned by the JPA or would be dedicated to the JPA following restoration.

S1-40 The uses that occur on Dog Beach are regulated by the City of Del Mar and the lead agencies for this project have no authority to implement any changes to the current regulations. As such, the current project proposes no changes to current activities on Dog Beach.

S1-41 Section 4.4.1.1.3 of the Final EIR/EIS has been revised to clarify potential impacts to biological resources as a result of dog activity in the project vicinity. It should also be noted that a number of measures have been incorporated into the project description to reduce the potential for direct and indirect impacts related to unsupervised dog activity on the new trails proposed by the JPA. These measures

include prohibiting dogs on the proposed interpretive trails and only permitting dogs on the Coast to Crest Trail if they are on a leash. Dogs would not be permitted on JPA property located to the south of the river, and removal of the Grand Avenue Bridge would reduce the potential for unleashed dogs to access nest sites 11 and 12. The Park Master Plan also recommends that the cities of Del Mar and San Diego actively enforce existing leash laws and if necessary enact new ordinances to ensure that owners keep their dogs leashed outside of designated off-leash areas and that all dog waste be removed immediately from all natural areas by the owner. See also Responses S1-3 and S1-40.

S1-42 The Final EIR/EIS has been revised to make this correction.

S1-43 This information is accurately presented on pages 1-30 and 1-31, as well as in Section 5.0.

S1-44 The buffer question is discussed under Response S1-3. With respect to the 4:1 mitigation requirement for the conversion of existing wetlands to nest sites, we believe there is precedent for incorporating nest sites into restoration projects without the need for 4:1 mitigation. As stated in section 4.4 of the Final EIR/EIS, the nest sites are needed for coastal wetland dependent endangered species and are an essential part of the proposed wetland ecosystem. In addition to being essential and optimized features that benefit coastal resources, the nest site component would also fulfill to the extent feasible a longstanding CCC requirement for 16 acres of nesting sites at San Dieguito. The nest site locations were chosen based on their likelihood of providing maximum nesting success for the targeted endangered species, based on the experience and expertise of the resource agencies and biological professionals. As discussed in the document, the nest sites are an integral part of the project design for all alternatives.

Mitigation for the placement of shorebird nesting sites in wetlands was considered by the Coastal Commission previously in the Coastal Development Permit for Batiquitos Lagoon. Mitigation was not required for changes in wetland habitat (from one type to another) and was not required for the construction of nesting islands even though the islands were constructed in areas defined as wetlands by the Commission's wetland definition.

In the Batiquitos Lagoon permit, the Commission concluded:

In plain terms, habitat conversion as proposed in this application is tantamount to the reduction in total acreage of one type of habitat in favor of the creation of a greater amount of a different type of habitat favoring different wildlife species. Such habitat conversion can only be considered restorative in nature if the resulting habitat is, in fact, functioning wetland at the conclusion of the project. In this case, such a finding can be made. Section 30121 of the Act defines wetlands as follows:

“Wetland” means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.”

Under the Coastal Act definition, all resulting habitat, with the exception of the least tern nesting areas, will be wetland area. Even with the construction of the sand flats for least tern nesting, the total acreage of wetland within the study area limits will not be decreased.

The Commission determined that the conversion of wetland habitats (in this case shallow subtidal open water and non-tidal flats) to deep subtidal and intertidal flats did not require a 1:1 habitat mitigation ratio, but was acceptable since the final acreage would not be decreased.

The Commission did establish a revegetation requirement that “all salt marsh vegetation impacted by the project be mitigated at a ratio of not less than 4:1 of replacement area to area impacted”. The salt marsh vegetation was to be salvaged and planted in other areas of the lagoon. The Commission required that the 4:1 mitigation be established within ten years from the commencement of dredging of the west basin. All of the vegetation loss was associated with the *dredging of salt marsh and brackish water vegetation* in the western, central, and eastern basins to create intertidal mudflats and subtidal habitat.

With respect to the Commission’s mitigation requirement as applied in the Batiquitos Lagoon CDP, mitigation was not required for the loss of mudflats (defined as “wetland” under the Coastal Act) resulting from the construction of the least tern islands. In particular, nesting islands E1, E2, and E3 were constructed entirely on mudflat wetlands in the eastern basin. These islands totaled approximately 23 acres. No mitigation was required for these habitat conversions by the Coastal Commission even though it resulted in a loss of wetland habitat.

In addition, the 4:1 mitigation requirement applied to loss of coastal salt marsh vegetation due to dredging. The Final EIR/EIS for the Batiquitos Lagoon Enhancement Project provided a map that showed the location of the coastal salt marsh vegetation (CSM) that would be impacted by the dredging footprint (Figure 3-1). It was estimated that approximately 7 acres would be impacted. The mitigation measure did not require that new wetland habitat be created; rather that the vegetation be salvaged and replanted elsewhere within the lagoon on existing unvegetated wetlands. The 4:1 mitigation requirement did not require immediate results or locations for achieving the additional vegetated acreage. A ten-year period was set as the time limit by which the mitigation measure had to be met. This would allow for natural recolonization of unvegetated mudflats by pickleweed and other salt marsh plants as projected by the tidal hydrodynamic model.

These same facts could apply to the San Dieguito Lagoon restoration although the nesting areas would be constructed primarily on non-wetland areas with only a portion vegetated by wetland plants. Therefore it would be consistent with previous determinations that the Commission not require mitigation for the construction of the nesting islands. Further, any mitigation for loss of wetland vegetation could also be limited to re-vegetation programs and natural recruitment under the new tidal regime to be established at San Dieguito.

Consistency of the project with the Coastal Act is addressed in section 5.0 of the Draft EIR/EIS. In accordance with section 15126.6(e)(2) of the CEQA Guidelines, the required discussion of the environmentally superior alternative is provided in section 2.3 of the Draft EIR/EIS.

We concur with the commenter's statement that this is an issue to be addressed in the future review of the coastal development permit and is appropriately not part of the discussion contained in the EIR/EIS.

- S1-45** Section 4.4.1.1.3 has been revised to more clearly address the potential for impacts to sensitive biological resources as a result of constructing and maintaining the Coast to Crest Trail within the required 100-foot buffer in several locations through the project site. See also the preceding discussion under Response S1-3. The opportunities and constraints associated with selecting an alignment for the Coast to Crest Trail were described in detail in Chapter 7, page 57 – 59, of the Draft Park Master Plan, and are summarized in the Project Description of the Final EIR/EIS.
- S1-46** Section 5.0 has been revised to state that filling of DS37 and DS38 would be inconsistent with section 30236 of the Coastal Act. Neither site is included in the lead agencies' list of preferred disposal site options; however, it is up to the decision-makers to approve the final configuration of disposal sites for the project.
- S1-47** Comment noted. The Coastal Commission's comments on this matter will be included in the forthcoming staff report to be prepared for the public hearing on this project.
- S1-48** This comment is noted. No text revisions are necessary.
- S1-49** See Response F1-7.
- S1-50** The issue of mitigation for impacts associated with the construction of nesting sites is addressed in section 4.4 of the Final EIR/EIS. See also Response S1-44.
- S1-51** The Project Description has been revised to include information regarding the 22nd District's obligation to provide nesting sites within the river valley.
- S1-52** This correction has been made to the Final EIR/EIS.
- S1-53** The Final EIR/EIS has been revised to clarify this statement.
- S1-54** The Final EIR/EIS has been revised to incorporate this cross-reference.
- S1-55** Environmental limitations on the use of SA3 are not expected to significantly affect the construction schedule. However, if use of the site were limited due to nesting activity, then the construction activities could be temporarily staged from another site or a new site could be designated for temporary use. Any site designated for temporary use would be subject to the same requirements for site cleanup and restoration to pre-project conditions.

- S1-56** The creation of tidal creeks and channels is an element of the project design that is more appropriately addressed in the recommendations of the Park Master Plan, as well as the future Coastal Development Permit. We agree that the incorporation of these elements into the final grading plans will result in significant biological and visual benefits. However, since these elements would not be considered mitigation measures, no changes to the Final EIR/EIS have been made in response to this comment. The Draft Park Master Plan does, however, include a discussion of the need for tidal creeks and channels.
- S1-57** H_s is the significant wave height, defined as the average height of the 1/3 highest waves in a given wave group. A wave group is a series of waves in which the wave direction, wavelength, and wave height vary only slightly.
- S1-58** Comment acknowledged. The figure has been corrected.
- S1-59** Table 3.2-1 was reproduced from the September 1997 Chang report, "Hydraulic and Fluvial Study for Wetland Restoration in the San Dieguito River." This source reference has been included in the table in the Final EIR/EIS.
- S1-60** Comment acknowledged. A reference to Table 3.2-4 has been included in the Final EIR/EIS, along with some discussion on NAVD 88.
- S1-61** Berm B8 and B8a are the same berm. The figure incorrectly labels berm B8 as B8a. The final document has been revised to correct this error.
- S1-62** The comment is correct; the table entry has been corrected.
- S1-63** The term degradation refers to the reduction in the biological quality of the habitat in areas W4 and W16 due to a minor amount of washload (silts and clays) and floating debris transported into the off-channel habitat. Although a very minor amount of sediment deposition may ultimately accumulate in this area, the significantly more serious concern is the environmental degradation of the off-channel habitat.
- S1-64** All of Dr. Chang's hydraulic studies utilize the NGVD datum and thus elevations reported on all graphs and tables are in English units (feet), utilizing the National Geodetic Vertical Datum (NGVD).
- S1-65** The Final EIR/EIS includes the correct figures.
- S1-66** This correction has been made to the Final EIR/EIS.

Caltrans

- S2-1** It is acknowledged that Caltrans has prepared a Project Study Report (PSR) for the future widening of I-5 in the project area and that the PSR documents the projected traffic increases and the need to widen I-5. The primary objective of the Final EIR/EIS traffic analysis, however, is to determine if the traffic that would be generated by the project would result in a significant impact on the roadways in the

project area, including I-5. The Final EIR/EIS traffic analysis indicates that the project would contribute up to 260 vehicles per day to I-5 during construction/restoration activities and up to 230 vehicles per day to I-5 when the public access facilities become operational. The traffic generated during the construction/restoration activities would be temporary, would occur in the short-range future, and would not be relevant to the long-range scenario addressed in the PSR. The traffic that would be generated by the public access features was shown to not result in a significant impact on I-5 based on the current traffic volumes and capacity of the freeway. This is because the project-generated traffic was estimated to increase the volume/capacity ratio by 0.002 or less. Since a significant impact is defined as an increase of 0.02 for a facility that operates at level of service F, the project's impact would be 10 percent or less than the significance threshold. If the traffic volumes on I-5 were to increase as forecasted in the PSR and if the freeway's capacity were to be increased by adding lanes, the project's impacts in the future would be even less than that which was shown in the Draft EIR/EIS and the conclusion would remain the same. That is, the project would not result in a significant traffic impact.

A discussion of the I-5 widening project and the potential impacts associated with the widening proposal has been incorporated in the Cumulative Impacts section of the Final EIR/EIS.

- S2-2** The existing traffic volumes shown in the Draft EIR/EIS were taken from various reports that were available when the study was initiated and reflect data for the years 1997 and 1998. More recent traffic data are now available for some of the roadways in the study area. For example, the 1999 traffic counts on I-5 in the project area range from 210,700 to 224,100. If the current data were to be used for the traffic impact analysis, the results would be the same, (i.e., that the project would not result in a significant traffic impact).
- S2-3** The traffic impact analysis is based on the number of lanes that are currently available and in use on the roadway facilities in the project area. While some of the roadways are not built out to their planned ultimate width, it is more appropriate to base the impact analysis on the known actual capacities instead of the expanded capacities that may or may not occur in the future, depending on whether or not the roadways are widened. In accordance with the City of San Diego traffic impact analysis guidelines, the analysis is based on the short-range future when the project will become operational.
- S2-4** Nesting Site NS15 already exists, although it is in need of enhancement. The current project simply proposes to reconstruct the site to improve its potential for successfully supporting the nesting activities of endangered and threatened species. The site cannot be moved to the west due its proximity to wetlands.
- S2-5** This haul road would pass under the freeway on the south side of the San Dieguito River, where several bays of the bridge are located outside of the main river channel.

Responses to Comments

- S2-6** Disposal site DS38 is not one of the disposal sites included within the lead agencies' preferred disposal site options, due to its relationship to jurisdictional wetlands. Depending on the timing of this project and the I-5 widening, fill material may be available for use in the freeway widening project. However, all environmental review and required mitigation associated with the freeway project would be the responsibility of Caltrans.
- S2-7** See Response S2-6.
- S2-8** Requested changes have been made to Figures 2.3.1-16 and 20 showing the existing ground profile, along with the water levels for both the Q50 and Q10 flood flows.
- S2-9** The trip generation characteristics shown in the Draft EIR/EIS were developed specifically for this project based on the anticipated utilization of the proposed public access facilities, which primarily consist of hiking trails and a nature center. The report indicates that the facilities would generate an estimated 560 vehicle trips per day. If the average SANDAG trip generation rate for an undeveloped regional park is used for the analysis (5 trips per acre), the public access facilities would generate 285 vehicle trips per day (5 trips per acre times 57 acres of accessible land area. This land would include approximately six acres for the Nature Center, approximately one acre of land devoted to trail construction, and the 50 acres that would be included around the Mesa Loop Trail). All other land in the vicinity of the trails is inaccessible due to habitat type, wetland, and the prohibition of access onto these lands. If this trip generation estimate were used for the analysis, the general conclusions of the traffic analysis would be the same. It would not be appropriate to use the SANDAG rate of 20 trips per acre for the facilities proposed at San Dieguito because that rate is applicable to parks developed with recreational fields, playground equipment, and other such activity-oriented facilities that are not anticipated for the San Dieguito site.
- S2-10** No restoration is proposed within the Caltrans right-of-way. According to the Project Study Report for I-5, all improvements to I-5 in the vicinity of the project would occur within the existing Caltrans right-of-way. Therefore, the restoration components of this project would not conflict with Caltrans' plans to widened I-5. Other components of the restoration project, including temporary construction access and construction of a trail under the I-5 bridge, would encroach into the Caltrans right-of-way, thereby requiring coordination with Caltrans, as well as the processing of an encroachment permit through Caltrans.
- S2-11** Comment noted.

State Lands Commission

- S3-1** Section 1.9 (Required Permits and Approvals) has been revised to indicate that a lease of state lands will be required.
- S3-2** Comment noted. See also Response O11-6.

Del Mar Fairgrounds

S4-1 Generally, both CEQA and NEPA require that the "project description" be accurate and finite, that is, the scope of the project cannot be a rolling or ambiguous target. The courts have said that a stable, accurate, and finite project description is the "sine qua non" (starting point) for a legally valid EIR. In accordance with this requirement, the Draft EIR/EIS provides a complete description of all aspects of the project. This information is provided both visually through numerous graphics and in text. A narrative description of the various project components is presented in the Project Description. This description clearly and accurately describes everything that is proposed as part of the project including the various trail locations, staging areas, and interpretive facilities. The specifics and location information about the trail locations and other park-related facilities are shown in more detail on Figure 2.3.1-15 and Table 2.3.1-14. In addition, section 1.3 describes the project area in terms that include the wetlands and trail locations--El Camino bounding one side, Via de La Valle on the north, etc., and does not exclude any trail areas.

Quite often, CEQA documents include within the scope of the project off-site improvements, such as road extensions, sewer lines, or storm drain connections that require the extension of certain aspects of the project onto adjoining parcels. These off-site improvements are described in detail in the document, but are not typically included within the project boundaries. This is done to avoid any misunderstanding as to which properties are being proposed for development in the document. Including the District's parcels within the project boundaries could lead to a misunderstanding on the part of the reviewer as to which areas are subject to restoration. The draft handled the issue of off-site activities consistently throughout the document, which also addresses the potential for off-site dredge disposal on the District's property. None of these "off-site improvements" are shown on Figure 1-2, because the "project" as a whole does not in fact extend into the District's Fairgrounds or Horsepark property, only the trail extension does, and that fact is clearly disclosed in a fair reading of the overall draft document, text and figures.

Page 2-11 and 2-22 of the Draft EIR/EIS included language indicating that the District has final authority over what types of restoration activities would ultimately occur on Parcel W6b. With respect to whether or not restoration of this area would achieve the purpose and need of the project, it is believed that restoration of this parcel to tidal wetland would be fully consistent with the project's purpose and need, which is to restore to the extent possible the historic tidal wetland habitat that once existed on both the west and east sides of I-5. Parcel W6b presently supports an area of salt marsh habitat and the current restoration planning demonstrates that complete restoration of this parcel to salt marsh habitat is feasible.

S4-2 Nesting sites have been incorporated into the project design because this habitat type represents a significant component of coastal restoration. The sites were not included to meet the District's Coastal Permit conditions as stated in your letter.

The Draft EIR/EIS does state on page 2-6 that SCE might construct these sites if an agreement can be reached with the District regarding use of the river mouth. However, if such an agreement cannot be reached, another party or funding source would be sought in order to implement this component of the project. Coastal Commission acceptance of the proposed 15.7 acres of nesting habitat to satisfy conditions of CDP #6-84-525 is not required to implement this project, although it may occur as a result of this project if required agreements can be achieved. No change to Section 1.9 is therefore required.

S4-3 Dr. Chang has performed additional Fluvial-12 modeling runs to determine the water surface elevations for the 5- and 20-year floods to address concerns raised by the District. Water surface elevations during the peak 5-year flood (3,000 cfs) have been obtained for the existing and proposed conditions. The results are summarized in Table S4-3.1 for comparison.

The tabulated results show that the project would not raise water surface elevations during the 5-year flood. In fact, the 5-year flood elevations would be lowered, primarily because of the proposed maintenance of the inlet channel. Water surface elevations during the peak 20-year flood (12,000 cfs) have also been evaluated by Dr. Chang for the existing and proposed conditions. These results are summarized in Table S4-3.2 for comparison.

The tabulated results show that the project would not raise water surface elevations during the 20-year flood for the reach downstream of River Mile 1.81. However, water surface elevations from River Mile 2.09 and continuing upstream would be raised by very small amounts. Such changes in water surface elevation are considered insignificant. It is also possible to reduce the water surface elevations, thus eliminating any post-project increases by adjusting the configuration of the overflow weir on the berm. Section 4.2 of the Final EIR/EIS has been revised to ensure that this fine adjustment is made during the completion of the final engineering for the project.

S4-4 It is not expected that the berm would be high enough to substantially affect the diurnal, up/down valley wind flow at the Horsepark. Wake effects equating to decreased wind speeds would occur directly up/down wind of this structure, especially during periods of stable atmospheric conditions (night time) or light winds. However, these effects would decrease with increasing wind speeds. Additionally, the berm would border less than 10 percent of the Horsepark property boundary and a wide expanse of flat ground extends south and east from the property. These factors would also minimize the effect of the berm from blocking the wind flow at the Horsepark. As a result, construction of the berm would not result in significant impacts to the Horsepark due to odors, vectors, or ventilation affects. A discussion of visual quality is included in the next response.

**Table S4-3.1. Comparison of Computed 5-Year Flood Elevations
Based on FLUVIAL-12**

<i>Section River Mile</i>	<i>Location</i>	COMPUTED WATER-SURFACE ELEVATION, FEET, NGVD*	
		<i>Existing Conditions</i>	<i>Proposed Conditions</i>
0.00	River Mouth	0	0
0.07	Highway 101 Bridge	4.26	1.3
0.13		5.10	1.68
0.27	Railroad Bridge	5.98	2.44
0.33		5.87	2.68
0.41		6.16	2.90
0.56	Jimmy Durante Bridge	6.43	3.25
0.71		6.73	4.43
1.00		6.93	5.79
1.16		7.26	6.01
1.38	I-5 Bridge	7.79	6.28
1.57		8.31	7.12
1.81		8.48	7.37
2.09	East End of Levee	9.53	8.64
2.18		9.72	8.87
2.27		9.93	9.37
2.35		10.21	9.81
2.44		10.66	10.34
2.53		10.96	10.70
2.61	El Camino Real	11.18	10.96
2.69		11.38	11.19
2.78		11.64	11.49
3.17		12.05	11.96
3.41		12.45	12.40

Table S4-3.2. Comparison of Computed 20-Year Flood Elevations Based on FLUVIAL-12

<i>Section River Mile</i>	<i>Location</i>	<i>COMPUTED WATER-SURFACE ELEVATION, FEET, NGVD*</i>	
		<i>Existing Conditions</i>	<i>Proposed Conditions</i>
0.00	River Mouth	0	0
0.07	Highway 101 Bridge	2.22	2.32
0.13		4.09	3.17
0.27	Railroad Bridge	7.19	5.80
0.33		7.79	6.38
0.41		8.64	7.26
0.56	Jimmy Durante Bridge	9.26	7.91
0.71		10.20	8.87
1.00		10.40	9.45
1.16		10.67	9.86
1.38	I-5 Bridge	11.18	10.20
1.57		12.31	11.70
1.81		12.71	12.39
2.09	East End of Levee	13.29	13.38
2.18		13.44	13.59
2.27		13.64	13.77
2.35		13.89	13.99
2.44		14.22	14.29
2.53		14.60	14.64
2.61	El Camino Real	14.80	14.83
2.69		15.48	15.51
2.78		15.76	15.79
3.17		16.33	16.35
3.41		16.61	16.62

S4-5 The highest portion of the berm to be located along the eastern property line of the Via de la Valle property would be 10 feet, not 18 to 20 feet. The height of the berm is determined by subtracting the adjacent existing ground elevation, which is 9 feet, from the proposed top of berm elevation, which is 19 feet. In addition, the deposition of disposal material on the northern portion of the Via de la Valle property would actually create a fill slope ranging from 16 to 23 feet in height.

With respect to the berm, some views that might currently be available from the practice arena located at the westernmost corner of the Horsepark property looking toward the southwest could be obstructed as a result of the berm, as illustrated in the accompanying figure (Figure S4-5.1). The majority of these southwestern views from the Horsepark property would, however, be unaffected. No significant views of the western river valley are currently available from much of the Horsepark site due to the presence of show barns along the southern end of the property. Those views that are available from the cross-country course would be unobstructed. No visual impacts to the Horsepark property as a result of berm construction have been identified; therefore, no mitigation is required. As described in the Project Description, these berm slopes would be planted with native grasses and an appropriate mix of coastal sage scrub species.

S4-6 The need for the berm along the Horsepark property is described in detail in the Draft EIR/EIS. In addition to reviewing the impacts of the restoration project, the draft also included an analysis of potential impacts associated with using the Via de la Valle property for District purposes. Figure 2.3.1-21 illustrates how access from Horsepark to the Via de la Valle property could be achieved, while still providing the berm that is necessary to meet the objectives of the overall restoration project. The manner in which the JPA and the District ultimately resolve the issue of a land exchange is not environmental in nature and need not be addressed in detail in the document. The draft does, however, provide analysis for a possible exchange option.

S4-7 The proposed height of the berm relative to the existing elevations is illustrated in Figure S4-5.1. No alternatives to the use of the berm in this location are proposed, as no significant, unmitigated impacts associated with the berm have been identified.

S4-8 The potential effects of the trail on the District's operations are described in detail in sections 4.1.1.6.1 and 4.7.1.2 of the Draft EIR/EIS. Sections 4.1.7 and 4.7.1.4 include specific mitigation measures that would reduce the potential impacts identified to below a level of significance.

In addition to discussing these trail proposals with the District during the planning process, a detailed discussion of the trail proposals was also presented to the District's Board of Directors prior to release of the draft document.

S4-9 A detailed description of the various trail proposals is included in section 2.3.1.8.2 of the Draft EIR/EIS. In addition, the draft includes a discussion of potential impacts and proposed mitigation for a variety of trail related impacts (see pages 4.1-8 through 4.1-10, 4.1-12, 4.1-15, 4.4-14, 4.7-5, 4.7-6 and 4.7-8). A re-review of the impact analysis included in the draft per the District's comments did not result in any changes to the document. It has been concluded that the current level of environmental analysis is adequate. If during discussions with the District regarding specific trail alignments or staging area locations, new environmental issues are identified, the need for additional analysis would be evaluated in accordance with the requirements of CEQA.

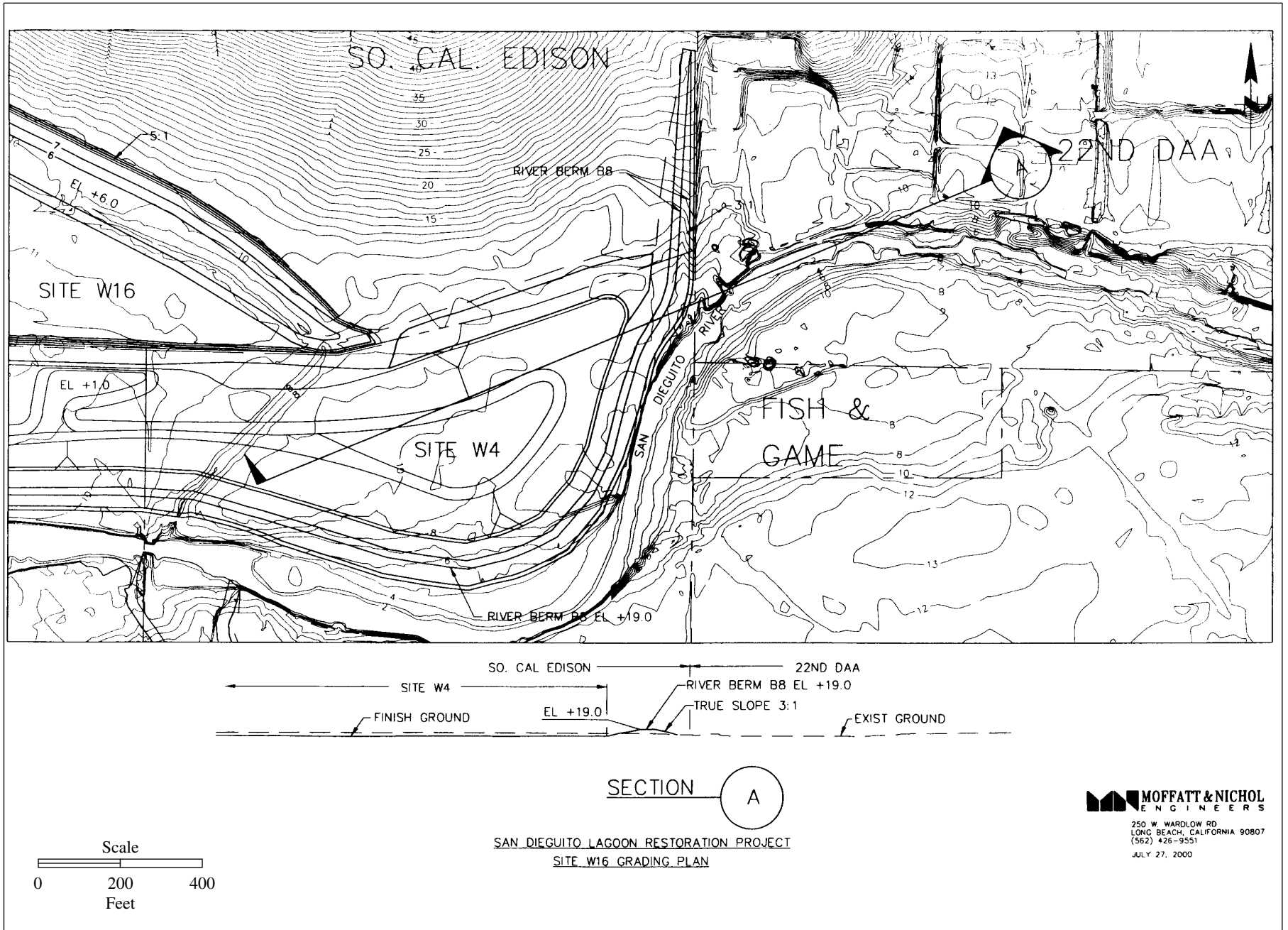


Figure S4-5.1. San Dieguito Lagoon Restoration Project - Site W16 Grading Plan Cross-Section

S4-10 As described on page 70 of the Draft Park Master Plan, the interpretive signage proposed as “Interpretive Point G” would be located next to the freeway underpass. No potential impacts from the driving range to trail users is anticipated at this location.

S4-11 The Draft EIR/EIS acknowledges the need to coordinate with the District regarding the final alignment of the trail and associated facilities in order to minimize potential conflicts. It is understood that the final design for these facilities must be worked out with the District prior to construction.

S4-12 See Responses S4-8, S4-9, and S4-11.

S4-13 The Draft EIR/EIS states that disposal itself would not result in any land use compatibility issues at DS38, but that disposal would conflict with *land use policies adopted for this area* (section 5.2.1). With regard to future development of the Surf and Turf property, section 4.1.1.3 does not identify significant land use impacts. It does, however, state that development of this area would create *potentially adverse land use* and environmental impacts, such as increased intensity of use in proximity to wetlands and increased traffic related to new development. To clarify the analysis, the Final EIR/EIS has been revised to replace the word “would” with “could.”

Although the line between forecasting, as described in section 15144 of the CEQA Guidelines, and “speculation” is subject to opinion, the placing of fill on the Surf and Turf parcel would to some extent make the site more developable. Therefore, it is appropriate for this document to disclose and discuss that fact. As required by CEQA, the EIR/EIS is obligated to address reasonably foreseeable future consequences. The fact that the District may adopt its own plans for the area in the future, which could limit development, does not control the scope of review within the current document.

S4-14 Concerns regarding increased flood hazard impacts at the Horsepark would be eliminated by lowering the proposed weir at River Mile 2.09. The exact elevation will be calculated during completion of the final design plans. With regard to the Stevens Creek Channel adjacent the Fairgrounds/Race Track, the proposed project in all instances reduces flood water levels within the San Dieguito River at its confluence with Stevens Creek, and thus would not adversely affect the drainage facilities at the Fairgrounds/Race Track. See also Response S4-3.

S4-15 An analysis of impacts to storm drains is presented in section 4.13 of the Draft EIR/EIS. The analysis concludes that this project would not exacerbate the existing impacts to storm drain conveyance during storm events, including the 5, 20, or 100-year flood, as the project would result in flood surface elevations that would be less than or equal to the elevations currently experienced during these respective flood events.

S4-16 See Response S4-14.

S4-17 Section 4.13 has been revised in the Final EIR/EIS to provide additional information regarding the sewer line. In response to comments by the City of Del Mar and the District, Dr. Hany Elwany on May 18, 2000, conducted a study to determine the location of the existing sewer line that was installed by the District around 1981. Through the use of a magnetometer and an underwater compressed air pressure jet system, Dr. Elwany determined that the top of the existing sewer line is located at -5 feet NGVD, or slightly lower by several inches. The specific results of this study are described in the revised text. Based on this information, the proposed construction activity, which would be required only if the bottom of the channel is higher than -3 feet NGVD, would not impact the existing sewer line which is located at -5 feet NGVD. To avoid any potential for disturbance of the pipe during construction, specific mitigation measures have been incorporated into the project.

With respect to increased scour, under existing conditions a 100-year storm would result in scour to a depth of -8 feet NGVD in the vicinity of the sewer line. This is lower than the line's current elevation; therefore, the line is in jeopardy under existing conditions. The increase in scour depth of one foot that would result from project implementation would not represent a significant change in the existing conditions. Therefore, no mitigation is warranted. The responsibility for relocating the pipe lies with the entity that installed the pipe at an elevation that did not take into account the impacts of a 100-year flood.

S4-18 The comment of the reviewer regarding the impact of the tram on trail use is noted, however, the conclusions of the document remain unchanged. The conclusion of the reviewer that trail use would conflict with Fair traffic is not supported by our impact analysis. The trail would be located along the edge of the parking area, therefore, no conflicts are anticipated. Trail users would stay within the confines of the trail and would not interact with the adjoining parking and pedestrian activity that typically occurs during the use of the Surf & Turf and south overflow parking lots.

S4-19 The specific location of the trail construction staging area would be worked out with the District as part of the overall trail alignment negotiations.

S4-20 The desilting basin proposed for the Surf and Turf property would only be required if this property were included as one of the approved disposal sites. This desilting basin would be necessary in order to protect downstream wetland resources during filling and grading operations on DS38.

S4-21 At the request of the District, a variety of potential future uses for the Via de la Valle property were analyzed in the document. In order to conduct this analysis, certain assumptions had to be made, and in accordance with CEQA, impacts and potential mitigation measures were addressed using a "worst case" analysis. If a future project were to be proposed that did not create the anticipated impacts, then the recommended mitigation measures would not be required. It is important to note that based on Coastal Development Permit CDP #6-98-154, approved by the California Coastal Commission on August 12, 1999, for this property, the permitted uses on this site are significantly limited over those originally analyzed in the Draft

EIR/EIS. See Response O4-9 for additional discussion regarding CDP #6-98-154. Also see comment letter S1, comment S1-47.

- S4-22** The definition of a "responsible agency" under CEQA is found at section 15381 of the Guidelines. A Responsible Agency is a public agency other than the lead agency that has discretionary authority over the project. It is not clear at this time that the District is in fact a Responsible Agency. No discretionary permits or approvals are required from the District. The District's "discretion" is limited to whether or not, and on what terms, the District will participate in the project as a landowner by allowing District land to be used. Although a public agency, the District's involvement is more as an affected/participating landowner than a public agency with discretionary approval authority. If it is determined that the District is a Responsible Agency and the responses provided to the comments raised do not in the opinion of the District adequately address the issues, then section 15096 of the CEQA Guidelines would apply.

LOCAL

City of Del Mar

- L1-1** The comment notes that the proposed project would result in greater scour near the bank protection for Sandy Lane, based on the scour pattern at River Mile 0.04. In the cross-sectional profiles presented by Rick Engineering Company, the scour reaches closer toward the bank protection under the proposed conditions, although the associated scour depth is actually less. It is recognized, however, that the proposed project must not result in impacts to Sandy Lane. For this reason, additional modeling runs were performed in order to determine the feasibility of solving this potential problem. The results of this updated modeling run have been added to Appendix F of the Final EIR/EIS and are summarized below.

The stream thalweg (main stream line) near the river mouth migrates within the broad floodplain, as evidenced in recent years and from historical photographs available for review at the JPA Office. The low-flow channel may stay close to the south river bank at and near River Mile 0.04. For this reason, a scenario with the low-flow channel near the south bank has also been evaluated. Results for this scenario (as shown in Figure 3 of Appendix F-6) illustrate that the project does not increase scour near the south bank.

It was also requested that cross section comparisons be made for more selected cross sections along the river channel. The requested maximum scour profiles for the existing and proposed conditions for the selected cross sections are included in Appendix F-6. Potential impacts of the project may be assessed by comparing the maximum scour profiles between the existing and proposed conditions.

The maximum channel bed scour for both the existing and proposed conditions have also been plotted for both the 5-year flood (3,000 cfs) and 20-year flood (12,000 cfs), and are also provided in Appendix F-6. Comparisons of the computed 5-year

and 20-year flood water surface elevations have also been reported previously in Response S4-3.

It is also important to note that the river flood flow scour potential exceeds the scour potential of the restored tidal flow. The river flood flow produces the maximum scour at the southerly bank. The maximum scour potential at the southerly bank would not change as a result of the project because the project does not change the river flood flow.

L1-2 FEMA map revisions are usually performed after a project receives final approval from all agencies. While FEMA is the agency for the floodplain/floodway delineation, FEMA does not get involved in project approval. It should also be noted that the effective flood plain/floodway delineation for the San Dieguito River in the City of Del Mar is based on a fixed boundary model, HEC-2. The floodplain boundaries cover many coastal homes south of the river, according to the effective FEMA map. The erodible boundary model should be used for the hydraulic study for the floodplain/floodway revision. The proposed project would cause no increase in floodplain/floodway boundaries in the City of Del Mar. The application for a map revision is normally initiated by the local agency, as opposed to SCE.

L1-3 The letter from Rick Engineering (RE) regarding their monitoring of the lagoon mouth provides no beach profile data or calculations. It relies on historical aerial photographs to support the assertion that the project daily tidal flow would scour sand away from the beach. It does not, however, fully describe the river and oceanographic conditions at the time of the photographs. The RE analysis is incomplete in that beach effects due to river flow are confused with beach effects due to tidal exchange. A careful review of the photographs when compared to the river flow conditions and oceanographic conditions at the time of the photographs provides a more comprehensive understanding of what actually is occurring.

The loss of beach area in the inlet location, apparent in the photographs, is the relict effect of recent river flood scour. In addition, the March 1984 and April 1986 photographs show the inlet after significant wave events that caused beach erosion locally and throughout the Oceanside Littoral Cell. Because of these significant and overwhelming river flood and wave events that occurred during the time of the photos, the RE conclusions regarding the impact of daily tidal exchange on the beach are inaccurate. The only effect that the project would have on the local beach sands would be a slight reduction in beach area due to the enlarged inlet channel cross section. The loss in beach sand is mitigated by new sand created by the dredging of the inlet. For a more detailed discussion, the reader is referred to Dr. Scott A. Jenkins' letter, dated May 23, 2000, which has been added to Appendix B of the Final EIR/EIS.

L1-4 Section 4.10.1.1 (San Dieguito Inlet Public Safety) of the Final EIR/EIS has been revised to clarify water depth and velocity issues associated with the restoration proposal, as well as to more accurately describe how the inlet would change in response to tides and periodic flood events.

Project impacts related to access across the beach are addressed in section 4.1.1.2 of the Draft EIR/EIS. At the time that the draft was prepared, there was insufficient information available to establish the feasibility of providing for pedestrian access from the beach to Camino Del Mar along the south side of the river. As a result, the draft identified a significant, unmitigated land use impact. The draft went on to state on page 4.1-5 that if a new access route could be provided to direct beach users to travel up and over the Camino Del Mar bridge in order to cross the inlet channel, this would mitigate the identified significant impact to below a level of significance.

Based on comments received during public review and additional input from the City of Del Mar, it now appears that the construction of a grade-separated pedestrian pathway can be achieved through the improvement of an existing pathway along the south side of the river. Sections 4.1.1.2 and 4.1.7 have therefore been revised to indicate that appropriate mitigation has been identified and that SCE has agreed to work with the City of Del Mar to implement the mitigation measure. The provision of this pedestrian access is consistent with the City of Del Mar's Community Plan. Specifically, the Environmental Management Section of the Del Mar Community Plan states, "If lateral access across the river mouth is impacted by Lagoon restoration, access shall be enhanced between the beach and Camino Del Mar both north and south of the San Dieguito River, including a pedestrian access connection over San Dieguito River."

The proposed access way would provide access from the beach to Camino Del Mar where an existing bridge provides access across the inlet. Once across the bridge, pedestrians could utilize the existing pathway on the north side of the river to get back to the beach. As described in the revised text, use of this pathway to cross the river would only be required at those times when access across the beach would be difficult due to the velocity and depth of the water in the inlet channel.

Section 4.1.1.2 has also been revised to address beach cleaner access. To summarize, the beach cleaner could access the north side of the beach via the existing access off of Camino Del Mar at those times that access across the inlet would not be possible. This change in current beach cleaner access was not identified as a significant impact.

Lifeguard access across the inlet and other issues associated with public safety are addressed in revised Section 4.10 of the Final EIR/EIS.

L1-5 The position of the City of Del Mar with respect to tram use of the Coast to Crest Trail will be forwarded to the JPA for consideration during its consideration of the overall project.

L1-6 Section 4.10.1.1 of the Final EIR/EIS has been revised to clarify the effects of the proposed restoration on the depth and velocity of the water within the inlet channel. In addition, the mitigation measures have been refined to identify the specific measures that would reduce to below a level of significance any public safety issues identified within the inlet channel area.

L1-7 See Response S4-17.

L1-8 It is important to note that DS38 is one of several disposal site options that were addressed in the Draft EIR/EIS. If the site were to be used for disposal, it would be filled to an elevation of approximately 15 feet NGVD. The Draft EIR/EIS notes that the use of this site would result in significant, presently unmitigated, impacts to biological resources. This biological impact would be avoided by eliminating the site from further consideration. As discussed in section 4.4 under “Disposal Sites,” the use of this site would probably impact between 7.8 and 19.5 acres of wetlands, depending on the final determination of jurisdictional acreage made by the Corps. To mitigate this impact at a 4:1 ratio, as would be required, 31.2 to 78 acres of wetlands would have to be created or restored. (It should be noted that this disposal site is not located within the effective flow area as stated in this comment.)

The potential growth inducing effects of raising this site out of the floodplain cannot be mitigated; they can only be avoided by choosing not to dispose of project-generated material on this site.

L1-9 The Final EIR/EIS includes revisions to the Project Description that address this issue.

L1-10 The volumes of project generated truck traffic shown in Table 4.7-7, which were addressed in the traffic impact analysis, include the potential use of trucks to haul export material away from the project site. This assumption was made so that the traffic analysis would represent a high-end scenario (in case this hauling activity is included as part of the project).

The statement in the draft regarding the transport of material from this site to another project site is provided to inform the public that if an offsite project is identified that can accommodate some of the material generated from the current project, such a proposal may be considered in the environmental documentation prepared for the receiving site. No project-generated material would be transported from the site without subsequent environmental review to address traffic, noise, and air quality issues.

L1-11 The geographical distribution of traffic used for the traffic impact analysis assumed that heavy trucks and equipment would not use the Grand Avenue bridge, but would instead use the segment of San Dieguito Drive south of the bridge to gain access to Staging Area 3. It was assumed, however, that light-duty vehicles could use the bridge or, alternatively, would enter/exit San Dieguito Drive via the construction access area constructed by the contractor adjacent to the bridge. Daily construction activity would not be permitted to travel on San Dieguito Drive beyond the Grand Avenue Bridge. This prohibition would be included in the traffic management plan described in the mitigation discussion in section 4.7.1.4 of the Draft EIR/EIS.

L1-12 The dredging of the river channel east and west of the railroad bridge was sufficiently described in text and accompanying figures in section 2.3.1.4 under “*Initial Grading and Long-Term Maintenance Plan for the Ocean Inlet and Channel of the*

San Dieguito River.” This has been numbered as subsection 2.3.1.4.2 in the Final EIR/EIS.

L1-13 Comment noted.

L1-14 This table has been revised to clarify that “City” refers to the City of San Diego.

L1-15 Various maps throughout the document have been revised to reflect this new information.

L1-16 This reference has been added to section 2.3.1.7.4.

L1-17 Section 2.2 of the Final EIR/EIS has been revised to include a discussion of the screening process used in considering alternative methods for maintaining adequate tidal exchange in the lagoon. See Response O8-1.

L1-18 Page 3.1-1, line 7, has been revised as requested.

Chapter 7 of the Draft Park Master Plan includes an extensive discussion of the proposed alignment for the Coast to Crest Trail. The alignment suggested for the Horsepark property would extend along the southern portion of the property, approximately 50 feet north of the river. As stated in the Draft EIR/EIS, this alignment could result in impacts to the existing cross-country course on the property. Future construction of the trail would require the approval of the 22nd District Agricultural Association, which owns the property.

L1-19 Section 2.3.1.5.3 has been revised to expand the discussion of how the staging areas would be treated following project construction. In general, the following requirements would apply:

For SA1, native dune topography and vegetation will be protected by fencing to the extent feasible while allowing use of the site and routing pedestrian access around the area. Vegetated areas that cannot be avoided would be restored following use of the site. SA2 is largely unvegetated and/or disturbed and so does not appear to require restoration following use, although, since the site is on City property, the JPA would implement the City’s requirements. SA3 would be maintained in an open to sparsely vegetated condition--with low-growing native salt-tolerant plants such as saltgrass--such that it could serve as a suitable nesting or resting area for waterbirds when not in use. SA4 would be revegetated with native seasonal salt marsh and transitional coastal scrub species, with the planting palette tailored to local soil and drainage conditions.

L1-20 No impacts have been identified that would necessitate recommending an alternative haul route and staging area location. In the event of nesting by sensitive species on the site, the required avoidance measures would be implemented. Use of the site would be deferred, and other sites utilized as necessary.

L1-21 Construction staging area SA1 would be needed during the excavation/dredging of the inlet channel, which is anticipated to take approximately 2 months to complete.

The staging area, which would be fenced, would have to be large enough to permit the storage of the machinery required to complete the work, as well as allow for maintenance and movement of the equipment. The Draft EIR/EIS did not identify this temporary intrusion onto the upper end of the beach as a significant impact. To ensure that adequate pedestrian and authorized motorized vehicle (lifeguards, trash removal, etc.) access is maintained from Camino Del Mar to the beach, the Project Description states that the construction drawings would include the requirement that the contractor provide an adequately-sized pathway between the construction staging area and the northern bluff. The appropriate size of the pathway would be discussed with City of Del Mar prior to completion of the construction drawings. The approval of the over-excavation disposal option as one of the disposal options for the project would also require a construction staging area in the same general location, although the size would be somewhat smaller as less equipment would be required to dispose of beach quality sand on the beach. The length of time that a staging area would be required for this activity would depend upon the amount of over-excavation that is undertaken. The staging area could be required for a period of between two and six months. Use of the staging area for delivery of sand to the beach under the over-excavation option would occur prior to use of the area for the opening of the inlet channel, which would occur in the last year of project construction.

- L1-22** The proposed use and restoration of staging areas is described in section 2.3.1.5.3, while mitigation measures to lessen the impact are provided in section 4.4.1.3.1. Restoration to pre-disturbance conditions is required. A mitigation measure requiring the applicant to replace currently existing non-native vegetation with native vegetation is not warranted, but the suggestion will be passed on for consideration and possible incorporation into the scope of the project.
- L1-23** See Response L1-21.
- L1-24** This issue was addressed in section 4.15.1.5 of the Draft EIR/EIS.
- L1-25** The roadway classifications cited in the EIR/EIS will be modified to be consistent with the document cited in the comment and the existing daily traffic volumes cited in the Draft EIR/EIS will be modified to reflect the most recent data compiled by SANDAG in their 1999 "Traffic Volumes" publication. While the data presented in the Draft EIR/EIS represented 1997/1998 information that was available when the study was initiated, it would be appropriate to now use the more current data.
- L1-26** Although construction activity related to this project could result in some damage to public or private roadway surfaces, this is not considered a significant environmental impact, therefore, no mitigation is proposed. The requirement for protecting and restoring any damage to the roadways is, however, a typical condition of grading and construction permits, and should be included by the City of Del Mar in any permits that would be required for project implementation.
- L1-27** The limitations to using the proposed haul road for SA3 are described in detail on page 4.1-14 of the Draft EIR/EIS. No additional mitigation is deemed necessary.

- L1-28** Section 4.7.1.1. has been revised to clarify the need to submit a traffic control plan to the cities of Del Mar and San Diego prior to issuance of permits for the project. Details regarding the number of truck trips, employee trips, and other trips associated with the proposed restoration were provided in the Draft EIR/EIS in Table 4.7-1.
- L1-29** As stated in the Draft EIR/EIS, the mitigation measures presented on pages 4.4-19 and 4.4-20 are tied to required grading permits and/or the Coastal Development Permit. These mitigation measures will also be included within the required Mitigation, Monitoring and Reporting Program.
- L1-30** The Final EIR/EIS has been revised to add the sentence, "Construction cannot taken place on Sundays or City of Del Mar holidays" to the first mitigation measure presented under section 4.14.1.7. Also added was a clarification that as-needed construction work may temporarily occur within 100 feet.
- L1-31** This mitigation measure is already included. Section 4.14.1.7 states: "When excavation and dredging are required between the beach and the railroad bridges and within a distance of about 1,000 feet to the east of the Jimmy Durante bridge, an electrified dredge shall be used in place of conventional construction equipment."
- L1-32** The referenced mitigation measure has been clarified to indicate that the term "dredging" includes maintenance dredging.
- L1-33** Methods of construction, as described in section 2.3.1.5, are provided in sufficient detail to allow adequate evaluation of potential impacts as required by CEQA and NEPA. It is not feasible or necessary to describe final, detailed construction methods in this document, as final construction drawings are not prepared until after the initial project approval and certification of the Final EIR/EIS.
- L1-34** The impact analysis included in the Draft EIR/EIS considered the impacts to sensitive receptors of the construction schedule outlined in the Project Description. It is understood that a variance would have to be applied for and approved by the City of Del Mar in order to extend the hours of operation beyond those permitted in the Noise Ordinance.
- L1-35** The noise impacts from use of this staging area were analyzed using the construction threshold established by the City of Del Mar. The analysis showed that impacts would only exceed this threshold if mobile equipment were used within 100 feet of the nearby residences. The feasibility of moving the boundary of the staging area 500 to 1,000 feet further north was considered, even though not necessary to mitigate the significant noise impact, but given the geographic constraints of the area, there would be insufficient room to accommodate the needed construction equipment and supplies.
- L1-36** The text has been revised as requested.
- L1-37** This requested detailed analysis would be conducted in association with the completion of final construction drawings for the restoration project that is selected

as the preferred alternative. The drawings and accompanying analysis would be part of the submittal package for all permits and actions required from the City of Del Mar.

- L1-38** Comment acknowledged. See also to Responses F1-5 and S1-25.
- L1-39** See Response L1-19.
- L1-40** The construction and design proposals presented in section 2.3.1.3 of the Draft EIR/EIS for the nesting sites were developed under the guidance of the U.S. Fish and Wildlife Service.
- L1-41** As described in Table 3.4-3 (page 3.4-42 of the Draft EIR/EIS), the gnatcatchers observed on the site were non-breeding juveniles dispersing from other locations.
- L1-42** In accordance with this recommendation, the referenced mitigation measure has been clarified to require the maintenance of sedimentation and desilting basins until the potential for erosion of graded areas has been minimized through the successful establishment of erosion control landscaping. This change has been made to the Executive Summary, as well as section 4.2.1.8 of the Final EIR/EIS.
- L1-43** The habitat in this area is assigned based solely on elevations, which indicate that in the absence of water sources other than tidal flow, the area would become exposed during at least some of the lower low tides. However, the reader is correct that there will be subtidal habitat in this area due to additional water sources (river flow and groundwater) that will perch the water levels above tides alone.
- L1-44** The text of the Final EIR/EIS has been revised to clarify that the pilings would be removed in association with the proposed dredging/excavation of the inlet channel. This measure will be incorporated into the Mitigation, Monitoring and Reporting Program as well.
- L1-45** See Response L1-6.
- L1-46** Optimization for the other alternatives would not change the conclusions. The main difference, applicable to all alternatives, would be the conversion of some areas of shallow subtidal habitat to frequently flooded mudflat because the greater tidal exchange volumes and current velocities would result in a lower sill and increased drainage at low tide.
- L1-47** See Response L1-42.
- L1-48** Section 4.2.1.4 of the Final EIR/EIS has been revised to clarify the effects of the project on the unprotected river banks as well as the berm slopes. The revisions acknowledge that the entire river channel between the river mouth and Jimmy Durante Boulevard would be subject to additional scrutiny during the final design of this project. Unprotected portions of the river bank, particularly between the railroad bridge and Jimmy Durante Bridge, may require additional river bank stabilization. The determination of how best to protect those areas that may be

subject to erosion as a result of the project would be made during the completion of the final design and construction drawings. These drawings would be submitted to the City of Del Mar for approval at the time that applications for all required permits are submitted.

Consideration of riverbank stabilization includes both an assessment of the existing riverine processes and the effects of the proposed project on these riverine processes. Clearly, the existing conditions have a significant potential for flood-induced scour, and the associated damage to both public and private improvements. Given this level of investigative study, the proposed project as currently configured will not exacerbate riverbank scour downstream of the river bend at River Mile 0.65. Final design would include a more detailed assessment of susceptibility to river bank scour at various locations and possible mitigation measures, including armoring the slopes with riprap or some form of cellular mat, or possibly some form of bioengineered riverbank stabilization that may include limited cribbing to help stabilize vegetative growth on the channel banks. In addition to considering possible mitigation measures, the final design work should also address the impact of any proposed additional streambank stabilization, namely increased erosion in areas adjacent to stabilized slopes. If the southerly riverbank were stabilized, river avulsion would be expected to significantly affect the 22nd District Agricultural Association property on the northerly riverbank. Conversely, armoring of the northerly riverbank would have a similar impact on the southerly riverbank. Hardening both riverbanks would likely elevate flood water elevations inundating nearby low-lying lands on both sides of the river. All these considerations must be included in the final design, and these considerations will require at least some level of consensus from the various affected parties. See also Responses F1-5, S1-4, S1-35, S4-3, and L1-1.

L1-49 The Mitigation, Monitoring and Reporting Program will include a discussion of how implementation of various mitigation measures would be assured. If performance bonds are to be required, these would have to be conditions of subsequent permits to be obtained from the City of Del Mar and/or the City of San Diego.

L1-50 The proposed berms and stone revetments would be covered as described in sections 2.3.1.4.3 and 2.3.1.4.4 of the Draft EIR/EIS.

City of San Diego

L2-1 A Multiple Species Conservation Program (MSCP) discussion is included in Chapter 5 of the Draft EIR/EIS (pages 5-13 and 5-14), while the project's consistency with the goals and objectives of the MSCP are addressed on pages 5-22 and 5-23.

L2-2 The requested changes have been made to the Final EIR/EIS.

L2-3 The conflict described in the Draft EIR/EIS is with one of the Guidelines for Future Development included within the General Plan and Progress Guide. The actual land use designation for this area is a combination of open space and residential

development. The restoration of this land to native habitat is not considered inconsistent with the land use designations of the General Plan for this property.

L2-4 Because the project will ultimately be maintained by a public agency, the requested language is not applicable to this project. Best management practices will, however, be included as conditions on the final construction drawings.

L2-5 The Cultural Resources section and the technical appendix have been revised as requested.

L2-6 The Mitigation, Monitoring and Reporting Program will include the appropriate language as requested.

L2-7 The Mitigation, Monitoring and Reporting Program will include the appropriate language as requested.

L2-8 Comment noted.

North County Transit District

L3-1 Comment requiring an agreement between NCTD and SCE is acknowledged. The technical study report provided by Dr. Chang, addressing debris loading on bridges, is contained in Appendix F-4.

L3-2 The technical study report provided by Dr. Chang, addressing pier and abutment scour, is contained in Appendix F-2. The supporting calculations evaluating local scour around bridge piers has been separately transmitted to NCTD for their review.

L3-3 Figures showing the existing and proposed channel cross section beneath Bridge 243.0 are provided in Appendix F-4, illustrating the total scour across the bridge cross section from debris rafts accumulating on the railroad bridge, as well as for debris rafts accumulating on the Camino Del Mar Bridge, the Jimmy Durante Bridge, and the I-5 bridge.

L3-4 The reviewer is correct. During the 100-year flood event it is estimated that the railroad bridge would fail due to loss of lateral support. However, this situation would also occur under the existing conditions and would not be exacerbated by the proposed project.

L3-5 See also Responses S4-3, L1-1, L3-2, and L3-3. Additional hydraulic modeling has been conducted by Dr. Chang to assess bridge scour under the 5-year, 20-year, and 100-year floods, the results of which are contained in Appendix F-6. In summary, and as illustrated in the figures contained in Appendix F-6, the project will cause no significant change in the pattern of general scour at the railroad bridge crossing. The depths of local scour are basically unchanged between the existing and proposed conditions.

- L3-6** The differences between the HEC-2 program and the FLUVIAL-12 model are described on page 3.2-10 of the Draft EIR/EIS. The assumption of bridge failure in the FLUVIAL-12 model is described in some detail on page 3.2-16 of the draft. Additional information is provided in reports provided as Appendix F.
- L3-7** Comment noted.
- L3-8** No increase in debris production is anticipated as a result of this project. Debris loading, however, with or without the project, places the railroad bridge at risk. During a 100-year event, under existing conditions, the bridge would fail. As indicated in the new analyses conducted by Dr. Chang, and reported in Appendix F-6, the improved hydraulic efficiency of the channel in the vicinity of the railroad bridge reduces total flow depths and hence local scour, with the combined general plus local scour (total scour) affecting the bridge piers being less under the proposed conditions for both the 20- and 100-year floods. However, for the 5-year flood, with the dredge channel depth at -3 feet and virtually no streambed degradation under this low-flow condition, although local scour would be less under the proposed project than under the existing conditions [due to the lower flow depths under the proposed project], the actual elevation of maximum scour would be deeper under the proposed project than would occur under existing conditions. This is due to the dredged channel depth that is somewhat lower than under existing conditions. It should be noted, however, that the actual post-project 5-year flood flow depth is approximately 1/2 foot less than existing conditions. Thus, the actual bending stresses in the bridge piers due to debris loading during the 5-year event may still be less under the proposed project condition than under existing conditions.
- L3-9** The project would not affect the amount of woody debris brought downstream during flood events, while stronger and more regular tidal currents caused by the project would tend to sweep debris through the bridge to a greater extent than occurs at present. As a result, the need for drift removal is likely to be less with than without the project. Lateral access to the bridge would not be affected by the project. The inlet channel would be somewhat deeper and subject to more predictable tidal fluctuations than at present, but it is not apparent that this makes it more difficult to remove driftwood that might pose a fire hazard.
- L3-10** The proposed restoration project would not significantly change the NCTD maintenance forces' ability to promptly remove accumulated debris from the railroad bridge. See also Response L3-9.
- L3-11** See Responses L3-9 and L3-10.
- L3-12** It is possible that improving water quality conditions would increase the likelihood that shipworms or other marine borers would infest the pilings of the railroad bridge. The fact that the bridge was infested in the past, under conditions of erratic tidal flushing and lagoon inlet closure, indicates that at some time in the future, marine borers would likely colonize pilings as they age, even without the project. Hence, it would not be reasonable to assign responsibility for protecting the bridge

timbers to the project and its sponsors. Since the comment letter, on page 7, indicates that bridge replacement is imminent, the design of the new bridge and protocols for its inspection and maintenance should take into account the restoration of the tidal ecosystem, and build in such protection from marine borers as is appropriate under these conditions. The JPA and project participants will work with the NCTD to accommodate requirements for access and maintenance and to minimize potential conflicts.

L3-13 See Response L3-12.

L3-14 See Response L3-12.

L3-15 Comment noted.

L3-16 The bridge pilings are located within a river channel that is subject to tidal exchange. Under existing conditions, the river inlet could be open for a long period of time or closed for a long period of time depending on both upstream and tidal conditions. Although the proposed project would result in the channel remaining open to tidal action in perpetuity, the project would not significantly change the conditions that could effect the bridge pilings under current conditions. Therefore, no significant impacts to the railroad bridge from this project have been identified.

L3-17 Section 4.13 of the Draft EIR/EIS includes mitigation to ensure bridge protection during construction. This measure will be incorporated into the Mitigation, Monitoring and Reporting Program required by CEQA.

L3-18 See Response L3-17.

L3-19 Comment noted.

L3-20 The technical documents requested by NCTD have been forwarded for review. The agreement described between NCTD and SCE is outside of the scope of the Final EIR/EIS and should be discussed directly with SCE.

L3-21 The JPA looks forward to working with NCTD as the conceptual designs for the San Dieguito River Bridge Replacement project are developed.

L3-22 See Response L3-20.

L3-23 See Response L3-20.

L3-24 The JPA is very interested in working with NCTD to find an appropriate solution to traversing NCTD's right-of-way in order to some day extend the Coast to Crest Trail to the ocean.

L3-25 Comment noted.

L3-26 Comment noted.

Southern California Edison

- L4-1** The Final EIR/EIS has been revised to add this table to the List of Tables.
- L4-2** The Final EIR/EIS has been revised to make this change.
- L4-3** The text has been revised to indicate that elevations shall be achieved within a tolerance of between +/- 0.25 feet (conventional, land-based construction equipment) to +/- 0.5 feet (dredging equipment).
- L4-4** Comment noted. The text in the noise section (4.14) notes that impacts would be significant unless an electric dredge were used. The JPA could adopt a Statement of Overriding Considerations if it is determined that use of an electric dredge is not a viable option for maintenance dredging.
- L4-5** The correct scale has been added to these figures.
- L4-6** This is the most recent topographic map available from USGS.
- L4-7** Reference to the source document, the CCC's letter dated October 13, 1999, is included in the Final EIR/EIS.
- L4-8** Point 1: The cross section presented as Figure 3.3-5 in the text is representative of Area W1, which may be overexcavated for beach replenishment sand. As indicated on page 3.3-5, lines 10 through 14, and page 3.3-6, lines 1 and 2, this cross section is based on borings completed by Ogden (1999) and Ninyo & Moore (1999). Sampling in the upper 20 feet in these borings was completed on a very tight spacing. For example, sampling in LG-1 was completed at depths of 1.5, 2.5, 5.5, 7.5, 11.5, and 15 feet. Similar sampling intervals were completed in other borings in this area. Therefore, data control in the upper 20 feet is very good by standard engineering practices. These borings are sufficient to adequately characterize the sediments from a depth of 0 to 20 feet.
- Point 2: Comment noted.
- Point 3: This is speculation. The effects of placing beach quality sand on the beach would depend on the time of year in which the sand was to be deposited, as well as the volume of sand available from over-excavation.
- Point 4: It is true that the over-excavation disposal option could have some negative effects depending on the amount of sand that is removed from the area, however, this option also has its benefits which include reducing the amount of material that would have to be deposited at other disposal sites within the river valley. The over-excavation option is included to address impacts related to landform alteration, visual quality, erosion, and water quality that could occur as a result of disposing of project's excavated material on the other disposal site options evaluated in the Draft EIR/EIS. Each of the disposal site options would result in impacts to the environment, therefore, it is necessary to evaluate each of the

disposal site options and determine which array of options would have the least impact on the environment.

Point 5: The potential for liquefaction exists through the western river valley under existing conditions. This condition exists on both the east and west side of I-5. The same is true for seismically induced settlement. ICG Incorporated (1989) in their Preliminary Geotechnical Investigation for the San Dieguito Partnership, which included the Via de la Valle, 105-acre, and Ranches properties, states that seismically induced settlements are typically on the order of 2 to 5 percent of the height of the liquefaction zone. According to the ICG report, seismically induced settlement on the east side of I-5 could be on the order of three to six inches, which is similar to that projected by Ninyo & Moore for the west side of I-5. Both reports include recommendations to address this settlement issue. Potential liquefaction and damage to the existing I-5 structure would be addressed through mitigation measure #1 described in section 4.3.1.7.

Point 6: The primary reason for including the over-excavation disposal option in the array of disposal site alternatives is the effect this alternative would have on the quantity of excavated material that would have to be deposited on the surrounding uplands. The incorporation of this option into the mix of disposal options would reduce the volume of material that would be placed in upland areas, thereby reducing the potential for future erosion from these sites and the possibility that sediments from these sites could end up in the restored wetland areas. Beach sand replenishment, which would be a by-product of this option, would also create beneficial impacts with respect to geological resources, including reducing coastal erosion.

L4-9 The text in the Final EIR/EIS has been revised to correctly describe the existing condition.

L4-10 The changes requested in items 1 and 2 are not necessary to clarify the analysis and have therefore not been made. The change requested in item 3 would materially change the scope of the project, which currently indicates that the river mouth would be maintained in an open configuration in perpetuity. As a result, the requested change has not been made to the document.

The impact to agriculture described in item 4 is directly related to the existing soil types on the property. Once excavated materials are added to these areas, the agriculturally suitable soils would no longer be accessible and there is some doubt that these fill areas could be successfully cultivated. Soil salinity and nutrient content would be significantly different from that found in the underlying native soils. In addition, the topographic characteristics of the area would be altered, thereby changing existing drainage patterns and soil permeability.

A discussion of nighttime maintenance activities has been added to the Project Description and mitigation measures to reduce impacts from night lighting and noise have been added to the land use section, (section 4.1).

The request in item 6 to change the Project Description to indicate that the Grand Avenue Bridge (or an adjoining bridge should the Grand Avenue Bridge prove to be structurally unsound) would not be used to accommodate daily construction activity is not appropriate as it would significantly alter the impact analysis included in the Draft EIR/EIS. Consequently, this change to the Project Description has not been made, and the current mitigation measures that prohibit the use of San Dieguito Drive, east of the Grand Avenue Bridge, and Racetrack View Drive for daily construction activity remain unchanged.

As described in the text, the peak times would occur when the Del Mar Fair and the racing season are operational (i.e., not at peak hours during those times).

L4-11 Page 4.2-20, lines 16-18, of the Draft EIR/EIS states that the requirement for beach suitable materials to contain at least 80 percent sands is an agency guideline.

This issue is discussed on page 4.2-20, line 3-28. The treatment in the Draft EIR/EIS of potential water quality impacts associated with beach disposal or nearshore disposal of dredged materials is not considered inadequate. Approval for beach or nearshore disposal of dredged sediments would be limited to materials with characteristics similar to those of existing beach sands. The volume of material from the project site that meet this criterion is relatively small. As stated in the Draft EIR/EIS, impacts from placing sand-sized material on the beach are insignificant and may consist largely of short-term and localized discoloration and increased turbidity of nearshore waters. These changes would not persist and would not result in associated impacts to humans or aquatic organisms.

The option to install a “cofferdam” has been added to the mitigation measure; however, the requested wording that would only require these structures on the ocean side of the construction staging area has not been added, as it may be necessary to protect other waterways including the river and newly created channels from contamination as a result of unanticipated spills.

The term “temporary” applies to the full time during which construction is occurring and construction equipment is present on the site. The error on page 4.2-31 has been corrected.

The error on page 4.2-32, line 32, has been corrected.

L4-12 This change is not necessary as the Project Description does include these measures and they are therefore properly described as having been included in the project design.

L4-13 The text has been changed to clarify that the haul route (not the water control structure) shall be in ruderal habitat. The alternative possibility of locating SA4 within the DS32 area has been included as suggested. The requirement for restoration of haul routes and disposal sites has been modified to indicate that restoration is required for areas whose use is no longer required, and which have not been converted to another use in support of the project. The setback distance

has been modified to "...within 100 feet (or as otherwise determined by the USFWS)." USFWS would have the authority to require a different setback distance as warranted.

L4-14 The Final EIR/EIS has been revised to include both disposal sites in the referenced mitigation measure.

L4-15 The Final EIR/EIS has been revised to correct this typographic error.

L4-16 The Draft EIR/EIS identified specific measures that could be easily and cost-effectively implemented to reduce NOx emissions to less than significant levels. To simply state that "other construction methods may be submitted to the permitting authorities for approval prior to construction" to reduce NOx emissions would not be consistent with section 15126.4 of the CEQA Guidelines which states that formulation of mitigation measures should not be deferred until some future time.

Alternative fueled equipment that use methanol or liquid propane gas, for example, would reduce NOx emissions from the project. However, heavy duty equipment powered by alternative fuels are not readily available and it would be cost prohibitive to obtain and operate these equipment. It is possible that the applicant could retrofit some construction equipment to promote the use of alternative fuels emission reduction technologies and could gain a substantial emissions credit from the ARB and SDCAPCD. It is expected that this approach would be more expensive than the proposed mitigation program. Replacement of equipment usage with human labor would reduce project emissions, although extensive use of this approach is probably infeasible. This approach also would take more time to complete the proposed construction activities, which contradicts the concern SCE has about project delays that would occur from the proposed mitigation to extend construction into the second year to keep annual project NOx emissions below 50 tons.

It has been estimated that retarding injection timing by four degrees would reduce NOx emissions by 30 percent from mobile diesel equipment. However, this level of adjustment is a departure from manufacturer's recommended specifications for most mobile equipment. It would increase fuel usage by about 8 percent and could cause operational and maintenance problems, not the least of which would be increased engine temperature. Mobile equipment that operates in this mode for an extended period of time would wear down more quickly, resulting in higher operational costs. Stationary diesel engines tend to operate at fairly even loads and being larger capital investments can justify the cost of retrofits to compensate for the adverse side effects associated with this control technique. It is not recommended that project construction equipment operate in this mode unless approved by the manufacturers of the equipment.

L4-17 Section 4.10 has been revised to clarify the impacts associated with increased depths and velocities at the river mouth following project implementation.

L4-18 The text does not require revision. The cultural monitor would have the authority to instruct any equipment operator to stop work or move elsewhere immediately

upon discovering cultural resources. Requiring the monitor to contact the construction foreman prior to halting or redirecting work could result in irreparable damage to the resource. The construction foreman would be contacted at the time the appropriate agencies are contacted.

L4-19 Once again, the text does not require revision. The paleontological monitor would have the authority to instruct any equipment operator to stop work or move elsewhere immediately upon discovering a paleontological resource. Requiring the monitor to contact the construction foreman prior to halting or redirecting work could result in irreparable damage to the resource. The construction foreman would be contacted at the time the appropriate agencies are contacted.

L4-20 The language related to hours of operation has been modified as follows: “The use of construction equipment in this area shall be limited to daytime weekdays, 7:00 AM to 7:00 PM and Saturdays from 9:00 AM to 7:00 PM, unless the permitting agency (or agencies) determine, following notification of the surrounding property owners, that extending these hours would not significantly impact the adjoining residents.”

L4-21 With respect to item 1, see Response L4-20. Daily construction workers would gain access via the Grand Avenue Bridge. See also Response L4-10, item 6.

L4-22 The discussion in section 9 has been revised to reflect the incorporation into the Final EIR/EIS of a feasible mitigation measure for impacts to public access at the river mouth.

L4-23 No project proponents were included in the List of Preparers, although his name has been added to the list of References (Chapter 12) and the list of Agencies, Organizations, and Persons Consulted (Chapter 13) in the Final EIR/EIS.

L4-24 The referenced text and table have been corrected accordingly.

Sempra Energy

L5-1 CEQA does not require the EIR/EIS to analyze project costs. This issue should be addressed with SCE in a different venue.

L5-2 This change has been made.

L5-3 The Project Description and section 4.13 of the Final EIR/EIS have been revised to clarify the discussion of power line relocation.

L5-4 Comment noted.

L5-5 Relocation of the utility lines is not expected to have any significant biological impacts because the existing poles are in disturbed upland (agricultural) habitats, such that the lines can be taken up for relocation, and poles removed, without impacting sensitive habitats or species. The lines would be relocated, prior to

implementing wetland restoration, to road shoulders that similarly lack significant resources.

L5-6 It would be SCE's responsibility to provide for monitoring or additional mitigation as may be necessary for relocation, but as noted above, the lack of significant biological impacts suggests that no monitoring or additional mitigation would be required.

L5-7 Maintenance of the relocated lines would not require access through sensitive habitat. The proposed relocation route is illustrated in Figure 4.13-1 and addressed in section 4.13 of the Draft EIR/EIS.

L5-8 Your assistance is appreciated.

ORGANIZATIONS

Carmel Valley Community Planning Board

O1-1 Comment noted.

O1-2 The purpose of the Draft EIR/EIS is to equally evaluate each of the various alternatives presented in the document. Under CEQA, more emphasis is placed on those alternatives that can avoid or mitigate adverse impacts, while NEPA calls for equal evaluation of all alternatives. To meet both the CEQA and NEPA requirements, this EIR/EIS analyzed all of the alternatives at the higher level of analysis. It is based on this analysis, as well as input received during public review, that the lead agencies selected a preferred alternative. As part of this evaluation process, the biological benefits of each alternative were evaluated and ranked, as were the adverse impacts of each alternative. In addition, each alternative was evaluated to determine to what extent it meets the goals and objectives of the San Dieguito River Park Concept Plan and the goals and objectives developed by the Working Group. An explanation of this evaluation process is included in the Conclusions section of Volume I of the Final EIR/EIS.

O1-3 As stated above, the agencies' preferred alternative was selected primarily on the basis of which alternative offers the greatest long-term biological benefits to the ecosystem. The issues of consistency with the River Park Concept Plan and goals and objectives of the Working Group were also taken into consideration.

O1-4 The specific goals of the San Dieguito River Regional Plan and the MSCP Subarea Plan are presented on pages 5-11 through 5-13 and 5-13 through 5-15, respectively. In addition, the draft on page 5-23 states "the use of trams on the trail would not be consistent with the intent [of the Torrey Pines Community Plan and San Dieguito River Regional Plan] of permitting only low-intensity uses on the trails." The issue of motorized use of trails is not specifically addressed in the MSCP. The potential impacts to biological resources as a result of the use of the tram on the trail are described in section 4.4.

O1-5 The analysis conducted for the restoration project determined that restoration of the lagoon under any of the alternatives would not preclude the future widening of the El Camino Real bridge or roadway. Because the bridge widening project is still in the alternatives analysis phase, it will be the responsibility of the Draft EIR/EIS that is to be prepared for the bridge widening project to analyze the various effects that each type of bridge design could have on the downstream hydrology. The JPA staff is committed to working with the City of San Diego on this important public improvement and will take the steps necessary to ensure coordination between the widening project and the restoration project.

In addition, the JPA's consultants for the restoration project have participated in several meetings with personnel from EarthTech, the environmental and engineering consultants to the City of San Diego for the planned widening of El Camino Real and the bridge replacement. Earth Tech staff have also been provided with copies of much of the SCE consultants' work products to ensure consistency between the two projects.

Torrey Pines Planning Group

O2-1 As stated in Chapter 1 (Introduction) of the Draft EIR/EIS, "It is not the purpose or intent of this EIR/EIS to evaluate either the adequacy of the CCC permit conditions as mitigation for impacts to the marine environment from SONGS Units 2 and 3, or the effectiveness of the proposed mitigation plan in meeting the minimum standards and objectives set forth for wetland mitigation in Condition A of the CCC Permit for SONGS Units 2 and 3." These questions are more appropriately directed to the California Coastal Commission.

O2-2 The restoration designs proposed for San Dieguito are based on principles that have been tested and refined over many years using data from natural and restored tidal marshes. The Batiquitos Lagoon restoration project is a local example that validates the relationships between tidal hydraulics, elevation, and habitat development that are the basis of the alternative designs. Another example is the Anaheim Bay mitigation project (within the Seal Beach National Wildlife Refuge) for the Port of Long Beach, which was completed in 1990 and has been deemed successful by the responsible agencies. The same concepts are proposed for implementation in the Bolsa Chica restoration project currently under review.

O2-3 The larger the tidal basin, the less often the inlet channel would need to be dredged. This is because a larger tidal basin creates a larger tidal prism, resulting in greater tidal velocities in the channel. It is this tidal action that assists in keeping the mouth open. It is important to note that there are also biological benefits to creating sufficiently sized tidal basins, as described in the Final EIR/EIS.

O2-4 Very specific regulatory agency requirements exist for the placement of dredged material on the beach or other areas of the aquatic environment. Regulatory agencies include the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the California Coastal Commission. For beach placement of dredged material, the current requirement is to match the grain size of the existing beach

material. For the San Dieguito project, most of the dredged/excavated material east of Camino Del Mar is finer-grained material that would not be appropriate for beach nourishment under current regulations. The exception would be the subsurface sand layer described as part of the over-excavation disposal option (Chapter 2). There is an array of disposal site options addressed in the Draft EIR/EIS, many of which do not occur in sensitive areas, and not all of the sites addressed in the draft document are required to meet the disposal needs of the project.

O2-5 Water surface profiles were computed using two different models; the fixed boundary model, HEC-2, and the erodible boundary model, Fluvial-12. Because the channel boundary of the river is subject to significant changes, the results from the erodible boundary model are considered more accurate. Therefore the Fluvial-12 model is clearly the modeling tool of choice for this project. The model precision for predicting both channel bed scour and water surface elevation using Fluvial-12 is 1 foot.

As discussed in the Draft EIR/EIS, the HEC-2 model is a fixed boundary model developed by the Corps of Engineers and used by FEMA and other agencies across the U.S. It is clearly recognized by the engineering industry that the fixed boundary model is inappropriate when rivers have the potential to scour, such as the case within the San Dieguito River. Although not appropriate for this study, its national use warrants its discussion and tabulated comparison whenever discussions of flood inundation are provided. Please note also that the flood insurance maps for Del Mar provided by FEMA utilize the HEC-2 model, which indicates relatively high levels of inundation. During actual flood conditions, where water levels have been measured, the Fluvial-12 model provides a much closer approximation to the actual water surface elevations measured during flood stage. See also Responses F1-5, S1-4, S1-18, S1-25, and S1-35.

O2-6 On May 17, 1996, the JPA Board adopted Resolution R96-4, which related to the funding and design of the Coast to Crest Trail through the western end of the river valley. Included within this resolution is a discussion of the need to work with the 22nd District Agricultural Association, the City of Solana Beach, and the City of Del Mar to identify a suitable trail alignment that avoids environmental impacts, while minimizing impacts to fairgrounds operations. In addition, the resolution states that the JPA “will objectively evaluate environmental and other impacts of the option of the Fairgrounds-related tram use of the path.” It is as a result of this agreement that the Draft EIR/EIS includes an evaluation of the potential for impacts associated with the possible future use of a portion of the Coast to Crest trail by the tram.

O2-7 See Response L1-4.

O2-8 As described in Chapter 4.1 (Land Use), page 4.1-15 of the draft, “a public outreach/public comment program shall be developed by the applicant and approved by the appropriate affected agencies.” The implementation of such a program would reduce project construction impacts to below a level of significance.

O2-9 Chapter 5 of the Draft EIR/EIS outlines those portions of the Torrey Pines Community Plan that are relevant to the proposed project. Based on an analysis of the community plan, the Draft EIR/EIS determined that the proposed project would be consistent with the goals, objectives, and proposals included within the Torrey Pines Community Plan. One of the proposals described in the Plan states “the lagoon should be enlarged to enhance plant and animal habitats, and to create a sufficient tidal prism to ensure adequate water circulation and to keep the mouth of the river open.” In order to enlarge the lagoon and restore a percentage of the lagoon’s historic salt marsh habitat, it is necessary to dredge out the previously filled areas of the project site. The physical changes associated with this activity and the minor encroachments needed to create a functional restoration project at San Dieguito were not found to be inconsistent with the statements included within the Torrey Pines Community Plan.

The Draft EIR/EIS does acknowledge that the disposal of fill on the 22nd District’s Fairgrounds property would result in significant, unmitigated impacts. Filling of these properties does not appear to be consistent with the Plan’s proposal that “within the 100-year floodplain fringe of the San Dieguito River, fill for roads and other public improvements and/or permanent structures will be allowed only if such development is consistent with uses allowed pursuant to the A-1-10 zone and other existing zoning, is capable of withstanding periodic flooding, and does not require the construction of offsite flood protective works.” It is unclear from your comments if you are referring to those aspects of the project that relate to the 22nd District properties, or if you are referring the overall restoration plan.

The project has been reviewed and scrutinized by a variety of agency biologists and consultants, peer-reviewed by some of the nation’s top hydrologists, and designed with significant input from California Coastal Commission and U.S. Fish and Wildlife Service staff. Tidal restoration is a new science that has been successful in some areas and disappointing in others. The lead agencies have included in their consideration of the preferred alternative the issue of probable success. It is based in part on the issue that the Mixed Habitat Alternative has been selected as the lead agencies’ preferred alternative. It should also be noted that the Coastal Development Permit for the SCE restoration project will include requirements for long-term monitoring, maintenance, and where necessary remediation.

O2-10 The discussion of demographic characteristics was based on the most current information available from SANDAG. This is a reasonable approach, particularly given the nature of the project. As a wetland restoration project, it would generally create a beneficial long-term environmental impact; however, a discussion of the potential loss of agricultural jobs has been added to the environmental justice analysis. The proposed project would result in the conversion of existing tomatofields on the Via de la Valle, Ranches, and 105-acre City properties. The economic impact of this loss is addressed in Chapter 4.15. It is estimated that some farm workers would be displaced as a result of this conversion from agriculture to native habitat. It should be noted that the farming activity currently taking place on these properties is considered an interim use. Development of these properties in

accordance with the underlying zoning would also result in the conversion of these agricultural fields to non-agricultural uses.

The proposed project would have no impact on existing housing in the area or on existing jobs associated with the 22nd District. No other long-term adverse impacts would result from the project that would disproportionately affect low-income or minority populations in the project area.

- O2-11** The Draft EIR/EIS provides a detailed analysis of all potential impacts associated with this proposal to restore historic coastal wetlands to the San Dieguito River Valley. These impacts and any proposed mitigation are summarized in Table ES-1.

Friends of the San Dieguito River Valley

- O3-1** The area located on the north side of the river near the mouth, between the railroad tracks and Camino Del Mar, at present has limited tidal exchange through a small channel which can become obstructed as sediment accumulates, resulting in persistent open water habitat. The restoration project does not propose to alter the small channel inlet to this area, and as a result, it is expected that conditions will remain approximately the same as they are at present, with the inlet channel tending to break through and deepen during periods of winter runoff. The primary effect attributable to the project would be that prolonged periods of inlet closure and stagnation affecting this basin and other parts of the lagoon would no longer occur.

Habitat changes in the DFG Lagoon or “South Tidal Basin” referred to in the comment were carefully considered in the Draft EIR/EIS and are discussed in section 4.4. The appearance of permanent open water in the DFG Lagoon is an artifact of poor tidal flushing. This area and other areas of open water along the river become stagnant and degraded during periods of lagoon closure. Intertidal mudflats represent extremely productive and valuable habitats that provide open water habitat on a regular to semi-permanent basis. Conversion of the margins of the DFG Lagoon from open water to periodically exposed mudflats is acceptable given the increased habitat values that result and the creation of extensive tidal open water areas elsewhere within the restoration design.

The proposed intertidal slopes are described in Chapter 2, in the “Grading Plan” figures and related text, especially in section 2.3.1.4. Project alternatives incorporate essentially the same design slopes for various habitats, so this is not a factor that distinguishes the alternatives. Habitat designs have been scrutinized throughout the development of project alternatives and by the EIR/EIS team. It is our opinion that the proposed slopes are appropriate and do not require modification to improve the likelihood of successful restoration. The design slopes are “optimal” from the standpoint of providing desirable acreages and habitat configurations within the finite area that is available. As a result, any modifications to habitat slopes would change the acreage and spatial relationships of different habitats in ways that could favor one habitat at the expense of others, but would be undesirable in terms of the ecosystem as a whole. In particular, we find that the

project's incorporation of relatively flat slopes of 25:1 or 28:1 across most of the intertidal range of the newly constructed basins is highly appropriate and consistent with general recommendations on the creation and restoration of tidal wetlands. Above and below this range, steeper slopes as proposed are acceptable because a) the corresponding habitats are less vulnerable to erosion by tidal action; and b) at high intertidal to upland elevations, additional stabilization will be provided by permanent vegetation.

- O3-2** The 22nd District Agricultural Association is a state agency that has responsibility for operating and managing the Fairgrounds and its other properties in the area in its capacity as a state agency. It is the Board of Directors of the 22nd District Agricultural Association that makes decisions relative to what occurs on the property, not the State of California, therefore, we do not believe that the Draft EIR/EIS misrepresents the role of the District. The issue of the District's role as a responsible agency is addressed in Response S4-22.

Response O11-6 addresses the issue of the Public Trust Doctrine.

The comments related to the proposals put forth by the District and analyzed in the Draft EIR/EIS will be forwarded to the JPA Board in the staff report to be prepared for the public hearing on this matter. See also Response O2-6.

- O3-3** Lake Hodges will be maintained at a lower level due to the construction of a new reservoir at Olivenhain. However, the increased volume of flood water storage in Lake Hodges is much less than the volume of flood water during the 100-year flood. In other words, there will still be spillovers during major floods. The peak discharge of the 100-year flood will therefore not be significantly affected by the County Water Authority's Emergency Water Storage Project. This issue was factored into the modeling runs conducted for the restoration project.

- O3-4** The use of Staging Area SA3 to a permanent staging site along the west side of I-5 would be required to provide access for the equipment needed to conduct long-term maintenance of the wetlands in Module W1. It will be important to set aside an area for equipment access to minimize mobilization operations and eliminate mitigation requirements for future maintenance activities. The equipment needed for inlet maintenance would be stored at a different location and brought in as needed.

- O3-5** A discussion of beach access is provided in Response L1-4.

Page 2-44 states that access from Camino Del Mar to the beach on the north side of the river would be maintained, but would be limited to a corridor provided along the bluffs that could accommodate both pedestrian activity and authorized lifeguard vehicular activity.

- O3-6** The impact analysis included in the Draft EIR/EIS, sections 4.1 and 4.14, considered the impacts to sensitive receptors of the proposed 16-hour workday. It should be noted that under the current noise ordinances for the cities of San Diego and Del Mar, construction activity would be limited to the hours of 7 A.M. to 7 P.M.

weekdays, and 9 A.M. to 7 P.M. on Saturdays. To extend construction activity beyond these hours would require a variance from the City of Del Mar. For construction activities located within the City of San Diego, SCE could apply for a permit from the Noise Abatement and Control Administrator that if approved would permit construction activity to occur outside the standard hours of operation.

SCE is requesting the extended hours in order to complete the required excavation during the dry periods of the year. SCE is requesting that the contractor be permitted to implement the restoration project utilizing a 16-hour workday and working 6 days per week. Most of the construction work would be done between 7 A.M. and 7 P.M., while the remaining time would be used for maintenance of construction equipment. SCE understands that residents would be temporarily impacted by this relatively large construction project; however, SCE believes that reducing the number of hours in which construction activity could occur would delay or more specifically extend the overall project schedule, which may be perceived by the surrounding residents to be worse than have the contractor work more hours over a shorter period of time. This issue would have to be addressed by the jurisdictions that have authority over such construction activities.

O3-7 See Response O2-8.

O3-8 Comment noted.

San Dieguito River Valley Land Conservancy

O4-1 A table has been added to the Final EIR/EIS that provides a comparison of the tidal hydraulics for each alternative. This information is provided in the Conclusions section of Volume I of the Final EIR/EIS as part of the discussion of the preferred alternative. The rankings discussed on the pages cited have been revised for consistency.

O4-2 Section 4.10.1.1 has been revised to clarify issues related to water velocity and depth at the inlet. The new information provided in the Final EIR/EIS has been presented in a manner that should be understandable to the layperson.

The overall issue of “trafficability” (safe public crossing) of the inlet, as influenced by considerations of water velocity and depth, is presented below. During the historic period of 1980-89, the U. S. Army Corps of Engineers performed regular beach profile monitoring of the Del Mar beaches (survey ranges #DM-0580 and DM-0590, as described in USACE, 1991). A beach profile at range #DM-0590, located adjacent to the north bank of the river mouth, was measured about midway through this period (5/9/84), as shown in Figure O4-2.1. Superimposed on this profile below the berm crest (dot-dashed line in Figure O4-2.1) is the configuration of the dredged inlet channel (shown in red), as proposed by the lagoon restoration plans. Although all of the restoration alternatives call for a dredged channel having a bed elevation of -3 ft NGVD, an inlet sill will form where the channel intersects the beach profile, as illustrated schematically by the red dotted area in Figure O4-

2.1. The inlet sill is a natural deposition response that will equilibrate the channel inlet area to the wave climate and tidal prism, (Jenkins and Wasyl 1998; Jenkins and Inman 1999). Because the tidal prism varies among restoration alternatives, the inlet sill elevation is different for each alternative; having a maximum depth of -2.0 ft NGVD for the Maximum Tidal Basin Plan and a minimum depth of -0.5 ft NGVD for the Reduced Berm Alternative (Jenkins and Wasyl 1999a, b, c). In Figure O4-2.1, the inlet sill elevation is illustrated for the Maximum Intertidal Plan with an elevation of -0.9 ft NGVD. Under existing conditions, surveys by Elwany (1993) indicate that the inlet sill has a mean elevation of about 0.0 ft NGVD. However, during river floods, the inlet sill is scoured away and the inlet channel depth is controlled by the stream power, scouring to depths of -6 ft NGVD for a 20-year flood and -10 ft NGVD for a 50-year flood (Chang 1997). River floods cause the deepest inlet water depths, which are not increased by any of the restoration alternatives.

Hourly ocean water levels measured by the Scripps Pier tide gage (NOAA #941-0230) were downloaded from NOAA (1998) for the period 1980-89. During this period the highest recorded water level was EHW = +5.25 ft NGVD and the lowest recorded water level was ELW = -4.63 ft NGVD. These water levels define the upper and lower limits of the tidal oscillations that occurred during the decade of 1980-89, and are shown in Figure O4-2.-1 as blue dashed lines. At any instant in time, the tidal elevation shown as the solid blue line in Figure O4-2.1 will be at some position between the EHW and ELW lines. The instantaneous depth of water at the lagoon inlet is measured by the vertical distance between the inlet sill and the instantaneous tidal elevation, as diagramed in Figure O4-2.1. Because the tidal elevation changes continuously over time, the depth of water at the lagoon inlet also changes continuously. When the tidal elevation drops below the elevation of the inlet sill, the water depth at the inlet becomes zero and it is then possible to traverse the lagoon inlet along the dry beach below the elevation of the sill. This condition occurs for several hours each day during periods of low tide and occurs for all restoration alternatives.

To quantify the trafficability of the lagoon inlet for the pre- and post-project conditions, a frequency analysis was performed on the inlet water depth using the 1980-89 ocean water level record from the Scripps Pier tide gage. The inlet water depth computations were based on the inlet sill elevations computed by the hydroperiod analysis in Jenkins et al. (1999). The results are presented in Figure O4-2.2 in terms of the percent time during the 10-year simulation record that the water depth exceeded each of the possible elevations between the inlet sill elevation and the extreme high water level (EHW). As a conservative estimate of trafficability, it is assumed the maximum depth of water that could be safely traversed by wading across the inlet is 1 foot, shown by the horizontal dashed line labeled trafficability depth in Figure O4-2.2. For any given curve in Figure O4-2.2, all the points on that curve that are on the left-hand side of the intersection with the 1 foot trafficability depth limit represent non-trafficable conditions when lateral access across the lagoon mouth becomes potentially unsafe or infeasible due to extreme water depths during periods of high tide. In the case of existing conditions (black solid line), Figure O4-2.2 shows that the lagoon mouth was not trafficable

49.0 percent of the time during the tidal conditions of the 1980s. (Loss of trafficability due to deep river scour is neglected in this analysis and would further increase this estimate). A comparison of the percent time that the inlet would be non-trafficable between the pre- and post-project conditions is shown in Table O4-2.1.

Table O4-2.1. Inlet Trafficability

	<i>% Time Inlet is Non-Trafficable *</i>	<i>Increase of % Time Non-Trafficable</i>	<i>% Time of Dry-Inlet Condition</i>	<i>Decrease of % Time of Dry-Inlet</i>
Existing Conditions	49.0%	0.0%	27.4%	0.0%
Maximum Tidal Basin Plan	85.2%	36.2%	6.4%	21.0%
Mixed Habitat Plan	81.4%	32.4%	9.4%	18.0%
Hybrid Alternative	77.5%	28.5%	12.1%	15.3%
Maximum Intertidal Plan	70.4%	21.4%	15.7%	11.7%
Reduced Berm Alternative	60.6%	11.6%	19.9%	7.5%

*Based on % time that inlet water depth exceeds 1 foot.

Inspection of Figure O4-2.-2 and Table O4-2.1 reveals that the restoration would not render the lagoon mouth totally untrafficable. The increase in the occurrence of the non-trafficable inlet condition is at most 36.2 percent in the case of the Maximum Tidal Basin Plan, and only a 21.4 percent increase for the Maximum Intertidal Plan.

The intersection of the curves with the horizontal axis in Figure O4-2.-2 gives the percentage of time in a 10-year period that the depth of water in the lagoon inlet is above zero and the inlet is considered “wet.” When these intersection points are subtracted from 100 percent, the result represents the percentage of time when the lagoon inlet is dry. This dry-inlet condition occurs during the lower stages of the tides when ocean water levels are below the elevation of the inlet sill, see Figure O4-2.-1. The percentages of time in a 10-year period when the dry inlet condition prevails are given in Table O4-2.1. A dry-inlet under existing conditions occurred 27.4 percent of the time during the decade of 1980-89, consistent with observations detailed in Jenkins and Wasyl, 1996. The dry inlet condition in the presence of the restoration would occur as little as 6.4 percent of the time for the most dredging-intensive restoration alternative. The Reduced Berm Alternative would have the smallest impact on dry beach area in the neighborhood of the inlet, reducing the percentage of time that a dry inlet condition occurs by only 7.5 percent relative to existing conditions. When the tide is falling and the depth of water over the inlet sill is less than one foot, the ebbing flow down the face of the beach would widen to as much as several hundred feet while the depth of the flow thins to a few inches or less. This is a natural hydraulic response known as a tidal fan belonging to a class of fluid flow phenomena known as “thin film flows.” The tidal fan ebb flow pattern occurs on the beach for existing conditions. These tidal fans would be somewhat

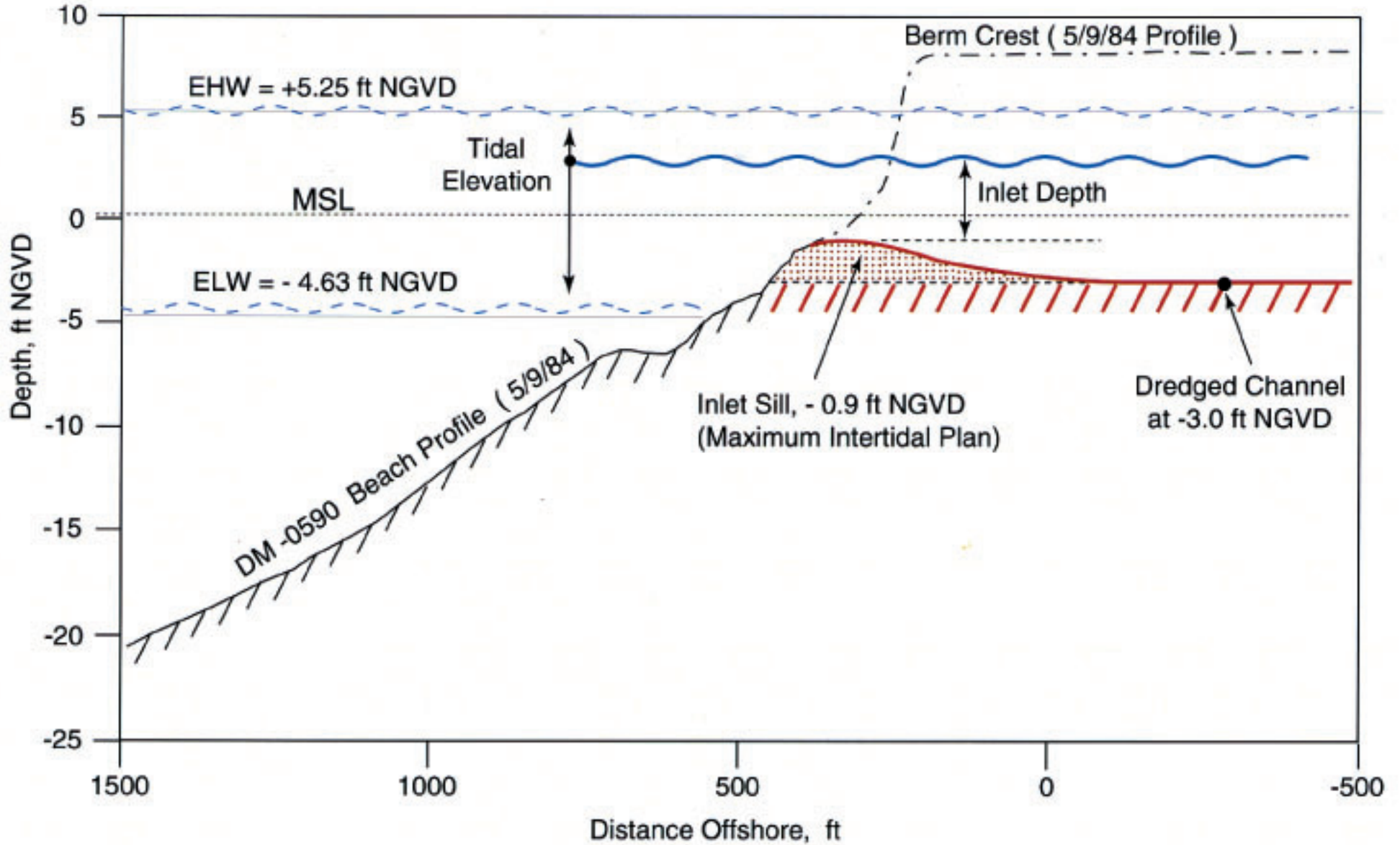


Figure O4-2.1. Along Channel Cross-Section of Lagoon Inlet and Beach Profile

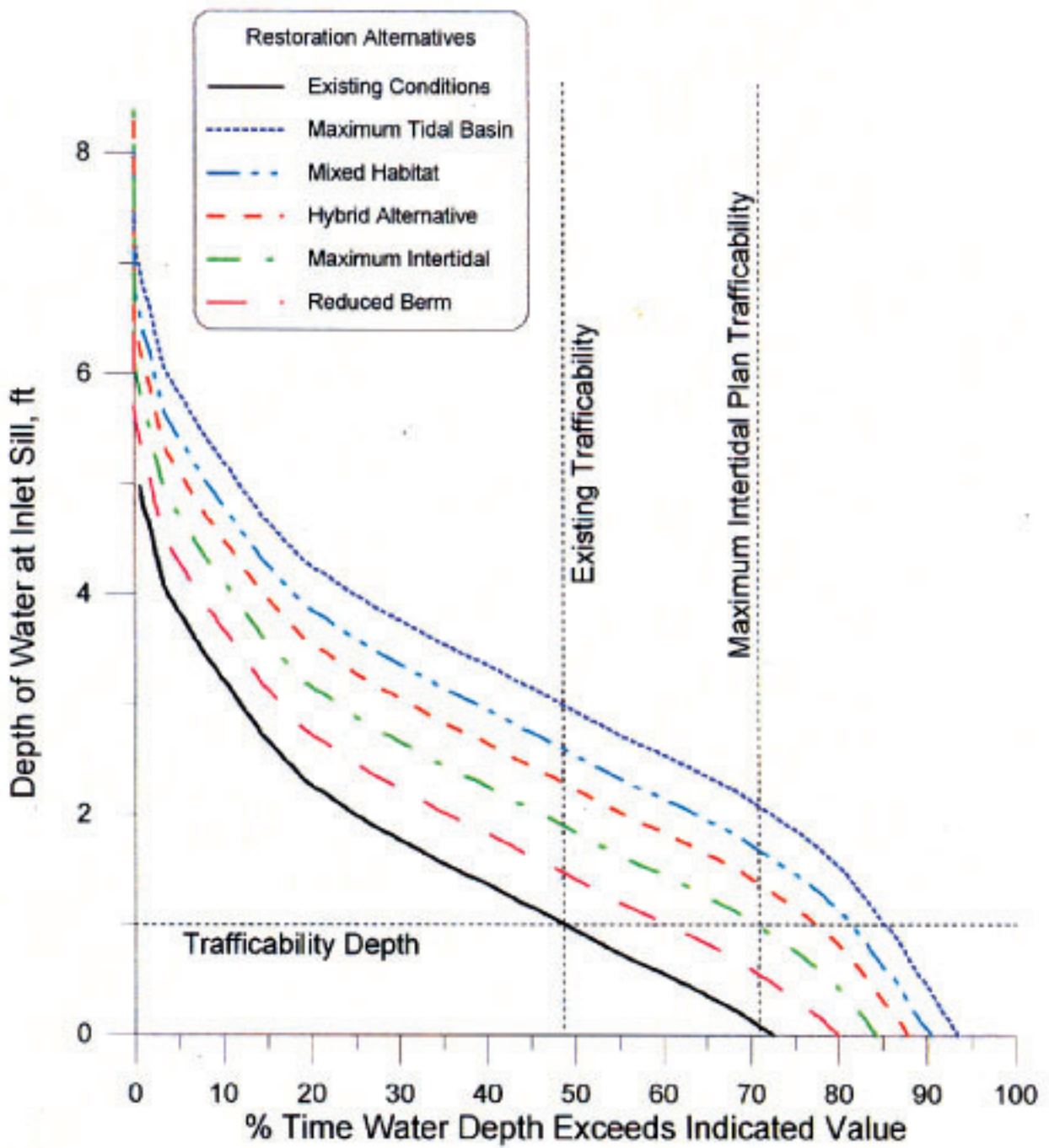


Figure O4-2.2. Inlet Channel Water Depth Variation, San Dieguito Lagoon, CA for Historic Ocean Water Levels, 1980-1989

wider for the restoration alternatives because of the increased tidal prisms, but models presently do not exist to quantify the increase. However, their effect on reducing dry beach area is a short-lived phenomenon occurring only for a limited set of inlet water depths and flow speeds during falling tides.

O4-3 The proposed construction access road would begin at about the point where San Dieguito Drive becomes Racetrack View Drive. The access road would exit the existing roadway immediately to the east of the existing fence line that divides the California Department of Fish and Game property from the City of San Diego's open space parcel. The roadway would parallel California Department of Fish and Game's fence as it travels north toward the lagoon. The road would then turn east, as does the existing fence until it reaches the toe of the I-5 embankment.

This access road would be retained as a low profile dirt roadway that would be gated to prevent unauthorized use. The road has been aligned to hug the existing fencing, and would not be located in a highly visible area. Design criteria for the access road that is intended to minimize erosion of the road surface is presented on page 4.3-2, lines 3-7 of the Draft EIR/EIS. To ensure that these criteria are incorporated into the final design plans, this language will be added to the Mitigation, Monitoring and Reporting Program to be presented to the JPA Board in association with a request to certify the Final EIR/EIS.

The launch facility would be removed after construction is completed. The staging area needs to be left for future access to the site for maintenance dredging as needed. The site could be restored to functional habitat as long as there are no mitigation conditions imposed for future use during maintenance activities.

O4-4 The acreage tables have been revised to include all habitat types as requested.

O4-5 A discussion of success probability is included in the Conclusions section of Volume I of the Final EIR/EIS, where the criteria used to assist in the selection of the lead agencies' preferred alternative are described.

O4-6 The criteria used to determine if excavated material can be deposited on the beach are regulated by state and federal agencies. To be suitable for beach disposal, the material must contain at least 80 percent sands. See also Response No. 02-4.

O4-7 The discussion of avoidance of impacts related to landform alteration has been revised in the Final EIR/EIS. To summarize, existing significance criteria established by the City of San Diego establishes that a project that would alter more than 2,000 cubic yards of earth per graded acre would result in a significant landform impact. Such an impact could only be avoided by reducing the proposed grading at each site to below 2,000 cubic yard of earth per graded acre. As this may not be feasible, to approve the disposal sites in their current configuration would necessitate the adoption of a Statement of Overriding Considerations.

O4-8 Comment noted.

O4-9 Potential impacts to visual quality from District development of the Via de la Valle property (area U18) are addressed in section 4.1.1.7 of the Draft EIR/EIS. The potential visual quality impacts are considered to be significant but mitigable (Class II). Visual quality mitigations listed in section 4.6.1.10 would apply to the Via de la Valle property as well as other areas of the project and include such measures as orienting structures to minimize blockage of views, designing structures to blend with surrounding terrain, and other measures.

Potential impacts of the project on the Canada goose are addressed in Table 4.4-2 of the Draft EIR/EIS. Although there may be localized changes in habitat within the project area, the project is expected to create a net benefit to the Canada goose.

The statement referred to on page 4.1-13, lines 18-20, is meant to describe the situation that could occur if area U18 is not used as a disposal site. SCE has indicated that if the site is not used as a disposal site, it would not become part of the restoration project. Although restoration of this area to coastal sage scrub would be appropriate, under the circumstances described above, the site would remain in private ownership (SCE's ownership) and may not be available for restoration. It should be noted that a Coastal Development Permit has been approved by the Coastal Commission for the Villas Planned Residential Development east of El Camino Real that resulted in the placement of an Open Space Deed Restriction on the U18 property. This deed restriction reads "no development, as defined in Section 30106 of the Coastal Act, shall occur on this entire parcel except for: a) agriculture on those areas of the site that have been historically farmed; and b) the following development if approved by the Coastal Commission as an amendment to this permit or through a separate Coastal Development Permit (1) an interpretive center, including parking, public access trails and signage on the northwestern six acres of the site, (2) restoration/enhancement of the wetland and floodplain areas of the site, (3) deposition of graded spoils on the upland portions of the site, outside all wetland and floodplain areas, (4) non-structural improvements associated with an equestrian cross-country course, such as hurdles, jumps, course markers, etc., (5) construction of public access trails, and (6) installation/maintenance of any drainage facilities required in future permits."

O4-10 There are certain aspects of the project that would require a more rigid maintenance and monitoring schedule. These include maintenance of the inlet channel and maintenance of the proposed nesting sites. Other components of the project would require long-term monitoring, but no routine maintenance would be necessary. This would be true for any proposed tidal basins. The Park Master Plan is the appropriate vehicle for establishing who is responsible for which aspects of the project. Those portions of the project for which SCE would be responsible would be monitored by the Coastal Commission and management, maintenance and remediation would be conducted over the "full operating life" of SONGS Units 2 and 3. As describe on page 2-91, the "full operating life" is defined by the SONGS Units 2 and 3 permit conditions as including past and future years of operation of SONGS Units 2 and 3 and the decommissioning period, to the extent there are continuing discharges." According to the permit, "the number of past operating years at the time the wetland is ultimately constructed shall be added to the number

of future operating years and decommission period to determine the length of the monitoring, management and remediation requirement.” The period of time for which SCE is responsible for maintaining the tidal restoration component of the project is expected to be adequate to ensure that remediation for any unsuccessful portions of the tidal restoration project would occur. Such remediation would be implemented by SCE under the direction of the Coastal Commission. Condition A of the SONGS permit, which is outlined in Table 1-1, lists the performance standards that shall be used to determine whether the SCE portion of the restoration project is successful.

Neither CEQA nor the CEQA Guidelines require a public review process for the Mitigation, Monitoring and Reporting Program (MMRP). The document must however be presented to the decision maker for approval in association with the adoption of the Findings. Therefore, the MMRP should be made available for the public to review a week prior to the noticed public hearing for this project. The MMRP will outline all of the mitigation measures presented in the Final EIR/EIS that are required to mitigate to below a level of significance those environmental impacts that could occur as a result of project implementation.

- O4-11** In order to ensure a successful project and to protect habitat areas for nesting, foraging, and resting of shorebirds, seabirds, and waterfowl, all access, including kayaking, into the restored wetland area will be prohibited on those properties owned by the JPA. Other agencies with ownership within the restoration area would be encouraged to follow the JPA’s example in order to protect important coastal resources.
- O4-12** This project does not propose retriever training. With respect to the retriever training on Fish & Game property, please see Response SI-39.
- O4-13** Comment noted.
- O4-14** Possibly, yes. Minimizing the impact by such measures where feasible is required and will be evaluated as part of the review of final construction plans.
- O4-15** These are almost certainly dusky-footed woodrats, as noted in Table 3.4-3. A report of sea dahlia occurrence in Crest Canyon is also noted in Table 3.4-3.
- O4-16** The discussion of the fill placement is included in section 4.6.1.3 under DS32. Please note that fill would be placed at an elevation equivalent to the elevation of the adjacent roadway and would not obstruct views of the river valley. The discussion of the 22nd District Agricultural Association’s potential use of this property is included in section 4.6.1.8. See also Response O4-9.
- O4-17** Some revisions to the maps provided in the Draft EIR/EIS have been made to more accurately depict the project boundary along San Dieguito Drive. All other boundaries are correct. It should be noted that there are some off-site proposals (components of the project located outside the project boundary) associated with this project. These include the extension of the Coast to Crest Trail to the east of the Via de la Valle property (these proposed routes are depicted on Figure 2.3.1-15) and the

potential for disposal of excavated material on the Fairgrounds paved parking lot, the Surf & Turf parcel, and the Ranches property.

Fairbanks Ranch Association

- O5-1** It is acknowledged that the traffic generated by construction activities would result in an increased level of traffic congestion in the project area and an increased nuisance for the residents. The impacts would not be significant, however, based on the criteria cited in the Draft EIR/EIS.

San Diego Archaeological Society

- O6-1** Comment noted.

Buena Vista Audubon Society

- O7-1** The document does provide qualitative assessment of the rate of colonization, (e.g. in section 4.4.1.1.1). The restoration design parameters have been thoroughly evaluated over the past several years to minimize uncertainty as to whether the project will succeed or fail. Adherence to these design requirements largely eliminates the need for additional contingencies or remediation, other than what is recommended under mitigation measures in Chapter 4.4. It should be noted however that because a portion of this restoration project would be implemented to satisfy Condition A of the Coastal Development Permit for SONGS Units 2 and 3, the Coastal Commission will require additional maintenance, monitoring, and remediation standards as part of their permitting process.

- O7-2** The requirement for reference sites is a condition imposed on SCE by the Coastal Commission and relates to the SONGS permit. Adherence to Condition A of the SONGS Permit, which is summarized in the Draft EIR/EIS, will be assured through the Coastal Development Permit that must be approved prior to project implementation.

- O7-3** The Draft EIR/EIS presents a range of alternatives that could be implemented at San Dieguito. NEPA requires that all alternatives be evaluated equally; therefore, the analysis does not favor one alternative over another. Included in the Conclusions section of Volume I of the Final EIR/EIS is an evaluation of alternatives and a discussion of the lead agencies' preferred alternative. It is within this discussion that issues such as regional perspective and benefits to endangered species, fish, and migratory birds are addressed

The proposed intertidal slopes are described in Chapter 2, in the "Grading Plan" figures and related text, especially in section 2.3.1.4. Project alternatives incorporate essentially the same design slopes for various habitats, so this is not a factor that distinguishes the alternatives. Habitat designs have been scrutinized throughout the development of project alternatives, and by the EIR/EIS team. It is our opinion that the proposed slopes are appropriate and do not require modification to improve the likelihood of successful restoration. The design slopes are "optimal" from the standpoint of providing desirable acreages and habitat configurations within the

finite area that is available. As a result, any modifications to habitat slopes would change the acreage and spatial relationships of different habitats in ways that could favor one habitat at the expense of others, but would be undesirable in terms of the ecosystem as a whole. In particular, we find that the project's incorporation of relatively flat slopes of 25:1 or 28:1 across most of the intertidal range of the newly constructed basins is highly appropriate and consistent with general recommendations on the creation and restoration of tidal wetlands. Above and below this range, steeper slopes as proposed are acceptable because a) the corresponding habitats are less vulnerable to erosion by tidal action; and b) at high intertidal to upland elevations, additional stabilization will be provided by permanent vegetation.

O7-4 The restoration design parameters have been thoroughly evaluated over the past several years to eliminate uncertainty as to whether the project will succeed or fail. Adherence to these design requirements largely eliminates the need for additional contingencies or remediation, other than what is recommended under mitigation measures in Chapter 4.4. Success criteria will be developed by the Coastal Commission staff for those portions of the restoration that would be implemented by SCE to satisfy Condition A of the SONGS Unit 2 and 3 permit. See also Response O7-1.

O7-5 A recognition of regional needs is reflected in several features that all of the alternative project designs have in common. In particular, few ecologists would disagree with the need to restore, wherever the possibility remains, integrated ecosystems that contain the full range of subtidal, intertidal, and non-tidal wetland habitats, and contiguous uplands, that historically occurred together in southern California's coastal river valleys and shallow embayments. This includes, for example, upland nesting/resting areas for endangered bird species such as the California least tern and western snowy plover in close proximity to their respective open water and shoreline foraging habitats. Independent of whether regional data show that one habitat has been reduced to a greater extent than another, a site such as the lower San Dieguito River Valley should be utilized to its full potential to provide a diversity of habitats, the functions and values of which are enhanced where they are intermixed. All of the restoration alternatives are consistent with this need.

Although Zedler's comparison involves a small number of sites, the loss of tidal marshlands is a general pattern for southern California coastal wetlands as a whole. A regional perspective is thus reflected in the document's recognition of the greater need for tidal marsh restoration than for subtidal habitat. The alternative restoration designs do provide extensive areas within the elevational range where low marsh is expected to develop. This is a beneficial impact.

We agree that it may be desirable to speed the development of low marsh by planting cordgrass. This recommendation will be evaluated by the regulatory agencies during the development of the final restoration plans. We would also note that while the low marsh elevations are unvegetated and undergoing plant colonization, they will provide frequently exposed mudflat, which in itself is

ecologically valuable. In addition to addressing regional “deficiencies”, however, a sound restoration design must work within site boundaries to make maximum use of a site’s potential.

O7-6 This comment does not address the adequacy or accuracy of the Draft EIR/EIS and is more appropriately directed to the Coastal Commission.

O7-7 The proposed trail alignment was selected based on the existing and proposed future conditions at the project site. The JPA staff considered all options in developing the preferred trail alignment, as described in section 2.2 and 2.3.1.8.2 of the Draft EIR/EIS. Very few options were considered feasible due to constraints related to biological resources and existing development. Ultimately those areas that are already experiencing disturbance and will continue to experience disturbance as a result of ongoing activities, such as the existing utility easement to the east of I-5 and the Fairgrounds’ dirt parking lots on the west side of I-5, were selected as preferred locations for the trail. No other less damaging alternatives could be identified. The Draft EIR/EIS, in section 4.4, has evaluated the potential impacts associated with aligning the trail through jurisdictional wetlands and mitigation is proposed to offset these impacts. The trail can only be developed if the required section 404 and Coastal Development Permits can be obtained from the appropriate regulatory agencies.

The impacts of operating a tram on the Coast to Crest Trail are evaluated in section 4.1 and 4.4 of the Draft EIR/EIS.

O7-8 CEQA does not require the Mitigation, Monitoring and Reporting Program to be distributed with the Draft EIR. All of the required mitigation measures are however described in detail in the Draft EIR/EIS. These measures will be assembled into an MMRP and presented to the JPA Board for approval in association with the adoption of Findings. See also Responses O4-10, O7-1 and O7-4.

Rick Engineering

O8-1 The use of siphons as an alternative to maintaining an open river mouth was eliminated from consideration early in the process not because of economic reasons but because of the concerns outlined below:

1. There have been no successful tidal siphons (exchange systems) deployed anywhere in the world due to engineering and construction limitations.
2. The pipeline would need to be placed at least 15 feet below the existing river bed to avoid damage from floods. As a result, the pipes would be subject to frequent infilling from river and shelf sediments. The increase in sediment in the pipe would retard the tidal flow, making the system un-maintainable and inefficient.
3. Pipe flow involves significantly higher frictional losses of flow energy than in an open channel flow. Consequently, tidal muting would be significantly greater with a siphon system, thereby reducing the amount of tidally influenced habitat that could be achieved inside the project boundaries

4. The pipe system would be subject to bio-fouling, which would have to be de-fouled on a periodic basis. Conventional de-fouling methods including using hot water or chlorinated back-flushing, both of which could result in impacts to biological organisms in the vicinity of the pipes.
5. The end of the pipes would require screens to exclude debris and people. The screens, particularly at the ocean outlet would require significant maintenance to remove kelp from the screens.
6. Sand normally supplied from the river to the beach would be conveyed into deeper water and, therefore, would not directly benefit the beach.
7. Some fish that would willingly enter the lagoon through an open channel would not travel through the pipes and would therefore be excluded from the restored system.

Because this alternative was deleted for reasons related to biological function and values within the restored system, as well as general operating limitations, there is no need to perform a cost benefit analysis.

O8-2 See Responses L1-1 and L1-3.

O8-3 See Response L1-4.

O8-4 As described in Response L1-3, the project would not result in reduced beach width. Additionally, changes in access would be minimal, and no impact to property values is anticipated as a result of this change.

The discussion of the feasibility of a siphon or pump system is addressed in Response O8-1.

Rosenthal & Zimmerman

O9-1 Figures 1-2, 2.3.1-15, and 3.1-1 have been revised to more clearly depict the project boundary in the vicinity of Dr. Wyatt's parcels. No aspect of the proposed restoration plan would directly impact Dr. Wyatt's parcels and no portion of these parcels are intended to be included within the project boundary.

In some cases however, Dr. Wyatt's parcels have been included within the project study area — the area in which certain types of existing conditions, such as vegetation, geology, and soils, have been identified. Parcels located within the project study area, but not within the project boundaries, are included simply to depict the existing conditions within and immediately adjacent to the proposed project boundary. This should not be perceived as an incorporation of these parcels into the restoration project.

Norwest Mortgage

O10-1 This restoration project proposes to restore the natural function of this wetland, including a hydrologic connection between the river and ocean; this is not

considered an unnatural solution. Please see Response I1-1 for an in-depth discussion of the natural historic conditions at this lagoon.

The issue of accessibility across the beach is addressed in Response L1-4 and erosion is addressed in Responses L1-1 and L1-3.

The existing information does not support the contention that the project, including tidal exchange with the ocean, would result in constant contamination of beaches or exposures to humans of deleterious contaminants. Once the inlet channel has been opened, it would be maintained in an open configuration in perpetuity. This would permit a continuous exchange of water between the lagoon and the ocean thereby reducing stagnation that presently allows buildup of bacteria within the lagoon. As a result of maintaining tidal exchange to the lagoon, future beach closures related to opening the inlet would be eliminated.

In addition, prior to initial project-related dredging, a section 401 Water Quality Certification must be obtained from the Regional Water Quality Control Board and a Section 404 permit obtained from the U.S. Army Corps of Engineers. The section 401 process provides the opportunity to evaluate the water quality within the lagoon just prior to initial opening of the inlet and to impose appropriate conditions or restrictions to minimize impacts.

This wetland restoration project has evolved around the premise that an increased tidal prism and tidal circulation will significantly enhance the environmental quality of this very significant San Diego County wetland. If many of northern California's natural coastal rivers (e.g., the Russian River) are considered, it is the presence of a perennial base flow within the river system that maintains an open river mouth and an extremely productive wetland biological resource, albeit primarily a freshwater wetland system. It is the perennial base flows of these river systems that create the significant biological diversity and environmental value of these significant wetlands. The San Dieguito River, with a 327-square-mile watershed, even though significantly impacted by the presence of Hodges Dam, is still an ephemeral river with a degraded wetland and a constantly diminishing tidal prism, one that cannot overcome the littoral transport of beach sands essentially closing off the river mouth. It is this frequently closed river mouth that further degrades the biological productivity of the wetland, and it is the goal of this restoration project to assist nature in keeping the river mouth open to encourage tidal circulation, along with the health and vitality of an enhanced salt water wetland. An open river mouth, in and of itself, does not have a deleterious effect on the downcoast beach. The overriding problem with all of San Diego's North County coastal beaches is frequently conflicting land uses in the coastal watersheds, often to the detriment of the beach. The project proponents clearly recognize the value of a healthy, sandy beach and this project in no way negatively impacts the littoral zone sediments and, to the contrary, slightly improves sediment transport to the beach and provides a one-time additional infusion of littoral sediments during project grading, part of which includes beach disposal of these sediments.

Public safety issues will be resolved by mitigation measures including the addition of another lifeguard tower; two additional lifeguards during appropriate time periods to be determined by the City of Del Mar; and enhancement of the public access route along the south side of the river inlet to allow easier transit over the river via the pedestrian pathway along the Camino Del Mar Bridge.

O10-2 See Response O8-1.

League for Coastal Protection

O11-1 It is not uncommon for the completion of a Draft EIR/EIS to take 1.5 to 2 years, particularly when a complex project is being evaluated. Unlike some projects, the NOP/NOI for this project was issued well in advance of the commencement of document preparation in order to insure that the public's input would be fully integrated into the analysis and that sufficient time would be available to adequately evaluate any issues raised by the public during the NOP/NOI comment period. It should be noted that issuance of the Draft was not delayed for completion of the Draft Park Master Plan.

O11-2 The Park Master Plan applies to those portions of the area between El Camino Real and the Pacific Ocean that are included within the Focused Planning Area of the San Dieguito River Park. The Master Plan has been prepared pursuant to the requirements of the adopted San Dieguito River Park Concept Plan and the Mitigation, Monitoring, and Reporting Program for the previously certified San Dieguito River Park Concept Plan Program EIR. The Park proposals for public access, interpretation, and restoration of upland and freshwater habitats were developed after the boundaries of the tidal restoration elements of the project were determined in order to avoid any encroachment into those areas more appropriately suitable for tidal wetland restoration. In Chapter 2 of the Draft EIR/EIS, the various components of the overall proposal, including tidal restoration, upland restoration, and public access are all clearly described in individual subsections.

As described in Responses F1-5 and S1-6, berms are an essential component of a successful restoration project at San Dieguito due to the existing hydrologic conditions within the river valley. The potential impacts of constructing an interpretive trail on the top of one of these berms were evaluated in Chapter 4.4 of the Draft EIR/EIS. This and other public access proposals to be located adjacent to restored tidal wetlands will be reviewed and ultimately considered for approval by the California Coastal Commission in association with a future Coastal Development Permit. The Coastal Commission will also make the determination of whether SCE's portion of the overall restoration project meets the Coastal Commission's permit conditions as was described in Table 1-1 of the Draft EIR/EIS.

O11-3 As described in Responses F1-5 and S1-6, berms are an essential component of any restoration project at San Dieguito due to the existing scour characteristics of the river and the design and configuration of existing public facilities located downstream of the proposed restoration. Berms are also necessary to protect created tidal wetland areas from siltation during storm events. It is based on the peer-

reviewed work of Dr. Howard Chang that the Draft EIR/EIS concluded that any significant restoration of the historic San Dieguito coastal wetlands would require the incorporation of berms into the project design. Understanding this constraint to restoration planning at San Dieguito, various alternatives were developed that provide a range of habitat types within what has been determined to be the maximum area available for tidal restoration. These alternatives vary significantly in the amount of benefit they provide to fish, shorebirds, migratory waterfowl, and the endangered bird species that have historically utilized this area. The alternatives that were considered provide a spectrum of biological benefits, likelihoods of success, and levels of effort. The need for berms was discussed in several public meetings prior to the issuance of the NOP/NOI, and the various alternatives proposed for inclusion in the EIR/EIS were also presented at public meetings for review and comment. As a result of those comments received prior to and in response to the NOP/NOI, an additional alternative, the Hybrid Alternative, was added to the list of alternatives to be addressed in the document.

In accordance with the National Environmental Policy Act (NEPA), the lead agencies did not identify a preferred alternative at the time the draft was issued. Unlike CEQA, NEPA requires equal evaluation of all alternatives and requires that the permitting federal agency(ies) consider all of the issues addressed in the draft document, as well as the public comments received during public review, before selecting a preferred alternative. Based on the conclusions of the Draft EIR/EIS and the comments received during public review, the lead agencies have selected a preferred alternative—the Mixed Habitat Alternative—that was determined to optimize the evaluation criteria. A complete discussion of this issue, as well as a description of the criteria used in the selection process are presented in the Conclusions section of Volume I of the Final EIR/EIS.

SCE wishes to propose a different preferred alternative than the Mixed Habitat Alternative, which is preferred by the JPA and USFWS. This will be resolved in the public hearings that follow the completion of the FEIR/EIS.

- O11-4** The lagoon tidal elevation required to meet the restoration credit objectives is +4.5 ft NGVD. The work of Zedler and Cox (1985) and Josselyn and Whelchel (1999), indicates that this elevation of tidal inundation must be achieved at least 1 one day per year to sustain functional tidally influenced salt marsh habitats. The hydroperiod analysis of Jenkins, Josselyn and Wasyl et al. (1999) is indeed based on a rigid boundary model, but indicates that all of the restoration alternatives exceed this frequency of inundation at +4.5 ft NGVD by as much as 14 percent to 50 percent, depending on the alternative. Even the existing San Dieguito Lagoon system satisfies this inundation criterion at +4.5 ft NGVD in spite of it having an inlet sill at only 0.0 ft NGVD (Jenkins and Wasyl 1999c). The inlet channel depth would never be allowed to shoal above the sill elevation for existing conditions because inlet maintenance would intervene long before that level of degradation occurred. Since the existing system can satisfy the minimum inundation frequency criteria in spite of its degraded inlet channel, it is assured that tidal damping in the maintained inlet channel of the restoration will never become sufficiently large enough to prevent the system from sustaining its designed mix of habitats. As the restoration's inlet

channel begins to infill during the sediment recharge intervals of a maintenance cycle, there will be a relatively small increase in subtidal habitat area and a corresponding reduction in the area of frequently flooded mudflat. This transient change is a habitat swap, not a net loss. All other habitat types at elevations above frequently flooded mud flat will be unaffected because they reside well above the elevations effected by sediment infilling.

- O11-5** The terms “temporary” and “short-term” are commonly used terms in environmental documents. They are as stated — impacts that would occur only for a short period of time. Section 15126.2 of the CEQA Guidelines requires discussion of both short-term and long-term effects of a project. Localized impacts are impacts that will be confined to the area immediately surrounding the proposed activity and not throughout the project site or within an entire habitat area.

Construction impacts on biological resources generally are discussed in section 4.4.1.1.2, while the impacts of construction on California least terns and other sensitive species present on California Department of Fish and Game (CDFG) property are discussed in section 4.4.2. The effects of the various restoration alternatives on the DFG basin following construction are fully described on pages 4.4-16 through 4.4-18 of the Draft EIR/EIS.

- O11-6** The Draft EIR/EIS states that the cooperation of the 22nd District is necessary in order to permit activities at the river mouth because issues related to title and the public trust boundary have not yet been resolved. The Final EIR/EIS also acknowledges that some form of lease will be required from the State Lands Commission in order to permit initial and long-term restoration activities at the inlet channel. Issues related to legal analysis and conclusions about what the public trust doctrine is, how it works, and how it will be applied in association with this project are not environmental issues that need to be analyzed in the EIR/EIS. However, because there is considerable misunderstanding about this topic, a summary of the Public Trust Doctrine and its application of the San Dieguito river mouth are provided below.

SUMMARY OF THE PUBLIC TRUST DOCTRINE

When California became a state in 1850 it acquired title to all tide and submerged lands. However, the title that California acquired to tidelands was subject to a public trust easement preserving and protecting the right of the public to use these lands for trust purposes such as fishing, boating, recreation, etc. Over the years the Courts in California have clarified and expanded both the scope of the public trust easement and the scope of public trust uses. This public trust easement is held by the State of California, in trust for the public, and is administered by the California State Lands Commission. The Courts have held that even if the State of California purported to grant out original deeds and/or patents conveying tidelands to private parties, nevertheless, the public trust easement remains.

Generally, the public trust easement applies to all those lands that were subject to tidal action in 1850. The boundary of these public trust tidelands will change as

natural conditions change the boundary of tidelands. However, artificial changes caused by humans do not change the boundaries of the public trust easement. This means, for example, that the natural build up, or erosion, of sand on a beach will, gradually, change the boundary of the public trust easement. Conversely, it means that tidelands that are artificially filled or which become uplands through artificial actions, nevertheless, are still subject to the public trust easement even though they are no longer subject to tidal action. For example, the placement of fill in tidelands will not change the property's status as being subject to the public trust.

The State Lands Commission has the authority to adjudicate the boundaries of the public trust easement. The State Lands Commission also has the authority to enter into boundary agreements with adjacent private owners to delineate the boundaries of the public trust easement. The issue to be determined when adjudication of public trust tidelands is sought is, first, to determine the scope of tidal action in the subject area in 1850 when California became a state, and second, to determine whether those boundaries have changed since 1850 due to natural or artificial conditions. This can be a difficult process, as it requires review of old historical records and in many cases the historical records are less than complete.

APPLICATION TO THE SAN DIEGUITO RIVERMOUTH

To the extent that the San Dieguito River mouth was subject to tidal action in 1850 when California became a state, it is impressed with a public trust easement. To the extent that the tidelands which existed in 1850 have since decreased as a result of human alterations to the river valley, such as through the construction of Highway 101, the railroad trestle, construction of the Fairgrounds, etc., these alterations will not reduce the scope of the public trust easement. To the extent that the boundaries of these tidelands may have changed due to natural conditions, the 1850 boundary will change.

Based on our general understanding of the historical records and information, it appears that the current location of the San Dieguito River mouth could be found to be subject to a public trust easement; however, the exact scope of the easement has never been determined. It should be noted that the State Lands Commission is now considering the issue.

To the extent that a public trust easement does exist in this area, this easement will, in effect, "overlay" property which is otherwise considered in some other entity's ownership. Any underlying title will be subject to the public trust easement, which will prevent the current owners from making any use of the property that is inconsistent with the public trust. Likewise, the State Lands Commission is empowered to authorize uses on public trust lands that it determines are consistent with the public trust. Typically, the Lands Commission does this by issuing a lease for uses it finds to be consistent with trust purposes.

It is the opinion of the lead agencies that dredging and restoration of the lagoon and river mouth are consistent with the public trust easement and with allowed public trust purposes, and would be within the scope of use rights that could be authorized

by the State Lands Commission, although this determination must be made by the Commission itself.

The Commission has developed leasing/permitting regulations in this regard. These regulations expressly allow the Commission to lease any trust lands under its control to qualified lessees for restoration and wildlife protection purposes. The current restoration plans appear to fall within the scope of use rights that could qualify for a State Lands Commission lease. (State Lands Commission Regulations, section 1900 defines lease as "...includes a permit, license, right of way, easement, license, compensatory agreement, or other entitlement of use..." and section 202(b)(1) which authorizes the State Lands Commission to issue such leases for "...wildlife refuges having statewide public benefit...").

Prior to project implementation, an application for a State Lands Commission lease will be filed. This EIR/EIS is sufficient to cover its use by the State Lands Commission, as a responsible agency under CEQA, in issuing the lease.

O11-7 See Response O11-13.

O11-8 See Response S1-33.

O11-9 See Response O11-77. The fate and effects of potential future spills are beyond the scope of the present EIR/EIS. In general, the impact from a spill would depend on a number of factors, including the location and volume of the spill, the chemical characteristics of the material spilled, and the relative rates of multiple, simultaneous processes, including dispersion, that affect the behavior of a spill.

O11-10 The salinity regime within the project area, following implementation, would reflect the relatively greater influence from tidal exchanges of ocean water, which is expected to result in a smaller range in salinity values than present. The specific values are likely to vary with location in the lagoon. Marine salinities with seasonal episodes of lowered salinity due to rainfall and heavy runoff would prevail in each of the basins that is open to tidal exchange, including newly constructed basins W1, W4 and W16. Existing closed basins would experience variable salinities as they do at present.

O11-11 Comments noted. These comments relate to the merits of the project, not to the adequacy or accuracy of the Draft EIR/EIS.

O11-12 Recent lagoon closure does not alter the general description of baseline conditions, which was based on surveys conducted at different times, including a period of prolonged lagoon closure in 1992-93. Recent lagoon closure underscores the vulnerability of the existing system and the benefit that restoration would have.

O11-13 Methods of construction, as described in section 2.3.1.5, are provided in sufficient detail to allow adequate evaluation of potential impacts as required by CEQA and NEPA. It is not feasible or necessary to describe final, detailed construction methods in this document, as final construction drawings are not prepared until after the initial project approval and certification of the Final EIR/EIS. After the channel is

constructed and the lagoon area (W1) is excavated down to elevation 0.0 via land-based equipment, a larger dredge would be deployed in that area. A sand plug would be maintained between the lagoon (W1) and the Fish & Game lagoon during the dredging operations. A pipe would be installed through the sand plug and a pump barge would be used to pump ocean water into the lagoon area (W1) in order to maintain a sufficient water level within the lagoon for the dredge to operate. To operate the dredge equipment would require three feet minimum water depth. If deemed appropriate for beach disposal, the slurry mixture (sand/water) would then be pumped directly onto the beach; otherwise, the slurry mixture would be pumped to an upland disposal site. Under the latter scenario, retention dikes would be used to settle out the sediment while the excess water is directed toward the main river channel.

There are two temporary weirs proposed in the river channel at the entrance to the Fish & Game lagoon. These weirs would be constructed and operational prior to breaching the sand plug between the main lagoon (W1) and the California Department of Fish and Game lagoon. This would ensure that turbid water would not impact that area.

A water level control structure of a different type is contemplated at the I-5 Bridge. A sand plug would be constructed across the entire width of the main river channel. Several culverts with control gates would be installed to facilitate flow in the down stream direction. The intent of this structure is twofold. One is to provide access from the main lagoon (W1) to the upland disposal sites on the north side of the channel. The other is to regulate and/or restrict flows west of I-5 such that all excavation west of I-5 can be accomplished using land-based equipment (dry construction methods). For the majority of the time, these control gates would remain open. It is only during high tide conditions and/or when constructing close to the river channel that the river water level would need to be regulated. The sand plug would be removed prior to each rainy season and can be readily removed in the event of a flash flood and/or unseasonable rain shower. This sand plug is only necessary for the duration of construction east of I-5.

The period of water regulation would be limited and therefore will not have an effect on wetland vegetation within the river. Under natural flooding conditions, the vegetation along the river is adapted to a few hours to several days of inundation. While long-term duration (greater than one month) of inundation can have adverse impacts on wetland vegetation, regulation of water levels in the river will be significantly less than 30 days to accomplish the limited work along the river bank areas.

- O11-14** See Responses F1-5, F1-8, S1-4, S1-22, S1-25, S1-27, S1-35, S4-3, and L1-1. As discussed in these responses (see also Appendix F-6), the project generally reduces riverbed scour downstream of I-5, indicating less frequent or intense disturbance of benthic communities than occurs at present. Both up- and downstream of I-5, overall habitat conditions would be improved by the project because the restored system would be less vulnerable to inlet closure and the ensuing deterioration of water quality that has occurred historically. Periodic disturbance of these habitats

by riverbed scour during extreme floods is a normal phenomenon. The recovery and persistence of benthic communities in between such events will be improved as a result of the project.

Minor inconsistencies in the acreage of berms in the Draft EIR/EIS have been eliminated. The current project design has berm areas as follows: B7 – 4.2 acres, B8 – 7.8 acres, and B9 – 2.1 acres (total 14.1 acres).

O11-15 As stated in section 1.5, the purpose of the proposed project is “to restore habitats that historically occurred within this coastal area, taking into consideration the constraints now imposed by existing adjacent land uses . . . Finally, the project offers opportunities for public access and interpretation/education.” This project is not limited to SCE’s requirement to restore tidal wetlands. Federal funding could be sought to implement one or more of the proposals included in the project description, from upland habitat restoration to public access.

O11-16 The relationship of the Park Master Plan to the overall project is discussed in detail on pages 2-67 through 2-88 of the Draft EIR/EIS. Based on the comments received, there does not appear to be confusion about the document’s approach of addressing all aspects of the restoration and public access proposals within the study area in one document. In fact, section 15003(h) of the CEQA Guidelines requires that “the lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect.” See also Response O11-1.

O11-17 The determination regarding how acreage credit will be calculated is the responsibility of the California Coastal Commission. This issue is outside the scope of this EIR/EIS.

O11-18 The lagoon tidal elevation required to meet the restoration credit objectives is +4.5 ft NGVD. The work of Zedler and Cox (1985) and Josselyn and Whelchel (1999) indicates that this elevation of tidal inundation must be achieved at least one day per year to sustain tidally influenced salt marsh habitats. Therefore it is not necessary for the restoration to achieve inundation to +4.7 ft or +4.9 ft NGVD. Indeed, the hydroperiod analysis of Jenkins, et al. (1999) is based on a rigid boundary model because movable boundary tidal hydraulics models have not yet been perfected.

Nonetheless, the analysis indicates that all of the restoration alternatives exceed the required inundation frequency at +4.5 ft NGVD by as much as 14 percent to 50 percent depending on the alternative. Even the existing San Dieguito Lagoon system satisfies the minimum inundation requirement (Jenkins and Wasyl 1999c). In other words, the restoration was designed with sufficient conservatism that it was not required to reduce tidal damping relative to the existing system in order to satisfy restoration requirements. Furthermore, the inlet channel depth would never be allowed to shoal above the elevation for existing conditions (and certainly not to elevations that would reduce tidal exchange to a “trickle”) because inlet maintenance would intervene long before that level of degradation occurred. Since the existing system can satisfy the minimum inundation frequency requirements in spite of its

degraded inlet channel, it is assured that the restoration will surpass minimum inundation requirements because of reduced tidal muting afforded by channel improvements and maintenance efforts.

- O11-19** It is not the purpose of this document to assess the effectiveness of SCE's restoration plan to meet the Coastal Commission permit conditions for SONGS Units 2 and 3. The purpose of this document is to assess the impacts of restoring the San Dieguito wetlands and associated uplands, as well as adjacent public access proposals. As prepared, the EIR/EIS could be used to implement SCE's restoration project or some other restoration proposal should SCE for some reason not implement their mitigation plan at San Dieguito (see page 1-21, first paragraph).
- O11-20** The details of the Earth Island settlement are outside the scope of this document. The potential impacts associated with the restoration proposals that could result from this settlement have been adequately addressed in the Draft EIR/EIS.
- O11-21** As stated previously, the purpose of this EIR/EIS is to address the impacts of restoration at San Dieguito. The statement referred to in this comment (1-21, line 15) is an accurate statement and is consistent with the analysis provided throughout the document.
- O11-22** See Responses O11-1, O11-2, and O11-3.
- O11-23** The process described in this section is the "restoration alternative framework." A group of interested members of the public and affected agencies, referred to as the Working Group, was formed early in the process. This group developed goals and objectives for restoration at San Dieguito and, as described in section 2.1, various alternatives were evaluated based on these goals and objectives. These goals and objectives, which were presented in Appendix A of the Draft Park Master Plan, have been added to the Final EIR/EIS in Appendix H.
- O11-24** See Response O11-23.
- O11-25** See Response O11-3 for information regarding alternatives. Berm issues are addressed in Responses F1-5, F1-8, S1-27, and S1-35. It is important to note that the primary purpose of the project is to provide a healthy biological habitat within off-channel areas that are protected from flood flows, while at the same time reducing downstream riverine scour and maintaining sediment transport to the beach. A variety of alternatives were evaluated. However, based on the primary objectives, the berms as designed play an important role in improving the biological habitat without increasing downstream erosion. With regard to the berm footprint, the berm geometry was selected based on geotechnical stability requirements.
- O11-26** The least tern nesting area is currently under the management of the California Department of Fish and Game. The Department has determined that the presence of the overhead power line directly above the nesting site has made it non-viable and the Department has ceased maintenance of this site. The proposed nesting areas are away from any overhead powerlines. Maintenance of the proposed nesting sites

will be undertaken by the party or a designated party or agency responsible for implementing the nesting sites as mitigation for previous impacts.

O11-27 The evaluation criteria are described in the last paragraph on page 2-1. The Working Group goals and objectives are presented in Appendix A-1 of the Final EIR/EIS. The evaluation criteria do not refer to SCE's Coastal Commission permit conditions.

O11-28 See Responses F1-5, F1-8, S1-4, S1-22, S1-25, and S1-27.

O11-29 As described in Response O11-3, Dr. Howard Chang's Fluvial-12 model has shown that berms are a necessary element of any significant restoration at San Dieguito. This analysis was peer-reviewed under the direction of the California Coastal Commission and was found to be accurate.

The need for river berms is summarized in Chapter 2 and described in detail in sections 3.2 and 4.2. As described in these sections, berms are required in order to avoid disruption of sand flow in the river channel, to avoid any reduction in sand supply to the beach, to avoid increasing scour impacts along the downstream river channel, and to avoid increasing river bed scour in the vicinity of those bridges located downstream of the project. This information is also described in Appendix F, which accompanies the Final EIR/EIS.

O11-30 See Response O11-3.

O11-31 The determination of which alternatives would be addressed in the Draft EIR/EIS included a public process that involved numerous public meetings and an NOP/NOI process. This process is described in sections 2.1 and 2.2 of the Draft EIR/EIS. See also to Response O11-3.

O11-32 The creation of 13.8 acres of transitional wetland habitat is not by itself adequate compensation, but in combination with the extensive acreage of tidal marsh habitats that are created it is considered adequate.

O11-33 The 143 acres represents the number of net acres created for the entire alternative, not just the SCE portion. Table 2.1.3-1a provides a breakdown of gains and losses. Similar tables are provided subsequently in Chapter 2 for each alternative. New tables have been added to section 4.4 to describe the total acreage of each habitat type for each alternative.

With regard to the culverts in the major berms, Dr. Chang's study report has been added to Appendix F as F-7, providing the rationale for their inclusion.

With regard to the culverts, they are used for equalization of water levels between the river and the adjacent tidal basins, with their primary purpose being to reduce the inlet flow velocities into the off-channel habitat areas now protected by the berms. The culverts have no effect on tidal flushing, as the culvert inverts in all instances are above the tidally-driven water surface elevations. This subject is discussed in greater detail in Appendix F-7, including the rationale for their inclusion.

Responses to Comments

- O11-34** See Responses S1-29, S1-31, and S4-3. Other than the weir at River Mile 2.09, no additional permanent weirs are proposed for this project. If the weir were deleted, minor increases in flood water elevations would result upstream of the berm.
- O11-35** See Response O11-6.
- O11-36** Nest site NS14, like the other nest sites, is designed to provide potential nesting habitat in close proximity to created wetlands. Multiple nest sites are proposed in order to increase the overall likelihood that the restoration project will provide nesting habitat for sensitive bird species. The rationale for the berms is explained in section 2.3.1.4.3. The effects of berms on scouring are addressed in section 4.2.1.4. Areas designated as "frequently flooded mudflat" are at elevations which, in the absence of water sources other than tidal flow, are predicted to become exposed on at least some of the lower low tides. Please note that this is a consequence of the improved tidal drainage which will result from a deeper inlet sill; it is not a result of post-project sedimentation. Figure 3.4-1 shows existing habitats whereas Figure 2.3.1-1 shows habitats that would result from the restoration project. The conversion of some areas of permanent open water to frequently flooded (i.e., usually submerged) mudflat is discussed in section 4.4.1.1.1. Elevations of +1.0 ft NGVD that experience regular tidal inundation, as in the proposed design, are below the expected range of low marsh development, and are unlikely to support cattails and bulrushes, which are more likely farther upstream where salinity is lower.
- O11-37** The figures have been revised.
- O11-38** The Final EIR/EIS has been revised to correct this inconsistency.
- O11-39** See Response 011-18.
- O11-40** The information provided is describing the type of habitat that would be provided on the berms. There is no discussion of credits in this section. It is up to the Coastal Commission to determine which aspects of the SCE project constitute "credits" as defined by the permit conditions for SONGS Units 2 and 3.
- O11-41** As described on page 2-13 of the Draft EIR/EIS, the footprint of the nesting sites is 21.5 acres, but the usable flat areas of the sites, which would receive the sand, consist of 13.7 acres.
- O11-42** The list of references has been revised to include the various technical reviewers that peer-reviewed the hydraulic design of this project.
- O11-43** The depths shown in Figures 2.3.1-6 and 2.3.1-7 are provided in NGVD.
- O11-44** The discussion of Inlet Maintenance has been revised in the Final EIR/EIS to address this issue.
- O11-45** This is correct, but it is important to keep in mind that the tidal prism at the time was influenced by runoff from recent storms.

- O11-46** The frequency of inlet maintenance, which is described in the referenced section, has been calculated based on the anticipated tidal prism for each alternative.
- O11-47** See Responses F1-5, F1-8, S1-22, S1-25, S1-27 and O11-14.
- O11-48** See Responses F1-5, F1-8, S1-22, and S1-25.
- O11-49** In preventing the higher velocity San Dieguito River flow from entering W1, the design is also preventing sediments from dropping out in the excavated W1 area as these higher flows slow down. If sediments were to drop out in W1, scour would increase downstream, exacerbating flood and scour impacts to downstream public facilities. Therefore, maintaining the existing sediment flows within the main channel and preventing sediments from dropping out in W1 represent the same purpose, simply expressed in different terms. The purpose of the berms is discussed further in Responses F1-5, F1-8, S1-27, S1-35, and O11-25.
- See Responses F1-5, F1-8, S1-27, S1-35, and O11-25.
- O11-50** As shown on Figure 2.3.1-4, the proposed intertidal basin north of Berm B8 is an area of proposed cut (not fill). Therefore, no new fill would be added to this basin.
- O11-51** The rationale for the weir is described in section 4.2.1.4 of the Draft EIR/EIS. See also Response S4-3.
- O11-52** The Mitigation, Monitoring and Reporting Program will include measures that would insure the proper establishment and maintenance of these proposed slope protection measures.
- O11-53** The proposed revetment would not preclude future widening of I-5, however the revetment may have to be removed and replaced as a result of future widening.
- O11-54** See Response O11-52.
- O11-55** See Responses F1-5, F1-8, S1-27, and S1-29.
- O11-56** Access to NS11 and B7 can be obtained from the east. Retention of the Grand Avenue bridge would allow for easy human and predator access to significant habitat areas and could seriously impact the future success of the proposed nesting sites. For these reasons the bridge is proposed for removal.
- O11-57** See Response O11-13.
- O11-58** Detention basin DB1 would not be required if DS37 and DS38 are not selected as disposal sites.
- Turbidity effects associated with releases of dewatering effluents would be minimized by retaining the water for a sufficient period of time to allow the majority of suspended particles to settle. This would allow residual turbidity and/or suspended particle concentrations to meet prescribed levels. Specific limits on

effluent quality would be specified in a discharge permit to be issued by the Regional Water Quality Control Board.

O11-59 A water level control structure of a different type is contemplated at the I-5 Bridge. This sand plug would be constructed across the entire width of the main river channel. Several culverts with control gates would be installed to facilitate flow in the down stream direction. The intent of this structure is twofold. One is to provide access from the main lagoon (W1) to the upland disposal sites on the north side of the channel. The other is to regulate and/or restrict flows west of I-5 such that all excavation west of I-5 can be accomplished using land-based equipment (dry construction methods). For the majority of the time, these control gates would remain open. It is only during high tide conditions and/or when constructing close to the river channel that the river water level would need to be regulated. The sand plug would be removed prior to each rainy season and can be readily removed in the event of a flash flood and/or unseasonable rain shower. This sand plug is only necessary for the duration of construction east of I-5. See also Response O11-13.

The dredging program at Batiquitos Lagoon was different than that proposed for San Dieguito Lagoon. Dredging at Batiquitos Lagoon required the elevation of water levels within existing salt marshes for 3 to 4 months. This had a temporary effect on the vegetation surrounding the lagoon; however, based on monitoring reports submitted by Merkel and Associates, Inc. much of this vegetation has recovered and is expanding following the restoration of tidal action. For the San Dieguito Lagoon, dredging, if necessary or selected to construct a particular alternative, will be undertaken in areas where no existing tidal salt marsh vegetation is present (W1 for example). Therefore, no impacts to salt marsh vegetation are associated with maintaining high water levels in this excavated basin. In the area of the I-5 bridge, water levels may be regulated in order to conduct work near the river bank. The water level may be lowered or raised for a short period of time (several days to a week) to accomplish a limited amount of work. This should not affect wetland vegetation that is adapted to similar conditions during natural floods. It is not necessary to raise water levels throughout the lagoon as was done at Batiquitos.

O11-60 The topsoil would be transported to either a disposal or stockpile location within the project boundaries.

There are a number of methods that can be used to eradicate weed seeds in topsoil to be used for restoration. Heat treatments, use of approved pre-emergent herbicides, and watering to encourage seed growth and then herbicide treatment are all possible techniques that a contractor may select. Specifications for delivery and treatment of topsoil will be developed as part of the final plans for the project.

O11-61 A disposal site is also a stockpile location so that the terms are synonymous in this instance. The location of the disposal/stockpile sites are illustrated in Figure 2.3.1-13 of the Draft EIR/EIS.

O11-62 This level of detail is not required in order to evaluate impacts. The operation of construction equipment has been considered in various sections of the Draft

- EIR/EIS, including noise, air quality, land use, and biological resources. The answer to this question, however, is that the number of trips would vary depending on the site conditions, the equipment mix, other construction activities going on in the area, actual distance traveled between borrow and disposal sites, etc. Based on the utilization of two 21-cubic yard, self-propelled scrappers with a haul distance of 5,000 feet and daily output of 600 cy/day, it would take between 18 and 90 days at 1,000 to 5,150 trips, respectively.
- O11-63** All points east of San Andres Drive are impacted by the project, either as fill for the new interpretive center or as excavation for the proposed wetland. It may be possible to use the area proposed for the future interpretive center as a staging area, rather than the currently proposed site. This will be considered as part of the final design to be presented to the California Coastal Commission. If however the currently proposed staging area is retained, please note that mitigation for any impacts to existing resources as a result of the construction staging areas do require mitigation and these impacts have been evaluated in the Draft EIR/EIS.
- O11-64** As defined in section 2.3.1.5.3 of the Draft EIR/EIS, all of the staging areas and access roads, with the exception of SA3 and its accompanying haul road would be returned to the original condition.
- O11-65** All of the haul roads are shown on Figure 2.3.1-13. The haul roads, which are those roads proposed to be constructed within the project boundary, would be compacted and covered with gravel. Less intrusive methods (e.g., eliminating the need for gravel) will be examined during final design. Please note that Figure 2.3.1-13 incorrectly identifies the road over Grand Avenue bridge as an access road. This route should be identified as a haul road. The primary access roads are located outside the project boundary on existing streets and are already paved.
- O11-66** The desilting basin channel for DB1 would run directly into the main river channel from the west side of the basin. The desilting basin channel for DB2 would run directly into the main river channel via W6a and W6b. The issue of turbidity is addressed in Response O11-58.
- O11-67** See Response O11-13. Also see responses F1-3 and I1-6 for discussion of water quality related permits and requirements.
- O11-68** The Draft EIR/EIS states that while Table 2.1.3-6 contains a list of the equipment expected to be used for the project, the actual equipment used could vary somewhat, based on the final decisions of the construction contractor. See also Responses O11-13 and O11-62.
- O11-69** Comment noted.
- O11-70** The statement made on page 2-67 says nothing more than the No Action and Reduced Berm Alternatives do not maximize tidal restoration opportunities. This is supported by the “tidal habitat credited” acreage figures provided in section 2 for each of the alternatives.

- O11-71** Public access would be improved without impinging on endangered species habitat, hence there is no conflict.
- O11-72** A trail maintenance plan, proposed to mitigate potential water quality impacts is presented on page 4.2-25 of the Draft EIR/EIS. This measure has been expanded to require the installation of dog waste disposal bag dispensers at all trailheads. It should be noted that horses are only permitted on the Coast to Crest Trail and no dogs are permitted on the Mesa Loop Trail or the Interpretive Overlook Trail. If gravel is needed to construct any of the trails, the gravel recovered from the temporary access roads could be used in their construction.
- O11-73** The Draft EIR/EIS concludes on page 5-24 that “use of the tram on the trail would not be consistent with the Plan’s intent for the Coast to Crest Trail to be limited to non-motorized use.” The potential for growth inducing impacts related to the proposals associated with the 22nd District are addressed on page 7-1 of the Draft EIR/EIS.
- O11-74** The Draft EIR/EIS in section 4.4 analyzed the potential for impacts to biological resources as a result of the 22nd District’s use of U18 and no impacts were identified. The Coastal Commission and Earth Island will be responsible for determining if a lease between SCE and the 22nd District is appropriate based on their respective agreements with SCE.
- O11-75** See Response O11-6.
- O11-76** No significant structural change means that there would be no grading or excavation within the DFG lagoon area and, as a result, that the configuration of existing tidally influenced habitats would not change significantly. Note that the description of baseline conditions in Chapter 3.4 reflects periods of lagoon closure as well as periods when the lagoon has been open.
- O11-77** A comparison of the diurnal tidal prisms for each alternative is given in the Table O11-77.1 below. The tidal prism values listed in Table O11-77.1 are based on higher high water (HHW) inundations to +4.5 ft NGVD, occurring at least once per year to satisfy design restoration objectives. Also listed in Table O11-77.1 are hydraulic transport and inlet characteristics related to increases in tidal prism. As the tidal prism is increased by the restoration, the depth of the inlet sill is lowered relative to existing conditions. Lower inlet sill elevations reduce tidal muting and hydraulic losses to friction, and thereby reduce the degree of flood dominance as measured by the inlet velocity skewness (a ratio of flood flow velocity to ebb flow velocity).

We may estimate the relative sand influx rates using the velocity skewness calculated from the time averaged ebb and flood velocities ($\bar{u}_{\text{flood}}/\bar{u}_{\text{ebb}}$), as detailed in section 2.7 of Jenkins and Wasyl (1998) and in Jenkins and Inman (1999). We find from the results in Table O11-77.1 that as the depth of the inlet sill increases with increasing tidal prism, the degree of flood dominance is diminished, thereby reducing the influx rate of sand. The resulting reduction in sand influx rate listed in the last column of Table O11-77.1 will cause a corresponding reduction in the

dredging frequency of the inlet. Thus the tidal prism increases due to the restoration improve the performance and maintainability of the inlet.

Table O11-77.1. Tidal Hydraulics Characteristics

	<i>Diurnal Tidal Prism (ft.³)</i>	<i>Inlet Sill Depth(ft. NGVD)</i>	<i>Velocity Skewness ($\bar{u}_{flood} / \bar{u}_{ebb}$)</i>	<i>Transport Ratio (Q_{flood}/Q_{ebb})</i>	<i>%Reduction of Influx Rate</i>
Mixed Habitat Plan	42,841,530	-1.60	1.12	1.39	63%
Maximum Tidal Basin Plan	43,623,580	-1.97	1.03	1.09	71%
Maximum Salt Marsh Plan	38,896,643	-0.89	1.23	1.85	51%
Hybrid Alternative Plan	43,032,840	-1.33	1.13	1.43	62%
Reduced Berm Alternative	30,420,830	-0.46	1.31	2.26	40%
Existing Conditions	20,650,080	0.0	1.56	3.77	0%

The flushing rate of each basin is measured by residence time. Longer residence times for the water mass in each basin are proportional to lower flushing rates. The residence time is not a constant but varies throughout each year due to spring-neap tidal cycles and sea level variations. Figures O11-77.1-O11-77.3 give the residence time histograms for each tidal basin due to a 10 year long period of water level variation. The residence time of the new tidal basins is typically 12-15 hours, but may be as long as 140-150 hours for a few occasions in a 10 year period. On the other hand, the settling and deposition rates of river born silt and clay sediments occurs in these basins over periods of 50-100 days (see Figure O11-77.4). Therefore the flushing rates in the new basins are sufficient to prevent significant new deposition of muddy sediments. Consequently annual deposition rates in the tidal basins will be no more than a few millimeters per year (see Figure O11-77.4). The coarser, sandy sediments are prevented from entering the new tidal basins by the berm system constructed by the restoration (Chang 1997).

The salinity regime for all of the restoration alternatives will be at ocean salinities during dry weather. This can be verified by Figure O11-77.5 giving salinity measurements at San Dieguito Lagoon during 1996-97 when relict river flood scour from the 1995 El Niño storms left a deepened inlet channel similar to the configuration that will be maintained by the restoration. The onset of river floods will inundate the lagoon system with fresh water, returning to ocean salinities following the subsidence of river flood runoff. The lagoon is too shallow, and the

Figure O11-77.1.
Histogram of Residence Times for West Tidal Basin
Using Historic Ocean Water Level Forcing 1988-97
Maximum Salt Marsh Plan, San Dieguito Lagoon, CA

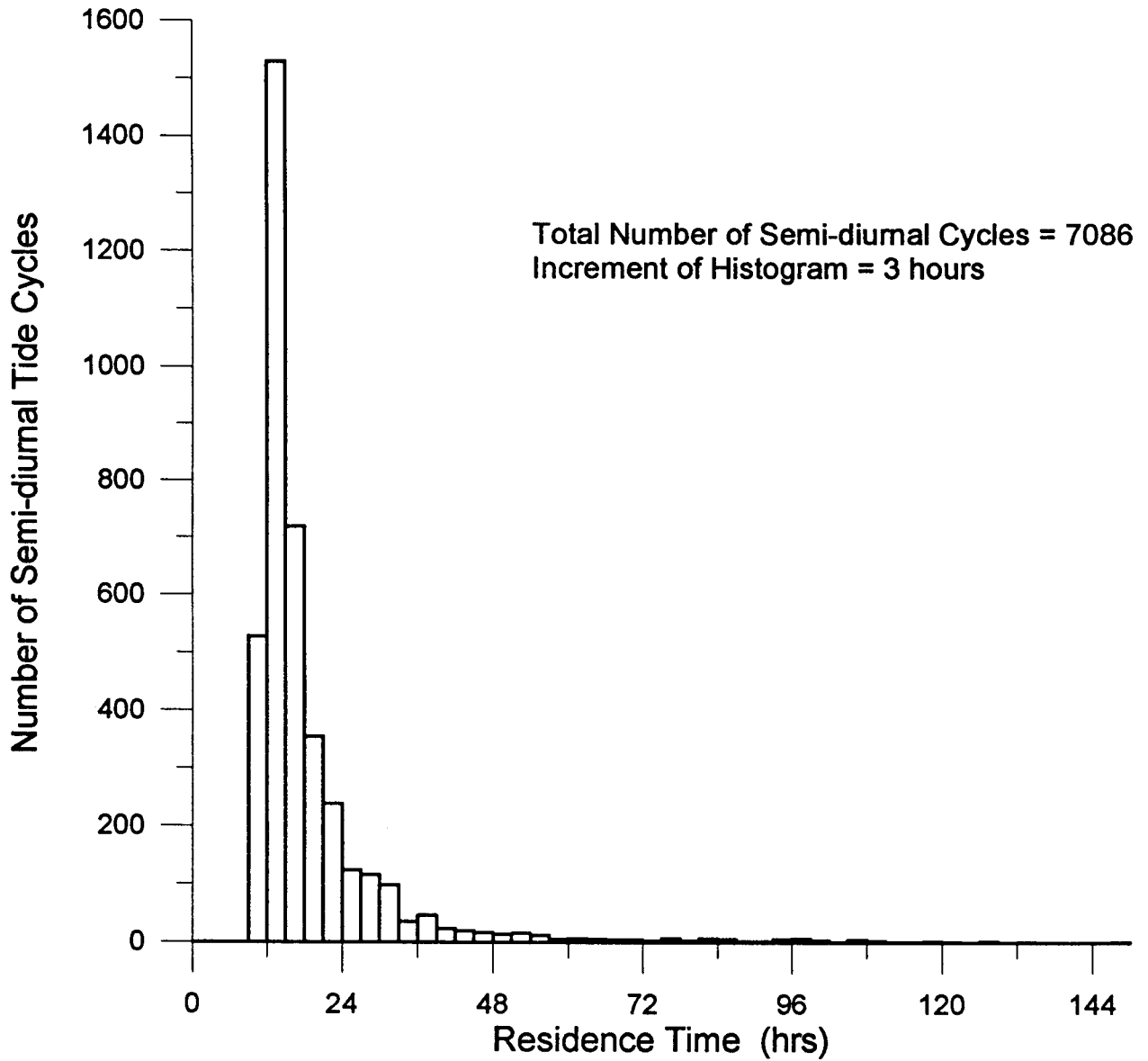


Figure O11-77.2
Histogram of Residence Times for North East Tidal Basin
Using Historic Ocean Water Level Forcing 1988-97
Maximum Salt Marsh Plan, San Dieguito Lagoon, CA

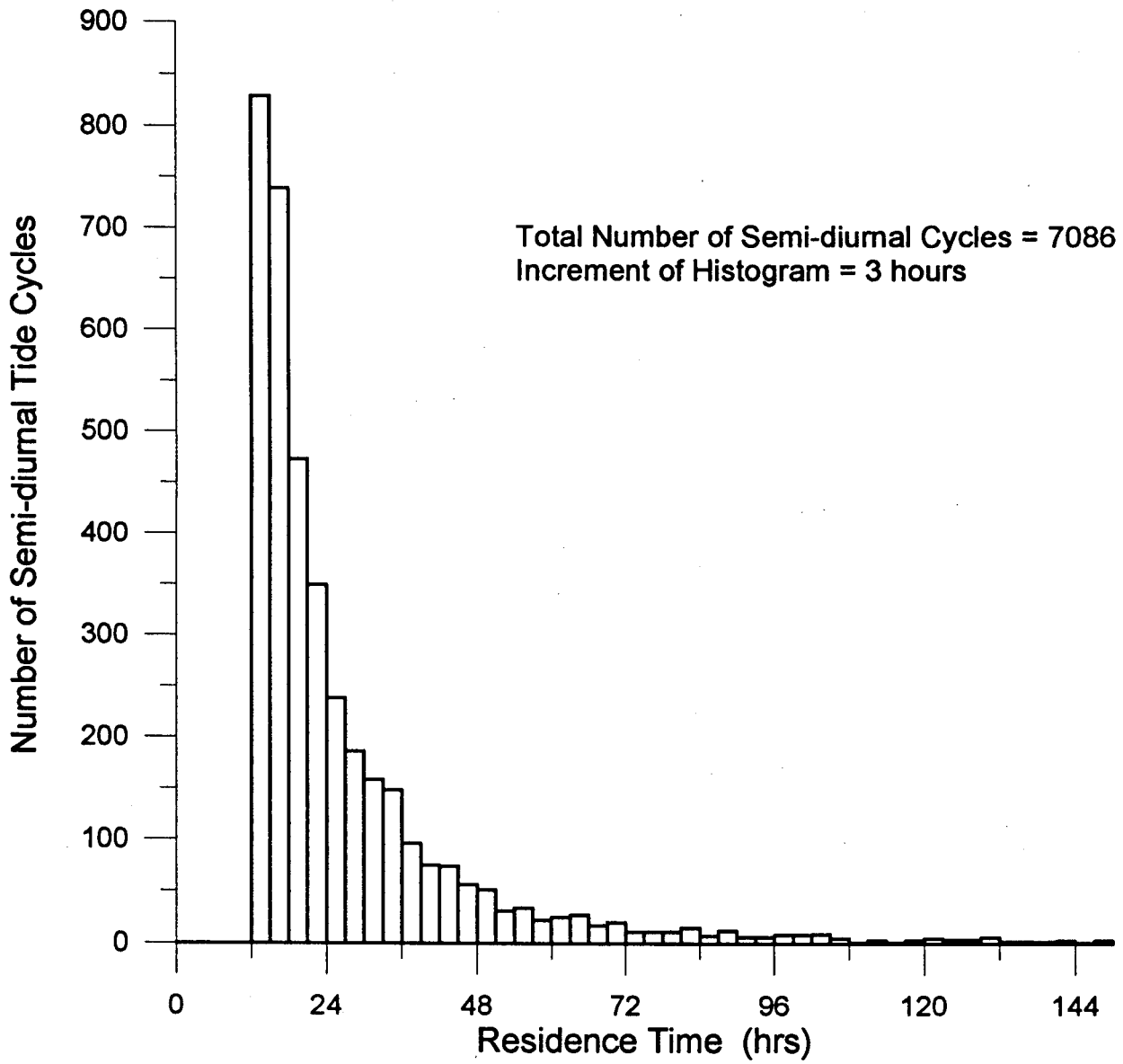


Figure O11-77.3
Histogram of Residence Times for U.S. Fish and Game Tidal Basin
Using Historic Ocean Water Level Forcing 1988-97
Maximum Salt Marsh Plan, San Dieguito Lagoon, CA

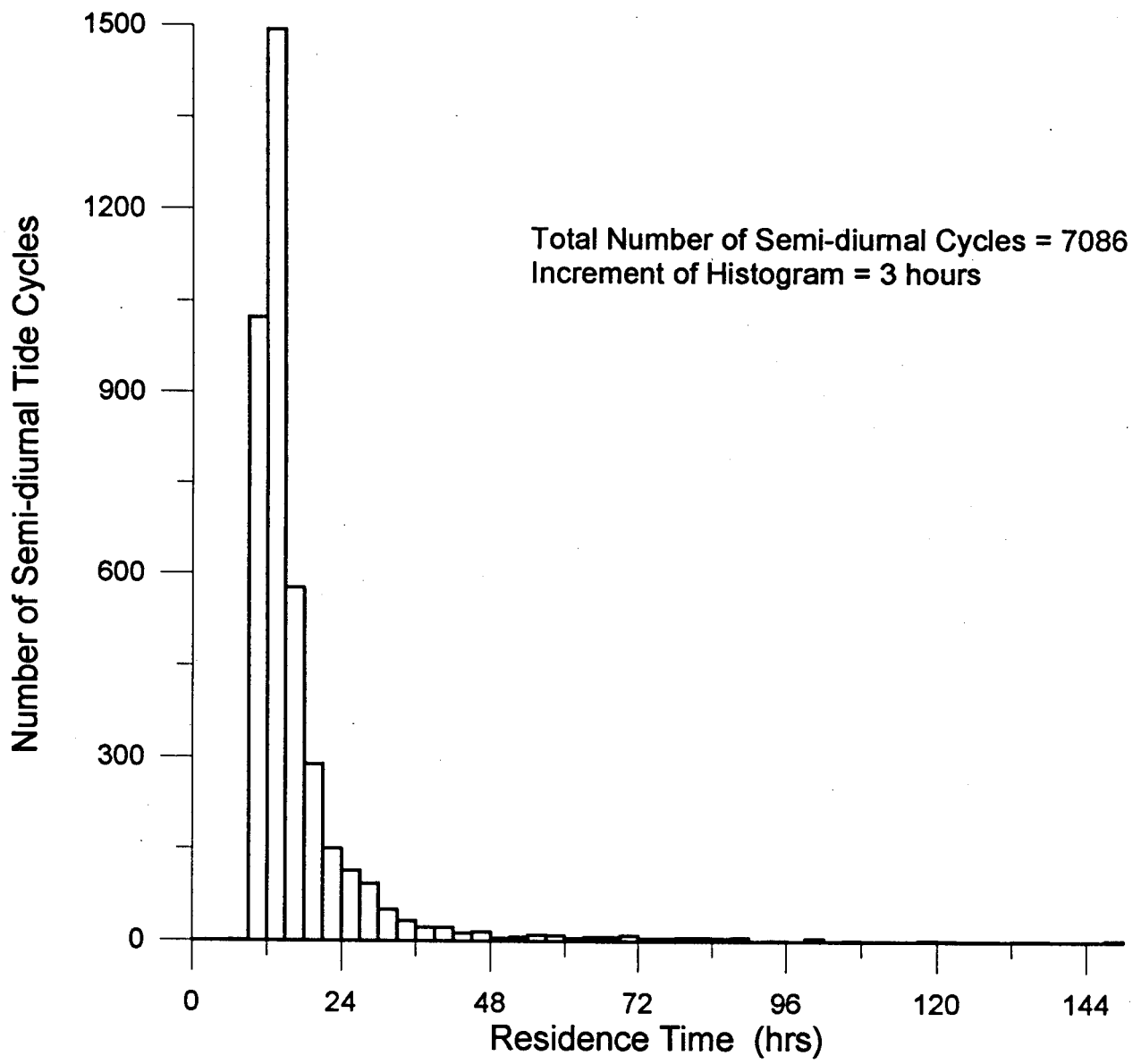
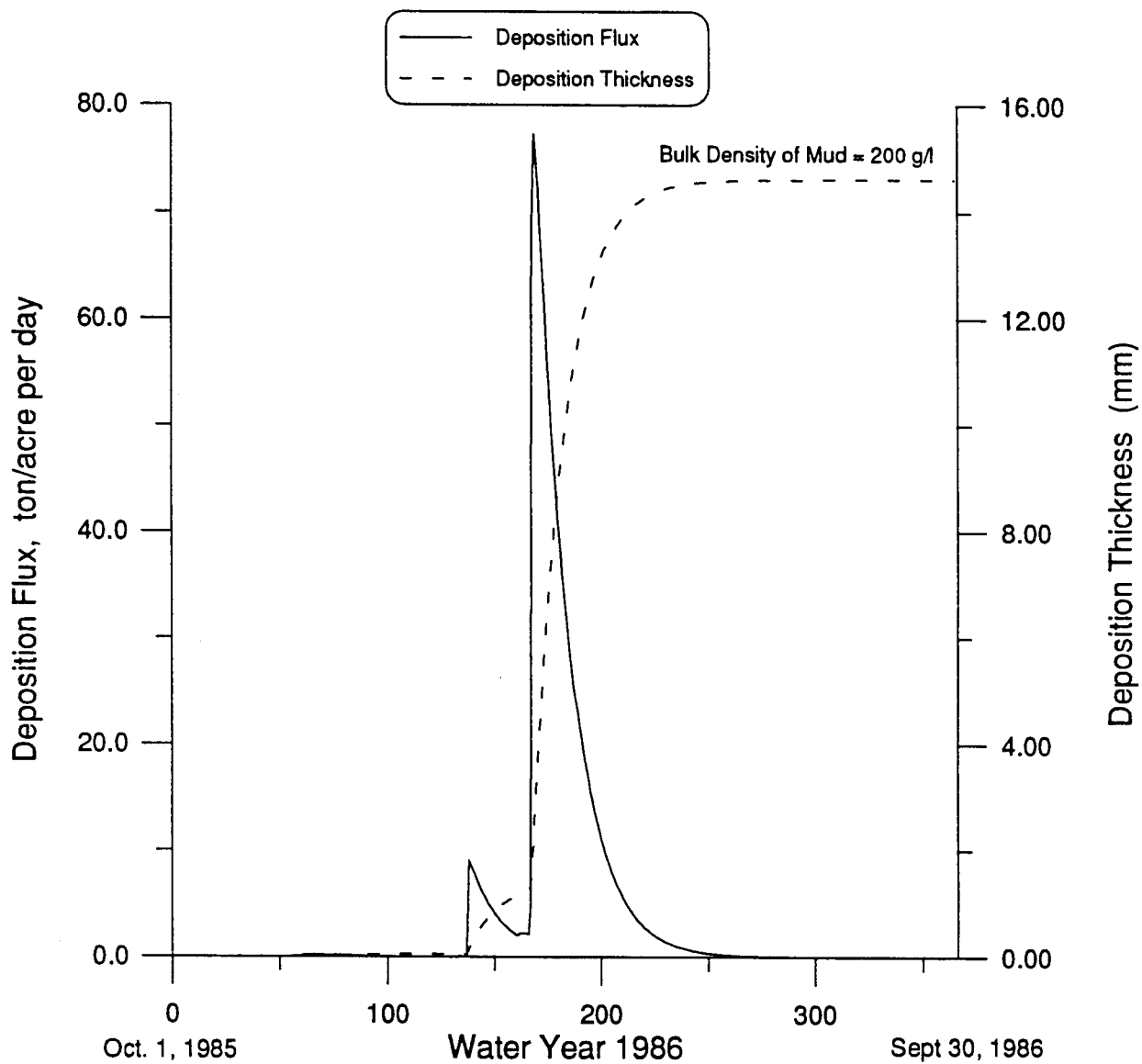


Figure O11-77.4
Tidal Basin Deposition Flux and Thickness



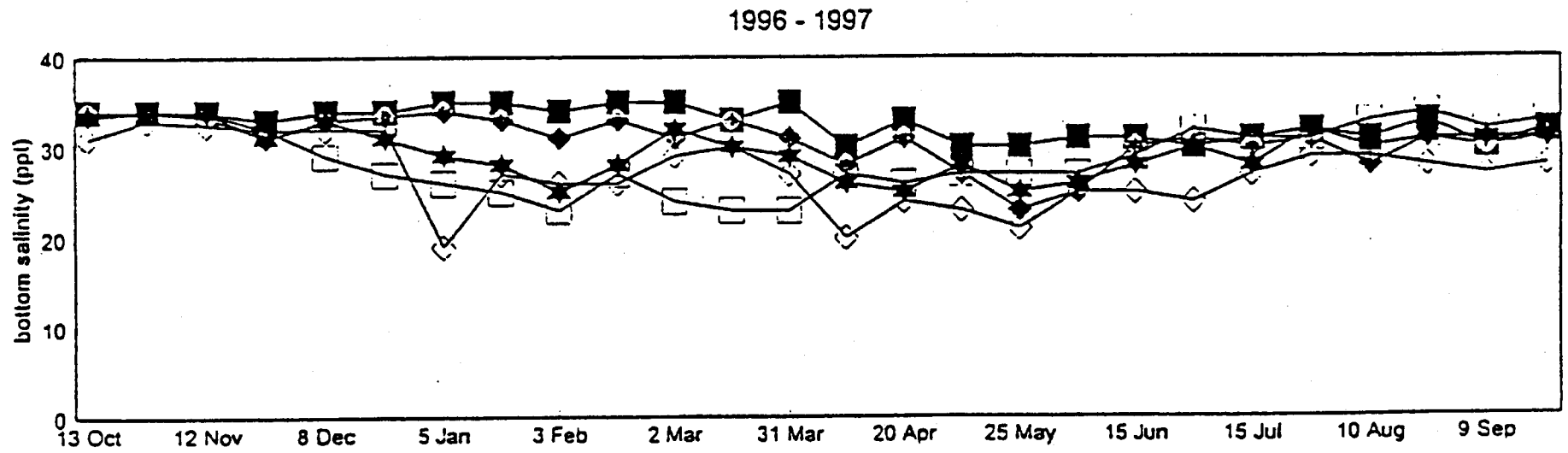


Figure O11-77.5 Interannual variations in bottom water salinities at San Dieguito Lagoon. [Boland, 1997]

- tidal prism is too small for a salt wedge stratified system to result. The lagoon will always be a homogeneous well mixed system at either marine salinities in dry weather or brackish salinities in wet weather (see Figure O11-77.5).
- O11-78** This statement has been corrected in the Final EIR/EIS. Revetment No. 1 has nothing to do with the increased tidal prism in W1 and W16. All of the alternatives that require berms will also require the installation of Revetment No. 1 upstream of Jimmy Durante Bridge.
- O11-79** The tidal response under the Maximum Intertidal Alternative is muted relative to the other alternatives so the water level is "perched" higher than the other alternatives. Since the existing channels would not be dredged, the effect of this perching (i.e., reducing the low water level) is to increase the amount of predicted subtidal habitat relative to the other alternatives.
- O11-80** Yes, if the Reduced Berm Alternative were selected, the Earth Island settlement would have to be satisfied elsewhere.
- O11-81** See Response O11-77.
- O11-82** The Via De Santa Fe sand mining operation, located in Rancho Santa Fe, dates back to the 1950s, with the present size of the sand pit estimated to be 1.3 million cubic yards (Chang 1997). Given the presence of the sand mining pit, coarse sediments supplied from the upstream drainage basin will be totally trapped in the sand pit for at least the next hundred years, resulting in no delivery of coarse sediments from upstream of the pit to the river channel downstream. The mathematical modeling conducted by SCE's consultants assumed sediment supply to the downstream river channel to be entirely cut off by this mining operation (Chang 1997). Thus, the sediment estimated to pass through the study area and ultimately into the littoral system originates entirely from alluvial sediments within the existing streambed downstream of this sand mining operation. The estimated sediment volume delivered to the littoral system over the next 30 years constitutes the sand fraction only. The wash load over this same period is considerably more. See also Responses F1-5, F1-8, and S1-27.
- O11-83** Minor differences exist in the bed elevations depicted on Figures 3.2-7 and 3.2-8 because they reflect differences in the topographic base maps used for the modeling of both the HEC-2 and Fluvial-12 analyses. The HEC-2 analyses reported in this study utilize the original topographic base prepared in 1986 for the FEMA Flood Insurance Study prepared by Nolte and Associates. The fluvial studies utilize the February 28, 1992, topographic base maps commissioned by SCE as part of their work on the Wetland Restoration Project. Since FEMA, as part of their flood insurance services to the public, utilizes the HEC-2 Water Surface Profiles, the SCE designers elected to maintain parity with the current FEMA maps. The Fluvial-12 studies utilized the more contemporary topographic base maps to provide the best characterization of anticipated river performance.

- The riverbed scour depicted on Figure 3.2-8 in the vicinity of the bridges results from the contraction scour that occurs from the embankment fills extending into the flood plain. A discussion on contraction scour can be found in the engineering text, "Fluvial Processes and River Engineering," (Chang 1988). The deposition areas depicted on Figure 3.2-8 represent areas within the river where upstream sediment transport capacity (essentially analogous to hydraulic efficiency) exceeds the transport capacity in this section of river, and hence a certain amount of deposition occurs. These areas do not reflect hard mud. Because of the topographic base map differences, exact comparisons in initial bed elevations cannot be made between Figures 3.2-7 and 3.2-8, and the absence of a deposition site west of Jimmy Durante Boulevard is more a function of the increase in available sediment transport capacity downstream of Jimmy Durante Boulevard.
- O11-84** The references used for the evaluation are believed by the project experts to provide a complete and reasonable analysis, particularly when coupled with the additional clarifications provided in the Final EIR/EIS.
- O11-85** This section of the Final EIR/EIS has been revised to indicate that periods of low salinity conditions may persist for periods of weeks, depending on the volume of freshwater inputs and extent of tidal exchange with the ocean.
- O11-86** The text for section 3.2 has been revised to indicate that no recent nutrient data are available (i.e., collected within the past 10 years).
- O11-87** As indicated on page 2-53, lines 5 through 10, this scenario has been proposed as one of the disposal alternatives.
- O11-88** Sampling locations for the Horseworld property, south wetlands, and airfield property are indicated on Figure 3.3-2 and 3.3-6. The exact locations of sampling sites in the south channel are unclear from readily available documents; however, the generalized area is designated on Figure 3.3-2.
- O11-89** Soil plantability results are taken into account when deciding on the most appropriate use for excavated soils. For example, soils with excessive salinity that may limit plant growth are most suitable for use on the tops of nesting islands—where plant growth is undesirable, or for beach disposal (assuming sufficient sand content). Soils without such limitations should be used where rapid plant growth is desired, that is, on levee or disposal site slopes. Soil plantability results do not affect grading plans because the excavated areas that will be exposed are naturally deposited river delta and marsh soils and excessive salts will be leached out fairly rapidly following renewed exposure to tidal action. These soils are expected to be conducive to the establishment of native salt marsh vegetation. The initial rate of vegetation establishment may be slower on more saline soils, but such soils are also less vulnerable to the weedy species that occur under more brackish conditions.
- O11-90** See Response O11-12.

- These circumstances have been given due consideration in the EIR/EIS. The recent lagoon inlet closure is a recurring condition that, for example, occurred during the intensive baseline studies conducted by MEC during 1992-93 and referred to extensively in the document. Because those studies overlapped a period of lagoon closure, they are directly relevant to the more recent conditions as well.
- O11-91** Neither the lead agencies nor SCE have any authority to open the lagoon at the present time. If restoration were implemented at San Dieguito, closure would no longer be an issue, as the proposal includes maintaining the inlet in an open configuration in perpetuity.
- O11-92** The high variability of these communities under influence of natural flooding events is already shown directly in Table 3.4-1 of the Draft EIR/EIS, indicating a substantial change in the composition of the benthic community from November 1992 to April 1993, after the flooding occurred. This altered community still maintains a range of marine through brackish and freshwater components that are predicted to represent an adequate forage base for fish and other organisms that occur following floods. The dynamics of riverine dominated systems are always subject to turnovers and changes in the communities, both the benthic and fish communities. Restoration and maintenance of the lagoon to a tidally-influenced system will minimize the variability experienced in the recent past from closures and openings of the inlet, but will still be subject to some variability from episodic river flooding.
- O11-93** Your observation has been noted. Evidently these patches did not persist.
- O11-94** Six stations in the lagoon were sampled to document the fish communities: five west of I-5, with one station between Camino Del Mar and Jimmy Durante, one between Jimmy Durante and I-5, and three south of the main channel (including the California Department of Fish and Game lagoon, between San Dieguito Drive and I-5; and one station east of I-5).
- O11-95** The combined text and tabular presentation of these data is consistent with the information summarized for the other studies, and is an appropriate level of detail for an EIR/EIS. The variable history of lagoon closures and openings combined with episodic flooding from river flow undoubtedly produces variability in the biological communities, including fish. Consequently, the best way to view these data is as representative of the types of communities that can exist under varying environmental conditions, particularly the principal types of species that occur. Therefore, direct inter-comparisons of these historical data are not generally relevant. Restoration of wetland habitat to tidal influence will undoubtedly increase the representation of marine species and decrease the number and types of freshwater and brackish species on a continuous basis. The species and abundance in the restored lagoon are best predicted based on data from similar, tidally-influenced lagoons such as Batiquitos (e.g., Merkel & Associates 1997). Striped bass are listed as a component of the sampled community that occurs in the lagoon.
- O11-96** The proposed intertidal slopes are described in Chapter 2, in the “Grading Plan” figures and related text, especially in section 2.3.1.4. Project alternatives incorporate

essentially the same design slopes for various habitats, so this is not a factor that distinguishes the alternatives. Habitat designs have been scrutinized throughout the development of project alternatives, and by the EIR/EIS team. It is our opinion that the proposed slopes are appropriate and do not require modification to improve the likelihood of successful restoration. The design slopes are “optimal” from the standpoint of providing desirable acreages and habitat configurations within the finite area that is available. As a result, any modifications to habitat slopes would change the acreage and spatial relationships of different habitats in ways that could favor one habitat at the expense of others, but would be undesirable in terms of the ecosystem as a whole. In particular, we find that the project’s incorporation of relatively flat slopes of 25:1 or 28:1 across most of the intertidal range of the newly constructed basins is highly appropriate and consistent with general recommendations on the creation and restoration of tidal wetlands. Above and below this range, steeper slopes as proposed are acceptable because a) the corresponding habitats are less vulnerable to erosion by tidal action; and b) at high intertidal to upland elevations, additional stabilization will be provided by permanent vegetation.

Slopes of existing habitats are noted in the Biology baseline discussions in section 3.4. In particular, within the DFG lagoon and elsewhere, slopes are excessively steep (on the order of 1:1) between subtidal habitats and the mid- to high-marsh elevations. These are less than optimal because they are prone to erosion and provide only a very narrow zone of potential mudflat and low marsh habitat. As noted above, the project design incorporates far more gradual slopes.

Mid- to high marsh vegetation was already present in much of the area when the DFG lagoon restoration occurred, and it has continued to thrive. Plugs of low marsh vegetation (cordgrass) were planted in the DFG lagoon in 1987-88 and have expanded slowly but progressively over the years. Vegetation establishment has been poor at the highest intertidal to above-tidal levels (vicinity of +5 ft NGVD).

Algal mats may form throughout the lagoon, especially during summer conditions of low flow and limited tidal exchange.

- O11-97** Figure 3.4-1 does include L-1, located just south of the old “Grand Avenue” road.
- O11-98** Mammalian predators were discussed subsequently under “Seasonal Salt Marsh.” The Final EIR/EIS clarifies that species also extend into intertidal marsh habitats when the tide is out.
- O11-99** The proposed designs maximize the chances of successful nesting, based on best professional judgement of the U.S. Fish and Wildlife Service.
- O11-100** See Response O11-91.
- O11-101** We believe that the design of the nesting islands is consistent with section 404(b)1 requirements because the overlap of wetlands has been minimized to the extent practicable subject to the constraint that, to maximize chances of success, the nest

- sites should be in close proximity to existing and created wetland and open water habitats.
- O11-102** The 268 acres includes non-vegetated disturbed and ruderal areas that, largely for historical reasons, fall under section 404 jurisdiction but are not wetlands in terms of habitat functions and values and so are not mapped as such in Figures 3.4-1 and 3.-2.
- O11-103** The purpose of the Draft EIR/EIS is to evaluate the proposed actions, identify any potential impacts, and recommend mitigation measures that would reduce these impacts to below a level of significance. On page 4.4-20, the document identifies significant, unmitigable impacts related to disposing of fill material on jurisdictional wetlands. The Final EIR/EIS has also been revised to identify mitigation measures that would reduce these impacts; however, neither SCE nor the 22nd District Agricultural Association has agreed to implement these measures; therefore, the conclusion remains unchanged. Impacts to jurisdictional wetlands as a result of placing fill on DS38 would be significant and unmitigated. Ultimately, it is the Corps responsibility to determine if a permit can be issued that would allow excavated material to be deposited on jurisdictional wetlands.
- O11-104** As described in section 4.4.1.1.2 (Public Access) of the Draft EIR/EIS, the proposed alignment for the Coast to Crest Trail was selected to avoid to the maximum extent feasible impacts to existing habitat. In some locations, the alignment follows existing utility access roads or is located within currently used parking lots. The use of these areas for the trail would not impact existing resources since they are already disturbed. Trail construction would, however, encroach into areas delineated as jurisdictional wetlands; therefore, mitigation for these impacts would be required. The mitigation measures proposed by the JPA to reduce impacts to jurisdictional wetlands are described in section 4.4. See also Response O7-7.
- O11-105** A number of disposal options are considered in the Draft EIR/EIS. Not all of the sites proposed are required for disposal, therefore, the JPA and other agencies with discretionary approval can choose to approve some or all of the disposal options under consideration. The Draft EIR/EIS describes the potential impacts associated with disposing of excavated material at all of the sites under consideration.
- Disposal of dredged material is not required at DS37 and DS38 in order to counter the effect of Berm B7. Berm B7 is required, with or without disposal on DS37 and DS38, in order to maintain the existing sediment flow in the river as well as to protect the restored wetland from siltation during storm events.
- O11-106** As described in the Draft EIR/EIS, the County of San Diego is currently responsible for mosquito surveillance and abatement and would continue to implement this program following project implementation. The types of products used and the frequency of application are determined by the County in consultation with the appropriate resource agencies.
- O11-107** The grading plans for each alternative include the elevations of the channel in those areas where grading or dredging is proposed. No changes to the existing channel

- bed are proposed outside of these graded areas. For more information regarding the channel bed elevations, refer to Figure 3.2-7 of the Draft EIR/EIS.
- O11-108** The Final EIR/EIS has been revised to clarify that SCE intends to remove the old piles.
- O11-109** See Response F1-1.
- O11-110** The text on page 3-10 of the Draft EIR/EIS will be updated to reflect this change. The study referred to in the comment is addressed in detail in section 3.3 of the Draft document.
- O11-111** The sewer line was located in May 2000 using a magnetometer. These indicate that the line is buried in the bottom at a depth of -5 to -6 NGVD.
- O11-112** Information at this level of detail is beyond that which is required to analyze the socioeconomic impacts of this wetland restoration project, and is not relevant to the current proposal.
- O11-113** Wetlands are addressed by one of the Biological Resources significance criteria and are discussed in the associated analysis in section 4.4. The significance criteria state that a project would be considered significant if substantial adverse effects would occur to a species, natural community, or habitat that is specifically recognized as biologically significant in local, state, or federal policies.
- O11-114** The construction project requires a construction staging area. There is not adequate room in the vicinity of the Grand Avenue bridge to provide such a staging area. For that reason, the staging area is proposed near I-5. The majority of activity on the new road that would be required to access this staging area is proposed to occur at the beginning of the project (i.e., when large construction equipment is brought into the site) and at the end of the project when the equipment is removed from the site. Daily construction traffic to and from the site would be via the Grand Avenue bridge or some adjoining temporary bridge structure if the bridge is determined to be unsafe for vehicular traffic. The bridge would not be left in place due to the impacts to the restored habitat that could occur if an access route is maintained in this area. Fencing can be cut or dismantled, making the restored wetlands and proposed nesting sites vulnerable to human and predator trespass. See Response O11-63 for information regarding SA4.
- O11-115** See Response O11-6 for information regarding the 22nd District and the State Lands Commission. See Responses O11-1-3 and O11-105 for a discussion of jurisdictional wetland impacts on DS37 and DS38. Berm B7 would not contribute to flooding impacts on the Surf & Turf property, as described in section 4.2 of the Draft EIR/EIS.
- O11-116** The permitting agencies, including the Coastal Commission and the Corps, are responsible for evaluating the analysis provided in the Final EIR/EIS and making a determination as to whether or not a trail can be permitted in areas designated as jurisdictional wetland.

- O11-117** Impacts from filling of jurisdictional wetlands are discussed in section 4.4 (Biological Resources).
- O11-118** Evaluations of project impacts to biological resources and ecological function are addressed in section 4.4.
- O11-119** Sedimentation is addressed in the second significance criterion bullet; project-related turbidity changes were not identified as a significance criterion because these are expected to be short-term alterations with no appreciable effect on biological resources or beneficial uses.
- O11-120** See Response S1-28. During flood flows, and particularly during the rising and falling floods, it is best to maintain an approximately equal water surface elevation between the protected off-channel habitat and the main channel. Any large differential water surface elevation would be associated with higher velocities through the berm opening, contributing to channel bed scour and excessive sediment deposition just inside the channel openings. The use of the culverts relieves the burden on the berm openings, especially at the critical period of maximum flow exchange, and it provides a more uniform distribution of flow through the berm since, without the culverts, all the flow exchange would pass through the berm opening. This subject is discussed in greater detail in Appendix F-7.
- O11-121** This information is not required to evaluate impacts associated with the proposed project.
- O11-122** See Responses S1-22, S1-28, and O11-120. The low-flow channel capacity is estimated to carry the 2- to 5-year flood (personal communication, Chang 2000). The flood discharge for the 5-year event is 3,000 cfs and under this flow rate, little if any streambed scour occurs. The berms are some distance from the low-flow channel and for flow rates confined to the low-flow channel, the berms have no effect on channel hydraulics. Once flood flows exceed the low-flow channel, overbank flow is then confined to those areas contained within the berms and, again, at shallow depths, overbank flow does not induce any overbank bed scour. As flood flows increase, due to the improved hydraulic efficiency resulting from the berms, eventually the channelized flow will initiate bed material transport under slightly lower river discharges than under the existing conditions. This negative impact is offset by the significant improvement in off-channel habitat quality. The berms, however, have been designed to maintain sediment-laden river conveyance and specifically maintain all post-project scour in the vicinity of any infrastructure below that which would occur under existing conditions.
- O11-123** Figure 4.2-1 represents the velocity distribution under existing conditions simulated using the two-dimensional hydrodynamic model FESWNS for a flood discharge of 20,000 cfs. As this model represents the existing conditions, the proposed berms are absent in this figure. As this is a hydrodynamic model, it is not intended to indicate critical velocity or the velocity necessary to initiate and/or sustain bedload transport. Fluvial-12 is ideally suited for evaluating initiation of bedload transport for a variety

- of sediment grain sizes. While the reviewer is correct that most of the suspended sediment would be transported through the lagoon, even in the absence of the berms, within the ineffective flow areas, sands, silts, clays and debris will tend to be deposited, degrading the quality of the biological habitat in these areas. The berms will substantially improve the quality of the off-channel biological habitat and improve tidal circulation in these areas.
- O11-124** Dredging and disposal impacts on turbidity levels are addressed in section 4.2. Turbidity effects are expected to dissipate quickly with no persistent impacts to water quality or biological resources. The physical disturbances to benthic habitats associated with dredging are expected to be substantially greater than those associated with turbidity or resedimentation. As discussed in section 4.4, these impacts would be offset by beneficial impacts associated with restoring tidal exchange with the ocean.
- O11-125** See Responses F1-5, F1-8, S1-25, and S1-27.
- O11-126** See Responses F1-5, F1-8, S1-25, and S1-27. The reviewer is correct in that channelized velocities will locally reach two times the existing flow velocities, primarily in the vicinity of River Mile 0.8 to 1.0. Under the existing conditions this is where a small backwater forms from the confined flow in the vicinity of Jimmy Durante Boulevard, slowing velocities down to approximately 3 feet per second. This actually has the undesirable effect of causing coarse-grained sediments to drop out in this area, further silting-in this section of the wetland. Berm B7, along with other project berms, are simply increasing the hydraulic efficiency through the lower reaches of the river, thus increasing the sediment transport capacity through this section and reducing those areas of sediment deposition. As indicated in Response F1-5, this also has the added benefit of reducing river scour in the vicinity of the bridges, while increasing sediment transport to the coast.
- O11-127** See Responses F1-5, F1-8, S1-25, S1-27, and O11-3.
- O11-128** See Responses F1-5, F1-8, S1-25, and S1-27. The extra sediment delivery to the beach is all sand-sized material. The project does reduce the supply of silts, clays, and other organics to the off-channel tidal basins. It is anticipated that this reduction of silts and clays will increase the biological habitat within the constructed off-channel areas. Although the retention of organic matter, especially large woody debris, within the restored system, may be reduced by the berms' conveyance of heavy river flows to the mouth, it should be noted that without the berms, the new wetland basins would be vulnerable to greater rates of sedimentation, and the rapid accumulation of coarse sediments in particular would not be conducive to marsh maturation and overall productivity of the ecosystem.
- O11-129** As indicated in Figure 4.2-2, channel velocities downstream of the berms, and specifically downstream of Jimmy Durante Bridge, are essentially the same for both the existing and proposed project conditions. The small increase in the potential to convey upstream debris downstream is associated with the improved hydraulic efficiency of the San Dieguito River through the Wetland Restoration Project,

- reducing potential for debris deposition further upstream, and now more efficiently delivering the debris to the railroad bridge area. The upstream berms do, however, provide more sediment delivery, and hence reduced streambed scour within the downstream sections of the river, offsetting somewhat the potential impact of a minor increase in debris loading. See also Response F1-5.
- O11-130** The current beach material is not composed of silts and clays, it is primarily sand. The scientific evidence available, which is contained in the technical studies referenced in Chapter 4, is that sands delivered to the shoreline stay on the beach while silts and clays remain in suspension and are carried away to deeper waters. Consequently, since most of the sediment during river flooding is suspended silts and clays, this material is not delivered to the beach but rather is carried offshore. Currently and historically the principal material on the beach is sand, not silts and clays. This is in contrast to the comment suggesting “that most of the sediment delivered to the beach will be silts and clays”.
- O11-131** Figures 4.2-5 and 4.2-6 illustrate the effect of tidal variations on the river hydraulics. The initial bed elevations are different in these two figures, with Figure 4.2-5 representing the existing channel bed elevation, and Figure 4.2-6 representing the proposed inlet channel dredging, which has been proposed to improve tidal circulation and biological habitat within the wetland areas. These plots terminate at River Mile 1.2, as their primary purpose is to illustrate the effects of tidal variations on flood flows through the river under existing conditions and under proposed conditions. As indicated in the two figures, water surface elevations converge prior to reaching the I-5 Bridge.
- O11-132** The cobbles mostly lie below the minimum project channel depth. Any cobble deposition in the inlet above the design depth would be removed as part of maintenance dredging. The project actually increases the delivery of sands to the shoreline. In addition, river flows would be more than adequate to move cobbles from the inlet into the surf zone. Cobbles that arrive alongshore from up or down the coast will remain in the inlet area and not migrate up the channel. If necessary, these cobbles can be removed using conventional earth moving equipment.
- O11-133** Resuspension of sediments during dredging is expected to occur within subtidal portions of the project area. Specific distances from the dredging site in which resuspended sediments could be transported can not be defined accurately but will depend on the size and sinking characteristics of the particles, rate and direction of water movement, and bottom depths. Similarly, the term “localized” changes with respect to sediment texture changes and can not be quantified because it relates to the present non-uniform distribution of sediment grain size within the project area.
- O11-134** Mitigation measures to reduce the significance of construction activities on water quality are addressed in section 4.2 (e.g., 4.2.1.8). These mitigation measures are considered adequate to reduce the level of impact to less than significance.
- O11-135** See Responses O11-119, O11-124, O11-133, and O11-134.

- O11-136** Excavation of sands from basin W1 is addressed in the previous section.
- O11-137** See Responses S1-29, S1-31, and O11-55. The crest elevation of the weir will be sufficiently elevated above the channel bottom, so no coarse sand-sized materials will pass through the weir. The weir does not trap any sand-sized materials ultimately destined for the beach. This is because the sand size materials constitute the bed load, which, with the improved hydraulic efficiency of the upper reaches of the river, will now more efficiently pass through this area and not settle out as quickly as under existing conditions.
- O11-138** This comment does not address the adequacy or accuracy of the Draft document, therefore, no response is required. Issues related to Earth Island and their settlement with SCE are outside the scope of this document.
- O11-139** This mitigation measure is expected to minimize the amount of material spilled into the adjacent waterway and, consequently, potential impacts to benthic organisms.
- Requirements for monitoring the dewatering effluent would be specified in the discharge permit issued by the Regional Water Quality Control Board.
- O11-140** Requirements for monitoring the dewatering effluent would be specified in the discharge permit issued by the Regional Water Quality Control Board. In addition, a storm water pollution prevention plan is required for construction projects with a footprint larger than 5 acres. For this project, a stormwater permit would be required for construction activities. The permit would require a Best Management Practices Plan (BMP) that would include structural and non-structural measures to ensure that runoff from the construction sites do not add pollutants to runoff in amounts that would adversely affect water quality. The requirement to implement BMPs has been added to the Final EIR/EIS.
- O11-141** Desilting basins can be designed to trap silts and clays, as well as sand. By adjusting the inflow and outflow rates of slurried sediment, the residence time of the slurry can be adjusted to allow time for most silts and some clays to settle in the basin.
- O11-142** The impacts of disposing of excavated material on DS37 and DS38 are described in section 4.4 of the Draft EIR/EIS. The use of DS38 would pose a variety of problems, not the least of which would be the likely requirement to provide mitigation of 31 to 78 acres of wetlands. Since neither SCE nor the 22nd District Agricultural Association has agreed to implement this measure, impacts to jurisdictional wetlands as a result of placing fill on DS38 are considered significant and unmitigated. Ultimately, it is the Corps responsibility to determine if a permit can be issued that would allow excavated material to be deposited on jurisdictional wetlands.
- O11-143** Striped bass are a component of the sampled fish community.
- O11-144** Given the adherence to design elevations, adequate channel dimensions, and the maintenance of an open tidal inlet, all of which are part of the project design, successful restoration of tidal habitats is likely, and a 1:1 ratio is justified.

- O11-145** See Response O11-13.
- O11-146** No impact related to the use of SA2 has been identified; therefore, there is no justification for requiring the relocation of this construction staging area. See Responses L1-19, I13-6, and I15-1..
- O11-147** The details are adequately developed for impacts and mitigations to be identified as required under NEPA and CEQA. Turbidity plumes can be transported and dispersed by currents within the project area. However, the magnitude of these plumes will diminish quickly with time following completion of dredging and with distance from the dredging site. Effects to biota associated with a turbidity plume are expected to be minor in comparison to physical effects from dredging. Areas that will not be affected by dredging can be protected from turbidity effects by placement of silt curtains.
- O11-148** Recolonization will occur from post-construction transport of adults and larvae in tidal currents and from areas of the lagoon that are unaffected by the construction activities. The net result, particularly the large expansion of lagoon area due to the restoration project, will be an environmental benefit.
- Some of the sediments disturbed during dredging will settle to the bottom shortly (within hours) following dredging. Recolonization by benthic organisms of bottom sediments disturbed by dredging are expected to begin shortly after dredging is completed. This process typically occurs in stages. Regardless, settling of sediments following dredging is not expected to prevent or inhibit recolonization by benthic organisms.
- Desilting basins can be designed to trap silts and clays, as well as sand. By adjusting the inflow and outflow rates of slurried sediment, the residence time of the slurry can be adjusted to allow time for most silts and some clays to settle in the basin.
- O11-149** Even transient fish populations are relatively “resident” within lagoon systems, some on a seasonal and some on almost a daily basis. Thus, impacts to local populations will vary depending on the length of a construction period, with some individuals and schools being significantly impacted. However, compared to the extremely large source populations within the local region, these impacts would not be significant.
- O11-150** This impact is identified as a Class II impact, because the functions and values of the impacted area can be replaced without substantial net loss. If this were not true, the impact would be significant and unmitigable (Class I).
- O11-151** Appendix C-5 provides this information.
- O11-152** This statement has been corrected. Limited grading (construction) is proposed in the form of recontouring. This activity is required in order to correct current erosional problems and to make the existing site more suitable for use as a nesting site.
- O11-153** Appendix C-5 provides this information.

- O11-154** No information is available regarding the mitigation measures that may have been required when the utility easement was constructed along the east side of I-5. This easement provides access for SDG&E, as well as Pacific Bell. The access route is required to allow maintenance and service of the fiber optic cables that extend along the freeway and across the river. Restoration of this access road would make maintenance of this utility difficult, if not impossible.
- O11-155** As stated previously, the description of baseline conditions includes reference to periods of lagoon closure that characterize the lagoon under existing conditions. A reassessment is not needed.
- O11-156** The comment references the impact discussion on page 4.4-15 of the Draft EIR/EIS. The fact that created high marsh could literally be degraded to a lower elevation by river scour does not justify eliminating these features which are necessary to the overall goals of the restoration. The extent of scouring is uncertain, but the worst case would be that the habitat is converted to low marsh or mudflat—habitats that are still ecologically valuable.
- O11-157** Zedler’s data set was limited, but the conclusion that tidal marsh is the habitat most in need for restoration is true on a regional basis and has been factored into the comparison of alternatives.
- O11-158** The Draft EIR/EIS identified the lack of subtidal habitat east of I-5 as a drawback for certain designs. Habitat changes at the DFG Lagoon have also been considered. We agree that the DFG reserve is an important source of propagules.
- O11-159** This statement is correct. The haul road would be eliminated if no use of DS37 or DS38 is proposed.
- O11-160** Water level management is only required if dredging is used for the basin construction in some of the alternatives. Because the water level management will occur within an excavated basin or pit that is not physically connected to any natural water body, there will be no effect on tidal salt marsh vegetation within the existing lagoon. In some instances, water level regulation may be necessary for specific, but limited tasks such as placement of bridge protection or river bank excavation. However, these impacts are short-term, of limited extent, and will have only temporary and minor impacts.
- O11-161** The Draft EIR/EIS does not dismiss the proposal to fill jurisdictional wetlands, it makes it clear that the impact is significant and unmitigated. This information will be used to evaluate the most appropriate array of disposal site options for the project. As previously stated, not all of the sites evaluated are needed to dispose of excavated material.
- O11-162** See Response S1-33.
- O11-163** Reasons for the lack of nesting at NS15 are a matter of conjecture. Nest site designs and related mitigation measures reflect consensus on the factors most likely to be important.

O11-164 Low marsh is an important part of the restoration designs and has not been minimized. For example see Figure 4.4-1.

O11-165 See Response O11-138.

O11-166 As shown on Figure 2.3.1-19, the Nature Center facilities, including the parking lot, would be set back 100 feet from Via de la Valle. The new 70-foot tall poles would be located about 75 feet south of the southern edge of the existing roadway alignment. Therefore, they would not pass over the Nature Center. The City of San Diego is responsible for issues related to sewer lines upstream of the project boundary.

O11-167 See Response O11-03.

O11-168 See Response F1-5. The project does reduce the supply of silts, clays, organics, and debris to the off-channel tidal basins, and this will increase the quality of the biological habitat within the off-channel areas. In viewing any of the wetland restoration plans, the off-channel areas make up the vast majority of the entire wetland restoration project, and this, combined with the improved tidal circulation, is judged to provide a significant environmental benefit. While it is true that the channelized section of river will experience some minor increase in scour, this negative impact is offset by environmental benefits to the off-channel areas. The berms also provide some definite hydraulic benefits. Namely, reduced flood inundation given any river discharge, and reduced threat to existing infrastructure within and adjacent to the lagoon. The project also increases sediment delivery to the beach.

O11-169 As described in Response F1-5, the berms are required to maintain the existing sediment flows within the river during flood flows. Culverts have been incorporated into the berms, as described in Response fS1-28 to allow equalization of water levels between the river and the adjacent floodplain.

O11-170 In accordance with the CEQA Guidelines, section 15130, a list of past, present, and probable future projects producing related or cumulative impacts, were incorporated into the Cumulative Impacts analysis for this project. The projects listed include those projects in the immediate project area and generally within the watershed of the San Dieguito River Valley that were under construction, have been approved but are not yet under construction, had applications pending, or were known to be considering applications for future development. The cumulative effect of these projects is described in Chapter 6.0 of the Draft EIR/EIS. This chapter has been revised to provide additional information regarding the proposed widening of I-5.

The criteria used to assess the significance of cumulative impacts mirrors the procedures spelled out in the CEQA Guidelines. The Guidelines state that an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable. The incremental effects of an individual project are deemed "cumulatively considerable" when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The Guidelines go on to state that where a lead agency is examining a

project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

The cumulative impacts discussion in Chapter 6.0 is presented in a manner that allows individual consideration of each impact topic and is not considered a piece-meal approach. The purpose of the cumulative impacts analysis is not to determine how surrounding projects could affect the current project, but rather, as defined in section 15355 of the CEQA Guidelines, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts that do not result in part from the project evaluated in the EIR.

The issue of water quality and changes in the watershed are addressed in section 6.2.2 of the Draft EIR/EIS. See also Response F1-8.

Future development on the Fairgrounds was not included in the cumulative impact analysis because adequate information regarding the District's plans is not yet available and any discussion would have been speculative at best. The same is generally true for future plans to widen Via de la Valle. The District's train station proposal has been shelved now due to a lack of funds and whether or not it was going to be revived was not known at the time the draft was prepared. The cumulative impact discussion has been revised to incorporate information relative to the widening of I-5, however, no cumulative impacts that would meet the definition of cumulatively considerable were identified as a result of this revision. Finally, Chapter 6.0 has been revised to indicate which of the project's contribution to a significant cumulative impact is *de minimus* and thus is not significant. A *de minimus* contribution means that the environmental conditions would essentially be the same whether or not the proposed project is implemented.

- O11-171** This comment does not appear to be associated with any specific part of the comment letter, therefore, a response can only be provided for that part of the comment that is included as page 8 of the fax that was provided as a comment to the Draft. The issue that appears to be addressed here relates to acreage credits associated with the Coastal Commission Permit for SONGS Units 2 and 3. Any questions related to the acreage credits that may be available from this project to satisfy the permit conditions for SONGS Units 2 and 3 should be directed to the California Coastal Commission. As stated on page 1-21 of the Draft, "the impact analysis provided in this document focuses on the impacts of restoration, not on the mitigation requirements of SCE."

INDIVIDUALS

Douglas Allred Company

- I1-1** The characterization of the Draft EIR/EIS as assuming that the lagoon was constantly open is inaccurate as demonstrated by the discussions presented on page 3.2-18, 3.2-20, and 3.2-27, and particularly on pages 4.1-4 through 4.1-6, where the issues of loss of recreational beach area and access across the river mouth are

presented. To accurately describe the historic natural conditions, the conditions of the lagoon prior to 1905 must be considered, as discussed in section 1.4 of the Draft EIR/EIS. Prior to filling the historic wetland for highways, railroads, and development, as well as damming the river to create Lake Hodges, the historic records suggest that the river mouth was always open. By the 1940s, the historic natural condition had been so profoundly altered that the lagoon mouth closed for many years, opening occasionally as a result of significant storm events.

The existing “altered” conditions of these wetlands has been recorded over the years and indicates that the mouth has been open to tidal (ocean) waters about 75 percent of the time over the periods from 1926-1939 and from 1980-1989, and open over 50 percent of the time from 1990–1995 (Jenkins and Wasyl 1996). Since the early 20s, river flow has been the main determinant of whether the inlet remains open or closed and, as a result, the inlet has experienced prolonged closure during dry periods such as during the drought years of 1989-1992. As a result of El Niño events of 1998, the lagoon mouth remained open for over a year. It was not until April 1999 that the mouth once again closed. Since that time, the sand plug has built up to its present condition.

Keeping the river mouth open would indeed restore permanent tidal exchange, which is considered the “historic” natural condition. An open lagoon mouth would not however reflect the current characteristics of the lagoon mouth under existing “altered” conditions.

Sections 3.2 and 4.2 of the Draft EIR/EIS have been revised to include additional data regarding the rate and length of closure at the river mouth, in order to assist the reviewers in understanding the historic natural and more recent altered conditions of the river mouth. The inclusion of this information does not, however, change the conclusions of the document with respect to potential impacts associated with maintaining the river mouth in an open configuration.

- I1-2** The Draft EIR/EIS includes, on pages 4.10-1 through 4.10-3, an in-depth discussion of the changes in velocity and depth of the water in the inlet channel as a result of restoration. In addition, the document identifies significant impacts to public safety at the inlet. Additional explanation of the changes at the inlet have been included in section 4.10.1 of the Final EIR/EIS in order to provide a more complete understanding of how the inlet would be affected by the project (also see response to O4-2). Finally, the issue of appropriate mitigation for these project impacts has been discussed with the City of Del Mar and as a result, the mitigation measures have been further refined. None of these changes effect the overall conclusions presented in the Draft EIR/EIS.
- I1-3** The photographs and written materials provided by Rick Engineering have been reviewed and the conclusions of that analysis are provided in Response L1-1.
- I1-4** The effect on recreational uses of maintaining the inlet in an open configuration is described in section 4.1.1.2. In addition, temporary loss of recreational beach area during construction is addressed in section 4.1.1.1. As discussed in the Final

EIR/EIS, the maximum area of beach that would be lost as a result of maintaining an open inlet would be approximately 1.8 acres. The entire inlet area, from the railroad bridge to the inlet sill, is approximately 9.5 acres. This loss is not considered significant for the reasons that are described in the Draft EIR/EIS. In addition, no loss of beach either to the north or south of the river would result from project implementation.

This comment implies that access to the beach would be impaired as a result of the restoration project. This assumption is incorrect. As stated in the Draft EIR/EIS, access to and from Camino Del Mar to the north of the river would be maintained even during construction, and a new access route to and from Camino Del Mar would be provided south of the river. This will accommodate access across the river during those times when crossing the river would be difficult due to the depth and velocity of the water (see Response L1-4 for additional details).

Consistency with the Coastal Act is addressed in Chapter 5 of the Draft EIR/EIS. The basic goals of the state coastal zone (Section 30001.5 of the Coastal Act) call for maximizing public access and public recreational opportunities, but there are also two other goals relevant to this project. One addresses protection, maintenance, and where feasible, enhancement and restoration of the natural resources of the coast, and the other directs orderly, balanced utilization and conservation of coastal zone resources. The proposed restoration project would result in the loss of some beach area that would otherwise be available during those times in which the inlet channel is closed. However, significant portions of the beach would remain available for public use following restoration. This project would, therefore, balance the need for restoring important coastal resources with the desire to maximize recreational opportunities on the beach. A discussion of beach loss, although adequately addressed in section 4.1.1.1 of the Draft EIR/EIS, has been added to section 5.2 of the Final EIR/EIS in order to clarify the project's consistency with the Coastal Act with respect to the State's basic goals for the coastal zone.

- I1-5** The effects of this project on water quality are addressed in section 4.2 of the Draft EIR/EIS and the changes in water quality within the lagoon are described in detail on page 4.2-17. As noted, restoration of the lagoon, especially continuous exchange with ocean waters, is expected to improve water quality within the lagoon in part by reducing stagnation that presently allows buildup of bacteria within the lagoon that is responsible for periodic beach closures. As a result of maintaining tidal exchange to the lagoon, future beach closures related to opening the inlet would be eliminated. It should be noted, however, that some beach closures related to urban runoff, generally following the first significant rainfall of the season, and potential future sewer line breaks are inevitable and would occur with or without the implementation of this project.

The possible need to obtain a discharge permit, in accordance with section 402 of the Clean Water Act, is indicated in the list of required permits and approvals provided in section 1.9 of the EIR/EIS. The potential for impacts to ocean waters as a result of the initial opening of the lagoon inlet has been incorporated into section 4.2 of the Final EIR/EIS .

I1-6 As stated in Response I1-5, the Draft EIR/EIS adequately describes water quality issues on page 4.2-17. Recirculation of the Draft EIR/EIS to provide additional discussion is not warranted. Also, listed among the numerous permits and approvals required by the project in section 1.9 of the Draft EIR/EIS is the need for a section 401 Certification from the Regional Water Quality Control Board (RWQCB).

During the permitting phase of the project, a Clean Water Act Section 404 permit will need to be secured from the U.S. Army, Corps of Engineers. However, the proponent must first acquire a Section 401 Water Quality Certification from the State of California, RWQCB. The 401 process is the state's opportunity to assess potential water quality impacts from the project and impose any conditions deemed necessary to minimize those impacts. The RWQCB is the state agency authorized to issue the 401 certification and associated permits and conditions.

State and federal regulations require a federal National Pollutant Discharge Elimination System (NPDES) permit to regulate pollution from stormwater runoff for any construction project impacting 5 acres or more. At a minimum, the RWQCB will require the project to obtain coverage under the state's NPDES General Stormwater Permit for Construction Activities. This permit requires the project to prepare a stormwater pollution Best Management Practices (BMP) Plan, which must include structural and non-structural measures as necessary to ensure that runoff from the construction site does not carry pollutants in amounts that could adversely impact water quality in the river, beach or ocean. The project anticipates implementing various structural and non-structural BMPs under this permit, as required by the RWQCB, to minimize water quality impacts.

Management of water quality impacts in the lagoon and at the beach caused by up-river sources are not the responsibility of this project. Up-river pollutant sources include, but are not limited to, residential and commercial stormwater runoff, agricultural activities, substandard sanitation systems and illicit discharges. These sources may be subject to state and federal Clean Water Act permit requirements. The responsibility for identifying, assessing and regulating these pollutant sources rests with the RWQCB.

The proposed project would result in improved overall water quality for both the lagoon and ocean shoreline owing to daily tidal flushing of the lagoon. Daily tidal flushing would break the current cycle of extended pollutant accumulation in the lagoon, followed by a flush of these pollutants into nearshore waters when the lagoon periodically empties into the surfzone. With the lagoon outlet maintained open to the ocean, there would be no opportunity for pollutants from up-river sources to accumulate in the lagoon or be flushed en mass into the surfzone.

I1-7 As presented in section 4.2 of the Draft EIR/EIS, the project would not result in a reduction in beach sand delivered to the beach, nor would the beaches in northern Del Mar experience loss of sand on the beach. Properties in the northern portion of Del Mar are built in a flood plain on a high-energy coastline, and in the past have been subject to wave damage. This damage occurred under existing conditions and

the intensity of the damage would not be changed as a result of this project. Therefore, no economic analysis of this issue is required.

With respect to public access, no aspect of the project would result in the loss of access to the beach. The Draft EIR/EIS does identify an impact related to a reduction in the amount of time in which access across the beach would be available on a daily basis as a result of restoration. This impact would, however, be mitigated to below a level of significance through the construction of a pedestrian accessway to the south of the river as described in Response L1-4. No economic impacts related to public access are anticipated.

- I1-8** The Draft EIR/EIS considers six alternatives in detail. The buried siphon pipe was considered early in the project development (circa 1992-93), and reevaluated in response to comments on the draft. The siphon alternative was still determined to be unfeasible after additional consideration and, therefore, was not included as an alternative in the Draft EIR/EIS.

The successful operation of buried siphon pipes has not been documented for coastal wetland restoration projects. In addition, as described in Response No. O8-1, this method would reduce the amount of sand delivered to the beach, as well as compromise the overall quality of the restored habitat.

With respect to the Environmental Baseline Studies for the San Dieguito Lagoon Enhancement Plan (SEA Science Services and PSBS, Inc. 1980), this document concludes on page XV that “the recommended plan assumes that natural tidal flushing is the most environmentally desirable method for achieving adequate rates of circulation. From the standpoint of annual maintenance, natural flushing may also be the most economical method of environmental enhancement.” The document further states on pages 124 and 125 that “the construction of the siphon to provide seawater to the lagoon is not recommended because of the high initial and maintenance costs, and the difficulty in keeping the siphon free of large sediment deposits and organic growths.” It does not appear from the analysis provided in this document that a siphon would be superior to the current proposal of providing the conditions necessary to maintain natural tidal flushing through an increase tidal prism and occasional inlet maintenance.

Section 2.2 of the Final EIR/EIS has been revised to explain why this alternative, although analyzed early in the process, was not carried forward for review and impact analysis in the EIR/EIS.

- I1-9** Section 15088.5(b) of the CEQA Guidelines states that “Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” No new impacts or mitigation measures were identified as a result of public comment. The evaluation of impacts related to access across the river mouth has not changed and Responses O8-1 and I1-8 fully describe why an alternative to an open river inlet was not considered.

Thomas & Joan Burns

I2-1 An analysis of the historic rate of change of beach width from 1940 to 1989 was performed by the U.S. Army, Corps of Engineers (USACE, 1991). The study revealed little change in beach width from 1940-80 and a small increase in beach from 1980-89. It is also important to point out that the period from 1940 through the late 1970's was a relatively mild period in terms of wave and storm energy. Since the late 1970's the severity of storms and frequency of storms and waves in the area has increased. The shore front properties on the southerly side of the river mouth already have some form of shore protection because they are located on a high-energy shoreline. Section 4.2 of the Draft EIR/EIS analyzes the potential for sand loss to the beach as a result of the project and determines that no such impacts would occur as a result of restoration.

The information provided by Rick Engineering regarding the potential for such loss of beach sand has been reviewed and the conclusion of the analysis are presented in Response L1-3. No change to the conclusions presented in the Draft EIR/EIS occurred as a result of this analysis. In addition, please see Responses L1-1, L1-3, & I1-7.

I2-2 See Responses L1-4 and I1-4.

I2-3 See Responses L1-6 and I1-3.

John Callaway

I3-1 Comment acknowledged.

I3-2 Berms have been incorporated into the project design that would maintain the sediment load within the main river channel, while also protecting the off-channel restoration areas from sedimentation. Limited data is available regarding future sedimentation rates within the San Dieguito Wetlands. The issue of potential sedimentation within the restored areas was a factor considered by the lead agencies in selecting the Mixed Habitat Alternative as the lead agencies' preferred alternative.

I3-3 Coastal Environments, as part of their previous work for Edison, has conducted a variety of lagoon studies from 1992 through the present, developing both numerical modeling and field sampling primarily addressing lagoon hydrodynamics. With regard to sedimentation, it has been Coastal Environment's observation that there has been little, if any, recognizable accumulation of sedimentation within the lagoon, particularly in the ineffective flow areas. If one were to compare the San Dieguito Wetland to the South Bay model marsh, one might conclude that the South Bay marsh is so much further detached from an active alluvial system than one might expect significantly more sedimentation primarily from fine-grained sediments than what one would expect to find within an active riverine system like San Dieguito (personal communication, H. Elwany 2000).

I3-4 Comment noted. Refer to the Conclusions section of Volume I of the Final EIR/EIS for an explanation of the criteria used by the lead agencies to select the Mixed Habitat Alternative as the lead agencies' preferred alternative.

Gerald Finnell

I4-1 Comment acknowledged. See Response I3-4.

I4-2 Comment noted.

Stephen W. Fletcher

I5-1 Section 4.2 of the Final EIR/EIS has been revised to expand the discussion of the inlet channel and the effects of the channel on adjoining properties. See also Responses L1-1, L1-3, I1-7, and I2-1.

I5-2 The project would not result in a reduction in sand delivery to the beach, as described in section 4.2 of the Final EIR/EIS and discussed in greater detail in Responses L1-1, L1-3, and I2-1.

I5-3 See Responses L1-4, L1-6, I1-3, and I1-4.

I5-4 Restoring tidal exchange between the lagoon and ocean would not result in increases in pollutants in ocean waters or beaches of Del Mar, as described in Responses I1-5 and I1-6.

Patrick Hochstein

I6-1 Sections 2.3.1.1 and 2.3.1.9 describe the existing land ownerships in the lagoon area and what actions have been and are being pursued to enable a project of this scope to occur. The written consent of all affected property owners will be required before permits for implementation of the Wetland Restoration Project are issued. The ability to obtain such agreements may affect the ultimate project, but these are not environmental issues.

I6-2 Tidal wetland restoration can occur independent of any of the other proposals described in the Draft EIR/EIS, including upland restoration and public access/park facilities. Upland restoration would involve only minimal activity related to minor ground preparation, installation of temporary irrigation, seeding, and planting of specimen plants. These activities can occur without impacting the restored wetland areas.

I6-3 As stated in section 4.9, the County of San Diego, which is responsible for mosquito abatement at the site currently, would continue to have that role following project implementation. The County utilizes techniques appropriate for the situation and coordinates with the resource agencies to ensure protection of the native species in the area to be treated.

- I6-4** The Draft EIR/EIS includes a discussion of the environmentally superior alternative, pursuant to section 15126.6(e)(2) of the CEQA Guidelines. As stated on page 2-4 of the Draft EIR/EIS, “the very nature of the [current] proposal, the restoration of native wetland and upland habitats, makes this [choosing the environmentally superior alternative] a difficult task.” CEQA’s focus is on identifying potential impacts to the environment, therefore, for the purposes of this particular analysis, a review of the negative impacts of each alternative was used to develop the environmentally superior alternative. Other factors however were used to develop the lead agencies’ preferred alternative, including hydraulic efficiency and long-term viability. Please refer to the Conclusions section of Volume I of the Final EIR/EIS for additional information regarding the lead agencies’ criteria for selecting the Mixed Habitat Alternative as the lead agencies’ preferred alternative.
- I6-5** As indicated on page 3.3-5, lines 10 through 14, and page 3.3-6, lines 1 and 2, fine-grained sand (less than 20 percent fines) are present beginning at depths of 5 to 10 feet and continuing to depths of at least 55 to 60 feet. This information is based on borings completed by Ogden (1999), which were drilled in the vicinity of proposed basin W1, the area of proposed overexcavation. See Figures 3.3-2 and 3.3-5 for boring locations and subsurface sediment types.
- Every effort will be made by the JPA and other permitting agencies to ensure that SCE and its contractors are prepared to implement the required mitigations, including those that are contingent on pre-construction surveys. The JPA and other permitting agencies will enforce these requirements, but it will be SCE’s responsibility to manage the construction effort to avoid “unforeseen” delays.
- Section 4.15.1.4 has been revised to include all areas within the project site that would be converted from agricultural lands to either disposal sites or restored native habitat. This revision does not however change the conclusion of the discussion regarding Socioeconomics.
- I6-7** Results from recent sediment testing, described in section 3.3 of the EIR/EIS, indicate that sediments proposed for dredging are not contaminated, and presently buried subsurface sediments are not contaminated. Therefore, contaminant releases to the lagoon or ocean are not expected.
- I6-8** Section 3.8 of the Final EIR/EIS has been revised to state that the largest source of air emissions in proximity to the project site is the I-5 corridor. Additionally, this source of emissions has been considered in the air quality cumulative impact analysis in section 6.2.8 of the Final EIR/EIS. It is not expected that vehicular emissions from I-5 would combine with project emissions to produce a significant air quality impact. The emissions thresholds have been formulated to protect human health and safety and the physical environment. Air quality emissions from I-5 would not affect the success of the restoration project.
- I6-9** Proximity to I-5 may have some effect, but this is probably small in comparison to the importance of proximity to foraging habitat, protection from predators, and

substrate quality. The proposed design would significantly increase the chances of nesting, but success cannot be guaranteed.

I6-10 Table 2.3.1-1a has been corrected in the Final EIR/EIS.

I6-11 This table has been corrected in the Final EIR/EIS.

I6-12 The error was corrected by the Errata sheet published with Draft EIR/EIS and the Final EIR/EIS includes the correct versions of the tables.

I6-13 Comment acknowledged. Figure 4.2-3 has been corrected.

Jack Jaeger

I7-1 See Responses L1-6 and I1-3.

I7-2 See Responses L1-1, L1-3, and I1-7.

I7-3 See Responses L1-2, L1-4, I1-3, and I1-4.

I7-4 With respect to the issue of Public Trust lands, please see Response O11-6.

The opening of the river mouth (should it be necessary at the time of initial construction) for the purposes of this restoration project would be covered by the section 404 Permit to be issued by the U.S. Army Corps of Engineers for the overall restoration project. Once the project has been constructed, there would no longer be a need to open the river mouth; it would remain open in perpetuity as a result of project design and proposed long-term maintenance of the river channel. The section 404 permit process is addressed in greater detail in Response I1-6 and issues related to water quality are addressed in Responses I1-5 and I6-7.

I7-5 See Responses O10 -2 and I1-8.

William Jaeger Jr.

I8-1 See Responses L1-1, L1-3, L1-4, L1-6, I1-2 and I1-3.

I8-2 According to the City of Del Mar, this rock revetment has been constructed on state tidelands under a lease agreement from the State Lands Commission. The revetment is therefore not considered private property. The construction of a pedestrian pathway along this revetment has been added to section 4.1.1.2 of the Final EIR/EIS.

William & Lila Jaeger

I9-1 See Response I1-1.

I9-2a See Responses L1-4, L1-6, I1-2, I1-3, and I1-4.

I9-2b See Responses O10 -2 and I1-8.

- I9-2c** Section 15088.5(b) of the CEQA Guidelines state that “Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” No new impacts or mitigation measures were identified as a result of public comment, therefore recirculation is not warranted.
- I9-3a** The alongshore movement of sand along this section of coastline is in both northerly and southerly directions. In addition, the current that drives the sand is a surf zone current not a true ocean current. The purpose of the EIR/EIS is to determine and quantify environmental impacts and propose mitigation. The project would not effect the alongshore movement of sand. The San Dieguito closure statistics (see Jenkins and Wasyl 1996) show that the lagoon was open to tidal (ocean) waters about 75 percent of the time over the periods from 1926-1939 and from 1980-1989. The lagoon was open over 50 percent of the time from 1990 –1995. Over these time periods, under natural conditions, there was a channel through the beach. With this in mind, a maintained channel does not “compete” with natural conditions. In addition, please see Responses L1-3, I1-7, O10-2, and I2-1.
- I9-3b** The sand from the beach nourishment project has not currently been placed and is therefore not an “existing” condition. In addition, the sand would not be placed on the beach but within the surf zone. There is approximately 1.5 tons of sand per cubic yard.
- I9-4** See Responses O10-1, I1-5, and I6-7.
- I9-5** The project does not propose to erect any artificial structures at the mouth of the river. It proposes to maintain a channel sufficient to meet the tidal exchange goals of the project. The project would not change existing flood flows or incoming extreme wave events. It is these existing flood flows and the occurrence of high waves that put the homes in jeopardy. In addition, see Responses L1–3, I1-7, I2-1, and I19-3a.
- I9-6** See Response O11-6.

Sherook Madon

- I10-1** Comments noted.

Frank Mannen

- I11-1** The project has been designed to maintain flow velocity and river sediment flow through the lower valley consistent with existing conditions. Some bank protection would be provided at those locations where erosion could be exacerbated by the proposed project, but no channel lining is proposed and no structures are proposed on the beach. As described in section 4.2 of the Draft EIR/EIS, the project would not adversely affect sand delivery to the beach. Finally, an inlet maintenance plan is proposed as part of the project in order to maintain the inlet in an open configuration in perpetuity.
- I11-2** Comment noted.

Jan McMillan

I12-1 An analysis of how each alternative relates to the stated policy, as well as the goals and objectives developed by the Working Group, is discussed in the Conclusions section of Volume I of the Final EIR/EIS.

I12-2a Just as the Draft EIR/EIS included a range of alternatives for restoration, it also includes a range of disposal site options that could be approved as part of the project. Not all of the disposal sites are required in order to accommodate the material generated from excavation, therefore, the Draft EIR/EIS analyzed the potential environmental impacts associated with the use of each of the proposed options. The Final EIR/EIS identifies the lead agencies' preferred array of disposal site options; however the ultimate selection of disposal sites will be made by the appropriate approving agencies.

As described in section 4.1.1.3, DS37, the parking lot, would not be raised above the 100-year flood elevation as a result of disposing of excavated material as described in Figure 2.3.1-14e of the Draft EIR/S. In accordance with the grading plan presented in Figure 2.3.1-14f, which has been revised to provide additional information regarding elevations after grading, DS38 (Surf and Turf) would be raised to elevation 15 feet MSL. The 100-year flood elevation in this area is approximately 17.5 MSL per HEC-2 analysis and 14.2 feet per Fluvial-12 modeling.

The reviewer is correct in that DS38 as a disposal site essentially elevates this ground out of the flood plain and in essence creates developable property within the FEMA definition of what would be the flood fringe area. The location of DS38 within the alluvial valley floor may be subjected to some settlement due to consolidation of the underlying compressible alluvial deposits. However, this geotechnical consideration can be mitigated in any future development plans for this area. Conversely, if it is desired to eliminate the potential future utilization of this area for development, consideration may be given to lowering the disposal site finish grades some distance below the 14.2 foot, 100-year flood water surface elevation. As a practical matter, this is a land use policy issue and the ultimate disposition of disposal sites should be addressed as part of any future long-term land-use planning considerations in this area. This discussion is presented in detail in section 4.1.1.3.

I12-2b As described in section 2.2 of the Draft EIR/EIS, exporting the excavated material off-site was eliminated from the range of disposal options due to the significant traffic impacts and capacity limits at the region's landfills. An offsite project could be identified in the future that has capacity to accommodate some or all of the material to be generated from the current project. However, no project-generated material could be transported from the site without subsequent environmental review to address traffic, noise, and air quality issues.

Adequate analysis is provided in the Final EIR/EIS to allow the decision-makers to select as one of the disposal sites, the over-excavation option described for the airfield property.

I12-3 See Response O2-6.

I12-4 See Responses F1-5, F1-8, S1-4, S1-25, S4-3, and L1-1.

Freda Reid

I13-1 Thank you for your comment. Please note that the Draft EIR/EIS does analyze the compatibility of each alternative with the surrounding landscapes and land uses in sections 4.4, 4.6, and 4.1 respectively.

I13-2 Comment noted. A discussion of the lead agencies' rationale for selecting the Mixed Habitat Alternative as the lead agencies' preferred alternative is provided in the Conclusions section of Volume I of the Final EIR/EIS.

I13-3 See Responses F1-5, F1-8, S1-3, and S1-35.

I13-4 As noted in section 4.6.1.10, it is not feasible from a hydrologic perspective to reduce the amount of grading required to construct the proposed berms; therefore, the landform impacts related to berm construction are identified as an unavoidable significant impact. As described in section 2.3.1.2.2, the berms would be planted with wetland species near their base and transition zone vegetation consisting of native grasses and coastal sage scrub species on the slopes. The articulated concrete block (ACB) mats above the stone revetment for berm B8 would cause an adverse visual impact, but this would be mitigated to a less than significant level by revegetating the mats and the surrounding area as described in section 2.3.1.4.4. Revegetation would be monitored by the California Coastal Commission (CCC) in accordance with permit conditions to ensure the success of the project.

I13-5 Dredge material suitable for beach disposal is to be placed on the beach, thus providing additional benefits. Materials that are unsuitable for beach disposal would be disposed within the project boundaries in specified sites. An array of disposal sites have been analyzed in the Draft EIR/EIS, the majority of which are located outside of the floodplain. The two sites located on the fairgrounds (DS37 and DS38) occur within the floodplain boundaries. Another site, the over-excavation option, is located within the floodplain, but at this location all material would be deposited below the surface, which restoration occurring above the disposal site. See also Response F1-5.

I13-6 As stated in the Draft EIR/EIS, San Dieguito Drive south of Jimmy Durante Boulevard would carry up to 550 additional vehicle trips per day during construction activities. Some of this traffic would enter and exit San Dieguito Drive at Staging Area SA2, which is approximately midway between Jimmy Durante Boulevard and the Grand Avenue bridge, and some of the traffic would enter and exit San Dieguito at or near the intersection of San Dieguito Drive and Grand Avenue. It is estimated that approximately 100 vehicle trips per day would travel on San Dieguito Drive south of the Grand Avenue bridge, which is the segment of the roadway that is most sensitive because of the residential uses along this segment and the narrowness of the roadway. While these additional traffic volumes would be noticeable to the residents of the area and would likely be considered as a nuisance, the traffic impact is not considered to be significant based on the criteria cited in the

document because the increase in the roadway's volume/capacity ratio is less than 0.10. In essence, the capacity of the two-lane roadway could physically accommodate the increased traffic volumes at acceptable levels of service. See Responses L1-34, L4-20, and O3-6.

I13-7 The Draft Park Master Plan proposes the Coast to Crest Trail, a multi-use trail, as well as several pedestrian only trails. It is agreed that without proper signage, voluntary trails do develop in open areas. There is considerable discussion regarding this issue in the San Dieguito River Park Concept Plan Program EIR. As described in the Draft EIR/EIS, the trail plan proposes to avoid indirect impacts to sensitive habitat through the use of signage, fencing, and the expansion of the River Park's existing trail patrol program.

I13-8 See Response O2-6.

Anne Rust

I14-1 Thank you for your comment, please see Responses L1-3, L1-4, and I1-4.

Barbara Stegman

I15-1 The analysis indicates that the additional traffic volumes to be generated by the project during the construction phase would not result in any significant impacts based on the available capacity of the roadways that serve the project area. It is acknowledged that there is a need to minimize project-related traffic impacts during special events and/or during specific times of the day (e.g., the peak commuter periods). These issues and potential impacts would be addressed by the traffic management plan that shall be prepared as part of the overall construction phasing plan.

With regard to the impacts on San Dieguito Drive, the traffic volumes and capacity levels shown in the draft report represent the segment of San Dieguito Drive immediately south of Jimmy Durante Boulevard, which is the segment that would carry most of the project-generated traffic (see Response I13 - 6 for the discussion of project traffic volumes on San Dieguito Drive). This segment, which is designated as a collector street, has an existing traffic volume of 3,000 vehicles per day and a capacity of 10,000 vehicles per day. Further to the south, the existing traffic volumes on San Dieguito Drive drop considerably (to approximately 700 vpd as indicated in the comment) and the roadway capacity becomes 2,200 vehicles per day because the street functions as and is designed as a local residential street. As discussed in Response No. I13-6, the segment of San Dieguito Drive south of the Grand Avenue bridge is estimated to experience an increase of 100 vehicles per day, as most of the construction traffic would enter and exit San Dieguito Drive at Staging Area SA2 or at the construction access location near the intersection of San Dieguito Drive and Grand Avenue. The additional 100 vehicles per day would not constitute a significant traffic impact according to the criteria defined in the Draft EIR/EIS.

With regard to the suggestion to minimize the impacts of heavy equipment on San Dieguito Drive during certain times of the day and potential road closures, these issues will be addressed in the required traffic management plan.

With regard to the Jimmy Durante/San Dieguito intersection, the project would not be responsible for any improvements to the intersection because the traffic impacts were deemed to be less than significant as well as temporary. The need for construction traffic to avoid using this intersection during peak periods will be addressed in the required traffic management plan.

The construction workers would park at the four staging areas proposed for the project (SA1, SA2, SA3, and SA4), all of which can be used for off-street parking.

- I15-2** A discussion of local noise ordinances is provided in section 3.14.1. The discussion of significance criteria in section 4.14 indicates that the criteria are based on the City of San Diego's significance determination guidelines and are consistent with the City of Del Mar's noise regulations. The mitigation measures identified in section 4.14.1.7 also are consistent with both City of San Diego and City of Del Mar noise ordinances. Section 4.14.1.2 notes that dredging would last for a few days to one month. The precise length of time the dredge equipment would be near residential areas would depend upon the precise area being dredged and the volume of material to be dredged. See also Responses L1-34, L4-20, and O3-6.
- I15-3** The Final EIR/EIS has been revised to clarify the discussion of potential flooding impacts associated with disposing of excavated material on disposal sites DS37 and DS38. The Final EIR/EIS will include a discussion of the preferred array of disposal site options, based on the analysis provided in the document. The final decision however will be made by those agencies with permitting authority.
- I15-4** The decision as to whether or not the tram should be permitted to utilize the Coast to Crest Trail cannot be made by the EIR/EIS, it is up to the decision makers to approve or disapprove this proposal after considering the environmental analysis included within the Final EIR/EIS.
- I15-5** Under existing conditions, there is no designated system of trails, therefore, users have created their own trail system. Under the proposed project, a system of designated trails would be created that would be signed and fenced, where appropriate, to keep users on the trail and out of sensitive habitat. See also Response O4-11.
- I15-6** The conversion of Staging Area SA3 to a permanent staging site along the west side of I-5 would be required to provide access for the equipment needed to conduct long-term maintenance of the wetlands in Module W1. It will be important to set aside an area for equipment access to minimize mobilization operations and eliminate mitigation requirements for future maintenance activities. The water level control structure is a temporary element of the project that will be removed after construction is complete. Using hand tools is not a feasible method for dredging

sediment from the subtidal areas of the newly restored wetlands so relatively small construction would be needed, along with the associated access requirements.

Nancy Weare

I16-1 Comment noted. The lead agencies' preferred alternative and the rationale for its selection is addressed in the Conclusions section of Volume I of the Final EIR/EIS.

I16-2a See Responses L1-1, L1-3, L1-4, L1-6, I1-2, I1-3, and I1-4.

I16-2b CEQA states that implementation of all required mitigation measures must be assured, therefore, mechanisms for insuring that all of the mitigation measures addressed in the EIR/EIS are implemented and their success monitored will be presented in detail in the Mitigation, Monitoring, and Reporting Program. The costs of these measures are not required to be disclosed in the EIR/EIS.

I16-2c See Responses L1-4, L1-6, I1-3 and I1-4.

I16-2d See Response I16-2b

I16-3 There is no minimum threshold velocity associated with the attainment of biological goals. The restoration alternatives provide a range of improvements in tidal hydraulics relative to existing conditions, but none is guaranteed to maintain a permanently open tidal inlet, and as a result, occasional sand removal at the river mouth may be necessary to maintain tidal flushing. See section 4.4.1.1.1 for discussion of differences in tidal flushing among the alternatives.

Please see Responses S1-32, S1-33, O4-2, and L1-6. The comment confuses the redistribution of sands with actual loss of sand. The project does not result in a net loss of beach sand but it does redistribute sand. The loss of beach area, where the channel is located, is offset by the increase in available sand due to improvements of the hydraulics of the lagoon and maintenance of the channel. The frequency of dredging is not dependent on the flow velocities but rather the tidal prism.

I16-4 As indicated on page 3.3-5, lines 2 through 14, and page 3.3-6, lines 1 and 2, the sediments west of I-5 are coarser grained and therefore more suitable for beach replenishment. Use of sediments west of I-5 for beach replenishment is also discussed on page 2-53, lines 5 through 10, as a disposal alternative.

I16-5 These issues, which do not address the adequacy or accuracy of the Draft EIR/EIS, are regional in nature and go far beyond the scope of this project. They are however relevant to the long-term health of the system and deserve consideration by those agencies that have jurisdiction over such matters. These issues will be forwarded to the JPA Board for further consideration.

I16-6 The project does not propose any grading or activities in this area, which has a narrow tidal inlet channel that is subject to closure as sand builds up during summer months, but tends to be re-opened by heavy runoff during winter. The maintenance of subtidal depths in the main river channel could lessen the tendency of the inlet

channel to close, and tidal flushing here as throughout the restored system would be more regular and predictable than under historic conditions, but no adverse effects are anticipated.

I16-7 Offsite disposal of material was determined to be infeasible due to the traffic circulation and environmental impacts associated with hauling the material via surface streets and highways. Offshore placement was deemed infeasible due to regulatory requirements for the use of an ocean dredged material disposal site. Therefore, all remaining disposal options (onsite upland disposal, beach nourishment, nearshore placement, and over-excavation) were identified and analyzed for preparation of this EIR/EIS. Onsite upland disposal in berms, nesting sites, and at other locations throughout the valley were deemed feasible and associated impacts were identified and assessed for significance.

Although some sand will be placed on the beach, no significant impacts related to beach sand loss have been identified, therefore, any placement of sand on the beach should not be viewed as mitigation for project impacts. A portion of the sand excavated from the restoration site would also be used to cover the proposed nesting site.

The visual impacts associated with disposal of excavated material within the project area are fully described in section 4.6 and issues related to flooding are described in section 4.1.1.3. Section 4.2 has been revised to clarify the potential for flooding related impacts as a result of disposal on DS37 and DS38.

I16-8 See Response O2-6.

All of the issues raised regarding the tram have been evaluated in the Draft EIR/EIS in section 4.1. The potential for impacts related to direct and indirect impacts to biological resources are describe in section 4.4.

I16-9 See Response S1-3.

I16-10 Environmental analysis for the Coast to Crest Trail determined that construction of the trail through the river valley would not represent a significant visual impact. Impacts related to trail use, trail design, and use compatibility have been fully evaluated in the San Dieguito River Park Concept Plan Program EIR, which has been incorporated by reference into the current EIR/EIS. The impact analysis prepared for this project did not identify any impacts that would necessitate the exclusion of bicycle or equestrian use on the Coast to Crest Trail.

I16-11 See Response O3-6.

I16-12 A Mitigation, Monitoring, and Reporting Program will be presented to the JPA Board for consideration at the time that the project and Final EIR/EIS are taken forward for action.

I16-13 CEQA does not require the EIR/EIS to address the costs of the project. It does, however, require that assurances be made to guarantee that any proposed mitigation

measures can be funded and implemented in accordance with the requirements of the Mitigation, Monitoring, and Reporting Program. Mechanisms for ensuring that required mitigation are implemented will be included in the Mitigation, Monitoring, and Reporting Program.

PUBLIC HEARING

Del Mar, California (February 28, 2000)

- PH-1** See Response I15-1.
- PH-2** See Response I15-3.
- PH-3** See Response O3-2.
- PH-4** The NCTD proposal for double tracking is addressed in the EIR/S in the cumulative impacts chapter (Chapter 6). Any future plans from NCTD that might affect the river valley would be reviewed during the preparation of any required environmental documentation and during permitting by the responsible agencies.
- PH-5** See Responses O3-2 and S4-22.
- PH-6** See Responses O3-2 and O2-6.
- PH-7** See Responses L1-4 and L1-6.
- PH-8** See Response O10-1.
- PH-9** See Responses L1-4 and L1-6.
- PH-10** See Responses L1-4 and O10-1.
- PH-11** See Responses L1-3 and I1-7.
- PH-12** See Responses O8-1 and I1-8.
- PH-13** See Response I7-4.
- PH-14** See Response I7-4.
- PH-15** See Responses O11-6 and O3-2.
- PH-16** See Response O3-1.
- PH-17** See Response O3-3.
- PH-18** See Response F1-5.
- PH-19** Based on the project area survey results and evaluation of the habitat, it is not believed that California gnatcatchers would regularly occur or persist long term as a

- breeding pair within the W1 area. However, at the time of year reported, they could use the area while dispersing to more suitable breeding habitats and could even nest on an intermittent basis. Because of the observation of this species in the W1 area, preconstruction surveys for sensitive nesting bird species would also consider this area and, if the species is found to be present as a nesting pair, timing restrictions on initiation of work during the breeding season would be applied. Habitat impacts are addressed under the guidelines of the Multiple Species Plan. Given the proposed restoration of significant agricultural and disturbed uplands to native coastal sage scrub habitat, the overall project effects on the California gnatcatcher are considered to be beneficial.
- PH-20** The purpose of the project is to achieve final approvals and permits for a restoration program to improve these conditions. SCE does not presently have authority to perform inlet maintenance/opening.
- PH-21** See Response O2-6 and S1-38.
- PH-22** See Responses S4-13 and I12-2a.
- PH-23** The primary purpose of the buffers is to protect the wetlands, especially newly created wetlands, from activities on adjacent land. However, the effects of the project on existing and future activities must be considered in the project design and EIR/EIS analysis. The project design provides buffers in a manner that could allow fairground-related activities in adjacent areas.
- PH-24** See Responses O8-1, I1-8, L1-3, and I1-7.
- PH-25** Comment noted.
- PH-26** The project description (section 2.3.1.7.3) contains a discussion of erosion control methods that are intended to avoid the types of impacts described in your comment.
- PH-27** See Response I12-2a.
- PH-28** See Response O2-6 and S1-38.
- PH-29** See Responses O8-1 and I1-8.
- PH-30** The permit process is described in section 2.3.1.11. The permitting process cannot begin until a final restoration plan is selected, which will occur only after the environmental review is completed. Your comment regarding overexcavation is noted. This is addressed as an option in the EIR/EIS.