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June 15, 2015

SENT VIA EMAIL

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RE: **Comments Upon Draft Environmental Impact Report, Draft Habitat Loss Permit, General Plan Amendment and Valiano Specific Plan**

Dear County Planning and Development Services Staff:

This firm represents the San Elijo Lagoon Conservancy (“SELC”), a non-profit organization dedicated to the preservation and enhancement of the San Elijo Lagoon and its seventy-plus square miles of watershed. Large portions of the proposed Valiano development site drain directly to Escondido Creek which in turn drains through the San Elijo Lagoon into the Pacific Ocean.

Water quality conditions are monitored regularly by SELC at the Lagoon and at multiple sampling stations to the east, along Escondido Creek. In addition we carefully monitor all wildlife within the lagoon and work in cooperation with various government agencies and non-profits in looking after wildlife in the Escondido Creek watershed area. In addition to water quality programs, we have on-going major programs, funded by various agencies, dealing with invasive plant species, vector control and nuisance issues in the watershed.

We are currently working on a project to restore and expand tidal flows into and through the Lagoon and the expected volumes of water coming from the watershed are an important part of our modeling.

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In reviewing portions of the DEIR, SELC has a number of concerns and believes the document is fundamentally incomplete and should be revised, expanded and recirculated for further public review.

Water Quality History

The DEIR fails to mention that Escondido Creek has historically been an on-going source of contaminants which reach the lagoon and in many cases the Pacific Ocean. The City of Escondido itself has been responsible for sewage leaks and unintentional releases that have reached the lagoon, via Escondido Creek, many times over the last four decades. Prior to modern water quality standards, raw sewage was dumped regularly by the City into the Creek.

There has accordingly been an on-going concern by SELC about the capacity and integrity of the Escondido storm water and run off systems. The proposed up-zoning of the lands in question, raise concerns about both local and regional capacity to handle sewage and storm water run-off. With an El Nino in the forecast for the region, it is particularly important that a detailed and comprehensive assessment of capacity issues be part of the environmental documents.

General Plan Amendments

As a general proposition, SELC does not object to development that is consistent with existing general plans and consistent with key public safety needs. In this case, the proposed development not only increases density in key areas, but the environmental documents do a poor job of analyzing the growth inducing impacts of changed densities plus the growth inducement associated with bringing new infrastructure to the area.

Unresolved Contamination Issues

Additionally, the DEIR fails to fully identify multiple contamination issues that the lands in question present. Where contaminants, like diesel fuel, fertilizers and pesticides are reasonably thought to be present, there needs to be pre-approval testing to determine or rule out their presence. Deferring an assessment of what the existing conditions are and thereby deferring evaluation of related avoidance and mitigation options is in direct violation of the California Environmental Quality Act.

From a water quality stand point, SELC is concerned about what contaminants will be delivered into the watershed by the grading and blasting that will be done to build the project. In this regard, we note that the water table in the area is typically between 6 and 11 feet but there has not been an assessment of the ground water quality. It is likely that the construction work and the on-going occupancy of the new homes will have some significant degree of impacts to ground water.

We note also that the recent fires in the area have resulted in significant losses of vegetation and increased risks of serious erosion and contaminated run-off. Excessive nutrient presence in Escondido Creek and in the Lagoon are continuing serious problems that should not be exacerbated in any fashion.

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Drought and Water Supplies to Prevent and Suppress Wildfire Occurrences

Given the direction the State is headed in with water supply restrictions, the DEIR should be redrafted to comprehensively address the practical consequences of the Governor's emergency drought declaration. This will relate to both water quality and to available water quantities because there may be insufficient water to fight fires in the area. In addition, there needs to be guaranteed water (and money to pay for it) available for maintaining fuel buffer zones, etc.

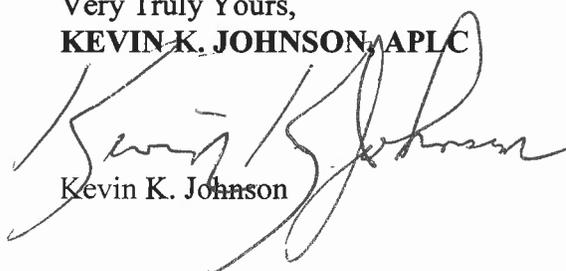
SELCO opposes any development which potentially creates greater risks of wildfire occurrence and greater risks of wildfire events becoming more damaging and durable in the watershed. The burning of large habitat areas often creates major run-off and erosion issues which in turn affect water quality and flow.

We note also that the FPP's treatment of evacuation issues is limited at best. One key concern in this area is whether existing residents and farm animals can get out of the area and not stop responders from coming in and fighting any on-coming fire. Such interference, which is very predictable without detailed contingency planning, can result in fires burning longer and destroying more habitat/watershed.

In this regard, the DEIR needs to fully address the fact that "first responders" to a fire event will not likely be available if there are other fires in the region. In that circumstance, who is going to, for example, direct an evacuation effort? In order to look meaningfully at this problem, the DEIR should specifically exam a reasonable range of places where a fire can start, how quickly it will arrive and how long, realistically, it will take to evacuate.

Thank you for the opportunity to comment on the DEIR.

Very Truly Yours,
KEVIN K. JOHNSON, APLC



Kevin K. Johnson