

SUPPLEMENT TO ATTACHMENT B REVISED CEQA FINDINGS

The purpose of this document is to supplement prior findings made on May 13, 2011 in accordance with California Environmental Quality Act (CEQA) Guidelines (14 Cal. Code Regs. §§ 15000 *et seq.*) Section 15091 by the County of San Diego, Department of Environmental Health, designated as the Local Enforcement Agency (LEA) regarding the Gregory Canyon Landfill project.

In the May 13, 2011 revised CEQA Findings, and in accordance with CEQA Guidelines §15162, the LEA identified and analyzed all changes to the project or the circumstances under which the project is undertaken that were not previously disclosed or analyzed in the CEQA Documents. In total, 25 such changes were identified and analyzed.

Subsequent to the adoption of the revised CEQA Findings, new information related to an additional change in the circumstances in which the project is undertaken has been identified. The identification and analysis of that change in circumstance is set forth below, as a new Item 26.

Item #	Current Project Feature/Description	Project Feature/Description Described in Previous CEQA Documents
26	Temporary impact to 0.9 acres of waters of the U.S. and waters subject to Clean Water Act Section 401 certification related to construction of landfill access road bridge	Temporary impact to 0.7 acres of waters of the U.S. and waters subject to Clean Water Act Section 401 certification related to construction of landfill access road bridge

The 2010 Addendum included an analysis of potential impacts from changes in the designations of waters within the area of disturbance by state and federal agencies. The 2010 Addendum concluded that no “new information” arose from the assertion of broader jurisdiction, since those waters were in areas already designated for disturbance as part of the project, and mitigation measures reducing those impacts to less than significant had already been provided.

Recently, the U.S. Army Corps of Engineers (Corps) has provided an updated jurisdictional determination for the landfill property. The Corps included a series of graphics and supporting documentation identifying waters of the U.S., but did not provide any graphics showing those jurisdictional areas in relation to the area of disturbance. Based on a review of existing mapping in comparison to the graphics provided by the Corps, there is an indication that the area of temporary impact to waters of the U.S., and waters subject to Clean Water Action Section 401 certification, related to construction of the landfill access road bridge would be approximately 0.9 acres. The 2010 Addendum estimated 0.7 acres of temporary impact. However, that estimate was expressly subject to final confirmation by the agencies. This would add approximately 0.2 additional acres of temporary impact above the acreage previously identified. The area of permanent impact to waters of the U.S. and waters subject to Clean Water Act Section 401 certification remains at <0.1 acres, as provided in the 2010 Addendum.

As noted in the 2010 Addendum, this indication from the Corps does not in and of itself indicate a new or increased significant impact. "Whether or not a water on the landfill site is jurisdictional or not, the activity that may create a significant impact is the disturbance of that portion of the landfill property" (2010 Addendum, p. 6).

The 2010 Addendum concluded that the conditions requiring preparation of a Subsequent or Supplemental EIR did not exist even though the impacts to waters of the U.S. and waters subject to Clean Water Act Section 401 certification were subject to final confirmation and could change. LEA has evaluated potential impacts arising from the increase in temporary impacts to waters of the U.S. and waters subject to Clean Water Act Section 401 certification. Based on that evaluation, LEA concludes that it would not result in the identification of a new significant impact or an increase in a previously-identified significant impact, for the reasons set forth below.

- The area of increased temporary impacts to waters of the U.S. would overlap the significant vegetation community impacts for which mitigation is proposed, and that following implementation of mitigation measures would be reduced to less than significant.
- The area of increased temporary impacts to waters of the U.S. would overlap potential environmental effects to sensitive species for which mitigation is proposed, and that following implementation of mitigation measures would be reduced to less than significant.
- The area of increased temporary impacts to waters of the U.S. will not affect the acreage of land that will be disturbed in connection with the project.
- The area of increased temporary impacts to waters of the U.S. will not change potential impacts to hydrology and water quality which, after implementation of mitigation measures, will remain less than significant.
- The area of increased temporary impact to waters of the U.S. will not change potential impacts to steelhead trout, which will remain less than significant since impacts to hydrology and water quality will remain less than significant.
- The area of increased temporary impacts to waters of the U.S. will not change potential impacts from litter which, following installation of a proposed litter fence, would remain less than significant.

The slight increase in the temporary impact to waters of the U.S. and waters subject to Clean Water Act Section 401 certification do not result in one or more significant impacts not discussed in the CEQA Documents, nor indicate that a significant impact previously examined will be substantially more severe than shown in the CEQA Documents. LEA therefore reaffirms its conclusion previously made in the May 13, 2011 revised CEQA Findings that preparation of a Subsequent or Supplemental EIR is not required.