San Diego County Air Pollution Control District

February 25, 2022

Robert Hingtgen
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Dear Mr. Hingtgen,

D-A4-1

The San Diego Air Pollution Control District (District) appreciates the opportunity to provide comments on the proposed project. General comments contained in this letter are for information/education of District rules and requirements and do not require a response. The District requests a response when specific comments are made that reference a section of the CEQA document.

Project Description as Described by the District

The Cottonwood Sand Mine Project (project) is located in the unincorporated portion of the County, in the Valle De Oro Community Planning Area. The Project proposes to convert the two golf courses within the Cottonwood Golf Club to a sand mining operation that would be conducted in three phases over 10 years. Approximately 214.4 acres of the approximately 280-acre site are proposed for extractive use.

General Information About the District

The District is mandated under federal and state law to regulate air pollutant emissions and improve air quality to protect public health and the environment. Accordingly, the District operates a countywide air quality permitting, monitoring, and enforcement programs to ensure compliance with applicable air pollution regulations for healthful air quality. The District's jurisdiction covers all of San Diego County, including both the incorporated and unincorporated areas.

D-A4-2

Specific Comments on Emissions Estimates

The District reviewed emissions for Diesel Particulate Matter (DPM) and Particulate Matter (PM) by comparing the project details and assumptions used to create the CalEEMod output. These comments pertain to DPM, PM and other emissions stated in the DRAFT EIR:

- The emissions found on the Attachment tables and those found in the AQ section are not consistent, as some of the totals are different. The District suggests comparing these emissions and making them consistent.

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## Local Agencies and Districts

D-A4 – San Diego Air Pollution Control District

**D-A4-1** The County acknowledges these introductory comments; however, they do not raise an issue concerning the environmental analysis or adequacy of the DEIR. Please see the responses below to specific comments.

**D-A4-2** An outdated version of the attachment tables referenced in the comment was inadvertently included in the DEIR. The project details and assumptions used to create the CalEEMod output were consistent with the tables found in the air quality section of the DEIR. A new Appendix F to the Air Quality Technical Report has been provided with the correct version included as part of Appendix I to the FEIR.

D-A4-3
- The DRAFT EIR used District calculation procedures for the operational emissions, except for the unpaved haul roads – for those, the EIR used the 2006 version of AP-42 (The District uses the 1995 version due to the need to make moisture and other adjustments). Using the 2006 version of AP-42 tends to underestimate the haul road emissions by 2 to 3.5 times.

D-A4-4
- The DRAFT EIR used a 95% control efficiency for watering the haul roads, but did not specify a watering frequency in the dust control plan. The District suggests adding a watering frequency that correlates to 95% (i.e. watering every 2 hours, unless the ground is wet).

D-A4-5
- PM emissions are created using OFFROAD2017, although EMFAC 2021 was released in January 2021. The District does not believe recalculation of the emissions estimations is required, but including a discussion of why using OFFROAD2017 is still accurate would be appropriate.

D-A4-6

Specific Comments on the Health Risk Assessment

The District also reviewed the health risk analysis conducted in the DRAFT EIR. Comments on the health risks:

- The risk calculations are based on a 10-year exposure, as the operation is assumed to run for 10 years only. This is not the practice used by the District in calculating health risks and will be inconsistent with the assumptions used in calculating health risks in District Rule 1200 HRA guidelines. This has the biggest impact on risk results compared to what is seen in AB2588 HRAs (which use 30 years, assuming the source will continue in the future). Based on the reported risk methodology in the DRAFT EIR, it is recommended that the HRA be adjusted to be more consistent with how the District calculates health risks as a result of facility emissions. Then the results can be compared to District Rule 1200 thresholds (again mainly due to the 10-year exposure instead of a normal 30-year exposure). It is also not the District's practice, nor does the District have authority, to put a sunset date on a permit indicating when the operation of a facility must end.

D-A4-7
- The DRAFT EIR used CARB provided meteorological data for Gillespie Field. The District would have recommended the use of more recent data which the District has access to. Also, the District would have recommended to use the sigma theta data (not the modified Ustar that was previously used). However, this should not impact the resulting risk results.

D-A4-8
- The DRAFT EIR did not give all the HARP model inputs (like deposition velocity), so the District is unable to verify all model inputs. However, the emissions input by source looks appropriate, and the cancer risk isopleth provided is what we would expect for the dispersion patterns in the area.

D-A4-9

General Information About Equipment Potentially Requiring Permits

The District's permitting program has been established to minimize air pollution by specifying operating and compliance requirements for stationary and portable sources that emit air contaminants. District Rule 10 requires that any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain written authorization for such construction from the District. Examples of air contaminants include carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, sulfur dioxide or toxic air contaminants, which can negatively impact public health. District Rule 11 lists exemptions for equipment or processes that do not emit a significant amounts of air pollutants.

**D-A4-3** An addendum to the Air Quality Technical Report has been prepared to provide additional clarifications and refinements to the assumptions and methodology that address the comments raised. The addendum is included as part of Appendix I to the FEIR. Fugitive dust emissions from vehicle and equipment movement on unpaved surfaces were updated based on guidance provided in the San Diego Air Pollution Control District (SDAPCD) memorandum titled *Haul Road Emissions* that was last updated January 6, 2022. Where the DEIR analysis used the empirical equation provided in the U.S. Environmental Protection Agency (USEPA)'s *Compilation of Air Pollutant Emission Factors*, 5th Edition, Volume 1 (AP42) Chapter 13 – Miscellaneous Sources, 13.2.2 (Unpaved Roads) dated November 2006, the SDAPCD memorandum points to AP-42 Chapter 13 – Miscellaneous Sources, 13.2.2 (Unpaved Roads) dated January 1995. Please see Cottonwood Sand Mine Topical Response 3*, EIR Errata and Updated Technical Reports*, for additional detail.

**D-A4-4** Section 5.3, *Travel on Unpaved Roads*, on page 8 of the Cottonwood Sand Mine Project Fugitive Dust Control Plan included as Appendix A to the Air Quality Technical Report (FEIR Appendix I) states, "Watering shall occur at 2-hour intervals during any time the project is in operation unless the road surface appears wet." Table 3, *Default Values – Unpaved Haul Roads*, of the SDAPCD memorandum titled *Haul Road Emissions* states the control efficiency for watering at 2-hour intervals is 95 percent; therefore, this was the control efficiency used for emissions modeling. Additionally, the watering frequency is described in FEIR Section 3.1.1.2 relative to Project compliance with air quality standards during construction, where it states "While the numerous measures in the Fugitive Dust Control Plan would be implemented during construction, for modeling purposes it was conservatively assumed that only the dust control measures of watering a minimum two times daily and a 15-mph speed limit on unpaved surfaces would be employed to reduce emissions of fugitive dust during construction."

**D-A4-5** At the time of the analysis, EMFAC2021 had not yet been approved for use by the USEPA. Regardless, a comparison of offroad equipment emission factors from EMFAC2021/OFFROAD 2021 to the EMFAC2017/OFFROAD2017 factors used in the analysis contained within the DEIR revealed the emission factors to be identical. Please see Table 1 following the responses to this comment letter for a comparison of the off-road emissions factors calculations.

**D-A4-6** The 10-year exposure duration assumed in the Health Risk Assessment calculations considered the proposed 10-year duration of mining activity. As part of the MUP being requested for the Project, the County would **D-**

**A4-6** **(cont.)** impose a 10-year timeline on Project mining operations as part of the Conditions of Approval. While this is inconsistent with the 30-year duration typically used per SDAPCD's Rule 1200 health risk assessment (HRA) guidelines for calculating health risks, modeling using a 10-year exposure duration is more appropriate given the proposed mining duration.

**D-A4-7** The pre-processed meteorological data used in the AERMOD analysis included in the DEIR has been replaced in the addendum to the Air Quality Technical Report (FEIR Appendix I) with the meteorological data provided by SDAPCD for El Cajon.

**D-A4-8** A new Appendix G to the Air Quality Technical Report provides detailed HARP model data points, including deposition velocity.

**D-A4-9** The County acknowledges the general information about equipment potentially requiring permits; however, this comment does not raise an issue concerning the environmental analysis or adequacy of the DEIR.

D-A4-10

Specific Comment on Equipment Which May be Used

Rock crushing, blasting and some 2-engine vehicles may require authority to operate from the District.

D-A4-11

General Information About Dust

Projects or operation that can generate fugitive dust emissions may be subject to the following APCD rules:

- APCD Rule 50 *Visible Emissions*, which states air contaminants shall not be discharged into the atmosphere for a period or periods aggregating more than three minutes in any period of 60 consecutive minutes which is darker in shade than a number 1 on the Ringlemann Chart (20% opacity).
- APCD Rule 51, *Nuisance*, which states "*a person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. The provisions of this rule do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowls or animals.*"
  Please note the District has received complaints in the past in regard to sand, rock and aggregate operations when in proximity to residences. Common factors which contribute to these complaints are proximity and elevation of a project in relation to residences, wind patterns, air pollution controls or mitigations implemented and moisture content of haul roads and aggregate processing lines and piles.

In addition to the rules listed above, any commercial construction or demolition activity capable of generating fugitive dust emissions may be subject to District Rule 55, *Fugitive Dust Control*. This rule has restrictions for airborne dust beyond the property line and visible roadway dust as a result of active operations, spillage from transport trucks, erosion, or track-out/carry-out.

D-A4-12

General Information About Off-Road Construction Equipment

Any project using off-road vehicles that are diesel-powered, self-propelled, and 25 horsepower or greater must be registered under the current owner with the California Air Resources Board (CARB) Diesel Off-Road Online Reporting System (DOORS). Each vehicle is assigned an Equipment Identification Number (EIN) which must be labeled on both sides of the vehicle. Fleets must meet emission targets.

Fleets must limit their unnecessary idling to 5 minutes; there are exceptions for vehicles that need to idle to perform work (such as a crane providing hydraulic power to the boom), vehicles being serviced, or in a queue waiting for work.

Written Idling Policy – Medium fleets (total max hp 2,501 – 5,000) and large fleets (total max hp greater than 5,000 hp) must also have a written idling policy that is made available to operators of the vehicles and informs them that idling is limited to 5 consecutive minutes or less.

**D-A4-10** No rock crushing, blasting, or use of two-engine vehicles are proposed to occur during implementation of the Project.

**D-A4-11** The County acknowledges the general information about dust; however, this comment does not raise an issue concerning the environmental analysis or adequacy of the DEIR.

**D-A4-12** The County acknowledges the general information about off-road construction equipment; however, this comment does not raise an issue concerning the environmental analysis or adequacy of the DEIR.

D-A4-13

General Information About Asbestos

Asbestos is a known human carcinogen and the primary route of exposure is through inhalation of asbestos fibers. More information on the health effects of asbestos may be found at www.epa.gov/asbestos . As such, APCD Rule 1206 incorporates the requirements of the federal asbestos requirements found in National Emission Standards for Hazardous Air Pollutants (NESHAP) and includes additional requirements to minimize exposure to asbestos fibers.

APCD Rule 1206 requires a facility survey for certain projects to determine if asbestos is present prior to commencement of renovation or demolition. Persons conducting facility surveys shall have taken and passed a current EPA-approved Building Inspector Course. The asbestos content shall be analyzed by a laboratory certified by the National Voluntary Laboratory Accreditation Program (NVLAP).

If more than 100 square feet of asbestos containing materials will be disturbed or a demolition will occur a notification must be submitted to the APCD and procedures for asbestos emission control and waste handling and disposal must be in compliance with District Rule 1206.

Specific Comment About Asbestos

The DRAFT EIR specifies the removal of all manmade structures. As stated in the general information about asbestos, "If more than 100 square feet of asbestos containing materials will be disturbed or a demolition will occur a notification must be submitted to the APCD and procedures for asbestos emission control and waste handling and disposal must be in compliance with District Rule 1206."

Should you have any questions about these comments or District requirements please contact Air Quality Specialist, Eric Luther (858) 586-2806 or eric.luther@sdapcd.org .

Sincerely,

Eric Luther

Eric Luther
Air Quality Specialist

**D-A4-13** The County acknowledges the general information about asbestos; however, this comment does not raise an issue concerning the environmental analysis or adequacy of the DEIR.

**San Miguel Fire & Rescue**
*Service Beyond Expectations*
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February 22, 2022

Mr. Robert Hingtgen
Planning & Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Via Email: *Robert.Hingtgen@sdcounty.ca.gov*
Re: Cottonwood Sand Mine Project; Draft Environmental Report
PDS2018-MUP-18-023

Dear Mr. Hingtgen,
Thank you for the opportunity to provide comments and recommendations on the Cottonwood Mining Project ("Project"), located within our District boundaries.

**San Miguel Fire District's Role**:
The San Miguel Consolidated Fire Protection District ("SMFPD" or "District") is one of the largest fire districts in San Diego County. As the Fire Authority Having Jurisdiction ("FAHJ") over the Project, SMCFPD is responsible for providing emergency services and fire and rescue protection to the Project and its surrounding communities.

D-A5-1

In California Health and Safety Code Division 12, Part 2.7, Section 13801, the Legislature found that local fire protection services, emergency medical services, rescue services, and other services relating to the protection of life and property is critical to the public peace, health, and safety of the State. Recognizing that the State's communities have diverse needs and resources, the *Fire Protection District Law of 1987* was enacted to provide broad statutory authority for local officials so that they could adapt powers and procedures to meet their own circumstances and responsibilities.

SMFPD has adopted as the *Fire Code for The San Miguel Consolidated Fire Protection District*, the following: the *2019 California Fire Code*, the *2018 International Fire Code (IFC)*, the *National Fire Protection Associations Standards 13, 130R & 13-D* as references in Chapter 80 of CFC, and the *2020 County of San Diego Consolidated Fire Code*, together with the District's amendments, as Ordinance No. 2019-2. The SMFPD Fire Code was adopted for the protection of the public's health and safety. As such, SMFPD is charged with reviewing and providing comment on projects that have the potential to adversely affect the health and safety of its citizens.



## D-A5 – San Miguel Fire and Rescue

**D-A5-1** The County acknowledges these introductory comments, including identification of health and safety concerns related to General Plan policies; however, they do not raise specific issues concerning the environmental analysis or adequacy of the DEIR. Please see the responses below to specific comments.

**COMMENTS AND RECOMMENDATIONS**
The District has identified health and safety concerns within the DEIR that effect the Community related to the following:

LU-2.8: Mitigation of Development Impacts: Requires measures that minimize significant impacts to surrounding areas from operations that are detrimental to **human health and safety**.

LU-6.10: Protection from Hazards: Requires that development be designed to protect residents from the risks of **artificially induced hazards.**

D-A5-1 cont.

LU-12.2: Maintenance of Adequate Service: Requires development to mitigate significant **impacts to existing service levels of public services for existing residents and businesses**.

M-4.4: Accommodate Emergency Vehicles: Requires the design and construction of public roads to allow for necessary **access for** appropriately sized **fire apparatus and emergency vehicles while accommodating outgoing vehicles from evacuating residents**.

S-3.6: Fire Protection Measures: Requires that development located within fire threat areas implement measures that **reduce the risk of structural and human loss due to wildfire**.

SMFPD offers the following comments and recommendations to assist the County in identifying and mitigating Project impacts affecting the health and safety of the Community.

**Specific Comments**
1) Emergency Response Time Delays

Based upon DEIR Section 3.1.7, the Project anticipates an increase in Heavy Truck traffic of 88 trucks per day with 440 average daily trips (ADT) and 36 ADT for cars and light trucks along Willow Glen Drive (a Project total of 476 ADT). The significant increase in Heavy Truck traffic (at times traveling at slower speeds and potentially impacting/obstructing traffic flow), raises significant concerns with regard to the health and safety of the Community when considering Emergency Services. While it is understood CEQA analysis no longer uses road congestion or driving delays when analyzing transportation impacts for environmental and greenhouse gas purposes, the 440 ADT Heavy Truck impact is not negligible, nor should it be avoided when considering impacts to emergency response times and evacuation routes.

D-A5-2 s As noted in the DEIR Local Mobility Analysis Section 5.3 - Existing Intersection Traffic Volumes, traffic counts were commissioned on Thursday, August 30, 2018, between the hours of 7:00-9:00 a.m. and 4:00-6:00 p.m. in an effort to capture peak commuter activity.

Section 5.3 correctly notes area schools were in session; however, the traffic counts were taken well past the time schools let out for the day and peak school traffic had already passed. As an example, the School closest to the Project, Jamacha Elementary School, a public school, (corner of Steele Canyon Road and Jamul Drive), classes get out at 2:00 p.m. on Thursdays; the second closest school, Hillsdale Elementary, classes get out at 3:30 p.m. It appears the traffic counts obtained for this study missed the peak traffic volume typically flowing when schools let out in the afternoon. This discrepancy warrants reanalysis to provide a more accurate ADT count to 1) ensure impacts to emergency responses are fully understood; and 2) allow us to better address any need for mitigation.

2

**D-A5-2** Please see Topical Response 1, *Reason for the Recirculation of the DEIR and the Recirculated DEIR Process*, which describes the additional 58 round-trip truck trips per day that were evaluated in the RDEIR and incorporated into this FEIR, in addition to those cited in this comment. Topical Response 3*, EIR Errata and Updated Technical Reports*, summarizes the updates made to technical reports as part of this FEIR, including the Transportation Impact Analysis (FEIR Appendix V) and LMA (FEIR Appendix W). Issues related to evaluation of traffic impacts are further discussed in Topical Response 8, *Traffic Impacts*.

As noted in the above referenced Topical Responses, an addendum to the LMA was prepared to evaluate the additional backfill import, truck trips, and operations. Updated trip generation assumptions were based on a maximum of 146 daily one-way heavy vehicle trips, which includes 88 trucks for export of saleable material and 58 trucks for import of backfill material. Based on the LMA, this increase is not expected to substantially disrupt travel along roadways in the Project area compared to existing conditions.

As described in Section 4.2, *Fire Access*, of the Project's Fire Protection Plan (FEIR Appendix U), emergency access would be improved with implementation of the Project. The Project proposes to restripe Willow Glen Drive between Steele Canyon Road and the Project ingress driveway to provide a raised median and Class II buffered bike lanes on both sides of the roadway. To facilitate deceleration of right-turning vehicles into the Project ingress driveway, a dedicated right-turn lane would also be constructed. The Project would also construct an acceleration lane between the ingress and egress driveways, which would serve as a refuge lane for trucks to complete their outbound maneuver.

As described in FEIR Section 3.2.5, *Public Services*, under "Fire and Emergency Services," the Project would be conditioned to implement procedures to reduce potential for fire hazards, including those recommended in the Fire Protection Plan. The Project would prepare and implement construction/pre-mining and operational Traffic Control Plans that detail procedures required to be implemented during an emergency situation. Traffic Control Plans would be

**D-A5-2 (cont.)** prepared and submitted to the County for review and approval as a condition of the Project MUP. During an emergency situation impacting the site, or the primary roadway that provides ingress/egress to the site (Willow Glen Drive), mining and trucking operations would cease until the emergency has concluded. Additionally, the Project would be conditioned to cease extraction and conveyor operations when wind speed instantaneously exceeds 25 miles per hour (mph) or when the wind speed average for 15 minutes is greater than 15 mph.

The mining facility would be registered with Alert San Diego through the "Ready, Set, Go!" program, whereby emergency alerts would be provided in the event of a wildfire to notify dispatch and employees to follow the appropriate procedures, including ceasing heavy truck and vendor vehicles from accessing the site during an active emergency evacuation. During such situations, trucker drivers in route to the Project site would be notified and dispatched away from Willow Glen Drive. If the emergency involves an evacuation that affects Willow Glen Drive, trucks currently on site would be held at the site until an evacuation procedure has been established by emergency personnel or local law enforcement. All on-site employees would meet at a predetermined location, such as the scale-house, and evacuate in accordance with guidance from local law enforcement. Vehicles leaving the site would be subject to the evacuation procedures that have been established by emergency personnel and abide by the same laws as other evacuees.

The Mine Safety and Health Administration (MSHA) requires all mines to have site-specific hazard awareness training for its employees and on-site vendors. This training includes site-specific evacuation and emergency procedures that expand upon the procedures listed above. These plans would be developed and approved prior to the start of operations. Through complying with the applicable procedures, the Project would minimize hazards related to fires and would not generate increased demand for fire protection or place a significant strain on the existing fire protection facilities.

Traffic counts conducted for the Project were taken over a 24-hour period, which included traffic during school dismissal. Traffic counts were not evaluated separately for peak school traffic, since traffic counts during commuter peak hours were heavier than traffic due to school arrival/dismissal. It is standard practice for an LMA to evaluate traffic during the commuter peak hours (7 to 9 am and 4 to 6 pm) when the highest volume of trips are experienced, not during peak school traffic as individual school timing is different for each school. The analysis presented in the FEIR evaluates the worst-case peak hour commuter traffic.

D-A5-3

Willow Glen Drive is the most direct roadway used by SMFPD Fire Station 22 First Responders for emergency response travel to the Project, residents, and schools located to the east and southeast of the Project. Given the increase in Heavy Truck traffic and planned construction/flagging operations, it is reasonable to anticipate traffic slowing and/or delays and/or stoppage along Willow Glen Drive throughout the 10+ years of this Project. These impacts should not be viewed as "temporary" given the 10+ year duration of the Project, but an ongoing impact to the main emergency response thoroughfare serving the area.

D-A5-4

SMFPD strives to provide our Citizens and those passing through our District with the most rapid emergency response possible. Given that thousands of our residents living beyond the Project live in a rural area designated as a Very High Fire Hazard Severity Zone, (with already longer response times than most areas within our District), we must do everything within our control to reduce every delay the Project might cause.

These health and safety concerns must be mitigated for the benefit of the Community since even short delays in the initiation of emergency medical care can, in some cases, mean the difference between life and death, or even severe cognitive impairment. For example, for patients suffering cardiac arrest, for every minute delay in emergency care, their chance of survival goes down 10 percent.

D-A5-5

a) DEIR LU-12.2: Maintenance of Adequate Service:
The DEIR notes in its Technical Appendix B, LU-12.2: Maintenance of Adequate Service: "All intersections within the traffic study area would operate at an acceptable level of service (LOS), with the exception of the intersection of Willow Glen Drive and Muirfield Drive, which is calculated to operate at LOS E or worse (LOS F during AM and LOS E during PM peak period)."

Any traffic congestion due to the anticipated cumulative 1,904 ADT (e.g., 440+36+1,428 Ivanhoe Ranch Project) -- especially during the Project roadway construction phase -- has a reasonable potential for delays as fire apparatus and ambulance vehicles are impacted along Willow Glen Drive. No alternate roadway exists that will allow Station 22 Emergency Responders to reach areas beyond the east and southeast of the Muirfield entrance without significantly re-routing the emergency response.

D-A5-6

As an example, consider an emergency response to Jamacha Elementary School. Should traffic become congested due to Project operations and/or construction, or at any point become impassible, the only other road available to reach the School is for Engine 22 to travel west along Jamacha Road through Rancho San Diego, then work its way back to the northeast, before even getting to the School. Typical travel time from Station 22 to Jamacha Elementary School at 2:10pm on a school day, takes 4 minutes to travel the 2 miles to the school[1]. Should roadway slowing or obstructions be encountered, and the emergency response re-routed through Rancho San Diego, that sole, alternate route to the school would take 9 minutes to travel the required 5.1 miles; more than double both in time and distance.

[1] Based upon MapQuest data 1/11/2022 at 2:10 pm reports Heavy Traffic



**D-A5-3** Fire-related hazards and emergency response times were evaluated relative to the noted 10year Project duration of mining activities. Relative to "planned construction/flagging operations," traffic control plans would be prepared to the satisfaction of the County Engineer prior to the commencement of work in order to address roadway safety during construction. Traffic control plans would include details such as work zones, staging areas, and other traffic control details, as necessary. The preference for not describing the Project as "temporary" but an "ongoing impact" is noted; however, it does not raise an issue concerning the environmental analysis or adequacy of the DEIR.

**D-A5-4** The County acknowledges these general comments; however, they do not raise an issue concerning the environmental analysis or adequacy of the DEIR.

**D-A5-5** As evaluated in the LMA prepared for the Project (FEIR Appendix U), the noted intersection of Willow Glen Drive / Muirfield Drive is operating at a failing level of service (LOS) E in the existing condition during the AM and PM peak hours. The Project would add minimal, temporary trips to through movement during peak hours, as trucking operations during the week would operate from 9:00 am to 3:30 pm to avoid peak traffic periods in the area. The Project would not trigger either of the criteria listed in Section 4.1*, Signalized Intersections*, of the LMA requiring the need for vehicular mobility improvements (e.g., addition of project traffic to an intersection operating at an acceptable LOS causes the intersection to degrade to LOS E or F, or the addition of project traffic to an intersection operating at LOS E or F would increase existing delay by 5.0 or more seconds) in either the existing or near-term traffic conditions. The near-term impact evaluation uses forecasts developed based on cumulative project development and regional traffic growth in the San Diego Association of Governments (SANDAG) Series 13 Model within the Project area. To be conservative, a one percent per year growth factor for three years was applied to the existing traffic volumes. This included traffic volumes from the proposed Ivanhoe Ranch project and Cuyamaca College Master Plan implementation. Refer to Response to Comment DA5-2 regarding implementation of procedures such as the Traffic Control Plan during construction/pre-mining and operations to address emergency access during a fire.

**D-A5-6** Please see Responses to Comments D-A5-2 and D-A5-5.

Recommendations:
It is imperative that mitigation measures eliminate any potentially life-threatening roadway delay. Recommendations are as follows:

D-A5-7

1. Establish an Emergency Use Only by-pass lane. This could be done by extending the proposed vendor access turn lane (at Muirfield) the full length of Willow Glen Drive to Steele Canyon Road. This would give emergency response vehicles the ability to avoid road congestion not only during the proposed roadway improvements but would also allow First Responders to avoid Heavy Trucks headed eastbound and flagging operations throughout the 12-year operation.

D-A5-8

2. Develop a Traffic Control Plan addressing emergency access to the Communities beyond the Project; include a contingency plan should Willow Glen Drive fail due to Heavy Truck back up or another Project-related event.

D-A5-9

3. End Heavy Truck operations at 2:00 p.m., (i.e., the end of the school day for Jamacha Elementary), in order to achieve the Project's stated intent of avoiding Heavy Truck operations during peak afternoon hours.

2) Emergency Evacuation Routes
As previously stated, thousands of SMFPD's residents live beyond the Project site in a mostly rural, Very High Fire Hazard Severity Zone ("VHFHSZ"); Evacuation Egress Routes are limited and often narrow. Willow Glen Drive, Steele Canyon Road, and Jamul Drive each serve as primary Emergency Evacuation Routes for residents to the east and southeast of the Project. Should any of these roadways fail or become congested during an evacuation from the east, it could prove to be catastrophic.

D-A5-10

a) Safety Element Policy S-3.6/LU-12.2 Maintenance of Adequate Service:

The DEIR does not fully comply with Safety Element Policy S-3.6: Fire Protection Measures or LU-12.2: Maintenance of Adequate Service. Both require, in pertinent part, the Project not impact existing public service levels and that measures be implemented to reduce the risk of structural and human loss due to wildfire. Although the DEIR as proposed addresses site-specific fire protection measures, it does not address or include analysis for Project impacts to emergency evacuations of the Community beyond the Project site. Give the substantial Heavy Truck traffic proposed, the VHFHSZ rating, and the long-term occupation of the Project, newly identified health and safety concerns identified by the publication of DEIR must be addressed.

D-A5-11

Thousands of residents rely on Willow Glen Drive as a primary emergency evacuation route. With its acknowledgement that the Willow Glen Drive/Muirfield Drive intersection falls below an acceptable LOC (i.e., LOS F and E), as well as the Willow Glen Drive/Steele Canyon Road intersection, it is imperative these deficiencies are addressed to reduce the risk of human life due to wildfire.

D-A5-12

The additional Heavy Truck trip projection of 440 trips per day when viewed both independently and cumulatively with the Ivanhoe Ranch Project (an additional 1,428 ADT),

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**D-A5-7** The recommendation to establish an emergency use only bypass lane between Muirfield Drive and Steele Canyon Road is noted. Proposed improvements to Willow Glen Drive are described in Response to Comment D-A5-2.

**D-A5-8** A Traffic Control Plan would be prepared as a condition of Project approval to address emergency access.

**D-A5-9** Please see Response to Comment D-A5-3 regarding truck operating hours (9:00 AM to 3:30 PM) and why the traditional commuter peak hours during which time no trucking would occur is considered the worst-case scenario for the Project area.

**D-A5-10** Safety Element Policy S-3.6, *Fire Protection Measures*, states "Ensure that development located within fire threat areas implement measures that reduce the risk of structural and human loss due to wildfire." Land Use policy LU-12.2, *Maintenance of Adequate Service*, states "Require development to mitigate significant impacts to existing service levels of public facilities or services for existing residents and businesses. Provide improvements for Mobility Element roads in accordance with the Mobility Element Network Appendix matrices, which may result in ultimate build-out conditions that achieve an improved LOS but do not achieve a LOS of D or better." As described in Appendix B to the FEIR, the Project would adhere to measures identified in the FPP to reduce the risk of structural and human loss due to wildfire. These measures include considerations related to fire access roads, property line setback distances, defensible space, vegetation management, and owner-maintained fuel modification.

Please see Response to Comment D-A5-5, which explains why the Project's contribution to traffic on Willow Glen Drive would not exceed the County's allowable thresholds to require project-specific measures to address the existing intersection deficiency at Willow Glen Drive / Muirfield Drive. Regarding the intersection of Willow Glen Drive / Steele Canyon Road, this intersection would operate at an acceptable LOS D during the AM and PM peak hours under both Existing + Project and Near-term + Project conditions; therefore, no deficiencies would be required to be addressed at this intersection.

D-A5-12 cont.

has the potential to significantly impair these primary egress routes. Project applicants should be required to fully comply with all aspects of the Safety Element Policy and Adequate Service requirements to reduce the risk of human loss due to wildfire for all life during emergency evacuations, including those off-site who are evacuating due to a wildfire emergency.

D-A5-13

Recommendation(s):

1. Develop a Traffic Control Plan for the Project that addresses actions to be taken during an emergency evacuation from the Communities located beyond the Project. Plan to include cessation of any additional Heavy Truck or vendor vehicles accessing the site during an active emergency evacuation, and a contingency plan should Willow Glen Road fail due to Heavy Truck back up or other Project-related event.

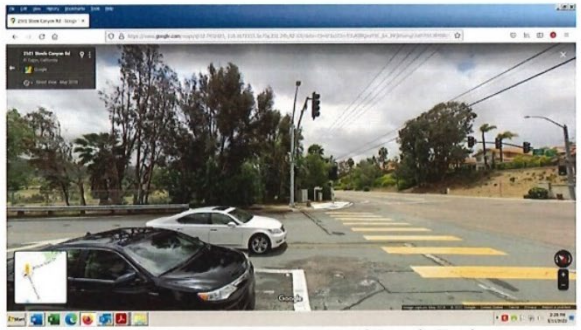
D-A5-14

The 440 ADT increase in Heavy Truck traffic through the Willow Glen Drive/Steele Canyon Road intersection (traveling eastbound) exponentially increases the existing life safety hazard.

a) Line of Sight Hazard at Steele Canyon Road:

The LU-6.10: Protection from Hazards element requires that development be designed to protect residents from the risks of artificially induced hazards.

Line-of-sight for vehicular travel eastbound on Willow Glen Drive approaching Steele Canyon Road is severely obstructed. That stretch of roadway has a posted speed limit of 45mph. Heavy Trucks have a longer stopping distance than light vehicles. As such, the 440 ADT Heavy Truck traffic has the potential to increase roadway hazards at this intersection. Mitigation of the hazard created by Heavy Trucks approaching this intersection when northbound traffic from Steele Canyon Road turns right on a red light (as allowed) must be addressed.



1/11/2022 screen shot courtesy of Google Earth.

5

**D-A5-11** Please see Response to Comment D-A5-5, which explains why the Project's contribution to traffic on Willow Glen Drive would not exceed the County's allowable thresholds to require project-specific measures to address the existing intersection deficiency at Willow Glen Drive / Muirfield Drive. Regarding the intersection of Willow Glen Drive / Steele Canyon Road, this intersection would operate at an acceptable LOS D during the AM and PM peak hours under both Existing + Project and Near-term + Project conditions; therefore, no deficiencies would be required to be addressed at this intersection.

**D-A5-12** Please see Responses to Comments D-A5-3 and D-A5-5.

**D-A5-13** Please see Response to Comment D-A5-3 regarding development of a Traffic Control Plan.

**D-A5-14** Submitting documentation that intersectional sight distance per County Public Road Standards 6.1.E can be met for each of the proposed access points along Willow Glen Drive would be a condition of Project approval. Additional Project conditions may be added depending on the information provided.

D-A5-14 cont.

Recommendation:

1. Develop a plan to abate this hazard. This could be done by roadway realignment and/or, at a minimum, through removal of vegetation obstructing the required line of sight.

Thank you again for the opportunity to provide comment on this Project. Should you have any questions or need further clarification on any point, please do not hesitate to contact me.

Sincerely,

Criss Brainard
Fire Chief

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February 24, 2022

Robert Hingtgen
Land Use/Environmental Planner
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Subject: Comments on the Cottonwood Sand Mine Project Draft Environmental Impact Report, PDS2018-MPA-18-004
SWA File: (Gen) Land Use and Environmental – Watershed Review – Cottonwood Sand Mining

Dear Mr. Hingtgen:

D-A6-1 Thank you for providing Sweetwater Authority (Authority) with a Notice of Availability of a Draft Environmental Impact Report (DEIR) for the proposed Cottonwood Sand Mining Project (Project). The Project, if approved, would convert two golf courses located within the floodplain of the Sweetwater River to sand mining operations that would impact approximately 214 acres of land over a period of 10 years.

D-A6-2 The Authority provided comments on the Project to the County of San Diego (County) in an Initial Concerns Letter dated December 13, 2018, which was prepared in response to a draft project description. Additional comments were provided in a second letter, dated September 27, 2019, which was prepared in response to the Initial Study (IS) and Notice of Preparation (NOP) of the Environmental Impact Report (EIR). In these two letters, the Authority outlined a variety of environmental, water quality, water rights, and engineering concerns for the County and the project proponent's consideration. The Authority letters referred herein are provided as part of Appendix A of the DEIR.

D-A6-3 At the time of the NOP and IS circulation, it was concerning to the Authority that the NOP, IS, and associated engineering drawings failed to address many of the comments provided by the Authority in its Initial Concerns Letter, which was provided months before the circulation of the IS and NOP. Examples of concerns not addressed in the 2019 IS include the following:

- Description of the Authority's periodic water transfers between Loveland Reservoir and Sweetwater Reservoir
- Impacts to water transfers resulting from mining operations and widening of the floodplain
- Consideration of water transfers in the initial hydrology and water quality analysis



## D-A6 – Sweetwater Authority

**D-A6-1** The County acknowledges these introductory comments; however, they do not raise an issue concerning the environmental analysis or adequacy of the DEIR. Please see the responses below to specific comments.

**D-A6-2** The letters described in this comment were reviewed and addressed in preparation of the DEIR. Both letters are included in Appendix A, *Notice of Preparation (NOP) and Comments on the NOP*, to the FEIR.

**D-A6-3** The intent of the initial study process is to determine the appropriate level of analysis needed to evaluate a project's compliance with CEQA. Through the scoping process, it is used as a tool to determine what environmental factors need to be studied in greater detail in an EIR and which environmental factors do not require detailed review. Per CEQA Guidelines Section 15063(d), "an Initial Study is neither intended nor required to include the level of detail included in an EIR." Therefore, the detailed concerns identified in this comment were introduced where applicable in the Project Initial Study circulated with the NOP, while additional information and detailed evaluation of these issues were provided in the DEIR. Impacts to water quality would be less than significant, as stated in Subchapter 3.1.5, *Hydrology and Water Quality*. Please see Topical Response 5, *Imported Material and Backfilling Process*, regarding the quality of fill for mined areas.

D-A6-3 cont.

- Potential for pollution at Sweetwater Reservoir, a source of drinking water for 200,000 people
- Request for identification of pollutants of concern at the mining site
- Consideration of atmospheric river events that may not be properly mitigated with only the implementation of standard construction and/or industrial BMPs, and how atmospheric river events may result in additional risk of pollution at Sweetwater Reservoir if the Cottonwood sand mining operation is approved
- Sources of fill for mined areas
- Potential impacts to water quality from proposed conveyor belt
- Potential additional water treatment expenses at the Robert A. Perdue Water Treatment Plant (Perdue Plant) resulting from potential exacerbated water quality issues at Sweetwater Reservoir, resulting from the proposed mining site

Similar to the 2019 IS, the circulated DEIR and associated documents have not addressed many of the Authority's concerns with the proposed mining Project, including many of the matters listed above and other concerns described in the Authority's second letter.

D-A6-4

The Authority owns and operates Loveland Reservoir, Sweetwater Reservoir, and the Perdue Plant. The Authority is a water district that depends on the health of the Sweetwater River watershed, and serves and provides drinking water to approximately 200,000 people living in western Chula Vista, National City, and Bonita, and has more than 33,000 service connections in its service area. To the Authority, the concerns with the proposed mining operation and impacts to water quality, hydrology, and to the Authority's ability to transfer water, are a serious matter that need to be properly addressed in the DEIR and completely mitigated where needed. The Authority requests that the County and the project proponent spend the necessary time and resources in order to provide a complete analysis and appropriate mitigation measures, even if this means preparing major revisions to the proposed project components, their technical appendices, engineering drawings, or having to recirculate the DEIR.

D-A6-5

The Authority comments on the DEIR and associated documents are as follow:

**1.0 Impacts to Hydrology, Water Quality, and Utilities – Lack of Mitigation Measures**

The 2019 IS identified three areas of concern where the proposed project could result in potentially significant impacts to hydrology and water quality, and would need to be fully analyzed in the DEIR, resulting in the development of enforceable mitigation measures. The three areas of concern are the following:

- E & F) substantial alterations to the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner

**D-A6-4** The County acknowledges these comments; however, they do not raise a specific issue concerning the environmental analysis or adequacy of the DEIR. Please see the responses below to specific comments.

**D-A6-5** As noted in the comment, project design components have been identified in FEIR Chapter 1.0, as well as Subchapter 3.1.5 and Chapter 7.0, *List of Mitigation Measures and Environmental Design Considerations*. As noted in Section 7.2, "all Project Design Features identified below will be included as Conditions of Approval in the MUP Decision and shown on the Project plans." In this way, such PDFs are enforceable conditions of the Project and also were adequately evaluated in the DEIR as components of the Project.
Furthermore, the Project would be required to comply with current federal, State, and local regulations governing water quality and hydrologic/hydraulic effects, as enforced through the following conditions of approval:

Furthermore, the Project would be required to comply with current federal, State, and local regulations governing water quality and hydrologic/hydraulic effects, as enforced through the following conditions of approval:

D-A6-5 cont.

which would result in substantial erosion or siltation on or off-site (Pages 28-29, 2019 Initial Study);

- J) Placement of structures within a 100-year flood hazard area which would impede or redirect flood flows (Page 30, 2019 Initial Study); and
- K) Exposing people or structures to a significant risk of loss, injury or death involving flooding (Pages 30-31, 2019 Initial Study).

Instead of developing the needed mitigation measures to address the initially identified potential impacts to hydrology and water quality, the DEIR failed to identify or develop any enforceable mitigation measures to address potential impacts to these areas of concern, and has concluded that the significance of the . impacts for these three areas of concern listed above is "less than significant."

The DEIR does include certain "project design components" in the updated project description (Pages 1-21 and 1-22), and it includes the same language as part of the discussion in the hydrology and water quality analysis. These project design components, which are discussed below, seem to be an attempt to alleviate some of the Authority's concerns, but none of these project design components are presented in the DEIR as mitigation measures or are fully analyzed to ensure their effectiveness. Some of these project design components, if further analyzed, could be considered mitigation measures, as their sole purpose seems to be mitigating impacts related to 1) flooding at the mining site, 2) serious water quality and water resources impacts associated with mining operations in the floodplain, and 3) impacts to the Authority's water transfers, which are considered an essential function of the Authority.

A project of this magnitude needs well-developed and properly analyzed enforceable mitigation measures to prevent impacts to hydrology, water quality, and public utilities. The DEIR does not provide adequate analysis on these topics. Examples of these project design components that should be further developed and analyzed in the DEIR, and very likely recategorized as enforceable mitigation measures, are discussed below.

**1.1 Installation of berms during sand mining operations**

D-A6-6

The DEIR's Project Description and the Hydrology and Water Quality analysis briefly mention, as a project design component, that if mining would occur within ten feet of the river's low flow channel, the project proponent would construct berms approximately five feet in height to separate operation areas from the low flow channel, as needed. The berm locations would be adjusted as mining progresses and would be set back from mining activities (DEIR Page 1-21). This project design component is presumably an effort to avoid the capture of water being transferred, and while the installation of berms may be well intended, this action should be completely analyzed by the County and the project proponent, in order to prove its effectiveness.

**D-A6-5 (cont.)**

- An erosion control plan that would include appropriate monitoring per State and County requirements.
- CLOMR issued by FEMA prior to construction or mining activity occurring.
- SWPPP prepared and submitted to the State Water Resources Control Board (SWRCB) prior to construction in accordance with the Industrial General Permit Order 2014-0057-DWQ, effective July 1, 2015, and Construction General Permit Order 2022-0057-DWQ, effective September 1, 2023. County Code Enforcement has additional authority to enforce SWPPP/County Surface Water Guidelines during Project operations.
- Waste Discharge Requirements Permit conditions, as issued by the San Diego Regional Water Quality Control Board (RWQCB). RWQCB has authority to enforce compliance with permit conditions and implementation of SWPPP.
- National Pollution Discharge Elimination System (NPDES) Permit conditions, as issued by the RWQCB.
- Priority Development Project (PDP) Stormwater Quality Management Plan (SWQMP) addressing water quality and hydromodification for permanent construction, developed to comply with the County's BMP Design Manual, Sections 67.809 and 67.811 of the County's Watershed Protection Ordinance, and the Regional MS4 Permit (San Diego RWQCB
- Order No. R9-2013-0001, as amended by Order No. R9-2015-0001 and Order No. R9-2015-0100).
- Fugitive Dust Control Plan prepared and submitted to the County and SDAPCD.
- Conditions imposed through the Authority to Construct and Permit to Operate, as issued by the SDAPCD.

**D-A6-6** Please see Response to Comment D-A2-8, which describes how the previously considered operational procedure of placing berms adjacent to the river channel during mining and at final reclamation has been revised in favor of maintaining the channel banks to 3.7 feet in height. The Sweetwater River bed and lower portion of the banks of the existing on-site trapezoidal channel would be undisturbed in order to allow water transfer to continue along its current path without impacts. Mining activities would lower the channel banks, but the banks would remain at 3.7 feet in height to adequately convey water transfers with a factor of safety. For mined areas behind the banks, the ground would be sloped at no steeper than 4:1 (horizontal:vertical) to meet the ground surface. The

D-A6-6 cont.

As currently written, the DEIR does not require the installation of berms. Instead, it gives the project proponent the option and full discretion to install berms if they think berms are necessary. If the mining operator chooses not to install the berms in the future, who would be responsible for enforcing this measure?

None of the technical appendices provided in the DEIR, including the drainage study or the engineering drawings, properly analyzed the construction and installation of berms during mining activities. While the construction of "short berms" is briefly mentioned in the drainage study and in the hydrology and water quality section of the DEIR as an optional solution to ensure no significant mining impacts occur on water transfers, the drainage study and engineering drawings do not provide any meaningful analysis on the construction and installation of these berms. This lack of technical information is not trivial, especially since it seems that the "berms" project component is being proposed by the County and the project proponent in lieu of an enforceable mitigation measure.

As currently presented, the County and project proponent appear to be considering, without any securities, that the mine operator is fully capable of constructing and installing two berms (one on each side of the river channel) that may need to be hundreds of linear feet long, at a given moment's notice, in order to mitigate impacts to hydrology, water quality, flooding at the site, and impacts to the Authority's water transfers. Construction and installation of berms is not a trivial engineering matter, and a proper analysis with a well-developed protocol needs to be prepared and reviewed by the County, the Authority, and applicable regulatory agencies, in order to ensure the berms function as intended.

The drainage study and project description seem to indicate that the proposed berms would be built, if needed, to accommodate for water transfers only, which is an incorrect assumption. In addition to the flows created by water transfers, these berms (or whatever mitigation measure that is ultimately developed) would also need to accommodate for flows resulting from multiple upstream tributaries in the watershed (i.e. water transfers + watershed flows resulting from significant storm events at the same time).

Given that a proper engineering analysis regarding the use of berms during mining operations is not provided, reviewers of the DEIR and appendices have not been able to comment on the effectiveness of the berms project component, and therefore the DEIR analysis is flawed and incomplete. Before continuing to move forward with the CEQA process, the County and project proponent should properly analyze the berms project component and reconsider this optional component as a mitigation measure that needs to be fully analyzed for its effectiveness. The drainage study – hydraulic analysis needs to consider the berms and if placement of the berms within 10 feet of the river's low flow channel is the appropriate distance based on the maximum anticipated flow through the

**D-A6-6 (cont.)** trapezoidal channel that would remain during and after mining would convey water transfer flow rates similar to pre-project conditions. This would avoid water transfer flow and capture beyond the channel limit and would not require the use of berms as previously evaluated. The CEQA-Level Drainage Study has been revised to assess these above-described conditions. The study has also been updated to assess Sweetwater Authority's water transfers based on their Loveland Reservoir releases through the bunger valve in combination with precipitation events. The analyses were based on transfer data provided by Sweetwater Authority from six release dates spanning from 2010 to 2021, as well as precipitation records from the same time period. Rainfall contribution to each water transfer was factored into the flow rate evaluation. The analyses are used to size the existing on-site trapezoidal channel so that it can continue to convey the maximum water transfer flow rate anticipated based on data from the last 12 years. Rainfall and stream gage records showed that the maximum water transfer associated with rainfall during the water transfer periods primarily remained at or below 400 cubic feet per second (cfs). In 2021, rainfall caused the water transfer to reach 421 cfs on one day. In 2017, the water transfer on the initial release date reached 591 cfs due to heavy rainfall exceeding 2 inches on the preceding day. Using this data, the on-site channel has been designed to convey the maximum historic water transfer measured at 591 cfs.

Based on these analyses, the report's conclusions were further clarified to reiterate that the Project would not substantially alter the existing drainage pattern of the site or area or propose substantial impervious areas that would result in an increase in the rate or amount of surface runoff. Flows would not be impeded or redirected through the site. None of the updates described above identified any new significant impact relating to hydrology or drainage.

D-A6-6 cont.

project site, inclusive of water transfers from Loveland Reservoir and large storms, such as a 100-year storm event.

**1.2 Installation of permanent berms during the reclamation of the mining site**

The DEIR mentions that berms could be incorporated as part of the final reclamation plan, where needed, to prevent significant impacts on the Authority's operations (i.e. water transfers). The Authority has commented in the past regarding long-term water losses due to the proposed widening of the river channel and, although the County and project proponent did not develop an enforceable mitigation measure in the DEIR to prevent potential water losses from happening, the Authority appreciates the concern the County and the project proponent have shown in trying to mitigate this long-term impact. However, these permanent berms must be properly analyzed under CEQA and must be included in the reclamation plan.

If the permanent berms are indeed intended to prevent or minimize water losses to the Authority, these permanent berms need to be analyzed in the DEIR, the technical appendices, and be included in the reclamation plan. Without proper analysis of these permanent berms, project reviewers cannot comment on the effectiveness of these berms, and therefore the DEIR's analysis and reclamation plan, as presented, are flawed and incomplete.

D-A6-7

The installation of permanent berms should have been presented in the DEIR as a mitigation measure in the hydrology and water quality section or in the public utilities section, as the sole purpose of these permanent berms is to mitigate impacts related to the Authority's operations and water transfers. A proper engineering analysis needs to be conducted by the project proponent and reviewed by the County in close consultation with the Authority and applicable regulatory agencies, in order to ensure the berms function as intended.

As "accommodating water transfers" between the two reservoirs is one of the project objectives (DEIR, Page 1-1), these permanent berms should have been depicted in the engineering drawings provided as part of the reclamation plan.

The DEIR does not answer the following questions regarding the permanent berms:

1. Who would be responsible for the permanent berms' maintenance, repairs, or adaptive management?
2. What would happen if these permanent berms fail during a water transfer, after the project proponent is no longer involved?
3. Who is liable if people get injured or die, or property damage occurs, due to berm failure during a water transfer?

**D-A6-7** As discussed above in Response to Comment D-A6-6, the Project proponent is no longer proposing building berms. Rather, the Sweetwater River bed and lower portion of the banks of the existing on-site trapezoidal channel (low-flow channel) would be undisturbed in order to allow water transfer to continue along its current path without impacts. To accommodate higher flows associated with large rain events, the Project would create a broader channel for flow conveyance than existing conditions, which would reduce flow velocities and the potential for erosion. The reclaimed condition 100-year hydraulic results show that most velocities are in the non-erosive range of approximately 3 to 5 fps. There would not be permanent ponding areas within the Project outside the low-flow channel. The extraction areas would ultimately be above the low-flow channel at finished grade. Therefore, no water losses would result from ponding and no repairs or maintenance would be required after final reclamation.

4. Who would compensate the Authority for water losses if the berms fail during a water transfer?

Similarly, neither the County nor the project proponent have approached the Authority to discuss any of these matters. As such, the Authority requests that the County do not provide project approvals until these questions and other questions of a similar nature are answered to the satisfaction of the Authority.

D-A6-7 cont.

The Authority also requests that additional engineering analysis be performed to demonstrate that the proposed permanent berm will fully mitigate water losses. Additionally, the DEIR impact analysis and Reclamation Plan should be updated to reflect that. It is important to note that water losses associated with the proposed mining activities will not be acceptable to the Authority, a public water utility operating continually under drought conditions and with senior water rights in the Sweetwater River watershed. The County and the project proponent should properly analyze a long-term solution (permanent berms or otherwise) before moving forward with the approval of the DEIR or Reclamation Plan. Before granting any permits, the County should ensure that water losses to the Authority resulting from the proposed mining operation, or its reclamation plan, will be fully avoided or mitigated.

**1.3 Mining during the rainy season**

The project description indicates, as a project component, that "*to ensure that excavation activities would not substantially affect Sweetwater Authority water transfers between the Loveland and Sweetwater Reservoirs, mining activities during the rainy season (generally November through March) would be located away from the river channel, to the extent feasible* (DEIR, 1-21)".

D-A6-8

- Who is responsible for the implementation of this project design component? The DEIR does not identify who is responsible for implementing this project design component, or who is responsible for enforcing that this project component is implemented.

- What are the repercussions if the mining operator decides not to implement this project component?

- The language provided says that this project component would be implemented "to the extent feasible". The Authority would like to know in which instances it would be appropriate for the project proponent to conduct mining operations within or near the river channel area during the rainy season. Have these instances where mining operations would occur within or near the river channel during the rainy season been identified and discussed in the DEIR, and will they be mitigated as necessary?

**D-A6-8** It is mutually beneficial to the mining operator and Sweetwater Authority for mining activities occurring during the rainy season (generally November through March) to be located away from the river channel to reduce the potential for overflow into active mining areas during a large storm event. As part of the Project's conditioned operational procedures, the site would be inspected annually (at a minimum) by the County to ensure that it is in compliance with the Surface Mining and Reclamation Act (SMARA), the MUP, and Reclamation Plan. If a violation is found, the County would follow the procedures set forth in SMARA, Sections 2774.1 and 2774.2. Please refer to those sections for a more detailed description of the violations and penalties procedures outlined in SMARA.

D-A6-8 cont.

- Why is this "project design component" not presented in the DEIR as a mitigation measure, if its entire purpose is mitigating an impact to hydrology, water quality, and the Authority's operations? By presenting this measure as a project component and not as a mitigation measure, the DEIR fails to identify what the real impacts of the project are on hydrology, water quality, and to the Authority's operations.

D-A6-9

- The DEIR does not provide information on how impacts to water transfers are being analyzed. To further develop on this, the DEIR has language such as "*excavation activities would not substantially affect Sweetwater Authority water transfers*", but the DEIR lacks a complete discussion or analysis on thresholds of significance regarding this impact to a public utility's vital operation. As noted above, there are references to installation of short-term berms and permanent berms, but no real analysis. In order to properly quantify this impact to the Authority's operations, this important impact information needs to be properly analyzed, either under the hydrology and water quality section of the DEIR, or the utilities and services systems section.

**1.4 Need of a bypass channel – Impacts to Utilities and Service Systems**

D-A6-10

By adding the measures described in Sections 1.1, 1.2, and 1.3 of this letter as project components and not as mitigation measures, the Hydrology and Water Quality section of the DEIR is inadequate as it doesn't reflect the real potential impacts of this project. The same can be said for the Utilities and Service Systems section, as any impact to a water transfer from the proposed mining operation is not only an impact on the quality of the water being transferred, but also an impact on the Authority's ability to continue one of its main operations, which is the transfer of water between two reservoirs for treatment and distribution.

The following comment was provided to the County in the Authority's second letter dated September 27, 2019, which addressed the information provided in the NOP and 2019 IS. This comment addresses the potential need to build new facilities in order to mitigate impacts to the Authority's operations (i.e. water transfers).

> *"The Utilities and Service Systems Section of the IS Environmental Checklist includes the following question:*
>
> > *"Would the project require or result in the relocation or construction of new or expanded water, wastewater, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?"*

**D-A6-9** FEIR Subchapter 3.1.5, *Hydrology and Water Quality*, has been updated to include analysis of impacts to water transfers, per updates that were made to the CEQA-Level Drainage Study (FEIR Appendix O).

**D-A6-10** As discussed above in Responses to Comments D-A6-6 and D-A6-7 and detailed in the CEQA-Level Drainage Study, the Project would not affect the Sweetwater Authority's water transfers between Loveland Reservoir and Sweetwater Reservoir. As such, construction of a bypass channel is not warranted, and the Project would not result in significant impacts to utilities and service systems related to water transfers.

D-A6-10 cont.

> *The County and project proponent must consider the need of constructing new facilities, including a bypass channel that may be necessary to satisfy the Authority's needs to transfer water between its two drinking water reservoirs.* ***Proposed sand mining operations cannot interfere nor have a negative effect on the river's ability to convey water to Sweetwater Reservoir****."*

While water being transferred between two reservoirs may not be the typical scenario that the County or project proponent has analyzed in other projects, and while the river channel may not be commonly associated as an asset of a water district, any impact to the river channel has a potential impact on the periodic water transfers. Transferring water between reservoirs using the river channel is a major water operation, and mining within the river channel could be considered an impact to the Authority's operations, therefore it should be properly analyzed in the DEIR.

The Authority and its predecessors have worked very hard for more than a century in order to secure properties and agreements in the Sweetwater River watershed in order to have the ability to build dams and reservoirs, transfer water between those reservoirs, and ultimately treat and distribute that water in National City, western Chula Vista, and the unincorporated community of Bonita. The middle basin of the Sweetwater River has historically been an essential part of the Authority's operations, and should continue to provide this service for many years to come. The County and the project proponent have briefly described the use of berms to potentially address the need for protecting water transfers, but have failed to recognize that the project could have a significant impact on utilities, which needs to be fully mitigated.

D-A6-11

**1.5 Additional concerns with the County's hydrology and water quality determinations**

While the Hydrology and Water Quality section of the DEIR discusses compliance with applicable regulations, implementation of Best Management Practices (BMPs) and a Storm Water Pollution Prevention Plan (SWPPP), the analysis does not describe implementation of stormwater prevention plans as mitigation measures. The Authority recommends that the County reconsider the approach of presenting BMPs, SWPPP implementation, and other mitigating actions that minimize impacts to water quality as conditions or components of the project, as this approach may not be appropriate for the proposed mining operation. The Authority understands that, in some cases, small development projects that are subject to stormwater regulations and that have to comply with multiple regulations and ordinances, having a potential impact on water quality is low or nonexistent. However, this is not the case for the proposed mining operation. For the subject project – a 214.4-acre mining site located upstream of a

**D-A6-11** Implementation of a SWPPP, erosion control plan, and associated BMPs are regulatory requirements per the Construction General Permit Order WQ 2022-0057-DWQ and Industrial General Permit Order 2014-0057-DWQ, which are regulated and administered by the SWRCB. Compliance with such regulations is required regardless of the size of a project. Implementation of the SWPPP, erosion control plan, and associated BMPs per SWRCB requirements would effectively avoid impacts to hydrology and water quality. As such, mitigation is not required. Monitoring and reporting would be performed per Industrial General Permit requirements to ensure proper implementation and effectiveness of BMPs.

D-A6-11 cont.

drinking water reservoir with the potential to disturb and significantly reshape the river floodplain – stormwater pollution control measures should be considered mitigation measures, given that their main goal would not only be reaching compliance with stormwater regulations, but implementation of these plans and BMPs would be mitigating, to the greatest extent possible, impacts to hydrology and water quality. The DEIR fails to identify measures to mitigate potential impacts associated with stormwater pollution.

D-A6-12

Similarly, the County has adopted guidelines for Determining Significance for Surface Water Quality (Surface Water Guidelines). These Surface Water Guidelines, which can be found on the County website[1], require consideration of the following three matters in order to appropriately respond to the questions in the Environmental Checklist:

1. *The project is a development project listed in County of San Diego, Code of Regulatory Ordinances (Regulatory Ordinances), Section 67.804(g), as amended and does not comply with the standards set forth in the County Stormwater Standards Manual, Regulatory Ordinances Section 67.813, as amended, or the Additional Requirements for Land Disturbance Activities set forth in Regulatory Ordinances, Section 67.*

2. *The project would drain to a tributary of an impaired water body listed on the Clean Water Act Section 303(d) list, and will contribute substantial additional pollutant(s) for which the receiving water body is already impaired.*

3. *The project would drain to a tributary of a drinking water reservoir and will contribute substantially more pollutant(s) than would normally runoff from the project site under natural conditions.*

Per Item 2 above of the Surface Water Guidelines, the subject project would drain to the Sweetwater River, which is a tributary to Sweetwater Reservoir. The Sweetwater Reservoir is a water body listed on the Clean Water Act Section 303(d) list for Dissolved Oxygen. The Authority requests that mitigation measures be developed to ensure project activities do not contribute additional pollutants to the reservoir. For additional information on the potential impacts that need to be fully mitigated, see comments below (Section 6 and Section 7).

[1] Link to Surface Water Guidelines:
https://www.sandiegocounty.gov/content/dam/sdc/pds/docs/water_quality_guidelines.pdf

**D-A6-12** DEIR Subchapter 3.1.5 included Guidelines 1 and 2, listed in this comment, that are from the County Guidelines for Determining Significance – Surface Water Quality. Guideline 3, related to draining to a tributary of a drinking water reservoir, has been added to Subchapter 3.1.5 of the FEIR. It should be noted that even if this guideline was not specifically mentioned in the EIR, analysis of pollution loading in the Sweetwater Reservoir that would occur as a result of the Project was provided in the Sediment Load Analysis and in the hydrology and water quality analyses presented in the DEIR. As shown in Table 6 of the Sediment Load Analysis (FEIR Appendix S), the estimated incremental additional total reservoir concentration for each analyzed contaminant would be well below the applicable surface water quality criteria. In addition, these estimates are from a conservative scenario where all sediments estimated for an entire year during Phase 1 reach Sweetwater Reservoir in a single storm event. This conservative scenario also does not account for BMPs that would be implemented at the site per a SWPPP and erosion control plan. This comment requests mitigation measures to prevent pollution of the reservoir. Compliance with existing laws, ordinances, and regulations – such as SWRCB requirements – are not considered to be appropriate mitigation measures as they are already requirements for the Project.

D-A6-12 cont.

Per Item 3 above of the Surface Water Guidelines, the subject project would drain to a tributary of a drinking water reservoir. Per the DEIR analysis (Appendices S and T of the DEIR), the subject project would contribute more pollutants than would normally runoff from the project site under natural conditions. As such, the Authority requests that the Hydrology and Water Quality section be revised and mitigation measures for such impacts or potential impacts be developed. For additional information on the impacts or potential impacts that should be fully mitigated, see comments below (Section 6 and Section 7).

D-A6-13

Page 3.1.5-3 includes a statement indicating that "*surface water sampling indicated that water chemistry between the upstream and downstream monitoring locations is generally consistent, while several results were elevated for the midstream monitoring point*". This statement is a misrepresentation of the water quality data presented in Table 3 of the Water Quality Evaluation Report, which clearly shows the presence of high levels of pollutants in the stormwater at the midstream sample location. This raises many questions, including the ability of the BMPs proposed at the project site to contain and treat as necessary these high levels of pollutants being discharged on the site during storm events, and to prevent for further potential water quality impacts downstream. Note that the downstream sample was taken on April 14,2020, a day with no rain and no runoff versus the midstream sample, which was taken on April 10, 2020 – a day with heavy rain and higher volumes of watershed runoff. The data provided demonstrates the need to verify that BMPs, structural or otherwise, would need to provide effective mitigation to water quality impacts, and continual stormwater and non-stormwater monitoring should be necessary.

D-A6-14

Page 3.1.5-21 indicates that "*because the project would have less than significant impacts on water quality standards and waste discharge requirement violations, when combined with cumulative projects, impacts would not be cumulatively considerable*". For a project of this magnitude and given all the concerns provided by the Authority, a water district that depends on its ability to treat water originating in the Sweetwater River watershed, the Authority believes that a comprehensive water quality monitoring plan should be a requirement of this project, to indeed ensure that the mining operations do not negatively impact water quality.

D-A6-15

Section 3.1.5-23 indicates that "*based on the analysis… no significant Project-specific or cumulative impacts related to hydrology and water quality would result from implementation of the Project*". The Authority is in disagreement with the conclusions of the analysis provided in the Hydrology and Water Quality section.

- Given the information provided in the DEIR, Drainage Study (Appendix O), and the information discussed above regarding the proposed berms, the project would result in project-specific impacts to hydrology, and potential cumulative impacts as this project could have an impact on the downstream areas and the

**D-A6-13** The language included in this statement has been revised in the FEIR for clarity as follows:

"Surface water sampling indicated that water chemistry at between the upstream and downstream monitoring points is generally consistent, while several results were elevated for the midstream monitoring point."

The intent of this statement is to indicate that the water chemistry at the upstream and downstream monitoring points was generally consistent. The intent was not to indicate that the water chemistry within the stretch of the Sweetwater River between the upstream and downstream monitoring locations was consistent. As stated in this comment, higher levels of pollutants were indeed detected during sampling at the midstream monitoring location. It should be noted that the elevated results for the midstream monitoring location, which occurred as a result of drainage from Mexican Canyon, is an existing condition, not a condition that would be caused by the Project. During the Project's mining operations, a SWPPP, erosion control plan, and associated BMPs would be implemented to reduce water quality impacts to the Sweetwater River. In the post-mining (reclaimed) condition, the Project site would include a greater amount of native vegetation than the existing golf course condition, which would likely reduce water quality impacts to Sweetwater River from the Mexican Canyon drainage compared to existing conditions.

**D-A6-14** As noted in Section 2.1 of the Sediment Load Analysis, an erosion control plan would be implemented that would include appropriate monitoring per State and County requirements. A SWPPP would be prepared and submitted to the SWRCB prior to construction in accordance with the Industrial General Permit Order 2014-0057-DWQ, effective July 1, 2015, and Construction General Permit Order WQ 2022-0057-DWQ, effective September 1, 2023. The SWPPP and erosion control plan would define BMPs to reduce or prevent industrial pollutants in stormwater discharges pursuant to best available technology economically

Sweetwater Reservoir. See Section 5 below for additional comments on impacts, the Drainage Study, and needed revisions to the DEIR.

D-A6-15 cont.

- Given the information provided in the DEIR, Sediment Load Analysis (Appendix S) and Water Quality Evaluation (Appendix T), the project would result in project-specific impacts and could result in potentially cumulative impacts to water quality, including additional sedimentation and pollutant loads at Sweetwater Reservoir. For additional information on this, refer to Section 6 and Section 7 of this letter.

- the Authority believes that the proposed project could result in significant impacts to hydrology and water quality, and requests that mitigation measures be developed by the County and project proponent, and a Water Quality Mitigation and Monitoring Program be implemented throughout the duration of this project.

**2.0 Hazards and Hazardous Materials Section**

D-A6-16

The Authority requests that further clarification as to the persistence of AggreBind in the environment is added to the DEIR. The information provided for AggreBind is vague, including the information provided in the safety data sheet (SDS).

If the AggreBind is stored in a 25-gallon drum, would there be any additional secondary containments provided to ensure spills that impact the environment do not occur?

D-A6-17

The Authority requests that a Hazardous Materials Business Plan (HMBP), or similar document, be prepared and reviewed by the applicable regulatory agencies before any permits are granted to the project proponent by the County. Given the potential from the mining operation to impact the Authority's operations and water quality at Sweetwater Reservoir, the Authority requests being added as a reviewer of such plan, to ensure that emergency responses related to hazards being released from the project site fully mitigate impacts to water resources and the Authority's operations.

**3.0 Project Description**

**3.1 Project Objectives**

D-A6-18

As noted in Section 1.1 of the DEIR's project description, the project has the two following objectives:

Objective #4: maintain the existing low-flow channel of the Sweetwater River to accommodate water transfers from Loveland Reservoir to Sweetwater Reservoir, and

**D-A6-14 (cont.)** achievable treatment levels for toxic and non-conventional pollutants, and best conventional pollutant control technology treatment levels for conventional pollutants (as well as other appropriate water quality standards). The Industrial General Permit would require stormwater analyses of oil and grease, along with pH, total suspended solids (TSS), and nitrate/nitrite. Specific conformance requirements under the Construction General Permit include implementing a SWPPP, an associated Construction Site Monitoring Program, employee training, and BMPs, as well as a Rain Event Action Plan, depending on the risk level assigned to the project. Depending on the risk level, measures to prevent and control the discharge of pollutants in storm water runoff may include efforts such as minimizing/stabilizing disturbed areas, mandatory use of technology-based action levels, effluent and receiving water monitoring/reporting, and advanced treatment systems. Specific requirements for the Project under this permit would be determined during SWPPP development, after completion of project plans and application submittal to the SWRCB.

**D-A6-15** Please see Responses to Comments D-A6-5 through D-A6-14, above.

**D-A6-16** Per the Material Safety Data Sheet (AggreBind, Inc. 2015), AggreBind is not identified as a significant environmental hazard. As further detailed in the environmental test reports summarized on the product website, the polymeric content of the material has a molecular weight of much greater than 1000 and is therefore deemed to not be bio available" and considered to have a minimal impact on the environment (AggreBind 2023). Additional information has been added to FEIR Section 3.1.4.2 under "Hazardous Substance Handling."

AggreBind would be stored on site in up to one 25-gallon drum stored within a metal cargo container located in the processing area. This has been clarified in Section 3.1.4.2 under "Hazardous Substance Handling," where handling, storage, and use of AggreBind is described. As noted, containment around the fire locker would be installed to contain leaks and prevent accidental spills from reaching the ground. The Project would comply with all applicable federal, state, and local regulations regarding hazardous substances.

**D-A6-17** As discussed in FEIR Section 3.1.4.2 under "Hazardous Substance Handling," a Hazardous Materials Business Plan (HMBP) would be prepared for the Project, as required by Sections 25500-25532 of the California Health and Safety Code (H&SC), to implement a plan for emergency response to a release or threatened release of a hazardous material. The HMBP would be reviewed by applicable regulatory agencies before permits are granted to the Project proponent by the County.

D-A6-18 cont.

> Objective # 5: Widen the existing flood channel of the Sweetwater River to more closely mimic conditions prior to golf course construction.

The Authority appreciates the inclusion of objective #4 to the project's environmental review. Given the importance of Sweetwater Reservoir and the Authority's water transfers to the entire region, the Authority believes that the channel in the middle Sweetwater River watershed is to be protected at all costs from additional sources of potential pollution or from hydrologic modifications that could result in short-term or long-term water losses to the Authority.

D-A6-19

As mentioned before in this letter, maintaining the existing low flow channel may not be enough to accommodate the flows created by water transfers and additional watershed runoff, as these water flows make their way through the proposed project site to Sweetwater Reservoir. The Authority and the County are aware that water transfers are just a portion of the water flowing through the site and ending at Sweetwater Reservoir for future treatment and distribution. The DEIR refers to flows of 358 cubic feet per second (cfs) that need to be accommodated (i.e. water transfer flows). However, this should be considered a major flaw of this project's environmental review that needs to be corrected and properly addressed, as significant additional flows from the upper areas in the Sweetwater River middle watershed typically occur at the same time when water transfers are being conducted. To add to the complexity of this issue, natural flows resulting from heavy storm events, such as atmospheric rivers, have clearly exceeded 358 cfs multiple times in the past, including significant flow events that did not include water transfers. The Authority suggests that the County and project proponent review historical flow data available from the Dehesa stream gauge located in the middle watershed of the Sweetwater River, upstream of the proposed project site. Flow data for the Dehesa stream gauge can be found at https://waterdata.usgs.gov/usa/nwis/uv?11016200. Historical flow data can provide some insights to the County and project proponent, with respect to flows that can be expected through the project site. This stream gauge is operated and maintained by the United States Geological Survey (USGS) and the Authority makes financial contributions to USGS to ensure its continued operation and maintenance. In addition to historical flow information available through the aforementioned website, the County and project proponent should consider 100-year storm events to properly analyze maximum flows that could pass through the project site, that may not be captured in the historical flow data available through the aforementioned website.

D-A6-20

If this project moves forward, the protected channel must accommodate water transfers and significant storm events at any given time, and must not result in water losses to the Authority associated with the mining activities, or flooding of the mining site or reclaimed areas. The County and project proponent should revise this objective to ensure all runoff and flows reaching the mining site, including water transfers and runoff from other upstream locations, are protected by an engineered channel at all times. In addition, the

**D-A6-18** Please see Responses to Comments D-A6-6 and D-A6-7.

**D-A6-19** Please see Response to Comment D-A6-6. Additional analysis is included in the CEQA-Level Drainage Study that was conducted based on transfer data provided by Sweetwater Authority from six release dates spanning from 2010 to 2021, as well as precipitation records from the Dehesa stream gauge obtained for the same time period.

**D-A6-20** Please see Response to Comment D-A6-6. Objective #4 has been revised as follows:

"Maintain the existing low-flow channel of the Sweetwater River during and after mining operations to accommodate water transfers from Loveland Reservoir to Sweetwater Reservoir and existing Sweetwater River middle watershed natural water flows."

The revision is consistent with the additional analyses presented in the CEQA-Level Drainage Study, which evaluates water transfer conveyance based on historic data provided by the Authority, as well as the 100-year design storm.

D-A6-20 cont.

County and the project proponent should revise the technical analysis, as well as grading and reclamation plans to reflect this. As such, the following language is recommended to replace the existing language of objective #4:

> Objective #4: "maintain during and after mining operations a protected channel through the project site, to accommodate for water transfers from Loveland Reservoir to Sweetwater Reservoir, and any additional Sweetwater River middle watershed water flows resulting from significant storm events or natural watershed processes".

D-A6-21

Objective #5 mentions the widening of the channel to mimic historic conditions of the river. Per the DEIR, it appears that this means flattening and widening the existing channel up to 300 feet wide in some areas; however, the engineering drawings appear to show that certain areas of the river would be widened to approximately 800 feet. While this objective may be well intended, it may also be in direct conflict with Objective #4, which requires a protected channel to prevent the impacts to the Authority's water transfers. As such, the County and project proponent should reconsider the feasibility of Objective #5, prioritize minimizing impacts to the Authority's operation and its water rights, and ensure that watershed runoff and water transfers reaching the site do not end up being diverted and flooding the mining site, resulting in significant hazards, water losses, and water quality issues.

D-A6-22

**3.2 Project design components**

Page 1-2 of the DEIR indicates that the reclaimed river channel is expected to average approximately 250 to 300 feet in width and would be slightly higher in elevation than the existing low-flow channel. However, sheet 5 of Attachment A – Plot Plan shows that the river channel would be widened to approximately 800 feet in some locations. The text within the DEIR needs to be updated to match the proposed widening shown on the plot plan, or the scale shown on the plot plan should be corrected as necessary if the intent is to widen the river channel by no more than 300 feet.

D-A6-23

Please refer to comments outlined in Sections 1.1, 1.2, and 1.3 of this letter regarding the Authority's additional comments on certain project design components.

D-A6-24

**4.0 Project Alternatives**

The DEIR includes multiple project alternatives that claim to attain many of the project objectives, while minimizing the project's environmental impacts. The Biological Resources Avoidance Alternative (Alternative 2) is far superior to what the County and project proponent are presenting for certification as the preferred alternative. Alternative 2 includes a 50-foot mining setback from the river channel, which would greatly minimize potential impacts to hydrology, water quality, and the Authority's operations.

**D-A6-21** As described in the CEQA-Level Drainage Study under "Sweetwater Authority Water Transfer Analyses," the Sweetwater River channel banks would remain at 3.7 feet high in order to convey water transfers and natural flows. For mined areas behind the banks, the ground would be sloped at no steeper than 4:1 (horizontal:vertical) to meet the ground surface. Where the upper portion of the channel is narrower and steeper than the lower portion, the upper channel would maintain the current bed width of approximately 25 feet and the lower channel would maintain the current bed width of approximately 50 feet. The existing side slopes would be generally unchanged. The 3.7-foot channel bank height was determined based on conveyance of the maximum historic water transfer rate with a factor of safety, similar to pre-Project conditions. Currently, flows exceeding the low-flow channel would occur over the golf course area. To accommodate higher flows associated with larger rain events, the Project would create a broader channel for flow conveyance than existing conditions, which would reduce flow velocities and the potential for erosion. The proposed condition high flows would continue downstream and were considered in the hydraulic design presented in the CEQA-Level Drainage Study. No change is proposed to Objective #5.

**D-A6-22** As indicated in this comment and in the DEIR, the reclaimed river channel would *average* approximately 250 to 300 feet in width (emphasis added). As such, in some areas the channel would be wider and in some areas it would be narrower.

**D-A6-23** Please see Responses to Comments D-A6-6 through D-A6-8.

**D-A6-24** As described in FEIR Section 4.1, *Rationale for Alternative Selection*, Section 15126.6(a) of the CEQA Guidelines requires that EIRs describe "…a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid

D-A6-24 cont.

Additionally, the 500-foot mining setback included to protect the endangered least Bell's vireo not only benefits this protected migratory species, but it also creates additional distance between the Sweetwater Reservoir and the project site, which is desirable. Finally, Alternative 2 also reduces the time during which sand mining operations would be conducted to 6 years, instead of the proposed 10-12 years. With applicable revisions to the technical studies, grading plans, and the reclamation plan as indicated throughout this letter, and with the development of enforceable mitigation measures to fully protect water quality and the Authority's operations, this project may actually be able to minimize impacts if Alternative 2 is adopted.

The Authority is not against or in favor of mining operations upstream of Sweetwater Reservoir, as long as these operations do not result in impacts to water quality or the Authority's operations. Therefore, the Authority is extremely concerned with the proposed Cottonwood sand mining operation as currently presented in the DEIR, which does not provide the necessary mitigation measures and the appropriate engineering analysis to protect the Authority's water transfers. The Authority requests that the County and the project proponent revise the DEIR, technical documents, and the reclamation plan, in order to address the significant impacts or potential significant impacts to hydrology, water quality, and the Authority's operations identified in this letter. In addition, the Authority strongly encourages the County and the project proponent to reconsider Alternative 2 as the only feasible alternative for a mining site in the Sweetwater River floodplain, once the technical documents and reclamation plan are modified to incorporate the Authority's comments.

**5.0 Drainage Study-Hydraulic Study (Appendix O)**

The following comments address specific issues with the drainage study for the project. Comments herein would also need to be addressed in the applicable sections of the DEIR, including the Hydrology and water Quality section.

D-A6-25

Page 2, Paragraph 2, indicates that "*a hydraulic goal is that the excavation will dominate over revegetation/restoration resulting in no increased 100-year water elevations on off-site areas, i.e., no-rise on off-site properties along the Sweetwater River*". If this "hydraulic goal" is not properly mitigated, this could potentially result in long-term water losses to Sweetwater Authority due to the creation of new ponding areas, evaporation, and infiltration. As currently described, the river channel would ultimately be widened up to 300 feet in some areas, although engineering drawings appear to show that some areas would be widened to approximately 800 feet. The amount of water being transferred between reservoirs, and additional watershed flows that would otherwise flow through the site with potential to be stored at Sweetwater Reservoir and treated for distribution, would be significantly lost to ponding and percolation. As noted in comments above, brief mention of construction of berms occur throughout the DEIR project description, Hydrology and Water Quality section, and this

**D-A6-24 (cont.)** or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." In addition to evaluation of a No Project Alternative, the two alternatives that would meet most of the Project objectives, are potentially feasible, and would avoid or lessen impacts as compared to the proposed Project, are the Biological Resources Avoidance Alternative and the Noise Receptor Setback Alternative. The description of each alternative and comparison of the environmental effects relative to the proposed Project presented in FEIR Chapter 4.0, *Project Alternatives*, is informative to the County decisionmakers in weighing whether to approve the proposed Project. The Sweetwater Authority's preference for the Biological Resources Avoidance Alternative is noted. Please see Responses to Comments D-A6-6 through D-A6-8 related to the requested revisions to the DEIR and technical documents.

**D-A6-25** Please see Responses to Comments D-A6-6, D-A6-7, D-A6-23, and D-A6-22. The reclaimed condition 100-year hydraulic results show that most velocities are in the non-erosive range of approximately 3 to 5 fps. There would not be permanent ponding areas within the Project site. The extraction areas would ultimately be above the low-flow channel at final reclamation. Therefore, no water losses would result from ponding and no repairs or maintenance would be required after final reclamation.

D-A6-25 cont.

drainage study, but there are no related engineering documents provided for the reviewers of this DEIR. Widening of the channel could result in a significant impact to the Authority's water supply, its operations, and ultimately, to the customers located in the Authority's service area. The drainage study and other project associated documents need to provide viable alternatives and mitigation measures to address this potential water loss issue.

D-A6-26

Page 2, Paragraph 4 reads "*To ensure no significant mining impacts on water transfers during extraction activities, short berms can be constructed to separate the operations areas from the channel, as needed. The berm locations can be adjusted as mining progresses and should be set back from the mining so that they are not impacted by ongoing operations. Berms can also be incorporated upon final reclamation, where needed, to prevent significant impacts on water transfers. The project design and berming are intended to preserve the Authority's ability to transfer water from Loveland Reservoir to Sweetwater Reservoir.*" To reiterate, this study does not analyze or recognize the common eventuality of the Authority's water transfer flows being combined with natural watershed runoff flows that could exceed the suggested berm heights. The Authority is requesting that a revision be made to the document to address this concern. As noted in Sections 1.1 and 1.2 of this letter, the use of berms during and after mining operations to protect water transfers and water quality needs to be completely evaluated in the Drainage Study and the Reclamation Plan to ensure their effectiveness, and would need to prevent any water losses from occurring.

D-A6-27

Page 3, paragraph 1; reads "*the conveyors shall also be anchored, as needed, during scheduled water transfers.*" Anchors shall not alter, divert, or impede water transfers or natural flows.

D-A6-28

Page 3, paragraph 3; reads "*In fact, the extraction areas will provide detention and retention benefits during mining that will reduce off-site flow rates.*" The mining operations should not impact the Authority's water supply or operations. Any water detained at the site may be considered a potential water loss to the Authority, which is an impact to a public utility.

D-A6-29

Page 4, paragraph 3; indicates *"Material stockpiles will be present during the mining phases."* Sediment stockpiles from mining could flow into Sweetwater River and end up in Sweetwater Reservoir if proper BMPs are not implemented. The Authority requests that BMPs be implemented around the sediment stockpiles, in accordance with an approved SWPPP, to prevent the sediments from the stockpiles from flowing into Sweetwater River.

**D-A6-26** Please see Responses to Comments D-A6-6, D-A6-7, and D-A6-21.

**D-A6-27** The conveyor line would cross the Sweetwater River channel on one of the existing golf course bridges during all operations south of the channel. Therefore, it would not be located within the low-flow channel itself. While portions of the conveyor system would be located within the 100-year floodplain, they would either be anchored to prevent displacement by flowing water or removed at least 24 hours prior to forecast of significant rain (i.e., 0.5 inch or greater). The conveyors are primarily aligned in the direction of flow and have a profile that causes minimal flow blockage, so they would have minimal impact on water surface elevations and would not alter, divert, or impede water transfers or natural flows.

**D-A6-28** The sentence cited in the comment is related to the overall decrease in off-site surface flow rates attributed to the reduction in impervious areas proposed on site compared to existing conditions as a developed golf course. As stated in previous comments, the low-flow channel was designed to convey the maximum historic water transfers based on data provided by the Sweetwater Authority, plus precipitation. Some freeboard is provided to design an ultimate channel height of 3.7 feet during and after mining activities. For mined areas behind the banks, the ground would be sloped at no steeper than 4:1 (horizontal:vertical) to meet the ground surface. Following mining and reclamation, the final condition the topography would be gently sloping and no inadvertent ponding would occur.

**D-A6-29** As part of implementation of the SWPPP and erosion control plan, BMPs would be installed throughout the site, including at and around stockpiles, to prevent sediments from the stockpiles from flowing into Sweetwater River. In addition, silt fences would be installed five feet from the outer edge of each side of the Sweetwater River channel to prevent the intrusion of sediments from the Project site.

D-A6-30

Other matters that need to be addressed in the Drainage Study (or the reclamation plan) include the following:

- The analysis needs to explain how removal of alluvium from the mining site would affect groundwater infiltration and water transfers in the future.
- The analysis needs to incorporate hydraulic infiltration capacity of the site for future, proposed conditions.
- The analysis needs to calculate water losses to the Authority resulting from the widening of the channel and excavation of mining pits.

D-A6-31

As discussed throughout this letter, further analysis will be required to quantify proposed final basin capture of transfers or natural flows with regard to the construction of berms, but also to quantify for potential water losses to the Authority resulting from the mining operations or reclamation of the area. The Authority would seek a reimbursement agreement for transferred and naturally occurring flows detained and retained during mining or water loss during the reclamation phase of the project. The Authority requests that the County does not approve this project until such agreement between the Authority and the mine owner has been executed.

D-A6-32

For additional comments on the Drainage Study, please refer to the comments provided above regarding Alternative 2 and the "project design components" that need to fully mitigate impacts to water quality, hydrology, and the Authority's operations.

D-A6-33

**6.0 Sediment Load Analysis (Appendix S)**

The Authority has the following comments regarding the Sediment Load Analysis:

The Sediment Load Analysis does not have an introduction or a background section, and does not include what the main purpose of this sediment load analysis is. For background, the Authority commented during the circulation of the IS and NOP that

> *"A list of substances and materials ("pollutants of concerns") that are proposed to be used as part of the Project that have the potential to pollute soils, waterways, groundwater, and the Sweetwater Reservoir. Impacts from pollutants of concern should also be analyzed as part of the Project's environmental review. Furthermore, the Authority requests that a pollutant load analysis be conducted as part of the environmental review process to better understand the potential impacts to water quality (Authority, 2019)."*

**D-A6-30** Please see Topical Response 3*, EIR Errata and Updated Technical Reports*, under "Appendix S – Sediment Load Analysis," which describes the Streamflow Infiltration to Groundwater Technical Memorandum that was prepared to address streamflow infiltration to groundwater during water transfers and potential impacts to surface water or groundwater as a result of proposed sand mining and reclamation activities (FEIR Appendix R2).

**D-A6-31** Please see Responses to Comments D-A6-6 and D-A6-7, which describe how the Project proponent is no longer proposing building berms, rather, the banks of the Sweetwater River bed and lower portion of the banks of the existing on-site trapezoidal channel (low-flow channel) would be retained to convey the Sweetwater Authority's transfers and natural flows, resulting in no net loss during mining or reclamation. The noted reimbursement agreement is beyond the scope of this environmental analysis and no further comment is required.

**D-A6-32** Please see Response to Comment D-A6-24 regarding Alternative 2, and Response to Comment D-A6-5 regarding the incorporation of project design components and regulatory compliance to address water quality and hydrology effects.

**D-A6-33** As requested, an introduction and background section has been added to the Sediment Load Analysis that describes the purpose of the report and provides background information on the proposed Project (see FEIR Appendix S).

EnviroMINE Inc., the consulting firm representing the project proponent, shared with the Authority an initial draft of the Water Quality Evaluation (draft WQE) and Work Plan prepared by Geo-Logic, dated January 2020. This document included the following language:

> *"a pollutant load analysis and report is proposed to address a comment from the Authority to better understand the potential impacts to water quality from the project. GLA proposes to conduct a Pollutant Load Analysis to estimate potential impacts of sediment erosion to the Sweetwater Reservoir for three scenarios: (1) temporary lack of BMP maintenance; (2) major storm events and resulting river flows, and (3) routine Loveland reservoir releases.*
>
> *For each scenario, standard analytical surface-water modelling methodologies will be used to estimate sediment and sediment-bound pollutant loading to the river channel, distribution of sediments and pollutants within the river downstream, and potential settling in Sweetwater Reservoir. Sediment loading will be estimated based on predicted stormwater flow rates, exposed soil surface area, and Site soil properties (e.g., methods of Banzai and Hayase, 1993). Distribution of sediments in the river (i.e., including silt, clays, and organic materials) downstream will be estimated based on river flow rates, soil properties, sediment loading rates and sediment settling. If sediments are predicted to reach Sweetwater Reservoir (e.g., under major storm events), sediment settling and pass-through will be evaluated based on reservoir properties (e.g., area, depth) and flow rates (Chapra, 1997). Concentration of pollutants in eroded sediments will be based on soil sampling described above. The results of this analysis will be summarized and presented in a technical report (Geo-Logic 2020, unpublished draft)."*

D-A6-34

The Authority appreciates coordination with the County during the preparation of the scope of this document. The Authority has the following comments:

> It appears that the ponds located upstream of Sweetwater Reservoir, as shown in Figure 2, are considered throughout the study as a place where sediments would deposit and thus not reach the reservoir and not result in an impact to water quality at the reservoir. This is a false assumption as these ponds are not upstream of the reservoir, but located within the highwater mark of the reservoir, and thus part of the reservoir. The sediment load analysis needs be reassessed in order to re-evaluate its estimates and conclusions. In addition to this, the Authority objects to the term "sedimentation pond", as it pre-supposes the use of this pond as some type of BMP. These areas are managed both for habitat and for water resources purposes, and cannot be considered sedimentation ponds or

**D-A6-34** The term "sedimentation pond" has been revised throughout the Sediment Load Analysis to simply reference "pond." It should be noted that the analysis did not assume that the existing pond located above Jeep Trail would be used for Project mitigation; rather, modeling results of sediment transport are simply reported based on the hydrography that exists downstream of the facility. The pond is separated from the main reservoir in the USGS National Hydrography Dataset, USGS maps dated 1955 to 2018, and aerial photography on Google Earth from 1994 to present, and is described accordingly in the report.

D-A6-34 cont.

a mitigation measure for a mining project located upstream of the drinking water reservoir.

D-A6-35

Per Table 5, if 33% of fine clays and silt erode from the site and end up at the reservoir, that could result in approximately 8.3 tons per year of suspended sediments (not including sands) reaching Sweetwater Reservoir during Phase 1 only. This is a serious water quality concern and could significantly increase turbidity, suspended solids, and sedimentation in Sweetwater Reservoir. The Authority requests that the County and other regulatory agencies do not provide permits for the Project until the Project implements appropriate mitigation measures and a mitigation and monitoring reporting program.

D-A6-36

Similarly, current conditions at Cottonwood yield approximately 2.2 tons per year of sediment loading into the Sweetwater River. For Phase 1 alone, sedimentation is expected to increase from 0.71 tons per year to 25 tons per year. This is a water quality concern to the Authority that would increase turbidity and sedimentation in the Sweetwater River, making water more difficult and expensive to treat, and this potential erosion and sedimentation issue needs to be properly mitigated at the source.

D-A6-37

Sediment and suspended fines entering the Sweetwater River and Sweetwater Reservoir contain chemical pollutants. Table 6 in the Report provides pollutant loading estimates associated with the Cottonwood Sand Mining Project, as analyzed in the Sediment Load Analysis Report. Per the report, under severe storm runoff conditions, converting to kilograms, the most impactful pollutants entering Sweetwater Reservoir would be as follows:

Total Organic Carbon (TOC) = 21.7 kg/year
Total Phosphorus = 2.3 kg/year
Total Nitrogen = 1.45 kg/year
Iron = 75 kg/year

Any additional loading of nutrients such as total nitrogen and total phosphorus into Sweetwater Reservoir would further increase the potential for nuisance algae blooms, which could increase the cost of mitigating for taste and odor and cyanotoxins in the reservoir and at the Perdue Water Treatment Plant. Increases in loading of TOC into Sweetwater Reservoir could cause increases in the use of coagulant chemicals at the Perdue Plant, which could also increase the cost of treating water. Any increase in the concentration of iron in Sweetwater Reservoir or in the sediment in the reservoir, could potentially contribute, during certain times of the year, to an exceedance of the Title 22 secondary standard for iron.

**D-A6-35** The analysis provided in the Sediment Load Analysis presents a conservative scenario with no BMPs included. As noted in the report and described in Responses to Comments D-A6-5 and D-A6-12 through D-A6-16, a SWPPP and erosion control plan would define BMPs that would be implemented to address erosion and the discharge of sediment to surface waters, which would substantially reduce sedimentation compared to what is presented in the report. Regardless, it is expected that the significance of the additional input presented in the Sediment Load Analysis (which is a worst-case scenario from the model results) would be minor in the context of the watershed-wide sediment inputs to the reservoir, given its temporary and limited extent.

**D-A6-36** Please see Response to Comment D-A6-41, above. Note that assuming a reservoir area of 820 acres, 24.3 tons of sediment represents less than 0.01 mm additional sediment over the area of the reservoir.

**D-A6-37** As shown in Table 6 of the Sediment Load Analysis, the estimated incremental additional total reservoir concentration for each contaminant is well below the applicable surface water quality criteria. In addition, these estimates are from a conservative scenario where all sediments estimated for an entire year during Phase 1 reach Sweetwater Reservoir in a single storm event.

D-A6-38 The document does not include metals data provided for manganese, which is a major concern in the sediment in Sweetwater Reservoir. If available, predicted loading rates for manganese should be included in the Report. Increases in manganese could also contribute to incremental increases in chemical oxidant usage at the Perdue Plant.

D-A6-39 The last column of "Table 6 – Pollutant Loading Estimate" should be reformatted, and instead of showing estimated quantities in scientific notation, it should show them in decimal notation to better display to all document reviewers of all backgrounds the amount of incremental pollution estimated at Sweetwater Reservoir as a result of the proposed project, if unmitigated.

**7.0 Water Quality Evaluation (Appendix T)**

D-A6-40 Table 3 of Appendix T does not include analysis results for Oil & Grease, although it is listed in Table 1 of the same document.

D-A6-41 The Total Dissolved Solids (TDS) data for the upstream (350 mg/L) and midstream (280 mg/L) sites appear to be incongruent with their respective conductivity values of 3.71 mS and 4.64 mS, respectively. The Authority requests that the County and project proponent revisit this data and provide revised data as necessary.

D-A6-42 The midstream sampling event occurred on April 10, 2020 during a major storm runoff event (0.72 inches of rain). Many pollutants were detected above their regulatory standards (refer to the table below). This water quality data demonstrates the vulnerability of the Cottonwood project site to high levels of pollutants during major storm events, with a large contribution of stormwater runoff from Mexican Canyon.

D-A6-43 The Authority recommends that the County and the project proponent develop a more comprehensive monitoring plan to properly evaluate potentially significant water quality impacts to the Sweetwater River and Sweetwater Reservoir (for the constituents listed below that have exceeded their regulatory benchmarks). Currently, the Industrial General Permit (IGP) only requires stormwater analysis of pH, TSS, Oil & Grease, and nitrate and nitrite.

In addition to the contaminant monitoring required by IGP, the Authority recommends the County and project proponent develop a mitigation measure that requires quarterly monitoring at the upstream, midstream, and downstream Cottonwood Project site sampling locations, to adequately capture both stormwater events and dry weather flows for the duration of the Cottonwood Sand Mining Project.

**D-A6-38** Manganese was not analyzed in soil samples obtained at the Project site and therefore was not included in the analysis. Similar to the other compounds reviewed, incremental increases in manganese would be minor compared to applicable water-quality standards.

**D-A6-39** Table 6 has been revised to display values in decimal format instead of scientific notation format.

**D-A6-40** Table 3 has been revised to include analysis results for oil and grease.

**D-A6-41** The laboratory reporting for the TDS analyses along with the field data sheets for the conductivity measurements are provided as Appendix B to the Water Quality Investigation Report to show the data were presented correctly as reported. Approximate TDS/conductivity conversion factors utilized in the analysis are based on those provided by North Dakota State University (https://www.ndsu.edu/agriculture/sites/default/files/2022-07/wq1923.pdf; 2019). The correlation between TDS values and conductivity values may vary and is not always linear (https://iopscience.iop.org/article/10.1088/1755-1315/118/1/012019/pdf; 2019). The disparity between the relatively low TDS for the measured conductivity (or the high conductivity for the measured TDS) can be explained by a relatively high proportion of conducting components (ions) in the samples and a low proportion of non-ionic and non-conducting components such as organic matter. Additional confirmatory data would be collected as part of SWPPP implementation and erosion control plan monitoring.

**D-A6-42** As described in Responses to Comments D-A6-5 and D-A6-11 through D-A6-14, a SWPPP and erosion control plan would be implemented address potential runoff at the site and associated potential downstream water quality effects. The SWPPP would define BMPs to prevent erosion and the discharge of sediment and other contaminants from the Project site to surface waters.

**D-A6-43** Please see Response to Comment D-A6-14 regarding implementation of a SWPPP to address on-site monitoring requirements per SWRCB standards.

D-A6-43 cont.

Implementing a more robust monitoring regime is the only scientific way that would support the effectiveness of any of the BMPs proposed by the project proponent. BMPs on the proposed project shall be effective in preventing pollutants, sediment, and clay fines from impacting the Sweetwater River and Sweetwater Reservoir.

As a check on potential impacts to groundwater quality, the Authority recommends annual monitoring for the analytes and sites listed in Table 4 of the Water Quality Evaluation Report (Nov 2021 Rev).

Midstream Pollutants Exceeding Regulatory Benchmarks

| Parameter | Concentration | Regulatory Standard | Exceedance Factor/Comments |
|---|---|---|---|
| Turbidity (NTU) | >800 | 20 (San Diego Basin Plan (BP)) | 40X |
| Total Nitrogen-N (mg/L | 5.1 | 1.0 (BP); assuming a 10:1 N:P ratio | 5X |
| Total Organic Carbon (mg/L) | 33 | Not Available | Approximately 3X normal Sweetwater Reservoir Concentration |
| Total Phosphorous-P (mg/L) | 1.0 | 0.1 (BP) | 10X |
| Total Suspended Solids (TSS) (mg/L) | 2400 | Not Available | Approximately 120X normal Lower Sweetwater River Concentration |
| Lead (mg/L) | 0.023 | 0.015 (CA Primary MCL) | 1.5X |
| Manganese (mg/L) | 0.91 | 0.05 (CA Secondary MCL) | 18X |
| Iron (mg/L) | 21 | 0.3 (CA Secondary MCL) | 70X |
| Vanadium (mg/L) | 0.12 | 0.05 (CA Notification Level) | 2.4X |

D-A6-43 cont.

| | | | |
|---|---|---|---|
| Conductivity (mS/cm) | 4.64 | 1.6 (CA Secondary MCL) | 2.9X |

**8.0 Comments on Reclamation Plan**

D-A6-44 The proposed grading shown on cross-section A-A' on sheet 7 of the plot plans appears to impede the flow of water towards Sweetwater Reservoir. The proposed mining activities shall not interfere with water flows to Sweetwater Reservoir. Also, the final configuration of the riverbed will be much wider than the existing riverbed channel. This will most likely result in more water being infiltrated into the ground and less water reaching Sweetwater Reservoir. The proposed riverbed final configuration cannot have a negative effect on the river's ability to convey water to Sweetwater Reservoir. The plot plans or project specifications need to indicate what types of materials and gradation will be used to fill the over excavated areas in the river. Indicate what grading practices will be implemented to key in the proposed reclamation areas onto the existing slopes. If reclamation areas are not keyed in properly onto the existing slopes, backfill materials could erode or get washed away by flowing water and impact water quality in Sweetwater Reservoir.

D-A6-45

D-A6-46

D-A6-47 Also, the reclamation plan/plot plan does not show the proposed temporary berms during construction and the permanent berms after reclamation discussed in the DEIR. Please refer to Sections 1.1, 1.2, and 5.0 above regarding additional comments on this matter.

D-A6-48 In addition, the Reclamation Plan circulated with the DEIR includes an operating procedure that would be followed by the mine operator and the Authority, whenever a water transfer is to occur (Attachment D of the Reclamation Plan). Authority staff indicated on an email dated March 4, 2020 to EnviroMINE staff that the Authority would not provide comments on the Operating Procedure until mitigation measures were reviewed by Authority staff, as part of the environmental review process. Once appropriate mitigation measures are developed for the mining site as described throughout this letter, and agreements are being processed between the project proponent and the Authority, the Authority will continue to discuss this Standard Operating Procedure with the County and the project proponent.

**9.0 Permit Type / Action – Sweetwater Reservoir Urban Runoff Diversion System Fee**

D-A6-49 If this project moves forward, the Authority requests that a condition be placed on the subject project to require the owner to submit satisfactory evidence to the County, stating that the owner has complied with *Resolution 84-8 As Amended.* Complying with

**D-A6-44** The westerly (left) end of Section A-A' on sheet 7 of the Plot Plans represents a mining area that is north of the primary Sweetwater River channel. The primary river flow line in this area is not being disturbed, so the river flow would not be impeded.

**D-A6-45** The existing low-flow river channel would remain unaltered during mining operations and in the future restored condition. Refer to Responses to Comments D-A6-7, D-A6-8, D-A6-21, DA6-28, and D-A6-30.

**D-A6-46** Please refer to Topical Response 5, *Backfill*, regarding the types of materials that would be used for backfill. A discussion of the proposed procedures to achieve the final landform of the Project site is described in FEIR Section 1.2.1.2, *Reclamation Component*, under "Landform." The described procedures (e.g., minimum relative compaction of 85 percent in the floodway area and 90 percent in upland areas) were developed in accordance with standard compaction practices, including the Uniform Building Code (UBC), County Grading Ordinance (Section 87.404), American Society for Testing and Materials (ASTM) D1557 standard test method. To ensure that placement of inert debris within the 100-year floodplain would be adequately compacted and remain in place in the event of a flood, the Project would be subject to the inspection and reporting requirements included in the Project Operation Plan prepared and implemented pursuant to CCR Title 14 Section 17388.3.

**D-A6-47** Please see Responses to Comments D-A6-6, D-A6-7, and D-A6-25 through D-A6-32. As described, berms are no longer being proposed.

**D-A6-48** Please see Response to Comment D-A6-5, which describes the enforceable actions and PDFs that would be implemented as conditions of the Project MUP and Reclamation Plan, as well as the permits and associated conditions required to ensure compliance with current federal, State, and local regulations governing water quality and hydrologic/hydraulic effects. The Project Applicant would continue to coordinate with the County and Sweetwater Authority to develop the Standard Operating Procedure that would be implemented as a condition of approval for the Project.

D-A6-49 cont.

this condition should be required prior to issuance of any permit pursuant to a Major Use Permit. On May 8, 1985, the County Board of Supervisors took action that required the County to place conditions on development proposals within a designated area of the Sweetwater River Watershed to the satisfaction of the Authority, as provided in *Resolution 84-8*. Since the Board of Supervisors 1985 action, discretionary Project approvals within the designated watershed area have complied with this condition. The resolution provides for the collection of urban runoff protection fees from all developments within the Sweetwater Reservoir drainage basin to pay for a portion of the Sweetwater Reservoir Urban Runoff Diversion System.

**D-A6-49** The Project would comply with Resolution 84-8 As Amended and pay the appropriate fees.

D-A6-50

**10.0 Conclusion**

The Authority appreciates the opportunity to review and comment on the DEIR and is willing to continue to work with the County and the project proponent to ensure that the Sweetwater Reservoir is not impacted by, and that water losses to the Authority do not occur, as a result of this project. Authority staff look forward to the discussion and development of solutions that will fully mitigate impacts or potential impacts to water quality and the Authority's operations.

If you have any questions, do not hesitate to contact Erick Del Bosque, Interim Director of Engineering, at 619-409-6752 or edelbosque@sweetwater.org, or Israel Marquez, Environmental Project Manager, at 619-409-6759 or imarquez@sweetwater.org.

**D-A6-50** The County acknowledges this conclusion. This comment does not raise an issue concerning the environmental analysis or adequacy of the DEIR.

Sincerely,

Carlos Quintero, P.E.
General Manager

CQ:IM:ah

cc: Mr. David Gibson, California Regional Water Quality Control Board
Mr. Eric Becker, California Regional Water Quality Control Board
Mr. Sean Sterchi, Water Resources Control Board, Division of Drinking Water
Mr. Bill DiBiase, Water Resources Control Board, Division of Drinking Water
Ms. Kelly Fisher, California Department of Fish and Wildlife
Ms. Jill Terp, U.S. Fish and Wildlife Service
Mr. Dwane Binns, U.S. Fish and Wildlife Service
Mr. Kyle Dahl, U.S. Army Corps of Engineers

County of San Diego, Clerk of the Board of Supervisors

County of San Diego, Supervisor Vargas
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