Our mission is to preserve and restore the biological integrity and beauty of the San Diego River while integrating recreational, educational, and cultural opportunities for youth, seniors, families and citizens of East San Diego County.

September 13, 2015

Mark Wardlaw, Director
County of San Diego
Planning and Development Services
Project Processing Counter
5510 Overland Avenue, Suite 110
San Diego, California 92123

Re: SCOPING COMMENTS
El Monte Sand Mining and Nature Preserve
PDS2015-MUP-98-014W2, PDS2015-RP-15-001, LOG NO. PDS2015-ER-98-14-016B

Dear Mr. Wardlaw:

Thank you for the opportunity to provide scoping comments in response to your Notice of Preparation of an Environmental Impact Statement for the above-referenced project.

Lakeside's River Park Conservancy (the "Conservancy") is a California non-profit public benefit corporation and a 501(c)(3) charitable organization. Our mission is "to preserve and restore the biological integrity and beauty of the San Diego River while integrating recreational, educational and cultural opportunities for youth, seniors, families and citizens of East County." With the invaluable assistance of the public through state and local grants, volunteer contributions, individual donations, and overall community support, the Conservancy has pursued our mission by completing and undertaking new projects to restore large segments of the San Diego River. The Conservancy's projects revive wildlife habitat, improve flood control, and integrate recreational and educational opportunities.

It is ironic that our projects have alleviated many of the adverse impacts of previous sand and gravel mining operations on the river and that we are now confronted with a proposed long-term far-reaching sand and gravel mining project in the El Monte Valley river environment. Our scoping comments arise from our experience in understanding and reversing many of the inevitable effects of such projects.

We have serious concerns about the proposed project as described in the Notice of Preparation Documentation. The sheer magnitude and duration of the proposed project and the value of the materials extracted eclipse any possible funding or resource requirements for the benefit of a nature preserve at the project site and its vicinity. Therefore, our comments address the proposed project as a sand and gravel mining project with the development of a nature preserve as post-project reclamation.

Our scoping comments fall into five main categories:

1. The adequacy of the proposed EIR process
2. Hydrology and water quality concerns
3. The effect on existing species in the project area
4. Restoration plans and integrated recreational uses of the completed restoration
5. Other concerns, including funding and public health

1. EIR Process

a. The boundaries of the Major Use Permit as presented in the published project description do not appear to be accurate. Please make any boundary correction in a new or recirculated Notice of Preparation.

b. The total proposed Major Use Permit boundary is nearly 530 acres on land currently owned by Helix Water District." (Page 1 NOP.) The applicant does not have legal rights or access to the full 530 acres. We believe applicant only has an option to purchase only 480 of such acres. The basis for the MUP coverage of 530 acres needs to be addressed.

c. A new and independent (non-tiered) EIR is required for the proposed project. The EIR that was certified for the El Capitan Golf Course evaluated the effects of a dramatically different project with environmental effects which differ in kind and severity. The proposed mining project would be far more invasive and would extract approximately 12,000,000 cubic yards of aggregate material over 15 years. Extraction operations would encompass approximately 167 acres reaching a depth of 90 feet (approximately 60 feet below the average ground water level) with a total of 188.6 acres affected by mining operations. Excavated materials would be processed at an on-site aggregate processing facility.

   The Notice of Preparation Documentation states that a Subsequent EIR (SEIR) will be prepared under the authority of CEQA Guidelines section 15162(a)(1). Public Resources Code section 21166 and CEQA Guidelines section 15162(a)(1) require preparation of an SEIR when an EIR has been certified for a project and the lead agency determines that there have been substantial changes in the proposed project requiring major revisions due to new significant impacts or an increase in the severity of previously identified significant effects. However, neither Public Resources Code section 21166 nor CEQA Guidelines section

15162 apply here because the proposed mining project is a new and substantially different project from the one considered in the golf course EIR. Therefore, a Subsequent EIR, as outlined in the Notice of Preparation Documentation, is not appropriate. Moreover, and importantly, the baseline environment has changed significantly since the draft golf course EIR was released for public review in September 1998 (incorporating earlier technical studies). Technical studies and data utilized in the golf course EIR are stale in the light of changed circumstances, and cannot be meaningfully used in the EIR for the proposed project to adequately describe either the baseline environment or potential environmental effects of a substantially different project.

2. **A detailed analysis and mapping of the hydrology and water quality of El Monte Valley is required in the EIR for the proposed project.**

    a. The Governor of the State of California has issued Executive Orders declaring that a state of emergency exists throughout the state due to severe drought conditions. In addition, the Governor has issued an Executive Order (B-29-15) requiring the SWRCB to issue and implement emergency water conservation regulations in light of diminishing water supplies, which it has done.

    Santee-El Monte Basin is included within the San Diego Hydrologic Unit. One of the beneficial uses designated for the basin in the San Diego Basin Plan is "MUN". The "MUN" beneficial use includes uses of water for community, military, or individual water supply systems including, but not limited to, drinking water supply. The proposed project would excavate and process minerals from approximately 167 acres within the basin to a depth of 90 feet over the course of 15 years. The EIR needs to evaluate how the proposed project would affect this crucial source of drinking water and ensure that it will not be diminished, particularly in the midst of the ongoing state of emergency.

    Indeed, “The Santee-El Monte Groundwater Basin is currently used as a source of groundwater by local residents, and the Helix Water District, Lakeside Water District and historically used as a source of groundwater by the City of San Diego. Local water agencies, including the City of San Diego, are currently evaluating the potential for additional development and management of the resources of the Santee-El Monte Groundwater Basin.” (See, Bondy and Huntley (2001) Groundwater Management Planning Study Santee- El Monte Basin, Phase III Report for the San Diego County Water Authority.) The City of San Diego has long proclaimed to hold pueblo water rights in this resource to meet drinking water needs of the city. The effects of the proposed project on this valuable public drinking water resource must be carefully evaluated in the EIR and closely coordination with water rights users;

b. Moreover, the project anticipates using 132 acre-feet of water annually. That equates to approximately 400 residential users. Currently the El Monte Valley supports approximately 200 residential wells. The mine will become the greatest water user in the valley. Given the communicative nature of the Santee/El Monte aquifer, how will the project draw down available water and impact existing water rights, including water necessary to preserve wildlife?

c. Article 10, Section 2 of the California Constitution requires that, "… the waste or unreasonable use or unreasonable method of use of water be prevented", and that the "conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare.…" The public welfare requires that sources of drinking water be preserved for the benefit of all Californians in the face of the existing water emergency. The EIR must evaluate the effects of the proposed project on the basin and whether such effects are reasonable within the meaning of the California Constitution, whether the proposed project unlawfully impairs existing water rights, and whether the proposed project is in the interest of the people and for the public welfare;

d. Water Code section 13241 requires that water quality objectives be established to ensure the reasonable protection of beneficial uses and the prevention of nuisance and that water quality objectives not be set at a level that would permit water quality to change to such a degree that designated beneficial uses (i.e., MUN) are unreasonably affected. (San Diego Basin Plan 3-1.) The EIR must evaluate whether the proposed project would violate water quality objectives necessary for the reasonable protection of the MUN beneficial use in the Santee-El Monte Basin. Potential effects on water quality include, without limitation, changed groundwater levels, increased TDS, decreased pH and increased arsenic and metals concentrations due to mineral extraction and processing, increases in nutrients from algae growth and water foul use in open ponds, and siltation of surface waters during storm events.

e. Further, an upstream dairy's operation has included the discharge of large quantities of cow waste over many years. This discharge has lead to a mounding of nitrates under the dairy and which follow the down gradient of the aquifer. The movement of that nitrate is confined in the sand structure. The sand pit will remove a natural barrier to the flow of nitrates and will allow nitrate pollutants to flow more readily into the sand mine pond. This flow will be exacerbated by the proposed project's annual use of approximately 132 acre-feet of annual water. The EIR must address the impact of the project on the fate and transport of these nitrates.

f. The EIR needs to evaluate whether the proposed project will affect groundwater hydrology in the El Monte valley and impact downstream water tables and surface waters. Studies should be undertaken to determine the

level of communication between various upstream and down stream reaches of the aquifer. For example, Lindo Lake is well dependent. How far does the ground water aquifer originating in the Santee-El Monte Basin extend? How will water use/impacts during extraction effect the ground water level? How will evaporation affect the water table? Will fluctuations in the water table impact existing vegetation both upstream and downstream of the project site which are dependent on ground water?;

g. The Conservancy has received grants, secured permits for, and is engaged in competitive bidding for restoration of portions of Hanson El Monte Pond through the creation of emergent wetlands and improved flood control. The EIR must analyze how the proposed project will affect the Conservancy's restoration and flood control project.

    i. How will the proposed project affect both short-term and long-term water levels in the pond?

    ii. (2) How will the phases of the proposed project, in particular Phase 4, adjacent to the Conservancy's restoration project area affect newly established aquatic and upland habitat plantings and wildlife inhabiting or using such areas, such as, nesting migratory and/or endangered or threatened birds? Potential environmental effects requiring analysis in the EIR include, without limitation, those effects resulting from:

        (i) Noise and vibration from mining operations and truck traffic;

        (ii) Dust from mining operations and truck traffic;

        (iii) Changes in groundwater levels and water quality; and,

        (iv) Edges effects

h. How will storm water discharges from the mining site (including the extraction pit) be managed to prevent pollution of surface waters? How will stormwater discharges be directed to the river channel?

i. Will the extraction activities only remove portland cement grade aggregate or will heavier stones and rocks also be encountered? What will the disposition of these heavier materials be? Will such materials be crushed and further processed?

   For the drop structure, the plans show a ¾ ton grouted riprap structure, 2.7 ft thick placed on a 1ft deep gravel base that essentially bisects the valley. Please discuss whether the drop structure as proposed meets applicable engineering standards for its intended purpose. The drop structure is intended to keep flood flows from head cutting up the valley. Please study the 100 and 200 year flood year flows as well as anticipate dam failure. The EIR should examine flooding and dam integrity in light of climate change. Virtually all

Global Climate Change Models show that California, and San Diego in particular, will experience warmer and drier winters punctuated by massive El Nino events.

j. How will the drop structure proposed for the project affect hydrology and water quality in the Santee-El Monte Basin during and after construction of the structure? Will there be effects on the water table and aquifer?

k. Will dewatering be required at any time for the proposed project? If so, how will the removed water be managed?

l. Alluvial sand in El Monte Valley both stores and purifies stormwater entering the valley. How will removal of the sand by the proposed project affect water quality downstream? How will stormwater flows be affected with the loss of the retention effect of the sand?

m. How much long term storage capacity will be lost in the Santee/El Monte aquifer with the implementation of the project? The Santee/El Monte aquifer can be considered a large sponge that captures water, holds it, and releases it slowly over many years either through well pumping or through down gradient flow. The sand mine will put a significant 'hole' in that sponge. A significant number of acre-feet of water will not be held in the sand structure with the mining pit. That storage will be lost. It amounts to a significant amount of important and needed water in a period of climate change where San Diego is predicted to endure increasing long droughts punctuated by a large El Nino year. The Department of Water Resources has designated the Santee/El Monte aquifer as of medium importance. It has also been designated for thorough evaluation as a source of water for San Diego.

n. How will wash fines from the proposed project be managed to avoid air and/or water pollution?

o. Where will top soil and overburden be stored on the site and how will it be managed.

p. Will there be effects on the water table and aquifer via the construction of the drop structure? What will be the effects if the drop structure fails at any time (e.g., during a 100-year flood event or when water spills from El Capitan Dam)?

3. The EIR must evaluate how sand mining activities will affect the short and long term sustainability of populations of species that currently inhabit the Valley.

a. There are ESA species and migratory birds using or inhabiting the areas at or in the vicinity of Hanson El Monte Pond and/or the proposed project. Will the pressure of 15 years of mining activities in the valley throughout the proposed

phases preclude the long term benefits that may be realized by such species upon cessation of mining and completion of restoration of the final phase?

b. The San Diego River is listed as a biological corridor. Its importance to species was acknowledge when the Helix Water District developed a plan to place this area in its NCCP. Appendix A is the species list that was developed as part of the recent effort to use the site as a RO recharge area. The proposed project assumes that the habitat in the San Diego River in the area of the proposed project is beyond improvement and restoration by normal means and can only be restored by sand mining most of the site down to bedrock to ensure habitat for the Tri-colored blackbirds. The EIR should be based on a detailed study of the species on the site.

4. The EIR must address how the project will be restores and how restoration will integrate community uses of the Valley.

a. Are "wash fines" sustainable soil material for the re-vegetation? Three 40' wide benches are proposed to encircle the open water areas of the project using wash fines from the processing plant. This is not an ideal soil condition for growing plants. What is the composition of the project's "wash fines"? Is the reclamation and re-vegetation proposed for the project consistent with existing river reclamation and re-vegetation programs with which it will be linked? Re-vegetation plans need to be based on performance criteria. The re-vegetation plan should include a grading plan that results in more ecological niches (i.e. hydrologic zones) to increase biodiversity. Will the applicant be allowed to import construction and/or demolition debris for re-vegetation? How will this effect plant establishment?

b. Will the proposed trail easements along the north and south sides of the proposed project area be constructed immediately or during the very early site preparation for Phase 1? How will the proposed trail easements connect to planned trails to the west around Hanson El Monte Pond? A north-south connection between the two road edge trails is needed at the east end of the extraction/reclamation area. This connection must be identified.

c. If trails are not constructed and opened for use during the beginning phase of the project, the EIR must discuss impacts to the cohesive community character of the valley without such trails and the impacts to overall recreational uses in Lakeside.

d. How will trails on and in the vicinity of the proposed project be located to enable trail users to appreciate the restored river environment and open spaces (e.g., trail alignments enabling restored upland and pond areas to be viewed).

e. The Golf Course EIR and MUP required several trail crossings at grade along the San Diego River. Those trail crossings must be maintained to ensure the viability of the trail system for equestrians and other trail users. If an at-grade crossing cannot be made, then a bridging system should be developed to allow trail users to access both sides of the river at regular intervals.

f. Given the beauty of the El Monte Valley, its proximity to parking at Cactus County Park and the relatively flat grade, and as the trail will follow the river grade, trail use must be studied and anticipated. It is not unlikely that trail use will parallel the trail use at Mission Trails Regional Park or more so. In that case, the trail design must afford a larger tread. The trails should be a minimum of 15-20 ft. wide, or there should be a separated trail for equestrians and another for the other trail users. The 8 ft. wide trail tread proposed by the project does not meet the standards for a County Regional Trail, and given the anticipated use, it should be much wider. The trail width at Walker Preserve in Santee, of 15 to 20 ft. wide, should be the trail standard for this project. Because of the level of use anticipated on this trail, please study the development of a large community parking lot and staging area on the proposed project site.

g. Will the eastern end of the proposed project, in the area east of the extraction pit, be restored? What is planned for that end of the project area?

h. The plans associated with this project description describe a 20ft wide trail easement on the north and south sides abutting the boundaries of the project. Unless the slopes, drop structure and pond are intended to be the biological corridor, wildlife movement will, necessarily need to employ the same 20ft trail easement that will be utilized by recreational users. How will the biological corridor functions be maintained?

i. The project description (page 16, para 5) states extractive operations for 15 years plus four more for final reclamation. It also states that the length of the mining operations is dependent on market demand for the various mined products. This has the potential to result in a much longer period of time. Also, final approval of any revegetation effort should be based on performance criteria not a set amount of time.

j. The Revegetation Plan should include a grading plan that results in more ecological niches (i.e. hydrologic zones) to increase biodiversity.

5. Other Concerns

a. Will the proposed project's extraction phases be limited to 15 years, or may the mining project's lifespan lawfully exceed 15 years? The EIR must discuss any such potential.

b. What legal assurances are being provided to ensure adequate resources are available for the post-mining reclamation and restoration of the site? Moreover, what legal assurances will be provided to ensure an adequate endowment is available for the long-term care of the restored site

c. The fungus causing Valley Fever, *coccidioidomycosis*, is endemic in El Monte Valley. Spores become airborne when the ground is disturbed. While watering of the ground may reduce dust creation, trucks carrying sand typically disperse dust as they travel at higher speeds on local roadways and the freeway. Additionally, the literature describes rain or other forms of water causing the fungus to grow causing it to become for virulent. Discuss potential for valley fever exposure to residents, workers, and visitors in El Monte Valley and in the surrounding neighborhoods and as sand is transported. The EIR should include an evaluation of the public health risks of the proposed project to such residents, workers, and visitors. In addition, the valley is subject to diurnal breezes. The off shore flows enters the San Diego River Valley in Lakeside at noon and blows continuously to the east throughout the afternoon. That daily breeze will push cocci spores towards Alpine and Blossom Valley. Then in the evening, the direction of the breeze generally reverses and will bring spores towards Lakeside and Santee. Both directions expose populations of significant sizes to cocci. Hikers along the trail depending where they are on the trail, may be exposed to VF on a daily basis. Animals, dogs and horses in particular, are susceptible to cocci. In most instances these companion animals will be found with the trail users and will be exposed as well. An endowment may need to be established for persons contracting VF as a result of the proposed project.

d. In any statement of overriding circumstances, any assertion regarding the regional need for sand from the proposed project should be evaluated in light of the findings made in SANDAG's "San Diego Region Aggregate Supply Study" 2011, which eliminated El Monte Valley sand from consideration. It is shown on page 2.11 as having resource. The area was removed in map of conserved on page 5.11 and was also removed from consideration because of proximity to residential areas in the map on page 7-17.

e. Where will mining equipment repair occur? Where will trucks be staged?

f. What effect on air quality will the proposed project have due to equipment exhaust, particulates (from mining, aggregate processing, transportation, and wind erosion), and otherwise? Will local air quality be impacted? What will be the impact of particulate emissions in the constrained area of El Monte Valley? A cumulative air quality impact study is required. What is the existing air quality in the valley relative to particulates?

g. Mining projects involve massive changes to the visual environment and if not done properly the impacts to this valuable resource are usually severe. Please

identify all of the visual impacts to the scenic corridor, to residents and to residents who overlook the project in Blossom Valley.

h. At what point do we get legal assurances of an adequate endowment for the long-term care of the property?

i.

j. The EIR needs to discuss a reasonable range of project alternatives, including, without limitation:

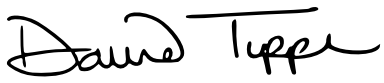
    a. No project alternative;

    b. Mining just enough aggregate to fund and enable the restoration and trail development portion of the project.

    c. Restoration, re-vegetation and trail development of the project area without any sand mining.

Thank you for the opportunity to provide scoping comments for the proposed project. If you have any questions, please contact Robin Rierdan, Executive Director, at (619) 443-4770.

Sincerely,



David Tupper, Chair
Lakeside's River Park Conservancy

APPENDIX A

Extant biological diversity of plant and animal species found in the project area.

Birds

Common Name	Scientific Name	Abundance	Common Name	Scientific Name	Abundance
Double-crested Cormorant	Phalacrocorax auritus	U	Northern Rough-winged Swallow	Stelgidopteryx serripennis	U*
Great Blue Heron	Ardea herodias	U	Barn Swallow	Hirundo rustica	U*
Snowy Egret	Egretta thula	U	Cliff Swallow	Petrochelidon pyrrhonota	A*
Black-crowned Night-Heron	Nycticorax nycticorax	U	Bushtit	Psaltriparus minimus	A
Turkey Vulture	Cathartes aura	U*	Rock Wren	Salpinctes obsoletus	U
Mallard	Anas platyrhynchos	U	Bewick's Wren	Thryomanes bewickii	A
White-tailed Kite	Elanus leucurus	C	House Wren	Troglodytes aedon	U*
Cooper's Hawk	Accipiter cooperii	C	Blue-gray Gnatcatcher	Polioptila caerulea	U*
Red-shouldered Hawk	Buteo lineatus	C	Western Bluebird	Sialia mexicana	U*
Red-tailed Hawk	Buteo jamaicensis	C	Hermit Thrush	Catharus guttatus	U*
American Kestrel	Falco sparverius	C	Wrentit	Chamaea fasciata	C
California Quail	Callipepla californica	A	Northern Mockingbir	Mimus polyglottos	C

			d		
Killdeer	Charadrius vociferus	U*	California Thrasher	Toxostoma redivivum	U
California Gull	Larus californicus	U	European Starling	Sturnus vulgaris	A
Rock Pigeon	Columba livia	C	Phainopepla	Phainopepla nitens	A*
Mourning Dove	Zenaida macroura	A	Orange-crowned Warbler	Vermivora celata	U*
Greater Roadrunner	Geococcyx californianus	U	Yellow Warbler	Dendroica petechia	U*
Barn Owl	Tyto alba	C	Yellow-rumped Warbler	Dendroica coronata	U*
Great Horned Owl	Bubo virginianus	C	Black-throated Gray Warbler	Dendroica nigrescens	U*
Vaux's Swift	Chaetura vauxi	U*	Hermit Warbler	Dendroica occidentalis	U*
White-throated Swift	Aeronautes saxatalis	U*	Common Yellowthroat	Geothlypis trichas	U*
Anna's Hummingbird	Calypte anna	A	Hooded Warbler	Wilsonia citrina	U*
Costa's Hummingbird	Calypte costae	U*	Wilson's Warbler	Wilsonia pusilla	U*
Calliope Hummingbird	Stellula calliope	U*	Yellow-breasted Chat	Icteria virens	U*
Allen's Hummingbir	Selasphorus sasin	U*	Western Tanager	Piranga ludoviciana	U*

d					
Acorn Woodpecker	Melanerpes formicivorus	U	Spotted Towhee	Pipilo maculatus	C
Nuttall's Woodpecker	Picoides nuttallii	C	California Towhee	Pipilo crissalis	A
Western Wood-Pewee	Contopus sordidulus	U*	Lark Sparrow	Chondestes grammacus	U*
Hammond's Flycatcher	Empidonax hammondii	U*	Song Sparrow	Melospiza melodia	A*
Pacific-slope Flycatcher	Empidonax difficilis	U*	White-crowned Sparrow	Zonotrichia leucophrys	U
Black Phoebe	Sayornis nigricans	C	Black-headed Grosbeak	Pheucticus melanocephalus	U*
Say's Phoebe	Sayornis saya	U*	Blue Grosbeak	Guiraca caerulea	U*
Ash-throated Flycatcher	Myiarchus cinerascens	U*	Lazuli Bunting	Passerina amoena	U*
Western Kingbird	Tyrannus verticalis	C*	Red-winged Blackbird	Agelaius phoeniceus	U
Loggerhead Shrike	Lanius ludovicianus	U	Brewer's Blackbird	Euphagus cyanocephalus	C
Warbling Vireo	Vireo gilvus	U*	Brown-headed Cowbird	Molothrus ater	C*
Western Scrub-Jay	Aphelocoma californica	U	Hooded Oriole	Icterus cucullatus	U*
American Crow	Corvus brachyrhynchos	A	Bullock's Oriole	Icterus bullockii	C*
Common	Corvus corax	U	House	Carpodacus	A

Raven			Finch	mexicanus	
Horned Lark	Eremophila alpestris	U*	Lesser Goldfinch	Carduelis psaltria	C*
Violet-green Swallow	Tachycineta thalassina	U*	Lawrence's Goldfinch	Carduelis lawrencei	U*
House Sparrow	Passer domesticus	U	American Goldfinch	Carduelis tristis	U*
California gnatcatcher	Polioptila californica	T&E	Least Bell's vireo	Vireo bellii pusillus	T&E
Reptiles					
Common Side-blotched Lizard	Uta stansburiana	C	Orange-throated Whiptail	Aspidoscelis hyperytha	U
Western Fence Lizard	Sceloporus occidentalis	A	Southern Alligator Lizard	Elgaria multicarinata	U
Granite Spiny Lizard	Sceloporus orcutti	U	San Diego Coast Horned Lizard	Phrynosoma coronatum blainvillei	U
Western Whiptail	Aspidoscelis tigris	U			
Amphibians					
Western Toad	Bufo boreas	C			
Western spadefoot toad	Spea hammondii	Species of Special Concern			
Mammals					

Audubon's Cottontail	Sylvilagus audubonii	A	Woodrat	Neotoma spp.	A
Black-tailed Jackrabbit	Lepus californicus	U	Coyote	Canis latrans	C
California Ground Squirrel	Spermophilus beecheyi	C	Bobcat	Lynx rufus	U
California Vole	Microtus californicus	A			

Abundance codes: A = abundant, C = common, U = uncommon, * = neotropical migrant (meaning at least some, if not all, of the breeding population migrates south to the Americas). T&E Threatened or Endangered