

realignment, public road connections, and bike paths and lanes. After approval of the PEER and necessary application and supporting documentation an encroachment permit can be issued.

Highway Improvement Projects greater than \$3 million, or considered complex projects, would be required to adhere to the full Project Development Process (e.g. Project Initiation Documents, Project Study Reports and Cooperative Agreements). A Caltrans District responsible unit will be notified and a project manager will be assigned to coordinate the project approval.

In order to expedite the process for projects sponsored by a local agency or private developer, it is recommended a PEER be prepared and included in the Lead Agency's CEQA document. This will help expedite the Caltrans Encroachment Permit Review process. The PEER document forms and procedures can be found in the Caltrans Project Development Procedures Manual (PDPM). <http://www.dot.ca.gov/hq/oppd/pdpm/pdpmn.htm>
[http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_\(TR-0112\).pdf](http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_(TR-0112).pdf)

Furthermore, the applicant's environmental documentation must include such work in their project description and indicate that an encroachment permit will be needed. As part of the encroachment permit process, the developer must provide appropriate environmental approval for potential environmental impacts to State Highway R/W. Environmental documentation should include studies or letters from qualified specialists or personnel which address the potential, or lack of potential, for impacts to the following resources in state right-of-way:

- Biological resources
- Archaeological and historic resources
- Visual quality
- Hazardous waste
- Water quality & stormwater
- Pre-historic resources
- Air quality
- Noise levels

Copies of all project-related environmental documentation and studies which address the above-cited resources should be included with the project proponent's encroachment permit application to Caltrans for work within State R/W. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Encroachment permit submittals that are incomplete can result in significant delays in permit approval. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resource agencies for the improvements.

When a property owner proposes to dedicate property to a local agency for Caltrans use in conjunction with a permit project, Caltrans will not issue the encroachment permit until the dedication is made and the property has been conveyed to the Department.

Mr. Dennis Campbell

May 6, 2010

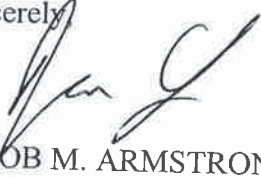
Page 5

Improvement plans for construction within State Highway R/W must include the appropriate engineering information consistent with the state code and signed and stamped by a professional engineer registered in the State of California. The Department's Permit Manual contains a listing of typical information required for project plans. All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised.

If you have any questions regarding this project, please contact Trent Clark, Development Review Branch, at (619) 688-3140.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jacob M. Armstrong', written over the word 'Sincerely,'.

JACOB M. ARMSTRONG, Branch Chief
Development Review Branch

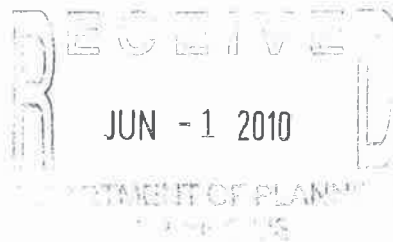


U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011
(760) 431-9440
FAX (760) 431-5902



California Department of Fish and Game
South Coast Region
4949 Viewridge Avenue
San Diego, California 92123
(858) 467-4201
FAX (858) 467-4299

In Reply Refer To:
FWS/CDFG-SDG-10B0546-10TA0737



MAY 27 2010

Mr. David Sibbet
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

Subject: Comments on the Notice of Preparation of an Environmental Impact Report for the Warner Ranch Project, County of San Diego (SCH# 2010041106)

Dear Mr. Sibbet:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), collectively referred to hereafter as the Wildlife Agencies, have reviewed the above-referenced Notice of Preparation (NOP) of an Environmental Impact Report (EIR), dated April 29, 2010. The enclosed comments are based on information provided in the NOP, the Wildlife Agencies' knowledge of sensitive and declining vegetative communities, and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (FESA) (16 U.S.C. 1531 *et seq.*). The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381, respectively. The Department is responsible for the conservation, protection, and management of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA) and other sections of the Fish and Game Code, and administers the Natural Community Conservation Planning (NCCP) program.

The project site is located in northern San Diego County within the Pala/Pauma Planning area, immediately north of State Route 76 (Pala Road) and west of Pala Temecula Road. The project proposes to develop 780 residential units (556 single family units and 224 multi-family town homes), 10.8 acres of private parks, and an 8-acre public park on the approximately 513.6-acre site. Approximately 344.2 acres of the property would be set aside and preserved as open space. The project site is located within the Pre-approved Mitigation Area (PAMA) of the County's draft North County Multiple Species Conservation Program (NCMSCP), and as such, is of particular



concern to the Wildlife Agencies in terms of potential project impacts to sensitive species, and overall project and open space design. Under the NC MSCP, the PAMA is targeted for 75 percent conservation into the future adaptively managed reserve system.

We offer the following comments and recommendations to assist the County in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources and to ensure that the Project is consistent with regional habitat conservation planning efforts:

Specific Comments

1. The Wildlife Agencies have been contacted by Dudek and Associates, the biological consultants for the Warner Ranch project, concerning the need to conduct biological surveys on the property. A number of surveys for sensitive species were previously conducted by Dudek in 2005, and the Wildlife Agencies were asked about the need to repeat surveys for species that were not detected previously if site conditions had not changed over the past 5 years. The Wildlife Agencies recommend that the following species surveys be repeated: California gnatcatcher (*Polioptila californica californica*, "gnatcatcher"), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Epidonax traillii extimus*), southern steelhead (*Oncorhynchus mykiss*), arroyo toad (*Bufo californicus*, "arroyo toad"), and sensitive plants. In addition, a new habitat assessment for the Stephens' kangaroo rat (*Dipodomys stephensi*, "SKR") should also be conducted, and if evidence of SKR activity is detected, a formal SKR trapping effort should be carried out. Finally, the 2005 vegetation map of the site should be modified if necessary for any site condition changes that have occurred since 2005.
2. The draft EIR should identify any project impacts that will occur within designated or proposed critical habitat for federally listed threatened or endangered species. Impacts to designated and/or proposed critical habitat should be off set at the appropriate ratios within the same unit of critical habitat that is impacted.
3. The Wildlife Agencies are concerned that the design of the proposed development encroaches too close to Gomez Creek along the western boundary of the development footprint. The design of the project should maintain a significant buffer zone of natural habitat between any development and the creek. The presence of southern steelhead is of particular importance since the San Luis Rey River watershed, despite its often compromised condition, is a focus of steelhead restoration by the Wildlife Agencies and the National Marine Fisheries Service. Because of the precarious status of the steelhead in the watershed, any stream or tributary in the watershed that supports this species is of high importance and should not be compromised. An alternative project design should be included in the draft EIR that provides a much greater buffer zone between Gomez Creek and the development footprint than is currently proposed in the NOP.

4. The Wildlife Agencies are concerned about the amount and configuration of infrastructure that is scattered throughout the proposed open space parcels. The draft EIR should discuss the impacts of habitat fragmentation from this linear infrastructure. In addition, to minimize fragmentation of the proposed open space parcels, we recommend that an alternative project design that places the proposed water tanks closer to the community development footprint and excludes the road access through the northeast corner of the property be evaluated.
5. The draft EIR should discuss the compatibility of this proposed project with the draft NCMSCP. While the NCMSCP is not yet an approved plan, the project is located in an important NCMSCP preserve planning area, and should not compromise the viability of the regional habitat preserve system.
6. Because of the potential high fire danger associated with the project site, the project proponent needs to consult with the local fire district to get a definitive evaluation on the extent of fuel modification that will be required. Fuel modification impacts to natural habitats should be incorporated into the development footprint, considered as project impacts, and appropriate biological mitigation proposed. No fuel management should be incorporated into designated open space parcels.
7. Long-term management of the designated open space on the property should be discussed in the draft EIR, and a resource management plan (RMP) (including an in-perpetuity funding source) should be developed and implemented. For the RMP to serve as Area Specific Management Directives of the forthcoming NCMSCP, they should be submitted to and approved by both the County and the Wildlife Agencies.

General Comments

To enable the Wildlife Agencies to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish and wildlife, we recommend the following information be included in the draft EIR:

1. A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.
2. A complete evaluation of this project in relationship to the County's NCMSCP. Specifically, provide an analysis of the proposed project's impacts on any adjacent habitat that is conserved or proposed for conservation as open space under the NCMSCP.
3. A complete list and assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying State or federally listed rare, threatened, endangered, or proposed candidate species, California Species-of-Special Concern and/or

State Protected or Fully Protected species, and any locally unique species and sensitive habitats. Specifically, the EIR should include:

- a. A thorough assessment of Rare Natural Communities on site and within the area of impact. We recommend following the California Department of Fish and Game's Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (enclosed).
 - b. A current inventory of the biological resources associated with each habitat type on site and within the area of impact.
 - c. An inventory of rare, threatened, and endangered species on site and within the area of impact.
 - d. Discussions regarding seasonal variations in use by sensitive species of the project site as well as the area of impact on those species, using acceptable species-specific survey procedures as determined through consultation with the Wildlife Agencies. Focused species-specific surveys, conducted in conformance with established protocols at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.
4. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources. All facets of the project should be included in this assessment. Specifically, the EIR should provide:
- a. Specific acreage and descriptions of the types of wetlands, coastal sage scrub, and other sensitive habitats that will or may be affected by the proposed project or project alternatives. Maps and tables should be used to summarize such information.
 - b. Discussions regarding the regional setting, pursuant to the CEQA Guidelines, Section 15125(a), with special emphasis on resources that are rare or unique to the region that would be affected by the project. This discussion is critical to an assessment of environmental impacts.
 - c. Detailed discussions, including both qualitative and quantitative analyses, of the potentially affected listed and sensitive species (fish, wildlife, plants), and their habitats on the proposed project site, area of impact, and alternative sites, including information pertaining to their local status and distribution. The anticipated or real impacts of the project on these species and habitats should be fully addressed.
 - d. Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian

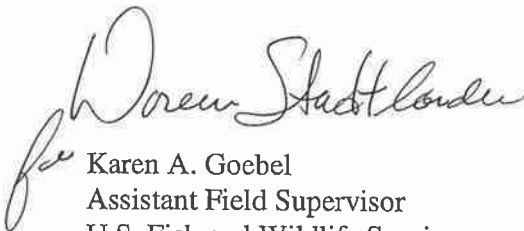
- ecosystems, and any designated and/or proposed NCCP reserve lands. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated and provided. A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site.
- e. Discussions regarding possible conflicts resulting from wildlife-human interactions at the interface between the development project and natural habitats. The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions.
 - f. An analysis of cumulative effects, as described under CEQA Guidelines, Section 15130. General and specific plans, and past, present, and anticipated future projects, should be analyzed concerning their impacts on similar plant communities and wildlife habitats.
 - g. If applicable, an analysis of the effect that the project may have on completion and implementation of regional and/or subregional conservation programs. We recommend that the Lead Agency ensure that the development of this and other proposed projects do not preclude long-term preserve planning options and that projects conform to other requirements of the NCCP program. Jurisdictions participating in the NCCP program should assess specific projects for consistency with the NCCP Conservation Guidelines. Additionally, the jurisdictions should quantify and qualify: 1) the amount of coastal sage scrub within their boundaries, 2) the acreage of coastal sage scrub habitat removed by individual projects, and 3) any acreage set aside for mitigation. This information should be kept in an updated ledger system.
- 5. Measures to fully avoid and otherwise protect Rare Natural Communities (list enclosed) from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.
 - 6. Mitigation measures for unavoidable adverse project-related impacts on sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance, and where avoidance is infeasible, reduction of project impacts. For unavoidable impacts, off-site mitigation through acquisition and preservation in perpetuity of the affected habitats should be addressed. We generally do not support the use of relocation, salvage, and/or transplantation as mitigation for impacts on rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful. This discussion should include measures to perpetually protect the targeted habitat values where preservation and/or restoration are proposed. The objective should be to offset the project-

induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site, (b) the plant species to be used, (c) a schematic depicting the mitigation area, (d) time of year that planting will occur, (e) a description of the irrigation methodology, (f) measures to control exotic vegetation on site, (g) success criteria, (h) a detailed monitoring program, (i) contingency measures should the success criteria not be met, and (j) identification of the entity(ies) that will guarantee achieving the success criteria and provide for conservation of the mitigation site in perpetuity. Mitigation measures to alleviate indirect project impacts on biological resources must be included, including measures to minimize changes in the hydrologic regimes on site, and means to convey runoff without damaging biological resources, including the morphology of on-site and downstream habitats.

7. As discussed previously, descriptions and analyses of a range of alternatives to ensure that alternatives to the proposed project are fully considered and evaluated. The analyses must include alternatives that avoid or otherwise reduce impacts to sensitive biological resources. Specific alternative locations should be evaluated in areas of lower resource sensitivity where appropriate.

We appreciate the opportunity to provide comments on this project. Should you have any questions regarding this letter, please contact David Lawhead (Department) at (858) 627-3997 or Michelle Moreno (Service) at (760) 431-9440.

Sincerely,



Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service



Stephen M. Juarez
Environmental Program Manager
California Department of Fish and Game

Enclosures (2)

cc:
State Clearinghouse (by fax only)
David Lawhead, CDFG

Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities

State of California
CALIFORNIA NATURAL RESOURCES AGENCY
Department of Fish and Game
November 24, 2009¹

INTRODUCTION AND PURPOSE

The conservation of special status native plants and their habitats, as well as natural communities, is integral to maintaining biological diversity. The purpose of these protocols is to facilitate a consistent and systematic approach to the survey and assessment of special status native plants and natural communities so that reliable information is produced and the potential of locating a special status plant species or natural community is maximized. They may also help those who prepare and review environmental documents determine when a botanical survey is needed, how field surveys may be conducted, what information to include in a survey report, and what qualifications to consider for surveyors. The protocols may help avoid delays caused when inadequate biological information is provided during the environmental review process; assist lead, trustee and responsible reviewing agencies to make an informed decision regarding the direct, indirect, and cumulative effects of a proposed development, activity, or action on special status native plants and natural communities; meet California Environmental Quality Act (CEQA)² requirements for adequate disclosure of potential impacts; and conserve public trust resources.

DEPARTMENT OF FISH AND GAME TRUSTEE AND RESPONSIBLE AGENCY MISSION

The mission of the Department of Fish and Game (DFG) is to manage California's diverse wildlife and native plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. DFG has jurisdiction over the conservation, protection, and management of wildlife, native plants, and habitat necessary to maintain biologically sustainable populations (Fish and Game Code §1802). DFG, as trustee agency under CEQA §15386, provides expertise in reviewing and commenting on environmental documents and makes protocols regarding potential negative impacts to those resources held in trust for the people of California.

Certain species are in danger of extinction because their habitats have been severely reduced in acreage, are threatened with destruction or adverse modification, or because of a combination of these and other factors. The California Endangered Species Act (CESA) provides additional protections for such species, including take prohibitions (Fish and Game Code §2050 *et seq.*). As a responsible agency, DFG has the authority to issue permits for the take of species listed under CESA if the take is incidental to an otherwise lawful activity; DFG has determined that the impacts of the take have been minimized and fully mitigated; and, the take would not jeopardize the continued existence of the species (Fish and Game Code §2081). Surveys are one of the preliminary steps to detect a listed or special status plant species or natural community that may be impacted significantly by a project.

DEFINITIONS

Botanical surveys provide information used to determine the potential environmental effects of proposed projects on all special status plants and natural communities as required by law (i.e., CEQA, CESA, and Federal Endangered Species Act (ESA)). Some key terms in this document appear in **bold font** for assistance in use of the document.

For the purposes of this document, **special status plants** include all plant species that meet one or more of the following criteria³:

¹ This document replaces the DFG document entitled "Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened and Endangered Plants and Natural Communities."

² <http://ceres.ca.gov/ceqa/>

³ Adapted from the East Alameda County Conservation Strategy available at http://www.fws.gov/sacramento/EACCS/Documents/080228_Species_Evaluation_EACCS.pdf

- Listed or proposed for listing as threatened or endangered under ESA or candidates for possible future listing as threatened or endangered under the ESA (50 CFR §17.12).
- Listed⁴ or candidates for listing by the State of California as threatened or endangered under CESA (Fish and Game Code §2050 *et seq.*). A species, subspecies, or variety of plant is **endangered** when the prospects of its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition, disease, or other factors (Fish and Game Code §2062). A plant is **threatened** when it is likely to become endangered in the foreseeable future in the absence of special protection and management measures (Fish and Game Code §2067).
- Listed as rare under the California Native Plant Protection Act (Fish and Game Code §1900 *et seq.*). A plant is **rare** when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens (Fish and Game Code §1901).
- Meet the definition of rare or endangered under CEQA §15380(b) and (d). Species that may meet the definition of rare or endangered include the following:
 - ♦ Species considered by the California Native Plant Society (CNPS) to be “rare, threatened or endangered in California” (Lists 1A, 1B and 2);
 - ♦ Species that may warrant consideration on the basis of local significance or recent biological information⁵;
 - ♦ Some species included on the California Natural Diversity Database’s (CNDDB) *Special Plants, Bryophytes, and Lichens List* (California Department of Fish and Game 2008)⁶.
- Considered a **locally significant species**, that is, a species that is not rare from a statewide perspective but is rare or uncommon in a local context such as within a county or region (CEQA §15125 (c)) or is so designated in local or regional plans, policies, or ordinances (CEQA Guidelines, Appendix G). Examples include a species at the outer limits of its known range or a species occurring on an uncommon soil type.

Special status natural communities are communities that are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects. These communities may or may not contain special status species or their habitat. The most current version of the Department’s *List of California Terrestrial Natural Communities*⁷ indicates which natural communities are of special status given the current state of the California classification.

Most types of wetlands and riparian communities are considered special status natural communities due to their limited distribution in California. These natural communities often contain special status plants such as those described above. These protocols may be used in conjunction with protocols formulated by other agencies, for example, those developed by the U.S. Army Corps of Engineers to delineate jurisdictional wetlands⁸ or by the U.S. Fish and Wildlife Service to survey for the presence of special status plants⁹.

⁴ Refer to current online published lists available at: <http://www.dfg.ca.gov/biogeodata>.

⁵ In general, CNPS List 3 plants (plants about which more information is needed) and List 4 plants (plants of limited distribution) may not warrant consideration under CEQA §15380. These plants may be included on special status plant lists such as those developed by counties where they would be addressed under CEQA §15380. List 3 plants may be analyzed under CEQA §15380 if sufficient information is available to assess potential impacts to such plants. Factors such as regional rarity vs. statewide rarity should be considered in determining whether cumulative impacts to a List 4 plant are significant even if individual project impacts are not. List 3 and 4 plants are also included in the California Natural Diversity Database’s (CNDDB) *Special Plants, Bryophytes, and Lichens List*. [Refer to the current online published list available at <http://www.dfg.ca.gov/biogeodata>.] Data on Lists 3 and 4 plants should be submitted to CNDDB. Such data aids in determining or revising priority ranking.

⁶ Refer to current online published lists available at: <http://www.dfg.ca.gov/biogeodata>.

⁷ <http://www.dfg.ca.gov/biogeodata/vegcamp/pdfs/natcomlist.pdf>. The rare natural communities are asterisked on this list.

⁸ <http://www.wetlands.com/regs/tlpge02e.htm>

⁹ U.S. Fish and Wildlife Service Survey Guidelines available at <http://www.fws.gov/sacramento/es/protocol.htm>

BOTANICAL SURVEYS

Conduct botanical surveys prior to the commencement of any activities that may modify vegetation, such as clearing, mowing, or ground-breaking activities. It is appropriate to conduct a botanical field survey when:

- Natural (or naturalized) vegetation occurs on the site, and it is unknown if special status plant species or natural communities occur on the site, and the project has the potential for direct or indirect effects on vegetation; or
- Special status plants or natural communities have historically been identified on the project site; or
- Special status plants or natural communities occur on sites with similar physical and biological properties as the project site.

SURVEY OBJECTIVES

Conduct field surveys in a manner which maximizes the likelihood of locating special status plant species or special status natural communities that may be present. Surveys should be **floristic in nature**, meaning that every plant taxon that occurs on site is identified to the taxonomic level necessary to determine rarity and listing status. "Focused surveys" that are limited to habitats known to support special status species or are restricted to lists of likely potential species are not considered floristic in nature and are not adequate to identify all plant taxa on site to the level necessary to determine rarity and listing status. Include a list of plants and natural communities detected on the site for each botanical survey conducted. More than one field visit may be necessary to adequately capture the floristic diversity of a site. An indication of the prevalence (estimated total numbers, percent cover, density, etc.) of the species and communities on the site is also useful to assess the significance of a particular population.

SURVEY PREPARATION

Before field surveys are conducted, compile relevant botanical information in the general project area to provide a regional context for the investigators. Consult the CNDDDB¹⁰ and BIOS¹¹ for known occurrences of special status plants and natural communities in the project area prior to field surveys. Generally, identify vegetation and habitat types potentially occurring in the project area based on biological and physical properties of the site and surrounding ecoregion¹², unless a larger assessment area is appropriate. Then, develop a list of special status plants with the potential to occur within these vegetation types. This list can serve as a tool for the investigators and facilitate the use of reference sites; however, special status plants on site might not be limited to those on the list. Field surveys and subsequent reporting should be comprehensive and floristic in nature and not restricted to or focused only on this list. Include in the survey report the list of potential special status species and natural communities, and the list of references used to compile the background botanical information for the site.

SURVEY EXTENT

Surveys should be comprehensive over the entire site, including areas that will be directly or indirectly impacted by the project. Adjoining properties should also be surveyed where direct or indirect project effects, such as those from fuel modification or herbicide application, could potentially extend offsite. Pre-project surveys restricted to known CNDDDB rare plant locations may not identify all special status plants and communities present and do not provide a sufficient level of information to determine potential impacts.

FIELD SURVEY METHOD

Conduct surveys using **systematic field techniques** in all habitats of the site to ensure thorough coverage of potential impact areas. The level of effort required per given area and habitat is dependent upon the vegetation and its overall diversity and structural complexity, which determines the distance at which plants can be identified. Conduct surveys by walking over the entire site to ensure thorough coverage, noting all plant taxa

¹⁰ Available at <http://www.dfg.ca.gov/biogeodata/cnddb>

¹¹ <http://www.bios.dfg.ca.gov/>

¹² Ecological Subregions of California, available at <http://www.fs.fed.us/r5/projects/ecoregions/loc.htm>

observed. The level of effort should be sufficient to provide comprehensive reporting. For example, one person-hour per eight acres per survey date is needed for a comprehensive field survey in grassland with medium diversity and moderate terrain¹³, with additional time allocated for species identification.

TIMING AND NUMBER OF VISITS

Conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting. Space visits throughout the growing season to accurately determine what plants exist on site. Many times this may involve multiple visits to the same site (e.g. in early, mid, and late-season for flowering plants) to capture the floristic diversity at a level necessary to determine if special status plants are present¹⁴. The timing and number of visits are determined by geographic location, the natural communities present, and the weather patterns of the year(s) in which the surveys are conducted.

REFERENCE SITES

When special status plants are known to occur in the type(s) of habitat present in the project area, observe reference sites (nearby accessible occurrences of the plants) to determine whether those species are identifiable at the time of the survey and to obtain a visual image of the target species, associated habitat, and associated natural community.

USE OF EXISTING SURVEYS

For some sites, floristic inventories or special status plant surveys may already exist. Additional surveys may be necessary for the following reasons:

- Surveys are not current¹⁵; or
- Surveys were conducted in natural systems that commonly experience year to year fluctuations such as periods of drought or flooding (e.g. vernal pool habitats or riverine systems); or
- Surveys are not comprehensive in nature; or fire history, land use, physical conditions of the site, or climatic conditions have changed since the last survey was conducted¹⁶; or
- Surveys were conducted in natural systems where special status plants may not be observed if an annual above ground phase is not visible (e.g. flowers from a bulb); or
- Changes in vegetation or species distribution may have occurred since the last survey was conducted, due to habitat alteration, fluctuations in species abundance and/or seed bank dynamics.

NEGATIVE SURVEYS

Adverse conditions may prevent investigators from determining the presence of, or accurately identifying, some species in potential habitat of target species. Disease, drought, predation, or herbivory may preclude the presence or identification of target species in any given year. Discuss such conditions in the report.

The failure to locate a known special status plant occurrence during one field season does not constitute evidence that this plant occurrence no longer exists at this location, particularly if adverse conditions are present. For example, surveys over a number of years may be necessary if the species is an annual plant having a persistent, long-lived seed bank and is known not to germinate every year. Visits to the site in more

¹³ Adapted from U.S. Fish and Wildlife Service kit fox survey guidelines available at www.fws.gov/sacramento/es/documents/kitfox_no_protocol.pdf

¹⁴ U.S. Fish and Wildlife Service Survey Guidelines available at <http://www.fws.gov/sacramento/es/protocol.htm>

¹⁵ Habitats, such as grasslands or desert plant communities that have annual and short-lived perennial plants as major floristic components may require yearly surveys to accurately document baseline conditions for purposes of impact assessment. In forested areas, however, surveys at intervals of five years may adequately represent current conditions. For forested areas, refer to "Guidelines for Conservation of Sensitive Plant Resources Within the Timber Harvest Review Process and During Timber Harvesting Operations", available at <https://r1.dfg.ca.gov/portal/Portals/12/THPBotanicalGuidelinesJuly2005.pdf>

¹⁶ U.S. Fish and Wildlife Service Survey Guidelines available at http://www.fws.gov/ventura/speciesinfo/protocols_guidelines/docs/botanicalinventories.pdf

than one year increase the likelihood of detection of a special status plant especially if conditions change. To further substantiate negative findings for a known occurrence, a visit to a nearby reference site may ensure that the timing of the survey was appropriate.

REPORTING AND DATA COLLECTION

Adequate information about special status plants and natural communities present in a project area will enable reviewing agencies and the public to effectively assess potential impacts to special status plants or natural communities¹⁷ and will guide the development of minimization and mitigation measures. The next section describes necessary information to assess impacts. For comprehensive, systematic surveys where no special status species or natural communities were found, reporting and data collection responsibilities for investigators remain as described below, excluding specific occurrence information.

SPECIAL STATUS PLANT OR NATURAL COMMUNITY OBSERVATIONS

Record the following information for locations of each special status plant or natural community detected during a field survey of a project site.

- A detailed map (1:24,000 or larger) showing locations and boundaries of each special status species occurrence or natural community found as related to the proposed project. Mark occurrences and boundaries as accurately as possible. Locations documented by use of global positioning system (GPS) coordinates must include the datum¹⁸ in which they were collected;
- The site-specific characteristics of occurrences, such as associated species, habitat and microhabitat, structure of vegetation, topographic features, soil type, texture, and soil parent material. If the species is associated with a wetland, provide a description of the direction of flow and integrity of surface or subsurface hydrology and adjacent off-site hydrological influences as appropriate;
- The number of individuals in each special status plant population as counted (if population is small) or estimated (if population is large);
- If applicable, information about the percentage of individuals in each life stage such as seedlings vs. reproductive individuals;
- The number of individuals of the species per unit area, identifying areas of relatively high, medium and low density of the species over the project site; and
- Digital images of the target species and representative habitats to support information and descriptions.

FIELD SURVEY FORMS

When a special status plant or natural community is located, complete and submit to the CNDDDB a California Native Species (or Community) Field Survey Form¹⁹ or equivalent written report, accompanied by a copy of the relevant portion of a 7.5 minute topographic map with the occurrence mapped. Present locations documented by use of GPS coordinates in map and digital form. Data submitted in digital form must include the datum²⁰ in which it was collected. If a potentially undescribed special status natural community is found on the site, document it with a Rapid Assessment or Relevé form²¹ and submit it with the CNDDDB form.

VOUCHER COLLECTION

Voucher specimens provide verifiable documentation of species presence and identification as well as a public record of conditions. This information is vital to all conservation efforts. Collection of voucher specimens should

¹⁷ Refer to current online published lists available at: <http://www.dfg.ca.gov/biogeodata>. For Timber Harvest Plans (THPs) please refer to the "Guidelines for Conservation of Sensitive Plant Resources Within the Timber Harvest Review Process and During Timber Harvesting Operations", available at <https://r1.dfg.ca.gov/portal/Portals/12/THPBotanicalGuidelinesJuly2005.pdf>

¹⁸ NAD83, NAD27 or WGS84

¹⁹ <http://www.dfg.ca.gov/biogeodata>

²⁰ NAD83, NAD27 or WGS84

²¹ http://www.dfg.ca.gov/biogeodata/vegcamp/veg_publications_protocols.asp

be conducted in a manner that is consistent with conservation ethics, and is in accordance with applicable state and federal permit requirements (e.g. incidental take permit, scientific collection permit). Voucher collections of special status species (or suspected special status species) should be made only when such actions would not jeopardize the continued existence of the population or species.

Deposit voucher specimens with an indexed regional herbarium²² no later than 60 days after the collections have been made. Digital imagery can be used to supplement plant identification and document habitat. Record all relevant permittee names and permit numbers on specimen labels. A collecting permit is required prior to the collection of State-listed plant species²³.

BOTANICAL SURVEY REPORTS

Include reports of botanical field surveys containing the following information with project environmental documents:

- **Project and site description**
 - ♦ A description of the proposed project;
 - ♦ A detailed map of the project location and study area that identifies topographic and landscape features and includes a north arrow and bar scale; and,
 - ♦ A written description of the biological setting, including vegetation²⁴ and structure of the vegetation; geological and hydrological characteristics; and land use or management history.
- **Detailed description of survey methodology and results**
 - ♦ Dates of field surveys (indicating which areas were surveyed on which dates), name of field investigator(s), and total person-hours spent on field surveys;
 - ♦ A discussion of how the timing of the surveys affects the comprehensiveness of the survey;
 - ♦ A list of potential special status species or natural communities;
 - ♦ A description of the area surveyed relative to the project area;
 - ♦ References cited, persons contacted, and herbaria visited;
 - ♦ Description of reference site(s), if visited, and phenological development of special status plant(s);
 - ♦ A list of all taxa occurring on the project site. Identify plants to the taxonomic level necessary to determine whether or not they are a special status species;
 - ♦ Any use of existing surveys and a discussion of applicability to this project;
 - ♦ A discussion of the potential for a false negative survey;
 - ♦ Provide detailed data and maps for all special plants detected. Information specified above under the headings "Special Status Plant or Natural Community Observations," and "Field Survey Forms," should be provided for locations of each special status plant detected;
 - ♦ Copies of all California Native Species Field Survey Forms or Natural Community Field Survey Forms should be sent to the CNDDDB and included in the environmental document as an Appendix. It is not necessary to submit entire environmental documents to the CNDDDB; and,
 - ♦ The location of voucher specimens, if collected.

²² For a complete list of indexed herbaria, see: Holmgren, P., N. Holmgren and L. Barnett. 1990. *Index Herbariorum*, Part 1: Herbaria of the World. New York Botanic Garden, Bronx, New York. 693 pp. Or: <http://www.nybg.org/bsci/ih/ih.html>

²³ Refer to current online published lists available at: <http://www.dfg.ca.gov/bio/geodata>.

²⁴ A vegetation map that uses the National Vegetation Classification System (<http://biology.usgs.gov/npsveg/nvcs.html>), for example *A Manual of California Vegetation*, and highlights any special status natural communities. If another vegetation classification system is used, the report should reference the system, provide the reason for its use, and provide a crosswalk to the National Vegetation Classification System.

- **Assessment of potential impacts**

- ♦ A discussion of the significance of special status plant populations in the project area considering nearby populations and total species distribution;
- ♦ A discussion of the significance of special status natural communities in the project area considering nearby occurrences and natural community distribution;
- ♦ A discussion of direct, indirect, and cumulative impacts to the plants and natural communities;
- ♦ A discussion of threats, including those from invasive species, to the plants and natural communities;
- ♦ A discussion of the degree of impact, if any, of the proposed project on unoccupied, potential habitat of the species;
- ♦ A discussion of the immediacy of potential impacts; and,
- ♦ Recommended measures to avoid, minimize, or mitigate impacts.

QUALIFICATIONS

Botanical consultants should possess the following qualifications:

- Knowledge of plant taxonomy and natural community ecology;
- Familiarity with the plants of the area, including special status species;
- Familiarity with natural communities of the area, including special status natural communities;
- Experience conducting floristic field surveys or experience with floristic surveys conducted under the direction of an experienced surveyor;
- Familiarity with the appropriate state and federal statutes related to plants and plant collecting; and,
- Experience with analyzing impacts of development on native plant species and natural communities.

SUGGESTED REFERENCES

- Barbour, M., T. Keeler-Wolf, and A. A. Schoenherr (eds.). 2007. Terrestrial vegetation of California (3rd Edition). University of California Press.
- Bonham, C.D. 1988. Measurements for terrestrial vegetation. John Wiley and Sons, Inc., New York, NY.
- California Native Plant Society. Most recent version. Inventory of rare and endangered plants (online edition). California Native Plant Society, Sacramento, CA. Online URL <http://www.cnps.org/inventory>.
- California Natural Diversity Database. Most recent version. Special vascular plants, bryophytes and lichens list. Updated quarterly. Available at www.dfg.ca.gov.
- Elzinga, C.L., D.W. Salzer, and J. Willoughby. 1998. Measuring and monitoring plant populations. BLM Technical Reference 1730-1. U.S. Dept. of the Interior, Bureau of Land Management, Denver, Colorado.
- Leppig, G. and J.W. White. 2006. Conservation of peripheral plant populations in California. *Madroño* 53:264-274.
- Mueller-Dombois, D. and H. Ellenberg. 1974. Aims and methods of vegetation ecology. John Wiley and Sons, Inc., New York, NY.
- U.S. Fish and Wildlife Service. 1996. Guidelines for conducting and reporting botanical inventories for federally listed plants on the Santa Rosa Plain. Sacramento, CA.
- U.S. Fish and Wildlife Service. 1996. Guidelines for conducting and reporting botanical inventories for federally listed, proposed and candidate plants. Sacramento, CA.
- Van der Maarel, E. 2005. Vegetation Ecology. Blackwell Science Ltd., Malden, MA.

Sensitivity of Top Priority Rare Natural Communities in Southern California

Sensitivity rankings are determined by the Department of Fish and Game, California Natural Diversity Data Base and based on either number of known occurrences (locations) and/or amount of habitat remaining (acreage). The three rankings used for these top priority rare natural communities are as follows:

- S1.# Fewer than 6 known locations and/or on fewer than 2,000 acres of habitat remaining.
- S2.# Occurs in 6-20 known locations and/or 2,000-10,000 acres of habitat remaining.
- S3.# Occurs in 21-100-known locations and/or 10,000-50,000 acres of habitat remaining.

The number to the right of the decimal point after the ranking refers to the degree of threat posed to that natural community regardless of the ranking. For example:

S1.1 = very threatened
 S2.2 = threatened
 S3.3 = no current threats known

Sensitivity Rankings (February 1992)

<u>Rank</u>	<u>Community Name</u>
S1.1	Mojave Riparian Forest Sonoran Cottonwood Willow Riparian Mesquite Bosque Elephant Tree Woodland Crucifixion Thorn Woodland Allthorn Woodland Arizonan Woodland Southern California Walnut Forest Mainland Cherry Forest Southern Bishop Pine Forest Torrey Pine Forest Desert Mountain White Fir Forest Southern Dune Scrub Southern Coastal Bluff Scrub Maritime Succulent Scrub Riversidean Alluvial Fan Sage Scrub Southern Maritime Chaparral Valley Needlegrass Grassland Great Basin Grassland Mojave Desert Grassland Pebble Plains Southern Sedge Bog Cismontane Alkali Marsh

- S1.2
 - Southern Foredunes
 - Mono Pumice Flat
 - Southern Interior Basalt Flow Vernal Pool

- S2.1
 - Venturan Coastal Sage Scrub
 - Diegan Coastal Sage Scrub
 - Riversidean Upland Coastal Sage Scrub
 - Riversidean Desert Sage Scrub
 - Sagebrush Steppe
 - Desert Sink Scrub
 - Mafic Southern Mixed Chaparral
 - San Diego Mesa Hardpan Vernal Pool
 - San Diego Mesa Claypan Vernal Pool
 - Alkali Meadow
 - Southern Coastal Salt Marsh
 - Coastal Brackish Marsh
 - Transmontane Alkali Marsh
 - Coastal and Valley Freshwater Marsh
 - Southern Arroyo Willow Riparian Forest
 - Southern Willow Scrub
 - Modoc-Great Basin Cottonwood Willow Riparian
 - Modoc-Great Basin Riparian Scrub
 - Mojave Desert Wash Scrub
 - Engelmann Oak Woodland
 - Open Engelmann Oak Woodland
 - Closed Engelmann Oak Woodland
 - Island Oak Woodland
 - California Walnut Woodland
 - Island Ironwood Forest
 - Island Cherry Forest
 - Southern Interior Cypress Forest
 - Bigcone Spruce-Canyon Oak Forest

- S2.2
 - Active Coastal Dunes
 - Active Desert Dunes
 - Stabilized and Partially Stabilized Desert Dunes
 - Stabilized and Partially Stabilized Desert Sandfield
 - Mojave Mixed Steppe
 - Transmontane Freshwater Marsh
 - Coulter Pine Forest
 - Southern California Fellfield
 - White Mountains Fellfield

- S2.3
 - Bristlecone Pine Forest
 - Limber Pine Forest



PALA BAND OF MISSION INDIANS

35008 Pala Temecula Rd. PMB 50
Pala, CA 92059

Ph: (760) 891-3500
Fax: (760) 742-1411

MAY 24 2010

May 20, 2010

David Sibbet, Project Manager
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: Warner Ranch, Log No. 06-02-020; 3810 06-002

Dear Mr. Sibbet:

The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes the Band's response to the cultural resource issues raised by the project.

The Pala Band is unequivocally and adamantly opposed to this project in its entirety. Not only are there known and recorded archaeological, cultural, and historic resources within the project boundaries and the project APE, but the land itself is part of a larger area considered to be of essential religious, spiritual, and cultural significance to the Pala people. The proposed development would encroach upon this territory in a way that cannot be mitigated.

If, in spite of our opposition, the County continues with its plans to have the Applicant prepare an Environmental Impact Report, then we must insist that the Cultural Resources portion of the report be prepared with our full input and participation, including Native American cultural monitors and continuous government-to-government consultation to the fullest extent allowed by CEQA and NEPA regulations.

At this time, we urge the County to withdraw the Notice of Preparation for an EIR for this project. As proposed, the development is in violation not only of the County's current General Plan, but proposed 2020 General Plan. We will continue to oppose any amendments of the General Plan and/or Specific Plan, as well as any Rezone or Vesting Tentative Map. Our opposition to this project will remain steadfast at every level.

Sincerely,

Robert H. Smith, Chairman
Pala Band of Mission Indians

CC: Shasta C. Gaughen, THPO
Lenore Lamb, Director, Pala EPA

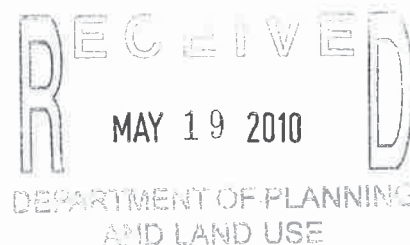
CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



May 13, 2010

David Sibbet
San Diego County
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123



Dear Mr. Sibbet:

The California Energy Commission has received the San Diego County's Notice of Preparation titled Warner Ranch, Log No. 06-02-020;3810 06-002, SCH 2010041106 that was submitted on 4/29/2010 for comments due by 5/28/2010. After careful review, the Energy Commission has found the following:

We would like to assist in reducing the energy usage involved in your project. Please refer to the enclosed Appendix F of the California Environmental Quality Act for how to achieve energy conservation.

In addition, the Energy Commission's *Energy Aware Planning Guide* is also available as a tool to assist in your land use planning. For further information on how to utilize this guide, please visit www.energy.ca.gov/energy_aware_guide/index.html.

Thank you for providing us the opportunity to review/comment on your project. We hope that our comments will be helpful in your environmental review process.

If you have any further questions, please call Gigi Tien at (916) 651-0566.

Sincerely,

BILL PFANNER
Supervisor, Local Energy & Land Use Assistance Unit
Special Projects Office
Fuels and Transportation Division
California Energy Commission
1516 Ninth Street, MS 23
Sacramento, CA 95814

Enclosure

Appendix F

ENERGY CONSERVATION

I. Introduction

The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:

- (1) decreasing overall per capita energy consumption,
- (2) decreasing reliance on natural gas and oil, and
- (3) increasing reliance on renewable energy sources.

In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.

Energy conservation implies that a project's cost effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, lifetime costs may be determined more by energy efficiency than by initial dollar costs.

II. EIR Contents

Potentially significant energy implications of a project should be considered in an EIR. The following list of energy impact possibilities and potential conservation measures is designed to assist in the preparation of an EIR. In many instances, specific items may not apply or additional items may be needed.

A. Project Description may include the following items:

1. Energy consuming equipment and processes which will be used during construction, operation, and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project.
2. Total energy requirements of the project by fuel type and end use.
3. Energy conservation equipment and design features.
4. Initial and life-cycle energy costs or supplies.
5. Total estimated daily trips to be generated by the project and the additional energy consumed per trip by mode.

B. Environmental Setting may include existing energy supplies and energy use patterns in the region and locality.

C. Environmental Impacts may include:

1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project's life cycle including construction, opera-

tion, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.

2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
3. The effects of the project on peak and base period demands for electricity and other forms of energy.
4. The degree to which the project complies with existing energy standards.
5. The effects of the project on energy resources.
6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

D. Mitigation Measures may include:

1. Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
2. The potential of siting, orientation, and design to minimize energy consumption, including transportation energy.
3. The potential for reducing peak energy demand.
4. Alternate fuels (particularly renewable ones) or energy systems.
5. Energy conservation which could result from recycling efforts.

E. Alternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy.

F. Unavoidable Adverse Effects may include wasteful, inefficient and unnecessary consumption of energy during the project construction, operation, maintenance and/or removal that cannot be feasibly mitigated.

G. Irreversible Commitment of Resources may include a discussion of how the project preempts future energy development or future energy conservation.

H. Short-Term Gains versus Long-Term Impacts can be compared by calculating the energy costs over the lifetime of the project.

I. Growth Inducing Effects may include the estimated energy consumption of growth induced by the project.



1600 Pacific Highway • Room 452 • San Diego, CA 92101
(619) 531-5400 • FAX (619) 557-4190

San Diego Local Agency Formation Commission

Website: www.sdlafco.org

Chairman

Bud Pocklington
South Bay
Irrigation District

May 20, 2010

Vice Chairman

Carl Hilliard
Councilmember
City of Del Mar

TO: David Sibbet, Environmental Planner
Department of Planning and Land Use (O650)

Members

Bill Horn
County Board of
Supervisors

FROM: Chief, Governmental Services
Local Agency Formation Commission (A216)

Dianne Jacob
County Board of
Supervisors

SUBJECT: Notice of Preparation of an Environmental Impact Report (EIR):
Warner Ranch, Log No. 06-02-020; 3810 06-002; SP 06-002;
GPA 06-009; R06-011; VTM5508RPL³

Donna Frye
Councilmember
City of San Diego

Thank you for the opportunity to provide recommendations/comments on the above-referenced project. As you know, LAFCO is responsible for encouraging the efficient provision of public services and has purview over changes to local government organization and any associated sphere of influence actions. Since jurisdictional changes would be required to implement the proposed project, LAFCO will have discretion over those proposed changes to governmental services and will be a responsible agency for the associated environmental review. All proposed jurisdictional changes should be identified both in the project description and on the list of discretionary actions contained in the summary section of the environmental review document.

Mark Lewis
Mayor
City of El Cajon

John Ingalls
Santa Fe
Irrigation District

Andrew L. Vanderlaan
Public Member

Alternate Members

Greg Cox
County Board of
Supervisors

Specifically, the EIR should contain a description of proposed public facilities and discuss the following: (1) the manner in which public services (i.e., water, sewer, fire protection, etc.) are proposed to be provided to the project area; (2) the ability of subject agencies to provide service(s) to additional territory; (3) the growth inducing effects associated with a service area expansion; (4) impacts to open space and agricultural lands; and (5) all associated direct, indirect, and cumulative environmental impacts associated with the proposed boundary and sphere of influence change(s) to local governmental agencies. Therefore, we offer the following comments.

Sherri Lightner
Councilmember
City of San Diego

Jim Janney
Mayor
City of Imperial Beach

Jo MacKenzie
Vista Irrigation District

Open Space and Agricultural Preservation

Harry Mathis
Public Member

Executive Officer

Michael D. Ott

Government Code Sections 56001 and 56301, direct LAFCOs to preserve open space and prime agricultural lands, and to establish local policies to further the intent of these statutes. San Diego LAFCO Policy L-101 supports preservation, discourages the conversion of agricultural land to other uses, and assists the Commission in guiding development away from prime agricultural land. Since LAFCOs were established to oversee the efficient

Counsel

Karen Landers

extension of government services, consideration of how spheres of influence and/or changes to local governmental organization could affect open space and prime agricultural lands is required when the Commission considers proposed jurisdictional changes. According to the Notice of Preparation (NOP), the proposed project site has been actively farmed and is currently zoned A-70 and A-72, which are agricultural designations. Therefore, the EIR needs to evaluate the proposed changes to the land use designations in the context of LAFCO Policy L-101. A copy of the policy is enclosed. Per this policy and State statute, the EIR needs to identify and analyze the impact the project will have on prime agricultural lands, as defined by Government Code Section 56064.

Factors to Consider

State Law outlines a number of factors that LAFCO must consider when reviewing a jurisdictional change proposal (Government Code Section 56668[a-n]). The factors pertain to environmental matters and relate to population, topography, drainage basins, and growth; the need for public services; affects on adjacent territory, and community character; conformity with general plans and land use designations as well as local policies; and adequacy and service availability/capacity. The environmental document should review and address the factors contained in Government Code Section 56668 as they relate to the proposed project.

Project Description and Proposed Jurisdictional Changes

The development plan involves constructing 780 residential units (556 single-family houses and 224 multi-family town homes) on approximately 514 acres, creating an 8-acre public park, devoting 11± acres to private parks, and preserving 344 acres of open space. Currently, only a portion of the project is in the Rainbow Municipal Water District (MWD), and only one parcel is in the District's sphere of influence. The remainder of the project site is neither in a water or sewer service agency nor in any water or sewer agency's sphere of influence.

- Water

Even though part of the project area is in Rainbow MWD, the NOP states that the District is unwilling to serve the proposed development. Therefore, detachment from Rainbow MWD concurrent with annexation of the entire project site to Yuima MWD for water service is proposed. Annexation to a member agency of the San Diego County Water Authority (CWA) also requires annexation both to CWA and the Metropolitan Water District of Southern California (MET) as well as an expansion of all agencies' spheres of influence (Yuima MWD, CWA, and MET) to include the annexation territory. It should be noted that the two Rainbow MWD parcels within the project footprint already are in the

boundaries of the wholesale water providers and thus will not require annexation to CWA and MET. Moreover, to determine whether Yuima MWD is the most logical service provider, LAFCO would be required to conduct a Municipal Service Review (MSR) and sphere of influence update study especially since the site is approximately 2½ miles from the District's exterior boundary.

Although discontinuous annexations are permitted under State statute, the EIR needs to evaluate potential environmental impacts associated with the extension of services to remote territory. Although the County Water Authority's proposed water pipeline extension to Yuima MWD passes through a portion of the project area, the pipeline appears to be some distance from the location where actual development is proposed to occur. Therefore, the EIR should contain a thorough discussion to explain how service to this non-contiguous area can be efficiently provided. Potential growth-inducing impacts associated with the proposed extension of public services need to be fully disclosed and analyzed.

- Sewer/Wastewater

According to the NOP, annexation to Yuima MWD also is requested so that the project would have access to public sewer service. While Yuima MWD provides water and fire protection services, the District currently does not furnish sewer service and does not have the legal authority to do so. For Yuima MWD to be the sewer service provider for the proposed project, LAFCO would have to activate the District's latent sewer powers before the District would be legally entitled to provide that service. Potential growth-inducing impacts associated with the provision of sewer service also need to be fully disclosed and analyzed.

- Fire and Emergency Medical Services

The NOP incorrectly states that a portion of the project area is in the North County Fire Protection District (FPD) and that the area outside the FPD is in the District's sphere of influence. Our research indicates that none of the subject territory is in the FPD, only a portion is in the sphere, and the majority of the project site is in the zone of County Service Area (CSA) No. 135 that provides fire and emergency medical services. In addition, Yuima MWD provides fire services on a contractual basis throughout the District's service area. If the project were to annex into North County FPD, the District's sphere would have to be amended to include the annexation territory. Moreover, the property would then need to be concurrently detached from the fire zone of CSA No. 135 and excluded from Yuima's fire service area to avoid an overlap of fire service responsibility. The fire and emergency medical services section of the EIR needs to contain an analysis of any jurisdictional changes related to fire and emergency medical services, and an evaluation of the adequacy of existing and proposed service expansion.

David Sibbet
May 20, 2010
Page Four

Conclusion

Because the NOP lacks a map drawn to scale that precisely depicts the boundaries of the project site with respect to roads and other landmarks in the area, it was difficult to provide meaningful comments. The Final EIR should contain an accurate map clearly outlining the project boundary and of those special districts that are proposed to be the service providers. This will help illustrate the correlation between the project area and the special districts in question.

In summary, several activities and actions would be required of LAFCO if the project were to be implemented as currently proposed. These include: (1) conducting an MSR and associated sphere of influence update study that incorporates the subject territory within the spheres of influence for Yuima MWD, San Diego CWA, and MET; (2) annexing the project site to all three agencies (except for the Rainbow MWD parcels, which only have to annex to Yuima MWD); (3) detaching the project from the Rainbow MWD; (4) activating Yuima MWD's sewer latent powers either district-wide or restricted to the annexation area; (5) amending the North County FPD's sphere to include the entire project; (6) annexing the subject property to North County FPD; (7) removing the parcels from the fire zone of CSA No. 135; and (8) excluding the territory from Yuima MWD's fire service area.

Should you have any questions, or if LAFCO may be of any further assistance, please contact me at (619) 531-5400 or by e-mail at Ingrid.Hansen@sdcounty.ca.gov.

Sincerely,



INGRID E. HANSEN
Chief, Governmental Services

IEH:ih

Enclosure: Policy L-101

Subject

PRESERVATION OF OPEN SPACE AND AGRICULTURAL LANDS

Purpose

To further the policies and priorities of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 regarding the preservation of open space and prime agricultural lands.

Background

The State Legislature has instructed Local Agency Formation Commissions to establish policies that address the preservation of open space (Govt. Codes § 56300 and 56377). LAFCOs are required to consider how spheres of influence or changes of local governmental organization could affect open space and prime agricultural lands. Commissions are directed to guide development away from prime agricultural lands – unless that action would not promote the planned, orderly and efficient development of an area – and to encourage development of existing vacant or non-prime agricultural lands within a jurisdiction before approving any proposal that would allow development of open-space lands outside of an agency's boundary (Govt. Code § 56377). Proposals must be further reviewed for their effect on maintaining the physical and economic integrity of agricultural lands (Govt. Code § 56668).

Policy

It is the policy of the San Diego Local Agency Formation Commission to:

1. Discourage proposals that would convert prime agricultural or open space lands to other uses unless such an action would not promote the planned, orderly, efficient development of an area *or* the affected jurisdiction has identified all prime agricultural lands within its sphere of influence and adopted measures that would effectively preserve prime agricultural lands for agricultural use;
2. Require rezoning of territory (city only) to identify areas subject to agricultural/preservation and planned development;

L-101 LEGISLATIVE POLICY

3. Follow San Diego LAFCO's adopted procedures to define agricultural and open space lands and to determine when a proposal may adversely affect such lands.

Adopted: November 6, 1978
Amended: June 4, 1990
Amended: May 4, 1998
Technically Updated: January 1, 2001

Cross-reference:

SAN DIEGO LAFCO PROCEDURES:

-Open Space and Agricultural Preservation

Sibbet, David

From: Dan Silver [dsilverla@me.com]
Sent: Tuesday, May 11, 2010 9:37 AM
To: Sibbet, David
Cc: Michael Fitts
Subject: Warner Ranch, 3810 06-002

May 11, 2010

David Sibbet
DPLU
5201 Ruffin Rd, Suite B
San Diego, CA 92123

RE: Warner Ranch, 3810 06-002

Dear Mr Sibbet:

EHL is in receipt of the Notice of Preparation for this project. Please retain us on all mailing and distribution lists for the project, including CEQA documents and public hearings.

With best regards,
Dan

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750
dsilverla@me.com
www.ehleague.org

5/12/2010

Sibbet, David

From: Dan Silver [dsilverla@me.com]
Sent: Wednesday, May 26, 2010 4:00 PM
To: Sibbet, David
Subject: WARNER RANCH, LOG NO. 06-02-020; 3810 06-002

May 26, 2010

Dave Sibbet
 Dept of Planning and Land Use
 5201 Ruffin Rd, Suite B
 San Diego, CA 92123

RE: Notice of Preparation for WARNER RANCH, LOG NO. 06-02-020; 3810 06-002

Dear Mr. Sibbet:

In regard to TRANSPORTATION/TRAFFIC, the Endangered Habitats League would like to submit information on traffic impacts from the proposed Warner Ranch on SR-76. If you could acknowledge receipt of this message, that would be appreciated. The information comes from two sources:

1. Draft Environmental Assessmsnt and Tribal Environmental Impact Report for the Pauma Casino and Hotel, July 2007
2. SR-76 East Corridor Study, March 2007, Reservation Transportation Authority (Springer & Assc., Inc, Linscot, Law & Greenspan, funded by CalTrans

Unfortunately, we only have hard copies of these documents. If needed, I we can have copies made and mailed to you, at least of the relevant portions.

The first point is that assumed trip distribution for the Pauma project differs widely from the 40% Eastbound/-60% Westbound proposed by the Warner Ranch people. The Pauma EA assumed an 8% distribution for arrivals/departures East on SR 76 and 92% Westbound. While the Pauma Project is a trip destination and the Warner Ranch project is a trip origin, we do not think this distinction justifies such a wide disparity in directional split.

Here is the relevant text from the Pauma EA:

"The project traffic was distributed to the street system based on the proximity of I-15 to the site, the population distribution, and the location of other gaming facilities. Approximately 8 percent of the trips are assumed to arrive/depart from areas east of the hotel and expanded casino. The assignment of 20 percent along north I-15 is due to potential patrons in Riverside County. The 30 percent assignment west of I-15 on SR-76 is due to SR-76 being a direct feeder into Oceanside and to Interstate 5 serving patrons from Orange County and Los Angeles. The 40 percent assigned to south I-15 is due to the large population base of the San Diego metropolitan area. Figures 22 and 23 show the assignment of project traffic based on the established trip distribution percentages and project PM peak hour traffic." (pg 187.)

5/27/2010

The second point is that Warner Ranch will almost surely put SR-76 into level of service F under virtually credible assumption regarding directional split. The March 2007 Reservation Transportation Authority study of SR-76 funded by Caltrans and performed by Sprigner & Associates and Linscott, Law & Greenspan assessed future traffic volumes on SR-76 in the year 2035. It explicitly includes the Warner Ranch development in its projections. There is no explanation as to how the Warner Ranch trips were distributed on the network, but it had to have been done by the consultants to make the projections. Perhaps Caltrans could call the consultants to see how they treated this issue.

What is notable in the report is that the projected volumes are such that they support widening the SR 76 to 4 lanes at least until Valley Center Road near Rincon reservation. For example, the current capacity at LOS E of the existing SR 76 is 16,200, whereas west of Valley Center Road year 2035 Friday ADT would be 28,770, and West of Pauma would be 36,840. This analysis did NOT factor in the GP 2020/Update, however, which would bring down these projected numbers considerably.

Critically, however, *current* volumes as of 2006 are already at 11,660 for West of Pauma and 8,870 for west of Valley Center near Rincon. Moreover, the Pauma casino expansion *alone* is expected to add 4,512 trips to this existing level. As mentioned, 92% of these trips would use the western SR-76 route, according to the Pauma EA. This would add 4,151 trips to the existing 11,660, for a total of 15,881 ADT west of Pauma, already very close to the existing capacity of 16,200 ADT, or about 98% of capacity.

Assuming these numbers are in the ballpark, it seems highly unlikely that the *thousands* of added trips from Warner Ranch would not turn the existing SR 76 well into level of service F at peak weekday hours, as well as on Saturday, when casino-related traffic volumes are at their highest. This "tipping point" would likely hold true even if the 60% westbound/40% eastbound assumption forwarded by Warner Ranch people was supported by any evidence.

With best regards,

Dan

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750
dsilverla@me.com
www.ehleague.org

Sibbet, David

From: Dan Silver [dsilverla@me.com]
Sent: Wednesday, May 26, 2010 4:00 PM
To: Sibbet, David
Subject: WARNER RANCH, LOG NO. 06-02-020; 3810 06-002
Attachments: Response to Comments 10 01 08.pdf; ATT1923174.htm

May 26, 2010

Dave Sibbet
Dept of Planning and Land Use
5201 Ruffin Rd, Suite B
San Diego, CA 92123

RE: Notice of Preparation for WARNER RANCH, LOG NO. 06-02-020; 3810 06-002

Dear Mr. Sibbet:

In regard to UTILITIES AND SERVICE SYSTEMS and HYDROLOGY AND WATER QUALITY, the Endangered Habitats League would like to submit information from the Yuima Northern Route Pipeline Project Final EIR/EA (attached). Two excerpts are placed below. If you could confirm receipt of this message, that would be much appreciated.

With best regards,
Dan

Comment Letter 6 – Endangered Habitats League

Page RTC-35

6-1 The statements provided in the comment are accurate. As stated in Section 2.2, Proposed Action Purpose/Need, the two purposes of the proposed action are to: (1) provide additional peak water transportation capacity to meet the increasing needs of the existing primarily agricultural water users served by YMWD; and (2) provide the primary means of delivering water to the member Bands of the SLRIWA, pursuant to their entitlements under the provisions of Public Law 100-675. YMWD's projections indicate that the long-term sustainable yield from local water resources, which now supply approximately half of the agricultural water used in YMWD's existing service area, has already been exceeded. Additional supplies of imported water will be required to meet peak forecasted irrigation demands within YMWD's existing service area as soon as summer 2011

Comment Letter 2 – US Fish and Wildlife Service (Emphasis added.)

Page RTC-5

As discussed in EIR/EA Section 7.1.3, Growth-Inducing Impacts of the Proposed Action, the primary purpose and need of the proposed action is to provide additional peak water transmission capacity to meet the increasing needs of the mostly agricultural water users served by YMWD. The proposed action would not be used to expand the existing YMWD customer base or serve future development areas within the YMWD service area. In addition, the proposed pipeline would be a high-pressure line that would not be designed to allow for individual connections. *Therefore, the proposed action would not facilitate additional development within the County beyond the level currently forecast* that could have a potentially significant cumulative impact on the preserve design of the draft NCMSCP.

Dan Silver, Executive Director
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RESPONSE TO COMMENTS

The written comments provided on the following pages were submitted to YMWD and BIA during the public review period for the Northern Route Pipeline Draft Project EIR/EA. All comment letters received were individually numbered, as indicated below in the Comment Letter Index. Responses to each comment were then prepared by the lead agencies, YMWD and BIA. As shown on the following pages, the lead agencies' response is provided on the right side of the page opposite each individually numbered comment.

Some comment letters received during the Draft EIR/EA public review period contained comments that resulted in changes to the Final EIR/EA text. The changes are identified in the Final EIR in tracking mode (strikeout/underline) or in a descriptive form, so that the original and revised text may be compared.

COMMENT LETTER INDEX

Comment Letter 1 – State Clearinghouse

Comment Letter 2 – U.S. Fish and Wildlife Service and California Department of Fish and Game

Comment Letter 3 – Native American Heritage Commission

Comment Letter 4 – County of San Diego

Comment Letter 5 – San Diego Gas & Electric (SDG&E)

Comment Letter 6 – Endangered Habitats League

Comment Letter 7 – Pala-Pauma Sponsor Group

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COMMENTS

RESPONSES



ARNOLD SCHWARZENEGGER
GOVERNOR

June 17, 2008

Linden Burzell
Yuba Municipal Water District
34928 Valley Center Road
P.O. Box 177
Pauma Valley, CA 92061-0177

Subject: Northern Route Pipeline Project
SCH#: 2007091022

Dear Linden Burzell:

The State Clearinghouse submitted the above named Joint Document to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 16, 2008, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov



CYNTHIA BRYANT
DIRECTOR

Comment Letter 1 – State Clearinghouse

1-1 This comment does not address the adequacy or accuracy of information provided in the EIR/EA. Therefore, no further response is required.

COMMENTS

RESPONSES

Document Details Report
State Clearinghouse Data Base

SCH# 2007091022
Project Title Northern Route Pipeline Project
Lead Agency Yuima Municipal Water District

Type JD Joint Document
Description NOTE: Joint document consists of a Draft EIR and an Environmental Assessment.

Construction and operation of an 11.7-mile gravity-fed, potable water transmission pipeline and related facilities (connections, flow control facility, turnout, pump station, and two regulating reservoirs) to meet increasing demand in the YMWWD service area and to provide water to the San Luis Rey Indian Water Authority (5 Indian Tribal members - Pala, Pauma/Yuima, Rincon, La Jolla, and San Pasqual).

Lead Agency Contact

Name Linden Burzell
Agency Yuima Municipal Water District
Phone (760) 742-3704 **Fax**
email
Address 34928 Valley Center Road
 P.O. Box 177
City Pauma Valley **State** CA **Zip** 92061-0177

Project Location

County San Diego
City
Region
Lat / Long
Cross Streets Mordigan Lane, Rainbrook Drive, SR-76, and Community Church Drive
Parcel No.
Township 9, 10S **Range** 1W, 2W **Section** Many **Base** Pala/Bou

Proximity to:

Highways SR 76
Airports Pala, Lyall-Roberts
Railways
Waterways San Luis Rey River watershed
Schools Valley Center High School (3 miles away)
Land Use Mostly agriculture, low density residential and undeveloped tribal/trust lands

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Noise; Public Services; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 9; Department of Parks and Recreation; Native American Heritage Commission; Department of Health Services; Office of Historic Preservation; Department of Fish and Game, Region 5; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 11; Department of Toxic Substances Control; State Water Resources Control Board, Division of Water Rights; State Water Resources Control Board, Clean Water Program

Date Received 09/02/2008 **Start of Review** 09/02/2008 **End of Review** 09/16/2008

Note: Blanks in data fields result from insufficient information provided by lead agency

COMMENTS

RESPONSES



U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92011
(760) 431-9440
FAX (760) 431-5902 ~ 9618



California Department of Fish & Game
South Coast Region
4949 Viewridge Avenue
San Diego, California 92123
(858) 467-4201
FAX (858) 467-4299

In Reply Refer To:
FWS-SDG-08B0541-08TA0619

Mr. Linden Burzell
General Manager
Yuima Municipal Water District
P.O. Box 177
Puma Valley, California 92061-0177

Mr. John P. Rydzik
Environmental Scientist
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

Re: Draft Environmental Impact Report/Environmental Assessment for the Northern Route Pipeline Project, San Diego County, California (SCH No. 2007091022)

Dear Mr. Burzell and Mr. Rydzik:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), hereafter referred to as the Wildlife Agencies, have reviewed the above-referenced draft Environmental Impact Report and Environmental Assessment (EIR/EA), dated May 2, 2008. The Wildlife Agencies have identified potential effects of this project on sensitive habitats and species, and regional conservation planning efforts. The comments provided herein are based on the information provided in the draft EIR/EA, the Wildlife Agencies' knowledge of sensitive and declining vegetative communities, and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*). The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381, respectively, and is responsible for the conservation of the State's biological resources, pursuant to the California Endangered Species Act, and other sections of the California Fish and Game

TAKE PRIDE
IN AMERICA 

COMMENTS

RESPONSES

Mr. Linden Burzell and Mr. John P. Rydzik (FWS-SDG-08B0541-081A061)

Code. The Department also administers the Natural Community Conservation Planning program.

The proposed project involves the construction and operation of an 11.7-mile potable water transmission pipeline, connections, flow control facility, turnout, pump station, and two storage tanks to meet increasing demand within the Yuima Municipal Water District (YMWD) service area and to provide water to the San Luis Rey Indian Water Authority (SLRIWA). The proposed pipeline and related facilities would be located in Pauma Valley, San Diego County, California. The pipeline would run from west to east, beginning with a connection point at the San Diego County Water Authority's First Aqueduct Pipelines No. 1 and 2 near the intersection of Mordigan Lane and Rainbrook Drive. The pipeline would extend easterly through the Pala Indian Reservation and connect with YMWD's existing facilities near the intersection of State Route 76, Community Church Drive, and Pauma Valley Drive.

Fourteen vegetation communities, totaling 147.22 acres, are located within the proposed project alignment. Portions of the project are located within the draft Pre-approved Mitigation Area (PAMA) for the draft North County Multiple Species Conservation Program. Sensitive species occurring within the project area include, but are not limited to, the federally and State endangered southwestern willow flycatcher (*Empidonax traillii eximius*; flycatcher), the federally endangered arroyo toad (*Bufo californicus*; arroyo toad), and coastal cactus wren (*Campylorhynchus brunneicapillus couesi*).

The Wildlife Agencies appreciate the opportunity to comment on this draft EIR/EA. We offer our recommendations and comments in the Enclosure to assist the YMWD and BIA in avoiding, minimizing, and mitigating project impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts.

If you have any questions, please contact David Lawhead of the Department at (858) 627-3957, or Michelle Moreno of the Service at (760) 431-9440.



for
Therese O'Rourke
Assistant Field Supervisor
U.S. Fish and Wildlife Service

Sincerely,



Stephen M. Juarez
Environmental Program Manager
California Department of Fish and Game

cc: State Clearinghouse

COMMENTS

**Wildlife Agency Comments and Recommendations on the
Draft Environmental Impact Report/Environmental Assessment for the
Northern Route Pipeline Project**

- 2-1 1. The Wildlife Agencies are concerned about the proposed project's inconsistency with the draft North County Multiple Species Conservation Program (NCMSCP) relative to preserve design and wildlife movement linkages/corridors. The proposed project area is located within the PAMA, and contains some of the few remaining large blocks of native habitat in the NCMSCP. These areas are known to support several federally and/or state-listed species (e.g., arroyo toad, coastal California gnatcatcher, and southwestern willow flycatcher), which are being analyzed for coverage under the NCMSCP.
- 2-2 The proposed project would facilitate development levels within the study area beyond those currently forecast by providing water resources beyond the currently projected need. The additional development would potentially have significant cumulative direct and indirect (e.g., traffic affecting wildlife movement) effects on the preserve design of the NCMSCP and on sensitive species and their habitats. We request that the final EIR/EA address project-related impacts, including infrastructure development and growth-inducing effects, as they relate to preserve design and species proposed for coverage under the NCMSCP.
- 2-3 2. The Draft EIR/EA on pages 4.3-2 and 3 indicates that a jurisdictional wetland delineation was conducted along the pipeline route to assess potential impacts to Federal jurisdictional wetlands and waters of the U.S. However, no delineation of Department jurisdiction under Fish and Game Code Section 1600, Streambed Alteration Agreements, was conducted. Department jurisdiction for this resource is often greater than that of the U.S. Army Corps of Engineers. The final EIR/EA should include an estimate of impacts to Department jurisdiction wetlands and stream courses. For the Department, final mitigation requirements for these impacts will be determined through the Streambed Alteration process, and may be greater than those proposed in the EIR/EA. Because the project is being developed and constructed by the Yuima Municipal Water District, and not a tribal agency, it is likely that impacts to wetlands on tribal lands would also be subject to Streambed Alteration Agreement requirements.
- 2-4 3. The designation for southern steelhead (*Oncorhynchus mykiss*, steelhead) as a federally endangered species extends from the Santa Maria River in Santa Barbara County to the United States border with Mexico. While the San Luis Rey River was not designated as critical habitat, it was acknowledged by the National Marine Fisheries Service that the rivers in San Diego County including the San Luis Rey and the Santa Margarita will most likely contribute significantly to its recovery. Last year, the Department observed a steelhead in the San Luis Rey River within 0.5 mile of College Boulevard, and there are several historical records of steelhead at or very near the headwaters of the San Luis Rey River (e.g., reports from 1874 of native trout in Warner's pass at the head of the River, and a report by Eigenmann in 1890 describes native trout in Pala Creek, a tributary to the San Luis Rey River). As recent as 1946 Hubbs reported native trout abundant in streams near Smith Mountain (now Palomar Mountain) and Pala in the headwaters of the San

RESPONSES

Comment Letter 2 – U.S. Fish and Wildlife Service and California Department of Fish and Game

- 2-1 This comment questions the proposed action's consistency with the draft North County Multiple Species Conservation Program (NCMSCP), which is currently in draft form and has not been adopted. The proposed action is not required to comply with an unadopted plan. The proposed action is the construction of an 11.7-mile underground pipeline and related above-ground support facilities. Once constructed, the proposed pipeline alignment would be revegetated and no further disturbance would occur. Maintenance and inspection of the proposed pipeline would be accomplished through perpendicular access points, thereby eliminating the need for a new permanent access road along the alignment. The proposed above-ground support facilities would be relatively small structures located in developed or agricultural areas. The largest proposed above-ground structures are two storage tanks that would be located Pala Indian Reservation land, which is not included in the draft NCMSCP. Thus, the construction and operation of the proposed pipeline and above-ground support facilities would not result in permanent adverse impacts to proposed NCMSCP preserve areas or wildlife movement linkages/corridors. Further, the Draft EIR/EA fully addresses potential impacts to arroyo toad, coastal California gnatcatcher, and southwestern willow flycatcher. See Section 4.3, Biological Resources for a more detailed discussion and analysis of these potential impacts.

- 2-2 As discussed in EIR/EA Section 7.1.3, Growth-Inducing Impacts of the Proposed Action, the primary purpose and need of the proposed action is to provide additional peak water transmission capacity to meet the increasing needs of the mostly agricultural water users served by YMWD. The proposed action would not be used to expand the existing YMWD customer base or serve future development areas within the YMWD service area. In addition, the proposed pipeline would be a high-pressure line that would not be designed to allow for individual connections. Therefore, the proposed action would not facilitate additional development within the County beyond the level currently forecast that could have a potentially significant cumulative impact on the preserve design of the draft NCMSCP. The EIR/EA adequately addresses the issue of growth inducement in the County. Therefore, no further analysis is warranted.

The EIR/EA also recognizes that the proposed action would provide a more reliable water supply and allow for the construction of new development on the five Native American reservations that make up the SLRIWA. While new development on tribal lands would have the potential to result in environmental impacts, it would not be required to comply with local plans, such as the draft NCMSCP. The draft NCMSCP, when adopted, would not include or have authority over land governed by tribal nations. Therefore, the proposed preserve areas within the draft NCMSCP would not be affected by development on tribal

COMMENTS

RESPONSES

2-4
cont.

Luis Rey River system (Swift et al., 1993¹). There is sufficient water in the San Luis Rey River for the steelhead to move up to and past I-15 (i.e., into the project area), barring any un-identified barriers further upstream of the location it was observed. Department fisheries biologists have been studying the San Luis Rey River and its tributary creeks for possible opportunities to promote steelhead recovery in San Diego County, and a number of creeks that the proposed pipeline would cross are considered potential steelhead habitat. In particular, Gomez Creek, Pala Creek, Agua Tibia Creek, Frey Creek, and Pauma Creek all have the potential to support steelhead populations, and Pauma Creek currently supports a native trout population. The draft EIR/EA does not discuss the potential project-related impacts on the steelhead. A revised draft or the final EIR/EA should (a) analyze such impacts (fish surveys should be conducted prior to the preparation of the final EIR/EA), (b) address how the project would avoid, minimize, and mitigate for the impacts and (c) address the permitting process that may be necessary for the project. In particular, any trenching work on these creeks should be conducted during the dry season, when water is absent. Work should be completely avoided after the first heavy rains of the winter season.

2-5

4. The final EIR/EA should include a detailed discussion of project-related direct and indirect impacts to federally and state listed species, including the steelhead, flycatcher and arroyo toad. If it is determined that an adverse effect or "take" of flycatcher, steelhead and/or arroyo toad may occur from the proposed project, the appropriate permits must be obtained from the Wildlife Agencies (i.e., section 7 or section 10 from the Service, section 7 or section 10 from NOAA, and CESA approvals from the Department) before project implementation.

2-6

5. Portions of the proposed project are located within designated critical habitat for the gnatcatcher. The final EIR/EA should discuss potential direct and indirect impacts to designated gnatcatcher critical habitat. In addition, if there is a Federal nexus (i.e., within the jurisdiction of the U.S. Army Corps of Engineers, Environmental Protection Agency, BIA, etc.) formal consultation per section 7 of the Act may be necessary to address project related impacts to designated gnatcatcher critical habitat.

2-7

6. Page 4.3-32, of the draft EIR/EA refers to the County of San Diego Biological Mitigation Ordinance (BMO). The BMO only applies to those areas within the approved County of San Diego Multiple Species Conservation Program. The proposed project is located within the boundaries of the NCMSCP, which is still under preparation, and the YMWD currently is not part of this planning effort. Therefore, the BMO does not apply to the proposed project. Therefore, all references to the BMO should be removed from the final EIR/EA.

2-8

7. The final EIR/EA should provide a table that clearly identifies the acreage of impact for each vegetation community impacted by the proposed project. Impact acreages should include all temporary and permanent impacts associated with the construction of the

¹ Swift et al., 1993. The Status and Distribution of the Freshwater Fishes of Southern California. Bull. Southern California Acad. Sci. 92(3): 1993 pp. 101-167

lands. However, all proposed new development on tribal lands would require adequate review in accordance with NEPA.

2-3

This comment requests that impacts to areas of CDFG jurisdiction be discussed in the EIR/EA. The requested information has been added to the Final BTR and Final EIR/EA. As identified in Section 2.6, Discretionary Actions and Approvals, both an ACOE 404 permit and a CDFG 1602 permit are anticipated to be required for the proposed action. As stated in the comment, the final mitigation requirements will be determined as part of the permit process.

2-4

The proposed linear pipeline project would not cross the San Luis Rey River. The pipeline would be located north of, and parallel to, the San Luis Rey River. There is no record of southern steelhead in the CNDDDB for the Pala or Boucher Hill quads where the proposed action is located. Further, there are no CNDDDB records of steelhead for the Bonsall, San Luis Rey, or Oceanside quads, all of which include the San Luis Rey River.

As discussed in the Jurisdictional Delineation for the Proposed Northern Route Pipeline Project (PBS&J 2008), the proposed project would cross several tributary drainages of the San Luis Rey River, that are defined as seasonal, intermittent streams that carry winter stormwater flow from the mountain foothills southwesterly to the San Luis Rey River. These are considered non-wetland waters or "Other Waters of the U.S." Potential temporary impacts to other waters of the U.S. from project construction were identified in the EIR/EA and mitigation measures were recommended to reduce impacts to below a level of significance. Mitigation measure Bio-12 requires construction activities to be performed during the dry season, when water is absent from the creeks and tributary streams. Fish surveys would be unnecessary because no fish would be present during project construction, as required by Bio-12. Therefore, no direct impacts to southern steelhead would occur.

Mitigation measure Bio-11 would minimize impacts to non-wetland waters of the U.S. by reducing the construction corridor in these areas. Mitigation measure Bio-12 also requires implementation of erosion control measures to prevent impacts to water quality in downstream receiving waters. These measures would minimize indirect water quality impacts to downstream receiving waters that may contain southern steelhead. Indirect impacts to steelhead would be less than significant.

Finally, as discussed in EIR/EA, the permitting process for impacts to wetlands would be a CDFG Streambed Alteration Agreement and ACOE Section 404 permit. No ESA permits would be required because there would be no take of listed species. The EIR/EA adequately addresses all the issues raised in the comment. No further analysis is warranted.

COMMENTS

RESPONSES

- 2-5 Section 4.3.5, Sensitive Species, of the EIR/EA discusses the proposed action's impacts to sensitive species including southwestern willow flycatcher (SWWF) and arroyo toad. The analysis concludes that direct impacts could result. Mitigation measures Bio-5 for arroyo toad, Bio-7 for construction monitoring, and Bio-10 for SWWF would be implemented to reduce potential impacts to these species to below a level of significance. As discussed in Response 2-4, the proposed action would not result in direct or indirect impacts to southern steelhead with implementation of mitigation measures Bio-11 and Bio-12. Therefore, with implementation of the mitigation measures discussed above, there would be no take of a listed species.
- 2-6 This comment addresses critical habitat area for the coastal California gnatcatcher (CAGN). CAGN is most commonly found in coastal sage scrub (CSS) vegetation. Section 4.3.5, Sensitive Species, of the EIR/EA discusses impacts to CSS from the proposed action. Impacts to this habitat type would be reduced with implementation of mitigation measure Bio-3, which requires mitigation of CSS at a 2:1 ratio. The western segment of the proposed pipeline alignment would cross 5.51 acres of CAGN critical habitat area, which would trigger a Section 7 consultation under the Endangered Species Act. This information has been added to the EIR/EA. The consultation requirement of Section 7 is triggered upon a determination that a proposed action "may affect" a listed species or designated critical habitat. The federal nexus is the ACOE 404 permit requirement for 0.17-acre impact to waters of the U.S. located in the CAGN critical habitat area. The ACOE would consult with USFWS to a new mitigation because Section 7 is required to ensure that the proposed action would not result in the modification or destruction of critical habitat.
- 2-7 The Final EIR/EA has been revised to remove all references to the BMO.
- 2-8 The estimated temporary and permanent acreage of impact for each sensitive habitat impacted by the proposed action has been identified and is provided in Table 4.3-4. This table identifies all temporary and permanent impacts associated with the construction of the proposed pipeline and related support facilities. The acreage impacts represent a worst-case scenario by assuming that the entire 100-foot wide construction corridor would be impacted. However, narrowing of the construction corridor would reduce these impacts.
- Temporary habitat impacts would be reduced through mitigation measure Bio-3, which requires that a revegetation plan be prepared and implemented for all temporary impacts to sensitive habitats within the construction corridor. All permanent impacts to sensitive habitats would be mitigated at the ratios identified in this measure. Estimated acreages of permanent habitat impacts have been added to mitigation measure Bio-3. It should also be noted that no permanent

COMMENTS

RESPONSES

- 2-8
cont. pipeline, associated facilities, required fuel management, and all access and/or maintenance roads.
8. The final EIR/EA should include a discussion of the amount, location and type of mitigation (on- or off-site preservation, conservation easement, mitigation bank credits, land acquisition, etc.) to be used for impacts to sensitive habitats and species resulting from development of the proposed project. Funding for the long-term management of on- and off-site mitigation lands should also be discussed. Impacts to listed species would require specific mitigation measures that may limit appropriate mitigation sites: (1) federally-designated critical habitat for the gnatcatcher would require mitigation within the same geographic polygon of critical habitat for gnatcatcher, and (2) impacts to occupied arroyo toad habitat and/or flycatcher habitat would require mitigation within occupied habitat within the same watershed, between Bonsall Bridge and Pauma Valley. The Wildlife Agencies are aware of several large-scale projects within the San Luis Rey River corridor that may also require mitigation for impacts to these species within the next several years. Thus, the final EIR/EA should also include a comprehensive analysis of cumulative effects, and the availability of appropriate mitigation for anticipated impacts from the proposed project and others.
- 2-9
9. Mitigation Measure Bio 3, on page 4.3-23 of the draft EIR/EA, states that YMWD and the BIA or its representatives will develop and begin implementing a revegetation plan for all temporary impacts to sensitive habitats within the construction corridor. In addition, this measure states that permanent impacts to sensitive habitats will be mitigated through a combination of creation, enhancement, and restoration. The applicant should submit all upland/species-specific creation/restoration/enhancement plans to the Wildlife Agencies for approval at least 30 days prior to initiating project impacts. Wetland-related mitigation plans will need to be finalized through the Federal 404 and Department Streambed Alteration Agreement processes. The plans should include the following information and conditions:
- 2-10
- All final specifications and topographic-based grading, planting and irrigation plans (with 0.5-foot wetlands contours and typical cross-sections) for the creation/restoration/enhancement sites. All graded areas will be left in a rough grade state with microtopographic relief (including channels for wetlands) that mimics natural topography, as directed by the Agencies. Topsoil and plant materials salvaged from the impacted areas (including live herbaceous, shrub and tree species) will be transplanted to, and/or used as a seed/cutting source for, the riparian/wetland creation and enhancement areas to the maximum extent practicable as directed by the Wildlife Agencies. Planting and irrigation will not be installed until the Wildlife Agencies have approved of the mitigation site grading. All plantings will be installed in a way that mimics natural plant distribution, and not in rows;
 - Planting palettes (plant species, size and number/acre) and seed mix (plant species and pounds/acre). The multitude of plant palettes proposed in the draft plans will include native species specifically associated with the habitat type(s).

impacts have been identified for riparian forest, mulefat scrub, coast live oak woodland, and southern willow scrub. These impacts would be considered temporary and would be mitigated through revegetation. Therefore, mitigation ratios for permanent impacts to these habitats have been removed from mitigation measure Bio-1.

- 2-9 As discussed in Response 2-8, the estimated permanent impact area for each sensitive habitat is identified in Table 4.3-4 of the Final EIR/EA and has been added to mitigation measure Bio-3. YMWD owns two parcels within the San Luis Rey River watershed totaling 1,137 acres that are anticipated to be suitable for impacts to upland habitat. Attachment 1, provided at the end of the Response to Comments section, shows the location of these parcels in relation to the proposed pipeline. APN 132-270-42 is 646 acres in size and APN 134-100-17 is 481 acres in size. YMWD understands the limitations of mitigation sites for CAGN critical habitat, arroyo toad and SWWF habitat and would provide suitable habitat in consultation with the wildlife agencies. Funding of long-term management of mitigation land would be provided through YMWD.

The comment also suggests that several large-scale proposed projects are located within the San Luis Rey River corridor, but does not specify the names or types of the proposed projects. Chapter 5, Cumulative Effects, of the EIR/EA identifies 11 cumulative projects being proposed in the vicinity of the proposed action that were considered as part of the cumulative impact analysis. Figure 5-1 provides a map showing the locations of these cumulative projects. As discussed in Section 5.2.3, Biological Resources, the proposed action would implement mitigation measures to avoid, salvage/replant, restore, or preserve sensitive species, habitat areas and wetlands that would reduce impacts to biological resources to below a level of significance. In addition, the majority of the proposed action would be located below ground and would not result in long-term impacts to habitat or species. With implementation of mitigation measures identified in the EIR/EA (including Bio-5 for arroyo toad and Bio-10 for SWWF), the proposed action's contribution to a significant cumulative biology impact would be not be cumulatively considerable.

- 2-10 This comment provides guidance for the submittal of a revegetation plan to the wildlife agencies as required in mitigation measure Bio-3. Revegetation plans prepared for the proposed action would follow the guidance in this comment. Therefore, no further response is necessary.

COMMENTS

RESPONSES

2-10
cont.

Unless otherwise approved by the Wildlife Agencies, only locally native species (no cultivars) available from as close to the project area as possible will be used. The source and proof of local nativeness of all plant material and seed will be provided:

- c. Container plant survival will be 80% of the initial plantings for the first 5 years. At the first and second anniversary of plant installation, all dead plants will be replaced unless their function has been replaced by natural recruitment:
- d. A final implementation schedule that indicates when all vegetation impacts, as well as creation grading, planting and irrigation will begin and end. Necessary site preparation and planting will be completed during the concurrent or next planting season (i.e., late fall to early spring) after receiving the Agencies' approval of grading. Any temporal loss of habitat caused by delays in creation/restoration/enhancement will be offset through creation/restoration/enhancement at a 0.5:1 ratio for every 6 months of delay (i.e., 1:1 for 12 months delay, 1.5:1 for 18 months delay, etc.). In the event that the project applicant is wholly or partly prevented from performing obligations under the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond the reasonable control, and without the fault or negligence of the project applicant, including but not limited to natural disasters (e.g., earthquakes etc.), labor disputes, sudden actions of the elements (e.g., further landslide activity), or actions by Federal or State agencies, or other governments, the project applicant will be excused by such unforeseeable cause(s):
- e. Five years of success criteria for creation/restoration/ enhancement areas including: separate percent cover criteria for herbaceous understory, shrub midstory, and tree overstory; evidence of natural recruitment of multiple species for all habitat types; 0 percent coverage for Cal-IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species;
- f. A vegetation monitoring plan with a map of proposed sampling locations. Stratified-random sampling will be used for all quantitative surveys;
- g. Contingency measures in the event of mitigation failure;
- h. Annual mitigation maintenance and monitoring reports will be submitted to the Wildlife Agencies after the maintenance and monitoring period and no later than December 1 of each year; and
- i. A wetland delineation will be done to confirm that Corps and Department jurisdictional wetlands have been successfully created prior to final approval of the creation sites.
- j. A funding mechanism for long-term management of mitigation sites.

COMMENTS

RESPONSES

- 2-11 10. Mitigation Measure Bio-8, on page 4.3-26 of the draft EIR/EA, implies that vegetation clearing could occur during the avian breeding season. The final EIR/EA should require that clearing and grubbing of vegetation occur outside of the avian breeding season (February 15 to August 31, or sooner if a qualified biologist demonstrates to the satisfaction of the Wildlife Agencies that all nesting is complete). If construction (other than vegetation clearing and grubbing) must occur during the breeding season, pre-construction surveys should be performed by a County-approved biologist within 10 calendar days prior to the start of construction to determine the presence or absence of nesting birds within 300-feet of the impact area. If nesting birds are detected, the Wildlife Agencies should be contacted to discuss potential impact minimization measures to be implemented.
- 2-12 11. The following changes should be made to Mitigation Measure Bio-10, on page 4.3-27 of the draft EIR/EA:
- a. The breeding season for the gnatcatcher should be February 15 to August 31.
 - b. The breeding season for the flycatcher should be March 15 to September 15

- 2-11 Mitigation measure Bio-8 has been updated to reflect the language specified in the comment.
- 2-12 Mitigation measure Bio-10 has been updated to reflect the language specified in the comment.

COMMENTS

RESPONSES

STATE OF CALIFORNIA

Arnold R. Brundage, Governor

NATIVE AMERICAN HERITAGE COMMISSION

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May 23, 2008

Mr. Linden Burzell, General Manager
YUIMA MUNICIPAL WATER DISTRICT
34928 Valley Center Road, P.O. Box 177
Pauma Valley, CA 92061-0177

Re: SCH#2007091022: Joint NEPA/CEQA Notice of Completion: draft Environmental Impact Report (DEIR)/Environmental Assessment (EA)-FONSI for the Northern Route Pipeline Project EIR/EA, Yuima Municipal Water District, San Diego County, California

Dear Mr. Burzell:

The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur... Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278) <http://www.ohp.parks.ca.gov>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- ✓ Lack of surface evidence of archaeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

Comment Letter 3 – Native American Heritage Commission

3-1 The recommendations proposed in the comment have already been incorporated into the Draft EIR/EA. A cultural resources impact analysis was included as Section 4.4 of the EIR/EA. As stated on page 4.4-1, a cultural resources study was prepared for the proposed action by ASM Affiliates, Inc. The ASM report included the preparation of a records and map review from the South Coast Information Center (SCIC), which is the appropriate California Historic Resources Information Center (CHRIS) for the proposed action area. Records were searched on May 23, 2007 for all information relating to cultural resources within 0.5-mile of the proposed action. The results of the records and archival review are summarized in Section 4.4.4, Impact Analysis. The Cultural Resources Study contains confidential site location information and was not circulated for general public review. Qualified individuals may review the report at the Yuima Municipal Water District, 34928 Valley Center Road, Pauma Valley, CA 92061-0177 and U.S. Department of the Interior, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Sacramento, CA 95825.

3-2 The recommendations proposed in the comment have already been incorporated into the Draft EIR/EA. A systematic pedestrian field survey of the construction corridor for the proposed action was conducted by ASM Affiliates staff from June 5-7, 2007. Supplemental archeological surveys were completed on January 7 and April 25, 2008 to address minor changes in the proposed pipeline alignment and the proposed storage tanks location. The results of the cultural resources field investigation, including previous sites no longer present, new sites observed, and sites within the proposed pipeline alignment, are summarized in Section 4.4.4, Impact Analysis. A full account of the field investigations conducted is included in the Cultural Resources Study. However, this study contains confidential site location information and was not circulated for general public review. Qualified individuals may review the report at the Yuima Municipal Water District, 34928 Valley Center Road, Pauma Valley, CA 92061-0177 and U.S. Department of the Interior, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Sacramento, CA 95825.

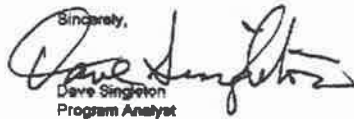
3-3 The EIR/EA has been prepared in consultation with the Bureau of Indian Affairs Pacific Regional Office in Sacramento, CA. The following individuals from the Pala Band of Mission Indians provided input during preparation of the Draft EIR/EA: Shasta Gaughen, Joe Nixon, and Lenore Volturino. In addition, the Notice of Preparation and Draft EIR/EA were circulated to the following tribal entities: La Jolla Band of Mission Indians, Pala Band of Mission Indians, Pala E.P.A., Pauma/Yuima Band of Mission Indians, Rincon Nation of Luiseno Indians, and San Pasqual Band of Indians.

COMMENTS

RESPONSES

- 3-5 ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
- 3-6 ✓ CEQA Guidelines, Section 15084.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave sites.
- 3-6 ✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.
- ✓ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

Please feel free to contact me at (916) 853-6261 if you have any questions.

Sincerely,

 Dave Singleton
 Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

- 3-4 The draft EIR/EA identifies potential impacts associated with recorded archaeological resources and provides mitigation measures to reduce impacts to below a level of significance. As stated in Section 4.4.6, Issue 2 – Archaeological Resources, a progressive mitigation program has been identified to address impacts to recorded archaeological resources (see mitigation measures Cul-2A, Cul-2B, Cul-2C). Mitigation measure Cul-3 requires that an archaeologist be present during construction to monitor for the presence of buried archaeological deposits from site CA-SDI-304. These mitigation measures include provisions for the disposition of recovered artifacts. Implementation of these measures would reduce potential impacts to archaeological resources to below a level of significance.
- 3-5 Human remains are addressed in Section 4.4.7, Issue 3 – Human Remains, of the EIR/EA. This section identifies the appropriate laws to be followed if human remains are encountered in an area of San Diego County or on tribal lands.
- 3-6 The recommendations proposed in the comment have already been incorporated into the Draft EIR/EA. Implementation of mitigation measure Cul-2A would require the evaluation of the construction corridor to determine if construction could occur without impacting known archaeological sites, in order to avoid or substantially lessen impacts to these resources. If avoidance of resources is not feasible, mitigation measures Cul-2B through Cul-3 would be implemented to reduce potentially significant impacts to known archaeological sites to below a level of significance.

COMMENTS

RESPONSES

**County of San Diego**

CHANDRA L. WALLAR
DEPUTY CHIEF ADMINISTRATIVE OFFICER

LAND USE AND ENVIRONMENT GROUP

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June 16, 2008

Mr. Linden Burzell
General Manager
Yuima Municipal Water District
Post Office Box 177
Pauma Valley, California 92061-0177

Mr. John P. Rydzik
Environmental Scientist
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

RE: DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL
ASSESSMENT FOR THE NORTHERN ROUTE PIPELINE PROJECT

The County of San Diego has received the draft Environmental Impact Report/Environmental Assessment (EIR/EA) for the Yuima Municipal Water District (District)'s Northern Route Pipeline Project dated May 2, 2008. The District proposes to construct and operate an 11.7-mile, gravity-fed, potable water transmission pipeline and related support facilities (connections, flow control facility, turnout, pump station and two storage tanks) to meet increasing demands within the District' existing service area and to provide water through the San Luis Rey Indian Water Authority to the Pala, Pauma and Yuima, Rincon, La Jolla and San Pasqual Bands under the San Luis Rey Indian Water Rights Settlement Act (PL 100-675) and subsequent water delivery agreements. The proposed action would cross lands within the County of San Diego and the Pala and Pauma and Yuima Indian Reservations. The County of San Diego is a political subdivision of the State of California responsible for the governance, health and welfare of the People of San Diego County and for this project, the County is also a Responsible Agency.

The County of San Diego has reviewed the draft EIR/EA and submits the following comments, which relate to off-Reservation impacts from the Proposed Project.

COMMENTS

Yuima MWD
Draft EIR/EA Northern Pipeline
06/16/2008
General Comments

- 4-1 1. Section 2.6.3 Local Agency Permit/Approvals. To allow the County to fully understand and analyze the proposed actions, the specific easements and that will need to be vacated, relocated and dedicated, along with their location, should be specified.
- 4-2 2. In general, not enough detail on the location and design of the project has been provided to permit the County to fully assess the project. Section 3.1.1 on page 3-2 states that the alignment of the proposed pipeline design was divided into seven consecutively aligned segments yet none of this detail was included in the draft EIR/EA. Large-scale maps of the exact location of the pipeline, the turnout, the flow control facility and the pump station (such as Figure 3-6 of the proposed storage tanks and access road), and elevation drawings showing the scale and design of these features, including proposed noise walls, should be included. With the detail from the seven design segments, it also appears that the location of drainage crossings should be able to be determined now, rather than deferred to some future date.

Aesthetics

- 4-3 3. Page 4.1-12, Key Vantage Point 10. This Key Vantage Point (KVP) does not represent the aesthetic character of the proposed Pump Station well. The photograph shows the area on the opposite side of SR76, rather than the vicinity of the Pump Station. A more accurate picture should be included.
- 4-4 4. Page 4.1-19. The draft EIR/EA should be corrected to state that the entire project site is located within Zone A of the Light Pollution Code. The project should also include the provision that any lighting associated with the project will comply with the County of San Diego Light Pollution Code requirements for Zone A.
- 4-5 5. Page 4.1-23. Please specify if the homes that can view the storage tanks are located on- or off-Reservation.
- 4-6 6. Page 4.1-25, Mitigation Measures. Additional details on the proposed landscaping for the pump station, storage tanks and any associated fencing should be provided to allow the County to assess the effectiveness and feasibility of the proposed measure. At a minimum, the Measure should commit to standards and criteria that will guide the development of the landscape plan, i.e. height of vegetation and percentage of coverage over a specified amount of time, a species palette, fire safety considerations, compatibility with surrounding

RESPONSES

Comment Letter 4 – County of San Diego

4-1 The specific easements that would need to be vacated, relocated and dedicated, along with their locations, have not been identified yet, because the final design of the proposed pipeline has not been completed. Once final design has been completed, the County will be provided with the necessary information regarding easements. The specific location of easements associated with the proposed pipeline project would not affect the analysis provided in the EIR/EA. All potential physical effects on the environment as a result of the proposed action have been fully addressed in the EIR/EA.

4-2 A more detailed version of the proposed action location is provided in the Biological Resources Field Survey Map Book which was provided on a CD attached to the inside back cover of Volume II, Technical Appendices. The Map Book is a 46 page, 11 x 17, color aerial photo book that includes the location of the proposed pipeline alignment, 100-foot construction buffer, and associated pipeline facilities. Due to the large file size of the Map Book (approximately 240 megabytes), and the cost associated with reproducing 46 pages of 11 x 17 color copies, it was not printed as part of Volume I of the EIR/EA. YMWD also has a series of five large-scale (36- x 48-inch) aerial maps with topographic contours and parcel information that the County can obtain by contacting Mr. Linden Burzell, YMWD General Manager, at (760)742-3704.

As discussed in Response 4-1, the final design of the proposed action has not been completed and therefore elevation drawings showing the scale and design of the pipeline and associated facilities are not available yet. The reference to seven pipeline segments in Section 3.1.1 refers to the preliminary engineering design that was completed to determine the necessary flow, length and diameter of pipe, velocity, average elevation, and hydraulic grade and pressure for the proposed pipeline. These pipeline segments are not analyzed individually in the EIR/EA because they do not correlate with construction activities or affect the assessment of environmental impacts. Figure 2-3 provides a map showing the location of the proposed pipeline, turnout, flow control facility, two storage tanks, and pump station. Detailed information is provided in Section 3.0 regarding to the scale and design of the pipeline and related facilities. Although unrelated to the analysis of impacts associated with the proposed pipeline, a figure identifying the seven pipeline reaches has been included as Attachment 2 at the end of the Response to Comments section.

The general location of the proposed drainage crossings is provided on Figure 4.3-2 in the EIR/EA. Specific crossing locations would be determined upon completion of final pipeline design. Pipeline crossings of Other Waters of the U.S. would require permits from the ACOE and CDFG, who have jurisdiction over

COMMENTS**RESPONSES**

these resources. Crossing locations and methods would be established in coordination with these agencies. However, worst-case impacts to these resources were addressed in the EIR/EA.

- 4-3 KVP 10 is located approximately 600 feet northeast of the proposed pump station site along Community Church Drive. This KVP is not intended to show the aesthetic character of the pump station site; instead it represents the visual character of the southern portion of the proposed pipeline alignment along a residential segment of Community Church Drive. A photo of the proposed pump station site (currently a vacant lot) has not been included in the EIR/EA; however, a detailed description of the visual appearance of the proposed pump station as seen from SR-76 and Pauma Valley Country Club is provided in Section 4.1.4, Issues 1 and 2 – Visual Character/Quality and Scenic Vistas.
- 4-4 Page 4.1-19 of the EIR/EA has been corrected to state that the entire project site is located within Zone A of the Light Pollution Code. Section 3, Proposed Action and Alternatives, has been updated to state that any lighting associated with the proposed action would comply with the County of San Diego Light Pollution Code requirements for Zone A.
- 4-5 The two residences referenced in the comment are located on off-reservation lands.
- 4-6 This comment requests that mitigation measures Aes-1 and Aes-2 provide an increased level of specificity regarding landscaping requirements. These measures have been enhanced and now require that landscaping shall be consistent with the California Native Plant Society's Guidelines to Protect Native Vegetation from Genetic Diversity (2001). In addition, the measures also require the County of San Diego Landscape Plans Applicant's Guide to be used as a model to prepare the landscape plan.
- 4-7 This comment requests that the impacts of the proposed noise wall for the pump station be analyzed in the EIR/EA. However, the noise wall is considered a component of the pump station, which was analyzed in Section 4.1, Aesthetics, and would be subject to mitigation measure Aes-1. However, in response to this comment, mitigation measure Noi-4 has been enhanced to require that noise wall or other selected noise-reducing measures shall be at least six-feet in height to effectively reduce noise to an acceptable nighttime level, and be designed to be compatible with surrounding structures, as specified in mitigation measure Aes-1.

COMMENTS

RESPONSES

Yuima MWD
Draft EIR/EA Northern Pipeline
06/16/2008

4-6
cont. structures, landscaped/vegetated areas, etc. A design that is more compatible with the nearby residential uses should be considered.

4-7 7. The impacts of the proposed noise wall for the pump station should also be analyzed. The draft EIR/EA should include the design, height, color, location, etc. of the wall and ensure that it is compatible with surrounding structures, landscaped/vegetated areas, etc.

Biology

4-8 8. The County of San Diego, Land Use and Environment Group has developed Guidelines for Determining Significance that are used as guidance for determining the significance of environmental impacts in the unincorporated portions of the County of San Diego. The Guidelines also provide mitigation options for addressing potentially significant impacts. Because the proposed project has potentially significant adverse effects to the unincorporated County or County facilities, the draft EIR/EA should evaluate and mitigate environmental impacts using the guidance described in the County of San Diego Guidelines for Determining Significance, available online at: <http://www.sdcountry.ca.gov/dplu/procguid.html>.

4-9 9. Section 4.3.1, Vegetation Mapping. The draft EIR/EA should state how the field surveys determined where the alignment was so they could survey 50 feet on both sides of it.

4-10 10. Section 4.3.1, Focused Protocol Study for coastal California gnatcatcher, last sentence: Please add that the protocol surveys were conducted by biologists who are permitted by the USFWS to survey for the coastal California gnatcatcher.

4-11 11. Section 4.3.1: The survey methods and results run together. The title "Summary of Surveys Conducted" should be called the "Survey Methods" and there should be a new heading before "Flora and Fauna" that reads "Results of Surveys Conducted".

4-12 12. Section 4.3.1, Flora and Fauna, 1st paragraph, 2nd sentence: "to date" indicates that more surveys will be done. If they will, please say when and why these surveys are not being conducted now. In order to adequately assess the impacts of the project, all analyses must be conducted now and not deferred. Without knowing the full impacts of the project, mitigation cannot be effectively designed and cumulative impacts cannot be adequately assessed.

4-8 This comment requests that the County's Guidelines for Determining Significance be used to prepare the EIR/EA because the proposed action is located in the unincorporated County. However, the County of San Diego is not the lead agency for the proposed action under CEQA. Therefore, there is no requirement to use the County's guidelines to prepare the EIR/EA.

4-9 The proposed project alignment was staked by YMWD prior to the initiation of field surveys. Surveyors were given large-scale (36- x 48-inch) aerial map sets showing topographic contours and parcel information along with the proposed pipeline alignment. In addition, a 46 page, 11 x 17, color aerial photo book was created that was used to map the vegetation within the proposed action footprint, including the 100-foot construction corridor and associated pipeline facilities. GPS (global positioning system) equipment was used during field surveys to record the locations of resources in the environment. After completion of field work, the GPS coordinates were mapped using Geographic Information Systems (GIS) software to produce data sets. The combination of methods listed above effectively allowed surveyors to locate the proposed project alignment in the field.

4-10 As identified in Volume II, Technical Appendices, Appendix D, Biological Technical Report (PBS&J 2008), Appendix D, Protocol Surveys for Coastal California Gnatcatchers Letter Report (TAIC 2007), the biologists that conducted the focused protocol surveys for the coastal California gnatcatcher are permitted by the U.S. Fish and Wildlife Service to survey for this species. Their recovery permit numbers are listed in the letter report.

4-11 This comment addresses the formatting of the EIR/EA and does not address the adequacy or accuracy of information provided in the EIR/EA. Therefore, no further response is required.

4-12 All biological surveys for the proposed action have been completed, except those explicitly required by the biological resources mitigation measures outlined in Section 4.3.4, Impact Analysis. Surveys listed in these measures would be conducted prior to commencement of construction activities, consistent with the provisions identified in the comment.

4-13 The language under Section 4.3.1, Flora and Fauna, has been revised to say that plant and animal species were observed during the biological surveys conducted for the proposed action, as listed on page 4.3-1 of the EIR/EA under Field Studies and restated below. These studies are provided as appendices to the Biological Technical Report (provided as Appendix D in Volume II of the EIR/EA) The list of plant and animal species observed on the proposed action site are identified in

COMMENTS

RESPONSES

Yuima MWID
Draft EIR/EA Northern Pipeline
06/16/2008

- 4-13 13. Section 4.3.1, Flora and Fauna, 2nd paragraph: It seems odd that no general wildlife survey was conducted, but that the animal species reported were observed only during the wetland delineation and the coastal California gnatcatcher surveys. All time spent looking for and identifying plants and animals should be included so as to prove that the alignment was adequately surveyed for biological resources. Plants and animals were probably identified during the initial biological survey, and plants and other butterfly species are recorded during habitat assessments.
- 4-14 14. Figure 4.3-1: It is difficult to tell the colors apart, such as the yellow of the Oak Woodland from the yellow of the Chaparral, and the tan of the Black Oak Forest from the tan of the Agriculture. Perhaps other colors could be used or more detailed maps could be provided to allow a clear understanding and full assessment of the project impacts.
- 4-15 15. Section 4.3.1, Disturbed Habitat, 2nd paragraph: Please explain why Magee Creek has been mentioned here and indicate whether or not any other drainages will be impacted. Also, please reference a map where the crossing of Magee Creek can be seen in relation to the project.
- 4-16 16. More detailed analysis of the proposed creek crossings must be conducted and depicted in the draft EIR/EA. These are sensitive biological and hydrological resources and no details on the location, placement or design of the crossings have been provided. The analysis of impacts and development of mitigation cannot be improperly deferred until construction. This approach may limit the opportunities to avoid impacts and develop alternatives to reduce impacts.
- 4-17 17. In general, the mitigation measures rely on future surveys and plans to determine the project impacts and to develop mitigation for these impacts. As previously stated, this approach is inadequate and does not fulfill the intent of CEQA and NEPA to fully disclose the impacts of a project and to take measures to avoid and minimize impacts.
- 4-18 18. Mitigation Measure Bio-2: On County land, if oaks are removed in oak woodland, the mitigation should be to restore oak woodland, with the typical understory plants as well as the oaks. This will ensure mitigation of loss of habitat and not just individual trees.
- 4-19 19. Mitigation Measure Bio-2 and others: Any plans for habitat restoration, creation or enhancement, should be prepared according to the County's Report Format and Content Requirements for Revegetation Plans (July 30, 2007) available at: <http://www.sdcounty.ca.gov/dplu/procguid.html>. At a minimum, the Measure

Appendices A and B of the Biological Technical Report. The field studies conducted for the proposed action include the following:

- Initial biological reconnaissance and constraints analysis and vegetation mapping
- Focused rare plant surveys for special status plants
- Focused protocol surveys for coastal California gnatcatcher
- Habitat assessment for Quino checkerspot butterfly
- Habitat assessment for arroyo toad
- Jurisdictional delineation of areas potentially subject to the jurisdiction of the USACE, CDFG, and RWQCB

4-14 The vegetation communities shown in Figure 4.3-1 are also identified in Table 4.3-1. This list of vegetation communities and land uses within the proposed action footprint, by acreage, should help clarify any color discrepancies in Figure 4.3-1. In addition, a more detailed version of the vegetation communities within the proposed action footprint is provided in the Biological Resources Field Survey Map Book which was provided on a CD attached to the inside back cover of Volume II, Technical Appendices, of the EIR/EA. The Bio Map Book is a 46 page, 11 x 17, color aerial photo book that includes the location of the proposed pipeline alignment, 100-foot construction buffer, and associated pipeline facilities, as well as vegetation communities and the location of sensitive species based on CNDDB information.

4-15 Magee Creek is mentioned under the definition of disturbed habitat because it has been altered significantly by previous development and is now considered disturbed habitat. The other creek crossings are mentioned under the paragraphs discussing "Potential Other Waters of the U.S." and "Seasonal Wetland" on page 4.3-8 of the EIR/EA. As discussed under the heading "Potential Other Waters of the U.S.", the area where Magee Creek crosses the proposed pipeline alignment was not identified as a potential Other Water of the U.S. because the native vegetation in this area was significantly altered due to the former Vulcan mine. It is designated disturbed habitat instead. The location of Magee Creek can be found on Figure 4.3-2 of the EIR/EA and pages 19 and 20 of the Biological Resources Field Survey Map Book, which was provided on a CD attached to the inside back cover of Volume II, Technical Appendices.

4-16 A more detailed analysis is provided in the Jurisdictional Delineation prepared for the proposed action. This document is provided in Volume II, Technical Appendices, Appendix B (Biological Technical Report), Appendix G (Jurisdictional Delineation). The location of the proposed action in relation to potential Other Waters of the U.S. is shown in Figure 4.3-2. The construction and installation of the proposed action is described in Chapter 3.0, Proposed Action and Alternatives,

COMMENTS

RESPONSES

which states that vegetation would be removed and salvaged, a trench would be dug, the pipe would be installed, the trench would be backfilled, and the area would be revegetated. Neither the analysis nor the mitigation defers action until construction. The analysis concludes that trenching through portions of the creeks would result in significant impacts that require mitigation. The proposed mitigation measures require that the area of impact be reduced (Bio-11) and that BMPs to protect water quality are implemented, including construction outside of the rainy season (Bio-12). Further, the proposed action would be required to jack-and-bore under the water supply to the impacted seasonal wetland (Bio-13). Therefore, neither the analysis nor the mitigation is deferred until construction; the impacts are fully analyzed, and appropriate mitigation has been recommended.

- 4-17 This comment states that the mitigation measures rely on future surveys and defers mitigation. However, the measures do not rely on future surveys to determine impacts. Impacts have been assumed to be significant, based on the numerous surveys previously conducted for the proposed project. Future surveys are required to narrow the impact, consistent with the recommendations of the wildlife agencies. Further, the measures which require future surveys also include performance standards to be followed if any survey results are positive. The analyses in Section 4.3.5 through 4.3.9 fully disclose and discuss the potential impacts of the proposed action and mitigation is provided to avoid and reduce these impacts. A summary of biology mitigation measure adequacy is provided below.
- a. **Bio-1** – This measure requires future surveys because there were limitations of the rare plant survey previously conducted. These limitations are discussed in Appendix C (Rare Plant Survey) to Appendix D (Biological Technical Report) provided in Volume II of the EIR/EA. Further, the surveys listed in Bio-1 are for three specific plant species and are not requesting additional general surveys. The measure identifies the actions that would be required if any of the requested surveys are positive. Therefore, mitigation is not deferred.
 - b. **Bio-2** – This measure requires that the proposed pipeline alignment be shifted as necessary within the 100-foot construction corridor to avoid oak trees. The measure also identifies actions to be taken if impacts to oak trees cannot be avoided. Therefore, mitigation is not deferred.
 - c. **Bio-3** – This measure requires the preparation and implementation of a revegetation plan approved by CDFG and USFWS, if appropriate. This mitigation does not require additional surveys and, because the plan would be implemented prior to construction, does not defer mitigation.

COMMENTS

RESPONSES

- d. **Bio-4** – This measure requires pre-construction surveys to mitigate impacts identified for the burrowing owl. Pre-construction surveys are the appropriate mitigation for this species, as recommended by the wildlife agencies. The mitigation also identifies actions to be taken if the pre-construction surveys are positive. Therefore, this mitigation is not deferred.
- e. **Bio-5** – This measure requires additional focused surveys for arroyo toad to mitigate impacts to this species. The arroyo toad habitat assessment conducted for the proposed action concluded that suitable habitat exists within the proposed action alignment for this species. Focused surveys are the appropriate mitigation for this species, as recommended by the wildlife agencies. Language has been added to the mitigation measure to specify that surveys must be conducted 14 days prior to construction. The mitigation measure also indicates actions to be taken if the focused surveys are positive. Therefore, this mitigation is not deferred.
- f. **Bio-6** – This measure requires additional focused surveys for Quino Checkerspot Butterfly (QCB) to mitigate impacts to this species. The QCB habitat assessment conducted for the proposed action concluded that suitable habitat exists within the proposed action alignment for this species. Focused surveys are the appropriate mitigation for this species, as recommended by the wildlife agencies. Language has been added to the mitigation measure to specify that surveys must be conducted 14 days prior to construction. The mitigation measure also indicates actions to be taken if the focused surveys are positive. Therefore, this mitigation is not deferred.
- g. **Bio-7** – This measure requires a biological monitor to be present during construction activities in order to flush sensitive species from occupied habitat areas immediately prior to vegetation clearing and grading activities. This measure does not defer mitigation.
- h. **Bio-8** - This measure requires pre-construction surveys for avian species, including raptors. Pre-construction surveys are the appropriate and acceptable mitigation for potential impacts to these species. The mitigation measure also indicates actions to be taken if the pre-construction surveys are positive. Therefore, this mitigation is not deferred.
- i. **Bio-9** – This measure requires a biological monitor to be present during construction. The monitor would be on-site to ensure that mitigation measures and BMPs are being followed during vegetation clearing and grading to avoid indirect impacts to sensitive species or habitats. This measure does not defer mitigation.

COMMENTS

RESPONSES

- j. **Bio-10** – This measure requires pre-construction surveys for nesting avian species. Pre-construction surveys are the appropriate and acceptable mitigation for potential impacts to these species. The mitigation measure also indicates actions to be taken if the pre-construction surveys are positive. Therefore, this mitigation is not deferred.
 - k. **Bio-11** – This measure explicitly states measures to be implemented to reduce impacts to potential Other Waters of the U.S. This measure does not defer mitigation. Further, permits from ACOE and CDFG would be required.
 - l. **Bio-12** – This measure requires water quality BMPs to be implemented to prevent degradation of water quality and does not defer mitigation.
 - m. **Bio-13** – This measure requires that the jack-and-boring method be used in the area of the seasonal wetland to avoid impacts to the wetland. Therefore, this mitigation is not deferred.
- 4-18 Mitigation measure Bio-2 identifies mitigation to reduce potential impacts to oaks. As identified in this measure, any removal of oak trees would require the development and implementation of an oak restoration plan, to be approved by CDFG (and USFWS if necessary), and on-site tree mitigation at a ratio of 1:1. The restoration plan would include a monitoring plan to ensure that the oaks can be sustained for five years without the assistance of irrigation. The measure also identifies actions to be taken if success criteria can not be achieved. Therefore, potential impacts to oaks would be fully mitigated and no further mitigation is necessary.
- 4-19 This comment requests that the County's format for habitat restoration, creation and enhancement plans be used. However, the County of San Diego is not the lead agency under CEQA for the proposed project. Therefore, there is no requirement to use the County's preferred format.
- This comment also requests that the measures include standards and criteria be included in the revegetation plan. Bio-3 states that the revegetation plan shall include methods for native seed collection, vegetation removal and salvage, revegetation upon completion of construction, and monitoring of the revegetated areas to ensure that the intended community has been reestablished. The plan shall be approved by CDFG (and USFWS if necessary) and completion of the revegetation plan shall be acknowledged by CDFG (and USFWS if necessary). Standards and criteria are set by requiring the plan be approved by CDFG and USFWS.

COMMENTS

Yuima MWD
Draft EIR/EA Northern Pipeline
06/16/2008

should commit to standards and criteria that will guide the development of the revegetation plan.

- 4-20 20. Mitigation Measure Bio-3, 2nd paragraph: This paragraph describes mitigation for permanent impacts. Temporary impacts should also be analyzed and, if necessary, mitigated for in the draft EIR/EA.
- 4-21 21. Mitigation Measure Bio-4: Surveys for the burrowing owl should follow the Burrowing Owl Consortium Survey Protocol and Mitigation Guidelines available at: <http://www2.ucsc.edu/scpbrg/PDFFiles/surveyprotocol.pdf>.
- 4-22 22. Table 4.3-4: The draft EIR/EA should have a map that shows where these numbered creek crossings are, with their names, unless they are unnamed.
- 4-23 23. Section 4.3.8, Issue 4: This section needs to address the native wildlife nursery sites mentioned in the threshold for determining significance.
- 4-24 24. Chapter 5: The cumulative project analysis area for biological resources is too large to adequately assess the cumulative impacts to biological resources. Rather than the whole San Diego County region, the area should be more defined. It needs to be an area for which cumulative projects can be listed, such as within two miles on either side of the pipeline, or an area related to the San Luis Rey River. Whatever it is, all the projects within that area need to be listed and the impacts of those projects plus the proposed project need to be assessed. Keep in mind that even though the proposed project mitigates its direct and indirect impacts, cumulative impacts can still be significant. The project does not have to mitigate for all the cumulative projects.

Cultural and Paleontological Resources

- 4-25 25. Executive Summary Table 1-1, Cul-3: Grading monitoring is only proposed for CA-SDI-304. The County recommends that this mitigation be extended to the vicinity of all of the recorded sites within the proposed 100-foot project corridor. Also refer to page 4-4-21 under Cul-3.
- 4-26 26. Executive Summary Table 1-1, Cul-2A site number "P-37-02406" should be "P-37-024067". This same error also occurs on page 4-4-20 under Cul-2A and 26.
- 4-27 27. Section 4.4.4, current page 4-4-16, Sites within the Proposed Pipeline Alignment: SDI-304. The last sentence indicates that the area to be bulldozed and cleared of boulders to be within approximately 10-foot of the features (of the site). The County recommends that the protective buffer to SDI-304 be increased to a minimum of 20 feet.

Hazards and Hazardous Materials

RESPONSES

- 4-20 Mitigation measure Bio-3 provides mitigation for both temporary and permanent impacts to sensitive habitats, as identified in Table 4.3-4. Temporary impacts would be mitigated through the preparation and implementation of a revegetation plan along the majority of the pipeline alignment. Permanent impacts would be mitigated through a combination of creation, enhancement and restoration. Mitigation ratios for permanent impacts to sensitive habitats are provided in Bio-3.
- 4-21 The recommended protocol survey does not apply to the proposed action, since it is applicable prior to the analysis of impacts. The proposed action assumes the presence of burrowing owl based on the presence of suitable grassland habitat and assumes that a significant impact would occur. Mitigation measure Bio-4 provides adequate mitigation to reduce potential impacts to the burrowing owl. This is similar to the recommendations provided in the document referenced in the comment, which requires that pre-construction surveys, such as those required by measure Bio-4, be completed prior to construction.
- 4-22 The information requested in the comment is provided in the Jurisdictional Wetland Delineation report (PBS&J 2008), provided as Appendix G to the Biological Technical Report (Appendix D) in Volume II of the EIR/EA. Figure 2 in the wetland delineation report identifies the proposed creek crossing locations by numbering them A through N. Section 5.0, Hydrology, of the wetland delineation report discusses each numbered crossing, including the name of the creek, if applicable.
- 4-23 Native wildlife nursery sites are defined as sites where wildlife concentrate for hatching and/or raising young, such as rookeries, spawning areas and bat colonies. The proposed action would not result in impacts to known native wildlife nursery sites; therefore, this issue is not discussed further in the EIR/EA.
- 4-24 The cumulative projects listed in Table 5-2 and shown in Figure 5-1 of the EIR/EA represent projects within a two mile radius (approximate) of the proposed pipeline alignment. The geographic radius identified under Section 5.2.3, Biological Resources, is identified as San Diego County because projects within the two mile radius were not considered broad enough to assess the impacts to sensitive species, such as coastal California gnatcatcher and Quino checkerspot butterfly, which extend beyond the immediate project area. These projects are not identified in the EIR/EA because they are too numerous to be practically listed. The proposed project would implement mitigation to avoid and/or substantially reduce impacts to sensitive biological resources whenever possible. The proposed action would salvage and replant rare and sensitive plants, survey for sensitive animal species and avoid them as necessary, use the jack-and-bore method to avoid seasonal wetlands, reduce the disturbance corridor of creek crossings and

COMMENTS

RESPONSES

only construct during the dry season, and restore native vegetation including oak woodlands and riparian habitats. In many cases, mitigation of sensitive habitats would result in more habitat being created or preserved that would be disturbed by the proposed action. As identified in mitigation measure Bio-3, permanent impacts to coastal sage scrub and southern mixed chaparral would be mitigated at a ratio of 2:1. Therefore, as stated in Section 5.2.3, the proposed action's contribution to a significant cumulative impact to sensitive species, vegetation communities, and wetlands would not be cumulatively considerable.

- 4-25 The EIR/EA has already addressed the issue raised in the comment. As identified in Section 4.4.4, Impact Analysis, four archaeological sites or feature are located within the 100-foot construction corridor. A progressive mitigation program has been identified to address impacts to these archaeological resources. Mitigation measure Cul-2A requires that an evaluation be conducted to determine if the known archaeological sites can be avoided while still constructing the proposed pipeline within the 100-foot construction corridor. If impacts to these resources can not be avoided, then Cul-2B requires that the site be evaluated to determine if it qualifies as a unique archaeological resource as stated in CEQA Guidelines Section 15064.5. Finally, if any impacted sites qualify as unique archaeological resources, then Cul-2C requires the implementation of a research design and archaeological data recovery plan for the significant resource. Therefore, the EIR/EA proposes mitigation that provides greater protection to archaeological sites than a requirement to monitor during construction. No additional mitigation is warranted.
- 4-26 This comment is correct. The typographical error identified in the comment has been corrected in the Final EIR/EA.
- 4-27 The description of site SDI-304 referenced in the comment describes the existing condition of the resource, not the proposed condition after project construction. The area surrounding site SDI-304 was previously bulldozed and cleared of boulders to within approximately 10 feet of the feature. This is a pre-existing condition, not a result of the proposed project. Furthermore, mitigation measures Cul-2A, Cul-2B, Cul-2C and Cul-3 would ensure that impacts to site SDI-304 from the proposed action would be less than significant.

COMMENTS

Yuima MWD
Draft EIR/EA Northern Pipeline
06/16/2008

- 4-28 28. The mitigation measures (Haz-1 through Haz-3) condition the project for notification and protection of the construction workers if contaminated soil is discovered subsequent to soil testing. The draft EIR/EA should address the management of potentially contaminated soils during site development and explain why the project is not currently conditioned for cleanup or removal of the soil if it is found that contamination does exist.
- 4-29 29. The draft EIR/EA should describe the potential for underground piping, septic tanks, heating /boiler tanks, wells, and other subsurface structures and how these items will be addressed if discovered during site development.
- 4-30 30. The draft EIR/EA should include a statement as to whether any structures will be demolished as a result of this project. If so and if the structures were built prior to 1980, please discuss the potential asbestos and lead based paint hazards associated with demolition and how those hazards will be addressed.
- 4-31 31. Section 4.6.1, pg 4.6-6, 2nd paragraph: Please include a definition of smudge pots and describe the hazardous materials risk they can pose.
- 4-32 32. Section 4.6.4, under the heading Construction: please clarify the sentence beginning with "Oils and Fuels...". It is not apparent to the reader how "storage tanks and pump station" fit into the sentence.
- 4-33 33. Section 4.6.5, under the heading Inactive Landfill: Include a general discussion of gas migration from landfills as a potential hazard and identify whether or not this issue is a concern for this project.
- 4-34 34. Section 4.6.5, under the heading Former UST Site: It is not clear which UST removal this section is referring to. Please identify whether this section is describing the Rainbow Specimen Tree Farm property UST removal. If it is, include a discussion of the removal of the tanks, and the excavation and disposal of 200 cubic yards of contaminated soil.
- 4-35 35. Section 4.6.7, under the heading Impacts: Please include a reference to the removal of 200 cubic yards of contaminated soil in the sentence beginning with "Based on the case closure granted..."
- 4-36 36. As necessary, revise remaining portions of the hazards chapter and draft EIR/EA to incorporate changes that generated from the above comments, to ensure consistency throughout the document.

Noise

RESPONSES

- 4-28 The management of potentially contaminated soils would be handled in accordance with applicable federal, State and local regulations related to the disposal of the specified contaminant. This language has been added to the hazardous materials mitigation measures.
- 4-29 The Hazardous Materials Study for the Northern Route Pipeline Project (Rincon Consultants 2008) included a hazardous materials record search; a review of RWQCB agency files, Pala Band of Mission Indians' environmental records, and California Division of Oil and Gas records; a historical records review of onsite and adjacent land uses; and a site reconnaissance of the pipeline alignment. The Rincon study did not identify any potential for underground piping, septic tanks, heating/boiler tanks, wells, or other subsurface structures to exist in the vicinity of the proposed action site. Therefore, the draft EIR/EA did not identify these as a potentially significant impact. No further analysis or mitigation is warranted.
- 4-30 As discussed in Section 4.4.5, Issue 1 – Historical Resources, several structures exist within the 100-foot construction corridor. However, mitigation measure Cul-1 requires the realignment or narrowing of the construction corridor as necessary to avoid impacts to any existing residences or structures. Therefore, implementation of the proposed action would not result in impacts, including demolition, of any existing structures.
- 4-31 A smudge pot is an oil-burning device used to prevent frost on fruit trees. The oil required to operate a smudge pot is a potentially hazardous material.
- 4-32 This comment addresses a typographical error in Section 4.6.4. A correction had been made in the Final EIR/EA.
- 4-33 Due to the absence of data regarding soil vapor in the area proposed for the pipeline, gas migration from the landfill may be possible at the proposed pipeline site. Mitigation measure Haz-2 has been updated to include measures to mitigate potential impacts from landfill gas migration.
- 4-34 The discussion under the heading "Former UST Site" in Section 4.6.5, Issue 2 - Hazards to the Environment, refers to the Rainbow Specimen Tree Farm property. A detailed discussion of this case is provided in Section 4.6.1, Environmental Setting, under the heading Review of Regional Water Quality Control Board Agency Files. As identified in Section 4.6.5, Issue 2 - Hazards to the Environment, due to the nature of this release and closed status of the case, the former UST site would not result in a significant impact to the proposed action. No further discussion is required.

COMMENTS

RESPONSES

Yuma MWD
Draft EIR/EA Northern Pipeline
06.16.2008

- 4-37 37. The analysis of noise issues is inadequate in the evaluation of potential impacts to off-Reservation areas in the vicinity of the proposed pipeline route or its alternatives. Impacts from noise were identified as nominal but their quantitative significance and the documented feasibility of their mitigation was not found in Table 1.1 or elsewhere in these CEQA documents. The level of analysis needs to demonstrate compliance and cannot be deferred when a local ordinance is the basis for the standard. The following are specific noise comments about the draft EIR/EA and Appendix H:
- 4-38 38. In Section 3.1.4 of the draft EIR/EA, the reference to the County ordinance was incorrect since these regulations are said to be a part of the municipal code. The technical study and draft EIR/EA both routinely used the incorrect reference to "municipal code" throughout these documents when referring to the County's local noise ordinance. The reference should be to the County Code of Regulatory Ordinances or County Code.
- 4-39 39. In Sections 3.1.4 and 3.3.4, the pipeline construction includes blasting operations but there is no supporting discussion or explanation about any drilling activities related to this work. Drilling is ordinarily a part of the construction noise analysis and is not included in Appendix H or the draft EIR/EA. More than 70,000 cubic yards will be cut from the site (Table 3-2). The preferred alternative also includes a boring operation in the vicinity of SR-76 and there is no supporting analysis about drill rig use and the associated noise generation.
- 4-40 40. In Section 4.3.5, indirect biological noise impacts were identified for gnatcatchers but there is no clear discussion about the methods used to limit the potential impact from noise. The tenth biological mitigation measure does not describe the protocol or duration of noise measurements. It would be more appropriate that an acoustician participate in the mitigation design and be made available to carry out the work. The effectiveness or feasibility of the proposed berms was not stated in this section or in the acoustical study and should be.
- 4-41 41. The Noise Technical Report, Appendix H, and the corresponding summary in Section 4.8 of the draft EIR/EA were incomplete because potential issues were not addressed including identifying all applicable standards, estimation of direct and cumulative impacts, specifying feasible mitigation measures, and the quantitative comparison of the noise effects among the project alternatives. The study does not appear to use the County acoustical guidelines or format (March 19, 2007). The following are the major discrepancies in the acoustical study and draft EIR/EA that should be corrected prior to certification of the document:
- a. The most current version of Section 36.410 of the County Noise Ordinance was not used in the analysis. The County uses a one-hour

4-35 The detailed information requested in this comment is provided in Section 4.6.1, Environmental Setting, under the heading "Review of Regional Water Quality Control Board Agency Files". The information is summarized in Section 4.6.7, Issue 4 – Public or the Environment. No further clarification is necessary.

4-36 In general, any revisions made the Final EIR/EA as a result of comments received during public review have been made to all applicable sections of the EIR/EA to ensure consistency throughout the document.

4-37 This comment suggests that the analysis of noise issues in the EIR/EA is inadequate; however, it does not provide specific examples to support this statement. The comment asks for quantitative impact information and a discussion of mitigation measure feasibility to be included in Table 1-1, which is intended to provide a summary of impacts and mitigation measures identified in the EIR/EA. Detailed quantitative information regarding noise impacts is provided in Section 4.8.4, Issues 1 and 2 – Increases in Ambient Noise. In this section noise levels were calculated for project construction and operation and compared to San Diego County Noise Ordinance standards to determine impacts. In general, all mitigation proposed in the EIR/EA, including noise mitigation measures, are anticipated to be feasible unless otherwise noted. The comment correctly states that the level of analysis needs to demonstrate compliance and cannot be deferred. Mitigation measures Noi-1 through Noi-4 are proposed to reduce construction and operation noise impacts to sensitive receptors. Therefore, mitigation is not deferred for these impacts.

Regarding analysis of proposed action alternatives, according to Section 15126.6(d) of the CEQA Guidelines, the EIR/EA shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. It does not require that alternatives be discussed in the same level of detail as the proposed action. The BIA NEPA Handbook Section 4.4(D) requires that alternatives be considered other than the proposed action and No Action Alternative; however, these alternatives can be described and eliminated with reasons given for not considering them further instead of analyzing them throughout the EA. Therefore, the quantitative analysis of noise impacts associated with proposed action alternatives is not necessary because the Draft EIR/EA provides sufficient information under CEQA or NEPA to determine whether the alternatives would lessen or avoid the significant effects of the proposed action.

4-38 The reference to municipal code has been changed to County Code in the noise study and EIR/EA.

COMMENTS

RESPONSES

- 4-39 The comment acknowledges that although blasting operations were accounted for, the noise analysis should also have included noise from drilling activities. In analyzing project construction noise levels, the noise technical report used the FHWA's RCNM model to estimate noise from a typical range of equipment expected to be used for the majority of project construction activities. The list provided in the report is meant to provide a reasonable range of expected noise levels; it is not meant to be an exhaustive list of all construction equipment used for the project. Drilling (jack-and-bore) activities would represent a minor part of pipeline construction, because the majority of the proposed pipeline would be constructed using open trench method. The only jack-and-bore construction of the pipeline is proposed under SR-76. The excavation of approximately 70,000 cubic yards of material from the proposed storage tanks site would largely require blasting equipment, which was included in the analysis. The noise levels of the equipment listed in Table 6 of the Noise Technical Report (Appendix H of the EIR/EA) range between 76.5 dBA – 94.0 dBA L_{max} at 50 feet from the source. According to the RCNM model, noise levels from drilling activities typically range between 80 dBA – 85 dBA L_{max}. Therefore, noise levels from drilling activities are within the range of noise levels that were analyzed for the proposed action.
- 4-40 The comment states that although indirect noise impacts for coastal California gnatcatcher were identified, the EIR/EA did not include clear discussion about the methods used to limit the indirect impact from noise. Potential noise impacts to the California gnatcatcher and mitigation to reduce impacts are described in Section 4.3, Biology, of the EIR/EA. Mitigation Measure Bio-10 describes the noise limit necessary for avoiding potential impacts to sensitive avian species during the breeding season, including the California gnatcatcher as well as the coastal cactus wren and southwestern willow flycatcher. The mitigation measure states that daily testing of noise levels shall be conducted and should levels exceed 60 dBA L_{eq}, methods to reduce noise levels shall be employed, such as temporary berms or alternative equipment. A sentence has been added to the mitigation measure that if these noise reduction methods do not result in a reduction of noise level below 60 dBA L_{eq}, then construction would not be permitted to proceed within 300 feet of the species' use area. A biologist approved by the CDFG and USFWS that is experienced in the vocalization and appearance of the species as well as sound monitoring would be retained to monitor construction activities. Additionally, this comment states that mitigation measure Bio-10 does not describe the protocol or duration of noise measurements. The mitigation measure has been updated to include more specific information.

COMMENTS

Yuima MWD
Draft EIR/EA Northern Pipeline
06/16/2008

4-41
cont.

- average sound level of 75 decibels and has done so since 2007 and there is no 8-hour standard in the Noise Ordinance (page 4.8-9 of the draft EIR/EA).
- b. The construction noise analysis evaluates effects at the occupied residence instead of the property line called out by the County ordinance (Section 36.410).
 - c. The construction noise analysis (page 4.8-11 of the draft EIR/EA) states that at least 14 existing residences will be affected by this project. There was no useful illustration showing the locations of these residences (parcel numbers) and their respective separation distance from the project to their nearest property lines. With the correct noise standard (refer to first noise comment above) and property line assessment locations, the County believes that an adequate analysis would yield 14 or more existing residential properties that will be significantly affected. A quantitative analysis of these direct effects and the development of feasible mitigation measures would have to be included since ordinance compliance cannot be deferred.
 - d. The construction noise analysis (Section 4.8.4 of the draft EIR/EA) does not determine the potential effects from drilling activities in preparation for blasting or boring under the roadway in the vicinity of SR-76 (the preferred alternative). Please refer to the discussion on page 4.8-12 of the draft EIR/EA.
 - e. The draft EIR/EA has indicated that the Yuima Municipal Water District will build the Flow Control Facility (FCF) for CWA who will operate it. Since it is considered part of the project, the draft EIR/EA summary and the acoustical study need to evaluate operation of the FCF for compliance to the County Noise Ordinance (Section 36.404). Although it may be enclosed in a masonry block building, the equipment's ventilation system is still a potential noise source at the adjacent property lines. Any project design features that may reduce the noise levels should be documented in the draft EIR/EA.
 - f. The operational noise analysis of the proposed pump station and its standby generator is incomplete and does not provide sufficient evidence to demonstrate that this component of the project will comply with Section 36.404 of the County Noise Ordinance. To apply the correct property line sound level limits in Section 36.404, it is necessary to provide a more explicit description (parcel number, zoning designation, and preliminary site plan) so that the study could generate specifications and feasible

8

RESPONSES

- 4-41 The comment states that Appendix H (Noise Technical Report) and the corresponding summary in Section 4.8 of the EIR/EA are incomplete because they do not identify all applicable standards, include estimation of direct and cumulative impacts, specify feasible mitigation measures, and include a quantitative comparison of the noise effects among the project alternatives. Refer to Response to Comment 4-37 regarding the feasibility of mitigation measures and quantitative analysis of project alternative impacts. Direct impacts are analyzed in Section 2.6, Impact Analysis, of Appendix H and Section 4.8.4, Issues 1 and 2 – Increases in Ambient Noise, in the EIR/EA and mitigation measures are proposed to reduce significant impacts. Cumulative noise impacts are addressed in Section 5.2.8 of the EIR/EA, Noise. As stated in this section, future construction in areas adjacent to the proposed pipeline alignment would not be expected to result in a significant cumulative noise impact for the following reasons: (1) construction-related noise levels are temporary and localized in nature, and decrease substantially with distance and (2) the projects listed in Table 5-2 are located at sufficient distance from each other so that construction noise levels would not be cumulative if construction were to occur simultaneously. The only permanent noise generated by the proposed action would be from operation of the proposed pump station. Therefore, for permanent operation noise, the geographic context for the analysis of cumulative impacts is the area in the immediate vicinity of the proposed pump station. None of the cumulative projects listed in Table 5-2 are located in the immediate vicinity of the proposed pump station. Therefore, cumulative impacts resulting from the proposed project were determined to be less than significant.

Regarding applicable standards, the proposed action was analyzed for compliance with the San Diego County Noise Ordinance because the proposed action and potentially affected land uses are partially located in areas under the jurisdiction of the County of San Diego. Therefore, the applicable standard was identified and compliance was analyzed in the EIR/EA. The comment suggests that not all applicable standards have been identified in the EIR/EA; however, it does not identify any additional standards to include in the analysis.

Additionally, this comment states that the Noise Technical Report (Appendix H) does not use the County guidelines or format. The County of San Diego is not the lead agency under CEQA for the proposed action; therefore, therefore the EIR/EA is not required to follow the County's guidelines and format for CEQA analysis. The noise study includes a complete analysis of the noise impacts of the proposed action and proposes appropriate mitigation measures to reduce impacts, as required by CEQA and NEPA.

The comment identifies discrepancies in the acoustical study and EIR/EA. Responses to these comments are addressed below.

COMMENTS

RESPONSES

- a. This comment states that the County uses a one-hour average sound level of 75 decibels and there is no 8-hour standard in the Noise Ordinance. However, County Ordinance Section 36.410 (Amended by Ord. No. 9700 (N.S.), effective 2-4-05) does not specify the duration for the average sound level as being one-hour, as indicated in the comment. Rather, the ordinance states that construction noise shall not result in "an average sound level greater than 75 decibels between the hours of 7 a.m. and 7 p.m." Section 2.4.2 in Noise Technical Report (Appendix H) and Section 4.8.2 of the EIR/EA have been updated to be consistent with the language in the Noise Ordinance. Additionally, the Noise Technical Report included the maximum instantaneous noise level measured during the equipment operation time. For operational noise impacts, a one-hour average sound level was used as required by Section 36.404 of the Noise Ordinance.
- b. This comment states that the noise analysis does not comply with Section 36.410 of the Noise Ordinance, which states that it is unlawful to operate any construction equipment so as to cause at or beyond the property line of any property upon which a legal dwelling unit is located an average sound level greater than 75 decibels between the hours of 7 a.m. and 7 p.m. The Noise Technical Report (Appendix H) uses this standard. As stated on page 11 of the technical report and page 4.8-9 of the EIR/EA, the Noise Ordinance requires that construction noise shall not exceed the noise standard when measured at any property line of a parcel that is developed or used for residential purposes. In response to this comment, mitigation measure Noi-1 in the EIR/EA has been revised to include the exact language from the Noise Ordinance.
- c. Refer to Responses to Comments 4-41(a) and 4-41(b). The proposed project does use the correct noise standard and property line assessment. The EIR/EA has been updated to identify that eight residential parcels, one open space/residential parcel, and 26 agricultural parcels (that may contain legal dwellings) are located within or adjacent to the proposed action and may be susceptible to exceedance of the Noise Ordinance standard during project construction. An exhibit showing the location of these parcels is provided as Attachment 3 at the end of the Response to Comments section. Mitigation Measure Noi-1 applies to any property upon a legal dwelling unit is located; therefore any potential impacts to residential or agricultural parcels containing legal dwellings from construction noise would be reduced to a level below significance with implantation of this measure.
- d. Refer to response to comment 4-39 with regard to drilling activities associated with proposed project construction.

COMMENTS

RESPONSES

- e. This comment suggests that the flow control facility (FCF) should have been included in the Noise Technical Report because the ventilation system equipment is a potential noise source. This is not correct. The FCF will include a forced air ventilation system to maintain temperature for the minimal amount of electrical equipment in the building. This would consist of interior wall mounted fans and acoustical vent louvers. Noise from the interior fans would be effectively mitigated by the concrete masonry block walls of the building so that noise at the property line would not exceed allowable standards. There is no need for HVAC equipment at the FCF, such as air conditioning units located on the outside of the building that would result in exterior noise. Therefore, noise from the FCF would not result in a new source of noise that would exceed standards at the property line.
- f. This comment states that the Noise Technical Report does not demonstrate whether or not the pump station complies with Section 36.404 of the County Noise Ordinance, which is described on page 4.8-8 of the Draft EIR/EA. The comment implies that a more explicit description of the proposed project is required for the analysis to be complete. The comment requests the footprints of the future pumps and the location for the standby generator. All future pumps would be accommodated in the proposed pump station, for which the conceptual design is included as Figure 3-3, Typical Pump Station, and the footprint location of the pump station is shown on Figure 2-3, Proposed Pipeline Alignment. A more detailed footprint location is provided on page 46 of the Bio Map Book, included on a CD attached to the inside back cover of Volume II. The standby generator is a part of the pump station and is included in the footprint. Therefore, the EIR/EA already includes the requested information and the analysis provided is adequate to assess impacts and recommend mitigation. As noted previously, the EIR/EA and Noise Technical Report did use the San Diego County Noise Ordinance, which limits noise levels at the property line of affected land uses. However, in response to this comment, Mitigation Measure Noi-4 in the EIR/EA has been revised to require that barriers and/or enclosures shall be installed as necessary to ensure that the noise from the pump station equipment shall not exceed a one-hour sound level of 50 dBA during daytime hours (7 a.m. to 10 p.m.) and 45 dBA during nighttime hours (10 p.m. to 7 a.m.) at any point on or beyond the boundaries of the property on which a residence is located.

In addition, Table 4.8-5, San Diego County Noise Ordinance Exterior Noise Standards, has been revised to add the following notes:

- ⁽²⁾ The sound level shall not exceed the one-hour average sound level at any point on or beyond the boundaries of the property on which the sound is produced.

COMMENTS

RESPONSES

Yuima MWD
Draft EIR/EA Northern Pipeline
06/16/2008

4-41
cont.

measures for dealing with any excessive noise levels at this site. It is a critical issue to know the footprint of the seven future pumps and the location for the standby generator used to maintain the operation. The concern again is about the property line noise levels for assessing project compliance. With Ordinance compliance, the project usually can insure that noise sensitive receptors are protected. The County Noise Element standard is less stringent in this situation. The results of this operational noise analysis should identify the closest property lines, the extent of the potential impact, feasible measures within a quantitative assessment to demonstrate compliance, and then disclosure of future expected noise levels expected from these facilities. Project design features need to be documented since ordinance compliance cannot be deferred.

- g. There appears to be no analysis of project-related traffic that would affect existing residents along the haul route for the construction work. Haul routes must be identified so that the nearby off-Reservation residences can be evaluated. For example, the site preparation for the storage tanks will involve 70,000 cubic yards that will be hauled 40 miles away. Using the estimate in the noise study (page 5), this one activity would last over three months and would be considered a long term effect and not a temporary effect of the project (page 1 of the County acoustical guidelines). There is a potential for either significant direct or cumulative impacts to existing residents along the haul routes for the project. In this instance, a recent traffic study would be useful to determine the existing conditions in order to estimate the project-related traffic noise contributions to this area. The Noise Element discussion in the acoustical guidelines should be consulted for this analysis.
- h. The vibration analysis for the proposed project has not consulted the County's acoustical guidelines about what standards should be used in the assessment. Please refer to Section 4.3 of the guidelines and the FTA Vibration Guidance Manual (2004) listed in the bibliography. The effect is significant whenever the project's peak particle velocities exceed one inch per second for activities such as blasting. Please utilize the more current standard and update the vibration analysis providing any required mitigation measures.

Transportation/Traffic

4-42

- 42. The draft EIR/EA is lacking information and details to allow the County to concur with the conclusion that transportation and traffic issues are less than significant and do not require further analysis in the document. Both alignment alternatives would parallel SR-76 and traverse County maintained roads including Pala-

- (3) Fixed-location public utility distribution or transmission facilities located on or adjacent to a property line shall be subject to the noise level limits listed above, measured at or beyond (6) feet from the boundary of the easement upon which the equipment is located.

- g. This comment states that the Noise Technical Report (Appendix H) does not appear to contain any analysis of noise generated by construction traffic along the haul route. However, Section 2.6.2 of the Noise Technical Report addresses potential noise increases along roadways as a result of construction equipment. Page 18 of the technical report concludes that construction of the proposed action would not significantly increase noise levels along area roadways. Construction equipment would remain on roadways or within the 100-foot pipeline construction corridor during the 12 month construction period. Construction workers commuting to and from the site and trucks delivering materials or hauling spoils away would use the area roadways; however, these trips are not anticipated to result in a significant increase in the ambient noise level. Traffic generation was estimated for the noise analysis. As stated on page 5 of the Noise Technical Report, it is assumed that a maximum of 10 construction workers would be required at any time during pipeline construction. During the 12 month construction period, it is estimated that 32 truck trips per day would be required to haul exported materials from the project site. Construction truck trips are estimated to average 40 miles each way and would last the duration of the construction period, up to 12 months. Specific haul routes for the import/export of materials will be determined by the construction contractor, based on the location of pick-up/disposal of these materials. However, the limited number of construction worker and truck trips anticipated to occur per day during the 12 month construction period is not likely to increase the ambient noise level of the surrounding area. The lead agencies for the project are the YMWD and BIA; therefore, significance thresholds established by these agencies were used to assess potential construction traffic noise impacts for the project. Noise from construction traffic is considered a temporary impact by YMWD and the BIA. In addition, the linear nature of construction would ensure that most areas along the pipeline alignment are not impacted by construction noise for more than a few weeks at a time.
- h. The County of San Diego is not the lead agency for the proposed action under CEQA; therefore, there is no requirement to use the County's Guidelines for Determining Significance for Noise. Instead, the noise technical report uses the Office of Surface Mining Reclamation and Enforcement ground vibration limit of 2.0 inches per second at residential structures.

4-42

This comment states that the EIR/EA provides insufficient information regarding transportation and traffic issues and refers the reader to comments 4-43 through 4-54. No further response is necessary.

COMMENTS

Yuima MWD
Draft EIR/EA Northern Pipeline
06/16/2008

Temecula Road and Pauma Reservation Road. The following comments list the specific information that should be provided:

- 4-43 43. The draft EIR/EA should clearly identify where the proposed pipeline's 100-foot construction corridor would traverse County maintained roads such as Pala-Temecula Road and Pauma Reservation Road. The draft EIR/EA should provide a list of County maintained roads that would be traversed by the proposed pipeline along with enhanced and more detailed map figures.
- 4-44 44. The draft EIR/EA should clearly identify where construction of the proposed pipeline will occur within the County's right-of-way (ROW).
- 4-45 45. The draft EIR/EA should clearly identify above and below ground structures/facilities that will be part of the pipeline project.
- 4-46 46. The draft EIR/EA indicates that the proposed project will result in temporary construction impacts. According to the draft EIR/EA (Pg.8-4) the temporary roadway segment impacts could last a few days to a few weeks. The draft EIR/EA should identify if temporary impacts include road and lane closures, disruption to pedestrian and bike circulation, elimination of parking spaces, road damage, added traffic to LOS E/F roads, and access restrictions to properties and businesses. It should be noted that road and lane closures along County public roads should be avoided.
- 4-47 47. The draft EIR/EA should clearly identify what specific approvals the project will need from the County. The EIR/EA identifies (Pg.1-4) the potential need for the County to approve a road vacation, relocation, dedication of easements, and ROW encroachment.
- 4-48 48. The proposed project should coordinate very closely with the County's DPW Traffic staff in the development of the following types of plans: 1) Construction Transportation Plans; 2) Transportation Management Plans; and 3) Traffic Control Plans at this stage of the project environmental review. The plans should attempt to ensure that all feasible measures are implemented to minimize the construction project's potential traffic impacts to the extent possible. The construction project's hours of operation (Pg.3-26, 7am to 7pm) may need to be altered in order to minimize traffic impacts. The proposed project must obtain the proper traffic control permits and encroachment permits for work conducted along County maintained roads.
- 4-49 49. The Traffic Control Plans should identify the routes used by the construction trucks that will be hauling materials to/from the project site during the 12-month

RESPONSES

- 4-43 A list of all roads that would be traversed by the proposed action alignment is provided below. These include County, State, tribal and private roads.
- | | |
|---------------------------|----------------------------|
| 1. Adams Drive | 10. Pala Temecula Road |
| 2. Cole Grade Road | 11. Pauma Reservation Road |
| 3. Community Church Drive | 12. Private Road |
| 4. El Sendero Road | 13. Rainbow Crest Road |
| 5. Henderson Road | 14. Rainbrook Drive |
| 6. Jeremy Way | 15. Rhonda Lane |
| 7. Magee Road | 16. SR-76 |
| 8. Mordigan Lane | 17. Temapala Road |
| 9. Nate Harrison Grade | 18. Washenio Road |
- 4-44 Response to comment 4-43 identifies all roads that would be traversed by the proposed pipeline, including those maintained by the County. Until final design of the proposed pipeline and associated facilities is complete, this information provides the best estimation of where construction of the proposed action would occur within the County's right of way.
- 4-45 All above and below ground structures/facilities that would be part of proposed action have been identified in Section 3.0, Proposed Action and Alternatives.
- 4-46 As discussed in the EIR/EA, the preparation and implementation of a Traffic Control Plan, based on MUTCD and County standards, would include safety measures, measures to be followed for lane closures, and alternative routes throughout the project area. The Traffic Control Plan would also ensure that access for buses and cyclists is provided during construction, as well as access to properties and businesses. The elimination of parking spaces is not applicable, given the rural location of the proposed pipeline alignment and temporary duration of construction. Traffic associated with proposed project construction and operation is discussed in Section 8.1.6, Transportation and Traffic. Lane closures along County public roads would be avoided to the maximum extent practicable. Therefore, no further response is required.
- 4-47 Upon completion of final pipeline design, a list of the specific vacation, relocation, and easements in County roads will be provided to the County.
- 4-48 The construction contractor would be required to prepare and implement a Traffic Control Plan for the proposed action. This contractor has not yet been selected. When selected, the contractor would apply for a Traffic Control Permit from County DPW for any work conducted on County-maintained roadways. Appropriate traffic control permits and encroachment permits for work constructed along County maintained roads would be obtained prior to construction.

COMMENTS

Yuima MWD
Draft EIR/EA Northern Pipeline
06/16/2008

construction period. The draft EIR/EA indicates that the construction truck trips are estimated to average 40 miles each way.

- 4-50 50. The proposed project should avoid measures during construction that would potentially worsen traffic operations by adding traffic and/or restricting traffic flow along roads that currently experience substantial daily traffic congestion.
- 4-51 51. The draft EIR/EA should identify what County maintained roads would be used and/or affected by future maintenance of the pipeline.
- 4-52 52. The draft EIR/EA indicates (Pg.3-29) that existing ROW would be insufficient for the construction and operation of the alternative pipeline alignment and that the YMWD would need to acquire land or exercised eminent domain. The draft EIR/EA should identify what private properties could be impacted by the need for the project to acquire additional ROW.
- 4-53 53. The draft EIR/EA should identify what specific homes, structures, or utilities may need to be potentially relocated to accommodate the alternative pipeline alignment.
- 4-54 54. The proposed project should follow all regional standards regarding construction within the County right-of-way and that the DPW road cut policy would be observed.

Thank you for the opportunity to comment on the Draft EIR/EA for the Yuima MWD Northern Route Pipeline Project. Should you have questions about the County's comments, please contact Ms. Lory Nagem at (858) 694-3823.

Sincerely,



CHANTAL SAIPE
Tribal Liaison

Cc. San Luis Rey Indian Water Authority, P.O. Box 428, Pauma Valley, CA 92061

Cc's via E-Mail: Tribal Chairmen

Honorable Allen E. Lawson, Chairman, San Pasqual Band of Mission Indians
Honorable Robert Smith, Chairman, Pala Band of Mission Indians
Honorable Chris Devers Sr., Chairman, Pauma Band of Luiseño Indians
Honorable Lariam Musick, Chairperson, La Jolla Band of Luiseño Indians
Honorable Bo Mazzetti, Vice Chairman, Rincon San Luiseno Band of Mission Indians

11

RESPONSES

- 4-49 The Traffic Control Plan prepared by the construction contractor will identify the routes to be used by construction trucks hauling materials to and from the proposed action site. As a general estimate, construction trips are anticipated to average 40-miles each way. However, truck trip distances may vary depending on the location of the drop off/pick up along the proposed pipeline alignment and the distance to the final destination.
- 4-50 The Traffic Control Plan will include measures to avoid potentially worsening traffic operations during construction of the proposed action.
- 4-51 The proposed pipeline would be inspected and maintained from perpendicular access points from existing dirt and paved roadways along the alignment. The exact location of these access points will not be determined until final design of the pipeline is complete. However, access to the proposed pipeline from County-maintained roadways would require access clearance from the County, through the dedication of easements, granting of temporary access permits, traffic control permits, or other means. Future maintenance of the pipeline-related facilities would consist of one vehicle round-trip, potentially up to twice weekly, to the pump station, flow control facility and storage tanks. This would not significantly increase traffic on any County-maintained roadway.
- 4-52 The EIR/EA identifies that existing right of way would be insufficient for the construction and operation of the Existing Roads and Developed Areas Alternative. YMWD would need to acquire land or exercise eminent domain to obtain property for pipeline construction and operation. This would require the possible relocation of homes, structures and utilities located within existing roads. However, detailed information regarding properties that could be impacted has not been identified at this time, since final design of this alternative has not been completed. As provided in CEQA Guidelines Section 15126.6(d), the significant effects of the alternatives shall be discussed but in less detail than the significant effects of the proposed project. The BIA NEPA Handbook Section 4.4(D) requires that alternatives be considered other than the proposed action and No Action Alternative; however, for most EAs, these alternatives can be described and eliminated with reasons given for not considering them further instead of analyzing them throughout the EA. Therefore, the level of detail requested in this comment regarding impacts to private property from a project alternative is not necessary to evaluate the effects of the alternative under CEQA or NEPA.
- 4-53 See response to comment 4-52.
- 4-54 Construction of the proposed action that would impact County-maintained roads or right of way would be compliant with all applicable regulations and standards for construction within the County's right of way.

COMMENTS

RESPONSES

Yuima MWD

Draft EIR/EA Northern Pipeline

06/16/2008

Cc's via E-Mail: Interested Parties

CALTRANS, Mark Bobotis

SANDAG, Jane Clough-Riquelme

CDF (Cal Fire), John Kremensky

CDF (Cal Fire), Kevin O'Leary

Pala-Pauma Community Sponsor Group

Valley Center Community Planning Group

Valley Center Fire Protection District, George Lucia

Valley Center Municipal Water District

W. Scott Kardel, Palomar Observatory

Cc's via E-Mail: County Staff

Claudia Anzures, County Counsel

John Snyder, DPW

Bob Goralka, DPW

Dustin Steiner, District 5

Lory Nagem, DPLU

COMMENTS

RESPONSES



Brian D. Swanson
Land Management Rep.
CP110
8335 Century Park Court
San Diego, CA 92163-1569
Tel: 658 654 1249
Fax: 658 654 1263
Bswanson@semprautilities.com

June 11, 2008

Mr. Linden Burzell
General Manager
Yuima Municipal Water District
P.O. Box 177
Pauma Valley, CA 92061-0177

Mr. John P. Rydzik
Environmental Scientist
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Re: Northern Route Pipeline Project EIR/EA

Dear Mr. Burzell and Mr. Rydzik,

San Diego Gas & Electric Company ("SDG&E") is a large utility company providing gas and electric service to all of San Diego County and parts of Orange and Imperial Counties. SDG&E has electric distribution and transmission lines in northern San Diego County, in the area served by Yuima Municipal Water District.

I am a Land Management Representative for SDG&E. My responsibility includes managing SDG&E's easements and rights of way. In order to review the potential impact of your project upon SDG&E facilities, I need a detailed map showing SDG&E utilities in proximity to and/or crossing Yuima's proposed northern route pipeline.

5-1

I made an e-mail request to the general Yuima Municipal Water District e-mail address in late May, with no response received. Then on 6/9 I then spoke with Mr. Burzell who referred me to consultant Diane Catalano. I immediately called and spoke with Ms. Catalano, who advised me that she was not the best person to speak with, and assured me that she would pass my request along to one of her coworkers (she had not yet identified who that would be) and that she or the coworker would return my call and meet with me and/or provide me with the requested map.

Comment Letter 5 – San Diego Gas & Electric (SDG&E)

- 5-1 A more detailed map was provided to the commenter within a few days of receipt of the comment letter. Engineering of the proposed pipeline has attempted to keep crossing of SDG&E easements to a minimum.

COMMENTS

RESPONSES

Page 2

Since the comment period ends in less than a week, and to ensure that SDG&E has commented within the required time period, I am sending this letter.

5-1
cont.

The safe operation of SDG&E's facilities requires that certain separations be maintained between our distribution and transmission facilities and other structures. Crossings of our easements are to be kept to a minimum. Upon receipt of an e-mail address, I can forward a copy of our Transmission Guidelines, and Blasting Guidelines. These guidelines are meant to be used as a starting point, and contractors are strongly urged to consult with SDG&E's engineers and Land Management Representative to ensure that conflicts are minimized and that your project proceeds smoothly.

I am hopeful that I will receive the requested detailed maps in time to provide meaningful written comments before the cutoff date.

Yours truly,



Brian D. Swanson
Land Management Representative
(858) 634-1249

COMMENTS

RESPONSES

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



BY FACSIMILE (760) 742-2069 and (916) 978-6035

June 16, 2008

Mr. Linden Durzell
General Manager
Yuma Municipal Water District
P.O. Box 177
Pauma Valley, CA 92061-0177

Mr. John P. Rydzik
Environmental Scientist
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Re: Comments on Draft Environmental Impact Report/Environmental Assessment (EIR/EA) for the Northern Route Pipeline Project (Proposed Action), SCH No. 2007091022

Dear Messrs Durzell and Rydzik:

On behalf of itself and its many members who reside in San Diego County, the Endangered Habitats League (EHL) respectfully submits the following comments on the above Draft Environmental Impact Report for the Northern Route Pipeline Project (DEIR). EHL is a nonprofit organization dedicated to the conservation of Southern California's unique native ecosystems and to sustainable land use planning in the region.

6-1 The DEIR represents that the Project is intended *only* to serve existing tribal lands and the existing YMWD service area. The stated purpose of the Project is to "meet increasing demand *within the YMWD service area* and to provide water to the tribal members of the San Luis Rey Indian Water Authority (SLRIWA)." (DEIR at 3-1, emphasis added.) Further, the DEIR's growth-inducement analysis states that "[i]mplementation of the proposed action would result in the removal of physical impediments to growth by providing additional water availability via a new potable water transmission line and related facilities to existing and future customers *in the YMWD service area*. (Id. at 7-4, emphasis added.) Further, the DEIR explicitly states that "[t]he additional water availability would not expand the service area of YMWD to serve anticipated growth in Pauma Valley." (Id. at 7-5.)

Comment Letter 6 – Endangered Habitats League

- 6-1 The statements provided in the comment are accurate. As stated in Section 2.2, Proposed Action Purpose/Need, the two purposes of the proposed action are to: (1) provide additional peak water transportation capacity to meet the increasing needs of the existing primarily agricultural water users served by YMWD; and (2) provide the primary means of delivering water to the member Bands of the SLRIWA, pursuant to their entitlements under the provisions of Public Law 100-675. YMWD's projections indicate that the long-term sustainable yield from local water resources, which now supply approximately half of the agricultural water used in YMWD's existing service area, has already been exceeded. Additional supplies of imported water will be required to meet peak forecasted irrigation demands within YMWD's existing service area as soon as summer 2011.

COMMENTS

RESPONSES

Lyndon Burzell and John P. Rydzik
EHL Comments on Northern Pipeline DIER
June 16, 2008
Page 2

6-1
cont.

Implicit in this analysis appears to be a commitment that any overtures made to YMWD to provide direct or indirect access to this water to facilitate development in the Pauma Valley, or in any land not described above, will be rejected. Moreover, this analysis implies that YMWD has no intention of using this Project as the basis for eventually expanding its service area beyond its current configuration.

EHL seeks assurance from YMWD that these statements are accurate. If they are in any way inaccurate, EHL requests that YMWD articulate the basis for the inaccuracy, and that the environmental review of the Project be amended accordingly.

Based on this anticipated assurance, EHL does not oppose the Project as proposed.

Very truly yours,



Dan Silver
Executive Director

COMMENTS

RESPONSES

PALA-PAUMA SPONSOR GROUP

P.O. Box 599
Pauma Valley, CA 92061

June 6, 2008

Mr. Linden Burzell
Yuima Municipal Water District
PO Box 177
Pauma Valley, CA 92061-0177

RE: YUIMA MUNICIPAL WATER DISTRICT E.I.R. FOR ITS NORTHERN ROUTE
PIPELINE PROJECT

The Pala-Pauma Sponsor Group has reviewed the above referenced environmental document and held a publicly noticed hearing on the project at its regularly scheduled June 4th meeting. Our comments on the draft environmental document follow. In general, the document lacks specifically which in turn makes it difficult to measure the actual extent of project impacts in a number of areas. Proposed mitigations will not be finalized until after construction actually begins. This further complicates any analysis of cumulative impacts as well as a comparison of the project alternatives. The true cost of the project, in terms of both environmental impact as well as actual construction will not be known until after construction begins. When it will be too late to pursue one of the project alternatives (or a modified alternative) which might have yielded a more sensitive or cost-effective project overall. On an administrative note, the document itself was extremely difficult to review since it was not available as a hard copy. The website where the document could be found was hard to navigate and difficult to download. We were forced to make numerous trips to the library to actually review the document and hence suspect that fewer members of the public in general were able to provide comments.

BIOLOGY

Portions of the pipeline alignment go through steep and difficult terrain. A field review of the project route was performed at times from remote vantage points, which potentially allows some resources to be missed. Similarly, some of the potentially occurring species within the study area can only be found during certain times of the year. The District intends to complete these studies prior to actual construction. This means, however, that cumulative impacts can not be determined now, nor mitigations be finalized since some of the federal and state permits needed by the project (Army Corps. 404 permit; State 1602 Streambed Alteration permit) require an analysis of alternatives. This analysis should be provided now.

Comment Letter 7 – Pala-Pauma Sponsor Group

- 7-1 The comment states that the draft EIR/EA lacks specificity which makes it difficult to measure the actual extent of impacts in a number of areas, but does not specify what these areas are. YMWD and the BIA, as co-lead agencies, contend that the EIR/EA is adequate to address the potential impacts of the proposed action under CEQA and NEPA. Therefore, no further response is warranted.
- 7-2 This comment is incorrect. Mitigation measures would be finalized upon certification of the Final EIR/EA and adoption of the Mitigation Monitoring and Reporting Program (MMRP) by YMWD, and approval of a Finding of No Significant Impact (FONSI) by the BIA. Construction of the proposed action would be required to implement all mitigation measures as outlined in the Final EIR/EA and MMRP. Alternatives to the proposed action and cumulative impacts are addressed in Chapters 5 and 6 of the EIR/EA, respectively.
- 7-3 This comment is incorrect. Potential impacts from construction and operation of the proposed action have been adequately addressed in the EIR/EA. See response to comment 7-2.
- 7-4 As stated in Section 2.5.4, Availability of Draft EIR/EA, hard copies of the Draft EIR/EA were available for review during the 45-day public review period at the following locations during normal business hours: (1) YMWD, 34928 Valley Center Road, Pauma Valley, CA. 92061-0177; (2) BIA Pacific Regional Office, 2800 Cottage Way, Sacramento, CA 95825; and (3) Valley Center Public Library, 29200 Cole Grade Road, Valley Center, CA 92082. The Draft EIR/EA was also available in electronic form on the YMWD website at: www.yuimamwd.com. Additionally, a Notice of Availability of a Draft EIR/EA was published in the Valley Center Road Runner on May 2, 2008, which included the same document availability information.
- 7-5 Please see response to comment 4-13 regarding field surveys conducted for the proposed action. To compensate for surveys that were limited due to access issues, low rainfall, fire, and other specified reasons, project impacts were assessed using aerial photographs, literature reviews, database searches, and other surveys conducted for the proposed action. As a conservative approach, the presence of listed species was assumed to be positive and impacts were determined to be potentially significant. Mitigation measures have been identified to reduce impacts to below a level of significance. See response to comment 4-17 regarding surveys that are required as part of mitigation measures. Cumulative impacts were also assessed assuming that the proposed action would result in significant direct biological impacts to sensitive habitat, listed species, and jurisdictional waters. However, the proposed action's contribution was not determined to be cumulatively

COMMENTS

RESPONSES

7-6 The introduction of a pipeline alignment through large natural habitat areas potentially allows access to an area which previously could not be disturbed by human visitors. This could have much greater cumulative impacts to the area in the future as people follow the pipeline route into the back country.

7-7 The project proposes above ground crossings of the various creeks found along the route. How high would these crossings be, and how long would they extend past the 100 yr. floodplain of the creeks? Recent storm events in the watershed have yielded considerable flood damage from post fire erosion. Large boulders and mud flow have caused significant damage outside of the typical creek beds. The bridge crossings could potentially be damaged by rock and mud slides, and could potentially trap rocks and debris. This in turn could allow the build up of additional material which might act as a dam to further run-off. All of this type of erosion would result in a loss of additional habitat in the vicinity of the crossing. This type of damage could also cause the pipeline to break interrupting service, as well as causing additional damage from the rupture.

AESTHETICS

7-8 Highway 76 is formally listed as a candidate state scenic highway route by the state of California and as such is eligible for inclusion within the state scenic highway system. In 2007, the Pala-Pauma Sponsor Group requested that the County of San Diego begin the application process to formally obtain such designation. The County Board of Supervisors voted to approve this request and the Pala-Pauma Sponsor Group has initiated this process. For this reason, any potential impacts to the existing visual quality of the Highway 76 corridor should be quantified and their effects mitigated so as to not preclude the requested scenic highway designation. Even without inclusion of the scenic highway status, the existing visual resources within the vicinity of the proposed project are of such a caliber and quality that vistas from the roadway should be protected and preserved.

7-9 We believe the proposed project will have significant impacts to existing visual resources in a number of locations. The siting of large water storage reservoirs along a key ridgeline are particularly disruptive of long range views, and otherwise scenic vistas. These tanks should be undergrounded. The conclusion that the future location of the Pala Faceway project will further obstruct the view of the tanks in the future is totally unacceptable as mitigation for the significant impact. The District can not rely on the work of other unrelated projects to mitigate its impacts.

7-10 Similarly the proposed flow control facility and the pump station must be screened from view. These new existing visual environment around them and mitigation is required providing native landscaping will not provide sufficient screening. Fencing should be screened from view also.

considerable. The comment suggests that federal and state permits be obtained prior to the finalization of the EIR/EA. This is not a typical procedure, since the EIR/EA will be used by the wildlife agencies and ACOE to process the required permits. These permits do not require an analysis of project alternatives.

7-6 The majority of the proposed pipeline alignment would be located underground, with the exception of any bridged creek crossings. The areas disturbed during pipeline installation would be revegetated, consistent with mitigation measures Bio-1B and Bio-3. Any portion of the proposed pipeline alignment located in existing roads would be restored to pre-project conditions. In addition, a large portion of the proposed pipeline alignment would be located on private property or land held in trust by the BIA, where public access is not permitted and would be considered trespassing. Therefore, the potential for human visitors to follow the pipeline into areas not previously disturbed is not considered to be a potential issue with respect to indirect impacts to biological resources.

7-7 Bridged crossings of the pipeline alignment would be determined in consultation with CDFG and ACOE. If bridged crossings are determined to be necessary, consideration shall be given to the issues raised in the comment. Bridged crossings would be constructed in compliance with all federal, state and local requirements regarding the design of these facilities.

7-8 Visual impacts of the proposed action to SR-76 are analyzed in Section 4.1, Aesthetics. Specifically, the analysis addresses the visual impacts to SR-76 from construction of above-ground facilities associated with the underground pipeline including the proposed storage tanks, potential bridged crossings and proposed pump station. Potential impacts to SR-76 were identified from construction of the proposed storage tanks. Mitigation measure Aes-2, would reduce the significant visual impact of the proposed storage tanks from SR-76 to below a level of significance. Therefore, visual impacts to SR-76 have been adequately addressed in the EIR/EA.

7-9 The undergrounding of the two 6.0 mgd storage tanks is considered to be infeasible, since it would lower the high water level that could be achieved on the site with above ground elevated tanks. The high water level that was established during the preliminary design phase is necessary to maintain the gravity-fed pipeline. Lowering the high water level would impact the energy savings of the project by reducing the available hydraulic grade (pressure) to the users downstream of the proposed storage tanks. In addition, the excavation for the tanks would require additional blasting of the rock below the tanks site, which would contribute to increased air quality and noise impacts during construction. The additional blasting and excavation would increase the overall duration of

COMMENTS**RESPONSES**

construction and the number of truck trips necessary to haul away excavated materials.

The EIR/EA concludes that a potentially significant visual impact would occur from SR-76 and provides a mitigation measure (Aes-2) to reduce the impact to below a level of significance. The EIR/EA states that if the former Vulcan mine is developed with a raceway in the future, the raceway development would further obstruct the view of the storage tanks from SR-76 does not reduce the significant visual impact to below a level of significance or replace the need for mitigation. Therefore, the EIR/EA does not rely on the work of other projects to mitigate its impacts.

- 7-10 Visual impacts associated with the construction of the flow control facility were determined to be less than significant. Therefore, mitigation is not required. Aes-1 provides mitigation to soften and screen the views of the proposed pump station from adjacent residences. This mitigation measure includes the design of the chain-link fencing surrounding the pump station to blend into surroundings. Beyond the color-coated chain link fence, perimeter landscaping of trees and vegetation are also required. The combination of the required features listed in mitigation measure Aes-1 would provide sufficient screening to lessen the visual impacts of the pump station at the adjacent residences to below a level of significance.

COMMENTS

RESPONSES

7-11 A number of the stream crossings (if bridged aboveground) will impact the visual character of the adjacent area and potentially significantly impact views from Highway 76. These potential impacts are not analyzed or discussed in the document and need to be.

7-11 Potential bridged stream crossings are addressed on page 4.1-24 of Section 4-1, Aesthetics. As discussed in this section, due to the limited number of potential viewers, impacts from bridged-crossings on the existing visual character/quality of the surrounding area would be less than significant.

7-12 **WATER RESOURCES**

The Pauma Groundwater Basin is currently in an overdraft condition relative to long term storage capacity conditions. The Yuima Municipal Water District is currently one of the major extractors of water from the basin. The importation of additional water supplied into the basin may lead to additional development and growth within the basin. Causing potentially significant impacts from this growth inducement. The continued unrestrained use of groundwater in the basin has the potential to affect all of the other existing beneficial users of this groundwater.

7-12 The proposed action does not require extraction of groundwater from the Pauma Groundwater Basin. As stated in Section 2.2, Proposed Action Purpose/Need, the two purposes of the proposed action are to: (1) provide additional peak water transportation capacity to meet the increasing needs of the existing primarily agricultural water users served by YMWD; and (2) provide the primary means of delivering water to the member Bands of the SLRIWA, pursuant to their entitlements under the provisions of Public Law 100-675. The proposed action does not intend to increase the existing customer service area of YMWD, and therefore is not anticipated to induce population growth or development within the Pauma Groundwater Basin area.

7-13 New and additional growth in the District should be required to pay its fair share for water service. The use of groundwater effectively subsidizes the cost of water for additional water users. A cumulative analysis of the effect of such use upon existing groundwater users and resources is necessary.

7-14 Similarly, although how the Tribes utilize their additional water allocations is a Tribal matter. How their use affects existing groundwater conditions is a subject that must be addressed by this document. Will the Tribes potentially offer some of their water for sale off of the reservations? If so, how will this effect Yuima? What potential exits for water to be sold either within or outside of the Yuima District boundaries? If the Tribes choose to store some of their additional water allocations as groundwater, is there a potential for them to lose portions of this water through extraction by others?

7-13 See response to comment 7-12. Chapter 7, Growth Inducement and Other Required Sections, of the EIR/EA concludes that the proposed action would not substantially induce population growth. Additionally, the proposed action does not involve the extraction or recharge of groundwater. Therefore, no further discussion is required.

7-15 There are clearly a number of potentially significant impacts from a growth inducing as well as a cumulative standpoint that should be addressed by this environmental document. A thorough groundwater study should be included within this document as a starting point for understanding true project impacts.

7-16 Potential mitigations might include limiting Yuima's use of groundwater as new imported supplies become available. Limiting purchases of water by Yuima from outside the District might also be considered.

7-14 The EIR/EA addresses the issues raised in the comment in Section 2.1.3, Tribal Agreements. As discussed in this section, the imported water that would be available from implementation of the proposed action would provide a supplemental water supply to the tribal members of the San Luis Rey Indian Water Authority, if and when it is needed. If the 16,000 AF is not fully used by the tribes to serve existing uses, this water may be used to increase agriculture on tribal lands, re-charge the underlying groundwater basin, replace or substitute local supply, or be used for other non-specified non-agricultural development on tribal lands (subject to tribal government approval and applicable federal requirements). The excess water may also be sold to the City of Escondido and Vista Irrigation District. These actions are not part of the proposed action and may require subsequent CEQA and/or NEPA review.

7-17 The growth inducing impacts of this project might be best mitigated by the formation of a non-profit land conservation or mitigation bank. Such an entity, if set up right, could provide long term monitoring and conserved as environmental open space. Since no local conservation entity exists, impacts to local environmental resources are difficult to mitigate in the nearby region. Thus further exasperating the cost to the environment. This project should dedicate habitat lands as partial litigation for its biological impacts. It will be difficult to know this without some sort of local conservation/land bank to accept long term responsibility for these lands.

7-15 See response to comment 7-12. The proposed action does not involve the extraction or recharge of groundwater. The growth inducing impacts of the proposed action are discussed in Chapter 7, Growth Inducement and Other Required Sections, and cumulative impacts of the proposed action are addressed in Section 5, Cumulative Effects.

Should you have any questions about our comments, please do not hesitate to call the undersigned.

Sincerely,

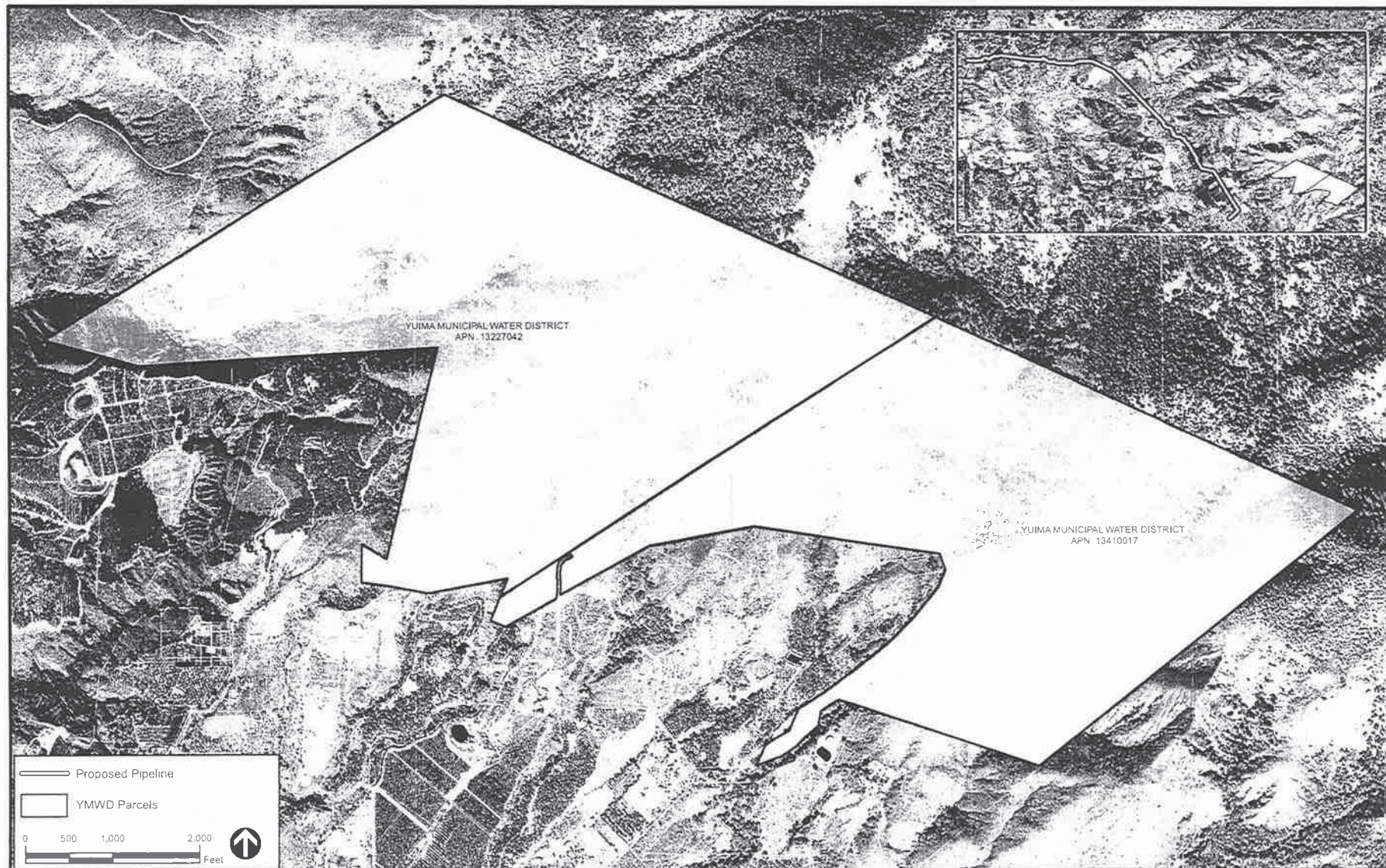

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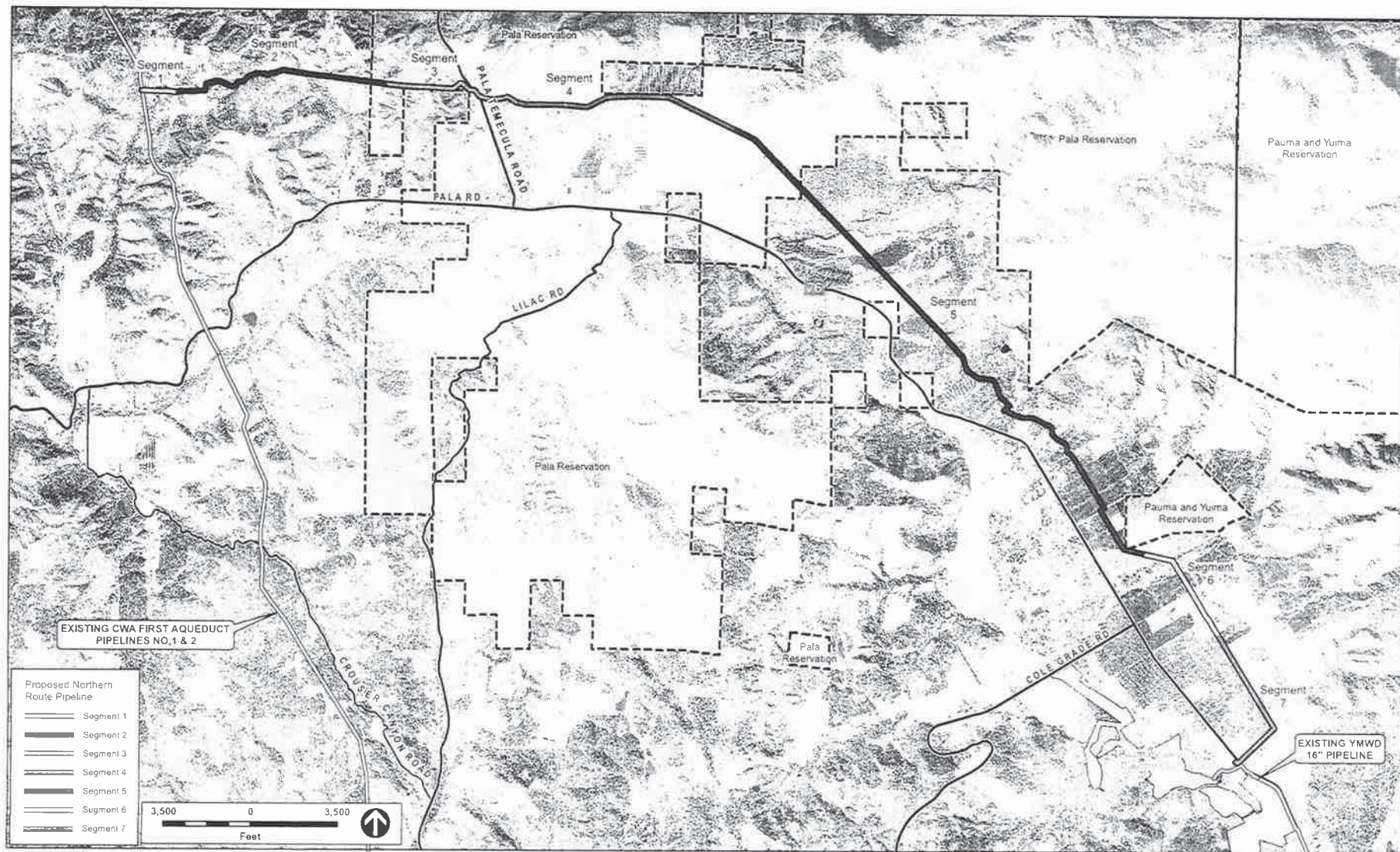
Joe Chisholm
Chair

COMMENTS**RESPONSES**

- 7-16 See response to comments 7-12 and 7-15. The proposed action does not involve groundwater extraction or recharge; therefore, the analysis of groundwater resources and the preparation of a thorough groundwater study are not included in the EIR/EA. No further discussion is required.
- 7-17 See responses to comments 7-12, 7-14 and 7-15. Mitigation measures have been recommended to fully mitigate significant impacts identified in the EIR/EA. No additional mitigation is necessary.

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SOURCE: PBS&J, 2007

NORTHERN ROUTE PIPELINE REACHES

ATTACHMENT 2