

Executive Summary

The San Diego County Water Authority (Water Authority) has prepared this joint draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS; No. 2003121012) to evaluate a Subregional Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP, or Plan). The NCCP/HCP has been prepared to fulfill the requirements for issuance of an incidental take permit under section 10 of the federal Endangered Species Act (ESA) and incidental take authorization under Section 2835 of the state Fish and Game Code (California Natural Community Conservation Planning Act; NCCPA).

Project Description

The Water Authority's NCCP/HCP is a comprehensive program designed to facilitate conservation and management of Covered Species and habitats associated with Water Authority activities and contribute to ongoing regional conservation efforts. The Plan identifies the types of activities proposed for coverage and an assessment of expected impacts on Covered Species. The Plan addresses potential impacts to sensitive resources and provides a habitat-based assessment of take associated with the ongoing installation, use, and maintenance of its aqueduct and associated water treatment, conveyance, and storage systems, and typical expansion to those systems throughout the Water Authority's rights of way.

The Plan Area covers 992,000 acres where Water Authority Covered Activities would take place. The Plan Area was modified from the boundaries identified by the Notice of Preparation (NOP) released in 2003. At that time, the planning area included approximately two million acres, extending east to the San Diego watershed boundary in the Laguna Mountains. The Scoping Report prepared for this project is included as Appendix A to the EIR/EIS.

The majority of the activities covered under the proposed Plan would occur in an area identified as the Probable Impact Zone (PIZ) which covers the 64,600-acre area around existing Water Authority infrastructure and within associated rights-of-way. Approximately 373 acres of Covered Species habitat are estimated to be permanently impacted as a result of the Covered Activities identified within this Plan over a 55-year period. Additional impacts will occur to disturbed habitats, agricultural lands, or non-native vegetation communities (e.g., eucalyptus woodlands) that would not require mitigation pursuant to this Plan.

Covered Species are listed and non-listed species whose conservation and management are provided for by the Plan and for which limited take is authorized by the

Wildlife Agencies pursuant to the Permits. To address potential impacts to sensitive species and habitat associated with existing and future installation, use, maintenance, expansion, and repair of its aqueduct and water storage, treatment, and delivery systems, the Water Authority proposes a Plan to cover 63 species (26 plant species and 37 wildlife species), 19 of which are narrow endemic. The species list was developed based on a preliminary list of more than 100 species that could be potentially impacted by Water Authority activities. At the time the NOP was released, 84 species were proposed for coverage. A total of 89 species were analyzed in the conservation analysis.

The Plan includes mitigation measures designed to avoid and minimize potential impacts to biological resources and to provide appropriate mitigation to ensure the protection of Covered Species where impacts are unavoidable. The Preserve Area has been established in order to provide adequate conservation for all Covered Activities to be permitted under the Plan. Those components of the Preserve Area which function as conservation banks will provide mitigation credits which the Water Authority can use to offset the impacts of Covered Activities. The Water Authority's fee-owned lands and easements also play an important role in regional conservation by providing habitat connectivity in areas where little natural habitat remains. The Plan is included in full as Appendix B to this EIR/EIS.

Environmental Setting

Topographical features for San Diego County and southwestern Riverside County include coastal beaches; mesas, canyons and rolling hills; plains, buttes, and plateaus; foothills and mountains; and rivers, creeks, and drainages. Habitat types include freshwater wetland and vernal pools, sage scrub, chaparral, grasslands, coastal lowland oak woodland, high foothill, and montane habitats. Other land types include agricultural and exotic landscapes as well as developed and urbanized lands.

The Plan identifies the Water Authority Service Area, the Plan Area, and the PIZ. The Water Authority Service Area extends over 920,463 acres of western San Diego County. The Service Area encompasses properties or easements where the Water Authority owns and operates facilities that provide a safe, reliable water supply to its Member Water Agencies. For the preparation of this Plan, the Water Authority identified lands in San Diego and southwestern Riverside Counties where water conveyance, water treatment, water storage, and local water supply development form a critical component of the current and future water reliability in San Diego County, and where the Water Authority has existing and planned facilities or interests. As described above under Project Description, an area of approximately 992,000 acres is defined as the Plan Area for which the Water Authority is seeking permit coverage. Within the Plan Area, the PIZ is a more specific area where most of the Covered Activities and take are expected to occur.

Environmental Analysis

This joint EIR/EIS has been prepared to evaluate the potential environmental effects from the Plan, the implementation of which could result in the take of Covered Species and their habitats. This EIR/EIS evaluates the potential environmental consequences and impacts associated with implementation of the proposed Plan and alternatives, and thereby satisfies the requirements of both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) in a single, combined document. The combined document also allows for concurrent regulatory review and processing. As required by both CEQA and NEPA, lead and responsible/trustee/cooperating agencies are responsible for review and approval of the environmental document.

The analysis is developed pursuant to the CEQA (California Public Resources Code Section 21000 et. seq. and CEQA Guidelines Section 15168) and NEPA, as implemented by the Council on Environmental Quality Regulations (Title 40 Code of Federal Regulations Parts 1500-1508). Section 4.0, Environmental Impacts/Environmental Consequences and Alternatives, evaluates the potentially significant effects from implementation of the proposed Plan and Alternatives. Issues evaluated and determined to not result in a potentially significant impact or significant adverse effect from one or more of the alternatives include water resources and water quality, land use, socioeconomics, and environmental justice. The issues evaluated and determined to result in a potentially significant impact or significant adverse effect from one or more of the alternatives are biological resources and public services and utilities. The summary of potentially significant impacts for the environmental issues analyzed in this EIR/EIS is included in Table S-1 at the end of this chapter.

The discussion of growth inducement is presented in Section 5.0 of this EIR/EIS. The proposed Plan and Alternatives do not pose a potentially significant growth inducement impact.

Section 6.0 evaluates the cumulative impacts of the proposed Plan and Alternatives. Issues evaluated and determined to not result in significant cumulative impacts or significant cumulative adverse effects include water resources and water quality, land use, socioeconomics, and environmental justice. Issues that could result in cumulative adverse effects resulting from at least one of the alternatives include biological resources and public services.

Section 7.0 discusses effects of the proposed Plan and the alternatives that were found not to be significant, and which were therefore not analyzed in the EIR/EIS. The effects determined not to be significant in this EIR/EIS include aesthetics, air quality/climate change, cultural resources, geology and soils, hazardous materials, mineral and energy sources, noise, recreation, and transportation/circulation. Finally, Significant

Unavoidable Environmental Effects/Irreversible Environmental Changes are addressed in Section 8.0.

Project Alternatives

The U.S. Fish and Wildlife Service (USFWS) is required to respond to the Water Authority's request for a section 10(a)(1)(B) permit, to protect, conserve, and enhance federally listed species and their habitat, and to ensure compliance with the ESA, NEPA, and other applicable federal laws and regulations. The Water Authority is required to meet the demands of regional water supply by constructing, expanding, operating, and maintaining its extensive water distribution, treatment, storage facilities, and rights-of-way. The impetus behind the planning and investment for an NCCP/HCP is to allow the Water Authority to continue activities in a streamlined manner with an increased level of certainty as it relates to biological resources and for the Wildlife Agencies to provide a mechanism for the Water Authority to receive take authorizations for Covered Species while ensuring the long-term survival of those species through a large scale planning effort. The proposed NCCP/HCP also provides an opportunity to implement avoidance and minimization measures to ensure the level of incidental take occurring as a result of Water Authority actions would not appreciably reduce the survival and recovery of federally and/or state-listed, candidate, or otherwise Covered Species.

This EIR/EIS presents alternatives considered but rejected and fully analyzes four alternatives. For the alternatives analyzed, the USFWS would issue an incidental take permit to otherwise lawful activities, such as the development, installation, maintenance, operation, and repair of facilities that are, or would be, necessary for the Water Authority to provide water. Because the proposed action is issuance of permits for incidental take, the range of alternatives analyzed is limited to permitting options for the Water Authority and Wildlife Agencies.

- **Alternative 1: No Action/No Permit Alternative.** This EIR/EIS includes a No Action/No Permit Alternative under which the Water Authority would not adopt the proposed Plan and continue to conduct its actions on a project-by-project basis, with standards that conform to good planning, engineering, and construction practices. The No Action/No Permit Alternative would not implement comprehensive measures to address impacts to listed species arising as a result of Water Authority activities. It would not be required to apply the same levels of mitigation and conservation to unlisted species. The Water Authority has already secured the Preserve Area, and mitigation credits could be used to offset impacts from Planned and Future Projects. However, the Water Authority would not pursue the level of management/monitoring that is proposed in the NCCP/HCP.

- **Alternative 2: Proposed Plan Alternative.** The second alternative is the proposed Plan. The Proposed Plan Alternative proposes the implementation of a subregional conservation plan and issuance of a section 10(a)(1)(B) permit for incidental take of 63 Covered Species within the Plan Area and issuance of Section 2835 incidental take authorizations. This alternative represents a comprehensive approach to conservation within the Plan Area. Under the Plan, the Water Authority agrees to implement avoidance, minimization, and mitigation measures that have been designed to adequately protect and mitigate the incidental take of Covered Species and their habitats. The Plan identifies a managed Preserve Area acquired and funded by the Water Authority. These lands provide strategic habitat connections and serve as the Water Authority's contribution to regional conservation efforts.
- **Alternative 3: Full Species List Alternative.** The third alternative is for the Water Authority to propose coverage and receive an incidental take permit for a full list of 89 species. The Full Species List Alternative would require the Water Authority to justify the need for coverage and conservation of all the species considered in the conservation analysis. All elements contained within the Plan, such as the minimization, avoidance, and mitigation measures, would apply to a longer list of species. However, not all of the 89 species are reasonably likely to be listed or to require coverage from impacts. This alternative may include additional conservation measures for species whose occurrence has not been confirmed or determined to be likely to occur, or a species whose adequate conservation and management requires verification.
- **Alternative 4: Reduced Plan Area Alternative.** The fourth alternative is the Reduced Plan Area Alternative. This alternative would include a reduced Plan Area that only encompasses the PIZ and a reduced species list. The Plan Area that would be permitted would be limited to the PIZ, an area encompassing approximately 64,600 acres. Covered Activities under this alternative would be the same as those covered under the Proposed Plan Alternative. The Reduced Plan Area Alternative would allow the Water Authority to adopt the Plan as currently proposed, only with coverage proposed for those 39 species (18 plant species and 21 wildlife species) that are known to occur within the PIZ. This alternative would provide conservation for fewer species than covered in the Proposed Plan and the Full Species List Alternatives.

The following provides a brief description of the four alternatives which are discussed in more detail in Section 2.0 of this EIR/EIS. All alternatives fulfill at least part of the Water Authority and USFWS' purpose and need, except for Alternative 1. Under all four alternatives, the Water Authority would also enforce existing Biological Opinions (BO) when carrying out Existing Projects and continue to meet the federal and state requirements for protection of listed species for all Covered Activities. Under the No

Action/No Permit Alternative, the USFWS and California Department of Fish and Game (CDFG) would have to issue individual permits for any project that would incidentally take a federally or state-listed species. With the adoption of the Proposed Plan, the Full Species List Alternative, or the Reduced Plan Area Alternative, one federal and one state take permit would be granted for all Covered Activities. Because Water Authority activities would be the same under all of the alternatives, including the No Action/No Permit Alternative, the expected impacts to Covered Species and their habitats (and the need for an incidental take permit) would be the same. Unlike the project-by-project approach of Alternative 1, the conservation plan developed for Alternatives 2, 3, and 4 would streamline the current permitting process, contribute to regional conservation efforts, and provide a benefit to Covered Species and their habitats. Alternatives 2, 3, and 4 would also establish and utilize the same HMAs to mitigate impacts from the alternatives. The distinction between the alternatives is further described below. The summary of impacts for the four alternatives is provided in Table S-1 at the end of this chapter.

Under Alternative 1: No Action/No Permit Alternative, the Water Authority would continue to implement mitigation on a project-by-project basis. In recent years, the Water Authority has addressed as many as 16 federally and/or state-listed species during the planning, constructing, and/or maintenance of facilities. The project-by-project approach would not apply the same levels of mitigation and conservation to unlisted species (or possibly not have to explicitly mitigate for impacts to certain unlisted species), would not necessarily mitigate for impacts to certain vegetation communities, potentially could mitigate in areas that are not specifically part of the regional conservation effort, and would not provide the comprehensive management of mitigation areas (it would be more species-specific oriented). This would result in less coordinated and less comprehensive conservation of vegetation communities and species. The Preserve Area acquired by the Water Authority to support the preparation of an NCCP/HCP could be used to mitigate Planned and Future Projects. However, under Alternative 1, the Water Authority may not be required to provide for the level of management/monitoring that the other alternatives would require. In addition, the Water Authority would address only the listed species associated with the project-specific take permits, and would not provide comprehensive management/monitoring reports that could be linked with other regional conservation reporting.

Alternative 1 would meet the USFWS need to ensure that any proposed take of federally listed species would be authorized through other sections of the ESA. However, the comprehensive program described for the Proposed Plan Alternative, which outlines avoidance, minimization, and mitigation measures and identifies conservation areas, would not apply. Implementing project-specific minimization and mitigation measures often results in the piecemeal acquisition of small parcels of suitable habitat that lead to less conservation than could be accomplished through regional planning. Additionally, the Water Authority would not attempt to achieve the goals of the NCCPA. Alternative 1

was not selected as the proposed alternative because it would not provide the same levels of protection for Covered Species and their habitats, would not contribute to regional conservation efforts, and would not provide certainty in the permitting process for Water Authority activities. Furthermore, Alternative 1 would not fully meet the purpose of the USFWS to provide a means to protect, conserve, and enhance those proposed Covered Species that are not listed, but are regionally significant, since unlisted, yet regionally sensitive, species proposed as “covered” under the other alternatives would not receive any additional conservation as mitigation for Water Authority projects.

Alternative 2: Proposed Plan involves approval and implementation of the proposed Plan. This alternative would create a process to streamline environmental compliance for biological resources and contribute to regional conservation efforts with a total of 63 species proposed for coverage. In developing the Plan, the Water Authority has prepared and will implement a long-term management and monitoring agreement between the Water Authority, USFWS, and CDFG for the conservation and management of Covered Species and habitats in the Preserve Area. In addition, the Plan provides a level of regulatory certainty as it relates to biological resources for the Water Authority to carry out activities related to delivering the region’s water supply. Alternative 2 is the preferred alternative because this alternative provides: a comprehensive program for long-term conservation of sensitive biological resources, while also ensuring compliance with the ESA for the specific Water Authority activities that take place within the Plan Area; an increase in the level of regulatory certainty for the Water Authority; and a streamlined environmental compliance process, which will save time and money. Under this alternative, the Water Authority would expand the list of vegetation communities, ecosystems, and sensitive species that require compensatory mitigation when impacted by a Water Authority Covered Activity over those that would be mitigated under Alternative 1. For example, communities such as non-native grassland and southern mixed chaparral would require mitigation to be consistent with the requirements of the Plan. Without the Plan, the Water Authority’s CEQA analyses have, to date, identified these as non-sensitive vegetation communities that do not require mitigation pursuant to CEQA. This alternative would meet all of the specific purposes and needs of the USFWS and Water Authority.

Alternative 3: Full Species List proposes an identical conservation plan as Alternative 2, except that the Covered Species list would be expanded. Up to 26 additional species would be covered by the Plan. Alternative 3 was developed from the conservation analysis that addressed 89 species. Instead of obtaining permits for listed species on a project-specific basis, Alternative 3 of the Plan would provide a level of regulatory certainty as it relates to biological resources for the Water Authority to carry out activities related to the region’s water supply. Similar to Alternative 2, communities, such as non-native grasslands and southern mixed chaparral, would require mitigation to be in compliance with the Plan if impacted by Water Authority activities. However, the Water

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Authority's analysis determined that not all of the 89 species are reasonably likely to require coverage, given that the additional 26 species are not expected to occur within the PIZ and Survey Area. Although this alternative would meet the purpose and need of the USFWS and Water Authority, funds would be expended on managing and monitoring species that may not have a need for additional conservation to compensate for project impacts, potentially diminishing the efforts toward conservation of the other Covered Species whose conservation needs are greater. In addition, without adequate information that all of the 89 species are present or likely to occur where impacts and management activities would take place, the Water Authority may not be able to demonstrate that there would be potential take or applicable conservation.

Alternative 4: Reduced Plan Area proposes a similar approach to conservation as Alternatives 2 and 3, except that the Plan Area would be reduced to the PIZ. The Plan would only provide an incidental take permit for a subset of the species proposed for coverage in Alternatives 2 and 3 (39 species versus 63 and 89 species, respectively). The covered species list would include only those species known to occur on habitat lands within the PIZ. The Plan commits to conserving 39 Covered Species. However, Alternative 4 would not be required to provide comparable conservation for those additional species proposed for coverage under Alternatives 2 and 3 if they are impacted by Covered Activities. While this alternative would meet the purpose and needs of the USFWS and Water Authority, it would not provide the level of conservation for regionally sensitive species that was originally intended by either agency.

**TABLE S-1
SUMMARY OF POTENTIAL ENVIRONMENTAL EFFECTS OF EACH ALTERNATIVE¹**

Issue	Alternative 1 (No Action/No Permit)	Alternative 2 (Proposed Plan)	Alternative 3 (Full Species List)	Alternative 4 (Reduced Plan Area)
Biological Resources				
Effects on sensitive species	Significant Impact BIO-1 would be less than significant after mitigation	Significant Impact BIO-1 would be less than significant after mitigation	Significant Impact BIO-1 would be less than significant after mitigation	Significant Impact BIO-1 would be less than significant after mitigation
Effects on sensitive habitat	Significant Impact BIO-2 would be less than significant after mitigation	Significant Impact BIO-2 would be less than significant after mitigation	Significant Impact BIO-2 would be less than significant after mitigation	Significant Impact BIO-2 would be less than significant after mitigation
Effects on wetlands	Significant Impact BIO-3 would be less than significant after mitigation	Significant Impact BIO-3 would be less than significant after mitigation	Significant Impact BIO-3 would be less than significant after mitigation	Significant Impact BIO-3 would be less than significant after mitigation
Effects on wildlife movement corridors	Significant Impact BIO-4 would remain significant and unmitigated	Significant Impact BIO-4 would be less than significant after mitigation	Significant Impact BIO-4 would be less than significant after mitigation	Significant Impact BIO-4 would be less than significant after mitigation
Effects on policies and plans	Significant Impact BIO-5 would remain significant and unmitigated	No impact	No impact	No impact
Water Resources and Quality				
Effects on surface water and water quality	No impact	No impact	No impact	No impact
Effects on drainage patterns	No impact	No impact	No impact	No impact
Land Use				
Conflict with land uses	Significant Impact LU-1 would be less than significant after mitigation	No impact	No impact	No impact
Public Services and Utilities				
Effects on services and utility infrastructure	Significant Impact PS&U-1 would remain significant and unmitigated	No impact	No impact	Significant Impact PS&U-1 would remain significant and unmitigated
Socioeconomics				
Effects on socioeconomics	No impact	No impact	No impact	No impact
Environmental Justice				
Effects on minority and low-income populations	No impact	No impact	No impact	No impact

¹ Impacts are labeled and numbered according to issue.

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