

# REVISIONS TO THE DRAFT EIR/EIS

Subsequent to distribution of the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Draft Subregional Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and preparation of responses to comment letters, additional minor revisions and editorial changes have been made to the text of the Final EIR/EIS. Specific revisions (text or language changes) made to the Draft EIR/EIS are provided below. The changes listed below do not change the conclusions of the EIR/EIS. No new significant impacts have been identified. All mitigation requirements for impacts remain unchanged and will be implemented as stated in the Final EIR/EIS and Mitigation Monitoring and Reporting Program.

The minor revisions and editorial changes are categorized below under three headings: Specific Revisions, Global Edits, and Minor Revisions. Specific Revisions to text, tables, and figures are called out according to the exact location in the document and are listed for any changes where additional clarification or supporting information was warranted. Specific Revisions are identified for both the Draft EIR/EIS and the NCCP/HCP which is Appendix B to the EIR/EIS. Global Edits refer to repetitive changes such as the numbers of Covered Species/Narrow Endemic species covered by the NCCP/HCP were made as necessary throughout the EIR/EIS in order to provide consistency of references. Minor revisions including typographic errors, page numbering, etc. was also corrected for the Final EIR/EIS. All text deletions to the EIR/EIS are shown as strikethrough text and revisions/additions are shown as underlined text.

## Specific Revisions

### Draft EIR/EIS

- **Cover Page.** A new cover page was added indicating that the EIR/EIS is Volume I.
- **Table of Contents** was revised to reference the EIR/EIS as Volume I, appendices to the EIR/EIS, including the Draft NCCP/HCP, as Volume II; and the Comments, Responses, and Revisions as Volume III. This was done in order to aid in the reproduction of the Final EIR/EIS document.
- **Section 1.3.4 Planning Area, Major Amendment Area – Riverside County,** was revised as follows:

Because three species (vernal pool fairy shrimp, California Orcutt grass, and Munz's onion) primarily occur within the Riverside County portion of the Plan Area, they would require a Major Amendment and have been categorized as Major Amendment Species.

- **Section 2.1.1 Existing Biological Opinions**, first bullet, first sentence was revised as follows:

BO (1-6-93-F-28), issued in 1993, addressed impacts to the coastal California gnatcatcher (*Polioptila californica*; gnatcatcher) from 12 CIP projects. ~~These CIP projects were, one of which is within the~~ Water Authority rights-of-way on Marine Corps Air Station (MCAS) Miramar.

- **2.3.2.4.1 Capital Improvement Program (CIP) Activities, System Regulatory Storage**, the first sentence of the first paragraph was revised as follows:

A Flow Regulatory Structure (FRS) is a large buried, partially buried, or above ground tank that holds water for storage or to control hydrologic ~~hydrologic~~ hydraulic functions, and is considered a major ancillary facility to the pipeline system.

- **Section 2.3.2.4.2 O&M Activities, Emergency Actions**, the following sentence was added to the beginning of the section:

Emergency Actions would not be required to be a Covered Activity by this Plan.

- **Section 4.1.1.2 Effects on Sensitive Habitat, Issue 2, Alternative 1, Significance of Impact**, second sentence was revised as follows:

Even without a ~~Permits~~ comprehensive habitat conservation plan, the Water Authority would continue to implement projects and O&M activities in areas that may affect sensitive natural communities and species.

- **Section 4.1.1.5 Effects on Policies and Plans, Issue 6**, the following sentence at the end of the second paragraph was removed:

The Western Riverside County MSHCP does not consider linear utilities as conditionally compatible.

- **Section 4.4.1.1 Effects on Services and Utility Infrastructure, Alternative 2: Proposed Plan**, the following sentence at the end of the paragraph was removed:

Therefore, Alternative 2 would not result in a service or infrastructure needs.

- **Section 7.2 Air Quality/Climate Change**, the following paragraph was added after the first paragraph of the section:

The most recent draft CEQ guidance (75 Fed. Reg. 8046 [Feb. 23, 2010]) advises agencies to conduct an emissions-related NEPA analysis where that analysis will provide meaningful information to decision-makers and the public. CEQ proposes a reference point of 25,000 metric tons of GHG emissions per year as a useful

indicator that a project may meet the foregoing “meaningful” standard. But the draft guidance also clarifies that the 25,000 metric tons reference point is neither an absolute standard nor an indicator of a level of emissions that may “significantly” affect the quality of the human environment. Examples of actions that may warrant a discussion of emissions impacts include approval of a large solid waste landfill, approval of energy facilities such as a coal-fired power plant, and authorization of a methane-venting coal mine. The draft guidance cautions agencies about engaging in speculative analyses or attempting to link a particular project to specific climatological changes. The draft guidance discourages agencies from relying on the 25,000 metric tons reference point for use as a measure of indirect effects (for example, the growth-inducing impacts of a project), noting that such an analysis must be bounded by limits of feasibility in evaluating the upstream and downstream effects of federal agency actions. The guidance adheres to NEPA’s “rule of reason,” which ensures that agencies determine whether and to what extent to prepare their NEPA analysis based on the usefulness of new information to decision-makers and the public.

- **Section 7.2 Air Quality/Climate Change**, the following text was added to third paragraph of section:

Implementation of Water Authority activities under each of the alternatives – constructing CIP projects and performing O&M and Preserve Area management – would involve the use of vehicles and equipment or activities, such as vegetation management (prescribed fire), that produce emissions that have the potential to directly affect air quality. Once constructed, most facilities (pipelines, flow regulator structures, vents, etc.) produce little or no point source pollutants. Air quality impacts could result from Water Authority vehicles as routine O&M Activities are conducted, and from construction vehicle emissions. Air quality impacts resulting from Water Authority activities would thus be attributed primarily to mobile emissions rather than point source emissions. Although it is not possible to provide quantitative information about future Covered Activities specific emissions, the primary potential source of long-term greenhouse gas emissions would be related to the covered Operation and Maintenance Activities within the permit area, principally maintenance vehicles. To help place the magnitude of potential O&M emissions in perspective, 25,000 metric tons would equate to approximately 12.3 million diesel truck miles per year (10.15 kilograms CO<sub>2</sub>/gallon diesel fuel / 0.2 gallon/mile for diesel trucks / 25,000 metric tons/year reference x 1,000 kilogram/ton = 12,315,271 miles/year). The actual historic vehicle miles per year associated with proposed Covered O&M Activities (approximately one million miles per year for all Water Authority vehicles) is less than 10 percent of the reference point, or about 2,000 metric tons per year. These sources of potential air pollution would occur under all of the proposed alternatives, even the No Action/No Permit Alternative. Potential air quality/climate change

impacts by Covered Activities would be determined and mitigation provided through subsequent environmental review and approvals, when required.

- **Section 8.1 Significant Environmental Effects Which Cannot be Avoided if the Project is Implemented**, second paragraph was changed as follows:

As evaluated in Section 4.0 of this draft EIR/EIS, there would be no significant unavoidable (i.e., unmitigatable) impacts that would result from the proposed action ~~or any of the alternatives~~. All potentially significant impacts resulting from project implementation would either be avoided or can be reduced to below a level of significance or adversity with the mitigation measures identified in the Plan and in the MMRP (which will be prepared for the Final EIR/EIS).

- **Section 11.0 List of Preparers**, Wildlife Agencies Review names added as follows:

Doreen Stadtlander, Division Chief, Carlsbad Fish and Wildlife Office

Eric Porter, Fish and Wildlife Biologist, Carlsbad Fish and Wildlife Office

## Tables

- **Table 2-3 (Alternative 2: Covered Species) and Table 2-7 (Alternative 4: Covered Species)** have been corrected as follows: Information about the known occurrence of four plant species proposed for coverage has been corrected. The following species were incorrectly listed as known to occur (K) or with the potential to occur (P) within the Preserve Area (HMAs):
  - San Diego ambrosia (*Ambrosia pumila*) is not known to occur (N) on the Preserve Area; it has the potential to occur on Myers MMA.
  - Encinitas baccharis (*Baccharis vanessae*) is not known to occur (N) on the Preserve Area; it is only known to occur on Elfin Forest MMA.
  - Thread-leaved brodiaea (*Brodiaea filifolia*) is not known to occur (N) on the Preserve Area; it has the potential to occur on Myers MMA.
  - Orcutt's brodiaea (*Brodiaea orcuttii*) is not known to occur (N) on the Preserve Area; it has the potential to occur on Elfin Forest MMA.
- **Tables 4-1 (Status of Species Considered within the Survey Area and PIZ), 4-2 (Impacts and Mitigation Assessment of Species in Alternative 1: No Action/No Permit Alternative), 4-4 (Impacts and Mitigation Assessment of Species in Alternative 3: Full Species List Alternative), and 4-5 (Impacts and Mitigation Assessment of Species in Alternative 4: Reduced Plan Area Alternative)** were revised to include Golden eagle (*Aquila chrysaetos*). Golden eagle was analyzed in the NCCP/HCP as a non-covered species but inadvertently left off of these species lists.

- **Table 4-5 (Impacts and Mitigation Assessment of Species in Alternative 4: Reduced Plan Area Alternative)** was replaced to include the correct table for species proposed under this alternative as listed in Table 2-7 (Alternative 4: Covered Species).
- **Table 6-1 (Conservation Plans Within the Plan Area)** has been revised to adequately reflect County of San Diego plan names and the status of planning efforts.

## Figures

- **Figure 3-1 (Vegetation Communities/Land Cover Types in the NCCP/HCP Plan Area)** was mistakenly omitted. Figure 1-1 (Water Authority Service Area) was repeated in Section 3.0 as Figure 3-1. The correct Figure 3-1 representing vegetation communities and land cover types within the plan area has been inserted. Figure 3-1 was also revised with the correct spelling of “Communities” in the figure title.
- **Figure 1-2 (Location of Water Authority Preserve Area and MMAs)** was corrected to remove the overlap of the Second Aqueduct label over the San Luis Rey River label. Additionally, the word “Site” was removed from the San Luis Rey River label on this figure for consistency with the name used in the document text.

## Appendix B to the EIR/EIS: Draft NCCP/HCP

- **Section 1.1.2.2 Capital Improvement Program (CIP)**, third paragraph was changed as follows:

~~Certain projects within the CIP have existing approvals and/or permits under separate actions. These permits allow for impacts to one or more Covered Species, ; for example, coastal California gnatcatcher (*Poliioptila californica californica*) For example, project construction and operation and maintenance (O&M) activities affecting a specific Covered Species, such as the coastal California gnatcatcher (*Poliioptila californica californica*), may be addressed under previous Biological Opinions (BOs). Where tThe Wildlife Agencies have already issued incidental take authorizations for Covered Species addressed by are not able to issue coverage for the same Covered Species for projects that have already been permitted, no additional. Therefore, previously approved Covered Species authorizations for projects with existing permits and approvals are cannot be permitted under this required under this Plan. Project construction and operation and maintenance (O&M) for the specific Covered Species may be authorized under previous Biological~~

~~Opinions (BOs), and incidental take coverage for those Covered Species under this Plan would not apply. Existing BOs are described in detail in Section 1.1.4.~~

- **Section 1.1.2.2.1 Existing Projects**, second paragraph was changed as follows:

Existing Projects were permitted based on an agreed-upon site, design, project footprint, or alignment. If the Water Authority proposes project changes that could result in new or previously unidentified impacts, any additional impacts these projects would be offset reclassified consistent with this as Planned Projects Plan, as described below. In this case, the existing approvals would be subject to review. In addition, if Covered Species not observed during the original permit process are observed at an Existing Project site, the impacts to Covered Species will be addressed consistent with this Plan. ~~would be covered under this Plan.~~

- **Section 1.1.2.2.1 Existing Projects**, third paragraph was changed as follows:

Several of the Water Authority's larger projects may involve regional entities, facilities operated by Member Water Agencies, and multiple jurisdictions with land use control. Due to updated projections for water demand or storage, as well as land use considerations, certain proposed alignments or projects may undergo changes that were not considered or covered under the existing approvals and permits. Where Existing Projects Coverage under this NGCP/HCP is necessary for Existing Projects which may propose alternative alignments or add project components that are not covered under existing permits, these changes and any measures to offset additional impacts will conform to the conservation strategy and avoidance, minimization, and mitigation measures of this Plan.

- **Section 1.1.2.2.1 Existing Projects**, fourth paragraph was changed as follows:

Certain Existing Projects contain terms or conditions in their permits that relate to the type or timing of construction and O&M Activities (such as work outside the breeding season). These existing permits continue to apply. ~~In the event that activities are not covered in existing permits, the Water Authority requires coverage under this Plan.~~ In addition, certain types of O&M Activities for Existing Projects (such as mowing for the ESP under BO 1-6-97-F-13) have permit coverage; however, the Water Authority is seeking comprehensive coverage for its entire water conveyance, storage, and treatment system (including any associated energy generating components) under this Plan. As mentioned above, Existing Projects with proposed footprints or design considerations and timing that sufficiently deviate from existing alignments or capacity will are also proposed for coverage under this P-comply with this Plan.

- **Section 1.1.4.1 Biological Opinion for the Capital Improvement Program; Covering the Coastal California Gnatcatcher**, first paragraph, first sentence was changed as follows:

In 1993, a BO (1-6-93-F-28) was issued by USFWS to address impacts to the gnatcatcher resulting from CIP projects as part of a section 7 consultation between the Navy and USFWS (USFWS 1993). Of the 12 CIP projects covered by this BO, one is located -within the Water Authority rights-of-way on Marine Corps Air Station (MCAS) Miramar ~~as part of a section 7 consultation between the Navy and USFWS (USFWS 1993).~~

- **Section 1.1.4.6 Habitat Management Areas (HMA)**, second paragraph, first sentence was revised as follows:

Tijuana River Valley HMA and San Luis Rey River HMA are wetland creation projects currently in the design and planning phases with tentative construction start dates of September 2010<sup>1</sup> and September 2014<sup>5</sup>, respectively.

- **Section 1.2.2 Plan Goals**, fourth paragraph, last sentence was changed as follows:

Although not anticipated, if there is a conflict between provisions of other conservation plans concerning implementation of a Covered Activity or effects on Covered Species, the Wildlife Agencies will coordinate with the affected permittees of each plan to determine the appropriate regulatory course of action to maintain is Plan will prevail. compliance with each plan.

- **Section 1.3.2 Plan Coverage and Term**, third paragraph, second sentence was changed as follows:

Analysis conducted for the Plan determined that the appropriate process for potential take of ~~Orcutt grass and vernal pool fairy shrimp~~ these species would be through the Major Amendment process for the Riverside County portion of the Plan Area.

- **Section 1.5 Alternatives to this Subregional NCCP/HCP Plan**, the following sentence was changed as follows:

~~Two~~ Three alternatives to this Plan were considered and are summarized with a brief discussion of benefits and drawbacks.

- **Section 2.1.4 Preserve Area and MMAs**, first paragraph, last sentence changed as follows:

The Plan covers incidental take of Covered Species that may occur during implementation of approved monitoring and management activities on the Preserve Area, with the exception of State (CDFG) and Federal (USFWS) Preserve Area Managers. Where CDFG and USFWS Preserve Area Managers require incidental take authorizations for monitoring and management activities, such authorizations will be provided through applicable State and Federal regulatory mechanisms.

- **Section 3.2.4 Joint Water Agencies NCCP/HCP**, has been revised to accurately reflect the status of Otay Water District as a participant in the Joint Water Agencies (JWA) plan as follows:

The JWA draft NCCP/HCP describes how the Padre Dam Municipal Water District, the Helix Water District, ~~and the Sweetwater Authority, and the Otay Water District~~ will manage their lands to conserve natural habitats and species while continuing to provide their mandated water services. The JWA plan addresses ~~5450~~ animal species and 28 plant species, for a total of ~~7978~~ species. The Subregional Plan will serve as an umbrella document for the Subarea Plans of these water districts and any water districts approved to participate in the future. ~~Additionally, the Otay Water District has been approved by the JWA Partners to conduct a major amendment to the JWA NCCP/HCP once it has been approved and permitted. Otay Water District is currently preparing a Planning Agreement that would allow it to amend into the JWA plan (H. Crowell, pers. comm. 2007). The plan was initially analyzed as a potential subarea plan under the MSCP. The Otay Water District established a preserve in the San Miguel area as a mitigation bank for project impacts. A series of public workshops were held in summer 2004, and input from independent scientists was completed in late 2006 (State of California 2006c).~~

- **Section 3.3 Coordination with Military Lands**, second paragraph, second sentence was revised as follows:

MCAS Miramar must implement its INRMP, which was recently last updated in 2006.

- **Section 5.0 Covered Activities**, was reorganized as follows:
  - **Section 5.3 Emergency Actions and Accidental Discharges and Spills**, is now **Section 5.5**.
  - **Section 5.4 Preserve Area Management, Monitoring and Adaptive Management**, is now **Section 5.3**.
  - **Section 5.5 Incidental Take**, is now **Section 5.4**.

- **Section 5.0 Covered Activities**, first paragraph, third sentence was changed as follows:

This section discusses the types of Water Authority activities that are ~~automatically authorized Covered Activities as a condition of law or wildlife agency policy (i.e., emergency actions)~~ and those project types and maintenance and operational activities that are to be covered in by this Plan.

- **Section 5.0 Covered Activities**, second paragraph third bullet was changed as follows: bullet was deleted

~~3. Emergency actions, including remediation of accidental discharges and spills; and~~

- **Section 5.0 Covered Activities**, fifth paragraph was changed as follows:

In addition, ~~where this Plan will be the basis for modifications, amendments, clarifications, or other discretionary changes to an Existing Project's individual permit are when the required and the change to the permit affects is due to a project impact to a Covered Species, any measures to offset additional impacts to Covered Species will be consistent with this as well as ESA section 7 consultations associated with a Covered Activity Plan.~~

- **Section 5.1.1.3 Long-Term Replacement/Relining of Pre-stressed Concrete Cylinder Pipes (PCCP)**, third paragraph, last sentence was changed as follows:

If construction activity continues into the gnatcatcher's breeding season resulting in additional indirect impacts to the species, any conservation measures aimed at minimizing or mitigating the new impacts will be consistent with this Plan., ~~IA and resulting Permit will provide the incidental take authorization, not the previously issues biological opinion.~~

- **Section 5.2.8 Access Road Maintenance and Repair**, first paragraph, second sentence was revised as follows:

These access roads are typically 12-foot wide with an additional four feet of mow strips on each side and must be maintained and repaired on an annual basis

- **Section 5.3 Preserve Area Management, Monitoring and Adaptive Management**, first, second, and third paragraphs were changed as follows:

This Plan establishes practices to manage the Preserve Area (Section 6.11). Unlike most other NCCP/HCP plans, this Plan does not authorize ~~major public recreational uses,~~ agriculture, general development, mineral extractions or other activities that could affect areas adjacent to or within its Preserve Area or other plans' preserve lands.

Covered Species protection and conservation are primary goals of the Preserve Area, and all management activities, including monitoring, maintenance, and adaptive management ~~activities,~~ will comply with state and federal endangered species regulations as well as this Plan. The contributions of the Preserve Area to the regional conservation of Covered Species are discussed in detail in Section 6.8. With the exception of the San Miguel HMA, which is managed as a National Wildlife Refuge and in accordance with the conservation banking agreement for this area, Preserve Area management plans will identify and provide detailed descriptions of the land management activities, restrictions and practices that will be undertaken to maintain or enhance Covered Species habitat. Individual Preserve Area Management Plans (PAMP) are subject to Wildlife Agencies review and approval

(Section 6.11). The following management activities would be implemented as site specific measures, where applicable, with the intent to result in a net benefit to Covered Species in the Preserve Areas: active and passive habitat restoration, stream stabilization measures, fire management practices, compatible public uses/outreach, fencing, signage, removal of trash and debris, light and noise, feral and domestic animal control, cowbird trapping, invasive exotic species control, and guidelines for species introduction and reintroduction.

The San Miguel HMA is a FWS-approved bank and the purchase price for credits at the bank includes a per-acre fee provided to an endowment dedicated to funding monitoring and management activities for species and habitats within the bank. With the purchase of credits, the Water Authority is entitled to rely on the monitoring and management assurances provided in banking agreement.

- **Section 5.4 Incidental Take**, second paragraph, third sentence was removed:

~~Due to the nature of Emergency Actions (authorized activities under this Plan), their habitat acreage impacts cannot be individually estimated, but for the purpose of impact assessment in this Plan, Emergency Activities are assumed to be a subset of the O&M Activities impact estimate.~~

- **Section 5.4 Incidental Take**, fifth paragraph was changed as follows:

Take of the Covered Species typically quantified in terms of acres of actual or potential habitat impacted by Covered Activities, is described below. To ensure that incidental take was not underestimated, any displacement of Covered Species was treated as ~~harm-assment~~ and thus considered as take. It was assumed that no direct take of nesting birds, active nests, eggs, or young would occur-be-allowed, except during urgent repairs and in association with the infrequent drawdown and refilling of reservoirs. Plan measures to avoid, minimize, mitigate, and monitor incidental take are presented in Section 6.0.

- **Section 5.4.3 Emergency Response Actions and Discharges and Accidental Spill Impacts**, was removed.
- **Section 6.4.3.4 Drainedowns and Drawdowns**, the following was added to the last sentence of #2:

Vegetation that is occupied by active, nesting birds will not be removed or inundated by the artificial filling of the reservoir during the nesting season, except as described in Section 5.2.7 of the Plan.

- **Section 6.8.1.2 San Miguel HMA**, first paragraph and fourth paragraph were changed as follows:

The 1,186-acre San Miguel HMA is an existing conservation bank that is part of the larger 1,852-acre San Miguel Ranch conserved land, located in Chula Vista near Mother Miguel and San Miguel Mountains. The HMA-conservation bank is part of the San Diego National Wildlife Refuge Complex (Refuge) and is managed in accordance with the management plan prepared for the property by the USFWS conservation banking agreement (see Appendix J). Credit use has been pre-determined by banking agreements established for the property in 1999, and assumed by the Water Authority (see Appendix J). Of the 1,186 credits at the San Miguel HMA, 600.94 credits currently are available for sale to private parties and public agencies with the concurrence of the Wildlife Agencies, or are reserved for Covered Activities as described by this Plan. The Water Authority initially acquired 820.85 credits of the San Miguel HMA in 2003 in anticipation of mitigation requirements under this Plan. The purchase price for credits at the bank includes a per-acre fee provided to an endowment dedicated to funding monitoring and management activities for species and habitats within the bank. With the purchase of credits, the Water Authority is entitled to rely on the monitoring and management assurances provided in the banking agreement.

~~The entire San Miguel HMA was burned in the October 2007 Harris Fire. An increased amount of non-native weedy species has appeared after the fire and Refuge staff will observe changes in the post-fire condition as part of their Refuge-wide monitoring.~~

- **Section 6.11 Preserve Management and Adjacency Guidelines**, second paragraph was changed as follows:

Because the Water Authority has written agreements that transferred (and funded, if part of the transfer agreement) management and monitoring of these lands to other entities, those activities will be implemented by the Wildlife Agencies and other entities as the land managers. This Plan expects that the land managers will prepare a PAMP (with an adaptive management component) consistent with the requirements of this Plan, if a PAMP has not already been prepared, within two years of permit issuance (for existing Preserve Area properties, unless otherwise noted in Section 6.7), or within two years of acquisition and approval of new Preserve Areas or approvals of new habitat mitigation sites (e.g., wetland HMA/mitigation banks). PAMPs will be updated, if necessary, every five years. ~~The USFWS will ensure compliance with section 7 of the ESA when it prepares or revises a PAMP.~~ For the San Miguel HMA, the management plan will be prepared in accordance with the conservation banking agreement (see Appendix J).

- **Section 6.12 Plan Monitoring and Adaptive Management**, the following was added to the end of the 1<sup>st</sup> paragraph:

For the San Miguel HMA, which is managed as a National Wildlife Refuge and in accordance with the conservation banking agreement for this area, the purchase price for credits at the bank includes a per-acre fee provided to an endowment dedicated to funding monitoring and management activities for species and habitats within the bank. With the purchase of credits, the Water Authority is entitled to rely on the monitoring and management assurances provided in the banking agreement.

- **Section 7.2.2.2 Habitat Management Endowments, San Miguel HMA**, first paragraph was changed as follows:

The Water Authority ~~is expected to make~~ made its endowment payment for CSP ~~by in November 2009, at which time bringing~~ the management fund account ~~will be to~~ approximately 49 percent funded. As credits are used/sold in the future to compensate for impacts by Covered Activities, the Water Authority will provide the credit fee to the management account pursuant to the conservation bank document. Complete funding will be assured when all the credits are used or sold. As specified in the conservation banking agreement, ~~The the~~ USFWS is preparing a long-term management plan for the property, consistent with the National Wildlife Refuge System Administration Act of 1966, Refuge Recreation Act of 1962, and Executive Order 12996. ~~That plan is expected to be completed by December 2010.~~ As part of the management plan preparation, the USFWS and Water Authority ~~(in consultation and concurrence with the CDFG)~~ will determine if an augmentation to the property's existing management funds by the Water Authority is needed to meet the Plan's commitments that exceed current management commitments pursuant to the conservation banking agreement.

## Tables

- **Table S-1 (Summary of Potential Environmental Effects of Each Alternative)** has been revised for effects on sensitive species under Alternative 1 as follows:

Significant Impact BIO-1 would be less than significant after mitigation ~~remain significant and unmitigated for non-listed species.~~

- **Table 3-1** (Conservation Plans Within the Plan Area) has been revised to accurately reflect County of San Diego plan names and the status of planning efforts.
- **Table 6-2** has been corrected as follows: Information about the known occurrence of four plant species proposed for coverage has been corrected. The following species were incorrectly listed as known to occur (K) or with the potential to occur (P) within the Preserve Area (HMAs):
  - San Diego ambrosia (*Ambrosia pumila*) is not known to occur (N) on the Preserve Area; it has the potential to occur on Myers MMA.

- Encinitas baccharis (*Baccharris vanessae*) is not known to occur (N) on the Preserve Area; it is only known to occur on Elfin Forest MMA.
- Thread-leaved brodiaea (*Brodiaea filifolia*) is not known to occur (N) on the Preserve Area; it has the potential to occur on Myers MMA.
- Orcutt's brodiaea (*Brodiaea orcuttii*) is not known to occur (N) on the Preserve Area; it has the potential to occur on Elfin Forest MMA.

## Figures

- **Figures 1-3, 4-3, and 6-1** were corrected as follows: the word "Site" was removed from the San Luis Rey River label on for consistency with the document text.
- **Figure 4-1** was revised with the correct spelling of "Communities" in the figure title.
- **Figure 3-1** has been revised to include the JWA Plan boundaries with the planning area for Otay Water District. The legend of Figure 3-1 has also been revised for accuracy in referencing the regional HCP/NCCP efforts as follows:
  - MSCP South County Subarea Plan
  - Draft MSCP North County Plan
  - Draft MSCP East County Plan
  - Multiple Habitat Conservation Program (MHCP)
  - Western Riverside County MSHCP

## Appendices

- **Appendix A (Implementing Agreement)**, Section 2.5, the following revisions were made:

The Water Authority is seeking an incidental take permit and an NCCP authorization from USFWS and CDFG, respectively, (incidental take permit and NCCP authorization are collectively referred to as "Permits") covering ~~sixty-four~~three (634) special-status species. ~~Two~~Three additional species, Orcutt's grass (*Orcuttia californica*), Munz's onion (*Allium munzii*), and vernal pool fairy shrimp (*Branchinecta lynchi*), could potentially have all their impacts occur within the NCCP/HCP's Major Amendment Area in Riverside County. Take Authorization for these ~~two~~three species will require a Major Amendment to the NCCP/HCP and Permits.

- **Appendix B (Conservation Agreements)**, Sections 7.2.3 (measures nos. 4 and 5), 7.3.3 (measure no. 2), 7.5.3 (measure no. 2), 7.6.3 (measure no. 3), 7.7.3 (measure no. 3), 7.8.3 (measure no. 2), 7.9.3 (measure no. 2), 7.10.3 (measure no. 2), 7.11.3 (measure no. 2), 7.12.3 (measure no. 2) and 7.13.3 (measure no. 3), were modified to clarify the minimization options:

Minimize impacts through timing of work in suitable California gnatcatcher habitat to avoid the nesting season for upland avian species whenever possible, and/or ensure

that habitat is removed prior to the initiation of the breeding season. If construction activities must commence ~~occur~~ during the upland avian breeding season, minimize impacts through conducting nest surveys within 300 feet of all proposed activities (see Section 2.3 for the Avian Breeding Season Policy). If active nests are encountered, no Covered Activities shall be implemented within a minimum distance of 100 feet of the nest. A greater setback (up to 300 feet) may be required, as determined by the Environmental Surveyor, based on the site specific considerations, phase of the nesting cycle, and species or other biological considerations (see Section 2.4, Buffers).

- **Appendix J (Conservation Bank Agreements)**, duplicate and out-of-order pages were corrected.
- **Figure K-2 (San Miguel HMA)** was revised to show the boundaries of the 1,186-acre San Miguel HMA parcel within the larger 1,852-acre San Miguel Ranch conservation area.

## Global Edits

Specific, repetitive changes or global edits were made based on USFWS and Water Authority review. These changes/corrections were made wherever necessary within the document to maintain consistency. These edits were as follows:

- Based on meetings with the U.S. Fish and Wildlife Service after the conclusion of the public review period, the Water Authority has removed one species – Munz’s Onion (*Allium munzii*) – from the Covered Species list. Further analysis determined that the appropriate process for potential take of Munz’s onion would be through the Major Amendment process for the Riverside County portion of the Plan Area. Similar to Orcutt grass and vernal pool fairy shrimp, Munz’s onion is considered a Major Amendment Species because it is only known to occur in the Plan’s Major Amendment Area in Riverside County. Therefore, the total Covered Species for the Proposed Action now involves 63 species (26 plant species and 37 wildlife species). All references in the EIR/EIS and NCCP/HCP (included as Appendix B to the EIR/EIS) have been changed to reflect the change from 64 total species to 63 total species and 27 plants (20 of which are listed) to 26 plants (19 of which are listed).
- Munz’s onion has been removed from all Covered Species lists within tables. Where lists include all covered and non covered species, Munz’s onion has been identified as a Major Amendment Species (†).
- For Alternative 3 (Full Species List Alternative), the number of additional species covered would change from 64 plus 25 additional species to 63 plus 26 additional species.
- For Alternative 4 (Reduced Species List Alternative), the number of species that would be covered is actually 39 (not 41) as Orcutt grass and vernal pool fairy shrimp were also removed as Covered Species under this alternative.
- Changed North County MSCP and East County MSCP to MSCP North County and MSCP East County, respectively.
- Changed the start date of the Tijuana River Valley HMA from September 2010 to September 2011.
- Changed the start date of the San Luis Rey River HMA from September 2011 to September 2015.

## **Minor Edits**

Minor edits, such as typographic errors, page numbering, formatting, etc., were made to the Draft EIR/EIS. These edits are not identified specifically within the errata sheet. Minor edits did not change the analysis or information provided within the document.