FINAL
ENVIRONMENTAL IMPACT REPORT / ENVIRONMENTAL IMPACT STATEMENT
for the
CARRYOVER STORAGE AND SAN VICENTE DAM RAISE PROJECT

Volume III – Draft EIR/EIS Comments, Responses, and Revisions

SCH No. 2006101044

San Diego County Water Authority
4677 Overland Avenue
San Diego, California 92123

and

U.S. Army Corps of Engineers
Rancho Bernardo Branch Office
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San Diego, California 92127

April 2008
Volume III
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INTRODUCTION

The San Diego County Water Authority (Water Authority) and the U.S. Army Corps of Engineers (Corps) prepared a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Carryover Storage and San Vicente Dam Raise Project (CSP) in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). In compliance with CEQA Guidelines Section 15082, the Water Authority sent a copy of the Notice of Preparation (NOP) for the Draft EIR/EIS to the State of California Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit (State Clearinghouse), on October 6, 2006, for distribution to responsible state agencies. Copies of the NOP were also sent to relevant federal, state, and local agencies; trustee agencies; community groups and organizations; interested individuals; and the public through direct mailings. The Water Authority published a legal notice of the NOP in the San Diego Union Tribune (October 8, 2006), the San Diego Transcript (October 11, 2006), the Valley Roadrunner (November 1, 2006), and the Californian (November 2, 2006). A copy of the NOP was filed with the County Clerk’s office on October 10, 2006. In addition, the Corps sent out a Special Public Notice of Intent (NOI) to prepare a Draft EIR/EIS and published the NOI in the Federal Register (71 FR 59499-59501) on October 10, 2006. The 30-day public review period for the NOP and NOI ended November 9, 2006. Copies of the NOP and NOI and legal advertisements are included in Attachment 1 to Volume I of this Final EIR/EIS.

An Open House and Scoping Meeting was held at the Water Authority office, located at 4677 Overland Avenue, San Diego, California, on November 1, 2006 from 6:30 p.m. to 8:00 p.m. An additional public meeting (“Community Forum”) was held in the Lakeside community on December 11, 2006. Although conducted outside the official NOP/NOI public scoping period, the Lead Agencies agreed to give the comments received at the Lakeside Community Forum the same weight as those received during the NOP/NOI public scoping period, and are equally addressed in this EIR/EIS. The NOP and NOI were made available on the Water Authority website.

All written NOP/NOI comments received prior to publication of the Draft EIR/EIS, as well as the recorded comments received during the public Scoping Meeting and Community Forum, were considered in the preparation of the Draft EIR/EIS.

On August 24, 2007, copies of the Draft EIR/EIS and Notice of Completion (NOC) were received by the State Clearinghouse for distribution to responsible state agencies (Attachment 1 to Volume III), and the Draft EIR/EIS was made available for a 45-day public review period ending on October 15, 2007. Attachment 2 to Volume III contains the following legal notices, publications and advertisements required under CEQA and Corps regulations for the Draft EIR/EIS public review period:

- CEQA Notice of Availability (NOA) of the Draft EIR/EIS, issued by the Water Authority on August 24, 2007, and posted in the Office of the County Clerk between September 6 and October 8, 2007;
• Corps Special Public Notice: NOA of the Draft EIR/EIS;
• Affidavit of Publication: Legal Classified Advertisement of the CEQA NOA in the San Diego Union Tribune;
• Certificate of Publication: Legal Classified Advertisement of the CEQA NOA in the San Diego Transcript;
• Federal Register Notice: August 24, 2007 (Volume 72, Number 164, Pages 48622-48623): Publication of Corps NOA;
• Federal Register Notice: September 4, 2007 (Volume 72, Number 170, Page 50674): Correction of Valley Center Public Hearing date and Comment Period end date for Corps NOA; and
• Corps Public Notice: Application for Permit (200601015-RRS) under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344); Comment Period: September 11 to October 9, 2007.

Copies of the Draft EIR/EIS on compact disk (CD) were mailed to a distribution list of responsible, trustee, and other relevant local, state, and federal agencies and interested individuals, including those that provided comments during the scoping period (Attachment 3 to Volume III). Hardcopies of the Draft EIR/EIS were available for review at the Water Authority’s office, at the Corps’ office in Rancho Bernardo, and at the Lakeside and Valley Center public libraries. The Draft EIR/EIS was also available for review or downloading during the public review period on the Water Authority’s Internet web page.

The NOA was advertised in the San Diego Union Tribune on August 26, 2007, and in the San Diego Transcript on August 27, 2007 (Attachment 2 to Volume III), and mailed to the distribution list in Attachment 3 to Volume III. The CEQA and Corps NOAs included notice of public hearings held at 6:30 p.m. on October 4, 2007 at Valley Center High School (31322 Cole Grade Road, Valley Center, CA) (a copy of this hearing transcript is provided in Attachment 4 to Volume III), and at 6:30 p.m. on October 8, 2007 at Lakeside Community Center (9841 Vine Street, Lakeside, CA) (a copy of this hearing transcript is provided as Comment LH-25 starting on page 162 of this document [Volume III of the Final EIR/EIS]). During the 45-day public review period, interested parties were invited to submit comments on the Draft EIR/EIS to the Water Authority and the Corps. Comments could be submitted by mail or during the public hearings.

The 45-day public review period ended at 5:00 p.m. on October 15, 2007, during which 24 written comment letters and emails were received by the Water Authority and the Corps. No oral or written comments were received during the October 4, 2007 Valley Center public hearing; oral and written comments were received during the October 8, 2007 Lakeside public hearing. One written comment letter from the Endangered Habitats League was received after the close of the public review period, and was accepted into the Public Record by the Water Authority.

Following the close of the public review period, responses were prepared to all formally-submitted written and oral comments on the Draft EIR/EIS. Responses to some comments
necessitated revisions to the Draft EIR/EIS. None of these changes constitute significant new information requiring recirculation of the Draft EIR/EIS pursuant to CEQA Guidelines Section 15088.5. This Volume III of the Final EIR/EIS provides the comments that were submitted during the public review period and responses to those comments; the revisions that have been made to the Draft EIR/EIS as a result of the responses to comments; and a revised summary of impacts and mitigation measures incorporating EIR/EIS revisions resulting from responses to comments.

Bound in a separate document are the: CEQA Findings and Statement of Overriding Considerations, in compliance with CEQA Guidelines Section 15091, and the Mitigation Monitoring and Reporting Program (MMRP), in compliance with CEQA Guidelines Section 15097 (a), both incorporating EIR/EIS revisions resulting from responses to comments.
PUBLIC COMMENTS AND RESPONSES

All written comments received on the Draft EIR/EIS have been coded to facilitate identification and tracking. Each of the comment letters and emails received during the public review period was assigned an identifier (e.g., “NOA” for National Oceanic and Atmospheric Administration) (Table 1). These documents were reviewed and divided into individual comments, with each comment containing a single theme, issue, or concern. Individual comments and the responses to them were assigned corresponding numbers. Each alpha-numeric comment document is the submittal of a single individual, agency, or organization. The comment number consists of two parts. The first part is the alpha-identifier of the commentor and the second is the number of the comment. Thus, Comment NOA-1A refers to the first comment (comment #1) of Comment Letter “NOA”. Comments have been reproduced following Table 1, with corresponding responses on subsequent pages.

Table 1. List of Comments

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<th>Commentor</th>
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<td>Public Comment Form, John Opsal, President, SoCal WSA</td>
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<td>EHL-26A thru 26D</td>
<td>Endangered Habitats League, Dan Silver</td>
<td>November 10</td>
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September 26, 2007

Ms. Kelly Gage
Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123-1233

Dear Ms. Gage,

We have provided comments on the DEIS Carryover Storage & San Vicente Dam Raise Project, Providing Additional Storage Capacity for 100,000 area feet of Water by the Year 2011, Issuance of Permits, Sect 10 & 404 Permits, San Diego Co, CA (20070363).

The DEIS has been reviewed within the areas of the National Oceanic and Atmospheric Administration, National Geodetic Survey’s (NGS) geodetic responsibility, expertise, and in terms of the impact of the proposed actions on NGS activities and projects.

If there are any planned activities which will disturb or destroy geodetic control monuments, NGS requires notification not less than 90 days in advance of such activities in order to plan for their relocation. NGS recommends that funding for this project includes the cost of any required relocation(s).

All available geodetic control information about horizontal and vertical geodetic control monuments in the subject area is contained on the homepage of NGS at the following Internet address: http://www.ngs.noaa.gov. After entering this website, please access the topic “Products and Services” then “Data Sheet.” This menu item will allow you to directly access geodetic control monument information from the NGS database for the subject area project. This information should be reviewed for identifying the location and designation of any geodetic control monuments that may be affected by the proposed project.

We hope our comments will assist you. Thank you for giving NGS the opportunity to review your DEIS.

Sincerely,

Christopher W. Harm
Program Analyst
NOAA’s National Geodetic Survey
Office of the Director
1315 East-West Highway
SSMC3 8729, NOAA, N/NGS
Silver Spring, Maryland 20910
RESPONSES


NOA-1A The National Geodetic Survey (NGS) database for the San Vicente Reservoir USGS Quadrangle was reviewed, and it was determined that several horizontal and vertical geodetic control monuments are located within the SV 100K study area and may be affected by the Proposed Action. The specific monuments to be affected will be identified in the final design and construction documents, which will specify that NGS shall be notified not less than 90 days prior to disturbance of the monuments in order to plan for their relocation. During preparation of final design and construction documents, the NGS Office of the Director will be contacted to determine the cost of any required monument relocations, and the construction contract amount will include funding for the relocation costs.
United States Department of the Interior  
FISH AND WILDLIFE SERVICE  
Ecological Services  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road  
Carlsbad, California 92011

In Reply Refer To:  
FWS-SDG-81430-2008-TA-0018

Mr. Robert Smith  
Regulatory Project Manager  
U.S. Army Corps of Engineers  
Rancho Bernardo Branch Office  
16885 West Bernardo Drive, Suite 300A  
San Diego, California 92127

Ms. Kelley Gage  
Senior Water Resources Specialist  
San Diego County Water Authority  
4677 Overland Avenue  
San Diego, California 92123

Subject: Comments on the Draft Program Environmental Impact Report/Environmental Impact Statement for the Carryover Storage and San Vicente Dam Raise, San Diego County, California

Dear Mr. Smith and Ms. Gage:

The United States Fish and Wildlife Service (Service) has reviewed the above-referenced Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) that was received by our office on August 26, 2007. The comments provided in this letter represent our concerns about the proposed project’s potential impacts on sensitive biological resources.

The proposed project would impact up to 23.3 acres of wetland/riparian habitat and up to 518.5 acres of upland habitat. The proposed project would also result in impacts to occupied habitat for the federally endangered arroyo toad (Bufo californicus) and least Bell’s vireo (Vireo bellii pusillus), and the federally threatened coastal California gnatcatcher (Polioptila californica). Two additional federally endangered species have the potential to occur within the proposed project site, but were not observed during 2005/2006 surveys (following a recent wildfire) including: San Diego thornmint (Acanthomintha ilicifolia) and Quino checkerspot butterfly (Euphydryas editha quino).

We have included our scientific recommendations and comments in an enclosure to assist the lead agencies in avoiding, minimizing, and mitigating project impacts to biological resources. Our comments are summarized as follows: (1) the EIR/EIS should include an analysis of drawdown related impacts that are likely to occur downstream, (2) pre-impact surveys should be conducted for Quino habitat and individuals (as appropriate), (3) Project Design Features should include a measure that requires Service approval for appropriate mitigation for all listed species, (4) impacts to coastal sage scrub and occupied gnatcatcher habitat should be mitigated in-kind with occupied gnatcatcher habitat or credits, (5) all impacts to chaparral and non-native grassland should be mitigated through the acquisition of offsite chaparral credits at a ratio of 0.5 credit...
RESPONSES

U.S. Department of the Interior, Fish and Wildlife Service, Ecological Services, Carlsbad Fish and Wildlife Office

FWS-2A  Summary noted. Refer to detailed responses to comments below.
acres: 1 acre impacted (0.5:1 ratio), (6) any on or offsite habitat creation/restoration/enhancement should be done in a manner that precludes invasions by exotic species into natural habitats and minimized edge effects.

We appreciate the opportunity to provide comments on this project. Should you have any questions regarding this letter, please contact Cara McGary at (760) 431-9440.

Sincerely,

Therese O’Rourke
Assistant Field Supervisor
RESPONSES

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COMMENTS

Comments on the Carryover Storage and San Vicente Dam Raise Draft EIR/EIS

1. The EIR/EIS does not adequately describe direct and indirect effects that are likely to occur downstream of the dam resulting from the draw-down of the reservoir. Because federally listed species (e.g., arroyo toad) occur downstream of the reservoir, we recommend that the final EIR/EIS include an analysis of draw-down related impacts on the arroyo toad and other downstream species and their habitats.

2. Because the project impacts on potential Quino habitat may not occur for at least 3 years after the initial habitat and protocol surveys, and the habitat composition is transitional (resulting from recent wildfire), we recommend that a pre-impact habitat assessment be conducted for Quino checkerspot butterfly (*Euphydryas editha quino*) within 1 year of water levels exceeding pre-project elevation to determine whether potentially suitable habitat still occurs within the project footprint. If suitable habitat is found, we recommend that protocol-level surveys be conducted for the Quino checkerspot butterfly and appropriate mitigation be developed in coordination with the Service.

3. According to the Project Design Features discussed in Section 3.6.2 of the draft EIR/EIS, a qualified/certified biologist will conduct pre-construction surveys for sensitive species. We recommend that the Project Design Features in the final EIR/EIS be modified to include a general measure that requires the Water Authority to confer with the Service on all proposed mitigation for all listed species detected.

4. According to Mitigation Measure SV/BR 10-1 of the draft EIR/EIS, impacts to the gnatcatcher will be mitigated off-site at a 1:1 ratio using mitigation credits from the Water Authority’s mitigation banks (e.g., San Miguel Conservation Bank) or other mitigation banks approved by the regulatory agencies as specified in Mitigation Measure 3-1. We recommend that the final EIR/EIS specify that impacts to coastal sage scrub and occupied gnatcatcher habitat will be mitigated in-kind with occupied gnatcatcher habitat or credits.

5. According to the draft EIR/EIS, the City of San Diego and Service negotiated a dam and reservoir expansion project as a hardline project in the City’s subarea plan, excluding the project area from the Multi-Habitat Planning Area (MHPA). “In recognition of these negotiations, the Water Authority will debit chaparral credits from its [s] Crest Ridge Habitat Management Area and San Miguel Conservation Bank at a ratio of 0.5:1 for permanent impacts to chaparral and non-native grassland communities,” (page 3.6-41, MHPA Preserve Design). It is unclear whether this mitigation is intended to offset only impacts to the San Vicente Reservoir Cornerstone Lands MHPA Preserve, or is intended to mitigate for all impacts from the Proposed Action to chaparral and non-native grassland. We recommend that all impacts to chaparral and non-native grassland be mitigated through the acquisition of off-site chaparral credits at a 0.5:1 ratio at either Crestridge HMA or San Miguel Conservation Bank. The final EIR/EIS should include a Mitigation Measure specifically...
RESPONSES

FWS-2B Direct and indirect impacts to biological resources from drawdown of San Vicente Reservoir are addressed in Section 3.6.3.2 of the EIR/EIS. Drawdown of the reservoir would not affect biological resources along San Vicente Creek downstream of the dam because water from the reservoir does not normally flow into the creek (except during infrequent flood events or in case of an emergency release). The reach of San Vicente Creek downstream of the dam is primarily a dry streambed, with scattered patches of wetland vegetation. There are no continual flows from the reservoir that would otherwise sustain a thriving riparian system along this reach of the creek.

FWS-2C As stated on page 3.6-35 of the EIR/EIS, no Quino checkerspot butterflies were detected during the 2006 surveys, but potential habitat exists within the SV 100K footprint. This potential habitat is expected to revert to its pre-fire condition, which would mean that some of it (e.g., closed canopy chaparral) would no longer be suitable as Quino checkerspot habitat. Due to the absence of this federally endangered species on site and the likelihood that Quino checkerspot habitat would decrease by the time the Proposed Action is implemented, potential impacts to this species would be less than significant; therefore, mitigation is not required. Nevertheless, the Water Authority concurs with the recommendations in the comment. These recommendations have been added to the first bullet under “Project Design Features” in Section 3.6.2 (pages 3.6-17 and 3.6-18 of the EIR/EIS).

FWS-2D The first bullet under “Project Design Features” in Section 3.6.2 (pages 3.6-17 and 3.6-18 of the EIR/EIS) has been revised in response to the comment.

FWS-2E Mitigation Measures SV/BR 3-1 (page 3.6-44 of the EIR/EIS) and SV/BR 10-1 (page 3.6-46 of the EIR/EIS) in Section 3.6.3.3 have been revised as suggested in the comment.

FWS-2F As stated on page 3.6-25 of the EIR/EIS, the permanent loss of up to 152 acres of chaparral due to the Proposed Action would represent only 0.02 percent of the total amount of this vegetation community (an estimated 10,424 acres) required to be conserved under the city of San Diego MSCP. Therefore, all permanent impacts (an estimated 151.96 acres) and temporary impacts (an estimated low of 26.71 acres or an estimated high of 41.52 acres) to chaparral associated with the Proposed Action would be less than significant. In addition, due to the minimal amount of non-native grassland to be impacted by the Proposed Action, the permanent impacts (an estimated 0.04 acre) and temporary impacts (an estimated 2.02 acres) to this vegetation community would be less than significant. Therefore, mitigation is not required for project impacts to these vegetation communities. Nevertheless, the Water Authority will debit upland credits from its Crestridge Habitat Management Area, San Miguel Conservation Bank, and/or Rancho Cañada property at a ratio of 0.5:1 to offset permanent impacts to these vegetation communities, in recognition of negotiations between the city of San Diego and the regulatory agencies which excluded the San Vicente Dam and Reservoir expansion (under both ESP and CSP) from the Cornerstone Lands MHPA Preserve per the MSCP Subarea Plan. This offset is intended to be applied to all permanent impacts to chaparral and non-native grassland (listed above), not just the impacts that would occur within the MHPA Preserve. To alleviate this confusion, the above discussion, which appeared in the second paragraph on page 3.6-41 of the EIR/EIS, has been removed from Section 3.6.3.2 (Threshold 5, MHPA Preserve Design) and included under “Project Design Features” in Section 3.6.2 (page 3.6-18 of the EIR/EIS).
describing the mitigation proposed to offset all permanent and temporary impacts to chaparral and non-native grassland.

6. According to the draft EIR/EIS, “…the mitigation measures and conditions of the regulatory agency permits will ensure that the Proposed Action is consistent with regional planning efforts and the long-term preservation of MSCP-covered species” (page 3.6-40). We recommend that the following specific measures be included in the final EIR/EIS to ensure that the goal of consistency with regional planning efforts is met.

a. Any planting stock to be brought onto the project or mitigation sites for landscape or habitat creation/restoration/enhancement should be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (Iridomyrmex humil), fire ants (Solenopsis invicta) and other insect pests. Any planting stock found to be infested with such pests should not be allowed on the project or mitigation sites or within 300 feet of natural habitats unless documentation is provided to the Service that these pests already occur in natural areas around the project site. The stock should be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. The Water Authority should ensure that all temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape or habitat creation/restoration/enhancement.

b. Edge effects are defined as undesirable anthropogenic disturbance beyond urban boundaries into potential reserve habitat (Kelly and Rotenberry 1993). Edge effects, such as non native predators (pets), exotic ants, trampling, and excess noise and lighting (Andren and Angelstam 1988) are all documented effects that have negative impacts on sensitive biological resources in Southern California. These edge effects can penetrate up to 200 meters from the actual reserve boundary (CBI 2000). Therefore, we recommend that the management plans developed for offsite mitigation areas should include measures to minimize edge effects.

Literature Cited


RESPONSES

FWS-2G The statements regarding insect pest control, as suggested in the comment, have been added to “Project Design Features” in Section 3.6.2 (page 3.6-19 of the EIR/EIS) and to “Restoration Plans” in Section 3.6.3.3 (page 3.6-42 of the EIR/EIS).

FWS-2H The irrigation statement, as suggested in the comment, has been added to “Project Design Features” in Section 3.6.2 (page 3.6-19 of the EIR/EIS) and to “Restoration Plans” in Section 3.6.3.3 (page 3.6-42 of the EIR/EIS).

FWS-2I As suggested in the comment, text has been added to “Habitat Management Plans” in Section 3.6.3.3 (page 3.6-42 of the EIR/EIS) to address minimization of edge effects.
United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

IN REPLY REFER TO:
ER07/713

Sent via first class mail
9 October 2007

Mr. Robert R. Smith
Regulatory Project Manager
U.S. Army Corps of Engineers
Rancho Bernardo Branch Office
16885 West Bernardo Drive, Suite 300A
San Diego, CA 92127

Ms. Kelley Gage
Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123


Dear Mr. Smith and Ms. Gage:

The Department of the Interior (the Department) has received and reviewed Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS), for the Carryover Storage and San Vicente Dam Raise Project, San Diego County, CA (the Project or the Proposed Project).

The Department has the following specific comment to offer.

Section 3.17.3.2, Impact Analysis, Stratification, third sentence through the end of the paragraph

As written, the explanation seems overly simplistic. In addition to volume of water present, amount and timing of stratification will be a complex function of lake geometry, depth, and bottom configuration, and factors that expedite or impede mixing, such as wind or inflow. For example, if margins of expanded lake are shallow, they may not stratify and a broad shallow lake in a windy area will have very different characteristics than a deep, still lake of equal volume.

Thank you for the opportunity to review and comment on the DEIR/DEIS.
U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance, Pacific Southwest Region

OEP-3A In Section 3.17.3.2, Impact Analysis, Stratification (fourth paragraph on page 3.17-11 of the EIR/EIS), the third sentence through the end of the paragraph has been removed and replaced with the following:

“Based on water quality modeling for the expansion of San Vicente Reservoir, the structure and behavior of the reservoir (once expanded) are estimated to be similar to existing conditions although the deeper, colder water layer (hypolimnion) will be significantly deeper. The thickness of the epilimnion and the time of onset and duration of stratification of the expanded reservoir are predicted to be similar to current reservoir conditions based on water quality modeling simulations (Water Quality Assessment for San Vicente Reservoir Enlargement, prepared for GEI Consultants, Inc. by Flow Science Inc., October 2005).”
COMMENTS

If you have any questions concerning above comment, please contact Lloyd Woosley, Chief of the USGS Environmental Affairs Program, at (703) 648-5028 or at lwoosley@usgs.gov.

Sincerely,

[Signature]

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC
Chief EAP, USGS
RESPONSES

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October 9, 2007

Mr. Robert R. Smith
Regulatory Project Manager
U.S. Army Corps of Engineers
Rancho Bernardo Branch Office
16885 West Bernardo Drive, Suite 300A
San Diego, CA 92127

Subject: Draft Environmental Impact Statement for Carryover Storage and San Vicente Dam Raise (CSP) Project, San Diego County, CA (CEQ# 20070363)

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our detailed comments are enclosed.

Based on our review, we have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed “Summary of Rating Definitions”) due to the need for additional information regarding the Purpose and Need, compensatory mitigation sites for waters of the United States, a commitment to the efficient use of the emergency and new carryover storage, and mitigation measures for identified adverse air and noise impacts.

EPA specifically recommends the final environmental impact statement (FEIS) clarify why the purpose and need is “water storage reliability” versus “water supply reliability.” We recommend the FEIS provide a description of compensatory mitigation sites for unavoidable impacts to waters of the United States; disclosure and aggressive implementation of demand-side management and water conservation practices, including appropriate pricing, to ensure the most efficient use of the new storage and water supply; and evaluation of innovative mitigation measures to minimize the identified adverse air and noise impacts. We also recommend the FEIS evaluate the overall energy use of each alternative from water source to treatment, and consider the use of some of the stored water for downstream beneficial uses within San Vicente Creek.
RESPONSES

U.S. Environmental Protection Agency, Region IX

EPA-4A Summary noted. Refer to detailed responses to comments below.
COMMENTS

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send two (2) hard copies to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3846 or Laura Fujii, the lead reviewer for this project. Laura can be reached at (415) 972-3852 or fujii.laura@epa.gov.

Sincerely,

Nova Blazej, Manager
Environmental Review Office

Enclosure:
Summary of EPA Rating Definitions
Detailed Comments

cc: Kelley Gage, San Diego County Water Authority
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COMMENTS

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA’s level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)
The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)
The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)
The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)
The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)
EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)
The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

RESPONSES

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Purpose and Need

Clarify why the purpose and need is “water storage reliability” versus “water supply reliability.” The DEIS states that there is an immediate need for 100,000 acre-feet (af) of carryover storage to ensure the San Diego County Water Authority (SDCWA) is able to meet the daily needs of each of their member agencies (p. 1-7). SDCWA wishes to increase their water storage reliability by year 2011 for enhanced reliability (e.g., provide water in drought); increased operational flexibility; and better management of water supplies to allow for additional deliveries from the State Water Project and the Colorado River (p. 1-10). Therefore, the Purpose and Need, and associated alternatives analysis, are based upon the need for “water storage reliability,” and not “water supply reliability,” as described in the draft environmental impact statement (DEIS). While it is apparent that additional storage is desired by SDCWA, there is little data provided to demonstrate why additional storage is necessary and not non-structural approaches, such as water transfers, water conservation or reuse, which could also help SDCWA meet the daily needs of their member agencies.

Recommendation:

We recommend the Final Environmental Impact Statement (FEIS) clarify why the purpose and need is “water storage reliability,” and not “water supply reliability,” by providing data demonstrating why additional storage is necessary to meet SDCWA reliability goals versus non-structural approaches. For example, the FEIS should provide a summary of the data supporting the SDCWA Regional Water Facilities Master Plan and Urban Water Management Plan conclusion that there is an immediate need for 100,000 af of storage.

Impacts to Waters of the United States and Section 404 of the Clean Water Act

Describe in detail compensatory mitigation sites for unavoidable impacts to waters of the United States. The DEIS states direct permanent impacts to wetlands/vegetated waters and unvegetated waters will be mitigated by a combination of off-site wetlands creation in the SDCWA’s planned mitigation banks or at other appropriate locations. EPA is not aware of established or developing SDCWA mitigation banks. Mitigation banks located outside of the watershed where the impacts occur may not be suitable for compensatory mitigation for the project impacts because they may have a limited geographic area they serve or may not be appropriate to compensate for the class of wetlands being affected by the proposed project.

Recommendation:

We recommend the FEIS provide detailed information on proposed compensatory mitigation sites, including a description of other mitigation options and sites investigated.
RESPONSES

EPA-4B  The Water Authority’s Master Planning process identified a need for approximately 100,000 acre-feet (AF) of carryover storage to maintain a secure and reliable water supply through varied conditions and the planning horizon of 2030. The carryover storage facility identified was the addition of 100,000 AF of storage water to San Vicente Reservoir (above the reservoir expansion acreage for the already approved Emergency Storage Project).

New water supply sources and conveyance facilities were considered separately in the Regional Water Facilities Master Plan (Master Plan) to meet annual water supply demand. Water supply is functionally different from, and independent of, water storage. Water supply relates to the development of new water sources to meet annual water supply demands. Carryover storage has a different purpose – to provide additional storage capacity for water, either produced elsewhere (e.g., seawater desalination) or imported into the region, for use during those times when the regular supply sources cannot meet demands (during peak demand periods, multiple dry years, extended droughts). Carryover storage was included in the Master Plan as a component of each supply alternative as a means to ensure optimal use of existing supplies and the reliable delivery of water to Water Authority member agencies.

Water reliability in the San Diego Region, and the varied supply sources meeting San Diego’s demand, rely on storage to smooth out the long-term variability of runoff in the southwestern U.S. Most peaks in demand are managed with existing storage reservoirs and future climate change will result in earlier snowmelt that will require management through storage. Water storage reliability refers to the system’s ability to manage existing supplies through high and low hydrologies (accumulating water in wet seasons or years and carrying it over for use in subsequent dry seasons or years). Through modeling, a better understanding of the interdependencies between water supply, demand, and regional hydrologies, including extreme hydrologic events, were evaluated.

The California Water Code requires all urban water suppliers in the state to prepare urban water management plans and update them every five years. These plans satisfy the requirements of the Urban Water Management Plan Act of 1983 (Act). The Water Authority’s Updated 2005 Urban Water Management Plan (UWMP) was prepared in compliance with the Act. The UWMP identifies a diverse mix of water resources projected to be developed over the next 25 years to ensure long-term water reliability for the San Diego region. The Act requires suppliers to identify projected dry-year demands for a single dry-year and for multiple dry-years (3 years) for each five-year increment in the 25-year planning period (2010, 2015, 2020, 2025, and 2030). The UWMP includes multiple dry-year supply and demand assessments. Based on figures included in the Water Authority’s Updated 2005 UWMP, the immediate need for additional water storage is demonstrated below.

The Water Authority had a preferential right to 15.8 percent of MWD’s water in 2004; it purchased about 25 percent of MWD’s available supply. (Note: MWD calculates preferential rights of each of its member agencies at the end of each fiscal year as a percentage. For FY 2006/2007 calculation, please refer to response MWD-11H.) At any time, under preferential rights rules, MWD may allocate water without regard to historic water use or dependence on MWD. Planning scenarios were developed to evaluate worst-case conditions, as the Water Authority would be remiss in not planning
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RESPONSES

EPA-4B
Cont.

for a worst-case event. Worst-case conditions are defined as: the San Diego region enters into a three-year consecutive drought period, and MWD member agencies invoke Section 135 of the Metropolitan Act, Preferential Rights to Water. In this instance, the Water Authority would experience a cutback of 39 percent in water supplies from MWD in 2005; reducing to a 23 percent cutback in 2030.

During a three-year consecutive drought period, and assuming MWD member agencies invoke Section 135 of the Metropolitan Act, Preferential Rights to Water, the estimated Water Authority water shortages would be: Years 2006-2008: shortage of 664,144 AF; Years 2016-2018: shortage of 315,725 AF; Years 2026-2028: shortage of 259,404 AF.

Actual shortages would vary based on increasing demands and offsets from increased conservation, IID transfers, canal lining projects, and seawater desalination.

For the present, and through 2015, the Water Authority would be dependent on MWD to provide for all shortages, which will leave the Water Authority at risk should the supplies identified in MWD’s Integrated Resources Plan (IRP) not be developed or the MWD member agencies invoke Section 135 of the Metropolitan Act. MWD is currently in the process of updating its IRP, based on the Wagner decision, which changes assumptions of State Water Project water delivery, further demonstrating and affirming the need for local storage south of the Sacramento-San Joaquin Bay Delta.

In the next 10 to 25 years, an essential part of the Water Authority’s efforts will be to implement measures to achieve the maximum amount of conservation that can be achieved through existing and potential conservation Best Management Practices (BMPs). Such BMPs are discussed in Section 3 of the Water Authority’s UWMP. Through this program, the Water Authority has projected an additional annual conservation savings of approximately 55,000 AF by 2030. This savings has already been accounted for as part of the demand forecast analysis.

In July 2007, the Water Authority’s board of directors adopted the Blueprint for Water Conservation, a strategic plan for water conservation that identifies six landscape conservation strategies, four indoor and commercial/institutional/industrial strategies, and two agricultural strategies to be implemented over the next five years. The Water Authority convened industry, ordinance, and outreach stakeholder workgroups to assist in the development of the Blueprint and the plan was released for public comment. The Blueprint is designed to meet the UWMP 2030 goals, the California Urban Water Conservation Council’s BMPs, and Agricultural Efficient Water Management Practices. It is also designed to incorporate MWD’s water use efficiency programs and partnerships with SDG&E, and to implement programs that are cost-effective. [The Blueprint for Water Conservation can be found online at: www.waterconservationsummit.com].

Water shortages could be further reduced through Voluntary Extraordinary Conservation measures. Given the background of general drought awareness, the Water Authority sends out a specific appeal for voluntary cut backs during a severe drought. These Voluntary Extraordinary Conservations measures would be above and beyond the conservation measures discussed in the UWMP. It is estimated that 10 percent of the municipal and industrial market responds to a voluntary appeal to cut outdoor water usage, and that each cut their usage by 50 percent, which results in an overall
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RESPONSES

**EPA-4B Cont.**

additional demand reduction of 2.5 percent. This is a reasonable amount to assume for “extraordinary” (but still voluntary) conservation in a fully hardened market (i.e., a market that has already implemented BMPs to the fullest extent practicable, where there is little opportunity for additional savings). “Extraordinary” conservation to some extent accelerates implementation of long-term conservation measures through behavioral changes, and in spending more money faster to achieve the longer-term conservation goals. In addition, beginning January 1, 2008, agriculture users in the Water Authority’s service area experienced a 30 percent cutback in their water supplies through the Interruptible Agriculture Water Program in response to drought management.

Pricing, along with wasting water prohibitions and an aggressive public communications plan, all contribute to extraordinary conservation during a period of shortage. Pricing is but one of the elements that assists in saving water, but studies have shown not solely by itself. The Water Authority’s member agencies have adopted water-conserving rates at the retail level to send pricing signals to consumers, and the Water Authority has included a marginal pricing structure at the wholesale level to encourage reduced water use and the development of local supplies.

With Voluntary Extraordinary Conservation of 2.5 percent, water shortages in a worst-case scenario of MWD member agencies invoking Section 135 of the Metropolitan Act, Preferential Rights to Water could be reduced by approximately 56,233, 60,536, and 64,922 AF, respectively: Years 2006-2008: shortage of 607,911 AF; Years 2016-2018: shortage of 255,189 AF; Years 2026-2028: shortage of 194,482 AF.

The purpose of carryover storage is to substantially increase the reliability of regional water storage by providing the Water Authority with local facilities to accumulate and store water. With development of the CSP, 100,000 AF of water storage would be available by 2015. This would help alleviate the projected shortages of deliveries in the worst-case scenario in the year 2015 and beyond. With the use of CSP water, estimated shortages during a three-year consecutive drought period in the worst-case scenario of MWD member agencies invoking Section 135 of the Metropolitan Act, Preferential Rights to Water would be: Years 2006-2008: shortage of 607,911 AF; Years 2016-2018: shortage of 155,189 AF; Years 2026-2028: shortage of 94,482 AF.

Calculations above show that even with CSP, in a worst-case planning scenario where MWD member agencies invoke Section 135 of the Metropolitan Act, Preferential Rights to Water, there would be an estimated shortage of approximately 94,482 AF. The Water Authority and its member agencies are pursuing other potential projects to reduce projected shortages and dependence on MWD. These include additional recycled water, additional groundwater production from member agencies, and additional water from new or expanded Water Authority desalination facilities. Although these are additional 2030 regional water supply goals for the Water Authority, they are still speculative projects at this time.

As demonstrated above, there is an immediate need for 100,000 AF of additional storage capacity in the San Diego region to ensure water availability to meet demand during multiple dry weather periods; thereby, increasing water system reliability and preventing significant economic damage to the region.
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RESPONSES

EPA-4C  The Water Authority proposes mitigation for permanent impacts from the Proposed Action to wetlands, non-wetlands vegetated waters, and unvegeted waters of the United States within the San Vicente Creek Watershed and the Tijuana River Valley. Permanent impacts to unvegeted waters consisting of ephemeral channels and unconsolidated lakeshore is proposed to be mitigated on site, through the increase of open water and expanded lake shoreline associated with project implementation. Permanent impacts to wetlands and vegetated waters are proposed to be mitigated by a combination of wetland creation in the Tijuana River Valley and preservation and management of high quality wetlands and riparian habitat within and along San Vicente Creek.

The Tijuana River Valley Wetland Mitigation Banking Project (State Clearinghouse #2007111070) is in the planning stage. The proposed project site is within the city of San Diego, located south of the Tijuana River, and west of the Smugglers Gulch Channel. Approximately 45 acres of wetlands and transitional wetlands are proposed to be created at the project site, of which a minimum of 32 acres are planned to be available to the Water Authority as mitigation credits. As mentioned, the project is in the planning stage; therefore, the following planting palettes for the 45-acre wetlands/transitional wetlands creation are preliminary: southern willow scrub planting palette (36 acres), mulefat scrub planting palette (4.5 acres), freshwater marsh planting palette (2.25 acres), and cottonwood willow woodland planting palette (2.25 acres). The County of San Diego (County) owns the property, and there is an agreement between the Water Authority and the County that allows the Water Authority to implement a wetland mitigation-banking project on the property, and that identifies the County (through its Parks and Recreation Department) as the long-term site manager. Implementation of the wetland project is consistent with the city of San Diego’s Multiple Species Conservation Plan, a conservation plan approved per the California Natural Communities Conservation Program Act, and Section 10 of the federal Endangered Species Act.

Mitigation Measures SV/BR 1-1 (page 3.6-43) and SV/BR 7-1 (page 3.6-45) of the EIR/EIS have been revised to incorporate the above information. As stated in these revised mitigation measures, the Water Authority proposes to mitigate the impact to wetlands/non-wetlands vegetated waters at a 1:1 compensation to impact ratio. The 1:1 ratio is appropriate as created wetlands will be in place prior to the actual impacts occurring.

The remainder of the mitigation proposed for permanent impacts to wetlands and vegetated waters consists of preservation and management of high quality wetlands and riparian vegetation at a 390-acre property known as Rancho Cañada. The Water Authority provided the purchase funds in September 2007, and the CDFG acquired title to the property in December 2007. Per an agreement with CDFG, the Water Authority provides CDFG the property’s wildlife management funds and retains the rights to use the property for mitigation purposes. The property is bisected by San Vicente Creek, and its southerly property corner is approximately three-miles upstream from San Vicente Reservoir. The property contains 4.07 acres of fresh water marsh and 34.63 acres of southern coast live oak riparian forest/cottonwood-willow riparian forest (Delineation of Jurisdictional Waters and Wetlands for the Rancho La Cañada Property, Jones and Stokes, July 2007), with the remainder of the property comprising upland vegetation (southern mixed chaparral, Diegan coastal sage scrub, annual grassland, coast live oak woodland, and some developed/ disturbed).
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RESPONSES

EPA-4C
Cont. Other mitigation sites available to the Water Authority include 0.9 acre of excess riparian mitigation in the San Diego River Channel in Lakeside, 1.76 acres of excess wetland mitigation at the Manchester wetland mitigation site in the city of Encinitas, and a 45-acre parcel on the San Luis Rey River west of Interstate-15 that has the potential for 3 to 4 acres of three-parameter wetlands creation, and approximately 22 acres of southern coast live oak riparian forest/cottonwood-sycamore woodlands.

All temporary impacts will be restored on site.
COMMENTS

Correct the description of submerged aquatic vegetation to state they are regulated under Section 404 of the Clean Water Act. The DEIS describes the waters of the United States regulated by the US Corps of Engineers (Corps) pursuant to Section 404 of the Clean Water Act. Due to fluctuations in the reservoir level, the Corps determined submerged aquatic vegetation does not meet the definition of “vegetated shallows” in the 404(b)(1) Guidelines. The DEIS incorrectly states submerged aquatic vegetation is not regulated under Section 404 of the Clean Water Act (CWA) (p.3.6-5). Although submerged aquatic vegetation may not be characterized as vegetated shallows, and therefore not identified as a special aquatic site, it is still regulated under Section 404 of the CWA as waters of the United States.

Recommendation:
We recommend the FEIS correctly identify submerged aquatic vegetation as regulated under Section 404 of the CWA as waters of the United States (40 CFR Part 230.3(s)(4)).

Water Use Efficiency

Disclose and implement water use efficiency measures to maximize beneficial use of the new storage and water supply. The approved and permitted Emergency Storage Project (ESP) and proposed Carryover Storage Project (CSP) Proposed Action would raise San Vicente Dam by a total of 117 feet and provide an additional 152,100 af of water storage. EPA advocates maximizing the efficient use of developed water supplies through demand-management, conservation, and recycling; reduction of water pollution which extends the “useful life” of water; promotion of multiple beneficial uses (for example, productive agriculture and wildlife habitat); and implementation of appropriate pricing (e.g., beneficiaries pay).

Recommendation:
We recommend the FEIS include full disclosure and aggressive implementation of demand-side management, water conservation, water quality protection, and appropriate pricing to ensure the most efficient use of the new storage and water supply.

Air Quality Effects

Implement all feasible mitigation measures to address adverse air quality impacts. Construction-related emissions of the Proposed Action would cause significant exceedences of the daily thresholds for carbon monoxide (CO), oxides of nitrogen (NOx), particulate matter less than 10 microns in diameter (PM10), and particulate matter less than 2.5 microns in diameter (PM2.5) (pps. 3.5-14 to 3.5-15). Standard construction practices and dust control Best Management Practices would be implemented. However, even with these measures, the adverse air quality impacts would not be reduced below significant threshold values (p. 3.5-22). The DEIS concludes that no additional feasible mitigation measures available to reduce these impacts. Thus, direct and cumulative air quality impacts would be significant and unmitigable. The construction-related emissions would end upon completion of the project. However, the construction period is anticipated to take 18 months, 24 hours a day, 7 days a week (p. 2-19).
RESPONSES

EPA-4D  Comment noted. The EIR/EIS text on page 3.6-5 has been revised to reflect EPA’s recommended change.

EPA-4E  The EPA’s view regarding water use efficiency is noted. The Water Authority is currently maximizing use of available water supplies through effective demand-management, conservation measures, and recycling. The long-term sustainable balance between water supply and water demand is more appropriately addressed in the Water Authority’s 2005 UWMP rather than in the CSP EIR/EIS. The commenter is referred to the Water Authority’s 2005 UWMP for a comprehensive discussion on water conservation and recycling efforts, and a report on annual water savings from these efforts (incorporation by reference per 40 CFR 1502.21 and CEQA Guidelines Section 15150).

The Water Authority is a recognized leader in developing innovative water conservation programs; the 2005 UWMP outlines the water conservation measures the Water Authority is aggressively implementing, including the use of BMPs (e.g., financial incentives for the installation of high-efficiency appliances; conservation pricing that promotes water-conserving retail water rate structures; residential surveys, leak detection programs and landscape programs; public information programs such as the 20-Gallon Challenge; school education programs, etc.) and Agricultural Efficient Water Management Practices. The Water Authority and its member agencies will continue to cooperate with the California Urban Water Conservation Council and MWD to identify future opportunities for water conservation savings.

In 2004, the Water Authority, in conjunction with the City of San Diego and the County of San Diego, launched a coordinated, comprehensive regional effort to address water quality within the Water Authority’s service area. The Integrated Regional Water Management Plan (IRWMP) was developed in partnership with member agencies, environmental groups, and local jurisdictions with the goal to cost-effectively manage, protect, and improve water quality in the region. The IRWMP established criteria to develop water quality projects that would meet the guidelines for funding under the state’s Prop 50 grant program and established a framework for securing long-term water supply reliability. The IRWMP provides a mechanism for coordinating, refining, and integrating existing planning efforts within a comprehensive, regional context; identifying specific regional and watershed-based priorities for projects; and providing funding for the plans, programs, projects, and priorities of existing agencies and stakeholders. This plan will reduce water pollution from a regional perspective, extending the “useful life” of water.

EPA-4F  The Water Authority will implement all feasible mitigation measures to address construction-related air pollutant emissions associated with the Proposed Action. The discussion below provides an evaluation of the feasibility of the potential mitigation measures as suggested in the comment, in addition to those measures identified in Section 3.5.3.3 of the EIR/EIS.

•  Purchase offset credits. Offset credits for those pollutants for which the daily construction-related emissions of the Proposed Action would exceed the daily significance thresholds (CO, NOx, PM10, and PM2.5) are not readily available for purchase in the San Diego region. NOx and PM credits are particularly difficult to identify for purchase. Therefore, this is not a feasible mitigation measure.
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RESPONSES

EPA-4F
Cont.

- **Redistribute material hauling and disposal routes to minimize haulage miles.** The Water Authority will minimize haulage miles to the extent feasible; this measure would be adopted, in general, to reduce both vehicle emissions and vehicle fuel usage. However, materials must be obtained and disposed at locations that can provide and accept the amounts of material needed for the project.

- **Schedule and sequence work to reduce significant overlaps with other activities that contribute to air quality emissions.** To the extent feasible, work will be sequenced to reduce construction-related emissions and to allow for the dam raise to meet engineering requirements and achieve the project schedule. However, RCC placement must occur 7 days per week, 24 hours per day to ensure the integrity of the new dam.

- **Use electrical power for all stationary equipment.** As a standard construction measure and where it is available on site, electrical power will be used for stationary equipment, but the majority of construction equipment will be mobile and electric power would not be feasible. Generators must meet current emission standards.

- **Use the most recent pollution control equipment for all off-road equipment.** Under the Water Authority’s General Conditions Standard Specifications to be included in the project construction documents (Section 1.9.2, page 1-25 of the EIR/EIS), off-road construction equipment will be properly maintained and operated to reduce air emissions to the extent possible.

- **Use windbreaks to prevent accidental dust pollution.** Due to the large size of the construction areas (i.e., downstream dam construction zone and Marina Quarry Option) and the rough terrain surrounding the majority of these areas, the planting of vegetation or the installation of temporary barriers for perimeter windbreaks to reduce dust pollution is not a feasible mitigation measure.

- **Limit vehicular paths and stabilize temporary roads.** As a standard construction measure, all construction equipment will be required to follow established construction routes. As a Project Design Feature (Section 3.5.2, page 3.5-7 of the EIR/EIS), temporary construction roads will be watered to reduce fugitive dust emissions and stabilize the roads.

- **Minimize unnecessary vehicular and machinery activities.** As a standard construction measure, the construction contractors for the Proposed Action will be required to minimize unnecessary vehicular and machinery activities on site.

Even with implementation of these measures, construction-related criteria pollutant emissions associated with the Proposed Action would not be reduced to a level considered less than significant.
**Recommendation:**
EPA recommends evaluation and aggressive implementation of all feasible mitigation measures to address exceedences of air quality standards. Additional mitigation measures to explore include purchasing offset credits, redistributing material hauling and disposal routes to minimize haulage miles, scheduling and sequencing work to reduce significant overlaps with other activities that contribute to air quality emissions, using electrical power for all stationary equipment, using the most recent pollution control equipment for all off-road equipment, using windbreaks to prevent accidental dust pollution, limiting vehicular paths and stabilization of these temporary roads, and minimizing unnecessary vehicular and machinery activities.

**Noise Effects**

*Implement all feasible mitigation measures to address adverse noise impacts.* The DEIS concludes that there would be significant and unmitigable construction-related noise impacts from the Proposed Action from the quarry batch plant, if it cannot be located at the on-site Marina Quarry Option, from blasting for tunneling operations, and from construction traffic along Vigilante Road and Moreno Avenue. These activities would exceed the 45 A-weighted decibel equivalent sound level (dBA Leq) exterior noise standard for residential uses and the 3 decibel (dB) significance threshold for increased traffic noise (pps. 3.11-12 to -17). Although these noise impacts would cease upon completion of construction, construction could take up to 18 months, 24 hours per day, 7 days per week (p. 2-19).

**Recommendation:**
We recommend the FEIS evaluate temporary sound barriers, equipment modifications, and blasting and peak construction traffic schedules that avoid nighttime hours as potential mitigation measures to reduce the identified significant noise impacts. For example, evaluate the feasibility of providing temporary internal and external sound barriers for the most affected residences, using electrically powered or quieter equipment during nighttime hours, and scheduling peak construction traffic and blasting activity during daytime hours.

**Energy Use**

*Provide an evaluation of the overall energy use (energy intensity) of each alternative.* The use and transportation of water from source to tap can use considerable amounts of energy. Therefore, water supply decisions can affect energy use. The cost and amount of energy use is especially true for Southern California which receives water imported over long distances. Due to the air quality impacts of energy production, high costs, and water management constraints of energy use for water supply, we recommend the energy implications of water supply planning be considered. We commend the description and evaluation of the energy required to construct and operate each alternative (p. 8-43). Additional insight on measures to further reduce energy use and costs may be obtained by examining the overall energy associated with the use of the water—diverting water from the water source (e.g., surface water diversions, groundwater pumping, desalination), conveyance, treatment, distribution, end use, and wastewater treatment.
RESPONSES

EPA-4G  The placement of noise attenuation barriers along the southerly and easterly limits of the dam construction zone was considered as mitigation for nighttime noise impacts from dam construction activities and blasting for tunneling operations affecting residences south of the project site; however, such barriers would not feasibly reduce the noise impacts to a level considered less than significant for the reasons stated in Section 3.11.3.3 (page 3.11-16 of the EIR/EIS). Given the specific equipment necessary for blasting activities and RCC placement for dam construction (GEI Engineering Summary Report, 2007c), it is not anticipated that electrically powered or quieter equipment options will be available at the time of the CSP dam raise to replace the standard gas- and diesel-powered machinery currently in production. Finally, scheduling peak construction traffic and blasting activities to occur during daytime hours only, for the purpose of avoiding significant nighttime noise impacts to residences south of the dam construction zone, is not possible due to the 24-hour construction process necessary for RCC placement, as stated in Section 3.11.3.3 (page 3.11-16 of the EIR/EIS).

EPA-4H  An analysis of the potential energy requirements for each of the CSP alternatives can be found in Chapter 8.6.3.4 (Irretrievable Commitments of Resources), beginning on page 8-43 of the EIR/EIS. As noted in this section, “Implementation of the Proposed Action, or any of the alternatives, would require both the consumption of non-renewable energy resources to facilitate construction, and consumption of electrical energy for operations.” The section goes on to state: “Electricity would be used during construction and operation of the CSP to power pumps for distributing carryover storage water and for performing annual reservoir operations.” The analysis contained in Chapter 8.6.3.4 supports the conclusion that the energy impact associated with construction and operation of the Proposed Action, or any of the alternatives, would be less than significant and no further analysis is necessary. The delivery and storage of water under each of the CSP alternatives does not require any new long-term energy uses, as no new pumps, treatment plants, or other energy uses are necessary. A discussion of the general energy intensity requirements for each step of the “water supply-use-disposal cycle” for the entire Water Authority service area is beyond the scope of this analysis.
COMMENTS

Recommendation:
We recommend the FEIS include an evaluation of the energy intensity required for each alternative. Energy intensity is defined as the total amount of energy required to use a specific amount of water in a specific location. It takes into account each site-specific step in the water supply-use-disposal cycle—diverting water from the water source, conveyance, treatment, distribution, end use, and wastewater treatment.

San Vicente Creek
Describe historical and current downstream biological resources, flows, and water quality. Consider releasing water for downstream beneficial uses. San Vicente Creek continues south downstream of the existing dam to the San Diego River. The DEIS states that the City of San Diego does not routinely release water into San Vicente Creek, although water has spilled over the spillway five times in the last 60 years. The raised dam would increase the storage capacity in the reservoir and further reduce the potential for spills, resulting in 46 percent less flood flows than with the existing reservoir (pps. 3.17-17 and -18). The Proposed Action would not change existing reservoir management practices or downstream flows upon completion (p. 3.17-20). Currently, minimum stream flows that support biological communities and recharge groundwater downstream of the dam are derived from seasonal rainfall and runoff.

Recommendation:
We recommend the FEIS describe the historical and current biological resources, flows, and water quality of San Vicente Creek downstream of the San Vicente Dam. We also recommend the FEIS explore the need for and feasibility of providing annual releases of water to enhance the downstream San Vicente Creek biological communities and beneficial uses.
RESPONSES

EPA-41  The current biological resources along the reach of San Vicente Creek downstream of the dam, and within the SV 100K study area, are described throughout Section 3.6 (Biological Resources for the Proposed Action) and illustrated in Figures 3.6-1 through 3.6-6 of the EIR/EIS. In addition, historical information is provided in this section for sensitive species. As stated in Sections 3.17.1.1 (Hydrology) and 3.17.3.2 (Threshold 2), the City of San Diego, which owns and operates San Vicente Reservoir, does not routinely release water from the reservoir into San Vicente Creek downstream of the dam. Since there are no historical or current flows along this reach of the creek, no water quality data is available downstream of the dam. Section 2.2.3 (Reservoir Operations) of the EIR/EIS describes anticipated operation of the water storage levels within the expanded reservoir by the City of San Diego following completion of the dam raise construction. As stated on page 3.17-17 of the EIR/EIS, the reservoir would continue to be operated to conserve water supply and avoid spills. There would be no increase in downstream flows in San Vicente Creek compared to existing operations, as the normal reservoir operations currently do not release water downstream of the dam. Furthermore, as stated on page 2-31 of the EIR/EIS, the City is responsible for managing water deliveries, withdrawals and activities at the reservoir in accordance with the 1998 Joint-Use Agreement, Reservoir Regulating Plan, and the 2003 Principles of Understanding. Providing for annual releases of water from the reservoir to enhance the downstream San Vicente Creek biological communities and beneficial uses is not one of the criteria established by the Reservoir Regulating Plan, as listed on page 2-30 of the EIR/EIS.
Ms. Kelly Gage  
Senior Water Resources Specialist  
San Diego County Water Authority  
4677 Overland Avenue  
San Diego, California 92123

Subject: Comments on the Draft Program Environmental Impact Report/Environmental Impact Statement for the Carryover Storage and San Vicente Dam Raise, San Diego County, California (2006101044)

Dear Ms. Gage:

The California Department of Fish and Game (Department) has reviewed the above-referenced Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) which we received on August 26, 2007. Though the State Clearinghouse established the end of the public comment period as October 9, 2007, the San Diego County Water Authority (Water Authority) established October 15 as the end of the comment period.

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. The Department also administers the Natural Community Conservation Planning Program.

The Carryover Storage and San Vicente Dam Raise Project (CSP) would raise the existing dam at San Vicente Reservoir by 63 feet to provide an additional 100,000 acre-feet (AF) capacity within the reservoir. The proposed project would be in addition to the previously approved and permitted Emergency Storage Project (ESP), which will provide 52,000 AF of emergency storage, and will require the dam to be raised by 54 feet. Although these two projects were reviewed separately, they will be combined to reduce construction costs. The increased reservoir capacity would also require construction of two auxiliary saddle dams west of the primary dam to confine the reservoir and permit a higher water level. A reservoir draw down would be required prior to the initiation of construction. The draw down would reduce the reservoir’s carrying capacity by nearly half, and would remain in effect for three years during the construction of the CSP.

Additional facilities proposed in association with the CSP include (a) a new marina with expanded facilities and an access road to replace the existing facilities that would be inundated
RESPONSES

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in lieu of the facilities proposed under the ESP, and (b) a quarry (or "borrow site") for the provision of aggregate for dam construction. The three alternative locations being considered for on-site borrow areas are the Southwest and Southeast quarry options located downstream of the dam, and the Marina Quarry Option located at the proposed marina (where excess excavated material from the proposed marina relocation would be considered for use as aggregate for RCC production). The CSP's impacts on habitat would differ based on each quarry option as reflected in the attached Tables 1 and 2.

The CSP would impact up to 23.3 acres of wetland/riparian habitat (Table 1) and up to 518.5 acres of upland habitat (Table 2), including permanent and temporary impacts. The CSP would also result in impacts to occupied habitat for the federally endangered arroyo toad (Bufo californicus), the federally and state endangered least Bell's vireo (Vireo bellii pusillus), and the federally threatened coastal California gnatcatcher (Polioptila californica). Two additional listed species have the potential to occur within the proposed project site, but were not observed during 2005/2006 surveys (following a recent wildfire) - San Diego thorn-mint (Acanthomintha ilicifolia) which is federally threatened and state endangered, and Quino checkerspot butterfly (Euphydryas editha quino) which is federally endangered. In addition, the CSP would affect several other sensitive plant and animal species. Attached Tables 3 and 4 summarize the impacts to these species and the proposed measures to avoid, minimize, and mitigate the impacts.

The Department offers the following comments to assist the Water Authority in avoiding, minimizing, and mitigating project impacts to biological resources. Our comments are based on the information provided in the draft EIR/EIS, our knowledge of sensitive and declining vegetation communities in San Diego County, and our participation in regional conservation planning efforts.

1. According to the draft EIR/EIS, potential impacts to the Quino checkerspot butterfly would be less than significant because potentially suitable habitat occurring within the CSP footprint is expected to revert to its pre-fire condition making some of it no longer suitable as Quino habitat. We recommend that a pre-construction habitat assessment be conducted to determine whether potentially suitable habitat still occurs within the project footprint. If suitable habitat is found, we recommend that protocol-level surveys be conducted for the Quino checkerspot butterfly and appropriate mitigation be developed in coordination with the U.S. Fish and Wildlife Service and the Department (collectively, the Wildlife Agencies).

2. According to the Project Design Features discussed in Section 3.6.2 of the draft EIR/EIS, a qualified/certified biologist would conduct pre-construction surveys for sensitive species. We recommend that the Project Design Features in the final EIR/EIR be modified to include the following measures.

a. The Project Design Features should specify that pre-construction surveys will include all State Species of Concern (SSC) that were previously documented (Table 3.6-4) within the project footprint to determine whether they are recovering post-fire. If any of the SSC species are determined to be present within the project footprint, potential impacts should be quantified.
RESPONSES

California Department of Fish and Game

DFG-5A  Refer to response to comment FWS-2C.

DFG-5B  The first bullet in Project Design Features in Section 3.6.2 (pages 3.6-17 and 3.6-18 of the EIR/EIS) has been revised in response to the comment.
b. The Project Design Features should include a measure that requires the Water Authority to confer with the Department on appropriate mitigation for all state listed and/or SSC determined to be directly or indirectly affected by the CSP. If San Diego thorn-mint is found within the CSP’s area of impact, a CESA permit from the Department for the take of this species may be necessary.

3. According to the draft EIR/EIS, the Proposed Action would offset impacts to approximately 1,065 delicate clarkia plants in 11 locations through the preservation of clarkia-occupied oak woodland or through the re-introduction of plants to an appropriate area. The final EIR/EIS should identify potential mitigation sites for this species (e.g., Rancho Cañada). In addition, the EIR/EIS proposes to monitor the re-introduced plants for a two-year period. We recommend that the monitoring period be a minimum of five years and that the mitigation effort meet success criteria to be determined in coordination with the Department.

4. According to Mitigation Measure SV/BR 10-1 of the draft EIR/EIS, impacts to the gnatcatcher would be mitigated off site at a 1:1 ratio using mitigation credits from the Water Authority’s mitigation banks (e.g., San Miguel Conservation Bank) or other mitigation banks approved by the regulatory agencies as specified in Mitigation Measure 3-1. We recommend that the final EIR/EIS specify that impacts to coastal sage scrub and occupied gnatcatcher habitat would be mitigated in-kind with occupied gnatcatcher habitat or credits.

5. According to the draft EIR/EIS, the City of San Diego and the Wildlife Agencies negotiated a dam and reservoir expansion project as a hardline project in the City’s subarea plan, excluding the project area from the MHPA. “In recognition of these negotiations the Water Authority will debit chaparral credits from it[s] Crestridge Habitat Management Area and San Miguel Conservation Bank at a ratio of 0.5:1 for permanent impacts to chaparral and non-native grassland communities.” It is unclear whether this mitigation is intended to offset only the impacts to the San Vicente Reservoir Cornerstone Lands MHPA Preserve or all the impacts from the Proposed Action to chaparral and non-native grassland. We recommend that all impacts to chaparral and non-native grassland be mitigated through the acquisition of off-site chaparral credits at a 0.5:1 ratio at either the Crestridge HMA or San Miguel Conservation Bank. The final EIR/EIS should include a Mitigation Measure clearly describing the mitigation proposed to offset permanent and temporary impacts to all the project-related losses of chaparral and non-native grassland.

6. Table 3.6-4 in the draft EIR/EIS lists sensitive species documented in the CSP study area. Several of the species were documented prior to, but not during TAIC’s 2005 and 2006 surveys. Impacts to non-listed sensitive species documented during TAIC’s surveys were summarized in Table 3.6-13. However, during the 2005 and 2006 surveys, TAIC apparently detected the following three species included in Table 3.6-4 but not discussed in the draft EIR/EIS or included in Table 3.6-13: San Diego Goldenstar (Muilla clevelandii), Cooper’s hawk (Accipiter cooperii), and yellow-breasted chat (Icteria virens). The final EIR/EIS should clarify whether these three species were documented during the 2005 and 2006 surveys, and if they were, should identify the CSP’s potential impacts on the species and specify the measures to be implemented to mitigate for the impacts.
RESPONSES

DFG-5C Refer to response to comment FWS-2D.

DFG-5D As stated in Mitigation Measure SV/BR 15-1 (page 3.6-49 of the EIR/EIS), prior to start of construction, a qualified biologist will conduct a rare plant survey during the appropriate season. If it is determined that the federally and state endangered San Diego thornmint occurs within the SV 100k footprint, direct permanent impacts will require consultation under Section 7 of the ESA and under Section 2080.1/2081 of the Fish and Game Code, the Water Authority will obtain a consistency determination (Fish and Game Code 2080.1) or an incidental take permit from CDFG, and impacts will be mitigated according to negotiations with the USFWS and CDFG.

DFG-5E Subsequent to release of the Draft EIR/EIS for public review, the Water Authority acquired the Rancho Cañada mitigation site located upstream of Kimball Valley, within the San Vicente Creek watershed. As such, the Water Authority has determined that mitigation for impacts to delicate clarkia from the Proposed Action may occur at Rancho Cañada, as suggested in the comment. The Water Authority further concurs with the comment in that mitigation monitoring for this species will occur in coordination with CDFG and will be conducted until success criteria have been met, or for five years, whichever occurs first. Therefore, Mitigation Measure SV/BR 14-1 (page 3.6-49 of the EIR/EIS) has been revised accordingly.

DFG-5F Refer to response to comment FWS-2E.

DFG-5G Refer to response to comment FWS-2F.

DFG-5H These three species (San Diego Goldenstar, Cooper’s hawk, and yellow-breasted chat) were not included in Table 3.6-13 (page 3.6-37 of the EIR/EIS) because, although they were documented within the SV 100K study area, they were not within the SV 100K footprint (i.e., not observed in locations that would be impacted by the Proposed Action). (Note: the San Diego Goldenstar is within the construction area previously permitted under ESP). For consistency, the horned lark has also been removed from this table in the EIR/EIS.
7. According to Table 3.6-13 of the draft EIR/EIS, the Proposed Action would impact Lakeside ceanothus (*Ceanothus cyaneus*) occurring in one location. The final EIR/EIS should specify the number of Lakeside ceanothus individuals that CSP would affect.

8. According to the draft EIR/EIS (Table 3.6-13), impacts to some SSC [e.g., San Diego sunflower (*Hulsea californica*), rufous-crowned sparrow (*Aimophila ruficeps canescens*), coast horned lizard (*Phrynosoma coronatum*), and orange-throated whiptail (*Aspidoscelis hypertyra*)] would be offset through the creation, preservation, or restoration/enhancement required as mitigation for the project-related losses of coastal sage scrub and other rare natural communities. We recommend that the final EIR/EIS specify that the mitigation sites support these SSC species in similar numbers as found in the impacted habitat.

9. According to the draft EIR/EIS, “…the ESP Biological Opinion (BO) issued by the USFWS (1-6-97-F-13) allowed for the take of one vireo pair to account for potential impacts to individuals that could occupy newly created habitat that could become established during drawdown and subsequently submerged during refilling. Consequently, although the Proposed Action will permanently impact an estimated 1.94 acres of vireo habitat, the inundation of potential interim vireo habitat and loss of one breeding pair was addressed and accounted for in the ESP.” The final EIR/EIS should add that the Department authorized this take of least Bell’s vireo through the issuance of a consistency determination (tracking #2080-2000-003-5) pursuant to Section 2080.1 of the Fish and Game Code.

10. According to the draft EIR/EIS, “…the mitigation measures and conditions of the regulatory agency permits will ensure that the Proposed Action is consistent with regional planning efforts and the long-term preservation of MSCP-cover species.” We recommend that the final EIR/EIS include the following measures to ensure that the CSP meets the conditions for coverage of these species.

   a. Any planting stock to be brought onto the project or mitigation sites for landscape or habitat creation/restoration/enhancement should be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (*Iridomyrmex humil*), fire ants (*Solenopsis invicta*) and other insect pests. Any planting stock found to be infested with such pests should not be allowed on the project or mitigation sites or within 300 feet of natural habitats unless documentation is provided to the Department that these pests already occur in natural areas around the project site. The stock should be quarantined, treated, or disposed of by qualified experts using best management practices and in a manner that precludes invasions into natural habitats. The Water Authority should ensure that all temporary irrigation would be for the shortest duration possible, and that no permanent irrigation would be used for landscape or habitat creation/restoration/enhancement.

   b. Management and monitoring plans for proposed mitigation areas that would benefit the rufous-crowned sparrow should include measures to ensure the maintenance of dynamic processes (e.g., fire) to perpetuate some open phases of coastal sage scrub with herbaceous components.
RESPONSES

DFG-5I Both the Draft EIR/EIS (Section 3.6.1.1, Environmental Setting, Flora and Fauna, Documented Sensitive Species, MSCP-Covered Species, page 3.6-9 and Table 3.6-4) and the Biological Resources Technical Report (BTR, Appendix C to the EIR/EIS, Table 2-5 on page 74 and pages 80, 87, 114, and 267) erroneously reported that Lakeside ceanothus was observed within the SV 100K study area, but this species occurs outside the study area (i.e., west of Kimball Valley) in locations that would not be impacted by the Proposed Action. Therefore, these references have been removed or revised in the Final EIR/EIS. In addition, the Draft EIR/EIS erroneously reported this species would be directly impacted by the Proposed Action and by the SV 50K component of the SV 50K/Moosa 50K Alternative. As such, references to impacts on this species have been removed from the following pages in the EIR/EIS: 3.6-25, 3.6-36, 3.6-37 (Table 3.6-13), 3.6-38, 3.6-52, 3.6-53, 3.6-54, 5.6-18, 5.6-21, 5.6-29, and 5.6-30.

DFG-5J San Miguel Conservation Banking Agreement includes a study entitled “General Description and Overview of the Biological Features of the San Miguel Conservation Bank and Associated 500 acre Acquisition Parcel and 166 acre Mitigation Site,” (Merkel & Associates, August 19, 1997). The study identifies that San Diego County Viguiera, fka. San Diego sunflower, *Viguiera lacinata*, rufous-crowned sparrow (*Aimophila ruficeps canescens*), coast horned lizard (*Phrynosoma coronatum*), orange throated whiptail (*Aspidoscelis hyperythra*) are present, and abundance and density is as follows:

<table>
<thead>
<tr>
<th>Species</th>
<th>Abundance</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Diego County Viguiera fka San Diego Sunflower (<em>Viguiera lacinata</em>)</td>
<td>Very common dominate species on the site</td>
<td>High</td>
</tr>
<tr>
<td>Coast horned lizard (<em>Phrynosoma coronatum</em>)</td>
<td>Regularly observed on site</td>
<td>Present</td>
</tr>
<tr>
<td>Orange throated whiptail (<em>Aspidoscelis hyperythra</em>)</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Rufous-crowned sparrow (<em>Aimophila ruficeps canescens</em>)</td>
<td>Relatively abundant</td>
<td>Very high</td>
</tr>
</tbody>
</table>

San Diego County Viguiera, coast horned lizard, orange-throated whiptail, and rufous-crowned sparrow are documented at the Crestridge Habitat Management Area (*Crestridge Habitat Management Area Interim Habitat Management Plan*, Pacific Southwest Biological Services, 1994). However, no abundance or density information is provided in the document.

Coast horned lizard, orange-throated whiptail, and rufous-crowned sparrow have been documented to occur at the Rancho Cañada property (*Appendix I: Ecological Summary of La Cañada Ranch Mesa del Padre Barona*, The Nature Conservancy, February 9, 2006, and *Monte Vista Ranch Biological Report*, Merkel & Associates, August 4, 2004). However, the reports do not include abundance and density information.

Based on the level of impact, the conclusion in the EIR/EIS (pages 3.6-37 through 3.6-38) is that the project’s impacts to these species are not significant. CDFG did not provide information to the contrary. Therefore, no species-specific mitigation measure is required by CEQA, nor is any proposed by the Water Authority. The Water Authority proposes mitigation for impacts to coastal sage scrub (Mitigation Measures SV/BR 3-1 and 5-1, pages 3.6-44 and 3.6-45 of the EIR/EIS), and will debit chaparral credits
RESPONSES

**DFG-5J**

*Cont.* from one of its mitigation banks (refer to response to comment FWS-2F), per the compensation-to-impact ratio identified in the EIR/EIS. These species are known to utilize these vegetation communities.

Please note that the Draft EIR/EIS used the out-dated common name for *Viguiera lacinata*, which may have resulted in your letter referring to this species as *Hulsea californiaca*. The BTR and EIR/EIS (Tables 3.6-4 and 3.6-13 and pages 3.6-38 and 3.6-52 through 3.6-54) have been edited to reflect the current common name, which is San Diego County Viguiera.

**DFG-5K** The referenced consistency determination has been added to the first paragraph on page 3.6-34 (Section 3.6.3.2, Threshold 3) of the EIR/EIS.

**DFG-5L** Refer to response to comment FWS-2G.

**DFG-5M** Refer to response to comment FWS-2H.

**DFG-5N** The management of the upland mitigation sites is the responsibility of the CDFG (Crestridge Habitat Management Area and Rancho Cañada) or USFWS (San Miguel Conservation Bank). The CDFG Crestridge Habitat Management Area burned in 2003, and the USFWS San Miguel Conservation Bank burned in 2007. The three identified properties are parts of larger tracts of lands managed by the respective wildlife agency. The USFWS is developing a Comprehensive Conservation Plan and environmental assessment for the San Diego National Wildlife Refuge, which includes San Miguel Conservation bank property. Crestridge is managed per an interim management plan, and a management plan for Rancho Cañada will be developed at a later date. The decision to use fire as an adaptive management tool will be determined by the reserve/refuge managers, and is outside of the Water Authority’s purview.
c. Management plans developed for off-site mitigation areas should include measures to minimize edge effects.¹

We appreciate the opportunity to provide comments on this project. Should you have any questions regarding this letter, please contact Janet Stuckrath (Department) at (858) 637-5510.

Sincerely,

Michael J. Mulligan
Deputy Regional Manager
California Department of Fish and Game

Literature Cited


Attachment

cc: State Clearinghouse
   Mr. Robert Smith, U.S. Army Corps of Engineers
   Cara McGary, U.S. Fish and Wildlife Service

¹ Edge effects are defined as undesirable anthropogenic disturbance beyond urban boundaries into potential reserve habitat (Kelly and Rotenberry 1993). Edge effects, such as nonnative predators (pets), exotic ants, trampling, and decreases in avian productivity (Andren and Angelstam 1988) are all documented effects that have negative impacts on sensitive biological resources in Southern California. These edge effects can penetrate up to 200 meters from the actual reserve boundary (CBI 2000). Therefore, we recommend that the management plans developed for off-site mitigation areas should include measures to minimize edge effects.
RESPONSES

DFG-5O  Refer to response to comment FWS-21.
**Table 1. Acreages of existing riparian/wetland habitat within the Carryover Storage and San Vicente Dam Raise project area, proposed impacts, mitigation ratios, and mitigation measures.**

<table>
<thead>
<tr>
<th>Resource</th>
<th>Existing Acreage</th>
<th>Permanent</th>
<th>Temporary</th>
<th>Mitigation Measures</th>
<th>Impact*</th>
<th>Mitigation Ratio</th>
<th>Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open water/freshwater</td>
<td>876.87</td>
<td>Permitted during ESP process and not addressed in this EIR/EIS.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Less than significant (pg. 3.6-28) Offset by larger reservoir volume upon refilling after dam raise resulting in a net benefit, and by the reestablishment of this vegetation community at an estimated 590 ft AMSL during construction period.</td>
</tr>
<tr>
<td>Submerged aquatic vegetation</td>
<td>31.00</td>
<td></td>
<td>31.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unvegetated channel/lakeshore fringe</td>
<td>150.58</td>
<td>5.88/5.88/5.88</td>
<td>Mitigate by a combination of off-site wetland creation, restoration, enhancement, and preservation and management at an approved location. Creation component will consist of willow-dominated vegetation at 1:1, remaining to consist of preservation and management.</td>
<td>3.29/3.30/5.35</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freshwater marsh</td>
<td>5.26</td>
<td>0.66/0.66/0.66 2:1</td>
<td></td>
<td></td>
<td>0/0/0.11</td>
<td>1:1</td>
<td></td>
</tr>
<tr>
<td>Southern coast live oak riparian forest</td>
<td>20.59</td>
<td>5.59/5.59/5.59 3:1</td>
<td>Mitigate through revegetation, restoration, enhancement.</td>
<td>0/0/0</td>
<td>1:1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Southern cottonwood-willow riparian</td>
<td>1.27</td>
<td>0.55/0.55/0.55 3:1</td>
<td>Mitigation installed in advance may reduce required ratio.</td>
<td>0/0/0</td>
<td>1:1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mulefat scrub</td>
<td>7.42</td>
<td>0.46/0.46/0.46 2:1</td>
<td></td>
<td></td>
<td>1.69/1.69/1.69 1:1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Southern willow scrub</td>
<td>16.48</td>
<td>2.84/2.84/2.84 3:1</td>
<td>Prior to impacts a Riparian/Wetlands Restoration Plan will be prepared.</td>
<td>0.25/0.25/0.25 2:1</td>
<td></td>
<td>Restoration on site at 1:1 and off site at 1:1 consisting of preservation and management, enhancement or creation.</td>
<td></td>
</tr>
</tbody>
</table>

**Total Riparian/Wetland** | **1,109.47** | **15.98/15.98/15.98** | **5.23/5.24/7.40** |

* Southwest Quarry Option/Southeast Quarry Option/Marine Quarry Option
### Table 2. Acreages of existing upland habitat within the Carryover Storage and San Vicente Dam Raise project area, proposed impacts, mitigation ratios, and mitigation measures.

<table>
<thead>
<tr>
<th>Resource</th>
<th>Existing Acreage</th>
<th>Impact*</th>
<th>Mitigation Ratio</th>
<th>Mitigation Measures</th>
<th>Impact*</th>
<th>Mitigation Ratio</th>
<th>Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coastal sage scrub</td>
<td>854.25</td>
<td>204.43/209.58/195.49</td>
<td>1:1</td>
<td>Off site using credits from CWA’s mitigation banks or other mitigation banks approved by agencies. Mitigation will be in place prior to impacts.</td>
<td>62.38/55.72/55.31</td>
<td>1:1</td>
<td>On-site revegetation. CSS/upland revegetation plan prepared prior to impacts.</td>
</tr>
<tr>
<td>Chaparral</td>
<td>709.46</td>
<td>151.96/151.96/151.96</td>
<td>0.5:1</td>
<td>Debit chaparral credits from Crestridge HMA and San Miguel Conservation Bank (page 3.6-41)</td>
<td>26.71/26.71/41.52</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-native grassland</td>
<td>52.85</td>
<td>0.04/0.04/0.04</td>
<td>0.5:1</td>
<td></td>
<td>2.02/2.02/2.02</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coast live oak woodland</td>
<td>161.53</td>
<td>18.23/19.47/18.23</td>
<td>1:1</td>
<td>Off site preservation and management and/or purchase of CLO woodlands credits. If not within PAMA OR MHPA, mitigation will be at 2:1.</td>
<td>5.93/6.42/5.93</td>
<td>1:1</td>
<td>On-site restoration. Restoration plan</td>
</tr>
<tr>
<td>Eucalyptus woodland</td>
<td>3.13</td>
<td>1.59/1.59/1.59</td>
<td></td>
<td></td>
<td>0/0/0.13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disturbed</td>
<td>25.90</td>
<td>0.47/0.47/0.47</td>
<td></td>
<td></td>
<td>3.45/3.45/3.45</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban/Developed</td>
<td>31.52</td>
<td>4.03/4.03/4.03</td>
<td></td>
<td></td>
<td>14.21/14.21/15.03</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Upland</strong></td>
<td><strong>1,838.64</strong></td>
<td><strong>380.75/87.14/371.81</strong></td>
<td></td>
<td></td>
<td><strong>114.70/108.53/123.39</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Southwest Quarry Option/Southeast Quarry Option/Marina Quarry Option
## Table 3. The proposed impacts on federally and state listed species documented in the study area and measures to avoid, minimize, and mitigate the impacts.

<table>
<thead>
<tr>
<th>Resource</th>
<th>Status</th>
<th>Permanent Impact&lt;sup&gt;a&lt;/sup&gt;</th>
<th>Mitigation Ratio</th>
<th>Mitigation Measures</th>
<th>Temporal Impact&lt;sup&gt;a&lt;/sup&gt;</th>
<th>Mitigation Ratio</th>
<th>Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arroyo toad</td>
<td>FE/-</td>
<td>30.7</td>
<td>1:1</td>
<td>Preservation or restoration of off-site toad-occupied habitat. Control exotic predator species during monitoring period. HMP will be approved prior to impacts.</td>
<td>None</td>
<td></td>
<td></td>
</tr>
<tr>
<td>California gnatcatcher</td>
<td>FT/-</td>
<td>8/8/9 territories 204.43/209.58/225.29 acres</td>
<td>1:1</td>
<td>Off site using credits from CWA's mitigation banks or other mitigation banks approved by agencies. Mitigation will be in place prior to impacts.</td>
<td>7/4/4 territories 62.38/55.72/25.51 acres</td>
<td>1:1</td>
<td>Minimize habitat loss. Breeding season restrictions. Clearing/grubbing and vegetation removal within construction limits to occur outside breeding season (Feb 15 - Aug 31). Once site is cleared, work begun prior to breeding season will continue. Pre-construction surveys - prior to clearing and if construction stops for 3+ weeks. Submit survey reports to FWS. Temporary impacts to CSS at Marina Quarry will not be mitigated on site if suitable habitat cannot be established on manufactured slopes. Impacts would then be considered permanent and mitigated off site per SV/BR 3-1.</td>
</tr>
<tr>
<td>Least Bell's vireo</td>
<td>SE/FE</td>
<td>1.94 acres</td>
<td>min. 1:1</td>
<td>Creating and/or conserving suitable habitat at an approved location. Acquire off-site vireo-occupied habitat. HMP prepared prior to impacts.</td>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Southwest Quarry Option/Southeast Quarry Option/Marina Quarry Option
### Table 4. The proposed impacts on sensitive species (other than listed species) documented in the study area and measures to avoid, minimize, and mitigate the impacts.

<table>
<thead>
<tr>
<th>Resource</th>
<th>Status</th>
<th>Impact*</th>
<th>Permanent Mitigation</th>
<th>Temporary Impact*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delicate clarkia</td>
<td>SSC List 1B</td>
<td>Significant 1,065 plants 11 locations</td>
<td>SV/BR 14-I Occur in off-site habitat used for oak woodland mitigation through preservation and/or restoration. If no clarkia-occupied oak woodland available, re-introduction of plants to appropriate areas will occur in consultation with DFG. Prior to impacts; collect seed and top soil, establish 1-year seed propagation program, reintroduce seed into suitable habitat and monitor for 2 years, report on seed production and field monitoring, prepare restoration plan.</td>
<td>None</td>
</tr>
<tr>
<td>Engelmann oak</td>
<td>SSC List 4</td>
<td>&lt; significant 13 trees, 10 locations</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Lakeside ceanothus</td>
<td>SSC List 1B</td>
<td>&lt; significant 1 location</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>San Diego sagewort</td>
<td>SSC List 4</td>
<td>&lt; significant 85 plants, 29 locations</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>San Diego sunflower</td>
<td>SSC List 4</td>
<td>&lt; significant 1,249 plants, 18 locations</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Coast horned lizard</td>
<td>SSC</td>
<td>&lt; significant 14 observations</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Orange-throated whiptail</td>
<td>SSC</td>
<td>&lt; significant 32 observations</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Red diamond rattlesnake</td>
<td>SSC</td>
<td>&lt; significant 3 observations</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Two-striped gartersnake</td>
<td>SSC</td>
<td>&lt; significant 1 observation</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Bell's sage sparrow</td>
<td>SSC</td>
<td>&lt; significant 2 observations</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Horned lark</td>
<td>SSC</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Loggerhead shrike</td>
<td>SSC</td>
<td>&lt; significant 2 observations</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Osprey</td>
<td>SSC</td>
<td>&lt; significant 2 observations</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Rufous-crowned sparrow</td>
<td>SSC</td>
<td>&lt; significant 45 observations</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>White-tailed kite</td>
<td>SFP</td>
<td>&lt; significant 1 observation</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

Mitigation for coastal sage scrub and other rare natural communities would result in benefits through preservation, restoration, and creation of suitable habitat within the region.
October 18, 2007

Ms. Kelly Gage
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123-1233

Dear Ms. Gage:

The California Department of Transportation (Caltrans) appreciates the opportunity to have reviewed the San Vicente Dam Raise project Draft Environmental Impact Report (DEIR) (SCH 2006101044) to be located east of State Route 67 (SR-67) utilizing the Vigilante Road cross street. Caltrans has the following comments:

Caltrans cannot concur with the current proposed unmitigable mitigation proposed until a determination is made by the County of San Diego whether to rescind the existing truck restrictions on Moreno Avenue and Willow Road during the construction period.

If the County Board of Supervisors does not approve to remove the existing truck restrictions, the significant impacts and unmitigable mitigation at SR-67 and Willow and SR-67 and Vigilante need to be revisited for appropriate mitigation.

Therefore, as an acceptable alternative, it is recommended that Caltrans be notified through the EIR process whether the County Board of Supervisors approves the existing truck restriction. Please provide a determination by the County of San Diego regarding rescinding the existing truck restrictions on Moreno Avenue and Willow Road and include it as part of the Final EIR.

If you have any questions on the comments Caltrans has provided, please contact Trent Clark of the Development Review Branch at (619) 688-3140.

Sincerely,

Jacob Armstrong, Chief
Development Review Branch

Cc: Scott Morgan (State Clearinghouse)
RESPONSES

California Department of Transportation, District 11

DOT-6A  The San Diego County Water Authority is governed by a 35-member Board of Directors consisting of representatives of each of the member agencies. The County Board of Supervisors does not govern Water Authority actions. Primary construction access to the site would be via SR-67 and Vigilante Road, which is the predominant public access route to San Vicente Reservoir and Marina. However, construction traffic may occasionally use Willow Road and Moreno Avenue to access the site to/from the south. As such, use of this route by construction-related traffic for the Proposed Action is not expected to be frequent, similar to the existing use of these roads by haul trucks associated with businesses and farms located along Moreno Avenue, between Vigilante and Willow roads. The existing truck restrictions on Willow Road and Moreno Avenue are intended to prevent alternate access along local collectors by heavy trucks in an attempt to bypass traffic congestion on SR-67. Such collectors are not typically designed to accommodate a high frequency of truck traffic. This is not the case for the construction traffic associated with the Proposed Action, where the construction sites at San Vicente Reservoir represent a defined destination for the delivery of construction equipment and materials. Similar situations exist at other Water Authority construction projects in San Diego County, such as the Twin Oaks Valley Water Treatment Plant and the use of Deer Springs Road (S12). Finally, the issue of whether or not construction traffic associated with the Proposed Action is allowed to use Willow Road and Moreno Avenue to access the construction site would not affect the conclusions reached in Section 3.16.3.3 (pages 3.16-16 and 3.16-17) regarding the significant traffic impacts, infeasibility or impracticability of the various mitigation options considered, and residual impacts after mitigation.
October 25, 2007

Ms. Kelly Gage
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123-1233

Dear Ms. Gage:

The California Department of Transportation (Caltrans) appreciates the opportunity to have reviewed the San Vicente Damn Raise project Draft Environmental Impact Report (DEIR) (SCH 2006101044) to be located east of State Route 67 (SR-67) utilizing the Vigilante Road cross street. Caltrans would like to re-iterate our comments dated October 18, 2007, but have one additional comment:

Under mitigation measures of the TIS, Alternate 1 calls for the installation of a traffic signal located at I-15 Southbound Ramps/Gopher Canyon Road. Caltrans requires, as a condition to permit approval, that both ramps are signalized at the time of improvement.

If you have any questions on the comments Caltrans has provided, please contact Trent Clark of the Development Review Branch at (619) 688-3140.

Sincerely,

Jacob Armstrong, Chief
Development Review Branch
**RESPONSES**

**DOT-6B**  As discussed on page 4.16-13 of the EIR/EIS, installing a traffic signal at each of these intersections is not considered practicable given that this significant traffic impact from the Moosa 100K Alternative would only occur during the construction period, and the Moosa 100K Alternative would not have any impact at these intersections after completion of construction.
October 10, 2007

Kelley Gage  
San Diego County Water Authority  
4677 Overland Avenue  
San Diego, CA 92123-1233

Subject: Carryover Storage and San Vicente Dam Raise Project  
SCH#: 2006101044

Dear Kelley Gage:

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 October 9, 2007, 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
RESPONSES

California Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit

OPR-7A  Comment noted.
## COMMENTS

**SCH#**  2006101044  
**Project Title**  Carryover Storage and San Vicente Dam Raise Project  
**Lead Agency**  San Diego County Water Authority  
**Type**  JD  Joint Document  
**Description**  
In 1996, as part of its Emergency Storage Project (ESP), the SDCWA approved, and received permits for, a project to raise the 220 foot high San Vicente Dam by 54 feet to increase emergency water storage capacity in San Vicente Reservoir by 52,100 acre-feet, in addition to the existing storage capacity of 90,063 acre-feet. The proposed action involves an additional 53 foot raise of the dam to provide 100,000 acre-feet of carryover storage as part of its Carryover Storage and San Vicente Dam Raise Project (CSP). Because it would not be feasible or practical to construct two separate raises of the dam due to cost, safety of the raised dam structure, and construction logistics, the two increases would be combined and constructed at the same time using roller compacted concrete. The combined ESP and CSP dam raises would add as much as 117 feet to the dam (or a total dam height of up to 337 feet), expanding the usable reservoir capacity by up to 152,100 acre-feet. The purpose of the CSP is to substantially increase the reliability and flexibility of the regional water supply by providing up to 100,000 acre-feet of carryover storage capacity by the year 2011.

### Lead Agency Contact

<table>
<thead>
<tr>
<th>Name</th>
<th>Kelley Gage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency</td>
<td>San Diego County Water Authority</td>
</tr>
<tr>
<td>Phone</td>
<td>(858) 522-6763</td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>4677 Overland Avenue</td>
</tr>
<tr>
<td>City</td>
<td>San Diego</td>
</tr>
<tr>
<td>State</td>
<td>CA</td>
</tr>
<tr>
<td>Zip</td>
<td>92123-1233</td>
</tr>
</tbody>
</table>

### Project Location

<table>
<thead>
<tr>
<th>County</th>
<th>San Diego</th>
</tr>
</thead>
<tbody>
<tr>
<td>City</td>
<td></td>
</tr>
<tr>
<td>Region</td>
<td></td>
</tr>
<tr>
<td>Cross Streets</td>
<td>Vigilante Road / Moreno Avenue</td>
</tr>
<tr>
<td>Parcel No.</td>
<td>Various</td>
</tr>
<tr>
<td>Township</td>
<td>14S</td>
</tr>
<tr>
<td>Range</td>
<td>1E, 1W</td>
</tr>
<tr>
<td>Section</td>
<td>13, 14,</td>
</tr>
<tr>
<td>Base</td>
<td></td>
</tr>
</tbody>
</table>

### Proximity to:

- **Highways**: SR-67
- **Airsports**: 
- **Railways**: 
- **Waterways**: San Vicente Reservoir
- **Schools**: 
- **Land Use**: Water Supply Reservoir

### Project Issues

- Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Other Issues; Population/Housing Balance; Public Services; Recreation/Parks; Septic System; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

### Reviewing Agencies

- Caltrans, District 11; California Highway Patrol; Department of Water Resources; Department of Fish and Game, Region 5; Office of Historic Preservation; Native American Heritage Commission; Department of Parks and Recreation; Regional Water Quality Control Board, Region 9; Resources Agency; State Water Resources Control Board, Division of Water Rights
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Ms. Kelley Gage
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123

Re: SCH#2006101044: NEPA/CEQA Notice of Completion: Joint Document CEQA/NEPA: Draft EIR: Draft EIS
Carryover Storage and San Vicente Dam Raise: San Diego County, California

Dear Ms. Gage:

Thank you for the opportunity to comment on the above-referenced document. 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 archeological resources, be a "significant effect" requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). 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 project effect (APE), and if so, to mitigate that effect. Federal environmental regulations requiring Tribal Consultation with local tribes on federally-assisted projects include the National Historic Preservation Act of 1966, as amended (Section 106), the Archaeological Resources Protection Act of 1979, the Native American Graves Protection & Repatriation Act of 1990 and Executive Order 13007, May 24, 1996 where "Indian Sacred Sites" have been identified. This is an area of San Diego County that has experienced the discovery of Native American human remains. 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). 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 who 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, particularly the contacts of the on the list.

✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.

- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological 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.

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
Native American Heritage Commission

NAH-8A  All of the referenced federal and state regulations and provisions, as well as the recommendations, listed in the comment have been addressed in the Supplemental Inventory and National Register Testing Report (Appendix D of the EIR/EIS) and in the Cultural Resources sections of the EIR/EIS (Sections 3.7, 4.7 and 5.7). All Native American contacts provided as an attachment to the comment letter were sent a copy of the Notice of Availability (NOA) for the Draft EIR/EIS.
 COMMENTS

- Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
  * CEQA Guidelines, Section 15064.5(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 liens.
- Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.
- Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning. Federal regulations have similar provisions.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse
Attachment: List of Native American Contacts
RESPONSES

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COMMENTS

Native American Contacts
San Diego County
September 7, 2007

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
PO Box 1120
Diegueno
Boulevard, CA 91905
(619) 478-2113
619-478-2125

Kumeyaay Cultural Historic Committee
Ron Christman
56 Viejas Grade Road
Diegueno/Kumeyaay
Alpine, CA 92001
(619) 445-0385

San Pasqual Band of Mission Indians
Allen E. Lawson, Chairperson
PO Box 365
Valley Center, CA 92082
(760) 749-3200
(760) 749-3876 Fax

Jamul Indian Village
Leon Acebedo, Chairperson
P.O. Box 612
Jamul, CA 91935
jamulrez@sctdv.net
(619) 669-4785
(619) 669-48178 Fax

Sycuan Band of the Kumeyaay Nation
Danny Tucker, Chairperson
5459 Sycuan Road
El Cajon, CA 92021
ssilva@sycuan-nsn.gov
619 445-2613
619 445-1927 Fax

Mesa Grande Band of Mission Indians
Mark Romero, Chairperson
P.O. Box 270
Santa Ysabel, CA 92070
mesagrandeband@msn.com
(760) 782-3818
(760) 782-9092 Fax

Viejas Band of Mission Indians
Bobby L. Barrett, Chairperson
PO Box 908
Alpine, CA 91903
daquilar@viejas-nsn.gov
(619) 445-3810
(619) 445-5337 Fax

Kumeyaay Cultural Heritage Preservation
Paul Cuero
36190 Church Road, Suite 5
Diegueno/Kumeyaay
Campo, CA 91906
(619) 478-9046
(619) 478-9505
(619) 478-5818 Fax
COMMENTS

Native American Contacts
San Diego County
September 7, 2007

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775
Pine Valley, CA 91962
(619) 709-4207

Santa Ysabel Band of Diegueno Indians
Rodney Kephart, Environmental Coordinator
P.O. Box 130
Santa Ysabel, CA 92070
sylrod@aol.com
(760) 765-0845

Inaja Band of Mission Indians
Rebecca Osuna, Spokesperson
309 S. Maple Street
Escondido, CA 92025
(760) 737-7628
(760) 747-8568 Fax

Clint Linton
P.O. Box 507
Santa Ysabel, CA 92070
(760) 803-5694
cjlinton73@aol.com

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1095 Barona Road
Lakeside, CA 92040
(619) 443-6612
(619) 443-0681 FAX

Santa Ysabel Band of Diegueno Indians
Devon Reed Lomayesva, Esq., Tribal Attorney
P.O. Box 701
Santa Ysabel, CA 92070
drlomayesva@verizon.net
(760) 765-0845
(760) 765-0320 Fax
October 15, 2007

VIA EMAIL

Kelly Gage
San Diego County Water Authority
4677 Overland Ave.
San Diego, CA 92123

Dear Ms. Gage:

Subject: Carryover Storage and San Vicente Dam Raise Draft Environmental Impact Report.

The City of San Diego Water Department (Water Department) has reviewed the above referenced report and provides the following comments:

Reservoir Drawdown and Regional Water Supply
With the current threats to our regional imported water supply associated with the recent court decision to reduce exports to the State Water Project, the Water Department is concerned about the timing of the scheduled draw down of the San Vicente reservoir for this project and the potential impacts to the City of San Diego and the ability of the region to maintain sufficient regional emergency and carry-over storage during the period of time San Vicente is at a significantly reduced level. The Draft Environmental Impact Report (DEIR) does not address the impacts of the anticipated reduction in imported water supplies, either during construction or after the dam raise is complete. A complete regional water reservoir management plan is needed and should be a part of the DEIR. Also, the DEIR should address realistic project delay scenarios associated with a significant deterioration of regional water supply reliability. The DEIR should identify future indicators that if reached would trigger reconsideration of the timing of the project.

Reservoir Storage and Regional Carryover Storage Needs
On page 2-12 of the DEIR, the Water Authority references a letter from the City of San Diego dated March 24, 2005 which states the City’s policy at that time was to not use City reservoir storage to meet regional carryover storage needs. As a result of this letter, Alternative No. 7 - Reoperation of San Vicente, El Capitan, Loveland, Sweetwater and Lower Otay reservoirs was not carried forward for further consideration.
RESPONSES

City of San Diego, Mayor Jerry Sanders’ Office

CIT-9A  The Water Authority recognizes the importance of having adequate water supply storage in the region to address the potential for a reduction in imported water supplies, both over the long-term and during the San Vicente Dam raise construction period. The Water Authority continually assesses concerns regarding the region’s imported water supply reliability and develops plans to address these concerns. Two of the more recent concerns are a court decision to reduce exports to the State Water Project and the potential for drought conditions. One of the strategies the Water Authority is implementing to address these concerns is working with member agencies to increase water storage in local reservoirs. Regional plans to address the potential for a reduction in imported water supplies during the San Vicente dam raise construction period are separate from the CSP EIR/EIS, although the need to temporarily draw down San Vicente Reservoir to allow for dam raise construction is one of the many factors being considered in the on-going regional plan development.

Expanding San Vicente Reservoir as proposed will eventually provide much needed additional carryover storage capacity for the region, as well as increase emergency storage capacity. The Water Authority is working diligently to avoid delaying the San Vicente Dam Raise Project, as expansion of San Vicente Reservoir is critical to increasing water storage reliability for the region.

CIT-9B  Comment noted.
Please be advised that the City is currently partnering with the Sweetwater Authority to produce a study regarding the feasibility of an intertie project among four of these reservoirs (not including Lower Otay), expected to be completed by 2011.

**Locations of Biological Mitigation**
The biological impacts (approximately 375 acres of uplands and 15 acres of wetlands) would occur within the San Vicente Watershed. The DEIR proposes the mitigation for the upland impacts to occur in the San Miguel Conservation Bank which is outside of the San Vicente watershed. Since the impacts will occur on City of San Diego owned lands within the San Vicente watershed, the Water Department prefers the mitigation occur in the San Vicente Watershed or if that is not feasible, within the Water Department’s Cornerstone Lands Conservation Bank.

**Water Quality and Reservoir Operations**
Water quality is the most fundamental driver of a reservoir regulating plan or reservoir operating plan. This has been demonstrated by recent experience with the Hodges - Olivenhain project. Water quality is not adequately addressed in the DEIR. The importance of water quality to the reservoir regulating plan should be addressed in the DEIR. To properly evaluate the water quality goals, a complete limnology report by an accomplished consultant will be a necessary part of the reservoir regulating plan.

On page 3.17-14 the DEIR, it states that a 10% annual turnover rate is sufficient to maintain water quality in the reservoir. It is unclear on how a 10% annual turnover rate in the enlarged reservoir (24,600 AF per year of 246,000 AF total volume) is equal to the current water management practice of 20-25% annual turnover rate. Please clarify this discrepancy.

**Water Quality During Construction Drawdown**
Also, due to reservoir drawdown for construction of the dam raise, the water quality in the reservoir will likely be worse than previously experienced and may require the Water Department to temporarily shut off San Vicente as source of supply to the City’s Alvarado Water Treatment Plant because of difficulty treating poor quality water. In addition to the initial drawdown, during the dam raise construction period of 4 to 5 years, runoff will be captured in the reservoir, with the possibility of a significant amount of runoff during a wet year. It will be critical to be able to beneficially use local runoff in order to maintain the drawdown levels required for construction. At no time shall reservoir water be wasted. The DEIR does not address the need for a plan to manage water quality in the reservoir during the construction drawdown period; for example, by using temporary aeration or oxygenation. In addition, the Water Authority should have alternate plans if the water in San Vicente is untreated due to poor water quality.

**Quagga Mussels**
The design of the dam, inlet/outlet structure, and conveyance facilities needs to incorporate operational, equipment, and maintenance objectives to address the current quagga mussel...
RESPONSES

CIT-9C  The Water Authority proposes biological mitigation occurring within the San Vicente Creek Watershed, and outside of the watershed. The Water Authority provided acquisition and management funding for Rancho Cañada, an approximate 390-acre property owned and managed by the CDFG. The property is bisected by San Vicente Creek, and its southerly property corner is approximately three miles up-stream from the San Vicente Reservoir. Vegetation communities on the property consist of coastal sage scrub, southern mixed chaparral, annual grassland, coast live oak woodlands, southern coast live oak riparian forest/southern cottonwood-willow riparian forest, and freshwater marsh, and approximately 13,159 linear feet of San Vicente Creek. Per an agreement with CDFG, biological resources not allocated to CSP mitigation will be credited towards regional conservation associated with the Water Authority’s pending NCCP/HCP.

The Water Authority has identified the following biological resources to be mitigated by allocating acreage at Rancho Cañada for that purpose: arroyo toad, delicate clarkia, coast live oak woodlands, preservation and management of wetlands and riparian communities, and possibly chaparral. If necessary, delicate clarkia will be introduced to Rancho Cañada.

The San Miguel Conservation Bank includes the project site within its wildlife agency approved service area. The Water Authority contends that San Miguel Conservation Bank is an appropriate location to mitigate impacts to California gnatcatcher and coastal sage scrub because, prior to the 2007 fire, the bank property had several pairs of gnatcatchers and high quality coastal sage scrub. The post-fire habitat quality is expected to return. However, ultimately the USFWS will determine if mitigation for this species and its habitat should occur at Rancho Cañada or San Miguel Conservation Bank.

The Water Authority believes the designated biological mitigation occurring on the Rancho Cañada property substantially achieves the City’s recommendation to mitigate within the San Vicente Creek Watershed.

CIT-9D  Refer to response to comment OER-3A. The importance of water quality to the reservoir regulating plan is stated in Paragraph 4 of Section 2.2.3.2 (page 2-31 of the EIR/EIS). Development of the reservoir regulating plan will take into consideration water quality evaluations contained in a limnology report prepared specifically for the CSP, entitled Water Quality Assessment for San Vicente Reservoir Enlargement (Flow Science, Inc., 2005).

CIT-9E  With respect to the 10 percent annual turnover rate, page 3.17-14 of the EIR/EIS states: “GEI estimated that 10 percent of the expanded reservoir volume (if filled) would need to be removed and replaced annually (on average over the long term) to meet the TDS goal.” This sentence indicates that a relatively small percentage of the reservoir volume would need to be removed and replaced each year to maintain acceptable TDS levels. Normal operation of the reservoir is expected to substantially exceed a 10 percent turnover amount, and thus TDS levels are generally expected to be within acceptable limits.
RESPONSES

CIT-9E Cont. The above quoted sentence was followed by the following sentence, which is the sentence that requires clarification: “These operational plans would maintain water quality within historical levels.” This sentence has been replaced with the following three sentences:

“Annual operation plans developed as part of the Reservoir Regulating Plan (refer to Section 2.2.3.2 for a description of the Reservoir Regulating Plan) will be developed that take into consideration the need to maintain acceptable water quality levels in the reservoir. In addition, a reservoir operating plan will be developed for the construction phase of the project, and this plan will address water quality issues associated with reservoir drawdown. A water quality assessment will be performed for the reservoir drawdown condition as part of development of the construction phase reservoir operating plan.”

CIT-9F Refer to response to comment OER-3A. A reservoir operating plan will be developed for the construction and operational phases of the Proposed Action, and this plan will address water quality issues associated with reservoir drawdown and long-term operation. A water quality assessment will be performed for both the reservoir drawdown and long-term operation. The Water Authority will work with the City to implement measures identified in the assessment, which are necessary to maintain water quality.

CIT-9G The quagga mussel was discovered in San Vicente Reservoir after the Draft EIR/EIS was released for public review. The quagga mussel has been found in a number of reservoirs in the county, affecting water systems and facilities throughout the region. The Proposed Action would not affect the City’s current operational and maintenance procedures to control existing and future quagga mussel infestations at San Vicente Reservoir. The Water Authority will work with the City to incorporate into the project design all reasonable and feasible measures (i.e., operational, equipment, and maintenance objectives) to address such infestations, but the Proposed Action would not cause or exacerbate these incidents. Therefore, the potential effects of quagga mussel infestations on reservoir facilities, and the City’s operational and maintenance procedures to control and prevent quagga infestations, will be addressed in the Reservoir Regulating Plan; these issues are not applicable to the EIR/EIS.
COMMENTS

Page 3
Kelly Gage
October 15, 2007

infestation or any other reasonably anticipated event. The potential effects of a quagga mussel infestation on reservoir facilities are not addressed in the DEIR. The DEIR should address both the prevention of quagga infestations, and maintenance of facilities if quaggas become established in the reservoir. There should be discussion of design features that will limit the extent of infestation or allow unimpeded operation of the reservoir even if the quagga infestation is unchecked and widespread.

Thank you for the opportunity to review and comment on the Environmental Impact Report. Please contact me at (619) 533-4235 or cbrennecke@sandiego.gov with any questions, clarifications, or concerns.

Sincerely,

Carol Brennecke
Associate Environmental Planner

CB/esz
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October 15, 2007

Ms. Kelley Gage
Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123-1233

COMMENTS ON THE CARRYOVER STORAGE AND SAN VICENTE DAM RAISE PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

The County of San Diego has reviewed the Carryover Storage and San Vicente Dam Raise Project Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) dated August 2007 and appreciates this opportunity to comment. The Department of Planning and Land Use (DPLU) and Department of Parks and Recreation (DPR) offer the following comments regarding the content of the above document:

GENERAL COMMENTS

1. Should the proposed project be approved, the County DPLU requests updated copies of dam inundation maps that reflect the new dam height to allow adequate disclosure of risks associated with proposed land uses located in areas subject to dam break flood inundation during discretionary project reviews. Similarly, updated emergency response plans should be coordinated with the County Office of Emergency Services (OES) to ensure emergency response and evacuation plans are current.
RESPONSES

County of San Diego Department of Planning and Land Use (DPLU)

COU-10A Comment noted. Updated copies of dam inundation maps will be provided to the County DPLU should the Proposed Action be approved.
BIOLOGICAL RESOURCES

2. County Open Space Preserves surround the perimeter of San Vicente Reservoir including Sycamore Canyon, Goodan Ranch, Oakoasis, San Vicente Highlands (owned by California Department of Fish and Game and managed by DPR), Boulder Oaks, and El Capitan. All of these Open Space Preserves provide important habitat linkages with San Vicente Reservoir providing drinking water, cover, and shade for wildlife. Alternative 1 (the proposed action) is preferred as it is not expected to cause permanent impacts to habitat linkages or wildlife movement corridors in these areas.

3. The Regional Open Space discussion in Chapter 3.6 Biological Resources (page 3.6-17) does not include San Vicente Highlands Open Space Preserve owned by CDFG and managed by the County. The County recommends including this Reserve in the discussion of conservation areas providing important habitat linkages and buffers.

4. Chapter 4.6 Biological Resources, Section 4.6.3 Direct and Indirect Effects, page 4.6-20, Table 4.6-10. Temporary impacts to least Bell's vireo are listed as 32.05 acres under Alternative 2 while temporary impacts to least Bell's vireo are listed as 32.28 acres under Alternative 3. With a smaller construction footprint it is unclear how Alternative 3 Moosa 50 K would cause a larger temporary impact to least Bell's vireo. This inconsistency should be addressed.

HAZARDS AND HAZARDOUS MATERIALS (EMERGENCY RESPONSE)

5. Emergency plans for dam evacuation are necessary to plan for the loss of life, damage to property, displacement of people, and other ensuing hazards that can occur from dam failure. In the event of dam failure, damage control and disaster relief would be required and mass evacuation of the inundation areas would be essential to save lives. Dam evacuation plans are maintained by the County OES. These plans contain information concerning the physical situation, affected jurisdictions, downstream populations, evacuation routes, unique institutions and event responses. In addition, the plans include inundation maps showing direction of flow; inundation area boundaries; hospitals, schools, multipurpose staging areas; command posts/sites; and mass care and shelter facilities/sites. Unique institutions, as defined by the OES, include hospitals, schools, skilled nursing facilities, retirement homes, mental health care facilities, care facilities with patients that have disabilities, adult and childcare facilities, jails/detention facilities, stadiums, arenas, and amphitheaters. When unique institutions are located in dam inundation zones, a significant loss of life in the event of a dam failure could occur due to the size and nature of the uses and the difficulty with evacuating large concentrations of people. Consequently, if the project would
RESPONSES

COU-10B Comment noted.

COU-10C The first bullet in Other Regional Open Space Planning Efforts in Section 3.6.1.2 (page 3.6-17 of the EIR/EIS) has been revised in response to the comment to identify that the land known as the Boys and Girls Club property is now known as the San Vicente Highlands Open Space Preserve, which is owned by CDFG and managed by the County of San Diego.

COU-10D The dam construction zone for the Moosa 100K Alternative is smaller than that of the Moosa 50K component of the SV 50K/Moosa 50K Alternative because the spillway for the latter alternative would extend further to the north than the saddle dam/spillway associated with the Moosa 100K Alternative. Although the inundation area for the Moosa 50K Alternative would be less than the Moosa 100K Alternative, due to the topography north of the main dam structure, it would be necessary to construct a long spillway channel to convey emergency overflows from the Moosa 50K reservoir. A much shorter spillway channel would be constructed for the Moosa 100K Alternative as part of a saddle dam to be located north of the main dam. The longer spillway channel for the Moosa 50K Alternative would result in a larger temporary construction area than the saddle dam/spillway for the Moosa 100K Alternative. Therefore, temporary impacts to least Bell’s vireo habitat in this area would be greater under the SV 50K/Moosa 50K Alternative compared to the Moosa 100K Alternative.

COU-10E All of the CSP alternatives would increase the land area that could potentially be flooded by failure of a new and/or raised dam associated with an alternative. However, due to the extremely low probability of failure of a new or raised dam designed and constructed to modern-day standards, none of the alternatives would expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of dam failure.

The Proposed Action would involve raising and strengthening of the existing, 65-year-old, San Vicente Dam. This strengthening would decrease the probability of a dam failure that could lead to catastrophic flooding, which is a beneficial aspect of the Proposed Action.

In light of the County’s request for additional analysis, the Water Authority and the Corps conducted an updated inundation model for the Proposed Action, for the total (ESP and CSP) additional 117-foot raise of the dam. This modeling effort showed a nominal increase (16) in the amount of “Unique Institutions” (as defined in the letter) affected within the difference of the existing inundation area and the permitted ESP raise of 54 feet + the proposed CSP raise of an additional 63 feet. This number is not a significant increase, given the already large downstream inundation area of the existing dam and the number of “Unique Institutions” within the existing inundation area.

The CEQA threshold “Would the proposed project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?” was judged to be less than significant, as discussed in Section 8.4 of the EIR/EIS. The existing emergency response plan for San Vicente Reservoir will be updated as necessary as part of the Proposed Action; therefore, impacts would remain less than significant. The Water Authority and the Corps will provide the County OES with updated inundation mapping, which will include direction of flow, inundation area boundaries, and “Unique Institutions” affected by the new CSP inundation area.
result in unique institutions that are currently not subject to flooding from dam inundation being subject to flooding a result of the project, a significant adverse impact could occur in relation to the implementation of an emergency response plan, due to the large number of people whose lives would be at stake in the event of an emergency response for dam failure.

The EIR should fully evaluate the potential for the increased area of dam inundation to affect “unique institutions” that would be difficult to evacuate in the event of an emergency. County Guidelines for Determining Significance for Emergency Response Plans, which can be found on the County’s website at http://www.sdcounty.ca.gov/dplu/Resource/docs/3~pdf/Emergency_Response_Guidelines.pdf, describes the County’s interpretation of the CEQA significance of interfering with emergency response plans in more detail. Finally, based on the above, the CEQA threshold “Would the proposed project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?” applies to this project and should be more fully evaluated.

HYDROLOGY AND WATER QUALITY

6. The EIR/EIS does not provide clear estimates of the additional lives and properties that would be at risk in the event of dam failure as a result of the increased dam inundation area. The additional acreage and types of land uses that would be subject to inundation in the event of dam failure should be identified in the EIR for each alternative. This is necessary to assess the relative risks from flooding to downstream land uses that could result from each project alternative.

7. Generalized dam break flood inundation maps should be provided in the EIR/EIS to adequately assess the increased flooding risk from dam failure.

PARKS AND RECREATION

8. A planned section of the Trans-County Trail is proposed just south of San Vicente Dam. As stated in the document, it was determined construction activities and the new foundation of the enlarged dam will not extend into the planned route of the trail segment. If the area of construction and the new foundation changes, the Department of Parks and Recreation requests that the impacts to the trail segment be reanalyzed.

9. The discussion of the affected environment in Chapter 3.15 does not include County Open Space Preserves. County Preserves offer passive recreation including hiking, biking, and equestrian uses and are considered regional recreational facilities. The County recommends including a discussion of County
RESPONSES

COU-10F  Refer to response to comment COU-10E.

COU-10G  Generalized dam break flood inundation maps for the Proposed Action were developed and are on file at the Water Authority offices. Refer to response to comment COU-10A.

COU-10H  Comment noted.

COU-10I  The County Open Space Preserves in the vicinity of the Proposed Action are described in Section 3.6.1.2 (Regulatory Setting, Regional Resource Planning Context, Other Regional Open Space Planning Efforts) on page 3.6-17, and the locations are shown on Figure 3.6-3, of the EIR/EIS. Reference to these Open Space Preserves has been added to Section 3.15.1.1 (Environmental Setting, Recreational Facilities in the Region) on page 3.15-1 and to Section 3.15.3.2 (Threshold 2) on page 3.15-7 of the EIR/EIS. In addition, due to their distances from San Vicente Reservoir, the Proposed Action would not result in direct disturbance or displacement of passive recreational uses at these preserves.
COMMENTS

Open Space Preserves within the project area, listing passive recreation opportunities available at each Preserve, and analyzing any impacts to County Open Space Preserves that could result from the proposed project.

The County of San Diego appreciates the opportunity to continue to participate in the environmental review process for this project. We look forward to receiving future environmental documents related to this project or providing additional assistance at your request. If you have any questions or comments please contact Bobbie Stephenson at (858) 694-3680 or e-mail bobbie.stephenson@sdcounty.ca.gov.

Sincerely,

ERIC GIBSON, Interim Director
Department of Planning and Land Use

cc: Priscilla Jaszkowiak, Administrative Secretary, Department of Planning and Land Use, M.S. O650
Maeve Hanley, Department of Parks and Recreation, M.S. O29
Susan Asturias, Office of Emergency Services, M.S. O25
Bobbie Stephenson, Department of Planning and Land Use, M.S. O650
Vince Nicoletti, CAO Staff Officer, DCAO, M.S. A6
Adam Wilson, Policy Advisor, Board of Supervisors, District 2, MS A500
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October 15, 2007

Ms. Kelley Gage
Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123-1233

Dear Ms. Kelley Gage:

Public Notice of the Availability of the Carryover Storage and San Vicente Dam Raise Project Draft Environmental Impact Report/Environmental Impact Statement

The Metropolitan Water District of Southern California (Metropolitan) received a copy of the Public Notice of the Availability of the Carryover Storage and San Vicente Dam Raise Project Draft Environmental Impact Report/Environmental Impact Statement (Project). The U.S. Army Corps of Engineers (Corps) is the Lead Agency under the National Environmental Policy Act compliance (NEPA) and the San Diego County Water Authority (SDCWA) is the lead agency for the California Environmental Quality Act compliance (CEQA). This project is to increase the reliability and flexibility of the regional water supply by providing the SDCWA with facilities to accumulate and store approximately 100,000 acre feet of water by the year 2011. The proposed project is located in an unpopulated area north of Lakeside in San Diego County. This letter contains Metropolitan’s response to the Notice of Availability as a potentially-affected public agency.

SPECIFIC COMMENTS

1. S. Introduction, S.1.2.1, Page 1-2, Last Paragraph
   Please strike out “Colorado River Aqueduct (CRA)” in the last paragraph and replace with “San Diego Canal”.

2. S. Introduction, S.1.2.3, Page 1-6, Fourth Paragraph
   “Based on a nine-year lead time requested by the MWD, . . . . ” This information, including the reference to a nine year time lead, was provided in early 2004; conditions have changed since then that have impacted the stated timeline. Metropolitan and SDCWA are currently conducting a feasibility study to identify the most cost-effective alignment for Pipeline 6. The lead-time schedule is dependent on the outcome of the study and on eventual construction contracting strategies. However, based on preliminary information, it is necessary to complete the work
RESPONSES

Metropolitan Water District (MWD) of Southern California

MWD-11A The text in Section 1.2.1 (page 1-2, last paragraph) of the EIR/EIS has been revised as suggested in the comment.

MWD-11B Yes, the current feasibility studies being conducted by MWD and the Water Authority reflect a conservative nine- to ten-year lead time to bring Pipeline 6 online. However, this lead-time may change based on the outcome of the feasibility studies. Implementation of the Pipeline 6 Project has always been based on timing of supply needed to meet demands. Depending upon delivery of 56,000 AF per year from Carlsbad Seawater Desalination Project, the Water Authority currently shows the need for Pipeline 6 between 2018 and 2023.
COMMENTS

Ms. Kelly Gage
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MWD-11B cont.
currently underway, and proceed immediately thereafter with preliminary design and environmental documentation in order to meet a 2018 on-line date.

3. S. Introduction, S.1.2.3, Page 1-7, Fourth Paragraph
In this paragraph, it states that SDCWA does not intend to proceed with a Regional Seawater Desalination Project at Encina. The decision to forgo desalination at Encina is in conflict with the Regional Water Facilities Master Plan. This decision puts increased significance on the availability of imported water supply, and thus assumptions about its availability need to be confirmed and current.

MWD-11C

4. S. Alternatives Analyzed, S. 2.2.3.1, Page 2-29, First Paragraph
Metropolitan is concerned that SDCWA’s assumptions regarding the availability of imported water for refill are out-dated. SDCWA should use Metropolitan’s most current assumptions, which result from recent federal court decision (i.e., the opinion in National Resource Defense Council v. Kempthorne, commonly referred to as the “Wanger Decision”).

MWD-11D

Also, is SDCWA considering all of its purchases of imported water (transfers, etc.), as well as current level of demand on imported water, in its conveyance capacity assumptions for the refill of San Vicente?

MWD-11E


- Metropolitan has 26 member agencies within its District. Please correct this error.

MWD-11F

- Please delete “choose to”, in the sixth line second paragraph, to be consistent with Section 135 of the Metropolitan Water District Act.

MWD-11G

- Metropolitan is unable to verify SDCWA’s calculation of its preferential right. Metropolitan calculates the preferential right of each member agency at the end of each fiscal year as a percentage, with the preferential rights of all member agencies totaling 100%. SDCWA has applied a percentage to an assumed amount of total supplies in order to reach the 303,630 acre feet amount cited here. SDCWA should explain the assumptions used in reaching this amount and note that the preferential right changes from year to year.

MWD-11H

SDCWA is a public agency that distributes water to local utility companies and municipal water departments, and is a Metropolitan member agency. Metropolitan acknowledges SDCWA’s effort to enhance water supply reliability and flexibility by helping its members to develop programs to increase storage, water conservation, and other resource-management plan and understands SDCWA is currently coordinating this Project with the U.S. Army Corps of Engineers.

MWD-11I
RESPONSES

MWD-11C  The Water Authority’s Regional Seawater Desalination Project at Encina has been superseded by a local project, the Carlsbad Desalination Project. As per the Water Authority’s 2005 UWMP we are working to facilitate the development of the Carlsbad Desalination Project, which develops new supplies for the region. This Proposed Action has the same goal as the Master Plan of adding additional sources of water supply to the region’s supply mix and does not change reliability assumptions of the Master Plan.

MWD-11D  We agree that assumptions of the volumes of supply available during a specific hydrological event may have changed since the Master Plan modeling was completed five years ago. However, we believe the 2- to 5-year fill period for the expanded San Vicente Reservoir considers the range in variability of supplies, including the variability resulting from recent court decisions on Delta water supplies, and that the pattern of wet versus dry years is still valid to support carryover storage needs and estimated refill durations.

MWD-11E  In the Master Plan, the Water Authority’s modeling of supply used MWD assumptions for the basis of supply availability. Fill or refill of San Vicente Reservoir takes place only when supply is excess of demand requirements, generally wet hydrologies. Our understanding of MWD data was that during wet hydrologies there is no need for transfers; therefore, it is our assumption that no transfer water is used to fill San Vicente Reservoir.

MWD-11F  The text in Section 3.17.1.1 (page 3.17-2, second paragraph) of the EIR/EIS has been revised as suggested in the comment.

MWD-11G  The text in Section 3.17.1.1 (page 3.17-2, third paragraph) of the EIR/EIS has been revised as suggested in the comment.

MWD-11H  The commenter is correct in noting that MWD calculates the preferential right of each of its member agencies at the end of each fiscal year as a percentage, with the preferential rights of all member agencies totaling 100 percent. The number cited in the Draft EIR/EIS was for a previous fiscal year calculation. For the most recent preferential right calculation (Fiscal Year 2006-2007), the percentage was 16.46 of total MWD supply (2.3 MAF), or approximately 378,580 AF annually. The last paragraph in Section 1.2.4, Urban Water Management Plan (page 1-9 of the EIR/EIS), has been revised to reflect this updated explanation of the preferential rights calculation and the revised FY 06-07 number.

MWD-11I  Comment noted.
MS. KELLY GAGE
PAGE 3
OCTOBER 15, 2007

WE APPRECIATE THE OPPORTUNITY TO PROVIDE INPUT TO YOUR PLANNING PROCESS AND WE LOOK FORWARD TO RECEIVING FUTURE ENVIRONMENTAL DOCUMENTATION AND THE FINAL EIR/EIS ON THIS PROJECT. IF WE CAN BE OF FURTHER ASSISTANCE, PLEASE CONTACT MS. BRENDA S. MARINES AT (213) 217-7902.

VERY TRULY YOURS,

DELAINE W. SHANE
MANAGER, ENVIRONMENTAL PLANNING TEAM

BSM/BSM
(PUBLIC FOLDERS/EPU/LETTERS/04-OCT-07A.doc – KELLEY GAGE)

CC: ROBERT REVO SMITH JR.
REGULATORY BRANCH
U.S. ARMY CORPS OF ENGINEERS
16885 WEST BERNARDO DRIVE, SUITE 300A
SAN DIEGO, CA 92127
RESPONSES

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COMMENTS

KIMBALL VALLEY ROAD ASSOCIATION
P.O. BOX 81
RAMONA, CA 92065
OCTOBER 1, 2007

Ms. Kelly Gage
S.D.C.W.A.
4677 Overland Avenue
San Diego, CA 92123

OCT 01 2007
RECEIVED

Re: Comments on the proposed Carryover Storage and San Vicente Dam Raise Draft EIR/EIS.

Ms. Gage,

Thank you for the opportunity to respond to the proposed Carryover Storage and San Vicente Dam Raise Draft EIR/EIS.

In addition to our current comments we are resubmitting our original scoping comments as a response to the DEIR/EIS. Once again we found that the staff and employees of the CWA have been very generous with their time and were invaluable in helping us to understand the project and it's impacts.

We will be watching with great interest, as this project becomes a reality. Please feel free to contact us if we can ever be of any assistance.

Sincerely,

Mark Hutton
Secretary
K.V.R.A
Kimball Valley Road Association (Mark Hutton)

KVR-12A Comment noted.
COMMENTS

KVRA response to the Proposed San Vicente Dam Raise DEIR/EIS

Our scoping comments asked that the CWA/City of San Diego (CSD) install a tamper proof-floating barricade at the current high water line of the Kimball Valley Arm in order to forestall potential problems associated with the San Vicente Dam Raise.

Conversations with CWA staff and public relations personnel led us to believe that a floating barricade would be a mutually beneficial solution.

In our scoping comments we stated:

"With the proposed dam raise San Vicente Reservoir will expand about a mile north into Kimball Valley and bring the lake to the southern border of occupied private property."

Page 3.13-13, par. 3 and pg. 2.31 of the Carryover Storage and San Vicente Dam Raise Draft EIR/EIS states the following:

Figure 2.2-7 shows that the inundation level in the Kimball Valley arm of the expanded reservoir would not extend into, or even up to, private properties beyond City of San Diego lands. Nevertheless, the Water Authority and City of San Diego have agreed to evaluate measures to discourage direct public access into the Kimball Valley arm of the reservoir and onto private properties in Kimball Valley, including but not limited to, signage, a tamper-proof buoy line (floating barricade) at the mouth of Kimball Valley Creek\(^1\), etc. Such measures would reduce the potential for nuisance effects caused by recreational boaters on private properties in Kimball Valley. Therefore, impacts due to the Proposed Action would be less than significant.

Until such time as a land survey is completed it shall remain unclear as to whether the flood level of 778 ft. would extend the reservoir up to, or into private properties beyond the City of San Diego lands. What is clear, is that the reservoir will be close (at least) to private property and that the topography invites exploration onto private property.

Our main concerns have to do with the effect that 1,000 to 1,800 people per day\(^2\) could have on the isolated funnel-shaped canyon that we inhabit.

The topography surrounding the present-day San Vicente reservoir is mostly steep, brush-choked and boulder strewn. As such there are only a

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\(^1\) aka San Vicente Creek.

\(^2\) DEIR/EIS, Pg. 3.13-13, par. 1
RESPONSES

KVR-12B  As paraphrased in the comment, the Water Authority and the City of San Diego have agreed to employ one or a combination of measures to discourage recreational boaters using the expanded San Vicente Reservoir from accessing private properties along Kimball Valley (refer to Section 2.2.3.2, page 2-31, fifth paragraph; Section 3.11.3.2, Threshold 4, page 3.11-15, second paragraph; and Section 3.13.3.2, Threshold 5, page 3.13-13, third paragraph, in the EIR/EIS). The statements on pages 3.11-15 and 3.13.13 incorrectly referenced Figure 2.2-7 in the Draft EIR/EIS, and they have been revised in the EIR/EIS to correctly reference Figure 2.2-8. Installing a tamper-proof buoy line (floating barricade) across the mouth of the Kimball Valley arm is one potential option to restrict boater access to this area. This option may or may not actually be employed by the city. Implementation of measures to restrict water access would ensure the privacy and security of Kimball Valley’s residents, encourage post-fire re-growth of natural vegetation communities in Kimball Valley; protect biological resources in Kimball Valley from direct and indirect effects related to unauthorized human access; decrease the potential risk of human-caused wildfire from unauthorized human access; avoid the potential for motorboat accidents related to striking submerged objects below a changing waterline in the Kimball Valley arm; and reduce the need for enforcement patrols in the Kimball Valley arm.
few areas where boaters can land their crafts and come ashore. Of these the Kimball Valley Arm is one of the most popular because of the sandy beaches created by San Vicente Creek. If (when) the dam is raised the Kimball Valley Arm will extend a mile back into our valley and would become the most attractive destination that the reservoir has to offer. Instead of just a small stretch of beach there will be numerous areas that boaters could land, come ashore, and because the topography is gentle, explore.

This would have a deleterious effect on the privacy and security of Kimball Valley’s human inhabitants. It would also profoundly affect the State and Federally listed plants and animals found in Kimball Valley. If the habitat (including Lakeside Ceanothus), which was burned in the 2003 Cedar Fire, is allowed to continue to revegetate unmolested, we can expect to see populations return to pre-fire levels in the isolated environs of lower Kimball Valley. If, on the other hand, the general public is given unfettered access into this fragile ecosystem, the noise, pollution, erosion and trampling of the underbrush will undoubtedly damage this pristine natural environment and disturb the wildlife that lives there.

Page 3.11-5, paragraph 3 of the DEIR states “Figure 2.2-7 shows that the inundation level in the Kimball Valley arm of the expanded reservoir would not extend into, or even up to, private properties beyond City of San Diego lands. Nevertheless, the City of San Diego has agreed to place a buoy line (floating barricade) at the mouth of Kimball Valley Creek to prevent boat access into this area. This measure would avoid potential nuisance noise impacts near private properties in Kimball Valley caused by use of recreational motorboats. Therefore, there would be no nuisance noise impacts on residents along the Kimball Valley arm of the expanded San Vicente Reservoir from recreational motorboats.”

On behalf of the residents of Kimball Valley, I’d like to thank the CWA and the City of San Diego for agreeing to place a buoy line at “the mouth of Kimball Valley” and for the other measures that you are considering. These actions should go a long way towards mitigating the potential impacts of this project in Kimball Valley.
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COMMENTS

KIMBALL VALLEY ROAD ASSOCIATION
P.O. BOX 81
RAMONA, CA 92065
NOVEMBER 1 2006

Ms. Kelly Gage
S.D.C.W.A.
4677 Overland Avenue
San Diego, CA 92123

Re: Scoping Comments for the Environmental Impact Report on the proposed San Vicente Dam Raise Project.

Ms. Gage,

Thank you for the opportunity to offer scoping comments on the proposed raise of San Vicente Reservoir. We’ve always maintained a friendly association with the City of San Diego Water Dept. and have had nothing but amiable encounters with those associated with the C.W.A.

In addition to our comments on the Carryover Storage Project we’d like to note that we were never asked to provide comments for the Environmental Impact Report for the Emergency Storage Project (E.S.P.). Was there an EIR for the ESP? If so could you provide us with a copy?

Our comments are in 5 parts: #1-History, #2-The Proposed S.V. Dam Raise, #3-Our Concerns, #4-A suggested remedy to the problems created for us by the proposed raise, and #5- Conclusion.

We look forward to a continued relationship based on mutual respect and understanding.

Sincerely,

Mark Hutton
Secretary
K.V.R.A
KVR-12C  A Draft EIR/EIS was prepared for the Water Authority’s Emergency Water Storage Project and was circulated for a 90-day public review and comment period beginning November 15, 1995. The Water Authority’s Board of Directors certified the ESP Final EIR/EIS on August 15, 1996. (Refer to pages I-16 and I-17 of this CSP EIR/EIS for more information on ESP.) A CD copy of the ESP Final EIR/EIS will be mailed out to the commenter in conjunction with responses to comments to this letter.
COMMENTS

Kimball Valley History

Other than the Rancho San Vicente de Canada Spanish land grant, which includes a small part of the northeastern end of Kimball Valley, property ownership in the valley began in 1928 when the Kimball family homesteaded here. The original access was from Wildcat Canyon Rd, via Longs Gulch. People walked or rode horses over the hill to Mussey Grade Road until 1959. Even today Kimball Valley Rd. is a steep, narrow private dirt road.

Kimball Valley was not affected by the building of San Vicente Reservoir in the early 1940’s because the lake is a mile to the south down a narrow, boulder-strewn, brush-choked canyon.

The Dam Raise

With the proposed dam raise San Vicente Reservoir will expand about a mile north into Kimball Valley and bring the lake to the southern border of occupied private property. It also brings the lake up into less steep (and therefore more inviting) topography.

Our Concerns

We are concerned about the proposed raise of San Vicente Reservoir for the following reasons:

1. The proposed raise will move the high water line approximately one mile north into Kimball Valley. This de-facto attractive nuisance creation could allow recreational boaters direct access onto our properties, compromising the privacy and security enjoyed here by landowners since the 1920’s.

2. Prevailing winds, steep boulder lined canyon walls and diminished proximity could carry motorboat noise and pollution to our residences.

3. Boat access into lower Kimball Valley would give access to land whose topography invites exploration and picnicking thereby increasing the risk of a human-caused wildfire. A fire started in this area would quickly be carried by the prevailing winds up the canyon and onto our properties, possibly cutting off our only escape route. Having lost homes to the 2003 Cedar Fire and surrounded as we are by highly flammable chaparral, we are particularly sensitive to this threat.

4. In addition to our own personal safety concerns, it occurs to us that boaters could strike submerged boulders and trees below a changing waterline in lower Kimball Valley.
RESPONSES

KVR-12D  Comment noted.

KVR-12E  Refer to response to comment KVR-12B.

KVR-12F  As stated in Section 3.11.3.2 (Threshold 4) on page 3.11-15 of the EIR/EIS, because there are no residents near the shoreline of the reservoir, any increase in the number of recreational motorboats using the larger reservoir water surface area, compared to current conditions, would not exceed the 50 dBA L_{eq} (daytime) and the 45 dBA L_{eq} (nighttime) noise standards for residential uses. Therefore, there would be no noise impacts on nearby residents from an increased number of motorboats using the expanded reservoir. In addition, the second paragraph has been revised to be consistent with the statement paraphrased in response to comment KVR-12B, which indicates the Water Authority and City of San Diego have agreed to evaluate measures to discourage direct public access into the Kimball Valley arm of the reservoir and onto private properties in Kimball Valley, including, but not limited to, signage, a tamper-proof buoy line (floating barricade) at the mouth of Kimball Valley Creek, etc. Installing a tamper-proof buoy line (floating barricade) across the mouth of the Kimball Valley arm is one potential option, and may or may not actually be used. Implementation of such measures would avoid potential nuisance noise and pollution impacts near private properties in Kimball Valley caused by use of recreational motorboats. Therefore, there would be no nuisance noise or pollution impacts on residents along the Kimball Valley arm of the expanded San Vicente Reservoir from recreational motorboats.

KVR-12G  Refer to response to comment KVR-12B.
COMMENTS

**One Possible Solution**

In order to mitigate these and other potential problems we respectfully suggest that the CWA/City of San Diego install a tamper-proof floating barricade in the southern end of Kimball Valley at the current high waterline. This would forestall the aforementioned problems and simplify enforcement patrols.

**In Conclusion**

It is our strong desire and firm intention to maintain the level of privacy, security and serenity that we have historically enjoyed and which makes Kimball Valley the special place that it is. At the same time we understand the need for the increased storage capacity. We also deeply appreciate the sensitivity shown to our concerns and C.W.A.'s receptivity to our suggestions.
**KVR-12H**   Comment noted.
COMMENTS

LAKESIDES COMMUNITY PLANNING GROUP
PO Box 2040
Lakeside, CA 92040

October 12, 2007

TO: Ms Kelly Gage, Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Ave
San Diego, CA 92123-1233

VIA FAX and USPS

SUBJECT: Draft Environmental Impact Report/EIS for the Carryover Storage and San Vicente Dam Raise Project

The Lakeside Community Planning Group submits the following comments to the dEIR for the San Vicente Dam Raise Project.

Section 3.3: The dEIR does not specify which of the three proposed quarry sites will be used. Quarry operations at both the southeast or southwest proposed sites will be visible offsite and the southeast quarry will establish new area of extraction on an otherwise undisturbed hillside. This is a significant visual impact and will degrade the aesthetics of the hillside. Quarry operations must be limited to the internal Marina site.

Page 3.15-6: The dEIR indicates that the project fails to implement the Lakeside Community Trails and Pathways Plan and may directly impact construction of the Trans-County Trail. Stating the project may not affect the planned location of the trails does not answer the question “Will the Trans-County Trail be able to be constructed after the Dam Raise Project is completed?” If the project changes the topography, and new roadways, fencing, etc., create barriers that make construction of the trail impossible, then there is a definite impact. Please address why, during the removal of vegetation that will occur around the perimeter of the reservoir, that a trail is not constructed. Can construction roads be retained for future trail use?

Page 2-28: The dEIR states that El Capitan Reservoir will be used for emergency water storage during the dam raise construction. El Capitan Dam has been de-rated by the State of California and cannot be maintained in a filled condition. Will the El Capitan Dam be strengthened prior to beginning emergency water storage? Will there be additional flooding impacts to Lakeside residents be created by increased storage at El Capitan in the event of a 100 year storm?

Page 2-30: The statement appearing in section 2.2.3.2 is entirely unacceptable:
   e) “Provisions for the protection of the existing documented incidental flood control function of the reservoir”. The Community of Lakeside has periodically suffered
RESPONSES

Lakeside Community Planning Group (Rick Smith)

LPG-13A  The three quarry options referenced in the comment are evaluated at an equivalent level of detail in the EIR/EIS to provide the Water Authority a range of reasonable alternatives from which to select the least environmentally damaging quarry site upon project approval. It is acknowledged that the Marina Quarry Option would result in the least visual quality impacts compared to the Southwest and Southeast quarry options, as evaluated in Section 3.3.3.2 (Thresholds 2 and 3) on pages 3.3-6 through 3.3-9 of the EIR/EIS.

LPG-13B  The third paragraph in Section 3.15.3.2 (Threshold 1) on page 3.15-6 of the EIR/EIS, as referenced in the comment, does not indicate that the Proposed Action would “fail to implement the Lakeside Community Trails and Pathways Plan” nor does it state that the Proposed Action “may directly impact construction of the Trans-County Trail.” On the contrary, the discussion explains why the Proposed Action would not affect the planned locations of the San Vicente and Trans-County trails. It is not anticipated that grading and excavation activities associated with the relocated marina access road and the new foundation of the enlarged dam would extend into the planned route of the Trans-County Trail segment to the south. Therefore, the Proposed Action would not result in changes in topography or creation of barriers (e.g., fencing) that would impede the planned construction of this trail segment.

Vegetation will not be removed around the perimeter of the water line of the new reservoir. Therefore, there will be no cleared vegetation areas or construction roads around the perimeter of the reservoir that can be retained for future trail use.

The County of San Diego and City of San Diego are responsible for approval and construction of these planned trails. Therefore, decisions relating to the locations/routes and timing/schedule of trail construction at and in the vicinity of San Vicente Reservoir, including whether or not any portions of the construction roads associated with the Proposed Action can be used for these trails after completion of the dam raise, rests with these agencies.

LPG-13C  The State of California no longer requires operational restrictions on El Capitan Reservoir. In 1983, the California Division of Safety of Dams issued a Certificate of Approval to certify that El Capitan Dam is safe to impound water to Elevation 750.00, USGS datum, equivalent to the spillway crest elevation. Therefore, improvements to El Capitan Dam to allow water to be stored in El Capitan Reservoir are not required. There is no known need to strengthen El Capitan Dam to allow for full operation of the reservoir capacity. Placing emergency storage in El Capitan will not result in a change in the areas expected to be inundated by a 100-year flood, as shown on Federal Emergency Management Agency flood insurance rate maps.

LPG-13D  Flood control is not a part of the project purpose and need. As stated in Section 3.18.4 (page 3.18-3) of the EIR/EIS, the Proposed Action would not cause an increase in downstream flooding over that which is possible under existing conditions, and it would provide some incidental flood control benefits.

LPG-13E  All potentially affected property owners both for the San Vicente alternative site and the Moosa alternative site have been notified of potential impacts to their properties through CEQA public noticing requirements on the CSP Draft EIR/EIS.
significant flood damage caused by overflow from San Vicente Reservoir. This is not “incidental”. This project must clearly address why it is not proposing to add flood control design measures in the dam raise project to minimize impacts to downstream residents. Stating that a future Reservoir Regulating Plan will be developed does not address this issue adequately. Failure to develop a written plan that can be evaluated during the environmental review of this project creates significant and unmitigated impacts and fails to adequately address the question of flooding protection.

Page 3.9-14: Identifies that up to 53 parcels may be affected by the dam raise but does not provide locations of the affected parcels. Further it states that 5 parcels that may need to be acquired have existing homes. Have these property owners been specifically notified that the dam raise may lead to loss of their homes through eminent domain action by the CWA? Have any of the 53 owners of affected parcels been specifically noticed of this potential impact to their properties? This is a significant impact of the project and failure to clearly identify the affected parcels is a deliberate omission. Approval of this dEIR will give the CWA the standing to acquire any or all of the parcels in the future, and no recourse for affected property owners.

Rick Smith
Chair, LCPG
RESPONSES

LPG-13E
Cont.

A CEQA Notice of Availability and a copy of the Draft EIR/EIS were sent via Certified Mail to all potentially affected parcel owners surrounding both alternative site locations. In addition, a separate Special Public Notice for a Section 404 Permit was sent to all property owners adjacent to the SV 100K study area via Certified Mail, as the Water Authority has filed a Section 404 permit application for the Proposed Action with the Corps, which also required a 30-day review period.

Since release of the Draft EIR/EIS, design work continued to progress on the Proposed Action. Parcel maps have been developed and refined, reflecting both the Probable Maximum Flood (PMF) elevation contour (778 AMSL) for the new CSP reservoir, and the 500 to 1,000-foot contour for the required septic system setback. This 500 to 1,000-foot setback contour keys off of the 778 AMSL elevation and is based on a slope calculation provided by County of San Diego Department of Environmental Health (DEH) (page 2-23, Table 2.2-2 of the EIR/EIS). In all, a total of 39 privately-owned parcels (e.g., parcels not owned by the City of San Diego) may potentially be affected by the septic setback requirement, and 3 of those 39 parcels may be potentially impacted by PMF inundation.

The process for evaluating whether or not parcels within and adjacent to the SV 100K study area have septic/leach field systems within the required setback areas will be conducted as part of the mitigation measures should the Proposed Action be approved. As outlined in Section 3.9.3.3 (page 3.9-16) of the EIR/EIS, mitigation measures include site-specific septic/leach field system analysis to ensure compliance with the County of San Diego DEH Services Policies and Regulations for Protection of a Domestic Water Reservoir. It is important to note that the Water Authority will exhaust all feasible measures and will provide necessary compensation in complying with County DEH regulations (e.g., relocation of an existing septic system or installation of other types of treatment systems) prior to right-of-way acquisition of the property required for setback and/or inundation. If replacement waste treatment measures are determined to be infeasible by the County DEH and the Water Authority, only then would full parcel acquisition by the Water Authority be necessary for County DEH regulation compliance. Relocation assistance for residential displacement will be carried out pursuant to applicable sections of the Water Authority’s Administrative Code and existing state and federal laws, such as the Federal Uniform Relocation Assistance Act (as amended).

The Water Authority is currently working with potentially affected property owners regarding their individual parcels and potential impacts from the Proposed Action, should it be approved. It should be noted that no property valuations or right-of-way acquisitions could commence until the Water Authority’s Board of Directors certifies the Final EIR/EIS and approves the Proposed Action.

Potentially Affected APNs Within/Adjacent to the SV 100K Study Area:

326-020-10  326-030-05  329-021-05  329-060-08  329-120-42
326-020-11  326-030-06  329-023-01  329-060-09  329-120-43
326-020-13  329-010-05  329-023-02  329-090-03  329-120-44
326-020-15  329-010-11  329-023-03  329-090-06*  329-131-01
326-020-16  329-010-12  329-040-05  329-090-07  329-150-01
326-020-18  329-010-14  329-041-011  329-120-23
*Parcels with partial PMF inundation
To:       Ms. Kelley Gage  
Senior Water Resources Specialist  
San Diego County Water Authority  
4677 Overland Avenue  
San Diego, California

Subject:  Draft Environmental Impact Report/Environmental Impact Statement  
Carryover Storage and San Vicente Dam Raise Project

Dear Ms. Gage:

I have reviewed the cultural resources aspects of the subject DEIR/DEIS on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR/DEIS, we have the following comments:

1. For the San Vicente Dam proposed action, all cultural material recovered from the previous testing associated with the previous or current projects, as well as material recovered during monitoring, must be curated at an institution meeting the requirements of 36 CFR 79 and the State of California's Guidelines for the Curation of Archaeological Collections, dated May 9, 1993.

2. For the Moosa Canyon 100K Alternative, we note that a separate public review would be required as the archaeological surveying and testing program called for in mitigation measure M/CR 1-1 has not been conducted and the consequent impact analysis and mitigation measures have not been subjected to public review.

Thank you for including SDCAS in the public review of this DEIR/DEIS.

Sincerely,

[Signature]

James W. Royle, Jr., Chairperson  
Environmental Review Committee

cc:       ASM Affiliates  
SDCAS President  
File
RESPONSES

San Diego County Archaeological Society (James W. Royle, Jr.)

CAS-14A  The Water Authority and City of San Diego have executed an Accession Agreement that specifies the terms and conditions for curation of all cultural material recovered from previous testing within the Area of Potential Effect (APE) at San Vicente Reservoir associated with the ESP Programmatic Agreement. This includes the curation of materials at an institution meeting the requirements of 36 CFR 79 and the State of California’s Guidelines for the Curation of Archaeological Collections, dated May 9, 1993. Both agencies will negotiate an amendment to this Accession Agreement or a new Agreement to address the curation of all cultural material recovered from current testing within the SV 100K APE for the CSP, as well as any material recovered during future construction monitoring for the Proposed Action.

CAS-14B  Comment noted. If the Moosa 100K Alternative is selected and approved by the Water Authority, a cultural resources surveying and testing program will be implemented in accordance with Mitigation Measure M/CR 1-1, and the resulting impact analysis and mitigation measures will be documented in a draft technical report.
COMMENTS

San Diego County Water Authority

Draft Environmental Impact Report for the Carryover Storage and San Vicente Dam Raise Project

PUBLIC COMMENT FORM

California Environmental Quality Act (CEQA)
CEQA State Clearinghouse SCH# 2006101044

If you have any comments about the draft environmental impact report or environmental impact statement (EIR/EIS) for the Carryover Storage Project, please provide them in the space below (for additional space, the reverse side may be used). To ensure your comments are addressed in the final EIR, comments should be received at the address below no later than Oct. 15, 2007 by 5 p.m.

** PLEASE PRINT CLEARLY **

THE EIR/EIS STATES THERE WILL BE A "SIGNIFICANT IMPACT" ON WATER CONTACT RECREATION AND REFERS TO THE CITY OF S.D.
FOR THE POSSIBILITY OF USING OTHER LAKES TO OFFSET THE TEMPORARY LOSS OF SAN VICENTE.
WE AT SOCAL WSA HAVE BEEN WORKING WITH THE CITY OF S.D. & ALL AGREE THAT LOWER OTAY IS THE BEST REPLACEMENT SITE, HOWEVER THE CITY NEEDS A STATE HEALTH DEPT. PERMIT & THE MONEY TO PAY FOR RANGERS & LANK STAFF.

Your Name John Opal, President, SoCal WSA
Address 3727 Campo Delhi Rd., Ste. 210
City / State / Zip Code SAN DIEGO, CA 92108

Please mail, email or fax to:
San Diego County Water Authority
Attention: Ms. Kelley Gage
4677 Overland Ave., San Diego, CA 92123
knagle@sdowwa.org; Fax: (858) 268-7881

April 2008 Carryover Storage and San Vicente Dam Raise EIR/EIS Page 114
RESPONSES

SoCal Water Ski Association (John Opsal)

SCW-15A The comment regarding monetary contribution for alternative reservoir recreation facilities is noted. The commenter is referred to Section 3.15.3.3, Mitigation Measures (page 3.15-11 of the EIR/EIS), which states that the City of San Diego is the owner and operator of other reservoir recreational facilities in the region, and that the Water Authority does not have jurisdiction over any of the existing reservoir facilities. The Water Authority has asked the City about the possibility of new or increased use at their other reservoirs. At the time of this writing, it is not known whether the City would commit to constructing or expanding other reservoir recreational facilities to compensate for the temporary loss of these activities at San Vicente Marina and Reservoir, and such a decision is outside the purview of the Water Authority.
Therefore, "To make the city whole" the S. D. County Water Authority should provide the funds needed for the replacement site during the San Vicente closure.
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COMMENTS

San Diego County Water Authority

Draft Environmental Impact Report for the Carryover Storage and San Vicente Dam Raise Project

PUBLIC COMMENT FORM

California Environmental Quality Act (CEQA)
CEQA State Clearinghouse SCH# 2006101044

If you have any comments about the draft environmental impact report or environmental impact statement (EIR/EIS) for the Carryover Storage Project, please provide them in the space below (for additional space, the reverse side may be used). To ensure your comments are addressed in the final EIR, comments should be received at the address below no later than Oct. 15, 2007 by 5 p.m.

** PLEASE PRINT CLEARLY **

I do not see why you are building a terrorist target.

breaking your proposed project could create a huge flood.

---

Your Name: Tom Collins
Address: 12041 Las Amigos
City / State / Zip Code: Lakeside CA 92030

Please mail, email or fax to:
San Diego County Water Authority
Attention: Ms. Kelley Gage
4677 Overland Ave., San Diego, CA 92123
kuaqe@sdcw.org; Fax: (858) 268-7881
Tom Collins

TC-16A The Proposed Action would result in an expansion of the existing San Vicente Dam and Reservoir. Therefore, the Proposed Action would not represent the construction of a new water storage facility that could be subject to terrorist actions. The security measures that are currently implemented by the City of San Diego to monitor and control such actions will continue to be employed for the expanded dam and reservoir. The potential for dam failure and subsequent downstream flooding is addressed in Section 3.13.3.2 (Threshold 4) in the EIR/EIS, which concludes that this risk (one-in-a-million probability) due to construction and operation of the Proposed Action would be less than significant.
COMMENTS

LAW OFFICES OF EVERETT L. DELANO III
220 W. Grand Avenue
Escondido, California 92025
(760) 510-1562
(760) 510-1565 (fax)

October 12, 2007

VIA FACSIMILE & U.S. MAIL

Ms. Kelley Gage
Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123-1233

Mr. Robert R. Smith, Jr., P.E.
Corps Regulatory Project Manager
U.S. Army Corps of Engineers
Attn: File Number 200601015-RRS
16885 West Bernardo Drive, Suite 300A
San Diego, CA 92127

Re: Draft Environmental Impact Report/Draft Environmental Impact Statement,
Application for Corps Permit, Carryover Storage and San Vicente Dam Raise Project

Dear Ms. Gage and Mr. Smith:

This letter is submitted on behalf of Carol Levin in connection with the proposed Carryover Storage and San Vicente Dam Raise Project ("Project"), Application No. 200601015-RRS for Corps permit ("Permit"), and related Draft Environmental Impact Report/Draft Environmental Impact Statement ("DEIR/DEIS").

INTRODUCTION

The California Environmental Quality Act ("CEQA"), Pub. Res. Code §§ 21000 – 21177, must be interpreted "so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." Friends of Mammoth v. Board of Supervisors (1972) 8 Cal. App. 3d 247, 259. CEQA is essentially "an environmental full disclosure statute, and the EIR is the method … [for] disclosure …" Rural Landowners Assn. v. City Council (1983) 143 Cal. App. 3d 1013, 1020. An EIR's purpose is "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment." Pub. Res. Code § 21061. The EIR is the "heart of CEQA," CEQA Guidelines § 15003(a), and "protects not only the environment but also informed self-government." Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564. Its purpose is "to alert the public and its responsible officials to environmental
Law Offices of Everett L. DeLano III (for Carol Levin)

ELD-17A   Comment noted. The EIR/EIS has been prepared in accordance with the relevant statutes and regulations listed in Section 1.5.1 (Purpose and Use of the EIR/EIS), which include the CEQA and NEPA citations referenced in the comment.
changes before they have reached the ecological points of no return.” County of Inyo v. Yorty (1973) 32 Cal. App. 3d 795, 810 (emphasis added).

If an EIR fails to provide the agency decision-makers and the public with all relevant information regarding a project that is necessary for informed decision-making and informed public participation, the EIR is legally deficient and the agency’s decision must be set aside. Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 712. This is because an EIR is “aptly described as the ‘heart of CEQA,’” and it is the primary means of achieving the state legislature’s declaration to “take all actions necessary to protect, rehabilitate, and enhance the environmental quality of the state.” Laurel Heights, 47 Cal.3d at 392. see also 14 C.C.R. (hereinafter “CEQA Guidelines”) § 15003(a). An EIR must analyze possible significant environmental impacts of a proposed project. CEQA Guidelines § 15126(a). A “significant effect on the environment” is defined as “a substantial, or potentially substantial, adverse change in the any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” Id. at § 15382. As one court has stated, a “legally adequate EIR must contain sufficient detail to help ensure the integrity of the process of decision making by precluding stubborn problems or serious criticism from being swept under the rug.” Kings County, 221 Cal.App.3d at 733.

NEPA is the “basic national charter for protection of the environment.” 40 C.F.R. § 1500.1(a). Its purpose is to “help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.” Id. § 1500.1(c). NEPA requires all agencies of the federal government to prepare an EIS regarding any “major Federal action significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(C).

NEPA requires a “hard look” at the direct, indirect and cumulative impacts of an action, as well as a thorough evaluation of reasonable alternatives to minimize or avoid those impacts. Oregon Natural Resources Council v. Marsh, 52 F.3d 1485, 1488 (9th Cir. 1995). By doing so, NEPA “ensures that the agency will not act on incomplete information, only to regret its decision after it is too late to correct.” Marsh v. Oregon Natural Resources Council, 490 U.S. 360, 361 (1989) (citations omitted).

The Corps is prohibited from issuing any permit unless there is “sufficient information to make a reasonable judgment as to whether the proposed discharge will comply with [the 404(b)(1)] Guidelines.” 40 C.F.R. § 230.12(a)(3)(iv). Among other things, the Guidelines prohibit discharges if “there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.” Id. § 230.10(a). This requirement is commonly referred to as the Least Environmental Damaging Practicable Alternative (or “LEDPA”). The 404(b)(1) Guidelines state: “From a national perspective, the degradation or destruction of special aquatic sites, such as filling operations in wetlands, is considered to be among the most
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severe environmental impacts covered by these Guidelines. The guiding principle should be that degradation or destruction of special sites may represent an irreversible loss of valuable aquatic resources.” *Id.* § 230.1(d).

The factors the Corps must consider are set forth at 40 C.F.R. § 1508.27. These include the degree to which the proposed action affects public health or safety, unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas, the degree to which the effects on the quality of the human environment are likely to be highly controversial, the degree to which the possible effects on the human environment are highly uncertain, whether the action is related to other actions with individually insignificant but cumulatively significant impacts, and the degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.

**INADEQUATE DISCUSSION OF PROJECT IMPACTS**

The DEIR/DEIS claims that the dam’s current spillway can be used as a “baseline” for a consideration of Project impacts. DEIR/DEIS at ES-4. However, no data is provided on where the level of water has stood in relation to this level. In fact, in a later section of the document, the DEIR/DEIS indicates that the mean level of the reservoir between 1980 and 2005 was 17 feet below the spillway level. *Id.* at 3.6-5.

The DEIR/DEIS should provide information on water levels over the past several years. This and other important information should be provided and available for consideration by the public. *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111.

Additionally, there is no analysis of vegetation between the 633 foot level and the 650 foot level. The DEIR/DEIS discusses theoretical vegetation. DEIR/DEIS at 3.6-6. Actual existing vegetation should be discussed and addressed. This information is necessary for CEQA, NEPA and for the Corps’s public interest review.

Furthermore, while the Water Authority may not be a signatory to the MSCP (DEIR/DEIS at 3.6-16), impacts on its planning are still relevant to considering the Project’s impacts.

There is no showing of how the mitigation proposed actually reduces impacts to biological resources. DEIR/DEIS at 3.6-38. The Project’s proposed mitigation measures are overly vague and fail to provide adequate criteria. *Sacramento Old City Assn. V. City Council* (1991) 229 Cal. App. 3d 1011, 1029.

The DEIR/DEIS fails to demonstrate why it is necessary to take any residential properties. Vague references to possible septic requirements are insufficient. “A statement of reasons is necessary to assure meaningful judicial review in the event ... the
RESPONSES

ELD-17B  Unlike natural systems, San Vicente Reservoir is artificial and subject to highly variable water surface elevations annually. In a given year, the water surface elevation may change by as much as 30 feet (see chart below), depending on a number of factors including weather and dam operations. In many years, water levels have fluctuated wildly, quickly rising 10 to 20 or more feet, dropping by 5 to 15 feet, and then rising swiftly again. Water depths in the San Vicente Reservoir are only at or near the mean for a brief time during each year. Because of this artificial system’s variability in depth and duration, average water depth has little practical value for describing the “normal circumstances” in the reservoir.

San Vicente Reservoir Recent Water Surface Elevation History

Under “normal circumstances,” the water level is not at a consistent level; rather, the existing reservoir is managed in such a way that there is a wide variation in the water levels throughout the year, fluctuating roughly between 10 to 30 feet. Because of this artificial situation, there is no “permanently inundated” area in the reservoir. From 1980 to 2005 (25 years), the reservoir elevation ranged from a maximum of 650 feet to a minimum of 610 feet with an average elevation of approximately 633 feet, or about 17 feet shallower than the Ordinary High Water Mark (OHWM) of 650 feet AMSL. Therefore, because San Vicente Reservoir is a man-made waterbody subject to wide variations in water levels, the OHWM (or current spillway of 650 feet AMSL) is an appropriate baseline to evaluate the biological impacts of the Proposed Action (refer to Section 2.2.4.1 of the EIR/EIS for baseline discussion).

ELD-17C  The area within the reservoir between the 633- and 650-foot elevations is located within the normal operational levels of the reservoir as described in response to comment ELD-17B. The vegetation within this area is addressed in Section 3.6.1.1 of the EIR/EIS in relation to its basic value as habitat for fish and aquatic species. An analysis of potential impacts to submerged aquatic vegetation is presented on page 3.6-27 of the EIR/EIS. Effects to submerged aquatic vegetation were determined to be less than significant. The Proposed Action may result in a net benefit to this resource by increasing the surface area available for colonization of aquatic plants and algae.
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RESPONSES

ELD-17D The Water Authority is not seeking third party beneficiary status under the city of San Diego MSCP permit because impacts from the Proposed Action to federal and state listed species and supporting habitats would be authorized through the Corps and CDFG permitting/agreement processes. Furthermore, the MSCP excludes areas of the ESP and future expansion of San Vicente Reservoir from the Cornerstone Lands MHPA Preserve, and provides exemptions for filling the reservoir to 800 feet AMSL, a new marina, quarry operations, access roads, staging areas, a horizontal buffer of 300 feet around the expanded reservoir (as measured from 800 feet AMSL), and other supporting uses. Although the Water Authority is not a signatory to the MSCP Implementing Agreement, and the MSCP Subregional/Subarea Plans do not govern the Water Authority’s activities, the Proposed Action is consistent with the goals of the MSCP in terms of impacts to biological resources in accordance with relevant MSCP planning policies and design guidelines. Section 3.9.3.2 (Threshold 2) of the EIR/EIS provides an analysis of the Proposed Action in terms of consistency with MSCP Land Use Adjacency Guidelines.

ELD-17E The commenter does not specify how or which of the mitigation measures are vague and therefore failed to provide adequate criteria to address potential biological resources impacts. The EIR/EIS discloses the impacts that could result from implementing the Proposed Action. It was prepared in accordance with CEQA and NEPA to inform the public and meet the needs of local, state, and federal permitting agencies. Further, by incorporating the revisions requested by the USFWS, EPA, and CDFG in these responses to comments, the mitigation measures listed in Section 3.6.3.3 of the EIR/EIS provide detailed performance criteria to measure the success of the stated mitigation. Upon certification of the Final EIR/EIS in accordance with CEQA, and approval of the Proposed Action, the Water Authority’s Board of Directors will adopt a final Mitigation Monitoring and Reporting Plan (MMRP) for the selected alternative. As acknowledged by the acceptance of the mitigation measures contained in the EIR/EIS in the USFWS and CDFG comment letters, it is anticipated the mitigation measures in the adopted MMRP will be included as conditions of future permits and agreements from these regulatory agencies. The Corps intends to add the mitigation measures contained in the EIR/EIS as special conditions of the 404 permit.

ELD-17F Refer to response to comment LPG-13E.

The DEIR/DEIS fails to consider mitigation to reduce impacts associated with the taking of some 53 parcels. Relocation assistance is insufficient, as impacts associated with displacement of residences is still significant. DEIR/DEIS at 3.9-18.

The DEIR/DEIS fails to consider noise impacts to residences north of the reservoir. DEIR/DEIS at 3.11-4. It also fails to consider mitigation for boat noise to residences along Mussey Grade Road. Id. at 3.11-15.

Furthermore, contrary to the text of the DEIR/DEIS (p. 3.11-15), Figure 2.2-7 does not show Kimball Valley or the extent of the reservoir.

INADEQUATE ALTERNATIVES ANALYSIS

CEQA requires that an EIR “produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.” San Bernardino Valley Audubon Society v. County of San Bernardino (1984) 155 Cal.App.3d 738, 750 – 51. “[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” CEQA Guidelines § 15126.6(b). “Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process.” Laurel Heights Improvement Assoc. v. University of California (1988) 47 Cal.3d 376, 404.

Consideration of a reasonable range of alternatives is the "heart" of an EIS, "sharply defining the issues and providing a clear basis for choice among options by the decision-maker and the public." 40 C.F.R. 1502.14. The presentation of alternatives must be undertaken in good faith and is not to be employed to justify a decision already reached. Citizens Against Toxic Sprays Inc. v. Bergland, 428 F. Supp. 908 (D. Or. 1977).

Here, the Project and its objectives are defined too narrowly, thereby resulting in a narrowing of the consideration of alternatives to the Project. See Rural Landowners Assoc. v. City Council (1983) 143 Cal.App.3d 1013, 1024 (“Responsibility for a project cannot be avoided merely by limiting the title or description of the project”).

Additionally, CEQA contains a “substantive mandate” that agencies refrain from approving a project with significant environmental effects if “there are feasible alternatives or mitigation measures” that can substantially lessen or avoid those effects. Mountain Lion Foundation v. Fish and Game Comm. (1997) 16 Cal.4th 105, 134; Pub. Res. Code § 21002. It “requires public agencies to deny approval of a project with
RESPONSES

ELD-17G  Refer to response to comment KVR-12F.

ELD-17H  Refer to response to comment KVR-12B.

ELD-17I  Comment noted.

ELD-17J  Refer to response to comment EPA-4B.

ELD-17K  CEQA Guidelines, Section 15126.6(a), state that: “(A)n EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.” As described in Section 2.1 of the EIR/EIS, several viable Reduced Project alternatives were evaluated during an extensive Alternatives Analysis conducted for the Proposed Action pursuant to the federal Clean Water Act Section 404(b)(1) Guidelines (40 CFR Part 230). Of these, the least environmentally damaging Reduced Project Alternative that emerged from the coarse and fine screening processes was the SV 50K/Moosa 50K Alternative, which was included for detailed analysis in Chapter 5 of the EIR/EIS. As described in Section 2.4 of the EIR/EIS, the SV 50K/Moosa 50K Alternative would have a smaller inundation and disturbance footprint than either the Proposed Action or the Moosa 100K Alternative. On the whole, however, the SV 50K/Moosa 50K Alternative would result in greater environmental impacts than the Proposed Action, as documented in the EIR/EIS.

It should also be noted that the Water Authority’s Board of Directors can approve any San Vicente Dam raise up to and including a 63-foot raise, which is the maximum analyzed in the EIR/EIS (e.g., 63 feet, 50 feet, 40 feet, etc.).
significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects.” *Sierra Club v. Gilroy* (1990) 222 Cal.App.3d 30, 41. The DEIR/DEIS fails to consider a viable reduced development alternative. It is insufficient to assert that the reduced development alternative does not meet all the Project objectives. “Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment [], the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” CEQA Guidelines § 15126.6(b) (emphasis added). The DEIR/DEIS should provide sufficient evidence, including a financial analysis, showing why and how a reduced alternative is impracticable. “An environmentally superior alternative cannot be deemed infeasible absent evidence the additional costs or lost profits are so severe the project would become impractical.” *Kings County Farm Bureau*, 221 Cal.App.3d at 736.

Additionally, CEQA requires that the “no project” alternative “discuss the existing conditions ..., as well as what would be reasonably expected to occur if the project were not approved, based on current plans and consistent with available infrastructure and community services.” CEQA Guidelines § 15126.6(e)(2). The DEIR/DEIS does not consider a “no project” alternative consistent with this requirement.

There is no showing the Project meets requirements of a LEDPA. Attachment 2 fails to consider an option of taking only some of the residential properties. Alternatives should not be limited to building relatively small tanks. DEIR/DEIS, Attachment 2 at 20. It fails to provide economic information used to justify the failure to consider other alternatives.

The DEIR/DEIS does not adequately consider alternatives to the taking of some or all of the 53 parcels discussed as potentially affected. DEIR/DEIS at 3.9-14. A number of courts have invalidated environmental analysis that failed to evaluate reduced build alternatives, such as upgrading existing roadways instead of building new ones. See e.g., *Coalition for Canyon Preservation v. Bowers*, 632 F.2d 774, 785 (9th Cir. 1980).

The discussion shows that three alternatives ranked very high in a 404(b)(1) sensitivity analysis (DEIR/DEIS, Attachment 2 at 38), yet no further analysis was done on these alternatives.

**NEED TO RECIRCULATE**

Recirculation of an EIR is required whenever the lead agency adds significant new information. Pub. Res. Code § 21092.1; *Laurel Heights Improvement Assoc. v. University of California* (1993) 6 Cal.4th 1112, 1130. A failure to recirculate the DEIR would deny the public “an opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom.” *Sutter
RESPONSES

ELD-17L In accordance with CEQA and NEPA guidelines, the No Project/No Action Alternatives are described and evaluated in Section 2.5 and Chapter 6 of the EIR/EIS.

ELD-17M The Corps will ultimately make the Least Environmentally Damaging Practicable Alternative (LEDPA) determination when they issue the Record of Decision on the Proposed Action. The applicant (Water Authority) does not make this determination. The Section 404(b)(1) alternatives analysis for CSP was completed using the criteria set forth by the 404(b)(1) Guidelines, so that the Corps can make a draft LEDPA determination in light of the data and analysis provided. Attachment 2 of the EIR/EIS reflects a summary of the draft 404(b)(1) analysis results, and the full discussion of the alternatives analysis is reflected in the Screening of Alternatives report prepared by GEI Consultants, Inc. (GEI, 2007a), which is incorporated by reference. This full report was prepared for the Water Authority to document the detailed alternatives development and screening process performed for the CSP. The result of the draft 404(b)(1) sensitivity analysis (Case 6 in Attachment 2) shows that the SV 100K Alternative (Proposed Action) has the least amount of impacts to jurisdictional waters of the U.S., a key factor in the Corps’ determination of the LEDPA.

ELD-17N Refer to responses to comments LPG-13E and ELD-17O (below).

ELD-17O All of the alternatives considered for the Proposed Action (Section 2.1 of the EIR/EIS) include water dependent options, such as new or expanded surface reservoirs, reoperation of existing reservoirs, and local groundwater basin storage. Carryover storage options that do not involve working within existing wetlands and waters of the U.S. may include the construction of enclosed water storage reservoirs or standpipes within upland areas. However, these options are not considered to be practicable or feasible for the reasons stated in Section 2.5.1.2 (No Federal Action Alternative) of the EIR/EIS. Therefore, the extensive Alternatives Analysis conducted for the Proposed Action is not limited to building relatively small tanks, as asserted in the comment.

ELD-17P As described in Section 2.1 of the EIR/EIS, an extensive Alternatives Analysis was conducted for the Proposed Action pursuant to the federal Clean Water Act Section 404(b)(1) Guidelines (40 CFR Part 230). Cost was one of the criteria used in the fine screening process for the project. A discussion of this can be found in the Screening of Alternatives report prepared by GEI Consultants, Inc. (GEI, 2007a), which is incorporated by reference into the EIR/EIS.

ELD-17Q Refer to response to comments LPG-13E and ELD-17O.

ELD-17R The commenter is correct in noting that three alternatives that ranked high in the 404(b)(1) sensitivity analysis (e.g., those other than the highest-ranked SV 100K Alternative) were eliminated from further analysis in the Draft EIR/EIS. This is due to the fact that the sensitivity analysis for this case, Case 6 in Attachment 2, considered only the weighting of jurisdictional waters of the U.S. criteria (Criteria 1) for purposes in considering impacts under of the 404 (b)(1) regulations. The other two alternatives that ranked high in Case 6 resulted in greater impacts to waters of the U.S. and, therefore, were eliminated from further consideration.
COMMENTS

Sensible Planning, Inc. v. Board of Sup. (1981) 122 Cal.App.3d 813, 822. In this instance, the DEIR/DEIS is sufficiently lacking that the only way to fix these issues is to revise it and recirculate an adequate report.

CONCLUSION

For the foregoing reasons, the Water Authority and the Corps should reject the Project, the Permit, and the DEIR/DEIS as presented.

If you have a question or need additional information, please contact me. Thank you for your consideration of these comments.

Sincerely,

[Signature]

Everett DeLano
RESPONSES

**ELD-17R**

*Cont.* According to State CEQA Guidelines §15126.6(a), “An EIR shall describe a range of reasonable alternatives to the project...which would feasibly attain most of the basic project objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” The EIR/EIS complies fully with CEQA and NEPA in its range and description of alternatives, and in its analysis of impacts of the alternatives, as presented in the EIR/EIS and the *Screening of Alternatives* report prepared by GEI Consultants, Inc. (GEI, 2007a), which is incorporated by reference into the EIR/EIS.

**ELD-17S**

Neither the revisions in the Final EIR/EIS that are in response to the public review comments on the Draft EIR/EIS, nor any of the issues raised in this letter, constitute “significant new information” as defined in State CEQA Guidelines Section 15088.5(a) that would otherwise require recirculation of the Carryover Storage and San Vicente Dam Raise EIR/EIS. Rather, the information added to the Final EIR/EIS as a result of responses to public review comments on the Draft EIR/EIS “merely clarifies or makes insignificant modifications in an adequate EIR”, in accordance with State CEQA Guidelines Section 15088.5(b).

**ELD-17T**

Comment noted.
I am very concerned about the "significant impact" on water contact recreation mentioned in the EIR/EIS. As a resident of San Diego and San Diego County for the past 30 years, I strongly urge you to "hold the city whole" by providing an alternate site for water recreation during the San Vicente Reservoir closure period. I am a competitive swimmer and skiier and need a fresh water site to train and practice on a weekly basis. Thank you for your consideration.

Your Name: Mark Gray
Address: 8665 Morning Mist Ct.
City / State / Zip Code: San Diego, CA 92119

Please mail, email or fax to:
San Diego County Water Authority
Attention: Ms. Kelley Gage
4677 Overland Ave., San Diego, CA 92123
kgage@sdcwa.org; Fax: (858) 258-7881
RESPONSES

Mark Gray

MG-18A Refer to response to comment SCW-15A.
COMMENTS

STONE MEADOWS RANCH
12917 Mussey Grade Road
Ramona, CA 92065

September 18, 2007

Ms. Kelley Gage
Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123-1233

RE: Carryover Storage and San Vicente Dam Raise Project Draft Environmental Impact Report/Environmental Impact Statement

Dear Ms. Gage:

Per the public notice in connection with the release of the Draft EIR/EIS ("draft EIR") for the above-mentioned project, I am submitting my preliminary comments, which may be supplemented later. I am confining my comments to Alternative I (SV 100K), also called the Proposed Action. As these comments are being submitted to you no later than October 15, 2007, they are being submitted in a timely manner.

First of all, I would like to let you know that I find it difficult to write comments concerning this project because, as I read the report, there is a possibility my property could be adversely impacted by the proposed project. However, the draft EIR, while raising apprehension levels, does not provide enough information for me to know definitely whether or not my ranch will be affected. This is a serious problem with the draft EIR, which fails to meet the standards stated in the Public Notice, which states:

"According to CEQA and NEPA guidelines, the purpose of the EIR/EIS is to provide decision makers, public agencies, and the general public with an objective and informative document that facilitates a basic understanding of the Proposed Action and fully discloses the environmental effects associated with construction and operation of the Proposed Action and its alternatives, including direct, indirect, short-term, long-term, and cumulative environmental effects." (Emphasis added)
RESPONSES

Carol Levin (Stone Meadows Ranch)

CL-19A  Refer to response to comment LPG-13E.
COMMENTS

My family and I moved to our ranch at the south end of Mussey Grade Road next to the San Vicente Reservoir in 1967 – 40 years ago this month. Our three children were raised here and all graduated from Ramona High School. We brought electricity to the ranch and when the City of San Diego wanted to close of the South End of Mussey Grade Road to prevent trespassing, we agreed with the vacating of the road; the County of San Diego changed its mind, however, and did a road closure instead.

My home and other ranch buildings, as well as trees and other vegetation, were destroyed in the Cedar Fire of 2003. I rebuilt a new home to the code requirements of the County of San Diego Department of Planning and Land Use. However, not one word was ever uttered to me by the county regarding the potential adverse effects of the proposed project on the completed and approved plans for the rebuilding of my home including my new septic system. No one ever told me that there might be the potential for future buffer zones associated with septic systems in connection with the dam raising. Furthermore, during all of the years of anticipation with regard to this proposed project, and in the many and various communications I have had with persons associated officially with the project from various agencies, I was never told of the possibility of buffer zone setbacks, which could potentially affect my private property.

I have been in my new home for two years now and whereas I should be content and secure, I find that, instead, I am facing a possible problem, not of my making, with regard to the proposed project.

In addition to issues of bringing an attractive nuisance to my property boundary line, and thereby bringing noise pollution, trespassing and danger of fires, I have the following issues with this draft EIR, which I believe must be resolved before any permit is issued for the proposed project.

The Draft EIR Contains Misleading Discrepancies and Inadequate Information Regarding Displacement of Residences

The draft EIR lists in the Executive Summary, page ES-14 at Table ES-2. Key Differentiating Environmental Impacts, under Land Use and Planning, Displacement of residences, the number 5 under Alternative I. However, under Alternative 1: San Vicente 100,000 AF (Proposed Action) Land use and planning, page 3.9-14, under Residences, the draft EIR states:

“For the purposes of this analysis, an approximate 500- to 1,000-foot septic system setback was applied around the new MNP elevation of 764 feet ASML. The actual buffer width of the septic system setback would vary depending on topography (refer to Table 2.2-2. in Section 2.2.1.4 [Property Acquisition] of this EIR/EIS). Under this “worst-case” scenario and based on preliminary engineering estimates, up to 53 parcels could be affected by the Proposed Action, including the inundation area, construction areas, and septic system setback areas. These 53 potentially affected parcels would encompass approximately 4,490 acres. Of the 53 potentially affected parcels, 12
RESPONSES

CL-19B Refer to response to comment LPG-13E.

On November 20, 2003, the Water Authority’s Board of Directors approved Alternative 2 of the Master Plan, which included the CSP. The time period for implementation of the CSP was listed in the Master Plan as 2005 – 2010. The Water Authority is still in the planning phase for the CSP, and approval of a selected alternative is not anticipated until April 2008.

CL-19C Refer to responses to comments KVR-12B and KVR-12F.

CL-19D The information in Table ES-2 (page ES-14) of the EIR/EIS is consistent with the analysis in Section 3.9.3.2 (Threshold 3) in that five parcels that may require full acquisition due to the septic system setback are developed with single-family residences. Refer to response to comment LPG-13E regarding notification of potentially affected parcels.
may require full acquisition, 32 may require partial acquisition, 4 may require purchase of easements, and 5 may require a septic offset but not taking.” (Emphasis added)

The draft EIR then goes on to state:

“It is not known what portion, if any, of the parcels may be affected. The 12 parcels that may need to be acquired are zoned residential. Five of these 12 residentially zoned parcels are developed with single-family residences, and seven are currently vacant. Two of the 32 parcels that may require partial acquisition are developed with single family residences; the remaining parcels are vacant. As stated above, it is not known at this time what the final septic system setback requirements would be for the Proposed Action. This would be determined once individual septic field percolation tests are conducted on each parcel.” (Emphasis Added)

Therefore, the draft EIR gives different estimates as to the total number of homes that may be acquired. The issue, for me, is not whether the homes are occupied or not. The issue is the total number of homes. Worse, as a potentially affected home owner, this information is completely inadequate to let me know whether I may be affected. The Water Authority obviously knows the numbers of homes involved; therefore the Water Authority knows the actual homes represented by the numbers. Why is the Water Authority not publishing in the draft EIR the addresses of the actual properties referred to in the above paragraph? It is incumbent upon the Water Authority to be transparent in this exercise and to publish the information it has in hand. The draft EIR is deficient and needs to be revised to include the actual addresses of the properties involved, including adequate notice to the homeowners, prior to the finalization of the EIR, whose properties may be affected.

The Draft EIR Uses Setback Requirements for Septic Systems That Exceed the County of San Diego Department of Health and the California Department of Health Services Protection Zones

In Section 2.2.1.4 Property Acquisition, Alternatives Analyzed, page 2-23, the draft EIR states:

“All of the Proposed Action components would be located on City of San Diego property, and access by the Water Authority is authorized by the City according to the 1998 Joint-Use Agreement between the two agencies (refer to Section 2.2.23.3 below). However, reservoir inundation limits and requirements for septic system offset regulated by the county of San Diego Department of Environmental Health (DEH) may result in easements and/or land that may potentially need to be acquired around the reservoir. It is not known at this time what the final reservoir septic setback recruitments would be for the Proposed Action, but the setback areas would be based on the MNP elevation of 764 feet ASML. The setbacks areas are intended to protect the reservoir from indirect leakage and potential contamination from adjacent land uses.”
RESPONSES

CL-19E

The Water Authority met with the District Engineer of the California State Department of Health Services (DHS), Office of Drinking Water on May 24, 2005 to discuss required setback distances between the maximum normal pool of the expanded San Vicente Reservoir and septic systems. Based on this meeting, it was determined that adherence to provisions contained in the following documents would be needed for the San Vicente Dam Raise Project: “Draft Guidelines for Recreational Use Permits at Domestic Water Supply Reservoirs” State of California – Department of Health Services, 2000 and “On-Site Wastewater Systems: Permitting Process and Design Criteria” County of San Diego DEH, 2002. The Water Authority confirmed these discussions via a June 7, 2005 letter sent to the DHS. Note that the DHS has since been reorganized into the Department of Public Health (DPH) and Department of Health Care Services (DHCS).

The 2002 County of San Diego DEH document referred to above has since been updated (the current version is dated October 6, 2006), but the septic system setback criteria contained in the 2006 document are the same as those in the 2002 document. Specifically, leach lines and seepage pits must be located a minimum distance of 500 feet to 1,000 feet from surface water reservoirs, with the distance based on the slope of the ground between the reservoir and leach line or seepage pit. The DEH requirements regarding septic system offsets from reservoirs are stricter than DHS (now DPH) requirements and, therefore, DEH requirements were included in the EIR/EIS as Table 2.2-2.
COMMENTS

The draft EIR goes on to state that “Table 2.2-2 presents the offset requirements for all septic systems that cannot be gravity drained out the watershed, as stated by DEH:

Table 2.2-2. Setback Requirements for Septic Systems

<table>
<thead>
<tr>
<th>Slope of Ground Surface (percent)</th>
<th>Setback from Reservoir to Septic System (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10</td>
<td>500</td>
</tr>
<tr>
<td>10-15</td>
<td>600</td>
</tr>
<tr>
<td>15-20</td>
<td>700</td>
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<tr>
<td>20-25</td>
<td>800</td>
</tr>
<tr>
<td>25-30</td>
<td>900</td>
</tr>
<tr>
<td>&gt;30</td>
<td>1,000</td>
</tr>
</tbody>
</table>

However, I understand that the required setback to septic systems and leach fields is 200 feet from the high water line and that this standard is contained in the state health code, and is also found in the County DEH policies. The numbers at Table 2.2-2 are also at odds with the numbers provided by the Drinking Water Source Assessment and Protection Program\(^1\), which states on Page 11 under Delineation of Source Area and Protection Zones.

“Identify watershed boundaries.

“Zones are not required, but if they are established, the distances listed below may be used. For larger water bodies, the zones may be limited to the area within an appropriate travel time distance from the intake.

400 feet from banks of reservoir, or primary stream
200 feet from tributaries
2,500 feet from intakes\(^2\)

The California Department of Public Health (DPH) also includes this same information in its advisory guidelines for drinking source water protection zones in the Drinking Water Source Assessment Program.\(^3\) At page 5 of the DPH guidance document, it states: "If zones ... are established for a surface water source, DHS suggests

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\(^1\) Drinking Water Source Assessment and Protection (DWSAP) Program, January 1999, Revised April, 1999 and January 2000, Division of Drinking Water and Environmental Management, California Department of Health Services.

\(^2\) Ibid. See 3.1 Surface Water Sources of Drinking Water, Delineation of Source Area and Protection Zones. Section 6.1 and Appendix B.

\(^3\) Drinking Water Source Assessment and Protection (DWSAP) Program, January 1999, Revised April, 1999 and January 2000, Division of Drinking Water and Environmental Management, California Department of Health Services
RESPONSES

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distances of 400 feet from reservoir or primary stream boundaries, 200 feet from tributaries, and 2,500 feet from intakes.\footnote{California Drinking Water Source Assessment and Protection Program, Interim Guidance for Staff, DRINKING WATER SOURCE ASSESSMENTS FOR SURFACE WATER SOURCES, AUGUST 18, 2000}

The draft EIR should be revised to conform to County of San Diego DEH requirements and not exceed those requirements or the advisory guidelines of the State of California.

Finally, I believe that the purpose of an EIR is to fully inform readers through a thorough project description of the proposed project and its impacts on the environment. The lack of detailed description of the impacts – especially in the case of the acquisition of homes – it is difficult to understand how mitigation can be adequately discussed as well. Additionally, the lack of precise description of the Proposed Action also affects the issue of the costs of the project, which should have been addressed somewhere in the draft EIR.

The draft EIR does not inform me regarding that which I care most about – my ranch. Instead, it causes me worry and confusion, as well as frustration, about what the proposed project may mean to my home, my family and my future life in Ramona. While that may not have been the intention of the authors of the draft EIR, one must put oneself in the shoes of others to understand the seriousness of the situation when a large project is proposed and the need for real information is acute.

I also have other unanswered questions: Who is the contact regarding private property potentially being affected by the raising of the dam? This is not clear in the draft EIR. Who will make the final decision regarding the permit for the proposed project? What is the role of the City of San Diego regarding land use decisions in connection with this project? Will private property abut the new lakeshore, should this project be approved? If so, will my private property be protected from water access if the proposed project is permitted, and in the form of fencing to ensure safety and privacy and to discourage trespassing? Will there be some mechanism to prevent boats from coming ashore onto Mussey Grade Road from the lake, if this project is approved?

I would appreciate an immediate written response to my questions because, as you can imagine, the lack of information continues to cause me anxiety. I also request that the draft EIR be revised to include answers to my questions, and be revised to address the issues outlined in this letter.

Thank you for your consideration,

Sincerely,

Carol Levin
RESPONSES

CL-19F  Refer to response to comment LPG-13E. Relocation assistance for residential displacement impacts from the Proposed Action will be carried out pursuant to local, state and federal laws, regardless of the number of homes to be acquired. Therefore, implementation of Mitigation Measures SV/LU 1-1 through SV/LU 1-3 would provide adequate and appropriate compensation for such impacts.

CL-19G  Estimated construction costs for the Proposed Action and alternatives are provided in Section 8.2 (Socioeconomics/Environmental Justice) on pages 8-16, 8-25, and 8-28, respectively) of the EIR/EIS.

CL-19H  Refer to response to comment LPG-13E.

CL-19I  The Water Authority’s Right of Way Department is the contact regarding private property potentially being affected by the Proposed Action. The Right of Way Department contact is Mike Flanagan, Sr. Right of Way Agent, (858) 522-6914.

CL-19J  If the Water Authority approves the Proposed Action, several permits will be required. Table 1.8-1 in Section 1.8 (Discretionary Actions and Approvals) on page 1-19 of the EIR/EIS lists these permits and the issuing agencies.

CL-19K  As stated in Section 2.2.1.4 (Property Acquisition) on page 2-23 of the EIR/EIS, all of the Proposed Action components would be located on City of San Diego property, and access by the Water Authority is authorized by the City according to the 1998 Joint-Use Agreement between the two agencies. However, the City does not have any discretionary actions or approvals in connection with the Proposed Action because the Water Authority is not subject to local land use plans, policies, and ordinances, per California Government Code Section 53091(d) and (e).

CL-19L  Refer to response to comment KVR-12B.

CL-19M  Minor revisions to the EIR/EIS have been made in response to comments CL-19C and CL-19L (refer to Section 3.11.3.2, Threshold 4, page 3.11-15, second paragraph; and Section 3.13.3.2, Threshold 5, page 3.13-13, third paragraph, in the EIR/EIS).
COMMENTS

To: San Diego Water Authority

From: Thomas Levin
15330 Rainbird Road
Ramona CA 92065

September 11, 2007

Re: Carryover Storage and San Vicente Dam Raise Project

Dear Sir or Madam,

After reading the EIR report that was sent out recently and then speaking with Ms. Kelley Gage, I feel compelled to write. The EIR is vague, but it goes into some detail about the fact that the project could negatively affect neighboring property and their owners. Having grown up at the end of Mussey Grade Road (12917 Mussey Grade) and still having that ranch in the family, I am seriously concerned about the negative impact of this project.

The EIR talks about the possibility of needing to secure some properties around the lake. Our family, being the closest to the lake’s old entrance, has had dealing with the Lakes Department. Originally when our family moved to Ramona in 1968 the North end of the lake was the access for fishing. Some time in the early 70’s the Lakes Department decided to close the North side. The Lake Department at that time installed a gate on the North side and for many months stationed a guard. When that didn’t work out and was quite costly, the Lake Department contacted our family and asked for an easement to put a gate across the road ¼ mile above the original gate. In exchange they would deed us the road between the gates. My parents thought this a good idea and went ahead and granted the easement. The Lakes Department put up the gate and then decided not to deed the road over to us. The Lakes Department blatantly reneged on their contractual obligation. But because it created a safer environment for our family, and trying to get justice from the county would have been difficult and expensive, we let the matter drop.

But now we come to a new situation. The San Diego Water Authority wants approval for a project, but doesn’t want to disclose how it will affect its neighbors. Will they try to use Eminent Domain to get their easements? Will they just take property to give themselves the needed buffer zones and set backs? Also they show a trail, but with the expansion they can’t be putting it on city land. And they never address the dangerous conditions that the trails and added traffic will pose on the back country. Here are my concerns:

1) City needing additional land for a buffer zone, will they use Eminent Domain to take private property?

2) Environment Health concerns, will institute new regulations forcing private property owners to put in expensive waste disposal system if possible or it not use this as leverage to condemn and take property.
RESPONSES

Thomas Levin

TL-20A  Summary noted. Refer to detailed responses to comments below.

TL-20B  Refer to response to comment LPG-13E.

TL-20C  The commenter is referred to EIR/EIS Section 3.9.3.3, Mitigation Measures, where the Water Authority will conduct site-specific septic/leach field system analyses and coordinate with property owners within the setback area of San Vicente Reservoir. The Water Authority will bear the cost of relocation of any septic system or installation of any alternative waste disposal system.
3) Install a trail that could allow for trespassing, theft and illegal fires and activities. And in typical city and county fashion, build the trail and walk away never bothering to monitor or maintain.

4) Health hazards by enlarging the lake, concerns would include mosquitoes carrying West-Nile Virus and other diseases.

5) Additional noise pollution from pleasure crafts waterskiing on the lake.

I was told that before many on these questions could be answered, the plan must be approved. We have a saying that reflects that type of thinking and that is “Putting the cart in front of the horse” or “Closing the barn doors after the cows get out” and perhaps you need me to explain these saying in plain English. Both scenarios are “Assbackwards” Asking for approval so that the project is green lighted and more studies can be done. It will be too late for the families and private property owners who are most affected. They will not have time nor be in a position to fight. Also it has been observed that the lake project has already been started. They are already working on raising the dam. If this were a private project, the county or city would “Red Flag” or issue a “Stop Order” immediately. Is the City just going through the motions of looking for approval? And if so, can you please just let us all know how our properties and lives will be affected before we invest more time and money into our properties?

I look forward to your reply as soon as possible. I plan on attending the open forum in Lakeside.

Sincerely,

Thomas Levin
RESPONSES

TL-20D  The Proposed Action does not involve construction of the planned Trans-County Trail segment within the SV 100K study area, nor the planned San Vicente Trail around the reservoir, as designated by the Lakeside Community Trails and Pathways Plan. As stated in response to comment LPG-13B, the County of San Diego and the City of San Diego are responsible for approval and construction of these planned trails. The City would also be responsible for implementation of security measures, such as patrolling the portions of these trails within their ownership, to monitor and prevent illegal activities (e.g., trespassing onto private properties, theft, wildfires) as well as any attendant enforcement actions.

TL-20E  The Proposed Action would not affect the City’s current and future mosquito abatement program at San Vicente Reservoir. Because the Proposed Action would not cause mosquito infestations and the potential effects of such infestations, such as the spread of West Nile Virus and other mosquito-borne diseases, these issues are not applicable to the EIR/EIS.

TL-20F  Refer to response to comment KVR-12F.

TL-20G  As stated in Section 1.8 (Discretionary Actions and Approvals) on page 1-18, the Final EIR/EIS requires certification by the Water Authority’s Board prior to approval of CSP construction contracts. Upon completion of this document, the Water Authority can choose to: (1) approve the Proposed Action with conditions and mitigation measures; (2) approve one of the other alternatives evaluated in detail with conditions and mitigation measures; or (3) not approve the CSP. Similarly, the document is needed for the Corps’ issuance of an Individual Permit under Section 404 of CWA. Also, refer to response to comment CL-19J.

TL-20H  As indicated in Section 1.2 (Project Background, Emergency Storage Project) on pages 1-3 and 1-4, and Section 3.2.2 (Cumulative Projects, Methodology) on pages 3.2-3 and 3.2-4 of the EIR/EIS, on-going ESP construction projects in the vicinity of the San Vicente Dam include the San Vicente Pump Station/Surge Control Facility and the San Vicente Pipeline. In addition, approvals and permits have already been obtained for the ESP portion of the dam raise; therefore, construction contracts could conceivably be let for the ESP portion of the dam raise. Because it would not be feasible or practicable to construct two separate raises of the dam due to issues such as cost, safety of the raised dam structure, and construction logistics, the two increases would be combined and constructed at the same time.

Also, refer to response to comment TL-20G.
COMMENTS

October 12, 2007

To: Ms. Kelly Gage, Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Ave
San Diego, CA 92123-1233

Subject: Draft EIR/EIS for the Carryover Storage and
San Vicente Dam Raise Project

Cultural Resources

Impacts to Cultural Resources are categorized in the Draft EIR/EIS
as "No Impacts/Less than Significant." This disregards the cultural and
historic importance of the former town of Foster that was located in the
area of the proposed dam raise construction and staging areas. Foster,
named after one of Lakeside's founding families, was the terminus of the
railroad to Lakeside that was constructed during the late 19th Century.
The Lakeside Historical Society believes that significant objects from
Foster and the railroad remain buried by floods in the area of the proposed
project.

Cultural Resources, specifically loss of artifacts from Foster and the
railroad, should be reclassified as Less than Significant with Mitigation.
Mitigation should be in the form of digs of soft materials on the proposed
site. As part of the mitigation, CWA should work with the Lakeside
Historical Society so that Foster and railroad artifacts remain in Lakeside.

Thank you for your consideration. This is the last opportunity for
our community to save the artifacts and history of Foster.

Submitted by,

Gordon Shackelford
9716 Red Pony Lane
El Cajon, CA 92021
RESPONSES

Gordon Shackelford

GS-21A As described in Appendix D (Confidential Supplemental Inventory and National Register Testing Report) to the EIR/EIS, the town of Foster, recorded as archaeological site SDI-13629H, was investigated by EDAW in 2004. Their report, *Above and Below the Valley: Report on Data Recovery* (by Lorraine M. Willey and Christy Dolan), describes the results of archaeological investigations at the town location. These investigations included examination of the railroad. The site was recommended as meeting the criteria for National Register eligibility based on its role in the development of transportation in San Diego County and its representation of an early railroad station (circa 1890-1915). EDAW conducted archival research on the town, railroad, and quarrying, including searches of historic maps and photographs. Field investigations consisted of the excavation of two backhoe trenches in areas where previous archaeological studies had found artifacts, and where historic maps and photographs indicated buildings and the railroad would be located. The trench excavations and subsequent analysis and report preparation constituted data recovery at the site.

The Proposed Action is not anticipated to disturb any artifacts associated with the town of Foster, as all dam raise activities are outside the known limits of the town of Foster. As evaluated in Section 3.7.3.2 (Threshold 1) on page 3.7-11 of the EIR/EIS, with implementation of project design features that call for monitoring during construction in the vicinity of SDI-13629H, impacts at this site would be less than significant. The purpose of the monitoring program is to identify any unanticipated buried discoveries that were not found during the data recovery project.
October 11, 2007

TO: Ms. Kelly Gage, Senior Water Resources Specialist
    San Diego County Water Authority
    4677 Overland Ave
    San Diego, CA 92123-1233

SUBJECT: Draft Environmental Impact Report/EIS for the Carryover Storage and San Vicente Dam Raise Project

I am submitting the following comments to the dEIR for the San Vicente Dam Raise Project.

**Impact to Recreation:** Significant and non-mitigated, no mitigation proposed.
Page 3.15-6: The dEIR indicates that the project fails to implement the Lakeside Community Trails Plan and may directly impact construction of the Trans-County Trail. Stating the project may not affect the planned location of the trails does not answer the question “Will the Trans-County Trail be able to be constructed on public lands after the Dam Raise Project is completed?” If the project changes the topography, or if new roadways, fencing, etc., create barriers that make construction of the trail impossible, then there is a definite impact. To mitigate all possible impacts to the Trans-County Trail the dEIR must identify a feasible location for the Trans-County Trail to pass around the reservoir after the dam raise is completed. To mitigate impacts to the Lakeside Community Trails Plan the dEIR must indicate a trail will be constructed around the reservoir, above the highest water elevation. This will provide a new recreational opportunity for all visitors to the San Vicente Reservoir.

**Impact to Water Resources:** Possible significant impacts, no mitigation proposed.
Page 2-28: The dEIR states that El Capitan Reservoir will be used for emergency water storage during the dam raise construction. Relying on emergency water storage in El Capitan Reservoir will raise the normal water levels in this reservoir, reducing its capacity to retain storm water flows in the event of a 100-year storm event. In addition, El Capitan Dam has been de-rated by the State of California and cannot be maintained in a filled condition. Will the El Capitan Dam be strengthened prior to beginning emergency water storage? Will the risk of potential flooding impacts to the Lakeside Community be created by increased storage at El Capitan Reservoir? Is there a safety impact caused by increased storage in El Capitan in the event of an earthquake?

**Public Safety and Hazardous Materials:** Flooding- Significant and not mitigated.
Spillage of water from San Vicente Dam has seriously impacted the community of Lakeside in the past. A more recent spill occurred at the same time imported water was still being delivered to the reservoir. While the dam raise project may not increase the risk of flooding to the Community of Lakeside, the proposed dam raise does not decrease the identified and documented flooding of the community. Failure to reduce the risk flooding is a significant impact of the San Vicente Dam raise and is not adequately mitigated.
RESPONSES

Janis Shackelford

JS-22A  Refer to response to comment LPG-13B.

JS-22B  Refer to response to comment LPG-13C.

JS-22C  Refer to response to comment LPG-13D.
COMMENTS

The Reservoir Regulating Plan will not be developed until after the dam raise is completed. Development of a plan after approval of the dEIR and after the project is completed does not permit evaluation of the adequacy of the Reservoir Regulating Plan (RRP) to reduce the risk of flooding. There is no evidence provided that a “mutually agreeable Reservoir Regulating Plan” will reduce the risk of flooding. There are seven criteria for the RRP. There is no indication how much weight each criterion will be given in the final RRP.

Page 2-30: The statement appearing in section 2.2.3.2.2 is entirely unacceptable:
e) “Provisions for the protection of the existing documented incidental flood control function of the reservoir”. The Community of Lakeside has periodically suffered significant flood damage caused by overflow from San Vicente Reservoir. This is not “incidental”. This project must clearly address why it is not proposing to add flood control design measures in the dam raise project to minimize impacts to downstream residents. Stating that a future Reservoir Regulating Plan will be developed does not address this issue adequately. Failure to develop a written plan that can be evaluated during the environmental review of this project creates significant and unmitigated impacts and fails to adequately address the question of flooding protection.

Impact to Land Use and Planning- Displacement of residences.
This is a significant impact that is not adequately addressed in the dEIR, and is not mitigated.

Page 3.9-14: Identifies that up to 53 parcels may be affected by the dam raise but does not provide locations of the affected parcels. Further it states that 5-parcels have existing homes. The dEIR fails to provide a thorough analysis of the location of each home, the slope, the existing septic field location, and the percolation rate of the parcel. If the height of the dam is reduced will the impact to the existing residences be mitigated? Have these property owners been specifically notified that the dam raise may lead to loss of their homes if alternative septic field locations are not feasible? This is a significant impact of the project and failure to clearly identify the affected parcels is a deliberate omission. Approval of this dEIR will give the CWA the standing to acquire any or all of the parcels in the future, and no recourse for affected property owners. Possible mitigations are not clearly listed in the dEIR to avoid a taking of private property.

Public Safety-Hazardous materials. Possibly significant, not addressed.
The City of San Diego was preparing to begin oxygenation of the San Vicente Reservoir to reduce algae overgrowth and associated foul-tasting water. Liquid oxygen tankers would be making deliveries to the reservoir for oxygenation facilities. Lowering of the reservoir water level will increase the potential for algae blooms during the dam raise construction. Will the lowering of the reservoir impact the quality of the remaining water? Will the lowering of the reservoir cause a future demand for oxygenation facilities and associated hazardous materials?
RESPONSES

JS-22D  Refer to response to comment LPG-13E.
JS-22E  Refer to response to comment CIT-9F.
**Cultural Resources: Significant and not mitigated.**
The historic site of the Foster Railway Station is located in the project vicinity. It is known that artifacts from the railway are buried in the sand under the project site, and under areas where heavy equipment will be operating. Compaction will also destroy remaining any artifacts. No effort to study the area for remains of the historic railway station under the site has been made, nor has investigation for buried artifacts been made. Covering over the site with the dam and damage from construction activities are significant impacts and will result in the permanent loss of historical resources important to the Community of Lakeside.

Submitted by,

Janis Shackelford
9716 Red Pony Lane
El Cajon, CA  92021
JS-22F Refer to response to comment GS-21A.
**PLEASE PRINT CLEARLY**

Since the EIR states there will be a significant impact on water contact recreation, the S.D. County Water Authority should provide funding for RT-23A.

Alternate source for water contact recreation during the time that lake San Vicente is closed to water contact, funds for modeling and staff of a health department permit for another lake (i.e., Lower Otay or Lake Hesperis).

Your Name: Robert Thurman
Address: 3727 Camino Del Rio South Suite 210
City / State / Zip Code: San Diego, CA 92168

Please mail, email or fax to:
San Diego County Water Authority
Attention: Ms. Kelley Gage
4577 Overland Ave., San Diego, CA 92123
kgage@sdcwa.org; Fax: (858) 268-7881
RESPONSES

Robert Thurman

RT-23A Refer to response to comment SCW-15A.
To Ms. Kelley Gage

Just a short note on San Vicente Dam Project, I say do it, 117 foot rise in the dam is worth the cost.

Steve Kincaid
RESPONSES

Steve Kincaid

SK-24A Comment noted.
COMMENTS

CARRYOVER STORAGE AND
SAN VICENTE DAM RAISE PROJECT

PUBLIC HEARING ON THE DRAFT EIR/EIS

Volume 1 - Pages 1 through 33
Lakeside, California
October 8, 2007

REPORTED BY CLAIRE A. WANNER, CSR NO. 12965
COMMENTS

CARRYOVER STORAGE AND
SAN VICENTE DAM RAISE PROJECT

PUBLIC HEARING ON THE DRAFT EIR/EIS,
commencing at the hour of 7:00 p.m. on Monday,
October 8, 2007, at 9841 Vine Street, Lakeside,
California, before Claire A. Wanner, Certified
Shorthand Reporter in and for the State of California.
MR. LEWINGER: Good evening, everybody. Can
you all hear me? I don't know if this is working. I
have to hold it really close.

Okay. Good evening and welcome to the public
hearing on the proposed Carryover Storage and San
Vicente Dam Raise Project. My name is Keith Lewinger,
and I'm a member of the board of directors for the San
Diego County Water Authority and chair for water
planning committee.

I will preside over tonight's public hearing
on the draft environmental impact report and
environmental impact statement prepared for this
project. The other board members comprising the
hearing panel tonight are, starting on my right, Javier
Saunders, Mark Muir, Gary Croucher -- I'm going to skip
Rob for a moment -- Bern Steiner, Jim Bowersox, Richard
Smith, John Linden, Marilyn Dailey, and Frank Hilliger.

And just for the record, any of the board
members who are not normally a member of the water
planning committee are hereby appointed to the water
planning committee for this evening's hearing.

Also with us tonight is Mr. Robert Smith with
the U.S. Army Corps of Engineers. The Army Corps is
the federal lead agency on this project. And Robert
would like to say a few words on why the Corps is
involved with the project.

MR. SMITH: Good evening. Robert Smith of the Corps of Engineers. I'm the senior project manager for this project.

Why is the Corps involved? They need a permit from us in the Clean Water Act as the primary jurisdiction regulating this activity. And permit would be required whether or not -- for any of the alternatives pretty much that they're going to select for their project.

The Army Corps wasn't involved right before it -- it begin. It's another 14-member. Our permit process does encourage public input and requires evaluation of the environmental impact and all the alternatives. So we welcome your comments tonight. We are a mutual party in here.

Permit can only be issued after the several other laws relating to this, to the National Environmental Policy Act, which regulates the EIS portion, the federal EIS portion, which is being done. The Corps is the leading agency on that.

The Endangered Species Act is going to be involved with this project as is the National Historic Preservation Act, the primary laws that have been worth hailing this project.
The Water Authority has applied for the permit from the Corps on the Clean Water Act. It's basically provisionary to fill for the dam and the creek. That's the primary jurisdictional item during this whole process. And that triggered the EIS. But the environmental review is underway. We have a draft document out now, the federal register, which pretty much covers it.

MR. LEWINGER: Thank you.

Ladies and gentlemen, I'd like to open the public hearing for the San Diego County Water Authority Carryover Storage and San Vicente Dam Raise Project to receive public comments in accordance with provisions of the California Environmental Quality Act and the National Environmental Policy Act.

I'd like to quickly go over tonight's agenda. The primary purpose of this hearing is to receive comments on the adequacy and completeness of the issues addressed in the environmental impact report and environmental impact statement that has been prepared for this project. Please keep your comments focused on the contents of the draft EIR/EIS.

Staff will be making a brief presentation on the purpose and need for the proposed project, discuss the project alternatives, and review the environmental
process and impacts. We will then begin the public comment portion of the hearing.

If there are members in the audience who wish to make oral comments tonight, please fill out a speaker form available at the sign-in table in the back of the room. Like this. Staff has them in the back. Support staff are present to assist you and will bring the completed forms to me. And I will call you up in the order that the forms are received.

Written comments forms are also available in the back and can be turned in tonight or can be mailed into the Water Authority, but they must be received no later than 5:00 p.m. on October 15, 2007, the written comment.

At this time, I'd like to introduce Jeff Shoaf, the engineering project manager, who will briefly summarize the major aspects of the project; followed by Kelley Gage, environmental project manager, who will review the environmental process and impacts of the project.

Jeff.

MR. SHOAF: Thank you, Mr. Chair and members of the hearing panel.

When we think of carryover storage, it's exactly what the name implies. And that's accumulating
water in periods where there's a lot of it and carrying it over in times where we don't have much of it.

We've been experiencing a couple years now or more of very little rain. And San Diego normally gets about 10 inches in the last couple years. We received substantially less than that. So when you think of carryover storage, it's providing a way to store water locally for periods that we're experiencing right now.

The Water Authority did a couple of studies to try to quantify the amount of carryover storage that we need. In 2003, the Facilities Master Plan identified the need for 100,000 acre-feet of storage locally for carryover purposes. And in 2005, the Urban Water Management Plan confirmed that there's an immediate need for that local supply.

And so to fulfill that purpose, the Carryover Storage Program has outlined five primary objectives to fulfill meeting that purpose. And they're outlined there for you.

The first is to provide facility by the year 2012. That would be able to store 100,000 acre-feet of water locally.

Second objective would be to increase our systems' reliability and operation flexibility. We would like to try to locate those facilities in an area
that's very close to our current infrastructure because by doing that, as you can see, we could minimize the environmental and social impacts as well as minimizing our costs.

And so in February 2006, the Water Authority filed an application with the United States Army Corps of Engineers, as Mr. Smith already mentioned, for a Section 404 permit of the Clean Water Act that would provide 100,000 acre-feet at San Vicente.

San Vicente is our proposed action. The reason for that -- you might recall that about ten years ago, the Water Authority looked at what we called the Emergency Storage Program. And we went through a process very similar to this for that Emergency Storage Program. And we obtained permits and certified our environmental documents to raise San Vicente by 54 feet. And I'll get into that a little bit later. But you may have seen some graphics about that initial 54-foot raise at San Vicente.

And so to try to tie in our infrastructure to minimize cost, to minimize environmental impact, our proposal is to utilize or piggyback on, if you will, that Emergency Storage Program to raise San Vicente an additional 63 feet. And so that's our proposed action.

But we're required by law to look at
alternatives besides that. And so the Water Authority embarked on a process of looking at 28 different alternatives besides San Vicente. And we narrowed them down to some preferred alternatives between a stand-alone site, maybe splitting the difference between San Vicente and another site, or looking at doing nothing.

And so you can see the alternatives that we narrowed it down to: Moosa Valley, which is up in Valley Center, providing a total separate reservoir to store a 100,000 acre-feet there, splitting the difference between an additional 50,000 at San Vicente and 50,000 in Moosa Valley; or, as always required by the law, is to look at doing nothing.

But when we think about the no-action alternative, it's important to note that in this particular case, as we already have approved environmental permits for the Emergency Storage, the do-nothing alternative for a carryover means that we would still move forward with raising San Vicente by 54 feet.

And so here's a graphic to kind of help us a little bit about where we are geographically. These two lines here are the existing aqueduct systems for the Water Authority. Our first aqueduct system
COMMENTS

terminates at San Vicente, and then there's an
extension that goes down to Otay and then our second
aqueduct system, which runs pretty much along the I-15
corridor.

So when you think about the alternatives that
we're discussing tonight, Moosa is up in the Valley
Center area. And then, of course, we're talking about
San Vicente in Lakeside.

So this is what an alternative to our proposed
action would look like up in Valley Center. This is
Turner Lake and Turner Dam. And it's important to note
that the alternative we looked at was not raising
Turner Dam. But Turner Lake and Turner Dam would be
within the indentation of our alternative. This would
be the dam. And then in order to complete it, we would
have to build a smaller saddle dam to plug the hole
that's up there.

And I would just like to point out, the red
line is that 100,000 acre-foot alternative up in Moosa.
And then the yellow line is the 50,000 acre-foot. Keep
in mind, the 50,000 acre-foot at Moosa would be
partnered with the 50,000 acre-foot raise at
San Vincente.

And so here's our proposed action at
San Vicente. The existing dam is here. The existing
marina facilities at San Vicente are here. And the red line, again, depicts the 100,000 acre-foot indentation for carryover storage. And then the yellow is the 50,000. Again, that would be partnered with 50,000 acre-feet at Moosa.

As you can see, the lines are very, very close together. And they're not much different really to the indentation line for the 54-foot raise under the Emergency Storage Program. And the reason why they're so close together is because the trail there at San Vicente is so steep. So raising the dam higher doesn't really affect too much, at least from a plan view, the indentation area.

I would also point out that a raise of 63 additional feet beyond the emergency storage would require building two smaller saddle dams in this area. We're still working out in a preliminary design of Emergency Storage Program. But those would be less than 30 feet.

Under the Emergency Storage Program as well as the Carryover Storage Program, the existing marina facilities at San Vicente would be inundated. And we would have to reconstruct those. And I'll discuss that in just a minute.

So here's a cross section of what we're
proposing to do at San Vicente. The existing dam was
built in 1943. It's a concrete gravity dam which is
nothing more than just really a big block of concrete,
stands there just under the weight and force of
gravity, and it's 220-foot tall.

The Emergency Storage Program that we spoke
about earlier is raising 54-foot. And just might
mention that we already have all of our environmental
permits associated with that. We don't have the
structural plans or permits to move forward with
construction, but the environmental process has already
been completed. And we have the permits associated
with that.

So obviously, to try to maximize or have
economy of scale, we would prefer to do this at the
same time. I'm sure the community would not want to be
impacted with two construction projects. We don't want
to go through that process either. So the carryover
storage that we're talking about tonight is raising an
additional 63 feet or for a total of 117-foot beyond
the existing 220-foot dam.

I mentioned that one of the impacts of doing
this is, obviously, the existing marina facilities
would be inundated. And so we worked with the
stakeholders or public affairs department, have gone
out, conducted interviews with the community. We have staked out, if you will, on weekends and on holiday, asking individuals that if you're a king for a day and you wanted to change the marina facilities, what would you like changed. And so we collected a whole list of different things that individuals would like to see improved. And since we have to reconstruct the marina anyway, we certainly want to try to accommodate the best we can.

And so we'll be expanding the existing parking and -- I -- I might have to make mention, this is an artist conception. And in light of our conservation efforts and a 20-gallon challenge, this is a lot greener than one would expect. We're not creating a golf course. We're not creating a resort. We would be utilizing native plants. We're not making, in this, green.

So you'll see another graphic that's a lot brown. But this is an artist concept anyway. We've asked the community, "What is it that you don't like right now?"

And the first thing is, "To get up this road is very, very steep. Very windy." In fact, it's as steep as 23 percent. Very difficult when you're towing the boat. And so our process will improve the access
to the existing marina, make it straighter, make it flatter.

And so at no more than the 15 percent grade -- in fact, we're trying to keep it more of around
11 percent -- the existing parking is inadequate.
That's what the community has told us. So we've worked with the City on expanding that. Right now, when water is drained from the lake and the City's utilizing or drawing off the reservoir, the launch facilities can no longer be used, and so recreation is suspended. So we will be making sure that we size this boat ramp long enough to accommodate the fluctuations under an ESP or in a CSP event.

One of the other complaints we've heard is that, "Well, it's only three lanes. It's not wide enough. It takes a long time to get people on and off the boat." So we worked with the City to expand that from three lanes to six.

In addition to that, we have quite a bit of recreational facilities for day users. Currently, there's not much there. Just a couple of rusted-out picnic tables. And that's about it. The city holds bass tournaments and a number of other things. So we will be accommodating some day-use there as well.

The community also said that the traffic flow,
the queue waiting to get on and off can be rather
troublesome. So we worked with the City to develop
that.

And the last thing I might mention is,
currently, there is no access for those with
disabilities. In fact, on all the reservoirs in San
Diego County, there's very little. If you go up to
Lake Miramar, there is a nice ramp that would get you
down to the dock. But that's about it. After that,
you're sort of on your own.

So we've been working with the local disabled
community, the subcommunity, for removal of
architectural barriers with the city, the facilities
access review board. Those users who are currently
disabled, both visually and those in wheelchairs, what
is it -- what would it take to make sure that you could
also have access to this reservoir?

So we've been working with them through our
public affairs department to come up with a plan that
will really accommodate all the users of the reservoir.

So that's the basic scope of the project. And
now, I'd like to turn it over to Kelley Gage who will
review the environmental process and also the impacts
of the project.

MS. GAGE: All right. Thank you, Jeff.
I would like to just talk a little bit about the environmental process, which is why we're here this evening.

As part of the Water Authority's planning process, projects are required to go through a comprehensive environmental impact analysis process. And it looks at a wide range of potential impacts from implementing these projects. So in the case of the Carryover Storage Project, this analysis, again, is required under two laws, as you heard Mr. Smith say this evening.

The Army Corps is involved because this project, or any of its alternatives, require a Clean Water Act Section 404 permit from the Corps to build those projects. And so that triggers the Federal Environmental Act, the NEPA Act.

And as the Water Authority side of it, we are the state agency. And by law, we are required to go to the California Environmental Quality Act or CEQA.

So we have two laws at play here: a federal and a state law at play. And so the requirements under each of those are pretty similar. And so what we've done is prepare a combined document. So that's why we've got this alphabet soup, EIR/EIS. It's an environmental impact report/environmental impact
statement that satisfied both the state and the federal laws. So that's why we do a joint document because of the core involvement on this project.

So a notice of availability on this draft EIR/EIS was mailed out on August 24 to over 18,000 residences in both Valley Center and in Lakeside. Additional copies of these notices are also available, if you did not receive one, on the back table. And so throughout the CEQA and NEPA process, there are several opportunities for public input.

So this is just a graphic representation of the process that we go through. As I mentioned, notice of preparation went out on October 10. We held a two scoping meetings. One was at the Water Authority on November 1st of 2006. We held another community forum right here in this room. And that was in December of 2006 as well. Again, we mailed out the notice of availability of the draft EIR/EIS on August 24 of this year. And of course, we're conducting the public hearings. We actually held one last Thursday, October 4th, in Valley Center. And this is the second of two public hearings tonight.

And then there's another opportunity for public input, and that is at the Water Authority board of directors meeting with -- the staff will recommend
certifying the final EIR/EIS and considers approving
the project. And so that's another opportunity for
public to come before the board and express any
additional comments or concerns that you have with the
project at that time. And we anticipate the final
EIR/EIS being available and ready in the spring of
2008.

And this is just a list of all the issue areas
that we've looked at in the EIR/EIS. And it provided a
detail level of analysis on each one of these issue
area. I'm not going to read them off. So this is a
comprehensive list that was looked at and analyzed
fully in the document. And so tonight -- the purpose
of tonight's hearing is to give us feedback on the
analysis and conclusion of the draft EIR/EIS. And of
course, all of these issue areas are touched upon.

And now I'd just like to run through briefly
the conclusion of the EIR/EIS on our proposed action
only. That would be the San Vicente 100,000 acre-foot
raise, the 117 -- the full 117-foot dam raise at
San Vicente. For these issue areas, they were
considered no impact or less than significant. And
they are aesthetics, agriculture, cultural resources,
geology, mineral resources and paleontology, public
safety and hazardous materials, public utilities, and
water resources.

And there are only two issue areas that were found to be less than significant only after mitigation measures were applied, and that was biological resources and land use and planning. Therefore, mitigation monitoring and reporting plan will be required to be adopted prior to project approval, if this project is approved.

And then finally, the environmental impact report concludes that air quality, noise and vibration, recreation and traffic. And circulation would remain significant even after mitigation measures are applied. However, I'd like to point out that this is temporary impacts. And all of them would cease upon completion of the construction of the project.

So again, they are just temporary short-term impacts. But even if we apply mitigation measures, they would still remain significant for that duration of construction. Because of this, a statement of overriding considerations would have to be adopted prior to project approval which, simply put, means that the overall benefits of the project outweigh these temporary environmental detriments.

And I just want to go over this next slide here. I brought the chart up front. It's a little bit
COMMENTS

easier maybe to read. And it's just a good graphic on how the alternatives stack up against each other. And the first row here, the first column -- it's here on the chart and here on the screen -- is Alternative 1. It's our proposed action. It's the 100,000 acre-foot San Vicente alternative. And the green pluses mean that it's basically a graphic representation of what I just read off, that it's either no-impact or less-than-significant impact for that issue area.

Now, the gray dots with the open circle in them, here and here, are for bioresources and land use and planning. And those were reduced to less than significant levels with mitigation measures.

Now, the red circles with the negative sign in there is the significant overriding impacts that would require a statement of overriding considerations.

And so what that means is that we could not, even after applying mitigation measures, get them to below level significant. But if you look at our proposed action and those other two alternatives that Jeff mentioned -- the Moosa 100,000, the San Vicente 50,000, and the Moosa 50,000 -- you can see that there are a lot more impacts associated with those two alternatives than with the proposed action.

And so one of the requirements under both CEQA
and NEPA is that we identify the environmentally superior alternative. And in this case, it is our proposed action.

So I just like to run through the CEQA administrative actions that we've gone through so far.

Again, on October 10, notice of preparation, notice of intent was released. November 1st, a public scoping meeting was held. December 11, Lakeside community forum, another scoping meeting was held. August 24, the draft EIR/EIS was distributed for public review and comment. On August 26, we published a notice in the Union Tribune paper, notifying that the EIR/EIS was ready for review.

And then of course, last week, October 4, and tonight, October 8, we held two public hearings. The comment period closes for the EIR on October 15, 2007. And we'll present recommendation for certification of the final EIR and project approval in spring of 2008.

So, Mr. Chair, this concludes staff's report.

MR. LEWINGER: Thank you, Kelley.

Do any of the directors have any questions for staff?

Seeing none, we have now come to the public comment portion of our hearing. I'd like to take a minute to briefly go over our procedures again so that
you know what to expect as we proceed.

As I already mentioned, the primary purpose of this hearing is to receive comments regarding the adequacy and completeness of the draft EIR/EIS. We are not here to debate the merits of the proposed project, and we will not be answering any questions. We are here to receive comments only.

The meeting format will be as follows: I will call you to the microphone in the order your speaker form was received. Each speaker will be limited to three minutes. To help you keep track of your time, we have prepared some colored cards. Our timekeeper will hold up a green card when you have one minute remaining, a yellow card at 30 seconds, and a red card when your time is up.

Are any of our speakers color-blind? I am, so it would be hard.

Yellow is one minute. Okay. And the red is done, end, stop, terminate.

Please conclude your comments when the red card appears. Your oral comments are being recorded by a court reporter, so please speak slowly and clearly. All questions or comments raised tonight will be answered by staff in the final EIS/EIR.

When you're at the microphone, please state
COMMENTS

your name and address prior to making any comments. It
will also be helpful if you give a telephone number
just in case staff needs to contact you.

Comments made out of turn or away from the
microphone will not be recorded and will not be
considered part of the hearing record.

If you have a written copy of your comments,
please submit that to the staff so they may be
accurately recorded.

Okay. Now, I'm going to call the speakers.

And my first speaker is Janis Shackelford. She's going
to be followed by Betty McMillen.

MS. SHACKELFORD: Janis Shackelford, 9716 Red
Pony Lane, El Cajon 92021.

While this project -- proposed project may be
good for the greater San Diego region, I do not believe
it is necessarily good for the community of Lakeside.

I requested in the DEIR that the project
address its impacts, if any, to the County Trails
Program, specifically to Lakeside's trail program. We
do have trails proposed for the reservoir area, and the
Trans-County Trail crosses immediately adjacent to the
reservoir. The draft went into great detail of why it
was exempt from county ordinance and then concluded
that there wouldn't be any impact because the trails
RESPONSES

Lakeside Hearing

LH-25A  Refer to response to comment LPG-13B.
don't exist yet.

This -- we do not know if the dam raise, if
all the construction around it, all the extraction
that's potentially around it, will impact our planned
trail system. So this is not adequately addressed in
the EIR.

The community of Lakeside has flooded.

Historically, the most recent flood -- the city was
actually still pumping water into the reservoir while
it was spilling over and down into Lakeside. This was
documented in the newspapers. I asked that the DEIR
address this, and instead we get this very nice
statement on page 2-30 number E. And listen closely.
"Provision for the protection of the existing
documented incidental flood control function of the
reservoir will be addressed in the future."

I had asked that -- as part of this dam raise,
that the community -- that the Water Authority, excuse
me, develop a water management plan that the community
would be aware of so that we would know we would not
flood. You're going to all this work to raise the dam.
The community of Lakeside would like to know that we
will not flood in the future.

The site has potential impacts to the historic
site of Foster railroad station out here. And I know
RESPONSES

LH-25B Refer to response to comment LPG-13D.

LH-25C Refer to response to comment GS-21A.
another speaker will address that, but that was not
adequately addressed in the EIR.

Finally, the EIR talks about an imaginary line
drawn around the reservoir for septic system setbacks.
It states a potentially five existing houses may be
impacted and that if a septic system -- if their
systems can't be moved, then possibly, the authority
would be able to acquire those properties.

Okay. This is imminent domaining of existing
houses for this project. I would like to know if those
specific property owners have been noticed that this
project may impact their properties and not just at
some point in the future since this DEIR does establish
a basis for the Water Authority to imminent domain.

Thank you.

MR. LEWINGER: Thank you, Ms. Shackelford.

Next is Betty McMillen, followed by
Gordon Shackelford.

MS. MCMILLEN: Betty McMillen from the
Lakeside Historical Society. My home address is 13259
Idyl Drive.

How -- the Lakeside Historical Society is
requesting a full archaeological dig and survey of the
Foster town site. And the railroad station that used
to be there, a lot of you -- I know you know a lot
RESPONSES

LH-25D  Refer to response to comment LPG-13E.
LH-25E  Refer to response to comment GS-21A.
about water. But you might not know about the history
of the area.

    Foster -- the train came from San Diego
through Lakeside and ended in Foster. And originally,
the train was supposed to go up to Ramona and to
Julian. But they couldn't build it that far, so it
ended at Foster. Eight trains a day went there. So
the town site was actually quite large, and a lot of
families lived there.

    Now, if you go out to that area, you'll see
that the place that's fenced in -- and there's some
storage there that's actually where the train station
was. We're asking for a complete archaeological dig.
And some of the reasons is because the friends of the
Lakeside Historical Society have reported finding
Indian artifacts there and downstream.

    One person reported that he found a complete
buggy, horse buggy, buried in the sand. And this was
after a flood. And we know of a business man, about a
block down the stream, that found a complete railroad
car. He quickly covered it back up because he didn't
want it to be known that he did that. So we know
there's things buried there.

    Now, a couple of people who say they know
about the archaeological things went to take a look.
And they just looked around and said, "No, there's nothing here."

So we know there's things down buried, so we would like that to be investigated. And we would like the artifacts that are found to stay in Lakeside and be used in educational purposes.

Also, there's a cabin -- the remains of a cabin up in -- at the east end of the lake, and it's near the Mussey Grade where it comes out of the -- going down from Ramona into the lake. And there's a cabin remains there. And we would like an archaeological dig to be done there also.

Thank you.

Oh, I have some photographs I would like for you to see from the 1980 flood. I was surprised when I went to the archives of the Historical Society. There had been so many floods, I didn't realize. The only one that I really was involved with was the 1980 flood. But there's a 1916 Hatfield flood, 1927, 1965, and even others.

So I'll pass around pictures of the 1980.

Thank you.

MR. LEWINGER: Thank you, Ms. McMillen.

Gordon Shackelford, followed by Will Rogers.

MR. SHACKELFORD: Gordon Shackelford, 9716 Red
RESPONSES

LH-25F  As explained in Appendix D (Confidential Supplemental Inventory and National Register Testing Report) to the EIR/EIS, the EDAW report, *Above and Below the Valley: Report on Data Recovery* (by Lorraine M. Willey and Christy Dolan), describes the data recovery program at SDI-13554H, probably what is being referred to in the comment as the remains of a cabin. The site is located at the east end of the reservoir, and consists of the remains of a historic homestead. It was originally recorded in 1997 during the ESP survey at the reservoir by Ogden. The archival research conducted by EDAW confirmed that George Sneed lived at the homestead as early as 1895. A 1897 map showed the location as “Smeed’s cabin” (sic). The cabin was located along Barona Creek, near the Mussey Grade road crossing. It had an orchard, vineyard, and reservoir associated with it; these have been submerged. The site was recommended as eligible for the National Register because it contains information about settlement in the area. Subsequently, EDAW conducted archival research and field work that constituted a data recovery program.

Site SDI-13554H is near the existing reservoir waterline, and is therefore subject to periodic inundation. Because the Proposed Action would not result in construction activities near this site, and because the site would be completely submerged under the higher water level of the expanded reservoir, no monitoring, project design features, mitigation measures, or other avoidance measures would be required to protect this site.
Pony Lane in El Cajon.

First off, I support the effort for water storage. And I do believe, environmentally, it would be far better to raise this dam than start another dam. So my concerns lie in some of the environmental issues and the implementation.

Foster, I think, is caught under the cultural resources insignificant. And I think that's a poor choice of level. I think it should be a mitigated impact with some serious look into Foster. Foster is a significant part of our community's history. And we simply don't want to lose anything. We don't want Lakeside scarred by this in the long run.

Similar issue on the Trans-County Trail, we don't want to lose something. When this is all over, we want Lakeside to be as good as it was before. That's a key point that we ask.

As far as the structure of the dam, I've had a pretty good conversation with the engineering folks. But still, this particular method was really not been tried to anything of this magnitude of height increased in this country. It is, in fact, a new technology. And if you stare at that, the area that always troubles me is where you have a different material to roller-compacted, going up over the edge of the top of
RESPONSES

LH-25G  Refer to response to comment GS-21A.

LH-25H  Refer to response to comment LPG-13B.

LH-25I  Detailed structural analyses of the raised dam will be performed by the final designer so that it will meet all safety standards. These analyses will be performed for both static and seismic loading conditions, and consider the behavior of the interface between the existing concrete dam and the new roller-compacted-concrete placed over the existing dam. The structural analyses of the dam will be reviewed by many parties, including: the final designer’s quality assurance and quality control team, engineering personnel at the Water Authority, dam engineering consultants engaged by the Water Authority, an independent Board of Senior Consultants that includes experts in evaluating concrete dams, and engineers at the California Division of Safety of Dams (DSOD). DSOD will also perform independent numerical analyses of the dam under static and dynamic loading. Therefore, there will be many layers of engineering involved in checking the expected behavior of the raised dam.
the existing dam.

My concern all the way along have been if we have some expansion contraction problems, we seem to have the makings of a fractured plane at that point.

Now, I'm not an engineer. I'm a physicist. I can see where the force is on, but I don't know the strength. I'm going to ask that you add an additional layer of engineering to check this out to make sure we are very, very right because I think there is a risk factor.

As far as the one million to one, frankly, on odds of failure, you really can't calculate that because this really is a new type of construction in terms of its magnitude of addition. So I would argue, rather than million, get us another layer of engineering.

Another one that is somewhat similar is when the water is drawn down, there's a plan to move water over into El Cap. Well, El Cap, or the last I knew, was derated down 30 feet from the top because of seismic instability.

I think, looking at this project -- just went up and look at that dam for the first time. I've got to tell you that rock pile is not impressive. I think this project is going to make use of that, really out
RESPONSES

LH-25J  Refer to response to comment LPG-13C.
LH-25K  Refer to response to comment LPG-13C.
COMMENTS

looking at the possibility of strengthening that dam.
Or another way of making the community safer in total,
because whereas the project itself may bear some risk,
the reinforcement could argue to neutralize it. So
those are the issues, as I see it.

Now, I think the EIR again needs to work on a
couple issues. But I think, overall, it is the least
impactive alternative. And just find a way to make
Lakeside as good or better when you're done.

Thank you.

MR. LEWINGER: Thank you, Mr. Shackelford.

Next speaker, Will Rogers, followed by
Rosie Benitez.

MR. ROGERS: Good evening, ladies and
gentlemen. My name is Will Rogers. I live at 11402
Betsworth Road in Valley Center.

For obvious reasons, I'm here tonight to speak
in favor of Alternative 1, raising the San Vicente Dam.
The chart really speaks for itself. You can
see, the mitigation measures on Alternative 2 and 3 are
much more significant than the San Vicente Dam-raising.

So that's all I have to say.

MR. LEWINGER: Thank you, Mr. Rogers.

Rosie Benitez, you're our last speaker that I
have a slip for.
**RESPONSES**

**LH-25L**  Comment noted.
MS. BENITEZ: Hi. I'm Rosie Benitez. I live at 11414 Betsworth Road, Valley Center.

I'm with Mr. Rogers. I'm in total agreement. I'm just really sorry that there's such a poor attendance at the Valley Center meeting from our group because we're quite a organized little group in that small town.

I'm relieved that the committee has found a much better alternative than using Moosa Canyon instead of just wasting so many families' homes in a community there. And it would be just phenomenal to imagine so many people having to move out of that area. And I'm just glad you guys didn't get us.

Thank you.

MR. LEWINGER: Thank you, Ms. Benitez.

Are there any other folks who would like to speak tonight?

Seeing none, we will accept written comments. I'll remind you, written comments will be accepted until 5:00 p.m. on October 15th, 2007.

This public hearing on the draft EIS/EIR for the proposed Carryover Storage and San Vicente Dam Raise Project is now closed. All comments received whether verbal or written will be addressed in the final EIS/EIR.
RESPONSES

LH-25M  Comment noted.
I, CLAIRE A. WANNER, Certified Shorthand Reporter for
the State of California, do hereby certify:

That the foregoing proceedings were reported by me
stenographically and later transcribed into typewriting
under my direction; that the foregoing is a true record
of the proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name this 16th
day of CALENDER, 200_, at San Diego, California.

CLAIRE A. WANNER
CSR NO. 12965
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November 10, 2007

San Diego County Water Authority
Attn: Kelley Gage
4677 Overland Avenue
San Diego, CA 92123

RE: Draft EIR for Carryover Storage and San Vicente Dam Raise Project (CSP)

Dear Ms. Gage:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on this project and proposed mitigation. Even though outside of the formal comment period, please enter these comments into the administrative record and make them available to decision-makers and at public hearings. For your information, EHL is a Southern California regional conservation group dedicated to ecosystem protection and sustainable land use. We have participated since 1993 in San Diego habitat planning efforts, including the MSCP, for which we served on the Working Group.

We appreciate the need for emergency storage, but ask that 1) water conservation and recycling be fully and aggressively implemented to reduce the need for the project and 2) that an alternative that causes least harm to San Diego’s vanishing native habitats be adopted.

Our specific comments relate to mitigation for impacts. According to the 404 permit Public Notice:

The proposed project would result in permanent impact to 30.7 acres of occupied habitat for the federally endangered arroyo toad (*Bufo californicus*) and 1.94 acres of occupied habitat for the federally endangered least Bell’s vireo (*Vireo bellii pusillus*). Additionally, the project would temporarily and permanently impact up to 62.38 and 225.29 acres, respectively, of occupied habitat for the federally threatened California gnatcatcher (*Polioptila californica*). Formal consultation under Section 7 of the Endangered Species Act will be initiated by the Corps in the near future for the California coastal gnatcatcher, the arroyo toad, the least Bell’s vireo, and associated critical habitat.

While the USFWS will ultimately determine mitigation for these species through a Section 7 consultation, we note that the DEIR is severely deficient in its proposed mitigation for coastal sage scrub. A 1:1 ratio for high quality, occupied habitat is simply absurd, and could never mitigate the impact to a level of insignificance. Public agencies, such as CWA, are expected to set a high standard for natural resource conservation, and this “low ball” proposal serves to discredit the CWA.
RESPONSES

Endangered Habitats League (Dan Silver)

EHL-26A  The Water Authority’s Updated 2005 UWMP includes a discussion of the water conservation and recycling efforts to be implemented by the Water Authority through 2030 (refer to response to comment EPA-4B). The Water Authority is pursuing an aggressive program to conserve and recycle water within the region. However, as discussed in the UWMP, water storage is still a vital part of the Water Authority’s strategy to insure water reliability for all of its member agencies and the people of San Diego.

EHL-26B  The Water Authority conducted an extensive alternatives analysis for the Proposed Action (Section 2 of the EIR/EIS and Attachment 2 to the EIR/EIS - Section 404(b) (1) Alternatives Analysis). The alternatives analysis was based on a quantitative alternative screening process conducted by GEI Consultants. The analysis included review of potential upland alternatives, dam/reservoir alternatives, the re-operation of existing local reservoir storage, local groundwater basin storage, and out-of-region groundwater basin storage. One of the four goals for the alternatives screening analysis was to minimize environmental impact, including minimizing biological impacts. Based on the alternatives analysis and the scientific data collected to support the alternatives analysis, the CEQA/NEPA evaluation concluded that the Proposed Action would be the environmentally preferred alternative under CEQA and the LEDPA under Section 404 of the Clean Water Act. Raising the existing San Vicente Reservoir is the most practicable alternative to meet water storage needs within the region and this alternative would result in the least harm to San Diego’s vanishing native habitats.

EHL-26C  The Proposed Action is located within the Central Poway/San Vicente Reservoir/ North Poway Core Resource Area, as identified in the City’s MSCP Subregional Plan (page 3.9-5 of the EIR/EIS). Additionally, the lands surrounding San Vicente Reservoir are part of the “Cornerstone Lands” MHPA Preserve. The reviewer’s comment that “none of the circumstances apply to the CSP” is incorrect. Section 1.2.5 of the MSCP excludes areas of the ESP and any future expansion of San Vicente Reservoir (i.e., CSP) from the Cornerstone Lands MHPA Preserve, which includes exemptions for filling the reservoir up to 800 feet AMSL, a new marina, quarry operations, access roads, staging areas, a horizontal buffer of 300 feet around the expanded reservoir (as measured from 800 feet AMSL), and other supporting uses. These MSCP exclusions that apply to the dam raise are summarized on page 3.9-5 of the EIR/EIS.

The Water Authority will work with the regulatory agencies to determine appropriate mitigation for species impacted by the Proposed Action. Mitigation measures for permanent and temporary impacts to coastal sage scrub (Mitigation Measures SV/BR 3-1 and SV/BR 5-1, respectively) as a result of the Proposed Action are presented on page 3.6-44 of the EIR/EIS.
The mitigation ratio for medium quality coastal sage scrub in Habitat Loss Permits issued to the County of San Diego is generally 2:1. While mitigation for lower quality coastal sage scrub habitat in the MSCP is 1:1, this is a special case that solely applies to signatories or third-party beneficiaries of that plan, for which CWA does not qualify. The low ratio was predicated upon a reserve assembly system that primarily relies upon avoidance and dedication of habitat (rather than off-site mitigation), and also has a large public acquisition component. None of these circumstances apply to the CSP project.

The 2007 fires in San Diego (and neighboring Orange County, as well) have been devastating for coastal sage scrub and California gnatcatchers. It is unclear if this already depleted habitat will be able to recover from frequent, human-caused burns. Mature coastal sage scrub, as would be impacted by the CSP project, is entering serious deficit, and impacts therefore have a high cost “at the margin.” Coastal sage scrub mitigation will thus need to be at a ratio of 3:1 or 4:1, and should involve restoration of degraded habitat in addition to acquisition of unprotected lands.

Thank you for considering this information, and please be in contact if we can be of assistance.

Sincerely,

Dan Silver
Executive Director

Electronic cc: USFWS
CDFG
USACE
RESPONSES

EHL-26D    Comment noted.
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REVIZIONS TO THE DRAFT EIR/EIS

In response to comments received, some text published in Volumes I and II (Appendix C) of the Draft EIR/EIS has been revised (refer to blue replacement pages that have been inserted into Volume I and Appendix C, Volume II of the Final EIR/EIS). For the Volume I revisions, the text changes are presented below in underline and strikeout format, so that the original and revised text may be compared. Changes presented here are by sections within Volume I, in their order within the Final EIR/EIS. Those sections where no content changes were made are not included. In addition, minor editorial changes have been made in Volume I to improve readability, correct typographical errors, etc. These revisions are not presented in this section but are reflected in the Final EIR/EIS. Corresponding revisions have also been made in Appendix C of Volume II (Biological Resources Technical Report) in response to Comments DFG-5I, COU-10C, FWS-2C, FWS-2D DFG-5A, DFG-5B, DFG-5C, FWS-2F, DFG-5G, FWS-2G, FWS-2H, DFG-5L, DFG-5M and DFG-5K, as listed in that order below. These changes can be found in the blue replacement pages that have been inserted into Volume II, Appendix C of the Final EIR/EIS.

1.2.1 Background of the San Diego County Water Authority

In response to Comment MWD-11A, the first sentence in the last paragraph on page 2-34 has been revised as follows:

As noted above, much of the water imported by the Water Authority is from the Colorado River (although a portion of the MWD supplies also comes from Northern California via the State Water Project [SWP]) through the Colorado River Aqueduct (CRA) and the San Diego Canal.

1.2.4 Urban Water Management Plan

In response to Comment MWD-11H, the last paragraph on page 1-9 has been revised as follows:

If the Water Authority and member agency supplies are developed as planned, along with implementation of MWD’s Integrated Resources Plan (IRP), no shortages are anticipated within the Water Authority’s service area in a normal year or under single dry-year or multiple dry water years through 2030. However, under Section 135 of the Metropolitan Act, preferential rights are determined by each member agency’s total historic payments to MWD from property taxes, stand-by charges, readiness-to-serve charges, and other revenue. The MWD calculates the preferential right of each of its member agencies at the end of each fiscal year as a percentage, with the preferential rights of all member agencies totaling 100 percent. For Fiscal Year 2006-2007, the percentage of the preferential rights to the Water Authority was 16.46 of the total Metropolitan supply (2.3 MAF), or approximately 378,580 AF annually. While the Water Authority had a preferential right to 16.46 percent, it purchased about 25 percent of MWD’s available supply. At any time under Section 135, MWD may allocate water without regard to historic water use or dependence on MWD. Therefore, the Water Authority is at risk for shortages should the supplies identified in MWD’s IRP not be developed as planned, or if MWD invokes Section 135 of the Metropolitan Act.
2.1.5.4 Out-of-Region Groundwater Basin Storage

Although not provided as a response to a public review comment on the Draft EIR/EIS, a new paragraph was added at the end of Section 2.1.5.4 on page 2-8:

Since publishing of the Draft EIR/EIS, the Water Authority has entered into an agreement with Semitropic-Rosamond Water Bank Authority (SRWBA) to store between 60,000 and 100,000 AF of water in two separate groundwater aquifers.

3.6.1.1 Environmental Setting (Corps-Regulated Wetlands/Vegetated Waters and Unvegetated Waters of the U.S.)

In response to Comment EPA-4D, the text regarding submerged aquatic vegetation on page 3.6-5 has been revised as follows:

Although the submerged aquatic vegetation is not regulated under Section 404 of the Clean Water Act, it is addressed herein in relation to its basic value as habitat for fish and aquatic species. The aquatic vegetation consists of algae and perennial and annual vascular plants that are rooted in the reservoir’s submersed substrate. Submerged aquatic vegetation provides habitat and foraging opportunities for aquatic insects, fish, and other wildlife. As stated above, submerged aquatic vegetation at San Vicente Reservoir can be found along most of the water’s edge, except where substrate is not present (e.g., rocky areas). The width and depth of the aquatic vegetation is variable based on the operational water level of the reservoir. At moderate to high water levels, the entire band of aquatic vegetation is submerged. At the time of the field survey (October 12, 2005), the reservoir elevation was estimated at 620 feet AMSL within a shoreline of approximately 11 miles, and the width of the aquatic vegetation varied between an estimated 7 feet and 25 feet, averaging an estimated 15 feet (Schaefer, 2006).

3.6.1.1 Environmental Setting (Flora and Fauna, Documented Sensitive Species, MSCP-Covered Species)

In response to Comment DFG-51, the text regarding Lakeside ceanothus on page 3.6-9 (third paragraph, last sentence) has been deleted as follows:

TAIC biologists observed 48 of the covered species during the 2005 and 2006 field seasons, including Lakeside ceanothus, which has been identified as a narrow endemic species (i.e., a species that is confined to a specific geographic region, soil type, and/or habitat).

In addition, the reference to this species and the accompanying footnote 5 have been deleted from Table 3.6-4 (pages 3.6-9 and 3.6-10), which resulted in renumbering of footnotes 6 through 8 in this table.

3.6.1.2 Regulatory Setting, Other Regional Open Space Planning Efforts

In response to Comment COU-10C, the first bullet on page 3.6-17 has been modified as follows:

- San Vicente Conservation Bank Highlands Open Space Preserve: Located east of SR-67, this 320-acre private upland mitigation bank (previously owned by the Boys and Girls Club of East County Foundation) currently owned by CDFG and managed by the County of San Diego, and provides coastal sage scrub and chaparral with small areas of alkali marsh and native grassland (MSCP, 1997).
3.6.2 Project Design Features

In response to Comments FWS-2C, FWS-2D DFG-5A, DFG-5B and DFG-5C, text has been added to the first bullet (last paragraph) on page 3.6-17 as follows:

- A qualified/certified biologist will conduct pre-construction sensitive species surveys as required by permit conditions. In compliance with the FESA, surveys will be conducted for State Species of Special Concern (SSC) that are federally listed and have been determined to potentially occur on site. For the Quino checkerspot butterfly, within one year of water levels exceeding the pre-project elevation (OHWM of 650 feet AMSL), a habitat assessment will be conducted within the inundation area during refilling of the reservoir (after completion of the dam raise construction) to determine whether potentially suitable habitat occurs within the SV 100K footprint. If suitable habitat is found within the inundation area, then protocol-level surveys will be conducted for this species and appropriate mitigation will be developed in coordination with the USFWS.

In response to Comments FWS-2F and DFG-5G, the second paragraph on page 3.6-41 has been removed from Section 3.6.3.2 (Threshold 5, MHPA Preserve Design) and added as a new Project Design Feature on page 3.6-18 as follows:

- As indicated above, specific areas at San Vicente Reservoir are excluded from the Cornerstone Lands MHPA Preserve for the ESP and future reservoir expansion. These exclusions were based on negotiations between the City of San Diego and the regulatory agencies identifying the San Vicente Dam and Reservoir expansion (under both ESP and CSP) as a “hard-line” project in the MSCP Subarea Plan. In recognition of these negotiations, the Water Authority will debit upland credits from its Crescivege Habitat Management Area, San Miguel Conservation Bank, and/or Rancho Cañada property at a ratio of 0.5:1 to offset permanent impacts to chaparral and non-native grassland vegetation communities resulting from the Proposed Action (refer to the analysis in Section 3.6.3.2, Threshold 1 below).

In response to Comments FWS-2G and 2H and DFG-5L and 5M, text has been added to the third bullet on page 3.6-19 as follows:

- Where practicable, disturbed areas will be re-contoured to be compatible with the surrounding topography, and these areas will be restored and revegetated at the completion of construction. A landscape architect or restoration ecologist, experienced in southern California landscapes, will be consulted to recommend appropriate seed mixes and/or plant materials in the areas to be revegetated. Only native wetland plant species indigenous to the area will be used for revegetation of wetlands. To the extent feasible, plant materials used for revegetation will be propagated from material collected in the vicinity of where they are to be planted. Insect pest control measures, as specified in Section 3.6.3.3 (Restoration Plans) below, will be implemented for any planting stock brought into the revegetated areas on site. The use of fertilizers and pesticides for revegetation efforts in and adjacent to wetlands will be limited to the maximum extent practicable. The use of non-native and invasive plant species in revegetation efforts will be prohibited. All temporary irrigation in revegetated areas will be for the shortest duration possible, and no permanent irrigation will be used for on- or off-site habitat creation/restoration/enhancement.
3.6.3.2 Impact Analysis (Threshold 1, Direct Impacts to Sensitive Vegetation Communities and Habitats)

In response to Comment DFG-5I, reference to impacts to Lakeside ceanothus has been deleted from the first sentence in the first paragraph on page 3.6-25 as follows:

Although chaparral and non-native grassland are not considered to be rare natural communities in this EIR/EIS because they have not been identified by CDFG as such, and are relatively abundant at both the local and regional scales and are well distributed throughout San Diego County, they provide habitat for numerous sensitive species within the SV 100K footprint, including Lakeside ceanothus (chaparral), and non-chaparral obligates observed within the SV 100K footprint, such as delicate clarkia (oak woodland and chaparral), rufous-crowned sparrow (coastal sage scrub and chaparral), coast horned lizard (open coastal sage scrub and chaparral), orange-throated whiptail (coastal sage scrub and chaparral), loggerhead shrike (native and non-native grassland, and open coastal sage scrub and chaparral), the federally endangered Quino checkerspot butterfly (coastal sage scrub, open chaparral, native and non-native grassland), and foraging raptors (native and non-native grassland and various vegetation communities dependent on the species).

Similar revisions have been made on the following pages in the Final EIR/EIS: 3.6-36, 3.6-37 (Table 3.6-13), 3.6-38, 3.6-52, 3.6-53, 3.6-54, 5.6-18, 5.6-21, 5.6-29, and 5.6-30.

3.6.3.2 Impact Analysis (Threshold 3, Direct Impacts to Listed Species, Least Bell’s Vireo)

In response to Comment DFG-5K, text has been added to the third sentence of the first paragraph on page 3.6-34 as follows:

A single vireo was observed on two occasions near the end of the survey season in Kimball Valley, located along San Vicente Creek approximately one mile north of the reservoir; another individual was observed throughout the breeding season in poor quality habitat on the eastern slopes of Padre Barona Creek, and another individual was observed once at the mouth of Padre Barona Creek. The habitats in Kimball Valley and Padre Barona Creek are in a post-fire condition and are expected to recover to pre-fire conditions; however, even prior to the fire, potential vireo habitat was not high quality or extensive (Ogden, 1995). Still, the ESP Biological Opinion (BO) issued by the USFWS (1-6-97-F-13) and the Consistency Determination issued by CDFG (tracking #2080-2000-003-5) pursuant to Section 2080.1 of the Fish and Game Code allowed for the take of one vireo pair to account for potential impacts to individuals that could occupy newly created habitat that could become established during drawdown and subsequently submerged during refilling.

3.6.3.3 Mitigation Measures

In response to Comments FWS-2G and 2H, text has been added to “Restoration Plans” in the second paragraph on page 3.6-42 as follows:

The Water Authority will develop restoration plans for all habitats and plants that require revegetation, habitat creation, restoration, and/or enhancement. Restoration plans will be approved by developed in consultation with the regulatory agencies, as appropriate, and will include construction specifications; irrigation schedules (all temporary irrigation will be for the shortest duration possible, and no permanent irrigation will be used for on- or off-site habitat creation/restoration/enhancement); planting palettes (showing container stock/box plantings, cutting specifications, and seed mixes); monitoring, maintenance, and remediation schedules; and success criteria, assurances and contingency measures. Restoration plans will also include the following insect pest control measures:
Any planting stock to be brought onto the project or mitigation sites for landscape or habitat creation/restoration/enhancement will first be inspected by a qualified expert to ensure it is free of pest species, including, but not limited to, Argentine ants (Iridomyrmex humil), fire ants (Solenopsis invicta), and other insect pests that could invade natural areas.

Any planting stock found to be infested with such pests will not be allowed on the project or mitigation sites unless these pests already occur in natural areas around the project site. The stock will be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats.

In response to Comments FWS-2I and DFG-5O, text has been added to “Habitat Management Plans” in the first paragraph on page 3.6-42 as follows:

The Water Authority will fund and implement long-term habitat management plans for any newly acquired mitigation areas. If required by permits, all acquired areas will be placed in permanent conservation easements, or other forms of protection to ensure the long-term protection of their biological resources. These long-term management plans and funding mechanisms will be reviewed and agreed to by the USFWS and CDFG if they have regulatory authority over the biological resources being mitigated; the terms will be based on the interim management measures plus additional management requirements designed to ensure the long-term biological resource viability at each mitigation site. In addition, the management plans developed for off-site mitigation areas will include measures to minimize edge effects. If the off-site mitigation areas purchased are covered by an approved management program, the Water Authority will abide by the conditions of that program.

In response to Comment EPA-4C, Mitigation Measures SV/BR 1-1 (page 3.6-43) and SV/BR 7-1 (page 3.6-45) have been revised as follows:

SV/BR 1-1  Permanent Impacts to Riparian and Wetland Communities and Unvegetated Waters of the State (Impact SV/BR 1). Direct permanent impacts to CDFG-defined riparian and wetlands habitats and unvegetated waters of the State, including wetlands under the CDFG regulatory authority that would require a Streambed Alteration Agreement, will be mitigated through creation and restoration, and/or enhancement of riparian and wetlands habitats as negotiated with the regulatory agencies. The Water Authority is proposing to mitigate by a combination of off-site wetland creation in the Tijuana River Valley and preservation and management of high quality wetlands and riparian habitat within and along San Vicente Creek—at appropriate locations, and through off-site creation, restoration, enhancement, and preservation and management at an approved location at a ratio negotiated with CDFG and Corps.

The Tijuana River Valley Wetland Mitigation Banking site is located within the City of San Diego, south of the Tijuana River and west of the Smugglers Gulch Channel. Approximately 45 acres of wetlands and transitional wetlands are proposed to be created at this site, of which a minimum of 32 acres are planned to be available to the Water Authority as mitigation credits. The County of San Diego owns the property, and there is an agreement between the Water Authority and the County that allows the Water Authority to implement a wetland mitigation-banking project on the property, and that identifies the County (through its Parks and Recreation Department) as the long-term site manager. Implementation of this wetland mitigation-banking project would be consistent with the MSCP and Section 10 of the FESA.

The San Vicente Creek mitigation site is located at a 390-acre property known as Rancho Cañada. The Water Authority provided the purchase funds in September 2007, and CDFG acquired title to the property in December 2007. Per an agreement with CDFG, the Water Authority provides CDFG the property’s wildlife management funds and
retains the rights to use the property for mitigation purposes. The property is bisected by San Vicente Creek, and its southerly property corner is approximately three miles upstream from San Vicente Reservoir. The property contains 4.07 acres of freshwater marsh and 34.63 acres of southern coast live oak riparian forest/cottonwood-willow riparian forest.

The Water Authority is proposing to mitigate wetland impacts to Coastal/Valley Freshwater Marsh and Mule Fat Scrub at a ratio of 2:1, and Southern Coast Live Oak Riparian Forest, Southern Cottonwood-Willow Riparian Forest, and Southern Willow Scrub at a ratio of 3:1. The wetland creation component of the mitigation is proposed to consist of a willow dominated vegetation community at the Tijuana River Valley Wetland Mitigation Banking site at a ratio of 1:1, as created wetlands will be in place prior to the actual impacts occurring at a Water Authority planned mitigation bank; the remaining mitigation obligation is to consist of preservation and management within and along San Vicente Creek at Rancho Cañada. It is anticipated that the mitigation banks (e.g., Tijuana River Valley) will be approved prior to project impacts. If mitigation bank approval does not occur in a timely manner to mitigate for impacts from the Proposed Action, then off site wetlands mitigation in the form of habitat creation and restoration, enhancement, and/or preservation will be determined by the Water Authority and approved by the Corps and CDFG as part of the wetlands permit application process. Mitigation installed in advance of the impacts will avoid or minimize the temporal loss of habitat and may reduce the required mitigation ratio. This could potentially reduce the wetlands mitigation acreage requirement for habitat with mitigation ratios greater than 1:1.

Mitigation through the creation, preservation and/or enhancement management of wetlands habitat at a ratio of 1:1 or greater to avoid the net-loss of wetlands will occur through negotiations with the agencies. Detailed mitigation requirements will be identified in the final resource agency permits. Use of all mitigation bank credits to satisfy riparian and wetlands permit requirements will be approved by the regulatory agencies prior to project initiation.

**SV/BR 7-1 Permanent Impacts to Corps-Regulated Wetlands/Vegetated Waters and Unvegetated Waters of the U.S. (Impact SV/BR 7).** Direct permanent impacts to wetlands/vegetated waters under Corps jurisdiction will be mitigated by a combination of off site wetlands creation in the Water Authority’s planned mitigation banks or at other appropriate locations (see Refer to Mitigation Measure SV/BR 1-1), and through off site preservation and management, restoration, and/or enhancement at an approved location at a ratio negotiated with the Corps, but not less than 1:1. The Water Authority is proposing to mitigate wetland/vegetated waters impacts to Coastal/Valley Freshwater Marsh and Mule Fat scrub at a ratio of 2:1, and Southern Coast Live Oak Riparian Forest, Southern Cottonwood-Willow Riparian Forest, Southern Willow Scrub at a ratio of 3:1. The wetland/vegetated waters creation component of the mitigation is proposed to consist of a willow dominated vegetation community at a ratio of 1:1 at a Water Authority planned mitigation bank; the remaining mitigation obligation is to consist of preservation and management, restoration, and/or enhancement.

Mitigation installed in advance of the impact will avoid or minimize the temporal loss of habitat and could potentially reduce the Corps’ required mitigation ratio, if that ratio was proposed to be greater than 1:1.

Impacts to Corps-regulated unvegetated waters are considered self-mitigating because the amount of open water and lakeshore fringe will be increased after filling of the reservoir to the CSP operational water levels. The current average lakeshore fringe of 136 acres (120.3 acres surrounding the reservoir and 15.6 acres surround Lowell Island) will be
replaced after the dam raise and filling of the reservoir by an average of approximately 225 acres of lakeshore fringe (214 acres around the reservoir and 11 acres around Lowell Island).

In response to Comments FWS-2E and DFG-5F, text has been added to Mitigation Measures SV/BR 3-1 (page 3.6-44) and SV/BR 10-1 (page 3.6-46) as follows:

**SV/BR 3-1**  
**Permanent Impact to Coastal Sage Scrub (Impact SV/BR 3).** Direct permanent impacts to occupied coastal sage scrub and/or the federally threatened California gnatcatcher will be mitigated off site at a 1:1 ratio using in-kind mitigation credits from the Water Authority’s mitigation banks (e.g., San Miguel Conservation Bank) or other mitigation banks approved by the regulatory agencies. Mitigation will be in place before any impacts occur. Prior to issuing a notice to proceed to the construction contractor, the Water Authority will obtain USFWS approval per the conditions of the conservation banking agreement for use of an upland mitigation bank to mitigate for the Proposed Action.

**SV/BR 10-1**  
**Permanent Impacts to the Federally Threatened California Gnatcatcher (Impact SV/BR 10).** Direct permanent impacts to pre-fire habitat previously occupied by the California gnatcatcher through inundation and aggregate production to habitat previously occupied by the California gnatcatcher will require consultation under Section 7 of the FESA and will be mitigated off site using in-kind mitigation credits as specified in Mitigation Measure SV/BR 3-1.

In response to Comment DFG-5E, the third bullet in Mitigation Measure SV/BR 14-1 (page 3.6-49) has been revised as follows:

**SV/BR 14-1**  
**Permanent Impacts to Delicate Clarkia (Impact SV/BR 14).** Mitigation for direct permanent impacts to delicate clarkia will occur in off-site habitat (e.g., at the edges of oak woodland) used for the mitigation of impacts to oak woodland that is required for permanent impacts to this habitat (Mitigation Measure SV/BR 4-1). This mitigation will occur via off-site preservation and/or restoration, preferably at the Rancho Cañas mitigation site located upstream of Kimball Valley, within the San Vicente Creek watershed. If no clarkia-occupied oak woodland is available for mitigation, reintroduction of plants to appropriate areas will occur as described below and as determined by the Water Authority in consultation with CDFG:

- Prior to impacts, collect seed and topsoil, and establish a one-year seed propagation program.
- Reintroduce the seed into suitable habitat.
- Monitor the mitigation sites for two years after seeding to determine seedling survival/density, phenology, and species reproductive capabilities in accordance with success criteria to be determined in coordination with CDFG, until the success criteria have been met, or for five years, whichever occurs first.

### 3.11.3.2 Impact Analysis (Threshold 4)

In response to Comments KVR-12B, CL-19C, CL-19L and CL-19M, the reference to Figure 2.2-7 has been corrected to indicate Figure 2.2-8 in the first sentence, second paragraph, on page 3.11-15. In response to Comment KVR-12F, CL-19C and CL-19M, the second sentence in the second paragraph on page 3.11-15 has been revised as follows:
Figure 2.2-7-8 shows that the inundation level in the Kimball Valley arm of the expanded reservoir would not extend into, or even up to, private properties beyond City of San Diego lands. Nevertheless, the Water Authority and City of San Diego have agreed to evaluate measures to discourage direct public access into the Kimball Valley arm of the reservoir and onto private properties in Kimball Valley, including but not limited to, signage, a tamper-proof place—a buoy line (floating barricade) at the mouth of Kimball Valley Creek, etc. to prevent boat access into this area. This measure would avoid potential nuisance noise impacts near private properties in Kimball Valley caused by use of recreational motorboats. Therefore, there would be no nuisance noise impacts on residents along the Kimball Valley arm of the expanded San Vicente Reservoir from recreational motorboats.

3.13.3.2 Impact Analysis (Threshold 5)

In response to Comment KVR-12B, the reference to Figure 2.2-7 has been corrected to indicate Figure 2.2-8 in the first sentence, third paragraph, on page 3.13-13.

Figure 2.2-78 shows that the inundation level in the Kimball Valley arm of the expanded reservoir would not extend into, or even up to, private properties beyond City of San Diego lands.

3.15.1.1 Environmental Setting (Recreational Facilities in the Region)

In response to Comment COU-10I, the fifth paragraph on page 3.15-1 has been revised as follows:

Regional recreational facilities are generally located away from urban areas and provide for both active and passive uses, such as hiking, biking and riding equestrian trails, fishing, boating, water sports, and camping. Regional recreational facilities take advantage of natural features such as lakes, reservoirs, cliffs, hills, and natural undisturbed areas. The County Open Space Preserves that are located in the vicinity of San Vicente Reservoir (refer to Section 3.6.1.2 [Biological Resources for the Proposed Action, Other Regional Open Space Planning Efforts] and Figure 3.6-3), as well as the reservoir itself, are considered regional recreational facilities.

3.15.3.3 Impact Analysis (Threshold 2)

In response to Comment COU-10I, the second paragraph on page 3.15-7 has been revised as follows:

The existing path/service road north of the marina primarily provides pedestrian access to the fishing pier and to the shoreline fishing area, and is not heavily used by hikers and equestrians. Therefore, the temporary loss of this path during construction of the Proposed Action would not result in the accelerated use and substantial physical deterioration of riding and hiking, biking, and equestrian trails at neighborhood and regional parks in the region, and at County Open Space Preserves in the vicinity of the Proposed Action (refer to Section 3.6.1.2 [Biological Resources for the Proposed Action, Other Regional Open Space Planning Efforts] and Figure 3.6-3). Therefore, this impact would be less than significant.
3.17.1.1 Environmental Setting (Hydrology, Metropolitan Water District Supplies)

In response to Comment MWD-11F, the first sentence in the second paragraph on page 3.17-2 has been revised as follows:

A small amount of local water is captured and stored in San Vicente Reservoir; however, the primary source for water stored in the reservoir consists of deliveries of untreated State Water Project (SWP) and Colorado River water supplies from the Metropolitan Water District of Southern California (MWD), of which the Water Authority is one of the 2726 member agencies.

3.17.1.1 Environmental Setting (Hydrology, Metropolitan Water District Supplies)

In response to Comment MWD-11G, the fourth sentence in the third paragraph on page 3.17-2 has been revised as follows:

Although MWD generally distributes water according to need, it is possible that at any time MWD could instead choose to allocate water according to these preferential rights, without regard to historic water use or dependence on MWD supplies.

3.17.3.2 Impact Analysis, Stratification

In response to Comment OEP-3A, the fourth paragraph on page 3.17-11 has been revised as follows:

**Stratification.** Water temperature may affect the growth and survival of aquatic life by establishing the degree of stratification and the depth of each layer (Figure 3.17-3). Storage volume, reservoir geometry, inflow water temperature, air temperature, water clarity, and wind influence water temperature. The size of the deeper, colder water layer (hypolimnion) is dependent on the volume of water in the reservoir before stratification. The more water present, the larger the hypolimnion because of the greater amount of energy needed to heat the water. Therefore, the expanded San Vicente Reservoir (once filled) would have a larger hypolimnion. Greater water volumes also result in destratification (mixing) later in the year because more heat must be lost from the epilimnion and thermocline before temperatures equalize throughout the water column. Based on water quality modeling for the expansion of San Vicente Reservoir, the structure and behavior of the reservoir (once expanded) are estimated to be similar to existing conditions although the deeper, colder water layer (hypolimnion) will be significantly deeper. The thickness of the epilimnion and the time of onset and duration of stratification of the expanded reservoir are predicted to be similar to current reservoir conditions based on water quality modeling simulations (Water Quality Assessment for San Vicente Reservoir Enlargement, prepared for GEI Consultants, Inc. by Flow Science Inc., October 2005).

3.17.3.2 Impact Analysis, Water Quality Maintenance

In response to Comment CIT-9E, the last two sentences of the third paragraph on page 3.17-14 have been removed and replaced as follows:

GEI estimated that 10 percent of the expanded reservoir volume (if filled) would need to be removed and replaced annually (on average over the long term) to meet the TDS goal. These operation plans would maintain water quality within historical levels. Beneficial uses at San Vicente Reservoir would not be impaired in the long term. Therefore, water quality impacts due to water management practices associated with operation of the reservoir would be less than significant. Annual operation plans developed as part of the Reservoir Regulating Plan (refer to Section 2.2.3.2 for a description of the Reservoir Regulating Plan) will be developed that take into consideration the need to maintain acceptable water quality levels in the
reservoir. In addition, a reservoir operating plan will be developed for the construction phase of the project, and this plan will address water quality issues associated with reservoir drawdown. A water quality assessment will be performed for the reservoir drawdown condition as part of development of the construction phase reservoir operating plan.