Mission Trails FRS II, Pipeline Tunnel, and Vent Demolition Project

FINAL
CEQA FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE NO. 2005041025

SAN DIEGO COUNTY WATER AUTHORITY
4677 OVERLAND AVENUE
SAN DIEGO, CALIFORNIA 92123

AUGUST 2006
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>INTRODUCTION</td>
<td>3</td>
</tr>
<tr>
<td>II.</td>
<td>ACRONYMS AND ABBREVIATIONS</td>
<td>4</td>
</tr>
<tr>
<td>III.</td>
<td>PROJECT DESCRIPTION</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>A. Project Location</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>B. Project Characteristics</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>C. Project Objectives</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>D. Required Permits and Approvals</td>
<td>11</td>
</tr>
<tr>
<td>IV.</td>
<td>BACKGROUND</td>
<td>13</td>
</tr>
<tr>
<td>V.</td>
<td>RECORD OF PROCEEDINGS</td>
<td>15</td>
</tr>
<tr>
<td>VI.</td>
<td>FINDINGS REQUIRED UNDER CEQA</td>
<td>17</td>
</tr>
<tr>
<td>VII</td>
<td>LEGAL EFFECTS OF FINDINGS</td>
<td>20</td>
</tr>
<tr>
<td>VIII.</td>
<td>MITIGATION MONITORING AND REPORTING PROGRAM</td>
<td>21</td>
</tr>
<tr>
<td>IX.</td>
<td>SIGNIFICANT EFFECTS AND MITIGATION MEASURES</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>A. Land Use</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>B. Aesthetics/Visual Quality</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>C. Traffic/Circulation</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>D. Air Quality</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>E. Noise and Vibration</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>F. Recreation</td>
<td>34</td>
</tr>
<tr>
<td></td>
<td>G. Water Resources</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>H. Biological Resources</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>I. Cultural Resources</td>
<td>46</td>
</tr>
<tr>
<td></td>
<td>J. Geology and Soils</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>K. Paleontological Resources</td>
<td>52</td>
</tr>
<tr>
<td></td>
<td>L. Public Safety and Hazardous Materials</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td>M. Utilities and Public Services</td>
<td>57</td>
</tr>
<tr>
<td>X.</td>
<td>PROJECT ALTERNATIVES</td>
<td>61</td>
</tr>
<tr>
<td></td>
<td>A. Alternatives Considered but Rejected</td>
<td>61</td>
</tr>
<tr>
<td></td>
<td>B. No Project Alternative</td>
<td>62</td>
</tr>
<tr>
<td></td>
<td>C. Alternative to the FRS II Control Building</td>
<td>62</td>
</tr>
<tr>
<td></td>
<td>D. Combined Inlet and Outlet Tunnel from One Heading Alternative</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>E. Inlet Tunnel and Trenched Outlet Alternative</td>
<td>64</td>
</tr>
<tr>
<td>XI.</td>
<td>STATEMENT OF OVERRIDING CONSIDERATIONS</td>
<td>65</td>
</tr>
</tbody>
</table>
SECTION I
INTRODUCTION

The Final Environmental Impact Report (FEIR) prepared for the Mission Trails Flow Regulatory Structure (FRS) II, Pipeline Tunnel, and Vent Demolition Project (“project”) addresses the potential environmental effects associated with the proposed construction and operation of an up to 18 million gallon (mg) FRS and a mile-long pipeline tunnel within Mission Trails Regional Park (MTRP) under the jurisdiction of the San Diego County Water Authority (“Water Authority”). These Findings of Fact (Findings) have been prepared to comply with the requirements of the California Environmental Quality Act (“CEQA”) and the Guidelines for the Implementation of CEQA (“State CEQA Guidelines”; California Code of Regulations, Title 14, §15000 et seq.).
## SECTION II
### ACRONYMS AND ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADT</td>
<td>Average Daily Trips</td>
</tr>
<tr>
<td>AM</td>
<td>Morning time (12:00 midnight up to 12:00 noon)</td>
</tr>
<tr>
<td>AMSL</td>
<td>Above Mean Sea Level</td>
</tr>
<tr>
<td>APCD</td>
<td>Air Pollution Control District</td>
</tr>
<tr>
<td>APE</td>
<td>Area of Potential Effect</td>
</tr>
<tr>
<td>AQIA</td>
<td>Air Quality Impact Analysis</td>
</tr>
<tr>
<td>BMPs</td>
<td>Best Management Practices</td>
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<td>Clean Air Act</td>
</tr>
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<td>CAAQS</td>
<td>California Ambient Air Quality Standards</td>
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<td>Citizens’ Advisory Committee</td>
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<td>California Occupational Safety and Health Administration</td>
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<td>California Division of Mines and Geology</td>
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<td>California Air Resources Board</td>
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<td>California Department of Fish and Game</td>
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<tr>
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<td>California Environmental Quality Act</td>
</tr>
<tr>
<td>cfs</td>
<td>cubic feet per second</td>
</tr>
<tr>
<td>CHMA</td>
<td>Crestridge Habitat Management Area</td>
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<td>Capital Improvement Program</td>
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<td>CNEL</td>
<td>Community Noise Equivalent Level</td>
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<td>CNNDDB</td>
<td>California Natural Diversity Data Base</td>
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<td>California Native Plant Society</td>
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<td>CO</td>
<td>Carbon Monoxide</td>
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<td>Corps</td>
<td>U.S. Army Corps of Engineers</td>
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<tr>
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<td>cubic yards</td>
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<td>decibels</td>
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<td>dBA</td>
<td>decibels (A-weighted)</td>
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<td>DO</td>
<td>Dissolved Oxygen</td>
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<td>EIR</td>
<td>Environmental Impact Report</td>
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<td>EIS</td>
<td>Environmental Impact Statement</td>
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<td>EMS</td>
<td>Emergency Medical Services</td>
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<td>ERP</td>
<td>Emergency Response Plan</td>
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<tr>
<td>Abbreviation</td>
<td>Description</td>
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<td>F</td>
<td>Fahrenheit</td>
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<td>FIRM</td>
<td>Flood Insurance Rate Map</td>
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<tr>
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<td>feet per second</td>
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<td>FRS</td>
<td>Flow Regulatory Structure</td>
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<td>Federal Transit Administration</td>
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<td>Formerly Used Defense Site</td>
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<td>HCP</td>
<td>Habitat Conservation Plan</td>
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<tr>
<td>HVAC</td>
<td>Heating, Ventilation, Air Conditioning</td>
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<tr>
<td>HU</td>
<td>Hydrologic Unit</td>
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<td>I-15</td>
<td>Interstate 15</td>
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<tr>
<td>in/sec</td>
<td>inches per second</td>
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<tr>
<td>KOPs</td>
<td>Key Observations Points</td>
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<tr>
<td>kV</td>
<td>kilovolt</td>
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<tr>
<td>lbs/day</td>
<td>pounds per day</td>
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<tr>
<td>Leq</td>
<td>equivalent sound level</td>
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<tr>
<td>lf</td>
<td>linear feet</td>
</tr>
<tr>
<td>LHD</td>
<td>Load-Haul-Dump</td>
</tr>
<tr>
<td>LOS</td>
<td>Level of service</td>
</tr>
<tr>
<td>MBTA</td>
<td>Migratory Bird Treaty Act</td>
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<td>MCAS</td>
<td>Marine Corps Air Station</td>
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<tr>
<td>mg</td>
<td>million gallon</td>
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<tr>
<td>mgd</td>
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<td>MHPA</td>
<td>Multi-Habitat Planning Area</td>
</tr>
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<td>MLP</td>
<td>Moreno-Lakeside Pipeline</td>
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<tr>
<td>mph</td>
<td>miles per hour</td>
</tr>
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<td>MRZ</td>
<td>Mineral Resource Zones</td>
</tr>
<tr>
<td>MSCP</td>
<td>San Diego Multiple Species Conservation Program</td>
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<td>MSL</td>
<td>Mean Sea Level</td>
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<td>MTRP</td>
<td>Mission Trails Regional Park</td>
</tr>
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<td>MWD</td>
<td>Metropolitan Water District of Southern California</td>
</tr>
<tr>
<td>NAAQS</td>
<td>National Ambient Air Quality Standards</td>
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<tr>
<td>NCCP</td>
<td>Natural Communities Conservation Program</td>
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<tr>
<td>NO₂</td>
<td>Nitrogen Dioxide</td>
</tr>
<tr>
<td>NOI</td>
<td>Notice of Intent</td>
</tr>
<tr>
<td>NOₓ</td>
<td>Nitrogen Oxides</td>
</tr>
<tr>
<td>NPDES</td>
<td>National Pollutant Discharge Elimination System</td>
</tr>
</tbody>
</table>
O₃ Ozone
OE Ordnance and Explosives
OSHA Federal Occupational Safety and Health Administration

Pb Lead
PCE Passenger Car Equivalence
PEIR Program Environmental Impact Report
PM Evening time (12:00 noon up to 12:00 midnight)
PM₁₀ Particulates with an aerodynamic diameter less than 10 microns
PPV Peak Particle Velocity

ROC Reactive Organic Compounds
ROG Reactive Organic Gas
ROW Right of Way
RWQCB Regional Water Quality Control Board

SCADA Supervisory Control and Data Acquisition
SCAQMD South Coast Air Quality Management District
SCH State Clearinghouse
SDAB San Diego Air Basin
SDAPCD San Diego Air Pollution Control District
SGDE San Diego Gas and Electric
SDRWQCB San Diego Regional Water Quality Control Board
SDUSD San Diego Unified School District
SO₂ Sulfur Dioxide
SR-52 State Route 52
SWPPP Stormwater Pollution Prevention Plan
SWSAS Storm Water Sampling and Analysis Strategy

TBM Tunnel Boring Machine
TDS Total Dissolved Solids
TMDL Total Maximum Daily Load
TRB Transportation Research Board

USEPA U.S. Environmental Protection Agency
USFWS U.S. Fish and Wildlife Service
USGS United States Geological Survey

WDR Waste Discharge Requirements
WGCEP Working Groups on California Earthquake Probabilities
SECTION III
PROJECT DESCRIPTION

A. PROJECT LOCATION

The project site is located within the northwestern portion of MTRP, just east of the Tierrasanta community, within the City of San Diego. State Route 52 (SR-52) is just north of the northern project boundary and Mission Gorge Road forms the southern project boundary. Interstate 15 (I-15) is 2.8 miles to the west. The proposed project is located within Township 15S, Range 2W, on the United States Geological Survey (USGS) 7.5-minute, La Mesa, CA quadrangle topographic map. The project study area encompasses approximately 155 acres within MTRP, including areas proposed for new aboveground facilities, and existing developed and undeveloped areas that would be used as staging areas and access roads. Truck routes through the Tierrasanta community to SR-52 and I-15 include Clairemont Mesa Boulevard, Portobello Drive, Via Valarta, Antigua Boulevard, and Santo Road. Rueda Drive and Calle de Vida would be used on a limited basis (less than 40 trips per day) for oversized vehicles unable to use the bridge in MTRP at the eastern end of Clairemont Mesa Boulevard.

B. PROJECT CHARACTERISTICS

The proposed project consists of two major components: the FRS II facilities, and large-diameter inlet and outlet pipelines installed within tunnels. In addition, many of the vents within the affected reach of Pipelines 3 and 4 would be removed or replaced with much smaller air release/vacuum valves, as would several blow-off valve structures, which are grouped as “appurtenances.” Finally, the project includes the construction of a stabilized crossing of the San Diego River to facilitate operations and maintenance, including improved access for emergency pipeline repairs.

Flow Regulatory Structure

The proposed FRS II facilities would consist of an up to 18-mg buried reservoir, an aboveground control building, and appurtenant facilities. The FRS II would be constructed on a 12.78-acre parcel known as the Elliott 4 Parcel (APN 371-010-1500), which is currently owned by the San Diego Unified School District (SDUSD). With the elimination of the Jackson Drive Extension from the City of San Diego Circulation Element in the early 1990s, the parcel is no longer considered viable for a school site. The site is located approximately 400 feet northeast of the existing FRS I site and was considered in 1993 as an alternative location for the FRS I. The rectangular parcel measures approximately 655 feet by 850 feet and is located adjacent to and just east of the Water Authority’s 130-foot-wide Second Aqueduct easement.
Pipeline Tunnels

The proposed new pipelines would replace approximately 5,000 feet of existing Pipelines 3 and 4 in MTRP with a single 96-inch-diameter welded steel pipeline. The vertical alignment of the new inlet and outlet pipelines in the tunnels would be designed without localized high or low points. This means that instead of following the contours of the West Fortuna Mountain area of MTRP with its series of five ridges and valleys, the inlet pipeline tunnel would follow a continuous grade from the North Portal up to the FRS II inlet shaft, and the outlet pipeline tunnel would follow a continuous grade from the FRS II outlet shaft down to the South Portal. The elimination of the ups and downs of the existing Pipelines 3 and 4 would increase the flow capacity of the alignment, as would the increased pipe diameter. The pipeline tunnels would require vents at the inlet and outlet connection shafts adjacent to the FRS II. Existing blow-offs would be used at the portals/tie-ins.

The pipelines would be placed in tunnels that would be constructed belowground, except at the North and South Portals and the inlet and outlet shafts adjacent to the FRS II. The tunnel portals are the locations where construction equipment and excavated material would enter and exit the tunnel. The inlet and outlet shafts are the locations where the pipeline tunnel would connect to the FRS II via on-site piping. The tunnel portals would be located just east of the Water Authority easement, on City of San Diego property. The inlet shaft would be located within the footprint for the FRS II, on the property that would be purchased from SDUSD. The outlet shaft would be located outside the school district property, on land owned by the City of San Diego. The vent structures and blow-off structures are within the Water Authority Second Aqueduct easement.

The excavated tunnels are proposed to be approximately 13 feet in diameter. The two tunnel segments would be constructed from the North and South Portals, moving toward the FRS II inlet and outlet shafts. The North Portal would be located just west of the Second Aqueduct easement near the Portobelo Drive access point. The South Portal would be located just west of the Second Aqueduct easement between Elliott Vents #4 and #5.

The North Portal construction staging area would impact an area of approximately 4.5 acres, extending from the portal site to the intersection of an existing dirt road with the Portobelo Drive entrance. The South Portal construction staging area would impact an area of approximately 1.3 acres extending from Elliott Vent #4 to the pipeline connection point near Elliott Vent #5. The permanent portal footprints would each consist of a 6-foot-diameter lid on an accessway to the buried insulating flange, if an insulating flange is required, at each pipeline connection point.

The inlet and outlet tunnels would terminate at the FRS II reservoir in 12-foot-diameter vertical tunnel shafts constructed near the reservoir. The construction area for the inlet (northern) shaft would be within the SDUSD property. The construction area for the outlet (southern) shaft would be outside of the SDUSD property, and would encompass an area measuring approximately 150 feet wide by 200 feet long. Permanent shaft
footprints would consist of 25-foot by 25-foot concrete pads on the ground surface to be an access point for the 12-foot by 12-foot belowground vault extending to the pipeline tunnel. The shafts would lead to permanent 20-foot-deep vaults above the pipeline tunnels.

**Vent Removal**

The proposed project would allow most or all of the existing highly visible vent structures in MTRP to be removed or replaced with a less visually obtrusive structure. Some vents would be replaced with an air release/vacuum structure. The planned action for each vent is as follows:

- Elliot Vents #1, #2, and #3 on Pipelines 3 and 4 would be removed.
- Elliot Vent #4 on Pipelines 3 and 4 would be removed. This pair of vents would be replaced with air release/vacuum structures per Water Authority Standard Drawing SD-3. The air release/vacuum structures would be concrete boxes or cylinders up to 10 feet square and extending up to 3 feet above the ground surface.
- Elliot Vent #5 on Pipeline 3 would stay at its present location or may be replaced with an air release/vacuum structure.
- Elliot Vent #5 on Pipeline 4 would be removed and replaced with an air release/vacuum structure.

**San Diego River Crossing**

The proposed project would include construction of a stabilized crossing of the San Diego River at the location of an existing unimproved gravel road crossing. The stabilized crossing would facilitate site access for future operations, maintenance, and security patrol. The proposed stabilized crossing would be located upstream of Pipelines 3 and 4, outside of the Water Authority’s right-of-way. Water Authority operations and maintenance personnel drive the Second Aqueduct access road on a daily basis to inspect facilities and perform routine maintenance. Increased maintenance activities for the FRS II and pipeline tunnel would require enhanced access to the site. Water flows in the San Diego River currently force Water Authority personnel, park rangers, and emergency vehicles to make a lengthy detour to access Mission Gorge Road from the park when the water is more than 12 to 18 inches deep, depending on the condition of the riverbed and banks. The crossing needs to be stabilized so that small trucks can cross the river during normal flows. The river would remain impassable during winter storm events and subsequent periods of high flow. The crossing would consist of a concrete slab at grade with the existing riverbed.
C. PROJECT OBJECTIVES

The Water Authority was established in 1944 as a water wholesaler. Its mission is to provide a safe and reliable water supply to its member agencies, and it currently provides treated and untreated water to 23 agencies in a service area consisting of approximately 1,438 square miles in the western third of San Diego County. Imported water purchased from the Metropolitan Water District of Southern California is used by the Water Authority to meet up to 95 percent of the water demand in its service area, with the remainder derived from sources including runoff into local reservoirs, recycled (reclaimed) water, and groundwater production. Imported water deliveries in San Diego County occur via two major aqueduct systems: the First San Diego Aqueduct and the Second San Diego Aqueduct.

In order for the Water Authority to continue to meet its mission, a Draft Regional Water Facilities Master Plan (Master Plan) was prepared to evaluate current plans for water supply and facility improvements and to recommend new facilities or improvements needed through the year 2030 (FEIR; Water Authority 2002). The Master Plan identified a need for an increased ability to transport raw water to treatment plants south of MTRP to meet increased demands for untreated water in the south county area. Specifically, the City of San Diego and the Sweetwater Authority are currently undertaking several water treatment plant expansion projects to meet public demands and the Water Authority must increase delivery capabilities to match the increased water treatment capabilities. The City of San Diego anticipates completion of the Miramar and Alvarado water treatment plant expansions by 2009 and the Otay Water Treatment Plant by 2030. The Sweetwater Authority plans to complete expansion of the Perdue Water Treatment Plant by 2030.

The specific project objectives are to:

- Eliminate hydraulic bottlenecks in Pipelines 3 and 4 for untreated water.
- Increase the water deliveries to water treatment plants under expansion.
- Improve pipeline operations by reducing spills.
- Provide short-term operational storage to meet unplanned outages.
- Remove most of the vents across MTRP; and,
- Stabilize existing crossing of San Diego River and improve surface of existing dirt roads to improve Water Authority, Park Ranger, Fire, Police, and Emergency vehicular access to MTRP, from south of the San Diego River to north of the San Diego River, to facilitate inspections and maintenance.
D. REQUIRED PERMITS AND APPROVALS

The Water Authority is the Lead Agency for the proposed project. Project construction will require the approval of the Water Authority Board of Directors. The project is located within Mission Trails Regional Park, which is within the jurisdiction of the City of San Diego. Therefore, coordination with the City of San Diego, as well as with federal and state agencies and local authorities, is needed during the design and construction of the facilities. Because the project would involve construction of a water infrastructure project by the Water Authority, it would be exempt from City of San Diego land use, grading, and building permits (California Government Code Section 53091).

A number of construction activities would require the contractor to acquire permits. These activities may include, but are not limited to: blasting, shoring, discharge of groundwater or storm water, noise emissions, air pollution emissions, oversized load/truck traffic/construction vehicle activities, and work within the San Diego River. The following table lists the permits and approvals anticipated to be required for the Mission Trails FRS II, Pipeline Tunnel, and Vent Demolition project.

Responsible and Trustee Agencies that may take actions approving the proposed project are presented in Table 1.
### Table 1
Potential Discretionary Actions and Approvals

<table>
<thead>
<tr>
<th>Entity</th>
<th>Permit/Approval/Plan</th>
<th>Comments</th>
<th>Permit/Approval Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Fish and Wildlife Service</td>
<td>Formal Section 7 Consultation for Endangered Species</td>
<td>Quino checkerspot butterfly, least Bell’s vireo, and coastal California gnatcatcher.</td>
<td>Biological Opinion</td>
</tr>
<tr>
<td>U.S. Army Corps of Engineers</td>
<td>Individual 404 Permit for Crossing of San Diego River; Impacts to Other Waters of the U.S.</td>
<td>San Diego River crossing and drainages in canyon bottoms</td>
<td>Individual 404 Permit</td>
</tr>
<tr>
<td>San Diego Regional Water Quality Control Board</td>
<td>401 Water Quality Certification or Waiver (in association with the 404 permit); NPDES Permit; Waste Discharge Permit for impacts to vernal pools; Compliance with General Permit for dewatering</td>
<td>San Diego River crossing and drainages in canyon bottoms. Vernal pools</td>
<td>Section 401 Water Quality Certification</td>
</tr>
<tr>
<td>California Department of Fish and Game</td>
<td>1602 Streambed Alteration Agreement; ESA Permit</td>
<td>San Diego River crossing</td>
<td>1602 Streambed Alteration Agreement</td>
</tr>
<tr>
<td>City of San Diego</td>
<td>Land Acquisition; Encroachment Permits</td>
<td>Acquisition of a strip of land between FRS II and Water Authority’s ROW. Encroachment permits for construction access. Will not occur until after project approval</td>
<td>Required</td>
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<tr>
<td>San Diego Unified School District</td>
<td>Land Acquisition; Encroachment Permits</td>
<td>Acquisition of FRS II Parcel. Encroachment permit for construction access. Will not occur until after project approval</td>
<td>Required</td>
</tr>
<tr>
<td>San Diego Gas &amp; Electric</td>
<td>Encroachment Permit</td>
<td>Plan review for utility conflicts</td>
<td>Required</td>
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SECTION IV
BACKGROUND

The Water Authority, as CEQA lead agency, distributed a Notice of Preparation (NOP) on April 5, 2005, to all Responsible and Trustee Agencies, other governmental agencies including the State Clearinghouse, and interested citizens. In addition, a public scoping meeting was held on April 19, 2005, to solicit input regarding the range of actions, alternatives, significant effects, and possible mitigation measures to be evaluated in the EIR. During the NOP public review period, written and verbal comments were received from public agencies and individuals.

The 45-day public review period for the Draft EIR (DEIR) extended from March 27, 2006 to May 10, 2006. The DEIR was circulated to responsible and other agencies having jurisdiction by law over the environment affected by the proposed project. Fifteen (15) copies of the DEIR were sent to the Governor’s Office of Planning and Research, State Clearinghouse, along with the required Notice of Completion (NOC). Simultaneously, notices of availability of the DEIR were published in the local newspaper. The DEIR was available for review at the Water Authority’s office, located at 4677 Overland Avenue, San Diego, California, 92123, and at the Tierrasanta and Navajo branches of the public library.

During and after the CEQA public review period, twenty (20) comment letters on the DEIR were received from the following agencies, groups, and individuals:

1. Wildlife Agencies (U.S. Fish and Wildlife Service [USFWS] and California Department of Fish and Game [CDFG]);
2. State of California, Department of Transportation, District 1 (Caltrans);
3. State of California, Department of Toxic Substances Control (DTSC);
4. State of California, Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit;
5. San Diego County Archaeological Society, Inc.;
6. City of San Diego, Land Development Review Division, Development Services;
7. City of San Diego, Councilmember Jim Madaffer;
8. Mission Trails Regional Park Citizens’ Advisory Committee (CAC);
9. San Diego City Schools;
10. Tierrasanta Community Council;
11. City of San Diego (Development Services Environmental Services Section, Park and Recreation Department, and Planning Department);
12. San Diego Gas & Electric (SDG&E);
13. Tom Simpson;
14. Roberta Froome;
15. Lee Ann and Thomas Franco;
16. Chris Sibel;
17. Linda and Robert Juhasz;
18. B. Winans;
19. Lyn Kagey; and

The comment letters, along with responses to the comments, are included in the Final EIR (FEIR), Volume 3, dated August 2006.

A public hearing on the Draft EIR was held April 27, 2006. Seven individuals provided public comment and distributed one set of maps and one letter. Those presenting comments were:

1. Roberta Froome,
2. Paul Roglasky,
3. Bob Muldrew,
4. Ken Oertle (including referenced maps),
5. Benjamin Eastman,
6. Tim Taylor, and
7. Eric Germain.

A letter from the Friends of Tierrasanta Canyons was provided as a handout by Ms. Froome. A copy of the hearing transcript and the handouts, along with the Water Authority’ written responses to each comment, are included in the Final EIR, Volume 3.
SECTION V
RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the project consists of the following documents, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the Water Authority in conjunction with the project;
- The DEIR and FEIR, including appendices and technical studies included or referenced in the DEIR and FEIR;
- All comments submitted by agencies or members of the public during the 45-day public comment period on the DEIR;
- All comments and correspondence submitted to the Water Authority with respect to the project, in addition to timely comments on the DEIR;
- The design measures incorporated into the project to avoid significant environmental impacts;
- All findings and resolutions adopted by the Water Authority decision makers in connection with the project, and all documents cited or referred therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by TIERRA Environmental Services, Inc., consultants to the Water Authority, including the subconsultants retained by TIERRA;
- All documents and information submitted to the Water Authority by responsible, trustee, or other public agencies, or by individuals or organizations, in connection with the project, up through the date the Water Authority Board of Directors approved the project;
- Minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the Water Authority, in connection with the project;
- Any documentary or other evidence submitted to the Water Authority at such information sessions, public meetings, and public hearings;
- Matters of common knowledge to the Water Authority, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings, in addition to those cited above; and
- Any other materials required for the Record of Proceedings by Public Resources Code Section 21167.6, subdivision (e).

The custodian of the documents comprising the Record of Proceedings is the Water Authority, whose office is located at 4677 Overland Avenue, San Diego, California, 92123.

The Water Authority has relied on all of the documents listed above in reaching its decision on the project, even if every document was not formally presented to the Water Authority decision makers as part of the Water Authority’s files generated in connection with the project. Without exception, any document set forth above that is not found in
the project files falls into one of two categories. Many of the documents reflect prior planning or legislative decisions with which the Water Authority was aware in approving the project (see City of Santa Cruz v. Local Agency Formation Commission (1978) 76 Cal.App.3d 381, 391-392; Dominey v. Department of Personnel Administration (1988) 205 Cal.App.3d 729, 738, fn. 6). Other documents influenced the expert advise provided to the Water Authority staff or consultants, who then provided advice to the Water Authority decision makers. For that reason, such documents form part of the underlying factual basis for the Water Authority’s decision relating to the adoption of the project (see Public Resources Code, § 21167.6, subd. (e)(10); Browning-Ferris Industries v. City Council of City of San Jose (1986) 181 Cal.App.3d 852, 866; Stanislaus Audubon Society, Inc. v. County of Stanislaus (1995) 33 Cal.App.4th 144, 153, 155).
Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessens the significant environmental effects of such projects.” (emphasis added). The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures that will avoid or substantially lessen such significant effects” (emphasis added). Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects.”

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required (see Public Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a). For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR” (State CEQA Guidelines, § 15091, subd. (a)(1)). The second permissible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (State CEQA Guidelines, § 15091, subd. (a)(2)). The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR” (State CEQA Guidelines, § 15091, subd. (a)(3)). Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” State CEQA Guidelines Section 15364 adds another factor: “legal” considerations (see also Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 565).

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 417). “[F]easibility” under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” (Ibid.; see also Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715).
The State CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The Water Authority must, therefore, glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code Section 21081, on which State CEQA Guidelines Section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The State CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects of such projects” (Public Resources Code, § 21002).

For purposes of these Findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-527, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although State CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less than significant level or has simply been substantially lessened but remains significant. Moreover, although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the FEIR.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency (State CEQA Guidelines, § 15091, subd. (a), (b)).

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible environmentally superior alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects” (State CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Public Resources Code, § 21081, subd. (b). The California Supreme Court has stated that, “[t]he wisdom of approving...
any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced” (Goleta, supra, 52 Cal.3d 553, 576).
SECTION VII
LEGAL EFFECTS OF FINDINGS

To the extent that these Findings conclude that various proposed design features and mitigation measures outlined in the FEIR are feasible and have not been modified, superseded, or withdrawn, the Water Authority hereby binds itself to implement these measures. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the Water Authority formally approves the project.

The mitigation measures and/or standard design features are referenced in the Mitigation Monitoring and Reporting Program (MMRP) adopted concurrently with these Findings, and will be effectuated through the process of constructing and implementing the project.
An MMRP has been prepared for the project and has been adopted concurrently with these Findings (see Public Resources Code, § 21081.6, subd. (a)(1)). Design measures incorporated into the project to avoid significant environmental effects have also been adopted by the Water Authority and are found in the FEIR (Volume 1, Draft EIR, pp. 2-18 through 2-31) and in the MMRP, which is a separate, stand-alone document. The Water Authority will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period.
A. LAND USE

**Thresholds of Significance**

Thresholds used to evaluate potential land use impacts are based on applicable criteria in the State CEQA Guidelines (CCR §§15000-15387), Appendix G. A significant land use impact would occur if the proposed project would:

- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

Source: FEIR, Volume 1, pp. 3.1-3 and 3.1-4.

**Impact**

Potential inconsistency with applicable local land use plans, policies, regulations, or guidelines (FEIR, Volume 1, pp. 3.1-4 through 3.1-5). Potential conflict with any applicable habitat conservation plan or natural community conservation plan (FEIR, Volume 1, pp. 3.1-5 through 3.1-7).

**Finding**

The analysis concluded that a less than significant impact would occur, and no mitigation measures would be required.

**Explanation**

The Water Authority is the Lead Agency for the proposed project and has jurisdiction over all existing Water Authority facilities and rights-of-way within MTRP. The City of San Diego prepared the MTRP Master Plan to establish their goals, objectives, and long-term management plans for MTRP. Along with the preservation of open space and natural resources and the provision of opportunities for passive recreation, the Master Plan acknowledges the importance of hosting regionally important utilities, such as SDG&E lines, City of San Diego sewer lines, and the Water Authority’s pipelines. The proposed project would not conflict with the Tierrasanta Community Plan or the MTRP Master Plan as all passive recreational uses would continue as planned within the project vicinity following construction. Furthermore, the proposed water distribution facilities
would be within or adjacent to the existing Water Authority easements or land ownership, or on land the Authority intends to purchase upon project approval.

MTRP is included within an MHPA as designated by the City of San Diego’s MSCP. According to the City, land uses that are conditionally compatible with the MSCP objectives include utility lines and limited water facilities. Furthermore, the Water Authority is exempt from compliance with local land use plans, policies, and ordinances, including zoning ordinances.

**Mitigation Measures**

No mitigation measures would be required.

**Significance after Mitigation**

Not significant (FEIR, Volume 1, p. 3.1-8).

**B. AESTHETICS/VISUAL QUALITY**

**Thresholds of Significance**

Thresholds used to evaluate potential aesthetic/visual quality impacts are based on applicable criteria in the State CEQA Guidelines (CCR §§15000-15387), Appendix G. A significant aesthetic/visual quality impact would occur if the project would:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- Substantially degrade the existing visual character or quality of the project site and its surroundings.
- Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Source: FEIR, Volume 1, page 3.2-2.

**Impact**

Potential adverse effects on a scenic vista (FEIR, Volume 1, pp. 3.2-3 through 3.2-7). Potential damage to scenic resources (FEIR, Volume 1, p. 3.2-7). Potential degradation of existing visual character or quality (FEIR, Volume 1, p. 3.2-7). Potential source of light or glare (FEIR, Volume 1, pp. 3.2-7 and 3.2-8).
Finding

With implementation of the standard specifications and project design features (FEIR, Volume 1, pp. 2-18 and 2-19), impacts to aesthetics and visual quality would be less than significant, and no mitigation measures would be required.

Explanation

The following project design features have been incorporated into the project to lessen potential aesthetic/visual quality impacts:

1. The proposed project has been designed to be almost entirely belowground. All disturbed areas will be graded following construction to be compatible with the surrounding topography. Excess soil will be disposed of and the sites will be cleared of all construction debris. All areas disturbed by construction, not proposed for permanent roads or facilities, will then be revegetated with a native seed mix.

2. Building colors will be of neutral color and design elements will be incorporated to complement the surrounding natural open space. Building design will feature free-form curved walls. Building will be recessed into earthen berm.

3. Permanent lighting will be limited to use by Water Authority employees making repairs or conducting maintenance. Typically, no lights will be visible at night from the proposed facilities.

While no designated scenic vistas are known to be present in the project area, MTRP does provide numerous opportunities for scenic views from surrounding streets and homes. The proposed project would result in adverse short-term impacts to scenic views of the West Fortuna area of MTRP due to the disturbance of vegetation and topography and the presence of heavy equipment. However, the impacts would be less than significant because the changes would be temporary.

Long-term impacts to these scenic views would be less than significant because nearly all of the permanent project features would be belowground and the surface would be revegetated with native plant material. The FRS II control building would be constructed with an architectural design and building materials that would complement the surrounding parkland. The visibility of existing appurtenances within the Water Authority’s easement would be reduced through the removal of up to five pairs of vent structures (Elliott Vents #1-#5). The removal of these vent structures along Pipelines 3 and 4, some of which are very tall and painted blue, is considered to be a positive visual impact because it would reduce the visibility of infrastructure within MTRP. Ground-level air valves would be installed in place of the vents. The stabilized crossing of the San Diego River would be designed to be visually attractive, similar to the existing stone and concrete dam just downstream of the proposed crossing. Upon completion of
construction, the North Portal and South Portal would be low, unobtrusive concrete vault structures similar to others along the Water Authority’s easement in MTRP.

As a regional open space park, all of MTRP is considered to be a scenic resource worthy of protection. There are, however, no mature trees, rock outcroppings or historic buildings at the FRS II site or the two tunnel portal sites.

The proposed project would temporarily degrade the existing visual character of approximately 20 acres of MTRP, an urban park that covers nearly 5,800 acres. The project would not substantially degrade the project site and its surroundings in the long-term, due to the limited area of disturbance compared to the surrounding area, the placement of project facilities belowground, and restoration of the site topography and vegetation.

The lights needed for night construction would be projected downward towards the tunnel portals or would be within the tunnels. Light spill toward the residential properties to the west would be avoided through the location of the lights and angle of projection. Permanent lighting associated with the project would be limited to the FRS II control building and would only be used by Water Authority employees during emergency night work. No glass, chrome or other reflective surfaces would be used on aboveground structures. Therefore, the proposed project would not introduce a new source of substantial light that would affect nighttime views in the area or glare that would affect daytime views in the project area.

**Mitigation Measures**

No mitigation measures would be required.

**Significance after Mitigation**

Not significant (FEIR, Volume 1, p. 3.2-8).

**C. TRAFFIC/CIRCULATION**

**Thresholds of Significance**

Thresholds used to evaluate potential traffic/circulation impacts are based on applicable criteria in the State CEQA Guidelines (CCR §§15000-15387), Appendix G; the San Diego Traffic Engineers’ Council (SANTEC) Guidelines; and the City of San Diego’s Significance Determination Thresholds for CEQA. A significant traffic/circulation impact would occur if the project would:

- Significantly worsen congestion at any intersection that is currently operating, or is projected to operate at LOS E or F, by adding two seconds or more to the delays experienced by motorists at intersections.
- Cause any roadway segment to be reduced to LOS E or F, or increase the volume to capacity ratio by 0.02 or more at any road segment currently operating or projected to operate at LOS E or F.
- During construction within or adjacent to public roadways, cause unannounced traffic delays of greater than 15 minutes.
- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency vehicle access.
- Result in inadequate parking capacity.

Source: FEIR, Volume 1, pp. 3.3-6.

**Impact**

Potential worsening of intersection congestion (FEIR, Volume 1, pp. 3.3-7 through 3.3-9). Potential reduction in level of service (LOS) (FEIR, Volume 1, p. 3.3-10). Potential unannounced traffic delays of greater than 15 minutes (FEIR, Volume 1, p. 3.3-10). Potential increase in hazards due to a design feature (FEIR, Volume 1, p. 3.3-10). Potential inadequate emergency vehicle access (FEIR, Volume 1, p. 3.3-12). Potential inadequate parking capacity (FEIR, Volume 1, p. 3.3-12).

**Finding**

With implementation of the standard specifications and project design features (FEIR, Volume 1, p. 2-19), impacts to traffic/circulation would be less than significant, and no mitigation measures would be required.

**Explanation**

The following project design features have been incorporated into the project to lessen potential traffic/circulation impacts:

1. Prior to construction, the contractor will prepare the detailed Traffic Control Plan for review by the Water Authority and approval by the City of San Diego. The plan will be prepared in accordance with the latest edition of the Federal Highway Administration Manual of Uniform Traffic Control Devices, as modified by the most recent California Supplement.

2. Hours of operation for trucks associated with the project grading and construction, including hauling of excess materials out of MTRP and construction materials into MTRP, will be restricted to 7:00 a.m. to 7:00 p.m., Monday through Saturday.

3. Truck traffic on Rueda Drive and Calle de Vida will be limited to oversized trucks and equipment and will not exceed 40 trips/day. All other construction traffic will
utilize the Clairemont Mesa Boulevard, Portobelo Drive or Mission Gorge Road (stabilized crossing of the San Diego River only) access points to MTRP.

Addition of construction traffic would not increase the delay at any intersection by two seconds or more and would not reduce any LOS. All of the intersections would operate at LOS D or better. None of the intersections in the study area would operate at LOS E or F.

For the peak time of construction traffic, which is estimated to occur during the first 6 months of the project construction period, all segments in the study area are calculated to operate at LOS C or better with the addition of construction traffic. The addition of more than 40 one-way truck trips per day to Rueda Drive would cause the volume/capacity ratio calculated for the street to be exceeded. Use of the Clairemont Mesa Boulevard ingress and egress for all traffic except equipment exceeding the 30-ton capacity of the bridge would avoid a significant impact to Rueda Drive between Calle de Vida and Clairemont Mesa Boulevard.

The proposed project would not require construction within or adjacent to public roadways. With the exception of the eastern terminus of Clairemont Mesa Boulevard, which would be used for a construction staging area and would be closed to the public for the duration of construction, there would not be any road closures or interference with the normal flow of traffic on area roads that could cause unannounced traffic delays of greater than 15 minutes.

The proposed project would not substantially increase hazards due to a design feature as no modifications are proposed to roads outside of MTRP.

The proposed project would not cause a substantial increase in traffic or congestion on the roads being considered as truck routes to and from the project site as these roads typically provide two or more lanes in each direction and have the capacity to handle construction traffic without causing substantial delays. The construction of the stabilized crossing of the San Diego River would improve emergency access to MTRP from Mission Gorge Road. Emergency access to MTRP using the other construction routes would be maintained throughout the entire length of the project.

Temporary parking areas would be required for construction workers. Most of the parking would be provided at the existing Clairemont Mesa Boulevard staging area, which was constructed for the FRS I project and subsequently turned over to the City of San Diego for use by park patrons. Construction workers not parking at the staging area would park at the North Portal, FRS II, and South Portal construction sites.

**Mitigation Measures**

No mitigation measures would be required.
Significance after Mitigation

Not significant (FEIR, Volume 1, p. 3.3-12).

D. AIR QUALITY

Thresholds of Significance

Thresholds used to evaluate potential impacts to air quality are based on applicable criteria in the State CEQA Guidelines (CCR §§15000-15387), Appendix G; the San Diego Air Pollution Control District (SDAPCD) regulations; and the City of San Diego’s Significance Determination Thresholds for CEQA. A significant impact to air quality would occur if the project would:

- Conflict with or obstruct implementation of the applicable air quality plan.
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).
- Expose sensitive receptors to substantial pollutant concentrations.
- Create objectionable odors affecting a substantial number of people.
- Exceed the pollutant emission thresholds shown below

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>lbs/hr</th>
<th>lbs/day</th>
<th>Tons/year</th>
</tr>
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<tbody>
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<td>Carbon Monoxide (CO)</td>
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<td>100</td>
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<tr>
<td>Oxides of Nitrogen (NO_x)</td>
<td>25</td>
<td>250</td>
<td>40</td>
</tr>
<tr>
<td>Particulate Matter (PM_{10})</td>
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<td>100</td>
<td>15</td>
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<tr>
<td>Oxides of Sulfur (SO_x)</td>
<td>25</td>
<td>250</td>
<td>40</td>
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<tr>
<td>Lead and Lead Compounds (b)</td>
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</tr>
<tr>
<td>Volatile Organic Compounds (VOC)</td>
<td>-</td>
<td>137(c)</td>
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<tr>
<td>Reactive Organic Compounds/Reactive Organic Gases (ROC/ROG)</td>
<td>-</td>
<td>137(c)</td>
<td>15 (d)</td>
</tr>
</tbody>
</table>


a. San Diego Air Basin has been in attainment of SO_x standard due to sulfur-free natural gas for electricity generation and lack of heavy industrial/manufacturing uses in the region.

b. Lead emissions have steadily declined due to catalytic converters and increased use of lead-free gasoline. San Diego is no longer required to monitor for lead.

c. OC threshold based on SCAQMD levels per South Coast Air Quality Management District (SCAQMD) levels per SDAPCD (9/01).

d. Thresholds level from the South Coast Air Quality Management District (SCAQMD).

Source: FEIR, Volume 1, p. 3.4-5
**Impact**

Potential conflict with or obstruction of implementation of applicable air quality plan (FEIR, Volume 1, p. 3.4-6). Violation of air quality standards (FEIR, Volume 1, pp. 3.4-6 through 3.4-9). Potential cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment (FEIR, Volume 1, p. 3.4-9). Potential exposure of sensitive receptors to substantial pollutant concentrations (FEIR, Volume 1, p. 3.4-10). Potential creation of objectionable odors affecting a substantial number of people (FEIR, Volume 1, p. 3.4-10). Exceedance of pollutant emission thresholds in above table (FEIR, Volume 1, pp. 3.4-10 through 3.4-11).

**Finding**

Standard specifications and project design features have been incorporated into the project to lessen potential air quality impacts (FEIR, Volume 1, pp. 2-19 and 2-20). Changes or alterations have been required in, or incorporated into, the project, to avoid potential significant environmental effects of project construction on air quality (FEIR, Volume 1, pp. 3.4-10 and 3.4-11). However, even with implementation of the standard specification and project design features and mitigation measures, the project would have residual short-term impacts to air quality.

**Explanation**

The following project design features have been incorporated into the project to lessen potential air quality impacts:

1. All clearing and grading will be carried out with dust control measures adequate to prevent creation of a nuisance to persons or public or private property. Clearing, grading, and construction plans will require that measures such as the following be undertaken to achieve this result: watering, application of surfactants, shrouding, control of vehicle speeds, or other technological measures to reduce dispersion of dust.

2. Specific source control Best Management Practices (BMPs) identified in the project design could include, but not be limited to, the following:
   - Multiple applications of water during grading between dozer/scraper passes.
   - Chemical stabilization of internal roadways after completion of grading.
   - Use of sweepers or water trucks to remove “track-out” at any point of public street access.
   - Termination of grading if winds exceed 25 mph.
   - Stabilization of dirt storage piles by chemical binders, tarps, fencing or other erosion control.
Construction of the project is expected to be completed in approximately 2 years, which is a short time relative to the overall implementation of long-range air quality plans. This is also a short time relative to health impacts to sensitive receptors. Prevailing winds would disperse diesel exhaust to the east, away from the residential development in Tierrasanta. These potential air quality impacts would not be significant.

Maximum daily emissions of NO\textsubscript{x} associated with construction of the FRS II would exceed the significance threshold during the excavation and structural concrete construction phases. Maximum daily emissions of NO\textsubscript{x} associated with construction of the pipeline tunnel would exceed the significance threshold during excavation of the tunnels from both the North and South Portals. These NO\textsubscript{x} emissions would cause a significant short-term impact to air quality (Impact AQ 1).

Maximum daily emissions of PM\textsubscript{10} associated with construction of the FRS II would exceed the significance threshold during the excavation, structural concrete construction, floor construction, and final grading of the FRS II site. Maximum daily emissions of PM\textsubscript{10} associated with construction of the pipeline tunnel also would exceed the significance threshold during the North Portal construction and excavation of the tunnel from the North and South Portals. These PM\textsubscript{10} emissions would cause a significant short-term impact to air quality (Impact AQ 2). These significant impacts to air quality would be temporary because they would cease upon the completion of construction. There would be no permanent air quality impacts.

**Mitigation Measures**

The following mitigation measures are required for the project:

**AQ 1-1** Heavy-duty diesel equipment engines shall be properly tuned and maintained in compliance with State of California emissions regulations to ensure minimum emissions under normal operation. The Water Authority shall require its construction contractors to implement this measure to the extent practical.

**AQ 2-1** Vehicles hauling dirt or fill shall be covered with a tarp or by other means.

**Significance after Mitigation**

The impact of peak emissions would remain significant during the approximately 14 months when the construction of individual components would cause NO\textsubscript{x} and PM\textsubscript{10} thresholds to be exceeded. A Statement of Overriding Considerations would be necessary for project approval. All other air quality impacts would be less than significant after mitigation.
E. NOISE AND VIBRATION

Thresholds of Significance

Thresholds used to evaluate potential noise and/or vibration impacts are based on applicable criteria in the State CEQA Guidelines (CCR §§15000-15387), Appendix G; and the City of San Diego’s Significance Determination Thresholds for CEQA. A significant noise and/or vibration impact would occur if the project would:

- Expose sensitive land uses to construction noise, which exceeds 75 dBA $L_{eq}$ between the hours of 7:00 a.m. and 7:00 p.m. If the project vicinity ambient level is currently at or exceeds 75 dBA $L_{eq}$, noise level increases greater than 3 dB would be considered significant.
- Expose sensitive land uses to construction noise between the hours of 7:00 p.m. and 7:00 a.m.
- Exceed the significance thresholds for interior and exterior noise impacts from traffic generated noise.
- Result in a permanent increase in ambient noise levels in the project vicinity, which exceed the significance thresholds.
- Expose persons to or generate excessive vibration that:
  - Results in peak particle velocities in excess of 2 in/sec at the nearest structure.
  - Results in a daily average particle velocity in excess of 0.5 in/sec at the nearest sensitive receptor.

Source: FEIR, Volume 1, p. 3.5-4

Impact

Exposure of sensitive land uses to construction noise that exceeds 75 dBA $L_{eq}$ between the hours of 7:00 a.m. and 7:00 p.m. (FEIR, Volume 1, pp. 3.5-4 through 3.5-8). Exposure of sensitive land uses to construction noise between 7:00 p.m. and 7:00 a.m. (FEIR, Volume 1, p. 3.5-8). Potential exceedance of thresholds for interior and exterior noise impacts from traffic generated noise (FEIR, Volume 1, p. 3.5-8 through 3.5-10). Potential permanent increase in ambient noise levels in the project vicinity (FEIR, Volume 1, p. 3.5-10). Generation of excessive vibration due to blasting (FEIR, Volume 1, pp. 3.5-10 through 3.5-11).

Finding

Standard specifications and project design features have been incorporated into the project to lessen potential noise and vibration impacts (FEIR, Volume 1, pp. 2-20 and 2-21). Changes or alterations have been required in, or incorporated into, the project, to avoid potential significant environmental effects of project construction on noise and vibration (FEIR, Volume 1, pp. 3.5-11 through 3.5-13). However, even with implementation of the standard specification and project design features and mitigation measures, the project would have residual short-term noise impacts.
Explaination

The following project design features have been incorporated into the project to lessen potential noise and vibration impacts:

1. Grading and construction activities will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday, with the exception of 24/7 tunneling activities at the South Portal and the 10-day pipeline connection phase of the project at the North Portal, South Portal, and Pipeline Interconnect Reconfiguration.

2. Temporary noise barriers will be provided between stationary equipment and the closest sensitive receptors at the North Portal and the Pipeline Interconnect Reconfiguration area north of the North Portal.

The majority of the construction activity would be limited to the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. During this time, the construction noise generally would comply with the thresholds criteria. An exception would be at the North Portal and adjacent to the Pipeline Interconnect Reconfiguration, where the proximity of sensitive receptors to the proposed work site and the estimated sound levels from construction equipment may cause average daily sound levels to exceed 75 dBA, resulting in a significant noise impact (Impact N 1).

Nighttime construction would occur at the North Portal for 10 consecutive days during the connection of the new pipeline, and for the same duration at the Pipeline Interconnect Reconfiguration site. Nighttime construction would occur at the South Portal for approximately 1 year. Construction during nighttime hours (7:00 p.m. through 7:00 a.m.) would not be in conformance with the nighttime hourly average threshold of 45 dBA in residential zones, resulting in a significant noise impact (Impact N 2).

Construction traffic due to the project would not generate noise that would exceed the significance thresholds for interior and exterior noise impacts.

The project would not create a permanent increase in ambient noise levels, as operational noise from maintenance vehicles would be periodic and minor.

Blasting is planned for the tunnel and North Portal excavations in hard rock within the Santiago Peak Volcanics. Due to the close proximity of the residences near the North Portal site, it is assumed that this impact would be significant (Impact N 3).

Mitigation Measures

The following mitigation measures are required for the project:
N 1-1 No motor driven semi-stationary equipment shall be operated continuously under load within 500 feet of any residences at night (7:00 pm – 7:00 a.m.) unless a temporary noise propagation barrier is erected, and/or enhanced mufflers are used to reduce noise exposure at any adjacent building facade to 45 dB $L_{eq}$.

N 1-2 The contractor shall use portable noise screens or enclosures to provide shielding for high noise activities or equipment as necessary. The effectiveness of a barrier depends upon factors such as the relative height of the barrier relative to the line-of-sight from the source to the receiver, the distance from the barrier to the source and to the receiver and the reflections of sound. To be effective, a barrier must block the line-of-sight from the source to the receiver. A properly designed noise barrier can reduce noise as much as 20 dBA.

N 1-3 The Water Authority shall monitor noise levels during construction to ensure compliance with the noise thresholds.

N 2-1 Prior to start of construction, the Water Authority shall construct a temporary sound wall along the western boundary of the North Portal staging area and the Pipeline Interconnect Reconfiguration site to reduce construction noise levels at the Belsera property line. A properly designed noise barrier can reduce noise as much as 20 dBA.

N 2-2 The Water Authority shall monitor noise levels during construction to ensure compliance with the noise thresholds.

N 3-1 The Water Authority shall monitor all blasting activities to confirm that they are consistent with the Water Authority’s General Conditions and Standard Specifications, Section 02229, including:

- Blasting shall only be conducted during construction when other practicable excavation methods are not available.
- Advanced written notification of the date and time of any blasting activities shall be provided to all residents and businesses within 400 feet of the blast area.
- A Blast Plan will be developed and approved by the local regulatory authority in the event that blasting is necessary.

N 3-2 Blast monitoring shall be required for all blasting operations within the City, including monitoring of ground motions, peak particle velocity, and air blast levels.

N 3-3 The hours of blasting shall be determined by site specific requirements and blasting shall be limited to daytime hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday.
If the blasting results in vibration or blast levels with a PPV in excess of 2.0 inches/second, modifications to the procedures shall be implemented, such as using different delay patterns, reduction in size of the individual blasts, shorter and/or smaller diameter blast holes, closer spacing of blast holes, reduction of explosives, blast mats, sound walls, or a combination. A properly designed noise barrier can reduce noise as much as 20 dBA.

A public outreach program shall be implemented to alert the public to the potential for vibrations and noise associated with blasting.

**Significance after Mitigation**

Implementation of the mitigation measures would reduce short-term impacts due to construction noise by 20 dBA, but these impacts would not be expected to be reduced to below a level of significance. Therefore, the impacts due to construction noise at the North Portal and during nighttime construction would remain significant during the construction period. A Statement of Overriding Considerations would be necessary for project approval. This significant noise impact would be temporary because it would cease upon the completion of construction.

No residual impacts would remain after implementation of the proposed mitigation measures for vibration impacts associated with blasting. All other noise/vibration impacts would be less than significant after mitigation.

**F. RECREATION**

**Thresholds of Significance**

Thresholds used to evaluate potential impacts to recreation are based on applicable criteria in the State CEQA Guidelines (CCR §§15000-15387), Appendix G; and the thresholds established for the Water Authority’s Program Environmental Impact Report for the Regional Water Facilities Master Plan. A significant impact to recreation would occur if the project would:

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Result in the direct disturbance or displacement of established recreation facilities.

Source: FEIR, Volume 1, p. 3.6-1.
Impact

Potential increase in the use of existing neighborhood and regional parks such that substantial physical deterioration would occur or be accelerated (FEIR, Volume 1, p. 3.6-2). Potential direct disturbance or displacement of established recreation facilities (FEIR, Volume 1, pp. 3.6-2 through 3.6-3).

Finding

With implementation of the standard specifications and project design features (FEIR, Volume 1, p. 2-21), impacts to recreation would be less than significant, and no mitigation measures would be required.

Explanation

The following project design features have been incorporated into the project to lessen potential recreation impacts:

1. Roads and trails within MTRP that are within the area affected by the proposed project will be closed for the duration of construction to avoid potential conflicts between construction activities and recreational activities.

2. All road and trail closures will be well marked and alternative routes will be identified. All roads and trails within the area affected by the proposed project will be restored to existing conditions, or better, following construction. Nearly all of the project features will be belowground.

3. The surface of the park will be revegetated with a native seed mix and returned to natural open space available for passive recreation.

4. Most of the existing Elliott Vents #1 - #5 will be removed and replaced with smaller facilities.

The project would reduce the use of portions of the West Fortuna Area of MTRP, which represents the western edge of the park, during construction where access points and trails would be closed to maintain visitor safety. However, because the regional park offers multiple access points and trails, the inaccessibility to this part of MTRP for approximately 2 years is not expected to substantially increase the use of existing neighborhood parks or other portions of MTRP such that these parks would deteriorate. The direct impact to MTRP would only occur during construction and would be limited to the extreme western part of the large regional park. Access to the park would be open during construction from many other points. The Water Authority will continue to distribute community newsletters to residents within the 92124 Zip Code, MTRP staff, and other interested parties describing the project components, schedule, impacts to recreational uses, and suggested alternative park areas and trails that may be used for recreational purposes during construction. Direct impacts of the access point and trail...
closures would be adverse. However, the impacts would be less than significant due to the availability of other portions of the park for recreation and the limited duration of the project.

**Mitigation Measures**

No mitigation measures would be required.

**Significance after Mitigation**

Not significant (FEIR, Volume 1, p. 3.6-3).

**G. WATER RESOURCES**

**Thresholds of Significance**

Thresholds used to evaluate potential impacts to water resources are based on applicable criteria in the State CEQA Guidelines (CCR §§15000-15387), Appendix G. A significant impact to water resources would occur if the proposed project would:

- Violate any water quality standards or waste discharge requirements.
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner in which would result in substantial erosion or siltation on or off site.
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on or off site.
- Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Otherwise substantially degrade water quality.
- Place structures within a 100-year flood hazard area, which would impede or redirect flood flows.
- Expose people or structures to significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- Result in inundation by seiche, tsunami, or mudflow.

Source: FEIR, Volume 1, pp. 3.7-4 through 3.7-5.

**Impact**

Potential violation of water quality standards or waste discharge requirements (FEIR, Volume 1, pp. 3.7-5 through 3.7-6). Potential alteration of existing drainage patterns resulting in substantial erosion or siltation off site (FEIR, Volume 1, p. 3.7-6). Potential alteration of existing drainage patterns or increase in runoff resulting in flooding on or off
site (FEIR, Volume 1, pp. 3.7-6 through 3.7-7). Potential creation of runoff that would exceed the capacity of existing or planned stormwater drainage systems (FEIR, Volume 1, p. 3.7-7). Potential degradation of water quality (FEIR, Volume 1, p. 3.7-8). Potential placement of structures within a 100-year floodplain (FEIR, Volume 1, p. 3.7-8). Potential creation of flooding hazard (FEIR, Volume 1, p. 3.7-8). Potential creation of hazard due to seiche, tsunami, or mudflow (FEIR, Volume 1, pp. 3.7-8 through 3.7-9).

Finding

With implementation of the standard specifications and project design features (FEIR Volume 1, pp. 2-21 through 2-23), impacts to water resources (hydrology and water quality) would be less than significant, and no mitigation measures would be required.

Explanation

The following project design features have been incorporated into the project to lessen potential water resources impacts:

1. Prior to the start of ground disturbing activities, the Water Authority will prepare a SWPPP to reduce or eliminate pollutants during and after construction is complete. The plan will identify all pollutant sources, including sources of sediment that may affect the quality of storm water discharges associated with construction activity (storm water discharges from the construction site); identify non-storm water discharges; identify structural and/or treatment control BMPs that are to be implemented in accordance with a time schedule to reduce or eliminate pollutants in storm water discharges and authorized non-storm water discharges from the construction site during construction; and develop a maintenance schedule for permanent or post-construction BMPs that will “to the maximum extent possible” reduce or eliminate pollutants after construction is completed.

2. Detailed BMPs to prevent hazardous materials impacts to water quality will be included in the project SWPPP. Standard industry measures include, but are not limited to the following:

   - Storage of a minimal amount of hazardous materials on site and restriction of storage/use locations to areas at least 50 feet from storm drains and watercourses.
   - Use of covered and/or enclosed facilities for all hazardous materials storage.
   - Maintenance of accurate written inventories and labels for all stored hazardous materials.
   - Use of berms, ditches and/or impervious liners (or other applicable methods) in material storage and vehicle/equipment maintenance areas to provide a containment volume of 1.5 times the volume of stored/used materials to prevent discharge in the event of a spill.
- On-site storage of absorbent and clean-up materials where they are readily accessible.
- Proper location and maintenance of trash and wastewater facilities.
- Posting of regulatory agency telephone numbers and a summary guide of clean-up procedures in a conspicuous location at or near the job site trailer.
- Regular (at least weekly) monitoring and maintenance of hazardous material use/storage facilities and operations to ensure proper working order.
- Implementation of a Storm Water Sampling and Analysis Strategy (SWSAS) program pursuant to regulatory guidelines.

3. The grading/construction contractor will conform to applicable NPDES General Groundwater Extraction and Waste Discharge Permit criteria prior to disposal of extracted groundwater. While specific BMPs to address potential water quality concerns from disposal of extracted groundwater will be determined based on site-specific parameters, they will likely include the following types of standard industry measures derived from the NPDES Permit text and applicable agency/industry sources:

- Use of erosion prevention and sediment control devices for applicable conditions (e.g., when extracted groundwater is discharged onto graded or unstabilized areas).
- Testing, filtering (e.g., with gravel and filter fabric media) and/or treating (e.g., by conveyance to a municipal wastewater treatment plant) of extracted groundwater prior to discharge, if required for NPDES permit conformance.
- Removal of groundwater for treatment and disposal by a licensed operator, if required for NPDES permit conformance.

Compliance with the General Construction Stormwater Permit and provisions of the SWPPP would assure the project would not result in significant downstream surface water or groundwater quality impacts. The SWPPP would require the use of BMPs to control erosion and prevent or reduce impacts to water quality. The project would conform to the requirements of Waste Discharge Requirements for Groundwater Remediation and Dewatering Waste Discharges, Order Numbers 95-25 and 96-41. Adherence to the Waste Discharge Permit would assure the project would not result in significant waste discharge impacts.

The temporary disruption of natural drainage patterns would be limited to the construction areas, would be implemented to control erosion and siltation downstream, and would not be long term.

After construction is completed, the impermeable surface expression of the constructed facilities would be limited to the access/control building and small concrete pads covering valve vaults. These small areas would not generate additional runoff at levels that would affect the capacity of downstream drainages, or increase downstream flooding. The overflow pipeline from the FRS II would discharge into the canyon to the north of the FRS II. The overflow pipeline would only discharge raw water in the
unlikely event of a stuck valve or other unanticipated situation that would cause the rate of flow into the FRS II to exceed capacity. The chance that large quantities of water would be discharged is remote and there is little downstream development, including roads or trails, which would be affected.

The proposed project would be constructed almost entirely belowground. The potential for increased runoff would exist during construction as vegetation is cleared from construction and staging areas. However, BMPs, such as straw wattles, gravel bags, and silt curtains, would be implemented to prevent increased runoff from leaving the work areas.

Water quality would not be degraded because nearly all construction would be away from the San Diego River and the contractor would be required to comply with provisions of the SWPPP and the General Construction Stormwater Permit.

Most of the project would be well above the 100-year floodplain of the San Diego River. The FRS II, tunnel shafts and portals would not be at risk from a 100-year flood. The stabilized river crossing would be placed on the channel bed of the San Diego River. Therefore, this component of the project would be within the 100-year flood area. However, the stabilized river crossing would be constructed at grade and would be engineered to withstand the flows and velocities anticipated during a 100-year flood.

The FRS II would not be a dam or a levee, but it would store water. Catastrophic failure of the FRS II is not considered likely due to the belowground location, constant monitoring of water levels by the Water Authority operations staff and their ability to quickly drain the reservoir from a remote location, and the provision of an overflow pipe to prevent overfilling and the buildup of pressure.

The distance from the coast and the difference in elevation between sea level and the proposed project would prevent a seiche or tsunami from reaching the project area should one reach the San Diego coastline. Based on the inland location and elevation of the project site, the potential for damage from these hazards is considered to be very low. A mudflow generated by rainfall is not considered to be likely at the FRS II site due to the low average rainfall and the geologic formations within MTRP.

**Mitigation Measures**

No mitigation measures would be required.

**Significance after Mitigation**

Not significant (FEIR, Volume 1, p. 3.7-9).
H. BIOLOGICAL RESOURCES

Thresholds of Significance

Thresholds used to evaluate impacts to biological resources are based on applicable criteria in the State CEQA Guidelines (CCR §§15000-15387), Appendix G. A significant impact to biological resources would occur if the project would:

- Have a substantial adverse effect, either directly or indirectly through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFG or USFWS.
- Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with local policies or ordinances protecting biological resources, such as tree preservation policies or ordinances.
- Conflict with the provision of an adopted Habitat Conservation Plan (HCP), Natural Communities Conservation Plan (NCCP), or other approved local, regional, or state HCP.

Source: FEIR, Volume 1, p. 3.8-11

Impact

Substantial adverse effects on sensitive natural communities and wildlife species (FEIR, Volume 1, pp. 3.8-12 through 3.8-15). Potential substantial effect on sensitive plant species (FEIR, Volume 1, pp. 3.8-13 through 3.8-14). Substantial adverse effect on riparian habitat or other sensitive natural communities (FEIR, Volume 1, p. 3.8-15). Substantial adverse effect on federally protected wetlands (FEIR, Volume 1, pp. 3.8-15 through 3.8-16). Potential substantial interference with wildlife movement (FEIR, Volume 1, p. 3.8-16). Potential conflict with local policies protecting biological resources (FEIR, Volume 1, p. 3.8-16). Potential conflict with provision of an adopted HCP, NCCP, or other plan (FEIR, Volume 1, p. 3.8-17).

Finding

Standard specifications and project design features have been incorporated into the project to lessen potential impacts to biological resources (FEIR, Volume 1, pp. 2-24 and
Changes or alterations have been required in, or incorporated into, the project, which avoid or reduce to less than significant the significant environmental effects of project construction on biological resources (FEIR, Volume 1, pp. 3.8-17 through 3.8-19). With implementation of the standard specifications and project design features and mitigation measures, impacts to biological resources would be less than significant.

**Explanation**

The following project design features have been incorporated into the project to lessen potential biological resources impacts:

1. Native vegetation disturbance will be limited to the construction zones as indicated by flagging.

2. Equipment staging and refueling areas will be located away from sensitive habitat and natural drainages.

3. Prior to the commencement of construction, the limits of grading will be clearly delineated by a survey crew prior to brushing, clearing, or grading. The biological monitor will check the grading limits before initiation of construction grading. The contractor(s) will be responsible to mitigate impacts to sensitive biological resources beyond those identified in this report or any subsequent reports that occur as a result of construction activities.

4. Activities will be prohibited within drainages (other than those that may occur within an approved construction zone), including staging areas, equipment access, and disposal or temporary placement of excess fill.

5. Construction in or adjacent to sensitive areas or potentially affecting sensitive species will be appropriately scheduled to avoid sensitive and/or breeding seasons and to minimize potential impacts to biological resources.

6. Erosion and siltation into off site areas during construction will be minimized. The contractor will prepare an erosion control plan. The construction supervisor will be responsible for ensuring that the erosion control plan is developed and implemented.

7. Appropriate post-construction fencing and signage will be installed to prohibit access and avoid potential impacts to sensitive resources adjacent to the site.

8. Lighting will be directed away from any native habitat and will consist of low-sodium or similar lighting equipped with shields to focus light downward on the appropriate subject.

9. If staging areas outside the construction footprint are used, they will be surveyed for biological resources prior to use.
10. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems will be used when necessary to prevent dust from leaving the site.

11. During construction, water trucks or sprinkler systems will be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this will include wetting down such areas in the morning and after work is completed for the day.

12. A tunnel has been proposed for construction of approximately 5,000 feet of pipeline beneath MTRP to minimize surface disturbance in the park. The FRS II has been designed to be belowground. An existing staging area, constructed for the FRS I project, has been selected for the proposed project. Existing roads within MTRP have been selected for ingress and egress to the construction sites. Impacts have been limited to the Water Authority’s existing right-of-way wherever possible. An existing crossing of the San Diego River has been selected for the proposed stabilized crossing. Impacts (both temporary and permanent) to Diegan coastal sage scrub within the Water Authority’s right-of-way have been previously mitigated at the Crestridge Habitat Management Area.

13. The removal of vegetation from MTRP will be limited to the non-breeding season for nesting migratory birds (September 15 through March 15). Such a restriction will also avoid direct impacts to birds afforded the federal species of concern and/or the California species of special concern status.

14. If it would not be possible to limit clearing of vegetation to only during the non-breeding season, nesting surveys will be conducted prior to the removal of vegetation, active nest areas will be avoided, and a 500-foot buffer will be maintained around the nest, until the young birds have fledged.

15. If removal of mature trees is proposed during the raptor breeding season, a survey for active raptor nests will be conducted, and similar measures will be followed if active nests are found.

Sensitive upland habitats occurring on site that would be impacted by the proposed project are: Diegan coastal sage scrub (Impact BR 1), coastal sage-chaparral scrub (Impact BR 2), and valley needlegrass grassland (Impact BR 3). Direct impacts to these habitats caused by project-related construction activities would be significant. Jurisdictional habitats that would be impacted significantly by project construction are: San Diego mesa claypan vernal pools (Impact BR 4), southern willow scrub (Impact BR 5), southern cottonwood-willow riparian forest (Impact BR 6), mule-fat scrub (Impact BR 7), and open water/water of the U.S (Impact BR 8).

Sensitive plant species observed in the project area included: federally threatened San Diego thornmint, CNPS list 1B species and narrow endemic variegated dudleya, CNPS
list 1B species Nuttall’s scrub oak, CNPS list 2 species coast barrel cactus, and CNPS list 4 species San Diego sunflower. Impacts to San Diego thornmint from project construction would be avoided with implementation of the Standard Conditions for Biological Resources presented in Section 2.6, Project Design Features. Variegated dudleya occurs within an approximately 100-foot-diameter area within the southern mixed chaparral that would be removed on the FRS II site. Removal of this relatively small population would not represent a substantially adverse effect on the larger population within MTRP. Nuttall’s scrub oak, coast barrel cactus, and San Diego sunflower species are interspersed throughout the southern mixed chaparral, coastal sage-chaparral scrub, and Diegan coastal sage scrub vegetation that would be removed by the construction of the FRS II and tunnel portals. Their removal would not represent a substantially adverse effect on the overall populations within MTRP due to the relatively small size of the impact footprints.

Five federal and/or state sensitive wildlife species have the potential to occur on the project site: Quino checkerspot butterfly, San Diego fairy shrimp, coastal California gnatcatcher, least Bell’s vireo, and arroyo toad. Three of the five species were identified in the project area during focused surveys: Quino checkerspot butterfly, coastal California gnatcatcher, and least Bell’s vireo. A focused survey for the arroyo toad was negative, as was a focused survey for San Diego fairy shrimp within vernal pools on the FRS II site. Short-term impacts to the Quino checkerspot butterfly (Impact BR 9), coastal California gnatcatcher (Impact BR 10), and least Bell’s vireo (Impact BR 11), including construction noise and loss of habitat, would be significant.

As discussed above, the loss of Diegan coastal sage scrub, coastal sage-chaparral scrub, valley needlegrass grassland, vernal pool habitat, southern willow scrub, southern cottonwood-willow forest, mule-fat scrub, and open water/waters of the U.S. would be significant.

The proposed project would result in impacts to the San Diego River associated with the stabilized river crossing. Impacts to other waters of the U.S. within small ephemeral drainages within canyon bottoms along the Water Authority’s ROW would be avoided. The permanent impacts to open water/waters of the U.S. would be significant. Impacts to vernal pools are no longer regulated by the Corps as vernal pools are considered to be isolated waters and the courts have ruled that Section 404 of the Clean Water Act no longer applies. Impacts to vernal pools are regulated exclusively by the RWQCB and are considered to be significant, as discussed above.

In the project area, the San Diego River and potentially Shepherd’s Canyon currently serve as wildlife corridors. With the exception of the stabilized river crossing of the San Diego River, the project impacts would occur in upland areas, outside of these potential wildlife corridors. Construction of the river crossing would occur during daylight hours and would be of short duration. Direct impacts to nesting avian species during the breeding season would be avoided with implementation of the Standard Conditions for Biological Resources presented in Section 2.6, Project Design Features.
There are no policies and ordinances, other than those discussed elsewhere in this section such as the MTRP Master Plan and the City’s MSCP, adopted for the purpose of protecting biological resources that would apply to the proposed project.

The proposed project is conditionally compatible with the City’s MSCP but is not consistent with all MSCP mitigation requirements. The Water Authority is currently preparing its own Habitat Conservation Plan (HCP) for the lands it controls, and does not participate in the City’s MSCP. Furthermore, the Water Authority is a Special District, and is not subject to local land use plans, policies, and ordinances. Although the Water Authority is not subject to the City of San Diego’s MSCP, the agency does strive to be consistent with the intent of the program. Permanent impacts to 0.23 acre of chaparral, and 0.1 acre of non-native grassland would not be mitigated, because the Water Authority does not consider these habitats sensitive. However, this comparatively minor impact will not substantially affect the City’s ability to implement the MSCP.

**Mitigation Measures**

The following mitigation measures are required for the project:

**BR 1-1**, **BR 2-1**, **BR 3-1**

Temporary impacts to Diegan coastal sage scrub, coastal sage scrub-chaparral scrub, and valley needlegrass shall be mitigated through revegetation with a coastal sage scrub seed mix that includes valley needlegrass seed. Permanent impacts to Diegan coastal sage scrub, coastal sage scrub-chaparral scrub, and valley needlegrass shall be mitigated offsite using mitigation credits from the Water Authority’s Crestridge Habitat Management Area.

**BR 4-1**

Permanent impacts to San Diego claypan vernal pool habitat shall be mitigated at a 2:1 ratio by the creation of replacement vernal pool habitat. The Water Authority shall request enrollment under the RWQCB General Waste Discharge Requirements (WDR) for Dredged of Fill Discharges to Waters Deemed by the U.S. ACOE to be Outside of Federal Jurisdiction (Order No. 2004-0004-DWQ).

The site selected for the creation of claypan vernal pool habitat shall have the appropriate topography and soil type for vernal pool creation and shall ideally be disturbed. The vernal pool creation effort shall not have an adverse effect on existing vernal pools.

Two sites that are potentially suitable for vernal pool mitigation have been identified within MTRP. The final vernal pool creation program shall be prepared to the mutual satisfaction of the Water Authority, MTRP staff, and the RWQCB.
Mitigation for temporary and permanent impacts southern willow scrub at the stabilized crossing of the San Diego River shall be mitigated through the revegetation of disturbed areas adjacent to the San Diego River with southern willow scrub species.

Mitigation for temporary and permanent impacts to southern cottonwood-willow riparian forest shall be mitigated through the planting of southern cottonwood-willow riparian forest container stock within disturbed areas adjacent to the San Diego River.

Mitigation for temporary impacts to mule-fat scrub shall be mitigated through the planting of mule fat scrub within disturbed areas adjacent to the San Diego River.

Mitigation for permanent impacts to waters of the U.S. shall be mitigated through the creation of wetlands along the San Diego River in MTRP and the restoration/enhancement of an adjacent area.

A qualified biologist shall conduct a pre-construction survey for the Quino checkerspot butterfly during the flight season prior to the commencement of project construction. Should Quino checkerspot butterflies be present, the Water Authority shall provide mitigation in the form of habitat preservation, enhancement, or creation to the mutual satisfaction of the USFWS and the Water Authority.

All on-site grading and construction activities adjacent to Diegan coastal sage scrub shall occur outside the gnatcatcher breeding season (March 1 through August 15). It is possible that construction activities could overlap the gnatcatcher breeding season and, therefore, indirect impacts to gnatcatchers could occur. If grading or construction is planned to commence during the breeding season, a pre-construction survey shall be conducted to determine the presence or absence of gnatcatchers within areas affected by noise. If no nesting birds occur within this area, development would be allowed to proceed. However, if nesting birds are observed within this area, development shall be postponed until all nesting activity has ceased or until after August 15. Work that has commenced prior to the breeding season shall be allowed to continue without interruption. Traffic shall continue to traverse occupied habitat in route to construction sites in unoccupied areas.

Indirect impacts to least Bell’s vireos resulting from loss of habitat at the proposed stabilized San Diego River crossing shall be mitigated by the planting of southern willow scrub (Mitigation Measure BR 5-1).
BR 11-2  If feasible, indirect impacts to least Bell’s vireos resulting from construction noise at the San Diego River shall be mitigated by prohibiting construction of the San Diego River stabilized crossing during the breeding season (March 15- September 15). If not feasible, the Water Authority shall consult with the USFWS and implement any required mitigation measures.

**Significance after Mitigation**

Not significant (FEIR, Volume 1, p. 3.8-20).

I.  CULTURAL RESOURCES

**Thresholds of Significance**

Thresholds used to evaluate potential impacts to cultural resources are based on applicable criteria in the State CEQA Guidelines (CCR §§15000-15387), Appendix G. A significant impact to cultural resources would occur if the proposed project would:

- Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the State CEQA Guidelines.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the State CEQA Guidelines.
- Disturb any human remains, including those interred outside of formal cemeteries.

Source: FEIR, Volume 1, p. 3.9-3.

**Impact**

Potential substantial adverse change in the significance of a historical resource (FEIR, Volume 1, p. 3.9-3). Substantial adverse change in the significance of an archaeological resource (FEIR, Volume 1, pp. 3.9-3 through 3.9-4). Potential disturbance of human remains (FEIR, Volume 1, p. 3.9-4).

**Finding**

Changes or alterations have been required in, or incorporated into, the project, which avoid or reduce to less than significant the significant environmental effects of project construction on cultural resources (FEIR, Volume 1, pp. 3.9-4 and 3.9-5; FEIR, Volume 3, Section C - Errata). With implementation of the mitigation measures, impacts to cultural resources would be less than significant.
**Explanation**

The only historical resource identified in the project area is the Mission Flume that once carried water from the Old Mission Dam through Mission Gorge to the San Diego Mission. Impacts to this historical resource would be completely avoided by the project.

Eleven cultural resources were originally recorded in the project survey area. Seven of these archaeological sites have previously been tested and are not considered significant because they do not meet the criteria for listing on the California Register. Impacts to these resources would be less than significant. Four resources located within the project survey area have not been evaluated for significance. Direct impacts to extant cultural resources within the project area could result from brushing and vegetation removal, grading, and other ground disturbing activities during construction. These impacts would be significant (Impact CR 1). In addition, construction of the proposed project components could uncover significant cultural resources that have not been previously documented. The impact of discovering unexpected cultural resources would be significant (Impact CR 2).

Based on the cultural resources discovered in the project area, human remains are not anticipated during excavation.

**Mitigation Measures**

The following mitigation measures are required for the project:

**CR 1-1** Prior to construction, a qualified archaeologist shall flag the construction zone, including a 10-foot buffer zone, so that impacts occur entirely outside the boundaries of CA-SDI-5518, CA-SDI-5656, CA-SDI-5657, and CA-SDI-12018.

**CR 1-2** The Water Authority shall provide a qualified archaeological monitor to be present during all ground disturbing activities in prescribed areas.

**CR 2-1** In the event that unanticipated cultural resources are encountered during project construction, all earthmoving activity shall cease until the qualified archaeologist examines the findings, assesses their significance, and offers recommendations for procedures deemed appropriate to either further investigate or mitigate adverse impacts to those cultural resources that have been encountered (e.g., excavate the significant resource). These additional measures shall be implemented.

**CR 2-2** If human bone or bones of unknown origin are found during project construction, all work shall stop in the vicinity of the find and the County Coroner and the Water Authority shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission who shall notify the person it believes
to be the most likely descendant. The most likely descendant shall work with the Water Authority to develop a program for reinternment of the human remains and any associated artifacts. No additional work shall take place within the immediate vicinity of the find until the identified appropriate actions have been completed. Any collection of artifacts resulting from the surveys and monitoring, as well as the associated records, shall be curated at an appropriate institution in San Diego County that meets the standards of the State of California Guidelines for the Curation of Archaeological Collections.

**Significance after Mitigation**

Not significant (FEIR, Volume 1, p. 3.9-5).

**J. GEOLOGY AND SOILS**

**Thresholds of Significance**

Thresholds used to evaluate potential geology and soils impacts are based on applicable criteria in the State CEQA Guidelines (CCR §§15000-15387), Appendix G. A significant geology and soils impacts would occur if the proposed project would:

- Expose people or structures to potential substantial adverse effects, including the risk of injury or death involving:
- Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, such as Division of Mines and Geology Special Publication 42;
- Strong seismic ground shaking;
- Seismic-related ground failure, including liquefaction;
- Landslides.
- Result in substantial soil erosion or the loss of topsoil.
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

Source: FEIR, Volume 1, pp. 3.10-5 through 3.10-6.

**Impact**

Potential exposure of people or structures to adverse effects from rupture of earthquake faults, strong seismic ground shaking, seismic related ground failure, and landslides (FEIR, Volume 1, p. 3.10-6). Potential substantial soil erosion or loss of topsoil (FEIR, Volume 1, p. 3.10-6). Potential landslide, lateral spreading, subsidence, liquefaction or
collapse (FEIR, Volume 1, pp. 3.10-6 through 3.10-7). Potential damage from expansive soil (FEIR, Volume 1, p. 3.10-7).

Finding

With implementation of the standard specifications and design features (FEIR, Volume 1, pp 2-26 through 2-28), geology and soils impacts would be less than significant, and no mitigation measures would be required.

Explanation

The following project design features have been incorporated into the project to lessen potential geology and soils impacts:

1. Project plans will be reviewed to ensure compatibility with geotechnical conclusions.

2. Applicable field activities (e.g. manufactured slope conditions, excavations and fill placement) will be reviewed and appropriately modified by the geotechnical engineer.

3. Project design and construction elements, including seismic loading, excavation and grading, fill parameters (e.g., composition and moisture content), foundations and footings, manufactured slopes, and pipelines, will be in conformance with appropriate regulatory guidelines and industry standards.

4. Project construction activities will comply with existing regulatory requirements related to geology and soils, including applicable elements of the NPDES General Construction Permit, such as implementing a SWPPP and associated sedimentation BMPs. Typical control measures that may be implemented as part of the project SWPPP include:

   - Preparation and implementation of a “weather triggered” action plan during the rainy season to provide enhanced erosion of sediment control measures prior to predicted storm events (i.e., 40 percent or greater chance of rain).
   - Use of erosion control/stabilizing measures in appropriate areas (including disturbed areas and graded slopes with grades of 3:1 [horizontal to vertical] or steeper), such as geotextiles, mats, fiber rolls, soil binders, or temporary hydroseeding established prior to October 1.
   - Use of sediment controls to protect the site perimeter and prevent off-site sediment transport, including measures such as filtration devises (e.g., temporary inlet filters), silt fences, fiber rolls, gravel bags, temporary sediment basins, check dams, street sweeping, energy dissipators, stabilizing construction access points, (e.g., with temporary graveling or pavement) and sediment stockpiles (e.g., with silt fences and tarps), and use of properly fitted covers for sediment transport vehicles.
- Storage of BMP materials in applicable on-site areas to provide “standby” capacity adequate to provide complete protection of exposed areas and prevent off-site sediment transport.
- Provision of training for the personnel responsible for BMP installation and maintenance.
- Solid waste management efforts such as proper containment and disposal of construction debris.
- Installation of permanent native vegetation as soon as feasible after grading or construction.
- Implementation of appropriate monitoring and maintenance efforts (e.g., prior to and after storm events) to ensure proper BMP function and efficiency.
- Implementation of sampling/analysis, monitoring/reporting and post-construction management programs per NPDES requirements.
- Implementation of additional BMPs as necessary (and required by appropriate regulatory agencies) to ensure adequate erosion and sediment control.

Actual BMPs for the proposed project will be determined during the NPDES permitting and SWPPP process, with such measures taking priority over the typical industry standard measures listed above.

5. The project will include design features to minimize or avoid instability of manufactured slopes and retaining walls. These features could include, but are not limited to, the following:

- Field observation/mapping of manufactured slopes by the project geotechnical engineer, and (if applicable) implementation of site-specific design/construction changes.
- Provision of adequate drainage for all manufactured slopes and retaining walls, including surface features to prevent runoff on slopes and subdrains, if appropriate, to prevent saturation of surficial materials (including retaining wall backfills).
- Use of maximum grades of 2:1 for fill slopes and 1.5:1 for cut slopes.
- Use of approved fill materials and application methodologies (e.g., compaction and moisture content) for fill slopes.
- Over-filling of fill slopes by approximately six feet horizontally, with slopes then trimmed back to expose the compacted inner core after the fill is brought to finish grade (or compaction with a sheepsfoot roller or equivalent devise for fill slopes either less than 10 feet high, located over cut or existing slopes, or that cannot be overfilled).
- Use of native and/or drought-tolerant landscaping to reduce irrigation requirements (and/or use of subdrains as noted above).
- Use of stabilizing techniques (e.g., rock bolts) in applicable cut slopes.
- Incorporating appropriate placement of slopes and retaining walls (i.e., away from potential saturation sources) and drainage facilities, as well as use of applicable criteria for lateral earth, surcharge and seismic pressures in the design of all retaining walls.
- Evaluation of soil/rock conditions encountered during excavation to determine appropriate slope inclinations and stabilizing measures (e.g., shoring) to conform with existing U.S. Occupational Safety and Health Administration (OSHA) and California Occupational Safety and Health Administration (CAL/OSHA) requirements (including 29 CFR Part 1926, Occupational Health Standards-Excavations).

6. The project will include design features to minimize or avoid differential compression or settlement of on-site soils. These features could include, but are not limited to, the following:

- Site-specific settlement analyses will be conducted in areas deemed appropriate by the project geotechnical engineer.
- Depending on the results of the individual analyses, the project geotechnical engineer may require additional measures including overexcavation of unsuitable materials and replacement with engineered fill, locating foundations and larger utility pipelines outside of cut/fill transition zones, and limited irrigation of landscaped areas.
- Expansive materials will be removed, mixed with non-expansive soils and/or placed in deeper fills (at least five feet below finished grade) during grading.
- Oversized material used in fills will not exhibit maximum dimensions greater than four feet, and will not be placed within 10 feet of finish grade, 10 feet of manufactured slope faces (measured horizontally from the slope face) or 3 feet of the deepest pipeline or other utilities. Oversize material (i.e., rock with maximum dimensions greater than 12 inches) will be managed via off-site disposal, use in non-structural fill, or crushing or pre-blasting to generate material with maximum dimensions of less than 12 inches.

7. Project development will conform to applicable industry standards (e.g., the UBC and/or Greenbook) regarding corrosive soils. A site-specific investigation of potential corrosion hazards will be conducted in areas deemed appropriate by a qualified corrosion engineer for the proposed project. The results of this analysis will be checked against the final project design, as appropriate, to address potential corrosion impacts, and may include, but not be limited to, measures such as:

- Excavation (or over excavation) and treatment, and/or removal and replacement (i.e., with engineered fill) of corrosive materials.
- Use of non-corrosive and/or corrosion-resistant building materials in appropriate locations and installation of cathodic protection.

While southern California is a seismically active area, the proposed project would be located in an area where the risks of damage due to fault rupture, strong seismic ground shaking, liquefaction, and landslide are low.
The project would involve extensive grading, including widening of unpaved access trails within MTRP that are on soils with severe erodibility and high runoff potential. Therefore, the potential for substantial soil erosion or the loss of topsoil is high. However, substantial soil erosion or loss of topsoil would be avoided by implementation of Water Authority standard specifications and project features described above, including erosion control BMPs developed for the SWPPP.

Geotechnical surveys conducted for the FRS I project and the currently proposed project have determined that the Pomerado Conglomerate, which is the primary geologic unit in which the FRS II would be constructed, is stable. According to the geologic technical reports prepared for the FRS II and the pipeline tunnel, the potential for landslides, surface rupture, and liquefaction is low.

The FRS II would be located within Pomerado Conglomerate, which is not considered to be an expansive soil. In addition, the FRS II site and the pipeline tunnel would be over excavated and backfilled with appropriate materials.

**Mitigation Measures**

No mitigation measures would be required.

**Significance after Mitigation**

Not significant (FEIR, Volume 1, p. 3.10-7).

**K. PALEONTOLOGICAL RESOURCES**

**Thresholds of Significance**

Thresholds used to evaluate potential impacts to paleontological resources are based on applicable criteria in the State CEQA Guidelines (CCR §§15000-15387), Appendix G. A significant impact to paleontological resources would occur if the project would:

- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Source: FEIR, Volume 1, p. 3.11-2.

**Impact**

Direct or indirect destruction of a unique paleontological resource (FEIR, Volume 1, p. 3.11-2).
Finding

Changes or alterations have been required in, or incorporated into, the project, which avoid or reduce to less than significant the significant environmental effects of project construction on paleontological resources (FEIR, Volume 1, pp. 3.11-2 and 3.11-3; FEIR). With implementation of the mitigation measures, impacts to paleontological resources would be less than significant.

Explanation

The proposed project would involve grading and excavation in formations considered to have moderate and high sensitivity for fossil remains. The project would also involve construction in close proximity to areas documented to contain fossil remains. Therefore, grading associated with the proposed project has the potential to result in impacts to paleontological resources (Impact PR 1).

Mitigation Measures

The following mitigation measures are required for the project:

PR 1-1 The following measures shall be carried out by a qualified professional paleontologist:

- Existing bedrock outcrops and (possibly) excavation of test trenches shall be inspected for fossil remains.
- Surface collection of discovered fossil remains shall be conducted via simple excavation of exposed specimens and possibly plaster-jacketing of large and/or fragile specimens or more elaborate quarry excavations of richly fossiliferous deposits.
- Stratigraphic and geologic data shall be recovered to provide context for recovered fossil remains. These data will typically include a description of lithologies of fossil-bearing strata, measurement and description of the overall stratigraphic section, and photographic documentation of the setting.
- Laboratory preparation of collected fossil remains shall be conducted for potentially significant or unique finds.
- Prepared significant or unique fossil remains shall be cataloged and identified.
- Cataloged fossil remains shall be transferred for storage to an accredited institution.
A final report summarizing the findings from the laboratory and field, stratigraphic units inspected, types of fossils discovered, and the significance of the curated collection shall be prepared.

**Significance after Mitigation**

Not significant (FEIR, Volume 1, p. 3.11-3).

**L. PUBLIC SAFETY AND HAZARDOUS MATERIALS**

**Thresholds of Significance**

Thresholds used to evaluate potential public safety and hazardous materials impacts are based on applicable criteria in the State CEQA Guidelines (CCR §§15000-15387), Appendix G. A significant public safety and hazardous materials impacts would occur if the proposed project would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Source: FEIR, Volume 1, p. 3.12-2.

**Impact**

Potential creation of hazards through transport, use or disposal of hazardous materials (FEIR, Volume 1, pp. 3.12-2 through 3.12-3). Potential creation of hazards through upset and accidental release of hazardous materials (FEIR, Volume 1, p. 3.12-3). Potential emission of hazardous materials within one-quarter mile of a school (FEIR, Volume 1, p. 3.12-3). Location of the project on a site, which is included on a list of hazardous materials sites (FEIR, Volume 1, p. 3.12-3). Potential impairment of an adopted emergency response plan or emergency evacuation plan (FEIR, Volume 1, pp 3.12-3 through 3.12-4). Exposure of people or structures to risk of wildland fires (FEIR, Volume 1, p. 3.12-4).
Finding

Standard specifications and project design features have been incorporated into the project to lessen potential public safety and hazardous materials impacts (FEIR, Volume 1, pp. 2-28 through 2-30). Changes or alterations have been required in, or incorporated into, the project, which avoid or reduce to less than significant the significant environmental effects of project construction on public safety (FEIR, Volume 1, pp. 3.12-4 and 3.12-5; FEIR, Volume 3, Section C-Errata). With implementation of the standard specifications and project design features and mitigation measures, impacts to public safety would be less than significant.

Explanation

The following project design features have been incorporated into the project to lessen potential public safety and hazardous materials impacts:

1. Prior to authorization to proceed or issuance of permits, the Water Authority will prepare a Fire Prevention and Response Plan. All construction crewmembers will be trained in the requirements of the plan. The plan will outline the responsibilities for the prevention, pre-suppression, and suppression activities associated with fire within MTRP.

2. Fire safety information will be disseminated to construction crews during regular safety meetings. Fire management techniques will be applied during project construction and deemed necessary by the Water Authority and depending on the on-site vegetation and vegetation of surrounding areas.

3. The Contractor will be required to conduct ongoing worker training for all levels of construction personnel, including weekly safety meetings.

Transportation, use, or disposal of hazardous materials during construction, operation, and maintenance of the proposed facilities would pose potential health and safety hazards to construction and maintenance workers, nearby residents, park users, and the environment. However, the Water Authority’s General Conditions and Standard Specifications (Water Authority 2005) cover construction procedures for this kind of large infrastructure project. Safety measures that would be incorporated into the plans and specifications for the project would reduce the risk of upsets during construction, including accidental explosions or releases of hazardous substances.

The proposed project is intended for the transport, storage, and regulation of flow of raw water. No chemicals would be used or stored at the FRS II site.

No schools are located or planned within one-quarter mile of the FRS II.
A site-specific hazardous materials survey has not been conducted for the project. MTRP was once part of Camp Elliott, a military training area, and has been identified as potentially having unexploded ordnance from the historic military use. Therefore, the impact of potential exposure of construction and maintenance workers to hazardous materials in the soil and/or unexploded ordnance would be significant (Impact PS 1).

An emergency-only access gate and road from Seda Drive would allow for emergency crews to bypass construction equipment and haul trucks within MTRP to reach the FRS II site. The proposed stabilized crossing of the San Diego River would improve emergency response capabilities from Mission Gorge Road to areas north of the San Diego River. The ability to evacuate the Tierrasanta community, which would most likely be the result of a wildland fire, would not be compromised by the proposed project. An evacuation plan would be required for the construction site. The proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Activities associated with the construction, operation, and maintenance of the proposed project could increase the potential for accidental wildfires. The western boundary of the project area encompasses dense residential development bordered by undeveloped ridges and valleys of the park. This area suffered the loss of several structures during the Cedar Fire in 2003. The potential for people or structures to be exposed to risk of loss, injury, or death involving wildland fires due to project construction would be significant (Impact PS 2). However, risk of wildland fires from project operation would be negligible.

Mitigation Measures

The following mitigation measures are required for the project:

PS 1-1 Before completion of final design plans and specifications, all proposed project construction areas shall be investigated to determine if there is a record of hazardous materials contamination (Phase I Environmental Site Assessment). If so, the Water Authority shall characterize the site(s) according to the nature and extent of soil contamination, and determine the need for further investigation and/or remediation of the soils conditions on the contaminated site.

PS 1-2 If warranted, a Phase II investigation shall be conducted. The Phase II investigation shall, at a minimum, involve soil sampling. Should further investigation reveal high levels of hazardous materials in the site soils, mitigate health and safety risks according to County Department of Environmental Health and RWQCB regulations. This will include site-specific health and safety plans prepared prior to construction.
Prior to the start of construction, a qualified contractor shall survey all project construction sites, including access roads in MTRP, for the presence of unexploded ordnance. The survey shall include identification of potential unexploded ordnance locations and a determination of the presence or absence of unexploded ordnance in the area. Once the survey is completed, a qualified contractor shall arrange for the removal of any unexploded ordnance found. In addition, the unexploded ordnance contractor shall provide training, as needed, to construction contractors related to the identification of unexploded ordnance.

Prior to approval of final design plans and specifications, a Fire Prevention Program shall be developed in consultation with the City of San Diego Fire Marshal for each component of the proposed project. The program shall address fire prevention for the construction period and for long-term maintenance activities.

Prior to completion of construction, an Emergency Response Plan (ERP) shall be developed by the Water Authority (facility operator) in coordination with the City of San Diego Fire Department, County Office of Emergency Services, the County Environmental Health Department, and the appropriate Fire Protection District.

Significance after Mitigation

Not significant (FEIR, Volume 1, p. 3.12-5).

M. UTILITIES AND PUBLIC SERVICES

Thresholds of Significance

Thresholds used to evaluate potential impacts to public services and utilities are based on applicable criteria in the State CEQA Guidelines (CCR §§15000-15387), Appendix G; and the thresholds established for the Water Authority’s Program Environmental Impact Report for the Regional Water Facilities Master Plan. A significant impact to public services would occur if the proposed project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, such as: fire protection, police protection, schools, parks, and other public facilities.
- Exceed wastewater treatment requirements of applicable Regional Water Quality Control Board.
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Require or result in the need for new or expanded water supplies or entitlements.
- Generate solid waste that would significantly impact the permitted capacity of the landfill served by the project.
- Not comply with federal, state, and local statutes and regulations related to solid waste.
- Interrupt or disrupt utility services as a result of physical displacement and subsequent relocation of public utility infrastructure.
- Result in the need for additional capacity of utility infrastructure or additional services that could not be supplied by existing utility service providers.


**Impact**

Potential construction or operational adverse physical impacts on public services such as fire protection, police protection, schools, parks, and other public facilities (FEIR, Volume 1, pp. 3.13-3 through 3.13-4). Potential exceedance of wastewater treatment requirements (FEIR, Volume 1, p. 3.13-4). Potential need for new water or wastewater treatment facilities (FEIR, Volume 1, p. 3.13-4). Potential need for new or expanded storm water drainage facilities (FEIR, Volume 1, p. 3.13-5). Potential need for new or expanded water supplies or entitlements (FEIR, Volume 1, p. 3.13-5). Potential generation of solid waste that would significantly impact permitted landfill capacity (FEIR, Volume 1, p. 3.13-5). Potential lack of compliance with federal, state, and local solid waste regulations (FEIR, Volume 1, p. 3.13-5). Potential interruption or disruption of utility services during project construction or operation (FEIR, Volume 1, pp. 3.13-5 through 3.13-7). Potential need for additional capacity of utility infrastructure or services that could not be supplied by existing utility service providers (FEIR, Volume 1, p. 3.13-7).

**Finding**

With implementation of the standard specifications and project design features (FEIR, Volume 1, p. 2-31), impacts to utilities and public services would be less than significant, and no mitigation measures would be required.

**Explanation**

The following project design features have been incorporated into the project to lessen potential impacts to utilities and public services:
1. The Water Authority will notify and coordinate with all other utility providers with easements, rights-of-way, or facilities within or adjacent to the area affected by the proposed project. Any need to connect with or relocate utilities will be presented to the appropriate utility provider prior to commencement of construction.

2. Any work requiring the shutdown of an aqueduct will be limited to a period not to exceed 10 days.

3. The proposed project will require connection of the pipeline tunnel to the existing aqueducts at the North and South Portals. A pipeline interconnect reconfiguration may also be needed north of the North Portal. The connections and reconfigurations will all be completed during a 10-day shutdown of the raw water aqueducts.

Measures implemented to reduce the risk of wildland fires would avoid increases in the need for fire protection during construction. Security would be provided during project construction to protect the construction site, and the project staging areas would be fenced. The project would not substantially increase the need for police services such that capacity or response times in the surrounding community would be reduced. The construction zones for the project are well within the park. Construction would not interfere with school activities. There would not be impacts to schools. No public roads outside of MTRP would be closed or restricted due to project construction. The project construction would not substantially reduce emergency medical response.

The project would not result in the need for new or physically altered governmental facilities, including police and fire stations. The project would not generate students or result in the need for new or physically altered schools. The school district has indicated they are willing to sell the FRS II parcel to the Water Authority, as its location within MTRP precludes district use and development.

The proposed project would not involve generation or treatment of wastewater. Therefore, there would not be an impact involving the treatment of wastewater.

The proposed project would involve the construction of new water facilities for transmission and storage, but would not involve water treatment, or the construction of water treatment facilities.

As part of the project, a damaged storm drain would be repaired and the eroded area would be stabilized to protect the Water Authority easement from further erosion at this location. This would be a benefit to the utility, and would not involve expansion of the existing facility.

The proposed project would involve construction of new water facilities for transmission and storage of existing water supplies to improve operational efficiency and reliability.
The project would not result in the need for new or expanded water supplies or entitlements.

The proposed project would involve limited generation of solid waste from the removal of the existing vent structures and blow-offs, and overall construction activities. However, the amount of waste material generated would be negligible.

The project plans and specifications would require the construction contractor to comply with all applicable federal, state, and local statutes and regulations, including those for appropriate disposal of solid waste. Operation of the FRS II by the Water Authority would likewise comply with all applicable statutes and regulations.

Utilities would be protected or avoided during construction. Aboveground electrical and communication lines are highly visible and would be mapped on project construction plans and described in construction specifications. The contractor would be responsible for avoiding inadvertent damage to these lines during construction. In the unlikely case such damage occurred, the interruption in service would be short-term while the line would be repaired and reconnected. Pipelines 3, 4, and 4BII would be protected from damage due to construction loads of equipment and vehicles passing over the Second Aqueduct easement. Measures include not allowing equipment to operate over the pipelines unless a temporary bridge is constructed so that the load will not transfer to the existing pipelines. The outage necessary to allow connection of the new pipeline to the existing Pipeline 3 and Pipeline 4 at the north and south ends of the project would be short-term, and would be scheduled by the Water Authority during the winter when water demands are low. The Mission Gorge Trunk Sewer would not be affected by proposed construction of the stabilized river crossing, as the construction activity would occur east of the sewer line.

Project operation would not affect existing utilities. Both SBC/Pac Bell and SDG&E have confirmed that there is sufficient capacity in their system to serve the proposed FRS II site. Therefore, there is no need for additional capacity of communications or electrical lines, and overall level of service would not decrease due to the project. The project would not result in the need for additional capacity, and overall level of service in water supply facilities would not decrease due to the project. The proposed river crossing would not affect river hydraulics, so the Mission Gorge Trunk Sewer would not be affected by the permanent presence of the stabilized at-grade crossing to the east. The project would not generate wastewater and would therefore not increase flows to existing wastewater treatment facilities or require the construction of new wastewater treatment facilities.

Short-term construction and long-term operation of the project would not interrupt service, create the need for additional capacity, or decrease the level of service of public utilities in the project area.
Mitigation Measures

No mitigation measures would be required.

Significance after Mitigation

Not significant (FEIR, Volume 1, p. 3.13-7).
SECTION X
PROJECT ALTERNATIVES

Where a lead agency has determined that, even with the adoption of all feasible mitigation measures, a proposed project would still cause one or more significant environmental impacts that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. An alternative may be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. Thus, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” of a project (City of Del Mar, supra, 133 Cal.App.3rd at p. 417; see also Sequoyah Hills, supra, 23 CalApp.4th at p. 715).

Thus, the Water Authority can fully satisfy its CEQA obligations by determining whether any alternatives identified in the FEIR are both feasible and environmentally superior with respect to the significant unavoidable adverse impacts of the project (Laurel Hills, supra, 83 Cal.App.3d at pp. 519-527; Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 730-731; Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, 400-403).

Project alternatives are discussed in Section 7 of the FEIR. Three alternatives were considered but rejected as not meeting project objectives or being infeasible. The No Project Alternative was determined to not meet the goals and objectives of the project. Three alternatives were discussed as feasible and compared to the proposed project. Discussion regarding alternatives addressed in the FEIR is summarized below.

A. ALTERNATIVES CONSIDERED BUT REJECTED

The three alternatives considered but rejected are the Alternative Location for FRS II, Alternative Ingress/Egress Points and Truck Routes During Project Construction, and Spoil Disposal in MTRP at the BMX Site. The Alternative Location alternative was rejected because it would generate significant long-term visual impacts within MTRP from the 30-foot-high, aboveground storage tank. The Alternative Ingress/Egress points were rejected due to steep topography, use of narrow private streets, and/or need for excessive grading. The BMX Site for disposal was rejected because it is a desirable location for BMX activities in MTRP, considerable local and volunteer efforts were invested in creating this recreational facility, additional impacts to biological resources and trails within MTRP would occur, and transport of materials would be required outside of the park even with use of this in-park disposal site. Due to the additional impacts and technical difficulties associated with these alternatives, none of them would be feasible project alternatives.

Source: FEIR, Volume 1, pp. 7-1 through 7-3.
B. NO PROJECT ALTERNATIVE

For a development project on identifiable property, the No Project Alternative is defined by CEQA as “the circumstance under which the project does not proceed.” Selection of the No Project Alternative would prevent the construction of the FRS II and tunnel pipeline project in MTRP, as proposed, the vent structures and blow-offs proposed for removal would remain in place, and the stabilized river crossing would not be constructed. Because no construction would occur under the No Project Alternative, none of the impacts examined in this EIR would occur. However, not constructing the FRS II storage facility and stronger pipeline would significantly hinder the Water Authority’s ability to reliably meet projected water demands to the south, particularly when other facilities are installed that would subject the pipelines in MTRP to increased pressure and surges. Thus, although the No Project Alternative would avoid the significant and unavoidable adverse impacts to air quality and noise of the proposed project, the No Project Alternative would not meet the goals and objectives of the project and is therefore not a feasible project alternative.

Source: FEIR, Volume 1, p. 7-4.

C. ALTERNATIVE TO THE FRS II CONTROL BUILDING

The FRS II control building would be the primary aboveground feature of the proposed project, and would house the inlet valves, the control room, and provide entry into the water storage basins. An alternative to the access/control building would be to replace the building by two vent structures, and house the instrumentation and controls for the valve vaults and water storage basins inside the existing FRS I access building. The vents would allow air to exhaust or enter each water storage basin as the water levels in the basin fluctuate. Each vent structure would include four panels of louvers. The smaller vent structures would be less visible to MTRP users and surrounding residents than the proposed access/control building. However, because the design would not include creation of a berm, there would be more export of excavated material offsite compared to the proposed access/control building design. Therefore, truck traffic would be greater. More open trenching would be required for connections of communication equipment to the FRS I access/control building; therefore, air quality impacts would be slightly greater than for the proposed project. Noise from the vent louvers would be slightly greater than from the enclosed building. Impacts to land use, recreation, water resources, biological resources, and cultural resources would be essentially the same, as the footprint of the two-vent structures would be slightly smaller and the footprint for communication connections would be slightly greater. Except for the reduction in visual impacts, this alternative would have equal or greater impacts than the proposed project. In particular, this alternative would not reduce the severity of significant, unavoidable, adverse impacts to noise and air quality. In fact, construction emissions would be greater because of increased hauling of material offsite, and additional open trenching. This alternative is therefore not environmentally superior.

Source: FEIR, Volume 1, pp. 7-4 through 7-8.
D. COMBINED INLET AND OUTLET TUNNEL FROM ONE HEADING ALTERNATIVE

The Combined Inlet and Outlet Tunnel From One Heading Alternative is the longest of the tunnel alignment alternatives (approximately 5,200 feet). The alignment would be generally the same as the proposed project, except the tunnel would continue under the FRS II structure and be a continuous tunnel from the South Portal to the North Portal. The major difference between this alternative and the proposed project is that it would be mined mostly from the South Portal, located between Elliott Vents #4 and #5. Under this alternative, pipe installation and final grouting would only occur from the South Portal. Blasting for construction of the northernmost 200 to 1,000 feet of the inlet tunnel and construction activity for connecting the inlet tunnel to the existing pipelines would still occur from the North Portal.

Compared to the proposed project and the other tunnel alignment alternatives, the Combined Inlet and Outlet Tunnel from One Heading Alternative would generate the greatest volume of materials for export. Total truck traffic for hauling would therefore be greater than for the proposed project. Fugitive dust emissions associated with truck travel on unpaved roads would be somewhat higher than the proposed project. For certain portions of the construction, therefore, emissions would remain above the significance thresholds for NO$_x$ and PM$_{10}$.

Impacts of noise during construction would be lower than with the proposed project, because there would be less construction activity at the North Portal. However, blasting would still be needed at the North Portal, and the 10 days of continuous construction for the pipeline connection would also occur for this alternative. Impacts to recreation would be slightly less for this alternative because activity at the North Portal would be decreased and therefore the access and trails at this location would not have to be closed as long. Impacts to water resources would be slightly less for this alternative because of the decreased construction activity at the North Portal. Impacts to biological resources would be the same as for the proposed project because the project footprint would be the same. However, potential impacts to cultural resources would be less than for the proposed project because there would be less activity at the North Portal.

The Combined Inlet and Outlet Tunnel from One Heading Alternative has been determined to be environmentally superior. This is because construction activities at the North Portal would be reduced, which would result in fewer impacts compared to the proposed project in the following issues: land use, noise, recreation, water resources, and cultural resources.

Source: FEIR, Volume 1, pp. 7-5 through 7-8.
E. INLET TUNNEL AND TRENCHED OUTLET PIPELINE

The Inlet Tunnel and Trenched Outlet Pipeline Alternative involves the construction of an inlet tunnel from the North Portal to the FRS II and a trenched pipeline from the FRS II south to Elliott Vent #5. The Inlet Tunnel would be approximately 1,900 feet long. The trenched Outlet Pipeline would extend for approximately 2,700 feet from the FRS II to the existing Water Authority easement and would then follow the easement, replacing Pipeline 3 with a 96-inch diameter pipe. Existing flow in Pipeline 3 would have to be diverted into Pipeline 4, which would temporarily be kept in service during construction.

The trenched pipeline alternative would result in the least quantity of spoils needing offsite disposal, so the estimated number of peak construction vehicle trips through the community would be reduced compared to the proposed project. However, emissions associated with this alternative would remain above the significance thresholds during construction for NO\textsubscript{x} and PM\textsubscript{10}.

The trenched portion would increase ground surface impacts in MTRP by approximately 18 acres over the proposed project; therefore, impacts to land use, recreation, water resources, and biological resources would be greater than for the proposed project. Impacts to visual resources would be greater because of the surface disturbance of the trench, which would need to be revegetated. Because of the additional 18 acres of disturbance, emissions of fugitive dust associated with construction of this alternative would be higher. Impacts from construction noise would be greater in MTRP because there would be surface trenching along the alignment of the outlet pipeline instead of belowground tunneling. Impacts to cultural resources would be the greater than for the proposed project because there would be more near-surface disturbance in the trenched portion, with a greater potential to encounter previously undiscovered buried resources than with deep tunneling.

Except for the reduction in traffic impacts, this alternative would have greater impacts than the proposed project. In particular, this alternative would not reduce the severity of significant, unavoidable, adverse impacts to noise and air quality. In fact, construction emissions would be greater because of additional open trenching. This alternative is therefore not environmentally superior.

Source: FEIR, Volume 1, pp. 7-6 through 7-8.
SECTION XI
STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, the project would result in two significant and
unavoidable impacts:

- Significant and unavoidable, temporary air quality impact from construction-
  related NO\textsubscript{x} and PM\textsubscript{10} emissions.

- Significant and unavoidable, temporary noise impact from nighttime construction
  activities during each of the 10-day, 24-hour shutdown periods required to
  achieve connection of the FRS II and pipeline tunnel to Pipelines 3 and 4.

Despite these impacts, the Water Authority has chosen to approve the project, as
mitigated. To do so, the Water Authority must first adopt this Statement of Overriding
Considerations.

Any one of the reasons for approval cited below is sufficient to justify approval of the
project. Thus, even if a Court were to conclude that not every reason is supported by
substantial evidence, the Water Authority would stand by its determination that each
individual reason is sufficient. The substantial evidence supporting the various benefits
can be found in the preceding findings, which are incorporated by reference into this
Section (XI), and in the documents listed in the Record of Proceedings, Section V.

It is important to note that the significant, unavoidable impacts of the proposed project
are temporary only. The impacts are associated with project construction and will cease
upon completion of the project. In addition, the Water Authority finds that the project
would have the following economic, social, or other benefits:

- The project would provide up to 18 million gallons of raw water storage capacity.
- The project would eliminate hydraulic bottlenecks in Pipelines 3 and 4 for
  untreated water.
- The project would increase the water deliveries to water treatment plants under
  expansion.
- The project would improve pipeline operations by reducing spills.
- The project would provide short-term operational storage to meet unplanned
  outages.
- The project would remove most of the vents across MTRP.
- The project would stabilize existing crossing of San Diego River and improve
  surface of existing dirt roads to improve Water Authority, Park Ranger, Fire,
  Police, and Emergency vehicular access to MTRP, from south of the San Diego
  River to north of the San Diego River, to facilitate inspections and maintenance.
For each and all of these reasons, the Water Authority finds that, on balance, the benefits of the Mission Trails FRS II, Pipeline Tunnel, and Vent Demolition project outweigh the unavoidable environmental risks. The Water Authority notes that the significant unavoidable environmental effects are temporary and will not persist beyond the project construction phase. The economic, technological, and social benefits of the proposed FRS II and pipeline tunnel will extend for decades into the future, however. Therefore, the level of environmental risk of the project is considered to be acceptable, given the importance of this project to the overall well being of San Diego County.