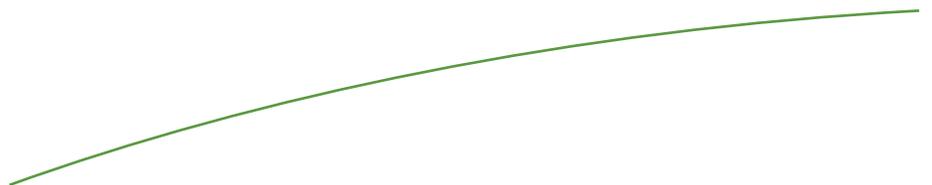




Appendix A.2

RESPONSES TO COMMENTS TO
ORIGINAL PEIR



**LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES
THAT COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)**

A draft version of this EIR was circulated for public review from July 9, 2009 to August 24, 2009. The following is a listing of the names and addresses of persons, organizations, and public agencies that commented during this public review period.

In addition, the Governor’s Office of Planning and Research indicated, in a letter dated July 15, 2009, the EIR used an incorrect State Clearinghouse Number (SCH#). The correct number is SCH# 2004101032. The Final EIR has been revised to reflect the correct SCH#.

LETTER

DESIGNATION	FEDERAL AGENCIES	ADDRESS
	None	

LETTER

DESIGNATION	STATE AGENCIES	ADDRESS
A	Department of Fish and Game	Edmund J. Pert, Regional Manager South Coast Region 4949 Viewridge Avenue San Diego, CA 92123
B	Department of Parks and Recreation	Darren Smith, Environmental Scientist San Diego Coast District 4477 Pacific Highway San Diego, CA 92110
C	Department of Toxic Substances Control	Greg Holmes, Unit Chief Brownfields and Environmental Restoration Program 5796 Corporate Avenue Cypress, CA 90630
D	Department of Transportation, District 11	Jacob M. Armstrong, Chief Development Review Branch 4050 Taylor Street, MS 240 San Diego, CA 92110

LETTER DESIGNATION	STATE AGENCIES (cont.)	ADDRESS
E	Governor's Office of Planning and Research State Clearinghouse and Planning Unit	Scott Morgan, Acting Director State Clearinghouse P.O. Box 3044 Sacramento, CA 95812-3044

LETTER DESIGNATION	COUNTY, CITY, AND OTHER LOCAL AGENCIES	ADDRESS
F	City of San Diego Wetlands Advisory Board	James A. Peugh, Chairperson 1222 First Avenue, MS 91A San Diego, CA 92101
G	County of San Diego Department of Public Works, Flood Control Engineering	Jim Zhu, Senior Civil Engineer Flood Control Engineering 5201 Ruffin Road San Diego, CA 92123

LETTER DESIGNATION	ORGANIZATIONS	ADDRESS
H	California Native Plant Society, San Diego	Carrie Schneider, Conservation Chair P.O. Box 121390 San Diego, CA 92112
I	Friends of Chollas Creek	Bill Babcock 1951 47 th Street. #108 San Diego, CA 92102
J	Friends of Rice Canyon	Betsy Cory 887 Verin Lane Chula Vista, CA 91910
K	Friends of Rose Canyon	Deborah Knight P.O. Box 221051 San Diego, CA 92192
L	Friends of Switzer Canyon	Carrie Schneider 2621 32 nd Street San Diego, CA 92104

LETTER**DESIGNATION ORGANIZATIONS (cont.)****ADDRESS**

M	Greater Golden Hill Planning Committee	Patricia Shields 1616 Bancroft Street San Diego, CA 92109
N	Los Peñasquitos Lagoon Foundation	Mike Hastings, Executive Director P.O. Box 940 Cardiff by the Sea, CA 92007
O	Marian Bear Natural Park Recreation Council	Virginia McIlwain, Corresponding Secretary North Clairemont Recreation Center 4421 Bannock Avenue San Diego, CA 92117
P	San Diego Audubon Society	James A. Peugh, Conservation Committee Chair 4891 Pacific Highway, Ste. 112 San Diego, CA 92110
Q	San Diego Canyonlands	Eric Bowlby, Executive Director 3552 Bancroft Street San Diego, CA 92104
R	San Diego Canyons Coalition	Betsy Cory 887 Verin Lane Chula Vista, CA 91910
S	San Diego Coastkeeper	Gary LoCurto, Legal Intern 2820 Roosevelt Street Ste. 200A San Diego, CA 92106
T	San Diego County Archeological Society, Inc.	James W. Royle, Jr. Chairperson, Environmental Review Committee P.O. Box 81106 San Diego, CA 92138-1106

LETTER DESIGNATION	ORGANIZATIONS (cont.)	ADDRESS
-------------------------------	------------------------------	----------------

U	Thirty-Second Street Canyon Task Force	Tershia d'Elgin, Ringleader 1235 28 th Street San Diego, CA 92102
---	--	--

LETTER DESIGNATION	INDIVIDUALS	ADDRESS
-------------------------------	--------------------	----------------

V	Anne S. Fege	12934 Texana Street San Diego, CA 92129
---	--------------	--

W	Billy Paul	2747 Fairfield Street San Diego, CA 92110
---	------------	--

X	Theresa Quiroz	4719 Bailey Place San Diego, CA 92105
---	----------------	--

Y	Joseph Steinbach	3547 Luna Avenue San Diego, CA 92117
---	------------------	---

Z	John Stump	4133 Poplar Street San Diego, CA 92105
---	------------	---

AA	Doug Wescott	P.O. Box 23315 San Diego, CA 92123
----	--------------	---------------------------------------

BB	Andrew Wilson	13631 Old El Camino Real San Diego, CA 92130
----	---------------	---

CC	Karin Zirk	4629 Cass Street #188 San Diego, CA 92109
----	------------	--



California Natural Resources Agency
 DEPARTMENT OF FISH AND GAME
 South Coast Region
 4949 Viewridge Avenue
 San Diego, CA 92123
 (858) 467-4201
<http://www.dfg.ca.gov>

ARNOLD SCHWARZENEGGER, Governor
 DONALD KOCH, Director



August 24, 2009

Ms. Myra Herrmann
 City of San Diego
 Development Services Center
 1222 First Avenue, MS 501
 San Diego, CA 92101

**Subject: Comments on the Master Storm Water System Maintenance Program Draft
 Program Environmental Impact Report, Project Number 42891,
 SCH No. 2004101032**

Dear Ms. Herrmann:

The California Department of Fish and Game (Department) has reviewed the above-referenced Draft Program Environmental Impact Report (DPEIR), dated July 9, 2009. The comments provided herein are based on the information provided in the DPEIR, our knowledge of sensitive and declining vegetation communities, and our participation in regional conservation planning.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Sections 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) Program. The City of San Diego (City) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan.

The proposed project involves the development of a long-term maintenance program of storm water facilities maintained by the City of San Diego's Storm Water Department. The storm water facilities include a series of natural and/or constructed drainage channels along with associated drainage control structures (e.g., outfalls and detention basins) located throughout the metropolitan area. The existing maintenance of channels and basins typically involves the removal of vegetation and/or sediment to minimize disruption of storm water flow. The Master Storm Water System Maintenance Program (MSWSMP) identifies the maintenance activities anticipated to be carried out for each drainage facility under the City's jurisdiction. The MSWSMP establishes a series of best management practices to be implemented during storm water system maintenance. The MSWSMP would also establish a series of protocols to be followed to minimize the impact activities with respect to environmental resources. Finally, the MSWSMP proposes the development of a Substantial Conformance Review process (which includes subsequent initial studies) to address forthcoming maintenance activities, in order to determine whether a proposed activity was sufficiently analyzed in the PEIR. The DPEIR identified that for those future activities that would result in additional environmental effects or require new mitigation measures that were not considered in the PEIR, subsequent CEQA analysis would be required. The processes requirements for future activities have been outlined in the programmatic context within this DPEIR.

Conserving California's Wildlife Since 1870

Ms. Myra Herrmann
 August 26, 2009
 Page 2 of 7

Although mitigation measures are proposed for all significant impacts, the DPEIR concluded that due to difficulty predicting the future impacts and the ability to mitigate for the those impacts, potential direct impacts related to aesthetics, biological resources, water quality, land use conservation policies, and solid waste disposal are considered significant and unmitigated. As the City of San Diego (City) would be responsible for approving the MSWSMP, the City is acting as the Lead Agency in accordance with Section 15050(a) of the CEQA Guidelines.

We offer our recommendations and comments to assist the City in avoiding, minimizing, and adequately mitigating project related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat planning efforts:

- A1 1. The Department recognizes that the level of analysis provided in this programmatic document is intended to define broad differences between alternatives, and that the level of detail for alternatives is conceptual or general rather than project-specific, however we are concerned with the baseline criteria evaluated and the resultant conclusions for rejecting/selecting a particular drainage maintenance option. Lacking either programmatic hydrological analysis or species-specific biological assessment, the conclusions that were made based on this information are not adequate to ensure that potentially significant impacts to biological resources have been addressed sufficiently to satisfy the requirements of CEQA. The Department believes that some options may have already been eliminated or never seriously pursued because of the perceived constraint based on worst-case assumptions.
- A2 2. The column heading, labeled *Maintenance Method* in Table 3-1 (pages 3-4 thru 3-12) does not identify the specific maintenance method that has been assigned to the numbers provided in the column category, whereas the similar table provided in Appendix B (i.e., Master Maintenance Program) identifies each type of the maintenance method. This is relevant information that should be brought forward into the body of the PEIR, instead of having to refer back to a given appendix. Additionally, the DPEIR acknowledges that "relatively few natural storm water facilities would be maintained under the MSWSMP", however Table 3-1 does not clearly identify those channels that are man-made (concrete and/or earthen), compared to those that are entirely natural and where limited maintenance would be necessary. We would suggest that the final PEIR provide supplemental details that adequately differentiate between channel types and where the majority of work activities would be concentrated (accompanied by the corresponding hydrologic analysis to support the flood protection conclusions that are cited throughout the environmental document). The PEIR would also benefit by providing supplemental guidance on strategies that prioritize management and treatment based on said hydrologic analysis.
- A3 3. The program overview provided in Chapter 3.0 does not include any discussion on how emergency actions will continue to be treated, in comparison to processing maintenance/annual maintenance activities that are proposed under the DPEIR. If it is anticipated that differences would apply in evaluating and applying treatment measure, then the final PEIR should provide further processing guidance on this issue.
- A4 4. Supplemental to the discussion provided in Sections 3.3.1 and 3.3.2 of the DPEIR, if there are established City procedural guidelines/standards that are applicable for given *Maintenance Protocols* (five categories) and/or *Annual Maintenance Approval Process* steps (i.e., Step Three: Individual Resource Assessments) then cross-references to the applicable documents should be provided (e.g., revegetation standards as defined in the Land Development Code or application of City's Biology Guidelines for biological survey standards). The PEIR would benefit by providing such level of detail to further demonstrate the steps taken to ensuring compliance during project implementation.

A.1. As noted by the commenter, the analysis contained in the Program Environmental Impact Report (PEIR) is not project-specific. An up-front, project-specific analysis is infeasible for two primary reasons. First, the cost of conducting a project-level analysis on all 50 miles of storm water facilities at one time would represent an economic burden on the City of San Diego (City) in the best of economic times. In light of the deficits facing the City at the present time, the cost of a project-specific analysis would represent a significant economic burden. The cost of the hydrology studies alone would exceed \$1 million. In addition to the cost consideration, the information yielded by up-front hydrology studies and the approach determined for maintenance of a particular channel may not be valid at the time the maintenance is carried out. For example, favorable climatic conditions could result in a substantial increase in the vegetation over that which occurs today. This increased vegetation would change its influence on storm water transport and negate the hydrological analysis by changing the friction coefficient. Similarly, high rainfall could promote erosion and the accumulation of sediment beyond that which would have been assumed when the original calculations were made, which also would negate the results of the hydrology study. As a consequence, new hydrology studies and possibly new maintenance plans could be required if a facility is not maintained within the first year or two of the initial analysis. Having to redo hydrology studies and maintenance plans would not only cost additional money but would render the earlier expenditures a waste of money. The need to prepare new maintenance plans also would negate the impact analysis contained in the current PEIR.

Recognizing the problems associated with a project-level analysis, the City chose to take a more practical approach through the preparation of a PEIR. In order to assure that the estimate of the impact of maintenance is conservative as well as realistic, the City identified the limits of disturbance which have historically occurred in each of the affected storm water facilities. The information in the last column of Table 3-1 indicates the limits of disturbance in each of the storm water facilities based on the City's past maintenance activities. It is important to note that the decision to use historic disturbance areas from maintenance activities for analysis purposes is not intended to be indicative of the fact that the City would base disturbance footprints for future maintenance on those of past maintenance. To the contrary, as discussed later in this response, one of the primary goals of the MSWSMP is to minimize the disturbance footprint associated with future maintenance.

Estimating the impacts based on historical maintenance not only results in a more realistic estimate, it is expected to over-estimate the amount of disturbance that would occur under the proposed MSWSMP. Historically, the City has cleared the majority, if not all, of the vegetation within a storm water facility to maximize its ability to transport floodwater as well as increase the time interval between maintenance events.

A1. (cont.)

Maintenance under the proposed MSWSMP would be expected to remove less vegetation than has occurred historically in many of the storm water facilities. One of the primary bases for this conclusion is the fact that one of the overarching goals of the Program is to balance the need for flood protection with the biological value of the storm water system. In an effort to reinforce this goal, the MSWSMP establishes several protocols to govern maintenance activities. For example, Protocol #26 requires the maintenance activities to “Retain wetland vegetation during maintenance when retention would not interfere with the goal of facilitating the conveyance of floodwaters, and protecting adjacent life and property.”

The City believes that the Consistency Determination (CD) process (previously referred to as the Substantial Conformance Review process), defined in the MSWSMP, and utilized in the approach to analysis in the PEIR, is the most appropriate way to assure that the impacts associated with periodic maintenance of the City’s storm water facilities are accurately determined and appropriate mitigation measures are carried out. The CD process requires that facility-specific hydrology analysis be conducted to determine the minimum amount of vegetation which must be removed to achieve the desired levels of flood protection. Based on this information, the City would be able to develop a maintenance strategy which, to the greatest degree possible, retains wetland vegetation and associated wildlife habitat. The contemporaneous hydrology information would promote the goal of the California Department of Fish and Game (CDFG) to encourage consideration of alternative methods to promote flood protection.

Not only does the CD process provide for more accuracy in the information upon which maintenance is based, it also gives the CDFG, and other resources agencies an opportunity to review the proposed annual maintenance activities and confirm that vegetation impacts have been minimized to the greatest extent feasible. The CD process also assures that the potential for sensitive animal species to occur within the vicinity of maintenance is based on up-to-date survey information.

A.2. Footnotes defining channel types “C” and “E” and identifying each of the four maintenance method types were inadvertently excluded from Table 3-1 of the PEIR. These footnotes have been restored in the Final PEIR. The nature of the storm water facility (e.g., concrete or earthen) is identified in the “Type” column. The letter “C” indicates that the entire channel is constructed of concrete. The letter “E” indicates that the channel is entirely earthen. When the channels are partially concrete (e.g., sides or bottom), the type is described by both letters. More detailed information on channel types can be found on the detailed vegetation maps included in Appendix B.2.

A2. (cont.)

The commenter's request for more detailed information on where maintenance would occur would be met during the CD process and would be based on detailed hydrology information generated during that process. The guidance relative to management and treatment of storm water facilities is provided by the maintenance protocols included in the MSWSMP.

A.3. A section has been added to the MSWSMP that indicates how emergency maintenance would be handled. As stated in the updated MSWSMP, the City would identify any emergency maintenance that was conducted in the next CD process following the emergency maintenance. In the CD documentation, the City would describe where emergency maintenance occurred and quantify the impacts to wetland and upland vegetation that resulted. The mitigation program identified in the CD package for the coming year's maintenance would include additional mitigation to offset the wetland impacts resulting from emergency maintenance occurring in the previous year.

A.4. The protocols defined in the Master Storm Water Maintenance Plan and summarized in Section 3.3.1 of the PEIR were not derived from any specific City code or policy. Rather, they were developed expressly for the MSWSMP, based on common techniques to control erosion and sedimentation.

The Consistency Determination process is generally based on the substantial conformance review process outlined in the Section 126.0112 of the City's Land Development Code but has been customized to fit the specific needs related to the MSWSMP.

Ms. Myra Herrmann
August 26, 2009
Page 3 of 7

- A5 5. The discussion outlining the *Above-Ground Vegetation Removal Maintenance (Section 3.3.1 Storm Water Facility Maintenance)* method should specify between the types of cut vegetation that would be left within the channel. We are concerned that depending on the particular type of plant (e.g., *Arundo donax*, *Tamarix ramosissima*), vegetative parts that are left in the channel can be carried downstream and propagate in other areas. Supplemental measures should be implemented that requires upon cutting invasive plants from the channel, all vegetative material shall be removed and disposed in a pre-approved location. We recommend the City consider the most current California Invasive Plant Council's Invasive Plant Inventory (<http://www.cal-ipc.org/ip/inventory/index.php>) to aid in developing a comprehensive watch list of plants to refer to during future maintenance activities. Furthermore, the two-year invasive plant removal that is proposed (associated with High Frequency Maintenance component), may need to be extend, depending on species type, cover composition, and effectiveness of treatment. These measures should be incorporated into the City's Mitigation, Monitoring and Reporting Program.
- A6
- A7 6. The DPEIR does not address the County of San Diego's ongoing vector control measures that currently exist in the project area and whether the scope of their activities conflict and/or overlap with the processing steps outlined under the maintenance and annual maintenance procedures (e.g., contributing to additional resource impacts that have not been considered in the impact analysis).
- A8 Furthermore, should there be City and Caltrans drainage facilities that overlap in maintenance responsibilities, then the final PEIR should also identify those conditions and who serves as lead in implementing maintenance measure and addressing the necessary resource permitting process.
- A9 7. If the intention of *Section 4.1.1* (page 4.1-6) is to provide relevant regulatory guidance with respect to the key riparian/wetland elements that are covered under the City's Environmentally Sensitive Lands Regulations (ESL), then supplemental information should be included in this section (heading, City of San Diego Environmentally Sensitive Lands Regulations) that provides a regulatory overview of Section 143.0141, et seq of the ESL regulations. This section includes important guidance on wetland mitigation requirement (as linked to the Biology Guidelines in the Land Development Manual) that projects shall be required to follow (e.g., treatment of Listed non-covered species habitat that with be evaluated for all forthcoming projects).
- A10 Additionally, the MSCP discussion provided in this section (i.e., City of San Diego Multiple Species Conservation Program Subarea Plan) should clearly define that within 404 jurisdictional areas, the City does not have coverage for listed wetland species (e.g., least Bell's vireo). The final PEIR should discuss how the forthcoming projects would be treated when a project proposes impacts to non-covered species or covered species for which the City does not have take authority.
- A11 8. It is unclear to the Department for the consistency findings cited within the *General Plan, Community Plans and LCP's* discussion, pertaining to flood control policies/design guidelines (i.e., MSCP Subarea Plan; 1.4.2 General Planning Policies and Design Guidelines - Flood Control). Without factoring in the preliminary hydrology/hydrological analysis and/or providing details as to existing drainage channel conditions, we believe the current determination is premature. In evaluating the compatibility of the project, we would continue to emphasize that the entire project should meet or exceed the mitigation ratios, guidelines, and standards required by the City's MSCP Subarea Plan to maintain consistency with its application to the on-site and adjacent areas within the Plan.
- A12

- A.5. The Above-Ground Vegetation Removal Maintenance discussion in section 3.3-1 has been revised to include a specific reference to invasive species such as *Arundo donax* and *Tamarix ramosissima* for which typical above-ground maintenance would not be possible due to the nature of growth. In addition, a new protocol (#32) has been added to the MSWSMP to require invasive species to be removed in a manner that does not promote establishment of invasive species in areas downstream of maintenance activities. Lastly, the text has been modified to specify that the California Invasive Plant Council's Invasive Plant Inventory shall be used as a reference during future maintenance activities.
- A.6. A two-year maintenance period following invasives removal as mitigation is considered an adequate period for guaranteeing that the original individual invasive plants would be eradicated. However, in order to maximize the success of invasives removal, the Conceptual Wetland Compensation Plan has been amended to require that, at the end of two years, invasive species comprise no more than five percent of the species; maintenance will continue until this goal has been achieved.
- A.7. The proposed maintenance program would involve the removal of vegetation within the City storm water system to improve flow rates and reduce the incidence of flooding. Increased flow within the channels would reduce standing water and eradicate potential mosquito breeding habitats. The post-maintenance mechanisms that may be implemented to improve erosion control and promote absorption of water-born pollutants (e.g., check dams, temporary chain link fence with silt fence, over-excavation, etc.) would be designed to minimize the duration of standing water. The maintenance program would not conflict with or overlap the County of San Diego's vector control measures as it would be implementing similar procedures to reduce standing water.
- A.8. The segments of the City storm water system identified for maintenance in the MSWSMP and PEIR would not overlap with Caltrans maintenance responsibilities, as none are within Caltrans jurisdiction/right-of-way.
- A.9. The Environmentally Sensitive Lands (ESL) discussion in Section 4.1.1 has been revised to provide additional information regarding the City's ESL requirements for projects that propose wetland impacts.
- A.10. The MSCP discussion in Section 4.1.1 has been revised to clarify that a U.S. Fish and Wildlife Service (USFWS) Section 7 consultation is required for potential impacts to listed species whenever Clean Water Act Section 404 jurisdictional areas would be impacted.

A.11. As discussed in Response to Comment A.1, the approach of utilizing past limits of channel maintenance as a means of addressing potential impacts from future maintenance is considered an appropriate technique for analyzing impacts including consistency with the applicable City General Plan and associated Community Plan Goals and Policies because the analysis would be expected to over-estimate the disturbance resulting from future maintenance activities.

A.12. The majority of the wetland mitigation ratios identified in Table 4.3-10 of the Draft PEIR are consistent with the City's MSCP and Biology Guidelines. The differences relate to the following categories: coastal saltmarsh (4:1 vs. 3:1, coastal brackish marsh (4:1 vs. 3:1), freshwater marsh (2:1 vs. 1:1), disturbed wetlands (2:1 vs. 1:1) and unvegetated drainages (1:1 vs. no mitigation). In response to concerns raised by the commenter, the City has modified the ratios for coastal saltmarsh and coastal brackish marsh to 4:1. Although no ratios are defined for cismontane alkali marsh, the City is proposing to increase the ratio from 1:1 to 4:1. These revised ratios are included in Table 4.3-10 of the Final PEIR.

However, the City continues to believe that 1:1 ratios for freshwater marsh and disturbed wetlands are appropriate because channel maintenance is fundamentally different than traditional types of development for which the MSCP and Biology Guidelines ratios were developed. Unlike traditional development, storm water maintenance does not result in the permanent loss of wetlands. In many cases, it replaces early successional freshwater marsh with open freshwater marsh that is generally followed by rapid, passive, recruitment of fast-growing wetland vegetation. Wetland functions and services are thus partially restored between maintenance cycles. This differentiation in the categorization of the impact is crucial because there would be no recruitment or recovery of vegetation with the construction of a permanent development such as a housing development or shopping center.

As discussed in the PEIR, the requirement that mitigation include at least one unit of creation is not applicable due to the fact that vegetation regrows after maintenance which is the reason that periodic maintenance is required. Furthermore, as discussed in the PEIR, mitigation for unvegetated waters is not required because maintenance would not result in the loss of the channels, contrary to development which often fills and/or undergrounds channels.

COMMENTS

RESPONSES

Ms. Myra Herrmann
August 26, 2009
Page 4 of 7

- A.13 9. As acknowledged in the biological technical report, no focused plant or animal surveys were conducted as part of the broader biological assessment for the DPEIR. However, this condition was not mentioned in baseline biological resource discussion provided at the beginning of Section 4.3 (Biological Resources) or in the latter Sensitive Plants discussions. At a minimum, the survey limitations should be identified in the body of the DPEIR (CEQA Guidelines, Section 15147). This information is critical in allowing the decision maker the opportunity to determine the adequacy of the environmental analysis.
- A.14 10. The DPEIR is lacking adequate discussion on the existing benthic macroinvertebrate assemblages associated within natural drainage channel and whether any baseline environmental criteria for the targeted channels were evaluated as part of the biological impact analysis. Benthic macroinvertebrates, particularly aquatic insect larvae and crustaceans, are widely used as indicators of stream health and condition. Depending on the level of drainage channel alterations the existing benthic macroinvertebrates could be significantly altered. All subsequent alterations to a natural drainage channels should require some level of benthic macroinvertebrate assessment (e.g., applying the Surface Water Ambient Monitoring Program Bioassessment Procedures) and consideration given to "beneficial uses" as designated under the San Diego Basin Plan. The assessment requirements should be included along with other Individual Biological Assessment criteria that are included as conditions under Mitigation Measure 4.3.2.
- A.15 11. In addition to the broader issues considered in the Wildlife Corridors discussion (page 4.3-26), we would further emphasize that creeks or linear areas of narrow natural or semi-natural habitats, even when located in urban areas, may be functioning on some level as wildlife movement corridors. Even relatively small areas of disconnected natural habitat may provide connectivity by acting as stepping stones for the regional movement of some avian species, or may provide resting areas for migratory species. All creeks and vegetated areas need to be evaluated for connectivity functions, and opportunities for improvements should be identified with respect to forthcoming projects. Contrary to the position cited in the DPEIR, the proposal to remove vegetation may greatly hinder continued use of channels by wildlife as corridors due to the removal supporting cover.
- A.16 12. The DPEIR acknowledges that, "The impacts are based on estimates made by the City with respect to the maximum amount of disturbance potentially associated with maintaining the major channels and basins included in the MSWSMP." We partially understand the reason in applying a worst-case scenario to the impact analysis given the programmatic nature of the forthcoming maintenance activities, however absent the baseline hydrological studies, a critical component that needs to be factored into the environmental analysis is missing. We raise this concern since this could result in the appearance of greater impacts than would be necessary. Consequently leading to an erroneous comparison among alternative treatment measures, and therefore does not, as required by CEQA, provide the opportunity for both meaningful comment by the public and an informed decision by the lead agency.
- A.17 13. It is unclear for the significance determination provided in the indirect impacts analysis (page 4.3-37) related to human intrusion analysis. As stated in the DPEIR, "New access would be created for facilities where none exists." It is also mentioned that width of the paths would range from 4 feet to 18 feet. The assumption is that path would remain to allow future routine maintenance. We believe that such a condition could lend itself to furthering unauthorized access to certain areas that presently have greater physical impediments to access. If the specific numbers of paths have been established at this point, then that information should be presented in the final PEIR to support the current significance determination.

- A.13. A discussion has been added to Section 4.3 detailing why focused plant and animal surveys were not performed for the proposed program. Complete inventories of biological resources present on a site often require numerous focused surveys at different times of the day and during different seasons of the year. Timing issues, seasonal variations, and low population sizes would result in an incomplete list of all species that a study area of approximately 884.7 acres may support. As such, no focused plant or animal surveys were conducted.
- A.14. Storm water channels in the MSWSMP are expected to have varying levels of benthic macroinvertebrate populations based on a variety of factors, including substrate, flow frequency, and existing water quality. Although existing benthic macroinvertebrates would be affected by sediment removal conducted as part of each maintenance activity, the degree of impact would depend on the type of maintenance proposed. Regardless, all impacts to benthic macroinvertebrates would be temporary, as additional sediment would be continually deposited during storm events and from urban runoff. Furthermore, macroinvertebrate populations would be expected to repopulate these sediments. As such, detailed assessments during the Individual Biological Assessment (IBA) process are not warranted.
- A.15. The value of storm water facilities for wildlife movement varies greatly with each specific segment. Some facilities have minimal, if any, vegetation and concrete sides that are not conducive to wildlife, while others exhibit more favorable conditions for wildlife movement, such as connectivity to the MHPA or urban canyon system. Thus, the function of storm water facilities regarding wildlife movement would be best examined when individual maintenance plans are being developed. At this time, the IBA would evaluate wildlife movement functions for each specific segment and recommend methods to reduce impacts on wildlife movement as necessary. One technique could involve retaining vegetative cover whenever flood control objectives would not be compromised. Revisions to this effect have been made in the Biological Technical Report ([BTR] page 6) and Final PEIR (pages 3-22 and 4.3-42).
- A.16. Utilizing historic disturbance limits represent a worst-case method of assessing impacts. As discussed in Response to Comment A.1, maintenance in accordance with the proposed MSWSMP and the hydrology studies required as part of the CD process would be expected to reduce the impact from maintenance when compared against past maintenance events. Additionally, performing up-front, hydrologic studies on all 50 miles of storm water facilities would be extremely costly and of limited value in facilities where maintenance may not occur for several years after the initial study has been prepared. The City believes that using historic disturbance limits is a practical and appropriate approach to analyzing the potential impacts from future maintenance activities.

COMMENTS

RESPONSES

A.17. The provision of access for maintenance equipment into storm water facilities is not anticipated to result in significant indirect impacts. This conclusion is based on several factors. First, access already exists to many of the facilities. Such access may include but not be limited to public streets, sewer access roads and power line access roads. Second, the facilities included in the MSWSMP are already subject to indirect impacts related to human and pet activities by virtue of the fact that they occur in heavily urbanized areas of the City. Third, any necessary access would, in most cases, be minimal in length due to the location of most facilities in urbanized areas where access from public streets is usually not far away. In cases where the CD process determines that a specific proposed access has the potential to result in significant biological impacts, the City would require supplemental environmental review to determine the degree of impact and any additional mitigation measures necessary to offset the impact. In fact, Mitigation Measure 4.3.13 states "Construction of temporary access and staging along channels shall be restricted to those areas where no access currently exist. Impacts to sensitive habitat and/or sensitive species shall be minimized to the greatest extent practicable through project design measures, such as locating the facilities in the least sensitive habitat possible."

Ms. Myra Herrmann
 August 26, 2009
 Page 5 of 7

- A18 [14. The DPEIR states that, "The compensation ratio proposed by the City would vary with the type of wetland habitat and the frequency of maintenance. Typically, state and federal agencies require creation at a ratio of 1:1 to achieve their "no net loss" policies....." The Department would emphasize that a 1:1 ratio may not be appropriate for purposes of this project (particularly when considering the high frequency maintenance component and the proposal to mitigate for those impacts at a 1:1 ratio). For example, it is probable that indirect impacts will continue with long-term maintenance and that this could adversely affect the ability of some areas to support listed species, particularly over time, and that with any further reduction in habitat quality, the populations of some of these species may be reduced to a level that is not self-supporting.
- A19 [15. The DPEIR does not mention whether the forthcoming projects requiring Streambed notification would be processed on an individual permit basis or whether the City would qualify for processing a Master 1602 permit. If this information is available, then those details should be provided in the final PEIR.
- A20 [16. Not all of the wetland mitigation ratios provided in *Table 4.3-10* match the mitigation ratios set forth in the City's Biology Guidelines (i.e., *Table 2*). If the intention is to deviate from the existing ratio, supplemental discussion should be provided as to the basis for that decision. Additionally, *Mitigation Measure 4.3.5* states that "Mitigation through up-front establishment of mitigation or through purchase of mitigation credits shall be at a 1:1 ratio". The Department has not agreed that a 1:1 mitigation ratio is appropriate for the MSWSMP. While it is agreed that the minimum ratio would be 1:1 to assure the State "no net loss" policy is met for direct impacts, other indirect impacts may call for a higher ratio. Final ratios will be determined in the 1602 permit process. Also, if there are existing mitigation banks that projects would be directed to, then it should be referenced in the chapter discussion and mitigation measure. At a minimum, all forthcoming projects should be obligated to abiding by adopted wetland mitigation ratio (as defined in the City's Biology Guidelines), absent interim permitting guidance from the responsible agencies at this point in CEQA review process.
- A21 [17. The DPEIR acknowledges that impacts from storm water maintenance activities are proposed to be compensated through invasive plant removal, enhancement, and/or restoration (page 4.3-38). There is further guidance that although the City could choose to mitigate through the creation of new wetlands, habitat creation would not be required for three primary reasons. The Department does not concur with the reasons provided for not requiring wetland creation as part of the maintenance activities. We consider the criteria given to fall under the City's definition of wetland enhancement, consequently per requirements of the City's Biology Guidelines "acquisition and/or enhancement of existing wetlands may be considered as partial mitigation only, for any balance of the remaining mitigation requirement after restoration or creation if wetland acreage is provided at a minimum of a 1:1 ratio".
- A22 [18. In regards to mitigation that would involve habitat acquisition and preservation (*Mitigation Measure 4.3.3*), further details should be provided on the type of conservation assurances that would be recorded over mitigation sites (e.g., easements, restrictive covenants) and the funding mechanism for long-term management.
- A23 [19. Supplemental to the discussion provided for addressing compensation for loss of wetland habitat (*Mitigation Measures, Monitoring and Reporting section*), has any consideration been given to the wetland mitigation proposal for the MSWSMP supplementing existing mitigation sites associated with the Canyon Sewer Cleaning Program and Long-Term Canyon Sewer Maintenance Program, whereby larger blocks of conserved wetland habitat

- A.18. As indicated in Response to Comment A.17, adjacent urban development would be expected to have a greater indirect impact on wetland habitat within storm water facilities than the maintenance activities themselves. Thus, indirect impacts from maintenance activities do not warrant special consideration with respect to mitigation ratios. The potential for maintenance to jeopardize the long-term survival of a sensitive species would be identified in the IBA during the CD process. Should long-term survival of listed species be affected, species-specific mitigation would be proposed. If the impact cannot be reduced to below a level of significance, the City would be required to conduct additional CEQA review. However, based on preliminary evaluation of the habitat associated with storm water facilities to be maintained under the MSWSMP, it is considered unlikely that these areas are critical to the survival of listed species.
- A.19. It is the City's intent to conduct future maintenance activities under a Master Streambed Alteration Agreement. This intent has been added to the text of the Final PEIR on page 3-29.
- A.20. Refer to response to comment A.12 for a discussion of proposed modifications of ratios and the rationale for those ratios that do not match the City's MSCP and Biology Guidelines
- In addition, the City understands that the California Dept. of Fish and Game (CDFG) has independent authority to establish mitigation ratios and will work with the CDFG to determine mitigation ratios appropriate to the proposed maintenance activities as part of the Master 1602 Streambed Alteration Agreement. In addition, the City will identify the any mitigation banks proposed as part of the overall mitigation strategy for maintenance impacts.
- A.21. For the reasons stated in Response to Comment A.12, habitat creation is not a required component of the mitigation requirements specified in the PEIR.
- A.22. Since the factors associated with each mitigation proposal may be unique, no further discussion can be included in Mitigation 4.3.3 relative to the specific form of conservation assurances. This information would be provided during the CD process for CDFG consideration.

A22. (cont.)

The mitigation measures set forth in the PEIR serve as guidance for the individual maintenance and mitigation plans to be drafted based on the storm water systems identified for maintenance each year; details regarding specific mitigation conditions would be determined based on annual maintenance strategies and biological surveys. It would be infeasible to design a detailed mitigation plan for the 20-year duration of the master permit that would include specific information as to the type of conservation assurances that would be recorded over individual mitigation sites and the funding mechanisms involved, as this information would be variable depending upon the maintenance proposed each year and the availability of mitigation areas. It should be noted however, that the City of San Diego does not record easements over land it already owns. As such, conservation assurances would be identified during preparation of an IMP and IBA would be prepared annually for each activity as part of the CD process. Appropriate conservation assurances would be specified and success criteria would be defined for the restoration and enhancement required for each year's maintenance. Off-site mitigation would not be permitted by the resource agencies unless they would occur in a recognized mitigation bank that would provide long-term conservation assurance.

A.23. The City is exploring any and all feasible options to mitigate for impacts, and recognizes that restoration and enhancement of larger contiguous areas would be ideal. The City plans to coordinate with groups already performing mitigation within sensitive watersheds, including with the established Canyon Sewer Cleaning Program and Long-Term Canyon Sewer Maintenance Program, to supplement established mitigation programs with the mitigation required as a result of the proposed maintenance program. Potential mitigation opportunities are identified in the Conceptual Wetland Compensation Plan included as Appendix B.3 of the PEIR.

Ms. Myra Herrmann
August 26, 2009
Page 6 of 7

A23
cont.

could be established? If this has already been considered or remains a viable option then the City should identify this measure in the final PEIR.

A24

20. *Table ES-1* should be revised in the final PEIR to include *Mitigation Measure 4.3.4*. Further referrals for the application of this mitigation ratio (pertaining to uplands) elsewhere in the DPEIR should specify that mitigation shall take place within the City's Multi-Habitat Planning Area.

A25

21. *Mitigation Measure 4.3.5* should specify where wetland mitigation would occur. The City's Biology Guidelines require that all wetland impacts should be mitigated in the City, however the DPEIR does not clearly identify whether the wetland deviations that the City is currently working on would amend that condition and what is the significance of such a revision should it be proposed/adopted.

A26

22. *Mitigation Measure 4.3.7* identifies that upland impacts shall be compensated through payment into the City's Habitat Acquisition Fund (HAF). However, the specific conditions/criteria that would be evaluated to permit monetary compensation were not specified in the mitigation measure. Per the City's Biology Guidelines, there are conditions that should be evaluated when considering payment into the City's HAF.

A27

23. As a supplement to providing annual reports of the program maintenance activities, *Mitigation Measure 4.3.10* should also require the City implement a GIS database that includes all City wetland mitigation sites, along with features for tracking impacts/mitigation type/restoration status. Also, this information should be provided to the City's MSCP Program for inclusion in their annual reports.

A28

24. *Mitigation Measure 4.3.17* should include a condition requiring that "prior to the commencement of any activity that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank (which may include associated riparian resources) of a river, stream or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake that the project applicant shall submit a complete Lake or Streambed Alteration Program notification package and fee to the California Department of Fish and Game." Additionally, this condition should be incorporated into *Table ES-1*.

A29

25. The DPEIR indicates that impacts to nesting migratory birds are not significant due to compliance with the approved MSCP Subarea Plan. However, the MSCP Subarea Plan does not provide take for non-MSCP covered species, including many migratory avian species. In order to comply with section 3503 and 3503.5 of the Fish and Game Code and ensure no direct impacts to avian nests, construction activities (including vegetation clearing and grubbing) within or adjacent to avian nesting habitat should occur outside of the avian breeding season (January 15 to August 31; earlier breeding date accounting for the earlier occurrences of raptor nesting activity in the County). All mitigation measures (e.g., *Mitigation Measure 4.3.27*) that address avoidance and minimization measures for avian species should be revised to reflect the above condition.

A30

26. The DPEIR acknowledges the impacts to species covered by the MSCP would not be considered cumulatively significant, provided that all mitigation and conditions of coverage are implemented. However, City policies/regulations also indicate that impacts to state or federally listed species not covered by the MSCP would still be considered cumulatively significant. Given that focused surveys for plants and animals have yet to be conducted, additional discussion should be provided in *Section 6.4.2 Biological Resources* that

A.24. Mitigation Measure 4.3.4 is included in *Table ES-1* on page ES-12 as mitigation for the loss of habitat for sensitive birds. The mitigation measure has been modified in *Table ES-1* and throughout the document to indicate that preservation of offsite habitat would occur within the MHPA.

A.25. In all cases where wetland impacts result from project implementation, mitigation must be "in-kind" and achieve a "no-net loss" of functions and values in accordance with the City's Biology Guidelines. This is generally achieved through on-site creation, restoration or enhancement within or adjacent to the City of San Diego's MHPA. However, the City acknowledges that on-site wetland mitigation is not always feasible and therefore requires mitigation within the same watershed. This too has become an issue, and on a case-by-case basis, when wetland mitigation opportunities are not available within the watershed in the City, project proponents have been allowed to pursue opportunities outside the watershed and/or the City, provided they exercise due diligence and document the process. The wetland deviation process for which the City is currently undergoing would not preclude a project proponent from pursuing off-site mitigation, outside the City's MHPA with concurrence from the Wildlife Agencies when all other feasible options have been exhausted.

A.26. The only criteria identified in the City's Biology Guidelines relates to the amount of impact. Use of the Habitat Acquisition Fund is only allowed when impacts are less than 10 acres in size. Thus, by definition, impacts which would exceed 10 acres would have to be compensated through individual off-site habitat acquisition and preservation.

A.27. The Storm Water Department has already been tracking impacts associated with past emergency channel maintenance efforts. There is also an informal City-wide "Mitigation Working Group" that is attempting to develop a GIS database that would include all City wetland mitigation sites. However, this effort is not funded, and it is not clear when it will be fully developed. The City's MSCP Program only includes permanent impacts in their annual Habitat Loss and Gain Report, and the impacts associated with the storm water facility maintenance have been and are expected to remain temporary in nature. In the event that the Storm Water Department obtains the resources for permanent mitigation, this information would be included in the MSCP report.

A.28. The statement suggested to be included in *Mitigation Measure 4.3-17* is not appropriate. The statement is the basis for determining when the City would have to obtain a Streambed Alteration Agreement. It is not the purpose of this mitigation measure to explain when permits would be required from those agencies with jurisdiction over storm water facility maintenance, but rather to provide assurance that appropriate permits and permissions have been obtained before maintenance begins.

COMMENTS

RESPONSES

A28. (cont.)

As indicated in Response to Comment A.19, it is the City's intent to obtain a Master Streambed Alteration Agreement and implement the CD process to avoid the need for providing a notification and payment of fees for each maintenance activity.

A.29. A new mitigation measure has been added to the BTR (Mitigation Measure 7.1.5f) and the PEIR (Mitigation Measure 4.3.31) to protect nesting avian species, not covered by the MSCP. In addition, the raptor breeding season dates have been updated in BTR Mitigation Measure 7.1.5c and 7.2.3g and in PEIR Mitigation Measure 4.3.27 and 4.3.28.

COMMENTS

RESPONSES

Ms. Myra Herrmann
August 26, 2009
Page 7 of 7

A30

cont.

sufficiently addresses program situations that could result in cumulatively significant impacts.

A31

27. The Department would recommend that the *Maintenance in Accordance with Past Approach Alternative* be retained for consideration by the City. The Department believes that for those projects not having the potential to jeopardize a listed species (consequently initiating consultation with the U.S. Fish and Wildlife Service) the City could still pursue the applicable Nationwide Permit (via Corps of Engineers) or 1602 permit from the Department. The basis for the rejection of the alternative cites increasing regulatory constraints and processing time, leading to the conclusion that regular maintenance is no longer feasible. Without further detail demonstrating the "long lead time required" in the permitting process, we consider the basis for the rejection not to be thoroughly justified at this time. Also, the DPEIR cites rejection due to adequacy of the alternative to protect life and property from flooding. However, since the DPEIR lacks even a preliminary hydrology/hydrological analysis for the affected channel areas, it is unclear why the City cites this criterion to reject the alternative.

A32

28. The State Clearinghouse number that is currently assigned to DPEIR is incorrect. According to the State Clearinghouse the correct number is 2004101032. All associated environmental documents should be amended to reflect that number.

We appreciate the opportunity to comment on the DPEIR for this project and to assist the City in further minimizing and mitigation project impacts to biological resources. If you have questions or comments regarding this letter, please contact Paul Schlitt at (858) 637-5510.

Sincerely,



Edmund J. Pert
Regional Manager
South Coast Region

cc: State Clearinghouse, Sacramento
David Zoutendyk, U.S. Fish and Wildlife Service, Carlsbad
Patrick Gower, U.S. Fish and Wildlife Service, Carlsbad
Paul Schlitt, San Diego

A.30. In light of the fact that mitigation is expected to be required for significant impacts to all sensitive species, including those not specifically covered by the MSCP, the conclusion in the PEIR that there would be no significant cumulative impacts from storm water maintenance is considered appropriate. As discussed on page 6-4 of the PEIR, the City has a number of policies in addition to the MSCP (e.g., ESL) as well as the CEQA process which would require individual projects to compensate for their impacts on biological resources. Thus, the PEIR concluded that the proposed maintenance program would not result in a significant cumulative impact on biological resources.

A.31. The City believes that including all of its future storm water maintenance activities into a single Master Streambed Alteration Agreement is appropriate and avoids "piece-mealing," which is a common concern of resource agencies. The issue of the long lead time is not directed at the permitting process of any particular agency, but rather the timing of cumulative process of performing the environmental studies, submitting for and receiving the environmental determination which is required to be completed prior to obtaining 1602 and 401 authorization, the coordination needed between the various agencies and the public involvement. The City acknowledges that there may be situations where the "Maintenance in Accordance with Past Approach Alternative" may still need to be utilized, particularly if there is an unexpected need for maintenance that is identified after the annual consistency determination process has been initiated and is well under way.

For reasons stated in Response to Comment A.1, up-front hydrology studies of each storm water facility included in the MSWSMP is not considered practical or appropriate.

A.32. The correct Clearinghouse Number is reflected in the Final PEIR.

STATE OF CALIFORNIA - RESOURCES AGENCY



DEPARTMENT OF PARKS AND RECREATION
 San Diego Coast District
 4477 Pacific Highway
 San Diego, CA 92110
 (619) 688-3280 FAX (619) 688-3229

Arnold Schwarzenegger, Governor
 RUTH COLEMAN, DIRECTOR

August 20, 2009

Ms. Myra Hermann,
 Environmental Planner
 City of San Diego, Development Services Center
 1222 First Avenue
 San Diego, CA 92101

RE: Master Stormwater System Maintenance Program DPEIR (SCH 200101032)

Dear Ms. Hermann,

Thank you for the opportunity to comment on the Master Stormwater System Maintenance Program DPEIR. California State Parks (CSP) appreciates the City's efforts to develop an integrated approach to maintaining its stormwater facilities. The proposed program will directly or indirectly affect State land and resources at Torrey Pines State Natural Reserve (map numbers 6-17) and The TJ National Estuarine Research Reserve/Border Field State Park (map numbers 136-139). We support this process but are concerned about several aspects of the project: (1) the scale of analyses of the Programmatic DEIR versus the specificities of individual projects, (2) the down stream effects regarding water quality and sedimentation, (3) mitigation fund for small projects outside of local watershed, (4) PDEIR does not adequately address the regulatory processes of adjacent or down stream land managers, specifically CSP, and (5) a number of specific comments regarding cultural resource mitigation measures.

- B1 (1) The PDEIR impact analyses and mitigation strategies were developed over seven hydrologic units over a wide range of contexts and conditions (at least 139 project sites). These project sites ranged from small concrete-lined facilities in urban contexts to large vegetated, earthen sites within natural preserves. The PDEIR should specify a process to more carefully consider projects in biologically and culturally sensitive areas and provide site-specific minimization, avoidance, and mitigation measures.
- B2 (2) The PDEIR acknowledges that the projects could result in significant effects to downstream water quality (urban pollutants) but that mitigation is not possible. California State Parks manages wetland preserves and public beaches downstream of several of the proposed project sites. We are greatly concerned about the health and safety of our visitors and the quality and character of our wetlands. The PDEIR should propose some mitigation measures to reduce this potential significant impact. Potential suggestions could include additional public outreach programs, upstream filtration systems, downstream habitat restoration or enhancement opportunities that provide treatment of urban pollutants.
- B3 (3) The PDEIR proposes mitigation for small upland areas (less than 5 acres) by contribution to a habitat mitigation fund. A five (5) acre impact may be small in area but depending on the context small areas may be critical in place. As an example, Torrey Pines State

B.1. As stated in Response to Comment A.1, it is infeasible to identify specific minimization and mitigation for each storm water facility. Within the PEIR, the mitigation measures set forth in the MSWSMP PEIR serve as guidance for the individual maintenance and mitigation plans to be drafted based on the storm water systems identified for maintenance each year; details regarding site-specific mitigation would be determined based on annual maintenance strategies and biological and historical resource surveys. An IMP, IBA, and Individual Historical Assessment (IHA) would be prepared annually for each activity, which would identify the potential resources to be impacted by maintenance and provide site-specific minimization, avoidance, and mitigation measures. This process is detailed in the following PEIR sections: Chapter 3.0, Project Description (3-22, 3-23), Subchapter 4.3, Biological Resources (Mitigation Measure 4.3.2, 4.3-41), and Subchapter 4.4, Historical Resources (4.4-13, Mitigation Measure 4.4.1, 4.4-21).

B.2. As stated in Response to Comment F.4, the conclusion in the PEIR that water quality impacts would be unmitigable does not imply that the City would conduct maintenance in a manner that would not reduce downstream water quality impacts. Rather, the conclusion is an acknowledgement that at the programmatic level it is impossible to determine that future maintenance would, in all cases, be able to reduce direct as well as indirect water quality impacts to below a level of significance.

As stated in Response to Comment F.4, the proposed Maintenance Program includes a number of maintenance protocols which would reduce water quality impacts during maintenance. Furthermore, as discussed in Response to Comment H.4, the Storm Water Pollution Protection Section within the City's Storm Water Division is implementing a pro-active program to reduce urban pollutants generated outside the limits of the storm water facilities, including Low Impact Development (LID) methods. In addition, the City is implementing regional in-stream facilities within select storm water facilities to capture urban pollutants in storm water passing through these facilities.

B.3. The City acknowledges that the loss of five acres of upland vegetation could be significant in natural areas such as the Torrey Pines State Reserve. However, it should be noted that the facilities which would be maintained under the proposed Maintenance Program do not generally occur in natural areas. Most facilities are found in highly urbanized areas which lack large stands of significant upland vegetation. Furthermore, the primary disruption associated with storm water maintenance facilities would occur within the channels themselves, which do not support upland vegetation. Upland vegetation may be impacted by access required to bring maintenance equipment into the storm water facilities; however, the impacts would be expected to be minimal given the narrow width (approximately 12 feet) required for access and the fact that the facilities are located in urbanized areas where access from a public street is not far away.

COMMENTS

RESPONSES

B3 cont. Natural Reserve has several small narrow upland areas that are very important as wetland/urban interface buffers. Impacting this upland buffer area would not only reduce the upland but could also impact the adjacent wetlands. Purchase of offsite habitat would not necessarily reduce the significant effects of impacting the buffer area or adjacent wetlands especially for a locally unique or important site.

B4 (4) The PDEIR does not specify advanced planning processes for other public landowners such as CSP that may be affected by the projects. As an example, CSP's cultural staff maintains their own permitting and report preparation process on CSP lands. If the Stormwater Department does not incorporate these processes as part of the project planning they would potentially have to follow different or additional CSP requirements as conditions of rights of entry or other permits.

(5) Specific comments regarding Cultural Resource Mitigation Measures.

B5 A. The PDEIR proposes a cultural resources ranking system that is based upon the federal information center records which may reflect more specific data that is available (for example CSP data). Based upon this ranking, the PDEIR only proposes archaeological review when regions rank "moderate to high" likelihood of having cultural impacts. Without more specific map information CSP may not concur with the site lists (e.g., Fig. 4.4-1), or rankings.

B6 B. Mitigation Measure 4.4.1 - CSP would like an opportunity (e.g., during an agency to agency annual review) to comment on the need for an IHA on CSP lands, regardless if the PDEIR model rates resources as "moderate to high," or otherwise.

B7 C. Mitigation Measure 4.4.2.1 - CSP by state law must issue archaeological collecting permits prior to cultural resource work on CSP land. We are aware that the PDEIR can not address all landholders' specific issues, but a general sentence that states that "any other permitting processes that exist would be honored", would be appropriate.

B8 D. Mitigation Measure 4.4.2.4 - CSP cultural representative should be invited to pre-meetings for a CSP concurrence as to the adequacy of cultural resource mitigation plans specific to that drainage. This would assure that the most recent findings we are aware of are captured in the City's model of cultural resource likelihood.

B9 E. Mitigation Measure 4.4.2.6 (b) - should express the general sentiment that there may be other agencies' criteria that are involved and should be honored.

B10 F. Mitigation Measure 4.4.3.1 B (add to #4) - notify other agencies such as CSP that may have permitting requirements.

B11 G. Mitigation Measure 4.4.3.2 - CSP has an MOU with the SHPO that cultural staff must perform CEQA work on CSP land, and that work that can not be subsumed by the Project Proponent's cultural contractor. This requires that 4.4.3.2 A lists DPR as an agency that should be notified of record search verification. This also requires that 4.4.3.2 B lists DPR cultural staff be present at any preconstruction meetings, or more specifically any planning meetings discussing research methods with the archaeological contractor prior to the final preconstruction meeting.

B12 H. Mitigation Measure 4.4.3.4 - within the parameters of the federal and state laws, the location of human remains and their disposition should be communicated to a CSP cultural representative from the appropriate district. This is not to be involved in the specific on-site meetings with native descendants, but to assure at the end of

B.4. It is not anticipated that the City would conduct any maintenance on channels within CSP jurisdiction. However, should maintenance activities extend into areas under CSP jurisdiction, the City acknowledges that additional cultural conditions of approval may be required beyond those identified in this PEIR.

B.5. The cultural resources sensitivity designation of low, moderate, or high is based not only on records search data, but also on the predictive model, which considered land use and settlement patterns, the potential for buried resources, previous survey coverage, channel conditions, topography/slope/size of the canyon, availability of land suitable for habitation, availability of natural resources, and integrity of the historical resources.

B.6. CSP will be given the opportunity to provide comment during agency review should maintenance activities be proposed on land within its jurisdiction.

B.7. In the unlikely event that maintenance occurs within State Park land, the City would follow requirements related to obtaining archaeological collecting permits. General Mitigation 3 acknowledges the need for obtaining permits from other agencies.

B.8. If maintenance occurs within State Park land, a CSP cultural representative would be invited to attend a pre-maintenance meeting with City staff, project archaeologist, and the Native American monitor.

B.9. The requested change has been included in the Final PEIR.

B.10. General Mitigation 3 requires evidence of compliance with other permitting agencies. In addition, as part of the CD process other permitting agencies, such as CSP, will be consulted to determine any specific requirements prior to commencement of work within their jurisdiction.

B.11. The MMRP included in the PEIR is intended to be implemented for projects within City-owned and maintained storm water facilities, but does not preclude the need for notification to other permitting agencies. As noted in Response to Comment B.10, General Mitigation 3 requires evidence of compliance with other permitting agencies. Therefore, the MMRP will not be revised. However, should any maintenance activities be necessary within CSP land, DPR cultural staff would be included in any preconstruction meetings and be provided the same information required by the City (i.e., verification of records search results, archaeological monitoring exhibit, resumes of qualified consultants, etc.).

COMMENTS

RESPONSES

B12

cont.

B13

these negotiations that consensus has been found and proper treatments have been carried out.

- I. Mitigation Measure 4.4.3.6 A 1 b - CSP archaeological collecting permits require four (4) copies of final report, copies of all field notes, maps and photos, and notification of destination of final curation materials. This is not to make the City list our specific issues in this document, but for them to put in a statement to the effect that in these post-construction topics, some land agencies may have their own specific mandates to honor.

Thank you again, for the opportunity to comment on the Master Stormwater System Maintenance Program DPEIR. We look forward to working with you to resolve our concerns.

Sincerely,



Darren Smith, Environmental Scientist, San Diego Coast District

- Cc Ronilee Clark, San Diego Coast District Superintendent
- Clay Phillips, South Sector Superintendent
- Brian Ketterer, North Sector Superintendent
- Therese Muranaka, Ph.D., R.P.A., Associate State Archaeologist
- Chris Peregrin, Environmental Scientist
- Reading File

B.12. Should any maintenance activities conducted on CSP land result in the discovery of human remains, DPR cultural staff would be notified along with all identified City staff and the Medical Examiner in accordance with the protocols established by the California Public Resources Code which would be immediately invoked.

B.13. Comment noted. In addition, as indicated in Response to Comment B.11, should any maintenance activities be required on CSP land, DPR cultural staff would be included in any preconstruction meetings at which point they could identify specific requirements associated with the archaeological collecting permit, report submittals and curation notifications. The City's MMRP does not preclude the ability of other permitting agencies to obtain results reports and final clearance of maintenance activities within their jurisdiction.



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maziar Movassaghi, Acting Director
5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

August 25, 2009

Ms. Myra Herrmann
City of San Diego
Development Services Center
1222 First Avenue
San Diego, California 92101
DSDEAS@sandiego.gov

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)
FOR THE MASTER STORM WATER MAINTENANCE PROGRAM (MSWSMP)
PROJECT NO. 42891, JO: 007460; CITY WIDE, SAN DIEGO, SAN DIEGO COUNTY
(SCH. NO. 2004101032)

Dear Ms. Herrmann:

The Department of Toxic Substances Control (DTSC) has received the submitted Public Notice of Availability, a Program Environmental Impact Report, and the EIR Appendices for the above-mentioned project. The following project description is stated in the Document Details Report: "Master Site Development (SDP) and Coastal Development Permit (CDP) for the long-term maintenance of storm water facilities maintained by the City of San Diego's Storm Water Department (SWD). The storm water facilities include a series of natural and/or constructed drainage channels along with associated drainage control structures (e.g. outfalls and detention basins) located throughout the metropolitan area. The MSWSMP identifies the maintenance activities anticipated to be carried out for each drainage facility. The Master Program also establishes a series of protocols to be carried out during maintenance activities that are intended to minimize impacts related to soil and erosion, water quality, and wildlife disruption. A Substantial Conformance Review (SCR) procedure will also be established as part of the permit approval and environmental document certification." DTSC has the following comments; please address if applicable:

- 1) The document states: "Land Use: Public Land, Public Right of Way; Storm Drainage Channel Systems. The City's storm water system is comprised of a number of different types of facilities designed to transport storm runoff though

Ms. Myra Herrmann
 August 25, 2009
 Page 2

C1

the metropolitan area.” DTSC recognizes that this is a citywide plan and therefore not site-specific. EIRs for future, site-specific plans should identify the current or historic uses at the project site that may have resulted in a release of hazardous wastes/substances. For all identified sites, the EIR should identify the known or potentially contaminated sites within the proposed Project area. The EIR should evaluate whether conditions at the site or within the project area may pose a threat to human health or the environment.

Following are the databases of some of the pertinent regulatory agencies:

- EnviroStor: An online database maintained by DTSC, at www.envirostor.dtsc.ca.gov.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

For future CEQA documents, please specify the databases that were consulted.

C.1. In the course of preparing the IMPs mandated by the CD process, the City would conduct a Phase One Environmental Site Assessment and consult the sources identified in this comment to determine if the potential exists for hazardous materials to occur within the limits of proposed maintenance. This information would be indicated in the CD documentation accompanying each annual maintenance proposal.

The primary source of potential contaminants encountered during storm water facility maintenance would be associated with the accumulation of urban pollutants (see page 4.5-3 of the PEIR for a list of common pollutants) captured by sediments located within the storm water facilities. In addition, the Storm Water Standards contained in the City’s Land Development Manual identify the following nine (9) pollutants of concern (POCs) related to ten types of development (General Project Categories):

- sediment;
- nutrients;
- heavy metals;
- organic compounds;
- trash and debris;
- oxygen demanding substances;
- oil and grease;
- bacteria and viruses; and
- pesticides.

As all of the development types are anticipated to occur in each of the watersheds associated with this project, all nine POCs are anticipated to be found in the channel sediments.

COMMENTS

RESPONSES

Ms. Myra Herrmann
 August 25, 2009
 Page 3

- C2 2) Any future site-specific EIRs should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents. Please see comment No. 8 below for more information.
- C3 3) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table. All closure, certification or remediation approval reports by these agencies should be included in the EIR. All closure, certification or remediation approval reports by these agencies should be included in the EIR.
- C4 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- C5 5) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- C6 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- C7 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code,

- C.2. In the event that any contamination requiring special handling and disposal is suspected in the course of preparing the IMP, contaminant remediation and removal activities would be specified in the IMP. These measures would be conducted in accordance with pertinent local, state, and federal regulatory guidelines, under the oversight of the City's Local Enforcement Agency and/or appropriate regulatory agency. When applicable, the City would request guidance from DTSC for cleanup oversight through an Environmental Oversight Agreement (EOA), as appropriate. In the event that unanticipated contaminants are encountered during maintenance, the City would stop work and implement an appropriate work plan for remediating such contaminants in accordance with all applicable regulations.
- C.3. As indicated in Response to Comment C.2, the City would implement the appropriate remediation measures in the event that contaminants are encountered during maintenance activities.
- C.4. The proposed maintenance program would not involve the demolition of buildings, structures, or asphalt/concrete paved surfaces; therefore, testing and remediation for hazardous chemicals, mercury, lead-based paint, or asbestos containing materials would not be required. However, heavy metals could be encountered in accumulated sediments in channels identified on a 303(d) list or adjacent to areas where burn ash has been documented. Under such circumstances, all appropriate remediation measures will be followed.
- C.5. As indicated in Response to Comment C.2 and C.4, the City would follow appropriate remediation measures for contaminated soil including proper off-site disposal. As warranted, sampling would be conducted as part of the Phase One Environmental Site Assessment or in the event contaminants are discovered during maintenance. The results of this testing would be used to determine the proper off site disposal for contaminated material.
- C.6. As indicated in Response to Comment C.2 and C.4, the contaminants likely to be encountered do not represent a major public health hazard. Furthermore, these contaminants are generated from adjacent development and would be present whether or not maintenance occurs. In fact, maintenance, when properly performed, would safely remove the contaminated sediment from urban areas resulting in an improvement to health and safety in adjacent areas.

COMMENTS

RESPONSES

Ms. Myra Herrmann
August 25, 2009
Page 4

C7
cont.

Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

8) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

C8

9) If any site within the project area were used for landscaping, agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

If you have any questions regarding this letter, please contact Ms. Teresa Hom, Project Manager, at thom@dtsc.ca.gov or by phone at (714) 484-5477.

Sincerely,



Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

- C.7. The only potential source for hazardous materials would be associated with oil and fuel emissions from maintenance equipment. This potential short-term risk would be minimized through implementation of maintenance protocols identified in the Maintenance Program, as well as standard best management practices (BMPs) for use and storage of equipment.
- C.8. As indicated in Response to Comment C.1, the City would conduct a Phase One Environmental Site Assessment prior to beginning maintenance activities and would implement appropriate remedial measures.

COMMENTS

RESPONSES

Ms. Myra Herrmann
August 25, 2009
Page 5

cc: CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
1001 I Street, 22nd Floor, M.S. 22-2
Sacramento, California 95814
nritter@dtsc.ca.gov

CEQA # 2664

COMMENTS

RESPONSES

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
4050 Taylor Street, M.S. 240
SAN DIEGO, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY (800) 735-2929



*Flex your power!
Be energy efficient!*

August 18, 2009

11-SD-Various
PM Various
SCH 2004101032

Ms. Myra Herrmann
City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

RE: Master Stormwater System Maintenance Program

Dear Ms. Herrmann:

The California Department of Transportation (Caltrans) appreciates the opportunity to have reviewed the Draft Environmental Impact Report (DEIR) for the Master Stormwater System Maintenance Program. Caltrans has the following comments:

- D1 Page 4.5-4, Table 4.5-2 shows the information in the table as:
Source: USEPA (1999)
"Preliminary Data Summary of Urban Storm Water Best Management Practices. August. Available at: <http://www.epa.gov/waterscience/guide/stormwater>"
- D2 The EPA source references the same table source as;
"Horner, R.R., J.J. Skupien, E.H. Livingston, and E.H. Shaver. 1994. Fundamentals of Urban Runoff Management; Technical and Institutional Issues. Terrene Institute and U.S. Environmental Protection Agency. Washington D.C."
- D3 Is there data available that is more current and regional to better represent San Diego loadings?
In Table 4.5-2, where is the surface street runoff included?

If you have any general questions, please contact Christian Bushong of the Development Review Branch at (619) 688-2510 or email at christian.bushong@dot.ca.gov.

Sincerely,

JACOB M. ARMSTRONG, Chief
Development Review Branch

cc: State Clearinghouse

"Caltrans improves mobility across California"

- D.1. The PEIR references the document from which the table was retrieved by the authors of the PEIR, not the original source document (which was not reviewed).
- D.2. The City was unable to find more updated information. However, as the information is for general background purposes, more recent information is not considered essential to the analysis of the proposed maintenance activities.
- D.3. The City was unable to determine where, or how, street runoff was accounted for in this table. However, as the information is for general background purposes, this determination is not considered essential to the analysis of the proposed maintenance activities.

COMMENTS

RESPONSES

SEP-03-2009 09:32

STATE CLEARINGHOUSE

P.002



STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

August 31, 2009

Myra Herrmann
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Subject: Master Storm Water System Maintenance Program
SCH#: 2004101032

Dear Myra Herrmann:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on August 26, 2009. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2004101032) when contacting this office.

Sincerely,

for Scott Morgan
Acting Director, State Clearinghouse

Enclosures
cc: Resources Agency

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

E1

E.1. This letter documents the public review process conducted by the State Clearinghouse. No response is required.

City of San Diego Wetlands Advisory Board
 Chairman: James A. Peugh

August 17, 2009

Attn: Ms. Myra Herrmann, Environmental Planner
 City of San Diego, Development Services Center
 1222 First Avenue, MS 501
 San Diego, CA 92101

Subject: Project No. 42891, SCH No. 200101032

Dear Ms. Herrmann:

Thank you for this opportunity to comment on the Draft Programmatic Environmental Impact Report (DPEIR) for the Master Storm Water System Maintenance Program (MSWSMP). The WAB held a special meeting on July 30th, in order for the Board to comment on the PEIR. Present at the meeting were 5 members of the Wetlands Advisory Board and city representatives from the Storm Water Department and Development Services Department. A two hour discussion ensued and the following recommendations were drafted. We are requesting five improvements to the DPEIR. Three comments address the "General" section, one is on the topic of "Water Quality", and one on the "Land Use (MSCP/MHPA)" section. The comments and requests submitted by the WAB are listed below. Each was agreed upon unanimously or with a vote of 4/5.

General:

- F1 [1. Amend the Mitigation, Monitoring, and Reporting Plan so that annually, when the Storm Water Department conducts a drainage channel clearing there is a required follow up on hydrology, water quality impacts, biology, access, and a mechanism to compel the City to identify, analyze and rectify any detrimental impact to the environment.
- F2 [2. On an annual basis the WAB requests the city to have a public process to review the yearly upcoming storm water maintenance plan, before the maintenance is performed, which would include a public hearing. All of the individual channel maintenance project information that would be provided in the [outside] agency notification package, which would include the anticipated impacts from each channel maintenance project, should be available for public review for the period of 30 days.
- F3 [3. The DEIR is deficient because alternatives that were rejected on a programmatic level may have value on an individual project level. Planning for IMPs should consider a full range of alternatives including those rejected at the programmatic level, as these may be practical and may minimize or avoid impacts caused by an individual project.

Water Quality:

- F4 [4. The document does not adequately analyze water quality impacts; and must identify alternatives to avoid, minimize, and identify mitigation to the unavoidable impacts. Also, the EIR needs to identify how the project will specifically impact TMDLs and Impaired Water Bodies and how those impacts will be avoided or at least minimized, and the unavoidable impacts will be mitigated.

F.1. In order to ensure that maintenance activities do not substantially increase erosion, the City has added the following protocol to the MSWSMP:

#25 Inspect earthen-bottom storm water facilities within 30 days after the first 2-year storm following maintenance. Implement erosion control measures, as appropriate, to remediate any erosion which has occurred and minimize future erosion.

Follow-up inspections relative to access, biological resources and water quality is not considered warranted. No major problems along access roads after maintenance would be anticipated. Checking on the status of biological resources is not necessary. With the exception of erosion (which would be minimized by Protocol #25), no post-maintenance impacts would occur to biological resources remaining within the storm water facility following a maintenance event. Since the maintenance would improve the hydrological condition of the storm water facility, follow-up monitoring would not be necessary.

F.2. The MSWSMP has been amended to require Process Two (San Diego Municipal Code, Chapter 11, Article 2, Division 5, Decision Process, Section 112.0503) for a maintenance activity that meets any of the following criteria: (1) the activity is located within the Coastal Zone; (2) the wetland impacts associated with the individual activity would exceed the estimate contained in the PEIR; or (3) the activity requires construction of a new access route that would disturb more than 0.25 acre of native vegetation.

In accordance with the Municipal Code, a Notice of Future Decision will be sent to: (1) property owners within 300 feet of the proposed maintenance activity, (2) individuals who have requested such notice, and (3) the local community planning group. The decision to authorize the maintenance activity would be made by a designated City staff person without a public hearing. The documentation prepared during the CD process would be available for public review prior to the decision.

In order to allow time for the public to review the CD information, the Municipal Code requires that the decision not occur earlier than 11 business days after the Notice of Future Decision is mailed. Once a decision is made, a Notice of Decision will be mailed in the same manner as the Notice of Future Decision. If an individual or group disagrees with the decision, they have the right to appeal to the City's Planning Commission. At the conclusion of the Planning Commission hearing, the Commission may affirm, reverse or modify the staff decision.

F2. (cont.)

Process One (San Diego Municipal Code, Chapter 11, Article 2, Division 5, Decision Process, Section 112.0502) will apply to all maintenance activities which are consistent with the MSWSMP and PEIR and do not meet the criteria for Process Two. Process One activities would be approved by a City staff person without a public hearing. As the maintenance activities approved through Process One would be within the impact assumptions of the PEIR, no additional public review is considered necessary.

Process Four (San Diego Municipal Code, Chapter 11, Article 2, Division 5, Decision Process, Section 112.0507) will be used when the consistency determination finds that proposed maintenance is not included in the MSWSMP or PEIR. In order to authorize these maintenance activities, the Master Site Development Permit (SDP) and/or Master Coastal Development Permit (CDP) may be amended, or a separate SDP or CDP processed. These actions will require a public hearing before the City Planning Commission. As appropriate, additional environmental review will be conducted.

F.3. On a case by case basis, IMPs would consider the approaches which were rejected by the PEIR as alternatives to the overall proposed maintenance program. As appropriate, the City would consider techniques to increase flood water capacity while leaving some or all of wetland vegetation, including but not limited to (1) adding berms or walls along the top of the channel, (2) diverting storm water into new channels or culverts, and/or (3) channel widening. LID techniques carried out as a result of programs developed by the City's Storm Water Pollution Protection Section may also help reduce the need for maintenance by reducing the amount of storm water reaching transport facilities. The proposed MSWSMP already calls for consideration of selective removal of vegetation.

F.4. Although programmatic in nature, the analysis of potential water quality effects related to storm water facility maintenance is adequate to identify the potential impacts and assess mitigation options. This conclusion is based on two primary factors. First, maintenance activities would not increase the amount of pollutants found within urban drainages because the activities, in and of themselves, would not introduce substantial amounts of pollutants into the City's storm water courses. Second, the PEIR already acknowledges that maintenance activities may significantly impact the ability of storm water facilities to function as urban pollutant filtration systems, and includes a general description of the types of pollutants found in the runoff carried by the City's storm water facilities (refer to page 4.5-3 as well as Response to Comment C.2). Furthermore, reduced pollutant filtration capacity would only occur in earthen-bottom or concrete-lined facilities where substantial amounts of sediment and/or vegetation have become established.

F4. (cont.)

Although the pollutants found within individual storm water facilities and the effect of maintenance will vary, providing detailed quantification of the specific types and levels of pollutants in each facility would be expensive and would not change the conclusion of the PEIR that maintenance could impact the ability of storm water facilities to intercept runoff pollutants.

As discussed on page 4.5-18, the plants and sediment found in storm water facilities function together to remove pollutants. The pollutant removal functions associated with wetlands and riparian area vegetation and soils combine the physical process of filtering and the biological processes of nutrient uptake and de-nitrification. Riparian forests, for example, have been found to contribute to the quality of aquatic habitat by providing cover, bank stability, and a source of organic carbon for microbial processes such as denitrification (James et al., 1990; Pinay and Decamps, 1988). Riparian forests have also been found to be effective at reducing in-stream pollution during flood flows (Karr and Gorman, 1975; Kleiss et al., 1989).

Bio-filter pollutant removal is largely regulated by microorganisms. The biota acts as a major stabilization, removal, and conversion mechanism for organic carbon and many nutrients. Most biological action occurring in a wetland is anaerobic. However, due to flow fluctuations over the year, some biological action is facultative (both aerobic and anaerobic depending on the seasonal conditions). Water quality benefits associated with microbial action include:

- Conversion or transformation of many substances into insoluble or harmless substances,
- Increasing the processing capacity of the wetland soil to remove pollutants by positively changes the reduction/oxidation (redox), and
- Contributing to the recycling of nutrients.

As noted in the PEIR (pages 4.3-17 through 19), maintenance activities temporarily reduce the ability of the storm water facilities to intercept pollutants by removing the plant material. When removal of the plant material includes the root systems, maintenance eliminates the uptake of pollutants through root material. More importantly, removal of vegetation reduces the ability of sediments to bind pollutants due to increased velocities and the resulting decreased exposure time of the pollutants to sediments. However, this impact is considered temporary given the ability of vegetation to regenerate within one year after maintenance. For example, within one year, cat-tails, which are effective at slowing runoff as well as absorbing pollutants, are expected to repopulate the bottom of storm water facilities.

F4. (cont.)

Sediment removal associated with maintenance would be focused on removing the accumulation of excess sediment which interferes with the transport of flood waters. With the exception of concrete-lined channels, sediment would remain on the surface of the facilities after maintenance and would continue to function as a pollutant trap.

Sediment removal has a positive effect on water quality because it removes the pollutants which have been trapped by the sediments and disposes of them in approved disposal sites. As with any filter, sediment removal renews the sediment filter process in drainages and allows them to function more effectively. Removal of pollutant-laden sediments also represents a potential benefit to downstream areas by preventing sediment from being transported into downstream waterways via erosion during major flood events.

In order to help compensate for the loss of the role of plant material in slowing runoff and promoting sediment binding of pollutants, the City has added the following post-maintenance protocol to the MSWSMP:

#24 Install a check dam or other comparable mechanism at the downstream end when maintenance involves the removal of substantial amounts of vegetation along the bottom of a storm water facility when determined to be appropriate by segment-specific hydrology and hydraulic analysis. These structures may be removed when vegetation growth has reached a point where the structure is no longer required.

In addition to slowing velocities and promoting the natural ability of sediments to remove pollutants from runoff, the downstream structures required by Protocol #24 would reduce the transport of sediment into downstream areas. Runoff velocities in the affected storm water facilities are generally low. As a result, the storm water facilities commonly act as sediment traps rather than generators which is the reason that sediment accumulation is a problem in many of the urban storm water facilities. Nevertheless, the downstream structures required by Protocol #24, as appropriate, would provide additional protection to downstream areas until vegetation becomes re-established after maintenance events.

As with sediment removal, removal of plant material could help remove pollutants that have been intercepted by the root systems. Through the absorption process, pollutants are stored in plant biomass. Thus, periodic removal of plant materials which have effectively stored pollutants would remove these pollutants from the storm water system. Otherwise, when these plants die, the pollutants they have stored would be washed downstream and released through decomposition.

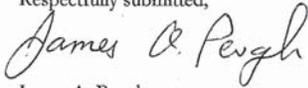
F5

Land Use (MSCP):

5. We have concerns about the MSCP consistency evaluation. The program EIR should be revised to consider alternatives that reduce impacts to resources and provisions of MSCP.

We look forward to reading the responses to our comments in the Final PEIR. Please feel free to contact me for any clarifications. In case of questions or follow-up, please contact me at 619-224-4591 or peugh@cox.net or contact our staff person, Carrie Purcell at 619-533-5124 or CPurcell@sandiego.gov.

Respectfully submitted,



James A. Peugh,
Chairperson
City of San Diego Wetlands Advisory Board

cc:
Mayor Sanders
City Council

F4. (cont.)

The effect of maintenance on the TMDL in downstream drainages and water bodies would not be significant. As indicated earlier, maintenance activities do not generate pollutants. With the downstream flow controls achieved by Protocol #24, downstream transport of sediment and pollutants would not likely be substantially increased over existing conditions. Lastly, periodic removal of pollutant-laden sediments and/or plant material would enhance the ability of storm water facilities to serve as pollutant filters and avoid downstream transport of pollutants bound to sediments and/or stored in plant biomass during high flows.

F.5. Table 4.1-2 of the PEIR contains an analysis of the relationship of maintenance activities with the General Planning Policies and Guidelines of the MSCP, as well as the more focused MHPAs Adjacency Guidelines and General Management Directives.

In accordance with the overarching General Policy goal to minimize loss of wetland vegetation during storm water facility maintenance, the City would look for ways to reduce the impacts of maintenance on wetland vegetation while preparing annual IMPs. As discussed in Response to Comment F.3, the City would consider alternatives to vegetation removal on a case-by-case basis. Despite the City's best efforts, however, the loss of wetland habitat would be unavoidable due to the fact that wetland vegetation is a primary cause for diminished storm water transport capacity. Storm water facility maintenance is expressly allowed within the MHPA as an essential function to increase storm water transport capacity.

As discussed in Table 4.1-2, storm water facility maintenance would not significantly conflict with the Land Use Adjacency Guidelines or General Management Directives outlined in the MSCP Subarea Plan. Indirect impacts relating to lighting and domestic animals would not occur. Noise would be short-term and controlled to reduce impacts on any sensitive animals in the vicinity of maintenance activities. No invasive plant species would be introduced by maintenance. In fact, invasive species would be removed in the course of maintenance. Mitigation for wetland impacts would be offset by wetland enhancement and/or restoration.

8/24/09

County of San Diego

Department of Public Works, Flood Control Engineering

**RE: MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM EIR
PUBLIC REVIEW**

REVIEW COMMENTS:

- G1 [• In table 3-1, the letters and numbers used for the type and maintenance method are not defined.
- G2 [• The work being done to facilities 20 and 99 appears to extend into County jurisdiction. If so, these projects will need to be coordinated with, and reviewed by the County. Both areas appear to be at or near FEMA floodplain. If the work proposed by the project has any impact to the floodplain, a CLOMR/LOMR may be necessary.
- G3 [• Issue 4.1.2 considers area General Plans, but does not consider the County's General Plan.
- G4 [• Since the focus of the MSWSMP is on channels, detention basins and outfalls, all three should be shown on exhibit 3-2 (currently the exhibit only shows channel centerlines).
- G5 [• Facilities 137a, 137c, 137b, 138, and 139 may be on County property. If so, these projects will need to be coordinated with, and reviewed by the County Parks and Recreation Department. Please contact Patrick McDonough, Jr. at 858 966-1341 or Patrick.McDonoughJr@sdcounty.ca.gov.

- G.1. Footnotes indicating the definition of the channel types “C” and “E” and describing the four maintenance method types have been added to Table 3-1.
- G.2. The City only maintains storm water systems within its City limit. As a result, no maintenance would occur within the County’s jurisdiction.
- G.3. As no maintenance is proposed within the unincorporated area, consideration of the County’s General Plan was not required.
- G.4. Figures 3-1 and 3-2a through d illustrate the channels and major detention basin to be maintained under the proposed MSWSMP. Due to the number and small size of outfalls, it is infeasible to depict them on the report graphics.
- G.5. The areas to be maintained within Map 137a, 137b, 138, and 139 are within the jurisdiction of the City of San Diego.

Herrmann, Myra

From: Zhu, Jim [Jim.Zhu@sdcounty.ca.gov]
Sent: Monday, August 24, 2009 4:09 PM
To: DSD EAS
Cc: Agahi, Sara; Barry, Anthony
Subject: Comments for draft EIR of MSWSMP
Attachments: EIR_City SD.doc

Myra,

Pursuant to your letter dated July 9, 2009, the County of San Diego Department of Public Works, Watershed Protection Program has completed the review of the MSWSMP EIR. Please see the review comments attached.

Please feel free to contact Anthony Barry at 858-694-2707 or me with any further questions or concerns.

Thanks,



Jim Zhu, P.E., CFM
Senior Civil Engineer
Flood Control Engineering
Watershed Protection Program

Tel: 858-694-2666
Fax: 858-495-5263
Email: Jim.Zhu@sdcounty.ca.gov

California Native Plant Society

San Diego Chapter of the California Native Plant Society
P O Box 121390
San Diego CA 92112-1390
info@cnpsd.org | www.cnpsd.org

City of San Diego
Myra Herrmann
Development Services Center
1222 First Ave MS501
San Diego CA 92101
DSDFEAS@saniego.gov

August 20, 2009

RE: Project #42891, Master Storm Water System Maintenance Program

Dear Ms. Herrmann:

The California Native Plant Society, San Diego Chapter (CNPS), appreciates the opportunity to comment on the draft EIR for maintenance of City of San Diego (City) storm water facilities.

The City has recommended a program to remove vegetation from areas within San Diego's creeks, which form the City's storm water conveyance system, for the purpose of flood control to reduce losses to property. The areas to be maintained include streams that have been channelized in the past (concrete or earthen) and detention basins. Over time some of these areas have filled with sediment and wetland vegetation has become established that provides habitat for birds and other wildlife, some of which are endangered. The City plans to remove the vegetation on a regular using bulldozers and other mechanical equipment. The bulldozers will require the creating of new access roads in some areas. The City plans to mitigate for the loss of wetland habitat by removing weeds and planting native plants in other areas, which may include payment into mitigation banks outside of the City.

We have identified alternative to the plan proposed by the document and ask that these be addressed in the final.

H1

Better analysis of the "No Project" Alternative: the proposed PEIR does not demonstrate the need for the project or whether the proposed vegetation removal will rectify the need. The PEIR does not demonstrate that vegetation removal from an area will result in increased protection of property. For example, previous development in upstream flood plains may have so increased the likelihood of flooding that floods will occur whether or not the channel contains vegetation. If vegetation removal does NOT result in increased protection from flood damage, then the project is a waste of money and will unnecessarily degrade wetland environments.



Dedicated to the preservation of California native flora

H.1. Many of the storm water facilities identified in the MSWSMP have historically experienced flooding problems, which provides first-hand evidence that maintenance is required. Other channels are included because they are considered prone to flooding. In any case, maintenance would not occur until segment-specific hydrology studies are completed as part of the CD process. These hydrology studies will dictate the amount of maintenance required to maximize flood control function. Where the studies indicate that no maintenance is required, there would be no reason to conduct maintenance.

- H2 [The PEIR does not state what level of rain event the project is expected to provide protection from, (e.g., a 100-year flood). What criteria are used to decide what the "desired flood control capacity" goal is? (e.g., see page 3-21; many other pages state "desired flood capacity" without stating how this would be determined).
- H3 [The PEIR does not evaluate potentially significant adverse environmental impacts of the project such as the possibility of increased erosion downstream from a cleared area, or destabilization upstream as a result of changing the flow of floodwater.
- H4 [**Watershed Management Alternative** – the PEIR acknowledges that vegetation removal from streams will have significant unmitigated impacts on water quality, neighborhood character and will conflict with the goals of other City programs such as the Chollas Creek Enhancement Plan (page 4.1-9). The current PEIR ignores the potential for using Low Impact Development principles in the watershed and upstream creek stabilization; wetland development to reduce flood volume and reduce the frequency of maintenance required to remove sediment from the areas indicated; and use of hand crews for maintenance to avoid development of new roads.
We request that the City analyze flood water control at a watershed level in order to develop a flood control plan that has the least amount of habitat clearing and is coordinated with other City planning goals and policies. This plan would preferentially examine the potential for reducing the impact of possible floods by e.g., upstream infiltration, catchments in cisterns and rain barrels, use of permeable pavements, restoration of stream hydrology to dechannelize creeks, using energy dissipaters.
- H5 [**Invasive weed removal alternative** - If vegetation removal is deemed necessary, the proposed project may achieve its goal by focusing on invasive vegetation removal. Many of the project maintenance locations have species including giant reed (*Arundo donax*), Mexican fan palm (*Washingtonia robusta*), salt-cedar (*Tamarix ramosissima*), and eucalyptus (*Eucalyptus globulus*).
Insufficiency of Mitigation
The PEIR proposes to base the level of mitigation required on the frequency of maintenance. We find this insufficient for several reasons.
- H6 [1) The amount of impacts caused by Low Frequency Maintenance (page 4.3-40) is expected to result in the removal of mature plants followed by re-growth, which would not become higher than 5-10 feet. Wetland regulatory agencies typically consider this to be a permanent impact to wetland habitat, since 5-10 ft tall trees are not functionally equivalent to mature trees. We recommend that appropriate mitigation be the expansion or creation of other areas in the same watershed.
- H7 []
- H8 [2) Basing the type of mitigation only on frequency of maintenance fails to analyze the impact of the TYPE of clearing. Scraping below the soil surface to remove root systems would be expected to have a much greater impact than hand removal of a few non-native trees. We recommend that the PEIR take the TYPE of maintenance into account when describing mitigation and provide mitigation ratios for the specific types of impact3) The PEIR does not indicate on which maps a particular type and frequency of clearance is envisioned. Based on
- H9 []

- H.2. The City’s primary goal in maintaining storm water facilities is to maximize flood protection for adjacent property. Ideally, the City would like to maintain facilities to meet the current standard for designing flood control facilities to contain a 100-year storm. However, as discussed on page 3-1 of the PEIR, most of the facilities which are subject to the proposed maintenance program were constructed well before the 100-year flood standard. As a result, even when restored to their original configuration without interference from vegetation, these facilities are able to carry far less than a 100-year storm. For example, the portions of Alvarado Creek included on Maps 63 and 64 are barely able to contain a 2-year storm when void of vegetation. Thus, the City’s goal is to maximize flood protection to the greatest degree possible.
- H.3. As indicated on pages 4.3-35 and 36 of the PEIR, channel maintenance was determined to have a potentially significant impact on downstream habitat resulting from disturbance of sediment and resultant increase in downstream turbidity. In addition, as discussed on page 4.5-18 of the PEIR and in Response to Comment F.4, the loss of runoff pollutant absorption resulting from the removal of plant material during maintenance represents a potentially significant impact on biological resources. The PEIR discusses the fact that potentially significant erosion and sedimentation impacts would be associated with the removal of vegetation within storm water facilities (refer to pages 4.5-14 and 15). In response, the MSWSMP includes pro-active maintenance protocols to avoid and minimize erosion and sedimentation related to maintenance activities. As discussed in Response to Comment F.4, the City has added two new protocols to further control erosion. When appropriate, Protocol #24 would result in a check dam or similar structure downstream of maintenance. Protocol #25 would require the City to conduct follow up inspections to ensure that post-maintenance erosion is adequately controlled.
- H.4. The channel maintenance activities described in the MSWSMP represent only one component of the SWD’s programs. The SWD implements several other programs that work to address storm water quality including LID and hydromodification (including reducing peak flow rates and increasing peak flow capacities). Collectively, these efforts minimize the amount of channel maintenance and cleaning that must be completed by reducing runoff flows and addressing sediment and trash before they enter storm drain channels. The most notable programs and activities are listed below.

H4. (cont.)

- The SWD has developed water quality-related development requirements applicable to new development and redevelopment projects. These requirements, which include LID requirements designed to reduce runoff volumes, are included in the City’s Storm Water Standards Manual.
- The SWD implements an extensive, multi-faceted education and outreach campaign called Think Blue. The Think Blue campaign includes efforts targeting both non-storm water runoff (such as irrigation runoff), and activities which may lead to erosion and sedimentation. In addition, efforts to reduce non-storm water runoff may reduce the need for clearing vegetation in channels for flood control purposes, as non-storm water, dry weather runoff may facilitate plant growth beyond natural conditions.
- The SWD is implementing watershed activities that will assist in improving water quality, reducing or reversing hydromodification impacts caused by development, and reducing runoff volumes. Notable efforts include:
 - o The SWD is actively participating in an effort to eliminate copper from brake pads via state legislation.
 - o To facilitate enhanced implementation of LID, the SWD is undertaking an effort to review the City’s land development regulations to identify potential barriers to LID strategies.
 - o The SWD is in various stages of concept planning and design of 23 LID pilot projects designed to reduce runoff volumes entering the City’s creeks and flood control channels.
 - o The SWD is installing trash collection best management practices (BMPs) at storm drain inlets to capture trash and debris before entering the City’s creeks and flood control channels. The SWD will be analyzing the installation and maintenance costs of these devices in order to compare the efficiency of the BMPs to other strategies.
 - o The SWD sponsors numerous trash cleanup events to not only remove trash and debris from the City’s creeks and flood control channels, but to also further raise awareness and eliminate polluting behaviors.
 - o The SWD is assessing strategies to reduce illegal dumping in partnership with non-profit organizations.
- The SWD is actively assessing and repairing portions of the storm drain system, such as failed outfalls, which are sources of erosion and downstream channel sedimentation. These efforts will work to reduce the need for sediment cleaning in channels.

COMMENTS

RESPONSES

H4. (cont.)

- The SWD is undertaking data collection efforts that will enable the SWD to identify storm drain facilities in need of capacity upgrades or improvements. As part of this effort, the SWD will also be evaluating opportunities for incorporating storm water quality BMPs, such as LID projects. These improvements would alleviate the potential for flooding and erosion.
- The SWD implements a Citywide street sweeping program targeting the areas generating the highest volumes of trash and debris. Sweeping efforts reduce the amount of trash and debris that must be removed from channels for flood control purposes.
- The SWD, as well as other City departments which manage portions of the storm drain system, also inspect and clean storm drain inlets. These efforts focus resources in the areas generating the largest volumes of trash and debris in order to maximize the removal of trash and debris from the storm drain system prior to reaching the City’s creeks and flood control channels.
- The SWD implements the region’s most extensive storm water code enforcement program. The SWD’s code enforcement officers work to abate illegal discharges to the storm drain system, including trash and sediment.

In addition to the Storm Water Department’s efforts, the City also actively inspects construction sites to ensure that contractors are implementing BMPs to reduce the discharge of sediment and other construction-related pollutants from entering the storm water system.

H.5. Infestation by invasive species, such as those noted in the comment, is frequently a major factor dictating the need for maintenance. The City would focus on invasives removal as the primary means to achieve the desired flood capacity in storm water channels. This vegetation would be avoided by maintenance whenever hydrology studies indicate it can remain without adversely impacting flood control goals.

H.6. While wetland habitat between 5 and 10 feet in height may not have full functional wildlife value, this habitat would offer significant wildlife function relative to foraging, cover, perching, and breeding. In light of this fact, enhancement is considered an appropriate form of compensation.

H.7. As discussed in the previous response, the habitat expected to establish within storm water facilities between each low-frequency maintenance event is expected to have sufficient wildlife value. Thus, habitat creation as suggested in this comment would not be necessary.

H.8. The mitigation ratios are based on the most impactful method of vegetation removal which would involve removal of sediment including root systems. While retention of the roots through hand clearing would result in quicker re-growth of wetland vegetation, the City has chosen to apply the most conservative compensation ratios to hand-clearing in order to simplify the process and assure that maximum mitigation is achieved.

H.9. The type of maintenance is identified for each segment on Table 3-1. The location of the facilities are in turn shown on Figure 3-1 and Figures 3.2a through 3-2e. The City does not have the funds, manpower, or need to clear every facility annually.

As discussed in Section 3.3 of the PEIR, the frequency and type of maintenance would be determined for each facility based on routine inspections and past maintenance history. While maintenance frequencies typically occur at three-year intervals, facilities with a known history of flooding and/or accumulation of soil, debris and vegetation would be prioritized to be maintained annually or bi-annually.

- H9 cont. the information provided in the PEIR, all vegetation could be scraped from every project site every year and remain consistent with PEIR guidelines. We doubt that this is in the intention, but have no basis for any other conclusion. The maps show extensive project areas within some watersheds, the San Diego River. The PEIR does not indicate how impacts from this project would be mitigated for such an area, which conceivably could be completely devegetated according to the proposal. We request that there an adequate area be clearly identified and quantified for mitigation of this impact.
- H10
- H11 4) Using "enhancement" (removal of non-native plants elsewhere) as mitigation of permanent impacts caused by High Frequency maintenance (page 4.3-38) is inappropriate. The loss of wetland habitat and function is only properly mitigated by creation of new wetlands or possibly by restoration of severely degraded wetlands, preferably in the same watershed. Please remove "enhancement" from the paragraphs referring to mitigation for High Frequency Maintenance.
- H12 On page 4.3-40, the PEIR states that restoration/enhancement activities will take place at the uppermost regions of a drainage for most effective control of non-native species. This is not necessarily required for effective maintenance, which would depend on the species and whether its dispersal is primarily wind- or water- bourn. We recommend that mitigation take place as part of Watershed Management Plan as described above.
Selection of equipment and access roads and proposed alternative
- H13 The PEIR states that mechanical removal using equipment up to 12.5 feet wide will be used because it will cost less. However, no analysis was performed to support this statement; it is quite possible that hand clearing would cost less than creation of new access roads which will be needed in some areas in order to permit access by large equipment. Another alternative to this proposal is to identify and acquire the use of smaller "canyon-proficient" equipment, such as that successfully identified by MWWWD for maintenance of the sewer system in canyons, which will reduce the impact of new access roads by limiting their width to 8 ft and would not require grading. We request that the PEIR analyze this alternative.
- H14
- H15 The impact analysis and proposed mitigation for the creation of new access roads is insufficient, as it does not address impacts to Land Use, Aesthetics/Neighborhood Character, Hydrology/Water Quality and other CEQA-required analyses. It inadequately addresses Biological Resources by stating only that mitigation will be carried out by off-site habitat acquisition, without specific assurances. It fails to address other impacts to Biological Resources from new road creation, including habitat fragmentation and introduction of new vectors for transmission of weeds.
We request that the PEIR identify and quantify all areas where new roads are thought to be necessary and conduct the appropriate impacts analysis.
- H16 The PEIR defines "Storm water facilities" as natural and constructed drainage channels. This PEIR needs to properly identify and map which areas are natural wetlands and which are manmade structures as defined by the City's Biology Guidelines, which would allow mitigation ratios to be identified properly to ensure a "no net loss" of San Diego's wetlands

- H.10. As identified in Table 3-1, the City has not in the past, nor is it proposing maintenance activities within the San Diego River. The San Diego River was included in the baseline biology surveys conducted for the project to locate potential mitigation sites. In fact, the City is currently working with the San Diego River Conservancy to conduct a large-scale program to remove invasives along the San Diego River to create a contiguous, comprehensive mitigation program. In some cases, the City would plant native wetland species after removing invasives to speed up the restoration process to increase the overall habitat quality of the San Diego River. Details of the mitigation program would be included in the annual informational materials required as part of the CD process.
- H.11. The Final PEIR (pages 4.3-40 through -52) has been revised to clarify the forms of enhancement that would be used as mitigation. For high frequency impacts, the City would employ the Enhancement with Planting technique which would involve installation of native wetland species as well as removal of invasives.
- H.12. The City recognizes that there are differing opinions on how restoration of watersheds should take place. In particular, the City is aware of the potential for rhizomes and other regenerative material to be released into downstream areas during removal. However, the City is also aware of the benefits of carefully removing upstream invasives to minimize the natural migration of invasive species into downstream areas. In developing plans and specifications for future restoration work, the City will take care to assure that implementation of restoration plans do not aggravate downstream problems with invasives.
- H.13. Based on experience, the cost of clearing vegetation by hand along 100 feet would be well over \$10,000 while the cost to accomplish the same task with mechanized equipment would be \$1,000. Thus, the cost of hand clearing is substantially higher than mechanical clearing. The primary reasons for this cost differential is because of the higher labor cost involved in cutting the vegetation and transporting it to a suitable location for removal. Under either scenario, the cost of removing the cleared vegetation from the centralized stockpile location would be comparable.
- H.14. As indicated on page 5 of the Master Program the City intends to use smaller equipment when suitable conditions exist.

H.15. As discussed on page 3-20 of the PEIR, the majority of storm water facilities have been maintained in the past and have existing access such as utility roads and/or concrete or earthen ramps. For those facilities where access does not already exist, the City would identify access in the course of preparing the IMPs for those channels lacking access. Identifying access points in the course of preparing the IMPs is the most appropriate approach given the fact that access needs would be based on channel conditions and the type of maintenance which is required. Furthermore, the CD process would assure that access impacts are minimized and mitigated.

The type of access needed would be based on the site-specific characteristics of the storm water facility (i.e., surrounding land uses and vegetation, concrete-lined vs. earthen, adjacency of public right-of-way, etc.) and the type of equipment necessary to complete maintenance activities. The facilities would be designed to minimize and/or avoid impacts to sensitive environmental resources, along with engineering and property ownership considerations. All newly created access paths would incorporate BMPs during and after maintenance activities.

The impacts of new access roads with respect to aesthetics and visual quality are addressed on page 4.2-23 of the PEIR. In this discussion, it is concluded that new access roads would not result in significant aesthetic or visual quality impacts because path width would be minimal (4 to 18 feet) and their alignment would be selected to minimize loss of mature trees, wherever possible. In addition, pursuant to Protocol #9, disturbed areas outside the limits of the access path would be revegetated.

The potential effects of new access on hydrology/water quality is addressed in the PEIR. Page 4.5-13 of the PEIR concludes that access ramps within the storm water facilities would not result in significant hydrology impacts because such structures would typically be located along one side of the storm water facility and would be removed after completion of maintenance operations.

Potential for new access roads to increase erosion and sedimentation is noted on page 4.5-15 of the PEIR. Protocols #5 and #6 are specifically designed to avoid significant erosion and sedimentation impacts.

H.16. Table 3-1 in the PEIR identifies those facilities that are natural or semi-natural depending on whether the facility is all earthen or partially lined. It also identifies those facilities which are entirely concrete.

The mitigation ratios identified in the City's Biology Guidelines are aimed at compensation for activities which result in the long-term loss of wetlands. Storm water facility maintenance does not result in the permanent loss of wetlands. As discussed in response to comment A.12, the mitigation ratios set forth in Table 4.3-10 of the PEIR, although not fully consistent with the City's Biology Guidelines, are considered appropriate.

COMMENTS

RESPONSES

- H17 The PEIR indicates that sediment controls would be called for in certain cases (page 3-17 Protocol #6; Page 3-26). We note that “temporary” erosion controls such as straw wattles often are manufactured with plastic netting that does not degrade and potentially causes damage to wildlife. Typically, such erosion controls are never removed from the project site (Juniper/Chocolate Canyon near Kalmia St). We request that the PEIR prohibit the use of plastic as a component of erosion control measures, regardless of whether they are intended to be “temporary” or not.
- H18 Page 3-18 Protocol #16 refers to the storage of hazardous materials. What hazardous materials are expected to be used in storm channel maintenance and which will be stored on site?
- H19 Page 3-20: What is meant by “dropping in” equipment?
- H20 Page 3-25: Under Sensitive Biological Resource Clearance, the current language indicates that pre-maintenance surveys would be conducted after clearing had already begun. Please rephrase this paragraph to indicate that surveys would occur BEFORE commencement of clearing.
- H21 Page 3-25 under Waste Management: Please remove the phrases “dump truck” and “vacuum/pressure truck”, as specifying them precludes the use of more environmentally sensitive procedures.
- H22 Page 4.1-15: The last paragraph under “program consistency” states that “no development would occur as a result” of the project. This is incorrect, as the PEIR states that roads will be developed in some areas for access. Please correct this statement.
- H23 Page 4.3-51 (and all other mitigation measures): Please add to the PEIR language that directs all mitigation measures to be included in construction documents to ensure implementation.
- H24 Table 4.3-10: Mitigation for Streambed/natural flood channel is considered to be “not applicable”. This is not acceptable, as wetland regulatory agencies (ACOE, RWQCB, and CDFG) routinely exercise jurisdiction over non-wetland waters and require minimum 1:1 creation as mitigation for impacts. Furthermore, many of the City-defined wetlands are un-vegetated. To not require mitigation for these wetlands would result in a NET LOSS to local ecosystems.
- H25 Footnote #1 states “
This would effectively reduce all mitigation to weed removal and planting activities, since all the mitigation in the PEIR is effectively only enhancement to existing wetlands, and since there is no limit to the amount of mitigation that can be accomplished by purchase of credits, and whereas the project removes wetlands but does not effectively create or expand wetland area, this would result in a NET LOSS of wetlands.
We request the following changes:
1. Define mitigation to consist of a minimum 1:1 ratio of creation or Restoration (including soil excavation) **as currently defined** by the City of San Diego and resource agencies
 2. Remove Footnote #1 from Table 4.3-10.
 3. Provide mitigation ratio for streambed/natural flood channel impacts
- H26
- H27
- H28

- H.17. Although temporary erosion control devices may incorporate plastic material, they would be removed upon completion of maintenance.
- H.18. Hazardous materials likely to be related to maintenance would be fuel, oil, and lubricants associated with operating and servicing equipment. Although these materials are not particularly hazardous, Protocol #9 is included to protect the storm water facilities by requiring that storage be located at least 50 feet from storm drains and surface waters.
- H.19. The term “dropping in” refers to a technique where equipment is lowered into the facility from a crane located on the bank.
- H.20. The text has been revised to indicate that “within a minimum of 72 hours prior to initiating any clearing or grubbing activities which may adversely affect a sensitive biological resource, a qualified biologist shall conduct any necessary pre maintenance surveys, including bird nest surveys to provide for compliance with the Migratory Bird Treaty Act (MBTA).”
- H.21. The text has been revised to indicate that “all debris accumulated during the maintenance process would be removed from the site using the appropriate waste removal procedure (e.g., vacuum/pressure truck, dump truck, etc.), and disposed of at an appropriate off-site location.”
- H.22. The text has been revised to indicate that development under the MSWSMP would be limited to the construction of access roads where none currently exist. It has also been stipulated that maintenance access roads would be constructed within disturbed habitat or in the least biologically sensitive habitat wherever possible, and to the minimum width required to accommodate moving equipment in and out of the channels. Additionally, temporary access paths would be revegetated with native or naturalized, non-invasive plant material as soon as feasible during or after maintenance operations.
- H.23. Language has been added on page 1-3 of the PEIR to indicate that mitigation measures identified in Chapter 4.0 of the PEIR and in the MMRP would be included in construction documents to ensure implementation. In addition, General Mitigation Measure 1 in the MMRP has a similar requirement.
- H.24. As discussed on Response to Comment A.12, creation is not required as mitigation because the storm water facility maintenance would not result in a permanent loss of either the vegetation or the drainage course.

COMMENTS

RESPONSES

- H.25. Because storm water facility maintenance does not result in a permanent loss of wetlands or drainage courses, mitigation through invasives removal and/or habitat restoration is considered consistent with the City's Biological Guidelines. However, the City would prefer to undertake wetland creation in order to take advantage of its greater mitigation value. Similarly, the use of mitigation credits would result in mitigation through creation because wetland mitigation credits require habitat creation.
- H.26. As discussed in Response to Comment A.12, creation is not required as mitigation.
- H.27. In light of the fact that creation is not a required form of mitigation, this footnote has been retained.
- H.28. Mitigation for unvegetated channels is not proposed because storm water facility maintenance would not materially change this condition.

H29 4. Implement biological mitigation within same watershed as impacts.

H30 **Pg. 11-1:** To ensure an appropriate level of design, implementation, and coordination of multiple City departments, we request that all "maintenance documents" (construction/maintenance plans) as described (Pg. 11-1. General mitigation #1) be required to be Grading Permits/Plans approved by the City Engineer (Development Services Department representative) (As described in City's Biology Guidelines 2002, Pg 12, B. Identification of Mitigation Program). This will ensure all protocols will be addressed in the field for each channel's "Individual Maintenance Plan" (IMP).

H31 There is no adequate MMRP requirement addressing the need to mitigate for the spread of invasive species on and off-site. Invasive species that have the potential to be spread by maintenance activities (e.g. as described in (Boland (2008) THE ROLES OF FLOODS AND BULLDOZERS IN THE BREAK-UP AND DISPERSAL OF ARUNDO DONAX (GIANT REED)), Madrono 55: 216-222) should be required to be removed/killed prior to the beginning of proposed maintenance activities.

Comments on the Conceptual Wetland Restoration Plan

H32 Page 4: The Conceptual Wetland Restoration Plan (CWRP) does not demonstrate that adequate mitigation can be provided. III. Mitigation Site Description, A. Site Selection Process states "An initial search for wetland compensation sites revealed a number of sites... Subsequent sites will be identified, as required, to meet demand for wetland compensation which cannot be met by the initial sites." The potential mitigation sites are identified by only the crudest descriptors: the name of the watershed (Table 3) and gross-scale maps (Attachments A – F) that provide no indication the location of actual potential mitigation sites. Based on the information provided in the CWRP, it is impossible to determine if the PEIR is workable. The assurance that "Specific acreages and locations of mitigation required for project impacts will be determined on a yearly basis" does not provide enough information for us to determine the effect of the project. **Please provide and document acreage and type of wetland vegetation that can be restored in each of the 13 watershed units.**

H33 B. Potential Sites begins "To the greatest extent practicable..." without defining what is practicable, this language renders the rest of the sentence meaningless. **Please remove such caveats from throughout the text unless a description of the specific circumstances under which purported action would not occur is described** (see also "whenever possible", p. 14, "as quickly as practicable", p. 20).

H34 Tables 2, 3, and 4 provide for advanced mitigation for loss of disturbed wetland at a ratio of 0.5:1; this results in a net loss of wetland area, function and value. While 1:1 or lower mitigation ratios are proposed as credit for advanced mitigation in Tables 2 – 4, Table 5 fails to propose mitigation ratios higher than 3:1 to compensate for the loss of functions and values during the time lapse since impacts were incurred in 2004 – 2006. **Please modify wetland mitigation ratios to provide no net loss of wetland habitat and compensate for the time lapse since previous impacts.**

High frequency clearing is defined as occurring more often than every three years. Low frequency clearing is defined as occurring less often than every three years (p. 13).

H.29. As indicated on page 4.3-41, and discussed in Mitigation Measures 4.3.3 and 4.3.5, of the PEIR, "Wherever feasible, mitigation would occur within the same watershed as the impact."

H.30. The CD process mandated by the MSWSMP and the PEIR is intended to assure the interdepartmental cooperation in reviewing and implementing maintenance activities. The CD process would be similar to the Grading Permit process except that the IMPs would not be reviewed by DSD engineering staff. As with the Grading Permit process, IMPs would be reviewed for conformance with mitigation and permitting requirements. Registered City Engineers in the Storm Water or Engineering and Capital Projects Departments would be responsible for compliance with standard drawings. Each IMP would be routed to other City departments during the CD process to ensure there are no maintenance-related conflicts.

H.31. Mitigation Measure 4.3-2 in the PEIR and the requirements of the IBA on page 5 of the BTR have been modified to require that specific measures be defined to minimize the risk of downstream dispersal of invasive species during maintenance.

H.32. Identifying specific mitigation sites for full implementation of the proposed MSWSMP is not required by CEQA. Furthermore, the programmatic nature of the project prevents the City from being able to quantify the ultimate amount of impact and corresponding mitigation required to maintain the approximately 50 miles of facilities included in the MSWSMP. As a result, the City is unable to identify all of the mitigation sites which may be required to compensate for wetland impacts in the Conceptual Wetland Compensation Plan and the PEIR. CEQA allows the defining of specific approaches to mitigation at a later time as long as long as performance standards are defined and the mitigation is fully enforceable.

With respect to performance standards, Section 15126.4(a)(1)(B) of the CEQA Guidelines states: "...measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." The Conceptual Wetland Compensation Plan along with the mitigation measures contained in the PEIR provides the performance criteria needed to meet the requirements of CEQA. The Conceptual Wetland Compensation Plan provides specific direction on how mitigation sites are to be selected, prepared, planted, maintained and managed. In addition, it establishes mitigation ratios by wetland habitat type that are required to be achieved by mitigation.

H32. (cont.)

With respect to the requirement that mitigation measures be fully enforceable, Section 15126(a)(2) states: “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.” The CD process was specifically developed by the City to assure that the wetland compensation measures defined in the Conceptual Wetland Compensation Plan and required by the PEIR mitigation measures would be enforceable. The CD process requires wetland impacts to be calculated based on detailed maintenance plans to assure that the impacts are accurately determined. Based on this impact information, the City would prepare a detailed mitigation plan. This plan would clearly indicate how and where the City would carry out the mitigation. As further assurance that the mitigation is implemented, the information generated during the CD process would be provided to the CDFG, U.S. Army Corps of Engineers (Corps) and U.S. Environmental Protection Agency (EPA) for approval prior to initiating maintenance activities.

H.33. The City recognizes that resource agencies prefer to have wetland mitigation occur within the same watershed as the impact. However, given the urbanized nature of the watersheds within the City limits and the conflicting nature of wetland habitat and flood control, it would be difficult to find sufficient mitigation areas in many of the watersheds within which the maintenance impacts occur. The statement “to the greatest extent practicable” is intended to indicate the City’s commitment to finding mitigation land within the same watershed as the impact but also to acknowledge the reality that this may not always be possible. In addition, the “same watershed” approach precludes the ability to carry out more comprehensive restoration projects which can yield a higher overall habitat value. For example, excellent restoration opportunities exist along the San Diego River and Rose Creek. Allowing compensation to occur along these drainages would maximize the wildlife value yield from mitigation investments.

H.34. As discussed in Response to Comment A.12, habitat creation is not required to mitigate for impacts related to maintenance because wetland habitat is expected to re-establish shortly after maintenance and because the underlying drainage course would remain intact. Thus, modification of mitigation ratios related to “no net loss” is not required.

As indicated on page 4 of the Conceptual Wetland Compensation Plan, the City intends to undertake additional mitigation to compensate for an estimated 2.84 acres of wetland impacts that occurred as a result of maintenance performed under emergency provisions of the Clean Water Act and Fish and Game Code.

COMMENTS

RESPONSES

H35 Maintenance frequencies typically occur at three-year intervals (p. 2). Would this be defined as low frequency or high frequency clearing?

H36 P. 13: The three rationales provided for abandoning “typically” (i.e. according to current federal and state regulation) required wetland creation at a ratio of 1:1 are not based on factual substantiation. 1) The continued use of channels for wildlife movement after clearing is speculative 2) The “historic return” of wetland vegetation to these channels after maintenance, if true (which is not documented) does not consider the change in the type and quality of vegetation nor does it preclude habitat conversion after the more frequent vegetation clearing sought under this PEIR. 3) The fact that maintenance activities have already occurred for many years is irrelevant as to whether the City should comply with state and federal regulatory standards for this project. **Please include 1:1 creation as mitigation for all proposed impacts or include research that shows that existing functions and values listed in the San Diego Basin Plan for each watershed impacted would be maintained under the proposed program.**

H37 P. 13: Mitigation for High Frequency Clearing is proposed as restoration or purchase of mitigation credits, or creation. Creation is not seriously discussed in the report. The existing acreage that has actual restoration potential is not provided, as discussed above. Therefore, the purchase of mitigation credits appears to have the potential to be the primary source of mitigation, obviating the rest of this document. We must assume that purchasing mitigation credits will transfer wetlands out of coastal San Diego unless the PEIR **sets an upper limit on the purchase of mitigation credits for each watershed and document that these credits are currently available and will be available at the time of project implementation.**

H38 P.14. Restoration is proposed for “highly degraded wetlands (i.e. areas infested with exotics). This definition is imprecise. Please quantitatively define what constitutes highly degraded wetlands. We propose “at least 90% cover of perennial exotics as determined by point-intercept transects” as an adequate definition.

H39 Purchase of Mitigation Credits states “In some cases, mitigation credits would have a higher value than the impacted habitat.” Please provide a table comparing the types of mitigation habitat available in each mitigation bank, the wetland habitat for which it would provide mitigation, and the instances in which this is considered higher-value mitigation.

H40 P. 15: Mitigation for Low Frequency Impacts is proposed to consist of exotic removal for a period of two years based on the statement “normally wetland vegetation re-establishes if the maintenance occurs at intervals greater than three years.” Change in dominant vegetation and loss of wetland function and values associated with loss of vegetation structure are not discussed. Please provide factual demonstration that removal of exotics would compensate for the loss of existing wetland functions and values resulting from vegetation removal every 3 to 5 years.

H41 P. 16 Existing Functions and Services. The CWMP is based on the premise that existing wetland functions and services will be replaced by the proposed mitigation. Yet the functions and services of the 13 watersheds that will supposedly provide mitigation opportunities are discussed in one paragraph of generalities. Please a) specify the proposed restoration /

H.35. For the purpose of this study, high frequency maintenance is defined as maintenance occurring more frequently than every three years. Maintenance that occurs at intervals of three years or more is considered “low” frequency. This clarification has been added to page 4.3-38 of the PEIR.

H.36. The comment fails to provide evidence to dispute the three rationales referenced in this comment. Drainages are expected to continue to be used by wildlife because they offer the best opportunity for unimpeded movement through urban areas. Furthermore, the numbers of large mammals in the urbanized areas within which the affected storm water facilities occur is relatively low.

The City acknowledges that riparian vegetation will re-establish itself in phases beginning with freshwater marsh and transitioning to willow woodland, where suitable conditions exist. This fact is reflected in the discussion on pages 4.3-40 and 41 of the PEIR, where it is concluded that willows will take at least a year to establish after the initial growth of freshwater marsh, and that it would take approximately three years for willows to reach heights of between five and 10 feet. It is important to note that this progression of re-establishment after a maintenance event would be similar to the process that would occur with a natural wash-out of riparian vegetation in a major storm event.

Lastly, the City did not intend to use the occurrence of past maintenance events as the basis for the proposed mitigation ratios. The basis for limited differences from ratios commonly imposed by resource agencies is that no permanent loss of habitat or the underlying drainage would occur from maintenance.

H.37. Due to the fact that storm water facility maintenance would not result in a permanent loss of wetland vegetation or the underlying drainage, creation is not mandated. Creation normally involves regrading to assure that the future root zone can reach the water table and the surface conditions are favorable for wetland vegetation establishment. As a result, this option is not emphasized in the Conceptual Wetland Compensation Plan. However, the process of creating wetlands would mirror the restoration approach outlined in the plan. The major difference between the approach to creation and restoration would be the upfront work needed to prepare the site for planting. Unlike restoration, favorable hydrologic conditions do not exist in areas used for wetland creation or else wetlands would most likely already occur on the proposed sites.

Mitigation Measure 4.3.3 has been modified to indicate that the City’s first choice in selecting wetland compensation areas would be within the same watershed as the wetland impact. Furthermore, the City prefers restoration rather than mitigation credits because restoration increases the functional value of drainages within the metropolitan area by restoring wildlife habitat as well as water quality features.

H37. (cont.)

However, limited opportunities for wetland compensation within some of the watersheds are expected to make this goal difficult. Thus, it may be necessary to accomplish compensation outside the watershed where the impact occurs. As a result of the uncertainties associated with matching mitigation sites with the areas of impacts, it is not always feasible for the City to impose such a requirement on its own mitigation program. While the option to mitigate outside the watershed has been used on several private development projects in the past, use of mitigation credits is not considered to be the preferred method of wetland compensation.

In the event the City is unable to secure sufficient land for wetland enhancement, restoration, or creation, it must be able to rely on mitigation credits for wetland compensation because it is imperative that the flood control function of urban storm water facilities be maximized. As a result, a limit on the amount of wetland mitigation credits which can be used is not feasible. Similarly, it is infeasible to limit mitigation for impacts occurring within coastal areas to solely coastal areas.

H.38. Highly degraded wetlands have been further defined on p.14 of the Conceptual Wetland Compensation Plan to indicate that wetlands are considered highly degraded if the percentage of exotic species represents at least 50 percent of the total species as determined through qualitative observation.

H.39. As discussed in Response to Comment H.37, the City agrees that mitigation credits have a high value. However, as discussed in Response to Comment H.32, it is infeasible for the City to provide details as to the form of compensation that would be used for all of the facilities included in the MSWSMP at this time. Thus, the table requested in this comment cannot be provided at this time. The CD (formerly SCR) process is intended to provide details on wetland compensation at a time when the degree of impacts and availability of suitable compensation areas can be determined.

H.40. Although enhancement with planting would be preferable, the removal of invasive vegetation from existing wetland habitat would result in short- and long-term benefits to disturbed riparian areas. Short-term, invasive plant removal would remove vegetation that exhibits lower quality habitat for native wildlife, increases the potential for fires, and regenerates faster than native vegetation after fires. Therefore, even unvegetated, these areas would provide improved habitat quality over the invasive vegetation. In the long-term, there are also other benefits related to invasives removal. First, more area would be available for native cover to expand. Second, the expansion of the invasive vegetation would be slowed because the removed invasive plants would not continue to expand in size or propagate new plants in downstream areas. Thus, invasives removal is considered a suitable mitigation for low frequency impacts.

COMMENTS

RESPONSES

- H41 cont. enhancement areas and b) provide a factual discussion of their existing ecological functions and services.
- H42 P. 18 Restoration specialist responsibilities are stated in one paragraph, but additional duties and responsibilities are sprinkled throughout the succeeding pages. Please include all responsibilities in this paragraph. The Restoration Specialist is not authorized to direct that additional restoration be conducted or maintenance practices be modified or discontinued. Please enable the Restoration Specialist to direct maintenance activities. The phrase "The restoration specialist must recommend sign off..." is ambiguous; please clarify that approval of the project by the restoration specialist is required for project sign off.
- H43 P. 19 "Areas to be designated for enhancement may support substantial native habitats" contradicts the statement on p. 16 that "areas proposed for restoration and enhancement are dominated by non-native vegetation." The PEIR indicates that overall improvement of a site by removal of trash, debris, and weeds improves overall habitat quality. This appears to mean that a one-acre site with 0.1 acre of weeds that are removed would be credited as one acre of mitigation. Please specify that the acreage of wetland mitigation to be credited as restored or enhanced will be based on the actual area treated and not the total mitigation area and specify how this will be determined and documented.
- H44 P. 24 – 28. Tables 8 – 13 provide plant palettes, each with the caveat that "species may be added or deleted from the palette depending on ... plant availability and cost." These tables are therefore meaningless. Please remove this language and specify that the supplying plant nurseries/ seed providers will be provided with adequate notification to ensure that the plant palette will be used.
- H45 P. 24 Southern riparian forest and riparian woodland are proposed to include openings dominated by native grasses and herbs with scattered shrubs; please clarify that wetland mitigation credit will not be provided for areas dominated by upland grasses, herbs, and shrubs. Southern riparian forest and riparian woodland is also proposed as mitigation for impacts to southern willow scrub and mule fat scrub, which typically lack such understory vegetation. This would result in the replacement of the dominant wetland vegetation types in the project area with a habitat type that is not appropriate in many areas. Please provide for in-kind restoration of southern willow scrub and mule fat scrub vegetation.
- H46 p. 29: "if temporary habitat disturbance is unavoidable, then restoration of and/or mitigation for the disturbed areas after project completion will be required." Please specify mitigation ratios and restoration timetables for all such impacts.
- H47 p. 30 Documenting pre-mitigation conditions calls for photo documentation. Please provide point-intercept data to establish that non-native and target species are present. Please use target species percent cover data to establish the acreage to be credited as mitigation ("20% target species cover over a 1-acre area would provide 0.2 acre of mitigation credit").
- H48 p. 32 The Maintenance Plan calls for removal of non-native plants, (p. 30) but Non-native Plant Control states that non-native plants will be removed "to ground level." This would not provide control for these species for species that can re-sprout. The section also states "there will be low tolerance for non-native plants" – this is meaningless. Please modify section to provide for quantitative control of non-native species.

- H.41. As discussed in Response to Comment H.32, it is infeasible to identify all of the locations where wetland compensation may ultimately occur due to the difficulty of predicting the amount of impacts associated with maintenance and the fact that the need for compensation would vary over a number of years.
- H.42. General restoration responsibilities are included on page 18, while specifics are provided in the applicable subsections of the report. The statement that "The restoration specialist will oversee the efforts of the installation and maintenance contractor(s) for the life of the project," gives the restoration specialist the ability to direct, modify, and/or discontinue the maintenance practices. The restoration specialist recommends sign off once the site meets success criteria, but does not approve the sign off, as that is done by the regulatory agencies as well as the City of San Diego Environmental Designer.
- H.43. The City intends to only assign compensation value to the actual area that is restored or enhanced. The acreage of wetland mitigation credit will be based on the actual area restored or enhanced (e.g., one acre of tamarisk removed from an overall ten-acre area would be credited as one acre of mitigation). A combination of visual estimates within mapped vegetation polygons, mapping on aerial imagery, and/or collection of data using a GPS unit will be used to calculate the acreages to be credited as mitigation.
- H.44. The Conceptual Wetland Mitigation Plan is attempting to balance the logistic constraints associated with acquiring ideal plant material with the need to set parameters to assure that an appropriate diversity of plant material is utilized in wetland mitigation activities. Tables 8 through 13 are intended to achieve the latter goal. Even if the exact species is not available for all future mitigation efforts, the species list provides guidance to the restoration specialist during the selection of alternative plant material(s).
- H.45. Of the 16 species of herbs and shrubs listed in the plant palette for riparian forest/woodland, only 3 are not wetland species pursuant to the National List of Plant Species that Occur in Wetlands: California. However, each of these species is commonly found in riparian communities. As stated, the goal is to create native riparian habitat that supports a riparian tree canopy, a relatively open understory, and a diverse low shrub/herbaceous component. The openings are intended to be dominated by wetland/riparian species, but may include species that are rated as upland on the National List. Mitigation credit would still be given for these areas as they are part of the overall riparian habitat.

Southern riparian scrub is proposed as mitigation for impacts to southern willow scrub and mule fat scrub, not southern riparian forest or riparian woodland. Southern willow scrub and mule fat scrub are both subtypes of southern riparian scrub, thus resulting in in-kind mitigation for these habitats.

COMMENTS

RESPONSES

- H.46. Mitigation for temporary disturbance would be based on the nature of the habitat impacted and would follow the appropriate procedure described in the Conceptual Wetland Compensation Plan.
- H.47. The Conceptual Wetland Compensation Plan has been updated to include: “A combination of visual estimates within mapped vegetation polygons, mapping on aerial imagery, and/or collection of data using a GPS unit will be used to more precisely calculate the acreages to be credited as mitigation.” As described in Response to Comment #H.43, mitigation credit would be based on the percentage of the area which is non-native.
- H.48. Page 32 of the Conceptual Wetland Compensation Plan has been revised to specify that non-native plant control would remove all targeted non-native species and that stumps would be treated with herbicides.

H49 p. 39 Enhancement does not provide success criteria beyond removal of targeted species. Under these conditions 100% cover of non-native grasses would be considered successful. Please revise success criteria to no more than 5% non-native cover.

Comments on the Biological Technical Report, Appendix C.1 and Vegetation/Wetland Delineation Maps

H50 • Executive summary P. B-1: [This report] does not include an analysis of every potential channel or facility that might be subject to impacts from future maintenance, which means the impacts could be understated." We request that all the potential impacts are evaluated, so that the impacts can be dealt with appropriately.

H51 • Nuttall's scrub oak (), a dominant species in chaparral, was identified as a sensitive species within the project boundaries, yet there is no mitigation for it. We request that this omission be fixed throughout the PEIR. (, in Project Impacts p53).

H52 • P.1 It is unclear what the impacts of the program are because the document **states that all the impacts are not listed**. We request a realistic estimate of all the potential impacts of the project, some of which are not going to occur, or a process set up within this document to create subsequent EIRs to address impacts unforeseen in this document and to create future mitigations for the unforeseen impacts. Given the incomplete analysis of impacts, the mitigation described by this PEIR is not acceptable, because it will allow future impacts to occur without consideration or mitigation.

H53 • P.1: "The estimation of impacts to storm water facilities presented in this report should be considered a representation of potential impacts resulting from flood control maintenance..." We request to see a list of locations and boundaries in the project description, including the access roads that will have to be re-engineered so that equipment can enter.

H54 • P. 2: "Mechanized equipment clearing would be utilized whenever possible to reduce costs". This statement appears to neglect other costs associated with mechanized equipment, which include construction of noise abatement fences during nesting season, and the creating and maintenance of access roads. We request that an assessment of costs of manual ve. Mechanized removal be made.

H55 • P.2: "Depending on the terrain and vegetation density, **bulldozers** may be used to create paths."

H55 ○ Where is the impact analysis for this activity? Where are roads going to be built?

H56 ○ The document states that equipment up to 12.5 feet wide would be used. **We request an analysis of the width of access roads** that would be needed for this project, and a list be made of smaller-width equipment that can be used in order to reduce the amount of upland vegetation impacted by access roads. The Metropolitan Wastewater Department has successfully identified equipment that requires an access path of no more than 8 feet wide that is sufficient for maintenance of sewer lines in canyons, and we expect that the Storm Water

H.49. A maximum of ten percent non-native cover has been added to the success criteria for the enhancement areas.

H.50. It is impossible to evaluate the impacts for an activity which is unknown. The CD process will include an impact analysis for each storm water facility segment to be maintained, which also quantifies the impacts and provides appropriate mitigation.

H.51. No impacts would occur to Nuttall's scrub oak. This species was observed in scrub oak chaparral, a habitat type which was mapped in the study area but would not be impacted by the project (refer to Table 10 in the BTR). As such, no mitigation is proposed for this species.

H.52. Potential impacts from future maintenance activities are estimated by utilizing past limits of channel maintenance. This is considered an appropriate technique for analyzing impacts because the disturbance resulting from future maintenance activities has been over-estimated. However, as discussed in Response to Comment H.50 and page 4.3-26 of the PEIR, it is considered speculative to identify impacts which may occur in the course of constructing new access and/or maintaining storm water facilities which have not been previously maintained by the City. Due to the fact that the majority of the identified facilities have been maintained in the past, most already have existing access points. In addition, since these facilities are located in highly urbanized areas, it is considered unlikely that substantial impacts to biological resources would occur from new access. Furthermore, the CD process would allow any impacts from new access or maintenance areas to be assessed and mitigated in accordance with the PEIR.

H.53. See Response to Comments H.50 and H.52.

H.54. As discussed in Response to Comment H.13, the cost of hand clearing would be demonstrably more than using mechanical equipment. Since access already exists to most of the storm water facilities there would be no additional cost.

H.55. As discussed in Response to Comment H.15, impacts, if any, from constructing new access roads would be considered during the CD process when specific information on the extent of grading required to achieve suitable access can be determined. During the IMP process, efforts would be made to minimize grading required for new access and disturbed areas would be restored using native vegetation.

COMMENTS

RESPONSES

- H56 cont. department would have equal success.
- H57 o The document does not appear to describe the surfacing or construction concept for access roads. Please add this information.
- H58 P.3: Selective maintenance: the second sentence of this section: "The two methods...." Four methods are described.
- H59 P.4-5: Access: "All created paths would incorporate BMPs during and after maintenance activities." Where is the mitigation described for impacts caused by access path creation?
- H60 P. 5: Wetland Impact Authorization Process: **Where does the mitigation actually occur?** The document states that the surveyor writes up the specific compensation, and the agencies identify additional measures that would bring the project into compliance, and any mitigation performed that year is tabulated in an annual report. Please include the **actual directive to perform the mitigation, and follow-up to determine whether the mitigation was successful, and steps to take if mitigation is not successful.**
- H61 P.15: mapping . What was the **minimum mapping unit for vegetation?** Was the standard minimum mapping unit of 0.5 acres for most vegetation and 0.1 acre minimum mapping unit for special features followed?
- H62 P. 16: "Formal jurisdictional delineation was not carried out, in that soil pits were not dug" even though the soil criteria were used as a reason to reject wetlands as waters of the U.S. Soil pits are dug to look for characteristic features of wetland soils. The City of San Diego defines wetlands to be defined as those areas with wetland hydrology, vegetation OR soils.
(In addition, the certification/qualification section (p. 39) does not make it clear whether any of the people performing the delineation were formally trained to do so.)
- H63 P. 17: Survey limitations. **Given the presence of sensitive species, focused surveys should have been performed.** Given the ready availability of CNDDB, SDNHM Plant Atlas, and CNPS and other experts in the area, it would be fairly straightforward to map the locations of all sensitive species in the project area.
- H64 p. 30-44: Sensitive resources. The presence of sensitive species from any list should have triggered focused surveys to precisely determine what remedies needed to be pursued.
- H65 p. 44-53: Regional and Regulatory Context. Given the presence of a listed species, the Endangered Species Act should be listed.
P.53: Project Impacts:
- H66 o Road impacts are not covered, so the vegetation impacts are incomplete
- H67 o Nuttall's scrub oak is not mentioned in the impacts, although it was identified as a sensitive species.
- H68 o Given the lack of focused surveys for sensitive species, it may be argued that impact to some of these species will be "significant." Quantifying the impact would be needed in order to determine appropriate mitigation.
- H69 o P. 66: "...mitigation measures that require relocation or replanting in the event a

- H.56. Wherever possible, the City would use smaller equipment for maintenance activities in order to minimize impacts to upland vegetation.
- H.57. Once cleared for maintenance activities, the surface of any temporary access roads would be soil or other suitable material. This requirement has been added on page 5 of the BTR of the Final PEIR.
- H.58. The reference on page 3 of the BTR is related to the types of evidence (empirical and hydraulic) that would be used to determine maintenance requirements.
- H.59. Measures to control erosion would be identified in the respective IMP and be reviewed for compliance with storm water standards and Final PEIR requirements during the CD process.
- H.60. In order to assure a complete description of the annual mitigation process, a new step has been added between the agency determination and annual report steps to explicitly state that the mitigation identified in the IBAs would be implemented. The follow-up on the success of each mitigation activity would be assured through the annual reporting process included as Step 6 (now 7). The actions required if the mitigation is not successful would be determined on a case by case basis.
- H.61. The minimum mapping unit used was 0.1 acre for upland habitats and 0.01 acre for wetland habitats.
- H.62. The Program-level delineation mapped all wetland and riparian communities as well as unvegetated channels, assigning them jurisdiction, as appropriate, based on the characteristics observed. All areas dominated by wetland species, in addition to unvegetated areas mapped as open water or streambed, were considered City wetlands as well as CDFG jurisdictional habitat. Delineation of (Corps) wetland Waters of the U.S. was based on species of vegetation present and their wetland affiliations, above-ground hydrology indicators, topography, soil surface substrate, and best professional judgment. Formal delineations that include the excavation of soil pits would be conducted as part of the IBA process as follows: Prior to commencement of any activity within a specific annual maintenance program, an IBA would be prepared for each area proposed to be maintained. In addition to other elements, the IBA would include a wetland delineation in compliance with applicable local, state, and federal regulations.

COMMENTS

RESPONSES

- H.63. The analysis of the potential for sensitive species to exist in the vicinity of the future maintenance activities was based on California Natural Diversity Data Base (CNDDDB) records and literature review (e.g., Rare Plants of San Diego County by Craig Reiser), as well as general biological surveys. This level of analysis is considered sufficient at the programmatic level since focused surveys would be conducted as part of the IBA. Conducting surveys in the course of preparing IBAs would be the most reliable way to determine and mitigate potential impacts to sensitive species from maintenance activities.
- H.64. See Response to Comment H.63. Focused surveys are planned to occur in accordance with the IBA process.
- H.65. The Endangered Species Act is discussed on pages 48 and 50 in Section 5.3 of the BTR.
- H.66. Access roads already exist for many of the facilities proposed for maintenance. Access into those areas that do not have existing access would be constructed in disturbed habitat wherever possible and would incorporate BMPs during and after maintenance activities. As discussed in Section 6.0, evaluation of impacts from access routes would occur during the CD process. Restoration and/or mitigation for these areas would occur if native habitat is impacted.
- H.67. As discussed in Response to Comment H.51, no impacts to Nuttall's scrub oak are anticipated.
- H.68. Impacts to sensitive species are considered potentially significant, which is why specific mitigation measures are identified to avoid and/or minimize impacts to such species. For example, Mitigation Measure 4.3.2 requires documenting the location of sensitive plant species during the IBA process. This documentation would allow for quantification of any impacts and for appropriate mitigation to be determined.

- H69 cont. substantial number of sensitive plants would be lost in the course of maintenance.”
- A. These should be quantified as much as possible ahead of time.
 - B. Please indicate that planting should follow the City’s guidelines.
 - C. Please describe a **monitoring program** to insure that any mitigation program is successful.
- H70 ○ P.67: Water Quality impacts of the project will be significant, due to the loss of filtering by the plants, yet mitigation for this is not addressed. This is a critical shortcoming in the document.
- Mitigation Measures.**
- H71 P. 74: The **“restoration” described here is properly labeled “habitat enhancement”**, according to the City of San Diego Biology Guidelines (2002 amendment). Traditionally, “Enhancement” is defined by the removal of invasive species, and the replanting with appropriate native plants to ensure compliance with the City of San Diego’s Erosion Control Regulations (Municipal Code Section 142.0411). Wetland Restoration is defined as “an activity that re-establishes the habitat functions of a former wetland. An example is the excavation of agricultural fill from historic wetlands and the re-establishment of native wetland vegetation”. Restoration implies increasing the area of wetlands, not simply improving the quality of existing wetlands. **Please re-define all mitigation that involves only weed removal and planting as “habitat enhancement” and provide appropriate mitigation measures to ensure no net loss.**
- H72 P. 74: The document proposes to divide maintenance projects on a “high frequency (greater than every 3 years)” and “low frequency (more than every 3 years)” basis and to establish a lower stringency of mitigation for “low frequency” areas. However, the document also states that the wetland vegetation is expected to recover only to 5-10 feet after 3 years, after which it may be cut again and the project implies that this would not be considered a permanent impact. We expect that keeping the height of wetland vegetation such as willows below 5-10 feet would be a permanent impact on habitat and the uses of the habitat by wildlife. We request that the time interval that separates HIGH from LOW frequency be increased to 10 years.
- H73 P. 74: What impacts are proposed to occur in “non-vegetated channels”, which by definition are already free from vegetation?
- H74 P. 76: A location for all mitigation and restoration needs to be identified prior to the project going forward; however, no location is mentioned.
- H75 P.76: Removal of invasive species: 2 years is insufficient for ensuring lack of return of several species. . . species such as Brazilian peppers can resprout for years despite repeated Roundup treatments.
- H76 P.83 and following: mitigations for road construction in uplands and wetlands need to be specified.

H.69. Impacts to sensitive plant species would be quantified during the IBA process for each facility in which maintenance is proposed. Quantification during the IBA would be more accurate because details regarding the maintenance activities would be clearly defined.

As applicable, revegetation and/or relocation would comply with City guidelines.

Mitigation Measure 7.1.4a describes the steps to be taken for mitigation for impacts to narrow endemic and other highly sensitive plant species. If relocation, enhancement, or transplanting of sensitive plants would occur, the following materials would be prepared: conceptual planting plan including grading and temporary irrigation, if appropriate; planting specifications; monitoring program including success criteria; and long-term maintenance and preservation plan. Because every effort would be made to avoid impacts to narrow endemic and other highly sensitive plant species, and specific impacts, if any, would be determined during the IBA process, preparation of a monitoring program is not proposed at this time and would be developed only if necessitated by the impacts. For other sensitive plant species not covered by the MSCP, it is expected that the majority would be adequately mitigated through habitat-based mitigation, in accordance with the City’s Biology Guidelines.

H.70. As discussed in Response to Comment F.4, maintenance would reduce the ability of earthen-bottom storm water facilities to intercept water-born pollutants by removing vegetation which serves to slow runoff and facilitate adsorption by sediment and absorption by plant roots. In order to reduce the potential for erosion after maintenance, the City has added Protocols #24 and #25 to provide post-maintenance erosion controls and follow-up inspections of the erosion control measures taken, as necessary.

H.71. The definitions of enhancement and restoration have been modified in the BTR as well as the Conceptual Wetland Compensation Plan and PEIR to reflect the definitions of enhancement and restoration used by the City and resource agencies. In the revised versions of these reports, restoration credits are reserved for activities that re-establish “former wetlands”. Enhancement is applied to actions which improve the habitat quality of wetlands that exist but are highly degraded. Two forms of enhancement are identified in the Final PEIR, BTR and Conceptual Wetland Compensation Plan. Removal of invasives and replanting with wetland species in areas which are degraded wetlands, which was previously called “restoration”, has been redefined using the term “Enhancement With Replanting”. The previous reference to “enhancement” that was limited to invasives removal and no replanting is now referred to as “Enhancement Without Replanting.”

H71. (cont.)

These changes in terminology do not, however, alter the original premise of the PEIR and BTR that mitigation for low frequency impacts would be accomplished through the removal of invasives without replanting (Enhancement Without Replanting) and that mitigation for high frequency maintenance would be accomplished through removal of invasives and replanting with native wetland species (Enhancement With Replanting).

As indicated earlier, the “no net loss” criteria does not apply to wetland vegetation mitigation impacted by storm water facility maintenance.

In addition, the text of Mitigation Measure 4.3-.6 in the Final PEIR has been revised to confirm that mitigation would be accomplished through enhancement without planting. The revised text also specifies a process when maintenance must occur sooner than three years after maintenance of a segment that utilizes this technique as mitigation.

H.72. As discussed in Response to Comment H.6, wetland habitat between 5 and 10 feet in height offers significant wildlife function relative to foraging, cover, perching, and breeding. In light of this fact, enhancement is considered an appropriate form of compensation.

H.73. Impacts to non-vegetated channels could include removal of accumulated sediment.

H.74. As discussed in Response to Comment H.32, it is infeasible for the City to provide details regarding the location of mitigation sites at the programmatic level.

H.75. As indicated in Response to Comment A.6, the Conceptual Wetland Compensation Plan has been amended to require that, at the end of two years, invasive species comprise no more than five percent of the species; maintenance will continue until this goal has been achieved.

H.76. As discussed in Response to Comment A.17, impacts from new access would be considered during the CD process. Where the CD process determines that a specific proposed access has the potential to result in significant biological impacts, the City would require supplemental environmental review to determine the degree of impact and any additional mitigation measures necessary to offset the impact.

Comments on the Maps - Appendix C.2

- H77 • Very few of the maps show any **access points**. Since the PEIR discusses the impacts of clearing roads for access, the maps should show the entrance points for the channels, and include these as part of the Project description.
- H78 • The use of indistinguishable reds and oranges for four or five different vegetation communities makes it difficult to determine whether the maps are accurate. Please use a better choice of colors, or captions within the maps.
- H79 • Map 2: The vegetation/delineation stops under Bernardo Oaks Drive. Unless there is a culvert there, the map should continue under the road.
- H80 • Map 3: The vegetation/delineation stops under Rios Road. Unless there is a culvert there, the map should continue under the road.
- H81 • Map 05a shows the center of the channel cutting into Black Mountain Road road. Please align figures to provide better accuracy.
- H82 • Map 08: Even in the aerials, it is evident that the channels continue under the freeway interchange, yet the channel maps (and the JD) stop at the edge of the interchange.
- H83 • Map 09: There appears to be a culvert under Roselle St, because the channel occurs on both sides.
- H84 • Maps 11, 15: These show proper mapping of the channel under the overpasses, which is the format appropriate for the other maps.
- H85 • Map 58a: It looks like the channel extends under the road, yet it is not mapped.
- H86 • Map 59: the channel looks like it extends right under Mission Gorge Rd, yet it is not mapped.
- H87 • Map 62 It is difficult to understand how a channel with such a radical shift between a narrow dirt bottom and a wide concrete bottom could carry water. We suggest you revisit the site and see if the map is accurate, since it has been drawn it as if they are two different channels when it's obvious from the map (and from Google) that they are one channel.
- H88 • Map 89: On the map provided and on Google, it looks like the channel runs under Market St. It's not mapped as such.
- H89 • Map 92: This map is difficult to understand. It looks like a continuous channel on the aerial, and it is unclear why there is a round segment, while the ditch leading up to it is left out. Is there an unlabeled drain structure here?
- H90 • Map 98: The channel appears to run under Ocean View Blvd, but it is not mapped.
- H91 • Map 121 and 122: the channel lines overlap the roads.
- H92 • Map 131: The square structure between 30th and Fern Ave is not a channel, and from Google, it is vegetated. What is this, and how does it fit into the project?
- H93 • Map 138 and Map 137a: the nature of this map shows a t-intersection that, from the

- H.77. Access points will be determined at the time IMPs are prepared for each facility. As discussed in Response to Comment A.17, impacts from new access would be considered during the CD process.
- H.78. The City acknowledges the difficulty distinguishing the various colors on the vegetation maps. However, the number of vegetation types and the limited color range makes it difficult to provide greater clarity. The vegetation types will be more easily distinguished during the CD evaluation of each facility due to the reduced number of vegetation types and the larger scale of vegetation maps.
- H.79. A culvert is present under Bernardo Oaks Drive. Storm water facilities were mapped to the boundaries identified by the City as areas to be included in the analysis of the MSWSMP. Many of these boundaries did not include road crossings with culverts underneath, as no work is proposed in these culverts. As such, the mapping typically stops wherever a road/culvert is encountered, and starts up again on the other side of the road/culvert.
- H.80. A culvert is present under Rios Road. Please refer to Response to Comment H.79 above for further information regarding mapping boundaries.
- H.81. A dense stand of tall cattails in the middle of the channel abuts the adjacent sidewalk, but does not cut into Black Mountain Road. The mapping shown is up to the edge of the sidewalk and does not require modification.
- H.82. The channels do continue under the freeways. However, the City's mapping boundary extended under Vista Sorrento Parkway, stopped, and then continued near Sorrento Valley Road. Please refer to Response to Comment H.79 for further information regarding mapping boundaries.
- H.83. A culvert is present under Roselle Street. Please refer to Response to Comment H.79 for further information regarding mapping boundaries.
- H.84. Mapping of channels under the overpasses on Maps 11 and 15 was conducted because these areas were included in the City's mapping boundaries and will require scheduled maintenance, unlike culverts under roads. Please refer to Response to Comment H.79, above, for further information regarding mapping boundaries.
- H.85. A culvert is present under the road. Please refer to Response to Comment H.79 above for further information regarding mapping boundaries.
- H.86. A culvert is present under Mission Gorge Road. Please refer to Response to Comment H.79 above for further information regarding mapping boundaries.

COMMENTS

RESPONSES

- H.87. The beginning of the concrete-lining in the channel on Map 62 is wider than the natural-bottom portion of the channel leading up to it, and may have been constructed as such to allow for flows to spread out, resulting in reduced velocities through the 90-degree curve in the realigned portion of the channel.
- H.88. A culvert is present under Market Street. Please refer to Response to Comment H.79 above for further information regarding mapping boundaries.
- H.89. The area containing the round segment of mapping was labeled in the City's files as having a drain structure. This area does connect to the channel mapped downstream. As discussed in Response to Comment H.79, storm water facilities were mapped to the boundaries identified by the City as areas to be included in the analysis of the MSWSMP. This sometimes resulted in disjointed areas of mapping.
- H.90. A culvert is present under Ocean View Boulevard. Please refer to Response to Comment H.79 above for further information regarding mapping boundaries.
- H.91. Mapping that overlaps the road is simply developed land, rather than the channels themselves. The channels on Maps 121 and 122 are concrete-lined, and therefore are mapped as developed wherever they are unvegetated. When developed land occurs adjacent to unvegetated, concrete-lined channels, there is no distinction between the top of the channel and adjacent developed land. There is, however, mapping showing the extent of Corps jurisdiction, which corresponds to the ordinary high water mark.
- H.92. The rectangular structure north of the channel is a dry detention basin that may be periodically cleaned out as part of the MSWSMP.
- H.93. As discussed in Response to Comment H.79, storm water facilities were mapped to the boundaries identified by the City as areas to be included in the analysis of the MSWSMP. Any boundary changes would be identified during the IMP process and updated during the associated IBA.

COMMENTS

RESPONSES

shading and the map, is not where the two channels join. The channels appear to join to the west. This area needs to be either remapped or labeled.

H94

- Maps 164-172 do not provide anything more than the names of the biggest streets. As such they are difficult to locate on Google, and it is hard to determine their accuracy or any mistakes. Please label these maps so that each structure can be found and examined in other images.

We thank you for the opportunity to comment on this action, and hope that we may work with you to improve the environment in San Diego.

Sincerely,

Carrie Schneider, Conservation Chair
California Native Plant Society, San Diego

Cc: Tara Hansen, Executive Director, California Native Plant Society
Brent Hall, President, California Native Plant Society
Terrance Dean, Army Corps of Engineers, Los Angeles District

H.94. Because the areas shown on Maps 164-172 are relatively small areas, they were depicted at a more magnified scale for easier viewing. This had the result of often including only one street name. However, a more precise location for each of these map pages can be found in their respective titles (e.g., Map 164 – Black Mountain Road South of Westview). Map 164 is located west of Black Mountain Road, south of its intersection with Westview Parkway. Map 165 is located west of Camino Santa Fe between Fenton Road and Trade Street. Map 166 is located east of Carmel Country Road, just south of the State Route (SR) 56 on- and off-ramps. Map 167 is located on the west side of El Camino Real, just south of SR 56. Map 168 is located at the northeast intersection of Genesee Avenue and Science Center Drive. Map 169 is located on the east side of Paseo del Verano between Caminito Balata and Cumana Terrace. Map 170 is located southwest of the southern terminus of Roselle Street, and east of Campus Point Drive. Map 171 is located south of Scripps Lake Drive and west of Treena Street, to the west of the southernmost parking lot for Scripps Ranch High School. Map 172 is located south of Scripps Lake Drive and west of Treena Street, north of Map 171.

From: Bill Babcock [mailto:wa4lrm@pacbell.net]
Sent: Wednesday, August 12, 2009 3:51 PM
To: DSD EAS
Subject: Program Environmental Impact Report (PEIR)

Re: MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM (MSWMP)
 DRAFT Program Environmental Impact Report (PEIR)
 Project No. 42891/SCH No. 200101032

To whom it may concern:

The San Diego Canyons Coalition is made up of forty canyon “friends groups” throughout San Diego County. In addition to supporting one another in achieving our mutual goals, our mission is *—to foster awareness, educational opportunities, appreciation, and ongoing community involvement in the protection and restoration of the unique natural habitats in San Diego canyons and creeks.*

The San Diego Canyons Coalition is very concerned about the potential impacts of the MSWMP on upland habitats, riparian and aquatic wildlife habitats, wildlife corridors, wetlands functions, water quality, and flood/erosion control. The project could cumulatively impact over 70 acres of wetlands plus ~24 acres of natural streambed, ~20 acres of sensitive upland habitat and ~9 acres of disturbed upland habitat (Appendix C.1-C.3 page 53).

While we understand the project purpose is to provide flood control and that the city proposes to do this by removal of sediment and vegetation from the creek channels, it is not known at this time to what extent, if any, removal would be required in individual segments of our creek channels to achieve the project purpose. We understand that this may be evaluated as part of the “Annual Maintenance Plan” but there is no assurance that hydro-analysis will be thorough and there is no indication that less damaging alternatives will be thoroughly analyzed.

Riparian and wetland vegetation tends to absorb and slow the velocity of runoff in a stream, which can reduce rising waters in downstream areas. Without this vegetation, a stream becomes “flashy,” meaning that floodwaters travel faster causing greater erosion and increased flooding in downstream locations.

The PEIR fails to thoroughly analyze less damaging alternatives, such as widening channels and increasing wetlands to slow and absorb floodwaters. While the PEIR discusses this alternative, it prematurely dismisses it as infeasible by stating that lands surrounding the individual project sites are developed. Firstly, a quick look at the maps provided in the PEIR indicates that this is frequently not the case and secondly, the upstream opportunities to widen channels creating more wetlands to slow and absorb floodwaters is not considered. Furthermore, looking at the maps a bit closer reveals that the city owns much of the land where channel widening opportunities exist.

The PEIR fails to analyze the water filtration values of our wetlands and does not offer mitigation for the important water quality service that wetlands provide. The Biological Technical Report states: *“The removal of wetland vegetation occurring as part of the MSWSMP may result in a decrease in pollutant uptake by plants, as vegetation in the channel and basin bottoms would be removed. Plants such as cattails*

I1

I2

I3

I.1. The City is committed to performing the minimal level of maintenance required to achieve the desired level of flood protection for each maintained segment. There are two primary cost factors motivating this approach. First, the cost of labor involved in maintenance would be reduced when vegetation removal is minimized. Second, the cost of wetland mitigation needed to compensate for impacts to wetland vegetation would be substantially reduced with less impacts from minimizing vegetation removal.

In order to assure that maintenance does not remove more vegetation than is necessary to maximize the flood control function of each facility, the City will conduct hydrology analysis. This analysis will include a study of hydrologic and hydraulic factors, as described below.

Hydrologic: In order to obtain baseline information for the hydrologic evaluation of each storm water facility proposed for maintenance, the City would locate as-built plans, where available, and review FEMA Flood Insurance Study (FIS) data to obtain flow rates for each facility that is FEMA-mapped. Existing design reports or plans that identify tributary watershed size and/or flow rates would also be reviewed for applicable information. In addition, each facility would be field checked to identify the n-value and verify existing topography and structures already identified on City topography and as-built plans, respectively. Where sufficient information does not exist, estimated flow rates for multiple storm events would be used for each facility. An approach similar to estimating the 100-year flow rate based on a cubic feet per second (cfs)/acre ratio and approximating smaller events on a percentage of the 100-year flow rate would be used (i.e., 10-year, 50-year, and approximating the bankfull event per results of hydraulic analyses below). City of San Diego hydrology criteria would be the baseline for these approximations.

Hydraulics. The hydraulics associated with the existing conditions of the channels as well as the ability of the channels to convey flood waters would be evaluated under the following three maintenance scenarios: (1) full maintenance, (2) parallel half-channel maintenance, and (3) perpendicular offset half-channel maintenance; these approaches are described on pages 3-14 and 3-15 of the PEIR. In addition, the existing condition would be evaluated to serve as a baseline for comparison of the maintenance scenarios.

The proposed geometry would reflect restoration of the cross-section of the channel to its original design width and elevation for the portion of channel desired for each of the three methods. N-values would be determined based on the amount of vegetation desired to remain in the channel.

I1. (cont.)

Using HEC-RAS, the existing geometry would be modified to reflect the proposed geometry along the same facility centerline. Each of the three proposed maintenance scenarios would be evaluated against the existing condition. The approximate storm frequency would be determined for each of the three proposed condition bankfull events to determine the method that would have the least impact on vegetation.

I.2. While it is true that channel widening would not represent a City-wide alternative approach to maintaining the flood control function of storm water facilities, as the commenter indicates, there may be opportunities within individual segments to undertake channel widening in an effort to allow vegetation to remain without substantially impeding the movement of flood waters. As indicated on page 7-21 of the PEIR, localized widening is identified as a potential wetland mitigation approach in order to increase the area of wetlands within specific storm water facilities.

I3
cont.

are capable of absorbing pollutants such as excess nitrogen and heavy metals commonly found in urban runoff. Vegetation clearing may reduce the filtering capacity of channels and basins and result in adverse water quality impacts downstream.” (Appendix C.1-C.3 page 67).

I4

The city must conduct thorough analysis of the water quality benefits of the wetlands before any work to remove wetlands begins. What pesticides, fertilizers, metals, bacteria and other pollutants are filtered out by the wetlands before the urban runoff reaches our coastal waters? We currently close our beaches after every rain. This project, as proposed, will make pollution of our coastal waters worse. **Any reduction to the water quality benefits of the vegetated creek channels of each project site must be fully mitigated.**

I5

The Wetland Restoration/Creation Alternative

We need healthy wetlands throughout our city drainages to filter urban runoff, promote species conservation, slow down and absorb floodwaters and provide open space aesthetic values to all communities. Instead of bulldozing vegetation out of our creeks and drainage channels, thoroughly analyze upstream opportunities to widen the channels, increasing their capacity to hold and absorb water and thus serve the project purpose of providing downstream flood control.

There are significant cost-savings associated with increasing wetlands as an alternative. It builds environmental and economic sustainability for our city including a number of long-term ecological-economic values such as:

- Reduced impact to wetlands and uplands reduces the project mitigation costs.
- Increased wetlands, (created wetlands), are the hardest type and most expensive mitigation to provide and are in high demand. For example, the Metropolitan Wastewater Department and CALTRANS are seeking opportunities for wetland creation to meet their “no net loss” of wetlands requirements.
- It has been demonstrated over the years that community volunteers are willing to support habitat restoration projects and can thus reduce the cost of this alternative.
- Increased wetlands will capture more sediment and reduce erosion that causes sediment and will thus reduce future channel maintenance needs.
- We will be required to spend probably billions of dollars to clean up our coastal waters because they exceed allowable limits for a number of pollutants per the Federal Clean Water Act. Upstream wetland filtration, while only a part of the solution, provides a very efficient service by absorbing and breaking down organic pollutants such as carbon-based pollutants, nutrients and bacteria.
- Reduced pollution reaching our coastal waters will mean reduced beach closures and thus support tourism – our third largest industry.

All of the above economic values need to be thoroughly assessed and tallied before we continue with old school, wasteful, unsustainable methods of flood control.

I.3.

As discussed in Response to Comment F.4, the PEIR does discuss the fact that maintenance would reduce the ability of earthen-bottom storm water facilities to intercept water-borne pollutants by removing vegetation which serves to slow the runoff and facilitate adsorption by sediment and absorption by plant roots. In order to reduce the potential for erosion after maintenance, the City has added Protocols #24 and #25 to provide post-maintenance erosion controls and follow-up inspections of the erosion control measures taken, as necessary.

I.4.

The value of vegetation to remove water-borne pollutants is discussed on page 4.5-18 of the PEIR. Furthermore, the PEIR acknowledges that the loss of vegetation could create a significant water quality impact. In order to compensate for the loss of root absorption of pollutants, the City has added Protocol #2. The check dam or similar device specified in this protocol will help replace the role of the vegetation by slowing runoff velocity and promoting pollutant adsorption in the sediment.

I.5.

The City recognizes the value of wetland vegetation with respect to the items identified in this comment. However, the suggestion that maintenance requirements can be reduced by widening upstream portions of the affected channels is not supported by facts. In order to be effective, widening would have to occur along the full length of storm water facilities. In addition, grade control, drop structures, and upsized crossing (additional culvert crossings or bridges) may have to be installed to maintain equilibrium. If only the upstream portion is widened, there would still be the potential for adverse impacts to the downstream portions despite the upstream widening.

COMMENTS

RESPONSES

Where impacts to wetlands and habitat are truly unavoidable:

- I6 [• **We urge that mitigation measures be conducted as close to the project site as possible** and within the same watershed. Do not export wetland and other open space resources out of our highly urbanized areas!
- I7 [• Many of our canyons have incised stream channels where the city has opted to funnel urban runoff from our streets through them. **Please consider restoration of these damaged canyon streams and natural methods of stream stabilization as a wetland mitigation alternative.** (All of the benefits of increased wetlands listed above would apply to this mitigation alternative.)
- I8 [• **Hydrological analysis must be conducted to reveal how downstream areas will be affected by the increase in volume and velocity of runoff** after wetlands that absorb and slow urban runoff are removed. Old hydrological studies should not be relied upon because things throughout the watersheds have changed considerably over the years.
- I9 [• **Arundo donax rhizomes should be certified dead before removal begins.** Mechanical removal of live arundo causes rhizome fragmentation and is the number one way to spread arundo throughout the drainage system. See Dr. John Boland, J. M. 2008, "The roles of bulldozers in the dispersal of Arundo."
- I10 [• **The plan to mitigate by simply removing invasive, non-native plant species in another location is a waste of money.** Please delete this mitigation option. Until native plants are established in a restoration area, the aggressive weeds will continue to return. The city could provide resources to partner with community-based volunteers to take the necessary next step to restore these areas by establishing native vegetation and locking in the value of the weed removal.
- I11 [• The details of the project impacts to upland and wetland habitats and the resulting mitigation plans are not known at this time. The public needs adequate opportunity to review and provide input on the project details when they are provided within the Annual Maintenance Plan. **A minimum 60-day comment period, a public hearing, and approval of the Annual Maintenance Plan by a majority vote of our elected officials should be required.**

This statement represents the views, comments and requested actions of the groups listed on this letterhead. On behalf of the San Diego Canyons Coalition, thank you for considering our comments.

Sincerely,

Friends of Chollas Creek & Sierra Club

- I.6. As indicated on page 4.3-41 of the PEIR, "Wherever feasible, mitigation would occur within the same watershed as the impact." However, mitigation onsite or within the watershed may not always be an option.
- I.7. The City would seek to compensate for impacts through enhancement of existing urban canyons; providing the enhancement would not affect flood control and would be sustainable over the life of the master permits.
- I.8. As discussed in Response to Comment F.4, the City acknowledges that removal of vegetation may increase downstream erosion if not properly conducted. In response to this concern, the CD process mandates detailed hydraulic analyses of every facility before maintenance plans are finalized in order to identify and design measures to be included in the maintenance to reduce downstream impacts. The detailed hydraulic analyses would analyze the forces and the velocities associated with the actual and maintained conditions. All of the analyses will include upstream and downstream of the proposed maintenance activity to evaluate potential impacts of upstream conditions on the area to be maintained as well as the impact of the maintained channel on downstream areas.
- I.9. The City recognizes the risk of downstream transport of Arundo rhizomes during maintenance activities and would strive to minimize this risk to the greatest extent possible using established methodology to reduce fragmentation and dispersal.
- I.10. The City recognizes that replanting enhanced areas is preferred; however, due to fiscal constraints, the City needs to retain the option of enhancing without replanting to compensate for low frequency impacts. With respect to soliciting volunteer help in enhancement activities, the City is already seeking opportunities to partner with non-profit organizations to fund their plans to enhance or restore various degraded creeks within the City.
- I.11. As discussed in Response to Comment F.2, the MSWSMP has been amended to require Process Two review for a maintenance activity that meets any of the following criteria: (1) the activity is located within the Coastal Zone; (2) the wetland impacts associated with the individual activity would exceed the estimate contained in the PEIR; or (3) the activity requires construction of a new access route that would disturb more than 0.25-acre of native vegetation. This would assure an opportunity to comment on activities which are not within the assumptions used in the PEIR analysis. The documentation associated with the CD information required by the MSWSMP for Process Two activities would be available for public review prior to the Planning Commission hearing and the public would be able to comment on the adequacy of this information and the proposed maintenance activities at the Planning Commission hearing. This would assure that the public has an opportunity to review and comment on any activities which would have a greater impact than assumed in the PEIR.

COMMENTS

RESPONSES

Bill Babcock

Friends of Chollas Creek
Scanned by McAfee Antivirus

COMMENTS

RESPONSES

August 21, 2009

Myra Herrmann, Environmental Planner
City of San Diego Development Services
Via E-Mail to: DSDEAS@sandiego.gov

Re: MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM (MSWMP)
DRAFT Program Environmental Impact Report (PEIR)
Project No. 42891/SCH No. 200101032

Dear Ms. Herman:

Friends of Rice Canyon in Chula Vista wishes to comment on the draft PEIR. Although we may not appear to be directly affected by the storm water project, anything that affects canyons and wetlands elsewhere in San Diego County has an influence on the environment as a whole, especially on our coastline.

J1

Other environmental groups have the knowledge to comment on the technicalities of the proposed project and mitigation measures. We support their comments, but we will not repeat them. We simply add that it is urgent to analyze carefully what is proposed. Too often government has rushed ahead with engineering solutions that are not only ineffective, but actually counterproductive and destructive of the natural environment and even human lives.

Think of the disastrous flooding wrought by Hurricane Katrina, where levees had simply been built higher and higher over the years. A more natural (and much more effective) solution would have been protecting wetlands, which would have absorbed and dispersed the flood waters. Similarly, simply bulldozing vegetation will have unintended consequences, including erosion, reduction of wildlife habitat, and increased pollution on our beaches.

Please consider carefully the concerns of the Canyons Coalition, the Audubon Society, the California Native Plant Society, the Sierra Club, and other environmental groups. This is vital--to plants, animals, and humans!

Betsy Cory
Friends of Rice Canyon

J.1. The City recognizes the importance of wetland habitat and intends to perform hydrology studies to determine whether vegetation can remain within storm water facilities without jeopardizing their flood control function. In addition, as indicated in Response to Comment H.25, the City is also financially motivated to minimize the amount of vegetation that must be removed to achieve desired levels of flood control.

COMMENTS

RESPONSES

Friends of Rose Canyon
PO Box 221051
San Diego, CA 92192-1051
rosecanyon@san.rr.com

August 23, 2009

Via email to: DSDEAS@san.rr.com

Myra Hermann, Environmental Planner
City of San Diego Development Services

Re: Master Storm Water System Maintenance Program (MSWSMP)
Draft Program Environmental Report (PEIR)
Project No. 42891/SCH No. 2005101032

Attachment: Photo taken at site of water monitoring in Rose Creek, Map 29

Dear Ms. Hermann:

As Executive Director of Friends of Rose Canyon, I appreciate the opportunity to comment on the above Draft PEIR on behalf of our 3,000 supporters. The mission of Friends of Rose Canyon is to protect, preserve and restore Rose Canyon and the Rose Creek watershed. Hence we have a profound interest in the MSWSMP proposed in this Draft PEIR.

General Points

- K1 - We strongly support the comments submitted by the following, which address the total inadequacy of this document:
 1. San Diego Audubon Society
 2. San Diego Canyonlands (I am a member of the Advisory Board)
 3. The San Diego Canyons Coalition, of which our organization is a member
 4. Karin Zirk, a volunteer with Friends of Rose Creek.
- K2 - We strongly support the conclusion of San Diego Audubon in their comment letter: "THE STORM WATER SYSTEM MANAGEMENT PROGRAM NEEDS TO BE PART OF A COMPREHENSIVE WATERSHED IMPROVEMENT, WATER QUALITY, AND FLOOD MANAGEMENT PROGRAM."
- K3 - We concur with their comments that the CEQA analysis is inadequate, that the alternatives analysis is wholly inadequate, and that the Draft PEIR is incompatible with the MSCP.
- K4 - We specifically call for the areas in Maps 27-30 (Gillman Canyon and Rose Canyon north of SR 52) to be removed from the PEIR, and a full project level EIR done on these areas in the future should the city decide any action is necessary.

- K.1. Comment noted. Please refer to the responses provided to those letters.
- K.2. As discussed in Response to Comment H.4, the channel maintenance activities described in the MSWSMP represent only one component of the SWD's programs. The SWD implements several other programs that work to address storm water quality, hydromodification (including reducing peak flow rates and increasing peak flow capacities), and flood control. Collectively, these Department efforts minimize the amount of channel maintenance and cleaning that must be completed by reducing runoff flows and addressing sediment and trash before they enter storm drain channels.
- K.3. The alternatives discussion in the PEIR includes a reasonable range of alternatives. In the absence of specific additional alternatives, no specific response can be made to this comment. See Response to Comments P.7 through P.12, which address the PEIR's consistency with the MSCP, and P.22 through P.36, which address the adequacy of alternatives analysis.
- K.4. Upon researching the questions raised regarding the need to maintain the portions of Rose Creek identified in this comment (Maps 27-30), the City has determined that the PEIR inappropriately assumes that maintenance would be required to achieve suitable flood control capacity. The text on page 3-3 and Table 3-1 in the Final PEIR has been revised to reflect this fact. However, as with the San Diego River, these segments remain in the MSWSMP due to their potential use for wetland mitigation.

K5

I. The Draft PEIR provides no substantial purpose for the actions proposed. Simply defining the objectives of the MSWSMP does not provide a purpose.
 The PEIR needs to state a need and purpose for the actions to be taken in the MWSWMP, and then make a case that the huge environmental impacts incurred over the entire city for the next 20 years are justified. The draft PEIR merely states vaguely (ES-1) that the city needs to assure "that the municipal storm water system provides adequate flood control." What is adequate flood control? What specific problems exist or are anticipated and where? What actions would correct or prevent those specific problems? What is the urgent or compelling purpose that would justify the huge environmental impacts from this MSWSMP? The Draft PEIR is silent on this.

As Yogi Berra said, "If you don't know where you're going, you might end up somewhere else."

Without such information, it is impossible to evaluate either the actions proposed or the alternatives. How is it possible for the public to comment or for decision makers to make an informed decision without such basic information? It is little wonder that the entire PEIR, including the alternatives analysis, is so deficient, as explained in letters submitted by San Diego Audubon Society and San Diego Cañyonlands.

Instead of providing a clear purpose, the Draft PEIR merely states the following primary objectives of the MSWMP:

- *Develop a comprehensive Program to govern future maintenance activities needed to maximize the effectiveness of the City's existing storm water system;*
- *Set forth a series of BMPs to be implemented during storm water system maintenance which balance the flood protection function while maintaining, to the greatest degree possible, the aesthetic and biological value of the system;*
- *Minimize the disruption of adjacent property from storm water system maintenance; and*
- *Develop an SCR process to simplify the authorization process required from local, state and federal agencies with regulatory power over wetlands for annual maintenance activities consistent with the proposed Program.*

This description of activities provides no justification for the scope of the program, its far-reaching impacts (many of which are un-mitigable), its 20-year length with little to no meaningful public environmental review by either the public or elected decision-makers.

The lack of a compelling purpose, as well many of other deficiencies in the PEIR, are highlighted by the inclusion of several segments of the Rose Creek watershed with which I am very familiar – maps 27 and 28 (along Gilman) and 29 and 30 (the west end of Rose Canyon north of SR 52). Much of these corridors are natural stream channels with substantial riparian vegetation and no risk of flooding that could threaten public safety or private property. Specific comments on this are below.

K6

II. The Draft PEIR fails to state that wetland impacts could be caused by access roads as well.

The Draft PEIR states there would be direct impacts to biological resources (p.2):
 " Wetland impacts would occur within the drainage channels. Upland impacts would occur

K.5. The City strongly disagrees with the comment that the PEIR does not identify a substantial purpose for storm water facility maintenance. The City believes that the primary objectives identified on page 3-3 do constitute a substantial purpose, which would be to maximize the effectiveness of the City's storm water facilities to protect adjacent life and property. Historic flooding along these drainage courses is well documented. Also, see Response to Comment H.2.

The actions proposed to alleviate flooding problems are identified on pages 3-14 through 3-16 of the PEIR. In general, the primary actions consist of removing sediment and vegetation to maximize the ability of the storm water facility to safely transport runoff.

As indicated in Response to Comment K.4, the City is no longer proposing maintenance in these portions of Rose Creek.

K6 cont. on the upper elevations of the channels and in association with new or improved roads used for equipment access to channels." However, in the case of Maps 27 and 28 (Gilman Canyon) and 29 and 30 (Rose Canyon), the creation of access roads would cause both upland and wetland impacts. The PEIR would allow construction of roads up to 18' wide that could be used at least every 3-5 years that would of necessity need to be built through wetland areas.

K7 **III. The alternatives analysis is woefully inadequate.**
 There is no serious analysis of how reducing flows into streams and storm channels could address the problem, or how targeted actions at specific sites could address the problem. This should be analyzed within each watershed. For example, the western end of Rose Creek in middle Rose Canyon (Map 29) used to be dry in the summer, but now flows year round from development in north UC. Even though there is no risk from flooding in this area, if run-off were better-controlled (at UCSD and La Jolla Colony and other development in the area), the amount of storm water in these areas would be lessened. The Draft PEIR fails to analyze how reducing flows in targeted locations might lead to long-term solutions that might be more costly in the short run but save money in the long run and significantly reduce environmental impacts. This is of particular concern, since this is a 20-year PEIR. There is no analysis that addresses alternatives in terms of long-term costs and environmental impacts.

The following comments focus on the areas with which I am personally familiar. This includes:

1. Maps 27 and 28 (Gilman Canyon) – in the MSCP; all of it natural stream channel (except a short stretch between Gilman Canyon and Rose Canyon)
2. Map 29 (Rose Canyon north of SR 52) – in the MSCP and in Rose Canyon Open Space Park; about half natural stream channel with substantial riparian vegetation including willow, sycamore and oak; and half concrete channel (the PEIR should correct the vegetation mapping for the stretch of channel shown as open water – it is in fact Freshwater Marsh, having extensive cattails and some willow)
3. Map 30 (Rose Canyon immediately north of 52) – in the MSCP and in Rose Canyon Open Space Park and Marion Bear Open Space Park; concrete channel with substantial riparian vegetation

However, many of these comments are applicable to the entire Draft PEIR. They should be addressed in relation to the entire PEIR where applicable.

K8 **IV. The areas in Maps 27, 28, 29, 30 should be removed from the PEIR and from the MSWSMP for the following reasons:**
 K9 a. They present no flood risks. The areas in these four maps are all in the MSCP and in open space areas with limited or no existing access roads. The closest homes are on high bluffs above them. None of these present any risk of flooding that would entail damage to private property or risk to people. The PEIR should remove these segments. If not, it must provide specific justification for including them in activities whose purpose is flood control and must show the proposed access routes and the clearing actions likely and estimate the environmental impacts involved.

K10 b. These four maps represent the top of this finger of the Rose Creek Watershed. Clearing vegetation in these areas would seem to cause the exact opposite effect of the purpose of the MSWSMP: i.e. it would likely increase the speed of flow and hence increase the risk of

K.6. As most of the storm water facilities are narrow channels bordered by development, encroachment into wetlands in the course of constructing new access is anticipated to be minimal. As noted in the comment, while the City would seek to avoid the situation wherever possible, new access roads may have to traverse land which supports wetlands to get to the area to be maintained. In this event, wetland impacts could occur as a result of new access. Any such impacts would be identified and quantified in the IBA. In accordance with the mitigation measures established for wetland impacts from channel mitigation, the City would implement mitigation to compensate for wetland impacts related to new access.

K.7. As discussed in Response to Comment H.4, the City is implementing several programs that would reduce runoff flows by reducing runoff on developed property adjacent to the storm water facilities. However, these programs would take a long time to implement given the urbanized nature of adjacent areas and the difficulty associated with imposing runoff reducing measures on existing development.

K.8. The concerns raised in these comments are no longer relevant since the City's decision that maintenance is not required in the segments located within Maps 27-30 (see Response to Comment K.4).

K.9. As indicated in Response to Comment K.4, the City is no longer proposing maintenance in these portions of Rose Creek.

COMMENTS

RESPONSES

K10
cont. flooding downstream. **The PEIR must explain any existing or anticipated problems with downstream flooding and explain why removing vegetation in these upstream areas would decrease the risk of flooding downstream.**

K11 **c. Access impacts would be extensive.** None of these areas have existing road access and would require impacts from grading on steep hillsides and stream crossings in the MSCP and Rose Canyon Open Space Park. The PEIR states that these roads could be 18' wide to accommodate heavy equipment – and because portions of these maps are channelized and others have substantial riparian vegetation, heavy equipment would be required. These roads would quickly erode and cause additional environmental degradation from sedimentation and an increase in invasive plants.

The PEIR must address these specific areas rather than push off any analysis of these major impacts to MSCP open space lands to a Substantial Conformance Review at some future date. The unpaved SDG&E road that already exists in portions of Map 29 and 30 is very badly eroded. It has also led to bicyclists creating numerous additional major biking trails on the steep hillsides, leading to even more erosion. This area is within Rose Canyon Open Space Park and cannot be "fenced off" for from access. The PEIR needs to provide a map of potential road access needed through the areas on Maps 28-30 and explain the impacts, both short and long-term. Would storm water maintenance activities be done on a 3-5 year schedule? Will retaining walls be needed to construct the access roads? What will be done to prevent erosion for years to come once these roads are created? What will be done to prevent further degradation in the MSCP and Park by bicyclists, illegal encampments, and other human uses? How are these impacts justified given the lack of any risks to private property from flooding in these areas?

K12 **d. The PEIR fails to explain how the impacts from access and staging areas to MSCP lands and Rose Canyon Open Space Park lands will be revegetated.** Simply removing exotics in the stream channel during maintenance activities (Mitigation measure 4.3.18 – p. 11) does not address the major detrimental impacts to both wetlands and uplands, which are almost sure to end up with far more invasive plants unless costly follow-up is done in essence in perpetuity. Elsewhere in Rose Canyon, the MWWWD "mitigated" for both access and stockpiling impacts by hydroseeding the impacted areas with native plant species (in 2007 after the Miramar Trunk Sewer Repair and in 2008 for a repair in the Regents Road area). The areas in question (both where work was done and stockpiling areas) were all highly compacted by heavy equipment, and no watering occurred after hydroseeding. The result was that little to nothing grew from the hydroseeding, leaving the areas highly susceptible to erosion and further non-native plant invasion. The PEIR needs to provide justification backed up by scientific facts (not BMP boilerplate) for claims that access and staging areas won't be highly susceptible to erosion and further invasion by non-native plants. The PEIR must justify why throwing down some straw wattles and geotextile blankets and hydroseeding without any long term maintenance to either and no watering or would provide any significant beneficial result.

K13 **e. The Site Close-out measures described in the Draft PEIR would ineffective or infeasible for the areas in Maps 27- 30 (and likely for many other areas).** (Site Close-out – p. 3-25 – 3-26) The Draft PEIR states: "Following completion of the maintenance activities and removal of all maintenance wastes and equipment, site close-out activities would, as appropriate, include: installation of erosion control devices such as straw wattles, geotextile blankets/nets, and/or hydroseed; implementation of on- site wetland/streambed restoration measures required by the PEIR, as well as any additional measures imposed as part of the SCR determination; and/or securing site from public

K.10. As indicated in Response to Comment K.4, the City is no longer proposing maintenance in these portions of Rose Creek.

K.11. As indicated in Response to Comment K.4, the City is no longer proposing maintenance in these portions of Rose Creek.

K.12. As indicated in Response to Comment K.4, the City is no longer proposing maintenance in these portions of Rose Creek.

COMMENTS

RESPONSES

K13 cont. access." Given the comments in c and d above, the PEIR needs to provide measures that are feasible, effective, and that the city will commit to funding long term.

K14 f. Mitigation done elsewhere or via payment to a mitigation bank simply permits further degradation of the local watershed. This is unacceptable. P. 10 – Mitigation account (measure 4.3.20) provides no assurance that the mitigation will occur in the watershed – or even within the city of San Diego – and even allows payment to a mitigation bank instead of actual mitigation. This is unacceptable. The PEIR must commit the city to conducting full mitigation in the affected watershed.

K15 f. We strongly support the comments of San Canyonlands and San Diego Audubon on the need for hydrology studies. We emphasize this for all the Rose Creek segments from Gilman to Mission Bay. We especially emphasize this for the areas in Maps 27-30. These areas have no risks from flooding, high habitat value, significant stretches of natural stream channel, high value as MSCP and open space park lands, and would suffer major environmental impacts from construction of access roads.

K16 g. The statement on P. 4.1-12 that says the MSWSMP would not alter the natural land forms is not true. The PEIR needs to fully analyze these impacts. As acknowledged on p. 3-25: "limited grading would be conducted as necessary to allow equipment to be transported to work areas." Map 29 is just one example of this – it contains steep hillsides adjacent to riparian areas. Yet the PEIR fails to disclose that this area – and perhaps others – would require grading that alters the natural land form. Furthermore, as discussed above, the PEIR needs to acknowledge that many of the other actions connected with the MSWSMP are highly likely to alter the natural land form, including: compaction of the soil, loss of vegetation, and erosion resulting from access roads, stockpiling, and staging areas; increase in other human activities including new mountain biking trails and encampments; and the actual clearing activities in natural stream channels (such as those in Maps 27-29).

K17 All these impacts would cost large amounts of money to correct. The PEIR needs to identify the specific actions that would (or would not) be undertaken to correct these impacts, and where the funding will come from.

K18 h. Appendix B (within Appendix B, see Appendix A, Table 1)
- The PEIR needs to explain how the maintenance methods proposed for Maps 27-30 are feasible given the following:
The PEIR describes two maintenance methods that would occur in Maps 27-30:
Method 1: "Equipment such as a skid-steer or bulldozer enters the drainage using existing access and pushes the accumulated material with a bucket to a site within the drainage. The material is scooped up with a loader in the drainage or a Gradall along the top of the drainage bank, and loaded into a dump truck."
Method 4: "No equipment enters the channel. A Gradall or excavator operates from the bank to scoop up the accumulated material from outside the drainage and load it onto dump trucks for offsite disposal."
Clearly either of these methods would lead to massive environmental impacts in the areas in Maps 27-30, much of which is a fairly wide natural stream channel with substantial

K.13. The description of "close-out" measures in the PEIR is, by necessity, generic because of the programmatic nature of the document. The CD process has been specifically designed to assure that site-specific measures are developed to fit the unique needs of each maintenance activity.

K.14. As indicated in Response to Comment H.37, Mitigation Measure 4.3.3 has been modified to require that wetland mitigation occur within the same watershed as the impact, whenever feasible.

K.15. As indicated in Response to Comment A.1, the City is committed to performing hydrology studies as a part of the CD process. These studies would be used to minimize the amount of maintenance required to achieve desired flood control function in each facility.

K.16. As indicated on page 4.3-26 of the PEIR, detailed discussion of the impacts of new access is speculative at this time. Furthermore, as indicated in Response to Comment K.4, the City is no longer proposing maintenance in the portions of Rose Creek identified in Maps 27-30.

K.17. Mitigation costs are anticipated to be a major consideration in implementing the proposed storm water facilities maintenance program. Funding for this mitigation effort would be derived from money allocated on an annual basis to the SWD for maintenance activities.

COMMENTS

RESPONSES

K18 cont. amounts of riparian foliage, including large trees on either side, all in areas with no access roads. Furthermore, due to erosion impacts, these natural channels are in many places incised and narrow. This would potentially prohibit using a Skidsteer within the stream channel (without huge further impacts to the stream channel). Alternatively, having an excavator move along the bank would require cutting down dense riparian foliage, including large trees, along long stretches of stream bank!

As described elsewhere in the Draft PEIR, the full impact could involved construction of access roads and staging areas (and possible construction of a ramp) as needed for skidsteers, backhoes, Gradalls, excavators, loaders, dump trucks and bulldozers – as well as a crane were that necessary to lower the equipment into the channel! The scale of this impact is nowhere made clear in the Draft PEIR.

- The PEIR needs to accurately explain the full extent of estimated disturbance for Maps 27-30. The estimated disturbance width in feet is given as:

K19 - 60' -68' in Gillman Canyon (Maps 27 and 28). This is mostly a natural stream channel.

- 20' – 100' for Rose Canyon (Maps 29 and 30) At least half the distance is natural stream channel – (see photo attached)

The PEIR needs to also provide the length of impact.

K20 **These impacts – impacts up to 100' wide to long stretches of natural stream channels with mature riparian vegetation and no existing road access are not justified by anything in the PEIR. Again, we reiterate, the areas in Maps 27-30 should be removed from consideration in the PEIR. If any project is undertaking in these areas, it would require a full project level EIR.**

K21 The stretch of stream channel in Map 30 would also require huge impacts. The PEIR states that the heavy equipment is likely to be required for stream channels, and the access road would need to be up to 18 feet (A, p. 9). Moreover, this area includes steep slopes, often leading down to the edge of the stream channel. The PEIR states (p. 9): "The terrain and vegetation through which the access road would pass will determine the amount of grading and vegetation removal necessary to achieve the necessary access." The PEIR fails to address the substantial impact such a new access road would entail in steep slope areas that are also within the MSCP. Would this grading require paved roads? Retaining walls? In addition, the PEIR states: "Access for "in-channel" maintenance could require construction of a permanent or temporary ramp into the storm water facility from the external access." (p. 9)

K22 We reiterate the comment by San Diego Canyonlands that groups be given a minimum of 60 days to comment on proposed Individual Biological Assessment (IRA) and Individual Maintenance Plans (IMP).

Sincerely,
Deborah Knight
Friends of Rose Canyon

K.18. As stated in Response to Comment K.4, the City will not be performing maintenance on facilities within Maps 27-30. Therefore, no response to this comment is required.

K.19. As stated in Response to Comment K.4, the City will not be performing maintenance on facilities within Maps 27-30. Therefore, no response to this comment is required.

K.20. As described in Response to Comment K.4, maintenance within Maps 27-30 will not occur. As with all other channel segments identified in the PEIR, should any maintenance activities be required in these areas, an IBA, IHA, IHHA, and INA would be required.

K.21. As stated in Response to Comment K.4, the City will not be performing maintenance on facilities within Maps 27-30. Therefore, no response to this comment is required.

K.22. As discussed in Response to Comment F.2, the MSWSMP has been amended to require Process Two review/approval pursuant to the City’s Municipal Code for a maintenance activity that meets any of the following criteria: (1) the activity is located within the Coastal Zone; (2) the wetland impacts associated with the individual activity would exceed the estimate contained in the PEIR; or (3) the activity requires construction of a new access route that would disturb more than 0.25-acre of native vegetation. This would assure an opportunity for comment on activities which are not within the assumptions used in the PEIR analysis.

COMMENTS

RESPONSES



City of San Diego
Myra Herrmann
Development Services Center
1222 First Ave MS501
San Diego CA 92101

August 22, 2009

RE: Project #42891, Master Storm Water System Maintenance Program

Dear Ms. Herrmann:

The Friends of Switzer Canyon (FSC) appreciate the opportunity to comment on the draft EIR for maintenance of the City's storm water facilities.

FSC would like to bring your attention to the situation in Switzer Canyon, which is upstream from Map 86.

There are opportunities to restore substantive wetland habitats in Switzer Canyon by de-channelizing the stream and using drop structures, which would potentially decrease the need for increased flow capacity downstream. Improving these wetlands would capture sediment from hillside- and stream-erosion that is now being washed downstream. Restoring wetlands upstream would be expected to decrease the amount of annual maintenance needed in the storm water structures downstream, saving the City money.

In our experience with restoration of the creek, drop structures that hold water in the flood channel are effective in keeping sediment in the Canyon where it belongs and providing a water source that is sufficient to establish robust wetland vegetation. One example is in the creek between the Balboa Park Golf Course and 30th Street (Figure 1). This area was an unvegetated channel ten years ago with a *de facto* drop structure created by past attempts to control storm water flow onto the Golf Course. Through the work of the Friends group, this area has been revegetated and has proven to support willows, which require a constant water supply. There is evidently underground water in this area that is sufficient to support wetland vegetation.

Stream erosion leading to massive sediment loss is also evident in Juniper/Chocolate canyon, which is east of Switzer Canyon and is part of the Chollas Creek watershed, upstream from Map 80. This creek has suffered from massive head cutting in the past 10 years alone (Figure 2). Stabilization of this creek and dechannelization will result in less need to maintain channels downstream.

The volunteers with the Friends of Switzer Canyon look forward to our continued work with the City to make our urban canyon a model of habitat restoration.

Sincerely,
Carrie Schneider
Friends of Switzer Canyon
2621 32ND St
San Diego CA 92104

L1

L.1. The City appreciates your organization bringing potential restoration opportunities in Switzer Canyon to our attention and will consider the opportunities within the canyon during review of the IMPs within the Chollas Creek watershed.

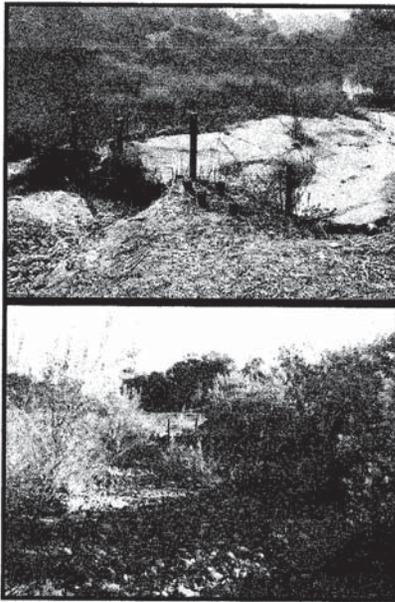


Figure 1: The presence of this deteriorated concrete channel in Switzer Canyon (**top**) has acted as a *de facto* drop structure, holding water in the creek and allowing the establishment of wetland vegetation such as willows (**bottom**).



Figure 2: Head cutting. Since 2001, this erosion in Juniper/Chocolate canyon has moved upstream more than 50 yards. The resulting gully causes storm water to flow rapidly downstream, reducing the chance of establishing wetland vegetation upstream.

COMMENTS

RESPONSES

Patricia Shields
1616 Bancroft Street
San Diego, CA 92109

Myra Hermann, Environmental Planner
Development Services Department
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101

SUBJECT: Comments on PEIR for City of San Diego Master Storm Water System Maintenance Program (MSWMP)

Dear Ms. Hermann,

Greater Golden Hill Planning Committee thanks you for the opportunity to review and comment upon the PEIR for Master Storm Water System Maintenance Program. We are concerned that:

- The program does not address the sources of downstream sedimentation that issue from upstream neighborhoods and canyons
- The mitigation proposed in the PEIR is inadequate especially in our community
- The proposed rules allow city officials to damage our environment without letting us know
- The program and PEIR do not consider less damaging alternative approaches

In recent years, our committee and well as Golden Hill residents and business owners have become increasingly aware of the importance of green space to the quality of life in our neighborhoods. We strongly support the restoration of nearby canyons and will give high priority to the revitalization and maintenance of the "urban forest" during the process of updating the Greater Golden Hill Community Plan." We have an abiding interest in minimizing hardscape and in maximizing vegetation and natural resources in our community. We would like to continue improving the wetlands and canyons within and around Golden Hill. All these activities will increase storm water infiltration and reduce runoff as well as sedimentation. Desirous of more parkland, we would like the opportunity to explore the bioremediative and recreational merits of wider naturalized storm channels, which are, in essence, former streambeds. Our objectives strive to minimize erosion, sedimentation and flooding, both in Golden Hill and downstream. Yet, the PEIR Program seems not to support these objectives, nor imperatives for addressing water conservation, water quality and climate change.

The PEIR does not identify less-environmentally damaging alternatives. Avoidance is the prime objective of the 404 permitting process, yet the PEIR does not include flood avoidance alternatives that would improve stormwater retention within watersheds, such as a) retrofitting already developed communities such as ours with Low Impact Development retrofits, particularly near canyon storm water outfalls, b) installing check dams and revegetating canyons with dense wetland vegetation, and c) removing concrete and restoring natural streams, engineered to manage storm flows. It does name but dismiss as infeasible widening flood conveyances so more vegetation can be retained. Since Golden Hill's flood conveyances abut public land, the stated "social and economic costs" do not apply. Widened flood conveyances should be identified in the PEIR.

It is our observation that the MSCP consistency evaluation is inadequate. Even though storm channel maintenance is an allowed use under the MSCP, the projects will certainly greatly disturb wildlife corridors such as Juniper Canyon's. The PEIR does not include comprehensive restoration criteria as it supposed to, nor cost/benefit analysis. The program must be revised to diminish the conflict with the MSCP.

Having experienced the cost and complication of correcting impacts, we are concerned, as is the Army Corps, that the PEIR's proposed mitigation is inadequate. Because the proposed mitigation will not offset the severe ecosystem disturbances or water quality impacts of the project where they occur - either in the channels or in the access to the channels - initial impacts will expand in scope and severity. It is our experience that disturbed habitat leads immediately to more erosion and worse water quality, followed by invasions of fire-prone weeds, trash, homeless/drug encampments, crime, and the blight that we are working hard - without much municipal assistance - to overcome.

City of San Diego practices that degrade Golden Hill canyons have already obliged the community to address the impacts by raising its own money and by employing maintenance assessment district assessments. Our community and its taxpayers are loath to be saddled with more unaddressed damages. We question the wisdom of a twenty-year programmatic EIR that eliminates public review for specific areas. We would like an opportunity to review and comment upon documented annual plans describing the justification for cleaning, the cleaning locations, hydrology, methods, access, and environmental impacts in Golden Hill. Further, the mitigation for impacts to our community should be in our community, not elsewhere. Why is there no mitigation in the Pueblo San Diego Hydrologic Unit? Being within the Chollas Creek drainage, we are acutely aware of the many opportunities for mitigation right here.

We understand that the city has applied for a 404 permit before CEQA hearings have taken place, and request that they be stopped until the appropriate stage of the environmental review process. We look forward to an amended program consistent with global goals for greenhouse gas reduction, water conservation and water quality, as well as a program respectful of community stewardship.

Thank you sincerely,


Patricia Shields

M.1. Detailed responses to the itemized issues addressed in this comment are provided below.

M.2. The City agrees with the benefits of restoring wetlands in urban canyons and would seek to compensate for impacts through enhancement of existing urban canyons within the impacted watershed where the restoration would not impeded their flood control function and shall be sustainable over the life of the master permits.

M.3. As noted in Response to Comment H.4, channel maintenance activities described in the MSWSMP represent only one component of the SWD's programs. The SWD implements several other programs that work to address storm water quality, hydromodification (including first, reducing peak flow rates and second, increasing peak flow capacities), and flood control.

M.4. The PEIR does address alternatives that would reduce the impacts of maintenance on vegetation within storm water facilities. Specifically, Chapter 7.0 discusses structural alternatives that could allow vegetation to remain while still maximizing the flood control function of storm water facilities (e.g., raising the channel banks, diverting storm water, and widening channels). However, as discussed in Chapter 7.0, none of these alternatives are considered feasible.

As indicated in Response to Comment H.4, the City is actively seeking ways to implement LID, hydromodification, and other techniques to reduce the amount of storm water entering storm water facilities. However, it is highly unlikely that major reductions in storm water flows in the developed urbanized areas would be achieved in the near future. To the degree that storm water carried by specific facilities is substantially reduced, the hydrology studies required by the CD process would identify the reduction in maintenance that would be possible due to any reduction in storm water volume or velocity.

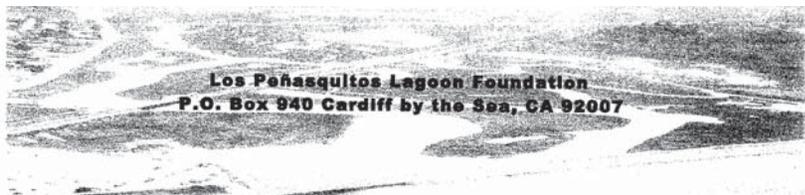
M.5. As discussed in Response to Comment F.5, the PEIR does provide sufficient substantiation for the determination that storm water maintenance would not adversely impact the overall goals for areas included in the MHPA. The impact of removing wetland habitat on wildlife would be mitigated through wetland enhancement and restoration activities carried out by the City on other areas of the watershed which have higher functions and values. In addition, wetland vegetation is expected to re-establish itself within one year of maintenance. Thus, wildlife value would begin to return between maintenance activities in channels within the MHPA.

Restoration and enhancement criteria are included in the Conceptual Wetland Compensation Plan found in Appendix B.3 of the PEIR. A cost/benefit analysis is not required to be included in CEQA documentation.

COMMENTS

RESPONSES

- M.6. As discussed in Response to Comment H.4, maintenance would reduce the ability of earthen-bottom storm water facilities to intercept water-borne pollutants by removing vegetation which serves to slow the runoff and facilitate adsorption by sediment and absorption by plant roots. In order to reduce the potential for erosion after maintenance, the City has added Protocols #24 and #25 to provide post-maintenance erosion controls and follow-up inspections of the erosion control measures taken, as necessary.
- M.7. As discussed in Response to Comment F.2, the MSWSMP has been amended to require Process Two review for a maintenance activity that meets any of the following criteria: (1) the activity is located within the Coastal Zone; (2) the wetland impacts associated with the individual activity would exceed the estimate contained in the PEIR; or (3) the activity requires construction of a new access route that would disturb more than 0.25-acre of native vegetation. This would assure an opportunity to comment on activities which are not within the assumptions used in the PEIR analysis.
- M.8. The City intends to explore opportunities to implement mitigation programs within the Chollas Creek watershed.
- M.9. The City has initiated the 404 permitting process in order to allow the process to track along with the other permits. The 404 process tends to be the longest of the wetland permit processes. Nevertheless, the Corps would not issue a permit until the PEIR has been finalized because issuance of the 404 permit is contingent upon the RWQCB issuing a 401 certification, which cannot occur until the City has certified the Final PEIR.



August 19, 2009

Attn: Ms. Myra Herrmann, Environmental Planner
 City of San Diego, Development Services Center
 1222 First Avenue, MS 501
 San Diego, CA 92101

Subject: Comments on PEIR for City of San Diego Master Storm Water System
 Maintenance Program (MSWMP): Project No. **42891**, SCH No. **200101032**

Dear Ms. Herrmann:

Thank you for this opportunity to comment on the Draft Programmatic Environmental Impact Report (DPEIR) for the Master Storm Water System Maintenance Program (MSWSMP). The Los Peñasquitos Lagoon Foundation (LPLF) is greatly concerned with the potential downstream impacts to Los Peñasquitos Lagoon (LPL) that will be created by the MSWSMP's proposed methods for flood control. These impacts are not adequately addressed in the MSWSMP, nor is mitigation considered as the program only focuses on mitigating impacts to the project sites proposed for maintenance activities. We strongly urge that the PEIR address downstream impacts to receiving water bodies and surrounding habitats from the methods proposed in the MSWSMP and to fully mitigate these impacts. Doing so is essential to satisfy the minimum requirements of the California Environmental Quality Act, CEQA.

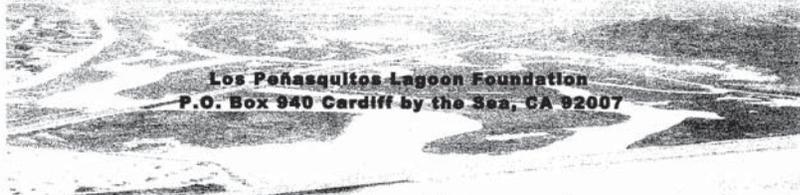
Potential impacts to LPL include, but are not limited to:

- **Degraded water quality that will impact the lagoon's beneficial uses.**
 Most of these conveyance channels are natural waterways or have evolved from natural waterways. The organisms in the soil break down many

N.1. Proposed maintenance in areas upstream of the Los Peñasquitos Lagoon would not have a significant impact on the lagoon habitat. As discussed in Response to Comment F.4, removal of sediment and vegetation is not expected to substantially increase the rate of erosion and sedimentation in downstream areas. Furthermore, the removal of sediment which has captured runoff contaminants in upstream areas would prevent these contaminated sediments from being transported into the lagoon during major flood events. A series of protocols would be included in the IMPs for each maintenance activity to control erosion during and after maintenance. Due to the fact that maintenance would not impact the lagoon, no mitigation is required to occur within the lagoon. However, to the degree that mitigation opportunities do exist within the lagoon, the City would pursue them as a means to achieve the goal of compensating for impacts within the same watershed in which they occur.

COMMENTS

RESPONSES



N2
cont.

contaminants such as hydrocarbons. The plants use the excess nutrients in the water and add oxygen to the soil, water, and atmosphere. The plants also consume large amounts of nutrients from the runoff water, reducing eutrophication in downstream wetlands and waterways.

N3

- **Increased sediment loading from the watershed.** Clearing vegetation from channels will increase flow rates could resulting in downstream erosion as both volume and flow rates of storm runoff are major contributors to downstream sedimentation, not just sediment deposited in the project areas proposed for maintenance. Several recent studies, including two prepared for the Storm Water Department for TMDL purposes highlight this issue as a major factor for sediment loading into LPL from the watershed. Currently LPL is on the Clean Water Act 303(d) list as an impaired water body for sediment and siltation and a TMDL for sediment and siltation is being developed.

N4

- **Increased flooding to lagoon uplands and channels.** While coastal wetlands are able to absorb storm water runoff under natural conditions, widespread development within the watershed has increased storm runoff due to large areas of impervious surfaces and MS4 systems that place outfalls along canyon walls. Increasing flood volumes and flow rates could prove disastrous for lagoon habitat, that includes the endangered salt marsh daisy and breeding habitat for the endangered Light Footed Clapper Rail and Belding's Savannah Sparrow. Increased flooding of the lagoon also poses significant risks to nearby infrastructure (e.g. railway berm, Carmel Valley Road) that can be threatened when the lagoon mouth is closed, as often happens during the large winter storms.

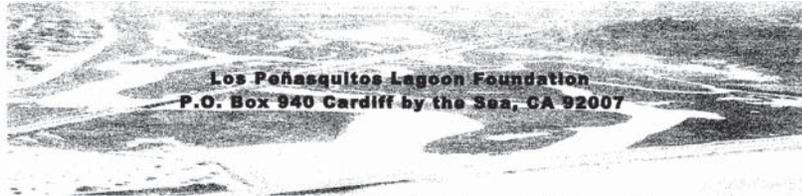
N5

- **Restriction of wildlife corridors.** Many of the larger fauna and bird species, including the federally listed Light Footed Clapper Rail, rely on wildlife corridors and their vegetation canopies to move between the lagoon and

- N.2. As discussed in Response to Comment F.4, storm water facility maintenance would not substantially impact downstream water quality.
- N.3. Implementation of the protocols identified in the MSWSMP would control erosion during maintenance as well as after maintenance is completed and is not anticipated to increase siltation or sedimentation load into Los Peñasquitos Lagoon.
- N.4. As discussed in Response to Comment I.8, maintenance within upstream channels would not result in a substantial increase in the volume and/or velocity of storm water in downstream areas.

COMMENTS

RESPONSES



N5
cont.

upland habitats for foraging, dispersing into new habitat, avoiding predation and seasonal movement.

N6

- **Increased financial burden for managing these impacts.** Several management efforts that occur within the lagoon will become more costly as impacts related to storm water runoff are shifted downstream to the lagoon. Since the downstream impacts are not to be mitigated under the current PEIR, LPLF and State Parks will be forced to absorb these additional costs.

LPLF has the following concerns about the PEIR for the MSWSMP:

N7

- It does not adequately differentiate between sediment basins, flood control channels and natural drainages and the methods needed to conduct maintenance activities within each.
- The PEIR does not adequately describe potential alternatives and their value to minimizing impacts while fulfilling flood control needs. The PEIR is deficient because alternatives that were rejected on a programmatic level may have value on an individual project level. Planning for IMPs should consider a full range of alternatives including those rejected at the programmatic level, as these may be practical and may minimize or avoid impacts caused by an individual project.

N8

- The “No Project” Alternative fails to mention that some of the issues the City faces with regard to permitting their maintenance activities is due to the inability of the City to adequately manage their permits and not the regulatory agencies reluctance to issue permits for maintenance activities. This includes active permits expiring before an extension can be requested (e.g. Sorrento Creek Maintenance Project) or failing to include maintenance as a component of the project during the acquisition of construction permits (e.g. Goat Canyon Sediment Basin). Our experience working with the

N9

N.5.

Movement of animals within the lagoon and adjacent uplands would not be impeded by the proposed maintenance. Much of this movement is expected to occur in the preserve areas around the lagoon. While movement would also occur along the upstream creek area, as discussed on page 4.3-56 of the PEIR, movement along this creek and others would still be possible. Even though maintenance would result in a temporary loss of vegetation, the creek topography would remain conducive to wildlife movement.

N.6.

In light of the fact that adverse impacts to the lagoon are not anticipated, there would be no financial burden placed on the Foundation or the California State Parks System.

N.7.

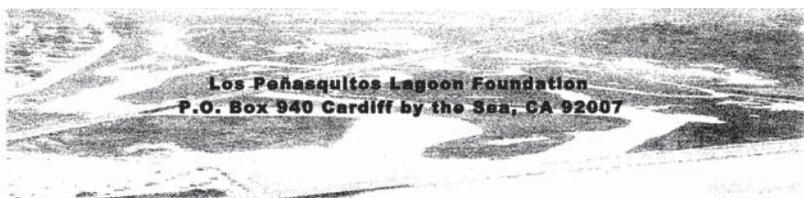
Table 3-1 identifies the type of drainage facility. Details concerning the specific maintenance approach to be used within each facility would be identified during the CD process.

N.8.

As discussed in Response to Comment I.2, there may be opportunities on individual segments to undertake channel widening in an effort to allow vegetation to remain without substantially impeding the movement of flood waters. In the course of preparing detailed maintenance plans during the CD process, the City would consider alternatives that reduce impacts to vegetation in order to reduce the cost of maintenance and mitigation

COMMENTS

RESPONSES



N9
cont.

regulatory agencies has found that emergency permits are not granted when the normal permitting application process is not followed.

N10

- The "Channel Bypass" alternative was rejected by the City due to the cost of acquiring easements and adjacent development, while building access roads within the canyons as proposed under the accepted alternative was determined as feasible. This seems somewhat contradictory and needs further explanation as to why one alternative is acceptable, while the other is not.

N11

- The PEIR fails to include additional alternatives that meet floodwater needs while minimizing damage to surrounding habitats. While LPLF understands that protecting both human safety and property is paramount, flood control and protecting our sensitive habitats within the canyons and downstream are not mutually exclusive. The City of San Diego and the Regional Water Quality Control Board encourage the implementation of Low Impact Development (LIDs) for retention of storm water within developments for water quality reasons. The subject application does not address accelerating the LID type improvements to reduce peak storm water flows and thus reduce the need for wholesale channel clearing. Furthermore, the City's Storm Water Department is currently running a pilot project at Maple Canyon under their Sustainable Canyons Program that addresses flood control needs, treating storm water runoff and protecting sensitive habitats within the canyons. In some cases, Sustainable Canyons looks to extend outfalls to the canyon floor and redirect storm water runoff into LIDs, such as infiltration basins, that capture, treat and allow for infiltration to improve water quality and reduce downstream impacts associated with large, rapid flows of storm water being released into the canyons from outfalls located along the canyon walls or within the canyons. However, this alternative is not even mentioned in the MSWSMP as potentially viable option in the future.

N12

- N.9. With over 50 miles of storm water systems under its maintenance responsibility, the City has had challenges being able to pursue individual permits for channel clearing, due to limited resources, retrenchment in staffing and the unpredictability of rain events in given years. The recommendation and impetus for a master effort came directly from the resource agencies, and was directed regionally at several jurisdictions with large maintenance responsibilities. The master permit process and programmatic EIR, which has taken several years of effort to develop, has set the framework for the newly formed Storm Water Department to be able to project which channels are likely to be the top priority for maintenance in a given year, and to properly plan for and budget the necessary resources to perform the work and mitigate any associated impacts.
- N.10. The City intends to minimize the number of new access roads created to facilitate maintenance. Additionally, the cost of constructing a dirt access is substantially less than the process of acquiring land and constructing drainage diversion features including culverts and new channels, and access roads which would still have to be created for construction equipment under this alternative. Thus, creating new access roads as part of the proposed maintenance program would be more feasible than installing bypass features.
- N.11. As discussed in Response to Comments P.22 and M.4, the City is actively seeking ways to reduce the amount of storm water generated by adjacent land use as a way to reduce maintenance needs in conjunction with other approaches used by the Storm Water Department, such as, but not limited to, LID and hydromodification.
- N.12. Implementation of storm water reduction techniques outside the flood control facilities is not a feasible alternative given the difficulty of implementing these approaches in areas which are already built out, as there are no means available to force private property owners to implement these techniques. Furthermore, given the minimal flood protection which currently exists in many of the urbanized areas, storm water reduction in developed areas would not be sufficient to meet the City's primary objective to maximize flood protection.

COMMENTS

RESPONSES



- N13

The PEIR fails to adequately address current and future TMDLs and the impacts that the MSWSMP will have on the progress and success of this program and needed mitigation. The application does not identify or quantify the potential increase in pollution, nor does it identify alternative configurations or mitigation measures to offset those increases. This PEIR must address the separate cumulative water quality impacts of the projects that it will cover.
- N14

The PEIR fails to adequately address mitigation needs. Removing invasive vegetation is more complex than cited in the PEIR and, if not done correctly, can exacerbate impacts through increased sediment loading, introduction of more aggressive invasive species and spreading of invasive species through release of their seedbanks during removal.
- N15

The PEIR ignores the fact that it is large areas of impervious surfaces and MS4 outfalls located above and within canyons is the primary cause of downstream flooding, not vegetation in the channels.
- N16

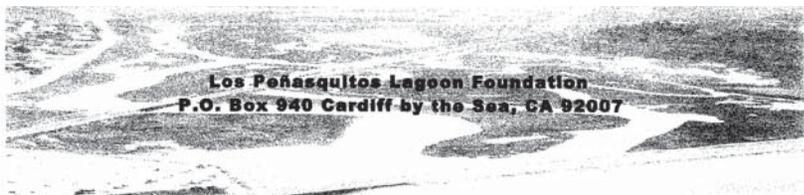
The PEIR ignores the fact that many of the MS4 structures themselves could be responsible for flooding and not the City's inability to maintain flood channels. This is evident in Sorrento Creek where two below grade outfalls cause flooding of nearby properties due to backflow up a narrow cement channel during storm events. Vegetation in the channel at this location is instrumental in protecting LPL as it serves as a natural energy dissipater and sediment trap during small and medium flows.
- N17

The PEIR does not reference nor consider a cost benefit analyses that compares the long-term costs of maintaining flood control areas versus the up front cost of implementing programs such as the Sustainable Canyons or implementing LIDs that address flood control, improve water quality and protects sensitive habitats.
- N18

- N.13. As discussed in Response to Comment F.4, maintenance of storm water facilities is not anticipated to have a significant impact on downstream water quality. Thus, a detailed analysis of TMDL issues is not warranted.
- N.14. The cumulative effects of storm water facility maintenance are discussed on pages 6-5 through 6-6 of the PEIR where it is concluded that maintenance activities would not have significant cumulative impacts on downstream water quality because effective removal of urban pollutants by vegetation is anticipated to occur in relatively few storm drain facilities that would be maintained pursuant to the proposed MSWSMP.
- N.15. The City realizes that invasive vegetation removal is a complex process. Detailed invasives removal programs would be developed during the CD process to maximize their effectiveness and reduce the risk of spreading invasives into downstream areas.
- N.16. The City recognizes the fact that storm water runoff conveyed into the urban canyon system is the primary cause of downstream flooding; however, build up of sediment and dense vegetation also contributes to the severity of flooding in these areas and, without removal, will continue to jeopardize public health, welfare, and safety.
- N.17. In determining the best way to maximize flood control capacity, the City would examine a variety of factors. As sediment and vegetation are the primary factors determining flood capacity, the City would focus its attention on these factors in preparing IMPs. However, capacity issues of facilities discharging into the affected storm water facilities also would be considered and corrected, wherever feasible.
- N.18. As discussed in Response to Comment H.4, the City is implementing several programs that would reduce runoff flows by reducing runoff on developed property adjacent to the storm water facilities. However, these programs would take a long time to implement given the urbanized nature of adjacent areas and the difficulty associated with imposing runoff reducing measures on existing development.

COMMENTS

RESPONSES



N19

- The PEIR does not consider the option of applying for Individual Permits for areas that are historically problematic. LPLF recently applied for and was granted an Individual Permit for the ongoing maintenance (10 years) of the lagoon inlet, which requires mechanized excavation and disposal of spoils.

N20

- The lack of adequate public consultation and input for plans and methods for the individual locations included in the PEIR. Many non-profits are active within the canyons and lagoons, representing both land owner and community interests. Consultation with these key groups is essential as they are the "boots on the ground" that have an intimate knowledge of the processes that are present in their areas of interest.

N21

- The proposed MSWSMP also has significant and broad environmental, water quality, flood control, and visual impacts. There are aspects that are not well defined in the PEIR. The plans for mitigation are very vague and descriptions within the Public Notice do not seem to be consistent.

We look forward to reading the responses to our comments in the Final PEIR. Please feel free to contact me for any clarifications. If you have any questions, please contact me at (760) 271-0574.

Sincerely,

Mike Hastings, Executive Director
Los Peñasquitos Lagoon Foundation

N.19. The commenter is correct in observing that individual permits are often issued for maintenance within creeks to control flooding. While this is also an alternative to the proposed master permit process being pursued by the City, it is not considered as desirable because it would not result in a comprehensive consideration of storm water facility maintenance. Furthermore, the annual permit approach would place an unnecessary drain on budgets and staff time for both the City and resource agencies.

N.20. As discussed in Response to Comment F.2, the MSWSMP has been amended to require Process Two staff review with notification to community planning groups. In addition, the Storm Water Department intends to coordinate with non-profit groups working in urban canyons during the CD process to ensure that restoration activities are undertaken.

N.21. The PEIR identifies significant impacts related to water quality and visual impacts. However, as indicated in Response to Comment A.1, a project-specific analysis of these impacts is not considered feasible. The CD Process, defined in the Master Program, and utilized in the approach to analysis in the PEIR, would assure that the impacts associated with periodic maintenance of the City's storm water facilities are accurately determined and appropriate mitigation measures are carried out.



cc:

Mayor Jerry Sanders

Sheri Lightner

San Diego Regional Water Quality Control Board

California Department of Parks and Recreation

California Coastal Commission

Army Corp of Engineers

U.S. Fish and Wildlife Service



MARIAN BEAR NATURAL PARK
RECREATION COUNCIL

August 18, 2009

Myra Herrmann
Development Services Division, MS 501
1222 First Avenue,
San Diego, CA 92101

Dear Ms Herrmann:

These comments come from the Marian Bear Natural Park Recreation Council. The Council discussed the Master Storm Water System Maintenance Program Environmental Impact Report (EIR) at our regular public meeting on Wednesday, August 13, 2009. Please feel free to contact me with any questions.

We would like to be notified about any public hearing on the topic.

Thank you and best regards,

A handwritten signature in cursive script that reads "Virginia McLwain".

Virginia McLwain
Corresponding Secretary

A Recreation Council of the San Diego City Park and Recreation Department

Master Storm Water System Maintenance Program

Environmental Impact Report (EIR) Comment Form

Name (required): Marian Bear Natural Park Recreation Council
Address (required): c/o North Clairemont Recreation Center / 4421 Bannock Ave
San Diego, CA 92117
Email (optional): marianbearpark@yahoo.com
Phone (optional):

Would you like to be notified of public hearings related to the proposed project or EIR? YES

Instructions:

1. Please submit your comments using the Form below.
2. When submitting all comments, please reference the Chapter #, Section #, and page # for each comment or question.
3. Please submit comments at the conclusion of the Public Informational Meeting, or mail to Myra Herrmann, Development Services Division, MS 501, 1222 First Avenue, San Diego, CA 92101 by August 22, 2009.

Comment:

Chapter #: Appendix B Section #: Table 1,appendix A Page #: 2

O1 [The Draft Environmental Impact Report indicates mechanical maintenance methods will be used in the natural streambed of Rose Creek in Marian Bear Natural Park. Hand work should be appropriate. The few downed trees in the streambed, that might obstruct downstream culverts, could probably be rendered harmless by cutting them into short

O2 [lengths with a chainsaw. Passage of a maintenance vehicle along the streambed is likely to encourage the formation of a volunteer trail by users of the park.

O3 [The Draft EIR does not properly consider the benefits and problems of the access roads used by other utilities. The roads should be marked on the maps. Using the existing roads would avoid problems from moving equipment in the streambed. Repair or improvement of these roads could have a environmental impact that should be considered.

Public comments will be accepted until August 22, 2009.

Note: The EIR is available online at www.ThinkBlue.org. Free CD copies of the EIR are available at the City of San Diego Development Services Department, 1222 First Avenue (Fifth Floor), San Diego, CA 92101.

- O.1. As indicated in Response to Comment K.4, the City is no longer proposing maintenance in these portions of Rose Creek.
- O.2. As stated in Response to Comment K.4, the City will not be performing maintenance on facilities within Maps 27-30. Therefore, no response to this comment is required.
- O.3. As stated in Response to Comment K.4, the City will not be performing maintenance on facilities within Maps 27-30. Therefore, no response to this comment is required.



SAN DIEGO AUDUBON SOCIETY

4891 Pacific Highway, Suite 112 • San Diego CA 92110 • 619/682-7200

August 23, 2009

Ms. Myra Herrmann
Development Services Center
1222 First Ave MS501
San Diego, CA 92101

Via Email: DSDEAS@sandiego.gov

Dear Ms. Herrmann:

SUBJECT: City of San Diego Master Storm Water System Maintenance Program (MSWMP),
SDAS comments on PEIR

The San Diego Audubon Society is very concerned with the potential impacts of the MSWMP on riparian and aquatic wildlife habitat value, wildlife movement corridors, watershed functioning, downstream wetlands, water quality, and flood risk. These impacts are not adequately addressed in the PEIR. We urge that the PEIR improve the project and identify workable alternatives to avoid impacts wherever possible, to minimize the unavoidable impacts, and to fully mitigate the remaining impacts. Doing so is essential to satisfy the minimum requirements of the California Environmental Quality Act, CEQA.

The vegetation and the soil in stormwater conveyance channels provide habitat or foraging area for a broad spectrum of wildlife, which can include federally listed species such as Least Bell's Vireos, Southwest Willow Flycatchers, California Brown Pelicans, and California Gnatcatchers. Most of these conveyance channels are natural waterways or have evolved from natural waterways. The organisms in the soil break down many contaminants such as hydrocarbons. The plants use the excess nutrients in the water and add oxygen to the soil, water, and atmosphere. The plants also consume large amounts of nutrients from the runoff water, reducing eutrophication in downstream wetlands and waterways. The linear extent of the conveyance channels with their biologically rich vegetation make them prime corridors for wildlife to move from one habitat area to another for foraging, dispersing into new habitat, or seasonal movement. These waterway functions are more and more important since we have eliminated something like 90% of our wetlands and natural waterways, have fragmented habitat areas making connectivity more essential, and continue to discharge large quantities of urban runoff that contains excess contaminants, metals, and nutrients that can be reduced by vegetation and soil in these channels. We need to find ways to safely convey stormwater while enhancing the watershed values of our remaining waterways as much as possible, and surely not degrading them.

This vegetation and soil also tend to retain low flow water so that evaporation and evapotranspiration will reduce dry weather flows so their pollutants will never reach receiving waters.

We understand that some conveyances will require total clearance to avoid flooding important improvements. But there are many reaches for which more environmentally benign

P.1. As discussed in the responses below, the PEIR adequately addresses impacts of the proposed maintenance activities including consideration of alternative techniques for maintenance.

P1

P2

COMMENTS

RESPONSES

P2
cont.

alternatives are appropriate. This PEIR does not identify the latter. We strongly urge that the project be modified so that flood risks can be minimized in ways that will preserve and, wherever possible, enhance the habitat and water quality value of these waterways.

The following headings will address specific concerns regarding the environmental impacts of this project.

PROGRAM DOES NOT COMPLY WITH MANY COMMUNITY PLANS - PEIR IDENTIFIES MANY OF THE CONFLICTS BUT DOES NOT IDENTIFY OTHERS

The PEIR provides an analysis of the consistency with General, Community, and area plans in Table 4.1-1, starting on Page 4.1-12. We appreciate the clarity of the presentation. The various Plans indicate levels of protection for wetlands, riparian habitat, natural waterways, scenic values, etc. that are desired by the communities. The table identifies many conflicts between the Program and the listed plans. But it fails to identify others. The Program needs to be revised to identify a more environmentally sensitive overall approach that will allow the Program and the resulting P rojects to comply.

P3

Table 4.1-1 indicates that the Program does not comply with the environmental goals of the following plans:

- City of San Diego General Plan
- Clairemont Mesa Community Plan
- Linda Vista Community Plan
- Mid-City Communities Plan
- Mira Mesa Community Plan
- Navajo Community Plan
- Scripps Miramar Ranch Community Plan
- Skyline-Paradise Hills Community Plan
- Southeastern San Diego Community Plan
- Torrey Pines Community Plan
- University Community Plan
- Chollas Creek Enhancement Plan
- Otay Valley Regional Park Concept Plan
- Western Otay Valley Regional Park Natural Resources Management Plan

P4

The information on Table 4.1-1 shows that the Program will conflict the following plans, but the PEIR does not acknowledge those conflicts:

- Kearney Mesa Community Plan
- Torrey Pines Community Plan

P5

Though not addressed in Table 4.1-1, the Program also conflicts with the goals of Section 3 of the California Coastal Act and Section 404 of the Federal Clean Water Act.

P6

We strongly urge that the Program be modified to incorporate alternative approaches that will substantially reduce or avoid the conflicts with these Plans wherever possible.

PROGRAM DOES NOT COMPLY WITH MSCP - PEIR DOES NOT IDENTIFY MANY OF THE CONFLICTS

The PEIR provides an evaluation of the Program's consistency with the MSCP in Table 4.1-2. It demonstrates that the Program does not comply with MSCP, but the PEIR denies many of the inconsistencies between the Program and the MSCP. The Program could

P.2.

As discussed in Response to Comment A.1, it is infeasible to prepare detailed hydrology studies for all of the storm water facilities included in the MSWSMP. Furthermore, detailed plans prepared now but not implemented for several years would be out of date and have to be redone since these facilities are dynamic systems which may change substantially over time due to intervening vegetation growth and/or sediment accumulation.

The appropriate time to prepare detailed maintenance plans is immediately prior to undertaking maintenance. The CD process is proposed to allow consideration of maintenance approaches which minimize the amount of vegetation that is required to be removed to achieve flood control objectives. Detailed hydrology studies would be conducted for each drainage facility prior to maintenance to determine the amount of vegetation that can be retained without jeopardizing the primary objective of protecting adjacent property from flooding.

P.3.

As discussed in Chapter 7 of the PEIR, there is no more environmentally sensitive approach that would feasibly attain the basic objective of the proposed maintenance program which is to reduce flooding along the City's urban drainages.

P.4.

Table 4.1-1 is an integral part of the PEIR and, as noted by the commenter, does identify potential conflicts with the open space of goals of the Kearny Mesa and Torrey Pines Community Plans as well as other Community Plans within the City.

P.5.

The proposed maintenance would be required to obtain approval from the Army Corps of Engineers, as part of the CD process to assure consistency with the Clean Water Act.

With respect to the goals and objectives of the Coastal Act, it is assumed that the commenter is referring to Section 30240 which establishes a goal of protecting sensitive resources (e.g. wetlands associated with storm water facilities). As noted in Table 4-1, the goals and policies of the City's Conservation Element and the various Local Coastal Plans included in the City's Community Plans are also intended to protect wetlands. As also stated in Table 4-1, flood control objectives often conflict with policies aimed at protecting wetlands. However, since vegetation is a major contributor to the inability of storm water facilities to efficiently convey flood water, this conflict is unavoidable.

P.6.

As discussed in Response to Comments I.2 and N.6, the City would look for opportunities on individual segments to undertake channel widening in an effort to allow vegetation to remain and, thus, reduce the conflict with community plan goals to retain vegetation associated with drainages.

COMMENTS

RESPONSES

be made to comply if many of the recommendations that are contained in this and other comment letters would be incorporated into the Program and be made elements of the PEIR. Unfortunately, the PEIR does not number the paragraphs of that evaluation, making it difficult to comment on. In the following paragraphs we identify the items in Table 4.1-2 by the page number and the number of the particular box on that page, counting down from the top box on the page.

P7 Page 4.1-53, box 1: The MSCP requires that the need for flood control measures in the MHPA must be "based on a cost-benefit analysis and pursuant to a restoration plan." The program lacks a cost-benefit analysis but assumes that channel clearance is the only solution. The MSCP requires that floodplains in and leading to the MHPA remain in a natural condition, if feasible. This PEIR does not evaluate whether other less damaging alternatives would be feasible alternatives. Thus the Program is not consistent with the MSCP in spite of the PEIR's conclusion that it is.

P8 Page 4.1-53, box 4: The MSCP requires that construction of staging area and roads, temporary or permanent, must not disturb habitats unless unavoidable. This PEIR does not explore a vast range of alternatives that would avoid impacts. The MSCP states that "All such activities must occur on existing agricultural lands or other disturbed areas. Since this PEIR fails to analyze the impacts of roads and staging areas, there is no evidence to support the assertion that this project will be consistent. The MSCP also required that if a temporary habitat disturbance is unavoidable, the area will be restored or mitigated. Again this PEIR cannot claim consistency since it does not address the impacts or mitigation for access, haul ways, or staging areas, in spite of the conclusion of the PEIR.

P9 Page 4.1-54, box 3: The MSCP requires that roads within the MHPA be narrow and in lower quality habitat and disturbed areas to the extent possible. The PEIR concludes that it is consistent, but it does not address the issue of placing the roads in lower quality habitat or disturbed areas. And since the PEIR does not address access, haul ways, or staging areas it provides no evidence to support its assertion that it is consistent.

P10 Page 4.1-55, box 1: The MSCP requires that "Uses in or adjacent to the MHPA should be designed to minimize noise impacts." The Evaluation column only addresses reducing noise during the nesting season for sensitive bird species, and it concludes that it is consistent. However, the MSCP's requirement is not limited to impacts to sensitive bird species during nesting season. High noise levels have many other impacts that detract from the habitat goals of the MSCP. Thus, the Program has only provided for consistency in a very small subset of the situations in which noise must be minimized. So, it is not consistent and needs to acknowledge it. Also, since the PEIR does not address or evaluate the noise impacts of access, haul ways, and staging areas that will be part of the program, it can not claim to be consistent.

P11 Page 4.1-55, boxes 2 and 5: The MSCP states that "No invasive non-native plant species shall be introduced into areas adjacent to the MHPA." The Evaluation states that invasive plants will not be used in revegetation efforts. But that does not address many of the other ways in which construction activities can introduce invasive species to habitat areas. The PEIR must address thorough removal of seeds, rhizomes, and living fragments of invasive species from equipment, vehicles, materials, boots, and clothing before they enter the habitat area. It must provide for these measures for the construction activity related to channel clearance and to access, haulage, and staging areas. To be effective the PEIR must also define a program to revisit construction areas for many years to remove invasives that occur in the previous work

P.7. As discussed in Response to Comment I.2 and N.6, the City will look for opportunities on individual segments to undertake channel widening in an effort to allow vegetation to remain and, thus, reduce the conflict with MSCP goals to retain natural conditions within drainages. According to MSCP staff, the cost/benefit analysis referred to in this comment is directly related to larger scale flood control programs such as those within the San Diego River. Maintenance activities within the City's storm water facilities are addressed in Section 1.4.2 of the MSCP Subarea Plan under "Roads and Utilities – Construction and Maintenance Policies."

P.8. The relationship of the proposed maintenance activities to the MSCP is analyzed in detail in Table 4.1-2 of the PEIR. In this analysis, it is acknowledged that the removal of vegetation within MHPAs would be contrary to the primary purpose of the MSCP of preserving drainages and associated vegetation. However, the MSCP recognizes that in certain cases, such as flood control, impacts to sensitive biological resources must occur. In those cases, the MSCP requires minimization and compensation. As discussed in Response to Comment A.17, new access that is necessary would, in most cases, be minimal in length due to the location of most facilities in urbanized areas where access from public streets is usually not far away. In addition, Mitigation Measure 4.3.13 states: "Construction of temporary access and staging along channels shall be restricted to those areas where no such facilities currently exist. Impacts to sensitive habitat and/or sensitive species shall be minimized to the greatest extent practicable through project design measures, such as locating the facilities in the least sensitive habitat possible." Impacts from new access would be evaluated during the CD process and Mitigation Measure 4.3.2 requires compensation for impacts to biological resources resulting from maintenance activities including new access roads.

P.9. As discussed in Response to Comment P.8, Mitigation Measure 4.3.13 would require the City to locate access in the least sensitive habitats possible.

P.10. While non-endangered wildlife may be affected by maintenance noise, the impacts would not be significant due to the lower sensitivity of these species and the fact that the affected channels are located in urbanized areas where noise levels are already elevated due to the presence of major thoroughfares and/or adjacent development. Furthermore, maintenance noise would be temporary, normally lasting between several days to two weeks. Noise impacts from new access would be evaluated and mitigated, as appropriate, during the CD process.

P11 cont. areas to satisfy this requirement of MSCP. The PEIR fails to adequately address these issues so it cannot support its allegation that the Program is consistent.

Channel maintenance projects have helped Arundo expand in habitat areas in the past. We urge that the Program fully adopt the most effective measures available for thoroughly killing Arundo before removing it and then carefully removing any remaining fragments. See the paragraphs about Arundo removal later in this letter. We urge that the PEIR be very specific about these measures. If removal is done without these measures being fully implemented, the Program is sure to be inconsistent with the MSCP

P12 Page 4-1-55, box 7: The MSCP requires, "Review existing flood control channels within the MHPA periodically (every 5 to 10 years) to determine the need for their retention and maintenance and to assess alternatives such as restoration of natural rivers and floodplains." The MSCP has been in place since 1992. This and many other comment letters have pointed out the need for this PEIR to consider flood management measures besides channel maintenance. Thus, the lack of evaluating less damaging alternatives and the removal of hardened channels by this Program for MHPA areas is not consistent with the MSCP in spite of the conclusion of the PEIR.

PEIR DOES NOT IDENTIFY WATER QUALITY IMPACT OF THE PROJECT

P13 P14 As mentioned above, the soil and vegetation that will be removed under this program currently remove large quantities of contaminants, metals, hydrocarbons, and nutrients from the urban runoff. Removal of the soil and vegetation will reduce or eliminate that capability to prevent future pollution moving downstream in our waterways to our receiving waters. Many of those waterways and receiving waters are subject to Total Maximum Daily Load (TMDL) restrictions. The PEIR does not identify or quantify the potential increase in pollution, nor does it identify alternative configurations or mitigation measures to offset those increases. This PEIR must address the separate and cumulative water quality impacts of the projects that it will cover.

P15 Measures to assure that water quality is protected in the design of the subprojects must be fully identified. If the subprojects of the Master Project have a cumulative negative water quality impact in a particular portion of a watershed, the Master Project must include separate water quality mitigation measures to offset that impact, in addition to habitat mitigation.

P16 The PEIR asserts that removing soil and vegetation will, in itself, result in an improvement to water quality. It offers no information to substantiate that unlikely assertion. Overwhelming information shows that vegetation and the soil around its roots trap and break down large amounts of contaminants.

P17 We do agree that, for many lined channels, a program of removing some vegetation and soil each year, while leaving a strategic portion of the vegetation to absorb contaminants and collect sediments, may well be an effective approach. But doing so will require careful design, analysis, and tradeoff at the Programmatic level and the Project level. This PEIR alludes to that possibility, but does not provide the process or the program-level analysis to implement such an approach.

EROSION INDUCING IMPACT OF CHANNEL CLEARING NOT AVOIDED OR MITIGATED

P18 It is well known that removing vegetation from unpaved channels often causes the channel bottoms to erode. That erosion can result in deeply incised channel bottoms which are safety risks, can collapse stream banks, can risk infrastructure such as wastewater pipes and headwalls, and can threaten adjacent streets, homes, and businesses. There are examples all

P.11. Individual maintenance plans and biological assessments prepared during the CD process would identify the potential risk from the spread of invasives during maintenance and include pro-active measures to minimize the potential spread into downstream areas.

A two-year monitoring program for areas where invasive plants are removed as mitigation is considered adequate to assure that the direct actions taken by the City to remove existing invasives is effective. While the number of invasives located in the affected area may increase in subsequent years, this would be as a result of re-establishment from upstream seed sources rather than ineffective invasives removal actions taken initially by the City during maintenance activities.

P.12. As discussed in Response to Comment I.2, the City would consider alternatives that reduce impacts to vegetation during the annual CD process.

P.13. As discussed in Response to Comment H.4, maintenance would reduce the ability of earthen-bottom storm water facilities to intercept water-borne pollutants by removing vegetation which serves to slow the runoff and facilitate adsorption by sediment and absorption by plant roots. In order to reduce the potential for erosion after maintenance, the City has added Protocols #24 and #25 to provide post-maintenance erosion controls and follow-up inspections of the erosion control measures taken, as necessary.

P.14. As discussed in Response to Comment H.4, the effect of maintenance on the TMDL in downstream drainages and water bodies would not be significant. As indicated earlier, maintenance activities do not generate pollutants. With the downstream flow controls achieved by Protocol #24, as necessary, downstream transport of sediment and pollutants would not likely be substantially increased over existing conditions. Periodic removal of pollutant-laden sediments and/or plant material would enhance the ability of drainages to serve as pollutant filters and avoid downstream transport of pollutants bound to sediments and/or stored in plant biomass during high flows.

P.15. The protocols identified in the MSWSMP would provide overall guidance on the actions required to protect water quality during and after maintenance. These guidelines would be converted to specific actions and specified in the IMPs developed prior to initiating maintenance activities. As indicated earlier, these measures are most appropriately determined at the time each IMP is prepared.

P.16. See Response to Comment H.4.

P.17. As indicated in Response to Comments A.1 and P.2, maintenance methodology would be defined in the course of preparing facility-specific IMPs during the CD process.

P18 cont. over San Diego of deeply incised erosion in stormwater fed streams where vegetation has been removed or has eroded away. This issue is not addressed in the PEIR, nor does it provide measures to manage, avoid, or mitigate the problem.

P19 The soils that are eroded from these newly unvegetated channels can be deposited downstream in biologically sensitive areas causing significant loss of habitat value. It can also clog downstream culverts causing flooding downstream. This potential downstream impact of channel maintenance has not been seriously addressed in the PEIR. Although strategic partial clearing is briefly mentioned in the PEIR it is not identified as a serious alternative of the Program. We urge that the PEIR be revised to seriously evaluate and avoid the degradation of channels by erosion and the downstream impacts of the resulting sedimentation.

P20 PEIR DOES NOT ADDRESS THE POTENTIAL INCREASES IN DOWNSTREAM FLOOD RISK THAT CLEARING WATERWAYS MIGHT PRODUCE
 Several areas near the bottom of watersheds are vulnerable to flooding such as Ocean Beach, northeast Pacific Beach, the west end of Chollas Creek, Sorrento Valley, Nestor, etc. Eliminating the vegetation in upstream stormwater conveyances will tend to mean that the stormwater from the watershed will converge on these lower areas more quickly and increase the flood risk there. This poses a risk that the City will need to channelize these areas even more than they are now. The permit does not provide any information about the likelihood of the project increasing flood risk in certain areas and possibly requiring additional channelization to carry that additional flow in the lower reaches of some of the watersheds.

P21 PEIR DOES NOT INCLUDE PROACTIVE MEASURES TO REDUCE THE NEED FOR FUTURE CHANNEL MAINTENANCE
 The channel maintenance proposed in this program is very costly and will result in significant environmental loss in most cases. Since this is a 20-year Program it should include measures to reduce the need for future maintenance and thereby reducing the environmental impact. Incorporating sediment and trash traps in catchment basins and other locations upstream from creeks and channels would significantly reduce the need for and the impact of future channel maintenance and would reduce future flood risk as well as improve habitat and water quality. The PEIR does not address this proactive method for protecting streams and channels from future obstruction. This is another example of the PEIR's lack of a programmatic approach, which should be corrected before a Final PEIR is produced.

P22 LESS ENVIRONMENTALLY DAMAGING ALTERNATIVES ARE NOT INCORPORATED IN THE PROGRAM
 There are many ways to improve the peak water carrying capacity of a watershed. They could have less environmental impact than removing all the vegetation. None of these alternatives are identified or evaluated in this application even though "avoidance" is the first step of the Clean Water Act permitting process. The locations in which alternatives might fulfill the flood avoidance objectives are not identified. A few of these less damaging alternatives that should have been evaluated will be described in the following paragraphs.

Examples of more benign alternatives that should be seriously evaluated for each channel segment are:

- partial removal of soils and vegetation vs. complete removal,
- removal of invasive vegetation and sediments leaving native wetland and riparian vegetation where possible,
- constructing retention basins above the constricted channels to reduce peak flows,

P.18. As discussed in Response to Comment F.4, the PEIR acknowledges that erosion could be an issue following maintenance. In order to provide further protection against erosion resulting from maintenance, the City has added Protocols #24 and #25 to include post-maintenance erosion control, as necessary.

P.19. The potential for erosion and downstream sedimentation from maintenance to impact downstream biological resources is identified as potentially significant on page 4.3-38 of the PEIR. As discussed earlier, implementation of Protocols #24 and #25 would help reduce this potential impact. Furthermore, as noted in Response to Comment F.4, removal of accumulated sediment through maintenance could potentially reduce the risk of downstream sedimentation resulting from the transport of these accumulated sediments downstream during major storm events. Reducing the potential for these accumulated sediments (and the pollutants that may adhere to them) to be transported downstream would represent a positive effect of maintenance.

P.20. As discussed in Response to Comment F.4, the City acknowledges that removal of vegetation may increase downstream erosion if not properly conducted. In response to this concern, the CD process mandates detailed hydrologic and hydraulic analyses of every facility before maintenance plans are finalized in order to identify and design measures to be included in the maintenance to reduce downstream impacts. The detailed hydraulic analyses would analyze the forces and the velocities associated with the actual and maintained conditions. All of the analyses will include upstream and downstream areas of the proposed maintenance activity to evaluate potential impacts of upstream conditions on the area to be maintained as well as the impact of the maintained channel on downstream areas.

P.21. The SWD does integrate catchment basins and trash traps into storm water facilities but these features do not offset the need to regularly remove sediment and vegetation to maintain the flood capacity of the storm water facilities.

P22 cont.

- implementing Low Impact Development measures to reduce peak flows,
- capturing sediments and trash before they enter the storm water system,
- widening streams or channels to increase carrying capacity,
- constructing bypass culverts that would reduce the high flow volume of the segment,
- reconstructing parallel waterways to reduce the load on segments that are at risk, and,
- removing developments from flood prone areas.

Many of these alternatives will be discussed in more detail in later paragraphs.

P23 The "Avoidance and Minimization" heading on Page 13 of the Public Notice casually states that some of these alternatives will be incorporated in the project, but no specifics are provided, and none of the rest of the document reflects that they have been adequately evaluated.

P24 Appendix C of the PEIR includes a high level discussion of some of the alternatives, on pages 71 through 73, but the process of conducting a meaningful analysis of all the potential environmentally superior alternatives in the design of each segment is not specified in the analysis and design steps of the program.

P25 Many of the potentially environmentally superior alternatives are not mentioned at all since this PEIR is focused purely on channel maintenance. Many of the most promising flood management measures that should be considered are outside of channel maintenance. This program and this PEIR need to be refocused on flood damage reduction, not just channel maintenance.

ALTERNATIVES: REDUCING LEVEL OF CLEARANCE TO THAT WHICH IS SPECIFICALLY NEEDED FOR EACH CHANNEL

P26 The program intends to remove all vegetation for the identified channels, or possibly all of the vegetation on the bottom of the channels. The City has not presented any information about what level of vegetation each channel was designed to accommodate. They assume that it is zero in spite of normal engineering practice. The City has also not presented any information about the needed water carrying capacity of each channel. They clearly cannot evaluate how much clearance is needed to accommodate that flow. The City is assuming that the channels must all be fully cleared with no analysis of a less damaging alternative level of clearance for each channel segment. They have provided no evidence to support that questionable assumption.

ALTERNATIVES: IMPROVING STORMWATER RETENTION WITHIN WATERSHEDS

P27 The City of San Diego and the Regional Water Quality Control Board encourage the implementation of Low Impact Development (LID) for retention of Stormwater within developments for water quality reasons. The PEIR does not address accelerating the LID type improvements to reduce peak stormwater flows and thus reduce the need for wholesale channel clearing. This approach is being used for improving flood control in the Los Angeles River.

ALTERNATIVES: WIDENING FLOOD CONVEYANCES SO MORE VEGETATION COULD BE RETAINED

P28 There are many areas where natural streams could be widened so that a higher level of vegetation could be allowed and still prevent flooding. Doing this would improve water quality and habitat value. The additional wetland area of the expanded channel could mitigate the loss of water quality and habitat value in other segments of the project.

P.22. As discussed in Response to Comment F.3, the alternatives identified in the PEIR would be incorporated into individual maintenance activities during the preparation of IMPs, wherever feasible. These techniques would include partial removal of vegetation when hydrology studies indicate such an approach would not significantly interfere with flood control objectives. As discussed in Response to Comment H.4, the SWD implements several other programs that work to address storm water quality including LID and hydromodification (including reducing peak flow rates and increasing peak flow capacities). Collectively, these efforts minimize the amount of channel maintenance and cleaning that must be completed by reducing runoff flows and addressing sediment and trash before they enter storm drain channels.

P.23. See Response to Comments F.3 and P.22.

P.24. See Response to Comments F.3, P.22, and P.23.

P.25. As discussed in Response to Comment H.4, the SWD is pursuing parallel programs that would complement storm water facility maintenance by seeking to control runoff and associated pollutants on adjacent areas.

P.26. As indicated in Response to Comment A.1, the CD process requires facility-specific hydrology analysis be conducted prior to preparing an IMP. This analysis would determine the capacity of the storm water facility in its present condition and determine the minimum amount of vegetation which must be removed to achieve the desired levels of flood protection.

P.27. As discussed in Response to Comment H.4, the SWD implements several other programs that work to address storm water quality including LID. Furthermore, implementation of LID and other techniques in developed areas is unlikely to be sufficient to eliminate the need for maintaining urban storm water facilities.

P.28. As discussed in Response to Comment F.3, the City would explore alternative methods to achieve the desired flood control objectives, including channel widening, when economically feasible opportunities exist.

COMMENTS

RESPONSES

P29 Appendix C of the PEIR provides some high level discussion of this alternative, but assumes that the vegetation in the channel would have to be removed as part of the channel widening. As a result the widening would have the same short term impact as channel clearance. But, removal of the vast majority of the existing vegetation would not be necessary, so the impacts and the mitigation required could be considerably less.

ALTERNATIVES: ADDITIONAL CONVEYANCES TO REDUCE LOAD ON EXISTING CHANNELS

P30 The project does not identify where additional creeks, channels, or culverts could be constructed to reduce the capacity needed for existing waterways so more vegetation could be safely left in place.

ALTERNATIVES: STORMWATER RETENTION BASINS

P31 It is common to construct stormwater retention basins in watersheds to manage and reduce peak flows to avoid flooding while preserving the health of the watershed. This project does not identify opportunities to construct retention basins as an alternative to the need for wholesale removal of vegetation from conveyances

ALTERNATIVES, RELOCATING FLOOD PRONE DEVELOPMENT

P32 It is common and often cost/effective in the long run to relocate flood prone development to safer areas rather than to increase flood control measures to the detriment of the watershed. It is very likely that there are some locations for which relocation would be the best solution environmentally, and possibly economically and for public safety. Relocation of developments has been recommended for homes and stables in the Tijuana River Valley. It is likely that it would have value in other flood prone areas. This project does not address or analyze this alternative.

ALTERNATIVES, PARTIAL REMOVAL

P33 Many channels can be partially cleared in ways that incrementally remove vegetation so the runoff is always exposed to significant portions of soil, roots, and vegetation, but at lower heights and/or occupied with vegetation that bend to accommodate flood flows. One way to do this is to clear alternating cells along the channels and leave vegetation in the remaining cells. At the next maintenance period, the opposite cells would be cleared. That way a significant amount of soil and vegetation is always in the channel, while the channel roughness is dramatically reduced and channel capacity is largely restored. This technique was implemented successfully for many years at Channel Segment 83, Famosa Boulevard and Valeta Street, by the Streets Department. The technique has not been evaluated in this PEIR, but might be in the annual project level analysis. The PEIR needs to identify benign alternatives that should be considered in the annual analysis. Otherwise the PEIR is not really providing a context for the Project level environmental review process. If the PEIR does not provide such a framework, Projects should continue to be analyzed on a case by case basis.

ALTERNATIVE: FOR SENSITIVE SEGMENTS, REDUCE FLOW IMPEDANCE IN A DOWNSTREAM SEGMENT INSTEAD

P35 It is very likely that there are some waterways in which a segment contains healthy levels of wetland or riparian habitat that is upstream of an area that is obstructed by non-natives or invasives. In such cases removing the non-natives downstream will substantially improve the capacity of the upstream portion with no or little removal of the sensitive wetland or riparian vegetation. The PEIR should acknowledge this possibility and identify and evaluate segments in which this alternative might be employed to avoid environmental impacts.

P.29. While it may be possible to leave portions of wetland habitat in the center of a storm water facility while widening on one or both sides, it is likely that the entire channel would have to be recontoured to assure that the overall channel functions properly. Thus, the PEIR assumes a worst-case condition regarding the potential impacts associated with channel widening for the purposes of impact analysis.

P.30. Overall, the PEIR concludes that constructing storm water bypasses, as suggested in this comment, would be an infeasible alternative to the proposed maintenance program. However, as indicated in Response to Comment F.3, the City would consider bypasses, where feasible, in the course of preparing IMPs.

P.31. Construction of retention basins within drainage channels (often referred to as “in-line” facilities) is not favored by resource agencies who are concerned about these facilities diminishing the wildlife value of natural drainage courses. Thus, retention facilities are normally designed to be “off-line” and located outside the limits of natural drainages courses. Thus, retention basins would be considered by the City in their efforts to implement LID measures, as indicated in Response to Comment H.4.

P.32. The City questions the commenter’s statement that relocating development within areas prone to flooding is a cost-effective approach. The City estimates that the potential cost of compensatory mitigation for the entire MSWSMP is on the order of \$25,000,000, while the cost of removing development from the floodplain in Mission Valley alone could be a billion dollars. For example, only 13 acres in Mission Valley owned by Copley press has been valued at \$100,000,000 by Gary London, a local real estate analyst.

P.33. The alternating method of removing vegetation along a storm water facility is included as one of the options that the City intends to consider in developing IMPs (see description of “perpendicular-strip maintenance” on page 3-15 of the PEIR).

P.34. See Response to Comments H.4, P.27, and P.31.

In addition, the City also actively inspects construction sites to ensure that contractors are implementing adequate controls to address the discharge of sediment and other construction-related pollutants in compliance with the storm water regulations.

P.35. As discussed in Response to Comment I.2, the City would consider alternatives that reduce impacts to vegetation during the annual CD process.

ALTERNATIVE: DISTINGUISHING BETWEEN NATIVE VEGETATION AND INVASIVE VEGETATION

P36 Some of our stormwater conveyances are obstructed with non-native, invasive vegetation that have limited value for local wildlife, are known to aggressively displace native vegetation, and tend to have severe flood risk impacts. These include species such as Arundo, Pampas Grass, Brazilian Pepper, Myoporum, Tamarisk, Castor bean, etc. Such cases should be approached in a completely different manner. Mitigation elsewhere should not necessarily be required, but the segment should be revegetated with low growing and low resistance native wetland or riparian plants to provide the environmental benefits mentioned above while dramatically reducing impedance to flood flows.

P37 Many of our conveyances contain vegetation that is very important and productive environmentally such as bulrush, cattails, willows, mulefat, etc. Some of the conveyances even contain brackish and saltmarsh species which are even more important to protect. The conveyances that contain native wetland and riparian species should be identified in the PEIR and handled in a much more protective manner than those that are dominated by invasives. Measures that avoid or minimize removal should be fully explored for these segments.

P38 There will be some segments that contain a mix of invasive and native vegetation. The project should seriously consider thoroughly removing the invasives and leaving the natives and enough soil for them to survive as a means to reduce the flood risk.

ADEQUACY OF HYDROLOGICAL DATA

P39 It is important that hydrologic data be reasonable accurate and current to evaluate the suitability of alternatives. I have been told that FEMA data will be used instead of updated hydrological studies. It is likely that current hydrological studies would be far more accurate and more appropriate for the analysis needed to evaluate any alternative approaches. We urge that the PEIR provide information to show whether or not the flow data used to evaluate the need for clearing and the suitability of various alternatives is adequate.

ACCESS, HAULING, AND STAGING. A SIGNIFICANT IMPACT NOT IDENTIFIED AND NOT MITIGATED

P40 Many of the segments to be maintained are difficult to get to, to haul vegetation and soil out of, and to stage equipment and materials near. In many cases construction of access roads and staging areas will cause a significant environmental impact. These may impact wetlands, riparian habitat, or sensitive uplands. In some cases the access and staging may result in more impact than the channel maintenance itself. The impacts can include:

- loss of habitat,
- road kill,
- disturbance of animals,
- soil compaction making future habitat recovery or restoration unlikely,
- introduction of non-native and invasive plant species,
- increase in erosion, and
- increased access for future inappropriate uses.

The PEIR does not address the impacts that will result from access, hauling, and staging. Selecting a more benign flood avoidance measure at a site might also avoid substantial access and staging impact. Therefore the impacts of access, hauling, and staging need to be identified and be treated as a major determinant of what alternative is appropriate for a particular

P.36. Enhancement of areas dominated by invasives is one of the focuses of the mitigation program included in the PEIR. As defined in the PEIR, enhancement would be undertaken in two ways. First, invasives would be removed to allow the native plants to re-establish on their own. Second, native plants would be planted following invasives removal to facilitate re-growth of a natural habitat.

To the degree that storm water facilities can be restored to a more natural condition without impeding flood control, the City would undertake enhancement in these areas. In addition, the City would seek other areas for enhancement which are not included in the storm water system. These may offer more biological value because such areas are often located in large open space systems.

P.37. Appendix B.3 identifies the nature of the biological resources associated with each storm water facility included in the MSWSMP. In addition, the IBAs performed during the CD process would further define the nature of biological resources associated with a segment proposed for maintenance. As indicated earlier, the City would seek ways to reduce impacts to high quality biological resources (e.g., wetlands) whenever possible. Furthermore, the City is motivated to retain habitat in order to reduce the financial burden of mitigation associated with annual maintenance activities.

P.38. Whenever individual hydrology studies indicate vegetation can remain in a storm water facility, maintenance plans would be designed to retain native vegetation and remove invasives to achieve desired flood control capacity.

P.39. As discussed in Response to Comment P.26, the conveyance capacity and amount of vegetation removal of each facility proposed for maintenance would be evaluated as part of the CD process, and would be determined based on design capacity, empirical evidence, and individual hydraulic analysis.

P40 cont. segment. But, the PEIR does not identify these impacts, does not require that they be considered in tradeoffs leading to Individual Maintenance Plans, and does not identify mitigation to offset them.

This is a major deficiency in this PEIR and must be resolved before it is certified.

SPECIFIC DEFICIENCY OF THE PEIR, LENGTHS OF EACH SEGMENT NOT SPECIFIED

P41 Table 3.1 identifies the over 173 conveyance segments that were addressed in the PEIR. It defines the width of each segment, but it does not identify the length of each. It is important that a reader be informed of the length of each segment for programmatic and project level reasons. In the large scale, a reader should be able to find the lengths to assess impact areas, disruption of habitat continuity, suitability of alternative approaches, etc. On a project level approach a reader needs to be able to know the extent of the impact on a specific segment that the reader is concerned about to write informed comments and to inform decision makers. We strongly urge that the length of each identified segment to be maintained be listed as well as the width in the draft PEIR and the comment period extended to allow reviewers to use this information.

SPECIFIC DEFICIENCY OF THE PEIR, NO LEGEND ON TABLE 3-1

P42 Table 3-1 lists all the segment map numbers, the width of the disturbance, and the "Type" and "Maintenance measure" for each. However the PEIR does not include a key that identifies the code used in the latter two columns. Thus the reader is not able to infer either of these two important parameters. Also the length of each segment and the length of the segment for which clearance is planned should be included on this list. We were provided with the code for the two columns on August 18 after we requested it. But other readers have had to review the PEIR without this information. We urge that this information be provided and the deadline for comments be extended to allow readers to use this information.

MITIGATION IS INADEQUATE

P43 We are concerned that the mitigation being offered will not offset the habitat, habitat connectivity, or water quality impacts of the project. We do appreciate that the City is generally offering to do mitigation in problem areas of each HU, except for the Pueblo San Diego HU. But, with the TMDL and quality of life problems in the Chollas Creek HU, we strongly urge that any needed mitigation be done within that HU. It has a lot of very good areas for mitigation. We agree with the "Army Corps Mitigation Disclaimer" that the City's mitigation is not adequate.

Each of the Hydrographic Units (HUs) discussed has ample opportunities for mitigation projects, except maybe for Pueblo San Diego. These mitigation projects can be coordinated with other mitigation and restoration needs within that HU to provide comprehensive mitigation projects. We urge that the mitigation not be moved to offsite upstream mitigation sites that will not offset the natural functions and values being lost, especially habitat value and water quality value.

MITIGATION SHOULD BE SUPPORTED FOR AS LONG AS THE MAINTENANCE WILL OCCUR

P44 We are very concerned with the proposal that for infrequent clearing, mitigation will consist of only removing non-natives and keeping the area clear for two years. Such mitigation is essentially meaningless. After the two years is over the invasives will return by the same means that they got there in the first place and nothing will be accomplished. The mitigation should be maintained as long as the channel maintenance will occur.

P.40. As discussed in Response to Comment H.15, the installation of new access routes would be addressed and minimized in the preparation of IMPs during the CD process. At the same time, alternatives which are less impactful to the storm water facilities would be evaluated in light of the results of the individual hydrology studies.

P.41. The estimated length of each storm water facility has been added to Table 3.1.

P.42. The information identified in the comment has been added at the end of Table 3.1.

P.43. The City is committed to trying to provide compensatory mitigation within the affected Hydrologic Unit (HU) and will collaborate with local groups to implement restoration projects that may provide required mitigation. In fact, the City is currently working with Groundwork San Diego to identify potential wetland mitigation opportunities within the Chollas Creek watershed.

P44
cont. The cumulative treatment of mitigation discussed on page 12 is essentially an incremental mitigation bank. The mitigation for the frequently maintained channels should be maintained in perpetuity as any mitigation bank is.

P45 MITIGATION, WATER QUALITY
No mitigation is proposed for the water quality impacts of removing these miles of vegetation that provide natural water quality filters. The project must identify what increase in pollution will reach receiving waters and provide measures to fully offset that increase. Even if off-site mitigation for the wetland impacts is allowed, the city must provide additional on-site mitigation for the loss of the water quality improvement that the vegetation would have provided had it not been removed. Our region's waterways and receiving waters are too badly degraded already. This project must not be permitted in a way that will make it worse.

P46 TRANSPARENT YEAR TO YEAR REPORTING AND DECISION-MAKING
The annual information for each Individual Maintenance Plan for the coming year should be presented to the public in writing and in time that the public can have some real impact on the design and selection. This information should at least include:

- what waterways will be cleared and the dimensions and degree of clearance,
- the current state of the waterways to be cleared
- why were those waterways selected,
- what the target storm flow will be in that segment,
- what the segment is capable of carrying in its current state and after the proposed clearing,
- what other alternatives have been analyzed for each and why they were rejected,
- what the environmental impacts are anticipated for each, including water quality, habitat, and downstream flood risk,
- how will access be provided for each segment and what impacts will result from that, and,
- what mitigation is being proposed?

This information would be analogous to that provided for the public by the Wastewater Department when preparing for Canyon Sewer Access projects.

The annual report should also cover the results of the projects that were implemented in the previous years including:

- what projects have been completed,
- what projects are still underway,
- what impacts have resulted,
- what unintended consequences have been observed,
- what mitigation has been implemented and how successful is it,
- what mitigation has not yet been completed,
- what water quality measures have been implemented to offset the flood control measures, and
- what water quality impacts have been identified that may have resulted from each project?

The PEIR should specify this public information process. It should also define how the project and mitigation problems from the previous projects will be corrected and how they will be used to prevent deficiencies in the projects of the upcoming years. The PEIR should state that this corrective feedback process should be a part of each year's report.

P.44. As indicated in Response to Comment A.6, a two-year monitoring effort after invasives removal is considered appropriate to eliminate the original invasive plants. However, in order to maximize the success of invasives removal, the Conceptual Wetland Compensation Plan has been amended to require that, at the end of two years, invasive species comprise no more than five percent of the species or maintenance will continue until this goal has been achieved.

P.45. As discussed in Response to Comment F.4, storm water facility maintenance is not expected to result in significant downstream water quality impacts. Furthermore, new protocols have been included in the MSWSMP to reduce post-maintenance erosion.

P.46. As discussed in Response to Comment F.4, the MSWSMP has been amended to require Process Two review for a maintenance activity that meets any of the following criteria: (1) the activity is located within the Coastal Zone; (2) the wetland impacts associated with the individual activity would exceed the estimate contained in the PEIR; or (3) the activity requires construction of a new access route that would disturb more than 0.25-acre of native vegetation. This would assure an opportunity for community planning groups to comment on activities which are not within the assumptions used in the PEIR analysis.

P47

ARUNDO REMOVAL PROTOCOL

Arundo removal is mentioned on page 14. New research on the removal of Arundo makes it clear that Arundo is spread by bulldozers and other earthmovers. In order to combat this, Arundo clumps should be sprayed with herbicide before, during, and/or after earthmoving activities. Also all plant debris that is removed from the site should be treated appropriately to prevent the spread of Arundo. Finally, after the mechanical removal all remaining Arundo material, particularly rhizomes, must be picked up and removed. Otherwise the removal operation will simply spread more Arundo into more waterways, increasing flood risk. The procedure and the rationale are fully explained in a paper by Dr. John Boland (2008), a local expert in wetland ecology (see citation below). Much of the Arundo infestation that is causing our current flood control risk has been exacerbated by previous inappropriate removal protocols. We urge that the protocol identified by Dr. Boland be fully implemented in this program..

This protocol and the strategy in the next heading are relevant when Arundo is removed from waterways for flood protection and when Arundo removal is used as mitigation for impacts elsewhere.

ARUNDO REMOVAL STRATEGY

The Public Notice, on page 14, states that invasive removal mitigation will be done from the top of a watershed down (the "top-down" strategy) to prevent reinvasion by the invasive plants. This strategy has been commonly applied to large Arundo removal projects but has recently been shown (by Boland 2006) to be counter-productive! This is because: (a) Arundo reinvasion via fragments of stalks is very rare; and (b) Arundo plants inside the flood zone are expanding much faster than Arundo plants outside the flood zone. Therefore, while controlling some slowly-expanding Arundo in the upper reaches, other clumps are rapidly expanding in the flood zone in the lower reaches. By the time a top-down project makes it to the coastal flood plain, it is likely that the area has been choked with Arundo, is badly degraded, and the costs of control have greatly increased.

A more productive management strategy for Arundo is to work "inside-out." Under this strategy, treatments would be conducted within the flood zone first and then later in sites outside the flood zone, and treatments can be started anywhere within a watershed.

We urge that the PEIR specify that any project-level environmental document require that the Arundo removal protocol and strategy be based on the new information provided by Dr. Boland's papers.

Citations:

Boland, J. M. 2008. The roles of floods and bulldozers in the break-up and dispersal of *Arundo donax* (giant reed). *Madroño* 55 (3): 216-222.
 Boland, J. M. 2006. The importance of layering in the rapid spread of *Arundo donax* (giant reed). *Madroño* 53 (4): 303-312

RECOMMENDATION FOR A PARTICULAR SEGMENT: SAN DIEGO RIVER MOUTH

Segment 152 includes the portion of the San Diego River Mouth east and west of Interstate 5. The southern portion of the river bottom in this area, probably a little over one acre, is paved with a layer of cobble stone that was placed there to allow equipment to work in the river bed for infrastructure projects that were completed years ago. Only a small portion of the cobble is currently needed for access to a wastewater manhole. If that cobble were removed, it would provide multiple flood control, water quality and habitat benefits. It would lower the channel

P48

P.47. In order to provide more protection from the downstream spread of invasive species during maintenance, a new protocol (#32) has been added to the MSWSMP. Protocol #32 would require invasive species to be removed in a manner that does not promote establishment of invasive species in areas downstream of maintenance activities. The specific techniques to be used to control downstream spread would be identified in the IMPs.

P48 cont. bottom a few feet allowing more floodwater retention and flow. It would allow more marsh vegetation which would improve water quality and would provide more habitat for sensitive wildlife.

From the I-5 bridge going north the river contains very large amounts of obstructive non-native vegetation such as Brazilian Pepper, Myoporum, Arundo, palms, etc. All of these are well know for obstructing water flow in flood plains. If those invasives were removed and the native vegetation is left, the flow impedance, and the flood risk, would be substantially reduced. We urge that the removal of only those non-natives be done in this area.

P49 RECOMMENDATION FOR A PARTICULAR SEGMENT: VALETA STREET CHANNEL FEEDING FAMOSA SLOUGH:

Table 4.1-1 states that maintenance of the storm water trapezoidal channel leading into Famosa Slough is prohibited due to environmental constraints. That channel is physically isolated from the Slough so that it can be maintained by an excavator. The vegetation between the channel and the access parking lot is intentionally low to allow access by an excavator in the parking lot. The one large saltbush can be removed if needed. It is important that the channel be maintained in stages or that BMPs be implemented between the channel and the Slough to avoid unnecessary passage of sediments, trash, or contaminants.

P50 RECOMMENDATION FOR A PARTICULAR SEGMENT: TIJUANA RIVER PILOT CHANNEL

The Tijuana River certainly has flooding problems, and removal of sediments and Arundo from the Pilot Channel, as shown in Maps 137 a, b, & c will help somewhat. But it must be remembered that this channel was not designed or permitted to prevent major floods and it has very little capacity for it. It was to allow dry weather and low intensity flows to move through the River Valley.

The reduction of flood damage was to be made by removing inappropriate and unpermitted fill from the valley. This was to include the removal of the unpermitted Brown Fill, that stops the flow under the vast majority of the Hollister Street Bridge, and the removal a few unpermitted north-south berms that were installed to protect specific properties with no regard to their impact on flooding elsewhere. None of those measures have been implemented even though they were recommended about 15 years ago when the flood damage of 1993 was still in people's minds. The plan also included the acquisition of developments that frequently flood because they are located well within the floodplain where they will flood in spite of any flood control measures. Unfortunately none of those comprehensive measures have been implemented.

We urge that this PEIR, when revised, include more systematic approaches to flood protection such as those identified in the "Tijuana River Valley, Two Alternatives Report, Flood Control and Infrastructure Study", dated November 1994. We also urge that the aforementioned report be identified in the PEIR as an important source of information on flood management for the Tijuana River Valley.

Unfortunately the City has recently terminated the stakeholder group that worked to produce that report and that have worked to keep the City and the County moving in a systematic and thoughtful manner with respect to the Tijuana River Valley.

P.48. The City is aware that the San Diego River offers a number of mitigation opportunities; accordingly, the River was included in the biological surveys even though the River is not currently maintained by SWD and would not be maintained under the provisions of this master permit process.

P.49. In preparing the IMP for Map 83, the IMP would evaluate options for maintenance including the use of mechanical equipment as suggested in the comment. In fact, Table 3-1 indicates that mechanical equipment is expected to be used in this location.

P.50. In preparing the IMP for areas within the Tijuana River, the IMP would evaluate options for maintenance. However, removal of unpermitted fill located outside of the City's jurisdiction and/or ownership are expected to be problematic and difficult to achieve.

CONCLUSION: THE STORM WATER SYSTEM MANAGEMENT PROGRAM NEEDS TO BE PART OF A COMPREHENSIVE WATERSHED IMPROVEMENT, WATER QUALITY, AND FLOOD MANAGEMENT PROGRAM

P51

In the previous paragraphs we have suggested several structural alternatives such as retention basins, expanded streams, additional streams or channels, relocating development out of flood prone areas, focusing on removal of invasive vegetation, seeking to improve water quality as well as flood avoidance, and Low Impact Development. We strongly urge that the City consider the development of a comprehensive program to improve the functioning of each of the watersheds in ways that will resolve flood risk, water quality, habitat, habitat continuity, endangered species conservation, and in some places ground water recharge and water supply. This program addresses only one approach to one aspect of our watershed needs, and it does it in a way that will tend to set back all of the rest of them. It is clearly inappropriate.

P52

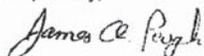
The CEQA analysis is totally inadequate as it does not clearly identify that this program is piece-mealing the planning of our watersheds as described in the preceding paragraph. We urge that the City:

- identify its most immediate flood risk segments,
- identify the most environmentally benign way of addressing them,
- write a project level EIR for them, using data from this draft PEIR, and then
- rewrite this PEIR in a way that will resolve our many watershed problems in a comprehensive and holistic manner.

At this point, that is the only way to satisfy the letter and the intent of CEQA for this Program.

In case of questions or follow-up, I can be reached at 619-224-4591 or peugh@sandiegoaudubon.org.

Respectfully,



James A. Peugh
Conservation Committee Chair

P.51. As discussed in Response to Comment H.4, the City is already pursuing a number of approaches to reduce the amount of water entering the City's storm water facilities including LID and hydromodification techniques. While these techniques would reduce storm water runoff over time, they would not be sufficient to avoid the need to remove vegetation and sediment in the near-term. Implementation of these techniques would be difficult due to funding limitations and the limited ability to force existing property owners to implement LID techniques. Additionally, the flood conveyance capacity of most of the City's urban storm water facilities are so limited that the nominal reductions in storm water on developed properties would be unable to supercede the need for vegetation and sediment removal.

As stated in Response to Comment F.3, various groups within the SWD are coordinating their efforts to control runoff from areas outside of the storm water facilities.

P.52. In light of the fact that the storm water system maintenance program is necessary even with the Think Blue program, preparation of a PEIR for the maintenance program is not considered "piece-mealing." Furthermore, the strategy recommended in this comment would be achieved through the CD process, during which time the need for maintenance would be prioritized, methods would be selected to reduce vegetation impacts to the greatest degree possible, and additional environmental analysis would occur, as required.



San Diego Canyonlands

◆ 3552 Bancroft Street San Diego, CA 92104 ◆ 619-284-9399 ◆

August 21, 2009

Myra Herrmann, Environmental Planner
 City of San Diego Development Services
 Via E-Mail to: DSDEAS@sandiego.gov

Re: MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM (MSWMP)
 Draft Program Environmental Impact Report (PEIR)
 Project No. 42891/SCH No. 200101032

To Whom It May Concern:

San Diego Canyonlands is a non-profit organization dedicated to restoration and preservation of the unique canyon and creek habitats throughout San Diego County. In response to our review of the City of San Diego's Master Storm Water System Maintenance Program (MSWMP) Draft EIR, we are encouraging the City to adopt a more holistic, watershed management alternative rather than the proposed clearing of valuable native vegetation from our creek channels.

The proposed methods of flood control are in conflict with several goals of the adopted General Plan (Public Facilities, Services, and Safety Element) including:

Q1

- Protection of beneficial water resources through pollution prevention and interception efforts.
- A storm water conveyance system that effectively reduces pollutants in urban runoff and storm water to the maximum extent practicable.
- Public utility services provided in the most cost-effective and environmentally sensitive way.
- Public utilities that sufficiently meet existing and future demand with facilities and maintenance practices that are sensible, efficient and well-integrated into the natural and urban landscape.

Q2

The MSWMP poses unnecessary and costly impacts on upland habitats, riparian and aquatic wildlife habitats, wildlife corridors, wetlands functions, water quality, and flood/erosion control. The project could cumulatively impact over 70 acres of wetlands plus ~24 acres of natural streambed, ~20 acres of sensitive upland habitat and ~9 acres of disturbed upland habitat. (Appendix C.1-C.3 page 53).

Q3

The Values of Our Wetlands Must Be Protected While we understand the project purpose is to provide flood control and proposes to do this by removal of sediment and vegetation from the creek channels, it is not known to what extent, if any, removal would be required in individual segments of our creek channels to achieve the project purpose. There is no indication that less damaging alternatives will be thoroughly analyzed and yet the MSWMB documentation admits to diminishing the important resource values of our wetlands including unmitigated impacts to water quality.

- Q.1. The relationship of the proposed maintenance activities to the goals and objectives identified in this comment is addressed in Table 4.1-1 of the PEIR. In light of the fact that maintenance would not introduce substantial levels of pollutants and will include downstream check dams or the equivalent to slow water and facilitate adsorption by sediments, the maintenance would not significantly conflict with the goal of storm water conveyance systems to reduce pollutants. By using individual hydrology models, the City will be able to prepare IMPs which minimize disturbance to wetland habitat, to the greatest degree possible, and allow the storm water facilities to be sensibly and efficiently integrated into the natural and urban landscape.
- Q.2. The City acknowledges that mitigation for wetland impacts associated with the proposed maintenance program will be costly. However, as discussed in the PEIR, no feasible alternatives exist to the proposed maintenance approach. Furthermore, the City intends to use individual hydrology studies and other techniques to reduce the amount of wetland impact.
- Q.3. The City recognizes the value of storm water facilities with respect to wildlife and water quality, and is committed to exploring ways to minimize the removal of vegetation during maintenance activities. As indicated in Response to Comment F.3, the City intends to conduct detailed hydrology studies to determine how much vegetation can be left within a particular channel while achieving desired flood control. As indicated in Response to Comment A.1, it is infeasible and ineffective to conduct the hydrology studies (and prepare IMPs) as part of the PEIR process. Doing this level of analysis at the time a specific maintenance activity is proposed is considered the only effective way to minimize impacts.

The vegetation and the soil in storm water conveyance channels provide habitat or foraging area for a broad spectrum of wildlife, which can include federally listed species such as Least Bell's Vireos, Southwest Willow Flycatchers, California Brown Pelicans, and California Gnatcatchers.

Q4

Riparian and wetland vegetation tends to absorb and slow the velocity of runoff in a stream, which can reduce rising waters and flooding in downstream areas. This reduction in velocity also reduces erosion of stream banks, one of the major sources of downstream sediment deposits. Pollutants found in urban runoff attach themselves to sediment particles and are thus carried to downstream water bodies, estuaries, the bays, and the beaches. These particles tend to drop to the bottom when runoff is slowed down by wider floodplains and wetlands. The wetlands serve to absorb and filter the water and the sediment. Microbial action in the soils surrounding wetland vegetation root systems serves to break down organic pollutants including pesticides, fertilizers, bacteria, hydro-carbons, oil and grease found in urban runoff. Wetland vegetation and soils also serve to retain low flow urban runoff so that evaporation and transpiration reduces dry weather flows and the pollutants never reach receiving waters. This efficient water cleansing service is very valuable to our city and project alternatives must be aggressively analyzed to protect it.

UNMITIGATED WATER QUALITY IMPACTS

The PEIR fails to analyze the water filtration values of our wetlands and does not offer mitigation for the important water quality service that wetlands provide.

The MSWSMP Biological Technical Report states: *"The removal of wetland vegetation occurring as part of the MSWSMP may result in a decrease in pollutant uptake by plants, as vegetation in the channel and basin bottoms would be removed. Plants such as cattails are capable of absorbing pollutants such as excess nitrogen and heavy metals commonly found in urban runoff. Vegetation clearing may reduce the filtering capacity of channels and basins and result in adverse water quality impacts downstream."* (Appendix C.1-C.3 page 67).

Additionally the Biological Resources chapter of the PEIR, page 4.3-38 states that the loss of the filtration capability would *"potentially expose downstream wildlife to increased exposure to urban pollutants as well as increased sedimentation."*

Many of the receiving waters that would be impacted by this additional pollutant load already exceed pollutant levels allowed by the Federal Clean Water Act (CWA). They are "Impaired Water Bodies" with several pollutants of concern as defined by the CWA. For example, The shoreline of San Diego Bay, one of the receiving waters that would be impacted by the proposed project, is impaired for such pollutants as PCBs, benthic community sediment toxicity, copper, indicator bacteria, mercury, zinc, chlordane, PAH, (polycyclic aromatic hydro-carbons).

The Clean Water Act has provisions for "Impaired Water Bodies" that prohibit actions that would exacerbate their polluted condition and cause increases of pollutants that already exceed allowable levels within these water bodies.

Q5

The conclusion that *"mitigation for the loss of vegetation that serves to remove urban pollutants is not feasible"* lacks any in-depth evaluation (PEIR page 4.3-38). There are potential solutions that have not been considered or have been prematurely dismissed. There are locations within the creek channels that could be widened which would provide both flood control and water quality improvements and thus avoid violations of the Clean Water Act.

Q.4. The City concurs with the role of vegetation in slowing water to reduce erosion and promote pollutant adsorption by sediments. In order to further reduce the potential for maintenance to interfere with the ability of storm water facilities to continue to provide this benefit, the City has added two new protocols (#24 and #25) to control erosion and downstream sedimentation, as necessary.

Q.5. The conclusion in the PEIR that water quality impacts from maintenance would be unmitigable was not intended to imply that the City would not attempt to find ways to minimize the impact of maintenance on water quality. The conclusion was a reflection of the fact that, at the programmatic level, it was impossible to conclude that water quality impacts could be reduced to below a level of significance for every maintenance activity proposed along the 50 miles of storm water facilities included in the proposed maintenance program.

As indicated Response to Comment F.4, the City realizes the role that drainages play in intercepting pollutants in urban runoff and is committed to finding ways to reduce the impact of maintenance on this role. Initially, the City proposed a series of erosion and water control protocols to minimize short-term impacts during maintenance. In response to concerns expressed by this commenter and others during the PEIR public comment period, the City has added additional protocols (#24 and #25) to help minimize erosion and water quality impacts after a maintenance activity is completed (see Response to Comment H.4 for more discussion of these new protocols).

Q6 This project, as proposed, will make pollution of our coastal waters worse. **The city must conduct thorough analysis of the cumulative water quality benefits of the wetlands before any work to remove the wetlands begins.** The project must analyze what pesticides, fertilizers, metals, bacteria and other pollutants are filtered out by the wetlands before the urban runoff reaches our coastal waters. **Any reduction to the water quality benefits of the vegetated creek channels of each project site must be fully mitigated. Furthermore, any reduction in the cumulative water quality benefit of the combined segments proposed for vegetation removal within a co-linear channel must be fully mitigated.**

ALTERNATIVES

The PEIR fails to thoroughly analyze less damaging alternatives.

First, the city must seek solutions that reduce the volume and velocity of runoff that is funneled through our creek channels because these unnatural, accelerated flows erode the creeks, damage the water retention functions, destabilize the banks and generate sediment that is delivered to downstream segments of the creek and/or to the coastal waters.

Q7 **1) The City should thoroughly analyze opportunities to use Low Impact Development** techniques, infiltration, conversion of impermeable surfaces to permeable surfaces, and detention basins where they could capture and filter runoff before discharge to the creek channels. A program that promotes the use of residential rain barrels could both reduce storm water runoff and provide a beneficial use of rain water to residents.

Q8 **2) Wetland Restoration/Creation Alternative**
Where natural channels are lined with concrete or where they are narrowed due to filling of the floodplain there are opportunities to widening channels and increase wetlands to slow and absorb floodwaters. While the PEIR discusses this alternative, **(6.4.5 Widen Bank Alternative)**, it prematurely dismisses it as infeasible by stating that lands surrounding the individual project sites are developed. The maps provided in the PEIR indicate that this is frequently not the case. The opportunities to widen channels that are upstream of the individual sites and creating more wetlands to slow and absorb floodwaters is not considered. Furthermore, the city owns much of the land where channel widening opportunities exist.

Q9 We need healthy wetlands throughout our city creek channels and drainages to filter urban runoff, promote species conservation, slow down and absorb floodwaters and provide open space aesthetic values to all communities. Instead of bulldozing vegetation out of our creeks and drainage channels, the PEIR should thoroughly analyze upstream opportunities to widen the channels, increasing their capacity to slow down, hold and absorb water and thus serve the project purpose of providing downstream flood control.

Q10 There are significant cost-savings associated with increasing wetlands as an alternative. It serves our long term goals including cleaning up our local water ways, species conservation, and community open space needs. It builds environmental and economic sustainability for our city including a number of long-term economical values such as:

- Reduced impact to wetlands and uplands reduces the project mitigation costs.
- Increased wetlands, (created wetlands), are the hardest type and most expensive mitigation to provide and are in high demand. For example, the Metropolitan

Q.6. As discussed in Response to Comment F.4, the level of analysis for hydrology and water quality impacts in the PEIR is considered adequate. As indicated earlier, the City is committed to reducing water quality impacts from maintenance, to the greatest degree possible. However, full mitigation of individual as well as cumulative impact of maintenance activities may be infeasible due to the over-riding importance of maximizing the flood control aspect of storm water facilities to limit impacts to life and property in adjacent areas.

Q.7. As discussed in Response to Comment H.4, the channel maintenance activities described in the MSWSMP represent only one component of the SWD's programs. The SWD implements several other programs that work to address storm water quality including LID and hydromodification (including first, reducing peak flow rates and second, increasing peak flow capacities). Collectively, these Department efforts minimize the amount of channel maintenance and cleaning that must be completed by reducing runoff flows and addressing sediment and trash before entering storm drain channels.

Q.8. As indicated in Response to Comment I.2, there may be opportunities on individual segments to undertake channel widening in an effort to allow vegetation to remain without substantially impeding the conveyance of flood waters. The potential to widen the channel as a means to achieve adequate flood control would be considered in the course of preparing IMPs, where adjacent conditions may be conducive to this option. In addition, as indicated on page 4.3-42 of the PEIR, localized widening is identified as a potential wetland mitigation approach in order to increase the area of wetlands within specific storm water facilities.

Q.9. As discussed in Response to Comment I.5, upstream widening is not expected to substantially relieve the need to maintain downstream channels.

Q10 cont. Wastewater Department and CALTRANS are seeking opportunities for wetland creation to meet their "no net loss" of wetlands requirements.

- It has been demonstrated over the years that community volunteers are willing to support habitat restoration projects and can thus reduce the cost of this alternative.
- Increased wetlands will capture more sediment and reduce erosion that causes sediment and will thus reduce future channel maintenance needs.
- We will be required to spend probably billions of dollars to clean up our coastal waters because they exceed allowable limits for a number of pollutants per the Federal Clean Water Act. Upstream wetland filtration, while only a part of the solution, provides a very efficient service by absorbing and breaking down organic pollutants such as carbon-based pollutants, nutrients and bacteria.
- Reduced pollution reaching our coastal waters will mean reduced beach closures and thus support tourism – our third largest industry.
- Reduced pollution and sediment reaching our coastal waters will provide healthier water for aquatic wildlife and fisheries thus improving our fishing industry. The lagoons and estuaries are the nurseries for many fish species.

All of the above economic values need to be thoroughly assessed and tallied before we continue with non-holistic, wasteful, ecologically unsustainable methods of flood control.

Q11 Page 7 under *Widened Channel Alternative*, the PEIR indicates that widening would have the same initial (short term) impact as if the channel were cleared of vegetation. Please explain why widening of one or both edges of the channel could not avoid or minimize impacts to vegetation across the center of the channel.

3) Alternating and Timed Maintenance of Strategic Sections of Lined Creek Channels

Q12 For many lined channels, a program of removing some vegetation and soil while leaving a strategic portion of the vegetation to absorb contaminants may well be an effective approach. When sediment and vegetation re-establishes itself in the cleared area several years later, the alternate area could then be cleared. This approach could, at least somewhat mitigate the water quality impacts associated with vegetation removal because it would leave a segment of vegetated channel at all times that could serve the filtration functions. This alternative will require careful design, and analysis. It should be well developed at the Programmatic level before certification of the PEIR. Details of this alternative should be thoroughly analyzed subsequently in the Annual Maintenance Plan for each lined channel that is proposed for vegetation clearing. This PEIR does not provide the acknowledgement, the process, or the program-level analysis to support this approach.

MITIGATION

1) Mitigation Should Not be Exported Out of Project Areas or out of Watersheds

The Army Corps of Engineers Public Notice for the MSWSMP indicates that impacts *in the Pueblo San Diego Hydrologic Unit may be mitigated either through one or a combination of the following two actions: (1) implementation of restoration proposals identified in the Chollas Creek Enhancement Program - potentially carried out in cooperation with the*

Q.10. The City concurs with the position that increasing wetlands in the region will have many benefits. As indicated earlier, the City will seek feasible methods to widen channels to allow existing levels of wetlands to be retained and possibly expanded.

Furthermore, the City is committed to, and has a vested interest in, finding ways to reduce the amount of vegetation that must be removed to achieve desired flood control. Reducing the impacts to wetlands not only saves labor costs associated with removing vegetation from the channels, it also substantially reduces the mitigation costs by reducing the amount of compensation required to offset wetland impacts. While there are unquestionably savings in certain areas associated with increasing wetlands, the overall costs of using this approach to reduce the potential of flooding are significantly higher in both the short-term and the long-term.

Q.11. As indicated in Response to Comment P.29, full impact to channel vegetation was assumed because it was considered likely that the entire channel would have to be re-contoured to assure that the overall channel functions properly. However, in some cases, it may be possible to retain some amount of vegetation.

Q.12. The alternating method of removing vegetation along a storm water facility is included as one of the options that the City intends to consider in developing IMPs (see description of "perpendicular-strip maintenance" on page 3-15 of the PEIR). Providing more detailed information as to how and where this approach would work within the City's storm water facilities is infeasible at this time. The City will determine the appropriateness of this approach, on a case by case basis, when it prepares the IMPs for specific storm water facilities. Furthermore, the ability to utilize the perpendicular strip method will be based in the Individual Hydrology and Hydraulic Assessment prepared for each specific storm water facility as mandated by the MSWSMP. The City will be motivated to select this approach, where feasible, to reduce the amount of wetland compensation required.

nonprofit Groundwork organization or other non - profit organization, or (2) through purchase of mitigation credits from the Rancho Jamul Mitigation Bank.

a. We support implementation of the Chollas Creek Enhancement Program, which includes removal of concrete lining and widening of the creek where feasible. This could serve both as an alternative to clearing vegetation out of Chollas Creek channels and as a mitigation alternative where clearing vegetation cannot be avoided.

Q13 b. Mitigation at the Rancho Jamul Mitigation Bank is unacceptable. There is already an imbalance in open space amenities and access to natural settings in urban San Diego. City Heights and Southeast San Diego for example are deficient in these resources falling short of prescribed General Plan standards. This project will further exacerbate this inequity where it exports open space resources such as riparian forests and willow trees from highly urbanized areas to other, more suburban and less developed areas as part of the mitigation strategy. This component of the plan conflicts with the Land Use Element Goal to have "equitable distribution of public facilities, infrastructure and services throughout all communities." The PEIR acknowledges the conflict that the loss of vegetation will have with goals of the Urban Design Element, but does not acknowledge how this project, and proposed "off-site" mitigation strategies further the environmental injustice that already exists in many urban communities.

c. The PEIR at Page 4.3-39 states: "Mitigation for upland impacts would occur through acquisition of comparable habitat or mitigation credits at the mitigation ratios identified in Table 4.3-11 of the PEIR. For impacts less than five acres, payment into the City's Habitat Acquisition Fund may be made in lieu of direct purchase of upland mitigation land or credits."

Q14 d. Payment into the City's Habitat Acquisition Fund is an unacceptable mitigation alternative for these upland impacts. Since the cumulative impacts of this project for each separate watershed are already estimated, treating the impacts of each IMP separately is a form of piece-mealing. The cumulative impacts are known and should be treated as a whole and should not be mitigated as if they were a series of separate, smaller projects. The cumulative impacts to uplands within each watershed should be mitigated through purchase or restoration within the same watershed and as close to the project sites as feasible.

Q15 e. Page 3-20, Project Description (Access) Paragraph 2 indicates that 18 foot wide access paths may be needed for some equipment. Metropolitan Waste Water Department occasionally needs 12 feet maximum for sewer infrastructure maintenance and when finished, reduces the path to 8 feet by restoring the edges. Please provide details of equipment alternatives that could reduce the access path maximum width to less than 18 feet.

2) Where impacts to wetlands and habitat are truly unavoidable:

Q16 a. We urge that mitigation measures be conducted as close to the project site as possible and within the same watershed. Do not export wetland and other open space resources out of our highly urbanized areas!

Q17 b. Many of our canyons have incised stream channels where the city has opted to funnel urban runoff from our streets through them. Restoration of these damaged canyon streams and natural methods of stream stabilization as a wetland mitigation alternative within the given watersheds should be analyzed at the programmatic

Q.13. The City has been working with Groundwork San Diego to locate mitigation opportunities within the Chollas Creek watershed to compensate for maintenance impacts within the Pueblo San Diego HU. However, if sufficient opportunities for compensation cannot be found within the Chollas Creek Watershed, the City expects to pursue opportunities at the Rancho Jamul Mitigation Bank due to the fact that it has already been approved by the Corps.

Q.14. The amount of upland habitat expected to be impacted by the proposed maintenance activities is minimal, especially when distributed over the entire area affected by maintenance. Based on Table 4.3-7 of the PEIR, the amount of native upland habitat expected to be impacted by maintenance is 19.4 acres, which includes 7.4 acres of non-native grassland. The City's Habitat Acquisition Fund (HAF) is considered the best way to mitigate for these minimal impacts. The HAF is specifically designed to collect money for small impacts in order to facilitate acquisition and preservation of larger areas of natural habitat which have a higher wildlife value.

Q.15. Alternatives to reduce the access widths will be considered during preparation of the IMPs.

Q.16. As indicated in Response to Comment H.37, Mitigation Measure 4.3.3 has been modified to require that wetland mitigation occur within the same watershed as the impact, whenever feasible.

Q17

cont.

and project levels. (All of the ecological and economical benefits of increased wetlands listed above would apply to this mitigation alternative.)

c. **Arundo donax rhizomes should be certified dead before removal begins.** Arundo donax is a highly invasive, non-native plant species that chokes out native vegetation in many urban creek channels. Mechanical removal of live arundo donax causes rhizome fragmentation and is the number one way to spread arundo throughout the drainage system. See Dr. John Boland, J. M. 2008, "The roles of bulldozers... in the dispersal of Arundo." Repeated herbicide application is often required before arundo donax rhizomes completely die but the investment will save the city in maintenance dollars in the long run because it will thwart return of the arundo at the project site and reduce spread of live arundo rhizomes to downstream channel segments.

d. **Delete the alternative to mitigate by simply removing invasive, non-native plant species in another location, (Enhancement). This is a waste of money.** (See page 4.3-39). Until native plants are established in a restoration area, the aggressive weeds will continue to return. The city could provide resources to partner with community-based volunteers to take the necessary next step to restore these areas by establishing native vegetation and effectively lock in the value of the weed removal costs.

Q18

Q19

HYDROLOGY

Q20

Hydrological analysis must be conducted to reveal how downstream areas will be affected by the increase in volume and velocity of runoff after wetlands that absorb and slow urban runoff are removed. Consistency with MSCP indicates that "... **review must include impact to upstream and downstream habitats flood flow volumes, velocities and configurations**", (Page 62, table MSCP Consistency Evaluation 4.1-2). Old hydrological studies should not be relied upon because things throughout the watersheds have changed considerably over the years.

Under **Impacts and significance Criteria:** page 4.5-12, several categories of significance thresholds (City 2007) in regards to hydrologic impacts are listed including:

1. *Substantially increase flooding of upstream or downstream properties or to environmental resources;*
2. *Substantially modify existing drainage patterns if there would be significant impacts on downstream properties or to environmental resources;*
3. *Grade or clear, or grub more than one acre of land that would drain into a sensitive body of water or stream causing uncontrolled runoff resulting in erosion and sedimentation; or*
4. *Extract water from an aquifer resulting in decreased aquifer recharge resulting in significant impacts on hydrologic conditions and well water supplies.*

The analysis of these thresholds determines project impacts to be **non-significant**.

Q21

This analysis must be rejected! These thresholds are all key components of the proposed project, and seem to describe the project itself. The removal of soil and vegetation from our wetlands will surely cause at least an increase in flow velocity which can/will result in many different adverse impacts to hydrology including flooding and erosion with resulting sedimentation. In some cases, the results of this project may be the opposite of the proposed goal and instead cause an increase in flooding by grading away ecological mechanisms that can slow the flow of water preventing downstream flooding and erosion/sedimentation. **Thorough, updated analysis is needed to determine the impacts of the potentially changed hydrology from this proposed project.**

Q.17. As discussed in Response to Comment P.43, the City will collaborate with local volunteer groups to implement restoration projects that may provide required mitigation within urban canyons.

Q.18. As discussed in Response to Comment B.5, a new protocol (#32) has been added to the MSWSMP to require invasive species to be removed in a manner that does not promote establishment of invasive species in areas downstream of maintenance activities. In addition, the text has been modified to include use of the California Invasive Plant Council's Invasive Plant Inventory as a basis for determining invasive plant species.

Q.19. The City acknowledges that invasives removal is not the preferred method of mitigation and intends to mitigate through enhancement and/or restoration, whenever possible. However, given the current budget constraints facing the City, invasives removal is included in the PEIR as a more economical means of mitigation when the maintenance occurs less frequently than every three years.

Q.20. Hydrology studies performed as a part of each IMP will ensure that maintenance does not impact areas located upstream or downstream.

Q.21. As discussed in Response to Comment F.4, the City acknowledges that removal of vegetation may increase downstream erosion if not properly conducted. In response to this concern, the CD process mandates detailed hydraulic analyses of every facility before maintenance plans are finalized in order to identify and design measures to be included in the maintenance to reduce downstream impacts. The detailed hydraulic analyses would analyze the forces and the velocities associated with the actual and maintained conditions. All of the analyses will include upstream and downstream of the proposed maintenance activity to evaluate potential impacts of upstream conditions on the area to be maintained as well as the impact of the maintained channel on downstream areas.

ANNUAL PUBLIC REVIEW PROCESS

Local input from stakeholders during development of IMP and IRA

Local groups often have knowledge of the local conditions beyond the submitted reports that make up the various agencies' databases or that can be determined by a single site visit by a biologist. Local groups also have knowledge about the behavior of the creek system and sources of erosion that are causing increased sedimentation, and of potential restoration sites in the watershed. Local groups may be able to recommend alternatives that meet the project purpose but that avoid the project impacts. For these reasons we feel that involving local stakeholders such as Friends of Canyons groups during development of the Individual Biological Assessment (IRA) and Individual Maintenance Plans (IMP) is essential for creating appropriate plans. The Metro Waste Water Department carries out a public process involving local groups in determining maintenance access to canyon sewer systems and a similar process could be used for IMPs for creek channels or at least for all IMPs within a co-linear creek channel.

- The details of the project impacts to upland and wetland habitats and the resulting mitigation plans are not known at this time. The public needs adequate opportunity to review and provide input on the project details when they are provided within the Annual Maintenance Plan. **A minimum 60-day comment period, a public hearing, and approval of the Annual Maintenance Plan by a majority vote of our elected officials should be required.**

OTHER QUESTIONS, CONCERNS, and COMMENTS:

- 1) Page 68 of Biological Technical Report states: ***"Non-native plant invasion of the MHPA in areas where they previously did not exist would be considered a significant impact."*** How will this impact be minimized and how will it be mitigated?
- 2) What are the success criteria that will be used for on-site mitigation measures for access paths, and creeks and channels? How long will access paths be monitored and maintained to prevent spread of weeds? Please provide details on other mitigation success criteria. (Page 4.3-42)
- 3) Page 88 of the Biological Technical Report discusses the mitigation measures when nesting raptors and fledglings are present near the project site. What mitigation measures will be applied if there are still raptor fledglings in the nests after August 1?
- 4) Table 13, page 65 states that ***"Wherever possible, maintenance activities would avoid breeding seasons for sensitive bird species."*** What efforts would be made to avoid maintenance activities during breeding seasons?
- 5) From Page 4.3-39 of the PEIR. We disagree that there is no loss of wetlands that requires ***"wetlands creation"*** as a mitigation measure. Page 4.3-40 of the PEIR states: ***"Normally, wetland vegetation re-establishes if the maintenance occurs at intervals greater than three years."*** A creek that is cleared more frequently than once every three years loses many of its habitat values and water filtration benefits. Vegetation would not grow tall enough to facilitate wildlife movement for example. These areas should be quantified and mitigated with wetlands creation to avoid a net loss of wetlands.
- 6) How would implementation of the project assure that willow tree roots would be kept alive and not destroyed? (Page 4.3-41)
- 7) The concept of purchasing mitigation credits requires more in depth analysis. What method is being used today to track mitigation credits as associated with the project and the project impacts? What examples can be given to demonstrate that this method is working, is accountable and transparent to the public?

Q.22. The SWD regularly receives complaints from those living along storm water facilities that experience flooding and utilizes this information to help determine when maintenance is required for individual facilities.

As discussed in Response to Comment F.2, the MSWSMP has been amended to require Process Two review of IMPs.

Q.23. The MSWSMP includes maintenance protocols (Section 1.1.4 of the Biological Technical Report) that prohibit use of invasive plants in revegetation efforts as well as measures to limit spread of existing invasive species into downstream areas during removal. In addition, revegetated areas are to be monitored and maintained for a period of not less than 25 months. These maintenance protocols, in conjunction with the implementation of the following mitigation measures, would minimize impacts as well as mitigate for potential invasion of non-native plant species into areas of the MHPA where they did not previously exist. Mitigation Measure 7.2.1a states that "Access roads and staging areas shall be monitored for presence of exotic species, and exotic species would be removed as appropriate. Maintenance clearing of storm water facilities would also remove non-native species. Mitigation for direct impacts from the proposed project may also involve the removal of invasive, non-native species in and adjacent to storm water facilities within the MHPA," and Mitigation Measure 7.2.1b states "Physical erosion control measures such as fiber mulch, hay bales, etc. shall not harbor seeds from invasive species."

Q.24. Although many facilities in the MSWSMP study area have existing access routes, those that do not would need to have an access path installed. Temporary construction areas and roads, staging areas, or permanent access roads must not disturb existing habitats unless determined to be unavoidable. All such activities must occur on existing agricultural lands or other disturbed areas rather than in habitat. In accordance with City Guidelines, if temporary habitat disturbance is unavoidable, then restoration of and/or mitigation for the disturbed areas after project completion will be required. Monitoring and maintenance of disturbed areas would continue for 25 months.

Success criteria for creek/channel mitigation are presented in Section VIII of the Conceptual Wetland Mitigation Plan for the MSWSMP, included as Appendix C.3 to the FEIR.

Q.25. Mitigation Measure 7.2.3g has been revised to delete "...or until after August 1." This revision also was made to Mitigation Measure 4.3.28 in the Final PEIR.

COMMENTS

RESPONSES

- Q.26. In order to avoid impacts to nesting avian species, including those species not covered by the MSCP, maintenance within or adjacent to avian nesting habitat will occur outside of the avian breeding season (January 15 to August 31), except in the case of a direct threat to human life or property (e.g., an emergency flooding event). This was added as Mitigation Measure 7.1.5f of the BTR and Mitigation Measure 4.3.32 of the Final PEIR.
- Q.27. As discussed in the PEIR and Response to Comment A.12, wetland creation is not required due to the fact that the wetland is not permanently eliminated by maintenance. Channel vegetation regrows after maintenance and the channel, itself, remains intact following maintenance. Furthermore, although not fully developed within three years, the recovering wetland habitat would offer significant wildlife function relative to foraging, cover, perching and breeding. In light of this fact, enhancement is considered an appropriate form of compensation.
- Q.28. In locations where selective maintenance is proposed, the type of maintenance and location of willow trees would determine whether the root base would be retained. Where root systems can be retained, the Biologist would identify those locations to the maintenance crews and instruct them as to measures to be taken to avoid impacts to the root systems. These instructions would be conveyed during the pre-maintenance meeting required by Mitigation Measure 4.3-14. Willows would be expected to resprout quickly from retained root bases after maintenance. Although some mortality of willows may occur, adequate seed stock is expected to be present in the channel for recolonization.
- Q.29. See Response to Comment A.27.

CONCLUSION

Page 4.1-3 under Land Use the PEIR states: "*The purpose of the Conservation Element is for our City to become an international model of sustainable development and conservation.*"

Q30

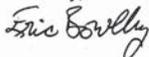
San Diego Canyonlands would like to partner with the city to make this noble goal become a reality. Indeed the city has taken some steps in this direction. The "Think Blue" program is raising public awareness on pollution sources. With the goal of cleaning up our urban runoff, the City has adopted a policy for "Low Impact Development" where new development and significant redevelopment, captures and filters a greater percentage of the storm water runoff generated by the impermeable surfaces of each project. Water conservation is now mandated and enforced. These are significant steps, but there needs to be a host of other measures that we take to restore the beneficial uses of our waters and complete our long term goals.

The filtration functions of the MSWMP subject wetlands are now more important than ever because we have eliminated ~90% of our wetland inventory over the decades. Before us is an opportunity to leverage funding and partner with agencies and non-profits to increase our wetlands and restore the natural and efficient services they provide which are extremely important toward our species conservation goals, to fisheries, and to tourism where clean beaches are concerned. Add to that the opportunities to achieve our community open space goals and the aesthetic values of the riparian woodlands. Aesthetic values include the promotion of healthy individual and community activities, the 'wild' nature of undeveloped space in an urban setting, and the consequent increased property values. Importantly, wetlands expansion also serves the project purpose of flood control.

The California Coastal Conservancy and Regional Water Quality Control Board have indicated a willingness to support holistic measures of restoring the functions of our wetlands and watersheds and reestablishing the beneficial uses of our waterways. In the case of the Coastal Conservancy, there was a strong willingness to support such goals with significant funding, (\$200,000 to \$300,000). There are available resources, and opportunities to partner with agencies and non-profits that would help us serve the project goals while simultaneously rebuilding our green infrastructure and building environmental and economic sustainability.

If we're going to *become an international model of sustainable development and conservation* we need to stop wasting our green infrastructure and natural resources. Thank you for the opportunity to comment on this MSWMP, for answering questions and for carefully considering our comments and recommendations.

Sincerely,



Eric Bowlby
 Executive Director
 San Diego Canyonlands
 eric@sdcanyonlands.org
 savewetlands@cox.net

cc. Senator Christine Kehoe, Assemblymember Mary Salas, Assemblymember Lori Saldaña, Mayor Jerry Sanders, Council President Ben Hueso, Councilman Todd Gloria, Mr. Jim Bartel, U.S. Fish & Wildlife Service, Ms. Kelly Fisher, California Department of Fish & Game, Mr. Terry Dean, U.S. Army Corps of Engineers, Mr. John Robertus, California Regional Water Quality Control Board

Q.30. As discussed in Response to Comment H.4 and acknowledged in the comment, the SWD is implementing programs that work to address storm water quality including LID and hydromodification (including first, reducing peak flow rates and second, increasing peak flow capacities). The City welcomes input from San Diego Canyonlands and other environmental groups regarding ways to help reduce pollutants in runoff and improve the quality of our natural wetlands.



San Diego Canyons Coalition

August 20, 2009

San Diego Canyons Coalition

- Friends of 32nd Street Canyon
- Friends of 47th Street Canyon
- Friends of Bancroft Creek Canyon
- Friends of Buena Vista Valley Creek & El Salto Falls
- Friends of Buchanan Canyon
- Friends of Chollas Creek Southcrest
- Friends of Chollas Creek at 47th St.
- Friends of Cottonwood Creek
- Friends of Crest Canyon
- Friends of Del Rey Canyon
- Friends of Dove Canyon
- Friends of Famosa Slough
- Friends of Florida Canyon
- Friends of Fox Canyon Park
- Friends of Juniper Canyon
- Friends of Maple Canyon
- Friends of Manzanita Canyon
- Friends of Mission Hills Canyons
- Friends of Navajo Canyon
- Friends of Normal Heights Canyons
- Friends of Peñasquitos Canyon
- Friends of Rancho Mission Canyon
- Friends of Rattlesnake Canyon
- Friends of Reidy Canyon Creek
- Friends of Rice Canyon
- Friends of Rose Canyon
- Friends of Rose Creek
- Friends of Ruffin Canyon
- Friends of Shawn Canyon
- Friends of Stevenson Canyon
- Friends of Swan Canyon
- Friends of Switzer Canyon
- Friends of Tierrasanta Canyons
- Friends of University Heights Point
- Friends of Van Nuys Canyon
- Friends of Zena Canyon
- San Diego Audubon Society
- Citizens Coordinate for Century 3

www.sdcanyonlands.org



Myra Herrmann, Environmental Planner
 City of San Diego Development Services
 Via E-Mail to: DSDEAS@saniego.gov

Re: MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM (MSWMP)
 DRAFT Program Environmental Impact Report (PEIR)
 Project No. 42891/SCH No. 200101032

To Whom It May Concern:

The San Diego Canyons Coalition is made up of forty canyon "friends groups" throughout San Diego County. In addition to supporting one another in achieving our mutual goals, our mission is *—to foster awareness, educational opportunities, appreciation, and ongoing community involvement in the protection and restoration of the unique natural habitats in San Diego canyons and creeks.*

The San Diego Canyons Coalition is very concerned about the potential impacts of the MSWMP on upland habitats, riparian and aquatic wildlife habitats, wildlife corridors, wetlands functions, water quality, and flood/erosion control. The project could cumulatively impact over 70 acres of wetlands plus ~24 acres of natural streambed, ~20 acres of sensitive upland habitat and ~9 acres of disturbed upland habitat (Appendix C.1-C.3 page 53).

While we understand the project purpose is to provide flood control and that the city proposes to do this by removal of sediment and vegetation from the creek channels, it is not known at this time to what extent, if any, removal would be required in individual segments of our creek channels to achieve the project purpose. We understand that this may be evaluated as part of the "Annual Maintenance Plan" but there is no assurance that hydro-analysis will be thorough and there is no indication that less damaging alternatives will be thoroughly analyzed.

Riparian and wetland vegetation tends to absorb and slow the velocity of runoff in a stream, which can reduce rising waters in downstream areas. Without this vegetation, a stream becomes "flashy," meaning that floodwaters travel faster causing greater erosion and increased flooding in downstream locations.

The PEIR fails to thoroughly analyze less damaging alternatives, such as widening channels and increasing wetlands to slow and absorb floodwaters. While the PEIR discusses this alternative, it prematurely dismisses it as infeasible by stating that lands surrounding the individual project sites are developed. Firstly, a quick look at the maps provided in the PEIR indicates that this is frequently not the case and secondly, the upstream opportunities to widen channels creating more wetlands to slow and absorb floodwaters are not considered. Furthermore, looking at the maps a bit closer reveals that the city owns much of the land where channel widening opportunities exist.

R1

R2

- R.1. See Response to comment I.1.
- R.2. See Response to comment I.2.

R3 **The PEIR fails to analyze the water filtration values of our wetlands and does not offer mitigation for the important water quality service that wetlands provide.** The Biological Technical Report states: *“The removal of wetland vegetation occurring as part of the MSWSMP may result in a decrease in pollutant uptake by plants, as vegetation in the channel and basin bottoms would be removed. Plants such as cattails are capable of absorbing pollutants such as excess nitrogen and heavy metals commonly found in urban runoff. Vegetation clearing may reduce the filtering capacity of channels and basins and result in adverse water quality impacts downstream.”* (Appendix C.1-C.3 page 67).

R4 **The city must conduct thorough analysis of the water quality benefits of the wetlands before any work to remove wetlands begins.** What pesticides, fertilizers, metals, bacteria and other pollutants are filtered out by the wetlands before the urban runoff reaches our coastal waters? We currently close our beaches after every rain. This project, as proposed, will make pollution of our coastal waters worse. **Any reduction to the water quality benefits of the vegetated creek channels of each project site must be fully mitigated.**

R5 **The Wetland Restoration/Creation Alternative**
We need healthy wetlands throughout our city drainages to filter urban runoff, promote species conservation, slow down and absorb floodwaters and provide open space aesthetic values to all communities. Instead of bulldozing vegetation out of our creeks and drainage channels, thoroughly analyze upstream opportunities to widen the channels, increasing their capacity to hold and absorb water and thus serve the project purpose of providing downstream flood control.

There are significant cost-savings associated with increasing wetlands as an alternative. It builds environmental and economic sustainability for our city including a number of long-term ecological-economic values such as:

- Reduced impact to wetlands and uplands reduces the project mitigation costs.
- Increased wetlands, (created wetlands), are the hardest type and most expensive mitigation to provide and are in high demand. For example, the Metropolitan Wastewater Department and CALTRANS are seeking opportunities for wetland creation to meet their “no net loss” of wetlands requirements.
- It has been demonstrated over the years that community volunteers are willing to support habitat restoration projects and can thus reduce the cost of this alternative.
- Increased wetlands will capture more sediment and reduce erosion that causes sediment and will thus reduce future channel maintenance needs.
- We will be required to spend probably billions of dollars to clean up our coastal waters because they exceed allowable limits for a number of pollutants per the Federal Clean Water Act. Upstream wetland filtration, while only a part of the solution, provides a very efficient service by absorbing and breaking down organic pollutants such as carbon-based pollutants, nutrients and bacteria.

R.3. See Response to comment I.3.

R.4. See Response to comment I.4.

COMMENTS

RESPONSES

- R5
cont.
- Reduced pollution reaching our coastal waters will mean reduced beach closures and thus support tourism – our third largest industry.
 - Reduced pollution and sediment reaching our coastal waters will provide healthier water for aquatic wildlife and fisheries thus improving our fishing industry. The lagoons and estuaries are the nurseries for many fish species.

All of the above economic values need to be thoroughly assessed and tallied before we continue with wasteful, ecologically unsustainable methods of flood control.

Where impacts to wetlands and habitat are truly unavoidable:

- R6
- **We urge that mitigation measures be conducted as close to the project site as possible** and within the same watershed. Do not export wetland and other open space resources out of our highly urbanized areas!
- R7
- Many of our canyons have incised stream channels where the city has opted to funnel urban runoff from our streets through them. **Please consider restoration of these damaged canyon streams and natural methods of stream stabilization as a wetland mitigation alternative.** (All of the benefits of increased wetlands listed above would apply to this mitigation alternative.)
- R8
- **Hydrological analysis must be conducted to reveal how downstream areas will be affected by the increase in volume and velocity of runoff** after wetlands that absorb and slow urban runoff are removed. Old hydrological studies should not be relied upon because things throughout the watersheds have changed considerably over the years.
- R9
- **Arundo donax rhizomes should be certified dead before removal begins.** Mechanical removal of live arundo causes rhizome fragmentation and is the number one way to spread arundo throughout the drainage system. See Dr. John Boland, J. M. 2008, *“The roles of bulldozers in the dispersal of Arundo.”*
- R10
- **The plan to mitigate by simply removing invasive, non-native plant species in another location is a waste of money.** Please delete this mitigation option. Until native plants are established in a restoration area, the aggressive weeds will continue to return. The city could provide resources to partner with community-based volunteers to take the necessary next step to restore these areas by establishing native vegetation and locking in the value of the weed removal.

PUBLIC COMMENT FOR EACH ANNUAL MAINTENANCE PLAN

R11

The details of the project impacts to upland and wetland habitats and the resulting mitigation plans are not known at this time. The public needs adequate opportunity to review and provide input on the project details when they are provided within the Annual Maintenance Plan. **A minimum 60-day comment period, a public hearing, and approval of the Annual Maintenance Plan by a majority vote of our elected officials should be required.**

- R.5. See Response to comment I.5.
- R.6. See Response to Comment I.6.
- R.7. See Response to comment I.7.
- R.8. See Response to comment I.8.
- R.9. See Response to comment I.9.
- R.10. See Response to comment I.10.
- R.11. SeeResponse to comment I.11 and Q.22.

This statement represents the views, comments and requested actions of the groups listed on this letterhead. On behalf of the San Diego Canyons Coalition, thank you for considering our comments.

Sincerely,

The San Diego Canyons Coalition Steering Committee

Paul Hormick, University Heights
Wes Hudson, North Park
Olen Yoder, Ramona
Eric Bowlby, North Park
Betsy Cory, Chula Vista

Please send any future correspondences regarding this project to:

Betsy Cory
887 Verin Lane
Chula Vista, CA 91910
(619) 656-8669
bcory@ix.netcom.com

Cc. Mayor Jerry Sanders
Council President Ben Hueso
Councilmember Todd Gloria
Councilmember Sherri Lightner
Councilmember Donna Frye
Councilmember Kevin Faulconer
Councilmember Tony Young
Councilmember Marti Emerald
Councilmember Carl DeMaio
Mr. John Robertus, California Regional Water Quality Control Board

Myra Herrmann, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501, San Diego, CA 92101
Via email to DSDEAS@sandiego.gov



RE: DRAFT PROGRAMMATIC EIR FOR MASTER STORM WATER SYSTEM MAINTENANCE
PROGRAM (MSWSMP), Project No. 42891¹

Dear Ms. Herrmann,

Please accept these comments on behalf of San Diego Coastkeeper, a local non-profit working to protect the region's bays, beaches, watersheds and ocean for the people and wildlife that depend on them. Coastkeeper previously provided comments to the Army Corps of Engineers regarding the City of San Diego's ("City") application for a Clean Water Act ("CWA") section 404 dredge and fill permit. See SDCK Comment Letter re SD MSWSMP Permit Application No. SPL-2008-01175 (attached). The City's Draft Programmatic Environmental Impact Report ("PEIR") for the Master Storm Water System Maintenance Program ("MSWSMP") was released after the public comment period for the City's 404 permit closed. Though many of Coastkeeper's concerns regarding the 404 permit remain, the PEIR lacks the specificity and analysis we would expect from such a document. Although the comments below relate to the City's PEIR specifically, we reiterate our concerns in our previous letter to the Army Corps. We also support San Diego Audubon's comments in the August 23rd, 2009 letter submitted by Jim Peugh, "City of San Diego Master Storm Water System Maintenance Program (MSWMP), SDAS comments on PEIR." ("SD Audubon Letter")

¹ As a preliminary matter, the State Clearing House ("SCH") numbers provided in the PEIR and Notice of Availability are both incorrect. Coastkeeper requested the correct SCH number to enable tracking of submitted documents. As of the close of the comment period, we have not received the correct SCH number.

2820 Roosevelt St., Suite 200A San Diego, CA 92106 619-758-7743 Fax 619-223-3676 www.sdcoastkeeper.org

I. Overview

San Diego Audubon and Coastkeeper representatives met with representatives of the City's Development Services and Storm Water Departments on August 20th, 2009 to discuss some of our broad concerns. Though we appreciate the open dialogue and opportunity to meet with the City, the majority of our concerns remain. Coastkeeper fundamentally disagrees with the City on many important issues.

II. Specific Concerns

A. The City's Project Objectives are Overly Narrow, Artificially Constrained, and Misleading

The City's stated objectives are to:

- Develop a comprehensive program to govern future maintenance activities needed to maximize the effectiveness of the City's storm water system in order to provide for public safety and protection of property;
- Set forth a series of Best Management Practices (BMPs) to be implemented during facility maintenance which balance the flood protection function while maintaining, to the greatest degree possible, the aesthetic and biological value of the storm water system; and
- Develop a Substantial Conformance Review (SCR) process to simplify the authorization process required from local, state and federal agencies with regulatory authority over wetlands for annual maintenance activities consistent with the proposed MSWSMP.

PEIR, p.1-1. Though none of these objectives truly encompasses the purpose of the MSWSMP, all of the objectives are problematic in and of themselves.

I. The City's True PEIR Project Objective is Flood Control

The first objective is highly problematic and suspect, as it is both unduly narrow and inaccurate.

The inherent assumptions of this objective are: 1) the City can only provide for public safety and protection of property (flood control) through the MSWSMP; and 2) the MSWSMP will provide for public safety and protection of property (flood control).

California Environmental Quality Act ("CEQA") requires all reasonable alternatives be analyzed as "[o]ne of [an EIR's] major functions...is to ensure that *all reasonable alternatives* to proposed projects are
2820 Roosevelt St., Suite 200A San Diego, CA 92106 619-758-7743 Fax 619-223-3676 www.sdcoastkeeper.org

S.1. The objective of providing flood control protection is not considered "highly problematic and suspect". The only the reason the City needs to implement the proposed maintenance program is to protect adjacent property from flooding. Thus, flood control is appropriately characterized as the primary project objective.

As indicated in Response to Comment H.4, the City is pursuing measures to take outside of the storm water facilities to control runoff at its source. However, these measures are not sufficient to offset the need to conduct traditional maintenance of storm water facilities (sediment and vegetation removal). First and foremost, these measures will not be implemented in a timely fashion due to the lack of regulatory means to impose runoff control measures within existing development. Secondly, many of the existing storm water facilities are currently unable to carry much more than a two to five year storm event. Thus, even with source controls, maintenance will be needed to maximize the ability of existing storm water facilities to convey flood waters.

With respect to the second point, flooding along the storm water facilities included in the MSWSMP is a well-established fact as is the property damage that has occurred as a result of failure of these facilities to contain urban runoff due to accumulation of sediment, dense vegetation, trash, and debris. Similarly, the effectiveness of the maintenance techniques included in the MSWSMP (e.g. vegetation and sediment removal) has been demonstrated by such maintenance approaches carried out in the past by the city of San Diego and other municipalities.

S1

S2

S2
CONT.

thoroughly assessed by the responsible official." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 400, citing *Wildlife Alive v. Chickering*, (1976) 18 Cal.3d 190, 197 (italics added in *Laurel Heights*). Thus, the City cannot constrain the project objectives to ensure that the proposed project is the only viable alternative. See, *County of Inyo v. City of Los Angeles* (1981) 124 Cal.App.3d 1, 8-9 ("An EIR may not define a purpose for a project and then remove from consideration those matters necessary to the assessment whether the purpose can be achieved."); *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438 ("only through an accurate view of the project may the public and...agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives").

Because the City has already made several assumptions about the MSWSMP, it has foreclosed an opportunity to assess a variety of alternatives that will meet the true project objective. Assuming the City's real goal (as Coastkeeper understands it to be from the PEIR and from meeting with City representatives) is to provide flood control, the MSWSMP is but one of many options for achieving this goal.

In order to provide public safety and protect private property, the City must first adequately assess the source of the problem. The City impliedly has assumed the cause of flooding is the lack of storm water system maintenance. PEIR, p. 1-1. However, the PEIR itself belies this assumption:

During World War II, the City witnessed exponential growth, including the construction of new streets and housing, and vast changes to its landscape to accommodate war-related facilities. These activities increased the amount of impervious surface, changed drainage flow patterns, and altered the natural balance between runoff and natural absorption. This, in turn, substantially increased the volume, frequency, and velocity of storm water flows. Although the City constructed storm water facilities, the pace of growth still dictated the need for improved capacity and preventative maintenance.

S.2. Chapter 7.0 of the PEIR does evaluate other mechanisms available to achieve the primary goal of flood protection for adjacent property including widening channels, diverting runoff and raising the channel banks as way to increase the flood capacity while retaining vegetation. Although some of these techniques may work, and will be considered, on a case by case basis, the expense associated with these alternatives is considered to render them generally infeasible.

COMMENTS

RESPONSES

S3
CONT.

PEIR, p. 3-1 (emphasis added); MSWSMP, p. 2. Thus, the primary reason for increased flooding (or threat thereof) is a substantial increase in the amount of impervious surfaces in the City. *Id.* The City's response thus far has been to divert flows to the storm water system ("SWS"). The City has not shown the lack of maintenance to be the primary cause of flooding, or a solution to the problem. Rather the City has predetermined, with no supporting documentation, that cleaning the SWS is a solution to the problem.

Further, the Storm Water Department, the branch of the City responsible for maintenance of the SWS, is "the lead in protecting and improving the water quality of rivers, creeks, bays, and the ocean in compliance with the updated Municipal Storm Water Permit and other surface water quality regulations and orders issued by the State of California." City of San Diego Fiscal Year 2010 Proposed Budget, p. 619.

The Storm Water Department's main objectives are to:

- (1) identify sources of pollution and abate them through the implementation of innovative and efficient public education, watershed management, storm water development regulations, monitoring, investigation, enforcement, and City-wide training programs; and
- (2) provide the most efficient storm drain system operation and maintenance services to San Diego's residents, businesses, and visitors.

S4

Id. Notably, the Department's first and primary goal is to protect water quality. The City's MSWSMP and accompanying PEIR ignore this objective.

S5

The City's first and primary project objective should thus be changed to reflect reality. The PEIR should state the City's objective is to reduce the risk of flooding, in order to provide public safety and protect property, and the MSWSMP should not be used as the vehicle to achieve this objective. PEIR, p. 1-1.

- 2. **The Second Objective is Contrary to CEQA and Unduly Constrains the Objective of the MSWSMP**

- S.3. The City recognizes that the increase in impermeable surface area from development is a major contributor to flooding events along existing storm water facilities. However, as discussed in Response to Comment S.1, these measures are not considered adequate by themselves. Response to Comment
- S.4. The City recognizes its responsibility to improve storm water quality to reduce impacts on downstream water bodies and to maintain adequate flood control systems. Response to Comment.
- S.5. While it is true that the primary objective of maintenance is to maximize flood control, the primary objective of the proposed project is appropriate defined as the development of a Master Program to govern maintenance activities.

S6

The City's second project objective is likewise problematic, as it distorts the purpose of CEQA review, emphasizing preference for two of the required environmental factors to be studied. See CEQA Guidelines Appendix G, Environmental Checklist Form. The "balancing" required in the second objective misses the point of CEQA, to avoid or minimize adverse impacts on the environment. Public Resources Code ("PRC") § 21002. Further, the purpose of the PEIR is to identify significant effects, and enable the City to choose an alternative, or avoid or mitigate significant effects to the environment. PRC § 21002.1(a). Contrary to the City's stated objective, CEQA does not allow "balancing" of the City's flood control objective against "maintaining, to the greatest degree possible, the aesthetic and biological value of the storm water system." *Id.* "In enacting CEQA, the Legislature declared its intention that all public agencies responsible for regulating activities affecting the environment give prime consideration to preventing environmental damage when carrying out their duties. *Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 112; PRC § 21000(g); see generally, *Sierra Club v. State Bd. of Forestry* (1994) 7 Cal.4th 1215, 1229; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390; *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935 (CEQA is to be interpreted "to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (quoting, *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259).

S7

Though the City's true objective is flood control, the MSWSMP is, by definition, a maintenance program. The PEIR clearly reveals the City's intent to apply the MSWSMP as a flood control measure, as opposed to a true "maintenance" program.

Depending on the characteristics of the storm water facility to be maintained, maintenance would affect the entire channel including bottom and banks (referred to as "full maintenance") or affect only that portion of the channel required to achieve the necessary flood control capacity (referred to as "selective maintenance". [sic] A description of each of these techniques including a discussion of the conditions under which they would be appropriate follows.

2820 Roosevelt St., Suite 200A San Diego, CA 92106 619-758-7743 Fax 619-223-3676 www.sdcoastkeeper.org

S.6. The purpose of the second objective is to minimize or avoid environmental impacts. It is intended to reduce impacts to biological resources wherever such an action would not substantially interfere with flood control. The term "balancing" was specifically used to acknowledge that the primary reason for conducting maintenance activities was to maximize flood control and that preservation of biological resources may not always be consistent with this objective. Furthermore, in accordance with CEQA, the PEIR does consider alternatives to reduce impact to environmental resources (namely, biological resources).

S7
cont.

PEIR, p.3-14. (emphasis added). If the City truly wants to “maintain” the SWS, this involves more than simply removing vegetation, sediment, and debris for flood control. PEIR, p.1-1, 3.13-14.

S8

As described in the PEIR, the SWS conveys water (both storm water and urban runoff). PEIR, p.3-1-3. The SWS, however, also serves as part of a number of watersheds, comprised of both natural and manmade channels, structures, outfalls, and basins. PEIR, p. 1-1; 2-1-2. “All of the described HUs and associated drainage courses are ultimately tributary to the Pacific Ocean, with several encompassing coastal lagoons and embayments...”. PEIR, p. 4.5-2 (describing seven hydrologic units (“HUs”)); but see, MSWSMP, p.4 (detailing eight HUs, including Carlsbad, MSWSMP).

The City of San Diego’s drainage facilities convey storm water flows to protect the life and property of its citizens and control stream bank erosion. They also convey urban runoff from development sources such as irrigation, driveways, and streets that flows into those facilities and ultimately the ocean. The drainage facilities also protect water quality and support natural resources.

MSWSMP, p. 2 (emphasis added). Thus, the SWS is not simply a flood control system.

A proper maintenance program would analyze real project objectives, taking into consideration the varied and numerous functions of the SWS. Flood control may have been the historical impetus for creation of the manmade infrastructure, but it is certainly no longer the only, or primary function of the SWS. The PEIR acknowledges this reality, and then ignores it completely.

3. Use of a PEIR is Inappropriate Without Any Detail or Specificity

S9

A PEIR offers advantages in environmental review by allowing lead agencies “to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility.” CEQA Guideline § 15168(b)(4). The City’s PEIR, however, does not “provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in a [project-specific] EIR” or “ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis.”

CEQA Guideline § 15168(b)(1) and (2). The City has a unique opportunity to address the perpetuation of 2820 Roosevelt St., Suite 200A San Diego, CA 92106 619-758-7743 Fax 619-223-3676 www.sdcoastkeeper.org

- S.7. The City recognizes that the effectiveness of the storm water system can be improved by measures other than maintenance. As discussed in Response to Comment H.4, the City is undertaking a number of measures to control storm water runoff in development areas adjacent to storm water facilities.
- S.8. The City recognizes that storm water facilities serve other purposes than flood control including wildlife habitat and storm water pollutant removal. The protocols included in the MSWSMP and the mitigation measures identified in the PEIR are intended to minimize the impact of maintenance on these other two functions. Maintenance activities were specifically limited to removal of vegetation, sediment and debris to assure the Resource Agencies that the master permits would not be used to construct new facilities or reconstruct the existing facilities.

COMMENTS

RESPONSES

S9
cont.

impervious surfaces and diversion practices that lead to flooding. Instead, the City has chosen a broad CEQA review document with narrow application and analysis.

S10

The City has prepared a MSWSMP which amounts to a plan for a series of mini-plans in the future. The public has no idea when maintenance will be required, where, or how maintenance will be conducted. Once the City determines maintenance is needed (based on some unknown criteria), a plan to conduct such maintenance will be formulated. After the City has developed the Individual Maintenance Plan ("IMP"), the Individual Biological Assessment, and the Individual Historical Assessment, substantial conformance review will begin. This is the City's third objective. PEIR, p.1-1, 3-23.

S11

The PEIR and MSWSMP's lack of detail regarding the City's process for determining when and which SWS require maintenance is alarming. "Routine inspection and assessment activities are conducted by the [Storm Water Department] to identify storm water system facilities in need of maintenance." PEIR, p.3-13. "On an annual basis, the [Storm Water Department] shall determine which storm water facilities require maintenance in the coming fiscal year." PEIR, p.3-21. The MSWSMP "defines the parameters used to assess when 'as needed' maintenance activities are required." MSWSMP, p.1.2. "On an annual basis, the City's Storm Water Department shall determine which storm water facilities require maintenance in the coming fiscal year." MSWSMP, p.21.

On an annual basis, the Storm Water Department shall determine which storm water facilities require maintenance in the coming year. Once the facilities have been identified, the Storm Water Department shall undertake the following series of actions for each proposed maintenance activity carried out in accordance with this Master Program.

MSWSMP, p.5. This is the extent of the PEIR and MSWSMP coverage of maintenance need determination.

Despite the MSWSMP statement to the contrary, neither document gives any insight as to what

2820 Roosevelt St., Suite 200A San Diego, CA 92106 619-758-7743 Fax 619-223-3676 www.sdcoastkeeper.org

S.9.

Due to several key factors, the programmatic analysis included in the PEIR is considered appropriate. A project-level analysis would require detailed studies of all 50 miles of storm water facilities including detailed hydrology studies, resource inventory updates and detailed maintenance plans. Such an effort is considered infeasible for several reasons. First and foremost, the cost of such an undertaking would be a fiscal burden given the City's limited financial resources at the present time. Second, from a practical viewpoint, the results of such a comprehensive analysis would be out of date when maintenance ultimately occurs because it will take a number of years to carry out maintenance in all of the storm water facilities. By the time maintenance is scheduled in a particular facility, the conclusions of the hydrology study and resource conditions are likely to have changed substantially from those in existence when a project-level analysis was originally undertaken. As a result, the CD process proposed as part of the Master Program is considered the most reasonable approach for a project-level analysis because it would be conducted at the time when maintenance is actually proposed.

S.10.

As discussed in Response to Comment F.2, the MSWSMP has been amended to require Process Two review for IMPs for a maintenance activity that meets any of the following criteria: (1) the activity is located within the Coastal Zone; (2) the wetland impacts associated of the individual activity would exceed the estimate contained in the PEIR; or (3) the activity requires construction of a new access route that would disturb more than 0.25-acre of native vegetation. This will assure an opportunity to comment on activities which are not within the assumptions used in the PEIR analysis.

S11
cont.

“parameters” will be used, what “as needed” means, or what kind of assessment results in a determination that a specific part of the SWS “needs” maintenance. *Id.*

S12

Once an IMP and the other various assessments have been prepared, however, the substantial conformance review process occurs outside of the public arena, with no opportunity for public review or input. PEIR, p.3-23, 1-6-7; MSWSMP, p.22. The use of a PEIR in this circumstance, along with the substantial conformance review, will likely result in no subsequent CEQA review. CEQA Guideline § 15168(e)(2). The City has chosen the PEIR precisely for this reason: to avoid delay through CEQA compliance for future maintenance activities. However, the deficiencies, broad nature, and unduly restrictive alternatives analysis in the current PEIR result in a document woefully inadequate to predict future project CEQA compliance. CEQA Guideline §§ 15168(c), 15063(b)(1)(c).

B. The Hydrology and Water Quality Impacts Are Significant and Avoidable

1. The MSWSMP Will Cause Increased Runoff Volumes And Velocities

By clearing vegetation, sediment, and debris, the MSWSMP will increase the capacity of the SWS, and the resulting velocity of the water within the SWS. The stated purpose of the PEIR is to reduce flooding risks by redirecting storm water to the SWS. PEIR, p.4.5-12-13. By removing “obstacles” to storm water in the SWS, the MSWSMP will certainly concentrate flows to downstream and receiving waterbodies. The City’s rationale in the PEIR is unsupported:

S13

Maintenance activities under the MSWSMP would not include the installation of additional impervious surfaces such as pavement or structures under any of the identified maintenance scenarios. Accordingly, no adverse impacts related to increased runoff volumes or velocities, associated flooding hazards, or long-term aquifer recharge would occur from the MSWSMP.

- S.11. The mechanism used to determine when a storm water facility requires maintenance is not germane to the discussion of potential environmental impacts. The primary focus of the PEIR is to evaluate the impacts of maintenance and the actions to be taken to reduce those impacts.
- S.12. As discussed in Response to Comment F.4, the public will have an opportunity to comment on maintenance activities that depart from the impact assumptions set forth in the PEIR.

S13 cont. PEIR, p.4.5-13. The PEIR assumes the only possible mechanism for increased flows or velocities is “installation of additional impervious surfaces”, failing to address the increased velocity resulting from removal of sediment, vegetation, and debris. *Id.*

Vegetation can also assist with the infiltration process by slowing storm water velocities and allowing more time¹ for infiltration. By slowing the velocity of storm water, vegetation also promotes sedimentation of water-born sediments and the urban pollutants attached to those sediments.

S14 PEIR, p. 4.5-18 (emphasis added). Moreover, hydrology refers to drainage patterns at various levels of precipitation and runoff.² The PEIR fails to detail differences in hydrology related to both low, medium, and high volume storms, urban runoff dry-weather flows, and short or long-term flows. PEIR, p. 4.5-12-13. In failing to provide any such discussion, the PEIR fails completely to achieve its CEQA purpose. CEQA Guideline § 15168(b).

2. The MSWSMP Will Result in Significant Negative Effects to Water Quality

S15 The PEIR acknowledges the significant negative effect of urban runoff (both during storms as storm water and in dry weather as urban runoff) upon water quality. 4.5-3-4. The document also discusses the current listing of over 100 San Diego water bodies on the Clean Water Act (“CWA”) section 303(d) impaired waterbodies list, and the potential of SWS flows to flow directly or indirectly into some of these listed waters. PEIR, 4.5-5. However, the “potential impacts” to water quality are unanalyzed and unmitigated. PEIR, 4.5-17-19.

Thus, the impact of maintenance activities could result in a significant impact on water quality. Mitigating the potential impacts on water quality would require retaining vegetation within the channels. As stated earlier, the presence of vegetation is one of the

² The City’s MS4 Permit also requires implementation of a Hydromodification Management Plan to “maintain the pre-project erosion and deposition characteristics of channel segments receiving urban runoff discharges from Priority Development Projects as necessary to maintain or improve the channel segments’ stability conditions.” Order No. R9-2007-0001, p. 25-28.

S.13. This comment misinterprets the primary objective of the project. It is not to reduce flooding risk by “redirecting storm water”. The flow of storm runoff from adjacent land into the storm water facilities is already occurring and would not be changed as a result of the proposed project.

As discussed in Response to Comment F.4, the City acknowledges that removal of vegetation may increase downstream erosion if not properly conducted. In response to this concern, the CD process mandates detailed hydrologic and hydraulic analyses of every facility before maintenance plans are finalized in order to identify and design measures to be included in the maintenance to reduce downstream impacts. The detailed hydraulic analyses would analyze the forces and the velocities associated with the actual and maintained conditions. All of the analyses will include upstream and downstream of the proposed maintenance activity to evaluate potential impacts of upstream conditions on the area to be maintained as well as the impact of the maintained channel on downstream areas.

S.14. The PEIR does not distinguish between flood events (e.g. 2-, 10-, 50-year events) due to the widely varying capacities of storm water facilities to handle different flood events. Depending on the condition of a particular facility, any one of these events could cause problems. The proposal to conduct hydrology studies prior to maintenance is intended to provide facility-specific evaluation of the runoff capacity and define appropriate actions to be taken to maximize flood control.

Dry weather flows were not considered because they do not pose any flooding risk to adjacent property.

COMMENTS

RESPONSES

S15 cont. primary reasons that maintenance needs to occur in order to maintain the ability of the facilities to safely convey floodwaters. Thus, impacts to water quality are considered potentially significant and not mitigated.

S16 PEIR, p.4.5-19. The "[PEIR's] approach of simply labeling the effect 'significant' without accompanying analysis of the project's impact...is inadequate to meet the environmental assessment requirements of CEQA." *Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs* (2001) 91 Cal.App.4th 1344, 1371.

S17 First, water quality impacts can be avoided through the use of alternative methods of flood control (the true project objective). As detailed below, alternative flood control measures such as reducing impervious surfaces through use of Low Impact Development ("LID"), infiltration, recycling, recapture and reuse, bypass culverts and channels, channel widening (where appropriate) and increased use of retention basins would either avoid or reduce significant water quality impacts (as well as impacts on hydrology).

S18 Further, retention of vegetation is not the only means of mitigating water quality impacts. *Id.* Once other alternatives have been adequately analyzed and instituted, any remaining, unavoidable impacts to water quality could be mitigated through filtration devices, increasing debris removal activities within watersheds (within the SWS or elsewhere in the HU), higher mitigation ratios (PEIR, p. 4.3-44-45), in-watershed restoration activities, and re-vegetation in appropriate areas. The wholesale exclusion of any alternative, avoidance, and especially mitigation measures to address water quality impacts is a fatal flaw in the PEIR. PEIR, p. 4.5-1-19.

C. The PEIR Alternatives Analysis Is Inadequate and Unduly Constrained

S19 As highlighted above, the City's project objectives are misleading and overly restrictive, predetermining the use and application of the MSWSMP in the PEIR. See section II.A. This deficiency results in an equally insufficient and constrained alternatives analysis. PEIR, p. 7-1-21; The PEIR falls far short of considering a "range of reasonable alternatives". CEQA Guideline § 15126.6(a).

S.15. The potential impacts of maintenance on storm water quality are discussed on page 4.5-17 through 19. Here the PEIR, concludes that maintenance would reduce the water quality function of storm water facilities. Specifically, the PEIR discusses the adverse impact of maintenance on the ability of earthen-bottom storm water facilities to intercept water-born pollutants by removing vegetation which serves to slow the runoff and facilitate adsorption by sediment and absorption by plant roots.

The PEIR and MSWSMP contain measures intended to reduce water quality impacts associated with maintenance. In addition, after the PEIR was circulated for public review, the City has added Protocols #24 and #25 to provide additional measures to reduce water quality impacts from maintenance, as necessary.

In many cases, implementation of the measures contained in the PEIR and MSWSMP are expected to be sufficient to reduce water quality impacts to below a level of significance. However, due to the programmatic nature of the analysis, it was not possible to conclude that these measures would always be sufficient to reduce water quality impacts to below a level of significance. Thus, to be conservative, the PEIR concluded that the MSWSMP would have a significant, unmitigated impact on water quality.

S.16. Significance conclusions made in the PEIR are based on sufficient evidence included in the evaluation of those impacts. For example, conclusions related to biological impact significance are based on actual acreages of impact using worst-case assumptions to assure a conservative level of analysis. Response to Comment.

S.17. As discussed in Response to Comment H.4, the City is pursuing programs aimed at reducing the overall volume of runoff generated by adjacent property through the use of LID and hydromodification techniques. However, these programs would not eliminate the need for traditional storm water facility maintenance because the reductions in runoff are not expected to be sufficient to make up for the current limited ability of many of the City's facilities to convey floodwater. Many of these facilities are unable to convey runoff from more than a two to five year storm event.

S.18. The PEIR does not exclude a discussion of water quality impacts and mitigation. Potential impacts from maintenance are clearly identified in the PEIR and the conclusion is reached that the impacts of maintenance on water quality could be significant. The MSWSMP includes a number of maintenance protocols that are aimed at minimizing water quality impacts. In response to public comment, two new protocols (#24 and #25) were added to provide additional water quality controls, as necessary.

S19
cont.

Because the PEIR objectives and subsequent analysis were not prepared for a true maintenance program, the alternatives in the PEIR are limited. This also frustrates public participation and opportunity to comment, as the public must guess the true objectives in order to offer alternatives to achieve them. As mentioned, Coastkeeper believes the City's objective is flood control. Therefore, we offer alternatives to the MSWSMP to achieve this purpose. However, some of these alternatives would also apply to a project objective of "maintenance" of the SWS.

Alternatives to clearing vegetation and sediment include: LID³, infiltration, recycling, recapture and reuse, bypass culverts and channels, channel widening (where appropriate) and increased use of retention basins would either avoid or reduce significant water quality and hydrology impacts. As stated in the City's MS4 Permit, "[c]ontrolling urban runoff pollution by using a combination of onsite source control and Low Impact Development (LID) BMPs augmented with treatment control BMPs before the runoff enters the MS4 is important...". Order No. 2007-0001, p.7.

The Water Recycling Policy recently passed by the State Water Resources Control Board also calls for increased recycling, including recycling of urban runoff.⁴

State Water Resources Control Board Resolution No. 2009-0011 Adoption of a Policy for Water Quality Control for Recycled Water; Recycled Water Policy, p.1. The diversion and recycling of such flows has not been analyzed.

D. Significant Irreversible Impacts Will Result From Implementation of the MSWSMP

The PEIR finds no significant irreversible impacts. PEIR, p. 9-1. However, the removal of vegetation and sediment has the potential to cause erosion, wildlife, hydrology and water quality impacts

³ See County of San Diego LID Handbook available at <http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

⁴ Recycled Water Policy available at http://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/docs/recycledwaterpolicy_approved.pdf

S.19. As indicated in Response to Comment S.1, the stated primary objective of maximizing the ability of storm water facilities to convey storm water is appropriate. Furthermore, the City believes this objective is stated very clearly in the PEIR and does not impede the public understanding the primary purpose of the proposed maintenance.

While it is not clear what the commenter would consider a "true" maintenance program, the City believes that the MSWSMP is a legitimate maintenance program. The MSWSMP is intended to sustain the facilities in their existing configuration through vegetation, sediment and debris removal. The City is not proposing to reconstruct, expand or otherwise modify the storm water facilities because such action would not constitute maintenance.

As stated in Response to Comment H.4, the City is implementing programs to reduce runoff and associated pollutants in areas outside of the storm water facilities which would, in combination with the cited Water Recycling Policy, help maximize the operation of storm water channels by reducing runoff that must be carried by these facilities and improving their ability to remove pollutants through vegetation and sediment adsorption and adsorption, respectively.

COMMENTS

RESPONSES

S20
cont.

that are irreversible. As detailed below, the significant impacts of implementing the MSWSMP for the 20-year life of the project has the potential to significantly alter hydrology within and downstream of the SWS and to cause impacts to water quality that may never be reversed. CEQA Guidelines §§ 15126.2(c), 15127.

E. The MSWSMP Will Result in Significant Cumulative Impacts to Hydrology and Water Quality Mandatory Finding of Significance

S21

CEQA Guidelines require a mandatory finding of significance under certain circumstances. CEQA Guideline § 15065(a). Implementation of the MSWSMP has the “potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species” and “threaten to eliminate a plant or animal community.” *Id.* By removing vegetation and negatively impacting water quality, the MSWSMP and IMPs will degrade and reduce fish and other wildlife species habitat.⁵ As mentioned above, many of San Diego’s waterbodies and watersheds are already impaired and listed on the CWA 303(d) list. By contributing to the downstream degradation of water quality, the MSWSMP will threaten sensitive plant and animal communities. As detailed in the San Diego Audubon comment letter, much of the maintenance activities will impact federally listed species such as Least Bell’s Vireos, Southwest Willow Flycatchers, California Brown Pelicans, and California Gnatcatchers. SD Audubon Letter, p.1. The SWS also serves along wildlife corridors. PEIR, p. 4.1-8, 21, 26, 54. Contrary to the PEIR’s suggestion, both the SWS and waterbodies downstream of the SWS serve as important wildlife corridors and habitat, and will be significantly impacted by the MSWSMP. PEIR, p. 4.3-54.

⁵ Urban runoff discharges from MS4s often contain pollutants that cause toxicity to aquatic organisms (i.e., adverse responses of organisms to chemicals or physical agents ranging from mortality to physiological responses such as impaired reproduction or growth anomalies). Order No. R9-2007-0001, p.3.

S.20. The removal of vegetation and sediment within storm water facilities would not constitute an irreversible impact. The storm water facilities and the conditions which support wetland vegetation (soils and water supply) would be unaffected by maintenance. In fact, as noted in the PEIR, the ability of wetland habitat to regenerate is the primary reason why the City must periodically maintain storm water facilities. As such, wetland vegetation will re-establish when maintenance no longer occurs. The water quality aspects of vegetated channels would also return upon cessation of maintenance.

S.21. The PEIR concurs with the comment that maintenance would have a significant impact on biological resources including sensitive species and wetland plant communities.

With respect to wildlife movement, as indicated in Response to Comment H.36, the City continues to believe that maintenance would not have a significant impact on wildlife movement.

S22

The PEIR also contains internal contradictions, which undermine the document’s credibility and usefulness. The PEIR maintains the concrete-lined channels provide no infiltration and biofiltration benefits, as they are not vegetated. PEIR, p. 4.5-18.

As discussed in Subchapter 4.5, most of the storm water facilities are not conducive to pollutant removal by vegetation because many are concrete-lined. For those channels that are vegetated, the runoff doesn’t reside long enough around the root systems to allow for the plants to absorb them.

PEIR, p. 4.3-36 (emphasis added). However, PEIR Table 3-1 and MSWSMP Table 1 both show the majority, about 65 percent, of the SWS segments “currently proposed to be maintained under the proposed MSWSMP” are at least partially earthen. PEIR, p. 3-3. The PEIR’s further overstates the difficulty of determining MSWSMP water quality impacts.

Determining the impact of storm water facility maintenance on the natural controls of urban runoff pollutants associated with those facilities is difficult at the programmatic level for several reasons. First, not all of the channels offer no natural control capacity. [sic] Most notably, concrete-lined channels offer minimum or no opportunities for infiltration and root absorption. Second, the degree of maintenance required to achieve flood control is expected to vary.

PEIR, p. 4.5-18. The MSWSMP’s significant impact on water quality can be determined, however, if non-concrete lined channels are analyzed, and the pollutant removal potential of vegetation and sediment is estimated.

E. The City’s Implementation of the MSWSMP Will Result in Violations of the Clean Water Act, MS4 Permit, Porter-Cologne, and San Diego Municipal Code

S23

As discussed above, the MSWSMP impact on CWA 303(d) listed impaired waterbodies, the SWS in general, and downstream waterbodies is significant. See section II.B. Not only is implementation of the MSWSMP contrary to CEQA, but it is also contrary to state and federal law.

S.22. It is true that that vegetation and sediment within concrete channels would function to remove pollutants from runoff. However, this clarification does not materially affect the conclusions of the PEIR because the PEIR did not, nor could it, assess the overall ability of the City’s storm water system to control urban pollutants. Determining the amount of urban pollutants that can be removed by the City’s storm water facility would be a difficult and an expensive undertaking which would not change the fact that water quality controls afforded by vegetation would be lost due to maintenance.

S.23. As maintenance would not directly introduce pollutants into runoff, maintenance would not be contrary to state and federal laws.

S24

Both storm water and dry weather urban runoff contain contaminants that "adversely affect receiving and coastal waters, as well as associated plant and animal life, and human health and safety." PEIR, p.4.5-13. The PEIR inaccurately describes the SWS' contribution of urban runoff to the various waterbodies in the City, maintaining the pollutants are generated by development surrounding the SWS, not by the SWS itself. PEIR, p. 4.5-17. Though the pollutants may originate in other areas, the SWS conveys these pollutants to receiving waters.

As operators of the MS4s, the Copermitees cannot passively receive and discharge pollutants from third parties. By providing free and open access to an MS4 that conveys discharges to waters of the U.S., the operator essentially accepts responsibility for discharges into the MS4 that it does not prohibit or control. These discharges may cause or contribute to a condition of contamination or a violation of water quality standards.

Order No. R9-2007-0001, p. 8. The federal enactment of CWA section 402(p) in 1987 specifically targets urban runoff.

[Municipal permits] shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.

CWA § 402(p). The City is a co-permittee, subject to the requirements of the regional MS4 Permit. Order No. R9-2007-0001. As a co-permittee, the City must comply with the requirement to reduce the discharge of pollutants in urban runoff to the maximum extent practicable ("MEP"). *Id.* at 5. By removing vegetation and sediment (that function to improve water quality by infiltration, absorption, and removal of contaminants) the City is negatively impacting water quality. PEIR, p. 4.5-17-18. Implementation of the MSWSMP will therefore result in a violation of the MEP standard, which requires more than the City's assertion that vegetation removal is necessary. PEIR, p. 4.5-19. Moreover, as the MS4 Permit also

S24
cont.

functions as a Waste Discharge Requirement under the California Water Code, the MSWSMP would also violate state water law.⁶ Cal. Water Code 13260 et. seq.

Discharges into and from municipal separate storm sewer systems (MS4s) in a manner causing, or threatening to cause, a condition of pollution, contamination, or nuisance (as defined in CWC section 13050), in waters of the state are prohibited.

Order No. R9-2007-0001, p. 11.

Further, the MSWSMP, by degrading water quality, would violate the State Water Resources Control Board Resolution No. 68-16 and the federal anti-degradation policy described in 40 CFR 131.12.

The MSWSMP is also contrary to the City's municipal code, which serves to implement the CWA and state Water Code.

The intent of this Division is to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Water Pollution Control Act [Clean Water Act, 33 U.S.C. section 1251 et seq.] and National Pollutant Discharge Elimination System [NPDES] Permit No. CA0108758, as amended.

San Diego Municipal Code ("SDMC") § 43.0301. The City's goals of protecting the natural drainage patterns of the SWS and keeping the SWS free of pollutants, are contrary to objectives of the MSWSMP and to the analysis contained in the PEIR. SDMC § 43.0309.

III. Conclusion

The City must implement the following:

- S25 1) Restate the project objectives to truly reflect the City's intentions.
- S26 2) Consider project alternatives that would meet the revised objectives.
- S27 3) Re-analyze of the hydrology, water quality, and cumulative impacts.

⁶ Urban runoff contains waste, as defined in the California Water Code (CWC), and pollutants that adversely affect the quality of the waters of the State. The discharge of urban runoff from an MS4 is a "discharge of pollutants from a point source" into waters of the U.S. as defined in the CWA. Order No. 2007-0001, p.2.

2820 Roosevelt St., Suite 200A San Diego, CA 92106 619-758-7743 Fax 619-223-3676 www.sdcoastkeeper.org

- S.24. As discussed in H.4, the City is concerned about pollutants in surface runoff and is implementing a number of programs to control and intercept these pollutants within the developed areas where they are generated.
- S.25. For the reasons stated earlier, no revisions to the project objectives are considered warranted.
- S.26. As indicated earlier, the PEIR does include an adequate discussion of alternatives.
- S.27. For the reasons stated earlier, the analysis of hydrology, water quality and cumulative impacts is considered adequate.

COMMENTS

RESPONSES

S28

- 4) Allow for public participation at subsequent stages of approval and provide annual progress reports on program implementation.

S29

However, Coastkeeper does not believe the City would achieve CEQA compliance simply by making the above changes. The City has prepared a PEIR for an objective that does not analyze a true SWS maintenance program. Until the City acknowledges the disconnect between the PEIR and the MSWSMP, neither of the documents will be adequate.

Thank you for your consideration of our comments.

Sincerely,



Livia Borak
Clinic Associate
San Diego Coastkeeper

S.28. The amendment of the MSWSMP to require a Phase Two process for maintenance activities on an annual basis is considered an adequate mechanism for public involvement.

S.29. As indicated earlier, storm water facility maintenance and the various programs being implemented by the City to reduce urban pollutants entering the runoff from developed areas are considered complimentary actions. Full implementation of the source controls would not eliminate the need for periodic maintenance of the City's storm water facilities.

July 1, 2009

Terrence Dean
Los Angeles District, Corps of Engineers
Regulatory Division
South Coast Branch, San Diego Section
Attn: SD-2008-1175-TCD
6010 Hidden Valley Road, Suite 105
Carlsbad, California 92011
Via email to Terrence.Dean@usace.army.mil



Re: City of San Diego Master Storm Water System Maintenance Program (MSWSMP) Permit Application No. SPL-2008-01175

Dear Mr. Dean:

Please accept this letter on behalf of San Diego Coastkeeper, a non-profit environmental organization protecting San Diego County's bays, beaches, watersheds and ocean. Coastkeeper has concerns regarding the MSWSMP Permit Application No. SPL-2008-01175 (hereinafter "Application"). As the actual Maintenance Master Plan and the City's Draft Environmental Impact Report have yet to be publicly released, our comments are limited in nature. However, our main concerns relate to the lack of public involvement in the review and approval process, and the lack of substance in the Application itself. The City of San Diego's (hereinafter "City") Maintenance Master Plan (hereinafter "Project") will have significant adverse environmental impacts and requires thorough review under the Army Corps' and EPA regulations, the National Environmental Policy Act, and the Coastal Zone Management Act. For the reasons stated below, we request the Army Corps postpone its consideration of the Application until the required state environmental review is completed. Further, we respectfully request the Army Corps review the Application after a public hearing has been held.

Permit Application Requires an Environmental Impact Statement

An Environmental Impact Statement ("EIS") is required under the National Environmental Policy Act ("NEPA") when a proposed project may have a "significant impact" on the environment. (33 C.F.R. § 325.2). A project that affects over 170 facilities in San Diego and spans over 562 acres of the Army Corps jurisdictional area (Application, pp. 5-10), is certainly one that will have a "significant environmental impact." *City of Davis v. Coleman* 521 F.2d 661, (1975). The Application states, "[A] preliminary determination has been made that an environmental impact statement (EIS) is not required for the proposed work." (Application, p.3). However, "the applicant has prepared a draft Environmental Impact Report (EIR)." An EIR is a document prepared in accordance with the California Environmental Quality Act ("CEQA") (2 CCR § 2954).

Although an EIR is being prepared under state law, the Army Corps, as a federal agency, is required to consider the environmental impacts of the proposed Project under NEPA. However, the Army Corps provides no explanation for its determination that an EIS will not be required. Presumably the Army Corps believes the project will not have a significant environmental impact, but the apparent inconsistency between state and federal agencies is troubling. The statutes themselves indicate the threshold requirements for determining significant environmental impact are quite similar. *City of Davis*

2820 Roosevelt St., Suite 200A San Diego, CA 92106 619-758-7743 Fax 619-223-3676 www.sdcoastkeeper.org

v. Coleman 521 F.2d 661, 673-674 (1975). CEQA was in fact modeled after the federal statute and administrative interpretation of NEPA is persuasive authority in its interpretation. *No Oil Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68.

We must keep in mind that the inherent danger the most serious environmental effects of a project pose may not be obvious, and that the purpose of the EIS requirement is to ensure that 'to the fullest extent possible' agency decision makers have before them a complete analysis of the project's environmental impact.

Id. at 673 (internal citations omitted).

In undertaking the required NEPA review, the Army Corps must take a "hard look" at the environmental impacts of the Project and engage in an analysis of alternatives to issuing the proposed permit, and considering the direct, indirect, and cumulative effects of the permit activities on the human environment. 33 C.F.R. § 325.2(a)(4); 40 C.F.R.

Moreover, "[a]s expressed in the regulations themselves, the scope of analysis may be expanded well beyond the waters that provide the initial [Army Corps'] jurisdictional trigger." *White Tanks Concerned Citizens, Inc. v. Strock* 563 F.3d 1033, 1039-1040 (9th Cir. 2009) ("*White Tanks Concerned Citizens*"); see also 33 C.F.R. § 325 Appendix B §§ 7(b)(1), 7(b)(2)(A). In *White Tanks Concerned Citizens*, the court found because the "project's viability [was] founded on the Corps' issuance of a Section 404 permit, the entire project [was] within the Corps' purview." *Id.* at 1042. Thus, the Army Corps' consideration of environmental impacts under NEPA stretches well beyond the wetlands requiring a CWA section 404 permit. This is required under circumstances in which the Project cannot proceed at all without a Permit. As the Project's objective is maintenance of the storm water system through discharge of fill material, the Project certainly cannot proceed without Army Corps' approval of the Permit. A proper review under NEPA therefore encompasses the Project's impacts upon the entire 562.55 acres of jurisdictional area, and any areas outside of the Army Corps' jurisdiction that may be impacted as well.

Therefore, we urge the Army Corps to prepare an EIS to consider the significant environmental impacts associated with the Project, as well as possible alternatives.

Current Comment Period is Inadequate

The Application states public comment will be considered in the determination of whether to issue, deny, or modify the permit. (Application p. 2). This is highly problematic as the public only has access to the Application itself. The Application makes reference to the "Master Plan" which, according to the City of San Diego, has a more comprehensive breakdown of project specifics. The City was unaware of or unable to say when, how, or to whom that document would be released. It seems the document will be released concurrently with the draft EIR, well after the comment period for the current Application ends. This leaves the public in a rather precarious position. Because these documents will be released after the close of the comment period, the public must attempt to provide meaningful input while kept in the dark about the true environmental impacts of the project. In light of the Army Corps' directive to give "full weight and consideration" to all comments in evaluating permits, the opportunity to provide informed comments is of the utmost importance. (33 CFR Part 320.4).

Further, with over 300 acres within the Coastal Overlay Zone, the Project requires a consistency determination from the California Coastal Commission under the Coastal Zone Management Act. (Application, pp.1, 3). Of those 300 acres in the coastal zone, 24.5 would be negatively affected. However, the public comments at this point are made without the Coastal Commission's insight, and without full appreciation of the negative impacts upon the fragile coastal ecosystem.

The San Diego Regional Water Quality Control Board must also provide a CWA section 401 certification before a Permit may be issued. (Application, p.3). However, the Regional Board may not give a 401 certification until the final EIR is received. 23 CCR § 3856(f). Therefore, the Army Corps' consideration of the Application at this point is both practically and procedurally premature. With the benefit of impacts and alternatives analysis in the EIR, the public would surely be able to provide more meaningful comment on the Project. Because the Permit cannot issue until the EIR is complete, the Army Corps should delay consideration of the Application until the EIR is prepared.

Lastly, a Finding of No Significant Impact (FONSI) will most likely be issued based on the preliminary assessment that no EIS is needed. Although the FONSI has its own comment period (33 CFR § 230.11), the timing puts the public in a defensive position, forced to make comments after-the-fact instead of providing meaningful input at the earliest stages of the approval process.

The Application Lacks Mitigation Specificity

The substantive details of the project proposed in the Application are vague and void of the information necessary for Coastkeeper to make an honest assessment of whether the project itself, or the mitigation efforts proposed, are adequate. General principles of mitigation sequencing first require attempts to avoid any damage, or if damage is unavoidable, to minimize the resulting damage. The Application has two sentences devoted to avoidance and minimization. It states that the City will be "clearing only the minimum amount of vegetation necessary to achieve desired flood water conveyance; flagging all sensitive biological resources prior to maintenance activities; and avoiding maintenance activities within areas potentially supporting sensitive wildlife; whenever possible." (Application, p.13). No specific plans for avoiding or minimizing negative effects are given. The guidelines require more, directing the Army Corps to "identify appropriate and practicable changes to the project plan to minimize the environmental impact of the discharge." 40 C.F.R. § 230.5(j).

Alternatives to Removal of Vegetation Need to be Considered

The City requests permission to remove all vegetation for the identified channels, or possibly all of the vegetation found at the bottom of the channels. However the Application lacks information about the appropriate level of vegetation each channel is designed to accommodate. The City assumes all channels should be cleared without any analysis of a less invasive alternative. As discussed above, a less invasive alternative should be considered first (i.e. through an EIR/EIS), before the proposed mitigation is adopted. Further, the Application indicates no specific plan for the proposed project. Rather, based on subsequent "site-specific" assessments, determinations will be made of the effects on "sensitive biological or historical resources." (Application p. 12). The proper time for such assessments is before permit issuance. Specifically, the project's impacts on sensitive biological or historical resources should be evaluated through an adequate NEPA document—in this case an EIS.

In addition, the stated project objective is overly broad, listing "wetland creation, restoration, or enhancement" as one of the five goals. (Application, p.1). However, the primary goal, and true Project objective is "promoting storm water conveyance." (Application, p.13). Thus, the range of alternatives and avoidance, minimization, and mitigation measures is much broader than reflected in the Application. These alternatives, such as Low Impact Development ("LID"), infiltration and retention techniques, and urban runoff recycling and treatment should therefore be examined.

In light of the impending availability of CEQA alternatives and mitigation analysis, by moving forward at this stage, the Army Corps. will be missing an opportunity to incorporate such measures into its approval process. More importantly, a premature Army Corps. approval may foreclose consideration of the entire range of alternatives and mitigation measures later in the CEQA review process.

Proposed Mitigation Measures are Vague and Inadequate

The mitigation options listed themselves are also quite vague, and there seems to be disagreement between the Army Corps and the City about the adequacy of the mitigation. (Application p. 17). Further, the language states that the Corps will "work with the applicant to develop opportunities for more comprehensive approaches" to mitigation. (Application p. 17). The Army Corps' reluctance to validate the City's proposal points to the premature nature of the City's request and the limited usefulness of review conducted thus far. Some proposed measures are overly subjective, such as a condition to use existing access roads "whenever possible." (Application p. 12). Phrases like these have no real measurable or enforceable standards. The lack of scientific data regarding "appropriateness," makes assessment of biological productivity and adequacy of mitigation with regard to removal of invasives and replanting of wetland plants impossible. (Application p. 12). Without further analysis or scientific data, Coastkeeper cannot assess whether the standards or mitigation measures are reasonable.

The Substantial Conformance Review ("SCR") of Individual Maintenance Plans ("IMP") for each maintenance activity is also problematic. The Application provides no detail as to the alternatives analysis, public review, or mitigation required during the SCR process or preparation of IMPs. (Application, p. 12). The annual mitigation site proposal and selection process suffers from similar issues, including lack of specificity and transparency. (Application, p. 16).

The low frequency mitigation proposed assumes two-year monitoring is adequate for invasive plant removal. (Application, p. 12). However, the City's Project has a 20-year life, meaning the effects of one-time low frequency maintenance should provide mitigation for at least as long as the life of the Project. (Application, p.13). The City should also not be given mitigation credit for any invasive removal completed as a part of maintenance activities. The low and high frequency mitigation proposals both seem to ignore temporal losses associated with lag time between maintenance activities and mitigation as well. (Application, p. 12-16).

Of particular concern is the lack of mitigation for non-wetland waters of the United States, as any impacts are considered temporary. (Application, p. 13). Such an assertion not only defies common sense, but is also unsupported. Id. The City's proposed retention of wetlands when it would not "interfere" with the goal of storm water conveyance is unacceptable. Id. The City provides no explanation of why both wetland retention and storm water conveyance cannot be achieved simultaneously. Moreover, wetland retention should be the primary concern, with evaluation of implementation of the City's goals following in a proper environmental review document.

The eventual avoidance, minimization, and mitigation measures imposed must comply with EPA and Army Corps regulations. 33 C.F.R. § 320.4(r); 40 C.F.R. §§ 230.10, 230.11, 230.70-77. Specifically, removing vital vegetation as part of maintenance activities will cause:

- (1) Significantly adverse effects of the discharge of pollutants on human health or welfare, including but not limited to effects on municipal water supplies, plankton, fish, shellfish, wildlife, and special aquatic sites.
- (2) Significantly adverse effects of the discharge of pollutants on life stages of aquatic life and other wildlife dependent on aquatic ecosystems, including the transfer, concentration, and spread of pollutants or their byproducts outside of the disposal site through biological, physical, and chemical processes;
- (3) Significantly adverse effects of the discharge of pollutants on aquatic ecosystem diversity, productivity, and stability. Such effects may include, but are not limited to, loss of fish and wildlife habitat or loss of the capacity of a wetland to assimilate nutrients, purify water, or reduce wave energy; or
- (4) Significantly adverse effects of discharge of pollutants on recreational, aesthetic, and economic values.

40 C.F.R. § 230.10(c)(1)-(4). Reduced nutrient removal capacity of impacted wetlands may cause eutrophication downstream, negatively impacting wildlife, plant species, and human recreation.

Moreover, as explained above, the purpose of a public comment period is to give interested parties the opportunity to weigh in on issues pertaining to the project *before* it is approved. Without a full EIR/EIS (or the Master Plan itself) to lay out the mitigation plan (as well as alternatives) in more detail, this goal will surely be frustrated.

Conclusion

For the above stated reasons we feel it is necessary and appropriate that the Army Corps delay approval of the permit until more substantive information is released via the Master Plan document referred to in the Application or until the draft EIR is released. Further, we urge the Army Corp to prepare a full EIS and give the public a real opportunity to weigh in on the proposed project at a public hearing.

Sincerely,



Gary LoCurto
Legal Intern



Livia Borak
Clinic Associate



San Diego County Archaeological Society, Inc.

Environmental Review Committee

13 August 2009

To: Ms. Myra Herrmann
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Environmental Impact Report
Master Storm Water System Maintenance Program
Project No. 42891

Dear Ms. Herrmann:

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

Based on the information contained in the SEIR and its Appendix D, we have the following comments:

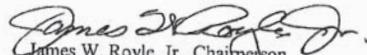
- T1 [] 1. The impact analysis in Appendix D is thorough and we have no comments on it.
T2 [] 2. Mitigation Measure 4.4.2.3 states that the sample size of an excavation program "shall not exceed 15 percent of the overall resource area." Hypothetically, a discovery at the point of 15 percent excavation could ethically require further excavation. To accept the intent of the current wording without setting up a potential conflict, we suggest the wording be changed to "need not exceed 15 percent of the overall resource area."
T3 [] 3. Mitigation Measure 4.4.2.8 requires report preparation but does not set a time limit for completion of either the draft or final version. We believe one should be specified.
T4 [] 4. Mitigation Measure 4.4.3.4.D includes consultation with the Museum of Man in the decision on reburial of human remains. First, the word used in 4.4.3.4.D is "interment", which needs to be changed to "interment". Second, with the recent retirement of curator and physical anthropologist Rose Tyson, does the City intend to retain the involvement of the Museum of Man in this process?

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

- T.1. Comment noted.
T.2. Mitigation Measure 4.2.2.3 has been revised as suggested.
T.3. Submittal of a draft report to the City for review is required within 90 days after completion of maintenance activities, as noted in Mitigation Measures 4.4.3.6.A.1 and 4.4.3.6.D.1.
T.4. The spelling error has been corrected in the MMRP. Physical Anthropology staff from the Museum of Man were consulted in response to the comment and have confirmed with City staff that the current protocol which involves the Museum in determining the appropriate treatment of non-Native American (historic era) human remains is accurate and will continue despite the recent retirement of Rose Tyson. The Museum has qualified individuals on staff to provide this service should the circumstance occur.

SDCAS appreciates being included in the public review of this project's environmental documents.

Sincerely,


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

cc: Affinis
SDCAS President
File

THIRTY-SECOND STREET CANYON TASK FORCE

In partnership with the Greater Golden Hill Community Development Corporation
1235 28th Street • San Diego • California • 92102

Paul Broadway
Laura Burnett, L.A.
Kathi Diamant
Teresa d'Elgin
Judy Fereman
Hester Gillospie
Marc Krazschmar
Mary Lyden
Laura Mays
Bennie Pappo
Mary Ann Sandersfeld
John Stik

August 20, 2009

Myra Herrmann
Environmental Planner
Development Services Department
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101



SUBJECT: Comments on PEIR for City of San Diego
Master Storm Water System Maintenance
Program (MSWMP)

Dear Ms. Herrmann,

Our task force and the Friends of 32nd Street Canyon formed in defense of flood control, water conservation and water quality improvement nine years ago. We take these issues very seriously and attempt to address them where they occur, using approaches that reconstitute natural systems, save energy, reduce greenhouse gas emissions and increase neighborhood resources.

In those years, our offices have received several EIRs from the City of San Diego. Without exception, these EIRs – addressing brush management, sewer access, canyon sewer cleaning, water pipelines, etc. – all *perpetrate* the very environmental degradation our volunteers work so hard to redress. The programs initiated by these EIRs as well as inadequate restrictions on development have resulted in unabated erosion. Not surprisingly, the ensuing sedimentation downstream now necessitates redressing. That is what we've been telling City decision makers since 2001. However, we never envisioned redressing in the form of an additional PEIR for the Master Storm Water System Maintenance Program (Program), one-treatment-fits-all dredging of 50 miles, over a twenty-year period.

Our labors and investigations in support of coastal canyon health and safety demonstrate that, whereas the goals of the Master Storm Water System Maintenance Program (Program) may be necessary, its potential impacts on riparian and aquatic wildlife, watershed functioning, wetlands, water quality, flood risk and neighborhood blight are inadequately addressed in the draft PEIR. To meet the minimum requirements of the California Environmental Quality Act, the PEIR must identify workable alternatives to avoid impacts, minimize unavoidable impacts, and fully mitigate the remaining impacts.

The impacted waterways are our native creeks and streams.

U1

U.1. CEQA requires evaluation of the alternatives that meet most of the basic objectives of a project. Chapter 7.0 of the PEIR meets this requirement. CEQA does not require that any of the alternatives be “workable”. However, CEQA does require the EIR to provide the rationale why alternatives are not considered feasible (workable). Consistent with this requirement, the discussion of alternatives in Chapter 7.0 identifies the City’s rationale for determining alternatives to be infeasible. The Candidate Findings prepared by the decision-maker will also describe the reasons for rejecting these alternatives.

COMMENTS

RESPONSES

U2 Yes, they are rendered battered, buried, concrete-lined and pestilent by mismanagement, but they nevertheless remain the gravitational connections between land and sea. The Program proposes programmatic dredging of waterways that have – helped along by poor stewardship – been converted from beautiful, functioning streams into storm channels that the residents of, for example, South Crest experience as dangerous, dirty eyesores. Our neighborhood waterway in Golden Hill used to be a dangerous, dirty eyesore too. Like the channel in South Crest, it was clogged with arundo, sofas, tires, mattresses, and trash. It housed homeless and drug encampments and even prostitutes. It caught fire and it was unsafe. Only six years later, at an expense of less than \$400,000, it has none of these problems.

32nd Street Canyon represents an example of achievable, affordable sediment abatement, reduced erosion, and storm water retention that also serves many other worthy moneysaving objectives.

U3 Golden Hill neighbors, school children and wildlife enjoy lush wetland vegetation and a functional stream, only impeded by persisting erosion in areas the City has made off limits to restoration. South Crest should get its stream restored too, but the proposed Program subverts the goals of the Chollas Creek Enhancement Plan, robbing mostly underserved neighborhoods of the environmental and quality-of-life benefits associated with increased habitat and functioning streams. Being within the Chollas Creek drainage, we are acutely aware of the many opportunities for mitigation right here, yet the PEIR does not commit to mitigation in the Pueblo San Diego Hydrological Unit, again condemning underserved communities to repeated cycles of blight and robbing them of environmental resources. All MSWMP mitigation should occur in the affected community, including the Pueblo San Diego Hydrological Unit.

Why, in an epoch illuminated by irrefutable evidence of hardscape and deforestation's calamitous consequences, does the City of San Diego persist in destructive approaches that decrease habitat, damage marine resources and blight our communities?

U4 Embarking on a very costly twenty-year dredging program absent an aggressive component for stemming upstream erosion is the height of irresponsibility. Poor stewardship by several City departments continues to contribute to and/or cause gully, flooding, stream head-cutting and massive sediment dislodgement.
U5 Meanwhile, the City disallows the kinds of wetland restoration which might prevent this from happening, and allows development and practices that contribute to the erosion, speeding sediment downstream.
U6 Storm drain outfalls, the City's largely unaddressed sewer access path damages and poorly executed brush management deliver increasing amounts of sedimentation during each storm. Watching one canyon closely, we witnessed as much as 10 cubic yards wash away below a single outfall during a single storm. Meanwhile,
U7 City staff discourage volunteer groups from restoring canyon floors due to MWWD issues and because the City is "saving" these quickly deteriorating wetlands for some unscheduled future possibility of mitigation.

U8 Watershed Management Plans are critically required. Please include an upstream erosion abatement and storm water retention alternative in the PEIR to prove a commitment to stemming upstream erosion and simultaneous flood control.

U9 Avoidance is the prime objective of the 404 permitting process, but where is the commitment to proven alternatives? Some conveyances may require total clearance to avoid flooding important improvements. But the PEIR does not identify the many areas where more environmentally benign alternatives are appropriate. Rather it wholly dismisses flood avoidance alternatives that would improve stormwater retention within watersheds, such as a) LID implementation within developments or retooling already developed communities such as ours with LID retrofits, particularly in proximity to canyon storm water outfalls, b) installing check dams and re-vegetating canyons with dense wetland vegetation, c) removing concrete and restoring natural streams, engineered to manage storm flows, d) additional streams or
U10

U.2. Wherever possible, the City will attempt to minimize impacts of maintenance on past enhancement and restoration activities conducted by citizen groups in storm water facilities but it cannot allow these actions to persist if they substantially interfere with the ability of those facilities to convey flood water. In the future, the City hopes to establish better lines of communication with these groups to fund enhancement and restoration activities, which do not interfere with flood water conveyance, as a means to compensate for impacts related to maintenance. In addition, by identifying storm water facilities that need to be maintained, citizen groups will be able to avoid investing their time and energy in enhancing areas where vegetation impedes flood control.

U.3. The City is committed to mitigating for impacts within the same watershed where the loss of wetlands occurs. In fact, the City is currently working with Groundwork San Diego to identify potential wetland mitigation opportunities within the Chollas Creek watershed.

U.4. The SWPP Division is working hard to reduce upstream erosion but this challenge will require tremendous fiscal resources and many years (decades) to solve. These efforts will help reduce, but not eliminate, the need for periodic sediment removal in the storm water facilities included in the proposed MSWSMP.

U.5. The City only "disallows" wetland restoration if it would interfere with the flood control function of the storm water facility. Otherwise, the City intends to partner with citizen groups to fund restoration in appropriate areas within drainage channels.

U.6. The City agrees that maintenance of storm drain outfalls is important to efficient functioning of the overall storm water system.

U.7. As stated earlier, the City only discourages activities which may interfere with flood control. Opportunities for wetland mitigation resulting from City-initiated projects are becoming scarce. The City intends to partner with non-profit environmental groups for restoration efforts which are mutually beneficial to all while achieving the same basic goal of enhancing natural urban canyons after maintenance activities have ceased.

U.8. See Response to Comment H.4.

U.9. The PEIR does address alternatives to the periodic removal of sediment and vegetation as a means of achieving the goal of maximizing flood control and concludes that these alternatives are infeasible. In the absence of any specific definition of the comment's reference to "environmentally benign" alternatives, no specific response can be made.

COMMENTS

RESPONSES

U10 cont. channels, e) retention basins, f) widening flood conveyances so more vegetation can be retained and g) relocating development out of flood prone areas. We urge that the City make enforceable commitments to constructing alternative flood management measures in the watersheds for which permits are given and that the City also commit to reverting to more modest, environmentally benign reduction of vegetation in constructed channels and none in most natural streams.

U11 By dealing programmatically with storm channels, the Program ends up treating all storm channels the same – dredging, which is deleterious to habitat, is “high impact development” and represents a drawback to water quality objectives. Many storm channels present opportunities to deal with sediment build up alternatively. We ask that the locations where alternatives might work be identified.

U12 PEIR provisions (and staff) have entirely glossed over access impacts. Experience teaches that access is outrageously destructive and always results in erosion. New impacts that occur during access should be incorporated into the total acreage impacts, together with the channel acreage. Further, these damaged areas must be restored, not by hydro-seeding and walking away, but with results that guarantee recovered biomass. The City’s sewer access path re-vegetation – at least in Golden Hill – is a good example of an enormous waste of money. (For \$600,000 and 6 years, we have 4 scrawny plants. Come see the re-vegetation that the Development Services Department (DSD) signed off on.) In the PEIR, please commit to restoration protocols for access impacts, which include a 5-year monitoring plan with 90% survival and less than 5% weeds. Further, the protocols must include transparent year to year reporting and decision-making that incorporates adaptive management of the restoration.

U13 The MSCP consistency evaluation is alarmingly inadequate. Even though storm channel maintenance is an allowed use under the MSCP, the projects will certainly greatly disturb wildlife corridors. The draft PEIR does not include comprehensive restoration criteria as it is supposed to, nor cost/benefit analysis. Please explain why defense of the MSCP is so outrageously inadequate. The program must be revised to diminish the conflict with the MSCP, and comprehensive restoration criteria included.

The storm channels are what Mayor Murphy called “pollution superhighways.”

U14 To comply with the Clean Water Act, the Program should quantify impacts to beneficial uses and anticipated increases in pollutants of concern, as well as state how these impacts and increases will be addressed. It is irrefutable that vegetation and the soil around its roots trap and break down large amounts of contaminants. Dredging will put the pollution back in the fast lane, by removing the soil and vegetation that presently keep contaminants, metals, hydrocarbons and nutrients in check. More pollution will move downstream to our receiving waters, subject to Total Maximum Daily Load (TMDL) restrictions. The draft PEIR does not quantify the inevitable increase in pollution, nor identify mitigation measures to offset those increases. Please address the cumulative water quality impacts and include separate water quality improvement projects to offset those impacts. In lined channels, partial removal of vegetation and soil might be necessary, but leaving a strategic portion to absorb contaminants should be analyzed. Please include the program-level analysis to support such an approach among the alternatives.

U15 What about downstream flood risk? Clearing the channels will certainly speed and increase the flow? The permit does not provide any information about the likelihood of the project increasing flood risk and possibly requiring additional channelization in the lower reaches of some of the watersheds. The PEIR is minus the needed water carrying capacity of each channel.

U16 Requests for relocating flood-prone development have been dismissed as prohibitive. Please include a cost/benefit analysis that includes ecosystem services lost by the removal of habitat (i.e. the in-perpetuity costs of addressing increased water and air pollution, energy depletion, urban heat islands, blight, crime,

U.10. As discussed in Response to Comment H.4, many of the actions identified in this comment are being pursued by the City including LID, removing concrete-lined sections of channels, and retention basins. Widening storm water facilities and/or relocating homes and businesses outside of flood prone areas are not generally considered economically or socially feasible. Also see Response to Comment U.9.

U.11. Opportunities for retaining vegetation within channels will be considered on a case by case basis during the preparation of IMPs. Opportunities to control sediment sources will be identified in the course of implementing the other plans being pursued by the City referenced in Response to Comment H.4.

U.12. As discussed in Response to Comment A.17, impacts from new access would be considered during the CD process. Where the CD process determines that a specific proposed access has the potential to result in significant biological impacts, the City would require supplemental environmental review to determine the degree of impact and any additional mitigation measures necessary to offset the impact.

As discussed in Response to Comment Q.14, impacts to native vegetation resulting from construction of new access roads would be mitigated by contributing to the City’s HAF. This form of mitigation is considered of greater value than small areas of upland habitat restoration.

U.13. Table 4.1-2 of the PEIR contains an adequate level of analysis of the relationship of maintenance activities with the General Planning Policies and Guidelines of the MSCP as well as the more focused MHPAs Adjacency Guidelines and General Management Directives. The potential for maintenance to impact biological resources within the MHPA is acknowledged. However, maintenance of storm water facilities is expressly allowed within the MHPA. In addition, see Response to Comment P.7 regarding the requirement for a cost-benefit analysis of maintenance activities within the MHPA.

U.14. As discussed in Response to Comment F.4, the analysis of potential water quality effects related to storm water facility maintenance is adequate to identify the potential impacts and assess mitigation options. This conclusion is based on two primary factors. First, maintenance activities would not increase the amount of pollutants found within urban drainages because the activities, in and of themselves, would not introduce substantial amounts of pollutants into the City’s drainage courses. Second, the PEIR already acknowledges that maintenance activities may significantly impact the ability of storm water facilities to function as urban pollutant filtration systems, and includes a general description of the types of pollutants found in the runoff carried by the City’s storm water facilities (refer to page 4.5-3). Furthermore, reduced pollutant filtration capacity would only occur in earthen-bottom or concrete-lined facilities where substantial amounts of sediment and/or vegetation have become established.

COMMENTS

RESPONSES

U.15. As discussed in Response to Comment F.4, removal of vegetation within specific facilities may have the potential to accelerate runoff velocity and increase erosion. While the gradient of many of the channels is such that velocities are low and unlikely to be increased substantially by the removal of vegetation, other channels may be adversely impacted. The potential for the proposed maintenance to increase velocities to levels which could promote erosion and downstream sedimentation will be considered during the hydrology analysis required during the annual CD process. The hydrology analysis will determine the potential for downstream impacts and identify appropriate remedial measures in accordance with maintenance Protocol #24. These measures will be shown on the IMPs and inspected pursuant to maintenance Protocol #25 to assure their effectiveness.

The hydrology studies, completed for each facility prior to maintenance, will evaluate the needed water carrying capacity as noted by the commenter.

COMMENTS

RESPONSES

U16 cont. marine damage, infectious disease, etc. See Preamble of attached Canyon Policy Portfolio, which describes methodology for calculating ecosystem services, and the analysis on the following page.)¹

U17 Our experience with arundo removal in 32nd Street Canyon – widely regarded as much more effective than traditional City practices – indicates that a more strategic, careful approach should be spelled out in the PEIR. Otherwise, the City risks increasing arundo infestations, as it always has before.

U18 Twenty years is a long time. Extra layers of public review are an exigency. We suggest that the public review process occur yearly, in response to and before vegetation clearing projects planned for that year, in communities where the cleaning projects will take place. Affected communities and groups should have an opportunity to review and comment upon documents describing the justification for clearing, the clearing locations, hydrology, methods, access, and environmental impacts, as well as proposed methods for addressing and mitigating those impacts. This opportunity should occur during at least a 60-day period. Moreover, there should be a provision for responding to community and group concerns, as well as for adaptive management of the program itself. Where some or all of the proposed clearance is required for public safety please issue permits valid for two or three years only.

U19 This project has significant and broad environmental, water quality, flood control, and visual impacts, many aspects of which are poorly defined in the Public Notice. The 404 permit is being processed before any CEQA hearings are available. The two public hearings were tightly controlled, not forums for public input. The scope of this PEIR requires open public meetings in all affected communities.

Thank you for this opportunity to comment upon another PEIR. Please take all measures to prevent it from being as destructive and costly as practices precipitating from previous EIRs, as described.

Sincerely yours,



Tershia d'Elgin
Ringleader
619/239-6120
tershia@aol.com

CC: Senator Chris Kehoe
Senator Denise Ducheny
Assemblymember Mary Salas
Assemblymember Lori Saldaña
Mayor Jerry Sanders
Council President Ben Hueso
Councilman Todd Gloria
Ms. Alejandra Gavaldon
Mr. Jim Bartel, U.S. Fish & Wildlife Service
Ms. Kelly Fisher, California Department of Fish & Game
Mr. Terry Dean, U.S. Army Corps of Engineers
Mr. John Robertus, California Regional Water Quality Control Board

¹ See page that follows. This partial analysis of ecosystem services used CityGREEN software that the City of San Diego purchased from American Forests. The costs of lost ecosystem services are part of any cost/benefit analysis, because they will cost taxpayers down the line. In fact, the cost of MSWSMP is the result of ecosystem services lost in the past.

U.16. Preparation of a cost/benefit analysis at the programmatic level of the PEIR is not practical given the level of analysis required; nor is it mandated by CEQA. Such an analysis would require detailed hydrology and topographic information for each of the storm water facilities to determine the amount of improvements needed to accommodate flood waters without necessitating the removal of vegetation. In addition, the analysis would require comprehensive information regarding the economic and social value of development that would have to be removed to accommodate the identified improvements. Only with this information, can a useful cost/benefit analysis be prepared. As indicated in Response to Comment A.1, the cost of conducting hydrologic analysis for all of the City's storm water facilities as part of the PEIR process is considered infeasible. Furthermore, the conclusions of the hydrology analysis would likely not be valid in the future due to the dynamic nature of urban storm water facilities. This fact will necessitate additional costs associated with updating original hydrology studies to reflect conditions at the time maintenance is actually proposed.

As indicated in Response to Comment F.3, the City will consider ways to accommodate flood waters without removing substantial amounts of vegetation on a case by case basis during the annual CD process. Furthermore, the City is motivated to find alternatives which minimize vegetation removal and periodic maintenance in order to minimize the cost associated with maintenance.

U.17. A new protocol (#32) has been added to the MSWSMP to require invasive species to be removed in a manner that does not promote establishment of invasive species in areas downstream of maintenance activities. Lastly, the text has been modified to specify use of the California Invasive Plant Council's Invasive Plant Inventory as a basis for identifying invasive plant species prior to initiating maintenance activities.

U.18. As discussed in Response to Comment F.2, the MSWSMP has been amended to require Process Two review for a maintenance activity that meets any of the following criteria: (1) the activity is located within the Coastal Zone; (2) the wetland impacts associated of the individual activity would exceed the estimate contained in the PEIR; or (3) the activity requires construction of a new access route that would disturb more than 0.25-acre of native vegetation. Given the fact that the majority of the maintenance activities are expected to be consistent with the assumptions of the PEIR and the relatively straightforward nature of the issues, the 60-day review suggested in the comment is not warranted and not consistent with the City's Municipal Code. Thus, the imposition of Process Two review will assure an adequate opportunity to comment on activities which are not within the assumptions used in the PEIR analysis.

U.19. The Public Notice (PN) referenced in this comment is not directly associated with the CEQA process. The PN is a requirement of the 404 permit process which is the responsibility of the Corps.

As noted in the comment, the City has already held two public meetings. The primary purpose of these meetings was to provide information on the proposed maintenance program and its potential environmental impacts. Information was provided regarding the techniques to be employed to accomplish maintenance to give the public a clear understanding of what maintenance involves. In addition, project biologists were available to describe potential impacts of maintenance on biological resources and answer questions from the public. The meetings were held during the public review period of the PEIR to allow the public to better understand the proposed project and its implications before commenting on the PEIR. Comment forms were provided at each of the meetings to allow attendees to comment on the MSWSMP and/or the PEIR.

The meetings were not intended to provide a public forum for debating the merits of the proposed maintenance program. Opportunities for verbal comments will be afforded at the Planning Commission and/or City Council hearings which will take place to determine whether to approve the MSWSMP and accompanying Master Site Development and Coastal Development permits.

The 404 permit process is not linked to the CEQA process. As a result, the 404 process may, by law, be completed prior to the certification of the PEIR. Although not subject to CEQA, the Corps is required to consider the potential environmental impacts of the proposed maintenance program under the requirements of NEPA. In addition, the Corps and other federal agencies involved in the 404 permit process have received copies of the PEIR and will be taking its results and conclusions into consideration as they make a determination as to whether to issue a Master 404 permit for the proposed maintenance.

Quantifiable Ecosystem Services per Acre

Ecosystem Service	Economic Value per Canyon Acre (1)	Explanation
Reduce water pollution	\$87,500	Avoided cost of an engineered filtration system (2)
Capture runoff and reduce erosion	\$11,315	Cost to re-vegetate an area capable of holding runoff from a 24-hour storm (3)
Reduce air pollution	\$2,580	Annual avoided costs capitalized at 5% (4)
Capture carbon	\$700	Annual avoided costs capitalized at 5% (5)
Increase property values and tax revenue	\$8,640	Capitalized value of City's share of increase in property tax due to proximity to canyons/open space
Create value from sale of conservation and mitigation credits	\$40,000	Value of upland (conservation) bank credits and wetland (mitigation) bank credits (7)
Total quantifiable Ecosystem Services	\$150,735	
less: Estimated cost to restore a canyon acre	\$40,000	Midpoint in cost for upland and wetland restoration as experienced by MWWD (8)
times: Percentage of canyon acres needing restoration	76%	Percentage of acres impacted according to Park and Recreation Department's <i>Canyon Enhancement Guidelines</i> (9)
Cost to restore canyons, per acre	\$30,400	
Net Ecosystem Economic Benefit from quantifiable services	\$120,335	
Times acres of City Canyons	20,000	
Equals Annual Canyon Value to City of San Diego	\$2,406,700,000	W/o giving value to & including private resources. Does not include indirect & hard-to-measure benefits & costs. Does not include land value.

1. Avoided one-time costs, one time benefits or capitalized annual revenue or cost savings.
2. Chollas Creek filtration system serving 16,000 acres estimated to cost \$1.4 billion
3. Cost to revegetate an area capable of absorbing water volume from a 2-year 24-hour storm producing 1.76" of rain given default slope and soil composition
4. 51 pounds of air pollutants removed annually/acre times \$2.50/lb.
5. 14 tons of carbon removed annually, saving \$50/toncost of retrofitting power plants
6. Assumes \$400,000 average City-wide property value and 10% increase in value for proximity to canyons/open space, times 1% Prop 13 tax rate, times 12% of taxes actually paid over to City, capitalized at 5%. Each canyon/acre is rimmed by 9 houses
7. Based on \$25,000/acre for upland credits and \$100,000/acre for wetland credits and a ratio of 4 conservation credits per each wetland credit sold
8. Using same 4:1 ratio of upland vs. wetland restoration and \$30,000/acre for upland restoration and \$75,000/acre for wetland restoration.
9. Document created by Open Space Division rangers.

In their present condition,
 San Diego's canyonlands provide \$2,406,700,000 in ecosystem services!
 Or \$120,335 per acre in aggregated value.
 Continued poor stewardship robs citizens of these financial benefits.

ANNE S. FEGE, PH.D., M.B.A.
12934 TEXANA STREET
SAN DIEGO, CA 92129
PHONE 858-472-1293, EMAIL AFEGE@AOL.COM

August 21, 2009

Myra Herrmann
Environmental Planner
City of San Diego Development Services
1222 First Avenue, MS 501
San Diego, CA 92101

Re: Master Stormwater System Maintenance Program, Project No. 42891/SCH No. 200101032

Dear Ms. Herrmann,

This letter provides comments on the "Master Stormwater System Maintenance Program" (MSSMP) and the Programmatic Environmental Impact Report (PEIR) for that program. Wetlands are essential "ecosystem services" that filter urban runoff, provide habitat for common and sensitive species, and are places that local citizens enjoy as open space. Please consider revising the Program based on these comments on hydrologic analysis, invasive plants, values of wetlands, cumulative impacts of wetlands removal, consistency with the General Plan, mitigation measures, analysis of alternatives, and annual public review.

V1 [Hydrologic analysis
Thorough, updated analysis is needed, particularly how downstream areas will be effected by the increase in volume and velocity of runoff after wetland components (vegetation and soils) are removed. The maintenance actions may cause uncontrolled flow velocity, runoff, erosion, and/or sedimentation; and site-specific analysis must be conducted to evaluate the most effective action in each situation.

V2 [Invasive plants
These stated mitigation measures are essential: monitor access roads and staging areas for presence of exotic species, remove exotic species, and use physical erosion control measures that do not have invasive weed species. The mitigation/compensation, through removing invasive, non-native plant species in another location, should not be considered. As *Arundo donax* is highly invasive and difficult to eradicate, so extra care should be taken to minimize rhizome fragmentation by use of bulldozers and other mechanical equipment. Repeated

V.1. The CD process, as defined in the MSWSMP, requires that facility-specific hydrology analysis be conducted to determine the potential for maintenance to affect downstream drainages and to determine the appropriate measures to be taken to avoid downstream impacts. Conducting hydrology studies for all the facilities now would require these studies to be updated when maintenance is proposed in the future due to the dynamic nature of storm water facilities.

COMMENTS

RESPONSES

City of San Diego, Master Stormwater System Maintenance Program, August 21, 2009, page 2

V2 cont. herbicide application is essential to eliminate return of *Arundo* to the site and reduce spread of live rhizomes to downstream areas.

V3 Values of wetlands
Whereas these stormwater management actions are intended to improve water quality and reduce flood impacts, there may be unintended consequences of mechanically removing soil and wetlands from these channels. The report acknowledges that riparian and wetland vegetation absorbs and slows the velocity of runoff in a stream; reduces erosion of stream banks and downstream sedimentation; and diminishes downstream flooding. Microbial action in wetland soils and roots break down many organic pollutants in urban runoff, that would otherwise result in downstream water quality that pollutant levels allowed by the Federal Clean Water Act. The wetlands provide habitat for many animals, both common species and notably several Federally-listed birds. The canyons hold important visual and recreational values for citizens and neighborhoods. More than 90% of local wetlands have already been lost, so these wetlands and their "ecosystem services" are invaluable to the citizens and the City's natural environments, and must be furthered by all maintenance actions.

V4 Cumulative impacts of wetlands removal
A more thorough analysis of cumulative impacts is needed, as the proposed maintenance actions will impose unnecessary and costly impacts on upland habitats, riparian and aquatic wildlife habitats, wildlife corridors, wetlands functions, water quality, and flood/erosion control. The Report projects that "up to approximately 70.40 acres of vegetated wetland habitat and 24.63 acres of unvegetated earthen-bottom streambed/natural flood channel could be affected by maintenance. An estimated 42 acres of upland habitat could be impacted." Wetland restoration rates need to be quantified, as most wetlands are not reestablished in three years, with respect to water filtration, shelter or breeding places for wildlife, and other traits.

V5 Consistency with the General Plan
The proposed actions do not support several goals of the General Plan. For the Public Facilities, Services, and Safety Element, G. Storm Water Infrastructure, neither of these goals are furthered and the actions need to be reviewed and rewritten to meet their intent: "(1) Protection of beneficial water resources through pollution prevention and interception efforts; and (2) A storm water conveyance system that effectively reduces pollutants in urban runoff and storm water to the maximum extent practicable." Extensive removal of wetlands vegetation is not consistent with PF-G.2, "Install infrastructure that includes components to capture, minimize, and/or prevent pollutants in urban runoff from reaching receiving waters and potable water supplies."

V6 For the Conservation Element, these actions will not meet the goal "To provide for the long-term conservation and sustainable management of the rich natural resources that help define the City's identity, contribute to its economy, and improve its quality of life." For H. Wetlands, the removal of wetlands vegetation will violate the goal of "Preservation of all existing wetland habitat in San Diego through a "no net loss" approach." The following policies need to be followed more clearly in the stormwater maintenance program: CE-H.1.

V.2. The City intends to remove invasive species located within maintenance areas in order to enhance biological resources within the maintenance area as well as downstream. The reference to invasives removal in offsite locations refers to mitigation actions that would compensate for the loss of native habitat in the course of maintenance.

As discussed in Response to Comment B.5, a new protocol (#32) has been added to the MSWSMP which requires that invasive species be removed in a manner that does not promote re-establishment of invasive species in areas downstream of maintenance activities. In addition, the text has been modified to require the use of the California Invasive Plant Council's Invasive Plant Inventory as a basis for identifying invasive plant species prior to commencing maintenance activities.

V.3. This comment cites conclusions contained in the PEIR and raises no specific issues related to the adequacy of the PEIR. Thus, no response is required.

V.4. A more thorough analysis of the combined impacts of the various maintenance activities is infeasible at this time. As discussed throughout the previous responses, such an effort is infeasible given the cost and practicality of such an undertaking. In order to accurately quantify the vegetation impacts, detailed hydrology studies must be completed for all 50 miles of storm water facilities. In addition, IMPs would be required to be prepared based on the results of those hydrology studies. And, even then, the exact amount of vegetation removed when initial maintenance actually occurs over the five or more years would be unknown due to the potential for vegetation within individual facilities to expand or contract due to climatic conditions.

Wetland compensation ratios (rates) are quantified in Tables 4.3-10 and 11 of the Final PEIR.

V.5. New maintenance Protocols #24 and #25 respond to the goals of the Public Facilities, Services and Safety Element that relate to protection of downstream beneficial water resources and promoting storm water conveyance systems that reduce pollutants to the maximum extent possible. Pursuant to these protocols, check dams or other techniques would be installed at the downstream end of maintenance activities to provide long-term protection to downstream areas until vegetative cover is re-established in the maintained segments. Furthermore, as discussed in Response to Comment H.4, the Storm Water Pollution Prevention Section of the City's SWD is implementing a proactive program to reduce urban pollutants generated outside the limits of the storm water facilities, including Low Impact Development (LID) methods. In addition, the City is implementing regional in-stream facilities within select storm water facilities to capture urban pollutants in storm water passing through these facilities.

COMMENTS

RESPONSES

City of San Diego, Master Stormwater System Maintenance Program, August 21, 2009, page 3

V6 cont. Use a watershed planning approach to preserve and enhance wetlands; CE-H.4 Support the long-term monitoring of restoration and mitigation efforts to track and evaluate changes in wetland acreage, functions, and values; and CE-H.8. Implement a “no net loss” approach to wetlands conservation in accordance with all city, state, and federal regulations.

V7 Mitigation measures
Mitigation should be conducted as close to the project site as possible and within the same watershed. Highly-urbanized areas such as City Heights and southeast San Diego do not meet General Plan standards, and the removal of riparian forests and other wetlands vegetation should not be mitigated with restoration projects in other areas of the City. That would also conflict with the Land Use Element Goal to have “equitable distribution of public facilities, infrastructure and services throughout all communities.” Restoration could be sited in canyons with focused urban runoff and incised stream channels, to stabilize and enhance those streams. Acquiring comparable habitat outside the watershed, purchasing credits in the City’s Habitat Acquisition Fund, and mitigating wetland losses with upland habitat are unacceptable mitigations.

V8 Analysis of alternatives
A greater range of alternatives needs to be analyzed, and the some evaluated more thoroughly.
V9
V10
V11
V12

- Where natural channels are lined with concrete or where they are narrowed due to filling of the floodplain, there are opportunities to widen channels and increase wetlands.
- For many lined channels, some vegetation and soil can be removed and some left in each maintenance cycle. When sediment and vegetation re-establishes itself in the treated area several years later, the alternate area could then be cleared.
- Canyons with incised stream channels, where urban runoff is focused from the streets, can be restored with wetland and upland vegetation.
- The volume and velocity of stormwater runoff can be reduced upstream by such techniques as infiltration, conversion of impermeable surfaces to permeable surfaces, and detention basins to capture and filter runoff before discharge to the creek channels.
- Residential rain barrels or cisterns could reduce storm water runoff and provide a beneficial use of local water.

V13 Annual public review
City residents are often aware of local conditions beyond the submitted reports, agency databases, or biologists’ surveys. They observe the creek system and know the sources of erosion that are causing increased sedimentation, and can identify potential restoration sites in the watershed. The public needs adequate opportunity to review and provide input on the project details in a draft Annual Maintenance Plan, perhaps a 60-day comment period before Council approval of the Plan. This could be similar to the public process involving local groups for maintenance access to canyon sewer systems.

V.6. The PEIR identifies the potential for conflicts to develop between proposed maintenance activities with the goals of the City’s Conservation Element (see pages ES-20 and 4.1-9). The discussion in Table 4.1-1 of the PEIR (page 4.1-13) has been revised to reinforce this conclusion.

V.7. As indicated above, the discussion in Table 4.1-1 has been modified in the Final PEIR to conform to the conclusion that the maintenance activities would potentially conflict with the goals of the Conservation Element.

Mitigation Measure 4.3-.3 and the Conceptual Wetland Mitigation Plan, included in the PEIR, would be consistent with Policy CE.H.4 in that a five-year maintenance and monitoring program would be required for all mitigation actions as well as a long-term maintenance program to be implemented throughout the life of the Master Permit. The information collected during the initial monitoring program will include both qualitative (visual assessment) and quantitative (transect data collection) sampling within the mitigation areas. The sampling will include assessments of cover (native and non-native), observations of plant recruitment, and lists of wildlife and plant species observed each year. A functional assessment (including hydrological and biogeochemical assessments) of the restoration areas will be conducted according to the criteria.

The City intends to mitigate for the loss of wetlands within the watershed where impacts occur. However, in some instances mitigation may be conducted in other urban canyon areas where restoration or enhancement efforts can be most effective.

As discussed on page 4.3-40, the “no net loss” policy does not apply to storm water facility maintenance because wetland vegetation has historically returned to these channels between maintenance events. Thus, there would be no permanent, irreversible loss of wetland. Furthermore, the City is proposing to compensate for the loss of wetlands through mitigation ratios commonly accepted by state and federal agencies. These ratios provide for more than a 1:1 mitigation in order to compensate for the time it takes for mitigation to develop full wildlife habitat value and account for attrition.

V.8. As indicated in Response to Comment I.2, there may be opportunities on individual segments to undertake channel widening in an effort to allow vegetation to remain without substantially impeding the movement of flood waters. These opportunities will be evaluated at the time maintenance is proposed as part of the CD process, after a thorough hydrologic and biological analysis has been conducted.

COMMENTS

RESPONSES

- V.9. The hydrology analysis prepared as part of the CD process will evaluate the feasibility of retaining sediment and/or vegetation during maintenance without jeopardizing the flood control function of the facilities. Whenever possible, vegetation and/or sediment will be retained.
- V.10. The City intends to look for mitigation opportunities in existing canyons.
- V.11. As discussed in Response to Comment H.4, the channel maintenance activities described in the MSWSMP represent only one component of the SWD's programs. The SWD implements several other programs that work to address storm water quality including Low Impact Development (LID) and hydromodification (including first, reducing peak flow rates and second, increasing peak flow capacities). Collectively, these efforts minimize the amount of channel maintenance and cleaning that must be completed by reducing runoff flows and addressing sediment and trash before entering storm drain channels.
- V.12. The comment does not address the adequacy or accuracy of the environmental document.
- V.13. See Response to Comments F.2 and U.18, the City is proposing to require public review when an activity would meet one of three criteria intended to identify activities which warrant public review.

COMMENTS

RESPONSES

City of San Diego, Master Stormwater System Maintenance Program, August 21, 2009, page 4

Other comments

V14 [

Many local resources can support more sustainable maintenance actions. San Diego Canyonlands volunteers can help with restoration and weed control projects. The "Think Blue" program can include upstream and wetland actions in its public awareness programs. More stormwater runoff can be captured in "Low Impact Development" by reducing impermeable surfaces.

Thank you for the opportunity to review and provide comments on the Master Stormwater System Maintenance Program.

Sincerely,



Anne S. Fege, Ph.D., M.B.A.
Retired Forest Supervisor, Cleveland National Forest
Adjunct Professor, Department of Biology, San Diego State University

- cc: Council President Hueso, District 8
- Councilmember Lightner, District 1
- Councilmember Faulconer, District 2
- Councilmember Gloria, District 3
- Councilmember Young, District 4
- Councilmember DeMaio, District 5
- Councilmember Frye, District 6
- Councilmember Emerald, District 7

V.14. As discussed in Response to Comment H.4, the SWD implements several other programs that work to address storm water quality including LID and hydromodification (including first, reducing peak flow rates and second, increasing peak flow capacities).

Billy Paul
 2747 Fairfield St
 San Diego, CA 92110

22 August 2009

Myra Herrmann, Environmental Planner
 City of San Diego Development Services
 E-mail DSDEAS@saniego.gov

Re: MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM (MSWMP)
 DRAFT Program Environmental Impact Report (PEIR)
 Project No. 42891/SCH No. 200101032

Dear Myra Herrmann and staff:

I have been living in Clairemont since 1956 and now own a home in the Clairemont community. As a child, I grew up spending much of my free time climbing in and around the canyons of Clairemont as did most of my childhood friends. Canyons were always more fun and more interesting to go into because of the varied habitat and interesting animals, rather than the flat prepared surfaces of the local parks available at the time. I also spent a lot of time in Mission Bay and water quality has always been an important issue.

The PEIR clearly states "direct impacts related to Aesthetics, Biological Resources, Land Use Conservation Policies, and Water Quality are considered significant and unmitigated." **I find that the proposed project tends to spend money in areas that may not adequately address all the problems associated with the water flow and water quality in our creeks and streams, and may not be a program that adequately corrects these problems in the most long lasting and cost-efficient ways.** We need to use habitat as a way to correct flooding and slow down water flow, filter water flow, and provide important habitat. This needs to be done in the creeks and streams and before they dump into our ocean or bays. I am a member of the Mission Bay Park Committee and do not represent them in this letter, but I have been concerned about the quality of water flowing into Mission Bay Park. Keeping the water clean in Mission Bay is essential to having it be a viable recreational resource for our community and to ensure the success of the commercial developments that allow people to use this resource. **The proposed project lacks the opportunity to provide for a method to enhance water quality before being dumped into Mission Bay.**

Even as a child, I realized the secret to a successful canyon was the creek running through it at the bottom. This creek was the area where the frogs and small fish hung out, where wild animals could get a drink (if the water was clean), and the bigger trees grew to provide shade on hot summer days. All of the big trees only grew at the bottom of the canyons, and most of these were near the creek. I also noticed that most of the land at the bottom of the canyons was like sand and gravel, and had lots of small rocks, with dirt mixed in. We now tend to call these areas a flood plain.

As the areas in and around Clairemont developed, I noticed that those people who had the power to make decisions about development and land use, had decided that the area need for creek flow, kept getting smaller. The areas that had been part of the flood plain were not considered necessary as most of the water only flowed through a small area. The creeks only needed to use a small part of the canyon bottom, and the rest can be used for roads and other developments that were determined to be needed or wanted by developers.

W1 []
 W2 []

- W.1. The PEIR acknowledges the role of vegetation and sediment within channels in removing water-borne pollutants. To allow these elements of storm water facilities to continue this function, individual hydrology studies and corresponding maintenance plans will be prepared to retain sediment and vegetation during maintenance whenever their retention would not substantially interfere with the ability of these facilities to convey runoff.
- W.2. Implementation of maintenance Protocols #24 and #25 , as necessary, would reduce potential downstream erosion and sediment impacts. Furthermore, as discussed in Response to Comment H.4, the Storm Water Pollution Protection Section within the SWD implements several other programs that work to address storm water quality including Low Impact Development (LID) and hydromodification (including first, reducing peak flow rates and second, increasing peak flow capacities).

COMMENTS

RESPONSES

When I was in my teens, I noticed that new development of Mission Valley had begun where the flood plain that went from canyon edge to canyon edge, but it was now determined, the flood plain was not necessary to be so large. The Mission Valley Shopping Center was developed, and within a few years everything was flooded from a big rainstorm that occurred. This area continues to flood today. The problem is that no one wanted to recognize the need for a wider flood plain. Even as a young child, I noticed the mistake that the adults were making, and I still can't understand why a young child should have better vision about flood control than an adult! Now, there is an opportunity for a change.

W3 To begin, there is a need to consider a wider flood plain! Bulldozing all the habitat is not the solution! **The "problem areas" need to be selectively cleared, and less damaging alternatives need to be considered, such as widening channels and increasing wetlands to slow and absorb flood waters.** I am concerned that the PEIR dismisses the opportunities to perform these less damaging alternatives, and these alternatives need to be a major part of the project. It is my understanding that analysis of such alternatives is required under CEQA.

W4 Additionally, the PEIR dismisses the opportunity for hand maintenance as too costly. **I think the proposed project is a waste of money as proposed, and creates greater costs down stream than would be necessary if it was more selective, and the idea of increased wetlands, as a solution, needs to be better incorporated into the project.** As an alternative, it may be more environmentally sensitive to use smaller bob-cat type equipment of similar type used by the Waste Water Department for sewer pipe access, rather than the typical big scoop-loaders currently used. This needs to be considered in greater detail.

W5 **Not only does flooding become a problem when the creek stream bed is channelized and restricted to too small of a space, this channelizing causes increased speed of water flow and further increases the opportunity for erosion and flooding in areas further down stream.** The solution always seems to be the increased channelizing of the creeks, and then the extreme insult is to build a concrete culvert where the stream should be and now call it a flood control channel! This is a big mistake and just adds to further destruction of the environment. There needs to be a consideration of concrete culvert removal and alternative solutions. In addition, the PEIR does not define what "Adequate Flood Control" consists of and without a requirement for a specific carrying capacity at each section of a creek, any attempt at performing maintenance to achieve "adequate flood control" will be arbitrary and capricious.

W6 **One of the things that needs to be considered is to use the resource of the community surrounding each of the problem areas.** Most of these areas have community groups, friends of canyon groups, and friends of creek groups, with vested interests in maintaining the aesthetics, biological and water filtration resources and could be utilized as part of volunteer labor crews to do invasive plant removal in creek beds and riparian areas. Many of the areas that are overgrown are overgrown with non-native invasive species, not native plants. **Areas that are overgrown with native plants, must be mitigated.**

W8 **It is my understanding that an area that has native habitat, even if it is in an area that has been "disturbed", is still required to be mitigated under CEQA.** If the habitat to be bulldozed is considered to be significant for a protected species, then might it be more cost effective for a more selective method to be used? If it does have to be mitigated, then it should be mitigated in the same creek area and provide the same type of habitat that was destroyed. To not mitigate is not acceptable.

W9 **Money does not mitigate,** but if money is the only solution, it should be DOUBLE the actual cost, because by the time it is actually done, the cost will most likely be at least double the cost determined at the time.

W11 **Furthermore, a 20 year permit provides little or no recourse for interested parties to prevent wholesale destruction of our wetland and riparian areas.** What if the project turns into a real

W.3. The PEIR does consider alternatives which would replace the need to periodically remove vegetation and sediment. These alternatives include: (1) raising the creek banks by constructing walls or berms, (2) diverting storm water in pipes around problematic segments, and (3) widening channels. The primary goal of each of these alternatives is to reduce or avoid the need to remove vegetation to assure adequate flood control.

As indicated in Response to Comment I.2, there may be opportunities on individual segments to undertake channel widening, runoff diversion and/or raised banks to allow vegetation to remain without substantially impeding the movement of flood waters. These opportunities will be identified during individual hydrology studies conducted prior to maintenance. To the degree they are feasible, these techniques would be incorporated into the IMPs.

W.4. The City will use the smallest equipment possible to conduct maintenance in order to reduce impacts to wetland vegetation and the associated cost of mitigation. The ability to use smaller equipment will be evaluated during the CD process.

W.5. As discussed above, the City will look for alternatives to concrete channels.

Defining adequate flood control can only be done on a segment by segment basis. A determination of flood control needs must take into account the ability of the facility to convey flood water control and the nature of the adjacent land uses. Such a determination will be made during the CD process of each facility before maintenance would occur.

W.6. The City is interested in reducing mitigation costs and enhancing existing canyon habitats. Wherever possible, the City will solicit assistance from local groups.

W.7. Removal of invasive species is one of the mitigation measures the City intends to pursue as a means of compensating for impacts related to maintenance.

W.8. Whenever retaining vegetation would not substantially interfere with the ability of storm water facilities to convey flood waters, the City will seek to retain existing native vegetation.

W.9. As indicated on page 4.3-41 of the PEIR, "Wherever feasible, mitigation would occur within the same watershed as the impact."

COMMENTS

RESPONSES

W.10. Monetary contributions are only proposed for minor impacts to upland habitats. In such cases, the contributions will be made to the City's HAF. This fund has been established by the City to promote the acquisition of large, contiguous upland habitat to further wildlife values. Without such a fund, mitigation would likely occur through acquisition of small parcels of land which could be isolated from other habitats and, thus, have minimal wildlife value.

The contribution amount would be determined at the time of impact to assure that it is sufficient to acquire the necessary habitat area, and in accordance with the mitigation ratios identified in the City's Biology Guidelines.

COMMENTS

RESPONSES

W11
cont.

destructive program? Where is the safety net? Where is the opportunity for public input to make change? While the PEIR states that an Individual Biological Assessment will be performed for each specific area prior to maintenance work, there is no opportunity for the public to provide input, challenged the IBA or otherwise prevent damage from happening if the IBA is inadequate. The public must be allowed a minimum 60-day comment period, a public hearing, and approval of the Annual Maintenance Plan by a majority vote of our elected officials must be required each year.

W12

All mitigation efforts should be coordinated with the interested parties as listed in the PEIR. Opportunities to improve water quality, recreational areas, or habitat need to be done with proper public input. I would like to be listed as an interested party in the PIER.

W13

Thank you,
Billy Paul

W.11. See Response to Comments F.2 and U.18.

W.12. On an annual basis, the City will prepare a mitigation plan for the impacts associated with each series of annual maintenance activities in accordance with the CD process. The proposed mitigation program must be reviewed and approved by state and federal Resource Agencies prior to carrying out the proposed maintenance. The mitigation program will be a public document which can also be reviewed by interested local citizens and conservation groups.

W.13. As a commenter, your name will be included as interested party.

COMMENTS

RESPONSES

-----Original Message-----
From: Theresa [mailto:quiroz@cox.net]
Sent: Wednesday, August 12, 2009 9:07 AM
To: DSD EAS
Subject: Draft EIR MSWSMP Proj No. 42891

Dear Ms. Herrmann,

Thank you for the chance to comment on the draft environmental impact report for the Master Storm Water System Maintenance Program (MSWSMP). Please let me know that you have received this e-mail.

X1 [All references to the "Home Avenue Channel" should be replaced with its proper name, "Auburn Creek".

X2 [The draft EIR states that the MSWSMP needs to be put in place to reduce flooding to protect life and property. The assumption is made that because maintenance has historically included the removal of vegetation that it must continue. There is nothing in the draft EIR or its appendices that shows that excess vegetation is the primary reason for the flooding, or that its clearance will make enough of a difference to warrant the unmitigated significant impacts. Assumptions are not permitted to be used as fact in the preparation of an EIR. The draft EIR is inadequate because it does not prove that vegetation is the primary cause of the flooding, and therefore the unmitigated significant impacts cannot be properly reviewed and alternatives cannot be properly considered.

X3 [The project description in the draft EIR states that the program is to assure that the municipal storm water system provides adequate flood control. The draft EIR does not review whether the actions proposed will actually assure flood control, and therefore is unable to assert how the impacts should be mitigated, whether the unmitigated impacts can be overlooked and whether the alternatives are more reasonable.

X4 [The inadequacies of the current culvert system are not properly reviewed in this draft EIR. This is an essential discussion. If the city moves forward with its plan to remove vegetation, it will increase the volume and velocity of the waters. The result would be greater flooding due to the inability of the current culvert system to handle that extra flow and speed. Impacts, mitigation measures and alternatives cannot be determined unless those inadequacies are included in the discussion.

X5 [The draft EIR states, "Maintenance of channels and basins primarily involves the removal of vegetation and/or sediment to minimize the disruption of water flow." As an active member of my community which is surrounded by both the Auburn and Chollas Creeks, I can say with certainty that in our neighborhood, that statement is inaccurate. The primary reason for the disruption of water flow is not vegetation but trash and debris. The draft EIR must have a discussion regarding the effect and impacts of the trash removal by the Environmental Services Department in the creek. This cannot be a stand-alone project. The cumulative impacts of all of the maintenance methods must be considered.

X6 [

X.1. Because the SWD has historically referred to this segment as Home Avenue Channel, this name will be retained for the sake of consistency.

X.2. The hydraulic impacts of vegetation with respect to a creek, stream, or channel's capacity is well recognized. This conclusion is supported by hydraulic models that are used in analyzing natural systems and designing storm water facilities. Hydraulic modeling utilizes a "friction coefficient" (Manning's n-value) which is a factor in determining the velocity of runoff and capacity of a channel. A large friction coefficient (representing dense vegetation) will yield lower velocities and a decrease in channel capacity. A small friction coefficient (representing low vegetation) will yield higher velocities and an increase in channel capacity. . Vegetation increases the friction coefficient in storm water facilities and thus decreases the allowable conveyance area As such, the water surface elevation increases. If the capacity of the facility is insufficient to accommodate the rise in water surface elevation as a result of the increased vegetation, the water spills out and breaches the facility banks and has the potential to flood adjacent property. Because the storm water facilities in the urban areas of the City are often unable to convey storm events of as low as a two-year storm, the vegetation within these facilities can have a major influence on the channel capacity during storm events.

Recently, the City's water resources engineering consultant completed a hydrologic and hydraulic study of one of the storm water facilities included in the proposed MSWSMP. Approximately 0.8 miles (4,000 feet) of Alvarado Creek, east of College Avenue, was analyzed using a HEC-RAS computer model. The modeling confirmed that flood water conveyance capacity of the creek was limited in several areas by vegetation and/or sediment. In fact, the modeling concluded that a portion of this section of creek has a capacity that is equivalent to less than a two-year storm event. By reducing the friction coefficient used in the model by assuming removal of the vegetation and sediment, the model indicated that the capacity of this section of the creek could be increased to handle up to a 12.5-year storm event. Although this would fall short of the 100-year storm event standard currently used for designing storm water channels, it would represent a substantial reduction in the flooding experienced by adjacent development.

X2. (cont.)

Additionally, the engineering consultant looked at the least impactful maintenance alternative for this system. As a result of this analysis, it has been determined that only 1,400 feet of the 4,000 feet needs to be maintained to achieve desired flood protection for adjacent property. Within the 1,400 feet, the engineer further looked at minimizing the limits of maintenance by comparing the capacity of the channel if the channel was maintained from bank to bank or if only the bottom of the channel was maintained (e.g., a 25-30-foot swath along the channel bottom). For this system, it was determined that it was unnecessary to remove all of the vegetation within the facility. As such, removal of vegetation can be further minimized. This approach to minimizing maintenance will be carried out for each system that is analyzed to ensure that vegetation removal is minimized wherever practical.

X.3. As indicated in the preceding discussion, removal of vegetation and sediment has been demonstrated to improve flood control.

X.4. As discussed in Response to Comment A.1, the City cannot afford a comprehensive evaluation of the ability of the urban storm water conveyance system to handle flood waters. Nor is such a study required to determine impacts and mitigation measures. Hydrology studies and the subsequent preparation of IMPs for individual facilities are the appropriate way to determine the potential impacts from maintenance and the appropriate mitigation.

Under the proposed MSWSMP, the City will use hydrology modeling to determine how much vegetation and/or sediment must be removed to minimize risk of flooding in adjacent developed areas. These hydrology studies will assure that unnecessary removal of vegetation does not occur. The studies will also assess the effects of maintenance on downstream storm water conveyance facilities and identify any measures necessary to avoid significant impacts to these facilities.

X.5. As discussed in Response to Comment X.2, anything which increases the friction coefficient can cause flooding. As with vegetation, trash and debris would increase the friction coefficient and result in an increase in water surface elevation.

X.6. Trash removal by the Environmental Services Department does result in improved storm water conveyance. Any increase in flood capacity resulting from trash removal initiated by the Environmental Services Department would be taken into consideration in the course of hydrology studies prepared prior to maintenance conducted by the SWD.

COMMENTS

RESPONSES

X7 In the Executive Summary the following statement is made. "The city's storm water system is comprised of a number of facilities designed to transport storm water runoff through the metro area." The Chollas and Auburn Creeks were not designed to transport storm water through a metro area. They were here long before the city was built. They were created by nature to carry only that water not able to be absorbed into the natural environment. By permitting the building of non-permeable surfaces without construction of appropriate storm water channels, the creeks were left to handle storm water that they were never "designed" for. Such inaccuracies make the project description insufficient, the scope flawed and the premise of the draft EIR questionable.

X8 The draft EIR states that the removal of vegetation will allow the storm water to flow easier, thereby reducing the hazard of flooding to life and property. However, the Chollas and Auburn Creeks can only handle certain velocities before flooding will occur anyway. The "natural channels" make several sharp turns, suddenly reduce in width, go down hills and change depth throughout their winding paths. The velocity of the water in these "natural channels" is a very important factor. Only when the flow is impeded and slowed to a certain level can the creeks handle the excessive flow that the storm water system has placed on them. High velocities are also responsible for the erosion of walls of the creeks which, in turn, creates the excess sediment that the city is trying to reduce with the program. Without a discussion of the change in velocity after maintenance, and the cumulative impact the increase will have, this draft EIR is insufficient.

X9 One of the major statements in the city's approved planning document, the Chollas Creek Enhancement Program" (CCEP) is as follows: "The creek's primary environmental value is its contribution to improved downstream water quality as a result of the filtering action of water flow through the channel." The CCEP has many findings such as this which refute the comments made in the draft EIR. It would be inappropriate for the City Council to approve a draft EIR which contradicts its planning document for the creeks in question.

X10 In our inner city, it is essential that our creeks and wetlands are used as recreation areas to help compensate for the extreme lack of park and open space. This draft EIR does not adequately consider the effects of the loss of recreation space by the program.

X11 It is essential that our natural creeks filter urban run-off to the greatest extent possible to help with the well-documented pollution issues such as copper, lead and zinc. The draft EIR does not study what impact this program will have on the city's ability to fulfill its required clean up of the Chollas Creek.

X12 The draft EIR does not include mitigating for the impacts by funding the creation of the Chollas Creek Park as described in the CCEP. All mitigation should go to upgrading the creek environment, and ensuring that non-native plants are removed, and native vegetation allowed to blossom. The native vegetation will better filter urban run-off and could offset some impacts and be better able to handle the storm waters when they occur. By simply scraping away all vegetation, the city will be encouraging non-native weeds to replace our natives, thus encouraging flooding. It is essential that there are rules about the

X.7. It is acknowledged that Chollas and Auburn Creeks are natural drainage courses and not constructed storm water conveyance facilities. It is also acknowledged that their configuration is largely based on storm water runoff that existed prior to development of the area. In fact, these two factors are the primary contributors to the inability of these drainages to convey flood waters under the conditions that exist today.

The comment correctly identifies the increase in impermeable surface areas associated with development in the watershed of these drainages as a primary contributor to flooding. In response to this situation, as discussed in Response to Comment H.4, the SWD implements several programs that work to reduce runoff from surrounding areas including Low Impact Development (LID), and hydromodification (including first, reducing peak flow rates and second, increasing peak flow capacities).

X.8. As discussed in Response to Comment X.2, slowing the velocity of flood water does not reduce flooding. In fact, reduced velocities attributed to vegetation and trash are primary factors leading to the existing flooding problems experienced along these drainages. As indicated in Response to Comment X.4, the hydrology studies completed prior to maintenance will evaluate erosion and sediment impacts from maintenance and identify measures to be taken to reduce those impacts. In addition, maintenance Protocols #24 and #25 will provide further assurance that potential erosion and sedimentation impacts will be taken into account in maintenance activities, as necessary.

X.9. The PEIR acknowledges that maintenance could reduce the ability of earthen-bottom storm water facilities to intercept water-borne pollutants by removing vegetation which serves to slow the runoff and facilitate adsorption by sediment and absorption by plant roots. It will be up to the Planning Commission and/or City Council to determine whether there are social, economic or other reasons which justify maintenance despite the potential reduction in urban pollutant filtration which may result from the maintenance. Should the Commission or Council make this determination, it would be supported by the Statement of Overriding Considerations mandated by CEQA.

X.10. As identified on page 4.1-3, the removal of vegetation would diminish the recreational value of natural drainage facilities which are subject to periodic maintenance. However, the drainages would not be altered and there would be no loss of open space.

COMMENTS

RESPONSES

X.11. As stated in Response to Comment F.4, the proposed MSWMP includes a number of maintenance protocols which would reduce water quality impacts during maintenance. Response to Comment In addition, the City is implementing regional in-stream facilities within select storm water facilities to capture urban pollutants in storm water passing through these facilities and has recently received approval of the Chollas Creek Dissolved Metals TMDL Implementation Plan which requires the City of San Diego and other responsible parties named in the TMDL to reduce dissolved copper. Lead and zinc concentrations in Chollas Creek and its tributaries over a 20 year compliance schedule.

COMMENTS

RESPONSES

X12 cont. non-natives, especially those such as the Arundo which, when handled incorrectly, will just reproduce faster, bigger and stronger. The weeds absolutely must be killed in place before any attempt is made to remove them.

X13 Item 2.3 Please add the Chollas Creek Enhancement Program to the list of planning documents.

X14 Figure 3.1 There appears to be no explanation of what the type (C, E) or maintenance method (1, 2, 3) refers to. A proper review of the EIR cannot be made without an explanation of such important terms.

X15 Table 4.1-1 Under CCEP flood safety. Neither the MSWSMP nor the draft EIR shows that the maintenance will either provide ongoing adequate water drainage or avoid potential future flooding. This statement is purely wishful thinking and should be removed from the document.

X16 Page 4.2-1 "It is noted that there are cases where natural, soft-bottomed storm water facilities are considered a negative aesthetic feature, such as when the storm water facilities are immensely overgrown". It is the responsibility of the City to ensure that the creek is given appropriate care. The City cannot use its lack of appropriate services as an excuse to make it appear that impacts are less than they seem.

Theresa Quiroz

X.12. Storm water facility maintenance is not obligated to fund improvements contained in the Chollas Creek Enhancement Program (CCEP). However, to the degree that wetland mitigation can be carried out within the Chollas Creek area without interfering with flood control, the City will place a priority on carrying out wetland enhancement and restoration efforts within Chollas Creek to help implement the CCEP. In fact, the City has already been working with Groundwork San Diego to identify mitigation opportunities within the Chollas Creek watershed to compensate for maintenance impacts within the Pueblo San Diego HU.

Maintenance activities will help achieve the CCEP's goal to control non-native plant species because they will be removed in the course of maintenance. Protocols #24 and #25 will control erosion after maintenance. Lastly, a new protocol (#32) has been added to the MSWSMP to require invasive species to be removed in a manner that does not promote establishment of invasive species in area downstream of maintenance activities. Lastly, the text has been modified to specify the California Invasive Plant Council's Invasive Plant Inventory to be used as basis for determining invasive plant species.

X.13. The CCEP is already including in the PEIR. See list of other plans on page 4.1-5 and Table 4.1-1 on page 4.1-45.

X.14. The footnotes indicating the nature of the various maintenance methodologies and the channel types have been added to Table 3.1-1 in the Final PEIR.

X.15. Removal of vegetation and sediment within Chollas Creek will improve the ability of the channel to convey flood water and reduce the amount of flooding events experienced by adjacent property owners. However, due to the inability of the majority of the segments to convey much more than a 10-year storm event, flooding will still occur.

X.16. The regular storm water maintenance that would occur pursuant to the proposed MSWSMP will help control the dense vegetation as well as to facilitate the removal of trash and debris, which are cited by the commenter as having a negative aesthetic impact.

Master Storm Water System Maintenance Program

Maintenance Activities Comment Form

Name (required): Joseph Steinbach
Address (required): 3547 Luna Ave
San Diego, CA 92117
Email (optional): jhsteinbach@ucsd.edu
Phone (optional):

Would you like to be notified of public hearings related to the proposed project or EIR? YES

Instructions:

1. Please submit your comments using the Form below.
2. Please submit comments at the conclusion of the Public Informational Meeting, or mail to Daniel Lottermoser, Storm water Department, 2781 Caminito Chollas, San Diego, CA 92105

Y1

The Draft EIR does not properly consider the benefits and problems of the access roads used by other utilities. The roads should be marked on the maps. Using the existing roads would avoid problems from moving equipment in the streambed. But, repair or improvement of these roads could have a environmental impact that should be considered.

Y2

Specifically, on map 29, the cement channel north of SR-52 had its access from the north washed out by stream capture of the creek entering from Gilman in the 1990's. Now there is only a pedestrian/bicycle trail next to a gully. Some wetland vegetation is growing in this gully where the road was severely eroded. Fixing this road would likely involve less impacted area than following the streambed. Filling in the gully might be a good disposal site for sediment removed from the cement channel.

Note: The Maintenance Program is available online at www.ThinkBlue.org. Free CD copies of the Maintenance Program are available at the City of San Diego Development Services Department, 1222 First Avenue (Fifth Floor), San Diego, CA 92101., either included as Appendix B of the Environmental Impact Report (free CD) or individually for purchase.

- Y.1. The City will use existing utility access roads wherever possible. It is motivated to use existing roads in order to reduce the cost of maintenance as well as reduce impacts to natural vegetation.
- Y.2. As indicated in Response to Comment K.4, the City is no longer proposing maintenance in these portions of Rose Creek.

rec'd 7/28/09

Master Storm Water System Maintenance Program

Environmental Impact Report (EIR) Comment Form

Name (required): John Stump
 Address (required): Brown Building, 4133 Poplar
City Heights, CA 92105
 Email (optional): jwstump@cox.net
 Phone (optional): 619 281-4688

Would you like to be notified of public hearings related to the proposed project or EIR? _____

Instructions:

1. Please submit your comments using the Form below.
2. When submitting all comments, please reference the Chapter #, Section #, and page # for each comment or question.
3. Please submit comments at the conclusion of the Public Information Meeting, or mail to Myra Herrmann, Development Services Division, MS 501, 1222 First Avenue, San Diego, CA 92101 by August 22, 2009.

Comment:

Chapter #: _____ Section #: _____ Page #: _____

Z1

1. Distribution list claimed beginning at Page 13 to 21 at least one name that was not mailed a copy. Distribution appears flawed and needs to be re done and confirmed by return mail.

Z2

2. The alternate term "widening channel alternative" [page ES-6 & ES 7] should not be used as the activity should be named "channel restoration" loss of wetlands, habitat and flooding is occurring because the natural channel has been interfered with a) "Channel Restoration" should be the preferred alternative b) "Channel Restoration" should be emphasized for mitigation of wetland loss and compensation. Restoration should occur in direct vicinity to disturbed habitat.

Z3

3. Draft PEIR "References" Chapter (page 12-1-12-5) is flawed and needs to be revised. This chapter must be accepted until August 22, 2009.

Note: The EIR is available online at www.ThinkBlue.org. Free CD copies of the EIR are available at the City of San Diego Development Services Department, 1222 First Avenue (Fifth Floor), San Diego, CA 92101.

include City, County and Schools Environmental Impact Reports adjacent to channels must be included. Litigation sites from flood suits must be referenced. PUGHMAN STREET

Z.1. City staff is unable to ascertain from the comment who on the distribution list did not receive a copy of the draft PEIR. That being said, the City offers the following information regarding its requirements for public review of draft environmental documents pursuant to CEQA. According to Section 15087 of CEQA, as the Lead Agency, the City is required to provide public notice of the availability of a draft EIR at the same time it sends a notice of completion to the Office of Planning and Research. This notice is also mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing and is accomplished by at least one of three ways: public notice in a large circulation newspaper, posting of the notice on and off site in the area where the project is to be located or direct mailing (generally at the local branch library or by notification to the recognized community planning group). The City is also required to post the notice of availability for all environmental documents with the County Clerk, and additionally posts the notice on the City's official website where it remains for at least 30-days.

Z.2. The City believes that the use of the term "widening" is more appropriate than restoration. In many cases, the natural drainages that provide storm water conveyance have a configuration that reflects the original condition. While these drainages were adequate when they were originally created, development that has occurred within their watersheds have generated additional runoff that exceeds their original capacity. Use of the term "restoration" would imply that the drainages were historically different than they are today.

As indicated in Response to Comment F.3, the City will consider channel widening as a means to achieve flood control goals. Furthermore, it is the City's intent to look for opportunities to mitigate within the same watershed as the impact, whenever possible.

Z.3. The References section of this document only includes references directly incorporated into and/or referred to in the text; as these documents and files are not referenced in the PEIR, they are not required to be included in the References section.

COMMENTS

RESPONSES

From: Doug [mailto:Doug@wescotts.org]
Sent: Sunday, August 09, 2009 1:06 PM
To: DSD EAS
Cc: Monica Fuentes; Tom Wright; Al Smith; Barbara Ryan; Brad Savall; Brian Peterson; Dicken Hall; Duane Shockley; Jimerson, Eric; James Feinberg; Michael Marion; Bob McDowell
Subject: MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM Project No. 42891/SCH No. 200101032

Good Morning,

I was forwarded the following comments, and where I would normally put them in my own words, there is no better way to say it, and I agree with all the points below, with one additional one and strong emphasis on one: **DO NOT EXPORT WETLAND AND OPEN SPACE RESOURCES OUT OF HIGHLY URBANIZED AREAS!** Doing so is backwards, counterproductive, and would make the total city environment all the poorer. As the Canyonlands project is taking hold, bringing kids back into these natural habitats, every square foot of wetlands and natural open space takes on even more importance.

AA1

My additional comment is that interpretive signs be added as a form of mitigation. These are extremely important tools for appreciating and conserving what is left of our urban wetlands and natural open space, and add immeasurably to the enjoyment and appreciation of these special places by all.

AA2

1. We need healthy wetlands throughout our city drainages to filter urban runoff, promote species conservation, and provide open space aesthetic values to all communities.

AA3

2. The PEIR must truly analyze alternatives. Instead of bull-dozing vegetation out of our creeks and drainage channels, look for opportunities to widen them, increasing their capacity to hold and absorb water and provide downstream flood and erosion control.

AA4

3. The PEIR must analyze the water filtration values of our wetlands before any work to remove wetlands begins. What pesticides, fertilizers, metals, bacteria and other pollutants are filtered out by the wetlands before the urban runoff reaches our coastal waters? We are tired of closed beaches after every rain and this project, as proposed, will make pollution of our coastal waters worse.

AA5

4. Where impacts to wetlands and habitat are truly unavoidable:
· Mitigation measures should be conducted as close to the project site as possible and definitely within the same watershed. Do not export wetland and open space resources out of our highly urbanized areas!

AA6

· Many of our canyons have incised stream channels where the city has opted to funnel urban runoff from our streets through them. Please consider restoration of these damaged canyon streams and natural methods of stream stabilization as a wetland mitigation alternative.

AA7

· Hydrological analysis must be conducted to reveal how downstream areas will be effected by the increase in volume and velocity of runoff after wetlands that absorb and

AA8

AA.1. It is the City's intent to identify mitigation opportunities within the same watershed as the impact, whenever possible.

AA.2. The City will consider including interpretive signage when the area is sufficiently large and located near good public access. Where sensitive wildlife may be adversely affected by human activities, signage would not be inappropriate.

AA.3. As indicated in Response to Comment F.4, the City acknowledges the role vegetation plays in reducing urban pollutants in storm water.

AA.4. On a case by case basis, IMPs will consider the approaches which were considered but rejected in the PEIR as alternatives to the overall proposed maintenance program. As appropriate, the City will consider techniques to increase flood water capacity while leaving some or all of wetland vegetation, including but not limited to (1) adding berms or walls along the top of the channel, (2) diverting storm water into new channels or culverts, and/or (3) channel widening. LID techniques carried out as a result of programs developed by the City's Storm Water Pollution Protection Section may also help reduce the need for maintenance by reducing the amount of storm water reaching transport facilities.

AA.5. As discussed in Response to Comment F.4, the analysis of potential water quality effects related to storm water facility maintenance is adequate to identify the potential impacts and assess mitigation options. This conclusion is based on two primary factors. First, maintenance activities would not increase the amount of pollutants found within urban storm water facilities because the activities, in and of themselves, would not introduce substantial amounts of pollutants into the City's drainage courses. Second, the PEIR already acknowledges that maintenance activities may significantly impact the ability of storm water facilities to function as urban pollutant filtration systems, and includes a general description of the types of pollutants found in the runoff carried by the City's storm water facilities (refer to page 4.5-3). Furthermore, reduced pollutant filtration capacity would only occur in earthen-bottom or concrete-lined facilities where substantial amounts of sediment and/or vegetation have become established.

Although the pollutants found within individual storm water facilities and the effect of maintenance will vary, providing detailed quantification of the specific types and levels of pollutants in each facility would be expensive and would not modify the conclusion of the PEIR that maintenance could impact the ability of storm water facilities to intercept runoff pollutants.

AA.6. It is the City's intent to look for opportunities to mitigate within the same watershed as the impact, whenever possible.

AA.7. The City intends to look for opportunities to restore and enhance wetlands in urban canyons.

COMMENTS

RESPONSES

AA8

cont.

slow urban runoff are removed. Old hydro-studies should not be relied upon. Things have changed over the years.

AA9

· Arundo donax rhizomes should be certified dead before removal begins. Mechanical removal of live arundo causes rhizome fragmentation and is the number one way to spread arundo throughout the drainage system. Other weeds should be killed as well.

AA10

· The plan to mitigate by simply removing invasive plant species in another location is a waste of money. Delete this mitigation option. Until native plants are established in a restoration area, the aggressive weeds will continue to return.

Thank you,

Doug Wescott, writing as a 50+ year resident of San Diego, not as:

Doug Wescott | Chair, Serra Mesa Planning Group | 858.361.8462 (Cell) | PO Box 23315 | San Diego, CA 92123 | <http://www.serramesa.org/smpg/index.asp>

Conservation Element of the City of San Diego General Plan, Purpose:
To become an international model of sustainable development and conservation.
To provide
for the long-term conservation and sustainable management of the rich natural resources that
help define the City's identity, contribute to its economy, and improve its quality of life.

AA.8. Hydrology studies will be conducted as part of the process of preparing IMPs to determine how much vegetation and sedimentation must be removed to achieve flood protection goals.

AA.9. A new protocol (#32) has been added to the MSWSMP to require invasive species to be removed in a manner that does not promote establishment of invasive species in area downstream of maintenance activities. In addition, maintenance will include removal of all invasive species located within the maintenance area.

AA.10. While the City would prefer to mitigate through restoration or enhancement, invasive species removal was included as a more cost-effective way to compensate for wetland impacts.

COMMENTS

RESPONSES

From: andrew [mailto:andrew@avonia.com]
Sent: Thursday, August 06, 2009 9:26 AM
To: DSD EAS
Subject: MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM Project No. 42891/SCH No. 200101032

Dear Ms. Herrmann,

Much of the city's efforts have been directed at pollution prevention. Much has been achieved over the past eight years but the problems with runoff infecting our coastal waters remain, particularly after even light rain. Your plans to continue as present are necessary, of course, but not sufficient to overcome this terrible problem, one that visitors to the city always notice.

A much broader approach is needed, one that could tap into federal support.

San Diego need a separate waste disposal to take care of runoff from its large area of streets, malls and feeways. The joint use of waste from sewerage as well as runoff from streets is unacceptable and will not get the job done. I sprongly suggest you examine the engineering and costs and face up to what needs to be done. Without it, all your other efforts are limited and will not provide the city with what it needs. If you need further information please contact me through the e-mail address above.

Sincerely

Andrew Wilson (Dr.)
13631 Old El Camino Real
San Diego
CA 92130

BB1

BB.1. As discussed in Response to Comment H.4, the Storm Water Pollution Protection Section within the City's SWD is implementing a pro-active program to reduce urban pollutants generated outside the limits of the storm water facilities, including Low Impact Development (LID) methods. In addition, the City is implementing regional in-stream facilities within select storm water facilities to capture urban pollutants in storm water passing through these facilities.

Herrmann, Myra

From: Karin Zirk [kzirk@earthlink.net]
Sent: Thursday, August 20, 2009 8:25 PM
To: DSD EAS
Subject: Project No. 42891/SCH No. 200101032 (MSWMP)

Karin Zirk
4629 Cass Street #188
San Diego CA 92109

August 20, 2009

Myra Herrmann, Environmental Planner
City of San Diego Development Services
Via E-Mail to: <mailto:DSDEAS@sandiego.gov>DSDEAS@sandiego.gov

Re: MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM (MSWMP)
DRAFT Program Environmental Impact Report (PEIR)
Project No. 42891/SCH No. 200101032

To whom it may concern:

As a volunteer with the Friends of Rose Creek, an owner of a home adjacent to Rose Creek and an active member of the San Diego Canyons Coalition, I have a multitude of interests in the MSWMP and its impacts on upland habitats, creeks, riparian areas, wetlands functions, water quality, and flood/erosion control. The project could cumulatively alter over 70 acres of wetlands plus ~24 acres of natural streambed, ~20 acres of sensitive upland habitat and ~9 acres of disturbed upland habitat (Appendix C.1-C.3 page 53).

CC: I am concerned that the PEIR dismisses opportunities to perform less damaging

COMMENTS

RESPONSES

CC1
cont.

alternatives, such as widening channels and increasing wetlands to slow and absorb floodwaters. It is my understanding that analysis of such alternatives is required under CEQA.
Furthermore, performing less damaging alternatives may well be more cost effective over a period of 25 to 50 years even if the one year cost per location is much greater.

The PEIR clearly states "direct impacts related to Aesthetics, Biological Resources, Land Use Conservation Policies, and Water Quality are considered significant and unmitigated." I have significant concerns about the water quality impacts on our beaches and bays - one of our most important assets for maintaining a thriving tourist industry, which as we all know, is critical to the economic well being of the City of San Diego and the rest of the county.

Furthermore, damage to natural resources in our communities will most likely have the effect of lowering properties values by turning scenic areas into barren view sheds. At present, I don't think the city or the state can take any further reduction in property tax receipts without declaring bankruptcy.

CC2

The PEIR does not define what "Adequate Flood Control" consists of and without a requirement for a specific carrying capacity at each section of a creek, any attempt at performing maintenance to achieve "adequate flood control" will be arbitrary and capricious. Furthermore, increase storm flows at upstream locations will often have the results of causing more flooding at downstream locations.

CC3

Additionally, the PEIR dismisses the opportunity for hand maintenance as too costly. However, most of these areas have community groups with vested interests in maintaining the aesthetics, biological and water filtration resources and could be utilized as part of volunteer labor crews to do invasive plant removal in creek beds and riparian areas. Many of the areas that are overgrown are overgrown with non-native invasive species, not native plants.

CC4

Furthermore, a 20 year permit provides little or no recourse for interested parties to prevent wholesale destruction of our wetland and riparian areas. While the PEIR states that an Individual Biological Assessment will be performed for each specific area prior to maintenance work, there is no opportunity for the public to provide input, challenged the IBA or otherwise prevent damage from happening if the IBA is inadequate. The public needs a minimum 60-day comment period, a public hearing, and approval of the Annual Maintenance Plan by a majority vote of our elected officials should be required.

CC5

According to the EIR, for impacts less than five acres, payment into the City's Habitat Acquisition Fund may be made in lieu of direct purchase of upland mitigation land or credits. Because most of the areas to be maintained are individually less than five acres, it appears that no mitigation will be done. Therefore, I am request that this alternative be removed and that all required mitigation be performed.

CC.1. The commenter is correct in noting the cost advantages of widening channels to allow them to adequately convey flood water without requiring periodic removal of vegetation. However, adjacent development is expected to make widening economically and socially infeasible for the majority of the urban storm water facilities included in the MSWSMP. As a result, the PEIR appropriately rejected channel widening as a general alternative to removal of vegetation and sediment. However, the City will look for opportunities to widen channels on a case-by-case basis when it prepares IMPs, as mandated by the MSWSMP.

CC.2. Defining adequate flood control can only be done on a segment by segment basis. A determination of flood needs must take into account the ability of the facility to convey flood water control and the nature of the adjacent land uses. Such a determination will be made during the CD process of each facility before maintenance would occur.

In preparing IMPs, the City will complete hydrology studies and install downstream erosion control measures, as appropriate, to reduce downstream impacts associated with maintenance.

CC.3. As discussed in Response to Comment I.10, the City intends to explore opportunities to work with local citizens and conservation groups to assist with restoration and enhancement activities carried out to compensate for impacts. Such activities would likely include invasive species removal, as indicted in the comment. However, maintenance activities would normally require removal of all vegetation including natives to adequately convey flood water. To the degree the City's regulations and insurance requirements allow as well as the degree to which the public is willing to donate time, citizens will be offered an opportunity to assist with hand-clearing of storm water facilities.

CC.4. As discussed in Response to Comment F.2, the MSWSMP has been amended to require Process Two review for a maintenance activity that meets any of the following criteria: (1) the activity is located within the Coastal Zone; (2) the wetland impacts associated of the individual activity would exceed the estimate contained in the PEIR; or (3) the activity requires construction of a new access route that would disturb more than 0.25-acre of native vegetation. Given the fact that the majority of the maintenance activities are expected to be consistent with the assumptions of the PEIR and the relatively straightforward nature of the issues, the 60-day review suggested in the comment is not considered warranted. Therefore, review under Process Two will assure an adequate opportunity to comment on activities which are not within the assumptions used in the PEIR analysis.

COMMENTS

RESPONSES

CC.5. The fact that many of the individual upland habitat impacts may be less than an acre does not mean that there will be no mitigation for these impacts. As noted by the commenter, the City will be required to make a proportionate contribution of funds to the City's HAF for all impacts, no matter how small. The HAF is considered the best way to mitigate for these minimal impacts. The HAF is specifically designed to collect money for small impacts in order to facilitate acquisition and preservation of larger areas of natural habitat which have a higher wildlife value.

COMMENTS

RESPONSES

CC6 [In areas, where damage to wetlands and habitat are determined to be necessary to prevent significant damage to buildings, mitigation needs to be performed in the same sub-watershed in which the damage to the resource occurs, as close to the project site as possible and in a manner that will lessen the need for future maintenance. IN other words, mitigation for damage to Rose Creek must be done in Rose Creek. Damage to Chollas Creek must be mitigated in Chollas Creek.

CC7 [All mitigation efforts should be coordinated with the interested parties as listed in the PEIR to insure that community planning efforts aimed at improving the quality and recreational opportunities of our natural places be honored and that our creeks and canyons improved rather than destroyed as part of this project as I believe they can be.

CC8 [In closing, I would like to request that I be added to the PEIR as an interested party. Thank you.

Respectfully,

Regards,
 Karin Zirk
 Volunteer
 Friends of Rose Creek
<http://www.saverosecreek.org>

CC.6. It is the City's intent to compensate for wetland impacts within the same watershed as the impact, whenever possible.

CC.7. On an annual basis, the City will prepare a mitigation plan for the impacts associated with each series of annual maintenance activities in accordance with the CD process. The proposed mitigation program must be reviewed and approved by state and federal Resource Agencies prior to carrying out the proposed maintenance. The mitigation program will be a public document which can also be reviewed by interested local citizens and conservation groups.

CC.8. As a commenter, your name will be included as interested party.