

APPENDIX B

Notice of Preparation and Comments



Date of Notice: July 12, 2017

**PUBLIC NOTICE OF PREPARATION OF A
PROGRAM ENVIRONMENTAL IMPACT REPORT
AND
A SCOPING MEETING
PLANNING DEPARTMENT**

PUBLIC NOTICE: The City of San Diego as the Lead Agency has determined that the project described below will require the preparation of a Program Environmental Impact Report (PEIR) in compliance with the California Environmental Quality Act (CEQA). This Notice of Preparation of a PEIR and Scoping Meeting was publicly noticed and distributed on July 12, 2017. This notice was published in the SAN DIEGO DAILY TRANSCRIPT and placed on the City of San Diego website at:

<http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml>

and on the Planning Department website at:

<https://www.sandiego.gov/planning/programs/ceqa>

SCOPING MEETING: Two public scoping meetings will be held by the City of San Diego's Planning Department on **Tuesday, July 25, 2017** from 5:00 PM to 6:30 PM in the Seminar Room at the Scripps Miramar Ranch Branch Library located at 10301 Scripps Lake Drive, San Diego, CA and **Tuesday, August 1, 2017** from 5:00 PM to 6:30 PM in the Meeting Room at the Colonel Irving Salomon San Ysidro Community Activity Center located at 179 Diza Road, San Diego, CA 92173. **Please note that depending on the number of attendees, the meeting could end earlier than 6:30 PM.** The scoping meeting will be conducted in a workshop format where staff will provide a brief PowerPoint presentation to the public about the project scope, environmental issues to be analyzed in the PEIR, and how to comment on the NOP. Written comments regarding the scope of environmental issues and alternatives to be analyzed within the proposed EIR will be accepted at the meeting.

Written, email, or mail-in comments may also be sent to the following address: **Myra Herrmann, Environmental Planner, City of San Diego Planning Department, 1010 Second Avenue, Suite 1200, East Tower, MS 413, San Diego, CA 92101** or e-mail your comments to PlanningCEQA@sandiego.gov with the Project Name in the subject line within 30 days of the date of the Public Notice above (**August 11, 2017**). Responsible agencies are requested to indicate their statutory responsibilities in connection with this project when responding. A PEIR incorporating public input will then be prepared and distributed to the public for review and comment.

PROJECT NAME/PROJECT NUMBER: Waterways Maintenance Plan / Project No. 548593

COMMUNITY PLAN AREAS: Citywide

COUNCIL DISTRICTS: All

PROJECT BACKGROUND: The City of San Diego (City) Transportation & Storm Water (T&SW) Department is responsible for managing the drainage system on City-owned properties, within Public Rights-of-Way and drainage easements dedicated to the City to minimize flood risk and protect water quality as stipulated in Section 26.1 of the San Diego City Charter. Within City jurisdiction, the need for channel operation and maintenance is often related to the accumulation of sediment and vegetation in both engineered and natural channels in areas prone to flooding. This work includes performing on-going maintenance within natural and engineered waterways to remove accumulated sediment, trash, debris and vegetation that compromise the system. To restore the City waterways, maintenance often requires authorization or regulatory permits from various resource agencies to protect environmental resources. The T&SW Department currently conducts maintenance of drainage facilities pursuant to the Master Storm Water System Maintenance Program (MMP).

In 2011, the City developed the MMP to govern channel operation and maintenance activities. The MMP identified a specific planning, impact assessment and mitigation process for channel maintenance activities. The certified Final Recirculated Programmatic Environmental Impact Report for the MMP included 113 channel facility segments, covering a linear distance of 32 miles. However, to authorize maintenance under the MMP, an extensive site-specific review by the resource agencies and the public is required prior to each maintenance activity and can take up to 24 months to complete. A lawsuit was filed challenging the MMP (San Diegans for Open Government et al. v. City of San Diego, San Diego Superior Court Case No. 37-2011-00101571), and the City entered into a settlement agreement, which requires, among other things, the City to consider the PEIR for the MMP “null and void” as of September 2018.

PROJECT DESCRIPTION: The proposed WMP will replace the City’s current MMP. The WMP is being developed as a collaborative effort based on maintenance needs, stakeholder input, lessons learned from maintenance activities conducted under the MMP and on-going studies being prepared by the T&SW Department. The proposed WMP is intended to establish an effective and streamlined program that allows for specific facilities to be maintained as-needed to reduce flood risk, while minimizing impacts and potential adverse effects on the environment from the maintenance activities.

The WMP is being developed to integrate biological, water quality, and regulatory approaches to allow the City to efficiently and effectively obtain approvals for required flood protection and related beneficial drainage activities.

The set of activities that are included in the WMP are composed of the following:

- Maintenance of select earthen and concrete channels
- Maintenance of select storm drain outfalls
- Minor maintenance activities (e.g., concrete repair to as-built condition)
- Habitat-based mitigation (e.g., invasive removal, channel restoration)

The City’s drainage system has been evaluated and only those facilities that have been identified as requiring maintenance to minimize flood risk would be included in the WMP as proposed maintenance projects.

- Approximately 25 miles of concrete-lined and other channels in critical potential flood areas
- 23 storm drain outfall areas with known flood management needs

A project-level evaluation of each of these facilities will be conducted to identify impacts, methods to avoid and minimize adverse effects, and required, feasible mitigation for unavoidable significant impacts. Based on this analysis, permit approvals would allow for subsequent

maintenance to be conducted on an as-needed basis. The T&SW Department plans to submit applications for approval of the maintenance of these facilities to resource agencies for issuance of programmatic permits (e.g., Section 404 Regional General Permit from the U.S. Army Corps of Engineers). Although not anticipated, certain maintenance activities in areas not analyzed at a project-level in the WMP may be required due to a number of factors such as changes in flood risk, hydrology, water quality or biological conditions. The WMP EIR will provide a mitigation framework for additional facilities to programmatically address these potential related activities.

The City's holistic storm water management approach would also be described in the WMP, with specific areas identified for potential system improvements that could minimize future on-going maintenance activities and operations.

PROJECT LOCATION: Citywide. The City's municipal separate storm sewer system (MS4) or storm water system is distributed throughout the 342 square-mile metropolitan area. In general, the MS4 conveys storm water runoff from natural and developed areas to receiving waters. The City's MS4 system is an inter-connected system of constructed drains, pipes, and engineered channels that discharge to natural drainages and receiving waters. As a result, the physical characteristics vary with the individual components of the storm water system. See Figure 1– Facility Locations and Study Area, and Figures 1a.1/1a.2–1h.2 included as attachments to this NOP.

APPLICANT: City of San Diego, Transportation & Storm Water Department

RECOMMENDED FINDING: Pursuant to Section 15060(d) of the CEQA Guidelines, it appears that the proposed project may result in significant environmental impacts in the following areas:

Land Use, Visual Effects and Neighborhood Character, Air Quality/Odor, Greenhouse Gas Emissions, Biological Resources, Historical (Archaeology) and Tribal Cultural Resources, Hydrology, Water Quality, Noise, Paleontological Resources, and Solid Waste.

AVAILABILITY IN ALTERNATIVE FORMAT: To request this Notice in alternative format, call the Planning Department at (619) 235-5200 OR (800) 735-2929 (TEXT TELEPHONE).

ADDITIONAL INFORMATION: For environmental review information, contact Myra Herrmann at (619) 446-5372. For information regarding public meetings/hearings on this project, contact the Project Manager, Helene Deisher, at (619) 446-5223. This notice was published in the SAN DIEGO DAILY TRANSCRIPT and distributed on July 12, 2017.

Alyssa Muto
Deputy Director
Planning Department

DISTRIBUTION: See Attached
ATTACHMENTS: Figure 1– Facility Location and Study Area
Figures 1a.1/1a.2–1h.2

Distribution:

Federal Government

Naval Facilities Engineering Command, SW Division, Environmental Planning (12)
MCAS Miramar (13)
US Environmental Protection Agency (19)
US Border Patrol (22)
US Army Corps of Engineers Los Angeles District, Shelly Lynch (26)
US Fish and Wildlife Service, Pat Gower (23)

State of California

Caltrans, District 11 (31)
California Department of Fish and Wildlife (32)
Cal EPA (37A)
Toxic Substance Control (39)
California State Parks (40A)
California Natural Resources Agency (43)
Regional Water Quality Control Board: Region 9 (44)
Department of Water Resources (45)
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California Coastal Commission, San Diego District (47)
California Coastal Commission (48)
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State Water Resources Control Board (55)
Native American Heritage Commission (56)
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California Department of Parks and Recreation (371)
Eric Becker, San Diego Regional Water Quality Control Board
California Department of Fish and Wildlife, South Coast Region, Kelly Fisher
California Coastal Commission, San Diego District, Alex Llerandi

County of San Diego

County Vector Control (63)
Air Pollution Control District (65)
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Department of Parks and Recreation (69)
Department of Public Works (72)
County Water Authority (73)
Department of Environmental Health (75)
Land & Water Quality Division (76)

City of San Diego

Mayor's Office (MS 11A/91)
Council President Cole, District 4
Councilmember Bry, District 1
Councilmember Zapf, District 2
Councilmember Ward, District 3
Council President Pro Tem Kersey, District 5
Councilmember Cate, District 6
Councilmember Sherman, District 7
Councilmember Alvarez, District 8

Councilmember Gomez, District 9

City Attorney's Office

Davin Widgerow (MS 59)

Heidi Vonblum (MS 59)

Shannon Thomas (MS 59)

Planning Department

Jeff Murphy, Director

Alyssa Muto, Deputy Director

Myra Herrmann, Senior Planner

Kristy Forburger, Senior Planner

Kelley Stanco, Senior Planner - Historical Resources Board Liaison

Robin Shifflet

Transportation & Storm Water Department (Applicant)

Kris McFadden, Director

Drew Kleis, Deputy Director

Gene Matter

Christine Rothman

Anne Jarque

Development Services Department

Kerry Santoro, Deputy Director

Helene Deisher

Mark Brunette

Jeannette DeAngelis - Wetland Advisory Board Liaison

Communications Department

Anthony Santacroce

Environmental Services Department

Lisa Wood

Park and Recreation Department

Casey Smith, Deputy Director – Open Space Division

Laura Ball

Public Utilities Department

Nicole McGinnis

Keli Balo

Public Works Department

Carrie Purcell

Real Estate Assets Department

Cybele Thompson

Susan Taylor

City Libraries

Library Gov't Documents Department (81 & 81A)

Balboa Branch Library (81B)

Beckwourth Branch Library (81 C)

Benjamin Branch Library (81D)
Carmel Mountain Ranch Branch (81 E)
Carmel Valley Branch Library (81 F)
City Heights/Weingart Branch Library (81G)
Clairemont Branch Library (81 H)
College-Rolando Branch Library (81 I)
Kensington-Normal Heights Branch Library (81K)
La Jolla/Riford branch Library (81 L)
Linda Vista Branch Library (81 M)
Logan Heights Branch Library (81 N)
Malcolm X Library & Performing Arts Center (81O)
Mira Mesa Branch Library (81P)
Mission Hills Branch Library (81 Q)
Mission Valley Branch Library (81 R)
North Clairemont Branch Library (81 S)
North Park Branch Library (81 T)
Oak Park Branch Library (81 U)
Ocean Beach Branch Library (81 V)
Otay Mesa-Nestor Branch Library (81 W)
Pacific Beach/Taylor Branch Library (81 V)
Paradise Hills Branch Library (81 Y)
Point Loma/Hervey Branch Library (81 Z)
Rancho Bernardo Branch Library (81AA)
Rancho Pefiasquitos Branch Library (81BB)
READ/San Diego (81CC)
San Carlos Branch Library (81DD)
San Ysidro Branch Library (81 EE)
Scripps Miramar Ranch Branch Library (81 FF)
Serra Mesa Branch Library (81 GG)
Skyline Hills Branch Library (81 HH)
Tierrasanta Branch Library (81 II)
University Community Branch Library (81JJ)
North University Branch University (81JJJ)
University Heights Branch Library (81 KK)

Other City Governments

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San Diego County Regional Airport Authority (110)
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San Ysidro School District (127)
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Community Groups, Associations, Boards, and Committees

Community Planning Committee (194)
Balboa Park Committee (226 and 226A)
Black Mountain Ranch-Subarea I (226C)
Otay Mesa-Nestor Planning Committee (228)
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Clairemont Mesa Planning Committee (248)
Greater Golden Hill Planning Committee (259)
Serra Mesa Planning Committee (263A)
Kearney Mesa Community Planning Group (265)
Linda Vista Community Planning Committee (267)
La Jolla Community Planning Association (275)
City Heights Area Planning Committee (287)
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North Bay Community Planning Committee (307)
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Mission Bay Park Committee (320)
Mission Beach Precise Planning Board (325)
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Carmel Valley Community Planning Board (350)
Del Mar Mesa Community Planning Board (361)
North Park Planning Committee (363)
Ocean Beach Planning Board (367)
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Peninsula Community Planning Board (390)
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Southeastern San Diego Planning Committee (449)
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Harborview Community Council (245)
Clairemont Town Council (257)
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Darnell Community Council (306)
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Ron Chrisman (215)
Clint Linton (215B)
Frank Brown, Inter-Tribal Cultural Resource Council (216)
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San Diego County Archaeological Society Inc. (218)
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Kuumeyaay Cultural Heritage Preservation (223)
Kuumeyaay Cultural Repatriation Committee (225)

Native American Distribution

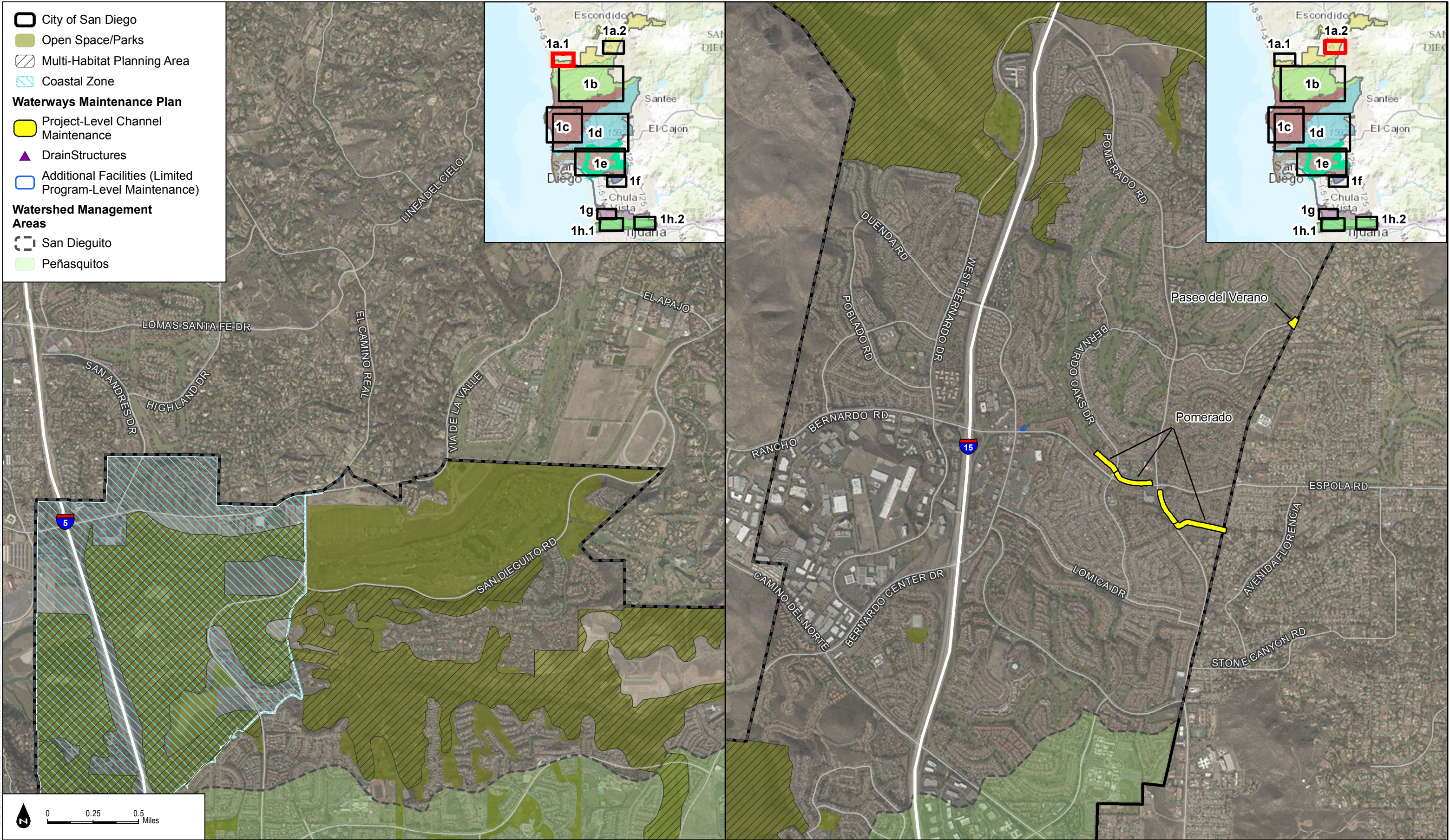
Barona Group of Capitan Grande Band of Mission Indians (225A)
Campo Band of Mission Indians (225B)
Ewiiapaayp Band of Mission Indians (225C)
Inaja Band of Mission Indians (225D)
Jamul Indian Village (225E)
La Posta Band of Mission Indians (225F)
Manzanita Band of Mission Indians (225G)
Sycuan Band of Mission Indians (225H)
Viejas Group of Capitan Grande Band of Mission Indians (225I)
Mesa Grande Band of Mission Indians (225J)
San Pasqual Band of Mission Indians (225K)
Iipai Nation of Santa Ysabel (225L)
La Jolla Band of Mission Indians (225M)
Pala Band of Mission Indians (225N)
Pauma Band of Mission Indians (225O)
Pechanga Band of Mission Indians (225P)
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Other Interested Agencies, Organizations, and Individuals

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John Stump (304)
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Friends of the Mission Valley Preserve (330B)
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RVR PARC (423)
San Dieguito River Valley Conservancy (422)
San Dieguito River Park JPA (425A, 432B)
Beeler Canyon Conservancy (436)
Jim Dawe (445)
Encanto Neighborhoods Community Planning Group (449A)
Kathleen Harmon – Chair, Central Imperial PAC (452)
W. Anthony Fulton, Director – SDSU Facilities & Mgmt. (455)
Malcolm A. Love Library, SDSU (457)
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Banker's Hill Canyon Assn. (502)
Allen Canyon Committee (504)
Cal-Sorrento LTD, Steve Higgins
San Diego State University, Dean Stanely Maloy
Leslie Reynolds, Groundworks
John Galbadon, Tijuana River Valley Equestrian Association
Bob Brown, San Diego State Foundation
Eric Elsen, San Diego State Foundation
Terri Ducey
Lee Peterson
George Navia
Willard & Georgia McNeil
Chikae Reed

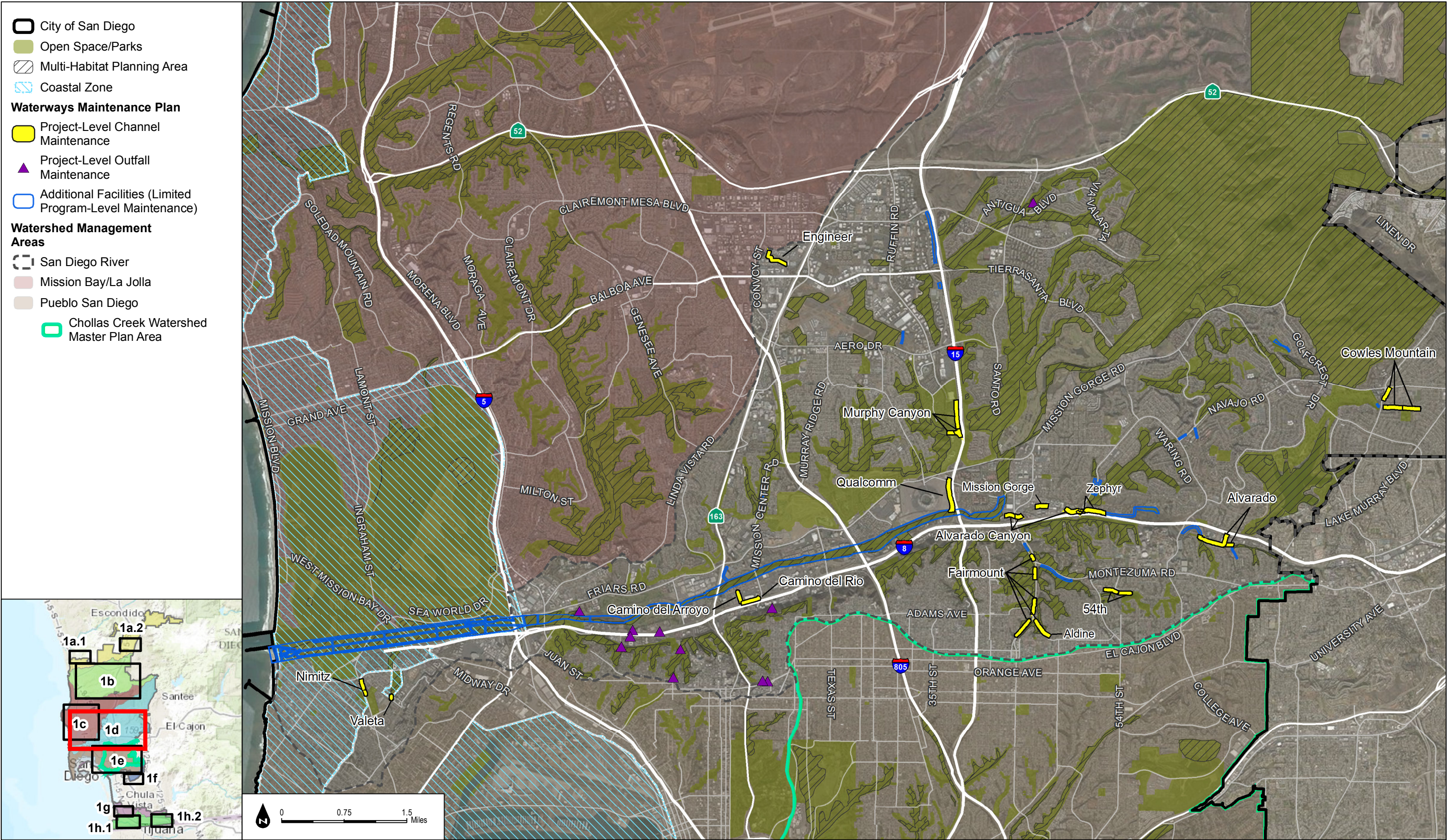
Gloria Randall
Kathleen Culkin
Francisco Javier Brenes
Randal Densley
Betty Kuske
Jeffrey Freedman
Rosa Carbajal
Leonard Smith
Mary Pfleeger
Dale McKasson
Rodel Reyes
Javier Cortez
Janet Wiggins
William Babcock
Joella Smith
Angel Sabino
William Hadaya
Robert Knarr
Doraine B. Offerman
Gene Gardiner
Fr. Henry Rodriguez
Shawn Curtis
Mike Hennessy
John McCormack
Shere Purifoy
Larry Stirling
Mary Williams
Barbara Washburn
Samuel Wilson
Joan Conliff
Orlando Dona
Jerry Coates
Clarissa Falcon
Paul Draper
Opper & Varco LLP, The Environmental Law Group, S. Wayne Rosembaum
Cooley LLP, Susan Wynn
Coastal Environmental Rights Foundation, Livia Borak
San Diegans for Open Governmen, Corey Briggs
Shute, Mihaly & Weinberger LLP, Carmen J. Borg, Laurel Impett, Deborah Keeth
Vipul Joshi, Dudek
Carey Fernandes, Dudek



June 8, 2017 Draft: FOR PLANNING PURPOSES ONLY
 Waterways Maintenance Plan - Facility Locations

Figure 1a.1/1a.2 - San Dieguito Watershed Management Area(s)





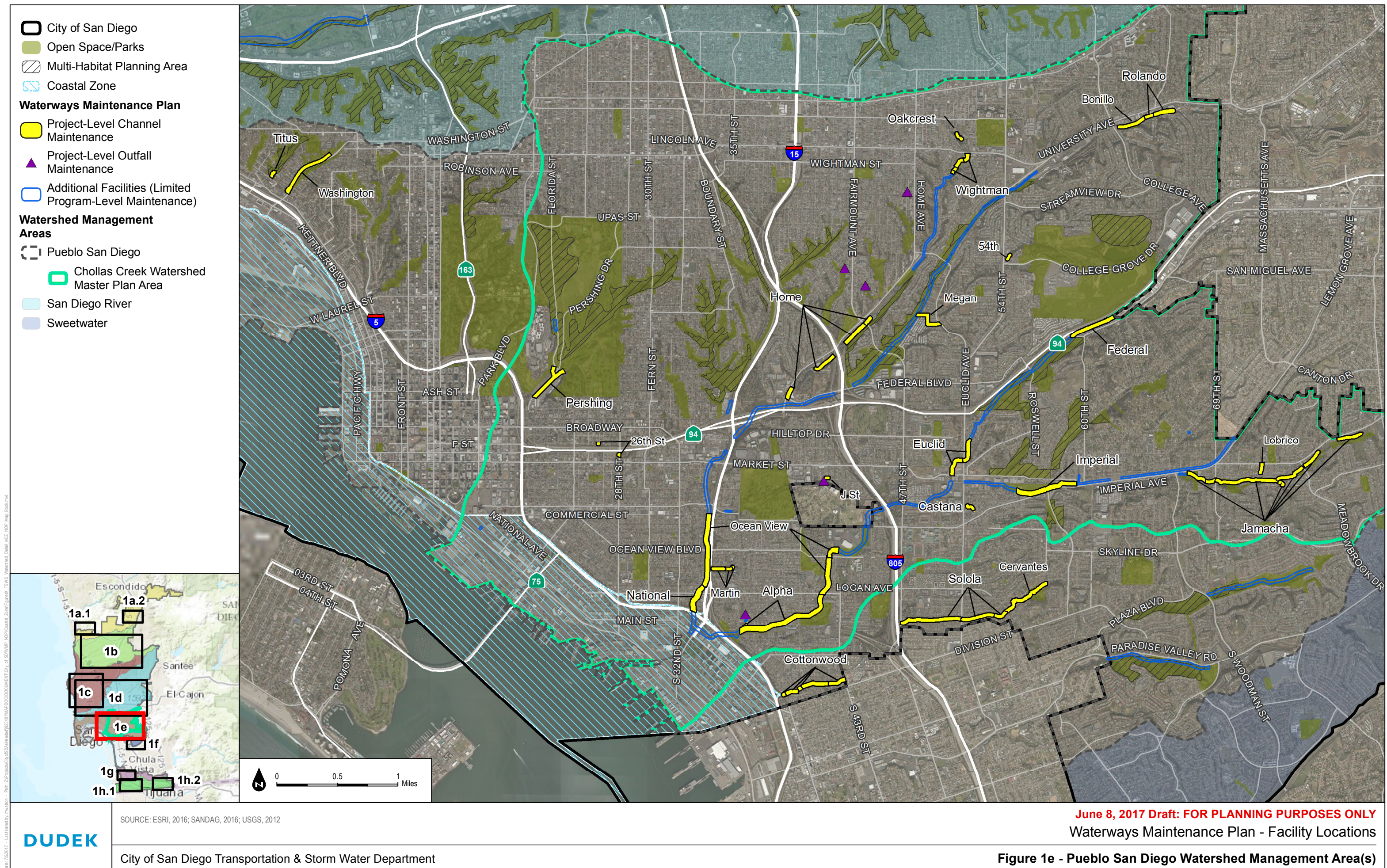
SOURCE: ESRI, 2016; SANDAG, 2016; USGS, 2012

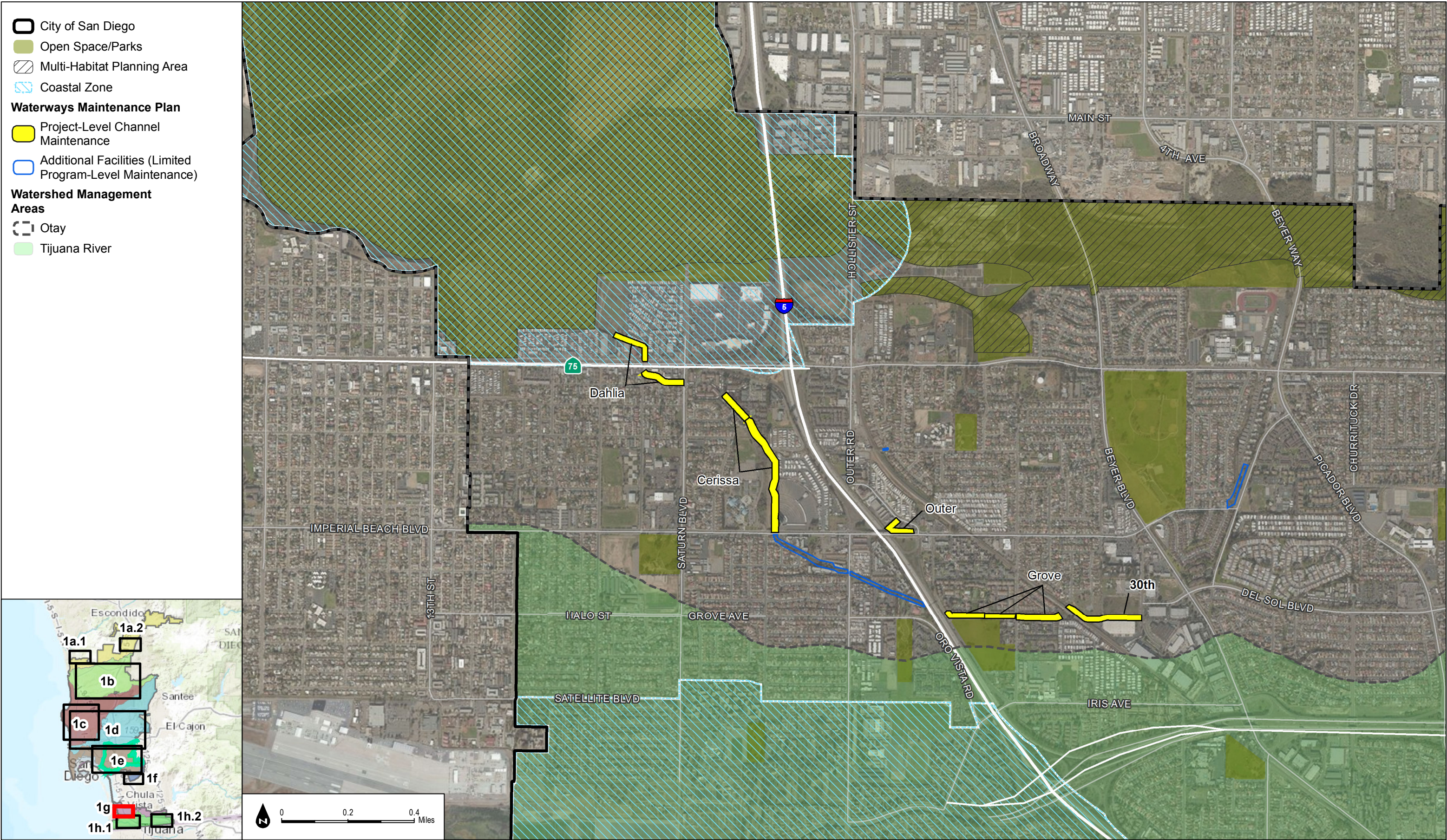
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City of San Diego Transportation & Storm Water Department

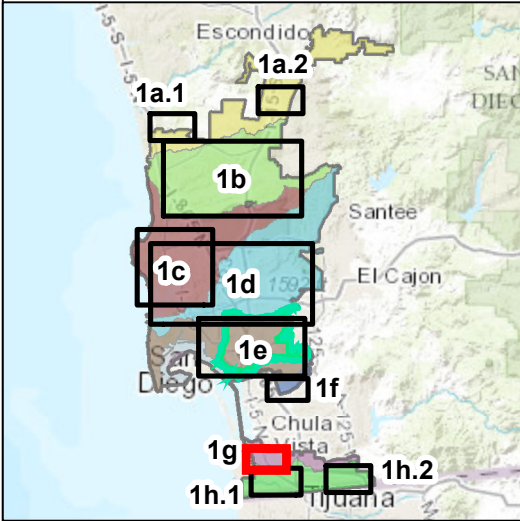
June 8, 2017 Draft: FOR PLANNING PURPOSES ONLY
Waterways Maintenance Plan - Facility Locations

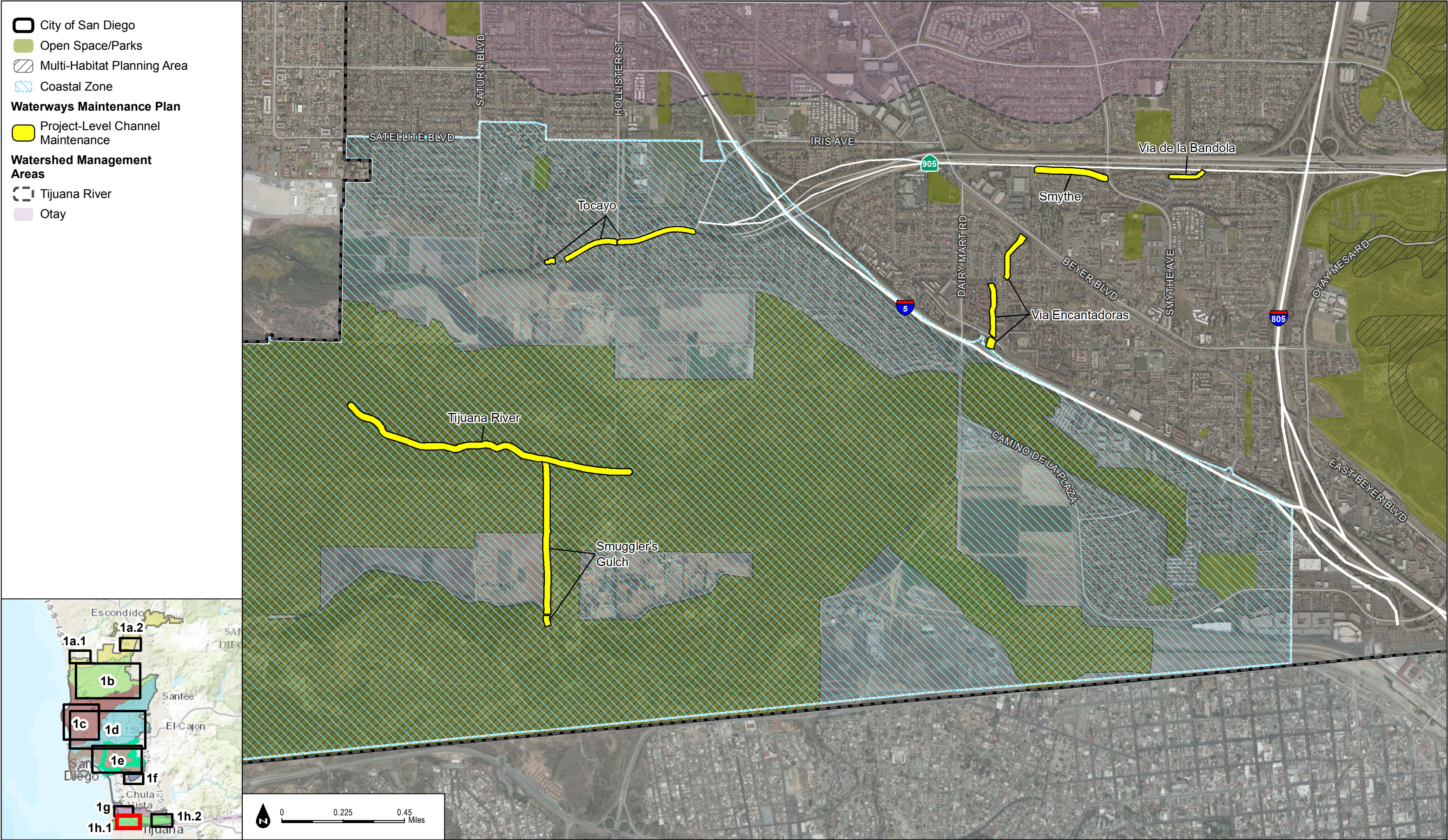
Figure 1d - San Diego River Watershed Management Area(s)

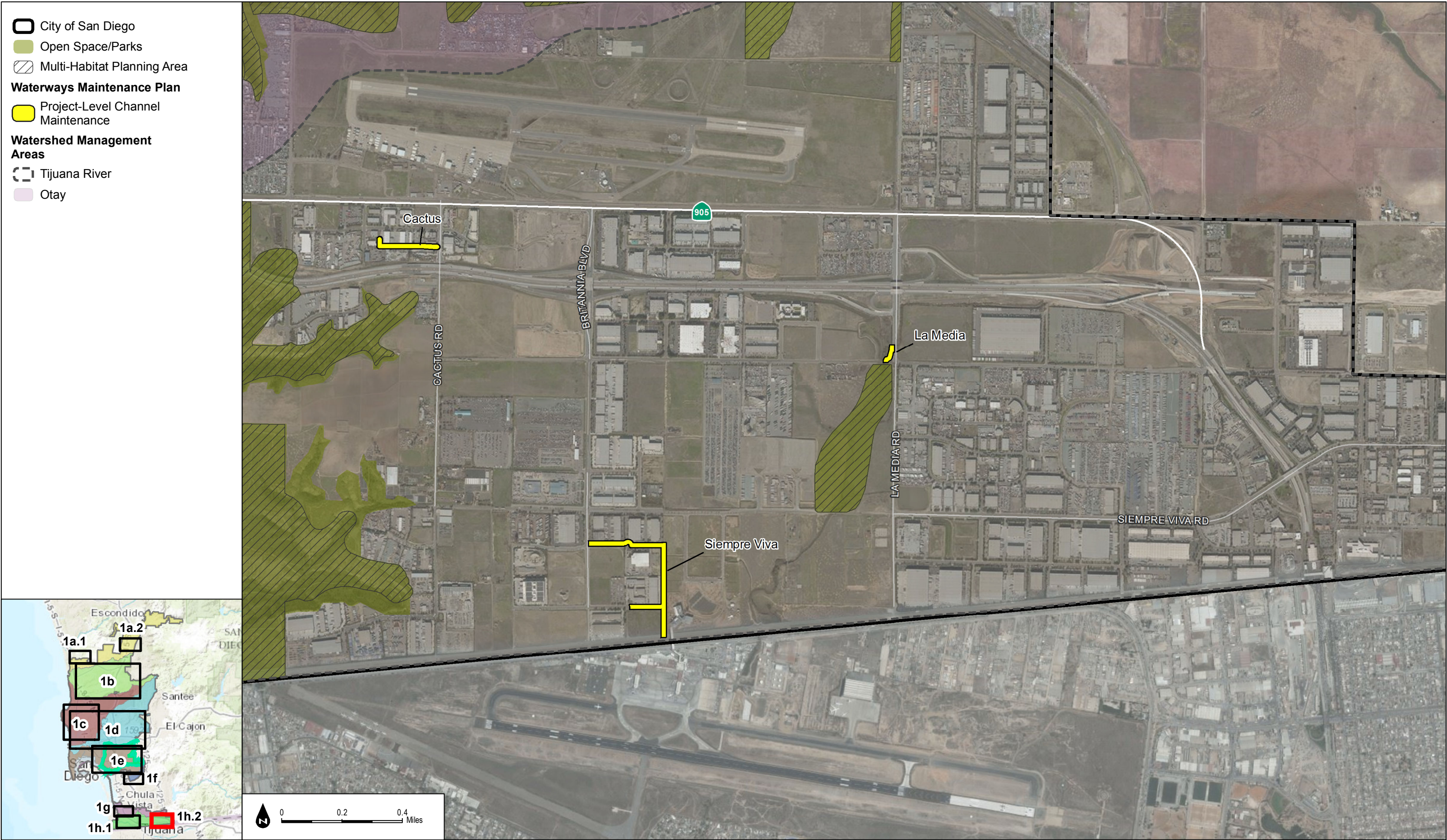




- City of San Diego
- Open Space/Parks
- Multi-Habitat Planning Area
- Coastal Zone
- Waterways Maintenance Plan**
- Project-Level Channel Maintenance
- Additional Facilities (Limited Program-Level Maintenance)
- Watershed Management Areas**
- Otoy
- Tijuana River









State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



August 9, 2017

Myra Hermann, Environmental Planner
City of San Diego, Planning Department
1010 Second Avenue, Suite 1200, MS 413
San Diego, CA 92101
PlanningCEQA@sandiego.gov

Subject: Comments on the Notice of Preparation of a Draft Program Environmental Impact Report for the Waterways Maintenance Plan, Project Number 548593 SCH# 2017071022

Dear Ms. Hermann:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for the Waterways Maintenance Plan (proposed project) Draft Programmatic Environmental Impact Report (PDEIR).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the proposed project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the proposed project that the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

Department Role

The Department is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act [CEQA] Guidelines § 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

The Department is also a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) The Department may need to exercise regulatory authority as provided by 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 (SAP).

Project Location

The proposed project is located Citywide. The City's municipal sewer system (MS4) or storm water system is distributed throughout the 342 square-mile metropolitan area.

Conserving California's Wildlife Since 1870

Project Description/Objective

The City of San Diego Transportation & Storm Water (T&SW) Department is responsible for managing the drainage system on City-owned properties, within public rights-of-way and drainage easements dedicated to the City to minimize flood risk and protect water quality as stipulated in Section 26.1 of the San Diego City Charter. The proposed work includes performing ongoing maintenance within natural and engineered waterways to remove accumulated sediment, trash, debris, and vegetation that compromise the system. The T&SW Department currently conducts maintenance of drainage facilities pursuant to the Master Storm Water System Maintenance Program (MMP).

The proposed Waterways Maintenance Plan (WMP) would replace the City's current MMP. The proposed WMP is intended to establish a program that allows specific facilities to be maintained as needed to reduce flood risk, while minimizing impacts and potential adverse effects on the environment from the maintenance activities.

The set of activities that are included in the WMP are composed of the following:

- Maintenance of select earthen and concrete channels
- Maintenance of select storm drain outfalls
- Minor maintenance activities (e.g., concrete repair to as-built condition)
- Habitat-based mitigation (e.g., invasive removal, channel restoration)

The City has evaluated their drainage system and only those facilities that are identified as requiring maintenance to minimize flood risk would be included in the WMP as proposed maintenance projects. These facilities include:

- Approximately 25 miles of concrete-lined and other channels in critical potential flood areas
- 23 storm drain outfall areas with known flood management needs

The City would conduct a project-level evaluation of each of these facilities to identify impacts, methods to avoid and minimize adverse effects, and required feasible mitigation for unavoidable significant impacts. The WMP EIR would provide a mitigation framework for additional facilities to programmatically address these potential related activities.

The Department offers the following comments and recommendations to assist the City in adequately identifying, avoiding, minimizing, and/or mitigating the proposed project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Specific Comments

1. The PDEIR should incorporate a narrative detailing the breadth of each facility's maintenance requirements, site-specific biological surveys (either conducted under the City's Master Maintenance Program [MMP], or site-specific biological surveys subsequent to, or independent of the MMP), and an analysis of the proposed project's potential to impact biological resources identified therein. According to the NOP "[t]he WMP is being developed as a collaborative effort based on maintenance needs,

stakeholder input, lessons learned from maintenance activities conducted under the MMP and on-going studies being prepared by the T&SW Department." All proposed drainage maintenance activities should be based on hydrological and site-specific biological analysis to support the PDEIR's forthcoming analysis of project effects to biological resources.

Similarly, the NOP states "[a]lthough not anticipated, certain maintenance activities in areas not analyzed at a project-level in the WMP may be required due to a number of factors such as changes in flood risk, hydrology, water quality or biological conditions." CEQA Findings of Significance should not be made for any maintenance facility where hydrological or site-specific biological analysis is not incorporated in the PDEIR.

2. We suggest that the PDEIR's analysis differentiate the channel types (e.g., natural, earthen, riprapped, or concrete lined), structures, type of work, and duration of work to be covered. Earthen, natural, or facilities otherwise supporting biological resources should be clearly identified by the PDEIR. If treated differently than routine maintenance projects, the DEIR should describe the process emergency projects would be subject to.
3. To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the PDEIR.
 - a. The document should contain a complete discussion of the purpose and need for, and description of, the proposed project, including: all staging areas and access routes to the construction and staging areas; plans for dredging; plans for dock construction; boat/access ramps; shoreline armoring; boat routes and foot traffic; and proposed anchorage areas.
 - b. A range of feasible alternatives should be included to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources. Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.
4. In an effort to identify some of the potential biological resources within the scope of the proposed project, the Department has reviewed the project facilities identified in the NOP and compared those alignments and facilities with various wildlife databases. The following list of species provided includes notable sensitive species within the proposed project area based on the facilities identified within the NOP Figure 1A-1L. The species listed below are not exhaustive, and serve only as a general species list that reflects presence-based data and is not a substitute for site-specific project surveys.
5. Figure 1a.1 San Dieguito Watershed Management Area

No project facilities are identified within NOP Figure 1a.1; therefore, the Department is unable to search records of known sensitive species within proximity to projects/facilities proposed within NOP Figure 1a.1.

6. Figure 1a.2 San Dieguito Watershed Management Area

Proposed facilities maintenance areas do not appear to be located within or proximal to MHPA.

Species within close proximity to facilities identified within the Figure 1a.1 and Figure 1a.2 include but are not limited to: California gnatcatcher (*Poliophtila californica*), white-tailed kite (*Elanus leucurus*), California glossy snake (*Arizona elegans*), and coast horned lizard (*Phrynosoma blainvillii*).

7. Figure 1b-Penasquitos Wetland Management Area

Proposed facilities maintenance areas appear to be located within or adjacent to MHPA.

Species within close proximity to Flinkote, Dunhill, Roselle, Tripp, Industrial, and Sorrento Valley Road include but are not limited to: bobcat (*Lynx rufus*), mountain lion (*Felis concolor*), mule deer (*Odocoileus hemionus*), Belding's savannah sparrow (*Passerculus sandwichensis beldingi*), belted kingfisher (*Megaceryle alcyon*), California gnatcatcher, Cassin's vireo (*Vireo cassinii*), grasshopper sparrow (*Ammodramus savannarum*), least Bell's vireo (*Vireo bellii pusillus*), northern harrier (*Circus cyaneus*), peregrine falcon (*Falco peregrinus*), and Ridgway's rail (*Rallus obsoletus*, formerly light-footed clapper rail).

8. Figure 1c-Mission Bay/La Jolla Watershed Management Area

Proposed facilities maintenance areas appear to be located adjacent to MHPA.

Species within close proximity to facilities identified within the Figure 1c include but are not limited to: Belding's savannah sparrow, California gnatcatcher, Ridgway's rail, rufous-crowned sparrow (*Aimophila ruficeps canescens*), orange-throated whiptail (*Aspidoscelis hyperythra*), monarch butterfly (*Danaus plexippus*), decumbent goldenbush (*Isocoma menziesii* var. *decumbens*), Nuttall's scrub oak (*Quercus dumosa*), sea dahlia (*Leptosyne maritima*), and wart-stemmed Ceanothus (*Ceanothus verrucosus*).

9. Figure 1d-San Diego River Watershed Management Area

Proposed facilities maintenance areas appear to be located within or adjacent to MHPA.

Species within close proximity to facilities identified within the Figure 1d include but are not limited to: California gnatcatcher, least Bell's vireo, coast horned lizard, coast patch-nosed snake (*Salvadora hexalepis virgulata*), California adolphia (*Adolphia californica*), Nuttall's scrub oak, San Diego ambrosia (*Ambrosia pumila*), San Diego barrel cactus (*Ferocactus viridescens*), San Diego goldenstar (*Bloomeria clevelandii*), singlewhorl burrobrush (*Ambrosia monogyra*), summer holly (*Comarostaphylis diversifolia*), and wart-stemmed ceanothus.

10. Figure 1e-Pueblo San Diego Watershed Management Area

Proposed facilities maintenance areas appear to be located adjacent to MHPA.

Species within close proximity to facilities identified within the Figure 1e include but are not limited to: bobcat, California gnatcatcher, Cooper's hawk (*Accipiter cooperi*), red-shouldered hawk (*Buteo lineatus*), San Diego cactus wren (*Campylorhynchus brunneicapillus sandiegensis*), orange-throated whiptail, two-striped garter snake (*Thamnophis hammondi*), Quino checkerspot butterfly (*Euphydryas editha quino*), California adolphia, decumbent goldenbush, Nuttall's scrub oak, Palmer's goldenbush (*Ericameria palmeri* var. *Palmeri*), San Diego barrel cactus, snake cholla (*Cylindropuntia californica* var. *californica*), and wart-stemmed Ceanothus.

11. Figure 1f-Sweetwater Watershed Management Area

Proposed facilities maintenance areas do not appear to be located within or proximal to MHPA.

Species within close proximity to facilities identified within Figure 1e include but are not limited to orange-throated whiptail.

12. Figure 1g-Otay Watershed Management Area

Proposed facilities maintenance areas appear to be located near MHPA.

Species within close proximity to facilities identified within the Figure 1g include but are not limited to pallid bat (*Antrozous pallidus*), and Quino checkerspot butterfly.

13. Figure 1h.1-Tijuana River Watershed Management Area

Proposed facilities maintenance areas appear to be located within MHPA, specifically the Tijuana River and Smuggler's Gulch facilities, while the Tocayo and Via Encantadoras facilities are upstream of, and discharge within, MHPA.

Species within close proximity to facilities identified within the Figure 1g include but are not limited to: American kestrel (*Falco sparverius*), black-headed grosbeak (*Pheucticus melanocephalus*), blue grosbeak (*Guiraca caerulea*), cliff swallow (*Petrochelidon pyrrhonta*), common yellowthroat (*Geothlypis trichas*), Cooper's hawk, least Bell's vireo, northern harrier, northern rough-winged swallow (*Steigodopteryx serripennis*), red-shouldered hawk, red-tailed hawk (*Buteo jamaicensis*), warbling vireo (*Vireo gilvus*), white-tailed kite, Wilson's warbler (*Wilsonia pusilla*), yellow-breasted chat (*Icteria virens*), yellow warbler (*Dendroica petechia*), California vole (*Microtus californicus*), deer mouse (*Peromyscus maniculatus*), San Diego pocket mouse (*Chaetodipus fallax*), western harvest mouse (*Reithrodontomys megalotis*), California tree frog (*Hyla cadaverina*), kingsnake (*Lampropeltis getulus*), night snake (*Hypsiglena torquata*), orange-throated whiptail, pacific chorus frog (*Pseudacris regilla*), rosy boa (*Lichanura trivirgata*), aphanisma (*Aphanisma blitoides*), cliff spurge (*Euphorbia misera*), decumbent goldenbush, Mexican flannelbush (*Fremontodendron mexicanum*), San Diego barrel cactus, and sea dahlia.

14. Figure 1h.2-Tijuana River Watershed Management Area

The La Media facility appears to be located adjacent to MHPA. Vernal pools, including those identified for preservation in the draft City of San Diego Vernal Pool Habitat Conservation Plan, are located upstream and downstream of the La Media facility, and proximal to the Siempre Viva facility.

Species within close proximity to facilities identified within the Figure 1g include but are not limited to mule deer, burrowing owl (*Athene cunicularia*), northern harrier, and rufous-crowned sparrow.

Conclusion

We appreciate the opportunity to comment on the referenced NOP. Questions regarding this letter and further coordination on these issues should be directed to Eric Weiss at (858) 467-4289 or eric.weiss@wildlife.ca.gov.

Sincerely,



Gail K. Sevens
Environmental Program Manager
South Coast Region

cc: State Clearinghouse, Sacramento
David Zoutendyk, U.S. Fish and Wildlife Service, Carlsbad

DEPARTMENT OF TRANSPORTATION

DISTRICT 11

4050 TAYLOR STREET, MS-240

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*Making Conservation
a California Way of Life.*

August 3, 2017

11-SD-VAR

PM VAR

City of San Diego Waterways Maintenance Plan

SCH#2017071022

Ms. Myra Herrmann

City of San Diego

1010 2nd Ave., Suite 1200, East Tower, MS 413

San Diego, CA 92101

Dear Ms. Herrmann:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review for the City of San Diego Waterways Maintenance Plan located near Interstate-5 (I-5), I-8, I-15, I-805, State Route-54 (SR-54), SR-56, SR-75, SR-94, SR-163, and SR-905. We have received the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

Traffic Impact Study

A traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to the State facilities – existing and proposed – and to propose appropriate mitigation measures.

- The geographic area examined in the TIS should also include, at a minimum, all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State highway facilities that are experiencing noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.
- A focused analysis may be required for project trips assigned to a State highway facility that is experiencing significant delay, such as where traffic queues exceed ramp storage capacity. A focused analysis may also be necessary if there is an increased risk of a potential traffic accident.
- In addition, the TIS could also consider implementing vehicles miles traveled (VMT) analysis into their modeling projections.

- Any increase in goods movement operations and its impacts to State highway facilities should be addressed in the TIS.
- The data used in the TIS should not be more than 2 years old.
- Please provide Synchro Version 8 files.
- Early coordination is recommended.

Hydrology and Drainage Studies

Hydrology and hydraulic studies, drainage and grading plans must be submitted to Caltrans.

Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation system. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of San Diego, is encouraged.

Mitigation

Caltrans endeavors that any direct and cumulative impacts to the State Highway System be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards.

Traffic Control Plan

Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. As part of the encroachment permit process, the applicant must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans's R/W, and any corresponding technical studies.

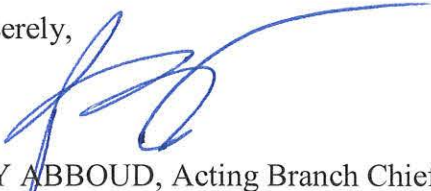
A Traffic Control Plan (TCP) is to be submitted to Caltrans District 11 at least 30 days prior to the start of any construction. Traffic shall not be unreasonably delayed. The plan shall also outline suggested detours to use during the closures, including routes and signage.

Continue coordination with Caltrans regarding potential conflicts with Caltrans Construction and Maintenance activities in the area that may be going on at the same time as this project. Coordination with Caltrans should be required early in the construction schedule. Potential impacts to the highway facilities and traveling public from the detour, demolition, and other construction activities should be discussed and addressed before work begins.

Ms. Myra Herrmann
August 3, 2017
Page 3

If you have any questions, please contact Kimberly Dodson, of the Caltrans Development Review Branch, at (619) 688-2510 or by e-mail sent to Kimberly.dodson@dot.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Roy Abboud', with a long, sweeping horizontal line extending to the right.

ROY ABBLOUD, Acting Branch Chief
Local Development and Intergovernmental Review Branch



Department of Toxic Substances Control



Matthew Rodriguez
Secretary for
Environmental Protection

Barbara A. Lee, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

July 31, 2017

Ms. Myra Herrmann
Environmental Planner
City of San Diego Planning Department
1010 Second Avenue, Suite 1200, East Tower, MS 413
San Diego, California 92101
PlanningCEQA@sandiego.gov

**NOTICE OF PREPARATION (NOP) FOR A PROGRAM ENVIRONMENTAL IMPACT
REPORT (PEIR) FOR WATERWAYS MAINTENANCE PLAN PROJECT
(PROJECT NO. 548593) (SCH# 2017071022)**

Dear Ms. Herrmann:

The Department of Toxic Substances Control (DTSC) has reviewed the subject NOP. The following project description is stated in the NOP: "City Transportation & Storm Water Department (T&SWD) is responsible for managing the drainage system on City-owned properties, within Public Right of Ways and drainage easements dedicated to the City to minimize flood risk and protect water quality. This work includes performing on-going maintenance within natural and engineered waterways to remove accumulated sediment, trash, debris and vegetation that compromise the system. The WMP is intended to establish an effective and streamlined program that allows for facilities to be maintained to reduce flood risk, while minimizing impacts and potential adverse effects of maintenance. The WMP is being developed in order to integrate biological, water quality, and regulatory approaches to allow the City to efficiently and effectively obtain approvals for activities."

Based on the review of the submitted document DTSC has the following comments:

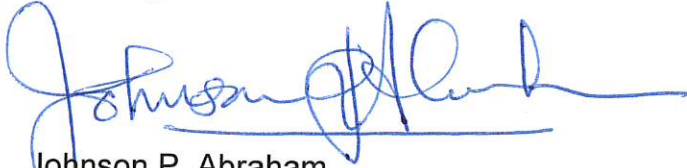
1. The PEIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances. A Phase I Environmental Site Assessment may be appropriate to identify any recognized environmental conditions.
2. If there are any recognized environmental conditions in the project area, then proper investigation, sampling and remedial actions overseen by the appropriate regulatory agencies should be conducted prior to the new development or any construction.

3. If the proposed project involves the demolition of existing structures, lead-based paints or products, mercury, and asbestos containing materials (ACMs) should be addressed in accordance with all applicable and relevant laws and regulations if buildings are modified/demolished.
4. If the site was used for agricultural or related activities, residual pesticides may be present in onsite soil. DTSC recommends investigation and mitigation, as necessary, to address potential impact to human health and environment from residual pesticides.
5. DTSC recommends evaluation, proper investigation and mitigation, if necessary, on onsite areas with current or historic PCB-containing transformers.
6. If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).
7. If the project development involves soil export/import, proper evaluation is required. If soil contamination is suspected or observed in the project area, then excavated soil should be sampled prior to export/disposal. If the soil is contaminated, it should be disposed of properly in accordance with all applicable and relevant laws and regulations. In addition, if imported soil was used as backfill onsite and/or backfill soil will be imported, DTSC recommends proper evaluation/sampling is necessary to ensure the backfill material is free of contamination.
8. If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the PEIR should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.

Ms. Myra Herrmann
July 31, 2017
Page 3

If you have any questions regarding this letter, please contact me at (714) 484-5380 or email at Johnson.Abraham@dtsc.ca.gov.

Sincerely,



Johnson P. Abraham
Project Manager
Brownfields Restoration and School Evaluation Branch
Brownfields and Environmental Restoration Program - Cypress

kl/sh/ja

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

Mr. Dave Kereazis (via e-mail)
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Mr. Shahir Haddad, Chief (via e-mail)
Schools Evaluation and Brownfields Cleanup
Brownfields and Environmental Restoration Program - Cypress
Shahir.Haddad@dtsc.ca.gov

CEQA# 2017071022

NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710



July 17, 2017

Myra Herrmann
City of San Diego
1010 Second Avenue, Suite 1200, East Tower, MS 413
San Diego, CA 92101

Sent via e-mail: planningceqa@sandiego.gov

RE: SCH# 2017071022; City of San Diego Waterways Maintenance Plan Project, City of San Diego; San Diego County, California

Dear Ms. Herrmann:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for Draft Environmental Impact Report for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd. (a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form,"

<http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

This process should be documented in the Cultural Resources section of your environmental document.

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

cc: State Clearinghouse

RINCON BAND OF LUISEÑO INDIANS

Cultural Resources Department

1 W. Tribal Road · Valley Center, California 92082 ·
(760) 297-2330 Fax:(760) 297-2339



July 20, 2017

Myra Herrmann
City of San Diego
Planning Department
1010 Second Avenue, Suite 1200
East Tower, MS 413
San Diego, CA 92101

Re: Waterways Maintenance Plan Project NO. 548593

Dear Ms. Herrmann:

This letter is written on behalf of the Rincon Band of Luiseño Indians. Thank you for inviting us to submit comments on the Waterways Maintenance Plan Project No. 548593. Rincon is submitting these comments concerning your projects potential impact on Luiseño cultural resources.

The Rincon Band has concerns for the impacts to historic and cultural resources and the finding of items of significant cultural value that could be disturbed or destroyed and are considered culturally significant to the Luiseño people. This is to inform you, your identified location is not within the Luiseño Aboriginal Territory. We recommend that you locate a tribe within the project area to receive direction on how to handle any inadvertent findings according to their customs and traditions.

If you would like information on tribes within your project area, please contact the Native American Heritage Commission and they will assist with a referral.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Destiny Colocho
Manager
Rincon Cultural Resources Department



San Diego County Archaeological Society, Inc.

Environmental Review Committee

13 August 2017

To: Ms. Myra Herrmann
Planning Department
City of San Diego
1010 Second Avenue, Mail Station 614C
San Diego, California 92101

Subject: Notice of Preparation of a Draft Environmental Impact Report
Waterways Maintenance Plan
Project No. 548593

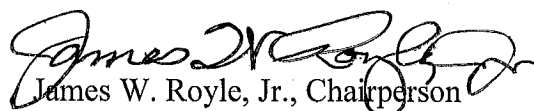
Dear Ms. Herrmann:

Thank you for the Notice of Preparation for the subject project, received by this Society last month.

We are pleased to note the inclusion of historical resources in the list of subject areas to be addressed in the DEIR, and look forward to reviewing it during the upcoming public comment period. To that end, please include us in the distribution of the DEIR, and also provide us with a copy of the cultural resources technical report(s).

SDCAS appreciates being included in the City's environmental review process for this project.

Sincerely,


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

cc: SDCAS President
File



Los Peñasquitos Lagoon Foundation

Protecting Los Peñasquitos Lagoon since 1983

P.O. Box 940, Cardiff by the Sea, CA 92007

August 3, 2017

Myra Hermann
Environmental Planner
City of San Diego Planning Dept.
1010 Second Avenue, Suite 1200, East Tower MS413
San Diego, CA 92101

RE: Scoping Comments for the Waterways Maintenance Plan (Project No. 548593)

Dear Ms. Hermann,

On behalf of the Los Peñasquitos Lagoon Foundation (LPLF), thank you for the opportunity to provide comments regarding the scoping of the City of San Diego's Waterways Maintenance Plan (Project No. 548593) Programmatic Environmental Impact Report (PEIR). It's my understanding that the Waterways Maintenance Plan will provide a more comprehensive approach to channel maintenance and mitigating downstream impacts than the Master Storm Water Maintenance Program that will expire in 2018. With this in mind, the LPLF encourages the City scope the PEIR to:

- Follow a Triple-Bottom-Line that integrates economic, environmental, and social factors when considering, designing and implementing facility maintenance including in-line channel work.
- Consider "priority projects" identified in the Los Peñasquitos Water Quality Improvement Plan and/or the updated Los Peñasquitos Lagoon Enhancement Plan as potential mitigation opportunities to offset impacts related to storm water facility maintenance and/or in-line channel work within the Los Peñasquitos Watershed.
- Integrate channel maintenance needs with downstream restoration and enhancement at Los Peñasquitos Lagoon through projects such as the Phase 1 Los Peñasquitos Lagoon Pilot Restoration & Sorrento Channel Maintenance Project.
- Ensure that storm water facility maintenance and/or in-line channel work supports downstream restoration efforts in Los Peñasquitos Lagoon and its watershed, or, at the very least, does not undermine these efforts or increase maintenance need and costs.

We appreciate your consideration of our proposed elements to be incorporated into the scope of the proposed PEIR. Please do not hesitate to contact me if you have any questions or require additional information: mikehastings1066@gmail.com or (760) 271-0574.

Sincerely,

A handwritten signature in blue ink that reads "Mike Hastings". The signature is fluid and cursive, with the first name "Mike" and last name "Hastings" clearly legible.

Mike Hastings, Executive Director

Los Peñasquitos Lagoon Foundation

Cc:

Darren Smith, District Services Manager
California State Parks - San Diego Coast District

Matt O'Malley, Waterkeeper, Legal & Policy Director
San Diego Coastkeeper

Barbara Bry, Councilmember
City of San Diego, District 1

Gabe Buhr, Coastal Program Manager
California Coastal Commission, San Diego District Office



August 11, 2017

Myra Herrmann, Senior Planner
City of San Diego
1010 Second Avenue, Suite 1200
San Diego, CA 92101

Re: Response to the Waterways Maintenance Plan EIR

Dear Ms. Herrmann:

Thank you for the opportunity to comment on the city's proposed Waterways Maintenance Plan EIR. Biocom is writing on behalf of our members (including BioMed Realty) located on Roselle Street in Sorrento Valley, where persistent flooding continues to occur during major rain events, jeopardizing employee safety and causing substantial damage to facilities and sensitive scientific processes. Biocom and other stakeholders have been working closely with the city's Transportation and Storm Water Department to pursue short-term and long-term solutions to the flooding and water quality issues stemming from the Sorrento Valley storm channels. Developing a comprehensive waterways maintenance plan is a positive tool towards managing and restoring the city's storm water system to reduce flood risk to residents and businesses citywide.

The 2016 and 2017 storms and subsequent flooding that occurred in vulnerable areas throughout the city illustrate the need to regularly maintain the channels and drainage systems. For example, the January 2016 and February 2017 storms caused \$1,365,000 in total damage to BioMed's Coast 9 facility alone, which is located at the intersection of Roselle Street and Estuary Way. This damage occurred despite BioMed's investment of \$2.5 million in advanced flood protection mechanisms for this facility. Other facilities on Roselle Street have incurred similar damages and are at the mercy of any substantial rain event. Flooding stems in part from sediment buildup and plant growth in the storm channels that feed the Sorrento system. Therefore, any lapse in maintaining these reaches increases the potential for flooding.





Regular maintenance and improvements to the channel system are critical to reducing flood risk throughout the city. We support the city's efforts to develop a comprehensive program that will hopefully reduce the impacts of storm events on flood-prone areas such as Roselle Street. We respectfully request that the plan pursue an aggressive schedule to regularly maintain vulnerable areas of the system, such as the Sorrento channels, in order to prevent the need for additional permits and expensive mitigation.

We appreciate your consideration of our comments and suggestions to the proposed Waterways Maintenance Plan EIR.

Sincerely,

Melanie Cohn

Director of Regional Policy & Government Affairs
Biocom

Kevin Simonsen

Senior Vice President, Senior Counsel and Secretary
BioMed Realty, L.P.



John W. Stump, III
Attorney at Law
2415 Shamrock Street
City Heights, California 92105
619-281-4663

RE: WATERWAYS MAINTENANCE PLAN / Project No. 548593

VIA: Planning CEQA@sandiego.gov, hmdeisher@sandiego.gov

Dear Madam / Sirs,

Thank you for providing an opportunity to comment on the STORM WATER SYSTEM MAINTENANCE PROGRAM.

I attended the initial workshop on this project at the on July 13, 2016, at the Malcolm X Library, in the Cholas Water Shed. I submitted written comments following that presentation and now make comments concerning the WATER WAYS MAINTENANCE CEQA program. My comments follow:

1. There still seems to be an engineering flood control orientation to the program. The City's programs seem to be more concerned with channel flow rather than water quality and environmental and habitat restoration. The Program needs to define and prioritize its Mission. The Mission must NOT be to reduce flood plains, drain the wetlands, and get storm water into a fast moving channel to the Bay. A Mission should not be to foster development and reduce costs to increase **profits or to transfer the costs of developers on to the general taxpayers. The Mission should be Health and Safety, Water Quality Improvement, and Restoration of Habitat.**
2. The City appears to be adopting an inappropriate grouping of dissimilar storm water areas. There appears to be an effort to create a completely artificial watershed area to group the New Town watershed with separate and distinct Cholas, Switzer, and less urbanized minor water sheds. The City seems to plan to invent a new Watershed name "Pueblo" and lump all the natural watersheds into this new invented watershed. If the City wants to give a name to the watershed that flows through Downtown then it should adopt a proper historic name like New Town, Horton, Florida Canyon or some name that makes clear that this area is going to require structured treatment rather than simple infiltration and isolation.

The same storm water mitigation and treatment techniques seemed to be being proposed for Downtown and all the other mainly residential areas in other distinct watersheds. The City has allowed and encouraged the nearly complete coverage of the Downtown / New Town area with impervious surfaces resulting in a future storm water cleanup approach that will require collection of all the Bay storm water drains and

transfer of that storm water to a treatment facility. The New Town Storm Water district will require such structured engineering solutions but other watersheds present different challenges and opportunities. Part of the challenges of the unique New Town district is that much of storm water pollution is generated on or transferred to land that has been granted, by easement, to the public by the major developers. This easement transfer should not result in a transfer of cleanup costs to the out of area general taxpayers. In [economics](#), an **externality** is the cost or benefit that affects a party who did not choose to incur that cost or benefit.^[1] Economists often urge governments to adopt policies that "internalize" an externality, so that costs and benefits will affect mainly parties who choose to incur them.^[2] [See: <https://en.wikipedia.org/wiki/Externality>]. I urge the staff planners to be more conscious of the trend towards externalities and suggest consideration of the attached SEEA Environmental Accounting document.

In summary, the homeowner residents of Cholas Creek's Council District Four and District Nine should not be forced to pay for the developer profiteering in District Three.

3. There should be a synergistic approach to storm water maintenance and designs. Waterway Maintenance should not be separate flood control methods that are distinct from habitat restoration and enhancement and water quality improvement. A modern efficient and effective maintenance program should both mitigate the harms to the environment and control periodic storm water flows. The waterway maintenance program must list and identify what endangers flora and fauna will benefit the techniques adopted. The effective maintenance program must enhance human open space and habitats for identified impacted species.
4. The WATERWAY maintenance program zones should not be based on simple approximately equal ribbons of land area, without any other basis for establishing these draft maintenance ribbons. Waterway maintenance areas should be based on some mission based and scientific criteria for establishing maintenance areas. Please consider the current conditions of the included water shed and its need for remediation and maintenance. The actual water volumes, channel areas and other scientific indicators must be used to establish maintenance areas. Please do not continue the simplistic East West Bands method. Again the New Town water shed must be a special maintenance area , requiring the installation of treatment plants and continuous operation of those plants; so maintenance is going to be on a daily basis rather than periodic or seasonal , as in other areas.
5. There should be very limited, only secondary attribution waterway maintenance problems to San Diego inhabitants, including the houseless. In the 21st century, we know enough about human behavior to design systems for pollution control and land use distribution that minimize the regular behaviors of human habitation. If the City encourages high human densities, it must require the mitigation measures indicated by those land uses. Some historic land uses are no longer appropriate and must be removed from impacted areas. For example, we long ago removed the slaughterhouses from the Morena District. It may be time to phase out automotive service and painting operations from along the Auburn Creek. There are no more current San Diego inhabitants, living in the rough (sic homeless) than there have been historically in San Diego. Before the modern development of San Diego the Bay and Ocean was clean

and we had thousands of indigenous native inhabitants living in the rough without modern facilities

6. I continue to have difficulty taking the City's commitment to water quality improvement seriously when I daily observe the dumping and illegal vehicle parking along the Federal Avenue, directly adjacent to the North Cholas channel. Waterway abuse and dumping occurs directly in front of the San Diego Police Departments central operations campus but there is no apparent enforcement actions. The City was required, under its building permits for these facilities, and the Water Quality Board's enforcement actions to clean up this area but no actions have occurred. **channel, at this** site was narrowed by the City, without permits, prior to the construction of the Central Police Garage. My letter also references, the CEQA studies for the Central Police Garage, which documented that this section was particularly environmentally sensitive as it is a document California Gnat Catcher site, within sight of a mitigation environmental reserve, and a well-documented Native American site.

The City has failed to repair the sidewalk overcrossing, at Home and Federal Blvd –above Auburn Creek, and continues to use the South side of Federal Boulevard, directly adjacent to the North Cholas Creek as a heavy vehicle storage lot, an ad hoc parking lot, construction waste storage yard, kennel police dog waste evacuation area, and street sweeper dumping area. The South side of Federal, between Home Avenue and the end of Sunshine Beradini Park was to be landscaped and curb and guttered as a condition of the City permits to construct the Central Police Garage and improvements to the Police Firing Range. The City Police got their facilities and then forgot their permit obligations to complete the improvements on the South side of Federal.

As a result, road wash, vehicle-associated hydrocarbons, Street sweeping waste and dog feces wash into the Cholas Creek. Flooding from the overburdened and mis designed Auburn Creek, in the subject project, flood across this South side of Federal Blvd and then into North Cholas Creek. The mis management of this area, by the City, has been the subject of several television Turko reports and a similar watchdog report by Channel 10. San Diego Ground works has plans for corrective actions and improvements in this area.

The City should consider the plans of CALTRANS to rebuild the Home Avenue overcrossing at this site as part of its SR 94 freeway improvement project. Further Federal Boulevard and Home Avenue provide significant bicycle and active transportation routes in this area as they represent the only safe community connections for schoolchildren traveling to and from Sunshine Park and Webster School. The cities Climate Change Plans for carbon reductions and non-motorized active transportation should be considered in this project.

7. Further, in my community, the City of San Diego has a Waterway Maintenance crisis of its own making. It permitted the filing of flood plains for apartment development, moved or channelized waterways to make them narrower with greater flows than the existing channel and undercrossing can handle. The City continues to permit uses like automobile repair, fueling, metals recycling facilities, and service yards that generate copper and zinc scrap along Auburn Creek, North Chollas Creek and Chollas Creek

Of particular sensitivity is Auburn Creek. Auburn Creek is a tributary of the Cholas Creek, of spring origin from a small earthquake fault North of University Avenue. Auburn Creek has documented habitat areas for California list flora and Fauna and a specialized Environmental reserve.

Auburn Creek has been the subject of numerous suits for property damage, due to flooding and bad storm water designs. The City has had to pay millions in inverse condemnation damages for bad designs and over building in this natural flood plain (See City Attorney INTERIM REPORT NO. 14 THE ONTARIO AVENUE CONNECTION AND FOX CANYON PARK http://sdcityattorney.com/Interim_Reports/IR-14_Fox_Canyon_Park_20070227.pdf), just for starters. *Please incorporate this report by reference to my comments.*

The rain events of the past two rain seasons caused the City to seek retroactive emergency authority to try to address flooding North of Euclid Street to Wightman Street, at Fairmount and Home Avenue which flooded out that intersection and damaged the Columbus Club, and at Home and Federal Blvd. where the undercrossing nearly washed out, and is yet to be repaired to provide safe pedestrian and ADA crossing.

The truth of the matter is that the City of San Diego has a crisis of its own making in City Heights and all along Auburn Creek. The Drainage from the North side of University Avenue (Colina Del Sol and Otilie street to the South side is inadequate, as established in the Wightman site acquisition suit and the City's Capital Improvement Projects List. The City has continued to allow the filling and building of properties in the Auburn Creek flood plain, thus creating a constant need for a channel approach rather than a flood plain approach. Filling in the flood plain means you must constantly clear a manufactured drain. Any emergency is of the City's own making and very predictable, in the 21st Century.

The City itself is currently engaged in a project to fill the flood plain to create the Wightman Park, rather than keep it as a more natural open space available as a flood plain and cleaning biological swale. Water quality tests performed in this area identified the presence of e-coli from sewage and other wastes. The City has spent extensive funds to raise the sewer manhole access covers, to prevent flood mixing, but the last big rain over topped these. More flooding will occur south of this fill site park because the City is reducing the Flood plain.

The City has mis engineered all of the Auburn Creek under crossings so that during flood periods floodwaters block under crossing and then have to leave channel to proceed downstream. This is particularly true of the inadequate engineering designs, for the under crossings at:

- a. Wightman Street;
- b. Euclid Avenue;
- c. 47th/ Fairmont off Home Ave; and

- d. Federal Boulevard, off Home Avenue.

The under crossings at all four of these locations over topped at the last major storm and the Federal Blvd under crossing collapsed. Pedestrians are being forced to walk in the street along this collapsed section. There are no safe provisions for persons of limited mobility under the ADA. The City needs to redesign all of these under crossings and consider the designs used in Mission Valley which anticipate flood conditions and have overflowing creeks follow a designed over road system. Just keeping the Waterways maintained will not fix these engineering mistakes.

The designs of these under crossings do not meet modern design standards or current volume conditions, because of flood plain in fill. The channel at the SDPD Police Garage was initially rip rocked without permits and has of late been cited as inadequate in the settlement with the Regional Water Quality Board identified that City of San Diego's storm water engineering projects were flawed and ineffective, (SEE Attachment 1.)

The City needs to redesign all of these under crossings and consider the designs used in Mission Valley which anticipate flood conditions and have overflowing creeks follow a designed over road system.

- 8. The City continues to issue permits and fails to enforce conditional permits so that storm water flows are increased into this channel. The City continues to allow parcels that drain directly into Auburn creek to install more un filtered and impervious surfaces to be built. Along Home Avenue, Automobile repair shops are continuing to deposit hydro carbon petroleum pollutants directly into the Auburn Creek and the City allows construction of expanded new concrete parking lots between Gateway Drive and Federal Boulevard.
- 9. Any future Waterway maintenance must be conditioned on affirmative actions to prevent emergencies, harms to the environment, and future flooding. These plans must include, at minimum, the following:
 - a. Moratorium on all flood plain filling
 - b. Study and Capital Improvement Project scheduling of the replacement of the Wightman, Euclid, Fairmount / 47th and Federal boulevard under crossings;
 - c. Moratorium on any installation of impervious surfaces that drain directly, via a city road or storm drain, into Auburn Creek;

- d. Enforcement of all conditional use permits for buildings and polluting operations, along the Auburn Creek. Such uses include vehicle service yards, filling and gasoline stations, recycling operations, and repair garages;
- e. Timing of Waterway maintenance to protect the spawning and reproductive cycles of listed species identified in the area, including but not limited to the California Gnat Catcher, amphibians, frogs, salamanders and native plants; and
- f. Strict observance of the lighting standards so that no projects or clearance activities cast light on to the Auburn Creek, or other sensitive waterway habitats, that could interfere with sensitive reproductive cycles.

Again, much of the maintenance challenges are of the City's own making. We have to stop blaming plants from growing, where plants grow and the poor from discarding trash.

If the City had limited the number of buildings it permitted in the flood plain, designed volume appropriate under crossing structures, and adopted a responsible adult schedule of maintenance, these very predictable emergencies would not have occurred. We cannot change the past but we need to start getting better.

10. Recently, the San Diego Union Tribune had an article on water quality, herein incorporated by reference at:
http://enewspaper.sandiegouniontribune.com/infinity/article_popover_share.aspx?guid=e6b65acb-8b3c-4a78-bec4-5c50d7a576e8 Coast Keeper does a great job and they have recently honored my friends and me. <http://www.sdcoastkeeper.org/blog/other-green-thoughts/meet-the-coastal-champions-of-2015>

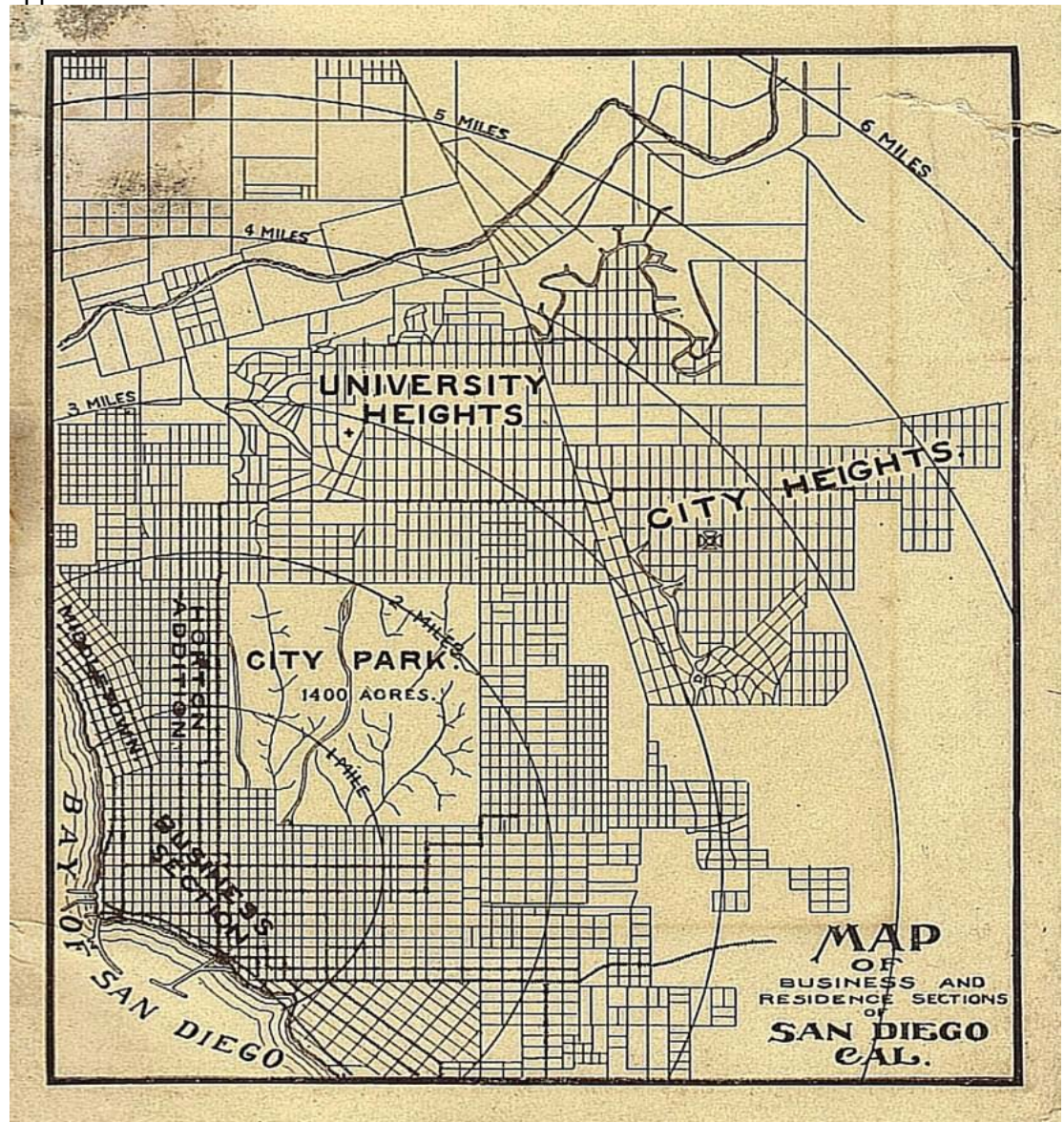
Unfortunately, the referenced report uses an artificial watershed grouping called "Pueblo". This name has been made up to include at least three (3) distinct watersheds- Chollas Creek, Florida Canyon, and Switzer Creek. Pueblo does not include the true pueblo watershed, the San Diego River that flows past Old Town, the Presidio, and fills the Padre Dam valley. Just because the City government uses a reporting scheme does not mean that they are showing true environmental leadership or that we need to follow them over the storm waterfalls.

This grouping scheme does not contribute to accurate measurement of water flowing into San Diego Bay or identification of sources of storm water run-off. The creation of the artificial watershed comingles the water quality reporting data concerning the City of San Diego.

As you may be aware the founder of San Diego Pedro Fages who landed at the Bay but latter moved the encampment to an area overlooking the San Diego River to have access to a better water supply
<http://www.sandiegohistory.org/journal/1975/april/fages/>] . The San Diego pueblo formed around this San Diego River water supply.

An overview of development of the San Diego water supply is presented at:
<http://www.sandiegohistory.org/journal/2002/january/sholders/> .

More importantly is the preservation and recognition of the Florida Canyon watershed, preserved by our 1,400 City Park. The San Diego Historical Society presents a good description of this valuable watershed, its beneficial uses, and development - [HISTORY OF SAN DIEGO, 1542-1908, PART FOUR: CHAPTER 4: WATER DEVELOPMENT](#) see:
<http://www.sandiegohistory.org/archives/books/smythe/part4-4/> . Presented, below, is a map showing the Florida canyon watershed and the location of the wells and water supplies described in the above article.



San Diego's urbanization and major water supply projects have out stripped the need for water supplied from the Florida Canyon, although the City maintains a monitoring well for this aquifer and water shed. The discontinuation of very active water use from Florida Canyon does not diminish its singular source of San Diego Bay storm water pollution. Florida Canyon storm water collects up all of the storm water from the SD Zoological Gardens and Downtown and delivers these waters, un filtered, into the Bay. Storm water from Chollas Creek has an entirely different entrance to the Bay, at 32nd Street Naval Station.

The challenge with the Downtown watershed is there little or no place to infiltrate the quantity of water shed from Florida Canyon through Downtown. Although new storm water standards no longer allow the dumping of untreated storm water that falls on the roofs of skyscrapers the portion of downtown developments allowed as City sidewalks and streets, by developer easement grant produces the majority of polluted Bay storm water. Developers have been able to transfer the storm water source as a general public obligation.

The City is challenged on how to clean up the Florida Canyon Downtown storm water. This cleanup is further complicated that the current storm water drains exit at near Bay level, with the prospect of sea level rise from Global Warming. Clean up of this storm water is going to require significant re-plumbing of the storm water system, pumping to a treatment facility, and great cost. See: <http://www.sandiegouniontribune.com/news/data-watch/sdut-housing-underwater-climate-change-2016aug16-htmlstory.html> or <http://inewssource.org/2016/12/05/future-sea-level-rise-flood-san-diego/>

The good news about sea level rise is that the San Diego River, the true pueblo watershed, will likely regain its original channel and begin flushing into the San Diego Bay. The down side is that until then San Diego is faced with massive Bay storm water pollution from Downtown that must be cleaned up at great cost.

The City is setting up a solution, by creating the artificial "Pueblo Watershed" so that it can spread these special watershed district remediation costs to Sherman Heights, Barrio Logan, Sherman Heights, Golden Hill, South Park, City Heights, Fox Canyon, Fairmont Park, Azalea Park, the Mid City, Oak Park, Webster, Lincoln Park, Valencia Hills and the rest of the communities along the other distinct established Chollas Creek and Switzer Creek water sheds. Developers get a bonus by making the storm water they create or induce an externality to be transferred to the renters and homeowners in the other watersheds. I have attached a letter to the Mayor and Council concerning these massive Vertical Villages.

There are better more equitable solutions to storm water cleanup without placing the burden on a very limited class of residents. These solutions include having developers agree to a special assessment storm water cleanup district whenever they request a permit for a Vertical Village; current major storm water polluters should be required to start cleaning up their run off; and the Florida Canyon watershed should be included in the planning. Water Shed impact areas should be defined as they operate not for some other schemes. Additionally, the City should be considering watering and our City Park with waters filtered and collected within that Florida Canyon watershed.

11. The recent article, referenced above, identified that a major source of fecal matter in Waterways is from old, overtopping, and faulty sewer waste systems. Several years ago, it was discovered that Navy Housing, along the Chollas waterway, had cross-connected its sewage system to its storm water drains. There have been incidents in the Chollas Canyon waterways where sewage was being dumped into the creeks and watershed, without treatment.

I am requesting that the Waterway Maintenance program include a forensic survey for sources of fecal matter leaking into the Waterways. I believe there may be methods and techniques to walk a waterway and identify fecal matter and sewage entering the Waterway. Perhaps there are more sophisticated methods, in addition to the sniff test? I suggest that dogs could be used to identify sewage entering the waterways. City Code enforcement should be engaged in this source identification processes/

I hereby incorporate by reference all the documents and reports presented by link addresses, as part of my comments. I incorporate, by presentation Attachment 1 which lists fines, settlement agreements and responsibilities for City corrective actions, in it projects that effect waterways in the City of San Diego.

I request written responses to my comments, presented in the same size and point size as the proposed CEQA document's primary text. I request timely notice of future opportunities to comment on this CEQA document. I request formal notice of public hearing on this matter

All the best,

John W. Stump

ATTACHMENT 1

San Diego Regional Water Board Reaches \$949,634 Storm Water Settlement Agreement with the City of San Diego

For Release: Contact: Christopher Means

August 13, 2014 (619) 521-3365

The San Diego Regional Water Quality Control Board (San Diego Water Board) took two actions today to ensure that priority development projects are designed and constructed with effective storm water treatment control in the City of San Diego.

In the first action, the Board adopted an Order approving a settlement agreement, where the San Diego Water Board found that the City violated the San Diego Water Board's

Municipal Storm Water Permit by failing to adequately oversee the implementation of storm water treatment plans at 306 new construction sites from April 2004 to November 2013. Treatment controls at those private and public development sites were either missing or designed and installed incorrectly resulting in storm water runoff that received little or no treatment before being discharged to local creeks, bays, and the Ocean. These permit requirements have been in place for 14 years.

The settlement agreement assesses an administrative civil liability penalty of \$949,634 to the City. The State Water Resources Control Board Cleanup and Abatement Account will receive \$492,734 of the penalty. The remaining portion of the penalty, \$456,900, will be suspended if the City completes a mitigation project by August 2016, to enhance existing storm water controls at five City facilities and builds a new storm water hydro modification basin at a sixth City facility. The project is estimated to cost \$1,710,892.

In the second action, the San Diego Water Board adopted a Time Schedule Order that requires the City to bring the public and private priority development projects into compliance with the Municipal Storm Water Permit by August 2016. Failure to comply with the Time Schedule Order may result in an assessment of up to \$10,000 per day in penalties for each violation.

“This settlement agreement recognizes the City’s leadership has finally made a point to improve its interdepartmental coordination,” said James Smith, Assistant Executive Officer of the San Diego Water Board. “We expect that will prevent such broad program failures from reoccurring and will allow for timely and creative water quality solutions.”

Since 1990, the San Diego Water Board’s Municipal Storm Water Permit, has required the City of San Diego to implement measures to minimize and eliminate the discharge of pollutants from its storm drains to local creeks, San Diego and Mission Bays and the Ocean.

Runoff from the urban environment is a leading threat to local water quality. Pollutants in runoff discharged from the storm drains threaten and adversely affect human health, recreational opportunities, and animals that live in or rely upon clean water. The most common pollutants in storm drain runoff include trash, sediment, pathogens (like bacteria and viruses), heavy metals (like cadmium, copper, lead, and zinc), petroleum products and poly-nuclear aromatic hydrocarbons, pesticides, herbicides, and fertilizers, animal waste, and detergents.

Additional Resources:

The Cleanup and Abatement Account was created to provide public agencies with grants for the cleanup or abatement of a condition of pollution when there are no viable responsible parties available to undertake the work. Eligible entities that could apply for this funding include public agencies as well as certain not-for-profit organizations and tribal governments that serve a disadvantaged community and that have the authority to clean up or abate the effects of a waste. More information is available [here](#).

Settlement Agreement No. R9-2014-0017 and Time Schedule Order No. R9-2014-0034 are posted on the Water Board’s agenda web page.

For more information on the San Diego Water Board please visit its homepage.

