April 20, 2023

Attn: Heidi Vonblum
Planning Director
City of San Diego Planning Department
9485 Aero Dr, M.S. 413
San Diego, CA 92123

PlanningCEQA@sandiego.gov

Dear Director VonBlum,

Please accept our comments on the Draft Program EIR for the DeAnza Natural and Alternate Site Plans, SCH #2018061024

Improvements in the current DeAnza Natural Plan

The current site plan (Figure 3) is improved relative to the previous version (January 2022 NOP), most notably the removal of most of the peninsula extending south from Pacific Beach Drive and better hydrologic connection with Rose Creek. The potential location of an environmental research and education center in conjunction with the regional parkland east of Rose Creek is a good idea, whereas the site west of Rose Creek would prevent easy access for the public arriving by personal vehicle, student group transport (bus) or the trolley.

However, we do have concerns, described below.

Project objectives

The Project Objectives are too vague and do not allow for an unbiased evaluation of the Plan and the Alternatives. We give one example here. The DEIR states that the Wetlands Optimized Alternative does not meet...

a. Objective 1 (*Provide equitable access to De Anza Cove and the coastal landscape for all San Diegans, particularly communities that have historically experienced barriers to access.*)
b. Objective 5 (*Diversify active and passive recreational uses that will serve a range of interests, ages, activity levels, incomes, and cultures both on land and in water.*)
c. Objective 6 (*Enhance public access and connectivity within De Anza Cove and increase connections to the surrounding communities, including opportunities for multimodal travel.*)

...because the wetlands restoration would reduce the area for low-cost visitor guest accommodations and open beach uses (p. 8-43). The De Anza Natural Plan apparently does meet these objectives with larger acreage for "*RVs, cabins, or other eco-friendly accommodations and associated open space and facilities consistent with camping accommodations*" (likely managed by a private lease-holder). Objectives 1, 5, and 6 are very

general in their call for public access and use, but the evaluation of the objectives is very specific - weighing acreage of low-cost visitor guest accommodations and open beach uses more heavily. There are many ways to provide access to, and use of, the coast, however -- walking trails, bike paths, non-motorized boat launches and boating areas, nature viewing areas, educational displays or an educational center that encourage access, to name just a few (all underrepresented uses in Mission Bay). In fact, the State Coastal Conservancy's Explore the Coast program suggests that recreational vehicles (RVs) are not the best way to diversify our coastal accommodations (Explore the Coast Overnight, an Assessment of Lower Cost Guest Accommodations, 2019). Please provide evidence as to why these very specific uses (RVs, cabins, or other eco-friendly accommodations), to the exclusion of other uses, are required to meet Objectives 1, 5, and 6. Please specifically address why the Plan gives special consideration to RVs given the assessment in the report cited above.

The objectives of the DeAnza Natural Plan also deviate from the guiding principles of the Mission Bay Master Plan (MBPMP) by not adequately addressing the following.

a. Water Quality: The DEIR does not adequately address the environmental goals of the Mission Bay Park Master Plan (MBPMP), which states that water quality improvement is the 'foremost' consideration for land uses in the De Anza Special Study Area. Water quality should be included in the Project Objectives. Please include "Improve the water quality of the study area and the bay through natural, resilient wetland infrastructure." as an Objective (p. S-2)

   Because DeAnza Natural Plan fails to provide evidence that it will improve water quality, and will do so more effectively than the alternatives, the first row of Table S-4 of the PEIR is not accurate.

   The DEIR does not provide an adequate explanation -- no hydrological models or processes cited -- to support the assumption that the continued flows of untreated water constrained to channels as described in the DeAnza Natural Plan will improve water quality compared to detaining the water in wetlands to allow for settlement of particulates and biogeochemical transformations of pollutants as would occur in the Wetlands Optimized Alternative. Please provide these details.

   The preferred design includes a semi enclosed swimming beach in the NE corner of the bay, which has been shown to be the most polluted part. The DEIR claims that the flushing of the proposed bay by connecting it to Rose Creek will mitigate the problem. However, the City has not done a modeled hydrologic or water quality assessment to determine if this connection to Rose Creek would actually improve water circulation.

   Given that swimming is available in other areas of Mission Bay that consistently have safer water quality, provide an explanation for including this feature as preferred, rather than contiguous wetland in the area.

   Please explain how De Anza Natural and all alternatives will impact water quality in the study area and Mission Bay in general.

b. Habitat Restoration: The Natural Resources Management Plan (NRMP) for Mission Bay (2002, essentially unchanged since the 1990 version) remains the guiding document for natural habitat protection and restoration in Mission Bay. That plan lays out a vision for preserving the co-existence of resilient natural habitats and human uses for 188 years.

It specifically identifies the fill area currently occupied by Campland as the unique area of Mission Bay where substantive saltmarsh habitat can be restored in a large, contiguous area that is the most beneficial for wildlife:

> *"A larger habitat base allows an expansion of population necessary to counterbalance the negative impact of a progressively urban influence and future threat of rising sea levels. Expansion of salt marsh and upland habitat is important for balancing the negative effect of potential future rises in sea level.*

In spite of the urgent need to restore a hydrological connection between Rose Creek and the Kendall-Frost Marsh/Northern Wildlife Preserve, none of the alternatives described in the DEIR give any specific goals for the wetland restoration west of Rose Creek. The following need to be added to the Preferred, Wetlands Optimized and Wetlands/Park Optimized Plans:

a. Specific population goals for the endangered species within the MHPA, including Belding's Savannah Sparrow and the Light-footed Ridgway's Rail

b. Specific goals in terms of acres of critical habitat for these species, with details of sediment characteristics, plant community composition, and

c. Specific adjacency rules to protect the existing and future populations of these species, including no, or only shielded, lighting of recreation fields and other nearby land uses; no vegetation or structures to enhance avian predator success in the wetlands; sounds limited to scientifically-confirmed safe limits; no polluted runoff or air pollution; and no intrusions by flying objects or machines

d. Plans for coordinating with the UCSD Natural Reserve System to study and monitor these populations (per the RNMP)

Furthermore, the emergent wetland is not homogeneous: cordgrass habitat required by the light-footed Ridgway's rails occupies areas that are inundated for longer periods (i.e. are at lower elevations) than areas dominated by perennial pickleweeds (higher in the marsh), which are lower than areas needed by the wandering skipper (the co-occurence of high marsh saltgrass and *Frankenia*). And throughout the wetland there is an intricate network of deeper branched channels essential for water circulation and the functioning of the ecosystem. Without a clear distinction between these areas, it is impossible to assess the existing and proposed habitat areas described in the alternative plans, the impacts to those areas, and the benefits of the alternatives for all purposes, including water quality improvements, sea level rise resiliency, endangered species support, etc.

Please map out the habitat types listed in Table 2-3 and describe the required underlying sediment characteristics, pore-water salinity and inundation times for those planned to be included in the habitat restoration areas. Without these fundamental properties in place there is no way to obtain the vegetation planned for; and without the requisite vegetation there will be no wildlife.

Without these details in the Plans, the city is not fulfilling its legal responsibility to protect MSCP covered species. Furthermore, the DeAnza Natural Plan and its alternatives cannot be analyzed with regard to whether they can actually provide habitat expansion. <u>These goals should be established in the final PEIR.</u>

3. Wetland design. Contrary to this long-accepted principle of the need for an extensive contiguous area of wetland habitat for it to be resilient, the DeAnza Natural Plan fragments the restored wetland east of Rose Creek, confining it in places to strips of wetland along Rose Creek around islands. There are no published literature or other models or studies cited in the DeAnza Natural Plan to support the concept that this fragmented design will function in either the medium- or long-term as natural wetlands, or provide the desired wildlife habitat, water quality improvements, or protection again rising sea levels. This design flaw has five consequences:

   a. The marsh will grow poorly or not at all around the islands proposed in the DEIR, likely creating a series of mudflats rather than wetland. Hence, the proposed acreage of restored wetlands is likely overstated in the DeAnza Natural Plan
   b. Carbon sequestration within the wetland will be less than shown as expected in the DeAnza Natural Plan
   c. Recreational and educational values will be degraded over what is planned since "low cost" camping and proposed walking trails will front on mudflats rather than on wetland marsh. We note that the highest price camping lots at "Campland on the Bay" overlook wetland.
   d. DeAnza Natural Plan gives no specific designs for tidal channels to be created in the wetland area west of Rose Creek, continuing the current situation where the marsh is starved of freshwater and sediment. A better solution would be to design a channel distributary network to come off Rose Creek at the site of present-day Campland on the Bay so that at least some of the freshwater runoff, dissolved pollution and sediment from Rose Creek can be delivered to the wetland west of Rose Creek.
   e. The Preferred Plan minimizes both the length of tidal creeks and the ability of the wetland to grow sufficiently to provide cover for larval fish. We have estimated that the value of halibut alone raised in wetland channels the size of those envisioned by the ReWild "Wildest" Plan at nearly $1 million/year. The Preferred Plan forgoes much of this benefit to recreational fisheries in San Diego.

<u>Please discuss the scientific evidence that a fragmented wetlands design such as De Anza Natural can function as a natural wetland and provide the benefits described above, in the short-, medium- or long-term.</u>

The De Anza Natural Preferred plan continues the current situation of a channelized Rose Creek that can and will eventually flood the Mission Bay Golf Course and Mission Bay High School as well as private homes and apartment complexes in the area. The Plan is a missed opportunity to protect public and private infrastructure by de-channelizing Rose Creek into a series of tidal distributary channels that would slow down flooding of areas adjacent to the creek due to the combination of storm surges, King tides and future sea level rise. The CA Coastal Act (Chapter 3) strongly favors such nature-based solutions to coastal flood risk.

In fact, section 30253 of the CA Coastal Act prohibits new coastal development from requiring "construction of protective devices" (sea walls, etc.) to prevent erosion. In the final PEIR, please include and analysis of how De Anza Natural and each Alternative meets Objective 3 ("Incorporate climate adaptation strategies to increase resilience to climate change and mitigate potential sea level rise impacts."), specifically the flood risk to the surrounding area and how each plan will mitigate that risk without the "construction of protective devices" that the CA Coastal Act specifically prohibits.

Please compare the contribution of each alternative to supporting wetland-based passive/educational recreation, fish production/fishing opportunities, and sequestering carbon.

4. Sea level rise.

The DEIR does not identify any areas of littoral transition ecotone or uplands into which the saltmarsh can migrate to provide resiliency and preserve habitats, in spite of priority in the NRMP:

> *"Rising sea level would result in existing intertidal areas becoming subtidal areas; thereby, creating a need for existing upland areas being available to become future intertidal areas. These measures do not conflict with existing recreational use or leaseholder activities in Mission Bay Park".*

This means that neither the DeAnza Natural Plan nor the alternatives can be assessed for their resiliency. Please add these necessary details.

The DEIR does not analyze the impact of sea level rise. The City applied for and received funding from the Regional Water Quality Control Board for this land use proposal through R9-2020-0150 SEP. In this funding arrangement the city agreed to include

> *"the establishment of 80 acres of additional functional wetlands (low-mid-high wetland/salt marsh and mudflats), in addition to the [existing 40 acres currently located within the] Kendall-Frost Marsh/Northern Wildlife Preserve, at the Year 2100 based on current models utilized by the City for sea level rise projections".* **[note the use of 40 acres of wetlands, not the 88 that the city is using for its planning.]**

We request that the city includes appropriate sea level rise analyses for all the proposed alternatives, as required by the RWQCB SEP, before this plan is considered further.

5. Hydrology - Flooding. The DeAnza Natural Plan continues the current situation of a channelized Rose Creek that can and will eventually flood the Mission Bay Golf Course and Mission Bay High School as well as private homes and apartment complexes in the area, particularly the Crown Point Villas and Cedar Shores. In the vicinity of the city's Northern Wildlife Preserve Extension Parcel (directly south of Pacific Beach Drive), flooding already occurs during the annual combination of high tides and heavy rainfall, and is exacerbated by the Noyes Street storm drain outfall being below sea level. The Plan is a missed opportunity to protect public and private infrastructure by de-channelizing Rose Creek into a series of tidal

distributary channels that would slow down flooding of areas adjacent to the creek due to the combination of storm surges, King tides and future sea level rise.

The CA Coastal Act (Chapter 3) strongly favors such nature-based solutions to coastal flood risk. In fact, section 30253 of the CA Coastal Act prohibits new coastal development from requiring "construction of protective devices" (sea walls, etc.) to prevent erosion. In the final PEIR, please include and analysis of how De Anza Natural and each Alternative meets Objective 3 ("Incorporate climate adaptation strategies to increase resilience to climate change and mitigate potential sea level rise impacts."), specifically the flood risk to the surrounding area, the existing Mission Bay storm drain infrastructure, and how each plan will mitigate that risk without the "construction of protective devices" that the CA Coastal Act specifically prohibits.

In addition, city agreed to use SEP funds to analyze the most extensive wetland alternative described in the most comprehensive feasibility study, which is the Wildest alternative found in the ReWild Mission Bay feasibility study. Therefore, please explain why the Wetland Optimized is not the Wildest plan, or one with greater wetland extent, and provide the resulting study, as required by the RWQCB.

6. Public Access. The CA Coastal Act requires that there be public access to the shoreline in any new coastal development. In the De Anza Natural Plan, however, part of the shoreline is private lease-held land. The previous lease-holder was fined $750,000 by the California Coastal Commission in Sept 2021 for restricting public access to the shoreline on these public trust state tidelands. Instead of privatizing the shoreline, the plan should create open space with a series of walking trails and boardwalks across the wetland to provide access to the coast. Providing improved public access has numerous benefits including:

a. A substantial increase in property value in southern Pacific Beach adjacent to the northern Mission Bay. We have estimated this increase in property value at over $227 million dollars that comes from having unimpeded access to a wetland and the coast.
b. Creating a public amenity in the form of a network of walking trails and boardwalks that expose visitors to the educational and public health value of the wetland. While trails are designed into the De Anza Natural Plan, these are directly adjacent to the "low-cost camping" facility, reducing their value for the public to engage directly with wildlife.

Private control of the coast also does not fully meet Project Objective 1 in the DEIR, particularly given the history of public exclusion by previous tenants. Why is privatization of the coast included in the preferred plan?

7. Kumeyaay engagement

Project Objective 2 is to "Foster opportunities for members of local Tribal nations to reconnect to De Anza Cove". Please provide evidence of how the local Tribal nations have provided input into the planning process. Please provide the evaluation by local Tribal nations of how the Plan and each Alternative meets Objective 2. If members of the Tribal nations have not been involved in the planning or evaluation given Objective 2, please explain

who has the authority to evaluate Objective 2 and why the Tribal nations or their representatives have not been involved.

We suggest that the following be options that should be evaluated by local Tribal nations

a. Changing the De Anza name of the area from the Basque-Mexican adventurer to a Kumeyaay-inspired name
b. Increase then scope of the nature interpretation center to a nature and Kumeyaay culture interpretation center

8. Comprehensive planning

The NRMP describes Mission Bay as having 27 miles of shoreline, 15.6 miles for public use, and 2500 acres of open water, most of which is designated for recreational use. The park as a whole has a significant amount of area for active recreation and very little for natural habitat (4% if mudflats and eelgrass beds are included).

The plan for northeast Mission Bay still suffers from a too-close focus on the project area, without looking at the context. It does not emphasize the unique opportunities of this location, recognized and emphasized in the NRMP, namely to expand wetlands around the only remaining tidal marsh that conserves listed endangered species, where the major source of fresh water enters the bay, and where restoration of culturally significant sites, green infrastructure, and wildlife corridors up into the watershed along Rose Creek is possible.

Natural habitat is in critically short supply, with 88 acres (of 4500 total) found entirely in the Kendall-Frost Marsh/Northern Wildlife Preserve. We need to zoom out. The goal of "balance" should be examined across all of Mission Bay rather than the small area of the NE corner. There is already significant acreage for active recreation in Mission Bay. Human uses that exist nowhere else or are in short supply include: wetland science center; non-motorized boat landing; blinds for studying shorebirds; clean water for fishing; mudflats where abundant shellfish can be collected sustainably; native wetland habitat where useful plants can be sustainably grown and harvested; quiet space for contemplation; safe overnight camping outside in nature; and a place for building an *'ewaa* (house) or a *wa pour ha kwaiyo* (tule boat). The project should address these recreational and educational needs with a focus on the inclusion of previously excluded groups of people and a 21st century perspective that values human and environmental well-being.

11. Technical details

a. The UCSD NRS Kendall-Frost Reserve building site (corner of Pacific Beach Drive and Crown Point Drive) is labeled as "Regional Parkland" (pages 3-9, 8-61, 8-67, 8-69) This is not accurate; this is the property of the University of California. The document refers to the "Kendall-Frost Marsh Reserve/Northern Wildlife Preserve (KFMR/NWP)" throughout (starting on p. S-1), without acknowledging that the Kendall-Frost Marsh Reserve is the property of the University of California San Diego Natural Reserve System. Please correct these errors.

b. p. 3-2: The KFMR/NWP is described as approximately 88 acres of "mostly vegetated" habitat. The KFMR (not including the upland) is 16 acres of intertidal marsh; the NWP is approximately 24 acres for a total of approximately 40 acres of emergent vegetated wetland. That must mean that the remaining 48 acres comprises mudflats and eelgrass beds. Please confirm and clarify throughout the PEIR document and the Plan itself.

c. Figure 9: are the MHPA (black dotted line), and KFMR/NWP (the purple line) boundaries just roughly drawn, or do they reflect actual rather arbitrary placements? For example, only the southern half of the NWP Preserve Extension Parcel is shown inside. Is this intentional? If so, why?

The upland area of the UC property (included within the Project Area red line, but outside the purple line), is technically within the KFM Reserve. Please re-draw the figures for consistency and correct the acreages and the conclusions based upon these. the

d. Section 1.3.2 -- Responsible and Trustee Agencies

The statewide University of California Natural Reserve System (UCNRS) is the Trustee Agency with regard to the Kendall-Frost Marsh Reserve (NOT University of California San Diego (UCSD). The San Diego office of the UCNRS is where official communications need to be directed; please address all correspondence to: Kendall-Frost Marsh Reserve, c/o Natural Reserve System, UC San Diego, 9500 Gilman Drive, Mail code 0116, La Jolla, CA 92093-0116. nrs@ucsd.edu (N.B. Please do not send UC Natural Reserve System communications to the UCSD Planning Office or elsewhere on the UCSD campus. Doing so could delay or prevent appropriate communications.)

Furthermore, our office has been excluded from many meetings concerning this Plan development in which our Trustee Agency status merits our inclusion. Please contact us to discuss how to rectify this situation as this planning process progresses.

e. Biological Technical Report

The consultant has apparently mis-identified the seablite observed as *Suaeda californica* (found further north in California) and failed to identify the rather abundant *Suaeda esteroa*, a covered species. Please re-do the maps, lists, impact analysis, and conclusions to reflect this error.

f. Project boundary

The mouth of Rose Creek is a critical component of this project and should be included within the MHPA boundary since dredging is no longer required for boat navigation.

In the previous version of the Amendment description the "project" was the DeAnza SSA, and the remainder of what is now shown as the project was the study area. Then it made sense to include the UC Regents' property in the study area, and to call the whole effort a "programmatic EIR." Now, however, the former "study area" has become the "project", including the Kendall-Frost Marsh Reserve. We object to the UC property being included without the involvement of the NRS. Furthermore, the Northern Wildlife

Preserve Extension Parcel is also within the project, and the details of the long delayed (since its acquisition in 1992) plans for the restoration of that filled area as a precursor to its integration into the ecosystem is a critical component in connecting the Marsh to Rose Creek and buffering it from urban impacts. The EIR is now a Project Level EIR and must include the details that CEQA requires.

Sincere regards,

(Titles for identification purposes only)

Isabelle Kay

Reserves Manager, UCSD Natural Reserve System

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Executive Director, UCSD Natural Reserve System

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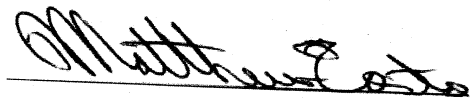

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