

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Emergency Services
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> CalFire	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Caltrans District # 11	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Planning (Headquarters)	<input checked="" type="checkbox"/> Regional WQCB # 9
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Coachella Valley Mountains Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Commission
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers and Mtns Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mountains Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region # 5	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> Health Services, Department of	<input checked="" type="checkbox"/> Other <u>County San Diego, Air Pollution Control District</u>
<input type="checkbox"/> Housing & Community Development	<input type="checkbox"/> Other _____
<input type="checkbox"/> Integrated Waste Management Board	
<input type="checkbox"/> Native American Heritage Commission	

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### Local Public Review Period (to be filled in by lead agency)

Starting Date: October 24, 2019 Ending Date: November 22, 2019

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### Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

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Signature of Lead Agency Representative:  Date: October 24, 2019

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



November 21, 2019

Mr. Robert Hingtgen  
County of San Diego Planning and Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

Copy sent via email: Robert.Hingtgen@sdcountry.ca.gov

SUBJECT: Cottonwood Sand Mining Project (SCH# 2019100513); Notice of Preparation (NOP) and Initial Study

Dear Mr. Hingtgen,

Thank you for including the Department of Conservation's Division of Mine Reclamation (Division) in the environmental review process for the Cottonwood Sand Mining Project Notice of Preparation (NOP) and Initial Study. The project as described in these documents proposes to convert two golf courses to a sand mining operation that proposes to extract 4.8 million cubic yards of material and process the material on site. This includes the construction of a processing plant consisting of aggregate screening and washing facilities, three settling ponds, loadout area, support structures and buildings, mobile conveyor line, and the development of an access road.

Approximately 214 acres of the 280-acre property would be subject to a reclamation plan and financial assurances, where mined lands would be excavated and reclaimed by grading and revegetation. Extraction of aggregate would occur in three continuous phases and is expected to be completed after approximately 10 years. As proposed, reclamation would begin in the second year as mining proceeds to the east, would be continuous throughout the term of the operation, and would end two years after mining activities cease.

The Division has review responsibilities associated with lead agency implementation of the Surface Mining and Reclamation Act of 1975 (SMARA). SMARA provides a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed. The Division's primary focus is on surface mining operations and the return of those mined lands to a usable and safe condition; however, the Division also addresses issues related to abandoned (pre-1976) legacy mines.

The Division has reviewed the subject NOP and Initial Study pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines and offers no comments on these documents at this time.

Mr. Robert Hingtgen  
November 21, 2019  
Page 2

The following comments apply to the plot maps and draft reclamation plan included with the NOP. Pursuant to Public Resources Code (PRC) Section 2772.1(a), the Division looks forward to receiving submittal of the proposed reclamation plan, certified as a complete submission and in compliance with applicable statutes, regulations, and local ordinances from the County of San Diego, the lead agency under SMARA. Please note that PRC Section 2772.1(a)(1) requires the SMARA lead agency to submit the reclamation plan to the Division Supervisor "as early as practicable in order to facilitate the lead agency's review of the reclamation plan pursuant to the California Environmental Quality Act.... All documentation for the submission shall be submitted to the supervisor at one time." This will help ensure the County's environmental review coincides with the Division's review of the reclamation plan pursuant to SMARA.

Please include the Division on the distribution list for this project and send the Division any subsequent project documents (e.g., hearing notices or supplemental environmental documents), as well as a copy of the draft and final Environmental Impact Report to the address below.

If you have any questions, please contact either of us at (916) 323-9198.

Sincerely,



Carol E. Atkins, Manager  
Environmental Services Unit



Paul Fry, Manager  
Engineering and Geology Unit

cc (provided electronically):

Department of Conservation, Office of Legislative and Regulatory Affairs

State Office of Planning and Research ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))



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](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



November 25, 2019

Robert Hingtgen, Environmental Coordinator  
County of San Diego, Planning & Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123  
[Robert.Hingtgen@sdcountry.ca.gov](mailto:Robert.Hingtgen@sdcountry.ca.gov)

**Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Cottonwood Sand Mining Project SCH# 2019100513**

Dear Mr. Hingtgen:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for the Cottonwood Sand Mining Project Draft Environmental Impact Report (DEIR).

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the 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. As proposed, for example, the Project may be subject to the Department's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

The Department also administers the Natural Community Conservation Planning (NCCP) program. The County of San Diego (County) currently participates in the NCCP program by implementing its approved MSCP Subarea Plan.

*Conserving California's Wildlife Since 1870*

**Project Location:**

The project address is 3121 Willow Glen Drive in the Valle de Oro Community Planning Area, within the southwestern portion of unincorporated San Diego County. The project site extends from approximately 600 feet east of the intersection of Willow Glen Drive and Jamacha Road, to approximately 0.25 miles west of the intersection of Willow Glen Drive and Hillsdale Drive. Willow Glen Drive parallels the north side of the project site and Steele Canyon Road bisects the western portion of the site.

**Project Description/Objective:**

The project proposes to convert two golf courses to a sand mining operation that would be conducted in three phases over 10 years. Reclamation activities would begin in the second year and would end two years following cessation of mining activities. The project would require a Major Use Permit (MUP) and Reclamation Plan to conduct a sand mining operation on 251 acres of an approximately 280-acre property that has been and is currently known as the Cottonwood Golf Club. The unmined acreage would be subject to removal of invasive species or be left in its current condition. Specifically, the existing Sweetwater River channel and the majority of native habitat that currently exists on the site would be retained. Mining would result in removal of golf course features and invasive species, and planting with native species as part of the reclamation plan for the project. The maximum excavation depth is proposed to be 40 feet below the existing land surface outside the channel. The average depth of excavation is expected to be approximately 20 feet. Approximately 4.8 million cubic yards (CY) of material would be extracted and processed, with approximately 3.8 million CY of marketable aggregate produced for sale over a 10-year period. Extraction operations would be limited to a maximum production of 380,000 CY of construction grade aggregate per calendar year.

**COMMENTS AND RECOMMENDATIONS**

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

1. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion that would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks that preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the DEIR and must compensate for the loss of function and value of a wildlife corridor.
  - a) The project area supports aquatic, riparian, and wetland habitats; therefore, a jurisdictional delineation of the river and associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the U.S. Fish

and Wildlife Service wetland definition adopted by the Department.<sup>1</sup> Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.

- b) The Department also has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. The Department's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSAA.<sup>2</sup>
2. The Department considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish & G. Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and G. Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation

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<sup>1</sup> Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

<sup>2</sup> A notification package for a LSA may be obtained by accessing the Department's web site at <http://www.wildlife.ca.gov/Conservation/LSA>.

monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

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 DEIR.
  - 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.
  - 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, particularly wetlands (as the proposed project could result in significant impacts to wetland/riparian habitat within the Sweetwater River). Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.

#### Biological Resources within the Project's Area of Potential Effect

4. The document should provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a complete floral and faunal species compendium of the entire project site, undertaken at the appropriate time of year. The DEIR should include the following information.
  - a) CEQA Guidelines, section 15125(c), specifies that knowledge on the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
  - b) A thorough, recent floristic-based assessment of special status plants and natural communities, following the Department's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <https://www.wildlife.ca.gov/Conservation/Plants/Info>). The Department recommends that floristic, alliance-based and/or association-based mapping and vegetation impact assessments be conducted at the Project site and neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment (Sawyer et al. 20083). Alternately, for assessing vegetation communities located in western San Diego County, the Vegetation Classification Manual for Western San Diego County (Sproul et al. 20114) may be used. Adjoining habitat areas should be

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3 Sawyer, J. O., T. Keeler-Wolf and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society Press, Sacramento.

4 Sproul, F., T. Keeler-Wolf, P. Gordon-Reedy, J. Dunn, A. Klein and K. Harper. 2011. Vegetation Classification Manual for Western San Diego County. First Edition. Prepared by AECOM, California Department of Fish and

included in this assessment where site activities could lead to direct or indirect impacts off-site. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

- c) A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. The Department's California Natural Diversity Data Base in Sacramento should be contacted at [www.wildlife.ca.gov/biogeodata/](http://www.wildlife.ca.gov/biogeodata/) to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
- d) An inventory of rare, threatened, endangered and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.

#### Analyses of the Potential Project-Related Impacts on the Biological Resources

- 5. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR.
  - a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage should also be included. The latter subject should address complete water balance: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site. Sediment transport connectivity, geomorphic and biological effects of flow alterations, fluvial geomorphology and slope stability should be analyzed and considered in the DEIR. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the local and downstream habitat, if any, supported by the groundwater. The DEIR should provide technical studies that support the design, construction, and restoration of the stream channel. Mitigation measures proposed to alleviate such impacts should be included.
  - b) Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian

ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR.

- c) The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
- d) A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

#### Mitigation for the Project-related Biological Impacts

6. The DEIR should include measures to fully avoid and otherwise protect Rare Natural Communities from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.
7. The DEIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.
8. For proposed preservation and/or restoration, the DEIR should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.
9. The Department recommends that measures be taken to avoid project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations. Sections 3503.5 and 3513 of the California Fish and Game Code prohibit take of all raptors and other migratory nongame birds and section 3503 prohibits take of the nests and eggs of all birds. Proposed project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1- September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, the Department recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas

allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

10. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
11. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.
12. The Polyphagous and Kuroshio shot hole borers (ISHBs) are invasive ambrosia beetles that introduce fungi and other pathogens into host trees. The adult female (1.8-2.5 mm long) tunnels galleries into the cambium of a wide variety of host trees, where it lays its eggs and propagates the *Fusarium* fungi species for the express purpose of feeding its young. These fungi cause *Fusarium* dieback disease, which interrupts the transport of water and nutrients in at least 58 reproductive host tree species, with impacts to other host tree species as well. With documented occurrences throughout Southern California, the spread of invasive shot hole borers (ISHBs) could have significant impacts in local ecosystems. Therefore, regarding ISHBs, we recommend the final DEIR include the following:
  - a) a thorough discussion of the direct, indirect, and cumulative impacts that could occur from the potential spread of ISHBs as a result of proposed activities in the DEIR;
  - b) an analysis of the likelihood of the spread of ISHBs as a result of the invasive species' proximity to above referenced activities;
  - c) figures that depict potentially sensitive or susceptible vegetation communities within the project area, the known occurrences of ISHB within the project area (if any), and ISHB's proximity to above referenced activities; and
  - d) a mitigation measure or measure(s) within the DEIR that describe Best Management Practices (BMPs) that bring impacts of the project on the spread of ISHB below a level of significance. Examples of such BMPs include:
    - i. education of on-site workers regarding ISHB and its spread;

- ii. reporting sign of ISHB infestation, including sugary exudate ("weeping") on trunks or branches and ISHB entry/exit-holes (about the size of the tip of a ballpoint pen), to the Department and UCR's Eskalen Lab;
- iii. equipment disinfection;
- iv. pruning infected limbs in infested areas where project activities may occur;
- v. avoidance and minimization of transport of potential host tree materials;
- vi. chipping potential host materials to less than 1 inch and solarization, prior to delivering to a landfill;
- vii. chipping potential host materials to less than 1 inch, and solarization, prior to composting on-site;
- viii. solarization of cut logs; and/or
- ix. burning of potential host tree materials.

Please refer to UCR's Eskalen lab website for more information regarding ISHBs:  
<http://eskalenlab.ucr.edu/pshb.html>.

## CONCLUSION

The Department appreciates the opportunity to comment on the NOP to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Eric Hollenbeck, Senior Environmental Scientist Specialist at (858) 467-2720 or [Eric.Hollenbeck@wildlife.ca.gov](mailto:Eric.Hollenbeck@wildlife.ca.gov).

Sincerely,



Gail K. Sevens  
Environmental Program Manager

cc: Office of Planning and Research, State Clearinghouse, Sacramento  
Eric Porter, USFWS



**Jared Blumenfeld**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

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Meredith Williams, Ph.D.  
Acting Director  
5796 Corporate Avenue  
Cypress, California 90630



**Gavin Newsom**  
Governor

November 15, 2019

Mr. Robert Hingtgen  
Environmental Coordinator  
County of San Diego, Planning & Development Services  
5510 Overland Avenue, Suite 310  
San Diego, California 92123  
[Robert.Hingtgen@sdcounty.ca.gov](mailto:Robert.Hingtgen@sdcounty.ca.gov)

NOTICE OF PREPARATION, COTTONWOOD SAND MINE; PDS2018-MUP-18-023,  
PDS2018-RP-18-001, PDS2018-ER-18-19-007

Dear Mr. Hingtgen:

The Department of Toxic Substances Control (DTSC) received your Notice of Preparation for preparing an Environmental Impact Report (EIR) for the Cottonwood Sand Mine, located at 3121 Willow Glen drive in the Valle de Oro Community Planning Area, within the southwestern portion of the unincorporated area of San Diego County.

The project proposes to convert two golf courses to a sand mining operation that would be conducted in three phases over 10 years.

DTSC reviewed the Initial Study-Environmental Review Checklist Form prepared for this project and has the following comments for Section IX, Hazards and Hazardous Materials:

- 1) The EIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances and cause any air emissions during the project operation. DTSC is uncertain whether the site was historically used for agricultural purpose, but the site has been used as golf courses and weed abatement may have been conducted at the project site. Investigation to determine whether onsite soils contain herbicide residue and other agricultural related chemicals may be needed.
- 2) If the investigation is needed, the investigation and/or remediation (e.g.,

excavation) shall be conducted under a workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup.

- 3) If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals such as lead-based paints or products, mercury, and asbestos containing materials. If other hazardous chemicals are identified, proper precautions should be taken during demolition activities and in accordance with applicable ordinances, regulations and laws.

DTSC appreciates the opportunity to review the Notice of Preparation. Should you need any assistance in environmental investigation, please submit a request for Lead Agency Oversight Application which can be found at:

<https://dtsc.ca.gov/brownfields/voluntary-agreements-quick-reference-guide/>

Should you have any questions regarding this letter, please contact me at (714) 484-5392 or by email at [ChiaRin.Yen@dtsc.ca.gov](mailto:ChiaRin.Yen@dtsc.ca.gov).

Sincerely,



Chia Rin Yen  
Environmental Scientist  
Brownfields Restoration and School Evaluation Branch  
Site Mitigation and Restoration Program

mv/cy/yg

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](mailto: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](mailto:Dave.Kereazis@dtsc.ca.gov)

Ms. Yolanda M. Garza (via e-mail)  
Brownfields Restoration and School Evaluation Branch  
Site Mitigation and Restoration Program  
[Yolanda.Garza@dtsc.ca.gov](mailto:Yolanda.Garza@dtsc.ca.gov)

## NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691 Phone: (916) 373-3710  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>



November 1, 2019

Robert Hingtgen  
San Diego County  
5510 Overland Ave., Suite 310  
San Diego, CA 92123

RE: SCH# 2019100513, Cottonwood Sand Mining Project, San Diego County

Dear Mr. Hingtgen:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a 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 §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, § 5064 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 within the area of potential 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). 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, a notice of negative declaration, or a 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 consultation with 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 §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 §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 §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 §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 §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 non-federally 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 §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §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 §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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](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](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 §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 §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](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 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, §15064.5(f) (CEQA Guidelines §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 §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subs. (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.

If you have any questions or need additional information, please contact me at my email address:  
[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Staff Services Analyst

cc: State Clearinghouse



## SWEETWATER AUTHORITY

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November 21, 2019

TISH BERGE  
GENERAL MANAGER

JENNIFER H. SABINE  
ASSISTANT GENERAL MANAGER

Robert Hingtgen  
County of San Diego  
5510 Overland Avenue, Suite 310  
San Diego, CA, 92123

Subject: Cottonwood Sand Mining Project  
Comments on Notice of Preparation of an Environmental Impact Report  
PDS2018-MPA-18-004  
SWA File: (Land Use and Environmental) Cottonwood Sand Mining

Dear Mr. Hingtgen:

Thank you for providing Sweetwater Authority (Authority) with a copy of the Notice of Preparation (NOP), CEQA Initial Study (IS), and draft maps and plans for the subject project.

The Authority has reviewed the submitted documents and provides the following comments:

### 2018 Initial Concerns Letter

1. The Authority provided to the County of San Diego (County) an Initial Concerns letter dated December 13, 2018 (2018 Letter). In its 2018 Letter, the Authority outlined multiple concerns for consideration by the County during preparation of the IS. Concerns included the potential for pollution at Sweetwater Reservoir and the potential impact to the water transfers between the two reservoirs operated by the Authority. After reviewing the IS, it is noted that the concerns raised by the Authority were not addressed. **The Authority requests that the County considers and properly addresses the concerns outlined in the 2018 Letter while preparing the draft Environmental Impact Report (EIR) for the subject project.**

### Permit Type / Action – URDS Fee

2. If this project moves forward, the Authority requires that a condition be placed on the subject project to require the owner to submit satisfactory evidence to the County stating that the owner has complied with *Resolution 84-8 As Amended*. The timing for complying with this condition is prior to issuance of any permit pursuant to a Major Use Permit. On May 8, 1985, the County Board of Supervisors took action that required the County to place conditions on development proposals

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within a designated area of the Sweetwater River Watershed to the satisfaction of the Authority, as provided in *Resolution 84-8*. Since the Board of Supervisors 1985 action, discretionary Project approvals within the designated watershed area have complied with this condition. The resolution provides for the collection of urban runoff protection fees from all developments within the Sweetwater Reservoir drainage basin to pay for a portion of the Sweetwater Reservoir Urban Runoff Diversion System (URDS).

### **Project Description & Environmental Setting**

3. Updates to the revised Project Description document dated November 2018 were not re-submitted to the Authority and are not available on the County's website. The submitted documents (NOP, IS, Plot Plans, etc.) do incorporate some of the project's information and revisions. However, they do not constitute a complete Project Description. The County should consider incorporating a complete Project Description on any future public and stakeholder outreach effort regarding the subject project's CEQA compliance.
4. The submitted documents fail to describe the fact that the subject project is situated between two reservoirs owned and operated by the Authority. In light of the proposed project activities, the Authority requests that any future CEQA document prepared for this project addresses the fact that there are two drinking water reservoirs located in the same river as the subject project and that approximately 200,000 people depend on these water supplies. The Authority requests that the following language or similar language be incorporated in your project description or environmental setting section of the draft EIR:

*"Sweetwater Authority (Authority) owns and manages Sweetwater Reservoir and Loveland Reservoir. Sweetwater Reservoir is a terminal drinking water reservoir located less than three miles downstream of the proposed Project location. Loveland Reservoir is located near Alpine and upstream of the Project. Runoff from the upper Sweetwater River watershed is captured at Loveland Reservoir, primarily during winter and spring months. Runoff stored at Loveland Reservoir can be stored or transferred to Sweetwater Reservoir via the Sweetwater River channel to augment water production for the Authority's service area. Both Loveland Reservoir and Sweetwater Reservoir are a vital part of the San Diego region's drinking water supply."*

5. The submitted documents do not acknowledge the current periodic water transfers, or potential impacts to current periodic water transfers resulting from the implementation of the subject project. The Authority requests that the County

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incorporates into the draft EIR language that acknowledges the current periodic water transfers and the potential impacts to the Authority's ability to conduct such water transfers in the future should this project be approved. The following sample language could be incorporated in your revisions to the IS and during the preparation of the draft EIR:

*"The Authority has senior water rights along the Sweetwater River. These water rights were acquired by the Authority through its predecessors. These water rights allow the Authority to transfer water from Loveland Reservoir to Sweetwater Reservoir along the Sweetwater River channel. A sizeable portion of the Sweetwater River channel will be significantly impacted within the boundaries of the Project area. As a result of the impacts to the Sweetwater River channel, the project will significantly impact the Authority's ability to transfer water from Loveland Reservoir to Sweetwater Reservoir and the ability for any runoff to travel downstream along the river to Sweetwater Reservoir".*

### **Initial Study, Environmental Checklist**

6. The IS Environmental Checklist (Appendix G) was updated recently to add the following question in the Geology and Soils section: "*Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*" This question was not responded to nor analyzed in the submitted IS.
7. Similarly, the Hydrology and Water Quality Section of the Environmental Checklist was also updated. Some of the items required to be discussed as part of the analyses were not discussed in the submitted IS. It is expected that the Hydrology and Water Quality environmental topics would be properly analyzed in the draft EIR.

### **Impacts to Hydrology and Water Quality**

8. The County has adopted guidelines for Determining Significance for Surface Water Quality (Surface Water Guidelines). These Surface Water Guidelines, which can be found on the County website<sup>1</sup>, require consideration of the following three matters in order to appropriately respond to the questions in the Environmental Checklist:

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<sup>1</sup> Link to Surface Water Guidelines:

[https://www.sandiegocounty.gov/content/dam/sdc/pds/docs/water\\_quality\\_guidelines.pdf](https://www.sandiegocounty.gov/content/dam/sdc/pds/docs/water_quality_guidelines.pdf)

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*1. The project is a development project listed in County of San Diego, Code of Regulatory Ordinances (Regulatory Ordinances), Section 67.804(g), as amended and does not comply with the standards set forth in the County Stormwater Standards Manual, Regulatory Ordinances Section 67.813, as amended, or the Additional Requirements for Land Disturbance Activities set forth in Regulatory Ordinances, Section 67.*

*2. The project would drain to a tributary of an impaired water body listed on the Clean Water Act Section 303(d) list, and will contribute substantial additional pollutant(s) for which the receiving water body is already impaired.*

*3. The project would drain to a tributary of a drinking water reservoir and will contribute substantially more pollutant(s) than would normally runoff from the project site under natural conditions.*

While the IS Sections X.a-c did discuss compliance with applicable regulations and implementation of Best Management Practices (BMPs) and a Storm Water Pollution Prevention Plan (SWPPP), the IS does not describe compliance an implementation measures as mitigation measures. The Authority recommends that the County reconsider the approach of presenting BMPs, SWPPP implementation, and other mitigating actions that minimize impacts to water quality as conditions or components of the project as this approach may not be appropriate for the subject project. The Authority understands that, in some cases, small projects are subject to stormwater regulations and the likeliness of those specific projects having an impact on water quality is low or nonexistent; however, that is not the case for the subject project. For the subject project – *a mining site located upstream of a drinking water reservoir, that would disturb and significantly reshape approximately 250 acres of land within the river floodplain* – stormwater pollution control measures should be considered mitigation measures since their main goal would be reducing or mitigating the significance of an impact.

9. Per Item 2 of the Surface Water Guidelines (see above), the subject project would drain to the Sweetwater River, which is a tributary to the Sweetwater Reservoir. The Sweetwater Reservoir is a water body listed on the Clean Water Act Section 303(d) list. The Authority requests that mitigation measures are developed to ensure project activities do not contribute substantial additional pollutants for which the Sweetwater Reservoir is already impaired.
10. Per Item 3 of the Surface Water Guidelines (see above), the subject project would drain to a tributary of a drinking water reservoir and will potentially contribute more pollutants than would normally runoff from the project site under natural conditions.

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As such, the Authority requests that impacts are properly analyzed and feasible mitigation measures for such impacts are developed.

11. Please review the 2018 Letter for more information, coordination items, and needed mitigation measures regarding impacts to hydrology and water quality.

### **Impacts to the Authority's Operations & Alternatives**

12. During mining operations, significant mining pits will be created within the floodplain of the project site, and neither the County nor the project proponent has proposed to the Authority a plan or mitigation measure describing how the mining operation will be able to co-exist, in a safe and environmentally sound manner, with the periodically occurring water transfers. Natural flows resulting from significant storm events would also be impaired by the mining operations. The Authority will be looking in the draft EIR for alternatives and mitigation measures that would prevent and minimize impacts to the Authority's water operations and other river flows, while mining or reclamation activities are being conducted. A potential solution for this issue could be a channel that bypasses the project site at all times.
13. A significant portion of the Sweetwater River channel is located within the boundaries of the subject project, and while the submitted documents claim that no impacts to the river channel will occur, the channel would ultimately be widened up to 300 feet in some areas. The amount of water being transferred between reservoirs would be significantly lost to ponding and percolation if no viable alternatives are provided. This is a significant impact to the Authority, its water supply, its operations, and ultimately, to the customers located in the Authority's service area. Viable alternatives and mitigation measures addressing this potential water loss issue shall be provided in the draft EIR. Please review the 2018 Letter for more information and coordination items on this matter.

### **Utilities and Service Systems**

14. The Utilities and Service Systems Section of the IS Environmental Checklist includes the following question:

*"Would the project require or result in the relocation or construction of new or expanded water, wastewater, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?"*