



NOTICE OF PREPARATION

City of Oceanside, California

Date: March 9, 2021

To: California Office of Planning and Research
Responsible and Trustee Agencies
County Clerk
Other Interested Parties

Subject: Notice of Preparation of a Program Environmental Impact Report

Project: Sewer Improvements Program

Lead Agency: City of Oceanside

The City of Oceanside (City) intends to prepare a Program Environmental Impact Report (PEIR) for the proposed Oceanside Sewer Improvements Program (program). The City is the Lead Agency for the California Environmental Quality Act (CEQA). The City invites written comments on the scope of the environmental analysis and identification of potential environmental issues to be included in the PEIR.

Notice of Preparation: This Notice of Preparation (NOP) has been sent to the Office of Planning and Research, responsible and trustee agencies, the County Clerk, organizations, and interested parties, as well as adjacent property owners. The purpose of the NOP is to inform recipients that the City is beginning preparation of a PEIR and to solicit information that will be helpful in the environmental review process. This notice includes information on how to provide comments to the City and a description of the program.

Comments: The City is requesting input from CEQA responsible and trustee agencies, other public agencies with jurisdiction by law over resources potentially affected by the proposed program, and the public regarding the scope and content of environmental information to be included in the PEIR. Agency responses should identify the issues to be considered in the PEIR, including significant environmental issues, alternatives, mitigation measures, and whether the responding agency will be a responsible or trustee agency, and the basis for that determination. Pursuant to Section 15103 of the CEQA Guidelines, your response to this NOP must be received by our agency no later than thirty (30) days from the posting date. Should you have questions regarding the program or NOP, please call Mabel Uyeda, Senior Civil Engineer, at (760) 435-5819. Please transmit your written comments on this program via post or email to:

City of Oceanside
Water Utilities Department
Attn.: Mabel Uyeda, P.E., Senior Civil Engineer
300 North Coast Highway
Oceanside, California 92054
Phone: (760) 435-5819
Email: muyeda@oceansideca.org

Location of the Proposed Program: The proposed program would occur at multiple locations within the city of Oceanside (Figures 1 through 3). The program's aboveground facility is currently proposed to occur on 1.5 acres of the permanently closed Garrison Elementary School property, located at 333 Garrison Street. The program's underground components would follow a generally linear route south from the San Luis Rey Water Reclamation Facility (SLRWRF) at 3950 North River Road to Oceanside Boulevard, then extend southwest to the coast. Specifically, the underground pipelines would extend south from the SLRWRF to Whelan Lake Road and then southwest along Whelan Lake Road. The

pipelines would then cross beneath the San Luis Rey River and continue to an easement located east of, and parallel to, the San Luis Rey River Trail. The pipelines would then travel south along the easement to Mesa Drive before continuing south along Garrison Street to Oceanside Boulevard. The underground pipelines would extend along Oceanside Boulevard to South Ditmar Street, continue along Godfrey Street, crossing under the North County Transit District Railroad to Crosswaithe Street, South Meyers Street, and Tait Street before terminating at the City's La Salina Wastewater Treatment Plant (LSWWTP). Additional pipeline segments may occur along Pala Road, Los Arbolitos Boulevard, Fireside Street, and Mission Avenue.

Overview of the Proposed Program: The City is proposing to implement several sewer improvement projects to upgrade and supplement existing infrastructure. Several specific projects have been identified thus far (Figures 2 and 3), including:

- Oceanside Mesa Garrison Force Main (OMG FM) Project
- El Corazon Lift Station Project
- Land Outfall Replacement Project
- Mission Avenue Lift Station Force Main (MALS FM) Replacement Project
- Mission Avenue Gravity Sewer Lining and Replacement Project

The OMG FM Project involves the design and construction of approximately 15,000 linear feet (LF) of 36-inch sewer force main between the SLWRF and the proposed El Corazon Lift Station (discussed below). The OMG FM would carry flows from the existing and future lift stations. The majority of the pipeline would occur outside of paved roadways and within easements.

The El Corazon Lift Station Project involves the design and construction of a five-million-gallons-per-day (MGD) sewer lift station near the intersection of Mesa Drive and Garrison Street (Figure 4). The City is considering purchasing the permanently closed Garrison Elementary School property for the lift station. The City would then sub-divide the 11.2-acre property, retaining 1.5 acres for the lift station, as well as a 50-foot-wide public easement along the east property line, for future utilities and maintenance access. The remaining property would be used by other City departments or sold to a prospective developer. The Project would use the 1.5-acre site for the lift station and associated components, including a wet well, emergency storage, future pipelines, parking, training (open area), and equipment storage. The Project would also include rerouting gravity flows in Mesa Drive and Garrison Street to the new sewer lift station, connections to existing or future sewer mains, and extension of nearby sewer mains.

The Land Outfall Replacement Project involves upsizing of approximately 29,000 LF of existing 24-inch pipe to 36-inch pipe between the SLRWRP and the La Salina Wastewater Treatment Plant in various segments. Approximately 19,000 LF from SLRWRP to the south entry of Garrison Elementary School generally follows the same corridor as the Proposed OMG FM Project. Of the remaining 10,000 LF of pipe to be replaced, approximately 4,000 LF is located near the North County Transit District Railroad right-of-way, and the other 6,000 LF is located in Oceanside Boulevard and Garrison Street.

The MALS FM Replacement Project involves the replacement of approximately 13,000 LF of existing 24-inch sewer force main from the SLRWRP to the Mission Avenue Lift Station with a new parallel pipeline or in-place replacement. If a new parallel pipe is constructed, the existing 24-inch MALS FM may be taken offline, cleaned, assessed, and repaired to serve as a backup force main to improve the reliability of the City's sewer system.

The Mission Avenue Sewer Lining and Replacement Project includes cured-in-place lining of approximately 600 LF of 24-inch gravity sewer pipe starting at 3560 Mission Avenue and traveling southwest to Fireside Street. From Fireside Street in Mission Avenue southwest to the Mission Avenue Lift Station, approximately 1,600 LF of the 24-inch pipe would be upsized to a 30-inch and/or 36-inch

pipe. The existing upstream segment of the sewer is located in private easements through the Marketplace Del Rio commercial shopping center and undeveloped parcels owned by the Ocean KAMP development. The new replacement pipe would be relocated into Mission Avenue, where feasible.

Collectively, the projects included in the PEIR would provide necessary improvements to the existing sewer infrastructure in order to accommodate future increased flows, improve reliability of system to divert LSWWTP flows to SLRWRF, replace outdated pipelines, and avoid effluent spills, as well as provide a backup safety precaution should the Pure Water (Advanced Water Treatment Facility) and/or Recycled Water production facilities need to be taken offline unexpectedly or for maintenance purposes.

Potential Environmental Effects and Anticipated Contents of the PEIR: In accordance with Section 15126 of the CEQA Guidelines, the PEIR will assess the physical changes to the environment that would likely result from the construction and operation of the program, including potential direct, indirect, cumulative, and growth-inducing impacts. The PEIR will provide an assessment of impacts for facilities and activities associated with program implementation (CEQA Guidelines Section 15168).

The City has determined that the proposed program may have the potential to significantly impact air quality, biological resources, cultural resources and tribal cultural resources, greenhouse gas emissions, and noise. These issue areas will be evaluated in detail in the Draft PEIR. It is anticipated that other issue areas will be discussed in the *Environmental Effects Found Not to be Significant* section of the Draft PEIR. The PEIR will identify mitigation measures if necessary and feasible to reduce potentially significant impacts of the proposed program. The PEIR will also discuss alternatives to the proposed program, including the CEQA-required “No Project” alternative. Responses received to this NOP may modify or add to the preliminary assessment of potential issues addressed in the PEIR.

Mabel Uyeda Digitally signed by Mabel Uyeda
Date: 2021.03.01 16:21:23-08'00'

Signature:

Mabel Uyeda, Senior Civil Engineer

Date: March 9, 2021

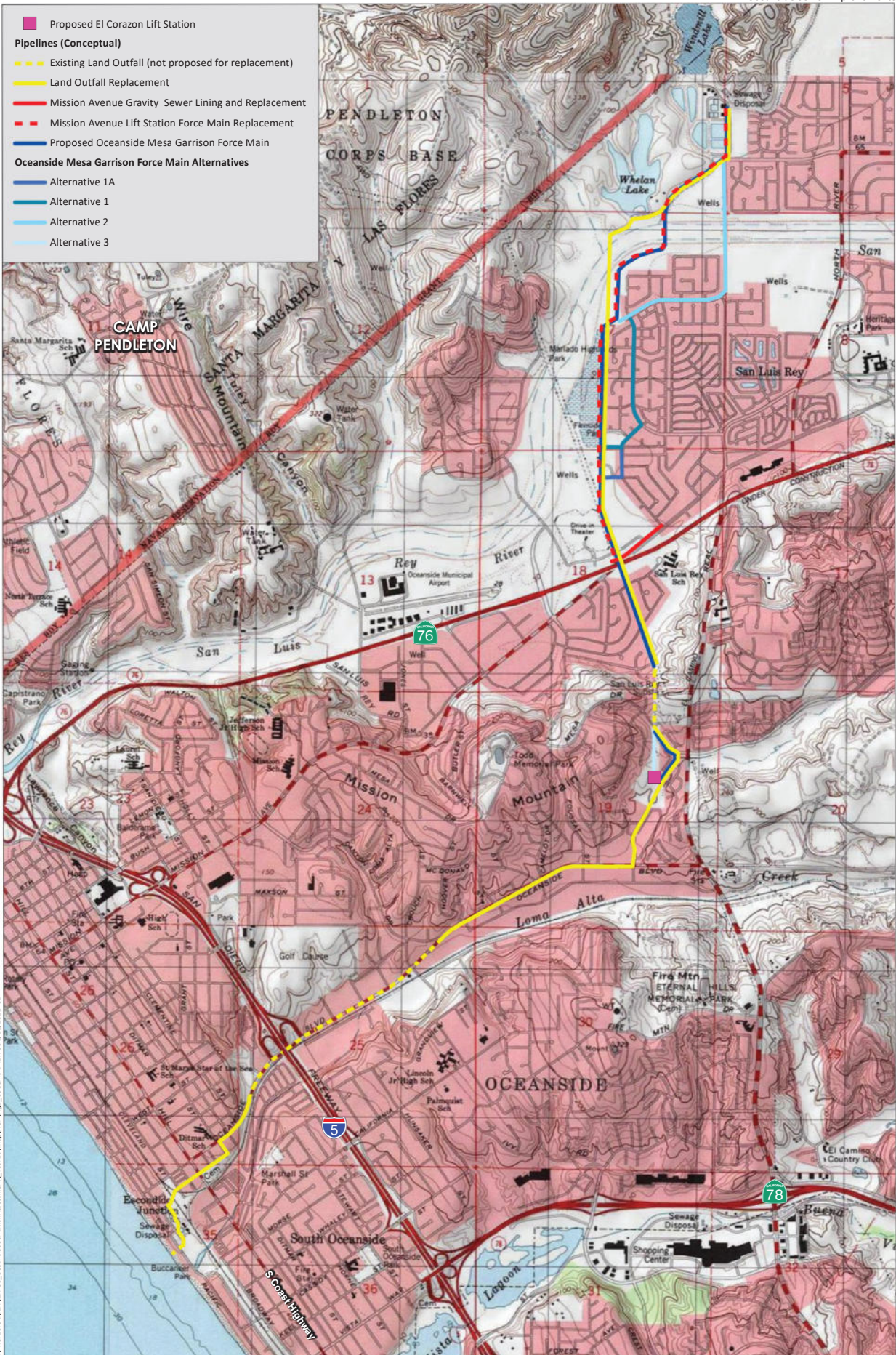
Attachments:

Figure 1, Regional Location
Figure 2, Project Features (USGS Topography)
Figure 3, Project Features (Aerial Photograph)
Figure 4, El Corazon Lift Station Location

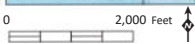


Regional Location

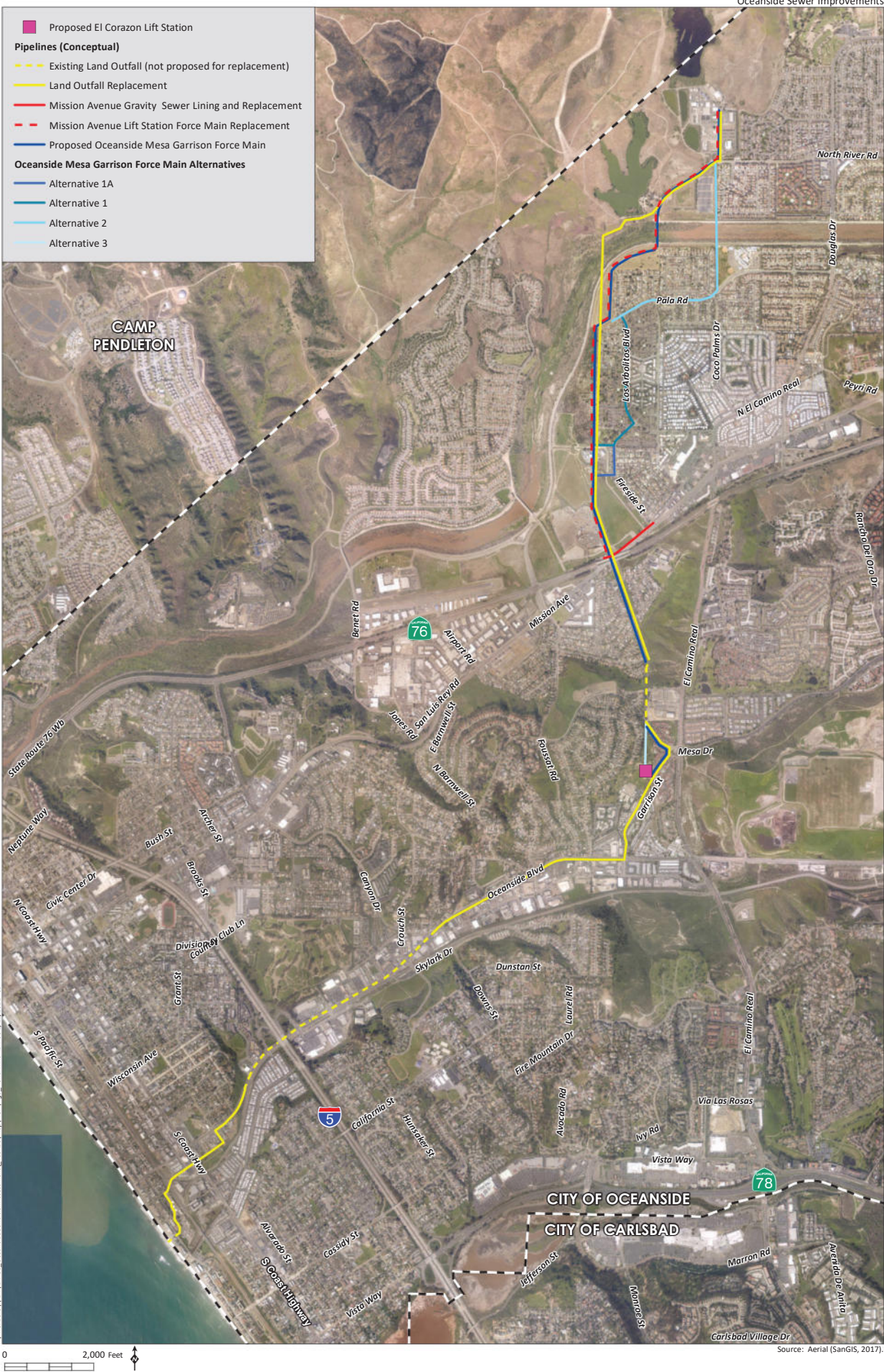
Figure 1



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Source: Aerial (SanGIS, 2017).







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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

April 8, 2021

Apr 08 2021

Mabel Uyeda
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054
MUyeda@oceansideca.org

STATE CLEARINGHOUSE

Subject: Comments on the Notice of Preparation of the Sewer Improvements Program, City of Oceanside, SCH #2021030277

Dear Ms. Uyeda:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Preparation (NOP) for the City of Oceanside's (City's) Sewer Improvements Program Programmatic Environmental Impact Report (PEIR).

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 CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW 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, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, 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, CDFW 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 state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including 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" (see Fish & G. Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

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CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Oceanside (City) participated in the NCCP program by preparing a draft Subarea Plan (SAP) under the San Diego County Multiple Habitat Conservation Plan (MHCP). However, the SAP was not finalized and has not been adopted by the City or received permits from the Wildlife Agencies (jointly, CDFW and the U.S. Fish and Wildlife Service (USFWS)). It is CDFW's understanding that the City intends to implement the various conservation elements of the draft SAP for projects that come forward; however, at this time it is not anticipated that the City will be able to commit to monitoring and managing a reserve system.

Project Description and Summary: The Program consists of the following projects throughout the City of Oceanside:

- **Oceanside Mesa Garrison Force Main (OMG FM) Project:** The OMG FM Project involves the design and construction of approximately 15,000 linear feet (LF) of 36-inch sewer force main between the San Luis Rey Water Reclamation Facility (SLRWRF) and the proposed El Corazon Lift Station (discussed below). The majority of the pipeline would occur outside of paved roadways and within easements.
- **El Corazon Lift Station Project:** The El Corazon Lift Station Project involves the design and construction of a five-million-gallons-per-day (MGD) sewer lift station near the intersection of Mesa Drive and Garrison Street. The Project site location would be at the now-closed Garrison Elementary School (11.2 acres), which would be subdivided such that the Project site would occupy 1.5 acres. The Project would use the 1.5-acre site for the lift station and associated components, including a wet well, emergency storage, future pipelines, parking, training (open area), and equipment storage. The Project would also include rerouting gravity flows in Mesa Drive and Garrison Street to the new sewer lift station, connections to existing or future sewer mains, and extension of nearby sewer mains.
- **Land Outfall Replacement Project:** The Land Outfall Replacement Project involves upsizing of approximately 29,000 LF of existing 24-inch pipe to 36-inch pipe between the SLRWRF and the La Salina Wastewater Treatment Plant (LSWWTP) in various segments. Approximately 19,000 LF from SLRWRF to the south entry of Garrison Elementary School generally follows the same corridor as the Proposed OMG FM Project. Of the remaining 10,000 LF of pipe to be replaced, approximately 4,000 LF is located near the North County Transit District Railroad right-of-way, and the other 6,000 LF is located in Oceanside Boulevard and Garrison Street.
- **Mission Avenue Lift Station Force Main (MALS FM) Replacement Project:** The MALS FM Replacement Project involves the replacement of approximately 13,000 LF of existing 24-inch sewer force main from the SLRWRF to the Mission Avenue Lift Station with a new parallel pipeline or in-place replacement. If a new parallel pipe is constructed, the existing 24-inch MALS FM may be taken offline, cleaned, assessed, and repaired to serve as a backup force main to improve the reliability of the City's sewer system.
- **Mission Avenue Gravity Sewer Lining and Replacement Project:** The Mission Avenue Sewer Lining and Replacement Project includes cured-in-place lining of approximately 600 LF of 24-inch gravity sewer pipe starting at 3560 Mission Avenue and traveling southwest to Fireside Street. From Fireside Street in Mission Avenue southwest to the Mission Avenue Lift Station, approximately 1,600 LF of the 24-inch pipe would be upsized to a

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30-inch and/or 36-inch pipe. The existing upstream segment of the sewer is located in private easements through the Marketplace Del Rio commercial shopping center and undeveloped parcels owned by the Ocean KAMP development. The new replacement pipe would be relocated into Mission Avenue, where feasible.

COMMENTS AND RECOMMENDATIONS

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

Specific Comments

- 1) Biological Baseline Assessment. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project areas, with emphasis upon identifying endangered, threatened, sensitive, regionally and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. CDFW also considers impacts to Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures.
 - a) CNDDDB indicates the occurrence of several special status species within the various Project vicinities, these include California gnatcatcher (*Polioptila californica*), least Bell's vireo (*Vireo bellii pusillus*), and southwestern willow flycatcher (*Empidonax traillii extimus*). The PEIR should have a complete, recent, assessment of rare, threatened, and endangered, and other sensitive species onsite and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare or threatened species (CEQA Guidelines, § 15380). 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 CDFW and the USFWS; and,
 - b) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.
- 2) Biological Direct, Indirect, and Cumulative Impacts. Due to the proximity of several of the Project sites to the San Luis Rey River and Wildlife Corridor Planning Zone, it is essential to understand how the open space and the biological diversity within it may be impacted by Project activities. This should aid in identifying specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends providing a thorough discussion of

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direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts.

- 3) Sensitive Bird Species. A review of California Natural Diversity Database (CNDDB) indicates occurrences of special status bird species, including California gnatcatcher, least Bell's vireo, and southwestern willow flycatcher within the various Project vicinities. Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, or nestlings, or otherwise lead to nest abandonment in trees directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.
- a) CDFW recommends that measures be taken, primarily, 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 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
 - b) 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 15 through August 31 (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, CDFW 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 onsite, 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.

General Comments

- 1) Compensatory Mitigation. The PEIR 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, onsite habitat restoration or enhancement should be discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore would not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance, and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or non-profit organization to effectively manage and steward land, water, or natural resources on mitigation lands that it approves.

Mabel Uyeda
City of Oceanside
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CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Oceanside in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Melanie Burlaza, Environmental Scientist, by email at Melanie.Burlaza@wildlife.ca.gov.

Sincerely,

DocuSigned by:


D700B4520375406...

David Mayer
Environmental Program Manager I
South Coast Region

cc: CDFW
Karen Drewe, San Diego – Karen.Drewe@wildlife.ca.gov
Susan Howell, San Diego – Susan.Howell@wildlife.ca.gov
Jennifer Ludovissy, San Diego – Jennifer.Ludovissy@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov

State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

USFWS
Jonathan Snyder, Jonathan_d_Snyder@fws.gov

References

California Department of Fish and Wildlife. 2020. California Natural Diversity Database.
Available from: <https://wildlife.ca.gov/Data/CNDDDB>.

California Department of Fish and Wildlife. 2020. Lake and Streambed Alteration
Program. Available from: <https://wildlife.ca.gov/Conservation/LSA>

City of Oceanside Subarea Plan. 2010.
Available from: <https://ci.oceanside.ca.us/gov/dev/planning/subarea.asp>

California Department of Transportation

DISTRICT 11

4050 TAYLOR STREET, MS-240

SAN DIEGO, CA 92110

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Governor's Office of Planning & Research



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April 8, 2021

STATE CLEARINGHOUSE

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PM VAR

Sewer Improvement Project

NOP/SCH#2021030277

Ms. Mabel Uyeda
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Dear Ms. Uyeda:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Notice of Preparation for the Sewer Improvement Project located near Interstate 5 (I-5) and State Route 76 (SR-76). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation network 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:

Hydrology and Drainage Studies

- Please provide hydraulics studies, drainage, and grading plans to Caltrans for review.
- Provide a pre- and post-development hydraulics and hydrology study. Show drainage configurations and patterns.
- Provide drainage plans and details. Include detention basin details of inlets/outlet.
- Provide a contour grading plan with legible callouts and minimal building data. Show drainage patterns.
- On all plans, show Caltrans' Right-of-Way (R/W).
- The Sewer Improvement Project (City of Oceanside) crosses SR-76 at PM M2.92 and I-5 at PM R52.316. At the crossing with SR-76, the Land Outfall Replacement project proposes to upsize existing 24-inch pipe to 36-inch.

- The SR-76 bridge spans over the existing sewer pipe (buried in ground below) within Caltrans' R/W, so there will may not direct impact on any of Caltrans' existing drainage systems, however, Caltrans' Structures Maintenance and Investigation will need to review if any structure on, around or under the bridge may be impacted.
- Considering that the sewer line replacement is in a floodplain when it crosses Caltrans' R/W, please clarify if grading in the floodplain will change it with the proposed project.
- Identify any impacts to the floodplain within the proposed project.
- Early coordination with Caltrans is recommended.

Traffic Control Plan/Hauling

The California Department of Transportation (Caltrans) has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code. The Caltrans Transportation Permits Issuance Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway network. Additional information is provided online at:

<http://www.dot.ca.gov/trafficops/permits/index.html>

A Traffic Control Plan is to be submitted to Caltrans District 11, including the interchanges at SR-76/El Camino Real, 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 closures, including routes and signage.

Potential impacts to the highway facilities (SR-76) and traveling public from the detour, demolition and other construction activities should be discussed and addressed before work begins.

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. Please indicate our status as a Responsible Agency for the Final EIR. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate

meeting with you to discuss the elements of the EIR that Caltrans will use for our subsequent environmental compliance.

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 approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans R/W that includes impacts to the natural environment, infrastructure (including but not limited to highways, roadways, on-ramps and off-ramps) and appurtenant features (including but not limited to lighting, signage, drainage, guardrail, and slopes). Caltrans is interested in any additional mitigation measures identified for the MND/DEIR.

Right-of-Way

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans 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.
- Attention is directed to the latest edition (with revisions) of the Caltrans' Project Development Procedures Manual, "Chapter 17- Encroachments and Utilities" for any utility work that is requested within Caltrans' R/W.

Ms. Mabel Uyeda
April 8, 2021
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Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions or concerns, please contact Kimberly Dodson, IGR Coordinator, at (619) 985-1587 or by e-mail sent to Kimberly.Dodson@dot.ca.gov.

Sincerely,

Maurice A. Eaton

MAURICE EATON
Branch Chief
Local Development and Intergovernmental Review



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Governor's Office of Planning & Research

Mabel Uyeda
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Mar 19 2021

STATE CLEARINGHOUSE

Dear Mabel Uyeda:

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NOTICE OF PREPARATION (NOP) FOR CITY OF OCEANSIDE; SEWER IMPROVEMENTS PROGRAM (PROJECT); SAN DIEGO COUNTY; STATE CLEARINGHOUSE NO. 2021030277

We understand that the City may be pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project. As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the Programmatic Environmental Impact Report to be prepared for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state.

The CWSRF Program is partially funded by the United States Environmental Protection Agency (USEPA) and requires additional "California Environmental Quality Act (CEQA)-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to The State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Brian Cary, at (916) 449-5624.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

It is important to note that prior to a CWSRF financing commitment, projects that are subject to provisions of the Federal Endangered Species Act (ESA), must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special-status species.

Please be advised that the State Water Board will coordinate with the USEPA to consult with the USFWS, and/or the NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be financed by the CWSRF Program. The City will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur in the Project site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106, and must consult directly with the California State Historic Preservation Officer (SHPO). The SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. If the City decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards (http://www.nps.gov/history/local-law/arch_stnds_9.htm) to prepare a Section 106 compliance report.

Note that the City will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should extend to a ½-mile beyond project APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal environmental requirements pertinent to the Project under the CWSRF Program include the following (for a complete list of all federal requirements please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf):

- A. An alternative analysis discussing environmental impacts of the Project in either the CEQA document (Negative Declaration, MND or Environmental Impact Report) or in a separate report.
- B. A public hearing or meeting for adoption/certification of CEQA documents except for those with little or no environmental impacts.

- C. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.
- D. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.
- E. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.
- F. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- G. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.
- H. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.
- I. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Following are specific comments on the City's NOP:

1. Please consider developing and including a frac-out mitigation plan for any stream crossing, horizontal drilling activities including pipelines that would cross beneath the San Luis Rey River.

Please provide us with the following documents applicable to the proposed Project following the City's CEQA process: (1) one copy of the draft and final EIR, (2) the resolution certifying the EIR and making CEQA findings, (3) all comments received

during the review period and the City's response to those comments, (4) the adopted Mitigation Monitoring and Reporting Program and (5) the Notice of Determination filed with the San Diego County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

Thank you for the opportunity to review the City's NOP. If you have any questions or concerns, please feel free to contact me at (916) 322-0355 or by email at Matthew.Metelitz@waterboards.ca.gov, or contact Brian Cary at (916) 449-5624, or by email at Brian.Cary@waterboards.ca.gov.

Sincerely,

Matthew Metelitz
Environmental Scientist

Enclosures (3):

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans

cc: State Clearinghouse
(Re: SCH# 2021030277)
P.O. Box 3044
Sacramento, CA 95812-3044

From: Christina Bustamante <Christina.Bustamante@carlsbadca.gov>
Sent: Thursday, March 25, 2021 8:42 AM
To: Mabel Uyeda
Subject: RE: Sewer Improvements Program

Warning: External Source

Good Morning Mabel Uyeda,

One project that is of interest, but is not included in the subject PEIR, is Oceanside's lift station on the south side of Hw78 and west of El Camino Real, which flooded in April 2020. Our engineers would be interested in any plans or projects to improve or reconfigure the station or change the operation or connections to the existing gravity interceptors owned by Vista and Carlsbad. If a project for that item comes up please contact Dave Padilla, by phone at 760-603-7356 or by email at dave.padilla@carlsbadca.gov.

Thank you,



Christina M. Bustamante
Associate Planner
Community Development Department
1635 Faraday Ave.
Carlsbad, CA 92008
www.carlsbadca.gov

760-602-4644 direct | 760-720-9461 | christina.bustamante@carlsbadca.gov

From: Christina Bustamante
Sent: Thursday, March 25, 2021 8:30 AM
To: muyeda@oceansideca.org
Subject: Sewer Improvements Program

Good Morning Mabel Uyeda,

I hope you are doing well. Our city staff and CMWD have reviewed the Notice of Preparation for the Sewer Improvements Program. We have no comments at this time. Please see attached email.

This is in response to the notice received below:

<https://www.ci.oceanside.ca.us/civicax/filebank/blobdload.aspx?BlobID=54644>



Christina M. Bustamante
Associate Planner
Community Development Department
1635 Faraday Ave.
Carlsbad, CA 92008
www.carlsbadca.gov

760-602-4644 direct | 760-720-9461 | christina.bustamante@carlsbadca.gov



NATIVE AMERICAN HERITAGE COMMISSION

March 15, 2021

Governor's Office of Planning & Research

Mar 19 2021

STATE CLEARINGHOUSE

Mabel Uyeda
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

Re: 2021030277, Sewer Improvements Project, San Diego County

Dear Ms. Uyeda:

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.

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

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

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 §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) 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, 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.

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

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

Rincon Band of Luiseño Indians

CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082
(760) 749-1051 | Fax: (760) 749-8901 | rincon-nsn.gov



March 23, 2021

Sent via email: muyeda@oceansideca.org

City of Oceanside

Water Utilities Department

Attn.: Mabel Uyeda, P.E., Senior Civil Engineer

300 North Coast Highway

Oceanside, CA 92054

Re: Sewer Improvements Program

Dear Ms. Uyeda,

This letter is written on behalf of the Rincon Band of Luiseño Indians (“Rincon Band” or “Band”), a federally recognized Indian Tribe and sovereign government. We have received your Notice of Preparation of a Program Environmental Impact Report (PEIR) for the proposed Oceanside Sewer Improvements Program. The identified location is within the Traditional Use Area (TUA) of the Luiseño people and within the Band’s specific Area of Historic Interest (AHI). As such, Rincon is traditionally and culturally affiliated to the project area.

The Band is concerned about potential impacts to cultural resources and we are looking forward to engage with the City in consultation in order to learn more about any potential impacts to cultural resources. Please also include the Band on all distribution lists for environmental document reviews, consultations, circulation of public documents, and notices for public hearings and scheduled approvals.

If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 297-2635 or via electronic mail at cmadrigal@rincon-nsn.gov. Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Cheryl Madrigal

Tribal Historic Preservation Officer

Cultural Resources Manager

From: Ray Teran <rteran@viejas-nsn.gov>

Sent: Friday, April 2, 2021 12:55 PM

To: Mabel Uyeda <MUyeda@oceansideca.org>

Cc: Stacie Wilson <StacieW@helixepi.com>; Ernest Pingleton <epingleton@viejas-nsn.gov>

Subject: Oceanside Sewer Improvement

Warning: External Source

The Viejas Band of Kumeyaay Indians ("Viejas") has reviewed the proposed project and at this time we have determined that the project site has cultural significance or ties to the Kumeyaay Nation.

We recommend that you notify the:

San Pasqual Band of Mission Indians
P.O. Box 365
Valley Center, Ca 92082

Additionally, we request, as appropriate, the following:

- All NEPA/CEQA/NAGPRA laws be followed
- Immediately contact San Pasqual on any changes or inadvertent discoveries.

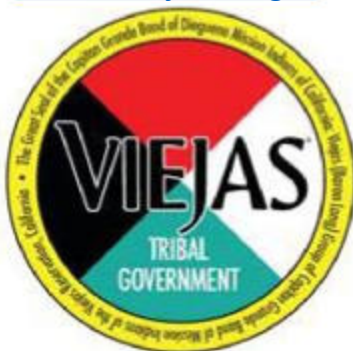
If you wish to utilize Viejas cultural monitors, please call Ernest Pingleton at 619-659-2314 or email, epingleton@viejas-nsn.gov, for contracting and scheduling. Thank you.

Ray Teran

**Viejas Tribal Government
Resource Management Director**

619-659-2312

rteran@viejas-nsn.gov





San Diego County Archaeological Society, Inc.

Environmental Review Committee

12 March 2021

To: Ms. Mabel Uyeda, PE, Senior Civil Engineer
Water Utilities Department
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Subject: Notice of Preparation of a Draft Program Environmental Impact Report
Sewer Improvements Program

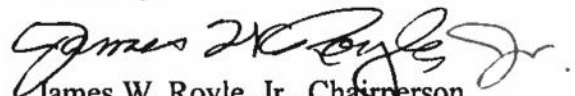
Dear Ms. Uyeda:

Thank you for the Notice of Preparation for the subject project, which was received by this Society this week.

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 notification of the public review of the DEIR and ensure availability of a copy of the cultural resources technical report(s).

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

Sincerely,


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

cc: SDCAS President
File



William "Bill" Yee
Project Manager – II
8315 Century Park Court, CP21E
San Diego, CA 92123
(M) 619-857-8922
wyee@sdge.com

April 8, 2021

Mabel Uyeda, Senior Civil Engineer
City of Oceanside - Water Utilities Department
300 North Coast Highway
Oceanside, CA 92054
Via e-mail: muyeda@oceansideca.org

SUBJECT: Notice of Preparation (NOP) of a Program Environmental Impact Report (PEIR) for the Sewer Improvements Program

RE: Response to the City of Oceanside's NOP of a PEIR for the Sewer Improvements Program

Dear Mabel:

San Diego Gas and Electric Company (SDG&E) respectfully submits this letter in response to the NOP for the above-referenced Program. SDG&E is a utility regulated by the California Public Utilities Commission (CPUC) that provides electric and gas services to customers throughout San Diego County. The CPUC mandates that SDG&E maintain its utility infrastructure and retain its exclusive easement rights, and several SDG&E transmission and distribution easements are located in the PEIR area.

Our preliminary research has also shown that SDG&E fee owned property locations are adjacent to the boundaries of the proposed Program. SDG&E wants to ensure that the Final PEIR adequately addresses public utility implications of the proposed Program. SDG&E may allow third party use within its fee owned property with proper authorization and approvals; including any necessary approvals by the CPUC. As such, capital infrastructure projects must consider compatibility with SDG&E's facilities. Any development must conform to utility owned property requirements and consider impacts for access to SDG&E facilities to ensure proper maintenance and upgrade of critical infrastructure. Additionally, the PEIR should identify any potential issues resulting from any proposed land use changes that could result in development occurring adjacent to an existing electric corridor. The preparation of the PEIR for the Program presents an opportunity to discuss standards to eliminate encroachment onto SDG&E's property or existing facility easements. Also, the PEIR should address or discuss the need to relocate or alter any SDG&E facilities. If these relocations or alterations are required, they should be discussed in the PEIR. SDG&E has specific processes for analyzing any potential changes or impacts to our electric and/or gas facilities that are initiated by public agency projects.

SDG&E thanks the City of Oceanside for the opportunity to comment. We are available and would appreciate the opportunity to meet with City staff to discuss the proposed Program as it relates to existing SDG&E utility infrastructure. SDG&E also requests the opportunity to review future environmental documents and subsequent discretionary permits associated with the Program in areas adjacent to the utility corridor. If you have any questions please contact me at (619-857-8922) or via e-mail at wyee@sdge.com.

Sincerely,

A handwritten signature in cursive script that reads "William R. Yee".

William "Bill" Yee

cc: Rich Quasarano, Team Lead, Environmental Project Permitting & Construction, SDG&E
Colleen Fino, Land Services Supervisor, SDG&E