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Subject: Comments on SEP Proposal
Attachments: Comments on SEP proposal November 3, 2008.doc; Rebecca Stewart.vcf

All,

Attached are our comments/concerns regarding the SEP proposal. If you would like to discuss, or have any comments feel free to contact me.

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Comments on SEP October 24, 2008 SEP Proposal

The properties in question may protect uplands habitat values and riparian habitat values. In particular, maintaining development free corridors connecting several parcels along Escondido Creek is a desirable outcome. Enhancement or rehabilitation work proposed (exotic invasive removal, filling road cuts, regrading road cuts, etc) may provide some habitat and limited water quality improvements primarily through preventative action and ensuring buffers for Escondido Creek against future area development(s). **Direct water quality improvements in Escondido Creek are not likely to be very significant as a result of the acquisition and protection/enhancement of the properties. The primary benefits are preventative in nature.**

The main benefit to water quality and beneficial uses is provided by the Barnett Property because the creek actually runs through it. The benefit is provided perhaps not so much from the riparian ecosystem as much as from the rights of that single property owner (TECC) to sue up stream dischargers and neighbors from polluting their portion of the creek. **Does the Barnett Property convey any water rights?**

Although indirectly referenced, **permanent protection of the acquired properties should be insured through conservation easements, etc of sufficient legal strength to preclude future takings of the parcels for commercial or residential development, transportation projects, etc without adequate mitigation.**

If accepted as an SEP, it must be clear that these parcels will be preserved in perpetuity and that they cannot be considered as mitigation credit for other impacts.

A review of existing easements (e.g. public sewage conveyance corridor), if any should be considered in assessing the overall value of the acquired properties and the sustainability of habitat values.

A third party audit must be included in the approved SEP as an implementation tool for compliance purposes.

The Lish property is at least one parcel removed from Escondido Creek. While a 500 year flood would reach the property, as depicted on page 11, that is a rare occasion.

The project proponent's biggest claim for the Lish property is that it will mitigate run-on siltation and prevent on-site development (impervious surfaces). This assumes that the developments are not subject to local JURMPs that require post-construction BMPs to prevent discharges to the creek and that we and the local compermittee are not doing our jobs. Porous pavement and other LID measures could significantly reduce any pollutant discharge from future developments. Also, we can always rely on our authority under the CWC to prevent discharges of pollutants.