

## **Attachment 3**

# **Environmental Analysis and Checklist**

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# ATTACHMENT 5: ENVIRONMENTAL ANALYSIS AND CHECKLIST

Adoption of a Basin Plan amendment is an activity subject to California Water Quality Act (CEQA) requirements for certain regulatory programs designated by the Secretary of Resources, and is therefore exempt from the requirement to prepare an Environmental Impact Report (EIR), Negative Declaration, or Initial Study. The amendment to the Water Quality Control Plan for the San Diego Basin (Basin Plan) incorporating a total maximum daily load (TMDL) for sediment and siltation in Los Peñasquitos Lagoon; the Staff Report; Comments Received and Responses to Comments; and other associated documents comprise the Substitute Environmental Documentation that CEQA requires for Certified Regulatory Programs.

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## 1 Project Description

The project is adoption of an amendment to the San Diego Regional Water Board's Basin Plan, incorporating a sediment total maximum daily load (TMDL) for Los Peñasquitos Lagoon (Lagoon) and an implementation plan to achieve the TMDL.

The San Diego Regional Water Quality Control Board is the Lead Agency for this project.

### 1.1 Environmental Setting

The Los Peñasquitos watershed is located in central San Diego County. Along with the Lagoon, the entire watershed is included in the Los Peñasquitos Hydrologic Unit (906), which also includes Mission Bay and several coastal tributaries. The 93 square mile (approximately 60,000 acres) watershed includes portions of the City of San Diego, the City of Poway, the City of Del Mar, and San Diego County.

The climate in coastal San Diego County is generally mild, with annual temperatures averaging around 65°F near the ocean. Average annual rainfall ranges from nine to eleven inches along the coast. There are three distinct seasons in the Region. The summer dry season occurs from late April to mid-October. The winter season occurs from mid-October through early April and has two types of weather; 1) winter dry weather when rain has not fallen for the preceding 72 hours, and 2) wet weather consisting of storms of 0.2 inches of rainfall (or greater) and the following 72 hours. The winter season accounts for 85 to 90 percent of the annual rainfall.

The Los Peñasquitos Lagoon is a 0.6 square mile coastal salt marsh lagoon located in Torrey Pines State Park. The Lagoon is designated as a “State Preserve,” a label reserved for rarest and most fragile state owned lands. The Lagoon was formed when sea levels rose and flooded the young Los Peñasquitos River to form a deep embayment, which has filled with sediment over the millennia. Under present conditions, a permanent mouth opening to the ocean cannot be naturally maintained, except during exceptionally wet winters; therefore, the channel is often dredged to alleviate the danger of flooding and to improve the health of the Lagoon. Freshwater drains into the Lagoon from the 93 square mile Los Peñasquitos watershed, which extends approximately 19 miles east, rising to an elevation of 2,600 feet above sea level. Los Peñasquitos, Carroll Canyon, and Carmel Creeks constitute the three sub-watersheds. Approximately 54 percent of the Los Peñasquitos watershed has been developed (e.g., low density residential, industrial/transportation, and commercial institutional land uses), with 46 percent of that area classified as impervious according to San Diego Association of Governments 2000 land use coverage. The largest single land use type in the Los Peñasquitos watershed is open space. A map of the watershed can be found in Section 3 of the Staff Report.

Beneficial uses listed in the Basin Plan for the Lagoon include contact water recreation; non-contact water recreation; preservation of biological habitats of special significance; estuarine habitat; wildlife habitat; rare, threatened or endangered species; marine habitat; migration of aquatic organisms; spawning, reproduction and/or early development; and shellfish harvesting. The beneficial use that is most sensitive to increased sedimentation is estuarine habitat, which supports specially adapted vegetation, fish, shellfish, and wildlife including marine mammals and shorebirds. Water quality in the Lagoon does not currently support its estuarine habitat uses, due to sedimentation and siltation loads.

The majority of water birds that have been recorded in Los Peñasquitos Estuary are migratory waterfowl and shorebirds that rest and feed in the lagoon during their flight in fall and on their return in spring to their northern breeding grounds. The watershed supports the following sensitive species (state or federal endangered, threatened, candidate, or species of special concern):

- Rufous-crowned sparrow, *Aimophila ruficeps canescens*
- Coastal California gnatcatcher, *Polioptila californica californica*
- Least Bell's vireo, *Vireo bellii pusillus*

- San Diego ragweed, *Ambrosia pumilia*
- Thread-leaved brodiaea, *Brodiaea filifolia*
- Orcutt's brodiaea, *Brodiaea orcutti*
- San Diego button celery, *Eryngium aristulatum var. parishii*
- San Diego marsh elder, *Iva hayesiana*
- Riparian Poway mint, *Monardella linoides* spp. *Vimineae*
- San Diego goldstar, *Muilla clevelandii*
- Little mousetail, *Myosurus minimus*
- Prostrate navarretia, *Navarretia fossalis*
- San Diego mesa mint, *Pogogyne abramsii*

## **1.2 Existing Local, Specific, and Regional Plans and Habitat Conservation Plans**

### ***Los Peñasquitos Lagoon Enhancement Plan and Program***

The Los Peñasquitos Lagoon Foundation is dedicated to the restoration of Los Peñasquitos Lagoon, its associated uplands and the preservation of land for scenic, historic, educational, recreational, agricultural, scenic and open space opportunities. The Foundation regularly updates its Los Peñasquitos Lagoon Enhancement Plan and Program to reflect current Lagoon conditions and management needs and priorities. Current efforts the Foundation is undertaking include monitoring of the Lagoon and operation of a restoration basin.

### ***Physical, Chemical, and Biological Monitoring***

The Pacific Estuarine Research Laboratory (PERL), based at San Diego State University, was contracted to monitor lagoon resources and use the data in its studies of regional wetland ecosystems. PERL has monitored the physical and chemical characteristics of Lagoon channel water from 1987-2007, and sampled benthic invertebrates, fish, and saltmarsh vegetation from 1988-2004. These studies have led to the timely opening of the mouth and an increase in our knowledge of the biology of southern California's estuaries. In July 2004, Lagoon monitoring was transferred to the Southwest Wetlands Interpretive Association and the Tijuana River National Estuarine Research Reserve.

### ***Los Peñasquitos Creek Restoration Basin***

Located in the western reach of the Los Peñasquitos Canyon Preserve, the 2.8-acre restoration basin is designed to intercept sediment (4,400 cubic yard capacity) during moderate to large storm events, thereby helping protect Los Peñasquitos Lagoon from the impacts associated with sediment and siltation. In addition, the basin, constructed by the Los Peñasquitos Lagoon Foundation, was designed to minimize impacts to nearby sensitive habitats and creek, view corridors for the public and flooding risks to a nearby industrial park. All disturbed areas were revegetated with native species of vegetation, replacing an area that was previously dominated by invasive plant species.

### ***Los Peñasquitos Canyon Preserve Natural Resource Management Plan***

The *Los Peñasquitos Canyon Preserve Natural Resource Management Plan (1998)*, was developed to provide guidance for the present and future development and maintenance of the Los Peñasquitos Canyon Preserve. The City of San Diego Development Services and Park and Recreation Departments are responsible for the administration of the Plan. The County Planning Department is responsible for the administration of land use permits for County-owned land in the Preserve and review of all public and County development proposals to determine conformity with County policies, Natural Resource Management Plan, and CEQA. Funding for enhancement, management, and preserve maintenance for the Preserve can come from a variety of sources. Some of the objectives of the Plan include:

- To establish management practices and means for implementation which will foster cooperation joint County-City management to preserve and protect cultural and biological resources while providing for future recreational use, maintenance, and land use in the Los Peñasquitos Canyon Preserve
- To enhance and restore native habitats in the Preserve
- To manage native wildlife species for their survival
- To identify and maintain important wildlife corridors
- To control erosion along trails and streambeds throughout the Preserve and further protect the watersheds
- To facilitate public use which is compatible with the protection and preservation of the natural and historical resources, such as picnicking, hiking, and other low-intensity recreational activities
- To ensure individual projects within the Preserve meet federal, state, and local environmental standards and requirements
- To conduct education, outreach, and research programs which increase public awareness of the unique natural and cultural resources within the Preserve
- The Preserve will eventually house two interpretative facilities, one run by the County focusing on cultural and historical resources and second run by the City focusing on natural history and biological resources with a proposed location somewhere in the eastern portion of the Preserve.

### ***Project Clean Water, County of San Diego***

Project Clean Water is a program operated by the County of San Diego who conducts monitoring, education, conservation, and research projects in the Los Peñasquitos watershed. Project Clean Water has prepared a watershed management plan in coordination with the Los Peñasquitos Lagoon Foundation, Citizen's Advisory Committee, and general public for the Los Peñasquitos Watershed.

### ***Peñasquitos Watershed Urban Runoff Management Plan***

The [Peñasquitos Watershed Urban Runoff Management Plan](#) 2008 (WURMP 2008) has been prepared by the City of Poway, as lead agency, in collaboration with the cities of San Diego, Del Mar, and the County of San Diego - all local agencies which have jurisdiction over the Peñasquitos Watershed. The Plan meets the requirements of the

National Pollutant Discharge Elimination System (NPDES) Municipal Storm Water Permit for San Diego Copermittees (Order No. 2007-01). The [Municipal Storm Water Permit Order](#) requires the development and implementation of Watershed Urban Runoff Management Programs (WURMPs) for each of nine watershed management areas within San Diego County including the Peñasquitos watershed. This document represents the plan the jurisdictions and stakeholders have prepared to implement said Program. The primary goal of this program is to positively affect the water resources of the Peñasquitos Watershed while balancing economic, social, and environmental constraints. The Program identifies four primary objectives to strive towards this goal: (1) develop and expand methods to assess and improve water quality within the watershed; (2) integrate watershed principles into land use planning; (3) enhance public understanding of sources of water pollution; and (4) encourage the development of stakeholder participation. To help reach these goals and objectives, the Peñasquitos Watershed Urban Runoff Management Plan identifies and prioritizes water quality related issues within the watershed that can be potentially attributed (wholly or partially) to discharges from the municipal storm drain systems and may be addressed through a cross-jurisdictional approach. Additionally, activities to abate sources of pollution and restore and protect beneficial uses are also identified. The Peñasquitos WURMP has been developed as an iterative process of watershed assessment, priority setting, monitoring, and implementation. At the conclusion of each yearly cycle, the process begins anew, allowing participants to respond to changing conditions or adjust strategies that have not performed as anticipated. This framework establishes mechanisms for the participants to evaluate priorities, improve coordination, assess program goals, and allocate finite resources in a cost-effective manner.

### **1.3 Purpose and Objectives of the Basin Plan Amendment Project**

The purpose of the Basin Plan Amendment Project is to attain the water quality objective for sediment in Los Peñasquitos Lagoon; address the Clean Water Act section 303(d) sediment impairment; reduce current Peñasquitos watershed sediment loading rate to the Lagoon to the early-1970s watershed sediment loading rate; and Initiate long-term Lagoon monitoring to assess Los Peñasquitos Lagoon's response to decreasing sediment loads and overall health.

## **2 Regulatory Authorities**

### **2.1 Implementing Agencies**

The County of San Diego, City of San Diego, City of Del Mar, and City of Poway have ordinances, plans, etc that will be used to control mitigation of the kinds of controls addressed in this CEQA document. The municipalities ordinances cover construction, grading, and development plans for land use regulations, community plans, and environmental statutes. More details regarding the necessary ordinances is discussed in the environmental checklist in relation to the specific environmental category.

## **2.2 Regulating Agencies**

Regulating agencies with permit review or approval authority over the implementation of reasonably foreseeable means of compliance include:

### *2.2.1 Federal Regulatory agencies*

#### **National Oceanic Atmospheric Administration/National Marine Fisheries Service (NOAA/NMFS)**

With the U.S. Fish and Wildlife Service, conducts Endangered Species Act Section 7 consultation for effects to migratory and endangered fish species; enforces the Magnuson-Stevens Fishery Conservation and Management Act, under which it regulates projects that may have a significant effect on such species with the Los Peñasquitos Lagoon watershed

#### **U.S. Fish and Wildlife Service**

With NOAA/NMFS, conducts Endangered Species Act Section 7 consultation for possible effects to listed federal species. Enforces the Endangered Species Act, the Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act.

#### **U.S. Army Corps of Engineers**

Issues Clean Water Act section 404 permits for discharges to waters of the United States and dredging and fill projects in navigable waters, incorporating conditions of its nationwide permits

### *2.2.2 California Regulatory Agencies*

#### **State Water Resources Control Board and the San Diego Regional Water Quality Control Board**

The primary responsibility for water quality protection in California rests with the State Water Board and the nine Water Boards. The State and Water Boards share responsibility for regulating stormwater discharges. The State Water Resources Control Board issues statewide National Pollutant Discharge Elimination System (NPDES) permits for the California Department of Transportation (Caltrans); for construction that disturbs more than one acre (Construction General Permit Order 2009-0009-DWQ; and for small municipal separate storm sewer systems (MS4s) under a General Permit for the Discharge of Storm Water from Small MS4s (WQ Order No. 2003-0005-DWQ).

The Water Quality Control Plan for the San Diego Basin, in which the TMDL for sediment in the Los Peñasquitos Lagoon will be incorporated, is the master planning document for water quality in San Diego. Basin Plan provisions are carried out and enforced by the Regional Water Board through its various permitting authorities, orders, and prohibitions.

The Regional Water Board regulates stormwater discharges from the Phase I MS4s that discharge to the Los Peñasquitos watershed. These permits require the municipalities to develop and implement comprehensive Storm Water Management Plans, which provide the framework for local government stormwater programs.

NPDES municipal stormwater permits generally have five-year update cycles. Following adoption of the TMDL, the Water Board will incorporate the TMDL's waste load allocations and associated milestone requirements into the permits, and require the co-permittees to amend their Storm Water Management Plans accordingly. While the California Department of Transportation is a Responsible Party to this TMDL and required to comply with the Water Quality Plan for the San Diego Basin when this TMDL is incorporated, the statewide NPDES permit regulating discharges from Caltrans will also be amended to include similar planning and waste load allocation requirements.

The Water Board regulates other stormwater discharges in the watershed, including surface discharges from agricultural and grazing activities, through waste discharge requirements and waivers of waste discharge requirements for individual dischargers. Waste discharge requirements issued to a number of large commercial property owners require implementation of best management practices to address stormwater discharges.

In addition, Army Corps of Engineers' cannot issue its Clean Water Act Section 404 permits until the Regional Water Board has certified those projects under Section 401.

#### **California Department of Fish and Game**

Issues permits for incidental takes of state listed species under Sections 2081(b) and (c) of the California Endangered Species Act, if specific criteria are met, and Section 2081 consultation for effects to listed species.

If the Department determines that an activity may substantially adversely affect fish and wildlife resources, the applicant must prepare a Stream Alteration Agreement that includes reasonable conditions necessary to protect those resources. Compliance with the California Environmental Quality Act (CEQA) is also required.

### **3 Public Participation and Consultation**

#### **3.1 Consultation with other agencies**

The Notice of Filing noticing the availability of the substitute environmental documents for this project was posted on the San Diego Water Board website on April 22, 2011. In addition, the Notice of Filing was published on April 22, 2011 in the North County Times and Union Tribune. The Notice of Filing indicated that the formal public comment period began on Friday, April 22, 2011 and ended on Wednesday, June 8, 2011, for a total of

47 days. The Notice of Filing indicated the public hearing date of June 8, 2011. The Notice of Filing serves as the notification to Responsible Agencies requesting consultation on the project. Comments received by Responsible Agencies have been incorporated into the substitute environmental documents.

### **3.2 Public participation**

Notice of the CEQA Scoping Meeting for this project was issued on January 6, 2011 for the February 15, 2011 CEQA Scoping Meeting. The notice was posted on the San Diego Water Board website on January 6, 2011, published in the North County Times on January 14, 2011, and published in the Union Tribune on January 13, 2011. The CEQA scoping meeting was held at the office of the San Diego Water Board and was attended by city, county, and industry representatives. Comments received during the meeting have been incorporated into the substitute environmental documents.

A stakeholder advisory group (SAG) was formed at the onset of this project. During 2008-2011, the SAG met frequently to discuss project development. The SAG provided insightful technical comments on early drafts of reports, suggested issues for technical peer review, raised important policy issues, and assisted with drafting the Implementation Plan.

## **4 Implementation Plan: Reasonably Foreseeable Methods of Compliance with the Basin Plan amendment**

Responsible parties must design and implement best management practices (BMPs) to reduce watershed sediment loads to the Lagoon. Emphasis should be placed on BMPs that control sources of sediment and/or the intensity and duration of storm water runoff, and on maintenance of those BMPs. The following list of BMPs contains reasonably foreseeable methods the responsible parties may undertake to comply with the wasteload reductions:

- Plant native vegetation on canyon bluffs to prevent erosion, installing irrigation systems as required to support establishment
- Revise existing local permits and ordinances for consistency with these load reduction requirements, as needed; or adopt new ordinances/issue new permits as needed
- Enforce all local ordinances and permits as needed for consistency with these load reduction requirements
- Install basins to retain sediment
- Install dissipaters to slow discharge velocity to canyons
- Install bio-swales to infiltrate runoff
- Install and vegetate buffers to protect erosion channels
- Repair and/or replace storm drainage infrastructure
- Take actions to restore streams and the Lagoon by removing accumulated sediments, stabilizing banks, restoring natural channels, and revegetating

- Stabilize slopes above erosion channels
- Require low impact development controls designed to reduce runoff for new construction
- Install sand filters where appropriate
- Educate watershed residents and businesses about the sediment problem in Los Peñasquitos Lagoon and what actions they need to take to reduce the problem

#### **4.1 Reasonably Foreseeable Methods of Compliance at Specific Sites**

The San Diego Water Board analyzed various reasonably foreseeable methods of compliance at specific sites within the subject watersheds. Because this project is large in scope (encompassing 12 watersheds), the specific sites analysis was focused on reviewing potential compliance methods within various land uses. The land uses cited below correspond to the land uses that were utilized for watershed model development (the watershed models are discussed extensively in section 7 of the Technical Report and Appendices J and K). Land uses in this analysis include: dairies/intensive livestock/horse ranches, transitional (construction areas), agriculture, residential, parks/recreation, commercial/institutional, industrial/transportation, and military. These land uses represent a range of population densities and geographical settings found in the San Diego Region. Although all of these land uses generate bacteria, the ones that have the highest human and/or animal population densities are the most likely to produce human pathogens that can pollute surface waters and impair beneficial uses.

In this discussion of potential compliance methods, the San Diego Water Board assumed that, generally speaking, the BMPs suitable for the control of bacteria generated from a specific land use within a given watershed are also suitable for the control of bacteria generated from the same land use category within a different watershed. For example, a BMP used to control the discharge of bacteria from a residential area in the San Diego River watershed is likely suitable to control the discharge of bacteria from a residential area in the Aliso Creek watershed. However, in addition to land use, BMP selection includes considering site-specific geographical factors such as average rainfall, soil type, and the amount of impervious surfaces, and non-geographical factors such as available funding. Such factors vary between watersheds. The most suitable BMP(s) for a particular site must be determined by the dischargers in a detailed, project-specific environmental analysis.

The following discussion involves a programmatic level review of specific site compliance methods, or combination of compliance methods that have been implemented in the subject watersheds, as well as other BMP examples that could potentially be implemented at additional sites. The dischargers are in no way limited to using the BMPs included here to achieve TMDL compliance, and may choose not to implement these particular BMPs.

In order to meet TMDL requirements, dischargers will determine and implement the actual compliance method(s) after a thorough analysis of the specific sites suitable for BMP implementation within each watershed. In most cases, the San Diego Water

Board anticipates a potential strategy to be the use of management measures, or other non-structural BMPs as a first step in controlling bacteria discharges, followed by structural BMP installation if necessary.

#### **4.2 Potential BMPs for Construction Sites**

Construction activities typically take place in various settings and existing land uses. In San Diego County, construction activities result in new residential units both in urban and suburban environments, as well as industrial and commercial sites, such as business parks and shopping malls. Population densities in the areas of construction vary greatly with the specific projects.

A potential strategy to achieve TMDL compliance includes the use of structural BMPs, such as fiber rolls as shown in Figure 1. Other examples include blankets, netting, silt fences, or filter berms. Such devices prevent pollutants such as bacteria and sediment from reaching stormwater and stormwater drainage pathways by allowing the water and contaminants to infiltrate into the surrounding soil. Still other BMPs that are appropriate to use at construction sites include the use of sandbags, such as the ones shown in Figure 2. Sandbags also prevent runoff containing pollutants from reaching stormwater drainage pathways.

For some large construction sites it may be appropriate to install sedimentation basins to capture stormwater runoff and/or slow stormwater runoff to allow suspended sediments to settle, such as the one shown in Figure 3.

Possible adverse environmental effects include the reduction or elimination of storm flows from the use of structural barriers that prevent flow from reaching creek beds. Although such devices prevent pollutants from reaching receiving waters, so do they prevent water from reaching areas that might depend on it to provide habitat. Additionally, infiltration devices could alter the flow rate of groundwater.



Figure 1. Use of Netting and Fiber Rolls at San Elijo Hills Construction Site, Northstar Way, Carlsbad Watershed.



Figure 2. Use of Sandbags upstream of Moonlight State Beach, Encinitas Blvd., Carlsbad Watershed.



Figure 3. Use of a sedimentation basin to slow stormwater runoff leaving a sand and gravel mining operation at the Carroll Canyon Plant operated by Hanson.

### 4.3 Potential BMPs for Residential Areas

Population densities tend to be highest in the residential areas as compared to other land use categories. Thus, residential areas have a high potential for producing sediment that can contaminate surface waters.

In order to achieve TMDL compliance, residential land use areas, like the area shown in Figure 4, may only require non-structural BMPs; however, structural BMPs could be retrofitted, if appropriate. Potential non-structural BMPs at this specific site include increased street sweeping, and development and enforcement of municipal ordinances prohibiting the discharge of sediment to stormwater and stormwater drainage pathways. Other potential BMPs include adoption and/or enforcement of ordinances to stabilize slopes and dirt lots.

Potential structural BMPs include the installation of storm drain filter sacks, which require routine maintenance. Newer residential areas, including the one shown in Figure 5, could be designed with low impact development including vegetative strips to control the velocity of runoff, increase infiltration, and prevent pollutants from entering stormwater drainage pathways.

Possible adverse environmental effects include the reduction or elimination of storm flows by the use of structural barriers that prevent flow from reaching creek beds. Although such mechanisms prevent pollutants from reaching receiving waters, so do they prevent water from reaching areas that might depend on it to provide habitat. Additionally, infiltration devices could alter the flow rate and/or quality of groundwater.



Figure 4. Clean Storm Drain in Residential Area, D Street, Carlsbad Watershed



Figure 5. Vegetative Strip in Residential Area, San Elijo Hills, Carlsbad Watershed

#### 4.4 Potential BMPs for Park and Recreational Areas

Park and recreational areas make up a small percentage of the total land area in the Los Peñasquitos watershed. Because these areas do not have housing or industrial units, population densities in these areas are low. However, some park and recreation areas provide land that can be used to treat pollutants originating from the upstream watershed. For example, structural BMPs, such as the constructed wetlands shown in Figure 6, can be incorporated into a park setting. Such devices provide wildlife habitat, are visually pleasing, and are successful at reducing or removing a number of pollutants from the creeks. Figure 7 shows Cottonwood Creek Park in Encinitas, California, in the foreground, and the constructed wetlands in the background. Bioassessments performed in this manufactured wetlands before and after construction demonstrated that this project did not result in any adverse environmental effects.<sup>1</sup>

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<sup>1</sup> Kathy Weldon, City of Encinitas, personal communication, February 6, 2007.



Figure 6. Manufactured Wetlands at Cottonwood Creek Park, Encinitas Blvd., Carlsbad Watershed.



Figure 7. Cottonwood Creek Park, Encinitas Blvd., Carlsbad Watershed.

#### **4.5 Potential BMPs for Commercial/Institutional Areas**

Population densities in commercial and institutional areas vary on an hourly basis but are relatively high in these areas, compared to other land uses.

A potential strategy to achieve TMDL compliance includes structural controls, which may be sufficient to limit accelerated storm water flows from commercial and institutional areas. For example, rainwater barrels could be installed to collect rain water from roofed areas. Other potential structural BMPs include the installation of

vegetative strips and grassy areas as part of landscaping to control the velocity of runoff, increase infiltration, and prevent pollutants from entering stormwater drainage pathways. Possible adverse environmental effects include alteration of the flow rate and/or quality of groundwater from the use of infiltration devices.

#### 4.6 Potential BMPs for Industrial and Transportation Areas

As with the previous discussion, population densities are variable in industrial and transportation areas, depending on time of day and also day of week.

Several industrial parks and roadways have adjacent landscaped areas where both management areas and structural BMPs could be designed to help reduce stormwater flows to surface waters. Landscaping can be designed to capture and control the velocity of runoff, increase infiltration, and prevent pollutants from entering stormwater drainage pathways. Additionally, pervious surfaces near transportation areas often have steep slopes. To prevent erosion and the transport of sediment to stormwater drainage pathways, various structural BMPs can be used. Some examples are fiber rolls, netting, and blankets.

Possible adverse environmental effects include the reduction or elimination of nuisance dry weather flows from the use of structural barriers that prevent flow from reaching creek beds. Although such devices prevent pollutants from reaching receiving waters, so do they prevent water from reaching areas that might depend on it to provide habitat. Additionally, infiltration devices could alter the flow rate and/or quality of groundwater.

### 5 Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS:</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion:

a) Structural BMPs may create an aesthetically offensive site during construction and installation, but this would be temporary until construction is completed. Structural BMPs can be designed to provide wildlife habitat, recreational areas, and green spaces in addition to improving stormwater quality. Appropriate architectural and landscape

design practices, including screening, can be implemented to reduce adverse aesthetic effects, or constructed underground.

Los Peñasquitos Lagoon is an important scenic amenity to coastal San Diego County. The view of Los Peñasquitos Canyon Preserve from Mira Mesa is listed as an “Identified Public Vantage Point” in the City of San Diego’s 2007 General Plan, which also names “public access to canyon rims and views...provided at suitable locations in the form of paths, scenic overlooks, and streets.”

Requirements to construct structural BMPs to eliminate adverse effects on scenic vistas could be enforced, but the Water Board, as lead agency, has no jurisdiction to require such enforcement. Therefore there may be significant impacts to aesthetics that will not be mitigated.

b) Actions and projects that could result from the Basin Plan amendment would occur on unpaved roads, in stream channels, or on private property and would not occur within a state scenic highway. The Basin Plan amendment would not result in adverse aesthetic impacts to state scenic highways.

c) Structural BMPs may create an aesthetically offensive site during construction and installation, but this would be temporary until construction is completed. Structural BMPs can be designed to provide wildlife habitat, recreational areas, and green spaces in addition to improving stormwater quality. Appropriate architectural and landscape design practices, including screening, can be implemented to reduce adverse aesthetic effects, or constructed underground.

Los Peñasquitos Lagoon is an important scenic amenity to coastal San Diego County Requirements to construct structural BMPs to eliminate adverse effects on scenic vistas could be enforced, but the Water Board, as lead agency, has no jurisdiction to require such enforcement. Therefore there may be significant impacts to aesthetics that will not be mitigated.

d) Actions and projects that could result from the Basin Plan amendment would not include new lighting or installation of large structures that could generate reflected sunlight or glare. Adoption of the Basin Plan amendment would not result in adverse light and glare impacts.

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Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**II. AGRICULTURE AND FOREST RESOURCES:** In

determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a) Adoption of the Basin Plan amendment could increase the level of landowner participation in cooperative efforts to enhance channel stability and stream riparian habitat conditions in the Lagoon and its tributaries, which could in turn result in a minimal reduction in the amount of land cultivated near channels (e.g., voluntary increases in setbacks of agriculture from channels). However, these actions would not substantially reduce the fertility of soils in areas designated as Prime, Unique, or Farmland of Statewide Importance and less than significant impacts would result.

b) The Basin Plan amendment would not affect existing agricultural zoning or any aspects of Williamson Act contract and would not have any adverse impact in this regard.

c) The Basin Plan amendment would not affect existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.

d) The Basin Plan amendment would not affect forest land because forest land does not exist in the Los Peñasquitos watershed.

e) Adoption of the Basin Plan amendment could increase the level of landowner participation in cooperative efforts to minimize soil disturbance in sensitive areas (on steep slopes and adjacent to stream channels), which could result in a localized, minor reductions in the amount of land cultivated, particularly adjacent to stream channels. These buffer or setback areas, that would be fallow, would comprise a small amount of land area. Therefore, less than significant impacts could result.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY:</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a) The County of San Diego Air Pollution Control District develops plans that include the San Diego Regional Air Quality Strategy (RAQS), addressing State requirements, and the San Diego portion of the California State Implementation Plan (SIP), addressing federal requirements. Constituents of concern within these plans are ozone and particulate matter. Currently the County is not in compliance with the State’s particulate matter and ozone standards.

Short term increases in traffic during the construction and installation of structural BMPs and minor long-term increases in traffic caused by non-structural BMPs and maintenance of structural BMPs are potential sources of incrementally increased ozone and particulate matter. The generation of fugitive dust and particulate matter during construction or maintenance activities could also impact ambient air quality.

Mitigation measures are available to reduce potential impacts to ambient air quality due to increased traffic during short-term construction and long-term maintenance activities. Mitigation measures could include, but are not limited to, the following: 1) use of construction, maintenance, and street sweeper vehicles with lower-emission engines, 2) use of soot reduction traps or diesel particulate filters, 3) use of emulsified diesel fuel, 4) use of vacuum-assisted street sweepers to eliminate potential re-suspension of sediments during sweeping activity, 5) the design of structural devices to minimize the frequency of maintenance trips, and/or 6) proper maintenance of vehicles so they operate cleanly and efficiently.

To further reduce the potential impacts to ambient air quality maintenance activities can be scheduled for the same time as other maintenance activities performed by the municipalities or at times when these activities have lower impact, such as periods of low traffic activity.

To mitigate for generation of fugitive dust and emissions (particulate matter), operations plans for the specific construction and/or maintenance activities must be completed in accordance with the applicable Air Resources Board emissions standards and existing programs within the cities and county. The operations plans will address the variety of available measures to limit the ambient air quality impacts. These could include vapor barriers and moisture control to reduce transfer of particulates and dust to air.

Due to the Air District's requirement that an operations plan be submitted as part of any project application, and the District's ability to enforce such plans, we find potential impacts to be insignificant with the required mitigation measures incorporated.

b) See response to (a), above. Since San Diego County is out of compliance with current air quality standards, any additional additions of ozone or particulates must be considered potentially significant.

c) See response to (b), above.

d) Sensitive receptors (generally including hospitals, nursing homes, schools, residences, etc.) exist in areas that may require BMPs for compliance with this Basin Plan amendment. While the mitigation measures discussed in a) above would reduce the impacts to less than significant, inclusion of such measures in future project-specific plans and enforcement of requirements is outside the Water Board's jurisdiction, so impacts are potentially significant.

e) The Basin Plan amendment would not involve the construction of any permanent sources of odor and therefore would not create objectionable odors affecting a substantial number of people. No odor impacts would result from the Basin Plan amendment.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES:</b> Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

a) The Basin Plan amendment was developed specifically to benefit, enhance, restore and protect biological resources, including fish, wildlife, rare and endangered species, and habitat. Nonetheless it is possible compliance with the proposed Basin Plan amendment, could require specific projects involving construction and earthmoving activities that could potentially affect candidate, sensitive or special status species (collectively, special status species), either directly or through habitat modifications. Although minor construction and earthmoving operations would likely occur in already disturbed areas and might involve reconstruction, recontouring, or replacement of existing roads and structures, it is possible (although not likely) that these and other activities to reduce erosion and enhance stream habitat could occur in and impact areas where there are special status species and habitats.

Proposed projects, that could affect sensitive species would be subject to review and approval by the Water Board and/or other resource agencies such as Department of Fish and Game and U.S. Fish and Wildlife Service (in consultation with the Water Board). The Water Board, in the course of carrying out its statutory duties to protect water quality and their beneficial uses (including preservation of rare and endangered species and wildlife habitat as set forth in the Basin Plan), will either not approve

compliance projects with significant adverse impacts on special status species and habitats or require avoidance or mitigation measures to reduce impacts to less than significant levels. It is not reasonably foreseeable that the Water Board would approve earthmoving work that would disrupt or destroy habitat of a known special status species (since protection of rare and endangered species is one of the beneficial uses we are protecting in the Lagoon). Furthermore, it is the Water Board's standard practice to work with the proponents of compliance projects to come up with actions that not only meet and further the proposed Basin Plan amendment's requirements and goals, but also all other components of the Basin Plan, such as protection of rare and endangered species and habitat. For example, where avoidance of impacts is not possible, the Water Board requires mitigation measures for work it approves that may impact special status species, riparian habitats, or other sensitive natural communities. These include but are not limited to requiring pre-construction surveys; construction buffers and setbacks; restrictions on construction during sensitive periods of time; employment of on-site biologists to oversee work; and avoidance of construction in known sensitive habitat areas or relocation and restoration of sensitive habitats. In sum, through the course of the Water Board discharging its required mandate to protect beneficial uses such as rare and endangered species and wildlife habitat, impacts to special species and their habitats would be avoided or reduced to less than significant levels. If, however, impacts to the special status species and their habitats occur outside the Water Board's jurisdiction (e.g., in areas with no proximity or relation to waters of the state), then impacts must be addressed through other local, state, and federal regulatory programs<sup>2</sup>. State and federal laws prohibit the take of special status species and their habitats except where incidental take permits have been issued. When issuing incidental take permits, state and federal agencies must ensure that the impacts of the take are minimized and mitigated to the maximum extent possible and ensure that the take will not appreciably reduce the likelihood of the survival and recovery of the species.

If proposed compliance projects outside the Water Board's jurisdiction have the potential to affect special status species, then future lead agencies for those projects have the responsibility and jurisdiction to mitigate significant impacts. These agencies can and should mitigate their impacts on a project level. However, since the Water Board cannot itself require or enforce such actions, potentially significant impacts are reasonably foreseeable.

b) As indicated in section a) above, the Basin Plan amendment is designed to benefit biological resources, particularly riparian habitat and other sensitive natural communities. Nonetheless activities to improve riparian conditions, such as channel restoration and installation of woody debris, could result in minor and short term disruption to riparian habitat.

Projects proposed to comply with the Basin Plan amendment implementation plan, involving grading or construction in the riparian corridor, are subject to review and

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<sup>2</sup> For example for projects that fill Clean Water Act Section 404 wetlands, the Army Corps of Engineers explicitly conditions its permits to require that impacts to federally listed species be less than significant.

approval by the Water Board. As described in section a) above, the Water Board, in the course of discharging its statutory duties to protect water quality and their beneficial uses will either not approve compliance projects with significant adverse impacts on riparian habitats and sensitive natural communities, or would require mitigation measures to reduce impacts to less than significant levels. Furthermore, it is the Water Board's standard practice to work with California Department of Fish and Game, U.S. Fish and Wildlife Service, and proponents of compliance projects to come up with actions that not only meet and further the Basin Plan amendment's requirements and goals, but also have minimal impacts. Mitigation measures routinely required by the Water Board include (but are not limited to) requiring pre-construction surveys; construction buffers and setbacks; restrictions on construction during sensitive periods of time; employment of on-site biologists to oversee work; and avoidance of construction in known sensitive habitat areas or relocation and restoration of sensitive habitats, but only if avoidance is impossible.

However, if impacts to sensitive natural communities occur outside the Water Board's jurisdiction, then impacts must be addressed through other local, state, and federal regulatory programs (as described above). These agencies can and should mitigate these impacts on a project level. However, since the Water Board cannot require or enforce such actions, potentially significant impacts are reasonably foreseeable.

c) Basin Plan amendment-related implementation actions may contribute to an increase in the acreage of land where habitat enhancement and/or erosion control projects are undertaken, a fraction of which could be within wetlands. The adverse impacts on wetlands would not be substantial, however. Under the Nationwide or Individual Permit programs administered by the U.S. Army Corps of Engineers (per Section 404 of the Clean Water Act) there are general conditions that require that, for projects that may adversely affect wetlands, responsible parties must demonstrate that avoidance, minimization, and mitigation has occurred to the maximum extent practicable to ensure that adverse impacts to the aquatic environment are minimal. In addition, before the Army Corps can issue section a 404 permit, Water Board staff must certify the project (Section 401 certification) as compliant with the Porter Cologne Water Quality Control Act, the California Wetland Conservation Policy, and the Basin Plan.

If a water or wetland, although delineated under the 404(b)(1) guidelines is not considered a Water of the United States (and therefore subject to Section 404 permitting by the Army Corps), as a water of California it is still protected by state laws. In this case the Water Board must issue Waste Discharge Requirements mitigating any significant impacts to wetlands.

This gives us assurance that all potential impacts will be mitigated to a less than significant level.

d) The Basin Plan amendment would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

The main goal of the Basin Plan amendment is to improve and enhance the salt marsh habitat in the Lagoon. Thus, compliance projects would entail improving habitat as wildlife corridors, not adversely affecting them. It is possible, however, that projects could be proposed to comply with the Basin Plan amendment that involve construction or earthmoving activities that could temporarily interfere with wildlife movement, migratory corridors, or nurseries (e.g., channel habitat enhancement projects, riparian corridor planting, etc.). If that occurs, such channel habitat enhancement projects would be subject to and have the same processes and impacts as described in sections (a) and (b) above. Since the Water Board may not have jurisdiction over all such projects (i.e., those affecting wildlife corridors that are not associated with waters or wetlands), and may not be able to require or enforce protective actions, potentially significant impacts are reasonably foreseeable.

e) The Basin Plan amendment itself does not conflict with any local policies or ordinances protecting biological resources. In addition, since Lead Agencies for any future projects implementing the Basin Plan amendment are the same agencies that pass and enforce local policies and ordinances protecting biological resources, we assert that these agencies would require effective mitigation as appropriate.

f) The Basin Plan amendment itself does not conflict with any adopted Habitat Conservation Plan, Natural Community Plan, or other approved local, regional or state habitat conservation plan, including the Los Peñasquitos Lagoon Enhancement Plan and Los Peñasquitos Canyon Preserve Natural Resource Management Plan. Since Lead Agencies for any future projects implementing the Basin Plan amendment are the same agencies that pass and enforce local plans to protect biological resources, we assert that these agencies would require effective mitigation as appropriate.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES:</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

a) The Los Peñasquitos watershed is known to contain archeological sites, with artifacts found showing indigenous people living there for over 6,000 years. In 1824, Los

Peñasquitos canyon became a Mexican land grant named *Rancho Santa Maria de los Peñasquitos*. *Rancho Peñasquitos* was continuously managed as a ranch under several owners until the entire Rancho was bought in 1962 for a proposed residential development. San Diego County's second oldest standing residence, Rancho de Los Peñasquitos, is a historic landmark.

Projects involving earthmoving or construction to comply with requirements of the proposed Basin Plan amendment are reasonably foreseeable. Construction would generally be small in scale and earthmoving would likely occur in areas already disturbed by recent human activity, not at or in areas containing historical resources as defined by section 15064.5 of the CEQA Guidelines. However, Lagoon restoration efforts could occur in areas of California State Park lands and creek restoration efforts could occur in Los Peñasquitos Creek where historic artifacts are present. Projects that demolish or materially alter the physical character of historic resources, triggered by the Basin Plan amendment, would not be permitted by the Water Board; California Department of Parks and Recreation; San Diego County; or Cities of San Diego, Del Mar, or Poway.

The City and County General Plans both contain policies that protect historic resources. In addition, California Public Resources Code Section 5024.5 requires that all state agencies consult with the Office of Historic Preservation when any proposed project may adversely affect any historical resources on state-owned property (including state parks), and Section 5024 requires that all state agencies inventory, register, preserve, and maintain all historical resources within their jurisdiction (where prudent and feasible). Therefore, the Basin Plan amendment would not adversely affect any cultural resource, and its impacts would be less than significant.

b) Projects involving earthmoving or construction to comply with requirements of the proposed Basin Plan amendment are reasonably foreseeable. Construction would generally be small in scale, and earthmoving would likely occur in areas already disturbed by recent human activity (i.e., existing roads, and housing and industrial developments)—not at or in areas containing archaeological resources as defined by section 15064.5 of the CEQA Guidelines. Projects triggered by the Basin Plan amendment would not be permitted by the Water Board or local agencies that disturb archaeological resources. The City and County General Plans both contain policies that protect archaeological resources. Therefore, the Basin Plan amendment would not adversely affect archaeological resource, and its impacts would be less than significant.

c) Projects involving earthmoving or construction to comply with requirements of the proposed Basin Plan amendment are reasonably foreseeable. However construction would be small in scale and would not occur in areas of known paleontological resource or areas containing unique geologic features. Therefore the Basin Plan amendment would have less than significant paleontological impacts.

d) Projects involving earthmoving or construction to comply with requirements of the proposed Basin Plan amendment are reasonably foreseeable. Construction would generally be small in scale, and earthmoving would likely occur in areas already

disturbed by recent human activity (i.e., existing roads, and housing and industrial developments)—not at or in areas human remains as defined by section 15064.5 of the CEQA Guidelines. Therefore, the Basin Plan amendment would not adversely affect human remains, and its impacts would be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS:</b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a) The Basin Plan amendment would not involve the construction of habitable structures; therefore, it would not result in any human safety risks related to fault rupture, seismic ground shaking, ground failure, or landslides.

b) Specific projects involving earthmoving or construction activities to comply with requirements of the Basin Plan amendment are reasonably foreseeable. Such activities would not result in substantial soil erosion or the loss of topsoil. Implementation of the Basin Plan amendment and the TMDL should reduce erosion, not increase it. To meet the proposed Basin Plan amendment targets, construction would be designed to reduce overall soil erosion associated with erosion. However, temporary earthmoving operations could result in short-term, limited erosion. Compliance projects affecting an

area of one acre or more would be subject to the review and approval of the Water Board, which requires implementation of routine and standard erosion control best management practices and proper construction site management. These projects would require a general construction National Pollutant Discharge Elimination System permit and implementation of a stormwater pollution prevention plan to control pollutant runoff such as sediment. Other smaller grading projects would be subject to non-discretionary requirements of the local grading ordinance, which would reduce potential impacts from grading. Therefore, the Basin Plan amendment would not result in substantial soil erosion, and any impacts would be less than significant with mitigation.

c) Because the Basin Plan includes actions to stabilize existing sources of sediment, such as landslides, eroding gullies, and roads, some construction could occur in these unstable areas. The Basin Plan amendment could result in projects involving roads, creek crossings, and other projects located on steep slopes or unstable terrain. These projects would be designed to increase stability, both onsite and off-site, to reduce erosion and sedimentation. Grading for specific TMDL implementation projects would be designed to minimize any potential for landslides, lateral spreading, subsidence, liquefaction, or collapse. Therefore, the Basin Plan amendment would not involve activities that would create or trigger landsliding, later spreading, subsidence, liquefaction or collapse, and its impacts would be less than significant.

d) The Basin Plan amendment would not involve construction of buildings (as defined in the Uniform Building Code) or any habitable structures. Minor grading and construction could occur in areas with expansive soils but this activity would not create a substantial risk to life or property. Therefore, the Basin Plan amendment would not result in impacts related to expansive soils.

e) The Basin Plan amendment would not require wastewater disposal systems; therefore, affected soils need not be capable of supporting the use of septic tanks or alternative wastewater disposal systems. No impacts from septic tanks or alternative wastewater disposal systems would result from the project.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**VII. GREENHOUSE GAS EMISSIONS:** Would the project:

- |  |                                     |                          |                          |                                     |
|--|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Discussion:**

a) Short term increases in traffic during the construction and installation of structural BMPs and long-term increases in traffic caused by non-structural BMPs and maintenance of structural BMPs are potential sources of greenhouse gas emissions that may adversely affect the environment. Several mitigation measures are available to reduce potential impacts to the environment due to increased traffic during short-term construction and long-term maintenance activities. Mitigation measures could include, but are not limited to, the following: 1) use of construction, maintenance, and street sweeper vehicles with lower-emission engines, 2) use of soot reduction traps or diesel particulate filters, 3) use of emulsified diesel fuel, 4) the design of structural devices to minimize the frequency of maintenance trips, and/or 5) proper maintenance of vehicles so they operate cleanly and efficiently.

The generation of particulate matter, i.e., from diesel engine exhaust, during construction or maintenance activities could also impact greenhouse gas generation. An operations plan for the specific construction and/or maintenance activities will be completed in accordance with the applicable Air Resources Board emissions standards and existing programs within the cities and county to address the variety of available measures to limit the emission of greenhouse gases. These could include vapor barriers and moisture control to reduce transfer of particulates and dust to air.

Greenhouse gas emissions may increase as a result of increased traffic due to an increase in BMP maintenance activities. However, the impact to environment can be reduced by using the mitigation measures described above for maintenance vehicles. The potential impact to ambient air quality can be further reduced if maintenance activities are scheduled to be performed at the same time as other maintenance activities performed by the municipalities, or at times when these activities have lower impact, such as periods of low traffic activity. In any case, the number of additional vehicles expected in the watershed due to non-structural and structural BMPs is not expected to increase greenhouse gas emissions to the level of pollutants in the air compared to current conditions, because various common managerial practices are available to mitigate the adverse effects. However, unless these mitigation and management practices are undertaken, the threat to the environment remains potentially significant.

b) An operations plan for the specific construction and/or maintenance activities will be completed on a project level. The Basin Plan amendment will not conflict with any existing plans, policies, or regulations designed to reduce greenhouse gas emissions. Thus, there is no impact.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS:</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a) The Basin Plan amendment does not involve the routine transport, use, or disposal of hazardous materials. Therefore, no impacts from the use, transport or disposal of hazardous materials would result.

b) The Basin Plan amendment does not include actions that are likely to result in upset or accident conditions involving the release of hazardous materials. It is possible that hazardous materials or substances may be discovered during minor construction activities associated with erosion control and/or habitat enhancement. Required

remediation actions would include the proper disposal and transport of contaminated soils, but such waste is expected to be of small volume. Proper handling in accordance with relevant laws and regulations would minimize hazards to the public or the environment, and the potential for accidents or upsets. Therefore, hazardous waste transport and disposal would not create a significant public or environmental hazard, and would be a less than significant impacts.

c) Basin Plan amendment actions such as minor construction to reduce erosion and habitat enhancement projects would be located along stream channels in areas used as open space and agriculture in areas that are not likely to contain schools. Furthermore, the Basin Plan amendment and TMDL implementation actions would not emit hazardous materials, substances, or waste. Therefore, no impact from hazardous materials would occur within one-quarter mile of an existing or proposed school.

d) It is unlikely that Basin Plan amendment actions would occur on sites that are included on lists of hazardous material site compiled pursuant to Government Code Section 65962.5, such as leaky underground storage tank sites or sites where hazardous materials violations have occurred. It is possible that hazardous materials or substances may be encountered during project activities on or near these sites. The Water Board regulates listed hazardous material sites and would require mitigation to ensure that the Basin Plan amendment would not create a significant hazard to the public or the environment due to hazardous materials. Therefore, impacts from hazardous materials would be a less than significant.

e) The Basin Plan amendment does not include actions that would result in a safety hazard for people residing or working near a public airport or vicinity. The Los Peñasquitos watershed does not contain an air field; therefore, the Basin Plan amendment would result in no impact.

f) The Basin Plan amendment would not result in construction of buildings or others structures that could result in safety hazards for people residing or working near a private air strip and no impact would result.

g) Hazardous waste management activities resulting from the Basin Plan amendment would not interfere with any emergency response plans or emergency evacuation plans, and no impacts would result.

h) The Basin Plan amendment would not affect the potential for wildland fires. Therefore no impacts to wildfires would result.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**IX. HYDROLOGY AND WATER QUALITY:** Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a) The project would amend the Basin Plan, which articulates applicable water quality standards; therefore, it would not violate standards or waste discharge requirements, and no adverse impacts to water quality would result.

b) The Basin Plan amendment may result in implementation of BMPs including the construction of facilities such as retention or detention basins, infiltration basins, or vegetated swales may increase stormwater infiltration and subsequently return groundwater recharge rates to pre-development rates. The Basin Plan amendment will

not result in a decrease in groundwater supplies. No adverse impacts to groundwater recharge would result.

c) Specific projects involving earthmoving or construction activities to comply with requirements derived from the proposed Basin Plan amendment are reasonably foreseeable. Such projects could affect existing drainage patterns. However, to meet proposed Basin Plan amendment allocations, they would be designed to reduce overall soil erosion, not increase it. The numeric target in this TMDL will encourage responsible parties to implement erosion control measures for compliance purposes. These measures will not result in increased storm runoff and related stream bed or bank erosion. Nevertheless, temporary earthmoving operations could result in short-term, limited erosion. These specific compliance projects also would be subject to the review and approval of the Water Board, which requires implementation of routine and standard erosion control best management practices and proper construction site management. In addition, construction projects over one acre in size would require a general construction National Pollutant Discharge Elimination System permit and implementation of a stormwater pollution prevention plan. Therefore, the Basin Plan amendment would not result in substantial erosion, and its impacts would be less than significant with mitigation incorporated.

d) The Basin Plan amendment could involve earthmoving that could affect existing drainage patterns. The Basin Plan amendment could contribute to increases in the amount of riparian vegetation and/or large woody debris in stream channels to enhance habitat conditions. These actions should reduce flooding hazards. Basin Plan amendment-related activities would not substantially increase impervious surfaces. The purpose of the Basin Plan amendment is to reduce sedimentation in streams, which has the effect of reducing flooding, and is environmentally beneficial. The numeric target in this TMDL will encourage responsible parties to implement erosion control measures for compliance purposes. These measures will not result in increased storm runoff and related stream bed or bank erosion. The Basin Plan amendment would not result in increased flooding; therefore, there is no impact.

e) Basin Plan amendment-related activities are, by design, intended to decrease peak runoff rates from upland land uses, as needed to reduce fine sediment input to the Lagoon. The numeric target in this TMDL will encourage responsible parties to implement erosion control measures for compliance purposes. These measures will not result in increased storm runoff or related stream bed or bank erosion. Nevertheless, temporary earthmoving operations could result in short-term, limited erosion. These specific compliance projects also would be subject to the review and approval of the Water Board, which requires implementation of routine and standard erosion control best management practices and proper construction site management. In addition, construction projects over one acre in size would require a general construction National Pollutant Discharge Elimination System permit and implementation of a stormwater pollution prevention plan. Therefore, the Basin Plan amendment would not result in substantial erosion, and its impacts would be less than significant with mitigation incorporated.

f) Basin Plan amendment-related activities are intended to reduce sediment input to the Lagoon. Therefore, the Basin Plan amendment would not degrade water quality and no adverse water quality impacts would occur.

g) The Basin Plan amendment will not result in construction of housing. Therefore no housing would be placed within the 100-year flood hazard zone as a result of the proposed action. No flood hazard impacts would occur.

h) The Basin Plan amendment will not result in construction of structures that could impede or redirect flood flows within a 100-year flood hazard zone and no adverse flooding impacts would occur.

i) The Basin Plan amendment will not result in construction or modification of dams or levees or activities that would expose people to significant damage from dam or levee failure and no adverse impacts would occur.

j) Basin Plan amendment-related construction would occur upstream of the tidally influenced stream channel and would not be subject to substantial risks due to inundation by seiche, tsunami, or mudflow, and no impact would occur.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**X. LAND USE AND PLANNING:** Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a) Basin Plan amendment-related construction would be too small in scale to divide any established community, and no adverse impact would occur.

b) The Basin Plan amendment would not conflict with any land use plan, policy, or regulation. Projects proposed to comply with Basin Plan amendment requirements would be subject to local agency review and would not conflict with local land use plans or policies.

c) The Basin Plan amendment would not conflict with any habitat conservation plan or natural community conservation plan. Projects proposed to comply with Basin Plan

amendment requirements would be subject to local agency review and would be conducted in accordance with the Los Peñasquitos Lagoon Enhancement Plan and Los Peñasquitos Canyon Preserve Natural Resource Management Plan.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XI. MINERAL RESOURCES:</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a) Basin Plan amendment-related excavation and construction would be relatively small in scale and would not result in the loss of availability of any known mineral resources that would be of value to the region or the residents of the State.

b) Basin Plan amendment-related excavation and construction may occur in the area of existing sand and gravel mining operations; however projects would be relatively small in scale and would not result in the loss of availability of mineral resources of local importance and a less than significant impact would occur.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XII. NOISE:</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?





**Discussion:**

a) Earthmoving and construction could temporarily generate noise. Projects that local agencies propose to comply with requirements derived from the Basin Plan amendment would be required to be consistent with the local agencies' own standards.

b) To comply with requirements derived from the Basin Plan amendment, specific projects involving earthmoving or minor construction, which could result in temporary groundborne vibration or noise, are reasonably foreseeable. Basin Plan amendment-related grading would be required to comply with County and City standards to keep noise levels to less than significant levels.

c) The Basin Plan amendment would not cause any permanent increase in ambient noise levels. Any noise would be short-term in nature.

d) To comply with requirements derived from the Basin Plan amendment, specific projects involving earthmoving or construction, which could result in temporary noise impacts, are reasonably foreseeable. Noise-generating operations would, however, have to comply with County and City noise standards. Applicable and appropriate mitigation measures could be evaluated when specific projects are determined, depending upon proximity of construction activities to receptors. Therefore, the Basin Plan amendment would not result in substantial noise impacts, and its impacts would be less than significant.

e) A small portion of the Los Peñasquitos watershed is located within the 60-65 decibel Community Noise Equivalent Level noise contour of the Miramar Airport. Any persons constructing or maintaining BMPs within this area would be short-term. Furthermore, the Basin Plan amendment would not result in increased population in the watershed and no impacts from airport noise exposure to residents or workers would result.

f) The Los Peñasquitos watershed does not contain any private airports and no impacts would result from airport-generated excessive noise.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**XIII. POPULATION AND HOUSING:** Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a) The Basin Plan amendment would not result in population growth in the Los Peñasquitos watershed. It would not induce growth through such means as constructing new housing or businesses, or by extending roads or infrastructure, and no impacts would occur.

b) The Basin Plan amendment may result in displacing existing housing for installation of BMPs; however, there would not be a substantial need for replacement housing, and no address housing impacts would occur.

c) The Basin Plan amendment would not displace substantial numbers of people or create a need for the construction of replacement housing and no impacts would occur.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**XIV. PUBLIC SERVICES:**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a) The Basin Plan amendment would not affect populations or involve construction of substantial new government facilities. BMPs implemented to comply with the Basin Plan amendment may involve installation of fencing to keep people out and thus necessitate addition police protection. BMPs implemented to comply with the Basin Plan amendment may also be placed in parks; however, the BMPs will not cause significant environmental impacts. The Basin Plan amendment would not affect service ratios, response times, or other performance objectives for fire protection, schools, or other public facilities.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**XV. RECREATION:**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

a) The Basin Plan amendment could result in temporary closure of roads or trails in portions of Los Peñasquitos Canyon Preserve or other regional and city parks during road and trail restoration activities. These short term closures could result in increased visitors to other portions of these parks or, perhaps, to other park or open space destinations in the vicinity. However, the project would not result in substantial physical deterioration of park or recreation facilities. Potential changes in recreational use patterns are expected to cause less than significant impacts on the environment. No recreational facilities would need to be constructed or expanded.

b) Although the Basin Plan amendment could result in some changes in road and trail configurations or permitted uses that could alter recreational use patterns these changes would not result in the need for construction of or expansion of recreational facilities that could have an adverse affect on the environment and any short-term changes would be less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**XVI. TRANSPORTATION/TRAFFIC:** Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a) Basin Plan amendment actions could result in minor construction that would require the use of heavy equipment and trucks to move soil, longs, or other materials needed for road, hillslope, and/or stream channel restoration. Any increase in traffic would be temporary and would be limited to local areas in the vicinity of individual restoration projects and would not create substantial traffic in relation to the existing load and capacity of existing street systems.

b) Because the Basin Plan amendment would not increase population or provide employment, it would not generate any ongoing motor vehicle trips and would not affect level of service standards established by the county congestion management agency. Therefore, the Basin Plan amendment would not result in permanent, substantially increases in traffic above existing conditions and impacts would be less than significant.

c) The Basin Plan amendment would not affect air traffic and no impacts are anticipated.

d) The Basin Plan amendment does not include provisions for the construction of new roads and no new hazards due to the design or engineering of the road network in the

Los Peñasquitos Creek watershed would occur. No road design or construction hazards would occur.

e) The Basin Plan amendment would not result in inadequate emergency access and no impacts would occur.

f) Because the Basin Plan amendment would not increase population or provide employment, it would not affect parking demand or supply, and no impacts would occur.

g) Because the Basin Plan amendment would not generate ongoing motor vehicle trips, it would not conflict with adopted policies, plans, or programs supporting alternative transportation.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>XVII. UTILITIES AND SERVICE SYSTEMS:</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

a) The project would amend the Basin Plan, which is the basis for wastewater treatment requirements to improve water quality and the environment in the Lagoon; therefore, the Basin Plan amendment would be consistent with such requirements and no impacts would occur.

b) The Basin Plan amendment does not include changes to wastewater treatment facilities and no impacts would occur.

c) Basin Plan amendment-related projects are likely to include construction of new or expanded stormwater drainage facilities, designed to treat accelerated stormwater flows and reduce pollutants in stormwater runoff. Construction of these facilities may cause temporary impacts to air quality, greenhouse gas emissions, and biological resources. Mitigation measures for these impacts are discussed in the above sections. Unless lead agencies (responsible parties to the TMDL) adhere to the regulatory requirements of the Air Board or the Department of Fish and Game, impacts could be significant.

d) Because implementation of the Basin Plan amendment would not increase population or provide employment, it would not require an ongoing water supply. Construction and maintenance of structural and non-structural BMPs would not require significant amounts of water supply. Therefore, no impacts would occur.

e) Because implementation of the Basin Plan amendment would not increase population or provide employment, it would not require an ongoing water supply or additional wastewater treatment services. Therefore, no impacts would occur.

f) Basin Plan amendment implementation may affect municipal solid waste generation or landfill capacities, related to ongoing maintenance of BMPs. Such maintenance is likely to result in removal of debris and sediments from culverts, sedimentation basins, etc. The net volume of waste will be relatively small in infrequent; therefore, impacts will be less than significant.

g) The waste generated from BMP maintenance will be subject to federal, state, and local statutes and regulations related to solid waste. Such waste is not expected to contain pollutants or materials that would violate statutes and regulations. Thus no impacts would occur.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a) When taken as a whole, the Basin Plan amendment would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, or eliminate important examples of the major periods of California history or prehistory. The proposed Basin Plan amendment is intended to benefit fish and wildlife species in the Los Peñasquitos Lagoon by decreasing fine sediment supply and enhancing riparian habitat conditions such that fish and wildlife species and their populations in and near waters of the state thrive. That said, as described above, although the probability is low, it is possible that compliance projects could have adverse impacts to air quality, biological resources, greenhouse gas emissions, and stormwater utilities. Without the details of specific compliance projects, it is impossible to determine the scope and extent of such impacts. If such impacts exist, however, when reviewing and acting on compliance projects, the Water Board is required to and will protect and minimize impacts, as required under the Water Code and the Basin Plan. For impacts not within the Water Board’s jurisdiction, although other responsible state and federal agencies can and should mitigate the impacts, such impacts remain potentially significant.

b) As discussed above, although improbable, it is possible that projects that may be implemented to comply with the Basin Plan amendment may cause project specific impacts that could be potentially significant to air quality, biological resources, greenhouse gas emissions, and stormwater utilities. However, these impacts would be individually limited, and most would be of short-term duration. As specific implementation proposals are developed and proposed in Load Reduction Plans the Water Board would either disapprove projects with significant and unacceptable impacts or require mitigation measures, such as the implementation of best construction management practices, to ensure that impacts remain less than significant. Therefore, these future projects would have less than significant cumulatively considerable significant impacts.

c) The Basin Plan amendment would not cause any substantial adverse effects to human beings, either directly or indirectly. The Basin Plan amendment is intended to

benefit human beings through implementation of actions to improve water quality and enhance habitat in Los Peñasquitos Lagoon.

## **6 Economic Factors**

This section presents the San Diego Water Board's economic analysis of the most reasonably foreseeable methods of compliance with the Basin Plan amendment to incorporate the sediment TMDL for the Lagoon.

### **6.1 Legal Requirement for Economic Analysis**

The San Diego Water Board must comply with CEQA when amending the Basin Plan.<sup>3</sup> The CEQA process requires the San Diego Water Board to analyze and disclose the potential adverse environmental impacts of a Basin Plan amendment that is being considered for approval. TMDL Basin Plan amendments typically include "performance standards."<sup>4</sup> TMDLs normally contain a quantifiable numeric target that interprets the applicable WQO. TMDLs also include WLAs for point sources and LAs for both nonpoint sources and natural background. The quantifiable target together with the allocations may be considered a performance standard.

CEQA has specific provisions governing the San Diego Water Board's adoption of regulations such as the regulatory provisions of Basin Plans that establish "performance standards" or treatment requirements.<sup>5</sup> These provisions require that the San Diego Water Board perform an environmental analysis of the reasonably foreseeable methods of compliance with the WLAs and LAs prior to the adoption of the TMDL Basin Plan amendment. The San Diego Water Board must consider the economic costs of the methods of compliance in this analysis.<sup>6</sup> The proposed Basin Plan amendment does not include new WQOs but implements existing objectives to protect beneficial uses. The San Diego Water Board is therefore not required to consider the factors in Water Code section 13241 (a) through (f).

The most reasonably foreseeable methods of compliance with this Basin Plan amendment is for dischargers to implement structural and non-structural controls. Additionally, dischargers will need to conduct monitoring to evaluate the effectiveness of the controls they implement.

Porter Cologne Water Quality Control Act, Article 3, section 13141, California Water Plan, states that "prior to implementation of any agricultural water quality control program, an estimate of the total cost of such a program, together with an identification

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<sup>3</sup> Public Resources Code section 21080

<sup>4</sup> The term "performance standard" is defined in the rulemaking provisions of the Administrative Procedure Act (Government Code sections 11340-1 1359). A "performance standard" is a regulation that describes an objective with the criteria stated for achieving the objective. [Government Code section 11342(d)].

<sup>5</sup> Public Resources Code sections 21159 and 21159.4

<sup>6</sup> See Public Resources Code section 21159(c)

of potential sources of financing, shall be indicated in any regional water quality control plan.” Section 5.2.3 in this document addresses this requirement.

## **6.2 TMDL Project Implementation Costs**

The specific controls to be implemented for bacteria reduction will be chosen by the dischargers after adoption of this TMDL Basin Plan amendment. All costs are preliminary estimates only since particular elements of a control, such as type, size, and location, would need to be developed to provide a basis for more accurate cost estimations. Identifying the specific controls that dischargers will choose to implement is speculative at this time and the controls presented in this section serve only to demonstrate potential costs. Therefore, this section discloses typical costs of conventional controls for urban runoff, as well as monitoring program costs. The Implementation Plan for these TMDLs does not require additional controls for stormwater runoff from agriculture, livestock, and horse ranch facilities other than what is already required in existing WDRs for these facilities, and in the Basin Plan WDR Waiver Policy. Therefore, there will be no additional costs to agricultural and livestock facility owners and operators to comply with these TMDLs.

## **6.3 Cost Estimates of Typical Controls for Urban Runoff Discharges**

Approximate costs associated with typical non-structural and structural BMPs that might be implemented in order to comply with the requirements of this TMDL project are provided below. The BMPs are divided into non-structural and structural classes. Cost estimates for structural BMPs cited from “*Stormwater Best Management Practice Handbook – New Development and Redevelopment. 2009*” are for new construction costs only (CASQA, 2009). These estimates generally do not take into account retrofit of existing structures or the potential purchase on land needed for the BMP. Cost estimates provided by Caltran’s *BMP Pilot Retrofit Pilot Program* were from BMPs retrofitted on existing State owned land (Caltrans, 2004).

Not all potential BMPs are analyzed for cost. Sufficient estimates of high-cost and low-cost BMPs were calculated to provide a cost range for compliance with this TMDL.

### **Non-Structural Controls**

**Public Outreach and Education:** Education and outreach to residents, businesses and industries can be a very effective tool. The cost of educational programs will vary with the scope of efforts and are estimated range up to \$210,900. Educational materials can cost from 10¢ per flyer to \$1,750 for household surveys (USEPA, 1999). Because education and outreach efforts are typically a component of water quality programs, the cost to develop educational programs and materials to comply with the TMDL project requirements are expected to be less than estimated because the programs and materials addressing stormwater and urban runoff related issues may already exist.

**Enforcement of Permits and Local Ordinances:** Construction and industrial sites, and residential and commercial areas may contribute significant sediment loads directly to the creeks that feed the Lagoon. Identification of illegal connections can be done

through visual inspection. Visual inspection of the storm drain system can cost from \$1,250 to \$1,750 per square mile (USEPA, 1999).

### **Structural Controls**

**Buffer Strips and Vegetated Swales:** Vegetated buffer strips are vegetated surfaces that are designed to treat sheet flow from adjacent surfaces, such as parking lots, highways, and rooftops (CASQA, 2009). The costs associated with vegetated buffer strips vary and are dependent of the costs associated with establishing the vegetation. Cost estimates range from \$0.25 to \$0.50 per square foot. Additional costs could include the purchase of land for the buffer strip (CASQA, 2009). Maintenance of the buffer strip consists mainly of irrigation, mowing, weeding, and litter removal. Costs are estimated to be between \$0.56 to \$0.75/linear foot (CASQA, 2003). Caltrans reported actual construction costs of a buffer strip for Carlsbad Maintenance Station to be \$81,000 with average annual maintenance cost of \$1,900 (Caltrans, 2004).

**Sedimentation Basins:** Sedimentation basins, also known as extended detention basins, are basins whose outlets have been designed to detain the stormwater runoff to allow particles to settle. The construction costs associated with extended detention basins vary considerably. Using the equation  $C=12.4V^{0.760}$ , where C is the cost and V is the volume, a 1 acre-foot pond costs \$41,600 and a 100 acre-foot pond costs \$1,380,000. Maintenance costs are between 3 and 10 percent, not including any cost to dispose of the accumulated sediment (CASQA, 2009).

**Storm Drain Repair and Replacement:** Repairing and replacing existing storm drain systems will allow the existing controls to properly function, thus minimizing and/or eliminating erosion below storm drain outfalls. Such projects may include replacement of existing pipes and work on existing drainage easements. The 7017 Keighley Court Storm Drain Repair Project in the City of San Diego is estimated to cost \$277,714 (City of San Diego, No date).

**Stream and Lagoon Restoration:** The overall cost of enhancing the larger, neighboring Batiquitos Lagoon was approximately \$57 million, which included planning, permitting, design, and management/administrative costs, as well as funding of the long-term maintenance program. The San Dieguito Lagoon restoration project, which will be funded by Southern California Edison as mitigation for continued operation of the San Onofre nuclear power plant is estimated to cost between \$50 million to \$100 million (California Planning & Development Report, 2003).

Stream bank stabilization projects within the Wind River in Washington differ from restoration projects in the San Diego Region in many ways, but the Wind River projects offer costs for stream bank stabilization, channel rehabilitation, and riparian reforestation projects.

Stream channel rehabilitation consists of a myriad of activities ranging from total channel reconstruction to reconstructing log jams that serve as channel slope grade controls to maintain or restore flood plain connectivity. Riparian reforestation activities

include planting conifers, hard woods and shrubs with conventional hand crews to transplanting whole trees and shrubs with heavy equipment.

Costs for bank stabilization on public lands within the Wind River ranged from approximately \$46,000 to \$222,000 per river mile. For channel rehabilitation, the US Forest Service cost ranged from \$41,000 to \$137,000 per river mile with a mean of \$86,000 per river mile. Riparian reforestation cost ranged from approximately \$4,000 to almost \$8,000 per mile, and with an average of \$5,000 a river mile, or \$110 per acre (Bair, No date).

**Low Impact Development (LID):** LID emphasizes conservation and use of on-site natural features to protect water quality. This approach implements engineered small-scale hydrologic controls to replicate the pre-development hydrologic regime of watersheds through infiltrating, filtering, storing, evaporating, and detaining runoff close to its source. The cost of a rain barrel is approximately \$216 for a single residential lot. The cost of cistern can range from \$160 for 165 gallon polyethylene tank to \$10,000 for a 5,000 gallon fiberglass/steel composite tank. Installation of a green roof cost between \$8-15 per square foot (Low Impact Development Center, 2007). Costs of installing LID technologies do not factor in any cost savings.

**Sand Filters:** Media (sand) filters are commonly used to treat runoff from small sites such as parking lots and small developments, in areas with high pollution potential such as industrial areas, or in highly urbanized areas where land availability or costs preclude the use of other BMP types (USEPA, 1999). An Austin Sedimentation-Filtration System (a type of surface sand filter) is estimated to cost \$18,500 (CASQA, 2003). A sand filter constructed at the La Costa Park and Ride for a 2.7-acre watershed area cost \$226,000 with an average annual maintenance cost of \$870 (Caltrans, 2004). Maintenance costs of the sand filters may be substantially increased when the filters are used to treat runoff for sediment.

#### **6.4 Cost Estimates for Surface Water Monitoring**

Water quality and flow monitoring for inland surface water will be required to measure the effectiveness of controls implemented by the dischargers to reduce sediment loads. This additional monitoring will add to the costs of implementing this TMDL.

The TMDL does not specify the locations and frequencies of sampling of inland surface waters and the Lagoon to measure the effectiveness of sediment load reduction controls. A monitoring plan individually tailored must be formulated and implemented by the dischargers.

This analysis discloses the costs of collecting, transporting, and analyzing a water sample for total suspended sediment and total suspended solids for which the numeric targets were derived from using the models. The laboratory analytical costs were taken from the San Diego Water Board's Laboratory Services Contract cost tables. Where different analytical methods were available, the more expensive method was used in the estimate. Staff costs were estimated based on a two person sampling team in the field

for an 8-hour day. The staff costs were estimated based on a billing rate of \$150 per hour, the rate used for billing San Diego Water Board staff costs in the Cost Recovery Programs. This rate includes overhead costs. The vehicle costs were estimated assuming a distance traveled of 100 miles per day, and a vehicle cost of \$0.51 per mile, the per diem reimbursement rate for San Diego Water Board staff when they use their own cars for State business. This analysis assumes that the dischargers possess basic field monitoring equipment, including meters to measure temperature, conductivity, and pH, and equipment to measure flow in the field. Assuming that a two-person sampling team can collect samples at 5 sites per day, the total cost for one day of sampling would be \$2,851. No additional costs were computed for these items. Surface water monitoring costs are summarized in the Table 5-1 below.

*Table 5-1. Cost Estimates for Surface Water Monitoring*

<b>Expenditure</b>	<b>Cost per Unit</b>
Laboratory Analyses	
Suspended Sediment	\$50 per sample
Total Suspended Solids	\$30 per sample
Staff Costs	\$300 per hr
Vehicle Costs	\$0.51 per 100 mi

## **7 Reasonable Alternatives to the Proposed Activity**

The environmental analysis must include an analysis of reasonable alternatives to the proposed activity.<sup>7</sup> The proposed activity is a Basin Plan Amendment to incorporate bacteria TMDLs for the beaches and creeks in the San Diego Region. The purpose of this analysis is to determine if there is an alternative that would feasibly attain the basic objective of the rule or regulation (the proposed activity), but would lessen, avoid, or eliminate any identified impacts. The alternatives analyzed include taking no action and modifying water quality standards. The alternatives are discussed in the subsections below.

### **7.1 No Action Alternative**

Under the “no action” alternative, the San Diego Water Board would not adopt the proposed TMDL Basin Plan amendment, and sediment loading would likely continue at current or accelerated levels. The “no action” alternative 1) does not comply with the CWA; 2) is inconsistent with the mission of the San Diego Water Board; and 3) does not meet the purpose of the proposed TMDL Basin Plan Amendment. Under CWA section 303(d), the San Diego Water Board is obligated to adopt a TMDL project for waters that do not meet water quality standards.<sup>8</sup> Therefore the “no action” alternative is not viable and cannot be considered an acceptable alternative.

<sup>7</sup> 23 CCR section 3777

<sup>8</sup> Water quality standards are comprised of designated beneficial uses, the applicable numeric and/or narrative WQOs to protect those uses, and the SWRCB’s anti-degradation policy provisions (Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*).

## 7.2 Water Quality Standards Action

Another alternative to adopting the TMDL Basin Plan amendment is the modification of water quality standards. If the applicable standards are not appropriate, a plausible regulatory response may be to correct the standards through mechanisms such as a use attainability analysis (UAA) or a site-specific objective (SSO). If the estuarine beneficial use or other beneficial uses impacted by sediment are improperly designated for the Lagoon, or if the WQO for sediment would be less stringent than what is reported in the Basin Plan, the TMDL might not be necessary, or the required pollutant load reductions might be lower. This alternative might lessen or eliminate the adverse impacts associated with constructing structural BMPs by eliminating the need for structural BMPs or reducing the number of structural BMPs necessary. This alternative should not be construed as implying that standards may be changed as a convenient means of “restoring” waterbodies. To the contrary, federal and state law contain numerous detailed requirements that in many cases would prevent modifications of the standards, especially if modifications would result in less stringent waste discharge requirements. However, modification of standards may be appropriate to make uses more specific, to manage conflicting uses, to address site-specific conditions, and for other such reasons.<sup>9</sup>

As a first step in developing TMDLs, the San Diego Water Board confirmed the impairment status of the Lagoon from the available evidence, that sediment loads exceeded water quality objectives that support the estuarine beneficial use. At this time, the San Diego Water Board has no evidence that the estuarine beneficial use was inappropriately designated for the Lagoon. Therefore based on the available information, an action to de-designate the estuarine beneficial use may be harmful to the environment, and this option is not preferred.

Developing SSOs for sediment in the Lagoon may be appropriate if epidemiology or other scientific studies demonstrate that less stringent water quality objectives would still be protective, or if better indicator(s) are identified. SSOs should be (1) based on sound scientific rationale; (2) protective of the designated beneficial uses of the Lagoon; and (3) adopted by the San Diego Water Board in a Basin Plan amendment.

There are no efforts currently underway or planned by interested persons to fund the scientific studies needed to develop SSOs for sediment in the Lagoon. Furthermore, the development of SSOs for sediment in the Lagoon, including the scientific and epidemiological studies necessary to support them, would be costly, time-consuming, and resource intensive.

Even in the event that scientific studies were initiated and SSOs developed and adopted, the need for a TMDL likely would not be eliminated. If SSOs for sediment were developed in the future and adopted, this TMDL Basin Plan Amendment would be modified accordingly. If interested parties were willing to fund and oversee development of scientific studies to investigate SSOs, the most effective and

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<sup>9</sup> SWRCB. 2005. *A Process for Addressing Impaired Waters in California*, June 2005

expeditious means to improve water quality would be to conduct these studies concurrent with actions necessary to achieve compliance with the current TMDL.

### **7.3 Additional Numeric Target(s) for Sediment**

Under the proposed Basin Plan amendment, the Water Board will adopt one numeric target related to the loading of sediment to the Lagoon. This target allows for long term analysis of total sediment load to the Lagoon and utilizes existing suspended solids and flow data.

Under Alternative 3, additional monitoring parameters and target values would be proposed to evaluate relationships between sedimentation and water quality. These water quality targets may include but would not be limited to a measure of: 1) embeddedness of coarse particles, 2) streambed particle size distribution, 3) bank stability, or 4) percent impervious land. Implementation of this alternative would require development of accurate estimates of each of these parameters.

This alternative would be associated with similar physical environmental impacts as the proposed Basin Plan amendment. It would require additional costs to develop numeric targets, collect monitoring data, and to refine our understanding of spatial and temporal trends in these additional water quality targets. The water quality targets proposed in the proposed Basin Plan amendment are adequate to allow for accurate determination of the effectiveness of sediment reduction measures in the initial years of TMDL monitoring.

While this alternative would satisfy legal requirements associated with the Clean Water Act, it would be associated with additional regulatory requirements and cost that at this time are not justified.

### **7.4 Preferred Alternative**

Because the previous three alternatives discussed are not expected to attain the basic objective of the proposed activity at this point in time, the preferred alternative is the proposed activity itself, which is the Basin Plan amendment incorporating the sediment TMDL.

## **8 CEQA Determination**

### **8.1 Statement of Overriding Consideration**

A statement of overriding considerations must be made when an agency approves a project that will result in significant impacts. The statement of overriding considerations justifies why the agency is approving the project even though significant impacts have been identified.<sup>10</sup>

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<sup>10</sup> Public Resources Code, section 15093

The implementation of this TMDL will result in improved water quality in the San Diego region, but it may result in temporary or permanent localized significant adverse impacts to the environment. Specific projects employed to implement the TMDL may have significant impacts, but these impacts are expected to be limited, short-term, or may be mitigated through careful design and scheduling. The Staff Report, the draft Basin Plan amendment, and the Environmental Checklist and associated analysis provide the necessary information pursuant to state law<sup>11</sup> to conclude that properly designed and implemented structural or non-structural methods of compliance will not have a significant adverse effect on the environment, and all agencies responsible for implementing the TMDL should ensure that their projects are properly designed and implemented. Any of the potential impacts need to be mitigated at a subsequent project level because they involve specific sites and designs not specified or specifically required by the Basin Plan amendment to implement the TMDL. At this stage, any more particularized conclusions would be speculative.

Specific projects that may have a significant impact would be subject to a separate environmental review. The lead agency for subsequent projects would be obligated to mitigate any impacts they identify, for example, by mitigating potential aesthetic impacts by designing the BMPs with adequate margins of safety.

Furthermore, implementation of the TMDL is both necessary and beneficial. If at some time, it is determined that the alternatives, mitigation measures, or both, are not deemed feasible by those local agencies, the necessity of implementing the federally required TMDL and removing the sediment impairment in the Lagoon (an action required to achieve the express, national policy of the Clean Water Act) remains.

The benefits of meeting water quality standards to achieve the expressed, national policy of the Clean Water Act far outweigh the potential adverse environmental impacts that may be associated with the projects undertaken by persons responsible for reducing discharges of sediment to the Lagoon. Meeting water quality standards and the national policy of the Clean Water Act is a benefit to the people of the state because of their paramount interest in the conservation, control, and utilization of the water resources of the state for beneficial use and enjoyment (Water Code section 13000). Furthermore, the health, safety and welfare of the people of the state requires that the state be prepared to exercise its full power and jurisdiction to protect the quality of waters in the state from degradation, particularly including degradation that unreasonably impairs the water quality necessary for beneficial uses.

Water quality that supports the beneficial uses of water are necessary for the survival and well being of people, plants, and animals. Beneficial uses of water serve to promote the social and environmental goals of the people of the San Diego Region and require water quality suitable for the protection of human health, aquatic life, and aquatic dependent wildlife.

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<sup>11</sup> Public Resources Code, section 21159

In addition, implementation of the TMDL will have substantial benefits to water quality and will enhance beneficial uses. Enhancement of the estuarine beneficial use will have positive, indirect social and economic effects by increasing the natural habitat and aesthetic value of the Lagoon. These substantial benefits outweigh any unavoidable temporary adverse environmental effects.

## **8.2 Findings Requirement for Significant Effects**

In accordance with state law,<sup>12</sup> the San Diego Water Board makes the following findings regarding potentially significant impacts:

1. Although the proposed project could have significant effect on air quality, changes or alterations are within the responsibility and jurisdiction of another public agency and not the San Diego Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The San Diego County Air Pollution Control District is focused on protecting the public from the harmful effects of air pollution. The District's programs and efforts are geared toward achieving and maintaining air quality standards, fostering community involvement, and developing and implementing cost-effective programs that meet state and federal mandates. Air quality is continuously monitored throughout the San Diego Air Basin, and programs are developed to bring about emission reductions. The District also issues permits to limit pollution, ensures that air pollution control laws are followed, and administers funds that are used to reduce regional mobile source emissions.

The District could and should require mitigation measures to reduce potential impacts to ambient air quality due to increased traffic during short-term construction and long-term maintenance activities. Mitigation measures could include, but are not limited to, the following: 1) use of construction, maintenance, and street sweeper vehicles with lower-emission engines, 2) use of soot reduction traps or diesel particulate filters, 3) use of emulsified diesel fuel, 4) use of vacuum-assisted street sweepers to eliminate potential re-suspension of sediments during sweeping activity, 5) the design of structural devices to minimize the frequency of maintenance trips, and/or 6) proper maintenance of vehicles so they operate cleanly and efficiently.

To mitigate for generation of fugitive dust and emissions (particulate matter), an operations plan for the specific construction and/or maintenance activities will be completed in accordance with the applicable Air Resources Board emissions standards and existing programs within the cities and county. The operations plans will address the variety of available measures to limit the ambient air quality impacts. These could include vapor barriers and moisture control to reduce transfer of particulates and dust to air.

2. Although the proposed project could have significant effect on biological resources, changes or alterations are within the responsibility and jurisdiction of another public

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<sup>12</sup> Public Resources Code, section 15091

agency and not the San Diego Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency. Projects proposed, that could affect sensitive species, to comply with the Basin Plan amendment implementation requirements would be subject to review and approval by the Water Board and/or other resource agencies such as Department of Fish and Game and U.S. Fish and Wildlife Service (in consultation with the Water Board).

State and federal laws prohibit the take of special status species and their habitats except where incidental take permits have been issued. When issuing incidental take permits, state and federal agencies must ensure that the impacts of the take are minimized and mitigated to the maximum extent possible and ensure that the take will not appreciably reduce the likelihood of the survival and recovery of the species.

Under the Nationwide or Individual Permit programs administered by the U.S. Army Corps of Engineers (per Section 404 of the Clean Water Act) there are general conditions that require that, for projects that may adversely affect wetlands, responsible parties must demonstrate that avoidance, minimization, and mitigation has occurred to the maximum extent practicable to ensure that adverse impacts to the aquatic environment are minimal. Furthermore, for all potential projects where wetland losses would exceed 0.1 acres, applicants are required to provide compensatory mitigation at a ratio that is at least 1:1. For projects where wetland losses are less than 0.1 acre, on a case by case basis the District Engineer may require compensatory mitigation.

3. Although the proposed project could have significant effect on greenhouse gas emissions, changes or alterations are within the responsibility and jurisdiction of another public agency and not the San Diego Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The San Diego County Air Pollution Control District is focused on protecting the public from the harmful effects of air pollution. The District's programs and efforts are geared toward achieving and maintaining air quality standards, fostering community involvement, and developing and implementing cost-effective programs that meet state and federal mandates. Air quality is continuously monitored throughout the San Diego Air Basin, and programs are developed to bring about emission reductions. The District also issues permits to limit pollution, ensures that air pollution control laws are followed, and administers funds that are used to reduce regional mobile source emissions.

The District could and should require mitigation measures to reduce potential impacts from greenhouse gases generated due to increased traffic during short-term construction and long-term maintenance activities. Mitigation measures could include, but are not limited to, the following: 1) use of construction, maintenance, and street sweeper vehicles with lower-emission engines, 2) use of soot reduction traps or diesel particulate filters, 3) use of emulsified diesel fuel, 4) use of vacuum-assisted street sweepers to eliminate potential re-suspension of sediments during

sweeping activity, 5) the design of structural devices to minimize the frequency of maintenance trips, and/or 6) proper maintenance of vehicles so they operate cleanly and efficiently.

To mitigate for generation of fugitive dust and emissions (particulate matter), which contribute to greenhouse gas effects, an operations plan for the specific construction and/or maintenance activities will be completed in accordance with the applicable Air Resources Board emissions standards and existing programs within the cities and county. The operations plans will address the variety of available measures to limit the emission of greenhouse gases. These could include vapor barriers and moisture control to reduce transfer of particulates and dust to air.

4. Although the proposed project could result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, changes or alterations are within the responsibility and jurisdiction of another public agency and not the San Diego Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency. Because the Basin Plan amendment will likely result in construction or repair of stormwater facilities, the information supporting this finding has already been discussed above in findings 1-3 in regards to air quality, biological resources, and greenhouse gas emissions.
5. The Basin Plan amendment has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, or eliminate important examples of the major periods of California history or prehistory. The proposed Basin Plan amendment is intended to benefit fish and wildlife species in the Los Peñasquitos Lagoon by decreasing fine sediment supply and enhancing riparian habitat conditions such that fish and wildlife species and their populations in and near waters of the state thrive. That said, as described above, although the probability is low, it is possible that compliance projects could have adverse impacts to air quality, biological resources, greenhouse gas emissions, and stormwater utilities. Without the details of specific compliance projects, it is impossible to determine the scope and extent of such impacts. If such impacts exist, however, when reviewing and acting on compliance projects, the Water Board is required to and will protect and minimize impacts, as required under the Water Code and the Basin Plan. For impacts not within the Water Board's jurisdiction, other responsible state and federal agencies can and should mitigate the impacts, but until such time as this occurs, such impacts remain potentially significant. The actions required by such agencies to mitigate impacts is discussed in findings 1-3, above.