SAN DIEGUITO RIVER VALLEY JOINT POWERS AUTHORITY CANDIDATE FINDINGS REGARDING THE ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS) FOR THE SAN DIEGUITO WETLAND RESTORATION PROJECT AND PARK MASTER PLAN FOR THE COASTAL AREA OF THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK

19039

INTRODUCTION

The San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA) is the CEQA lead agency for the San Dieguito Wetlands Restoration Project and Park Master Plan for the Coastal Area of the San Dieguito River Valley Regional Open Space Park (herein Project). Incident to its certification of the EIR/EIS for the Project as reflected in JPA Board Resolution No. R00-8, the Board adopts the following Findings in compliance with CEQA. In making these findings the JPA has identified the impacts disclosed in the EIR/EIS, and with respect to each has made one or more of the findings called for by CEQA (Public Resources Code Section 21081(a); CEQA Guidelines Section 15091(a), i.e.,: (1) that changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the effect; (2) that the agency making the findings lacks jurisdiction to make the change, but that another agency does have such authority, and either has made, or can and should make, the change; and (3) that specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the final EIR/EIS.

Where the JPA has determined that mitigation measures can and will be imposed to reduce impacts, the specifics of the proposed mitigation measures are set out in the Mitigation Monitoring and Reporting Program (MMRP) approved by the JPA, and the reader is referred to that document for the specifics of the mitigation measures.

With respect to each finding the JPA has summarized the evidence in support of the finding. The reader must recognize, however, that the Findings contain only a summary, and there is much additional information in the EIR/EIS itself, including in the comments and responses thereto, as well as elsewhere in the record of proceedings.

Overall, the JPA has concluded that Project implementation will have a net, beneficial effect through the restoration and return of a major portion of the San Dieguito Wetlands System to a more natural and biologically productive condition. The JPA has also concluded, overall, that nearly all of the potentially significant adverse impacts of the Project as set forth in the EIR/EIS can and will be mitigated to a level of insignificance. Finally, as set forth in these Findings and in the Statement of Benefits and Overriding Considerations, the JPA has concluded that with respect to those few remaining significant impacts (1) they cannot be mitigated further due to economic, legal, social, technological, or other considerations and (2) there are substantial overriding benefits and considerations which justify Project approval notwithstanding these unavoidable impacts.

SECTION 1. - PROJECT IMPACTS THAT ARE NOT SIGNIFICANT

LAND USE

IMPACT 1.1: *Use of haul roads and Staging Areas SA1, SA2 and SA4 could be incompatible with nearby uses.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

Use of haul roads and Staging Areas could increase noise, dust and visual impacts on nearby areas, particularly for beachfront properties along Sandy Lane south of the river inlet as a result of SA1 and residential uses on the hillside above Staging Area SA2. Construction Staging Areas would be returned to their previous condition following construction and any temporarily installed water or power would be removed. Access would be along existing roads. Construction Staging Areas SA2 and SA4 consist mostly of vacant lands although there are residential uses on the hillside above SA2.

Because the activities in Staging Areas SA1 and SA2 would be temporary, (1 to 2 months if the activity at SA1 is limited to only channel dredging, 6-8 months if the over dredge disposal option is selected, 4-6 months at SA2 for stone revetment construction, 6-8 months for W1 if dredging is selected as the method for excavation W1 and the adjoining channel, the land use conflict impacts to surrounding residents are considered adverse but less than significant.

Although SA4 would be utilized for 1 to 2 years, no sensitive land uses occur in the vicinity of SA4, therefore no land use impacts are anticipated. Access for existing utility maintenance would not be impacted by Project use of the existing utility easement for access to SA4.

None of the haul roads within the Project site to connect restoration areas to potential Disposal Sites would be located in proximity to sensitive land uses. Noise impacts, which have been considered a factor in determining land use impacts, can be mitigated to less than significance as found below in **Impacts 2.59, 2.60 and 2.62.**

IMPACT 1.2: *Use of area SA1 during construction will reduce the area available for recreational uses on the beach.*

FINDING: Not significant.

19041

FACTS IN SUPPORT OF FINDING:

Portions of the beach area between the railroad bridge and the ocean would not be available for use by the public during construction, resulting in the temporary loss of areas currently used for recreational purposes such as volleyball, sunbathing, and playing in the channel inlet. Periodic disruption of beach use would also occur during maintenance dredging.

These impacts are considered adverse, but not significant because the impacts are temporary, the loss is limited to the immediate construction area at the river mouth, and public access to nearby unfenced beach areas, will be retained. Walkers and joggers will be unable to cross the river mouth along the beach but will be able to cross the river via the immediately adjacent bridge at Camino Del Mar. Safe access to the beach will be retained via a fenced access way.

Although the JPA finds that the short-term loss of this recreational use is not a significant impact, the JPA also makes the alternative finding that if such a loss were to be determined to be significant, the JPA would find that the benefits of the Project, including the long-term enhanced recreational benefits, override any short-term losses to recreation that may occur as a result of implementation of the Project. The Project balances the need to restoring important coastal resources with the desire to maximize recreational opportunities on the beach.

IMPACT 1.3: *Use of construction Staging Areas SA2, SA3 and SA4 could impact recreational uses in the area.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

Authorized recreational uses are not anticipated to be impacted by the use of construction Staging Areas SA2, SA3 and SA4. No recreational uses occur on or near SA2 and SA4.

Unauthorized access into the Fish & Game property from Racetrack View Drive would be eliminated as a result of the fencing that will be installed along the proposed access road to SA3. The fencing along the length of the access/haul road is required for safety and security during construction, and for habitat protection from human and domestic intrusion following restoration of the area.

This impact is considered adverse but not significant because the uses of the Fish & Game property are informal and unauthorized uses and will be incompatible with the restoration Project after construction. Future access on designated trails within other portions of the restoration area will more than offset this loss.

The approval of the over-excavation disposal option as one of the disposal options for the Project would also require a construction Staging Area in the same general location, although the size would be somewhat smaller as less equipment would be required to dispose of beach quality sand on the beach. The length of time that a Staging Area would be required for this activity would depend upon the amount of over-excavation that is undertaken. The Staging Area could be required for a period of between 2 and 6 months. Use of the Staging Area for delivery of sand to the beach under the over-excavation option would occur prior to use of the area for the opening of the inlet channel, which would occur in the last year of Project construction.

Although the JPA finds that the short-term potential loss of some recreational use is not a significant impact, the JPA also makes the alternative finding that if such a loss were to be determined to be significant, the JPA would find that the benefits of the Project, including the long-term enhanced recreational benefits, override any short-term losses to recreation that may occur as a result of implementation of the Project.

IMPACT 1.4: *Excavation/construction during Project construction and maintenance will result in changes to the beach and the loss of use of areas adjacent to the river mouth for activities such as volleyball, bocce ball, picnicking, sunbathing, dog walking, and other beach activities.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The proposed Project would return the channel to its more historic configuration, with the river mouth open, and will result in the consequent loss of some intermittently dry areas that are currently sometimes available for recreational uses. However it should be noted that due to natural changes in the inlet and in beach width, tidal and river flow, the pre-project areas that will be lost are not always available for recreational use. Pre-project following heavy rains, the channel may be wider and deeper than at drier times of year, while during dry years the inlet channel may close completely thus providing a large open sandy area. Also during dry years the water in the channel due to stagnation and ponding has on occasion been deemed a potential health risk and the channel area has as a result been closed to public use. The proposed Project would significantly reduce or eliminate the variability of these conditions resulting in better, more stable and predictable recreational opportunities.

The impacts of dredging and excavation to recreational uses are considered adverse but not significant because the area lost is not always available under

current conditions, and there would continue to be room for volleyball and other activities on the beach area both north and south of the river mouth.

For the over-excavation alternative, if beach disposal were used, it would disrupt recreational use for 6 to 8 months on up to 30 acres of the beach located north and south of the river inlet. Use of portions of the beach would periodically be restricted in order to accommodate the sand disposal activities. Once on shore disposal is completed, the additional sand, estimated at 8,000 cubic yards per day, would be a benefit to beach users.

Near shore disposal would also have potential temporary adverse impacts on beach users from equipment on the beach and in the water.

Although the JPA finds that the loss of this recreational use is not a significant impact, the JPA also makes the alternative finding that if such a loss were to be determined to be significant, the JPA would find that the benefits of the Project, including the long-term enhanced recreational benefits, override any losses to recreation that may occur as a result of implementation of the Project.

IMPACT 1.5: *Excavation and dredging has the potential to impact recreational uses east of I-5.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

Recreational uses east of I-5 generally do not occur and are limited to activities within existing utility easements due to ease of accessibility. The proposed Project would provide additional recreational opportunities in areas currently closed to public use. The Project would have a beneficial impact on recreational uses east of I-5.

IMPACT 1.6: *Disposal Sites DS32 through DS36 and DS44 have the potential to be incompatible with surrounding land uses.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

19044

Portions of proposed Disposal Sites DS32, located east of I-5 and just to the south of Via de la Valle and sites DS33 through DS36, located south of the River and west of El Camino Real, are currently under cultivation. The permanent displacement of existing agricultural uses is addressed at Impact 3.2. It should be noted however, that even without the use of these Disposal Sites the

agricultural use of the properties could be displaced by the proposal to restore these areas to native upland habitat.

Residential areas located adjacent to the Disposal Sites, especially those units located just to the east of El Camino Real would experience short-term visual and noise effects from Disposal Site activities; however, there would be no long-term compatibility issues associated with disposal. If in the future, the current property owners (i.e., City of San Diego for sites DS33 through DS35 and the San Dieguito Partnership for DS36) propose uses other than those outlined by the Park Master Plan, the development of those uses would then be subject to subsequent environmental review in accordance with CEQA. The Disposal Sites are located in existing undeveloped areas and would not have impacts on existing developed land uses.

The Disposal Site option would involve over-excavating Area W1 and would result in the need to stockpile material on the old Airfield property while sand was excavated from the area proposed as a tidal basin. Once sand excavation is completed, the stockpiled material would be placed in the excavated pit and the area would be restored to subtidal and intertidal habitat. The homes located along Racetrack View Drive and San Dieguito Drive would experience short-term visual and noise effects from the Disposal Site activities; however there would be no long-term compatibility issues associated with disposal. The effects of the disposal option on residences along Sandy Lane are addressed in Impact 2.2. Impacts on land use compatibility as a result of the implementation of the over-excavation option are considered to be adverse but less than significant.

IMPACT 1.7: *The proposed berms and infrastructure protection have the potential to be incompatible with surrounding developed uses or recreational uses.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The three proposed berms would be located in existing undeveloped areas. Infrastructure protection measures including slope protection, water control structures, utility corridor and bridge projection (e.g. relocation of 69-kV transmission lines east of I-5) and erosion control have been incorporated into the Project and would not be considered incompatible with existing land uses. Impacts would be negligible. The eastern portion of berm B8 located south of Via de la Valle would be used as part of the proposed Interpretive Overlook Trail, which if implemented would create a recreational benefit.

The 22nd District Agricultural Association raised specific concerns about the

berm proposed to be located adjacent to its Horsepark facility. As set forth in the detailed response to the District's comment, the JPA finds that the impacts of this berm will be insignificant.

IMPACT 1.8: *The proposed nesting sites have the potential to be incompatible with surrounding uses and will preclude existing recreational uses.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The five proposed nesting sites would be located in undeveloped areas and would have no adverse effects on existing land uses.

Informal recreational uses are currently occurring in the western portion of the restoration area. In order to ensure successful nesting results at the three nesting sites proposed in the western portion of the restoration area, fencing would be installed that would prevent access into the western restoration area. The existing recreational uses would be eliminated.

The nesting sites proposed for the area east of I-5 would enhance bird viewing opportunities, especially for users of the Mesa Loop Trail, which is currently designated as a wildlife viewing area. No current public use occurs in these areas. The JPA has determined that these impacts are not significant because the existing uses are minimal and informal. The loss would be offset by the provision of new recreational opportunities elsewhere in the restoration Project.

Although the JPA finds that the loss or relocation of this recreational use is not a significant impact, the JPA also makes the alternative finding that if such a loss/relocation were to be determined to be significant, the JPA would find that the benefits of the Project, including the long-term enhanced recreational benefits, override any short-term losses to recreation that may occur as a result of implementation of the Project.

IMPACT 1.9: *The proposed interpretative overlook trail has the potential to be incompatible with surrounding land uses.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

19046

The proposed interpretive overlook trail to be located south of the Via de la Valle property would be located on existing undeveloped land owned by the JPA. It would be designated for pedestrian use and would extend out on berm B8.

Fencing and landscaping would be provided at the trail end point to prevent public access to areas containing sensitive habitat. No land use impacts are anticipated as a result of this trail proposal.

No existing recreation would be displaced by the proposed trails. The proposed trail system would create extensive recreation benefits and would reduce impacts from loss of informal recreation areas and activities created by the restoration component of the Project.

IMPACT 1.10 *The proposed Water Treatment Ponds have the potential to be incompatible with surrounding land uses.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

No sensitive land uses occur in proximity to the proposed site for the Water Treatment Ponds, an interpretative feature to be located at the south end of San Andreas Drive that would provide environmental education for visitors, as well as improve the quality of water entering the restored wetland system from an existing storm drain. No impacts related to land use compatibility are anticipated from this proposal. No existing recreation would be displaced by the proposed interpretative features. The proposed interpretive features would create recreation benefits and would reduce impacts from the loss of informal recreation areas and activities created by the restoration components of the Project.

HYDROLOGY/COASTAL PROCESSES/WATER QUALITY

IMPACT 1.11: *Staging Areas SA2, SA3 and SA4, the proposed berms, and District use of U18 have the potential to impact river hydrologic conditions or coastal processes.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

SA3 and SA4 are located at least 700 feet from the main river channel and at least one mile from the shoreline. They are sufficiently distant so as to have no impact on either river hydrologic conditions or coastal processes.

SA2, while located adjacent to the main channel, is elevated sufficiently so as not to encroach into the floodplain and would have no effect on the river hydrologic process. SA2 is about 2,200 feet from the shoreline and would not affect coastal processes. The proposed use of best management practices for

managing the Project further reduces the potential for erosion in the event of a high river flow during construction. A storm water pollution prevention plan will also be required which will include measures to minimize water quality impacts. Construction activities for all inland Staging Areas would likely occur during the dry season (between May and September) which would further minimize the potential for impacts. The hydrologic impacts of SA1 are addressed in Impact 2.11.

No significant impacts to coastal processes are anticipated from construction of the berms. Construction of the berms could cause some short-term and localized impacts to water quality in the form of increased suspended particle and turbidity levels. Once constructed, no long-term impacts to water or sediment quality are expected as a result of construction of the berms. To the extent that the hydrologic changes would improve efficiency of sediment transport through the lagoon and to the beach, berm construction represents a potentially beneficial impact.

A portion of the Via de la Valle property, Area U18, may be used by the District for temporary parking of 800 to 1,000 cars, equestrian activities, and/or demonstration agricultural purposes. No impacts to hydrology or coastal processes are anticipated from use of Area U18 for these limited purposes because such proposed uses are removed from the hydrologically sensitive Project areas and would not interfere with hydrological conditions within the lagoon or ocean.

IMPACT 1.12: *The Project has the potential to alter the existing formation and occurrence of small bottom topography features in the surf zone such as holes and bars.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The Project would not substantially alter the existing formation and occurrence of small bottom topography features in the surf zone such as holes and bars. Because the increase in the average tidal current is relatively small compared to the strength of the surf zone currents, the Project would not result in substantial increase in the surf zone currents, which would continue to be within the range of existing conditions. Because the Project would not substantially change the near shore currents, bottom topography would not change significantly. Overall impacts would be less than significant.

IMPACT 1.13: *The Project has the potential to increase the erosion rate of beach sediments.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The Project would not decrease the amount of river sediments transported to the beach. To the contrary, the Project would improve sediment delivery to the beach and near shore zones, with additional beach quality sands generated from proposed dredging to be placed on the beach. The post restoration higher flow velocities increase the sediment-carrying capacity of the river, causing a net increase in sediment delivery as detailed in Table 4.2-2 of the SEIR.

Developed properties in the northern and western portion of Del Mar are built on a floodplain adjacent to a high energy coastline, and in the past have been subject to wave damage, flooding, and erosion. The risk and intensity of potential damage to these areas will not be changed as a result of this Project.

The slight increase in the amount of sand delivered to the shoreline would serve to slow the beach erosion rate. The beach erosion rate is dependent on the incoming wave energy and the availability of sand. Although this proposed Project would not impact the incoming wave energy it would cause a beneficial increase in the available sand. The Project would alter the near shore bottom topography in the vicinity of the inlet by increasing design depths about 1 foot (from -1.0 to -2.0 MGVD), this depth is well within the range of inlet depths that occur naturally and which would occur in the future with the no action alternative.

Cobbles on the beach lie mostly below the minimum Project channel depth. Any cobble deposition in the inlet above the design depth would be removed as part of maintenance dredging. The Project actually increases the delivery of sands to the shoreline. In addition, river flows would be more than adequate to move cobbles from the inlet into the surf zone. Cobbles that arrive along shore from upper down the coast will remain in the inlet area and not migrate up the channel. If necessary, these cobbles can be removed using conventional earth moving equipment.

The JPA has reviewed the letter from Rick Engineering which relies on historical aerial photographs to support the assertion that the Project daily tidal flow would scour sand away from the beach. The Rick Engineering analysis is incomplete in that beach effects due to river flow are confused with beach effects due to tidal exchange. The loss of the beach area in the inlet location, apparent in the photographs, is the relict effect of recent river flood scour. Because of the significant and overwhelming river flood and wave events that occurred in the early 80s (during the time of the photos), the Rick Engineering conclusions regarding the impact of daily tidal exchange on the beach are inaccurate. The

San Dieguito closure statistics (See Jenkins and Wasyle, 1996) show that the lagoon was open to tidal (ocean) waters about 75% of the time over the periods from 1926-1939 and from 1980-1989. The lagoon was open over 50% of the time from 1990-1995. Over these time periods, under natural conditions, there was a channel through the beach. With this is mind, a maintained channel does not compete with natural conditions. The only affect that the Project would have on the local beach sands would be a slight reduction in dry, usable beach area due to the enlarged inlet channel cross section. The intermittent loss in dry, usable beach sand is mitigated by new sand created by the dredging of the inlet. This would be a beneficial impact.

Although some sand will be placed on the beach, no significant impacts related to beach sand loss have been identified, therefore any placement of sand on the beach should not be viewed as mitigation for Project impacts. A portion of the sand excavated from the restoration site would also be used to cover the proposed nesting sites.

The height of the berms has a direct relationship to the amount of sediment delivered to the beach. By reducing the berm height, the hydrologic efficiency of the channel is reduced by a small amount and both washload and debris would pass over and be deposited in the tidal basins. This reduction in berm height would have a significant increase in the degradation of off-channel biological habitat, and a small decrease in sediment delivery to the beach. The upland water shed produced 1.45 million cubic yards of fine grain material that is transported to the coastal on an annualized basis and discharged into the Oceanside littoral cell. This amounts to approximately 170,000 cubic yards of fine grained material annually passing through the San Dieguito River Basin, which with berms would preclude any deposition of this material into the off-channel basins. Further reduction in berm height would result in a substantial amount of this material being carried into the off-channel tidal basins instead of being carried out to sea, all of which would degrade the quality of the off-channel biological habitat. The berms were designed such that there is no decrease in sediment transported to the beach.

IMPACT 1.14: *Disposal Sites have the potential to impact river hydrologic conditions or coastal processes.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

Disposal Sites are limited to the off-channel ineffective flow areas, and there is essentially no reduction in hydrologic conveyance. There are no anticipated impacts to hydrologic conditions or coastal processes from disposal of dredged

materials.

Disposal of excavated sand on local beaches potentially provides beneficial impacts by augmenting the natural sand supply. However, beach nourishment is only appropriate with sand-sized sediments because finer grain materials are subject to rapid erosion by waves and they are not aesthetically appealing. Consequently, only a small portion of the total volume of dredged materials would be suitable for direct disposal on the beach. Pumping dredged sands onto local beaches would cause discoloration of near shore zone waters due to runoff of the turbid waters associated with the dredged materials. However, since these effects would be localized and temporary, the impact would be adverse but not significant. Beach disposal could be limited to winter months to minimize interference with periods of highest beach use.

Near shore disposal involves discharge of dredged materials into the ocean at locations and water depths in which a portion of the materials would be expected to contribute to the littoral sand supply. Near shore disposal of dredged materials typically is limited by state and local regulatory guidelines to clean sediments containing approximately 20 to 25% or less of fine grained particles. Disposal of sediments containing a higher proportion of fine grained materials is undesirable because of potential concerns about changes to the texture and appearance of the beach.

GEOLOGY/SOILS

IMPACT 1.15: *The Project has the potential to impact unique geological features of unusual scientific value.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

No unique geologic features of unusual scientific value are present at the site. Therefore, no impacts are anticipated to these types of features due to excavation and dredging, disposal of dredged material, construction of berms and infrastructure protection, and disposal of dredged materials at proposed nesting sites.

BIOLOGICAL RESOURCES

IMPACT 1.16: *The time lag between the impact on existing wetlands and the creation of new habitats that provide equivalent functions and values has the potential to impact biological resources.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

As addressed in the EIR/EIS, and elsewhere in the record, overall the current condition of the San Dieguito Wetlands System is substantially degraded. Notwithstanding, there are habitat values currently in the system, albeit variable. To some extent, construction of the restoration Project will disrupt these existing values, and until revegetation and recolonization occurs, there will be an intermittent loss of habitat values. This intermittent loss is considered insignificant because (1) not all of the Wetlands System will be subject to construction related impacts, (2) recolonization and revegetation are expected to occur relatively quickly, and will be facilitated by on-going monitoring and maintenance, (3) the disruptive temporary impacts have been minimized to the extent feasible, and (4) some benefits are expected immediately by the restoration of tidal flushing.

Although the JPA finds that the short-term loss resulting from this biological impact is not a significant impact, the JPA also makes the alternative finding that if such a loss were to be determined to be significant, the JPA would find that the benefits of the Project, including the long-term enhanced biological benefits, override any short-term losses that may occur as a result of implementation of the Project.

IMPACT 1.17: *The Project has the potential to impact the Least Bell's Vireo.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Creation of additional riparian willow habitat would be a beneficial impact for Least Bell's Vireo. At the present time the only potential habitat for this species is a small patch of willow riparian at the southeastern end of the Project area. Breeding is not known to occur on-site, and at most the site would support one or two birds. Therefore the chance of a significant impact to this species would be remote unless a pair was nesting on the site at the time of construction. Surveys conducted in the appropriate season would determine the presence of this species and the need for construction setbacks from breeding habitat.

The specific alterations to the Project are identified in the Project Description and the Mitigation, Monitoring and Reporting Program, which are herein incorporated by reference.

IMPACT 1.18: *The construction of the berms and infrastructure protection have the potential to impact biological resources.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The areas affected by berms and associated weir for berm B8 are nearly ruderal/successional or agricultural land. Thus, the conversion of this land to berms would be inconsequential given the replacement of upland habitat on the berm slopes. The current configuration of the berms in relation to base line habitat suggest that a small area of seasonal marsh would be covered by berm B7 west of I-5. Berm B8 may cover some open water habitat along the River, some fresh water marsh in a drainage ditch north of the River, and seasonal marsh. All permanent conversion of wetland to non-wetland habitats would require mitigation. With full Project implementation, there will be more than adequate surplus of wetland acreage to offset the relatively small losses of wetlands that would occur as a result of the proposed berms.

Slope protection would be constructed at two locations along the River and one along the east slope of I-5. Because the existing banks are steep and, where armored, are prone to erosion, the placement of artificial bank stabilization in these areas does not represent a significant loss of habitat. Temporary increases in suspended sediments would occur during construction, but these would be temporary and localized, rapidly disbursed by tidal action, and hence less than significant.

Construction of the berms and infrastructure protection have been limited to the minimum necessary. And, as discussed elsewhere, the berms will have beneficial effects. Similarly, protection of the infrastructure and slopes will minimize the risk of future damage to the Wetland System should the infrastructure be threatened or damaged, and will reduce or eliminate the potentially disruptive need to repair or protect infrastructure in the future.

The record reflects that the wetland and riverine systems, and their respective hydrologics have been studied in detail by qualified experts. The JPA concludes that to the extent feasible, the need for armoring and slope protective devices has been eliminated and minimized through careful Project design. However, in certain selected areas some form of slope protection is unavoidable to protect the slopes and adjoining improvements from scour, erosion, and damage. The JPA has concluded that it is infeasible to eliminate these slope protection measures. The JPA has further concluded that all of the feasible alternative Project configurations would require such slope protection to one degree or another and that such slope protection is an integral and essential part of the

Project. Overall, the JPA concludes that the impacts from the construction of berms and slope protection is insignificant. In the alternative, were it to be determined that the impacts are significant, the JPA finds that there are overriding benefits and considerations which justify approval of the Project in any event.

IMPACT 1.19: *Excavation/dredging could significantly impact plankton, and benthic species, or result in the loss of bird foraging areas within the lagoon.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

As a result of the proposed dredging and excavation operations, temporary increases in suspended particles would occur in the Project area. Associated effects would include somewhat reduced light penetration and dissolved oxygen concentrations in the water column from suspended sediments. Potential impacts to plankton communities may include a localized decrease in primary productivity due to reduced photosynthesis and clogging of gills and feeding appendages of zoo plankton, possibly reducing survival, growth and biomass. Increased turbidity conditions would be temporary, localized, and short-term occurring only during dredging. Most plankton would be transported past the dredging area by tidal currents so their residence and exposure time to any impacts would be temporary. Areas that are dredged would repopulate.

Dredging and excavation activities under any of the action alternatives would temporarily impact benthic community resources by disturbing and removing some species. Because benthic invertebrates in most areas of San Dieguito Lagoon are typically found in other Southern California wetlands, removal of some individuals during dredging and excavation activities is considered less than significant. In addition, the increase in suspended solids resulting from dredging activities may affect benthic organisms in the vicinity of the dredge site, particularly filter or suspension feeding organisms. The suspended solids could clog gills and feeding appendages, reducing the organism's ability to feed, and consequently reducing the survival, growth, and biomass of the organisms. However, the impacts would be temporary and localized.

Dredging and excavation activities would temporarily impact juvenile and adult fishes. Types of effects can range from decreased visibility for foraging activities to impaired oxygen exchange due to clogged gills. Impacts would be greatest on fish eggs, larvae, and juveniles and also on primarily burrowing species such as gobys. However, most fish, particularly highly mobile, pelagic schooling species, would be able to avoid the area during dredging periods. Although most fishes

would be able to avoid the area of disturbance during operations, some mortality could potentially occur if caught in dredging equipment. No essential fish habitat would be lost. These impacts would be temporary and localized. Short-term positive benefits could occur as a result of increased prey availability in material that is resuspended during dredging activities.

Dredging would temporarily effect foraging conditions for water birds by increasing suspended sediment concentrations and reducing visibility. This would be a localized and temporary impact effecting only a small number of birds for a short time. Other feeding areas within the Project boundaries would be available for use. There could be a beneficial impact to dredging due to dislodging of certain prey by the dredging actions, which would make these prey items more available to birds.

The JPA also makes the alternative findings that further mitigation of these impacts is not feasible and that if such a loss were to be determined to be significant, the JPA would find the benefits of the Project, including the long-term enhanced tidal flushing and the greater acreage of restored wetlands, override any short-term impacts to species that may occur as a result of implementation of the Project.

IMPACT 1.20 *Disposal Sites could impact biological resources.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

Upland Disposal Sites are located in unvegetated, undeveloped, and ruderal-agricultural areas. The use of these areas as proposed, followed by revegetation as described in Section 2.3.1 of the EIR/EIS, is generally an adverse but insignificant impact on the upland habitats that are directly affected. Disposal would not directly affect tidal and non-tidal wetland habitats. Disposal Site DS32 abuts wetland restoration area W16 and may impact a local population of the Southern Tarplant, a sensitive species. This impact is considered in Impact 2.41.

Similar to dredging impacts, impacts of beach and ocean disposal would be localized, temporary, and with one exception, addressed in Impact 2.2, less than significant. Potential impacts would include localized burial of intervebrate communities, increased turbidity due to sediment resuspension, and local increases in prey that are disbursed along with dredged sediments. Impacts to fishes would be from burial and only affect burrowing species such as gobys and possibly slower moving demersal species such as killfish. However, species such as gobys would probably be able to reconstruct their burrows. The impact

to grunion is addressed in Impact 2.37.

IMPACT 1.21: *The Project has the potential to impact the Pacific Little Pocket Mouse.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

No significant adverse impacts to Pacific Little Pocket Mouse from the Project are anticipated because it is unlikely that this species currently occurs in the project. Focused trapping efforts failed to capture any individuals of this species in the Project area.

IMPACT 1.22: *The Project has the potential to impact the California Brown Pelican.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

No impacts are anticipated for Brown Pelicans because Pelicans do not nest in the area and this species typically forages in the open ocean. Therefore, breeding and foraging activity would not be effected by the Project. No day or night roosting locations would be created or lost if the Project or any of its alternatives were implemented. It is possible that Pelicans could benefit from an increase in open water areas, as they use this habitat to bathe and perform feather maintenance. Use of Staging Area SA1 and beach disposal could cause a short-term displacement of pelicans if they were using these areas to rest during the day. However, because of the presence of similar or better resting areas nearby and the small numbers of Pelicans expected to use these sites, this would be a possibly adverse but insignificant impact.

IMPACT 1.23: *The Project has the potential to impact the Light-footed Clapper Rail.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

Light-footed Clapper Rails do not breed at San Dieguito Lagoon, and occur here irregularly and in very small numbers. Their preferred habitat zone is nearly lacking at the site. If implementation of the Project results in the creation of additional cordgrass habitat, it is possible that Clapper Rails could breed here, as

they do nearby San Elijo Lagoon. This would be a beneficial impact. Due to their sporadic occurrence and small numbers in the area, it is expected that this species would experience insignificant adverse impacts from the Project.

IMPACT 1.24: *The Project has the potential to impact the Southwestern Willow Flycatcher.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

Proposed creation of additional riparian habitat in the southeastern part of the Project area could result in the beneficial impact for this species. There would be no adverse impacts on this species anticipated during construction. This is because the trees and large shrubs used by this species would not be directly affected by the Project, and the Flycatchers migrate through the Project area during spring and fall. Migrating birds could be expected to avoid the activity. Critical habitat for this species has been designated along the San Dieguito River within the 100 year floodplain where thickets of riparian trees and shrubs occur or may become established as a result of natural flood plain processes or rehabilitation. Restoration activities in the vicinity of the river, such as construction of berms, would modify the habitat. However this may not constitute an adverse modification of the habitat because riparian habitat suitable for use by this species would not be expected to develop along this segment of the river, given the presence of the freeway, tidal influence, and upstream activities that effect stream flows. Habitat along this stretch of the river is dominated by species tolerant of brackish or saline conditions. Riparian habitat elsewhere on the Project site, predominantly south of the river and east of I-5, would be preserved and augmented by restoration activities representing a beneficial modification of the habitat. Other habitat occurs near Lake Hodges, which is outside of the Project area.

IMPACT 1.25: *The Project has the potential to impact the American Peregrine Falcon.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

American Peregrine Falcons do not currently reside in the Project vicinity. However, the proposed restoration activities including creation of additional open water and salt marsh habitat along with improved tidal flushing, is expected to created improved conditions for water fowl and shore birds upon which Peregrine

Falcons typically prey. The increase in suitable foraging habitat and improved prey base for the Peregrine Falcons would be a beneficial impact.

IMPACT 1.26: *As detailed in Table 4.4-2 of the EIR/EIS, the Project has the potential to impact several sensitive plant and animal species including Nuttall's Lotus, San Diego Black-tailed Jackrabbit, Northwestern San Diego Pocket Mouse, San Diego Desert Woodrat, Reddish Egret, White-faced Ibis, Osprey, Sharp-shinned Hawk, Cooper's Hawk, Merlin, Prairie Falcon, Long-billed Curlew, Black Skimmer, California Horned Lark, Cactus Wren, Yellow Warbler, Southern California Rufous-crowned Sparrow, Bell's Sage Sparrow, Large-billed Savannah Sparrow, Tricolored Blackbird, San Diego Horned Lizard, Coronado Skink, Orangethroat Whiptail, Silvery Legless Lizard, Western Spadefoot, Sea Dahlia, San Diego Marsh-Elder, Southwestern Spiny Rush, Estuary Seablite, Two-striped Garter Snake, and Salt Marsh Skipper.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The predicted impacts are identified within Table 4.4-2 of the EIR/EIS, which is incorporated herein by reference. As discussed in detail in the EIR/EIS, overall species impacts are expected to be either neutral or beneficial for the medium and long-term. The Project has specifically been designed to further and promote the best interests of the species using the wetlands system. As designed, the potential for adverse impacts to these species is considered minimal and insignificant and greatly outweighed by the overall benefits.

NATURAL RESOURCES

IMPACT 1.27: *The Project could affect mineral or aggregate resources of regional significance.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

No mineral or aggregate resources are present at the site; therefore, no impacts would result from implementation of the Project.

IMPACT 1.28: *Development of area U19 as grassland would convert about 3 acres of farmland of local importance.*

FINDING: Not significant. Mitigation of the impact is not feasible for specific economic, legal, social, technology or other considerations.

FACTS IN SUPPORT OF FINDING:

This would not affect agricultural practices on the adjacent land and is considered adverse but not significant because the acreage is relatively small and there is abundant farmland of local importance in the region. Avoiding this impact is not feasible as the restoration of grasslands must occur in the Project vicinity and of necessity will preclude commercial agricultural uses of areas restored to native grasses. The agricultural soils will remain, however, and the possibility of commercial agricultural use in the future is not precluded.

LANDFORM ALTERATION VISUAL QUALITY

IMPACT 1.29: *The Project will cause substantive changes to landforms within the river valley which will alter the appearance of the lagoon for the long-term.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The type of vegetation that would be planted on the site would differ in appearance from that which currently exists. A mix of habitats would be created, adding more visual variety than that which currently exists. Within the proposed tidal wetland area, a variety of habitat types would be created including open water, intertidal mudflats, salt marsh, and transitional wetlands.

Grading would be designed so that individual restoration areas blend in with the surrounding areas and most of the Project would have a natural appearance. The Project will also change the current appearance of the CDFG tidal basin, located in the southwestern portion of the Project area. Much of the existing open water in the CDFG basin would drain and become exposed mudflat during low tides. However the appearance of the basin would change throughout the day with the amount of water versus exposed mudflat habitat varying with the tides. This change from an appearance of primarily open water to an appearance that changes throughout the day from open water to exposed mudflats would be viewed by some as an adverse visual impact. However, because this condition is consistent with naturally functioning coastal wetlands, it is not considered a significant impact.

IMPACT 1.30: *Construction staging, access areas and dredging equipment could impact views.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

Although Staging Area SA1 would be highly visible from Camino del Mar, from the bluff overlooking the beach, and from the beach itself, the impact would be short-term (approximately one to two months for initial channel dredging and six to eight months if the over dredge disposal option is implemented) and would therefore not be significant. Furthermore Staging Area SA1 would only restrict views from a small portion of the adjacent roadway immediately adjacent to the Staging Area.

Staging Area SA2 would be visible from the Grand Avenue bridge and the area to the east, but public use of this area is not authorized, and thus is not considered a sensitive view point. It is possible that views of the Staging Area may be possible from Jimmy Durante Boulevard or bridge, but these views would be brief and not significant.

Staging Area SA3 would be visible from I-5, particularly from the southbound lane, but the duration of the impact would be brief (travelers would be adjacent to the site for only about 15 seconds). Distant views of the site would also be available from San Dieguito Drive; however, no views of sensitive areas would be blocked.

Staging Area SA4 could be seen from the end of San Andreas Drive and the northbound lanes of I-5, but this is an area of commercial development and not a particularly sensitive view point. It could also be viewed from the overlook park located on the bluffs above the site in Carmel Valley, but the impact would be minimal given the distance involved and the site's proximity to existing commercial development.

All of the access roads except one will have short-term impacts to views. The access routes would be restored with appropriate vegetation at the end of construction. Only the new access route near Racetrack View Drive along the perimeter of the CDFG property would be maintained for the life of the Project for use during periodic Project maintenance.

This access road would be retained as a low profile dirt roadway that would be gated to prevent unauthorized use. The road has been aligned to hug the existing fencing, and would not be located in a highly visible area. The impact from this one road would not be significant.

A portion of the southwest views that might currently be available from the

practice area located at the westernmost corner of the Horsepark property could be obstructed as a result of the berm, however, the majority of the views from Horsepark property would be unaffected. No significant views of the river valley are currently available from much of the Horsepark site due to the presence of show barns along the southern end of the property. Those views that are available from the cross country course would be unobstructed. No visual impacts to the Horsepark property as a result of berm construction have been identified; therefore no mitigation is required. As described in the Project description, these berms would be planted with native grasses and an appropriate mix of Coastal Sage Scrub species.

Dredging equipment would be used for initial and maintenance dredging. Dredging equipment would cause short-term visual impacts, but these would not be significant. Dredging equipment has been used in the inlet area in the past and would only be present at this location for one to two months initially and for only a few weeks during routine maintenance.

TRAFFIC/CIRCULATION

IMPACT 1.31: *Project-generated traffic could significantly impact traffic in the study area roadway links.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The projected traffic volumes with and without the Project are detailed in the EIR/EIS. The Project traffic level represents the highest volume of site-generated traffic projected on each street segment, whether it would occur during phase I, II, or III. The traffic impacts during start up were not evaluated because they would only occur for a few days. Based on the significance criteria identified in the EIR/EIS, the Project would not result in a significant impact at any of the study area roadway links. As addressed in the responses to comments, the traffic generated during construction/restoration activities would be temporary, would occur in the short range future, and would not be relevant to the long range scenario addressed in the Project Study Report by Caltrans for future widening of I-5. Construction workers can park in the four Staging Areas, all of which can be used for off-street parking. Although the Project traffic increases would be noticeable to the public, they would not constitute a significant impact according to the significance criteria. The potential for heavy truck traffic to impact roadways during the fair and racing season is addressed at Impact 2.48.

IMPACT 1.32: *The public access component of the Project could significantly*

impact traffic in the study area roadway links.

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The operational impacts of the Project associated with visitor activity at the trails and the nature/interpretive center were determined by estimating the levels of traffic that would be generated by the facilities, adding this traffic to the base length conditions, then conducting a before and after analysis of traffic conditions. The projected impacts on the study area roadways from the public access components are identified in the EIR/EIS. Based on the significance criteria, the Project would not result in a significant impact at any of the study area roadway links. As addressed in the responses to comments, the traffic that would be generated by the public access features would not result in a significant impact on I-5 based on the current traffic volumes and capacity of the freeway. The impacts would be adverse, but not significant because no significance thresholds would be exceeded. No impacts to on-street parking as a result of this Project are anticipated. The potential impact to fair parking in the District owned dirt parking lot is addressed at Impact 2.49.

AIR QUALITY

IMPACT 1.33: *Construction of the Project will emit pollutants that are regulated by Federal, State and local air pollution standards and regulations.*

FINDING: Not significant as to volatile organic compounds, carbon monoxide, sulfur oxides, and PM_{10}.

FACTS IN SUPPORT OF FINDING:

Air quality impacts from the proposed Project would mainly occur during the construction phase. The main source of omissions would be mobile earth moving and construction equipment that would produce both combustive and fugitive dust (PM_{10}) emissions. Implementation of the proposed fugitive dust control measures identified in the EIR/EIS would ensure that PM_{10} emissions remain less than significant during all construction activities. Minor amounts of emissions would occur during periodic maintenance excavation of the ocean inlet.

Excavation of the channels would occur with the use of hydrologic backhoes. Construction of phases I and II of the Project would be completed in about one year ad phase III would be completed in the second year. Equipment uses for the construction of the entire project was factored by excavation/fill volumes for

each Project phase to calculate emissions for comparison with annual emissions thresholds. With the exception of NOX emissions for phase I and phase II, the emissions associated with construction of the Project for pollutants would be insignificant.

Emissions of toxic air contaminants would occur from the combustion of diesel and gasoline fuels by the proposed construction equipment. Since these equipment would be mobile in nature and spread out over a large area, the impact of toxic air contaminants to the public would not be large enough in a locality to exceed the San Diego County Air Pollution Control District health risk thresholds. The impacts would therefore be less than significant.

Construction emissions associated with the additional development of U18 would no be expected to contribute to and excedence of any emissions significance threshold during phase III. Air quality impacts associated with this additional development would be less than significant.

IMPACT 1.34: *Operation of the Project could emit pollutants that are regulated by Federal, State and local air pollution standards and regulations.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The operation of the Project would cause emissions as a result of 1) periodic maintenance opening of the ocean inlet using a dragline crane, 2) on road vehicles used by the public to access the proposed trails and interpretive facilities, and 3) mobile sources associated with the District's use of the Villa de le Valle property. Emissions from these sources would not be expected to exceed any emissions threshold. Therefore, operation of the Project would produce insignificant impacts to air quality.

Additional development associated with the area U18 site could increase combustive emissions due to the operation of trams, shuttle buses or commuter vehicles. However, the level of vehicular activity associated with this development would be minimal and would not exceed any emissions significance threshold. Air quality impacts associated with the operation of this additional development on area U18 would therefore be less than significant.

VECTOR AND ODORS

IMPACT 1.35: *The Project could increase vectors and odors in the area.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

For the most part, the Project would cause no significant changes to the freshwater and brackish water marshes currently in existence under both mean sea level and lagoon mean high water conditions. Consequently, the two most important mosquito species of potential concern for the Project area would continue to breed in these locations. The Project will alter the locations of some breeding areas. Overall, the Project will result in the addition of one breeding area for these species, the elimination of another, and the reduction of a third. For other mosquitos in the Project area, the current breeding areas will be unaffected. The berm near the horse park property will not affect the wind flow at Horsepark, and is not expected to result in an increase in vectors or odors at Horsepark.

The seasonal freshwater ponds located near W36 and FW31 would be largely unaffected by the Project. This is a major breeding site for midges, which do not bite but are a nuisance. Breeding levels are not likely to be significantly affected by the Project.

The distribution and abundance of squirrels and harvest mice, representing other potential disease vectors is not likely to change significantly as a result of the Project. The Project will not cause a significant increase in vectors.

Short-term odors are addressed in Impact 2.52.

The restoration of tidal flushing and improved river hydraulics will result in the reduction of odors. The lagoon has historically been a source of odors, especially in hot summer months when the river mouth closes and stagnation and eutrophication conditions occur generating significant odor and health concerns. The Project will improve these conditions significantly.

PUBLIC HEALTH AND SAFETY

IMPACT 1.36: *The Project has the potential to impact public health and safety.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

As detailed in the EIR/EIS, the flooding potential from wave overtopping or run up along the southwestern boundary of the inlet or the portion of the revetment facing seaward (the Sandy Lane Seawall) would not increase above present levels. The Project would have no affect on the FEMA 100- and 500-year

inundation limits for the overall Project area, including the Del Mar Fairgrounds. Thus potential flood hazard impacts are not significant.

The subsurface soil concentrations of chemical constituents in the areas scheduled for excavation are relatively low and below EPA risk-based values. Since soil contaminant concentrations are low, and the excavated soil would be deposited in such a way as to eliminate direct contact by the public, no adverse public health affects are expected.

The San Dieguito River Valley has a substantial population of rattlesnakes. Once the Project is complete, most of the areas west of I-5 where rattlesnakes are prevalent would be inundated with water. This is expected to reduce the rattlesnake population significantly. No other wildlife in the Project area would pose a significant threat to humans so there would be no Project related impacts.

The fuel tanks on board some of the equipment can contain fuel volumes ranging from 100 to 500 gallons. Accidental ignition could result in a fire. The equipment is required to have fire suppression equipment on board or at the work site and emergency fire services are located nearby. The associated risk of a vehicle fire is considered unlikely. Overall impacts to public health and safety resulting from heavy equipment operations and fueling would be less than significant.

CULTURAL RESOURCES

IMPACT 1.37: *The Project has the potential to impact cultural resources.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

No known archaeological or historical resources occur within the areas proposed for construction staging or access routes. The activities to prepare the proposed construction Staging Areas and access roads would result in limited disturbance to subsurface soils, therefor no impacts to unrecorded buried cultural resources are anticipated.

Excavation and dredging for tidal restoration would not adversely affect known archaeological or historical resources that are considered significant in terms of federal, state, or local guidelines. Known sites within the Project area have either been destroyed as a result of ongoing agriculture and/or have been determined through previous testing efforts to retain no meaningful scientific or historical value. Impacts to these sites are considered adverse, but not significant due to their lack of importance.

All but the first pier of the Grand Avenue Bridge would be removed to create a viewing platform. However, the bridge is not considered significant, therefore the impact to this resource is considered adverse but not significant. Subsurface corings in the San Dieguito River Valley have demonstrated a lack of buried cultural resources.

With the exception of the Disposal Site option that would involve over dredging of the airfield property (DS44), none of the Disposal Site options would require disturbance of the native soils. Use of the various Disposal Site options would result in the covering of part of the recorded location of site SDI-5957, which appears to have been destroyed by agricultural activities, and insignificant sites SDI7287, SDI-7288, SDI-7289, SDI-10,118, 10,535 and SDI-7300. This activity would result in an adverse but not significant impact.

Both the proposed grading and the over dredging option will destroy U.S. Naval Auxiliary Air Facility, an insignificant resource located on and slightly below the current ground surface. While over dredging will affect deeper soils, this will not result in an increase in impacts because excavation of 10 subsurface cores in this area yielded no evidence of archaeological materials or ancient landscape surfaces. Neither the proposed grading nor the overdredging is expected to affect cultural resources.

Construction of nesting site NS14 and Berm B9 would occur in the vicinity of the recorded locations of insignificant sites SDI-7293 and SDI-7290. The impact to these resources is considered adverse but not significant. Only minor grading would be required for construction of the other berm and nesting sites, as well as for installation of infrastructure protection. Therefore these activities would result in limited disturbance to subsurface soils. As a result, no impacts to previously unrecorded cultural sites are anticipated.

The only site recorded within the proposed alignments for the Coast to Crest Trail is the recorded location of SDI-5957. This site appears to have been destroyed by agricultural activities, therefore impacts to this site location would be adverse but not significant. Grading for the trail would result in only limited disturbance to the native soils, therefor, no impacts to unrecorded cultural resources would be anticipated. The Interpretive Overlook Trail would be constructed entirely on fill, therefor no impacts to cultural resources would occur as a result of this element of the public access plan. The Mesa Loop Trail is proposed for an area being used as a Disposal Site. The trail and parking area will be constructed on fill and no impacts to cultural resources are anticipated.

The proposed nature/interpretive center would also be constructed in the vicinity of the recorded location of insignificant site SDI-5957, a site that appears to have

been destroyed by agricultural activities. This site is designated as a Disposal Site and the nature/interpretive center and associated parking area would be constructed on fill and the site location would be permanently covered.

Although several sites have been recorded in the vicinity of U18, the Via de la Valle property, these sites have been tested and determined to be insignificant. The uses for U18 would only occur if the area is approved and used as a Disposal Site, and thus the uses would be constructed on fill and no impacts to cultural uses are anticipated.

PALEONTOLOGICAL RESOURCES

IMPACT 1.38: *The Project has the potential to impact paleontological resources.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The activities to prepare the proposed construction Staging Areas and access roads would result in limited disturbance to subsurface soils, therefor no impacts to paleontological resources are anticipated.

Excavation and dredging for tidal restoration would not adversely affect known paleontological resources. Impacts to the fossiliferous Bay Point Formation are not expected because they are slightly outside the area of direct disturbance.

With the exception of the Disposal Site option that would involve over dredging of the airfield property (DS44), none of the Disposal Site options would require disturbance of the native soils. No impacts to paleontological resources are anticipated. The over dredge option would involve excavation of Quaternary alluvium deposits which are considered of low significance and unlikely to contain important fossil remains.

Only minor grading would be required for construction of the other berm and nesting sites, as well as for installation of infrastructure protection. Therefore these activities would result in limited disturbance to subsurface soils. As a result, no impacts to previously paleontological resources are anticipated.

The Coast to Crest Trail would be constructed on Quaternary alluvium deposits, which are considered of low significance and unlikely to contain important fossil remains. In addition, grading for the trail would result in only limited disturbance to the native soils. No impacts to paleontological resources would be anticipated.

The Interpretive Overlook Trail would be constructed entirely on fill, therefor no impacts to paleontological resources would occur as a result of this element of the public access plan. The Mesa Loop Trail is proposed for an area being used as a Disposal Site. The trail and parking area will be constructed on fill and no impacts to paleontological resources are anticipated.

The proposed nature/interpretive center would be constructed on a site designated as a Disposal Site and the nature/interpretive center and associated parking area would be constructed on fill. No impacts to paleontological resources are anticipated.

The uses for U18 would only occur if the area is approved and used as a Disposal Site and the uses would occur on fill. No impacts to paleontological resources are anticipated.

NOISE

IMPACT 1.39: *Use of Staging Areas, construction access routes, Disposal Sites, construction of the berms, nesting sites and the public access components of the Project could cause noise impacts.*

FINDING: Not significant, with the exception of SA1, the access road for SA3, and dredging/excavation activities at the river mouth.

FACTS IN SUPPORT OF FINDING:

Construction Staging Area SA2 would be located on the east side of San Dieguito Drive and would be needed to provide access for a back hoe or a bucket and crane to mechanically excavate the channel. This Staging Area would also be utilized as a dredge launch site, access point for construction of storm revetment no. 1, and for temporary storage of equipment and rock materials. Noise generation from this Staging Area is expected to be similar to SA1 as detailed in Impact 2.62. The nearest sensitive receptors are located to the southwest on a hill overlooking the Staging Area, at a distance of more than 300 feet from the proposed Staging Area. Projected hourly average noise levels would be less than 70 dBA, substantially below the significance threshold.

Construction Staging Areas SA3 and SA4 would be located on the west and east side of I-5, respectively. SA3 would be used to store equipment and materials and may be used as a site for a temporary field office. This area could also be used as a temporary launch facility if dredging rather than conventional grading is employed for construction area W1. This site may be left in place following the completion of construction and used periodically as a Staging Area for future wetland maintenance activities. Noise from these activities would be well under

the significance threshold at the nearest residential areas.
SA4 is located to the east of I-5 immediately behind a community commercial center. There are no noise sensitive receptors in the general area, therefore no noise impacts are anticipated from the use of SA4.

Although construction access routes would result in temporary noise caused by the equipment used to construct the routes and by worker traffic that would travel on these routes, the only access road that would potentially effect sensitive receptors is the route to Staging Area SA3. The noise impacts using the access road to SA3 are addressed in Impact 2.65.

The noise from excavation/dredging at the river mouth is addressed in Impact 2.63.

The Disposal Sites that would be nearest to noise sensitive receptors would be the beach sites on either side of the River outlet. The proposed Disposal Sites for excavated/dredged sand are located approximately 1,000 feet north and south of the River mouth on the open beach. This material would most likely be transported to construction Staging Area SA1 using trucks, but it could also be pumped from the channel to the beach without the need for trucks. Under the scenario that the material would be trucked, it is assumed that it would be taken by a bulldozer to a point on the beach where it would be dumped and then spread across the beach. The bulldozer would generate hourly average noise levels of less than 75 dBA at a distance of 50 feet from any sensitive receptor. It would, however, be clearly audible at residences to the south of the River mouth that adjoins the beach. This activity is proposed to occur during 1 shift per day. The residence to the north is shield by the bluff and set back substantially such that the combination of distance, acoustical shielding and ambient noise would reduce the potentially intrusive noise of the bulldozer to less than significant levels. The noise impact that would result from bulldozer activity on the beach is considered to be adverse, but not significant because it will be short-term and will only occur during 1 shift per day.

If the sand is piped as a slurry from the dredge to the beach, a booster pump would be required and would be located on land owned by the 22nd District Agricultural Association, approximately equidistant from the railroad bridge and the Jimmy Durante bridge just north of the River. The pump would be electric and would be fully enclosed with an approximately 12 foot square structure. The pump would be a minimum of 700 feet from the nearest residences, and it is unlikely that noise from the pump would be perceptible at this distance.

Use of alternative Disposal Sites would not cause significant noise impacts to sensitive receptors. DS36 is about 700 feet from the nearest residences, and noise would be partially reduced by the intervening topography. DS32 is about

200 feet from the nearest residences, which are located uphill from the site. Noise impacts from disposal activities would be adverse but not significant. The other Disposal Sites are not near sensitive receptors.

The berms would be located generally within the center of the restoration area and would not be near sensitive receptors. The equipment necessary to construct the berms would generate an hourly average noise level of about 95 dBA at a distance of 50 feet. The hourly average noise level would be below 75 dBA at a distance of about 500 feet from the berm construction area. The berms are located more than 1,000 feet from any sensitive residential receptors. Noise resulting from berm construction would, therefore, be adverse but not significant.

A weir is proposed near the upstream and of the northeastern berm (berm B8). Construction of the weir would involve the use of a vibratory hammer, which would generate a noise level of about 100 dBA at a distance of 50 feet, and an hourly average construction noise level exceeding 75 dBA would occur within 1,000 feet. The nearest sensitive receptors are residences north of Via de la Valle, which are about 1,450 feet from the site. This impact would be adverse but not significant.

Construction activities associated with the nesting sites would be similar to those discussed as part of the berm construction. The hourly average noise level would be below 75 dBA at a distance of about 500 feet from the nesting construction area. Thus, impacts the residences would be adverse but not significant.

The Coast to Crest Trail would not pass any noise sensitive receptors. Minimal construction activities would be required for trail construction. Therefore, no significant noise impacts on existing sensitive receptors would result from the construction or operation of the trails.

The predicted increase in traffic noise on the street network resulting from people accessing the public access components of the Project was calculated by comparing traffic volumes with the project to base line traffic volumes. The predicted increase in noise levels would be less than 1 dBA CNEL (or Ldn) along any of the existing roads. Thus, there would be no significant noise impact resulting from vehicular traffic associated with public access.

The noise level throughout the proposed Project area, except adjacent to I-5, is less than 65db CNEL (or Ldn). The impact of ambient noise is adverse but not significant.

SOCIOECONOMICS

19070

IMPACT 1.40: *The Project could cause socioeconomic impacts.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The Project does not include a housing component and long-term changes in employment associated with the Project would be minor, such as the periodic maintenance dredging and staffing of the on-site nature/interpretive center. It is expected that workers already residing in the San Diego area could fill Project related jobs.

The public access components of the Project such as the nature/interpretive center, trails, and overlook areas would provide an additional recreation attraction, which could increase sales by local businesses if additional visitors are attracted to the area. There would be a minor beneficial impact on employment.

ENVIRONMENTAL JUSTICE

IMPACT 1.41: *The Project could cause environmental justice impacts.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The Project area is not composed of a predominantly minority or low income population; therefore, no disproportional impacts associated with environmental justice would occur. To the contrary, the restoration will provide an opportunity for schools and other community groups and organizations representing all socio-economic and ethnic segments of the population to visit the site at no cost.

IMPACT 1.42: *Plan consistency.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The EIR/EIS (Chapter 5) reviews the Project in light of applicable plans, policies and legislation that apply to the Project area. This review includes review of the plans, policies and legislation of the City of Del Mar including: the Del Mar Community Plan, Local Coastal Program Land Use Plan, San Dieguito Resource Enhancement Program, Conceptual Plan for the Expanded San Dieguito Resource Enhancement Program, and relevant City ordinances. For the City of

San Diego the review included: the City Progress Guide and General Plan, the Torrey Pines Community Plan, the North City Local Coastal Program, the North City Future Urbanizing Area Framework Plan, the San Dieguito River Regional Plan, Multiple Species Conservation Program MSCP Plan and Subarea Plan, and relevant City ordinances. Also reviewed were the California Coastal Act, the 22nd District Agricultural Association Plans including the Fairgrounds Master Plan, and the JPA Plans including the JPA's San Dieguito River Park Concept Plan.

The JPA, having reviewed the above-referenced discussion and analysis in the EIR/EIS and having reviewed the referenced Plans, Policies, and Legislation, and based on its review of the entire record and its knowledge of the area and of the planning efforts of the involved agencies, finds that, overall, the Project is consistent with the Plans, Policies, and relevant legislation of each of the agencies to the extent that no significant plan consistency issues are raised under CEQA. The JPA acknowledges that with respect to some specifics there may be variation between the Project and the referenced plans, for example, as to the specifics of restoration proposed by the Project as compared to the City of Del Mar San Dieguito Resource Enhancement Plan, and that in some cases these plans may require updating.

The JPA further finds that some aspects of the potential Project addressed in the EIR/EIS, but which are not adopted by the JPA, would raise significant plan consistency issues if adopted, to wit: the possible use of DS38 (Surf and Turf) as a Disposal Site would conflict with the Del Mar Community Plan, would potentially be inconsistent with the City of San Diego Torrey Pines Community Plan depending on post-fill uses, and would conflict with the wetland protection provisions of the Coastal Act. Similarly, the potential operation of tram service on the Project trail system would conflict with a number of the applicable Plans and policies and with the Coastal Act. In part, the JPA has determined not to approve these project elements to avoid the plan consistency problems that their inclusion in the Project would create. Thus, the JPA concludes that as designed and approved the Project is configured such that there are no significant Plan consistency issues in need of further mitigation.

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SECTION 2. - PROJECT IMPACTS THAT ARE SIGNIFICANT BUT CAN AND WILL BE MITIGATED TO BELOW SIGNIFICANCE

Many specific changes or alterations to the Project to reduce impacts have been incorporated into the Project itself and are identified in the Project Description and will be included in the Project Management Plan if they are part of the proposed Project. Other measures have been set forth in the Mitigation, Monitoring and Reporting Program if they are measures that have been added to the Project to reduce impacts to below significance. The Project Description, Project Management Plan (to be developed), and Mitigation, Monitoring and Reporting Program are herein incorporated by reference as they each set forth portions of the overall program to ensure that impacts of the Project are below a level of significance

LAND USE

IMPACT 2.1: *Use of construction Staging Area SA3 and the access/haul road leading to the construction area could be incompatible with residences along Racetrack View Drive.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Changes or alterations that would avoid or substantially lessen the significant environmental effect as identified in the EIR/EIS are within the responsibility and jurisdiction of another agency, specifically Southern California Edison. Such changes have been adopted by such agency or can and should be adopted by such other agency.

Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Use of SA3 and the proposed new access/haul road could cause noise, dust and impacts to nearby residents. A temporary construction trailer would be placed on SA3 and water and electricity would be extended to the site. The pad at SA3 would be permanently retained for use when periodic maintenance of the restoration site is needed. It is estimated that such periodic maintenance will occur approximately every 2 years for a few months. A new access road from San Dieguito Drive southeast to SA3 will be constructed within 100 feet from houses on Racetrack View Drive. This road would be maintained for the life of

the Project in order to provide access for periodic maintenance and management.

If the road were to be used on a daily basis, dust and noise impacts to residents would be potentially significant, however SCE has agreed that during construction, and the JPA has agreed that during maintenance, use of this road would be gated and would be limited. Hours of operation at SA3 shall be limited to between 7:00 a.m. and 7:00 p.m. and nighttime lighting shall be shielded and limited to that needed for security. Use of the access road shall be limited to mobilization, demobilization, and occasional truck traffic for equipment maintenance and exchange and the hours of operation of the road will be limited to between 7:00 a.m. and 7:00 p.m. Use of the road for daily access by construction workers shall be prevented. These measures will reduce the impacts to insignificance. As detailed in the responses to comments using the Grand Avenue bridge for access is not feasible.

IMPACT 2.2: *Excavation/construction west of I-5, inlet dredging and maintenance dredging may be incompatible with residences along Sandy Lane.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Changes or alterations that would avoid or substantially lessen the significant environmental effect as identified in the EIR/EIS are the responsibility and jurisdiction of another agency making the finding. Such changes have been adopted by such agency or can and should be adopted by such other agency. The other agencies are: The City of Del Mar, the Coastal Commission, the California State Lands Commission, and the U.S. Army Corps each of which has permit authority over the Project.

Specific economic, legal, social, technological, or other considerations make further mitigation infeasible.

FACTS IN SUPPORT OF FINDING:

Excavation west of I-5, inlet dredging, and maintenance dredging would produce noise and night lighting impacts on residential uses, primarily those along Sandy Lane, portions of Racetrack View Drive and San Dieguito Drive. Impacts to residents along Sandy Lane would occur during initial dredging and then periodically during maintenance dredging approximately every 8 months for a

few days and every two years for a few months. Construction activities west of I-5 in the vicinity of W1 would occur for 1-2 years. The noise impacts are addressed in Impact 2.62 and 2.63.

Maintenance of that portion of the river channel located between the Pacific Ocean and 150 feet east of the railroad bridge is described in the EIR/EIS. To summarize, maintenance dredging in the area west of the railroad bridge is expected to be necessary approximately every 8 months. The area just east of the railroad bridge is expected to require dredging about every 2 years. The material that is expected to accumulate in the channel would be clean sand, which would be disposed of by placing it on the beach approximately 1,000 feet north and south of the river mouth on the open beach between the mean higher high water and mean lower low water line. No maintenance dredging is expected to be required beyond the area 150 feet east of the railroad bridge.

SCE is requesting to extend the hours of construction for initial Project construction in order to complete the required excavation during the dry periods of the year. SCE is requesting that the contractor be permitted to implement the restoration Project utilizing a 16-hour workday and working 6 days per week. Most of the construction work would be done between 7:00 a.m. and 7:00 p.m., while the remaining time would be used for maintenance of construction equipment. SCE understands that residents would be temporarily impacted by this relatively large construction Project; however, SCE believes that reducing the number of hours in which construction activity could occur would delay or more specifically extend the overall Project schedule, which may be perceived by the surrounding residents to be worse than have a contractor work more hours over a shorter period of time. This issue would have to be addressed by the jurisdictions that have authority over such construction activities including the City of Del Mar and the City of San Diego such agencies will ensure that construction is carried out with the minimum impact to residences while achieving the most efficient construction schedule.

All of the impacts, whether on a regular construction schedule or on the extended construction schedule, are temporary, and will be mitigated to below significance through a community outreach and information program to assist residents in understanding the purpose and duration of particular activities as well as to handle any complaints from surrounding residents. Once the Project is completed, the ultimate use as habitat restoration would be consistent with open space uses in the surrounding area.

Restoration of regular a tidal prism is an essential aspect of the Project. To establish the necessary tidal prism excavation and dredging west of I-5, inlet dredging, and maintenance dredging are necessary. The JPA has considered other alternatives and approaches to maintenance of regular tidal exchange, but

none is feasible. The excavation, dredging, and maintenance dredging as proposed are essential Project components that cannot be eliminated.

Although the JPA finds that the short-term impact has been mitigated to below significance, the JPA also makes the alternative finding that if the impact were determined to still be significant, the JPA would find that the benefits of the Project override the short-term impacts to the residents of Sandy Lane.

IMPACT 2.3: *Use of area SA1 during construction and for maintenance dredging could cause impacts to beach access and recreational uses.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Specific economic, legal, social, technological, or other considerations make infeasible further mitigation of these impacts.

FACTS IN SUPPORT OF FINDING:

Construction Area SA1 will be fenced for safety and security reasons during use. The Project would provide a fenced path of adequate size to permit beach users, the beach cleaner, and lifeguard equipment to get from Camino Del Mar, north of the bridge, to the beach north of the river channel, thus permitting continued access to the beach during construction. Crossing the beach from the provided access on the north side of the beach would be possible via the bridge at Camino Del Mar and using the informal trail from the south side of the bridge to the beach along the rip rap. The informal trail would not be blocked by construction activity, and will be improved as addressed in Impact 2.4.

As noted above under Impact 2.2, dredging and maintenance dredging are essential Project components that cannot be avoided or eliminated. To the extent feasible, the temporary adverse impacts from the actual excavation and dredging activities have been mitigated or minimized by the Project's design. The JPA concludes that there is no feasible means to further mitigate these impacts.

Although the JPA finds that the short-term impact has been mitigated to below significance, the JPA also makes the alternative finding that if the impact were determined to still be significant, the JPA would find that the benefits of the Project override the short-term impacts.

IMPACT 2.4: *Maintaining the inlet channel as proposed will reduce the ability of pedestrians to cross the river mouth most of the time and could impact access for beach cleaning.*

FINDING: Changes or alterations that would avoid or substantially lessen the significant environmental effect as identified in the EIR/EIS are the responsibility and jurisdiction of another agency making the finding. Such changes have been adopted by such agency or can and should be adopted by such other agency. The other agencies are: City of Del Mar, the Coastal Commission, the California State Lands Commission, and the U.S. Army Corps each of which has permit authority over the Project.

Specific economic, legal, social, technological, or other considerations make infeasible further mitigation of these impacts.

FACTS IN SUPPORT OF FINDING:

Crossing the river mouth on foot would become relatively more difficult most of the time and would be prevented at some time periods particularly during high tides. The EIR/EIS conservatively estimated the maximum depth of water that could be safely traversed by wading across the inlet at 1 foot. Under current conditions using this criterion, the lagoon mouth was not trafficable 49% of the time during the tidal conditions of the 1980s. Under the Mixed Habitat Alternative (the proposed Project) the lagoon inlet would not be trafficable 81.4% of the time. In addition, dry inlet conditions will occur less frequently than under existing conditions.

It should also be mentioned that when the tide is falling and the depth of water over the inlet sill is less than 1 foot, the ebbing flow down the face of the beach will widen to as much as several hundred feet while the depth of the flow thins to a few inches or less. This is a natural hydrologic condition known as tidal fan ebb flow. The tidal fans will be somewhat wider for the restoration Project because of the increased tidal prisms, but models presently do not exist to quantify this increase. The tidal fan effect of reducing dry beach area is a short lived phenomenon occurring only for a limited set of inlet water depth and flow speeds during falling tides.

Beach access and use would still be possible in areas north and south of the river inlet and crossing of the inlet would be possible by using the bridge at Camino Del Mar, although access will be less convenient during those interim periods when the river cannot be crossed. This was identified as an unavoidable adverse impact in the draft EIR/EIS because it was not known whether mitigation in the form of an improved connection between the lower beach areas and the bridge at Camino Del Mar was feasible. The improved connection would provide

both a better alternative for pedestrians when the river mouth cannot be crossed by foot and would improve lateral beach access.

Based on comments received during public review, and additional input from the City of Del Mar, it appears that the construction of a pedestrian pathway along the south side of the river would be feasible. SCE has agreed to work with the City of Del Mar to implement this mitigation measure. The proposed access way would provide access from the beach to Camino Del Mar where an existing bridge provides access across the inlet. Once across the bridge, pedestrians could utilize the existing pathway on the north side of the river to get back to the beach. The beach cleaner could also access the north side of the beach via the access off of Camino Del Mar. Lifeguard access across the inlet and other issues associated with public safety are addressed in Impact 2.53.

The pedestrian pathway will be constructed on public property where an existing unimproved pathway exists that already experiences substantial public usage. Although the improvement of the pathway may cause an incremental increase in the use of the pathway over current conditions, no significant impacts are expected since access use is already occurring. No significant adverse effects will occur to the residents of Sandy Lane because the pathway will be constructed wholly on public property and will be separated and buffered from adjoining homes by an existing wall. The construction of the pathway will mitigate the impacts to pedestrian crossing of the river mouth to below a level of significance.

The incorporation of this pathway will mitigate the above identified impact to below a level of significance. If, however, during Project design, it is determined that such a pathway is in fact not feasible because it cannot be designed or permitted in a manner acceptable to one or more of the required permitting agencies, then the impact would remain significant and unmitigated. In that event the JPA finds that this mitigation measure will be rendered infeasible and will be deleted for specific legal, technological, or other reasons, to wit that it cannot be designed and permitted.

Restoration of regular tidal exchange is an essential Project component. Historically, regular tidal exchange was part of the natural system, and the river mouth regularly flowed with water. The Project will include restoration of this area to a more natural condition with a more regularly flowing river. While there may be some impact to the ability of pedestrians to cross the river mouth, as discussed above, the JPA concludes that further mitigation of this impact is not feasible because restoration of a more naturally flowing river is an essential Project component.

Although the JPA finds that the impact to pedestrian crossing of the river mouth

has been mitigated to below significance, the JPA also makes the alternative finding that if such an impact were to be determined to be significant and unmitigable, the JPA would find that the benefits of the Project, including the long-term enhanced recreational benefits, override any impact to the ability of pedestrian's to cross the river mouth that may occur as a result of implementation of the Project.

IMPACT 2.5: *The removal of Grand Avenue Bridge and the loss of an informal trail west of I-5 and east of Jimmy Durante Bridge would eliminate recreational uses in this area.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

A permanent pipe gate currently restricts access across Grand Avenue Bridge and it is posted for No Trespassing, nevertheless, unauthorized use occurs. Recreational activities currently include dog training, walking, hiking/mountain biking, and dog walking/running. It is necessary to eliminate access across the Grand Avenue Bridge, as public access into the Project site would be incompatible with wetland restoration. This is due to the human effects such as noise, litter, erosion and habitat disruption, which could adversely affect sensitive habitats and wildlife. Visitors would still have opportunities to view the area from the Grand Avenue Bridge viewing area, however, physical access would be eliminated. The loss of the unauthorized uses would be offset by the provisions of the trail plan for the area.

Although the JPA finds that the loss of these unauthorized recreational uses is not significant, the JPA also makes the alternative finding that if such loss were to be determined to be significant, the JPA finds that the loss is mitigated to below significance by the public access components of the Project, and that the benefits of the Project override any losses to recreation that may occur as a result of implementation of the Project. The trail proposals included in the Project description would replace the undesignated and uncontrolled recreational uses and would provide surrounding residents and area visitors with a variety of passive recreational opportunities.

IMPACT 2.6: *The proposed trail system has the potential to be incompatible with surrounding land uses and recreation in the Project area, and with the future restoration components of the Project.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The proposed trail system has been designed to eliminate the current informal access and trails which are often destructive, and to direct existing and new public access onto well defined trails. These proposed trails are generally located at the edge of the Project area and away from areas that would be dredged and excavated for restoration purposes and away from sensitive habitats and other areas that do not tolerate human intrusion as well. None of the trails would occur immediately adjacent to existing residential development or other sensitive land uses.[1] The proposed Mesa Loop Trail is the closest trail to existing residential development. This trial would be located across El Camino Real from newly constructed homes. Activity on this trail would be limited to pedestrian use only. Use of the trail would be restricted to the hours between dawn and dusk. Based on these use restrictions, the trail is not anticipated to result in any land use compatibility impacts.

The Coast to Crest Trail, which is proposed to extend along the north side of the San Dieguito River from Jimmy Durante Boulevard to El Camino Real, would comprise two side-by-side trails, a 4-foot-wide tread surface for hikers and equestrians and an 8-foot-wide hardened surface trail for bicyclists and other users. Portions of the preferred trail alignment would occur along the southern edge of District property, specifically the area between Jimmy Durante Boulevard and I-5 and the area east of the Via de la Valle property along the southern edge of Horsepark. The trail would be constructed along the edge of the District's seasonal parking lot.

To avoid land use conflicts between District uses and trail use, a lodgepole fence would be provided between the northern edge of the trail and the District's existing uses. Through the use of fencing, as well as coordination with the District to determine the best alignment for the trail through the southern parking

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[1]The proposed access path from Camino del Mar to the beach on the south side of the river inlet addressed above under Impact 2.4 is to allow for lateral access across the river mouth at higher water levels. This access path is not part of the trail system.

lot, land use conflicts in this area would be avoided. The loss of some parking spaces in this area is considered under Impact 2.49.

The portion of the trail that extends from the southern parking lot east to I-5 would be aligned along the southernmost end of the golf driving range. Possible conflicts between trail use and driving range activities include the potential for a trail user to be hit by a golf ball as a result on an exceptionally long drive, as well as the potential for trail users to leave the trail and enter the driving range. As indicated above, a lodgepole fence will be provided between the northern edge of the trail and District uses, to reduce the potential for trail users to leave the trail. The estimated distance from the golf tees to the south end of the driving range is approximately 300 yards and golf balls would generally be rolling at 250 yards under optimum ball flight conditions. It therefore appears that the trail would be sufficiently separated to protect trail users. To further reduce the potential for conflicts, a 5-6 foot-high fence with 1-inch or smaller mesh would be provided between the driving range and the trail. The installation of fencing and coordination with the District on final design would reduce potentially significant impacts to less than significant.

The Project proposes to install lodgepole or post and cable fencing along the southern and eastern edge of the Coast to Crest Trail to ensure compatibility between trail uses and sensitive habitat. The proposed physical separation of trail users from adjacent uses would avoid conflicts with most adjacent land uses and would discourage people from going off the trail.

The proposed Interpretive Overlook Trail to be located south of the Via de la Valle property would be located on existing undeveloped lands owned by the JPA. It would be designated for pedestrian use and would extend out on Berm B8. Fencing and landscaping would be provided at the trail end to prevent public access to areas containing sensitive habitat.

No recreational uses would be displaced by the proposed trails, and the proposed trail system is considered a necessary mitigation measure to manage and reduce human impacts to the restored area that would otherwise occur causing significant adverse impacts in the form of trampling, disturbance of wildlife and nesting, trash and litter, access by dogs and other pets, unauthorized vehicle access, and the like. The proposed trail system will accommodate human uses in a manner that avoids or reduces to insignificance these impacts by controlling access, providing appropriate staging and parking areas, through sign control and policing, placement of trash receptacles and collection, interpretive and directional signs, and similar management practices that do not currently exist.

IMPACT 2:7: *The preferred alignment for the Coast to Crest Trail east of the Via de la Valle property could result in land use conflicts between the existing equestrian operations and public trail uses.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The preferred alignment for the Coast to Crest Trail east of the Via de la Valle property is to travel along the north side of the San Dieguito River near the southern end of the Horsepark property. This alignment could result in potentially significant land use conflicts between the existing equestrian operation and public trail use. Horsepark activity areas such as the cross-county course and/or the southeast pasture area may be bisected in order to construct the public trail. An alternative that does not bisect Horsepark activities is not feasible because there is limited space available between the river and existing Horsepark activities. The proximity of public trail uses including bicycling, hiking and horseback riding could disturb resident horses boarded in the barns along the southern end of the property. Use conflicts will be minimized through coordination with the District of the ultimate alignment and through the use of fencing to separate trail users from Horsepark activities.

An alternative alignment that would avoid the Horsepark property would cross the San Dieguito River near the southeast corner of the Via de la Valle and enter the Boudreau property. Within the Boudreau property the trail would either follow along the existing SDG&E easement to the El Camino Real/San Dieguito Road intersection or follow along the northern and eastern edge of the property to the intersection of El Camino Real and San Dieguito Road. From El Camino Real, the trail would head north to reconnect with the existing public trail located north of the river and east of el Camino Real. This alternative would be constructed only after active crop production was no longer occurring on the property, which would avoid issues related to exposure of trail users to pesticides. The property owner could develop the property and incorporate the trail into the Project design. Use conflicts could be minimized through coordination with the property owner. The trail could only be constructed with the property owner's approval.

The JPA finds that the impacts from the preferred alignment can be mitigated to below significance, and that no impacts would result from the alternative

alignment because the land owner would agree to design the trail into any future uses of the property. The JPA also finds that the alternative alignment will only be feasible if the landowner agrees to allow construction of the trail. Since neither alignment will result in unmitigable significant impacts, both alignments are acceptable to the JPA.

IMPACT 2.8: *The proposed interpretive center and staging/parking areas have the potential to be incompatible with surrounding land uses and recreation in the Project area.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The proposed Nature Center would be located on six acres, most of which consists of agricultural lands currently planted in tomatoes. The nearest sensitive land uses are homes located on the bluffs above Via de la Valle to the north of the site. This residential area is set back from the road with vacant or landscaped areas in between.

The JPA has selected the Center's location, access and design in order to be compatible with the mixed uses in the surrounding area. The parking area and structures for the Nature Center would be set back approximately 100 feet or more from Via de la Valle and access would be provided to the site from San Andreas Drive. Nevertheless, additional design features are proposed for the center to minimize any potential compatibility issues. These include providing native landscaping to protect and improve views of the site from the street and surrounding areas, limiting lighting to that required for security needs, and prohibiting overnight parking on the site. No recreational uses would be displaced by the proposed interpretive features.

Four trail staging/parking areas would be provided as part of the public access portion of the Project. These areas are needed to ensure adequate access for visitors, and to avoid parking impacts in surrounding neighborhoods and commercial areas. In order to minimize conflicts with surrounding areas, night use of the staging/parking areas would be prohibited.

The staging/parking area at the proposed Nature Center incorporates features that would minimize conflicts with residential uses on the north side of Via de la Valle. Construction of the staging/parking area at the Mesa Loop Trail would displace existing agriculture/tomato crops as addressed in Impact 3.2. Access in

and out of the site would be limited to right turns only unless a signal is installed in the future. This would minimize traffic conflicts and conflict with the adjacent Villas development across El Camino Real.

Impacts of the staging/parking area at the foot of the Grand Avenue Bridge viewing area would be minimal as visitors already frequent this location to view the wetlands.

The staging/parking area proposed at the westernmost end of the District's south overflow parking lot is in an area where soil is currently stored for use at the Fair's flower show. An alternative location will need to be identified by the District for the storage of the soil. Use of this area for trail staging would not be available during the Fair and races, which will avoid conflicts with District uses. Because this use will require coordination and approval from the District prior to implementation, no significant impacts to the District's operations are anticipated.

No recreational uses will be displaced by the proposed staging/parking areas.

IMPACT 2.9: *The potential lease or transfer of property by the JPA to the District could cause conflicts with surrounding uses.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Changes or alterations that would avoid or substantially lessen the significant environmental effect as identified in the EIR/EIS are the responsibility and jurisdiction of another agency making the finding. Such changes have been adopted by such agency or can and should be adopted by such other agency. The other agency is the 22nd District Agricultural Association.

FACTS IN SUPPORT OF FINDING:

The JPA has agreed to consider the possible lease or transfer of 15 to 20 acres of the Via de la Vale Property (area U18) to the District. The Via de la Valle property is currently under cultivation and is proposed as a potential Disposal Site (DS32). The loss of agricultural use of this area could occur with or without District use of the area, and is addressed in Impact 3.2.

Assuming lease or transfer of area U18 to the District, the uses being considered are, for the most part, equestrian related or temporary fair activities. Such uses would be compatible with similar existing uses on the south side of Via de la

Valle. There is, however, the potential for land use impacts to residential areas located to the north of the site across Via de la Valle, especially if a public address system is used and/or if night lighting is visible. The potential noise impact is addressed at Impact 2.64 and the potential visual impact is addressed at Impact 3.8. Potential conflicts with recreation use of the Coast to Crest Trail, including noise and visual effects, will be minimized through the use of setbacks and fencing.

Uses of the 22nd District Agricultural Association property are governed by the 22nd District, an independent state agency. The District is required to undergo its own planning and environmental review process, including its own compliance with CEQA. The District's uses of its property are also subject to the California Coastal Act and must be permitted by the Commission. Likewise, to the extent the District proposes uses in wetlands or other federal and state jurisdiction areas, federal and state permit requirements must be met. And, with respect to proposed uses on potential public trust areas, review and approval by the California State Lands Commission is required. The JPA has determined that these other agencies can, and will, insure that only appropriate uses are allowed on District property, and that any and all necessary mitigation measures can and will be imposed to reduce any potential impacts to the extent feasible. Noise and visual impacts are addressed at Impact 2.64 and Impact 3.8, respectively.

HYDROLOGY/COASTAL PROCESSES/WATER QUALITY

IMPACT 2.10: *The proposed Wetland Restoration Project will substantially alter the lower reaches of the San Dieguito River.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

All of the proposed alternatives incorporate earthen berms constructed within the floodway of the San Dieguito River to more efficiently convey riverine sediments to the beach and improve the quality of the off-channel habitat. The Mixed Habitat, Maximum Tidal Basin, Maximum Intertidal, and Hybrid alternatives all utilize the same main channel design, in terms of hydrologic geometry,

conveyance, and restoration habitat mix, where as the habitat mix in the off-channel basin varies with each alternative. Primary differences among the alternatives related to hydrology and water and sediment quality are the size of the tidal prism and volumes of dredged materials generated by the specific alternatives.

Creation of tidally driven off-channel basins would support the main objective of providing functional wetland habitat. At the same time, this design eliminates the undesirable effects of siltation and habitat degradation common to on-channel lagoon systems. The proposed alterations of the river are an integral part of the restoration Project and impacts have been minimized to the extent feasible.

The record reflects that the wetland and riverine systems, and their respective hydraulics, have been studied in detail by qualified experts. The JPA has concluded that it is impossible to eliminate the alterations to San Dieguito River. The alterations are an essential part of the Project.

IMPACT 2.11: *Staging Area SA1 has the potential to impact hydrologic conditions and coastal processes.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Staging Area SA1 is located at the shoreline near the river mouth. Materials stored at SA1 could potentially influence river hydrologics or coastal processes if either a significant flood event or a high surf event occurred during construction that was severe enough to inundate the Staging Area and erode some of the stockpiled materials. The actual likelihood of such an occurrence is quite small. Stockpiled materials could enter the near shore zone and mix with other suspended sediments that would be present during a storm event.

To minimize the potential for this impact, materials would be stored away from the main channel and as far landward as possible during construction and best management practices will be used. A storm water pollution prevention plan would also be required which will include measures to minimize water quality impacts. SA1 is regulated by the Coastal Commission, which will not permit the placement of material on the beach between Memorial Day and Labor Day. Beach storage would also have to be scheduled around any potential grunion spawning periods and any other environmental constraints. Because the use of

SA1 will be limited, the materials will be stored as far landward as possible and best management practices will be used, this potential impact will be mitigated to below significance.

IMPACT 2.12: *Construction staging (stockpiling and transferring of excavated materials) and equipment storage could result in impacts to water quality, groundwater or soil/sediment quality.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Construction staging and equipment storage activities would not intentionally generate waste materials or effluent streams with potentials for impacting water quality. However, initial stockpiling of excavated materials at SA1 and SA2 would produce a dewatering effluent consisting of site waters initially associated with dredged materials. Unless contained the runoff from the stockpile area would flow into adjacent surface waters. As discussed in section 3.3 of the EIR/EIS, results of recent testing indicate that soils and sediments from areas that would be excavated do not contain substantial concentrations of chemical contaminants. Therefore, soluble pollutants would not be expected to occur in runoff waters in amounts exceeding water quality standards or causing possible degradation of receiving waters. Furthermore, a storm water pollution prevention plan will be required for all construction activities to ensure that water quality impacts are minimized.

Equipment storage and field offices would not generate wastes or effluents expected to affect groundwater, water or sediment/soil quality unless appreciable amounts of hydrologic fluid or oils were spilled or leaked from equipment onto the ground and into the aquifer. To mitigate for potential impacts to groundwater, standard construction precautions and Best Management Practices as described in Section 4.2 of the EIR/EIS will be implemented. These precautions and practices will avoid the potential impact to groundwater by ensuring that any substantial spills or leaks are quickly cleaned up and affected soils are containerized offsite for disposal, and/or areas where these materials are stored and used are confined within a temporary berm. These measures will reduce potential impacts to insignificance.

IMPACT 2.13: *Excavation/dredging will alter the hydrologic efficiency, tidal circulation/mixing in the lagoon, and physically disturb sediments.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The Project will improve the hydrologic efficiency and tidal circulation in the Lagoon. Under present conditions, the inlet to San Dieguito Lagoon is subject to periodic and prolonged closure due to accumulation of beach sands and an inadequate daily tidal prism. Prolonged inlet closure results in degradation of water quality and habitat losses within the wetlands, as well as removal of sands from the littoral sand supply. One of the goals of the Project is to restore the aquatic functions by opening the tidal inlet and maintaining tidal exchange between the ocean and Lagoon/wetland. This would be accomplished through initial excavation and periodic dredging of the inlet channel. Of all of the Project components, opening and maintaining the tidal inlet to allow continuous exchange between the wetlands and the ocean would have the greatest beneficial effect on water quality and sediment quality. Opening the inlet channel is also expected to amend the sand supply to local beaches.

The Project has been designed to mitigate any impacts to water quality. Improved circulation and tidal exchange is expected to reduce potentials for stagnation and the large temporal variations in water quality parameters because freshwater inputs would be continually mixed with ocean waters. Increased mixing reduces the potential for development of depth-related stratification, low oxygen or hyposaline conditions, and improves nutrient cycling with the wetlands. Additionally, planned increases in the spatial extent of marsh vegetation could improve the removal efficiencies for contaminants added to the marsh by urban runoff. The Project is not anticipated to affect saltwater intrusion because the groundwater withdrawals upstream from El Camino Real would not be affected by the proposed Project. Excavation/dredging is a long-term, beneficial impact because it is expected to restore tidal exchange and improve circulation with the lagoon which, in turn, is expected to improve overall water quality and biological habitat.

In some areas, excavation would convert one type of wetlands habitat, such as seasonal salt marsh, to a tidal-influenced marsh habitat. These biological impacts are addressed in Impact 2.31. Restoring tidal exchange to these areas is expected to reduce the seasonal variations in water quality characteristics. Thus, the changes related to excavation/dredging represent potential improvements to water and sediment quality and are considered beneficial impacts.

The Project will cause a short-term impact to water quality during construction as a result of an increase in suspended sediments, which will be offset by the long-term gains of restoration of tidal exchange and improved circulation within the lagoon. Dredging/excavation would cause resuspension of bottom sediments, resulting in increased suspended sediment and turbidity levels, as well as increases in oxygen demand and releases of dissolved sulfides. Elevated turbidity conditions are expected to dissipate quickly as resuspended particles settle to the bottom after dredging is completed. Any related decreases in dissolved oxygen concentrations or increases in sulfide concentrations will be mitigated by mixing and aerating the site waters, which would cause a rapid decline in these impacts. Because recent testing indicates that the materials proposed for excavation/dredging are not chemically contaminated, excavation/dredging is not expected to release pollutants to the environment in excess of applicable federal or state standards, present hazards to human health, or endanger biological communities. Localized changes in suspended sediments could affect bottom-dwelling organisms as identified in Impact 2.35.

Overall the Project will improve the hydraulic efficiency and tidal circulation of the Project area. The JPA also makes the alternative findings that further mitigation of the impacts of excavation/dredging is not feasible and that if the remaining impact were to be determined to be significant, the JPA would find that the benefits of the Project, including the long-term enhanced water quality benefits, override any short-term losses to water quality that may occur as a result of implementation of the Project.

IMPACT 2.14: *The Project has the potential to increase the floodplain footprint, or exacerbate flooding conditions within areas outside the Project footprint or non-project areas designated for open space habitat conservation.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Specific economic, legal, social, technological, or other considerations make infeasible further mitigation of these impacts.

FACTS IN SUPPORT OF FINDING:

In order to maintain a constant tidal exchange through the inlet channel, the Project involves the excavation and maintenance of a low flow channel. This low flow channel has a bed elevation of -3 feet, a bed width of 150 feet, and a side slope of 4-1. The center line of the low flow channel is essentially along the

center line of the inlet channel.

The berms are proposed within the main channel to confine the erosive, high velocity 100 year flood flows within a well defined, relatively narrow, on-channel corridor, which can efficiently transport riverine sediments through the system and onto the beach and near shore zones. The berms have been strategically placed to confine and direct the high velocity flood waters through the lower reaches of the Lagoon. These confined flows represent the vast majority of the flood waters otherwise referred to as the effective flow area. Conversely, the ineffective flow areas, are those well outside of the relatively narrow on-channel corridor, still become inundated by both tidal exchange and flood waters. However the actual flow velocities within these off-channel areas, especially during flood flows, are relatively low due to the directional control afforded by the berms and riparian vegetation within the off-channel areas. When evaluated the hydrologics system that operates downstream of I-5, the high marsh and seasonal marsh would likely be damaged (eroded) during flood flows, enabling efficient conveyance of riverine sediments to the beach. Conversely, off-channel habitat development south of the berm would remain protected from the damaging flood flows. This is because the high velocity flood flows would be confined within the berms, and flood flows would be directed past the mouth of the side channel access into the southerly off-channel habitat area. The design and location of the berms, along with the proposed grading, including certain side channel access areas, allow tidal exchange into the off-channel habitat, but prevent the more infrequent flood flows from entering the off-channel areas due to the directional control afforded by the berms and regraded topography. Creation of tidally driven off-channel basins would support the main objective of providing functional wetland habitat. At the same time, this design eliminates the undesirable effects of siltation and habitat degradation common to on-channel lagoon systems. The proposed alterations of the river are an integral part of the restoration Project and impacts have been minimized to the extent feasible.

The record reflects that the wetland and riverine systems, and their respective hydraulics, have been studied in detail by qualified experts. The JPA has concluded that it is impossible to eliminate the alterations to the San Dieguito River. The alterations are an essential part of the Project.

The Project has been designed so as to mitigate the potential for an increase in flooding. Substantial changes proposed for the floodplain and floodway are intended to protect and improve off-channel habitat. Berms are an essential feature of the wetland restoration Project. The berms would alter the river hydrologics and improve the hydrologic capacity through the main channel section. The hydrological improved floodway will carry the majority of all flood flows. Flood flows throughout the majority of the floodplain would be reduced.

As indicted in the EIR/EIS, significant increases in channel velocities would generally occur in the relatively broad, unaltered (natural), low-lying areas between Jimmy Durante Bridge and I-5, and again upstream of I-5 and downstream of the Horsepark property. Within the off-channel areas over a majority of the floodplain, flow velocities would be lower than for existing conditions. The proposed Project falls within the FEMA regulations for new hydrologic analyses, and a FEMA Floodway Map Revision would be required as part of this Project. Although FEMA utilizes the HEC-2 model for developing their National Flood Insurance Program rates, the FLUVIAL-12 model used by the Project more accurately reflects actual conditions. Regardless of the model used, the flooding potential would be reduced under the proposed Project compared to pre-project conditions, thus providing a beneficial impact.

The Project would not affect the amount of woody debris brought down stream during flood events, while stronger and more regular tidal currents caused by the Project would tend to sweep debris through the bridge to a greater extent than occurs at present. As a result, the need for drift removal is likely to be less with the Project than without the Project. Lateral access to the bridge would not be effected by the Project. The inlet channel would be somewhat deeper and subject to more predictable tidal fluctuations than at present, but it is not apparent that this makes it more difficult to remove driftwood that might pose a fire hazard.

As a result of comments on the draft EIR/EIS, Dr. Chang has performed additional modeling to determine the water surface elevations for the 5 and 20 year flood flows to address concerns raised by the 22nd District Agricultural Association. The results show that the Project would not raise water surface elevations during the 5 year flood. In fact, the 5 year flood elevations would be lowered, primarily because of the proposed maintenance of the inlet channel. The results also show that the Project would not raise water surface elevations during the 20 year flood for the reach downstream of river mile 1.81. However, what surface elevations from river mile 2.09 and the continuing upstream would be raised by very small amounts. Such changes in water surface elevation are considered insignificant. It is also possible to reduce the water surface elevations, thus eliminating any post Project increases by adjusting the configuration of the over flow weir on the berm. This adjustment will be made during the completion of the final engineering for the Project.

Concerns regarding increased flood hazard at Horsepark would be eliminated by lowering the proposed weir at river mile 2.09. The exact elevation will be calculated during completion of the final design plans. With regard to the Stevens Creek channel adjacent to the Fairgrounds/Racetrack, the proposed Project in all instances reduces flood water levels within the San Dieguito River at its confluence with Stevens Creek, and thus would not adversely effect the

draining facilities at the Fairgrounds/Racetrack.

IMPACT 2.15: *The Project has the potential to increase the risk of damage to the quarry stone revetment along the southern boundary of the tidal inlet or the seaward facing revetment in front of the properties to the south or decrease sediments transported to the beach.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Specific economic, legal, social, technological, or other considerations make infeasible further mitigation of these impacts.

FACTS IN SUPPORT OF FINDING:

Although the draft EIR/EIS indicated that the proposed Project would result in greater scour near the bank protection for Sandy Lane, the Project has been redesigned to move the center line of the low flow channel toward the right bank by 50 feet. With this new position for the low flow channel, the maximum scour under the proposed conditions is actually farther away from the south bank. It may therefore be concluded that potential scour impacts related to the proposed Project can be eliminated by moving the low flow channel farther away from the south bank.

The Project would not increase the risk of damage to the quarry stone revetment along the southern boundary of the tidal inlet or the seaward facing revetment in front of the properties to the south. The engineering design conditions for the revetments in the vicinity of the inlet are based on flood flows of the river, and the maximum scour and wave conditions of the structure. The restored inlet would have no effect on the existing vulnerability of the revetment to overtopping by extreme events. The Project would not change the maximum wave scour and extreme wave conditions of the revetments.

IMPACT 2.16: *The initial excavation of the inlet channel may release accumulated pollutants from the Lagoon to the ocean.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Under the present conditions, pollutants including bacteria from sources within the watershed can accumulate within the Lagoon when the inlet is closed and tidal exchange with ocean waters is restricted. Opening the inlet may release accumulated pollutants from the Lagoon to the ocean, thereby causing elevated bacteria levels and turbidity levels near the river mouth for a period of several days. This impact already occurs when the inlet is opened either mechanically or following large rainfall events. Maintaining the tidal exchange between the Lagoon and ocean will reduce subsequent potential for pollutant accumulation within the Lagoon, as well as the long-term frequency and extent of similar pollutant flushes in the future. These effects will be addressed in the 401 Water Quality Certification, and will be minimized to below significance.

IMPACT 2.17: *Disposal Sites may result in increased sediments which would effect water quality.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Confined disposal areas, which include desilting basins, would be constructed to prevent erosion and control surface runoff during the stockpiling phase. The desilting basins are proposed to collect and temporarily retain the dewatering effluent for a sufficient period of time to allow suspended sediments to settle out of the water. The effluent eventually would be allowed to flow along constructed channels back to the excavation/dredging site. Assuming that the effluent quality meets the applicable criteria in Title 27 of the California Code of Regulations, impacts to water quality would consist of localized increases in turbidity. This would be due to residual suspended particles in the effluent as well as erosion of the soils from the drainage channels. After the stockpiled materials are graded, covered with suitable top soil, and revegetated, long-term impacts to water quality due to erosion and transport of soils by rainfall runoff are expected to be negligible. The impacts from upland disposal would be temporary and would be mitigated to below significance by the above measures.

As described in the EIR/EIS, layers of fine grain sands are present below depths of 3 to 7 feet within the lagoon area (W1). One on-site disposal option involves extracting the presently buried, sand-sized materials within Area W1 (DS44) for beneficial uses such as beach nourishment, and replacing these with a comparable volume of finer materials excavated from other locations with the Project area. Impacts to water quality would accompany losses of sediments due to spills, erosion, or transport by runoff into adjacent channels. Impacts would consist of temporary and localized increases in turbidity and suspended

sediment concentrations. Changes in oxygen demand, dissolved oxygen, or contaminant concentrations are not expected. These impacts are considered significant, but mitigable as outlined above.

Disposal of excavated sands on local beaches potentially provides beneficial impacts by augmenting the natural sand supply. Pumping dredged sands onto local beaches would cause discoloration of near shore zone waters due to runoff of the turbid waters associated with the dredged materials. These affects would be localized and temporary. Beach disposal could be limited to winter months to minimize interference with periods of high beach use.

Near shore disposal involves discharge of dredged materials into the ocean at locations and water depths in which a portion of the materials would be expected to contribute to the littoral sand supply. Near shore disposal of dredged materials typically is limited by state and local regulatory guidelines to clean sediments containing approximately 20 to 25% or less of fine grained particles. Disposal of sediments containing higher portions of fine grained material is undesirable because of potential concerns about changes to the texture and appearance of the beach. A major portion of the excavated materials for the Project will be greater than 20 to 25% fines.

IMPACT 2.18: *Public use of the proposed trails may result in greater amounts of trash debris, and wastes from domestic animals such as horses. Runoff containing these materials could adversely affect water quality.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Compared to existing conditions, completion of the Project is expected to result in more visitors to the area with the potential to result in greater amounts of trash, debris, and wastes from domestic animals such as horses, all of which are subject to potential transport by storm water runoff into adjacent waterways. Pre-project, access is uncontrolled with people, pets, and some off road vehicles entering and damaging sensitive areas, and with little if any policing, litter control or other clean up. The Project will organize and regulate public access into areas suitable for such access and will provide trash receptacles and other clean up and management activities. The potential impacts from bringing more people to the area would be significant but can and will be mitigated by a weekly trail maintenance program. In addition, the public access portion of the Project has

been designed to minimize water quality impacts by providing water treatment ponds at the interpretive center to provide oil-water separation and natural filtering of storm water runoff from the adjacent drainage areas, including the existing shopping area and roadways. The Project will result in a reduction in the amounts of contaminants into the lagoon from surrounding areas, which will be a beneficial impact that will offset any water quality impacts as a result of the Project.

IMPACT 2.19: *The 22nd Agricultural Association use of Area U18 for multiple uses including equestrian uses and seasonal parking, could result in greater amounts of trash, debris, and wastes from domestic animals such as horses than under existing conditions. Runoff containing these materials could adversely affect water quality.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Changes or alterations that would avoid or substantially lessen the significant environmental effect as identified in the EIR/EIS are within the responsibility and jurisdiction of another agency, specifically the 22nd District Agricultural Association. Such changes have been adopted by such agency or can and should be adopted by such other agency.

FACTS IN SUPPORT OF FINDING:

The use of Area U18 by the District for its contemplated future uses, if implemented, could result in greater amounts of trash, debris and wastes from domestic animals such as horses, than under current conditions. Increased waste inputs as a result of runoff into the adjacent wetland area would have adverse impacts to surface water quality. This impact can be mitigated to below significance by the implementation of a routine maintenance program for the area and proper drainage of the site that directs flows away from the adjoining wetlands. The District is responsible for such maintenance activities on its property, as well as for planning, securing environmental review and permit clearance for any such future activities it proposes.

IMPACT 2.20: *The construction of the berms will increase the channel velocities, which may lead to increased river-scour induced erosion.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant

environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

As indicted in the EIR/EIS, significant increases in channel velocities would generally occur in the relatively broad, unaltered (natural), low-lying areas between Jimmy Durante Bridge and I-5, and again upstream of I-5 and downstream of the Horsepark property. Within the off-channel areas over a majority of the floodplain, flow velocities would be lower than for existing conditions. In areas where significant increases in velocities would occur, the existing flow is well below 4 feet per second. In virtually all cases excluding the lower channelized section of the river, channel velocities under proposed conditions would be maintained below 6 feet per second to limit channel bank and channel bed scour utilizing engineered erosion control measures proposed as part of the Project.

As described in the final EIR/EIS, berms are an essential component of any restoration Project at San Dieguito due to the existing scour characteristics of the river and the design and configuration of existing public facilities located down stream of the proposed restoration. Berms are also necessary to protect created tidal wetland areas from siltation during storm events. It is important to note that the primary purpose of the Project is to provide a healthy biological habitat within off-channel areas that are protected from flood flows, while at the same time reducing downstream riverine scour and maintaining sediment transport to the beach. Based on the primary objectives, the berms as designed play an important role in improving the biological habitat without increasing downstream erosion. With regard to the berm footprint, the berm geometry was selected based on geotechnical stability requirements. Berms are proposed within the main channel to essentially confine the 100-year flood within a well defined, relatively narrow, on-channel corridor that can efficient transport riverine sediments through the river system and into the littoral system. As detailed in response to comments the berms have no effect on low flow channel hydraulics.

The berms will result in the transport of sediment for delivery to the beach. Based on the input of Dr. Goodwin and other technical reviewers, the height of the berms has been modified somewhat from that proposed in the draft EIR/EIS. When comparing the 100 year water surface elevations using the HEC 2 model, the berms as currently designed are below the 100 year water surface elevation and, up stream of I-5, the berms are approximately 1/2 foot above the 100 year HEC 2 water surface elevation. Although Dr. Goodwin questioned the need for berm elevations 3 feet above the 100 year flood standard, Dr. Norden, one of the Coastal Commission's 3 required technical reviewers, strongly supported the original 3 foot design freeboard for reasons detailed in Response to Comments S1-4. By reducing the berm height, the hydrologic efficiency of the channel is

reduced by a small amount and both washload and debris would pass over and be deposited in the tidal basins. This reduction in berm height would have a significant increase in the degradation of off-channel biological habitat, and a small decrease in sediment delivery to the beach. The upland water shed produced 1.45 million cubic yards of fine grain material that is transported to the coastal on an annualized basis and discharged into the Oceanside littoral cell. This amounts to approximately 170,000 cubic yards of fine grained material annually passing through the San Dieguito River Basin, which with berms would preclude any deposition of this material into the off-channel basins. Further reduction in berm height would result in a substantial amount of this material being carried into the off-channel tidal basins instead of being carried out to sea, all of which would degrade the quality of the off-channel biological habitat. The berms were designed and sized with these considerations in mind.

The proposed berms would contain high velocity flows, thereby maintaining sufficient hydrologic conveyance to transport alluvial sediments to the beach. In areas where the berms could be negatively affected by channel flow, a stone revetment would be incorporated into the berm to control erosion from impinging flows and channel bed scour. Certain steeper sloped berms will be further stabilized by geosynthetic reinforcement, which increases stability and plant root tenacity, the latter of which reduces river scour susceptibility.

The proposed Project, particularly in the vicinity of the berms, increases somewhat the channel velocities within these sections now confined by the berms. It is important to note however, that within the upstream reaches of the San Dieguito River, the existing hydrologic efficiency is so slow as to currently drop out any sediments, with considerable stream bed scour occurring primarily down stream of Jimmy Durante bridge. The proposed Project increases riverine sediment transport through the upper reaches of the Project area, ultimately reducing general bed scour downstream of the I-5 bridge. This actually reduces the potential for channel bed scour, damaging utilities downstream of I-5. However, at least locally, this slightly increases the potential for channel bed scour upstream of I-5. The potential impacts of increased river bed scour in the to public utilities and public facilities are addressed in Impacts 2.57 through 2.61.

Since a portion of the flood flow would be routed through the northerly off channel tidal basin at flood flows above the 25 year flood, flow velocities were also calculated through the northern tidal basin under the 100-year design flood at 2 feet per second, corresponding to a flood discharge of 4,000 cubic feet per second. Although the flow through the tidal basin would not cause scour damage, the weir structure and its adjacent areas would need to be hardened. The final crest elevation of the weir will be determinate in final Project design, however it will be well above the adjacent main channel bed elevation. For this reason, bed sediment would not be transported into the tidal basin during flood

flows in excess of the 25 year storm. Thus, the off channel habitat in this area, W4 and W16, would experience more rapid degradation than the more protected off channel habitats south of the river, W1 and W6b. A smaller amount of suspended sediment load and floating debris would be transported into W4 and W16, when compared to existing conditions and thus the Project is still considered beneficial.

The Project has been designed to minimize potential scour impacts to below significance by not constructing slopes in excess of 4:1. In addition, portions of slopes constructed along the San Dieguito River that are anticipated to incur maximum river scour would be constructed with a rock armor, consisting of stone revetment and articulated block mat.

The JPA finds that the increase in channel velocities is essential to the success of the Project. Impacts in terms of increased river scour induced erosion has been minimized to the extent feasible. The JPA further finds that if the residual impact were determined to be significant, the JPA would make the alternative finding that the overall benefits of the Project overrides the significant impact.

GEOLOGY/SOILS

IMPACT 2.21: *Removal of vegetation, grading and the placement of fill during construction of Staging Areas, access areas, Disposal Sites and public access areas could potentially increase wind and water erosion, leading to short-term water quality and air quality impacts.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The removal of vegetation, grading, and placement of fill during the construction of the restoration component and public access component could increase erosion, which could impact water and air quality.

The restoration component of the Project includes standard erosion control measures to reduce potentially significant impacts to below significance. Erosion control measures are outlined in Section 4.2.1.1. and include such measures as silt fencing, watering of dirt access roads and hydroseeding of prepared slopes.

The public assess component of the Project has been designed to mitigate this potential impact to below significance by the incorporation of standard erosion

control measures as design guidelines and development standards in the Master Park Plan. The future design of the Interpretive Center will therefore include the standard erosion control measures, which will mitigate the potential impacts to below significance.

IMPACT 2.22: *The Project could increase slope instability within the river channel and lagoon, increasing the risk of slope failure during a significant seismic event and/or the proposed berms, Disposal Sites and nesting areas could be subject to slope failure during a significant seismic event.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The most significant seismic event likely to occur at the site would be a magnitude 6.5 earthquake on the nearby Rose Canyon fault zone. A maximum peak horizontal ground acceleration of 0.48g could occur at the site in association with this type of earthquake. The Project will result in increased river and tidal velocities within the channel which could potentially result in localized scour of adjacent riverbanks. Most of the silts and silty sands throughout the lagoon area are fine-grained and easily erodible, even from relatively gentle slopes during fairly low stream velocities. The berms constructed as part of the Project could also be subject to failure during a significant seismic event.

The Project has been designed to mitigate this potential impact to below significance. Geotechnical investigation reports recommend that final cut slope gradients for the site, which would be completed due to excavations below the surface, should not be constructed in excess of 4:1 (horizontal:vertical) to prevent deep-seated failure during earthquakes and/or river scour. With the exception of areas excavated at the base of several proposed berms, which would be stabilized with rock armor, no proposed excavation slopes would be constructed in excess of 4:1. In addition, site-specific geotechnical evaluations would be conducted in areas planned to receive fill soils when development schemes are known following completion of the final grading plans. The mitigation measures proposed as part of the site evaluations will ensure that the risk of berm slope failure is reduced to below a level of significance.

IMPACT 2.23: *Excavation for the Project could increase the potential for seismically induced liquefaction which could result in differential*

settlement of ground surface, and lateral spreading in wetland areas and on the I-5 Freeway embankments adjacent to areas W-1, W-6a and W-6b.

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The Project has been designed to mitigate this impact to below significance through the retention of a geotechnical consultant to evaluate methods such as dynamic compaction or constructing stone columns. The specific measures shall be reviewed by Caltrans.

IMPACT 2.24: *Over excavation of area W1 could result in potential slope instability of the adjacent freeway embankment.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Deep Over excavation of fine-grained sands beneath Subtidal Area W-1 would result in temporary steep cut slopes immediately adjacent to the I-5 freeway embankment. In the absence of proper engineering, excavations in this area could result in slope instability of the adjoining freeway embankment. This impact can be reduced to less than significant with proper engineering mitigation.

IMPACT 2:25: *Post construction shrinkage of soil could result in differential settlement and distress of structure foundations.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Any structures that are placed on fill will be subject to distress if differential settlement occurs.

This impact can be mitigated to below significance by dewatering of the soils prior to sediment placement to allow preconstruction shrinkage of soil.

IMPACT 2.26: *The on-site soils are considered extremely corrosive to ferrous metals, such as steel drainage pipes and culverts, and negligible to moderately corrosive to concrete.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The pipes in the berms and the foundations for any structures on excavated materials would be subject to corrosion due to the qualities of the soil.

The Project has been designed to mitigate this impact to below significance by the use of appropriate piping and concrete.

IMPACT 2.27: *The public access/interpretation components of the Project have the potential to be impacted by a significant seismic event.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The most significant seismic event likely to occur at the site would be a magnitude 6.5 earthquake on the nearby Rose Canyon fault zone. A maximum peak horizontal ground acceleration of 0.48g could occur at the site in association with this type of earthquake.

To mitigate this potentially significant impact, site specific geotechnical investigations shall be completed in areas proposed to receive fills. Measures identified from the site specific evaluation will be implemented to mitigate impacts to below significance.

BIOLOGICAL RESOURCES

IMPACT 2.28: *The Project will convert biological resources within the Project area.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant

environmental effect as identified in the Final EIR/EIS.

Specific economic, legal, social, technological, or other considerations make infeasible further mitigation of these impacts.

FACTS IN SUPPORT OF FINDING:

4-5 acres of existing, tidal habitats would be converted to other habitat as part of the restoration, however there would be no net loss of any tidal habitat.

Some areas that have been subtidal or non-tidal may become frequently flooded mudflats. Evaluation of overall productivity of the ecosystem indicates that the conversion of subtidal or non-tidal areas to frequently flooded mudflats should be beneficial due to improved circulation of nutrients. Improved tidal flushing and a greater acreage of intertidal habitat in locations protected from strong waves and currents may improve the establishment of eelgrass beds in the lagoon and cordgrass in the low marsh.

There will be a net loss of seasonal and transitional wetland acreage as illustrated in Figure 4.4-1 of the EIR/EIS. Net gains in tidal marsh generally provide sufficient acreage and habitat functions and values to offset these losses. Seasonal or transitional wetlands could be created or restored to provide additional acreage of these habitats in areas W30, M35, and M38-M45. Collectively, these amount to an additional 19 acres of seasonal or transitional wetlands that could be created by converting non-wetland areas. If implemented, wetland creation or restoration on these sites would add to the Projects overall beneficial impacts on wetlands.

Although most of the existing seasonal marsh will be retained, currently these areas are surrounded by disturbed upland habitats. The Project will provide a better variety of habitats in close proximity to the existing seasonal wetlands, which will enhance the functions and values of these wetlands over existing conditions. Weedy species such as tamarisk and non-native annual grasses that do not survive periodic tidal inundation are expected to diminish in low-lying, non-tidal areas.

The conversion of seasonal salt-marsh is addressed at Impact 2.31.

The Project will replace areas of seasonal or brackish marsh, uplands and associated transitional areas with tidal wetlands or other habitat features such as nesting sites and berms. Although the conversion of these upland areas to wetlands involves the loss of habitat for certain non-wetland plants and wildlife, the converted area would remain as undeveloped open space, the level of disturbance due to discing and agricultural disturbance would diminish.

Corridors for dispersal of upland wildlife across converted areas would remain along berm slops. As a result, the conversion of non-tidal uplands to wetlands is considered adverse but less than significant in terms of upland habitat loss and remains beneficial overall in that more productive and generally scarcer salt marsh habitat would be created in its place.

Low lying but non-tidal areas around the west basin (area W1) where seasonal salt marsh is established would be exposed to occasional inundation by high tides as a result of the restoration. Rare tidal inundation would not be expected to adversely effect resident wildlife, which tolerate the extreme conditions associated with seasonal flooding and desiccation that exist at present. The overall impact would be beneficial.

Organisms more tolerant of exposure to low tides would be expected to increase in abundance, and foraging habitat for shorebirds would be increased immediately. In contrast, the availability of habitat for certain fishes, water birds and mobil invertebrates that require regular open water or subtidal areas would become more variable spatially and temporarily. This will cause an adverse impact to species intolerant of tidal exposure, and a beneficial impact for other species.

The Project involves plans for enhancement and/or restoration of native grassland, coastal sage scrub and chaparral vegetation on uplands currently supporting mostly ruderal/successional vegetation or agriculture. No coastal sage scrub or other special status upland habitats will be adversely affected.

Freshwater wetlands and riparian habitats would also be enhanced and restored. Agricultural disturbance would cease and these areas would undergo succession, resulting in increased cover of grasses and ultimately shrubs. These areas would have increased functions and values as habitat of native plants and wildlife relative to existing conditions.

The areas affected by berms and the associated weir for berm B8 are nearly all ruderal/successional or agricultural land. Thus, the conversion of this land to berms would be inconsequential given the replacement of upland habitat on the berm slopes. However, the current configuration of the berms in relation to existing habitats suggest that a small area of seasonal marsh would be converted by berm B7 west of I-5 and a small area of fresh water marsh in a drainage ditch north of the river, east of I-5, would be converted due to berm B8.

All permanent conversion of wetland to non-wetland habitats would require mitigation. Generally, the Coastal Commission and the City of San Diego policies require a mitigation ratio of 4-1 for losses of coastal wetlands. The Project provides more than an adequate surplus of wetland acreage to offset the

minimal loss of seasonal wetland that would occur as a result of Project implementation. The impacts associated with berm construction are mitigated to below significance.

The Project has been proposed and designed in order to achieve enhancement and restoration of biological resources. Long-term maintenance of the inlet, coupled with the increased tidal prism of the lagoon and wetlands, would result in improved tidal circulation, eliminating the prolonged closures of the lagoon and accompanying episodes of poor water quality that have occurred in recent history. Existing tidal salt marsh habitats would experience increased frequencies of tidal inundation, due to the improved hydrologic efficiency in the restored system. The quality of the existing tidal habitat will improve as a result of Project implementation.

The Project would also greatly increase the acreage of tidal habitats in the Project area, resulting in beneficial impacts. This will be achieved through a conversion of habitat acreage and mixes throughout the lagoon as detailed in the EIR/EIS.

The JPA finds that the conversion of biological resources will restore the lagoon to more of its historic natural condition and as a result will have a net benefit to biological resources. The JPA further finds that all negative impacts from the conversion of biological resources have been minimized to the extent feasible.

IMPACT 2.29: *The construction of the nesting sites has the potential to impact biological resources.*

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

The nesting areas proposed as part of the restoration Project represent a significant component of coastal restoration. In determining the optimal location and size for these areas, every effort was made to minimize impacts to existing wetland habitat. However, complete avoidance was not possible due to the need for these nesting areas to be located near coastal wetlands in order to be successful. The creation of these nesting areas would increase the utilization of the restored wetlands by least terns, snowy plovers, and other water birds that nest or loaf on open, elevated sites. Therefore, the creation of such areas contributes to the restoration of ecosystem functions and values throughout the system. In the sense that habitat values within the immediate footprint of nesting sites would be lost, there is an adverse impact, but it is considered less than significant in relation to the longer term increase of habitat acreage in the

immediate vicinity.

It is anticipated that the material used to create the nesting sites will be dredged from the adjacent wetlands system, thus insuring that, to the extent feasible, Aforeign≅ material will not be imported. Such nesting sites would have been an historically natural part of the wetlands system, and any impacts caused by restoration of such sites is considered not significant.

Based on the layout of nest sites in relation to existing habitats the construction of NS11 and NS12 would result in the elimination of seasonal marsh and existing high marsh habitat. Because of their contribution to wetland functions and values, the argument can be made that the construction of nesting sites should not require mitigation at the same ratio required for the berms.

With respect to the 4:1 mitigation requirement for placement of nest sites on existing wetlands, the discussions in Section 4.4 have been revised to reflect this requirement and to address quantitatively the capability of Project alternatives, to provide additional acreage to offset the impact, including consideration of how construction of the nest sites would affect SCE's ability to meet SONGS requirements set by the CCC. On the latter point, sufficient mitigation acreage may not be available for SCE to meet SONGS requirements for restored wetland acreage while at the same time assuming responsibility to construct the nest sites and provide additional mitigation acreage at a 4:1 ratio. As discussed in the document, the nest sites are an integral part of the Project design, and for that reason must be retained within the overall restoration footprint. The JPA is open to the possibility that SCE could propose a Project that omits or modifies construction of the nest sites for the sake of avoiding impacts on wetlands and associated mitigation requirements, but such a Project would not be acceptable if it significantly reduced the acreage of nest sites or made their future construction infeasible. Given the need for mitigation acreage within the Project site for trail and berm impacts, providing additional acres for nesting sites is problematic.

Although the JPA finds that the short-term loss of this wetland is not a significant impact, the JPA also makes the alternative finding that if such a loss were to be determined to be significant, the JPA would find that further mitigation is infeasible and that the benefits of the Project, including the long-term enhanced wetland benefits, override any short-term losses to wetlands that may occur as a result of implementation of the Project.

IMPACT 2.30: *The public access component of the Project has the potential to impact biological resources.*

19105

FINDING: Not significant.

FACTS IN SUPPORT OF FINDING:

As presently designed, construction of public access trails is a necessary mitigation measure to avoid otherwise significant affects that would occur from human access. The construction of the trails would primarily affect upland ruderal/successional, agricultural, and unvegetated or developed areas. Impacts in these areas would be adverse but less than significant because of the small scale of the impacts.

The Coast to Crest Trail has been aligned at the outermost edge of the Project area to reduce potential impacts to sensitive areas. Nevertheless, two portions of the trail would occur within the 100-foot buffer that separates the restored habitat from other uses. One such segment of the trail would extend for about 1,100 feet from the I-5 bridge north to a point 100 feet north of restoration module W4, which is proposed for all but the No Action alternative. Another portion of the trail that would occur within 100 feet of the restored wetland, extends for 477 feet from the southern terminus of San Andreas Drive to an existing driveway cut that is the proposed access point for the future Nature Center. It should be noted that the latter segment would be located within the existing road right-of-way. The final Project design will maximize the separation between the upper limit of restored wetlands and the edge of the trail, and although the trail will be located well above the limit of restored wetlands, it appears that encroachment within a nominal 100-foot buffer zone is unavoidable in these two areas.

Fencing is proposed along the edge of the trail to prevent off-trail activity. Dog owners will be required to keep their dogs leashed while on the trail, and to clean up after their pets. "Doggy bags" and waste disposal cans will be provided at the trailhead to make this easier. The JPA will work with the Cities of San Diego and Del Mar to establish and enforce ordinances in support of these measures. Other measures incorporated into the Project to minimize off-trail activity include signage and expansion of the River Park's existing volunteer trail patrol. To provide cover for wildlife and lessen the intrusive effects of people on the trail, coastal sage scrub transitional vegetation (see Table 2.3.1-11 for species composition) will be established and maintained (through supplemental planting and irrigation as necessary) in the buffer zone between the trail and the upper edge of the restored wetland. In addition, to rapidly detect and limit any impacts related to unauthorized access into the restored wetland areas, the trail and contiguous areas of the buffer zone will be systematically monitored for signs of damage or encroachment beyond the fence. Any signs of damage or encroachment will be remedied through a combination of signage, public education, more frequent patrolling (through expansion of the River Park's existing volunteer patrols), limitations on access (e.g., daylight hours only) and, if

necessary more restrictive fencing. With these provisions, the buffer zone, although less than 100 feet wide in places, should still function as intended.

The construction of the trail and buffer area could impact existing tidal marsh and seasonal marsh along the trail corridor. This includes portion of the Coast to Crest Trail east of I-5, north of the river where the trail is located on an existing dirt and gravel utility road that was constructed on wetlands in the past. Development of a trail on this road would not result in any impacts to wetlands that would not have otherwise occurred as a result of continued use of this road for periodic utility maintenance. Based on current use, this area may no longer qualify as jurisdictional wetland, however this would be determined by the U.S. Army Corps of Engineers during the processing of the 404 permit. It is assumed that at least a portion of the trail would require the conversion of wetlands to non-wetland trail use. The increase in wetlands that will occur as a result of the Project will compensate for these small losses.

The proposed trail alignment was selected based on the existing and proposed future conditions at the Project site. The JPA considered all options in developing the preferred trail alignment. Very few options were considered feasible due to constraints related to biological resources and existing development. Ultimately those areas that are already experiencing disturbance and will continue to experience disturbance as a result of ongoing activities, such as the existing utility easement to the east of I-5 and the fairgrounds dirt parking lots on the west side of I-5, were selected as preferred location for the trail. No other less damaging alternatives could be identified. The draft EIR/EIS has evaluated the potential impacts associated with aligning the trail through jurisdictional wetlands and mitigation is proposed to offset these impacts. The trail can only be developed if the required 404 and coastal development permits can be obtained from the appropriate regulatory agencies. The Project will convert biological resources within the Project area.

Public use of the trails that are constructed as part of the Project design could adversely affect adjacent habitats through the trampling of vegetation or disturbance of sensitive wetlands by anthropogenic noise and human activity. These types of impacts would be exacerbated if dogs are not closely controlled. However, with the measures that are incorporated into the Project, these potential impacts will be minimized such that dogs would be controlled where necessary and public access will not compromise the desired habitat functions and values. These measures include prohibiting dogs on the proposed interpretive trails and only permitting dogs on the Coast to Crest Trail if they are on a leash. Dogs will not be permitted on JPA property located to the south of the river and removal of the Grand Avenue Bridge will reduce the potential for unleashed dogs to access nest sites 11 and 12. It is recommended that an ordinance be established to enforce requirements that owners keep their dogs

leashed and pick up after them when on trails. See also Response S1-40.

Public access to the wetlands system is currently unregulated. Informal trails have been created by the public, their pets, and in some cases by off road vehicles. This unauthorized, informal access has in many cases caused damage to the wetlands system, and has resulted in disruption of nesting sites, trampling of habitat, litter and trash, and other adverse impacts. The public access component of the restoration Project will eliminate this informal, and often destructive, access in favor of a well planned and organized system of improved trails and viewing areas. The JPA concludes that inclusion of the trail system is a necessary mitigation measure, any adverse impacts from the construction of the new trails is insignificant and is greatly outweighed by the overall benefits of eliminating the existing uncontrolled access, by the institution of trail monitoring and policing, litter control, etc. that are proposed as part of the Project.

IMPACT 2.31: *The Project could result in the net loss of seasonal salt marsh.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Specific economic, legal, social, technological, or other considerations make infeasible further mitigation of these impacts.

FACTS IN SUPPORT OF FINDING:

Within the restoration area footprint, certain non-tidal areas supporting seasonal salt marsh and related transition habitats would be excavated and converted to tidal wetlands. The Project would convert these habitats to a variety of tidal and non-tidal habitats, which over time are expected to adequately replace the functions and values currently provided by seasonal salt marsh.

Although some areas of seasonal salt marsh would be eliminated, the additional areas of transitional wetland along with continuous adjacent tidal high marsh zone will provide functions and values similar to those impacted areas of seasonal salt marsh. The Project, if successful, will result in substantial increases in high tidal marsh and transitional wetland habitat that would support much the same vegetation, and provide many of the same functions and values for wildlife that are supported by seasonal wetlands in the Project area. Because of the functional similarity, there would be no net reduction of acreage of non-tidal wetland habitats. The productivity and diversity of salt marsh habitat will be improved.

The restoration Project would include provisions for salvaging seasonal salt marsh vegetation from impacted areas, and using this material to speed the establishment of high marsh. If successful, the Project would result in net gains of high marsh habitat. Net gains in tidal high marsh generally provide sufficient acreage and habitat functions and values to offset losses of seasonal and transitional wetland types.

The frequency of tidal inundation expected at the upper edges of the restored tidal basins diminishes rapidly with increasing elevation. In addition, the maximum heights reached by tides are subject to variability depending in near term sea level changes driven by weather conditions and the ability of the restored system to transmit high tide flows. This makes the outcome of restoration and the attainment of functions and values less certain at higher elevations, although the impact would still be beneficial relative to existing conditions. In addition, some areas of existing and restored high marsh may be vulnerable to degradation through scour during flood episodes. This introduces uncertainty into the outcome of restoration, but the overall impact is still beneficial in terms of providing new wetland habitat.

The restoration design parameters have been thoroughly evaluated over the past several years to eliminate uncertainty as to whether the Project will succeed or fail. Adherence to these design requirements largely eliminates the need for additional contingencies or remediation, other than what is recommended under mitigation measures in the EIR/EIS. Success criteria will be developed by the Coastal Commission staff for those portions of the restoration that would be implemented by SCE to satisfy Condition A of the SONGS Unit 2 and Unit 3 permit.

Other functions and values associated with shallow ponded and mudflat habitats that are part of the impacted seasonal wetlands would be replaced by the abundant open water and mudflat habitats that are part of the restoration. The Project would show net gains of wetland habitat that would provide functionally in-kind mitigation for seasonal wetland losses at ratios well in excess of 1:1.

The JPA also makes the alternative findings that further mitigation of these impacts is not feasible and that if the remaining impacts were to be determined to be significant, the JPA would find that the benefits of the Project, including the long-term enhanced functions and values of wetlands, override any short-term losses to wetlands that may occur as a result of implementation of the Project.

IMPACT 2.32: *The Project could impact biological resources without replacement if precise elevations are not followed.*

a suitable nesting or resting area for water birds when not in use.

SA4 could be revegetated with native seasonal salt marsh and transitional coastal scrub species, with the plant palette tailored to local soil and drainage conditions.

If construction Staging Area SA3 and the associated Hall Road are used for maintenance activities, and if least terns or other water birds utilized NS15 for nesting and resting, then maintenance activities could affect the bird's reproductive success or risk injury to them. This impact would be mitigated by avoiding use when and where the site is being used for nesting.

The use of Staging Area 2 as a launch site for floating dredge equipment would cause minor, intermittent disturbance of tidal habitats along the river. Any shoreline construction required for this facility would also cause minor disturbance of mudflat and open water areas. Since this area of the shoreline is largely developed, tidal salt marsh habitat is not present. SA2 is largely unvegetated and so does appear to require revegetation although since the site is on JPA property, the JPA will implement the City's requirements.

The use of Staging Area SA1 for inlet maintenance and dredged material stockpiling and disposal would intermittently disturb the adjacent tidal open water and mudflat habitats, as well as requiring a portion of the sand beach during construction. This activity would have short-term, small scale effects on marine plankton, invertebrates, and fishes, and may cause shore and water birds to temporarily avoid potentially valuable feeding and resting area. Native dune topography and vegetation will be protected by fencing to the extent feasible. Vegetation areas that cannot be avoided will be restored following use of the site.

At all Staging Areas, there is a risk of spills of fuel, lubricants, or coolants from vehicles and construction equipment. Such spills would contaminate soils on a small scale, and if not contained, have toxic effects on plants and animals in surrounding wetland and aquatic habitats.

Impacts can be mitigated to below significance by confining ground disturbance, parking and maintenance/refueling activities to areas that are of the lowest value to wildlife and can most easily be restored following construction.

IMPACT 2.34: *The Project has the potential to impact the California Least Tern and the existing least tern nesting island.*

FINDING: Changes or alterations have been required in, or incorporated into,

the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The creation of additional open water habitats would increase the amount of protected foraging habitat for least terns in close proximity to potential nesting areas. This would be a beneficial impact. The establishment of nest sites, if successful may also have a beneficial effect on the species.

The noise and activity associated with construction activities including excavation and dredging could disturb least terns if these actions occurred during the period of time least terns may be either foraging or breeding on-site. (Early April through mid-September). A significant increase in the turbidity of the water associated with construction may temporarily reduce foraging success of terns using the lagoon area during the construction period. The disruption of least tern foraging or breeding activities would be a significant impact that could be mitigated by the avoidance of construction activities within 500 feet of nesting birds, and the installation of sediment fencing around work areas and other erosion control measures to control erosion and limit turbidity. Although some dredging along the river channel would impact foraging areas for least terns, other areas such as the DFG lagoon and ponds east of I-5 would still be available.

The creation of four new nesting areas, and the rehabilitation of a previously created nesting area, is intended to be a beneficial impact for California least terns. Whether terns would use the created nesting habitat, however, is not known. There have been no nesting attempts in the Project area since 1992, and the 12-13 attempted nestings between 1979 and 1992 produced only one fledged young.

The created nesting sites may be affected by the proximity of some berms and the potential presence of the public in some nearby areas, including the proposed trails. Dogs would be allowed only if on a leash, and only along designated trails. No dogs would be allowed on Mesa Loop trail. Although California least terns are sensitive to activity near their nest sites and may abandon nest sites if frequently disturbed, public access is not expect to effect nesting terns because trails open to the public do not closely approach the nesting sites.

Nest site NS15 is an existing nest site Staging Area SA3 and the access road to it overlap a fairly large area of non-tidal estuarine flat adjacent to the CDFG lagoon. Given the creation of greater acreage of functionally equivalent areas on nesting sites NS11 and NS12 in the same area, and the fact that this area has

not supported any nesting in recent years, the impact in terms of habitat disturbance is expected to be less than significant. However, if least terns, snowy plovers, or other water birds were to nest on the site in the future, use of the access road and Staging Area could affect their reproductive success and risk injury to the birds, an impact that would be significant.

Other impacts could be influenced by the fencing proposed to keep mammalian predators out of the nesting sites. Mammal-proof fencing is proposed to be installed at the base of the elevated nesting habitat (eastern sites) or at the entry points into the restoration area surrounding the western sites. This fencing may facilitate increased predation by avian predators, such as gulls, raptors, and corvids that may use the fences as a perch from which they can watch for unattended nests. Seeing birds perched on the fence may actually discourage terns from starting a nest.

For the eastern sites, the top of the fence would be lower than the elevated nesting habitat, which would therefore eliminate vantage sites for avian predators. The fencing surrounding the western sites would not be installed immediately adjacent to the breeding habitat, which would also reduce the threat of avian predation on tern nests. The impact of increased avian predation resulting from the fencing to keep mammalian predators out of the nesting islands has been mitigated to below significance.

The Project will result in an increase in open water habitat which would increase the foraging area available to least terns near nest sites and would be beneficial.

IMPACT 2.35: *If inlet maintenance ceases, populations of tidal marsh plants, invertebrates, fish, and wildlife that become established in the restored, fully tidal system could be adversely affected by inlet closure and the resulting deterioration of water quality.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Closure of the inlet due to natural causes, if combined with a lapse in maintenance, would adversely affect the progress of restoration. More importantly, populations of tidal marsh plants, invertebrates, fish, and wildlife that become established in the restored, full tidal system would be adversely affected by inlet closure and the resulting deterioration of water quality. The attainment of Project benefits depends on long-term maintenance of the inlet in an open

condition to allow unobstructed tidal flows throughout the restored system. To mitigate this impact to below significance, inlet maintenance will be conducted in perpetuity.

IMPACT 2.36: *Excavation and dredging during construction and maintenance will impact biological resources and restored habitats near the river mouth.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Specific economic, legal, social, technological, or other considerations make infeasible further mitigation of these impacts.

FACTS IN SUPPORT OF FINDING:

Areas near the river mouth would be disturbed during wetland construction and subjected intermittently to disturbance in conjunction with inlet maintenance. Disturbance would include both the direct effects of equipment operation and the indirect effects of redirected foot traffic. Impacts on these sensitive habitats are mitigated by confining activities to areas of lowest biological value and providing public access along preexisting trails where native vegetation would not be impacted.

As detailed in the responses to comments, the use of hand tools is not a feasible method for dredging sediment from the subtidal areas of the newly restored wetlands.

The JPA finds that inlet maintenance activities are an essential part of the Project and that further mitigation of this impact is not feasible. The JPA also finds that the benefits of the restored tidal system override the short-term, intermittent impacts of excavation and dredging.

The trigger mechanism for maintenance dredging would be based on water level measurements within the lagoon, inlet profile monitoring, and monitoring of water quality in the lagoon. When the tidal prism falls below the minimum necessary, maintenance dredging shall be conducted. In addition, if water quality parameters such as salinity, dissolved oxygen, and pH are at levels that are unsuitable for Project goals, maintenance dredging would be conducted. The areas to be dredged will be based on the survey data as compared to the design configuration. It is important to note that the plan recognizes that frequency of dredging should be minimized due to the short-term impacts of dredging on the

lagoon. The approach is adaptive and relies on environmental monitoring.

Open water areas near the river mouth would be subjected to occasional disturbance from dredging as areas of sediment accumulation would be removed to retain the desired channel and inlet configuration. The resulting noise, activity, and increase of suspended sediment concentrations would cause temporary adverse effects on marine plankton, invertebrates, fishes, and birds. However the overall affect of channel maintenance would be beneficial due to improved water quality and the greater acreage of open water habitat in the restored wetland habitats.

Channel maintenance would occasionally disturb the intertidal mudflats near the river mouth, but the overall affect would be to maintain regular tidal flushing of these habitats throughout the restored system. Maintenance would provide a beneficial impact in terms of water quality and productive habitat for benthic invertebrates, fishes and birds and the improved habitat quality and increased habitat area should over time result in an increased diversity of tidal marsh species in the expanded lagoon system.

The sandy beach at the river mouth would be intermittently disturbed by inlet maintenance activities. These impacts would be temporary.

IMPACT 2.37: *Beach disposal could adversely impact Grunions.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Beach disposal could adversely impact Grunion spawning or the survival of eggs and larvae from previous spawns. This impact is potentially significant but mitigable through the avoidance of disposal during spawning and hatching periods.

IMPACT 2.38: *The Project has the potential to impact the western snowy plover.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures identified

in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Construction activity, including staging, access, excavation, dredging, and Disposal Site use would cause a short-term adverse impact on snowy plovers, which may avoid areas of heavy activity and, especially during nesting, have some vulnerability to being inadvertently killed by vehicles as a result of "freezing" when approached. The breeding season for western snowy plovers extends from approximately mid-March into September. The impacts from construction can be mitigated to below significance by avoiding construction activities within 500 feet of nesting birds.

The created nesting sites may be affected by the proximity of some berms and the potential presence of the public in some nearby areas, including the proposed trails. Dogs would be allowed only if on a leash, and only along designated trails. No dogs would be allowed on Mesa Loop trail. Public access is not expected to effect nesting plovers because trails open to the public do not closely approach the nesting sites.

The Project will result in the creation of additional foraging habitat and nesting habitat for western snowy plovers. The fencing proposed to keep mammalian predators out of the nesting sites may facilitate increased predation by avian predators as addressed in Impact 2.34 Although snowy plovers nesting habitat includes habitats similar to the nest sites proposed for the Project, these sites would not be considered optimal habitat for snowy plover nesting. Nevertheless the same measures to limit predation on eggs and chicks identified for the California least terns would also apply to the western snowy plover.

IMPACT 2.39: *The Project has the potential to impact the Belding's savannah sparrow.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Because Belding savannah sparrows are widespread on the Project site, are year round residents, and occur in areas where much of the construction, excavation, and dredging would occur, it is likely they would be adversely impacted during Project construction. These anticipated adverse effects would be short-term and would be compensated for by the long-term beneficial impacts

associated with additional salacornia habitat creation and improved tidal flushing. In order to mitigate for the significant impacts to Belding savannah sparrows, surveys will be conducted during the spring to determine breeding habitat for the species and the need for construction setbacks to avoid impacts to individual breeding birds. Scheduling construction activities that occur within 100 feet of known Belding savannah sparrow breeding habitat to occur outside the breeding season would reduce impacts to below significant. If nesting sites are located within proximity to construction areas that cannot be moved, then DFG would be contacted to discuss alternative actions to minimize impacts to Belding savannah sparrow populations.

The Project will result in the creation of additional salt marsh habitat which would be a significant beneficial impact for Belding savannah sparrow. Creation of new habitat would allow the population which is currently relatively large and healthy to expand significantly.

IMPACT 2.40: *The Project has the potential to impact the Least Bell's Vireo.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Creation of additional riparian willow habitat would be a beneficial impact for Least Bell's Vireo. At the present time the only potential habitat for this species is a small patch of willow riparian at the southeastern end of the Project area. Breeding is not known to occur on-site, and at most the site would support one or two birds. Therefore the chance of a significant impact to this species would be remote unless a pair was nesting on the site at the time of construction. Surveys conducted in the appropriate season would determine the presence of this species and the need for construction setbacks from breeding habitat.

IMPACT 2.41 *As detailed in Table 4.4-2 of the EIR/EIS, the Project has the potential to impact several sensitive plant and animal species including southern tarplant, Coulter's goldfields, northern harrier, western burrowing owl, loggerhead shrike, yellow-breasted chat, southwestern pond turtle, red sand- verbena, Lewis's evening primrose, del mar mesa sand aster, woolley seablite, Canada goose, and white-tailed kite.*

FINDING: Changes or alterations have been required in, or incorporated into,

the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The predicted impacts and mitigation measures are identified within Table 4.4-2 of the EIR/EIS and the Mitigation Monitoring and Reporting Program which are incorporated herein by reference. As discussed in detail in the EIR, overall species impacts are expected to be beneficial for the medium and long-term. The Project has specifically been designed to further and promote the best interests of the species using the wetlands system. As designed, the potential for adverse impacts to these species is considered mitigated to below significance and greatly outweighed by the overall benefits.

LANDFORM ALTERATION/VISUAL QUALITY

IMPACT 2.42: *Berms could cause view impacts.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

None of the berms would block public views of sensitive areas, such as the ocean and river. Until native vegetation is established (one to two years) the berms would appear as earthen mounds and would have an unnatural appearance, but the overall visual impact of the berms would be greatly reduced by vegetating them with native species.

As described in section 2.3.1.2.2, the berms would be planted with wetland species near their base and transition zone vegetation consisting of native grasses and coastal sage scrub species on the slopes. Revegetation would be monitored by the CCC in accordance with permit conditions to ensure the success of the Project.

IMPACT 2.43: *The stone revetment along the toe of the longest berm (in area B8) and stone revetments 1 and 2 could cause an adverse visual impact.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant

environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The berm in area B8 would be located east of I-5 on the north side of the San Dieguito River. This would be the longest of the berms, extending for approximately 4,250 feet from about I-5 east to the end of the Via de la Valle property (area U18). This berm would have a footprint of 7.7 acres. A weir would be incorporated into the eastern end of this berm. Stone revetment would be installed along the toe of the berm to elevation plus 5 NGVD and articulated concrete block mat would be installed at elevation plus 10 NGVD. Geotextile with erosion control landscaping would be installed on the remaining portion of the slope. In some areas, the stone revetment would be completely below the natural grade and thus not visible, but in other areas the stone revetment could extend several feet above the ground level, causing a visual impact.

Because stone revetment no. 1 would be visible from the viewing platform at the end of the Grand Avenue bridge, and stone revetment no. 2 would be visible from some of the trails that are proposed for the east of I-5, the stone revetments would cause an adverse, but not significant visual impact.

In order to mitigate for the visual impacts of the stone revetments the color used for the rocks that would be exposed and visible will be a color that will blend in with the natural color of the soils in the area.

IMPACT 2.44: *The articulated concrete block (ACB) mats above the stone revetment for berm B8 would cause an adverse visual impact.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Articulated concrete block mats would be installed above the stone revetment at berm B8 to elevation plus 10 NGVD. These mats would extend about 5 feet above the stone revetment and would consist of open cell blocks with up to 20% open area to allow the growth of vegetation.

These mats would result in view impacts. Through the proposed landscaping and maintenance, these impacts would be mitigated to below a level of significance.

IMPACT 2.45: *Public access components of the Project could cause visual impacts.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Public access elements of the proposed Project would include construction of the western segment of the Coast to Crest Trail, as well as two nature/interpretative trails. Staging Areas, view points, parking lots, and a interpretive signage program would be part of the Project as well. The trails proposed would have a minimal visual impact to public views of the Project area and would not be substantially different in appearance than the dirt roads that currently run through much of the site. the Staging Areas and parking lots would be designed to minimize impacts. Use of the Coast to Crest Trail to transport people to the Del Mar Fairgrounds via tram would also have a negligible visual impact if that option were implemented.

The 6,000 square foot nature/interpretive center would be visually compatible with the adjacent commercial development, but would restrict views of the river valley from a portion of Via de la Valle. Specifically, the center would be constructed approximately five feet below the current grade of Via de la Valle in the northwestern corner of the Via de la Valle property, therefore, current views along the approximately 200 foot stretch of Via de la Valle could be blocked by the structure depending on its ultimate design. This significant impact would be mitigated through appropriate architectural design of the form, mass, profile, materials, finishes and colors of the structures. Appropriate siting, grading, and landscaping will be incorporated into the Project to minimize visibility from major roadways and sensitive view sheds.

IMPACT 2.46: *Disposal Sites would result in significant view impacts.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Grading for the Disposal Sites would probably be noticeable from various viewpoints as detailed in the EIR/EIS. Where possible, the grading plan has

been designed to have relatively gradual slopes and undulating contours to give the site a more natural appearance and slopes would be blended with adjoining natural slopes, where feasible. None of the Disposal Sites would block sensitive views of the San Dieguito River Valley. No views of the ocean would be restricted, nor would any public views be blocked. Some views from El Camino Real northbound to the ocean would be restricted by the increased elevation of the land required by disposal, but given the brief duration of the view and the location of the view in relation to the viewer, this impact is not significant. All short-term visual impacts as a result of the Disposal Sites would be mitigated once the site is vegetated as proposed by the Project.

The Disposal Sites are located in areas that are currently undeveloped or are being actively farmed. In all cases except DS36, the side slopes would be more constant than those that occur in nature, giving the site an artificial appearance. In addition, the tops of the slopes (except for DS36) would be more level than the surrounding topography, which would also distinguish them visually. The visual impacts of these disposal options would be minimized by revegetating them with native plants. While this would improve the overall appearance of the sites, they would still generally retain a somewhat unnatural appearance with the exception of DS36. Vegetation would be established within one to two years. The significant visual impacts are therefore short-term.

A portion of the southwest views that might currently be available from the practice arena at the horse park property could be obstructed as a result of a berm, however the majority of the views from the horse park property would be unaffected. No significant views of the river valley are currently available from much of the horse park site due to the presence of show barns along the southern end of the property. Those views that are available from the cross-country course would be unobstructed. No visual impacts to the horse park property as a result of berm construction have been identified.

Another disposal option (D 544) is the over-excavation of Area W1. Implementation of this option would result in the need to stockpile large amounts of material within the Project site until the pit were excavated to the desired depth. This would result in short-term adverse visual impacts, however, the long-term effect would be to reduce the amount of material that would have to be permanently disposed of on the other proposed sites. At present it is not anticipated that this disposal option will be needed, but if it is, the JPA finds that its impacts will be less than significant.

IMPACT 2.47: *The use of area U18 for temporary parking, truck trailer storage, show barns and/or practice tracks, and/or uncovered show rings also could block some or all of the views of the river valley from Via*

de la Valle.

FINDING: Changes or alterations that would avoid or substantially lessen the significant environmental effect as identified in the EIR/EIS are the responsibility and jurisdiction of another agency making the finding. Such changes have been adopted by such agency or can and should be adopted by such other agency. The other agency is the 22nd District Agricultural Association.

FACTS IN SUPPORT OF FINDING:

Area U18 is being considered for a land exchange that could result in the development of 15 to 20 acres of the property for various agricultural related uses. In order for this exchange to occur, it is assumed that area U18 would be approved as a Disposal Site for the restoration Project. Therefore, any future uses would be constructed on an area that had been filled to approximately the same elevation as Via de la Valle. Use of the site for overflow parking and storage of truck trailers would make revegetation of the site difficult. While the site is used for parking, the visual appearance of the area as viewed from elsewhere in the area would be considerably different from that of the agricultural fields or restored habitat. Depending upon the configuration of the parking layout and the location of truck trailer storage, some or all of the views of the river valley from Via de la Valle could be blocked. Construction of show barns on area U18 could block sensitive views of the San Dieguito River Valley from Via de la Valle. Construction of a practice track and/or uncovered show rings could potentially restrict views depending upon their final design and if there are any plans for bleachers or fencing. All of the uses would be less desirable from a visual standpoint than the open space that would result from the restoration Project, but would be visually compatible with the existing development on the adjacent Horsepark property.

To mitigate these visual impacts from potential use of area U18, the District shall prepare a site design for the specific uses proposed on the site. In addition, if the site is used for seasonal parking, the district shall prepare a landscape plan that addresses the visual appearance of the parking area during the rest of the season. The land exchange agreement between the district and the JPA, if prepared, shall limit any future use of the property to the specific uses stated in the agreement. The determination of whether or not potential impacts to visual quality from a specific proposal are mitigated to below a level of significance would occur as part of the subsequent environmental review which is the responsibility of the District.

IMPACT 2.48: *During construction periods of heavy truck traffic, in combination with periods of seasonal traffic congestion in the region (during the Del Mar Fair, Thoroughbred Racing Season, or high summer beach use), the Project could increase traffic congestion to significant levels within roadways adjacent to the site.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The construction and restoration activities would result in a short-term increase in truck and automobile traffic on the roadways that provide access to the Project site. At the beginning of the Project, trucks and construction equipment required for the excavation/dredging activities, the movement of materials within the site, and the construction of the various Project components would be transported to the site. These items would remain at the site until the construction/restoration activities were completed, at which time they would be removed from the site. In addition various transport activities would result in an increased level of truck traffic on the study area streets and highways. The construction activities would also result in an increase in the number of automobiles and light duty vehicles on the roadways in the Project area, since construction/restoration workers commute to and from the site on a daily basis.

As addressed in Impact 1.31, the increase in traffic volumes on the study area roadway links would not be significant. The projected increases in traffic would be noticeable to the public, but they would not be significant according to the significance criteria. However, it is likely that there would be some localized short-term traffic impacts at the primary truck access points during times of heavy inbound or outbound truck movements. Such concentrated truck activity could potentially result in congestion on Via de la Valle, San Dieguito Drive, Jimmy Durante Boulevard, and/or Camino del Mar. These impacts would not constitute a significant impact according to the criteria. However, there is a potential for added traffic congestion in the area, if these activities were to occur during periods of seasonal traffic congestion such as during the Del Mar Fair or the Thoroughbred Racing season or high summer beach use. It is also acknowledged that there is a need to minimize Project related traffic during peak commuter periods. These impacts can and will be mitigated to below significance by implementation of the traffic control plan required by the Mitigation Monitoring and Reporting Program. The traffic control plan will include necessary measures to meet the specified performance standards, including but not limited to, use of flaggers, potential road closures, time limitations, installation

of advance warning signs to notify motorists of the presence of truck activity, and other measures.

IMPACT 2.49: *Construction of the Coast to Crest Trail from I-5 west to Jimmy Durante Boulevard could significantly reduce the number of parking spaces (up to 150) in the district-owned dirt parking lot located south and east of Jimmy Durante Boulevard during high volume Del Mar Fair days.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Changes or alterations that would avoid or substantially lessen the significant environmental effect as identified in the EIR/EIS are the responsibility and jurisdiction of another agency making the finding. Such changes have been adopted by such agency or can and should be adopted by such other agency. The other agency is the 22nd District Agricultural Association.

FACTS IN SUPPORT OF FINDING:

Some loss of parking on the fairgrounds property could occur as a result of the construction of the Coast to Crest Trail from I-5 west to Jimmy Durante Boulevard. The trail would require approximately 16 feet of right of way along the southernmost edge of much of the dirt parking lot located south and east of Jimmy Durante Boulevard. Within the area known as the southern overflow parking lot (the western most portion of the dirt lot), only pedestrian access is proposed, thus requiring a maximum 10 foot right of way in this area.

Based on a review of several aerial photographs of the southern unpaved parking areas taken during large events at the Fairgrounds, it appears that under the parking lot's current design as many as 150 parking spaces could be permanently displaced as a result of trail construction. The actual number of spaces lost could be reduced by minor reconfiguration of the trail alignment, parking lot access road, or parking layout. The spaces to be affected would be the first one or two rows of cars located closest to the river bank. In the vicinity of the Surf and Turf Driving Range, the spaces to be lost would be along a narrow strip between an existing access road and the adjoining river bank. In this area the cars are required to be parallel parked.

On exceptionally high volume Fair days the loss of these spaces would represent a significant loss of available on-site parking. However it should be noted that in

reviewing the photographs of such high parking demand days there were more than 600 unoccupied spaces available for use in the general vicinity of the Surf and Turf property. In order to mitigate this potentially significant impact the JPA will work with the District to refine the current alignment of the Coast to Crest Trail to minimize loss of parking and to develop a contingency parking plan for days of very high attendance. The District will be responsible for implementing the contingency parking plan. Adherence to the minimum performance standards for such a contingency parking plan as required by the Mitigation Monitoring and Reporting Program will reduce any potentially significant adverse impacts to a level of insignificance. These standards will assure that any needed replacement parking is located within 2 miles of the Fairgrounds property (which is the approximate distance of some of the existing parking) and that the parking is accessible by surface streets. No expansion of the existing parking area is proposed as a result of this mitigation measure.

IMPACT 2.50: *Future use of area U18 for purposes other than open space and the extension of the Coast to Crest Trail could generate potentially significant levels of traffic.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Changes or alterations that would avoid or substantially lessen the significant environmental effect as identified in the EIR/EIS are within the responsibility and jurisdiction of another agency. Such changes have been adopted by such agency or can and should be adopted by such other agency. The other agency is the 22nd District Agricultural Association.

FACTS IN SUPPORT OF FINDING:

In addition to the visitor activities described above, there is a possibility that area U18 would be used for equestrian-related recreational activities and/or seasonal parking related to the Del Mar Fair. Since the specific level and type of use is not yet known, the actual volume of traffic that would be generated cannot accurately be predicted. In order to evaluate the traffic impacts associated with the possible future use of area U18, a Project specific traffic study must be completed in the future by the district. Until specific uses are described and the full extent of the traffic impacts are known, any use of area U18 for purposes other than open space and the extension of the Coast to Crest Trail would be considered potentially significant. The District is responsible for mitigating this impact. The District, as an independent state agency, must undertake its own planning process and must comply with CEQA. Likewise, District activities in the

coastal zone require coastal permits. To the extent District activities affect wetlands, state and federal permits are required. And, to the extent District activities impact public trust lands, California State Lands Commission approval is required. The JPA finds that these other agencies can and will assure that only appropriate uses are allowed and that all appropriate mitigation measures can and will be imposed to reduce impacts to a level of insignificance.

AIR QUALITY

IMPACT 2.51: *Phases I/II construction would exceed the NOx emissions thresholds of 50 tons per year, and the Project will generate particular matter.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Air quality impacts from the Mixed Habitat Alternative would mainly occur during the construction phase of the Project. The main source of emissions would be mobile earth moving and construction equipment that would produce both combustive and fugitive dust emissions as well as various quantities of regulated pollutants.

Air quality emissions were considered for the Project site as a whole rather than as individual locations within the Project site. Construction would take 2 years unless over excavation at W1 is necessary, which would result in greater total emissions because construction would take 3 years. Emissions from phases I and II would exceed the NOx significance threshold of 50 tons per year. These impacts can be mitigated to below significance by implementation of two degree injection timing retard on diesel powered equipment and the redesign of proposed development to shift 3% of equipment usage associated with phases I and II to phase III.

As detailed in responses to comments, alternative fueled equipment that are methanol or liquid propane gas may not be feasible due to the substantial costs of such an alternative.

Although retarding injection timing by 4E may reduce No_x emissions, this measure may not be feasible due to the risk of higher operational costs to run the equipment in this way.

Replacement of equipment usage with human labor may not be feasible because it would contradict the concerns about Project delays extending various impacts.

The impacts have been mitigated to the extent feasible.

IMPACT 2.52: *The Project may increase odors in the short-term.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Some potential for odors exists from decomposition of organic matter contained in excavated soil and dredged materials from the Project, although it is not possible to quantify the probability based on existing data and wide variability in the sensitivity of receptors. If noticeable by human receptors, the most likely location would be down wind from the dredging/excavation and disposal sites, which represent the main Project activities that are to produce odors. Potential odor generation would be highest during warm weather conditions, such as 20 degrees celcius (68 degrees farenheit) and higher, typically corresponding to late spring through early fall. Potential odor impacts would be primarily associated with the excavation/dredging and the disposal phases and likely would be adverse but not significant.

Although the Project is not likely to result in significant odors, if unexpected odor problems occur, the impacts can be mitigated by testing of areas not yet dredged to determine if problems will continue, maximizing dredging during cooler temperature months and performing odor sampling.

PUBLIC HEALTH/PUBLIC SAFETY

IMPACT 2.53: *The number of aquatic mishaps at the inlet channel as it crosses the beach may increase since the channel would be wider than at present (most of the time), more of the channel would be at a constant depth, and a strong tidal inlet current would occur more regularly than at present.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Changes or alterations that would avoid or substantially lessen the significant environmental effect as identified in the EIR/EIS are the responsibility and jurisdiction of another agency making the finding. Such changes have been adopted by such agency or can and should be adopted by such other agency. The other agency is the City of Del Mar.

FACTS IN SUPPORT OF FINDING:

The Project is not expected to significantly change the level or type of human activity already associated with the river inlet area. The size and depth of the inlet channel west of the Camino del Mar bridge will be less variable than at present due to the stabilization of the wetland system and the periodic maintenance dredging scheduled to take place. The average inlet width will be approximately 100 feet. The width will be less during low tides and wider during high tides due to the natural changes in tidal height. The inlet will be about 2.2 feet below mean sea level (minus 2 feet NGVD) across most of the inlet width. This is equivalent to a water column depth ranging from between 0 and 5 feet depending on the tide. Extreme high tides could result in even deeper water for short periods of time. Although this depth currently occurs under existing conditions a greater percentage of the inlet area would be fixed at this depth than presently exists. The depth of the inlet channel immediately west of the Camino del Mar bridge may be slightly deeper as a result of scour due to the increased current velocities through this area. This may result in additional hazards for swimmers and waders crossing the channel.

Under typical seasonal conditions the average tidal inlet currents would increase approximately 110% above present average velocities to approximately 1.5 feet per second. The maximum spring tidal inlet current for the Project would be as high as about 3.5 feet per second and the maximum tidal currents could reach as high as 4.6 feet per second. Although these velocities have occurred under existing conditions, these increased average velocities would be more common and regular under the conditions introduced by the Project. The maximum velocities, when they occur from seven to 10 times per year would typically last no more than about 20 to 30 minutes for each tide cycle.

The inlet depth and average currents resulting from the Project would fall within the range that presently occurs. However, the inlet channel as it crosses the beach would be wider than at present most of the time and more of the channel

would be at a constant depth. A significant increase in tidal inlet current resulting from the Project would occur more regularly than at present. The effect on public safety due to these two conditions may be a noticeable increase of aquatic mishaps. The Project would not necessarily cause new rescue scenarios, but the number of rescues under one or more of these scenarios may increase.

This potentially significant public safety impact can be mitigated by increasing the level of life guarding in the area. The City of Del Mar is responsible for providing life guarding in the area. Funding for additional lifeguard patrols in this area will be provided by SCE.

Additional measures include removing the wood pilings located just west of the Camino del Mar Bridge, providing alternate access around the inlet via the pedestrian pathway along the Camino del Mar Bridge, and ongoing monitoring once the Project is completed to gain greater confidence in both current and depth estimates and to determine if additional life guarding is necessary for the long-term. Removal of the wood pilings located just west of the Camino del Mar Bridge will also improve safety by eliminating these hazards from the channel.

IMPACT 2.54: *The Project may uncover hazardous wastes or munitions during excavation.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Some potential exists for uncovering hazardous wastes or munitions during excavation within the proposed Project area, which would cause a significant impact to public health and safety. This impact can be mitigated by requiring the contractor to prepare a monitoring and emergency response and reporting program. Once the Projected is complete, the remnants of the ordnance storage bunkers west of I-5 would be removed, thereby eliminating the potential for accidents or injuries associated with the concrete debris.

CULTURAL RESOURCES

IMPACT 2.55: *Unanticipated discovery and disturbance of buried archeological resources during excavation and dredging.*

FINDING: Changes or alterations have been required in, or incorporated into,

the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Subsurface corings in the San Dieguito River Valley have demonstrated a lack of buried cultural resources. However, there is a low possibility that untested areas along the floodplain margins could contain prehistoric archeological materials that could be disturbed by Project grading. This impact can be mitigated to below significance by implementing an archeological monitoring program.

PALEONTOLOGICAL RESOURCES

IMPACT 2.56: *Unanticipated discovery and disturbances of fossils during excavation and grading.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Excavation and dredging proposed to implement tidal restoration under this Project alternative would not adversely affect known paleontological resources. In addition, this activity would occur within quatrinary alluvium deposits, which are considered of low significance and unlikely to contain important fossil remains. Impacts to the Fossiliferous Bay Point Formation are not expected because they are slightly outside the area of direct disturbance. However, if unanticipated Paleontological remains are encountered during construction this would represent a potentially significant impact. This impact can be mitigated to below significance by the implementation of a Paleontological monitoring program.

UTILITIES/PUBLIC FACILITIES

IMPACT 2.57: *The Project has the potential to impact existing utilities in the Project area.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The Project is designed to avoid cable television lines, gasoline and oil pipelines, gas lines, water lines and storm drains. A 12-inch, high pressure gas line crosses the San Dieguito River attached to the side of the Camino Del Mar Bridge. Since the line is attached to the bridge, it would not be affected by the dredging that would occur in this area.

IMPACT 2.58: *Several electric transmission lines are located within the Project area and would be impacted by construction.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Several electric transmission lines are located within the Project area. These include several of the 69 kilovolt transmission lines located to the east of I-5 and south of Via de la Valle within the existing floodplain. Some 12 kilovolt lines are also located within the Project area. The Project cannot be designed to avoid these lines. The need to relocate the lines is considered a significant impact, but the impact is mitigated to below significance by the measures already incorporated into the Project description of relocating these lines. As detailed in the EIR/EIS, several alternative alignments are available. Based on the ability to meet Project objectives, limit short-term and long-term affects on wetland environments, and provide an economically feasible route to construct and maintain, the overhead relocation of 69-kV and 12-kV underbuild Circuit 511 (Alternative 3) was determined to be the preferred route for the Project. The ability of the overhead relocation to avoid sensitive habitats is further enhanced when the line is placed in an easement position along Via de la Valle. Each of the other alternative routes addressed in the EIR/EIS are also feasible and mitigate the impact to below significance. Service disruptions will be avoided or minimized.

Relocation of the utility lines is not expected to have any significant biological impacts because the existing poles are in disturbed upland (agricultural) habitats, such that the lines can be taken up for relocation, and poles removed, without impacting sensitive habitats or species. The lines would be relocated, prior to implementing wetland restoration, to road shoulders that similarly lag significant resources.

IMPACT 2.59: *The Pacific Bell telephone duct bank located to the east of the I-5*

right of way could experience exposure due to scour at the opening to the southern basin on the south side of the San Dieguito River.

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

A Pacific Bell duct bank containing phone cable and fibre optics is located along the eastern edge of the I-5 right of way, running under the San Dieguito River in the vicinity of the I-5 bridge. The duct bank casing is buried with the top at about -1 foot mean sea level. Implementation of the eastern portion of the Project, including the construction of the proposed berms, would improve hydrologic conveyance within the San Dieguito river floodway. With improved hydrologic conveyance, there would an increase in channel velocity in the vicinity of the I-5 bridge and an increase in scour at the river bottom during flood events compared to existing conditions. As a result, in the event of a major flood event, the duct bank casing could be damaged or destroyed.

The excavation of area W6a, which may be implemented as part of a future restoration effort rather than as part of SCE restoration proposal, could exacerbate this problem by increasing localized scour near the W6a channel inlet. These potentially significant impacts can be mitigated to below significance by one of several options including lower the existing concrete vault to avoid impacts from increased scour, modifying the currently proposed channel configuration and moving of berm B8 or constructing a grade control structure downstream of the duct bank. If W6a is excavated a detailed scour analysis of the feeder channel should be prepared and if localized scour is identified then either relocation of the inlet channel or construction of a cable vault protection would mitigate that impact below significance.

IMPACT 2.60: *An 8 inch sewer force main that crosses the San Dieguito River between the Jimmy Durante Boulevard bridge and could be disturbed by dredging equipment and Project-induced scour.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

A sewer force main that serves the Del Mar Fairgrounds is located to the west of

the Jimmy Durante Boulevard bridge. It is assumed that the main is currently located in proximity to or on the existing river bed. Limited, if any, scour protection is currently provided for the main. The Project proposes to lower the channel in the area of the main to an elevation of -3 feet NGVD. However in April of 1999 the channel bed was measured at -3 feet NGVD and no Project dredging will be required in the vicinity of the main. If, however, this condition changes and the channel bed elevation raises, then dredging in the vicinity of the sewer main will be required.

The proposed construction activity, which would be required only if the bottom of the channel is higher than -3 feet NGVD, should not impact the existing sewer line which is located at -5 NGVD. To ensure that any accidental disturbance of the pipe during construction would be avoided, the exact location of the sewer main will be depicted on all construction plans for the Project. The supervising contractor will also outlining appropriate measures to be implemented to protect the main from inadvertent damage during Project construction.

In order to mitigate any indirect impacts from the Project, hydrologic modeling shall be conducted for the final restoration grading plan in order to establish the full extent of the scour potential in the vicinity of the sewer main. Specific measures for protecting the main from future Project related scour impacts will be developed which may include contributing funds to relocate the main to the Jimmy Durante Boulevard bridge or protecting the main in place.

IMPACT 2.61: *The Project has the potential to impact five bridges as a result of increased river scour.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

As indicated in Impact 2.20, the proposed berms will result in increased velocities within the river channel, which could result in increased channel bed scour within the Project. Five bridges could be affected. These include three downstream bridges (Camino Del Mar, Railroad Trestle, and Jimmy Durante Boulevard) and two upstream bridges (I-5 and El Camino Real).

The I-5 and El Camino Real bridges have robust foundations, and would not be impacted by river bed scour either under existing conditions or as a result of the Project. Under existing hydrologic conditions, the Camino Del Mar, Railroad Trestle and Jimmy Durante Bridge would likely fail during a 100 year design

flood.

The proposed Project has been designed to reduce the amount of channel bed scour, which will avoid exacerbating existing scour conditions. The berms have been designed to maintain sediment laden river conveyance and specifically maintain all post-project scour in the vicinity of any infrastructure below that which would occur under existing conditions. However, the long-term stability of the bridges would not be protected by the Project.

Design features which will reduce channel bed scour include the incorporation of an overflow weir into the berm near river mile 2.09 which will provide additional hydrologic capacity when flood flows exceed the 25-year flood, River Berm B8 which will remove a large section of floodplain from the river's natural hydrologic conveyance and nesting site NS13 which will reduce the hydrologic conveyance.

The railroad bridge pilings are located within a river channel that is subject to tidal exchange. Under existing conditions, the river inlet could be open for a long period of time or closed for a long period of time depending on both upstream and tidal conditions.

It is possible that improving water quality conditions would increase the likelihood that Ship Worms or other marine borers could infest the pilings of the railroad bridge. The fact that the bridge was infested in the past, under conditions of erratic tidal flushing and lagoon inlet closure, indicates that at some time in the future, marine borers would likely colonize pilings as they age, even without the Project. Hence, it would not be reasonable to assign responsibility for protecting the bridge timbers to the Project and its sponsors. The owner of the bridge has indicated that bridge replacement is imminent. The design of the new bridge and protocols for its inspection and maintenance should take into account the restoration of the tidal ecosystem, and build in such protection from marine borers as is appropriate under these conditions. The JPA and Project participants will work with NCTD to accommodate requirements for access and maintenance and to minimize potential conflicts. Although the proposed Project would result in the channel remaining open to tidal action in perpetuity, the Project would not significant change the conditions that could effect the bridge pilings under current conditions. Therefore, no significant impacts to the railroad bridge from this Project have been identified.

As detailed in the EIR/EIS at Section 4.2.1.4, the combined result of these design features is that the flow through the tidal basin will not increase the potential for scour damage to any of the five bridges. In addition, the bridges will be stacked prior to and during construction to prevent damage and undermining during construction.

NOISE

IMPACT 2.62: *Use of construction Staging Area SA1 would create adverse noise impacts to residents located near the mouth of the river.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Construction Staging Areas would be used for staging of equipment and supplies. Noise generation at the Staging Area would begin with commencement of restoration activities, including Project mobilization, grubbing and clearing, grading, and site preparation. The primary source of this noise would be from the operation of a variety of construction equipment. During busy activity periods at the Staging Areas, noise levels could reach an hourly average (Leq) of about 80 dBA at an equivalent distance of 50 feet from the center of the activity.

Noise sensitive receptors in the vicinity of SA1 include adjacent residences to the south and a residence to the north on top of the bluff. Noise levels at sensitive receptors to the south of the river outlet near the Staging Area could be exposed to noise levels exceeding an hourly average of 75 dBA if the use of mobil equipment occurs within about 100 feet of the residences. This impact can be mitigated to below significance by limiting the boundaries of construction Staging Area SA1 to at least 100 feet from residences located adjacent to the south and muffling all combustion engine driven equipment. In addition the use of construction equipment in this area shall be limited to day time weekdays, 7:00 a.m. to 7:00 p.m. and Saturdays from 9:00 a.m. to 7:00 p.m.

At the sensitive receptor located on the bluff to the north, noise levels generated by activities in the Staging Area would not be elevated above ambient levels due to the attenuation of noise from distance and the topography.

IMPACT 2.63: *Dredging/excavation activities at the river mouth and in the inlet channel would create adverse noise impacts at nearby residences.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The Project proposes excavation or dredging to occur at the river mouth and within the inlet channel. Construction equipment expected to be used during excavation of the channel between the Jimmy Durante Bridge and the ocean inlet includes backhoes and dump trucks. The excavation of area W17, located in the channel between the Jimmy Durante Bridge and the lagoon would require the use of a front end loader, a crane with bucket, and additional trucks. This equipment is expected to generate a noise level of about 90 dBA at 50 feet.

Dredging of the river would have to occur immediately adjacent to residences located just to the south of the river where it crosses under Camino del Mar. Excavation and/or dredging between the beach and the railroad bridge, and within a distance of about 1,000 feet to the east of the Jimmy Durante Bridge are the most sensitive areas with respect to potential noise impacts to residential receptors in the area. Hourly average construction noise levels would exceed the 75 dBA Leg hour significance threshold. This impact would occur only during initial dredging and maintenance dredging. Noise impacts would be short-term lasting about a few days to a month during each dredging episode but would be significant during this time.

These noise impacts can be mitigated to below significance by the use of an electric dredge or equivalent instead of conventional grading equipment. The precise type of dredge that will be used has not been selected, but equipment will be selected comparable in terms of noise generation to the electric dredge used to dredge the navigation channels in the Port of Los Angeles. This dredge generates Leq 71.5 dBA at 50 feet, which will mitigate the noise impacts to below significance.

IMPACT 2.64: *The potential use of public address systems at the Via de la Valle site (area U18) could cause excessive noise at nearby residences.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Changes or alterations that would avoid or substantially lessen the significant environmental effect as identified in the EIR/EIS are the responsibility and jurisdiction of another agency making the finding. Such changes have been adopted by such agency or can and should be adopted by such other agency. The other agency is the 22nd District Agricultural Association.

FACTS IN SUPPORT OF FINDING:

Proposed uses for area U18, the Via de la Valle site, include overflow parking and storage of truck trailers during the Del Mar Fair and some Horsepark activities. Additionally, development of one or more of the following uses has been conceptually considered: a year round thoroughbred training track, uncovered show rings, cross country course, an agricultural uses for use in conjunction with the Fair. If these uses required a public address system, this could result in a significant impact to nearby residences, located north of the site. This and other impacts from such uses if proposed could, depending on the specifics of their design, most likely be mitigated to below significance by the 22nd District Agricultural Association, by the Coastal Commission permitting process, and by other federal and state permitting requirements, including CEQA review, to insure compliance with the San Diego Noise Ordinance. Any such activities will require their own environmental and permit review.

IMPACT 2.65: *Noise impacts to residences near the end of Racetrack View Drive could occur from use of the access road leading to construction staging area SA3.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Although construction access routes would result in temporary noise caused by the equipment used to construct the routes and by worker traffic that would travel on these routes, the only access road that would potentially affect sensitive receptors is the route to Staging Area SA3. This access route would include travel along San Dieguito Drive to Racetrack View Drive, and then along a new dirt access road that would be constructed adjacent to the existing fence that borders the eastern boundary of the Department of Fish & Game's property. This access route would be below sensitive receptors overlooking San Dieguito Drive, and just to the north of the homes located at the end of Racetrack View Drive. If the road were to be used on a daily basis, dust and noise impacts to residents would be potentially significant.

SCE has agreed that during construction, and the JPA has agreed that during maintenance, use of this road would be gated and would be limited. Hours of operation at SA3 shall be limited to between 7:00 a.m. and 7:00 p.m. and nighttime lighting shall be shielded and limited to that needed for security. Use of the access road shall be limited to mobilization, demobilization, and

occasional truck traffic for equipment maintenance and exchange and the hours of operation of the road will be limited to between 7:00 a.m. and 7:00 p.m. Use of the road for daily access by construction workers shall be prevented. At a distance of 250 feet, maximum noise levels from individual truck passages would be in the range of existing maximum noise levels at the residences near the end of Racetrack View Drive. Ambient noise levels in this location are somewhat elevated due to vehicular traffic on I-5. The noise would not be expected to cause a 3 dBA or greater increase in hourly average noise levels or approach 75 dBA Leq hour construction noise threshold at sensitive receptors in the vicinity and the limitations will ensure that the noise impact is below significance. These measures will reduce the impacts to insignificance.

GROWTH INDUCING IMPACTS

IMPACT 2.66: *The 22nd District Agricultural Association use of U18 could induce growth.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

Changes or alterations that would avoid or substantially lessen the significant environmental effect as identified in the EIR/EIS are the responsibility and jurisdiction of another agency making the finding. Such changes have been adopted by such agency or can and should be adopted by such other agency. The other agency is the 22nd District Agricultural Association.

FACTS IN SUPPORT OF FINDING:

Proposed uses for area U18, the Via de la Valle site, included overflow parking and storage of truck trailers during the Del Mar Fair and some Horsepark activities. Additionally, development of one or more of the following uses have been conceptually considered: a year round thoroughbred training track, uncovered show rings, cross country course, and agricultural uses for use in conjunction with the Fair.

The use of Area U18 for overflow parking and staging trailers for the Del Mar fair and some Horsepark activities, depending on the specifics, would be designed so as to not be growth inducing since these would be temporary and sporadic events. Development of other uses could lead to economic growth within the region, again depending on specifics, although it is anticipated that these activities would be designed such that the growth would not trigger substantive

environmental impacts. In order to fully evaluate the potential future impacts related to the use of Area U18 by the District, subsequent environmental review is required prior to any Project specific approval for District use of this property.

SECTION 3.- PROJECT IMPACTS THAT ARE SIGNIFICANT AND CANNOT BE MITIGATED TO BELOW SIGNIFICANCE

LAND USE

IMPACT 3.1: *The proposed 22nd District Agricultural use of a Tram on the hard-surface trail would conflict with the recreational uses of the trail , and would cause safety impacts, as well as diminish the overall recreational experience.*

FINDING: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The 22nd District is proposing to supplement the use of buses on surface streets to transport visitors from parking areas on the Horsepark property to the Del Mar Fairgrounds by using the bicycle portion of the proposed Coast to Crest Trail for a motorized tram. The tram would operate at speeds of 10-15 miles per hour. During the use of the trail by the tram, which would be for 21 days in June and July during the Fair, and the first day of the racing, it would be necessary for bicyclists and other users of the hard-surfaced trail to share the trail with the tram. Bicyclists and other users, including disabled users, may have to leave the paved trail in order to permit the tram to pass.

The physical presence of the tram could affect behavior of horses on the equestrian trail and could cause a safety impact. This is of particular concern if equestrians encounter the tram under the I-5 bridge, where the trail would be widened by 2 feet for the tram. Trams would also increase the noise levels (about 70 to 75 dBA at 50 feet) along the trail, which would impact the users on both trails. The tram would also create a visual impact. The presence of a large motorized vehicle on the trail would disrupt the overall recreational experience of the users of both the hard-surfaced trail and the adjoining hiking/equestrian trail. The use of the tram would be temporary (approximately one month out of the year).

These conflicts from use of the tram are considered significant. Widening of the trail may partially reduce these conflicts, but may not be feasible due to impacts to adjacent wetlands, and increasing the size of the trail may reduce the area available for restoration purposes. Closure of the trail to recreational users during tram use to avoid these conflicts is not considered feasible due to the loss of recreation use.

The JPA has concluded that institution of tram service on the trail would have significant adverse impacts and that mitigation is not feasible. Although the use of the tram would be a beneficial impact on fair operations, the JPA finds that the benefit does not override the significant impacts from use of the tram. Accordingly, the JPA has concluded that this potential use should not be allowed.

NATURAL RESOURCES

IMPACT 3.2: *Use of DS32 would result in the loss of 43 acres of Prime Farmland. The use of DS33, DS34 and DS35 and construction of the 25-car parking lot would impact about 45 acres of land that are under cultivation and about 34 acres of land classified as Farmland of Statewide Importance. The use of offsite disposal area DS36 would displace 24 acres of land that are under cultivation and 26 acres that are classified as Farmland of Statewide Importance.*

FINDING: Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The Project will displace land planted in tomatoes just south of Via de la Valle between San Andreas Drive and Horsepark. This area would serve as a Disposal Site (DS32) and ultimately would be restored as reseeded coastal sage scrub/native grassland (area U18). A 6 acre portion of this area would be the site of the nature/interpretive center. Restoration of this general area would result in the loss of approximately 43 acres of prime farm land. The loss of this prime farm land is a significant impact.

The JPA concludes that the loss of this agricultural land is unavoidable. Wetlands restoration activities must of necessity occur adjacent to existing wetland areas, and the elevations, hydrologic capacities, soil conditions, and other factors are all important to the success of restoration activities. Disposal of dredge material at another location would require truck hauling, causing significant adverse air pollution, noise, traffic congestion, energy consumption and cost impacts. The JPA concludes that the only feasible area where some of the dredge disposal can successfully be located without the significant adverse impacts of transport includes this 43 acres of prime farmland. Accordingly, the JPA concludes that loss of this farmland is unavoidable and not mitigable.

Although the trail segments 10, 11, and 12, which extend toward El Camino Real south of Horsepark, would cross land that is actively cultivated and classified as

farm land of local importance, the trails would be located along existing agricultural roads and would not displace cultivated land.

The use of offsite disposal area DS36 would displace 24 acres of land that are under cultivation and 26 acres that are classified as farm land of statewide importance. This would be a significant unavoidable impact. As noted above, disposal of dredge materials is only feasible close to the Project site, to avoid the adverse impacts of transport.

Further, the higher quality existing surface soils will be temporarily removed from these areas and replaced on top of the dredge spoils. Thus, to the extent feasible, the agricultural soils will be preserved on site. And, over time the salinity of the dredge spoils will decrease and the soils will, even at depth, return to their prior "prime" condition. Thus, the potential for future agricultural use is not precluded. The impact to agriculture is directly related to the existing soil types on the property.

Off site disposal of material was determined to be infeasible due to the traffic circulation and environmental impacts associated with hauling the material via surface streets and highways. Off shore placement was deemed infeasible due to regulatory requirements for the use of an ocean dredged material disposal site. Therefore all remaining disposal options (on site disposal, beach nourishment, near shore placement, and over excavation) were identified and analyzed in the EIR/EIS. On site upland disposal and berms, nesting sites, and at other locations through the valley were deemed feasible and associated impacts were identified and assessed for significance.

It should be noted that the farming activity currently taking place on these properties is considered an interim use. Development of these properties in accordance with the underlying zoning would also result in the conversion of these agricultural fields to non-agricultural uses, and could occur without implementation of the Project.

LANDFORMS/VISUAL QUALITY

IMPACT 3.3: *When considered as a separate Project element, all three berms would each result in adverse impact to landforms due to their height and the amount of fill required.*

FINDING: Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The sheer mass of the berms (acreage and height), when taken as a separate element of the Project, would create a significant unavoidable impact to natural landforms in accordance with significance criteria. The Project restoration and scour/flood risk avoidance goals cannot be achieved if the berms are not constructed to the height proposed.

As noted in section 4.6.1.10, it is not feasible from a hydrologic perspective to reduce the amount of grading required to construct the proposed berms; therefore, the landform impacts related to berm construction are identified as an unavoidable significant impact.

IMPACT 3.4: *The filling of DS32, DS33, DS34, DS35, and DS36 would result in a significant impact to natural landforms.*

FINDING: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

DS32, a 32.5 acre site located adjacent to Via de la Valle, is proposed to accommodate up to 917,600 cubic yards of excavated/dredged material from the restoration site. The placement of this material on the site would raise the northern 2/3 of the site to an elevation similar to that of the adjoining roadway. The highest section of this slope would be 35 feet high, extending for a distance of approximately 1,000 feet. The proposed filling would raise the elevation of a substantial area south of the road by as much as 35 feet. In accordance with significance criterion 2, the proposed filling would result in a significant impact to a natural landform that could only be avoided by substantially reducing the amount of material disposed of on this site or by eliminating this site as a disposal option.

DS33, consisting of 13.7 acres located immediately west of El Camino Real, could accommodate up to 89,000 cubic yards of fill. This disposal and related grading would alter existing contours, but not significantly since its elevation would be raised an average of 5 feet above the existing terrain. Impacts to landforms would be significant in accordance with the criterion 2.

DS34, which would adjoin DS33 on the south, proposes to accommodate up to 172,500 cubic yards of fill over 11 acres. This grading would roughly approximate the existing contours near El Camino Real, but would increase the elevation of the area on the western side by up to about 20 feet. Impacts to landforms would be significant in accordance with criterion 2.

DS35 is 3.8 acres in size and could accommodate approximately 55,400 cubic yards of material. Use of this site would raise the existing elevation by more than 10 feet, which would be a significant impact to landforms in accordance with criterion 2.

DS36 consists of 42.5 acres of previously disturbed property and the proposed grading plan for this site is designed to accommodate up to 749,800 cubic yards of excavated material. This proposal would alter substantially more than 2,000 cubic yards of earth per graded acre, therefore the proposed grading would represent a significant landform impact in accordance with significant criterion 2.

The filling of DS32, DS33, DS34, DS35, DS36 would result in a significant impact to natural landforms, which is only mitigable through a redesign of the Project to reduce the amount of fill relocated to any one spot within the Project boundaries or by eliminating one or more of the Disposal Sites from the list of potential options. Unless redesigned or eliminated, the grading proposed at Disposal Sites DS32, DS33, DS34, DS35, and DS36 would be considered significant and unmitigated.

The grading associated with this disposal option would probably not be readily noticeable from Via de la Valle immediately adjacent to the site, however, distant views from I-5, particularly from the northbound lanes, and from the overlook park in Carmel Valley would perceive the change in appearance of this site. This change would become less evident once the site is vegetated.

The visual effect of DS44 this grading would be most noticeable when viewed from the west, where a 45-foot high manufactured fill slope would be created as a slope ratio of 4-1.

The grading plan for Disposal Site option DS36 was redesigned prior to public review in order to more closely approximate the site's existing contours. The revised design's relatively gradual slope and undulating contours would give the site a generally natural appearance.

IMPACT 3.5: *Nesting sites NS11, NS12, and NS14 would require more than 2,000 cubic yards of earth and sand per acre and would have an*

elevation more than 10 feet above the finished grade.

FINDING: Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The nesting sites proposed as part of the Project would be higher than the surrounding wetlands, with a plateau located on top of a gentle slope. The height of the nesting plateaus would be approximately +10 feet NGVD, although they would be at various heights above the finished ground elevation. The sheer mass of the nesting sites would represent a significant landform impact, with the exception of an NS13 which would be less than 10 feet above the surrounding ground. NS 15 is an existing nesting site and its rehabilitation would not have an adverse visual or landform impact.

IMPACT 3.6: *Earth moving/construction activities would have an adverse visual impact for between two and four years until the vegetation is established.*

FINDING: Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Approximately 147 acres of existing topography, which is generally flat with gentle slope gradient, would be altered to restore coastal wetlands at San Dieguito. Project construction would last one to two years, during which time considerable earth moving and construction activity would take place. Large areas of exposed dirt and considerable construction activity would be visible during this time, primarily from I-5, Via de la Valle, El Camino Real, Jimmy Durante Boulevard, Overlook Park, the paved walkway between Highway 101 and the railroad bridge, and the Grand Avenue bridge (although the latter would be under construction during a portion of the Project and/or activity used by construction vehicles and would not be available for public view). After the vegetation is established, however, the Project would have an overall beneficial visual impact since the site would have a more natural and varied appearance, and degraded and disturbed areas would be restored.

Degraded areas within the Project site would be restored with native vegetation. Precisely what the new vegetation would look like would depend upon the details of the planting plan. The newly planted vegetation would take between one and

two years to become sufficiently established to minimize visual impacts. Impacts from the one to two year construction period would therefore last between two to four years until the vegetation is established. This impact would be short-term but significant and unavoidable.

IMPACT 3.7: *The light-colored plateaus of the new nesting sites (excluding NS15) would contrast noticeably with the surrounding area, particularly when seen from higher elevations.*

FINDING: Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The nesting sites would be capped with sand containing scattered shell fragments. The slopes of the nesting sites would be vegetated with native plants. The nesting sites would not block any views of sensitive resources. Visual impacts of the new nesting sites would be minimized by revegetating the slopes, but the light-colored plateaus would contrast noticeably with the surrounding area, particularly when seen from higher elevations. Visual impacts of this individual Project element would be unmitigable for these sites. Modifying the nesting sites to eliminate this impact would not achieve the restoration goals of the Project.

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SECTION 4. - CUMULATIVE IMPACTS

As detailed in the EIR/EIS, the Project was evaluated along with other projects proposed in the area to determine the potential for cumulatively significant impacts. The analysis determined that there were no significant cumulative impacts for floodplain flows and increases in impervious surfaces because the proposed Project causes a cumulative benefit for these issues. In addition, the restoration and public access component of the Project are not anticipated to cause cumulatively significant impacts for an increase in the risk of seismic events, localized or regional traffic, vectors, public health & safety, cultural resources, paleontological resources, public access/public facilities, noise, socioeconomic and environmental justice.

The following significant cumulative impacts are anticipated as a result of the Project. In each case, the JPA finds that these cumulatively significant impacts are predominantly the result of other projects and that the Project's contribution thereto is relatively minor. The JPA further finds with respect to each of these cumulative impacts that such cumulative impacts can and will be mitigated through the imposition of changes or alteration that are the responsibility, and within the jurisdiction of, other agencies, and that such changes have been adopted by such other agencies, or can and should be adopted by such other agencies. In particular, the other projects which may reasonably be expected to occur in the area contributing to cumulative effects are each subject to requirements to obtain their own environmental review and permits and entitlements from other agencies who can and will address these issues assuring impacts are mitigated to the extent feasible.

IMPACT 4.01: *The Project will contribute to a significant change in the open, semi-rural character of the western river valley.*

FINDING: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Overall, the JPA concludes that the cumulative impacts to the western end of the river valley will be beneficial. Wetland and open space areas will be expanded, habitats will be improved, and public access opportunities will be improved. To the extent that the changes may be considered adverse by some, the JPA concludes that they are unavoidable. These changes are the necessary consequence of the restoration Project, and are greatly outweighed by the benefits of the Project as set forth in the Statement of Benefits and Overriding Considerations.

IMPACT 4.02: *The Project would contribute to the cumulative conversion of*

agricultural lands that is already occurring in San Diego County.

FINDING: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

As noted above, the locations that are suitable for wetland restoration and dredge disposal are extremely limited, and controlled by soil characteristics, elevations, hydrologic considerations, and other technological factors. The areas proposed for Project implementation cannot be relocated due to these considerations. Accordingly, the cumulative impacts with respect to loss of agricultural land are unavoidable and unmitigable. These changes are the necessary consequence of the restoration Project, and are greatly outweighed by the benefits of the Project as set forth in the Statement of Benefits and Overriding Considerations.

IMPACT 4.03: *The Project could contribute to a cumulatively significant but temporary increase in the long shore transport rate in the vicinity of the inlet resulting in more frequent closure and necessity of increased maintenance dredging.*

FINDING: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

As discussed in detail by Jenkins, Chang, Skelly, et al., project implementation will restore the river mouth to a more natural condition. In its pre-project condition the river periodically transports sediments to the ocean affecting the long shore transport rate. Post project conditions are not anticipated to be significantly different. The JPA concludes that any adverse impacts in this regard are unavoidable and not mitigable, as any attempt to control sediment transport would require prohibitively expensive and destructive structures and control mechanisms that would be unlikely to work in any event. And, the JPA concludes that restoration of a more natural transport system as envisioned by the Project is beneficial and appropriate. To the extent there may be adverse impacts, even though not anticipated, the JPA finds they are clearly overridden by the Project's benefits.

IMPACT 4.04: *The Project would contribute to a cumulatively significant impact to soil erosion and runoff which would reduce water quality.*

FINDING: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

This impact can be mitigated to below significance by including requirements for installation of temporary berms around all construction sites, restricting excavation/grading to dry periods of the year, or requirements for incorporation of sedimentation/ desilting basins and other runoff control features into all future Project designs in the area, requiring pollution prevention plans, best management practices, herbicide/pesticide and fertilizer use restrictions, effective hazardous collection and recycling programs and frequent street and parking lot cleaning. Urban runoff represents a potentially significant source for watershed inputs of contaminates and excess sediments and nutrients to the San Dieguito Lagoon and wetlands. This can cause progressive impairment to water and sediment quality within the restoration area. The Project is expected to produce net beneficial impacts to water and sediment quality.

IMPACT 4.05: *The Project would preserve and restore or enhance biologically significant areas and would have a beneficial impact on biological resources; however, certain aspects of the project would cause significant cumulative impacts to wetlands.*

FINDING: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Most of the impacts of construction of the Project would be mitigated to insure no net loss of wetlands, however should material be disposed of on the surf and turf property, no mitigation is proposed for the filling of jurisdictional wetlands. The potential loss of jurisdictional wetlands on the surf and turf property would contribute cumulatively to overall loss of native habitats within the Project vicinity.

IMPACT 4.06: *The Project would contribute to significant cumulative visual impact through the change in the natural landform.*

FINDING: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

FACTS IN SUPPORT OF FINDING:

Mitigation will be achieved through the proposed landscaping and appropriate design.

IMPACT 4.07: *Future use of U18 could contribute to a significant direct and/or cumulative impact to traffic.*

FINDING: Changes or alterations that would avoid or substantially lessen the significant environmental effect as identified in the EIR/EIS are within the responsibility and jurisdiction of another agency. Such changes have been adopted by such agency or can and should be adopted by such other agency.

FACTS IN SUPPORT OF FINDING:

Future use of U18 will be subject to subsequent environmental review, which will address traffic impacts. As part of working with the 22nd District Agricultural Association, the JPA agreed that the EIR/EIS would conceptually review some of the issues raised by the District's possible future use of U18, and those discussions and conclusions are found in the document and in these Findings. It is noted, however, that none of these possible future uses is part of the current Project and any such future uses will need to be planned and designed as to specifics by the District, and will undergo their own future environmental and permit review. At this point the JPA concludes only that some of these possible future uses could potentially be feasible depending on the specifics of project design, mitigation measures, and the outcome of future review.

IMPACT 4.08: *The Project would contribute to significant cumulative impacts to the region's O^3 levels during construction activities.*

FINDING: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in the EIR/EIS.

FACTS IN SUPPORT OF FINDING:

The region will not attain O3 standards for several years. The magnitude of the Project's NOx emissions will contribute to the non-attainment of O^3 standards within the region. However, the Project's emissions will be less over the long-term than would the emissions from the other development scenarios allowed by the applicable plans and zoning.

SECTION 5. - PROJECT ALTERNATIVES

ALTERNATIVE: Mixed Habitat Alternative (proposed project)

FINDING:

Restoration Project:

The JPA has selected the Mixed Habitat Alternative as the preferred alternative for implementation of the Project.

Disposal Sites:

The JPA has also selected the following Disposal Sites. DS32 (SCE Via de la Valle); DS33 (City of SD El Camino Real North); DS34 (City of SD El Camino Real) SE; DS35 (City of SD El Camino Real SW); DS36 (SD Partnership Ranches). The JPA specifically does not approve Disposal Site DS38 (Surf & Turf). The JPA has determined that use of the overdredging (DS44) option is not likely to be needed, but that if it is, its impacts will be less than significant.

Trail Alignments:

The JPA finds that each of the trail alignments is feasible, that none raises significant unmitigated issues, and that the final alignment will be selected after negotiations with the affected property owners.

FACTS IN SUPPORT OF FINDING:

As documented in the EIR/EIS, the process of defining, evaluating, screening, and ultimately selecting feasible restoration alternatives for consideration in the EIR/EIS included an extensive public and government agency involvement program. The criteria that were established included the following:

1. Does the Project provide fish habitat and adequate subtidal acreage?
2. Is the design feasible from an engineering and biological perspective?
3. Does the proposal minimize impacts to existing natural habitat?
4. Does the Project restore regionally scarce coastal wetland habitat?
5. Will there be an integration of buffer and upland habitat?
6. Does the Project provide appropriate public access?

As the evaluation process proceeded, hydrologic constraints were identified within the western river valley that played a critical role in the alternative screening analysis. The original alternative concepts were redesigned to

address these constraints, while also attempting to adhere to the above goals. As the San Dieguito Lagoon was once the largest of the San Diego County lagoons, it was important to design alternatives in a manner that would restore the largest extent of tidally influenced salt marsh habitat as possible. The alternative screening process also considered other aspects of the Project including excavated material/disposal site options, alternative trail alignments, and options for potential uses on one of the potential Disposal Sites (via de la Valle).

Generally, each of the alternatives, with the exception of the "no action" alternative, has similar impacts on existing resources, but provides a different mix of beneficial impacts. In most respects, impacts differ quantitatively, but not qualitatively. An important consideration in evaluating alternatives was whether certain habitat types should be valued more highly than others. If the objective is to replace the habitats that have been historically lost or degraded to the greatest degree, priority should be given to the restoration of tidal salt marsh and mudflat over deeper subtidal habitats. If the habitats are valued according to the resources they provide, such as endangered species or fisheries habitat, then a choice would be made on the basis of the desirable mix of habitats or the needs of a particular resource. For the JPA, habitats that can be restored with a high probability of success and with minimal ongoing maintenance requirements are generally preferable.

The Mixed Habitat Alternative will create subtidal open water habitat in the west basin and restore tidal marsh and mudflat habitat east of I-5. Intertidal mudflats provide productive foraging habitat for fishes when submerged, and for shore birds when exposed. Resting and alternative foraging areas for shore birds would be abundant in surrounding areas when the tide is high and the adjacent west basin would provide open water areas for birds that rest or forage in open water, including the least tern. Given the maintenance of good tidal circulation and the proximity of this area to subtidal habitats, it is expected that the more mobile fish and invertebrates species would be able to move freely into and out of this area with the tides, whereas intertidal species would retreat into burrows during brief periods of exposure.

The JPA has concluded that all of the alternatives would be beneficial and acceptable. The JPA has selected the Mixed Habitat Alternative as the preferred alternative after giving full consideration to public and agency comments and after consulting with its own experts and with those of the various resource agencies, and in deference to the selection of this alternative by the U.S. Fish and Wildlife Service, the agency with the greatest expertise in the subject matter. This alternative best optimizes a balance of biological benefits with improved tidal flow. Except for the Reduced Berm Alternative, the Mixed Habitat

Alternative has the lowest amount of sea water volume east of the I-5 opening and a higher proportion of intertidal habitats. The Mixed Habitat Alternative has the highest likelihood of biological success and the broadest spectrum of fish and wildlife benefits for the least amount of dredging and related impacts.

The JPA has selected Disposal Sites DS32 (SCE Via de la Valle); DS33 (City of SD El Camino Real North); DS34 (City of SD El Camino Real) SE; DS35 (City of SD El Camino Real SW); DS36 (SD Partnership Ranches) because each of these Disposal Sites is on non-sensitive uplands and use of these sites for disposal will avoid impacts to wetlands from disposal.

The JPA specifically does not approve DS37 and DS38 (Surf & Turf) because it will involve additional alteration of wetlands. Disposal Sites that are located outside of sensitive habitat areas and that do not raise the elevation of the existing floodplain are preferred for disposal of dredged material. Disposal Sites DS32 through DS36 are the preferred locations for disposal, with DS44 being available but not anticipated to be needed.

ALTERNATIVES REJECTED PRIOR TO DRAFTING OF THE EIR/EIS

Alternative design concepts which resulted in the potential for increased scour and flood risk were rejected prior to drafting the EIR/EIS.

As detailed in Response 010-2, a pipeline tidal exchange system was considered in the initial design phase of the Project (circa 1992-93), however this option is not considered feasible and was rejected. The buried siphon pipe was reevaluated in response to comments on the draft. The siphon alternative was still determined to be unfeasible after additional consideration and, therefore, was not included as an alternative in the draft EIR/EIS.

The successful operation of buried siphon pipes has not been documented for coastal wetland restoration projects. In addition, as described in Response No. O10-2, this method would reduce the amount of sand delivered to the beach, as well as compromise the overall quality of the restored habitat.

With respect to the Environmental Baseline Studies for the San Dieguito Lagoon Enhancement Plan (SEA Science Services and PSBS, Inc. 1980), this document concludes on page XV that the recommended plan assumes that natural tidal flushing is the most environmentally desirable method for achieving adequate rates of circulation. From the standpoint of annual maintenance, natural flushing may also be the most economical method of environmental enhancement. The document further states on pages 124 and 125 that the construction of the siphon to provide seawater to the lagoon is not recommended because of the high initial and maintenance costs, and the difficulty in keeping the siphon free of

large sediment deposits and organic growths. It does not appear from the analysis provided in this document that a siphon would be superior to the current proposal of providing the conditions necessary to maintain natural tidal flushing through an increase tidal prism and occasional inlet maintenance, and this conclusion was confirmed in follow up review.

ALTERNATIVES CONSIDERED IN THE EIR/EIS AND REJECTED

Restoration Projects that were Rejected

Although the Maximum Tidal Basin, Hybrid and Mixed Habitat Alternatives would each increase sea water volume circulated near the lagoon mouth and improve the self maintaining nature of the mouth and develop high aquatic values, the Mixed Habitat Alternative is hydrologically more efficient than the Maximum Intertidal Alternative and provides greater extent of frequently flooded mudflat, frequently exposed mudflat, and low marsh and mid marsh habitats than the Maximum Tidal Basin Alternative.

Based on the alternatives matrix subtotals and totals computed during initial screening of the alternatives, the Reduced Berm Alternative has consistently lower values and was eliminated from further consideration. The Maximum Tidal Basin Alternative was found to have consistently lower values and was also rejected from further consideration.

The Mixed Habitat and Hybrid Alternatives were identified as preferable to the Maximum Intertidal Alternative since they both incorporate at least one tidal basin, along with Intertidal components. The Maximum Tidal Basin, Hybrid, and Maximum Intertidal Alternatives had lower biological values east of I-5.

STATEMENT OF BENEFITS AND OVERRIDING CONSIDERATIONS
[CEQA Guidelines 15093]

I. INTRODUCTION.

The San Dieguito River Valley Regional Open Space Park joint Powers Authority (JPA), acting as lead agency under the California Environmental Quality Act (CEQA), and the United States Fish and Wildlife Service (USFW) acting as the lead agency under the National Environmental Policy Act (NEPA) have prepared a joint Environmental Impact Statement (EIS under NEPA) and Environmental Impact Report (EIR under CEQA) to review the proposed San Dieguito Wetlands Restoration Project and Park Master Plan for the Coastal Area of the San Dieguito River Valley Regional Open Space Park (herein Project).

The purpose and background of the Project are described in detail in the joint EIR/EIS. The EIR/EIS identifies the significant impacts anticipated to occur from implementation of the various alternative project configurations studied in the EIR/EIS and identifies appropriate mitigation measures. As to each such impact of the proposed Project, specific findings regarding mitigation have been prepared and will be considered for adoption by the JPA Board concurrent with its consideration of this Statement of Benefits and Overriding Considerations.

The specifics of proposed mitigation are set out in a Mitigation Monitoring and Reporting Program adopted by the JPA Board (MMRP). To the extent that there are any remaining significant environmental impacts after mitigation, this Statement of Benefits and Overriding Considerations is adopted as the JPA Board's reasons for proceeding with the project notwithstanding any such remaining significant impacts.

II. SUMMARY OF LAW REGARDING STATEMENTS OF BENEFITS AND OVERRIDING

CONSIDERATIONS.

CEQA Guidelines section 15043 states:

15043. Authority to Approve Projects Despite Significant Effects

A public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that:

(a) There is no feasible way to lessen or avoid the significant effect (see Section 15091); and

(b) Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project. (See: Section 15093.)

This Guideline codifies and confirms the authority recognized in the cases that an agency may approve a project notwithstanding its significant environmental effects if it identifies expected benefits that outweigh any impacts from the significant environmental effects. CEQA Guidelines section 15093, in turn, describes how a Statement of Overriding Considerations is to be made when the agency determines it is appropriate to exercise this authority. Section 15093 provides:

15093. Statement of Overriding Considerations

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Under these authorities the JPA makes the following Statement of Overriding Considerations:

III. STATEMENT OF BENEFITS AND OVERRIDING CONSIDERATIONS.

Based upon its review of the entire record including the draft and final EIR/EIS, the CEQA Findings, the Mitigation, Monitoring and Reporting Program, the staff report and recommendation,

the comments and input of the public, other public agencies, and landowners, taking into account the general public health, safety and welfare, and balancing the positives and negatives of the Project, the Board concludes that the following overriding benefits justify approval of the project and outweigh any significant environmental effects remaining after project mitigation is imposed.

Specifically, the significant effects that are determined to be overridden by the Project's benefits are those identified in the EIR/EIS and in the Findings and include: (1) Loss of agriculturally important lands (2) Land form alterations resulting from berm construction and dredge disposal (3) Contrast in the visual appearance of California least tern nesting sites compared to surrounding areas (4) Loss of wetlands should Disposal Site DS 38 (Surf and Turf) be used, which is not recommended or approved by the JPA (5) Conflicts caused if potential tram use of the trail system is implemented, which is also not recommended or approved by the JPA, and (6) any of the other impact areas where the JPA has made an alternative finding of potential that the Project could potentially result in significant impacts or that are otherwise determined to be significant.

The following summarizes the benefits and overriding considerations:

A. Restoration and Preservation of Habitat and of Threatened, Endangered, and Other Species.

The overall intent and purpose of the Project is environmental restoration and preservation, i.e., to restore to a more natural condition, and to preserve and protect the wetlands eco-system in the west end of the San Dieguito River Valley. The Project will return the west end of the River Valley to a more natural condition closer to that which existed before human interference in the natural system. The Project will to a great degree alleviate this historic wetland's degraded condition, and will greatly improve a variety of wetland and related habitats for fish, birds, benthic

and other flora and fauna, including threatened and endangered species, that exist or can exist in this portion of the River Valley.

In order to achieve these overriding environmental preservation benefits for the medium and long term, it is necessary to undertake short term construction and related Project activities to implement the restoration, and thereafter to undertake periodic maintenance activities. As a consequence, it will be necessary to accommodate, on an interim basis, some adverse consequences of the construction, maintenance, and related activities. As described in the EIR/EIS, in the Findings, and in the MMRP, these short term adverse effects have been mitigated to the extent feasible, but cannot be totally eliminated. The JPA finds that, on balance, the medium and long term benefits of the restoration project will greatly outweigh any short term adverse consequences.

It is also necessary in order to achieve these benefits to include berms in the project to ensure proper hydraulics and Project functioning, to aid in efficient sediment transport minimizing sediment disposition and damage to restored habitat, and to minimize flood risk. Likewise, inclusion of the tern nesting areas in the Project is key to the project and achieving the Project's restoration goals and to providing much needed habitat for endangered species. The contrast in coloration of these areas is a necessary component of a well designed tern nesting habitat and is unavoidable. The loss of agricultural land is also unavoidable as described in the EIR/EIS and in the Findings. Each of these longer term significant Project impacts, and all of them together cumulatively, is overridden by the benefits of the Project.

While use of area DS 38 (Surf and Turf)as a disposal site and tram use of the trail are also identified as potentially significant and adverse in the EIR/EIS, these are not essential elements needed to achieve the Project objectives and, therefore, are not recommended or approved by the

JPA. The JPA finds, however, that even if these components were included in the Project, the JPA determines that the benefits of the Project override the adverse impacts of these project components.

The JPA also finds that restoration of the wetland system as proposed will serve to attract more people to the wetland system for scientific, educational, and recreation purposes. A trail system is included as part of the project to mitigate what would otherwise be the significant adverse consequences of people, their pets, and vehicles, accessing the restored wetlands on an unorganized, ad hoc basis, leaving trash, trampling sensitive areas, etc. The JPA finds that not only will the trail system will mitigate these otherwise significant adverse impacts of the Project and will to some extent provide benefits in the form of increased opportunities for scientific, educational, and recreational activities. The Board finds and determines that accommodation of the planned human uses as part of the Project through implementation of the proposed managed trail system is necessary to avoid otherwise significant adverse impacts and to ensure the viability of the overall preservation program, and that the benefits of the preservation and restoration aspects of the Project far outweigh any significant effects that may result from the limited and controlled accommodation of human activities.

B. Provision of Needed Major Integrated Habitat Preservation.

The Board finds that there is a lack of protected major, integrated habitat systems in the San Diego Region. The Board recognizes that, to some extent, important habitat preservation activities are underway elsewhere in the San Diego Region, including but not limited to:

1. The Tijuana Estuary Preservation Program;
2. The Batiquitos Lagoon Restoration Program;
3. The Santa Margarita River Valley Planning Effort;

4. The City of San Diego Clean Water Program Multiple Species Conservation Program;

5. The North County Multiple Habitat Conservation Program; and

6. Other preservation programs.

However, the Board finds that the San Dieguito lagoon and associated wetlands was originally the largest, and currently is one of the major lagoon/estuarian systems, in the region and is in dire need of restoration, rehabilitation, and long term management. The Board recognizes that the financial resources for the restoration Project are coming primarily from Southern California Edison (SCE) which is obligated to fund the restoration to assure 150 acres of functioning wetlands as called for by SCE's coastal permit for its San Onofre Nuclear Generating Station ("SONGS"). The Board also recognizes that the California Coastal Commission's role in reviewing the Project will be to assure compliance with the Coastal Act and with the existing SONGS Coastal approvals, and the JPA recognizes SCE's needs to conform to these Coastal Act requirements.

Notwithstanding, the Board finds that the EIR/EIS considered a full range of reasonable alternatives that was not artificially constrained by SCE or Coastal Commission needs and that the Project as approved by the JPA reflects the best overall balance of environmental, technical, economic, land owner, and human needs for the long term for this area. The Board further finds that there is a shortage of in-place programs for restoration and preservation of integrated major habitat systems such as is proposed by the Project, and that funding for such projects is extremely limited. In this context the Board finds that the availability of SCE funding is an opportunity, not a constraint.

The Board further finds that the Project will, in important respects, integrate with adjoining

beach and up river programs, providing important benefits not provided by other programs in the County, including but not limited to, habitat linkages and corridors, and linked opportunities for hiking, biking, equestrian activities, nature study, and other compatible human activities. The Board finds that these overriding benefits outweigh any significant environmental effects of the project.

C. Social and Economic Benefits.

The Board finds that implementation of the Project will have all of the following social and economic benefits:

1. Concept and Other Plans.

Completion of the Project will be a key milestone in implementing the JPA's Concept Plan for the area and in bringing the region closer to the reality of a 55 mile regional open space park stretching from the restored wetlands on the west to the conifer forests of Volcan Mountain on the East, with trails and linkages along the way.

The Board further finds that completion of the Project will be consistent with, and will help achieve goals of, the Planning efforts of the Cities of San Diego, Del Mar and Solana Beach, and of the County of San Diego, for this area as well as of the Coastal Commission, and Coastal Conservancy, each of which has plans and policies calling for the restoration of the wetlands in this area.

3. Economics.

Tourism is a key component of San Diego's economy. SANDAG predicts that approximately another one million people will be residing in the San Diego region in the next 20 years, and a large number of these people will be in the north county. The Board finds that the restoration of the San Dieguito wetlands as proposed by the Project will contribute to San Diego's

restoration of the San Dieguito Lagoon, the acquisition plans of the JPA, the contacts and proposals the JPA has received from other parties and agencies regarding various mitigation proposals, joint proposals, and other preservation proposals, the recommendations of its Citizens Advisory Committee, the input of its member agencies, the input of its various other committees, the input and expertise of its staff and of its Board Members, the input from landowners, from other interested agencies and parties, and from its study of other projects and planning efforts underway in the region. This Statement is based upon all of this information and on the Board's consideration thereof and not just upon the Project documents or the EIR/EIS.