

APPENDIX P

Public Comments on Draft EIR and Responses

APPENDIX P

PUBLIC COMMENTS ON DRAFT EIR AND RESPONSES

LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES THAT COMMENTED ON THE DRAFT EIR

A draft version of this EIR was circulated for a 55-day public review from July 18, 2015 to September 1, 2015. The following is a list of the persons, organizations, and public agencies that commented during the public review period. All correspondence is available as part of the administrative record.

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MASTER RESPONSES

The following master responses have been prepared to address issues that were common to multiple comment letters and provide adequate detail to fully respond to the concerns or questions specific to the topic.

MASTER RESPONSE #1

Alternative Preference

This comment states a preference for one of the project alternatives identified in the Environmental Impact Report (EIR). SANDAG received many comment letters stating various alternative preferences based on a wide range of reasons and opinions. The range of comments received regarding project alternatives reflects the EIR's analysis showing that there are many different benefits and concerns between the project alternatives that must be weighed by the public and decision makers. Based on public and agency input, SANDAG has identified the Saltwater Alternative as the proposed project in this Final EIR. Further discussion is provided in the introduction letter at the front of this document, which also outlines changes incorporated into the Final EIR. The EIR includes sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison of the project alternatives; the complete EIR will be presented to the SANDAG Board of Directors, along with the public comments received on the EIR and SANDAG's responses to public comments. These materials are made part of the project record, which will be considered by the SANDAG Board of Directors as California Environmental Quality Act (CEQA) lead agency before they take action on the project. The SANDAG Board of Directors will make the ultimate decision on which alternative to approve and will make findings regarding other alternatives as required under CEQA.

MASTER RESPONSE #2**Private Property and Eminent Domain**

A number of commenters observed that portions of the Enhancement Project and required mitigation measures are located on privately held lands. If the SANDAG Board of Directors determines to approve the Enhancement Project, implementation of any of the alternatives, except the No Project Alternative, would require working with land owners to obtain easements, rights-of-way, or property acquisition as necessary to implement the proposed project. It is SANDAG's intent to find agreeable solutions with landowners to accommodate the use of private property where necessary. It is premature to consider other acquisition processes that would require government action to obtain property, such as the use of eminent domain. The impacts of the alternatives on private property rights are not an environmental issue requiring analysis under CEQA.

MASTER RESPONSE #3**Boardwalk Location**

SANDAG received comments concerning the Boardwalk as proposed by the Enhancement Project and analyzed in the EIR. Comments raised concerns and questions regarding the Boardwalk, such as appropriate location, public access, encroachment into sensitive lagoon resources, water circulation, indirect impacts (e.g., trash and littering), funding, and maintenance. The Boardwalk is not a critical element to the implementation of any of the project alternatives; thus, the EIR states that the Boardwalk could be implemented as an independent project. However, the project includes the Boardwalk feature and it was evaluated in the EIR as a common component of all project alternatives. The location of the Boardwalk was identified to minimize conflict with existing public right-of-way, minimize intrusion into the lagoon, and provide public access to the reserve. As proposed, the Boardwalk would be located approximately 20 feet east of the Carlsbad Boulevard bridge, extending from the Nature Center to Maxton Brown Park. This design would be consistent with local planning policies, as well as the objectives of the Enhancement Project, by providing increased public access to the lagoon and accommodating a range of recreational activities, including fishing, walking, nature study, education, and interpretation of the lagoon's unique ecology. Access to the Boardwalk would be provided via stairs extending from Carlsbad Boulevard as well as paths connecting to the Nature Center and Maxton Brown Park. It is anticipated that these pathway connections would be constructed in compliance with American with Disabilities Act requirements. Funding for maintenance of the Boardwalk, as well as the maintenance for the rest of the Enhancement Project, is envisioned to be provided through an endowment as is typically required by the federal and state regulatory permits necessary for project implementation.

Some comments have recommended attaching the Boardwalk to the reconstructed Carlsbad Boulevard bridge. However, to attach the Boardwalk to the Carlsbad Boulevard bridge would not accomplish the purpose of providing the public with increased access into the lagoon interior to fully view, enjoy, and experience the natural features to the same extent. The proposed location of the Boardwalk has been determined to be the optimal location to provide a balance between minimal disruption to sensitive resources associated with the lagoon while allowing the public an opportunity to access and experience the lagoon environment. The location 20 feet from the edge of Carlsbad Boulevard allows minimal infringement upon the sensitive lagoon area while providing a more natural setting for the public to enjoy the Boardwalk than if the Boardwalk was located immediately adjacent to the bridge where people would be more exposed to roadway traffic.

The Boardwalk has been engineered to allow adequate flow through the support pilings. The timber pilings designed to support the Boardwalk are not anticipated to create a constriction or blockage of water flow under the Boardwalk in a manner that would create circulation or flooding problems. The pilings are not substantial in diameter and the 16-foot intervals between their placements would allow for adequate flow to maintain circulation and habitat continuity. The commenters also suggest that the Boardwalk be sited closer to, or within the right-of-way of, Carlsbad Boulevard to provide a greater buffer to the lagoon. The EIR presented the details of the Boardwalk in Section 2.5.1 and evaluated potential environmental effects associated with the placement of the Boardwalk as proposed within the various topic area analyses in Chapter 3, and no significant impacts were identified.

MASTER RESPONSE #4

Only Freshwater Lagoon Resource

Comments were received generally stating that it was imperative to maintain Buena Vista Lagoon in its current freshwater condition as it is a unique freshwater lagoon within the region. SANDAG acknowledges that Buena Vista Lagoon is geographically unique in Southern California as a freshwater system located in the immediate vicinity of the coast. However, it is that unique coastal location that allows for its potential conversion to a saltwater system. Freshwater lagoons and the species contained therein can be found in a wide variety of locations in San Diego County. As noted in a 2006 report prepared for the California Department of Game (now California Department of Wildlife [CDFW]) and the California Coastal Commission (CCC), “There are no substantial ecological values present at Buena Vista Lagoon that are not represented elsewhere in the region” (Merkel 2006). Saltwater systems, however, are entirely limited to and dependent on coastal adjacency, and have experienced historical losses over time. Thus, even though Buena Vista Lagoon is a freshwater lagoon at present, SANDAG is considering a tidally influenced coastal saltwater system as an alternative.

MASTER RESPONSE #5**Historical Lagoon Ecology**

Throughout development of the project, there has been considerable public debate about the historical nature of Buena Vista Lagoon. SANDAG has received a wide array of comments expressing differing opinions on the historical nature of the hydrologic function of the lagoon and its past tidal influence. The comments received have been based on various information sources such as historical documents, aerial photographs, and some personal recollections. In an undeveloped watershed, the lagoon would be characterized as a bar-built or restricted-mouth estuary where sandbars or beach barriers are built up by ocean waves and currents along coastal areas. The beach barrier breaks the impact of ocean waves before they can reach the lagoon, consequently protecting them. The beach barrier takes the brunt of the waves' force and is sometimes completely washed away, leaving the estuary and coast exposed. During heavy rains, large volumes of water flowing down the river or stream can also completely wash away the beach berm and reopen the mouth of the estuary allowing ocean water to move into the lagoon.

Prior to installation of pipes with removable wooden gates in the 1940s, the connection between the lagoon and the ocean was dynamic and intermittent. The presence or absence of a sand beach berm determined whether the lagoon was opened or closed to tidal exchange with the ocean. During flood conditions, the sand berm would wash away forming an inlet channel that allowed tidal exchange between the ocean and lagoon after flood flows had subsided. Following the initial formation of the inlet channel, waves and tidal currents would redistribute the beach sand until the sand beach berm reformed, thereby blocking tidal exchange between the lagoon and ocean. This sand berm would stay in place until another flood flow or, more rarely, high waves washed it away. U.S. Coast and Geodetic Survey maps known as topographic sheets, or “T-sheets,” provide detailed information on the lagoon from 1886 and 1888. These T-sheets indicate that vehicle travel occurred on the beach, which suggests that the occurrence of the inlet opening was relatively infrequent. However, the T-sheets also indicate that areas of salt marsh were present, particularly around the inlet, and ponded saltwater remained in the lagoon even when no tidal connection was present. The extent of the tidal prism during these dynamic openings is unknown. These occasional saltwater inputs, combined with seasonal flooding from freshwater inflows into the lagoon system, supported extensive salt flat habitats covering approximately 75 percent of the current lagoon area. Historical records indicate that an additional 23 percent of the lagoon area was made up of salt marsh habitat (Beller et al. 2014). An extensive freshwater/brackish transitional wetland existed for 2 miles upstream from the lagoon, along Buena Vista Creek, but salinity levels in the lagoon remained too high for any substantial freshwater/brackish marsh habitat to establish.

The pipes with the removable gates installed near the mouth were washed away in 1968, subsequently replaced, and washed away again in 1969 (Tenaglia 1999). Installation of a weir in 1971 stabilized the water elevation of the lagoon at a higher elevation than the ocean and all but eliminated any intermittent flow of saltwater into the lagoon. The rise in water elevation and elimination of saltwater input into the lagoon resulted in a habitat distribution consisting of more open water, shifting the habitat distribution towards freshwater/brackish marsh as shown in historical aerial photos included in the historical ecology report (Beller et al. 2014). Urbanization surrounding the lagoon and its watershed has irrevocably altered the physical processes of the lagoon. It is also important to recognize that this is an enhancement project and not an effort to specifically restore or maintain a particular type of hydrologic condition; it's intended to make the lagoon a healthy and sustainable well-functioning ecosystem. The alternatives presented in the EIR represent opportunities for enhancement of Buena Vista Lagoon, in consideration of the current conditions of the lagoon and its watershed. Additional information regarding historical ecological conditions within the lagoon has been added to the EIR in Section ES.2 and Section 1.1.1.

MASTER RESPONSE #6

Odor

SANDAG received multiple comments with concerns regarding the potential for odor to be generated by implementation of the enhancement project, most specifically the Saltwater and Hybrid Alternatives. Generally, it was the opinion of the comments that exposed lagoon soils, such as mudflat areas, would produce a bad odor that would affect nearby areas. As described in the EIR (Section 3.11), under existing conditions, odors within the lagoon can result from stagnant water conditions as well as intermittent fish die-off events from anoxic conditions within the lagoon. Restoration under any of the alternatives analyzed in the EIR would be anticipated to reduce the frequency of these anoxic conditions by improving hydrologic efficiency within the lagoon. Thus, all of the enhancement alternatives are anticipated to reduce the development of foul odors associated with these low-oxygen events. Following enhancement under the Saltwater Alternative or Hybrid Alternative, a natural odor from mudflat habitats could occur during times when the tides are low and mudflats are exposed. As described in Table 2-1 in the EIR, the alternatives analyzed in the EIR were chosen in part because they best addressed property owners' concerns regarding odors. Both the Saltwater Alternative and Hybrid Alternative were designed to provide narrow and frequently inundated bands of mudflat adjacent to homes, as well as provide adequate distance between mudflat habitat and sensitive receptors (such as residences located between Jefferson Street and the lagoon). Under the Saltwater and Hybrid Alternatives, the nearest homes to the lagoon are separated from large bands of mudflat habitat by several hundred feet. Although small bands of mudflat would occur around the perimeter of the Weir and Railroad Basins, these areas would be inundated frequently and odor

emission would be limited. Therefore, odors would most likely emanate from the wider bands of mudflat in the Coast Highway and I-5 Basins, which are a greater distances from residents. The large distance between these areas and the closest sensitive receptors would allow for dispersion of odorous molecules and a reduction in odor where sensitive receptors are present and are not anticipated to result in a significant odor impact. It should also be noted that the existing odors associated with fish die-offs, algal blooms, and other natural events have a very different duration than odors associated with the proposed mudflats. Odors resulting from an event such as a fish die-off are long lasting and consistent, persisting throughout the duration of the event. Odors associated with mudflats, however, are short term and occur only when the mudflat is exposed in-between daily tidal influx; thus, there is a substantial limitation on the duration of time odor can be generated from mudflats (during low tide). Additional information regarding natural odors anticipated under each alternative has been added to Section 3.11.3.

Per Criterion E of the Air Quality section of the EIR, the threshold used to analyze the potential impact of odors states that a significant impact would result from the creation of objectionable odors affecting a substantial number of people. SANDAG acknowledges that the determination of objectionable odors and quantifying a substantial number of people can be subjective with varied opinions. However, because the wider bands of mudflat areas with the highest potential to create odors have been designed in locations farthest from highly populated areas and because the generation of odors from mudflats is short term and intermittent, occurring only during times of low tide, SANDAG determined that the proposed project would not exceed the odors threshold (Criterion E, Section 3.11 of the EIR) and a less than significant impact per CEQA would result.

MASTER RESPONSE #7

Outreach and Noticing

SANDAG received multiple comments indicating there was insufficient public outreach to educate the public about the Enhancement Project and that time to review and comment on the Draft EIR was inadequate. SANDAG undertook substantial public outreach efforts in connection with the Enhancement Project EIR. SANDAG is the lead agency for the Enhancement Project EIR and developed and executed a Public Participation Plan for the EIR, as described in this Master Response. While the City of Carlsbad noticing requirements are not applicable, SANDAG has exceeded its CEQA noticing requirements by providing written notices of the project to property owners within 1,000 feet of the lagoon. Postcards were mailed on July 8, 2015, to the 11,933 residents located within a 1-mile radius of the project site. The postcards provided information about the Buena Vista Lagoon Enhancement Project and related Draft EIR, and invited recipients to provide their input by attending a public meeting. Information regarding the location, date, and time of the meeting was provided, in addition to the project website and

contact information for project managers. The Draft EIR was circulated for public review for 55 days and was posted on the project webpage. Hardcopies were available at the Carlsbad Library, Oceanside Library, and the Audubon Nature Center. The Notice of Availability (NOA) was circulated in The San Diego Union-Tribune, Coast News, and El Latino (Spanish), and filed with the County Clerk's office. The NOA and public meeting notifications were provided via Facebook (SANDAG, City of Carlsbad) and a series of Twitter messages (SANDAG, City of Carlsbad). The meeting time and location were also posted on the public notices section of the SANDAG website, KeepSanDiegoMoving.com website, and City of Carlsbad Newsroom page, and distributed via email blast. Notices were also distributed to community and senior centers. The NOA was also mailed to over 250 citizens and organizations that had requested information on the project. An open house for public comments was held in Carlsbad on July 23, 2015. In addition to the CEQA process requirements, SANDAG has issued a series of email blasts to known interested stakeholders and held public meetings, as requested by interested organizations and community groups.

COMMENT LETTERS AND RESPONSES

The following pages display all of the comment letters received from various agencies and the public. The comment letter shows on the left side and the responses to the comments are shown on the right.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer To:
FWS-09B0043-13CPA0306

AUG 28 2015

Ms. Lauren Washington
Environmental Planner II
San Diego Association of Governments
401 B Street, Suite 800
San Diego, California 92101

Subject: Draft Environmental Impact Report for the Buena Vista Lagoon Enhancement Project,
San Diego, California

Dear Ms. Washington:

The U.S. Fish and Wildlife Service (Service) has reviewed the above referenced Draft Environmental Impact Report (DEIR) for the Buena Vista Lagoon Enhancement Project, dated July 2015. The comments and recommendations provided are based on our knowledge of sensitive and declining vegetation communities in the County of San Diego and our participation on the Buena Vista Lagoon Working Group and Project Team (Project Team), which were involved in previous planning efforts for restoration of Buena Vista Lagoon. We commented previously on this project in a letter dated May 10, 2013, in response to the Notice of Preparation (NOP) for the DEIR (FWS-09B0043-13CPA0200).

The overall purpose of the project is to enhance the biological and hydrological functions and recreational values of Buena Vista Lagoon. This would be achieved by addressing sedimentation and vegetation encroachment that is reducing coastal biodiversity, degrading water quality, restricting water circulation, and increasing vector concerns. The project alternatives analyzed in the DEIR include the Freshwater Alternative, Saltwater Alternative, Hybrid Alternative with an Option A and Option B, and the No Project Alternative. The alternatives were designed to have a 50 year life. Although the DEIR did not identify the preferred alternative, the alternatives were analyzed at an equal level of detail to facilitate identification of the preferred alternative.

General Comments

Based on the information in the DEIR and our participation on the Project Team, we recommend that the Saltwater Alternative be selected as the preferred alternative because it would provide the greatest benefits to biological resources and water quality while reducing threats associated with flooding and vectors (i.e., mosquitos). Additionally, the Saltwater Alternative achieves more of the project objectives than the Freshwater or Hybrid Alternatives, and it provides a net increase in estuarine habitat within San Diego County where such opportunities are limited.

The Saltwater Alternative would provide the greatest hydraulic connection through the lagoon while facilitating tidal influence from the ocean through the Interstate-5 (I-5) basin. As a result, it would

LETTER 1

U.S. Department of the Interior (USFWS)

1-1

The comment provides introductory statements and a generally accurate description of the project purpose and alternatives. No further response is required.

1-2

Please see Master Response #1. The comment lists benefits anticipated with implementation of the Saltwater Alternative and is generally consistent with the analysis presented in the EIR.

1-1

1-2

Ms. Lauren Washington (FWS-09B0043-15CPA0306)

2

restore the greatest proportion of estuarine habitat for threatened and endangered species [e.g., tidewater goby (*Eucyclogobius newberryi*); light-footed Ridgway's rail [*Rallus obsoletus levipes* (*R. longirostris* L.); rail]; California least tern (*Sterna antillarum brownii*; tern), and western snowy plover [*Charadrius nivosus nivosus* (*C. alexandrinus* n.); plover], migratory birds, and saltwater fish. Implementation of the Saltwater Alternative would also provide the greatest benefit to water quality by increasing lagoon-wide circulation, and decreasing water residency time and sedimentation. It is consistent with recommendations from a Southern California Coastal Water Research Project (SCCWRP) study on Buena Vista Lagoon which concludes that flushing the lagoon of fine-grained sediments and improving circulation is necessary to reduce algal blooms and hypoxia (McLaughlin *et al.* 2011). In addition, the Saltwater Alternative would provide the greatest reduction in flood water elevations; the 100-year floodplain and flood threats to adjacent properties; and breeding conditions favorable to mosquitos (i.e., stagnant, fresh and brackish water with minimal circulation, and dense vegetation) more than any other alternative (Table 3.2-1; p 3.2-15; p 4-8). Long term management associated with the Saltwater Alternative will maintain these benefits. The only modification we recommend for the Saltwater Alternative is that the Railroad Basin be redesigned to include a greater proportion of mudflat and salt marsh habitat.

Despite statements to the contrary in the DEIR, we expect that the Freshwater Alternative would significantly and negatively impact biological resources and water quality. The Freshwater Alternative would replace 117 acres of existing wetlands [i.e., coastal and valley freshwater marsh (96 acres), non-tidal southern coastal salt marsh (15 acres), non-native riparian (4 acres), and southern willow scrub (2 acres)] with 79 acres of wetlands [i.e., coastal and valley freshwater marsh (25 acres), proposed cattail maintenance area (33 acres), non-tidal southern coastal salt marsh (15 acres), southern willow scrub (2 acres), and riparian enhancement (4 acres)]. We would consider the resulting net loss of 38 acres of wetlands a significant impact that would need to be mitigated.

The Freshwater Alternative would also result in significant negative impacts to the rail due to a 71 acre net loss of nesting and foraging habitat. The 33-acre cattail maintenance area would not be considered nesting habitat because the continual management associated with this habitat creates the potential for year-round mortality of the rail (p 3.5-54). Rails forage when walking through mudflats, salt marsh, or intertidal channels. We do not agree that the created channels in the cattail maintenance area would provide rail foraging habitat because the channels would be too deep (i.e., four feet) for rails to forage. Similarly, the Freshwater Alternative would directly impact occurrences of Belding's savannah sparrow (*Passerculus sandwichensis beldingi*; sparrow) (Figure 3.5-2). In addition, we do not concur that the creation of the freshwater habitat transition zone associated with the Freshwater Alternative would benefit the sparrow as it nests and forages in high coastal salt marsh (e.g., pickleweed) and flats.

We do not concur with the DEIR that the Freshwater Alternative would improve water quality. We expect that the water quality benefits associated with the Freshwater Alternative identified in the DEIR would be short-lived because sediment removal is anticipated only every 25 years and only some continued vegetation removal is planned (p 3.2-21). We also expect that the Freshwater Alternative would negatively affect water quality by deepening Buena Vista Lagoon and thereby increasing water residence time (Table 3.2-3) and creating more anoxic conditions. Therefore, the Freshwater Alternative would not fulfill management recommendations necessary for improved water

1-3

The comment recommends that the Saltwater Alternative be modified to include more mudflat and salt marsh habitat in the Railroad Basin. The habitat distribution was designed to provide a balance of habitat types in the lagoon as a whole, as well as to support sufficient tidal exchange extending to the I-5 Basin. However, final habitat distributions will be determined in coordination with wildlife and permitting agencies during the final engineering phase.

1-4

1-2
Contd.

CEQA significance criteria for the project related to wetlands identify a significant impact as the loss of more than 50 percent of a wetland habitat (Criterion A) or a substantial adverse effect on federally protected wetlands (Criterion B), which include open water and deep open water areas. Losses of wetland habitats under the Freshwater Alternative as identified by the commenter would not exceed a 50 percent permanent loss and would therefore not be considered significant under CEQA. The 38 acres of wetlands that the USFWS attributes to a net loss as a result of the Freshwater Alternative can be accounted for in the increase in deep open water (4.5 acres), open water (26.6 acres), and freshwater habitat transition zone (9.2 acres) when discussing federally protected wetlands, also resulting in less than significant permanent impacts under Criterion B in the EIR. Although the conversion from vegetated wetlands to open water represents a change, it does not represent a loss of waters or jurisdictional resources, as discussed in Section 3.5.3 of the Draft EIR. Impacts to vegetation communities, including wetland vegetation communities, are also discussed in Section 3.5.3. Prior to project implementation, SANDAG will continue to coordinate with wildlife and regulatory agencies as part of the permitting and consultation processes.

1-3

1-4

1-5

1-5

Lagoon enhancement activities project design feature PDF-11 (Section 2.9) states "Conduct cattail maintenance during daylight hours and outside the bird nesting season (February 1 through September 15)." This measure, along with Mitigation Measure Biological Resources-8 (Section 3.5.4), which states, "During cattail maintenance, a qualified biologist shall flush birds by walking ahead of construction equipment prior to grading in undeveloped, terrestrial habitats suitable to support Ridgway's rail to help avoid mortality," would reduce potential impacts related to rail mortality. The channels in the cattail maintenance area, totaling up to 1 acre, could be unsuitable light-footed Ridgway's rail habitat due to their depth. Therefore, 1 acre of channels has been removed from discussion of suitable light-footed Ridgway's rail suitable habitat in Section 3.5.3. The removal of 1 acre of channels in the cattail maintenance area from suitable rail habitat would not exceed the 50 percent loss of habitat CEQA significance threshold established for the project, and the 33 acres of cattail maintenance area is considered suitable rail nesting habitat. Impacts to light-footed Ridgway's rail remain less than significant under CEQA. Response to comment 1-21 provides additional discussion of the 50 percent loss of habitat significance criterion.

1-6

Section 3.5 of the EIR, Biological Resources, has been revised to remove the freshwater habitat transition zone from the Belding's savannah sparrow analysis. Impacts to Belding's savannah sparrow would remain less than significant.

Ms. Lauren Washington (FWS-09B0043-15CPA0306)

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quality specific to Buena Vista Lagoon (i.e., increase flushing and circulation in order to decrease detention of fine-grained sediments and decrease water residence times) (McLaughlin *et al.* 2011).

Neither the Freshwater nor Hybrid Alternatives address the cause of mosquito breeding in Buena Vista Lagoon (i.e., stagnant water with minimal circulation). Both the Freshwater and Hybrid Alternatives include large areas of freshwater habitat impounded behind weirs that are favorable to breeding mosquitos. Larvicide would be applied every 3 to 4 weeks from April through October, which would only treat the symptoms instead limiting mosquito breeding.

Because of the net loss of wetlands and lack of mitigation, and other negative impacts discussed above, the Freshwater Alternative would not achieve the overall project purpose to enhance the biological and hydrological functions and recreational values of Buena Vista Lagoon. In addition, we would not support using the Freshwater Alternative as mitigation for other projects, nor would we support using grants (e.g., Transnet Net Benefit Funds) for this alternative.

We could support the Hybrid Alternative contingent on the following modifications that would make it much like the Saltwater Alternative. The primary modification would be elimination of the weir under I-5. Design, installation, and maintenance of a weir would be costly and is not necessary to create freshwater and saltwater habitats within the lagoon. Removal of the weir will also reduce the amount of water impounded in the lagoon, thereby reducing flooding and mosquito breeding. The secondary modification would be to reduce excavations and the resulting tidal prism in the lagoon so tidal influence only extends partially through the lagoon. The lagoon would then support a transition of saltwater to freshwater habitat along a gradient from west to east. The third modification would be to remove the cattail maintenance area (i.e., do not thin cattails within these areas) and allow this area to remain as is or transition into another habitat type because the activity associated with the cattail maintenance area could result in mortality to rails.

Other Suggested Refinement of Alternatives

The DEIR includes replacement of Coast Highway with the Carlsbad Boulevard Bridge as part of the Saltwater and Hybrid Alternatives but not the Freshwater Alternative. Although we would not support the Freshwater Alternative, we recommend that construction of the Carlsbad Boulevard Bridge be incorporated into the Freshwater Alternative to decrease habitat fragmentation and benefit wildlife movement between basins, decrease mortality of wildlife due to collisions with vehicles, and reduce flooding of Coast Highway and properties in and around Buena Vista Lagoon.

All the alternatives include construction of an elevated pedestrian boardwalk parallel and 20 feet east of Coast Highway. The boardwalk would be 1,500 linear feet and contain six 12-foot wide overlooks with educational elements and trash receptacles. Approximately 100 pairs of timber pilings (a pair every 16 feet) would be used to support the boardwalk.

We do not support the construction of a boardwalk at this location. As currently proposed, we expect that the boardwalk would create another constriction to water and sediment transport through the lagoon and exasperate the current flooding problem around the lagoon. We recommend that the boardwalk be attached to the proposed Carlsbad Boulevard Bridge to minimize constrictions to water

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Contd.

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The commenter disagrees with the conclusion in the EIR that the Freshwater Alternative would improve water quality and further states that any water quality benefits would be short-lived. The commenter cites a 2011 study that recommends flushing and circulation within the lagoon be increased. The water quality impacts associated with the Freshwater Alternative are discussed in Section 3.4.3 of the EIR. Generally, the EIR and technical studies found that localized lagoon circulation would improve under each of the alternatives due to sediment and vegetation removal, but that the Freshwater Alternative would result in the least improvement to water quality. The EIR specifically found that the residence time associated with the Freshwater Alternative would increase over existing conditions, partially due to the deepened basins. Thus, Section 4.4 of the EIR states that, although the Freshwater Alternative would provide some water quality improvement over existing conditions, the Freshwater Alternative does not fully achieve some project objectives (including water quality objectives) to the same extent as the other action alternatives.

1-7

The comment is noted. The EIR acknowledges that the Hybrid and Freshwater Alternatives would not reduce existing vector breeding conditions to the extent of the Saltwater Alternative and that the Saltwater Alternative would result in the greatest benefit to vector control through the introduction of a tidally flushed saline environment (Section 4.3.2).

1-8

Please see responses to comments 1-3 through 1-7 and Master Response #1.

1-9

The comment states potential support for the Hybrid Alternative if there were to be a series of modifications to this alternative. These suggested modifications would not result in the avoidance or elimination of environmental impacts, as compared to the Hybrid Alternative. Modeling of the enhancement alternatives conducted by Everest evaluated various ways to create a saltwater to freshwater gradient, including approaches that did not include a weir under Interstate 5 (I-5). Removal of the weir as described in the comment could lead to lower water elevations, which would reduce both the amount of wetlands supported in the lagoon basin and the capacity for improved circulation from an enhanced tidal prism. With the Hybrid Alternative, cattails would remain in place and maintenance would be required to enhance circulation in those areas to address vector concerns. Mitigation Measures Biological Resources-3 and Biological Resources-8, as well as more general avoidance measures (such as Project Design Feature-11), have been incorporated into the project to reduce impacts and avoid mortality of rails.

As discussed above, modeling of the enhancement alternatives conducted by Everest did evaluate various ways to create a saltwater to freshwater gradient, including approaches that did not include a weir under I-5. The weir is intended to limit saltwater intrusion into the I-5 Basin to an extent that would ensure the continued support of freshwater habitat similar in nature to the existing freshwater habitats located east of I-5. To create a habitat gradient as described in the comment, a substantial decrease in the tidal prism would be required west of I-5, which would lead to a narrower and shallower inlet channel. A smaller inlet channel would be less stable and more susceptible to

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circulation and fragmentation of habitat. We also recommend that trash receptacles not be placed on the boardwalk as they could attract pest species that can prey on other sensitive fauna.

1-11
Contd.

All the alternatives contain two to three subtidal fish areas with depths between 8 and 12 feet to promote recreational fishing. We are concerned that fish will not survive in the subtidal fish areas due to lack oxygen and light at deeper depths. Therefore, the DEIR should provide evidence that the subtidal fish areas would be successful, and identify which species of fish would benefit from these areas.

1-12

Suggested Refinements to Phasing of Construction

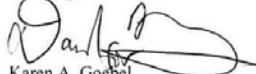
Construction is proposed to remove vegetation from all the basins first, moving from the I-5 Basin west to the Weir Basin; and dredging/grading would then progress from the Weir Basin east to the I-5 Basin. We are concerned that proceeding in such a manner would not provide temporary vegetation for wildlife during construction. Further, the vegetation (e.g., cattails) will likely grow back in the easterly basins during the 1 to 2 year time frame dredging/grading is occurring in the westerly basins. To reduce temporary direct impacts, we recommend that vegetation be removed from each basin immediately prior to dredging/grading within that basin. If the Overdredge Pit is utilized, we recommend that vegetation removal and dredging/grading occur in the Coast Highway Basin first so that the Overdredge Pit is available for sediment disposal.

1-13

We appreciate the opportunity to comment on the DEIR and recommend that you meet with the Project Team to determine the preferred alternative for the Buena Vista Lagoon Enhancement Project. The Enclosure includes our specific comments on the DEIR. If you have questions or comments regarding this letter, please contact Susan Wynn or Carolyn Lieberman at 760-431-9440.

1-14

Sincerely,



Karen A. Goebel
Assistant Field Supervisor

Enclosure

cc:
Deborah Ruddock, California Coastal Conservancy
Christine Beck, California Department of Fish and Wildlife
Meris Guerrero, U.S. Army Corps of Engineers
Eric Chavez, National Marine Fisheries Service
Gabe Buhr, California Coastal Commission
Bruce Posthumus, San Diego Regional Water Quality Control Board

shoaling, potentially leading to increased inlet closure frequency and maintenance costs. The weir design as part of the Hybrid Alternative would maintain water levels in the I-5 Basin at elevations similar to existing conditions.

1-10

Based on modeling conducted for the project, under the Freshwater Alternative, construction of a replacement bridge along Carlsbad Boulevard is not necessary to accommodate flood flows associated with that alternative. Flood elevations would be lowered under this alternative without replacement of the Carlsbad Boulevard bridge due to enhanced drainage within the lagoon and the maintenance of the size and depth of the existing structure under I-5. Information regarding the Carlsbad Boulevard bridge and flooding issues related to the Freshwater Alternative is provided in Section 5.2 of the EIR and Appendices C and D. As noted at the beginning of the Final EIR, the Saltwater Alternative has been identified as the proposed project, but if the Freshwater Alternative is ultimately selected for implementation, the SANDAG Board of Directors will consider the commenter's suggestion to include replacement of the Carlsbad Boulevard bridge as part of the project. The Coast Highway is an existing condition that is part of the baseline for environmental review. Therefore, retaining the Coast Highway as part of the Freshwater Alternative would not result in new operational impacts to biological resources.

1-11

Please see Master Response #3. The suggestion to not include trash receptacles on the Boardwalk will be considered and balanced with the need to minimize litter in the lagoon.

1-12

Fish would continue to have access to lagoon waters beyond just the newly created deep water basins. The creation of approximately 4.5 acres of deep, open water fish habitat would provide a better range of depths of habitat enhancement and would provide deep water refugia for fish species that benefit and use this type of habitat. Deep water habitat would also provide refugia during harsh environmental conditions or times of poor water quality. The project is also generally expected to have water quality benefits as discussed in Section 3.4 that would promote a healthy environment for aquatic species.

As stated in the EIR, Section 2.5.4 and based on evidence from other local lagoons, it is anticipated that under the Saltwater and Hybrid Alternatives, saltwater fish species, including members of the Atherinidae (silversides), Engraulidae (anchovies), Gobiidae (gobies), Embiotocidae (surfperch), and Clupeidae (herring, sardine) families, may use the lagoon. Conversion to a saltwater system would also encourage saltwater species popular among recreational anglers to enter and use the lagoon, including spotted sand bass (*Paralabrax maculatofasciatus*, family Serranidae), barred sand bass (*Paralabrax nebulifer*, family Serranidae), kelp bass (*Paralabrax clathratus*, family Serranidae), and California halibut (*Paralichthys californicus*, family Paralichthyidae).

The characterization of the freshwater fishing areas as subtidal has been revised, as a freshwater system would not be tidally influenced. Under the Freshwater Alternative, species utilizing the fishing areas would be those already present in the lagoon. These freshwater species, such as freshwater bass,

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LITERATURE CITED

McLaughlin, K, M Sutula, J Cable, and P Fong. 2011. Eutrophication and nutrient cycling in Buena Vista Lagoon, Carlsbad, California. Southern California Coastal Water Research Project Technical Report 638.

have been documented to use the entire water column to depths below 100 feet (Moyle 2002). The Saltwater Alternative and saltwater component of the Hybrid Alternative would also contain these deeper fishing areas, which would represent a range of depths frequently utilized by saltwater species in other saline systems.

1-13

The comment expresses concern over construction phasing and the lack of vegetation that can provide refugia to sensitive species during construction. The EIR has analyzed the removal of vegetation at one time to provide a conservative approach. Additionally, some vegetation within the lagoon, but outside the limits of grading, would remain in place throughout construction and could support species around the perimeter of the lagoon. However, if there are options to accommodate phased vegetation removal, this refinement could be considered in construction planning to further reduce impacts to wildlife during construction operations.

1-14

The comment provides closing statements and no further response is required. SANDAG will continue coordination with regulatory agencies, including USFWS, as the Enhancement Project moves forward into the permitting and approval process.

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Enclosure Page 1

Specific Comments

Page 1-12.	Table 1-3 should be revised to list the Fish and Wildlife Coordination Act and the Migratory Bird Treaty Act in the row with the Service.	1-15
Page 2-8.	Section 2.2 (<i>Alternatives Selection Process</i>) should be revised to include language recognizing that the Service also contributed funding for studies on restoration of Buena Vista Lagoon.	1-16
Page 2-22.	We do not expect kelp beds to occur within the lagoon.	1-17
Page 2-29.	The statement that much of the existing vegetation under the Freshwater Alternative would remain in place conflicts with Figure 3.5-9 which shows that most of the vegetation associated with Buena Vista Lagoon is within the Limits of Grading/Dredging.	1-18
Page 3.2-19.	The conclusion that alteration to drainage patterns and circulation from the Freshwater Alternative would benefit hydraulic efficiency and biological resources conflicts with the conclusion on page 3.2-17 that residence times would increase and overall circulation within the lagoon would decrease under the Freshwater Alternative.	1-19
Page 3.2-20.	The second paragraph states that "much of the lagoon channel cross sections would be protected with erosion control products (i.e., riprap)..." However, there are no figures or summary statistics describing the extent of proposed riprap for each alternative. Please update the DEIR to include this information as it would potentially be considered a permanent impact if it extends beyond what is existing.	1-20
Page 3.5-30 and 31.	The DEIR defines significant impacts to biological resources when there is a temporary or permanent loss of more than 50 percent of a sensitive habitat, nesting habitat of a sensitive species, or breeding population of a special-status sensitive species. We do not concur with the Significance Criteria utilized for Biological Resources in the DEIR as it will underestimate the significant impacts associated with each alternative. Any impacts to habitat occupied by special-status sensitive species may result in take or loss of those individuals and could be considered significant. Impacts to rail would require consultation with the U.S. Fish and Wildlife Service under the Endangered Species Act of 1973, as amended.	1-21 1-22
Page 3.5-37.	Table 3.5-4 conflicts with the data in Table 3.5-3 and Table 3.5-5 with regards to impacts to freshwater marsh. Tables 3.5-3 and 3.5-5 both state that 57.2 acres of freshwater marsh will be impacted while Table 3.5-4 shows a loss of 72.5	1-23

1-15

Table 1-3 has been revised to list the Fish and Wildlife Coordination Act and Migratory Bird Treaty Act in the USFWS row.

1-16

Language has been added to Section 2.2 to acknowledge the USFWS contributed funding for studies.

1-17

SANDAG agrees that eelgrass bed establishment is likely but kelp bed establishment within the lagoon is not. The noted reference to kelp has been removed.

1-18

As shown in Figure 3.5-9, the project limits of disturbance would not extend to the edge of the lagoon. The text in Section 2.6.1 has been revised to clarify how much vegetation would be removed.

1-19

It is correct that the EIR concludes that the Freshwater Alternative would result in increased residence times and overall circulation would decrease. However, hydrological and biological resource benefits would result from the removal of vegetation and sediment in the form of localized circulation improvement with better inter-basin flow exchange. Hydraulic efficiency, as well as the ability of the lagoon to drain after storms, would also increase under this alternative, lowering potential flood levels. The EIR concludes that the percent of days algal biomass exceeds thresholds established in the San Diego Basin Plan is lower under the Freshwater Alternative than existing conditions. The EIR also concludes that the percent of time the dissolved oxygen objectives are not met are lower under the Freshwater Alternative than existing conditions. Thus, the independent statements are each accurate and do not conflict with one another.

1-20

Stone revetments anticipated for installation within the lagoon are described under Channel and Infrastructure Improvements in Chapter 2 of the EIR. The installation of slope protection associated with North Coast Corridor (NCC) infrastructure improvements, as needed for the Enhancement Project alternative selected for implementation, would be fully analyzed in the CEQA and National Environmental Policy Act (NEPA) documents for the NCC improvement projects as they are outside the scope of this project and details would be speculative, but are generally described in Section 2.5.3 of the EIR to ensure a conservative approach. The extent of riprap under the alternatives analyzed in the EIR is not expected to exceed existing conditions.

1-21

SANDAG respectfully disagrees that the significance criterion using a 50 percent loss of habitat as a CEQA significance threshold is not appropriate. The expertise of the USFWS is valued; however the comment does not provide any specific reasons or evidence as to why the 50 percent loss of habitat threshold is not adequate to characterize significant impacts at Buena Vista Lagoon. The EIR acknowledges that data are lacking for most species regarding the requisite size of a self-sustaining population for a given area of habitat; however, the population of sensitive avian species occurring

within Buena Vista Lagoon are not overly dense or crowded. In this location, the temporary loss of 50 percent of habitat would not create a condition of overcrowding or reduced resources to an extent that could limit the ability of the species to survive. For example, Section 3.5 of the EIR states that, within the past 5 years, the total number of light-footed Ridgway's rail breeding pairs in the lagoon has ranged from a high count of nine in 2012, dwindling to only two pairs in 2013 and four pairs in 2014. Other sensitive species are known to the lagoon but have not been observed in recent years, such as the Belding's savannah sparrow, coastal California gnatcatcher, and southwestern willow flycatcher. Additionally, some of the sensitive avian species known to Buena Vista Lagoon are not resident species (California least tern, southwestern willow flycatcher, and least Bell's vireo); thus, they do not rely solely on the habitat provided by Buena Vista Lagoon for survival. Therefore, because of the low population numbers and density of sensitive avian species occupying Buena Vista Lagoon, SANDAG considers the threshold criteria of 50 percent habitat loss appropriate and adequate for significance analysis and conclusions.

Additionally, this criterion has been successfully used in multiple CEQA documents for other local lagoon restoration or enhancement projects as described in Section 3.5.2, including the Bolsa Chica Lowlands Restoration Project and the San Elijo Lagoon Restoration Project. This CEQA significance criterion was specifically crafted to appropriately address the unique biological situation resulting from the habitat removal necessary for long-term lagoon improvements. The use of the 50 percent habitat loss criterion in similar environmental analysis documents for southern California lagoon restoration projects sets a precedent that further supports the appropriateness of the criterion for this project. As stated in the San Elijo Lagoon Restoration Project Final EIR/EIS (2016), the 50 percent loss of habitat threshold is considered appropriate because greater than 50 percent loss of any sensitive habitat is considered to have the potential to threaten the continued existence of a sensitive species known to occur within the lagoon setting. The San Elijo Lagoon Final EIR/EIS also noted that the criteria was chosen based upon previous use in similar environmental evaluations and best professional judgement of qualified biologists.

The concern that the significance of impact to special-status species could be underestimated due to take or loss of individuals due to any occupied habitat loss is addressed under Criterion C. As noted in the comment, potential loss of special-status species could result and would be significant; in these cases, temporary direct and indirect impacts to light-footed Ridgway's rail, Belding's savannah sparrow, and sensitive birds were found to be significant under CEQA (Criterion C) due to habitat loss and/or direct mortality during construction operations. Long-term significant impacts were also identified for light-footed Ridgway's rail and sensitive birds for the Freshwater and Hybrid Alternatives before mitigation. Section 3.5 of the EIR also describes how some avian species, including special-status species, would benefit from the lagoon enhancement. The discussion of Criterion C in the EIR specifies that the direct loss of adults, eggs, or young of species listed as endangered or threatened would be a significant impact.

1-22

The comment is noted. The federal permits and approvals required for the project are provided in EIR Section 1.4, Table 1-3. As described in Section 1.4, consultation with the USFWS pursuant to the federal Endangered Species Act is expected to be coordinated with project environmental review under the NEPA.

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Enclosure Page 2

	acres. Please clarify which acreage is correct. The text on page 3.5-47 will then need to be updated accordingly.	1-23 Contd.
Page 3.5-39.	An increase in open water does not offset the loss of wetlands, therefore we disagree with the conclusion that there is no loss of wetlands and that the long-term direct impact associated with the Freshwater Alternative is not significant. Please update this section to accurately reflect the loss of wetlands.	1-24
Page 3.5-52.	We disagree with the conclusion that there would be a “net benefit” to the rail from construction of the Freshwater Alternative. The document correctly concludes that there would be a net loss of nesting habitat for the rail. This fact, coupled with loss of foraging habitat and a decrease in water circulation suggests that the project will negatively affect the rail. Therefore the conclusion should be that the permanent direct impacts to the rail should be considered significant.	1-25
Page 3.5-53.	The second sentence on this page which states that water circulation in the lagoon would be improved conflicts with earlier statements in the document (see page 3.2-17) which state that the overall circulation in the lagoon would decrease under the Freshwater Alternative. We expect that the Freshwater Alternative would negatively affect water quality by deepening Buena Vista Lagoon thereby increasing water residence time	1-26

1-23

The two numbers compared in the comment are referencing different acreage totals. The impacted 57.2 acres shown in Tables 3.5-3 and 3.5-5 are temporary direct impacts to existing freshwater marsh due to construction activities. The numbers shown in Table 3.4-5 compare existing habitat to the proposed future habitat after enhancement and reflect long-term increases/decreases in habitat types. The text and acreages on page 5.2-47 discussing temporary construction impacts to nesting habitat through construction activities are correct.

1-24

The 38 acres of wetlands that the USFWS attributes to a net loss as a result of the Freshwater Alternative is evaluated on a habitat-by-habitat basis under Criterion A. While a permanent loss of vegetated wetland habitats would occur after project implementation of the Freshwater Alternative, it would not exceed the CEQA significance threshold identified in the EIR. Although the transition from vegetated wetlands to open water represents a change, it does not represent a loss of waters or jurisdictional resources, as discussed in Section 3.5.3 of the Draft EIR. Impacts to vegetation communities, including wetland vegetation communities, are also discussed in Section 3.5.3. Also see response to comment 1-4.

1-25

SANDAG disagrees that the permanent direct impact to light-footed Ridgway’s rails would remain significant with mitigation under the Freshwater Alternative. Section 3.5-4 of the EIR describes that the amount of southern coastal salt marsh nontidal would remain at 14.8 acres, which is one of the habitats that this species relies on. Also described is how the proposed cattail maintenance area and transitional areas would function biologically similar to coastal and valley freshwater marsh. Southern coastal salt marsh nontidal and coastal and valley freshwater marsh habitat occupied by light-footed Ridgway’s rail is denoted under existing conditions by the overall poor conditions of the lagoon. Improved habitat quality would benefit this species. There would be a net loss of nesting habitat acreage for light-footed Ridgway’s rail of 28.4 acres (including the reduction of 1 acre of channels within the wetlands as requested in comment 1-5), which equates to a loss of 26 percent when compared to existing conditions. However, in accordance with the CEQA significance threshold used in this analysis, the implementation of mitigation measures for cattail maintenance would cause this impact to be less than under CEQA. As noted in response to comment 1-12, the rail population in Buena Vista Lagoon is not large or dense; thus, the loss of habitat acreage would not overcrowd or adversely affect the ability of the rails to survive within the remaining lagoon habitat. For these reasons, the permanent loss of nesting and foraging habitat acres under the Freshwater Alternative is not considered substantial enough to result in a significant permanent direct impact to the rail population per the CEQA threshold.

1-26

The EIR concludes that the Freshwater Alternative would result in increased residence times and overall circulation would decrease. However, there are also localized water quality benefits that result from the removal of vegetation and sediment in the form of localized circulation improvement with better inter-basin flow exchange. Thus, the independent statements are each accurate and do not conflict with one another. The text has been revised to more accurately describe that any circulation improvements would be localized and inter-basin.

LETTER 2

California Coastal Commission

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

CALIFORNIA COASTAL COMMISSION

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September 1, 2015

Lauren Washington
Environmental Planner II
San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101

Subject: Comments on the Draft Environmental Impact Report for the Buena Vista Lagoon Enhancement Project

Dear Ms. Washington,

Commission staff appreciates the opportunity to review and provide comment on the above-referenced environmental document which was received by our San Diego District Office on July 15, 2015. We offer the following initial comments regarding the draft Environmental Impact Report (DEIR), dated July 2015, for the proposed Buena Vista Lagoon Enhancement Project (Enhancement Project). The policies of the Coastal Act should be incorporated into the environmental review of any development that would either directly or indirectly affect the resources of the California Coastal Zone. Additional and more thorough project review will be provided as part of ongoing environmental review and the future Coastal Development Permit (CDP) process.

The proposed project is located at the boundary between the Cities of Carlsbad and Oceanside in northern San Diego County and within Buena Vista Lagoon, a coastal, freshwater lagoon fed by Buena Vista Creek, which drains approximately 20 square miles of the Buena Vista Watershed into the Pacific Ocean. Portions of the proposed project are located in areas of the Commission's retained jurisdiction and will require a CDP from the Coastal Commission. The subject restoration site is also identified as a specific project within the Restoration and Enhancement Mitigation Program (REMP) of the North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program (NCC PWP/TREP) that was approved by the Commission in August 2014. As a result, the proposed project must also be designed to be consistent with the parameters identified in the REMP in order to ensure consistency with this larger NCC program.

The stated purpose of the Enhancement Project is to enhance the biological and hydrological functions and recreational values of Buena Vista Lagoon by addressing increased sedimentation and invasive vegetation encroachment, as well as resulting declining coastal biodiversity, degrading water quality, water circulation restriction, and increased vector concerns. To achieve these objectives, the Enhancement Project would consist of the following components: 1) enhancement in all lagoon basins, 2) vegetation removal and/or management to increase circulation/decrease vectors, 3) infrastructure improvements where appropriate to increase circulation while not increasing the risk of

2-1

The comment provides introductory statements and includes a generally accurate description of the proposed project location and purpose. The comment also states that a Coastal Development Permit will be required for the project, that the project is required to be consistent with the Resource Enhancement and Mitigation Program of the NCC Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) that was approved by the Commission in August 2014, and that Coastal Act policies should be incorporated into the environmental review of the project. SANDAG agrees with commenter. EIR Section 3.1 discusses applicable provisions of the Coastal Act and Table 1-3 identifies the need for a Coastal Development Permit for the project. The project's impacts on coastal resources are addressed in EIR Section 3.3.

2-1

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flooding, 4) improvements to public access by construction of recreational amenities, where possible, including an elevated pedestrian boardwalk and fishing access, and 5) adaptive management strategies to maintain enhanced functions of the lagoon into the future.

A preferred alternative was not identified in the DEIR; however, of the alternatives analyzed (Freshwater Alternative, Saltwater Alternative, Hybrid Alternative with an Option A and Option B, and No Project Alternative), we support the selection of the Saltwater Alternative as the preferred alternative. The Saltwater Alternative maximizes the benefits to water quality and biological resources while minimizing flooding and vector problems. The Saltwater Alternative also achieves more of the project objectives than the Freshwater, Hybrid, and No Project Alternatives. Finally, there are few opportunities to increase native, estuarine habitat within the Coastal Zone of San Diego County and the Saltwater Alternative achieves this to a greater extent than any of the other alternatives.

Based on comparison of the alternatives in Chapter 4 of the DEIR, the Saltwater Alternative would provide the most benefits. Under the Saltwater Alternative, water elevations would be reduced more than under the Freshwater Alternative in all basins during all storm events, and the 100-year storm event floodplain would be reduced the greatest of all the alternatives. The Saltwater Alternative would provide beneficial impacts to water and sediment quality by improving lagoon-wide circulation, providing tidal exchange, and reducing existing sedimentation. Water residence times – in dry and wet weather – would be reduced most under the Saltwater Alternative. In addition, the Saltwater Alternative would have the largest biological benefit by converting the lagoon to a marine system open to tidal action which would result in a healthier benthic community and more foraging opportunities for birds, as well as support native salt marsh habitats and species. Threatened and endangered species (i.e., snowy plover, Ridgway rail, Belding's Savannah sparrow) would also have the largest nesting area under the Saltwater Alternative, with an increase of 61.5 acres of suitable nesting habitat over existing conditions. Native saltwater fish species would have access to the lagoon through the open inlet, and would also benefit from the creation of deep water habitat areas through new and improved spawning and rearing habitat, resulting in long-term beneficial effects on the stability and sustainability of native fish. Finally, the Saltwater Alternative would result in the greatest benefit in terms of vector control from the conversion of the lagoon to a tidally influenced system with no circulation issues.

The Freshwater Alternative, Hybrid Alternatives, and No Project Alternatives do not offer the same level of benefits as the Saltwater Alternative; thus, we would not support any of these other alternatives. All of these alternatives include retention, replacement, or addition of new weir structures. However, Section 30233 of the Coastal Act only allows diking, filling, or dredging of open coastal waters, wetland, and estuaries where there is no feasible less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and is limited to very few purposes, of which the only one that would pertain to the proposed Enhancement Project is "restoration purposes." In this case, a less environmentally

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Please see Master Response #1. The comment provides a generally accurate summary of the benefits that would result from the Saltwater Alternative.

2-3

The comment states that only the Saltwater Alternative would be consistent with Chapter 3 of the California Coastal Act due to the other alternatives' potential conflicts with Section 30233 of the California Coastal Act based on the retention, replacement, or addition of new weir structures. Additional discussion regarding Section 30233 of the California Coastal Act has been added to Table 3.1-1. However, various arguments can be made to support how each alternative is potentially the less environmentally damaging as each alternative enhances or protects different resources through alternate methods and to varying degrees. Each alternative provides enhancement opportunities and these benefits vary based on the resource being considered and the degree of benefit. The comment does not specify how each alternative would or would not meet the level of restoration benefits envisioned by the Resource Enhancement and Mitigation Program of the NCC. Additional text to include the Resource Enhancement and Mitigation Program as part of the NCC PWP/TREP discussion was added to Section ES.2. Consistency with the California Coastal Act is discussed in Chapter 1 and Section 3.1. The SANDAG Board of Directors will consider the commenter's recommendations and the need for consistency with the California Coastal Act before it makes a decision on the project. SANDAG will continue coordination with the California Coastal Commission, as the Enhancement Project moves forward into the permitting and approval process.

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damaging alternative exists in the Saltwater Alternative and the other alternatives do not provide enough restoration to be considered a permitted use under the Coastal Act. Furthermore, the Enhancement Project is listed as a project under the NCC PWP/TREP's REMP and none of the alternatives, except the Saltwater Alternative, provide the level of restoration benefits envisioned by the REMP. Thus, these other alternatives would not be able to be used as mitigation for impacts associated with the NCC PWP/TREP transportation infrastructure projects due to inconsistencies with the REMP provisions. Therefore, we recommend that the Saltwater Alternative be selected as the preferred alternative to ensure consistency with the Chapter 3 policies of the Coastal Act and the REMP requirements of the NCC PWP/TREP.

The Freshwater and Hybrid Alternatives would also require greater maintenance and adaptive management activities than the Saltwater Alternative. Both the Freshwater and Hybrid Alternatives would require periodic vegetation removal of the remaining cattail and freshwater marsh areas for vector control. The Saltwater Alternative would reduce the need for vegetation removal as some areas currently dominated by cattails would be allowed to transition naturally with the addition of brackish waters. In addition, although the DEIR states that maintenance of sediment is anticipated to be required as a part of the Freshwater Alternative, the Enhancement Project does not include additional sediment removal as part of the alternative due to the "variable and difficult to predict nature of sediment patterns and storm events." However, the Final EIR should include some estimate of the frequency and amount of sediment removal that may be required for the Freshwater Alternative. Omission of this important maintenance component, even if speculative, does not give a full picture of the costs and impacts associated with this alternative.

Sections 30210 and 30212 of the Coastal Act encourage the provision of new public accessways to and along the coast, such as the pedestrian boardwalk proposed parallel to Carlsbad Boulevard. However, the proposed boardwalk should be designed and sited in a manner that avoids adverse impacts to sensitive habitat and wildlife that reside in and adjacent to the lagoon. As presently proposed, the boardwalk would be located 20 ft. from the edge of pavement on Carlsbad Boulevard; however additional analysis is recommended to determine whether the boardwalk could be pulled back slightly, closer to Carlsbad Boulevard, to provide a greater buffer to the lagoon and to further minimize potential impacts to fragile coastal resources while still providing an enhanced pedestrian accessway across the lagoon. In addition, it should be engineered to optimize the circulation of water and sediment underneath the boardwalk.

The new 100-ft. wide open inlet area proposed as part of the Saltwater and Hybrid Alternatives would likely be inaccessible or unsafe for beachgoers to cross during certain tidal and storm conditions. Therefore, we support Mitigation Measure Land Use-1 to construct a pedestrian bridge that spans the proposed tidal inlet at a height above the calculated high tidal and flood flows to provide north-south lateral access for beach users. With implementation of this mitigation measure, safe public access would be available across the proposed inlet and the impact to public access would be reduced to less than

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The comment provides information stating that only the Saltwater Alternative would be consistent with requirements of the NCC PWP/TREP and a recommendation that the Saltwater Alternative be selected as the proposed project. See response to comment 2-3 above addressing the feasibility of the alternatives provided in the EIR based on their ability to restore and enhance different resources. The SANDAG Board of Directors will consider the commenter's recommendations before it makes a decision on the project; see Master Response #1.

2-5

The EIR states in Section 2.6.1 that sediment-related maintenance is anticipated every 25 years under the Freshwater Alternative. Further specifics regarding volumes are not available due to the speculative nature of this long-range need and evolving conditions that would affect the sedimentation of the lagoon. Timing of sediment accumulation is difficult to accurately predict as it is highly dependent on the frequency of large storm events that flush sediment from upstream into the lagoon system as well as the specific conditions of the lagoon at the time of the storm event.

2-6

Please see Master Response #3.

2-7

The comment supports the construction of a pedestrian bridge to maintain access along the coast if the Saltwater or Hybrid Alternative is selected for implementation. As described in Section 3.1.4, engineering and design of a pedestrian bridge as outlined in Mitigation Measure Land Use-1 would account for potential sea level rise.

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significant. However, this pedestrian bridge over the inlet should be designed and sited in a manner that takes into account future sea level rise.

2-7
Contd.

The initial restoration of the lagoon has the potential to generate between 562,000-833,000 cu. yds. of sediment through dredging operations. Various options are available for disposal or reuse of that material (e.g., offshore ocean disposal, placement on the beach or nearshore, and reuse on-site), depending on the characteristics. The Commission encourages the placement of sand on local beaches, assuming it is suitable and compatible with the sand at the disposal site, as it provides a low-cost public access and recreational amenity on the coast; however, the project proponents should coordinate closely with the local entities and U.S. Army Corps of Engineers to avoid adverse impacts associated with multiple, long-term beach nourishment projects. Although the proposed materials placement sites have been identified based on previously authorized projects (2001 and 2012 RBSPs), given the potential for adverse impacts associated with the placement of sand in proximity to sensitive coastal resources (e.g., near-shore reef systems, marine protected areas, surf breaks), long-term monitoring would be required. Furthermore, consideration will need to be taken regarding the timing of these proposed sand placement activities in order to avoid or minimize impacts to coastal resources and recreation.

2-8

Design recommendations from the San Diego Association of Governments (SANDAG) Sea Level Rise Study (SANDAG 2013) are proposed to be incorporated into pile foundation and abutment protection engineering for bridgework; however, the Coastal Commission's Sea Level Rise Policy Guidance document that provides an overview of best available science on sea level rise for California and recommended steps for addressing sea level rise in Coastal Commission planning and regulatory actions should be consulted as well when designing the Carlsbad Boulevard bridge replacement and the parallel boardwalk.

2-9

The DEIR discusses the coordination of phasing with the approved NCC PWP/TREP; however, efforts should be made to coordinate other aspects of the Enhancement Project with the construction of the new Interstate-5 bridge and double tracking of the rail corridor, including construction access, parking, and staging areas in order minimize temporal and spatial impacts on the lagoon environment.

2-10

The DEIR indicates that post-construction monitoring is proposed to continue for a period of 5 to 10 years following construction; however, for a project of this size and scope, a minimum of ten years of post-construction monitoring is appropriate, with additional years of monitoring, if necessary, to meet project success criteria. During the development of performance standards for the Enhancement Project, the REMP should be consulted in the determination of baseline performance standards. Any future CDP submittal for the subject restoration plan should include a fully developed monitoring plan and also identify that a sufficient endowment has been established in order to fund ongoing maintenance and monitoring activities.

2-11

2-8

The comment supports the use of appropriate dredged material for beach nourishment. The potential for impacts due to material placement on local beaches is analyzed throughout the EIR for each issue area under the Material Disposal/Reuse heading. Material placement on beaches is included in the Construction Monitoring Program as discussed in Section 2.9.1; however, because long-term significant impacts associated with the material disposal on beach locations were not identified for any of the topic areas discussed in Chapter 3, long-term monitoring specific to beach nourishment is not included as part of the project. As a requirement of the project, PDF-8 as listed in Table 2-11 requires that SANDAG coordinate the schedule at individual materials placement sites to the extent possible to avoid major holidays and special events to minimize overlap with times when the beaches are most active. It is anticipated that additional monitoring requirements may be incorporated into the project as part of permit approvals prior to project implementation.

2-9

The Coastal Commission's Sea-Level Rise Policy Guidance document is referenced in Section 3.12.2 of the EIR. Text has been added as appropriate to include consultation with this guidance document in the design and engineering of the Carlsbad Boulevard bridge and Boardwalk along with the SANDAG Sea Level Rise Study.

2-10

As described throughout the EIR, Senate Bill 468 (Kehoe) mandates that transportation improvements and regional habitat enhancements within the NCC occur concurrently, unless construction in phases would result in an environmentally superior alternative to concurrent construction. Thus, the Enhancement Project would coordinate with applicable project managers of the I-5 NCC and Los Angeles-San Diego-San Luis Obispo (LOSSAN) projects to coordinate efforts if possible. This coordination would include the consideration of phasing construction, as well as consolidating staging, access, and parking areas. Text has been added to the project description, Section 2.5.3, to clarify these coordination efforts.

2-11

As stated in Section 2.9.2, lagoon enhancement monitoring would occur during and immediately following construction for a period of 5 to 10 years, depending on the amount of time needed until success criteria are met. Once the initial post-construction monitoring phase is complete and success criteria have been met, the program would transition to adaptive management. The range of post-construction monitoring for up to 10 years was selected as the appropriate time-frame as 10 years would provide an adequate period for the lagoon habitats to reestablish and to be able to determine if success criteria were met. Section 2.9.2 further describes that intensive short-term monitoring of enhancement success is anticipated to continue annually for a minimum period of 5 years after construction. It is more likely the short-term monitoring period would be developed based on 10 years of ecological performance standards; however, if success is achieved prior to 10 years, the site can transition to the less intensive, long-term monitoring and management phase that would adapt to ecological conditions in perpetuity. Similar projects in the region, such as Batiquitos Lagoon, San Dieguito Lagoon, Huntington Beach Wetlands, Bolsa Chica, Anaheim Bay Wetlands, and others, show habitat establishment within 10 years, and some within 5 years (Merkel 2009). It is therefore

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Thank you again for the opportunity to provide review and comment on the proposed Enhancement Project. As mentioned previously, this letter contains our preliminary comments; however, additional and more thorough project review will be provided as this significant lagoon restoration project continues to develop. If you have any questions or require further clarification, please do not hesitate to contact Gabe Buhr or myself at the above office.

2-12

Sincerely,



Kanani Brown
Coastal Program Analyst III

Cc (copies sent via e-mail):

Deborah Ruddock, California Coastal Conservancy
Susan Wynn, U.S. Fish and Wildlife Service
Eric Chavez, National Marine Fisheries Service
Tim Dillingham, California Department of Fish and Wildlife
Stephanie Hall, U.S. Army Corps of Engineers
Kim Smith, Caltrans
Michael Porter, Regional Water Quality Control Board

anticipated that Buena Vista Lagoon should experience similar wetland habitat function within 10 years.

As noted in the comment, the North Coast Corridor Project Resource Enhancement and Mitigation Program (REMP) would be consulted in the development of performance standards for the monitoring plan, which would also include the establishment of an endowment fund prior to implementation of the project. As stated in the REMP, performance standards to measure and monitor the success of the restoration efforts would occur pursuant to future permitting processes and in discussions with the REMP working group. Performance standards would be designed with the intent to provide resource and regulatory agencies with a high level of confidence that, once performance standards are achieved, the restored habitat is providing the desired ecological functions and will be self-sustainable under a long-term management program. The following are examples of performance standards that would be developed and quantified with measurable criteria:

- Topography: wetland/and or aquatic habitat will not undergo major topographic degradation (such as excessive erosion or sedimentation) and will maintain a percentage of the specified final wetland acreage amount.
- Water Quality: water quality variables (to be specified) will be similar to reference wetlands or aquatic habitat.
- Tidal Prism: designed tidal prism will be maintained and show continued tidal exchange.
- Habitat Areas: area of different habitats will not substantially deviate from the planned habitats, and each habitat area will achieve a percentage of the expected species diversity and an expected cover.
- Biological Communities: community composition and the total densities and number of species of fish, macroinvertebrates and birds will achieve specified levels.
- Reproductive Success: certain plant species will have demonstrated reproduction at least once in 3 years.
- Food Chain Support: food chain support provided to birds will achieve determined success criteria as determined by feeding activity of the birds.
- Exotics: important functions of the wetland will not be impaired by exotic species as determined by cover percentages.

The above information has been added to the Final EIR, Section 2.9.2, to provide additional clarification and details specific to the development requirements of the monitoring plan.

2-12

The comment provides closing statements and no further response is required.



State of California – Natural Resources Agency
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August 28, 2015

Ms. Lauren Washington, Environmental Planner II
SANDAG
401 B Street, Suite 800
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Subject: Comments on the Draft Environmental Impact Report for the Buena Vista Lagoon Enhancement Project

Dear Ms. Washington:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Draft Environmental Impact Report (DEIR) for the Buena Vista Lagoon Enhancement Project (Project). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program. The cities of Carlsbad and Oceanside participate in the NCCP program by implementing their approved and draft Multiple Habitat Conservation Program Subarea Plans; respectively. Lastly, the Department owns the Buena Vista Lagoon Ecological Reserve (CCR, Title XIV, Division 1, Subdivision 2, Chapter 11, Section 630) and as such, manages it for the protection of rare, threatened, and endangered native wildlife, plants, and their habitats.

Buena Vista Lagoon Ecological Reserve (BVLER) is located at the boundary between the cities of Carlsbad and Oceanside in northern San Diego County. BVLER is surrounded by urban development and traversed by three transportation corridors including from west to east: the North County Transit District railroad tracks, Carlsbad Boulevard, and U.S. Interstate 5 (I-5). According to the DEIR, future transportation improvement projects identified within BVLER include double-tracking of the railroad tracks, replacement of the I-5 Bridge, and modification of the existing I-5/State Route 78 interchange. Urban development surrounding, adjacent to, and within BVLER has contributed to degradation of its water quality and the sensitive biological resources it supports. The DEIR states that without intervention BVLER will continue to degrade reducing coastal habitat biodiversity and the lagoon's coastal wetland functions and values (p. 1-2).

3-1

3-2

LETTER 3 California Department of Fish and Wildlife

3-1

The comment provides introductory statements and no further response is required.

3-2

The comment summarizes the structure of the EIR and project alternatives and components. No further response is required.

Conserving California's Wildlife Since 1870

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The Project proposes to improve the biological and hydrological functions of BVLER by reducing sedimentation, improving water quality, and enhancing sensitive vegetation communities that support native plant and animal species including rare and endangered species, thereby promoting coastal biodiversity within the region. The DEIR analyzes four alternatives: Freshwater, Saltwater, Hybrid Options A and B, and the No Project. An elevated pedestrian boardwalk has been incorporated into the first three alternatives. The boardwalk would extend between the Nature Center and Maxton Brown Park, parallel to Carlsbad Boulevard. As proposed, construction of the boardwalk would require installation of approximately 95-100 pairs of timber pilings.

The draft biological technical report dated June 2015 and prepared as part of the DEIR identified the following habitats within BVLER: beach, coastal and valley freshwater marsh, nonnative riparian, open water, southern willow scrub, southern coastal salt marsh, coastal scrub, Diegan coastal sage scrub, eucalyptus woodland, and nonnative grassland. No state or federally listed plant species were observed during rare plant surveys conducted between March 15 and May 5, 2013; however, southwestern spiny rush (*Juncus var. decumbens*), a special-status plant species, was observed in the eastern portion of BVLER. General wildlife surveys and focused protocol surveys for the southwestern willow flycatcher (*Empidonax tailii extimus*; flycatcher), least Bell's vireo (*Vireo bellii pusillus*; vireo), and coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher) were conducted in 2013. Presence/absence data for light-footed Ridgway's rail (*Rallus obsoletus levipes*), western snowy plover (*Charadrius nivosus nivosus*; plover), California least tern (*Sterna antillarum browni*; tern) and Belding's savannah sparrow (*Passerculus sandwichensis beldingi*) collected by other agencies/specialists over the past 10 years were also included in the DEIR. In 2014, at least 4 pairs of Ridgway's rail were detected, down from a high of 9 pairs in 2012. Terns were observed foraging on-site in 2013 but have not nested on-site since 1992. Vireo was detected in suitable on-site habitat during the 2013 protocol survey but breeding was not documented. Flycatcher, plover, Belding's savannah sparrow, and gnatcatcher were not detected during the 2013 wildlife/protocol surveys; however suitable habitat for Belding's savannah sparrow is present in the eastern portion of BVLER. A total of 22 nonlisted special-status wildlife species were detected during previous studies and are considered resident/breeding within BVLER including the western pond turtle (*Emys marmorata marmorata*). However, the western pond turtle siting was pre-1988 with no evidence of sitings after that time. In addition, Department staff have observed bats roosting in the I-5 Bridge.

The Department offers the following comments and recommendations to assist the San Diego Association of Governments (SANDAG) in avoiding or minimizing potential Project-related impacts to biological resources.

Specific Comments

Preferred Alternative

3-3

The comment summarizes the findings of the project's Biological Technical Report (BTR). The comment also states that western pond turtle has not been observed within the study area since before 1988 and bats have been observed roosting in the I-5 bridge. This information regarding bats roosting in the I-5 bridge and lack of western pond turtle sightings has been added to the BTR and EIR.

3-4

The comment states that the CDFW preferred alternative is the Saltwater Alternative and cites historical habitat information and benefits anticipated with implementation of the Saltwater Alternative. The comment is noted. See Master Response #1. The historical information and citation has been added to the EIR in Section 1.1.1 to provide additional scientific information regarding historic coastal estuarine habitats in the region. This information does not change the analysis or conclusions of the EIR; rather it provides additional background information.

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According to Stein et al. (2014), the southern California coast historically supported approximately 48,410 acres of estuarine habitats, and over half of them were found in San Diego County. Almost 40 percent of this area was vegetated wetlands (e.g., salt marsh), 25 percent was unvegetated wetlands (e.g. salt flat and mudflat), and the remaining 35 percent was subtidal water. Since ca. 1850 there has been an overall loss of 23,022 acres (48 percent) of these historical estuarine habitat types. Estuarine vegetated wetlands have experienced the greatest loss in terms of absolute area (75 percent loss), while estuarine unvegetated wetlands have experienced the greatest proportional loss (78 percent) of historical extent. In contrast, the contemporary landscape represents a 5 percent increase in subtidal habitat from historical extent. These differential losses have shifted the proportional composition of southern California estuaries. Historically there was a relatively even split between estuarine vegetated, estuarine unvegetated, and subtidal water but currently the proportional composition is heavily weighted towards subtidal water (71percent) while estuarine vegetated (19 percent) and unvegetated (10 percent) make up less than one-third of the total area combined. In turn, many wetland-dependent species have exhibited population declines. For example, Andres et al. (2012) states that the conservation status of North American shorebirds warrants concern. These species typically rely on unvegetated wetlands (e.g. salt flat and mud flat habitats) for foraging and stop-over sites during migration. In an assessment of southern California coastal salt marshes Zedler (1982) stated that historically, southern California's coastal wetlands supported hundreds of thousands of birds and dozens of species which migrated along the Pacific Flyway, as well as numerous plant, invertebrate, fish, and mammal species. Zedler (1982) stated that tidal flushing was the key to maintaining a variety of habitats, which in turn supported this broad range of species.

For the above reasons, the Department recommends that the saltwater alternative be selected as the preferred alternative. The saltwater alternative will restore tidal flushing to BVLER and thereby increase/restore biological diversity and function. Additionally, the saltwater alternative will provide the following benefits: 1) higher quality and more suitable habitat for both Ridgway's rail and Belding's savannah sparrow than currently exists; 2) the creation/restoration of mudflat habitat, providing foraging habitat for a variety of shorebirds including the plover; 3) creation of southern coastal salt marsh/mudflats, which are much rarer habitats in San Diego County than freshwater marsh/open water and are limited to the coastal zone; 4) an increase in species richness as nonnative freshwater fish species are replaced with an assemblage of native saltwater fish; 5) higher water quality and overall habitat diversity and native species richness due to tidal flushing and reduced residence times; and 6) reduction of threats associated with flooding and vectors (i.e., mosquitoes)

The restoration and enhancement of BVLER provides a unique opportunity for the creation of mud flat/salt flat habitat, which provides foraging and resting habitat for many sensitive species, including the plover, tern, black skimmer (*Rynchops niger*), Belding's savannah sparrow, and light-footed Ridgway's rail. We recommend that this habitat type

3-5

The comment states the importance of mudflat/salt habitat for many sensitive species and recommends the habitat type be expanded to the fullest extent. The comment is noted. Final habitat distributions will be determined in coordination with wildlife and permitting agencies during the final engineering phase.

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be expanded to the maximum extent practicable to increase biological diversity in the region.

Boardwalk

Although the boardwalk is incorporated into three of the alternatives, the DEIR states that the boardwalk could be implemented as an independent project, (i.e., without implementation of a restoration alternative; p. 2-42). However, the boardwalk has not been evaluated in the DEIR as a stand-alone project. This evaluation should include reasonable alternatives to the proposed project including location, which would substantially lessen any significant effects of the project (CEQA Guidelines § 15126.6). Measures to avoid, minimize, and/or mitigate these impacts should also be discussed.

We recommend that the boardwalk alignment be moved west out of BVLER and occur solely within the Carlsbad Boulevard right-of-way. The DEIR states that the elevation of Carlsbad Boulevard would be raised to 14 feet NGVD. We recommend that the boardwalk be incorporated into the design of the new elevated roadway/bridge and replace the sidewalk that was constructed as part of the Coastal Rail Trail Reach 1 Project in 2014 (shown in Figure 2-5 of the DEIR). According to the DEIR, design recommendations from the SANDAG Sea Level Rise Study will be incorporated into pile foundation and abutment protection engineering for [the Carlsbad Boulevard] bridgework (p. 2-73). By incorporating the boardwalk into the design of the elevated roadway/bridge to the west, not only will direct impacts to BVLER sensitive habitats be avoided or at least minimized, the boardwalk could be designed to accommodate any change in flows or elevation due to sea level rise. Also, if construction of the boardwalk precedes lagoon restoration efforts, these efforts should not be hindered by final boardwalk design. In addition, we recommend that the final EIR identify 1) the funding source for construction of the boardwalk; 2) long-term funding source for the maintenance of the boardwalk; 3) the entity responsible for the long-term maintenance; 4) a maintenance plan that includes activities (i.e., trash removal, pier/piling and railing replacement and graffiti removal) that will be conducted and the frequency of these activities.

Light-footed Ridgway's Rail

Saltwater or Hybrid Alternatives: The DEIR states that habitat will be left in place "to provide interim habitat for Ridgway's rail and allowed to transition naturally over time" (p. 2-89). This statement conflicts with the limits of grading/dredging that is depicted on Figure 3.5-12, which shows Ridgway's rail pair locations from 2008-2013. Ridgway's rail occupancy has been consistent in the I-5 Basin (easterly basin), especially along the southern shore. The proposed limits of grading will impact the majority of habitat used in recent years by breeding birds. Pursuant to section 3511 et seq. of the Fish and Game Code, the light-footed Ridgway's rail is a fully protected species and therefore, take of this species cannot be authorized by the Department. The Department is concerned that the interim habitat identified in the DEIR is not sufficient to ensure that no "take" of

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The Boardwalk is not a critical element to the implementation of any of the project alternatives; thus, the EIR states that the Boardwalk could be implemented as an independent project. However, for the purpose of the EIR, the Boardwalk was identified, and analyzed, as a component of the proposed project. An analysis of alternatives for the Boardwalk component of the proposed project is not required. The location of the Boardwalk was identified to minimize conflict with existing public right-of-way, minimize intrusion into the lagoon, and provide public access to the reserve. No significant impacts were identified in relation to the Boardwalk; therefore, no specific mitigation measures are identified for this project component. Also, please see Master Response #3.

3-7

Please see Master Response #3. Prior to implementation of the project, including construction of the Boardwalk, funding sources and the entity responsible for construction and maintenance of the Boardwalk would be identified.

3-8

Mitigation Measures Biological Resources-2 through Biological Resources-4 would prevent the take/direct mortality of light-footed Ridgway's rail as a result of project construction. Biological Resources-2: A qualified biological monitor shall flush birds by walking ahead of construction equipment prior to grading in undeveloped, terrestrial habitats suitable to support sensitive birds to help avoid mortality of bird species during construction activities. Biological Resources-3: Vegetation grubbing and removal shall occur outside of the bird breeding season (February 1 through September 15) to avoid potential take of nesting birds. Biological Resources-4: A qualified biologist shall prepare and implement a targeted predator control plan for light-footed Ridgway's rail and Belding's savannah sparrow. Activities would include fencing, public signage, selective vegetation removal (i.e., invasive species or native species not preferred by Belding's savannah sparrow), construction of nesting platforms, perch removal, predator trapping/control, and/or other techniques to minimize predation of the species. These measures will reduce and avoid impacts to Ridgway's rail to below a level of significance. During construction, some vegetation within the lagoon, but outside the limits of grading, would remain in place throughout construction and could support species around the perimeter of the lagoon. Additionally, if there are options to accommodate phased vegetation removal, this refinement could be considered in construction planning to further reduce impacts to wildlife during construction operations. Prior to project implementation, SANDAG will continue to coordinate with wildlife and regulatory agencies as part of the permitting process.

Within 5 to 10 years, the project team anticipates that ecological function would recover substantially from project-related impacts and, in some areas, improve over existing conditions. Ecological function of the habitats at Buena Vista Lagoon would be measured both qualitatively and quantitatively and may include measurements of vegetation cover and diversity, use of the site by sensitive species, invertebrate monitoring/measurement, etc. Similar projects in the region, such as Batiqitos Lagoon, San Dieguito Lagoon, Huntington Beach Wetlands, Bolsa Chica, Anaheim Bay Wetlands, and others, show habitat establishment within 10 years, and some within 5 years (Merkel 2009). It is therefore anticipated that Buena Vista Lagoon should experience similar wetland habitat function within 10 years. The post-implementation maintenance and monitoring would occur over a

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Ridgway's rail will occur as a result of Project implementation. To avoid take of occupied habitat, we recommend that additional polygons of habitat in recent use areas/territories (i.e., 2012-2014) throughout both the I-5 and Coast Highway Basins be left intact during the nesting season. We are concerned that the interim habitat on the southern edge of the I-5 Basin, which appears to be a narrow linear strip of habitat adjacent to Jefferson Street, would be subjected to increased edge effects such as predation, noise, and human disturbance. We understand that the Project will benefit Ridgway's rail over the long-term by providing higher quality habitat throughout BVLER; however, we recommend avoiding and/or minimizing impacts to the species during Project construction to the maximum extent practicable. Therefore, we recommend meeting with the Department and U.S. Fish and Wildlife Service (hereafter collectively referred to as the Wildlife Agencies) to develop a phasing plan to ensure that suitable habitat for Ridgway's rail remains in each phase of project construction. Lastly, based on previous restoration efforts throughout the region, please provide an estimate of the time that will be required for salt marsh habitat to recover such that it provides suitable habitat for breeding Ridgway's rail.

Freshwater Alternative: The DEIR states that permanent direct impacts to Ridgway's rail would not be considered significant because the net loss of habitat would be 26 percent. However, approximately 32.9 acres of the remaining habitat would be a cattail maintenance area and although this area is assumed to function biologically as coastal and valley freshwater marsh, it is uncertain whether it would provide suitable breeding habitat for Ridgway's rail. We recommend that the final EIR include more information on the cattail maintenance area (i.e., frequency of mowing, amount of habitat impacted by the mowing, etc.) in Chapter 2 Description of the Project Alternatives. Based on the 50 percent threshold adopted in the DEIR, at least 23.4 acres of the cattail maintenance area would have to support Ridgway's rail for the impact to be considered less than significant. Therefore, we recommend that if this alternative is implemented, at least 48 acres (50 percent of baseline) of coastal and valley freshwater marsh remain intact in any given breeding season to ensure adequate habitat is available for breeding by Ridgway's rail.

Nonlisted Special-Status Wildlife Species

Saltwater or Hybrid Alternatives: We recommend meeting with the Department prior to design/replacement of the I-5 Bridge to ensure that the existing bat roost is replaced with an appropriate texture or structure, which will depend on the type of roost (i.e., day roost, maternal roost site) being replaced. Any design of the I-5 Bridge should incorporate roosting panels (e.g. Oregon wedge or modified Oregon wedge panels) and other enhancements to offset potential impacts to roosting bats. Also, a day roost exists in the storm-drain system on the southwestern side of the I-5 basin and any modification to this area should avoid direct and/or indirect impacts to the area supporting roosting bats.

Freshwater or Hybrid Alternative: As stated above, numerous special-status wildlife

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minimum of 5 years or until success standards are met. The exact success standards would be dictated by permit conditions. Success standards would include, but are not limited to, requirements for native and nonnative vegetation cover, hydrology indicators, species diversity, and documentation of sensitive wildlife species recovery.

3-9

Section 2.9.3 includes a section describing the proposed cattail maintenance strategy. The text explains that up to 1 acre of cattail vegetation would be removed through the maintenance activities (cut swaths of approximately 4- to 5-foot width every 50 meters). Dependent on method of maintenance selected (dredging verses mowing) and associated rate of regrowth, cattail management would be performed approximately once a year, possibly on a rotating schedule.

With only 1 acre of cattail habitat proposed to be removed, more than the 23.4 acres remaining would be available as habitat, maintaining the available acreage well above the 50 percent threshold criterion for a less than significant permanent impact. The ability to maintain 50 percent of the coastal and valley freshwater marsh habitat intact at any given time during construction of this alternative will be considered dependent upon construction requirements and timing.

3-10

As detailed in Section 2.5.3 of the EIR, the I-5 bridge replacement is planned within the lagoon by other agencies and the structures associated with that improvement have been evaluated separately from the Enhancement Project. Replacement of the I-5 bridge over the lagoon is part of the NCC project as proposed by the California Department of Transportation (Caltrans). I-5 infrastructure improvements are assumed to be implemented by the proposing agencies regardless of the Enhancement Project alternative and are not under the jurisdiction of this project or implementing agencies. Thus, I-5 bridge design would be under the authority of and implemented by Caltrans, but in coordination with SANDAG. Any of the infrastructure improvement proposed for I-5 could accommodate the Enhancement Project alternatives.

3-11

Discussion of benefits to western pond turtle from the Freshwater or Hybrid Alternative has been added to Section 3.5. As noted at the beginning of the Final EIR, the Saltwater Alternative has been identified as the proposed project, but if the Freshwater Alternative is ultimately selected for implementation, SANDAG will work with CDFW to identify opportunities for the reestablishment of western pond turtle to the lagoon and measures specific to pond turtle habitat quality improvement. Additional enhancement measures could be incorporated during the permitting phase discussions with wildlife agencies.

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species occur in BVLER including the western pond turtle. From 2012-2014, the U.S. Geological Survey assessed the distribution of native and nonnative turtles and suitable habitat for pond turtle in coastal northern San Diego County (Brown et al. 2015). The report states that BVLER supports large amounts of suitable habitat for pond turtle; however, nonnative invasive species such as the American bullfrog (*Lithobates catesbeianus*) and red-eared slider (*Trachemys scripta*) have likely extirpated the species from the site. Selection of the freshwater or hybrid alternatives offers a unique opportunity to improve habitat for the western pond turtle; however, the DEIR remains silent on the potential benefits or impacts of the different alternatives to the various special-status species. If the freshwater alternative is selected as the preferred alternative, we recommend the final EIR include conservation measures specific to pond turtle in an effort to improve habitat quality at BVLER for this species. This could include implementation of a predator-management plan targeting bullfrogs and red-eared slider during the post-construction maintenance and monitoring period and creation of upland aestivation areas.

Long-term Maintenance

A critical element of the Project is the development of a management, maintenance, and monitoring plan to ensure that the preferred alternative as described in final EIR can be maintained in perpetuity. We are willing to work with the Project proponent to develop draft plans for the perpetual maintenance of the property and to determine the actions and costs needed for calculating a non-wasting endowment. The endowment would be held by the land management entity or another entity approved by the Wildlife Agencies. The endowment sum necessary for the perpetual management, maintenance, and monitoring of the BVLER restoration/enhancement area should be determined by a Property Analysis Record (PAR) or similar methodology and approved by the Wildlife Agencies.

Large-scale restoration/enhancement projects at Batiquitos Lagoon and Bolsa Chica Ecological Reserves have been undertaken in the past but both have needed unanticipated maintenance soon after construction. At Batiquitos, dredging was anticipated three years post-construction but due to the volume of sand that immediately collected at the mouth, the first maintenance dredge was performed after only a year. Contingency plans should be made in case the methods proposed for maintenance have to occur more frequently than cited in the final EIR or the cost significantly increases. The initial monitoring and maintenance period should extend at least 10 years, after which point the long-term maintenance plan should be reassessed to determine feasibility and effectiveness of proposed activities and to determine if changes are needed to the PAR and endowment calculations.

General Comments

1. Based on Department participation in other large-scale estuary restoration/enhancement efforts in southern California, we recommend that the

3-11
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SANDAG will work with the wildlife agencies as appropriate to develop the final management, maintenance, and monitoring plan and determine funding specifications for the long-term maintenance of lagoon enhancement. Section 2.9 of the EIR discusses the anticipated monitoring program and states that the final details would be determined upon selection of an alternative and identification of permit conditions with the resource agencies. Additional information has been added to Section 2.9.2 of the EIR to provide additional clarification and detail specific to the development requirements of the monitoring plan and is included in response to comment 2-11. Timing of this effort will occur after approval of the Final EIR and during the final engineering and permitting phase of the project.

3-13

SANDAG acknowledges the possibility that maintenance assumptions may need to be modified based on actual resulting conditions. For this reason, as described in Section 2.9.2, post-construction monitoring has been designed to be flexible and tied to adaptive management actions to facilitate project success.

As detailed in Section 2.9.2, lagoon enhancement monitoring would occur during and immediately following construction for a period up to 10 years, or until success criteria have been met, as suggested by the comment. Once the initial post-construction monitoring phase is complete and success criteria have been met, the program would transition to long-term monitoring that would drive adaptive management strategies/activities designed to maintain the site in perpetuity. Also see response to comment 2-11.

3-14

See response to comment 3-13. Section 2.9.2 states that lagoon enhancement monitoring would occur during and immediately following construction for a period of 5 to 10 years or until success criteria are met. See response to comment 3-8 regarding anticipated habitat recovery time within 10 years. Section 2.9 of the EIR also discusses the monitoring program and states that the final details would be determined upon selection of an alternative and identification of permit conditions with the resource agencies. Monitoring will also identify additional adaptive management strategies to be implemented to maintain the enhancement efforts.

Ms. Lauren Washington, Environmental Planner II
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- restoration monitoring continue for a minimum of 10 years post-construction (p. 2-81). We also request that the Wildlife Agencies have the opportunity to review and provide approval of all restoration, monitoring, and management plans developed for BVLER as part of the Project.
2. A Fishing Access Trail is depicted on many of the DEIR figures; however, no discussion of the trail is provided in Chapter 2 Description of the Project. Based on figures in the DEIR, the trail would be constructed on lands acquired by the Project proponent, but terminate on Department-owned lands. Please include more detailed information on the Fishing Access Trail including specifications, funding entity, entity responsible for its long-term maintenance, and frequency of trail inspection to ensure that trash and other debris is properly disposed of and kept from entering lagoon habitats/water. Department staff experienced with fish habitat requirements could work with SANDAG during the design phase for fishing areas to ensure they are designed properly.
 3. The DEIR states that "On the north side of the Coast Highway Basin, the Buena Vista Lagoon Audubon Society Nature Center (Nature Center) owns and manages trails along the northern shore" (p. ES-2). As shown on Figure 2-3, these informal trails are actually on land owned and managed by the Department. As noted later in the document, the only formal trails adjacent to or within BVLER are in HOSP Park (p. 3.1-6).
 4. The DEIR includes the following mitigation measure: "A qualified biologist shall prepare and implement a targeted predator control plan for light-footed Ridgway's rail and Belding's savannah sparrow. Activities would include fencing, public signage, selective vegetation removal (i.e., invasive species or native species not preferred by Belding's savannah sparrow), construction of nesting platforms, perch removal, predator trapping/control, and/or other techniques to minimize predation of the species (p. 3.5-114)". Please clarify whether this predator control plan would be implemented during 1) construction, 2) the 5 or 10-year monitoring period, and/or 3) in perpetuity. We recommend that it be implemented at a minimum during the post-construction monitoring period and then evaluated on a regular basis to determine efficacy. The Department also feels that general enforcement is needed and should be incorporated into any plans to protect and conserve species and habitats. We request the plan be submitted to the Wildlife Agencies for review and approval prior to implementation.
 5. Please change the scientific name for western pond turtle from *Actinemys marmorata pallid* to *Emys marmorata marmorata* (DEIR p. 3.5-22).
 6. The Department has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to

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The fishing trail access is included in the EIR project description under each individual alternative discussion of deep water fishing areas and the trail access designed to promote fishing activities within the lagoon.

Additional information regarding trail specifications has been added to the Project Description discussion of the fishing access trail, and trail maintenance has been included in the Adaptive Management Plan, Section 2.9.3 of the EIR. The final design of trails will be developed in collaboration with federal and state wildlife agencies during regulatory permitting for the Enhancement Project. It is envisioned that the trail would be a low-intensity, single-track, soft-soil pathway designed for ingress and egress to the fishing areas. Funding for maintenance of the fishing trail, as well as the remainder of maintenance of the rest of the Enhancement Project, is envisioned to be provided through an endowment required prior to project implementation, as is typically required by the federal and state regulatory permits necessary for implementation.

3-16

General characteristics of the fishing areas have been defined to enhance their function as nursery areas as well as areas that provide some cover for deeper water fish. SANDAG would coordinate with fisheries specialists (including CDFW staff, as appropriate) during the final engineering phase of the project.

3-17

Text has been revised to indicate that the Buena Vista Lagoon Audubon Society Nature Center manages the informal trails along the northern shoreline.

3-18

The mitigation measure, Biological Resources-4, has been revised as requested. Text stating "during construction and the post-construction monitoring period" was added to the mitigation measure. Section 2.9 of the EIR also discusses the monitoring program and states that the final details would be determined upon selection of an alternative and identification of permit conditions with the resource agencies.

3-19

The scientific name for western pond turtle has been revised.

3-20

SANDAG will initiate appropriate consultation with CDFW per Section 1600 to obtain the required permits and authorizations within their regulatory authority. CDFW is listed in Table 1-3 of the EIR as a state agency with which the lead agency will coordinate to obtain appropriate permits and approvals. The applicable Fish and Game Code requirements are also listed in Section 1.4, Permits/Approvals Required.

Ms. Lauren Washington, Environmental Planner II
SANDAG
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conducting the proposed activities. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project.¹

3-20
Contd.

7. The Department considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options [Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)]. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation, monitoring, and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

3-21

We appreciate the opportunity to comment on the referenced DEIR and to assist SANDAG in further minimizing Project impacts to biological resources. If you have questions or comments regarding this letter, please contact either Christine Beck by telephone at (858) 637-7188 or via email at Christine.Beck@wildlife.ca.gov or Warren Wong (BVLER Manager) at (858) 467-4249 or via email at Warren.Wong@wildlife.ca.gov.

3-22

Sincerely,


Edmund Pert
Regional Manager
South Coast Region

¹ A notification package for a LSA may be obtained by accessing the Department's web site at www.wildlife.ca.gov/habcon/1609.

3-21

Please see response to comment 3-8. SANDAG will seek appropriate take authorization under CESA prior to implementing the project as detailed in the comment. It is anticipated that the EIR includes appropriate mitigation, monitoring, and reporting requirements to provide CEQA compliance for CDFW use as a responsible agency. CDFW is listed in Table 1-3 of the EIR as a state agency with which the lead agency will coordinate to obtain appropriate CESA incidental take permits and approvals. The applicable CESA requirements are also listed in Section 1.4, Permits/Approvals Required.

3-22

The comment provides concluding statements and no response is required.

Ms. Lauren Washington, Environmental Planner II
SANDAG
August 28, 2015
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cc: Carolyn Lieberman (U.S. Fish and Wildlife Service)
Scott Morgan (State Clearinghouse)

Literature Cited:

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 11, DIVISION OF PLANNING

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11-SD-5
PM 50.10
SCH# 2013041079

Ms. Lauren Washington
San Diego Association of Governments
401 B Street Suite 800
San Diego, CA 92101

Dear Ms. Lauren Washington:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Buena Vista Lagoon Enhancement Project. Caltrans received a copy of the proposed Buena Vista Lagoon Enhancement Project Draft Environmental Impact Report (DEIR) located near Interstate 5 (I-5). Caltrans has the following comments:

4-1

The following comments are for the Description of Project Alternatives Page 2-20 Section 2.5.3:

- The first paragraph states that two additional projects have separately been evaluated from the enhancement project. The I-5/SR-78 project is currently in the planning stages. Later in the discussion it clarifies that it is in the planning process. Please update the introductory text to reflect this current status.

4-2

The following comments are for the Cumulative Impacts Page 5-6 Row 1:

- Change text in "Project Status/Schedule" column from "NOP scheduled to go out at the end of 2014. Public scoping meeting scheduled for end of 2014." to "NOP scheduled to go out at the end of 2015. Public scoping meeting scheduled for end of 2015."

4-3

If you have any questions, please contact Kimberly Dodson, of the Caltrans Development Review Branch, at (619) 688-2510 or by e-mail sent to kimberly.dodson@dot.ca.gov.

Sincerely,

JACOB M. ARMSTRONG, Chief
Development Review Branch

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

LETTER 4

California State Transportation Agency

4-1

The comment provides introductory statements and no response is required.

4-2

Text has been revised to accurately state the current planning stage of the I-5/SR-78 project.

4-3

Table text has been updated as requested by the comment.

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

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Contact Phone: (916) 574-1890
Contact FAX: (916) 574-1885

September 1, 2015

File Ref: SCH #2013041079

Ms. Lauren Washington
San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101

**Subject: Draft Environmental Impact Report (EIR) for the Buena Vista Lagoon
Enhancement Project, San Diego County**

Dear Ms. Washington:

The California State Lands Commission (CSLC) staff has reviewed the subject Draft EIR for the Buena Vista Lagoon Enhancement Project (Project), which is being prepared by the San Diego Association of Governments (SANDAG). SANDAG, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency for projects that could directly or indirectly affect sovereign lands and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion

**LETTER 5
California State Lands Commission**

5-1

The comment provides introductory statements, summarizes the California State Lands Commission's (CSLC) regulatory involvement, and summarizes findings of the EIR. No further response is required.

5-1

Lauren Washington

Page 2

September 1, 2015

or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Pursuant to boundary line and land exchange agreements BLA 232 and SLL 98 discussed in a comment letter from CSLC staff dated May 23, 2013 (copy attached), the State received fee title to a portion of the bed of the lagoon, along the southern edge of the Weir Basin from the weir inland to and along the railroad bridge, and a recorded public access and recreational easement on the sand and cobblestone beach area extending west from the weir and south from the lagoon inlet to the public access stairway at Ocean Street.

Project Description

The overall purpose of the Project is to enhance the biological and hydrological functions and recreational values of Buena Vista Lagoon by addressing increased sedimentation and invasive vegetation encroachment, as well as declining coastal biodiversity, degrading water quality, water circulation restriction, and increased vector concerns. Accordingly, the primary objectives of the Project include the following:

- Enhance and maintain sensitive habitats and native species, including rare and endangered species, to promote coastal biodiversity within the region;
- Promote a system of native wetland and terrestrial vegetation communities that can be sustained given the opportunities and constraints of the lagoon and anticipated sea-level rise;
- Create conditions that curtail the growth and expansion of cattails, bulrushes, and invasive species;
- Protect, improve, and maintain water quality (e.g., reduce eutrophication) to meet water quality standards and address the 303(d) listed water quality impairments;
- Reduce vector concerns (e.g., potential for mosquito-borne disease) by minimizing potential mosquito breeding habitat;
- Maintain or reduce current flood risk to existing infrastructure and adjacent development;
- Maintain or enhance public access to the lagoon and recreation opportunities that are consistent with resource protection; and
- Minimize cost of construction and maintenance.

To achieve these objectives, the Project would incorporate a suite of actions, including the following:

- Enhancement in all basins;
- Vegetation removal and/or management to increase circulation/decrease vectors;
- Infrastructure improvements where appropriate to increase circulation while not increasing the risk of flooding;
- Improvements to public access by constructing recreational amenities, where possible, including an elevated pedestrian boardwalk and fishing access (where applicable); and

5-1
Contd.

Lauren Washington

Page 3

September 1, 2015

- Adaptive management strategies to maintain enhanced functions of the lagoon into the future.

Based on the Project's objectives, SANDAG evaluated three alternatives in the Draft EIR, plus a no project alternative. The analysis within the Draft EIR document and associated stakeholder/public input obtained through the environmental review process will drive selection of the preferred alternative. The alternatives include:

- Freshwater Enhancement Alternative,
- Saltwater Enhancement Alternative,
- Hybrid Enhancement Alternative (Option A and B), and
- No Project Alternative.

Environmental Review

CSLC staff requests that SANDAG consider the following comments on the Project's Draft EIR.

Cultural/Paleontological Resources

1. Title to Resources: The Draft EIR should indicate that the title to all abandoned archaeological sites and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC (Pub. Resources Code, § 6313). CSLC staff requests that SANDAG consult with Assistant Chief Counsel Pam Griggs (see contact information below) should any cultural resources on state lands be discovered during construction of the proposed Project. In addition, CSLC staff requests that the following statement be included in the EIR's Mitigation and Monitoring Plan: "The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission."

Global Climate Change, Greenhouse Gas Emissions, and Sea Level Rise

2. Sea-Level Rise: A tremendous amount of State-owned lands and resources under the Commission's jurisdiction will be impacted by rising sea levels. Because of their nature and location, these lands and resources are already vulnerable to a range of natural events, such as storms and extreme high tides. The State of California released the final "Safeguarding California: Reducing Climate Risk, an Update to the 2009 California Climate Adaptation Strategy" (Safeguarding Plan) on July 31, 2014, to provide policy guidance for state decision-makers as part of continuing efforts to prepare for climate risks. The Safeguarding Plan sets forth "actions needed" to safeguard ocean and coastal ecosystems and resources as part of its policy recommendations for state decision-makers. In addition, Governor Brown issued Executive Order B-30-15 in April 2015, which directs state government to fully implement the Safeguarding Plan and factor in climate change preparedness in planning and decision making. Please note that when considering lease applications, CSLC staff will (1) request information from applicants concerning the

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5-3

5-2

Text regarding cultural resources on lands within CSLC jurisdiction has been added as requested by the comment. Table 3.1-1 has been updated to include the required legislation and the requested language has been added to Mitigation Measure Cultural-1.

5-3

Sea level rise was evaluated in the environmental analysis, specifically in Section 3.12, Global Climate Change, Greenhouse Gas Emissions, and Sea Level Rise, and provides an analysis specific to each alternative. The California Climate Adaptation Strategy is included in the discussion within this EIR section. In addition, structures included as project components under various alternatives (e.g., Boardwalk, Carlsbad Boulevard bridge replacement, and/or pedestrian bridge) have taken sea level rise into account, and would be designed in accordance with SANDAG's Sea Level Rise Study recommendations and the California Coastal Commission's Sea-Level Rise Policy Guidance document.

Lauren Washington

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September 1, 2015

potential effects of sea-level rise on their proposed projects, (2) if applicable, require applicants to indicate how they plan to address sea-level rise and what adaptation strategies are planned during the projected life of their projects, and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea-level rise, including adverse impacts on public access. Comments 5 and 6, below, should be addressed in the Final EIR to facilitate CSLC staff's evaluation of the proposed Project for leasing purposes.

As described in Section 3.12, Global Climate Change, Greenhouse Gas Emissions, and Sea Level Rise, of the Draft EIR, "Buena Vista Lagoon will be subject to the impacts of climate change regardless of the alternatives implemented." The potential for flooding within areas adjacent to the lagoon is currently a concern during large storm events, as well as the overtopping of the weir and beach berm from flood flows from the watershed and ocean water entering the lagoon during high tide events. It can be expected that sea-level rise will only exacerbate these impacts in the coming decades. Given the evaluation of the Project's vulnerability to sea-level rise and extreme events, the Draft EIR should further analyze how each alternative meets (or does not meet) the Project's primary objectives under the analyzed sea-level rise scenarios, including how sea-level rise may impact public access and recreation at the lagoon. This information could help inform a cost-benefit analysis to estimate the strengths and weaknesses of the proposed alternatives under changing conditions, while taking into account the costs to construct such enhancements.

CSLC staff believes the goals of the proposed Project are consistent with the guidance and recommendations presented in the Safeguarding Plan, and that the restoration could benefit coastal management agencies' efforts to plan for more resilient shorelines and minimize adverse ecosystem impacts resulting from sea-level rise. Nonetheless, a thorough discussion of the various scenarios and potential for sea-level rise to impact the successful restoration of the lagoon and fulfillment of the Project objectives should be included in the EIR. Please contact Kelly Keen, Division of Environmental Planning and Management (see contact information below), for further information or questions about the CSLC's sea-level rise and climate adaptation programs.

Public Health and Safety

3. Inlet Crossing: As discussed in Section 3.15, Public Health and Safety, the opening of the tidal inlet channel across the beach (for the Saltwater and Hybrid Enhancement Alternatives) would at times interrupt access along the beach due to water depth and velocity, and intermittently render the inlet unsafe for some beach goers. Although Mitigation Measure Land Use-1, which would provide north-south lateral access for beach users via a pedestrian bridge, would substantially improve public safety associated with the new inlet, the Draft EIR identifies that the overall inherent danger of the new inlet during certain conditions would remain for those uninformed persons or those tempted to cross even during unsafe situations. If either the Saltwater or Hybrid Enhancement Alternative is implemented, the

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The analysis within Section 3.12.3 describes how each alternative would affect the ability of the project area to respond to long-term climate impacts, such as increased sea level rise. Elements that may be affected by sea level rise and the ability of the alternatives to meet project objectives, such as public access via the proposed Boardwalk, are addressed. It is not the purpose of the EIR to provide a cost-benefit analysis of the proposed project as this type of financial analysis is not required by CEQA. Chapter 4 of the EIR, Comparison of Alternatives, discusses the ability of each alternative to attain most of the project objectives while avoiding or substantially lessening any significant effect of the project.

5-5

The comment notes that the project is consistent with the State of California Safeguarding California: Reducing Climate Risk, and Update to the 2009 California Climate Adaptation Strategy (Safeguarding Plan) document. See response to comment 5-4 regarding analysis of sea level rise included within the EIR.

5-6

The comment recommends the placement of signage near beach access points to inform beach users of inlet crossing dangers. SANDAG agrees with this recommendation and Mitigation Measure Safety-1, which specifies the placement of signage has been added to the EIR. The addition of this mitigation measure does not change the significance conclusion or reduce the impact to less than significant, but incorporates a feasible measure to help enhance public safety associated with the new inlet under the Saltwater and Hybrid Alternatives.

Lauren Washington

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September 1, 2015

placement of signage near the inlet and at nearby beach access points should be incorporated into the Project to help inform beach goers of the dangers of crossing the inlet.

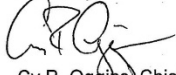
5-6
Contd.

Thank you for the opportunity to comment on the Draft EIR for the Project. As a responsible and trustee agency, the CSLC will need to rely on the Final EIR for the issuance of any new or amended lease as specified above and, therefore, we request that you consider our comments prior to certification of the EIR.

Please send copies of future Project-related documents, including electronic copies of the Final EIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Kelly Keen, Environmental Scientist, at (916) 574-1938 or via e-mail at Kelly.Keen@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Assistant Chief Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Kenneth Foster, Public Land Manager, at (916) 574-2555, or via email at Kenneth.Foster@slc.ca.gov.

5-7

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

Enclosure: CSLC May 23, 2013 Comment Letter

cc: Office of Planning and Research
K. Keen, DEPM, CSLC
P. Griggs, Legal, CSLC
K. Foster, LMD, CSLC
J. Rader, Legal, CSLC

5-7

The CSLC has been added to the distribution list for future project publications. CSLC is listed in Table 1-3 of the EIR as a state agency that would require ongoing coordination for necessary project approval and permits, specifically a lease for access.

STATE OF CALIFORNIA

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CALIFORNIA STATE LANDS COMMISSION
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Enclosure

File Ref: SCH #2013041079

Mr. Marc Cass, Associate Regional Planner
San Diego Association of Governments (SANDAG)
401 B Street, Suite 800
San Diego, CA 92101

**Subject: Notice of Preparation (NOP) for an Environmental Impact Report (EIR)
for the Buena Vista Lagoon Enhancement Project**

Dear Mr. Cass:

The California State Lands Commission (CSLC) staff has reviewed the subject NOP for an EIR for the Buena Vista Lagoon Enhancement Project (Project), which is being prepared by San Diego Association of Governments (SANDAG). SANDAG, as the public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands and their accompanying Public Trust resources or uses. Additionally, the Project will involve work on sovereign lands; therefore, CSLC will act as a responsible agency.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership

5-8

The comment summarizes CSLC's jurisdiction over, and involvement in, the project and requests continued coordination with Grace Kato, Public Land Manager, as the project progresses. Since the time this letter was submitted in 2013, an updated contact at CSLC has been provided for the project. Ongoing coordination with this contact will occur throughout the permitting process.

5-8

Marc Cass

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extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Granted Lands

The northern area of the proposed Project may include a portion of lands granted by the Legislature to the City of Oceanside pursuant to Chapter 846, Statutes of 1979.

Boundary Line Agreement

On March 30, 1984, a boundary line and land exchange agreement (BLA 232 & SLL 98) was recorded between the State of California (acting by and through the CSLC), the People of the State of California (acting by and through the Attorney General of California), Native Sun Investment Group (a Limited Partnership), and Ticor Title Insurance Company of California (formerly known as Title Insurance and Trust Company) (a California corporation), settling a boundary dispute over approximately ten acres of property located in and adjacent to Buena Vista Lagoon, in the City of Carlsbad, County of San Diego, California.

The property involves a bluff top, bluff, sandy and cobbled beach adjoining the Pacific Ocean, filled lowlands, and a submerged area within the present bed of Buena Vista Lagoon, which includes the mouth of the Lagoon.

The agreement (BLA 232 and SLL 98) resolved title questions by the following means:

- 1) A permanent fixing of the ordinary high water mark of the Pacific Ocean as an agreed common boundary;
- 2) A public access and recreational easement area on the sand and cobblestone beach portion of the subject property between the foot of the bluff and the fixed ordinary high water mark; and a public access easement over an existing stairway from the first public road to the beach; and
- 3) An exchange of interests whereby fee title to the bed of Buena Vista Lagoon at the Lagoon's mouth within the boundaries of the subject property was conveyed to the State in exchange for the conveyance of any State sovereign title interest in the upland portion of the property to Native Sun.

Unresolved Title

The remainder of any State sovereign ownership interests within the Lagoon in the City of Carlsbad and lands in Oceanside involved in Chapter 846, Statutes of 1979 are undetermined until such time that further title and boundary investigation can be completed.

Staff requests that, as development of the draft EIR proceeds, SANDAG contact Grace Kato, Public Land Manager (see contact information below) to determine what extent a CSLC lease or permit will be required for the Project.

5-8
Contd.

Marc Cass

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Project Description

Project objectives include:

- Enhance and maintain sensitive habitats and native species, including rare and endangered species, to promote coastal biodiversity within the region.
- Promote a system of native wetland and terrestrial vegetation communities that can be sustained given the opportunities and constraints of the Lagoon and anticipated sea level rise.
- Create conditions that curtail the growth and expansion of cattails, bulrushes, and invasive species.
- Protect, improve, and maintain water quality (e.g. reduce eutrophication) to meet water quality standards and address the 303(d) listed water quality impairments.
- Reduce vector concerns (e.g., potential for mosquito-borne disease) by enhancing and improving water circulation.
- Ensure no adverse change to current flood protection occurs, specifically to existing infrastructure and adjacent development.
- Develop a management, maintenance and long-term monitoring plan with supporting costs for evaluating the proposed alternatives and to assess the success of enhancement efforts and provide a basis for future adaptive management decisions.

5-9

Based on the Project's objectives, SANDAG intends to evaluate three alternatives in the EIR, plus a no project alternative. The three alternatives include:

- Freshwater Lagoon Enhancement (Alternative 1);
- Saltwater Enhancement (Alternative 2); and
- a Hybrid Saltwater-Freshwater Enhancement (Alternative 3).

Each of the alternatives will involve work at the mouth of the Lagoon either modifying or removing the existing weir, which include State lands.

Environmental Review

CSLC staff requests that SANDAG consider the following potential impacts be analyzed in the draft EIR.

General Comments

1. **Project Description**: A thorough and complete Project Description should be included in the draft EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. A thorough delineation of project-related activities and their locations, for each alternative, will also help the CSLC determine where sovereign lands would be affected requiring a lease. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact, exact locations, and volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as

5-10

5-9

The comment summarizes project objectives and alternatives as stated in the EIR.

5-10

The commenter's recommendations regarding suggested components of the project description were incorporated into Chapter 2, Description of Project Alternatives.

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the details of the timing and duration of activities. For example, Alternatives 2 and 3 indicate that saltwater would be introduced to the Lagoon through the removal of the existing weir and addition of a "stabilized ocean inlet/outlet" (pp. 4 and 5). The draft EIR's project description should describe all aspects related to the construction and maintenance of the inlet/outlet structure(s) in order to facilitate a meaningful analysis of the potential environmental effects of those structures. Similarly, the project description should discuss the proposed dredging activities including the amount, frequency of maintenance, and disposal. Thorough descriptions will facilitate CSLC staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.

5-10
Contd.

2. Deferred Mitigation: In order to avoid the improper deferral of mitigation, any mitigation measures presented in the EIR should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines, §15126.4, subd. (b)).¹ In addition, the analysis should provide a clear, fact-based discussion of how each identified mitigation measure functions to reduce or avoid an impact, and whether the impact, after mitigation, would exceed the significance threshold.

5-11

Biological Resources

3. Invasive Species: One of the major stressors in California waterways is introduced species. Therefore, the draft EIR should consider the Project's potential to encourage the establishment or proliferation of aquatic invasive species (AIS) such as the *Caulerpa*, or other nonindigenous, invasive species.

5-12

Hydrology/Water Quality

4. The NOP states that dredging activities are proposed in the Lagoon as part of enhancement efforts. It is unclear from the information in the NOP, however, whether and what amount of sand/soil removal would be necessary to construct the intake/outfall structures mentioned in the descriptions for Alternatives 2 and 3. The draft EIR should quantify and discuss all dredging and other sediment removal proposed, evaluate the potential for those activities to affect water quality and/or produce increased sedimentation or siltation conditions. Additionally, the draft EIR should discuss whether high flows or any other conditions could result in increased turbidity or sediment plumes at the outlet to the Pacific Ocean for the alternatives in which the weir would be removed.

5-13

5-11

The commenter's recommendations regarding features of effective mitigation measures and significance conclusions have been incorporated, as appropriate, into each issue area discussion of the EIR.

5-12

Mitigation Measure Biological Resources-4 includes invasive species removal as necessary during construction and the post-construction monitoring period.

5-13

A discussion of the quantity of material to be removed under each alternative is included in Chapter 2 of the EIR and summarized in Table 2-4. Water quality impacts associated with project implementation, including sedimentation, siltation, and turbidity, are discussed for each alternative in the applicable portion of Section 3.4.

¹ The State "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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Climate Change

5. Sea Level Rise: The NOP indicates the EIR will consider the effects of sea level rise on resource categories potentially affected by the proposed Project. At its meeting on December 17, 2009, the CSLC approved the recommendations made in a previously requested staff report, "A Report on Sea Level Rise Preparedness" (Report), which assessed the degree to which the CSLC's grantees and lessees have considered the eventual effects of sea level rise on facilities located within the CSLC's jurisdiction. (The Report can be found on the CSLC's website, www.slc.ca.gov.) One of the Report's recommendations directs CSLC staff to consider the effects of sea level rise on hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations associated with CSLC leases.

5-14

Please note that, when considering lease applications, CSLC staff is directed to (1) request information from applicants concerning the potential effects of sea level rise on their proposed projects, (2) if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of their projects, and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access.

Cultural Resources

6. Submerged Resources: The draft EIR should evaluate potential impacts to submerged cultural resources in the Project area. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.
7. Title to Resources: The draft EIR should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. CSLC staff requests that SANDAG consult with Senior Staff Counsel Pam Griggs (see contact information below) should any cultural resources on state lands be discovered during Project construction.

5-15

Thank you for the opportunity to comment on the NOP for the Project. As a trustee agency and responsible agency, the CSLC will need to rely on the Final EIR for the issuance of any lease as specified above and, therefore, we request that you consider our comments during preparation of the EIR and retain CSLC on the mailing list for all future documents and notices.

5-16

Please send copies of future Project-related documents, including an electronic copy of the Draft EIR when it becomes available, and refer questions concerning environmental review to Eric Gillies, Environmental Program Manager, at (916) 574-1897 or via e-mail at Eric.Gillies@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at

5-14

A discussion of the impacts of sea level rise is included in Section 3.12 of the EIR, Global Climate Change, Greenhouse Gas Emissions, and Sea Level Rise.

5-15

Potential impacts to submerged cultural resources are discussed in Section 3.7. Mitigation Measure Cultural-1 includes a provision that the project CSLC contact be notified if cultural resources are discovered on state lands during project construction.

5-16

The comment provides final statements and no response is required. As previously discussed, the project contact at CSLC has been updated since the submission of this letter in 2013.

Marc Cass

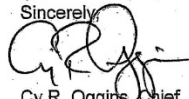
Page 6

May 23, 2013

(916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Grace Kato, Public Land Manager, at (916) 574-1227, or via email at Grace.Kato@slc.ca.gov.

5-16
Contd.

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Grace Kato, LMD, CSLC
Eric Gillies, DEPM, CSLC
Kathryn Colson, Legal, CSLC



EDMUND G. BROWN JR.
GOVERNOR August 31, 2015

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Lauren Washington
San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101

Subject: Buena Vista Lagoon Enhancement Project
SCH#: 2013041079

Dear Lauren Washington:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on August 21, 2015. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2013041079) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

LETTER 6
Office of Planning and Research

6-1

The comment describes that OPR is providing the comments that were submitted to their office (following the close of the public review period) as part of the public review process. The OPR letter includes a comment letter from CDFW that was received by OPR. This comment letter was also submitted directly to SANDAG and is included and responded to as Letter 3. No additional response is required.

6-1



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

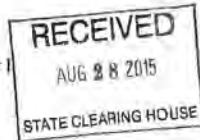
EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



late
8/21/15
E

August 28, 2015

Ms. Lauren Washington, Environmental Planner I
SANDAG
401 B Street, Suite 800
San Diego, CA 92101
lauren.washington@sandag.org



Subject: Comments on the Draft Environmental Impact Report for the Buena Vista Lagoon Enhancement Project

Dear Ms. Washington:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Draft Environmental Impact Report (DEIR) for the Buena Vista Lagoon Enhancement Project (Project). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program. The cities of Carlsbad and Oceanside participate in the NCCP program by implementing their approved and draft Multiple Habitat Conservation Program Subarea Plans, respectively. Lastly, the Department owns the Buena Vista Lagoon Ecological Reserve (CCR, Title XIV, Division 1, Subdivision 2, Chapter 11, Section 630) and as such, manages it for the protection of rare, threatened, and endangered native wildlife, plants, and their habitats.

Buena Vista Lagoon Ecological Reserve (BVLER) is located at the boundary between the cities of Carlsbad and Oceanside in northern San Diego County. BVLER is surrounded by urban development and traversed by three transportation corridors including from west to east: the North County Transit District railroad tracks, Carlsbad Boulevard, and U.S. Interstate 5 (I-5). According to the DEIR, future transportation improvement projects identified within BVLER include double-tracking of the railroad tracks, replacement of the I-5 Bridge, and modification of the existing I-5/State Route 78 interchange. Urban development surrounding, adjacent to, and within BVLER has contributed to degradation of its water quality and the sensitive biological resources it supports. The DEIR states that without intervention BVLER will continue to degrade reducing coastal habitat biodiversity and the lagoon's coastal wetland functions and values (p. 1-2).

Conserving California's Wildlife Since 1870

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The Project proposes to improve the biological and hydrological functions of BVLER by reducing sedimentation, improving water quality, and enhancing sensitive vegetation communities that support native plant and animal species including rare and endangered species, thereby promoting coastal biodiversity within the region. The DEIR analyzes four alternatives: Freshwater, Saltwater, Hybrid Options A and B, and the No Project. An elevated pedestrian boardwalk has been incorporated into the first three alternatives. The boardwalk would extend between the Nature Center and Maxton Brown Park, parallel to Carlsbad Boulevard. As proposed, construction of the boardwalk would require installation of approximately 95-100 pairs of timber pilings.

The draft biological technical report dated June 2015 and prepared as part of the DEIR identified the following habitats within BVLER: beach, coastal and valley freshwater marsh, nonnative riparian, open water, southern willow scrub, southern coastal salt marsh, coastal scrub, Diegan coastal sage scrub, eucalyptus woodland, and nonnative grassland. No state or federally listed plant species were observed during rare plant surveys conducted between March 15 and May 5, 2013; however, southwestern spiny rush (*Juncus var. decumbens*), a special-status plant species, was observed in the eastern portion of BVLER. General wildlife surveys and focused protocol surveys for the southwestern willow flycatcher (*Empidonax taillii extimus*; flycatcher), least Bell's vireo (*Vireo bellii pusillus*; vireo), and coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher) were conducted in 2013. Presence/absence data for light-footed Ridgway's rail (*Rallus obsoletus levipes*), western snowy plover (*Charadrius nivosus nivosus*; plover), California least tern (*Sterna antillarum browni*; tern) and Belding's savannah sparrow (*Passerculus sandwichensis beldingi*) collected by other agencies/specialists over the past 10 years were also included in the DEIR. In 2014, at least 4 pairs of Ridgway's rail were detected, down from a high of 9 pairs in 2012. Terns were observed foraging on-site in 2013 but have not nested on-site since 1992. Vireo was detected in suitable on-site habitat during the 2013 protocol survey but breeding was not documented. Flycatcher, plover, Belding's savannah sparrow, and gnatcatcher were not detected during the 2013 wildlife/protocol surveys; however suitable habitat for Belding's savannah sparrow is present in the eastern portion of BVLER. A total of 22 nonlisted special-status wildlife species were detected during previous studies and are considered resident/breeding within BVLER including the western pond turtle (*Emys marmorata marmorata*). However, the western pond turtle siting was pre-1988 with no evidence of sitings after that time. In addition, Department staff have observed bats roosting in the I-5 Bridge.

The Department offers the following comments and recommendations to assist the San Diego Association of Governments (SANDAG) in avoiding or minimizing potential Project-related impacts to biological resources.

Specific Comments

Preferred Alternative

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According to Stein et al. (2014), the southern California coast historically supported approximately 48,410 acres of estuarine habitats, and over half of them were found in San Diego County. Almost 40 percent of this area was vegetated wetlands (e.g., salt marsh), 25 percent was unvegetated wetlands (e.g. salt flat and mudflat), and the remaining 35 percent was subtidal water. Since ca. 1850 there has been an overall loss of 23,022 acres (48 percent) of these historical estuarine habitat types. Estuarine vegetated wetlands have experienced the greatest loss in terms of absolute area (75 percent loss), while estuarine unvegetated wetlands have experienced the greatest proportional loss (78 percent) of historical extent. In contrast, the contemporary landscape represents a 5 percent increase in subtidal habitat from historical extent. These differential losses have shifted the proportional composition of southern California estuaries. Historically there was a relatively even split between estuarine vegetated, estuarine unvegetated, and subtidal water but currently the proportional composition is heavily weighted towards subtidal water (71 percent) while estuarine vegetated (19 percent) and unvegetated (10 percent) make up less than one-third of the total area combined. In turn, many wetland-dependent species have exhibited population declines. For example, Andres et al. (2012) states that the conservation status of North American shorebirds warrants concern. These species typically rely on unvegetated wetlands (e.g. salt flat and mud flat habitats) for foraging and stop-over sites during migration. In an assessment of southern California coastal salt marshes Zedler (1982) stated that historically, southern California's coastal wetlands supported hundreds of thousands of birds and dozens of species which migrated along the Pacific Flyway, as well as numerous plant, invertebrate, fish, and mammal species. Zedler (1982) stated that tidal flushing was the key to maintaining a variety of habitats, which in turn supported this broad range of species.

For the above reasons, the Department recommends that the saltwater alternative be selected as the preferred alternative. The saltwater alternative will restore tidal flushing to BVLER and thereby increase/restore biological diversity and function. Additionally, the saltwater alternative will provide the following benefits: 1) higher quality and more suitable habitat for both Ridgway's rail and Belding's savannah sparrow than currently exists; 2) the creation/restoration of mudflat habitat, providing foraging habitat for a variety of shorebirds including the plover; 3) creation of southern coastal salt marsh/mudflats, which are much rarer habitats in San Diego County than freshwater marsh/open water and are limited to the coastal zone; 4) an increase in species richness as nonnative freshwater fish species are replaced with an assemblage of native saltwater fish; 5) higher water quality and overall habitat diversity and native species richness due to tidal flushing and reduced residence times; and 6) reduction of threats associated with flooding and vectors (i.e., mosquitos)

The restoration and enhancement of BVLER provides a unique opportunity for the creation of mud flat/salt flat habitat, which provides foraging and resting habitat for many sensitive species, including the plover, tern, black skimmer (*Rynchops niger*), Belding's savannah sparrow, and light-footed Ridgway's rail. We recommend that this habitat type

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be expanded to the maximum extent practicable to increase biological diversity in the region.

Boardwalk

Although the boardwalk is incorporated into three of the alternatives, the DEIR states that the boardwalk could be implemented as an independent project, (i.e., without implementation of a restoration alternative; p. 2-42). However, the boardwalk has not been evaluated in the DEIR as a stand-alone project. This evaluation should include reasonable alternatives to the proposed project including location, which would substantially lessen any significant effects of the project (CEQA Guidelines § 15126.6). Measures to avoid, minimize, and/or mitigate these impacts should also be discussed.

We recommend that the boardwalk alignment be moved west out of BVLER and occur solely within the Carlsbad Boulevard right-of-way. The DEIR states that the elevation of Carlsbad Boulevard would be raised to 14 feet NGVD. We recommend that the boardwalk be incorporated into the design of the new elevated roadway/bridge and replace the sidewalk that was constructed as part of the Coastal Rail Trail Reach 1 Project in 2014 (shown in Figure 2-5 of the DEIR). According to the DEIR, design recommendations from the SANDAG Sea Level Rise Study will be incorporated into pile foundation and abutment protection engineering for [the Carlsbad Boulevard] bridgework (p. 2-73). By incorporating the boardwalk into the design of the elevated roadway/bridge to the west, not only will direct impacts to BVLER sensitive habitats be avoided or at least minimized, the boardwalk could be designed to accommodate any change in flows or elevation due to sea level rise. Also, if construction of the boardwalk precedes lagoon restoration efforts, these efforts should not be hindered by final boardwalk design. In addition, we recommend that the final EIR identify 1) the funding source for construction of the boardwalk; 2) long-term funding source for the maintenance of the boardwalk; 3) the entity responsible for the long-term maintenance; 4) a maintenance plan that includes activities (i.e., trash removal, pier/piling and railing replacement and graffiti removal) that will be conducted and the frequency of these activities.

Light-footed Ridgway's Rail

Saltwater or Hybrid Alternatives: The DEIR states that habitat will be left in place "to provide interim habitat for Ridgway's rail and allowed to transition naturally over time" (p. 2-89). This statement conflicts with the limits of grading/dredging that is depicted on Figure 3.5-12, which shows Ridgway's rail pair locations from 2008-2013. Ridgway's rail occupancy has been consistent in the I-5 Basin (easterly basin), especially along the southern shore. The proposed limits of grading will impact the majority of habitat used in recent years by breeding birds. Pursuant to section 3511 et seq. of the Fish and Game Code, the light-footed Ridgway's rail is a fully protected species and therefore, take of this species cannot be authorized by the Department. The Department is concerned that the interim habitat identified in the DEIR is not sufficient to ensure that no "take" of

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Ridgway's rail will occur as a result of Project implementation. To avoid take of occupied habitat, we recommend that additional polygons of habitat in recent use areas/territories (i.e., 2012-2014) throughout both the I-5 and Coast Highway Basins be left intact during the nesting season. We are concerned that the interim habitat on the southern edge of the I-5 Basin, which appears to be a narrow linear strip of habitat adjacent to Jefferson Street, would be subjected to increased edge effects such as predation, noise, and human disturbance. We understand that the Project will benefit Ridgway's rail over the long-term by providing higher quality habitat throughout BVLER; however, we recommend avoiding and/or minimizing impacts to the species during Project construction to the maximum extent practicable. Therefore, we recommend meeting with the Department and U.S. Fish and Wildlife Service (hereafter collectively referred to as the Wildlife Agencies) to develop a phasing plan to ensure that suitable habitat for Ridgway's rail remains in each phase of project construction. Lastly, based on previous restoration efforts throughout the region, please provide an estimate of the time that will be required for salt marsh habitat to recover such that it provides suitable habitat for breeding Ridgway's rail.

Freshwater Alternative: The DEIR states that permanent direct impacts to Ridgway's rail would not be considered significant because the net loss of habitat would be 26 percent. However, approximately 32.9 acres of the remaining habitat would be a cattail maintenance area and although this area is assumed to function biologically as coastal and valley freshwater marsh, it is uncertain whether it would provide suitable breeding habitat for Ridgway's rail. We recommend that the final EIR include more information on the cattail maintenance area (i.e., frequency of mowing, amount of habitat impacted by the mowing, etc.) in Chapter 2 Description of the Project Alternatives. Based on the 50 percent threshold adopted in the DEIR, at least 23.4 acres of the cattail maintenance area would have to support Ridgway's rail for the impact to be considered less than significant. Therefore, we recommend that if this alternative is implemented, at least 48 acres (50 percent of baseline) of coastal and valley freshwater marsh remain intact in any given breeding season to ensure adequate habitat is available for breeding by Ridgway's rail.

Nonlisted Special-Status Wildlife Species

Saltwater or Hybrid Alternatives: We recommend meeting with the Department prior to design/replacement of the I-5 Bridge to ensure that the existing bat roost is replaced with an appropriate texture or structure, which will depend on the type of roost (i.e., day roost, maternal roost site) being replaced. Any design of the I-5 Bridge should incorporate roosting panels (e.g. Oregon wedge or modified Oregon wedge panels) and other enhancements to offset potential impacts to roosting bats. Also, a day roost exists in the storm-drain system on the southwestern side of the I-5 basin and any modification to this area should avoid direct and/or indirect impacts to the area supporting roosting bats.

Freshwater or Hybrid Alternative: As stated above, numerous special-status wildlife

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species occur in BVLER including the western pond turtle. From 2012-2014, the U.S. Geological Survey assessed the distribution of native and nonnative turtles and suitable habitat for pond turtle in coastal northern San Diego County (Brown et al. 2015). The report states that BVLER supports large amounts of suitable habitat for pond turtle; however, nonnative invasive species such as the American bullfrog (*Lithobates catesbeianus*) and red-eared slider (*Trachemys scripta*) have likely extirpated the species from the site. Selection of the freshwater or hybrid alternatives offers a unique opportunity to improve habitat for the western pond turtle; however, the DEIR remains silent on the potential benefits or impacts of the different alternatives to the various special-status species. If the freshwater alternative is selected as the preferred alternative, we recommend the final EIR include conservation measures specific to pond turtle in an effort to improve habitat quality at BVLER for this species. This could include implementation of a predator-management plan targeting bullfrogs and red-eared slider during the post-construction maintenance and monitoring period and creation of upland aestivation areas.

Long-term Maintenance

A critical element of the Project is the development of a management, maintenance, and monitoring plan to ensure that the preferred alternative as described in final EIR can be maintained in perpetuity. We are willing to work with the Project proponent to develop draft plans for the perpetual maintenance of the property and to determine the actions and costs needed for calculating a non-wasting endowment. The endowment would be held by the land management entity or another entity approved by the Wildlife Agencies. The endowment sum necessary for the perpetual management, maintenance, and monitoring of the BVLER restoration/enhancement area should be determined by a Property Analysis Record (PAR) or similar methodology and approved by the Wildlife Agencies.

Large-scale restoration/enhancement projects at Batiquitos Lagoon and Bolsa Chica Ecological Reserves have been undertaken in the past but both have needed unanticipated maintenance soon after construction. At Batiquitos, dredging was anticipated three years post-construction but due to the volume of sand that immediately collected at the mouth, the first maintenance dredge was performed after only a year. Contingency plans should be made in case the methods proposed for maintenance have to occur more frequently than cited in the final EIR or the cost significantly increases. The initial monitoring and maintenance period should extend at least 10 years, after which point the long-term maintenance plan should be reassessed to determine feasibility and effectiveness of proposed activities and to determine if changes are needed to the PAR and endowment calculations.

General Comments

1. Based on Department participation in other large-scale estuary restoration/enhancement efforts in southern California, we recommend that the

Ms. Lauren Washington, Environmental Planner II
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August 28, 2015
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restoration monitoring continue for a minimum of 10 years post-construction (p. 2-81). We also request that the Wildlife Agencies have the opportunity to review and provide approval of all restoration, monitoring, and management plans developed for BVLER as part of the Project.

2. A Fishing Access Trail is depicted on many of the DEIR figures; however, no discussion of the trail is provided in Chapter 2 Description of the Project. Based on figures in the DEIR, the trail would be constructed on lands acquired by the Project proponent, but terminate on Department-owned lands. Please include more detailed information on the Fishing Access Trail including specifications, funding entity, entity responsible for its long-term maintenance, and frequency of trail inspection to ensure that trash and other debris is properly disposed of and kept from entering lagoon habitats/water. Department staff experienced with fish habitat requirements could work with SANDAG during the design phase for fishing areas to ensure they are designed properly.
3. The DEIR states that "On the north side of the Coast Highway Basin, the Buena Vista Lagoon Audubon Society Nature Center (Nature Center) owns and manages trails along the northern shore" (p. ES-2). As shown on Figure 2-3, these informal trails are actually on land owned and managed by the Department. As noted later in the document, the only formal trails adjacent to or within BVLER are in HOSP Park (p. 3.1-6).
4. The DEIR includes the following mitigation measure: "A qualified biologist shall prepare and implement a targeted predator control plan for light-footed Ridgway's rail and Belding's savannah sparrow. Activities would include fencing, public signage, selective vegetation removal (i.e., invasive species or native species not preferred by Belding's savannah sparrow), construction of nesting platforms, perch removal, predator trapping/control, and/or other techniques to minimize predation of the species (p. 3.5-114)". Please clarify whether this predator control plan would be implemented during 1) construction, 2) the 5 or 10-year monitoring period, and/or 3) in perpetuity. We recommend that it be implemented at a minimum during the post-construction monitoring period and then evaluated on a regular basis to determine efficacy. The Department also feels that general enforcement is needed and should be incorporated into any plans to protect and conserve species and habitats. We request the plan be submitted to the Wildlife Agencies for review and approval prior to implementation.
5. Please change the scientific name for western pond turtle from *Actinemys marmorata pallid* to *Emys marmorata marmorata* (DEIR p. 3.5-22).
6. The Department has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the project applicant (or "entity") must provide written notification to the Department pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, the Department determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to

Ms. Lauren Washington, Environmental Planner II
 SANDAG
 August 28, 2015
 Page 8 of 9

conducting the proposed activities. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project.¹

7. The Department considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options [Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)]. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation, monitoring, and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

We appreciate the opportunity to comment on the referenced DEIR and to assist SANDAG in further minimizing Project impacts to biological resources. If you have questions or comments regarding this letter, please contact either Christine Beck by telephone at (858) 637-7188 or via email at Christine.Beck@wildlife.ca.gov or Warren Wong (BVLER Manager) at (858) 467-4249 or via email at Warren.Wong@wildlife.ca.gov.

Sincerely,



Edmund Pert
 Regional Manager
 South Coast Region

¹ A notification package for a LSA may be obtained by accessing the Department's web site at www.wildlife.ca.gov/habcon/1800.

Ms. Lauren Washington, Environmental Planner II
SANDAG
August 28, 2015
Page 9 of 9

cc: Carolyn Lieberman (U.S. Fish and Wildlife Service)
Scott Morgan (State Clearinghouse)

Literature Cited:

Andres, B.A., P.A. Smith, R.I.G., Morrison, C.L. Gratto-Trevor, S.C. Brown, and C.A. Friis. 2012. Population estimates of North American shorebirds, 2012. Wader Study Group Bull. 119(3): 178–194.

Brown, C., M. C. Madden, S. A. Hathaway, and R. N. Fisher. 2015. Western Pond Turtle (*Emys marmorata*) Study for the TransNet Environmental Mitigation Program Grant Agreement 5001976, 2012-2014. U.S. Geological Survey data summary prepared for the TransNet Environmental Mitigation Program, San Diego, CA, 71 pp.

Stein, E.D., K. Cayce, M. Saloman, D. Bram, D. De Mello, R. Grossinger, and S. Dark. 2014. Wetlands of the southern California coast: historical extent and change over time. Southern California Coastal Water Research Project (SCCWRP) Technical Report 826. 50 pp.
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Zedler, J.B. 1982. The ecology of southern California coastal salt marshes: a community profile. U.S. Fish and Wildlife Service, Biological Services Program, Washington D.C. FWS/OBS-81/54. 110 pp.

LETTER 6a
Office of Planning and Research

6a-1

The comment states that OPR submitted the Draft EIR to state agencies for review and no comments were received by the close of public review on August 21, 2015. No response is required.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

August 24, 2015

Lauren Washington
San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101

Subject: Buena Vista Lagoon Enhancement Project
SCH#: 2013041079

Dear Lauren Washington:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 21, 2015, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

6a-1

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH#	2013041079		
Project Title	Buena Vista Lagoon Enhancement Project		
Lead Agency	San Diego Association of Governments		
Type	EIR Draft EIR		
Description	The proposed project would enhance Buena Vista Lagoon through implementation of one of four alternatives: freshwater, saltwater, and two hybrid. Increasing sedimentation and urbanization upstream of the lagoon have decreased water depth and increased nutrient levels in the lagoon. Encroachment of vegetation into the open water basins of the lagoon has led to adverse water quality and vector problems as circulation decreases. Without enhancement, the lagoon is expected to become a vegetated freshwater marsh or riparian woodland-meadow within the next 30 to 50 years. Enhancement would increase biological and hydrological functions within the lagoon to address sedimentation and invasive vegetation encroachment, as well as declining coastal biodiversity, degrading water quality, water circulation restriction, and increasing vector concerns.		
Lead Agency Contact			
Name	Lauren Washington		
Agency	San Diego Association of Governments		
Phone	619 595 5374	Fax	
email			
Address	401 B Street, Suite 800		
City	San Diego	State	CA Zip 92101
Project Location			
County	San Diego		
City	Carlsbad, Oceanside		
Region			
Lat / Long	33° 10' 4.96" N / 117° 21' 7.3" W		
Cross Streets	Boundary between City of Oceanside and City of Carlsbad		
Parcel No.			
Township	11S	Range	Section S36 Base
Proximity to:			
Highways	I-5		
Airports			
Railways	BNSF, Coaster, Amtrak		
Waterways	Buena Vista Lagoon		
Schools	multiple		
Land Use	Open Space		
Project Issues	Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Cumulative Effects; Aesthetic/Visual; Agricultural Land; Minerals; Drainage/Absorption		
Reviewing Agencies	Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Air Resources Board; Regional Water Quality Control Board, Region 9; Native American Heritage Commission; Public Utilities Commission		
Date Received	07/08/2015	Start of Review	07/08/2015 End of Review 08/21/2015

6a-1
Contd.



CITY OF OCEANSIDE
DEVELOPMENT SERVICES DEPARTMENT / PLANNING DIVISION

September 1, 2015

Lauren Washington
401 B Street, Suite 800
San Diego, CA 92101

Re: **Buena Vista Lagoon Enhancement Project**
Draft Environmental Impact Report (DEIR)

Dear Ms. Washington:

The City of Oceanside Planning Division appreciates the opportunity to comment on the subject DEIR. The Division recognizes that comments submitted at this time should only be in regard to information contained in the DEIR. The City may be submitting a letter at the future appropriate time recommending a preferred alternative for the Enhancement Project. However, at this time, the Division is generally interested in adding any information to the DEIR pertaining to the feasibility of the saltwater option; and Division's specific comments in regard to the DEIR are as follows:

Section ES.2 mentions the "weir". As this is not a common term, we suggest that a brief description be added of what a weir is, perhaps describing it as a barrier similar to a dam without a spillway.

Section ES.3.2 describes the location where dredged materials from the lagoon may be placed on Oceanside beaches. We request that information be added that clarifies that this location and permit is different than the locations allowed under the City's Ocean Beach Fill Program permit.

Page 3.1-7 refers to Figure 2-11 as showing the Oceanside nearshore placement site for materials dredged from the lagoon. However, Figure 2-11 on page 2-41 shows a cross-section of a channel.

Page 3.1-18 states that it is estimated that 37% of the time, crossing conditions would be considered potentially hazardous. Please provide further information regarding how this compares to crossing conditions that existed prior to construction of the weir, as this would provide a better comparison.

Both the saltwater and hybrid alternatives include replacement of the Carlsbad Blvd bridge at a greater height and added costs. Please provide a sub-alternative that would

7-1

7-2

7-3

7-4

7-5

7-6

LETTER 7
City of Oceanside

7-1

The comment provides introductory statements and no further response is required. The Saltwater Alternative is considered throughout the EIR as a feasible alternative per CEQA. Information as requested is provided in those response to comments (7-2 through 7-6).

7-2

The comment recommends the addition of language to the Executive Summary defining the term "weir." A definition has been added.

7-3

The following text has been added to Section ES 3.2 as requested by the comment: "The placement site is not the currently permitted site specified under the existing Oceanside Beach Fill Program."

7-4

The comment notes an erroneous figure reference, which has now been corrected.

7-5

Examination of historical photos and records indicates that the inlet was trafficable during most of the year prior to the installation of the weir; however, even these infrequent openings resulted in ponded saltwater and a primarily saltwater-regime ecosystem within the lagoon (Beller et al. 2014). For additional information on historical ecological conditions within the lagoon, please see Master Response #5. It is also important to recognize that this is an enhancement project and not an effort to specifically restore or maintain a particular type of hydrologic condition; rather, it would make the lagoon a healthy and sustainable well-functioning ecosystem. Per Section 15125 of the CEQA Guidelines, however, the baseline condition for CEQA analysis is generally determined by existing conditions at the time the project Notice of Preparation (NOP) is published. Thus, the comparison of crossing conditions prior to weir installation decades ago is not a baseline condition that is used in the EIR analysis to determine environmental impacts associated with the Enhancement Project. The NOP for the Enhancement Project was published on April 25, 2013; therefore, existing conditions are defined as those that existed in the lagoon generally at that time, rather than at previous points in history.

In response to requests for additional information regarding current existing inlet trafficability conditions, an additional analysis was prepared (Inlet Trafficability Memorandum, Appendix O). This analysis found that, under existing conditions, the influence of high tides and wave events render lateral access across the existing Buena Vista inlet hazardous for pedestrians 2-5 percent of the time. Additional information regarding existing conditions has been added to Section 3.1 of the EIR.

not involve replacement of the bridge, and include information on feasibility and how project objectives and impacts would be affected.

If you have any questions regarding these comments, please feel free to contact me at (760) 435-3535 or jhunt@ci.oceanside.ca.us.

Sincerely,



Jeff Hunt, AICP
City Planner
City of Oceanside

c: Mayor and City Council Members
Michelle Skaggs Lawrence, Interim City Manager
Peter Weiss, Assistant City Manager
Rick Brown, Interim Development Services Director
Don Neu, City Planner, City of Carlsbad

7-6
Contd.

7-6

In response to this suggestion, a configuration of the Saltwater Alternative with the existing Carlsbad Boulevard bridge was developed and evaluated for its ability to meet project goals and objectives. Modeling under this design option found that, if the existing Carlsbad Boulevard bridge were to remain in place under the Saltwater Alternative, the tidal muting would be 0.2 foot higher during high tide conditions in Buena Vista Lagoon upstream of the bridge (CH Basin and I-5 Basin), when compared with the tidal response under the proposed new bridge structure (Everest 2016). Both configurations represent an improvement in tidal range as compared to existing conditions; thus, the Saltwater Alternative was determined to still be viable with the existing Carlsbad Boulevard bridge. The widening of the channel under I-5 as part of the proposed improvements would not result in additional flooding compared to existing conditions unless restricted. This would not result in additional impacts compared to the Saltwater Alternative as proposed in the EIR.



LETTER 8 City of Carlsbad

September 1, 2015

Ms. Lauren Washington
Environmental Planner II
SANDAG
401 B Street, Suite 800
San Diego, CA 92101

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE BUENA VISTA LAGOON ENHANCEMENT PROJECT

Thank you for the opportunity to review the draft Environmental Impact Report (EIR) for the Buena Vista Lagoon Enhancement Project. We were impressed with the extensive and thorough analysis of the existing conditions and the proposed project alternatives.

All three alternatives are clearly described, documenting key components, environmental impacts and related costs. The analysis demonstrates that, under each alternative, the biological functions and water ecology of this vital natural resource would be enhanced. To some degree, each alternative would address the decline of this water body from years of sedimentation and invasive vegetation.

We were especially pleased to see trail connectivity between the Buena Vista Audubon Nature Center and Maxton Brown Park identified within the report. The proposed boardwalk would serve as a vital trail segment, linking the City of Carlsbad and the City of Oceanside. The proposed ADA accessible overlooks would enhance passive recreational and educational opportunities, such as fishing, bird watching, and habitat studies. The boardwalk would also significantly improve safety conditions for pedestrians traveling along the water's edge.

The draft EIR is a major milestone in studying the alternatives for enhancing the lagoon, and we look forward to further discussions on the proposed project alternatives.

Sincerely,

Kasia Trojanowska
Parks Planner
(Staff Liaison to the Beach Preservation Committee)

cc: Keith Greer, Senior Regional Planner, SANDAG
Pat Thomas, Public Works Director
Glen Van Peski, Community & Economic Development Director
Chris Hazeltine, Parks & Recreation Director
Kyle Lancaster, Parks Superintendent
Liz Ketabian, Park Planning Manager

Parks & Recreation Department
799 Pine Ave, Suite 200 | Carlsbad, CA 92008 | 760-434-2826 t | 760-434-5088 f

8-1

The comment provides introductory statements and no further response is required.

8-2

The comment states that biological function and water quality would be enhanced to some degree by each alternative. This comment does not address the adequacy of the Draft EIR.

8-3

The comment expresses support of the trail connectivity and Boardwalk, enhancing recreational and educational opportunities and providing safe public access along the lagoon. This comment does not address the adequacy of the Draft EIR.

8-4

The comment provides final statements and no response is required.

8-1

8-2

8-3

8-4



Buena Vista Audubon Society
PO Box 480
Oceanside, CA 92049-0480

August 28, 2015

Lauren Washington
SANDAG
401 B Street, Suite 800
San Diego, CA 92101

Sent by email to: lauren.washington@sandag.org

SUBJECT: COMMENTS ON BUENA VISTA LAGOON ENHANCEMENT DRAFT EIR

Dear Ms. Washington:

This letter is a response from the Buena Vista Audubon Society (BVAS) to the request for comments on the Buena Vista Lagoon Enhancement Project Draft EIR. The BVAS is an independent non-profit conservation organization, a chartered chapter of the National Audubon Society. We have operated the Buena Vista Audubon Nature Center on the north shore of the Buena Vista Lagoon since its opening in 1987. The BVAS membership consists of over 2,000 households in coastal North County. One of our primary missions has been the preservation and enhancement of the lagoon and its wildlife, and the reduction in watershed land uses that impact the lagoon environment. We provide nature education for the community through our nature center programs and displays, and guided nature walks at the lagoon and various locations throughout the county. BVAS is currently in escrow to purchase a 3.5-acre parcel of vacant land north of the RR basin of the lagoon and within lagoon restoration plan boundaries. Therefore, the BVAS Board and membership have a keen interest in any restoration plan approved for the lagoon.

9-1

ANALYSIS OF PROJECT OBJECTIVES

The DEIR clearly states that the Freshwater Alternative "would not have the same level of benefits or achieve the CEQA project objectives, as listed in Section ES-4, to the fullest extent or to the same level as the action alternatives", namely the Saltwater and Hybrid Alternatives. We agree with that assessment and the Objective-Based Alternative Analysis (Appendix K) confirms it by utilizing a system of metrics. Although in the next section, we'll address specific impacts discussed in the report, the issue of project benefits is extremely important. The Saltwater Alternative would best meet the project objectives that were identified initially by the lead agency as a result of the Notice of

9-2

LETTER 9

Buena Vista Audubon Society

9-1

The comment provides introductory statements and no further response is required.

9-2

Please see Master Response #1.

Preparation process. The objectives relate to specific aspects of the lagoon environment, but in general they are project goals that are intended to enhance the biological and hydrological functions and recreational values of the Buena Vista Lagoon Ecological Reserve.

9-2
Cont.

The California Fish and Game Code (Division 2, Chapter 5, Article 4, Section 1580) outlines the mission of a California Ecologic Reserve: "*The Legislature hereby declares that the policy of the state is to protect threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types, ... for the future use of mankind through the establishment of ecological reserves.*" This authorizing statute clearly states that protection of "specialized habitat types" is a primary purpose of a state ecological reserve. The Draft EIR does not adequately address the importance of restoring and preserving historic coastal saltwater estuaries and salt marshes in Southern California as critically threatened specialized habitat types. This should be added as an evaluation criteria for the four alternatives under consideration.

9-3

The Saltwater Alternative would best meet the habitat and wildlife preservation goals of a state ecological reserve. It would maximize species diversity and overall habitat value, and maximize protection of threatened and endangered species. It would maximize restoration of one of the most critically impacted habitats in California, the coastal salt marsh, a habitat relegated to 5-10% remaining acreage from historical conditions. The coastal salt marsh is a very limited resource which can only exist near the ocean, as opposed to freshwater wetlands that can be sited anywhere allowed by the topography. It also will support native saltwater fish and other marine organisms that are currently being excluded from the lagoon due to the presence of the weir.

9-4

The Saltwater Alternative meets other project objectives as well. It would increase water circulation and water quality, and reduce flood water elevations and flood risk adjacent to the lagoon. A more positive health and safety benefit would result from tidal cycles, salinity, quick draw-down, and cooler water temperatures, all of which impact vector breeding and create beneficial vector reduction.

The DEIR states specifically that the Freshwater Alternative does not fully achieve the following project objectives: 1) create conditions that curtail growth and expansion of cattails, bulrushes and invasive species; 2) protect, improve and maintain water quality to meet standards or address water quality impairment; and 3) reduce vector concerns. However, we would add to this that the Freshwater Alternative also does not adequately meet the biological objectives: 1) enhance and maintain sensitive habitat and native species, including rare and endangered species, to promote coastal diversity within the region; and 2) promote a system of native wetland and terrestrial vegetation communities that can be sustained given the opportunities and constraints of the lagoon and anticipated sea level rise.

9-5

CEQA ENVIRONMENTAL REVIEW

The DEIR concludes that the Freshwater Alternative would result in the least significant impacts compared with the other alternatives. BVA takes exception to this characterization as misleading and inaccurate. The statement is qualified within the DEIR by the disclosure that the Freshwater Alternative does not meet project objectives as well as the other alternatives. Most of the temporary unavoidable impacts are common to all the enhancement alternatives, as these relate to construction noise, air quality, and disturbance to biological organisms. An additional temporary impact of the Saltwater Alternative is disturbance to bicycle circulation during construction of the Carlsbad Blvd

9-6

9-7

9-3

As described in Section 1.2, Project Objectives, the Enhancement Project was designed to enhance and maintain sensitive habitats and native species, including rare and endangered species, and to promote coastal biodiversity within the region, which is in line with the Fish and Game Code mission of a California Ecological Reserve as cited in the comment. SANDAG acknowledges the decline in coastal salt marsh habitats over time as evidenced in the recently published *Northern San Diego County Lagoons: Historical Ecology Investigation: Regional Patterns, Local Diversity and Landscape Trajectories* (Beller et al. 2014); however, increasing or restoring saltwater marsh was not a specific goal or criterion of the Enhancement Project as the lagoon is currently a freshwater lagoon. For the purposes of a legally adequate CEQA document, the EIR includes a reasonable range of alternatives, each of which is capable of meeting most of the project objectives. The SANDAG Board of Directors will consider all material in its selection of a project alternative and certification of the EIR.

9-4

The comment states benefits anticipated with implementation of the Saltwater Alternative. See Master Response #1. Please see Master Response #5 regarding the historical ecology of the lagoon system and Master Response #4 addressing freshwater lagoon resources.

9-5

The comment summarizes information from the EIR and states the commenter's opinion on the ability of the Freshwater Alternative to fulfill the project objectives. In particular, the commenter contends that the Freshwater Alternative would not adequately meet the project's biological objectives; however, the comment does not provide substantiation as to why the listed objectives would not be fully achieved. As described in Chapter 4, the EIR found that the Freshwater Alternative would provide some benefits to biological resources, although they would be relatively modest and would achieve the project objectives; however the objectives would not be achieved by the Freshwater Alternative to the same degree as other alternatives. It is important to note benefits associated with the various alternatives and consider the tradeoff of an adverse effect necessary to create a positive benefit.

9-6

The commenter is concerned that the characterization of the Freshwater Alternative as the alternative that would result in the least significant impacts is misleading and inaccurate. SANDAG respectfully disagrees with commenter, based on the information presented in Table 4-1 of the EIR that presents the significance conclusions of the analysis for each alternative. The table shows that there are multiple issue areas, such as Land use and Recreation, Traffic and Circulation, and Public Health and Safety, where the Freshwater Alternative would result in a less than significant impact while the other alternatives result in significant impacts. It is accurate that the EIR finds that the Freshwater Alternative does not achieve all project objectives to the same extent as other alternatives. SANDAG acknowledges the need to consider balance between minimizing impacts and achieving project objectives. The comment describes that many impacts are common to the three alternatives, which is accurate based on the EIR analysis. A full comparison of the impacts associated with each alternative is provided in Chapter 4 of the EIR.

bridge over the widened channel. However, these can be substantially mitigated by temporary structures and signage that is appropriate to ensure safe passage for all vehicles on the roadway during the period of bridge construction. 9-7 Cont.

The report states that there are significant permanent impacts from the Saltwater and Hybrid Alternatives relating to the public health and safety impact of the beach inlet and to visual impacts of the pedestrian bridge across the inlet. The pedestrian bridge would substantially mitigate impacts of the proposed open inlet, as it would provide a safe and convenient beach crossing at times of high water levels and velocities. Although the inlet and bridge would change the appearance of the physical environment in the area of the lagoon inlet, they will continue to allow beach access, recreational opportunities, and wildlife use. We believe they do not need to be unpleasant visual features. A well designed pedestrian bridge can be an aesthetic feature that provides an interesting contrast with the natural beach environment. Other coastal communities have stream inlets crossing the beach and beach visitors are accustomed to dealing with them by walking across when flows are low or using a nearby alternate route on a bridge or path. The DEIR makes no mention of the corresponding aesthetic impact of a lengthened weir that would be built under the Freshwater Alternative. Therefore, we do not believe that the inlet and bridge by their nature will cause negative environmental effects. The inlet and pedestrian bridge must be considered as part of the Saltwater Alternative package that the report indicates will best meet the project objectives.

ENHANCEMENT PROJECT COSTS

The Preliminary Cost Estimate Report includes estimates for construction (including materials disposal) and ongoing maintenance based on figures from similar projects in southern California. The report indicates that construction costs for the Saltwater Alternative are expected to be somewhat higher than for the Freshwater Alternative, and this is attributed to more dredging and the need to replace the existing Carlsbad Boulevard bridge over the proposed 110-foot wide channel. However, although the report estimates that there would be maintenance costs associated with all the alternatives, the higher initial cost would be partially offset by lower maintenance costs for the Saltwater Alternative. In addition to the lower maintenance costs, there would be significant economic and recreational value of the dredged sand for replenishment of Oceanside and Carlsbad beaches. 9-9

The DEIR appears to shortchange the potential impact from seasonal flooding associated with the Freshwater Alternative in several ways. The lagoon has periodically overflowed Coast Hwy. during large storm events, causing closure of the roadway, disruption in car, bicycle, and pedestrian traffic for multiple days, and additional costs associated with cleanup of debris. Over recent decades, this has occurred perhaps every five years on average. Proper mitigation for this flooding impact might involve raising Coast Hwy. and widening the bridge between the RR and Coast Hwy basins, in effect duplicating the costs associated with the rebuilding of Coast Hwy. proposed under the Saltwater and Hybrid Alternatives. Another flooding impact associated with the Freshwater Alternative and not addressed in the DEIR, is the annual flooding of the public trails at the BVAS Nature Center. This regular occurrence is the result of the buildup of the sand berm on the ocean side of the weir, preventing water from overflowing the weir and causing a rise in the water level of the lagoon. This happens a number of times each year, including as recently as August, 2015, when 40 students visiting the Nature Center were unable to complete their nature walk because of the flooded trail. Mitigation for this flooding could involve a more responsive beach maintenance effort by municipal authorities, resulting in increased maintenance costs and possible closure of the beach for several 9-10

9-7

The comment summarizes impacts to bicycle users as a result of construction on the Carlsbad Boulevard bridge. As described in Section 3.10, the EIR concludes that bicycle circulation impacts under the Saltwater and Hybrid Alternatives would be significant and unavoidable. PDF-5 would create a temporary bicycle path along the Carlsbad Boulevard bridge to allow continued access between Oceanside and Carlsbad. Additionally, Mitigation Measures Traffic-1 and Traffic-2 will minimize bicycle-related impacts to the extent feasible through the preparation of a traffic control plan and the issuance of advance notice before construction begins along Carlsbad Boulevard.

9-8

The EIR found that a significant public safety impact would result under the Saltwater and Hybrid Alternatives because, relative to the existing sandy beach that currently exists, the open inlet across the beach could result in a new safety threat to recreational users in the inlet areas when unsafe conditions exist due to high water volumes or velocities within the inlet channel. SANDAG acknowledges that other regional lagoons have similar beach inlet conditions, but the conservative conclusion of a significant safety impact at this location is appropriate and supported by the information in the EIR.

CEQA requires that evaluation of impact be compared with baseline conditions generally existing at the time of the NOP publication. As described in Section 3.9, Visual Resources, the bridge proposed in Mitigation Measure Land Use-1 was determined to result in a significant visual impact because of the public expectation of open views in the vicinity of the lagoon as currently exist. SANDAG acknowledges the commenter's point that the pedestrian bridge can be well designed to be aesthetically pleasing, but this still would not alter the substantial contrast of a bridge structure where open views exist today. As shown in Key View 7 in Section 3.9, Visual Resources, the widened weir under the Freshwater Alternative would primarily be at the waterline or underwater and not visible similar to existing conditions; therefore, no permanent visual impact was identified for this alternative.

9-9

The comment summarizes information from the EIR, as well as the Preliminary Cost Estimate Report, which was prepared for informational reasons but is not required to be included in an EIR. The comment is noted. The commenter states that there would be significant economic and recreational value of the dredged sand for replenishment of Oceanside and Carlsbad beaches but does not provide any further support for this statement. The comment does not raise concerns regarding environmental issues or the analyses in the EIR. No further response is required.

9-10

The existing flooding conditions described by the commenter are not a significant impact attributable to the Freshwater Alternative, but are a current baseline condition under CEQA. As described in Chapter 4, each of the alternatives would reduce water elevations in the lagoon and in turn reduce flood impacts to some degree. Therefore, each of the alternatives meets the project objective of "Maintain or reduce current flood risk to existing infrastructure and adjacent development." The anticipated results of flood improvements between the alternatives is clearly shown in Table 4-2

days as a result of the release of backed-up lagoon water with increased levels of bacteria. BVAS would like to see these environmental costs assigned to the Freshwater Alternative in the DEIR.

9-10
Cont.

In the report's discussion on maintenance costs, there needs to be clarification. On the one hand, it is indicated that for the Saltwater Alternative, fluvial (river) sedimentation might keep pace with sea level rise, in which case little or no maintenance would be required to remove it. However, it continues that given uncertainties of sea level rise and sedimentation it is prudent to plan for this type of maintenance. In a later discussion, it is stated that it was assumed no fluvial sedimentation maintenance would be required for the Saltwater Alternative. This conflicts with the earlier statement and might lower maintenance costs for the Saltwater Alternative even further. The final EIR should clarify this point.

9-11

CONCLUSION

In conclusion, we strongly believe the Saltwater Alternative represents the Environmentally Superior Alternative. This is in contrast to the conclusion of the DEIR that there is no Environmentally Superior Alternative but that there are only a series of tradeoffs to be made. We believe the Saltwater Alternative is the Environmentally Superior Alternative because it best meets the project objectives of enhancing the biological and hydrological functions and recreational values of the lagoon. We feel the true costs of the Freshwater alternative are understated with respect to the aesthetic impact of the weir and impacts from the flooding of Coast Blvd. and the Nature Center trails. We also feel that many of the impacts attributed to the Saltwater Alternative in the report can be substantially mitigated, as described above.

9-12

The Saltwater Alternative is an attempt to restore the lagoon to replicate its historic state as a naturally functioning saltwater estuary and marsh. A certain amount of regular maintenance will be required to counteract the impact of manmade obstructions built across the lagoon in the past. But there is a reasonable expectation that the ocean tides and storm event flows will prevent excess siltation, and keep the lagoon water cleaner, cooler, and better oxygenated. The plants and wildlife will be able to naturally repopulate the lagoon over time as this ocean-dependent specialized habitat type gradually heals and reestablishes itself. The Freshwater Alternative, on the other hand, is by design a temporary fix that imposes an unnatural habitat on the lagoon. Immediately following a Freshwater restoration project, the lagoon would begin the process of degeneration. Silt would again be trapped and the lagoon would gradually become shallower. Water temperatures would warm, the reed thickets would begin to expand, insect populations would bloom, and plant and animal species not historically native to this lagoon would continue to be displaced. The Freshwater plan consigns the community to a lifetime of costly restoration projects as it attempts to maintain an artificial habitat and hold the forces of Nature at bay.

Thank you for the opportunity to comment on the DEIR for the Buena Vista Lagoon Enhancement Project. If you have questions, I can be contacted at jmherskowitz@yahoo.com or 760/942-5167.

Sincerely,

Joan Herskowitz
Conservation Committee
Buena Vista Audubon Society

where floodplain acres associated with the Freshwater Alternative are reduced over current conditions by 15 acres while the other alternatives reduce the floodplain by over 55 acres. The EIR specifically states that, although water elevations would also be lower and the floodplain reduced under the Freshwater Alternative, the extent of that improvement would be less compared to the Saltwater Alternative or Hybrid Alternative. Additional measures to address existing flood conditions would be outside the scope of this project.

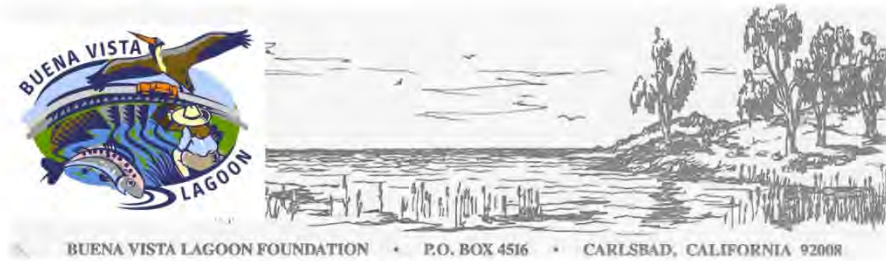
Text was added to Section 3.2.1 to indicate that flooding regularly affects the informal trails near the Nature Center described in the comment.

9-11

As shown in Appendix 2 of the Preliminary Cost Estimate prepared for the project, fluvial maintenance is not assumed for the Saltwater Alternative and is not included in the cost estimate for that alternative. It is correct that the EIR assumes no fluvial sedimentation maintenance would be required for the Saltwater Alternative.

9-12

Please refer to responses to comments 9-1 through 9-11. Please also refer to Master Response #1. The EIR acknowledges that the Freshwater Alternative may not have as long-lasting benefits. As stated in Section 3.2.3, long-term circulation and drainage improvements may not persist because long-term sediment removal is anticipated only every 25 years, and only some continued vegetation removal is planned.



LETTER 10
Buena Vista Lagoon Foundation

10-1

The comment provides introductory statements and a general statement of support for the project, and no further response is required.

August 31, 2015

Ms. Lauren Washington, Environmental Planner
San Diego Association of Governments (SANDAG)
401 B Street, Suite 800
San Diego, CA 92101

Re: Environmental Impact Report for the Buena Vista Lagoon Enhancement Project
Comments on Draft EIR

Dear Ms. Washington:

I have reviewed the Draft EIR for the Buena Vista Lagoon Enhancement Project and present the following comments on behalf of the Buena Vista Lagoon Foundation (BVLf). Our comments are critical of this Draft because we believe it should be factual and internally consistent to be adequate for its purpose.

This Enhancement Project has been studied intensively for over fifteen years. BVLf prepared the initial Land Management Plan Elements and the BVL Enhancement Project Feasibility Analysis. I have been part of this process as BVLf representative, project administrator, private contractor, and concerned citizen. We have a very good idea of what has been done and what yet needs to be done.

We are not just "Birders" or "Homeowners" or "Fishermen" or "Photographers" or "Travelers" or "Sportsmen" or "Landowners" or "Surfers" or any other "special interest." We represent the basic public interest common to all of those. Our "special interest" is simply the maintenance and enhancement of Buena Vista Lagoon. We want an Enhancement Project to actually happen and the continuing existence of Buena Vista Lagoon.

10-1

BUENA VISTA LAGOON FOUNDATION IS A NON-PROFIT CALIFORNIA CORPORATION (501c3)

The Draft is generally prejudicial with language and connotations indicating the various authors' assumptions of existing and therefore future conditions. Some are even self contradictory such as references to the Buena Vista Lagoon "Inlet" followed by a statement that there isn't one. A further example is the definition of "tidal interaction" as extreme ocean high tide wave intrusion into the lagoon followed by freshwater outflow over the weir during the short period before the beach berm rebuilds.

10-2

The existing conditions are what they are, as observed and documented by many sources for over a hundred years. They are not always what scientists would like them to be. They are not always what generalities might lead them to assume. This draft must be revised to adequately define the conditions that will determine the viability of any project.

10-3

BVLF appreciates this opportunity to comment.

Sincerely,



Ronald W. Wootton, PLS
Executive Director

10-2

The commenter asserts that the Draft EIR mischaracterizes existing and future conditions through the use of inaccurate and contradictory terms. SANDAG respectfully disagrees with commenter's assertion. The commenter is referred to response to comment 10-15 for a discussion of the term "inlet" and its usage in the EIR. It is unclear where the commenter's definition of "tidal interaction" originates. The EIR does not define "tidal interaction." "Tidal interaction" is used in the EIR to refer to the open inlet under the Saltwater and Hybrid Alternatives, allowing for the interaction of the lagoon with coastal processes in the immediate vicinity of the inlet. The commenter does not state why commenter believes this definition to be incorrect or misleading. The commenter is also referred to response to comment 10-18.

10-3

The commenter generally states that the EIR must be revised to adequately define existing conditions. Because the comment does not identify any particular inadequacies in the EIR, the commenter is referred to EIR Chapter 3, Sections 3.1.1, 3.2.1, 3.3.1, 3.4.1, 3.5.1, 3.6.1, 3.7.1, 3.8.1, 3.9.1, 3.10.1, 3.11.1, 3.12.1, 3.13.1, 3.14.1, and 3.15.1 for a description of existing conditions for each resource area evaluated in the EIR. Please also see Master Response #5 regarding the historical ecology of the lagoon system. Please see responses to comments 10-4 through 10-26 for responses to the specific issues raised by commenter.

EIR TEXT

BVLV REVIEW COMMENTS

1.1.1 PROJECT BACKGROUND	1.1.1 PROJECT BACKGROUND
(Page 1-1) Historically, (i.e., pre-1940s), Buena Vista Lagoon was in a dynamic equilibrium between a tidal influenced saltwater system during dry conditions and a river-influenced freshwater system during wet weather conditions. In 1940, the lagoon converted to a freshwater system as a result of installation of a weir (a type of barrier) across the lagoon outlet that precluded saltwater from entering the lagoon. The existing weir, built in 1972 and spanning approximately 50 feet, maintains a minimum water level within the lagoon at an elevation of ~5.6 feet National Geodetic Vertical Datum (NGVD), an elevation measure roughly equivalent to mean sea level.	1. Factual Error. Erroneous assumption stated as fact is still wrong. Quote of erroneous prejudiced assumption from recent publication. Testimony and prior documentation from at least early 1900's clearly establish beach sand berm as ocean barrier with bottom elevations in lagoon above MSL. Significant flood events were required to naturally maintain outflow over the breached sand berm. Predominantly freshwater system due to sand barrier. City of Oceanside street maintenance periodically breached sand berm since at least very early 1900's to prevent inundation of Coast Highway so not naturally in equilibrium. No change in 1940 from freshwater system as structure at that time (series of metal pipes with concrete slurry) was placed to maintain minimum water level when berm was breached. No further change in 1972 except for stability of the weir structure.
(Page 1-2) The lagoon has been progressively degrading in terms of benefits and value to biological communities, habitats, and human use (Everest 2003). Without enhancement, the lagoon is expected to become a vegetated freshwater marsh or riparian woodland-meadow within the next 30 to 50 years (Everest 2014a). This continued degradation could reduce coastal habitat biodiversity or eliminate coastal wetland functions and values, and result in decreased water circulation, leading to increased concerns about vectors and water quality impairments.	2. Erroneous quotation. "...within the next 30 to 50 years (Everest 2014a)." is in error. The reference should be to "Everest 2004". Ten years of the projected timeline have already passed.
CHAPTER 2.0 DESCRIPTION OF PROJECT ALTERNATIVES	CHAPTER 2.0 DESCRIPTION OF PROJECT ALTERNATIVES
(Page 2-1) 2.1.1 Lagoon Characteristics and Background Buena Vista Lagoon is a freshwater lagoon, a majority of which is owned by CDFW. The remaining portions of the lagoon are owned by other public agencies and private parties (see Figure 2-3). Due to the coastal wetland habitat and the number of wildlife species that use the area including and surrounding the lagoon, the portion owned by CDFW is designated as a State Ecological Reserve and is managed for the protection of rare, threatened, or endangered native	3. Incomplete definition of Existing legal condition and is Internally Inconsistent. "Coastal wetland habitat" is not defined, is not included in the Biological Resources(3.5) and was not a criteria for designation of Buena Vista Lagoon Ecological Reserve. The Code reference, Section 630 concerns Visitor Use Regulations.

10-4

The commenter asserts that the EIR incorrectly characterizes the historical ecology of Buena Vista Lagoon, but does not cite any literature or verifiable facts to support commenter's conclusions regarding historical conditions. SANDAG respectfully disagrees with commenter. Please see Master Response #5 regarding the historical ecology of the lagoon system.

10-5

As noted by the commenter, the document contained an erroneous reference that has now been corrected. The timeline has been modified in the Executive Summary and in Chapter 1 of the EIR.

10-6

The quoted description of the lagoon as coastal wetland habitat was vague and has been removed in Section 2.1.1. Please see Master Response #2 regarding ownership constraints and eminent domain in the vicinity of the lagoon. Code Section 1580-1587 has been included in text reference in Section 2.1.1.

10-4

10-5

10-6

plants, wildlife, aquatic organisms, and specialized terrestrial or aquatic habitat types in compliance with CCR Title 14, Section 630(a).	Should note Section 1580-1587 concern establishment, definition, and constraints on land acquisition. Notably Section 1582.... "No such land shall be acquired by imminent domain." And Section 1584 "(lands)...that are to be preserved in a natural condition, or which are to be provided some level of protection as determined by the commission, for the benefit of the general public to observe native flora and fauna and for scientific study or research. Full text: Barclays Official California Code of Regulations <u>Currentness</u> Title 14. Natural Resources Division 1. Fish and Game Commission-Department of Fish and Game Subdivision 2. Game, Furbearers, Nongame, and Depredators Chapter 11. Ecological Reserves (Refs & Amos) 14 CCR § 630 § 630. Additional Visitor Use Regulations on Department Lands Designated as Ecological Reserves. (a) The areas listed in this section have been designated by the commission as ecological reserves. A legal description of the boundaries of each ecological reserve is on file at the department's headquarters, 1416 Ninth Street, Sacramento. All ecological reserves are maintained for the primary purpose of developing a statewide program for protection of rare, threatened, or endangered native plants, wildlife, aquatic organisms, and specialized terrestrial or aquatic habitat types. <u>Visitor uses</u> are dependent upon the provisions of applicable laws and upon a determination by the commission that opening an area to such visitor use is compatible with the purposes of the property. <u>Visitor use is subject to the regulations below</u>, in sections 550 and 550.5 of these regulations, as well as any other commission regulations that may apply. These regulations are incorporated by reference into and become a condition of entry and/or permits. It is the responsibility of all visitors to know and understand these regulations prior to entry. FISH AND GAME CODE SECTION 1580-1587 <u>1580.</u> The Legislature hereby declares that the policy of the state is to protect threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types, both terrestrial and nonmarine aquatic, or large heterogeneous natural gene pools for the future use of mankind through the establishment of ecological reserves. For the purpose of establishing those ecological reserves, the department, with the approval of the commission, may obtain, accept on behalf of the state, acquire, or control, by purchase, lease, easement, gift, rental, memorandum of understanding, or otherwise, and occupy, develop, maintain, use, and administer <u>land, or land and nonmarine water, or land and nonmarine water.</u>
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10-6
Contd.

	<u>rights suitable for the purpose of establishing ecological reserves.</u> Any property obtained, accepted, acquired, or controlled by the department pursuant to this article may be designated by the commission as an ecological reserve. The commission may adopt regulations for the occupation, utilization, operation, protection, enhancement, maintenance, and administration of ecological reserves. The ecological reserves shall not be classified as wildlife management areas pursuant to Section 1504 and shall be exempt from Section 1504. <u>1582.</u> The department shall do all things necessary to secure a valid title in the state to the property acquired in fee for ecological reserves but no payment shall be made therefor until the title is vested in and satisfactory to the state. <u>No such land will be acquired by eminent domain.</u> (Added by Stats. 1968, Ch. 1257.) <u>1584.</u> As used in this article, "ecological reserve" means land or land and water areas that are designated as an ecological reserve by the commission pursuant to Section 1580 and that are to be preserved in a natural condition, or which are to be provided some level of protection as determined by the commission, for the benefit of the general public to observe native flora and fauna and for scientific study or research.
(Page 2-1) The lagoon encompasses approximately 220 acres...	4. Inconsistent acreage within EIR Page 2-23/Table 2-2 Totals 238.3 acres Page C 1.1 "an area over 200 acres."
(Page 2-9) PROJECT ALTERNATIVES CARRIED FORWARD The analysis within this document and associated stakeholder/public input obtained through the environmental review process will drive selection of the preferred alternative. All alternatives identified in this document <u>are analyzed at an equal level of detail to facilitate identification of the preferred alternative and the ultimate selection of an alternative for implementation.</u> The alternatives carried forward for detailed analysis in this EIR include: • Freshwater Alternative • Saltwater Alternative • Hybrid Alternative – Options A and B • No Project Alternative As further discussed in Section 2.8.6 below, an effort has been made to proactively incorporate measures into each of the alternatives to minimize and avoid, where possible, impacts to resources. These Project Design Features (PDFs) are outlined in Table 2-10.	5. Table 2-1 lists seven(7) variations/iterations for the Saltwater Alternative; Three(3) for the Freshwater Alternative; The Hybrid Alternative is not shown although preliminary design variations were prepared in 2008.
(Page 2-26) 2.6.1 Freshwater Alternative Under the Freshwater Alternative, the hydrologic regime of the lagoon would remain a freshwater system influenced primarily by freshwater entering the lagoon from the upstream watershed in the eastern portion of the system and	6. Inaccurate and incomplete description of "loss of water" and water input. Periodic (bimonthly) removal of the beach sand berm by the City of Oceanside lowers the water surface minimum of

10-7	The quoted statement on page 2-1 approximating the size of the lagoon has been changed to more accurately reflect Table 2-2.
10-8	The Hybrid Alternative, along with the other two alternatives analyzed in the EIR, was initially discussed in the Feasibility Study for the project. Additional refinements to the Hybrid Alternative, and the finalization of the two Hybrid opinions analyzed in the EIR, did not occur until the beginning of the EIR process in 2012. Table 2-1 has been revised to reflect this fact.
10-9	Text has been changed to indicate that outflows from the lagoon can also occur when the beach berm is intermittently breached by the City of Oceanside. Text was revised in the Executive Summary to state that large inflows to the lagoon occur during "infrequent substantial" storm events.
10-6 Contd.	
10-7	
10-8	
10-9	

along the boundary of the lagoon. Primary loss of water in the lagoon occurs via evapotranspiration and seepage, and large inflows occur during storm events, when water overtops the weir and beach berm	1-2 feet by discharge into the Ocean. Input to the Lagoon is constant as noted elsewhere in EIR. Significant Storm events are rare additional inflow.	10-9 Contd.
(Page 2-29) The new weir would be built in the same location as the existing weir and would be constructed of concrete and/or wood. Similar to existing conditions, the weir would continue to retain freshwater in the lagoon by limiting discharges to the ocean only when the lagoon water level exceeds the weir elevation and the beach berm is not higher than that elevation.	7. False statement. The existing weir retains a Minimum Water Surface Elevation and is normally inundated by water retained by the beach sand berm. The new weir would have the same characteristics.	10-10
(Page 2-30) ... Periodic Maintenance ... However, the variable and difficult to predict nature of sediment patterns and storm events, which would have a large impact on sedimentation under the Freshwater Alternative, makes calculations of further maintenance needs highly speculative. Therefore, although sediment-related maintenance is anticipated to be required approximately every 25 years, the Enhancement Project does not assume additional sediment removal as part of this alternative. Periodic maintenance of the Freshwater Alternative would instead be focused on management of remaining cattail and freshwater marsh areas. It is anticipated that, as part of the adaptive management strategy to maintain cattails yet allow effective vector control, vegetation thinning through the establishment or maintenance of channels through dense cattail areas would be conducted.	8. Inaccurate Statement Sand berm maintenance to discharge Lagoon water and prevent flooding of Coast Highway will be required similar to existing conditions. Note Page 2-89: Under the Freshwater Alternative, develop a program to actively breach the weir and beach berm on a scheduled basis to flush water and the accumulated nutrients and biomass/debris that encourage vector breeding. This could be accomplished through operational control features on the weir that would allow for elevational control.	10-11
(Page 2-31) Channel and Infrastructure Improvements Under the Saltwater Alternative, the railroad bridge would be improved as part of the LCSSAN corridor improvements and the I-5 bridge would be replaced as part of the I-5 North Coast Corridor Project.	9. Fails to note timing of Improvements required by project. Tidal exchange velocities under existing railroad structure would create scour and potential bridge failure prior to its replacement.	10-12
CHAPTER 3 ENVIRONMENTAL ANALYSIS	CHAPTER 3 ENVIRONMENTAL ANALYSIS	
(Page 3.1-3) Land Use Designations City of Oceanside The northwestern portion of the lagoon is located within the jurisdictional boundaries of the City of Oceanside. The Oceanside General Plan Land Use Map designates the lagoon area as OpenSpace (Oceanside 2009).	10. Inaccurate and may be in error. The entire Northern portion of the Lagoon is within the City of Oceanside except for a very small area adjacent to the Railroad. The area south of Hwy 78 and west of Jefferson street was acquired by CDFW in recent years.	10-13
(Page 3.1-4) An existing weir maintains a separation between the lagoon and ocean.	11. Inaccurate statement. Sand berm maintains the separation.	10-14
(Page 3.1-6) Beach Though closed to tidal action, the inlet channel to the lagoon abuts the beach area west of the weir. North of the inlet, the beach is within City of Oceanside jurisdiction and within the City of Carlsbad to the south	12. Inaccurate and misleading. There is NO INLET channel. The discharge channel through the sand berm downstream from the weir is a periodic OUTLET channel.	10-15
(Page 3.1-12) California Code of Regulations, Title 14, Section 630(b)(103) – Ecological Reserve Consistent (all alternatives): The lagoon enhancement would not change or modify the lagoon's designation.	13. Incomplete. See comment No. 3 above for text of Fish and Game Code Sections 1580-1587 regarding	10-16

10-10

As described in the quoted text, retention of freshwater by the expanded weir under the Freshwater Alternative would be similar to existing conditions, which limits discharge to the ocean when the beach berm is lower than the weir and the water level overtops that elevation. It is unclear what portion of the text the commenter considers false.

10-11

As described in the quoted text, the Freshwater Alternative does not include additional sediment removal. Additional language has been added to Section 2.6.1 to clarify that the sediment removal under discussion is fluvial sediment accumulating in the lagoon from upstream sedimentation, not sand along the coastline. Any removal of sand along the coastline is not part of the Enhancement Project and is not necessary for implementation of the project. Additional CEQA analysis and permits may be required for such activities. The possibility of breaching the beach berm along the beach, similar to maintenance conducted under existing conditions, has been clarified and is included in the adaptive management section of the document, where "future potential adaptive strategies are discussed in generalities."

10-12

Section 1.1.1 states that, per Senate Bill 468 (Kehoe), transportation improvements and habitat enhancement projects within the NCC would occur concurrently unless phased construction would be environmentally preferable. If the NCC improvements within the railroad corridor or along I-5 occur prior to the Enhancement Project, structures would be built to withstand enhanced hydraulic conditions.

10-13

The text is describing jurisdictional boundaries and land planning document designations and is not specifically discussing individual parcel ownership. The portions of the lagoon located within the City of Oceanside's jurisdictional boundaries are shown in Figure 2-3 and are designated as Open Space. Text has been revised to clarify that the City of Oceanside's jurisdictional boundary encompasses most of the northern portion of the lagoon.

10-14

Clarification has been added in Section 3.1.1 that, depending on environmental conditions and maintenance activities, a sand berm can develop that may also influence the separation between the lagoon and the ocean.

10-15

"Inlet channel" is used throughout the document and technical studies to represent the intermittent channel connection between the lagoon and the beach. The term is not meant to imply a primary direction of water flow, and the document acknowledges that episodic water flow both out of and into the lagoon can occur.

purpose, or public use as an ecological reserve as designated in Section 630(h)(103) and would be consistent with the general regulations set forth for ecological reserves.	designation and acquisition of land for Ecological Reserves.	10-16 Contd.
(Page 3.2-3) <i>Surface Hydrology and Drainage Patterns</i> Buena Vista Lagoon is a coastal lagoon that occupies approximately 220 acres, dominated by freshwater due to historical weir and levee improvements and operation. The lagoon is traversed by I-5, Carlsbad Boulevard, and the NCTD railroad tracks. Buena Vista Lagoon was originally a tidal system; however, during most summers the lagoon was closed to the sea (CWN 2002). The current weir at the mouth of the lagoon, constructed in 1971, restricts tidal flow, and Buena Vista Lagoon currently functions as a freshwater lagoon.	14. Inaccurate. See Comment No. 1. The freshwater state of the Lagoon results from the sand berm west of the weir which rebuilds within days of being breached to drain the Lagoon to the level of the weir. The Lagoon was not only closed during summers but for most of the winters as well.	10-17
(Page 3.2-5) <i>As discussed above, the lagoon is currently functioning as a freshwater system as a result of the weir at the mouth of the lagoon that restricts tidal exchange and maintains a constant surface water elevation of at least 5.6 feet. The increased freshwater influence and general impoundment since installation of the weir has led to predominantly freshwater conditions, resulting in a dominant freshwater marsh habitat (e.g., cattails) throughout the lagoon.</i>	15. Inaccurate. See previous comments. The only tidal action prior to the weir occurred when the beach berm had been breached, often by City of Oceanside maintenance, with an exceptionally high tide before the berm reestablished itself.	10-18
(Page 3.2-6) <i>Storm-related storm surges in the ocean can also provide lagoon replenishment when seawater overtops the weir and beach berm. Primary loss of water in the lagoon occurs via evapotranspiration and seepage. The hydrologic water balance and the circulation dynamics of the lagoon are dependent on the surrounding landform topography and the lagoon bathymetry,....</i>	16. False Statement. Primary loss of water occurs with periodic (bimonthly) mechanical breach of sand berm. Storm surges sufficient to erode the berm are very rare.	10-19
(Page 3.2-6) <i>Buena Vista Creek experiences seasonal flows typical of coastal slope drainages in San Diego County. Natural surface flows in Buena Vista Creek are dominated by urban and agricultural runoff during the dry season, but artesian springs provide for some surface flow even during the summer dry season (CWN 2002). Surface flow increases substantially during wet weather or flood events due to precipitation and storm water runoff from the Buena Vista Creek watershed into the creek.</i>	17. Inaccurate. "Artesian springs" are actually imported water return from irrigation and septic systems since 1920's (increased in 1950's) and is constant flow. Wet Weather is not a regular event.	10-20
(Page 3.2-7) <i>Accumulation of coarse beach sand deposits brought into the mouth of the lagoon from incoming (flood) high tidal flows has created a beach berm across the lagoon inlet on the beach side of the weir. This beach berm develops to an elevation higher than the weir and controls the water level in the lagoon, precluding tidal exchange when present. This berm also retains freshwater entering the lagoon from the watershed until the beach berm is breached by human-induced mechanical movement or natural flood flows. When the berm is breached, the weir retains freshwater and precludes tidal exchange, but the weir elevation is lower than the berm elevation when the berm is fully formed. Under strong storm events, freshwater flows from the watershed can have sufficient momentum and hydraulic force to erode the beach berm and induce tidal exchange over and/or through the existing weir until the beach berm rebuilds via natural sand accretion. Historically, the beach berm was breached</i>	18. Partially Accurate but misleading. Beach sand is brought into the lagoon channel from high tidal flow but only when beach berm is breached. Littoral sand flow across the Lagoon outlet builds up the berm as noted. Storm events are normally anticipated by maintenance crew excavating the berm to prevent flooding of Coast Highway. Historically the beach berm has been breached by this mechanical means for over a hundred years. There has been no historic "tidal exchange" although some minor saltwater intrusion does occur.	10-21

10-16

The Enhancement Project would not modify the lagoon's designation, purpose, or public use as described in Section 630. Please also see response to comment 10-6 and Master Response #2 regarding ownership constraints in the vicinity of the lagoon.

10-17

The EIR acknowledges that the beach berm restricts tidal exchange between the ocean and lagoon, and typically builds to higher elevations than the weir. Records indicate that a beach berm was also present historically, with intermittent periods with open or closed channel connecting the ocean and lagoon depending on storm events (Beller et al. 2014). Even with this intermittent channel, historical habitat patterns indicate a predominantly estuarine system of salt marsh and salt flats. Construction of the weir further limited tidal exchange and influence in the lagoon and, combined with increased freshwater input from the developing watershed, the lagoon has shifted to higher water elevations and a more freshwater marsh-dominated system over time. Please see Master Response #5 regarding the historical ecology of the lagoon system.

10-18

Please see response to comment 10-17.

10-19

Please see response to comment 10-17. Text has been clarified in Section 3.2.1 to indicate that water loss within the lagoon can also occur due to intermittent maintenance when the beach berm is periodically lowered by the City of Oceanside or during high flood events, allowing lagoon water to breach the berm.

10-20

Please see response to comment 10-17. Section 3.2 acknowledges that much of the surface flows into the lagoon are currently agricultural and urban runoff, but historical records show the presence of springs that also affect freshwater flows into the lagoon year-round (Beller et al. 2014).

10-21

Please see response to comment 10-17. Section 3.2 acknowledges that tidal exchange between the lagoon and ocean is rare.

<i>more readily by storm flows and tidal action; however, since the weir at the mouth of the lagoon was constructed, the weir precludes tidal exchange that would occur following large storm events that erode the beach berm</i>	
<i>(Page 3.3-5) Coastal Geomorphology</i> Site-specific conditions in the vicinity of Buena Vista Lagoon reflect the predominant southern transport of beach sand, and sand from Ocean side generally is distributed south over time toward Carlsbad (Everest 2014a). Other site-specific conditions relate to the separation of the lagoon from tidal exchange with the ocean by a weir. Because there is no active ocean inlet at the lagoon, a beach berm accumulates across the inlet and creates a continuous beach fronting the lagoon. This weir, as well as the existence of residences extending along the west side of the Weir Basin, protects the interior of the lagoon from intensive wave action during some storm events, although the weir is overtopped during larger storm events and high tide conditions.	19. Partially Inaccurate and misleading. Separation of the lagoon from tidal exchange with the ocean was/is due to the beach berm which existed long before the weir structures. In fact the weir was built entirely to keep some water in the lagoon when the berm was lowered to prevent flooding. BECAUSE THERE IS NO OCEAN INLET AT THE LAGOON, A BEACH BERM ACCUMULATES ACROSS THE OUTLET AND CREATES A CONTINUOUS BEACH FRONTING THE LAGOON.
<i>(Page 3.3-6) Buena Vista Lagoon is effectively separated from the ocean and coastal processes by the weir present across the inlet channel. There can be limited tidal exchange with the lagoon during high tide and/or storm conditions, but this occurs infrequently. Longshore transport of sand within a littoral cell results in a "river of sand" moving parallel to the shoreline. As this "river" crosses river and lagoon mouths that are open to tidal action, the cross-current action of an outgoing or incoming tide deflects material from its parallel movement. This leads to sand bar formation either out into deeper water (ebb bar) or into the water body itself (flood shoal). Because the inlet of Buena Vista Lagoon is not open to the ocean, sand is not entrained into the lagoon, but a sand berm in front of the weir accumulates in various times throughout the year as sand is carried along the coast in the littoral cell. This berm can develop to elevations that exceed the weir and creates an even stronger separation between the lagoon and ocean. No ebb bar currently exists in the nearshore off Buena Vista Lagoon because there is no active tidal inlet at the lagoon.</i>	20. Inaccurate assumption of cause. Sand berm accumulates because there is no inlet. Weir is not a factor. Sand berm was normal coastal process many years before any minimum lagoon water surface structure was built.
<i>(Page 3.9-1) VISUAL RESOURCES</i> Buena Vista Lagoon Study AreaThe lagoon appears initially as a typical coastal wetland of San Diego, with a western connection to the Pacific Ocean and an eastern freshwater source (Buena Vista Creek), but the ocean connection is physically curtailed by a weir....	21. Inaccurate. Beach Berm normally appears as "connection" when weir is submerged.
<i>(Page 3.9-33) Figure 3.9-10</i> Key View 1 - Simulation - Saltwater Alternative	22. Inaccurate and misrepresents Saltwater condition. Fails to illustrate elevation change and inter-tidal zone.
<i>4.5 SELECTION OF THE PREFERRED ALTERNATIVE</i> In addition to the CEQA impact analysis summarized in Section 4.2, additional evaluation was conducted to determine the degree to which each alternative meets the project objectives. This alternatives assessment incorporates metrics to quantify each alternative's ability to meet project objectives compared to the other alternatives. Metrics were identified to provide a quantitative comparison that reflects	23. Incomplete and argumentative. The superior alternative must be a viable project. Erroneous assumptions of existing conditions will result in unintended consequences when the actual existing conditions do not follow those assumptions. Environmental consequences cannot

10-22

Please see response to comment 10-17. Please see response to comment 10-15 regarding the use of the term inlet.

10-23

Please see response to comment 10-17. Records indicate that the inlet was historically open intermittently to the ocean (Beller et al. 2014), and describe coastal processes that would then lead to reclosure of the inlet as a beach berm developed. While an open inlet was not necessarily the predominant condition, these processes are therefore still relevant.

10-24

Please see response to comment 10-17. Text in Section 3.9.1 has been revised to indicate the general presence of a beach berm as well as a weir separating the ocean and lagoon.

10-25

Visual simulations were prepared using preliminary grading plans and available design elements for each alternative to simulate the future condition. Within the marsh, elevational changes would be very gradual to support a gradient of habitats. Both unvegetated and vegetated intertidal areas are shown in the simulation, as fringe areas around the open water, extending from open water to mudflat, and then low, mid, and high marsh.

10-26

SANDAG respectfully disagrees with commenter's assertion that the quoted discussion in EIR Section 4.5 is incomplete or argumentative. The conclusion in the EIR that there is no clear Enhancement Project alternative that represents an environmentally superior alternative is based upon the analyses provided in the EIR and the technical studies referenced and appended to the EIR. SANDAG also respectfully disagrees with commenter's assertion that the discussion of existing conditions in the EIR is erroneous. The commenter is referred to responses to comments 10-3 through 10-21 for responses to the specific issues raised by commenter. SANDAG agrees with commenter that an environmentally superior alternative should be potentially feasible. An EIR is required to describe a reasonable range of alternatives that includes those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the project's significant effects. The commenter has not provided any information, beyond commenter's unsupported opinion, that the alternatives carried forward for consideration in the EIR are infeasible.

When none of the alternatives carried forward for detailed consideration in an EIR is clearly environmentally superior, it is sufficient for the EIR to explain the environmental advantages and disadvantages of each alternative in comparison with the project. As described throughout Chapter 4, no Environmentally Superior Alternative exists since each alternative presents a series of tradeoffs that could be made (e.g., freshwater habitat over saltwater habitat), based on the decision makers' judgment. The environmental impacts of the proposed project and each alternative identified in the EIR are based on the analysis provided throughout the document, which utilized the appropriate baseline for existing conditions as defined by CEQA. As noted at the beginning of the Final EIR, the Saltwater Alternative has been identified as the proposed project, but the alternatives have been

equally analyzed in the EIR, which will be presented to the SANDAG Board of Directors along with public comments. The SANDAG Board of Directors will consider all material prior to certification of the EIR.

<i>the project objectives identified by SANDAG, but that comparison does not explicitly tie to the CEQA thresholds in the EIR. This comparative alternatives assessment can be found in Appendix K. The breakdown of the objectives allows for more complete analysis and consideration of each facet of the project's broad and sometimes complex goals. <u>There is no clear Enhancement Project alternative that represents an environmentally superior alternative, as described above.</u> Rather, the alternatives represent a series of tradeoffs that could be made (e.g. freshwater habitat over saltwater habitat), based on the decision-makers' judgement. Once the metrics are quantified for each alternative, the data can be used to compare the tradeoffs associated with each alternative. It is anticipated that this quantified comparison will be used by SANDAG, in conjunction with public input during the CEQA review of this Draft EIR, to identify the Preferred Alternative.</i> <i>Buena Vista Lagoon Enhancement Project Draft EIR Page 4-15</i> <i>July 2015</i>	be based on wishful thinking.

10-26
Contd.

LETTER 11
San Diego Audubon Society



August 31, 2015

Lauren Washington
 San Diego Association of Governments
 401 B Street, Suite 800
 San Diego, CA 92101

Via email: lauren.washington@sandag.org

SUBJECT: BUENA VISTA LAGOON ENHANCEMENT DRAFT EIR

Dear Ms. Washington,

San Diego Audubon Society is very interested in the subject restoration plan. We strongly support with the analysis, comments and recommendations presented by the Buena Vista Audubon Society in their comment letter of August 28, 2015 by Joan Herskowitz. BVAS has been monitoring, studying, advocating for, and protecting the Buena Vista Lagoon for decades. We urge SANDAG to take their recommendations very seriously.

11-1

Our region's coastal estuaries can have tremendous value for wildlife, water quality, recreation, scenery, education, and research. Unfortunately the Buena Vista Lagoon has lost a significant portion of its value for each because of its having been impounded as a fresh water pond instead of allowing it to return to being a natural coastal estuary. SANDAG now has an opportunity to reverse this limitation. Unfortunately the subject DEIR does not realistically assess the actual environment impacts of the alternatives of the project. As such it clearly does not satisfy the intent of the California Environmental Quality Act. It will tend to lead decision makers to a shortsighted and dysfunctional decision in favor of the Freshwater Alternative. The Freshwater Alternative will not satisfy the project objectives and its adoption would be a tragic missed opportunity.

11-2

11-3

MAINTENANCE AND DREDGING

On page ES-25 the DEIR states: "It is anticipated that, as part of the adaptive management strategy to maintain cattails yet allow effective vector control, vegetation thinning through the establishment or maintenance of channels through dense cattail areas would be conducted. It is anticipated that such thinning would occur approximately every 1 to 2 years." The DEIR also acknowledges that some dredging to remove sediments from the watershed will be required. The frequent periodic actions needed for modification for vector control, vegetation removal, sediment removal, and channel maintenance needed for the Freshwater Alternative will each have huge negative impacts on wildlife, water quality, noise, recreational value, and Greenhouse Gas discharges for as long as the impoundments continue. These are predictable unmitigable negative environmental impacts that will occur every year or two if the Freshwater Alternative is implemented and are much much less likely to be needed if the Saltwater Alternative is selected. The DEIR needs to acknowledge the repeated negative environmental impacts of vegetation management and dredging as unmitigable impacts of this project in Table ES-10 and in the discussion in Paragraph ES.8.1. Doing so will make it clear that the Saltwater Alternative is the Environmentally Superior Alternative.

11-4

11-1

The comment provides introductory statements and no further response is required.

11-2

Please see Master Response #5 regarding the historical ecology of the lagoon system. Historical conditions within Buena Vista Lagoon are discussed in the EIR as appropriate. According to Public Resources Code Section 21002.1, the purpose of an EIR is to "identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant impacts can be mitigated or avoided." CEQA Guidelines go on to state that an EIR shall evaluate alternatives which "would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant impacts of the project," as compared to existing conditions when the project NOP is prepared (CEQA Sections 15125 and 15126.6). If a project results in unavoidable potentially significant impacts, prior to approving the project, the lead agency must find that specific economic, social, legal, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR and adopt a statement that it is approving the project despite its environmental harm because of the project's overriding benefits (Public Resources Code Section 21081, California Code of Regulations, Title 14, Section 15043.)

The NOP for the Enhancement Project was published on April 25, 2013; therefore, existing conditions are defined as those that generally existed in the lagoon at that time, rather than at previous points in history. Chapter 4 of the EIR compares the impacts of each alternative, as well as each alternative's abilities to meet the project goals and objectives. Appendix K provides an additional, quantified comparison of each alternative's ability to meet each project objective. All comments will be included in the project record and will be considered by the SANDAG Board of Directors, as part of the Final EIR, prior to taking action on the project.

11-3

See response to comment 11-2 and Master Response #1. SANDAG respectfully disagrees with commenter's assertion that the Freshwater Alternative fails to satisfy the objectives of the project. It is acknowledged in the EIR that the Freshwater Alternative does not fully achieve three of the eight project objectives to the same degree as other alternatives; however, the Freshwater Alternative does achieve most of the project objectives. Please refer to EIR Sections 1.2 and 4.4 for further discussion of the project objectives and the Freshwater Alternative, respectively.

11-4

The anticipated impacts of maintenance activities under the Freshwater Alternative are included in analysis of permanent impacts for the applicable issue areas. Wildlife impacts can be found in Section 3.5.3, water quality impacts in Section 3.4.3, noise impacts in Section 3.13.3, recreation impacts in Section 3.1.3, and greenhouse gas (GHG) emission impacts in Section 3.12.3. The analysis in the EIR did not find long-term impacts associated with these topic areas to be significant for the Freshwater Alternative. While SANDAG acknowledges the commenter's point that future maintenance has some impacts associated with those activities, the severity of those impacts was not identified as

FISHERY VALUE

Similarly, the DEIR mentions that the Saltwater Alternative will allow the lagoon to return to its historic role as a nursery for ocean fish and that the Freshwater Alternative will not. If the Freshwater Alternative is selected, that loss will be a predictable unmitigable negative impact of the project. But again the DEIR does not list it as such. If it did this parameter would also help make it clear that the Saltwater Alternative is the Environmentally Superior Alternative.

11-5

IMPAIRED WATER BODY

On page 45, in Table ES-10, the DEIR mentions that Buena Vista Lagoon is on the 303(d) list as an impaired water body for sedimentation/siltation. If the Saltwater Alternative is selected, it is very likely that the excess sediments will flow through the lagoon and will nourish nearby beaches without the need for expensive monitoring and expensive and environmentally damaging dredging. This is a significant positive environmental benefit of the Saltwater Alternative and negative environmental impact of the Freshwater Alternative but it is not listed as such in table E-10 or in the discussion of alternatives in Paragraph ES.8.1.

11-6

TRANSITION HABITATS

We urge that the Saltwater Alternative be modified to provide a modest but functional transition from riparian to freshwater to brackish to saltmarsh habitat at each freshwater tributary to the restored saltwater lagoon. Doing so is very likely to provide habitat for a broader range of species, high water refuge for many species, and improved water quality in the restored saltwater lagoon. The transition zones could also be designed to trap sediments, trash, and nutrients that, if adequately maintained, could substantially reduce the long term costs of maintaining the restored saltwater lagoon.

11-7

CONCLUSION

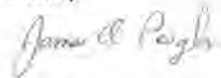
This DEIR, as written clearly does not provide a realistic analysis of the actual potential environmental impacts of this projects as is required by the California Environmental Quality Act. If this deficiency causes decision makers to make an erroneous decision, our region will continue to lose a potentially valuable coastal lagoon and its immense wildlife support value. And local governments will have to continuously fight the health and flood risks resulting from the Freshwater Alternative. We urge SANDAG revise this DEIR to provide a realistic analysis of the positive and negative potential environmental impacts of the various alternatives for this project. If that is done, the environmental advantage of the Saltwater Alternative will be clear to the public and to decision makers and the purpose of CEQA will be achieved.

11-8

Please keep us informed on future decisions, documents, deadlines, milestones, and hearings on this issue. In case of questions or follow-up, please contact the undersigned at peugh@cox.net or 619-224-4591.

11-9

Sincerely,



James A. Peugh
Conservation Committee Chair
San Diego Audubon Society

significant. Table ES-10 and the general discussion of impacts in the Executive Summary consolidate these more extensive discussions. The SANDAG Board of Directors will consider the environmental impacts of each alternative, as well as the ability of each alternative to meet the project objectives, before taking action on the project.

11-5

As discussed in Chapter 1 of the EIR, Buena Vista Lagoon has been progressively degrading in terms of benefits and value to biological communities, habitats, and human uses; without enhancement, the lagoon is expected to become a vegetated freshwater marsh or riparian woodland-meadow between 2030 and 2050. The commenter is referred to Section 3.1.3 of the EIR, which evaluates project consistency with the City of Oceanside General Plan and Local Coastal Program and the City of Carlsbad General Plan and Local Coastal Program. The commenter is also referred to EIR Section 3.5.3, which evaluates project impacts to fish species and aquatic communities. The EIR concludes that the Freshwater Alternative would not result in potentially significant impacts to fish species and that impacts to open water, coastal, and valley freshwater marsh are potentially significant and unavoidable. The commenter is also referred to Section 3.3.3, which discusses impacts to coastal processes and concludes that the Freshwater Alternative would not result in significant impacts to coastal processes.

11-6

Section 3.4 of the EIR, Water and Aquatic Sediment Quality, acknowledges that the Freshwater Alternative would provide some water quality improvement over existing conditions, while the Saltwater and Hybrid Alternatives would result in greater water quality improvements. Section 3.4. 3 specifically states that the Saltwater Alternative would result in a beneficial impact to water quality. However, the Freshwater Alternative would not worsen existing 303(d) listed impairments, and therefore would result in no impact. Per CEQA Section 15125, the generally existing environmental setting serves as the baseline and constitutes the physical conditions by which the EIR measures whether an impact is significant. Thus, because the existing water quality conditions would not be worsened by the Freshwater Alternative, it is not a significant impact attributable to the project. Please see response to comment 11-2 regarding CEQA's requirements for environmental analysis in an EIR.

Table ES-10 summarizes the independent impacts of each alternative. Chapter 4, Comparison of Alternatives, provides more detailed information regarding the project objectives that are attained by each of the alternatives as well as compared to each other.

11-7

Additional detail regarding gradients and habitat boundaries will be developed as design and engineering progresses.

11-8

The comment provides general statements summarizing earlier comments. Please see responses to comments 11-2 through 11-6. The EIR provides adequate analysis of project impacts as required by CEQA.

11-9

The comment provides final statements and no response is required.

SheppardMullin

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September 14, 2015

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OSRE-220179

VIA E-MAIL AND U.S. MAIL

Ms. Lauren Washington
 Environmental Planner
 SANDAG
 401 B Street, Suite 800
 San Diego, California 92101
 E-Mail: lauren.washington@sandag.org

Re: Buena Vista Lagoon Enhancement Project EIR (SCH #2013041079)

Dear Ms. Washington:

On behalf of our client, St. Malo Homeowners' Association and its residents (collectively, "St. Malo"), we appreciate this opportunity to comment on the Draft Environmental Impact Report ("EIR") for the Buena Vista Lagoon Enhancement Project ("Enhancement Project"), which contains three alternatives. Specifically, we appreciate the opportunity to express our concerns regarding the Saltwater Alternative and Hybrid Alternative, as well as our preference for the Freshwater Alternative. The St. Malo community is a private single-family residential development on the northwest portion of the Buena Vista Lagoon ("Lagoon"). By reference herein, this letter incorporates other comments made in favor of the Freshwater Alternative.

The Lagoon encompasses approximately 220 acres and is located at the boundary between the City of Carlsbad ("Carlsbad") and the City of Oceanside ("Oceanside") in northern San Diego County. In 1940, a series of 5 large pipes were installed across the inlet from the Pacific Ocean ("Inlet") to control the water level of the Lagoon. In 1971 the weir, as it exists today, was installed. The Lagoon has been designated by the California Department of Fish and Wildlife ("CDFW") as a State Ecological Reserve and is managed for the protection of rare, threatened, or endangered native plants, wildlife, aquatic organisms and specialized terrestrial or aquatic habitat types in compliance with Title 14 section 630(a) of the California Code of Regulations. The Lagoon is bisected by Interstate 5 ("I-5"), Carlsbad Boulevard, and the Los Angeles-San Diego-San Luis Obispo ("LOSSAN") railroad tracks (collectively, "Transportation Corridors"). These crossings create four basins in the Lagoon: the I-5 Basin, Coast Highway Basin, Railroad Basin and Weir Basin (collectively, "Basins").

A number of entities, individuals and agencies own portions of the Lagoon, including the State of California and CDFW, which owns a majority of the Lagoon. Portions of the Weir Basin are owned and maintained by St. Malo. The Carlsbad Beach Owners Homeowners' Association

12-1

LETTER 12
St. Malo Homeowners Association

12-1

The comment provides introductory statements and summarizes the EIR's discussion of the description of Buena Vista Lagoon and the alternatives analyzed in the EIR. No further response is required.

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owns the property to the south of the current Inlet, as well as portions of the Weir Basin. The weir itself, as well as the Inlet, is owned by private individuals.

The Lagoon is surrounded by urban development and traversed by the Transportation Corridors, all of which have contributed to a continual degradation of the Lagoon over time. The Enhancement Project intends to improve the Lagoon's ecological and recreational values. (EIR, pg. ES-1.) It is our contention, out of the three alternatives studied in the EIR, the Freshwater Alternative will achieve both these objectives and is the environmentally superior alternative.

I. Alternatives

The Enhancement Project involves several design elements common to all three alternatives analyzed in the EIR. Those common components include an elevated pedestrian boardwalk ("Boardwalk"), a proposed I-5 bridge replacement to be implemented by the California Department of Transportation ("Caltrans"), and North County Transit District ("NCTD") LOSSAN Improvements to be implemented by SANDAG regardless of the Enhancement Project alternative, which would replace bridge structures over the Lagoon.

A. *Freshwater Alternative*

Under the Freshwater Alternative, the Lagoon would remain a freshwater system influenced primarily by freshwater entering the Lagoon from the upstream watershed in the eastern portion of the system along the eastern boundary of the Lagoon. Habitats supported under this alternative would remain primarily freshwater marsh and open freshwater habitat, and would be similar to those supported under existing conditions. The three existing islands of coastal salt marsh located in the I-5 Basin would be preserved, along with the deep open water area located downstream, which acts as a sediment trap for fluvial runoff.

Enhancement activities would focus on removal of vegetation encroaching into deep open water areas and decreasing vegetation density. Dredging would be used to minimize the potential for vegetation to expand back into deep open water areas and to remove nutrient-rich sediments from the Lagoon. In total, the Freshwater Alternative would remove 129,000 cubic yards ("cy") of vegetation and 562,000 cy of sediment from the Lagoon. (EIR, pg. ES-32.) The vegetation would be hauled off-site for disposal in a landfill. Depending on the characteristics of the dredged material, it would be used beneficially as a source of beach material or disposed of on-site or off-site onshore or nearshore.

Because much of the existing freshwater marsh would be left in place, the Freshwater Alternative would maintain the habitat of rare, threatened and endangered species that call the Lagoon home, including the light-footed Ridgway rail and Clark's marsh wren. Vegetation removal would occur adjacent to the Transportation Corridors to minimize the risk of special-status species moving onto the roadways and railways, thereby reducing the likelihood of injury or death to these species. Vegetation would also be removed from central portions of the Basins to enhance circulation and allow better access for vector control efforts.

12-2

The comment states the opinion that the Freshwater Alternative is the environmentally superior alternative. Please see Master Response #1.

12-3

The comment summarizes the EIR's discussion of each alternative carried forward for detailed consideration in the EIR. No further response is required.

12-1
Contd.

12-2

12-3

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This alternative would create deeper freshwater areas, providing deep water refugia for enhanced fish habitat. This would benefit existing fish populations, including bass, and contribute to maintaining and increasing the quality of recreational fishing opportunities.

Under the Freshwater Alternative, the existing 50-foot weir would be replaced with an 80-foot weir intended to improve flood performance. The new weir structure would be constructed in the same location and have the same elevation as the existing weir.

This alternative does not require channel expansion. While Caltrans intends to replace the I-5 Bridge spanning the channel, the channel will remain at its existing dimensions. Additionally, because the Carlsbad Boulevard Bridge would remain in place under this alternative, no additional expansion of the underlying channel would be required.

Sediment-related maintenance is anticipated to be required approximately every 25 years; therefore, the EIR does not anticipate sediment removal as part of this alternative. Periodic thinning of the vegetation would occur every 1 to 2 years under the Freshwater Alternative.

B. Saltwater Alternative

Under the Saltwater Alternative, the hydrologic regime of the Lagoon would convert from the existing freshwater system to a saltwater system influenced primarily by saltwater entering the Lagoon from the newly-opened tidal Inlet during flood tides. Due to the conversion from freshwater to saltwater, the range of habitats would be substantially modified. Existing freshwater marsh and open freshwater areas would be replaced with salt marsh and open saltwater areas. The saline content of the water under this alternative would exceed the upper tolerance range of most of the existing plant and wildlife species, including largemouth bass and bluegill. (EIR, pg. 2-21.) This alternative may provide habitat for species that do not use the Lagoon currently. Planting would need to be conducted to supplement the natural process-driven recruitment of plant species.

In total, the Saltwater Alternative would remove 211,000 cy of vegetation and 781,000 cy of sediment from the Lagoon. (EIR, pg. ES-32.) The vegetation would be hauled off-site for disposal in a landfill. Depending on the characteristics of the dredged material, it would be used beneficially as a source of beach material or disposed of on-site or off-site onshore or nearshore.

The existing 50-foot weir would be removed and the Inlet would be expanded to create a 100-foot open tidal inlet to provide tidal exchange. The Inlet would be confined on the northern side by the existing stone revetment running along the St. Malo development, which may require additional improvements. On the southern side, the Inlet would be confined by the construction of a stabilized channel, which will likely be constructed of stone.

Under this alternative, the channel under the I-5 Bridge would be expanded from 36 feet to 160 feet, which would require Caltrans to construct a larger bridge as part of the LOSSAN

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improvement project. This expansion would result in the need for slope protection to prevent scour of the bridge abutments and embankments.

To accommodate the increase in hydraulic connectivity between the Coast Highway and Railroad Basins, the Saltwater Alternative proposes replacement of the Carlsbad Boulevard Bridge. The roadway elevation of the bridge would be raised to 14 feet National Geodetic Vertical Datum ("NGVD") from the existing 9.6 NGVD elevation. This replacement will require reconstruction of bridge approaches extending approximately 300 feet north and south of the proposed structure. It would also require the installation of pilings in the underlying channel to support the spans. The channel under Carlsbad Boulevard Bridge would be expanded to 110 feet. This expansion is anticipated to require stone revetment extending up to 300 feet from the channel to the north and south on both the eastern and western sides of the embankment. It may also require slope protection to prevent scour.

Periodic maintenance of the Saltwater Alternative would involve sediment removal of up to 27,000 cy every 12 to 20 months.

C. Hybrid Alternative

Under the Hybrid Alternative, the hydrologic regime of the Lagoon would change from the existing freshwater system to a hybrid system influenced by both saltwater and freshwater, with a saltwater system created west of the I-5 and a freshwater system maintained east of the I-5. The western hydrologic system would be influenced primarily by saltwater entering the Lagoon from an open tidal inlet during flood tides. The eastern hydrologic system would be controlled primarily by freshwater entering the system from the upstream watershed along the eastern boundary of the Lagoon. Under this alternative, the range of habitats within the Lagoon would be substantially modified, with the existing freshwater marsh, open water areas and fringing habitats remaining east of the I-5, and the existing freshwater marsh and open water areas replaced with coastal salt marsh and open saltwater areas west of the I-5. This mix of habitats may provide habitat for some species currently occupying the Lagoon, while also potentially providing habitat for species that do not use the Lagoon currently. Planting would need to be conducted to supplement the natural process-drive recruitment of plant species.

There are two options under the Hybrid Alternative. Under Option A, a channel would be constructed to connect the tidal inlet from the ocean through the Weir Basin and into the Railroad Basin. Option B would achieve tidal exchange in the same manner as the Saltwater Alternative with an open tidal inlet connecting the Weir Basin to the ocean. Both Option A and Option B will result in the same consequences, and, unless specified, any reference to "Hybrid" will mean both options.

In total, the Hybrid Alternative would remove 148,000 cy of vegetation and 833,000 cy of sediment from the Lagoon. (EIR, pg. ES-32.) The vegetation would be hauled off-site for disposal in a landfill. Depending on the characteristics of the dredged material, it would be used beneficially as a source of beach material or disposed of on-site or off-site onshore or nearshore.

12-3
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The existing 50-foot weir would be removed and the Inlet would be expanded to create a 100-foot open tidal inlet to provide tidal exchange. The Inlet would be confined on the northern side by the existing stone revetment running along the St. Malo development, which may require additional improvements. On the southern side, the Inlet would be confined by the construction of a stabilized channel, which would likely be constructed of stone.

Under this alternative the channel under the I-5 Bridge would not be expanded. However, a new weir would be installed under the I-5 Bridge channel to maintain a freshwater hydrologic system east of the weir. The new weir would have the same invert elevation as the existing weir in the Weir Basin and the same top width at the existing channel under the I-5 Bridge.

Under both Options A and B, the Hybrid Alternative proposes replacement of the Carlsbad Boulevard Bridge. The roadway elevation of the bridge would be raised to 14 feet NGVD from the existing 9.6 NGVD elevation. This replacement will require reconstruction of bridge approaches extending approximately 300 feet north and south of the proposed structure. It would also require the installation of pilings in the underlying channel to support the spans. The channel extending under Carlsbad Boulevard Bridge would be expended to 110 feet. This expansion is anticipated to require stone revetment extending up to 300 feet from the channel to the north and south on both the eastern and western sides of the embankment. It may also require slope protection to prevent scour.

In the western saltwater system, periodic maintenance of the Hybrid Alternative would involve sediment removal of up to 27,000 cy every 12 to 20 months. In the eastern freshwater system, periodic thinning of the vegetation would occur every 1 to 2 years.

II. The Freshwater Alternative is the Environmentally Superior Alternative

The EIR identifies the Freshwater Alternative as the environmentally superior alternative, as defined by CEQA Guidelines section 15126.6(e)(2). (EIR, pg. ES-53.) The Freshwater Alternative would result in the least significant environmental impacts. (EIR, pg. 4-14.) Specifically, the Freshwater Alternative would not result in the significant and unavoidable public health and safety impacts that would result from the newly opened tidal Inlet associated with the Saltwater and Hybrid Alternatives. (EIR, pg. ES-53.) Also related to the creation of the tidal inlet, the Freshwater Alternative would not result in significant and unavoidable visual impacts resulting from the pedestrian bridge necessitated by the Saltwater and Hybrid Alternatives as a mitigation measure. (EIR, pg. ES-54.) Additionally, significant traffic and circulation impacts resulting from the replacement of the Carlsbad Boulevard Bridge would not occur under the Freshwater Alternative. (EIR, pg. ES-54.)

Because of reduced dredging activity, reduced levels of disposal material, reduced construction time, reduced traffic, reduced sediment maintenance and the least amount of disturbance to the Lagoon relative to the other alternatives, many of the impacts that would result from the Freshwater Alternative would occur to a lesser degree and extent than those resulting from the Saltwater and Hybrid Alternatives. (EIR, pg. 4-14, 2-72, 2-53.) As demonstrated above, the Freshwater Alternative would require the least amount of sediment to

12-4

The commenter misstates the EIR's conclusions regarding which of the alternatives is the Environmentally Superior Alternative. As described on page 53 of the Executive Summary, the Freshwater Alternative would result in lesser impacts than the Saltwater and Hybrid Alternatives, but would not have the same level of benefits or achieve as many environmental objectives of the project as the Saltwater and Hybrid Alternatives. Chapter 4 of the Final EIR has been revised to clarify the discussion of the environmentally superior alternative and selection of the proposed project. As detailed in the Final EIR (Section 4.4), based solely on a comparison of significant adverse impacts, the Freshwater Alternative may be considered the "environmentally superior alternative" under CEQA. However, because the project is an environmental enhancement project, a comparison of the environmental benefits resulting from the alternatives is an important consideration. The benefits resulting from the Freshwater Alternative would be less than for the other enhancement alternatives, such as reduced improvements to lagoon hydrologic function and drainage patterns, and fewer enhanced habitat and biological benefits. There are environmental trade-offs between the alternatives that extend beyond just the direct comparison of significant environmental impacts and include, but are not limited to, the attainment of the maximum amount of objectives of the project. The Freshwater Alternative does not fully achieve the following objectives relating to environmental benefits to the same extent as the other action alternatives: (1) create conditions that curtail the growth and expansion of cattails, bulrushes, and invasive species; (2) protect, improve, and maintain water quality (e.g., reduce eutrophication) to meet water quality standards and address the 303(d) listed water quality impairments; and (3) reduce vector concerns (e.g., potential for mosquito-borne disease) by minimizing potential mosquito breeding habitat. Please also see Master Response #1. The remainder of the comment summarizes the analysis in the EIR and no further response is required.

12-3
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12-4

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be dredged from the Lagoon – 562,000 cy versus 781,000 cy (Saltwater Alternative) and 833,000 cy (Hybrid Alternative). (EIR, pg. ES-32.)

Additionally, the infrastructure associated with the Freshwater Alternative will take substantially less time to complete than the Saltwater and Hybrid Alternatives. In all alternatives, the Boardwalk would take 6 to 9 months to construct. (EIR, pg. 2-70.) Under the Freshwater Alternative, construction of the new weir would require 1 to 2 months. (EIR, pg. 2-71.) Under the Saltwater and Hybrid Alternatives, the replacement of the Carlsbad Boulevard Bridge is anticipated to require approximately 6 to 9 months and expansion of the tidal Inlet would require 3 to 5 months. (EIR, pg. 2-73 - 2-75.) Under the Hybrid Alternative, construction of the weir at the I-5 would require 2 to 3 months. Thus, the infrastructure related to the Freshwater Alternative would require 7 to 11 months to complete; whereas, the infrastructure related to the Saltwater Alternative would take 15 to 23 months and the infrastructure related to the Hybrid Alternative would take 17 to 26 months to complete. Additionally, the Freshwater Alternative would not require sediment maintenance, whereas the Saltwater and Hybrid Alternatives would.

A. Land Use/Recreation

The Freshwater Alternative offers many more long-term benefits and less environmental impacts than the Saltwater and Hybrid Alternatives. First, the Freshwater Alternative would increase open water habitat by 28 acres, create 4.5 acres of deep water and provide spawning and rearing habitat. These effects have long-term beneficial effects on fish resources in the Lagoon and contribute to maintaining and increasing the quality of recreational fishing opportunities. (EIR, pg. 3.1-13, 3.1-14.) Under the Saltwater Alternative, open water habitat would be decreased by 56 acres. (EIR, pg. 3.1-21.) And, under the Hybrid Alternative, open water habitat would be decreased by 40 acres. (EIR, pg. 3.1-28.) Both the Saltwater and Hybrid Alternatives would also kill current fish species in the Lagoon. The EIR recognizes that there will be at least a 2 year period in which it would take saltwater species to inhabit the Lagoon. (EIR, pg. 3.1-29.) However, the assumption that saltwater species will inhabit the Lagoon is speculative at best, as demonstrated below. Therefore, both the Saltwater and Hybrid Alternatives would result in significant impacts to recreational opportunities.

Second, under the Saltwater and Hybrid Alternatives, Inlet expansion would result in impacts not present under the Freshwater Alternative. For instance, it would restrict north-south access along the beach during and after construction. Therefore, without mitigation, users would be required to use a 1-mile detour to cross the Inlet. Additionally, without mitigation, the Saltwater and Hybrid Alternatives would create inconsistencies with Oceanside and Carlsbad land use plans. (EIR, pg. 3.1-19.) It would also violate the California Coastal Act, Chapter 3, Article 2, sections 30210 through 30214, which addresses public access to coastal areas, including access to recreational areas and which requires development not interfere with public access. Moreover, crossing the Inlet channel, which would appeal to many beachgoers, would be potentially dangerous for beachgoers 37% of the time. (EIR, pg. 3.1-18.) Therefore, public access would be impacted due to potential unsafe crossing conditions of open Inlet channel.

12-5

This comment summarizes information from the EIR and expresses concern about the likelihood of saltwater species utilizing the lagoon under the Saltwater and Hybrid Alternatives. As discussed in Sections 3.1 and 3.5, it is anticipated that establishment of saltwater fish populations in the lagoon would take up to 2 years and that recreational fishing would be feasible in the future with saltwater species. SANDAG respectfully disagrees with the commenter that this conclusion is speculative. It is not speculative, but is based on documented results of similar enhancement projects. For example: “Following the mouth opening in December 1996, overall fish density at Batiquitos Lagoon showed rapid recruitment and remained steady over the 10-year monitoring period (Merkel 2009). The comment does not specifically offer any evidence to support the claim that these species are unlikely to inhabit the lagoon; therefore, no further response can be provided.

12-4
Contd.

12-6

The comment relies on the Land Use/Recreation impact analysis in the EIR and states that the Saltwater and Hybrid Alternatives would result in impacts not present under the Freshwater Alternative and would result in inconsistencies with Local Coastal Programs absent mitigation. The commenter is restating the analysis and conclusions of the EIR. The commenter also asserts that the Saltwater and Hybrid Alternatives violate the public access requirements of the Coastal Act. SANDAG respectfully disagrees with commenter’s legal conclusion. Mitigation Measure Land Use-1 was developed in consultation with the California Coastal Commission to ensure continued safe public access across the proposed inlet.

The EIR conservatively concludes that the inlet proposed under the Saltwater and Hybrid Alternatives would result in a significant and unmitigable impact related to public health and safety. While there is always inherent risk involved in conditions involving water and public access, the EIR finds that the proposed mitigation of providing a safe pedestrian crossing does not fully mitigate the safety impact and a significant and unavoidable impact would remain. There are similar inlet conditions associated with other lagoons along the coast and this new inlet would not create an unprecedented or uncommon feature on the coastline.

The comment states that construction of a pedestrian bridge as Mitigation Measure Land Use-1 would create additional safety hazards, but does not specify what those safety hazards may be; thus, a specific response cannot be provided. The bridge would be designed in a manner to promote safety, including railings of appropriate height to discourage unsafe behaviors.

12-5

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12-7

Section 3.1 states that the bridge height would be 15 feet. Table 3.2-1 shows that, under the Saltwater or Hybrid Alternative, improved hydrology within the lagoon would result in reduced water elevations during storm events. In the westernmost portion of the lagoon (referred to in the document as the Weir Basin), maximum water elevations during a 100-year storm event would not exceed 7 feet. The bridge would be designed in compliance with applicable regulatory requirements, as would the other bridges in the lagoon, and this compliance would require resilience against storm surges.

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The proposed mitigation, Mitigation Measure Land Use – 1, construction of an inlet pedestrian bridge, would create additional safety hazards and would not guarantee that beachgoers would forgo forging the Inlet in order to get to the other side of the beach. There is also no evidence that the bridge's height takes into account storm surges or will be constructed to survive such. In addition to health and safety issues, this mitigation measure includes visual impacts. Moreover, Mitigation Measure Land Use – 1 would require the government to acquire property rights via right-of-ways, easements, etc. There is no guarantee these rights will be granted, potentially making this mitigation measure legally infeasible.

B. Hydrology

Hydrology impacts as a result of the implementation of either the Saltwater Alternative or the Hybrid Alternative would be greater than those incurred under the Freshwater Alternative. The Saltwater and Hybrid Alternatives would require more vegetation removal and sediment removal, periodic maintenance to require sediment from the Inlet and Lagoon basin, and construction of the pedestrian bridge and new Carlsbad Boulevard Bridge, thereby creating additional hydrologic impacts. (EIR, pg. 3.2-21, 3.1-26.) Additionally under the Saltwater and Hybrid Alternatives, flow volumes and velocities through the Lagoon would be expected to increase due to the open tidal Inlet, creating the potential for erosion and channel scour. (EIR, pg. 3.2-25.) Additionally, these alternatives would require the longshore transport of sand, which could become trapped behind coastal structures and inlets, potentially creating sand bar formation (flood shoal) in the Lagoon that could ultimately close the mouth. (EIR, pg. 3.2-25.) Frequent maintenance would be required to prevent such occurrence, thereby creating additional hydrologic impacts.

C. Water and Aquatic Sediment Quality

Construction activities associated with vegetation removal, lagoon dredging, weir replacement, boardwalk and potential bridge construction, perimeter and access road grading, and equipment staging have the potential to impact Lagoon water quality through the release of pollutants such as sediment and adhered pollutants, soil stabilization residues, oil and grease and trash and debris. (EIR, pg. 3.4-16.) As noted above, the Freshwater Alternative would involve the least amount of construction and related activities, thereby resulting in the lower amount of impacts related to temporary water and aquatic sediment quality. Additionally, the closed weir, which would be eliminated under the Saltwater and Hybrid Alternatives, would limit adverse construction impacts to the Lagoon and prevent adverse impacts associated with inadvertent discharges of sediments and vegetative material to the Pacific Ocean. (EIR, pg. 3.4-17.)

The Saltwater and Hybrid Alternatives include construction activities associated with the proposed dredging improvements that include the potential to impact water quality through the release of pollutants in resident sediment, as well as other potential construction-related pollutants. (EIR, pg. 3.4-24, 3.4-31.) The construction of impervious areas associated with these alternatives would need to be carefully constructed in order not to risk an increase in pollutants reaching waters of lagoon. Thus, the Freshwater Alternative is the environmentally superior alternative for the prevention of reduced water and aquatic sediment quality.

12-6
Contd.

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SANDAG agrees that implementation of the bridge identified in Mitigation Measure Land Use-1 would result in significant, unmitigable visual impacts, as identified in Section 3.9. This impact, along with others identified in the EIR, will be considered by SANDAG prior to taking action on the project.

12-9

Please see Master Response #2. The commenter is also referred to responses to comments 12-54 and 12-55.

12-10

The comment appears to selectively quote from the analysis in the EIR. As summarized in Table ES-10, there were no significant impacts to hydrology identified under the Freshwater, Saltwater, or Hybrid Alternative. The items discussed in the comment were not found to result in significant hydraulic impacts. The commenter is referred to Chapter 4 of the EIR, which provides a comparison of the hydrologic outcomes under the individual alternatives. The commenter provides no substantial evidence of a hydrological impact as a result of the implementation of the Saltwater Alternative or the Hybrid Alternative beyond that already addressed in the EIR.

12-11

The comment appears to selectively quote from the analysis of project water and aquatic sediment quality impacts in the EIR. Under each of the alternatives, compliance with permit regulations would require preparation of a Storm Water Pollution Prevention Plan, which would protect water quality, minimize erosion, prevent pollutant discharge, and avoid sediment transport during construction activities, as identified in Sections 3.2 and 3.4 of the EIR. Construction of the new Carlsbad Boulevard bridge under the Saltwater and Hybrid Alternatives would not result in additional impervious surface beyond what currently exists as part of the existing bridge since the replacement bridge would be raised, not expanded or widened.

The EIR recognizes that the Freshwater Alternative results in the fewest significant impacts under CEQA and, based solely on a comparison of significant adverse impacts, the Freshwater Alternative may be considered the “environmentally superior alternative” under CEQA. However, because the project is an environmental enhancement project, a comparison of the environmental benefits resulting from the alternatives is an important consideration. The benefits resulting from the Freshwater Alternative would be less than for the other enhancement alternatives, such as reduced improvements to lagoon hydrologic function and drainage patterns, and fewer enhanced habitat and biological benefits. Also see response to comment 12-4. The commenter provides no substantial evidence of water quality impacts beyond those already disclosed and addressed in the EIR.

12-12

The comment summarizes information presented in the EIR and does not question the adequacy of this information. No further response is required.

12-13

The commenter quotes the EIR’s conclusions relating to impacts to species occurring in Buena Vista Lagoon under the Saltwater and Hybrid Alternatives. These conclusions are again summarized here.

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D. Biology

The Lagoon has been identified as a Biological Core and Linkage Area ("BCLA") under the Multiple Habitat Conservation Plan, and it is completely surrounded by development. Therefore, instead of functioning as a regional corridor, the Lagoon is a large natural open space and is important because it currently provides habitat for core populations of sensitive wildlife and plant species. This BCLA functions as a large contiguous area of habitat that supports major and critical species populations of species discussed in the EIR, and is considered an area of high habitat value. (EIR, pg. 3.5-23.) All habitats within the Biological Study Area ("BSA") are considered sensitive. (EIR, pg. 3.5-23.) The Freshwater Alternative would protect this sensitive area better than the other two alternatives.

The Freshwater Alternative would result in fewer direct temporary impacts to the project area (71%) than the Saltwater and Hybrid Alternatives (75%). (EIR, Table 3.5-3, 3.5-7.) Additionally, the Freshwater Alternative would increase open water habitat by 28 acres, create 4.5 acres of deep water and provide spawning and rearing habitat. These effects would have long-term beneficial effects on wildlife resources in and around the Lagoon and would contribute to maintaining and increasing the quality of existing habitat. (EIR, pg. 3.1-13, 3.1-14.) Under the Saltwater Alternative, open water habitat would be decreased by 56 acres. (EIR, pg. 3.1-21.) Under the Hybrid Alternative, open water habitat would be decreased by 40 acres. (EIR, pg. 3.1-28.) Both the Saltwater and Hybrid Alternatives would result in habitat conversion, as discussed in more detail below, that would kill the current species in the Lagoon.¹ (EIR, pg. 3.5-62.) The EIR recognizes that there will be at least a 2 year period in which it would take saltwater species to inhabit the Lagoon. (EIR, pg. 3.1-29.) However, the assumption that saltwater species will inhabit the Lagoon is speculative at best. For example, there is no evidence that Lagoon's soil will support saltwater vegetation or provide suitable habitats for wildlife species. The EIR also assumes the Saltwater and Hybrid Alternatives would create a more diverse wetland community but does not provide substantial evidence supporting this conclusion. (EIR, pg. 3.5-64.)

The Freshwater Alternative will cause fewer direct temporary impacts to special status wildlife species currently in the Lagoon (1 of 6 of these species) than the Saltwater Alternative (5 of 6 of these species) or the Hybrid Alternative (4 of 6 of these species). (EIR, Table 3.5-5, 3.5-9, 3.5-13.) The Freshwater Alternative would provide more acreage of suitable habitat for California least tern, Belding's savannah sparrow and coastal California gnatcatcher post-implementation when compared to the Saltwater Alternative. (EIR, Table 3.5-6, 3.5-10.) The Freshwater Alternative would also provide more acreage of suitable habitat for California least tern and coastal California gnatcatcher post-implementation when compared to the Hybrid Alternative. (EIR, Table 3.5-6, 3.5-14.)

The Saltwater and Hybrid Alternatives would convert the Lagoon from a freshwater system to a saltwater system, either in whole or in part. The conversion would substantially and irreversibly modify existing Lagoon habitats. Due to higher salinity levels, 10 of the 12 species

¹ The Hybrid Alternative would result in salinity levels toxic to currently existing species in 3 out of the 4 basins. (EIR, pg. 3.5-88.)

In particular, Section 3.5.3 of the EIR identified that freshwater species would not survive the conversion to saltwater and would no longer populate the lagoon if converted. Implementation of the Saltwater Alternative would extirpate nonnative freshwater fish species while promoting native saltwater fish species to enter and utilize Buena Vista Lagoon during various life history stages. The two native fish species currently found in the lagoon, California killifish (*Fundulus parvipinnis*) and striped mullet (*Mugil cephalus*), are euryhalic and can be found in a variety of marine, estuarine, and freshwater habitats (Moyle 2002). These species could continue to populate a saltwater lagoon system.

12-14

SANDAG does not agree that the assumption of successful conversation to a saltwater system is speculative. The commenter is referred to response to comment 12-5. The habitat distribution has been specifically planned with consideration of the biological elements and conditions required for successful establishment of each habitat type, including soil suitability. Evidence of successful saltwater fish species repopulating a restored saltwater lagoon was provided in the EIR through reference of the 10-year study of Batiquitos Lagoon, which was also restored to a tidal lagoon through creation of a new inlet. Additional successful restoration/enhancement projects in the region include the San Dieguito Wetlands Restoration Project, the Tijuana Estuary Tidal Restoration Program, the Sweetwater Marsh Restoration, and others. Project design has incorporated biological, hydrological, and other factors to best ensure successful enhancement of a saltwater lagoon ecosystem if the Saltwater or Hybrid Alternative were selected.

12-15

The commenter is incorrect that there is no support for the conclusion in the EIR that the Saltwater and Hybrid Alternatives would create a more diverse wetland community than the Freshwater Alternative. In particular, as shown and described throughout the EIR, such as in Table ES-1, the habitat distribution developed for the Saltwater and Hybrid Alternatives has incorporated a variety of appropriate coastal wetland habitats. As detailed, either alternative would create a substantial number of acres of southern coastal salt marsh habitats (high, low, and mid) where this type of wetland habitat does not currently exist in the lagoon. These wetland communities would generally replace areas of open water, freshwater marsh, and some non-wetland habitats. This increased variety of wetland acres would result in a more diverse mosaic of habitats that could support an increased range of species. Please see Master Response #4.

12-16

The comment summarizes information presented in the EIR and does not question the adequacy of this information. The comment cites information from tables in the EIR that show smaller amounts of acreage temporarily impacted by the Freshwater Alternative as compared to the Saltwater Alternative or Hybrid Alternative. However, as indicated throughout the analysis in Section 3.5.3 and summarized in the Executive Summary table, Table ES-10, temporary direct biological impacts to special-status species were found to be significant for all alternatives based on the thresholds used to determine significance. Mitigation is provided in Section 3.5.4 and would be required for any of the alternatives selected.

12-17

The comment summarizes information presented in the EIR and does not question the adequacy of this information. No further response is required.

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of fish currently present in the Lagoon would not survive the conversion. (EIR, pg. 3.5-68.) This saltwater conversion would be merely an experiment and presents no evidence of successfully creating or maintaining biological diversity. Nor has this saltwater conversion been properly analyzed in the EIR. For example, the EIR fails to evaluate the effects of contaminated storm water that may degrade the quality and quantity of species in a saltwater system. It also fails to address the biological impacts of the dead and decaying fish and vegetation that will occur during the conversion.

The EIR states conversion to a saltwater system will encourage saltwater and marine species to enter and use the Lagoon. (EIR, pg. 2-21.) However, the study of potential saltwater wildlife species that could inhabit the converted Lagoon was based on two local lagoons that contain several distinctive differences: Agua Hedionda and Batiquitos. (EIR, pg. 2-21.) The following differences make such a comparison faulty: (i) Agua Hedionda is almost twice as big as the Lagoon (400 acres compared to 220 acres) and each basin is 8 to 10 feet deep – the Lagoon, under the Saltwater and Hybrid Alternatives, would only be between 6 feet 3 inches and 4 feet 9 inches deep depending on tide levels; (ii) Agua Hedionda contains attractive food sources in the form of an oyster and mussel aquaculture facility and a white sea-bass hatchery that the Lagoon does not have; (iii) Batiquitos is much bigger and deeper (approximately 561 acres and 6 to 7 feet deep) than the Lagoon; (iv) Batiquitos was stocked with saltwater and marine species prior to its 1996 tidal inlet restoration to encourage the transition from brackish water to marine lagoon, offering food and mating sources for the saltwater and marine species in the adjacent open ocean; (v) both Agua Hedionda and Batiquitos have historically had a high salinity and supported saltwater species prior to lagoon/tidal inlet conversion; and lastly, (vi) the inlets at both Agua Hedionda and Batiquitos are 120 feet wide – the Lagoon will only have an inlet of 100 feet under the Saltwater and Hybrid Alternatives. (EIR, pg. 3.5-67.) Thus, the Lagoon does not benefit from a comparable size, depth, inlet width, species supply and/or existing food sources. Comparison to Agua Hedionda and Batiquitos is improper and does not provide substantial evidence that the biological make-up of the Lagoon will mirror the conditions of other local lagoons.

E. Geology and Soils

The project site is located in an area identified as being susceptible to liquefaction. The Freshwater Alternative contains the least amount of infrastructure construction that would increase the risks associated with liquefaction. (EIR, pg. 3.6-6.) Additionally, expansion of the channel for the Carlsbad Boulevard Bridge under the Saltwater and Hybrid Alternatives will require slope protection to prevent scour of the bridge abutments and embankments. These alternatives would require a 300-foot revetment. This revetment would create steep slopes that could lead to erosion, visual impacts and additional biological impacts.

F. Visual Resources

As admitted to in the EIR, mitigation required under the Saltwater and Hybrid Alternatives would result in visual impacts. Specifically, the EIR states, "Given the public expectation of open views in this defined open spaces area, both toward the ocean and from the ocean bank to the lagoon, and the large scale of the bridge relative to the channel and adjacent

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It is correct, as stated in the EIR, that implementation of the Saltwater or Hybrid Alternative would extirpate freshwater fish species. Notably, none of the freshwater fish species currently found in the lagoon are special-status species. The fish species detected within the BSA include the native California killifish (*Fundulus parvipinnis*) and striped mullet (*Mugil cephalus*). Both native species are euryhalic and can be found in a variety of marine, estuarine, and freshwater habitats (Moyle 2002). Also see response to comment 12-14 above. SANDAG respectfully disagrees with commenter's characterization of the Saltwater and Hybrid Alternatives as experimental approaches to maintaining or creating biological diversity. The commenter is referred to responses to comments 12-5 and 12-14.

The habitat distribution has been specifically planned with consideration of the biological elements and conditions required for successful establishment of each habitat type. A functioning, healthy saltwater ecosystem would be created and monitored via adaptive management (as described in Section 2.9.3), providing high-quality, suitable habitat and suitable hydrologic conditions and this would allow for successful biological diversity to establish throughout the lagoon ecosystem.

12-19

The commenter appears to request an analysis of the effect of existing storm water discharges on the project under the various alternatives evaluated in the EIR. CEQA does not generally require an analysis of the environment's impacts on the project. However, SANDAG responds as follows. The alternative implemented would not have an effect on the volume or frequency of storm water discharges into the lagoon. The Saltwater Alternative would dramatically decrease the residence time of water within the lagoon, increasing the speed with which any potential pollutants would be transported to the ocean, where they would be dispersed. The Hybrid Alternative would decrease residence time in each of the basins with the exception of the I-5 Basin, where less flushing would occur. The Freshwater Alternative would increase residence time over existing conditions in each basin due to deeper basins and a lack of flushing. The comment does not offer any evidence to support the claim that pollution impacts would be greater in a saltwater system than the current system.

12-20

The commenter is concerned about impacts to biological resources from decaying fish and vegetation during the transition to a saltwater system but does not specify how or which biological resources may be impacted. As discussed in Section 3.5.3 of the EIR, if the lagoon were to be converted to a saltwater or hybrid system, existing vegetation within the limits of disturbance that would die from the increased salinity levels would be removed during dredging, before salinity levels in the lagoon increase. Thus, the volume of vegetation that would be left to decay within the lagoon would be limited. Dead vegetation removal is specifically addressed under Habitat Transition Areas, which states that transitioning vegetation would be monitored to determine if dead matter is accumulating or being flushed through the lagoon system. The list of active adaptive management strategies to facilitate transition to saltwater habitats specifically includes removal of dead vegetation if it were to accumulate and create a biomass layer. Additional information regarding odors associated with the removal of this vegetation is included in Section 3.11.3 of the EIR.

Implementation of the Saltwater Alternative would encourage native saltwater fish species to enter and utilize Buena Vista Lagoon during various life history stages. As discussed in Section 3.5.3 of the EIR, the freshwater species currently utilizing the lagoon would not survive the conversion to saltwater and would no longer populate the lagoon if converted. The EIR did not identify this as a significant impact, as the freshwater fish currently populating the lagoon are nonnative and are not sensitive species. The two native species present in the lagoon are euryhalic and can be found in a variety of marine, estuarine, and freshwater habitats.

As described in Master Response #6, fish die-off events already occur in the lagoon as a result of anoxic conditions. It is anticipated that individuals extirpated as a result of a transition to saltwater would decompose as a part of natural lagoon processes and/or be flushed from the lagoon as a result of tidal action. Following this transition to a saltwater regime, anoxia-related fish die-offs would be less likely to occur due to improved water quality and circulation. Section 2.9 has been modified to reflect that adaptive management could include management of fish, including potential relocation or removal of freshwater fish species if unanticipated biological or odor effects occurred.

12-21

The commenter describes a variety of differences in Batiquitos Lagoon and Agua Hedionda Lagoon, which are used for comparison purposes throughout the EIR (e.g., Section 3.1 and Section 3.5). It is correct that there are differences in the lagoons' sizes, histories, and general ecological conditions; however, it is not possible to find a lagoon that is identical for comparison purposes. Coastal lagoons are a unique and limited resource along the San Diego coast and an exact match of conditions is not possible. More importantly, an exact match is not necessary to conclude that the Enhancement Project under the Saltwater and Hybrid Alternatives is viable and that a successful conversion from freshwater to saltwater can be feasibly accomplished. The EIR acknowledges differences in the lagoons as identified in the comment, including inlet widths, the brackish system of Batiquitos Lagoon prior to enhancement, and the supplemental stocking of saltwater species (Sections 3.1 and 3.5). The EIR does not rely on these examples as the exclusive source of information indicating that the lagoon conversion to a saltwater system would be successful. The 15-year report of the Southern California Wetlands Recovery Project provides a number of additional examples of successful tidal restoration projects in the region, including Upper Newport Bay, Huntington Beach Wetlands, and Bolsa Chica Wetlands among many others. These completed saltwater-regime restoration projects provide evidence that regime conversions of this type have succeeded in a variety of settings (WRP 2014).

12-22

As described in Section 3.5, infrastructure constructed as a part of the Enhancement Project would adhere to applicable building codes relative to seismic criteria, including liquefaction hazards. With this adherence, impacts to soil stability were found to be less than significant for each alternative. The comment provides no substantial evidence of a potentially significant hazards or seismic risk impact.

12-23

The revetment referenced in the comment would be made of stone and not highly susceptible to erosion-related issues. As stated in Section 3.2.3, the stone revetment would require proper drainage designs per applicable regulatory requirements to eliminate or minimize increases in discharge flow

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features, this element (bridge) would result in significant, unmitigable visual impacts." (EIR, pg. 3.9-55.) These visual impacts would not be present under the Freshwater Alternative.

12-24
Contd.

The EIR fails to address additional visual impacts under the Saltwater and Hybrid Alternatives. Under these alternatives, the Lagoon would experience low tides twice a day that would expose unsightly mudflats to current residential developments and those accessing the Lagoon for recreational purposes. "The amount of visible water would vary over the course of the day and tidal regimes, with brown mud flats exposed at very low tides and covered with water during high tides." (EIR, pg. 3.9-31.) The Freshwater Alternative would maintain the scenic open water visuals currently present at the Lagoon.

12-25

G. Traffic and Circulation

Construction of the Carlsbad Boulevard Bridge under the Saltwater and Hybrid Alternatives would affect recreational and commuter bicyclist during construction. Specifically, this construction would result in closure of a multi-use pathway and prohibition of pedestrian travel. (EIR, pg. 3.10-15.) Impacts to bicycle facilities, which would not be present under the Freshwater Alternative, would remain significant and unavoidable despite mitigation. (EIR, pg. 3.10-23.) Additionally, Mitigation Measure Traffic - 2 is vague and unenforceable in violation of CEQA, further exacerbating the impacts under the Saltwater and Hybrid Alternatives. (EIR, pg. 3.10-22.)

12-26

12-27

H. Air Quality

Odors associated with natural conditions can be present in lagoon soils, particularly those in coastal area. Wetland soils develop under low oxygen or anaerobic conditions, and this lack of oxygen prevents plants and soil microorganisms from carrying out normal anaerobic respiration. Many bacteria living in wetland soils respire anaerobically, and acquire the minimal amounts of oxygen they need by removing it from other components such as sulfur. This can lead to the production of hydrogen sulfide, creating the rotten egg smell characteristic of some wetland soils as well the release of nitrogen gas into the atmosphere. (EIR, pg. 3.11-8.) Offensive odors can potentially affect human health in several ways. First, odorant compounds can irritate the eye, nose and throat, which can reduce respiratory volume. Second, the volatile organic compounds that cause odors can stimulate sensory nerves to cause neurochemical changes that might influence health, for instance, by compromising the immune system. Finally, unpleasant odors can trigger memories or attitudes linked to unpleasant odors, causing cognitive and emotional effects such as stress. (EIR, pg. 3.11-11.)

12-28

The EIR fails to analyze the odor impacts of the Saltwater and Hybrid Alternatives in three important aspects. First, the EIR does not address odors associated with the conversion of the Lagoon from a freshwater system to a saltwater system. This conversion would lead to increased levels of salinity that would be toxic to plant and animal species currently residing in the Lagoon. Thus, the conversion would lead to the death of hundreds of thousands of organisms. The EIR fails to analyze the odors associated with this mass death and the subsequent decay of organic materials.

12-29

rate, runoff volume, or erosion potential. Impacts associated with revetments are addressed throughout the analysis in Chapter 3, as appropriate. Biological impacts associated with the installation of revetments were not identified in the Biological Resources discussion (Section 3.5) as they would not interfere with or impede wildlife activities. The comment does not state what additional biological impacts could result. As described in Section 3.9, the visual contrast of riprap under the Saltwater and Hybrid Alternatives was determined to be moderate to strong; however, the project would not introduce a new human feature on the beach or appear out of character with the coastline. Visual impacts associated with the revetment, therefore, are considered less than significant. The comment provides no substantial evidence of a potentially significant impact from the revetments.

12-24

The comment summarizes information presented in the EIR and does not question the adequacy of this information. No further response is required.

12-25

Section 3.9.3 of the EIR addresses the visual impacts of the tidal fluctuation associated with the Saltwater and Hybrid Alternatives. As the comment states, the EIR describes that the amount of water within the lagoon would vary with the tide and that visual contrast would be moderate to high. The overall character of the lagoon would remain open space, however, and given the dynamic nature of wetland conditions and the number of visual features within the lagoon, the tidal cycle of water was determined not to cause a substantial adverse effect on a scenic vista or a substantial degradation of the existing visual character or quality of the lagoon and its surroundings as detailed in Section 3.9. As described in Section 3.9 of the EIR, Visual Resources, aesthetic preference for one type of lagoon over another is subjective. The comment expresses opinion that mudflats are not visually pleasing and the current open water is scenic. The comment does not provide any substantial evidence of a potentially significant visual impact not already addressed in the EIR.

12-26

The comment summarizes information presented in the EIR and does not question the adequacy of this information. No further response is required.

12-27

The comment is a conclusory statement that Mitigation Measure Traffic -2 is vague and unenforceable and in violation of CEQA. The commenter has not identified any specific inadequacy in Mitigation Measure Traffic-2; accordingly, a general response is appropriate. Mitigation Measure Traffic 2 requires advanced notification, through mailed notices, signage, and newspaper notices, to motorists, bicyclists, and pedestrians along Carlsbad Boulevard that delays and traffic congestion will occur during bridge construction and retrofitting, and is a common construction traffic control measure. The mitigation measure specifies a timing requirement (in advance of bridge construction), identifies the information that should be provided to the public, and lists the methods to be used for conveying the information. This measure is also fully enforceable as it would be included as part of the Mitigation Monitoring and Reporting Plan (MMRP) adopted for the project.

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Second, the EIR does not analyze the potential odors that would occur at low tide when decaying vegetation/organic matter in the tidal marshes would be exposed on a twice daily basis. Specifically, the amount of water would vary over the course of the day and tidal regimes, with brown mud flats exposed at very low tides and covered with water during high tides. (EIR, pg. 3.9-31.) This exposure would release hydrogen sulfide that will impact nearby sensitive receptors.

12-30

Third, the EIR fails to properly address the odor impacts of red tide. Red tide is a common name for a phenomenon known as an algal bloom that takes on a red or brown color (large concentrations of aquatic microorganisms) caused by a few species of dinoflagellates. Some red tides are associated with the production of natural toxins, the depletion of dissolved oxygen or other harmful effects, and are generally described as harmful algal blooms. The most conspicuous effects of these kinds of red tides are the associated wildlife mortalities of marine and coastal species of fish, birds, marine mammals, and other organisms. San Diego County experiences red tides; therefore, forcing adjacent sensitive receptors to experience the noxious odors associated with the resulting wildlife mortality.

12-31

These odor impacts, which have gone unanalyzed, would occur in addition to those impacts acknowledged by the EIR. The Saltwater and Hybrid Alternatives, with their increased construction and maintenance activities, would also cause significant construction pollutant concentrations for sensitive receptors during the entire construction periods. There are no feasible mitigation measures for these impacts. (EIR, pg. 3.11-33.)

12-32

12-33

I. Global Climate Change, Greenhouse Gas Emissions, and Sea Level Rise

The EIR concludes that the Freshwater Alternative will have the least significant impact with regard to global climate change, greenhouse gas ("GHG") emissions and sea level rise. In fact, GHG emissions under the Freshwater Alternative are 37% and 29% less than the Saltwater and Hybrid Alternatives.² As the EIR acknowledges, GHG impacts are global in nature. Even though the State of California is doing its part to achieve climate stabilization through implementation of AB 32, others in the world may not be doing enough. Therefore, SANDAG should proceed with the Freshwater Alternative because it produces the fewest GHG emissions, by far.

12-34

Please explain why the EIR adopts the South Coast Air Quality Management District ("SCAQMD") threshold of significance of 10,000 MT CO₂e per year? That threshold is applicable to industrial projects, which generally are heavy emitters of GHG gasses. SCAQMD adopted that threshold based on guidance set forth in the California Air Pollution Control Officers Association – White Paper: CEQA and Climate Change which suggested a threshold of significance that would capture 90% of discretionary projects in the State. (See Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold, SCAQMD,

12-35

² The Freshwater Alternative GHG emissions for construction are 3,687 MT (LA-5 disposal) and 3,878 MT (overdredge), Saltwater Alternative GHG emissions for construction are 5,918 MT (LA-5 disposal) and 6,020 MT (overdredge), plus operational emissions, and the Hybrid Alternative GHG emissions for construction are 5,540 MT (LA-5 disposal) and 5041 MT (overdredge), plus operational emissions. (EIR, pg. 3.12 - 8, 14, 16.)

12-28

The comment summarizes information presented in the EIR and does not question the adequacy of this information. No further response is required. The commenter does not provide any substantial evidence of odor impacts not already addressed in the EIR.

12-29

The commenter asserts that the EIR does not analyze odor impacts associated with converting Buena Vista Lagoon to a saltwater system and, in particular, odors associated with the death and decay of organic organisms. The commenter is referred to EIR page 3.11-8, which addresses odors from the decomposition of organic materials under existing conditions and page 3.11-24, which discusses the potential for additional odor impacts associated with project implementation. Please see response to comment 12-20 regarding the anticipated die-off of flora and fauna associated with the conversion to a saltwater system. As detailed in response to comment 2-20, existing vegetation within the limits of disturbance that would die from the increased salinity levels would mostly be removed during dredging, before salinity levels in the lagoon increase. Thus, the volume of organic matter left to decay within the lagoon would be limited and significant odors affecting a substantial number of people would not occur, as detailed in Section 3.11.3.

12-30

Please see Master Response #6 regarding anticipated odor associated with mudflat habitat.

12-31

Algal blooms, a condition that currently exists within Buena Vista Lagoon, can produce wildlife mortality. As described in Section 3.4, periodic algae blooms have been observed to cause localized fish kills in the lagoon and nutrient buildup in the sediments have promoted eutrophication in the lagoon. Algal blooms and eutrophication would vary in the future and throughout the lagoon and their continued potential for odor under each individual alternative is discussed in Section 3.11, Air Quality. Improved water quality and increased circulation could also reduce development of foul odors associated with anaerobic conditions. However, long-term odors associated with algal blooms, including those resulting from an oceanic red tide condition, would be anticipated to be similar to existing conditions.

12-32

Please see Master Response #6 regarding odor from mudflat habitat. Additional information regarding natural odors anticipated under each alternative has been added to Section 3.11.3.

12-33

Please refer to responses to comments 12-28 through 12-32 for a discussion of the EIR's analysis of the odor issues mentioned by commenter. The comment also summarizes the EIR's conclusions regarding air quality impacts from construction of the Saltwater and Hybrid Alternatives. The comment's summary of the EIR's conclusions is correct. Notably, the Freshwater Alternative will also result in potentially significant and unavoidable air quality impacts during the construction phase.

12-34

The comment states that SANDAG should select the Freshwater Alternative because it will result in fewer emissions of GHGs than the other alternatives. The comment is noted. The EIR recognizes that the Freshwater Alternative would result in the smallest amount of GHGs. This information will be considered by the SANDAG Board of Directors prior to taking action on the project. Please also refer to Master Response #1.

12-35

The commenter requests an explanation as to why the EIR relies on SCAQMD's GHG significance threshold for industrial projects. As discussed in Section 3.12 of the EIR, the analysis relies on both the SCAQMD significance threshold for industrial projects (10,000 MT CO₂e per year) and the more stringent County of San Diego threshold of 900 MT CO₂e per year to evaluate the significance of the project's GHG emissions. As is stated in Section 3.12 of the EIR, the SCAQMD threshold was selected by the EIR preparers because SCAQMD is the air district with adopted thresholds in closest proximity to the project location and the County of San Diego is located in the same air basin as the project location. In addition, the threshold applicable to industrial sources was the only significance threshold adopted by SCAQMD at the time of preparation of the EIR, and because the project is primarily a construction-related project and no regional thresholds are directly applicable to the GHG emissions generated by the project. Regional thresholds adopted to address GHG emissions from residential and commercial projects are based on ongoing operational emissions of such projects and are therefore not relevant for the purpose of analyzing the GHG emissions of the Buena Vista Lagoon Enhancement Project. Therefore, Section 3.12 of the EIR includes a discussion and analysis of different local thresholds for evaluation of the project.

Consistent with the standard practice of many air districts and local agencies, the SCAQMD Interim CEQA GHG Significance Threshold for Stationary Sources (SCAQMD 2008) recommends amortizing construction emissions over the life of the project. However, the conservative analysis compared the project's total annual construction-related GHG emissions to the SCAQMD threshold, since it was developed for industrial sources.

The commenter misinterprets the EIR and erroneously concludes that 90 percent of discretionary projects subject to the jurisdiction of SCAQMD generate at least 10,000 MT CO₂e. The EIR does not contain this statement. The EIR states that the 900 MT CO₂e per year threshold adopted by the County of San Diego would capture more than 90 percent of development projects. The EIR further provides that this screening threshold is based on the California Air Pollution Control Officers Association white paper entitled *Quantifying Greenhouse Gas Mitigation Measures; A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures* (CAPCOA 2010), which provides recommendations for lead agencies throughout the state. It is appropriate for SANDAG to rely on the threshold used by the County of San Diego because the project is located in San Diego County. Therefore, consistent with the County of San Diego guidelines, construction emissions were also amortized over the operational life of the project and compared to the threshold of 900 MT CO₂e per year. However, if the construction emissions were amortized over a different timeframe, such as 20 years as recommended by the County of San Diego, the conclusion of the analysis would not change. To demonstrate that the GHG emission impacts are

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October, 2008.) Ninety percent of discretionary projects subject to the jurisdiction of SCAQMD generate at least 10,000 MT CO₂e, thus it makes sense for SCAQMD to use that as a threshold of significance. (EIR, p. 3-13.) If other agencies, particularly those that regulate less intense GHG emitting uses adopt such a high threshold, it no longer serves the goal of ensuring that 90% of the state's discretionary projects are subject to GHG analysis.

The EIR also uses the County of San Diego's threshold of significance is 900 MT, which is less than one-tenth of SCAQMD's, and provides a more reasonable basis for measuring GHG impacts. Like the SCAQMD threshold, the County's threshold is also based on the goal of capturing 90% of discretionary projects. Under the Freshwater Alternative, the project's construction GHG emissions would amount to 7,565 MT CO₂e (3,687 MT for the LA-5 disposal and 3,878 MT for the overdrage pit), which exceeds the County threshold of 900 MT. The EIR concludes the impact is nevertheless insignificant by amortizing these construction emissions over the 50-year life of the project so that annual emissions are assumed to be only 78 MT. Because the GHG emissions are put into the atmosphere during construction, and not over a term of 50-years, amortizing in this way understates the project's environmental impacts.³

The EIR's analysis of GHG is also lacking information required for informed decision making. CEQA requires the lead agency to consider "the extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting." (CEQA Guidelines § 15064.4(b)(1).) The EIR does not disclose the GHG emissions currently associated with the project site. It is also unclear whether the analysis considers GHG emissions associated with recreational uses. For example, will the project increase the number of visitors to the Lagoon? If so, the vehicle trips associated with that increased use should be addressed. The EIR also fails to consider GHG impacts beyond 2020, even though it acknowledges the project life will be at least 50 years. AB 32 and Executive Order S-3-05 both state GHG emissions should be reduced to 80% below 1990 levels by 2050. On April 29, 2015, Governor Jerry Brown issued Executive Order B-30-15 that set an interim target goal of reducing GHG emissions to 40% below 1990 levels by 2030. The EIR fails completely to discuss the project's consistency with 2030 and 2050 GHG reduction goals.

J. Noise

The approximate number of construction trips generated by the project will be less for the Freshwater Alternative (330 daily trips) than the Saltwater and Hybrid Alternatives (520 trips). (EIR, pg. 3.13-14.) Noise-sensitive uses (residences) are located in proximity to construction activities. (EIR, pg. 3.13-3.) As demonstrated, construction will last much longer in the Saltwater and Hybrid Alternatives, thereby impacting these sensitive uses for a longer period of time. (EIR, pg. 3.13-21.) The Freshwater Alternative would include reduced noise impacts compared to the other two alternatives.

³ The same deficiencies exist with regard to the Saltwater and Hybrid GHG analyses, though to a greater degree.

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not understated, the following calculation for the conservative 20-year amortization as recommended by the County is provided. The 20-year amortized construction-related emissions for the Freshwater Alternative would be approximately 78 MT CO₂e per year (3,878 MT CO₂e / 20 years = 194 MT CO₂e), which does not exceed or approach the 900 MT CO₂e per year threshold. Thus, amortizing GHG emissions over 20 or 50 years for all disposal scenarios would not exceed the County of San Diego threshold of 900 MT CO₂e per year.

12-36

The EIR does not understate the project's GHG impacts. As discussed in Section 3.12.2 of the EIR, the County of San Diego's Recommended Approach to Addressing Climate Change in CEQA Documents states that "construction emissions may be amortized over the expected (long-term) operational life of a project, which can conservatively be estimated at 20 years, unless evidence is provided demonstrating a different project life." Since the project life is designed for a 50-year period, which is typical for environmental enhancement efforts, the analysis amortizes the GHG emissions over 50 years. However, if the construction emissions were amortized over a shortened, more conservative timeframe, such as 20 years as recommended by the County of San Diego, the conclusion of the analysis would not change as detailed in response to comment 12-35. As shown in response to comment 12-35, the project's GHG impacts are not understated as amortizing GHG emissions over 20 or 50 years for all disposal scenarios would not exceed the County of San Diego threshold of 900 MT CO₂e per year and the less than significant conclusion would remain valid.

12-37

The GHG emissions associated with existing or baseline conditions were assumed to be zero based on the existing land use of generally open space. The total emissions increase associated with the project was compared to the thresholds of significance.

12-38

The project would enhance the lagoon ecology and this action is not of the nature to create large volumes of new visitors to the lagoon. However, the project does not propose to modify the existing uses of Buena Vista Lagoon. Buena Vista Lagoon will remain, as it is now, an open space resource with recreational uses. Any proposed alternative would include installation of a Boardwalk to allow for improved public access to the lagoon. While this enhanced public access is considered a benefit and new recreation feature for those choosing to visit the lagoon, it is not anticipated to create a substantial new volume of visitors to the lagoon. Recreational fishing is also anticipated to be improved by the project, but is also not anticipated to draw a high volume of new recreationalists. Thus, the general enhancement of the lagoon ecosystem would not result in an increase in visitors that could substantially influence GHG emissions through increased vehicle trips.

12-39

The analysis in Section 3.12 of the EIR includes a discussion of construction emission estimates compared to thresholds developed to meet the goals of Assembly Bill 32. Section 3.12 of the EIR states that the project alternatives are not anticipated to generate new vehicle trips and would not generate any additional activities related to maintenance or operations that would exceed existing levels. Also, as stated in the EIR, "policies formulated under the mandate of Assembly Bill 32 that

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K. Public Services and Utilities

The Saltwater and Hybrid Alternatives do not analyze the impacts the pedestrian bridge and dangerous tidal Inlet will have on lifeguard, fire, and police response times. The EIR should include an analysis of the ability of public services to adequately respond to emergencies at the inlet point. The closest lifeguard station is 1 mile north of the Inlet at the Loma Alta Marsh, and there is no evidence in the EIR that this lifeguard station can adequately respond to emergencies at the tidal Inlet. (EIR, pg. 3.14-2.)

12-41

L. Public Health and Safety

The Saltwater and Hybrid Alternatives introduce a 100-foot tidal inlet that can experience strong currents and the construction of a pedestrian bridge over this inlet. Given these project components, the Saltwater and Hybrid Alternatives would result in an attractive nuisance to people, especially children, to ford this Inlet or jump from the bridge. These activities would force St. Malo homeowners to incur a substantial amount of liability.

The Saltwater and Hybrid Alternatives would result in a tidal ebb and flow that would create a veritable river flowing in and out of the slough perpendicular to the shore. With the new tidal Inlet, the Saltwater and Hybrid Alternatives could result in a substantial permanent increase in hazards for people swimming, walking or otherwise recreating in the proposed Lagoon tidal Inlet. People, including children, may ignore any danger signage or warnings to avoid the Inlet. The mitigation of this hazard would be a bridge crossing the channel. This bridge would tempt people, including children, to jump or dive into the surging channel below. Both the tidal Inlet and the bridge create artificial conditions that involve a risk of death or serious bodily harm. Therefore, impacts to public health and safety would be significant and unmitigated. (EIR, pg. 3.15-13.)

12-42

In addition to the resulting hazard, the tidal inlet mitigation bridge would result the following impacts: (i) encroachment onto St. Malo property, resulting in liability for homeowners for potential injuries; (ii) visual impact to homeowners adjacent to the bridge and tidal Inlet; (iii) invasion of homeowner privacy as the bridge would provide people utilizing the it the ability to view private property; and (iv) creation of security issues, as it would allow to people to enter the St. Malo community during low tide.

12-43

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12-46

The EIR fails to properly analyze impacts caused by the Saltwater and Hybrid Alternatives. For example, the EIR fails to analyze the effects of rip currents that may occur due to the introduction of the tidal Inlet under these alternatives. Rip currents often occur at groins, jetties and piers. People are instructed to stay at least 100 feet away from these structures in the water to avoid these deadly currents and other hazards. The tidal Inlet would create a jetty that would encourage the presence of rips currents, thereby producing an additional public safety hazard.

12-47

Moreover, the EIR failed to analyze the effect of sewage spills and beach closures on the Saltwater and Hybrid Alternatives. According to the Surfrider Foundation and San Diego Coast Keeper, two organizations tasked with monitoring the health of our oceans, it is well

12-48

apply to construction-related activity ... are assumed to be implemented statewide,” and the project “would comply with any mandate or standards set forth by the Scoping Plan update.” Therefore, the project would not conflict with any existing goals or policies that were developed to reduce emissions through the year 2050. Executive Order B-30-15 was approved during the development of the EIR and does not include additional requirements related to the project beyond those discussed in the EIR. The project and alternatives would comply with any mandate or standards set forth by the Scoping Plan update, Assembly Bill 32, Senate Bill 32, and Executive Orders S-3-05 and B-30-15. In addition, Section 3.12 includes an analysis of climate change impacts and sea level rise through the year 2100.

12-40

The comment summarizes information presented in the EIR and does not question the adequacy of this information. No further response is required.

12-41

The EIR concludes that the inlet proposed under the Saltwater and Hybrid Alternatives would result in a significant and unmitigable impact related to public health and safety due to the new inlet. As the commenter notes, under existing conditions the nearest lifeguard station is approximately 1 mile north of the potential inlet location in the City of Oceanside. This lifeguard station already responds to emergencies at the existing inlet. The Enhancement Project would not impact this lifeguard station and therefore would not interfere with its existing ability to respond to emergency situations, or its response time when doing so. The beach south of the potential inlet falls under the jurisdiction of the City of Carlsbad, and the inlet would not prevent lifeguards from either city from accessing emergencies on the beach. Post-construction, neither the inlet nor the pedestrian bridge would affect roadways in the vicinity. Therefore, the Enhancement Project would not impact fire or police response times.

12-42

Please see response to comment 12-6 for a discussion of project public health and safety impacts. With or without construction of the pedestrian bridge, construction of the inlet is identified as a significant and unmitigable impact related to Health and Safety (as discussed in Section 3.15). The liability of property owners as a result of this bridge is not analyzed under CEQA and is not addressed as an environmental issue in this EIR.

12-43

Please see Master Response #2 regarding private property.

12-44

As identified in Section 3.9.3, the EIR identifies a significant and unmitigable visual impact associated with the pedestrian bridge proposed as mitigation for the Saltwater and Hybrid Alternatives.

12-45

The commenter is referred to response to comment 12-44 for a discussion of the project’s impacts to visual resources. To the degree that the comment addresses economic concerns, no further response is required.

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known fact that Tijuana River empties a dangerous amount of sewage, chemicals and other pollutants into the Pacific Ocean when it rains. These contaminants often cause beach closings due to health risks, including Hepatitis A, which was present in 80 percent of water samples off the Imperial Beach Pier in 2007. The EIR fails to analyze how this contamination would this affect the health of the Lagoon if it is converted to a saltwater system.

12-48
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M. Energy

The Freshwater Alternative would require the least amount of energy use for implementation as it would involve the lowest volume of material dredged and placed, and would only include construction of the Boardwalk. (EIR, pg. 6-8, 6-9.) The decreased energy consumption would reduce the use of fossil fuels and have less of an effect on climate change.

12-49

III. Freshwater Alternative Will Achieve Project Objectives

The overall purpose of the Enhancement Project is to enhance the biological and hydrological functions of the Lagoon to address sedimentation and invasive vegetation encroachment, as well as resulting declining coastal biodiversity, degrading water quality, water circulation restriction, and increased vector concerns. Accordingly, the primary objectives of the Enhancement Project include the following:

- Enhance and maintain sensitive habitats and native species, including rare and endangered species, to promote coastal biodiversity within the region.
- Promote a system of native wetland and terrestrial vegetation communities that can be sustained given the opportunities and constraints of the Lagoon and anticipated sea level rise.
- Create conditions that curtail the growth and expansion of cattails, bulrushes, and invasive species.
- Protect, improve, and maintain water quality (e.g., reduce eutrophication) to meet water quality standards and address the 303(d) listed water quality impairments.
- Reduce vector concerns (e.g., potential for mosquito-borne disease) by minimizing potential mosquito breeding habitat.
- Maintain or reduce current flood risk to existing infrastructure and adjacent development.
- Maintain or enhance public access to the lagoon and recreation opportunities that are consistent with resource protection.
- Minimize cost of construction and maintenance.

12-50

(EIR, pg. 1-5.)

As demonstrated above, the Freshwater Alternative would achieve the project alternatives identified in the EIR. Specifically, the Freshwater Alternative would enhance the habitat quality for the wildlife species currently residing in the Lagoon, including rare and endangered species. (EIR, pg. 4-10.) This native habitat would promote a sustainable wetland and vegetation community. The salinity inherent in the Saltwater and Hybrid Alternatives would kill the native habitat, and would not guarantee the growth of a saltwater wetland and terrestrial vegetation. (EIR, pg. 3.5-58, 3.5-88.) Moreover, the Lagoon is the only remaining local

12-46

Implementation of the Saltwater or Hybrid Alternative would not substantially change access along existing private homes. Currently, no public access is provided between the beach and northern side of the Weir Basin. However, physically, people can illegally access those areas via existing riprap and the vegetated border between open water and residences. While the vegetated buffer would be slightly larger under either of the two identified alternatives, and a pedestrian bridge would extend to the existing riprap and provide public access towards the beach, no additional public access would be provided towards the interior of the lagoon or behind residences. Therefore, physical access would continue to exist, but it would continue to be illegal, and would not be a substantial change from existing conditions.

12-47

None of the alternatives evaluated in the EIR would create structures extending into the nearshore, such as jetties, groins, or piers, that could create rip currents in the vicinity of the inlet. As described in Chapter 2 of the EIR under Channel and Infrastructure Improvements, the existing stone revetment on the north side of the inlet may be improved as part of the project. However, improvement of this existing structure would not increase its extent or influence currents in the nearshore. Opening a tidal inlet under the Saltwater and Hybrid Alternatives would influence currents in and out of the lagoon, and Section 3.15 identifies a significant safety impact to recreational beach users when unsafe conditions exist due to high water elevations and/or velocities.

12-48

The commenter requests an analysis of sewage spills and beach closures on the project. CEQA does not generally require an analysis of the environment's impact on the project. The project will not exacerbate sewage spills or beach closure conditions. As described in Table 3.2-3 in the EIR, the Saltwater Alternative would reduce residence times within the lagoon and would, therefore, speed the transportation of upstream pollutants through the lagoon to the ocean. The Hybrid Alternative would reduce residence times in each of the basins except the I-5 Basin, which would continue to have restricted hydraulic efficiency. As a result, implementation of the Saltwater Alternative and/or Hybrid Alternative would be likely to reduce, not increase, pollution levels in the lagoon. Buena Vista Lagoon is separated from the Tijuana River outlet by more than 45 miles of coastline. Any pollutants entering the ocean system at the Tijuana River would be dispersed throughout the Pacific Ocean and would not result in detectable increases in pollution within Buena Vista Lagoon.

12-49

The comment is noted. The EIR acknowledges that the Freshwater Alternative would require less energy use as compared to the Saltwater and Hybrid Alternatives. The commenter asserts that the reduced energy use of the Freshwater Alternative translates into a lesser climate change effect but provides no substantial evidence in support of this assertion. The commenter is referred to EIR Section 3.12, which concludes that none of the alternatives analyzed in the EIR would result in potentially significant GHG emissions.

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freshwater lagoon.⁴ Preserving this freshwater lagoon would promote coastal biodiversity in a region that is comprised of predominantly saltwater lagoons. Conversion to a saltwater or mixed lagoon under the Saltwater or Hybrid Alternatives would diminish the biodiversity of the region.

The Freshwater Alternative would include weed abatement and the removal of vegetation, including cattail. This alternative would include plantings that would replace cattail with non-invasive species. (EIR, pg. 2-84.) The Lagoon would be 5 feet 6 inches deep in the Freshwater Alternative. Cattails do not regrow in areas more than 4 feet deep. Therefore, the Freshwater Alternative would create conditions that curtail the expansion of invasive species. Additionally, the Freshwater Alternative would protect, improve, and maintain water quality by improving circulation and lowering nitrogen levels. (EIR, pg. 3.4-22, 3.4-23.)

The Freshwater Alternative would include vector control. (EIR, pg. 2-86.) This alternative would include cattail management in order to reduce the habitat of vectors. Once the initial management strategy was implemented, ongoing monitoring efforts would be put in place to determine if the increased areas of open water through the channelized cattail management area provides enhanced vector control. (EIR, pg. 2-88.) This alternative would develop a program to actively breach the weir and berm on a scheduled basis to flush water and the accumulated nutrients and bio mass/debris that encourage vector breeding. (EIR, pg. 2-89.) Lastly, the Lagoon would continue to provide habitat to minnows and killifish, natural predators of vector eggs. (EIR, pg. 2-88.)

The Freshwater Alternative would reduce water elevations compared to existing conditions in all Basins during all storm events (i.e., 2-, 5-, 10-, 50- and 100-year), thereby reducing flooding impacts. (EIR, pg. 3.2-20.) Therefore, this alternative would reduce current flood risk to existing infrastructure and adjacent development.

The expanded Inlet proposed under the Saltwater and Hybrid Alternatives would result in a dangerous condition that would adversely affect the public access to the beach and Lagoon. The Freshwater Alternative would not introduce this hazardous component and would maintain a contiguous beach, thereby maintaining and enhancing public access and recreation opportunities. Additionally, the Freshwater Alternative would provide deeper freshwater areas; providing deep water refugia for enhanced fish habitat. This would benefit existing fish populations and contribute to maintaining and increasing the quality of recreational fishing opportunities. (EIR, pg. 2-21.) Lastly, the Saltwater and Hybrid Alternatives would introduce toxic salinity levels to the Lagoon that would kill the currently existing species. (EIR, pg. 2-21.) These alternatives do not guarantee that saltwater fish species would inhabit the Lagoon to provide recreational fishing opportunities.

As demonstrated above, when compared to the Saltwater and Hybrid Alternatives, the Freshwater Alternative would include the least amount of construction and maintenance by a

⁴ The local saltwater lagoons include: Tijuana River, San Diego Bay, Mission Bay, San Elijo Lagoon, Batiquitos Lagoon, Agua Hedionda Lagoon, and Trestles Natural Wetlands.

12-50

The commenter states that the Freshwater Alternative would achieve all of the objectives identified in the EIR. SANDAG respectfully disagrees with commenter. The commenter is referred to Chapter 4 of the EIR for discussion of alternatives, including the water quality, flood risk, and invasive species control, and recreational benefits of the alternatives. With respect to commenter's discussion of the viability of the Saltwater Alternative, commenter is referred to responses to comments 12-5 and 12-14. The commenter states that a freshwater system in Buena Vista Lagoon would promote coastal biodiversity and that returning Buena Vista Lagoon to a saltwater system would diminish the biodiversity of the region. Please see Master Response #4 and the reference contained therein (*Regional Ecological Ramifications of the Conversion of Buena Vista Lagoon to a Tidal Saltwater System* [Merkel 2006]). With respect to hazards associated with the Saltwater and Hybrid Alternatives, commenter is referred to responses to comments 12-6 and 12-41.

Also see Master Response #4 addressing the lagoon as a freshwater coastal resource. The EIR finds that the Freshwater Alternative does not achieve the CEQA project objectives to the same extent as the other action alternatives (Section 4.4). The EIR finds that beneficial environmental impacts from the Freshwater Alternative would be less than those of the other alternatives, including reduced improvements to lagoon hydrologic function and drainage patterns, and fewer enhanced habitat and biological benefits as detailed in Chapter 4. The commenter does not provide any substantial evidence that is at variance with the conclusions in the EIR.

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significant amount. Therefore, the Freshwater Alternative would minimize the cost of construction and maintenance.

IV. The Saltwater and Hybrid Alternatives are Infeasible

The requirement that EIRs identify and discuss alternatives to the project stems from the fundamental statutory policy that public agencies should require the implementation of feasible alternatives to reduce the project's significant environmental impacts. (Pub. Res. Code § 21002.) CEQA and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.* [hereinafter, "CEQA Guidelines"]) outline a comprehensive scheme for evaluating potential adverse environmental effects. The California Supreme Court has described the discussion of alternatives as "the core of an EIR." (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564.) To implement the policy of reducing significant environmental impacts, CEQA requires that an EIR identify feasible alternatives that could avoid or substantially lessen the project's significant environmental effects. (Pub. Res. Code §§ 21002, 21002.1(a), 21100(b)(4), 21150.)

According to the CEQA Guidelines, an EIR must describe a reasonable range of alternatives to the project, or to its location, that would feasibly attain most of the project's basic objectives while reducing or avoiding any of its significant effects. The EIR must evaluate the comparative merits of those alternatives. (CEQA Guidelines § 15126.6(a).) The discussion of alternatives should include sufficient information about each alternative to allow evaluation, analysis, and comparison with the proposed project. (CEQA Guidelines § 15126.6(d).) There are four threshold tests for suitable alternatives. Potential alternatives are reviewed to determine whether they: (i) can substantially reduce significant environmental impacts; (ii) can attain most of the basic project objectives; (iii) are potentially feasible; and (iv) are reasonable and realistic. A lead agency should not include alternatives in the EIR that it concludes are not potentially feasible. (*Save San Francisco Bay Ass'n v. San Francisco Bay Conservation & Dev. Comm'n* (1992) 10 Cal.App.4th 908, 922 [EIR should not examine alternatives that are so speculative, contrary to law, or economically catastrophic as to exceed realm of feasibility].)

To approve a final EIR, a lead agency must certify that the EIR has been completed in compliance with CEQA. (CEQA Guidelines § 15090(a)(1).) Under CEQA, in order for an EIR to be certified, the lead agency is required to mitigate or avoid significant environmental impacts when it is feasible to do so. (Pub. Res. Code §§ 21002, 21002.1(b).) Specifically, a public agency may not approve or carry out a project for which an EIR was prepared unless either (i) the project as approved will not have a significant effect on the environment; or (ii) the agency has eliminated or substantially lessened all significant effects on the environment when feasible, and has determined that any remaining significant effects are acceptable when balanced against the project's benefits. (Pub. Res. Code § 21081; CEQA Guidelines § 15092(b).) Stated another way, an agency should not approve projects as proposed if feasible alternatives exist that would substantially lessen the project's significant environmental effects.

A public agency must use its available powers and authority to require changes or alterations to avoid or substantially lessen a project's significant environmental effects when it is feasible to do so. Accordingly, an agency may not approve projects as proposed if it is feasible

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12-51

This comment summarizes the statutory and regulatory requirements for the analysis of project alternatives in an EIR and case law interpreting these requirements. The commenter asserts that the Saltwater and Hybrid Alternatives are not consistent with these requirements because they are infeasible but does not identify the reasons for this conclusion. It is understood that the comment is an introductory comment. The commenter is referred to responses to comments 12-52 through 12-62, which address the specific claims raised by commenter regarding the feasibility of alternatives carried forward for detailed consideration in the EIR. The SANDAG Board of Directors will make the ultimate decision on which alternative to approve after consideration of the information in the EIR. The SANDAG Board of Directors will make any findings required under CEQA for rejection of alternatives as applicable.

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to adopt alternatives that would substantially reduce the project's significant environmental impacts. (Pub. Res. Code §§ 21002, 21002.1(b), 21081; CEQA Guidelines §§ 15021(a), 15091.) CEQA gives an agency authority, consistent with its available powers, to adopt a project alternative, particularly if the agency finds that the alternative will be less environmentally damaging than the project as proposed. (Pub. Res. Code §§21002–21002.1, 21004; CEQA Guidelines § 15002(a).)

If the project will result in significant environmental impacts that will not be avoided or substantially lessened by mitigation measures, the agency must consider the environmentally superior alternatives identified in the EIR and find that they are "infeasible" before approving the project. (Pub. Res. Code § 21081(a)(3); CEQA Guidelines § 15091(a)(3).) This findings requirement follows from the policy in Public Resources Code section 21002, which states: "[I]t is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives ... available which would substantially lessen the significant environmental effects of such projects.... The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof." Reflecting this policy, Public Resources Code section 21081 provides that if one or more significant impacts will not be avoided or substantially lessened by adopting mitigation measures, environmentally superior alternatives described in the EIR must be found infeasible if they are not adopted. (Pub. Res. Code § 21081(a)(1)–(3); *Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 620; *Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433 [agency erred by failing to consider feasibility of alternatives when adopting alternative would provide only means by which to reduce or avoid project's significant effect on wetlands]; *Resource Def. Fund v. LAFCO* (1987) 191 Cal.App.3d 886 [failure to make finding that alternative was infeasible held to be prejudicial error].)

An agency's finding that alternatives are infeasible must describe the specific reasons for rejecting each of the alternatives described in the EIR. (CEQA Guidelines § 15091(a).) The finding must also be supported by substantial evidence in the record. (Pub. Res. Code § 21081.5; *Cal. Clean Energy Comm. v. City of Woodland* (2014) 225 Cal.App.4th 173, 205 [finding of infeasibility differed from conclusion in EIR and was not supported by other information in record].)

Thus, alternatives presented in an EIR *must be* potentially feasible. (CEQA Guidelines § 15126.6(a); *City of Long Beach v. Los Angeles Unified Sch. Dist.* (2009) 176 Cal.App.4th 889, 920.) The term "feasible" is defined in Public Resources Code section 21061.1 as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (*Bowman v. City of Petaluma* (1986) 185 Cal.App.3d 1065, 1084 [evidence in record that alternative of building new arterial road to serve housing project could not be justified economically and would substantially delay project]; *Marin Mun. Water Dist. v. KG Land Cal. Corp.* (1991) 235 Cal.App.3d 1652, 1665 [EIR rejected various suggested alternatives as infeasible given economic, environmental, and technological factors involved].) The CEQA Guidelines add the term "legal" to the list of factors to take into account. (CEQA Guidelines § 15364.) Therefore, when deciding whether a project should be approved, an agency then has an obligation to balance various public objectives,

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including economic, environmental, legal, technological, and social factors, and determine whether overriding considerations justify approval of the project despite its significant environmental effects. (Pub. Res. Code §§ 21002, 21002.1(c), 21081; CEQA Guidelines §§ 15021, 15043, 15091–15093; *Cal. Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 982.)

At the project approval stage, it is up to the agency's decision-makers to weigh the relative advantages and disadvantages of the alternatives examined in the EIR. Here, the result will be a decision to adopt one of the alternatives. The agency will make this decision after weighing environmental factors together with the entire range of legal and policy considerations relevant to its action on the project.

Accordingly, in regards to Enhancement Project at hand, after weighing the relative advantages and disadvantages of the three alternatives, including the entire range of policy, legal and financial factors, SANDAG should adopt the Freshwater Alternative. The Saltwater and Hybrid Alternatives are categorically infeasible for numerous reasons. (Pub. Res. Code § 21081(a)(3); CEQA Guidelines § 15091; *Cal. Native Plant Soc'y*, 177 Cal.App.4th at 981.)

A. Economic Infeasibility

First, the Saltwater and Hybrid Alternatives are economically infeasible. Under CEQA, governmental agencies must "consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and ... consider alternatives to proposed actions affecting the environment." (Pub. Res. Code § 21001(g).) An alternative that is not economically feasible if it cannot reasonably be implemented based on economic constraints. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 737 [an alternative is economically infeasible must be supported by evidence showing that the additional costs or lost profits would make the project impractical]; *City of Fremont v. San Francisco Bay Area Rapid Transit Dist.* (1995) 34 Cal.App.4th 1780 [upholding a determination that \$60 million additional cost for subway design for rail transit extension project as alternative to aerial structure was infeasible economically].) Evidence that the cost of an alternative is significantly more than the cost of the other alternatives can provide a basis for a finding that the alternative is economically infeasible. (*San Franciscans Upholding the Downtown Plan*, 102 Cal.App.4th at 692.) An alternative is economically infeasible if the cost of the alternative is so great compared to other alternatives that a reasonably prudent person or property owner would not proceed with the alternative. (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600.) For public agency projects, competing demands on limited agency resources may also be an appropriate consideration. (*Flanders Found.*, 202 Cal.App.4th at 622.)

The Saltwater and Hybrid Alternatives would be more costly for taxpayers. The additional costs associated with construction of these alternatives, including the construction of the Carlsbad Boulevard Bridge, maintenance costs, and additional dredging and vegetation, is approximately 40% higher than the Freshwater Alternative. (EIR, pg. 3.2-16, 2-84.)

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Although implementation of the Saltwater and Hybrid Alternatives would be approximately 40 percent more costly than the Freshwater Alternative, as described by the commenter, increased cost alone does not render these alternatives infeasible (*Uphold Our Heritage v. Town of Woodside* [2007] 147 Cal.App.4th 587, 600.). The commenter provides no support for the claim that the cost of the Saltwater and Hybrid Alternatives renders the project impractical. SANDAG is aware of the relative costs of each alternative and the cost of each alternative does not render the alternative impractical. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

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B. Legal Infeasibility

Second, CEQA requires a lead agency adopt the environmentally superior alternative, which, as demonstrated herein, is the Freshwater Alternative. As such, adoption of either the Saltwater or Hybrid Alternative would violate CEQA and are, therefore, legally infeasible.

An alternative may also be found legally infeasible if its adoption is beyond the powers conferred by law on the agency. (*Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1304; *Kenneth Mebane Ranches v. Sup. Ct.* (1992) 10 Cal.App.4th 276, 291.) An alternative also is infeasible if it conflicts with relevant policies or regulatory limitations. (*City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) 208 Cal.App.4th 362, 417 [school district reasonably determined that reduced school size alternative was infeasible because of conflict with state school siting guidelines].)

1. Interference with St. Malo's Use of Easement

"Large lengths of the lagoon boundaries are lined with individual parcels and privately owned property. The Weir Basin is partially privately owned by St. Malo. The weir structure within the inlet channel is privately owned as well. These parcels and this westernmost portion of the lagoon are integral to controlling the water regime within the lagoon and therefore are considered part of the project area." (EIR, pg. 3.1-2.) The Saltwater and Hybrid Alternatives would require SANDAG to obtain easements over St. Malo's property. SANDAG's use of these easements, as the servient tenant, would illegally interfere with St. Malo's use of its easements, land, and/or property as the dominant tenant, resulting in a nuisance. (*Sumner Hill Homeowners' Ass'n, Inc. v. Rio Mesa Holdings, LLC* (2012) 205 Cal.App.4th 999 [nuisance action against party who installed gate that interferes with use of easement]; *Van Klompenburg v. Berghold* (2005) 126 Cal.App.4th 345 [action to enjoin servient owners from maintaining locked gates across easement]; *Petersen v. Friedman* (1958) 162 Cal.App.2d 245 [suit to compel removal of television aerials and antennae that violated easement for light, air, and unobstructed view].)

As discussed in Section II(I) above, the proposed tidal inlet mitigation bridge that would be built on these easements would illegally result the following interferences: (i) encroachment onto St. Malo property, resulting in liability for homeowners for potential injuries; (ii) visual impact to homeowners adjacent to the bridge and tidal inlet; (iii) invasion of homeowners' privacy as people utilizing the bridge would gain the ability to view private property; and (iv) creation of security issues, as it would allow to people to enter the St. Malo community during low tide.⁵ These interferences, which would result in a nuisance to St. Malo, are illegal; thereby, making the Saltwater and Hybrid Alternatives legally infeasible.

⁵ The interference resulting from the Saltwater and Hybrid Alternatives would not be covered by insurance against liability for property damage, defined as physical injury to or destruction of tangible property. (*Kazi v. State Farm Fire & Cas. Co.* (2001) 24 Cal.App.4th 871 [liability insurers had no duty to defend trespass and ejection].)

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The commenter misconstrues CEQA's fundamental requirements for environmental review. CEQA does not require lead agencies to adopt the environmentally superior alternative as the proposed project. Instead, if a project will result in significant environmental impacts that will not be avoided or substantially lessened by the mitigation measures recommended in the EIR, Public Resources Code Section 21081 and CEQA Guidelines Section 15091 require lead agencies to consider the environmentally superior alternatives identified in the EIR and determine whether they are actually feasible. CEQA further provides that "in the event specific economic, social, or other conditions make infeasible such project alternatives...individual projects may be approved in spite of one or more significant effects thereof." (Pub. Resources Code Section 21002.) The commenter's conclusion that adoption of any alternative other than commenter's preferred alternative (the Freshwater Alternative) is per se illegal is incorrect. As detailed in the EIR (Section 4.4), based solely on a comparison of significant adverse impacts, the Freshwater Alternative may be considered the "environmentally superior alternative" under CEQA. However, because the project is an environmental enhancement project, a comparison of the environmental benefits resulting from the alternatives is an important consideration. The benefits resulting from the Freshwater Alternative would be less than for the other enhancement alternatives, such as reduced improvements to lagoon hydrologic function and drainage patterns, and fewer enhanced habitat and biological benefits. There are environmental trade-offs between the alternatives that extend beyond just the direct comparison of significant environmental impacts and include, but are not limited to, the attainment of the maximum amount of objectives of the project. The Freshwater Alternative does not fully achieve the following objectives relating to environmental benefits to the same extent as the other action alternatives: (1) create conditions that curtail the growth and expansion of cattails, bulrushes, and invasive species; (2) protect, improve, and maintain water quality (e.g., reduce eutrophication) to meet water quality standards and address the 303(d) listed water quality impairments; and (3) reduce vector concerns (e.g., potential for mosquito-borne disease) by minimizing potential mosquito breeding habitat. As detailed in Section 4.5 of the Final EIR, SANDAG staff has used the CEQA impact analysis and the quantitative comparison found in Appendix K, in conjunction with the agency and public input received during the CEQA review of the Draft EIR to identify the proposed project. The Saltwater Alternative has been identified as the proposed project and the SANDAG Board of Directors is required to make the appropriate CEQA findings in light of project record before taking action on the project. Thus, adoption of the Saltwater or Hybrid Alternative is not legally infeasible as indicated in the comment.

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The commenter contends that the Saltwater and Hybrid Alternatives would require SANDAG to obtain easements over St. Malo's property and that such right-of-way acquisition would constitute a nuisance. Civil Code Section 3482 provides that "[n]othing which is done or maintained under the express authority of a statute can be deemed a nuisance" (Civ. Code, Section 3482; see *Hassell v. City & County of San Francisco* (1938) 11 Cal.2d 168, 171.) Through various legislative acts, SANDAG is the Regional Transportation Commission (RTC), the Regional Transportation Planning Agency, and the Metropolitan Planning Organization for the San Diego region. In 2005, it became the consolidated regional agency for the San Diego region responsible for transit planning, programming, project development, and construction (Pub. Util. Code, Section 132350, et seq.). As the consolidated agency, SANDAG is able to exercise all rights and powers necessary to carry out the purpose and

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2. Eminent Domain

In the event that St. Malo is unwilling to grant such easements, the government will be required to initiate eminent domain proceedings. In California, there are four prerequisites for the exercise of eminent domain: (i) there is a public interest in the project; (ii) the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (iii) the property sought is required for the project; and (iv) the project serves a public use. The EIR contains three alternatives. One of these alternatives, the Freshwater Alternative, would result in the least private injury; thereby eliminating the eligibility of the Saltwater and Hybrid Alternatives. Additionally, SANDAG would have a difficult time showing that the easement needed to implement the Enhancement Project serves a legitimate "public use" at other, less invasive alternatives are available. It would also be difficult to prove that easement land is *necessary* for public use as less invasive alternatives are available. Should SANDAG fail to establish both public use and public necessity, it cannot invoke the power of eminent domain.

Additionally, as a general rule, property already devoted to a public use cannot be condemned for another public use under the power of eminent domain, where the latter taking will totally destroy or materially interfere with the first use, without express legislative authorization. (*Clarke v. Boyesen* (1930) 39 F.2d 800, 816; *U.S. v. Certain Parcels of Land* (1952) 196 F.2d 657, 661.) Here, the property needed to construct the tidal Inlet mitigation bridge is already devoted to a public use (the weir). Adoption of either the Saltwater or Hybrid Alternative would destroy the existing public use (the weir). Thus, legislative authorization would be required to successfully achieve eminent domain. However, under the law, the necessity of this legislation action renders the Saltwater and Hybrid Alternatives legally infeasible.

Even if SANDAG was able to demonstrate "public use" and obtain legislative authorization because the Lagoon is a designated ecological reserve, SANDAG is precluded from obtaining adjacent land necessary for implementation of either the Saltwater Alternative or the Hybrid Alternative by eminent domain. (Fish & Game Code § 1582.)⁶ Without eminent domain, the Saltwater and Hybrid Alternatives are infeasible, if not impossible.

3. Takings

The implementation of either the Saltwater Alternative or the Hybrid Alternative would also result in a taking of private property, as these alternatives do not substantially advance legitimate state interests and they deny an owner economically viable use of his land. (*Agins v. City of Tiburon* (1980) 447 U.S. 255, 100 S.Ct. 2138.) As demonstrated in Section IV(b)(2) above, SANDAG's use of St. Malo property would not substantially serve a public use. And, as demonstrated in Section IV(b)(1) above, SANDAG's use of St. Malo's property would create

⁶ "The department shall do all things to secure a valid title in the state to the property acquired in fee for ecological reserves but no payment shall be made therefor until the title is vested in and satisfactory to the state. No such land will be acquired by eminent domain."

intent of its creation. Those rights and powers include the right to "acquire, by eminent domain, any property necessary to carry out any of its powers or functions" (Pub. Util. Code, Section 132354, subd. (c).). In 2011, Senate Bill 468 (Kehoe) was passed regarding the North Coast Corridor project (NCCP). The NCCP is a series of projects within the coastal zone that include improvements to a segment of I-5 and the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor. Pursuant to Senate Bill 468, SANDAG has an obligation to ensure that its transportation projects within the coastal zone do not diminish natural resources and, as a result, must dedicate certain TransNet funds for regional habitat acquisition and environmental projects. As part of Senate Bill 468, Section 103 was added to the Streets and Highways Code. It requires that SANDAG's NCC PWP/TREP, which was approved by the Coastal Commission in 2014, include environmental restoration and mitigation and enhancement projects, which are to proceed concurrently with the I-5 improvements and construction of other multimodal projects (Sts. & Hwy Code, Section 103, subds. (b), (c)(4), (c)(7), (c)(9).) The PWP/TREP includes restoration and enhancement of lagoon ecosystems. Because SANDAG is statutorily authorized to undertake the proposed project, its proposed actions in furtherance of the project would not constitute a nuisance. The commenter is also referred to Master Response #2. To the degree that the comment addresses economic concerns, no further response is required. The commenter is referred to Section 3.9 of the EIR for a discussion of visual resource impacts.

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The comment is noted. SANDAG is aware of the legal requirements associated with exercising eminent domain. The option of eminent domain may be evaluated more closely depending upon the alternative selected for implementation. See Master Response #2 regarding private property and eminent domain. The commenter is also referred to the California Supreme Court's opinion in *City of San Diego v. Board of Trustees of California State University* (2015) 61 Cal.4th 945, holding that the need for legislative authorization is not a basis for finding that a measure or alternative is infeasible.

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Please refer to responses to comments 12-53, 12-54, and 12-55.

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such interferences as to deny St. Malo economic use of their land. Therefore, the Saltwater and Hybrid Alternatives are legally infeasible.

4. Inverse Condemnation

Even if SANDAG's use of the property does not result in a taking, the Saltwater and Hybrid Alternatives would result in inverse condemnation, which occurs when action by a public entity diminishes a private property's value. The California Supreme Court has stated that an action for inverse condemnation lies when there is "actually physical injury to real property proximately caused by a public improvement as deliberately designed and constructed." (*Belair v. Riverside County Flood Control Dist.* (1988) 47 Cal.3d 550, 558.) First, the Saltwater and Hybrid Alternatives would result in a direct impact on St. Malo's private property with the physical construction of the tidal inlet bridge. As demonstrated above, this construction will cause a number of interferences that would result in injury to real property and diminish the private property's value. Additionally, these alternatives may result in noxious odors during low tide, which would also result in inverse condemnation. (*Varjabedian v. City of Madera* (1977) 20 Cal.3d 285, 298 [offensive odors from adjacent sewage treatment plant supported cause of action for inverse condemnation as property suffered direct and peculiar burden based on noxious gasses flowing repeatedly and directly onto plaintiff's land].)

It should also be noted that the use of eminent domain, a takings and/or inverse condemnation that would occur under the Saltwater and Hybrid Alternatives would result in an even costlier Enhancement Project. The U.S. Supreme Court has declared property owners are entitled to just compensation, including interim damages, for damages caused by land use regulations that deprives an owner of substantially all reasonable use of his or her property, thereby increasing the economic infeasibility of the Saltwater and Hybrid Alternatives, over and above the approximately 40% higher construction and maintenance costs associated with these alternatives. (*First English Evangelical Lutheran Church v. County of Los Angeles* (1987) 482 U.S. 304.)

5. California Coastal Act

The California Coastal Act requires implementation of the Freshwater Alternative. Under the California Coastal Act, sections 30235, 30233, 30706, the construction permitted in the Coastal Zone must protect existing structures and public beaches in danger of erosion. Under these sections, construction will be allowed through revetments, breakwaters, groins, or other means that alter natural shoreline processes, and dredging of open coastal waters, lakes, wetlands, and other areas will be permitted only where less feasible environmentally damaging alternatives are not available. In particular, in Section 30233, dredging and spoils disposal, planned to avoid significant disruption to marine and wildlife habitats and water circulation, is allowed for restoration purposes. Section 30233 further states that dredge spoils suitable for beach replenishment should be transported to appropriate beaches or into suitable longshore current systems. As demonstrated herein, the Freshwater Alternative is the least environmentally damaging and most feasible alternative. Therefore, selection of the Saltwater and Hybrid Alternatives would violate the California Coastal Act and are legally infeasible.

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The commenter is concerned that the project would result in a direct impact to St. Malo's private property from the physical construction of the tidal inlet bridge (pedestrian bridge), other claimed interferences, and claimed noxious odors during low tide. The commenter concludes that these impacts would result in inverse condemnation, citing *Varjabedian v. City of Madera* (1977) 20 Cal.3d 285, 298. To the degree that the comment addresses environmental issues, SANDAG responds as follows. Pedestrian bridge construction impacts are addressed in Section 3.1, Table 3.1-3, which concludes that no significant temporary impacts would result from construction of the pedestrian bridge. The operational impacts of the tidal bridge, including, but not limited to, hazards and aesthetic impacts, are addressed in Section 3.1, Table 3.1-3, and Section 3.9, Visual Resources, and with the conclusion that the pedestrian bridge would result in a substantial obstruction to ocean views and would be a significant and unmitigable visual impact. With respect to odors, the EIR concluded that no significant impacts resulting from odor would result (Section 3.11). To the degree that the comment addresses economic concerns, no further response is required.

12-58

All of the alternatives carried forward for consideration in the EIR were designed to comply with state environmental and land use laws, including the California Coastal Act. SANDAG is also consulting with the California Coastal Commission, which is a responsible agency for the project, as part of CEQA review of the proposed project. SANDAG will continue to work with the California Coastal Commission to ensure consistency with the policies and requirements of the Coastal Act. Notably, the California Coastal Commission has indicated its support for the Saltwater Alternative and the compliance of the alternative with Coastal Act requirements in comments on the Draft EIR.

As discussed in prior responses to the commenter, SANDAG disagrees with commenter's characterization of the Freshwater Alternative as the least environmentally damaging alternative. As described in Chapter 4, the Freshwater Alternative does not meet the environmental objectives of the project to the same degree as the Saltwater and Hybrid Alternatives. As discussed above and in Section 4.3.1, significant unmitigable impacts to some resources would occur through implementation of the project. In other cases, beneficial effects on resources would occur with implementation of the project. Specifically, the Saltwater and Hybrid Alternatives have additional impacts related to visual resources, traffic, and public health and safety as compared to the Freshwater Alternative. However, these alternatives also include additional benefits related to hydrology and flooding, water and aquatic sediment quality, biological resources, and public health and safety.

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C. Inconsistent With Policy

The Saltwater and Hybrid Alternatives also inconsistent with regulatory policies. A conflict between proposed alternatives and land use planning goals may support a finding of infeasibility. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.) An agency may also find alternatives infeasible because they do not adequately accommodate land use policies. (*Cal. Native Plant Soc'y*, 177 Cal.App.4th at 1001; *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1212 [upholding findings of infeasibility of mitigating loss of agricultural resources on both economic and general plan policy grounds]; *Found. for San Francisco's Architectural Heritage v. City & County of San Francisco* (1980) 106 Cal.App.3d 893, 913 [upholding decision in favor of new construction while rejecting alternative of rehabilitating historic retail building as infeasible based on evidence of increased construction costs, decreased tax revenues, and reduced employment opportunities]; *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 44 [upholding city's rejection of alternatives to a general plan amendment on various grounds]; *No Slo Transit, Inc. v. City of Long Beach* (1987) 197 Cal.App.3d 241, 257 [CEQA requires findings only for factual determinations on environmental impacts, not for policy-based decisions to select one alternative over another].)

The California Coastal Act was implemented to protect the state's natural and scenic resources, protect private property, and prevent the deterioration and destruction of the coastal zone. (Pub. Res. Code § 30001.) The California Coastal Act was also implemented to "[m]aximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners." (Pub. Res. Code § 30001.5(c).) Implementation of either the Saltwater Alternative or the Hybrid Alternative would result in the loss of recreational use of the contiguous beach fronting the weir. (EIR, pg. 3.1-6.) These alternatives would break this stretch of beach and create hazardous swimming conditions.

The EIR also states that these alternatives would provide less fishing recreational opportunities than the Freshwater Alternative. (EIR, pg. 3.1-13, 3.1-14.) Moreover, as demonstrated above, the Saltwater and Hybrid Alternatives would violate the constitutionally protected rights of St. Malo. Therefore, the Saltwater and Hybrid Alternatives run contrary to and are inconsistent with the policy goals outlined in the California Coastal Act, California Constitution and Carlsbad and Oceanside Land Use Plans, and are, therefore, legally infeasible.

Additionally, the Saltwater and Hybrid Alternatives are inconsistent with the policy goals determined by CDFW in 1968. As discussed below, government entities have expressed their desire to keep the Lagoon as a freshwater system and have set precedent in a number of legal documents. Thus, Saltwater and Hybrid Alternatives, which would result in conversion of the Lagoon to a saltwater system (in whole or in part), are legally infeasible under this stated policy.

V. The Saltwater and Hybrid Alternatives are Not Reasonable

The alternatives discussed in an EIR must be reasonable alternatives, selected to foster informed decision-making and public participation. (CEQA Guidelines § 15126.6(a).) An EIR need not consider an alternative whose implementation is remote and speculative, because

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The commenter is referred to Table 3.1-1 and Section 3.1 of the EIR for a discussion of project consistency with the California Coastal Act, the City of Carlsbad Local Coastal Program, and the City of Oceanside Local Coastal Program. As discussed in Section 3.1.4, significant impacts to recreation access would occur under each of the Enhancement Project alternatives due to the necessary placement of pipeline across beach areas for materials placement activities. The temporary recreation impact would be reduced to below significance with implementation of Mitigation Measure Recreation-1. As discussed in Table 3.1-1, the Saltwater and Hybrid Alternatives would impair public access to coastal areas due to potential unsafe crossing conditions with an open inlet. This impact is mitigated to less than significant through the pedestrian bridge as Mitigation Measure Land Use-1. See response to comment 12-58 regarding the California Coastal Act and the California Coastal Commission preference for the Saltwater Alternative.

The EIR analyzes potential impacts to recreation, including the loss of continuous beach availability within the inlet. This was found to not represent a significant environmental impact or create policy inconsistency (Section 3.1.3). As described in Section 3.1, Land Use and Recreation, usability of the beach area encompassed by the inlet would vary with environmental conditions, as coastal beach areas do. When conditions are appropriate, the inlet could continue to serve as beach area and provide opportunity for wading and beach play, as is evidenced at other local coastal lagoon inlets, such as San Elijo Lagoon.

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Recreational fishing opportunities would be enhanced under each of the alternatives. Pages 3.1-13 and 3.1-14, as referenced in the comment, describe the fishing enhancements under the Freshwater Alternative, but do not compare or suggest that these improvements results in more or less fishing opportunity than the other alternatives. Significant impacts to fishing were not identified under any of the alternatives. Please see response to comment 12-5.

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See responses to comments 12-58 through 12-60 addressing project consistency with the California Coastal Act and other policy documents.

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The commenter asserts that the Saltwater and Hybrid Alternatives are infeasible because they are inconsistent with the policy goals determined by CDFW in 1968. The comment does not provide any documentation of goals established by CDFW in 1968 in relation to Buena Vista Lagoon. The memorandum from the Wildlife Conservation Board to the Office of the Attorney General dated February 29, 1972, that is provided by commenter states that the Wildlife Conservation Board's objectives are to preserve and enhance the habitat of the lagoon and the various species that use the habitat area, and that its preference is to maintain the lagoon as a freshwater body instead of filling the lagoon. The memorandum does not state that the Wildlife Conservation Board objects to a saltwater or hybrid system. The project is consistent with the Wildlife Conservation Board's objective to preserve and enhance the habitat. CDFW's comments on the Draft EIR express CDFW's unequivocal support for the Saltwater Alternative. Even if the objectives set out in the 1972 Wildlife

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unrealistic alternatives do not contribute to a useful analysis. (CEQA Guidelines §15126.6(f)(3); *In re Bay-Delta Programmatic Evtl. Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1163; *Found. for San Francisco's Architectural Heritage v. City & County of San Francisco* (1980) 106 Cal.App.3d 893, 910.)

An alternative is remote or speculative if significant changes in governmental policy or legislation are necessary to carry it out. (*Residents Ad Hoc Stadium Comm. v. Bd. of Trustees* (1979) 89 Cal.App.3d 274, 286; *Citizens for Open Gov't v. City of Lodi* (2012) 205 Cal.App.4th 296, 313 [the court upheld an agency's decision not to evaluate alternatives that would not be allowed by the existing zoning for the property].) An alternative may also be found remote and speculative if it is unlikely as a practical matter to be carried out within the reasonable future or is contingent on the occurrence of uncertain future events. (*Al Larson Boat Shop, Inc. v. Bd. of Harbor Comm'rs* (1993) 18 Cal.App.4th 729, 745; *Bowman*, 185 Cal.App.3d at 1084.)

The Saltwater and Hybrid Alternatives are too speculative, and, therefore, not reasonable alternatives. Specifically, as demonstrated by the discussion in Section IV(b) and Section VI herein, the Saltwater and Hybrid Alternatives have a remote chance in achieving implementation due to their legal infeasibility. The necessity of eminent domain and inverse condemnation would require legal action, the success of which is speculative. Moreover, the Saltwater and Hybrid Alternatives would reverse the governmental policy maintaining the freshwater status of the Lagoon as established in 1968. Implementation of either the Saltwater Alternative or the Hybrid Alternative would substantially delay completion of the Enhancement Project. Such a delay will further increase the speculative nature of these alternatives.

Additionally, the biological impacts of the Saltwater and Hybrid Alternatives are speculative, at best. As noted previously, the Saltwater and Hybrid Alternatives would convert the Lagoon from a freshwater system to a saltwater system, either in whole or in part. The conversion would substantially and irreversibly modify existing Lagoon habitats. Due to higher salinity levels, 10 of the 12 species of fish currently present in the Lagoon would not survive the conversion. (EIR, pg. 3.5-68.) This saltwater conversion would be merely an experiment and presents no evidence of successfully creating or maintaining biological diversity. The EIR's allegation that marine and saltwater species would be attracted to the Lagoon under the conversion is speculative and without merit.

Due to these factors, the Saltwater and Hybrid Alternatives are not reasonable and must be rejected as a matter of law.

VI. **SANDAG is Stopped From Implementing Either The Saltwater Alternative or The Hybrid Alternative**

In 1968, the Lagoon was designated as the State of California's first ecological reserve, to be managed as an ecological preserve by CDFW. Since then, government entities have expressed their desire to keep the Lagoon as a freshwater system and have set precedent in a number of legal documents. For example, CDFW pledged to maintain the Lagoon as a freshwater system in a memorandum dated February 29, 1972 to the Office of the Attorney General, attached hereto as Exhibit A. Additionally, in an easement agreement dated July 26,

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Conservation Board's memorandum are inconsistent with the Saltwater and Hybrid Alternatives, which they clearly are not, none of the cases cited by commenter authorize a lead agency to find that an alternative is legally infeasible because of an inconsistency between a proposed project and informal regulatory material that has no force of law, such as the memorandum referenced by commenter.

The memorandum cited in the comment is 45 years old and many environmental changes to the lagoon, surrounding development, and watershed have taken place within that timeframe that must be considered. Additional advanced scientific understanding and study of lagoon systems also influence the decisions being made regarding lagoon management at present as opposed to information from 50 years ago. Please see the CDFW letter regarding this project (comment 3-4) stating their preferred alternative as the Saltwater Alternative, as well as comments from other government entities, such as the U.S. Fish and Wildlife Service (Comment 1-2) and California Coastal Commission (Comment 2-7). The comment's sole reliance on historical documents stating agency preferences is no longer appropriate in the present as is demonstrated through the agencies' current support of the Saltwater Alternative.

12-63

The comment summarizes legal principles and authority relating to whether an alternative is reasonable for the purpose of CEQA. It is understood that the comment is an introductory comment. Please refer to response to comment 12-64 for a discussion of commenter's specific concerns.

12-64

With respect to the assertion that the Saltwater and Hybrid Alternatives are speculative, commenter is referred to responses to comments 12-5, 12-14, and 12-21. With respect to commenter's assertion that the Saltwater and Hybrid Alternatives are legally infeasible, commenter is referred to responses to comments 12-53 through 12-62 and 12-66 through 12-67.

The comment does not state why the Saltwater or Hybrid Alternative would result in a schedule delay. Also, please see Master Response #2 regarding eminent domain.

12-65

SANDAG does not agree that the Saltwater and Hybrid Alternatives are experimental. The anticipated successful conversion of the lagoon to a saltwater system as described throughout the EIR is based on scientific information and expert opinion and design, as well as previous enhancement/restoration projects. See responses to comments 12-5, 12-14, and 12-21.

12-66

Please refer to response to comment 12-62 for a discussion of the 1972 memorandum from the Wildlife Conservation Board to the California Attorney General. The commenter asserts that the Saltwater and Hybrid Alternatives would violate the rights established by the 1972 memorandum. As discussed above, the 1972 memorandum does not carry the force of law and does not create any rights with respect to Buena Vista Lagoon. The commenter also asserts that the Saltwater and Hybrid Alternatives would violate the terms of an easement granted by the Army and Navy Academy, a

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Page 24

1971 between Army and Navy Academy and the City of Carlsbad, the Lagoon was conditioned to never allow ocean water to enter into it, as Exhibit B. The Saltwater and Hybrid Alternatives would illegally violate the rights vested by these precedent-setting documents.

A vested right is limited to the right to complete development or construction without complying with subsequently enacted laws, while estoppel is the broader preclusion of a party, including a government agency, from acting counter to its previous conduct or commitments. (*Avco Cmty. Dvlpr, Inc. v. S. Coast Reg'l Comm'n* (1976) 17 Cal.3d 785, 791; *Strong v. County of Santa Cruz* (1975) 15 Cal.3d 720, 725; *City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 489 [elements of estoppel]; *City of Glendale v. Sup. Ct.* (1993) 18 Cal.App.4th 1768, 1781 [estoppel will be applied to government agencies only when "justice and right require it," and it will not be applied if it would "nullify a strong rule of policy adopted for the benefit of the public"].) Under both theories, SANDAG is prohibited from implementing either the Saltwater Alternative or the Hybrid Alternative.

A. Vested Right

Under the California vested rights rule, if a city or county changes its land use designations or regulations after a developer has obtained a preliminary approval under preexisting rules, has obtained a building permit or comparable discretionary permit and has done substantial work and incurred substantial liability in good faith reliance on the permit then the developer has obtained a vested right in that development which precluded a city or county from enforcing subsequent changes in land use designations or regulations. (*Avco Cmty. Developers*, 17 Cal.3d 785; *Santa Monica Pines, Ltd. v. Rent Control Bd.* (1984) 35 Cal.3d 858; *Consaul v. City of San Diego* (1992) 6 Cal.App.4th 1781; *Hock Inv. Co. v. City & County of San Francisco* (1989) 215 Cal.App.3d 438 [reliance on planning department assurances that condominium conversion would be subject to law in effect at time of application estopped city from applying later-enacted ordinance that would have prevented conversion]; *City of W. Hollywood v. Beverly Towers, Inc.* (1991) 52 Cal.3d 1184 [vested right to convert to condominium use existed because necessary discretionary approvals, including final subdivision maps and Department of Real Estate approval of sales, were obtained].)

St. Malo has obtained various discretionary permits and approvals of the construction and on-going maintenance of the weir and inlet area. (EIR, pg. 3.1-2.) Under these permits and approvals, St. Malo has expended, and continues to expend, a substantial amount of money and time on constructing and maintaining the weir. Under the law, St. Malo has a vested right for the weir and inlet to be maintained in its current state. Implementation of either the Saltwater Alternative or the Hybrid Alternative would violate this right.

B. Fundamental Vested Right

A fundamental vested right is one that has been "legitimately acquired or is otherwise 'vested' and is of a fundamental nature from the standpoint of its economic aspect or its effect in human terms and the importance to the individual in the life situation." (*Mtn. Def. League v. Bd. of Supervisors of San Diego County* (1977) 65 Cal.App.3d 723, 730 n.6; *Transcentury Properties, Inc. v. State of Cal.* (1974) 41 Cal.App.3d 835, 844.) The question of what

nonprofit corporation, to the City of Carlsbad and the City of Oceanside for the purpose of maintaining, operating, and repairing the weir. A partial copy of the easement was attached by the commenter. The commenter did not provide Exhibit I to the easement, which shows the lands covered by the easement ("the Easement Lands"). The Army and Navy Academy is a private college preparatory boarding school, founded in 1910. The commenter asserts that the easement was conditioned "to never allow ocean water to enter" Buena Vista Lagoon. Such limitation does not appear in the copy of the easement provided by the commenter. However, the easement provides that the easement granted by the Academy does not include the right, on the part of Carlsbad and Oceanside, to use the easement to import water from the Pacific Ocean or from any other source to or into Buena Vista Lagoon. The limited rights granted by the Academy to Carlsbad and Oceanside under the 1971 easement are simply not dispositive of the feasibility of the project alternatives.

As discussed in EIR Section 1.1.1, Buena Vista Lagoon is owned and managed by a number of different individuals and agencies. The EIR acknowledges that portions of Buena Vista Lagoon are in private ownership. In particular, with respect to the existing weir, EIR Section 1.1.1 provides that portions of the Weir Basin are owned and maintained by the St. Malo Homeowners Association and that the weir itself, as well as the surrounding channel, is owned by private individuals. The commenter is referred to Master Response # 2. The commenter is also referred to response to comment 12-54. The commenter's vested rights and equitable estoppel theories are noted but they present legal issues and arguments, not issues of environmental impacts under CEQA. Therefore, no response is required.

12-66
Contd.

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constitutes a fundamental, vested right must be answered on a case-by-case basis and considers not only the economic aspects involved but also "the effect ... in human terms and the importance of it to the individual in the life situation." (*Bixby v. Pierno* (1971) 4 Cal.3d 130, 144.)

St. Malo has legitimately acquired fundamental rights to safety, privacy and limited liability. However, they would be violated with the construction of the tidal inlet mitigation bridge. As discussed in Section II(I) above, the proposed tidal Inlet mitigation bridge that would result the following interferences: (i) encroachment onto St. Malo property, resulting in liability for homeowners for potential injuries; (ii) visual impact to homeowners adjacent to the bridge and tidal Inlet; (iii) invasion of homeowners' privacy as people utilizing the bridge would have the ability to view private property; and (iv) creation of security issues, as it would allow to people to enter the St. Malo community during low tide. In short, construction of the tidal inlet mitigation bridge under the Saltwater and Hybrid Alternatives would have detrimental and adverse impacts on St. Malo's fundamental rights, and implementation of either the Saltwater Alternative or the Hybrid Alternative is illegal.

C. Estoppel

SANDAG is equitably estopped from implementing either the Saltwater Alternative or the Hybrid Alternative because St. Malo has incurred substantial expense in reasonable and good faith reliance on various governmental agencies' assurances the Lagoon would remain freshwater. "The principle of estoppel . . . prohibits a governmental entity from exercising its regulatory power to prohibit a proposed land use when a developer incurs substantial expense in reasonable and good faith reliance on some governmental act or omission so that it would be highly inequitable to deprive the developer of the right to complete the development as proposed." (*Congregation Etz Chaim v. City of Los Angeles* (9th Cir. 2004) 371 F.3d 1122, 1125, quoting *Toigo v. Town of Ross* (1998) 70 Cal.App.4th 309, 321.) The elements of the doctrine of equitable estoppel are that: (i) the party to be estopped must be aware of the facts; (ii) he/she must intend that his/her conduct will be acted upon or must so act that the party asserting the estoppel has a right to believe it was so intended; (iii) the other party must be ignorant of the true state of facts; and (iv) he must rely upon the conduct to his detriment. (*City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 488-89; *Penn-Co. v. Bd. of Supers.* (1984) 158 Cal.App.3d 1072, 1080.)

Where extensive reasonable reliance on government representations and entitlements is shown and no threat to public health or safety is involved, public agencies have been estopped to revoke or abridge otherwise vested rights. (*Pardee Construction Co. v. Ca. Coastal Comm'n* (1979) 95 Cal.App.3d 471, 481.) Estoppel has also been applied against the government where "justice and right" require it, particularly where no strong public and community interest or public policy is involved. (*Furey v. City of Sacramento* (1979) 24 Cal.3d 862; *Kieffer v. Spencer* (1984) 153 Cal.App.3d 954; *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1526; *Anderson v. City of La Mesa* (1981) 118 Cal.App.3d 657.) In *Congregation Etz Chaim*, the city entered into a settlement agreement with the congregation, allowing it to operate a synagogue in a residential-zoned area. After the congregation performed substantial work and incurred substantial liabilities on construction, the city issued a stop-work order. The appellate court held

12-67

Implementation of the Saltwater and Hybrid Alternatives is not contrary to prior actions by SANDAG, or any other public agency. The commenter is referred to responses to comments 12-62 and 12-66.

12-66
Contd.

12-67

12-68

The commenter is referred to responses to comments 12-1 through 12-67.

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that the city was equitably estopped from revoking the building permit. (*Congregation Etz Chaim*, 371 F.3d at 1125.)

Here, since 1968 governmental agencies have publicly assured those interested parties, including St. Malo, that the Lagoon would remain a freshwater system via legally binding documents. With these assurances, St. Malo has expended a substantial amount of money and time constructing and maintaining the weir. Implementation of either the Saltwater Alternative or the Hybrid Alternative would be contrary to the assurances previously made and relied on, to St. Malo's detriment. Therefore, SANDAG is estopped from implementing these alternatives.

12-67
Contd.

VII. Conclusion

As set forth above, in the record of the Enhancement Project, and in the prior proceedings, all of which are incorporated herein, we believe the Freshwater Alternative should be the alternative adopted to implement the Enhancement Project. The Freshwater Alternative is environmentally, economically and legally superior and accomplishes the objectives stated in the EIR. For these reasons, St. Malo respectfully requests SANDAG adopt the Freshwater Alternative.

12-68

Please do not hesitate to contact me with any questions or concerns regarding the information contained herein.

Sincerely,



John E. Ponder
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:465190987.3

cc: Susi Browne
John Tenaglia

EXHIBIT "A"

State of California
Memorandum
 To : Mr. Foster Knight
 Office of the Attorney General
 1350 Front Street
 San Diego, California 92101
 Date : February 23, 1972
 From : Wildlife Conservation Board
 Subject: Buena Vista Lagoon, San Diego County

This is in response to your verbal request regarding your investigation of filling at the Buena Vista Lagoon, San Diego County. You asked if the area had been declared an ecological area under the procedures as set forth in the Fish and Game Code.

Chapters 1580-84 of the Fish and Game Code allows the Fish and Game Commission to establish ecological reserves for the protection of species and habitat. On January 9, 1970 the Commission made such a classification of approximately 60 acres of lagoon purchased by the Wildlife Conservation Board on June 2, 1969. It should be pointed out that the Commission's authority does not extend to other than land acquired by the state for wildlife purposes.

It is expected the Nature Conservancy will transfer its property in the lagoon to the Wildlife Conservation Board. If such action does take place, we intend to request the Fish and Game Commission for "ecological reserve" classification of those lands also.

You further asked me to state the objectives of the WCB when the land was purchased in the lagoon. The objectives are to preserve and enhance the habitat of the lagoon and the various species which use the habitat area. One of our concerns was the destruction of the marsh habitat by filling, by pollution and by the uncontrolled fluctuations of water levels. Our objective is to keep the lagoon as a freshwater body at a relatively uniform level. The pollution control is being effected under state water quality statutes. The water level is being controlled by the new weir which provides flood control and water level maintenance.

While widespread filling of the lagoon is generally deleterious to the habitat, we cannot unequivocally condemn filling. Filling was necessary to the construction of the lagoon outlet structure. Also we intend to do some island and peninsula construction by dredging and filling in the lagoon to enhance wildlife habitat and birdlife. This would involve localized filling and would be a definite enhancement to wildlife values.

We hope this answers your questions regarding the Buena Vista Lagoon.

COPY TO: [unclear]
 R. J. Hobbitt
 Executive Officer
 WCB: [unclear]

EXHIBIT "A"

EXHIBIT "B"

DOCUMENTARY TRANSFER TAX 2262

12

EASEMENT DEED AND INDENTURE

1 THIS DEED AND INDENTURE is made and dated as of the 2nd day
2 of January, 1971, by and between Army and Navy Academy,
3 Carlsbad, California, a non-profit corporation (hereinafter
4 referred to as "the Academy") and the City of Carlsbad, a mun-
5 icipal corporation (hereinafter referred to as "Carlsbad") and
6 the City of Oceanside, a municipal corporation (hereinafter
7 referred to as "Oceanside");

8 W I T N E S S E T H:

9

10 WHEREAS, the parties hereto entered into an agreement dated
11 January 1st, 1971, which provided in part that the Academy would
12 convey to Oceanside and Carlsbad, and Oceanside and Carlsbad would
13 accept, an easement covering the lands described in Exhibit I
14 hereto (hereinafter referred to as "the Easement Lands") for the
15 purposes of maintaining, operating, and repairing the weir (here-
16 inafter referred to as "the Weir") to be installed pursuant to
17 said agreement and for the maintenance of the channel westerly
18 thereof to the Pacific Ocean (hereinafter referred to as "the
19 Channel"); and

20

21 WHEREAS, Oceanside and Carlsbad are willing to maintain,
22 operate and repair (but not reconstruct or replace) the Weir and
23 maintain the Channel;

24 NOW, THEREFORE, for and in consideration of the foregoing
25 premises, the mutual covenants contained herein, and other good
26 and valuable consideration, the receipt and adequacy of which is
27 hereby acknowledged, the parties hereto do hereby agree as follows:

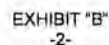
28 1. The Academy does hereby grant to Oceanside and Carlsbad
29 a non-exclusive easement in, over and through the Easement Lands
30 for the purposes of maintaining, operating and repairing the Weir
31 and keeping the Channel open for water flow westerly thereof to
the Pacific Ocean in order to maintain, to the extent possible,

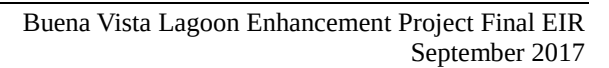
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SANDHILL COUNTY, CALIF.
JAN 13 1971

EXHIBIT "B"

-1-





LETTER 13
The Beach Homeowners Association

THE BEACH HOMEOWNERS ASSOCIATION
 2315 Rue Des Chateaus, Carlsbad, CA. 92008

August 25, 2015

Lauren Washington
 SANDAG
 401 B Street., Suite 800
 San Diego, CA. 92101

Subject: Reponse To Buena Vista Lagoon Enhancement Project

Ms. Washington:

This letter and the comments in it are from the Beach Homeowners Association located in Carlsbad, California. Our Association consists of 14 homes located at the very north end of Ocean Street and adjacent to the Buena Vista Lagoon. Attached to this letter is a print showing the exact location of our property, which consists of three lots. Our property is outlined in yellow. Also attached are two aerial views of our homes and their situation relative to the outlet channel from the Weir Basin. Our homes are located on Lot No. 1, while Lot No. 2 is our ocean frontage on which the State of California has been granted a Public Assess Easement. Lot No. 3 borders the lagoon and on which we granted the City of Carlsbad an Open Space Easement. Our Lot No. 2 contains the southern 40 foot width of the channel from the ocean front to the existing weir.

We fully appreciate all the effort, interest and work that SANDAG has accomplished in preparing this EIR. We want to commend Keith Greer for his leadership on this project, AECOM for all their input, and especially commend David Cannon of Everest International Consultants, for all the engineering, hydraulics and tidal work done on all of the alternatives. We consider David's work excellent.

Our first comment on the Draft EIR is that we believe that the Fresh Water Alternative is the only viable Alternative and should be selected. We agree that the 50 foot wide weir can be replaced with an 80 foot wide weir, as there is an existing 80 foot wide easement already granted to Carlsbad and Oceanside. As stated above, 40 feet of this 80 feet is on our property. In reading and analyzing the EIR, we believe that you have shown that any adverse effects of the Fresh Water Alternative, such as mosquitoes can be readily mitigated and are not an adverse problem. The Fresh water Alternative has the advantage of maintaining a nearly constant water level in all of the lagoon segments. We are particularly concerned with the Weir basin which is adjacent to our property and which our homes overlook, and is visually a benefit because of its stability.

Another major benefit of the Fresh Water Alternative is its lower total cost. As your report shows, there are two costs involved, the original construction cost and the annual maintenance cost. To get a true picture of the total cost of each alternative, the annual maintenance costs have to be converted to a present worth cost and then added to the original construction cost in order to have correct values for comparison. Using a present worth calculation of a 50 year period and an interest rate of 6 % the annual costs have to be multiplied by 15.762. Using the High End annual costs listed in Table 2 of the Preliminary Costs Estimates for Construction and Maintenance prepared by Everest, the Fresh Water

13-1

The comment provides introductory statements and provides a description of the residences within the Beach Homeowners Association.

13-2

SANDAG respectfully disagrees with commenter's conclusion that the Freshwater Alternative is the only viable alternative. Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

13-3

The EIR acknowledges the Freshwater Alternative would not result in daily tidal fluctuations to the extent of the Saltwater or Hybrid Alternative. See response to comment 13-9. Impacts related to vectors were not found to be significant under the Freshwater Alternative. However, some significant impacts associated with the Freshwater Alternative were found to be significant and unmitigable as summarized in Section ES.8.

13-4

The comment summarizes information from the EIR and related technical reports showing that the Freshwater Alternative has the lowest overall cost. This comment will be considered by the SANDAG Board of Directors together with the project record prior to taking action on the project.

13-1

13-2

13-3

13-4

Alternative present worth of its annual costs is \$8,952,048 (\$509,000 x 15.762). The Salt Water Alternative Present worth of its annual cost is \$4,138,546 (\$233,000 x 15.762). These costs when added to the Construction Costs listed in Table 1 of the above reference Everest document under Approach 2: Overdraft Pit, are as follows:

Alternative	Construction Cost	P. W of Annual Costs	Total Cost
Fresh Water	\$42,890,000	\$8,952,000	\$51,842,000
Salt Water	\$60,120,000	\$4,138,000	\$64,258,000

This data shows that in our opinion the Fresh water Alternative is \$12,416,000 less expensive than the Salt Water Alternative. The same calculations for the Hybrid Alternatives shows a bigger difference.

We have one other concern with costs and that involves the belief that the annual maintenance costs of the three Salt Water Alternatives may be too low. This is because we believe that the sedimentation problem at the ocean entrance of the channel may be greater than estimated in the Report. We have over the 25 year period of our residence here observed how rapidly a sand bar develops, blocking the channel entrance. While the Report does take into account a continual deposition of sand in the channel, and three different channel profiles have been utilized in the model studies, the length of time the channel needs to be dredged may not of been correctly estimated. It may be shorter than the 16 months stated. Our major concern here is that if the time of dredging is shorter, our beach will be occupied more frequently by heavy equipment and impact public use of the beach.

Relative to the 3 Salt Water Alternatives, we believe they should not be selected for many reasons. First, we believe the tidal prism here at this lagoon is too small to allow good tidal exchange. This is very aptly shown in the David Cannon's Tidal Epoch Analysis. The Inundation Frequency Curves shown in Section 6 of David's report (Appendix C) illustrates how often the lagoon is depleted with very little "open water" and a large amount of salt marsh area and some mud flats. David's Figures for Habitat Distribution are rather revealing and point out the rather poor tidal exchange.

Another of our concerns is the effect on our beach of the 100-foot wide channel for the Salt Water Alternatives as compared to the 80 foot wide channel for the Fresh Water Alternative. Our beach is a very popular public access beach, and any decrease in size is detrimental. An additional detrimental effect is that a Pedestrian Bridge has been proposed for construction over the Ocean channel to allow public access laterally from Oceanside to Carlsbad, and vice-versa during high tides. We believe that the bridge as shown in Figure 3.9-17 in the Everest Report is not feasible.

One detrimental aspect of the Salt water Alternatives is that they eliminate the nearly constant water level elevation of 5.6 NGVD. for the Weir Basin and a slightly higher elevation of the water level and decrease in size of open water for the upper basins. In the Weir basin the elevation of the water surface for the Salt Water Alternative, instead of the nearly constant elevation of 5.6 NGVD, will vary between Elevation 0.0 NGVD and Elevation 4.0 NGVD. This is illustrated in David Cannon's Inundation Frequency Curve for 2015. We understand this is unacceptable to the St. Malo Association, owners of the Weir Basin. The Everest Report did come up with an interesting new concept that affects the Weir Basin and that is constructing the ocean inlet channel from the ocean entrance to the Railway Bridge. This concept was used in the Hybrid A Alternative. By doing this and adjusting the elevation of the north side of the channel containment, it results in a muted tidal elevation in the Weir Basin of approximately one foot. This proposed channel is shown in Fig.3.9-15 in the Everest Report. The objection to this proposal is that it modifies St. Malo's concept of the Weir Basin as to how it operates and how it appears to the homeowners.

Another concern is the discussion in the EIR on the whole concept of the number and types of

13-4
Contd.

13-5

13-6

13-7

13-8

13-9

13-10

13-5

Sedimentation of the inlet under future scenarios and various alternatives cannot be based on observation of the channel sedimentation under current and past conditions as those conditions do not represent the hydraulic function of the restored lagoon. Modeling of anticipated sedimentation, as described in Appendix C to the EIR (Fluvial and Tidal Hydraulics Report), takes into account the specifically altered flows, flushing, depths, and many other factors that contribute to the speed in which the inlet would accumulate sediment requiring removal. Thus, there is no reason to anticipate that the inlet would require more frequent dredging than modeled.

13-6

Salt marsh habitat develops based on how frequently it is inundated by tides, with different types of habitat requiring different inundation frequencies. For example, mudflat habitat develops and/or is maintained in areas that are inundated by tides more than 45 percent of the time (Table 6.1 from Appendix C). Areas that are inundated less frequently but often enough to become wetland establish as vegetated salt marsh, as identified in Table 6.1. Figures showing little open water habitat with extended perimeter wetlands indicate that adequate tidal exchange within the lagoon would occur since wetland areas would be inundated consistently yet drain with each cycle. Modeling for the Saltwater Alternative therefore indicates the tidal prism would be adequate to support the tidal exchange needed to support predicted habitat as well as circulation within the lagoon.

13-7

As shown in Figure 3.9-11, widening the existing channel to 100 feet under the Saltwater Alternative would not impede beach access and would not impact the size of the beach itself. As described in Section 3.1, Land Use and Recreation, usability of the beach area encompassed by the inlet would vary with environmental conditions, as coastal beach areas do. During times of low tide and low flows, the inlet, which would extend from the channel to the ocean, could continue to be used as active beach area and provide opportunity for wading and beach play, as is evidenced at other local coastal lagoon inlets such as San Elijo Lagoon. Beach areas surrounding the inlet and channel area would remain in their current conditions for active beach use.

13-8

The comment states the opinion that the bridge proposed in Mitigation Measure Land Use-1 is infeasible; however, no reason is provided to explain why the bridge might be infeasible. A specific response can therefore not be provided. However, commenter is referred to Section 3.1.4 of the EIR, which discusses the potential bridge options considered by SANDAG to arrive at a feasible design and location of the pedestrian bridge.

13-9

As the comment states, the EIR describes that the amount of water and water elevation within the lagoon would vary with the tide and that visual contrast would be moderate to high under the Saltwater and Hybrid Alternatives. The overall character of the lagoon would remain open space, however, and given the dynamic nature of wetland conditions and the number of visual features within the lagoon, the tidal cycle of water was determined not to cause a substantial adverse effect on a scenic vista or a substantial degradation of the existing visual character or quality of the lagoon and its surroundings, as described in Section 3.9.

species for the different alternatives. We are strong believers that the Buena Vista Lagoon is unique as it is the only Fresh Water Lagoon in San Diego County in which there are a number of existing Salt Water lagoons. We believe this brings diversity to the region and that the preservation of all the Fresh Water species is more important than adding additional salt water species which already exist in the other lagoons.

13-10
Contd.

In conclusion, we would also like to reserve the right to comment on issues brought up by other parties relative to the EIR, in addition the ones we have stated in this letter.

We thank you for the privilege of expressing our views on this very important project. If you have any questions or comments that you would like to make about any of the above, please send them to William J. Carroll at 2315 Rue Des Chateaux, Carlsbad, CA. 92008. E-mail wcarroll83@yahoo.com Phone 760-729-3105

13-11

Sincerely:

Austin Gavin
President
The Beach Home Owners Association

13-10

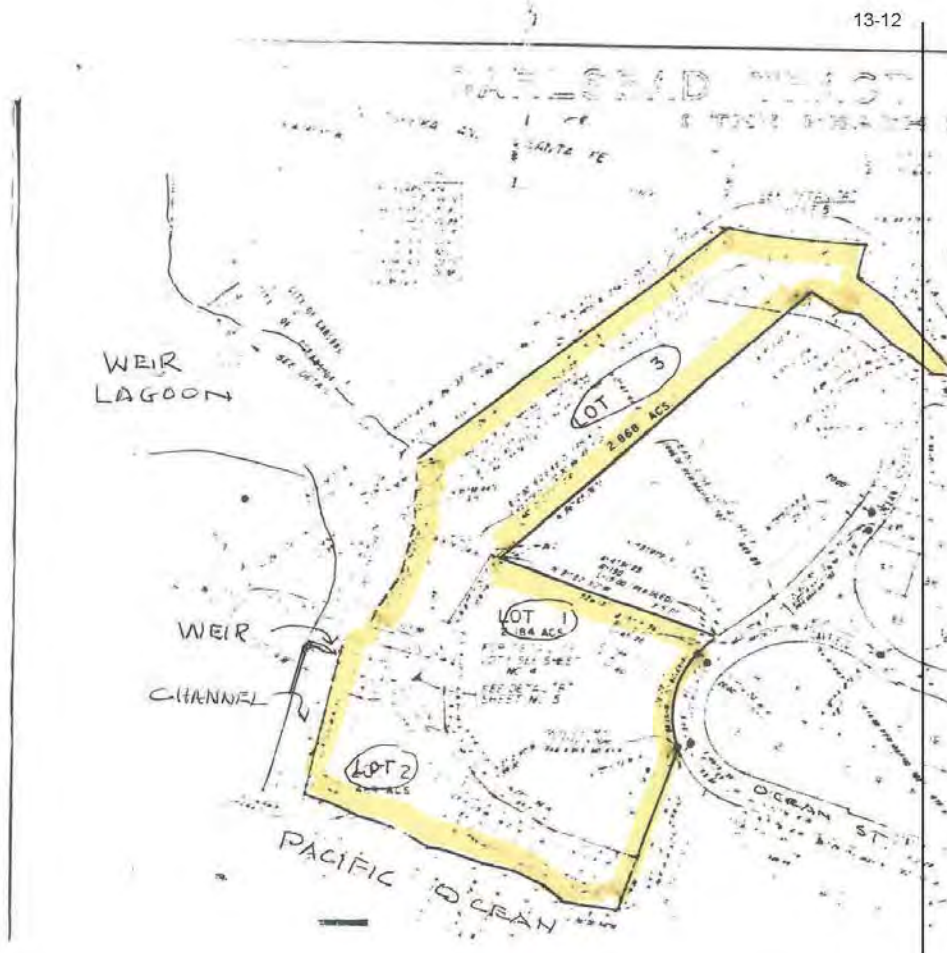
SANDAG acknowledges that Buena Vista Lagoon is a unique freshwater lagoon within the region; see Master Response #4. However, the freshwater fish species that occupy the lagoon are not special-status species and most are not native. The two native fish species, California killifish (*Fundulus parvipinnis*) and striped mullet (*Mugil cephalus*), are euryhalic and can be found in a variety of marine, estuarine, and freshwater habitats (Moyle 2002). SANDAG will consider this opinion when selecting an alternative for implementation; see Master Response #1.

13-11

The comment provides final statements and no response is required.

13-12

This comment encompasses a number of attachments provided with the comment letter. These illustrations reflect comments made in the body of the comment letter, and responses are provided in responses to comments 13-1 through 13-11.







Keep San Diego Moving

Buena Vista Lagoon Enhancement Project
Draft Environmental Impact Report
Public Meeting/Reunion Pública

COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015

Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre James Jimmy Kneal Organization/Organización (if applicable) La Salina Mobile Village Homeowners/Residents Rep.Address/Dirección 127 Sherri LanePhone/Número de teléfono 760-721-6554 Email/Correo electrónico JHK3@cox.netI would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electronicos del proyecto.
☐ Yes/Sí ☐ No

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project/Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POR FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

- 14-1 1) Handling of flooding is very questionable unless there is/are a series of detention basins esp. E Fig. 3.2-3
- 14-2 2) There is public concern about the impact of the project on the lagoon and the surrounding area. The project is not designed to handle the flood elevations predicted for each alternative by 2-dimensional hydrodynamic modeling (TUFLOW) described further in the Hydraulics Report (Appendix C). The comment does not offer any evidence to support the claim that the project does not handle flooding appropriately; therefore, no further response can be provided.
- 14-3 3) There is very little information about the mandate - need for spawning & rehab of the lagoon to accommodate
- 14-4 4) There is both a State & Federal Mandate for Steelhead Trout Rehabilitation. Yet you have little to no address any of that in the scenarios - because there are already existing studies of Native American Presence (even in El Salin Falls)
- 14-5 5) Where is the Native American Legend - Story Portions for the Site & history of it - it exists - The Granddaddy and Soda Paley Pump, SARBMP & Pacheco. In my Bureau Classes - I'm sure the Local N.A. can help - the stories are quite interesting
- 6) Campers used to be allowed before the mid-1970's where is the provision how to know? 2 Camped there

Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015

Mail to/Por correo: Lauren Washington, SANDAG

401 B Street, Suite 800, San Diego, CA 92101

or email to/o por correo electrónico: lauren.washington@sandag.org

SANDAG

TransitNet

KeepSanDiegoMoving.com/BVLagoon

LETTER 14

La Salina Mobile Village Homeowners Rep

14-1

Figure 3.2-3 reflects the flood elevations predicted for each alternative by 2-dimensional hydrodynamic modeling (TUFLOW) described further in the Hydraulics Report (Appendix C). The comment does not offer any evidence to support the claim that the project does not handle flooding appropriately; therefore, no further response can be provided.

14-2

Criterion D in Section 3.5, Biological Resources, requires that the impact of each alternative on fisheries and nursery sites within the lagoon be evaluated. None of the alternatives analyzed in the EIR were found to result in significant impacts to nurseries or spawning sites. It is not clear what mandate the comment is referring to.

14-3

Steelhead trout has not been identified as a fish species that occupies the lagoon based on available data, as described in Section 3.5.2 of the EIR.

14-4

Impacts to Native American cultural resources are analyzed in Section 3.7, Cultural Resources, of the EIR. Project design features and mitigation measures have been included in the project to minimize impacts of project implementation on known and unknown cultural resources. As described in Section 3.7.1, the Native American Heritage Commission (NAHC) as well as Native American contacts identified by the NAHC were contacted to inform them of the Enhancement Project and request information regarding the nature of cultural and Native American resources within the proposed project area.

14-5

Implementation of the Enhancement Project would not result in a change to existing camping regulations specific to Buena Vista Lagoon or opportunities in the project vicinity.

- 7) I read little about extended community's impacts like in So. 'O' - you might want to vet this with the South Oceanside Community & Merchants Assoc - *Mudguts Big Rescue*
- 8) Big One!!! - Very little about plans to accommodate on how to handle & be part of the Ground Water Sustainability Master Plans/Agencies. In fact there should be a special section for this
- 9) Micro biological impacts? -
- 10) Disabled/Senior Access in/on your Pedestrians/etc? need to show this
- 11) Effects of Desalination (increase salinity) movement of species North?
- 12) Mention of Historical Cemetery? on Slope Behind Baker Shop & Restaurant adjacent to I-5 & Vista Way & Lagoon. You need to call to Shelly Hayes Brown for more info - *John Daley*

14-6

The Enhancement Project would not change adjacent residential or commercial land uses and, therefore, is not anticipated to result in direct impacts to communities other than those effects identified within the EIR. The indirect impact of each alternative on adjacent communities, such as beach access, access along Carlsbad Boulevard, and the presence of vectors around the lagoon is discussed in the analysis as appropriate.

14-7

Groundwater is addressed in Section 3.2, and there is no identified groundwater basin underlying Buena Vista Lagoon. As identified in the EIR, none of the project alternatives would result in substantial depletion of groundwater supplies or interference with groundwater recharge.

14-8

Impacts to species within the lagoon, including invertebrates, are discussed in Section 3.5, Biological Resources. This comment does not address the adequacy of the Draft EIR.

14-9

Final design of the pedestrian bridge would adhere to the American with Disabilities Act and other access requirements. This point has been clarified in Section 3.1.4. For purposes of the EIR analysis, the bridge rendering in Figure 3.9-17 shows the anticipated mass, scale, and potential general concept, but does not include specific details as the design process is not complete at this time, pending project approvals.

14-10

The effects of desalinization operations along the coastline and their effects on the movement of species are out of the scope of the EIR. The project does not include desalination facilities. The project's impact on the wildlife movement is addressed in EIR Section 3.5.3.

14-11

Page 3.7-11 of the EIR discusses the cemetery site, which is also listed in Table 3.7-1. However, this site lies in a relatively developed area outside the project limits of disturbance, and implementation of the Enhancement Project would not result in an impact to this archaeological resource.

Keep San Diego Moving
TransNet

Buena Vista Lagoon Enhancement Project
Draft Environmental Impact Report
Public Meeting/Reunion Pública

COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015
Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre: Jay Klapfenstein Buena Vista Lagoon
Organization/Organización (if applicable): Foundation

Address/Dirección: 3511 Telesse Drive Carlsbad CA 92010

Phone/Número de teléfono: 760 729-3398 Email/Correo electrónico: JayKp1anr@aol.com

I would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electrónicos del proyecto.
☐ Yes/Sí ☐ No

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project./Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POR FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

I would favor the Buena Vista Lagoon
in all of its basins to become the
salt water alternative. The tidal
prism and flushing would provide a
much preferred biological ecosystem
for both our lagoon and the
organisms along our beaches.

It would do much to eliminate
the West Nile virus threat from
mosquitoes. It would eliminate
or reduce the cattail infill
that threatens to make the lagoon
a marsh only.

Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015
Mail to/Por correo: Lauren Washington, SANDAG
401 B Street, Suite 800, San Diego, CA 92101
or email to/o por correo electrónico: lauren.washington@sandag.org

SANDAG **TransNet** KeepSanDiegoMoving.com/BVLagoon

LETTER 15
Buena Vista Lagoon Foundation

15-1

Please see Master Response #1. This comment summarizes information from the EIR and states a preference for the Saltwater Alternative.

15-1

LETTER 16
Kristian Pallesen

From: Kristian Pallesen
To: Washington, Lauren
Subject: Buena Vista Lagoon Project
Date: Thursday, July 23, 2015 5:51:04 PM

I have reviewed the website with great interest on this project. We live in South Oceanside, and look forward to our walks along the beach south of Cassidy Street. I have also tried to access the lagoon on the south end from Pacific, but have found the over grow of reeds to inhibit access down to the water line. 16-1
Seems to me that the "freshwater" has affected the overall appearance of the lagoon, and it should be returned to the original state. The opening of the "weir" to the sea would allow the saltwater to cleanse the lagoon and retune the wildlife for viewing from the trails around the lagoon. 16-2
Our wish is to see the lagoon project take on the "Saltwater Option", or if need by the "Hybrid Option" allowing the weir to be removed for the flow of seawater. 16-3

Regards,
Kristian Pallesen

- 16-1**
The comment provides introductory statements and observation of lagoon conditions. The comment does not address the adequacy of the Draft EIR.
- 16-2**
The comment provides observations of the lagoon appearance and desire to have wildlife views from the trails around the lagoon. The comment does not address the adequacy of the Draft EIR.
- 16-3**
Please see Master Response #1. This comment states a preference for the Saltwater Alternative or Hybrid Alternative.

LETTER 17
John Tenaglia

John Tenaglia
46 St. Malo Beach
Oceanside, CA. 92504

August 31th, 2015

Lauren Washington
SANDAG
401 B Street, Suite 800
San Diego, Ca. 92101

RE: Draft EIR Report – Buena Vista Lagoon

Dear Lauren:

I am writing on behalf of my sisters and I, who own # 46 St. Malo Beach and the north half of the Buena Vista Lagoon Channel as well as two residential lots on the edge of the north side of the lagoon channel. One of these lots is improved with a tennis court.

Many of my neighbors and other affected homeowners will or have sent you letters addressing the many problems with the salt water as well as the two hybrid alternatives both from an engineering standpoint as well as a biology standpoint. I will touch on those briefly in my response today but my primary emphasis in this response will be from an historical and a land use/ownership prospective.

17-1

We are in favor of a FRESHWATER ALTERNATIVE only for many reasons. A “No Project” alternative is unacceptable for all the obvious reasons and I doubt you will have any responses in favor of this alternative.

17-2

As a bit of background our grandparents Kenyon and Louise Keith founded and purchased all the land that makes up Saint Malo and the “ weir basin ” in 1926 and then acquired more wetlands in 1929.

17-3

Our grandparents also founded the Buena Vista Lagoon Association in 1939. Over the course of many years this BVL Association acquired many more acres of wetlands and were able to

17-1

The comment provides introductory statements and no response is required. The commenter’s specific concerns are addressed in the subsequent responses.

17-2

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

17-3

The comment provides a historical narrative of the lagoon. The comment is noted. Please refer to response to comment 12-62 for a discussion of the 1972 memorandum.

PAGE 2

convince other property owners to eventually deed their wetlands over to The Nature Conservancy. Later the Nature Conservancy was able to convince the Wildlife Conservation Board to buy a portion of the Buena Vista Lagoon wetlands that was earmarked for development. Eventually this led to the California Department of Fish and Game pronouncing the BVL a "ecological reserve" in 1969 and they subsequently took over ownership of the 3 lagoon cells from the railroad tracks going east.

You will see a letter attached to this package explaining that the Nature Conservancy's interest in purchasing this portion of the Buena Vista Lagoon wetlands was to "keep the lagoon as a freshwater body at a relatively uniform level". This was one of many reasons besides the problem with mud flats and biological issues with a uncontrollable water level that resulted in the weir being installed in 1971. Various agencies, cities and St. Malo contributed the funds to pay for the construction of the weir. Also, attached in this package is a copy of the "Easement Deed and Indenture" between the cities of Oceanside, Carlsbad and the Army and Navy Academy (property now owned by the Beach Home Owners Association) clearly stating that "the easement granted shall not be used in any manner to import water from the Pacific Ocean or from any other source to or into the Buena Vista Lagoon" Do the agencies think they can reverse this??

Under the Salt Water and Hybrid Alternatives the weir would be completely removed. It strangely does not mention this easement deed in the EIR report. Did the engineers and consultants not know this or choose to ignore it? This is a legally binding document that goes with the land and is on the title reports of the affected parcels. This would certainly be challenged in a court of law if the agencies approved a "saltwater or hybrid" alternative.

As for the EIR report itself there are many fallacies as it relates to the "historical perspective" of the BVL.

In the Executive Summary ES.2 "Project Background" the report states "Historically (ie pre-1940's) the BVL was in a dynamic equilibrium between a tidally influenced saltwater system during dry conditions and a river-influenced freshwater system during wet weather conditions. In 1940, the lagoon converted to a predominantly freshwater system as a result of installation of a weir (a type of barrier) across the lagoon outlet that precluded saltwater from entering the lagoon".

This is not true. Our grandfather installed a series of 5 large pipes not a "weir" to try and control the water level of the lagoon back in the 1940's. This eventually failed which led to the installation of the "real" weir in 1971, which still exists. Also, on page 3.2-3 the EIR incorrectly states "Buena Vista Lagoon was originally a tidal system". "The current weir at the mouth of the lagoon, constructed in 1971, restricts tidal flow, and Buena Vista Lagoon

17-4

Please see response to comment 12-66.

17-5

Please see Master Response #5 regarding the historical ecology of the lagoon system.

17-3
Cont

17-4

17-5

PAGE 3

currently functions as a fresh water lagoon. ". The BVL was NOT converted to a freshwater system by the installation of the weir. That is an historical fact. What the weir does do is maintain a stable water level for the BVL and prevents " mudflats " amongst other things until rainwater refills the lagoon upstream.

I believe many of the agencies are "holding their hat" on this claim and that they think they are bringing the BVL back to it's natural state with a Saltwater or Hybrid alternative. In the BVL history written in 1999 it states " in 1865 the first recorded ownership of the BVL was a Homestead Patent granted by the US Government. This meant the lagoon was not tidal and was suitable for farming or ranching ". It also states that "newspaper articles sometimes mistakenly referred to the lagoon as a tidal estuary but it's elevation is much higher than sea level ". The history of the BVL was written by our mother Nancy Keith who had lived at St. Malo since her childhood going back to the late 1920's. She spent a considerable amount of time interviewing many of the " old timers" in order to create this report, which included her own experiences and observations from having lived at St. Malo since it's inception.

Also included in this package you will see an historical aerial from the 1930's clearly showing a broad beach in front of the Buena Vista Lagoon in south Oceanside. I would find it very hard to believe how any of the agencies or authors of this draft EIR could claim that the BVL was a " tidally influenced saltwater system".

As to the saltwater or hybrid alternatives they both have many problems associated with their implementation including the loss of dry lateral access from Oceanside to Carlsbad 365 days a year .The EIR report mentions that 37 % of the time the mouth of the lagoon would be impassable for beach goers so the engineers came up with the pedestrian bridge that would cross over the lagoon channel for the public to use. The conceptual rendering is not accurate and does not show the actual height or steps required on each end. This bridge would drop down on one of our residential lots adjacent to the lagoon channel before it heads west with a walkway out to the shore. At no time prior to the draft EIR (published on July 8th) did the authors or engineers contact me or my sisters for our feedback, which I find extraordinary. The EIR report does not take into consideration the liability problems inherent with having a bridge for the public to use. If someone were to fall or jump off the bridge and injure themselves or worse, drown...would the State want that liability? As homeowners, we own the water to the middle of the channel and therefore would certainly not want the liability associated with this potential public hazard.

For the record...any attempt to take a portion of our parcel(s) for the landing of this bridge by any means will be contested in a court of law. See section 3.9-17 (page 58) for the conceptual plan of the proposed bridge. In addition on Page 3.9-52 " Pedestrian Bridge for

17-6

Please see Master Response #5 regarding the historical ecology of the lagoon system.

17-7

Please see Master Response #2 regarding private property. The EIR acknowledges that implementation of the Saltwater Alternative would result in a significant impact to lateral access along the beach due to creation of a new inlet. The pedestrian bridge identified in Mitigation Measure Land Use-1 would mitigate the lateral access impact but a safety impact associated with the new inlet would remain significant and unmitigated. The bridge would be designed in a manner to promote safety, including railings of appropriate height to discourage unsafe behaviors. The visual simulation of the bridge in the EIR is for illustrative purposes. Also see response to comment 12-42 regarding private property and liability.

17-6

17-7

PAGE 4

Land Use Mitigation “ the EIR report states....” There is significant land use impact identified under the Saltwater and Hybrid Alternatives associated with the new ocean channel and elimination of safe public access laterally along the beach. “ Page 3.9-55 goes on to state in bold letters....” the public expectation of open views in this defined open space area, both toward the ocean and from the ocean back to the lagoon, and the large scale of this bridge relative to the channel and adjacent features, the element would result in SIGNIFICANT AND UNMITIGABLE VISUAL IMPACTS. “ With the Fresh Water Alternative all these problems are non-existent.

17-8

17-8

The comment summarizes information from the EIR, which acknowledges the significant visual impact that would result from implementation of Mitigation Measure Land Use-1. This comment does not address the adequacy of the Draft EIR.

17-9

The comment summarizes information from the EIR. Please see responses to comments 12-58 and 12-59 regarding consistency with coastal access policies. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. This comment does not address the adequacy of the Draft EIR.

17-10

SANDAG acknowledges there is no guarantee of a specific number of saltwater species successfully populating the lagoon, and the EIR does not make such a statement. Please see responses to comments 12-5, 12-14, and 12-21 regarding the anticipated successful conversion of the lagoon to saltwater.

17-11

The EIR recognizes that the Freshwater Alternative results in the fewest significant impacts under CEQA; however, for reasons detailed in Section 4.4, no alternative is considered clearly environmentally superior to another.

17-9

17-10

17-11

Also, in the EIR report on page 3.1-18 in the inlet section the report states under the Saltwater Alternative in paragraph 3 (same for Hybrid)“ the inlet channel is expected to be in a constant state of change in terms of width , bottom elevation, and water velocity due to the factors such as tides, waves and sand supply “. This is a enormous concern for St. Malo and the Beach HOA to the south. Next page paragraph 4 goes on to say “ this new restriction to north-south access along the beach during construction and after construction when the inlet is in operation would be in conflict with the goals and policies of various land use documents that require maintenance of public access of availability of coastal resources. These inconsistencies with access-related land use policies due to the restricted north-south beach accessibility that would result from the construction and operation of an open inlet under the Saltwater Alternative are considered substantial, and impacts would be significant “. Under the Freshwater Alternative, these problems don’t exist and as mentioned numerous times in this Draft EIR the Freshwater Alternative is much less expensive.

Over the years I have asked many representatives of the various agencies as to why they are so enamored with a Saltwater or Hybrid Alternative and the only answer I have gotten is that it is the better “ environmental alternative” because these two alternatives will take the BVL from a 200 species habitat to a 300 species habitat ecosystem. What if this does not happen? Who can guarantee it will ? I find it difficult to believe that the agencies are willing to risk millions of taxpayers dollars on a much more expensive alternative based on increased species assumptions ?

Perhaps the most interesting part to me of this entire EIR report is ES.8.1 in the Executive Summary, which states “ CEQA requires the identification of an environmentally superior alternative. The environmentally superior alternative is the alternative that would result in the least damage to the environment.”.

Next paragraph reads....” Among the enhancement alternatives, THE FRESHWATER ALTERNATIVE WOULD RESULT IN THE LEAST SIGNIFICANT ENVIRONMENTAL IMPACTS AS SHOWN IN TABLE ES-10. THE FRESHWATER ALTERNATIVE WOULD NOT RESULT IN THE SIGNIFICANT AND UNAVOIDABLE PUBLIC HEALTH AND SAFETY IMPACT THAT

PAGE 5

WOULD RESULT FROM THE NEW INLET ASSOCIATED WITH THE OTHER TWO ALTERNATIVES. "

Frankly, I do not think I could have said that any better myself...

In summary the success or failure with the Buena Vista Lagoon Restoration all comes down to the following:

- 1) Saltwater/ Hybrid alternatives are a "re-creation" not a "restoration" and are problematic for many reasons mentioned above but probably most significantly an unstable water level system with this implementation and the removal of the weir and importing of salt water from a legal/land use perspective.
- 2) A "No Project" alternative is not acceptable under any circumstances and will only lead to further degradation of the lagoon, which is the one thing everyone seems to agree on.
- 3) A Freshwater Alternative is the only viable and doable alternative because not only does the majority of the public concur (from what I have seen in numerous town hall meetings over the years etc.) but the stakeholders (most critical) are ready, willing and able to agree to donate some of their land (ie Tenaglia Family and the Beach HOA) to affect an expansion of the weir from 50' to 80' under a Freshwater Alternative. We can sign the temporary construction easements and donate the land necessary to expand the weir to 80' whenever the agencies are ready!

Lastly, I would also like to go on record that I would like to reserve the right to comment on issues brought up by other parties relative to the EIR as this process moves forward from the Draft EIR to a Final EIR. I appreciate the time that has gone into creating the Draft EIR report for the Buena Vista Lagoon. Let's work together towards getting this done with the Freshwater Alternative. Thank you for your consideration.

Sincerely,

John Tenaglia

17-12

This comment summarizes earlier comments already addressed; please see responses to comments 17-1 through 17-11. Please also refer to Master Response #1 for a discussion of SANDAG's deliberations regarding project alternatives, including the No Project Alternative.

17-13

The comment provides concluding statements and no further response is required.

17-11
Cont

17-12

17-13

LETTER 17b
John Tenaglia

From: [John Tenaglia](#)
To: [Washington, Lauren](#)
Cc: [Greer, Keith](#)
Subject: Addition to my Draft BVL EIR Response
Date: Tuesday, September 01, 2015 4:05:36 PM
Attachments: [WebPage.pdf](#)
[ATT000001.htm](#)

17b-1

This comment includes an attachment with a link to an online repository of California legislature. The comment is noted. No additional information is provided; therefore, a specific response cannot be prepared.

Lauren- I forgot to add this last pdf to my email response yesterday for the deadline today.

While this is not mentioned in the EIR report from what I saw I would like to include this as it relates to any thoughts the agencies may have relative to any taking of stakeholders parcel(s) at or around the mouth of the BVL Lagoon under a Saltwater or Hybrid alternative.

17b-1

Thank you....

John Tenaglia

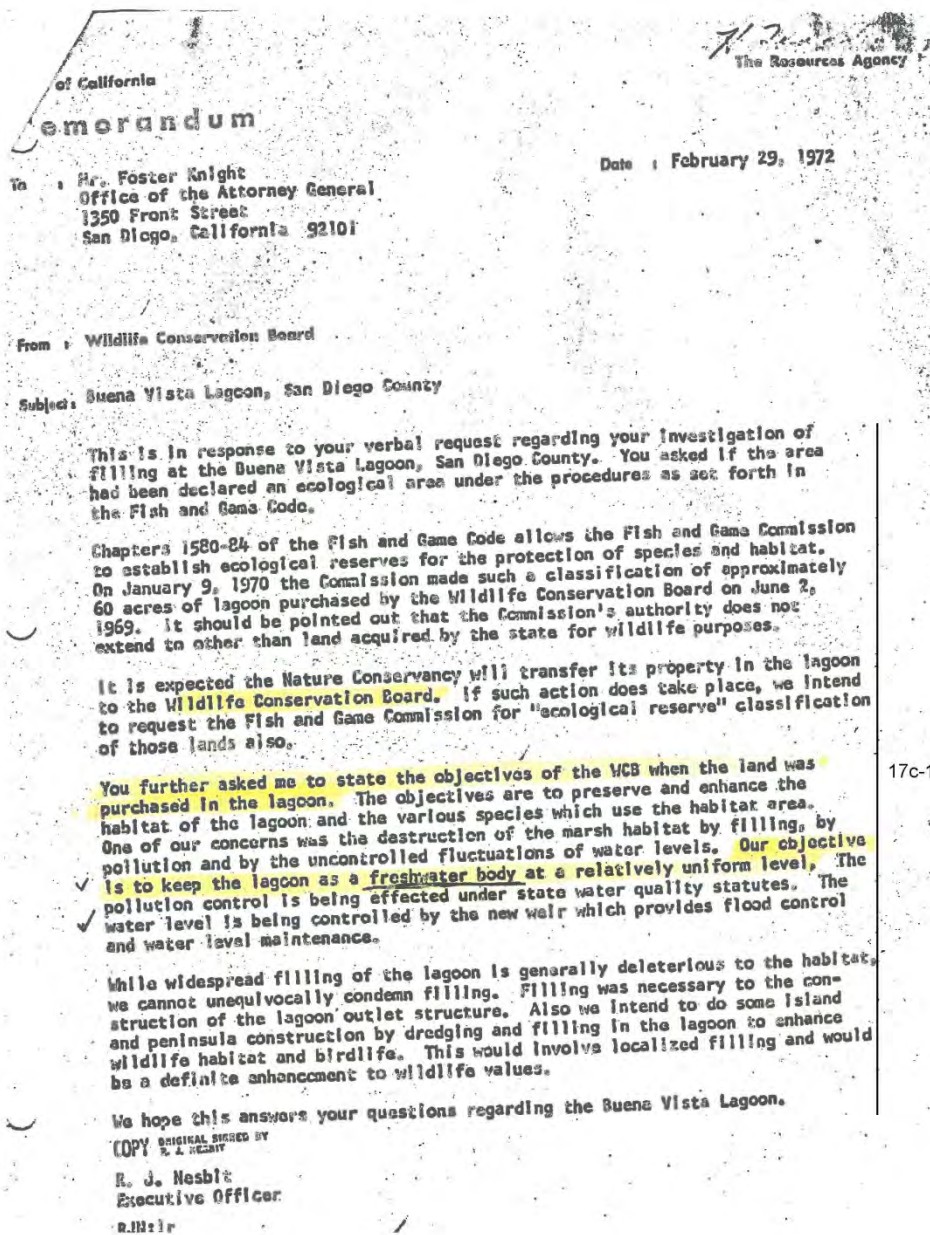
The official page in the CDFG code book....

http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=FGC&ionNum=1582

LETTER 17c
John Tenaglia

17c-1

The comment includes a copy of a 1972 memorandum from the Wildlife Conservation Board to the California Attorney General; a copy of an Easement Deed and Indenture, dated 1971; and historical photographs labeled "BVL 1938" and "BVL 1947." The comment is noted.



DOCUMENTARY TRANSFER TAX \$ 0

2262

Exhibit B

12

EASEMENT DEED AND INDENTURE

THIS DEED AND INDENTURE is made and dated as of the 27 day
of July, 1971, by and between Army and Navy Academy,
Carlsbad, California, a non-profit corporation (hereinafter
referred to as "the Academy") and the City of Carlsbad, a muni-
cipal corporation (hereinafter referred to as "Carlsbad") and
the City of Oceanside, a municipal corporation (hereinafter
referred to as "Oceanside");

WITNESSETH:

WHEREAS, the parties hereto entered into an agreement dated
January 11, 1971, which provided in part that the Academy would
convey to Oceanside and Carlsbad, and Oceanside and Carlsbad would
accept, an easement covering the lands described in Exhibit I
hereto (hereinafter referred to as "the Easement Lands") for the
purposes of maintaining, operating, and repairing the weir (here-
inafter referred to as "the Weir") to be installed pursuant to
said agreement and for the maintenance of the channel westerly
thereof to the Pacific Ocean (hereinafter referred to as "the
Channel"); and

WHEREAS, Oceanside and Carlsbad are willing to maintain,
operate and repair (but not reconstruct or replace) the Weir and
maintain the Channel;

NOW, THEREFORE, for and in consideration of the foregoing
premises, the mutual covenants contained herein, and other good
and valuable consideration, the receipt and adequacy of which is
hereby acknowledged, the parties hereto do hereby agree as follows:

1. The Academy does hereby grant to Oceanside and Carlsbad
a non-exclusive easement in, over and through the Easement Lands
for the purposes of maintaining, operating and repairing the Weir
and keeping the Channel open for water flow westerly thereof to
the Pacific Ocean in order to maintain, to the extent possible,

Return to 32

THOMAS W. SMITH JR.
CITY ATTORNEY
SAN DIEGO COUNTY
RECORDS DIVISION
FIDELITY 101-1000

-1-

No 156

FILE/PAGE NO. 156539
BOOK 1372
RECORDED REQUEST OF
Oceanside City Atty
Jan 19 4 31 PM '72
OFFICIAL RECORDS
SAN DIEGO COUNTY, CALIF.
111-111 101-1000

17c-1
Cont.

2263

1 the water of the Lagoon at a plane at the height of the top of
 2 the Weir, as constructed, and to permit the waters of the Lagoon
 3 above said plane to flow over said Weir and into the Pacific Ocean;

4 RESERVING and ACCEPTING, however, to the Academy, its succes-
 5 sors and assigns, all other rights and interests in the Easement
 6 Lands, including but not limited to the right to use the Easement
 7 Lands for all uses and purposes whatsoever which does not conflict
 8 with the maintenance, operation and repair of the Weir, and the
 9 Channel as provided above.

10 2. Oceanside and Carlsbad shall jointly and severally main-
 11 tain, operate, and repair, but shall not be obligated to replace
 12 or reconstruct, the Weir in order to maintain, to the extent
 13 possible, the water of the Lagoon at a plane at the height of the
 14 top of the Weir as constructed and shall maintain the Channel
 15 westerly of the Weir in order that the waters flowing over the
 16 Weir may readily drain into the Pacific Ocean. Said covenants
 17 are made for the benefit of all of the parties to said Agreement.

18 3. It is acknowledged and understood that the Academy and
 19 its successors and assigns shall have no obligation or duty to
 20 repair, maintain, operate, replace or reconstruct the Weir or to
 21 maintain the Channel.

22 4. It is expressly stated, understood and acknowledged by
 23 all parties hereto that the easement granted hereby shall not be
 24 used in any manner to import water from the Pacific Ocean or from
 25 any other source to or into the Buena Vista Lagoon.

26 5. The terms "the Academy", "Oceanside" and "Carlsbad"
 27 whenever used herein shall include, and all the terms, covenants
 28 and provisions hereof shall bind and inure to the benefit of
 29 their respective successors and assigns.

30

31

32

17c-1
Cont.

THOMAS H. SMITH JR.
CITY ATTORNEY
1000 B STREET
CARLSBAD, CALIF.
TEL: 434-1000

-2-

10

2284

1 IN WITNESS WHEREOF, the parties hereto have executed this
2 Deed and Indenture as of the date first set forth above.

3 "the Academy"
4 ARMY AND NAVY ACADEMY
5 Carlsbad, California
6 a non-profit corporation

7 By W.C. Johnson
8
9 ACCEPTED AND AGREED AS OF
10 THE 26 DAY OF July, 1971 By W.C. Johnson
11
12 "Oceanside" "Carlsbad"
13 CITY OF OCEANSIDE CITY OF CARLSBAD

14 By Harold J. Deane ^{City Clerk} By David W. Deane
15 Mayor Mayor

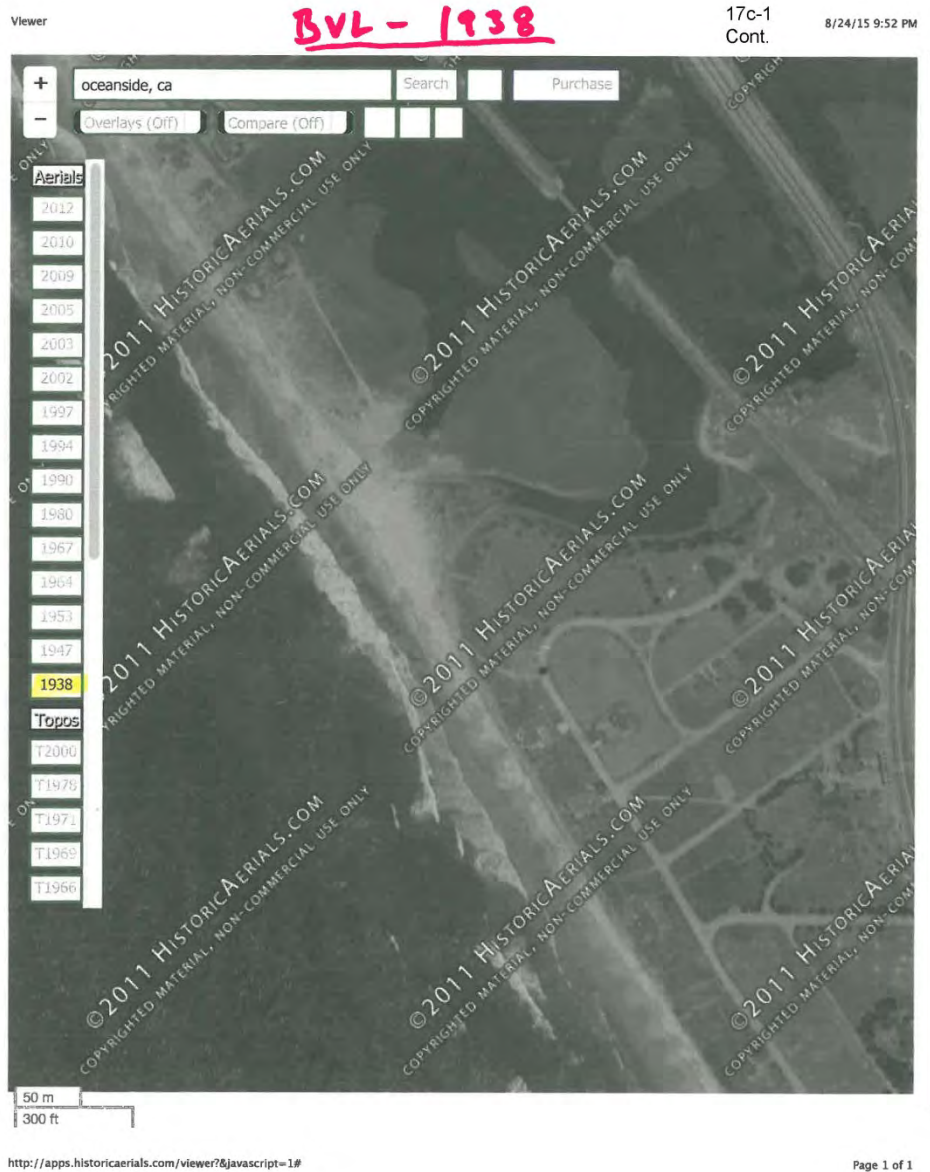
16 Attest: James L. Latham Attest: Reginald E. Allen
17 City Clerk City Clerk
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THOMAS B. PETH III
CITY ATTORNEY
SUITE 100
OCEANSIDE, CALIF.
TELEPHONE 437-1000

-3-

No 156

17c-1
Cont.





LETTER 18
Tina Carter

From: Carter
To: Washington, Lauren
Subject: Buena Vista Lagoon Enhancement Project
Date: Saturday, July 25, 2015 3:48:36 PM

Lauren and SANDAG,

As a resident of Oceanside, the Buena Vista Lagoon is important to me for environmental, recreational and educational reasons. It is part of the community my husband and I live within. The Buena Vista Lagoon has been a freshwater lagoon for the last 70 to 75 years. I ask that it be kept as a freshwater lagoon. Even with the best plan to change it back to the saltwater lagoon it once was, or either of the hybrid plans, too many plant and animal species, along with nearby residents, have established their life within and around the freshwater lagoon.

It also makes the most economic sense to have it remain a freshwater lagoon given the proposed construction costs. I ask that more consideration be given to the actual maintenance costs after construction – it may be possible that they can be lowered from what is projected.

Keep the lagoon freshwater, thank you, Tina

Tina Carter
 Oceanside resident
 Carter815@cox.net

18-1

18-2

18-1

Please see Master Response #1. The comment states a preference for the Freshwater Alternative. Please see Master Response #5 regarding the historical ecology of the lagoon system.

18-2

The comment discusses anticipated construction and maintenance costs. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

LETTER 19
Castens Family

From: MCAS10S@aol.com
To: Washington, Lauren
Subject: Fwd: Buena View Lagoon
Date: Saturday, July 25, 2015 10:38:10 AM

19-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

From: MCAS10S@aol.com
To: keith.greer@sandag.org
CC: lauren.washington@sandag.com
Sent: 7/25/2015 10:34:09 A.M. Pacific Daylight Time
Subj: Buena View Lagoon

Keith and Lauren

I wasn't able to make the meeting on July 23, 2015 .

I moved into Carlsbad in 1976 at 2424-2426 Jefferson Street .Directly across the street from the Buena Vista Lagoon. I still own the property to this date .We were blessed with beautiful full unobstructed views of the Lagoon until this year when the 2 vacant lots were purchased on the Lagoon side of Jefferson and now 2 monster homes have been built leaving our property with a side yard corridor view between the two new homes .Gone along with it our sun set, ocean views due to the height allowance .

I was fortunate to buy 2381 Jefferson Carlsbad in 1989 .This is Buena Vista Lagoon Front where I

live and will die .

This is where my Daughter and family will live when were dead and gone .

Some say that change is Good

Some say its not .

Loosing our Lagoon wide water views at 2424 Jefferson Carlsbad was and is not a good change .

We purchased both properties because of the views .

The majority of home owners and renters along the lagoon want to keep the open water views .

I am definitely in favor of keeping the ONLY FRESH WATER LAGOON in its entirety that we have .

KEEP IT SIMPLE STUPID .

Clean out the reeds ,dredge the Lagoon keep it fresh water and maintain it like some of our other lagoons.

Thank You for Listening

I am now going to enjoy the wide water view as i know it before the powers to be come along and steal it .

Sincerely

The Castens Family

19-1

LETTER 20
Glenn and Marcia Castens

From: Gcas10s@aol.com
To: [Washington, Lauren](#)
Subject: BUENA VISTA LAGOON
Date: Wednesday, August 19, 2015 1:52:42 PM

SAN DAG
PLEASE DO NOT ROB US WHO LIVE ON THE LAGOON OF OUR BEAUTIFUL VAST FRESH WATER VIEWS. TO THINK OF A TITLE FLUSH AND VIEWS OF A MUD FLAT IS NOT ACCEPTABLE. PLEASE DO THE RIGHT THING AND HELP PROTEC OUR REAL ESTATE VALUES AND LIFE STYLES WHICH WE PAID FOR THROUGH OUT THE YEARS. PROTEC THE ONLY FRESH WATER LAGOON ON BOTH SIDES OF THE FREEWAY.
ITS NOT OUR FAULT THAT THE SYSTEM FAILED US BY CLOSING THERE EYES AND POCKET BOOK AND ALLOWING THIS SITUATION TO OCCURE BY NOT DOING ANY MAINTANCE ON THE WEST SIDE OF I-5. I HAVE LIVED ON THE LAGOON SINCE 1976. PLEASE DO NOT ROB US OF OUR WILDLIFE HABITATE. ABOVE AND BELOW THE WATER. I HAVE ENJOYED SO MANY YEARS AND SO MANY CHANGING SEASONS WATCHING THE TURTLES COME UP TO LAY EGGS TO THE ANNUAL MIGRATIONS OF THE B 52 BOMBERS. THE GIANT WHIE PELIGANS. I HAVE CAUGHT LARGE MOUTH BASS, CATFISH, AND CRAPPIES. BACK IN THE SEVENTIES I WAS CATCHING 10 LB. I BASS. I THINK THAT THE WORLD RECORD LARGE MOUTH BASS IS LIVING HERE IN THIS LAGOON. ONECE THE REEDS ARE GONE I LOOK FORWARD TO FISHING FOR IT AGAIN.
THANK YOU
GLENN CASTENS
MARCIA CASTENS

20-1

20-1

Please see Master Response #1 regarding alternative preference. This comment states a preference for the Freshwater Alternative. This comment describes presence of wildlife species. Please see Master Response #4 regarding the freshwater lagoon resource. Recreational fishing opportunities under each alternative are discussed in Sections 3.1, Land Use, and 3.5, Biological Resources, in the EIR.

LETTER 21
Mary Ann Ellis

From: [Mary Ann Ellis](#)
To: [Washington, Lauren](#)
Cc: [Mary Ann Ellis](#)
Subject: Public Comment on BV Lagoon Enhancement Alternatives
Date: Tuesday, July 28, 2015 8:00:38 PM

July 28, 2015

To: Lauren Washington, SANDAG
Lauren.washington@sandag.org

From: Mary Ann Ellis, 2399 Jefferson Street #7, Carlsbad, CA

The purpose of this letter/email is to respond to SANDAG's request for public comment on the alternatives for the Buena Vista Lagoon Enhancement project, as laid out in the Environmental Impact Study.

I am a homeowner at the Sanctuary Condominium complex, located at 2399 Jefferson Street, Carlsbad, CA. Our property is bordered by the lagoon on the west side of I 5. I strongly advocate that the alternative to keep the lagoon as freshwater, and to undertake the fresh water lagoon enhancements as described in the EIR be selected.

Maintaining our lagoon view with substantial open water is of high importance to our community. We do not want to live with a view of saltwater marsh mudflats. We are the only freshwater lagoon in the area, and we believe that the other saltwater lagoons in the area fill the need for habitat for saltwater wildlife. Therefore we request that option 1, maintain Buena Vista as a freshwater lagoon, be chosen.

Sincerely,

Mary Ann Ellis

Mary Ann Ellis

Strategy Execution Partners

Fallbrook, CA ph 760.994.9718

email maryann@maryannellis.com

website www.williamsandgates.com

21-1

21-1

Please see Master Response #1 regarding alternative preference. This comment states a preference for the Freshwater Alternative. Please see Master Response #4 regarding the freshwater lagoon resource. Impacts to visual resources for each alternative are addressed in Section 3.9.3 of the EIR.

LETTER 22
Joe Ellis, P.E.

From: [Joe Ellis](#)
To: [Graer, Keith](#)
Subject: Buena Vista Lagoon
Date: Friday, July 17, 2015 8:52:25 AM

Keith,
Removing the Weir Option would basically achieve all your goals, at the lowest project cost.
Joe Ellis, P.E.
(619-843-8941)

22-1

22-1

Removal of the weir alone will not stop the encroaching cattails, nor create a sustainable freshwater system. Water elevations would fluctuate depending on the beach berm. SANDAG has looked at a larger comprehensive approach to the alternatives that would create an enhanced lagoon system. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

LETTER 23
Stephanie Fox

From: [Stephanie Harey](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon - Freshwater Alternative Vote by resident
Date: Monday, August 03, 2015 2:48:01 PM

Dear SANDAG,

I VOTE FOR the Freshwater Alternative per the EIR Buena Vista Lagoon Project

My home is about 30 feet from the Buena Vista Lagoon in Oceanside, CA. My home has been flooded previously by the Lagoon. I have been following with great interest the options that have been set fourth regarding the future of the BV Lagoon, and my strong opinion is to keep the integrity of the lagoon. The Lagoon, and it's historical freshwater presence, is a wonderful part of North San Diego County and my neighborhood. The thought of changing it through such drastic measures to salt water makes no sense to me and I am strongly opposed. Plus, what it would do the security of my home, the walkable and beautiful beaches of Carlsbad and Oceanside is incomprehensible to me. My vote/desire/voice for the record is to maintain the freshwater flora and fauna and make the minimal but necessary enhancements to maintain the freshwater Buena Vista lagoon.

Stephanie Fox
49 Saint Malo Beach
Oceanside, CA 92054
626-221-7228

23-1

23-1

Please see Master Response #1 regarding alternative preference. This comment states a preference for the Freshwater Alternative. Please see Master Response #5 regarding the historical ecology of the lagoon system. Beach access is discussed in Section 3.1, Land Use, and Section 3.15, Public Health and Safety, of the EIR.

LETTER 24
Harold Hunt

From: [Harold Hunt](#)
To: [Washington, Lauren](#)
Cc: [shriskin@roadrunner.com](#)
Subject: Buena Vista Lagoon Enhancement Project
Date: Wednesday, August 05, 2015 2:24:24 PM

Dear Ms. Washington, For over 30 years I have owned unit #12 in the Sanctuary Condominium property located at 2399 Jefferson Street, Carlsbad, CA. We are west of I-5 and look out directly on to Buena Vista Lagoon. I have read the four proposed options for enhancement of Buena Vista Lagoon. I strongly support option #1, keep the lagoon as it is, the only freshwater lagoon on this part of our coast. I cannot understand why anyone would want either option 2 or 3 and have to look out at mud flats instead of our beautiful lagoon. The thinning of the overgrowth of cattails is important also. Please do option #1. Don't ruin a wonderful asset that benefits both Carlsbad and Oceanside. Sincerely, Harold K. Hunt

24-1

24-1

Please see Master Response #1 regarding alternative preference. This comment states a preference for the Freshwater Alternative. Please see Master Response #4 regarding the freshwater lagoon resource. Impacts to visual resources for each alternative are addressed in Section 3.9.3 of the EIR.

LETTER 25
Michele Brian-Hensley

From: [Michele Hensley](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Enhancement Project proposed by SANDAG
Date: Tuesday, August 18, 2015 8:00:53 AM

From : Mrs Michele HENSLEY
2399 Jefferson street, Carlsbad, CA 92008 - Owner of Unit #2

Dear Ms Washington,

The purpose of this letter/email is to respond to SANDAG's request for public comment on the alternatives for the Buena Vista Lagoon Enhancement project, as laid out in the Environmental Impact Study.

I am a homeowner at the Sanctuary Condominium complex, located at 2399 Jefferson Street, Carlsbad, CA. Our property is bordered by the lagoon on the west side of I 5. I strongly advocate that the alternative to keep the lagoon as freshwater, and to undertake the fresh water lagoon enhancements as described in the EIR be selected.

Maintaining our lagoon view with substantial open water is of high importance to our community. We do not want to live with a view of saltwater marsh mudflats. We are the only freshwater lagoon in the area, and we believe that the other saltwater lagoons in the area fill the need for habitat for saltwater wildlife. Therefore I/we request that **option 1, maintain Buena Vista as a freshwater lagoon**, be chosen.

Sincerely,

Michele Brian-Hensley

25-1

The comment provides introductory statements and no response is required.

25-2

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

25-3

Please see Master Response #4 regarding the freshwater lagoon resource.

25-1

25-2

25-3

LETTER 26
Hugh Penton Sr.

From: [Hugh](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon
Date: Sunday, August 23, 2015 5:43:47 PM

Dear Ms. Washington.

I wish to join the many St Malo Beach members that are strongly opposed to the proposed change in the Buena Vista Lagoon. Many years ago I was instrumental in Purchasing the Western Basin from the Tenaglia family and was the first President of that Association. Many years later we gave the property to the St, Malo Beach Association. I have for many years been very closely associated with the Lagoon and wish to voice my concern that it would become a salt water marsh land

26-1

For years it has been a fresh water lagoon, and for numerous reason should remain that way. I have been coming to St. Malo for over 65 years and the lagoon has been a very big part of my life and my family's. It is a thing of beauty, if properly maintained and should remain that way in perpetuity!

Hugh Penton Sr.
45 Saint Malo Beach

26-1

Please see Master Response #1 regarding alternative preference. Please see Master Response #5 regarding the historical ecology of the lagoon system.

LETTER 27
Hugh Penton

27-1

Please see Master Response #2 regarding ownership in the vicinity of the lagoon. This comment does not address the adequacy of the Draft EIR.

Keep San Diego Moving
TransitNet
Buena Vista Lagoon Enhancement Project
Draft Environmental Impact Report
Public Meeting/ Reunión Pública

COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015
Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre Hugh Penton Organization/Organización (if applicable) _____

Address/Dirrección 45 St. Malo Beach, Oceanside CA

Phone/Número de teléfono _____ Email/Correo electrónico hpenton@me.com

I would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electronicos del proyecto.
☒ Yes/Sí ☐ No

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project./Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POH FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

No Pedestrian Bridge - Incroachment of P.U. Property

IF SALINITY ALTERNATIVE IS CHOSEN, BUILD WEIR OUT JUST PAST

MEANS HIGH TIDE AND ALLOW FOR MEANDERING WATER TO FLOW

WITH TIDAL CHANGE -

NO TULE - ELIMINATE MOSQUITOS

WIDEN WEIR MOUTH TO MINIMUM 80' - 100' BEST

27-1

Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015

Mail to/Por correo: Lauren Washington, SANDAG
401 B Street, Suite 800, San Diego, CA 92101
or email to/o por correo electrónico: lauren.washington@sandag.org

SANDAG
TransitNet
KeepSanDiegoMoving.com/BVLagoon

LETTER 28
Peter Browne

From: peter.browne@ubs.com
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon EIR
Date: Monday, August 24, 2015 2:18:21 PM
Attachments: [disclaim.txt](#)

Laura,

As A St Malo Association Homeowner I am in favor of the Fresh Water alternative. I am against all the other proposals for the following reasons.

- | | |
|---|------|
| 1. How can you guarantee we will have 300 new species under the Salt Water, Salt/Fresh Water Hybrid. What will happen to the 200 fresh water species? | 28-1 |
| 2. Why do we need to pay all this taxpayer money when the status quo appears to be working fine. I find it a total waste of taxpayer money. | 28-2 |
| 3. I do not want tidal flushing with mud flats, not only will it become a security issue for St. Malo but it could potentially create a foul odor/ stench. | 28-3 |
| 4. I am opposed to spending additional taxpayer dollars which are being wasted on an experimental conversion from the existing freshwater ecosystem to a saltwater or hybrid ecosystem. | 28-4 |
| 5. I am against the creation of the 100 ft channel under the Saltwater or Hybrid option as it would create a dangerous hazard to people walking on the beach. | 28-5 |

In closing I urge you to please implement the Fresh Water alternative. Thank you.

Peter D. Browne
 75 St. Malo Beach
 Oceanside, CA 92054

Peter D. Browne
 Senior Vice President – Wealth Management
 Portfolio Manager
 UBS Financial Services Inc.
 555 California Street, Suite 3400
 San Francisco, CA 94104
 Tel: 415-576-3755
 Fax: 855-291-9492
peter.browne@ubs.com

28-1

Please see Master Response #1 regarding alternative preference. This comment states a preference for the Freshwater Alternative. SANDAG acknowledges there is no guarantee of a specific number of saltwater species successfully populating the lagoon, and the EIR does not make such a statement. As described in Section 3.5 of the EIR, freshwater species that could not tolerate the increased salinity levels of the Saltwater and Hybrid Alternatives would not survive and would no longer populate the lagoon.

28-2

The status quo would be the existing conditions, or the No Project Alternative. This alternative is fully analyzed in the EIR. As stated in the EIR, long-term significant impacts would result from continued degradation of the lagoon from the encroaching cattails. The EIR discusses the implications of the No Project Alternative. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

28-3

Please see Master Response #6 regarding anticipated odor associated with mudflat habitat and response to comment 12-46 regarding security concerns associated with the alternatives. Additional information regarding natural odors anticipated under each alternative has been added to Section 3.11.3.

28-4

SANDAG does not agree that the Saltwater and Hybrid Alternatives are experimental. The anticipated successful conversion of the lagoon to a saltwater system as described throughout the EIR is based on scientific information and expert opinion and design, as well as previous enhancement/restoration projects. See responses to comments 12-5, 12-14, and 12-21. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

28-5

Comment noted. The EIR acknowledges that implementation of the Saltwater and Hybrid Alternatives and the bridge described in Mitigation Measure Land Use-1 would result in a significant impact to public safety.

LETTER 29
Blaine Fetter

From: [Blaine Fetter](#)
To: [Washington, Lauren](#)
Cc: ["Lynda Fetter"](#)
Subject: Buena Vista Lagoon Project
Date: Wednesday, August 26, 2015 2:35:52 PM
Attachments: [image002.jpg](#)

Lauren Washington, SANDAG
401 B. Street, Suite 800
San Diego, Ca. 92101

Re: Buena Vista Lagoon Project

Dear Ms. Washington,

I am writing you in regards to the Buena Vista Lagoon Enhancement Project. Our family The Boone Family Trust and the Fetter Trust have owned #16 St. Malo for nearly 38 years. This lovely beach cottage which is located in one of California's most extraordinary communities has been part of many of our family's finest moments, including weddings, anniversaries, holidays and the like. Each of our family members have cherished memories in which the Buena Vista Lagoon has provided a beautiful back drop as well as an important barrier to cacophony of sound that makes up so much of the region. We don't want to see this fresh water lagoon changed. We don't want to see a channel cut through to the surf which presents many more safety concerns. We don't want to deal with changing tides of a saltwater lagoon and the attendant environmental impacts it will have.

One of the guiding principles of an EIR is environmental justice, to do no harm must be first and foremost and any of the considered changes cannot guarantee that no harm will be done.

Sincerely,

Blaine P. Fetter

Principal

Logo for email letterhead 2



bfetter@samuelsonandfetter.com

Office: (626) 305-5530

Cell: (626) 827-5522

29-1

Please see Master Response #1. This comment states a preference for maintaining freshwater conditions in the lagoon. Safety concerns associated with the new inlet are discussed in Section 3.1, Land Use, and Section 3.15, Public Health and Safety, of the EIR.

29-2

CEQA does not encompass environmental justice as an area of analysis. The EIR provides an unbiased analysis of environmental impacts that would result compared to a baseline of existing conditions with implementation of the project for the decision makers to use when considering approval of the project. This comment does not address the adequacy of the Draft EIR.

29-1

29-2

LETTER 30
Virginia Jones and family

From: [Virginia Jones](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Project
Date: Wednesday, August 26, 2015 10:07:30 AM

To whom it may concern regarding the Buena Vista Lagoon Project,
 My family and I, who have a house at #22 St. Malo Beach, are distressed to learn of the possible change from fresh water to salt water for the lagoon. It doesn't make sense to spend so much money to change an environment that has been natural to the area for so many years. And as I understand it the Buena Vista Lagoon is one of the only fresh water lagoons left. There are so many negatives for the owners in this area if the change is agreed to, but just environmentally it is a bad idea. Please don't let it happen. Please help us maintain a fresh water solution.
 Sincerely,
 Virginia Jones and family

30-1

30-1

Please see Master Response #1 regarding alternative preference. This comment states a preference for maintaining freshwater conditions in the lagoon. Please see Master Response #4 regarding the freshwater lagoon resource. The comment does not specify the negatives or what negative environmental changes would result from implementation of a saltwater system; please see response to comment 12-58 for a comparison of impacts and benefits under each alternative.

LETTER 31
Michael G. Jones

#24 St. Malo Beach

Lauren Washington, SANDAG
401 B Street, Suite 800
San Diego, Ca. 92101

Dear Ms. Washington,

This letter is my public comment regarding the recently released "Buena Vista Lagoon Enhancement Project Environmental Impact Report". I would like to register my opposition to 3 of the 4 alternatives addressed in the report: The Saltwater Alternative, the Hybrid Alternative, and the "Do Nothing" Alternative. I would like to voice my support for the Freshwater Alternative. My support for the Freshwater Alternative is based on the following points:

1. Both the Saltwater and Hybrid options involve the creation of a 100 ft. channel which would create a dangerous hazard to people, especially children, walking on the beach. The tidal ebb and flow would create a veritable river flowing in and out of the lagoon perpendicular to the shore. The steep walls of the channel would further compound the hazard that would confront the public walking along the shore. The likely result would be people injuring themselves by falling down the sides of the channel or being swept by the tidal surge into the near shore wave activity with the potential for drowning.
2. The mitigation of the Saltwater/Hybrid Tidal Flush Channel hazard would be a bridge crossing the channel which would: a) create its own danger with people deciding to jump off into the channel, b) encroach on private property owned by St. Malo families Tenaglia, Alanis, and Foster, creating potential liability issues when people fall off the bridge and injure themselves, c) create an eyesore for St. Malo since the elevation of the bridge would be above the berm, d) invade the privacy of those who live at the South end of St.Malo, and e) create a security issue for all of St. Malo during an ebb tide when people would be able to enter St. Malo by walking into St. Malo from the lagoon.
3. The flow of the channel would also disrupt the littoral drift of sand along the coast. The Oceanside Cell discussed in the report was severely disrupted in the '60's when the Oceanside Harbor was built, creating a shadow south of the harbor which starved beaches of sand and led to damaging erosion. The channel would also disrupt the flow of sand, with unknown impact to the sand supply for the beach to both the south and north of the channel.
4. As taxpayers, we are also opposed to tax dollars that would be wasted on an experimental conversion from the existing freshwater ecosystem to a saltwater or hybrid ecosystem. The tables in the report indicate that the amount of dredging, soil/sand excavation and vegetation removal would be 40% greater for the saltwater/hybrid option, which means the cost would be at least 40% greater. And this does not include the costs associated with the necessary raising of the Carlsbad Blvd. bridge, the Rail Road Trestle and the I5 Freeway. Plus the saltwater/hybrid option is high maintenance and would continue consuming tax dollars for maintenance that would be required every 12-16 months. What justifies these exorbitant costs?
5. The primary reason for promoting the saltwater/hybrid option is the idea of "increased biodiversity". The idea is that changing from freshwater, with 200 species in its ecosystem, to saltwater/hybrid option would result in an ecosystem with 300 species. Does a guarantee come with that claim? Where has such a conversion taken place? The idea of annihilating a freshwater ecosystem that has existed since my mother played at St. Malo as a child more than 80 years ago, for the possibility of maybe successfully

#24 St. Malo Beach - Oceanside - CA - 92054 - mjones@mac.com

31-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

31-2

The EIR acknowledges the potential safety issues associated with a new inlet and concludes that the inlet proposed under the Saltwater and Hybrid Alternatives would result in a significant and unmitigable impact related to public health and safety due to the new inlet. The EIR proposes a pedestrian bridge as Mitigation Measure Land Use-1 to reduce the potential impact to less than significant. However, the EIR acknowledges that, even with the inclusion of the bridge described in Mitigation Measure Land Use-1, the impact to public safety would remain significant.

31-3

The pedestrian bridge required in Mitigation Measure Land Use-1 would be designed in a manner to promote safety, including railings of appropriate height to discourage unsafe behaviors. Also see response to comment 12-42.

31-4

Please see response to comment 12-43 addressing St. Malo property and liability.

31-5

Please see response to comment 9-8. The EIR agrees that implementation of the bridge proposed in Mitigation Measure Land Use-1 would result in a significant visual impact.

31-6

To the degree that the comment raises economic concerns, no further response is required.

31-7

Please see response to comment 12-46 regarding security concerns associated with each alternative.

31-8

As described in Section 3.3 of the EIR, Oceanography/Coastal Processes, inlet maintenance under the Saltwater or Hybrid Alternative would return sand entrained in the lagoon to the littoral system to avoid long-term disruption of the littoral system and minimize changes to adjacent beaches.

31-9

SANDAG disagrees with commenter's characterization of the Saltwater and Hybrid Alternatives as experimental. Please refer to responses to comments 12-5, 12-14, and 12-21. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

#24 St. Malo Beach

converting it to saltwater, is not only speculative but immoral as well! Do we really want to sacrifice the current fresh water ecosystem and the species that call it home, for the possibility that we might, at some point in the future (how many years? Decades?) have a new saltwater/hybrid ecosystem? Is this the Field of Dreams approach? If you build it they will come? More likely it is the same kind of thinking, planning and disregard for unintended consequences that led to the dammed rivers, harbors and jetties that have wreaked havoc on the California coast and the multitude of ecosystems that depend on it for the last 100 years.

I do agree that the Do Nothing Alternative is not an option. The Buena Vista Lagoon is a water system that now exists within a densely urban area. Water run off has carried sediment into the basin, making it shallower. The result is more vegetation that promotes unhealthy vector propagation, and increased risk of flood damage to peoples' homes when the next 50 or 100 year storm strikes.

The Freshwater Alternative is the more affordable and desirable option. It preserves the unique qualities that we appreciate of the current Buena Vista Lagoon and the hundreds of species that call the Lagoon home. An 80 foot weir at the mouth of the lagoon will provide the necessary flood protection. The Freshwater Alternative reduces the vegetation and the conditions that promote vector propagation. Residents of Carlsbad and Oceanside, along with the thousands of tourists that come to visit and enjoy the wonderful beach, will continue to be able to stroll unimpeded and safely along the shoreline. The Freshwater Alternative is the superior option. The expenditure of further tax dollars on studying this issue must stop, and SANDAG should adopt, promote and implement the lagoon enhancements of the Freshwater Alternative.

Sincerely,



Michael G. Jones
#24 St. Malo
Oceanside, CA, 92054

#24 St. Malo Beach - Oceanside - CA - 92054 - mgjones@mac.com

31-10
Cont.

31-11

31-12

31-10

SANDAG acknowledges there is no guarantee of a specific number of saltwater species successfully populating the lagoon, and the EIR does not make such a statement. SANDAG does not agree that the Saltwater and Hybrid Alternatives are experimental. The anticipated successful conversion of the lagoon to a saltwater system as described throughout the EIR is based on scientific information and expert opinion and design, as well as previous enhancement/restoration projects. See responses to comments 12-5, 12-14, and 12-21.

31-11

The comment states objections to the No Project Alternative. Please refer to Master Response #1. The SANDAG Board of Directors will consider the commenter's concerns together with the project record before taking action on the project.

31-12

Please see Master Response #1. This comment reiterates a preference for the Freshwater Alternative. Flooding impacts for each alternative are addressed in Section 3.2 of the EIR. Vector control is discussed in Section 3.15 for each alternative. The impact of each alternative on beach access and safety is discussed in Sections 3.1 and 3.15.

LETTER 32

William and Tyrena Jones, Charles and Brynne Crow, Blake and Emily Jones

From: [Packy Jones](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon
Date: Thursday, August 27, 2015 1:54:29 PM

Lauren,

Our family owns a house at 25 St. Malo in Oceanside, California. We have been discussing the challenge you/we face on the different alternatives for the Buena Vista Lagoon. Having looked at the options the one that looks the most reasonable from the an economic and environmental perspective is the Freshwater Alternative. We and the other members of the St. Malo Association would support this choice for the future of the Buena Vista Lagoon.

32-1

Respectfully,

William and Tyrena Jones
Charles and Brynn Crowe
Blake and Emily Jones

The following information has been provided only to the person or entity to which it is addressed for informational purposes only and should not be used or construed as an offer to sell, a solicitation, an offer to buy, or a recommendation for any security. This information is not purported to be tailored to any particular investor and may not be re-distributed to non-institutional accounts as defined by FINRA Rule 4512. Information and securities mentioned may reflect a third party's

LETTER 33
Dick and Bonnie Holt

From: [richard.holt](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Enhancement Project
Date: Thursday, August 27, 2015 2:26:16 PM

To: Lauren Washington, SANDAG

We live at #80 St. Malo and would like to go on record as strongly favoring the Fresh Water alternative for the Project. After reading the study we think major modifications to a working habitat will bring unintended consequences. We stand behind and reiterate the points in favor of this alternative voiced by our community association which has spent many hours studying the pros and cons of each alternative.

33-1

Best regards,
Dick and Bonnie Holt
#80 St. Malo, Oceanside, CA 92054

33-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 34
Berne Evans III

34-1
Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

34-1

From: [Berne H. Evans, III](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon
Date: Friday, August 28, 2015 9:58:53 AM
Attachments: [image001.png](#)
[image018.png](#)
[image019.png](#)
[image020.jpg](#)
[image021.png](#)
[image022.jpg](#)
[image023.png](#)
[image024.jpg](#)
[image025.png](#)

Dear Ms. Washington,

As an owner and member of St Malo, I strongly support the Fresh Water Alternative.

Sincerely,

Berne H. Evans III, Chairman

 **SUN PACIFIC COMPANIES** | 1095 East Green Street | Pasadena, California 91106
☎ 213-627-9544 📠 626-993-6263 📧
Stay In Touch | [Website](#) | [Facebook](#) | berneevans@sunpacific.com



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 Before printing think about your responsibility towards the ENVIRONMENT

LETTER 35
Barney and Courtney Evans

From: [courtevans](#)
To: [Washington, Lauren](#)
Cc: [Barney Evans](#)
Subject: Buena Vista Lagoon vote for FRESHWATER ALTERNATIVE
Date: Friday, August 28, 2015 1:20:25 AM

To: Lauren Washington
From: Barney and Courtney Evans
#27 St. Malo
Oceanside, CA 92054
Re: Buena Vista Lagoon

We are long time homeowners of # 27 St. Malo Beach and are responding to the EIR report for the Buena Vista lagoon. We are strongly in favor of a FRESH WATER lagoon and we would oppose to all the other options. This is very important to us and the community, please consider our decision.

35-1

Sincerely,
Barney and Courtney Evans

35-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 36
Lisa and Tom Evans

From: Lisa G. Evans
To: Washington, Lauren
Subject: Buena Vista Lagoon Enhancement Project
Date: Thursday, August 27, 2015 5:36:54 PM

August 27th, 2015

Dear Ms. Lauren Washington,

I am writing this e-letter on behalf of myself and my husband, Lisa and Tom Evans the co-owners of #27 St. Malo, Oceanside. As I am sure you are well aware, our small community sits adjacent to the Buena Vista Lagoon and in investigating all the options my husband, Tom and myself are in favor of the Fresh Water Alternative for various reasons. The Saltwater version has many negative impacts and dangerous risks to our area as well as people and children. The 100 ft channel which would run vertiginous along the shore would create a hazard for people and especially children as the tides ebb. Also as the tide is drawn out it would leave an inevitable stench of exposed kelp, moss, shellfish and the like left baking in the sun. The proposed bridge over the channel would seemingly disrupt the natural flow of the sand which in the past, other unnatural circumstances has wrecked havoc with the level of the beaches in front of our community. The bridge would also create a serious security issue which when the tide was out would allow people to enter our protected community via the lagoon.

36-1

36-2

36-3

36-4

We also do not see the value in our tax dollars being spent to convert an existing freshwater ecosystem housing numerous birds, fish and plant life to a saltwater or hybrid ecosystem which would only create more tax dollars being spent to create and maintain this new ecosystem not to mention the cost to build the bridge which as previously mentioned creates many more unfavorable issues.

36-5

We have listened to copious talks and read innumerable reports as our community, and what happens in and around it is very important to us. Our families have had homes in St. Malo for over 40 years so it is important that we take the time to understand how changes affect the area. We have reached our position not only as a favorable position for our community but the community and ecosystem at large.

Thank you for your concern regarding this issue.

Regards,

Lisa and Tom Evans
#27 St. Malo residents

36-1

Please see Master Response #1 regarding alternative preference. This comment states a preference for the Freshwater Alternative. The EIR acknowledges the potential safety issues associated with a new inlet and concludes that the inlet proposed under the Saltwater and Hybrid Alternatives would result in a significant and unmitigable impact related to public health and safety. The EIR proposes a pedestrian bridge as Mitigation Measure Land Use-1 to reduce the potential impact. However, the EIR acknowledges that, even with the inclusion of the bridge described in Mitigation Measure Land Use-1, the impact to public safety would remain significant.

36-2

Please see Master Response #6 regarding anticipated odor associated with mudflat habitat. Additional information regarding natural odors anticipated under each alternative has been added to Section 3.11.3.

36-3

As described in Section 3.3 of the EIR, Oceanography/Coastal Processes, inlet maintenance under the Saltwater or Hybrid Alternative would return sand entrained in the lagoon to the littoral system to avoid long-term disruption of the littoral system and minimize changes to adjacent beaches.

36-4

Please see response to comment 12-46 regarding security and access to private property.

36-5

The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

LETTER 37
Lara Baumgarten

From: [LARA BAUMGARTEN](#)
To: [Washington, Lauren](#)
Subject: Lagoon
Date: Friday, August 28, 2015 9:43:52 AM

37-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

Hello-
I'm a resident in the Saint Malo community (#47). I have reviewed the findings regarding the different proposals, and I wanted to write you to let you know that my family supports the Fresh Water Alternative wholeheartedly. We appreciate your support!
Kindest regards,
Lara Baumgarten
Sent from my iPhone

37-1

LETTER 38
Robert Schwarzenbach

From: [Robert Schwarzenbach](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Project
Date: Friday, August 28, 2015 4:30:42 PM

Dear Lauren,

I strongly support the freshwater reclamation option for the above mentioned project.

Many thanks,

Robert Schwarzenbach
40 St Malo Beach
Oceanside, CA 92054

Sent from my iPad

38-1
Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

38-1

LETTER 39
Hope Anstett

From: Apple@aol.com
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon
Date: Sunday, August 30, 2015 2:29:08 PM

Dear Lauren,

We support the fresh water alternative for the Buena Vista Lagoon.

Respectfully,

The Anstett Family Trust
Hope Anstett
44 St. Malo Beach
Oceanside, CA 92054

39-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

| 39-1

LETTER 40
Kimberly Schnell

From: [Kimberly Schnell](#)
To: [Washington, Lauren](#)
Subject: Fwd: support the Fresh Water Alternative
Date: Sunday, August 30, 2015 6:48:44 AM

40-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

> Dear Ms. Washington,
>
> Today I am writing to you to share my support of the the Fresh Water Alternative at the Buena Vista Lagoon. Our family has been part of the Oceanside and Carlsbad communities for since the 1950's. We want what is best for the community and the Lagoon. I believe that the Fresh Water Alternative is the best solution to care for the Lagoon for the short and long term.
>
> Thank you.
>
> Sincerely, Kimberly Schnell
>
> Sent from my iPhone

40-1

LETTER 41
Ashley Guerra

From: [Ashley Jones](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Project
Date: Monday, August 31, 2015 10:40:57 AM
Attachments: [image001.gif](#)

To whom it may concern regarding the Buena Vista Lagoon Project,
I am a co-owner to a home in the St. Malo Beach community and I am very concern with the proposed changes to the Buena Vista Lagoon.
It doesn't make sense to change the lagoon from its current freshwater state, but rather use those dollars to dredge and improve its current state.
I understand the Buena Vista Lagoon is one of the only fresh water lagoons left and I would strongly oppose a change to that.
Sincerely,
Ashley J. Guerra
St. Malo Resident

41-1

Ashley J. Guerra
Gamble Jones Investment Counsel
301 E. Colorado Blvd, Suite 802
Pasadena, CA 91101
(P) 626 795-7583
(F) 626 795-7689
ajones@gamblejones.com
www.gamblejones.com
GAMJON_Logo for email



41-1

Please see Master Response #1 regarding alternative preference. This comment states a preference for maintaining freshwater conditions in the lagoon. Please see Master Response #4 regarding the freshwater lagoon resource.

LETTER 42a
Thomas Larkin Jr.

From: [Larkin, Thomas E](#)
To: [Washington, Lauren](#); marianelarkin@mac.com
Subject: st malo lagoon
Date: Monday, August 31, 2015 11:43:20 AM

the LArkin family residing at 71 and 73 St Malo vote against the fresh water option.

thomas e larkin Jr
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42a-1

42a-1
Please see Master Response #1. This comment states a preference against the Freshwater Alternative but is amended in a following letter (42b).

LETTER 42b
Thomas Larkin Jr.

From: [Larkin, Thomas E](#)
To: [Washington, Lauren](#)
Subject: RE: st malo lagoon
Date: Monday, August 31, 2015 2:48:17 PM

42b-1

Please see Master Response #1. This comment corrects the previous comment (42a) and states a preference for the Freshwater Alternative.

I GOOFED! We vote for the fresh water option. Sorry about that
thomas e larkin Jr

42b-1

From: Washington, Lauren [Lauren.Washington@sandag.org]
Sent: Monday, August 31, 2015 12:49 PM
To: Larkin, Thomas E; margaretlarkin@mac.com
Subject: RE: st malo lagoon

Thank you for your comment. All comments will be addressed after the public comment period is completed.

Sincerely,
Lauren Washington

-----Original Message-----

From: Larkin, Thomas E [mailto:Thomas.Larkin@tew.com]
Sent: Monday, August 31, 2015 11:42 AM
To: Washington, Lauren; margaretlarkin@mac.com
Subject: st malo lagoon

the Larkin family residing at 71 and 73 St Malo vote against the fresh water option

thomas e larkin Jr

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LETTER 43
Kat Orme

43-1
Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

From: [Katherine Orme](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon EIR
Date: Monday, August 31, 2015 12:44:55 PM

Hello Ms. Washington,

In high school I lived in Carlsbad, and worked in Oceanside. My commute took me along the water and I frequently rode my bike across the Buena Vista lagoon. I support the Fresh Water Alternative plan for the lagoon. Please keep it a fresh water area!

43-1

Thanks,
Kat orme

--
Katherine Orme
(760) 271-5354 |

LETTER 44a
Joyce McGilvray

From: [Joyce McGilvray](#)
To: [Washington, Lauren](#)
Subject: The Lagoon at St. Malo Beach
Date: Monday, August 31, 2015 3:11:20 PM

I am a member of the St. Malo Community and want to be noted as strongly supporting the restoration of the Lagoon using the FRESH WATER ALTERNATIVE. Dated September 1, 2015 Thank you, Joyce McGilvray

44a-1

44a-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 44b
Joyce McGilvray

From: [Joyce McGilvray](#)
To: [Washington, Lauren](#)
Subject: The Buena Vista Lagoon Project
Date: Monday, August 31, 2015 3:22:12 PM

I feel that I was not exact with my first e-mail to you, and want to specify that I am strongly in support of the Buena Vista Lagoon Project restoration using the FRESH WATER ALTERNATIVE. Dated September 1, 2015. Joyce McGilvray (a member of the St. Malo community)

44b-1

44b-1
Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 45
Mark McGilvray

From: [Mark McGilvray](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Project
Date: Monday, August 31, 2015 1:14:19 PM

Lauren—My family has owned a house in St Malo adjoining this lagoon for over 60 years. I wish to communicate in no uncertain terms our very strong support of the Fresh Water Alternative contained in the Sandag EIR. This is clearly the best alternative of those presented for so many reasons, especially preservation of the beach as we have known and appreciated it for so many years now. Please keep this in mind in your deliberations.

Sincerely,

Mark McGilvray

Mark McGilvray

Westport Properties, Inc.
2201 Dupont Drive, Suite 700 | Irvine, CA 92612
P 949-748-5913 | C 949- 279-2071
markm@usstorage.net | www.usstoragecenters.com
CA DRE Corporate ID # 01106172

45-1

45-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative. As described in Section 3.3 of the EIR, Oceanography/Coastal Processes, inlet maintenance under the Saltwater or Hybrid Alternative would return sand entrained in the lagoon to the littoral system to avoid long-term disruption of the littoral system and minimize changes to adjacent beaches.

LETTER 46
Lorne Moore and Dan McGilvray

From: [Lorna Moore](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon
Date: Monday, August 31, 2015 8:20:32 PM

We and our extended family have owned a home at 112 Eaton Street in Oceanside since 1955.

We have reviewed the Environmental Impact Report for the Buena Vista Lagoon project.

We strongly urge you to support the "Fresh Water Alternative" for the Buena Vista Lagoon in order to reduce environmental impacts and drastic changes to the coastline.

Respectfully,

Lorna Moore
Dan McGilvray
112 Eaton Street
Oceanside, CA 92054
(626) 437-4713

46-1

46-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 47
Mary McGilvray

From: [Mary McGilvray](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon EIR
Date: Monday, August 31, 2015 2:32:55 PM

Hello Lauren,
As a member of the St Malo community, I am in strong support of the FRESH WATER
OPTION.
Due to expense and dramatic impact to the surrounding areas, this option appears to be the
best. Please consider the FRESH WATER OPTION as the most beneficial for all.
Thank you for your time.
Mary McGilvray
(St Malo homeowner)
112 Eaton Street
Oceanside, CA 92054

47-1

47-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 48
Alex McGilvray, Jr.

From: [Bernadette Anderson](#) on behalf of [Alex McGilvray](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon
Date: Monday, August 31, 2015 4:06:28 PM
Attachments: [image001.png](#)

Dear Ms. Washington,

My name is Alex McGilvray and my family has owned the home located at 112 Eaton Street, Oceanside, California 92054 since 1955. We also belong to the St. Malo Association, Inc.

After reviewing your organization's Environmental Impact Report, please be advised that I strongly support the "freshwater option" over the other remediation options as well as the "no" remediation option.

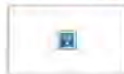
My strong support of the "freshwater option" is based upon a number of factors including the following:

1. The tremendous initial construction costs and ongoing maintenance expenses for the concrete channel and pedestrian crossing under both the "saltwater title flushing option" and the "saltwater hybrid option".
2. As your organization's Environmental Impact Report acknowledges, both of the foregoing alternative remediation options would pose significant safety issues.
3. As your organization's Environmental Impact Report also acknowledges, such alternative remediation options would also result in significant changes to the beach area in front of the existing weir.
4. From an aesthetic standpoint, such alternative remediation options would, in my view, also forever adversely affect the public's current ability to walk unimpeded up and down the beach from the Oceanside pier to the Palomar power plant (which is almost priceless in my view).

Sincerely,

Alex McGilvray

ALEXANDER C. MCGILVRAY, JR. | Attorney At Law



800 Wilshire Boulevard | 12th Floor | Los Angeles | CA 90017
T: 213 629 5700 | F: 213 624 9441
[biography](#) | [email](#) | [link](#)

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48-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

48-2

The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

48-3

The EIR acknowledges the potential safety issues associated with a new inlet and concludes that the inlet proposed under the Saltwater and Hybrid Alternatives would result in a significant and unmitigable impact related to public health and safety. The EIR proposes a pedestrian bridge as Mitigation Measure Land Use-1 to reduce the potential impact. However, the EIR acknowledges that, even with the inclusion of the bridge described in Mitigation Measure Land Use-1, the impact to public safety would remain significant.

48-4

As described in Section 3.3 of the EIR, Oceanography/Coastal Processes, inlet maintenance under the Saltwater or Hybrid Alternative would return sand entrained in the lagoon to the littoral system to avoid long-term disruption of the littoral system and minimize changes to adjacent beaches. The EIR did not identify potentially significant impacts to coastal processes under any of the three alternatives.

48-5

Aesthetic impacts are analyzed in the EIR under Section 3.9, Visual Resources. The bridge proposed in Mitigation Measure Land Use-1 was designed to maintain lateral access along the beach under the Saltwater and Hybrid Alternatives.

LETTER 49
Carol and Stephen Watkins

From: [Carol Watkins](#)
To: [Washington, Lauren](#)
Cc: [Stephen Watkins](#)
Subject: Buena Vista Lagoon vote for FRESH WATER ALTERNATIVE
Date: Monday, August 31, 2015 1:24:01 PM

We are homeowners of #1 St Malo Beach and are responding to the EIR report for the Buena Vista Lagoon. We are strongly in favor of a FRESH WATER lagoon and are opposed all other options. This is extremely important to us and to the community of St Malo. Please consider our decision.

49-1

Sincerely,
Carol and Stephen Watkins

Carol Watkins
carolwatkins@me.com
cell: 626-675-2452

49-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 50
Lynn Macneil

From: [Brad Macneil](#)
To: [Washington, Lauren](#)
Subject: Regarding Buena Vista Lagoon Project in Oceanside/Carlsbad, California - In favor of Fresh Water Alternative
Date: Monday, August 31, 2015 8:00:48 PM

To Whom It May Concern,

I am an owner of property at 112 Eaton Street in Oceanside, California and a member of the Saint Malo Community that borders the Buena Vista Lagoon. I am familiar with the options that have been presented in the EIR for the project. After careful consideration, I feel strongly that the "Fresh Water Alternative" is the best plan for restoration of the lagoon.

This natural resource is very important to the area and should be protected for both the wildlife and the Community. I feel it is also important to protect the beach where the lagoon empties into the ocean and feel that the "Salt Water" alternatives would have detrimental affects to the area.

Thank you,

Lynn Macneil
112 Eaton Street
Oceanside, CA 92054

Mailing Address
1341 Sonoma Drive
Altadena CA. 91001

Telephone (626) 794-0959

50-1

50-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 51
Allan Wanamaker

From: [al.wanamaker](#)
To: [Washington, Lauren](#)
Subject: buena vista lagoon
Date: Monday, August 31, 2015 8:41:56 PM

i reside on the edge of the lagoon. the costs of maintaining the lagoon as a salt water alternative would be way higher than the current fresh water condition. That and the predictable law suits from 'interested' groups such as the ones that held up the de-sal project will add insurmountable costs to a project with salt water. fresh water and cat tail removal is the cost effective regime.
thank you
allan j. wanamaker

51-1

51-1

Please see Master Response #1 regarding alternative preference. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

LETTER 52
Gregory Stone and Cynthia Vail

From: [Cindy Vail](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon project
Date: Tuesday, September 01, 2015 3:00:36 PM

Dear Lauren,

As residents of Oceanside, in specific, residents of the St. Malo community, my husband, Greg Stone, and myself would like to support our Association's preference for a freshwater solution to the lagoon. It has always been a freshwater lagoon and we feel it should stay that way. Although we understand the need to keep the tules a reasonable height, and the berms in place, we don't want to see the natural balance of the lagoon change in any way. We like it as is.

Thank you.

Gregory Stone
Cynthia Vail
#30 St. Malo Beach
Oceanside, CA 92054

52-1

52-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative. Please see Master Response #5 regarding the historical ecology of the lagoon system.

LETTER 53
Linda Harrison

From: [Linda Harrison](#)
To: [Washington, Lauren](#)
Subject: Buena vista lagoon
Date: Wednesday, September 02, 2015 2:23:53 PM

We would like to keep the lagoon a fresh water lagoon,

| 53-1

53-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 54
Ruth Herman

54-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

August 16, 2015

Lauren Washington
SANDAG
401B Street, Suite 800
San Diego, CA. 92101

Re: Buena Vista Lagoon

Dear Lauren,

I am a homeowner who lives on the lagoon. I have owned my property since 1978.

My preference is the fresh water alternative and to have the lagoon dredged, trimmed and maintained as a fresh water lagoon.

54-1

Sincerely,



Ruth Herman
2535-12 Jefferson St.
Carlsbad, CA 92008

LETTER 55
Dennis Gault

From: [Dennis Gault](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon enhancement projects
Date: Sunday, August 09, 2015 8:58:58 PM

Lauren:

I have lived adjacent to the lagoon at 2399 Jefferson St.#16, Carlsbad, CA 92008 for more than 18 years. I strongly support a Fresh Water alternative for a number of reasons which I would be happy to discuss in detail if needed.

55-1

Thank you for the opportunity to register my preference.

Dennis Gault

55-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 56
Richard A. and Jeanne Reynolds

56-1
Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

From: [Jeanne Reynolds](#)
To: [Greer Keith](#)
Subject: Buena Vista Lagoon
Date: Friday, July 10, 2015 7:42:55 PM

I read the article in the UT this morning (7/10). My husband read the article and discussed it. Our conclusion based on his work experience in the water industry and my life experiences enjoying both east and west coast wetlands is this: Dredge the silt as needed. Let the lagoon be as natural as possible to be casually enjoyed while driving by or perhaps for the more hardy, a walk around the lagoon. No extravagant fixes are needed for it to benefit the wildlife which use this as a migration stopover or for the creatures who inhabit the area both in and out of the water. Our two votes are to keep it as a freshwater coastal lagoon by dredging the silt.

56-1

Thank you for your public service and the opportunity to give our opinion.

Richard A. and Jeanne Reynolds
Rancho Bernardo, formerly Chula Vista, CA

LETTER 57
Michael and Laura Brown

From: [Michael & Laura Brown](#)
To: [Washington, Lauren](#)
Cc: [dmunzert@uncoi.com](#); [mrmones@nrc.com](#); [suei.brown@verizon.net](#); [bored@earthlink.net](#); [johnstevale@tmc.com](#); [jhartigan@mcmanis.com](#)
Subject: The Buena Vista Lagoon EIR Public Meeting
Date: Wednesday, July 22, 2015 12:19:34 AM

RE: The Buena Vista Lagoon EIR

Lauren Washington, SANDAG
401 B Street, Suite 800
San Diego, Ca. 92101

Dear Lauren

Please include my concerns regarding the EIR. My grandfather built our house in 1949 and the slough (BV Lagoon) is where I grew up as a boy. Fishing, sailing, and bird watching. I can't understand why powerful interests are attempting to radically change the ecosystem. Ducks, Turtles, Bass, Cormorants, Pelicans - I just don't understand, why? Who is behind this? Please keep the only fresh water lagoon on the California coast the special place it's always been. I say NO!

Some Notes:

1. The Saltwater or Hybrid option involves the creation of a 100 ft. channel, which would create a dangerous hazard to people, especially children, walking on the beach. The tidal ebb and flow would create a veritable river flowing in and out of the slough perpendicular to the shore.
2. The flow of the channel would also disrupt the littoral drift of sand along the coast. The Oceanside Cell discussed in the report was severely disrupted in the '60's when the harbor was built, creating a shadow south of the harbor, which starved beaches of sand and led to damaging erosion. The channel would also disrupt the flow of sand, albeit to a smaller extent, but the potential impact to our beach front is unknown, not to mention coastal access from Oceanside to Carlsbad.
4. Not addressed in the report is the malodorous stench that would become a twice-daily occurrence at low tide when the slough bottom would be exposed.
5. As taxpayers, we are also opposed to tax dollars being wasted on an experimental conversion from the existing freshwater ecosystem to a saltwater or hybrid ecosystem. The tables in the report indicate that the amount of dredging, soil/sand excavation and vegetation removal would be 40% greater for the saltwater/hybrid option, which means the cost would be at least 40% greater. And this does not include the costs associated with the necessary raising of the Carlsbad Blvd. bridge. Plus the saltwater/hybrid option is high maintenance and would continue consuming tax dollars for maintenance that would be required every 12-16 months. What justifies these exorbitant costs?
6. A primary motivation of the groups that are promoting the saltwater/hybrid

57-1

57-2

57-3

57-4

57-5

57-6

57-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative. Please see Master Response #4 regarding the freshwater lagoon resource.

57-2

The EIR acknowledges the potential safety issues associated with a new inlet and concludes that the inlet proposed under the Saltwater and Hybrid Alternatives would result in a significant and unmitigable impact related to public health and safety. The EIR proposes a pedestrian bridge as Mitigation Measure Land Use-1 to reduce the potential impact to lateral access as described in Section 3.1. This bridge would also reduce the impact to public health and safety. However, the EIR acknowledges that, even with the inclusion of the bridge described in Mitigation Measure Land Use-1, the impact to public safety would remain significant.

57-3

As described in Section 3.3 of the EIR, Oceanography/Coastal Processes, inlet maintenance under the Saltwater or Hybrid Alternative would return sand entrained in the lagoon to the littoral system to avoid long-term disruption of the littoral system and minimize changes to adjacent beaches.

57-4

Please see Master Response #6 regarding anticipated odor associated with mudflat habitat. Additional information regarding natural odors anticipated under each alternative has been added to Section 3.11.3.

57-5

SANDAG does not agree that the Saltwater and Hybrid Alternatives are experimental. The anticipated successful conversion of the lagoon to a saltwater system as described throughout the EIR is based on scientific information and expert opinion and design, as well as previous enhancement/restoration projects. See responses to comments 12-5, 12-14, and 12-21. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

57-6

SANDAG acknowledges there is no guarantee of a specific number of saltwater species successfully populating the lagoon, and the EIR does not make such a statement. SANDAG does not agree that the Saltwater and Hybrid Alternatives are experimental. The anticipated successful conversion of the lagoon to a saltwater system as described throughout the EIR is based on scientific information and expert opinion and design, as well as previous enhancement/restoration projects. See response to comment 12-14.

option is the idea of increased biodiversity. The idea is that changing from freshwater, with 200 species in its ecosystem, to saltwater/hybrid option would result in an ecosystem with 300 species. Does a guarantee come with that claim? Where has such a conversion taken place? Do we really want to sacrifice the current ecosystem which is the one remaining fresh water lagoon in the area and the species that call it home, for the possibility that we might, at some point in the future (how many years? Decades?) have a new saltwater/hybrid ecosystem?

57-6
Cont.

Sincerely,

Michael P. Brown
M.A. Instructional Technology
AP United States History
Honors United States History
University City High School
6949 Genesee Avenue
San Diego, CA 92122

Home
921 Candlelight Pl.
La Jolla Ca. 92037
858-776-09031

LETTER 58
Susi Browne

To: Lauren Washington, Lauren.Washington@sandag.org
 From: Susi Browne, Homeowner of 75 St. Malo Beach
 Subject: Response to Draft EIR for Buena Vista Lagoon
 Date: August 24, 2015

For the past 9 years, I have been part of meetings and discussions about the proposal to change the Buena Vista Lagoon. Throughout this time, I have been part of a group representing St. Malo Association and have continued to raise the same concerns. I am opposed to changing the lagoon from its current freshwater scenario to either a hybrid or salt water lagoon. You will be receiving separate correspondence from St. Malo Association in which they will also state their opposition to either a saltwater or hybrid alternative to the current freshwater lagoon.

My concerns related to the EIR are as follows:

1. Is the Buena Vista lagoon the only freshwater lagoon in Southern California, and if so, why would anyone not want to have the ecosystem associated with a freshwater lagoon preserved? 58-1
2. The agencies responsible for maintaining the lagoon for approximately 50 years have not done so 58-2
3. St. Malo Association which owns the western most cell of the lagoon has maintained the majority of this cell on a continual basis at our own expense 58-3
4. The lagoon is currently home to 200 species, why is this not enough? 58-4
5. What is the benefit of spending an additional \$18,000,000 to \$25,000,000 for an additional 100 species? 58-5
6. What guarantee is there that these 300 species will locate in the lagoon? 58-6
7. What are the values and benefits to existing 200 species and what will happen to them under the saltwater and hybrid proposals? 58-7
8. How many of these species are crossovers, i.e. can live in either environment? 58-8
9. I have not been in favor of David Cannon's earlier proposal of jetties, and am not in favor of his current solution of a pedestrian bridge 58-9
10. Why is there a need to spend between \$18,000,000 and \$25,000,000 for an extra 20 feet in the opening of the weir for either a saltwater or hybrid alternative? 58-10
11. If the 80 foot weir is not adequate to accommodate the potential of a 100 year flood, why isn't there a proposal to widen the weir to 100' and to have the lagoon remain as a freshwater lagoon? 58-11
12. Where will the additional land come from to meet the requirements of either an 80' or 100' opening? 58-12
13. How will the recent construction along Carlsbad Boulevard be affected by a saltwater or hybrid alternative? 58-13

58-1

Please see Master Response #1. This comment states a lack of support for changing the lagoon to either the Saltwater or Hybrid Alternative.

58-2

Please see Master Response #4 regarding the freshwater lagoon resource.

58-3

The comment is noted. This comment does not address the adequacy of the Draft EIR.

58-4

The comment is noted. This comment does not address the adequacy of the Draft EIR.

58-5

This comment does not address the adequacy of the Draft EIR. The EIR does not make claims that 200 species is not enough in the lagoon; it merely estimates the current species richness as the baseline condition.

58-6

The EIR does not include a cost/benefit analysis relative to lagoon species. Note that the objectives of the Lagoon Enhancement Project are more than just to increase the number of species in the lagoon. Please see Section 1.2 of the EIR regarding the project objectives.

58-7

SANDAG acknowledges there is no guarantee of a specific number of saltwater species successfully populating the lagoon, and the EIR does not make such a statement. Please see Section 1.2 of the EIR regarding the project objectives.

58-8

As described in Section 3.5 of the EIR, freshwater species that could not tolerate the increased salinity levels of the Saltwater and Hybrid Alternatives would not survive and would no longer populate the lagoon. The EIR states that anticipated salinity levels associated with the Saltwater Alternative and portions of the Hybrid Alternative would exceed the upper tolerance range of freshwater fish species currently present in the lagoon, which would affect species assemblages. Freshwater fish species (with the exception of California killifish and striped mullet) would be extirpated from the lagoon and replaced by saltwater guilds. Many avian species can forage in either saltwater or freshwater, but may not be able to breed or would not remain a resident species on conversion.

Please see Section 1.2 regarding the project objectives.

58-9

Fish species are most sensitive to changes in water salinity. Of the 12 fish species that have been recorded in the lagoon, only the two native fish species, California killifish (*Fundulus parvipinnis*) and striped mullet (*Mugil cephalus*), are euryhalic and can be found in both saltwater and freshwater habitats (Moyle 2002). These species could continue to populate a saltwater lagoon system. The EIR relies on the habitat requirements for a species to determine if it would be impacted by the project. Many avian species can forage in both saltwater and freshwater, but may not be able to breed or would not remain a resident species on conversion. Additional text has been added to Section 3.5 to describe potential for species to “cross-over” between freshwater and saltwater environments.

58-10

CEQA requires that the significant impacts associated with a project are mitigated when feasible. The pedestrian bridge has been identified as a feasible mitigation measure for the significant impact associated with reduced access along the beach under the Saltwater and Hybrid Alternatives. The SANDAG Board of Directors will consider the commenter’s concerns regarding the pedestrian bridge together with the project record before taking action on the project.

58-11

The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. Please see Section 1.2 regarding the project objectives.

58-12

As described in Section 1.2, one of the objectives of the Enhancement Project is to “maintain or reduce current flood risk to existing infrastructure and adjacent development.” Per Section 15125 of the CEQA Guidelines, the baseline condition for CEQA analysis is generally determined by existing conditions at the time the project NOP is published. Inundation under a 100-year flood under existing conditions, as well as under each of the alternatives, is shown in Figure 3.2-3. This figure shows that the Freshwater Alternative with an 80-foot weir would lower floodwater elevations compared to existing conditions, as described further in Section 3.2. A 100-foot-wide weir may lower water elevations further, but would not be required to meet the project objective of lowering flood risk to infrastructure and adjacent development. A 100-foot-wide weir is required for the Saltwater Alternative to maintain tidal flow into the lagoon without requiring excessive maintenance.

58-13

Please see Master Response #2.

58-14

Section 5.10 of the EIR describes the short-term impacts that would result from construction of a new Carlsbad Boulevard bridge under the Saltwater and Hybrid Alternatives; the ends of the new bridge would replace a portion of the road, then match the remainder of the existing roadway. No additional impacts to the roadway are anticipated.

Additionally, I have worked with Bud Carroll of the Carlsbad Beach Homeowner's Association throughout this process, and have relied on his expertise as an engineer to develop the following questions:

1. The building of the harbor in the early 1960s permanently changed the landscape of the Oceanside beaches. How will this proposed opening affect the current beaches in both Oceanside and Carlsbad?
2. Steep side slopes are suggested in the Saltwater alternative, what would they look like? What safety measures would be in place when there is/is not water in the lagoon, based on the steep side slopes?
3. Current water level in the lagoon is 5'6" according to Bud, and would change to +/- 0.9' greater than 50% of the time
4. Weir is 7'9" above sea level which helps to explain why high tide rarely enters the lagoon. Why is there a need to change this at a great expense
5. Add additional maintenance costs to the front end of the project, and the amount needed today to sustain the maintenance would be @ \$1,000,000.

And from a taxpayer's perspective I am in amazement. Where is the logic to spend an additional \$18,000,000 - \$25,000,000 for 100 species?

My time and energy for past 9 years has been on a volunteer basis. This is also true for other members of St. Malo, and for members of the Carlsbad Beach HOA. We have spent many hours conveying a simple and consistent message to all of the Federal, State and Local agencies who have been involved in the process. How much time and money have you spent over the years, that could have been spent maintaining the lagoon in its current configuration while also widening the weir in anticipation of a 100 year flood? Could the money that has been spent on engineering studies, biological studies, travel, correspondence, etc. been used in a more effective way with a more positive outcome? It is all of our responsibility to not only be wise guardians of the environment but also wise guardians of our taxpayer dollars.

58-15

58-16

58-17

58-18

58-19

58-20

58-21

58-15

As described in Section 3.3 of the EIR, Oceanography/Coastal Processes, inlet maintenance under the Saltwater or Hybrid Alternative would return sand entrained in the lagoon to the littoral system to avoid long-term disruption of the littoral system and minimize changes to adjacent beaches.

58-16

It is assumed the steep sides described in the comment are referencing the stone revetments proposed along the inlet channel. These revetments can be seen in some of the visual simulations included in the EIR, such as Figures 3.9-15 and 3.9-17. This type of feature is commonly used to help protect from scour and erosion and define the water's edge, and is not considered a high risk safety hazard. Rock revetments currently exist in locations around the lagoon as can be seen in Figure 3.9-16. No revetment is proposed along the beach past the end of the existing riprap as shown in the visual simulation.

58-17

Please refer to EIR Section 3.2, Hydrology.

58-18

Modifications to the weir have been proposed as necessary to accommodate the alternatives proposed. For the freshwater system, an 80-foot-wide weir is required at the existing weir height. This is required to accommodate flood flows as discussed in Section 3.2, Hydrology, of the EIR. A 100-foot-wide weir at the same height as the existing weir is required for the Saltwater Alternative to accommodate tidal circulation. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

58-19

This comment does not address the adequacy of the Draft EIR. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

58-20

SANDAG is aware of the relative costs of each alternative and the cost of each alternative does not render the alternative impractical. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

58-21

This comment does not address the adequacy of the Draft EIR. No further response is required.

LETTER 59
Antoinette Walsh

From: [antoinette.walsh](#)
To: [Washington, Lauren](#)
Cc: [Antoinette Walsh](#)
Subject: The Buena Vista Lagoon Enhancement Project
Date: Monday, August 31, 2015 4:25:09 PM

Hello,
I am the owner of 2399 Jefferson St., #6, Carlsbad CA

The purpose of this email is to respond to SANDAG's request for public comment on the alternatives for the Buena Vista Lagoon Enhancement project, as laid out in the Environmental Impact Study.

I am a homeowner at the Sanctuary Condominium complex, located at 2399 Jefferson Street, Carlsbad, CA. Our property is bordered by the lagoon on the west side of I 5. I strongly advocate that the alternative to keep the lagoon as freshwater, and to select the fresh water lagoon enhancements option as described in the EIR.

Maintaining our lagoon view with substantial open water is of high importance to our community. We do not want to live with a view of saltwater marsh mudflats. We are the only freshwater lagoon in the area, and we believe that the other saltwater lagoons in the area fill the need for habitat for saltwater wildlife.

Option 1 is about 30 % less expensive than the other options.
Therefore I request that option 1, "maintain Buena Vista as a freshwater lagoon", be chosen.

Thank you,
Antoinette Walsh

59-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

59-2

This comment does not address the adequacy of the Draft EIR. Please see Master Response #4 regarding the freshwater lagoon resource. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. The visual impacts that would result from each alternative are analyzed in Section 3.9, Visual Resources, of the EIR.

59-1

59-2

PAUL R. and ALLISON B. ALANIS

August 26, 2015

SANDAG
401 B Street, Suite 800pp
San Diego, CA. 92101
Attn: Ms. Lauren Washington

Re: Comments regarding Environmental Impact Report ("EIR")
Buena Vista Lagoon (the "Lagoon")

Dear Sir or Madam:

We represent our two family trusts, the John-Paul Alanis and Brigitte Alanis Trusts, who together own the property located at 50 St. Malo Beach, Oceanside, CA. Our property is the most southerly property in the St. Malo community and actually extends midway into the mouth of the Buena Vista lagoon, where it communicates with the ocean. Thus, our property would be the most directly affected and impacted property from any of the proposed alternatives set forth in the EIR, unless the option of no action were the adopted alternative. We built this home over twelve years ago at significant cost and effort and cherish it as our family home. As such, we are greatly concerned that any alternative ultimately adopted in connection with the restoration efforts relating to the Lagoon not have a detrimental impact upon the value and enjoyment of our property and that of the entire St. Malo community, as well as our neighbors to the south in the City of Carlsbad.

We, and others in the St. Malo community, have previously been involved in discussions with various governmental officials regarding a possible restoration of the Lagoon; however, those discussions ended over a year ago and since that time, no one involved in the preparation of the EIR or in the overall process has reached out to engage in further discussions with us.

We have reviewed the EIR in detail and want to make our position very clear--we are in favor of the freshwater alternative and strongly opposed the saltwater and hybrid alternatives. We understand the objectives of the restoration effort and we believe that virtually all

46 W. Dayton Street, Pasadena, California 91105
626-356-1188 Telephone * 626-356-1164 Facsimile

LETTER 60
Paul and Allison Alanis

60-1

The comment provides introductory statements. Public participation during the EIR process has been encouraged and has met CEQA requirements. SANDAG staff have attended numerous public meetings and have provided digital announcements to the public. Section 1.3 of the EIR describes the public participation process and involvement opportunities. Please see Master Response #7. To the degree that the comment addresses economic concerns, no further response is required.

60-2

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

60-1

60-2

Letter to SANDAG
August 26, 2015
Page Two

of these objectives will be accomplished with the freshwater alternative, at significantly lower cost to the public than either the saltwater or hybrid alternatives. It would appear to us that one of the stated objectives of a restoration effort that would be better served by the saltwater or hybrid alternatives, is the anticipation that more and different species would thrive in such environment than currently thrive in the present freshwater regime. However, it is our understanding that Buena Vista is the last freshwater lagoon in all of Southern California (maybe all of California) whereas there are dozens of existing saltwater lagoons. So we have difficulty understanding why anyone would espouse eliminating this last freshwater lagoon and destroy the habitat that supports hundreds of species that cannot survive in a saltwater environment, particularly when there are numerous existing nearby lagoons that are saltwater environments.

We strongly believe that the public and the entire communities of Oceanside and Carlsbad benefit greatly from the fact that, at the present time, at virtually all times of the day and night, and throughout the year, members of the public are able to walk along the beach and travel back and forth with ease between these two communities. There is no question that this will be essentially eliminated and destroyed by the implementation of either the saltwater or hybrid alternatives. The proposed solution to this under those alternatives would be the construction of a large pedestrian bridge and walkway through our the southern portion of property, and other St. Malo owners, south of the existing stuccoed wall. We consider this proposed pedestrian bridge and walkway an ineffective and totally objectionable proposal. The revetment that protects our home and others from wave action and the quiet enjoyment of our property would be severely impacted by this proposed walkway and bridge, as the entire public wishing to travel between Oceanside and Carlsbad would now have to walk through our property within a few feet of our home. Such walkway would also create potential legal liability for us in the event anyone was injured while utilizing it. The substantial additional distance that would be required to be traveled to walk down this pathway, cross the bridge, and then walk all the way back to the shore, compared to walking less than 50 feet today, will certainly discourage many from walking along and enjoying the beach as they do today. Many others would be tempted to cross the inlet at unsafe times to avoid the lengthy detour over the proposed pedestrian bridge. The

60-2
Cont.

60-3

60-4

60-3

Please see Master Response #4 regarding the freshwater lagoon resource.

60-4

The bridge proposed in Mitigation Measure Land Use-1 was designed to maintain lateral access along the beach under the Saltwater and Hybrid Alternatives. Please see responses to comments 12-42 and 12-43 regarding bridge liability and adjacent private properties. The EIR acknowledges the potential safety issues associated with a new inlet and concludes that the inlet proposed under the Saltwater and Hybrid Alternatives would result in a significant and unmitigable impact related to public health and safety.

Please see Master Response #1.

Letter to SANDAG
August 26, 2015
Page Three

EIR states as follows: "The freshwater alternative would not result in the significant and unavoidable public health and safety impact that would result from the new inlet associated with the other two alternatives".

The freshwater alternative is, in our judgment, a dramatically better, safer and less controversial alternative to either the saltwater or the hybrid alternatives. It is substantially cheaper, has fewer negative environmental impacts and has significantly fewer impacts on private property owners. It would also maintain the character of the existing beaches that are presently enjoyed by thousands of members of the public on a continuous basis.

We remain interested and concerned in precisely how the weir would be expanded even under the freshwater alternative and would need to understand those details prior to giving any ultimate approval to even that alternative. However, we remain convinced that freshwater is far preferable to either the saltwater or hybrid alternative, and is the one that SANDAG should pursue to work out remaining important details with affected property owners including ourselves.

Very truly yours,



Paul and Allison Alanis,
On behalf of the John-Paul Alanis
and Brigitte Alanis Trusts

60-4
Cont.

60-5

60-5

The comment is noted. This comment does not address the adequacy of the Draft EIR. No further response is required.

LETTER 61
John and Laurie Hartigan

From: Hartigan, John E.
To: Washington, Laurie
Subject: Buena Vista Lagoon Enhancement Project and Draft EIR
Date: Monday, August 31, 2015 9:19:38 PM

Dear Ms. Washington,

We have been resident at 32 St Malo Beach, Oceanside, CA 92054 for 20 years and have closely followed various discussions and proposals for the Buena Vista Lagoon. We have reviewed the Draft Environment Impact Report ("EIR"), strongly support maintaining a fresh water environment and have a number of concerns about the saltwater and hybrid alternatives.

My wife and our family have had homes in Oceanside since before the Oceanside Harbor was dredged and constructed. They saw the dramatic, negative impact that project had on Oceanside beaches. We are very concerned that the proposed saltwater and hybrid options, with a 100 foot channel, may also have an adverse impact on and cause an erosion of the surrounding beaches. The EIR does not adequately study or address this issue. The flow of the channel would inevitably disrupt the littoral drift of sand along the coast. The Oceanside Cell discussed in the report was severely disrupted, as noted above, in the 1960's when the harbor was built, creating a shadow south of the harbor which starved beaches of sand and led to damaging erosion. The channel would also disrupt the flow of sand, albeit to a smaller extent, but the potential impact to our beach front is unknown. We cannot risk the quality and enjoyment of our precious beaches.

We also believe that the creation of a 100 ft. channel would impair the quality and safety of our beaches, disrupt or restrict access and create a dangerous hazard to children and others. The walls of the channel would be an attractive nuisance and the tidal ebb and flow would create a further hazard to those who enjoy walking and swimming in the area.

We have also reviewed the plan for a bridge that would cross the channel. It would be an eyesore and dangerous attraction for children and others who will be tempted to play on or jump off of it into the channel. You can imagine what an attractive nuisance it would be at night. I also understand that the bridge would encroach on private property and that any attempt to acquire that property would inevitably result in protracted and expensive litigation.

A primary motivation of the groups that are promoting the saltwater/hybrid option seems to be the idea of increased biodiversity. The thesis is that changing from freshwater, with 200 species in its ecosystem, to saltwater/hybrid option would result in an ecosystem with 300 species. However, it doesn't address adequately the species that might be eliminated in any such options. It also doesn't give any examples or supporting documentation to support the claims. Do we really want to sacrifice the current ecosystem which is the one remaining fresh water lagoon in the area and the species that call it home, for the possibility that we might, at some point in the future have a new saltwater/hybrid ecosystem?

As taxpayers, we are also opposed to tax dollars being wasted on an experimental conversion from the existing freshwater ecosystem to a saltwater

61-1

61-2

61-3

61-4

61-5

61-1

Please see Master Response #1. This comment states a preference for maintaining freshwater conditions in the lagoon.

61-2

As described in Section 3.3 of the EIR, Oceanography/Coastal Processes, inlet maintenance under the Saltwater or Hybrid Alternative would return sand entrained in the lagoon to the littoral system to avoid long-term disruption of the littoral system and minimize changes to adjacent beaches.

61-3

The EIR acknowledges the potential safety issues associated with a new inlet and concludes that the inlet proposed under the Saltwater and Hybrid Alternatives would result in a significant and unmitigable impact related to public health and safety. The EIR proposes a pedestrian bridge as Mitigation Measure Land Use-1 to reduce the potential impact to lateral access as described in Section 3.1. This bridge would also reduce the impact to public health and safety. However, the EIR acknowledges that, even with the inclusion of the bridge described in Mitigation Measure Land Use-1, the impact to public safety would remain significant. In addition, the bridge itself would result in a significant visual impact, as discussed in Section 3.9. The bridge would be designed in a manner to promote safety, including railings of appropriate height to discourage unsafe behaviors. Please see responses to comments 12-42 and 12-43 regarding bridge liability and adjacent private properties.

61-4

SANDAG acknowledges there is no guarantee of a specific number of saltwater species successfully populating the lagoon, and the EIR does not make such a statement. As described in Section 3.5 of the EIR, freshwater species that could not tolerate the increased salinity levels of the Saltwater and Hybrid Alternatives would not survive and would no longer populate the lagoon. Evidence and examples regarding the anticipated successful conversion of the lagoon to a saltwater system throughout the EIR are based on scientific information and expert opinion and design. See response to comment 12-14.

61-5

SANDAG is aware of the relative costs of each alternative and the cost of each alternative does not render the alternative impractical. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

61-6

The comment provides final statements and no response is required.

or hybrid ecosystem. The tables in the report indicate that the amount of dredging, soil/sand excavation and vegetation removal would be 40% greater for the saltwater/hybrid option, which means the cost would be at least 40% greater. And this does not include the costs associated with the necessary raising of the Carlsbad Blvd. bridge. Plus the saltwater/hybrid option is high maintenance and would continue consuming tax dollars for maintenance that would be required every 12-16 months. We do not agree that such costs should be incurred.

61-5
Cont.

We urge Sandag to preserve our precious fresh water lagoon and work with the surrounding communities to create a environment that can continue to be enjoyed by San Diego residents and visitors.

61-6

Thank you for your consideration of our views.

John and Laurie Hartigan
32 St Malo Beach
Oceanside, CA 92054
jhartigan@gmail.com
Lkhartigan@aol.com

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LETTER 62
Greg Maletis

From: [Greg Maletis](#)
To: [Washington, Lauren](#)
Subject: Fw: Buena Vista Lagoon EIR response
Date: Monday, August 31, 2015 9:40:13 PM

Dear Ms, Washington,

I would like to respond to the Buena Vista Lagoon Enhancement EIR report. Obviously the group has spent a considerable amount of time and energy in developing this at the effort is greatly appreciated.

62-1

I support the Fresh Water alternative for a number of reasons. I believe this option most closely restores the lagoon to it's natural state. The Fresh Water alternative also has the least impact to the coastline and appears to be the most cost effective solution. The California coastline is a precious resource and limiting development or alteration of the coastline should be of paramount importance.

62-2

The biologic impact must also be considered. Although the Salt Water option suggests that we might gain 100 species I would submit that the 300 salt water species already exist in the other salt water lagoons and we would be effectively losing 200 fresh water species that are not otherwise represented in nearby ecosystems.

I would strongly support the Fresh Water alternative and I would ask that you include my letter in the public comments section.

62-3

Respectfully,

Greg Maletis
13 St Malo
Oceanside, Ca. 92054

62-1

The comment provides introductory statements and no further response is required.

62-2

Please see Master Response #1 regarding alternative preference. SANDAG acknowledges there is no guarantee of a specific number of saltwater species successfully populating the lagoon, and the EIR does not make such a statement. Please see Master Response #4 regarding the freshwater lagoon resource.

62-3

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 63
Hank Stern

From: [Hank Stern](#)
 To: [Washington, Lauren](#)
 Subject: EIR/BUENA VISTA LAGOON
 Date: Wednesday, August 26, 2015 6:49:19 AM

To: Lauren Washington, Lauren.Washington@sandag.org
 From: Hank Stern, Homeowner of 2035 South Pacific (St Malo Association Member)
 Subject: Response to Draft EIR/Buena Vista Lagoon
 Date: August 26, 2015

I am opposed to changing the lagoon from its current freshwater scenario to either a hybrid or salt-water lagoon. My concerns as they related to the EIR are as follows: 63-1

1. The agencies responsible for maintaining the lagoon for approximately 50 years have not done so 63-2

2. St. Malo Association which owns the western most cell of the lagoon has maintained the majority of this cell on a continual basis at our own expense 63-3

3. What is the benefit of spending an additional \$18,000,000 to \$25,000,000 for an additional 100 species 63-4

4. What guarantee is there that these 300 species will locate in the lagoon 63-5

5. What are the values and benefits to existing 200 species and what will happen to them under the saltwater and hybrid proposals 63-6

6. How many of these species are crossovers, i.e. can live in either environment 63-7

7. I have not been in favor of David Cannon's earlier proposal of jetties, 63-8

63-1

Please see Master Response #1. This comment states a preference for maintaining freshwater conditions in the lagoon.

63-2

This comment does not address the adequacy of the Draft EIR.

63-3

This comment does not address the adequacy of the Draft EIR.

63-4

This comment does not address the adequacy of the Draft EIR. The EIR does not include a cost/benefit analysis relative to lagoon species. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

63-5

SANDAG acknowledges there is no guarantee of a specific number of saltwater species successfully populating the lagoon, and the EIR does not make such a statement. Please see Section 1.2 regarding the project objectives.

63-6

As described in Section 3.5 of the EIR, freshwater species that could not tolerate the increased salinity levels of the Saltwater and Hybrid Alternatives would not survive and would no longer populate the lagoon. Please see response to comment 12-13.

63-7

Please see response to comment 58-9.

63-8

This comment does not address the adequacy of the Draft EIR. CEQA requires that the significant impacts associated with a project are mitigated when feasible. The pedestrian bridge has been identified as mitigation for the significant impact associated with reduced access along the beach under the Saltwater and Hybrid Alternatives.

and am not in favor of his current solution of a pedestrian bridge	63-8
8. Why is there a need to spend between \$18,000,000 and \$25,000,000 for an extra 20 feet in the opening of the weir for either a saltwater or hybrid alternative	63-9
9. If the 80-foot weir is not adequate to accommodate the potential of a 100-year flood, why isn't there a proposal to widen the weir to 100' and to have the lagoon remain as a freshwater lagoon?	63-10
10. Where will the additional land come from to meet the requirements of either an 80' or 100' opening	63-11
11. How will the recent construction along Carlsbad Boulevard be affected by a saltwater or hybrid alternative	63-12
Additionally, based on information from the Carlsbad Beach Homeowner's Association, we have the following questions	
/concerns:	
1. The building of the harbor in the early 1960s permanently changed the landscape of the Oceanside beaches. How will this proposed opening affect the current beaches in both Oceanside and Carlsbad?	63-13
2. Steep side slopes are suggested in the saltwater alternative, what would they look like? What safety measures would be in place when there is/is not water in the lagoon, based on the steep side slopes? Will these safety measures affect the aesthetics of the beaches?	63-14
3. Current water level in the lagoon is 5'6" according to the Carlsbad Beach Homeowners Association, and would change to +/- 0.9' greater than 50% of the time	63-15
4. Weir is 7'9" above sea level, which helps to explain why high tide rarely enters the lagoon. Why is there a need to change this at a great expense?	63-16
5. Add additional maintenance costs to the front end of the project, and the amount needed today to sustain the maintenance would be approximately \$1,000,000.	63-17

63-9

The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

63-10

As described in Section 1.2, one of the objectives of the Enhancement Project is to "maintain or reduce current flood risk to existing infrastructure and adjacent development." Per Section 15125 of the CEQA Guidelines, the baseline condition for CEQA analysis is generally determined by existing conditions at the time the project NOP is published. Inundation under a 100-year flood under existing conditions, as well as under each of the alternatives, is shown in Figure 3.2-3. This figure shows that the Freshwater Alternative with an 80-foot weir would lower flood water elevations compared to existing conditions, as described further in Section 3.2. A 100-foot-wide weir may lower water elevations further, but would not be required to meet the project objective of lowering flood risk to infrastructure and adjacent development. Development of project alternatives balanced the need to meet project objectives with creating conditions that would further impact environmental resources.

63-11

Please see Master Response #2.

63-12

It is unclear what recent roadway construction is being referenced in the comment and a specific response cannot be provided. Section 5.10 of the EIR describes the short-term impacts that would result from construction of a new Carlsbad Boulevard bridge under the Saltwater and Hybrid Alternatives; the ends of the new bridge would replace a portion of the road, then match the remainder of the existing roadway. No additional impacts to the roadway are anticipated.

63-13

As described in Section 3.3 of the EIR, Oceanography/Coastal Processes, inlet maintenance under the Saltwater or Hybrid Alternative would return sand entrained in the lagoon to the littoral system to avoid long-term disruption of the littoral system and minimize changes to adjacent beaches.

63-14

It is assumed the steep sides described in the comment are referencing the stone revetments proposed along the inlet channel. These revetments can be seen in some of the visual simulations included in the EIR, such as Figures 3.9-15, 3.9-16, and 3.9-17. This type of feature is commonly used to help protect from scour and erosion and to define the water's edge and is not considered a high risk safety hazard. Rock revetments currently exist now in locations around the lagoon as can be seen in Figure 3.9-16.

63-15

This comment does not address the adequacy of the Draft EIR.

What also baffles me is the frivolous use of taxpayer monies for this myopic project. Where is the logic to spend an additional \$18,000,000 - \$25,000,000 for 100 species?

63-18

Many hours have been spent conveying a simple and consistent message to all of the Federal, State and Local agencies that have been involved in the process. How much time and money has been spent over the years that could have been spent maintaining the lagoon in its current configuration while also widening the weir in anticipation of a 100-year flood? Could the money that

63-19

has been spent on engineering studies, biological studies, travel, correspondence, etc. been used in a more effective way with a more positive outcome? It is all of our responsibility to not only be wise guardians of the environment but also wise guardians of our taxpayer dollars.

Regards,

Hank Stern

63-16

Modifications to the weir have been proposed as necessary to accommodate the flows and circulation required for the hydraulic system of each of the alternatives. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

63-17

This comment does not address the adequacy of the Draft EIR. SANDAG is aware of the relative costs of each alternative, and the cost of each alternative does not render the alternative impractical. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

63-18

SANDAG is aware of the relative costs of each alternative and the cost of each alternative does not render the alternative impractical. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

63-19

This comment does not address the adequacy of the Draft EIR.

LETTER 64
Deborah Stern

From: Deborah STERN
To: Washington, Lauren
Cc: Pat Stern
Subject: St. Malo Lagoon SANDAG
Date: Thursday, August 27, 2015 6:23:57 PM

Thank you for the opportunity to share my concerns. As a long time resident of St.Malo and Oceanside I have come to love my long walks on our beautiful beaches. I was alarmed to hear that the State of California is considering putting in a wide channel at the southern most end of St. Malo. A channel will create so many more problems than just walking south. It will pose a major safety issue to those that try to walk it. This will be especially true for older folks and younger children. It will also disrupt the sand flow which is no small issue. We know from past experience that this can have a devastating effect as we saw in the 60's when the harbor was built. The idea of building a bridge is hardly a good one. It will encroach on some of our residents private property and will be something tax payers will have to pay for. Valuable tax dollars spent on both building the bridge and then maintaining the bridge forever. I believe the lagoon should be fresh water. We should not be paying to experiment with turning it into a new saltwater ecosystem. With all that the State of California has to contend with I think there are much better uses for our taxpayers dollars. I hope you will consider the town of Oceanside and St.Malo's opinions. Our residents will feel the repercussions the greatest. Many of our families have been here for multi generations. We want these beaches to be here for future generations both those that live right at the beach and those that come daily to enjoy its natural beauty.

Thank you,

Deborah Stern

2035 South Pacific Street
Oceanside, California 92054

64-1

64-2

64-3

64-4

64-5

64-6

64-1

The comment provides introductory statements and no further response is required.

64-2

The EIR acknowledges the potential safety issues associated with a new inlet and concludes that the inlet proposed under the Saltwater and Hybrid Alternatives would result in a significant and unmitigable impact related to public health and safety. The EIR proposes a pedestrian bridge as Mitigation Measure Land Use-1 to reduce the potential impact to lateral access as described in Section 3.1. This bridge would also reduce the impact to public health and safety. However, the EIR acknowledges that, even with the inclusion of the bridge described in Mitigation Measure Land Use-1, the impact to public safety would remain significant.

64-3

As described in Section 3.3 of the EIR, Oceanography/Coastal Processes, inlet maintenance under the Saltwater or Hybrid Alternative would return sand entrained in the lagoon to the littoral system to avoid long-term disruption of the littoral system and minimize changes to adjacent beaches.

64-4

Please see responses to comments 12-42 and 12-43 regarding bridge liability and adjacent private properties. SANDAG is aware of the relative costs of each alternative and the cost of each alternative does not render the alternative impractical. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

64-5

Please see Master Response #1 regarding alternative preference. This comment states a preference for the Freshwater Alternative. SANDAG does not agree that the Saltwater and Hybrid Alternatives are experimental. Evidence regarding the anticipated successful conversion of the lagoon to a saltwater system throughout the EIR is based on scientific information and expert opinion and design, as well as the success of previous restoration and enhancement efforts. See response to comment 12-14.

64-6

The comment provides final statements and no further response is required.

LETTER 65
Daniel Muhe

August 30, 2015

Daniel Muhe
2375 Jefferson Street
Carlsbad, CA 92008

To: Lauren Washington (e-mail lauren.washington@sandag.org)
SANDAG,
401B Street, Suite 800
San Diego, CA. 92101

Regarding: Buena Vista Lagoon Alternatives

As someone who lives and works on the banks of the BV lagoon, I wish I had more time to respond to the EIR. A neighbor told me the EIR was out a week ago or so, and since then I discovered very few if any of my neighbors knew about the EIR. I bring this up because we are supposed to be commenting on the EIR, which is a long and complicated document that takes time to read. Some of the sections require consultation from outside resources, for e.g. the biodiversity section. I would encourage a "proactive" process that requires written notices be mailed to people who are substantially affected., especially those on the shores of the Lagoon. This is the policy in the City of Carlsbad now, whereby written notices are sent to all homeowners showing "any" construction near their homes that may affect them in "any" way. This project is too huge to assume people read the paper. Last, I would encourage a process that allows people more time to evaluate the documentation and respond, since no notices were mailed to us.

Safety. Before getting into EIR, I would like to discuss security. The fresh water lagoon has always provided a moat of security and protection to those who live on it. The salt water alternative removes that security and introduces a concern over safety; making it easy for intruders to enter property on the lagoon as a result of greatly reducing the amount of water and leaving large areas of dry shore, especially at low tide.

Mosquitoes. There have been articles in the SD Union and a lot of comments stating that changing the lagoon to salt water will eliminate mosquitoes. I believe this to be false and in fact, it may actually increase mosquitoes. Those who have walked around the salt water lagoons at dusk have been eaten alive. Fresh water mosquitoes collect in the habitat and in pocket areas that fresh water collects. The plant habitat protects the mosquitos from the pesticide and allows them to thrive. The majority of the Buena Vista lagoon would become habitat, providing perfect breeding ground for more mosquitos. As an aside, there are black salt water mosquitos, originally from the Caribbean and Florida – right here in Oceanside and Carlsbad. There have been infestations reported. They bite and itch just like fresh water mosquitoes. They don't carry vector diseases but they can be very harmful to birds, animals and pets. The first web article below describes this particular mosquito and the second article talks about an infestation issue that occurred in Oceanside and south Carlsbad.

65-1

SANDAG has undertaken considerable public outreach efforts. Please see Master Response #7.

65-2

Please see response to comment 12-46 regarding security concerns associated with each alternative.

65-3

SANDAG disagrees that mosquito concerns would worsen with implementation of the project. As described in Section 3.15, mosquito infestation rates associated with Buena Vista Lagoon are high and increasing due to the shallowing, relatively stagnant water at the lagoon. Strategies throughout the project alternatives to reduce mosquito populations and breeding conditions focus on increasing water circulation and wave action, varying water levels, decreasing vegetation such as cattails, decreasing nutrients, reducing water temperatures, and providing improved access for natural predators of larval and adult mosquitoes (aquatic and airborne) to potential breeding areas. Aerial larvicide treatments would become more effective if channels are extended through dense vegetation that may otherwise prevent the larvicide from reaching the water surface. Conditions less conducive to mosquito breeding would result under each of the project alternatives, to varying degrees, and would be effective against freshwater mosquitos as well as saltwater mosquitos.

It is also likely that, with a conversion to saltwater, many of the freshwater-adapted species that currently breed in the non-saline or low salinity parts of the lagoon would be eradicated since they could not tolerate the increased saline conditions. Though the conditions would be less favorable, mosquito species that would attempt to breed within and around the converted saltwater lagoon would include saltwater species and fewer freshwater mosquitoes. A "vector" is an animal or insect capable of transmitting the causative agent of human disease (such as the Aedes mosquito that can transmit yellow fever). Most saltwater mosquito species are known primarily for being a nuisance to humans as opposed to a vector with human disease associations. Thus, conversion of the lagoon to a saltwater system would not only decrease the overall number of mosquitos associated with the lagoon for the reasons identified throughout Sections 3.5 and 3.15 of the EIR related to decreased opportunity for successful lifecycles, it would also decrease human health concerns related to vectors through the reduction in freshwater mosquitos.

65-1

65-2

65-3

<http://www-rci.rutgers.edu/~insects/sp10.htm>
<http://www.sandiegouniontribune.com/news/2009/aug/06/region-salt-marsh-mosquitoes-inundate-parts-of/>

Questions regarding the EIR

Section 3.9 in the Visual Resource section of the EIR

Page 2, second paragraph. The EIR mentions some of the view impacts, Yet excludes from the analysis the highest concentration of residences with the most significant views; which is in Carlsbad and located west of 5 and east of PCH; with at least 80 residences right on the most viewable area of the lagoon. To conclude, the primary concentration of residences most affected by views of the lagoon are never discussed while the areas least affected by lagoon views appear to be highlighted. The EIR further discusses the minimal views from people's cars on the 5 freeway; but "again" omits the most concentrated neighborhood that has the most significant views on the lagoon in the visual resource section. Please let me know if this will be changed to reflect the inclusion of this neighborhood.

Salt Water Alternative section

The EIR states that the salt water alternative provides a visual advantage as a byproduct raising the height of Pacific Coast Hwy and adding a bridge through the heart of the reserve which will then create a view for cars because they are high up and can now look down at what is left of the lagoon. Especially at low tide, it appears the salt water alternative will extract the majority of the water out of the lagoon which will leave the passer byes and homeowners with substantially depleted views of habitat, mudflat and a small body of viewable water? Will there be times during low tide that there will be no water? Why aren't these critical view elements disclosed?

Fresh Water Alternative

In the visual resource section, the EIR omits the most significant visibility and view attribute of the lagoon. That it is currently an expansively visible and beautiful body of water that the residents cherish; that people stop to admire at sunset; and that fresh water birds flock to in profusion. The omission within the EIR of the "large visible water view" in the visibility and view section is significant and obvious. The EIR makes no mention of the advantage of the fresh water solution which will provide for an even larger and more extensive visible body of water than is present today. That the fresh water alternative provides a "significant" advantage over the salt water solution by providing an expansively visible and beautiful body of water without creating any eyesores. Will the EIR be changed to reflect this? I am a long time real estate Broker and would estimate a 30% to 40% decline in real estate values all around the Lagoon if the salt water alternative ends up giving us a mud flat view at low tide.

Please refer to section 3.13 entitled Noise for the following comments:

Quoting the EIR it states, "The project does not involve construction of new permanent structures that would generate noise."

65-4

The selection of key view points for analysis and visual simulations in the EIR are based on the most available public views of the project site; therefore, selection includes views from locations such as roadways, recreation areas, and other public locations. As noted in the EIR text in Section 3.9.3, public vista points are the focus of the visual analysis. Legal precedent under CEQA directs aesthetic analysis to consider whether a project will affect the environment of persons in general, not whether a project will affect particular persons (see *Bowman v. City of Berkeley* [2004] 122 Cal.App.4th 572, 586-587; *Porterville Citizens for Responsible Hillside Development v. City of Porterville* [2007] 157 Cal.App.4th 885, 902). The alteration of a few private views in a project's immediate vicinity is not considered a significant environmental impact. SANDAG values the input of residents who have views of the lagoon and will consider those opinions when making project decisions.

As described in Section 3.9, Visual Resources, the daily tidal changes under the Saltwater Alternative would result in moderate to high visual contrast. Each of the enhancement alternatives would maintain the general open space visual character of the lagoon system, which is described in detail in Section 3.9.1. The comment provides the opinion that the open water views are most desirable and advantageous over the Saltwater Alternative. In Section 3.9.3, the EIR describes that, from some locations, the visual change under the Freshwater Alternative has the potential to be visually beneficial. To the degree that the comment addresses economic concerns, no further response is required.

65-4

65-5

The elevation of the roadway and Carlsbad Boulevard bridge is required to accommodate flood waters if the inlet under I-5 is widened as proposed under the NCC Public Works Plan; which is a separate plan approved by the California Coastal Commission. Carlsbad Boulevard does not require a bridge to implement any of the alternatives as long as the inlet improvements on I-5 are designed not to increase peak flood elevation heights west of I-5 (Everest. Memorandum: BVLEP – Salt Water Alternative with Existing Carlsbad Boulevard bridge Tidal and Fluvial Hydraulic Analysis. June 2016).

Additional text has been added in Section 3.13.3 of the EIR to help describe how the increased elevation of the bridge (approximately 5 feet) is negligible when compared to the horizontal distance to the closest sensitive receptor (approximately 550 feet). At this distance, the incremental increase in noise projection that could result from the bridge elevation would not be perceptible to receptors in the vicinity of the lagoon.

65-5

The salt water alternative requires that PCH highway be built up almost five feet and then a bridge constructed at the same elevation in the middle of the highway. It would appear that elevating the PCH highway with the inclusion of a bridge would have a negative impact on noise. Many cities are trying to lower roads to reduce noise yet under the salt water alternative we are actually raising the elevating the PCH highway. The homes of St Malo are very close to the proposed elevated PCH road/bridge – to say they will not be impacted by an increase in noise is hard to imagine. To say that many on the lagoon will not be impacted by additional noise from the raised highway/bridge appears inaccurate. The EIR presents us with a 30 page document on noise; they appear as experts on noise and evaluate every conceivable issue but somehow they omit the increase in noise from the elevation of a highway and a bridge. Please explain.

Please refer to section 3.11 Air Quality

The Air Quality section is a 34 page document. Please refer to the section entitled “Odor.” Quoting the EIR it states “Odors are considered an air quality issue both at the local level (e.g., odor from wastewater treatment) and at the regional level (e.g., smoke from wildfires). Odors are generally regarded as an annoyance rather than a health hazard. However, refer to subsection entitled “Saltwater Alternative, section entitled Permanent Impacts.” The conclusion provided in bold ink states “Therefore, the Saltwater Alternative would not create objectionable odors affecting a substantial number of people, and impacts would be less than significant.” Anyone who lives in N. County San Diego who has visited our salt water lagoons or is a nearby resident, knows about the occasional “smell” that comes from these lagoons. There are concerns the salt water alternative will introduce a more than occasional smell and odor. This is a significant disadvantage of the salt water alternative that is not discussed in the EIR. It appears the salt water alternative does not meet one of the goals of the EIR’s “Significant Criteria,” yet these findings are omitted from the EIR. When comparing the options, the EIR leaves out that the Fresh Water Alternative offers an advantage over the Salt Water alternative because it does not create and introduce any offensive odors to the lagoon. Will the EIR be modified to reflect this?

Impact of Extending the Channel on the Beach with Salt Water Alternatives

The beach is an important resource and a busy recreational site for both Carlsbad and Oceanside. Though the EIR comes across as providing a detailed description of the beach channel, there is no mention that doubling the width of the channel and then extending it across the beach to the Ocean will “eliminate” a large section of beach and physically disconnect and divide the cities of Carlsbad and Oceanside – are these facts mentioned anywhere in the EIR? In addition, doubling the width of the channel and digging it substantially deeper would appear to have negative impacts on erosion of beaches in both Carlsbad and Oceanside, particularly during winter storms and high surf – what are your findings and where is this discussed in the EIR? Regardless of whether the pedestrian bridge is built or not, since people would no longer be able to walk down the beach in this area, what are the liability impacts of people trying to cross this channel? Please assume a percentage of people, including children and young adults in busy summer months will try to do so – they will want to walk down the beach.

65-5
Cont.

65-6

65-7

65-6

Please see Master Response #6 regarding anticipated odor associated with mudflat habitat. The commenter is referred to Section 3.11, page 3.11-26, for a discussion of odor impacts under the Saltwater Alternative. Additional information regarding natural odors anticipated under each alternative has been added to Section 3.11.3.

65-7

Impacts of the inlet that would be created under the Saltwater and Freshwater Alternatives are analyzed throughout the EIR and are partially mitigated by the bridge described in Mitigation Measure Land Use-1, which would allow for continued lateral beach access during times when the inlet is not safe to cross. As described in Section 3.3 of the EIR, Oceanography/Coastal Processes, inlet maintenance under the Saltwater or Hybrid Alternative would return sand entrained in the lagoon to the littoral system to avoid long-term disruption of the littoral system and minimize changes to adjacent beaches. Thus, beach erosion would not result from implementation of the project. The EIR acknowledges that the newly created inlet would result in a significant impact to public safety and that, even with the inclusion of the bridge described in Mitigation Measure Land Use-1 for lateral access impacts, the impact would remain significant.

Overall Analysis

With a 57 day limit time on comments and a busy full time job, family, vacation, medical problem, etc. – it's not easy getting through the EIR. These were the only sections of the EIR I had time to read and it left me concerned about the rest of the sections.

Every one of the omissions and inclusions noted above expose concerns related to the salt water recommendation. Why was one of the most affected and densely impacted neighborhoods on the lagoon completely excluded from the EIR - especially in areas like the visual resource section where the EIR talks about who will be affected?

The above issues give the "homeowners" who live right on the lagoon a feeling of being excluded; yet it is these homeowners who will be living with 15 to 30 months of construction noise and dust – both day and night. It is these homeowners who are on this lagoon "every day." If a salt water alternative is picked, it will be these homeowners who will be going through extreme property devaluations and can lose everything they have worked for their whole lives. The EIR seems more concerned about the views of cars driving down the 5 freeway, who frankly should be focused on the road in front of them, versus a three second view of a lagoon.

Perceived Property Damages with a Salt Water Alternative

SANDAG provides the detailed costs of the different alternatives for the lagoon. It's concerning nothing is mentioned regarding cost to the homeowners for the salt water alternative? Please do not deny this fact. Come visit our condominiums and homes; I doubt anyone could look us in the eye and deny that we will incur serious damages with a salt water alternative. These issues are not just financial; they affect our quality of life that we will be dealing with "every day."

Damages. Short Term

As a result of the recommendation for the Salt Water alternative, people are having difficulty selling their property. They have to disclose this. Who's going to buy property in my neighborhood, many that are right on the lagoon with beautiful views of the water – after the owner discloses that SANDAG and F&W are recommending they extract 80% of the water out of the lagoon and perhaps even have mud flats at low tide?

Damages. Long Term

The EIR excluded the highly concentrated view properties in S. Carlsbad, west of 5 and east of PCH. There are roughly 80 to 100 residences with unobstructed lagoon views. If the government inflicts the salt water alternative on the homeowners and proceeds to extract the majority of the "visible water" out of the lagoon this will unequivocally invoke significant damages and losses to the homeowner's property values, i.e., their American Dream. Damages have been forecasted/estimated at 30% to 40% by real estate professionals in the area. The salt water alternative destroys views. The investments many of these homeowners worked for their whole lives will be gone. For new homeowners, these damages may create negative home equity that may be unrecoverable leading to foreclosure of their homes.

65-8

Please see Master Response # 7 regarding public outreach efforts. Please see response to comment 65-4 for discussion of visual impacts. Private property values and purely socioeconomic effects exceed the scope of the EIR. However, SANDAG recognizes the concerns of the homeowners in the vicinity and will take the comment under consideration together with the project record prior to taking action on the project.

65-8

Along with damages created by the significant reduction of visible water views, the inclusion of the hardscape eyesore created by raising PCH/Bridge, the more than occasional smell, the increased noise, etc. will further degrade current and future valuations of these properties and reduce the marketability of properties in the entire area.

Losses in Property Tax Revenue. County of San Diego

What will be the effects of the 80 to 100 homeowners in my neighborhood requesting 30% to 40% property tax reductions from the San Diego County Assessor's office? In our neighborhood alone, it would lower property tax revenue by at least \$200,000 per year; assuming a \$600,000 average home value. Add-in the 84 homes in the St Malo community that will be impacted by property devaluation; that will be another \$400,000 per year, assuming conservative valuations of at least \$1,500,000 per home. These two neighborhoods combine for over \$600,000 per year in lost property tax revenues to San Diego County. By 2050 that would amount to almost 20 million – it may be wise to add this to the cost of the salt water alternative. Have the County Tax Assessor visit our homes and examine our potential losses under the Salt Water Alternative.

No Government Disclosures to Property Buyers

The Buena Vista Lagoon has been a fresh water lagoon for a long, long time. This lagoon was designated as the state's first ecological reserve when it was a fresh water lagoon – many would assert it was designated because it was a fresh water lagoon – and at that time there were no intentions of changing this to salt water. This is the last fresh water lagoon in California – it is exclusive. No government disclosures were provided to residents who purchased their property that the government would potentially inflict significant damages and changes to their property and this protected site. Residents made buying decisions based on this.

Conclusion

Hopefully this is a non-issue. Take the bias out of the EIR and the fresh water alternative is clearly the best solution. Even if you leave the bias in the EIR, there is not a big enough differential either way to sway this decision to salt water; certainly not enough of a differential to destroy people's quality of life and their American dream and their investments they worked their whole lives for. The Fresh Water "Solution" should be an easy decision for both SANDAG and the Fish and Wildlife, and should have been their recommendation in the first place.

The homeowners on the lagoon will be the "exclusive ones" asked to deal with extensive months, years of construction – dust, noise, etc. The EIR states this is a 15 to 30 month construction project. 80% of the focus of the EIR is representing people who drive-by or who will show up to walk the lagoon once in a while. Will these people be here when there is noise, bright lights, tug boats and construction crews working at night? Will these people be here for the dust and noise?

65-8
Cont.

65-9

65-10

65-9

Please see Master Response #4 regarding the freshwater lagoon as a resource. Please see response to comment 65-9 regarding economic effects. The EIR identifies the potentially significant environmental impacts of the proposed project, the mitigation measures recommended to reduce impacts to below significance, and whether and which impacts remain significant with the mitigation measures recommended in the EIR. Please refer to Master Response #7 for a discussion of SANDAG's public outreach efforts prior to a proposed action on the project. No further notice is required.

65-10

SANDAG disagrees with the commenter's claim of bias. The alternatives analysis in the EIR equally addressed each alternative carried forward for detailed consideration in the EIR. SANDAG is legally required to evaluate alternatives to the proposed project prior to taking action on the project. Please see Master Response #1 for further discussion of SANDAG's deliberations regarding the project alternatives. This comment states a preference for the Freshwater Alternative. The project does not propose to dewater Buena Vista Lagoon, as is suggested by the commenter. The impacts of construction activities are discussed within each topic section analysis in the EIR. As detailed in Section 3.9, Visual Resources, the EIR identified a significant and avoidable impact for all project alternatives due to temporary construction operations within the natural lagoon setting. Impacts related to nighttime lighting under all alternatives would be significant, but mitigatable to a less than significant level with the proposed Mitigation Measure Visual-2. Section 3.11 identifies that dust (particulate matter [PM]) emissions during construction would be significant with all three alternatives and provides dust control mitigation measures (Air Quality-2) to reduce this impact; however, PM impacts cannot be reduced to less than significant for any of the alternatives. Section 3.12, Noise, identified that noise impacts from nighttime dredging and materials placement would be significant and would remain significant and unavoidable for all three alternatives even with implementation of mitigation.

With the salt water alternative - when the lagoon is stripped of all its water and the eco system wiped clean, and when the bull dozers are the only scenery – will anyone be here with the exception of the homeowners?

Sincerely,



Daniel Muhe
2375 Jefferson Street
Carlsbad, CA 92008

65-10
Cont.

LETTER 66
Clinton Muhe

From: [Clint Muhe](#)
To: [Washington, Lauren](#)
Subject: SANDAG: Buena Vista Lagoon comments
Date: Monday, August 17, 2015 1:53:18 PM

To whom it may concern:

I purchased my home at 2373 Jefferson Street in Carlsbad a little over a year ago in large part because of the incredible lagoon the home sits on. Seeing as Buena Vista Lagoon is a federally protected bird sanctuary I saw no risk that the lagoon would be in imminent danger stemming from what I feel is a very misguided EIR and governmental push to convert the lagoon into a salt water mudflat. Based on my reading of the EIR the salt water option is being pushed with preferential treatment and/or bias and for the life of me I can't figure out why. I've spoken to about a dozen of my neighbors so far and not one of them supports anything other than a fresh water option. We all oppose the use of tax dollars to convert to anything other than fresh water and we will all be significantly financially damaged if the salt water or hybrid option is moved forward. I just turned 33 years old and have the vast majority of my savings tied up in this property. For myself and for all of those like me I beg that you support the fresh water option alone. It is the most cost effective solution and will greatly benefit all of it's neighbors.

66-1

Sincerely,

Clinton Muhe
 Cell [760-828-8888](#)

66-1

Please refer to response to comment 65-10. For additional information regarding the selection of alternatives analyzed in the EIR, commenter is referred to EIR Chapter 2, Section 2.4. The commenter is also referred to EIR Section 1.2 for a discussion of the project objectives that informed the range of alternatives analyzed in the EIR. To the degree that the comment addresses purely economic concerns, no further response is required.

LETTER 67
Stacey Wueste

From: [Stacey Wueste](#)
To: [Washington, Lauren](#)
Subject: keep St Malo fresh!
Date: Friday, August 28, 2015 9:13:20 AM

Dear Ms. Washington,

My father moved to Carlsbad in the mid 1950's and we have been lucky to have owned property, paid property taxes, in the North County ever since then.

Today I am writing you to strongly request and recommend that the Buena Vista lagoon remain freshwater and that proper maintenance from the state and federal government resume.

Currently we own a family home in St Malo in Oceanside. I believe keeping the fresh water lagoon is the best option that the EIR is considering.

Not only will the salt water option require a VERY large pedestrian bridge in order to ensure citizens and tourists can continue to walk up and down the beach, I believe it will virtually wipe out the Carlsbad public beach to the south, destroy/kill hundreds of species of fish, birds and perhaps animals and take decades to recover from.

Please ensure my voice is heard and that I support the freshwater alternative.

Thank you and sincerely,
Stacey Wueste
20 St Malo Beach
Oceanside, CA 92054

67-1

67-2

67-3

67-4

67-1

Please see Master Response #1. This comment states a preference for maintaining freshwater conditions in the lagoon.

67-2

Please see Master Response #1.

67-3

The comment summarizes information from the EIR and expresses concerns over beach access and biological impacts. As described in Section 3.3 of the EIR, Oceanography/Coastal Processes, inlet maintenance under the Saltwater or Hybrid Alternative would return sand entrained in the lagoon to the littoral system to avoid long-term disruption of the littoral system and minimize changes to adjacent beaches. Impacts to beach width would not be anticipated. The comment does not offer any evidence regarding biological impacts beyond those described in the EIR. As described in Section 3.5 of the EIR, freshwater species that could not tolerate the increased salinity levels of the Saltwater and Hybrid Alternatives would not survive and would no longer populate the lagoon. Regardless of the alternative selected for implementation, it is anticipated that project success criteria would be met between 5 to 10 years after construction is complete. Therefore, it is highly unlikely that the alternative selected for implementation would take decades to establish. Biological impacts identified for each alternative are discussed in Section 3.5 of the EIR.

67-4

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 68
Richard Chandler

From: Richard Chandler
To: Washington, Lauren
Subject: Buena Vista Lagoon Alternatives
Date: Saturday, August 29, 2015 12:53:00 AM

Ms. Washington:

Since 1993 we have been the owners of 36 St. Malo Beach, Oceanside, CA 92054, a five bedroom home with 60 feet of beach frontage, and we also own the unimproved lot next door, 34 St. Malo Beach, which gives us an additional 50 feet of beach frontage. We have landscaped the vacant lot with a labyrinth and surrounded by native plants. We love St. Malo, spending about half the year there, and it is a frequent gathering place and focal point for our extended family members and friends.

During our ownership period, we have witnessed two major SANDAG investments in beach replenishment that we have applauded. We felt these were excellent governmental decisions, recognizing the importance of our county's single greatest asset. We see the way people of all socioeconomic levels flock to the beach and enjoy themselves there free of charge. We also remember, before the replenishment, that beach walkers would get caught by the rising tide while walking barefoot on the sand. To avoid the waves, they would have to climb up on the rip rap and pick their way along the rocks (and out private property), a distance that might be several miles, trying to get back to where they'd parked their car. We were always sympathetic and told them how they could get back to the street if necessary. This could be quite inconvenient for them if they had parked on the opposite side of the lagoon and had to cross the railroad tracks to get to Coast Highway.

We have reviewed the EIR report on alternatives for the Buena Vista Lagoon and strongly favor the Fresh Water Alternative. The fresh water lagoon has functioned well over our 22 years of residence, attracting ducks, geese and other birds that our grandchildren love to feed. We do not see the conversion of this scenic space to salt water as a benefit to anyone, whether ourselves or the general public. The many people who enjoy walking or jogging along the current, continuous miles of beautiful beach sand would be diverted over a bridge structure would impose something man made in an otherwise natural experience. Traversing it would add difficulty to some elderly walkers or those with disabilities. And to what purpose? We have traveled on the East Coast (e.g., Maine, the Carolinas, Virginia) and seen how salt flats look rather ugly and smell of rank, decaying sea life. I'm told by older St. Malo residents that this was the case back in the 1920s before the lagoon was converted to fresh water. Evidently it had a constant, rather unpleasant odor.

All homes near the lagoon would certainly be devalued compared to the benefits of today's year round, fresh water lagoon. Water is always beautiful to look at; mud is not. To avoid that would require periodic dredging, another government expenditure decision that would be speculative and vulnerable to whatever budget pressures were being imposed at the time. I would never pay a premium to overlook one of these salt flat tidal areas, and might even avoid it at any price. So the question is: Who would such a decision benefit? Why would we favor one species of wildlife over another? Whether a salt water lagoon is more "natural" than fresh water is debatable, but it certainly is less people friendly.

A salt water lagoon would thus be very harmful to those of us who paid an inflated, premium price for our homes assuming that the status quo would be protected. We assumed that developers, rather than environmentalists, would be the potential enemy. When we were

68-1

68-2

68-3

68-4

68-1

The comment provides introductory statements and no further response is required.

68-2

Please see Master Response #1 regarding alternative preference. This comment states a preference for the Freshwater Alternative. Interruption of lateral access along the beach is identified as a significant impact associated with implementation of the Saltwater and Hybrid Alternatives and, as noted, the pedestrian bridge would mitigate that impact to access, although a significant public safety impact would remain, as identified in the EIR. Final design of the pedestrian bridge would adhere to American with Disabilities Act and other access requirements. Please see Master Response #6 regarding anticipated odor associated with mudflat habitat.

68-3

Visual changes and impacts as a result of each alternative are analyzed in Section 3.9, Visual Resources, which includes visual simulation of future conditions for each alternative (Figures 3.9-6 through 3.9-15. Please see Master Response #6 regarding anticipated odor associated with mudflat habitat. Please see Master Response #5 regarding the historical ecology of the lagoon system.

68-4

The comment is noted. Private property values are not an environmental issue that is addressed under CEQA. However, SANDAG recognizes the concerns of the homeowners in the vicinity and will take this issue under consideration together with the project record prior to taking action on the project.

68-5
Please refer to Master Response #1.

investigating the purchase of our two lots, we took comfort that the St. Malo Association had wisely purchased the west side of the lagoon many years ago—before we became homeowners. We were led to believe that, as owners, we would be able to determine its future and keep it from being altered unfavorably. Obviously, we will have to see what our rights as lagoon owners are if that eventuality comes to pass.

68-4
Cont.

In considering options, please reject any that are harmful to the people of San Diego County. I believe a salt water alternative will harm not only the owners of nearby properties but also the occasional users who deserve a day at the beach surrounded by beautiful natural elements. Let's keep man made interference to a minimum. It's a huge plus that people can walk between Oceanside and Carlsbad without having to use a bridge or road. The government's role should be to protect and enhance the lives of its residents, not harm them with unnecessary change.

68-5

Thank you for your consideration.

Richard Chandler

Richard H. Chandler, R. H. Chandler Co., 5557 San Diego, PO Box 2068, Rancho Santa Fe, CA 92067
Tel: (951) 754-9111 (951) 754-2233 (951) 754-889-2789 www.rhchandler.com

LETTER 69
James Chandler

From: James Chandler
To: Washington Lagoon
Subject: Bu Lagoon enhancement
Date: Friday, July 24, 2015 at 2:06 PM

Ms Washington,

Thank you for the opportunity to comment.

I am in strong support of converting the lagoon to either a saltwater or hybrid system. The reason to me is simple: Marine estuary habitat is critical for many marine fish species to flourish. The more that this particular kind of habitat can be preserved, so the better.

I only slightly favor a saltwater exclusive system over the hybrid. The existing freshwater habitat is an ecosystem in it's own right and currently allows for recreational fishing for freshwater species as well. With respect to fishing, the ability for marine species to use the lagoon for spawning by far outweigh recreational fishing interests. To that end, I would encourage a limited area for fishing. I would suggest a no boating or float devices of any kind regulation to support the mission of habitat restoration over recreational interests.

For this type of habitat to thrive, I hope the powers that be will work with other entities to look into the idea of producing eel grass (Zostera marina) habitat. This plant species is at the crux (in my opinion) of quality habitat of this sort (please refer to attached link). It could be a long time, if ever, that the eel grass establishes itself naturally.

http://www.westcoast.fisheries.noaa.gov/publications/habitat/california_eelgrass_mitigation/recommendations_for_monitoring_1_.pdf

With respect to freshwater species of fish present in the existing lagoon: Should a full saltwater conversion occur, I would hope that some measures would be taken to preserve the fish so that they could be transferred to other reservoirs or lakes.

I think this is a golden opportunity to return back what man has taken so much of.

Thanks again,

James Chandler

69-1

69-2

69-3

69-1

Please see Master Response #1. This comment states a preference for the Saltwater and Hybrid Alternatives. Habitat enhancement and anticipated fish population information is provided in Section 3.5 of the EIR.

69-2

Eelgrass is not a habitat that is proposed for creation in the lagoon system as part of this project. Dependent upon the alternative selected, establishment of eelgrass within the lagoon may happen naturally over time. Restoration of eelgrass could be considered as part of the adaptive management of the lagoon and would not change the conclusions or analysis of the EIR.

69-3

The EIR identified that freshwater species would not survive the conversion to saltwater and would no longer populate the lagoon if converted. Section 2.9 has been modified to reflect that adaptive management would include management of fish, including potential relocation or removal of freshwater fish species prior to saltwater conversion. This would not change the analysis of the EIR.

ROSEMARY B. SIMMONS
28 ST. MALO BEACH
OCEANSIDE, CALIFORNIA 92054

August 25, 2015

Ms. Lauren Washington
SANDAG
401 B Street
San Diego, CA 92101

RE: The Buena Vista Lagoon EIR

Dear Ms. Washington

After much soul searching I have decided to write to you and the Board of SANDAG to express my concerns about the proposed changes to the entrance/exit of the lagoon mouth as well as the possible change of the waters of the lagoon.

For all of the 50 plus years that I have been a homeowner at St. Malo the lagoon has been fresh water and has served the wild inhabitants in a satisfactory manner. Admittedly, on occasion the water drops, the reeds die and the lagoon smells. This is a short-term event and the fish, ducks and other bird life seem to happily continue on with their life.

The beach is walkable for the public almost all of the time except when the mouth is dredged and the water is allowed to run to the ocean or when there is a giant storm. Being able to walk along this stretch of beach would be destroyed most of the time with 2 of the proposed solutions. I am hopeful that we can continue as we have for all of these years as a fresh water sanctuary with the ultimate improvement to the mouth of the weir that has been under discussion for almost as long as I can remember.

Sincerely,



Rosemary B. Simmons
(Mrs. Frank Simmons)

LETTER 70
Rosemary Simmons

70-1

Please see Master Response #1 regarding alternative preference. Inclusion of Mitigation Measure Land Use-1, which would construct a bridge over the inlet created in the Saltwater and Hybrid Alternatives, is designed to mitigate impacts to lateral beach access. This comment does not address the adequacy of the Draft EIR.

70-1

LETTER 71
Greg Simmons

Greg Simmons
#28 St. Malo Beach
Oceanside, California 92054

August 27, 2015

Lauren Washington
SANDAG
401 B Street
San Diego, CA 92101

RE: The Buena Vista Lagoon Enhancement Project

Dear Ms. Washington:

Having attended the July 23, 2015 Public Meeting concerning the Enhancement Project for the Buena Vista Lagoon I came away with the following concerns and the decision that the best solution for my home on the beach front at St. Malo was the continuation of the existing fresh water lagoon with the widening of the weir to 80 feet.

71-1

The proposal of a bridge over the outflow at high tides would encroach on private property and provide access to any who crossed onto the streets behind my home. A bridge would also open up the possibility of personal liability to the home owners upon whose property the bridge impinged should anyone fall from it and be injured. I can imagine children fishing from it as well. Additionally the 100 foot wide channel for the Salt Water Alternative would prevent usage of a wide swath of a very popular public beach.

71-2

71-3

71-4

I was not convinced that the increased species population was a known fact. If the 200 identified species are thriving in the fresh water why take a chance on destroying their habitat.

71-5

Please consider the Fresh Water Alternative.

71-6

Sincerely,

Greg Simmons

71-1

Please see Master Response #1. This comment states a preference for maintaining freshwater conditions in the lagoon.

71-2

Please see response to comment 12-46 regarding security and response to comment 12-43 regarding private property.

71-3

Please see response to comment 12-43 regarding liability.

71-4

As described in Section 3.1, Land Use and Recreation, usability of the beach area encompassed by the inlet would vary with environmental conditions, as coastal beach areas do. When conditions are appropriate, the inlet could continue to serve as beach area and provide opportunity for wading and beach play, as is evidenced at other local coastal lagoon inlets such as San Elijo Lagoon. The interruption of lateral access along the beach was identified as a significant impact, which could be mitigated by construction of a pedestrian bridge (Mitigation Measure Land Use-1). Loss of beach was not identified as a significant environmental impact.

71-5

SANDAG acknowledges there is no guarantee of a specific number of saltwater species successfully populating the lagoon, and the EIR does not make such a statement. The anticipated successful conversion of the lagoon to a saltwater system throughout the EIR is based on scientific information and expert opinion and design. See response to comment 12-14.

71-6

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 72
Clay Alexander and family

From: [Clay Alexander](#)
To: [Washington, Lauren](#)
Subject: Buena Vista lagoon
Date: Friday, August 28, 2015 4:12:13 PM

Dear Ms. Washington,
I, and my family, much prefer the "fresh water alternative" for the Enhancement Project. We have lived in the area for fifteen years and see no reason to change the current ecosystem which is been in place for the last seventy-five. My in-laws have lived in South Oceanside for forty-eight years and agree with this assessment.

72-1

The saltwater alternative is not only twenty million dollars more expensive, but I think the 100 foot channel would create a dangerous hazard to everyone's grandchildren.

72-2

Respectfully yours,
Clay Alexander and family.

72-1

Please see Master Response #1 regarding alternative preference. This comment states a preference for the Freshwater Alternative. Please see Master Response #5 regarding the historical ecology of the lagoon system.

72-2

The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. The EIR acknowledges the potential safety issues associated with a new inlet and concludes that the inlet proposed under the Saltwater and Hybrid Alternatives would result in a significant and unmitigable impact related to public health and safety. The EIR proposes a pedestrian bridge as Mitigation Measure Land Use-1 to reduce the potential impact to lateral access as described in Section 3.1. This bridge would also reduce the impact to public health and safety. However, the EIR acknowledges that, even with the inclusion of the bridge described in Mitigation Measure Land Use-1, the impact to public safety would remain significant. This impact, along with others identified in the EIR, will be considered by SANDAG prior to taking action on the project.

LETTER 73

Nick and Mary Alexander, Elizabeth Alexander, Nicholas and Alison Alexander

From: [Mary Alexander](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Enhancement Project
Date: Monday, August 31, 2015 11:40:46 AM

> August 31, 2015

> To Whom It May Concern:

>

> Please add our names to the list of concerned citizens who back the Freshwater Alternative solution to the Buena Vista Lagoon issue.

>

> My husband's family originally bought a home in St Malo in 1965 and ever since, the family has enjoyed the ocean, the beach, & the lagoon for swimming, walking, & fishing. The fourth generation of the Alexander family are now sharing their love of beautiful south Oceanside.

>

> Sadly, however, the fishing seems to be almost entirely stopped as the reeds and vegetation overgrowth have taken over the lagoon. We support the effort to restore the lagoon to its formerly pristine state by dredging the lagoon and the removal of the overgrowth. A return to nature should always be the first choice, in our opinion.

>

> Thank you for your consideration.

>

> Nick & Mary Alexander

> Elizabeth Alexander

> Nicholas & Alison Alexander

73-1

73-1

Please see Master Response #1 regarding alternative preference. This comment states a preference for the Freshwater Alternative.



ADAMS O'CONNELL
FAMILY ASSET MANAGEMENT

August 28, 2015

Ms. Laura Washington
SANDAG
401 B Street, Suite 800
San Diego, CA

Re: Buena Vista Lagoon

Dear Ms. Washington:

As a homeowner of a St. Malo Beach property in South Oceanside, I am very much concerned about the proposed salt water and salt/fresh water alternatives that have been proposed. Creating an open water way will make drastic changes to our beach, our property, our lives, our safety, and our quality of life. Here's why:

1. BEACH WALKING HAZARD: The Saltwater or Hybrid option involves the creation of a 100 ft. channel which would create a dangerous hazard to people, especially children, walking on the beach. The tidal ebb and flow would create a veritable river flowing in and out of the slough perpendicular to the shore.

2. DANGEROUS HIGHLY VISIBLE BRIDGE AND COMMUNITY SECURITY: The mitigation of that hazard would be a bridge crossing the channel which would: a) create its own danger with people deciding to jump off into the channel, b) encroach on St. Malo or property owned by the Tenaglia, Alanis, and Foster families creating potential liability issues when people fall off the bridge and injure themselves, c) create an eyesore for St. Malo since the elevation of the bridge would be above the berm, d) invade the privacy of those who live at the South end of St. Malo, and e) create a security issue for all of St. Malo during an ebb tide when people would be able to enter St. Malo by walking into St. Malo from the lagoon.

3. DISRUPTION OF SAND FLOW: The flow of the channel would also disrupt the littoral drift of sand along the coast. The Oceanside Cell discussed in the report was severely disrupted in the '60's when the harbor was built, creating a shadow south of the harbor which starved beaches of sand and led to damaging erosion. The channel would also disrupt the flow of sand, albeit to a smaller extent, but the potential impact to our beach front is unknown.

4. MALODOROUS STENCH: Not addressed in the report is the malodorous stench that would become a twice daily occurrence at low tide when the slough bottom would be exposed

5. WASTE OF TAX DOLLARS: As taxpayers, we are also opposed to tax dollars being wasted on an experimental conversion from the existing freshwater ecosystem to a saltwater or hybrid ecosystem. The tables in the report indicate that the amount of dredging, soil/sand excavation and vegetation removal would be 40% greater for the saltwater/hybrid option, which means the cost would be at least 40% greater. And this does not include the costs associated with the necessary raising of the Carlsbad Blvd. bridge. Plus the saltwater/hybrid option is high

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LETTER 74 Mary Adams O'Connell

74-1

The comment provides introductory statements and no further response is required.

74-2

The EIR acknowledges the potential safety issues associated with a new inlet and concludes that the inlet proposed under the Saltwater and Hybrid Alternatives would result in a significant and unmitigable impact related to public health and safety. The EIR proposes a pedestrian bridge as Mitigation Measure Land Use-1, which would provide access across the inlet at all times. However, while this would lessen the safety impact by providing a way for beach users to safely cross the inlet during times of high water levels and velocities, the overall inherent danger of the new inlet during certain conditions would remain. The EIR acknowledges that, even with the inclusion of the bridge described in Mitigation Measure Land Use-1, the impact to public safety would remain significant. This impact, along with others identified in the EIR, will be considered by SANDAG prior to taking action on the project.

74-3

The EIR proposes a pedestrian bridge as Mitigation Measure Land Use-1 to reduce the potential impact to lateral access as described in Section 3.1. This bridge would also reduce the impact to public health and safety. However, the EIR acknowledges that, even with the inclusion of the bridge described in Mitigation Measure Land Use-1, the impact to public safety would remain significant. The bridge would be designed in a manner to promote safety, including railings of appropriate height to discourage unsafe behaviors.

74-4

Please see responses to comments 12-42 and 12-43 regarding bridge liability and adjacent private properties.

74-5

The EIR acknowledges that Mitigation Measure Land Use-1 would result in a significant visual impact. This impact, along with others identified in the EIR, will be considered by SANDAG prior to taking action on the project.

74-6

Private property privacy is not an environmental issue that is addressed in CEQA documents.

74-7

Please see response to comment 12-46 regarding security concerns associated with each alternative.

maintenance and would continue consuming tax dollars for maintenance that would be required every 12-16 months. What justifies these exorbitant costs? 74-10
Contd.

6. THE LAST REMAINING FRESH WATER LAGOON: A primary motivation of the groups that are promoting the saltwater/hybrid option is the idea of increased biodiversity. The idea is that changing from freshwater, with 200 species in its ecosystem, to saltwater/hybrid option would result in an ecosystem with 300 species. Does a guarantee come with that claim? Where has such a conversion taken place? Do we really want to sacrifice the current ecosystem which is the one remaining fresh water lagoon in the area and the species that call it home, for the possibility that we might, at some point in the future (how many years? Decades?) have a new saltwater/hybrid ecosystem? 74-11

7. EMINENT DOMAIN – TAKING PRIVATE PROPERTY: Private Property rights are another issue which will be addressed by the affected homeowners, Tenaglia, Foster, and Alanis. Eminent Domain cannot be used to force an option St. Malo does not support. 7-12

8. VISUAL WASTELAND: I have personally inspected the other salt water lagoons, which appear so drastically different from our beautiful freshwater lagoon. They are a visual wasteland. 7-13

Thank you for the opportunity to voice my concern, and to vote for and support the fresh water alternative. I am mailing and emailing this letter to you. 7-14

Sincerely,



Mary Adams O'Connell
39 St. Malo Beach

74-8

As described in Section 3.3 of the EIR, Oceanography/Coastal Processes, inlet maintenance under the Saltwater or Hybrid Alternative would return sand entrained in the lagoon to the littoral system to avoid long-term disruption of the littoral system and minimize changes to adjacent beaches.

74-9

Please see Master Response #6 regarding anticipated odor associated with mudflat habitat. Additional information regarding natural odors anticipated under each alternative has been added to Section 3.11.3.

74-10

The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. The commenter is referred to Section 1.2 of the EIR, which addresses the objectives of the project.

74-11

Please see Master Response #4 regarding the freshwater lagoon resource. SANDAG acknowledges there is no guarantee of a specific number of saltwater species successfully populating the lagoon, and the EIR does not make such a statement. Evidence of successful saltwater fish species repopulating a restored saltwater lagoon was provided in the EIR through reference to the 10-year study of Batiquitos Lagoon, which was also restored to a tidal lagoon through creation a new ocean inlet. While success cannot be guaranteed, project design has incorporated biological, hydrological, and other factors to best ensure successful enhancement of a saltwater lagoon ecosystem if the Saltwater or Hybrid Alternative were selected. Please also refer to responses to comments 12-5, 12-14, and 12-21.

74-12

Please see Master Response #2 regarding eminent domain.

74-13

This comment does not address the adequacy of the Draft EIR. As described in Section 3.9 of the EIR, Visual Resources, aesthetic preference for one type of lagoon over another is subjective. Implementation of the Saltwater or Hybrid Alternative would result in moderate to high visual contrast, but the lagoon would maintain its overall visual character as an open space regardless of alternative. The EIR did not identify significant long-term impacts to the visual character or quality of the lagoon and its surroundings.

74-14

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 75
Francesca Schlueter

From: [Glen Meleis](#)
To: [Washington, Lauren](#)
Cc: [DMunzer@Nunco1.com](#)
Subject: Buena Vista Lagoon EIR
Date: Monday, August 31, 2015 11:22:10 AM

Dear Ms. Washington,

I am writing in response to the EIR for the Buena Vista Lagoon Enhancement Project undertaken by SANDAG.

I strongly support the Fresh Water alternative and the proposed restoration of the lagoon.

The No Project option appears to have been the approach for the past twenty years. I am not an environmental engineer or a biologist, but I am a physician. If the lagoon were a patient, it went from having a cold to being on life support with various draconian measures proposed to "cure the patient". I do NOT support the No Remediation option in which the lagoon will cease to exist. Not do I support the Salt Water or Hybrid options.

Over the past 50 years I have enjoyed the bull frogs, great blue herons, egrets, ducks and believe it or not pink flamingos (in the 1970s some flamingos, possibly having escaped from the San Diego Zoo, moved to the cell east of the I-5 for a couple of years). Until about five years ago, fisherman were regular visitors to the coast highway bridge. It has been obvious to all who enjoyed the wildlife and the waters of the lagoon that development and the heavy hand of humans had taken a toll on a lovely part of California.

I do NOT support the Saltwater or Hybrid options which in my opinion represent another form of development and the heavy interference of humans. The 100 foot channel with frequent high water velocities will bisect the beach side of the lagoon. The stretch from the jetty in Carlsbad to the south to the Oceanside harbor and pier to the north should remain uninterrupted for many reasons. Clearly, introducing periods of high velocity water flow will create a safety issue. Placing a high pedestrian bridge will create safety issues of its own. Engineering aside, we can all imagine the children, those unfamiliar with dangers of moving water or the thrill seekers who will find either the moving waters or the proposed bridge a place in which they become in danger.

Please do NOT alter our coastline, do NOT embark on expensive projects with costly maintenance, do NOT "redesign" nature, do NOT introduce safety issues which could quite possibly result in human tragedy, do NOT chose the options which are significantly more expensive.

Please restore the Buena Vista Lagoon using the Fresh Water option.

75-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

75-2

The comment provides introductory statements and observation of wildlife and no further response is required.

75-3

The EIR acknowledges that implementation of the Saltwater Alternative would result in a significant impact to lateral access along the beach due to creation of a new inlet. The pedestrian bridge identified in Mitigation Measure Land Use-1 would mitigate the lateral access impact. The EIR acknowledges that, even with the inclusion of the bridge described in Mitigation Measure Land Use-1, the impact to public safety would remain significant. The bridge would be designed in a manner to promote safety, including railings of appropriate height to discourage unsafe behaviors. This impact, along with others identified in the EIR, will be considered by SANDAG prior to taking action on the project.

75-4

Please see Master Response #1. This comment states a preference for the Freshwater Alternative. This comment does not address the adequacy of the Draft EIR.

75-1

75-2

75-3

75-4

I appreciate the opportunity to submit comments and the hardwork of Sandag in addressing the issues.

Francesca Schlueter
13 St Malo Beach,
Oceanside,CA 92054

75-4
Cont.

Buena Vista Lagoon

LETTER 76
George Corey and Eugenie Schlueter

With regard to the Buena Vista Lagoon Enhancement Project and EIR prepared by SANDAG, the Freshwater Alternative, even by the standards of the EIR, clearly stands out as the best alternative.

Given that there has been no maintenance regime for the existing conditions, though there was to have been when the lagoon became a nature preserve, some remediation is necessary. The No Project alternative, though least intrusive, does not address the issues that have been deferred for so long. The anticipated biological and hydrological functions would continue to degrade.

The Freshwater Alternative corrects some of the unresolved problems by dredging and maintaining the lagoons in their natural state. As often as not, well meaning environmental "improvements", especially to wetlands, create worse conditions as the anticipated changes don't come about as planned or a whole new set of unanticipated or unstated changes take place. The displacement of beach sand precipitated by the Oceanside Harbor and Marine Base basically changed the wide, flat beaches of Oceanside to a narrow strip with rip rap along the whole coast to prevent loss of property. That was probably not anticipated, but is a matter of life in Oceanside. The sign at the North end of the city citing Oceanside's Safest Beaches is no longer there as a result.

The Saltwater and Hybrid Alternatives are inconsistent with MPRSA, Oceanside and Carlsbad LCP and LUPs. EIR 3.1.2.B Significance criteria is not met as well.

The Saltwater Alternative would create a 100' wide channel at the inlet with a minimum of 0-5' depth, exceeding 6' with spring tides. High water velocities also create crossing issues. 37% of the time the channel would not be able to be safely crossed on foot. 37% is substantial and significant. Physical division of established communities (3.1.2.A) is also one of the Significance Criteria not met by the Saltwater and Hybrid alternatives. I found no indication of emergency access as currently life guard trucks patrolling the beach have access to both Oceanside and Carlsbad and in emergencies that "short cut" could be life saving. 3.1.2.E - Substantial increase in potential threats to safety, also not consistent.

Biologically, the Saltwater Alternative provides for the "extirpation" of freshwater species and the "encouragement" of saltwater species with the "expectation" that locally targeted recreational marine species would populate the proposed subtidal areas based on a 10 year study of Batiquitos Lagoon data, though the habitat will be reduced by 56 acres. Simply stating that 200 current species will be replaced with 300 "new" species lacks specificity. Maintenance would be required on a 16-20 month cycle to remove beach sand from inlet. Biological diversity measures such as these may well not have "substantial" or "significant" success, though the "extirpation" might succeed too well. Wholesale environmental changes are not often the optimal solution.

The Hybrid Alternative calls for saltwater on the west side of I5 and freshwater on the east side of I5 with not much indication as to what happens with the flora and fauna at the brackish water interface, the waterway under the I5 where the transition is to take place, and necessarily spills out onto either side for an indeterminate distance and effect. The Hybrid Alternative has similar issues to the Saltwater Alternative in terms of water depth, velocity and accessibility at the inlet.

76-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

76-2

Section 3.1, Land Use and Recreation, of the EIR provides analysis of project compatibility and consistency with applicable land use planning and policy documents. The EIR finds that the Saltwater and Hybrid Alternatives would be consistent with the Marine Protection, Research and Sanctuaries Act (MPRSA). The comment does not specify policy inconsistencies or how the significant criteria are not met; thus, a specific response cannot be provided.

76-3

As described in Section 3.1, Land Use and Recreation, usability of the beach area encompassed by the inlet would vary with environmental conditions, as coastal beach areas do. When conditions are appropriate, the inlet could continue to serve as a continuous beach area. The EIR further describes that the occasional inlet inaccessibility would not cause a substantial separation between two communities as the beach area would continue to be open to users without features or elements that are community specific. This was not identified as a significant environmental impact. The EIR does identify a significant impact pertaining to access-related land use policies as a result of the open inlet and proposes a pedestrian bridge under Mitigation Measure Land Use-1 to reduce the potential impact to a less than significant level.

In addition to impacts related to land use, the EIR also acknowledges the potential safety issues associated with a new inlet and concludes that the inlet proposed under the Saltwater and Hybrid Alternatives would result in a significant and unmitigable impact related to public health and safety. The EIR proposes a pedestrian bridge as Mitigation Measure Land Use-1 to reduce the potential impact to lateral access as described in Section 3.1. This bridge would also reduce the impact to public health and safety, but the EIR acknowledges that, even with the inclusion of the bridge, the impact to public safety would remain significant.

Lifeguard services are analyzed in Section 3.14. Public Services and Utilities. If crossing the inlet to access the other side via vehicle or on foot were deemed too dangerous by lifeguards, they would be able to use the proposed pedestrian bridge to access the opposite side of the inlet. No significant impacts to life guard services were identified.

76-4

SANDAG acknowledges there is no guarantee of a specific number of saltwater species successfully populating the lagoon, and the EIR does not make such a statement. As described in Section 3.5 of the EIR, freshwater species that could not tolerate the increased salinity levels of the Saltwater and Hybrid Alternatives would not survive and would no longer populate the lagoon. Evidence regarding the anticipated successful conversion of the lagoon to a saltwater system throughout the EIR is based on scientific information and expert opinion and project design. See response to comment 12-14.

76-1

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Buena Vista Lagoon

3.9.32 indicates that the tidally influenced basin w/ water fluctuations 2x/day has a significance that is "subjective as it depends on preference for a certain type of view". That statement basically negates the significance of any visual impact.

76-6

The Mitigation Measure of a pedestrian bridge to resolve the issue of the deep, fast flowing channel is not workable on several points, visual, legal, and structural. It is inconsistent with the Significance Criteria 3.9.2.A and B in that it has substantial adverse effects on scenic vistas and causes a substantial degradation of existing visual character. The proposed views on 3.9.16 & 17 do not show the actual scale and height of the proposed bridge. It is stated in the EIR that the deck would have to be 15' above the water for floods and about 20' high to top of supports (only a schematic shown, scaling about 6' above the water line, could be worse). The footings at the North end would be in St. Malo along with the path and would no doubt be litigated by the St. Malo property owners affected. Structurally the base would be on a sand bar and would require massive footings along with a staircase at each end (not shown) to get up to the required crossing elevation.

76-7

There is also the unanswered legal issue of the ownership of the existing weir and the justification for usurping ownership as it is currently owned by St. Malo and the process of Eminent Domain may well not apply in this case. The ownership of the western "slough" and the legal rights of that ownership entity also require consideration not specifically noted in the EIR.

76-8

The short term effects are said to be minimal, though dredging and related construction with lighting and noise 24/7 for 15 - 30 months and quite possibly longer, given the typical time frame of government projects, is not "minimal" or "insignificant" if it is happening a few hundred feet from your home.

76-9

Thank you for your consideration,
George Corey and Eugenie Schlueter
#51 St. Malo
Oceanside, CA 92054

76-5

Because the Hybrid Alternative would include a weir under I-5, separating the freshwater and saltwater areas, a brackish transitional area is not expected to occur. As noted in Section 2.6.3 of the EIR, occasional overflow of the weir could occur. This inflow of fresh water into the saltwater-dominated area west of I-5 was incorporated into post-enhancement habitat projections. Please see response to comment 76-3 for a discussion of impacts related to the inlet. Inlet-related impacts under the Hybrid Alternative would be the same as those identified for the Saltwater Alternative.

76-6

As the comment states, the EIR describes that the amount of water within the lagoon would vary with the tide and that visual contrast would be moderate to high; however, the overall character of the lagoon would remain open space. Also, given the dynamic nature of wetland conditions and the number of visual features within the lagoon, the tidal cycle of water was determined not to cause a substantial adverse effect on a scenic vista or a substantial degradation of the existing visual character or quality of the lagoon and its surroundings as detailed in Section 3.9.

76-7

Please see response to comment 9-8 regarding visual impacts of the bridge proposed in Mitigation Measure Land Use-1. The EIR provides that implementation of the bridge would result in a significant visual impact. The simulations of the proposed pedestrian bridge in Figures 3.9-16 and 3.9-17 were prepared to scale based on the initial conceptual design of the bridge structure that would be feasible at this location. While it is recognized that a government entity trying to implement the Enhancement Project would have to secure private property, there are many ways of obtaining these rights to implement the project selected by the SANDAG Board of Directors. Please refer to Master Response # 2. The bridge would be appropriately designed with footings and foundations safe for the local geology and soil conditions, in compliance with applicable codes and regulations.

76-8

Please see Master Response #2 and response to comment 76-7 regarding ownership considerations in and around the lagoon. Please also refer to response to comment 12-54.

76-9

As noted in Section 3.13, Noise, there are locations where construction operations would be in proximity to adjacent residences. However, the construction operations would not occur in that one location for the entire duration of the overall construction period. The multi-year construction period would involve construction activities located in various portions of the lagoon and would not be concentrated in just one location for the entire time. A significant noise impact specific to nighttime dredging operations was identified in Section 3.13. The EIR also identified a significant impact to nearby residences due to nighttime lighting for all three alternatives. Mitigation Measure Visual -2 would require that lights be downshielded to direct the light down towards the area of work and minimize spillage or glare. Implementation of Mitigation Measure Visual-2 would minimize lighting impacts to residential or sensitive habitat areas by reducing the amount of light and glare in the project area and would reduce the lighting impacts to a less than significant level.

LETTER 77
Eileen Redmon

From: [Eileen Redmon](#)
To: [Greer, Keith](#)
Cc: [Cass, Marc](#)
Subject: Buena Vista Lagoon Enhancement Project
Date: Tuesday, August 18, 2015 4:04:48 PM

August 19, 2015

I am responding to the above report, which I just became aware of last week. Seems as if this project was one big secret. I want and many of my neighbors want to have the Lagoon cleaned up and maintained as a fresh water lagoon. We are the only fresh water lagoon in Southern California, and as an Audubon Society member I am concerned about our fresh water birds.

The report addresses the vegetation problem in the lagoon. I contacted a friend who lives on the lagoon and has for over 30 years. He says the lagoon has not been cleaned for over 20YEARS. **ABSOLUTELY NO MAINTENANCE** The over growth just seems really normal to me. One does not have to be a landscaper to know that no maintenance causes a severe problem.

Did Everest International Consultants know when they prepared their report that there has been no maintenance of the lagoon in the last 20 years?

Regards

Eileen Redmon
2535 Jefferson St #15
Carlsbad, CA 92008

77-1

77-1

Please see response to comment 65-1 describing the public outreach and public participation opportunities that have been provided as part of the project and EIR process. Please see Master Response #1. The comment states a preference for maintaining freshwater conditions in the lagoon. Section 2.1.1 of the EIR describes a number of ongoing maintenance programs addressing various aspects of the lagoon system. Please see Master Response #7 for a discussion of public noticing and outreach efforts for the project.

LETTER 78
Dennis Metzler

From: Metzler, Dennis
To: Washington, Lauren
Cc: METZLER, BARBARA
Subject: Buena Vista Lagoon
Date: Thursday, August 27, 2015 7:50:57 AM

Dear Ms. Washington,

I attended the July 23rd public presentation on the lagoon and now write to give you my thoughts on why I believe the **best plan is a restoration of the existing fresh water lagoon** and its preservation for generations.

78-1

I believe the **fresh water restoration** is the best plan. Here are some of these reasons:

- **Cost.** It seems obvious that this alternative offers the least cost for bring back our beautiful lagoon. While mention was made at the public presentation of the initial cost, what about ongoing maintenance of the channel and elevation to the sea?
- **Wildlife preservation.** As one who enjoys the numerous species of birds, turtles, fish and animals that inhabit the lagoon, I believe the restoration plan offers the best alternative to preserving the natural habitat of the existing species. One of the great pleasures of our grandchildren is interacting with the ducks who presently occupy the lagoon.
- **Beach sand disruption.** I believe that placing a permanent channel opening will disrupt the beach sand in a similar way that the marina construction has changed the littoral drift, causing a permanent negative effect.
- **Bridge construction.** The idea to construct two bridges for public travel seems double dumb. The cost and permanent eye sores these would create defy rational and reasonable thought as to mitigation.
- **Stench.** My experience with saltwater flats tells me that we who live in the area will be faced with a salt water mud flat stench much of the time.

78-2

78-3

78-4

78-5

78-6

I appreciate your serious consideration of these remarks. Any other solution than fresh water restoration does not seem to me passing the cost/benefit analysis and common sense.

78-7

Very truly yours,

DENNIS METZLER
Metzler Enterprises
dkmfirst@cox.net
Office: 760 433 1500
Mobile: 760 473 7904

78-1

Please see Master Response #1. The comment states a preference for the Freshwater Alternative.

78-2

SANDAG is aware of the relative costs of each alternative and the cost of each alternative does not render the alternative impractical. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. A cost estimate for construction and maintenance under each alternative was prepared and is available online at the TransNet website, Keep San Diego Moving (Everest 2015a).

78-3

The comment is noted.

78-4

As described in Section 3.3 of the EIR, Oceanography/Coastal Processes, inlet maintenance under the Saltwater or Hybrid Alternative would return sand entrained in the lagoon to the littoral system to avoid long-term disruption of the littoral system and minimize changes to adjacent beaches.

78-5

The pedestrian bridge is proposed to maintain continuous beach access. The EIR acknowledges that the bridge proposed as Mitigation Measure Land Use-1 would result in a significant visual impact. This impact, along with others identified in the EIR, will be considered by SANDAG prior to taking action on the project. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

78-6

Please see Master Response #6 regarding odor associated with mudflat habitat. These odors are only present when the organisms dwelling in the mudflat sediment are exposed to oxygen, i.e., when the tide is low.

78-7

The comment is noted. Please see Master Response #1.

LETTER 79
Doug Metzler

From: [Metzler, Doug](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon - Please Insist on Fresh Water Restoration
Date: Monday, August 31, 2015 10:45:35 AM

Lauren,

My name is Doug Metzler and I have been enjoying the Buena Vista lagoon all my life. I believe it to be a thing of great natural beauty that exists at a time where there are fewer and fewer of those things in close proximity to population centers. My kids love the opportunity to see ducks and other wildlife there. Those ducks and other wildlife would be killed (or at best permanently displaced) if another approach was taken. I do not believe that the alternatives being considered are natural, and I don't believe humans should further intervene in this situation with their own solutions. The idea of creating a tidal pool that would be seen as a mud flat at low tide (which I gather would not be without odor) would be a disaster. In addition, adding man-made bridges to allow for pedestrian access over the weir would further disrupt the natural environment.

79-1

Please take care to make sure that our lagoon is preserved.

Thank you!

Doug

79-1

Please see Master Response #1 regarding alternative preference. Please see Master Response #6 regarding odor from mudflat habitat.

LETTER 80
Henry Reed

From: Henry Reed
To: Washington, Lauren
Subject: EIR for the Buena Vista Lagoon Enhancement Project
Date: Tuesday, August 25, 2015 10:00:22 AM

Dear Lauren,

I am writing in response to the EIR report for the Buena Vista Lagoon Enhancement Project. As a resident who lives on the lagoon I can support the fresh water alternative but cannot support the saltwater or hybrid options. My concerns with the saltwater and hybrid options are:

1. During the tidal swings each day there would be open access to my property which is now a lagoon (and therefore no access). This creates a security issue for me.
2. During the tidal swings each day there would be periods when the exposed slough bottom would create a malodorous stench.
3. I am concerned that the habit which exists today will be destroyed and the current birds and animals who live in the lagoon will have no place to go. There are saltwater lagoons to the south of us so any opportunities for new species created by the salt water option are ridiculous to me since habitats exist for them only a few miles away. Buena Vista Lagoon is the only fresh water lagoon in the area so there are no other options for the current inhabitants.
4. Creating a channel emptying into the ocean would prevent residents and visitors from enjoying the current walk up and down the beach. The proposed bridge crossing would create security issues for the St Malo community, provide a place for individuals to jump into the newly created "river" (creating a safety hazard) and encroach on private property.
5. The cost of the freshwater alternative is one-third less than that of the saltwater or hybrid options.
6. The saltwater and hybrid options require acquiring private property. I do not believe the owners are willing to sell the property.

It appears to me that the freshwater alternative is the only viable option.

Sincerely,

Henry

Henry Reed
 76 St. Malo Beach
 Oceanside, CA 92054

80-1

80-1

Please see Master Response #1. The comment states a preference for the Freshwater Alternative.

80-2

80-2

Please see response to comment 12-46 regarding security concerns associated with each alternative.

80-3

80-3

Please see Master Response #6 regarding anticipated odor associated with mudflat habitat.

80-4

80-4

The EIR provides analysis of the freshwater species that would be impacted by the conversation to a saltwater system in Section 3.5. Please see Master Response #4 regarding the freshwater lagoon resources.

80-5

80-5

As described in Section 3.1, Land Use and Recreation, usability of the beach area encompassed by the inlet would vary with environmental conditions, as coastal beach areas do. When conditions are appropriate, the inlet could continue to serve as beach area and provide opportunity for wading and beach play, as is evidenced at other local coastal lagoon inlets such as San Elijo Lagoon. The EIR proposes a pedestrian bridge as Mitigation Measure Land Use-1 to lessen the potential impact and provide continual safe lateral access.

80-6

80-7

80-8

The EIR acknowledges that implementation of the Saltwater Alternative would result in a significant impact to public safety, which is partially mitigated by the inclusion of the bridge described in Mitigation Measure Land Use-1 to reduce impacts to lateral access. However, the EIR acknowledges that, even with the inclusion of the bridge described in Mitigation Measure Land Use-1, the impact to public safety would remain significant. The bridge would be designed in a manner to promote safety, including railings of appropriate height to discourage unsafe behaviors. This impact, along with others identified in the EIR, will be considered by SANDAG prior to taking action on the project. Please see Master Response #2 regarding ownership in the vicinity of the lagoon. Please see responses to comments 12-42 and 12-43 regarding private property and liability associated with the bridge structure.

80-6

The comment is noted. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

80-7

Please see Master Response #2.

80-8

Please see Master Response #1. The comment states a preference for the Freshwater Alternative.

LETTER 81
Addie and Bobby Firtel

Response to EIR for the Buena Vista Lagoon

Dear Lauren,

It is difficult for my husband and I to understand much of the reasoning put forward in the redevelopment of the Buena Vista Lagoon. We have lived and enjoyed the lagoon only for 8 years but look forward to many more. When we arrived we applied for a building permit for an addition. As you must know there are many regulations for building and landscaping that we adhered to. At one point we were in public meetings to stop our build because of an endangered species. The same force driving to save that bird is now in favor of getting rid of all existing species with the possibility and I repeat the possibility of new ones. I say how capricious! We are a small community totally affected by the rise and fall of the lagoon water levels. Several years ago we saw that ugly rise and spent the day sand bagging properties. Mine was unaffected because I have the required berm for the existing lagoon but if it is changed my home will be at the mercy of the tide. Once again it is difficult to understand how such a consideration to switch is even entertained especially by people who do not live here. I support a clean up of the tules and maintenance of the status quo. The idea of large bridges and walkways that will enable people to freely walk through and or by my home is not reasonable. I would say that people who currently endorse the salt water or the dual conversion do not live here!

Thank you for reading this letter. Addie and Bobby Firtel
70 Saint Malo Beach

81-1

81-1

Please see Master Response #1 regarding alternative preference. The comment states a preference to maintain freshwater conditions in the lagoon. Master Response #2 contains information about private ownership in the vicinity of the lagoon. The comment also expresses concern about flooding in the vicinity of the lagoon. As shown in Table 3.2-1 of the EIR, maximum flood elevations were calculated for each alternative. The Saltwater Alternative would result in the lowest flood elevations of the three alternatives under all modeled storm scenarios. This comment does not address the adequacy of the Draft EIR.

LETTER 82
Paul Jacinto

From: [Paul Jacinto](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon - Support Fresh Water Alternative
Date: Monday, August 31, 2015 12:32:11 PM

I am writing this email in support of the Fresh Water Alternative for the Buena Vista Lagoon. I am a local resident and run a small business in the downtown Carlsbad area. My family and i have been here for many years and as local residents we strongly oppose changing the Buena Vista Lagoon to any saltwater alternative.

For the past 35 years all i have known is a Fresh Water lagoon which has provided a thriving home to many plants and animals that would not be able to exist in a saltwater alternative. Much of the habitat and existing animal life would be completely killed and cease to exist. The surrounding community has thoroughly enjoyed having the variety that this lagoon offers in our community and it would be a travesty to the environment and the community to unnaturally change it to something else.

This is a much needed fresh water estuary. I strongly oppose any change to a saltwater alternative. I recommend the adoption of a plan to maintain the Buena Vista Lagoon as a fresh water estuary.

Regards
 Paul Jacinto
 3446 Harding St
 Carlsbad Ca 92008

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Paul Jacinto
 Harding Realty, Inc.
 LIC #01838547
 760.688.8913
paul@hardingrealtyinc.com

82-1

82-1

Please see Master Response #1. This comment provides introductory statements and states a preference for the Freshwater Alternative. Please see Master Response #4 regarding the freshwater lagoon resource. This comment does not address the adequacy of the Draft EIR.

LETTER 83
Elizabeth Jacinto

From: [Elizabeth Jacinto](#)
To: [Washington, Lauren](#)
Subject: Fresh Water Alternative for Buena Vista Lagoon
Date: Tuesday, September 01, 2015 2:57:41 AM

Hello Lauren,

As a long-time resident of Carlsbad and mother of three young children, I urge you preserve the Freshwater marsh so that my children can continue to enjoy the lagoon as I have enjoyed it.

I support the Fresh Water Alternative for the Buena Vista Lagoon, and strongly oppose changing the Buena Vista Lagoon to any saltwater alternative.

The Buena Vista lagoon is a unique freshwater marsh on the California coast. As a freshwater marsh, the Buena Vista Lagoon supports a much greater variety of plants and animals than any saltwater alternative.

Creating a saltwater wetland in this important habitat would be a tragic disruption to a well established ecosystem.

I strongly oppose any change to a saltwater alternative and encourage adoption of a plan to maintain the Buena Vista Lagoon as a fresh water estuary.

Sincerely,

Elizabeth Jacinto

3446 Harding Street

Carlsbad, CA 92008

83-1

83-1

Please see Master Response #1. This comment provides introductory statements and states a preference for the Freshwater Alternative. Please see Master Response #4 regarding the freshwater lagoon resource. This comment does not address the adequacy of the Draft EIR.

LETTER 84
John McCarty

From: John McCarty
To: Washington, Lauren
Subject: Buena Vista Lagoon
Date: Monday, August 31, 2015 5:41:54 PM

I am against the salt water and hybrid options for the following reasons:

1. Both options would be more damaging to the current ecosystem with the EIR report indicating that the dredging, soil and sand excavation, and vegetation removal would be forty percent greater than the fresh water option.
2. With the greater amount of maintenance being required with the saltwater and hybrid options the ecosystem will be disturbed more often, which will have a negative effect on its flora and fauna.
3. I could not find anywhere in the report about the effects of the saltwater and hybrid options on the current flora and fauna. How many of the current species will not be able to adapt to saltwater? Will there be any effort to save or relocate them?
4. From the simulation that was shown at the July 23rd meeting, I was surprised and horrified with the limited amount of water that is left in large parts of the lagoon during low tide. The liability and safety issues that are caused by this are not mentioned in the report. When I was growing up during the early sixties there were parts of the lagoon that were hazardous to walk on (we called it quick mud because without warning you would at times sink dangerously deep into the mud along the shores and would need help from others to get out) With the amount of land that is created during low tides, what measures are there to prevent people and other animals from getting stuck in the mud? What protocols are going to take place when this happens?
5. A major concern of mine is the effects of saltwater on (plus the twice daily drying and flooding of) the soil's microbial community. It most likely will shift the pathways involved in the lagoon's carbon cycling ability by affecting its carbon storage capacity. Freshwater wetlands, such as the Buena Vista Lagoon, play an important role in the capturing and storing of carbon dioxide. What effect will the saltwater and hybrid options have on the rates of greenhouse emissions and thus its ability to help slow global warming by keeping carbon dioxide out of the atmosphere?
6. According to many atmospheric scientists, oceans are likely to continue to rise (with one study predicting a rise between 2.5 feet to 6.5 feet). I didn't see any information about how such predictions would effect the information presented in the report (specifically the predictions of flooding).
7. With the loss of wetlands due to the intrusion of saltwater caused by global warming and sea level rise being a major concern in countries throughout the world, why would we want to purposely change a freshwater wetland to a saltwater one?

Sincerely,

John McCarty
115 Eaton Street
Oceanside, Ca 92054

84-1

This comment states opposition to the Saltwater and Hybrid Alternatives. Please see Master Response #1. Impacts associated with each alternative are analyzed and described throughout the EIR.

84-2

Maintenance activities would be required for each alternative, as described in Section 2.6 of the EIR/EIS. Impacts of maintenance activities on biological resources are discussed in Section 3.5, Biological Resources. Maintenance for the Freshwater Alternative would be primarily to maintain passages through the cattails to increase circulation and reduce vectors. Maintenance associated with the Saltwater Alternative would be required to dredge sand drawn in from the ocean into the lagoon. The Hybrid Alternative would require both maintenance efforts. In general, the purpose of the maintenance activities under any of the proposed alternatives would be to maintain the system established by the Enhancement Project.

84-3

As described in Section 3.5 of the EIR, freshwater species that could not tolerate the increased salinity levels of the Saltwater and Hybrid Alternatives would not survive and would no longer populate the lagoon. Please see response to comment 12-20 for a discussion of the anticipated impacts to fish as a result of conversion to a saltwater regime. SANDAG notes the commenter's suggestion to relocate freshwater fish to other locations. This action would require substantial resources and expenditures, which are not considered appropriate as the freshwater species affected by the lagoon conversion are not native or special-status species. The two native species within the lagoon are euryhalic and can be found in a variety of marine, estuarine, and freshwater habitats.

84-4

Currently, habitats within the lagoon are closed to public access with the exception of designated trails. If a person were to enter the water or habitat areas today, they could get stuck and require emergency assistance. This condition would not change under any of the alternatives. Access would still be restricted, entry would still be hazardous, and emergency response would occur as needed, as it does under existing conditions.

84-5

The impacts of each alternative on GHG emissions and global climate change are discussed in Section 3.12 of the EIR. None of the alternatives were found to result in potentially significant emissions of GHGs. All types of wetland soils are rich in organic carbon because the wet, anoxic soil conditions lead to slow decay rates. Studies have shown that the carbon density of salt marsh soils (approximately 190 grams/meter/year) is comparable to or slightly greater than that of freshwater marsh (approximately 140 grams/meter/year) (Craft 2007). Therefore, conversion to a saltwater regime would not be anticipated to reduce the soil's ability to store carbon. Under each of the alternatives, some release of porewater CO₂ and CH₄ would occur during dredging. This release

would occur with any disturbance of the lagoon and would not contribute a substantial amount of emissions when compared to the construction process itself, as described in the EIR.

84-6

The impact of sea level rise on each alternative is analyzed in Section 3.12, Global Climate Change, Greenhouse Gas Emissions, and Sea Level Rise.

84-7

Please see response to comment 84-6. SANDAG will consider the ability of each alternative to adapt to sea level rise prior to taking action on the project.

LETTER 85
Kathleen Wardle

From: [Kathleen Wardle](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon
Date: Monday, August 31, 2015 6:55:10 PM

Ms. Washington,

I am writing this email in support of the Fresh Water Alternative for the Buena Vista Lagoon.

I strongly oppose changing the Buena Vista Lagoon to any saltwater alternative.

The Buena Vista lagoon is a unique freshwater marsh on the California coast. As a freshwater marsh, the Buena Vista Lagoon supports a much greater variety of plants and animals than any saltwater alternative. Creating a saltwater wetland in this important habitat would be a tragic disruption to a well established ecosystem. Please leave it alone.

I strongly oppose any change to a saltwater alternative and encourage adoption of a plan to maintain the Buena Vista Lagoon as a fresh water estuary.

Sincerely,
Kathleen Wardle

85-1

85-1

Please see Master Response #1 regarding alternative preference. The comment states a preference for the Freshwater Alternative. Please see Master Response #4 regarding the freshwater lagoon resource. Section 3.5 of the EIR describes the current freshwater species known to the lagoon and also provides description of the ecological diversity anticipated with the conversion to a saltwater system.

LETTER 86
Clark Wardle

From: [Clark Wardle](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon - Support Fresh Water Alternative
Date: Monday, August 31, 2015 10:46:50 AM

I am writing this email in support of the Fresh Water Alternative for the Buena Vista Lagoon. As a resident of coastal Carlsbad, I strongly oppose changing the Buena Vista Lagoon to any saltwater alternative.

The Buena Vista lagoon is a unique freshwater marsh on the California coast. As a freshwater marsh, the Buena Vista Lagoon supports a much greater variety of plants and animals than any saltwater alternative. Creating a saltwater wetland in this important habitat would be a tragic disruption to a well established ecosystem.

I strongly oppose any change to a saltwater alternative and encourage adoption of a plan to maintain the Buena Vista Lagoon as a fresh water estuary.

Sincerely,

Clark Wardle
615 Red Coral Ave
Carlsbad, CA 92011

86-1

86-1

Please see Master Response #1 regarding alternative preference. The comment states a preference for the Freshwater Alternative. Please see Master Response #4 regarding the freshwater lagoon resource. Section 3.5 of the EIR describes the current freshwater species known to the lagoon and also provides description of the ecological diversity anticipated with the conversion to a saltwater system.

LETTER 87
Cathy Scholl

From: [Cathy Scholl](#)
To: [Washington, Lauren](#)
Subject: Buena Vista lagoon restoration comment
Date: Wednesday, August 26, 2015 2:36:24 PM

Hello,

As the owner for 23 years of a vacant lot on the Buena Vista lagoon I feel my opinion should bear more weight than those who never even come in contact with the lagoon.
I have invested my money where my heart is...on a freshwater lagoon.
I love the existing wildlife and enjoy seeing water, not a mud flat with a trickle of water as there will be during low tide.

The Batiquitos lagoon is dried up with half the amount of water it used to have. I don't want this to happen to the Buena Vista lagoon.
The wier at the mouth of the lagoon will be an eyesore to all who live in the area.

Please just harvest the reeds and do some dredging. Leave the Buena Vista lagoon as it is. Freshwater.

Thank you,
Cathy Scholl

<http://cathyscholl.com>
Represented by Zuma Press

87-1

87-1

Please see Master Response #1 regarding alternative preference. Under the Saltwater and Hybrid Alternatives, the existing 50-foot weir at the ocean outlet would be removed and replaced with an open tidal inlet. Figures 3.9-9 through 3.9-13 of the EIR show simulations of the lagoon with implementation of the Saltwater Alternative. Figure 3.9-11 specifically looks at the location of the existing weir. This comment does not address the adequacy of the Draft EIR.

August 6, 2015

Dear Lauren Washington,
SANDAG
401 B Street, Suite 800
San Diego, CA 92101

The purpose of this letter is to respond to SANDAG's request for public comment on the alternatives for the Buena Vista Lagoon Enhancement project, as laid out in the Environmental Impact Study.

We are homeowners at the Sanctuary Condominium complex, located at 2399 Jefferson Street Unit # 5, Carlsbad, CA 92008. Our property is bordered by the lagoon on the west side of I-5. We strongly advocate that the alternative to keep the lagoon as freshwater, and to undertake the freshwater lagoon enhancements as described in the EIR be selected.

88-1

Maintaining our lagoon view with substantial open water is of high importance to our community. We do not want to live with a view of saltwater marsh mudflats. Buena Vista is the only freshwater lagoon in the area, and we believe that the other saltwater lagoons in the area fill the need for habitat for saltwater wildlife. Therefore we request that option 1, maintain Buena Vista as a freshwater lagoon, be chosen.

Sincerely,



Robert and Michelle Dupre

Email address: michelledupre@verizon.net

LETTER 88
Robert and Michelle Dupre

88-1

Please see Master Response #1. The comment states a preference for the Freshwater Alternative. Please see Master Response #4 regarding the freshwater lagoon resource.

LETTER 89
Jeff Foster

From: [Jeff Foster](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon
Date: Thursday, August 27, 2015 3:00:06 PM

Lauren,

I am a resident at St. Malo in Oceanside, CA and just wanted to express my interest in maintaining the lagoon as a fresh water lagoon.

I live on the Southeast corner of St. Malo, and my lot borders the Lagoon to the East and South, so I have a real interest in the final decision and see the fresh water option as the best and most economical option.

Thanking you in advance,

Jeff W. Foster
77 St. Malo Beach,
Oceanside, CA

89-1

89-1

Please see Master Response #1. The comment states a preference for maintaining freshwater conditions in the lagoon.

August 16, 2015

To: Lauren Washington
SANDAG,
401B Street, Suite 800
San Diego, CA. 92101

cc: Darrell Issa
Jim Wood
Matt Hall
Rocky Chavez
Mike Klein

From: Subject: Buena Vista Lagoon Options

We live on the Buena Vista Lagoon and over the years have made significant capital investments into our property to enjoy the lagoon views, its diverse flora and fauna, the amazing sunrises, and the total visual pleasure of the location. In fact almost everyone living on or near the lagoon has made similarly large investments in their properties, not only at purchase, but also to continuously upgrade the character of this unique neighborhood. On both the Oceanside and Carlsbad's side of the lagoon the property owners have restored and upgraded their properties because of the beauty of the lagoon in its current configuration.

90-1

There is no doubt that if the lagoon is turned into a salt water environment the government will be destroying what is currently a freshwater paradise for numerous types of wildlife, including, birds, raccoons, small animals, and fishes, as well as trees and other types of life that rely on freshwater. By having the tide control the water levels, the lagoon will shrink to near oblivion with a miniscule flow of water. The current weir was constructed to eliminate this situation and has worked in creating a lagoon of infinite beauty as well as a unique habitat as one of the few freshwater lagoons on the coast.

90-2

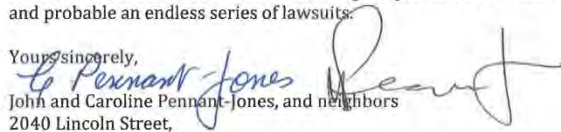
The lagoon has been instrumental in attracting responsible homeowners, and has significantly helped both markets, at least those west of the freeway, to maintain their value during every housing crisis. If you select a salt water solution you will be destroying the value of our properties, and by association impact the ongoing beautification and upgrading of neighborhoods bordering the general lagoon area.

As far as the financial impact to Oceanside and Carlsbad is concerned the current configuration has resulted in an increased tax base for both Oceanside and Carlsbad, purely based on the real estate taxes. The side effects of the continuing upgrades to other properties in the area in turn results in attracting young families who will use our schools, retail businesses, churches and playing fields.

90-3

A salt water solution to the Buena Vista Lagoon promises a death knell to the area, and probable an endless series of lawsuits.

Yours sincerely,


John and Caroline Pennant-Jones, and neighbors
2040 Lincoln Street,
Oceanside, CA. 92054

(760) 433-4920

LETTER 90
John and Caroline Pennant-Jones

90-1

This comment provides introductory statements. This comment does not address the adequacy of the Draft EIR.

90-2

This comment does not address the adequacy of the Draft EIR. Section 3.5 of the EIR, Biological Resources, describes the habitat distribution and the species that would be anticipated in the lagoon under each alternative. Anticipated flow volumes of each alternative have been specifically engineered to maintain the desired habitat distribution designed for the individual alternative and are described in the EIR. Please see Master Response #4 regarding the freshwater lagoon resource.

90-3

To the degree that the comment addresses economic concerns, no response is required. However, SANDAG recognizes the concerns of the homeowners in the vicinity and will take comments received under consideration prior to taking action on the project.

Date: 16 August, 2015

To: SANDAG
From: David Pennant-Jones

Ref: Subject: Buena Vista Lagoon Options

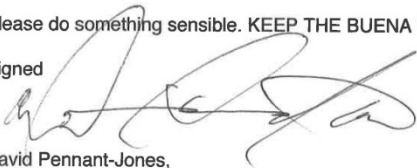
I live at 2034 Lincoln Street, Oceanside, 92054. In 2012 and 2013 I spent over \$495,000 to completely remodel my home. The major reason for this remodel was to add a second story to provide a view of the lagoon.

Turning the lagoon into a saltwater stream, I say "a stream" because that is what it will become, will cause my property value to plummet. How SANDAG can even consider turning the beautiful Buena Vista Lagoon into an almost waterless swamp is beyond comprehension. The current weir has brilliantly served its purpose of saving the lagoon, allowing for a wildlife sanctuary of undecipherable beauty. But it has done much more than that. It has attracted investment by homeowners in both Carlsbad and Oceanside. It has attracted families such as mine so I could go to South Oceanside elementary school, and Lincoln mid school as well as high school. It also is the reason that I have invested so much money so that my children, when they arrive, will enjoy the neighborhood, the schools, and lagoon as much as my brothers and I have.

To change the lagoon to salt water is an enormous waste of taxpayer money, and will seriously impact the character of neighborhoods on both sides of the lagoon and surrounding areas. Humans need to be surrounded by beauty. They do not need to see such beauty changed into mud flats with a trickle of salt water whenever the tides are higher enough.

Please do something sensible. KEEP THE BUENA VISTA LAGOON FRESH

Signed



David Pennant-Jones,
2034 Lincoln Street,
Oceanside, CA. 92054

Cell: 760-473-0911

91-1

LETTER 91 David Pennant-Jones

91-1

Please see Master Response #1 regarding alternative preference. The comment states a preference for maintaining freshwater conditions in the lagoon. To the degree that the comment addresses economic concerns, no response is required. However, SANDAG recognizes the concerns of the homeowners in the vicinity and will take comments received under consideration prior to taking action on the project.

LETTER 92
Dave Oster

From: [David Oster](#)
To: [Washington, Lauren](#)
Subject: keep buena vista lagoon fresh water
Date: Monday, August 31, 2015 9:43:00 PM

SANDAG - August 31, 2015
Lauren Washington
lauren.washington@sandag.org

Re: EIR Report for Buena Vista Lagoon

I am a homeowner on 2525 Jefferson St #K in Carlsbad CA and am sending this letter to express my desire for the Buena Vista lagoon to remain a fresh water lagoon but should be cleaned up to preserve. I've lived in this property for over 8 years and have found this location to be spectacular. The Buena Vista Lagoon provides a beautiful, peaceful vibe that helps form Carlsbad's positive beach energy. Birds flying in harmony and cohabitating on this beautiful fresh water lagoon creates a wonderful environment. This lagoon also offers amazing colors and views that bounce off the water of the lagoon at sunset.

92-1

The Cities of Oceanside and Carlsbad have a wonderful entry access for their communities and I don't understand why a change from fresh to salt water makes any sense. I do understand it needs to be cleaned and restored but it's been noted in the EIR report the most inexpensive way to deal with the deterioration of the lagoon is to keep it fresh water and have it cleaned.

92-2

This area currently offers a wonderful harmony between people, animals, housing, water, and plants. To destroy the current ecosystem to create something new is disturbing to me, especially if it doesn't need happen. There are also currently over 200 birds on this lagoon which I'm sure would be negatively affected in some way if a change is made to salt water.

I'm also concerned with the salt water alternative because I understand it does not guarantee water in the lagoon at all times which to me is a horrible mistake. In the EIR at section 3.9.3.1 it even states if changed into a saltwater alternative - "The amount of visible water would vary over the course of the day and tidal regimes, with brown mud flats exposed at very low tides and covered with water during high tides. The contrast would be moderate to high depending on the point in the tidal cycle." I know all the people in the area I have talked to do not wish this to occur and feel there would be too many unknown intangibles which could occur if switching from fresh water to salt water.

92-3

Plus, it does not seem right that the people living in the area were not taken into much consideration in the EIR report. It talks about the cars and bikes and the people using the Carlsbad Blvd/PCH and even comments how views would be minimal as cars go flying by on the highway, but very little addresses the community which cohabitates around the lagoon. Many people who live around the lagoon relish the current beauty which exists and would

92-4

92-1

Please see Master Response #1. The comment states a preference for maintaining freshwater conditions in the lagoon.

92-2

The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. The commenter is referred to EIR Section 1.2 for a discussion of the objectives of the project. Impacts to species from the implementation of each alternative are described in Section 3.5 of the EIR, Biological Resources.

92-3

As the comment states, the EIR describes that the amount of water within the lagoon would vary with the tide and that visual contrast would be moderate to high; however, the overall character of the lagoon would remain open space. Also, given the dynamic nature of wetland conditions and the number of visual features within the lagoon, the tidal cycle of water was determined not to cause a substantial adverse effect on a scenic vista or a substantial degradation of the existing visual character or quality of the lagoon and its surroundings as detailed in Section 3.9.

92-4

Please see response to comment 65-4 addressing the EIR's approach to the visual impacts analysis.

be negatively affected by a change to a salt water/hybrid lagoon alternative.

92-4
Contd.

I have no problem with more uses of the lagoon like the walking bridge and larger fishing area that is being proposed. But raising up the Pacific Coast Highway 4 feet will be a big distraction and constant eye sore. As well as create much more construction, noise and pollution in the area.

92-5

Please again understand I support the cleaning of the Buena Vista Lagoon but want to see it remain a fresh water lagoon. I appreciate the ability to express my concerns and truly hope this has been read and my opinions taken into consideration when making this very crucial decision.

92-6

Dave Oster

President

Lake Elsinore Storm Professional Baseball Team

p: 951.245.4487 f: 951.245.0305

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92-5

This comment does not address the adequacy of the Draft EIR. Analyses of impacts associated with construction of a new Carlsbad Boulevard bridge are included throughout the EIR. Significant, permanent visual impacts were not identified under any of the alternatives.

92-6

Please see Master Response #1. The comment reiterates a preference for maintaining freshwater conditions in the lagoon.

LETTER 93
Jim Petronella

August 26, 2015

Lauren Washington
SANDAG
401 B Street, Suite 800
San Diego, CA. 92101

Regarding: Comments – Draft EIR; Buena Vista Lagoon

Before getting into the issues, I have to say the BV Lagoon is an amazing place. We live in concert with the many varieties of ducks, the blue herons, the white pelicans and countless other wildlife. The sunsets on the Buena Vista Lagoon may be the best in San Diego County; particularly when we have a brightly colored sky - the reflections in the water on the lagoon are remarkably beautiful.

93-1

The fresh water alternative is my preference because it is the least invasive and it preserves and improves on the amazing ecological reserve we already have in place. It is a low risk alternative and though it involves dredging and a lot of work, it does not substantially impact the current eco system.

93-2

I am a homeowner like many others, who live on the lagoon 24 x 7 and see it every day. My condo means everything to me. It is off Jefferson Street, east of PCH and west of 5 on the south side of the lagoon, along with 80 to 100 other condos and homes. I cannot emphasize enough that the valuations of these properties is heavily weighted on visible water views - views that will be reduced with the salt water alternative. There are other concerns with the salt water alternative. I thought the EIR did a good job of showing the effects on PCH. Elevating PCH and building a bridge will be difficult for those living near the beach. Overall, it seems to introduce a hardscape focal point in our ecological reserve, and potential for increased noise.

93-3

93-4

Regarding the salt water option, I feel the 80 to 100 residences in my immediate neighborhood would experience a 30% reduction in property value due to severely diminished visible water views. Please do not hesitate to visit my condo and other residences in the area. In addition, I am concerned the effects of devaluation could extend to the remaining lagoon and beach neighborhoods in Carlsbad and Oceanside. It is difficult for those who purchased property because no one could anticipate the possibility of such an extreme change. As an aside, this could put the county tax assessor's office in a difficult situation with homeowners requesting reductions in property taxes due to devaluation.

93-5

In conclusion, I thought the EIR did a good job of laying out the alternatives and from what I read, there are pros and cons of all the alternatives. However, there appears to be no dire reason to change the Buena Vista lagoon to salt water. Certainly not enough reason to hurt all those who live here and diminish their American dream and their investments they worked their whole lives for.

93-6

93-1

The comment provides introductory statements and no further response is required.

93-2

Please see Master Response #1 regarding alternative preference. The comment states a preference for the Freshwater Alternative. Impacts associated with the Freshwater Alternative are identified throughout the EIR and summarized in the Executive Summary, Table ES-10.

93-3

To the degree that the comment addresses economic concerns, no further response is required. However, SANDAG recognizes the concerns of the homeowners in the vicinity and will take this comment into consideration prior to taking action on the project.

93-4

Analyses of impacts associated with construction of a new Carlsbad Boulevard bridge are included throughout the EIR. The increased elevation of the bridge (approximately 5 feet) is negligible when compared to the horizontal distance to the closest sensitive receptor (approximately 550 feet). At this distance, the incremental increase in noise projection that could result from the bridge elevation would not be perceptible to receptors in the vicinity of the lagoon. The visual changes that would result from the new Carlsbad Boulevard bridge under the Saltwater and Hybrid Alternatives are addressed in Section 3.9 of the EIR and no significant visual impact was identified due to that structure.

93-5

To the degree that the comment addresses economic concerns, no further response is required. However, SANDAG recognizes the concerns of the homeowners in the vicinity and will take this comment into consideration prior to taking action on the project

93-6

This comment summarizes earlier comments and expresses the commenter's lack of support for a Saltwater Alternative. The SANDAG Board of Directors will consider the commenter's concerns before it makes a decision on the project.

93-7

Please see Master Response #1.

The fresh water alternative provides for incredible beauty and it is the last fresh water lagoon in California. Those who live on the lagoon will be the primary ones asked to deal with the construction, dust and noise, both day and night. This construction will be a whole lot easier if we feel the lagoon is being cared for and refurbished as a fresh water lagoon. Many of the people who live here would be extremely thankful for the continuation of this fresh water paradise.

93-7

Best Regards,

Jim Petronella
2535 Jefferson Street, #14,
Carlsbad, CA 92008

HUGH R. COBB
3180 CAMINO ARROYO
CARLSBAD, CA 2009
760-436-7696

July 24, 2015

Lauren Washington, SANDAG
401 B Street, Suite 800
San Diego, CA 92101

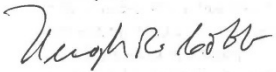
From December, 1997 until January, 2015 I owned and operated Pacific Coast Bait & Tackle at 2110 South Coast Highway in Oceanside. That location is perhaps two hundred yards north of Buena Vista Lagoon. I worked at the store for two years prior to acquiring it. I can confidently say that I had a great deal of experience in dealing with anglers who fished or attempted to fish in that body of water.

Over the nearly twenty years during which I maintained that relationship with the angling community I saw enormous changes take place at the lagoon, primarily because of the increase in vegetation that caused so much of the shoreline to become almost inaccessible. The number of anglers became fewer and fewer when the contrary would have been the case had that lagoon been more appropriately maintained.

Buena Vista Lagoon is a treasure. It is the only freshwater body in the general vicinity and affords a different wildlife habitat and fishing opportunity when compared to the other nearby lagoons. I watched countless kids either walking or riding their bikes to Buena Vista to catch a few fish. I watched many of them grow up and move on to more serious types of fishing, but they got their starts at Buena Vista. Sadly, that opportunity is almost non-existent today because of conditions or restrictions.

To me the choice is clear, especially when cost is an issue. I cannot strongly enough urge the restoration of Buena Vista Lagoon to an enhanced freshwater status. Our environment and people all deserve it.

Thank you.



Hugh R. Cobb

LETTER 94
Hugh Cobb

94-1

Please see Master Response #1 regarding alternative preference. The comment states a preference for the Freshwater Alternative. Please see Master Response #4 regarding the freshwater resource. Fishing opportunities under each of the proposed alternatives are described in the EIR under Section 3.1, Land Use and Recreation, and Section 3.5, Biological Resources.

94-1

LETTER 95
Holt and Halaine Rose

From: [Halaine Rose](#)
To: [Washington, Lauren](#); [Joseph Rose](#); [Louise C](#)
Subject: FRESH Water Top Choice for Lagoon at Oceanside-Carlsbad!
Date: Sunday, August 30, 2015 10:59:23 AM

We/Family have lived at 2036 S Pacific St, Oceanside for 60 years. We are members of the St. Malo Beach association and strongly support the fresh water alternative!
We are blessed with plenty of fresh water here, and will soon see more with the new de-salinization plant coming on line this fall.
Bonus: Fresh water is much preferred by migratory birds.
Dr. Holt and Halaine Rose

95-1

95-1

Please see Master Response #1 regarding alternative preference. The comment states a preference for the Freshwater Alternative. Biological impacts associated with each alternative, including impacts to migratory birds, are identified in Section 3.5 of the EIR.

LETTER 96
Jake and Lisa Taylor

From: Jake.Tay@aol.com
To: Washington Letter
Subject: Buena Vista Lagoon - SANDAG
Date: Friday, August 28, 2015 2:14:14 PM

RE: Buena Vista Lagoon Enhancement Study by SANDAG

While doing NOTHING is probably not a good alternative, we feel that the best solution of this problem would be the FRESHWATER ALTERNATIVE.

1. This Project somewhat resembles a "solution" looking for a "problem".

Buena Vista has historically been a freshwater lagoon. Man did not put the lagoon there; Mother Nature did!

It never was a saltwater lagoon and has never suffered from lack of water flowing toward the ocean. Sometime in the twentieth century, a weir was placed across the outlet not to prevent saltwater from entering but for keeping the lagoon level at a certain height.

Unlike other lagoons to the south, Buena Vista is not drying up and trying to disappear. Just remedial work in the Freshwater Alternative is necessary.

2. Do Not Fix What Is Not Broken.

Let's try not to mess with Mother Nature. The "200 or so" freshwater-friendly species in the lagoon are going to be eradicated or run-off, and replaced with "300" saltwater-friendly species. Do not count on that happening in my or your lifetime!

It is tough for Man to play God – just look at the 3 million gallons of pollutants released into the Animas River by the EPA playing God. Just another government agency looking to do something. And that leads us to Murphy's Law.

3. Murphy's Law. "If anything can go wrong, it will."

The beautiful coast line from the Oceanside Marina to the SD&E Power Plant would be blemished with rocks, jetties and bridges, as future generations try to unfix the problems caused by creating the Saltwater Alternatives. We remember when the Oceanside Marina was not going to cause problems in Oceanside; soon the Marina had to be dredged often, so more breakwaters were built outside the marina; the Marine Corp chipped in and build large marinas there. The result – instead of helping Oceanside, the sand went away and to such an extent that SANDAG will often again have to replenish our beautiful sand beaches. Murphy's Law at work again.

4. A Beautiful Coastline under Assault.

100 foot channel leading to the sea with a planned up to 6 foot depth, rough waters; a

96-1

96-2

96-3

96-1

Please see Master Response #1 regarding alternative preference. The comment states a preference for the Freshwater Alternative. Please see Master Response #4 regarding the historical nature of the lagoon. This comment does not address the adequacy of the Draft EIR. SANDAG acknowledges there is no guarantee of a specific number of saltwater species successfully populating the lagoon, and the EIR does not make such a statement. Please see response to comment 12-14 regarding the anticipated successful conversion of the lagoon to saltwater.

96-2

No jetties or rocks extending past the houses or into the nearshore would be constructed as part of the project. As described in Section 3.3 of the EIR, Oceanography/Coastal Processes, inlet maintenance under the Saltwater or Hybrid Alternative would return sand entrained in the lagoon to the littoral system to avoid long-term disruption of the littoral system and minimize changes to adjacent beaches. This comment does not address the adequacy of the Draft EIR.

96-3

The bridge proposed in Mitigation Measure Land Use-1 was designed to maintain lateral access along the beach under the Saltwater and Hybrid Alternatives during the full range of tidal conditions. Without the bridge, it is still estimated that the inlet would be passable 63 percent of the time as discussed in Section 3.1, Land Use and Recreation. As discussed in Section 3.3, beach erosion would not be anticipated as a result of the project.

100 + foot bridge right there on the beach; more beach sand erosion - again reducing the wide broad beaches of past years of Oceanside and Carlsbad until the sand is no longer there. So much for my daily walks from Oceanside to Carlsbad!

96-3
Cont.

Jake & Lisa Taylor
8 St Malo Beach
Oceanside CA 92054
jaketay@aol.com

LETTER 97
Ashwin Adarkar

From: [Adarkar, Ashwin](#)
To: [Washington, Lauren](#)
Subject: EIR for Buena Vista Lagoon
Date: Friday, August 28, 2015 7:05:47 PM

Dear Ms. Washington,

This is in regard to the Buena Vista Lagoon EIR. I am the owner of #55 St Malo in Oceanside. I am STRONGLY against the Hybrid/Saltwater option.

It goes against nature and history. It has been freshwater for so long and the ecosystem is so beautiful today. It has been freshwater as long as there have been records.

97-1

To try to change it is the very definition of hubris. Based on a theoretical hypothesis we are risking destroying what has been so successful for so long. For some hypothetical, speculative new forms of wildlife, we are going to displace species that have been here for decades.

Moreover, the channel will present numerous problems.

97-2

It will cut off the natural flow of the beach. I go running on the beach every day. I would no longer be able to do so. It would change my morning tradition!

The channel would be malodorous and the bridge would be unsightly.

97-3

I am strongly against this hybrid/saltwater option.

97-4

Please let me know if you have any questions.

Sincerely,

Ashwin Adarkar
St Malo #55

The Boston Consulting Group, Inc.

This e-mail message may contain confidential and/or privileged information. If you are not an addressee or otherwise authorized to receive this message, you should not use, copy, disclose or take any action based on this e-mail or any information contained in this message. If you have received this material in error, please advise the sender immediately by reply e-mail and delete this message. Thank you.

97-1

Please see Master Response #1. This comment states opposition to the Saltwater and Hybrid Alternatives. Please see Master Response #5 regarding the historical ecology of the lagoon system. SANDAG does not agree that the Saltwater and Hybrid Alternatives are simply theoretical. Evidence to the contrary regarding the anticipated successful conversion of the lagoon to a saltwater system throughout the EIR is based on scientific information and expert opinion and design. See response to comment 12-14.

97-2

The bridge proposed in Mitigation Measure Land Use-1 was designed to maintain lateral access along the beach under the Saltwater and Hybrid Alternatives. Without the bridge, it is still estimated that the inlet would be passable 63 percent of the time as discussed in Section 3.1, Land Use and Recreation.

97-3

Typical sources of odor within lagoon ecosystems are discussed in Section 3.11.1. The EIR analysis indicates that the Saltwater Alternative would reduce the development of foul odors by improving the water quality in the lagoon, and the inlet is not anticipated to be a source of odor. As described in Section 3.9, Visual Resources, the bridge proposed in Mitigation Measure Land Use-1 was determined to result in a significant visual impact because of the public expectation of open views in the vicinity of the lagoon and because of the large size of the bridge relative to the channel and adjacent features. This visual contrast would persist regardless of the design of the bridge. This impact, along with others identified in the EIR, will be considered by SANDAG prior to taking action on the project.

97-4

The comment expresses the commenter's lack of support for the Saltwater and Hybrid Alternatives. The SANDAG Board of Directors will consider the commenter's concerns before it makes a decision on the project.

LETTER 98
Kevin Byrne

From: kbyrne@cox.net
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Enhancement Project
Date: Monday, August 31, 2015 1:01:16 PM

Dear Ms. Washington,

I attended the July 23rd, 2015 meeting regarding the Draft EIR for the Buena Vista Lagoon Enhancement Project. I would appreciate it if you would post my comments for consideration in the final EIR.

I have lived in Oceanside Ca., for thirty-three years and enjoy the beach and lagoon area on a regular basis. I support the Freshwater Alternative including the components common to all alternatives. I do not believe the Hybrid Alternative is at all viable. I also support the improvement of the fishing areas including the sub-tidal fish areas as shown in all alternatives.

I believe that freshwater alternative would have less impact on the existing lagoon in that significantly less material would be removed during initial reconstruction, as shown in Table ES-3. This holds true for the volume of vegetation and the earthwork volume shown in Tables ES-4 & ES-5. The required inlet maintenance dredging would be much higher for the saltwater alternative and more disruptive than the freshwater alternative. The overall impact of the construction and maintenance is lower keeping a freshwater lagoon.

I'm concerned about public safety in the area of the inlet conceived by the saltwater alternative. Especially for the increased hazards for swimming, walking, and otherwise recreating in the area. There would be a necessity for increased lifeguard/beach safety patrols to mitigate this hazard.

This has been a freshwater lagoon since 1940, let's recondition the lagoon utilizing the freshwater alternative plan.

Respectfully submitted,
 Kevin T. Byrne
 4444 Pt. Vicente
 Oceanside, Ca. 92058

"You can't stop the waves, but you can learn to surf."

98-1

98-2

98-3

98-1

The comment has been included in the Final EIR and will be considered by the SANDAG Board of Directors, together with the project record, prior to the Board taking action on the project. SANDAG respectfully disagrees with commenter's assertion that the Hybrid Alternative is not viable. Please refer to Chapter 4 of the EIR for a discussion of the development of the alternatives carried forward for detailed consideration in the EIR. Please see Master Response #1. This comment provides introductory statements and states a preference for the Freshwater Alternative.

98-2

The EIR acknowledges that implementation of the Saltwater Alternative would result in a significant impact to public safety. The EIR proposes a pedestrian bridge as Mitigation Measure Land Use-1 to reduce the potential impact to lateral access as described in Section 3.1. This bridge would also reduce the impact to public health and safety, but the impact would remain significant and unmitigable. The presence of an inlet is not a unique situation on the beach area as various other coastal lagoons have ocean inlets. This impact, along with others identified in the EIR, will be considered by SANDAG prior to taking action on the project. Please refer to response to comment 76-3 for a discussion of impacts on lifeguard response times.

98-3

Please see Master Response #1 regarding alternative preference. The comment states a preference for the Freshwater Alternative. Please see Master Response #5 regarding the historical ecology of the lagoon system.

LETTER 99
Kelly and John Rouse

From: [Rouse, John L.](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon EIR Comments
Date: Monday, August 31, 2015 6:36:57 AM
Attachments: [image002.jpg](#)

August 31, 2015

Ms. Lauren Washington
SANDAG
401 B Street, Suite 800
San Diego, CA 92101

Dear Ms. Washington:

As members of the St. Malo Association and owners of #67 St. Malo Beach, we are in favor of keeping the Buena Vista Lagoon freshwater (restoration). Our home is located on the lagoon and we enjoy the existing ecosystem and the beautiful view of the Lagoon 24 hours a day. It is also one of the main reasons for purchasing our home. A change of the lagoon to saltwater or the hybrid option is of great concern to us as homeowners.

99-1

The saltwater and hybrid options introduces a multitude of concerns. The low tide will disrupt the beauty of our backyard view to one of mudflats twice a day. With this, we are concerned about the smell and safety of the neighborhood. In regards to the safety, we feel that our home becomes more vulnerable to trespassers crossing and loitering in and around the lagoon at low tide. The existing graffiti on the train trestle is evidence of this concern. The smell that the mudflats will emanate will make the back of our home unpleasant and unusable. Additionally, the smell and safety puts the value of our home in jeopardy. The change of the Lagoon's ecosystem could also potentially introduce new environmental species which could be harmful to the health of residents and visitors to St. Malo and the surrounding areas.

99-2

99-3

99-4

99-5

During these difficult economic times in our country, many more citizens would benefit from these funds being used in a more constructive and meaningful way.

99-6

Sincerely,

Kelly and John Rouse
#67 St. Malo Beach
Oceanside, CA 92054

99-1

Please see Master Response #1. This comment provides introductory statements and states a preference for the Freshwater Alternative.

99-2

As described in the EIR, visual preferences vary by individual. Section 3.9.3 of the EIR addresses the visual impacts of the tidal fluctuation associated with the Saltwater and Hybrid Alternatives. The EIR describes that the amount of water within the lagoon would vary with the tide and that visual contrast would be moderate to high; however, the overall character of the lagoon would remain open space. Also, given the dynamic nature of wetland conditions and the number of visual features within the lagoon, the tidal cycle of water was determined not to cause a substantial adverse effect on a scenic vista or a substantial degradation of the existing visual character or quality of the lagoon and its surroundings as detailed in Section 3.9. As noted in the EIR text in Section 3.9.3, public vista points are the focus of the visual analysis. This is because CEQA does not consider the views from private properties in visual analysis. Although private views are not specifically addressed under CEQA, SANDAG values the input of residents who have views of the lagoon and will consider those opinions when making project decisions. Please see Master Response #6 regarding odor. This comment does not address the adequacy of the Draft EIR.

99-3

Please see response to comment 12-46 regarding security and access to private property.

99-4

Please see Master Response #6 regarding anticipated odor associated with mudflat habitat. Additional information regarding natural odors anticipated under each alternative has been added to Section 3.11.3. To the degree that the comment addresses economic concerns, no further response is required. However, SANDAG recognizes the concerns of the homeowners in the vicinity and will take this comment into consideration together with the project record prior to taking action on the project.

99-5

Section 2.9 of the Draft EIR describes a framework for the monitoring, maintenance, and adaptive management of the lagoon, which specifically describes the control of invasive species as a component of the adaptive management and maintenance of the Enhancement Project.

99-6

The comment does not address the adequacy of the EIR or environmental concerns. No response is required.

LETTER 100
Dan Munzer

From: Dan Munzer
 To: Washington, Lauren
 Subject: Comments on BV Lagoon EIR Report
 Date: Friday, August 25, 2015 6:30:56 PM

SANDAG
 Lauren Washington
Lauren.washington@sandag.org

Re: EIR Report for Buena Vista Lagoon

Dear Ms. Washington,

After reviewing the EIR Report my overview of the project is that the risk of the unknown is so immense with any alternative except the "Fresh Water Alternative" that no other alternative is worthy of consideration.

In contrast to the Saltwater, the Hybrid, and the No Remediation proposals, the simple Fresh Water Alternative of dredging the Buena Vista Lagoon with the installation of an 80ft adjustable Weir, and targeted removal of the rushes and cattails .tules that presently encroach on the open water makes the most sense.

Project Objectives: (as per Executive Summary ES.4)

1) Promote Coastal Biodiversity within the region.

I question the concept that by converting BV lagoon to salt water, there will be an increase in biodiversity. By eliminating San Diego County's only fresh water lagoon, which became the first area added to the California department of Fish and Game's Ecological Reserve system in 1968, AS A FRESHWATER LAGOON, any proposal that brings in salt water will drastically affect the ecology of the present lagoon ecosystem. An abundance of creatures, including several endangered species, are now resident in the lagoon and would not survive in a saltwater environment. How will eliminating existing freshwater wildlife contribute to biodiversity when at your best estimate (guess) a new population of saltwater creatures "might" eventually inhabit the lagoon.? There are many other existing salt water lagoons alternatives for salt water species.

2) Promote a system of native wetland and terrestrial vegetation that can be sustained given the opportunities and constraints of the lagoon and anticipated sea level rise.

I can't imagine scraping all the existing vegetation from around the lagoon that is fresh water adapted, and then waiting (for decades) for the salt water vegetation to take over. This looks like low percentage for success and a high percentage that it's going to be an ugly grading project for some time to come. That's assuming that salt water will even get up into the coastal or I-5 basins. The historic floor of the Buena Vista Lagoon was once a large salt flat, is this prospect the salt water proposals considered? With the scientists predicting sea levels rising, then eventually the sea level might be high enough to naturally infiltrate the basins with salt water and nature will take its course gradually. Why spend millions of dollars now to make salt water happen?

3) Create conditions that curtail the growth and expansion of cattails, bulrushes and invasive species.

100-1

Please see Master Response #1. The comment states a preference for the Freshwater Alternative.

100-2

The EIR acknowledges that the conversion of the lagoon to a saltwater system would substantially change the ecology of the present lagoon. Section 3.5 of the EIR describes the current freshwater species known to the lagoon and also provides description of the ecological diversity anticipated with the conversion to a saltwater system. Potential impacts to special-status species are identified in Section 3.5 of the EIR. The EIR identified that temporary impacts to sensitive vegetation communities and to light-footed Ridgway's rail from loss of habitat and indirect noise impacts would remain significant and unavoidable, even with the implementation of mitigation; however, long-term permanent impacts to special-status species would be less than significant. Evidence regarding the anticipated successful conversion of the lagoon to a saltwater system throughout the EIR is based on scientific information and expert opinion and design. See response to comment 12-14. See Master Response #4 regarding the freshwater lagoon resource.

100-3

Similar projects in the region, such as Batiquitos Lagoon, San Dieguito Lagoon, Huntington Beach Wetlands, Bolsa Chica, Anaheim Bay Wetlands, and others, show habitat establishment within 10 years, and some within 5 years (Merkel 2009). It is therefore anticipated that Buena Vista Lagoon should experience similar wetland habitat function within 10 years. While the establishment of saltwater vegetation would take time, the habitat distribution has been specifically planned with consideration of the biological elements and conditions required for successful establishment of each habitat type, including soil suitability. Success cannot be guaranteed; however, project design has incorporated biological, hydrological, and other factors to best ensure successful enhancement of a saltwater lagoon ecosystem if the Saltwater or Hybrid Alternative were selected.

Evidence of saltwater fish species repopulating a restored saltwater lagoon was provided in the EIR through reference of the 10-year study of Batiquitos Lagoon, which was also restored to a tidal lagoon through a new inlet. While success cannot be guaranteed, project design has incorporated all biological, hydrological, and other factors to best ensure successful enhancement of a saltwater lagoon ecosystem if the Saltwater or Hybrid Alternative were selected. The hydraulic modeling prepared for the project concluded that the Saltwater Alternative would result in a tidal prism of 8.7 million cubic feet and the Hybrid Alternative would result in a tidal prism of 7.9 million cubic feet, and both would extend into the I-5 Basin (EIR Section 3.3 and Appendix C). The alternatives design/habitat elevations are based on inundation frequency and the resulting habitat under different flow regimes. These can be seen in detail in Appendix C (Fluvial and Tidal Hydraulics Report) of the Draft EIR.

In reviewing the Figure 2-7 “Proposed Freshwater Alternative Habitat Distribution,” it appears that the primary described maintenance habitat remaining after the dredging to 4/6 ft in the Weir, Railroad, and Coast Hwy basins, would be the cattails in the I-5 basin. Referencing Figure 2-8 “Proposed Salt Water Alternative Habitat distribution” I seriously doubt that the area “Southern Coastal Salt Marsh”(High Tidal , Non Tidal) will be converted to salt water . Due to the likely development of a flood Shoal in the interior of the 100ft wide inlet it is extremely optimistic that the most eastern portion of the I-5 Basin, and the existing freshwater marsh and open water areas, would be replaced with coastal salt marsh and open saline water area. These areas are likely to continue being heavily influenced by freshwater from the East and hence continue to be prime territory for cattail growth. Therefore, not much difference in the long term benefits in curtailing of cattail /tule growth between fresh water and salt water alternatives. The benefit of the Fresh Water alternative would be that the existing fresh water marsh could remain in place and maintain habitat for some of the rare, threatened and endangered species that currently use the lagoon. I can not agree that there is a benefit in the Salt Water Alternative that is great enough to warrant the risk of this change.

4) Protect and Improve Water Quality

With a greater concern about clean water by municipalities and sewer districts there is a much greater chance in the future that water that flows into the BV lagoon will be of better quality. The naturally occurring beach berm, and the Weir, restricts the lagoon’s flow to the ocean. In winter storm events the waters flow over the weir, the beach berm is breached and the BV Lagoon flows freely to the ocean. The salt water alternative relies upon the concept that water quality will be substantially improved due to the increased circulation of the tidal influenced ebb and flow. Historically since records were made by the railroad projects in the 1880’s, and currently dating back to the 60s when the Oceanside harbor was dredged, the sand berm, not the weir, has restricted the flow from the BV Lagoon to the ocean the majority of the time. Is it not a reasonable expectation that given the first winter storm of the season (after construction and dredging of the 100ft channel) when there can be huge movement of sand on the beach, that this newly constructed 100 foot channel and the mouth of the lagoon will be filled with sand (by huge waves breaking into the channel unimpeded by a beach berm, a natural barrier)? After the storm a sand berm would then be created on the beach, and the flow to the ocean would be restricted as it is now. What entity is going to be paying to maintain this project (don’t remember reading in the EIR report who was stepping up to the expense) given that the historic maintenance has been absolutely minimal. Its interesting that now there will be money available for lagoon maintenance that has never been funded before Ever! The BV Lagoon maintenance has been very cost effective for the last century. The City of Oceanside comes out with a tractor to open the flow to the ocean during flow (rain) events and that’s about it. And it just about takes an action by the city council to make it happen. Once again the Fresh Water Alternative is more predictable as to the outcome. All the dredging, etc. all the way back to I-5 is all for naught if the 100 foot channel is full of sand.

5) Reduce Vector Concerns

A concentrated and effective project to eliminate the rushes and manage cattails and tules should be mounted. Whether its cattails or tules there are several examples of strategies that would result in the control of the mosquito breeding areas. If the

100-4
Cont.

100-4

The Draft EIR recognizes that periodic maintenance of the inlet/dredging of the flood shoal would be necessary to keep the lagoon influenced by tides and saltwater under the Saltwater Alternative. The ongoing maintenance would incorporate appropriate materials removal to maintain a sufficient tidal prism for tidal exchange and salinity to extend into the I-5 Basin (Appendix C). While the lagoon would continue to be influenced by freshwater inputs, the tidal exchange and water flow that would occur with an open inlet would flush freshwater through the lagoon as opposed to it remaining within the basins.

100-5

While success cannot be guaranteed, project design has incorporated biological, hydrological, and other factors to best ensure successful enhancement of a saltwater lagoon ecosystem if the Saltwater or Hybrid Alternative were selected. The alternatives design/habitat elevations are based on inundation frequency and the resulting habitat under different flow regimes, and modeling was used to predict fluvial and tidal influence for each alternative. These can be seen in detail in Appendix C (Fluvial and Tidal Hydraulics Report) of the Draft EIR.

100-5

The project anticipates that under the Saltwater and Hybrid Alternatives, the beach berm would build up, and thus the need for more frequent and ongoing maintenance to maintain and open inlet to the ocean. Item number 8 in Section 2.9.3, Adaptive Management and Maintenance, describes the need for inlet maintenance due to both extreme storm events and regular current movements. Sediment removal from the inlet under the Saltwater and Hybrid Alternatives is also described in Sections 2.6.2 and 2.6.3 of the EIR.

100-6

100-6

Funding for maintenance of the Enhancement Project, regardless of alternative selected for implementation, would occur through an endowment required prior to project construction as typically required by the federal and state regulatory permits necessary for implementation. The entity implementing the Lagoon Enhancement Project would be required to secure funding for the endowment, implement a long-term adaptive management program, and identify a qualified manager of the lagoon. While SANDAG’s ultimate determination of a proposed project will consider the costs associated with each alternative, cost is not analyzed under CEQA and is not addressed in this EIR.

100-7

100-7

Please see response to comment 65-3 regarding mosquitos and vectors.

Saltwater alternative is enacted, one prospect would be simply trading freshwater mosquitoes for saltwater mosquitoes, while the edges of the marshes retain saltwater vegetation. Money spent on this effort would be minimal compared to the enormous costs of engineering and construction of proposed channels and bridges and Coast Hwy improvements to implement the Salt Water strategy, and the destruction of important freshwater wildlife.	100-7 Cont.	
6) <u>Maintain /Reduce Flood Risk</u> If a 100 foot channel is created it will very easily become filled with sand, choking the edges of the lagoon on the ocean perimeter and impeding the outward flow of any waters rushing to the mouth of the lagoon during a large rainstorm. The Freshwater Alternative provides protection with an enhanced 80 foot weir with an adjustable gate, allowing waters to exit the lagoon, and preventing the backfill of sand from the ocean and sandy beach.	100-8	100-8 The EIR describes that the new inlet and 100-foot channel could experience sediment deposition over time and during large storm events. This anticipated material buildup was accounted for in the adaptive management strategy, specifically under Item 8, Inlet Maintenance, and Item 9, Channel Maintenance. Under the Saltwater and Hybrid Alternatives, the inlet and channel would be maintained to remove sediment buildup and provide a continually open system. See response to comment 100-5 regarding inlet maintenance that would remove material deposition within the inlet. As described in Section 3.3 of the EIR, Oceanography/Coastal Processes, inlet maintenance under the Saltwater or Hybrid Alternative would return sand entrained in the lagoon to the littoral system.
7) <u>Maintain or Enhance Public Access</u> The public presently enjoys the North-South beach access for walking, beach play, surfing, water sports, and just having a fine time wandering up or down the coastline. A 100 foot channel restricts dangerously this ability to safely travel up and down the beach between Oceanside and Carlsbad, and the proposed pedestrian bridge is a downright folly. An intrusion on private property, and a danger in and of itself, when the inevitable gathering of troublemakers decides to hang out on the bridge, and the authorities have to be called in. Guaranteed to happen, and it will be constant. What a bad idea. The boardwalk, and enhancements at the Nature Center, and near the Coast Highway are appropriate, and all of the proposals for enhanced pathways for fishing& hiking make sense. No portion of the saltwater proposal would increase public access or recreation over the freshwater proposal. No doubt! The channel would be a disastrous restriction of public access on the beach!	100-9	The widened channel and 80-foot weir proposed by the Freshwater Alternative would not eliminate the buildup of sand that would enter the channel from the ocean; rather, it would prevent it from becoming entrained into the lagoon interior. This alternative would still require maintenance to remove the trapped sand from behind the weir and would limit the ability for the lagoon to drain and flush itself.
8) <u>Minimize Cost of Construction and Maintenance</u> The Freshwater Alternative looks like the least expensive proposal, using and improving on the existing and successful custodianship of the BV Lagoon by the BV Foundation, Audubon Society, citizens of Carlsbad and Oceanside, and some outside agencies, by supplementing present efforts with funding to achieve the best features of the Freshwater Alternative. The other proposals, Salt and Hybrid, will be inefficient, and too costly, and the "No Project" can't be considered.	100-10	100-9 As described in Section 3.1, Land Use and Recreation, usability of the beach area encompassed by the inlet would vary with environmental conditions, as coastal beach areas do. When conditions are appropriate, the inlet could continue to serve as beach area and provide opportunity for wading and beach play, as is evidenced at other local coastal lagoon inlets such as San Elijo Lagoon. The EIR acknowledges the potential safety issues associated with a new inlet and concludes that the inlet proposed under the Saltwater and Hybrid Alternatives would result in a significant and unmitigable impact related to public health and safety. The bridge proposed in Mitigation Measure Land Use-1 was designed to maintain lateral access along the beach during unsafe crossing conditions. Please see responses to comments 12-42 and 12-43 regarding bridge liability and adjacent private properties.
I would like to thank SANDAG for all the effort, in preparing this EIR. And want to Thank Keith Greer for his leadership on this project. and all the consultants for the work done on the alternatives. In conclusion, I would also like to reserve the right to comment on issues brought up by other parties relative to the EIR, in addition to the ones I have stated in this letter. I thank you for the privilege of expressing our views on this very important project.	100-11	100-10 Please see Master Response #1 regarding alternative preference. The comment states a preference for the Freshwater Alternative. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.
Dan Munzer The Munzer Family 56 St Malo Beach Oceanside, CA		100-11 The comment provides final statements and no further response is required.

LETTER 101
James Gates

From: jimgates00@aol.com
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Enhancement Comment
Date: Friday, August 28, 2015 4:32:20 PM
Attachments: [2399%20Jefferson%20#11%20view.JPG](#)

from James L. Gates
2399 Jefferson St. #11 (condo owner and occupant)
Carlsbad, CA 92008

Dear Ms. Lauren Washington

I desire to keep the Buena Vista Lagoon as all freshwater. I have owned my home at 2399 Jefferson St. #11 nearly thirty years and live here primarily for the beautiful view of the lagoon. I have attached a photo of the view from my living room deck. The expansive water view is extremely enjoyable all the time and many birds are often and heard and observed as they enjoy the fresh water.

I do not want a view of salt water mud flats and minimal water view depending on the tide. I also do not want the rotten egg smell associated with a tidal salt marsh and mud flats.

I desire option one, the freshwater alternative.

Regards, James Gates



101-1

101-1

Please see Master Response #1 regarding alternative preference. The comment states a preference for maintaining freshwater conditions within the lagoon. Visual impacts associated with each alternative are discussed in Section 3.9 of the EIR and visual simulations of future conditions for each alternative are provided (Figures 3.9-6 through 3.9-15). Significant visual impacts were not identified under any of the restoration alternatives. Master Response #6 contains a detailed response regarding anticipated odor associated with mudflat habitat. Additional information regarding natural odors anticipated under each alternative has been added to Section 3.11.3.

LETTER 102
John Clark

From: [John Clark](#)
To: [Washington, Lauren](#)
Subject: Buenaventura vista lagoon
Date: Thursday, August 20, 2015 7:19:03 AM

We have lived on the Lagoon, 2535-13 Jefferson st, Carlsbad-since March 1992. One of the reasons that prodded us to purchase our property was the beautiful view of the Lagoon. Over the years we have seen it shrink, due to the growth of cat tails etc. it was dredged once in the last 22 years, you would think the city/state could find it in budget to do it maybe once every 10 years--if that were done there would be no shrinkage to the degree it is and could remain a fresh water Lagoon"the only one in California". Let's push for a scheduled dredging, keep the Lagoon fresh water and "let it be the way it was and the beginning, and stay that way forever". You should catch something very real in the last quote.

We are a small fish in the sea but I would bet the majority of people that leave on or close to the Lagoon, which is a large number, would agree. Let's let the Dog wag his tail, rather than the reverse!

Sincerely,

John Clark
2535-13 Jefferson St
Carlsbad, Ca. 92008
760-434-9222
Sent from my iPad

102-1

102-1

Please see Master Response #1 regarding alternative preference. The comment states a preference for maintaining freshwater conditions within the lagoon. This comment does not address the adequacy of the Draft EIR.

John Levy
1825 Aston Ave
Carlsbad, Ca. 92008

Lauren Washington
SANDAG
401 B Street, Suite 800
San Diego, California. 92101
RE: Draft EIR-Buena Vista Lagoon

Good Morning Lauren,

I own the property at 2401 Mountain View in Carlsbad , which is the most South Eastern parcel on the Western call of the Buena Vista Lagoon (BVL)

The property is commonly referred to as "Levyland"

<http://levyland.net>

I have lived on the BVL for over 25 years, built two homes in my lifetime along it's shores and have been passionately involved in it's restoration.

I have been a member of the BVL Foundation and have attended many meetings over the years with the respective resource agencies attempting to seek a compromise in moving forward with the restoration of this precious resource.

I very much applaud your well researched piece of work (EIR) as a thorough and well balanced document, that provides the public with four alternative schemes for the lagoons restoration.

- 1) Fresh Water Alternative (FWA)
- 2) Saltwater flushing Alternative (SWA)
- 3) Hybrid Salt/ Fresh Water Alternative (HBSFA)
- 4) Do nothing

In a closed meeting nearly ten years ago with California Department of Fish and Game and other coastal resource agencies I expressed my concerns (as did many others) with the Salt Water flushing regime as being too politically problematic to pursue.

Yet here we are ten years later with the same issues as to why it is virtually impossible.

In my review of the EIR, it is apparent the driving factor of the SWA and or HBSFA regimes is the hypothetical increase of habitat biodiversity from 200 species under the FWA to 300 species under SWA or HBSFA.

LETTER 103
John Levy

103-1

The comment provides introductory statements and no further response is required.

103-2

This comment states commenter's opinion regarding the political viability of the Saltwater Alternative and does not address the adequacy of the Draft EIR. No further response is required.

103-1

103-2

John Levy
 1825 Aston Ave
 Carlsbad, Ca. 92008

Clearly an increase of habitat biodiversity is a laudable objective, however the simple practicalities of adopting these schemes (SWA HBSFA) are simply not politically achievable.

The reasons:

Private Ownership of the Western Cell:

The Western cell of the BVL is privately owned by members of San Malo to the North and The Beach Home Owners Association (BHO) to the South. Any attempt by the agencies to invoke Eminent Domain proceedings would result in a contentious legal battle. Without the land owners approval any plan is a non starter, it's just that simple.

Tidal flooding:

The hydrology proposals in the EIR can not guarantee flooding will not occur on our properties in a King High Tide.

Especially with the current conversation of global warming and the prospective rising sea level warnings being discussed.

We look upon tidal flow akin to the Dutch. San Malo property owners and myself have relatively low lying properties and with the reality of global warming and rising seas it is simply not worth the chance of losing our homes when other viable schemes are being proposed.

Pedestrian Lateral Access:

Any proposal will have to pass muster with the California Coastal Commission (CCC).

The California Coastal Act is very clear on lateral coastal access. Any impediment of pedestrian access from this project will require a mitigation to offset that.

The BVL is unique in that it is the only lagoon along the San Diego coast that does not have the Coast Highway running adjacent in close proximity that allows pedestrian coastal lateral access.

The open space to the East of the weir is controlled by the BHA and is essentially blocked by the railroad tracks which could never provide a safe pedestrian crossing.

The nearest Public coastal access to the North is via Cassidy street which is nearly a mile away, and the South on Pacific. This is not a viable lateral public access option.

The proposal of a pedestrian bridge to be constructed on the BHA Southern open space and crossing to the Tengalia tennis court parcel is simply a "no go" to the respective property owners.

103-2
Cont.

103-3

103-4

103-5

103-3

Please see Master Response #2 regarding eminent domain.

103-4

The purpose of the EIR is to provide unbiased analysis of what impacts can be anticipated with implementation of a project or its alternatives. Flood water elevations for each alternative under various scenarios are discussed in Section 3.2 of the EIR. Sea level rise is also specifically addressed in the EIR in Section 3.12, Global Climate Change, Greenhouse Gas Emissions, and Sea Level Rise.

103-5

Please see Comment Letter 2 from the California Coastal Commission regarding the project and stating a preference for the Saltwater Alternative. The California Coastal Act is addressed in Section 3.1, Land Use, and identifies an inconsistency with the California Coastal Act policies in Table 3.1-1, which is mitigated by the pedestrian bridge. As described by the commenter, there are constraints on available public lateral access from north to south in the Buena Vista Lagoon area; thus, Mitigation Measure Land Use-1 is proposed to provide for consistent safe lateral beach access. Please see Master Response #2 regarding eminent domain.

John Levy 1825 Aston Ave Carlsbad, Ca. 92008		
I would like to point out that the rendering of the bridge in the EIR is not representative of the scale nor visual impact to our properties.	103-6	
<i>In our view a pedestrian bridge across the BVL would most create a significantly non mitigable visual impact to our properties.</i>		103-6 The simulations of the proposed pedestrian bridge in Figures 3.9-16 and 3.9-17 were prepared to scale based on the initial conceptual design of the bridge structure that would be feasible at this location. The EIR concludes that implementation of the bridge proposed in Mitigation Measure Land Use-1 would result in a significant unmitigable visual impact. As described in Section 3.9, Visual Resources, the bridge proposed in Mitigation Measure Land Use-1 was determined to result in a significant visual impact because of the public expectation of open views in the vicinity of the lagoon and because of the large size of the bridge relative to the channel and adjacent features. This visual contrast would persist regardless of the design of the bridge. This impact, along with others identified in the EIR, will be considered by SANDAG prior to taking action on the project.
Historical Fact: Despite numerous allegations in the EIR as to the BVL at one time being a salt water flushing regime there is no credible evidence to support this.		103-7 Please see Master Response #5 regarding the historical ecology of the lagoon system.
The BVL is 7 feet above sea level which makes it virtually impossible for tidal flow. There are numerous photographs dating back to the 1930's showing the lagoons mouth being closed because of sand berms.	103-7	103-8 Please see Master Response #5 regarding the historical ecology of the lagoon system.
In my forty years living in North County the only time that I have witnessed ocean influence entering the BVL is when the City of Oceanside brings in a back hoe and digs a trench to the weir.		103-9 Please see Master Response #2 for issues pertaining to ownership in the vicinity of the lagoon.
Consequently the notion that the BVL was at one time a salt water flushing regime is impossible.		
Going back to 1865 the first recorded ownership was a Homestead Patent which meant it was suitable for farming or ranching. There are numerous recorded documents of historical owners that make reference to the lagoon to be maintained as a fresh water lagoon.	103-8	103-10 SANDAG does not agree that the Saltwater and Hybrid Alternatives are simply a hypothesis. The analysis of a potential conversion of the lagoon to a saltwater system under the Saltwater or Hybrid Alternative throughout the EIR is based on scientific information and expert opinion and design. See response to comment 12-14.
<i>The simple fact is that neither of the salt water proposals should not be considered as a restoration alternative of the lagoon but as a re-creation of the lagoon.</i>		
<i>The bottom line is this.</i> The Western Cell of the BVL is privately owned and without the cooperation of those property owners (San Malo and BHA) it will be virtually impossible to move forward with a salt water regime especially when other (fresh water) viable proposals are on the table.	103-9	
With my discussions with the San Malo and BHA representatives they are prepared to work proactively with the respective resource agencies to quickly adopt the fresh water proposal.		
This would includes donating the necessary land, providing access and or storage for the staging of the dredging of the lagoon in the Western cell.		
This is a case of "<i>form follows function</i>".	103-10	

John Levy
1825 Aston Ave
Carlsbad, Ca. 92008

The salt water regime may or may not increase wildlife biodiversity. It is simply a *form* hypothesis.

However the political *function* realities weigh heavily on getting this project completed as a fresh water alternative.

Lauren, In closing I would like to thank you for your considerable efforts with the EIR, and strongly urge SANDAG to recommend the Fresh Water Alternative as the only proposal of the four that will have the political consensus to achieve the restoration of the only Fresh Water Lagoon from San Francisco to San Quintin Mexico along the California coast.

Sincerely Yours.

John C. Levy Jr.

103-11

This comment states commenter's opinion regarding the political viability of the Saltwater Alternative does not address the adequacy of the Draft EIR. No further response is required.

103-10
Cont.

103-11

Scott Sterling

Sept. 1, 2015

Section 3.9 in Visual resources is negligent in not including home owners and tenants that live on the view corridor around the lagoon as sensitive viewers. On page 7, 3.9-1 the residents surrounding the lagoon should have been listed as key views on the table. In total area of view, the residents on the perimeter of the lagoon have immensely more exposure than any of the points of interest sited.

104-1

Maxton Park views would be greatly enhanced by the freshwater alternative due to a constant and greater volume of water in the lagoon. The Boardwalk is not exclusive of the salt water or hybrid alternative and that point needs to be clarified.

104-2

104-3

The figure 3.98 page 25 suggests a view of the Salt Water / Hybrid which is entirely inconsistent with the facts described on page 20. Misleading illustrations need to be excoriated from the EIR in order to lend the document some sense of authenticity.

104-4

In summation the suggestion that the overall implementation of the Salt Water Alternative would not have a substantial adverse effect on the scenic vista is pure poppy cock. The tidal fluctuation suggested in the graph illustrations 2.2 view of the Salt Water Alternative illustrate clearly that the vista will change dramatically from mud flats and a trickle to a minimal body of water by comparison to the Fresh Water Alternative. If the EIR is going to have any credibility these obvious contradictions must be irradiated.

104-5

104-6

Respectfully;

Scott Sterling

LETTER 104 Scott Sterling

104-1

Please see response to comment 65-4 regarding the EIR's approach to visual impacts analysis. However, SANDAG recognizes the concerns of the homeowners in the vicinity and will take this issue under consideration when making project decisions.

104-2

As described in Section 3.9, perception of visual changes from the enhancement alternatives is highly subjective. The anticipated change in view from Maxton Brown Park under the Freshwater Alternative is shown in Figure 3.9-7 and shows an extensive amount of open water in the future condition.

104-3

The EIR states in Section 2.5.1, Boardwalk, under Heading 2.5, Components Common to Multiple Alternatives, that the Boardwalk would be incorporated into each of the enhancement alternatives.

104-4

Simulations included in the EIR were prepared in scale with the design concepts of each alternative. The comment does not identify a specific inconsistency with Figure 3.9-8 and it cannot be determined what elements are not considered consistent by the commenter.

104-5

As described in Section 3.9, perception of visual changes from the enhancement alternatives is highly subjective. The EIR describes the visible differences in the Saltwater Alternative compared to existing conditions and notes the aesthetic changes. Visual simulations in Section 3.9 are presented to help the reader see the anticipated visual changes. The EIR acknowledges that the significance of this change is subjective, as it depends on preference for a certain type of view. However, based on the thresholds used for analysis, the change in the visual environment as a result of the Saltwater Alternative was not found to be a significant environmental impact under CEQA.

104-6

The commenter's opinion regarding the visual impact of the Saltwater Alternative is noted. As the comment states, the EIR describes that the amount of water within the lagoon would vary with the tide and that visual contrast would be moderate to high compared to existing conditions; however, the overall character of the lagoon would remain open space. Also, given the dynamic nature of wetland conditions and the number of visual features within the lagoon, the tidal cycle of water was determined not to cause a substantial adverse effect on a scenic vista or a substantial degradation of the existing visual character or quality of the lagoon and its surroundings as detailed in Section 3.9.

LETTER 105
John and Louise Brinsley

From: [John Brinsley](#)
To: [Washington, Lauren](#)
Cc: [LCBrinsley@gmail.com](#)
Subject: EIR Report for Buena Vista Lagoon
Date: Monday, August 31, 2015 7:08:48 PM

Dear Ms. Washington,

We own a house at 41 St. Malo Beach, Oceanside, California, which has been in our family since 1944.

We have reviewed the EIR Report. We do not believe that the No Remediation option is wise or feasible. We strongly support the Freshwater option over the Saltwater option. The Freshwater option is environmentally sound and would be far less expensive to the taxpayers than the Saltwater option. Furthermore, adopting the Saltwater option would cause incredible disruption to the owners of property near the lagoon and to all users of the beach in the affected area of Oceanside and Carlsbad.

We urge the adoption of the Freshwater option.

Respectfully,
John and Louise Brinsley

105-1

105-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative. It is unclear what type of disruption the commenter is concerned about during project implementation; however, impacts that could affect local residents (such as aesthetics, traffic, and odor impacts) are discussed in the EIR (Sections 3.9, 3.10, and 3.11, respectively).

LETTER 106
Colleen Kelly

106-1
Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

From: colleenkellycolleen@aol.com
To: [Washington, Lauren](#)
Subject: Lagoon
Date: Sunday, August 30, 2015 9:00:39 PM

I live at 2525 Jefferson, unit N
My back deck hangs a few feet above the Buena Vista lagoon
I strongly OPPOSE the conversion to salt water.
It will force me to sell my home and move, after loving the view, the ducks etc.
Please just trim the growth, and leave as fresh water!!!
Colleen Kelly
[760 902 0927](tel:7609020927)

106-1

Sent from my Verizon 4G LTE Tablet

LETTER 107
Winnie and Lynn Reitnouer

August 25, 2015

Lauren Washington
SANDAG

Dear Ms. Washington,

As homeowners of a house we built in 1987 on the north side of the Buena Vista Lagoon, we wish to add our voices to those imploring there be no change made to the existing body of fresh water that is home to uncountable winged, crawling, swimming, flying, wading, croaking, whistling, chirping, buzzing happy members of the wildlife community that have made this precious place their home, whether as permanent or as a migratory stopover. There are even families of turtles living there, whose heads can be identified as small black balls seemingly floating across the water. Occasionally they crawl out, rather flummoxed, but we help them back in again. One never tires of watching the aerial ballets small and large birds perform as they spot and dive for their food, or the ongoing generations of mallards and coots who proudly lead their young through the water. The fresh water, that is.

To the best of my knowledge, the Buena Vista Lagoon has always been fresh water, and originates from San Marcos, some 16 miles inland, whose lakes and underground streams make their way due west to slowly pass into the lagoon and then through a weir to mingle into the Pacific Ocean. Forcing salt water backwards into the Lagoon is incomprehensible to me, and creating a tidal situation seems hazardous to health and safety.

We bought our lot in 1979, and spend many happy hours as often as we can sitting outside on the small open patio at the top of the berm, filling our eyes and our hearts with the glories of nature and the peaceful waters of the lagoon that is completely encircled by the lands of Oceanside and Carlsbad. We can see the entire body of water from our living room. Many homes have been built around it that in no way detract from the wild creatures and vegetation, but quietly add to the charm.

I do not know how this property was identified as a Restoration possibility. Restoring to what? And why this particular body of water that is more easily accessed from the air than the ground?

We appreciate our letter being read and our passion for not changing or replacing the existing wild families and species, heard.

We also would be pleased to offer an invitation for a "viewing" from our home at any time.

Sincerely,
Winnie and Lynn Reitnouer

Mr. and Mrs. Lynn P Reitnouer
64 St. Malo Beach
Oceanside, California 92054

107-1

This comment does not address the adequacy of the Draft EIR. Please see Master Response #5 regarding the historical ecology of the lagoon system. Please also refer to Master Response # 1 for a discussion of SANDAG's deliberations about the project alternatives.

107-1

LETTER 108
Jeannie Vaughn

From: [Jeannie Vaughn](#)
To: [Washington, Lauren](#)
Subject: The Buena Vista Lagoon
Date: Tuesday, September 01, 2015 4:13:40 PM

Dear Lauren, Our family home is 61 St. Malo. It is directly on the lagoon. I love the cormorants, the ducks, the mud hens and the herons. I love the lagoon. I am opting for the fresh water alternative only because from what I have read it seems the easiest and the safest and the less expensive. I hope you will take my opinion into consideration.

Jeannie Vaughn

108-1

108-1
Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 109
Kathleen and Vince Sweeny

Aug 27, 2015

109-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative. Please see Master Response #4 regarding the freshwater lagoon resource. To the degree that the comment addresses economic concerns, no further response is required.

Dear Lauren and SANDAG,

As residents of the Sanctuary Condominiums at 2399 Jefferson St #25, Carlsbad Ca. 92008 for 29 years now, we would like to keep the FRESH WATER WITH REGULAR MAINTENANCE for cattail removal, dredging and mosquito abatement to preserve the view and value of our property.

To allow it to fill in with silt would invite transients, trespassers and no view except a muddy stream. The birds we used to see, like the White Pelicans and Orange Footed Boobies would come back when the fresh water is deep enough to grow the fish they eat.

We already have a salt water lagoon. This is one of the last on the coast! Kathleen & Vince Sweeny
 760-220-2440

109-1

FROM THE PEN OF

JEANNE GRIER

3190 FALCON DRIVE
CARLSBAD, CALIF. 92008

July 18, 2015

Dear Lauren Washington:

When we moved to
Carlsbad in 1966 we enjoyed
the Buena Vista Lagoon.

A great place to take the
family to "feed the ducks" and
watch the birds.

110-1

I would like to see the
lagoon returned to a hybrid
containing both freshwater and
saltwater.

The run of freshwater and
flush of saltwater from the ocean
make a wonderful brackish
water that becomes a nursery

LETTER 110

Jeanne Grier

110-1

Please see Master Response #1. This comment states a preference for the Hybrid Alternative.

for sea and freshwater life.
Birds will love all this
activity.

110-1
Cont.

I know you can't make
everyone happy but I vote to
keep the Buena Vista Lagoon
as natural as possible.

Sincerely,
Jerron R. Grier

LETTER 111
Mike McMahon

From: [Mike McMahon](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Enhancement Project COMMENTS (Hybrid Alternative)
Date: Monday, August 24, 2015 1:29:51 PM

Dear Ms. Washington:

As California's first Ecological Reserve and one of the few coastal lagoons, we should do all we can to protect and preserve the Buena Vista Lagoon. We need to stop the continuing urban impacts of sediment and nutrient loading and truly protect this treasure for future generations.

The public recreation and access as depicted as boardwalk and bridges in the proposal will further enhance our beautiful lagoon and reinforce the community's enjoyment and appreciation.

After reviewing the draft EIR documentation of water quality and other areas of the lagoon project, the **Hybrid alternative** shows the most promising enhancement for a healthy lagoon. Removing the artificial weir to allow saltwater to naturally enter the lagoon (east of I-5) and clearing the entrance for freshwater (west of I-5) would get the lagoon back to a more natural state.

Thank You,

Mike McMahon
2645 Sutter Street,
Carlsbad, CA 92010

111-1

111-1

Please see Master Response #1. This comment states a preference for the Hybrid Alternative. This comment does not address the adequacy of the Draft EIR.

LETTER 112
Melody Huelsebusch

From: [Melody Huelsebusch](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon
Date: Saturday, August 22, 2015 12:24:18 PM

Lauren,

I have reviewed the Buena Vista Lagoon Mitigation Plan and feel the best alternate for the public is the Hybrid Plan.

At some point will passive water craft like canoes or kayaks be allowed on the lagoon?

Our gift is grace.
Melody Huelsebusch
760-434-3444

112-1

112-2

112-1

Please see Master Response #1. This comment states a preference for the Hybrid Alternative.

112-2

The Buena Vista Lagoon Enhancement Project as described in the EIR would not include a change to the regulations of lagoon use by water craft, which are not allowed per CCR Title 14 Section 550(z)(2) and CCR Title 14 Section 630(b)(103) and is outside of the scope of the EIR.

July 14th, 2015

Lauren Washington
SANDAG
401 B Street, Suite 800
San Diego, CA 92101

Re: Buena Vista Lagoon Enhancement Project

Dear Ms. Washington,

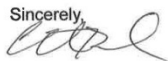
We live in north Carlsbad and take an active interest in the well-being of our neighborhood and community. My wife and I have reviewed the draft EIR document for the Buena Vista Lagoon, which is very thorough and encompasses many topics we are not experts in. What we are experts in (very unfortunately) are mosquitoes in our neighborhood and how they affect our quality of life and threaten the local tourist community.

More than just a nuisance, mosquitoes are a legitimate health concern – carrying West Nile and other viruses. An environment like the Buena Vista Lagoon which encourages their breeding is harmful to community health. My children and wife are regularly bitten – none more so than our daughter. Because of this, my 6 year old girl sleeps each night with a mosquito trap in her room (otherwise, she wakes with bites across her face). This is a worrisome and frustrating thing to have happen to your children and it is not an issue isolated to our family. Mosquito infestation and bites plague many families in the neighborhood, especially those with small children.

Vector control confirmed in 2012 a new mosquito was breeding in the lagoon. This new mosquito has a wider 10 mile fly area and unfortunate day feeding behavior. We have personally experienced mosquitoes at the Off-Shore Surf Shop green belt area by the beach at sunset, noted citronella candles at outdoor seating areas and netting at some the eating areas along Coast Hwy in the village area of Carlsbad (most notably in the 2013 mosquito breeding season). As a community that thrives with tourism, business health would be significantly impacted with an infection from a mosquito to a tourist or resident. If conditions worsen, it will be a matter of when, not if.

We won't pretend to have a thorough enough understanding of the actionable aspects being considered to push for one or the other, but something must be done and it must be done in a way to help mitigate the mosquito issue in north Carlsbad. Study literature states "without enhancement, the lagoon is anticipated to continue to degrade" and create a "potential increase in mosquito-borne diseases". Please take this letter as an urgent plea to take action that improves resident living quality, and protects local tourism. Thank you.

Sincerely,

 
Christian and Carly Boulan
1727 Butters Road
Carlsbad, CA 92008
760-492-2599
jcb072@sbcglobal.net

cc: Honorable Mayor Matt Hall
Honorable Mayor Pro Tem Keith Blackburn

LETTER 113
Christian and Carly Boulan

113-1

The comment describes the mosquito conditions affecting the commenter. Section 3.15 discusses the impacts each alternative would have on vector breeding conditions within the lagoon, which could affect mosquito presence in adjoining neighborhoods. Please see response to comment 65-3 regarding mosquitos and vectors.

113-2

The comment is noted. Please see response to comment 113-1.

113-3

Implementation of any of the project alternatives except the No Project Alternative would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

113-1

113-2

113-3

LETTER 114
Nicholas Roberti

NICHOLAS E. ROBERTI, M.D.
 58 ST MALO BEACH
 OCEANSIDE, CA 92054
 (760) 433-5083
 Fax (760) 433-5232
 E-MAIL neroberti@cox.net

July 23, 2015

To SANDAG concerning the Buena Vista Lagoon project:

This my home for almost 40 years since starting my medical practice in Oceanside in 1976. The views expressed are mine alone, I'm not speaking for the St. Malo Association.

I cannot tell you how delighted I am that this project is now in the hands of a group of my fellow citizens rather than Sacramento and Washington bureaucrats who have hitherto shown no interest for our concerns about the issue before us, spuriously presenting it as one of "Restoration."

First, a slight quibble: in the EIR Executive Summary 1.1.1 Project Background is stated "Historically (e.g., pre-1940s), Buena Vista Lagoon was in a dynamic equilibrium between a tidal-influenced saltwater system during dry conditions and a river-influenced freshwater system during wet weather conditions."

This language is virtually identical to that in the second sentence of the first paragraph on page 2 of the attached 2007 handout from the CDFG and U.S. Fish and Wildlife Services. I must suspect that the language was lifted directly from that document by one of your staff people who failed to do more research.

It is very much at odds with the brief history of the lagoon published in Carlsbad magazine in the January-February 2012 issue, page 36. This tells us that sitting a tad higher than her sister's, Buena Vista was filled by the Buena Vista Creek and Springs, the outlet to the sea naturally dammed by sand berms. Carlsbadians growing up in the 30s and 40s remember the lagoon turning to mud flats in California's cyclical dry years. Both sloughs would go dry (the other was Agua Hedionda), the late Alan O Kelly described driving to Oceanside over the dry lagoons, not on mud flats, but parched hard ground. The Agua Hedionda was not connected to the ocean until 1954. It is my understanding that it has to be dredged every 2 to 4 years, the cost borne by the power company.

Thus any saltwater conversion represents a most drastic rearrangement of mother nature as well as a dreadful disruption of the continuity of our beautiful beach which enables us to walk between Oceanside from the harbor to Tamarack in Carlsbad at almost any time. There is nothing like this 4-5 miles long stretch of beautiful beach anywhere near here. Any proposed bridge along

114-1

This comment provides introductory statements and no further response is required.

114-2

Please see Master Response #5 regarding the historical ecology of the lagoon system.

114-3

The pedestrian bridge proposed in Mitigation Measure Land Use-1 was designed to maintain lateral access along the beach under the Saltwater and Hybrid Alternatives. As described in Section 3.9, Visual Resources, this bridge was determined to result in a significant visual impact. This impact, along with others identified in the EIR, will be considered by SANDAG prior to taking action on the project. Please see Comment Letter 2 from the California Coastal Commission regarding the project.

114-1

114-2

114-3

that, would in addition to being an eyesore, would be an impediment to a most pleasant experience had by many thousands of people each year. I am bewildered by the silence of the Coastal Commission and Coastal Conservancy on this issue.

4.3.3 Comparison of Alternatives says it all better than I could. I can only add that in my decades here the lagoon has never been dredged, nor has it been in the experience of people who have lived here much longer than I. Instead of having to dredged every two or three years the next dredging could be around 2070! Without reading cost estimates one doesn't have to be a rocket scientist to know that any drastic experimental rearrangement requiring periodic dredging as well as a new bridge over the coast highway would cost our already stressed economy so much more than the modest modification to the Freshwater Alternative which retains our well tested and satisfying current arrangement. When widening of the weir was brought up and tentatively approved more than a decade ago we were assured that 80 feet would protect us from foreseeable flooding. Indeed since I have been here I recall the coast highway covered on either side of the bridge but once, a few years ago, and I believe, but am not sure, that the depth was not an impediment to emergency vehicles. The lagoon level was then still a foot lower than the top of the protective berm adjacent to my low-lying home.

Finally, I do have a suggestion about boardwalks. The proposal for a raised one would be of no use to decrepit octogenarians like myself, nor the handicapped and people with babies in strollers. I have often thought that a street-level boardwalk on either side of the highway would be quite attractive to anyone, and especially so for the fishermen.

Respectfully,

Nicholas E Roberti, M.D.

114-3
Cont.

114-4

114-5

114-4

Please see Master Response #1. This comment states a preference for the Freshwater Alternative. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. Flooding is addressed in Section 3.2 of the EIR.

114-5

Please see Master Response #3 regarding the Boardwalk.

LETTER 115
Ilene Moir

From: [Ilene Moir](#)
To: [Greer, Keith](#)
Subject: "Re: Lagoon, Carlsbad"
Date: Wednesday, July 15, 2015 10:54:08 AM

Dear Mr. Greer,

I live in Oceanside, with the lagoon, and ocean view. I noticed the trees are getting bigger, and bigger obstructing my view of the above. I paid a lot of money to be able to have my soothing views of the lagoon, and ocean. However, in the last few years, I noticed a lot of vegetation growing between my view and the lagoon. I would so appreciate it if when doing the restoration of the lagoon, you could get rid of the vegetation and the trees that are growing by leaps and bounds.

115-1

Sincerely,

Ilene Moir,
imoir@yahoo.com
1954 Ivy Road,
Oceanside, 92054

115-1

The comment is noted. This comment does not address the adequacy of the Draft EIR and no further response is required.

LETTER 116
Melissa Tu

From: [Melissa](#)
To: [Washington, Lauren](#)
Subject: Burns Vista EIR
Date: Wednesday, August 26, 2015 10:29:33 PM

116-1
The occurrence of southwestern spiny rush has been added to the Final EIR in Section 3.5.

Hi,

I have a comment. Southwestern spiny rush also occurs south of the Audubon society and east of South Coast Highway.

Melissa Tu

Sent from my iPad

116-1

LETTER 117
Tena Scruggs

From: [T Scruggs](#)
To: [Washington, Lauren](#)
Subject: Comments re: Buena Vista Lagoon Enhancement
Date: Saturday, July 18, 2015 9:38:51 AM

I would like to see the Buena Vista Lagoon returned to its original natural state as a saltwater lagoon. It isn't often that we have a chance to undo, at least in part, the damage we've done. With only a fraction of our natural wetlands left, let's restore as much as we can.

117-1

Thank you,

Tena Scruggs
PO Box 3131
Escondido, CA 92033
760 443 3285

117-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative.

LETTER 118
Amy Harned

From: [Amy Harned](#)
To: [Washington, Lauren](#)
Subject: Buena Vista lagoon
Date: Saturday, August 15, 2015 5:34:43 PM

Hello, I live in south Oceanside and pass the lagoon daily, either on bike or in my car. After reading the EIR draft, I would like to place my support for the saltwater alternative.
Thank you very much. Sincerely, Amy Harned
Sent from my iPad

118-1

118-1
Please see Master Response #1. This comment states a preference for the Saltwater Alternative.

LETTER 119
Laurence Curtis

From: [Laurence W. Curtis](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon
Date: Saturday, August 15, 2015 4:18:10 PM

Allow the Buena Vista Lagoon to breath with the tides and breed health back into her.
Open up the inlet/outlet to the sea.

119-1

119-1

Please see Master Response #1. This comment states a preference for an open tidal inlet.

LETTER 120
Heitchew family

From: [heitchew](#)
To: [Washington, Lauren](#)
Subject: Buenas Vista Lagoon
Date: Saturday, August 15, 2015 1:12:59 PM

We have lived by the BV lagoon for over 30 years. After years of study we are pleased progress is being made. We strongly urge for saltwater.

Thank you ,

The Heitchew family

Sent on the new Sprint Network from my Samsung Galaxy S901

120-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative.

120-1

LETTER 121
Kevin, Patty and Ashby Sgovia-Krause

From: [KC Krause](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Enhancement Project
Date: Monday, August 31, 2015 2:58:51 PM

Dear Lauren,

Thank you for all the work you are doing to improve SD County! It is such a beautiful place. Having spent the past 20 years exploring the SD county & California coastline We have noticed some things.

Coastal lagoon/wetlands are most healthy & therefore valuable to all of the coastal community when they are kept open to the ocean - their natural condition for 1,000's of years.

Great examples are in Del Mar (seasonal), Cardiff, Ponto, Huntington Beach, Balloona Wetlands & others.

90% of the original wetlands/lagoons in Southern California have been developed. We advocate keeping the lagoon/wetlands still left as natural as possible.

Thank you,
Kevin, Patty & Ashby Segovia-Krause
1220 Stratford Lane
Carlsbad CA 92008
424 625-1793

121-1

Please see Master Response #1. This comment states a preference for an open tidal inlet.

121-1

LETTER 122
Frank Pohlman

From: [Frank Pohlman](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon
Date: Thursday, July 16, 2015 4:46:22 PM

My wife and I are both 100% for SALT WATER Lagoon. The sooner the better. Now you can't see much of anything but reeds. Why even consider the other two alternatives? Get with the program and change to SALT WATER!

122-1

122-1
Please see Master Response #1. This comment states a preference for the Saltwater Alternative.

LETTER 123
Joan Herrera

From: [Joan Herrera](#)
To: [Washington, Lauren](#)
Subject: Restore Buena Vista Lagoon
Date: Sunday, August 02, 2015 8:20:29 PM

Hello Lauren,

I grew up in North County, moved away for college and came back about 6 1/2 years ago. I now live with my family in Carlsbad. We chose north Carlsbad because we love the laid back, beach-living feel of the community. We chose Old Carlsbad because we wanted to be close to the coast and love the neighborhoods here. When we first moved back there were no mosquitoes and we could sit outside at night, enjoy the cool ocean breeze and not be eaten alive. About 3 years ago, the mosquitoes became a real problem. We could no longer leave our front door open (without a screen door) without having literally dozens of mosquitoes in the house. We learned that the mosquito issue was due to a new breed of mosquitoes that fly farther from their nest and that the cause was the Buena Vista Lagoon. Closing off the lagoon to salt water has created a mosquito issue unlike any I've ever experienced in the north county. Please, please, please consider opening up the Buena Vista Lagoon to the ocean again, allowing saltwater to create biodiversity, and enhancing vector control.

Regards,
 Joan Herrera
 Carlsbad resident since 2009

123-1

123-1

Please see Master Response #1. This comment states a preference for an open tidal inlet. The comment describes the mosquito conditions affecting the local area. Implementation of any of the project alternatives except the No Project Alternative would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

LETTER 124
Gloria Carranza

Gloria and Luis Carranza
2215 Nob Hill Drive
Carlsbad, CA 92008
Tel. 760.846.6631

August 31, 2015

Lauren Washington, SANDAG
401 B Street, Suite 800
San Diego, CA 92101

VIA EMAIL: Lauren.Washington@sandag.org

Dear Ms. Washington:

My husband and I have lived, raised our family and owned a business in Carlsbad for over 33 years. I grew up in Oceanside and as a child in the 1950s I remember camping in the Carlsbad forest adjacent to the Buena Vista Lagoon with my Girl Scout troop. Although I was just a baby in the 1940s when Saint Malo was developed and the weir was constructed, there is no doubt in my mind that this is what commenced the Lagoon's downward spiral and has transformed it into what it is today. Saint Malo and the weir's construction has not allowed fresh saltwater to enter the Lagoon and the area's dynamic equilibrium has been slowly destroyed.

One only has to look at the Lagoon from any vantage point to see that it is being strangled with reeds and stagnate water abundant with mosquitoes and other vectors. On the corner of Jefferson Street and Marron Road, there was a duck and bird observation area that no longer exists, much to the sadness of children, bird watchers, and visitors to the area. The lagoon was a treasure and it still can be a treasure, but it is in dire need of help. A statement in the EIR really hits home: *"Without enhancement, the lagoon is expected to become a vegetated freshwater marsh or riparian woodland meadow within the next 30 to 50 years."* While most likely I will not be around in 30 to 50 years, I would like to say that I was a voice that spoke up to change this downward cycle to restore the natural and biological balance of the Lagoon and to stop its progressive degradation.

I have read the Buena Vista Lagoon Enhancement Project Draft EIR that was written to assess the potential environmental impacts of the various alternatives to the Lagoon. While I am certainly not an expert I sincerely believe that the best option for the Lagoon would be to allow fresh salt water from the Pacific Ocean to flow into the Lagoon so that there is a natural tidal flush of the wetlands. I believe that this would be very similar to other lagoons up and down our coastline from the northern borders of San Diego County to Torrey Pines State Beach.

Something must be done soon to address the accumulation of sedimentation and the over-abundance of reeds and other non-native vegetation that is choking the Lagoon. Something must be done soon to address the growing mosquito problem and the possible diseases that

124-1

Please see Master Response #1. This comment provides background information and states a preference for the Saltwater Alternative.

124-2

The impacts of the enhancement alternatives on sedimentation and vegetation within the lagoon are addressed in Sections 3.2 and 3.5 of the EIR, respectively. This comment does not address the adequacy of the Draft EIR.

124-3

The impacts of the enhancement alternatives on vector habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

124-1

124-2

124-3

124-4

Please see Master Response #1. This comment states a preference for the Saltwater Alternative.

Page 2

these and other vectors carry to neighboring areas. Pesticides and continuous spraying are not the solution.

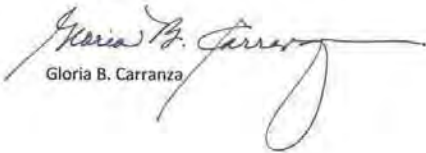
124-3
Cont.

I know that there are numerous agencies involved in the herculean efforts and a lot of money is needed if a true enhancement project is to move forward. Doing nothing to this treasure in my opinion is NOT an option. I believe that the best option would be the SALTWATER ALTERNATIVE: saltwater would naturally flow into the Lagoon and flush the surrounding area and rainwater flowing to the west would be able to flow out to the Pacific. I believe that this is how nature intended the lagoon to be; sadly man has changed the scheme of things and now we must pay dearly to mitigate the problems.

124-4

I trust that the powers that be will make the correct decision for future generations and the jewel that we have as residents of the area. Thank you very much for taking my thoughts into consideration.

Sincerely,



Gloria B. Carranza

LETTER 125
Natalie Shapiro

September 1, 2015

Natalie Shapiro
7835 Rush Rose Dr., Unit 114
Carlsbad, CA 92009

Lauren Washington,
SANDAG
401 B Street, Suite 800
San Diego, CA 92101

SUBJECT: Buena Vista Lagoon Enhancement Project Draft EIR Comments (sent via email to lauren.washington@sandag.org)

Dear Ms. Washington:

These are my comments on the Buena Vista Lagoon Enhancement Project Draft EIR. Thank you for your time for reading this. I live in Carlsbad and am a very involved volunteer with the Buena Vista Audubon Nature Center. I am one of several volunteers that partners with Oceanside elementary schools, taking kids on tours of our nature center and our trail around part of the Buena Vista Lagoon. I also am a docent at the Nature Center, working with members of the public that visit the Nature Center and the lagoon.

125-1

I support the Saltwater Alternative as the environmentally superior alternative. This is the best alternative for enhancing biological diversity, reducing mosquitoes, and reducing maintenance and vector control costs.

125-2

The DEIR makes a good case for selecting the Saltwater Alternative as the environmentally superior alternative. It notes that of all the alternatives, the Saltwater Alternative would reduce flooding impacts the most. And, there would be beneficial impacts to water and sediment quality due to improved lagoon-wide circulation, the addition of tidal exchange, and also bacteria levels would decrease.

125-3

To quote from the DEIS:

125-1

The comment provides introductory statements and no further response is required.

125-2

Please see Master Response #1. This comment states a preference for the Saltwater Alternative.

125-3

The comment provides opinion that the Saltwater Alternative is the environmentally superior alternative. As detailed in the EIR (Section 4.4), there is not one environmentally superior alternative among the three action alternatives. There are environmental trade-offs between the alternatives that extend beyond just the direct comparison of significant environmental impacts.

"The Saltwater Alternative would have the largest benefit, and would convert the lagoon to a marine system open to tidal action. This alternative would not only increase water quality and circulation, resulting in a healthier benthic community and more foraging opportunities for birds, but would also support native salt marsh habitats and species. Threatened and endangered species would have the largest nesting area under the Saltwater Alternative compared to existing conditions, with an increase from 101.5 to 163 acres. Native saltwater fish species would have access to the lagoon system through the open inlet, and would also benefit from the creation of deep water habitat areas through improved spawning and rearing habitat, resulting in long-term beneficial effects on the stability and sustainability of fish populations."

In contrast, the Freshwater Alternative would provide only modest benefits to biological resources.

As far as cattails control, the DEIS states that the Saltwater Alternative would result in the "greatest benefit in terms of vector control" of all three Alternatives, and implement positive actions over the largest area of the lagoon. This is an important public health issue, as mosquitoes are a serious problem in the area.

The DEIS notes that there is a higher level of short-term impacts with the Saltwater Alternative from the various disturbances involved from dredging, opening the tidal inlet, etc. However, it admits that the tradeoff *"is the generation of a higher degree of positive benefits such as better water and sediment quality, improved lagoon hydrologic function and biological conditions, and improved vector control that are anticipated to persist into the long term."*

As far as the discussion under the "Environmentally Superior Alternative" section, the DEIR says that the Freshwater Alternative has the least significant environmental impacts. However, the impacts to public health and safety from removing the weir and creating a new inlet can be mitigated. The same goes for bicycling issues during construction. These are issues that have to be dealt with in any construction project! These impacts are minor compared to the overall benefit that the Saltwater Alternative provides.

As discussed in the "Environmentally Superior Alternative" section, *"the Freshwater Alternative does not fully achieve the following objectives to the same extent as the other action alternatives: (1) create conditions that curtail the growth and expansion of cattails, bulrushes, and invasive species; (2) protect, improve, and maintain water quality (e.g., reduce eutrophication) to meet water quality standards and address the*

125-3
Cont.

303(d) listed water quality impairments, and (3) reduce vector concerns (e.g., potential for mosquito-borne disease) by minimizing potential mosquito breeding habitat."

And, in contrast, the Saltwater Alternative does meet the above objectives!

The statements that "no alternative is clearly environmentally superior to another" and "there is no clear Enhancement Project alternative that represents an environmentally superior alternative..." do not make sense. The Saltwater Alternative clearly is environmentally superior due to the fact that it meets the objectives, which outweigh the impacts.

The Saltwater Alternative is also best aligned with the mission of California Ecological Reserves, which, according to California Fish and Game "...is to protect threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types..." The Saltwater Alternative would help restore historical coastal salt marshes, which are critically threatened habitat types. Salt marshes only exist by coastal areas, whereas freshwater lagoons can exist inland also. Therefore, salt marshes are more limited. This is a key argument for selecting the Saltwater Alternative! It would be the best of all the alternatives for achieving habitat and wildlife protection and enhancement goals of a state ecological reserve.

And, finally, the weir currently adversely impacts the ability of the Buena Vista Audubon staff and visitors from enjoying the trail at our nature center. In the summer, the trail becomes flooded as the sand builds up behind the weir, and our staff and visitors cannot use the trail. The most recent example was two busloads of children who couldn't walk the trail. For many of the children we work with, this is their only opportunity to be outside and hike in nature. Removing the sand that builds up each summer is a continuous cost for the City of Oceanside. And it involves closing the beach during this process as bacteria-laden lagoon water enters the ocean.

In conclusion, the Saltwater Alternative is the Environmentally Superior alternative-it meets your objectives for a healthy lagoon.

Thank you,

Natalie

125-3
Cont.

125-4

125-5

125-6

125-7

125-8

125-9

125-4

Please see response to comment 125-3.

125-5

Please see Master Response #4 regarding the freshwater lagoon resource.

125-6

The comment describes experience with trail flooding near the nature center. Flooding impacts associated with each project alternative are discussed in Section 3.2. As detailed in the EIR, each alternative, including the Freshwater Alternative, which would retain the weir structure, would improve the flooding condition around the lagoon to various degrees. The comment does not provide a specific criticism of information in the EIR; therefore, a more specific response cannot be provided.

125-7

The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. This comment does not address the adequacy of the Draft EIR.

125-8

The comment describes current unhealthy water quality conditions associated with bacteria discharged from the lagoon during beach berm removal. As detailed in Section 3.4 of the EIR, the Freshwater Alternative would provide some water quality improvement over existing conditions, but water residence time and bacteria concentrations would remain the same as under existing conditions. The EIR identifies that the Saltwater and Hybrid Alternatives would provide long-term water quality improvement throughout the lagoon and bacteria concentrations would be lower than existing conditions, with more substantial decreases in the Weir and Railroad Basins.

125-9

See response to comment 125-4.

LETTER 126
Mike Hoefer

From: [Mike Hoefer](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon
Date: Wednesday, August 19, 2015 4:48:08 PM

Hi Lauren,

Sorry I missed the meeting in July, we were on a family holiday. We live on Forest Ave in Carlsbad and also own a rental property on Stewart Street in Oceanside. Therefore this project has a direct impact on my family, neighborhood, and properties. In reading the reports, I would like to support the enhancement to bring this area back to the original state, in which it was a saltwater primarily except for the rainy season. We have noticed a large increase in mosquito population in this region over the past few years, which seems to be the result of the area becoming very marshy and stagnant.

Thank you

Mike

126-1

Mike Hoefer

[EIR, NEW CHANNEL & NATURE DEVELOPMENT](#)

Direct: 760.224.3440

Office: 760.964.7900

Cell: 760.224.1043

Email: mikehoefer@gmail.com

NIXON

303 South Coast Hwy

Encinitas, CA 92024

nixon.com

126-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The impacts of the enhancement alternatives on vector habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

LETTER 127
Jessica Leibovich

From: [Chef Jessica, Entree Nous](#)
To: [Washington, Lauren](#)
Subject: Prevent west Nile for Carlsbad
Date: Sunday, August 23, 2015 5:04:23 PM

I wanted to voice my support for restoring the lagoon to salt water. Granted restoring it to salt water lagoon is the second most costly up front, but the annual maintenance expenses are the least costly of all the options. It is also the only one that will eliminate the Mosquitos. The hybrid option still leaves freshwater on the east side of the 5, but then there are still mosquito concerns. Also the hybrid is the most expensive proposal. My biggest concern is the vector problems, especially with the mosquito population growing steadily, as well as newer mosquito species that travel further and can transmit west Nile (which is also becoming more prevalent) that now reside in the BV lagoon. Also consider that mosquitos that carry Dengue Fever and Yellow Fever have been found in San Diego this year as well. We cannot deny the seriousness of the diseases that these mosquitos can cause and really need to think about the impact the BV lagoon has in contributing to the problem.

[Jessica Leibovich](#)
619-316-2472
[Eat, Breathe, Move, Heal](#)
[Facebook/Twitter/LinkedIn](#)

127-1

127-2

127-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Please see response to comment 65-3 for a discussion of vector-related impacts associated with each alternative. Although it is anticipated that the Saltwater Alternative would create less hospitable habitat for mosquitos within the lagoon, saltwater mosquito species would likely still attempt to colonize the converted lagoon.

127-2

Please see responses to comments 65-3 and 127-1 regarding mosquitos.

LETTER 128
Ronee and Bob Kozlowski

From: [Ronee Kozlowski](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon
Date: Sunday, August 23, 2015 11:45:21 AM

We would prefer that the Buena Vista Lagoon be made into a saltwater lagoon as Mosquitos have become a problem. With West Nile now being around it is even more of an issue.
Ronee and Bob Kozlowski
Carlsbad

128-1

128-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

Sent from my iPad

LETTER 129
Steve Breen

Dear Neighbor,

My name is Lauren Auerbach and I live on Ratcliff Rd. I want to take the time to encourage you to send in a personal comment to both San Diego Association of Governments (SANDAG) and Carlsbad city council members regarding the future of Buena Vista Lagoon. Recently SANDAG provided a draft Environmental Impact Report (EIR) outlining 4 proposed lagoon enhancement and the impact of each project. SANDAG has a public comment period that will end September 1st, so please take the time to review information and send in your input regarding the lagoon. The EIR is open for review at KeepSanDiegoMoving.com/BVLagoon and there is information where to send comments.

The four proposed options include converting the lagoon back to its original salt water system, further developing it as a fresh water lagoon, creating a hybrid system (salt water on west side of 5 freeway/fresh water east of 5 freeway), or no enhancements. Most of you probably already know the lagoon was originally a saltwater lagoon until a weir was built by one of the coastal neighborhood developments over 50 years ago. Since then the lagoon has become a shallow fresh water lagoon because the weir blocks all tidal flushing.

The mosquito activity that is inherent to the current fresh water lagoon has been a problem for our neighborhood for many years. Of increasing concern is a newer species of mosquito that now inhabits the lagoon. Two years ago San Diego Vector Control placed traps at my house to evaluate mosquito activity. I was informed that a new species was discovered that now also breeds in the BV lagoon. The county representative said this species travels up to 10 miles from the breeding grounds and also has the capacity to carry West Nile virus. This information indicates if it continues as a fresh water lagoon or any variation thereof more of the community will be impacted by mosquitos and at risk for serious disease/illness from virus carrying vectors.

I read in the draft EIR that the **mosquito population is steadily growing at BV lagoon**, and that converting it to its natural salt water system is the only enhancement option indicating an elimination of mosquitos. San Diego Vector Control indicates on their website that by June of this year far more dead birds and mosquito batches infected with West Nile had been discovered compared to all of 2014. Also reported is the number of San Diego residents infected with the virus continues to rise each year. Their website also lists another species now in North County (Escondido) that can transmit Dengue Fever and Yellow Fever, and it could just be a matter of time before this even more dangerous mosquito makes BV lagoon its breeding ground.

Please take the time to communicate your input to the agencies involved in the future of the lagoon. Not only is the outdoor enjoyment of our neighborhood at stake, but also the health and safety of our community.

Warm regards,
Lauren Auerbach

P.S. I live above the lagoon & have for 50+ years and have ~~seen~~ noticed the encroachment of the mosquitos over the last few years. Please put our lagoon back as it used to be years ago - Please
Steve Breen
1799 Ratcliff Rd
Carlsbad CA 92008

129-1

* carlsbad has been my home since 1947

129-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

LETTER 130
Lauren Auerbach

From: [Lauren Auerbach](#)
 To: [Washington, Lauren](#)
 Subject: Buena Vista Lagoon draft EIR
 Date: Tuesday, August 25, 2015 2:47:06 PM

Dear BV Lagoon EIR Committee:

I am contacting you regarding the Buena Vista Lagoon enhancement project. I have reviewed the information in the draft environmental impact report and am pleased to see reinstating the lagoon to its natural salt water system is a possible option. The future of the lagoon is very important to me personally and also as a member of the community.

My family lives close to the lagoon and is greatly impacted by the mosquito problem. My children are not able to play outside at certain times of day because the mosquito activity is so intense. My husband and I have to "suit up" in long pants and long sleeves to walk our dog. All of our summertime (and some other times of the year as well) entertaining with friends and family must be inside our house rather than outside in our yard due to the mosquito activity. We battle mosquitos inside our home as well, as it is difficult to completely prevent them from getting inside our home.

Of increasing concern is a newer species of mosquito that now inhabits the lagoon. Two years ago vector control for San Diego placed traps at my house to evaluate mosquito activity. I was informed that a new species was discovered that now also breeds in the BV lagoon. The county representative said this species travels up to 10 miles from the breeding grounds and also has the capacity to carry West Nile virus. This information indicates if it continues as a fresh water lagoon or any variation thereof more of the community will be impacted by mosquitos and at risk for serious disease/illness from virus carrying vectors.

I read in the draft EIR that the mosquito population is steadily growing at BV lagoon, and that converting it to its natural salt water system is the only enhancement option indicating an elimination of mosquitos. San Diego vector control indicates on their website that by June of this year far more dead birds and mosquito batches infected with West Nile had been discovered compared to all of 2014. Also reported is the number of San Diego residents infected with the virus continues to rise each year. Their website also lists another species now in North County (Escondido) that can transmit Dengue Fever and Yellow Fever, and it could just be a matter of time before this even more dangerous mosquito makes BV lagoon its breeding ground.

Given the information it seems obvious the importance of pursuing the salt water lagoon enhancement project. I hope all parties involved in the future of the lagoon consider the most important variable, which is ensuring the health and safety of the community.

Respectfully, Lauren Auerbach
 1789 Ratcliff Rd.
 Carlsbad, CA 92008

130-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

130-1

LETTER 130b
Lauren Auerbach

From: [Lauren Auerbach](#)
To: [Washington, Lauren](#)
Subject: BV Lagoon
Date: Monday, August 31, 2015 8:55:53 AM

Dear Ms. Washington and members of the BV Lagoon Project Committee:

I already emailed a comment, but would like to add another.

My family and I spent the evening in Carlsbad Village for the Carlsbad Music Festival last night, which was very enjoyable until the mosquitos came out as well. This morning my children have mosquito bites all over their legs and arms, which is bothersome for them and concerning for me as a parent.

I hope this is taken into consideration when evaluating the best option for the lagoon. The salt water restoration would rid Carlsbad from the growing mosquito population and eliminate any possible vector related disease.

Lastly Carlsbad council members may want to consider the impact the mosquito activity could have on the Village and evening consumer and tourist industry as potential travelers may choose nearby towns that do not have mosquito problems.

Lauren

130b-1

130b-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. Please see response to comment 65-3 addressing mosquitos and vectors. The comment does not provide a specific criticism of information in the EIR; therefore, a more specific response cannot be provided.

LETTER 131
Chloe Auerbach

131-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The comment describes the mosquito conditions affecting the commenter. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

August 14, 2015

Dear Ms. Washington

The fresh water lagoon effects my family and I because the mosquitos have started to live there. These mosquitos will travel in a one mile radius, meaning that they will fly within a mile from the lagoon but then come right back to the fresh water. My family lives within a mile from the lagoon so we are getting bit from the mosquitos. My friends and I can't go outside to play in the evenings because of the mosquitos.

A couple years ago, County Vector Control put mosquito traps in front of our house. They found a mosquito that they didn't know of that is now living in the Buena Vista Lagoon, along with the other mosquito. This new mosquito has the ability to carry West Nile Virus. This really concerns me because people could get really sick or possibly die if they get bit by a mosquito that is carrying West Nile. Also, instead of a one mile radius, these new mosquitos have a ten mile radius. This means that more people can be effected by these mosquitos.

131-1

Mosquitos like Fresh water. The Buena Vista Lagoon is fresh water, attracting more and more mosquitos. IF the lagoon was salt water, the mosquito problem would be fixed. We can do this by removing the man-made weir, making the ocean water go into the lagoon. Now the lagoon would be salt water, the way it was originally.

I understand that the lagoon would not be as beautiful with the salt water because of the tide. But, the mosquitos has become a real problem and something needs to be done.

Sincerely,
Chloe Averbach
Age 12

131-1
Cont.

LETTER 131b
Corinna Auerbach**131b-1**

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The comment describes the mosquito conditions affecting the commenter. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

August 14, 2015

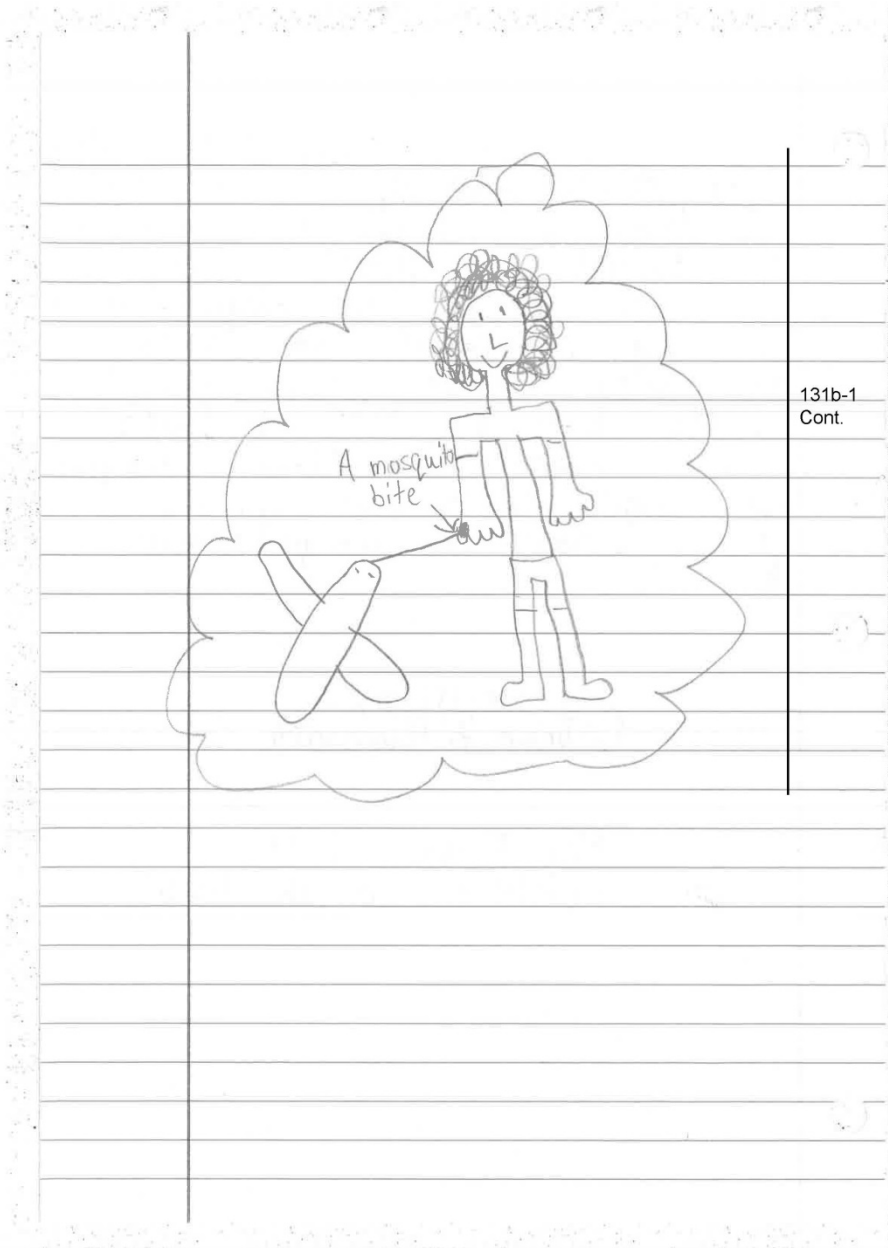
Dear Ms. Washington,

I think we should let salt water flow through. Even though it may not look as pretty the mosquitos will be gone. My sisters and I love to play outside with neighborhood friends but we can't do that if there's mosquitos. If there's mosquitos our family can't open windows or doors because the mosquitos will come in.

131b-1

Sincerely,
Corinna J. Auerbach

P.S. There is a
picture on the back! →



131b-1
Cont.

LETTER 131c
Carmen Auerbach

131c-1

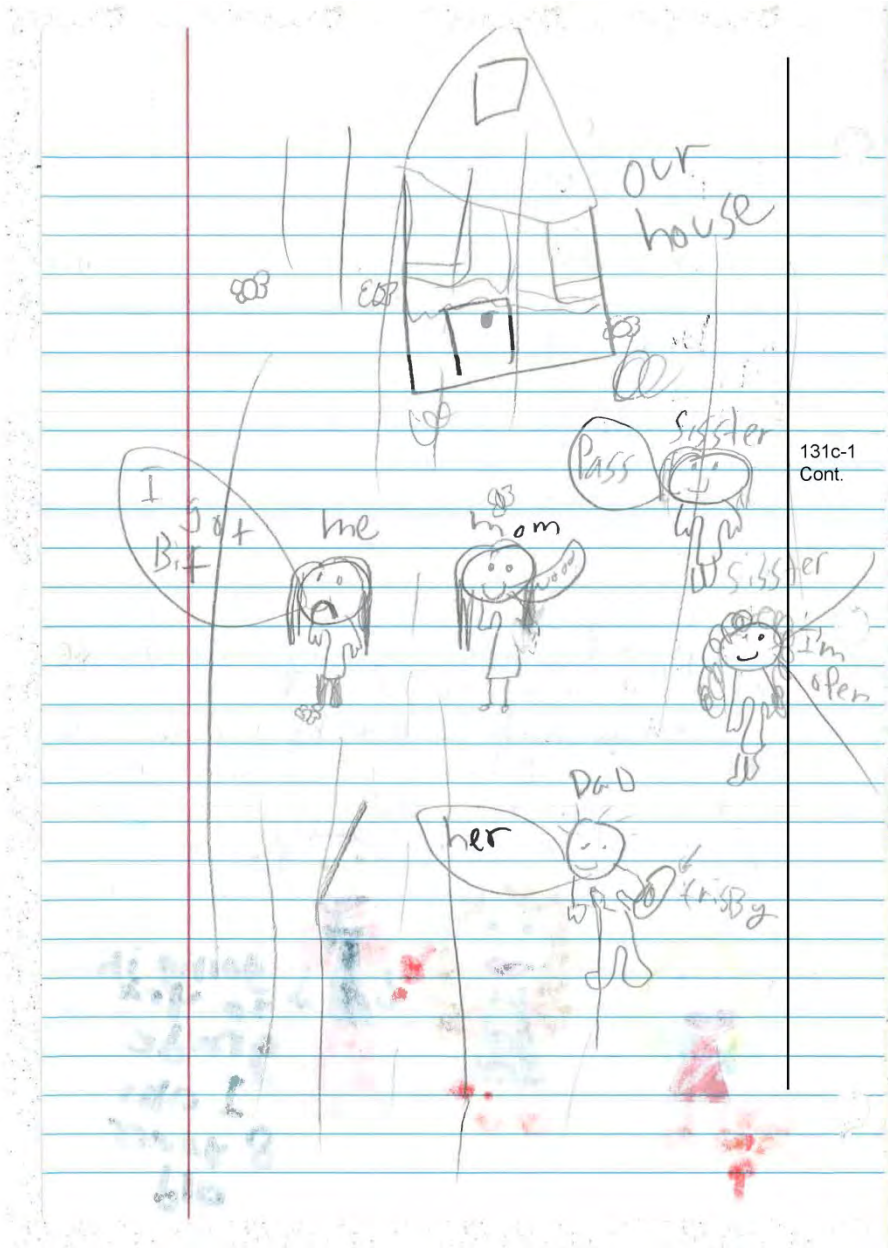
Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The comment describes the mosquito conditions affecting the commenter. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

Dear Miss Washington

I feel like Mosquito's are taking over because the Mosquito's are biting my Dad my sister and me and I'm getting really itchy and so I am scared to go outside and play in the evenings because there always flying around and it is pretty annoying and sometimes we do not have witchhazel and thats annoying too! But... I'm really nervous about the new mosquito because they can carry disease and put it into me and I can get sick. If Mosquito bite you by your feet than yes I have a lot of Mosquito bites by my feet I have like 10!!! so can you please try to help! Thank you!!!

131c-1





131c-1
Cont.

LETTER 132
Tom Morell

From: [Tom Morell](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Enhancement Project - Comments
Date: Wednesday, August 26, 2015 10:11:38 AM

Dear Ms. Washington,

My name is Tom Morell and I live at 2029 S. Ditmar in Oceanside, so naturally the Enhancement Project is of great interest to me.

The biggest surprise after purchasing my home in 1994 was the amount of mosquitoes in the summer. I moved to the Oceanside area in 1982 and never realized mosquitoes were so thick anywhere in Southern California. Being from the Midwest, it was an extreme disappointment to be back living with these disease carrying pests once again.

Mainly for this reason, I advocate for the saltwater option, opening the lagoon to tidal flushing. I realize there are also salt water mosquitoes, but having spent large amounts of time with friends who live on the lagoons further south that are salt water and open to tidal flushing, I have never experienced the level of mosquitoes we experience at Buena Vista Lagoon. Some summers at my home, it's been impossible to stay outdoors after sunset. Many of my friends no longer visit during summer evenings for that very reason. I'm currently in the process of building a screened-in back patio like they have in the Midwest in an attempt to mitigate the situation.

I fear it will take a West Nile outbreak to really get the ball rolling on this project. I'm aware of the chickens in cages around the lagoon used to monitor for West Nile. Unfortunately, this canary in a coal mine methodology will only alert us after the fact. To greatly reduce the risk of a future outbreak, the only true solution would be to remove the weir at St. Malo, and allow the Lagoon return to salt water.

Thank you for your time, and looking forward to hearing which option has been selected for the Lagoon Enhancement Project.

Regards,
Tom Morell

132-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The comment describes the mosquito conditions affecting the commenter. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

132-1

LETTER 133
Carlos Primo

From: Carlos Primo
To: Washington, Lauren
Subject: Buena Vista Lagoon EIR
Date: Friday, August 28, 2015 11:07:04 AM

Hi Lauren,

My name is Carlos Primo, I live at 2255 Highland Drive, Carlsbad 92008.

My wife and two boys have lived at this address since 1995. It's my own fault for not asking our realtor (or neighbors) about a mosquito problem. I definitely would not have bought our home near the B.V. Lagoon. We learned quickly that we were prohibited from being outdoors after 5 p.m. I implore you to PLEASE remedy this issue by letting the lagoon go back to it's original, natural state, and open it to the ocean. I'm willing to help pay for this by increased taxes or any other way our public officials decide. This is not fair to residents and those new families that are purchasing homes, not warning them would be negligent to health and safety. I've also noticed more mosquitos during the day.

I pray we can all agree that the B.V. Lagoon needs to be a salt water lagoon again and hat something will be done about it before disease spreads.

Open The Weir. Thank you.

133-1

133-1

Please see Master Response #1. This comment states a preference for an open tidal inlet to the ocean. The comment describes the mosquito conditions affecting the commenter. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a less conducive v breeding condition and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

LETTER 134
Julie Ajdour

From: [michael.ajdour](#)
To: [Washington, Lauren](#)
Subject: buena vista lagoon public commentary
Date: Sunday, August 30, 2015 7:32:46 AM

Saltwater please !
(mosquitoes...)

Succinctly,
Julie Ajdour
3537 Madison St
Carlsbad, CA
e4w3df

134-1

134-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

LETTER 135
DJ Moore

From: [D J Moore](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon
Date: Monday, August 31, 2015 9:08:25 AM

I live on the East side of the Lagoon and am plagued with mosquitoes. The spraying that is done doesn't seem to help anything.

I would vote to open the lagoon to the ocean and have it all be salt water. Hopefully that would take care of some of the mosquito problem.

But whatever is decided, just get it done. We have waited long enough. The tulies have almost taken over the East side. They will have to be removed. If this had been done more often it wouldn't be the problem it is now....what to do with them????

Thanks for your consideration.....

D J Moore
2319 Pio Pico

135-1

135-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The comment describes the mosquito conditions affecting the commenter. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

LETTER 136
Tom Dews

From: [Tommy Dews](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Review
Date: Tuesday, September 01, 2015 7:40:53 PM

Hi Lauren,

I hope all is well. I am writing to you as a highly concerned homeowner in regards to the Buena Vista Lagoon Review project. I live on Highland Rd, in close proximity to the lagoon. Since I've moved into the neighborhood when we purchased in 2012 we've had to modify our outdoor habits and activities due to the unforeseen mosquito epidemic that has continually gotten worse in the neighborhood.

My family consists of my wife and two year old son. We're outdoor enthusiasts and moved near the water to enjoy our outdoor space and bike rides to town.

Unfortunately, due to the Mosquitos this is affecting our habits. Not only is there the nuisance of the matter, the inability to have open doorways or windows, or the way in which some of the children bruise up while bit but now the growing concern for the diseases transmitted in what appears to have a healthy solution available.

I hope you take my comments to value and my opinion that the only option would consist of a revert back to a salt water lagoon. My family and i would truly be appreciative if our beautiful neighborhood could have the outdoors enjoyed to the same extent we enjoy the indoor time we have together. I would appreciate it if you share my neighborhoods deep concerns on the matter with any other influential partners on the subject.

Sincerely,
Tom Dews

136-1

136-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The comment describes the mosquito conditions affecting the commenter. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

LETTER 137
Andy and Karen Logan

From: andrewhlogan@cox.net
To: [Greer, Keith](#)
Subject: Buena Vista Lagoon Enhancements
Date: Tuesday, September 01, 2015 1:49:19 PM

We are homeowners at 2381 Spruce St in Carlsbad and we strongly endorse returning the Buena Vista Lagoon to it's original, natural salt water state. This will eliminate a looming health hazard caused by mosquito breeding. The lagoon is one of great natural beauty and should be preserved.

Andy and Karen Logan
2381 Spruce St
Carlsbad, CA

137-1

137-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

LETTER 138
Courtney Kincaid

From: [Courtney Kincaid](#)
To: [Washington, Lauren](#)
Subject: Re: Buena Vista Lagoon
Date: Wednesday, September 02, 2015 7:04:39 AM

From: Courtney Kincaid <kincaid4@sboglobal.net>
To: "lauren.washington@sandag.org" <lauren.washington@sandag.org>
Sent: Wednesday, September 2, 2015 6:57 AM
Subject: Buena Vista Lagoon

Dear Mrs. Washington,

I am writing to you regarding the Buena Vista Lagoon Enhancement project that is currently being reviewed by our city planners. As a resident that is directly impacted by the decision on the enhancement solution, I want to make sure I reach out to you and have my voice be heard. We currently reside at 1811 Guevara Rd in the old carlsbad area. My family and I love our area, but have concerns about the growing mosquito issue that continues to plague our neighborhoods. With this summer experiencing record heat waves, it has been miserable to not enjoy evenings outside due to this issue. To make the situation even worse, we recently received a letter from the San Diego Department of Health, (letter attached), warning us about the recent increase in Mosquitos that carry the West Nile virus.

I have read the EIR report that was provided to the city and while the Saltwater solution is the most expensive initially, the long term maintenance cost is minimal. It is also the best solution, as called out by the report, for the health and safety of the community. Based on the factual data that was laid out in the EIR I hope the city makes the correct choice and reverts the Buena Vista Lagoon back to its natural saltwater state.

Best Regards

Mr. Courtney Kincaid
 1811 Guevara Rd
 949-300-8455

138-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The comment describes the mosquito conditions affecting the commenter. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

138-1

LETTER 139
Richard and Nanette Dowdy

From: [richard.dowdy](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Enhancement
Date: Saturday, August 15, 2015 1:58:27 PM

I support the incursion of salt (sea) water into the Buena Vista lagoon. We have not experienced any increase in mosquitoes in our area (Westwood Drive) but that does not preclude such an infestation in the future, or the possibility of an increase in homes nearer the lagoon.

Richard & Nanette Dowdy

139-1

139-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The comment describes the mosquito conditions affecting the commenter. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

LETTER 140
Katy Gray

From: [Katy Gray](#)
 To: [Washington Lagoon](#)
 Subject: Buena Vista Lagoon
 Date: Tuesday, August 04, 2015 11:32:15 AM

Hello,

having lived in the Carlsbad/Oceanside area for almost 40 years, I have always enjoyed looking at and walking around the lagoon. Currently my home looks over the lagoon, and over the past 7 or 8 years it has gone from fairly "healthy" to downright disgusting. In the past it was more of an exchange of salt water and freshwater - until the home was built on the west side - or at least that is my memory of it...

140-1

Please move forward with the saltwater option, this will cut back on the mosquitos and bring back the beauty of it, perhaps eliminating the reeds which seem to have taken over!

Finally, I hope that this project is not dependent on the i5/78 exchange? This clean up needs to happen sooner than later.

140-2

Thanks for your time, have a great day!

Katy Gray
Kathryn " Katy " Gray
Realtor calbre# 01152070
Carrington Real Estate Services
760.213.4400
 300 CARLSBAD VILLAGE DRIVE, SUITE 223
 CARLSBAD, CA 92008

140-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. Please see Master Response #5 regarding the historical ecology of the lagoon system. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Each alternative would include vegetation removal to varying degrees, as shown in Table 2-5. Please see response to comment 65-3 regarding mosquitos and vectors.

140-2

As described in Section 2.5.3, the Enhancement Project and planned infrastructure projects have independent utility, and each could be constructed and usable without the others. Senate Bill 468 (Kehoe) mandates that transportation improvements and regional habitat enhancements within the north coast corridor occur concurrently, unless construction in phases would result in an environmentally superior alternative to concurrent construction. While these projects would not be constructed as part of the Enhancement Project, consistent with Senate Bill 468, it is anticipated that I-5, the I-5/SR 78 interchange, and railroad bridge improvements over the lagoon would occur concurrently with the Enhancement Project or would be built to accommodate any of the Enhancement Project alternatives and their respective channel connections.

LETTER 141
Brian Petersen

From: [Brian Petersen](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Enhancement Project - comments
Date: Monday, August 31, 2015 3:55:28 PM

To Whom It May Concern,

My name is Brian Petersen, and I am a resident of Carlsbad writing to give my comments on the Buena Vista Lagoon Enhancement Project. I am a long-time North County resident, and I also have experience as a volunteer naturalist and environmental educator.

After reviewing the various options presented in the EIR for the enhancement project, it seems clear to me that the Saltwater Option is the superior option. This is based on careful consideration of the advantages and disadvantages of all options, both as a citizen concerned with stewardship of natural resources, and as a resident who lives about 1 mile from the lagoon. First of all, the Saltwater Option appears to be the only option that deals with the increasing mosquito population in the area in a significant way. This is a matter of serious concern to residents, and anecdotal evidence from residents as well as scientific studies have shown that the mosquito population is growing at an alarming rate. Allowing the lagoon to return to its natural state would help to return the balance in the food chain to bring the population of mosquitos and other pests back to manageable levels.

While there are certainly valid concerns with the Saltwater Option regarding construction costs and temporary impacts, it seems that the temporary inconveniences would be far overshadowed by the benefits of restoring an endangered ecosystem back to its natural state. Such benefits cannot necessarily be quantified on a short-term basis, and the value of the lagoon to both its human neighbors and the other lifeforms that depend on it need to be taken into consideration. With that in mind, it would appear that the Saltwater Option is the best route for SANDAG to pursue.

Thank you for your time and consideration.

Sincerely,

Brian Petersen
Carlsbad, CA

141-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. Please see response to comment 65-3 regarding mosquitos.

141-1

LETTER 142
Amber Miller

From: [Amber Martin](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon EIR Feedback
Date: Monday, August 31, 2015 1:21:11 PM

Can you confirm this is the right email? I lost teh pamphlet from the public meeting.

Here are my comments:

1. Both the Hybrid and the Fresh Water solutions do not do enough to mitigate the vectors and clear the reeds East of the 5. I understand that a majority of homes are west of the five. We live on the lagoon east of the 5 (2248 Jefferson Street). The mosquitos are so terrible we can't go outside or even open our door without 50+ mosquitos flooding our house in minutes. From our discussion with the vectors booth, the mowing system has not been proven to work and, in fact broke because the reeds were so thick on first attempt. You are removing a high percentage of reeds on the west side but have no plans to dredge any reeds on the east side. Also, our neighbors who are original owners from 1953 have images of the lagoon on the east side with wide open water. We would like to get back to that instead of just leaving the reeds as is and thinning them a bit.

2. Jefferson street is a very dangerous bike path/walking area. There is an old nature preserve gate by Marron road. Would that be re-opened as a part of this project? We can tell from the sign that there used to be trails on that side of the lagoon, and that would be great for public use. We would also like you to consider putting a trail north of the guard rail or a sidewalk to make it safer for people traveling from the neighborhoods and commercial zone east of Marron into the village.

In general, it seems like a majority of the work was put west of the 5 with little upgrade or relief east of the five, and there are homes and businesses there too.

Thank you!
Amber Miller
858-353-3329

142-1

142-2

142-3

142-4

142-1

The comment provides introductory statements and no further response is required.

142-2

The comment describes the mosquito conditions affecting the commenter. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors. The success of mowing vegetation was considered as part of the adaptive management plan for the project; thus, the plan includes the possibility of dredging the vegetation rather than mowing as a more long-term solution as described in Section 2.9.3. The commenter's lack of support for the Freshwater and Hybrid Alternatives is noted and the SANDAG Board of Directors will consider the commenter's concerns before it makes a decision on the project.

142-3

Under the City of Carlsbad heading within Section 3.1.1 of the EIR that discusses land uses, there is a description of the City of Carlsbad's ongoing Trails Master Plan update that includes plans for a trail along the southern shore of the lagoon from the intersection of Jefferson Street/Marron Street and connecting to Maxton Brown Park. Also described are planned pedestrian improvements over I-5 at Jefferson Street as part of Caltrans NCC PWP/TREP. These actions are being undertaken by other agencies and are not included in the Enhancement Project and are outside the scope of this EIR. Similarly, sidewalks along local roadways surrounding the lagoon are not part of the project and out of the scope of this EIR.

142-4

The Enhancement Project was designed to improve the overall lagoon system, both west and east of I-5. The lagoon enhancement alternatives have been planned and designed to achieve the highest level of habitat, ecology, and hydraulic function for the lagoon system as a whole within the constraints of each alternative. To achieve the project goals and objectives of the project, habitat modifications and enhancement efforts would be made in the most appropriate locations necessary to create the proper hydrology and function of the lagoon per each alternative.

LETTER 143
Kirk Miller

From: [Kirk Miller](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Project Comments
Date: Monday, August 31, 2015 4:45:03 PM

Hello,

This is Kirk Miller. I live at 2248 Jefferson street carsbad,ca 92008 and these are my comments regarding the buena vista lagoon restoration project. 858 603 6892

1: We (as people living on the lagoon on the east side of the 5) are very concerned about the hybrid or fresh water solutions. Mosquitoes (or vectors) have been a major issue for some time and I am not sure the effectiveness of the "mowing" is really proven.

2: We'd really like to see an improvement or allowing of some trails on the southeast side of the lagoon (south side of lagoon, east of 5). There is an existing parking lot/park in far southeast corner that seems to be in disrepair and was not mentioned in the plan. It would be wonderful to see some trails (maybe even just next to the road) extend west from there. there are no side walks on the north side of jefferson street in that area making it very difficult to pass by on the road. I'm sure some local homeowners(aka us) would be willing to put in the maintenance work on the trails if they are allowed.

Thanks,
Kirk

143-1

143-2

143-3

143-1

The comment provides introductory statements and no further response is required.

143-2

The comment states concern regarding the Freshwater and Hybrid Alternatives. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors. The success of mowing vegetation was considered as part of the adaptive management plan for the project. Mowing for maintenance of cattail habitat is only considered effective if dredging is done first. The cattail maintenance areas in the Freshwater and Hybrid Alternatives utilize both methods as part of a long-term solution as described in Section 2.9.3.

143-3

Please see response 142-3 regarding trail development.

LETTER 144
Tamara Moody

From: [Tamara Moody](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Enhancement
Date: Friday, August 28, 2015 11:53:04 AM

August 28, 2015

Lauren Washington
SANDAG
401 B Street Suite 800
San Diego, CA 92101

Re: Buena Vista Lagoon Enhancement Project

Dear Lauren,

I attended SANDAG's public meeting in July and learned about the three enhancement options for Buena Vista Lagoon. I **support the Saltwater Alternative solution and would like to see it adopted by the City of Carlsbad and City of Oceanside. The No Project Alternative and Hybrid Alternative are absolutely unacceptable** as they do not address either the ongoing concerns for the health and safety of our community or the outdoor enjoyment of our neighborhood.

144-1

The Saltwater Alternative provides the best water quality as the tidal water is allowed to ebb and flow while also providing a more natural habitat needed for the health of the fish, birds and animals of the ecosystem. It provides the best biological diversity. This is the closest to natural restoration we could manage.

144-2

In looking at the graphics provided, the Saltwater Alternative also looks to provide the best storm water management for a 100-year storm.

144-3

The Saltwater Alternative solution, as I understand it, best allows the continual ebb and flow of salt water and reducing the amount of stagnant fresh water. Salt-water mosquitoes would still exist but this alternative would dramatically reduce the continual breeding of the vector mosquitoes in the fresh water reeds. We have seen a seriously dramatic increase in mosquitoes, day and night, throughout the year, in the past fifteen years that we've lived in north Carlsbad.

144-4

Mostly importantly, as I have learned from San Diego Vector Control, the draft EIR for BV Lagoon, and from local media sources, evidence of West Nile Disease has been found in more birds and mosquito batches this year so far than all of 2014. A new species of mosquito is

144-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative.

144-2

The impacts of the enhancement alternatives on water quality and species within the lagoon are addressed in Sections 3.2 and 3.5 of the EIR, respectively. Section 3.4 of the EIR, Water and Aquatic Sediment Quality, acknowledges that the Freshwater Alternative would provide little water quality improvement over existing conditions, while the Saltwater and Hybrid Alternatives would result in greater water quality improvements. This comment does not address the adequacy of the Draft EIR.

144-3

The comment does not address the adequacy of the EIR.

144-4

Section 3.15 discusses the impacts each alternative would have on mosquito breeding conditions within the lagoon, which could affect mosquito presence in adjoining neighborhoods. Please see response to comment 65-3 regarding mosquitos and vectors. This comment does not address the adequacy of the Draft EIR.

144-5

The comment provides final statements and no further response is required.

now breeding in Escondido that carries Dengue Fever and Yellow Fever and it's likely to breed in BV Lagoon in the near future. **The Saltwater Alternative will do the best job of protecting the health of our community.** I realize this alternative is probably the most expensive option, however our health and the health of the lagoon ecosystem are more important concerns and are worth the cost.

144-4
Cont.

Thank you for providing your research for public review and response and for including my personal comments in your presentation to the City of Carlsbad and Oceanside.

144-5

Respectfully,

Tamara Moody
1787 Butters Road
Carlsbad, CA. 92008
(760) 729-4231

LETTER 145
Ruth Harbecke

From: Ruth Harbecke
To: Washington, Lauren
Subject: Buena Vista Lagoon Enhancement Project
Date: Monday, August 31, 2015 7:24:16 PM

Dear Ms. Washington:

My name is Ruth Harbecke, and I have been residing at 2255 Highland Drive in Carlsbad since 1996. I work as a research scientist in the field of infectious diseases. I am strongly supporting the restoration of the Buena Vista Lagoon to a saltwater lagoon in its entirety.

The lagoon's overgrown vegetation and continuing siltation, combined with the ongoing drought, have gradually increased the areas of stagnant water, which provide the perfect breeding grounds for mosquitoes. Despite the monthly aerial spraying of larvicide, mosquitoes have been an ever-growing problem in our neighborhood. None of us can enjoy a summer evening on the porch, host a 4th of July barbeque with friends, or even water our plants in the early morning or after 6 PM (as is recommended during a drought).

My main concern, however, is the transmission of mosquito-borne diseases that could have a serious health impact on our neighborhood and on the county:

1. West Nile Virus (WNV): There has been an exponential increase in dead birds infected with WNV over the last several years. In August of 2014, the count of dead birds infected with WNV was 9, with a total of 41 for that year (one of them from Oceanside). This year, to date 108 dead birds infected with WNV have already been found, with 13 in Oceanside and three in Carlsbad. Undoubtedly, the number of human cases of WNV infection this year will surpass last year's 11 cases. (<http://www.sandiegocounty.gov/dsh/posts/wnv.html>)

2. Dengue Fever: Dengue viruses (DV), which cause Dengue Fever, are carried by mosquitoes of the species Aedes. Aedes mosquitoes have recently been detected in Chula Vista and Escondido (<http://www.countynewscenter.com/news/invasive-mosquitoes-now-found-north-county>), as well as in Orange County (<http://www.ocregister.com/articles/county-659619-fever-mosquitoes.html>), and it is only a matter of time until they arrive in our area. On July 20, 2015 two confirmed cases of Dengue Fever in Tijuana were reported (<http://zetatijuana.com/noticias/escenario/23496/se-registran-en-tijuana-dos-casos-de-rickettsia-y-dos-de-dengue>). As Dengue Fever is endemic in Mexico, the constant interchange between San Diego County and Mexico makes it highly likely that DV will be picked up and spread by local Aedes mosquitoes.

3. Chikungunya: The Chikungunya virus is also carried by mosquitoes of the species Aedes, and there is growing concern among health officials that Chikungunya could become

145-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. The comment describes the mosquito conditions affecting the commenter. Please see response to comment 65-3 regarding mosquitos.

145-2

The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

145-1

145-2

established in mosquito populations in this country. This year, Chikungunya virus disease became a nationally notifiable disease (<http://www.cdc.gov/chikungunya/geo/united-states-2015.html>). Recently, there were 14 confirmed cases of Chikungunya in Los Cabos, Baja California, 8 of them in Cabo San Lucas (<http://peninsulardigital.com/municipios/loscabos/confirmados-catorce-casos-de-chikungunya-en-los-cabos/178106>). Again, the proximity to Mexico and the presence of Aedes mosquitoes in the county make it highly likely that Chikungunya will become a local health threat.

4. Yellow Fever: Aedes mosquitoes also transmit Yellow Fever. While Yellow Fever is mainly restricted to the tropical regions of Africa and of South and Central America, globalization and international travel can introduce the disease to our area through infected travelers, with spread by Aedes mosquitoes.

5. Other infectious diseases: Mosquitoes are known to transmit several forms of human encephalitis, including Eastern equine encephalitis, which infects both humans and horses, and St. Louis encephalitis. Mosquitoes also transmit dog heartworm (Dirofilaria immitis), which can be a life-threatening disease for canines.

In conclusion, I believe that the best choice is to convert the Buena Vista Lagoon in its entirety into a saltwater lagoon and thereby return it to its original state. This is the only viable option that can address the local mosquito problem adequately and save resources in the long run. It will eliminate aerial spraying of larvicide and, most importantly, prevent human and animal diseases. The resources, medical costs and, potentially, lives saved through this project will by far outweigh the costs it incurs.

Respectfully,

Ruth Harbecke, PhD
2255 Highland Drive
Carlsbad, CA 92008
760-720-7854

145-3

Please see Master Response #1. This comment reiterates the commenter's preference for the Saltwater Alternative.

145-2
Cont.

145-3

LETTER 146
Melba Novoa

September 1, 2015

Lauren Washington
SANDAG
401 B Street, Suite 800
San Diego, CA 92101

VIA EMAIL: Lauren.Washington@sandag.org

Re: Buena Vista Lagoon

Dear Ms. Washington:

I live just up the hill from the Buena Vista Lagoon. My kids have been taking strolls along the shore since they were babies and we have always enjoyed viewing the wildlife and sunsets from the viewing area at Marron Road.

The lagoon is a regional treasure and we should take care of it as such. The community needs to come together to save it from the mistakes humans have made in the past as stewards of this natural resource.

I have read the Buena Vista Lagoon Enhancement Project Draft EIR assessing the potential environmental impacts of the various alternatives to the Lagoon. Based on those assessments, it is my belief that the best option would be to allow salt water from the Pacific Ocean to flow into the Lagoon so that there is a natural tidal flush of the wetlands.

Something needs to get done soon to address the accumulation of sedimentation and the overabundance of reeds and other non-native vegetation that is choking the lagoon. The growing mosquito problem and possible diseases that these vectors carry to neighboring areas cannot be solved by spraying pesticides alone.

Doing nothing should not be an option. Future generations will be grateful for us making the right, if difficult decisions now.

In conclusion, I believe that the best option would be the SALTWATER ALTERNATIVE, allowing saltwater to flow naturally into the lagoon and flush the surrounding area while allowing seasonal rain water to flow out to the Pacific, as it was originally.

Thank you for informing the community about the options being considered. I understand this is no small project.

Sincerely,

Melba Novoa
2025 Westwood Drive
Carlsbad, CA 92008

146-1

Please see Master Response #1. This comment provides background information and states a preference for the Saltwater Alternative. Each alternative would include vegetation removal to varying degrees, as shown in Table 2-5. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Please see response to comment 65-3 regarding mosquitos and vectors.

146-1

LETTER 147
Denise Zemke Glaser

From: [Denise Zemke Glaser](#)
To: [Washington, Lauren](#)
Subject: Buena Vista Lagoon Comment
Date: Monday, July 13, 2015 3:00:02 PM

Hi Lauren,

I am not sure if I can vote via this email for the kind of lagoon that will ultimately be decided upon but my request is to have it with the combination hybrid with freshwater on the east side of the 5 freeway and saltwater on the west side.
I have lived in N. county for 28 + years and have watched the lagoon become choked with reeds over the years and would love to see it restored to a lagoon that has waves and a shoreline (even mini whitecaps during storms ☺) like before.
Thank-you for your time.

Cordially,
Denise Zemke Glaser

147-1

147-1

Please see Master Response #1. This comment provides background information and states a preference for the Hybrid Alternative.

LETTER 148
Stuart Cannes

From: [stuart.cannes](#)
To: [Washington, Lauren](#)
Cc: [Greer, Keith](#)
Subject: Buena Vista Lagoon Enhancement Project / Draft EIR / Public Comment
Date: Friday, August 07, 2015 12:43:37 PM

August 7, 2015

To: Lauren Washington

Below are my comments on the Buena Vista Lagoon Enhancement Project, Draft Environmental Impact Report.

First of all, the fact that a project of this nature is moving forward is commendable and represents good government and good leadership. Kudos to both SANDAG and the respective individual government entities.

148-1

Of the proposals, I am in favor of the saltwater alternative. We need all the tidal basins we can get.

I have additional comments regarding a specific component of the saltwater and hybrid plans. That component being the *design* of the proposed wooden pedestrian bridge crossing the lagoon outlet to the ocean.

As depicted in the EIR, there is a walkway running alongside the southern most home in St. Malo before reaching the pedestrian bridge that actually crosses the channel.

I understand the need to push the bridge off the beach and I understand the desire to work with St. Malo, however the proposed design will, long term, look pretty silly.

148-2

My suggestion is to make *acquisition* of the southernmost St. Malo home a part of the overall project. This is the home that adjoins the weir. There is a second home directly east that may also be considered.

Acquiring this St. Malo property has several benefits. It would permit greater flexibility in the design of a proper channel to the sea, and it makes a nice base area for a more traditional pedestrian bridge. It gives both St. Malo and the public some elbow room.

This is a pretty big project. Let's get it right for the long term.

148-3

Again, nice work!

Thanks,

Stuart Cannas
Oceanside, CA

148-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative.

148-2

Please see Master Response #2 regarding ownership in the vicinity of the lagoon.

148-3

The comment provides final statements and no further response is required.

LETTER 149
Teresa Heberer

August 25, 2015

RE: Buena Vista Lagoon Restoration

To Whom It May Concern:

As a resident of Oceanside and employee of Carlsbad Unified School District I have a vested interest in the restoration of the Buena Vista Lagoon. I pass by it everyday on my commute to and from work. In recent years, I have seen the slow suffocation of plant life in the lagoon and I'm thrilled there is a restoration plan in place to make it a beautiful enhancement in our area.

My idea for the restoration stems from being an avid traveler and enjoying the construction and conservation of beautiful waterways in other countries and our local lagoons. I feel Buena Vista Lagoon can become not only a healthy waterway with an environmental educational experience for students in our local school districts but also a destination for the community and many tourists that visit our area. As an educator, it is always my intention to learn or teach about the environment and I think we have a very valuable opportunity to do so with the restoration of Buena Vista Lagoon.

In short, the idea I would like to propose is to build a large gazebo in the center of the lagoon with smaller satellite gazebos in various locations connected with beautiful boardwalks and educational stations along the walkways or viewpoints with solar panels for soft night lighting.

I envision this to be a destination for the local community to take family walks, learn of the local species of flora and fauna, take sunset pictures, and wedding/graduation pictures with a beautiful backdrop of the lagoon. For tourists, it would be a day's outing to learn of the migrating birds that call Buena Vista Lagoon a resting place in their long journey. For local students, a curriculum could be built around the birds, flora and fauna and healthy water systems as school projects ranging from elementary through high school biology and environmental science classes. A great model of this type of curriculum is presently offered through the Nature Center in Carlsbad to elementary students.

To incorporate the local community into the fabric of the project and create a learning experience as well as community investment into the restoration, it would be ideal to reach into the educational experience of Carlsbad and Oceanside students. For example, offer high school students opportunities to complete their graduation required 20 hours of community service and act as docents of the lagoon or other types of learning opportunities. Students could be instrumental in creating the educational placards describing the birds and plants found in the lagoon at the viewpoints and walkways. In addition, students of all ages could do research projects within the current curriculum to learn about the waterways of the area.

149-1

Please see Master Response #3 regarding the placement of the Boardwalk and environmental resources that must be considered when encroaching into the lagoon. The SANDAG Board of Directors will consider the commenter's suggestions before it makes a decision on the project. Under the City of Carlsbad heading within Section 3.1.1 of the EIR that discusses land uses, there is a description of the City of Carlsbad's ongoing Trails Master Plan update that includes plans for a trail along the southern shore of the lagoon from the intersection of Jefferson Street/Marron Street near Hosp Grove Park and connecting to Maxton Brown Park. Also described are planned pedestrian improvements over I-5 at Jefferson Street as part of Caltrans NCC PWP/TREP. These actions are being undertaken by other agencies and are not included in the Enhancement Project and are outside the scope of this EIR.

149-1

Finally, and possibly the biggest commitment of the school districts, would be to create a trade school curriculum at the high school level of woodworking, metalworking, solar energy or basic construction classes to provide an opportunity for students to learn a basic trade in high school and help in the construction of parts of the boardwalks and main structures. I believe if children of all ages are involved in a community project of this magnitude they would develop an ownership and would be more invested in the preservation and conservation of the lagoon and its surrounding area. The benefits would last for generations, imagine current students explaining to their children how they helped build a destination spot for Carlsbad and Oceanside.

In addition to the structures and boardwalks within the lagoon, I would like to propose a running/walking path around the lagoon. Carlsbad has become an athlete's destination for biking, marathons, and watersports. A good running/walking path would enhance the athletic experience in beautiful Carlsbad.

If you are interested in learning more of the details and ideas I have proposed, please let me know and I will be happy to expand my vision of a beautiful enhancement of Buena Vista Lagoon.

Sincerely,
Teresa Heberer
teresaheberer@gmail.com

149-1
Cont.

LETTER 150

Anon1

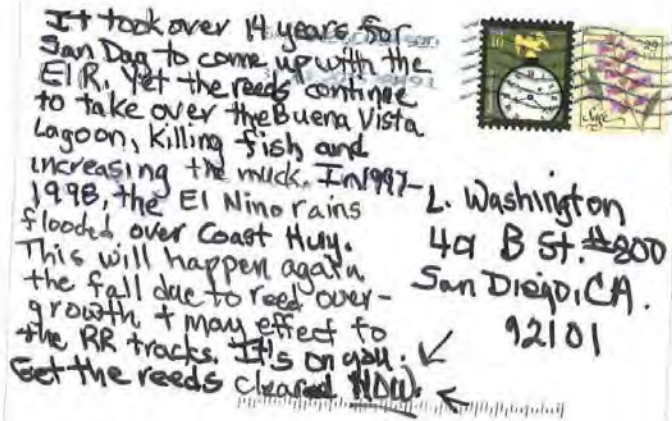
150-1

This comment does not address the adequacy of the Draft EIR. Flooding is addressed in Section 3.2 of the EIR. Table 2-4 provides the volume of vegetation removal for each alternative, with the highest volume of vegetation removal occurring under the Saltwater Alternative (211,000 cubic yards). Additionally, vegetation removal (cattails) maintenance would occur as prescribed for each of the alternatives as detailed in Section 2.6 of the EIR.

150-1

It took over 14 years for
San Diego to come up with the
EIR. Yet the reeds continue
to take over the Buena Vista
Lagoon, killing fish and
increasing the muck. In 1997-
1998, the El Nino rains
flooded over Coast Hwy.
This will happen again
the fall due to reed over-
growth + may effect to
the RR tracks. It's on you.
Get the reeds cleared NOW.

L. Washington
44 B St. #200
San Diego, CA.
92101



Keep San Diego Moving
TransNet

**Buena Vista Lagoon Enhancement Project
Draft Environmental Impact Report
Public Meeting/Reunion Pública**

COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015

Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre _____ Organization/Organización (if applicable) _____

Address/Dirección _____

Phone/Número de teléfono _____ Email/Correo electrónico _____

I would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electrónicos del proyecto.

☐ Yes/Sí ☐ No

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project./Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POR FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

Why would you spend money on an option that will not
Happen (Salt Water) 151-1

Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015

Mail to/Por correo: Lauren Washington, SANDAG

401 B Street, Suite 800, San Diego, CA 92101

or email to/o por correo electrónico: lauren.washington@sandag.org

SANDAG TransNet

KeepSanDiegoMoving.com/BVLagoon

LETTER 151

Anon2

151-1

The comment is an opinion about the viability of the Saltwater Alternative. The comment is noted. SANDAG respectfully disagrees with commenter. The commenter is referred to Chapter 4 of the EIR for a discussion of the development of the alternatives carried forward for detailed consideration in the EIR.

LETTER 152
Anon3

152-1

This comment does not address the adequacy of the Draft EIR, and the specific study under question is not identified. A specific response cannot be provided.



401 B Street, Suite 800
San Diego, CA 92101-4231
(619) 699-1900
Fax (619) 699-1905
www.sandag.org

April 25, 2013

TO: Interested Agencies, Organizations, and Individuals

FROM: SANDAG Staff

SUBJECT: Notice of Preparation of an Environmental Impact Report for the Buena Vista Lagoon Enhancement Project

Notice of Preparation

The San Diego Association of Governments (SANDAG), as lead agency, will prepare an Environmental Impact Report (EIR) for the Buena Vista Lagoon Enhancement Project in accordance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Section 21080.4(a) and Section 15082 of the State CEQA Guidelines, responsible and trustee agencies and members of the public are asked to provide written comments regarding the scope and content of the EIR; therefore, SANDAG needs to know your views, or the views of your organization or agency, as to the scope and content of the environmental information that will be addressed in the draft EIR. A description of the project, location, probable environmental effects, and alternatives under consideration is contained in the attached material.

Scoping Meeting

A public scoping meeting will be held on May 9, 2013 from 6:00 to 8:00 p.m. The meeting will be held at the Buena Vista Elementary School located at 1330 Buena Vista Way, Carlsbad, California. At 6:30 p.m. the project team will give a short presentation.

Comments will be accepted in the following forms: Verbal comments given to a court recorder, written comments on comment cards, and letters submitted at the meeting or via mail and email. Contact information is provided below.

Time limits mandated by state law require that comments be submitted within 30 days of the date of this notice. As such, your response should be sent at the earliest possible date, but no later than May 25, 2013.

SANDAG CONTACT INFORMATION: Questions regarding the scoping process or preparation of the EIR may be directed to:

Mr. Marc Cass, Associate Regional Planner
401 B Street, Suite 800
San Diego, CA 92101
Email: marc.cass@sandag.org
Phone: (619) 595-5374

MEMBER AGENCIES

Cities of
Carlsbad
Chula Vista
Coronado
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Encinitas
Escondido
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Water Authority
Southern California
Tribal Chairmen's Association
Mexico

152-1

Keep San Diego Moving
— Transition —

So far — spend money — nothing happens

SANDAG has published a Notice of Preparation and is conducting a 30-day public comment period. Members of the public are invited to comment on the types of environmental issues, mitigation, and alternatives to address in the EIR.

You can participate by: *Please do something*

- Submitting your verbal comments to a court reporter at this meeting
- Submitting written comments into the comment boxes available at this meeting
- Submitting written comments to Marc Cass, SANDAG Associate Regional Planner:

Email: Marc.Cass@sandag.org
Mail: Marc Cass, Associate Regional Planner
 San Diego Association of Governments (SANDAG)
 401 B Street, Suite 800, San Diego, CA 92101

All comments must be submitted by May 25, 2013



Learn about the environmental enhancements of the NCC Program at KeepSanDiegoMoving.com/NCC



Read the status report for the Transition Environmental Mitigation Program at KeepSanDiegoMoving.com/EMP

Keep San Diego Moving
— Transition —

May 25, 2013

This has been going on for at least 30 yrs.

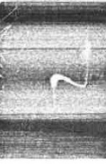
Buena Vista Lagoon Enhancement Project

Environmental Impact Report (EIR)
Public Scoping Meeting

What are your plans?

July 23, 2015

May 9, 2013
 Buena Vista Elementary School
 6 - 8 p.m.



SANDAG **Transition**

CITY OF CARLSBAD

152-1
Cont.

*all the other lagoons
look great - why not Buena
Buena Vista Lagoon Enhancement Project?*

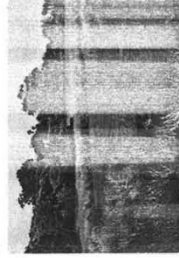
TONIGHT'S MEETING

6:00 p.m.

Public Meeting Begins (Open House Format)
Please visit each topic station for more information about the project

6:30 p.m.

Short Presentation
Meeting Concludes



SANDAG is working in the North Coast Corridor to coordinate a potential

enhancement of the Buena Vista Lagoon. The Buena Vista Lagoon Enhancement

Project includes completing engineering studies and preparing an Environmental

Impact Report (EIR). A minimum of

four alternatives will be evaluated:

three enhancement alternatives

(freshwater, saltwater, and a saltwater/

freshwater hybrid regime) and a no

project alternative. As the first step in

the EIR process, SANDAG is soliciting

input on the types of environmental

issues, mitigation, and alternatives to

address in the EIR. SANDAG, with support from the cities of Carlsbad and Oceanside,

is engaging stakeholders and the public in considering alternatives through the EIR

process that will run through fall/winter 2015.

Buena Vista Lagoon is located in northern San Diego County, within the cities of

Oceanside and Carlsbad. Buena Vista Lagoon's significant biological value arises

from its approximately 220 acres of wetland habitat, which is home to over 100 bird,

18 mammal, and 14 amphibian and reptile species. Additionally, Buena Vista Lagoon

is notable as one of the six coastal lagoons that contribute to the scenic quality of

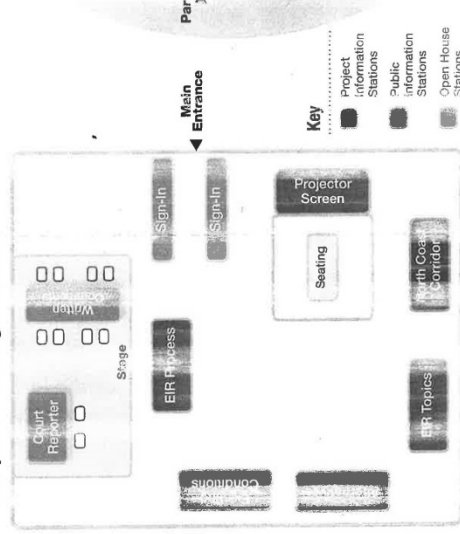
the North Coast Corridor. The State of California designated Buena Vista Lagoon as

its first Ecological Reserve in November 1968. The cities of Oceanside and Carlsbad

have also included lagoon preservation in their subarea plans under the San Diego

County Multiple Habitat Conservation Plan.

Buena Vista Lagoon Enhancement Project Environmental Impact Report Public Scoping Meeting



152-1
Cont.

Keep San Diego Moving
TransNetBuena Vista Lagoon Enhancement Project
Draft Environmental Impact Report
Public Meeting/Reunion Pública

COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015

Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre Gary Nessin Organization/Organización (if applicable) CVAAddress/Dirección 2987 Highland Drive Carlsbad Ca 92008Phone/Número de teléfono 760 434 2778 Email/Correo electrónico garynessin@att.net

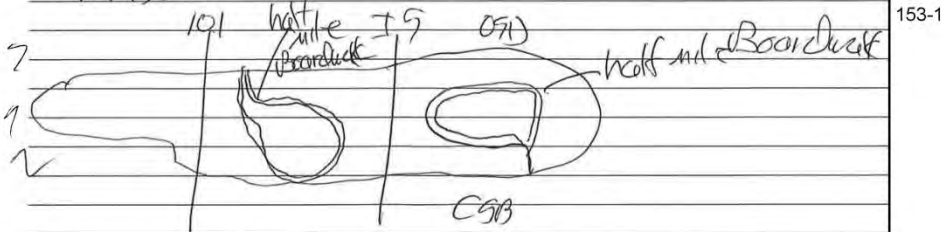
I would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electrónicos del proyecto.

☒ Yes/Sí ☐ No

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project./Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POR FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

I suggest a boardwalk into center of lagoon
in both eastern & western basins similar
to the Cags in Bayview Beach Florida
I have photos available



Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015

Mail to/Por correo: Lauren Washington, SANDAG

401 B Street, Suite 800, San Diego, CA 92101

or email to/o por correo electrónico: lauren.washington@sandag.org

SANDAG TransNet

KeepSanDiegoMoving.com/BVLagoon

LETTER 153
Gary Nessin

153-1

Please see Master Response #3 regarding the placement of the Boardwalk and environmental resources that must be considered when encroaching into the lagoon.

Keep San Diego Moving
TransNet

**Buena Vista Lagoon Enhancement Project
Draft Environmental Impact Report
Public Meeting/Reunion Pública**

COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015

Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre Barbara Metyl Organization/Organización (if applicable) _____

Address/Dirección 53 St Malo Beach

Phone/Número de teléfono 760 4397580 Email/Correo electrónico barbarametyl@gmail.com

I would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electronicos del proyecto.
☒ Yes/Sí ☐ No

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project./Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POR FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

We support FRESHWATER only - the others would produce a positive environment for residents who are local and be a disaster for St Malo. We do not support mudflats, the cost is better for fresh and Do nothing is second best but it would be good to take out the tubes.

154-1

Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015

Mail to/Por correo: Lauren Washington, SANDAG

401 B Street, Suite 800, San Diego, CA 92101

or email to/o por correo electrónico: lauren.washington@sandag.org

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**LETTER 154
Barbara McTyle**

154-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative. This comment does not address the adequacy of the Draft EIR.

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Draft Environmental Impact Report
Public Meeting/Reunion Pública

COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015

Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre Stephen Watkins Organization/Organización (if applicable) _____Address/Dirección 1 St. Malo BeachPhone/Número de teléfono 626-676-7755 Email/Correo electrónico stephen.watkins@aer.com

I would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electrónicos del proyecto.

☒ Yes/Sí ☐ No

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project./Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POR FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

I am in favor of the freshwater alternative. I love the bio diversity of a fresh water lagoon for the unique flora/fauna that it supports.

I do believe that the government has put the lagoon into jeopardy after decades of benign neglect and they have a responsibility to do regular cat tad reduction and mosquito mitigation.

I do think that the carp needs to be removed so that the bass population can thrive.

155-1

155-2

Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015

Mail to/Por correo: Lauren Washington, SANDAG

401 B Street, Suite 800, San Diego, CA 92101

or email to/o por correo electrónico: lauren.washington@sandag.org

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LETTER 155
Stephen Watkins

155-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative. This comment does not address the adequacy of the Draft EIR.

155-2

Fishing opportunities are described in Sections 3.1 and 3.5 of the EIR. Impacts to carp and bass, both nonnative, non-special-status species, would vary by alternative and are discussed in Section 3.5.3. This comment does not address the adequacy of the Draft EIR.

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TransNetBuena Vista Lagoon Enhancement Project
Draft Environmental Impact Report
Public Meeting/Reunion Pública

COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015

Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre LYNDA BATTISTA Organization/Organización (if applicable) _____Address/Dirección 2347 pio pico Dr Carlsbad 92008Phone/Número de teléfono 760-421-6803 Email/Correo electrónico JobSMITH1969@GMAIL.COM

I would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electronicos del proyecto.

☒ Yes/Sí ☐ No

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project./Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POR FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

WE ARE IN FAVOR OF THE FRESH WATER PLAN.
FOR OVER 100 YEARS BUENA VISTA LAGOON HAS BEEN
KNOWN FOR ITS FRESH WATER BIRD LIFE. THIS SETS
BUENA VISTA LAGOON APART FROM ALL THE OTHER LAGOONS
IN THE AREA.

157-1

FRESH WATER PLAN IS ALSO THE LEAST EXPENSIVE
TO PUT IN PLACE + ALSO MAINTAIN.

IF A COMPERMISE IS NEEDED MY NEXT CHOICE IS 1/2 salt +
1/2 fresh WATER. THIS STILL MAINTAINS THE BIRD LIFE THIS LAGOON IS
KNOWN FOR.

Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015

Mail to/Por correo: Lauren Washington, SANDAG

401 B Street, Suite 800, San Diego, CA 92101

or email to/o por correo electrónico: lauren.washington@sandag.org

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LETTER 157
Lynda Battista

157-1

Please see Master Response #1. This comment states a preference for the Freshwater Alternative. Please see Master Response #4 regarding the freshwater lagoon resource. The impacts of the enhancement alternatives on species within the lagoon are addressed in Section 3.5 of the EIR, Biological Resources. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

LETTER 158
Sharon Bennett

158-1

The comment states a lack of support for the Saltwater Alternative. Aesthetics are addressed in Section 3.9 of the EIR. To the degree that the comment raises economic concerns, no further response is required. However, SANDAG recognizes the concerns of the homeowners in the vicinity and will take this issue under consideration prior to taking action on the project.

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Buena Vista Lagoon Enhancement Project
Draft Environmental Impact Report
Public Meeting/Reunion Pública

COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015

Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre Sharon Bennett Organization/Organización (if applicable) _____

Address/Dirección 1531 Kelly St Oceanide, CA 92054

Phone/Número de teléfono _____ Email/Correo electrónico _____

I would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electronicos del proyecto.

☐ Yes/Sí ☐ No

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project./Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POR FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

The saltwater only would affect water views
and property values. I would not prefer
this option

158-1

Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015

Mail to/Por correo: Lauren Washington, SANDAG

401 B Street, Suite 800, San Diego, CA 92101

or email to/o por correo electrónico: lauren.washington@sandag.org

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Draft Environmental Impact Report
Public Meeting/Reunion Pública

COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015

Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre MARGARET "PEGGY" RAMSING Organization/Organización (if applicable) _____Address/Dirrección 1024 ALTA VISTA DR., VISTA 92084Phone/Número de teléfono 760-726-5955 Email/Correo electrónico _____

I would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electronicos del proyecto.

☐ Yes/Sí ☒ No

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project./Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POR FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

30 YEARS AGO I WAS ON THE BOARD OF THE BVLFC AND DID MUCH
RESEARCH COLLECTING RESOURCE DATA FOR THEM.
FRESHWATER PROBLEMS ARE MOSQUITOES, CATTAILS, SEDIMENT ACCUMULATION.
SALT PROBLEMS ARE SAND FLEAS, MUDFLATS & "SIGNIFICANT IMPACTS".
I PREFER FRESH WATER. REF PAGE 4-15: "FRESH WATER RESULTS IN
LESSER IMPACT BUT DOES NOT ACHIEVE GETTING RID OF MOSQUITOES
OR CATTAILS." PAGE 4-15: "NO ALTERNATIVE IS CLEARLY ENVIRONMENT-
ALLY SUPERIOR TO ANOTHER." MY REASONS ARE FOR FRESH WATER;
① FRESHWATER IMPACTS ARE SIGNIFICANT BUT TEMPORARY.
② BETTER THE PROBLEM YOU KNOW THAN THE ONE YOU DON'T KNOW.
③ 30 YEARS AGO ~~AND~~ I WAS TOLD ANECDOTALLY BY A WATER SCIENTIST
IN L.A. THAT THIS LAGOON IS ESPECIALLY INTERESTING BECAUSE
OF FRESH WATER. HOW WONDERFUL TO BE THE ONLY FRESH
WATER LAGOON IN SO CAL WITH A UNIQUE ENVIRONMENT.

159-1

Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015

Mail to/Por correo: Lauren Washington, SANDAG

401 B Street, Suite 800, San Diego, CA 92101

or email to/o por correo electrónico: lauren.washington@sandag.org

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LETTER 159
Margaret Ramsing

159-1

Please see Master Response #1. This comment provides background information and states a preference for the Freshwater Alternative. Please see Master Response #4 regarding the freshwater lagoon resource. This comment does not address the adequacy of the Draft EIR.

LETTER 160
Clark Linsey

160-1

Please see Master Response #1. This comment states a preference for the Hybrid Alternative.

COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015

Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre: CLARK LINDSEY Organization/Organización (if applicable)

Address/Dirección: 2475 SEFFERSON ST #401, CARLSBAD, CA 92008

Phone/Número de teléfono: _____ Email/Correo electrónico: CLARKALINDSEY@HOTMAIL.COM

I would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electrónicos del proyecto.

*Yes/Sí ☒ No ☐

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project./Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POR FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

My family and I have lived overlooking the lagoon for over a year. It has been a wonderful experience watching the birds and the sunset from our balcony. From my understanding at this moment, I support the "Hybrid Alternative." With this alternative, my view will change. However, the necessary ecological changes to a salt water marsh are fulfilled without completely destroying the fresh water ecology we created decades ago. Thank you for the consideration, CLARK LINDSEY

160-1

Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015

Mail to/Por correo: Lauren Washington, SANDAG

401 B Street, Suite 800, San Diego, CA 92101

or email to/por correo electrónico: lauren.washington@sandag.org

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Draft Environmental Impact Report
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COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015

Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre Robert Sergeant Organization/Organización (if applicable) _____Address/Dirección 303 EATON STREET OCEAN'S IDE CAPhone/Número de teléfono 609 760 0900 Email/Correo electrónico Bob.Sgt@usa.com

I would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electrónicos del proyecto.

☒ Yes/Sí ☐ No

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project./Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POR FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

It is my understanding that the RR Bridge will be raised. A raised RR bridge could accommodate an additional beach access route that could be extended from the proposed fishing bridge ~~at~~ ^{under} the RR lagoon and be connected to an enhanced channel guide in the weir basin

161-1

Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015

Mail to/Por correo: Lauren Washington, SANDAG

401 B Street, Suite 800, San Diego, CA 92101

or email to/o por correo electrónico: lauren.washington@sandag.org

SANDAG TransNet

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LETTER 161
Robert Sergeant

161-1

The EIR describes that, independent from the Enhancement Project and as part of the LOSSAN Improvements; the railroad bridge is planned for future improvements. The comment provides a description of additional access routes through the lagoon if the railroad bridge were raised. This particular type of access is not included as part of the Enhancement Project and thus is not evaluated in the EIR. That does not preclude new trails and access routes to be undertaken as independent projects in the future. Please see Master Response #3 regarding the placement of the Boardwalk and environmental resources that must be considered when encroaching into the lagoon.

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Buena Vista Lagoon Enhancement Project
Draft Environmental Impact Report
Public Meeting/Reunion Pública

COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015
 Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre CJ DiMento Organization/Organización (if applicable) _____

Address/Dirrección 2116 Broadway

Phone/Número de teléfono 760.405.6942 Email/Correo electrónico dimento@cox.net

I would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electronicos del proyecto.
☒ Yes/Sí ☐ No I already am - thank you!

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project./Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POR FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

possible re-opening of
access to area across from Hosp Grove park
is environmentally positive.

Also, signage for construction proposed on
privately owned property + possible purchase
for open space.

thanks for all your work!

Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015

Mail to/Por correo: Lauren Washington, SANDAG
 401 B Street, Suite 800, San Diego, CA 92101

or email to/o por correo electrónico: lauren.washington@sandag.org

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LETTER 162
CJ DiMento

162-1

Under the City of Carlsbad heading within Section 3.1.1 of the EIR that discusses land uses, there is a description of the City of Carlsbad's ongoing Trails Master Plan update that includes plans for a trail along the southern shore of the lagoon from the intersection of Jefferson Street/Marron Street near Hosp Grove Park and connecting to Maxton Brown Park. Also described are planned pedestrian improvements over I-5 at Jefferson Street as part of Caltrans NCC PWP/TREP. These actions are being undertaken by other agencies and are not included in the Enhancement Project and are outside the scope of this EIR. Similarly, sidewalks along local roadways surrounding the lagoon are not part of the project and are out of the scope of this EIR.

162-2

The Enhancement Project does not include the acquisition of private property for the purpose of open space. Please see Master Response #2 regarding ownership in the vicinity of the lagoon. This comment does not address the adequacy of the Draft EIR.

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TransNet

**Buena Vista Lagoon Enhancement Project
Draft Environmental Impact Report
Public Meeting/Reunion Pública**

COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015
Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre Mike Roach Organization/Organización (if applicable) _____

Address/Dirrección 2605 Jefferson St # F Carlsbad CA 92008

Phone/Número de teléfono _____ Email/Correo electrónico _____

I would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electronicos del proyecto.
☒ Yes/Sí ☐ No

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project./Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POR FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

Please Make the lagoon salt water - or some pools of it fresh
water. I like all the birds & wildlife.

Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015
Mail to/Por correo: Lauren Washington, SANDAG
401 B Street, Suite 800, San Diego, CA 92101
or email to/o por correo electrónico: lauren.washington@sandag.org

SANDAG **TransNet** KeepSanDiegoMoving.com/BVLagoon

LETTER 163
Mike Roach

163-1

Please see Master Response #1. This comment states a preference for either saltwater or a mix of salt and freshwater within the lagoon.

163-1

LETTER 164
Lori Colt

164-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. This comment does not address the adequacy of the Draft EIR.

Keep San Diego Moving **Buena Vista Lagoon Enhancement Project**
Draft Environmental Impact Report
Public Meeting/Reunion Pública

COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015
Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre Lori Colt Organization/Organización (if applicable) _____

Address/Dirección 2605 Jefferson St #F Carlsbad CA 92008

Phone/Número de teléfono 760 405-5898 Email/Correo electrónico oh.tosweethealth@gmail.com

I would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electronicos del proyecto.
☒ Yes/Sí ☐ No

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project./Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POR FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

Thank you for the opportunity to submit comments on this important project. I live very close to the lagoon and go at least four days a week to see the critters and enjoy a slice of nature. I am very excited to see the opportunity for us to return this lagoon to a state of health and back to nature by eliminating its inability to have essential tidal flows. I am very much in favor of a full saltwater environment, eliminating any need for poisons via vector control, or at a minimum choosing a hybrid version of the lagoon so that fresh water birds still have a place they can go to for refuge. I'm tired of seeing the lagoon being swallowed by reeds, poisoned by chemicals, algae blooms from run off and dead birds and animals. I very much welcome a return to health for this lovely place.

Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015
Mail to/Por correo: Lauren Washington, SANDAG
401 B Street, Suite 800, San Diego, CA 92101
or email to/o por correo electrónico: lauren.washington@sandag.org

SANDAG **TransNet** **KeepSanDiegoMoving.com/BVLagoon**

164-1

Keep San Diego Moving
TransNetBuena Vista Lagoon Enhancement Project
Draft Environmental Impact Report
Public Meeting/Reunion Pública

COMMENT SLIP/HOJA DE COMENTARIO

Date/Fecha: July 23, 2015/23 de julio 2015

Place/Lugar: Carlsbad Senior Center Auditorium, 799 Pine Ave., Carlsbad, CA 92008

Name/Nombre SHML, Shimshan Organization/Organización (if applicable)Address/Dirección 2031 S. Pacific St. Oceanside, Ca. 92008* Mail: 300 Carlsbad Village Dr. 321 Carlsbad, Ca. 92008Phone/Número de teléfono 760-231-1141 Email/Correo electrónico sshvil@gx.net

I would like to receive project updates via email/Me gustaría ser añadido a la lista de correos electrónicos del proyecto.

☒ Yes/Sí ☐ No

I would like the following comments to be considered for the Environmental Impact Report for the Buena Vista Lagoon Enhancement Project./Me gustaría que estos comentarios sean considerados para el Informe de Impacto Ambiental de Buena Vista Lagoon.

PLEASE PRINT CLEARLY/POR FAVOR ASEGURE QUE LA LETRA SEA LEGIBLE

1. The "natural" lagoon was & must be saltwater lagoon. 165-1

2. The weir should be removed & all 3 bridges to be as wide as possible. 165-2

3. There is a big problem currently from mosquitos they love (mosquitos) fresh water. 165-3

Thanks.

Comments must be received by September 1, 2015/Comentarios tienen que ser recibidos para el 1 de septiembre 2015

Mail to/Por correo: Lauren Washington, SANDAG

401 B Street, Suite 800, San Diego, CA 92101

or email to/o por correo electrónico: lauren.washington@sandag.org

SANDAG TransNet

KeepSanDiegoMoving.com/BVLagoon

LETTER 165
Shimshan Shvil

165-1

Please see Master Response #1. This comment states a preference for the Saltwater Alternative. Please see Master Response #5 regarding the historical ecology of the lagoon system.

165-2

Both the Saltwater and Hybrid Alternatives would expand the channel under the Carlsbad Boulevard bridge, while the Freshwater Alternative would not. Section 2.5.3 of the EIR describes that improvements to the I-5 bridge and NCTD LOSSAN railroad bridge are planned within the lagoon by other agencies. Impacts to hydrology under each alternative are addressed in Section 3.2 of the EIR.

165-3

Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors. This comment does not address the adequacy of the Draft EIR.

BUENA VISTA LAGOON ENHANCEMENT PROJECT

DRAFT ENVIRONMENTAL IMPACT REPORT

PUBLIC COMMENTS

CARLSBAD, CALIFORNIA

JULY 23, 2015

REPORTED BY HEIDI J. JOHNSON, RPR, CSR NO. 12525

Peterson Reporting, Video & Litigation Services

1 OPEN HOUSE PUBLIC COMMENTS,
2 commencing at the hour of 5:30 p.m. on Thursday, July 23,
3 2015, at 799 Pine Avenue, Carlsbad Senior Center
4 Auditorium, Carlsbad, California, before
5 Heidi J. Johnson, RPR, CSR No. 12525, a Certified
6 Shorthand Reporter in and for the State of California.

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LETTER 166
Krag Ross (Public Comment Meeting Transcript)

166-1

Please see Master Response #1. This comment provides background information and states a preference for the Freshwater Alternative and describes the commenter's past involvement in the project.

1 BUENA VISTA LAGOON ENHANCEMENT PROJECT
2 DRAFT ENVIRONMENTAL IMPACT REPORT
3 PUBLIC COMMENTS
4
5 MR. KRAG ROSS: I was in a meeting two years
6 ago down in San Diego with a workshop that I was
7 invited to due to a plan that I had drawn up myself. I
8 was in -- I was accompanied by a local, Manny --
9 Manny -- Manweva [phonetic]? I don't know the last
10 name or how to spell it. At that time I had drawn up a
11 freshwater alternative.
12 After looking at the plans, one, the
13 freshwater alternative, is the cheapest and probably
14 the less politically difficult due to the owners of the
15 properties on St. Malo on the Oceanside side, who also
16 wish it to remain as a freshwater.
17 I showed my alternative plan at that time,
18 which they said that they would actually -- I spoke for
19 two hours, but, actually, I was questioned for two
20 hours. In my years I have had extensive outdoor
21 experience, and my plan was reviewed by Bud Young, a
22 former very well-respected engineer who resides in
23 St. Malo, along with another thermonuclear firm who had
24 offered other technical support because they have one
25 thing in common. They saw that mine was sustainable.

166-1

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1 In my plan, I had incorporated, more or less,
 2 like to create a leaf skeleton through the use of a
 3 halfpipe that would run a channel through roughly -- at
 4 a gradual curve to the center of the lagoon. And I did
 5 remind them, and I see that now they have made a little
 6 bit of an adjustment going through Highway 5.

7 And then I had side channels, like a pattern
 8 of a leaf that goes into that channel where in the
 9 channel itself, a pipe can be ran where -- the thing
 10 about all these plans that I have noticed -- and I did
 11 have access to their plans at that time of their
 12 saltwater. And I reminded them in all of their plans,
 13 what is the sustainability 25, 20 years from now or
 14 more? Who is going to come and keep dredging out the
 15 so-called sediment? Or if there is another sewage
 16 spill like had occurred in the year 2006, how would
 17 there be ways of getting that removed that are
 18 feasible?

19 In my plan I had incorporated that the pump
 20 could be taken out. There's an area on the other side
 21 of the reclamation plant that perhaps it can be put
 22 until it's trucked.

23 And in their plan, from what I'm listening to
 24 tonight, that sediment, their plan is to take it out to
 25 sea, and they're saying it's just muck.

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4

166-2

The Enhancement Project includes an Adaptive Management and Maintenance Plan, included as Section 2.9 of the EIR, which outlines the ongoing efforts necessary to manage and maintain the lagoon over the 50-year life of the project and prepare it for continued sustainability beyond that timeframe. The description of each alternative in Section 2.6 includes a section titled Material Removal and Periodic Maintenance that provides specific information regarding the need for sediment removal as anticipated for each alternative.

166-3

This comment does not address the adequacy of the Draft EIR.

166-4

166-1
Cont.

Table 2-1 of the EIR outlines various sediment disposal options that were considered but eliminated and provides the reasoning for the elimination. One of the sediment disposal options considered was reuse of the sediment as topsoil at the flower fields. This option was eliminated from further consideration because the volume of material that would be removed from the lagoon would far exceed the amount that could be used at the flower fields. Once an alternative has been selected for implementation and the project has entered the final design phase, the commenter's suggestion will be taken into account as additional disposal methods are considered.

166-2

Section 2.7 of the EIR describes the potential disposal methods for dredged material, including both reuse on local beaches and disposal. Possible material reuse or disposal options have been identified based on preliminary sediment characterization data regarding the content of sand in lagoon sediments. Table 2-8 of the EIR shows the anticipated volumes of sediment anticipated for disposal or reuse per alternative. See response to comment 166-2 regarding adaptive management that includes sediment control. This comment does not address the adequacy of the Draft EIR.

166-3

166-4

1 Well, that may well be, but instead of going
2 through those costs of going out to sea, I have the
3 owner of Eckes Farm who grows his flowers that are in
4 Carlsbad's flower fields and I have the second largest
5 flower grower on board to take that so-called muck, and
6 they can use it as cover mixed with soil for soil
7 enhancement to grow flowers with it.

8 And, to me, that recycling effect that goes
9 back into the flower fields and the flower growers in
10 the area would be more practical. And if they would be
11 willing to even buy it at a reduced price since they
12 are picking up material to additionally maintain their
13 soil quality, it can help alleviate costs and bring
14 them down.

15 I also had incorporated gunite, rock and
16 concrete. That's where they got that idea what I
17 mentioned about the gradient with the reeds. If they
18 have a sudden dropoff, they cannot spread. They are
19 bulbous and will not continue to go outward. And if
20 there was a barrier placed in front of them like a
21 collar, nobody sees it. It's more or less like a
22 person's flower bed in the backyard when they have a
23 short wall, and then they have their plants up above.

24 And in between the reeds, they can keep a
25 certain amount of reeds there for the quality of the

166-4
Cont.

166-5

166-5

The comment provides a suggestion for reed control. The impacts of the enhancement alternatives on vector habitat within the lagoon are addressed in Section 3.15 of the EIR. This comment does not address the adequacy of the Draft EIR.

166-6

This comment does not address the adequacy of the Draft EIR.

1 fish and the birds both, which will alleviate a lot of
2 the mosquito problem. The reeds being so thick as they
3 are, not too many hiding places for the mosquitoes to
4 breed and then the fish and the birds will not get
5 access to them.

6 In between those reeds, there could be gunite
7 placed on the back of the shoreline so when the water
8 is shallow, it rains, and it creates little pools.
9 Those pools are the most ideal for natural mosquito
10 fish to breed and eat the mosquito larvae as they come
11 out.

12 The cost of that gunite can help get
13 subsidized -- after speaking to Oceanside city
14 official, Moe Masai [phonetic], who works with the --
15 Moe Masai works for the City of Oceanside, and his
16 experience is in the California State water control
17 overall. He is now a resident and has been a resident
18 of Oceanside, but his jurisdiction is over the Buena
19 Vista Lagoon, the San Luis Rey, and also the inlet over
20 there by the buccaneer pipe.

21 He let me know at that time that Vector has
22 quite a bit of extra money. They would be able to use
23 that extra money if it would help abate the mosquito
24 problem. That could be incorporated into the overall
25 design.

166-5
Cont.

166-6

1 My question to them: No matter which
2 alternative they are looking at, all of the ones I see
3 here on the board, what is their length of years of
4 sustainability? What is their ability to buck back out
5 in case of a sewage spill or in case of rainy seasons
6 that continually bring in more sediment? What is their
7 sustainability?

8 The saltwater plan, when they showed a jetty
9 being built, it will be a very difficult thing to get
10 through and actually be able to build that. There will
11 be a political fight or a battle between them and
12 St. Malo, and that would stymie any kind of work.

13 Now, SANDAG, they have a lot of talented
14 people. I do realize that. They're all going to get
15 paid one way or the other.

16 But in the freshwater alternative, I would
17 have liked to have seen -- and they have incorporated
18 some of the ideas that I have given, but they did not
19 do as they had said in terms of proposing a channel
20 sideways or anything that can repump out, if necessary,
21 the silt, sediment, or escape sewage during a power
22 outage or a breach of that system that actually did
23 occur in 2006.

24 And I'd like to remind everybody that in
25 2006, because of the weir being in that place, there

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166-7

Each of the alternatives has a design project life of 50 years. Adaptive management to monitor the overall health of the lagoon and maintain the lagoon into the future has been incorporated for a minimum of the 50-year project life. Once 50 years has passed, it is anticipated that the lagoon would be well established and operating in a healthy, long-lasting manner. The potential impacts of sea level rise and climate change into the future and each alternative's resiliency to those changing conditions are analyzed in Section 3.12 of the EIR.

166-8

As described in Section 4.2.3, Benefits of Alternatives, the Saltwater and Hybrid Alternatives would enhance circulation within the lagoon to a greater extent than the Freshwater Alternative. The tidal channel created under these alternatives would speed the transport of upstream sediment and pollutants through the lagoon to the ocean, where they would disperse. The Freshwater Alternative would continue to accumulate sediment within the lagoon, and would require maintenance. Sedimentation patterns and rates are very speculative, can be influenced by storms as noted by the commenter, and are anticipated to be required after approximately 25 years. Therefore, that maintenance is not included in the analysis for the project, but would require future analysis and permitting approval prior to implementation. Please see response to comment 166-2 regarding the Adaptive Management Plan and response to comment 166-7 regarding sustainability.

166-9

A jetty is not proposed under any of the alternatives analyzed in the EIR.

166-10

Pumping or channeling polluted water or sediment out of the lagoon is not an activity that was analyzed as a part of the Freshwater Alternative in the EIR. The benefit of installing a hardened channel or pumping infrastructure to remove acute polluted substances must be balanced against the environmental effects of the placement of new infrastructure within the interior of the sensitive wetland environment and ecological reserve as well as the ability to permit such infrastructure. Please see responses to comments 166-2 and 166-7 regarding sustainability.

1 was a minimal escaping of sewage to the sea. But with
 2 a plan that would allow that silt, sewage, anything to
 3 be able to pump back out, you have sustainability
 4 because decades from now, who is going to pick up the
 5 fee for dredging?

6 That lagoon, I was in the fishing industry
 7 since I've been -- and given seminars since I was
 8 17 years old. And acre per acre, I have never seen a
 9 finer freshwater fishery nor do I have knowledge of any
 10 freshwater fisheries that are like this along any
 11 coastline that have warm water game fish.

12 When that lagoon was healthy, it had the
 13 highest number of birds, both saltwater and fresh.
 14 Their numbers would beat all of the other estuaries put
 15 together.

16 If we looked at it today, both species of
 17 western grebes are hardly anywhere to be seen, maybe a
 18 dozen, dozen and a half. And there were several
 19 hundred. The blue herons are down. The white egrets
 20 are down. The black heron is down. The terns are
 21 down. The frigates are down. The osprey has left.

22 And when that lagoon was healthy, the great
 23 white American pelican actually had a number of them
 24 that stayed. They did not commute in winter. They
 25 actually had enough food that one stayed and then a

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166-10
Cont.

166-11

166-12

166-11

Fishing opportunities are described and analyzed in Sections 3.1 and 3.5 of the EIR. This comment does not address the adequacy of the Draft EIR.

166-12

The commenter describes his observation of bird species that have used the lagoon. Section 3.4 of the EIR describes various testing and studies that have been conducted to characterize the aquatic sediments of Buena Vista Lagoon, and acknowledges the high nutrient content of the sediments. The EIR describes sewage releases into the lagoon and states that the effluent adds a large nutrient load, particularly nitrogen and phosphorus, to the naturally nutrient-rich lagoon water, which results in a stimulation of excessive plant growth, accumulation of sludge from the partially decomposed organic matter, and the development of foul odors. This is specifically discussed in Section 3.4 under Coliform Bacteria. The EIR details that data collected in 2008 (Everest 2015b; MACTEC 2009) found that water quality objectives (WQOs) for bacteria were exceeded during dry and wet weather conditions, with more exceedances occurring during wet weather conditions. Enterococcus and fecal coliform exceeded objectives in 83 percent of samples during wet weather and total coliform exceeded objectives in 50 percent of samples collected during wet weather.

166-13

This comment does not address the adequacy of the Draft EIR.

1 number of others joined it because of the health and
2 vibrance of the freshwater fish that they were able to
3 eat. When the sewage did come up, it pretty much
4 eliminated many of the game fish and many of the food
5 source that did drive the white pelican to a temporary
6 stay and go and not to any significant numbers as they
7 once were.

8 The only saltwater bird in my mind that is
9 not using that but has the other coastlines and
10 estuaries to be able to spawn and have a habitat is the
11 sandpiper, which, coincidentally, is the Audubon
12 Society's president's favorite bird. But I hate to see
13 one bird have that kind of impact over the many tens of
14 thousands of all the birds that once used that and
15 shared it.

16 If you were a duck hunter, you were amazed at
17 how many different types of ducks came in there to
18 breed and rear their young. You don't see that anymore
19 due to the sediment and the sewage. Every time I hear
20 that it's just sediment, I cringe because if they took
21 a real test or allowed ecologists to take independent
22 tests, it would be nice to see the results.

23 There used to be healthy weed beds throughout
24 that whole environment that got covered up. You no
25 longer see those healthy weed beds. And they

166-12
Cont.

166-13

1 themselves are one of nature's natural cleaning forces
 2 of water taking bacteria out and also generating oxygen
 3 for the surrounding fish and life that's in there,
 4 reptile and all the other life that's in that water or
 5 around that water.

6 So at this time I hope that they will still
 7 consider another alternative on the freshwater because
 8 I do not see theirs as sustainable in that at some
 9 point, several decades from now, they will still have
 10 to come back and dredge. And who at that time will
 11 pick up those costs?

12 In terms of all of the projects, it looks as
 13 if the freshwater is still the cheapest. The picture
 14 that was shown during the extreme tide of that beach
 15 being up when the sand was higher and more difficult to
 16 cross is during our rain season.

17 Us as Californians realize that being in a
 18 drought, we do have rains, but they are not a
 19 guarantee. So that picture does not truly depict the
 20 amount of time that that shoreline looks like that.

21 With their saltwater, they have to have a
 22 bridge, yes. And it has to be high, yes. And those
 23 are expensive costs that I think would be better served
 24 into putting a channel in a way of pumping out any of
 25 the materials that enter into it.

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166-14

Please see response to comment 166-2.

166-13
Cont.

166-15

The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. As discussed in Section 3.1, lateral access along the coast is generally safe and available, with only short periods of time when walking along the beach in front of the lagoon is not possible. In response to requests for additional information regarding current existing inlet trafficability conditions, an additional analysis was prepared (Inlet Trafficability Memorandum, Appendix O). This analysis found that, under existing conditions, the influence of high tides and wave events render lateral access across the existing Buena Vista inlet hazardous for pedestrians 2 to 5 percent of the time. Additional information regarding existing conditions has been added to Section 3.1 of the EIR.

166-14

166-16

Please see response to comment 166-10 regarding placement of new infrastructure within the lagoon setting. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

166-15

166-16

1 The hybrid is definitely not practical,
2 definitely not going to be a practical source. I do
3 enjoy the trail that goes along the side of the
4 Carlsbad side, and I think that if they did some
5 clearing -- I remember suggesting that the Carlsbad
6 Park be cleared.

7 And, actually, if there was some form of
8 stairs, if that water was dredged out in front of the
9 park, an area, even if it was a public dock, then we
10 could get the kids and intercity kids from both
11 Oceanside and Carlsbad youths and let those Tom Sawyers
12 and Huck Finns learn to enjoy the outdoors.

13 It helps keep them out of trouble, and it
14 helps them learn about nature, the fish, the birds, all
15 the fauna that surrounds it, which, again, in a
16 freshwater alternative, with the plan that I had drawn
17 up, a lot of the cuttings could be put back into place,
18 which will draw the insects, continually have the
19 birds -- and I'm not talking about the bad insects, the
20 better insects that the birds can feed on.

21 But at this time I don't see the plans that
22 they have are still a viable long-term source due to
23 lack of what happens when the muck comes back. How is
24 that going to be taken out?

25 Even a saltwater one will not have the

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166-17

166-17

The comment expresses a lack of support for the Hybrid Alternative.

166-18

Recreation opportunities and trails are discussed in Section 3.1 of the EIR. As discussed, the Boardwalk would incorporate overlooks that could provide access for fishing and birdwatching in the area of the fishing holes.

166-19

Section 2.6 discusses the maintenance activities anticipated under each alternative. Please see responses to comments 166-2 and 166-8.

166-20

The tidal influence anticipated with the Saltwater Alternative is analyzed under Section 3.3 of the EIR. The hydraulic modeling prepared for the project concluded that the Saltwater Alternative would result in a tidal prism of 8.7 million cubic feet and the Hybrid Alternative would result in a tidal prism of 7.9 million cubic feet, and both would extend into the I-5 Basin (EIR Section 3.3 and Appendix C). SANDAG finds it preferable to control vegetation through means other than concrete lining in this sensitive environmental setting and ecological reserve. The comment also reiterates points made previously. This comment does not address the adequacy of the Draft EIR.

166-18

166-19

166-20

1 strength of tide -- this is Southern California. It is
 2 not Washington. It is not Canada that has great tidal
 3 flows. We have very few tides that get above 6 feet
 4 and then retract.

5 So I hope that they will revisit some of the
 6 items that I had drawn and they will consider --
 7 because once that concrete and rock is there, those
 8 reeds cannot grow through that. They will not grow
 9 through that. That will help mitigate the reeds and
 10 the mosquito problem that we'll be facing.

11 And if nothing is done, I'm a real estate
 12 agent. It doesn't take me much to realize that if that
 13 water which they're calling 4 foot, I would -- there is
 14 just not much area of 4 foot of water in that whole
 15 environment right now. And I'd be willing to bet that
 16 there is less than 15 percent of that water that is
 17 4 feet deep.

18 The deepest area I know is the crossing of
 19 the Coast Highway, which roughly is around maybe 9,
 20 9-1/2 feet. And out in front of the lagoon by the
 21 water reclamation off of Jefferson, there may be some
 22 areas there as deep as 7-1/2 and 8, but not the area
 23 that once was -- a good part of that lagoon when it was
 24 healthy had more than 20 feet of depth in it.

25 So something does need to be done, but

166-20
Cont.

166-21

166-21

Proposed depths associated with each alternative are described throughout Chapter 2 of the EIR, as well as potential maintenance and adaptive management needs for each. This comment does not address the adequacy of the Draft EIR.

1 whatever they do has to have sustainability for the
2 money that they're willing to spend on that project.

3 Also the idea of using the rock and concrete
4 along the side, the little access road off of Jefferson
5 would create more fishing opportunities and more
6 opportunities in general around that lagoon that
7 wouldn't necessarily have to have -- when they have
8 their walk trail raised above, perhaps in the areas
9 that are between the reeds they can have stairs that
10 lead down. That way the birdwatchers and the nature
11 lovers that way and the fishermen would have access to
12 the water and spread themselves out and have more
13 viewing potential of the birds and be able to enjoy the
14 fish that are in there.

15 It's unusual -- I once had a former world
16 record out there in the form of a striped mullet -- I
17 had a world record striped mullet because in saltwater,
18 the striped mullet will migrate and go up over the weir
19 in the high tides, and they will use that lagoon for
20 their purposes and then go back out to sea as well.

21 But it truly is a unique freshwater body that
22 does need help. And it was not all due to just
23 sediment. It was accelerated after the year 2006 that
24 decades of loss of soil in -- it's not soil. I'm not
25 going to be politically correct here.

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166-21
Cont.

166-22

166-23

166-24

166-22

Recreation opportunities and trails are discussed in Section 3.1 of the EIR. Please see Master Response #3 regarding the Boardwalk and the specific placement of that feature to provide access while minimizing physical encroachment into sensitive lagoon resources. As shown in Chapter 2 (Figures 2-7, 2-8, and 2-9), the proposed deep water fishing area in the Railroad Basin would include a new fishing access trail to access this new fishing recreation opportunity as part of each enhancement alternative. This comment does not address the adequacy of the Draft EIR.

166-23

This comment does not address the adequacy of the Draft EIR.

166-24

Please see response to comment 166-12 regarding pollution due to sewage releases within the lagoon. This comment does not address the adequacy of the Draft EIR.

1 That sewage filled that lagoon. And there
2 was no way that it can -- could go back out. And
3 without a channel, a hard channel that they can use to
4 pump it back out to strategically located areas, they
5 will be due to dredge.

6 Keep the costs down. Consider the freshwater
7 is still the cheapest. Get Vector to contribute due to
8 the saving of money that they would have on the
9 mosquito problem. All the homeowners around there,
10 their values will be maintained.

11 Buena Vista's name was beautiful, "beautiful
12 view." On a saltwater alternative, you can refer to
13 "hediondo." Hediondo in Spanish means "smelly,
14 stinky." And that's why hediondo was called Hediondo
15 Lagoon. And that's why -- one of the reasons why
16 St. Malo did not want to see a saltwater regiment because
17 at low tide, all the homeowners along that lagoon are
18 going to smell that mud. That mud will smell. There's
19 no two ways about it.

20 And where the other lagoons have homes much,
21 much higher and set back, this lagoon has a lot of
22 homes that are very close that, when the wind blows,
23 they're going to smell that saltwater mud. And it's
24 not going to be pretty.

25 And I've got to remind them: There are

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166-24
Cont.

166-25

The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. Private property values are not environmental issues addressed under CEQA. However, SANDAG recognizes the concerns of the homeowners in the vicinity and will take this issue under consideration when making project decisions.

166-26

Please see response to comment 12-30 regarding anticipated odor associated with mudflat habitat. Additional information regarding natural odors anticipated under each alternative has been added to Section 3.11.3.

166-25

166-27

Please see response to comment 65-3 regarding mosquitos. The impacts of the enhancement alternatives on mosquito habitat within the lagoon are addressed in Section 3.15 of the EIR. Implementation of any of the project alternatives would result in a condition less conducive to mosquito breeding and reduce the public health and safety risk associated with mosquito-borne diseases, as described in Section 3.15. Please see response to comment 65-3 regarding mosquitos and vectors.

166-26

166-27

1 saltwater mosquitoes. Where they're dredging on the
 2 San Luis Rey, they did a good job. Water is being
 3 released. But that harbor right around dusk will still
 4 get saltwater mosquitoes. And I'm not sure what the
 5 creatures are that take care of them on a natural
 6 basis. But they're there.

7 Where in the freshwater, if you can keep a
 8 vibrant population of fish and bird life in the numbers
 9 that once were with the reeds being controlled, you
 10 will not have that same mosquito problem.

11 There are many golf courses and private
 12 bodies of water that do not have the mosquito problem,
 13 and that's due primarily to a healthy environment along
 14 their ponds or water systems that are not overran by
 15 the reeds, that the fish and the birds will do a great
 16 job of mitigating that.

17 So I hope that, again, they will consider to
 18 incorporate a way of running a channel and subchannels
 19 that can be pumped out, and they will consider using
 20 the local sources of the flower growers to buy that
 21 material or use that material because if they are
 22 closer, the shipping will be a lot cheaper, and it can
 23 be a win-win and recyclable for everybody involved.

24 A healthy freshwater fishery was the best
 25 thing to keep the biggest population and variety of

166-28

The comment reiterates points made previously. The SANDAG Board of Directors will consider the commenter's suggestions before it makes a decision on the project.

166-29

Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

166-27
Cont.

166-28

166-29

1 birds to use it over any lagoon that there is along our
 2 coast. There is not one that had more variety and more
 3 birds that went to Buena Vista Lagoon when it was a
 4 healthy freshwater fishery, bar none.

166-29
 Cont.

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* * *

1 STATE OF CALIFORNIA }
2 } ss.
3 COUNTY OF SAN DIEGO }

4

5 I, HEIDI J. JOHNSON, a Certified Shorthand Reporter
6 for the State of California, CSR No. 12525, Registered
7 Professional Reporter, do hereby certify: That the
8 proceedings were taken before me at the time and place
9 herein named; that the said proceedings were reported by
10 me in shorthand and transcribed through computer-aided
11 transcription, under my direction; and that the foregoing
12 is a true record of the testimony elicited at proceedings
13 had at said proceedings to the best of my ability.

14 I do further certify that I am a disinterested
15 person and am in no way interested in the outcome of this
16 action or connected with or related to any of the parties
17 in this action or to their respective counsel.

18 In witness whereof, I have hereunto set my hand
19 this ____ day of _____, 2015.

20

21

22

HEIDI J. JOHNSON, RPR, CSR NO. 12525

23

24

25

Peterson Reporting, Video & Litigation Services 17

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SAVE THE BUENA VISTA LAGOON

Saltwater Alternative Habitat Distribution



ALLIANCE

We the undersigned adamantly oppose the salt water and hybrid alternatives to saving the Buena Vista Lagoon.

As the property owners who are the most directly impacted by the visual destruction of the Lagoon and it's abundant fishing resources for birds and people alike, we are hereby voicing our unwavering support for the FRESH WATER ALTERNATIVE exclusively.

Respectfully: LINDA MONITE OHIKHUARE

Signed: Linda Monite Ohikhuare Dated 8/14/15

Address: 2475 Jefferson St #201 Carlsbad, CA 92008

On July 8, 2015, SANDAG published a Notice of Availability for the **Draft EIR** and began a 55-day public comment period that will end on September 1, 2015. Mail written comments to: Lauren Washington, SANDAG 401 B Street, Suite 800, San Diego, CA 92101

167-1

LETTER 167

Linda Monite Ohikhuare

167-1

SANDAG received multiple copies of this petition during the public comment period, and this example was chosen at random to represent all copies of the petition submitted. Please see Master Response #1. This comment states a preference for the Freshwater Alternative.

LETTER 168
Kasey Cinciarelli

Dear Mr. Greer,

July 26, 2017

Principal Regional Planner
SANDAG
(619) 699-7390
401 B Street, Suite 800, San Diego, CA 92101

These are public comments and should be entered into the record, and provided to decision makers.

SANDAG, as the lead agency overseeing the F.E.I.R on "Restoration of the Buena Vista Lagoon" should identify the Environmentally Superior (Preferred) Alternative to aid decision makers and the public in choosing one of the three proposed plans for the Restoration of this public resource.

The project is restoration of the Buena Vista Lagoon, which is impaired by siltation, exacerbated by upstream development. One of the 3 project alternatives needs to be chosen and I urge SANDAG Executive Board to move expeditiously forward, using mitigation money from the widening of I-5, or Transnet Funding to do so. Under current conditions much of this lagoon is choked with silt and freshwater cattails, diminishing it's service to the environment and the public. This coastal lagoon needs restoration to function and ameliorate the loss of coastal lagoons statewide.

Staff should designate an Environmentally Superior Alternative BEFORE the release of the F.E.I.R, and the decision makers, who may be unfamiliar with the ongoing degradation of this lagoon need to move this into high gear and layout a plan to accomplish the most environmentally beneficial alternative in this, our First CA Ecological Reserve.

Kasey Cinciarelli
2727 Lyons Ct.
Carlsbad, CA 92010

168-1

Please see response to comment 12-4, which describes that Chapter 4 of the Final EIR has been revised to clarify the discussion of the environmentally superior alternative and the selection of the proposed project. Chapter 1 of the EIR includes a description of the current conditions of the lagoon and the progressive degradation of the benefits and value to biological communities, habitats, and human uses as well as the loss of historic coastal wetlands as referenced in the comment.

168-1

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