

# Notice of Preparation of a Program Environmental Impact Report and Scoping Meeting

**Date:** November 21, 2017

**To:** State Clearinghouse, Responsible Agencies, Trustee Agencies, Organizations, Stakeholders, and Interested Persons

**Lead Agency:** Vallecitos Water District  
201 Vallecitos De Oro  
San Marcos, CA 92069  
Contact: Robert Scholl  
Phone: (760) 744-0460  
E-Mail: rscholl@vwd.org

**Project Title:** Vallecitos Water District 2017 Water, Wastewater, and Recycled Water Master Plan

**Project Location:** San Diego, California

**Project Applicant:** Vallecitos Water District

**Case Number:** 15-071

**NOTICE OF PREPARATION (NOP):** In accordance with the California Environmental Quality Act (CEQA) Article 7, Sec. 15082, this NOP is to notify public agencies and the general public that the Vallecitos Water District (VWD), as the Lead Agency, will prepare a Program Environmental Impact Report (PEIR) Supplement which will supplement the assessments of environmental effects identified in the 2011 PEIR for the VWD 2008 Water, Wastewater, and Water Reclamation Master Plan Update (2008 Master Plan; State Clearinghouse Number 2010071073). The 2017 Master Plan describes a long-term Capital Improvement Program (CIP) that would be implemented through the year 2030; intended to complement approved land use development plans and growth projections within the VWD service area and adjacent areas of influence, consistent with forecasts projected by the San Diego Association of Governments (SANDAG). The CIP involves the new construction and expansion of potable water, wastewater and recycled water facilities, including pipelines, pump stations, lift stations, and reservoirs. The PEIR Supplement will provide the basis for subsequent environmental review of future CIP projects.

The VWD would like to know the views of your agency or interested party as to the scope and content of the environmental information that is germane to your agency's or interested party's statutory responsibilities in connection with implementation of VWD's 2017 Master Plan. VWD requests that any potential responsible or trustee agency or interested party respond to this NOP in a manner consistent with State CEQA Guidelines Section 15082(b). If you are responding as an interested organization or individual citizen, VWD would like to know your views as to the environmental information you would like us to address in the 2017 Master Plan update. Public agencies may need to use the PEIR Supplement prepared by VWD when considering applicable permits or other approvals for the master plan. The general public is also encouraged to provide input on the scope of the PEIR.

**NOP Comment Period: Due to the time limits mandated by state law, your response must be sent at the earliest possible date but *not later than 5:00 P.M. on Friday, January 5, 2018*.** Please send your response to the Vallecitos Water District, c/o Robert Scholl, at the above address.

## **Project Description:**

### **Master Plan Update**

The VWD attempts to update its master plan document approximately every 5 to 10 years. The purpose of the 2017 Master Plan is to update the 2008 Master Plan as a reasonable planning tool to meet the demands of planned development and future growth-based development within the VWD service boundary up to 2035. This PEIR Supplement supplements the assessments of environmental effects associated with implementation of the 2008 Master Plan.

The 2017 Master Plan updates the land use, potable water, wastewater, and recycled water projections utilized in the 2008 Master Plan to accommodate the projected population growth within the District. VWD routinely updates its Master Plan to:

- Evaluate the existing and future needs for water, wastewater, and recycled water services to meet the demands of growth forecast for the region by SANDAG through 2035; and
- Develop a facilities plan and CIP to accommodate these needs.

The 2017 Master Plan addresses many local and regional issues, including imported water supply, local water supply development, service territory growth, wastewater collection, and treatment and disposal capacity. The 2017 Master Plan also includes a comprehensive CIP that provides VWD with the strategy and capability for meeting projected water supply, wastewater, and recycled water customer service demands in a timely and reliable manner through the year 2035. The complete draft 2017 Master Plan is available for review at the VWD District Office, located at 201 Vallecitos de Oro, San Marcos, California 92069.

### **Capital Improvement Program**

CIP projects proposed in the 2017 Master Plan include a combination of water storage reservoirs, water pump/wastewater lift stations, and water/wastewater pipelines. The following paragraphs provide an overview of definitions, issues, and construction information associated with each of these facilities. The 2017 Master Plan CIPs would generally be constructed in a similar manner as described in the 2011 PEIR for the 2008 Master Plan; however, changes in projected population estimates and service demand have slightly altered the size and phasing of the CIPs, and negated the need for certain CIPs present in the 2008 Master Plan.

Water storage projects generally involve the construction and/or alteration of potable water-holding reservoirs. Typical reservoir sites consist of a steel or concrete storage tank (reservoir) constructed on a level graded pad; and include underground water supply and delivery pipelines, fencing for security purposes, and an access road for maintenance purposes. In addition, the placement of storage projects is an essential attribute of the facility because optimizing the elevation at which a storage project is located can greatly increase efficiency by reducing the amount of pumping (energy) needed to move water to and from a reservoir.

Pump and lift station projects involve the movement of water or wastewater uphill, or to higher pressure zones. Pressure reducing valves are used when water is moving to lower pressure

zones (downhill). Pump and lift stations typically consist of buildings containing pumps, electric power-line connections, pipeline connections, fencing, and access roads. Pressure reducing valves are installed along pipelines and typically in a vault.

Pipeline projects (including the wastewater land outfall) typically involve trench excavation, preparing the bed for pipe placement, laying the pipe in the trench, filling the trench, and restoring the disturbed surface area. Where pipelines are not installed within street rights-of-way, and to the extent feasible, an access road traverses the length of the pipeline installation. VWD intends to align all pipelines within existing and planned street rights-of-way as much as possible. Where it is not feasible to install a pipeline within a street right-of-way, VWD strives to use the shortest possible route between connection points to minimize ground-level impacts. In this practice, VWD considers factors such as engineering principles and site-specific constraints. Transmission lines generally transport large quantities of water or wastewater over broad areas.

**Program Environmental Impact Report Supplement:** The PEIR Supplement prepared for the 2017 Master Plan will analyze the project-specific impacts pertaining to all of the environmental issue areas identified in Appendix G of the CEQA Guidelines, as amended with significance thresholds specific to this project. The PEIR Supplement analysis will focus on aesthetics and visual quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, hazardous materials, land use, population and housing, noise, public services and recreation, transportation and traffic, and utilities and services systems. Other required sections of CEQA will be addressed including cumulative impacts and project alternatives.

**SCOPING MEETING: On Thursday, December 7, 2017 starting at 5:00 P.M.**, the Vallecitos Water District will conduct a public scoping open house to solicit input and comments from public agencies and the general public on the proposed PEIR Supplement which supplements the 2011 PEIR for the VWD 2008 Water, Wastewater, and Water Reclamation Master Plan Update (2008).

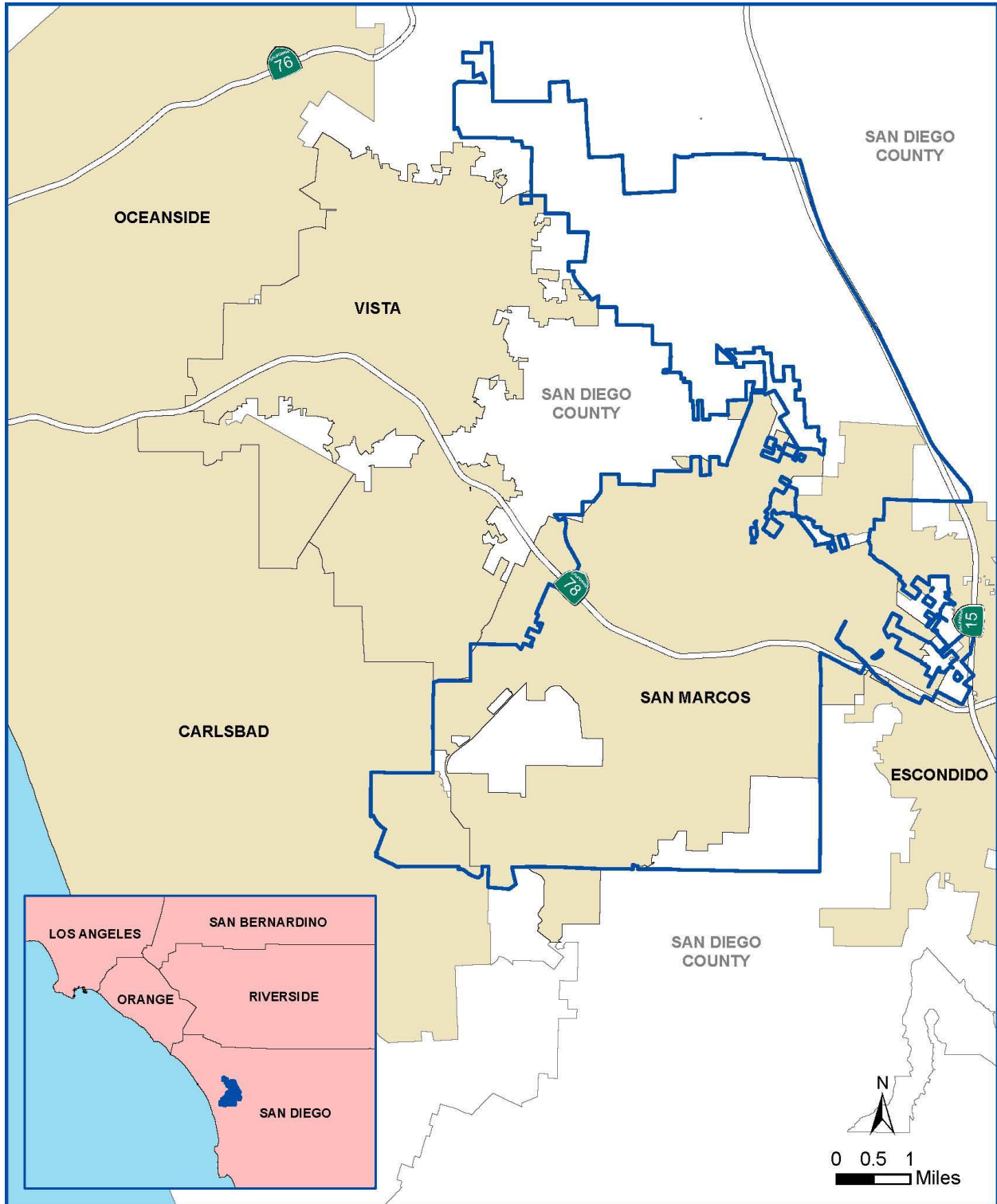
**This meeting will be held in the Board Room of the Vallecitos Water District's headquarters located at 201 Vallecitos de Oro, San Marcos, CA 92069.** The meeting will run from 5:00 P.M. to 6:00 P.M.

**This meeting will be an open house format, and interested parties may drop in to discuss the proposed project and submit written comments on the scope of the PEIR Supplement during the meeting. Representatives from the Vallecitos Water District and the PEIR consultant will be available to address questions regarding the EIR process. Information is also available at [www.vwd.org](http://www.vwd.org).**

If you have any questions regarding this scoping meeting, please contact Robert Scholl, Senior Engineer, at [rscholl@vwd.org](mailto:rscholl@vwd.org) or (760) 744-0460.

Attachment: Figure 1-1

Figure 1-1 Study Area Location



FIRM / AFFILIATE OFFICES

Barcelona	Moscow
Beijing	Munich
Boston	New York
Brussels	Orange County
Century City	Paris
Chicago	Riyadh
Dubai	Rome
Düsseldorf	San Diego
Frankfurt	San Francisco
Hamburg	Seoul
Hong Kong	Shanghai
Houston	Silicon Valley
London	Singapore
Los Angeles	Tokyo
Madrid	Washington, D.C.
Milan	

December 7, 2017

**VIA EMAIL AND FEDERAL EXPRESS**

Board of Directors  
Vallecitos Water District  
201 Vallecitos De Oro  
San Marcos, CA 92069

Re: Notice of the District's 2017 Master Plan Notice of Preparation and Scoping Meeting and Clarification Regarding the District's Water Supply Deficit Projections

Dear Directors Evans, Hernandez, Elitharp, Sannella, and Martin,

As you know, we represent the Golden Door Properties, LLC ("Golden Door"), a Vallecitos Water District customer in Division 1. We write today to express concerns about opportunities for public participation in the environmental review for the District's 2017 Master Plan and with clarifications regarding the District's projected water supply deficit.

**A. Lack of Public Outreach Regarding Environmental Review for the District's Proposed 2017 Master Plan**

At the District's Board of Directors meeting on November 15, the Board approved a Notice of Preparation ("NOP") for the District's 2017 Master Plan. The NOP described the date for a scoping meeting and the length of a public comment period. In order to allow the public more time to consider the proposed Master Plan and provide comments about the scope of the environmental review, the Board voted to provide a 45-day comment period – a 15-day extension beyond the 30-day comment period staff had initially recommended.

The NOP, however, has not been distributed in a manner that facilitates public participation. We recognize that CEQA may only require the NOP to be sent directly to certain agencies and interested parties. However, due to the nature of this important District-wide planning document, concerns about the District's projected perpetual water supply deficit, and the Board's stated desire to facilitate public participation, this lack of public distribution of the NOP is concerning. Although I filled out a speaker card and addressed the Board about the NOP at the November 15 Board meeting, we have not received a copy of the NOP. We also have not heard from any other District customers who have received a copy of the NOP.

It is even more perplexing that there is no mention of the 2017 Master Plan NOP on the District's website. The website has an entire page titled "Master Plan" that – as of this afternoon – affirmatively states there are no public notices at this time. The District's website also includes a calendar of events that does not disclose the date of the scoping meeting or dates of the NOP comment period. The District is also capable of posting press releases and other notices on its website, but has not posted any notice of the 2017 Master Plan NOP.

We request that the District provide a copy of the 2017 Master Plan NOP to us and any other members of the public who have even requested general information about Board proceedings and agendas, and that the District publish the NOP on its website and provide clear information about the relevant dates and deadlines in a manner easily accessible to the public. Please also consider this a formal request to notify us of any future notices, reports, agenda items, or other considerations of the District's Master Plan or Urban Water Management Plan, or any approvals or evaluation by the District for the Newland Sierra project.

By failing to adequately notify the public of the 2017 Master Plan NOP, it is more likely that comments on the eventual draft environmental impact report ("DEIR") will raise issues that could have been addressed during the scoping period. Many members of the public who are interested in the Master Plan or concerned about perpetual supply deficits, rates, infrastructure costs, mandatory conservation measures, or other environmental impacts that could result from the 2017 Master Plan, may now have no choice but to submit their comments on the DEIR rather than the NOP. Issues and comments raised on the DEIR – which may have been raised on the NOP if adequate notice was given – may trigger recirculation of the DEIR at that time.

## **B. Clarifying the District's Project Water Supply Deficit**

The District faces a pressing issue in determining how to address its long-term water supply deficit projections. The District's plans for the resolving this problem pose a significant concern to the District's customers – which is one of the reasons public participation in the 2017 Master Plan environmental review is so important.

During the Board of Directors meeting on November 15, questions were raised regarding whether the District's 2015 Urban Water Management Plan ("UWMP") projects a supply deficit. Director Martin indicated a desire to "put this issue to rest." We, too, would like to resolve this factual issue regarding the District's own projections and have provided clarification below.

Included below are tables from the District's 2015 UWMP showing a supply deficit in each scenario (normal, single dry, and multiple dry years) and for every year for which projections are provided. The figures shown in red as the "Difference" represent the amount of water supply deficit for each scenario and year. The tables are copied exactly as depicted in Chapter 7 of the District's 2015 UWMP.

Table 7-2: Normal Year Supply and Demand Comparison				
	2020	2025	2030	2035
Supply totals <i>(from Table 6-9)</i>	6,914	8,011	8,794	9,198
Demand totals <i>(from Table 4-3)</i>	10,644	11,187	11,569	12,330
Difference	(3,730)	(3,176)	(2,775)	(3,132)

Table 7-3: Single Dry Year Supply and Demand Comparison				
	2020	2025	2030	2035
Supply totals	7,362	8,539	9,359	9,799
Demand totals	11,399	11,985	12,398	13,225
Difference	(4,037)	(3,446)	(3,039)	(3,426)

Table 7-4: Multiple Dry Years Supply and Demand Comparison					
		2020	2025	2030	2035
First year	Supply totals	7,359	8,533	9,349	9,781
	Demand totals	11,389	11,970	12,379	13,193
	Difference	(4,030)	(3,437)	(3,030)	(3,412)
Second year	Supply totals	7,494	8,691	9,518	9,958
	Demand totals	11,623	12,216	12,633	13,464
	Difference	(4,129)	(3,525)	(3,115)	(3,506)
Third year	Supply totals	7,691	8,922	9,763	10,216
	Demand totals	11,953	12,563	12,992	13,847
	Difference	(4,262)	(3,641)	(3,229)	(3,631)

These tables demonstrate that demand exceeds supply in all of the UWMP's projections. The UWMP's projected supply deficit, therefore, is a matter of simple arithmetic; it is not subject to differing opinions or interpretations.

**LATHAM & WATKINS** LLP

According to District staff, demand was determined using water duty factors derived from “actual use” within the District. If the District’s 2017 Master Plan amends the water duty factors, revises the 2015 UWMP’s supply and demand projections, or imposes conservation measures or accounts for new supply sources to make up for the UWMP’s perpetual supply deficit, the 2015 UWMP must also be amended and any approvals relying on it must be nullified and again go through the appropriate processes for approval.

Thank you for your time and attention to this matter. Please feel free to contact me at (858) 523-5400 or [andrew.yancey@lw.com](mailto:andrew.yancey@lw.com) if you would like to discuss these matters further.

Best regards,



Andrew D. Yancey  
of LATHAM & WATKINS LLP

cc (email):

Kathy Van Ness, Golden Door  
Jeffrey G. Scott, Vallecitos Water District General Counsel  
Robert Scholl, Vallecitos Water District Senior Engineer  
Tom Kumura, Twin Oaks Valley Community Sponsor Group Chair  
Christopher W. Garrett, Latham & Watkins LLP





EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

**DEC 14 2017**

Robert Scholl  
Vallecitos Water District  
201 Vallecitos De Oro  
San Marcos, CA 92069

Dear Mr Scholl:

**NOTICE OF PREPARATION (NOP) FOR VALLECITOS WATER DISTRICT (DISTRICT);  
VALLECITOS WATER DISTRICT 2017 MASTER PLAN (PROJECT); SAN DIEGO COUNTY;  
CALIFORNIA CLEARINGHOUSE NO. 2017111082**

We understand that the District may pursue Clean Water State Revolving Fund (CWSRF) financing for this Project. As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the preparation of the California Environmental Quality Act (CEQA) document for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state. The CWSRF Program provides low-interest funding equal to one-half of the most recent State General Obligation Bond Rates with a 30-year term. Applications are accepted and processed continuously. Please refer to the State Water Board's CWSRF website at:

[www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml).

The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package please visit:

[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/srf\\_forms.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml). The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), and must obtain Section 7 clearance

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special-status species.

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

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106 and the State Water Board must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. The District must retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards ([http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm)) to prepare a Section 106 compliance report.

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

Other federal environmental requirements pertinent to the Project under the CWSRF Program include the following (for a complete list of all environmental requirements please visit: [http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/docs/forms/application\\_environmental\\_package.pdf](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf)):

- A. Please note, the CWSRF Program requires a project-level analysis for the environmental package; therefore, the Diamond Siphon Replacement Project component is the only adequately evaluated component of the Project thus far.
- B. An alternative analysis discussing environmental impacts of the project in either the CEQA document (Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report) or in a separate report.
- C. A public hearing more meeting for adoption/certification of all projects except for those having little or no environmental impact.
- D. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet

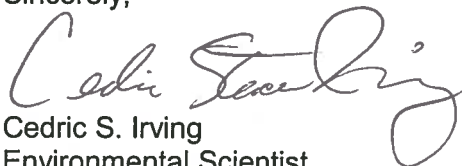
only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.

- E. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.
- F. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.
- G. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- H. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.
- I. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.
- J. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Following the preparation of the draft CEQA document for the Project, please provide us a copy of the document to review if the District's is considering CWSRF financing. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review for the Project.

Thank you for the providing us a copy of your NOP, and the consideration of the CWSRF for the financing of the District's Project. If you have any questions or concerns, please feel free to contact me at (916) 341-6983, or by email at [Cedric.Irving@waterboards.ca.gov](mailto:Cedric.Irving@waterboards.ca.gov), or contact Ahmad Kashkoli at (916) 341-5855, or by email at [Ahmad.Kashkoli@waterboards.ca.gov](mailto:Ahmad.Kashkoli@waterboards.ca.gov).

Sincerely,



Cedric S. Irving  
Environmental Scientist  
Enclosures (3)

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
3. Basic Criteria for Cultural Resources Reports

Robert Scholl

- 4 -

Cc: State Clearinghouse  
(Re: SCH# 2017111082)  
P.O. Box 3044  
Sacramento, CA 95812-3044

# California Environmental Quality Act Requirements

State Water Resources Control Board

Division of Financial Assistance

The State Water Resources Control Board (State Water Board), Division of Financial Assistance, administers the Clean Water State Revolving Fund (CWSRF) Program. The CWSRF Program is partially funded by grants from the United States Environmental Protection Agency. All applicants seeking CWSRF financing must comply with the California Environmental Quality Act (CEQA), and provide sufficient information so that the State Water Board can document compliance with federal environmental laws. The "Environmental Package" provides the forms and instructions needed to complete the environmental review requirements for CWSRF Program financing. It is available at: [http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/srf\\_forms.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml)



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to keep California's **water clean.**  
CLEAN WATER STATE REVOLVING FUND

**Contact Information:** For more information related to the CWSRF Program environmental review process and requirements, please contact your State Water Board Project Manager or Mr. Ahmad Kashkoli at 916-341-5855 or [Ahmad.Kashkoli@waterboards.ca.gov](mailto:Ahmad.Kashkoli@waterboards.ca.gov)

## LEAD AGENCY

The applicant is usually the "Lead Agency" and must prepare and circulate an environmental document before approving a project. Only a public agency, such as a local, regional or state government, may be the "Lead Agency" under CEQA. If a project will be completed by a non-governmental organization, "Lead Agency" responsibility goes to the first public agency providing discretionary approval for the project.

## RESPONSIBLE AGENCY

The State Water Board is generally a "Responsible Agency" under CEQA. As a "Responsible Agency," the State Water Board must make findings based on information provided by the "Lead Agency" before financing a project.

## ENVIRONMENTAL REVIEW

The State Water Board's environmental review of the project's compliance with both CEQA and federal cross-cutting regulations must be completed before a project can be financed by the CWSRF Program.

## DOCUMENT REVIEW

Applicants are encouraged to consult with State Water Board staff early during preparation of CEQA document if considering CWSRF financing. Applicants shall also send their environmental documents to the State Water Board, Environmental Review Unit during the CEQA public review period. This way, any environmental concerns can be addressed early in the process.

## REQUIRED DOCUMENTS

The Environmental Review Unit requires the documents listed below to make findings and complete its environmental review. Once the State Water Board receives all the required documents and makes its own findings, the environmental review for the project will be complete.

- ✓ Draft and Final Environmental Documents: Environmental Impact Report, Negative Declaration, and Mitigated Negative Declaration as appropriate to the project
- ✓ Resolution adopting/certifying the environmental document, making CEQA findings, and approving the project
- ✓ All comments received during the public review period and the "Lead Agency's" responses to those comments
- ✓ Adopted Mitigation Monitoring and Reporting Plan, if applicable
- ✓ Date-stamped copy of the Notice of Determination or Notice of Exemption filed with the County Clerk(s) and the Governor's Office of Planning and Research
- ✓ CWSRF Evaluation Form for Environmental Review and Federal Coordination with supporting documents



STATE WATER RESOURCES CONTROL BOARD  
REGIONAL WATER QUALITY CONTROL BOARDS

[waterboards.ca.gov](http://waterboards.ca.gov)

# Basic Criteria for Cultural Resources Report Preparation

State Water Resources Control Board

Division of Financial Assistance

For Section 106 Consultation with the State Historic Preservation Officer (SHPO)  
under the National Historic Preservation Act

## CULTURAL RESOURCES REPORT

The Cultural Resources Report must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards. Please see the Professional Qualifications Standards at the following website at: [http://www.cr.nps.gov/local-law/arch\\_stnds\\_9.htm](http://www.cr.nps.gov/local-law/arch_stnds_9.htm)

The Cultural Resources Report should include one of the four "findings" listed in Section 106. These include:

### ***"No historic properties affected"***

(no properties are within the area of potential effect (APE; including below the ground).

### ***"No effect to historic properties"***

(properties may be near the APE, but the project will not have any adverse effects).

### ***"No adverse effect to historic properties"***

(the project may affect "historic properties", but the effects will not be adverse).

### ***"Adverse effect to historic properties"***

Note: Consultation with the SHPO will be required if a "no adverse effect to historic properties" or an "adverse effect to historic properties" determination is made, to develop and evaluate alternatives or modifications to the proposed project that could avoid, minimize or mitigate adverse effects on "historic properties."

## RECORDS SEARCH

- A records search (less than one year old) extending to a half-mile beyond the project APE from a geographically appropriate Information Center is required. The records search should include maps that show all recorded sites and surveys in relation to the APE for the proposed project, and copies of the confidential site records included as an appendix to the Cultural Resources Report.
- The APE is three-dimensional (depth, length and width) and all areas (e.g., new construction, easements, staging areas, and access roads) directly affected by the proposed project.



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to keep California's water clean.  
CLEAN WATER STATE REVOLVING FUND

## NATIVE AMERICAN and INTERESTED PARTY CONSULTATION

- Native American and interested party consultation should be initiated at the planning phase of the proposed project to gather information to assist with the preparation of an adequate Cultural Resources Report.
- The Native American Heritage Commission (NAHC) must be contacted to obtain documentation of a search of the Sacred Lands Files for or near the project APE.
- All local Native American tribal organizations or individuals identified by the NAHC must be contacted by certified mail, and the letter should include a map and a description of the proposed project.
- Follow-up contact should be made by telephone and a phone log maintained to document the contacts and responses.
- Letters of inquiry seeking historical information on the project area and local vicinity should be sent to local historical societies, preservation organizations, or individual members of the public with a demonstrated interest in the proposed project.

Copies of all documents mentioned above (project description, map, phone log and letters sent to the NAHC and Native American tribal organizations or individuals and interested parties) must be included in the Cultural Resources Report.

**Contact Information:** For more information related to the CWSRF Program Cultural Resources and Requirements, please contact Mr. Ahmad Kashkoli at 916-341-5855 or [Ahmad.Kashkoli@waterboards.ca.gov](mailto:Ahmad.Kashkoli@waterboards.ca.gov)

## PRECAUTIONS

A finding of **“no known resources”** without supporting evidence is unacceptable. The Cultural Resources Report must identify resources within the APE or demonstrate with sufficient evidence that none are present.

**“The area is sensitive for buried archaeological resources,”** followed by a statement that **“monitoring is recommended.”** Monitoring is not an acceptable option without good-faith effort to demonstrate that no known resource is present.

If **“the area is already disturbed by previous construction”** documentation is still required to demonstrate that the proposed project will not affect “historic properties.” An existing road can be protecting a buried archaeological deposit or may itself be a “historic property.” Additionally, previous construction may have impacted an archaeological site that has not been previously documented.

## SHPO CONSULTATION LETTER

Submit a draft consultation letter prepared by the qualified researcher with the Cultural Resources Report to the State Water Resources Control Board. A draft consultation letter template is available for download on the State Water Board webpage at: [http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/cwsrf\\_requirements.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/cwsrf_requirements.shtml)



## National Historic Preservation Act (NHPA)

Section 106 of the NHPA requires an analysis of the effects on “historic properties.” The Section 106 process is designed to accommodate historic preservation concerns for federal actions with the potential to affect historic properties. Early consultation with appropriate government agencies, Indian tribes, and members of the public, will ensure that their views and concerns are addressed during the planning phase.

Historic properties (i.e., buildings, structures, objects, and archaeological sites 50 years or older) are properties that are included in the National Register of Historic Places or meet the criteria for the National Register.

### Required Documents:

- ✓ A draft State Historic Preservation Officer consultation request letter; and
- ✓ A cultural resources report on historic properties conducted according to the Secretary of the Interior’s Standards, including:
  - A clearly defined Area of Potential Effect (APE), specifying the length, width, and depth of excavation, with a map clearly illustrating the project APE;
  - A records search, less than one year old, extending to a half-mile beyond the project APE;
  - Written description of field methods;
  - Identification and evaluation of historic properties within the project’s APE; and
  - Documentation of consultation with the Native American Heritage Commission and local Native American tribes.

## ADDITIONAL INFORMATION

If your project has the potential to affect biological resources or historic properties, the consultation process can be lengthy. Please contact the State Water Board staff early in your planning process to discuss what additional information may be needed for your specific project.

Please contact your State Water Board Project Manager or Mr. Ahmad Kashkoli at (916) 341-5855 or [Ahmad.Kashkoli@waterboards.ca.gov](mailto:Ahmad.Kashkoli@waterboards.ca.gov) for more information related to the CWSRF Program environmental review process and requirements.



We've got the **green...**  
to keep California's **water clean.**  
CLEAN WATER STATE REVOLVING FUND



STATE WATER RESOURCES CONTROL BOARD  
REGIONAL WATER QUALITY CONTROL BOARDS

[www.waterboards.ca.gov](http://www.waterboards.ca.gov)

CLEAN WATER STATE REVOLVING FUND

# Environmental Review Requirements

State Water Resources Control Board  
Division of Financial Assistance



# ENVIRONMENTAL REVIEW REQUIREMENTS

The Clean Water State Revolving Fund (CWSRF) Program is partially funded by the United States Environmental Protection Agency (EPA), and is subject to federal environmental regulations as well as the California Environmental Quality Act (CEQA). All applicants seeking CWSRF financing must comply with both CEQA and the federal cross-cutting regulations. The "Environmental Package" provides the forms and instructions needed to complete the environmental review requirements for CWSRF financing. The forms and instructions are available at: [http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/srf\\_forms.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml).

## Lead Agency/Applicant

The applicant will generally act as the "Lead Agency" for environmental review. It will prepare, circulate, and consider the environmental documents prior to approving the project. It also provides the State Water Board with copies of the CEQA documents, and a completed "Environmental Evaluation Form for Environmental Review and Federal Coordination" ([http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/docs/forms/application\\_environmental\\_package.pdf](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf)) with supporting documents as part of the "Environmental Package."

## Responsible Agency/State Water Board

The State Water Board acts on behalf of EPA to review and consider the environmental documents before approving financing. The State Water Board may require additional studies or documentation to make its own CEQA findings, as well as circulate CEQA documents and other environmental reports to relevant federal agencies for consultation before making a determination about the project financing.

The Applicant must address all relevant federal agencies' comments before project financing is approved.

# FEDERAL CROSS-CUTTING REGULATIONS

The CWSRF Program requires consultation with relevant federal agencies on the following federal environmental regulations, if applicable to the project:

- Clean Air Act
- Coastal Barriers Resources Act
- Coastal Zone Management Act
- Endangered Species Act
- Environmental Justice
- Farmland Protection Policy Act
- Floodplain Management
- Magnuson-Stevens Fishery Conservation and Management Act
- Migratory Bird Treaty Act
- National Historic Preservation Act
- Protection of Wetlands
- Safe Drinking Water Act, Sole Source Aquifer Protection
- Wild and Scenic Rivers Act

The following is a brief overview of requirements for some of the key regulations.

## Clean Air Act (CAA)

The CAA general conformity analysis only applies to projects in areas not meeting the National Ambient Air Quality Standards or subject to a maintenance plan.

If project emissions are below the federal "de minimis" levels then:

- A general conformity analysis is not required.

If project emissions are above the federal "de minimis" levels then:

- A general conformity determination for the project must be made. A general conformity determination can be made if facilities are sized to meet the needs of current population projections used in an approved State Implementation Plan for air quality.

- Using population projections, applicants must explain how the proposed capacity increase was calculated.

An air quality modeling analysis is necessary of all projects for the following criteria pollutants, regardless of attainment status:

- Carbon monoxide
- Lead
- Oxides of nitrogen
- Ozone
- Particulate matter (PM2.5 and PM10)
- Sulfur dioxide

## Endangered Species Act (ESA)

The ESA requires an analysis of the effects on federally listed species. The State Water Board will determine the project's potential effects on federally listed species, and will initiate informal/formal consultation with the United States Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service, as necessary under Section 7 of the ESA.

### Required Documents:

- ✓ A species list, less than one year old, from the USFWS and the California Department of Fish and Wildlife's Natural Diversity Database;
- ✓ A biological survey conducted during the appropriate time of year;
- ✓ Maps or documents (biological reports or biological assessments, if necessary); and
- ✓ An assessment of the direct or indirect impacts to any federally listed species and/or critical habitat. If no effects are expected, explain why and provide the supporting evidence.





# County of San Diego

**MARK WARDLAW**  
DIRECTOR

PLANNING & DEVELOPMENT SERVICES  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
(858) 694-2962 • Fax (858) 694-2555  
[www.sdcountry.ca.gov/pds](http://www.sdcountry.ca.gov/pds)

**KATHLEEN A. FLANNERY**  
ASSISTANT DIRECTOR

January 3, 2018

Robert Scholl  
Senior Engineer  
Vallecitos Water District  
201 Vallecitos de Oro  
San Marcos, CA 92069

Via e-mail to: [rscholl@vwd.org](mailto:rscholl@vwd.org)

## **COMMENTS ON THE NOTICE OF PREPARATION OF A PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE VALLECITOS WATER DISTRICT'S 2017 WATER, WASTEWATER, AND RECYCLED WATER MASTER PLAN**

The County of San Diego (County) reviewed the Vallecitos Water District's (District) Notice of Preparation of a Program Environmental Impact Report (PEIR) for the 2017 Water, Wastewater, and Recycled Water Master Plan, dated November 21, 2017 (Project).

The County appreciates the opportunity to review the Project and offers the following comments for your consideration. Please note that none of these comments should be construed as County support for this Project.

### **WATERSHED PROTECTION**

1. Capital Improvement Projects (CIP) associated with the District could potentially generate stormwater impacts to adjacent private parcels located in the unincorporated county. Therefore, the County would like initial considerations to address the following items:
  - a. Compliance with the San Diego Municipal Storm Water Permit Order No. R9-2013-0001, (as amended by Order Nos. R9-2015-0001 and R9-2015-0100). Because the project is partially located in unincorporated county, the project may consider implementing permanent Site Design, Source Control, Pollutant Control, and Hydromodification Management in accordance with the County's BMP Design Manual.
  - b. Conformance of construction BMPs (and associated plans) with the County's Grading Ordinance, Watershed Protection Ordinance and State of California's Construction General Permit.

## TRANSPORTATION/TRAFFIC

1. Various County-maintained roadways are located within the District service area. As such, any damage or disturbance to County roadways caused by the Project must be repaired to the satisfaction of the Department of Public Works (DPW).
2. If the Project will require a temporary road closure or detour around construction areas within the County's road right-of-way, an encroachment permit including a traffic control plan must be submitted to the County for review and approval.

## VECTOR CONTROL PROGRAM

1. The Vector Control Program (VCP) respectfully requests that PEIR address potential impacts from possible mosquito breeding sources created by CIP projects, and that the Projects be designed and constructed in a manner to minimize those impacts.
  - a. Specifically, ensure construction-related depressions created by grading activities, vehicle tires, and excavation do not result in depressions that will hold standing water. In addition, ensure drains, BMPs, detention ponds, and other structures do not create a potential mosquito breeding source. Any area that is capable of accumulating and holding at least ½ inch of water for more than 96 hours can support mosquito breeding and development. Finally, if habitat remediation is required for the Projects, the design should be consistent with guidelines for preventing mosquito habitat creation.
  - b. Please note, the VCP has the authority pursuant to state law and County Code to order the abatement of any mosquito breeding that does occur either during construction or after the Project is completed that is determined to be a vector breeding public nuisance. The VCP will exert that authority as necessary to protect public health if the Project is not designed and constructed to prevent such breeding.
  - c. For your information, the County of San Diego Guidelines for Determining Significance for Vectors can be accessed at: [http://www.sandiegocounty.gov/content/dam/sdc/pds/docs/vector\\_guidelines.pdf](http://www.sandiegocounty.gov/content/dam/sdc/pds/docs/vector_guidelines.pdf) and the California Department of Public Health Best Management Practices for Mosquito Control in California is available at: <http://www.cdph.ca.gov/HealthInfo/discond/Documents/BMPforMosquitoControl07-12.pdf>
  - d. The VCP appreciates the opportunity to participate in the environmental review process for this Project. If you have any questions regarding these comments, please contact Daniel Valdez at 858-688-3722 or by e-mail at [Daniel.Valdez@sdcounty.ca.gov](mailto:Daniel.Valdez@sdcounty.ca.gov).

Ms. Scholl  
January 3, 2018  
Page 3

The County appreciates the opportunity to comment on this Project. We look forward to receiving future documents related to this Project and providing additional assistance at your request. If you have any questions regarding these comments, please contact Timothy Vertino, Land Use / Environmental Planner, at (858) 495-5468, or via e-mail at [timothy.vertino@sdcounty.ca.gov](mailto:timothy.vertino@sdcounty.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Eric Lardy". The signature is written in a cursive, flowing style.

Eric Lardy, AICP  
Group Program Manager, Advance Planning Division  
Planning & Development Services

E-mail cc:     Darren Gretler, Chief of Staff, Board of Supervisors, District 5  
                  Vincent Kattoula, CAO Staff Officer, LUEG  
                  Jeff Kashak, Land Use / Environmental Planner, DPW  
                  Richard Chin, Associate Transportation Specialist, DPW  
                  Christopher Wolff, Land Use / Environmental Planner, DPW  
                  Mary Bennett, Administrative Analyst, DEH



**Matthew Rodriguez**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

---

Barbara A. Lee, Director  
5796 Corporate Avenue  
Cypress, California 90630



**Edmund G. Brown Jr.**  
Governor

January 3, 2018

Mr. Robert Scholl  
Senior Engineer  
Vallecitos Water District  
201 Vallecitos De Oro  
San Marcos, CA 92069  
[rscholl@vwd.org](mailto:rscholl@vwd.org)

### NOTICE OF PREPARATION (NOP) FOR AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR VALLECITOS WATER DISTRICT 2017 WATER, WASTEWATER, AND RECYCLED WATER MASTER PLAN PROJECT (SCH# 2017111082)

Dear Mr. Scholl:

The Department of Toxic Substances Control (DTSC) has reviewed the subject NOP. The following project description is stated in the NOP: "The Project Applicant proposes to construct a 262,398-square foot (s.f.) warehouse facility on the subject property. The proposed facility would contain 252,398 s.f. of warehouse space and 10,000 s.f. of office space. The office space would be located in the northeastern and southeastern corners of the building. Automobile parking would be provided on the north and south sides of the building; loading docks and truck parking areas are located on the west side of the building."

Based on the review of the submitted document, DTSC has the following comments:

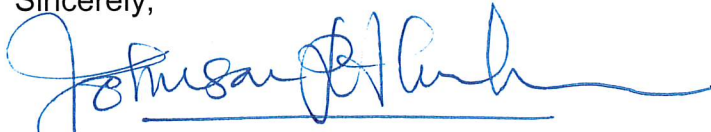
1. The EIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances. A Phase I Environmental Site Assessment may be appropriate to identify any recognized environmental conditions.
2. If there are any recognized environmental conditions in the project area, then proper investigation, sampling and remedial actions overseen by the appropriate regulatory agencies should be conducted prior to the new development or any construction.

3. If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).
4. If the proposed project involves the demolition of existing structures, lead-based paints or products, mercury, and asbestos containing materials (ACMs) should be addressed in accordance with all applicable and relevant laws and regulations.
5. If the site was used for agricultural or related activities, residual pesticides may be present in onsite soil. DTSC recommends investigation and mitigation, as necessary, to address potential impact to human health and environment from residual pesticides.
6. DTSC recommends evaluation, proper investigation and mitigation, if necessary, of onsite areas with current or historic PCB-containing transformers.
7. Aerially deposited lead (ADL) is generally encountered in unpaved or formerly unpaved areas adjoining older roads, primarily as a result of deposition from historical vehicle emissions when gasoline contained lead. As the project site is adjacent to I-15 Freeway and California State Route 78, this issue should be addressed in accordance with all applicable and relevant laws and regulations.
8. If the project development involves soil export/import, proper evaluation is required. If soil contamination is suspected or observed in the project area, then excavated soil should be sampled prior to export/disposal. If the soil is contaminated, it should be disposed of properly in accordance with all applicable and relevant laws and regulations. In addition, if imported soil was used as backfill onsite and/or backfill soil will be imported, DTSC recommends proper evaluation/sampling as necessary to ensure the backfill material is free of contamination.
9. If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the PEIR should identify how any required investigation and/or remediation will be conducted and the appropriate government agency to provide regulatory oversight.

Mr. Robert Scholl  
January 3, 2018  
Page 3

If you have any questions regarding this letter, please contact me at (714) 484-5380 or email at [Johnson.Abraham@dtsc.ca.gov](mailto:Johnson.Abraham@dtsc.ca.gov).

Sincerely,



Johnson P. Abraham  
Project Manager  
Brownfields Restoration and School Evaluation Branch  
Brownfields and Environmental Restoration Program – Cypress

ed/sh/ja

cc: Governor's Office of Planning and Research (via e-mail)  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044  
[State.clearinghouse@opr.ca.gov](mailto:State.clearinghouse@opr.ca.gov)

Mr. Dave Kereazis (via e-mail)  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

Mr. Shahir Haddad, Chief (via e-mail)  
Schools Evaluation and Brownfields Cleanup  
Brownfields and Environmental Restoration Program - Cypress  
[Shahir.Haddad@dtsc.ca.gov](mailto:Shahir.Haddad@dtsc.ca.gov)

CEQA# 2017111082



**Chair**

Jo MacKenzie, Director  
Vista Irrigation District

January 3, 2018

**Vice Chair**

Ed Sprague, Director  
Olivenhain Municipal Water

Mr. Robert Scholl  
Vallecitos Water District  
201 Vallecitos De Oro  
San Marcos, California 92069

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City of Encinitas

Bill Horn, Supervisor  
County of San Diego

Dianne Jacob, Supervisor  
County of San Diego

Andrew Vanderlaan  
Public Member

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Lorie Zapf, Councilmember  
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City of Imperial Beach

Chris Cate, Councilmember  
City of San Diego

Greg Cox, Supervisor  
County of San Diego

Judy Hanson, Director  
Leucadia Wastewater District

Harry Mathis  
Public Member

**Executive Officer**

Keene Simonds

**Counsel**

Michael G. Colantuono

**SUBJECT: Comments | Notice of Preparation for the Water, Wastewater, & Water Reclamation Master Plan Update**

Mr. Scholl:

Thank you for the opportunity to comment on the above-referenced Notice of Preparation (NOP). As outlined in the NOP, the project involves a comprehensive update to Vallecitos Water District's (WPD) Master Plan and in step with evaluating existing and future needs for water, wastewater, and recycled water services through 2035. It is also expected the update will inform the adoption of a new capital improvement plan for VWD.

Consistent with the California Environmental Quality Act the following comments are premised on addressing San Diego Local Agency Formation Commission's (LAFCO) role as potential responsible agency for the project. These comments are based on information provided in the NOP and paired with LAFCO's own statutory responsibilities and duties, and submitted ahead of the preparation of a Draft Environmental Impact Report (DEIR).

1. The designated study area for the Master Plan and analysis therein should be expanded to include all lands currently located within the assigned sphere of influence for VWD with added context provided in Comment No. 2. The sphere of influence – pertinently – serves as VWD's current and probable jurisdictional boundary and service area under State law (Government Code Section 56076). All jurisdictional changes and outside service extensions involving VWD's water, wastewater, and recycled water services, notably, must be consistent with the sphere of influence with limited exceptions (Government Codes Sections 56375.5 and 56133). A map showing the current sphere designation for VWD is attached.



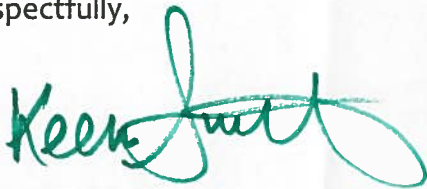
**San Diego LAFCO**

Comment Letter on NOP for Vallecitos Water District's Water, Wastewater, & Water Reclamation Master Plan Update  
January 3, 2018

2. Similar to Comment No. 1 please note San Diego LAFCO is responsible under State law for conducting sphere of influence updates for all local agencies every five years to determine if changes are appropriate.<sup>1</sup> The current five-year update cycle officially commenced on January 1, 2018 and LAFCO is presently in the process of developing a formal study schedule to calendar updates over the next 60 months. Accordingly, LAFCO would like to meet with VWD for the benefit of concurrently informing the two processes – Master Plan update and sphere update – going forward.

LAFCO appreciates the opportunity to participate in the environmental review process and looks forward to working with the VWD on this project going forward. Should you have any questions or would like to schedule the referenced meeting please contact me or Chief Policy Analyst Robert Barry at (858) 614-7755.

Respectfully,



Keene Simonds  
Executive Officer

Attachments:

- 1) Map Showing LAFCO's Current Sphere of Influence for VWD




cc: Robert Barry, Chief Policy Analyst, San Diego LAFCO  
Noah Alvey, Planning Manager, County of San Diego  
Jason Paguio, Advisor to Supervisor Gaspar, County of San Diego

---

<sup>1</sup> This includes informing the decision-making process underlying sphere updates by concurrently preparing municipal service review documents to independently assess the need, availability, and performance of public services within designated regions and address certain mandatory factors under Government Code Section 56340.

# Vallecitos Water District

## LEGEND

-  Vallecitos WD
-  Sphere of Influence (SOI)
-  Special Study Area

SOI Adopted: 6 / 3 / 85  
 SOI Affirmed: 8 / 6 / 07



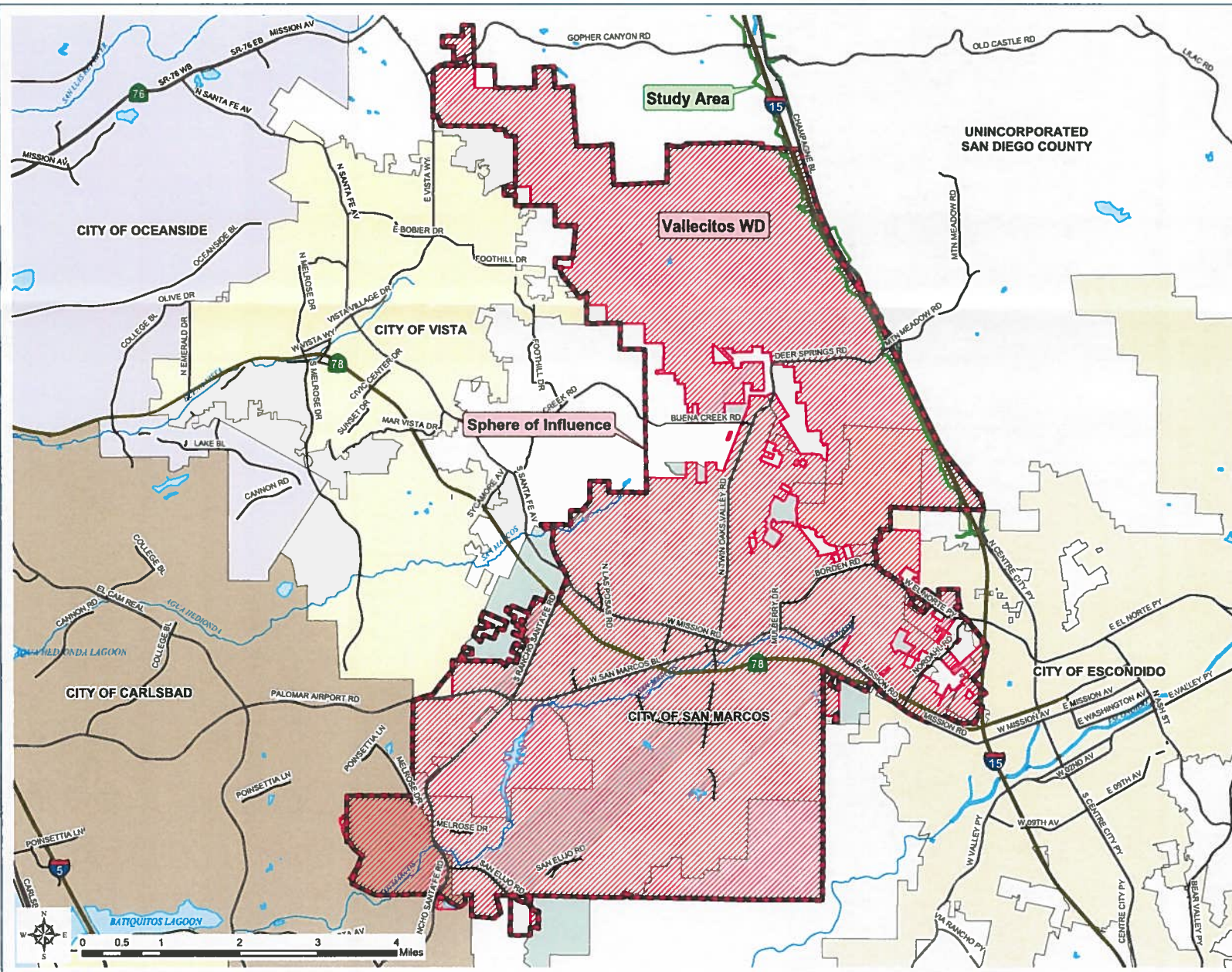
SAN DIEGO **LAFCO**



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This map has been prepared for descriptive purposes only and is considered accurate according to the GIS and LAFCO data.

File: G:\GIS\PROJECTS\Maps\11x17\SanGIS\Districts\WD\_Vallecitos.mxd  
 Printed December 2011.





## San Diego County Archaeological Society, Inc.

Environmental Review Committee

4 January 2018

To: Mr. Robert Scholl, Senior Engineer  
Vallecitos Water District  
201 Vallecitos de Oro  
San Marcos, California 92069

Subject: Notice of Preparation of a Draft Program Environmental Impact Report  
2017 Water, Wastewater, and Recycled Water Master Plan  
Case Number 15-071

Dear Mr. Scholl:

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

We are pleased that cultural resources have been included in the list of subject areas to be addressed in the DEIR. In order to permit us to review the cultural resources aspects of the project, please include us in the distribution of the DEIR when it becomes available for public review. Also, in order to facilitate our review, we would appreciate being provided with a copy of the cultural resources technical report(s) along with the DEIR. Access to these documents via the District's website is acceptable, if that is the District's intended method for the public review.

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

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Royle, Jr.", is written over the typed name.

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

cc: SDCAS President  
File



January 5, 2018

Mr. Robert Scholl, P.E.  
Vallecitos Water District  
201 Vallecitos de Oro  
San Marcos, CA 92069

RE: Vallecitos Water District 2017 Water, Wastewater and Recycled Water Master Plan  
Program Environmental Impact (PEIR) Notice of Preparation (NOP)

Dear Mr. Scholl,

The City thanks you for the opportunity to respond to the Notice of Preparation (NOP) for the above Vallecitos Water District (VWD) 2017 Water, Wastewater and Recycled Water Master Plan (Master Plan) Program Environmental Impact (PEIR) Notice of Preparation (NOP). The City of San Marcos Development Services Department, Planning Division, requests your consideration of the following comments.

Land Use:

To supplement our review, I verified with your office that the Master Plan is based upon land use information from various agencies (i.e. County and local Cities) for projects approved as of June 30, 2014, including the Specific Plans listed in Section 2.1.1 of the draft Master Plan. With this in mind, the City requests verification that the Master Plan PEIR land use data used for growth projections in the service area be based upon the SANDAG Series 13 2050 Regional Growth Forecast land use data accepted by SANDAG for planning purposes on October 15, 2013. This information includes the City's 2012 General Plan land use. If Series 12, rather than Series 13, 2050 Regional Growth Forecast is used for the basis of the City buildout, please verify that the City's 2012 General Plan land use is considered in the Master Plan land use buildout assumptions.

The City also requests PEIR consideration of several new project developments proposed in San Marcos, including all approved General Plan Amendments and Specific Plans, in your buildout forecast analysis. To assist in this effort, a City Cumulative Project list is attached. We also request coordination with City staff to update Section 2.1.1 of the draft Master Plan and to finalize the City of San Marcos land use buildout assumptions in the draft PEIR.

Other public agencies whose approval is required:

Any Capital Improvement Project infrastructure improvements constructed within the City of San Marcos right-of-way for the purpose of serving the project may require a City Right-of-Way or Improvement Permit, including public improvement plan approval.



Hydrology and Water Quality:

The City of San Marcos is subject to waste discharge requirements set forth under Order Number R9-2013-0001, as amended by Order Numbers R9-2015-0001 and R9-2015-0100, otherwise known as the "Municipal Permit". Under the Municipal Permit, the City implements water quality improvement strategies and runoff management programs that effectively prohibit non-storm water discharges into the City's municipal separate storm sewer system (MS4), and reduce pollutants in storm water discharges from the City's MS4 to the maximum extent practicable.

In general, all activities and projects shall conform to the City of San Marcos Municipal Code (SMMC) 14.15 Storm Water Management and Discharge Control. All existing development activities and construction projects should implement minimum Best Management Practices (BMPs) as described in the City's Jurisdictional Runoff Management Program (JRMP) Plan. Construction activity resulting in a land disturbance of one acre or more or less than one acre but part of a larger common plan of development or sale must obtain coverage under the current State Water Resources Control Board (SWRCB) General Construction Permit. All development planning projects, including capital improvements, must adhere to the conditions set forth in the City's JRMP Plan and BMP Design Manual. Storm Water Quality Management Plans will be prepared for all standard and priority projects.

The City requests that VWD provide an assessment of the proposed projects in relation to the objectives and requirements under the Municipal Permit, SMMC 14.15, and all other City programs and strategies to improve water quality.

Thank you in advance for your consideration of these comments. The City requests that the comments contained herein are considered in the draft PEIR and notification when the document is available for public review and scheduled for public hearing. If you have any questions, please feel free to contact me at (760) 744-1050 extension 3237 or svandrew@san-marcos.net.

Sincerely,

Susan Vandrew Rodriguez

Attachment (1): City of San Marcos Cumulative Project List

cc: Dahvia Lynch, Development Services Director  
Karen Brindley, Planning Manager  
Ed Deane, Deputy City Engineer  
Joe Farace, Principal Planner  
Paul Vo, Principal Civil Engineer, Capital Improvement Program  
Peter Kuey, Principal Civil Engineer, Land Development  
Reed Thornberry, Stormwater Program Manager

**City of San Marcos Cumulative Projects List**

Project			Location	Land Use	Intensity	Unit	Buildout Year
1	Approved	Corner @ 2 Oaks	SW corner of San Marcos Blvd & N Twin Oaks Valley Rd	Office/retail	13,499	SF	2019
				Restaurant	6,500	SF	2019
				Hotel	116	Rooms	2019
				Townhouse Condominiums	118	DU	
2	Approved	University District Block C	NW corner of Campus Wy & Barham Dr	Apartments	193	DU	2019
				Commercial	11,500	SF	2019
3	Approved	University District Block K	Campus Wy	Multi-family Condos	68	DU	
4	Approved	PIMA Med. Vocational School and Office	North City - Barham	Commerical Office building	62000	SF	
5	Approved	Kaiser Permanente Master Plan	Craven Rd	Medical Office/Hospital	70,700	SF	
6	Proposed	Fenton North	Craven Rd				
7	Proposed	Main Square	SE corner of San Marcos Blvd & McMahr Rd	Apartments	428	DU	2019
				Commercial	90,000	SF	2019
8	Approved	East Gate	NW corner of Grand Ave & Creekside Dr	Apartments	42	DU	2019
				Commercial	7,200	SF	2019
9	Approved	The Promenade at Creekside (Phase 2)	SE corner of Grand Ave & Creekside Dr	Apartments	43	DU	2019
				Commercial	11,000	SF	2019
10	Approved	San Elijo Hills	San Elijo Rd	Single-Family DU (remaining units)	100	DU	
				Townhomes	24	DU	
11	Approved	Pacific Commercial	NE corner of Grand Ave & Pacific St	Commercial Center	29,236	SF	2019
12	Approved	Pacific Industrial	Pacific St	Industrial Building	22,159	SF	2019
13	Approved	Brookfield Residential	S Twin Oaks Valley Rd	Single-Family Residential	346	DU	2019
14	Proposed	Brookfield Residential	S Twin Oaks Valley Rd	Active Park	38.43	AC	
15	Proposed	Brookfield Residential	S Twin Oaks Valley Rd	Multi-family Residential	220	DU	2021
16	Approved	San Marcos Highlands	North end of N Las Posas Rd	Single-Family Residential	189	DU	
17	Approved	The Marc	Twin Oaks Valley Rd, South of Village	Multi-Family Residential	416	DU	2019
				Commercial Retail	15,000	SF	2019
				Park	1.37	AC	2019
18	Approved	Shane Park Plaza	SW corner of S Rancho Santa Fe Rd & 9th St	Multi-Family Residential	19	DU	2019
				Commercial Retail	6,138	SF	2019
19	Approved	El Dorado II Specific Plan	SW corner of Richmar Ave & Pleasant Wy	Apartment	120	DU	
				Specialty Retail	7,000	SF	
				Community Center	1,850	SF	

				Laundry Facility	1,000	SF	
20	Approved	Orlando Company (Vidler Estates)	N Twin Oaks Valley Rd	Single-Family Residential	19	DU	2019
21	Approved	San Marcos 13	Oleander Ave	Single-Family Residential	14	DU	2019
22	Approved	Borden Rd 22	Borden Rd	Single-Family Residential	22	DU	2021
23	Approved	Villa Serena	Richmar Ave & Marcos St	Apartments	148	DU	
24	Proposed	San Elijo Hills Town Center	San Elijo Rd & Elfin Forest Rd	Attached Condominiums	12	DU	
				Commercial	22,900	SF	
25	Proposed	Montiel Rd Partners	Montiel Rd	9-lot Subdivision -SFR	9	DU	2019
26	Proposed	Sandy Lane Estates	Sandy Ln	9-lot Subdivision -SFR	9	DU	2019
27	Approved	SJ Asset Management	Woodward St	Senior Housing	50	DU	2019
28	Approved	Meadowlark Canyon LLC	San Marcos Blvd	Single-Family Residential	33	DU	
29	Proposed	JR Legacy II, LLC/Global Carte	Montiel Rd	Hotel	132	Room	2019
30	Approved	NC Shooting Center, Inc.	Descanso Ave	Indoor Range	12,500	SF	2019
				Retail/Office	5,000	SF	2019
31	Proposed	Mariposa II- Affirmed Housing	Richmar Ave & Los Olivos Dr	Apartments	100	DU	2019
32	Proposed	Murai-Sab	N Las Posas Rd	Single-Family Residential	89	DU	
33	Proposed	Copper Hills Specific Plan	San Elijo Rd	Commercial/Light Industrial Park	139,000	SF	
				Attached Condominiums	120	DU	
				Detached Condominiums	42	DU	
				Apartments	189	DU	
34	Proposed	RAF Pacifica	Bosstick Blvd	Light Industrial Park	212,000	SF	2019
35	Proposed	Pacifica San Marcos	S. Rancho Santa Fe Rd & Creek St	Apartments	31	DU	
				Commercial	4,375	SF	2019
36	Proposed	Fenton South	Future Discovery St	Single-Family Residential	250	DU	
37	Approved	Windy Pointe Phase II	Windy Pointe Dr	Light Industrial Park	52,738	SF	2021
38	Approved	Fitzpatrick	Fitzpatrick Road	Apartments	78	DU	2019
				Single-Family Residential	2	DU	2019
39	Approved	Southlake Park Phase 1	Twin Oaks Valley Rd, South of Village	Parking Lot, Fishing Dock	1.5	AC	2018
40	Proposed	La Moree Subdivision	La Moree Road	8-Lot Subdivision	8	SF	
41	Proposed	MacDonald Group	San Marcos Blvd (Former Sears site)	Apartments	120	Units	
				Commercial	5000	SF	

Project 23: 148 Apartments replace 136 existing apartments.

Project 31: 100 Apartments replace 40 existing apartments.

Other Projects to consider outside of City jurisdiction/land use authority:

California State University San Marcos (CSUSM) Master Plan

Palomar College Master Plan

Newland Sierra (County project)

FIRM / AFFILIATE OFFICES

Barcelona	Moscow
Beijing	Munich
Boston	New York
Brussels	Orange County
Century City	Paris
Chicago	Riyadh
Dubai	Rome
Düsseldorf	San Diego
Frankfurt	San Francisco
Hamburg	Seoul
Hong Kong	Shanghai
Houston	Silicon Valley
London	Singapore
Los Angeles	Tokyo
Madrid	Washington, D.C.
Milan	

January 5, 2018

**VIA EMAIL AND FEDERAL EXPRESS**

Robert Scholl  
Vallecitos Water District, Senior Engineer  
201 Vallecitos De Oro  
San Marcos, CA 92069

Re: Comments on the District's 2017 Master Plan Notice of Preparation

Dear Mr. Scholl,

As you know, we represent the Golden Door Properties, LLC (“Golden Door”), a Vallecitos Water District customer in Division 1. We write with regard to the Notice of Preparation (“NOP”) for the Vallecitos Water District’s 2017 Water, Wastewater, & Recycled Water Master Plan (“2017 Master Plan”).

We have been disappointed in the District’s outreach to the public about the Master Plan and opportunities for participation in the environmental review process. The District did not mail the NOP to District customers or post the NOP on its public website until after it held a Scoping Meeting on December 7, 2017, and less than 30 days prior to the deadline for written comments. The District is the only urban water district in the State to forecast a perpetual water supply deficit. District customers should have the opportunity to share their concerns about the supply deficit – and potential conservation measures – and provide input about potential impacts so that the District can study them as part of its capital improvement planning process. Because of the District’s deficient public notification, it may receive comments from District customers at later junctures in the environmental review period that raise new issues and require recirculation of the District’s environmental document in order to provide adequate environmental analysis.

Below we have identified several issues that should be analyzed in the draft environmental impact report (“DEIR”) for the 2017 Master Plan.

**A. The 2017 Master Plan DEIR Must Consider the District’s Perpetual Water Supply Deficit Projections**

The District faces a pressing issue in determining how to address the long-term water supply deficit projections in its 2015 Urban Water Management Plan (“UWMP”).



Included below are tables from Chapter 7 of the District’s 2015 UWMP showing a supply deficit in each scenario (normal, single dry, and multiple dry years) and for every year for which projections are provided. The figures shown in red as the “Difference” represent the amount of water supply deficit for each scenario and year.

Table 7-2: Normal Year Supply and Demand Comparison				
	2020	2025	2030	2035
Supply totals <i>(from Table 6-9)</i>	6,914	8,011	8,794	9,198
Demand totals <i>(from Table 4-3)</i>	10,644	11,187	11,569	12,330
Difference	(3,730)	(3,176)	(2,775)	(3,132)

Table 7-3: Single Dry Year Supply and Demand Comparison				
	2020	2025	2030	2035
Supply totals	7,362	8,539	9,359	9,799
Demand totals	11,399	11,985	12,398	13,225
Difference	(4,037)	(3,446)	(3,039)	(3,426)

Table 7-4: Multiple Dry Years Supply and Demand Comparison					
		2020	2025	2030	2035
First year	Supply totals	7,359	8,533	9,349	9,781
	Demand totals	11,389	11,970	12,379	13,193
	Difference	(4,030)	(3,437)	(3,030)	(3,412)
Second year	Supply totals	7,494	8,691	9,518	9,958
	Demand totals	11,623	12,216	12,633	13,464
	Difference	(4,129)	(3,525)	(3,115)	(3,506)
Third year	Supply totals	7,691	8,922	9,763	10,216
	Demand totals	11,953	12,563	12,992	13,847
	Difference	(4,262)	(3,641)	(3,229)	(3,631)

These tables demonstrate – with simple arithmetic – that demand exceeds supply in all of the UWMP’s projections. According to District staff, demand was determined using water duty factors derived from “actual use” within the District. It is important that the 2017 Master Plan maintains consistency with these duty factors – which were approved by the District’s Board of Directors in September 2016.

In addition, the 2017 Master Plan and its DEIR must analyze the impacts from resolving the District’s water supply deficit – whether through mandatory cutbacks, purchasing additional supply, or other measures. In a Water Supply Assessment (“WSA”) approved by the District for the Newland Sierra project, the District approved “Conservation Required” as the sole method for addressing the forecast supply deficit. Although the Newland WSA implemented “Conservation Required” for each gallon of water supply deficit, the WSA did not describe how such significant cutbacks – as much as 36% District-wide – would be achieved. The 2017 Master Plan’s DEIR should analyze all potential methods of reaching the level of “Conservation Required” needed to address the District’s supply deficit and all potential environmental impacts from such methods.

The District may also indicate it will make up for part or all of the projected perpetual supply deficit by purchasing new supplies. Similarly, the impacts of such purchase and necessary infrastructure related to storage and distribution must be studied.

If the District’s 2017 Master Plan amends the water duty factors, revises the 2015 UWMP’s supply and demand projections, or imposes conservation measures or accounts for new supply sources to make up for the UWMP’s perpetual supply deficit, the 2015 UWMP must also be amended and any approvals relying on it must be nullified and again go through the appropriate processes for approval.

**B. The 2017 Master Plan Must Be Limited to Providing Facilities for Planned Growth**

The District’s 2015 UWMP provides supply and demand projections (copied above) for the District through 2035. These demand figures were determined by developing water duty factors (although approved subsequent to the 2015 UWMP’s approval) based on actual water usage and applying the duty factors to planned land uses in the various jurisdictions within the District’s service area. Because these projections are based on planned land uses, the 2017 Master Plan cannot plan for facilities to serve new, unplanned development projects, such as Newland Sierra, that have not been approved.

**C. The 2017 Master Plan DEIR Must Analyze GHG Impacts**

Reducing greenhouse gas (“GHG”) emissions in an effort to curb the impacts of global climate change is important to the Golden Door and is consistent with its guiding philosophy and commitment to sustainability and environmental stewardship. The DEIR for the 2017 Master Plan must analyze all potential GHG impacts and propose sufficient mitigation. The emissions evaluated must include those generated by energy needed to store and transport water. They should also include emissions from decreased vegetation (including landscaping, agriculture, and

parklands) resulting from water cutbacks required to address the District's forecast supply deficit. Analysis of decreased vegetation should include both vegetation that will be allowed to die due to limits on water supply as well as new vegetation that will not be planted due to lack of water supply.

The DEIR's GHG analysis should also consider consistency with state, regional, and local plans for GHG emissions reductions. These include SANDAG's Regional Transportation Plan/Sustainable Communities Strategy, climate action plans from land use agencies within the District's service area, state plans and goals, and other plans.

**D. The 2017 Master Plan DEIR Must Analyze Impacts to Biological Resources**

The 2017 Master Plan DEIR should analyze impacts to wildlife and other biological resources, including analysis of consistency with the draft North County Multiple Species Conservation Program ("NC MSCP"), which is intended as a regional plan to protect wildlife. The DEIR's analysis should evaluate not only the direct impacts of construction of District facilities, but also the indirect impacts on biological resources from development projects intended to be served by the District's facilities. Further, water supply availability necessary to maintain the vegetation that is home to sensitive animal species should be considered.

**E. The 2017 Master Plan DEIR Must Analyze Impacts to Fire Safety**

The recent fires around California, including the Lilac Fire in northern San Diego County, are a stark reminder of the need for fire protection and suppression measures – especially in our rural communities. The Master Plan DEIR should analyze the availability of water for fire suppression, especially in High Fire Hazard Severity zones. The DEIR should also analyze the risks to fire protection from dead and dying vegetation that may be caused by water supply cutbacks needed to address the District's forecast water supply deficit.

**F. The 2017 Master Plan DEIR Must Analyze Urban Decay Impacts**

Potential for urban decay is an issue that should be considered in an agency's environmental review under the California Environmental Quality Act ("CEQA"). (See *Joshua Tree Downtown Bus. Alliance v. Cty. of San Bernardino* (2015) 1 Cal.App.5th 677.) Here the potential for decreased water supply could lead to urban decay as businesses may be forced to close or relocate without adequate water supply or the ability to plan for certain water supply in the future. The Golden Door relies on water from the District for its guest operations and as a supplemental source for its agricultural operations. Many other businesses in the area likely depend on the District's water supply as well.

**LATHAM & WATKINS** LLP

Thank you for your time and attention to this matter. Please feel free to contact me at (858) 523-5400 or [christopher.garrett@lw.com](mailto:christopher.garrett@lw.com) if you would like to discuss these matters further.

Best regards,

*Christopher W. Garrett*

Christopher W. Garrett  
of LATHAM & WATKINS LLP

cc (email):

Kathy Van Ness, Golden Door  
Jeffrey G. Scott, Vallecitos Water District General Counsel  
Tom Kumura, Twin Oaks Valley Community Sponsor Group Chair  
Andrew D. Yancey, Latham & Watkins LLP