



San Diego Canyonlands

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August 21, 2009

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City of San Diego Development Services
Via E-Mail to: DSDEAS@sandiego.gov

Re: MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM (MSWMP)
Draft Program Environmental Impact Report (PEIR)
Project No. 42891/SCH No. 200101032

To Whom It May Concern:

San Diego Canyonlands is a non-profit organization dedicated to restoration and preservation of the unique canyon and creek habitats throughout San Diego County. In response to our review of the City of San Diego's Master Storm Water System Maintenance Program (MSWMP) Draft EIR, we are encouraging the City to adopt a more holistic, watershed management alternative rather than the proposed clearing of valuable native vegetation from our creek channels.

The proposed methods of flood control are in conflict with several goals of the adopted General Plan (Public Facilities, Services, and Safety Element) including:

- Protection of beneficial water resources through pollution prevention and interception efforts.
- A storm water conveyance system that effectively reduces pollutants in urban runoff and storm water to the maximum extent practicable.
- Public utility services provided in the most cost-effective and environmentally sensitive way.
- Public utilities that sufficiently meet existing and future demand with facilities and maintenance practices that are sensible, efficient and well-integrated into the natural and urban landscape.

The MSWMP poses unnecessary and costly impacts on upland habitats, riparian and aquatic wildlife habitats, wildlife corridors, wetlands functions, water quality, and flood/erosion control. The project could cumulatively impact over 70 acres of wetlands plus ~24 acres of natural streambed, ~20 acres of sensitive upland habitat and ~9 acres of disturbed upland habitat, (Appendix C.1-C.3 page 53).

The Values of Our Wetlands Must Be Protected While we understand the project purpose is to provide flood control and proposes to do this by removal of sediment and vegetation from the creek channels, it is not known to what extent, if any, removal would be required in individual segments of our creek channels to achieve the project purpose. There is no indication that less damaging alternatives will be thoroughly analyzed and yet the MSWMB documentation admits to diminishing the important resource values of our wetlands including unmitigated impacts to water quality.

The vegetation and the soil in storm water conveyance channels provide habitat or foraging area for a broad spectrum of wildlife, which can include federally listed species such as Least Bell's Vireos, Southwest Willow Flycatchers, California Brown Pelicans, and California Gnatcatchers.

Riparian and wetland vegetation tends to absorb and slow the velocity of runoff in a stream, which can reduce rising waters and flooding in downstream areas. This reduction in velocity also reduces erosion of stream banks, one of the major sources of downstream sediment deposits. Pollutants found in urban runoff attach themselves to sediment particles and are thus carried to downstream water bodies, estuaries, the bays, and the beaches. These particles tend to drop to the bottom when runoff is slowed down by wider floodplains and wetlands. The wetlands serve to absorb and filter the water and the sediment. Microbial action in the soils surrounding wetland vegetation root systems serves to break down organic pollutants including pesticides, fertilizers, bacteria, hydro-carbons, oil and grease found in urban runoff. Wetland vegetation and soils also serve to retain low flow urban runoff so that evaporation and transpiration reduces dry weather flows and the pollutants never reach receiving waters. This efficient water cleansing service is very valuable to our city and project alternatives must be aggressively analyzed to protect it.

UNMITIGATED WATER QUALITY IMPACTS

The PEIR fails to analyze the water filtration values of our wetlands and does not offer mitigation for the important water quality service that wetlands provide.

The MSWSMP Biological Technical Report states: "***The removal of wetland vegetation occurring as part of the MSWSMP may result in a decrease in pollutant uptake by plants, as vegetation in the channel and basin bottoms would be removed. Plants such as cattails are capable of absorbing pollutants such as excess nitrogen and heavy metals commonly found in urban runoff. Vegetation clearing may reduce the filtering capacity of channels and basins and result in adverse water quality impacts downstream.***" (Appendix C.1-C.3 page 67).

Additionally the Biological Resources chapter of the PEIR, page 4.3-38 states that the loss of the filtration capability would "***potentially expose downstream wildlife to increased exposure to urban pollutants as well as increased sedimentation.***"

Many of the receiving waters that would be impacted by this additional pollutant load already exceed pollutant levels allowed by the Federal Clean Water Act (CWA). They are "Impaired Water Bodies" with several pollutants of concern as defined by the CWA. For example, The shoreline of San Diego Bay, one of the receiving waters that would be impacted by the proposed project, is impaired for such pollutants as **PCBs, benthic community sediment toxicity, copper, indicator bacteria, mercury, zinc, chlordane, PAH, (polycyclic aromatic hydro-carbons).**

The Clean Water Act has provisions for "Impaired Water Bodies" that prohibit actions that would exacerbate their polluted condition and cause increases of pollutants that already exceed allowable levels within these water bodies.

The conclusion that "***mitigation for the loss of vegetation that serves to remove urban pollutants is not feasible***" lacks any in-depth evaluation (PEIR page 4.3-38). There are potential solutions that have not been considered or have been prematurely dismissed. There are locations within the creek channels that could be widened which would provide both flood control and water quality improvements and thus avoid violations of the Clean Water Act.

This project, as proposed, will make pollution of our coastal waters worse. **The city must conduct thorough analysis of the cumulative water quality benefits of the wetlands before any work to remove the wetlands begins.** The project must analyze what pesticides, fertilizers, metals, bacteria and other pollutants are filtered out by the wetlands before the urban runoff reaches our coastal waters. **Any reduction to the water quality benefits of the vegetated creek channels of each project site must be fully mitigated. Furthermore, any reduction in the cumulative water quality benefit of the combined segments proposed for vegetation removal within a co-linear channel must be fully mitigated.**

ALTERNATIVES

The PEIR fails to thoroughly analyze less damaging alternatives.

First, the city must seek solutions that reduce the volume and velocity of runoff that is funneled through our creek channels because these unnatural, accelerated flows erode the creeks, damage the water retention functions, destabilize the banks and generate sediment that is delivered to downstream segments of the creek and/or to the coastal waters.

1) The City should thoroughly analyze opportunities to use Low Impact Development techniques, infiltration, conversion of impermeable surfaces to permeable surfaces, and detention basins where they could capture and filter runoff before discharge to the creek channels. A program that promotes the use of residential rain barrels could both reduce storm water runoff and provide a beneficial use of rain water to residents.

2) Wetland Restoration/Creation Alternative

Where natural channels are lined with concrete or where they are narrowed due to filling of the floodplain there are opportunities to widening channels and increase wetlands to slow and absorb floodwaters. While the PEIR discusses this alternative, (**6.4.5 Widen Bank Alternative**), it prematurely dismisses it as infeasible by stating that lands surrounding the individual project sites are developed. The maps provided in the PEIR indicate that this is frequently not the case. The opportunities to widen channels that are upstream of the individual sites and creating more wetlands to slow and absorb floodwaters is not considered. Furthermore, the city owns much of the land where channel widening opportunities exist.

We need healthy wetlands throughout our city creek channels and drainages to filter urban runoff, promote species conservation, slow down and absorb floodwaters and provide open space aesthetic values to all communities. Instead of bulldozing vegetation out of our creeks and drainage channels, the PEIR should thoroughly analyze upstream opportunities to widen the channels, increasing their capacity to slow down, hold and absorb water and thus serve the project purpose of providing downstream flood control.

There are significant cost-savings associated with increasing wetlands as an alternative. It serves our long term goals including cleaning up our local water ways, species conservation, and community open space needs. It builds environmental and economic sustainability for our city including a number of long-term economical values such as:

- Reduced impact to wetlands and uplands reduces the project mitigation costs.
- Increased wetlands, (created wetlands), are the hardest type and most expensive mitigation to provide and are in high demand. For example, the Metropolitan

Wastewater Department and CALTRANS are seeking opportunities for wetland creation to meet their “no net loss” of wetlands requirements.

- It has been demonstrated over the years that community volunteers are willing to support habitat restoration projects and can thus reduce the cost of this alternative.
- Increased wetlands will capture more sediment and reduce erosion that causes sediment and will thus reduce future channel maintenance needs.
- We will be required to spend probably billions of dollars to clean up our coastal waters because they exceed allowable limits for a number of pollutants per the Federal Clean Water Act. Upstream wetland filtration, while only a part of the solution, provides a very efficient service by absorbing and breaking down organic pollutants such as carbon-based pollutants, nutrients and bacteria.
- Reduced pollution reaching our coastal waters will mean reduced beach closures and thus support tourism – our third largest industry.
- Reduced pollution and sediment reaching our coastal waters will provide healthier water for aquatic wildlife and fisheries thus improving our fishing industry. The lagoons and estuaries are the nurseries for many fish species.

All of the above economic values need to be thoroughly assessed and tallied before we continue with non-holistic, wasteful, ecologically unsustainable methods of flood control.

Page 7 under *Widened Channel Alternative*, the PEIR indicates that widening would have the same initial (short term) impact as if the channel were cleared of vegetation. Please explain why widening of one or both edges of the channel could not avoid or minimize impacts to vegetation across the center of the channel.

3) Alternating and Timed Maintenance of Strategic Sections of Lined Creek Channels

For many lined channels, a program of removing some vegetation and soil while leaving a strategic portion of the vegetation to absorb contaminants may well be an effective approach. When sediment and vegetation re-establishes itself in the cleared area several years later, the alternate area could then be cleared. This approach could, at least somewhat mitigate the water quality impacts associated with vegetation removal because it would leave a segment of vegetated channel at all times that could serve the filtration functions. This alternative will require careful design, and analysis. It should be well developed at the Programmatic level before certification of the PEIR. Details of this alternative should be thoroughly analyzed subsequently in the Annual Maintenance Plan for each lined channel that is proposed for vegetation clearing. This PEIR does not provide the acknowledgement, the process, or the program-level analysis to support this approach.

MITIGATION

1) Mitigation Should Not be Exported Out of Project Areas or out of Watersheds

The Army Corps of Engineers Public Notice for the MSWSMP indicates that impacts *in the Pueblo San Diego Hydrologic Unit may be mitigated either through one or a combination of the following two actions: (1) implementation of restoration proposals identified in the Chollas Creek Enhancement Program - potentially carried out in cooperation with the*

nonprofit Groundwork organization or other non - profit organization, or (2) through purchase of mitigation credits from the Rancho Jamul Mitigation Bank.

- a. **We support implementation of the Chollas Creek Enhancement Program**, which includes removal of concrete lining and widening of the creek where feasible. This could serve both as an alternative to clearing vegetation out of Chollas Creek channels and as a mitigation alternative where clearing vegetation cannot be avoided.
- b. **Mitigation at the Rancho Jamul Mitigation Bank is unacceptable.** There is already an imbalance in open space amenities and access to natural settings in urban San Diego. City Heights and Southeast San Diego for example are deficient in these resources falling short of prescribed General Plan standards. This project will further exacerbate this inequity where it exports open space resources such as riparian forests and willow trees from highly urbanized areas to other, more suburban and less developed areas as part of the mitigation strategy. This component of the plan conflicts with the Land Use Element Goal to have “**equitable distribution of public facilities, infrastructure and services throughout all communities.**” The PEIR acknowledges the conflict that the loss of vegetation will have with goals of the Urban Design Element, but does not acknowledge how this project, and proposed “off-site” mitigation strategies further the environmental injustice that already exists in many urban communities.
- c. The PEIR at Page 4.3-39 states: “**Mitigation for upland impacts would occur through acquisition of comparable habitat or mitigation credits at the mitigation ratios identified in Table 4.3-11 of the PEIR. For impacts less than five acres, payment into the City’s Habitat Acquisition Fund may be made in lieu of direct purchase of upland mitigation land or credits.**”
- d. Payment into the City’s Habitat Acquisition Fund is an unacceptable mitigation alternative for these upland impacts. Since the cumulative impacts of this project for each separate watershed are already estimated, treating the impacts of each IMP separately is a form of piece-mealing. The cumulative impacts are known and should be treated as a whole and should not be mitigated as if they were a series of separate, smaller projects. The cumulative impacts to uplands within each watershed should be mitigated through purchase or restoration within the same watershed and as close to the project sites as feasible.
- e. Page 3-20, Project Description (Access) Paragraph 2 indicates that 18 foot wide access paths may be needed for some equipment. Metropolitan Waste Water Department occasionally needs 12 feet maximum for sewer infrastructure maintenance and when finished, reduces the path to 8 feet by restoring the edges. Please provide details of equipment alternatives that could reduce the access path maximum width to less than 18 feet.

2) Where impacts to wetlands and habitat are truly unavoidable:

- a. **We urge that mitigation measures be conducted as close to the project site as possible** and within the same watershed. Do not export wetland and other open space resources out of our highly urbanized areas!
- b. Many of our canyons have incised stream channels where the city has opted to funnel urban runoff from our streets through them. **Restoration of these damaged canyon streams and natural methods of stream stabilization as a wetland mitigation alternative within the given watersheds should be analyzed at the programmatic**

and project levels. (All of the ecological and economical benefits of increased wetlands listed above would apply to this mitigation alternative.)

- c. **Arundo donax rhizomes should be certified dead before removal begins.** Arundo donax is a highly invasive, non-native plant species that chokes out native vegetation in many urban creek channels. Mechanical removal of live arundo donax causes rhizome fragmentation and is the number one way to spread arundo throughout the drainage system. See Dr. John Boland, J. M. 2008, "*The roles of bulldozers... in the dispersal of Arundo.*" Repeated herbicide application is often required before arundo donax rhizomes completely die but the investment will save the city in maintenance dollars in the long run because it will thwart return of the arundo at the project site and reduce spread of live arundo rhizomes to downstream channel segments.
- d. **Delete the alternative to mitigate by simply removing invasive, non-native plant species in another location, (Enhancement). This is a waste of money.** (See page 4.3-39). Until native plants are established in a restoration area, the aggressive weeds will continue to return. The city could provide resources to partner with community-based volunteers to take the necessary next step to restore these areas by establishing native vegetation and effectively lock in the value of the weed removal costs.

HYDROLOGY

Hydrological analysis must be conducted to reveal how downstream areas will be affected by the increase in volume and velocity of runoff after wetlands that absorb and slow urban runoff are removed. Consistency with MSCP indicates that **".... review must include impact to upstream and downstream habitats flood flow volumes, velocities and configurations"**, (Page 62, table MSCP Consistency Evaluation 4.1-2). Old hydrological studies should not be relied upon because things throughout the watersheds have changed considerably over the years.

Under **Impacts and significance Criteria:** page 4.5-12, several categories of significance thresholds (City 2007) in regards to hydrologic impacts are listed including:

1. *Substantially increase flooding of upstream or downstream properties or to environmental resources;*
2. *Substantially modify existing drainage patterns if there would be significant impacts on downstream properties or to environmental resources;*
3. *Grade or clear, or grub more than one acre of land that would drain into a sensitive body of water or stream causing uncontrolled runoff resulting in erosion and sedimentation; or*
4. *Extract water from an aquifer resulting in decreased aquifer recharge resulting in significant impacts on hydrologic conditions and well water supplies.*

The analysis of these thresholds determines project impacts to be **non-significant**.

This analysis must be rejected! These thresholds are all key components of the proposed project, and seem to describe the project itself. The removal of soil and vegetation from our wetlands will surely cause at least an increase in flow velocity which can/will result in many different adverse impacts to hydrology including flooding and erosion with resulting sedimentation. In some cases, the results of this project may be the opposite of the proposed goal and instead cause an increase in flooding by grading away ecological mechanisms that can slow the flow of water preventing downstream flooding and erosion/sedimentation.

Thorough, updated analysis is needed to determine the impacts of the potentially changed hydrology from this proposed project.

ANNUAL PUBLIC REVIEW PROCESS

Local input from stakeholders during development of IMP and IRA

Local groups often have knowledge of the local conditions beyond the submitted reports that make up the various agencies' databases or that can be determined by a single site visit by a biologist. Local groups also have knowledge about the behavior of the creek system and sources of erosion that are causing increased sedimentation, and of potential restoration sites in the watershed. Local groups may be able to recommend alternatives that meet the project purpose but that avoid the project impacts. For these reasons we feel that involving local stakeholders such as Friends of Canyons groups during development of the Individual Biological Assessment (IRA) and Individual Maintenance Plans (IMP) is essential for creating appropriate plans. The Metro Waste Water Department carries out a public process involving local groups in determining maintenance access to canyon sewer systems and a similar process could be used for IMPs for creek channels or at least for all IMPs within a co-linear creek channel.

- The details of the project impacts to upland and wetland habitats and the resulting mitigation plans are not known at this time. The public needs adequate opportunity to review and provide input on the project details when they are provided within the Annual Maintenance Plan. **A minimum 60-day comment period, a public hearing, and approval of the Annual Maintenance Plan by a majority vote of our elected officials should be required.**

OTHER QUESTIONS, CONCERNS, and COMMENTS:

- 1) Page 68 of Biological Technical Report states: ***“Non-native plant invasion of the MHPA in areas where they previously did not exist would be considered a significant impact.”*** How will this impact be minimized and how will it be mitigated?
- 2) What are the success criteria that will be used for on-site mitigation measures for access paths, and creeks and channels? How long will access paths be monitored and maintained to prevent spread of weeds? Please provide details on other mitigation success criteria. (Page 4.3-42)
- 3) Page 88 of the Biological Technical Report discusses the mitigation measures when nesting raptors and fledglings are present near the project site. What mitigation measures will be applied if there are still raptor fledglings in the nests after August 1?
- 4) Table 13, page 65 states that ***“Wherever possible, maintenance activities would avoid breeding seasons for sensitive bird species.”*** What efforts would be made to avoid maintenance activities during breeding seasons?
- 5) From Page 4.3-39 of the PEIR. We disagree that there is no loss of wetlands that requires **“wetlands creation”** as a mitigation measure. Page 4.3-40 of the PEIR states: ***“Normally, wetland vegetation re-establishes if the maintenance occurs at intervals greater than three years.”*** A creek that is cleared more frequently than once every three years loses many of its habitat values and water filtration benefits. Vegetation would not grow tall enough to facilitate wildlife movement for example. These areas should be quantified and mitigated with wetlands creation to avoid a net loss of wetlands.
- 6) How would implementation of the project assure that willow tree roots would be kept alive and not destroyed? (Page 4.3-41)
- 7) The concept of purchasing mitigation credits requires more in depth analysis. What method is being used today to track mitigation credits as associated with the project and the project impacts? What examples can be given to demonstrate that this method is working, is accountable and transparent to the public?

CONCLUSION

Page 4.1-3 under Land Use the PEIR states: “***The purpose of the Conservation Element is for our City to become an international model of sustainable development and conservation.***”

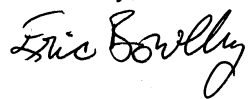
San Diego Canyonlands would like to partner with the city to make this noble goal become a reality. Indeed the city has taken some steps in this direction. The “**Think Blue**” program is raising public awareness on pollution sources. With the goal of cleaning up our urban runoff, the City has adopted a policy for “**Low Impact Development**” where new development and significant redevelopment, captures and filters a greater percentage of the storm water runoff generated by the impermeable surfaces of each project. Water conservation is now mandated and enforced. These are significant steps, but there needs to be a host of other measures that we take to restore the beneficial uses of our waters and complete our long term goals.

The filtration functions of the MSWMP subject wetlands are now more important than ever because we have eliminated ~90% of our wetland inventory over the decades. Before us is an opportunity to leverage funding and partner with agencies and non-profits to increase our wetlands and restore the natural and efficient services they provide which are extremely important toward our species conservation goals, to fisheries, and to tourism where clean beaches are concerned. Add to that the opportunities to achieve our community open space goals and the aesthetic values of the riparian woodlands. Aesthetic values include the promotion of healthy individual and community activities, the ‘wild’ nature of undeveloped space in an urban setting, and the consequent increased property values. Importantly, wetlands expansion also serves the project purpose of flood control.

The California Coastal Conservancy and Regional Water Quality Control Board have indicated a willingness to support holistic measures of restoring the functions of our wetlands and watersheds and reestablishing the beneficial uses of our waterways. In the case of the Coastal Conservancy, there was a strong willingness to support such goals with significant funding, (\$200,000 to \$300,000). There are available resources, and opportunities to partner with agencies and non-profits that would help us serve the project goals while simultaneously rebuilding our green infrastructure and building environmental and economic sustainability.

If we’re going ***to become an international model of sustainable development and conservation*** we need to stop wasting our green infrastructure and natural resources. Thank you for the opportunity to comment on this MSWMP, for answering questions and for carefully considering our comments and recommendations.

Sincerely,



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cc. Senator Christine Kehoe, Assemblymember Mary Salas, Assemblymember Lori Saldaña, Mayor Jerry Sanders, Council President Ben Hueso, Councilman Todd Gloria, Mr. Jim Bartel, U.S. Fish & Wildlife Service, Ms. Kelly Fisher, California Department of Fish & Game, Mr. Terry Dean, U.S. Army Corps of Engineers, Mr. John Robertus, California Regional Water Quality Control Board