

**FINDINGS OF FACT AND STATEMENT OF
OVERRIDING CONSIDERATIONS REGARDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
LAKE WOHLFORD DAM REPLACEMENT PROJECT**

**City Case No. ENV 13-0005
State Clearinghouse No. 2015041091**

November 2017

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1.0 INTRODUCTION

1.1 Findings of Fact and Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines (Guidelines) (14 California Code of Regulations Section 15000 et seq.) promulgated thereunder require that the environmental impacts of a proposed project be examined before a project is approved by the lead agency's decision-making body. In addition, once significant impacts have been identified, CEQA and the Guidelines require that certain findings be made by that decision-making body before project approval. It is the exclusive discretion of the decision maker certifying the environmental impact report (EIR) to determine the adequacy of the proposed candidate findings. Specifically, Guidelines Section 15091 states the following regarding findings:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

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- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
 - (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
 - (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

These requirements also exist in Section 21081 of the CEQA statute. The “changes or alterations” referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. The statement provides the lead agency’s views on whether the benefits of a project outweigh its unavoidable adverse environmental effects. Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental

risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final EIR for the project identified potentially significant effects. However, the City Council finds that the inclusion of certain specified mitigation measures as part of the project approval will reduce most, but not all, of those effects to less-than-significant levels. The one remaining impact that is not reduced to less-than-significant levels—with respect to nighttime construction noise—is identified and overridden due to specific project benefits. Although mitigation is proposed to reduce this impact, it is considered a significant unavoidable impact.

Having received, reviewed, and considered the Final Environmental Impact Report for the Lake Wohlford Dam Replacement Project, City Case No. ENV 13-0005, State Clearinghouse No. 2015041091 (FEIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made, and a Statement of Overriding Considerations (Statement) is adopted by the City of Escondido (City) in its capacity as the CEQA lead agency. These Findings and Statement set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

1.2 Record of Proceedings

For purposes of CEQA and these Findings and Statement, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

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- The Notice of Preparation (NOP) of a Draft EIR, dated April 28, 2015, Initial Study Checklist, and all other public notices issued by the City in conjunction with the proposed project;
 - All responses to the NOP received by the City;
 - The Draft EIR, dated October 2016, and its appendices for the proposed project, circulated for public review between October 4, 2016 and November 17, 2016;
 - All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
 - All responses to the written comments, and included in the FEIR;
 - The Final EIR and all supplemental documents prepared for the Final EIR;
 - All written and oral public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken;
 - The Mitigation Monitoring and Reporting Program (MMRP);
 - The reports and technical memoranda included or referenced in any responses to comments in the FEIR;
 - All documents, studies, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft EIR and the FEIR;
 - Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
 - Any documents expressly cited in these findings and statement;
 - City staff report(s) prepared for this project, for any hearing related to the proposed project, and any exhibits thereto;
 - Project permit conditions; and
 - Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

The Draft EIR and related technical studies were made for review during the circulation period on the City's website at <https://www.escondido.org/lake-wohlford-dam-.aspx> and at the following locations:

- Escondido Public Library, 239 S. Kalmia Street, Escondido, California; and

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- Escondido City Hall, 201 No. Broadway, Escondido, California.

Public notices concerning the City's review process were also posted on the City's website and advertised in the Daily Transcript.

1.3 Custodian and Location of Records

The documents and other materials that constitute the administrative record for the City's actions related to the project are located at the following:

City of Escondido, Planning Division
201 North Broadway
Escondido, CA 92025

The City Planning Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the City Planning Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

2.0 PROJECT SUMMARY

2.1 Project Location

Lake Wohlford is a man-made reservoir first formed by the construction of the Lake Wohlford Dam in 1895 and expanded by raising the dam in 1924. The reservoir and dam site is located approximately 7 miles east of Interstate 15 and 2 miles east of Valley Center Road. Lake Wohlford can be accessed via east Valley Parkway and Lake Wohlford Road. Other main roadways in the vicinity of the reservoir include Oakvale Road and Guejito Road. The area around the reservoir is primarily rural in character. A mobile home residential community, known as Lake Wohlford Resort, is located north of the reservoir off Lake Wohlford Road, and features homes situated on hilly terrain overlooking the reservoir. A restaurant, Smokey's Lake Wohlford Cafe, is located within this community. Another small group of residences is located south of the reservoir off Oakvale Road. The Lake Wohlford Resort airport, a private airstrip, is located on a hill north of the reservoir. The Escondido Fish and Game Association gun club operates a range located east of the reservoir, off Guejito Road.

The majority of the land immediately around the reservoir is within unincorporated San Diego County but is owned by the City (Figure 2-4 of the EIR). To the north, Lake Wohlford is

surrounded by a mixture of City-owned, private, and San Pasqual Band of Diegueno Indians properties. To the south, the reservoir is surrounded by a mixture of City-owned, private, and Bureau of Land Management (BLM) properties. County zoning in the land surrounding the reservoir is A72-General Agriculture.

Lake Wohlford, which is situated on Escondido Creek, stores water for use by the City's municipal system. Escondido Creek drains into the reservoir from a small drainage area of approximately 7 square miles. The reservoir also receives water from the City's Lake Henshaw reservoir, which is diverted from the San Luis Rey River through the 13-mile Escondido Canal. Water is then routed from Lake Wohlford through the Bear Valley Hydroelectric Generating Facility (Bear Valley HGF) to the Escondido-Vista Water Treatment Plant. Escondido Creek ultimately drains into San Elijo Lagoon, approximately 17 miles downstream and southwest of the reservoir. The reservoir is not connected to the San Diego County Water Authority (Water Authority) regional aqueduct system, so it does not store water purchased from the Water Authority by the City.

In addition to its service as a part of the City's municipal water system, Lake Wohlford is a regional recreational amenity offering fishing areas, trails, and opportunities for active and passive recreation. Boat access to the reservoir is based around a marina facility located to the north of the reservoir off Lake Wohlford Road. Boat rentals are available to the public, but due to the threat of invasive Quagga mussels and a resultant ban on private boats, the facility's launch ramp for private boats is currently inactive. The complex also includes a public park with picnic facilities and a ranger station, as well as the reservoir's main parking areas.

Lake Wohlford supports a variety of vegetative communities and habitats. Emergent wetland, freshwater marsh, lakeshore, open water, southern willow scrub, and southern coast live oak riparian forest are the riparian and wetland vegetation communities around the fringes of Lake Wohlford. Upland vegetation communities around the reservoir include Engelmann oak woodland, coast live oak woodland, Diegan coastal sage scrub, eucalyptus woodland, nonnative grasslands, ornamental woodland, southern mixed chaparral, and valley needlegrass grassland. Engelmann oak is a California Rare Plant Rank List 4.2 species, and a species covered under the Escondido Subarea Plan. No other federally listed, state-listed or other state sensitive or special-status plant species are known to occur in the vicinity of the reservoir.

2.2 Project Background

Lake Wohlford Dam was originally constructed of rockfill in 1895 at a height of approximately 76 feet, creating an important component of the City's initial municipal water supply. In 1924, the City enlarged the dam using hydraulic fill, pumping earth from the reservoir bottom through

a pipe and placing this material on the upstream side of the existing rockfill dam. The enlargement of the dam increased the dam's height to 100 feet and expanded Lake Wohlford's storage capacity to serve the City's growing population (GEI Consultants, Inc. 2008). A cross section of the existing dam is shown in Figure 2-1 of the FEIR. When the water level is at the existing spillway crest elevation of 1,480 feet above mean sea level (AMSL), the dam has a storage capacity of approximately 6,500 acre-feet and covers a surface area of approximately 225 acres. The reservoir's beneficial uses include municipal and agricultural water supply; flood control; non-contact water recreation, including fishing; and wildlife habitat.

Most of the water released from Lake Wohlford passes through the Wohlford Penstock to the Bear Valley HGF, which is operated by the City and generates electricity that is sold to San Diego Gas & Electric. Until recently, the Bear Valley HGF was subject to a license granted by the Federal Energy Regulatory Commission (FERC) (Escondido Project, FERC No. 176), but FERC surrendered the license to the City in May 2017. After passing through the Bear Valley HGF, the Lake Wohlford water is transported to the Escondido-Vista Water Treatment Plant, where it is treated and distributed to the municipal customers of the City and the Vista Irrigation District. Due to the connection to the hydroelectric facility, FERC had regulatory involvement in matters pertaining to Lake Wohlford, including seismic safety, up until their surrender of the federal license to the Bear Valley HGF. The California Department of Water Resources, Division of Safety of Dams (DSOD) also regulates the safety of the dam under Division 3 of the California Water Code.

A seismic analysis of the dam conducted in 2007, prepared in compliance with a directive from FERC, identified a stability concern for the portion of the dam that was raised in 1924. The 2007 report concluded that the method used to place the hydraulic fill during the dam raise, in addition to its placement overtop of new lake-bottom sediment that had accumulated at the base of the rockfill dam, resulted in inconsistency of the fill material's coarseness and created conditions where the fill could liquefy during a strong earthquake on the Elsinore Fault. Liquefaction of the fill material could result in a structural failure of the dam's upstream slope, including the material that was raised above the elevation of the original rockfill dam (GEI 2007). This failure could, in turn, cause flood inundation downstream in Escondido Creek and lead to public safety concerns. Because of these conditions, the U.S. Army Corps of Engineers (USACE) designated Lake Wohlford Dam as a "high risk" facility on the National Inventory of Dams, reflecting a potential for significant human end economic consequences in the event of a dam failure (GEI 2007).

Based on the results of the seismic analysis and report recommendations, FERC, in a September 19, 2007, letter, directed the City to reduce the Lake Wohlford reservoir level to 1,460 feet AMSL, which is 20 feet below its prior spillway crest elevation, corresponding to the top of the

stable downstream rockfill section of the dam. The City has continued to maintain that lowered level since the FERC directive. Figure 2-2 of the FEIR is a line graph plotting monthly reservoir elevation data from 2001 to present (City of Escondido 2015a). As the graph shows, prior to 2007, the reservoir was subject to semiregular fluctuations in water level. Before the mandatory drawdown, the average elevation was 1,462.2 feet, with a maximum of 1,479.1 feet in November 2003, and a minimum of 1,453.1 feet in October 2002. Since the drawdown, the reservoir has averaged approximately 1,455.5 feet, or 6.6 feet below the previous average, with a maximum of 1,459.1 feet in March 2009, and a minimum of 1,450.6 feet in October 2008. However, the levels since the mandatory drawdown are not far outside the range of the typical low range experienced under normal conditions before the drawdown.

To alleviate seismic safety concerns with the existing dam and regain the Lake Wohlford reservoir's lost water storage capability for the City's municipal water system, the City is planning to construct a replacement dam immediately downstream (west) of the existing dam and deconstruct the problematic portion of the existing dam.

2.3 Project Description and Purpose

The project entails constructing a replacement dam immediately downstream (west) of the existing dam and partially deconstructing the existing dam by removing the hydraulic fill material that is at a higher elevation than the original rockfill (Figures 2-6, 2-7, and 2-8 of the FEIR). The replacement dam would feature an outlet tower integrated into the dam's upstream face; the top of the existing outlet tower would be demolished, and the bottom of the existing outlet tower and the outlet pipe would be filled with concrete and abandoned in place. To accommodate the replacement dam's configuration, the project also entails realignment of the portion of Oakvale Road that passes the southern dam abutment. This portion of the road would be realigned south of its current location, requiring excavation into the adjacent hillside (Figure 2-9 of the FEIR). The City prepared a Mitigated Negative Declaration (MND) for the Oakvale Road Realignment and Improvement Project, which was circulated for a 30-day CEQA review period in September 2014 and adopted by City Council resolution in March 2015 (City of Escondido 2015b). The City identified Oakvale Road as a separate project from the dam replacement project for purposes of CEQA analysis in the MND because the road project has independent benefits of improving roadway safety and, while constructing the dam requires the Oakvale Road realignment, constructing the road project does not commit the City to implementing the dam project. Because of the relationship between the Oakvale Road realignment project and the dam replacement project, the Oakvale Road project was analyzed in the FEIR as a part of the project as a whole.

The replacement dam would be constructed so the resultant storage capacity and maximum reservoir level would be equal to the capacity and elevation prior to the water level restriction, at 6,500 acre-feet and 1,480 feet AMSL, respectively, so the project proposes no changes to Lake Wohlford's historic high water level or storage capacity. The following sections present additional detail on the proposed project components and a discussion of anticipated construction methods and construction activity.

2.3.1 Replacement Dam

The replacement Lake Wohlford Dam would be constructed immediately downstream of the existing dam, with the replacement dam's crest approximately 200 feet downstream of the existing dam's crest. The replacement dam's crest would rise approximately 125 feet above the foundation grade, to an elevation of 1,490 feet AMSL, and the crest would span approximately 650 feet from the right (north) abutment to the left (south) abutment. The dam crest would feature a pedestrian and vehicle access path with a pedestrian access bridge constructed over the spillway. This access would be for maintenance purposes only and would not be open to the public. Based on DSOD regulatory requirements (and previously FERC regulatory requirements), the dam is being designed to handle site-specific seismic conditions based on a maximum magnitude 7.64 earthquake occurring on the Elsinore Fault, which is approximately 11 miles east of the project site.¹

The dam would be constructed of roller-compacted concrete (RCC), which is a modern method of placing mass concrete for gravity dams that has recently been employed by the San Diego County Water Authority for construction of its Olivenhain Dam and San Vicente Dam Raise projects. This method utilizes the materials of conventionally placed concrete (cement, coarse aggregate, sand, and water), but minimizes the water content to allow material handling with conventional soil-placing methods. RCC is placed using conveyors, dump trucks, dozers, and roller compactors. Like engineered soil placement, RCC is placed in thin layers starting from the base of the dam (usually 12 inches thick), as opposed to conventionally placed mass concrete, which is poured in large sections that are typically 5 feet thick (San Diego County Water Authority 2008). The RCC method reduces water content such that the mix is dry enough to prevent roller equipment from sinking, but wet enough to permit adequate distribution of the material in each layer. Placement of approximately 100,000 cubic yards of RCC concrete is anticipated to form the dam.

¹ FERC was involved during much of the project planning and design, so FERC regulatory requirements have informed project decisions and design that remain appropriate to the project in spite of the change in FERC regulatory status.

2.3.2 Dam Foundation

Material would be excavated from the downstream canyon floor and rocky slopes to create a solid foundation and suitable surfaces to place the abutments. Preliminary location and depth of the foundation have been identified using the results of geotechnical investigation, and the preliminary foundation has been designed such that all soil, decomposed rock, and rock generally excavated using large earthwork equipment would be removed, leaving solid bedrock for placing the dam's foundation. Consolidation grouting would be provided to ensure a more uniform foundation modulus for support of the dam. A double-row grout curtain would be installed in the foundation to strengthen the foundation and reduce seepage.

Approximately 113,430 cubic yards of earth and rock is anticipated to be excavated for establishment of the dam foundation. Of this excavated material, approximately 53,914 cubic yards is anticipated to be reused on-site and approximately 59,516 cubic yards is anticipated to be hauled off-site. Due to its high quality, reuse of the off-hauled rock is anticipated and disposal at a landfill is unlikely. For purposes of environmental analysis, this EIR assumes the excess material would be hauled to a nearby quarry for processing and reuse as aggregate.

2.3.3 Spillway, Stilling Basin, and Outlet Tower

A spillway would be constructed in the center of the dam, built of cast-in-place concrete, with an elevation of 1,480 feet AMSL. The dam's central spillway has been designed to handle the maximum storm events approved by FERC, including the General Storm "All Season" Probable Maximum Flood (PMF) and the Local Storm PMF. The spillway is designed to flow into an energy dissipation stilling basin at the downstream foot of the dam, constructed of reinforced concrete, which catches water that overtops the dam before it discharges into the downstream river channel. The spillway would be stepped on the dam's downstream slope to dissipate energy along the entire spillway length and reduce the stilling basin size at the end of the spillway. The stilling basin would be approximately 90 feet wide by 70 feet long. Riprap would be installed at the transition from the stilling basin to the existing channel to prevent erosion and protect the stilling basin.

A new outlet tower would be constructed on the upstream side of the dam, built as a cast-in-place, reinforced concrete structure anchored to the dam's face and extending to the dam crest at an elevation of 1,490 feet AMSL. The outlet tower would be connected to the proposed dam's downstream emergency release valve and appurtenances located on the south side of the new stilling basin and spillway. Releases would be projected into the stilling basin for discharge to Escondido Creek. The emergency release valve would enable reservoir water releases in the event of a dam safety event, in accordance with DSOD requirements that 10 percent of the

reservoir volume could be released in 7 days. The proposed outlet works would be capable of draining the entire reservoir contents within 90 days.

2.3.4 Oakvale Road Improvements

Oakvale Road skirts a steep rock face just southwest of the existing left abutment of the existing dam and conflicts with the proposed location for the replacement dam's left abutment. The project entails realigning approximately 1,200 feet of the road toward the south and straightening the road. To create enough of a surface that would accommodate the realignment, the project requires excavation into the hillside to the south at a slope of 0.75:1 (H:V) and removal of approximately 56,000 cubic yards of rock and earth. The maximum height of the proposed finished slope is 110 feet, though much of the slope would be shorter. Figure 2-9 of the FEIR shows the proposed grading plan for the project and other impact areas. A 30-foot-wide work area is assumed around grading areas to enable equipment access.

The excess materials would be hauled off-site for reuse, with the contractor having the option of selling the excess material to a nearby quarry for processing and reuse as aggregate. Due to its quality, reuse of the rock is anticipated and disposal at a landfill is unlikely. Accordingly, for purposes of assessing environmental impacts pursuant to CEQA, this report assumes the material would be sold and hauled to a nearby quarry.

The new road would be constructed to County standards and would be 28 feet wide, including two 12-foot lanes in each direction, a 10-foot lane for nonmotorized traffic on the road's westbound (northern) shoulder, and a 3-foot bench constructed on the downhill (northern) side. Drainage improvements would include reconstruction of a storm drain beneath the western end of the roadway improvements, and a new 18-inch storm drain beneath the road on the eastern side of the project limits. A brow ditch would be constructed at the top of the slope that would divert storm flows down the slope. The brow ditch on the western side would carry water to an existing ditch situated at the toe of the slope along the road's southern edge and into a storm drain that flows beneath the road. This storm drain is located at the far western end of the roadway improvements and would be reconstructed as part of the project. The brow ditch on the eastern side would carry water to a proposed storm drain that would be constructed beneath the road and empty into an earthen swale on the northern side of the road.

2.3.5 Right Abutment Access Road

The project would entail construction of a gravel access road from the Lake Wohlford Marina to the right (north) abutment of the replacement dam (Figure 2-10 of the FEIR). The road would provide construction access to the dam construction zone and, following completion of the

project, would provide permanent maintenance and inspection access to the right abutment and the dam crest, as requested by the Division of Safety of Dams. Constructing the access road would require excavation into the hillside to create a level surface for installation of the road. A locked gate would be installed to prevent trespassing and unauthorized access to the dam crest. The road has been designed to fully avoid cultural resources sites recorded in the area, based on input from the archaeological research and field survey.

2.4 Discretionary Actions

The dam construction would require multiple approvals from local governments and from federal, state, and local regulatory agencies. The contractor would be responsible for submitting a Notice of Intent to the State Water Resources Control Board for coverage by the general National Pollutant Discharge Elimination System permit for construction. In addition, project improvements would occur within designated “waters of the U.S.” and would affect a jurisdictional stream, Escondido Creek. This action would require permits under the California Fish and Game Code and the federal Clean Water Act (CWA). County permits and approvals would be required related to the Oakvale Road realignment for work within County right-of-way. There is no discretionary action of the County associated with the project. The following permits and approvals would be required:

Permits

- California Fish and Game Code Section 1601 Streambed Alteration Agreement
- CWA Section 404 dredge and fill permit
- CWA Section 401 water quality certification
- Regional Water Quality Control Board (RWQCB) General Order R9-2008-0002 for dewatering
- County approval of roadway design (Oakvale Road)
- County encroachment permit (Oakvale Road)

2.5 Statement of Objectives

Pursuant to Guidelines Section 15124(b) and as described in Section 2.2 of the FEIR, the project has the following objectives:

- 1) Restore the City’s municipal water-storage capacity in Lake Wohlford to its historic capacity of 6,500 acre-feet;

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- 2) Alleviate public safety and flooding concerns due to seismic instability of the existing Lake Wohlford Dam;
 - 3) Provide a dam facility with a life expectancy of 100 years; and
 - 4) Minimize the project's temporary and long-term impact on the environment.

3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

On April 28, 2015, in accordance with Guidelines Section 15082, the City distributed an NOP of an EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties. Various agencies and other interested parties responded to the NOP. A total of three comment letters were received in response to the NOP, from the California Department of Fish and Wildlife (CDFW), the County, and the San Diego Archaeological Society. These comments are included in Appendix A of this EIR.

The Draft EIR was circulated for 45 days for public review and comment, as required in Guidelines Section 15105. The public review period for the Draft EIR commenced on October 4, 2016, and ended on November 11, 2016. During this period, the City solicited comments from the general public, organizations, and agencies regarding environmental issues identified in the Draft EIR and concerning the Draft EIR's accuracy and completeness. The City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, as required in Guidelines Section 15085, indicating that the Draft EIR had been completed and was available for review and comment by the public. A Notice of Availability of the Draft EIR was published concurrently with distribution of the EIR.

The City received two comment letters during the Draft EIR public review period and has included the comment letters and responses thereto in Chapter 10 of this Final EIR.

With respect to the entitlements over which the City Council has final approval authority and pursuant to CEQA Guidelines Section 15090, the City Council certifies that:

- a) The Final EIR constitutes an adequate, accurate, objective and complete final environmental impact report in full compliance with the requirements of CEQA and the State CEQA Guidelines;
- b) The Final EIR has been presented to the City Council, and the Council has reviewed and considered the information contained in the Final EIR prior to taking action on the project; and

- c) The Final EIR, as certified, reflects the City Council’s independent judgment and analysis.

Pursuant to CEQA Guidelines Section 15091(e), the administrative record of these proceedings is located, and may be obtained from, the City of Escondido, Community Development Department, Planning Division, 201 North Broadway, Escondido, CA 92025. The custodian of these documents and other materials is the Community Development Department, Planning Division.

Upon approval of the project, the City shall file a Notice of Determination with the County Clerk of San Diego County and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA Section 21152.

4.0 SUMMARY OF IMPACTS

Impacts associated with specific issues (e.g., land use, transportation, air quality, etc.) resulting from approval of the proposed project and future implementation are discussed below in Table 1. Impacts are listed in Table 1 relative to the three main components of the project, reflecting the organization of the impact analysis in the FEIR: Oakvale Road Realignment, Replacement Dam and Access Road, and Restoration of Water Levels

**Table 1
Summary of Impacts**

Issue Areas	Issues	Mitigation Measures Required	Level of Significance after Mitigation
No Significant Impacts			
Aesthetics	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • New sources of light and glare <u>Restoration of Water Levels</u> <ul style="list-style-type: none"> • New sources of light and glare 	No	
Agricultural Resources	<ul style="list-style-type: none"> • All 	No	
Biological Resources	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Wetlands 	No	
Cultural Resources	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Historical resources <u>Reestablishment of Reservoir Level</u> <ul style="list-style-type: none"> • Archaeological resources • Historical resources • Disturb human remains 	No	

Issue Areas	Issues	Mitigation Measures Required	Level of Significance after Mitigation
Geology/Soils	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Expansive soil <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Expansive soil <u>Restoration of Water Levels</u> <ul style="list-style-type: none"> • Seismic hazards • Erosion or loss of topsoil • Geologic instability • Expansive soil 	No	
Hazards and Public Safety	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Exposure of schools • Safety hazard within airport influence area <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Exposure of schools • Safety hazard within airport influence area <u>Restoration of Water Levels</u> <ul style="list-style-type: none"> • Risk to public safety • Exposure to hazardous materials • Exposure of schools • Safety hazard within airport influence area • Safety hazard within adopted airport land use compatibility plan • Wildland fires 	No	
Hydrology and Water Quality Hydrology and Water Quality	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Groundwater supplies • On- and off-site drainage patterns • 100-year flood hazard area <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • 100-year flood hazard area <u>Restoration of Water Levels</u> <ul style="list-style-type: none"> • Violate water quality standard • Pollutant discharge to receiving waters during construction or operation • Degrade water quality • 100-year flood hazard area 	No	
Noise	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Ambient noise standards – operation • Vibration • Noise hazard within vicinity of private airstrip 	No	

Issue Areas	Issues	Mitigation Measures Required	Level of Significance after Mitigation
	<u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Ambient noise standards – operation <u>Restoration of Water Levels</u> <ul style="list-style-type: none"> • Ambient noise standards • Vibration • Noise hazard within vicinity of private airstrip 		
Recreation	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Increase the use of existing neighborhood or regional parks or facilities • Require the construction or expansion of recreational facilities <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Increase the use of existing neighborhood or regional parks or facilities • Require the construction or expansion of recreational facilities <u>Restoration of Water Levels</u> <ul style="list-style-type: none"> • Increase the use of existing neighborhood or regional parks or facilities • Require the construction or expansion of recreational facilities 	No	
Traffic/Circulation	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Change air traffic patterns <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Change air traffic patterns <u>Restoration of Water Levels</u> <ul style="list-style-type: none"> • Conflict with an applicable congestion management program • Change air traffic patterns • Hazards due to a design feature or incompatible uses • Result in inadequate emergency access • Adopted policies, plans, or programs regarding public transit 	No	
Less Than Significant (Direct or Cumulative) Impacts			
Aesthetics	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Scenic vista • Scenic resources • Degrade visual character <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Scenic vista • Scenic resources • Degrade visual character • Light and glare 	No	

Issue Areas	Issues	Mitigation Measures Required	Level of Significance after Mitigation
	<u>Restoration of Water Levels</u> <ul style="list-style-type: none"> • Scenic vista • Scenic resources • Degrade visual character 		
Air Quality	<ul style="list-style-type: none"> • Conflict or obstruct implementation of applicable air quality plan • Exposure of sensitive receptors • Create objectionable odors 	No	
Biological Resources	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Special-status species – plant species • Wildlife movement • Conflict with local policies or ordinances • Conflict with an adopted habitat conservation plan <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Wildlife movement • Conflict with local policies or ordinances • Conflict with an adopted habitat conservation plan <u>Restoration of Water Levels</u> <ul style="list-style-type: none"> • Special-status species – plant species • Special-status species – wildlife species • Sensitive vegetation communities • Wetlands • Wildlife movement • Conflict with local policies or ordinances • Conflict with an adopted habitat conservation plan 	No	
Cultural Resources	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Disturb human remains <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Historical resources • Disturb human remains 	No	
Geology/Soils	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Seismic hazards • Erosion or loss of topsoil • Geologic instability <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Seismic hazards • Erosion or loss of topsoil • Geologic instability 	No	
Greenhouse Gas Emissions and Energy	<ul style="list-style-type: none"> • Greenhouse gas emission generation • Emissions reduction plan consistency 	No	

Issue Areas	Issues	Mitigation Measures Required	Level of Significance after Mitigation
Hazards and Public Safety	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Risk to public safety • Exposure to hazardous materials • Safety hazard within adopted airport land use compatibility plan • Wildland fires <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Risk to public safety • Exposure to hazardous materials • Safety hazard within adopted airport land use compatibility plan • Wildland fires 	No	
Hydrology and Water Quality	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Violate water quality standard • Pollutant discharge to receiving waters during construction or operation • Degrade water quality • Flooding • Susceptibility to inundation by seiche, tsunami, or mudflow <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Violate water quality standard • Groundwater supplies • On- and off-site drainage patterns • Pollutant discharge to receiving waters during construction or operation • Degrade water quality • Flooding • Susceptibility to inundation by seiche, tsunami, or mudflow <u>Restoration of Water Levels</u> <ul style="list-style-type: none"> • Groundwater supplies • On- and off-site drainage patterns • Flooding • Susceptibility to inundation by seiche, tsunami, or mudflow 	No	
Noise	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Ambient noise standards – construction <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Vibration • Noise hazard within vicinity of private airstrip 	No	
Recreation	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Displacement or disturbance of established recreational facilities 	No	

Issue Areas	Issues	Mitigation Measures Required	Level of Significance after Mitigation
	<u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Displacement or disturbance of established recreational facilities <u>Restoration of Water Levels</u> <ul style="list-style-type: none"> • Displacement or disturbance of established recreational facilities 		
Traffic/Circulation	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Roadway Segments • Intersections • Conflict with an applicable congestion management program • Hazards due to a design feature or incompatible uses • Result in inadequate emergency access • Adopted policies, plans, or programs regarding public transit <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Roadway segments • Intersections • Conflict with an applicable congestion management program • Hazards due to a design feature or incompatible uses • Result in inadequate emergency access • Adopted policies, plans, or programs regarding public transit <u>Restoration of Water Levels</u> <ul style="list-style-type: none"> • Roadway segments • Intersections 	No	
Potentially Significant Impacts that Will Be Mitigated to Below a Level of Significance			
Air Quality	<ul style="list-style-type: none"> • Violate air quality standards • Emission of PM₁₀ 	Yes	Less than significant with implementation of mitigation measures
Biological Resources	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Special-status species – wildlife species • Sensitive vegetation communities <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Special-status species – plant species • Special-status species – wildlife species • Sensitive vegetation communities • Wetlands 	Yes	Less than significant with implementation of mitigation measures
Cultural Resources	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> • Archaeological resources <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> • Archaeological resources 	Yes	Less than significant with implementation of mitigation measures

Issue Areas	Issues	Mitigation Measures Required	Level of Significance after Mitigation
Significant and Unmitigated Impacts			
Noise	<u>Replacement dam and access road</u> <ul style="list-style-type: none"> • Ambient noise standards – construction 	Yes	Significant and unavoidable

5.0 GENERAL FINDINGS

The City hereby finds as follows:

- Pursuant to CEQA Guidelines Sections 15050 and 15051, the City is the “Lead Agency” for the proposed project evaluated in the Final EIR.
- The Draft EIR and Final EIR were prepared in compliance with CEQA and the CEQA Guidelines.
- The City has independently reviewed and analyzed the Draft EIR and Final EIR, and these documents reflect the independent judgment of the City Council and the City as the project for the project.
- In determining whether the proposed project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence and has complied with CEQA Sections 21081.5 and 21082.2 and Guidelines Section 15901(b). The impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the Final EIR.
- The City has analyzed the potential for adverse secondary impacts that could result from implementation of the mitigation measures proposed as part of the project pursuant to CEQA Guidelines Section 15126.4(a)(1)(D), and finds that no additional significant adverse impacts would result from implementation of project mitigation measures.
- Pursuant to Assembly Bill 52, the City provided consultation opportunities with Native American tribes, as relevant.
- The City evaluated comments on the environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments; and the responses, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR. The City

reviewed the comments received and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The City has based its actions on a full evaluation of all comments in the Record of Proceedings, concerning the environmental impacts identified and analyzed in the Final EIR.

- The City evaluated the clarifications, enhancements, and minor revisions made to the EIR after preparation of the Draft EIR. In accordance with CEQA, the City finds that recirculation of the Draft EIR prior to certification is not required pursuant to CEQA Guidelines Section 15088.5 because no “significant new information,” as defined in that section, has been added to the EIR after public notice of availability of the Draft EIR.
- The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the proposed project;
- Any finding made by the City shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by this City, whether or not any particular sentence or clause includes a statement to that effect. The City intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the City with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.
- These findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these Findings, on the other, these Findings shall control, and the Draft EIR, Final EIR, or both, as the case may be, are hereby amended as set forth in these findings.
- No significant irreversible environmental changes would be involved in the proposed project that have not been discussed within the individual sections of the Final EIR.
- Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials.

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- Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the proposed project and makes the findings stated in herein. To the extent that these Findings conclude that various project design features and mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to implement these measures. These Findings therefore constitute a binding set of obligations that will come into effect when the proposed project is ultimately approved. The project design features and adopted mitigation measures are included in the MMRP adopted concurrently with these Findings and will be effectuated through the process of project implementation.

6.0 FINDINGS REGARDING SIGNIFICANT IMPACTS

In making each of the findings below, the City has considered the plans for the Lake Wohlford Dam Replacement Project, the environmental analysis included in the FEIR, as well as the mitigation measures proposed in the FEIR. These mitigation measures are explicitly made conditions of the proposed project's approval.

6.1 Findings Regarding Impacts That Will Be Mitigated to Below a Level of Significance (CEQA Section 21081(a)(1) and Guidelines Section 15091(a)(1))

The CEQA statute at Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects of such projects[...].” The procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures that will avoid or substantially lessen such significant effects. However, “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects.”

The principles established in CEQA Section 21002 are implemented, in part, through the requirement that an agency must adopt findings before approving a project for which an EIR has been certified which identified one or more significant environmental effects of a project. For each significant environmental effect identified in the EIR, the approving agency must issue a written finding, accompanied by a brief explanation of the rationale for each finding, reaching one or more of three permissible conclusions stated at CEQA Guidelines Section 15091(a). The City, having independently reviewed and considered the information contained in the FEIR and the Record of Proceedings pursuant to Public Resources Code Section 21081(a)(1) and

Guidelines Section 15091(a)(1), adopts the following findings regarding the significant effects of the proposed project, as follows:

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment as identified in the FEIR (Project No. 424475/SCH No. 2015121066) as described below:

6.1.1 Air Quality (Emission of PM₁₀)

6.1.1.1 Potentially Significant Effect

Construction-generated particulate matter equal to or less than 10 micrometers in diameter (PM₁₀) emissions would exceed the applicable mass emission threshold of 100 pounds (lbs) per day; therefore, construction impacts related to violation of an ambient air quality standard would be significant.

Because the proposed project would exceed the project-level air quality significance thresholds for PM₁₀ emissions, the proposed project's construction emissions would have a cumulatively considerable contribution to the region's air quality.

6.1.1.2 Facts in Support of Finding

Construction-generated PM₁₀ emissions are anticipated to exceed the mass emission threshold of 100 lbs per day, and construction emissions could violate an ambient air quality standard or contribute substantially to an existing violation (**Impact AQ-1**). Therefore, construction impacts related to violation of an ambient air quality standard would be significant. Because the proposed project would exceed the project-level air quality significance thresholds for PM₁₀ emissions, the proposed project's construction emissions would have a cumulatively considerable contribution to the region's air quality. Implementation of Mitigation Measures AQ-1.1 through AQ-1.3 would reduce PM₁₀ emissions to a less than significant level. This cumulative impact would be less than significant with mitigation. Where impacts are not avoidable or cannot be minimized through project design, mitigation detailed in Section 3.2 of the FEIR shall be required to reduce significant impacts to below a level of significance.

AQ-1.1 The following measures shall be implemented by the construction contractor to reduce fugitive dust emissions associated with off-road equipment and heavy-duty vehicles:

-
- Water the grading areas a minimum of twice daily to minimize fugitive dust;
 - Stabilize graded areas as quickly as possible to minimize fugitive dust;
 - Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry;
 - Remove any visible track-out into traveled public streets within 30 minutes of occurrence;
 - Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred;
 - Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads;
 - Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling;
 - Suspend all soil disturbance activities if winds exceed 25 miles per hour (mph);
 - Cover/water on-site stockpiles of excavated material;
 - Enforce a 15-mph speed limit on unpaved surfaces;
 - On dry days, dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach routes to construction sites shall be cleaned daily of construction-related dirt in dry weather; and
 - Disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the contractor to reduce dust generation.

AQ-1.2 Minimize idling time by shutting equipment off when not in use or reducing the time of idling to no more than 5 minutes (5-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.

AQ-1.3 Maintain construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified

mechanic at least once per month and determined to be running in proper condition before it is operated.

Adherence to Mitigation Measures AQ-1.1 through AQ-1.3 would reduce PM₁₀ emissions to a less than significant level.

6.1.1.3 Rationale and Conclusion

Based on estimates consistent with South Coast Air Quality Management District Rule 403 requirements for site-watering activities, Mitigation Measure AQ-1.1 would reduce fugitive dust emissions by 60 percent. Potential reductions were not estimated for the remaining mitigation measures, since the extent to which they would affect emissions associated with construction of the proposed project is unknown. The maximum mitigated PM₁₀ emissions would be 85.57 lbs per day. Implementation of Mitigation Measures AQ-1.1 through AQ-1.3, as listed above, would effectively reduce Impact AQ-2 to a less than significant level. No other mitigation is warranted.

With the implementation of Mitigation Measures AQ-1.1 through AQ-1.3, as described above, all impacts related to air quality would be reduced to less than significant.

6.1.2 Biological Resources (Special-Status Species)

6.1.2.1 Potentially Significant Effect

Oakvale Road Realignment

Wildlife Species

Significant direct and indirect impacts on listed bird species and other bird species protected by the federal Migratory Bird Treaty Act (MBTA) may occur if their nests are established in the Oakvale Road realignment impact area prior to initiating construction activities. These species may include the state-listed endangered bald eagle, which is also protected under the federal Bald and Golden Eagle Protection Act. If nests are established in the Oakvale Road impact area prior to construction, this aspect of the project could result in direct construction-related impacts to birds in the form of habitat destruction, and potentially death, injury, or harassment of nesting birds, their eggs, and their young. Indirect impacts would potentially result from construction noise affecting breeding activity in nests established adjacent to the limits of disturbance. Additionally, use of lighting during nighttime construction could disrupt species in adjacent habitat or cause increased predation rates. Indirect impacts from these construction-related activities would be temporary, as these impacts would end with cessation of project construction.

Potential direct and indirect impacts to special-status species and birds protected by the MBTA would be considered significant (**Impact BIO-1**) and warrant mitigation.

Replacement Dam and Access Road

Plant Species

One special-status plant species, Engelmann oak, was identified in the limits of disturbance (LOD) for this phase of the project. Based on the current LOD, approximately 2.36 acres of Engelmann oak woodland are located in the anticipated disturbance area for the staging yard and east portion of the access road, as shown in Figure 3.3-3 of the FEIR. Engelmann oaks exist in the area of the LOD that is anticipated to be cleared for the batch plant and along the portion of existing trail that would be improved for the access road. Removal of Engelmann oaks would be considered a significant impact (**Impact BIO-2**) and warrants mitigation. Mitigation for Engelmann oaks removed for project construction would be provided by the habitat-based mitigation for this vegetation community. Additional mitigation is identified in Section 3.3.4 of the FEIR under Impact BIO-2 to limit the amount of Engelmann oaks cleared for project construction, which may reduce the actual acreage subject to direct impact and acreage-based mitigation.

As shown in Figure 3.3-3 of the FEIR, there are Engelmann oaks just outside the LOD that are not anticipated to be cleared for project construction. These individuals are on the fringes of the populations that would be cleared, and are located both upslope and downslope of the proposed construction area. Accordingly, the project may result in indirect impacts on these special-status plant species during construction. Grading has the potential to create airborne dust, sedimentation, and erosion that would affect these species. Construction-generated fugitive dust can adversely affect plants by reducing the rates of metabolic processes such as photosynthesis and respiration. Runoff, sedimentation, and erosion can adversely impact plant populations by damaging individuals or by altering site conditions so as to favor other species, including exotic nonnatives, that could competitively displace native plants. Construction activity adjacent to sensitive plant communities is a significant impact, as addressed below.

Wildlife Species

An individual rufous-crowned sparrow, a CDFW Watch List species, was observed in the LOD, south of the proposed access road alignment during protocol-level coastal California gnatcatcher surveys. Suitable nesting/breeding habitat for rufous-crowned sparrow is present in the construction LOD. The project would result in a direct impact on habitat for this species by removing Diegan coastal sage scrub in the LOD. Cooper's hawks were observed during project

surveys in riparian habitat on the eastern side of the reservoir but not in the LOD. Cooper's hawks are known to nest in oak woodlands, and suitable habitat for Cooper's hawk is located in the LOD, including in the dam construction area and the staging yard site. The project would result in a direct impact on habitat for this species by removing oak woodland. These habitat-based impacts and habitat-based mitigation for that impact are addressed in Section 3.3.4 of the FEIR. Potential direct and indirect impacts on individuals, nests, and breeding activity on these species is the same impact previously identified as Impact BIO-1 discussed above for the Oakvale Road component of the project, and would require implementation of Mitigation Measure BIO-1.1. With incorporation of these mitigation measures, the project's impact on rufous-crowned sparrow and Cooper's hawk would be reduced to a less than significant level.

Similar to the Oakvale Road realignment, the access road and dam construction phase has the potential to result in direct and indirect construction-related impacts to birds subject to the MBTA. Direct impacts to birds protected by the MBTA for this phase of the project are the same as those identified for the Oakvale Road component (Impact BIO-1), which is addressed above.

6.1.2.2 Facts in Support of Finding

All impacts to sensitive biological resources shall be avoided to the maximum extent practicable and minimized when avoidance is not possible. The project would potentially result in direct and indirect impacts on special-status bird species or species covered by the MBTA if nests are established in the project area prior to construction. The project would entail direct impacts on Engelmann oaks, a special-status plant species, due to clearing for construction work. Project construction would result in direct impacts on sensitive vegetation communities due to clearing for construction. The project would result in indirect impacts to sensitive vegetation communities adjacent to construction work areas. Where impacts are not avoidable or cannot be minimized through project design, mitigation detailed in Section 3.3 of the FEIR shall be required to reduce significant impacts to below a level of significance.

BIO-1.1 If vegetation clearing or earthwork is proposed to commence within the bird breeding season (February 15 through September 15), a qualified biologist shall conduct pre-construction nest surveys of the project site and a 500-foot buffer to identify any listed species or bird breeding activity in the vicinity. The pre-construction survey shall be performed within 2 weeks of the start of construction activity. If the pre-construction surveys identify active nests or bird-breeding activity within the 500-foot buffer, a qualified biologist shall prepare a nest avoidance plan and, if necessary, a noise attenuation plan, to identify site-specific measures that shall be incorporated into the project to reduce construction-related impacts on the applicable bird species.

BIO-1.2 All construction lighting shall be directed onto the construction work area and away from adjacent habitat. Light shields shall be used to reduce the extent of illumination into adjoining areas.

BIO-2.1 Engelmann oaks outside the limits of disturbance will be identified as Environmentally Sensitive Areas on project plans. A qualified biologist will attend a pre-construction field meeting with the construction contractor to identify Engelmann oaks and refine the limits of disturbance to avoid unneeded clearing in areas supporting Engelmann oaks. Orange construction fencing will be installed around the locations of Engelmann oaks outside the agreed-upon limits of disturbance. Fencing shall remain in place until construction is complete to avoid inadvertent disturbance of sensitive resources.

Adherence to BIO-1.1 and BIO-2.1 would further avoid, minimize, and mitigate direct and indirect impacts to special-status plant and wildlife species.

6.1.2.3 Rationale and Conclusion

Mitigation Measures BIO-1.1 and BIO-2.1 together would ensure that the proposed project would be able to mitigate impacts to special-status plant and wildlife species. These mitigation measures would reduce potentially significant impacts to biological resources to below a level of significance. Implementation of these mitigation measures would be ensured through incorporation into the Lake Wohlford Dam Replacement Project's MMRP.

6.1.3 Biological Resources (Sensitive Vegetation Communities)

6.1.3.1 Potentially Significant Effect

Oakvale Road Realignment; Replacement Dam and Access Road

Project implementation within the LOD would result in direct, permanent impacts on seven sensitive vegetation communities including 1.25 acres of lakeshore, 0.41 acre of southern willow scrub, 2.36 acres of Engelmann oak woodland, 8.01 acres of coast live oak woodland, 4.31 acres of Diegan coastal sage scrub, 2.60 acres of nonnative grassland, and 8.58 acres of southern mixed chaparral. As noted in the Oakvale Road Mitigated Negative Declaration, that component of the project would result in impacts on two sensitive vegetation communities: coast live oak woodland (1.71 acres) and chaparral (1.52 acres). The remaining project impacts listed above are related to dam and access road construction. Direct impacts from removal or disturbance of

sensitive habitat are a significant impact (**Impact BIO-3**). Mitigation is provided in Section 3.3.4 of the FEIR. An exception to this is open water impacts, which are not considered significant because this habitat type would be fully replaced on-site by open water habitat after completion of construction, and because open water acreage would expand as the existing dam is removed and this area is inundated. Therefore, no mitigation would be provided for open water impacts in the LOD.

Construction work elsewhere in the LOD would be conducted adjacent to sensitive communities and result in similar indirect impacts as described for Engelmann oak woodland, including dust, sedimentation, and erosion. Construction activity adjacent to sensitive plant communities is a significant impact (**Impact BIO-4**). Mitigation is provided in Section 3.3.4 of the FEIR.

6.1.3.2 Facts in Support of Finding

All impacts to sensitive biological resources shall be avoided to the maximum extent practicable and minimized when avoidance is not possible. Project construction would result in direct impacts on sensitive vegetation communities due to clearing for construction. The project would result in indirect impacts to sensitive vegetation communities adjacent to construction work areas. Where impacts are not avoidable or cannot be minimized through project design, mitigation detailed in Section 3.3 of the FEIR shall be required to reduce significant impacts to below a level of significance.

BIO-3.1 The City shall ensure that an on-site habitat restoration plan covering all areas disturbed during construction is prepared in consultation with a qualified restoration ecologist. The restoration plan will delineate all temporary impact areas subject to habitat restoration and establish standards for application of hydroseed and installation of container plants, as appropriate. The restoration plan shall include an appropriate native species planting palette to blend in with the existing and surrounding habitats. No nonnative species shall be incorporated into the restoration plan. Acreage of impacts that can be restored on-site after completion of the project will not be subject to acquisition of off-site mitigation listed in Mitigation Measures BIO-3.3 through BIO-3.9.

BIO-3.2 A restoration maintenance and monitoring plan shall be prepared for the project by a qualified restoration ecologist outlining yearly success criteria and remedial measures in case the mitigation effort falls short of the success criteria.

BIO-3.3 The City shall mitigate for impacts to 1.25 acres of lakeshore within the LOD through creation and enhancement of suitable habitat or acquisition of suitable

habitat credits at an approved mitigation bank. Mitigation acreage shall occur at a 2:1 ratio if the mitigation area is within the Biological Core and Linkage Area (BCLA), totaling 2.50 acres, or at 3:1 if the mitigation area is outside the BCLA, totaling 3.75 acres.

BIO-3.4 The City shall mitigate for impacts to 0.41 acre of southern willow scrub within the LOD through creation and enhancement of suitable habitat or acquisition of suitable habitat credits at an approved mitigation bank. Mitigation acreage shall occur at a 2:1 ratio if the mitigation area is within the BCLA, totaling 0.82 acre, or at 3:1 if the mitigation area is outside the BCLA, totaling 1.23 acres.

BIO-3.5 The City shall mitigate for impacts to 2.36 acres of Engelmann oak woodland within the LOD through creation and enhancement of suitable habitat or acquisition of suitable habitat credits at an approved mitigation bank. Mitigation acreage shall occur at a 2:1 ratio if the mitigation area is within the BCLA, totaling 4.72 acres, or at 3:1 if the mitigation area is outside the BCLA, totaling 7.08 acres.

BIO-3.6 The City shall mitigate for impacts to 8.01 acres of coast live oak woodland within the LOD through creation and enhancement of suitable habitat or acquisition of suitable habitat credits at an approved mitigation bank. Mitigation acreage shall occur at a 2:1 ratio if the mitigation area is within the BCLA, totaling 16.02 acres, or at 3:1 if the mitigation area is outside the BCLA, totaling 24.03 acres.

BIO-3.7 The City shall mitigate for impacts to 4.31 acres of Diegan coastal sage scrub within the LOD through creation and enhancement of suitable habitat or acquisition of suitable habitat credits at an approved mitigation bank. Mitigation acreage shall occur at a 1.5:1 ratio if the mitigation area is within the BCLA, totaling 6.47 acres, or at 2:1 if the mitigation area is outside the BCLA, totaling 8.62 acres.

BIO-3.8 The City shall mitigate for impacts to 2.60 acres of nonnative grassland within the LOD through creation and enhancement of suitable habitat or acquisition of suitable habitat credits at an approved mitigation bank. Mitigation acreage shall occur at a 1:1 ratio if the mitigation area is within the BCLA, totaling 2.60 acres, or at 1.5:1 if the mitigation area is outside the BCLA, totaling 3.90 acres.

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- BIO-3.9** The City shall mitigate for impacts to 8.58 acres of southern mixed chaparral within the LOD through creation and enhancement of suitable habitat or acquisition of suitable habitat credits at an approved mitigation bank. Mitigation acreage shall occur at a 1:1 ratio if the mitigation area is within the BCLA, totaling 8.58 acres, or at 1.5:1 if the mitigation area is outside the BCLA, totaling 12.87 acres.
- BIO-3.10** To avoid incidental loss of sensitive habitat types during construction activities, Environmentally Sensitive Area fencing shall be installed along the limits of disturbance prior to the start of construction. In addition, grading limits shall be flagged or fenced, and grading shall not occur beyond this flagging/fencing. Location of fencing shall be confirmed by a qualified biological monitor. Construction crews shall be made fully aware of this boundary.
- BIO-4.1** Storage of soil or fill material from the project site shall be within the LOD or developed areas. The contractor shall delineate stockpile areas on the grading plans for review by the City.
- BIO-4.2** If additional access routes are determined necessary, these areas shall be surveyed for biological resources prior to their use and, if any sensitive resources are identified, determine appropriate avoidance and minimization measures. The contractor shall clearly mark all access routes (i.e., flagged and/or staked) prior to the onset of construction.
- BIO-4.3** The contractor shall periodically monitor the work area to ensure that construction-related activities do not generate excessive amounts of fugitive dust. Water shall be applied to the construction right-of-way, dirt roads, trenches, spoil piles, and other areas where ground disturbance has taken place to minimize dust emissions and topsoil erosion.

Adherence to Mitigation Measures BIO-3.1 through BIO-3.10 and Mitigation Measures BIO-4.1 through BIO-4.3 would further avoid, minimize, and mitigate direct impacts to sensitive vegetation communities. These mitigation measures would reduce potentially significant impacts to biological resources to below a level of significance.

6.1.3.3 Rationale and Conclusion

Mitigation Measures BIO-3.1 through BIO-4.3, as described above, would ensure that the proposed project would be able to mitigate impacts to sensitive vegetation communities. These

mitigation measures would reduce potentially significant impacts to biological resources to below a level of significance. Implementation of these mitigation measures would be ensured through incorporation into the Lake Wohlford Dam Replacement Project's MMRP.

6.1.4 Biological Resources (Wetlands)

6.1.4.1 Potentially Significant Effect

Replacement Dam and Access Road

Potential impacts to jurisdictional waters in the LOD as a result of dam construction are listed in Table 3.3-4 of the EIR. The primary impact on wetlands occurs in the downstream construction area, where the project would result in impacts on approximately 6.10 acres of coast live oak woodland, which is jurisdictional exclusively of CDFW. Some of these impacts would be permanent due to the placement of new downstream facilities and would be considered permanent loss of jurisdictional waters of the state (including wetlands). Impacted areas that are cleared for construction staging and access purposes and do not feature permanent structures would be subject to on-site restoration and would be considered temporary. The project's potential to have direct impacts on wetlands is significant (**Impact BIO-5**), and mitigation is provided.

Potential indirect impacts to the jurisdictional waters surrounding the LOD would occur as a result of construction activity, which would occur within and upslope from jurisdictional areas, including Escondido Creek in the downstream construction area and the reservoir in the access road construction area and staging yard. Potential temporary, indirect impacts would occur as a result of grading activities creating airborne dust and potentially off-site erosion and sedimentation. Water quality in jurisdictional areas can be adversely affected by surface water runoff and sedimentation during construction. The use of petroleum products (e.g., fuels, oils, and lubricants) and erosion of cleared land during construction could potentially impact surface water in the reservoir. Temporary retention basins have been incorporated into the project to capture construction runoff before it can flow into jurisdictional areas, which will limit the project's impact on these jurisdictional features. The project's potential to have an indirect impact on jurisdictional waters is a significant impact (**Impact BIO-6**), and mitigation is provided.

6.1.4.2 Facts in Support of Finding

All impacts to sensitive biological resources shall be avoided to the maximum extent practicable and minimized when avoidance is not possible. The project would result in direct impacts on

jurisdictional wetlands and waters due to clearing for construction. The vegetation communities that make up the jurisdictional wetlands and waters are included in the habitat-based mitigation listed pursuant to Mitigation Measures BIO-3.3, BIO-3.4, BIO-3.5, and BIO-3.6; this mitigation adequately accounts for the project's direct impacts on wetlands and waters. No additional habitat-based mitigation for jurisdictional wetlands is warranted.

Project construction would occur within and adjacent to delineated wetlands and waters and potentially result in indirect impacts to jurisdictional areas. Mitigation Measures BIO-6.1 and BIO-6.2 are provided to reduce impacts to less than significant.

BIO-6.1 A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared to comply with RWQCB requirements. The SWPPP shall identify the design features and best management practices (BMPs) that will be used to manage drainage-related issues (e.g., erosion and sedimentation) during construction. Erosion-control measures shall be regularly checked by the contractor, the project biologist, and/or City staff. Specific BMP plans shall be reviewed by the City and the project biologist, and be modified, if necessary, prior to implementation. Fencing and erosion-control measures of all project areas shall be inspected a minimum of once per week.

BIO-6.2 Staging areas and project activities, including equipment access and disposal or temporary placement of excess fill, shall be prohibited within off-site drainages.

Adherence to Mitigation Measures BIO-3.3, BIO-3.4, BIO-3.5, BIO-3.6, BIO-6.1, and BIO-6.2 would further avoid, minimize, and mitigate direct impacts and indirect impacts to jurisdictional wetlands. These mitigation measures would reduce potentially significant impacts to biological resources to below a level of significance.

6.1.4.3 Rationale and Conclusion

Direct and indirect impacts to jurisdictional waters and wetlands are mitigated to a level below significance with implementation of Mitigation Measures BIO-3.3, BIO-3.4, BIO-3.5, BIO-3.6, BIO-6.1, and BIO-6.2. Implementation of these mitigation measures would be ensured through incorporation into the Lake Wohlford Dam Replacement Project's MMRP.

6.1.5 Cultural Resources (Archaeological Resources)

6.1.5.1 Potentially Significant Effect

Oakvale Road Realignment

The cultural resources survey report identified one archaeological resource in the vicinity of the Oakvale Road project site, which was previously collected and curated (Affinis 2013). No additional resources were identified during the pedestrian surveys. Therefore, this component of the project would not result in any impacts on known archaeological resources.

The past discovery of resources in the vicinity of the Oakvale Road project impact area indicates sensitivity for the potential presence of archaeological resources. Additionally, presence of extensive vegetation led to limited ground visibility observed during project surveys, and archaeological resources could potentially exist on the project site. Resources that may be present in the project area could be affected by project-related earth disturbance. Therefore, impacts to unknown cultural resources from the Oakvale Road realignment would be significant (Impact CR-1). To address this potential significant impact, the project would incorporate Mitigation Measures CR-1.1 through 1.10.

Replacement Dam and Access Road

Several archaeological resources were identified near the access road alignment and staging yard. These resources were not evaluated for eligibility in the National Register of Historic Places and California Register of Historical Resources, so they are assumed eligible for purposes of this CEQA analysis. To prevent direct impacts on known resources, the access road and staging yard were configured to avoid them, based on geographic information system (GIS) data provided by Affinis. All known cultural resources in the access road and staging yard area have been avoided through project design. However, even with the designed avoidance of all known cultural resources, there is the potential for accidental disturbance or damage to these known resources due to the proximity of their location to active construction areas. Thus, the potential for inadvertent adverse impact to known cultural resources in the vicinity of the access road and staging yard is significant. To address this potentially significant impact, the project would incorporate Mitigation Measure CR-2.1.

As with the Oakvale Road component of the project, dam and access road construction would occur in an area where past discovery of cultural resources indicates sensitivity for the potential presence of archaeological resources. Resources that may be present in the dam construction area and access road construction area could be affected by initial project-related earth disturbance.

Thus, impacts to known and unknown cultural resources from the replacement dam and access road would be significant (Impact CR-2).

6.1.5.2 Facts in Support of Finding

The past discovery of resources in the vicinity of the Oakvale Road project impact area indicates sensitivity for the potential presence of unknown archaeological resources. There is potential for accidental disturbance or damage to known and unknown cultural resources in the dam construction area and access road construction area. Implementation of Mitigation Measures CR-1.1 through 1.10 and CR-2.1 would be required.

CR-1.1 The City of Escondido Planning Division (“City”) recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (“TCA Tribe”) prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.

CR-1.2 Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

CR-1.3 The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.

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- CR-1.4** During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.
- CR-1.5** In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor, shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.
- CR-1.6** If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.
- CR-1.7** The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

CR-1.8 As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

CR-1.9 If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.

CR-1.10 Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native

American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

CR-2.1 The following actions shall be taken to ensure avoidance of known cultural resources:

- Existing cultural resource sites shall be designated as Environmentally Sensitive Areas on all construction drawings and the limits of disturbance identified in the drawings shall not overlap with these Environmentally Sensitive Areas.
- Prior to the start of construction, under direction of the project archaeological monitor, orange construction fencing shall be placed around the known cultural resource sites. Fencing shall remain in place until construction is complete to avoid inadvertent disturbance of the site.
- Environmental training will be provided for all contractors to educate them on awareness of cultural resources protection requirements.

Mitigation Measures CR-1.1 through 1.10 and CR-2.1 would be implemented to avoid potentially significant impacts to archaeological resources if present on-site. The mitigation measures include actions to be taken prior to permit issuance, prior to start of construction, during construction, upon discovery of human remains, during night and/or weekend work, and post-construction. The actions include Archaeological Monitoring and Native American Monitoring, and protocols for discovery noticing, significance determination, and artifact handling. The Archaeological monitor shall be present full-time during all soil-disturbing and grading/excavation/ trenching activities that could result in impacts to archaeological resources as identified on the Archaeological Monitoring Exhibit. If human remains are discovered, work must stop in that area, and the procedures set forth in the California Public Resources Code (Section 5097.98) and State Health and Safety Code (Section 7050.5) will be followed.

6.1.5.3 Rationale and Conclusion

As discussed in Section 3.4 of the FEIR, the proposed project will be required to incorporate Mitigation Measures CR-1.1 through 1.10 and CR-2.1 that will be adopted in conjunction with the certification of the FEIR. With implementation of Mitigation Measures CR-1.1 through 1.10 and CR-2.1, potentially significant impacts to archeological resources would be minimized and the project would result in less than significant impacts to archeological resources.

6.2 Findings Regarding Mitigation Measures Which Are the Responsibility of Another Agency (CEQA Section 21081(a)(2)) and Guidelines Section 15091(a)(2))

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, finds pursuant to CEQA Section 21081(a)(2) and Guidelines Section 15091(a)(2) that there are no changes or alterations that could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

6.3 Findings Regarding Infeasible Mitigation Measures (CEQA Section 21081(a)(3) and Guidelines Section 15091(a)(3))

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings and pursuant to Public Resources Code Section 21081(a)(3) and Guidelines Section 15091(a)(3), makes the following findings regarding archaeological resources (historic buildings) and transportation/circulation (intersection and roadway segment operations):

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR (Project No. 146803/SCH No. 2008061058) as described below.

“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that “other” considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. This finding is appropriate because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

6.3.1 Noise (Ambient Noise Standards – Construction)

6.3.1.1 Potentially Significant Effect

Replacement Dam and Access Road

On-site daytime construction noise levels at the staging area, concrete batch plant, and access road, and rock drilling for blasting activities for dam excavation would result in a temporary increase in ambient noise levels, but they would not exceed the County's 75 A-weighted decibels (dBA) daytime construction noise level limit at nearby receptors. During the 5 months of RCC dam construction, construction activities would occur at night and on Saturdays and Sundays, outside of the hours allowed by the County Noise Ordinance. Nighttime work would include activity at the batch plant, conveyor system, and the dam construction area. Nighttime construction noise limits are not specified in the County Noise Ordinance. Nighttime activities, including work at the concrete batch plant and operation of the conveyor belt system, would occur outside of the allowable construction hours of the County Noise Ordinance and would exceed the County's 45 dBA nighttime noise standard at nearby receptors. Thus, the on-site construction noise generated by the proposed access road and replacement dam would result in the exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies and therefore the impact would be significant (**Impact NOI-1**).

6.3.1.2 Facts in Support of Finding

The dam construction phase of the project would generate noise at night that would be received by residences in excess of the County's 45 dBA nighttime noise standard. Mitigation measure **NOI-1** shall be implemented to minimize noise impacts during construction.

NOI-1.1 Implement Noise Complaint Reporting – The project (via construction contractor) would establish a telephone hot-line for use by the public to report any significant adverse noise conditions associated with the construction of the project. If the telephone is not staffed 24 hours per day, the contractor shall be required to include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This hot-line telephone number shall be posted at the project site during construction in a manner visible to passersby. This telephone number shall be maintained until the project has been considered commissioned and ready for operation.

NOI-1.2 Implement Noise Complaint Investigation – Throughout the construction of the project, the contractor shall be required to document, investigate, evaluate, and attempt to resolve all project-related noise complaints. The contractor or its authorized agent shall be required to:

- Use a Noise Complaint Resolution Form to document and respond to each noise complaint;
- Contact the person(s) making the noise complaint within 24 hours;
- Conduct an investigation to attempt to determine the source of noise related to the complaint; and
- Take all reasonable measures to reduce the noise at its source.

NOI-1.3 Implement Construction Practices – The following are typical field techniques for reducing noise from construction activities, with the purpose of reducing aggregate construction noise levels at nearby noise-sensitive receivers. The contractor or its authorized agent shall be required to:

- Adjust all audible back-up alarms downward in sound level, reflecting locations that have expected lower background level, while still maintaining adequate signal-to-noise ratio for alarm effectiveness. Consider signal persons and strobe lights, or alternative safety equipment and/or processes as allowed, for reducing reliance on high-amplitude sonic alarms.
- Place stationary noise sources, such as generators and air compressors, away from affected noise-sensitive receivers to the farthest extent practical on the project site. Place non-noise-producing mobile equipment such as trailers in the direct sound pathways between suspected major noise-producing sources and these sensitive receivers. To minimize flanking underneath or through vertical gaps, the construction contractor shall cover the openings with at least 0.5-inch-thick plywood, hay bales, or other sufficiently dense material.

NOI-1.4 Equipment Noise Reduction – The following are typical practices for construction equipment selection (or preferences) and expected functions that can help reduce noise and shall be implemented:

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- Use concrete crushers or pavement saws rather than impact devices such as jackhammers, pavement breakers, and hoe rams for tasks such as concrete or asphalt demolition and removal.
 - Pneumatic impact tools and equipment used at the construction site shall have intake and exhaust mufflers recommended by the manufacturers thereof, to meet relevant noise limitations.
 - Provide impact noise-producing equipment (i.e., jackhammers and pavement breaker[s]) with noise attenuating shields, shrouds or portable barriers or enclosures, to reduce operating noise.
 - Line or cover hoppers, storage bins, and chutes with sound-deadening material (e.g., apply wood or rubber liners to metal bin impact surfaces).
 - Provide upgraded mufflers, acoustical lining, or acoustical paneling for other noisy equipment, including internal combustion engines.
 - Use alternative procedures of construction and select a combination of techniques that generate the least overall noise and vibration.
 - Use construction equipment manufactured or modified to reduce noise and vibration emissions, such as:
 - Electric instead of diesel-powered equipment.
 - Hydraulic tools instead of pneumatic tools.
 - Electric saws instead of air- or gasoline-driven saws.
 - Locate construction staging area as far as feasible from occupied residences.

6.3.1.3 Rationale and Conclusion

The implementation of Mitigation Measures NOI-1.3 and NOI-1.4 would reduce noise generated during construction, and Mitigation Measures NOI-1.1 and NOI-1.2 would create a system for public involvement and addressing resolution of noise complaints. However, the noise-reduction measures are limited in their effect and are not anticipated to reduce nighttime noise to below the County's 45 dBA standard. The public-involvement measures would not actually reduce noise themselves, but would help foster positive neighbor relations for the duration of the project. Therefore, even with the implementation of Mitigation Measures NOI-1.1 through NOI-1.4, the nighttime RCC dam construction, and construction activities at the concrete batch plant, conveyor belt system, and dam construction area would still result in a substantial temporary

increase in ambient noise levels. Therefore, the project would contribute to a significant and unavoidable impact with respect to nighttime noise.

A common measure for mitigating noise levels generated by construction is erection of temporary barriers around the locations where noise originates, but such a measure would be infeasible and ineffective on this project. Noise barriers are most effective when located adjacent to the noise source or noise receptor, where line of sight between the source and receptor is fully blocked by the barrier. Temporary noise barriers may include, but are not necessarily limited to, using appropriately thick wooden panel walls (at least ½ inch thick), or mobile “blocking vehicles” (e.g., semi-truck trailers, moving vans, etc.) high enough to block the line of sight from the dominant construction noise source(s) to the noise-sensitive receiver. Alternately, field-erected noise curtain assemblies can be installed around specific equipment sites or zones of anticipated mobile or stationary activity. These techniques are most effective and practical when the construction activity noise source is stationary (e.g., auger or drill operation) and the specific source locations of noise emission are near the ground and can be placed as close to the equipment/activity-facing side of the noise barrier as possible. Depending on factors such as barrier height, barrier length, and distance between the barrier and the noise-producing equipment or activity, such barriers can reduce construction noise by 5 to 10 dBA at nearby receptors.

Erection of temporary noise barriers would not be an effective mitigation measure for this project’s construction noise impacts. The residences likely to receive noise from this project’s 24-hour construction activities are all located at higher elevations from the construction site, without intervening topography or other obstructions that would block line of sight to the construction work. Figure 3.9-2 of the FEIR shows several approximated elevation cross-sections between the concrete batch plant location and a sampling of residential locations north, northeast, and southeast of the primary staging area, as based on GIS topographic data. As shown in Figure 3.9-2 of the FEIR, all of the residential receptors are higher in elevation than the plant, ranging 35 to 140 feet higher than the plant. Assuming all noise sources at the batch plant are on the ground, it would not be possible to effectively reduce noise with noise walls because of this elevation difference, as the walls would not block the line of sight. Furthermore, the batch plant operations would include noise-generating machinery that would be elevated off the ground, possibly 10 to 30 feet high depending on the design, which would make standard noise walls even more ineffective at reducing the noise received by nearby residences. Building noise walls high enough to block line of sight to the nearby receptors would be unsafe and impractical. It would also be unsafe and impractical to mount noise barriers to the noise-generating equipment at the batch plant. Therefore, it is infeasible to reduce construction-related noise levels on this project by means of noise barriers.

Because the project would result in a significant impact that cannot be reduced by mitigation to the degree that it would be less than significant, the City must adopt a Statement when certifying the EIR and approving the project, as presented below in Section 6.

6.4 Findings Regarding Alternatives (CEQA Section 21081(a)(3) and Guidelines Section 15091(a)(3))

Because the proposed project will cause one or more unavoidable significant environmental effects, the City must make findings with respect to the alternatives to the proposed project considered in the FEIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the proposed project's unavoidable significant environmental effects while achieving most of its objectives (listed in Section 2.5 above and Section 2.2 of the FEIR).

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, and pursuant to Public Resources Code Section 21081(a)(3) and Guidelines Section 15091(a)(3), makes the following findings with respect to the alternatives identified in the FEIR (City Case No. ENV 13-0005/SCH No. 2015041091):

Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR (City Case No. ENV 13-0005/SCH No. 2015041091) as described below.

“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that “other” considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

The City also finds that the Final EIR included an analysis of a reasonable range of feasible alternatives to a proposed project capable of avoiding or substantially lessening any significant adverse environmental impact associated with the project pursuant to CEQA Guidelines Section 15126.6. Pursuant to CEQA Guidelines Section 15126.6, the range of reasonable alternatives to the proposed project must include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.

Background

In 2008, the City of Escondido contracted GEI Consultants, Inc. (GEI) to develop a series of engineering alternatives that could then be further analyzed during the project planning process. Using the results of the GEI report, ICF Jones & Stokes (ICF) prepared an opinion on the potential environmental impacts of each alternative (ICF 2008). As the City continued the planning process, they evaluated the engineering and environmental issues with these alternatives, and ultimately decided to move forward with the RCC dam downstream of the existing dam, as described in Chapter 2 and analyzed for environmental impacts in Chapter 3 of the FEIR.

Noise impacts were identified as significant and unavoidable with project implementation. As such, two alternatives were considered and evaluated in the EIR. This included the “Existing Dam Improvement Alternative” (Alternative 1) and the No-Project Alternative. Alternative 1 was selected because of its potential to avoid the significant and unavoidable noise impact identified in Section 3.9 of the FEIR, and because of the reduction in impacts on habitat in the downstream construction area. These project alternatives are summarized below, along with the findings relevant to each alternative.

6.4.1 Alternative 1 – Existing Dam Improvement Alternative

Alternative 1, as analyzed pursuant to CEQA requirements, is Alternative 1 from the GEI and ICF reports. This alternative proposes improvement of the existing dam, rather than constructing a new dam downstream of the existing dam. The existing hydraulic fill on the upstream side of the dam, which is the problematic feature causing the safety concern in the existing dam, would be removed and replaced with engineered rockfill, which would improve the dam’s seismic safety. The new rockfill would need to be placed on competent foundation materials, requiring excavation and removal of any loose soils below the new footprint. The seismic stability of the downstream slope would be increased by placing a rockfill overlay on the existing rockfill section. Seepage through the new rockfill would be controlled by a concrete facing placed on the upstream slope. Hydraulic fill, lake-bottom deposits, and loose foundation soils located upstream of the existing rockfill section would be removed, processed in a facility on-site, and then placed on the upstream and downstream sides of the existing rockfill.

There are several considerable differences in impact area between Alternative 1 and the RCC method described in Chapter 2 of the FEIR. First, in-place replacement of the dam would obviate the Oakvale Road realignment component of the proposed project, as the replacement dam would keep the same left abutment and access point to the dam crest. Second, the existing spillway would not need to be replaced, limiting the amount of excavation on the slope north of

the dam. Third, the downstream construction area would be smaller because the Alternative 1 dam footprint would only be slightly larger than the dam's existing footprint. Fourth, a temporary coffer dam would be constructed approximately 1,000 feet upstream of the dam, which was anticipated in the GEI report to be located on a parcel within the reservoir that is owned by BLM. Finally, Alternative 1 also would require establishment of an off-site borrow area for excavation of rock materials in the dam improvements. This would create additional impacts at an undetermined off-site location. Analysis assumes the primary staging yard from the proposed project would be used for staging, and that the access road would be constructed in a similar alignment to the right abutment for use during construction and in perpetuity for maintenance and inspection access.

In addition to the area of impact, other key differences include construction timing and duration. Because Alternative 1 does not entail RCC construction, there would be no need for 24-hour work. However, project construction would last for a longer period of time. Most importantly, Alternative 1 would require draining Lake Wohlford prior to construction of the cofferdam. Once the cofferdam is erected, the City may be able to fill the reservoir for use during construction, although at a substantially reduced level from its existing conditions. Therefore, Alternative 1 would result in long-term restrictions on the reservoir's functions as a water storage facility and on its usability for recreation.

The FEIR determined this alternative would achieve all of the project objectives (listed in Section 2.5 above and Section 2.2 of the FEIR), but would result in a longer construction phase, increased costs, and reduced reservoir functions during construction.

6.4.1.1 Potentially Significant Effects

Alternative 1 would have reduced impacts to aesthetics, geology/soils, and traffic/circulation when compared to the proposed project. Alternative 1 would have similar impacts to air quality and cultural resources when compared to the proposed project. Alternative 1 would also have greater impacts on hazards/hazardous materials, hydrology and water quality, recreation, and land use.

Alternative 1 has the potential to result in a hazardous impact that was not identified for the proposed project. During construction, seismic failure of the coffer dam could lead to hazardous flooding that would inundate the work area and endanger workers. To avoid this, the cofferdam would require proper geotechnical engineering.

Alternative 1 could result in additional hydrology and water quality impacts during construction due to construction of the cofferdam. Alternative 1 would be subject to the same construction-period storm water control requirements identified for the proposed project.

Alternative 1 would likely result in a significant and unavoidable recreation impact due to temporary closure of Lake Wohlford for recreational use during project construction.

Alternative 1 would also result in a temporary land use impact not anticipated for the proposed project. Based on the preliminary location shown in the GEI report, the cofferdam is proposed to partially overlap with a parcel in the reservoir owned by BLM. Therefore, additional permitting would be required from that agency under Alternative 1 to obtain the right to construct on this federal land.

In addition, Alternative 1 would result in significant impacts that would differ from the proposed project. Alternative 1 would result in a lesser acreage of permanent impacts due to the reduced project footprint, primarily in the downstream construction area, Oakvale Road excavation, and grading north of the dam. However, Alternative 1 would also result in additional off-site impacts at the borrow area. Alternative 1 would also result in a greater acreage of temporary impacts on jurisdictional wetlands from construction of the cofferdam and long-term operation of the staging area between the cofferdam and the existing dam. Alternative 1 would not avoid any of the significant impacts identified in Section 3.3 of the FEIR, and would require implementation of all mitigation measures identified in that section. Mitigation acreages identified in measures related to Impact BIO-3 would differ, but all habitat types would be included. Alternative 1 also has the potential to affect other habitat types and other species not identified in Section 3.3 of the FEIR, depending on the location of the borrow area.

While Alternative 1 would avoid the significant and unavoidable noise impacts identified for the proposed project, it would also result in different noise impacts that would temper its benefits. Alternative 1 would avoid the significant and unavoidable impact of nighttime construction identified in Section 3.9 of the FEIR because Alternative 1 would not entail 24-hour work. Under Alternative 1, noise from cofferdam construction and demolition would also be received by residences south of the reservoir, increasing noise impacts on these receptors. Additional noise generation would result from excavation at the off-site borrow area, which would expose additional receptors to project-related noise beyond those considered for the proposed project.

6.4.1.2 Finding and Supporting Facts

Alternative 1 meets all of the project objectives (listed in Section 2.5 above and Section 2.2 of the FEIR) but would take longer to construct, would require further drawdown of the reservoir,

and would result in a structure that may not last as long as the RCC option. The proposed project was selected over Alternative 1 because of the potential to keep the reservoir at current levels during downstream construction, the reduced duration of project construction, and the reliability and longevity of RCC construction. Alternative 1 reduces and avoids some impacts, but increases other impacts or extends impacts due to the longer construction duration, so there is no clear benefit from an environmental analysis perspective. Therefore, this alternative is considered infeasible.

6.4.2 No-Project Alternative

The No-Project Alternative would result in the continued operation of the existing dam and would not allow for the restoration of water levels. Although short-term environmental impacts would be avoided, a long-term adverse impact to the City's flood control and water supply system would occur. The No-Project Alternative would not achieve any of the project objectives identified in Section 2.5 above and Section 2.2 of the FEIR.

6.4.2.1 Potentially Significant Effects

When compared to the project, the No-Project Alternative would have no impact on aesthetics, air quality, biological resources, noise, and traffic/circulation. However, new or additional impacts would result related to cultural resources, geology/soils, hazards, hydrology and water quality, and recreation.

The No-Project Alternative would have no direct impact on cultural resources because no construction would occur. However, because the No-Project Alternative would not allow increase in reservoir water levels, several resources that are exposed along the fringes of the current water level would not become resubmerged and could be affected by encroachment of reservoir users. Therefore, the No-Project Alternative could result in an impact on existing cultural resources that would not occur under the proposed project.

As the No-Project alternative would not involve earth disturbance, there would be no potential for geology and soils impacts from those activities. However, the No-Project Alternative would also not correct the existing seismic conditions in the existing dam, which could result in geologic hazards upstream and downstream of the dam in the event of an earthquake. Liquefaction of the existing dam could lead to earth and riprap falling down the downstream face of the dam, and could result in earth sliding down the upstream face, displacing water in the reservoir.

The No-Project Alternative would not correct the existing seismic conditions in the existing dam, which could result in an impact on public safety in the event of an earthquake. The No-Project Alternative would not result in any other hazards and hazardous materials impacts because no construction would occur.

The No-Project Alternative would maintain existing hydrology/water quality conditions at Lake Wohlford. In the event of an earthquake, earth from the upstream face of the dam could slide into the reservoir, which would affect water quality by increasing turbidity.

The No-Project Alternative would not result in the temporary impacts on recreational uses identified in Section 3.10 of the FEIR for the proposed project during construction. All trails and areas of the marina would remain available for public use. Maintenance of the reservoir at the existing level would continue to limit the reservoir area available for fishing and boating, which is likely to be perceived as a recreation impact to frequent reservoir users.

6.4.2.2 Finding and Supporting Facts

Although it would avoid significant impacts related to construction work, including impacts on air quality, biological resources, cultural resources, and noise, the No-Project Alternative is not an option because it would perpetuate unsafe conditions at the existing dam and prevent the City from using the full water storage potential in their reservoir. The No-Project Alternative would not meet any of the project objectives (listed in Section 2.5 above and Section 2.2 of the FEIR), and the City has been in the planning stages for implementing this project for several years.

7.0 MITIGATION MONITORING AND REPORTING PROGRAM

An MMRP has been prepared for the proposed project, which the City has adopted or made a condition of approval of the proposed project. That MMRP is incorporated herein by reference as though fully set forth and is considered part of the Record for the proposed project. This MMRP is designed to ensure that, during project implementation, the City and other responsible parties will comply with the mitigation measures adopted in these Findings. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator. To the extent that these Findings conclude that various project design features and mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to implement these measures. These Findings therefore constitute a binding set of obligations that will come into effect when the City formally approves the proposed project. The project design features and adopted mitigation measures are included in the MMRP adopted concurrently with these Findings and will be effectuated through the process of implementation of the project.

The City hereby finds that the MMRP, which is incorporated herein by reference, meets the requirements of CEQA, including Public Resources Code Section 21081.6, by providing for the implementation and monitoring of project conditions intended to mitigate potential environmental effects of the project.

8.0 STATEMENT OF OVERRIDING CONSIDERATIONS

8.1 Lake Wohlford Dam Replacement Project – EIR Statement of Overriding Considerations

Consistent with California Public Resources Code Section 21081(b) and Guidelines Section 15093, the City declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the proposed Lake Wohlford Dam Replacement Project’s environmental impacts. The City also declares that any mitigation measures recommended in the FEIR, but not incorporated into the proposed project, are infeasible and cannot be implemented by the proposed project.

The City also finds that the proposed project alternatives discussed in the FEIR should not be adopted because none of them succeed in reducing environmental impacts while adequately meeting the proposed project’s objectives; specifically, that economic, legal, social, technological, or other considerations make the alternatives infeasible.

The City finds that the proposed Lake Wohlford Dam Replacement Project, identified here as the Preferred Project, most fully implements the City’s desire and need to restore the reservoir’s municipal water storage capacity to 6,500 acre-feet, to alleviate the public safety and flooding concerns associated with the seismic instability of the current dam, and to provide a dam with a life span sufficient to satisfy the above needs for a century.

The City Council declares that it has adopted all feasible mitigation measures to reduce the proposed Lake Wohlford Dam Replacement Project’s environmental impacts to an insignificant level; considered the entire administrative record, including the FEIR; and weighed the proposed Lake Wohlford Dam Replacement Project’s benefits against its environmental impacts. After doing so, the City Council has determined that the proposed Lake Wohlford Dam Replacement Project’s benefits outweigh its environmental impacts, and deem them acceptable.

The City Council identified the following public benefits in making this determination. Each of these public benefits serves as an independent basis for overriding all unavoidable adverse environmental impacts identified in these Findings and the FEIR. Any one of the reasons set

forth below is sufficient to justify approval of the project. The City finds that each one of the following overriding considerations independently, grouped by overarching theme, or collectively, is/are sufficient to outweigh the significant and unavoidable impacts of the project. The City Council considers these impacts to be acceptable, consistent with Guidelines Section 15093.

1. The Preferred Project fulfills the objective of restoring the City’s municipal water-storage capacity in Lake Wohlford to its historic capacity of 6,500 acre-feet.

Lake Wohlford Dam was constructed in 1895 to create Lake Wohlford, a reservoir that is an important part of the City’s municipal water supply. In 1924, the dam was enlarged and raised using hydraulic fill to expand the reservoir’s capacity to approximately 6,500 acre-feet and a surface area of approximately 225 acres. A seismic analysis of the dam conducted in 2007 identified a stability concern for the portion of the dam that was raised in 1924. Based on the results of the seismic analysis and report recommendations, FERC, in a September 19, 2007, letter, directed the City to reduce the Lake Wohlford reservoir level to a maximum of 1,460 feet AMSL, which was 20 feet below its prior spillway crest elevation. Since then, the City has been operating Lake Wohlford with a reduced water storage capacity.

With implementation of the proposed project, water levels would be restored to historic elevations, which would be higher than current levels. An increased water level would be a beneficial impact to groundwater supply and recharge rates. The replacement dam would be constructed so the resultant storage capacity and maximum reservoir level would be equal to the capacity and elevation prior to the water level restriction, at 6,500 acre-feet and 1,480 feet AMSL, respectively.

2. The Preferred Project fulfills the objective of alleviating public safety and flooding concerns due to seismic instability of the existing Lake Wohlford Dam.

A seismic analysis of the dam conducted in 2007, prepared in compliance with a directive from FERC, identified a stability concern for the portion of the dam that was raised in 1924. The 2007 report concluded that the method used to place the hydraulic fill during the dam raise, in addition to its placement overtop of new lake-bottom sediment that had accumulated at the base of the rockfill dam, resulted in inconsistency of the fill material’s coarseness and created conditions where the fill could liquefy during a strong earthquake on the Elsinore Fault. Liquefaction of the fill material could result in a structural failure of the dam’s upstream slope, including the material that was raised above the elevation of the original rockfill dam (GEI Consultants, Inc. 2007). This failure could, in turn, cause flood inundation downstream in Escondido Creek and lead to public safety concerns. Because of these conditions, USACE designated Lake Wohlford

Dam as a “high risk” facility on the National Inventory of Dams, reflecting a potential for significant human and economic consequences in the event of a dam failure (GEI Consultants, Inc. 2007).

Based on the results of the seismic analysis and report recommendations, FERC, in a September 19, 2007, letter, directed the City to reduce the Lake Wohlford reservoir level to 1,460 feet AMSL, which is 20 feet below its prior spillway crest elevation, corresponding to the top of the stable downstream rockfill section of the dam. The City has continued to maintain that lowered level since the FERC directive. Figure 2-2 of the FEIR is a line graph plotting monthly reservoir elevation data from 2001 to present (City of Escondido 2015a). As the graph shows, prior to 2007, the reservoir was subject to semiregular fluctuations in water level. Before the mandatory drawdown, the average elevation was 1,462.2 feet, with a maximum of 1,479.1 feet in November 2003, and a minimum of 1,453.1 feet in October 2002. Since the drawdown, the reservoir has averaged approximately 1,455.5 feet, or 6.6 feet below the previous average, with a maximum of 1,459.1 feet in March 2009, and a minimum of 1,450.6 feet in October 2008. However, the levels since the mandatory drawdown are not far outside the range of the typical low range experienced under normal conditions before the drawdown.

The project would alleviate seismic safety concerns with the existing dam and regain the Lake Wohlford reservoir’s lost water storage capability for the City’s municipal water system, and eliminate the problematic portion of the existing dam. The project is intended to correct an existing public safety hazard by constructing a replacement dam that will prevent uncontrolled reservoir release in the event of an earthquake. Therefore, the project would have a beneficial impact on public safety.

3. The Preferred Project fulfills the objective of providing a replacement dam facility with a life expectancy of 100 years.

Dam construction/replacement would alleviate public safety and flooding concerns due to seismic instability of the existing dam. The replacement dam would be designed to withhold historic water levels and would be expected to last for 100 years. The dam would be constructed of RCC, which is a modern method of placing mass concrete for gravity dams that has recently been employed by the San Diego County Water Authority for construction of its Olivenhain Dam and San Vicente Dam Raise projects. This method utilizes the materials of conventionally placed concrete (cement, coarse aggregate, sand, and water), but minimizes the water content to allow material handling with conventional soil-placing methods. Like engineered soil placement, RCC is placed in thin layers starting from the base of the dam (usually 12 inches thick), as opposed to conventionally placed mass concrete, which is poured in large sections that are typically 5 feet thick (San Diego County Water Authority 2008). The RCC method reduces water

content such that the mix is dry enough to prevent roller equipment from sinking, but wet enough to permit adequate distribution of the material in each layer.

4. The Preferred Project would enhance the safety of the dam's spillway.

A spillway would be constructed in the center of the dam, built of cast-in-place concrete, with an elevation of 1,480 feet AMSL. The dam's central spillway has been designed to handle the maximum storm events approved by FERC, including the General Storm "All Season" PMF and the Local Storm PMF, and flow into an energy dissipation stilling basin at the downstream foot of the dam, constructed of reinforced concrete, which catches water that overtops the dam before it discharges into the downstream river channel. The spillway would be stepped on the dam's downstream slope to dissipate energy along the entire spillway length and reduce the stilling basin size at the end of the spillway. The stilling basin would be approximately 90 feet wide by 70 feet long. Riprap would be installed at the transition from the stilling basin to the existing channel to prevent erosion and protect the stilling basin. The redesigned spillway would reduce the occurrence of spillover events relative to existing conditions and correspondingly reduce the reservoir-related discharges to Escondido Creek.

5. The Preferred Project would economic benefits to the City.

Implementation of the Preferred Project would generate new construction employment opportunities over the construction period. This would boost the local economy by supporting construction-related jobs, property management jobs, and maintenance-related jobs. Labor income output from the project would result in direct, indirect, and induced spending, injecting job wages into the local economy.

9.0 CONCLUSION

For the foregoing reasons, the City finds that the project would incorporate mitigation measures that would avoid or reduce most of the significant impacts identified as part of the CEQA environmental review process. The project is anticipated to result in significant temporary noise impacts that cannot be effectively avoided or reduced by mitigation identified in the FEIR. The project's adverse, unavoidable environmental impacts are outweighed by the project's substantial benefits, which are related to maintenance of a critical component of the City's public water infrastructure and making improvements to public safety, any one of which individually would be sufficient to outweigh the adverse environmental effects of the project. Therefore, the City Council adopts these Findings and Statement in conjunction with certifying the FEIR and approving the project.

10 REFERENCES

Affinis. 2013. Cultural Resources Inventory for the Lake Wohlford Dam Replacement Project.

GEI Consultants, Inc. (GEI). 2007. Liquefaction Evaluation of Lake Wohlford Dam. December 14.

GEI Consultants, Inc. (GEI). 2008. Evaluation of Alternatives for Replacement of Lake Wohlford Dam.

ICF. 2008. Lake Wohlford Dam Environmental Opinion. December.

City of Escondido. 2015a. Lake Wohlford Monthly Water Elevations, 2001-2015.

City of Escondido. 2015b. Oakvale Road Realignment and Improvement Project Initial Study and Mitigated Negative Declaration.

San Diego County Water Authority. 2008. Final Environmental Impact Report/ Environmental Impact Statement for the Carryover Storage and San Vicente Dam Raise Project, Volume I. April.