

## **APPENDIX A**

# **LAKE WOHLFORD DAM REPLACEMENT PROJECT NOP AND PUBLIC COMMENTS**





Barbara J. Redlitz, AICP  
Director of Community Development  
Planning Division  
201 North Broadway, Escondido, CA 92025  
Phone: 760-839-4671 Fax: 760-839-4313

April 28, 2015

TO: Interested Agencies

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report

Project Title: Lake Wohlford Dam Replacement Project  
Project Applicant: City of Escondido

The City of Escondido will be the Lead Agency and will prepare an Environmental Impact Report for the project identified above. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location and potential environmental effects are contained in the attached materials. A copy of the Initial Study is not attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Bill Martin, Deputy Planning Director, at the address shown below. We will need the name of a contact person in your agency.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Martin", written over a horizontal line.

Bill Martin  
Deputy Planning Director  
City of Escondido Planning Division  
201 North Broadway  
Escondido, CA 92025  
760 839-4557  
bmartin@escondido.org



## NOTICE OF PREPARATION

# ENVIRONMENTAL IMPACT REPORT LAKE WOHLFORD DAM REPLACEMENT PROJECT

ENV 13-0005

### Summary

The proposed project consists of the construction of a replacement dam downstream (west) from the existing dam at Lake Wohlford, as well as partial deconstruction of the existing dam. Lake Wohlford Dam was originally constructed as a rock-fill structure in 1895 with a height of 76 feet to create a reservoir for the City's municipal water supply. In 1924, hydraulic fill was added to increase the overall height of the dam to 100 feet. A 2007 seismic analysis of the dam identified a stability concern for the raised portion of the dam in the event of a major earthquake. As a result, the City reduced the reservoir's water level to limit the risk of a potential failure. The water level reduction decreased the reservoir's capacity to approximately 40% of its prior size. To improve the dam's seismic safety and regain the lost water storage capability, the City is planning to construct a replacement dam downstream (west) of the existing dam and partially deconstruct the existing dam. The replacement dam would be constructed so the resultant reservoir level and storage capacity are equal to the elevation and capacity prior to the water level restriction, at 1,480 feet elevation and 6,500 acre feet, respectively.

The City of Escondido (City), as Lead Agency under the California Environmental Quality Act (CEQA), is preparing an Environmental Impact Report (EIR) to analyze the environmental impacts of implementing the Lake Wohlford Dam Replacement Project (proposed project). This notice is being circulated to inform agencies and members of the public that an EIR is being prepared for this project and to invite comments on the scope and content of the EIR, including information and environmental impact analysis that will be presented in the document. Agencies should comment on the environmental elements that are relevant to their statutory responsibilities in connection with the proposed project. Because the Lake Wohlford Dam is connected to a downstream power generation facility under jurisdiction of the Federal Energy Regulatory Commission (FERC), the project is also subject to review under the National Environmental Policy Act (NEPA). FERC plans to publish an Environmental Assessment for their NEPA environmental review, and will provide separate notification of the availability of that document.

**The City will hold a public scoping meeting for the project at 5:30 p.m. on Thursday, May 21, in the Mitchell Room at Escondido City Hall, 201 N. Broadway, Escondido CA.** Agency representatives and interested organizations and members of the public are encouraged to attend this meeting. At the meeting, the City will introduce the project and the CEQA environmental review process, and they will invite verbal and written comments on the scope of the project's environmental review. In addition to comments submitted during the public scoping meeting, the City will accept written comments on the scope of environmental review via postal mail and email. Comments from agencies or organizations should indicate a contact person for follow up during the CEQA process. Due to the time limits mandated by State law, responses should be submitted at the earliest possible date, but no later than 30 days after receipt of this notice, pursuant to Section 15082(b) of the State CEQA Guidelines.

**Please send written comments to Bill Martin, City of Escondido Planning Division, 201 North Broadway, Escondido, CA 92025; or via email to [bmartin@escondido.org](mailto:bmartin@escondido.org).**

## **Environmental Setting**

Lake Wohlford is a man-made reservoir owned and operated by the City of Escondido (City) and located in the rural foothills of unincorporated County of San Diego (County), approximately 0.5 mile east of the City's incorporated boundaries and 5 miles northeast of the City's downtown center. Lake Wohlford is within the County's unincorporated Valley Center Community Planning Area, on land owned by the City. The reservoir is formed by Lake Wohlford Dam, which is a 100-foot-high embankment dam composed primarily of rock fill on the downstream side and hydraulically placed fill on the upstream side. Lake Wohlford, located along Escondido Creek, is filled by runoff from its 7.3-square-mile drainage area, as well as water released from the Lake Henshaw reservoir (owned by the Vista Irrigation District), which is diverted from the San Luis Rey River through the 13-mile-long Escondido Canal.

## **Project Description**

The project entails constructing a replacement dam immediately downstream (west) of the existing dam, with the replacement dam's crest approximately 200 feet west of the existing dam's crest. The existing dam will be partially deconstructed by removing the hydraulic fill material that is at a higher elevation than the original rock fill. The replacement dam is planned to be constructed of roller compacted concrete, which utilizes the materials of conventionally placed concrete (cement, coarse aggregate, sand, and water), but minimizes water content to allow material handling with conventional soil-placing methods, using conveyors, dump trucks, dozers, and roller compactors. Material would be excavated from the downstream canyon floor and rocky slopes to create a solid foundation and suitable surfaces to place the abutments. Excavation may require blasting and hydraulic drilling to remove rock. The new dam crest would rise approximately 125 feet above the foundation grade, to an elevation of 1,490 feet above mean sea level (AMSL), and the crest would span approximately 650 feet from the right (north) abutment to the left (south) abutment. A spillway would be constructed of cast-in-place concrete in the center of the dam with an elevation of 1,480 AMSL, featuring a stepped configuration on the downstream slope to dissipate energy from flowing water in the event of an overtopping of the dam. The spillway would empty into a stilling basin constructed of cast-in-place concrete at the foot of the dam, which would hold water before its release into the downstream channel. The dam crest would feature a maintenance access path for pedestrians and vehicles, and a pedestrian access bridge would be constructed over the spillway. Access would be restricted to official maintenance needs only and would not be available to the public. A new outlet tower would be constructed on the upstream side of the dam, anchored to the dam's face, and the old outlet tower would be demolished above 1,442 AMSL. The old outlet tower below 1,442 AMSL and the associated tunnel will be filled and abandoned in place. In order to accommodate the configuration of the replacement dam's left abutment and provide maintenance access to the replacement dam, the project requires the realignment of a portion of Oakvale Road toward the south, requiring excavation into the adjacent hillside to create room for the realignment.

The replacement dam would be constructed so the resultant reservoir level and storage capacity are equal to the elevation and capacity prior to the water level restriction, at 1,480 feet elevation and 6,500 acre feet, respectively. The project proposes no changes to Lake Wohlford's historic high water level or storage capacity. After completion of the replacement dam, the hydraulic fill portion of the existing dam would be removed down to 1,450 feet AMSL, with material hauled off site for disposal and reuse. The City intends to issue a bid alternative for the project's construction contract that would involve full removal of the existing dam. This option would require additional drawdown of the reservoir, and additional excavation and off-hauling of material.

The primary staging area for project construction is planned at the Lake Wohlford Marina and on the adjacent lakeshore area to the west. Construction activity would also occur in the canyon downstream of the dam. To enable worker and material access from the staging area to the dam construction zone, the project entails construction of a temporary access road northeast of the existing dam. This would require some excavation into the hillside to create a level surface for installation of the road. At completion of the project, the road would be removed and the area would be restored.

### **Discretionary Actions**

The City will be the lead agency under CEQA, pursuant to Section 15050 of the CEQA Guidelines, and FERC will be the lead agency under NEPA. FERC will publish an Environmental Assessment separate from the City's EIR. The City will be responsible for the approval or denial of the discretionary actions associated with the project under the jurisdiction of the City. The major discretionary actions associated with the project will include standard City building and grading permits.

Additionally, the following agencies must take the associated discretionary actions for the proposed project to be completed:

- San Diego Regional Water Quality Control Board (RWQCB):
  - National Pollutant Discharge Elimination System (NPDES) Construction Activities Storm Water General Permit
  - Clean Water Act Section 401 Water Quality Certification
- U.S. Army Corps of Engineers (USACE):
  - Clean Water Act Nationwide 39 Section 404 Permit
- California Department of Fish and Wildlife (CDFW):
  - California Fish and Game Code Section 1602 Streambed Alteration Agreement
- California Department of Water Resources Division of Dam Safety
  - Approval of Plans and Specifications for the Construction or Enlargement of a Dam and Reservoir

## **Topics to be Analyzed in the EIR**

The EIR will examine all temporary and permanent environmental impacts of the project. This includes permanent impacts in the footprint of the replacement dam and permanent impacts around the edge of the existing reservoir associated with raising the water level to its prior high water mark. Short-term impacts will include those due to establishing and operating staging areas and construction-use areas on the northern side of the reservoir; partial closure of the Lake Wohlford Marina during construction; operating construction equipment in the vicinity of the dam; and using local roads to deliver equipment and material to the project site. The City has reviewed the proposed project and determined the following areas will be analyzed in the EIR:

**Aesthetics.** The EIR will address the visibility of the replacement dam, removal of trees and other vegetation, and landform alterations, and will assess their effect on public views in the vicinity of the project area. Temporary impacts due to the visibility of construction activity will also be addressed.

**Air Quality and Greenhouse Gas Emissions.** The EIR will include estimates of construction-related impacts and examine conformance with air quality control strategies of the San Diego Air Pollution Control District. This section also will include an estimate of the project's greenhouse gas (GHG) emissions and consideration of whether those emissions conflict with any applicable GHG reduction plans or policies. The project does not feature any permanent sources of air pollutant emissions, so long-term impacts on air quality and GHG emissions will not be analyzed in detail in the EIR.

**Biological Resources.** The EIR will address impacts on habitat and on sensitive plant and wildlife species due to temporary construction activities and the permanent removal of habitat associated with constructing the replacement dam and habitat inundation from raising the reservoir level to its prior high water mark. Plant and wildlife impacts will inform the permit process with U.S. Fish and Wildlife Service and California Department of Fish and Wildlife, if needed. The biological resources section of the EIR will also discuss the project's impacts on jurisdictional wetlands and waters, and the wetland permitting process with U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife.

**Cultural Resources.** The EIR will include an evaluation of the proposed project's potential effects on archaeological and historic resources, incorporating the results of field surveys that will be conducted to identify the presence or potential presence of any resources.

**Geology and Soils.** The EIR will incorporate the results of a geotechnical investigation of the project site, discussing the project's impacts due to potential conditions such as seismic hazards, liquefaction, expansive soils, landslides, and erosion.

**Hazardous Materials.** The EIR will discuss the potential for hazardous materials to be encountered on the site during grading activities, based on database searches and on-site reconnaissance. Potential hazards will be discussed in the context of local, state, and federal hazardous material regulation.

**Hydrology and Water Quality.** The EIR will discuss the replacement dam's effect on downstream hydrology. This section will identify potential water quality and hydrology issues that could arise during the temporary construction process and measures that will be taken to avoid long-term hydrology and water quality impacts within the Lake Wohlford watershed and downstream of the dam, along the headwaters of Escondido Creek.

**Noise.** The EIR will present an analysis of the project's construction noise and its effect on nearby properties, including dam construction, road realignment, activity at staging yards and construction use areas, and operation of haul trucks on local roads leading to and from the project site. The project does not propose to create permanent noise sources or other changes that would permanently increase noise in the project area, so operational impacts will not be analyzed in detail in the EIR.

**Recreation.** The EIR will discuss impacts related to the potential for closure of the Lake Wohlford Marina and temporary restrictions on fishing and other water-based activities on the lake during project construction. This section will also identify any trails in the vicinity of the site that could be permanently affected by project construction.

**Traffic and Circulation.** The EIR will present the results of a traffic analysis prepared for the project's construction phase, assessing the potential effects on local roads due to haul truck and other construction traffic. This section will also examine the potential for project-related road closures and construction hazards to obstruct emergency access and evacuation routes.

### **Environmental Procedures**

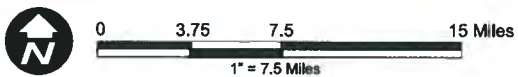
This NOP for the proposed project will be submitted to the State Clearinghouse, which will forward it to potential Responsible Agencies and Trustee Agencies. Other interested parties that may have permit authority or have specifically requested notification of the project also will receive a copy of the NOP.

After the 30-day review period for the NOP is complete and all comments are received, a Draft EIR will be completed in accordance with CEQA as amended (California Code of Regulations, Section 15000 et seq.). Once the Draft EIR has been completed, it will be made available for public review and comment. Copies of the Draft EIR will be mailed directly to those agencies commenting on the NOP and also will be available for review at the City of Escondido Planning Division, 201 North Broadway, Escondido, California.





**Figure 1**  
Regional Map



**Lake Wohlford Dam Replacement Project NOP**

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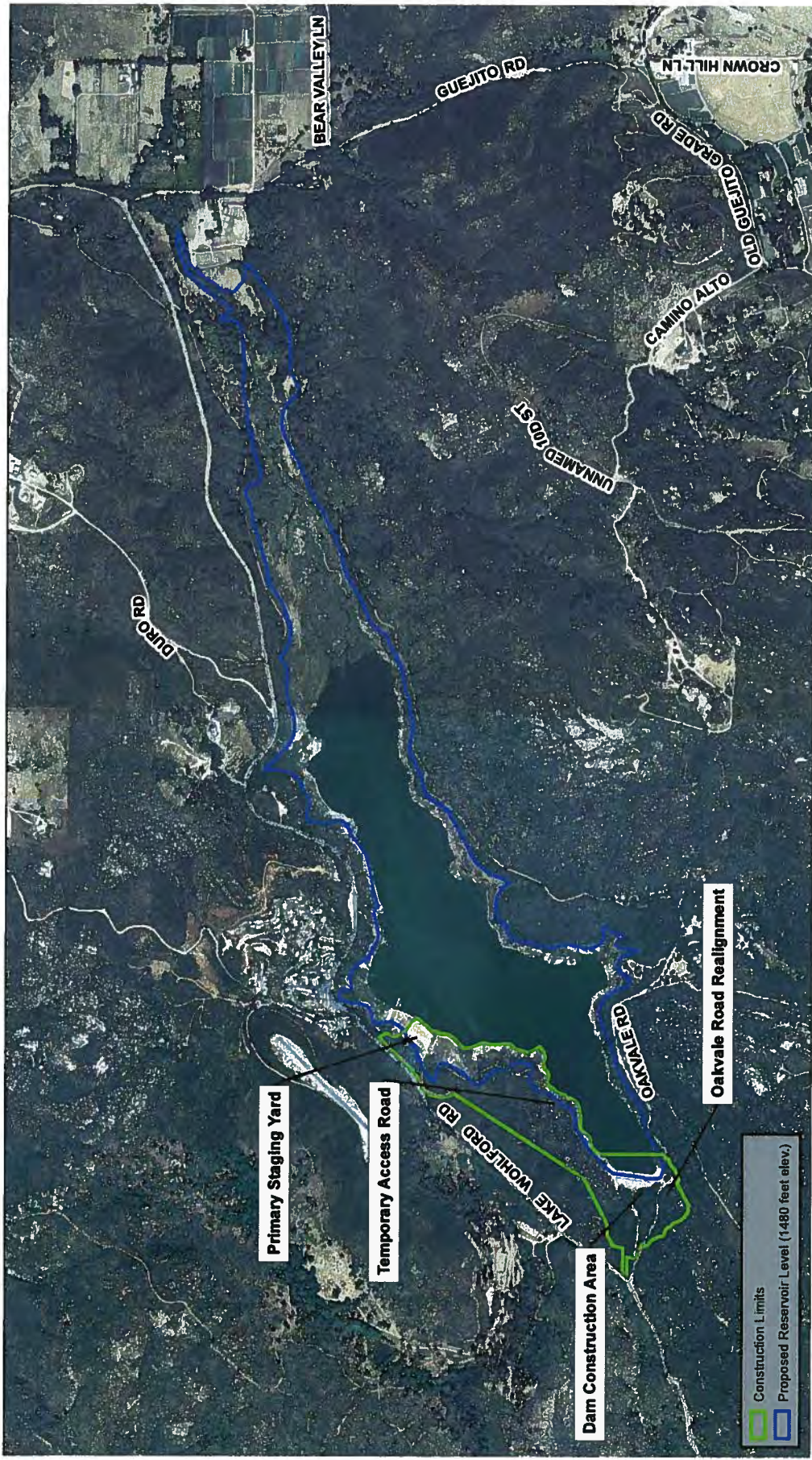
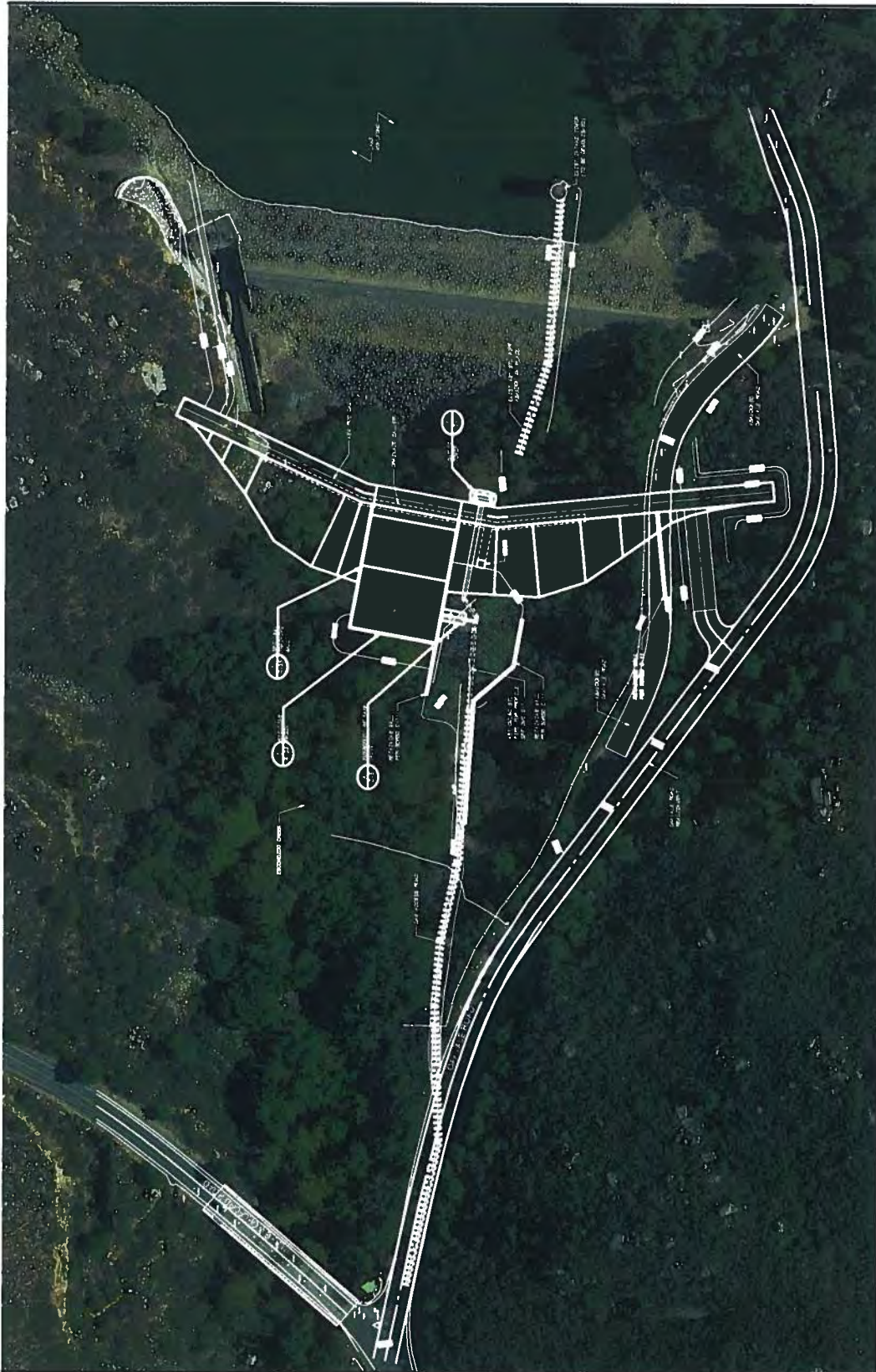


Figure 2  
Project Area

Source: SanGIS 2012; Black & Veatch 2014; USGS 2013  
 Scale: 12,000:1 inch = 1,000 feet  
 1,000 500 0 1,000 Feet

Lake Wohlford Dam Replacement Project NOP  
 Path: P:\201702-2020-12-17\MapDocs\2014\_LakeWohlford\Construction\_Items\_20140707.mxd, 8/18/2014, 8:07:44 am

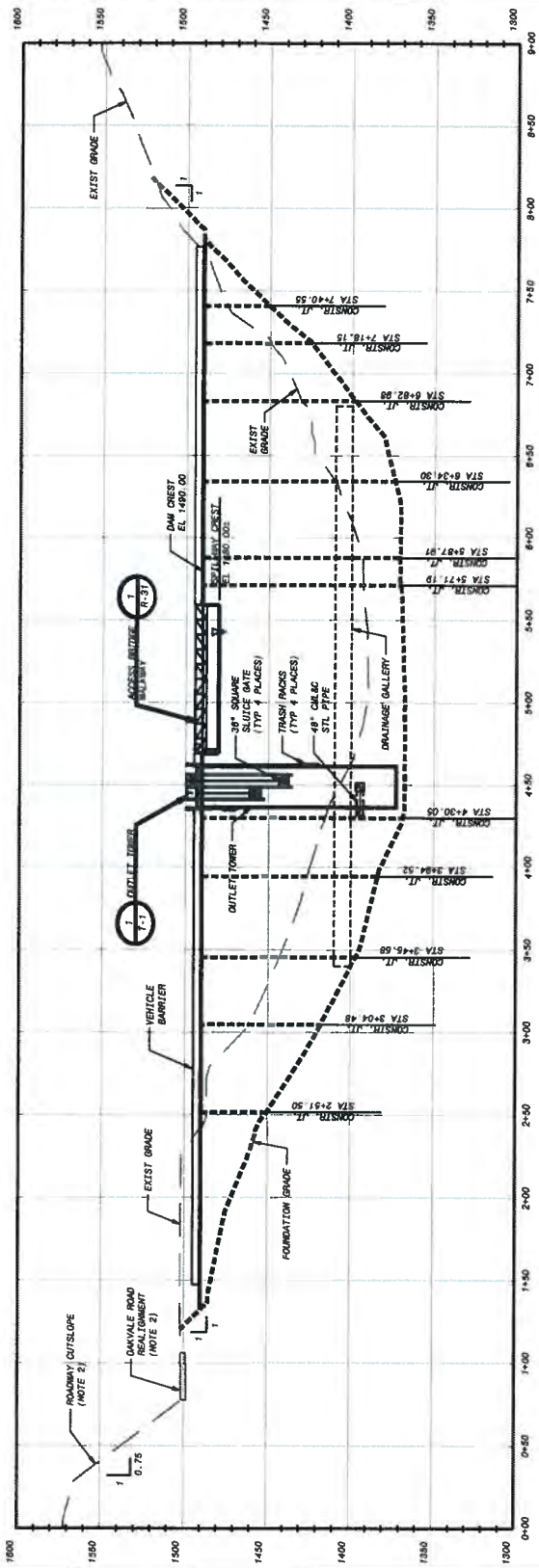


Source: GoogleEarth 2015

No Scale

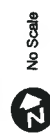


**Figure 3**  
**Plan Drawing of Dam Site**



NOTES:  
 1. DOWNSTREAM CHIMNEY SECTION SLOPE NOT SHOWN FOR CLARITY.  
 2. DAVVALE ROAD REALIGNMENT GRADES ON THE LEFT ASHMENT ARE ANTICIPATED AS PART OF A SEPARATE PROJECT.

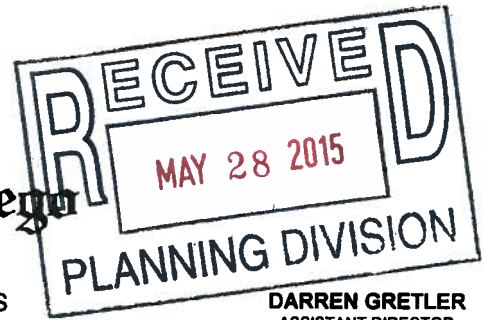
Source: GoogleEarth 2015



**Figure 4**  
**Dam Profile**



# County of San Diego



**MARK WARDLAW**  
DIRECTOR  
PHONE (858) 694-2962  
FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
[www.sdcounty.ca.gov/pds](http://www.sdcounty.ca.gov/pds)

**DARREN GRETLER**  
ASSISTANT DIRECTOR  
PHONE (858) 694-2962  
FAX (858) 694-2555

May 28, 2015

City of Escondido  
Bill Martin, Deputy Planning Director  
201 North Broadway  
Escondido, CA 92025

Via email to [bmartin@escondido.org](mailto:bmartin@escondido.org)

## COMMENTS ON THE NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT: LAKE WOHLFORD DAM REPLACEMENT PROJECT

Dear Mr. Martin,

The County of San Diego (County) has received the City of Escondido's (City) Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Lake Wohlford Dam Replacement Project and appreciates this opportunity to comment. County Planning & Development Services and the Department of Public Works have completed their review and have the following comments regarding the scope of the EIR.

### Transportation/Traffic

The City of Escondido should reference the County's letter dated October 28, 2014 regarding the City's Notice of Intent to adopt an MND for the Oakvale Road realignment project. It is attached hereto for your convenience. While not necessarily directly related to the Dam Replacement, the points made in that correspondence remain valid.

The EIR should confirm if the Oakvale Road realignment will be completed before or commensurate with the dam replacement construction activities. The phasing and temporal relationship of these two actions should be clearly disclosed and evaluated in the EIR for synergistic impacts and possibly the implementation of complimentary mitigation.

The NOP (page NOP-3) lists agencies which will need to process a discretionary action for the dam replacement project. The County is not one of the listed agencies. The City should confirm that the dam replacement itself will not require any discretionary actions by the County. The Oakvale Road realignment will require County discretionary actions and permits.

A traffic study should be prepared for the EIR and it must clearly identify and analyze potential impacts to and, identify appropriate mitigation for the project's temporary, permanent, and emergency access driveways located along Oakvale Road.

TRANSMITTED TO CONSULTANT  
ON 6/3/15 *bm*

### **Flood Control**

County Flood Control owns and operates a rain-gage station on the existing block house on the existing dam. We request the City coordinate with County Flood Control so that the rain-gage station can be relocated/rebuilt on the new dam and, if possible, a pipe be constructed to the bottom of the reservoir, enabling the County to monitor the reservoir's water levels for flood warning purposes.

The project's EIR must also address the effects and impacts on downstream hydrology and within the Lake Wohlford watershed along the headwaters of Escondido Creek.

### **Watershed Protection Program**

In the last part of the Project Description (page NOP-2) it describes the need to realign Oakvale Road. Additionally, Figure 4 (Dam Profile) includes *Note 2* which indicates the Oakvale Road realignment shown on the exhibit is "anticipated as part of a separate project." A separate permit application has been filed with the County under PDS2014-LDPIIP-00008 for realignment of the road. As referenced above in the Transportation/Traffic section, the County previously provided comments on the City's intent to adopt an MND for the road realignment. Please clarify in the EIR the relationship between the dam replacement and the road realignment projects, whether they will be constructed separately or jointly and which CEQA document is being relied upon for each of the separate discretionary actions.

In addition to analyzing the potential for negative effects to hydrology and water quality, it is important that the EIR also list the applicable Municipal Storm Water (MS4) Permit and General Construction Permit requirements and address how the project will comply with those requirements.

There is a potential the project will generate storm water quality impacts to County lands, storm drain facilities, and receiving waters. The EIR should address how the project will be in conformance with the County's Grading Ordinance and Watershed Protection Ordinance. Consistent with the comment above under Transportation/Traffic, the City should think critically about the need for discretionary permits from the County and how physical impacts to County land and/or infrastructure can be mitigated; avoidance of impacts is always preferred.

The County appreciates the opportunity to participate in the environmental review process for this project. We look forward to providing additional assistance at your request. If you have any questions regarding these comments, please contact Eric Lardy, Planning Manager, at (858) 694- 3052, or via email at [eric.lardy@sdcountry.ca.gov](mailto:eric.lardy@sdcountry.ca.gov)

Sincerely,



ANDREW SPURGIN, Chief  
Advance Planning Division  
Planning & Development Services

Email cc:

Mel Millstein, Policy Advisor, Board of Supervisors, District 3  
Conor McGee, CAO Staff Officer, LUEG

**Mr. Bill Martin**  
**May 28, 2015**  
**Page 3 of 3**

**Richard Chin, Associate Transportation Specialist, Department of Public Works**  
**Nick Ortiz, Project Manager, Planning & Development Services**  
**Jeff Kashak, Environmental Planner, Department of Public Works**  
**Peter Eichar AICP, Land Use/Environmental Planner, Planning & Development Services**



# County of San Diego

**MARK WARDLAW**  
DIRECTOR  
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FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
[www.sdccounty.ca.gov/pds](http://www.sdccounty.ca.gov/pds)

**DARREN GRETLER**  
ASSISTANT DIRECTOR  
PHONE (858) 694-2962  
FAX (858) 694-2555

October 28, 2014

Bill Martin  
Deputy Planning Director  
City of Escondido  
201 North Broadway  
Escondido, CA 92025

Via email to [Bmartin@escondido.org](mailto:Bmartin@escondido.org)

## **COMMENTS ON THE NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR OAKVALE REALIGNMENT AND IMPROVEMENT PROJECT (ENV 14-0007)**

Dear Mr. Martin,

The County of San Diego (County) has received and reviewed the Draft Mitigated Negative Declaration for the Oakvale Road Realignment Project, dated October 2, 2014. Oakvale Road is a County maintained public road. The County appreciates the early coordination with the City of Escondido (City) on this project. The County appreciates the opportunity to comment on this effort. County Planning & Development Services (PDS), Department of Public Works (DPW) and Department of Parks and Recreation (DPR) have completed their review and have the following comments regarding the content of the above documents:

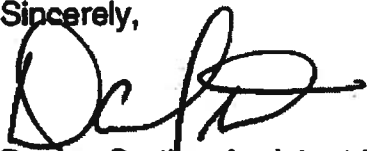
1. The City and their consultation staff should continue to coordinate closely with County staff on all aspects of the proposed road alignment project including design, engineering, and construction to ensure timely progress.
2. The City should ensure that the realignment of Oakvale Road be designed to conform to the County Public Roads Standards: ([http://www.sandiegocounty.gov/content/dam/sdc/dpw/COUNTY\\_ROADS/pbrdstds.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/COUNTY_ROADS/pbrdstds.pdf)) A design exception request will be required for any proposed design that is not in conformance with the County's Public Road Standards.
3. All work within the County's right-of-way will require permits from the County.
4. A County Traffic Control Plan will be required to identify traffic operation and safety measures during the estimated four month construction project.



5. The City should notify local residents as early as possible of possible traffic delays during the construction period.
6. The realignment project of Oakvale Road will alter the existing natural drainage paths on the project site and the adjacent area. A drainage study report needs to be prepared to evaluate the impact to the on-site and off-site hydrology of the project area.
7. During construction of the road realignment, the City will be responsible for basic maintenance and liability for the affected segments of Oakvale Road. Upon completion of the road alignment project and after confirmation by County staff that construction has been completed consistent to County standards, the Oakvale Road maintenance and liability responsibilities will return to the County.
8. The City should consider providing an adequate shoulder on the realignment of Oakvale Road to allow for multi-use non-motorized trail connectivity between the Lake Wohlford City Park trails and staging area and conserved open space and trails on Bottle Peak Preserve to the south side of the project.

The County appreciates the opportunity to review and comment on the Oakvale Road Realignment and Improvement Project. County staff looks forward to on-going coordination on this project and review of the Lake Wohlford Dam Expansion Project. We look forward to providing additional assistance at your request. If you have any questions regarding these comments, please contact Sheri McPherson, Land Use/Environmental Planner, at (858) 694-3064, or via email at [sheri.mcpherson@sdcounty.ca.gov](mailto:sheri.mcpherson@sdcounty.ca.gov).

Sincerely,



Darren Gretler, Assistant Director  
Planning & Development Services

Email cc:

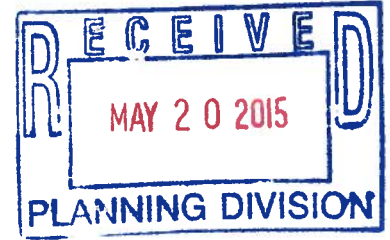
Chris Livoni, Policy Advisor, District 5  
Conor McGee, CAO Staff Officer, LUEG  
Richard Chin, Associate Transportation Specialist, Department of Public Works  
Nick Ortiz, Project Manager, Planning & Development Services  
Sheri McPherson, Land Use/Environmental Planner, Planning & Development Services



# San Diego County Archaeological Society, Inc.

Environmental Review Committee

17 May 2015



To: Mr. Bill Martin, Deputy Director  
Planning Division  
City of Escondido  
201 North Broadway  
Escondido, California 92025

Subject: Notice of Preparation of a Draft Environmental Impact Report  
Lake Wohlford Dam Replacement Project

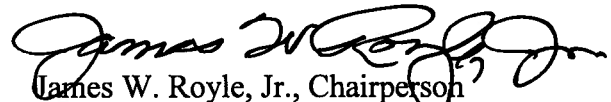
Dear Mr. Martin:

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


We are pleased that cultural resources have been included in the list of subject areas to be addressed in the DEIR. In order to permit us to review the cultural resources aspects of the project, please include us in the distribution of the DEIR when it becomes available for public review. Also, in order to facilitate our review, we would appreciate being provided with one copy of the cultural resources technical report(s) along with the DEIR.

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

Sincerely,

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

cc: SDCAS President  
File

TRANSMITTED TO CONSULTANT  
ON 6/3/15 



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

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



May 28, 2015

Mr. Bill Martin, Deputy Planning Director  
 City of Escondido Planning Commission  
 201 North Broadway  
 Escondido, CA 92025  
 bmartin@escondido.org

**Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Lake Wohlford Dam Replacement Project, City of Escondido, County of San Diego (SCH # 2015041091)**

Dear Mr. Martin:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Preparation (NOP) for the Lake Wohlford Dam Replacement Draft Environmental Impact Report (DEIR). The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.*

The Department also administers the Natural Community Conservation Planning (NCCP) program. The City of Escondido (City) participated in the NCCP program and prepared a draft Subarea Plan (SAP) under the Multiple Habitat Conservation Program (MHCP) Subregional Plan that was circulated for public review in May 2001; however, it was never adopted by the City Council or submitted to the Department and the U.S. Fish and Wildlife Service for permitting. The County of San Diego is actively pursuing its draft North County Multiple Species Conservation Program (NC-MSCP) which, although not yet completed, has undergone substantial negotiation and is anticipated to undergo public review and seek approvals in the next one to two years.

Lake Wohlford is a man-made reservoir located along Escondido Creek in unincorporated San Diego County, approximately 5 miles northeast of the City's center and 0.5 mile east of the City's incorporated boundary. Lake Wohlford is near the easternmost portion of the City's draft MHCP Plan Area, within the focused "softline" planning area. It is also located adjacent to the County's draft NC-MSCP Pre-Approved Mitigation Area [in Planning Unit 8 (Daley Ranch - Lake Wohlford)]. The reservoir is formed by the Lake Wohlford Dam and is filled from run-off water along with water releases from Lake Henshaw.

In 2007 a seismic analysis of the Lake Wohlford Dam revealed a stability concern for the uppermost section of the dam. In order to decrease the likelihood of failure of the dam, the City decided to decrease the capacity to about 40% of its previous capacity. To reclaim the lost water storage and address the seismic safety issues the City proposes to construct a replacement dam immediately downstream (west) of the current dam at Lake Wohlford. The

Conserving California's Wildlife Since 1870  
 TRANSMITTED TO CONSULTANT  
 ON 6/3/15 PM

proposed dam would be built to equal the elevation and capacity of the prior water level restriction of 1,480 feet elevation and 6,500 acre feet, respectively. The old dam would be partially deconstructed. The proposed project also involves excavation into the adjacent hillside to accommodate the realignment of a portion of Oakvale Road.

Within or near the project area the City owns 741 acres along Valley Center Road, and 916 acres along Lake Wohlford Road and Lake Wohlford Reservoir. The Bureau of Land Management owns about 79 acres in the middle of Lake Wohlford. Various species and habitat types are located within City held land and include coast live oak woodland, sage scrub, chaparral, and riparian vegetation communities.

The Department offers the following comments and recommendations to assist the City in avoiding or minimizing potential project impacts on biological resources.

### **Specific Comments**

1. The project location and the surrounding area are located in the northeastern portion of the City's SAP and they support critical locations of Engelmann oaks (*Quercus engelmannii*) and Cooper's hawks (*Accipiter cooperii*). The area is also considered a critical location for golden eagle (*Aquila chrysaetos*) foraging and is probably one of only two areas in the MHCP study area that is large enough to support deer and mountain lions. Therefore, the Department recommends that the project be analyzed to make sure it is consistent with the SAP.
2. The City should ensure that all landscaping and/or revegetation do not include exotic plant species that may be invasive to native habitats. Exotic species should be removed and replaced with native or non-invasive exotic species based on the California Invasive Plant Council's (Cal-IPC) "Invasive Plant Inventory" (Cal-IPC, 2006) list that can be obtained from Cal-IPC's web site at <http://www.cal-ipc.org>. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides.
3. As acknowledged in the NOP, the Department has regulatory authority over the proposed project pursuant to section 1600 *et seq.* of the Fish and Game Code. The Department's issuance of a Lake and Streambed Alteration Agreement (LSA) for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. To minimize additional requirements by the Department pursuant to section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA. A notification package for a LSA may be obtained by accessing the Department's web site at [www.wildlife.ca.gov/habcon/1600](http://www.wildlife.ca.gov/habcon/1600).
4. The project area supports aquatic, riparian, and wetland habitats; therefore, a jurisdictional delineation of the creeks and their associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service

wetland definition adopted by the Department.<sup>1</sup> Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.

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

#### **General Comments**

6. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations. Mitigation measures to compensate for impacts to mature riparian corridors must be included in the DEIR and must compensate for the loss of function and value of a wildlife corridor.
7. The Department considers adverse impacts to a species protected by the California Endangered Species Act (CESA), for the purposes of CEQA, to be significant without

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<sup>1</sup> Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

mitigation. As to CESA, take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

8. To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR.
  - a) A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.
  - b) A range of feasible alternatives to ensure that alternatives to the proposed project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources, particularly wetlands (as the proposed project could result in significant impacts to wetland/riparian habitat within the reservoir and Escondido Creek). Specific alternative locations should be evaluated in areas with lower resource sensitivity where appropriate.

#### Biological Resources within the Project's Area of Potential Effect

9. To provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats, the DEIR should include the following information.
  - a) Per CEQA Guidelines, section 15125(c), information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis placed on resources that are rare or unique to the region.
  - b) A thorough, recent floristic-based assessment of special status plants and natural communities, following the Department's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <http://www.dfg.ca.gov/habcon/plant/>). The Department recommends that floristic, alliance-based and/or association-based mapping and vegetation impact assessments

be conducted at the Project site and neighboring vicinity. The Manual of California Vegetation, second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2008<sup>2</sup>). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

- c) A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. The Department's California Natural Diversity Data Base in Sacramento should be contacted at [www.wildlife.ca.gov/biogeodata/](http://www.wildlife.ca.gov/biogeodata/) to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
- d) An inventory of rare, threatened, endangered and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.

#### Analyses of the Potential Project-Related Impacts on the Biological Resources

10. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR.
  - a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage should also be included. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site. The discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included.
  - b) Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with the MHCP and NC-MSCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR.

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<sup>2</sup> Sawyer, J. O., T. Keeler-Wolf and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society Press, Sacramento.

- c) The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
- d) A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

#### Mitigation for the Project-related Biological Impacts

- 11. The DEIR should include measures to fully avoid and otherwise protect Rare Natural Communities from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.
- 12. The DEIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.
- 13. For proposed preservation and/or restoration, the DEIR should include measures to perpetually protect the targeted habitat values from direct and indirect negative impacts. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.
- 14. In order to avoid impacts to nesting birds, the DEIR should require that clearing of vegetation, and when biologically warranted construction, occur outside of the peak avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If project construction is necessary during the bird breeding season a qualified biologist with experience in conducting bird breeding surveys should conduct weekly bird surveys for nesting birds, within three days prior to the work in the area, and ensure no nesting birds in the project area would be impacted by the project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer should be a minimum width of 300 feet (500 feet for raptors), be delineated by temporary fencing, and remain in effect as long as construction is occurring or until the nest is no longer active. No project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.



15. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
16. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.

We appreciate the opportunity to comment on the referenced NOP. Questions regarding this letter and further coordination on these issues should be directed to Bryand Duke at [Bryand.Duke@wildlife.ca.gov](mailto:Bryand.Duke@wildlife.ca.gov) or (858) 637-5511.

Sincerely,



Gail K. Sevens  
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South Coast Region

ec: Janet Stuckrath (U.S. Fish and Wildlife Service)  
Scott Morgan (State Clearinghouse)

