



An Employee-Owned Company

Governor's Office of Planning & Research

APR 12 2019

STATE CLEARINGHOUSE

April 5, 2019

Reference: Vallecitos Water District 2018 Water, Wastewater, and Recycled Water Master Plan Final EIR (RECON Number 7322)

Dear Interested Party:

The attached Responses to Comments for the Vallecitos Water District's Water, Wastewater, and Reclaimed Water Master Plan Program EIR are being provided in advance of the District's April 17, 2019 Board of Directors meeting. The Board of Directors meets every first and third Wednesday of each month at 5:00 p.m. All meetings are held in the District's Board Room located in the Vallecitos Water District Administration Building, 201 Vallecitos de Oro, in San Marcos. The public is welcome to attend. The agenda is posted on the District's website the Friday before the meeting.

California Code of Regulations, Title 14, Section 15088 (a – c) states:

- (a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- (b) The lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.
- (c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

This notification is in compliance with Section 15088(b), as noted above. Please contact Robert Scholl, P.E., Senior Engineer – Development Services, at (760) 744-0460 if you have any questions.

Sincerely,

Michael Page
Principal, Environmental Division

MLP:sh

Attachment

VALLECITOS WATER DISTRICT MASTER PLAN FINAL PEIR LETTERS OF COMMENT AND RESPONSES

The Draft Program Environmental Impact Report (PEIR) for the 2018 Water, Wastewater, and Recycled Water Master Plan (2018 Master Plan) by the Vallecitos Water District (VWD) was circulated for public and agency review from October 22, 2018 to December 7, 2018 (State Clearinghouse [SCH] No. 2017111082). During the 45-day public and agency review period, comment letters were received from the agencies, organizations, and individuals listed in the table below. These letters are located in the following pages, with responses to comments provided adjacent to the individual comments in each letter. Where responses to comments required minor revisions to the Draft PEIR, these revisions have been provided in ~~strikeout~~ and underline within the Final PEIR. No substantial revisions to the impact analysis were required as a result of the comments received on the Draft PEIR.

Letter	Author	Page Number
A	Governor's Office of Planning and Research	RTC-2
B	California Department of Transportation	RTC-5
C	County of San Diego Planning and Development Services	RTC-9
D	Rincon Band of Luiseno Indians	RTC-12
E	San Diego County Archaeological Society, Inc.	RTC-14
F	Golden Door/Latham & Watkins	RTC-18
G	Michael Hunsaker	RTC-42

LETTER

RESPONSE



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA GOVERNOR'S OFFICE of PLANNING AND RESEARCH



KEN ALEN
DIRECTOR

Letter A

December 6, 2018

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

Subject: Vallecitos Water District 2018 Water, Wastewater, and Recycled Water Master Plan
SCH#: 2017111032

Dear Robert Scholl:

A-1

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on December 3, 2018. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

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

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2017111032) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
1-916-322-2318 FAX 1-916-558-3184 www.opr.ca.gov

A-1

This letter acknowledges that the Vallecitos Water District (VWD) has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to the California Environmental Quality Act (CEQA). The comment letter from the California Department of Transportation (Caltrans) attached to this letter from the State Clearinghouse has been responded to separately as Comment Letter B.

LETTER

RESPONSE



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH



KEN ALEX
DIRECTOR

December 4, 2018

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

Subject: Vallecitos Water District 2018 Water, Wastewater, and Recycled Water Master Plan
SCH#: 2017111082

Dear Robert Scholl:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on December 3, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
1-916-322-2318 FAX 1-916-558-3184 www.opr.ca.gov

A-2

This is the original letter VWD received from the Governor's Office of Planning and Research. This letter has been superseded by the letter VWD subsequently received that is bracketed as Comment A-1 above.

LETTER

RESPONSE

**Document Details Report
State Clearinghouse Data Base**

SC# 2017111082
Project Title Vallecitos Water District 2018 Water, Wastewater, and Recycled Water Master Plan
Lead Agency Vallecitos Water District

Type EIR Draft EIR

Description The 2018 Vallecitos Water District Master Plan evaluates the existing and future needs for water, wastewater and recycled water services, and includes a facilities plan and Capital improvements program to accommodate these needs. The Master Plan addresses many local and regional issues, including imported water supply, water conservation, local water supply development, service area growth, and wastewater disposal capacity. The CIP provides proper capacity to VWD's water and wastewater systems to serve its anticipated customers through 2035. One CIP Project, the Diamond Siphon Replacement Project, has been evaluated at the project level within the PEIR Supplement for the 2018 Master Plan.

Lead Agency Contact

Name Robert Scholt
Agency Vallecitos Water District
Phone (760) 744-0460 **Fax**
email
Address 201 Vallecitos De Oro
City San Marcos **State** CA **Zip** 92069

Project Location

County San Diego
City San Marcos
Region
Lat / Long 33° 8' 30" N / 117° 8' 33" W
Cross Streets
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 78
Airports
Railways NCTD Sprinter
Waterways San Marcos Creek
Schools Mission Hills HS
Land Use various

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Aesthetic/Visual

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Resources, Recycling and Recovery; State Water Resources Control Board, Division of Drinking Water; State Water Resources Control Board, Division of Financial Assistance; Regional Water Quality Control Board, Region 9; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 10/19/2018 **Start of Review** 10/19/2018 **End of Review** 12/03/2018

Note: Blanks in data fields result from insufficient information provided by lead agency

LETTER

RESPONSE

Letter B

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY 711
www.dot.ca.gov

EDMUND G. BROWN Jr., Governor



Making Conservation
a California Way of Life.

December 5, 2018

11-SD-5, 15, 78
PM VAR
Vallecitos Water District 2018 Water, Wastewater, and Recycled Water
Master Plan
SCH#2017111082

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

Dear Mr. Scholl:

B-1

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft Environmental Impact Report for the Vallecitos Water District 2018 Water, Wastewater, and Recycled Water Master Plan located near Interstate 5 (I-5), Interstate 15 (I-15) and State Route 78 (SR-78). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-iGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

Traffic Control Plan/Hauling

B-2

The California Department of Transportation (Caltrans) has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code. The Caltrans Transportation Permits Issuance Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway System. Additional information is provided online at:
<http://www.dot.ca.gov/trafficops/permits/index.html>

If a special permit is needed for hauling, a Traffic Control Plan is to be submitted to Caltrans District 11, including all interchanges along I-5, I-15, and SR-78 that will be used for the hauling route, at least 30 days prior to the start of any construction. Traffic shall not be unreasonably delayed. The plan shall also outline suggested detours to use during closures, including routes and signage.

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

B-1

Introductory comment. Responses to specific comments in this letter are provided below.

B-2

VWD will apply for a special transportation permit for any Capital Improvement Plan (CIP) project that requires hauling on the State Highway System. Such a future application would include submittal of a Traffic Control Plan at least 30 days prior to the start of construction. The permit application and/or Traffic Control Plan will address potential impacts to highway facilities and the traveling public from detours, demolition, and other construction activities as applicable.

LETTER

Mr. Robert Scholl
December 5, 2018
Page 2

Potential impacts to the highway facilities (I-5, I-15 and SR-78) and traveling public from the detour, demolition and other construction activities should be discussed and addressed before work begins.

Hydrology and Drainage Studies

B-3 Based on Figure 3-2 the Phase 1 Outfall is anticipated to cross the I-5. More detailed information is needed regarding the proposed drainage crossing the state right-of-way (R/W).

B-4 Please clarify on page 3-17 in the section "Outfall Subprojects LO-D1 and LOD-D2" if existing 54" and 30" pipes will be upgraded or will remain in place at their current conditions.

Right-of-Way

B-5 The ongoing Caltrans I-5 North Coast Corridor (I-5 NCC) project along I-5 is in the area of this projects' proposed Outfall in Carlsbad crossing I-5. Any work near the construction zone may require coordination with the Caltrans construction contractor.

B-6 Please clarify if the proposed sewer line CIP crossing SR-78, as in Figure 3-1, will be encroaching onto state R/W.

B-7 Vallecitos Water District shall prepare and submit to Caltrans closure plans as part of the encroachment permit application. The plans shall require that closure or partial closure of I-5, I-15 and/or SR-78 be limited to times as to create the least possible inconvenience to the traveling public and that signage be posted prior to the closure to alert drivers of the closure in accordance with Caltrans requirements. Traffic shall not be unreasonably delayed. The plan shall also outline suggested detours to use during the closures, traffic, including routes and signage.

The Highway Closure Plan, as part of the encroachment permit, should be submitted to Caltrans at least 30 days prior to initiating installation of the crossings. No work shall begin in Caltrans R/W until an encroachment permit is approved.

B-8 Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. As part of the encroachment permit process, the applicant must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts with the Caltrans' R/W, and any corresponding technical studies.

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to enhance California's economy and livability."*

RESPONSE

B-3 The Phase 1 Outfall has been addressed at a program level. Additional project-level environmental review will be required, including detailed hydrology and drainage studies for the drainage crossing of the I-5 state right-of-way. Environmental documents prepared for the I-5 North Coast Corridor Project will also be reviewed.

B-4 Page 3-17 of the Draft PEIR has been revised to state the following:

Outfall Subprojects LO-D1 and LO-D2 (Gravity Section D). *These subprojects would include replacing approximately 12,800 feet of existing sewer pipeline (7,900 feet for LO-D1, and 4,900 feet for LO-D2) that would convey wastewater flows from Palomar Oaks Way westerly along Palomar Airport Road to Armada Road, where the pipeline would head south-westerly in the canyon to Interstate 5, as shown on Figure 3-2. The existing 30-to 39-inch diameter pipes would be replaced, while the existing 54-inch diameter pipes would remain in place. The size of the replacement pipeline would range from 36 to 48 inches in diameter depending on the final vertical alignment chosen. Subproject LO-D1 would be constructed in Phase 1, and subproject LO-D2 would be constructed in Phase 5.*

B-5 VWD will coordinate with the Caltrans construction contractor regarding any future work on the proposed Outfall in Carlsbad crossing I-5 that would occur near the ongoing I-5 North Coast Corridor Project.

B-6 SP-23, Pacific Street and Descanso Sewer Replacement, would cross beneath SR-78, within Caltrans right-of-way. No impacts to surface features within the Caltrans right-of-way are proposed.

B-7 No freeway closures are expected due to implementation of Master Plan CIP projects. In the unlikely event that a freeway closure is required, VWD will prepare and submit Highway Closure Plans to Caltrans as part of the encroachment permit application, consistent with the requirements listed in this comment. Highway Closure Plans will be submitted to Caltrans at least 30 days prior to initiating installation of the crossings.

LETTER

RESPONSE

Mr. Robert Scholl
December 5, 2018
Page 3

Please see Section 600 of the Encroachment Permits Manual for requirements regarding utilities and state R/W:

http://www.dot.ca.gov/trafficops/ep/docs/Chapter_6.pdf

B-9

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

Sincerely,



JACOB ARMSTRONG, Branch Chief
Local Development and Intergovernmental Review Branch

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

B-8

VWD will apply for and obtain an encroachment permit for any work that would occur within Caltrans right-of-way. The encroachment permit application will include the certified Final PEIR with technical studies. The encroachment permit will be submitted consistent with guidance provided in Section 600 of the Encroachment Permits Manual with respect to utilities and state right-of-way.

B-9

Conclusory remarks. No response is required.

LETTER

RESPONSE

From: Tse, Simon@DOT
 Sent: Friday, December 7, 2018 2:24 PM
 To: Dodson, Kimberly@DOT <kimberly.dodson@dot.ca.gov>
 Cc: Al-Jafri, Abu-Bakr@DOT <abu-bakr.h.al-jafri@dot.ca.gov>
 Subject: RE: Vallecitos Water District 2018 Master Plan DEIR Functional Reviewer Staff deadline extended to December 5th

Kimberly:

B-10

Vallecito Water District is advised to follow chapter 17 of the Plan Preparation Manual and Chapter 600 of the Permit Manual for designing facilities within CT Right-of-way.

Simon

B-10

VWD will design project facilities that would be located within Caltrans right-of-way consistent with the requirements of Chapter 17 of the Plan Preparation Manual and Chapter 600 of the Permit Manual.



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(619) 594-2962 • Fax: (619) 594-2555
www.sdcounty.ca.gov/pds

KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

Letter C

November 30, 2018

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

Via e-mail to: rscholl@vwd.com

REQUEST FOR COMMENTS ON THE NOTICE OF AVAILABILITY OF A DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE VALLECITOS WATER DISTRICT 2018 MASTER PLAN FOR THE VALLECITOS WATER DISTRICT

Mr. Scholl

C-1 The County of San Diego (County) reviewed the Vallecitos Water District's (VWD) Vallecitos Water District 2018 Master Plan (Project), dated October 22, 2018.

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

TRANSPORTATION/TRAFFIC

- C-2
1. Based on the list of Capital Improvement Program (CIP) projects identified in the Master Plan and PEIR, County-maintained roads and facilities will potentially be impacted, including but not limited to:
 - a. Deer Springs Road (P-16 & P-56, SP-31)
 - b. El Norte Parkway and Reese Road (P-400)
 - c. Rock Springs Road (P-100, SP-05)
 - d. San Pablo Drive (SP-15)
 - e. Twin Oaks Valley Road (P-600)
 2. Any pavement, curb/gutter/sidewalk, culverts, utilities, traffic control-related infrastructure, as well as any other infrastructure within the County-maintained road right-of-way that is damaged by any VWD CIP project shall be replaced to its original condition or better to the satisfaction of the County Department of Public Works (DPW). Such activities may also require an encroachment and/or excavation permit in consultation with the County. Any roadway excavation must also be conducted in accordance with the

C-1 Introductory comment. Responses to specific comments in this letter are provided below.

C-2 VWD will coordinate with the County Department of Public Works (DPW) prior to roadway impacts to ensure the road would be repaired to the satisfaction of County DPW.

LETTER

RESPONSE

Mr. Scholl
November 30, 2018
Page 2

County's Pavement Cut Policy. The County requests that the VWD coordinate with County DPW prior to any modification of the County-maintained roads.

CAPITAL IMPROVEMENT PROGRAM

- C-3 1. Based on the list of CIP projects identified in the Master Plan and PEIR, they do not conflict with current County CIP's; however, they have the potential to overlap and/or be located adjacent to future County CIPs by the DPW CIP Division. This includes, but is not limited to, the County's potential widening of Deer Springs Road, which would overlap with the VWD CIP projects P-16, P-56, and PS-3. The County requests that the VWD coordinate with the County DPW during the design and planning stages of their future CIP projects to ensure any potential conflicts are avoided with future County DPW projects.

LAND WATER QUALITY DIVISION

- C-4 1. The 2018 Master Plan includes a CIP which proposes new facilities and upgrades to existing facilities, including reservoirs, pump and lift stations, and transmission mains and other pipelines. Grading and trenching proposed for these projects must be evaluated for potential impacts to existing septic systems and required reserve area located within 100 feet of grading/trenching activities. Grading/trenching must maintain the 5-foot horizontal setback from leach lines, seepage pits, and reserve area for every one foot of grading cut or trench depth (maximum setback of 100 feet) required by the Department of Environmental Health. Contact Craig Caes, Supervising Environmental Health Specialist, at 858-694-2551 or Craig.Caes@sdcountry.ca.gov for further information.

PARKS AND RECREATION

- C-5 1. The County's Department of Parks and Recreation (DPR) would like to note, in Chapter 3, Project Description, Figure 3-1 CIP Project Location identifies a Sewer Pump Station CIP as WW-3 – however, the project is not identified in Table 3-1.
- C-6 2. As identified in Figure 3-1, Water Reservoir CIP Projects R-3 and R-9 are located immediately adjacent to the County's Escondido Creek Preserve and Sewer Pump Station CIP WW-3 is located immediately adjacent to the County's Diamond Trail. DPR requests that the VWD consult with DPR regarding these projects prior to implementation. For these projects, VWD should consider the location of construction staging areas and the staging areas' and project's impact to County-owned/managed properties.
- C-7 3. The following CIP projects identified as part of the VWD Master Plan Programmatic Environmental Impact Report (PEIR) (Figure 3-1) are located in unincorporated County communities within the VWD service area: WW-3, PS-3, PS-5, PS-7, P-64, P-600, P-16/56, P-42. DPR requests that VWD consult with DPR regarding these and other projects within County jurisdiction as they are being planned for implementation. For projects within County jurisdiction, VWD should consider:
- C-8 a. Planned County Trails and Pathways: DPR requests that VWD consult with DPR on the possible implementation of the planned community trails of which CIP projects maybe in the vicinity. Projects like these are an excellent opportunity to enhance community trail connections. Please see COSD Community Trails Master Plan for details of the exact locations of planned trails, or contact Meg Diss, County Trails Coordinator, at Margaret.Diss@sdcountry.ca.gov for more information.
- C-9 b. Existing County Community Trails and Pathways: As part of projects within the County's jurisdiction, DPR would require the replacement in kind of any existing trails that will be impacted as a result of CIP projects. DPR requires consultation prior to the closure or reroute of any trails

- C-3 VWD will coordinate with the County DPW during the design and planning stages of future Master Plan CIP projects that may overlap with future County CIP projects in order to avoid any potential conflicts.
- C-4 Grading and trenching to be conducted for Master Plan CIP projects would be evaluated for potential impacts to existing septic systems during subsequent environmental review at the project-level. Future Master Plan CIP projects would incorporate the design considerations listed in this comment as necessary during the project design phase.
- C-5 CIP project WW-3 has been removed from the 2018 Master Plan and, therefore, has also been removed from Figures 3-1, 4.2-2, 4.2-3, 4.2-4, 4.2-5, 4.3-1, 4.5-2, 4.5-3, 4.7-1, 4.7-2, and 4.8-3 of the PEIR.
- C-6 CIP project WW-3 has been removed from the Master Plan. However, VWD will coordinate with County Department of Parks and Recreation (DPR) prior to implementation of projects immediately adjacent to the County's Escondido Creek Preserve and Diamond Trail and any other County-owned/managed properties. Coordination will include locating construction staging areas in a manner that would reduce impacts on these County-owned/managed properties.
- C-7 Introductory comment requesting VWD consult with the County DPR for projects located within unincorporated County communities. See specific responses regarding consultation below (RTCs C-8 through C-10).
- C-8 Implementation of planned community trails within the vicinity of future VWD CIP projects is beyond the scope of the 2018 Master Plan.
- C-9 VWD will coordinate trail impacts with County DPR to address trail concerns and adequately mitigate impacts, which will include the restoration of trails surfaces impacted by construction.

LETTER

RESPONSE

Mr. Scholl
November 30, 2018
Page 3

within the project area. Please consult the County Trails Coordinator at the address above for information on existing trails and pathways.


C-10

- c. Staging Areas (General): Prior to selection of any construction staging areas within lands owned or managed by DPR, DPR requires consultation with VWD to reduce impacts to County-owned/managed properties.

C-11

The County appreciates the opportunity to comment on this Project. We look forward to receiving future documents related to this Project and providing additional assistance, at your request. If you have any questions regarding these comments, please contact Timothy Vertino, Land Use / Environmental Planner, at (858) 485-5468, or via e-mail at timothy.vertino@sdcounty.ca.gov.

Sincerely,



Eric Lardy, AICP
Chief (Acting), Advance Planning Division
Planning & Development Services

E-mail cc: Darren Gretler, Chief of Staff, Board of Supervisors, District 5
Mei Milstein, Group Program Manager, LUEG
Jeff Kashak, Land Use / Environmental Planner, DPW
Kimberly Jones, Land Use / Environmental Planner, DPW
Craig Caes, Land Use Supervisor, DEH
Mary Bennett, Administrative Analyst, DEH
Margaret Diss, Program Coordinator, DPR
Marcus Lubich, Sr. Park Project Manager, DPR
Emmet Aquino, Park Project Manager, DPR
Sharon Ippolito, Administrative Analyst, PDS

C-10

VWD will coordinate with County DPR regarding the location of construction staging areas within lands owned or managed by DPR to reduce impacts on County-owned/managed properties.

C-11

Conclusory remarks. No response is required.

LETTER

RESPONSE

Letter D

RINCON BAND OF LUISEÑO INDIANS

Cultural Resources Department

One Government Center Lane - Valley Center, California 92082
(760) 297-2635 Fax: (760) 692-1498



November 19, 2018

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

Re: Vallecitos Water District 2018 Water, Wastewater, and Recycled Water Master Plan

Dear Mr. Scholl,

- D-1** This letter is written on behalf of the Rincon Band of Luiseno Indians. We have received your notification regarding the above referenced project and we thank you for the opportunity to consult. The identified location is within the Territory of the Luiseno people, and is also within Rincon's specific area of Historic interest.
- D-2** Embedded in the Luiseno territory are Rincon's history, culture and identity. We have knowledge of cultural resources within close proximity to the proposed project area. We recommend that a cultural study be conducted for this project, to include an archeological record search. We ask that a copy of the cultural study be provided to the Rincon Band. In addition, we request consultation at this time in order to learn more about the project and any potential impacts to cultural resources.
- D-3**
- D-4** If you have additional questions or concerns please do not hesitate to contact our office at your convenience at (760) 297-2635.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Destiny Colocho, RPA
Tribal Historic Preservation Officer
Rincon Cultural Resources Department

Bo Mazzetti
Tribal Chairman

Tishmali Turner
Vice Chairwoman

Steve Stallings
Council Member

Laurie E. Gonzalez
Council Member

Alfonso Kolb
Council Member

- D-1** Introductory comment. Responses to specific comments in this letter are provided below.
- D-2** A cultural resources survey was prepared for CIP Project SP-10: Diamond Siphon Replacement Project. This cultural resource survey included a record search for the entire VWD survey area that was evaluated in the Draft PEIR. This cultural resources survey was included as Appendix D of the Draft PEIR. Implementation of mitigation measure Cul-1 requires site-specific records searches and Mitigation Measure Cul-2 requires a survey be completed for additional projects under the Master Plan.
- D-3** As documented in Section 4.3.3.3 of the Draft PEIR, VWD successfully completed AB 52 consultation with the Rincon Band of Luiseno Indians:

VWD attempted to contact the Rincon Band of Luiseno Indians via telephone on April 17, 2018, and via letter on May 2, 2018. VWD engineer Robert Scholl spoke with Destiny Colocho on June 8, 2018, who provided a confidential cultural sites exhibit indicating that there are seven cultural sites within and immediately adjacent to the VWD service area boundary. Of these, two cultural sites may be in the vicinity of future work.

Section 1.2.3 of the Draft PEIR states the following regarding environmental review of future actions:

...when a subsequent CIP project is proposed for construction, the District (as Lead Agency) will examine the project to determine whether its effects have been adequately addressed in the PEIR. If the Lead Agency determines that the project is within the scope of the program examined in the PEIR, that no new or more severe effects not already examined in the PEIR may occur, and that no new information shows that new mitigation measures or alternatives are required, the Lead Agency may approve the project as being within the scope of the PEIR, and no additional environmental documentation would be required (14 CCR 15168(c)(1)-(2)).

LETTER

RESPONSE

	<p>D-3 (cont.)</p> <p><i>If the subsequent project would have effects not analyzed in the PEIR, then further environmental review would be required pursuant to the CEQA Statutes and Guidelines for those effects.</i></p> <p>VWD (as Lead Agency) will conduct AB 52 consultation with the Rincon Band of Luiseno Indians for future actions if it is determined that a subsequent project would potentially have effects on tribal cultural resources that were not analyzed in the Draft PEIR.</p> <p>D-4 Conclusory remarks. No response is required.</p>
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LETTER

RESPONSE



San Diego County Archaeological Society, Inc.

Environmental Review Committee

4 December 2018

Letter E

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

Subject: Draft Program Environmental Impact Report
Vallecitos Water District 2018 Master Plan

Dear Mr. Scholl:

E-1 I have reviewed the cultural resources aspects of the subject DPEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DPEIR, we have the following comments:

- E-2 1. On page 4.3-10, Subsection 4.3.2.3, Local, lists only San Diego County's Resource Protection Ordinance (RPO). It should also include the San Diego County Historic Site Board (HSB), which receives nominations to the County's historic landmarks list. [As a disclosure, I currently serve as Chair of the HSB.] That list includes only resources within the unincorporated areas or owned by the County. So, likewise, this subsection should also cite the historic landmarking, boards, commissions, etc., of each of the jurisdictions in which the District operates.
- E-3 2. Table 4.3-1 is a list of cultural resources potentially impacted by the CIP project. Please add an indication in which jurisdiction(s) each of them falls.
- E-4 3. The paragraph at the top of page 4.3-15 discusses various ways in which archaeological and historical sites may be directly impacted. The discussion should be expanded to also address indirect impacts, such as exposing sites to public visibility and access.
- E-5 4. Mitigation measure Cul-1 refers to performing records searches to determine if the vicinity of a CIP project has been previously surveyed. Cul-2 also refers to when a survey would be required. Please note that surveys more than 5 years old are typically not considered reliable so, in such cases, a new survey is required. Any outstanding mitigation measures would potentially also require updating based on a new survey.
- E-6 5. Mitigation measures Cul-2 and Cul-3 are a bit vague in their requirements for archaeological and Native American monitoring. Presumably the Phase I study would include

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E-1 Introductory comment. Responses to specific comments in this letter are provided below.

E-2 A discussion of the County of San Diego Local Register of Historical Resources (Ordinance 9493) has been added to Section 4.3.2.3 of the Draft PEIR. This includes a discussion of the role played by the San Diego County Historic Site Board in reviewing nominations and making recommendations for listing of resources under this ordinance.

E-3 The locations of cultural resources are required to remain confidential. In addition, the majority of the proposed work will occur within VWD right-of-way, which is not subject to regulation by the local jurisdictions. No revisions to Table 4.3-1 have been made per this comment.

E-4 The following statement has been added to the impact analysis for both historic and archaeological resources:

Because the CIP projects would be located within existing street rights-of-way that are enclosed within steel plates and/or asphalt at the end of each work day, indirect impacts such as exposing sites to public visibility and access would not occur.

E-5 The introductory paragraph of mitigation measure **Cul-2: Phase I Cultural Resources Study** has been revised as follows:

In the event that a current and valid report (completed within the last five years) is not available, or if the entirety of the CIP project site has not been professionally surveyed (see Cul-1), a Phase I Cultural Resources Survey study shall be completed by a qualified cultural resource professional.

	<p>E-6 Subsection B of Mitigation Measure Cul-2: Phase I Cultural Resources Study has been revised as follows:</p> <p><i>In the event that known or previously undetected archaeological resources are identified during the Phase I study then such resources must be recorded or updated onto Department of Parks and Recreation (DPR) 523 forms in accordance with all applicable regulations. In addition, any addressed resources must be evaluated for significance and eligibility for inclusion in federal, state, and local registers of significant resources. This evaluation shall be undertaken by a cultural resource professional who minimally meets the SOI Professional Qualifications Standards for Archaeology. In the event that such resources are found to be historical resources pursuant to CEQA, potential adverse impacts must be analyzed as stated in PRC Sections 21084.1 and 21083.2(l), and appropriate measures must be generated to avoid or substantially reduce potential impacts on archaeological resources as necessary, including data recovery excavation and/or construction monitoring.</i></p> <p>Mitigation Measure Cul-3: Procedure for Unintentional Disturbance of Cultural Resources has been revised as follows:</p> <p><i>If historical resources are identified during a Phase I Cultural Resources Study and cannot be avoided, construction monitoring by a qualified archaeologist and a Native American monitor, if requested during AB 52 consultation, would be required. If subsurface cultural resources are encountered during CIP project construction, or if evidence of an archaeological site or other suspected historic resources are encountered, all ground-disturbing activity shall cease within 100 feet of the resource. A qualified archaeologist shall be retained by VWD to assess the find, and to determine whether the resource <u>is significant and</u> requires further study.</i></p>
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LETTER

RESPONSE

E-6 (cont.)

Potentially significant cultural resources could consist of, but are not limited to, stone, bone, fossils, wood or shell artifacts or features, including structural remains, historic dumpsites, hearths and middens. Midden features are characterized by darkened soil, and could conceal material remains, including worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials and special attention should always be paid to uncharacteristic soil color changes. Any previously undiscovered resources found during construction should be recorded on appropriate DPR 523 forms and evaluated by a qualified archaeologist retained by VWD for significance under all applicable regulatory criteria.

No further grading shall occur in the area of the discovery until VWD approves the measures to ~~protect~~ mitigate the resources. Any archaeological artifacts recovered as a result of mitigation shall be ~~donated to~~ curated at a qualified scientific institution approved by VWD where they would be afforded long-term preservation to allow future scientific study. Curation fees are the responsibility of VWD. Upon completion of monitoring, a final results report with resource data and analysis shall be completed and submitted to VWD and the South Coastal Information Center. Should no resources be encountered, a letter report may be submitted to document completion of construction monitoring.

LETTER

recommendations for some or all portions of a project area where monitoring would be required. However, other than the ability of the project archaeologist to make recommendation for treatment of any discovered resource and diverting work in the vicinity of a discovery (though the text fails to state that the monitors have the authority to cause that), and a statement that artifacts "shall be donated to a qualified scientific institution", various specifics are missing. One example is the generation of a report within a timely manner. Finally, the archaeological collections aren't just donated. There is a cost associated with proper scientific curation and the District needs to acknowledge its responsibility to provide for curation fees.

E-7

More specific comments can be made when the environmental documents for individual projects become available. SDCAS requests being provided those documents for review during their public comment period.

Thank you for including SDCAS in the distribution of this DPEIR.

Sincerely,


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

cc: RECON
SDCAS President
File

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RESPONSE

E-7

Conclusory remarks. No response is required.

Letter F

LATHAM & WATKINS LLP

December 7, 2018

VIA EMAIL AND HAND DELIVERY

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Re: The Golden Door's Comments on District's Draft 2018 Master Plan and Draft Program Environmental Impact Report

Dear Mr. Scholl,

F-1

As you know, we represent the Golden Door Properties, LLC ("Golden Door"), a Vallecitos Water District customer in Division 1. We write in regard to the 2018 Water, Wastewater, and Recycled Water Master Plan ("2018 Master Plan") and its associated Draft Program Environmental Impact Report ("DPEIR").

We are extremely concerned with the District's preparation of the 2018 Master Plan and DPEIR. Specifically, the District appears to have ignored the issues raised in the Golden Door's comments on the DPEIR's November 15, 2017, Notice of Preparation (Attachment A). The District remains the only urban water district in the State to forecast a perpetual water supply deficit in its 2015 Urban Water Management Plan ("2015 UWMP"). A proper 2018 Master Plan would inform District customers about the circumstances surrounding that water supply deficit and set goals to alleviate justifiable concerns. If, as the District has previously stated, there is no deficit, the District should provide clear information that definitively resolves the deficit shown in its 2015 UWMP. However the 2018 Master Plan does no such thing. The documents ignore the District's projected water supply shortfall and fail to analyze a number of other potentially significant impacts. The 2018 Master Plan and its DPEIR are inadequate.

Below we have identified specific issues that must be addressed in the 2018 Master Plan and analyzed in the DPEIR. This list is non-exhaustive and we reserve the right to comment on these and other aspects of the 2018 Master Plan and DPEIR in the future.

F-1

Introductory comment. Responses to specific comments contained in this letter are provided below.

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A. The 2018 Master Plan is Based On Stale Data

F-2

*The 2018 Master Plan is based almost exclusively on data from 2014 or earlier and cannot provide realistic insight into the current need for water supply or infrastructure. For example, in calculating the unit water demands, the 2018 Master Plan uses "water meter billing records for January 2008 through June 2014."¹ Projected water demand is based even more narrowly on the 2013–2014 Fiscal Year.² Moreover, although the District must limit itself to planning for approved projects, the 2018 Master Plan takes this limitation to an extreme and omits *all* developments approved after June 30, 2014.*

Beyond being outdated, the 2018 Master Plan also relies on unrepresentative data. The 2012–2015 period was the driest in California in at least 1200 years.³ Metered data obtained from this period cannot properly be used in evaluating projected water demand. During this extraordinary dry period, the District, the Metropolitan Water District of Southern California, and the State Water Resources Control Board all instituted mandatory and voluntary water conservation measures.⁴ Additionally, "VWD customers have demonstrated a strong propensity to respond to calls for water conservation."⁵ As such, during the drought period, water usage may have decreased as much as 40% due to conservation efforts. Accordingly, data gathered from this time period already includes substantial conservation efforts and cannot properly support demand projections or responsible planning. The 2018 Master Plan must be revised to include data or information from after the extreme dry period ended, otherwise all planning is unreliable as it assumes conservation measures that may well no longer be in place.

The DPEIR must also be revised to clarify that the 2018 Master Plan does not reflect current water supply or demand. For example, the DPEIR states "According to demand projections in the 2018 Master Plan, as of 2017 VWD had an average daily potable water demand of 14.8 million gallons per day."⁶ This is a gross mischaracterization of the 2018 Master Plan which does not contain a scintilla of data from 2017. Instead the 14.8 million gallons per day ("MGD") figure can be found in the 2018 Master Plan, clearly labeled as "[b]ased on District billing records for Fiscal year 2013/2014."⁷ The 2018 Master Plan therefore cannot characterize the 2-17 water demand as it incorporates no 2017 data.

¹ 2018 Master Plan, § 3, p. 3-1.

² 2018 Master Plan, § 5, p. 5-22, Table 5-11.

³ See, e.g., Daniel Griffin & Kevin J. Anchukaitis, *How unusual is the 2012–2014 California drought?*, 41 *Geophysical Research Letters* 24, 9017–9023 (Dec. 3, 2014).

⁴ See, e.g., Vallecitos Water District Ordinance No. 195.

⁵ 2015 UWMP, p. 9-1.

⁶ DPEIR, § 3, p. 3-10.

⁷ 2018 Master Plan, § 5, p. 5-22, Table 5-11.

F-2

The Draft PEIR analyzes the programmatic implementation of the 2018 Master Plan. Section 1.2.3 of the Draft PEIR describes the programmatic nature of the impact analysis by stating the following:

...the Master Plan includes potential CIP projects, such as pipeline replacements, pump stations, and other infrastructure. In accordance with Section 15168(c) of the CEQA Guidelines, when a subsequent CIP project is proposed for construction, the District (as Lead Agency) will examine the project to determine whether its effects have been adequately addressed in the PEIR. If the Lead Agency determines that the project is within the scope of the program examined in the PEIR, that no new or more severe effects not already examined in the PEIR may occur, and that no new information shows that new mitigation measures or alternatives are required, the Lead Agency may approve the project as being within the scope of the PEIR, and no additional environmental documentation would be required (14 CCR 15168(c)(1)-(2)).

The Executive Summary describes the purpose of the environmental impact analysis presented in Draft PEIR as follows:

This PEIR examines the potential environmental effects from implementation of the 2018 Master Plan, including information related to existing environmental site conditions, analyses of the types and magnitude of potential individual and cumulative environmental impacts, and feasible mitigation measures that could reduce or avoid environmental impacts to a level less than significant.

This comment does not address the adequacy of the programmatic environmental impact analysis of implementation of the 2018 Master Plan, but rather questions the availability of water supply resources and the accuracy of the 2015 Urban Water Management Plan (UWMP). Consequently, this comment does not identify any inadequacies with the adequacy or accuracy of the Draft PEIR and does not require a response. However, as a courtesy to the reviewer, VWD has provided a response to this comment.

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B. The 2018 Master Plan DPEIR Fails to Consider the District's Perpetual Water Supply Deficit Projections

The District faces a pressing issue in determining how to address the long-term water supply deficit projections in its 2015 Urban Water Management Plan ("UWMP"). The text of the 2015 UWMP explains that "If VWD water demands develop as called for in its Draft 2014 Master Plan, there will be a significant shortfall in projected supplies."⁸ These numbers were derived based on metered data during drought years.

Included below are tables from Chapter 7 of the District's 2015 UWMP showing a supply deficit in each scenario (normal, single dry, and multiple dry years) and for every year for which projections are provided. It is important to note that these deficits are calculated using data from a period when heavy conservation efforts were already being exercised due to the drought. Page 9-13 of the 2015 UWMP discusses State mandated reductions in water usage of 20% below baseline usage (baseline usage was determined using actual water usage between 1999 and 2008 calculated to be 199 gallons per day per capita ("gpcd")). Page 9-14 goes on to conclude that "the actual capita daily water use for the fiscal year ending in 2015 is 117 gpcd." *Therefore, actual 2015 water usage in the VWD was reduced from the 2008 baseline by 40%, likely due to the significant conservation efforts.*

Per pages 4-2 and 4-3 of the 2015 UWMP, future water use projections (including those used in the tables below) were based on the unit water demands in the 2014 Master Plan. The 2014 Master Plan was never finalized, but a September 21, 2016 VWD Staff Report (Attachment C) makes clear that the unit water demands (also known as water duty factors) were incorporated into the 2014 Draft Master Plan and were based on district meter records from July 2008 through June 2014. As noted above, between 2008 and 2015 water usage in the VWD dropped 40%, likely due to conservation measures. Therefore, this significant conservation, as much as 40%, is *already included* in the supply deficit projections listed below, which are based on the water duty factors.

The figures in the tables pulled directly from the 2015 UWMP show the amount of water supply deficit for each scenario and year in red.

⁸ 2015 UWMP, p. 7-3.

F-2 (cont.)

This response addresses Sections A and B of the comment letter together. Section A states that the 2018 Mater Plan used data almost exclusively from 2014 or earlier, and Section B argues that the 2015 UWMP forecast a water supply deficit. The response begins by addressing the question of a water supply deficit in the UWMP, followed by a presentation of demand data utilized in the Master Plan showing demand projections are within supply projections.

Table 7-2 of the UWMP described a supply deficiency if no conservation were in effect. Therefore, the "difference" on the bottom row of Table 7-2 is the amount of water that would need to be conserved, and has been conserved, by VWD customers. To provide further clarification, the 2018 Master Plan utilizes updated water demand projections that were not available during preparation of the 2015 UWMP. These water demand projections take into account historical and projected conservation efforts that result in lower actual water use than the 2015 UWMP's projected supply totals from Table 7-2. The following table compares the 2018 Master Plan's Table 5-11 demand projections from 2020 to 2035 with the UWMP's Table 7-2 supply projections for the same time period:

Year	2020	2025	2030	2035
Master Plan Demand (MG/yr)	6,212	6,782	6,920	6,990
2015 UWMP Supply (MG/yr)	6,914	8,011	8,794	9,198

The additional data utilized for the Master Plan that was not available at the time the 2015 UWMP was prepared shows that demand is forecasted to be lower than projected supplies in the 2015 UWMP.

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Table 7-2: Normal Year Supply and Demand Comparison				
	2020	2025	2030	2035
Supply totals (from Table 5-9)	6,914	8,011	8,794	9,198
Demand totals (from Table 4-3)	10,644	11,187	11,569	12,330
Difference	(3,730)	(3,176)	(2,775)	(3,132)

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

		2020	2025	2030	2035
First year	Supply totals	7,359	8,533	9,349	9,781
	Demand totals	11,389	11,970	12,379	13,193
	Difference	(4,030)	(3,437)	(3,030)	(3,412)
Second year	Supply totals	7,484	8,691	9,518	9,958
	Demand totals	11,623	12,216	12,633	13,464
	Difference	(4,139)	(3,525)	(3,115)	(3,506)
Third year	Supply totals	7,691	8,922	9,763	10,216
	Demand totals	11,953	12,563	12,992	13,847
	Difference	(4,262)	(3,641)	(3,229)	(3,531)

These tables demonstrate that demand exceeds supply in all of the 2015 UWMP's projections. These tables are straightforward, easy to understand, and extremely concerning.

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Nowhere in the 2018 Master Plan are the water supply or demand projections put so clearly. In fact, the 2018 Master Plan does not provide *any* projected water supply figures.

The 2018 Master Plan demand projections appear to be inconsistent with the 2015 UWMP. 2015 UWMP Table 7-2 shows demand as 10,644 million gallons per year ("MGY") for 2020, 11,187 MGY for 2025, 11,569 MGY for 2030, and 12,330 MGY for 2035. However, demand in the 2018 Master Plan (Table 5-11) is inconsistent with these figures, displaying projected demand in MGD as opposed to MGY, making comparison difficult (though not impossible).

Demand: 2015 UWMP in MGY

Table 7-2: Normal Year Supply and Demand Comparison

	2020	2025	2030	2035
Supply totals (from Table 6-9)	6,914	8,011	8,794	9,198
Demand totals (from Table 4-3)	10,644	11,187	11,569	12,330
Difference	(3,730)	(3,176)	(2,775)	(3,132)

Demand: 2018 Master Plan in MGD (ADD = Average Day Demand)

Table 5-11 Demand Projection Comparison

YEAR	2018 MASTER PLAN PROJECTED ADD (MGD)	2015 UWMP	
		PROJECTED ADD (MGD)	PROJECTED ANNUAL INCREASE (%)
2014 ¹	-	34.8	-
2020	26.9	17.0	2.34%
2025	29.1	18.6	1.82%
2030	31.2	19.0	0.43%
2035	-	19.2	0.21%
Ultimate	34.1	33.6	-

¹ Based on District billing record for Fiscal Year 2013/2014.

By multiplying the MGD figures in the 2018 Master Plan by 365 to achieve a MGY figure, comparison is possible (although so difficult as to undermine the document's utility as an informational document). As the chart below demonstrates, the projected demand calculated in the UWMP and the 2018 Master Plan are significantly different.

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2018 Master Plan Demand Converted to MGY and Compared to UWMP Demand

	2014	2020	2025	2030	2035
2018 MP	5,402	6,205	6,789	6,935	7,008
2015 UWMP		10,644	11,187	11,569	12,330

The District provides no explanation for the difference in numbers between the 2015 UWMP and the 2018 Master Plan. According to District staff, projected demand in the 2015 UWMP was determined using water duty factors derived from "actual use" within the District relying on the never-published 2014 Draft Water, Wastewater, and Recycled Water Master Plan. It is not clear whether the 2018 Master Plan relies on those same factors. If it does rely on the same factors, the 2018 Master Plan must discuss the expected shortfall in supply as demonstrated in the 2015 UWMP, yet such a discussion is nowhere to be found. On the other hand, if the District's 2018 Master Plan is amending the water duty factors, revising the 2015 UWMP's supply and demand projections, or changing assumptions in any way, the 2018 Master Plan should explicitly state how and why those assumptions have changed. Further, the 2015 UWMP must also be amended and any approvals relying on it must be nullified and again go through the appropriate processes for approval.

If demand projections *have not* changed since the 2015 UWMP, the 2018 Master Plan and its DPEIR fail to analyze the impacts of resolving the District's water supply deficit. Other than general measures, the 2018 Master Plan contains no concrete description or plan to resolve the projected shortfall in supply. Instead, the 2018 Master Plan makes concerning statements such as:

1. "[A]t the time of publishing this master plan, there remains uncertainty regarding the California Bay Delta and the proposed conveyance program" which would strengthen regional water delivery.⁹
2. Discussing options for improving water supply and reliability, the District states, "[b]ased on the assessment of alternatives, there is no clear or obvious path forward for the District at this time. As such, the District will continue to consider other water supply and reliability options and continuing conservation efforts."¹⁰

Moreover, in a Water Supply Assessment ("WSA") approved by the District for the Newland Sierra project, the District approved "Conservation Required" as the sole method for

⁹ 2018 Master Plan, § 4, p. 4-2.

¹⁰ *Id.*, at p. 4-31.

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addressing the forecast supply deficit. Although the Newland WSA implemented "Conservation Required" for each gallon of water supply deficit, the WSA did not describe how such significant cutbacks—as much as 36% District-wide—would be achieved. The 2018 Master Plan's DEIR fails to explain or analyze how the District will meet a 36% conservation target and any potential environmental impacts from such methods. Most alarming is that this 36% conservation target is required on top of the 40% conservation that was already occurring and rolled into the UWMP projections during the sustained drought period.

Should significant cutbacks be necessary, it will be far easier if the District does not have to shut off or ration water to thousands of new residents who would not otherwise be dependent on the District for water. Because the 2018 Master Plan and DPEIR fail to identify the potential consequences of the District's supply deficit, they also fail to address the consequences on current or future residents. Any future project approvals in the District need to consider such consequences.

F-3

C. The 2018 Master Plan and DPEIR Fail to Function As Informational Documents

The DPEIR's primary purpose is to serve as an informational document for decision makers and the public so that environmental impacts are thoroughly understood prior to project development. The DPEIR cannot serve as an informational document because neither it, nor the 2018 Master Plan illuminate what impact the District's plans and capital improvements will have on the significant supply shortfalls identified in the 2015 UWMP. These shortcomings are discussed throughout this comment.

Glaringly, the inconsistent usage of measurements across documents (MGD vs. MGY vs. AFY vs. ADD, etc.) make the document incomprehensible to any reader attempting to discern the actual state of water in the District. From our review of other water district planning documents, we understand that acre feet per year is standard industry practice. However, the UWMP primarily uses million gallons per year, though occasionally also uses acre feet per year. The Master Plan primarily relies on million gallons per day for its charts, but also uses acre feet per year. For example, on Page 1-3 of the 2018 Master Plan, the water supply from the Olivenhain Municipal Water District and Claude "Bud" Lewis Desalination Plant is described in acre feet per year, but then wastewater is described in million gallons per day. Use of nonstandard measurements means a reader must calculate for themselves the conversion from measurement to measurement.¹¹ The 2018 Master Plan and DPEIR must be revised to properly serve as clear informational documents.

¹¹ Attachment D shows the byzantine sorts of conversions a potential reader would need to reference when comparing the District's documents.

F-3

As described in Response to Comment F-2 above, the 2018 Master Plan accurately projects water demand. The Draft PEIR used appropriate units of measurement. As described in Response to Comment F-2 above, the Draft PEIR analyzes the programmatic implementation of the 2018 Master Plan. Therefore, the Draft PEIR serves as an information document for decision makers and additional environmental review will be required at a project level prior to the construction and operation of all future CIP projects, with the exception of the Diamond Siphon Project. That project was evaluated on a project level within the Draft PEIR.

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D. The 2018 Master Plan Provides Facilities for Unplanned Development Projects

F-4

The District's 2015 UWMP provides supply and demand projections (copied above) for the District through 2035. These demand figures were determined by developing water duty factors (which were, nonsensically, approved subsequent to the 2015 UWMP's approval) based on actual water usage and applying the duty factors to planned land uses in the various jurisdictions within the District's service area. Because these projections are based on planned land uses, the 2018 Master Plan cannot plan for facilities to serve new, unplanned development projects or unapproved agricultural uses. Despite this, the 2018 Master Plan plans for facilities to serve as-of-yet unapproved agricultural uses within the District. For calculating rural residential unit water demand, the District apparently rolls in agricultural uses *for every acre*.¹² This results in inaccurate and inflated calculations for areas where agricultural uses would not be permitted. Specifically, in the Newland Sierra WSA, the District approved calculating agricultural uses on 1,900 acres of rural residential land at the project site for 800 gallons of water per acre despite the fact that much of the land is pre-approved mitigation land that may not be developed (including for agriculture) under the 2011 GPU. Planning for agricultural uses in areas that are not currently approved for such uses is growth-inducing and must be studied in the DPEIR.

To the extent that the District's 2018 Master Plan relies on or assumes future area development that is projected but that has not been fully permitted (or to the extent that other District documents or projections make this assumption), the District should be aware that many San Diego County development projects are currently being challenged. For example, as referenced in a November 30, 2018 letter addressed to the District (**Attachment B**), existing Newland Sierra project approvals have been suspended, and work in furtherance of future approvals should also be suspended. Any further work by County staff on the Newland Sierra project would be an improper use of taxpayer funds, and no further work on the project should proceed until and unless San Diego County voters vote in favor of the General Plan amendment that allows for the project. Further, to the extent that the 2018 Master Plan or its DPEIR relates to, echoes, relies on or is tiered off of the numbers included in any of Newland Sierra's planning documents, it is improper and must be revised.

E. The 2018 Master Plan Provides No Mechanism to Ensure Future Project Compliance

F-5

The 2018 Master Plan assumes that open space would be watered, and use 200 GPD per acre. However, the 2018 Master Plan includes no mechanism to ensure that future projects calculate their water demand using the official unit water demand. For example, the Newland Sierra Project calculated its water use assuming that open space and fire breaks *would not* be

¹² See, e.g., Vallecitos Water District Staff Report, Re: Approval of a Revised Water Supply Assessment and Verification Report for the Newland Sierra Specific Plan (July 6, 2016).

F-4

The water duty factors utilized in the 2018 Master Plan are based on the approximate water use for each land use category as measured from January 2008 to June 2014, as modified for consistency. VWD utilized the approved land use at the time of the June 30, 2014 cut-off date for the preparation of the 2018 Master Plan to determine the projected water demand for each acre of land within the VWD service area. Most of the area (1,908 of the 1,986 acres) within the Newland Sierra project footprint is slated for a land use of Rural Lands by the County of San Diego's GPU 2011. VWD finds that this land use has an approximate water demand of 800 gpd/acre. The GPU 2011 did not slate this for open space land use; it slated this area for rural lands, and therefore VWD's use of an 800 gpd/acre water demand for this area is practical.

F-5

The 2018 Master Plan does not condition future development. However, as described in Response to Comment F-2 above, the 2018 Master Plan was developed in response to an accurate estimate of water demand.

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watered. The 2018 Master Plan should explicitly require development to use the unit water demands it provides.

F. The 2018 Master Plan Fails to Provide Sufficient Facility Information Under CEQA

F-6

Under CEQA, "[a]n accurate and complete project description is necessary for an intelligent evaluation of the potential environmental impacts of the agency's action."¹³ Page S-1 of the DPEIR states that of all the capital improvements, only the Diamond Siphon project would be approved for immediate construction on the basis of the DPEIR. However, over 20 other improvements are slated to be built before 2025, with many others planned thereafter. The DPEIR and 2018 Master Plan include scant information about the details and impacts of these capital improvements. The DPEIR must confirm that each of these improvements and facilities will also be properly and thoroughly environmentally reviewed rather than simply tiered off this DPEIR.

G. The DPEIR Fails to Analyze Fire Safety Impacts

F-7

The 2018 wildfire season is the most destructive wildfire season on record in California. In late 2017, the Lilac Fire burned through northern San Diego County, an area which is no stranger to wildfire. These horrific events serve as a stark reminder of the need for fire protection and suppression measures—especially in our rural communities that the District serves. The DPEIR does not analyze the availability of water for fire suppression or preventative watering, especially in High Fire Hazard Severity zones, despite the Golden Door having raised this issue in its comment letter to the DPEIR's Notice of Preparation. The DPEIR must be revised to analyze the risks to fire protection from dead and dying vegetation that may be caused by any water supply conservation efforts that are needed to address the District's forecast water supply deficit or other conservation targets.

H. The DPEIR Fails to Analyze Urban Decay Impacts

F-8

Potential for urban decay is an issue that should be considered in an agency's environmental review under the California Environmental Quality Act ("CEQA").¹⁴ Here the potential for decreased water supply could lead to urban decay as businesses may be forced to close or relocate without adequate water supply or the ability to plan for certain water supply in the future. The Golden Door relies on water from the District for its guest operations and as a supplemental source for its agricultural operations. Many other businesses in the area likely depend on the District's water supply as well. Again, despite the Golden Door's January 5, 2018 comment letter, the DPEIR fails to address these potentially significant impacts.

¹³ *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 406.

¹⁴ (See *Joshua Tree Downtown Bus. Alliance v. Cty. of San Bernardino* (2015) 1 Cal.App.5th 677.)

F-6

As described in Response to Comment F-2 above, the Draft PEIR analyzes the programmatic implementation of the 2018 Master Plan. With the exception of the Diamond Siphon Project, all other CIP projects will be subject to proper and thorough environmental review, which will involve tiering off of the PEIR. Those topics that require additional analysis at a project level will receive that analysis.

F-7

As described in Response to Comment F-2 above, the 2018 Master Plan utilized accurate water demand projections and the 2015 UWMP determined that adequate water supply would be available to serve VWD customers. Consequently, implementation of the Master Plan would not reduce the availability of water for fire suppression or preventative watering. Adequate supplies would exist for fire hydrants located throughout the Master Plan service area, and the project would not impede local fire departments located within the VWD service area from acquiring water for fire protection services.

F-8

As described in Response to Comment F-2 above, the 2018 Master Plan utilized accurate water demand projections and the 2015 UWMP determined that adequate water supply would be available to serve VWD customers. Therefore, there is no potential for the Master Plan to result in urban decay.

LETTER

RESPONSE

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LATHAM & WATKINS LLP

F-9

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

Best regards,

Christopher W. Garrett

Christopher W. Garrett
of LATHAM & WATKINS LLP

cc (email):

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

F-9

Conclusory remarks. No response is required.

LETTER

RESPONSE

ATTACHMENT

A

LATHAM & WATKINS LLP

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January 5, 2018

VIA EMAIL AND FEDERAL EXPRESS

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

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

Dear Mr. Scholl,

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

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

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

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

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

January 5, 2018
Page 2

LATHAM+WATKINS

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

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

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

		2020	2025	2030	2035
First-year	Supply totals	7,359	8,533	9,349	9,781
	Demand totals	11,389	11,970	12,379	13,193
	Difference	(4,030)	(3,437)	(3,030)	(3,412)
Second year	Supply totals	7,484	8,691	9,518	9,958
	Demand totals	11,613	12,216	12,633	13,464
	Difference	(4,129)	(3,525)	(3,115)	(3,506)
Third-year	Supply totals	7,691	8,922	9,763	10,216
	Demand totals	11,953	12,563	12,992	13,847
	Difference	(4,262)	(3,641)	(3,229)	(3,631)

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

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

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

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

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

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

C. The 2017 Master Plan DEIR Must Analyze GHG Impacts

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

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Page 4

LATHAM & WATKINS^{LLP}

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

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

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

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

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

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

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

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

LETTER

RESPONSE

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Page 5

LATHAM & WATKINS^{LLP}

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

Best regards,

Christopher W. Garrett

Christopher W. Garrett
of LATHAM & WATKINS LLP

cc (email):

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

LETTER

RESPONSE

ATTACHMENT
B

LATHAM & WATKINS LLP

November 30, 2018

VIA U.S. MAIL

Glenn Pruim, General Manager
 Vallecitos Water District
 201 Vallecitos De Oro
 San Marcos, CA 92069

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Re: Notice to Responsible Agencies - California Native Plant Society et al. v. County of San Diego et al. (San Diego Superior Court Case No. 37-2018-00054559-CU-TT-CTL)

Dear Mr. Pruim:

We represent Petitioners California Native Plant Society et al. in the above-captioned challenge to the County of San Diego's ("County") approval of the Newland Sierra development project and associated certification of the project's Final Environmental Impact Report.

Pursuant to Public Resources Code section 21167.6.5, subdivision (c), we are providing this notice to you and other potentially responsible or trustee agencies and public agencies having jurisdiction over affected natural resources. On October 26, 2018, Petitioners California Native Plant Society et al. filed a Verified Petition for a Writ of Mandate and a Complaint for Injunctive and Declaratory Relief in the Superior Court of San Diego County (Case No. 37-2018-00054559-CU-TT-CTL) challenging the County's adoption of a resolution amending the San Diego General Plan ("General Plan") and certification of the Final Environmental Impact Report for the Newland Sierra project. A copy of the Verified Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief is enclosed.

Please note that the General Plan amendment, adopted by resolution of the County Board of Supervisors¹ in order to allow for the Newland Sierra project, never became effective because it has been suspended pursuant to California law. (Elections Code § 9144.)² Other related

¹ A Resolution of the San Diego County Board of Supervisors Adopting General Plan Amendment (GPA) PDS2015-GPA-15-001.

² Resolutions generally become effective 30 days after adoption, unless referred. On October 17, 2018, before the resolution adopting the General Plan amendment could become effective, approximately 117,000 signatures gathered on a petition to refer the resolution to an election by the voters were submitted to the County Registrar. The County Registrar certified the votes on November 27, 2018. The petition must be presented to the County Board of Supervisors for consideration at their next scheduled

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Page 2

LATHAM & WATKINS, LLP

project approvals were, by their own terms, contingent on adoption of the General Plan amendment. Because the General Plan amendment never became effective and has now been suspended, these other approvals never took effect. In other words, existing Newland Sierra project approvals have been suspended, and work in furtherance of future approvals should also be suspended. Any further work by County staff on the Newland Sierra project would be an improper use of taxpayer funds, and no further work on the project should proceed until and unless San Diego County voters vote in favor of the General Plan amendment that allows for the project.

Very truly yours,

Christopher W. Garrett

Christopher W. Garrett
of LATHAM & WATKINS LLP

Enclosure

cc: Thomas E. Montgomery, County Counsel
Claudia G. Silva, Assistant County Counsel
William Witt, Senior Deputy County Counsel
Joshua M. Heinlein, Senior Deputy County Counsel
Mark Dillon, Esq.
David Hubbard, Esq.
John Buse, Esq.
Aruna Prabhala, Esq.
Jan Chatten-Brown, Esq.
Josh Chatten-Brown, Esq.
Edward Schexnayder, Esq.
Bill White, Esq.
Taiga Takahashi, Esq.
Samantha K. Seickula, Esq.

meeting in December of this year, where the Supervisors will vote on whether to rescind approvals for this project or refer the approvals, including the resolution adopting a General Plan amendment, to County voters. (Elections Code § 9144, "If a petition protesting the adoption of an ordinance is presented to the board of supervisors prior to the effective date of the ordinance, the ordinance shall be suspended and the supervisors shall reconsider the ordinance.")

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LETTER

RESPONSE

ATTACHMENT

C

LETTER

RESPONSE

DATE: SEPTEMBER 21, 2016
TO: BOARD OF DIRECTORS
SUBJECT: MODIFICATION OF UNIT WATER DEMANDS AND WASTEWATER
UNIT GENERATION FACTORS (DUTY FACTORS) UTILIZED FOR
ESTIMATING WATER DEMANDS AND WASTEWATER FLOWS

BACKGROUND:

Unit water demand and wastewater unit generation rates have been utilized by District staff to estimate all development projects' water demands and wastewater flows. These unit rates (duty factors) were last adopted by the Board on February 16, 2011 during the preparation of the 2008 Master Plan. These duty factors have recently been analyzed and revised as part of the draft 2014 Master Plan's preparation. The revised duty factors were discussed with the Board during Master Plan workshops on July 15, 2015 and January 27, 2016. The revised duty factors were also utilized in the 2015 Urban Water Management Plan that was adopted by the Board of Directors on June 15, 2016.

Recently, there have been a number of potential developments that have requested analyses of their projects' impacts to the District's systems in order to develop financing models which include payment of capital facility fees and securing financing for capital facility fees. Due to the timing of the 2014 Master Plan adoption (which includes updated duty factors), staff is bringing forward for Board consideration adoption of the modified unit water demand and wastewater unit generation rates at this time.

DISCUSSION:

The unit water demands, also known as water duty factors, represent the average daily water demands on a per acre basis for various approved land use categories within the District. Similarly, the unit wastewater generation rates, which are also known as wastewater duty factors, represent the average daily wastewater generation rates on a per acre basis for various approved land use categories. The modified water and wastewater duty factors are shown in Exhibit A. The duty factors were created using several sources:

- District water meter records from July 2008 through June 2014
- Wastewater flow records from the District's flow meters installed throughout its collection system
- Comparisons between District water meter records and wastewater flow records
- Comparisons to duty factors utilized in previous District master plans

The duty factors serve as the basis for analyzing and estimating development projects' impacts and ultimately appropriate capital facilities fees. Duty factors are combined with a development project's proposed land use to generate water demand and sewer flow

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Board of Directors
September 21, 2016

Page 2

estimates. This analysis is typically performed in a Water and Sewer Study for each development project.

Staff is currently working on Water and Sewer Studies for several developments. If the modified duty factors are approved by the Board, then these would provide upcoming development with consistent estimates of water demand and wastewater generation for applying capital facility fees and securing financing. This would also allow staff to utilize the same duty factors for the Water and Sewer Study that developers' consultants use in their on-site infrastructure studies and that the District's consultant uses in Water Supply and Verification Report preparation.

RECOMMENDATION:

Approve the new unit water demands and unit wastewater generation rates utilized for estimating water demands and wastewater flows, as shown in Exhibit A.

LETTER

RESPONSE

ATTACHMENT
D

Water Conversion FactorsVolume

1 unit of water = 100 cubic feet ("cf") = 748 gallons "g" or "gal"

1 acre-foot ("aF" or "AF")= amount of water covering to acre of area (about the size of a football field to a depth of 1 foot) = 43,560 cf = 435.6 units = 325,851 gallons

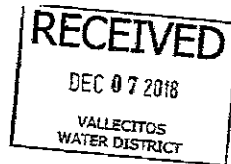
1 MG = 1,000,000 gallons = 1,337 units = 13.37 AF

1 kAF = 1,000 AF = 435,600 units = 325,851,000 gallons = 325.9 MG

1 MAF (or "MaF") = 1,000,000 AF = 435,600,000 units = 325,851,000,000 gallons = 325,851 MG

LETTER

RESPONSE



Letter G

Michael Hunsaker
115 Equestrian Court
San Marcos, CA 92069

Via: hand delivery

Robert Scholl
Vallecitos Water District
201 Vallecitos de Oro
San Marcos, CA 92069
rscholl@vwd.org

Re: My comments on the Draft 2018 Master Plan and Draft Program Environmental Report

Dear Mr. Scholl,

G-1 The preparation of a MWP and PEIR are meant to be as guides for planning for the future development of the VWD. It is to be a snapshot in time from which plans for new infrastructure are formulated while keeping making provisions for maintaining and upgrading the facilities that we have. Unfortunately, the plan and report are substantially out of date and does not make virtually any firm provisions for any meaningful plan. In fact, the MWP and the PEIR are more than 2 years behind schedule and is rooted in data less than 4 years old.

Growth Projections Systematic Errors

G-2 While SANDAG has required that its population projections be used in all growth projections for planning, their projections have proven grossly inadequate by large margins; notably, a County-wide projection of 1% when population for the State has averaged over 3%. Further, the fastest growing region in the state is North San Diego County and the city of San Marcos in particular in the center of the VWD. Growth in this city alone has far outstripped all projections and is actually reaching its 2050 ultimate build out.

Any Master Plan is supposed to capture the reality of one point in time and then correct for the projection errors of the past. But the lengthy process typically means that the plans are out of date as soon as they are approved. The current VWD MWP and its EIR are singularly out of date as the growth projections were taken from 2009-2014: a period that included the Great Recession and the worsening drought. These factors temporarily depressed growth in water use and housing building.

The date attached to it represents the latest date from which data is gathered and incorporated. Except this plan has been mislabeled. The latest data is from 2014. Following the former logical dating procedure it should be the 2014 Master Water Plan. However this plan is called the 2018 Master Water Plan after the date it was presented to the public even though it will be almost 2019 before it can win questionable approval. The plan is about 2 1/2 years behind schedule for no apparent reason. The delay magnified the errors and seems designed to ignore and not address the greatly accelerated growth and the growing drought issues aggravated by that growth.

G-1 Introductory comment. Responses to specific comments in this letter are provided below.

G-2 It should be noted that VWD does not have land use authority and provides water service based on projected land uses. The 2018 Master Plan evaluated in the PEIR proposes infrastructure to meet future demand based on projected land uses within the VWD service area. Master planning requires that an agency use a cut-off date for data to be used in future projections. VWD used June 30, 2014 as this cut-off date, and utilized SANDAG population projections available at this time for future population growth and water demand projections. It should be noted, that there have been no major updates to any of the general plans of the land use agencies since June 30, 2014. Therefore, the SANDAG population projections utilized in the 2018 Master Plan are not out-of-date. SANDAG population projections for future growth are an established data source utilized throughout the San Diego region. Furthermore, VWD's current population of 105,741 is well within the 2015 to 2020 SANDAG population projection range of 98,000 to 110,000, which shows that SANDAG growth projections are accurate to date.

LETTER

RESPONSE

If any plan is seriously out of date, it must by State law be updated to be valid. This plan needs to be redone to serve as a firm foundation for planning.

While the SANDAG projections and the VWD projections assume a manageable 1% growth, the compound effects even ignoring the recent over development are significant. Assuming a conservative 4% growth for the VWD area versus a 1% for a period of 4 ½ years the difference in growth (and infrastructure needs) means a real growth of 19% versus 4.6%. The shortfall in planning means that over 4 times as much capital investment must be made to keep even - if the plans are properly done every five years.

But in truth we have fallen far further because of bad policies, hyper development and substantial under collection of reasonable capacity fees predominately over the last four years. The last MWP was for 2008. Using the same computation as above for a period of ten years using the 4% versus 1% growth rate, the new development infrastructure shortfall become a need of 48%, not the more manageable 19% for every four year correction even at 4% growth. For a ten-year lapse at 1%, the projected growth becomes 10.5% for an atrocious planning shortfall of 38%. This lapse in planning has produced severe strains.

As to the projections in draft MWP, it shows a growth from 2015 to 2020 from about 98,000 to 110,000. 2.3%. The calculations then extrapolate this growth will continue to 2025. The figures in the draft reduce the projected growth 1.4% by the miraculous belief that will slow to below 1% after 2025. Reliance on SANDAG's notoriously and wildly inaccurate projections clearly requires better analysis.

Water Supply Deficits

G-3

The 2015 UMWP shows stark projections of inadequate water supplies in the future. Many pie-in-the-sky options are discussed but details are missing. A PEIR is formulated to consider all options and their environmental impacts will be. If various options are listed and not analyzed in detail, it fails to meet the most basic requirements of an EIR. For example if Lake San Marcos is to be used for water storage, some form of feasibility should be considered as a separate option. The list is not even comprehensive of the barriers. In the Lake San Marcos case, the Lake has been contaminated for decades. According to the EPA, contamination can readily spread beneath the surface into the lake bed and the soil surrounding the Lake. The logical conclusion is that if Lake San Marcos is to be used for storage of either treated waste water or storm water it must be dredged to bed rock and surrounding land on which there are homes. The cost and the community problems of destruction of middle income property owners must be analyzed.

This PEIR fails on many counts, but the avoidance of addressing them adequately is an absolute must. Many EIR's have at least nine different scenarios examined. Just listing the difficulties is not acceptable. The burden of proof lies with the District.

Inconsistent Water Demand Projections

G-3

Please see Response to Comment F-2 for a discussion of why the 2018 Master Plan utilized accurate water demand projections and how the 2015 UWMP determined that adequate water supply would be available to serve VWD customers. The 2018 Master Plan does not consider Lake San Marcos as a viable water supply option, and states the following on Page 4-18:

Opportunity to use Lake San Marcos is very limited given the current water quality challenges, private ownership, and on-going litigation issues. Therefore, use of the Lake is not being considered at this time by the District.

This comment does not provide any other examples of how the Draft PEIR is deficient. No further response is required.

LETTER

G-4 While the growth projections of SANDAG are bad, water demand growth is worse. Below are projections from the 2015 UWMP.

Total Water Consumption
 2010 Water Consumption - 5,314 MG
 2014 Water Consumption - 4,349 MG (drop blamed on drought conservation)
 2015 Water Losses (not consumption) = 125 MG
 2017-18 Water Consumption -
 Projected 2020 Water Consumption - 10,173 MG (134% increase in 6 years for an annual increase of 15%)
 Projected 2035 Water Consumption - 12,705 MG (+12.5% - less than 1% per year was projected)
 Projected 2050 Water Consumption - 12,520 MG (-1.5 % - less than -.075 per year was projected)

Residential Consumption
 2014 SFD - 250 gpd/SFD
 2014 Apartment - 200

Irrigation
 2015 Irrigation - 616 MG (Total for calendar year)
 2016-17 Landscape Irrigation YTD- 819 MG (Annual projection - 3,276 MG)
 2017 Landscape Irrigation YTD - 1,007 MG (Annual projection - 4,028 MG - 23% increase)
 2018 Landscape - Irrigation YTD -1,179 MG (Annual projection - 4,716 MG - 17% increase)

If irrigation is growing while we are falling behind elsewhere and if landscaping has been considered a waste of water, why is this rapid growth allowed. Are plants more worthy of water than human beings? Is the expanded growth of parks to inflate the value of nearby high density development a motivation for changing tactics for investor interests? Why the change in priority when cutting back on landscaping irrigation was the only way to conserve before. Again the plan is silent on a

Such rapid growth in water demand is evidence of overdevelopment. Further, neither the VWD or the SDCWA are anticipating new water sources. Even the storm water runoff projections will only work if there is rain - which apparently unlikely to happen. In this circumstance, the bald statement that we will "conserve" to make up the difference is an egregious empty statement. Again the purpose of a plan is to outline programs to make the developments conceived in the plan. Why is the plan silent on the most pressing issues for a water district?

Waste Treatment Issues

G-5 The infrastructure strains that have been allowed to build are very evident in waste treatment. Our present capacity has become marginalized. As the MWP correctly notes, waste capacity is most critical after rainy days as rain water enters into our sewer system primarily through manholes. The manhole entries are being exacerbated by the inadequate storm drain systems. Flooding in the regions of Mission Road, Armorfite Drive and San Marcos Blvd. have occurred. When waste treatment capacity is overstretched, flooding becomes more frequent as the capacity to survive heavy rains becomes less.

RESPONSE

G-4 The 2018 Master Plan accurately accounts for water demand for all water use types. Please see Response to Comment F-2 for a discussion of why the 2018 Master Plan utilized accurate water demand projections and how the 2015 UWMP determined that adequate water supply would be available to serve VWD customers.

G-5 The wastewater spill that occurred on February 28, 2017 that was cited in this comment was not the result of an overflow. The spill was caused by a Techite pipe that cracked due to back pressure under normal operating conditions. VWD agrees with this comment's assessment about the Techite pipe that was installed in the 1960s, but must clarify that Techite pipe is indeed listed in Table 7-1, which specifically calls out 130 total feet of "unknown" pipe (not "almost half of the pipelines" as claimed in this comment). VWD does not subsidize development projects by not charging them to handle their impacts. On the contrary, development projects are required to upgrade infrastructure as necessary to handle their added water demands and wastewater flows. When development projects utilize infrastructure that was constructed by VWD, the developer reimburses their fair share of the cost through Capital Facility Fees. Therefore, this comment does not identify any deficiencies with existing wastewater facilities, and no revisions to the Draft PEIR are required.

LETTER

Flooding from our sewer lines is a public health hazard which cannot be tolerated. Our waste treatment capacity should be able to handle the occasional heavy 6" rains (which occurred in the 70's which broke the drought) with the stated safety factors.

Yet apparently it cannot.

A moderate 3.24" rain on February 28, 2017 [just last year] produced a major failure. All of our waste treatment storage and treatment facilities were filled to capacity as the Staff struggled to cope with the emergency with admirable diligence and dexterity. As a last resort to handle the overflow, a *pressurized emergency overflow* pipeline to the Encina Waste Treatment was activated. It burst. The rupture spilled 438,000 gallons of waste into an isolated canyon. Of that amount at least 99,000 gallons was released into the environment.

This old pipeline was made of a questionable material called Techite. Techite was popular in the sixties and seventies pipelines. It is constructed of layered fiberglass. This construction requires careful quality control. As the originator licensed more manufacturers to produce this pipe, not all maintained sufficient quality control to the point that even lightly pressurized lines burst. The bursts were unpredictable and often catastrophic. The standard practice for the industry was [and still is] to replace the entire pipelines and sue the manufacturer for the deficiencies. Over 80 water districts sued the manufacturer and their licensees.

But the VWD did none of these. I received conflicting reports on the repairs being done with either more Techite or a more durable and common material. Using more Techite is improbable and dangerous while using other materials ignores both the ongoing dangers and the added problems of coupling dissimilar materials together. The report on the break only came months after the break (May 3, 2017) buried in the consent calendar. Usually such a break is reported in a press release the day after the break, but not this time. A later report attributed the break to improper bedding for the pipe with it resting on solid rock.

Perhaps the following quote from the *Sacramento Business Journal* By Celia Lamb — Staff Writer Nov 13, 2005, 9:00pm PST Updated Nov 10, 2005 will be illuminating:

Techite pipe failures have led to more than 50 lawsuits against the manufacturer, said Jeff Caufield, an attorney who has represented some of the water districts that sued. Collapsing Techite sewage pipelines messed up cities from Orange County to Fairbanks, Alaska.

"Materials installed only 30 years ago shouldn't have to be replaced already," Nichol said. Placer County has some steel pipes that are at least 80 years old, he added.

The El Dorado Irrigation District has experienced several breaks along a 13.5-mile water main serving Pleasant Valley, Diamond Springs and Cameron Park. *Since Techite can't be mended with other types of pipe — it makes failure more likely in the remaining Techite sections — the El Dorado district had to use lengths of Techite as a stopgap repair.* [Emphasis added].

RESPONSE

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RESPONSE

"The problem has just ballooned in the last 30 months," said El Dorado Irrigation District attorney Tom Cumpston. "There's a certain amount of useful life in this pipe, and it reached the end."

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Now Techite is once again in use after instituting far more rigorous quality controls. But the MWP ignores the issue altogether on this aging pipeline and its reporting on materials is inadequate. In fact, the reporting is both uninformative and disturbing. Techite is not listed in the materials used. While the problems with Techite largely originated in the past (mostly the seventies and eighties), the materials of "unknown" newer piping peaked in the first decade of 2000. Almost half of the pipelines are of "unknown" material. All plumbing is supposed to pass rigorous standards. How could have such discrepancies exist? Why does the VWD not know if materials in the pipelines meet specifications? Why were pipelines built of unknown material?

One possible answer is that this period of marked the construction of major developments. The developers were often allowed to build their own pipelines; but, the construction was to pass rigorous standards which included materials used. Could the rupture of this emergency bypass line be covered up in order to use available money for building new infrastructure of new developments?

The MWP listing of pipeline materials ignores the Techite pipeline material altogether. So why this subject avoided? Why are there no emergency replacements of the Techite pipelines and why has the subject not even raised? A detailed response on the matter is warranted which I have yet to see. I look forward to the detailed explanation.

So why has the pipeline not been replaced? San Diego weather has a history of occasional large rain storms, what if a 5" rainstorm hits the District? Or a 6"? Which is more important - public safety or the building of infrastructure for big money interests?

Another stratagem the VWD follows is to subsidize developers is in the building of massive projects to handle expanded pipelines and sewer systems required for future growth and not charge investors uniformly for them. These improvements are included in the Capital Improvements Plan ("CIP") which is

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updated every year in support the MWP. The forwarding looking document covers all aspects of District requirement including replacement of aging infrastructure and pipelines and storage are major issues. Any new pipeline would logically be properly sized to support all the associated future expansion to avoid the expenses of constantly replacing the lines. For fairness to all ratepayers, the new developments must share in the cost of the pipeline as when they require new service as part of their capacity fees and individual share of the pipeline capacity. If a pipeline is built ahead of time the investors should recompense the community which paid for it in advance along with incurred interest (which typically almost more than doubles the cost).

Cost amnesia is when the new developers tap into these enlarged pipelines, and the VWD does not bother to charge the developers for their portion of the pipeline's capacity and repay the all the costs (including bond finance charges). Reliance on the current CIP for building ahead and ignoring the past investments for them the existing ratepayers paid in a lapse of good government.

The VWD has devised a unique and inverted procedure to address this issue. If the developer builds a pipeline across its property oversized for its needs in order to accommodate future development, the investor can apply for a rebate. But if the investor builds his own pipeline and the District cannot even tell what the pipeline material is, how can a fair rebate be calculated? Will it be based on VWD costs if it had built the pipeline or the developer's actual expense? If the builder takes shortcuts and the rebate is not transparently

The subject gets further muddled as the VWD has embarked on a disastrous program to allow for deferred payments for capacity fees. The stated original intent was to minimize investor capital costs by saving investors from high interest rates. The risk also transferred all risk to the ratepayers in the event of developer bankruptcy. However this procedure has morphed in some cases into a means to avoid payment where the fees are not paid until the last unit is build in a totally dark behind closed door negotiations. If an investor gets a rebate and the pipeline cost is not covered by proper capital fees and not added to the specific project, how is any rebate reasonable or proper?

The Staff has told me that very few rebates have been made. Should not all rebates and their calculations be made in public and approved of by the VWD Board rather than by a behind closed doors process?

Inadequacy of Zoning Criteria

- G-6 The infrastructure deficiencies in growth projections are exuberated by clearly faulty assumptions in predicting growth by the means of using zoning as a basis. First, density bonuses render such calculations too low. These bonuses are being applied to high density projects with distortions in water usage factors and an explosion of high density multifamily development is underway which utilize these bonuses. The high apartment water consumption data has been undervalued. The basic data has been ignored. The highest density considered in the study was 40-50 apartment units per acre. The data was supposed to show that a value of 200 gallons per apartment was appropriate, but the data showed over 10,000 gallons per acre - above the 50 unit supposed maximum.

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- G-6 Projects with density bonuses are addressed by VWD via a Water and Sewer Study that address the individual project's impacts on VWD's infrastructure and makes recommendations for capital improvements to mitigate those impacts.

It should be noted that the majority of mixed-use projects within the VWD service area do not have a residential component of approximately 50 dwelling units per acre range. The average residential component of mixed-use development within the VWD service area is about 12 dwelling units per acre, which supports a mixed-use water duty factor of about 3,000 gpd per acre.

Regarding water use for schools, actual account data was utilized to determine the water duty factor of 1,400 gpd per acre for school land uses. VWD only uses the 5 gpd/student as a comparison to this duty factor to make sure it does not result in too small of a duty factor.

Regarding agricultural use of water, many farmers within the VWD service area utilize groundwater pumped from wells. These wells are not considered as a VWD water source. Therefore, implementation of the Master Plan would not affect the well water utilized by farmers within the VWD service area. For those farms who do utilize VWD water sources, the 2018 Master Plan utilized accurate water demand projections and the 2015 UWMP determined that adequate water supply would be available to serve VWD customers (see Response to Comment F-2).

It should be noted that VWD does monthly meter reads, not every two to three months as stated in the comment.

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As future growth is for higher density developments, the data shows clearly that the discrepancy between planning and the probable growth will widened. Over the recent years, a substantial shift in residential density occurred in water consumption patterns. Up to around 2014, the average occupancy per single family dwelling was 2.2 and family apartments were also 2.2. With the Great Recession US Census figures show that while the occupancy of apartments has remained unchanged, the SFD's have risen to almost 3.2. The Great Recession, scarcity of high paying jobs for young adults, increased medical costs and aging requiring seniors to either move in with their children or the children live with them, and students with high student debts have all forced more multi-generational living patterns which do not work well in apartments.

Furthermore, SFD's have individual meters and billings which provide occupants with control and sensitivity to higher water and sewer service awareness and control. But the water use was remained virtually the same for SFD's and apartments with only a small increase for the SFD's. Notably at the beginning of the drought water waste from leaks in apartments and SFD's were measured in the 12-17% range. With the recent drought with restrictions primarily hitting SFD's, the SFD leakage rates have dropped dramatically to 1-3% according to a panel of experts at a seminar at CSUSM symposium last year. The small, more densely populated homeowners have permanently cut back on water used for irrigation, they use laundry services and dishwashers more efficiently (fewer partial loads), and can detect and repair leaks easily. Apartment occupants seldom see any bills for water and are largely immune from the substantial restrictions on irrigation.

The future holds more increases in disparity between high density apartments and SFD's. SFD landscaping irrigation was considered a waste of water. Now such irrigation is considered a virtue for high density apartments which have both luxuriously green landscaping and grassy public parks built for them nearby - at public expense. The State allows more water hungry landscaping for both apartment complexes and parks by changing the transpiration rate of landscaping from a .7 to a 1.0 factor - a 50% increase that the VWD allows to exist. Apartments seldom have washers; so the total water use of apartment residents does not include this consumption and the data does not include this significant additional use. Thus, the MWP data is flawed once again.

The greatest flaw in the consideration of water usage factors and growth is the nonsensical computation of water usage for mixed-use projects which involve commercial and residential components. The usual procedure is to divide the commercial elements into separate components and then sum the individual uses. A single apartment will use 200 gpd of water while a SFD is assumed to use 250 gpd. Most large developments are in the 50 residual units per acre category (not even considering the density "bonuses) with commercial operations around 15,000 sq. ft. or less of commercial space. The residential space alone will be over 10,000 gpd/acre as the data clearly shows. Commercial space would go for about 1,200 per acre. Yet the figure used in the study is a "blended" factor of only 3,000 gpd. Such developments will require which is clearly inadequate and egregiously underestimates the true magnitude and "unsustainability" of these mischaracterized "sustainable" projects.

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Note that in the existing MWP data for usage factors the two highest density categories did not even exist. Clearly, the plan ignores the emergence of high density mixed use projects evidenced by its own data.

State law particularly in the celebrated *Capistrano Tax Payers Association vs San Juan Capistrano* case requires that any measure used for estimating water use must be reasonably accurate and fees must match the cost of service. While the *Copristano* Case involved mostly arbitrary and inflated tiers, the VWD has utilized unfair charging of subsidized rates for both the building of capacity infrastructure and their share maintenance of the entire system that everyone else pays. Further, the District held back vital information. As results of the San Juan Capistrano case, tiers were for the promotion of conservation and had to be transparent. Here the VWD is charging most ratepayers extra to minimize the cost to new investment projects. Charging extra to others is still illegal if capacity fees are inadequate.

The Davia Village Apartments case study which follows will show how high density developments receive substantial subsidies from unfair practices in transferring capacity fees onto others.

Note the additional use of water for added development for more schools and parks is not addressed at all based on data. While considerable data is easily available on school head counts and water use for decades, the proposed plan merely pulls a low figure out the air (5 GPD/student). Clearly the evidence has been lacking, and the legally required rigor in evidence driven metrics has not been followed.

Another recent move of the VWD is leading directly to the concept of granting special exemptions for agricultural pursuits. The VWD is proposing an entirely new rate structure which calls for higher prices for water in exchange for immunity from any rationing. The data for water consumption for agricultural operations understates the actual water consumption. Namely our largest (but not all) agriculture use artesian wells. The water is sufficient in local areas where viable aquifers are present. But the groundwater is disappearing as the needed recharging from rainwater disappears. The new developments will not have access to this disappearing resource. The drought planning in the 2015 Urbane Water Plan ("UMWP") is seriously in doubt. Further, this plan incoherently assumes that water conserved relining the American Canal will still be available as the drought will lessen the flow of water increasing evaporation losses while decreasing the water to be saved.

The increasing price of water is driving more and more small farmers out of business. The drought will drive up prices of water for everyone. The small farms will be singularly hard hit as these farmers typically hard hit because of the unfair allocation of water costs onto those farmers who live on the land they crop. The VWD has stated (without any proof or data) that the first 20 units of water consumed by these small farmers will be considered to be for residential use. Special ag rates then kick in. But the water rationing proposed is zeroed in on SFD's. Fines are to be \$500 per overage unit/billing cycle. The next rationing will probably on residential use and limited to 125 gpd or around 6 units/month. The other 14 units would entail a fine of \$500 each comes to \$7,000 per unit. Most small farmers do not make \$84,000 Per year.

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It should be noted that there is often a disparity to billing cycles and meter reading. Often a meter is only read every two or three months with monthly bills using a formula for interpolating for each bill in between readings. Thus if a leak occurs just after a reading, it may not be detected and notified to the resident for at least two months. Not all meters within the District have the new meter with automated radioed usage data. So how often are readings actually done and how are belated information relayed to the residents? How will the fines be assessed?

Sacramento's coming dictates will center on homes with separate meters - the SFD's. Most apartment resident will be immune at first, but they will ultimately be required to have individual meters. IN SB-7X, the SFD's were singled out for harsh "conservation". On January 1, 2016 SB-7 was passed which changes the rules for high density developments by requiring submetering. I have been informed twice by Staff that the VWD does not provide submeter readings. I have it on good authority that the VWD has been submetering on at least mobile home parks and seen bills with VWD bills. However, the biggest issue is that according to SB-7 is that submetering was to take place on projects built after January 1, 2018. But some well-connected projects will anticipate this action. Older apartment complexes which are not in the financial position to tear out walls will go bankrupt only those with advanced knowledge of what Sacramento will be doing. In this case, the bill requires that only the master meter will pay a single fixed fee - the ready to serve fee. This fee is normally used to pay off bonds and perform maintenance to the entire district. Only if the single fee of a Master Meter matches up to the nominal capacity of the submeters will this be fair. However, as will be seen, this is situation is far from the case and investors are profiting.

Marijuana Implications

- G-7 Water prices are rising and the drought will drive those prices hard. Soon only a single crop will be financially viable: marijuana. Marijuana consumes considerable water and electricity. Food is a sustainable agriculture, marijuana is not. We are living in an expanding desert. Marijuana is not a suitable desert crop. Politicians who value drug money over the health of our communities too often chose to balance their books by higher taxes with short term benefits and long term problems. To date, the taxes have not been up to projections, and the medical costs of addiction are growing fast. Less than 2% of the growers have bothered to register and keep more of their booty for themselves and evade taxes.

Water and Population

- G-8 The VWD has been unstinting in its promotion of the Newland Sierra project which places a development with the entire population of the City of Del Mar in a rural, rocky location. Where do we get the additional water for a project of this size when we will not have enough water for the population we have today? The Newland Sierra project increases population by over 6,000. Yet this single development produces more growth and water consumption assumed by the MWP for entire period of Phase 1 of 2016-2020 and every one of the other 5-year periods through Phase 5 and its ultimate build out.

- G-7 This comment does not provide any evidence that marijuana will soon be the only financially viable crop, nor any evidence that marijuana cultivation, both legal and illegal, will deplete available water supplies. Consequently, this comment does not identify any inadequacies with the Draft PEIR and does not require a response.

- G-8 Future development of the Newland Sierra Project is uncertain at this time. Although the County Board of Supervisors certified the EIR for the Newland Sierra Project in September 2018, the County Board of Supervisors subsequently decided to place approval of the project on the March 3, 2020 ballot. Furthermore, the 2018 Master Plan did not evaluate the Newland Sierra Project since County approval of the project had not been established by the planning cut-off date of June 30, 2014. The 2018 Master Plan estimated water demand for the Newland Sierra project site based on the 2011 County of San Diego General Plan Land Use Map that was certified prior to the planning cut-off date of June 30, 2014. Furthermore, the 2018 Master Plan utilized accurate water demand projections and the 2015 UWMP determined that adequate water supply would be available to serve VWD customers (see Response to Comment F-2).

Lake Mead Thresholds and Devastating Drought

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Synopsis:

The Colorado River provides 75% of all of San Diego's Water. According to the Bureau of Reclamation, on January 1, 2020 a first stage restriction will be placed on this water with a second more severe restriction in the summer of that year. Elevations of Lake Mead determine the triggers for shortage declarations and restrictions. Lake Mead levels have been kept artificially high by Mexico, States and the MWD to forestall the triggers by storing water in Lake Mead while also emptying Lake Powell to the north. Under current regulations, once a restriction is declared, very little of the water can be pulled out by the owner; thus, the present owners will have to pull their water out in 2019 to save it. If they do withdraw their stored water, the dam levels will be driven to the point that the important hydroelectricity of Hoover and Glen Canyon dams will be lost creating a severe energy shortage. The MWD has greatly accelerated its withdrawing of its water.

Law of the River

Seven western states and Mexico are dependent on the Colorado River which has limited water capacity. Water rights and the management of the river, its dams and lakes are controlled by the Bureau of Reclamation ("BOR"), a treaty with Mexico and a seven-state compact known as the "Law of the River". The River is divided into the Upper and Lower Basins. The Upper Basin covers Wyoming, Colorado, Utah and New Mexico. The Lower Basin consists of California, Nevada and Arizona. Mexico gets its water from the Lower Basin.

The water was split up in 1922 with delegates from the seven states. A treaty with Mexico in 1945 cedes rights that were thought to be surplus water beyond expected growth in demand. California has been taking out "surplus water" until 2003 with a modified agreement. Unfortunately, the water calculations were based on unusually wet years. It do not foresee the explosive population and agricultural growth over the most recent three decades and any drought. Rain pattern studies much later based on sediment analysis covering 12,000-15,000 years (dependent on location) showed a distinct pattern of alternating wet and dry centuries. No wet century lasted much over a hundred years, but some dry years last considerably longer. One drought lasted 300 years and the worst was 800 years.

Even now, the wet years of the previous century are used improperly for predicting the probability of drought. The large Lake Mead reservoir behind Hoover Dam and Lake Powell behind Glen Canyon Dam stored up the surplus of the past century and has been slowly drained dry. The water drain, naturally, has been accelerated by the 21st Century drought which started almost to the year 2000. Our current drought is only two decades old and is already the worst in the last 1,200 years. At some point, severe shortages have to result and that is coming soon hastened by overdevelopment and wasteful water practices.

The elevation of the surface level of the water contained in Lake Mead determines whether a water shortage is declared by the BOR in accordance to the current agreements. Progressively more stringent drought restrictions are triggered at three successively lower levels. The first trigger point is 1,075 feet. When the lake is below this level at the end of the calendar year on the morning of January 1st, Arizona,

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Please see Response to Comment F-2 for a discussion of why the 2018 Master Plan utilized accurate water demand projections and how the 2015 UWMP determined that adequate water supply would be available to serve VWD customers. The Water Authority has assured VWD of water availability. This comment does not identify any inadequacies with the Draft PEIR and does not require a response.

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Nevada and Mexico suffer water restrictions (Tier 1). The 1075 level has been breached on several occasions recently and fortuitous rain coupled with artificial props brought it above the trigger level by January 1st. The Lake is currently at 1,078.1 ft. Tier 2 is at 1,050 feet with more severe cutbacks with some restrictions on California. With Tier 3 at elevation 1025 the shortages have major impacts on Southern California's vital Hoover and Glen Canyon Dams power generation, salinity issues and the unavailability to handle any further drought without dire consequences.

The first tier trigger is meant to be a wakeup call before more severe measures are required. Some water agencies have been calling for stronger restrictions now. To gain time to negotiate a new drought reaction agreement between the Colorado Basin States and Mexico, Lake Mead levels have been artificially kept above 1075 on January 1st for several years by emptying the upstream Lake Powell reservoir and "storing" ("banking") water in Lake Mead. In fact, Mexico has been "temporarily" storing over 1,500 kaf there for years. Presently 1,507 kAF are available for removal at any point at their discretion. Technically all the water in Lake Powell belongs to the Upper Basin with the Lower Basin (mostly California) benefiting from the "surplus" stored there.

Water years are defined differently for various purposes and have considerable impact on drought restrictions. For the VWD, the water year is the fiscal year (currently 2018-9). For the general analysis of the rain years, the Bureau of Reclamation ("BOR") uses October 1st to September 31st. For the Colorado Treaty trigger levels, it is the calendar year.

Lake Powell and Lake Mead are the essential reservoirs and hydroelectric generators for Southern California and Arizona. The reservoir storage as of the November 19, 2018 from Bureau of Reclamation weekly reports are summarized below (water volumes are measured in kaf or thousands of acre-feet):

Reservoir	Full Capacity	Current Storage	% Full	Peak Elevation	Current Elevation
Lake Mead	28,229	9,942	38	1,219.6	1,079.16
Lake Powell	26,200	10,582	44	3,700.0	3,587.35
Entire Basin	-	27,468	46	-	-

Last year, the entire Lower Basin water in storage at this date was 32,449 kaf (54% full) for a 15% drop in one year of our remaining storage water - which includes surplus water that is still "banked" in Lake Mead.

Lake Powell is being subjected to high rate releases for October and November of this year to cleanse the sediment-laden river bed (and *coincidentally* prop up Lake Mead). Lake Powell is expected to drop to 39% of capacity at the end of the current water year based on average rain and snow levels. This reservoir produces considerable hydroelectric power which is threatened by any further drops. Further, levels in Lake Mead and Lake Powell storage ideally must be equalized to maintain power production in both locations which can be done as long as there is no sustained drought.

Loss of these dams' power will produce real headaches for carbon-free power production as the Lake Powell turbines are the only means to handle the massive swings in unreliable solar power production.

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Fossil fuel plants can take days to ramp up while Lake Powell takes hours. The loss of these two hydroelectric power plants and the previous loss of San Onofre makes Community Choice Aggregation's (where cities can build "sustainable" solar power) a complete disaster with Sempra free to charge heavily for importing fossil fuel from politically engineered shortages from too much reliance on unreliable solar power coupled with inadequate water and power storage capacity.

Without Lake Powell, Lake Mead would have been completely dry in 2005 resulting in at least 75% of San Diego water disappearing.

Banked Water in Lake Mead (data from various sources):

MWD	500
Arizona	601
Nevada	330
Mexico	Not reported

For Lake Mead the "dead pool" of water that is not available to California occurs at a Hoover Dam elevation of 895 where remaining storage is 2,576 kaf. This dead pool is a result of the construction of the dam's lowest outlets. However, this water is available to Nevada's new desalinization plant through its new exclusive "bathtub drain" taking its water from elevation 860 - the very bottom of Lake Mead. It dumps the concentrated waste back below the reservoir. Desalinization processes of all types produce less water and with larger power consumption as the contamination levels rise.

Mexico is in an awkward situation. They have the rights to 10% of the original rainy years water flow of 1,500 kaf, but 94% of the water comes from the US - only 6% of river water is from rain and snow in Mexico. About 85% comes from runoff from the Rockies. Mexico was granted a generous deal. Moreover, it also has been drawing additional water from the Rio Grande River groundwater basin belonging to the US at the Texas Border and discharging contaminated waste water back into the river creating worsening water conditions and drying wells for Texas. Adding insult to injury one of the significant polluters is the Levi Jeans manufacturing plant where American jobs were exported. Considerable water is required to dye and process jeans.

San Diego, of course, is currently suing Mexico for the Tijuana waste fouling our beaches and offshore water.

The awkward situations have apparently provided pressure on Mexico to extend the "temporary" storing of water (originally "allowed" due to some flooding damage in Mexico where they lost storage capacity). In a severe drought the water will be worth easily \$2,500 per acre-foot. [By one report I received from a visiting Denver resident indicated that the spot price of water went in at least one occasion to \$40,000 an acre-foot]. I rather expect that all parties loathe to lose that much money if it can be avoided.

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While publicly many agencies hold that Lake Mead will not go below 1075 at the end of this year and that we will have plenty of water for 2019, the drought predictions on January 1st, 2020 vary from 57% - 100%. That said, a recent report from the Bureau of Reclamation ("BOR") projects that Lake Mead will be at 1070 feet at the start of 2020 and then sink to 1,053 feet during the summer months if 2019 has at least average rainfall and snowpack. If not, the drops will be more severe.

The drought estimates vary depending on the data set used. The BOR projects a 52% chance of a Tier 1 trigger next year and 61% the year after. However, they use a data set based on rain and snow records that extends from 1908-2017. The data set *includes* all of the record heavy rainfall in the 20th Century and only 17 years of the current drought. As the extra heavy rain years are included, the predictions are heavily biased and are at odds with the hydrological sediment record which indicates that the most likely scenario are that the drought will continue for at least eight decades more. If a more restricted and relevant drought record set is used for analysis, the probability for breaching the 1075.0 level on Jan. 1st will be over 80%. In fact, we have just suffered through the worst dry year on record. As the Bureau of Reclamation states in its latest *Annual Operating Plan for 2018*:

Inflow to Lake Powell has been below average on 14 of the past 18 years (2000 through 2017). This 18-year period is the lowest in over 100 years of record keeping on the Colorado River.

For the entire State, the geological record indicates these same years represent the worst drought in 1,200 years. One study showed that when an especially dry year occurred, in only 5 of 22 such events has the following year been able to produce enough water to erase the deficit and actually increase the storage. Thus the odds are clearly more likely to be higher than 85% for a drought alert being called on January 1st, 2020.

The hoopla that we have plenty of water in 2019 masks the stark reality that everything falls apart in 2020.

For an excellent report on the looming water shortage read *The Nevada Independent* writer Daniel Rothberg's report published August 16, 2018 - "Federal Officials Predict Shortage for Lake Mead in 2020, Adding More Pressure on States for Drought Plan". Here is an excerpt from the article:

In recent years, the Southern California-based MWD has stored a portion of its large Colorado River allocation in Lake Mead to keep the reservoir elevations above a shortage level. The water provider has been pushing for a basin-wide Drought Contingency Plan, in part, because it would allow the agency to store "surplus" water in the lake during times of shortages.

That would benefit the reservoir by keeping the elevation as higher.

But there's a catch. Under the current rules, absent a Drought Contingency Plan, MWD [and others] would not be allowed to

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take out several feet [of elevation] of stored water in the [Lake Mead]reservoir. As a result, its incentive is to take stored water out of the lake before a shortage is declared so that it does not lose it.

If there is no drought plan next year, MWD will likely start removing huge amounts of stored water from the reservoir, a move that could make a shortage in 2020 even more dramatic.

A new drought response plan was expected "momentarily" in 2016 and continually reported to be eminent ever since. However, alleged political infighting in Arizona has dimmed chances for a quick resolution. And as late as this recent September, the chances for an agreement according to the Asst. Sec. of the BOR are considered "fragile". Further, a constitutional crisis is the offing. Almost all of California's river water is owned by a handful to people. They have senior water rights. California changed the ownership of water in 1914 to a permitting system where new users had to pay for permission to use water, but the water is owned by the state. But the private owners who had ownership rights before then retained their ownership. A interesting court case is ongoing even now on that issue which can make any agreement contingent in California's case as to how to deal with a property right and the public taking of any of those rights. Such cases can literally take decades to adjudicate.

Any water stored in the basin cannot be retrieved in meaningful amounts by any of the agencies storing water there after the end of 2019. The MWD will not want to lose the water and its revenue. Mexico has real investment to consider. But the MWD has had a singular disregard for San Diego County and a fixation on the financial position of Los Angeles and itself.

The attached Bureau of Reclamation Lower Colorado River reports show that the MWD has already been steadily drawing down more and more water from Lake Mead. The logical conclusion is that at least the MWD does not expect a new agreement to be reached on January 2020, and the danger is that ALL the extra temporary water by all parties will be withdrawn next year leading to a catastrophic water disaster.

If the current year is the expected continuation of the drought and if the banked water is removed, Lake Mead levels would dip well below even elevation 1050 to below 950 at which point Lake Mead can no longer produce power. As the current operating plan is to equalize storage in Lake Powell and Lake Mead to keep power going in both locations, we essentially lose both dams "sustainable" power at once.

Last October, VWD Board Director Betty Evans noted that the MWD is currently storing 500 kAF in Lake Mead and that each 100 kAF corresponds to a foot in elevation of that lake. The VWD GM also noted in October that the MWD will be changing the mix of purer State Water Project ("SWP") water to river water from 75% SWP and 25% river water to 66 2/3% SWP to 33 1/3% river water. The transition was to be completed in November. Thus the MWD is saving purer water for itself and LA while drawing down Lake Mead water even faster.

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In fact, the MWD has been seriously drawing down Lake Mead. The following figures are from the weekly BOR Lower Colorado Water Supply Reports. The first line entry is a projection of the total water was the expected to be drawn over the entire calendar year of 2017 just by the MWD. Note all that the remaining line entries are updated projections are for the end of the current *calendar* year of 2018.

Date	Total MWD Draw (kaf)
6/12/17	488
9/17/18	666
10/1/18	687
10/22/18	736
11/5/18	767
11/13/18	782
11/19/18	799
11/26/18	816
12/3/18	838

Thus the MWD has already begun removing its "banked" water. It logically follows that they expect a drought shortage emergency to be declared on January 1st, 2020.

If we lose too much water, the vital Lake Mead power allocations are as follows:

Consumer	%
MWD	28.5
Nevada	23.4
Arizona	19.0
Los Angeles	15.4
S. Cal. Edison	5.5
All Others	8.2

Almost 40% of all electric power is used in San Diego County is used to transport water hundreds of miles and treat it. Power will be at a premium. How will the reported settlement offer of the SDCWA and MWD going to be crafted? Will it be tailored by Special Interests, Los Angeles, or others?

The MWD increased demand on the Colorado River will not be long to be unnoticed by all other parties which will spark a run on the reservoir "banks". If all the banked water is removed, the elevation in Lake Mead would much lower than 950 and Lake Mead power stops. Severe water shortages will be created. All new residential construction must cease. Even the proposed Lake Vicente stored energy project would no longer be able to function efficiently (if at all) making San Diego's sustainable energy project (CCA's) an appalling waste and failure.

According to all San Diego water agencies, we will have plenty of water for 2019 - a misleading statement as this water will be supplied by draining dry all our river water reserves producing a probable disaster for the start of 2020. The misrepresentation appears to be a deliberate to avoid it becoming an

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embarrassing factor for politicians promoting major future developments (with oceans of taxpayer money and water for their new infrastructure) to "fight" the "Affordable Housing Crisis" with generous allotments of water capacity that does not exist (so called "paper water").

All our remaining water - including the major new unincorporated rural developments such as Newland Sierra - will be supplied purloined water from residents who will bear all the additional burdens.

The shortage emergency will come in less than 12 months. And we are not preparing appropriately. Who will profit from this true crisis? Will the new housing be sustainable r the beginning of large corporate housing monopolies?

We are supposed to be fighting Climate Change and the attendant drought. Yet we are not doing anything that will materially impact the very serious drought issues that make all other issues irrelevant.

Davia Village Apartments Example

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Any submetering of apartment complexes will be a disaster unless the single Master Meter ready to serve charges match the fees to be collected for the average water usage. For high density developments, that will often not be the case.

The VWD has altered the calculation of capacity fees. In the past, the VWD Staff matched up the metering with the uses dictated by the stated capacities of meters and the uses. It ensured that the two matched closely. However, when a development has an "affordable housing" component in any phase of development, the builder can specify what water and wastewater capacity it wants to buy before any submission of what is to be built. Once these fees are paid, the matter is not examined later. The gap begs gaming the system.

What can happen is illustrated using the Davia Village Apartment complex example. I am only considering the residential use in detail. Note that soon after this project was built, the project was purchased and renamed the Marc San Marcos.

During the Planning Commission hearing in San Marcos, the extraordinary statement was made that as all units would be rental units and that all units were therefore "affordable". In fact the units are all market rates and relatively expensive although the amenities are superior to most. They also have washer/dryer units for each apartment.

This is a high-density mixed use project proposed in 2014 on land that was previously zoned for commercial. The project ultimately built 416 apartments, 15,000 sf of commercial, a public private park, and extensive landscaping. It did not have to build any Affordable Housing units as the developer argued that since all the apartments were rental, they were all affordable. The City accepted that argument and the investors did not even have to make in-lieu fees. The complex is in close proximity to Palomar Community College and is expected to provide considerable student housing. Considerable concern was also expressed in hearings about possible overcrowding to inflate profits. The developer and investors offered a safeguard. Annual audits would be performed on the tenants and the project would pay a fine of \$2,000 per resident above the Federal and State limits. Later after the project was built and a n group

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VWD does not treat affordable housing any different from a capacity fee standpoint. VWD presents an evaluation of water demand based on the example provided in this comment below.

A two-inch meter has a capacity of 8 EDUs, or 4,000 gpd of usage. The only way to reach a calculated demand for 40 two-inch meters for 416 apartments would be if each apartment averaged almost 400 gpd of usage. The Master Plan found that the average high-density apartment uses approximately 200 gpd. Based on these calculations, a 400-unit development would use 80,000 gpd, or 160 EDUs of capacity. Furthermore, brand new apartments with state-of-the-art water conservation features could use less than 200 gpd.

The Marc San Marcos project cited in this comment purchased 12 two-inch meters (not 11) for domestic use, which equates to 96 EDUs. They also purchased four additional irrigation meters that totaled 15.5 EDUs, and inherited 17.5 EDUs purchased by the previous property owner. Therefore, the property described in this comment has a total capacity of 129 EDUs. VWD believes that this capacity is reasonable based on the development's water use projections, and the fact that they will be using state-of-the-art water conservation features that would further reduce water usage. If the properties total water use consistently exceeds this capacity, VWD has the right to audit their use records and require additional capacity fees or a surcharge as appropriate. VWD would also audit the use records of other properties with affordable housing units and require additional capacity fees or a surcharge as appropriate.

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of investors took ownership (the project is now known as Marc San Marcos), the City removed the requirement for the audits. This action begs the logical conclusion that overcrowding was to be allowed. Still another concern was traffic congestion as the students would have to cross the heavily travelled Mission Avenue right in front of the college. The project consultant and representative stated that a pedestrian bridge would be built before the Davia Village project as part of another project (Palomar Station). The other project was to pay for the entirety of the bridge. Davia Village Project thus was to have no significant impact on congestion and no new impact fees would be needed. The bridge was never built. The Palomar Station actually received money to help build it at San Marcos taxpayer expense and the projects are waiting for more money from government agencies to actually build it. Finally, the Davia investors proposed a park on the property, but admitted that it did not qualify as an urban park. When the project was built, the "Innovation Park" was largely landscaping for the development, and the City did not recognize it as a park. Nonetheless, the City took over the expense of irrigating the park which is largely immune from water rationing. I do not know who pays for the maintenance of the "park".

The present VWD Staff with the tacit approval of its resent Board of Directors altered facility fee calculations. In the past, all development had to submit plans and they requests for facilities. Many developements at this time asked for additional water capacity. The Staff would look over the plans and requests to see that they did not ask for too much or too little capacity. With the new board, a multifamily development can ask for what facilities they desire before any plans is submitted making any analysis by the Staff impossible. Based on the requests the Staff would then provide a letter stating the fees for the requested capacity. Supposedly, if a development later consumed more water than they paid for, the Staff would then require them to pay for additional capacity. Capacity was based on number and size of meters. However, this action is not done as no checks were made afterwards as the Davia Village Apartments will show.

Below are the numbers of meters according to approved plans by the City of San Marcos. The number of EDU's and 2014 facility fees are those required in 2014. I was not given access to the final as built plumbing plans which should have been provided in my global Davia Village Apartment document request:

Use	Valve Size	Number	EDU
Apartments	2"	6	48
Irrigation	1 1/2"	2	N/A
Park Irrigation	3/4"	0	0
Commercial	2"	1	N/A

Attached are the VWD Staff calculations for the project based on what the developer eventually requested. As the project was previously zoned for commercial, the investors were granted a credit for the facilities that were supposedly already purchased.

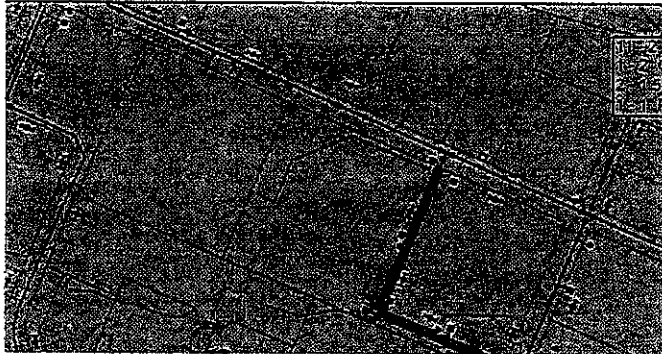
Below are the meters that the VWD was requested to provide and a figure from the VWD on what was actually provided:

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Use	Valve Size	Number Purchased	EDU
Apartments	2"	11	88
Irrigation	1 1/2"	2	12
Park Irrigation	3/4"	1	N/A
Commercial	2"	1	N/A

Water

Area Map



For an apartment using 200 gpd, each apartment would consume 0.8 EDU's. A 2" meter supports 8 EDU's so the RTS fees are for 8 EDU's. If each 2" master meter supported exactly 10 apartments, the RTS fees would match the nominal capacity.

For 416 apartments, the number of master meters should be 42. However, the developer only asked for 11. The shortfall reduced the capacity fees to 26% of what they should have paid. The resultant water RTS (also called "base" fees) were also reduced to 26% of what they really needed. Moreover, the waste treated fees are based on the capacity of the water meters; so the waste treatment capacity fees were also reduced to 26% of what they were consuming. If submetering is used, the monthly base fee would also be reduced down to 26% of actual use.

The implications are threefold:

1. The deficit in capacity fees are probably a major consequence of undercharging capacity fees for new developments which utilize master meters.
2. The new bonds to "catch up" on the undercharging violate one of the principle issues in the San Juan Capistrano case; namely, any single parcel cannot be overcharged. This is a clear violation of Prop. 218.
3. The growth projections by the VWD show only EDU's which totally underestimate the true growth in water demand and major sources of underreporting.

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The development also required a new 8" water pipeline. I saw no evidence that the developer was charged for their cost as is the usual case for development specific extra needs..

Lastly, during the Planning Commission meeting, there were discussions of a park. The developer representative admitted that the park was not qualified to be an urban park. Yet the park is actually largely landscaping for the commercial sector and is not in fact a City park. Yet the taxpayers are paying for the irrigation of this "park".

Thank you for your time to read and respond to these comments. Please ensure that they are properly to the final PEIR and reply with clear evidence if you dispute any of these comments as you have the burden of proof. I do require by right a written formal response. Please call if you have any questions at 760,471,6685 or contact me by e-mail at m_hunsaker@cox.net.

Best regards,



Michael D. Hunsaker

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Conclusory remarks. No response is required.