

Appendix B
Scoping Summary Report

Olivenhain Trunk Sewer Improvements Project Scoping Summary

Scoping refers to the public outreach required by the California Environmental Quality Act (CEQA) and the state's *CEQA Guidelines* as an input to determining the coverage and content of an environmental impact report (EIR). The scoping period offers an important opportunity for the public and other agencies to weigh in during the early phases of the environmental compliance process, helping to identify the environmental effects that will be considered in detail, the methods of analysis, and mitigation measures that may be implemented to avoid or compensate for adverse effects. Scoping may also contribute to selection of the range of alternatives that will be considered in the EIR.

This report describes the scoping process undertaken by the City of Encinitas (City) for the Olivenhain Trunk Sewer Improvements Project (Project). It also summarizes public and agency comments received and identifies key issues for EIR analysis.

Overview of Project Scoping Process

The formal scoping period is initiated when the lead agency issues a formal Notice of Preparation (NOP) announcing the beginning of the EIR process, and lasts for 30 calendar days. The City submitted the NOP for the Project to the State Clearinghouse on October 8, 2015. The NOP was then distributed to numerous federal and state agencies; San Diego County; neighboring cities of Carlsbad, Escondido, Solana Beach, and San Marcos; environmental interest groups, including the San Elijo Lagoon Conservancy, the California Native Plant Society, the San Diego Coastkeeper, and San Diego Audubon Society; and local residents for review and comment. As required by CEQA and the *CEQA Guidelines*, the NOP provided information on the background, goals, and objectives of the proposed Project; announced preparation of and requested public and agency comment on the EIR; and provided information on the scoping process and the planned public scoping meeting.

The scoping period was originally slated to close at 5 PM on November 10, 2015, with a public scoping meeting taking place on November 3. However, due to a power outage at Encinitas City Hall on the afternoon of November 3, the official scoping meeting had to be postponed. To ensure residents had enough time to attend the rescheduled meeting and submit comments, the scoping period was extended an additional month until December 10, 2015 and the scoping meeting was rescheduled to December 4.

Due to the last minute cancellation of the planned November 3 scoping meeting, two members of the Project consultant team waited outside the closed City Hall to informally accept comments and take contact information from attendees who might not have gotten word of the meeting's cancellation. As soon as feasible following the cancellation, the Project NOP was recirculated with information on the rescheduled scoping meeting.

On December 4, 2015 the City conducted the formal public scoping meeting for the proposed Project. Like the originally planned November 3 meeting, the December 4 meeting took place at Encinitas City Hall. Both meetings were publicized in local area newspapers and via direct mailings to approximately 400 households, businesses, and agencies. Only one person, a local resident who had also attended the November 3 meeting, attended the second meeting. At the meeting, the attendee was given the chance to speak with the City Engineer, consulting engineers, and environmental staff in a question and answer session. The attendee was also given the option of completing a comment card at the meeting and encouraged to get in contact with

the City or consultants (and encouraged to tell neighbors to do the same) with any additional input or concerns before the end of the scoping period.

Public Comments

Comments Received at Public Scoping Meetings

One person attended the formal scoping meeting, while several others attended the first informal meeting. The comments from both meetings can be separated into three areas of concern: (1) the Project's impacts on the natural environment; (2) How construction and the implementation of the Project will take place; and (3) Communication between private property owners and the City.

Questions and comments about the Project's impacts on the natural environment were the most numerous, which was expected due to the high value local residents place on the natural setting of the San Elijo Lagoon and Escondido Creek corridor. A central question asked by more than one person was "Can the trunk sewer be removed from the lagoon and creek corridor entirely to prevent the possibility of spills and the necessity for maintenance in the corridor?" Other questions and comments included "How will contractor trustworthiness be ensured to avoid impacts during construction?" and "What was found in the completed biological surveys for the project?" Questions also concerned mitigation for habitat impacted by the project, and how weeds and invasive species will be controlled on the access improvements.

Questions about Project construction and implementation were the next most common. The most common concern was about public access onto private property using the access improvements and how that will be prevented. Finally, there were questions about the project construction itself, such as how the access improvement levels differ and when will construction begin.

Finally, at both meetings, attendees expressed concern about communication between private property owners and the City. In particular, residents were concerned about notification before work began on their property and the ability to communicate with City officials about the project.

No written comments were submitted at either scoping meeting.

Public Comments Received via Mail

The City received four written communications from area residents during the scoping period.

One was a package from local resident containing two letters, originally sent 2011 and resent with a new cover letter dated November 1, 2015. The 2011 letter was sent after a workshop on the City's Manchester Avenue realignment study expressing concern regarding the initial plan outlined in that study. This plan involved a continuous access road through the creek corridor and lagoon that would act as access to Project manholes and allow public access through a bike path on the road. The resident's concerns included potential erosion created from the path, public access to conserved areas, and flood safety; he included pictures of the many floods that have occurred in the corridor. The 2015 letter was a comment to the Project's NOP. This second letter expressed similar concerns about a continual access road alternative regarding erosion in the lagoon and creek corridor. The letter also expresses some support for the combination access plan which is currently the City's preferred alternative.

The second written communication was an email from another local resident. This resident did not have specific comments about project impacts, but instead was interested in the nature of the work taking place on their property.

The third was a follow up email from the second public scoping meeting. This email had several more questions regarding Project need and location. Specifically, the resident was curious as to why access and maintenance to the sewer is necessary now when it has been in use for several decades without issue. The resident also asked for clarification regarding wording of the sewage easement and whether “access for maintenance” encompasses construction of a roadbed.

The fourth was a letter from a property owner adjacent to the Project alignment. This letter expressed concern about an upstream neighbor damming Escondido Creek and changing the habitat behind his property. In the letter the local resident also made it clear that they would be reluctant to grant an easement on their property to maintain water or sewer lines.

Agency Comments

Comments Received at the Scoping Meetings

A representative from the San Diego County Department of Parks and Recreation attended the initial scoping meeting on November 3. She talked about mitigation for impacts on County-owned land and how the County may want to ask that the Project separate that impact from other jurisdictions so mitigation funds could go to County projects. The County has four projects in their initial stages that will require mitigation, and combining this Project with those four would provide for a larger coordinated mitigation project, with the potential to offer greater habitat value.

No written comments were submitted by agency staff at the public scoping meetings.

Written Comments Received from Local Agencies

Written comments on the Project were received from three agencies: the California Department of Fish and Wildlife, the California Department of Transportation, and the County of San Diego Planning & Development Services Department. These comments are summarized below.

California Department of Fish and Wildlife

The California Department of Fish and Wildlife (CDFW) gave four types of comments: specific comments, and then general comments related to biological resources within the Project’s area of potential effect, analyses of the potential Project-related impacts on biological resources, and mitigation for Project-related biological impacts. The comments in each of these categories are summarized below.

Specific comments were given on the CDFW’s role in the Project and how the Project will impact the environment. CDFW expressed concern about the Project’s location in wetland and riparian habitat due to their policy of discouraging any development in these habitats unless the Project can mitigate for no net loss of these habitats value or acreage. They also note that the Project would be subject to CDFW’s Streambed Alteration Agreement (SAA). The Project will be subject to CEQA – and the CEQA document needs to disclose all potential impacts to stream or riparian resources and provide mitigation for issuance of the SAA. CDFW also wanted to ensure impacts to already conserved areas were fully described. Another concern was for the California Endangered Species Act (CESA) listed species in the vicinity of the Project, which include the Belding’s savannah sparrow, the least Bell’s vireo, and the light-footed Ridgway’s rail. CDFW recommends that the project seek take authorization under CESA before starting the project. CDFW is also concerned about impacting nesting birds protected under the Federal Migratory Bird Treaty Act and recommends timing construction outside of the nesting bird season (February 1st – September 1st); surveys should be conducted by a qualified biologist of construction areas if construction must take place during the nesting season. CDFW also wants to avoid the spread of invasive species through mitigation measures in the CEQA document.

Finally CDFW is concerned about the possibility of access improvements being used to allow an increased in unauthorized human presence in the lagoon and wants to make sure the CEQA document provides measures to prevent this.

CDFW also gave comments on biological resources within the Project's area of potential effect. Due to the flora and fauna surrounding the Project, the CEQA document should include information on the regional setting with emphasis on rare resources in the region; surveys for special status plants and natural communities; an inventory of the biological resources associated with each habitat type within the area of potential effect; and an inventory of rare, threatened, endangered, and sensitive species within the area of potential impact.

CDFW also gave comments on the analyses of the potential Project related impacts on biological resources. CDFW recommended a discussion of potential adverse impacts from lighting, noise, human activity, exotic species and drainage be included in the CEQA document and the need for mitigation measures to reduce Project impacts. They also recommended discussion on indirect impacts such as resources in nearby public lands, open space, and adjacent natural habitats. CDFW also recommends including a discussion of possible conflicts between areas zones for development projects nearby this project that could contribute to human wildlife interactions. Finally the inclusion of a cumulative impacts analysis in the CEQA document is necessary.

The final section of comments is on mitigation for Project-related biological impacts. CDFW states that the CEQA document should include measures to fully avoid rare natural communities from Project impacts as well as detailed mitigation measures for impacts to sensitive plants, wildlife, and habitats. Preservation and restoration related to the Project should ensure that these measures perpetually protect the restored and preserved habitat. Plans for this restoration and Project revegetation must also be prepared by persons with expertise in Southern California ecosystems and need to include information on the location of mitigation site what species will be used, a planting schedule, and other measures to ensure that Project mitigation is successful in restoring habitat.

California Department of Transportation

The California Department of Transportation (Caltrans) indicated that any work performed within the Caltrans Right of Way would require discretionary review and approval of an encroachment permit before construction could begin. A requirement for the encroachment permit would be an approved final environmental document including a CEQA determination.

County of San Diego

The County of San Diego Planning & Development Services Department (Planning Department) provided a link to the County's Guidelines for Determining Significance for determining significance in unincorporated areas of San Diego County. They note that any Project impacts that affect Unincorporated San Diego County should use these guidelines.

The Planning Department also expressed concern about water quality and flow and would like the CEQA document to discuss how the Project will be in compliance with the State of California Construction General Permit, and the 2013 Municipal Storm and Watershed Protection Ordinance. Flood control is also expressed as a possible issue and the Planning Department notes that, due to the Project's location in a FEMA-mapped floodplain flood control must be discussed in the CEQA document. If grading alters the floodway or floodplain topography the Planning Department points out that the Project would require a Letter of Map Revision in accordance with FEMA Regulations.

The San Diego County Vector Control Program (VCP) expressed concern that the Project could cause impacts related to the creation of mosquito breeding sources and requested that the CEQA document address these concerns through Project design or mitigation. Specifically, Project manhole covers should be designed to restrict access to mosquitos to prevent breeding. The VCP also provided links to their guidelines for determining significance and best practices for mosquito control as well as the state Department of Public Health vector control guidelines.

Finally the Department of Parks and Recreation asks for information regarding new or expanded easements will be necessary and for a site visit with Parks and Recreation Staff.

Key Concerns to be Addressed in the EIR

The comments that were received during the scoping period provide an important perspective on the types of concerns that people have about the proposed Project. The majority of the comments received concerned the Project's potential impacts on the environment. However, there were also numerous comments regarding Project construction and implementation and the interaction between the community and the City. What follows is a list of Project specific concerns that were raised during the scoping period. These concerns are separated into two categories: (1) concerns that need to be addressed in the EIR Project Description and (2) concerns that need to be addressed in the impact analysis portion of the EIR.

Issues for Project Description

Based on the comments received to date, some of the key concerns that will need to be addressed in the Project Description include the following.

- Why can the trunk sewer not be moved out of the Lagoon and Creek corridor entirely
- How will the public be prevented from accessing private property and protected private lands
- How do the access improvement levels differ
- When will construction begin
- How will the City notify local residents before construction begins on or near their property
- How the continuous access road option and the combination access plan differ and which the City is planning on implementing
- Why the access improvements and maintenance are necessary now after so many years of uninterrupted service without incident
- The need for a CDFW Streambed Alteration Agreement
- The need for endangered species take authorizations under ESA and CESA
- The need for a Caltrans encroachment permit

Issues for Impact Analysis

- Biological Resources
 - How will the Project ensure contractors are held to the proposed CEQA mitigation measures[Will also be pertinent, and addressed, through every EIR section where mitigation measures are found to be necessary]

- What was found in completed biological surveys for the Project
- Plans for mitigation of impacted habitat including
- No net loss of habitat value or acreage
- How weeds and invasive species will be controlled both on the new access improvements and throughout the entire construction and implementation process of the Project
- Impacts to areas that have already been set aside for conservation
- Mitigation measures to protect local species including
- Work outside of the nesting bird season
- Surveys by a qualified biologist if work is done in the nesting bird season
- Information on rare resources in the region; special status plants and natural communities; and an inventory of rare, threatened, endangered, and sensitive species
- Assurances that mitigation projects funded by the Project perpetually protect the restored habitat
- Hazards and Hazardous Materials
 - Address vector control, particularly in regards to breeding mosquitos, through Project design and/or mitigation measures
- Hydrology and Water Quality
 - How the Project will be in compliance with the State of California Construction General Permit
 - How the Project will be in compliance with the 2013 Municipal Storm and Watershed Protection Ordinance
 - How the Project would affect floodplain flood control
 - Whether Project grading will alter floodway or floodplain topography