

Notice of Special Public Meeting San Diego River Conservancy

A public meeting of the Governing Board of
The San Diego River Conservancy
will be held Thursday,

October 25, 2018
2:00 pm – 4:00 pm

Meeting Location

County of San Diego Administration Center
1600 Pacific Highway, Room 302
San Diego, California 92101

Tele-Conference Locations

Natural Resources Agency
1416 Ninth Street, Ste 1311
Sacramento, CA 95814

Department of Finance
State Capitol, Room 1145
Sacramento, CA 95814

Contact:
Wendell Taper (619) 645-3183

Meeting Agenda

The Board may take agenda items out of order to accommodate speakers and to maintain a quorum, unless noted as time specific.

1. Roll Call

2. Public Comment (*INFORMATIONAL*)

Any person may address the Governing Board at this time regarding any matter within the Board's authority. Presentations will be limited to three minutes for individuals and five minutes for representatives of organizations. Submission of information in writing is encouraged. The Board is prohibited by law from taking any action on matters that are discussed that are not on the agenda; no adverse conclusions should be drawn by the Board's not responding to such matters or public comments.

3. Chairperson's and Governing Board Members' Report (*INFORMATIONAL/ACTION*)
4. Deputy Attorney General Report (*INFORMATIONAL*)
5. El Monte Sand Mining Project PDS2015-MUP-98-014W2, PDS-2015-RP-15-001, LOG NO. PDS2015-ER-98-14-016B; SCH NO.2015081025 (*INFORMATION/ACTION*)

The County of San Diego has prepared a draft subsequent environmental impact report (Draft EIR) for the above identified project. Comments on the draft Draft EIR are due by October 29, 2018 at 4:00 p.m. The proposed project would extract 12.5 million tons of PCC-grade construction sand and gravel over a 12-year period from a 479.5-acre site in the El Monte Valley that includes the San Diego River channel. Mining would occur over 228 acres of the site in four phases to a depth of approximately 35 to 41 feet below the current ground elevation and would not excavate into the current groundwater table. The proposed project would not utilize groundwater for any purposes. The processing plant would have a maximum production level of 577 tons of aggregate per hour and an offsite transportation limit of 157 one-way haul trips per day (27 tons per trip). The Board will consider whether to submit comments on the Draft EIR or take other action.

Presentation:

Julia Richards, Executive Officer

6. Next Meeting

The next regularly scheduled Governing Board meeting will be held November 8, 2018 from 2:00 to 4:00 p.m.

7. Adjournment

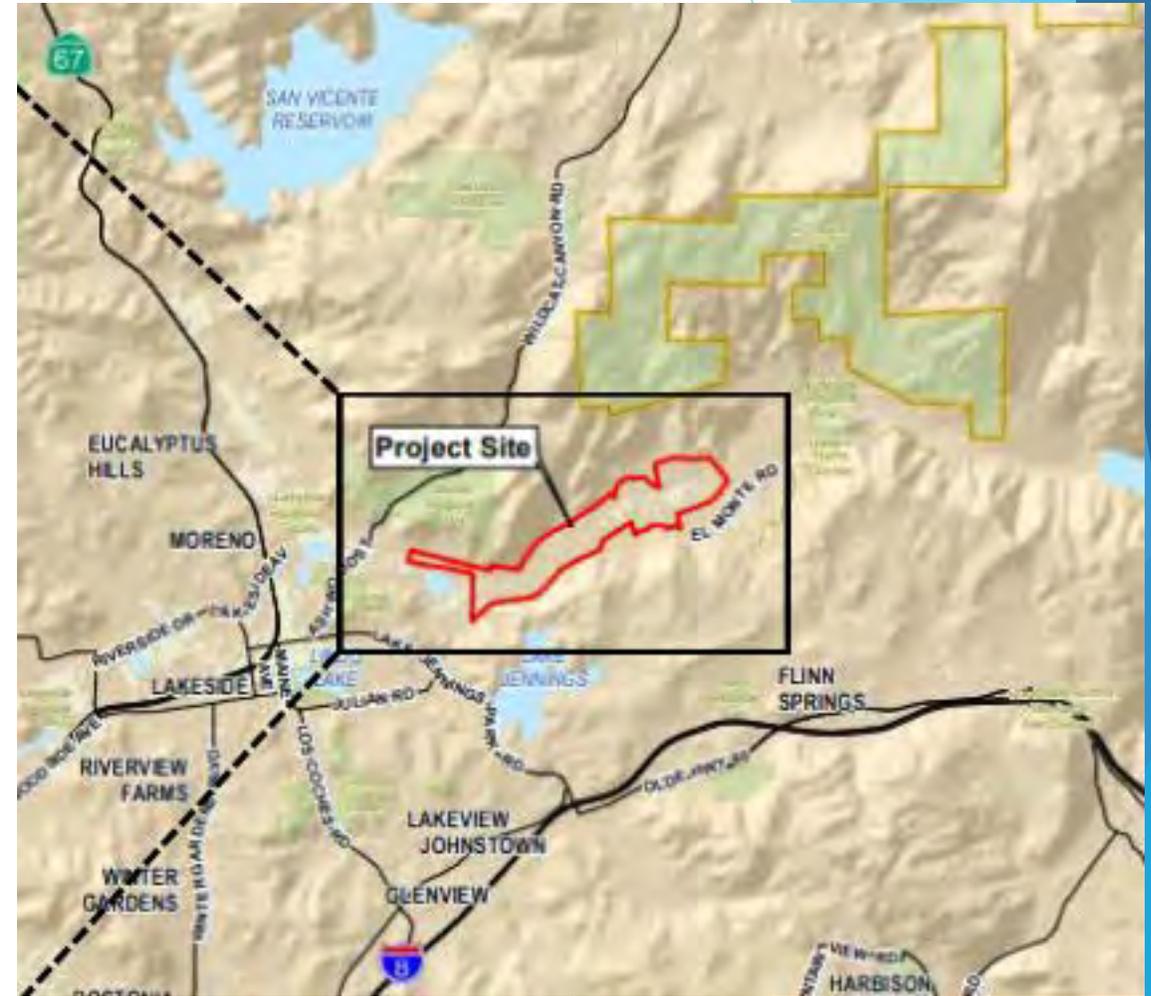
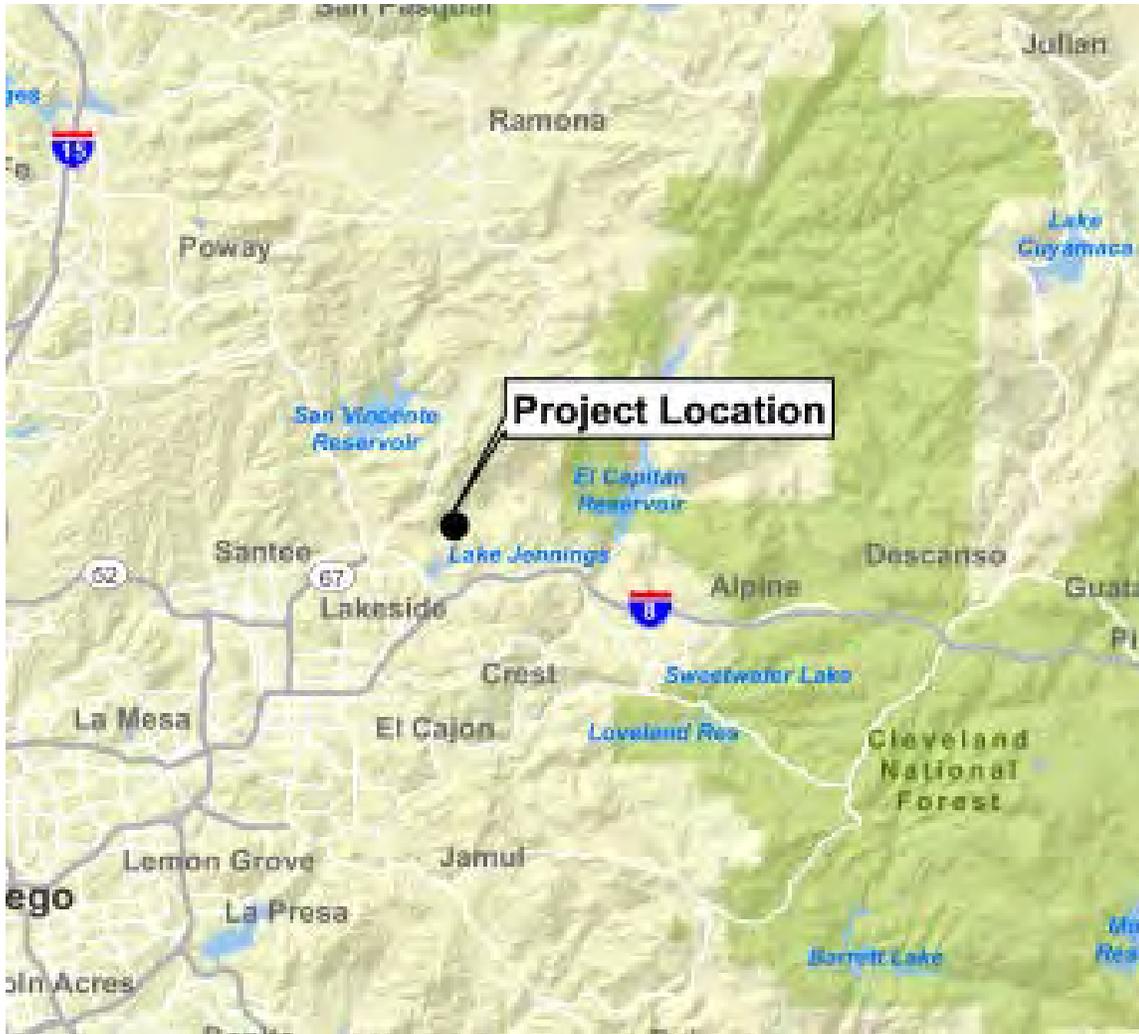
Accessibility

If you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call Wendell Taper at 619-645-3183 or Dustin Harrison 619-525-4094

El Monte Sand Mining Project: Overview and Summary of Draft Supplement Environmental Impact Report (SEIR)



Project location and site



Draft SEIR Preparers and Consultants

- ▶ 6.1 CEQA Lead Agency
 - ▶ County of San Diego, Planning & Development Services
- ▶ 6.2 Project Applicant
 - ▶ William B. Adams
 - ▶ El Monte Nature Preserve, LLC
- ▶ 6.3 EIR Preparer
 - ▶ Environmental Science Associates
 - ▶ Other consultants

Federal, State and local agencies consulted

- ▶ **Federal:** US Army Corps of Engineers, US Fish and Wildlife Service, USGS
- ▶ **State:** CA Dept. of Fish and Wildlife, San Diego Regional Water Quality Control Board
- ▶ **Local:** Lakeside Fire Protection District, San Diego County Sheriff's Office
- ▶ **San Diego County Departments:** Air Pollution Control District, Environmental Health, Health & Human Services Agency, Planning and Development Services, Public Works, Parks and Recreation

Project Site

- ▶ **479.5 acres**, 3 miles west of El Capitan Dam between El Monte Road and Willow Road
- ▶ **228 acre** sand mining footprint
- ▶ Within the **San Diego River watershed and floodplain**
- ▶ Sits on the **third largest aquifer** in San Diego County, Santee-El Monte Groundwater Basin
- ▶ Located within Lakeside Community Planning Area in unincorporated San Diego County
- ▶ Existing land uses in the surrounding valley include rural residential, dairy farming, field and orchard crops, former sand mining, and undeveloped steep slopes.

Sand mining activities

- ▶ El Monte Nature Preserve, LLC will extract 12.5 million tons of Portland Cement Concrete aggregate over 12 years* (SEIR 1-4)
- ▶ Sand Mining include 4 phases working from east to west
- ▶ Process 5770 tons of aggregate per day
- ▶ Haul 4239 tons offsite per day
- ▶ 157 one way truck trips per day

(*Note Appendix J2, Page 2(28) under Proposed closure date states, "January 31, 2035.

Operations may continue beyond the proposed termination date if required to fully exhaust permitted volumes. This would require a time extension to the Major Use Permit and would be subject to approval by the County Planning Commission.")

Proposed work schedule

- ▶ Project site would be operated 306 work days/year (Draft SEIR 1-13)
- ▶ Project operations include 55+ work hours per week
- ▶ The southwest processing plant would operate up to 10 hours a day 5 days a week (Draft SEIR page 1-9)
- ▶ Operating hours for extraction, processing and transportation would be up to 10 hours a day 5 days a week (7am - 5pm Monday through Friday) and 7am -1pm on Saturdays (Draft SEIR page 1-12)

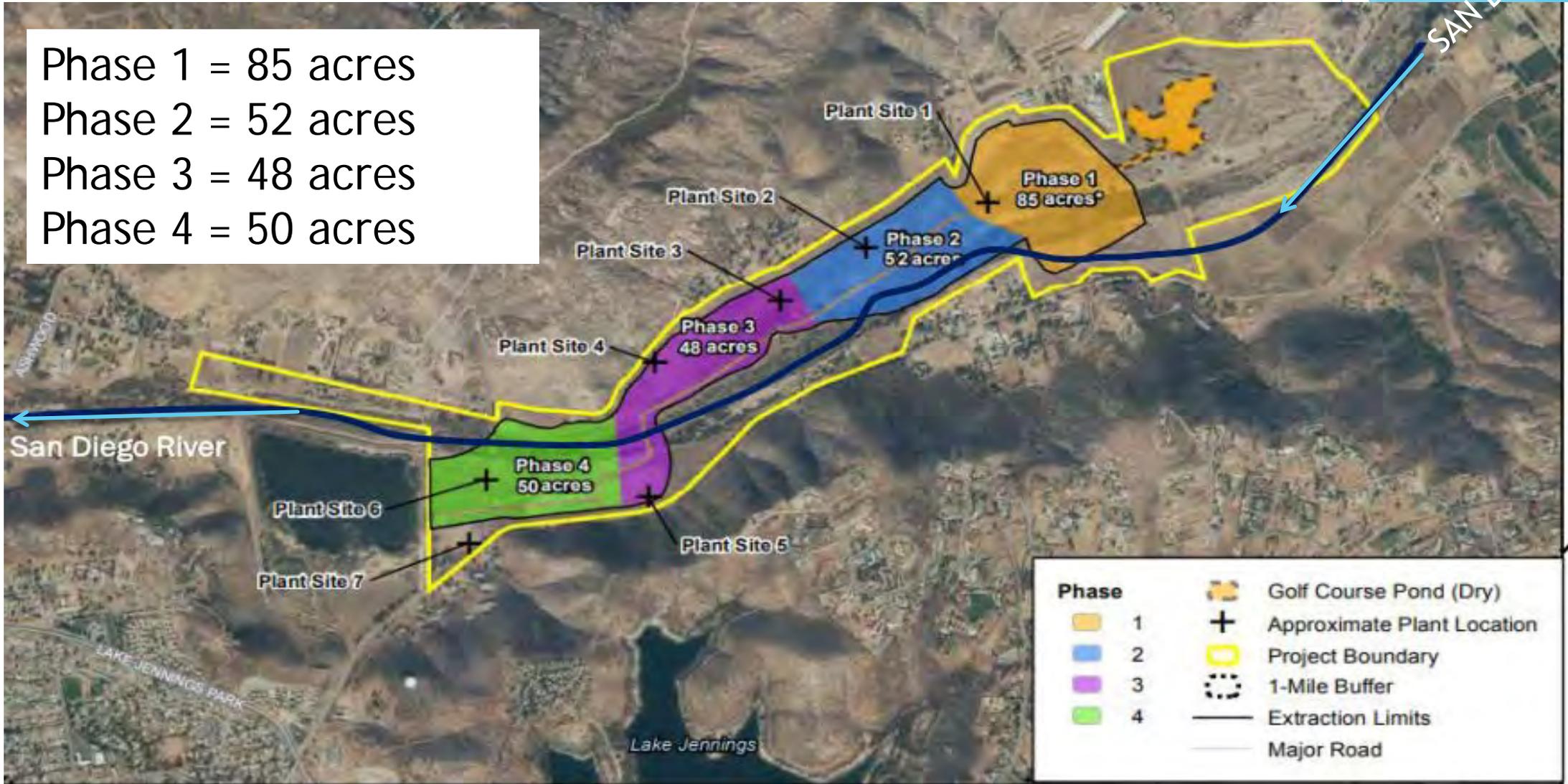
The Conservancy's response letter for Draft SEIR addresses:

- ▶ Biological Resources: Wildlife corridor, bats, other
- ▶ Soil resources
- ▶ Cultural resources
- ▶ Tribal resources
- ▶ Hydrology and water quality
- ▶ Environmental Justice
- ▶ Valley Fever
- ▶ Statements needing clarification and further analysis

Project phases

SAN DIEGO RIVER

Phase 1 = 85 acres
Phase 2 = 52 acres
Phase 3 = 48 acres
Phase 4 = 50 acres



Draft SEIR's Significant impacts

- ▶ Aesthetics
- ▶ Air Quality
- ▶ Biological Resources
- ▶ Cultural Resources
- ▶ Paleontological Resources
- ▶ Hazards and Hazardous Materials
- ▶ Land Use and Planning
- ▶ Mineral Resources
- ▶ Noise
- ▶ Transportation and Traffic

Draft SEIR's Not significant impacts

- ▶ Agricultural and Forest Resources
- ▶ Geology and Soils
- ▶ Greenhouse Gas Emissions
- ▶ Hydrology and Water Quality
- ▶ Population and Housing
- ▶ Public Services
- ▶ Recreation
- ▶ Tribal Cultural Resources
- ▶ Utilities and Service Systems
- ▶ Other CEQA Considerations

Project impacts not addressed in Draft SEIR

- ▶ No discussion or analysis of impacts for Environmental Justice and disadvantaged communities.
- ▶ No analysis or surveys in Project footprint to determine impacts on bat species.
- ▶ No discussion or analysis of soil resource loss.
- ▶ No discussion or analysis effects to the adjacent Hanson Pond or neighborhoods on hills of El Monte Valley.
- ▶ Water quality and supply.

Additional permit(s)

Table 1-10: Matrix of Project Approvals/Permits

Permit Type/Action	Approving Agency
Major Use Permit Modification (MUP-98-014W2)	
Reclamation Plan (pursuant to SMARA)	
Revegetation Plan	
Landscape Plans	County of San Diego
Well Destruction Permit	
County Right-of-Way Permits	
Construction Permit	
Excavation Permit	
Encroachment Permit	
MSCP Boundary Line Adjustment or other previously identified process	
401 Permit - Water Quality Certification	
National Pollutant Discharge Elimination System Permit	
Waste Discharge Requirements Permit	San Diego Regional Water Quality Control Board
General Industrial Storm Water Permit	
General Construction Storm Water Permit	
404 Permit – Dredge and Fill	US Army Corps of Engineers
1602/1603 – Streambed Alteration Agreement	CA Department of Fish and Wildlife
Emission Discharge Permit	San Diego County Air Pollution Control District
Permit to Construct	SDG&E

Project Alternatives

	Proposed Project	Alternative 1 No Project	Alternative 2 Reduced Areal Extent	Alternative 3 Altered Areal Extent
Aggregate Production	12.5 million tons	0 tons	10.3 million tons	12.5 million tons
Duration of Mining	12 years	0 years	~ 10 years	12 years
Duration of Revegetation	~ 4 years	0 years	~ 4 years	~ 4 years
Mining Footprint	228 acres	0 acres	~ 104 acres	228 acres
Maximum Depth	41 feet	0 feet	41 feet	41 feet
Daily Truck Trips	157 one-way trips	0 trips	157 one-way trips	157 one-way trips
Annual Water Consumption	132 acre feet	0 acre feet	132 acre feet	132 acre feet
Impact Reductions	–	All impacts avoided.	Aesthetics	Aesthetics
Meets Project Objectives	Yes	No	Yes	Yes

Reclamation and revegetation

- ▶ Plans to restore 262-acres over 4 additional years per phase
- ▶ Reclaiming lands to usable and/or pre-disturbed conditions with recreational trails and easements
- ▶ Replanting of multiple native riparian, wetland, and upland vegetation communities creating new habitat

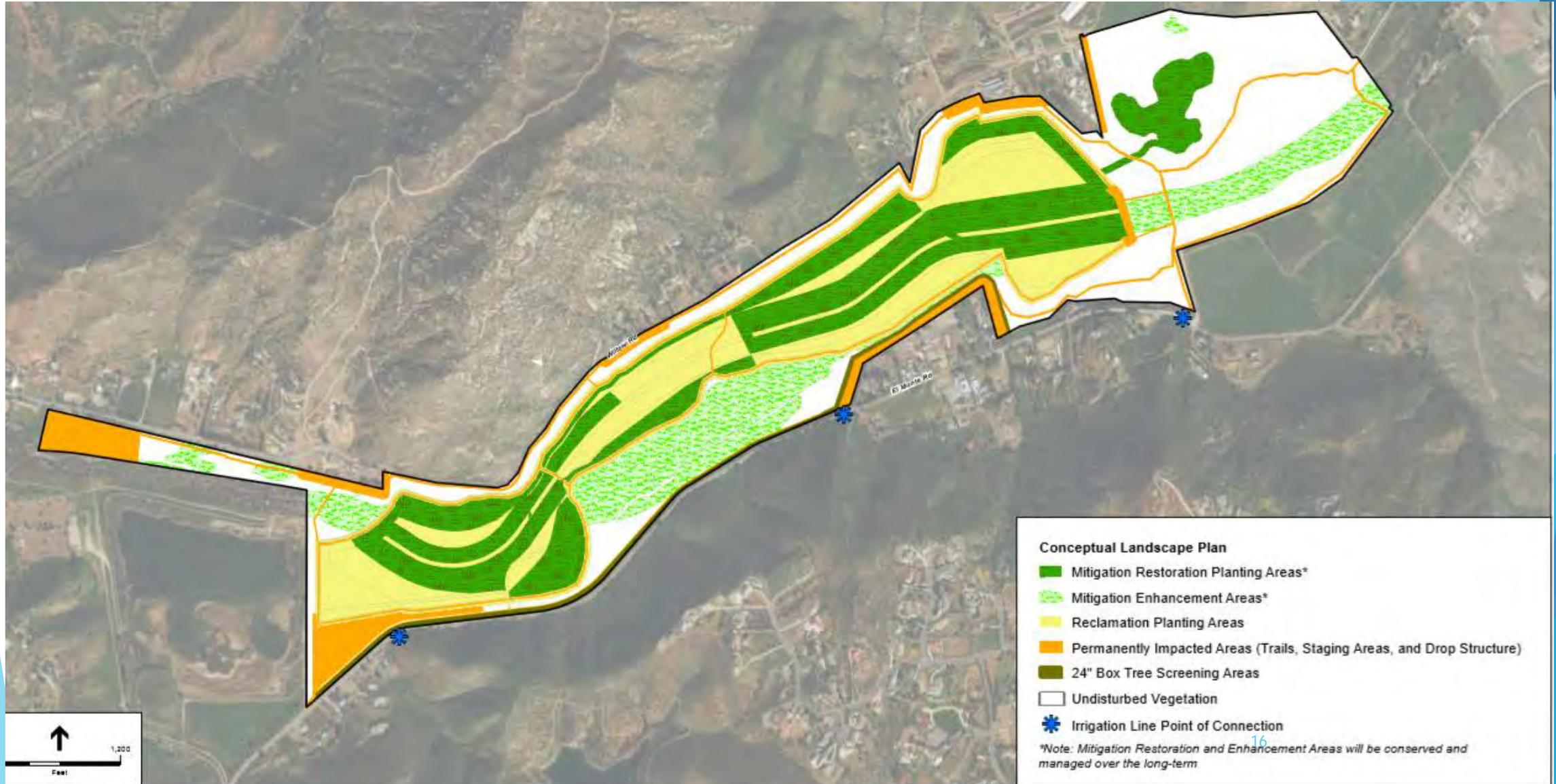
Table 1-1: Proposed Mining and Reclamation Phasing

Mining Phase	Area of Disturbance (acres)*	Mining Duration (years)	Mining Initiation Date (est.)	Mining Completion Date (est.)	Reclamation Duration (years)	Reclamation Completion Date (est.)
1	93	4	2019	2023	4	2027
2	52	3	2023	2026	4	2030
3	48	3	2026	2029	4	2033
4	50	2	2029	2031	4	2035
Total	243	12			16	

*rounded off to the nearest acre, including mining area, trails and staging areas.

Source: EnviroMINE, 2016; ESA, 2018; Chang Consultants, 2018

Reclamation and revegetation



DEIR public hearing September 25, 2018

Several hundred people attended to express concerns:

- ▶ Decrease in residential property value
- ▶ Private wells: decrease in water level & contamination
- ▶ Health risks including valley fever and cancer
- ▶ Loss of existing trails for hikers and horse owners
- ▶ Noise for 6 days per week will affect quality of daily life
- ▶ Negative impacts to local business economy
- ▶ Safety hazard for evacuation in case of fires for valley residents
- ▶ Destruction of rural town atmosphere, water, and wildlife habitat

Ms. Heather Steven, Project Manager
County of San Diego
Planning and Development Services
5510 Overland Ave., Suite 310
San Diego, CA 92123

Re: El Monte Sand Mining Project

The San Diego River Conservancy (Conservancy) appreciates the opportunity to comment on the Draft Supplemental EIR (Draft SEIR) for the El Monte Sand Mining Project (Project).

The Conservancy is one of eleven state conservancies. It was created “to acquire and manage public lands within the San Diego River area, and to provide recreational opportunities, open space, wildlife habitat, restoration and protection of species, wetland protection and restoration, protection of historical and cultural resources, and protection, maintenance, and improvements of the quality of the waters in the San Diego River and its watershed, its tributaries, and historic flumes emanating from the river for all beneficial uses, lands for educational uses within the area, and natural floodwater conveyance.” (Pub. Resources Code, § 32633.)

The San Diego River Conservancy Act (Pub. Resources Code, §§ 32630-32658) defines the "San Diego River area" or "area" as those lands or other areas that are donated to, or otherwise acquired by, or operated by, the Conservancy, which are located within one-half mile on either side of the thread of the river and its tributaries including the historic flumes emanating from the river, from its headwaters near Julian to the Pacific Ocean at Dog Beach in San Diego, and other properties within the watershed of the San Diego River that meet the intent of this division as approved on a case-by-case basis by a two-thirds majority vote of the governing board. (Pub. Resources Code, § 32632 (g).) The Project site is located within the San Diego River area.

The Draft SEIR states that 12.5 million tons of native river wash and soil will be removed from the San Diego River in El Monte Valley. The Draft SEIR states that the Project will cause a temporary disturbance for 12-16 years. It also states that the proposed closure date is January 31, 2035. (Draft SEIR, App. J2, p. 2(28).) However, the Draft SEIR notes that “[o]perations may continue beyond the proposed termination date if required to fully exhaust permitted volumes. This would require a time extension to the Major Use Permit and would be subject to approval by the County Planning Commission.”

The Project includes a reclamation and revegetation conceptual plan that is intended to mitigate this minimum 12-year, temporary disturbance and removal of 12.5 million tons of wash and soil. However, insufficient data supports that it will achieve its desired

result. The comments below and the attached appendices discuss issues needing further analysis, explanation and clarification. The Conservancy incorporates the appendices by reference as if set forth in full herein.

Response to Section 2.3 Biological Resources

The Draft SEIR's analysis of impacts to biological resources is insufficient. Sand mining activities involve scooping sand and detritus from the riverbed and expose hard rocks and/or water. This change in the physical environment adversely affects the feeding, hiding and breeding habits of various animal species and threatens the biological diversity of the riverine system.

The public and decision makers need significantly more data on the species present in the Project area and anticipated behavioral/distribution changes due to habitat fragmentation in order to make an informed decision about potential impacts to biological resources as required by the California Environmental Quality Act ("CEQA").

San Diego is the most biodiverse county in the contiguous United States. The results of a search on the publicly available BIOS website show the Project may potentially impact many listed species and sensitive habitats. The El Cajon Mountain Quadrangle alone contains sightings of 3 amphibians, 9 birds, 16 mammals, 11 reptiles and 13 native plants which are either threatened, endangered, fully protected or California species of special concern. (<https://map.dfg.ca.gov/bios/?tool=cnddbQuick>.)

Because the Project may have significant direct and indirect impacts on protected wildlife, the following discussion explains why the conclusion that the Project will have "no significant impact" or "less than significant with mitigation" is erroneous.

Development pressure puts an observed and measurable stress on native ecosystems. The Project will remove mineral deposits along with detritus that has taken millennia to accrue and form native habitats. This will adversely affect wildlife foraging, dispersal and mating patterns that currently exist.

Habitat loss and fragmentation are the leading threats to biodiversity. The Project will remove functional habitat for observed fully protected species that forage in the Project vicinity. In addition, the Project will fragment threatened and endangered species' critical habitat designated by US Fish and Wildlife Service.

The Draft SEIR fails to adequately analyze the impacts of the Project on wildlife corridors. Proposed operations and the subsequent creation of barriers would have a significant impact on the ability of wildlife to move freely across the landscape.

In general, fencing fragments habitat and reduces movement potential. Fencing is proposed across nearly 480 acres causing ground disturbance in the Project area for a minimum of 16 years. This will separate land and exclude utilization. The presence of Project fencing will alter movement patterns, subsequently resulting in reduced reproductive success and foraging areas.

The Draft SEIR devalues El Monte Valley as a wildlife corridor and fails to analyze the Project's impact on surrounding areas, including areas beyond the Biological Study Area (BSA).

The local hillsides and bluffs contain coastal sage scrub and chaparral communities inhabited by California gnatcatcher, San Diego cactus wren and the Pacific pocket mouse. Grasslands are interspersed in the landscape and support unique and endemic species. River reaches support riparian vegetation, which provides habitat for least Bell's vireo, southwestern willow flycatcher, as well as arroyo toad. (State Wildlife Action Plan 2015 (Volume 1, Chapter 5.5, South Coast Province) 5.5.1 pages 1-2.) The Draft SEIR needs to analyze the Project's impacts on these resources.

Impacts to Mammals Not Thoroughly Examined

The Draft SEIR states that numerous resident bat species could occur within the BSA based on the presence of riparian habitat and open water in the vicinity. Most bats with the potential to occur are either inactive during the winter (hibernate) or migrate south to warmer climates. Common bat species with the potential to forage within the BSA include California myotis (*Myotis californicus*), big brown bat (*Eptesicus fuscus*), and Brazilian free-tailed bat (*Tadarida brasiliensis*) (Draft SEIR 2.3-6).

A prior US Geological Survey (USGS) bat survey included surveys conducted at El Monte County Park. ([Bat Inventory of the Multiple Species Conservation Program Area in San Diego County, California, 2002-2004](#), Drew Stokes, Cheryl Brehme, Stacie Hathaway and Robert Fisher.)

The USGS survey conducted an Anabat survey at various foraging sites, including at El Monte County Park which is less than 1 mile (4,200 feet) from the Project footprint (Appendix B, map). The survey identified four additional bat species present in El Monte Valley: Western pipistrelle (*Pipistrellus hesperus*), Big brown bat (*Eptesicus fuscus*), Mexican free-tailed bat (*Tadarida brasiliensis*), Pocketed free-tailed bat (*Nyctinomops femorosaccus*) (California species of special concern), and Western mastiff bat (*Eumops perotis*) (California species of special concern).

Bats are a diverse group of mammals representing approximately one-third of the mammals found in San Diego County. (Stokes et al., at p. 2.) A 2004 study prepared for the California Department of Transportation noted that, because existing laws are limited in their ability to protect bats, the CEQA planning process becomes the single most important law protecting bat populations in California. ([California Bat Mitigation Techniques, Solutions, and Effectiveness](#), H. T. Harvey & Associates, at p. 17.)

The Draft SEIR does not reflect the best available science to address impacts to bats. The Draft EIR should analyze additional information and perform the necessary survey and/or studies to establish the Project's impacts to bat species.

Response to Section 2.4 Cultural Resources and Appendix K1

Kumeyaay sites exist in the river bed although they may be covered by silt during periods of high water and exposed as the river carves through the landscape. A total of 43 cultural resources would be impacted with the implementation of the Project. Of those, 29 isolates were determined to be not significant. (Draft SEIR, 2.4.4 Significance of Impacts Prior to Mitigation.) Isolates that have moved with the river flow should not be discounted as to their value as unassociated artifacts. The total number of resources attests to the concentrated use of the area throughout time by the Kumeyaay. Many Kumeyaay artifacts have been found in the sand and gravel and will continue to be found throughout the previously disturbed areas.

Throughout Appendix K1 the studies refer to generally poor visibility experienced when conducting the cultural resources survey in 2011. Appendix K1 at page 32 states, “Ground *visibility was generally poor*, except in areas that had been subject to prior grading. Poor visibility was primarily due to heavy vegetation, present over a significant portion of the Project site (Figure 5).” “An additional survey of portions of the project area *constrained by surface visibility* and environmental limitations was conducted between August 25 and 28, 2015.” (Italics added.) Poor visibility was due to heavy vegetation, present over a *significant portion* of the Project site and some areas were not surveyed at all. The areas surveyed appear to be less than 50% of the project area. The justification is due to low ground surface visibility from 0 to 50% (Appendix K1 page 32). This is especially significant as each subsequent archeological study in El Monte Valley continues to identify and record previously unknown sites. The archaeologist justifies that impact to cultural resources are minimal and/or reduced by mitigating. However, basing such a conclusion on a clear acknowledgement that the majority of the site could not or was not surveyed is not good science. The entire project area should be resurveyed with the participation of qualified Kumeyaay Cultural Monitors. Should it be necessary to improve surface visibility, additional mitigation measures and rehabilitation measures need to be in place prior to conducting any field work and bonded, should the project not receive approvals or the project become economically un-viable.

The Draft SEIR does not reflect a thorough understanding of current information to address impacts to cultural resources within the Project site and mitigation needed. The Draft SEIR should collect additional information and perform the necessary survey and/or studies to establish the Project’s impacts to cultural resources.

Response to Section 2.4.2.3 Issue 3: Human Remains

This section states, “No evidence of human remains, including those interred outside of formal cemeteries, was discovered during the records search, literature review, field survey, or site testing and evaluation. There is no indication that the Proposed Project site was used by Native Americans for religious, ritual, or other special activities and

therefore impacts to Native American burial sites are not expected.” This statement is erroneous, inaccurate, and lacks sufficient information to make an informed decision.

There are known Kumeyaay human remains that were relocated during the early golf course field investigations (2005), but they are not referenced in the Draft SEIR technical reports. This information was also relayed to the Conservancy by representatives from Bands of the Kumeyaay Nation during various meetings with the Barona Band of Mission Indians, the Viejas Band of Kumeyaay Indians and descendants of the Capitan Grande Band of Mission Indians. Further evidence noted, "There is also not mention of human remains which should have been disclosed by Helix Water District." (Appendix C). Therefore, the Project will have significant unmitigable impacts to known human remains.

Excluding any scientific research and known sites from analysis is inappropriate and does not follow best management practices for archeological investigation. Moreover, the document later acknowledges (Draft SEIR 2.4-17) that, given the high number of archaeological resources located within or near the project site, there is potential for the presence of previously undiscovered, buried archaeological resources.

Although this Project could directly impact buried archaeological resources, the Draft SEIR at 2.4-15 fails to acknowledge the possibility of direct impacts, concluding only that, "There is potential for indirect impacts during project grading." Furthermore, the Project plans to mitigate impacts to archaeological resources by establishing open space easements, temporary fencing and grading during Project construction. This might mitigate impacts to avoided cultural resources, but not those directly impacted. This analysis is lacking information for ground disturbing activity in the Project footprint.

Throughout the document there are several references to tribal participation/monitoring. The Draft SEIR should use "qualified Kumeyaay Cultural Monitor" in lieu of "Native American Monitor." Anytime an archeologist is in the field, a qualified Kumeyaay Cultural Monitor should also be present. This includes during all ground disturbing activities. See **Section 3.8 Tribal Cultural Resources** for definition of Qualified Kumeyaay Cultural Monitor.

Response to Section 3.2 Geology and Soils 3.2-1

The Draft SEIR fails to mention or discuss significant and unavoidable impacts to soil that will occur during the ground disturbing activities and following the mining. Although the Draft SEIR discusses how soil would be stored within the Project site, it lacks sufficient information about the soils physical-chemical properties and how storing soil on a berm for 2-4 years would alter the composition of the soil. The Draft SEIR needs to discuss how changes in soil composition and texture will affect the ability of plants to grow and thrive during the revegetation process.

Sand mining removes top soil, changes the soil composition and sediment budget, and results in substantial changes to the channel hydraulics which in turn affect habitat

types, the characteristics of riparian vegetation, and the magnitude and frequency of hydrologic disturbance.

The Draft SEIR identifies a zero-net-groundwater-usage Project (Draft SEIR 4-4), but not a zero-net-soil-resource loss for Project. The removal of 12.5 million tons of aggregate material from the El Monte Valley region is a substantial loss to the soil composition, texture, and ecosystem.

If mining operations occur on 228 acres and the maximum excavation depth for mining activities is 36-41 feet as outlined, then 1,140 acre-feet of soil will be extract for mining targets. Moreover, 9,348 acre-feet of soil will be disturbed to reach the target mining depths. These calculations were not performed in the Draft SEIR, nor was an explanation of what specific soil or liquid-based medium will fill the soil deficiency following mining. The Draft SEIR identifies no waste materials resulting from mining operations (Draft SEIR 1-9), indicating that the remaining silt and clay mixture will be reintroduced into the environment without a sand-textured counterpart. This is a direct violation of the Clean Water Act 303(d) list for its increase in siltation to water. (App. A, An Environmental Impact Review of Soils in the El Monte Sand Mining Project: Draft Environmental Impact Report, Chandra Richards, at p. 3).

Topsoil, the uppermost horizon in a soil profile, will be stockpiled into 8-foot berms surrounding the mining footprint of each phase to safeguard against erosion and dust. Nevertheless, the substantial removal of topsoil points to a massive shift in biological and geochemical processes, which is central to the lithosphere, hydrosphere, biosphere, and atmosphere.

Topsoil removal to create the perimeter berms and stabilization activities in each Phase can be lethal for soil microbial health and thus will impact the ecosystem. The Draft SEIR does not outline the mitigation for loss of such locally-valuable resources that act as protective shields and filter pollutants in the immediate area. (App. A, An Environmental Impact Review of Soils in the El Monte Sand Mining Project: Draft Environmental Impact Report, Chandra Richards, at p. 4)

The Draft SEIR does not mention or discuss the multiple significant and unavoidable impacts to soil directly following onsite mining activities, 10 years post-mining, and 20 years post-mining. To mitigate against this degradation of soil as a resource, the Draft SEIR should emphasize proper storage and soil retention during the 4 mining phases. Although sand mining operations occurred at the Project site in the San Diego River channel 35 years ago, the Draft SEIR does not identify the direct and indirect impacts resulting from those activities on the soil ecosystem within and surrounding the area and whether the initial mining done 35 years ago has been adequately mitigated

Response to Section 3.4 Hydrology and Water Quality 3.4-1

As discussed in greater detail in Appendix D, the Conservancy believes that the Draft SEIR statements that the implementation of the Project would not adversely affect water

quality and groundwater storage and would not alter local drainage patterns and therefore any impacts will be less than significant are not supported by the provided analyses.

With respect to the impact to water quality, the Draft SEIR does not provide an in-depth analysis. The Draft SEIR claims that compliance with the requirements of the State Construction General Permit and Industrial General Permit are sufficient to mitigate all adverse water quality issues. The Draft SEIR lacks a detailed quantitative analysis to review risks to the water quality and the measures that are required to mitigate adverse effects.

A detailed study is needed to identify and quantify the water pollution risks including an examination of whether compliance with State Construction General Permit and Industrial General Permit provides sufficient mitigation measures for the specific site to support the conclusion that water quality impacts on receiving water bodies would be less than significant.

With respect to the Project's impacts on the local groundwater resources, the Draft SEIR is based on the projection that the ground water level will consistently and indefinitely drop and therefore the bed of the excavated pit will be substantially higher than the groundwater level. It also assumes that recharge to the aquifer will increase because of the collection of storm water in the excavated pit. The attached report (see App. D) questions these assumptions.

In a recent site visit by the Hydrologic Research Center (HRC), HRC observed evidence of high groundwater levels. The Draft SEIR's assumed groundwater decline of 1.7 feet per year is not well supported. It is based on historic data, which may not reflect current hydrologic conditions.

In addition, the Draft SEIR analysis assesses whether the proposed site would result in a 50 percent reduction of groundwater storage and follows an analysis procedure that is recommended for a fractured rock aquifer (San Diego County Guidelines for Determining Significance and Report Format and Content Requirements – Groundwater Resources (2007)). It is noted that in such an analysis it may be prudent to consider the impact of the proposed project on the storage capacity of the aquifer.

The proposed project will effectively reduce the storage capacity of the aquifer by removing a substantial amount of aquifer material. Should the ground water level rise above the bottom of the pit in the future, the groundwater in storage will suffer a reduction due to the decreased aquifer storage. The surface mining and resultant pit will remove material that would have otherwise had the potential to store groundwater.

The HRC Report (App. D) concludes that the proposed Project alteration of the San Diego River, which effectively disconnects the upstream portion of the river from the river downstream of the Project site, will cause significant geomorphic consequences whose long-term effects need to be carefully studied. These consequences will likely

enhance the erosion process upstream of the proposed pit, cause erosion processes and sediment deposition inside and along the pit, and will alter the sediment transport regime downstream of the site. The Draft SEIR fails to adequately address these significant regional geomorphic alterations.

To evaluate the potential erosion of soils, changes in the river channel and transport of sediment downstream of the project site during floods, a model known as FLUVIAL-12 was applied in the Draft SEIR. However, there was no direct mention of the details of application of the model and its output results, though the Draft SEIR did state that the project would “not result in substantial erosion or siltation on- or off-site.”

Because there are no estimates of sedimentation provided in the Draft SEIR based on the FLUVIAL-12 model mentioned, HRC estimated the amount of sediment that could be deposited in the pit based on a literature review. Based on the estimates, 8,000-10,000 tons of sediment per year could accumulate in the pit. While this is a gross estimation, it emphasizes the magnitude of potential sedimentation and indicates the need for a detailed study or modeling to better understand the risk and impacts from the sedimentation.

Water Availability and Supply

When discussing a project’s water supply impacts, an EIR must address:

“. . . the reasonably foreseeable impacts of supplying water to the project. If the uncertainties inherent in long-term land use and water planning make it impossible to confidently identify the future water sources, [the] EIR may satisfy CEQA if it acknowledges the degree of uncertainty involved, discusses the reasonably foreseeable alternatives – including alternative water sources and the option of curtailing the development if sufficient water is not available for later phases – and discloses the significant foreseeable environmental effects of each alternative, as well as mitigation measures to minimize each adverse impact.”

(*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (“*Vineyard*”) (2007) 40 Cal.4th 412, 431.)

Indeed, “[t]he data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project.” (*Vineyard*, 40 Cal.4th at p. 431.)

The Draft SEIR fails to assess the impact of the proposed mining operation on the ability of the Lakeside Water District to supply water for the duration of the Project, including dust suppression and re-vegetation of the site. Studies have been done in the San Diego region indicating that the area will likely be subject to alternating multi-year serious drought conditions followed by a year or so of drenching.

The Draft SEIR states Lakeside Water District (LWD) will supply water to the Project, but it is unclear if LWD has the ability to supply water needed to complete the goals of the Project while serving its other customers. The Draft SEIR states that, "Water to the project site would be provided by Lakeside Water District through an existing pipeline and meter on the project site." (Operational Water Use, 1.4.2.12, page 1-10). This requires a "will serve" letter from the public water supplier addressed to the Project, which is sufficient to establish that the project can secure water supply. This document was not provided in the Draft SEIR Appendices, so it is unclear if LWD is capable of providing the needed water amount to the Project.

Moreover, even if the LWD has the ability to meet the water requirements of the Project, the Draft SEIR is silent about the effects of that delivery on water service to the remainder of the LWD's jurisdiction. One of the unavoidable adverse impacts of the Project is the increased demand for available water; however, there is no information on how severe this adverse impact will be. "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences" (CEQA Guidelines section 15150).

Information about the water supply to the project is lacking in two significant areas of the Draft SEIR. There is no mention of the evaluation if the Lakeside Water District can supply the volume of water that the Project will need, nor an estimation of that volume quantity needed to complete the Project goals. The Draft SEIR also lacks a plan or outreach to the local residents who rely on clean private well water, especially if ground water decreases, becomes contaminated, or becomes unpotable due to direct impacts from the Project.

Response to Section 3.8 Tribal Cultural Resources 3.8-1

The Draft SEIR at section 3.8.4 states: "No tribal cultural resources were identified during the cultural evaluation of the project site or during Native American consultation. As such, there would be no impact to known tribal cultural resources with the implementation of the proposed project. Therefore, mitigation is not required." To the contrary, implementation of the Project would have a significant impact to known tribal cultural resources. The Draft SEIR lacks sufficient information of Kumeyaay resources to make an informed analysis. The review presents an inadequate representation of the tribal consultation processes, pursuant to CEQA and AB 52, for local indigenous Native American tribes known as the Kumeyaay Nation (Appendix F) and requires further consultation with representatives from the Kumeyaay Nation.

Prehistoric archaeological resources have been identified within the Project site, including prehistoric archaeological sites and prehistoric isolates. (Draft SEIR 3.8-1.) However, there are numerous prehistoric artifacts, bed rock milling sites, villages and areas of deep midden, which are not discussed in Draft SEIR. Each subsequent archeological study in El Monte Valley identifies and records additional previously unknown sites. The many Kumeyaay artifacts that have been found in the sand and gravel attest to the concentrated use by the Kumeyaay.

The conclusion in the Draft SEIR 3.8-6 that “no tribal cultural resources were identified during the cultural evaluation of the project site or during Native American consultation” shows a lack of understanding of cultural and tribal resources. According to CEQA, the importance of tribal cultural resources is the value of the resources to Native American tribes culturally affiliated with the Project site (Draft SEIR 3.8.3). The Draft SEIR section 3.8.1.5 Consultation Reports noted only 7 of the 12 Kumeyaay Bands were contacted. Further consultation is warranted for the remaining culturally affiliated Bands of Kumeyaay as well as renewed consultation with the Kumeyaay Bands previously contacted.

Records maintained by the Native American Heritage Commission (NAHC) and Cultural Historical Resources Information System (CHRIS) are not exhaustive, and a negative response to these searches does not preclude the existence of tribal cultural resources. Often times a tribe may be the only source of information regarding the existence of a tribal cultural resource.

The whole El Monte Valley is a sacred Kumeyaay Traditional Cultural Property and landscape that is documented to be historically and culturally significant. Prior to the construction of the El Capitan dam in 1934, the Kumeyaay relied on the San Diego River as a fresh water source and located homes near tributaries and the main steam.

The San Diego River provided abundant ethnobotanical resources that are still used by the Kumeyaay today. Unfortunately, contemporary biologists and archeologists prefer to isolate plants and animals into lists of species and fail to adequately evaluate and identify the plants and animals used by Kumeyaay as cultural and tribal resources. They were part of the Kumeyaay’s diet, tradition and ceremonies. This Draft SEIR fails to adequately evaluate impacts to plants and animals, which constitute Kumeyaay tribal resources.

Implementation of the Project would have a significant impact to known tribal cultural resources, but the Draft SEIR lacks sufficient information to interpret Kumeyaay prehistory. The Draft SEIR’s review was inadequate under CEQA and AB 52. Further consultation with representatives from local indigenous Native American tribes known as the Kumeyaay Nation is required.

Throughout the document there are several terms associated with tribal participation/ monitoring. The Draft SEIR should require that a “Qualified Kumeyaay Cultural Monitor” be used rather than a “Native American Monitor.” Anytime an archeologist is in the field, a qualified “Qualified Kumeyaay Cultural Monitor” should be present including during all ground disturbing activities.

“Native American Monitor” is a generic term for all tribes across the United States. Within the State of California, it is further defined as “California Native American.” For projects occurring within the Kumeyaay Nation and the aboriginal territory occupied by the Kumeyaay people for thousands of years and recognized by the California

Legislature Assembly Joint Resolution No. 60 adopted on the 29th day of August, 2002, it is more accurate and respectful to clarify a “Kumeyaay Cultural Monitor.” (Appendix F.)

Based on the information below, a “Qualified Kumeyaay Cultural Monitor” is defined as an individual who is culturally affiliated with the area, has a vested interest, and trusted by tribal leaders.

Therefore, the term “qualified” refers not only to the skills, expertise, and training of an individual, but also to the formal recognition by the elected leadership of the individual’s tribal association that the leadership acknowledges the individual’s skills and approves the individual acting on their behalf as a Kumeyaay Cultural Monitor.

Tribal officials are ultimately responsible for vetting the qualifications of the Cultural Monitors whom they choose to represent their tribe. Cultural Monitors are intended to be trusted tribal representatives who will have firsthand exposure to field activities so that they may make recommendations to the archaeologist onsite, as well as directly report their observations to their tribal leadership and/or community.¹

The use of “Native American Monitor” allows any individual claiming native status to pursue monitoring work in the Kumeyaay Territory.

The Tribal Cultural Resources section needs to provide additional information and to be updated to reflect compliance with California law including Assembly Bill 52 (Gatto 2014) that requires government-to-government consultation with all Bands of the Kumeyaay Nation.

“This bill would specify that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. The bill would require a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. The bill would specify examples of mitigation measures that may be considered to avoid or minimize impacts on tribal cultural resources. The bill would make the above provisions applicable to projects that have a notice of preparation or a notice of negative declaration filed or mitigated

¹ **Native American Heritage Commission Guidelines for Native American Monitors/Consultants** (nahc.ca.gov) recommend that preference for monitor/consultant positions be given to California Native Americans culturally affiliated with the project area. These Native Americans will usually have knowledge of the local customs, traditions, and religious practices. They are also aware of the local tribal leaders, elders, traditionalists, and spiritual leaders. Since it is their traditional area being impacted, culturally affiliated Native Americans have a vested interest in the project

negative declaration on or after July 1, 2015. The bill would require the Office of Planning and Research to revise on or before July 1, 2016, the guidelines to separate the consideration of tribal cultural resources from that for paleontological resources and add consideration of tribal cultural resources. By requiring the lead agency to consider these effects relative to tribal cultural resources and to conduct consultation with California Native American tribes, this bill would impose a state-mandated local program.”

Over 400 years of human incursion and resource exploitation has disturbed the surface in some areas revealing artifacts which have been collected by visitors and surrounding residents. Despite farming, housing, quarrying, roads and freeway construction along the San Diego River Valley, valuable Kumeyaay archaeological resources remain.

APPENDIX Q Valley Fever

The Valley Fever Technical Report states, “The project site is in a suspected endemic region for *Coccidioides* spores and has soils and climatic conditions suitable for hosting the fungus. Proposed Project activities would increase potential exposure of the fungus to and by onsite workers, nearby residents and visitors. The project will be conditioned to implement measures that reduce fugitive dust emissions and provide certain personal protection for onsite workers to reduce potential exposure to *Coccidioides* spores; however, the risk of potential exposure cannot be eliminated entirely.”

The Draft SEIR shows no communication with the Centers for Disease Control and Prevention. The Draft SEIR fails to assess the potential for mining operations to intensify Valley Fever throughout the Lakeside region or discuss what measures can be applied to limit soil contamination and spread Valley Fever. (App. A, An Environmental Impact Review of Soils in the El Monte Sand Mining Project: Draft Environmental Impact Report, Chandra Richards pp 7-8.)

Natural and anthropogenic soil disturbance events (ex. earthquakes, construction, farming practices) can sweep spores from depths of 10-30 centimeters into the air, where they quickly spread. Valley Fever affected 0.004% of the San Diego County population between 2007 and 2016, and the “climatic conditions and type of soils and vegetation found in the El Monte Valley (including the project site) make it a possible location for the occurrence and growth” of the spores. (Draft SEIR S-4.) Animals, including dogs, cattle, horses, mammalian wildlife, and other endangered species, can also be infected with Valley Fever.

The Draft SEIR concludes that the Proposed Project has the potential to expose workers, nearby residents, and visitors to the *Coccidioides* spores (Draft SEIR S-5), but no measures, precautions or mitigation are listed in the Draft EIR to safeguard against a public health issue for local communities and animals in and near the El Monte Valley. All 3 schools, El Capitan High School, Foothills Christian Elementary School, and the ABC Wonder Years Preschool, are located within a one-mile radius of the potential mining operation (App. A, at p. 2) as well as vulnerable populations that would be directly affected by the soil disturbances resulting from the proposed mining operations (Draft SEIR S-2).

Environmental Justice

This Draft SEIR lacks sufficient data, information and analysis of environmental justice issues for the Project. This Project will disproportionately impact a low income community and nearby Native American tribal reservations. The Conservancy requests additional information be provided and analyzed regarding this topic in the Draft SEIR.

Environmental justice embraces the precept that all people and communities are entitled to equal protection under our environmental, health, employment, housing, transportation, and civil rights laws: achieving environmental equity is the right thing to do in a society which espouses democratic principles. To ensure fairness, the analysis of potential impacts must be considered for their social implications.

Specific provisions of CEQA and its Guidelines require that local lead agencies consider how the environmental and public health burdens of a project might specially affect certain communities. The Proposed El Monte Sand Mining Project is located in Lakeside less than one mile from a disadvantaged community. The California Department of Water Resources' definition for a Disadvantaged Community (DAC) is a community with an annual median household income (MHI) that is less than 80% of the Statewide annual MHI (Pub. Resources Code Section 75005(g)), and those census geographies with an annual MHI less than 60% of the Statewide annual MHI are considered "Severely Disadvantaged Communities."

The California Attorney General has provided guidance on how environmental justice concerns might be incorporated into CEQA review. (App. E, Environmental Justice at the Local and Regional Level, Legal Background, Updated 7/10/12, ("Report").) The Report notes that environmental justice concerns must be considered in many aspects of the CEQA process including environmental setting (*id.* at 3), cumulative impacts (*id.* at 3-4), and alternatives and mitigation (*id.* at 4-5).

The Draft SEIR fails to identify or analyze the potentially significant environmental justice issues that arise from the location of the Proposed Project with respect to disadvantaged communities. "[E]nvironmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." (Gov. Code, § 65040.12(e).) Consideration and analysis of social, demographic, and economic factors on a disproportionately overburdened community are inadequate in the Draft SEIR.

The Report acknowledges that local agencies have discretion to approve a project, even one with unavoidable environmental impacts. However, the Report asserts that, if the benefits of a project will be enjoyed widely, but the environmental burdens of a project will be felt particularly by the neighboring communities, then the balance the agency has struck should be set out plainly in the statement of overriding considerations. Special consideration of the public health impacts on already overburdened, disadvantaged communities is lacking.

In adopting CEQA, the Legislature declared it is the policy of the state to: “Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.” (Pub. Res. Code, § 21001, subd. (b).)

Some environmental justice recommendations for mitigation include: increased enforcement of idling and dust-control ordinances and developing a health mitigation fund that directly addresses health related and other air quality impacts of the Project in the community of Lakeside.

Failure to Adequately Analyze Cumulative Impacts & Mitigation

The Draft SEIR fails to disclose, analyze, and mitigate the cumulative impacts of the Project. The Draft SEIR fails to specifically disclose and analyze mitigation actions to be undertaken in the course of various aspects of the project. The Draft SEIR lists a number of authorizations that the Project will be required to secure from federal and state authorities under a number of different laws and regulations. These include, but are not limited to, permits for discharges into wetlands, water quality certifications, and consultations that must be undertaken with the California Department of Fish and Wildlife, the San Diego Regional Water Quality Control Board and the U.S. Fish and Wildlife Service. The potential impacts that must be addressed in such permits and consultations are not adequately addressed in the Draft SEIR. The Draft SEIR’s cursory discussion fails to inform the public and decision-makers about the potential cumulative impacts of the Project, and thus fails to meet the requirements of CEQA.

Conclusion

The removal of 12.5 million tons of sand from streambeds will have enormous impacts to existing resources, habitat and the functions of the ecological system. As noted in the attached hydrology report, the “[p]roposed project would clearly alter the natural drainage area. The planned eastern pit constructed during the first phase will effectively cut into the San Diego River natural channel. By excavating into the natural channel, the San Diego River upstream of the proposed site would be disconnected from the river downstream of the site.” (Appendix D) The Draft SEIR fails to document significant impacts and mitigation measures to address them, rather deferring such analyses to the future.

The proposed Project would alter the physical conditions of the natural environment, and implementation will cause the multiple environmental impacts including significant impacts to habitat, wildlife, water quality, soil and soil health, air quality, vegetation, both cultural and tribal resources, as well as agricultural and forest resources.

The significant versus non-significant impacts and the mitigation analyses do not adequately address the cumulative impacts to human and animal health, the environment, and the historic and culturally significant elements within the Project site.

The Draft SEIR relies upon future compliance with its management plans to mitigate significant impacts, introducing the very uncertainty in decision making that CEQA was designed to avoid. It is unacceptable under CEQA to assume that mitigation will be sufficient without a comprehensive understanding of the significance of the impacts that the mitigation measures are meant to address.

When an agency preparing an impact report is required to examine future events that are difficult to forecast, the agency “must use its best efforts to find out and disclose all that it reasonably can.” (CEQA Guidelines § 15144; *Planning and Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 242). The Revised Draft SEIR must remedy this deficiency by mandating specific and detailed requirements for the mitigation of the significant impacts via future projects.

The Draft SEIR defers specification of numerous mitigation measures until after the completion of environmental review in violation of CEQA. “[M]itigation measure[s] [that do] no more than require a report be prepared and followed” do not provide adequate information for informed decision making under CEQA. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794; CEQA Guidelines § 15126.4(a)(1)(B)). The Revised Draft SEIR must address this deficiency by completing its reports, plans, and studies before any final decision is made. Deferring this analysis until after the County has certified the EIR and approved the Project could result in impacts that were never evaluated or considered in violation of CEQA.

CEQA mandates that “[a]ll phases of a project must be considered when evaluating its impact on the environment.” (CEQA Guidelines § 15126.) The Draft SEIR’s selective analysis – and its conclusions based thereon – stymie CEQA’s informational goals and violate CEQA’s mandate that EIRs “be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (CEQA Guidelines § 15151).

Because of the extent of the inadequacies in the current Draft SEIR, the comments submitted and the questions raised during this Draft SEIR should be addressed in a re-release as a Draft rather than as a Final EIR for the Project.

The San Diego River Conservancy appreciates the opportunity to review and comment on this Draft SEIR and Conservancy staff is available to discuss the concerns, comments and recommendations in greater detail. Please contact Mr. Dustin Harrison, Environmental Scientist, at Dharrison@sdrc.ca.gov or 619-525-4094.

Please provide a copy of the final EIR and any future notices regarding this project to the Conservancy at the addresses below (email preferred).

Appendices:

- A An Environmental Impact review of Soils in the El Monte San Mining Project: Draft Environmental Impact Report
- B San Diego River Conservancy's map showing Project location in El Monte Valley (Lakeside, CA)
- C Letter from Manzanita Band of the Kumeyaay Nation
- D Review of the Hydrology, Hydraulics, and Groundwater Analyses Performed for the Draft Subsequent Environmental Impact Report for the El Monte San Mining Project
- E Environmental Justice at the Local and Regional Level
- F California Legislature Assembly Joint Resolution No. 60 adopted on the 29th day of August, 2002

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APPENDICES

Appendix A

An Environmental Impact Review of Soils in the El Monte
Sand Mining Project: Draft Environmental Impact Report

An Environmental Impact Review of Soils in the El Monte Sand Mining Project: Draft Environmental Impact Report

Chandra Richards, Conservation Ecologist

Resource Conservation District of Greater San Diego County

Sand mining is the extraction of aggregate (specifically sand, gravel, and crushed stone) through open pits on beaches, river beds, oceans, and/or inland dunes. These activities present economic opportunities to extract sand, of particle size diameters ranging 0.5-2.0 mm, and gravel, of 2-75 mm particle size diameters, for use in the construction and landscape industry for roads, mixing with asphalt and concrete, as an abrasive, for bricks and pipes, and for fracking and tourism. However, sand mining is a well-documented and massive disturbance to natural environmental conditions, resulting in irreversible problems for soil, water, air, and wildlife habitat. The environmental impact of sand mining includes, but is not limited to, erosion, soil contamination, water pollution, destruction of vegetation, and extinction of invertebrate, avian, mammalian, and piscine species and their habitats. This report will review the direct and indirect effects on soil conditions and short- and long-term impacts to soil as outlined in the El Monte Sand Mining Project: Draft Environmental Impact Report (EIR). The EIR was prepared by the County of San Diego, the California Environmental Quality Act (CEQA) Lead Agency, as well as various local groups, who consulted multiple federal, state, and local groups for the draft report.

The proposed El Monte Sand Mining Project seeks to extract 12.5 million tons of Portland Cement Concrete (PCC) quality construction aggregate over a 12-year period from the El Monte Valley in Lakeside, CA. In San Diego County, the demand for PCC-grade aggregate is high, regardless of short supplies of sand resources (3.10-2). The project site is currently owned by the El Monte Nature Preserve, LLC (EMNP), who will mine 480 acres of land and extract aggregates in four phases working from northeast to southwest. By mining soils at depths of 36-41 feet, EMNP will process 5,770 tons of aggregate per day and haul 4,239 tons of aggregate per day offsite (1-4), where it will be sold at a price of \$20 per ton (Appendix L). They will not be performing excavations below the groundwater table, nor drilling, blasting, or rock crushing within the sand mining site. Phase 1 will be mined for four years until 2023; Phase 2 will be mined for three years until 2026; Phase 3 will be mined for three years until 2029; and Phase 4 will be mined for two years until 2031. Following mining activities, EMNP plans to restore 262 acres over four years per phase by (i) reclaiming lands to usable and/or pre-disturbed conditions with recreational trails and easements, (ii) replanting multiple native riparian, wetland, and upland

vegetation communities, and (iii) restoring habitat for sensitive amphibians, reptiles, birds, and mammals. Reclamation and revegetation activities will be performed from 2023 until 2035. The EIR does not mention or consider multiple significant and unavoidable impacts to soil directly following mining, 10 years post-mining, and 20 years post-mining.

The project site lies in the El Monte Valley in the Lakeside Community Planning Area of Lakeside, CA within unincorporated San Diego County. Situated within the San Diego River watershed and floodplain, the project site rests on the third largest aquifer in the County and is west of the El Capitan Reservoir. Its topography includes steep mountains on the north and south sides adjacent to a flat alluvial valley. Elevation ranges from 408 feet above mean sea level (MSL) to 505 feet above MSL (Appendix Q). The project site is a wildlife habitat with exotic species and native vegetation and currently is vacant of human land uses. The project site is not classified as an important agricultural resource due to its low groundwater rating (Appendix E); however, several agricultural operations are located north of the site. The closest farm is the 120-acre Van Ommering Dairy Farm (S-2), which is less than 0.2 miles from the project site and previously one of three commercial dairy farms remaining in the County; the now-defunct Dairy Farm stopped production in March 2018. Three schools, El Capitan High School, Foothills Christian Elementary School, and ABC Wonder Years Preschool, are within a one-mile radius of the potential mining operation (3.6-3). Twelve trail segments remain within and/or surrounding the project site and thirteen parks, preserves, reservoirs, riding clubs/equestrian centers, and/or community centers are in the 5-mile vicinity of the project site (3.7-1). The project site has been used in the past for agriculture, specifically the production of avocado orchards, flowers, and truck crops. Thirty-five years ago, sand mining operations occurred at the project site in the San Diego River channel; the EIR does not demonstrate the direct and indirect impacts resulting from those activities on the soil ecosystem within and surrounding the area.

The soils in the El Monte Valley region are characterized as alluvial soils and riverwash deposits with granitic and metavolcanic bedrock along the San Diego River floodplain. More specifically, the major soil types include Bosanko, Cieneba, Friant, Greenfield, Huerhuero, Ramona, Tujunga, and Visalia series of stony clay, sand, sandy loam, coarse sandy loam, and loam textures and also acid igneous rock land (Figure 3.1-2). The EIR is absent of an analysis of soil color, specifically the soil horizon, chemical composition, and minerals present that can be quantitatively estimated based on hue, value, and chroma (Appendix D). The agricultural and forest resources and geology and soils, which include the soil series and texture, are mentioned as environmental effects found not to be significant (3.1, 3.2), while

the Local Agricultural Resource Assessment (LARA) Model rates soil quality as high for the project site, indicating a discrepancy in the EIR regarding the importance of soil. Sand and gravel are integral components of geology, soils, and agricultural and forest resources, yet are defined as locally-important, marketable, and significant resources as construction, metallic, and rare materials and industrial and chemical minerals (2.8-5). In reality, the soil quality rating identifies that the project site has over 300 acres of Prime Farmland Soils or Soils of Statewide Significance that are available for agricultural use and/or have been previously used for agriculture (Appendix E).

The EIR identifies a zero-net-groundwater-usage project (4-4) but not a zero-net-soil-resource loss for project. However, the removal of 12.5 million tons of aggregate material from the El Monte Valley region is substantial for the soil composition, texture, and ecosystem. If mining operations occur on 228 acres and the maximum excavation depth for mining activities are 36-41 feet as outlined, then 1140 acre-feet of soil will be extract for mining targets, . Moreover, 9348 acre-feet of soil will be disturbed to reach the target mining depths. These calculations were not performed in the EIR, nor was an explanation of what specific soil or liquid-based medium will fill the soil deficiency following mining. The EIR identifies no waste materials resulting from mining operations (1-9), indicating that the remaining silt and clay mixture will be reintroduced into the environment without their sand-textured counterpart. This is a direct violation of the Clean Water Act 303(d) list for its increase in siltation to water.

The large amount of extracted aggregate and also exposure of subsoils to natural climatic events results in a decline in soil stability and resilience to the landscape. Silt and clay are not solely conducive to water drainage, plant growth, or physical stability; the EIR does not mention how a massive change in soil texture can affect the ability of plants to grow and survive. Previous reports for projects at and nearby the project site highlight the susceptibility of site soils to erosion and liquefaction (Appendix L1), both of which are critical for a site adjacent to multiple resident and school receptors. Natural events, such as earthquakes, liquefaction, landslides, soil stability, and expansive soils are increasingly common in our climatically-changing world, yet impacts with each event and with respect to geology and soils are identified as less than significant (3.2-12). Without plants and their active root systems to protect the Earth's surface, soils will be quickly exposed, leading to severe erosion by wind or water flow during mining phase. The use of vegetation will limit erosion; however, vegetation will not be planted until all mining activities are complete in the phase section of the project site. The steep-sloped hills along the Valley may further contribute to this problem with both soil and rock gravitational erosion (S-2); proper

reclamation of steep lands may not expose humans or adjacent property structures to the substantial adverse effects of erosion though (3.2-8, Appendix L).

Erosion controls will be installed along mature riparian woodland areas of the San Diego River floodway to protect the channel head during periods of water flow (1-6), but not along other segments of the Phases. The EIR lists several erosion control measures, including straw and hay, replanting, and/or re-grading and also regular monitoring (1-11). The project's most meaningful performance criteria for revegetation mitigation and erosion control (1-18), a soil-based action, is identified as vegetative cover and species richness for this project, but is not inclusive of soil physical and geochemical characteristics, specifically composition, water-holding capacity, and organic matter content. Soil characteristics, and also topography and climate, heavily influence erosion through water-holding capacities and soil's physical resistance to detach and be transported from its existing environment; however, these variables are not considered meaningful in the EIR.

Topsoil, the uppermost horizon in a soil profile, will be stockpiled into 8-foot berms surrounding the mining footprint of each phase to safeguard against erosion and dust. The EIR does not describe the soil horizons for each series or the major chemical constituents in the soil. Nevertheless, the substantial removal of topsoil points to a massive shift in biological and geochemical processes for the soil, which is central to the lithosphere, hydrosphere, biosphere, and atmosphere. Impacting the ecosystem, top soil removal for perimeter berms and stabilization activities along each Phase can be lethal for soil health. The EIR does not outline the compensation of such locally-valuable resources that act as protective shields and filter pollutants. The EIR later states that revegetation and restoration implementation will include, but is not limited to "salvaged top soil placement" (7-11), which emphasize improper storage and poor retention of top soil during mining.

The EIR overlooks the potential for the site to store carbon in plants and soils. The LARA Model emphasizes that the site is not an important agricultural resource (Appendix E); however, this classification does not highlight its viability as an agricultural hotspot or reliability as a water source. The site holds significant and economically-viable mineral resources, including potentially-extractable aggregates and soil organic matter contents, which are central to climate-smart agriculture, mitigation approaches, and resiliency. Organic matter directly increases soil water-holding capacity, boosts aggregation in soil, and decreases metal toxicity to plants. The County of San Diego's Climate Action Plan (CAP) has set strategies, targets, and timelines to mitigate climate change and rising greenhouse gas (GHG) emissions in San Diego County; for the agricultural sector, carbon farming – or climate-smart

farming – is pursued as a solution that transforms carbon from the atmosphere into carbon in plants and soil. With over thirty carbon farming practices, soils and plants can sequester carbon as organic matter compounds for centuries, therefore increasing soil fertility and health, improving water quality and drought tolerance, limiting erosion, and ultimately building climate resilience. The EIR does not disclose soil carbon or organic matter contents, nor the potential for the project site to sequester carbon or reduce greenhouse gas emissions.

The EIR also mentions the removal of existing trees from the project site during mining and reclamation phases, therefore degrading the aesthetics of the community and Valley (2.1-11). The loss of native and non-native species will also increase GHG emissions, therefore lowering the mitigation potential of carbon farming in San Diego County. The permanence of crops, vegetation, and trees in the grounds increases the Earth's ability to sequester carbon and lower GHG emissions. When trees are removed, carbon dioxide is released from their leaves, root system, and soils, therefore halting carbon sequestration. The removal of trees for mining operations and aesthetic purposes is in direct conflict with the strategies set in the CAP. The EIR underlines the replacement of existing native trees “with trees of similar visual character” (2.1-33), a post-reclamation goal that is inconsistent and conflicting with the natural, native species present prior to mining. Moreover, oak trees, which contribute significantly to the CAP goals due to their large sequestration capacities, are not mentioned in the EIR as drivers of carbon sequestration (2.3-5). The focus on visual character and planting patterns over biological, physical, and chemical benefits to the soil, region, and environment found in the EIR is unwarranted.

The Greenhouse Gas Emissions Technical Report focuses solely on operational emissions resulting from transportation, electricity, waste, and water use, concluding that the project would not exceed the threshold for GHG emissions (Appendix M). There is no mention of terrestrial carbon loss or agriculture as a source of solutions for reducing GHG emissions. The EIR does mention that there are secondary effects resulting from global warming, including impacts to agriculture (Appendix M), yet no elements pointing to carbon loss or potential for the project site to lower GHG emissions. Transportation and traffic projections coupled with soil carbon losses to the atmosphere or by erosion will increase GHG emissions (2.10) and are in conflict with the rigorous CAP set by the county of San Diego.

The direct and indirect effects of soil from the project site have multiple adverse direct and indirect effects on humans, animals, and the environment. Worsening air quality, the buildup of airborne pollutants, especially dust and *Coccidioides* spores, are major problems concerning the potential sand

mining operations documented in the EIR (REF). Dust emissions are a major issue for mining operations such that multiple mitigation measures and design considerations were included in the EIR. Dust will be minimized by watering roads, grading areas, wind barriers, polyethylene tarps, and applying an assortment of dust-suppressing chemical stabilizers, including fuels, lubricants, solvents, anti-freeze, degreasers, and polymers (1-4, 2.6-14). There is no mention on the amount of water required to confine dust plumes (Appendix Q). There is also no mention of how these chemicals, which are “typical of construction and operation activities” (2.6-14) will impact the soil environment on short- or long-term scales upon application to “all disturbed surfaces left inactive for four or more days” (7-2). The EIR identifies no waste materials, yet no specific containment methods to ensure proper storage, disposal, and removal from the site to limit adverse effects or harmful interactions on the soil ecosystem. The EIR lists federal, state, and local regulatory compliance for hazardous materials, whose impacts will be less than significant, but these hazardous substances can interfere with the natural habitat of the El Monte Valley.

Dominant in sandy, alkaline, and well-aerated soils, *Coccidioides* spores, which cause *Coccidioidomycosis* or Valley Fever, are dormant during dry periods and turn into mold and airborne spores during wet periods, especially in regions with Mediterranean climates (S-3). Natural and anthropogenic soil disturbance events (ex. earthquakes, construction, farming practices) can sweep the exposed spores from depths of 10-30 centimeters into the air, where they quickly spread. Valley Fever affected 0.004% of the San Diego County population between 2007 and 2016, and the “climatic conditions and type of soils and vegetation found in the El Monte Valley (including the project site) make it a possible location for the occurrence and growth” of the spores (S-4). Animals, including dogs, cattle, horses, mammalian wildlife, and other endangered species, can also be infected with Valley Fever. The report concludes that the proposed project has the potential to expose workers, nearby residents, and visitors to the *Coccidioides* spores (S-5). No measures or precautions were listed in the EIR to safeguard against a public health issue for the local communities and animals surrounding the El Monte Valley. With close proximity to the project site, the Van Ommering ranchers and dairy cows would be directly affected by the soil disturbances resulting from the potential mining operations (S-2). No communication with the Centers for Disease Control and Prevention (CDC) is outlined in the EIR to assess the potential for mining operations to intensify Valley Fever throughout the Lakeside region or what measures can be applied to limit soil contamination and spread of Valley Fever.

The EIR declares that there will be an impact to greater than 5% of the non-native grassland and coastal sage scrub that provide forage and habitat for raptors and birds (S-14), which will resultantly affect the soil by increasing dust emissions, sedimentation, water runoff, and erosion. The EIR also highlights that “native plants do not tend to benefit from the use of fertilizer and can result in excessive weed infestations” (1-16), an overgeneralized statement that is inaccurate. The survival of native plants is largely dependent on soil conditions, which are not outlined in the revegetation plan component of the EIR. In fact, lower phosphorus (P) levels (less than 3%) or organic over inorganic fertilizers will be more conducive to native plant growth and survival due to their high sensitivity to phosphorus, instead of bulk fertilizer products. The EIR also states that due to the grading, groundwater, and soil conditions, “implementation of a planting program and temporary irrigation system are not considered appropriate or a worthwhile use of resources in the proposed enhancement areas” (S-27, 7-10) over natural recruitment and native vegetation establishment that is self-sustaining over time and will not be managed such that native vegetation can fully recover under adapted soil conditions. Despite human-induced changes, these mitigation methods will galvanize the survival of vegetation under natural conditions following irrigation for two years. The EIR does not identify the amount or type of irrigation to be implemented, nor any specifics about the herbicide used to treat cut stems and stumps (S-26) and what effect it may have on soil conditions.

The EIR does not mention any significant or unavoidable impacts to soil following mining activities. The low water flows of the San Diego River could be worsened or halted by mining activities (S-2). While there are estimates of a 100-year flow rate of 20,000 cubic feet per second, the riverbed is dry for the majority of the year and has shown drastically low flows in recent years (3.4-1). The EIR does not indicate impacts to soil conditions along the San Diego River as the project moves from Phase 1 in the east to Phase 4 in the west. Following processing of soil for aggregates, wash fines from the processing plant and top soil material will be used to refill the depression constructed from the abandoned golf course project, followed by revegetation implementation (Appendix D). The chemical composition of the wash fines are not summarized in the EIR. The EIR, however, states that impacts to “water quality from mining operations and reclamation activities could create new or exacerbate existing effects to the water quality of the receiving water bodies” (3.4-15), including San Diego River that runs through the project site.

The compounded frequency and intensity of drought, wildfire, and flood events coupled with climate changes is worsened by the lack of soil structure and vegetation to protect the Earth for long-

term stability and resiliency. Droughts drain the soil of water and nutrients necessary for survival, leaving vegetation dry and unable to thrive. Wildfires burn through vegetation and scar soils, leaving them coarse and altering their texture. Floods cause soil erosion, leading to downstream transport of sediment, declines in water quality, and more severe flooding events, including mudflows and landslides (3.4-3). Common disasters in San Diego County, mudflows are often induced by loss of vegetation from anthropogenic and natural activities resulting in the destabilization of soil and increase in surface water runoff (3.4-4). Mudflows and landslides can be worsened by the removal of sand and gravel, which physically stabilizes the soil, therefore discarding the silt and clay, whose higher water-holding capacities produce a highly fluid soil system.

The proposed El Monte Valley Sand Mining Project would result in several adverse direct and indirect impacts to soil and its interlinked ecosystem. Soils and geology are not classified a significant environmental effect, despite the mining operations pursuing to alter their physical texture. The removal of 12.5 million tons of sand is a loss to the locally-important, viable, and valuable mineral resource to the El Monte Valley. This enormous loss significantly alters its composition, texture, and physical structure, which has poor effects for soil stability necessary for mudflows and other climatic events. Moreover, the mixing of the soil profile, especially top soil which will be used as a perimeter barrier surrounding each phase, will result in major losses to the ecosystem, biodiversity, organic matter, and buffering capacities against erosion and other contaminants. The loss of carbon and organic matter attributed to tree and plant removal and soil exposure leads to the drawback of carbon into the atmosphere, therefore increasing GHG emissions, worsening climate change, and constraining our ability to safeguard against recurrent and intense climatic events surrounding San Diego County. The human disturbances to soil worsen air quality, more specifically by increasing dust emissions and the potential for Valley Fever to spread, therefore directly aggravating human and animal health. The EIR states that the mining footprint will be entirely restored with reclamation and revegetation activities (3.4-16), but this is not possible following the removal of 12.5 million tons of aggregate. The project site itself is an important habitat for multiple endangered and threatened species, and sits in the El Monte Valley adjacent to multiple agricultural operations, schools, and the town of Lakeside. The direct and indirect effects and impacts of the El Monte Valley Sand Mining Project on soil are severe, significant, and unavoidable.

Appendix B

San Diego River Conservancy's map showing El Monte San Mining Project location in El Monte Valley (Lakeside, CA)

El Monte Sand Mining Project Draft Subsequent EIR



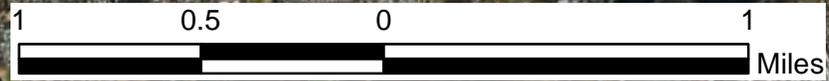
**Hanson El Monte Pond <200 ft
from project footprint**



**El Monte County Park <4200 ft
from project footprint**



- Approximate Sand Mining Project Boundary
- Approximate Sand Mining Disturbance
- County Park
- Hanson Pond



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Appendix C

Letter from Manzanita Band of the Kumeyaay Nation



Manzanita Band of the Kumeyaay Nation

October 16, 2018

Ms. Julia Richards
San Diego River Conservancy
1350 Front Street, Suite 3024
San Diego, CA 92101

RE: El Monte Valley Sand Mining Project

Dear Ms. Richards:

The Manzanita Band of the Kumeyaay Nation ("Tribe), also known as the Manzanita Band of Diegueno Mission Indians, is a federally recognized Self-Governance Indian Tribe that operates pursuant to its Constitution and Bylaws adopted on July 12, 1975 pursuant to the Indian Reorganization Act and approved by the Commissioner of Indian Affairs on January 9, 1976, and possesses inherent powers of self-governance with duties, rights, responsibilities, and with power and authority over the lands within the exterior boundaries of the Manzanita Indian Reservation.

The Manzanita Band is one of twelve Bands of the Kumeyaay Nation whose aboriginal territory is from the Pacific Ocean to the desert and approximately 75 miles north and south of the international border and as far as the Colorado River adopted by the State of California through Assembly Joint Resolution No. 60 on the 29th day of August 2002. The Manzanita Band of the Kumeyaay Nation is also traditionally and culturally affiliated with cultural resources now submerged in the Pacific Ocean from 3 to 17 kilometers further westward than today's coastline and as far as we could travel to harvest marine resources. Therefore, the Manzanita Band also strives to protect known and unknown cultural resources within the aboriginal territory.

The Manzanita Band has reviewed the August 30, 2018 Notice of Availability of a Subsequent Environment Impact Report and noted the comment ends on October 29, 2018. The Manzanita Band is very familiar with the cultural sensitive areas of the El Monte Valley and the County of San Diego.

Although the EIR claims that AB 52 consultation was conducted, the outreach was not extended to all Kumeyaay Bands on the list maintained by the Native American Heritage Commission. This is further compounded by the Archeologist's statement that no Tribal Cultural Resources

were identified in the Area of Potential Effect and therefore no mitigation measures are necessary. There is also no mention of human remains which should have been disclosed by Helix Water District.

We request that the San Diego River Conservancy support an updated and thoroughly revised EIR that adequately and accurately identifies the areas of impact as the entire El Monte Valley. The County has been negligent in their government-to-government and AB 52 consultation. We also request a clarification on the NEPA compliance for the federal agencies involved in permitting for the project.

The Manzanita Band looks forward to our consultation and clarification of the above referenced concerns as well as others. Should you have any questions, please contact Lisa Haws, Tribal Administrator, 619-766-4030 (office), 619-733-7697 (cell) or email: lisahaws@msn.com. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Angela Elliott Santos". The signature is written in a cursive, flowing style.

Angela Elliott Santos, Tribal Chairwoman
Manzanita Band of the Kumeyaay Nation

Appendix D

Review of the Hydrology, Hydraulics, and Groundwater
Analyses Performed for the Draft Subsequent
Environmental Impact Report for the El Monte Sand
Mining Project (HRC Technical Comment 20181012-1)

Review of the Hydrology, Hydraulics, and
Groundwater Analyses Performed for the Draft
Subsequent Environmental Impact Report
For the
El Monte Sand Mining Project

[PDS2015-MUP-98-014W2, PDS2015-RP-15-001; LOG NO.:
PDS2015-ER-98-14-016B]

Prepared for:

San Diego River Conservancy
1350 Front Street, Suite 3024
San Diego, CA 92101
Grant Agreement SDRG 18-05

Prepared by:

Hydrologic Research Center
11440 West Bernardo Court Suite 375
San Diego, CA 92127
Tel: 858-798-9440

HRC Technical Comment 20181012-1

October 12, 2018

Executive Summary

This report, prepared by the Hydrologic Research Center (HRC), a non-profit research and technology-transfer corporation based in San Diego, CA, overviews its review of the Hydrology, Hydraulics, and Groundwater Analyses performed for the Draft Subsequent Environmental Impact Report (EIR) for the El Monte Sand Mining Project proposed to be located in the El Monte Valley area along the San Diego River. HRC's review was done solely from a scientific point of view and does not evaluate compliance with any Federal, State, or Local rules and regulations applicable to this project. This review has been done at the request of the San Diego River Conservancy through a Grant Agreement with HRC dated September 12, 2018 (SDRG 18-05).

The review was based on the information, analyses and data provided in the EIR made available online by the San Diego County Planning and Development Services (PDS2015-MUP-98-014W2, PDS2015-RP-15-001, PDS2015-ER-98-14-016B Draft Environmental Impact Report August 2018). The HRC review covered Section 1.4.6.4 Hydrology, Section 3.4 Hydrology and Water Quality, and Appendix R Hydraulic Analysis, Groundwater Evaluation Technical Memorandum, CEQA Drainage Study.

EIR Potential Impact Analyses Background (Hydrology, Hydraulics, Groundwater)

The potential impact information provided in the EIR was based on analyses applying numerical models, reviewing previous studies and evaluating field data. These analyses followed state and local protocols and requirements to the extent applicable and these are documented in the EIR. The following summarizes these EIR analyses based on HRC's understanding of the information provided in the EIR.

- A hydrologic (to analyze rainfall and runoff) analysis was performed to evaluate the potential impact of heavy rainfall events by the planned processing plant (the plant footprint provides an impervious area where rainfall cannot soak into the ground but instead runs off and possibly floods areas within the site and downstream). The analyses addressing this potential impact are based on calculated 100-year recurrence rainfall events (events with a 1% probability of occurrence) using a methodology outlined in the County of San Diego's 2003 Hydrology Manual. The results of this analysis was that under those conditions any additional runoff that will be generated by the proposed processing plant will not create or contribute runoff that will exceed the capacity of the current downstream drainage.
- A hydraulic (to analyze the river water level and velocity from runoff) analysis was performed to evaluate the potential flooding impacts of the project by comparing the flow conditions (i.e. water level and mean velocity) before and after the sand mining activity takes place. This analysis was conducted by performing hydraulic simulations in HEC-RAS, a computer program developed by the U.S. Army Corps of Engineers to model water flow in both natural and man-made channels. The hydraulic analysis was completed using the 100-year recurrence flood (and though analyses of other more frequent floods is mentioned in Section 1.4.6.4 Hydrology, no such analyses were found in the EIR document). The main conclusion drawn from the analysis done is that the sand mining activity in El Monte will not raise the 100-year recurrence water surface elevations and will not create adverse flood impacts in the project site area or downstream.

- To evaluate potential erosion of soils, changes in the river channel and transport of sediment downstream of the project site during floods, a model known as FLUVIAL-12 was applied. There was no direct mention of output results from this model though the EIR did state that the project would “not result in substantial erosion or siltation on- or off-site”.
- Analyses were performed in the EIR to evaluate the potential impacts on surface water quality. Though no analyses were referenced, the EIR has indicated that there is a risk of impacting water quality, but if construction and industrial permit requirements are met then the impact would not be significant.
- To evaluate the potential impacts on groundwater resources, the analyses performed in the EIR consisted of comparisons between current groundwater levels to those levels projected after project completion. The EIR recognizes that excavations within the project site will initially be within several feet of the current groundwater levels (current levels are at 40-50 feet below the surface v. excavations to 35-41 feet below the surface). The EIR analyses expects groundwater levels to decline over the project site life by 1.7 feet per year with little recharge of the aquifer and so the excavations are not expected to provide an impact. Post project conditions are expected to increase local recharge due to eventual ponding of storm water in the excavation area that will infiltrate to the groundwater.
- A conclusion based on the hydraulic modeling done for the EIR is that, based on the analyses of the 100-year recurrence interval flood for the existing conditions v. post operations conditions for each excavation phase (i.e., after reclamation and revegetation), that there will be no significant changes or impacts to the existing drainage pattern of the site causing substantial erosion, siltation or flooding on- or offsite.

Section 3.4 of the EIR identified specific issues to be addressed and assessed for impacts for Hydrology and Water Quality. These issues are listed below. The issues that were evaluated in the EIR are:

Issue 1: Water Quality Standard/Waste Discharge Requirement Violation

Issue 2: Groundwater Storage/Well Interference

Issues 3 and 4: Substantial Alteration of Existing Drainage Patterns Causing Erosion, Siltation and/or Flooding

Issues 5: Increase in Discharge Rates that Would Cause Downstream Flooding

Issues 6 and 7: Housing and Structures in a Flood Zone

Based on the EIR assessments and analyses for each issue, it was concluded in the EIR that the potential impacts of the proposed project will be ***less than significant***.

HRC Review Outcomes and Conclusions

HRC's detailed review of the EIR analyses discussed above for the seven defined issues has resulted in several key conclusions. These are as follows:

HRC concludes that the EIR statements that the implementation of the proposed project would not adversely affect the **water quality** and **groundwater storage** and would not **alter local drainage patterns** and therefore any impacts will be ***less than significant*** are not supported by the present analyses. The reasons for this conclusion are as follows

- With respect to water quality impact, the EIR does not provide in-depth analysis and it claims that compliance with requirements of the State Construction General Permit and Industrial General Permit is sufficient to mitigate all adverse water quality issues. The EIR lacks a quantitative detailed analysis to review the water quality risks and the mitigation measures that are required to mitigate adverse effect.
- With respect to the proposed project impact on the local groundwater resources, the EIR conclusion is based on the projection that ground water level will consistently and indefinitely drop and therefore the bed of the excavated pit would be substantially higher than the groundwater level. It is also assumes that recharge to the aquifer will increase because of the collection of storm water in the excavated pit. HRC question these two key assumptions. First, it is possible that the groundwater level would be at or above the planned excavated pit bottom, at least for some periods if not perennially, depending on weather events and regional groundwater flow. In addition, because of the alteration of the drainage in the basin the proposed excavated pit will prevent downstream flow on the San Diego River, over time, thus reducing the recharge to the regional aquifer from the downstream sections of the river bed. We argue that the groundwater impact analysis should be looked at from a perspective of the regional aquifer and not only examining the groundwater at the proposed site.
- HRC believes that the proposed project alteration of the San Diego River, to effectively disconnect the upstream portion of the river from the river downstream of the site, would cause significant geomorphic consequences whose long-term effects need to be carefully studied. These consequences will likely enhance erosion process upstream of the proposed pit, cause erosion processes and sediment deposition inside and along the pit, and would alter the sediment transport regime downstream of the site. These are significant regional geomorphic alterations that should be better understood.

Based on HRC's review regarding potential flooding impacts, it is reasonable to accept the conclusion in the EIR that the excavation of the pit will not increase the flooding risk downstream of the site. However, HRC has comments on the analyses performed in the EIR.

An overview of HRC's EIR review and resultant comments is provided in the following report.

Review of the Hydrology, Hydraulics, and Groundwater Analyses Performed for
the Draft Subsequent Environmental Impact Report
For the
El Monte Sand Mining Project

Introduction

The review provided in this document pertains to the Environmental Impact Review (EIR) sections that analyze the hydrological impact of the proposed El Monte Sand Mining Project. The review was based on the information, analyses and data provided in the EIR made available online by the San Diego County Planning and Development Services (PDS2015-MUP-98-014W2, PDS2015-RP-15-001, and PDS2015-ER-98-14-016B Draft Environmental Impact Report August 2018). The HRC review covered Section 1.4.6.4 Hydrology, Section 3.4 Hydrology and Water Quality, and Appendix R Hydraulic Analysis, Groundwater Evaluation Technical Memorandum, CEQA Drainage Study.

In Chapter 1.0 Project Description, Location and Environmental Setting, Section 1.4.6.4 Hydrology, it is stated that the hydraulic analysis that was completed, covers the 100-year flood and other more frequent floods. A HEC-RAS model was used for the hydraulic study. The model FLUVIAL-12, an erodible-boundary model, was used during the project design to simulate the hydraulics of flow, sediment transport, and river channel changes during floods (Chang Consultants 2018). Groundwater modeling studies have been ongoing.

In the EIR, the analysis of the 100-year flood using HEC-RAS is available and described in both Section 3.4 and Appendix R. However, the analysis does not describe more frequent flood events, as mentioned in Chapter 1.0. In addition, the EIR does not provide the results of the FLUVIAL-12 analyses as mentioned in Section 1.4.6.4. Last, the groundwater modeling study that is presented in EIR is based on a simple mass balance study. It is not certain whether this groundwater analysis is the model referred to in Chapter 1.0

Section 3.4 of the EIR identified specific issues to be addressed and assessed for impacts for Hydrology and Water Quality. These issues are listed below. The issues that were evaluated in the EIR are:

Issue 1: Water Quality Standard/Waste Discharge Requirement Violation

Issue 2: Groundwater Storage/Well Interference

Issues 3 and 4: Substantial Alteration of Existing Drainage Patterns Causing Erosion, Siltation and/or Flooding

Issue 5: Increase in Discharge Rates that Would Cause Downstream Flooding

Issues 6 and 7: Housing and Structures in a Flood Zone

Based on the EIR assessments and analyses for each issue, it was concluded that the impact of the proposed project will be ***less than significant***.

HRC reviewed the information for the assessments provided in the EIR for the above issues. Based on this review, HRC has developed comments on the assessments for Issues 1-4; these comments are

provided in the following sections. There are no substantial comments on the EIR assessments and analyses for Issues 5-7.

Issue 1: Water Quality Standard/Waste Discharge Requirement Violation

Background

The EIR evaluated whether the proposed project will contribute substantial additional pollutants to the receiving water body in excess of the allowed by Federal, State or local water quality objectives. The EIR has recognized the large risk to pollute or exacerbate existing conditions of the receiving water bodies during the period of the proposed project mining operation and the reclamation activities.

Section 3.4.2.1 in the analysis subsection states the following:

“Impacts to water quality from mining operations and reclamation activities could create new or exacerbate existing effects to the water quality of the receiving water bodies. Site preparation, mining and reclamation would involve ground disturbing activities (e.g., grading and excavation) and the use of heavy equipment, and movement of sand. Particulates from the extraction, sediment from roadways and slopes, and chemicals associated with mining equipment could be discharged into receiving waters and impact water quality. Therefore, these practices could release sediment and other pollutants into stormwater capable of degrading water quality by impairing beneficial uses and violating water quality objectives.”

The analysis subsection proceeds to say that the proposed project should comply with State Construction General Permit during site preparation and comply with Industrial General Permit during the mining and reclamation activities. The conclusion of this section implies that by complying with these two permits the water quality impact on the receiving water bodies would be less than significant.

Comments

It is HRC’s opinion that the current EIR analysis lacks details with respect to determining the potential impacts to water quality and the measures that could be taken to mitigate the risks of the impacts. A detailed study is needed to identify and quantify the water pollution risks including an examination of whether the compliance with the State Construction General Permit and Industrial General Permit provides are sufficient mitigation measures for the specific site to support the conclusion that the water quality impact on the receiving water bodies would be less than significant.

Issue 2: Groundwater Storage/Well Interference

Background

The EIR presents the groundwater analysis in Sections 3.4.2.2 and Appendix R. As mentioned previously, in Chapter 1.0 of the EIR, there is a reference to an on-going groundwater analysis, which may be different than the analysis described in Sections 3.4.2.2 and Appendix R. HRC has not seen this analysis and our comments are based on the information provided only in Sections 3.4.2.2 and Appendix R.

The analysis evaluates whether the proposed project will impact the groundwater resources as referenced in the County Guidance for Groundwater Resources (2007). The EIR conclusion that the impact to the groundwater storage would be ‘less than significant’ is based on a mass balance analysis that compares the current conditions to post project conditions. The EIR states that the three factors

that would be different in post project conditions are: increase local recharge because of storm water ponding at the proposed pit, increase evaporation because of surface water ponding at the pit and increase evapotranspiration because of increase vegetation density at the reclaimed site. The EIR concluded that compared to existing conditions, the proposed project would increase groundwater recharge. Although losses from evaporation and evapotranspiration would increase, the groundwater recharge gain from the ponding storm water at the pit would surpass these losses.

It is noted that Bondi and Huntley (2001) established that the eastern portion of the aquifer at the El Monte Valley was found to have the thickest alluvial deposits with the greatest recharge rates and the lowest Total Dissolved Solids. In their analysis of the regional aquifer, they identified this site as one with the greatest potential for groundwater storage and development projects.

Comments

HRC has the following concerns to the groundwater mass balance analysis presented in the EIR:

- The plan to excavate about 35-41 feet below ground surface is currently within a few feet of the current groundwater level reported in the EIR. (from the EIR: "Current groundwater surface elevations are 40 feet below the existing site surface elevation in the western portion of the site and 50 feet below the ground surface on the eastern portion of the site").
- The statement that the excavated pit of the proposed project will be above the groundwater level is based on the projection that water level will continue to decline indefinitely at rate of 1.7 feet per year. This is an average decline rate that is estimated by Bondi and Huntley, (2001) and is based on 1984-1999 hydrographs from the El Monte well #14 and Furier well #1. These are two wells that are located within the area of the proposed site. The EIR recognized that the only significant historical recharge events in these wells were observed following overtopping events at the El Capitan dam. Thus, the EIR states that in case of no dam overtopping events in the next 15 years the groundwater water levels will decline an additional 25 feet. This will result in groundwater level elevations of approximately 65 to 75 feet below the ground surface (365 to 400 feet MSL), which is 30 to 40 feet below the bottom of the reclaimed mining pit.

In our opinion, it is likely that the bottom of the proposed excavated pit would be lower than the water level of the aquifer. In such a scenario, permanent or ephemeral ponds would be formed in the excavated pit during or following the completion of the project and discharge from the aquifer into these ponds would result in net groundwater losses.

In a recent site visit by HRC, the existence of high groundwater levels was evident. Just downstream of the El Capitan Dam and all along the proposed mining site a riparian Phreatophytes ecosystem that is highly dependent on high groundwater level in order to survive is visible in various sections of the San Diego River channel. A groundwater leak from the El Capitan reservoir into the downstream aquifer is also suspected based on the lush green riparian canopy that is observable in the river channel just downstream of the dam. This suspected leak is likely to cause a groundwater mount upstream of the proposed mining site, which increases the water flux into the site location.

The groundwater decline of 1.7 feet per year is an assumption that is not well qualified in the EIR. The EIR assumed rate of decline in the groundwater level is based on historical data, which may not represent the current hydrologic conditions. The groundwater level that is expected in 15 years is much

below of what was historically observed at the two wells that were studied by Bondi and Huntley (2001). The reasons for this projected linear trend of decline in water level are not well understood. Questions would be – Is it because of the aquifer characteristics? Is it dependent on the withdrawal rate? The EIR analysis, as seen in at the EIR Appendix R, Figure 7, is based only on wells that are located inside and in the vicinity of the proposed mining site. We believe that a wide perspective of the regional aquifer should be taken in order to understand the regional processes such as the flow regime, groundwater flow directions and hydraulic gradients.

In addition, the projected groundwater level assumes that overtopping of the El Capitan dam will not occur during the implementation and reclamation phase of the proposed project (a period of 15 years). Although overtopping of the dam is a low probability event, these infrequent events should be considered in the EIR analysis. It is noted that the maximum draw from the reservoir is 345 MGD (~1000 acre-feet per day) while an average incoming flow is about 31,000 acre-feet per year. Since the rate of removal of water from the reservoir is relatively limited, it is conceivable that during a wet year (not necessarily a single event) spills may occur.

We also question the assumption of effective groundwater recharge rate by ponding water at the pit in case that the level of the groundwater table would be below the pit. In ephemeral semiarid river channels, such as the San Diego River, groundwater recharge mainly occurs due to transmission losses along the length of the alluvial channel during streamflow events. The high permeability of the alluvial material yields a high infiltration rate and an effective mechanism for groundwater recharge. However, the alteration of the San Diego River channel connectivity by the proposed pit (as further discussed in the section on Issues 3 and 4) would capture most of the storm water and therefore flow events in the San Diego River downstream of the pit would be highly infrequent, possibly reducing the effective recharge of the entire alluvial channel. This requires further study.

The EIR analysis assesses whether the proposed site would result in a 50 percent reduction of groundwater in storage and follows an analysis procedure that is recommended for a fractured rock aquifers (San Diego County Guidelines for Determining Significance and Report Format and Content Requirements – Groundwater Resources (2007)). It is noted that in such analysis it may be prudent to consider the impact of the proposed project on the storage capacity of the aquifer. The proposed project will effectively reduce the storage of the aquifer by removing a substantial amount of aquifer material. Should the ground water level were to rise above the bottom of the pit in the future, the groundwater in storage will suffer a reduction due to the decreased aquifer storage. The surface mining and resultant pit will remove material that would have otherwise had the potential to store groundwater. The proposed project plans to excavate a pit that is approximately 228 acre and 35-41 feet deep which is a removal of about 8000-9000 acre feet of aquifer material. Based on Bondi and Huntley, (2001) the Eocene sedimentary rocks and quaternary alluvial deposits in this region have a specific yield of about 20%. Thus, the excavated pit will decrease the aquifer's yield by about 1,500 acre feet while the maximum yield of the entire regional aquifer was reported to be approximately 24,000 acre-feet (Bondi and Huntley, 2001). This rough calculation demonstrates the impact of the proposed material removal will have on the aquifer storage.

There are also questions regarding the evapotranspiration and evaporation estimates. The evapotranspiration estimate is based on Phreatophyte vegetation assuming that the restored vegetation will consist of riparian trees and scrub vegetation. It is reasonable to assume that, in case of frequent or

permanent ponding in the future, the dominant vegetation will consist of wetland ecosystem much as the current vegetation around the neighboring Hanson Pond. Such contingent future should also be considered for the estimation of evapotranspiration.

Issues 3 and 4: Substantial Alteration of Existing Drainage Patterns Causing Erosion, Siltation and/or Flooding

Background

The analysis presented in the EIR examines the potential impact of the 100-year recurrence flood on the downstream areas of the proposed site through comparison of impacts assuming the existing conditions to those assuming the proposed reclaimed and revegetated conditions after the completion of each of the four project phases. To evaluate potential erosion of soils, changes in the river channel and transport of sediment downstream of the project site during floods, a model known as FLUVIAL-12 was applied per the EIR. However, there was no direct mention of the details of application of the model and its output results though the EIR did state that the project would “not result substantial erosion or siltation on- or off-site”.

Comments – Drainage Patterns, Erosion, and Siltation

The proposed project would clearly alter the natural drainage area. The planned eastern pit constructed during the first phase will effectively cut into the San Diego River natural channel. By excavating into the natural channel, the San Diego River upstream of the proposed site would be disconnected from the river downstream of the site. Natural flow from upstream of the site would be into the proposed pit and only events in which ponding water at the pit will exceed approximately 35 feet below the ground surface will generate flow in the San Diego River downstream of the proposed pit. This a very large volume that is needed and therefore the downstream section of the San Diego River would rarely have flow.

It is important to demonstrate the scale of the proposed pit and provide a perspective with respect to the flow of the San Diego River upstream of the proposed project. The Los Coches U.S. Geological Survey (USGS) river gauge (USGS11022200) near Lakeside (a few miles south of the proposed site), drains an area of 12.2 mile² which is comparable to the drainage area of the proposed site downstream of El Capitan Dam (approximately 13.8 mile²). These two basins are likely similar in climate but differ in land surface characteristics. Nevertheless, with the absence of streamflow observations on the San Diego River upstream of the proposed pit, such an analysis can provide an estimate to demonstrate the scale of the potential surface water storage in the excavated pit.

The average annual flow at the Los Coches USGS river gauge during 1984-2017 was 1,300 Acre Feet per Year (AFY), while the maximum in 1993 was 4,900 AFY. The storage capacity in the proposed pit would be approximately 5700 AFY (calculated as 228 acre x 25 feet). This implies that with no overtopping events of the El Capitan dam the storage at the pit would have captured all the flow during the wettest year on record and can capture 4-5 years of average natural flow. In a hypothetical case in which the 1984-2017 observed flow at Los Coches represents the flow into the proposed pit, no rainfall event upstream would produce flow downstream of the pit.

Since there were no estimates of sedimentation provided in the EIR based on the FLUVIAL-12 model mentioned, HRC estimated the amount of sediment that could be deposited in the pit based on a

literature review. According to Langbein and Schumn (1958), in semi-arid ephemeral streams with precipitation between 10 to 20 inches per year, the annual sediment yield is about 600-800 tons per square mile, which implies that the sediment accumulated in the pit may be approximately 8,000 – 10,000 tons per year. This is a gross estimation to emphasize the magnitude of potential sedimentation and indicates the need for a detailed study or a demonstration of modeling results to better understand the risk of and impacts from the sedimentation.

In our opinion, the proposed project would considerably alter the drainage system. This alteration would change erosion patterns and sediment transport processes both upstream and downstream of the excavated pit. A detailed geomorphic analysis should be done to study the impact of the channel destruction on the region's geomorphology.

Comments - Flooding

Based on HRC's review regarding potential flooding impacts, it is reasonable to accept the conclusion in the EIR that the excavation of the pit will not increase the flooding risk downstream of the site. However, HRC has comments on the analyses performed in the EIR.

The EIR in Appendix R contains a comprehensive analysis of the impact of sand mining potential flooding by comparing the flow conditions (i.e., water level and mean velocity) before and after the sand mining activities take place. The analysis was conducted by performing hydraulic simulations in HEC-RAS, a computer program developed by U.S. Army Corps of Engineers to model water flow in both natural and man-made channels. The main conclusion drawn from the EIR analysis is that the El Monte sand mining activity will not raise the 100-year water surface elevations and will not create adverse flood impacts. Although HRC agrees with the general conclusion of this analysis, additional background information as well as a discussion of potential shortcoming with the analysis is warranted.

The HEC-RAS simulation assumes steady state conditions and is 1-dimensional. This implies that flow conditions do not change over time and generates stream velocity at different locations. More specifically, with the 100-year flow event for this site equal to 20,000 cubic feet per second (cfs) per the EIR, the simulation results provide the constant flow information (i.e., water level, mean velocity etc.) at different locations (cross-sections noted in Figure 1), which is driven by a constant 20,000 cfs flow upstream. In reality, the propagation of the flood can be characterized by the evolution of the flood peak as the peak is moving downstream (Figure 2). During this process, the flood peak usually decreases due to attenuation caused by channel roughness and morphology. A steady state simulation is commonly over-estimates the flow conditions, which is in a dynamic state, as it uses the highest possible flow discharge at each location and ignores possible attenuation. Therefore, by ignoring the dynamic effect the steady state HEC-RAS simulations simulates flow condition that corresponds to the "worst case scenario" which provides for a "safety factor".

Specific comments on the flood impact analyses using the HEC-RAS model are provided below.

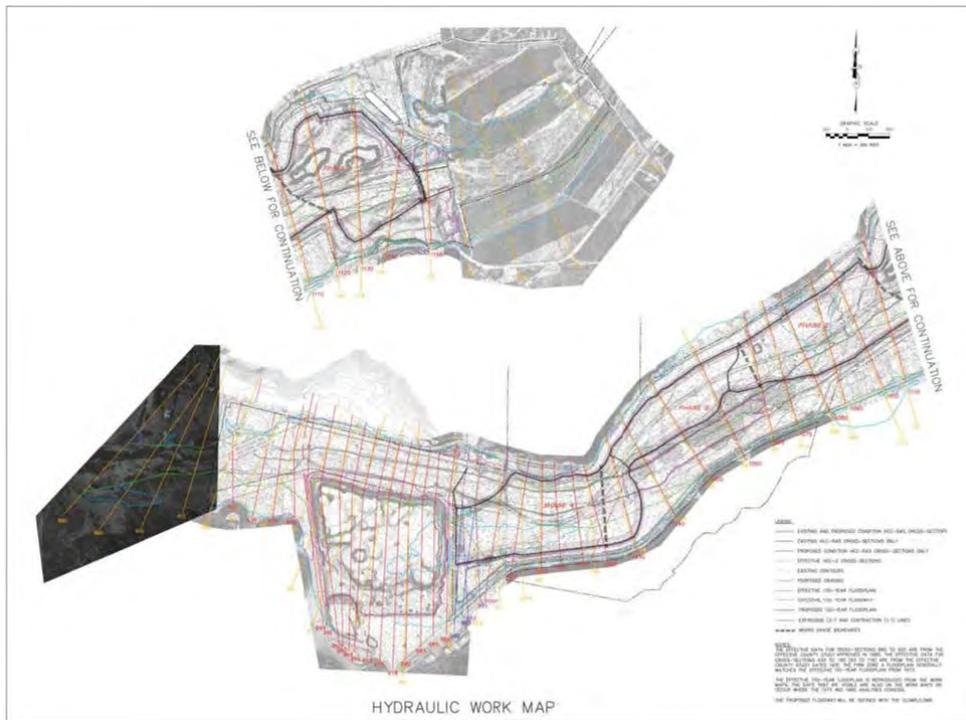


Figure 1 Site Map Showing Cross-sections Used in the HRC-RAS Simulation (from EIR Appendix R)

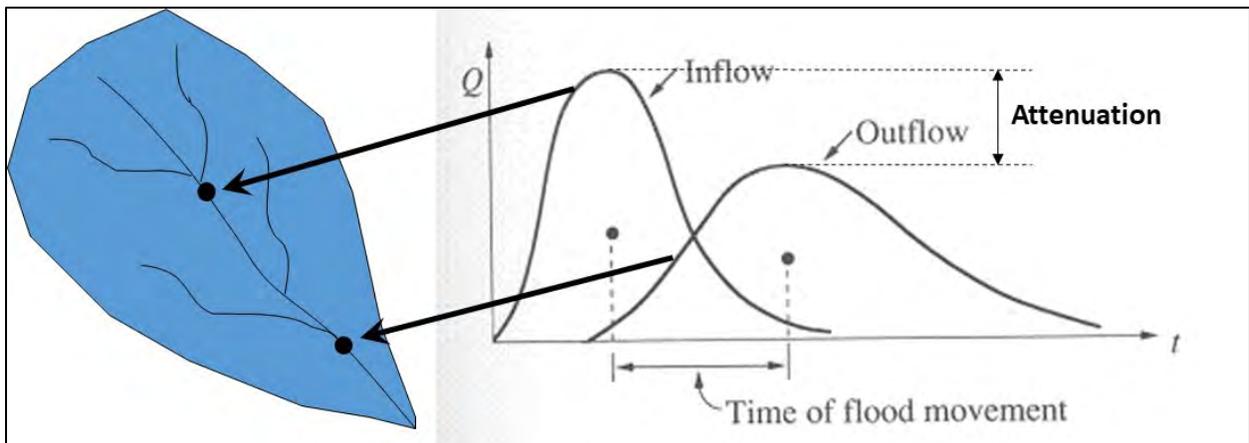


Figure 2 Propagation of a Flood

Comment 1:

The 100-year flow rate in the EIR was assigned to 19,000 – 20,000 cfs. The EIR reported that this range of values is based on a previous study to derive the 100-year flood plain as outlined in studies conducted in 1973 and 1985. HRC realizes that in a controlled and managed river system such as the San Diego River the calculation of the recurrence intervals are dependent on the reservoir operation scheme. However, it appears that the inflow into the reservoir has seen larger flow events (e.g., 40,000 cfs in 1980). HRC believes that the report should provide additional information to qualify the reason for the selection of 20,000 cfs as the 100-year flow event.

Comment 2:

An additional question regarding the flow discharge is that the values used in the simulation are not consistent for all the cross-sections. It is unclear why the discharge rates upstream and downstream of cross section #1110 are different (19,000 and 20,000 cfs, respectively).

Comment 3:

In addition to the upstream flow discharge, another important factor affecting the water level and mean velocity is the Manning’s roughness number, which quantifies the hydraulic roughness of both channel and flood plain. The Manning’s roughness number is 0.075 and 0.05 for channel and flood plain respectively in the simulation of the existing condition, which corresponds to relatively heavy weeds and grass. The observation of the vegetation in and around the channel made during the HRC field visit confirms these roughness estimates (Figure 3).



Figure 3 Vegetation in and Around the River Channel (HRC Photo 10-2018)

Following the completion of the sand mining and reclamation of the area, the EIR analysis assigns roughness values of 0.15 to the channel and 0.05 for the flood plain. A channel roughness of 0.15 represents some of the heaviest vegetation coverage possible, which appears a bit excessive even for

the proposed reclaimed site. Since larger channel roughness values leads to higher simulated water levels, the selection of this high value is possibly another source of over-estimation of the flood risk (inundation) that contributes to the “safety factor”.

Comment 4:

Another topic of discussion is significant change of terrain profile that would be caused by the mining activities. As demonstrated in Figure 4, the mining pit significantly changes the morphology of the San Diego River by creating a new channel in the central part of the proposed pit. The new channel has two significant contractions (indicated as yellow circles in Figure 4). Contractions in the channel causes large recirculation regions during high flow (Figure 5), which makes part of the channel ineffective to convey water downstream. The extension of the ineffective area is normally longer downstream of the contraction. The HEC-RAS simulation in the EIR considers the ineffective area near the contractions.

However, it is noted that possible local bank and bed erosion cannot be effectively evaluated by 1-dimensional simulations such as with HEC-RAS. This is especially important for the four corners circled by red in Figure 5 as flow acceleration can potentially cause scouring and erode the banks. In the recirculation region, the turbulence structures could also entrain significant amount of sediment from the channel bed. Therefore, 2-dimensional flow or even 3-dimensional simulation is necessary to analyze these local enhanced sediment entrainment according to the local geometric features like bathymetry and channel curvature.

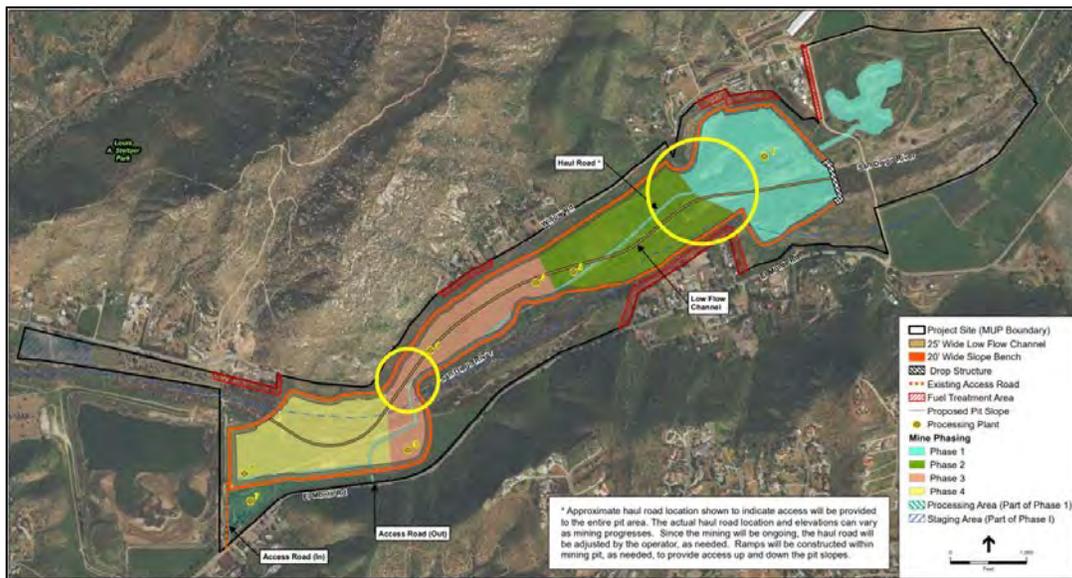


Figure 4 Demonstration of the Sand Mining Area and the Existing San Diego River (from EIR Appendix R, Figure 1.4)

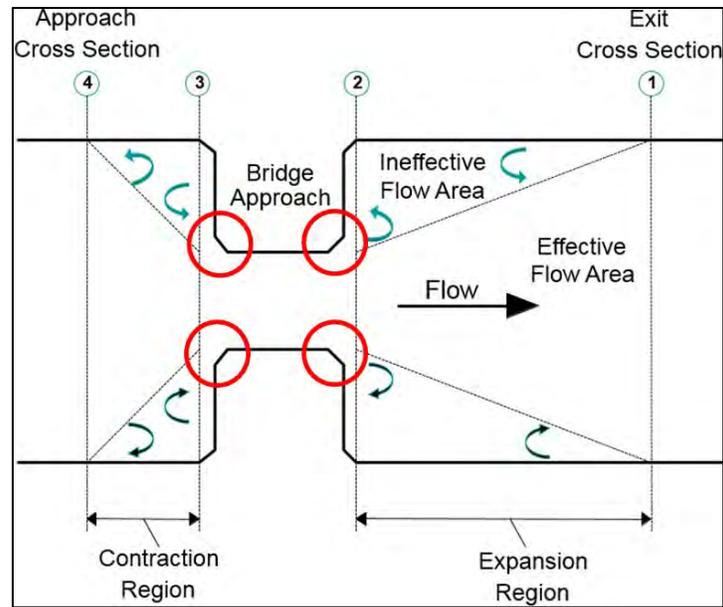


Figure 5 Conceptual Demonstration of Channel Contraction

Comment 5:

As already mentioned the bed elevation in the downstream part of the proposed pit would be much lower than the river channel downstream of the pit (Figure 6). This would cause ponding of storm water shown as black blocked obstruction in Figure 7. It is expected that sediment and debris transported from upstream would accumulate near the mouth of the downstream channel. This deposition of sediment and debris would likely to elevate the bed of the pit and increase possibility of over flow to the flood plain.

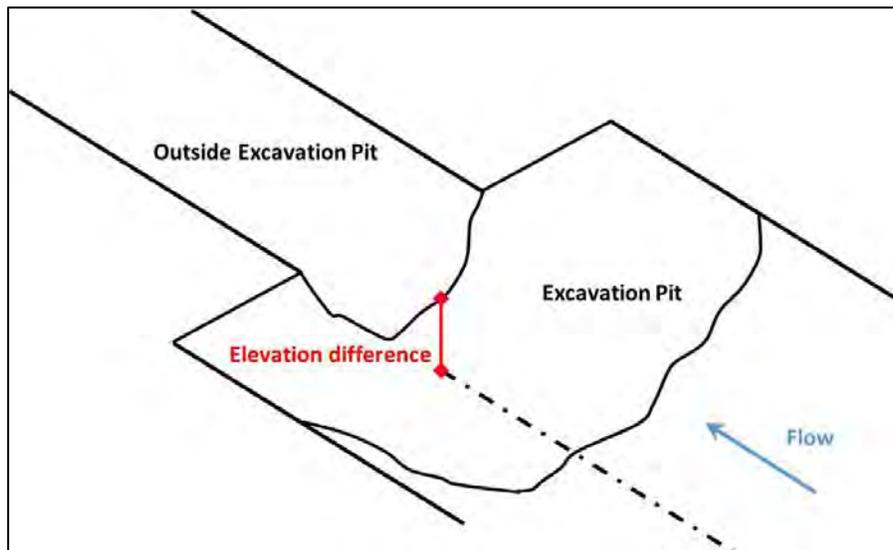


Figure 6 Conceptual Demonstration of Elevation Difference between the Excavation Pit and the Downstream Channel

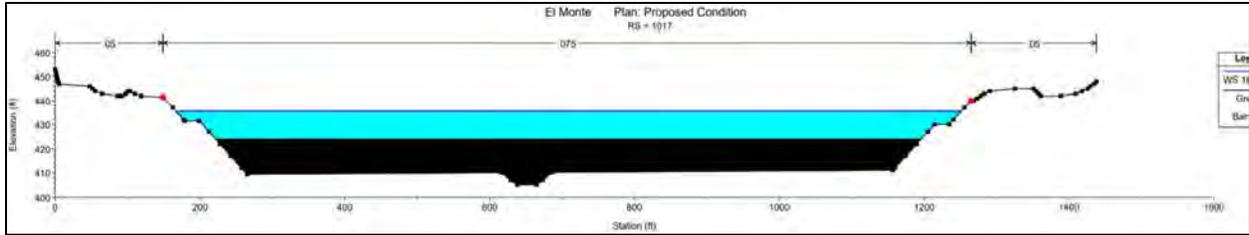


Figure 7 Demonstration of Pounded Water in the Sand Mining Pit (EIR, Appendix R)

Comment 5:

At the first cross-section (#1148) within the proposed extraction area, the channel velocity is 5.60 ft/s, which is higher than the **permissible velocity of 5 ft/s for unreinforced vegetation in the County's September 2014, Hydraulic Design Manual** (Page 6). This is an indication of potential erosion at this location.

Comment 6:

At cross-sections #995 and #992, the proposed sand mining would take place on the left flood plain and create a large pit to the left of the channel. Following the mining completion, the main channel that conveys water would still be the San Diego River, as it is before the implementation of the proposed project. However, the channel bed elevation would become lower than the blocked obstruction (ponded water at 424 feet NAVD 88) in the left pond, which corresponds to the channel bed elevation right downstream of the excavation site (424 feet at cross-section 988). A blocked obstruction should be added to the HEC-RAS simulation at the bottom of the channel at cross sections #995 and #992. The overall effect is that the "actual" channel bed at cross sections #995 and #992 would be elevated to the bed level of #988. Without change to the channel cross-section, the water level is going to be higher after sand mining at 995 and 992. This problem does not exist in the upstream cross-sections because the sand-mining would take place in the original channel, which deepens the channel significantly. The simulations at cross sections #995, 988 and #992 for the existing conditions and upon the completion of the proposed project are shown below for easy reference in Figure 8.

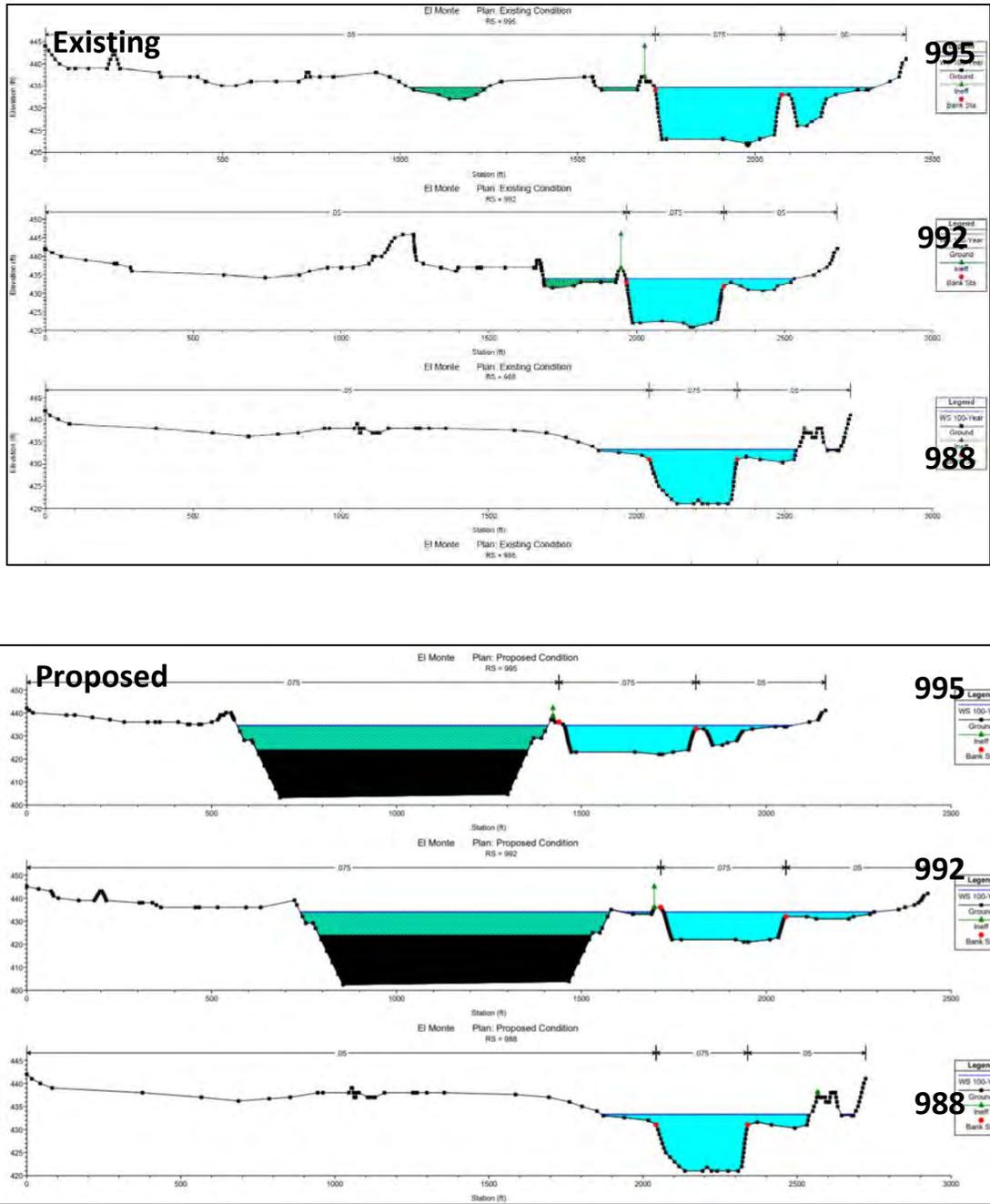


Figure 8 Cross Sections 995, 988, and 922 for the Existing Conditions and Upon Completion of the Proposed Project (from EIR, Appendix R)

Comment 7:

In the Hydraulic Analyses Appendix R page 4-5, it states:

“Blocked obstructions were assigned within the extraction area to reflect antecedent storm events that result in ponded water filling the extraction area. Based on the topographic mapping water can pond to approximately elevation 424 feet NAVD 88, so the block obstructions were set at this elevation in the cross-sections where the extraction will be below this elevation.”

The ponded water level is set to 424 feet NAVD 88 in the analysis. In HRC's opinion, the ponded water level should be determined by bed elevation of the first undisturbed channel cross-section within or outside the excavation pit. Because it represents the lowest elevation where water can be conveyed in the channel. Therefore, it should be the bed elevation at cross-section #995 which is 422 feet NAVD 88.

Issue 5: Increase in Discharge Rates that Would Cause Downstream Flooding

In this Section, the EIR provides an analysis whether the area of the proposed processing plant would increase the flow downstream during the 100-year flood event. After review of the EIR information and analyses for this Issue, HRC agrees with the EIR conclusion that during flood events the added flow from the proposed processing plant to the downstream is less than significant. However, it should be emphasized that runoff flows from the proposed processing plant area (e.g., as may occur during flash flooding at and around the site) may be of concern because of water quality impacts (see Issue 1 in this report).

Issues 6 and 7: Housing and Structures in a Flood Zone

After review of the EIR information and analyses for these Issues, HRC agrees with the EIR conclusion that the impact of the proposed excavated pit on the housing and structure in the flood zone would be less than significant.

Summary and Conclusions

In this document, HRC has provided the results of its review of the EIR analysis of the potential impacts of the proposed El Monte sand mining project with respect to hydrology, hydraulics and groundwater. After this review, HRC concludes that the EIR statements that the implementation of the proposed project would not adversely affect the **water quality** and **groundwater storage** and would not **alter local drainage patterns** and therefore any impacts will be **less than significant** is not sufficiently supported. The reasons for this conclusion are as follows

With respect to water quality impact, the EIR does not provide in-depth analysis and it claims that compliance with requirements of the State Construction General Permit and Industrial General Permit is sufficient to mitigate all adverse water quality issues. The EIR lacks a quantitative detailed analysis to review the water quality risks and the mitigation measures that are required to mitigate adverse effect.

With respect to the proposed project impact on the local groundwater resources, the EIR conclusion is based on the projection that ground water level will consistently and indefinitely drop and therefore the bed of the excavated pit would be substantially higher than the groundwater level. It is also assumes that recharge to the aquifer will increase because of the collection of storm water in the excavated pit. HRC question these two key assumptions. HRC argues that the groundwater impact should be looked at from a perspective of the regional aquifer and not only examining the local groundwater at the proposed site.

HRC believes that the proposed project alteration of the San Diego River to effectively disconnect the upstream portion of the river from the river downstream of the site, would cause

a significant geomorphic consequences that need to be carefully studied. These consequence will likely enhance erosion process upstream of the proposed pit, cause erosion processes and sediment deposition inside the pit and would alter the sediment transport regime downstream of the site. These are significant regional geomorphic alterations that should be better understood.

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- Bondi B.T. and Huntley D. Groundwater Management Planning Study Santee-El Monte Basin, Phase III Report, San Diego County Water Authority, January 2001
- County of San Diego (County). 2003. San Diego County Hydrology Manual.
- County of San Diego (County). 2007. Guidelines for Determining Significance and Report Format and Content Requirements – Groundwater Resources.
- Langbein W.B and S. A. Shumn 1958 Yield of Sediment in Relation to Mean Annual Precipitation , Transactions American Geophysical Union 39(6): 1076-1085

Appendix E

Environmental Justice at the Local and Regional Level Legal Background



Environmental Justice at the Local and Regional Level Legal Background

Cities, counties, and other local governmental entities have an important role to play in ensuring environmental justice for all of California's residents. Under state law:

“[E]nvironmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(Gov. Code, § 65040.12, subd. (e).) Fairness in this context means that the *benefits* of a healthy environment should be available to everyone, and the *burdens* of pollution should not be focused on sensitive populations or on communities that already are experiencing its adverse effects.

Many local governments recognize the advantages of environmental justice; these include healthier children, fewer school days lost to illness and asthma, a more productive workforce, and a cleaner and more sustainable environment. Environmental justice cannot be achieved, however, simply by adopting generalized policies and goals. Instead, environmental justice requires an ongoing commitment to identifying existing and potential problems, and to finding and applying solutions, both in approving specific projects and planning for future development.

There are a number of state laws and programs relating to environmental justice. This document explains two sources of environmental justice-related responsibilities for local governments, which are contained in the Government Code and in the California Environmental Quality Act (CEQA).

Government Code

Government Code section 11135, subdivision (a) provides in relevant part:

No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state....

While this provision does not include the words “environmental justice,” in certain circumstances, it can require local agencies to undertake the same consideration of fairness in the distribution of environmental benefits and burdens discussed above. Where, for example, a general plan update is funded by or receives financial assistance from the state or a state agency, the local government should take special care to ensure that the plan's goals, objectives, policies

and implementation measures (a) foster equal access to a clean environment and public health benefits (such as parks, sidewalks, and public transportation); and (b) do not result in the unmitigated concentration of polluting activities near communities that fall into the categories defined in Government Code section 11135.¹ In addition, in formulating its public outreach for the general plan update, the local agency should evaluate whether regulations governing equal “opportunity to participate” and requiring “alternative communication services” (*e.g.*, translations) apply. (See Cal. Code Regs., tit. 22, §§ 98101, 98211.)

Government Code section 11136 provides for an administrative hearing by a state agency to decide whether a violation of Government Code section 11135 has occurred. If the state agency determines that the local government has violated the statute, it is required to take action to “curtail” state funding in whole or in part to the local agency. (Gov. Code, § 11137.) In addition, a civil action may be brought in state court to enforce section 11135. (Gov. Code, § 11139.)

California Environmental Quality Act (CEQA)

Under CEQA, “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects” (Pub. Res. Code, § 21002.) Human beings are an integral part of the “environment.” An agency is required to find that a “project may have a ‘significant effect on the environment’” if, among other things, “[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly[.]” (Pub. Res. Code, § 21083, subd. (b)(3); see also CEQA Guidelines,² § 15126.2 [noting that a project may cause a significant effect by bringing people to hazards].)

CEQA does not use the terms “fair treatment” or “environmental justice.” Rather, CEQA centers on whether a project may have a significant effect on the physical environment. Still, as set out below, by following well-established CEQA principles, local governments can further environmental justice.

CEQA’s Purposes

The importance of a healthy environment for all of California’s residents is reflected in CEQA’s purposes. In passing CEQA, the Legislature determined:

- “The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.” (Pub. Res. Code, § 21000, subd. (a).)
- We must “identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds from being reached.” (*Id.* at subd. (d).)

¹ To support a finding that such concentration will not occur, the local government likely will need to identify candidate communities and assess their current burdens.

² The CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000, et seq.) are available at <http://ceres.ca.gov/ceqa/>.

- “[M]ajor consideration [must be] given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.” (*Id.* at subd. (g).)
- We must “[t]ake all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.” (Pub. Res. Code, § 21001, subd. (b).)

Specific provisions of CEQA and its Guidelines require that local lead agencies consider how the environmental and public health burdens of a project might specially affect certain communities. Several examples follow.

Environmental Setting and Cumulative Impacts

There are a number of different types of projects that have the potential to cause physical impacts to low-income communities and communities of color. One example is a project that will emit pollution. Where a project will cause pollution, the relevant question under CEQA is whether the environmental effect of the pollution is significant. In making this determination, two long-standing CEQA considerations that may relate to environmental justice are relevant – setting and cumulative impacts.

It is well established that “[t]he significance of an activity depends upon the setting.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718 [citing CEQA Guidelines, § 15064, subd. (b)]; see also *id.* at 721; CEQA Guidelines, § 15300.2, subd. (a) [noting that availability of listed CEQA exceptions “are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.”]) For example, a proposed project’s particulate emissions might not be significant if the project will be located far from populated areas, but may be significant if the project will be located in the air shed of a community whose residents may be particularly sensitive to this type of pollution, or already are experiencing higher-than-average asthma rates. A lead agency therefore should take special care to determine whether the project will expose “sensitive receptors” to pollution (see, e.g., CEQA Guidelines, App. G); if it will, the impacts of that pollution are more likely to be significant.³

In addition, CEQA requires a lead agency to consider whether a project’s effects, while they might appear limited on their own, are “cumulatively considerable” and therefore significant. (Pub. Res. Code, § 21083, subd. (b)(3).) “[C]umulatively considerable’ means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future

³ “[A] number of studies have reported increased sensitivity to pollution, for communities with low income levels, low education levels, and other biological and social factors. This combination of multiple pollutants and increased sensitivity in these communities can result in a higher cumulative pollution impact.” Office of Environmental Health Hazard Assessment, *Cumulative Impacts: Building a Scientific Foundation* (Dec. 2010), Exec. Summary, p. ix, available at <http://oehha.ca.gov/ej/cipa123110.html>.

projects.” (*Id.*) This requires a local lead agency to determine whether pollution from a proposed project will have significant effects on any nearby communities, when considered together with any pollution burdens those communities already are bearing, or may bear from probable future projects. Accordingly, the fact that an area already is polluted makes it *more likely* that any additional, unmitigated pollution will be significant. Where there already is a high pollution burden on a community, the “relevant question” is “whether any additional amount” of pollution “should be considered significant in light of the serious nature” of the existing problem. (*Hanford, supra*, 221 Cal.App.3d at 661; see also *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025 [holding that “the relevant issue . . . is not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant in light of the serious nature of the traffic noise problem already existing around the schools.”])

The Role of Social and Economic Impacts Under CEQA

Although CEQA focuses on impacts to the physical environment, economic and social effects may be relevant in determining significance under CEQA in two ways. (See CEQA Guidelines, §§ 15064, subd. (e), 15131.) First, as the CEQA Guidelines note, social or economic impacts may lead to physical changes to the environment that are significant. (*Id.* at §§ 15064, subd. (e), 15131, subd. (a).) To illustrate, if a proposed development project may cause economic harm to a community’s existing businesses, and if that could in turn “result in business closures and physical deterioration” of that community, then the agency “should consider these problems to the extent that potential is demonstrated to be an indirect environmental effect of the proposed project.” (See *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 446.)

Second, the economic and social effects of a physical change to the environment may be considered in determining whether that physical change is significant. (*Id.* at §§ 15064, subd. (e), 15131, subd. (b).) The CEQA Guidelines illustrate: “For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant.” (*Id.* at § 15131, subd. (b); see also *id.* at § 15382 [“A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”])

Alternatives and Mitigation

CEQA’s “substantive mandate” prohibits agencies from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that would substantially lessen or avoid those effects. (*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134.) Where a local agency has determined that a project may cause significant impacts to a particular community or sensitive subgroup, the alternative and mitigation analyses should address ways to reduce or eliminate the project’s impacts to that community or subgroup. (See CEQA Guidelines, § 15041, subd. (a) [noting need for “nexus” between required changes and project’s impacts].)

Depending on the circumstances of the project, the local agency may be required to consider alternative project locations (see *Laurel Heights Improvement Assn. v. Regents of University of*

California (1988) 47 Cal.3d 376, 404) or alternative project designs (see *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1183) that could reduce or eliminate the effects of the project on the affected community.

The lead agency should discuss and develop mitigation in a process that is accessible to the public and the affected community. “Fundamentally, the development of mitigation measures, as envisioned by CEQA, is not meant to be a bilateral negotiation between a project proponent and the lead agency after project approval; but rather, an open process that also involves other interested agencies and the public.” (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93.) Further, “[m]itigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.” (CEQA Guidelines, § 15126.4, subd. (a)(2).)

As part of the enforcement process, “[i]n order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented,” the local agency must also adopt a program for mitigation monitoring or reporting. (CEQA Guidelines, § 15097, subd. (a).) “The purpose of these [monitoring and reporting] requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” (*Federation of Hillside and Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) Where a local agency adopts a monitoring or reporting program related to the mitigation of impacts to a particular community or sensitive subgroup, its monitoring and reporting necessarily should focus on data from that community or subgroup.

Transparency in Statements of Overriding Consideration

Under CEQA, a local government is charged with the important task of “determining whether and how a project should be approved,” and must exercise its own best judgment to “balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian.” (CEQA Guidelines, § 15021, subd. (d).) A local agency has discretion to approve a project even where, after application of all feasible mitigation, the project will have unavoidable adverse environmental impacts. (*Id.* at § 15093.) When the agency does so, however, it must be clear and transparent about the balance it has struck.

To satisfy CEQA’s public information and informed decision making purposes, in making a statement of overriding considerations, the agency should clearly state not only the “specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits” that, in its view, warrant approval of the project, but also the project’s “unavoidable adverse environmental effects[.]” (*Id.* at subd. (a).) If, for example, the benefits of the project will be enjoyed widely, but the environmental burdens of a project will be felt particularly by the neighboring communities, this should be set out plainly in the statement of overriding considerations.

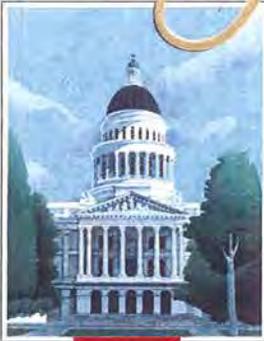
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The Attorney General's Office appreciates the leadership role that local governments have played, and will continue to play, in ensuring that environmental justice is achieved for all of California's residents. Additional information about environmental justice may be found on the Attorney General's website at <http://oag.ca.gov/environment>.

Appendix F

CALIFORNIA LEGISLATURE

Assembly



RESOLUTION

By the Honorable Jackie Goldberg
Forty-fifth Assembly District; Relative to

The Kumeyaay Nation

Whereas, The Kumeyaay Nation has occupied and traversed the southern California and Baja California region from the Pacific Ocean to the desert approximately 75 miles north and 75 miles south of the international border separating the United States and Mexico for thousands of years; and

Whereas, Today, the Kumeyaay Nation continues to survive as a recognized sovereign nation within the United States and the State of California; and

Whereas, Of the 18 federally recognized bands in San Diego County, 12 are Kumeyaay/Diegueno (Barona Band, Campo, Ewiiapaayp, Jamul, La Posta, Manzanita, Mesa Grande, San Pasqual, Santa Ysable, Sycuan, and Viejas); and

Whereas, The Kumeyaay people located in Baja California maintain their villages and govern their community affairs; and

Whereas, The Kumeyaay people's lifestyle requires free movement within their aboriginal boundaries, and that includes crossing the international border; and

Whereas, When laws were passed by Congress directed at slowing the legal and illegal crossing of the international border by foreign nationals trying to enter the United States, Congress overlooked the impact upon the Kumeyaay Nation lifestyle and culture on both sides of the international border; and

Whereas, Kumeyaay within Baja California, Mexico desire to pass and repass for cultural and social purposes with Kumeyaay in the United States in order to preserve Kumeyaay culture and heritage; and

Whereas, Recently (1998-2001), the United States Immigration and Naturalization Service consulted with the Kumeyaay Nation to learn of the negative impacts recent laws have imposed upon the Kumeyaay Nation lifestyle and, through this consultation process, established a vehicle to allow for the pass and repass of the Kumeyaay people; and

Whereas, The Kumeyaay Nation is a federally recognized tribal government within the United States; and

Whereas, The California State Assembly recognizes the Kumeyaay Nation and the aboriginal territory occupied by Kumeyaay people for thousands of years that includes areas on both sides of the international border separating the United States and Mexico (Baja California); now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature supports the efforts of the Kumeyaay Nation to remedy the pass and repass of Baja Kumeyaay and memorializes the United States Immigration and Naturalization Service to continue to work with the Kumeyaay Nation to allow for the pass and repass of Baja Kumeyaay; and be it further

Resolved, That the Chief Clerk of the Assembly transit copies of this resolution to the Director of the United States Immigration and Naturalization Service and each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

Assembly Joint Resolution No. 60
Adopted by the Assembly this 29th day of August, 2002.

Signed:

Herb J. Wesson, Jr.
Honorable Herb J. Wesson, Jr.
Speaker of the Assembly

Attest:

E. Dotson Wilson
E. Dotson Wilson
Chief Clerk of the Assembly

Adopted by the Senate August 26, 2002

Signed:

John L. Burton
Honorable John L. Burton
President pro Tempore of the Senate

Attest:

Gregory P. Schmidt
Greg P. Schmidt
Secretary of the Senate



Public Comments

Received by the San Diego River Conservancy

From: [Nik Hawks](#)
To: jrichards@sdrc.ca.gov
Subject: Oppose the El Monte Sand Mine project
Date: Saturday, October 20, 2018 11:52:51 AM

Ms. Richards,

As long time supporters of the San Diego River Conservancy, Paleo Treats urges you to oppose with all available resources the El Monte Valley Sand Mine Project.

This sand mining project will destroy the San Diego River in El Monte Valley, disturb a myriad of wildlife including rare species and a Golden Eagle nesting site directly downwind of the mine project.

I use and enjoy the El Monte Valley area about 5 times a week as a paraglider, and this project will impact us free flight pilots in large parts due to air quality, exposure to Valley Fever, and general destruction of one of the prettiest valleys in San Diego.

Please oppose this project at every turn, and do let me know if there is anything we can do to support you in this opposition.

Thank you,

Nik Hawks

Concerned San Diego resident & SDRC contributor

From: [Brad Stevenson](#)
To: jrichards@sdrc.ca.gov
Subject: Opposed: El Monte Sand Mine Project
Date: Saturday, October 20, 2018 1:47:18 PM

Ms. Richards,

I urge you to oppose with all available resources the El Monte Valley Sand Mine Project.

This sand mining project will destroy the San Diego River in El Monte Valley, disturb a myriad of wildlife including rare species and a Golden Eagle nesting site directly downwind of the mine project.

I use and enjoy the El Monte Valley area about 5 times a week as a paraglider, and this project will impact us free flight pilots in large parts due to air quality, exposure to Valley Fever, and general destruction of one of the prettiest valleys in San Diego. Please oppose this project at every turn.

Thank you,
Bradley Stevenson
Concerned San Diego resident

From: [David Hatfield](#)
To: jrichards@sdrc.ca.gov
Subject: Opposition to the El Monte Sand Mine
Date: Saturday, October 20, 2018 6:18:26 PM

Ms. Richards,

I urge you to oppose with all available resources the El Monte Valley Sand Mine Project.

This sand mining project will destroy the San Diego River in El Monte Valley, disturb a myriad of wildlife including rare species and a Golden Eagle nesting site directly downwind of the mine project.

I use and enjoy the El Monte Valley area about 5 times a week as a paraglider, and this project will impact us free flight pilots in large parts due to air quality, exposure to Valley Fever, and general destruction of one of the prettiest valleys in San Diego.

Please oppose this project at every turn.

Thank you,

David Hatfield

Concerned San Diego resident

--



David B Hatfield

T: 858.229.5897

P: 858.333.7126

From: steve_russow
To: jrichards@sdrc.ca.gov
Subject: El Monte Valley Sand Mine Project.
Date: Sunday, October 21, 2018 7:18:30 PM

Ms. Richards,

I urge you to oppose with all available resources the El Monte Valley Sand Mine Project.

This sand mining project will destroy the San Diego River in El Monte Valley, disturb a myriad of wildlife including rare species and a Golden Eagle nesting site directly downwind of the mine project.

I use and enjoy the El Monte Valley area about 5 times a week as a paraglider, and this project will impact us free flight pilots in large parts due to air quality, exposure to Valley Fever, and general destruction of one of the prettiest valleys in San Diego.

Please oppose this project at every turn.

Thank you,

STEPHEN J RUSSOW

Concerned San Diego resident



Virus-free. www.avg.com

From: [Steve Koji](mailto:Steve.Koji)
To: jrichards@sdrc.ca.gov
Subject: No Mining and Dumping in the El Monte Valley, Lakeside CA
Date: Monday, October 22, 2018 9:58:13 AM

Dear Julia,

I am writing regarding serious concerns about the proposed mining of El Monte Valley. Lakeside is already the site of several sand mining operations - adding another is going to contribute further airborne pollution - of which there is already an abundance due to the cement pipe manufacturing facility, the asphalt recycling facility and the organic matter recycling facility. I reside in Eucalyptus Hills and can often see and smell the plumes created by these operations. When a Santa Ana blows the sand mining operations in particular are the source of large clouds of dust. Santa Ana conditions will push any El Monte mining operations dust clouds into the El Capitan High School area. The High School is already subject to large plumes of airborne pollution in the form of cement dust on hot dry days. This can be seen clearly from my vantage point. Obviously Valley Fever could be a factor negatively impacting the health of our youth and future generations.

While discussing the potential adverse effect on future generations - the huge aquifer under the El Monte Valley will most certainly be impacted by the mining operations. How do I know? – many of the previous mining operations penetrated into the aquifer and then all kinds of debris was dumped into these pits. Again my vantage point has the benefit of viewing many of these operations and I have witnessed many all night dumping operations in several of these previous mining operations. I also have friends in the valley with wells that the pollution introduced by the pit mining was palpable enough to be both smelled and tasted. This is the water that we currently drink and future generations will drink.

On a personal note regarding the disruption to nature - I have witnessed a doe and her twins grazing on the edge of the valley. Constant truck and mining equipment operations will completely obliterate the peace, quiet and greenery needed by these creatures (the greenery becomes coated in dust).

I understand there are also several endangered species in the valley.

This is a valley of great beauty that should not be violated for the next 15 to 30 years for Sand and by Dumping.

I urge you to completely reject mining and dumping in the El Monte Valley.

Instead - work to preserve this natural wonder right in the midst of East County for the animals that reside there now, for current and future generations to enjoy cleaner air, cleaner water, hiking, biking, horseback riding, hang-gliding and paragliding to mention a few of the joys!

Thank you for your time and consideration of this matter.

Steve

From: [0](#)
To: heather.steven@sdcounty.ca.gov
Cc: robert.hingtgen@sdcounty.ca.gov; dianne.jacob@sdcounty.ca.gov; kristin.gaspar@sdcounty.ca.gov; bill.horn@sdcounty.ca.gov; greg.cox@sdcounty.ca.gov; ron.roberts@sdcounty.ca.gov; cao_mail@sdcounty.ca.gov; jrichards@sdrc.ca.gov
Subject: DSEIR - El Monte Valley Mining Project - COMMENT LETTER
Date: Tuesday, October 23, 2018 5:32:00 PM

October 23, 2018

To Whom It May Concern:

I am a resident of El Cajon, and property owner at 10540 Quail Canyon Road. My family's house sits right above where the first phase of the mining is set to begin.

I write on behalf of my entire family. My family has owned this property for four generations, and our young nieces often visit and play here. We strongly oppose the El Monte Sand Mining Project.

I began working in the construction trade in 1960, that's 48 years of experience. I am alarmed because current air quality has not been measured. Without comprehensive testing of air quality, we don't know how much harm my family will be exposed to. There are microscopic silica dust particles that would enter the air if this mining project went forward. How are we supposed to know when the dust gets worse? In my trade, sites used to have people to monitor air quality and advise workers when air quality is bad.

The air needs to be monitored at street level, at the top of "hang-glider hill," in the valley, near the valley and above the valley prior to any new mining. We need to know how they will monitor air quality, how often they will test it. We also need to know if the sand will be tested in advance for Valley Fever. I do not want my family exposed to Valley Fever or Silica dust particles, ever, for any reason.

I am elderly, and currently take medication for my illness. If this mining were to occur, it would shorten my lifespan. Also, on bad traffic days I sit at the affected intersections to the 8 and 67 freeways for 5 to 10 minutes. This would be increased were this project to go forward, this would delay the time it would take me to get to the hospital in the event I needed medical attention.

I was present for the Cedar Fire of 2003, it nearly took our home. The 314 daily trucks would impede fire evacuation efforts, and people and animals' lives would be lost in the event of another fire.

Lots of wildlife depends on this valley, many fly over my home, we enjoy looking at these rare species. And we don't want our views of this scenic corridor ruined again either. We owned our land first: we have a right not to have our priceless, irreplaceable views destroyed.

For reasons pertaining to health, traffic, noise and emergency evacuations, and views of Scenic "S" Corridor, my family urges a no vote on the sand mine.

**Sincerely,
Bryan Kops, resident**

From: ccantale66@gmail.com
To: heather.steven@sdcounty.ca.gov
Cc: robert.hingtgen@sdcounty.ca.gov; dianne.jacob@sdcounty.ca.gov; greg.cox@sdcounty.ca.gov;
kristin.gaspar@sdcounty.ca.gov; ron.roberts@sdcounty.ca.gov; bill.horn@sdcounty.ca.gov;
cao_mail@sdcounty.ca.gov; jrichards@sdrc.ca.gov
Subject: COMMENT LETTER - DSEIR - El Monte Sand Mining Project
Date: Tuesday, October 23, 2018 4:01:48 PM

TO WHOM IT MAY CONCERN:

Recently, I retired from my job in Mankato, Minnesota. This started a new phase of my life--to move to California and enjoy retirement here. As a long term professor, and educator, I spent my entire career working with underprivileged children and adults to educate themselves so that they could live a better lifestyle. Ironically, I find myself in the same predicament as my former clients and students: that is to say, that the dream that I had coming to California, will be destroyed if this El Monte Sand Mine Project is granted an operating permit.

After looking hard and long throughout the San Diego area, I found an ideal situation for me in the home at 10610 Quail Canyon Road. This was a big decision for me since I see this as my retirement home and final home purchase of my life. I was very picky and searched for a long time to find exactly what I wanted--beautiful views, nice neighbors, pleasant streets to walk on, and livestock around me. This was my ideal setting that I chose for myself. Now my property values are being threatened. My way of life, which took me so long to set up, will be dashed by a greedy and unrealistic, and damaging project which will do nothing but destroy my property values and my retirement way of life.

Therefore, I am bringing this to your attention to say that not only my hopes and dreams and investment, and also my health, will be endangered by this Project. As I've been able to research, this project will cause major upsets in the residents' health through pollution, noise and create an unhealthy atmosphere and environment. I am sure you understand that I was very careful in choosing my retirement surroundings and that through this project, it will destroy my life goals for retirement.

I am sure that if you were in my position, you would feel exactly the same way. Since my property is situated directly above the valley, it will destroy everything I've worked for, not to mention the drop in property values which will devastate me financially. Therefore, I employ you to research this project thoroughly. If you do, I will assure you that you will see what devastation this will bring, not only to me, but to the entire area. Not only will my hopes and dreams be destroyed, but so will my neighbors' hopes and dreams.

If this Project proceeds, you will force me to become an advocate to fight this travesty and become politically vocal against this Project.

I will use all my talent and available resources to fight this. And I will help spread the word that you have not acted within the best interest of your voting public who live in Blossom Valley.

Please do not destroy my retirement plans and the peaceful life I've created here above the valley. Thank you for your consideration.

Sincerely,

Charles W. Cantale, M.Ed., M.S.Ed., Ed. S.

Sent from Windows Mail

From: [Theresa Bingham](mailto:Theresa.Bingham)
To: jrichards@sdrc.ca.gov; cao_mail@sdcounty.ca.gov; dianne.jacob@sdcounty.ca.gov; Heather Steven; [Robert J. Hingtgen](mailto:Robert.J.Hingtgen)
Subject: REVISED LETTER FOR 10/25/18 SDRC MEETING AGENDA - TERRI BINGHAM - ATTORNEY AT LAW
Date: Tuesday, October 23, 2018 1:23:54 PM

Ladies and Gentlemen:

I am Terri Bingham, attorney, horse trainer, and Blossom Valley land owner. My ranch directly overlooks the section of the valley where mining is proposed to start.

I'll first address my concerns as a threatened resident, then I'll state my legal opinion. My legal opinion is now at expert level after 30 years of practicing law in the State of California. I have complex litigation experience relating to U.S. toxic waste dumps.

My European relatives settled in Lakeside in 1928, my Native American ancestors were here for thousands of years prior. In 1964 my family moved near the Lakeside sand pits. I contracted asthma thereafter—requiring hospitalization, three bi-weekly shots and heavy medication. My parents didn't know my sensitive lungs couldn't handle the silica dust. When we moved just two miles Northwest of the pits to the top hills of Lakeside, my need for bi-weekly hospital trips vanished.

Shortly thereafter, I was vaccinated for Valley Fever through a Gifted Students program at El Cap High School. Due to Native roots, that vaccine made me faint and I became ill within minutes of inoculation. I had to get this shot before doing archeological work for a nearby Native American museum where I found artifacts in a 2,000 year old pit. I dug for relics as a child in this valley, so I know how rich these sites are.

The dust from this proposed mine could never be mitigated, it would wind up in my lungs and my horses' troughs. This project would decrease my life expectancy as well as that of my livestock.

I am here to fight for my life and the lives of my animals, as well as the endangered species that live on and migrate through my land.

Adams does not propose to annually test every resident of Lakeside and El Cajon for Silicosis as is done by reputable employers in the sand mining industry, it would be cost prohibitive. East County residents should not have to be vaccinated for Valley Fever & risk getting ill like I did. Mining would release Valley Fever spores and there is nothing Adams could do to mitigate the Valley Fever risk and 30 year cancer risk. We will not risk our lives for his mining.

The DEIR does not adequately represent the endangered species on my valley-adjacent land. I have a spring on my property and the Arroyo Toad is present. Also endangered Peregrine Falcons and Eagles fly over my home. These birds depend on the valley for food and this mining would kill their young. We need a 5 year species study and I offer access to my land for this study.

Now for my expert legal opinion. Lakeside is unincorporated. Thus, San Diego County is the only one who can grant land use permits in Lakeside. When Adams' previously applied for a permit, it was to build a golf course and nature preserve. Lakeside got neither. Instead, Adams illegally mined about 500 cubic yards of sand—literally tons of sand. Adams' owned a corporation called Eco Soil Systems LLC which was incorporated in Florida. Florida has no State tax. So Adams paid no income tax to the State of California for the sand he stole. Mining rights are owned by the residents of San Diego, not Adams.

Adams had a resort development in Mexico called Manana Estrella, and his stolen sand could easily have been shipped to Mexico and used for his construction there. Adams' company is now defunct, after falling more than \$11 million in debt.

Because Lakeside is unincorporated, the liability for Adams' stolen sand, damage to groundwater and

aquifer, risk to protected species, archeological site damage and creation of a toxic waste site falls on Adams. However, Adams' corporation is closed, so does Adams have insurance to cover our pre-existing loss?

Even if Adam obtained insurance to cover the prior losses, when insurance carriers read the language in the DEIR which concludes residents will be exposed to a 30 year cancer risk, this forms the justification for ALL insurance companies to "DENY COVERAGE". In layman's lingo, this means insurance companies will not cover any damage caused to the land, air, water, people and animals by what Adams' already did because Adams' knew he was going to pollute. Adams' felonious acts of stealing sand without a mine permit, as any man who is as sophisticated as he is in the soil industry should have known was illegal, would also be yet another reason for insurance companies not to pay out damage claims filed by locals. A Court will never grant help to Adams because he committed fraud against the government of San Diego plus Grand Theft.

In California, Grand Theft is a felony, punishable by time in jail, when someone takes something that exceeds \$800 in value. Adams' illegally removed thousands of dollars of premium sand. In cases like this, the County is strictly liable for the damage Adams' already caused. Strict liability is the highest form of liability a County can face; strict liability means the fact that Adams removed sand alone is enough to put Adams in jail.

One project alternative in the DEIR is "NO PROJECT ALTERNATIVE." The NO PROJECT alternative is the only way the County can avoid an increase in liability for Adams' previous mining. Legally, the County is estopped from considering any new use or permit Adams' applies for. Instead, the County should require Adams to pay to return and backfill every grain of sand he already illegally took.

The question is not whether Adams' will get a new permit. The legal issue is who will make Adams pay for damage he already caused! Will the County avoid a class action suit by pressing felony charges against Adams? Will the State Attorney General subpoena Adams to face a grand jury indictment for his past felonious acts? And should Mr. Beck decide to vote on the mine and not recuse himself, will the State's Fair Political Practices Commission remove Beck from his post because Beck has a direct financial interest in Adams' mining.

Thus, the Board of Supervisors legally cannot approve Adams' permit without subjecting the County to billions of dollars of liability for Adams' previous mining activities which the County failed to supervise.

Recently a jury awarded a \$287 million dollar judgment against Round Up weed killer. Weed killers were previously used by Adams on this site, so a suit against Adams could result in a multi billion dollar judgment. Adams does not have enough assets to cover the liability, and Adams cannot get insurance to pay for his liability to us. In sum, after jury verdict, Adams' project would bankrupt this County.

The only way this County can avoid greater liability than it already has incurred is by rejecting Adams' application. Thank you and Godspeed.

Terri Bingham, Esq.
Valley resident, Attorney



October 23, 2018

Ms. Julia Richards
San Diego River Conservancy
1350 Front Street, Suite 3024
San Diego, CA 92101

RE: El Monte Valley Sand Mining Project

Dear Ms. Richards:

The Kumeyaay Diegueno Land Conservancy (KDLC) is a tribally-chartered unincorporated association located in the aboriginal territory of the Kumeyaay Nation and granted 501 (c) (3) status by the Federal government and tax exempt status by the State of California. KDLC appreciates the opportunity to comment.

KDLC follows a philosophy of éMut Mohey (love of the land in the Kumeyaay language) for the protection of culturally-significant sites, areas, and resources including a comprehensive stewardship standard for cultural and ecological resource management that recognizes stewardship decisions and actions based on management process which understands the confluence of biological and cultural resource protection and stewardship of the landscape as a biological, archeological, and historical directive.

KDLC has reviewed the August 30, 2018 Notice of Availability of a Subsequent Environment Impact Report and noted the comment ends on October 29, 2018. KDLC is very familiar with the cultural sensitive areas of the El Monte Valley and the County of San Diego.

Although the EIR claims that AB 52 consultation was conducted, the outreach was not extended to all Kumeyaay Bands on the list maintained by the Native American Heritage Commission. This is further compounded by the Archeologist's statement that no Tribal Cultural Resources were identified in the Area of Potential Effect and therefore no mitigation measures are necessary. There is also no mention of human remains which should have been disclosed by Helix Water District.

We request that the San Diego River Conservancy support an updated and thoroughly revised EIR that adequately and accurately identifies the areas of impact as the entire El Monte Valley. The County has been negligent in their government-to-government and AB 52 consultation. We also request a clarification on the NEPA compliance for the federal agencies involved in permitting for the project.

KDLC looks forward to our consultation and clarification of the above referenced concerns as well as others. Should you have any questions, please contact me at your earliest convenience. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "John EagleSpirit Elliott", with a long horizontal flourish extending to the right.

John EagleSpirit Elliott, Board Chair
Kumeyaay Diegueno Land Conservancy

✍️ "To honor, preserve and protect our sacred lands."

2 Kwaaypaay Court • El Cajon, CA 92019 • 619.659.1008 office • 619.445.0238 fax

From: [Sofia Puerta](#)
To: jrichards@sdrc.ca.gov
Subject: Please protect El Monte
Date: Wednesday, October 24, 2018 11:37:24 AM

Dear Ms. Richards,

We urge you to oppose with all available resources the El Monte Valley Sand Mine Project.

This sand mining project will destroy the San Diego River in El Monte Valley, disturb a myriad of wildlife including rare species and a Golden Eagle nesting site directly downwind of the mine project.

We use and enjoy the El Monte Valley area about 2 times a week as paraglider pilots, and this project will impact us free flight pilots in large parts due to air quality, exposure to Valley Fever, and general destruction of one of the prettiest valleys in San Diego.

Please oppose this project at every turn.

Thank you,

Sofia and Paul Webber

Concerned San Diego residents

Sofia Puerta Webber

www.shiwido.com

<https://www.facebook.com/pages/Shiwido-Yoga/141222439256867>