
Appendix M

Response to Comments Received on the
Nelson Sloan Quarry Restoration and Beneficial Reuse
of Sediment Project Recirculated Draft EIR

Response to Comments Received on the Recirculated Draft EIR

This section includes a copy of each comment letter provided during the public review period of the Recirculated Draft EIR. In certain instances and where directed by agencies, commenter letters received during public review of the 2021 Draft EIR are considered and responded to below. The comment letters received have each been assigned a letter (e.g., A, B, C) and letters from agencies sending multiple correspondence were assigned an alphanumeric identifier (e.g., A1, A2). The substantive points raised within each comment letter are bracketed and numbered (e.g., A-1, A-2). Comment letters are followed by responses, which are numbered to correspond with the bracketed comments. The comment letters and emails that were received by CDPR are listed in Table 1. Note that underlined text presented in comments reflects original presentation in comment letters. Where a change to the EIR has been made, text in response is presented in underline.

CDPRs responses to comments on the Recirculated Draft EIR represent a good-faith, reasoned effort to address the substantive points identified by the comments. Pursuant to CEQA Guidelines Section 15074(b), decision makers will consider the Recirculated Draft EIR together with the comments received during the public review process.

Table 1. Index of Commenters on the Recirculated Draft EIR

Comment Letter	Date of Letter/Emails	Commenter	Response Nos.
A	November 4, 2021	California Department of Fish and Wildlife	A-1 through A-13
B	January 27, 2023	Barona Band of Mission Indians	B-1
C	March 2, 2023	California Department of Conservation Division of Mine Reclamation (email correspondence)	C-1 through C-3
C1	November 3, 2021	California Department of Conservation Division of Mine Reclamation	C1-1 through C1-6
D	February 15, 2023	CalRecycle	D-1 through D-9
E	March 13, 2023	County of San Diego Department of Parks and Recreation	E-1 through E-17
F	November 4, 2021	City of San Diego Planning Department (Rebecca Malone)	F-1
F1	November 5, 2021	City of San Diego Planning Department (Tara Ash-Reynolds and Myra Herrmann)	F1-1 through F1-10
F2	November 5, 2021	City of San Diego Planning Department (Tara Ash-Reynolds)	F2-1 and F2-2
G	February 23, 2023	San Diego County Archaeological Society, Inc.	G-1
H	March 13, 2023	San Diego Audubon Society, Wildcoast, and Southwest Wetlands Interpretive Association	H1 through H-3
I1	March 12, 2023	Buck Buchanan (private citizen)	I1-1 through I1-4
I2	March 13, 2023	Leon Benham (private citizen)	I2-1 through I2-18
I3	March 21, 2023	Julia Rose (private citizen)	I3-1 through I3-8
J	March 13, 2023	City of Imperial Beach (Chris Helmer)	J-1 through J-4

Please note that select commenters confuse the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project with the Tijuana Estuary Tidal Restoration Program (TETRP) II Phase I Project. Specifically, comments provided in Letters I1, I2, and I3 state that the Project would “destroy 82 acres of virgin wetland habitat in the Tijuana River Estuary Reserve”; however, the Project is neither located in the Tijuana River National Estuarine Research Reserve nor would it result in impacts to wetland habitat. As proposed, the Project entails the placement of excess sediments sourced from a variety of potential in-valley channels, basins, and habitat restoration projects on the former Nelson Sloan sand and gravel quarry in the Border Highlands area of the Tijuana River Valley. Placement of sediment on the former quarry site would not destroy 82 acres of virgin wetland habitat. As noted in Section 2, Project Description, of the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project EIR, the Project Impact Area comprises approximately 20 acres of previously disturbed quarry lands and no wetlands occur within the Project Impact Area (see Section 3.3, Biological Resources, of the EIR for additional details regarding onsite vegetation communities and land cover).

Regarding the TETRP II Phase I Project, USFWS issued a Record of Decision on May 24, 2023 that selected Alternative 2 from the Final EIR/EIS for the TETRP II Phase I Project for implementation. Under Alternative 2, approximately 68 acres of coastal wetlands and 15 acres of native transitional and upland habitat would be restored within the Tijuana Estuary (<https://www.fws.gov/story/tijuana-estuary-tidal-restoration-program-ii-phase-i>).

While the Project EIR identifies the TETRP II Phase I Project as a potential source for sediment, certification of the Project EIR and implementation of the Project would not result in impacts to wetland habitat. Additionally, select commenters confuse the source material proposed for beneficial reuse by the Project, indicating the intended use of "sewage sludge" as fill. The Project would not include the use of sewage sludge.

Response to Comment Letter A – California Department of Fish and Wildlife

A-1 **Comment:** The California Department of Fish and Wildlife (CDFW) has reviewed the California Department of Parks and Recreation’s DEIR for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines. CDFW and the U.S. Fish and Wildlife Service (jointly, the Wildlife Agencies) provided a comment letter, dated May 24, 2019, on the Notice of Preparation of the DEIR, as well as attended pre-planning meetings for the Project, the most recent on August 12, 2021.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

Response: The comment confirms that CDFW has reviewed the DEIR for the Project and clarifies that CDFW and USFWS previously provided a comment letter on the prior iteration of the Project/EIR that was released for public review in 2021. Commenter also expresses thanks for being provided the opportunity to provide comments and recommendations.

Since the comment is introductory in nature and does not raise a specific issue related to the adequacy of the Recirculated Draft EIR, no additional response is provided.

A-2 **Comment:** CDFW is California’s Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Id., § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may also need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW’s lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of San Diego (City) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP).

Response: CDFW’s role as California’s Trustee Agency for fish and wildlife resources, Responsible Agency under CEQA, and administrator of the Natural Community Conservation Planning (NCCP) program is noted, acknowledged, and appreciated. CDPR will continue to coordinate with the CDFW as required under current laws and regulations. However, since the comment does not raise a specific issue related to the adequacy of the Recirculated Draft EIR, no further response is provided.

A-3

Comment: PROJECT DESCRIPTION SUMMARY

Proponent: California Department of Parks and Recreation (CDPR)

Objective: CDPR proposes the beneficial reuse of excess sediment excavated from managed sources to restore and stabilize the former Nelson Sloan Quarry (Quarry) consistent with California Department of Conservation, Division of Mine Reclamation (DMR) historic landform reclamation standards. Sediment would be collected through a range of ongoing, approved, and/or permitted sediment management activities, or proposed sediment management activities, in the Tijuana River Valley. The reuse of excess sediment is proposed to restore the landform, ecological functions, and values of the impacted habitats on the Project site that were significantly altered by past mining activity and to facilitate quarry/mine identification closure.

A 20-year Conditional Use Permit (CUP) was issued by the City in 1982 to the Nelson and Sloane corporation for extraction of sand and gravel. As required by the Surface Mining and Reclamation Act (SMARA), a Reclamation Plan detailing the slopes and reclamation and revegetation requirements for the Quarry once operations ceased was submitted with the CUP. Original Reclamation Plan commitments are still open under SMARA. The former Quarry property is now owned by the County of San Diego Parks and Recreation but within the jurisdictional boundary of the City and is located within the City’s Tijuana River Valley Planning Area of the MSCP.

Approximately one-third of the permitted volume of sand and gravel was actively mined from the site over the 20-year operational life of the Quarry. In 2002, the CUP expired, and the Quarry site was not formally reclaimed in accordance with the approved CUP Reclamation Plan. In 2003, the property was purchased by the County through a grant provided by the California Coastal Conservancy to add to the Tijuana River Valley Regional Park. The grant required that the property be used for the purpose of habitat protection and open space. The Tijuana River Valley Regional Park comprises nearly 1,800 acres of open space and is a biological core area of the MSCP. The Quarry site is included in the Multi-Habitat Planning Area (MHPA) of the City’s SAP for the MSCP.

Location: The 71.9-acre former Nelson-Sloane Quarry property consists of four parcels: Assessor’s Parcel Numbers (APNs) 664-011-05-00, 664-011-04-00, 664-011-03-00, and 664-020- 04-00. The property is in southwestern San Diego County and is located west of Interstate 5 off Monument Road near the intersection of Monument Road and Dairy Mart Road. The site lies west of the City’s South Bay Water Reclamation Plant and just north of the U.S./Mexico international border.

The Project site consists of the two easternmost parcels of the former Quarry property and includes an eroded hillside that was previously mined/quarried for construction materials and aggregate from 1982 to approximately 2002. The western portion of the Project Area was not excavated during mining activities and consists of a mesa top with naturally occurring coastal sage scrub (CSS) vegetation. The term “Reclamation Area” refers to the 20.93-acre area within the Project site where the proposed reclamation, sediment placement, and restoration activities would occur.

Response: The comment summarizes information contained in Chapter 2, Project Description, of the Recirculated Draft EIR. Specifically, the comment summarizes project objectives and description and location. Because the comment does not raise a specific issue related to the adequacy of the Recirculated Draft EIR, no further response is provided.

A-4

Comment: Biological Setting: The Study Area included the four-parcel, 71.9-acre Quarry property evaluated in the Biological Resources Technical Report (BRTR) prepared by Dudek for the Project for purposes of establishing baseline conditions. The Study Area occurs within the Southern Area of the City’s MSCP Subarea Plan. Most of the study area and all of the Reclamation Area are completely within the Multi-Habitat Planning Area (MHPA) designated by the SAP.

Dudek conducted mapping of vegetation communities, a jurisdictional delineation, reconnaissance surveys, focused gnatcatcher survey, and focused rare plant surveys in 2019 and 2020 within the Study Area. Four plant community types were identified within the proposed Study Area: maritime succulent scrub, Diegan coastal sage scrub (including disturbed forms), mule fat scrub, and southern riparian scrub. Two land cover types were identified within the Study Area: open water and disturbed land-xeric cliff face, escarpment, ruderal. The habitat within the Reclamation Area includes CSS, disturbed CSS, and Disturbed Land.

During focused rare plant surveys in 2019, 16 special-status plant species were observed in the study area: Baja California birdbush (*Ornithostaphylos oppositifolia*), California adder's-tongue (*Ophioglossum californicum*), California desert thorn (*Lycium californium*), Lewis's evening primrose (*Camissoniopsis lewisii*), Orcutt's bird's-beak (*Dicranostegia orcuttiana*), San Diego needle grass (*Stipa diegoensis*), San Diego County viguiera (*Bahiopsis laciniata*), San Diego barrel cactus (*Ferocactus viridescens*), San Diego bur-sage (*Ambrosia chenopodiifolia*), ashy spike-moss (*Selaginella cinerascens*), cliff spurge (*Euphorbia misera*), golden-spined cereus (*Bergerocactus emoryi*), sea dahlia (*Leptosyne maritima*), seaside cistanthe (*Cistanthe maritima*), western dichondra (*Dichondra occidentalis*), and wart-stemmed ceanothus (*Ceanothus verrucosus*). The majority of these rare plant species were not found within the Reclamation Area portion of the study area.

Seven special-status wildlife species were detected during 2019 surveys of the Study Area, including coastal California gnatcatcher (*Polioptila californica californica*), Cooper's hawk (*Accipiter cooperii*), northern harrier (*Circus hudsonius*), turkey vulture (*Cathartes aura*), American peregrine falcon (*Falco peregrinus*), San Diego black-tailed jackrabbit (*Lepus californicus*), and Quino checkerspot butterfly (*Euphydryas editha quino*). Protocol-level surveys were conducted by Dudek within the Study Area for the two sensitive wildlife species: coastal California gnatcatcher (gnatcatcher) and Quino checkerspot butterfly (Quino).

One individual and four pairs of gnatcatchers were observed during focused surveys by Dudek in February 2019. The individual gnatcatcher and one of the pairs were observed within the boundaries of the Reclamation Area.

The Project would follow requirements of the MHCP for projects occurring on MHPA Lands. Surveys for coastal California gnatcatcher would be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service prior to reclamation activities being initiated. If present, occupied land would be avoided during the breeding season (March 1 through August 15) and no clearing, grubbing, grading, or other ground-disturbing activities would occur during that period.

Quino was surveyed by Dudek from February through April 2020. Three adult individuals were observed. Surveys for the primary Quino larval host plant (dot-seed plantain: *Plantago erecta*) were conducted the year prior to the protocol surveys for this species (Dudek 2019). Five adult Quino were incidentally observed during the host plant surveys. High quality host plant habitat was mapped outside of the Reclamation Area. A few lower density patches of dot-seed plantain were mapped within the Reclamation Area.

CDPR (and/or designee or Responsible Agency) shall consult with the U.S. Fish and Wildlife Service (USFWS) to determine if take authorization is required for impacts to Quino checkerspot butterfly. If such take authorization is required, CDPR (and/or designee or Responsible Agency) shall demonstrate to the satisfaction of the City of San Diego that it has secured any necessary take authorization prior to the issuance of the first grading permit that impacts suitable Quino checkerspot butterfly habitat. To avoid impacts to high-quality host plants for Quino checkerspot butterfly, the Restoration Plan requires a biologist to survey the mesa for Quino checkerspot butterfly host plants prior to the pre-restoration phase activities. All host plants shall be flagged,

and a 20-foot buffer established around the host plant populations. Restoration activities within this avoidance area shall be restricted to hand weeding and/or herbicide application only. No mechanical work would be done in this avoidance area. Existing roads or disturbed areas within the 20-foot buffer would be excluded from the avoidance area as determined by the Project biologist.

Response: The comment summarizes information contained in Section 3.3, Biological Resources, of the Recirculated Draft EIR. Specifically, the comment summarizes the biological setting of the project site and mapping/surveys conducted in support of the project (including mapping of vegetation communities, rare plant and special status specie surveys conducted (and results)), and USFWS consultation requirements pertaining to impacts to Quino checkerspot butterfly. As the comment summarizes information presented in the Recirculated Draft EIR and does not raise a specific issue related to the adequacy of the Recirculated Draft EIR, no further response is provided.

A-5 **Comment:** COMMENTS AND RECOMMENDATIONS. CDFW offers the comments and recommendations below to assist CDPR in adequately identifying and/or mitigating the Plan's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Recommendations may also be included to improve the document.

Response: The comment is introductory in nature and introduces CDFW's comments and recommendations to CDPR and the Draft EIR. CDFW's comments are acknowledge and appreciated and will be considered by CDPR during preparation of the Final EIR. Please refer to Response to Comments A-6 through A-11 to determine CDPR's intended approach to individual comments and recommendations.

A-6 **Comment:** COMMENT #1: There would be a temporal loss of CSS habitat during the Project timeline.

Issue: The Project would result in direct, permanent, and temporary impacts to coastal sage scrub and disturbed CSS. Temporary impacts would not immediately be mitigated but phased over a period of approximately 15 years.

Specific impact: Impacts to 11.69 acres of Tier II CSS would occur from Project implementation. Though there would be a final gain in acreage of CSS with completion of Phase 6, there would be a temporary deficit of this habitat until completion of Phase 6.

Why impact would occur: The Project would involve movement of large quantities of fill material as it would be collected and its use in re-contouring of the Reclamation Area would require approximately 15 years. Final elevation contours would have to be established for each portion of the reclamation before CSS could be reestablished. Therefore, replanting would be done in phases. Final restoration would be completed after fill and grading associated with Phase 6 were finished.

Evidence impact would be significant: CSS is crucial habitat for gnatcatcher, which was demonstrated to be utilizing the Project site, including the Reclamation Area, as well as other species.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

Mitigation Measure #1:

To reduce impacts to less than significant: Initial CSS revegetation activities on the Project site are planned Prior to Phase 1 of the Quarry reclamation. As proposed, a pre-Phase 1 revegetation effort

would be done outside of grading/disturbance limits associated with Project phases and within restoration/enhancement area limits (i.e., within currently disturbed areas associated with erosion and access road development/use). This early revegetation would at least partially reduce temporal impacts. To further reduce temporal impacts to CSS, CDPR should consider additional projects involving restoration/revegetation of CSS in the vicinity of the Project Site that could be timed to occur before initiation of Phase I or during the interim period of the Project before completion of Phase 6.

Response: CDFW’s comment concerning temporal loss of CSS habitat during Project activities, and recommended potentially feasible mitigation measures, are noted and appreciated. However, the extent of restoration proposed in the Recirculated Draft EIR is dictated by meeting the mitigation requirements of the project which have been met by proposed restoration as laid out in the Recirculated Draft EIR. See Section 3.3.4 Impact Analysis (specifically, Table 3.3-3, MSCP Habitat Replacement for Impacts to On-site Vegetation Communities and Land Cover Types within the Reclamation Area (Acres), and Table 3.3-4, Restored Habitat for Impacts to On-site Vegetation Communities and Land Cover Types within the Reclamation Area (Acres)) of the EIR. Specifically, Table 3.3-3 indicates that total project impacts would require 17.53 acres of CSS habitat and Table 3.3-4 notes that the project provides for a total of 17.79 acres of CSS habitat to be provided through pre-project enhancement, pre-Phase 1 restoration, and restoration of temporary impacts associated with project construction. In addition, annual sediment management provides benefits to downstream habitat throughout the Tijuana River Valley resulting in higher-quality habitat every year. Therefore, no additional restoration including CDFW-recommended Mitigation Measure #1 is proposed or has been added to the Final EIR.

A-7

Comment: COMMENT #2:

Issue: The DEIR proposes that, prior to initiation of each phase of clearing of the Reclamation Area, a survey be conducted for special-status terrestrial reptiles, Dulzura pocket mouse (*Chaetodipus californicus femoralis*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), and San Diego desert woodrat (*Neotoma lepida intermedia*). If any of these species were found, a relocation and exclusion plan would be developed to avoid direct take from grading and filling activities. The relocation plan would be approved by CDPR or other Responsible Agency and the biologist relocating the species would need to possess a California Scientific Collecting Permit to handle these species if required by applicable California Department of Fish and Wildlife regulations.

Specific impact: Relocated animals could suffer negative effects from being moved out of their territories.

Why impact would occur: Relocation is a less than ideal form of mitigation for direct impacts, as animals in unfamiliar areas may have difficulty finding food, water, shelter, and safety, and may experience competition or aggression from members of the same species with already established territories in the relocation areas.

Evidence impact would be significant: The species proposed to be relocated, if found, are considered sensitive because their populations are declining or at risk.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

Mitigation Measure #2:

To reduce impacts to less than significant: Relocation is not ideal but may be the only way to avoid direct Project-related mortality to any sensitive reptile or small mammal determined to inhabit the Reclamation Area. If relocation is the only option, the choice of a relocation site should consist of

a large patch of quality habitat appropriate to the species, which would be more likely to have the carrying capacity to accommodate one or more relocated individuals of a particular species.

Response: CDFW’s comment concerning the proposed relocation plan for special-status terrestrial reptiles and small mammals, and recommended potentially feasible Mitigation Measure #2, is noted and appreciated. In response to this comment, the first paragraph of EIR Mitigation Measure MM-BIO-2 has been revised as follows:

MM-BIO-2 Special-Status Species Take Avoidance Surveys. Prior to initiation of each phase of site clearing, the applicant shall develop a relocation and exclusion plan for special-status terrestrial reptiles, Dulzura pocket mouse, northwestern San Diego pocket mouse, and San Diego desert woodrat with the potential to occur on site. The relocation and exclusion plan shall be submitted to the California Department of Parks and Recreation (and/or designee or Responsible Agency) for review and approval prior to initiation of site clearing for each phase of the Project. The plan shall at minimum include the timing and locations where surveys should be conducted; the habitat and conditions in the proposed relocation site(s), the methods that would be used for trapping and relocating the individual species, the method for documentation/recordation of the species and number of animals relocated, and the method of exclusion so that species cannot re-enter active construction areas. In addition, the choice of a proposed relocation site should consist of a large patch of quality habitat appropriate to the species, which would be more likely to have the carrying capacity to accommodate one or more relocated individuals of a particular species.

A-8

Comment: Additional Recommendations:

Recommendation #1: The DEIR does not adequately describe the long-term conservation/management and in-perpetuity funding for the Project site post-restoration. Page 3.6-17 of the DEIR generally states that following completion of phased grading/sediment placement and restoration activities the site would “...function as revegetated open space and would be managed as a component of the Tijuana River Valley Regional Park.” The DEIR makes one mention on page 2-26 about a restoration “security bond” being required prior to each phase that would be released upon successful completion of the restoration. The restoration memo in Appendix E-2 states: “[t]he same funding source available for the intended revegetation project, as established by the multijurisdictional agreement, is assumed to also be available for any additional planning, implementation, and monitoring of any contingency procedures that may be required to achieve the revegetation goals”. The DEIR should provide a more detailed explanation of these funding mechanisms and how they will continue to function in perpetuity after completion of the Project.

Response: CDFW’s comment regarding the lack of clarity regarding long-term conservation/management and in-perpetuity funding for the Project site post-restoration is noted and appreciated. The property is within Tijuana River Valley Regional Park and is managed by County Department of Parks and Recreation. Following completion of the project, the site would continue to be managed by County Department of Parks and Recreation. The County of San Diego acquired the property in 2003 and long-term conservation/management would be determined by County Department of Parks and Recreation and other agencies that are approved to deposit sediment on the County’s property through a Multijurisdictional Agreement. While funding for project operations has not been secured by CDPR/Responsible Agencies, a stated objective of the Project is the advancement of efforts to comply with the recorded grant deed language requiring that the property be used for habitat protection, restoration, and open space in perpetuity. See EIR Chapter 2, Project Description (Section 2.3 Project Objectives). At this time, the acquisition of funding for long-term operations be a topic of discussion in forthcoming multijurisdictional agreement meetings between responsible/interested agencies and will be included in an

agreement (such as an MOU, License Agreement or similar) that will ultimately dictate project terms and use of the site for sediment management purposes.

Lastly, and speaking to purpose and need, the Project is included in the County's 2017 Senate Bill 507-funded Tijuana River Valley Needs and Opportunities Assessment. Specifically, Nelson Sloan Quarry Restoration is identified as Project 20 (out of 27 projects) in the Needs and Opportunities Assessment Report (County of San Diego 2020). Specifically, the Project is identified as an action to improve and protect natural lands within the Tijuana River Valley and because the site may be used by several in-valley land managers/agencies, funding from multiple agencies is assumed and would provide long-term environmental benefits to the river valley landscape.

A-9 **Comment:** Recommendation #2: There are inconsistencies in the impact calculations between the DEIR and the BRTR. For example, the DEIR lists total impacts to CSS at 11.69 acres and the BRTR lists them as 13.65 acres. These inconsistencies should be clarified in the final EIR.

Response: The referenced CSS impact calculation presented in the BRTR of 13.65-acres was incorrect as it included an additional 1.96-acres of disturbed coastal sage scrub proposed for enhancement as part of the pre-project restoration. Since this acreage/enhancement activity is not considered an impact, it should not have been included in the total impacts to CSS calculations. The DEIR correctly identified total impacts to CSS (i.e., 11.69 acres). Please note that no changes to the BRTR were made in response to Comment A-9.

A-10 **Comment:** Recommendation #3: The Revegetation Monitoring and Management Plan (Plan) (Appendix E-2, Tables 2a and 2b) establishes annual (Year 1-5) numerical success criteria for each phase of CSS revegetation. Relative native cover (%), species diversity (%), maximum non-native annual species relative cover (%), and maximum non-native perennial species relative cover (%), would be quantified and compared to that of surrounding, non-impacted vegetation of the same community type. However, the Plan only mentions qualitative visits from the Project biologist. "The project biologist will perform qualitative monitoring visits every other month during Year 1 and on a quarterly basis during Years 2 through 5." The Plan should describe how the Project Biologist will assess the quantitative criteria and compare these factors to those of naturally occurring CSS.

Response: Recommendation #3 is noted and in response to this comment, the Revegetation Monitoring and Management Plan (Appendix E-2) and specifically, Section 5.3, Revegetation Monitoring Methods, has been revised as follows:

5.3 Revegetation Monitoring Methods

Qualitative monitoring of the revegetation site will be performed by the project biologist during the 120-day establishment period and regularly throughout the duration of the 5-year monitoring period.

Observations of native vegetation coverage, weed presence, and site progress will be noted during monitoring visits and will be summarized in the annual monitoring report. Qualitative monitoring will be conducted to assess native plant vigor and development, seedling recruitment from applied native seed and natural sources, soil moisture content, presence/absence of plant pests or diseases, erosion and/or drainage conditions on site, presence/absence of non-native or invasive plant species, trash or debris accumulation, wildlife presence/absence, and project fencing. All qualitative monitoring visits to the project site will be documented with a monitoring report, which will be forwarded to the lead agency staff, project operator, and landscape maintenance contractor. Any project deficiencies will be noted in the monitoring report, with accompanying recommendations for maintenance or remedial actions.

Quantitative monitoring will be performed towards the end of the growing season each year i.e., mid-late spring. Permanent vegetation transects will be randomly established within the revegetation-mitigation areas. Transects will be approximately 50 meters long and sampling will utilize the point-intercept method recording data at each 0.5 meter interval along each transect. Permanent photo-documentation stations will be established at the start point of each transect to record the progress of the mitigation program and plant establishment over the five year maintenance and monitoring period. Transect data will indicate percent cover by species, total percent native and non-native cover, species richness, and percent bare ground. Vegetation sampling data will be tabulated and included in the annual monitoring reports.

A-11 **Comment:** Environmental Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:
http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf.
 The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.
 The types of information reported to CNDDDB can be found at the following link:
http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

Response: As is customary with every applicable project, CDPR will report special status species and natural communities detected during Project surveys to the CNDDDB following project EIR certification. In addition, and prior to CNDDDB reporting (and consistent with the terms of the Right of Entry Permit with County of San Diego Department of Parks and Recreation), CDPR will coordinate and seek the approval of County of San Diego Department of Parks and Recreation (i.e., the property owner) to publicize the site-specific data.

A-12 **Comment:** Filing Fees. The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Response: CDPR appreciates the reminder regarding payment of filing fees and will pay filing fees upon filing the Notice of Determination with the State Clearinghouse.

A-13 **Comment:** Conclusion. CDFW appreciates the opportunity to comment on the DEIR to assist SANDAG in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Meredith Osborne, Environmental Scientist, at Meredith.Osborne@wildlife.ca.gov.

Response: The comment includes contact information for Meredith Osborne, Environmental Scientist, at CDFW. Should the need for additional coordination with CDFW be required during finalization of the EIR, CDPR will coordinate with Ms. Osborne.

A-14 **Comment:** Attachment A: CDFW Comments and Recommendations.

	Recommendations/Mitigation Measures	Timing	Responsible Party
Mitigation Measure #1	To further reduce temporal impacts to CSS, CDPR should	Prior to release of the final EIR	CDPR

	<p>consider additional projects involving restoration/revegetation of CSS in the vicinity of the Project Site that could be timed to occur before initiation of Phase I or during the interim period of the Project before completion of Phase 6.</p>		
Mitigate Measure #2	<p>Relocation is not ideal but may be the only way to avoid direct Project-related mortality to any sensitive reptile or small mammal determined to inhabit the Reclamation Area. If relocation is the only option, the choice of a relocation site should consist of a large patch of quality habitat appropriate to the species, which would be more likely to have the carrying capacity to accommodate one or more relocated individuals of a particular species.</p>	Prior to release of the final EIR	CDPR
Recommendation #1	<p>The DEIR does not adequately describe the long-term conservation/management and in-perpetuity funding for the Project site post-restoration. Page 3.6-17 of the DEIR generally states that following completion of phased grading/sediment placement and restoration activities the site would “function as revegetated open space and would be managed as a component of the Tijuana River Valley Regional Park”. The DEIR makes one mention on page 2-26 about a restoration “security bond” being required prior to each phase that would be released upon successful completion of the restoration. The restoration memo in Appendix E-2 states: “The same funding source available for the intended revegetation project, as established by the</p>	Prior to release of the final EIR	CDPR

	multijurisdictional agreement, is assumed to also be available for any additional planning, implementation, and monitoring of any contingency procedures that may be required to achieve the revegetation goals". The DEIR should provide a more detailed explanation of these funding mechanisms and how they will continue to function in perpetuity after completion of the Project.		
Recommendation #2	There are inconsistencies in the impact calculations between the DEIR and the BRTR that should be clarified in the final EIR.	Prior to release of the final EIR	CDPR
Recommendation #3	Prior to release of the final EIR	Prior to release of the final EIR	CDPR

Response: Attachment A comprises all CDFW-recommended mitigation measures and recommendations that were previously described in Comments A-6 through A-10. Please refer to response to comment A-6 through A-10 for CDPR’s intended approach and response to CDFW-recommended mitigation measures and recommendations.

Response to Comment Letter B – Barona Band of Mission Indians

B-1 **Comment:** Dear Ms. Warner Lara,

This is Art Bunce, Tribal Attorney for the Barona Band of Mission Indians, a small federally-recognized Indian tribe whose Indian reservation is in rural eastern San Diego County. I am writing on behalf of the Barona Band to comment on the recirculated Draft EIR for the above project.

The Barona Band concurs in and supports the mitigation measures found at section 3.5.6. of the Draft EIR and urges their incorporation into conditions for approval of the proposed project. Thereafter, if any significant cultural resources are discovered, especially human remains, the project proponent should proceed consistently with the mitigation measures.

Sincerely,
Art Bunce

Response: This comment is introductory in nature and introduces Mr. Bunce and his role with the Barona Band of Mission Indians. The Barona Band’s support of mitigation measures presented in the Recirculated Draft EIR is noted, as is their urging for incorporation of the measures as conditions of approval. The Barona Band’s support of mitigation measures is included in the project record and Final EIR and will be considered during the remainder of the CEQA process.

Response to Comment Letter C – California Department of Conservation Division of Mine Reclamation (email correspondence)

C-1

Comment:

Dear Ms. Gomes,

I wanted to confirm that I received your email verifying that the comment letter dated November 3, 2021 by Carol Atkins is still valid for the Recirculated Draft EIR. It will become part of the official record and be included Final EIR response to comments.

Please let me know if you have any questions and thank you for your interest in the project.

Kindest regards,
Lorena

Dear Ms. Warner-Lara;

Carol Atkins is no longer with the Division of Mine Reclamation. However, I took a look at the Recirculated Draft EIR for the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project and it appears that the comment letter dated November 3, 2021 by Carol Atkins should be included as comment submitted in the Recirculated Draft EIR and receive a response to comments in the Final EIR as they were not addressed, and no changes were made to the Recirculated Draft EIR based on these comments.

Response: The comment comprises correspondence between Lorena Warner-Lara (CDPR) and Amy Gomes (Department of Conservation) and acknowledgement that the Department of Conservation's previous comments on the Draft EIR remain valid for the Recirculated Draft EIR. As such, the Department of Conservation's prior comments are considered and addressed in Response to Comment Letter C1.

C-2

Comment:

Good afternoon, Please see the email below regarding the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project located in San Diego County.

Thank you.
DMR Submittals, Division of Mine Reclamation

Dear Ms. Carol E. Atkins,

I wanted to follow up with you on the below notice about the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project. Per CEQA Guidelines Section 15088.5 (f)(1), previous comments submitted on the Draft EIR do not require a response in the Final EIR and new comments must be submitted for the Recirculated Draft EIR. Therefore, in accordance with CEQA Guidelines, CDPR need only respond to those comments submitted in response to the Recirculated Draft EIR. However, if your prior comments are still valid, please resubmit a letter or simply respond to this email and let me know so that they will be included in the response to comments section of the Final EIR. Please see attached your comment letter on the DEIR.

As the Notice of Availability indicates, we edited the Draft EIR to better align the document with new information from the Tijuana Estuary Tidal Restoration Program II Phase I Project (80+ acre wetland restoration project). As a result, in addition to the changes to the sections that were reanalyzed (Noise, Air Quality + Greenhouse Gases, and Traffic), all other EIR sections, chapters, and appendices are being recirculated for public review. The Recirculated Draft EIR and all other project documents, including the presentation for the public meeting and list of the sections that

were modified/revised, can be found at <https://trnerr.org/about/public-notices/>. The 45-day public comment period ends on March 13, 2023.

Please give me a call or let me know if you have any questions.

Thank you,
Lorena

Response: The comment comprises correspondence between Lorena Warner-Lara (CDPR) and the Division of Mine Reclamation Submittals site (and Carol E. Atkins, formerly of the Division of Mine Reclamation), introduces the Recirculated Draft EIR, and requests confirmation that prior comments submitted on the Draft EIR in 2021 by the Division of Mine Reclamation remain valid. Additional information provided includes the reasoning for edits to the Draft EIR, the location where the document can be reviewed, and the duration of the public comment period.

Since the information captured in Comment C-2 is purely information and entails correspondence between CDPR and Division of Mine Reclamation (and does not constitute formal public comments on the EIR or pertain to the adequacy of the Recirculated Draft EIR), no further response is provided.

C-3

Comment:

PUBLIC NOTICE OF AVAILABILITY
RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT
Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project (SCH # 2019049100)

On January 25, 2023, the California Department of Parks and Recreation (CDPR), acting as lead agency, issued for public review and comment a Recirculated Draft Environmental Impact Report (EIR) that, in accordance with California Environmental Quality Act (CEQA) requirements, evaluates potential environmental effects associated with the proposed Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project (Project). A Draft EIR for the Project was previously distributed by CDPR for public review on September 20, 2021. Subsequently, CDPR acquired additional information relevant to the Project from design efforts associated with another project- the Tijuana Estuary Tidal Restoration Program (TETRP) II Phase I (Draft EIR/EIS for the TETRP II Phase I Project prepared by USFWS and CDPR and circulated for a 45-day public review period on August 19, 2022). CDPR used this additional information to more closely align the discussion of these two projects and is presenting this information in this Recirculated Draft EIR. CDPR has determined that the revisions to the Draft EIR do not constitute “significant new information” related to a substantial adverse environmental effect. CDPR has decided to recirculate the entirety of the Draft EIR to allow the public an opportunity to review and provide comment on revisions/modifications to the document that are presented in ~~strikeout~~ underline text.

The Project consists of the beneficial reuse of excess sediment excavated from flood control facilities and disturbed habitats in the Tijuana River Valley towards the reclamation of previously quarried slopes and restoration of the Nelson Sloan Quarry site to close to historic (i.e., pre-quarry operations) topography and habitat.

The Recirculated Draft EIR, appendices, a list of the modified/revised sections, and the full text of the Notice of Availability is available for review at: <https://trnerr.org/about/public-notices/>.

PROVIDING COMMENTS

Written comments on the adequacy of the Recirculated Draft EIR will be accepted throughout the 45-day public comment period, however, all comments must be received or postmarked on or before March 13, 2023. You may submit your written comments by one of the following methods:

- E-mail: SDCD.CEQA@parks.ca.gov, include “Nelson Sloan Recirculated DEIR” in the e-mail subject line

- U.S. Mail: Lorena Warner-Lara, California State Parks/Tijuana River National Estuarine Research Reserve, 301 Caspian Way Imperial Beach, California 91932-3149
- In-Person Drop-off: You may drop off written comments at the Tijuana Estuary Visitor Center, 301 Caspian Way, Imperial Beach, CA, between 10 a.m. and 5 p.m. Wednesday through Sunday.

NOTICE OF IN-PERSON PUBLIC MEETING

The purpose of the public meeting is to solicit comments on the analysis presented in the Recirculated Draft EIR. The meeting information will be posted at: <https://trnerr.org/about/public-notices/>.

Date: exact date in February 2023 to be determined

Location: Tijuana Estuary Visitor Center, 301 Caspian Way, Imperial Beach, CA

Questions? Contact Lorena Warner-Lara, at: SDCD.CEQA@parks.ca.gov.

Response: This comment comprises CDPR's Public notice of availability for the Project EIR that was released in 2021. Since the information captured in Comment C-3 is purely information and (and does not constitute a public comment on the EIR or pertain to the adequacy of the Recirculated Draft EIR), no further response is provided.

Response to Comment Letter C 1– California Department of Conservation Division of Mine Reclamation (formal comment letter)

C1-1

Comment: Dear Ms. Lorena Warner-Lara:

Thank you for including the Department of Conservation’s Division of Mine Reclamation (Division) in the environmental review process for the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project (Proposed Project; dated September 2021) draft Environmental Impact Report (EIR). The draft EIR indicates that the California Department of Parks and Recreation, as lead agency under the California Environmental Quality Act (CEQA), has issued a draft EIR for decision makers and the public to evaluate the potential environmental effects associated with the Proposed Project. The Proposed Project will implement multiple phases, of which Phase 1 applies to the Division. Phase 1 will divert sediment from managed sources including flood control facilities, sediment basins, and habitat restoration and enhancement projects to the Nelson Sloan Quarry (Mine) in order to reclaim the over steepened slopes to create new habitat for coastal sage scrub and subsequently remove the Mine from regulation under the Surface Mining and Reclamation Act (SMARA).

Response: The comment is introductory in nature and summarizes aspects of the proposed project as presented in Chapter 2, Project Description, of the Recirculated Draft EIR. The comment does not raise a specific issue related to the adequacy of the Recirculated Draft EIR. Therefore, no specific response is provided.

C1-2

Comment: The Division’s primary focus is on active surface mining operations; however, the Division also addresses issues related to abandoned (pre-1976) legacy mines. Additionally, the Division has review responsibilities associated with lead agency implementation of SMARA. SMARA provides a comprehensive surface mining and reclamation policy to assure that:

- Adverse environmental effects of surface mining operations are prevented or minimized and mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
- Production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
- Residual hazards to the public health and safety are eliminated.

Division staff reviewed the subject draft EIR and offers the following comments at this time:

Response: This comment is introductory in nature and outlines the Division of Mine Reclamation’s role in surface mining operations and SMARA oversight. The comment does not raise a specific issue related to the adequacy of the Recirculated Draft EIR. Therefore, no specific response is provided.

C1-3

Comment: 1. Please revise the draft EIR to accurately reflect the concluding statement made in the email sent from Division staff on June 13, 2019. Specifically, Page 2-11 states, “DMR tentatively approved the approach to Mine ID closure via an email on June 13, 2019.” However, the June 13, 2019 email correspondence from Division staff concludes,

“...it is recognized by Division staff that reclamation requirements may be considered complete after the highwall has been reclaimed to a 2(h):1(v) slope and vegetation performance standards are based on local recovery rates and naturally occurring native vegetation in the area, i.e., natural recruitment of Coastal Sage Scrub. In addition, CCR [California Code of Regulations Section] 3705(a) states that areas that are not reclaimed to prior conditions may use data from reference areas to meet revegetation reclamation requirements.”

Thus, said another way, Division concurrence that reclamation is complete at this Mine requires the site be reclaimed in accordance with the approved reclamation plan.

Response: CDPR acknowledges the Division of Mine Reclamation’s reclamation requirements but seeks further clarification regarding revegetation requirements considering the context of the proposed project. As stated on page 2-1 of the EIR, the purpose of the Project is to beneficially reuse excess sediment deposited in the Tijuana River Valley towards the restoration of the quarry and creation of new terrain and habitat. As proposed, the project site and use for sediment placement would allow in-valley land managers to pursue cost-effective habitat protection and restoration over the up to 10-year timeframe of the project, the site would be returned to “close to” historic topography and habitat. As further described in Section 2.4.2.1 of the EIR, “Phase 1 [of the project] is intended to fulfill the requirements of the previous CUP Reclamation Plan and release the site Mine ID (CA MINE ID No. 91-37-0037) from designation. This phase would reduce the grade of the oversteepened slope to approximately 2:1 and would entail the placement of approximately 6,500 cubic yards of sediment on the oversteepened slope. Once the regraded slope is compacted, the area would be revegetated with species like those in adjacent undisturbed areas and at similar densities. For reference, the Project Biologist would visit the site and review adjacent/nearby slope areas and estimate the overall percent cover”.

Further coordination with DMR, City and County of San Diego will be sought to ensure that the required revegetation and grading approach addresses DMR concern and doesn’t unnecessarily delay project activities.

C1-4 **Comment:** 2. Page 2-29, Table 2-10, should be corrected to show that the Division is the agency responsible for determining that California Mine ID 91-37-0037 has been reclaimed in accordance with its reclamation plan (not the State Mining and Geology Board).

Response: In response to this comment, the EIR has been revised (see below) to identify the Division of Mine Reclamation as the agency responsible for determining that California Mine ID 91-37-0037 has been reclaimed in accordance with its reclamation plan.

- State ~~Geologist and~~ Division of Mine Reclamation

C1-5 **Comment:** 3. Page 2-29, Table 2-10, please clarify what is meant by “practical interim reclamation plan conditions.” This term is not defined within SMARA and Division staff does not know what this term means.

Response: In response to this comment, Table 2-10 has been revised to remove the phrase “practical interim” from the reclamation plan reference (see below).

State Geologist and Division of Mine Reclamation	Release of existing Mine ID 91-37-0037 associated Border Area Borrow Pit; DMR concurrence that practical interim reclamation plan conditions have been implemented
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C1-6 **Comment:** The Division requests to be included on the distribution list for this Proposed Project. Additionally, the Division requests that any subsequent project documents (e.g., hearing notices for the draft or final EIR, final determinations and final EIR, as well as any supplemental environmental documents) be sent to the Division at DMR-Submittals@conservation.ca.gov. If you have any questions, please contact me at (916) 323-9198.

Response: The Division of Mine Reclamation is included on the project distribution list and all remaining project related materials will be sent to the Division of Mine Reclamation at their provided email address.

Response to Comment Letter D– CalRecycle

D-1 **Comment:** Dear Ms. Warner-Lara:
Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency’s consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

Response: The comment is introductory in nature and does not raise a specific issue related to the adequacy of the Recirculated Draft EIR. Therefore, no specific response is provided.

D-2 **Comment: PROJECT DESCRIPTION** The California Department of Parks and Recreation (CDPR), acting as Lead Agency, has prepared and recirculated a Draft Environmental Impact Report (EIR) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project. The Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project proposes the beneficial reuse of excess sediment excavated from managed sources (e.g., sediment basins, flood control facilities and conveyances) from a range of ongoing, approved, and/or permitted sediment management activities (and proposed habitat restoration and enhancement projects) in the Tijuana River Valley towards landform and habitat restoration in the abandoned Quarry.

The proposed project property is located on County of San Diego (County) jurisdictional lands within the City of San Diego’s Multi-Habitat Planning Area (MHPA), in the southwestern portion of the County in the Tijuana River Valley Regional Park. The approximately 20-acre project site/area of impact is located on Assessor’s Parcel Numbers 664-011-05-00 and 664-011-04-00 and is situated approximately 400 feet south of the intersection of Monument Road and Old Dairy Mart Road. The Project site is designated for Park, Open Space, and Recreation uses.

The proposed project design parameters would include:

- (1) a quarry boundary project of 70 acres with a project impact area of 20 acres;
- (2) approximately 1,000,000 cubic yards of total fill over a 10-year time frame;
- (3) project operating hours of 7:00 am to 5:00 pm Monday-Friday; and
- (4) approximately 132,062 total truck haul trips to transfer sediment to the quarry.

Response: The comment consists of a summary of the proposed project description as presented in Chapter 2, Project Description, in the Recirculated Draft EIR and does not raise a specific issue related to the adequacy of the Recirculated Draft EIR. Therefore, no specific response is provided.

D-3 **Comment:**
COMMENTS
Excluded Activities

The following disposal activities do not constitute Construction and Demolition (C&D) waste or inert debris operations or facilities if it meets the requirements of Title 14, California Code of Regulations (14 CCR), Section 17388.2 – Excluded Activities.

In summary, an activity that meets at least one of the following criteria is considered excluded:

- (1) Any use (e.g., grading) of gravel, rock, soil, sand and similar, whether processed or not, that has never been used in connection with any structure, road, parking lot, or similar use.
- (2) Engineered fill activities which have local permits as required, and are carried out in conjunction with a construction project (e.g., building and other construction, bridge and roadway work, development of pathways or riding trails, etc.), and which use uncontaminated concrete and/or fully cured asphalt which has been reduced in particle size to 2” or less as part of a recycling activity and concludes within two years from commencement.

- (3) Inert debris engineered fill activities which conclude within one year of commencement and that meet all requirements of [14 CCR] Section 17388.3 of this Article, except subsections (b) inspections, (c) Plan, (d) State Minimum Standards, (g) final cover, (h) scales and submittal of EA Notification.
- (4) Removal and disposal of landslide debris containing no C&D waste by Federal, State and local government public works agencies and their contractors, provided that the material removed from such sites is disposed in accordance with applicable law.
- (5) Removal and disposal of sediment which has accumulated within irrigation or flood control facilities and which contains no solid waste, by Federal, State and local government public works agencies and their contractors, provided that the material removed from such sites is disposed or otherwise handled in accordance with applicable law.
- (6) The use of fully cured asphalt, uncontaminated concrete (including steel reinforcing rods embedded in the concrete), crushed glass, brick, ceramics, clay and clay products, which may be mixed with rock and soil, in connection with road building, road repair, airport runway construction, bridge and roadway work, levee work, flood control work, and all associated activities by Federal, State and local government public works agencies and their contractors.
- (7) Existing C&D waste or inert debris disposal sites from which all waste and debris have been removed (clean closure) within one year after February 24, 2004, provided that the material removed from such sites is disposed in accordance with applicable law. The board [CalRecycle] may extend the time for clean closure by up to one year upon the applicant's showing of good cause for such extension.

Will the proposed project be designed and operated to meet at least one of the criteria above? If not, the activity may be subject to 14 CCR regulatory requirements.

Response: The comment consists of a list of disposal activities that do not constitute Construction and Demolition waste or inert debris operations or facilities if they meet the requirements of Title 14, California Code of Regulations (14 CCR), Section 17388.2 – Excluded Activities. Based on the nature of excess sediment intended to be used as fill on the project site, the proposed project would likely qualify as an excluded activity under Item 1 and/or Item 5. CDPR will continue to coordinate with CalRecycle as required under current laws and regulations.

D-4 **Comment: Daily Throughput** The EIR describes six phases of total sediment deposits, that increase in each phase. What is the expected maximum amount (in tons) of sediment to be brought onto the site in one operating day?

Response: As described in Chapter 2, Project Description, of the EIR, the identified maximum annual import capacity of the Project site over a 6-month-per-year operational schedule was determined to be 200,000 cubic yards. See Page 2-4. Assuming approximately 120 workdays over a 6-month period of operations, an equal volume of sediment being brought to the site on each workday, and a conservative density of incoming sediment (120 lb/ft³), approximately 2,000 tons of sediment could be brought to the site in one operating day.

D-5 **Comment: Daily Truck Trips** The EIR describes the estimated total truck haul trips that will be required in each phase of the project, increasing in each phase. What is the maximum amount of truck haul trips anticipated in one operating day?

Response: As described in Chapter 2, Project Description, of the EIR, the identified maximum annual import capacity of the Project site over a 6-month-per-year operational schedule was

determined to be 200,000 cubic yards. See Page 2-4. Assuming approximately 120 workdays over a 6-month period of operations, an equal volume of sediment being brought to the site on each workday, and a standard haul truck capacity of 16 cubic yards, approximately 104 haul truck trips could be generated in one operating day.

D-6 **Comment: Project Operating Hours** The EIR describes the operating hours of 7:00 am to 5:00 pm, Monday-Friday. Will any ancillary (e.g., cleaning or maintenance) hours be required outside of 7:00 am to 5:00 pm, Monday-Friday?

Response: The comment regarding operational hours and any ancillary hours is noted. At this time, all project operations are anticipated to occur within the hours of 7:00 a.m. to 5:00 p.m. However, Project operations will be further fleshed out in a future O&M Plan that would describe the day to day operating conditions and processes associated with onsite activities. Operation hours and use of the site by interested parties is also subject to a Multijurisdictional Agreement, finalization of which is ongoing and will extend beyond the CEQA review process/schedule.

D-7 **Comment: Elevation** The EIR states that, “Final restoration would be completed when final elevation contours are established in each phase.” What will the final maximum elevation be?

Response: Final elevation contours are depicted on the Project Grading Plans that are incorporated into the EIR as Figures 2-5a through 2-5f. As designed, the final maximum elevation of “new” terrain on the project site would be approximately 240 feet amsl and this area is associated with the extended mesa that would be constructed in Phases 2 through 5 (see Figures 2-5b through 2-5e).

D-8 **Comment: Solid Waste Regulatory Oversight** The City of San Diego Development Services Department is the Local Enforcement Agency (LEA) and is responsible for providing regulatory oversight of solid waste handling activities, including permitting and inspections. Please contact the LEA, Brian Panther at (619) 533-3675 or HPanther@sandiego.gov, to discuss the regulatory requirements, if any, for the proposed project.

Response: The comment is noted and CDPR will continue to coordinate with the City of San Diego Development Services Department including the appropriate LEA contact as the project advances and subsequent multijurisdictional meetings occur. If required, all necessary permits will be obtained prior to project construction and inspections will be scheduled as needed during project operations.

D-9 **Comment: CONCLUSION:** CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the recirculated environmental document and hopes that this comment letter will be useful to the Lead Agency preparing the Final EIR and in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

If the environmental document is adopted during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the adoption and proposed project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.341.6719 or by e-mail at Cody.Oquendo@calrecycle.ca.gov.

Response: The requests of CalRecycle staff are noted. Subsequent project materials will be sent to CalRecycle staff by CDPR via email and the CalRecycle contact (Cody Oquendo) will be included on

the CDPR distribution list concerning 10-day notification of the date of Final EIR certification and proposed project approval.

Response to Comment Letter E– County of San Diego Department of Parks and Recreation

E-1 **Comment:**
COMMENTS ON THE NELSON SLOAN QUARRY RESTORATION AND BENEFICIAL REUSE OF SEDIMENT PROJECT RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT

Thank you for the opportunity to comment on the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project Recirculated Draft Environmental Impact Report (Recirculated DEIR). The County of San Diego Department of Parks and Recreation (County Department of Parks and Recreation) has reviewed the Recirculated DEIR and has the following comments:

Response: The comment is introductory in nature and does not raise a specific issue related to the adequacy of the Recirculated Draft EIR. Therefore, no specific response is provided.

E-2 **Comment:** Nelson Sloan Quarry is owned by County DPR. The alternatives shown in the Recirculated DEIR are options for sediment deposit, but the final locations and allowances will be determined by County DPR and other agencies that are approved to deposit sediment on the County’s property. An agreement such as a Memorandum of Understanding, License Agreement, or Right-of-Entry Permit will be necessary to coordinate sediment management needs in the Tijuana River Valley and/or allow access to County DPR property. Any sediment deposit on County property shall not occur until an agreement is approved by the County.

Response: CDPR understands and acknowledges County Department of Parks and Recreation’s ownership of the project site. Specifically, in Section 2.2.1, Nelson Sloan Quarry, of the Recirculated Draft EIR, CDPR describes County ownership of the property on which the project site is located and discloses that the project site is within Tijuana River Valley Regional Park that is owned and managed by County Department of Parks and Recreation. CDPR will continue to coordinate with County Department of Parks and Recreation as needed regarding the Nelson Sloan restoration site as a potential beneficial sediment reuse location and will obtain the appropriate approvals and agreements prior to project implementation. Potential agreements and need for such an agreement to implement the proposed project is described in Section 2.4.16.1, Multijurisdictional Agreement, of the Recirculated EIR.

E-3 **Comment:** The Recirculated DEIR indicates a reduction in sediment deposit capacity at Nelson Sloan Quarry from 15 to 10 years. This is a reduction of 33% in the duration that Nelson Sloan Quarry will be able to receive sediment. This is a significant change in the capacity of the site and will require additional discussions with County DPR.

Response: While the commenter incorrectly states that the Recirculated Draft EIR reflects a project design with reduced sediment deposit capacity (as with the 2021 Draft EIR, the Recirculated Draft EIR identifies a total sediment deposit capacity of 1 million cubic yards), County Department of Parks and Recreation correctly references a reduced total project duration that is attributed to the anticipated project sediment deposit needs of the TETRP II Phase I project and other users during a two-year timeframe of project operations. During this two-year timeframe, projected annual sediment deposits at the project site could total up to 200,000 cubic yards per year. Due to the anticipated increased in incoming sediment over a projected two-year period, the total duration of project and more specifically, the estimated timeframe to achieve placement of 1,000,000 cubic yards of excess sediment on site would be reduced from up to 15 years to 10 years.

CDPR will continue to coordinate with County Department of Parks and Recreation as needed regarding the Nelson Sloan restoration site as a potential beneficial sediment reuse location and will obtain the appropriate approvals and agreements (such as a MOU or similar that would be signed by interested parties and would ultimately dictate project terms and available use during operations) prior to project implementation.

E-4 **Comment:** Please add the following required action/approval to Table 2-10:

Agency	Required Action/Approval
County of San Diego	An agreement such as a Memorandum of Understanding, License Agreement, or Right-of-Entry Permit. Final agreement will be subject to County DPR approval.

Response: As requested by County Department of Parks and Recreation, Table 2-10 in Chapter 2, Project Description, of the EIR has been revised to include an agreement (such as an MOU, License Agreement or similar) with County of San Diego as a required action/approval. In addition, a note has been added to the table that the final agreement will be subject to County Department of Parks and Recreation approval.

E-5 **Comment:** The Recirculated DEIR states, “...the identified maximum annual import capacity of the Project site over a 6-month-per-year operational schedule was determined to be 200,000 cubic yards. Thus, this document assumes that during the 2-year operational life of the TETRP II Phase I Project, approximately 200,000 cubic yards of sediment per year would be hauled to the Project site.” Additionally, Appendix A-1, Air Quality and GHG Scenario Memo, Table 1, shows no Haul Truck Trips in Year 1 and the footnote under the table states, “Haul trips during years 1 and 2 are from TETRP and assumed to be evaluated in a separate environmental analysis.” Please clarify that other projects, such as County projects, would be allowed to deposit sediment at the Nelson Sloan Quarry during years 1 and 2 of operations.

Response: In response to this comment and to clarify use of the project site during the estimated two-year timeframe of TETRP II Phase I Project construction, Chapter 2, Project Description of the EIR has been revised as follows (new text is noted in tracked changes):

On pages 2-4 to 2-5 of the Project Description:

- In addition to ongoing maintenance activities, several habitat restoration and enhancement projects are proposed in the Tijuana River Valley. For example, Tijuana Estuary Tidal Restoration Program II (TETRP II, Phase I; approximately 2.4 miles to the west of the Project site) may also be a source of Project site sediment. The TETRP II Phase I Project site has been degraded by historic land uses and excess sedimentation in the southern arm of the Tijuana Estuary. The TETRP II Phase I Project site is primarily located on CDPR managed lands but a small portion encompasses the U.S. Fish and Wildlife Service (USFWS) managed Tijuana Slough National Wildlife Refuge. As proposed, the 82–87-acre salt marsh and wetland restoration project would require site excavation to establish elevations with appropriate inundation frequencies to support specific coastal wetland habitat (USFWS 2021). The volume of excavated sediment produced by the TETRP II Phase I Project may be up to approximately 585,000 cubic yards over an approximate 2-year timeframe (USFWS and CDPR 2022) with additional phases of the TETRP II Project totaling up to 250 acres of wetlands restoration could require excavation of up to 1.4 million cy of sediment (County of San Diego 2016). Although the approximate total volume of sediment to be removed by the TETRP II Phase I Project would be greater, this document assumes that up to a total of 400,000 cubic yards of sediment would be brought to the Project site for sorting, processing, placement, and compaction. This assumption is based on an evaluation of processing and stockpile capacity at the Project site conducted by EnviroMine, which determined that the approximate 20-acre site itself was a major limiting factor towards expanding the maximum sorting and earthwork/backfilling production rates

beyond 250 tons/hour for a 6-month-per-year operational schedule. Furthermore, and assuming a maximum sorting and earthwork/backfilling production rate, the identified maximum annual import capacity of the Project site over a 6-month-per-year operational schedule was determined to be 200,000 cubic yards. Thus, this document assumes that during the 2-year operational life of the TETRP II Phase I Project, approximately 200,000 cubic yards of sediment per year from the TETRP II Phase I site and a combination of additional sources including County-managed areas would be hauled to the Project site. While excavated sediment associated with the TETRP II Phase I Project could be used as a sediment source for the Project, a separate environmental document (EIR/Environmental Impact Statement) has been prepared by the Southwest Wetlands Interpretative Association, C DPR, and USFWS for construction-related activities. The locations of the facilities described above and their proximity to the Project site are depicted on Figure 2-2.

On pages 2-9 to 2-10 of the Project Description:

- Each phase would include placement of processed sediment excavated as part of ongoing annual permitted channel and basin maintenance activities in the Tijuana River Valley. During the 2 years in which the TETRP II Phase I Project would be operational, up to approximately 400,000 total cubic yards of sediment could be brought to the Project site. However, during this timeframe, use of the project site for sediment placement would be available as identified in the Multijurisdictional Agreement (or similar agreement). Following completion of the TETRP II Phase I Project and based on historic data from in-valley land managers, an assumed annual volume of approximately 75,000 cubic yards of sediment would be available for restoration. The source sediment would be a sandy loam material that is suitable for restoration of coastal sage scrub vegetation.

On page 4 of Appendix A-1 (see notes in Table 1):

- Haul trips during years 1 and 2 are from a combination of TETRP II Phase I and approved/permitted sediment management projects/operations in the Tijuana River Valley and have been assumed to be evaluated in a separate environmental analysis.

E-6

Comment: Table 2-1 in the Recirculated DEIR shows sediment volumes by Phase, while the tables in Appendix A-1 show sediment volumes by year. Please clarify the durations of each phase.

Response: The commenter is correct in stating that Appendix A-1 presents sediment volumes by year while Table 2-1 of the Recirculated DEIR presents sediment volumes by phase. The duration of each phase would be determined by the volume of sediment coming to the site in each year/season and the pace of onsite construction activities. For example, approximately 6,500 cubic yards of sediment is estimated to be needed to complete Phase 1 of the Project. In a typical season during which approximately 75,000 cubic yards of sediment would be available and be brought to the site (and assuming an equal volume of sediment is brought to the site each day over the six-month operational timeline in a season), Phase 1 could be completed over a brief, approximately 10 to 14 day timeframe. If during Phase 1 greater volumes of sediment arrive at the project site over the six-month operational timeline, then Phase 1 (and other phases) could conceivably be completed on faster timeline.

E-7

Comment: In Section 2.1, the Recirculated DEIR states, “This Environmental Impact Report (EIR) includes design plans (80%) and an Operations and Maintenance (O&M) Plan to provide guidelines and standards for interim operation of the quarry site for reclamation, landform creation, and habitat restoration including sediment placement, grading, and revegetation.” However, Section 2.4.16 the Recirculated Draft EIR states, “An O&M Plan would be prepared with input from the stakeholders. The O&M Plan would provide the stakeholders with sediment management responsibilities in the Tijuana River Valley a description of how the Project site is to be managed and operated as a location for the placement of sediment.” Has this O&M Plan already been prepared or is this being developed -currently? The County must be involved in the development of

the O&M Plan as the landowner of the property and will need to approve the final O&M Plan. Any maintenance activities will be defined and agreed upon during future coordination with County DPR.

Response: An O&M Plan for the Project has not been prepared to date and development of an O&M Plan would occur subsequent to the Multijurisdictional Agreement, certification of the Final EIR, and completion of the regulatory permit process. An O&M Plan for the Project would likely use the County's 2016 Management and Operations Plan for the Nelson Sloan Quarry as a starting point for further plan development and would be further informed by the certified Final EIR and the requirements identified in regulatory permits. Further, CDPR will continue to coordinate with County as required concerning development of the O&M Plan and all-project related items.

E-8 **Comment:** Please revise Table 2-11, Past, Present, and Reasonably Anticipated Future Projects, to include the following updates:

- For Project 12, Smuggler's Gulch Trash and Sediment Basin, please update the status to "Environmental review is complete and design is underway."
- For Project 13, Temporary River Diversions to International Boundary Water Treatment Plant, please update the status to reflect that the International Boundary Water Commission and the United States Environmental Protection Agency are leading this project.

Response: In response to this comment, the status of Project's 12 and 13 have been updated as requested by County Department of Parks and Recreation. In addition, CDPR has updated the title/name of Project 12 to match the project title referred to in the 2021 Addendum to the Initial Study/Mitigated Negative Declaration for the Project (also known as the Tijuana River Valley – Smuggler's Gulch Improvements Project).

E-9 **Comment:** The haul route from the Tijuana Estuary Tidal Restoration Program II Phase I Project site to Nelson Sloan Quarry along Monument Road and Hollister Road is adjacent to the County's new Tijuana River Valley Regional Park Campground and other recreational facilities. If this is a project that moves forward and is included in the MOU to deposit sediment at the Nelson Sloan Quarry, State Parks shall coordinate with County DPR before sediment transport activities commence from this site to Nelson Sloan Quarry to ensure limited impacts to recreational users.

Response: Regarding potential impacts to recreational users of the County's Tijuana River Valley Regional Park Campground due to haul traffic associated with TETR^{II} Phase I Project, U.S. Fish and Wildlife and CDPR have prepared a Final EIR/EIS that analyzed potential impacts associated with construction and operation (USFWS and CDPR 2023). A Notice of Availability of the Final EIR/EIS was published in the Federal Register on March 31, 2023. As stated in Chapter 3.0, Alternatives and Table 3-10, Standard Construction Practices, of the 2023 Final EIR/EIS, a Traffic Control Plan will be prepared in association with final TETR^{II} Phase I construction plans. In addition, applicable agencies will be included in coordination as required to address specific conflicts and issues including potential conflicts with recreational uses in the area (USFWS and CDPR 2023).

Regarding the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project, CDPR will continue to coordinate with County DPR as needed and will obtain the appropriate approvals and agreements prior to project implementation.

E-10 **Comment:** P. 3.1-22 states, "Impacts to trails within TRVRP are addressed below under the heading Recreation Area. There are no segments of a County or state trail system within the viewshed of the Project site." There are approximately 22.5 miles of County trails within the TRVRP including several within the viewshed area. Please ensure a complete evaluation of trail impacts.

Response: In response to this comment, the EIR has been revised to delete the statement that there are no segments of a County trail system within the Project viewshed as follows:

Trail Within an Adopted County or State Trail System

Impacts to trails within TRVRP are addressed below under the heading Recreation Area. There are no segments of a ~~County~~ or state trail system within the viewshed of the Project site.

Scenic Vista or Highway

Scenic vistas including partial or intermittent vistas identified by City were previously discussed above under Public Roads. Project impacts on views from I-5 were also assessed above in Public Roads. There are no other designated scenic vistas or viewing locations in the viewshed of the Project site.

As previously stated, the Project site is in the southeast corner of the TRVRP and within the Border Highlands area of the Tijuana River Valley (see Figure 3.1-8). The TRVRP park brochure delineates equestrian and pedestrian trails, multi-use trails, and nature observation areas (County of San Diego 2020). According to County Department of Parks and Recreation, there are approximately 22.5 miles of County trails within the TRVRP. While trails are located atop higher elevation terrain in the Border Highlands area, including Spooner’s Mesa (located over 0.85 miles west of the Project site) and ridges southwest of the TRVRP Ranger Station (located as close at 0.15 miles to the westerly limits of the Project disturbance area), scenic vistas are not identified in the TRVRP park brochure. Therefore, proposed activities would not substantially obstruct, interrupt, or detract from a designated focal or panoramic vista available within TRVRP.

The analysis of potential impacts to views from nearby trails as presented in the Aesthetics section of the EIR is complete and considers potential view effects to trail-based recreationists in the TRVRP. Specifically, the analysis considers potential effects to views of recreationists on the trail network nearest to the project site. Nearby trails are initially presented in Section 3.1.1, Existing Conditions, of the Aesthetics section and the potential for view impacts are analyzed in Section 3.1.4, Impact Analysis (see discussion under Threshold 3).

E-11

Comment: On P. 3.1-22 the Recirculated DEIR states, “While trails are located atop higher elevation terrain in the Border Highlands area, including Spooner’s Mesa (located over 0.85 miles west of the Project site) and ridges southwest of the TRVRP Ranger Station (located as close at 0.15 miles to the westerly limits of the Project disturbance area), scenic vistas are not identified in the TRVRP park brochure. Therefore, proposed activities would not substantially obstruct, interrupt, or detract from a designated focal or panoramic vista available within TRVRP.” Just because scenic vistas aren’t identified in the park brochure, does not discredit the importance of the views. The Threshold states, “Would the Project substantially obstruct, interrupt, or detract from a valued focal and/or panoramic vista...” it does not only refer to a “designated” focal or panoramic vista. Please ensure complete analysis of visual impacts to trail users.

Response: The comment is noted; however, the EIR does not exclude TRVRP trails and trail users from consideration in the analysis of potential impacts to scenic vistas. Rather, and as identified by County Department of Parks and Recreation in Comment E-11 above, the EIR states that scenic vistas are not identified in the TRVRP park brochure and as such, proposed activities would not substantially obstruct, interrupt, or detract from a *designated* focal or panoramic vista available within TRVRP. Impacts to trails within TRVRP are further evaluated on page 3.1-23 under the heading “Recreation Area” and in this discussion, the EIR discloses the location of the nearest multi-use trail to the Project site and provides support as to why proposed project activities would “not obstruct or substantially interrupt the long and panoramic view to the east towards Otay

Mesa”. See Page 3.1-23. Furthermore, the EIR discloses the presence of trails atop Spooner’s Mesa and relies on similar support to conclude that project activities would have a less than significant impact on views from these trails.

CDPR also acknowledges the presence of County trails to the north of the project site and along Monument Road and to the northeast, north, and northwest of the TRVRP Ranger Station (and within the Tijuana River floodplain). While views to the Project site may periodically be available from these trails, the available view to the south and towards the Project site from these facilities is relatively short in length (i.e., extending to the Border Highlands terrain) and as such, views from these trails are neither long nor broad/panoramic. Therefore, for purposes of a CEQA analysis of impacts to scenic vistas, views from these trails are not considered scenic vistas. Therefore and based on the rationale provided herein, no additional analysis has been added to the scenic vista analysis presented in Section 3.2, Aesthetics.

E-12 **Comment:** The segment along Dairy Mart Road is labeled as an “Unofficial Non-County trail” in Figure 3.1-8. However, this is shown as a multi-use trail on the County’s TRVRP brochure. Please update.

Response: In response to this comment, EIR Figure 3.1-8 has been updated to identify the trail along Dairy Mart Road near the Project site as a “Multiuse Trail.”-

E-13 **Comment:** Table 3.2-9 shows the project duration as 15 years (2023-2037). This is not consistent with the language elsewhere in the Recirculated DEIR that states a duration of 10 years. Please ensure consistency throughout.

Response: In response to this comment, project duration references throughout the EIR have been reviewed and where needed (including Table 3.2-9; see below), revised to reflect a total project duration of 10 years.

Table 3.2-9. Estimated Maximum Daily Construction Criteria Air Pollutant Emissions - Unmitigated

Project	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	Pounds per Day					
2023	2.91	29.59	17.94	0.05	20.31	5.48
2024	2.84	27.92	17.86	0.05	20.26	5.43
2025	2.72	29.61	19.34	0.07	60.60	9.44
2026	2.71	29.64	19.35	0.07	61.38	9.52
2027	2.71	29.57	19.33	0.07	61.38	9.52
2028	2.70	29.41	19.27	0.07	60.60	9.44
2029	2.70	29.25	19.22	0.07	59.85	9.36
2030	2.76	15.91	18.19	0.08	59.28	8.87
2031	2.76	15.96	18.22	0.08	60.03	8.94
2032	2.76	15.94	18.21	0.08	60.60	8.94
2033	2.770.01	24.450.08	20.480.07	0.090.00	87.431.85	10.570.19
2034	2.770.01	24.350.08	20.480.07	0.090.00	87.431.85	10.570.19
2035	2.460.01	20.860.08	20.130.07	0.090.00	87.181.85	10.400.19
2036	0.020.01	0.260.08	0.150.07	0.00	3.701.85	0.380.19
2037	0.010.01	0.130.08	0.07	0.00	1.85	0.19
Maximum	2.57	26.98	16.45	0.07	61.44	9.46

Table 3.2-9. Estimated Maximum Daily Construction Criteria Air Pollutant Emissions - Unmitigated

Project	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
	Pounds per Day					
<i>Pollutant Threshold</i>	75	250	550	250	100	55
Threshold Exceeded?	No	No	No	No	No	No

Source: See Appendix A-1.

Notes: VOC = volatile organic compound; NO_x = oxides of nitrogen; CO = carbon monoxide; SO_x = sulfur oxides; PM₁₀ = coarse particulate matter; PM_{2.5} = fine particulate matter.

Emissions represent maximum daily construction activities from sequential construction phases at any one point for a given year. Estimated emissions include compliance with all regulations and SDAPCD Rule 55.

E-14 **Comment:** P. 3.9-18 appears to contain new information, but it isn't underlined. Please ensure all new information is underlined.

Response: Text on page 3.9-18 of the EIR has been underlined to denote new information (while included, this text was not previously underlined in the Recirculated Draft EIR). See excerpted text below:

- Year 2024 No Project Condition: The Year 2024 condition includes traffic volumes and operations within a short-term horizon period where the proposed Project would be operational. An ambient annual growth factor generally based on the San Diego Association of Governments (SANDAG) Series 14 traffic volume forecasts in the study was applied to the Year 2022 traffic volumes over the course of 2 years to estimate baseline traffic volumes in the year 2024. Along with ambient growth, traffic generated by other approved and pending projects along with the traffic from the existing sediment management sites and Tijuana Estuary Restoration Program II (TETRP II) site in the study area was added to Year 2024 traffic volumes. The approved or pending projects are developments in the review process, but not fully approved, or are projects that have been approved, but not fully constructed or occupied. The truck traffic from TETRP II involving ongoing sediment removal activities near the proposed Project was added to the Year 2024 traffic conditions.
- Year 2024 plus Project Condition: This condition includes analysis of traffic operations under the Year 2024 condition (described above) with Project traffic added to the AM and PM peak hour traffic volumes. It should be noted that under the Year 2024 plus Project conditions, all haul trips would be comprised of truck traffic from the TETRP II site, which would travel to the proposed Project instead of traveling to other construction sites or landfills in the San Diego County. Therefore, the proposed Project would generate nominal new truck trips and divert most of the truck trips from the TETRP II site to the Project site. The Project effects to the roadway network under this condition were used as the basis for determining if any traffic improvements or control plan would be required.
- Year 2026 No Project Condition: The Year 2026 condition includes traffic volumes and operations within a short-term horizon period where the proposed Project would be operational. An ambient annual growth factor based on the SANDAG traffic volume forecasts in the study was applied to the Year 2024 traffic volumes over the course of 2 years to estimate Year 2026 baseline traffic volumes. The traffic generated by other approved and pending projects, other sediment

management sites, and the worker and truck traffic from TETRP II site was also included in the Year 2026 traffic conditions.

- Year 2026 plus Project Condition: This condition includes analysis of traffic operations under the Year 2026 condition (described above) with Project traffic added to the AM and PM peak hour traffic volumes. It should be noted that under the Year 2026 plus Project conditions, a majority of truck traffic from the existing sediment management sites would travel to the proposed Project instead of traveling to other construction sites or landfills in the San Diego County. Therefore, the proposed Project would generate no new haul truck trips and divert most of the existing truck trips from the sediment management sites to the Project site. The Project effects to the roadway network under this condition were used as the basis for determining if any traffic improvements or control plan would be required.

E-15

Comment: Please coordinate with the County regarding vegetation management and the Fire Management and Prevention Plan as detailed in MM-WF-1, Pre-Construction Requirements and MM-WF-2, Fire Management and Prevention Plan.

Response: In response to this comment, MM-WF-1 and MM-WF-2 in the EIR has been revised to include coordination with County of San Diego including review of the Fire Management Prevention Plan by San Diego County Fire. See revised Mitigation Measures below:

MM-WF-1 **Pre-Construction Requirements.** Vegetation management shall be conducted prior to the start of construction and throughout all phases of the Project. Adequate firebreaks consisting of vegetation removal or thinning of dead and dry vegetation at least 50 feet wide or as required by local fire agencies shall be created around all grading, staging areas, and other construction activities in areas where there is flammable, non-irrigated vegetation (special-status species and irrigated native species planted as part of the Project would be exempt). The area around the sediment processing plant staging area shall be cleared and kept clear of all flammable vegetation, invasive plant species, debris, or other potentially flammable materials, in accordance with the City of San Diego Municipal Code Section 142.0412, Brush Management, and approved by the City of San Diego Fire-Rescue Department and County of San Diego.

The Project shall comply with the following risk reducing vegetation management guidelines:

- Temporary construction power lines may be allowed in areas that have been cleared of combustible vegetation. Width of clearance along the temporary construction power line alignment shall be consistent with local fire agency and California Public Utilities Commission General Order 95.
- Caution must be used to avoid causing erosion or ground (including slope) instability or water runoff due to vegetation removal, vegetation management, maintenance, landscaping, or irrigation.

MM-WF-2 **Fire Management and Prevention Plan.** Prior to the start of Project work, the California Department of Parks and Recreation (and/or designee or Responsible Agency) shall prepare and implement a Fire Management and Prevention Plan to ensure the safety of workers and the public during site preparation, operation and maintenance, and future monitoring activities for the Project. The applicant shall submit the Fire Management and Prevention Plan to the City of San Diego Fire-Rescue Department (SDFD) and County of San Diego for review and approval prior to the commencement of Project activities. The Fire Management and Prevention Plan shall include fire prevention, training, and reporting procedures including, but not limited to:

- Procedures for minimizing potential ignition, including, but not limited to, vegetation clearing, parking requirements/restrictions, idling restrictions, smoking restrictions, proper use of gas-powered equipment, and hot work restrictions

- All personnel visiting the Project site shall receive training on fire prevention procedures, the proper use of fire suppression equipment, and procedures to be followed in the event of a fire. Fire prevention and suppression training shall be included in the Project's Worker Environmental Awareness Program (WEAP) and discussed during morning tailboard meetings prior to the start of work
- Designation of on-site personnel to serve as fire watch during all hot work or other spark-generating activities
- Designation of an emergency services coordinator from among the full-time on-site personnel who shall perform routine patrols of the site during the fire season equipped with a portable fire extinguisher and communications equipment
- Fire containment and extinguishing equipment shall be kept on site and readily accessible during Project activities. The location and proper use of fire containment and extinguishing equipment shall be included in the WEAP
- All internal combustion engines used at the Project site shall be equipped with spark arrestors and spark arrestors shall be in good working order
- Curtailment of Project activities in the event of a fire or when fuel and weather conditions result in Red Flag Warnings and High to Extreme Fire Danger days, as determined by the National Weather Service and SDFD, with specific Project-related activities to be allowed during very high or extreme weather conditions at the discretion of SDFD. The Project would be subject to additional requirements/restrictions, as required by SDFD
- Equipment staging and parking areas shall be cleared of all flammable materials
- Emergency response and evacuation measures that would be required to be followed during emergency situations
- Smoking shall be prohibited in all vegetated areas and within 50 feet of combustible materials storage and shall be limited to paved areas or areas cleared of all vegetation
- Fires ignited on site shall be immediately reported to SDFD
- Fire rules shall be posted on the Project bulletin board at the contractor's field office and areas visible to employees

CDPR will continue to coordinate with County Department of Parks and Recreation as needed regarding the Nelson Sloan restoration site as a potential material beneficial reuse location and will obtain the appropriate approvals and agreements prior to project implementation.

E-16

Comment: County DPR requests that State Parks continue to consult with County DPR and continue to invite County staff to scheduled meetings, including with stakeholders and the public.

Response: CDPR (or State Parks) will continue to coordinate with County DPR, stakeholders, and the public as needed regarding the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project site and will obtain the appropriate approvals and agreements prior to project implementation.

E-17

Comment: We appreciate your consideration of the above comments. If you have any questions regarding these comments, please contact Kiran Kaur, Group Program Manager, at (858) 966-1378, or via email at Kiran.Kaur@sdcounty.ca.gov.

Response: The comment is conclusory in nature and does not raise a specific issue related to the adequacy of the Recirculated Draft EIR. Therefore, no specific response is provided.

Response to Comment Letter F– City of San Diego Planning Department (Rebecca Malone; November 2021)

F-1

Comment: Dear Ms. Warner-Lara:

The City of San Diego (City) Planning Department has received the Draft Environmental Impact Report (EIR) for the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project prepared by the California Department of Parks and Recreation (CDPR) and distributed it to applicable City departments for review. The City has reviewed the Draft EIR and appreciates this opportunity to provide comments to CDPR.

The Project includes the end stage of the closure of the mine/quarry and will allow for government entities and their partners to place appropriate material in the Project Impact Area as part of the phased landform reclamation, creation, and habitat restoration. The City appreciates the collaboration between the state and federal and regional partners, and supports the objectives outlined [sic] in the plan, especially the restoration of habitat and improvement of water quality along the Tijuana River Valley. The City of San Diego looks forward to continuing to work closely with CDPR to implement the Project.

Response: The comment confirms City of San Diego Planning Department’s receipt and review of the Draft EIR for the prepared by CDPR and also conveys City of San Diego Planning Department’s support of project objectives specifically the restoration of habitat and improvement of water quality along the Tijuana River Valley. The support of the City of San Diego Planning Department is noted and appreciated and will be considered during the remainder of the CEQA process.

Response to Comment Letter F1– City of San Diego Planning Department (Tara Ash-Reynolds and Myra Herrmann; 2021)

F1-1

Comment: Comment:

Hi Lorena,

Please see below comment from our Stormwater department that was missing from the informal comment word document submitted yesterday:

An overarching comment is that while the California Department of Parks and Recreation is the lead agency, and permitting requirements, steps necessary to carry out the proposed project, and organizations involved are described, we would request clarification of what entity is expected to be responsible for management of the implementation process.

Response: The comment is noted and while CDPR is functioning as Lead Agency for purposes of CEQA review, it is not yet known which agency/entity would be responsible for management of the implementation process. Roles and responsibilities associated with project implementation would be determined during future project-related multijurisdictional meetings and would ultimately be dictated by future agreements (such as a MOU or similar that would be signed by interested parties) that would clarify project terms and use during operations. Please refer to Section 2.4.16.1, Multijurisdictional Agreement, for information regarding future use and operation of the site.

F1-2

Comment:

Hi Lorena,

I am reaching out to you with the City of San Diego's informal comments on the DEIR. I believe Becky, 'cc here, has reached out to you already regarding the informal submittal. Thank you for the opportunity to review and comment.

Response: The comment is introductory in nature and does not raise a specific issue related to the adequacy of the Recirculated Draft EIR. Therefore, no specific response is provided.

F1-3

Comment: Chapter 3.4 Archaeological, Historic, and Tribal Cultural Resources

Qualified staff from the City Planning Department are working collaboratively with the California Department of Parks and Recreation (CDPR) to address any issues/concerns regarding Archaeological, Historic, and Tribal Cultural Resources associated with project implementation. We look forward to providing further feedback on issues that affect cultural resources within the City's land use jurisdiction in the Tijuana River Valley, specifically as it relates to City public infrastructure and facilities that would benefit from utilization of this Project. Due to the confidential nature of cultural resources associated with this project, the details of ongoing discussions cannot be disclosed in this comment letter but will be addressed by CDPR and their consultants in an appropriate manner in the Final EIR, as any additional comments on the draft Confidential Cultural Resources Survey Letter Report prepared by Petra Resources Management (July 2019) beyond those provided below have been provided to CDPR Cultural Staff under separate cover.

Response: The comment acknowledges that qualified staff from the City Planning Department are working collaboratively with CDPR to address issues/concerns regarding Archaeological, Historic, and Tribal Cultural Resources associated with project implementation. Since this comment focuses solely on the collaborative relationship between City Planning Department and CDPR concerning Archaeological, Historic, and Tribal Cultural Resources, and more generally, the confidential nature of cultural resources associated with this project and does not raise a specific issue related to the adequacy of the Recirculated Draft EIR, no specific response is provided.

F1-4

Comment: Comments on Chapter 3.4 Archaeological, Historic, and Tribal Cultural Resources of the Draft EIR are provided below:

- Page 3.4-11: The discussion on this page describes archaeological site boundaries that were expanded based on the 2019 field survey conducted by Petra Resources Management (PRM)

which resulted in the relocation of five previously recorded sites and several diagnostic artifacts that reinforce existing site boundaries. However, this statement conflicts with language in the letter report which states that "All five previously recorded sites, listed above, were relocated. Several diagnostic artifacts were recorded which reinforce existing site boundaries. None of the existing site boundaries were changed as they were consistent with previous recordings." This conflict between the cultural report and EIR analysis section should be verified with PRM and revised accordingly to ensure that the information for these relocated sites is accurately reflected in the archaeological record.

Response: In response to this comment, page 3.4-11 of the EIR has been revised to accurately reflect fieldwork results of the intensive pedestrian survey of the Project area conducted by PRM archaeologists in May 2019. Specifically, page 3.4-11 has been revised as follows:

- An intensive pedestrian survey of the Project site was conducted by PRM on May 17, 2019. The survey effort was conducted under the supervision of Senior Archaeologist Brian Williams, RPA. Native American monitor Gabe Kitchen from Red Tail Monitoring accompanied the field crew. The survey was conducted in 5-meter intervals along cleared dirt roads and pathways. Thick vegetation, over head height in some areas, restricted movement and limited visibility. The floodlights supported by wooden poles on the mesa top installed by U.S. Customs and Border Protection are still extant. No standing structures are located in the Project site. All five previously recorded sites (see Table 3.4-1) were relocated. Several diagnostic artifacts were recorded that reinforce existing site boundaries. None of the existing site boundaries were changed as they were consistent with previous recordings. ~~The site boundary for P 37-013486 was expanded to the west into the Project APE. Site boundaries for P 37-011945, P 37-011946, and P 37-017058 were also expanded slightly.~~

F1-5

Comment: Page 3.4-17: Please update references to the City's Historical Resources Guidelines throughout this chapter to reflect the correct date of April 30, 2001. The original document was adopted on September 28, 1999 and subsequently amended in 2000 and 2001 respectively. References to the City's Historical Resources Guidelines should reflect the most current version as amended on April 30, 2001.

Response: In response to this comment, references to the City's Historical Resources Guidelines have been updated to reflect the correct date of 2001 (as opposed to the original adoption year of 1999). See revised text from page 3.4-17 below (note that the City's Historical Resources Guideline citation in Section 3.4.8, References, has also been updated to reflect 2001 version of the guidelines).

- City of San Diego Historical Resource Regulations
The City's Historical Resources Guidelines outlines its purpose as follows (City of San Diego ~~1999~~2001): To provide property owners, the development community, consultants and the general public with explicit guidelines for the management of cultural resources located within the jurisdiction of the City of San Diego. These guidelines are designed to implement the City's Historical Resources Regulations contained in the City's Municipal Code (Chapter 14, Article 3, Division 2,) in compliance with the applicable local, state, and federal policies and mandates.

The City's Historical Resources Guidelines observes that (City of San Diego ~~1999~~2001):

Historical resources include all properties (historic, archaeological, landscapes, traditional, etc.) eligible or potentially eligible for the National Register of Historic Places, as well as those that may be significant pursuant to state and local laws and registration programs such as the California Register of Historical Resources or the City of San Diego Historical

Resources Register. "Historical resource" means site improvements, buildings, structures, historic districts, signs, features (including significant trees or other landscaping), places, place names, interior elements and fixtures designated in conjunction with a property, or other objects of historical, archaeological, scientific, educational, cultural, architectural, aesthetic, or traditional significance to the citizens of the City. They include buildings, structures, objects, archaeological sites, districts or landscapes possessing physical evidence of human activities that are typically over 45 years old, regardless of whether they have been altered or continue to be used. Historical resources also include traditional cultural properties. The following definitions are based, for the most part, on California's Office of Historic Preservation's (OHP's) Instructions for Recording Historical Resources and are used to categorize different types of historical resources when they are recorded.

F1-6

Comment: Page 3.4-24, Section 3.4-8: References should also be revised to reflect the most recent amendment date and not original adoption date as follows:

- City of San Diego. ~~1997~~ 2020. San Diego Municipal Code Chapter 14: General Regulations. Article 3 Supplemental Development Regulations Division 2 Historical Resources Regulations.
- City of San Diego. ~~1999~~ 2001. San Diego Municipal Code Land Development Code. Historical Resources Guidelines. Adopted September 28, 1999, Amended June 6, 2000, Amended April 30, 2001.

Response: In response to this comment, references for the San Diego Municipal Code Chapter 14: General Regulations. Article 3 Supplemental Development Regulations Division 2 Historical Resources Regulations and the San Diego Historical Resources Guidelines have been updated as requested by City Planning Department (see below).

- City of San Diego. ~~1997~~2020. San Diego Municipal Code Chapter 14: General Regulations. Article 3 Supplemental Development Regulations Division 2 Historical Resources Regulations.
- City of San Diego. ~~1999~~2001. San Diego Municipal Code Land Development Code. Historical Resources Guidelines. Adopted September 28, 1999, amended June 6, 2000 and April 30, 2001.

F1-7

Comment: Chapter 3.5 - Geology and Soils

Based on review of the Draft EIR, the project includes analysis of potential impacts to Paleontological Resources in Chapter 3.5 - Geology and Soils that is based on review of the City's Thresholds for Significance which were updated by the City in 2016. Since that time however, amendments were made to the City's Land Development Code, incorporating requirements for implementation of a Paleontological Monitoring Program when grading would exceed the thresholds described in the General Grading Guidelines for Paleontological Resources as described in Chapter 14, Article 2, Division 1 of the City of San Diego Municipal Code (Section 142.0151). As such, this section of the IS/MND is not consistent with the City's process and requires revision.

Response: CDPR acknowledges the City's comment regarding the DEIR analysis of potential impacts to Paleontological Resources and amendments to the City's Land Development Code incorporating requirements for implementation of a Paleontological Monitoring Program. In response to this comment and Comment F1-8 below, EIR Mitigation Measures PAL-1 through PAL-4 have been revised as requested by City Planning Department staff. To clarify, prior Mitigation Measures MM-PAL-2 through MM-PAL-4 have been deleted and Mitigation Measure MM-PAL-1 has been revised with the City's recommended/referred language and approach.

F1-8

Comment: Additionally, because the City of San Diego as a Responsible Agency pursuant to CEQA will rely on the DEIR for issuance of a Coastal Development Permit and/or Site Development Permit, as well as a ministerial grading permit, the following text is provided below to replace the current language shown as PAL-1, PAL-2, PAL-3, AND PAL-4. The full monitoring program can be retained

for reference/disclosure but will be required to be added to construction documents for the purpose of regulatory compliance and not for the purpose of mitigation under CEQA.

PAL-1

Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first pre-construction meeting, whichever is applicable, the California Department of Parks and Recreation (Permittee) shall implement the City of San Diego's Paleontological Monitoring Program as described in Chapter 14, Article 2, Division 1 of the City of San Diego Municipal Code (Section 142.0151) Paleontological Resources Requirements for Grading Activities and the Land Development Manual - Appendix P – General Grading Guidelines For Paleontological Resources.

The need for Paleontological monitoring shall be based on the results of a site-specific paleontological records search as well as information regarding existing known soil conditions (native or formation) a field survey for paleontological resources shall be conducted by a qualified paleontologist. If unique paleontologist resources are not discovered during the field survey, then excavation and/or construction activities can commence. If unique paleontological resources are discovered during excavation and/or construction activities, construction shall stop within 25 feet of the find, and the qualified paleontologist shall be consulted to determine whether the resource requires further study. The paleontologist shall make recommendations to the District to protect the discovered resources determine the appropriate methodology for the salvage and recovery of fossil resources before construction activities can continue in the area. Any paleontological resources recovered shall be provided to the South Central Coastal Information Center and permanently curated with an appropriate institution, such as, but not limited to the San Diego Natural History Museum, in accordance with industry standards, or repository willing and able to accept and house the resource to preserve for future scientific study and a final monitoring report prepared and provided to the City of San Diego for review.

Response: In response to this comment, Mitigation Measures in Section 3.5, Geology and Soils, have been revised as recommended by City Planning Department in Comment F1-8, above.

F1-9

Comment: 3.7 Hydrology and Water Quality

- **Page 3.7-2:** Under “Beneficial Uses and Total Maximum Daily Loads,” Combine the first two sentences to read, “Stormwater runoff is a significant contributor to local and regional pollution, and nationally.” Urban stormwater runoff should not be characterized as “unregulated.”
- **Page 3.7-4:** Under “Water Supply,” please add “Department” at the end of the first sentence.
- **Pages 3.7-26 & 27:** Under “3.7.8 References,” please add the Tijuana River Watershed Management Area Water Quality Improvement Plan.

Response: In response to this comment, requested revisions were made to Section 3.7, Hydrology and Water Quality, of the EIR.

F1-10

Comment: General Comment

- In discussions of water supply, please also note the City's Pure Water Program, as construction has been initiated.
- A global spellcheck is recommended for the term rilling, a correction in the spelling is recommend on Pages ES-3 and 3.7-1.

Response: In response to this comment, page 3.7-4 of the EIR has been revised as follows to describe the City's Pure Water Program:

- **Water Supply**

Water for the City, including the Project site, is provided by the City of San Diego Public Utilities Department. The City’s water system extends over 404 square miles and delivers approximately 200 million gallons per day, or 224,000 acre-feet per year (AFY) to its service area. The City’s water system is split into three major service areas: (1) Miramar, which serves the entire northern area of the City; (2) Alvarado, which serves the Mission Bay area, Mission Valley area, and the areas extending south to the boundary of National City; and (3) Otay, which serves the southernmost part of the City, including the Project area. According to the City of San Diego 2015 Urban Water Management Plan (UWMP), in 2015, approximately 93% of the City’s water supply was purchased from the San Diego County Water Authority, which receives approximately 92% of its water supplies from the Metropolitan Water District of Southern California, 3% from local runoff and rainfall within seven surface reservoirs, 4% from recycled water for non-potable water use, and less than 1% from groundwater extracted from the Santee-El Monte Groundwater Basin (identified as the San Diego River Valley Basin in the California Department of Water Resources [DWR] Bulletin 118) (DWR 2020; City of San Diego 2016).

Historically, the City has been able to reliably serve customers’ water supply needs from year-to-year. However, interrupted or significantly reduced water supply, such as a drought or earthquake, could threaten this reliability. In order to maintain a sustainable water supply, the City’s 2015 UWMP contains a Water Shortage Contingency Plan, which includes the stages of response to a water shortage, such as drought, that occur over a period of time, and to catastrophic supply interruptions that occur suddenly. The primary objective of the Water Shortage Contingency Plan is to ensure that the City has in place the necessary resources and management responses needed to protect health and human safety, minimize economic disruption, and preserve environmental and community assets during water supply shortages and interruptions. This plan involves implementing mandatory water reduction from its customers and implementing fines and penalties for those who exceed their allocated water usage (City of San Diego 2016).

In addition, the City of San Diego Public Utilities Department is constructing Phase 1 of the Pure Water San Diego Project. Pure Water San Diego is the City of San Diego's phased, multi-year program that will provide nearly half of San Diego's water supply locally by the end of 2035. The Pure Water San Diego Program will use proven water purification technology to clean recycled water to produce safe, high-quality drinking water (City of San Diego 2023).

In addition, page 3.7-1 of the EIR has been revised as follows to correct the identified typo in “riling”:

- Further south toward the international border, where slope inclinations are near vertical, the surface is less vegetated and highly eroded. Evidence of extensive erosion, including riling, gullying, and sloughing, was observed in this area, while evidence of surface erosion, debris (both natural material and trash), and slopewash was observed throughout the Project site.

Lastly, page ES-3 of the EIR has been revised as follows to correct the identified typo in “riling”:

- Correspondence in 2013 from DMR staff has indicated non-concurrence with assertions that the site currently meets Reclamation Plan requirements. Site observations by DMR staff included significant riling and erosion issues related to runoff on the mined east-facing slope on the property. Due to the instability of the oversteepened slope, DMR stated that the slopes would need to be re-graded, erosion and drainage control measures would need to be installed, and the area would need to be revegetated. DMR correspondence in 2019 indicated the initial phase of the Project to restore the west highwall to a 2:1

(horizontal to vertical) slope and revegetate via natural recruitment of coastal sage scrub vegetation would be sufficient to meet reclamation requirements, close the Mine ID, and release of financial assurance obligations of the City under SMARA (Meehan, pers. comm. 2019).

Response to Comment Letter G– San Diego County Archaeological Society, Inc.

G-1

Comment: Dear Ms. Warner-Lara:

State Parks has posted for public review a revised DEIR for the subject project. Revisions include those to Section 3.4, which addressed Archaeological, Historic, and Tribal Cultural Resources.

The changes to Section 3.4 and the mitigation measures accommodate unput [sic] from a number of the Kumeyaay Tribes, and we concur with and support those changes and the final wording of mitigation measures MM-ARCH-1 through 4.

As stated in our letter on the previously-circulated DEIR, SDCAS appreciates the opportunity to participate in the environmental review process for this project.

Response: The comment confirms SDCAS' receipt and review of the Recirculated Draft EIR and provides SDCAS' support for the revisions to EIR Section 3.4 and the mitigation measures contained therein. SDCAS' support is acknowledged and appreciated and will be provided to decision makers during their review.

Response to Comment Letter H– San Diego Audubon Society, Wildcoast, and Southwest Wetlands Interpretive Association

H-1

Comment: Subject: Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project
Our organizations, all of which have been working to conserve and restore coastal wetlands and other natural habitats throughout – and beyond - southern California, support the proposed project. We have reviewed and concur with the environmental document’s assessment of potential impacts, mitigation measures, and the conclusion that it will not have significant, unmitigated impacts. More importantly, restoration of the quarry site will fulfill the quarry site’s reclamation requirements, conform to its intended (long-term) use designation, and could facilitate other habitat restoration efforts within the Tijuana River Valley.

The Project consists of the beneficial reuse of excess sediment excavated from flood control facilities and disturbed habitats in the Tijuana River Valley towards the reclamation of previously quarried slopes and restoration of the Nelson Sloan Quarry site to approximate its historic (i.e., pre-quarry operations) topography and habitat types.

More specifically, the proposed project will implement a host of necessary environmental improvements or reduce future potential impacts from surrounding (non-project) factors including but not limited to meeting these project objectives:

- Consistent with Objective 3, Strategy 1 of the Tijuana River Valley Recovery Team Five-Year Action Plan, restore the land form, ecological functions, and values of the impacted habitats on the Project site that were significantly altered by past mining activity. As proposed, the Nelson Sloan Quarry would be restored and stabilized consistent with DMR reclamation standards.
- Divert sediment from landfills and reduce emissions associated with regional haul truck trips.
- Improve water quality within the watershed and reduce public health and safety hazards associated with cross-border flows.
- Reduce opportunities for downstream erosion, run-off, and water quality impairment through stabilization of the Project site. Implement interim and permanent design features to reduce erosion and storm water runoff.
- Facilitate cost-effective habitat protection, conservation, and restoration opportunities in areas impacted by sedimentation and flooding in the Tijuana River Valley.
- Advance efforts to meet the intent of the recorded grant deed for the transfer of the property from the California Coastal Conservancy to the County; the deed states that the property must be used for habitat protection, restoration, and open space in perpetuity.
- When completed, release the existing Mine ID No. 91-37-0037 associated with Border Highlands, also known as the Border Area Borrow Pit or Nelson Sloan Quarry; City Project No. 308715 and CUP No. 497-PC.

Response: The commenter’s support for the Project is noted and appreciated and will be shared with decision makers during their review and consideration of the Final EIR.

H-2

Comment: Our organizations strongly support efforts that promote enhancement of the open space lands within the river valley and, whenever practicable, that help implement habitat restoration, recreation, and public safety. In this regard, the project could significantly complement the Tijuana Estuary Tidal Restoration Program (TETRP), which was initiated in the late 1980s with the long term goal of restoring, enhancing and protecting the southern arm of the estuary. TETRP has completed its environmental review and SWIA is currently preparing to begin the final phase of design and permitting, with the goal to begin a large (84 acre) wetland restoration by 2025. The Nelson Sloan quarry restoration site provides an opportunity for beneficial reuse of sediment excavated by the TETRP marsh restoration project, as well as from flood control facilities in the Tijuana River Valley

Response: The commenter’s support for the Project and its complimentary relationship to the Tijuana Estuary Tidal Restoration Program is noted will be shared with decision makers during their review and consideration of the Final EIR.

H-3

Comment: In conclusion, we support the quarry site restoration project and recommend that the EIR be approved and certified. Please contact any of our organizations if you want to discuss our comments.

Response: The commenter’s support for the Project is noted and appreciated and will be shared with decision makers during their review and consideration of the Final EIR.

Response to Comment Letter I1– Buck Buchanan (private citizen)

I1-1 **Comment:** Buck - I received your comment on the Nelson Sloan Recirculated DEIR - it was sent to the USFWS in error, this is not our project. Comments on the Nelson Sloan DEIR should be sent to California State Parks, see the email address below.

E-mail: SDCD.CEQA@parks.ca.gov, include “Nelson Sloan Recirculated DEIR” in the e-mail subject line

I forwarded you [sic] email to California State Parks, but you might want to also forward your comments to the email address above so they are officially included with other comments provided by the public for this project.

Response: The comment consists of correspondence between Victoria Touchstone (San Diego National Wildlife Refuge Complex Conservation Planner) and Buck Buchanan, a local residing near the Tijuana River Valley. Since the comment does not raise a specific issue related to the adequacy of the Recirculated Draft EIR, no further response is provided.

I1-2 **Comment:** I am against Nelson Sloan Beneficial Sediment Reuse project (NS-BS) project because it will damage our environment long term for many reasons. Here is a short list. 1) To bury Mexican Sewage Sludge in the USA is against the principle’s [sic] of the treaty with Mexico. Please see <http://www.sdearthtimes.com/et0694/et0694s1.html> 2) With the current rate sewage sludge accumulation, this site will only be good for 2 to 3 years. What will we do with the sewage sludge after 2-3 years? (Non Sustainable bad piecemeal environmental planning)

Response: Mr. Buchanan’s opposition to the project is noted and will be considered during the remainder of the CEQA process.

Mr. Buchanan uses the term “sewage sludge” and as described by the United States Environmental Protection Agency, “sewage sludge,” or “biosolids” are a primary organic solid product produced by the wastewater treatment processes (EPA 1994¹, 2023²). Use of sewage sludge or biosolids is not proposed by CDPH for the Project. As stated in Chapter 2, Project Description, of the EIR, the purpose of the Project is to beneficially reuse excess sediment deposited in the Tijuana River Valley towards the restoration of the Nelson Sloan Quarry and creation of new terrain and habitat. As proposed, it is anticipated that the Project would improve Tijuana River Valley land managers’ ability to conserve and restore high-quality habitat impacted by sedimentation, and to better protect valley-wide infrastructure from sedimentation and flooding. Further and as described in Section 2.4.4 of the EIR, the Project’s O&M Plan would include a sampling and analysis program that would be implemented by all participating agencies to characterize the sediment prior to (in situ) or after (from stockpile) excavation. A list of contaminants of potential concern (COPCs) developed for the sediment basin cleanout activity at Goat Canyon would serve as the baseline for the analyses to be conducted to determine suitability of soils for reuse. If the results of testing indicate that sediments cannot be used on site and are unsuitable for reuse at construction sites or other options, then sediments would be disposed of at an appropriate permitted landfill/facility, including but not limited to the City’s Miramar Landfill.

Regarding Project duration and use of the site for sediment placement, the EIR assumes that the site could be used for sediment for a period of up to ten years. See Chapter, 2.0 Project Description, for assumptions used to determine the operational life span of the site for sediment placement.

¹ EPA. 1994. *A Plain English Guide to the EPA Part 503 Biosolids Rule*. EP 832/R-93/003. September.

² EPA. 2023. Basic Information about Biosolids. <https://www.epa.gov/biosolids/basic-information-about-biosolids>. Accessed May 12, 2023.

I1-3

Comment: 3) The NS-BS project would incorporate and intentionally cover up past and present harmful environmental projects the by quasi-environmental groups, State Wildlife and the County of San Diego parks. These include Goat Canyon sediment basin (see attached picture) the Smuggler's Gulch sewage ponds, pilot channel dredging, and the destructive river project known as the Brownfield restoration project.

Response: The EIR discloses that sediment sources for onsite placement at the Nelson Sloan Quarry site may include management areas within Tijuana River Valley such as Smuggler's Gulch, Pilot Channel, and the Goat Canyon Sediment Basins. Specifically how the Nelson Sloan Quarry Restoration and Beneficial Use of Sediment Project would "intentionally cover up past and harmful environmental projects" (as stated by commenter) is unclear. As described in Response to Comment I1-2, use of sediment for quarry reclamation and habitat/terrain restoration would be determined through sampling and testing of sediments prior to placement. If the results of testing indicate that sediments cannot be used on site and are unsuitable for reuse at construction sites or other options/locations, then sediments would be disposed of at an appropriate permitted landfill/facility, including but not limited to the City's Miramar Landfill.

The commenter's opposition to the Project and more generally, past and present sediment management projects in the Tijuana River Valley, is noted and will be considered during the remainder of the CEQA process. However, since the comment does not raise a specific issue related to the adequacy of the Recirculated Draft EIR, no further response is provided.

I1-4

Comment: 4) The NS-BS EIS Environmental Impact Statement describes that 450,000cy of material will come from the dredging of the South Side of Imperial Beach Estuary. This dredging project of virgin wetlands has serious downsides. (See picture). See article http://www.imperialbeachnewsca.com/opinion/article_6e5dc7ec-fc86-11eb-beab-6b00073cf1ca.html?utm_medium=social&utm_source=email&utm_campaign=user-share It should be noticed from the attached drawing that the natural river drainage from Goat canyon sediment basin used to flow right through this area, known as the Kidney Bean Estuary. The Goat Canyon river would flush out the Kidney Bean Estuary and keep the sediment [sic] out. Because of the shortsightedness of our state environment officials they stopped the Goat Canyon river's natural flow and actually cause the sediment accumulation they now what [sic] to correct. They are replacing a natural river ecosystem with a man made system which costs more, destroys biodiversity, and keeps sand from our beach. These same "quasi-environmentalists" and state officials because of their mistakes are now going to destroy another 80 acres pristine habitat on top of the destruction of 90 acres of Goat Canyon. This project resonates with the same bad habitat management practices from at least five other sites in the Tijuana River Valle [sic] by the state of California.

5) Please wake up and stop drinking the KoolAid that the Mike McCoy, SWIA, TRNNER [sic], Cal EPA, FED EPA, State Wildlife and County Water Board are infallible. After 40 years of managing the Tijuana River Valley, Imperial Beach Estuary and the Pacific Coastline our environment is a disaster. It's one of top environmental hazard sites in the country.

Response: The comment consists of commenter's opposition to the TETRP II Phase I Project, and the existing Goat Canyon Sediment Basins, as well as the management decisions of several agencies and organizations including SWIA, TRNNER, State and Federal EPA, CDFW and the San Diego Regional Water Quality Control Board. The general opposition to these projects and local land managers' approach to sediment management is noted, and will be considered during the remainder of the CEQA process; however, since the comment does not raise a specific issue related to the adequacy of the Recirculated Draft EIR, no further response is provided.

Response to Comment Letter I2– Leon Benham (private citizen)

I2-1 **Comment:** Lorena - This was also in the region 8 comments email - Although the subject line is TETRP that discussion seems to be regarding Nelson Sloane. I will put this in the TETRP file as well as a comment to the FEIS.

Victoria Touchstone
Conservation Planner
DOI Unified Regions 8 & 10
San Diego National Wildlife Refuge Complex 1080 Gunpowder Point Drive
Chula Vista, CA 91910

Response: The comment consists of correspondence between Victoria Touchstone (San Diego National Wildlife Refuge Complex Conservation Planner) and Lorena Warner-Lara, Environmental Scientist and Assistant Reserve Manager at the Tijuana River National Estuarine Research Reserve, concerning receipt of a comment letter received by Ms. Touchstone for the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project

Since the comment does not raise a specific issue related to the adequacy of the Recirculated Draft EIR, no further response is provided.

I2-2 **Comment:** Attention: Lorena Warner-Lara
I am informing the State of California that I and many other South San Diego Bay citizens are against Nelson Sloan Beneficial Sediment Reuse project (NS-BS) project because it will destroy 82 acres of virgin wetland habitat in the Tijuana River Estuary Reserve. There are over a dozen reasons why this project is bad for the environment. Here is a short list.

Response: Mr. Benham’s opposition to the project is noted and will be considered during the remainder of the CEQA process.

In response to Mr. Benham’s comment that the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project would destroy 82 acres of virgin wetland habitat in the Tijuana River Estuary Reserve, there appears to be confusion over aspects (and impacts) of the proposed Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project and the Tijuana Estuary Tidal Restoration (TETRP) II Phase I Project. As proposed, the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project entails the placement of excess sediments sourced from a variety of potential in-valley channels, basins, and habitat restoration projects on the former Nelson Sloan sand and gravel quarry in the Border Highlands area of the Tijuana River Valley. Placement of sediment on the former quarry site would not destroy 82 acres of virgin wetland habitat. As noted in Section 2, Project Description, of the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project EIR, the Project Impact Area comprises approximately 20 acres of previously disturbed quarry lands and no wetlands occur within the Project Impact Area (see Section 3.3, Biological Resources, of the EIR for additional details regarding onsite vegetation communities and land cover).

Regarding the TETRP II Phase I Project, the USFWS issued a Record of Decision on May 24, 2023 that selected Alternative 2 from the Final EIR/EIS for implementation. Under Alternative 2, approximately 68 acres of coastal wetlands and 15 acres of native transitional and upland habitat will be restored within the Tijuana Estuary (<https://www.fws.gov/story/tijuana-estuary-tidal-restoration-program-ii-phase-i>).

I2-3 **Comment:** 1) To bury Mexican Sewage Sludge in the USA is against the principles of the treaty with Mexico.

Please see article in the 1994 Earth Times
<http://www.sdearthtimes.com/et0694/et0694s1.html>

Response: Use of sewage sludge is not proposed by the Project. Mr. Benham uses the term “sewage sludge” and as described by the United States Environmental Protection Agency, “sewage sludge,” or “biosolids” are a primary organic solid product produced by the wastewater treatment processes (EPA 1994³, 2023⁴). Use of sewage sludge or biosolids is not proposed by CDPR for the Project. Mr. Benham also references an article from the June 1994 edition of the San Diego Earth Times, presumably as a reference to the treaty with Mexico mentioned by Mr. Benham. The June 1994 edition of the San Diego Earth Times and presented content is noted; however, use of sewage sludge or biosolids is not proposed by CDPR for the Project and as such, the referenced treaty is not considered applicable to the Project and/or the Project EIR. As discussed in Chapter 2, Project Description, of the Project EIR, CDPR has proposed the use of excess sediment from in-valley basins and channels for placement on the former Nelson Sloan quarry site to return the site to close to historic (i.e., pre-mining operations) topography and habitat.

I2-4 **Comment:** 2) According to the former San Diego Sewage plant operator (retired) All San Diego County Sewage Sludge must be disposed of properly.

“ san diego county has to truck all the sludge trucks from the wastewater plants to imperial valley for land disposal. they trucking company was caught illegally disposing of it over a decade ago.....all the scum cannot be dumped in CA and has to be trucked to arizona....need i say more”

Why are Mexican sewage solids being buried here?

Response: Use of sewage sludge is not proposed by the Project. Refer to Response to Comment I2-3, above.

I2-5 **Comment:** 3) With the current rate of Mexican sewage sludge accumulation, this site will only be good for 2 to 3 years. What will we do with the sewage sludge after 2-3 years? (Non-Sustainable bad piecemeal environmental planning)

Response: Use of sewage sludge is not proposed by the Project. Refer to Response to Comment I1-2 and I2-3 for response to commenter’s prior comment concerning use of sewage sludge.

Regarding Project duration and use of the site as for sediment placement, the EIR assumes that the site could be used for sediment for a period of up to ten years. See Chapter, 2.0 Project Description, for assumptions used to determine operational life span of the site for sediment placement.

I2-6 **Comment:** 4) The NS-BS project would incorporate and intentionally cover up past and present harmful environmental projects the by quasi-environmental groups, State Wildlife and the County of San Diego parks. These include Goat Canyon sediment basin (see attached drawing) the Smuggler’s Gulch sewage ponds, pilot channel dredging, and the destructive river project known as the Brownfield restoration project.

Response: This comment is identical to Comment I1-3. Please refer to Response to Comment I1-3. Also, this comment references “Smuggler’s Gulch sewage ponds” which is an unknown reference. In Table 2-11, Past, Present, and Reasonably Anticipated Future Projects, the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Recirculated Draft EIR referenced the

³ EPA. 1994. *A Plain English Guide to the EPA Part 503 Biosolids Rule*. EP 832/R-93/003. September.

⁴ EPA. 2023. Basic Information about Biosolids. <https://www.epa.gov/biosolids/basic-information-about-biosolids>. Accessed May 12, 2023.

“Smuggler's Gulch Trash and Sediment Basin” Project proposed by the County of San Diego, a project that has been identified as a potential in-valley source of sediment for the Nelson Sloan Quarry Project Note that following review of comments from County of San Diego on the Recirculated Draft EIR, the “Smuggler's Gulch Trash and Sediment Basin” Project was revised to the “Tijuana River Valley – Smuggler’s Gulch Improvements” Project for consistency with the project title as presented in grant applications and CEQA document (i.e., Addendum to a Negative Declaration).

I2-7

Comment: 5) The NS-BS EIS Environmental Impact Statement describes that 450,000cy of material will come from the dredging of the South Side of Imperial Beach Estuary. This dredging project of virgin wetlands has serious downsides. (See picture). See article.

http://www.imperialbeachnewsca.com/opinion/article_6e5dc7ec-fc86-11eb-beab-6b00073cf1ca.html?utm_medium=social&utm_source=email&utm_campaign=user-share

It should be noticed [sic] from the attached drawing that the natural river drainage from Goat canyon sediment basin flows right through this area to be dredged) [sic] the Kidney Bean Estuary. The Goat Canyon river would flush out the Kidney Bean Estuary and keep the sediment out. Because of the shortsightedness of our state environment officials, they stopped the Goat Canyon river’s natural flow and caused the sediment accumulation they now want to correct. They are replacing a natural river ecosystem with a man-made system which costs more, destroys biodiversity and keeps sand from our beach. These same “quasi-environmentalists” and state officials because of their mistakes are now going to destroy another 80 acres pristine habitat on top of the destruction of 90 acres of Goat Canyon. This project resonates with the same bad habitat management practices from at least five other sites in the Tijuana River Valley by the state of California.

Can we get an answer from the State officials who are planning this project to ask why we are digging up 82 acres of virgin wetland with a very high level of biodiversity to bury it in a landfill.

Response: In response to Mr. Benham’s comment that the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project would destroy 82 acres of virgin wetland habitat in the Tijuana River Estuary Reserve, there appears to be confusion over aspects (and impacts) of the proposed Nelson Sloan Project and the TETRP II Phase I Project.. As proposed, the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project entails the placement of excess sediments sourced from a variety of potential in-valley channels, basins, and habitat restoration projects (and potentially, the TETRP II Phase I Project site) on the former Nelson Sloan sand and gravel quarry in the Border Highlands area of the Tijuana River Valley. Placement of sediment on the former quarry site would not destroy 82 acres of virgin wetland habitat. As noted in Section 2, Project Description, of the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project EIR, the Project Impact Area (a former sand and gravel quarry) comprises approximately 20 acres of previously disturbed quarry lands and no wetlands occur within the Project Impact Area (see Section 3.3, Biological Resources, of the EIR for additional details regarding onsite vegetation communities and land cover).

Regarding the TETRP II Phase I Project, the USFWS issued a Record of Decision on May 24, 2023 that selected Alternative 2 from the Final EIR/EIS for implementation. Under Alternative 2, approximately 68 acres of coastal wetlands and 15 acres of native transitional and upland habitat will be restored within the Tijuana Estuary (<https://www.fws.gov/story/tijuana-estuary-tidal-restoration-program-ii-phase-i>).

The dredging referenced by Mr. Benham is associated with the TETRP II Phase I Project. While the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project EIR identifies the TETRP II Phase I Project as a potential source site for sediment, certification of the Nelson Sloan Project

EIR and implementation of the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project would neither directly impact wetlands nor destroy pristine habitat in the estuary.

I2-8

Comment: After 40 years of managing the Tijuana River Valley, Imperial Beach Estuary, and the Pacific Coastline our environment in Imperial Beach is a disaster. It's one of top environmental hazard sites in the country. At this point we have been led by a poorly thought out, piece meal planning that has cost millions of our tax dollar in suspect research studies. Today, right now, this has resulted in a river environment with standing sewage ponds, no wildlife, groundwater contamination, beach closures forever, and now the prospect of sewage sludge burial sites.

Response: Commenter's opposition and opinions concerning past management practices by land managers in the Tijuana River Valley (and more generally, management of the Tijuana River Valley, Imperial Beach Estuary and Pacific Coastline) are noted and will be considered during the remainder of the CEQA process. This comment is identical in content to Comment I1-4. Please refer to Response to Comment I1-4. Also, this comment references "Smuggler's Gulch sewage ponds" which is an unknown reference. Refer to Response to Comment I2-6 regarding commenter's reference to the "Smuggler's Gulch sewage ponds".

Since commenter's opinions concerning past management decisions by land managers in the Tijuana River Valley do not raise a specific issue related to the adequacy of the Draft EIR, no additional response is provided.

I2-9

Comment: We are asking our State Officials to start over. From scratch with the basics of river management and have a *real historical characterization* of the Tijuana River Valley and Estuary. This would accurately show how the Tijuana River is supposed to work. Then implement a plan after you understand the basics of river management and demonstrate to the public that these restoration projects are valid

Response: Commenter's request regarding reconsideration of river management is noted and will be considered during the remainder of the CEQA process. Since this comment does not raise a specific issue related to the adequacy of the Recirculated Draft EIR, no additional response is provided.

I2-10

Comment: Please find my comments in opposition to the 552 page Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project Recirculated Draft EIR (SCH # 2019049100).

Page 15. ES.1- This report fails to provide a reasonable range of alternatives. First there a temporary passive methods of sediment transport that this report fails to offer or mention. These include passive static pumping installations that have a minor impact on the environment but offer a better outcome for biodiversity of the existing habitat in comparison to standard excavation, trucking and burial. This project would destroy 82 acres of natural wetlands that now exist.

Response: This comment introduces and presents commenter's specific opposition to the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project Recirculated Draft EIR.

Refer to Response to Comment I2-2 regarding commenter's confusion concerning the proposed aspects and impacts of the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project and the TETRP II Phase I Project. The Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project EIR does not propose to directly improve or increase hydrologic sediment transport and as such, alternative methods of hydrologic sediment transport were not considered in the Project EIR.

The EIR’s range of identified alternatives is reasonable as described in Section 15126.6, *Consideration and Discussion of Alternatives to the Proposed Project*. Consistent with Section 15126.6, the EIR’s identified alternatives would feasibly attain most of the project objectives (project objectives are established in Chapter 2, Project Objectives – see Section 2.3, Project Objectives) and would lessen certain anticipated impacts of the Project. Commenter’s statement that the EIR fails to provide a reasonable range of alternatives appears to hinge on the commenter’s support for temporary passive methods of hydrologic sediment transport (including “passive static pumping” installations). Further, the commenter provides no explanation for how passive static pumping installations would lessen the environmental impacts of the Project or achieve/accomplish the Project’s approach to quarry restoration and reclamation.

I2-11

Comment: Page 17 Under Tijuana River Valley Sediment Management: The cited The Tijuana River Historical Ecology Investigation is old information and has errors on several factual points and should not be used to determine the current state of the ecological health of the Tijuana River Valley. There is no evidence that the Southern part of the estuary. South of Tijuana River Slough is experiencing excess sedimentation. The reason for excess sediment is the flow of water has been stopped by Goat Canyon Sediment Basin and Yogurt Canyon. The Tijuana River Historical Ecology Investigation does not provide the historical context or geologic processes of what kept these rivers free from sediment. The Recirculated Draft EIR (SCH # 2019049100) fails to identify scientifically or describe what geological processes cause the sediment to stop or flow normally. It is a pure assumption on the authors of this report to cite the references to the unsupported claims of the Tijuana River Historical Ecology Investigation.

Response: The referenced report (i.e., Tijuana River Valley Historical Ecological Investigation) was published in 2017 and contributors included researchers and authors from several institutes, research reserves, and universities in the southern California and Baja California regions. In response to Mr. Benham’s comment that the report is used (or referenced) in the EIR to determine the current state of ecological health of the Tijuana River Valley, the EIR references the report to explain and illustrate sediment management practices (and responsibilities) in the river valley and provide the groundwork for how restoration of the Project site with managed sediment would help both onsite ecology in the long-term and provide a cost effective sediment management alternative to in-valley land managers. Also, commenter’s opinion that the Tijuana River Valley Historical Ecological Investigation has errors on several factual points and includes unsupported claims is noted; however, commenter provides no support (citable or other) for these statements. Also, the Tijuana River Valley Historical Ecological Investigation’s position that “the most significant loss of salt marsh has occurred in the southern part of the estuary (i.e., south of Tijuana River Slough), [and is] related to elevation increases due to excess sedimentation” is not under consideration by decision makers at this time as the report was published in 2017 and is not a specific component of the Project.

As with the Tijuana River Valley Historical Ecological Investigation, other researchers support the contention that excess sediment is present in the southern part of the estuary. For example, Biggs et al⁵ state the following concerning suspended sediment yields in the Tijuana River Valley (and sedimentation in the southern part of the estuary):

In contrast with the Tijuana River and other peninsular ranges, SSY (Suspended Sediment Yield) in the Los Laureles Canyon watershed (LLCW) (~11.6 km²), which drains directly into the Tijuana Estuary, was extremely high (5000 tons km⁻² y⁻¹; Biggs et al., 2018) and roughly 42 times the SSY of the Tijuana River. The trap data used for the LLCW includes bedload, but the trapped sediment was only approximately 10–15 % by weight cobbles or larger (>64 mm diameter), and most of the sediment in the trap is fine to very fine sand (Taniguchi-Quan,

⁵ Biggs et al. 2022. *Runoff and sediment loads in the Tijuana River: Dam effects, extreme events, and change during urbanization*. Trent Biggs, Adam Ziegler, and Kristine T. Taniguchi-Quan. *Journal of Hydrology: Regional Studies* 42. June.

unpublished data). The undammed side canyons draining to the Tijuana Estuary have much higher sediment yields than the mainstem of the Tijuana River, with consequent high sedimentation rates and impacts on the southern part of the estuary.

I2-12

Comment: Page 18. The information is inadequate. The last time river maintenance was completed it was in 1994 almost 20 years ago. Only a few hundred yards, a small percentage of the total length of the subject area. There has not been regular maintenance of the area. Please amend the report and provide dates that this maintenance was complete, scope of work, and the cost. Please rewrite this portion of the EIS to accurately describe locations of maintenance and when this was completed. Regular users of the trail system and border field park have not witnessed any maintenance and the public infrastructure is lacking

Response: Information concerning maintenance of in-valley channels and basins was derived from data provided by in-valley land managers including City of San Diego, County of San Diego, and California Department of Parks and Recreation. In response to the commenter's implied position that regular/annual channel and basin maintenance equates to full maintenance of the Tijuana River, the referenced section of the EIR presents information specific to basin and channel maintenance and references "maintenance areas" which implies efforts in focused areas (as opposed to entire lengths of channels). Regarding maintenance of the Tijuana River Pilot Channel, the Final EIR for the City's Municipal Waterways Maintenance Plan states that routine maintenance of the earthen Pilot Channel occurred between September 2012 and March 2019⁶

Since the referenced section of the EIR is describing how channels and basins are maintained (and the general frequency of maintenance), it is not clear why dates of previous maintenance, scope of work, and costs are requested and what benefit this information would provide to the EIR document and its analysis of potential Project effects to the environment.

The Project does not proposed to alter the existing maintenance schedules of land managers associated with management of basins and channels in the Tijuana River Valley. As stated in Chapter 2, Project Description, of the EIR, an objective of the Project is to beneficially reuse excess sediment deposited in the Tijuana River Valley towards the restoration of the Nelson Sloan Quarry and creation of new terrain and habitat. As proposed, it is anticipated that the Project would improve Tijuana River Valley land managers' ability to conserve and restore high-quality habitat impacted by sedimentation, and to better protect valley-wide infrastructure from sedimentation and flooding.

Lastly, this comment does not raise an issue concerning the adequacy of the analysis presented in the EIR. Rather, this comment presents the commenter's opinion that the maintenance information provided by in-valley land managers is incorrect. No support beyond observations of regular trail users is provided by commenter to support the position that referenced maintenance information is incorrect. Therefore, no further response is provided or is required.

I2-13

Comment: Page 18. Please provide a better description of the Tijuana River Valley Recovery Team 2008 Plan. How does the Nelson Sloan Quarry qualify as a key project. The Tijuana River Recovery Plan is to spread water over the valley and prevents consolidation of water flows in the river. How does the Nelson and Sloan Quarry increase the transport of sediment as you claim when the Recovery Plan in fact stops sediment transport. This seems in conflict.

Response: The EIR references the Tijuana River Valley Recovery Team Recovery Strategy to highlight restoration of the Nelson Sloan Quarry as a "key project" and provide background/historical support for quarry restoration. The EIR is not intended to summarize the entirety of the Tijuana River Valley Recovery Team Recovery Strategy (2012) nor does it justify why quarry

⁶ City of San Diego. 2020. Final EIR for the Municipal Waterways Maintenance Plan. March.

restoration was identified as a key project in the 2012 plan. In response to commenter's statement that the EIR claims the Project would increase the hydrologic transport of sediment, the EIR makes no such claim regarding increased hydrologic sediment transport. As stated in Chapter 2, Project Description, of the Project EIR, it is anticipated that the Project would improve Tijuana River Valley land managers' ability to conserve and restore high-quality habitat impacted by sedimentation and to better protect valley wide infrastructure from sedimentation and flooding.

I2-14

Comment: Page 19 ES.3.3 – Project Objectives: Please describe in detail beneficial reuse. For example, much of the volume of material planned to be used is in fact sewage sludge. Not considering the toxic nature of this material for a moment, please provide an analysis of the sewage sludge from goat canyon and describe how this is suitable for backfill and compaction in a fill site. This material has a history of use in construction and has been rejected as suitable fill material. So, it is not in fact beneficial reuse for the stated purpose of fill material. The sewage sludge component is subject to erosion, and undermining due to water flows and cannot be used for compacted fill. The Nelson and Sloan site is right below Canyon K, which has high flow of water which would undermine this area. Please amend your report and address how this unsuitable material is to be used safely in a land fill.

Response: Use of sewage sludge is not proposed by the Project. Refer to Response to Comment I1-2 for commenter's suggestion that sewage sludge would be used by the Project. Response to Comment I1-2 also describes sampling programs and testing procedures that would be in place during Project activities to guide the use and placement of sediment on the Project site. It should also be noted that local materials with similar characteristics as those that would be used towards quarry reclamation and restoration at the project site has been used in previously in-valley restoration projects. Specifically, Fenton Quarry (a former sand and gravel quarry) was reclaimed and restored between 2001 and 2006 with the use of the saline sediment excavated during construction of the coastal Model Marsh⁷.

"Beneficial Reuse" refers to use of excess sediment from in-valley channels, basins, and habitat restoration projects towards landform creation and habitat restoration at the former Nelson Sloan quarry site

In response to commenter's statement regarding Canyon K and more specifically, the high water flowing through the canyon, the canyon is topographical isolated from the Nelson Sloan site and the project entails the placement of excess sediment on the former quarry site. Further, potential impacts to geology and soils (including potential effects associated with liquefaction of soils or potential for geologic units to become unstable because of the Project) and to hydrology and water quality were analyzed in the Project EIR. Refer to Section 3.5, Geology and Soils, and Section 3.7, Hydrology and Water Quality.

Lastly and in response to commenter's statement regarding the use of unsuitable material on the project site, refer to Response to Comment I1-2 (and Chapter 2, Project Description, of the EIR) that describes the sampling program and testing procedures that would be in place during Project activities to guide the use and placement of sediment on the Project site.

I2-15

Comment: Page 19 ES.3.3 Project Objectives- Facilitate Cost Effective Habitat Protection – Please provide a cost comparison of this plan compared to other passive uses such as static pumping devices which increase water flow and sediment transport.

Response: "Cost Effective" refers to the cost comparison between excavating and hauling excess sediment to an offsite facility versus excavating and hauling excess sediment to the Nelson Sloan

⁷ Nordby Biological Consulting. "40 Years of Restoration at Tijuana Estuary, California – Lessons Learned. September 2018.

Quarry site for sorting and placement. Project costs and cost sharing will be further developed during future design development, planning and permitting phases of this project.

The alternative static pumping device referenced by the commenter was not identified as an alternative in the EIR because the Project does not directly propose to increase the hydrologic transport of sediment. Refer to Response to Comment I2-10 above concerning commenter's prior opinions concerning the range of alternatives presented in the Project EIR. Further, static pumping devices would not accomplish quarry restoration and revegetation.

Regarding cost comparisons, CDPR welcomes commenter to provide a cost estimate of the installation of referenced passive uses such as static pumping (and detailed implementation plans) for future consideration in land/sediment management decisions.

I2-16 **Comment:** Page 19 ES 3.3 Project Objectives – Please provide details on the exact parcels of the mentioned recorded grant deed. Where are these lands and where are they described. Why is there not a public access requirement included.

Response: Refer to Section 2.4, Project Description, of the Project EIR for a discussion of parcels in the original quarry holding. The referenced grant deed requires that the property be used only for habitat protection and restoration and open space. While the grant deed does not specifically exclude public access, the Project site does not currently provide public access. When the Project is complete, it is anticipated that the restored landform and habitat restoration will improve aesthetics of the site and increase the public's enjoyment of the surrounding park environment. Further, and upon completion of the Project, the site would continue to be managed by County Department of Parks and Recreation as a component of the Tijuana River Valley Regional Park.

Lastly, this comment does not raise an issue concerning the adequacy of the analysis presented in the EIR. Therefore, no further response is provided

I2-17 **Comment:** Page 19 ES.4 Mitigation Measures – The report fails to report the significant geological process that may occur at the Nelson and Sloan Quarry site. There is a large surface water source which drains through this area and the proposed burial of sewage sludge can cause significant mud flows. This mud would directly enter the Tijuana River drainage basin.

Response: Use of sewage sludge is not proposed by the Project. Refer to Response to Comment I1-2 and I2-3 concerning commenter's assumption of the use of sewage sludge in the Project. Response to Comment I1-2 also references the sampling program and testing procedures that would guide use and placement of sediment on the Project site. See also Chapter 2, Project Description of the EIR for information concerning the proposed sampling and testing procedures that would be implemented during Project activities. In addition, refer to Response to Comment I2-14 regarding commenter's statement regarding a large surface water source draining through the project area.

Potential impacts to geology and soils and to hydrology and water quality are assessed in the EIR. Refer to Sections 3.5, Geology and Soils, and 3.7, Hydrology and Water Quality. As described in Section 3.5, Geology and Soils, the Project site is in a high liquefaction risk zone. Hazards associated with soil liquefaction and seismic-related ground failure include temporary loss of soil bearing capacity, lateral spreading, differential compaction, and slope instability. Grading and sediment placement activities would be conducted in accordance with the site-specific grading plans which would comply with the California Building Code and City of San Diego Building Code. These codes require the compaction of on-site fill materials, slope construction specifications, incorporation of geotechnical specifications, and the revegetation of graded slopes to ensure that on-site slopes are resistant to seismic ground failure during and after construction activities. In addition, the California Building Code and San Diego Building Code includes requirements to

ensure that new development would not cause or exacerbate geological and soil hazards, including seismic ground shaking and seismically related ground failure. Therefore, the Project would not expose people or structures to substantial adverse effects relating to liquefiable soils and Project impacts associated with geology and soils were determined to be less than significant.

I2-18

Comment: Page 20 ES.6 – Summary of Project Alternative – This list of alternative project actions is inadequate description of the number of alternative possible outcomes. This approach limits the available knowledge base and ignores the very purpose of considering the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project site as the only solution. The amount of organic sediment required by the Nelson and Sloan site could be greatly reduced by smaller less damaging consideration.

1 First should we be burying sewage sludge at this site. Should this material be disposed of like all other sewage sludge in San Diego County at a proper landfill. This would decrease the amount of material to be stored at the Nelson and Sloan site.

2. Second, See the attached TJ River Blocked River Map. The Nelson Sloan Site could receive less material by allowing the material to travel to the beach by increasing the rivers water flow by the proposed Tijuana River Extension also known as the pilot channel.

Response: Sewage sludge would not be used in the Project. Refer to Response to Comment I1-2 concerning suggestion that sewage sludge would be used by the Project. Response to Comment I1-2, Response to Comment I2-3 (and Chapter 2, Project Description of the EIR) also reference the sampling program and testing procedures that would guide use and placement of sediment on the Project site during Project activities.

Refer to Response to Comment I2-10 regarding the range of alternatives presented in the EIR.

Also, the commenter proposes means by which source sediment that would be used at the Nelson Sloan project site could be reduced. The Project does not propose methods by which hydrologic sediment transport in the Tijuana River Valley could be increased. Rather, one aspect of the Project entails the placement of excess sediments sourced from a variety of potential in-valley channels, basins, and habitat restoration projects on the former Nelson Sloan sand and gravel quarry in the Border Highlands area of the Tijuana River Valley to reclaim the existing terrain and restore/improve existing habitat. Refer to EIR Chapter 2, Project Description, for a full list of project objectives.

Response to Comment Letter I3– Julia Rose (private citizen)

I3-1 **Comment:** Sorry Lorena, I just saw this. Not sure this is new but see below.

Victoria Touchstone
Conservation Planner
DOI Unified Regions 8 & 10
San Diego National Wildlife Refuge Complex 1080 Gunpowder Point Drive
Chula Vista, CA 91910

Response: The comment consists of correspondence between Victoria Touchstone (San Diego National Wildlife Refuge Complex Conservation Planner) and Lorena Warner-Lara, Environmental Scientist and Assistant Reserve Manager at the Tijuana River National Estuarine Research Reserve, concerning receipt of a comment letter received by Ms. Touchstone for the Nelson Sloan Project.

Since the comment does not raise a specific issue related to the adequacy of the Recirculated Draft EIR, no further response is provided.

I3-2 **Comment:** As a resident of Imperial Beach I am against Nelson Sloan Beneficial Sediment Reuse project (NS-BS) project because it will damage our environment long term for many reasons. Here is a short list.

Response: The commenter’s opposition to the Project is noted and will be considered during the remainder of the CEQA process.

Since the comment does not raise a specific issue related to the adequacy of the Draft EIR, no further response is provided.

I3-3 **Comment:** 1) To bury Mexican Sewage Sludge in the USA is against the principles of the treaty with Mexico. Please see article in the 1994 Earth Times
<http://www.sdearthtimes.com/et0694/et0694s1.html>

Response: Use of sewage sludge is not proposed by the Project. This comment is the same as provided by Mr. Leon Benham in his comment letter and incorrectly assumes that sewage sludge would be used during proposed quarry reclamation and restoration activities. Refer to Response to Comment I1-2 and I2-3, above.

As discussed in Chapter 2, Project Description, of the Project EIR, CDPR proposes the use of excess sediment from a variety of potential in-valley basins, channels, and habitat restoration projects for placement on the former Nelson Sloan quarry site to return the site to close to historic (i.e., pre-mining operations) topography and habitat.

I3-4 **Comment:** 2) According to the former San Diego Sewage plant operator (retired)
“ san diego county has to truck all the sludge trucks from the wastewater plants to imperial valley for land disposal. they trucking company was caught illegally disposing of it over a decade ago.....all the scum cannot be dumped in CA and has to be trucked to arizona....need i say more”

Why is Mexican sewage solids being buried here?

Response: Use of sewage sludge or sewage solids is not proposed by the Project. This comment is the same as provided by Mr. Leon Benham in his comment letter and incorrectly assumes that sewage sludge would be used during proposed quarry reclamation and restoration activities. Refer to Response to Comment I1-2 and I2-3, above.

As discussed in Chapter 2, Project Description, of the Project EIR, CDPR proposes the use of excess sediment from a variety of potential in-valley basins, channels, and habitat restoration projects for placement on the former Nelson Sloan quarry site to return the site to close to historic (i.e., pre-mining operations) topography and habitat.

I3-5 **Comment:** 3) With the current rate of Mexican sewage sludge accumulation, this site will only be good for 2 to 3 years. What will we do with the sewage sludge after 2-3 years? (Non Sustainable bad piecemeal environmental planning).

Response: Use of sewage sludge is not proposed by the Project. This comment is the same as provided by Mr. Leon Benham in his comment letter and incorrectly assumes that sewage sludge would be used during proposed quarry reclamation and restoration activities. Refer to Response to Comment I2-5, above.

As discussed in Chapter 2, Project Description, of the Project EIR, CDPR proposes the use of excess sediment from a variety of potential in-valley basins, channels, and habitat restoration projects for placement on the former Nelson Sloan quarry site to return the site to close to historic (i.e., pre-mining operations) topography and habitat.

I3-6 **Comment:** 4) The NS-BS project would incorporate and intentionally cover up past and present harmful environmental projects the by quasi-environmental groups, State Wildlife and the County of San Diego parks. These include Goat Canyon sediment basin (see attached drawing) the Smuggler's Gulch sewage ponds, pilot channel dredging, and the destructive river project known as the Brownfield restoration project.

Response: This comment is the same as provided by Mr. Buck Buchanan in his comment letter and expresses commenter's opinion regarding past and present environmental projects in the Tijuana River Valley. Refer to Response to Comment I1-3, above. Also, this comment references "Smuggler's Gulch sewage ponds" which is an unknown reference. Refer to Response to Comment I2-6 regarding commenter's reference to the "Smuggler's Gulch sewage ponds".

I3-7 **Comment:** 5) The NS-BS EIS Environmental Impact Statement describes that 450,000cy of material will come from the dredging of the South Side of Imperial Beach Estuary. This dredging project of virgin wetlands has serious downsides. (See picture). See article http://www.imperialbeachnewsca.com/opinion/article_6e5dc7ec-fc86-11eb-beab-6b00073cf1ca.html?utm_medium=social&utm_source=email&utm_campaign=user-share

It should be noticed from the attached drawing that the natural river drainage from Goat canyon sediment basin flows right through this area to be dredged) the Kidney Bean Estuary. The Goat Canyon river would flush out the Kidney Bean Estuary and keep the sediment out. Because of the shortsightedness of our state environment officials they stopped the Goat Canyon river's natural flow and actually caused the sediment accumulation they now what to correct. They are replacing a natural river ecosystem with a man made system which costs more, destroys biodiversity and keeps sand from our beach. These same "quasi environmentalists" and state officials because of their mistakes are now going to destroy another 80 acres pristine habitat on top of the destruction of 90 acres of Goat Canyon. This project resonates with the same bad habitat management practices from at least five other sites in the Tijuana River Valley by the state of California.

Can we get an answer to why we [sic] digging up 82 acres of virgin wetland with a very high level of biodiversity to bury it in a landfill.

After 40 years of managing the Tijuana River Valley, Imperial Beach Estuary and the Pacific Coastline our environment in Imperial Beach is a disaster. It's one of top environmental hazard sites in the country.

Response: Commenter's opposition and opinions concerning past management practices by land managers in the Tijuana River Valley (and more generally, management of the Tijuana River Valley, Imperial Beach Estuary and Pacific Coastline) are noted and will be considered during the remainder of the CEQA process. This comment is identical in content to Comment I1-4. Please refer to Response to Comment I1-4.

This comment is also the same as provided by Mr. Leon Benham in his comment letter. Refer to Response to Comment I2-7 and I2-8, above.

Since commenter's opinions concerning past management decisions by land managers in the Tijuana River Valley do not raise a specific issue related to the adequacy of the Draft EIR, no additional response is provided.

I3-8

Comment: We are asking our State Officials to start over. From scratch with the basics of river management and have a real historical characterization of the Tijuana River Valley and Estuary. This would accurately show how the Tijuana River is suppose [sic] to work.

At this point we have been led by a poorly thought out, piece meal planning that has cost millions of our tax dollars and have resulted in an environment with sewage ponds and sewage sludge burial sites

Response: Commenter's request regarding reconsideration of river management is noted and will be considered during the remainder of the CEQA process. Also, this comment references "Smuggler's Gulch sewage ponds" which is an unknown reference. Refer to Response to Comment I2-6 regarding commenter's reference to the "Smuggler's Gulch sewage ponds".

Since this comment does not raise a specific issue related to the adequacy of the Draft EIR, no additional response is provided.

Response to Comment Letter J – City of Imperial Beach (Chris Helmer)

J-1 **Comment:** The purpose of this email is to provide the City of Imperial Beach's comments on the draft EIR for the Nelson Sloan project. Although the quarry falls outside the City's jurisdictional boundary, we remain interested in the success of sediment management activities and the use of suitable materials for the landform reclamation of the old quarry site.

Response: The comment is introductory in nature and presents comments on the Project EIR from the City of Imperial Beach. The City's interest in the success of the sediment management activities and the suitable materials for the landform reclamation of the Project site is noted.

Since the comment is introductory in nature and does not raise a specific issue related to the adequacy of the Recirculated Draft EIR, no additional response is provided.

J-2 **Comment:** Recently, the City of Imperial Beach completed the Tijuana River Valley Sediment Management Work Plan in March 2023, which identifies management actions consistent with the drafted EIR for the proposed project. This plan was developed in partnership with stakeholders in the watershed, including California State Parks, and aims to streamline project permitting reduce costs, and utilize the beneficial reuse of materials within the River Valley and beach. The Nelson Sloan quarry is identified as one of the essential sediment placement pathways for the beneficial reuse of material excavated from the River Valley.

Response: The City's recent completion of the Tijuana River Valley Sediment Management Work Plan in March 2023 is noted and appreciated as is the work plan's identification of the Nelson Sloan quarry as one of the essential sediment placement pathways for the beneficial reuse of material excavated from the river valley.

Since the comment does not raise a specific issue related to the adequacy of the Recirculated Draft EIR, no additional response is provided.

J-3 **Comment:** We expect California State Parks to utilize the Tijuana River Valley Sediment Management Work Plan and expedite the permitting of projects to maximize the beneficial reuse of material. The implementation of the Nelson Sloan quarry project will benefit the implementation of all other projects in the planning phase in the River Valley. It is our hope that the success and lessons learned from the many years working on Nelson Sloan will be applied to the rest of the projects in the River Valley, motivating other agencies in the watershed to overcome permitting and jurisdictional issues that often hold up project implementation.

Response: The City's desire for CDPR (California State Parks) to utilize the Tijuana River Valley Sediment Management Work Plan and expedite the permitting of projects to maximize the beneficial reuse of material is noted. CDPR has been a party to the preparation of the work plan.

Since the comment does not raise a specific issue related to the adequacy of the Recirculated Draft EIR, no additional response is provided.

J-4 **Comment:** Overall, we believe that there are numerous sediment management activities that will benefit from the implementation of the Nelson Sloan quarry project. We hope that California State Parks will proceed expeditiously and continue to lead the State of California in the larger clean-up and restoration efforts in the River Valley. The successful and timely implementation of the Nelson Sloan project will also help bring additional pollution control projects forward, which are critical to stopping the continuous flow of transboundary pollution.

Response: The City's support for the Project and desire for CDPR (California State Parks) to lead the State of California in the larger clean-up and restoration efforts in the River Valley is noted. As with all comments received on the EIR, the City's support for the Project and will be considered during the remainder of the CEQA process

Attachment A

Comment Letters Received on the
Recirculated Draft EIR

Comment Letter A

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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 4, 2021

Lorena Warner-Lara
 California Department of Parks and Recreation
 301 Caspian Way
 Imperial Beach, CA 91932
Lorena.Warner-Lara@parks.ca.gov

Subject: Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project (PROJECT); Draft Environmental Impact Report (DEIR); SCH #2019049100

Dear Ms. Warner-Lara:

The California Department of Fish and Wildlife (CDFW) has reviewed the California Department of Parks and Recreation's DEIR for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW and the U.S. Fish and Wildlife Service (jointly, the Wildlife Agencies) provided a comment letter, dated May 24, 2019, on the Notice of Preparation of the DEIR, as well as attended pre-planning meetings for the Project, the most recent on August 12, 2021.

A-1

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

A-2

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may also need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 *et seq.*) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), the project proponent may seek related take authorization as provided by the Fish and Game Code.

¹ CEQA is codified in the California Public Resources Code in section 21000 *et seq.* The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Lorena Warner-Lara
California Department of Parks and Recreation
November 4, 2021
Page 2 of 10

A-2

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of San Diego (City) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP).

PROJECT DESCRIPTION SUMMARY

Proponent: California Department of Parks and Recreation (CDPR)

Objective: CDPR proposes the beneficial reuse of excess sediment excavated from managed sources to restore and stabilize the former Nelson Sloan Quarry (Quarry) consistent with California Department of Conservation, Division of Mine Reclamation (DMR) historic landform reclamation standards. Sediment would be collected through a range of ongoing, approved, and/or permitted sediment management activities, or proposed sediment management activities, in the Tijuana River Valley. The reuse of excess sediment is proposed to restore the landform, ecological functions, and values of the impacted habitats on the Project site that were significantly altered by past mining activity and to facilitate quarry/mine identification closure.

A-3

A 20-year Conditional Use Permit (CUP) was issued by the City in 1982 to the Nelson and Sloane corporation for extraction of sand and gravel. As required by the Surface Mining and Reclamation Act (SMARA), a Reclamation Plan detailing the slopes and reclamation and revegetation requirements for the Quarry once operations ceased was submitted with the CUP. Original Reclamation Plan commitments are still open under SMARA. The former Quarry property is now owned by the County of San Diego Parks and Recreation but within the jurisdictional boundary of the City and is located within the City's Tijuana River Valley Planning Area of the MSCP.

Approximately one-third of the permitted volume of sand and gravel was actively mined from the site over the 20-year operational life of the Quarry. In 2002, the CUP expired, and the Quarry site was not formally reclaimed in accordance with the approved CUP Reclamation Plan. In 2003, the property was purchased by the County through a grant provided by the California Coastal Conservancy to add to the Tijuana River Valley Regional Park. The grant required that the property be used for the purpose of habitat protection and open space. The Tijuana River Valley Regional Park comprises nearly 1,800 acres of open space and is a biological core area of the MSCP. The Quarry site is included in the Multi-Habitat Planning Area (MHPA) of the City's SAP for the MSCP.

Location: The 71.9-acre former Nelson-Sloane Quarry property consists of four parcels: Assessor's Parcel Numbers (APNs) 664-011-05-00, 664-011-04-00, 664-011-03-00, and 664-020-04-00. The property is in southwestern San Diego County and is located west of Interstate 5 off Monument Road near the intersection of Monument Road and Dairy Mart Road. The site lies west of the City's South Bay Water Reclamation Plant and just north of the U.S./Mexico international border.

The Project site consists of the two easternmost parcels of the former Quarry property and includes an eroded hillside that was previously mined/quarried for construction materials and aggregate from 1982 to approximately 2002. The western portion of the Project Area was not excavated during mining activities and consists of a mesa top with naturally occurring coastal sage scrub (CSS) vegetation. The term "Reclamation Area" refers to the 20.93-acre area within the Project site where the proposed reclamation, sediment placement, and restoration activities would occur.

Lorena Warner-Lara
 California Department of Parks and Recreation
 November 4, 2021
 Page 3 of 10

Biological Setting: The Study Area included the four-parcel, 71.9-acre Quarry property evaluated in the Biological Resources Technical Report (BRTR) prepared by Dudek for the Project for purposes of establishing baseline conditions. The Study Area occurs within the Southern Area of the City's MSCP Subarea Plan. Most of the study area and all of the Reclamation Area are completely within the Multi-Habitat Planning Area (MHPA) designated by the SAP.

Dudek conducted mapping of vegetation communities, a jurisdictional delineation, reconnaissance surveys, focused gnatcatcher survey, and focused rare plant surveys in 2019 and 2020 within the Study Area. Four plant community types were identified within the proposed Study Area: maritime succulent scrub, Diegan coastal sage scrub (including disturbed forms), mule fat scrub, and southern riparian scrub. Two land cover types were identified within the Study Area: open water and disturbed land-xeric cliff face, escarpment, ruderal. The habitat within the Reclamation Area includes CSS, disturbed CSS, and Disturbed Land.

During focused rare plant surveys in 2019, 16 special-status plant species were observed in the study area: Baja California birdbush (*Ornithostaphylos oppositifolia*), California adder's-tongue (*Ophioglossum californicum*), California desert thorn (*Lycium californium*), Lewis's evening-primrose (*Camissoniopsis lewisii*), Orcutt's bird's-beak (*Dicranostegia orcuttiana*), San Diego needle grass (*Stipa diegoensis*), San Diego County viguiera (*Bahiopsis laciniata*), San Diego barrel cactus (*Ferocactus viridescens*), San Diego bur-sage (*Ambrosia chenopodiifolia*), ashy spike-moss (*Selaginella cinerascens*), cliff spurge (*Euphorbia misera*), golden-spined cereus (*Bergerocactus emoryi*), sea dahlia (*Leptosyne maritima*), seaside cistanthe (*Cistanthe maritima*), western dichondra (*Dichondra occidentalis*), and wart-stemmed ceanothus (*Ceanothus verrucosus*). The majority of these rare plant species were not found within the Reclamation Area portion of the study area.

Seven special-status wildlife species were detected during 2019 surveys of the Study Area, including coastal California gnatcatcher (*Polioptila californica californica*), Cooper's hawk (*Accipiter cooperii*), northern harrier (*Circus hudsonius*), turkey vulture (*Cathartes aura*), American peregrine falcon (*Falco peregrinus*), San Diego black-tailed jackrabbit (*Lepus californicus*), and Quino checkerspot butterfly (*Euphydryas editha quino*). Protocol-level surveys were conducted by Dudek within the Study Area for the two sensitive wildlife species: coastal California gnatcatcher (gnatcatcher) and Quino checkerspot butterfly (Quino).

One individual and four pairs of gnatcatchers were observed during focused surveys by Dudek in February 2019. The individual gnatcatcher and one of the pairs were observed within the boundaries of the Reclamation Area.

The Project would follow requirements of the MHCP for projects occurring on MHPA Lands. Surveys for coastal California gnatcatcher would be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service prior to reclamation activities being initiated. If present, occupied land would be avoided during the breeding season (March 1 through August 15) and no clearing, grubbing, grading, or other ground-disturbing activities would occur during that period.

Quino was surveyed by Dudek from February through April 2020. Three adult individuals were observed. Surveys for the primary Quino larval host plant (dot-seed plantain: *Plantago erecta*) were conducted the year prior to the protocol surveys for this species (Dudek 2019). Five adult Quino were incidentally observed during the host plant surveys. High quality host plant habitat was

Lorena Warner-Lara
California Department of Parks and Recreation
November 4, 2021
Page 4 of 10

mapped outside of the Reclamation Area. A few lower density patches of dot-seed plantain were mapped within the Reclamation Area.

CDPR (and/or designee or Responsible Agency) shall consult with the U.S. Fish and Wildlife Service (USFWS) to determine if take authorization is required for impacts to Quino checkerspot butterfly. If such take authorization is required, CDPR (and/or designee or Responsible Agency) shall demonstrate to the satisfaction of the City of San Diego that it has secured any necessary take authorization prior to the issuance of the first grading permit that impacts suitable Quino checkerspot butterfly habitat. To avoid impacts to high-quality host plants for Quino checkerspot butterfly, the Restoration Plan requires a biologist to survey the mesa for Quino checkerspot butterfly host plants prior to the pre-restoration phase activities. All host plants shall be flagged, and a 20-foot buffer established around the host plant populations. Restoration activities within this avoidance area shall be restricted to hand weeding and/or herbicide application only. No mechanical work would be done in this avoidance area. Existing roads or disturbed areas within the 20-foot buffer would be excluded from the avoidance area as determined by the Project biologist.

Dudek assessed the potential presence/absence of jurisdictional waters within the study area. There are two canyon drainages in the study area, west of the proposed Project site, that each support ephemeral stream channels that are potential waters under state regulations and federal regulations. However, these jurisdictional wetlands will not be impacted by the Project's reclamation activities.

According to the BRTR, "[a]lthough the site is part of a regional open space park, the study area has limited function as a wildlife corridor or habitat linkage due to its location on the international border and because of natural topography. Wildlife movement in the region likely is concentrated in the valley bottom itself. Movement across the site is relatively free but U.S. Border Patrol vehicular traffic is regular throughout the day and night and likely limits movement. The study area has good connectivity to the river valley but the regional area is relatively isolated from other large blocks of open space (e.g., Otay Mesa, Otay Mountain, Otay River Valley)."

The Project includes phased filling of the formerly mined restoration of natural coastal sage scrub vegetation. Interim grading phases would include the application of an erosion control vegetation hydroseed mix and implementation of appropriate erosion control best management practices on slopes. Final revegetation of finished graded slopes would include installation of coastal sage scrub container plants and seed mix application analogous to naturally occurring coastal sage scrub found on the adjacent mesa and slopes.

The phased grading and revegetation proposed will result in a temporal loss of habitat and delayed final restoration. To compensate for this, Project mitigation includes the re-establishment of CSS habitat at a minimum 1.5:1 ratio. The ultimate restoration of the Project site would result in a net gain of habitat area but not until the completion of Phase 6 in Year 15. As shown in Table 8 of the BRTR, prior to completion of Phase 6 in Year 15, there will be a net deficit of CSS habitat. Impacts to 11.69 acres of Tier II CSS, while temporary in nature, would be potentially significant and would require 17.53 acres of on-site CSS replacement. Approximately 19.33 acres of CSS enhancement/restoration would occur on site, resulting in more than the 1.5:1 ratio goal, with an additional 1.42 acres of "impact neutral" areas that may have reduced function as habitat because they are planted structures (turfmat lined channel, turf reinforced mat ditch, riprap channel, buried storm drain). The phasing of restoration would reduce the deficit of CSS habitat at each stage of the Project.

Lorena Warner-Lara
California Department of Parks and Recreation
November 4, 2021
Page 5 of 10

A-4 | **Timeline:** The Project would involve relocation of approximately 1,056,500 cubic yards of sediment up to a 15-year period. Habitat restoration would occur in 6 phases over the 15 years.

COMMENTS AND RECOMMENDATIONS

A-5 | CDFW offers the comments and recommendations below to assist CDPR in adequately identifying and/or mitigating the Plan's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Recommendations may also be included to improve the document.

I. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT #1: There would be a temporal loss of CSS habitat during the Project timeline.

Issue: The Project would result in direct, permanent, and temporary impacts to coastal sage scrub and disturbed CSS. Temporary impacts would not immediately be mitigated but phased over a period of approximately 15 years.

Specific impact: Impacts to 11.69 acres of Tier II CSS would occur from Project implementation. Though there would be a final gain in acreage of CSS with completion of Phase 6, there would be a temporary deficit of this habitat until completion of Phase 6.

Why impact would occur: The Project would involve movement of large quantities of fill material as it would be collected and its use in re-contouring of the Reclamation Area would require approximately 15 years. Final elevation contours would have to be established for each portion of the reclamation before CSS could be reestablished. Therefore, replanting would be done in phases. Final restoration would be completed after fill and grading associated with Phase 6 were finished.

Evidence impact would be significant: CSS is crucial habitat for gnatcatcher, which was demonstrated to be utilizing the Project site, including the Reclamation Area, as well as other species.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

Mitigation Measure #1:

To reduce impacts to less than significant: Initial CSS revegetation activities on the Project site are planned Prior to Phase 1 of the Quarry reclamation. As proposed, a pre-Phase 1 revegetation effort would be done outside of grading/disturbance limits associated with Project phases and within restoration/enhancement area limits (i.e., within currently disturbed areas associated with erosion and access road development/use). This early revegetation would at least partially reduce temporal impacts. To further reduce temporal impacts to CSS, CDPR should consider additional projects involving restoration/revegetation of CSS in the vicinity of the Project Site that could be timed to occur before initiation of Phase I or during the interim period of the Project before completion of Phase 6.

A-6

Lorena Warner-Lara
California Department of Parks and Recreation
November 4, 2021
Page 6 of 10

COMMENT #2:

Issue: The DEIR proposes that, prior to initiation of each phase of clearing of the Reclamation Area, a survey be conducted for special-status terrestrial reptiles, Dulzura pocket mouse (*Chaetodipus californicus femoralis*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), and San Diego desert woodrat (*Neotoma lepida intermedia*). If any of these species were found, a relocation and exclusion plan would be developed to avoid direct take from grading and filling activities. The relocation plan would be approved by C DPR or other Responsible Agency and the biologist relocating the species would need to possess a California Scientific Collecting Permit to handle these species if required by applicable California Department of Fish and Wildlife regulations.

A-7

Specific impact: Relocated animals could suffer negative effects from being moved out of their territories.

Why impact would occur: Relocation is a less than ideal form of mitigation for direct impacts, as animals in unfamiliar areas may have difficulty finding food, water, shelter, and safety, and may experience competition or aggression from members of the same species with already established territories in the relocation areas.

Evidence impact would be significant: The species proposed to be relocated, if found, are considered sensitive because their populations are declining or at risk.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

Mitigation Measure #2:

To reduce impacts to less than significant: Relocation is not ideal but may be the only way to avoid direct Project-related mortality to any sensitive reptile or small mammal determined to inhabit the Reclamation Area. If relocation is the only option, the choice of a relocation site should consist of a large patch of quality habitat appropriate to the species, which would be more likely to have the carrying capacity to accommodate one or more relocated individuals of a particular species.

Additional Recommendations

Recommendation #1: The DEIR does not adequately describe the long-term conservation/management and in-perpetuity funding for the Project site post-restoration. Page 3.6-17 of the DEIR generally states that following completion of phased grading/sediment placement and restoration activities the site would "...function as revegetated open space and would be managed as a component of the Tijuana River Valley Regional Park." The DEIR makes one mention on page 2-26 about a restoration "security bond" being required prior to each phase that would be released upon successful completion of the restoration. The restoration memo in Appendix E-2 states: "[t]he same funding source available for the intended revegetation project, as established by the multijurisdictional agreement, is assumed to also be available for any additional planning, implementation, and monitoring of any contingency procedures that may be required to achieve the revegetation goals". The DEIR should provide a more detailed explanation of these funding mechanisms and how they will continue to function in perpetuity after completion of the Project.

A-8

Lorena Warner-Lara
California Department of Parks and Recreation
November 4, 2021
Page 7 of 10

A-9

Recommendation #2: There are inconsistencies in the impact calculations between the DEIR and the BRTR. For example, the DEIR lists total impacts to CSS at 11.69 acres and the BRTR lists them as 13.65 acres. These inconsistencies should be clarified in the final EIR.

A-10

Recommendation #3: The Revegetation Monitoring and Management Plan (Plan) (Appendix E-2, Tables 2a and 2b) establishes annual (Year 1-5) numerical success criteria for each phase of CSS revegetation. Relative native cover (%), species diversity (%), maximum non-native annual species relative cover (%), and maximum non-native perennial species relative cover (%), would be quantified and compared to that of surrounding, non-impacted vegetation of the same community type. However, the Plan only mentions qualitative visits from the Project biologist. "The project biologist will perform qualitative monitoring visits every other month during Year 1 and on a quarterly basis during Years 2 through 5." The Plan should describe how the Project Biologist will assess the quantitative criteria and compare these factors to those of naturally occurring CSS.

ENVIRONMENTAL DATA

A-11

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

A-12

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

A-13

CDFW appreciates the opportunity to comment on the DEIR to assist SANDAG in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Meredith Osborne, Environmental Scientist, at Meredith.Osborne@wildlife.ca.gov.

Sincerely,

DocuSigned by:



D700B4520375406...

David Mayer
Environmental Program Manager I
South Coast Region

Lorena Warner-Lara
California Department of Parks and Recreation
November 4, 2021
Page 8 of 10

ec: CDFW

David Mayer, San Diego – David.Mayer@wildlife.ca.gov

Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov

Meredith Osborne, San Diego – Meredith.Osborne@wildlife.ca.gov

Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov

State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov

Susan Wynn, USFWS – Susan.Wynn@fws.gov

Attachments

- A. CDFW Comments and Recommendations

Lorena Warner-Lara
 California Department of Parks and Recreation
 November 4, 2021
 Page 9 of 10

Attachment A:

CDFW Comments and Recommendations

	Recommendations/Mitigation Measures	Timing	Responsible Party
Mitigation Measure #1	To further reduce temporal impacts to CSS, CDPR should consider additional projects involving restoration/revegetation of CSS in the vicinity of the Project Site that could be timed to occur before initiation of Phase I or during the interim period of the Project before completion of Phase 6.	Prior to release of the final EIR	CDPR
Mitigation Measure #2	Relocation is not ideal but may be the only way to avoid direct Project-related mortality to any sensitive reptile or small mammal determined to inhabit the Reclamation Area. If relocation is the only option, the choice of a relocation site should consist of a large patch of quality habitat appropriate to the species, which would be more likely to have the carrying capacity to accommodate one or more relocated individuals of a particular species.	Prior to release of the final EIR	CDPR
Recommendation #1	The DEIR does not adequately describe the long-term conservation/management and in-perpetuity funding for the Project site post-restoration. Page 3.6-17 of the DEIR generally states that following completion of phased grading/sediment placement and restoration activities the site would “function as revegetated open space and would be managed as a component of the Tijuana River Valley Regional Park”. The DEIR makes one mention on page 2-26 about a restoration “security bond” being required prior to each phase that would be released upon successful completion of the restoration. The restoration memo in Appendix E-2 states: “The same funding source available for the intended revegetation project, as established by the multijurisdictional agreement, is assumed to also be available for any additional planning, implementation, and monitoring of any contingency procedures that may be required to achieve the revegetation goals”. The DEIR should provide a more detailed explanation of these funding mechanisms and how they will continue to function in perpetuity after completion of the Project.	Prior to release of the final EIR	CDPR

A-14

Lorena Warner-Lara
California Department of Parks and Recreation
November 4, 2021
Page 10 of 10

A-14

Recommendation #2	There are inconsistencies in the impact calculations between the DEIR and the BRTR that should be clarified in the final EIR.	Prior to release of the final EIR	CDPR
Recommendation #3	Prior to release of the final EIR	Prior to release of the final EIR	CDPR

Comment Letter B

From: buncelaw@aol.com
To: CEQA_SDCD@Parks
Subject: Comments of Barona Band of Mission Indians on Recirculated Drafty EIR m for Nelson Sloan Quarry Restoration Project (SCH no. 2019049100), attention Lorena Warner-Lara
Date: Friday, January 27, 2023 1:15:00 PM

You don't often get email from buncelaw@aol.com. [Learn why this is important](#)

Dear Ms. Warner-Lara,

This is Art Bunce, Tribal Attorney for the Barona Band of Mission Indians, a small federally-recognized Indian tribe whose Indian reservation is in rural eastern San Diego County. I am writing on behalf of the Barona Band to comment on the recirculated Draft EIR for the above project.

The Barona Band concurs in and supports the mitigation measures found at section 3.5.6. of the Draft EIR, and urges their incorporation into conditions for approval of the proposed project. Thereafter, if any significant cultural resources are discovered, especially human remains, the project proponent should proceed consistently with the mitigation measures.

Sincerely,

Art Bunce

B-1

Comment Letter C

From: [Warner-Lara, Lorena@Parks](mailto:Warner-Lara.Lorena@Parks)
To: [Gomes, Amy@DOC](mailto:Gomes.Amy@DOC)
Cc: CEQA_SDCD@Parks; [Peregrin, Chris@Parks](mailto:Peregrin.Chris@Parks); [Meehan, Claire@DOC](mailto:Meehan.Claire@DOC); OPR State Clearinghouse
Subject: RE: Previously submitted comments on the Nelson Sloan Restoration and Beneficial Reuse of Sediment Project EIR (DMR)
Date: Thursday, March 2, 2023 4:59:42 PM
Attachments: 

Dear Ms. Gomes,

I wanted to confirm that I received your email verifying that the comment letter dated November 3, 2021 by Carol Atkins is still valid for the Recirculated Draft EIR. It will become part of the official record and be included Final EIR response to comments.

Please let me know if you have any questions and thank you for your interest in the project.

Kindest regards,
Lorena

Lorena Warner-Lara
Environmental Scientist
[Tijuana River National Estuarine Research Reserve](#)
California State Parks
Google Voice: 619-887-4842
Desk: 619-575-3613 x 312
TEAMS: 916-857-9472

From: Gomes, Amy@DOC <Amy.Gomes@conservation.ca.gov>
Sent: Tuesday, February 28, 2023 2:04 PM
To: Warner-Lara, Lorena@Parks <Lorena.Warner-Lara@parks.ca.gov>
Subject: FW: Previously submitted comments on the Nelson Sloan Restoration and Beneficial Reuse of Sediment Project EIR (DMR)

You don't often get email from amy.gomes@conservation.ca.gov. [Learn why this is important](#)

Dear Ms. Warner-Lara;

Carol Atkins is no longer with the Division of Mine Reclamation. However, I took a look at the Recirculated Draft EIR for the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project and it appears that the comment letter dated November 3, 2021 by Carol Atkins should be included as comment submitted in the Recirculated Draft EIR and receive a response to comments in the Final EIR as they were not addressed, and no changes were made to the Recirculated Draft EIR based on these comments.

C-1

Thank you.

Amy Gomes



Amy M. Gomes

Environmental Scientist, Environmental Services Unit
Division of Mine Reclamation

California Department of Conservation

715 P Street, MS 1905, Sacramento, CA 95814

T: (916) 616-1558

E: Amy.Gomes@conservation.ca.gov



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From: DMR-Submittals@DOC <DMR-Submittals@conservation.ca.gov>

Sent: Wednesday, February 22, 2023 4:25 PM

To: Gomes, Amy@DOC <Amy.Gomes@conservation.ca.gov>; Hora, Gezahegn@DOC <Gezahegn.Hora@conservation.ca.gov>

Subject: FW: Previously submitted comments on the Nelson Sloan Restoration and Beneficial Reuse of Sediment Project EIR (DMR)

Good afternoon,

Please see the email below regarding the **Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project** located in **San Diego County**. Thank you.

C-2



DMR-Submittals

Division of Mine Reclamation

California Department of Conservation

NEW ADDRESS

715 P Street, MS 1905, Sacramento, CA 95814

T: (916) 323-9198

E: DMR-Submittals@conservation.ca.gov

From: CEQA, SDCD@Parks <SDCD.CEOA@parks.ca.gov>
Sent: Wednesday, February 22, 2023 4:09 PM
To: Atkins, Carol@DOC <Carol.Atkins@conservation.ca.gov>
Cc: DMR-Submittals@DOC <DMR-Submittals@conservation.ca.gov>; Peregrin, Chris@Parks <Chris.Peregrin@parks.ca.gov>
Subject: Previously submitted comments on the Nelson Sloan Restoration and Beneficial Reuse of Sediment Project EIR (DMR)

Dear Ms. Carol E. Atkins,

I wanted to follow up with you on the below notice about the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project.

Per CEQA Guidelines Section 15088.5 (f)(1), previous comments submitted on the Draft EIR do not require a response in the Final EIR and new comments must be submitted for the Recirculated Draft EIR. Therefore, in accordance with CEQA Guidelines, CDPR need only respond to those comments submitted in response to the Recirculated Draft EIR. **However, if your prior comments are still valid, please resubmit a letter or simply respond to this email and let me know so that they will be included in the response to comments section of the Final EIR.** Please see attached your comment letter on the DEIR.

C-2

As the [Notice of Availability](#) indicates, we edited the Draft EIR to better align the document with new information from the [Tijuana Estuary Tidal Restoration Program II Phase I Project](#) (80+ acre wetland restoration project). As a result, in addition to the changes to the sections that were reanalyzed (Noise, Air Quality + Greenhouse Gases, and Traffic), all other EIR sections, chapters, and appendices are being recirculated for public review. The Recirculated Draft EIR and all other project documents, including the presentation for the public meeting and list of the sections that were modified/revised, can be found at <https://trnerr.org/about/public-notices/>. The 45-day public comment period ends on **March 13, 2023**.

Please give me a call or let me know if you have any questions.

Thank you,
Lorena

Lorena Warner-Lara
Environmental Scientist
[Tijuana River National Estuarine Research Reserve](#)
California State Parks
Google Voice: 619-887-4842
Desk: 619-575-3613 x 312
TEAMS: 916-857-9472

From: Warner-Lara, Lorena@Parks <Lorena.Warner-Lara@parks.ca.gov>
Sent: Wednesday, February 22, 2023 3:15 PM

To: CEQA, SDCD@Parks <SDCD.CEQA@parks.ca.gov>

Subject: Previously submitted comments on the Nelson Sloan Restoration and Beneficial Reuse of Sediment Project EIR

From: Tijuana River NERR

Sent: Wednesday, January 25, 2023 5:48 PM

To: Warner-Lara, Lorena@Parks

Subject: Notice of Availability: Recirculated Draft EIR - Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project



PUBLIC NOTICE OF AVAILABILITY

RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT

Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project (SCH # 2019049100)

C-3

On **January 25, 2023**, the California Department of Parks and Recreation (CDPR), acting as lead agency, issued for public review and comment a Recirculated Draft Environmental Impact Report (EIR) that, in accordance with California Environmental Quality Act (CEQA) requirements, evaluates potential

environmental effects associated with the proposed Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project (Project). A Draft EIR for the Project was previously distributed by CDPR for public review on September 20, 2021. Subsequently, CDPR acquired additional information relevant to the Project from design efforts associated with another project- the Tijuana Estuary Tidal Restoration Program (TETRP) II Phase I (Draft EIR/EIS for the TETRP II Phase I Project prepared by USFWS and CDPR and circulated for a 45-day public review period on August 19, 2022). CDPR used this additional information to more closely align the discussion of these two projects and is presenting this information in this Recirculated Draft EIR. CDPR has determined that the revisions to the Draft EIR do not constitute “significant new information” related to a substantial adverse environmental effect. CDPR has decided to recirculate the entirety of the Draft EIR to allow the public an opportunity to review and provide comment on revisions/modifications to the document that are presented in ~~strikeout~~ underline text.

The Project consists of the beneficial reuse of excess sediment excavated from flood control facilities and disturbed habitats in the Tijuana River Valley towards the reclamation of previously quarried slopes and restoration of the Nelson Sloan Quarry site to close to historic (i.e., pre-quarry operations) topography and habitat.

The [Recirculated Draft EIR](#), appendices, a list of the modified/revised sections, and the full text of the [Notice of Availability](#) is available for review at: <https://trnerr.org/about/public-notices/>.

PROVIDING COMMENTS

Written comments on the adequacy of the Recirculated Draft EIR will be accepted throughout the 45-day public comment period, however, all comments must be received or postmarked on or before **March 13, 2023**. You may submit your written comments by one of the following methods:

- E-mail: SDCD.CEQA@parks.ca.gov, include “Nelson Sloan Recirculated DEIR” in the e-mail subject line
- U.S. Mail: Lorena Warner-Lara, California State Parks/Tijuana River National Estuarine Research Reserve, 301 Caspian Way Imperial Beach,

California 91932-3149

- In-Person Drop-off: You may drop off written comments at the Tijuana Estuary Visitor Center, 301 Caspian Way, Imperial Beach, CA, between 10 a.m. and 5 p.m. Wednesday through Sunday.

NOTICE OF IN-PERSON PUBLIC MEETING

The purpose of the public meeting is to solicit comments on the analysis presented in the Recirculated Draft EIR. The meeting information will be posted at: <https://trnerr.org/about/public-notices/>.

C-3

Date: exact date in February 2023 to be determined

Location: Tijuana Estuary Visitor Center,
301 Caspian Way, Imperial Beach, CA

Questions? Contact Lorena Warner-Lara, at: SDCD.CEQA@parks.ca.gov.







November 3, 2021

Lorena Warner-Lara
 California State Parks
 Tijuana River National Estuary Research Reserve
 301 Caspian Way
 Imperial Beach, CA 91932

Copy sent via email: SDCD.CEQA@parks.ca.gov

**SUBJECT: Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project
 Notice of Availability – Draft Environmental Impact Report
 State Clearinghouse No. 2019049100**

Dear Ms. Lorena Warner-Lara:

Thank you for including the Department of Conservation's Division of Mine Reclamation (Division) in the environmental review process for the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project (Proposed Project; dated September 2021) draft Environmental Impact Report (EIR). The draft EIR indicates that the California Department of Parks and Recreation, as lead agency under the California Environmental Quality Act (CEQA), has issued a draft EIR for decision makers and the public to evaluate the potential environmental effects associated with the Proposed Project. The Proposed Project will implement multiple phases, of which Phase 1 applies to the Division. Phase 1 will divert sediment from managed sources including flood control facilities, sediment basins, and habitat restoration and enhancement projects to the Nelson Sloan Quarry (Mine) in order to reclaim the over steepened slopes to create new habitat for coastal sage scrub and subsequently remove the Mine from regulation under the Surface Mining and Reclamation Act (SMARA).

The Division's primary focus is on active surface mining operations; however, the Division also addresses issues related to abandoned (pre-1976) legacy mines. Additionally, the Division has review responsibilities associated with lead agency implementation of SMARA. SMARA provides a comprehensive surface mining and reclamation policy to assure that:

- Adverse environmental effects of surface mining operations are prevented or minimized and mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.
- Production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
- Residual hazards to the public health and safety are eliminated.

C1-1

C1-2

Ms. Warner-Lara

Nelson Sloan Quarry – Notice of Availability dEIR

November 3, 2021

C1-2 | Division staff reviewed the subject draft EIR and offers the following comments at this time:

1. Please revise the draft EIR to accurately reflect the concluding statement made in the email sent from Division staff on June 13, 2019. Specifically, Page 2-11 states, "DMR tentatively approved the approach to Mine ID closure via an email on June 13, 2019." However, the June 13, 2019 email correspondence from Division staff concludes,

"...it is recognized by Division staff that reclamation requirements may be considered complete after the highwall has been reclaimed to a 2(h):1(v) slope and vegetation performance standards are based on local recovery rates and naturally occurring native vegetation in the area, i.e., natural recruitment of Coastal Sage Scrub. In addition, CCR [California Code of Regulations Section] 3705(a) states that areas that are not reclaimed to prior conditions may use data from reference areas to meet revegetation reclamation requirements."

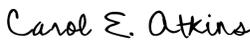
Thus, said another way, Division concurrence that reclamation is complete at this Mine requires the site be reclaimed in accordance with the approved reclamation plan.

C1-4 | 2. Page 2-29, Table 2-10, should be corrected to show that the Division is the agency responsible for determining that California Mine ID 91-37-0037 has been reclaimed in accordance with its reclamation plan (not the State Mining and Geology Board).

C1-5 | 3. Page 2-29, Table 2-10, please clarify what is meant by "practical interim reclamation plan conditions." This term is not defined within SMARA and Division staff does not know what this term means.

C1-6 | The Division requests to be included on the distribution list for this Proposed Project. Additionally, the Division requests that any subsequent project documents (e.g., hearing notices for the draft or final EIR, final determinations and final EIR, as well as any supplemental environmental documents) be sent to the Division at DMR-Submittals@conservation.ca.gov. If you have any questions, please contact me at (916) 323-9198.

Sincerely,

DocuSigned by:

73ECCB6738194DA...

Carol E. Atkins, Manager
Environmental Services Unit

ec: State Clearinghouse, state.clearinghouse@opr.ca.gov

Department of Conservation, Office of Legislative and Regulatory Affairs,
OLRA@conservation.ca.gov

Comment Letter D

California Environmental Protection Agency

Gavin Newsom
California Governor



Department of
Resources Recycling and Recovery

Yana Garcia
Secretary for Environmental Protection
Rachel Machi Wagoner
CalRecycle Director

February 15, 2023

Ms. Lorena Warner-Lara, Environmental Scientist
California Department of Parks and Recreation
Tijuana River National Estuarine Research Reserve
301 Caspian Way
Imperial Beach, CA 91932

Subject: SCH No. 2019049100 - Recirculated Draft Environmental Impact Report for Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project

Dear Ms. Warner-Lara:

D-1 Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

PROJECT DESCRIPTION

The California Department of Parks and Recreation (CDPR), acting as Lead Agency, has prepared and recirculated a Draft Environmental Impact Report (EIR) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

D-2 The Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project (project) proposes the beneficial reuse of excess sediment excavated from managed sources (e.g., sediment basins, flood control facilities and conveyances) from a range of ongoing, approved, and/or permitted sediment management activities (and proposed habitat restoration and enhancement projects) in the Tijuana River Valley towards landform and habitat restoration in the abandoned Quarry.

The proposed project property is located on County of San Diego (County) jurisdictional lands within the City of San Diego's Multi-Habitat Planning Area (MHPA), in the southwestern portion of the County in the Tijuana River Valley Regional Park. The approximately 20-acre project site/area of impact is located on Assessor's Parcel Numbers 664-011-05-00 and 664-011-04-00 and is situated approximately 400 feet south of the intersection of Monument Road and Old Dairy Mart Road. The Project site is designated for Park, Open Space, and Recreation uses.

The proposed project design parameters would include:

- (1) a quarry boundary project of 70 acres with a project impact area of 20 acres;
- (2) approximately 1,000,000 cubic yards of total fill over a 10-year time frame;
- (3) project operating hours of 7:00 am to 5:00 pm Monday-Friday; and

D-2 | (4) approximately 132,062 total truck haul trips to transfer sediment to the quarry.

COMMENTS

Excluded Activities

The following disposal activities do not constitute Construction and Demolition (C&D) waste or inert debris operations or facilities if it meets the requirements of Title 14, California Code of Regulations (14 CCR), Section 17388.2 – Excluded Activities.

In summary, an activity that meets at least one of the following criteria is considered excluded:

(1) Any use (e.g., grading) of gravel, rock, soil, sand and similar, whether processed or not, that has never been used in connection with any structure, road, parking lot, or similar use.

(2) Engineered fill activities which have local permits as required, and are carried out in conjunction with a construction project (e.g., building and other construction, bridge and roadway work, development of pathways or riding trails, etc.), and which use uncontaminated concrete and/or fully cured asphalt which has been reduced in particle size to 2" or less as part of a recycling activity and concludes within two years from commencement.

(3) Inert debris engineered fill activities which conclude within one year of commencement and that meet all requirements of [14 CCR] Section 17388.3 of this Article, except subsections (b) inspections, (c) Plan, (d) State Minimum Standards, (g) final cover, (h) scales and submittal of EA Notification.

(4) Removal and disposal of landslide debris containing no C&D waste by Federal, State and local government public works agencies and their contractors, provided that the material removed from such sites is disposed in accordance with applicable law.

(5) Removal and disposal of sediment which has accumulated within irrigation or flood control facilities and which contains no solid waste, by Federal, State and local government public works agencies and their contractors, provided that the material removed from such sites is disposed or otherwise handled in accordance with applicable law.

(6) The use of fully cured asphalt, uncontaminated concrete (including steel reinforcing rods embedded in the concrete), crushed glass, brick, ceramics, clay and clay products, which may be mixed with rock and soil, in connection with road building, road repair, airport runway construction, bridge and roadway work, levee work, flood control work, and all associated activities by Federal, State and local government public works agencies and their contractors.

D-3

D-3 (7) Existing C&D waste or inert debris disposal sites from which all waste and debris have been removed (clean closure) within one year after February 24, 2004, provided that the material removed from such sites is disposed in accordance with applicable law. The board [CalRecycle] may extend the time for clean closure by up to one year upon the applicant's showing of good cause for such extension.

Will the proposed project be designed and operated to meet at least one of the criteria above? If not, the activity may be subject to 14 CCR regulatory requirements.

D-4 **Daily Throughput**

The EIR describes six phases of total sediment deposits, that increase in each phase. What is the expected maximum amount (in tons) of sediment to be brought onto the site in one operating day?

D-5 **Daily Truck Trips**

The EIR describes the estimated total truck haul trips that will be required in each phase of the project, increasing in each phase. What is the maximum amount of truck haul trips anticipated in one operating day?

D-6 **Project Operating Hours**

The EIR describes the operating hours of 7:00 am to 5:00 pm, Monday-Friday. Will any ancillary (e.g., cleaning or maintenance) hours be required outside of 7:00 am to 5:00 pm, Monday-Friday?

D-7 **Elevation**

The EIR states that, "Final restoration would be completed when final elevation contours are established in each phase." What will the final maximum elevation be?

D-8 **Solid Waste Regulatory Oversight**

The City of San Diego Development Services Department is the Local Enforcement Agency (LEA) and is responsible for providing regulatory oversight of solid waste handling activities, including permitting and inspections. Please contact the LEA, Brian Panther at (619) 533-3675 or HPanther@sandiego.gov, to discuss the regulatory requirements, if any, for the proposed project.

D-9 **CONCLUSION**

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the recirculated environmental document and hopes that this comment letter will be useful to the Lead Agency preparing the Final EIR and in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

D-9

If the environmental document is adopted during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the adoption and proposed project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.341.6719 or by e-mail at Cody.Oquendo@calrecycle.ca.gov.

Sincerely,



Cody Oquendo, Environmental Scientist
Permitting & Assistance Branch – South Unit
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc: Benjamin Escotto, Supervisor
Permitting & Assistance Branch – South Unit

Brian Panther
City of San Diego LEA

Comment Letter E



County of San Diego

BRIAN ALBRIGHT
DIRECTOR
(858) 966-1301

DEPARTMENT OF PARKS AND RECREATION
5500 OVERLAND AVENUE, SUITE 410, SAN DIEGO, CA 92123
Administrative Office (858) 694-3030
www.sdparks.org

March 13, 2023

Lorena Warner-Lara
California State Parks
Tijuana River National Estuarine Research Reserve
301 Caspian Way
Imperial Beach, CA 91932-3149

Via email to: SDCD.CEQA@parks.ca.gov

COMMENTS ON THE NELSON SLOAN QUARRY RESTORATION AND BENEFICIAL REUSE OF SEDIMENT PROJECT RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT

E-1

Thank you for the opportunity to comment on the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project Recirculated Draft Environmental Impact Report (Recirculated DEIR). The County of San Diego Department of Parks and Recreation (County DPR) has reviewed the Recirculated DEIR and has the following comments:

E-2

- Nelson Sloan Quarry is owned by County DPR. The alternatives shown in the Recirculated DEIR are options for sediment deposit, but the final locations and allowances will be determined by County DPR and other agencies that are approved to deposit sediment on the County's property. An agreement such as a Memorandum of Understanding, License Agreement, or Right-of-Entry Permit will be necessary to coordinate sediment management needs in the Tijuana River Valley and/or allow access to County DPR property. Any sediment deposit on County property shall not occur until an agreement is approved by the County.

E-3

- The Recirculated DEIR indicates a reduction in sediment deposit capacity at Nelson Sloan Quarry from 15 to 10 years. This is a reduction of 33% in the duration that Nelson Sloan Quarry will be able to receive sediment. This is a significant change in the capacity of the site and will require additional discussions with County DPR.



- Please add the following required action/approval to Table 2-10:

E-4

Agency	Required Action/Approval
County of San Diego	An agreement such as a Memorandum of Understanding, License Agreement, or Right-of-Entry Permit. Final agreement will be subject to County DPR approval.

E-5

- The Recirculated DEIR states, "...the identified maximum annual import capacity of the Project site over a 6-month-per-year operational schedule was determined to be 200,000 cubic yards. Thus, this document assumes that during the 2-year operational life of the TETRP II Phase I Project, approximately 200,000 cubic yards of sediment per year would be hauled to the Project site." Additionally, Appendix A-1, Air Quality and GHG Scenario Memo, Table 1, shows no Haul Truck Trips in Year 1 and the footnote under the table states, "Haul trips during years 1 and 2 are from TETRP and assumed to be evaluated in a separate environmental analysis." Please clarify that other projects, such as County projects, would be allowed to deposit sediment at the Nelson Sloan Quarry during years 1 and 2 of operations.

E-6

- Table 2-1 in the Recirculated DEIR shows sediment volumes by Phase, while the tables in Appendix A-1 show sediment volumes by year. Please clarify the durations of each phase.

E-7

- In Section 2.1, the Recirculated DEIR states, "This Environmental Impact Report (EIR) includes design plans (80%) and an Operations and Maintenance (O&M) Plan to provide guidelines and standards for interim operation of the quarry site for reclamation, landform creation, and habitat restoration including sediment placement, grading, and revegetation." However, in Section 2.4.16 the Recirculated DEIR states, "An O&M Plan would be prepared with input from the stakeholders. The O&M Plan would provide the stakeholders with sediment management responsibilities in the Tijuana River Valley a description of how the Project site is to be managed and operated as a location for the placement of sediment." Has this O&M Plan already been prepared or is this being developed currently? The County must be involved in the development of the O&M Plan as the landowner of the property and will need to approve the final O&M Plan. Any maintenance activities will be defined and agreed upon during future coordination with County DPR.

E-8

- Please revise Table 2-11, Past, Present, and Reasonably Anticipated Future Projects, to include the following updates:
 - For Project 12, Smuggler's Gulch Trash and Sediment Basin, please update the status to "Environmental review is complete and design is underway."
 - For Project 13, Temporary River Diversions to International Boundary Water Treatment Plant, please update the status to reflect that the

E-8

International Boundary Water Commission and the United States Environmental Protection Agency are leading this project.

E-9

- The haul route from the Tijuana Estuary Tidal Restoration Program II Phase I Project site to Nelson Sloan Quarry along Monument Road and Hollister Road is adjacent to the County's new Tijuana River Valley Regional Park Campground and other recreational facilities. If this is a project that moves forward and is included in the MOU to deposit sediment at the Nelson Sloan Quarry, State Parks shall coordinate with County DPR before sediment transport activities commence from this site to Nelson Sloan Quarry to ensure limited impacts to recreational users.

E-10

- P. 3.1-22 states, "Impacts to trails within TRVRP are addressed below under the heading Recreation Area. There are no segments of a County or state trail system within the viewshed of the Project site." There are approximately 22.5 miles of County trails within the TRVRP including several within the viewshed area. Please ensure a complete evaluation of trail impacts.

E-11

- On P. 3.1-22 the Recirculated DEIR states, "While trails are located atop higher elevation terrain in the Border Highlands area, including Spooner's Mesa (located over 0.85 miles west of the Project site) and ridges southwest of the TRVRP Ranger Station (located as close as 0.15 miles to the westerly limits of the Project disturbance area), scenic vistas are not identified in the TRVRP park brochure. Therefore, proposed activities would not substantially obstruct, interrupt, or detract from a designated focal or panoramic vista available within TRVRP." Just because scenic vistas aren't identified in the park brochure, does not discredit the importance of the views. The Threshold states, "Would the Project substantially obstruct, interrupt, or detract from a valued focal and/or panoramic vista..." it does not only refer to a "designated" focal or panoramic vista. Please ensure complete analysis of visual impacts to trail users.

E-12

- The segment along Dairy Mart Road is labeled as an "Unofficial Non-County trail" in Figure 3.1-8. However, this is shown as a multi-use trail on the County's TRVRP brochure. Please update.

E-13

- Table 3.2-9 shows the project duration as 15 years (2023-2037). This is not consistent with the language elsewhere in the Recirculated DEIR that states a duration of 10 years. Please ensure consistency throughout.

E-14

- P. 3.9-18 appears to contain new information, but it isn't underlined. Please ensure all new information is underlined.

E-15

- Please coordinate with the County regarding vegetation management and the Fire Management and Prevention Plan as detailed in MM-WF-1, Pre-Construction Requirements and MM-WF-2, Fire Management and Prevention Plan.

E-16

- County DPR requests that State Parks continue to consult with County DPR and continue to invite County staff to scheduled meetings, including with stakeholders and the public.

E-17

We appreciate your consideration of the above comments. If you have any questions regarding these comments, please contact Kiran Kaur, Group Program Manager, at (858) 966-1378, or via email at Kiran.Kaur@sdcounty.ca.gov.

Sincerely,

Renee Hilton
Assistant Director
County of San Diego, Department of Parks and Recreation

November 4, 2021

Nelson Sloan Quarry Resortoration EIR
C/O Lorena Warner-Lara
California State Parks/Tijuana River National Estuarine Research Reserve
301 Caspian Way Imperial Beach, California 91932-3149

Subject: City of San Diego Comments on the Draft Environmental Impact Report for Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project

Dear Ms. Warner-Lara:

The City of San Diego (City) Planning Department has received the Draft Environmental Impact Report (EIR) for the Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project (Project) prepared by the California Department of Parks and Recreation (CDPR) and distributed it to applicable City departments for review. The City has reviewed the Draft EIR and appreciates this opportunity to provide comments to CDPR.

F-1 The Project includes the end stage of the closure of the mine/quarry and will allow for government entities and their partners to place appropriate material in the Project Impact Area as part of the phased landform reclamation, creation, and habitat restoration. The City appreciates the collaboration between the state and federal and regional partners, and supports the objectives outlined in the plan, especially the restoration of habitat and improvement of water quality along the Tijuana River Valley. The City of San Diego looks forward to continuing to work closely with CDPR to implement the Project.

Sincerely,



Rebecca Malone, AICP, Environmental Policy Program Manager
Planning Department

RM/ta

cc: Reviewing Departments (via email)
Review and Comment online file

Comment Letter F1

Warner-Lara, Lorena@Parks

From: Ash-Reynolds, Tara <TAshReynolds@sandiego.gov>
Sent: Friday, November 5, 2021 9:35 AM
To: Warner-Lara, Lorena@Parks
Cc: Malone, Rebecca; Stephens, Mark
Subject: RE: Comments on DEIR Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project

You don't often get email from tashreynolds@sandiego.gov. [Learn why this is important](#)

Hi Lorena,

Please see below comment from our Stormwater department that was missing from the informal comment word document submitted yesterday:

An overarching comment is that while the California Department of Parks and Recreation is the lead agency, and permitting requirements, steps necessary to carry out the proposed project, and organizations involved are described, we would request clarification of what entity is expected to be responsible for management of the implementation process.

Thank you,

Tara Ash-Reynolds
Environmental Planner
City of San Diego
Planning Department

T: (619) 533-6492

tashreynolds@sandiego.gov

From: Ash-Reynolds, Tara
Sent: Thursday, November 4, 2021 4:54 PM
To: Lorena.Warner-Lara@parks.ca.gov
Cc: Malone, Rebecca <RMalone@sandiego.gov>; Herrmann, Myra <MHerrmann@sandiego.gov>; Stephens, Mark <MGStephens@sandiego.gov>
Subject: Comments on DEIR Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project

Hi Lorena,

I am reaching out to you with the City of San Diego's informal comments on the DEIR. I believe Becky, 'cc here, has reached out to you already regarding the informal submittal. Thank you for the opportunity to review and comment.

Thank you,

Tara Ash-Reynolds
Environmental Planner
City of San Diego
Planning Department

T: (619) 533-6492

tashreynolds@sandiego.gov

Chapter 3.4 Archaeological, Historic, and Tribal Cultural Resources

Qualified staff from the City Planning Department are working collaboratively with the California Department of Parks and Recreation (CDPR) to address any issues/concerns regarding Archaeological, Historic, and Tribal Cultural Resources associated with project implementation. We look forward to providing further feedback on issues that affect cultural resources within the City's land use jurisdiction in the Tijuana River Valley, specifically as it relates to City public infrastructure and facilities that would benefit from utilization of this Project. Due to the confidential nature of cultural resources associated with this project, the details of ongoing discussions cannot be disclosed in this comment letter but will be addressed by CDPR and their consultants in an appropriate manner in the Final EIR, as any additional comments on the draft Confidential Cultural Resources Survey Letter Report prepared by Petra Resources Management (July 2019) beyond those provided below have been provided to CDPR Cultural Staff under separate cover.

F1-3

Comments on Chapter 3.4 Archaeological, Historic, and Tribal Cultural Resources of the Draft EIR are provided below:

- **Page 3.4-11:** The discussion on this page describes archaeological site boundaries that were expanded based on the 2019 field survey conducted by Petra Resources Management (PRM) which resulted in the relocation of five previously recorded sites and several diagnostic artifacts that reinforce existing site boundaries. However, this statement conflicts with language in the letter report which states that "All five previously recorded sites, listed above, were relocated. Several diagnostic artifacts were recorded which reinforce existing site boundaries. None of the existing site boundaries were changed as they were consistent with previous recordings." This conflict between the cultural report and EIR analysis section should be verified with PRM and revised accordingly to ensure that the information for these relocated sites is accurately reflected in the archaeological record.
- **Page 3.4-17:** Please update references to the City's Historical Resources Guidelines throughout this chapter to reflect the correct date of April 30, 2001. The original document was adopted on September 28, 1999 and subsequently amended in 2000 and 2001 respectively. References to the City's Historical Resources Guidelines should reflect the most current version as amended on April 30, 2001.
- **Page 3.4-24, Section 3.4-8:** References should also be revised to reflect the most recent amendment date and not original adoption date as follows:
 - City of San Diego. ~~1997~~ 2020. San Diego Municipal Code Chapter 14: General Regulations. Article 3 Supplemental Development Regulations Division 2 Historical Resources Regulations.
 - City of San Diego. ~~1999~~ 2001. San Diego Municipal Code Land Development Code. Historical Resources Guidelines. Adopted September 28, 1999, Amended June 6, 2000, Amended April 30, 2001.

F1-4

F1-5

F1-6

Chapter 3.5 - Geology and Soils

F1-7

Based on review of the Draft EIR, the project includes analysis of potential impacts to Paleontological Resources in Chapter 3.5 - Geology and Soils that is based on review of the City's Thresholds for Significance which were updated by the City in 2016. Since that time however, amendments were made to the City's Land Development Code, incorporating requirements for implementation of a Paleontological Monitoring Program when grading would exceed the thresholds described in the General Grading Guidelines for Paleontological Resources as described in Chapter 14, Article 2, Division 1 of the City of San Diego Municipal Code (Section 142.0151). As such, this section of the IS/MND is not consistent with the City's process and requires revision.

Additionally, because the City of San Diego as a Responsible Agency pursuant to CEQA will rely on the DEIR for issuance of a Coastal Development Permit and/or Site Development Permit, as well as a ministerial grading permit, the following text is provided below to replace the current language shown as PAL-1, PAL-2, PAL-3, AND PAL-4. The full monitoring program can be retained for reference/disclosure, but will be required to be added to construction documents for the purpose of regulatory compliance and not for the purpose of mitigation under CEQA.

F1-8

PAL-1

Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first pre-construction meeting, whichever is applicable, the California Department of Parks and Recreation (Permittee) shall implement the City of San Diego's Paleontological Monitoring Program as described in Chapter 14, Article 2, Division 1 of the City of San Diego Municipal Code (Section 142.0151) Paleontological Resources Requirements for Grading Activities and the Land Development Manual - Appendix P - General Grading Guidelines For Paleontological Resources.

The need for Paleontological monitoring shall be based on the results of a site specific paleontological records search as well as information regarding existing known soil conditions (native or formation) a field survey for paleontological resources shall be conducted by a qualified paleontologist. If unique paleontologist resources are not discovered during the field survey, then excavation and/or construction activities can commence. If unique paleontological resources are discovered during excavation and/or construction activities, construction shall stop within 25 feet of the find, and the qualified paleontologist shall be consulted to determine whether the resource requires further study. The paleontologist shall make recommendations to the District to protect the discovered resources determine the appropriate methodology for the salvage and recovery of fossil resources before construction activities can continue in the area. Any paleontological resources recovered shall be provided to the South Central Coastal Information Center and permanently curated with an appropriate institution, such as, but not limited to the San Diego Natural History Museum, in accordance with industry standards, or repository willing and able to accept and house the resource to preserve for future scientific study and a final monitoring report prepared and provided to the City of San Diego for review.

3.7 Hydrology and Water Quality

F1-9

- **Page 3.7-2:** Under “Beneficial Uses and Total Maximum Daily Loads,” Combine the first two sentences to read, “Stormwater runoff is a significant contributor to local and regional pollution, and nationally.” Urban stormwater runoff should not be characterized as “unregulated.”
- **Page 3.7-4:** Under “Water Supply,” please add “Department” at the end of the first sentence.
- **Pages 3.7-26 & 27:** Under “3.7.8 References,” please add the Tijuana River Watershed Management Area Water Quality Improvement Plan.

General Comment

F1-10

- In discussions of water supply, please also note the City’s Pure Water Program, as construction has been initiated.
- A global spellcheck is recommended for the term rilling, a correction in the spelling is recommend on Pages ES-3 and 3.7-1.

Comment Letter G



San Diego County Archaeological Society, Inc.

Environmental Review Committee

23 February 2023

To: Ms. Lorena Warner-Lara
Tijuana River National Estuarine Research Reserve
California State Parks
301 Caspian Way
Imperial Beach, California 91932-3149

Subject: Recirculated Draft Environmental Impact Report
Nelson Sloan Quarry Restoration and Beneficial Use of Sediment Project

Dear Ms. Warner-Lara:

State Parks has posted for public review a revised DEIR for the subject project. Revisions include those to Section 3.4, which addresses Archaeological, Historic and Tribal Cultural Resources.

The changes to Section 3.4 and the mitigation measures accommodate input from a number of the Kumeyaay Tribes, and we concur with and support those changes and the final wording of mitigation measures MM-ARCH-1 through 4.

As stated in our letter on the previously-circulated DEIR, SDCAS appreciates the opportunity to participate in the environmental review process for this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'James W. Royle, Jr.', is written over the typed name.

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

cc: Dudek
SDCAS President
File

Comment Letter H



13 March 2023

Subject: Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project

Our organizations, all of which have been working to conserve and restore coastal wetlands and other natural habitats throughout – and beyond - southern California, support the proposed project. We have reviewed and concur with the environmental document’s assessment of potential impacts, mitigation measures, and the conclusion that it will not have significant, unmitigated impacts. More importantly, restoration of the quarry site will fulfill the quarry site’s reclamation requirements, conform to its intended (long-term) use designation, and could facilitate other habitat restoration efforts within the Tijuana River Valley.

The Project consists of the beneficial reuse of excess sediment excavated from flood control facilities and disturbed habitats in the Tijuana River Valley towards the reclamation of previously quarried slopes and restoration of the Nelson Sloan Quarry site to approximate its historic (i.e., pre-quarry operations) topography and habitat types.

More specifically, the proposed project will implement a host of necessary environmental improvements or reduce future potential impacts from surrounding (non-project) factors including but not limited to meeting these project objectives:

- Consistent with Objective 3, Strategy 1 of the Tijuana River Valley Recovery Team Five-Year Action Plan, restore the land form, ecological functions, and values of the impacted habitats on the Project site that were significantly altered by past mining activity. As proposed, the Nelson Sloan Quarry would be restored and stabilized consistent with DMR reclamation standards.
- Divert sediment from landfills and reduce emissions associated with regional haul truck trips.
- Improve water quality within the watershed and reduce public health and safety hazards associated with cross-border flows.
- Reduce opportunities for downstream erosion, run-off, and water quality impairment through stabilization of the Project site. Implement interim and permanent design features to reduce erosion and storm water runoff.
- Facilitate cost-effective habitat protection, conservation, and restoration opportunities in areas impacted by sedimentation and flooding in the Tijuana River Valley.
- Advance efforts to meet the intent of the recorded grant deed for the transfer of the property from the California Coastal Conservancy to the County; the deed states that the property must be used for habitat protection, restoration, and open space in perpetuity.
- When completed, release the existing Mine ID No. 91-37-0037 associated with Border Highlands, also known as the Border Area Borrow Pit or Nelson Sloan Quarry; City Project No. 308715 and CUP No. 497-PC.

H-1

H-2

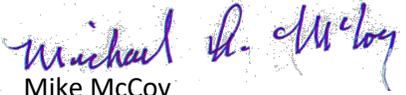
Our organizations strongly support efforts that promote enhancement of the open space lands within the river valley and, whenever practicable, that help implement habitat restoration, recreation, and public safety. In this regard, the project could significantly complement the Tijuana Estuary Tidal Restoration Program (TETRP), which was initiated in the late 1980s with the long term goal of restoring, enhancing and protecting the southern arm of the estuary. TETRP has completed its environmental review and SWIA is currently preparing to begin the final phase of design and permitting, with the goal to begin a large (84 acre) wetland restoration by 2025. The Nelson Sloan quarry restoration site provides an opportunity for beneficial reuse of sediment excavated by the TETRP marsh restoration project, as well as from flood control facilities in the Tijuana River Valley.

In conclusion, we support the quarry site restoration project and recommend that the EIR be approved and certified.

Please contact any of our organizations if you want to discuss our comments.

Sincerely,

H-3



Mike McCoy

President

Southwest Wetlands Interpretive Association



Jim Peugh

Conservation Chair

San Diego Audubon Society



Angela Kemsley

Conservation Director

Wildcoast

Comment Letter I1

From: [Touchstone, Victoria](#)
To: bbuchanan1@cox.net
Subject: Fw: [EXTERNAL] Subject: Public Comment Against-Nelson Sloan-Beneficial Reuse DEIS/EIR
Date: Monday, March 13, 2023 8:56:52 AM

Buck - I received your comment on the Nelson Sloan Recirculated DEIR - it was sent to the USFWS in error, this is not our project. Comments on the Nelson Sloan DEIR should be sent to California State Parks, see the email address below.

E-mail: SDCD.CEQA@parks.ca.gov, include "Nelson Sloan Recirculated DEIR" in the e-mail subject line

I forwarded you email to California State Parks, but you might want to also forward your comments to the email address above so they are officially included with other comments provided by the public for this project.

Victoria Touchstone
Conservation Planner
DOI Unified Regions 8 & 10
San Diego National Wildlife Refuge Complex
1080 Gunpowder Point Drive
Chula Vista, CA 91910

From: Refuge Planning Comments, FW8 <FW8PlanComments@fws.gov>
Sent: Sunday, March 12, 2023 9:22 PM
To: Touchstone, Victoria <victoria_touchstone@fws.gov>
Subject: Fwd: [EXTERNAL] Subject: Public Comment Against-Nelson Sloan-Beneficial Reuse DEIS/EIR

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From: Buck <bbuchanan1@cox.net>
Sent: Sunday, March 12, 2023 2:25 PM
To: Refuge Planning Comments, FW8 <FW8PlanComments@fws.gov>
Subject: [EXTERNAL] Subject: Public Comment Against-Nelson Sloan-Beneficial Reuse DEIS/EIR

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I1-2

I am against Nelson Sloan Beneficial Sediment Reuse project (NS-BS) project because it will damage our environment long term for many reasons. Here is a short list. 1) To bury Mexican Sewage Sludge in the USA is against the principle's of the treaty with Mexico.

Please see <http://www.sdearthtimes.com/et0694/et0694s1.html> 2) With the current rate sewage sludge accumulation, this site will only be good for 2 to 3 years. What will we do with the sewage sludge after 2-3 years? (Non Sustainable bad piecemeal environmental planning)

I1-3

3) The NS-BS project would incorporate and intentionally cover up past and present harmful environmental projects the by quasi-environmental groups, State Wildlife and the County of San Diego parks. These include Goat Canyon sediment basin(see attached picture) the Smuggler's Gulch sewage ponds, pilot channel dredging, and the destructive river project known as the Brownfield restoration project. 4) The NS-BS EIS Environmental Impact Statement describes that 450,000cy of material will come from the dredging of the South Side of Imperial Beach Estuary. This dredging project of virgin wetlands has serious downsides. (See picture). See article

http://www.imperialbeachnewsca.com/opinion/article_6e5dc7ec-fc86-11eb-beab-6b00073cf1ca.html?utm_medium=social&utm_source=email&utm_campaign=user-share It should be noticed from the attached drawing that the natural river drainage from Goat canyon sediment basin used to flow right through this area, known as the Kidney Bean Estuary. The Goat Canyon river would flush out the Kidney Bean Estuary and keep the sediment out. Because of the shortsightedness of our state environment officials they stopped the Goat Canyon river's natural flow and actually cause the sediment accumulation they now what to correct. They are replacing a natural river ecosystem with a man made system which costs more, destroys biodiversity and keeps sand from our beach. These same "quasi-environmentalists" and state officials because of their mistakes are now going to destroy another 80 acres pristine habitat on top of the destruction of 90 acres of Goat Canyon. This project resonates with the same bad habitat management practices from at least five other sites in the Tijuana River Valle by the state of California. 5)Please wake up and stop drinking the KoolAid that the Mike McCoy, SWIA, TRNNER, Cal EPA, FED EPA, State Wildlife and County Water Board are infallible. After 40 years of managing the Tijuana River Valley, Imperial Beach Estuary and the Pacific Coastline our environment is a disaster. It's one of top environmental hazard sites in the country.

I1-4

Sent from [Mail](#) for Windows

Comment Letter I2

From: [Touchstone, Victoria](#)
To: [Warner-Lara, Lorena@Parks](#)
Cc: [Yuen, Andy](#)
Subject: Fw: [EXTERNAL] Public Opposition to the TETRP DEIS/EIR
Date: Tuesday, April 25, 2023 4:10:28 PM
Attachments: [TJ River Valley EIS/EA map 2023 C4CC copy.pdf](#)

Lorena - This was also in the region 8 comments email - Although the subject line is TETRP that discussion seems to be regarding Nelson Sloane. I will put this in the TETRP file as well as a comment to the FEIS.

I2-1

Victoria Touchstone
Conservation Planner
DOI Unified Regions 8 & 10
San Diego National Wildlife Refuge Complex
1080 Gunpowder Point Drive
Chula Vista, CA 91910

From: Touchstone, Victoria <victoria_touchstone@fws.gov> on behalf of Refuge Planning Comments, FW8 <FW8PlanComments@fws.gov>
Sent: Tuesday, April 25, 2023 4:05 PM
To: Touchstone, Victoria <victoria_touchstone@fws.gov>
Subject: Fw: [EXTERNAL] Public Opposition to the TETRP DEIS/EIR

From: leonbenham@cox.net <leonbenham@cox.net>
Sent: Monday, March 13, 2023 10:39 PM
To: Refuge Planning Comments, FW8 <FW8PlanComments@fws.gov>
Subject: [EXTERNAL] Public Opposition to the TETRP DEIS/EIR

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Attention: [Lorena Warner-Lara](#)

I2-2

I am informing the State of California that I and many other South San Diego Bay citizens are against Nelson Sloan Beneficial Sediment Reuse project (NS-BS) project because it will destroy 82 acres of virgin wetland habitat in the Tijuana River Estuary Reserve. There are over a dozen reasons why this project is bad for the environment. Here is a short list.

I2-3

1) **To bury Mexican Sewage Sludge in the USA is against the principles of the treaty with Mexico.**

I2-3 Please see article in the 1994 Earth Times

<http://www.sdearthtimes.com/et0694/et0694s1.html>

2) **According to the former San Diego Sewage plant operator (retired) All San Diego County Sewage Sludge must be disposed of properly.**

I2-4 “san diego county has to truck all the sludge trucks from the wastewater plants to imperial valley for land disposal. they trucking company was caught illegally disposing of it over a decade ago.....all the scum cannot be dumped in CA and has to be trucked to arizona.....need i say more”

Why are Mexican sewage solids being buried here?

I2-5 3) **With the current rate of Mexican sewage sludge accumulation, this site will only be good for 2 to 3 years. What will we do with the sewage sludge after 2-3 years? (Non-Sustainable bad piecemeal environmental planning)**

I2-6 4) **The NS-BS project would incorporate and intentionally cover up past and present harmful environmental projects** the by quasi-environmental groups, State Wildlife and the County of San Diego parks. These include Goat Canyon sediment basin(see attached drawing) the Smuggler’s Gulch sewage ponds, pilot channel dredging, and the destructive river project known as the Brownfield restoration project.

5) **The NS-BS EIS Environmental Impact Statement describes that 450,000cy of material will come from the dredging of the South Side of Imperial Beach Estuary. This dredging project of virgin wetlands has serious downsides. (See picture). See article.**

http://www.imperialbeachnewsca.com/opinion/article_6e5dc7ec-fc86-11eb-beab-6b00073cf1ca.html?utm_medium=social&utm_source=email&utm_campaign=user-share

I2-7 It should be noticed from the attached drawing that the natural river drainage from Goat canyon sediment basin flows right through this area to be dredged) the Kidney Bean Estuary. The Goat Canyon river would flush out the Kidney Bean Estuary and keep the sediment out. Because of the shortsightedness of our state environment officials, they stopped the Goat Canyon river’s natural flow and caused the sediment accumulation they now want to correct. They are replacing a natural river ecosystem with a man-made system which costs more, destroys biodiversity and keeps sand from our beach. These same “quasi-environmentalists” and state officials because of their mistakes are now going to destroy another 80 acres pristine habitat on top of the destruction of 90 acres of Goat Canyon. This project resonates with the same bad habitat management practices from at least five other sites in the Tijuana River Valley by the state of California.

Can we get an answer from the State officials who are planning this project to ask why we are digging up 82 acres of virgin wetland with a very high level of biodiversity to bury it in a landfill.

I2-8 After 40 years of managing the Tijuana River Valley, Imperial Beach Estuary, and the Pacific Coastline our environment in Imperial Beach is a disaster. It’s one of top environmental hazard sites in the

I2-8 | country. At this point we have been led by a poorly thought out, piece meal planning that has cost millions of our tax dollar in *suspect research studies*. Today, right now, this has resulted in a river environment with standing sewage ponds, no wildlife, groundwater contamination, beach closures forever, and now the prospect of sewage sludge burial sites.

I2-9 | **We are asking our State Officials to start over.** From scratch with the basics of river management and have a *real historical characterization* of the Tijuana River Valley and Estuary. This would accurately show how the Tijuana River is supposed to work. Then implement a plan after you understand the basics of river management and demonstrate to the public that these restoration projects are valid

[Please find my comments in opposition to the 552 page Nelson Sloan Quarry Restoration and Beneficial Reuse of Sediment Project Recirculated Draft EIR \(SCH # 2019049100\)](#)

I2-10 | **Page 15. ES.1- This report fails to provide a reasonable range of alternatives. First there a temporary passive methods of sediment transport that this report fails to offer or mention. These include passive static pumping installations that have a minor impact on the environment but offer a better outcome for biodiversity of the existing habitat in comparison to standard excavation, trucking and burial. This project would destroy 82 acres of natural wetlands that now exist.**

I2-11 | **Page 17 Under Tijuana River Valley Sediment Management: The cited The Tijuana River Historical Ecology Investigation is old information and has errors on several factual points and should not be used to determine the current state of the ecological health of the Tijuana River Valley. There is no evidence that the Southern part of the estuary , South of Tijuana River Slough is experiencing excess sedimentation. The reason for excess sediment is the flow of water has been stopped by Goat Canyon Sediment Basin and Yogurt Canyon. The Tijuana River Historical Ecology Investigation does not provide the historical context or geologic processes of what kept these rivers free from sediment. The Recirculated Draft EIR (SCH # 2019049100) fails to identify scientifically or describe what geological processes cause the sediment to stop or flow normally. It is a pure assumption on the authors of this report to cite the references to the unsupported claims of the Tijuana River Historical Ecology Investigation.**

I2-12 | **Page 18. The information is inadequate. The last time river maintenance was completed it was in 1994 almost 20 years ago. Only a few hundred yards, a small percentage of the total length of the subject area. There has not been regular maintenance of the area. Please amend the report and provide dates that this maintenance was complete, scope of work, and the cost. Please rewrite this portion of the EIS to accurately describe locations of maintenance and when this was**

- 12-12 | completed. Regular users of the trail system and border field park have not witnessed any maintenance and the public infrastructure is lacking.
- 12-13 | Page 18. Please provide a better description of the Tijuana River Valley Recovery Team 2008 Plan. How does the Nelson Sloan Quarry qualify as a key project. The Tijuana River Recovery Plan is to spread water over the valley and prevents consolidation of water flows in the river. How does the Nelson and Sloan Quarry increase the transport of sediment as you claim when the Recovery Plan in fact stops sediment transport. This seems in conflict.
- 12-14 | Page 19 ES.3.3 – Project Objectives: Please describe in detail beneficial reuse. For example, much of the volume of material planned to be used is in fact sewage sludge. Not considering the toxic nature of this material for a moment, please provide an analysis of the sewage sludge from goat canyon and describe how this is suitable for backfill and compaction in a fill site. This material has a history of use in construction and has been rejected as suitable fill material. So, it is not in fact beneficial reuse for the stated purpose of fill material. The sewage sludge component, is subject to erosion, and undermining due to water flows and cannot be used for compacted fill. The Nelson and Sloan site is right below Canyon K, which has high flow of water which would undermine this area. Please amend your report and address how this unsuitable material is to be used safely in a land fill.
- 12-15 | Page 19 ES.3.3 Project Objectives- Facilitate Cost Effective Habitat Protection – Please provide a cost comparison of this plan compared to other passive uses such as static pumping devices which increase water flow and sediment transport.
- 12-16 | Page 19 ES 3.3 Project Objectives – Please provide details on the exact parcels of the mentioned recorded grant deed. Where are these lands and where are they described. Why is there not a public access requirement included.
- 12-17 | Page 19 ES.4 Mitigation Measures – The report fails to report the significant geological process that may occur at the Nelson and Sloan Quarry site. There is a large surface water source which drains through this area and the proposed burial of sewage sludge can cause significant mud flows. This mud would directly enter the Tijuana River drainage basin.
- 12-18 | Page 20 ES.6 – Summary of Project Alternative – This list of alternative project actions is inadequate description of the number of alternative possible outcomes. This approach limits the available knowledge base and ignores the very purpose of considering the Nelson Sloan site as the only solution. The amount of organic sediment required by the Nelson and Sloan site could be greatly reduced by smaller

less damaging consideration.

1 First should we be burying sewage sludge at this site. Should this material be disposed of like all other sewage sludge in San Diego County at a proper landfill. This would decrease the amount of material to be stored at the Nelson and Sloan site.

2. Second, See the attached TJ River Blocked River Map. The Nelson Sloan Site could receive less material by allowing the material to travel to the beach by increasing the rivers water flow by the proposed Tijuana River Extension also known as the pilot channel.

I2-18

Comment Letter I3

From: [Touchstone, Victoria](#)
To: [Warner-Lara, Lorena@Parks](#)
Subject: Fw: [EXTERNAL] Public Comment Against-Nelson Sloan-Beneficial Reuse DEIS/EIR
Date: Tuesday, April 25, 2023 4:07:35 PM

Sorry Lorena, I just saw this. Not sure this is new, but see below.

I3-1

Victoria Touchstone
Conservation Planner
DOI Unified Regions 8 & 10
San Diego National Wildlife Refuge Complex
1080 Gunpowder Point Drive
Chula Vista, CA 91910

From: Touchstone, Victoria <victoria_touchstone@fws.gov> on behalf of Refuge Planning Comments, FW8 <FW8PlanComments@fws.gov>
Sent: Tuesday, April 25, 2023 4:04 PM
To: Touchstone, Victoria <victoria_touchstone@fws.gov>
Subject: Fw: [EXTERNAL] Public Comment Against-Nelson Sloan-Beneficial Reuse DEIS/EIR

From: Julia Rose <julialovesyoumore@gmail.com>
Sent: Tuesday, March 21, 2023 6:44 AM
To: Refuge Planning Comments, FW8 <FW8PlanComments@fws.gov>;
Nora.vargus@sdcounty.ca.gov <Nora.vargus@sdcounty.ca.gov>; VivianMoreno@sandiego.gov <VivianMoreno@sandiego.gov>
Subject: [EXTERNAL] Public Comment Against-Nelson Sloan-Beneficial Reuse DEIS/EIR

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I3-2

As a resident of Imperial Beach I am against Nelson Sloan Beneficial Sediment Reuse project (NS-BS) project because it will damage our environment long term for many reasons. Here is a short list.

I3-3

1) To bury Mexican Sewage Sludge in the USA is against the principle's of the treaty with Mexico. Please see article in the 1994 Earth Times
<http://www.sdearthtimes.com/et0694/et0694s1.html>

I3-4

2) According to the former San Diego Sewage plant operator (retired)
“san diego county has to truck all the sludge trucks from the wastewater plants to imperial valley for land disposal. they trucking company was caught illegally disposing of it over a decade ago.....all the scum cannot be dumped in CA and has to be trucked to arizona.....need i say more”

- 13-4 | Why is Mexican sewage solids being buried here?
- 13-5 | 3) With the current rate of Mexican sewage sludge accumulation, this site will only be good for 2 to 3 years. What will we do with the sewage sludge after 2-3 years? (Non Sustainable bad piecemeal environmental planning)
- 13-6 | 4) The NS-BS project would incorporate and intentionally cover up past and present harmful environmental projects the by quasi-environmental groups, State Wildlife and the County of San Diego parks. These include Goat Canyon sediment basin(see attached drawing) the Smuggler's Gulch sewage ponds, pilot channel dredging, and the destructive river project known as the Brownfield restoration project.
- 5) The NS-BS EIS Environmental Impact Statement describes that 450,000cy of material will come from the dredging of the South Side of Imperial Beach Estuary. This dredging project of virgin wetlands has serious downsides. (See picture). See article http://www.imperialbeachnewsca.com/opinion/article_6e5dc7ec-fc86-11eb-beab-6b00073cf1ca.html?utm_medium=social&utm_source=email&utm_campaign=user-share
- 13-7 | It should be noticed from the attached drawing that the natural river drainage from Goat canyon sediment basin flows right through this area to be dredged) the Kidney Bean Estuary. The Goat Canyon river would flush out the Kidney Bean Estuary and keep the seidiment out. Because of the shortsightedness of our state environment officials they stopped the Goat Canyon river's natural flow and actually caused the sediment accumulation they now what to correct. They are replacing a natural river ecosystem with a man made system which costs more, destroys biodiversity and keeps sand from our beach. These same "quasi-environmentalists" and state officials because of their mistakes are now going to destroy another 80 acres pristine habitat on top of the destruction of 90 acres of Goat Canyon. This project resonates with the same bad habitat management practices from at least five other sites in the Tijuana River Valley by the state of California.
- Can we get an answer to why we digging up 82 acres of virgin wetland with a very high level of biodiversity to bury it in a landfill.
- After 40 years of managing the Tijuana River Valley, Imperial Beach Estuary and the Pacific Coastline our environment in Imperial Beach is a disaster. It's one of top environmental hazard sites in the country.
- 13-8 | We are asking our State Officials to start over. From scratch with the basics of river management and have a real historical characterization of the Tijuana River Valley and Estuary. This would accurately show how the Tijuana River is suppose to work.
- At this point we have been led by a poorly thought out, piece meal planning that has cost millions of our tax dollars and have resulted in an environment with sewage ponds and sewage sludge burial sites

Comment Letter J

From: Chris Helmer <chelmer@imperialbeachca.gov>
Sent: Monday, March 13, 2023 11:47 AM
To: CEQA, SDCD@Parks <SDCD.CEQA@parks.ca.gov>
Cc: Warner-Lara, Lorena@Parks <Lorena.Warner-Lara@parks.ca.gov>
Subject: Nelson Sloan Recirculated DEIR

Dear recipient,

- J-1 | The purpose of this email is to provide the City of Imperial Beach's comments on the draft EIR for the Nelson Sloan project. Although the quarry falls outside the City's jurisdictional boundary, we remain interested in the success of sediment management activities and the use of suitable materials for the landform reclamation of the old quarry site.
- J-2 | Recently, the City of Imperial Beach completed the Tijuana River Valley Sediment Management Work Plan in March 2023, which identifies management actions consistent with the drafted EIR for the proposed project. This plan was developed in partnership with stakeholders in the watershed, including California State Parks, and aims to streamline project permitting, reduce costs, and utilize the beneficial reuse of materials within the River Valley and beach. The Nelson Sloan quarry is identified as one of the essential sediment placement pathways for the beneficial reuse of material excavated from the River Valley.
- J-3 | We expect California State Parks to utilize the Tijuana River Valley Sediment Management Work Plan and expedite the permitting of projects to maximize the beneficial reuse of material. The implementation of the Nelson Sloan quarry project will benefit the implementation of all other projects in the planning phase in the River Valley. It is our hope that the success and lessons learned from the many years working on Nelson Sloan will be applied to the rest of the projects in the River Valley, motivating other agencies in the watershed to overcome permitting and jurisdictional issues that often hold up project implementation.
- J-4 | Overall, we believe that there are numerous sediment management activities that will benefit from the implementation of the Nelson Sloan quarry project. We hope that California State Parks will proceed expeditiously and continue to lead the State of California in the larger clean-up and restoration efforts in the River Valley. The successful and timely implementation of the Nelson Sloan project will also help bring additional pollution control projects forward, which are critical to stopping the continuous flow of transboundary pollution.

Thank you for your attention to these matters.

Best regards,
Chris



Chris Helmer, Environmental and Natural Resources Director
City of Imperial Beach
825 Imperial Beach Blvd.
Imperial Beach, CA 91932

(619) 628-1370 direct |
chelmer@imperialbeachca.gov | www.ImperialBeachCA.gov



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