

PUBLIC COMMENTS RECEIVED POST-COMMENT PERIOD

A draft version of the Buena Vista Lagoon Enhancement Project EIR (DEIR) was circulated for a 55-day public review from July 18, 2015 to September 1, 2015. Public comments were received on the DEIR and published in the Final EIR (FEIR) (see Appendix P of the FEIR). The FEIR is available at:
http://www.keepsandiegomoving.com/buena_vista_lagoon_docs.aspx.

Following release of the FEIR, but prior to the SANDAG Board of Directors hearing on the project, additional comments were received. SANDAG accepted those comment letters that were received outside of the comment period and responded to each comment in a manner similar to those received on the DEIR.

The following is a list of the persons, organizations, and public agencies that commented after the end of the public review period through October 5, 2018. These comments are labeled with “P” at the start of their Comment ID number to indicate the comment was received after the 55-day comment period on the DEIR or Post Comment Period. All correspondence will be made available to the SANDAG Board of Directors as part of the administrative record.

Comment #	Name	Date Received
P1	City of Carlsbad	November 13, 2017
P2	Jennifer Shear	January 8, 2018
P3	Fred Schwarzenbach	January 17, 2018
P4	Mary Alexander	January 17, 2018
P5	John Levy	January 20, 2018
P6	Scott Sterling	January 22, 2018
P7	Winslow Reitnouer	January 23, 2018
P8	Sarah Preston	January 23, 2018
P9	Rosemary Simmons	January 23, 2018
P10	Mike McGilvary	January 23, 2018
P11	Daniel Muhe	January 23, 2018
P12	Michael Jones	January 23, 2018
P13	John Barry McGrath	January 23, 2018

Comment #	Name	Date Received
P14	Gabriela M. Torres, Resolve Legal Solutions	January 23, 2019
P15	Save the Fresh Water Buena Vista Lagoon Association	January 23, 2018
P16	Henry Reed	January 24, 2018
P17	Dick and Bonnie Holt	January 24, 2018
P18	Dorothy Mattiesen	January 24, 2018
P19	Gregory Stone	January 24, 2018
P20	Great Ecology	January 24, 2018
P21	Adam Firestone	January 24, 2018
P22	Marne Evans	January 24, 2018
P23	John Reitnouer	January 24, 2018
P24	John Rouse	January 24, 2018
P25	Jeannie Vaughn	January 24, 2018
P26	William Jones	January 24, 2018
P27	Linda Chandler	January 24, 2018
P28	Tom and Linda Evans	January 24, 2018
P29	Ashley J. Guerra	January 24, 2018
P30	Deborah Stern	January 24, 2018
P31	John Tenaglia	January 24, 2018
P32	Chris Watson	January 24, 2018
P33	Barbara and Dennis Metzler	January 24, 2018
P34	Paul Crowley	January 24, 2018
P35	Susi and Peter Browne	January 24, 2018
P36	Clark Wardle	January 24, 2018
P37	Lori Ball-Koenigsfeld	January 24, 2018
P38	Sushma Adarkar	January 24, 2018
P39	John McCarty	January 24, 2018
P40	Jamie Zapata	January 24, 2018
P41	Paula and Clay Alexander	January 24, 2018
P42	Liesel Reinisch	January 24, 2018
P43	Greg Simmons	January 24, 2018
P44	Otis Booth III	January 24, 2018
P45	William Carroll	January 24, 2018
P46	Batiquitos Lagoon Foundation	January 24, 2018
P47	Blaine Fetter	January 24, 2018
P48	George Corey	January 24, 2018
P49	Gary Nessim	January 25, 2018

Comment #	Name	Date Received
P50	Kathy Kinane	January 26, 2018
P51	Marcia Terry	January 25, 2018
P52	Clinton Muhe	February 1, 2018
P53	Richard Taubman	February 4, 2018
P54	Jacinta Jones	February 1, 2018
P55	Paul Alanis	January 19, 2018
P56	Jan Rolston	February 5, 2018
P57	Natalie Shapiro	February 6, 2018
P58	Coastal Environmental Rights Foundation	February 7, 2018
P59	Preserve Calavera	February 7, 2018
P60	Derrick Jones	February 9, 2018
P61	North County Advocates	February 13, 2018
P62	Buena Vista Audubon Society, Andrew Mauro	February 19, 2018
P63	Allan J. Wanamaker	February 21, 2018
P64	Barbara R. Wanamaker	February 21, 2018
P65	Sally Rorick-Orlando	March 12, 2018
P66	City of Oceanside	March 16, 2018
P67	California Coastal Commission	March 20, 2018
P68	Sierra Club, North County Coastal Group	March 22, 2018
P69	Buena Vista Audubon Society, Dennis Huckabay	March 25, 2018
P70	League of Women Voters	March 28, 2018
P71	Gloria Carranza	April 23, 2018
P72	Ziv Ran	April 23, 2018
P73	Annabella Griffo	April 23, 2018
P74	James Gates	April 23, 2018
P75	Craig Smith	April 23, 2018
P76	Roberta Malaman	April 23, 2018
P77	Sam Lauber	April 24, 2018
P78	James Gates	April 27, 2018
P79	Richard Taubman	April 27, 2018
P80	Cathy Scholl	May 7, 2018
P81	James Gates	May 9, 2018
P82	Bob and Sharon Sergeant	June 12, 2018
P83	Shirley Garner	June 13, 2018
P84	Frank Gorman	June 29, 2018
P85	R.Q. Shupe	July 5, 2018

Comment #	Name	Date Received
P86	Dave Leonhart	July 9, 2018
P87	Michael and Kimberly Walter	July 9, 2018
P88	Maureen Goerlitz	July 11, 2018
P89	Rebecca Yeomans	July 11, 2018
P90	Allan and Barbara Wanamaker	July 3, 2018
P91	Allan and Barbara Wanamaker	July 8, 2018
P92	Jennifer Shear	July 12, 2018
P93	Lisa Amantea	July 12, 2018
P94	Alex Jubb	July 13, 2018
P95	Max Jara	July 22, 2018
P96	Mark Anderson	July 21, 2018
P97	Mike McMahon	July 21, 2018
P98	Michael and Minna Riber	July 21, 2018
P99	Andre Viripaeff	August 1, 2018
P100	Lyndsay Viripaeff	July 30, 2018
P101	Jan Nelson	July 27, 2018
P102	Buena Vista Lagoon Foundation, Ron Wootton	January 22, 2018
P103	Stephanie Krzyzopowski	July 30, 2018
P104	unknown	February 28, 2017
P105	Helen Bourne	August 20, 2018
P106	Jane Shriver	August 27, 2018
P107	Patrick Hickey	August 27, 2018
P108	Susan Work	August 28, 2018
P109	Patti Koger	August 28, 2018
P110	Barbara and David Mathis	August 30, 2018
P111	Meg Beauchamp	September 17, 2018
P112	Satish Menon	September 17, 2018
P113	Diane Rivera	September 17, 2018
P114	Sylvia Caruthers	September 18, 2018
P115	Mike and Nancy West	September 17, 2018
P116	Sandra McMullen	September 24, 2018
P117	Cathy Pautz	September 27, 2018
P118	Los Penasquitos Lagoon Foundation, Mike Hastings	October 5, 2018



November 13, 2017

San Diego Association of Governments
Kim Kawada, Chief Deputy Executive Director
401 B Street, Suite 800
San Diego, CA 92101

Dear Ms. Kawada,

The City of Carlsbad is pleased to encourage and support the SANDAG Board of Directors in approving the saltwater alternative as the proposed project for the enhancement of the Buena Vista Lagoon.

The proposed project will effectively reverse the ecological decline of this vital natural resource while reducing flood risks and improving water quality. The project will provide enhanced habitat for endangered species while diminishing the lagoon's suitability as a breeding grounds for mosquitos.

Finally, the project's consistency with the North Coast Corridor Public Works Plan and eligibility for use as mitigation for regional transportation infrastructure projects make the saltwater alternative the best option for realizing the significant environmental benefits this project will bring to Carlsbad and the greater San Diego region.

We thank you for your consideration and leadership in advancing this important project.

Sincerely,

Matt Hall
Mayor

City of Carlsbad City Council
City Hall 1200 Carlsbad Village Drive | Carlsbad, CA 92008 | 760-434-2820 t

BUENA VISTA LAGOON RESPONSE TO COMMENTS

LETTER 1 CARLSBAD CITY COUNCIL

- P1-1 The comment expresses the City of Carlsbad's support for implementation of the Saltwater Alternative.

P1-1

**LETTER 2
JENNIFER SHEAR**

From: [Jennifer Shear](#)
Subject: PLEASE LEAVE THE BUENA VISTA LAGOON AS IS
Date: Monday, January 08, 2018 6:34:41 PM
Attachments: [IMG_3999.JPG](#)
[IMG_2876.JPG](#)
[IMG_3733.JPG](#)
[IMG_2372.JPG](#)
[IMG_3827.JPG](#)
[IMG_2320.JPG](#)

To Whom it May Concern:

PLEASE LEAVE THE BUENA VISTA LAGOON AS IS – a beautiful and scenic freshwater landmark in Carlsbad.

Ever since moving to Carlsbad 2 years ago, I've seen nothing but advertisements of Carlsbad as a place of beauty. On mailings, on social media, on websites, on real estate listings, etc.. This is one of the main reasons I moved here from the midwest. In choosing to live here, I wanted to live in a place with the BEST VIEW possible for my budget. I chose to buy in The Sanctuary – located at 2399 Jefferson Street in Carlsbad. **My condo sits directly on the Buena Vista Lagoon.**

Beauty and serenity are abundant right in my backyard. Please see the attached photos of my view from my back balcony. **WHY WOULD ANYONE WANT TO TAKE AWAY SUCH STUNNING BEAUTY???** **If you lived on the lagoon, would you want this taken away??** This is what Carlsbad is all about – beauty.

If the Lagoon is switched to a saltwater body of water, our **AMAZING sunset reflections will disappear** because saltwater will not reflect these vibrant and stunning sunsets. **I'm certain that if you lived here, you wouldn't want to lose these amazingly gorgeous views.**

If the Lagoon is switched to saltwater, at low tides, the water will not even fill up the area – leaving an **UGLY muddy empty eyesore**. Why would anyone want that? **I'm certain you wouldn't want that in your back yard.**

If the Lagoon is switched to saltwater, the lovely wildlife in the lagoon will be forced to go away – there are currently daily sightings of cute duck families, regal egrets, and other happy animals. **Leave them be.**

If the Lagoon is switched to saltwater, our **PROPERTY VALUES WILL DROP DRASTICALLY!** The stunning full freshwater lagoon, the amazing reflective sunsets & wildlife are a HUGE selling point to our location. Nobody wants their view to be a muddy, mucky, half-full or empty hole in the ground. Nobody wants their property

- P2-1 The comment requests the lagoon be left as is. The comment describes the resident's opinion of the high scenic quality and includes photo images. Please see Master Response #1 in the FEIR regarding alternative selection.
- P2-2 The comment expresses the opinion that mudflats are not visually pleasing. Visual impacts, including those associated with low tide conditions, are described in EIR Section 3.9 along with visual simulations of future conditions.
- P2-3 Wildlife impacts are described in EIR Section 3.5.3. As described in the EIR, some wildlife species would continue to utilize the lagoon under saltwater conditions and some species would not persist in the saline environment. As described in Response to Comment 12-15 in the FEIR, it is anticipated that an increased range of species could be supported in the more diverse habitat distribution that would result from the Saltwater Alternative.
- P2-4 Private property values and purely socioeconomic effects are outside the scope of the EIR, which addresses the physical effects on the environment. However, SANDAG appreciates the comments of the stakeholders in the vicinity and this comment will be part of the administrative record and presented to the SANDAG Board of Directors prior to taking action on the project.

P2-1

P2-2

P2-3

P2-4

values to drop. I'm certain you wouldn't want your property value to drop drastically.

PLEASE LISTEN TO YOUR CONSTITUENTS – We DO NOT want our beautiful Lagoon changed to saltwater. PLEASE LEAVE IT AS IS! It is what's best for the City of Carlsbad and its residents.

Again – take a look at our views. You wouldn't want these taken from you – and neither do we.

I URGE YOU TO PLEASE LEAVE THE LAGOON AS IS!

Thank you for your time,

Jennifer Shear

2399 Jefferson St #10

Carlsbad, CA 92008



P2-4
cont

P2-5

P2-5

The comment provides closing statements and expresses opposition to a saltwater alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.













LETTER 3
FRED SCHWARZENBACH

From: Fred Schwarzenbach <f.schwarzenbach@sbcglobal.net>
Date: January 17, 2018 at 11:58:12 AM HST
To: "tessa.lero@sandag.org" <tessa.lero@sandag.org>
Subject: Buena Vista Lagoon EIR
Reply-To: Fred Schwarzenbach <f.schwarzenbach@sbcglobal.net>

Please submit these comments to the Mayors prior to the January 26 2018 hearing.

Gentlemen,

As a Oceanside homeowner located on the Buena Vista lagoon I strongly support the EIR's recommendation for the Salt Water alternative as the best plan for the lagoon's restoration. My reasons for supporting this alternative is that when compared to the alternatives it will provide the greatest benefit to water quality and biological resources, reduces flooding impacts the most and provides the greatest impact on reducing the mosquito population.

I strongly urge the SANDAG Board to accept the recommendation of staff, certify the Final EIR, and move forward on seeking funding for this vital project so that it doesn't get relegated to the back shelf.

Sincerely,
Frederick Schwarzenbach
#15 Saint Malo Beach
Oceanside CA 92054

P3-1 This comment expresses support for the Saltwater Alternative and provides multiple reasons for support of this alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P3-1

**LETTER 4
MARY ALEXANDER**

From: Mary Alexander <alexmj@earthlink.net>
Date: January 17, 2018 at 12:26:51 PM HST
To: <tessa.lero@sandag.org>
Subject: Environmental Hearing regarding Buena Vista Lagoon

Please share this with all the Mayors prior to meeting on January 26, 2018

To whom It May Concern:

I would like to go on record as being vehemently against making the Lagoon a future salt water lagoon. My family owns a home in St Malo and we are predominately concerned with the public safety and flooding issues in the future.

1. The potential **flooding** of our home: with increased tidal flow it's more likely to happen in the future.
2. The **security risks** we will incur from both potential pedestrian bridges and the low tide mud flats that will allow people to walk all around the edges of the lagoon and approach our home from a multitude spots.
3. The concern that if there is a channel dug out to allow for tidal flowing, the mouth of the lagoon at the oceanfront will be impassable 38% of the time. **This potential rushing water would be extremely dangerous.** We have great concern for public safety as well as our own.

Please consider carefully all the ramifications of this very important decision. I beg you to look at the issue from all sides and proceed with caution.

Very truly yours,

Mary Alexander, 6A St Malo Beach, Oceanside, CA

- P4-1 The comment provides introductory statements and expresses opposition to the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P4-2 The comment expresses concern about flooding in the vicinity of the lagoon. As shown in Table 3.2-1 of the EIR, maximum flood elevations were calculated for each alternative. As described in Chapter 4, each of the alternatives would reduce flood elevations in the lagoon compared to existing conditions and in turn reduce flood impacts compared to existing conditions. The Saltwater Alternative would result in the lowest flood elevations of the three alternatives under all modeled storm scenarios.
- P4-3 As described in Response to Comment 12-46 in the FEIR, implementation of the Saltwater Alternative would not substantially change access along existing private homes.
- P4-4 The EIR acknowledges that implementation of the Saltwater and Hybrid Alternatives would result in a significant impact to lateral access along the beach due to creation of a new inlet. The pedestrian bridge identified in Mitigation Measure Land Use-1 would mitigate the lateral access impact, but the new inlet would periodically create a new safety threat to recreational users and the impact would be significant.
- P4-5 The comment provides closing statements. All written comments and documentation will be added to the administrative record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

**LETTER 5
JOHN LEVY**

From: John Levy [<mailto:levylandnz@gmail.com>]
Sent: Saturday, January 20, 2018 11:56 PM
To: Lero, Tessa <Tessa.Lero@sandag.org>
Subject: Certification of Buena Vista Lagoon EIR

Would you please send this to all applicable mayors voting on this measure:

Good Morning Mayors,

I am the owner of the property commonly referred to as Levyland. Located at 2401 Mountain View Drive, which is just to the East of the Buena Vista Lagoon (BVL) Weir on the Western cell of the lagoon.

I would like to express my opposition in certifying the EIR as a salt water flushing lagoon.

I have owned properties on the Buena Vista Lagoon for over 30 years and have been extensively involved with the respective restoration efforts.

Over ten years ago, in a series of meetings with the responsible State, Local and Federal resource agencies advocating the respective mitigation schemes, the property owners of the Western Cell of BVL, have unequivocally opposed a salt water flushing regime.

The reasons:

- 1) Inadequate, unsubstantiated hydrology studies
- 2) The on going threat of flooding to our properties due to king tides and global warming
- 3) The North/South arterial access bridge obstructing our views to the Ocean. The inherent liability issues for the property owners with the public trespassing onto private property.

The fact of the matter is the BVL sits at an elevation of over five feet above sea level and has never been a salt water flushing lagoon. The weir, which was legally permitted, created both a buffer against tidal incursion into the Western cell, and also maintained a guaranteed water level in all of the cells year round.

As you know the Western cell of the BVL and the weir are privately owned.

All adjacent Western Cell property owners are extremely supportive of restorative efforts, however we have always expressed united opposition to a salt water flushing regime.

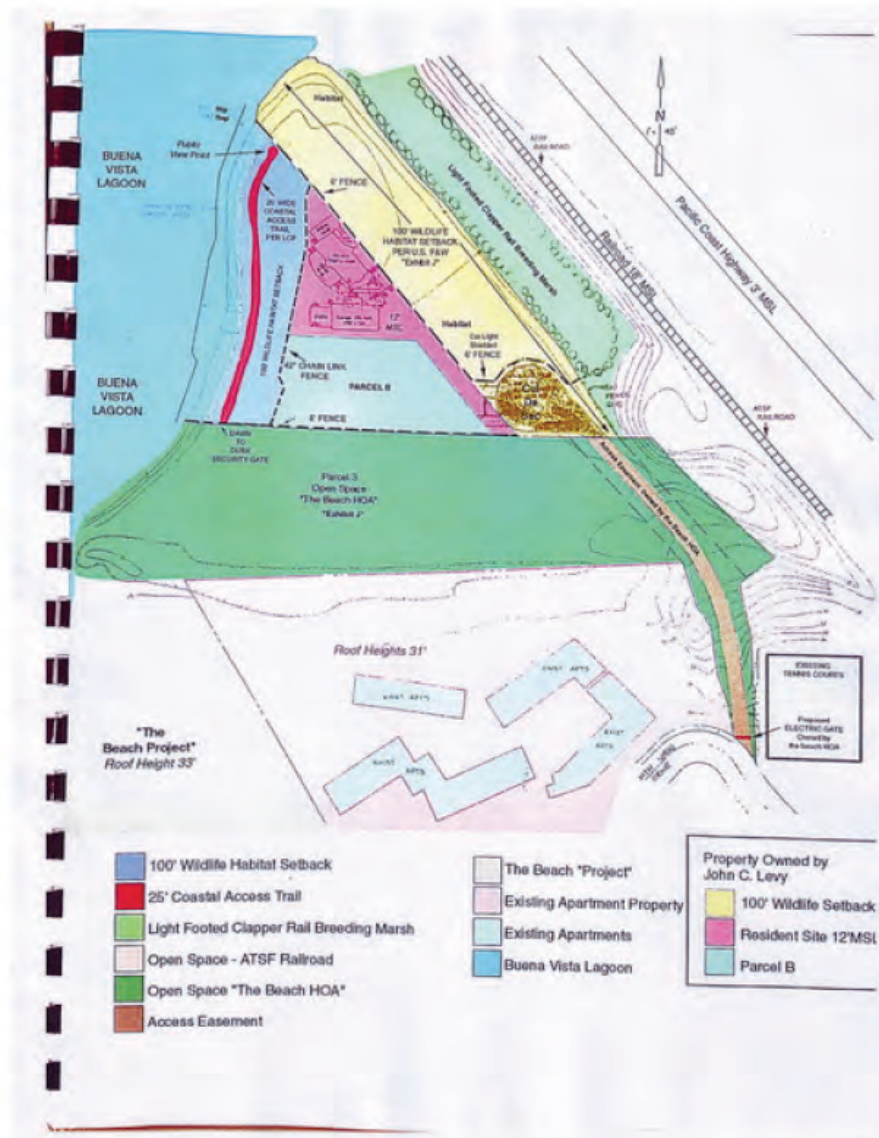
At the end of the day, any restorative regime will require the support of the Western Cell stakeholders. The resource agencies have known all along that salt water flushing was not option. Despite this they continue to advocate it.

I strongly urge that you do not certify the EIR before you, and that we work collectively to bring a restoration plan that addresses the needs of all stakeholders.

I have attached a plot map and a history of the BVL for your review.

Respectfully,
John C. Levy Jr

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|------|---|
| P5-1 | The comment provides introductory statements. SANDAG acknowledges the request to not certify the FEIR and the opposition to the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project. |
| P5-2 | The comment does not state why the hydrology studies are inadequate. SANDAG believes the hydrology studies prepared by coastal engineers are based on appropriate science and provide conclusive results used in the EIR analysis. Hydraulic studies are referenced and appended to the EIR. |
| P5-3 | Please see Response to Comment P2-4 regarding flooding. Analysis of flooding in the EIR considered both tidal and global climate change influences, see EIR Sections 3.2 and 3.12. |
| P5-4 | As described in Section 3.9, Visual Resources, the bridge proposed in Mitigation Measure Land Use-1 was determined to result in a significant visual impact because of the public expectation of open views in the vicinity of the lagoon as currently exist. SANDAG acknowledges the commenter's point that the pedestrian bridge can be well designed to be aesthetically pleasing, but this still would not alter the substantial contrast of a bridge structure where open views exist today. |
| P5-5 | The liability of property owners as a result of this bridge is not analyzed under CEQA and is not addressed as an environmental issue in this EIR. Also see Master Response #2 in the FEIR regarding private property. |
| P5-5 | This comment provides information regarding the existing weir (including attachment with historical information). Please see Master Response #5 regarding historical lagoon ecology. |
| P5-6 | Please see Master Response #2 in the FEIR regarding private property. |
| P5-7 | SANDAG acknowledges the request to not certify the FEIR and the commenter's opposition to the Saltwater Alternative. |



OFFICIAL
CALIFORNIA DEPARTMENT OF
FISH AND GAME

CHRONOLOGY OF BUENA VISTA LAGOON

A summary of important dates compiled from Department of Fish and Game records in Long Beach and from a proposal for a Buena Vista Lagoon State Park prepared early in 1966 by the Buena Vista Lagoon State Park Committee of Carlsbad and Oceanside.

- 1762 The first record of the lagoon is found in the diary of Fr. Juan Crespit who accompanied Don Gaspar de Portola on his military mission from San Diego to Monterey:

"Monday, July 17th - At three in the afternoon we left the camp (now Batiquitos Lagoon), following the valley in a continued direction . . . (After crossing Agua Medianda Creek) we continued on our way in the same northerly direction, over hills and broad mesas supplied with good pasture, and after about one more league's travel we descended to a small, very green valley, which has a narrow plain some fifty varas wide. We pitched camp on the slope of the valley on the west side. The water is collected in pools, and we noticed that it flowed out of several springs, forming about it marshes, or stagnant pools, covered with rushes and grass. We named this place Santa Sintrosa (now Buena Vista Creek and Lagoon)."

- 1939 A young Carlsbad resident, Maxton Brown, later killed during World War II, secured the support of 135 organizations in Carlsbad, Encinitas, Oceanside and Vista in obtaining a county ordinance that prohibited shooting around the lagoon, thus, in effect, making it a bird sanctuary.

The Buena Vista Lagoon Association was formed by property owners adjacent to the lagoon. The association provided financial support for the sanctuary and erected signs for tourist information.

- 1940 Property owners around the lagoon and other interested citizens installed water pipes and flood control gates to regulate the water level in the lagoon, thus assuring a year-round water supply.

- 1950's The Buena Vista Lagoon Association had acquired approximately 85 acres of submerged land in the lagoon and successfully assured the continuance of the area as a stopping point for migrating birds and as a haven for those that remained throughout the year.

- 1961 The Buena Vista Lagoon Association conveyed title to 81.70 acres of lagoon property to The Nature Conservancy, a nationwide, nonprofit conservation organization dedicated to the preservation of vanishing natural lands. The Nature Conservancy then joined the Association in efforts to save the remaining portions of the lagoon.

- 1962 The Bird Island Development Corporation submitted a proposal to the City of Oceanside to fill and develop areas in the lagoon. Local citizens and conservation groups opposed the project. The Department of Fish and Game requested the city to maintain the lagoon as a unique wildlife area.

- 1965-67 The Association, Conservancy and the cities of Oceanside and Carlsbad proposed that the State Department of Parks and Recreation acquire the lagoon. A Buena Vista Lagoon State Park Committee was formed. Hundreds of letters and petitions requested the state to develop a state park. In February, 1966, House Resolution No. 10 by Assemblyman Hale Ashcraft authorized the Department of Parks and Recreation to make a feasibility study. The study was completed in December, 1966. It recommended that the lagoon be included in the park system, but there were not sufficient funds in the Park Land Act of 1964 to acquire the land.

- 1967 By this time the discharge of effluent and industrial waste into the lagoon has ceased. Drainage from agricultural land and Buena Vista Creek had become the main source of water for the lagoon. Maintaining a satisfactory water level during drought years became a problem.

In November the Buena Vista Lagoon Committee made up of city officials, Nature Conservancy and citizens met with the Department of Fish and Game and reviewed the status of the lagoon - water requirements, tax status, cleanup and maintenance of the area, ordinances and the filling of marsh land west of Jefferson Street. San Diego County's Preliminary Regional General Plan listed the lagoon as a regional park.

On November 28 the Department of Fish and Game accepted recommendations from its Southern California office in Long Beach that an acquisition program begin and that the Department accept Nature Conservancy property.

- 1968 On April 26 the Fish and Game Commission authorized the Department to lease approximately 80 acres of land and water owned by The Nature Conservancy, with lease payments applied toward purchase.

In May the Department began discussions with the Division of Highways to modify its design of Interstate 5 or mitigate for any loss of marsh habitat.

On August 9 Dr. Roy Palmeter called a meeting of the Buena Vista Lagoon Association to discuss a proposed subdivision called Lake St. Malo Unit No. 1, that would have filled 18 acres of the lagoon. A subdivision map was scheduled to be presented to the Oceanside Planning Commission for approval. Fish and Game representatives and Richard Vanek, Administrative Assistant to Assemblyman John Stull, attended the meeting. (Assemblyman Stull's Ecological Reserve Bill was being considered at this time in the state Legislature.)

On August 19 the Oceanside Planning Commission met to consider the sub-division map for Lake Saint Malo, Unit No. 1. The developers argued for acceptance of the plan, and the Association, Conservancy and Department of Fish and Game argued for retention of the lagoon as a natural area. The matter was continued until September 3, 1968.

On August 30 the Buena Vista Lagoon Association and Department met with the Lake Shore Developers for discussion of the project.

On September 17 the Oceanside City Planning Commission met to consider the subdivision map. Approximately 200 people appeared; most opposed to development. The Carlsbad Journal had published editorials recommending against the development and a representative from the National Audubon Society testified in opposition. The Planning Commission denied the subdivision map on grounds it did not meet all necessary restrictions.

On August 22 the Department of Fish and Game requested the Fish and Game Commission to classify Nature Conservancy land as an Ecological Reserve, pending effective date of legislation introduced by John Stull, then an assemblyman. Assembly Bill 1660 was passed by the Legislature and became law late in 1968.

The Wildlife Conservation Board began negotiations in October to acquire 80 acres of land owned by Palomar Savings and Loan. This was land which was to have been filled and built upon by Lake Shore Developers.

On October 4 the California Fish and Game Commission classified part of the lagoon as an ecological reserve. This became effective November 13, 1968. It was the state's first ecological reserve.

In October owners of lagoon property known as Buena Vista, Ltd., expressed interest in selling their land (33 acres) to the state.

1969 In April the Wildlife Conservation Board and Federal Bureau of Outdoor Recreation representatives inspected the lagoon in anticipation of acquisition of the Palomar Savings and Loan property. The Federal Bureau of Outdoor Recreation would supply matching funds from its Land and Water Conservation Fund.

On June 2 the Wildlife Conservation Board purchased 60 acres of the Palomar Savings and Loan property in the middle section of the lagoon.

In July the City of Carlsbad notified the Department that the water control structure had been washed out during the winter floods of 1969. A new structure was necessary. Negotiations with various landowners began. A solution was needed to finance a new water control.

In August the Oceanside Planning Commission met regarding rezoning of the land owned by Buena Vista, Ltd. Two hundred and fifty protesters filled the city hall. The Planning Commission voted to rezone the area and permit possible development.

In November the Oceanside City Council overruled the Planning Commission.

On December 10 Henry J. Tenaglia presented a statement to the Oceanside City Council that led to solution of the reconstruction of the water control structure on the lagoon. The Nature Conservancy and the two cities raised \$19,941 to construct the weir, and the owners of the Army and Navy Academy and St. Malo dedicated in fee or grant an 80-foot easement from the mouth of the lagoon to the train tracks which totaled two acres of valuable land. This action assisted the Wildlife Conservation Board in continuing its acquisition program.

1970 On January 9 the California Fish and Game Commission classified 60 more acres of the lagoon as an ecological reserve. This was the St. Malo Development Company land that the Wildlife Conservation Board acquired from Palomar Savings and Loan.

In February the City of Oceanside issued a grading permit to allow filling of a northeast section of the lagoon. The city had no choice but to issue the permit. Conservation groups again protested any development.

1971 No major changes occurred. Various land projects were examined and negotiations involving various agencies continued. The water level in the lagoon was a concern during the summer of 1971.

1972 Early this year land fills were made in the marsh area northeast of Jefferson Street and southwest of the train tracks. The Department of Fish and Game took legal action to stop the fill and required landowners to comply with Fish and Game laws.

Improvements were made on Jefferson Road along with the major highway development on Route 78. With increased development northeast of Jefferson more marsh property was filled for construction of a shopping center. In all about 100 acres of valuable habitat were lost.

In April the Wildlife Conservation Board contacted Bernard Citron for discussion of acquisition of his property in the north-east end of the lagoon.

The Department of Fish and Game sought ways for property owners to mitigate for a portion of marsh area that was filled east of Jefferson Road and a small area filled by the State Division of Highways. The concept of placing small bird islands in the lagoon was refined from a suggestion first put forth by the Buena Vista Lagoon State Park Committee. Check wells were to be located in the remaining water channel entering the lagoon.

The Association, Nature Conservancy, the two cities were contacted regarding an overall management plan for the lagoon.

On December 20 the Wildlife Conservation Board purchased 23 acres of the north end of the lagoon west of Jefferson. The property owner also paid \$25,000 for development of 3.5 acres of marsh islands in settlement of a state suit for filling a marsh area east of Jefferson Street.

1973 On January 9 the Wildlife Conservation Board purchased 33 acres of Buena Vista, Ltd., property adjacent to Conservancy property at the north end of the lagoon.

In May the two cities met with the Department of Fish and Game regarding management coordination. The cities were to provide trash containers and help keep the lagoon clean. The Department was to post the area.

1974 In July The Nature Conservancy deeded 74 acres of its land over to the Wildlife Conservation Board. This significant gift was appraised at \$482,000 and made up 39 percent of the Ecological Reserve. This completed the current acquisition program of the Wildlife Conservation Board. A total of 190 acres is under State Department of Fish and Game control. The Wildlife Conservation Board has paid \$788,500 for lagoon property. The Bureau of Outdoor Recreation in matching funds from the Federal Land and Water Conservation Fund provided \$652,926 to the Wildlife Conservation Board as its part in preserving Buena Vista Lagoon.

In December the Department of Fish and Game began management of the lagoon and development of a long-term plan.

1975 In February the Department of Fish and Game examined methods to control water level in the lagoon plus possible pollution problems. State and local health departments were to conduct larvae and adult midge surveillance.

On May 30 the Fish and Game Commission classified the last 110 acres as an Ecological Reserve. The Buena Vista Lagoon now totaled 190 acres.

1976 In June the Department of Health reported to Senator Stull on the midge problem. Solutions under consideration were: biological control through fish management; changing the quality of the water through tidal flushing; removal of bottom ooze breeding media originating from past sewage effluent discharges; reducing the attracting of adult midges to homes by manipulating artificial light sources; the use of insecticides for controlling midge larvae in the lagoon; maintenance of the present ecosystem without change; or combinations of these methods.

On July 12 the Department of Fish and Game approved the use of Baytex to control mosquitos. The use was granted under a strict control situation. The San Diego County Vector Control agency was asked to minimize any adverse impact on the reserve and the Department of Fish and Game would work with their staff in resolving this problem.

1978 In September, 2.6 acres of land was added to the Ecological Reserve. The land was previously owned by the California Department of Transportation.

1979-80 Winter storms inundated the upper lagoon with sediments washed down from the watershed. The governor proclaimed San Diego County in a state of an emergency because of these storms. As a result of this damage, application was made to the federal government for funds to restore and repair the lagoon. This request and a subsequent appeal were denied.

Upon the encouragement of the City of Carlsbad and others a Buena Vista Lagoon Action Committee was formed chaired by Mr. Anthony Skotnicki. The committee was made up of appointed citizens, City Council liaison people, and representatives from various organizations within the Tri-City area. The basic goal of the committee was to investigate means to obtain money for lagoon restoration.

1981 The Department of Fish and Game began to investigate and document current erosion control practices in the Buena Vista Lagoon watershed. This effort was undertaken to encourage the cities of Carlsbad, Oceanside and Vista to strengthen and enforce grading ordinances in an attempt to lessen damage to the lagoon due to unwanted sedimentation.

One million dollars was appropriated for a lagoon repair and restoration project. One half of the money came from the Department of Fish and Game budget (Energy Resources Fund) and the other one half came from Senate Bill 13 (Craven).

As a result of this funding, Department personnel embarked on a course of action to repair and restore the lagoon. Preparation of conceptual plans, soil analysis and application for necessary permits were among the tasks begun. Additionally, the decision was made to enter into a cooperative agreement with the City of Carlsbad. Via this agreement the Department would provide the money for the project and the City would prepare final project plans and specifications, and administer the contract.

The California Coastal Conservancy began staff work concerning the Buena Vista Lagoon. The main thrust of this work was to ascertain whether or not the Conservancy could be of assistance in planning and funding for a watershed-wide management effort for the lagoon.

The size of the Ecological Reserve was expanded by approximately 4.6 acres with the dedication of a parcel of land owned by John Zanderson. The parcel was made into a passive-type park with a kiosk containing wildlife information and was part of a mitigation package for adjacent development.

- 1982 The Buena Vista Lagoon Foundation was formed. The purpose of the non-profit organization is to work to conserve and restore the Buena Vista Lagoon. To create greater public awareness and promote the educational potential of the lagoon are also key goals of the Foundation.

The State Coastal Conservancy allotted \$40,000 to develop a watershed enhancement plan for the Buena Vista Lagoon watershed.

Phase 1 engineering study completed by Brown & Vogt. This study included computer modeling of the watershed. Various siltation control methods were discussed but no final solutions were proposed.

Buena Vista Lagoon Foundation was contracted by State Coastal Conservancy to do a Stewardship and Public Access Plan for the Buena Vista Lagoon.

- 1983 Buena Vista Lagoon Foundation and Buena Vista Audubon Society sign an agreement to jointly erect and operate a nature center on land leased from the city of Oceanside.

The Tri-City joint powers agreement was signed. This agreement provides for a committee composed of two council members and one citizen from each city (Carlsbad, Oceanside, Vista), and is charged with the management of Buena Vista Lagoon watershed.

Dredging begins east end Buena Vista Lagoon in March.

Water Quality Control Board 205-J funding of \$62,500 approved for phase 2 engineering study of Buena Vista Lagoon watershed.

Buena Vista Lagoon Foundation completes stewardship plan.

Buena Vista Lagoon Foundation establishes Environmental Hotline (942-6701) for erosion, siltation, boating, hunting, and vandalism violations.

Dredging completed with four new islands created east Buena Vista Lagoon. Two are named (Isla de las patitas, Nido Segura) in Buena Vista Lagoon island naming contest.

- 1984 Public Access Plan completed by Buena Vista Lagoon Foundation.

CHRONOLOGY OF THE BUENA VISTA LAGOON

PUBLISHED BY THE
BUENA VISTA LAGOON FOUNDATION

a California non-profit public benefit corporation for the purpose of restoring and conserving Buena Vista Lagoon, California's first ecological reserve.

Organized in December 1981, the Buena Vista Lagoon Foundation has received State and Federal tax deductible status.

Contributions and memberships to:

P.O. Box 157
Carlsbad, California 92008

**LETTER 6
SCOTT STERLING**

To: Sandag Governing Board

From: Scott Sterling- A Director on the Buena Vista Lagoon Foundation and huge proponent of responsible government.

I beg your indulgence for a brief reflection on the potential catastrophe being marketed to you as an enhancement project of the Buena Vista Lagoon. I have personally been involved with the process of completing an EIR for 28 years in conjunction with Board members, some of whom date back to the miss-guided decision to release custody of the lagoon pools on the East side on the railroad tracks to the State. As part of the transfer process, the State, through it's agency of Fish & Wildlife, committed to maintain and preserve the property, which has been ignored over these many years.

As the Mother Ship for all ecological preserves in California, and the only fresh water coastal lagoon in the California eco system, one might expect a measure of respect and consideration. Instead it has taken decades to instigate the completion of an EIR only to have it politized by the agencies who have failed to maintain it.

The ongoing infiltration of cattails magnified and accelerated due to massive sewage spills of millions of gallons of nitrogen rich material into the lagoon that put the invasive plant species on steroids. So, where did the mitigation money go? Did it go into the Lagoon or into that dark hole in the Universe called Sacramento, where all money goes never to be seen again.

In 2015, we attended public meetings where the propaganda merchants for the Salt Water Alternative skewed public opinion with visual representations of the lagoon as a full body of water with minor tidal fluctuations. This was done without any engineering studies in order to garnish support for the biological diversity argument being promoted by Fish and Wildlife. As an attendee, I engaged one agency biologist with the question of why they would attack an evolving eco-system. I shared how whole families of Racoons sometimes gather around our patio sliders and watch TV through the glass. The response: "Oh that has to stop, they are not indigenous and threaten other species." My response was "Neither are the Palm Trees, nor am I indigenous." Her response "That's the problem, we have to take back, what development has stolen." Believe me, my property was not stolen and I support a healthy tax basis which will shrink by an estimated 35% If you certify the Salt Water Alternative, which incidentally is not the most ecologically friendly alternative according to the EIR, nor the most cost effective. As a side note, somehow the racoons all but disappeared, imagine that.

Please consider for a moment, that the Salt Water Alternative is in fact a mutilation, not a restoration of the Buena Vista Lagoon, and posses threats to public health and safety that were not properly addressed in the EIR. First as evidenced by the attached photo and EIR rendering, the dramatic change in size and water volume changes the Lagoon into a meandering creek and not a Lagoon. The excessive exposed ground area that will be frequented by nominal salt water, and occasional fresh water from the Buena Vista Creek, will provide pools of salt, brackish, and fresh water breeding habitats for a variety of mosquitoes, some of which are life threatening to

P6-1 The comment provides introductory statements. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project. The EIR has documented the existing conditions that serve as the baseline for evaluation in the EIR document.

P6-2 The comment provides a description of the commenter's involvement in the project in previous years.

P6-1 Private property values and purely socioeconomic effects are outside the scope of the EIR, which addresses the physical effects on the environment. However, SANDAG appreciates the comments of the stakeholders in the vicinity and this comment will be part of the administrative record and presented to the SANDAG Board of Directors prior to taking action on the project.

A functioning, healthy saltwater ecosystem would be created and monitored via adaptive management (as described in EIR Section 2.9.3), providing high-quality, suitable habitat and suitable hydrologic conditions and this would allow for successful biological diversity to establish throughout the lagoon ecosystem.

P6-3 The EIR addresses mosquito and vector control in Section 3.15 and evaluates each alternative's effectiveness in reducing the public health and safety risk associated with mosquito-borne diseases. Please see Response to Comment 65-3 regarding mosquitos and vectors.

Please see Response to Comment P11-7 regarding the reduction in vector breeding conditions that would be achieved by the Saltwater Alternative. Please see also Response to Comment P20-5 regarding SANDAG's ongoing coordination with San Diego County Vector Control.

P6-3

man and beast alike. The EIR does not address this, and as responsible administrators of the public welfare, I'm sure you can imagine the litigious consequences of a public health issues brought about by this obvious lack of due diligence. In order to create a reference point on this very subject, some years back, when the fresh water mosquito problems at the Lagoon were being blocked from mitigation by Fish and Wildlife, preventing Vector Control from treating the Lagoon, Regg Antle (President of the Buena Vista Lagoon Foundation), and I testified before the Regional water board and strongly proposed that Vector Control be allowed to do it's job or the legal consequences from any residence falling prey to West Nile Virus as a result of ignoring the problem, could be devastating both financially and from a PR prospective. Low and behold the heavens parted and Vector Control was released from captivity by Fish and Wildlife. This is why I make my appeal to SANDAG. It is our local San Diego County elected representatives that must stand up for the welfare of our beloved community, certainly not State and Federal Agencies with agendas that do not reflect what is best for the communities as a whole. Keep in mind Fish and Wildlife is one of the most litigated agencies in government.

Another very disturbing issue, that has not been addressed at all in the EIR, involves the threat to public safety by creating vast open areas of access to criminal activities and vagrant invasions that populate far too much of our community all ready. Homeless encampments, drug related activities and the invitation to home invasions as a consequence of greater accessibility. This was an incessant problem until we installed security gating. By certifying the Salt Water Alternative you would in fact be providing new open corridors for criminal mayhem on your constituents.

In closing, please reflect on the picture of the majestic Buena Vista Lagoon in its present form and the diagram of the proposed Salt Water Alternative. I cannot imagine a responsible governing body acquiescing to State and Federal Agencies at the expense of their community. As the CEO of a residential design and construction corp., I tend to look at communities in terms of aesthetics as well as practicality. In this case the Fresh Water Approach is not only more practical, cost effective, and safer from a public health prospective, but it is immensely more aesthetically responsible compared to a salt water mud flat.

Thank You for Your Consideration

Scott Sterling

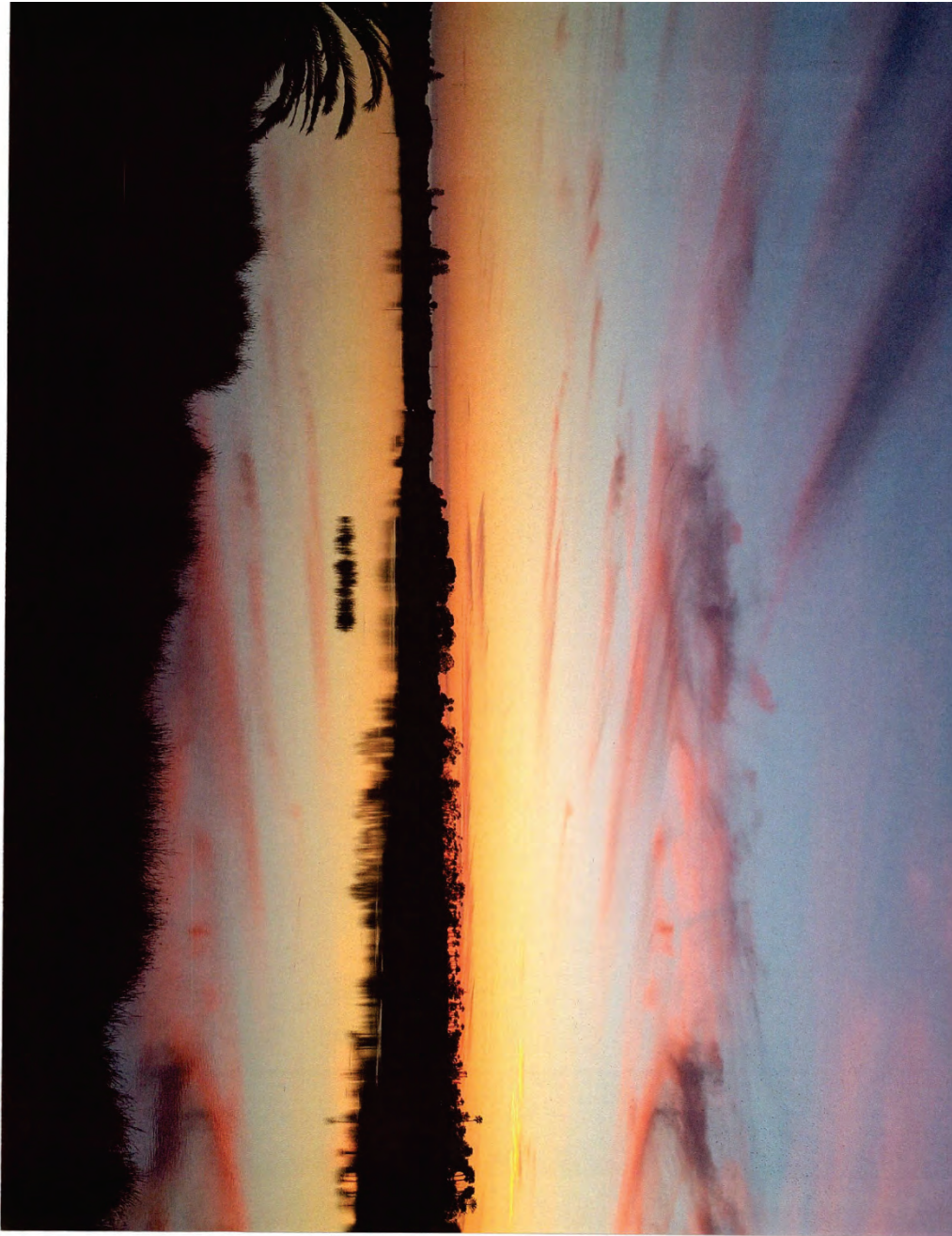
P6-4 Please see Response to Comment P4-3 above regarding public access to private property.

P6-5 The comment expresses the opinion that mudflats are not visually pleasing. Visual impacts are described in EIR Section 3.9 along with visual simulations of future conditions. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P6-3
cont

P6-4

P6-5



DATE: 11/11/11

100 0 200 300 400

BUENA VISTA LAGOON

PROPOSED CONTOUR

EXISTING CONTOUR

PRELIMINARY DRAFT
NOT FOR CONSTRUCTION

BUENA VISTA LAGOON
ENHANCEMENT PROJECT

SALT WATER ALTERNATIVE
DEVELOPMENT DRAWING PLAN

Everest International Consultants, Inc.

**LETTER 7
WINSLOW REITNOUER**

-----Original Message-----

From: Winslow Reitnouer [mailto:winslow.reit@gmail.com]

Sent: Tuesday, January 23, 2018 11:27 PM

To: Lero, Tessa <Tessa.Lero@sandag.org>; Posada, Michelle <Michelle.Posada@sandag.org>

Cc: John Reitnouer <reitnouerj@gmail.com>; stephaniecf@icloud.com; John Tenaglia <jtenaglia@lee-associates.com>

Subject: For Clerk of SanDAG Board of Directors, Agenda Item # 18-01-11, re proposed Buena Vista Lagoon Enhancement

To Whom It May Concern,

I write to request a No vote on Resolution # RTC-2018-02.

Please distribute my comments to the mayors and members of SANDAG prior to meeting on Friday, January 26, 2018.

May the following questions please be presented to those making life-changing decisions regarding the conversion of a body of naturally fresh water to ocean-fed salt water?

As owners of a home we built on the north bank of the most western end of the Buena Vista Lagoon system more than 30 years ago, we have a vested interest in the continuing safety and preservation of this and surrounding property. I ask the following questions:

1. How many of those making the decision that would permanently alter the western-most body of fresh water called the Buena Vista Lagoon, which actually originates far inland in San Marcos, to tidal sea water have actually visited it and walked the perimeters where possible, and seen the tiny outlet where fresh and salt water now intermingle by sandbanks?

2. How many have seen newly hatched ducklings swim across these fresh waters annually? Or seen coots building nests on the water for their young to be hatched? Or heard frogs croaking in the evenings? Or seen turtles swimming across the waters with only their small heads showing? Or seen fresh water bass jumping? Or seen egrets and blue herons wading and fishing the edges? Or seen the aerial ballet of birds as they feed on the surface? Or seen migratory birds take a rest?

3. How many know this Lagoon has always been fresh water? That the Buena Vista Lagoon is the only fresh water preserve in California?

4. How many know that between the railroad trestle and its western banks this Lagoon is a wide open great expanse of fresh water because the St. Malo Association has voluntarily funded a regular professional maintenance service that annually cuts back the invasive tules that would otherwise smother most of this body of water as they have already done eastward and inland of that trestle as far as Jefferson Street and the 78 Parkway?

5. How many know that some years ago after a season of severe storms caused great coastal flooding, St. Malo residents voluntarily assessed themselves to have a sea wall of great rocks installed to protect the coastline and their homes?

Also, it puzzles me why the statement restoration to salt water is used when this body of water is the gift of a

P7-1 The comment requests Resolution No. RTC-2018-02 not be adopted and provides commentary on the lagoon setting. Please see FEIR Master Response #4 regarding the freshwater lagoon resource and Master Response #5 regarding historical lagoon ecology.

P7-1

gravitational flow of fresh water from inland lakes and underground creeks.

Please add our plea to all the others to make no changes here and let nature continue undisturbed as it is.

I also reiterate my unanswered invitation of several years ago for those in decision-making positions and neighboring mayors to visit our property to see the balance, harmony, and community of wild life that can be witnessed daily.

Most sincerely,

Winslow C. Reitnouer
64 St. Malo Beach
Oceanside, CA 92054

Sent from my iPhone



7-1
cont



**LETTER 8
SARAH PRESTON**

From: [Posada, Michelle](#)
To: [Greer, Keith](#); [Garcia, Michael V](#); [Stackwick, Victoria](#)
Subject: FW: SANDAG Meeting
Date: Tuesday, January 23, 2018 6:32:53 PM

P8-1 The comment provides introductory statements. SANDAG acknowledges the request to not certify the FEIR.

From: sarah preston [mailto:sarahp730@gmail.com]
Sent: Tuesday, January 23, 2018 3:49 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Subject: SANDAG Meeting

Please distribute my comments in this email to the 19 mayors/members of the SanDAG Board PRIOR to the Friday, January 26, 2018 meeting."

To who it may concern:

I am a homeowner at St Malo beach and have spent time around this lagoon for about 55 years. Please, please do not approve this EIR Environmental Impact Report on January 26. On so many levels it would impact our community negatively and beyond. I will be on a trip for work or I would be there to stand up and protest.
Thank you for your consideration.

Best,
Sarah Colmery Preston
42 St Malo Beach
Oceanside, CA 92054

P8-1

**LETTER 9
ROSEMARY SIMMONS**

TO: The Honorable 19 Mayors of cities of North County

From: Rosemary Simmons, homeowner at 28 St. Malo Beach,
Oceanside, CA

Subject: The fresh water Buena Vista Lagoon

P9-1 Please see FEIR Master Response #4 regarding the freshwater lagoon resource and Master Response #5 regarding historical lagoon ecology.

Honorable Mayors:

I apologize for not being with you in person but did want to be heard.

For the past 55 years my family has lived by the fresh water Buena Vista Lagoon in harmony with an established ecosystem. For centuries before we came to live there the lagoon was fed by waters from streams and ponds to the east that ran to through Buena Vista Lagoon and to the sea.

P9-1

Mother Nature planned it that way and changing the waters from fresh into salt will disrupt this well established ecosystem; for what we are not certain. In the name of progress man has already made changes to how these waters reach the sea. This is one of only a few fresh water bodies left. I implore you not to mess with Mother Nature.

**LETTER 10
MARK MCGILVRAY**

From: [Posada, Michelle](#)
To: [Greer, Keith](#); [Garcia, Michael V](#); [Stackwick, Victoria](#)
Subject: FW: Clerk of the SanDAG Board- Jan 26, 2018 SanDAG Board of Directors Meeting Agenda Item 18-01-11 BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* RTC Resolution No RTC-2018-02 re Buena Vista Lagoon
Date: Tuesday, January 23, 2018 6:28:45 PM
Attachments: [Image001.png](#)
[Image002.jpg](#)

P10-1 The comment expresses opposition to Resolution No. RTC-2018-02. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

From: Mark McGilvray [mailto:MarkM@usstorage.net]
Sent: Tuesday, January 23, 2018 4:26 PM
To: Lero, Tessa <Tessa.Lero@sandag.org>; Posada, Michelle <Michelle.Posada@sandag.org>
Cc: stephaniefox@icloud.com
Subject: Clerk of the SanDAG Board- Jan 26, 2018 SanDAG Board of Directors Meeting Agenda Item 18-01-11 BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* RTC Resolution No RTC-2018-02 re Buena Vista Lagoon

My comments are simply that I am totally opposed to this ill conceived plan. It will simply ruin our community!!! Please distribute these comments in this email to the 19 mayors/members of the SanDAG Board prior to the Friday, Jan 26, 2018 meeting.

P10-1

Sincerely,

Mark and Jean McGilvray
112 Eaton St. Oceanside, Ca.

Mark R. McGilvray E.V.P.
Westport Properties, Inc.
P 949 748 5913 | C 949 279 2071
2201 Dupont Drive, Suite 700 | Irvine, CA 92612
MarkM@usstorage.net | www.usstoragecenters.com
CA DRE Corporate ID # 01106172

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LETTER 11
DANIEL MUHE, PHD

January 22, 2018

Daniel Muhe, Ph.D.
2375 Jefferson Street
Carlsbad, CA 92008

To: SANDAG Governing Board, Carlsbad Mayor Matt Hall, Oceanside Deputy Mayor Lowery:

URGENT letter regarding the approval hearing this Friday for the Buena Vista Lagoon EIR

I write today as a 35 year business owner in Carlsbad and North San Diego County and someone who built his dream home on the east bank of the Buena Vista Lagoon 20 years ago. I have grave concerns about the proposed salt water alternative being recommended for your approval in the EIR this Friday. I also write as the Treasurer of the "Save the Fresh Water Buena Vista Lagoon Association" which is composed of concerned citizens and homeowners in Carlsbad and Oceanside gathering together to protect our fresh water Lagoon ecological system. I wish to focus your attention on the following list of major objections to this EIR approval.

1. Lack of Adequate Notification to the residents impacted most. The residents of the six condo projects on the lagoon, numerous home owners on the lagoon, and hundreds of condo and home owners with views of the Lagoon were never given adequate notice of this final EIR proposal.
2. The EIR Intentionally Eliminates the majority of residents most impacted from any consideration in their View Impact considerations of the Buena Vista lagoon. Their section 3.9 "Visual Resources" clearly shows in table 3.9.1 that they have ignored ¾ of the residents surrounding the lagoon.
3. Major Safety issue! The Deep Channel at the ocean mouth with tidal flows in and out creates a real risk of drowning, rip currents and potential huge lawsuits against the agencies approving this EIR with full knowledge of this risk factor..
4. Toxicity: Exposure of residents to dead and dying fish/wildlife, deep sediment toxins after dewatering and the bulldozing and dredging required for the SWA- Salt Water Alternative. Areolation of fine particles can be a major health hazard. The EIR calls for Years of construction and exposure plus Storage of toxic dredging material near residents. This lagoon was used to dump sewer waste for years (1970's), then had additional sewage leaks in the 1990's. Cities were responsible for these toxins being dumped in the lagoon; so will they be liable when these are exposed during the SWA construction? What about the nasty smells from the mud flats created, much like exist at the San Elijo and San Dieguito salt water lagoons.
5. Mosquitos: The City sewage spills and lack of the Integrated Water Resource Management promised by Fish and Wildlife led to eutrophication (high nitrogen) and extreme growth of Cattails and reeds which are the current breeding grounds for mosquitos. Simply removing those would eliminate most if not all of the fresh water mosquito problem that exists. The salt water alternative will create some 40 acres of

P11-1

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P11-1 The comment provides introductory statements and expresses concern regarding the Saltwater Alternative.

P11-2 SANDAG has met or exceeded all required noticing for this project pursuant to the CEQA Statute and Guidelines. Moreover, SANDAG has gone beyond the noticing required by CEQA to provide extensive opportunities for public input. Please see Master Response # 7 in the FEIR regarding public noticing and outreach on the DEIR. Notification of the availability of the FEIR was provided to the Board of Directors at their public meeting on October 27, 2017, and posted on the project website ([www.http://www.KeepSanDiegoMoving.com/BVLagoon](http://www.KeepSanDiegoMoving.com/BVLagoon)) the same day. An email notice was sent out October 31, 2017, to 1,027 parties expressing interest in the project. Pursuant to CEQA Guideline 15088(b), written responses to comments were provided to public agencies on November 2, 2017. A second notice was sent out on December 21, 2017, using an email tracking software. Finally, these post comment period responses were posted on the project website and notification was sent to all prior commenters and any new commenters.

P11-3 As explained in Response to Comment 65-4 in the FEIR, the selection of key view points for analysis and visual simulations in the EIR are based on the most available public views of the project site as directed by CEQA legal precedent. SANDAG values the input of residents who have private views of the lagoon and will consider those opinions when making project decisions.

P11-4 See Response to Comment P4-4 above.

P11-5 As described in the EIR, the deeper lagoon sediments targeted for beach replenishment consist of relatively clean sands with little contamination and this indicates little potential for biological effects (i.e., toxicity or contaminant bioaccumulation) or human health effects with sand placement operations. Sediment testing showed that some areas within the upper layer of fine material have pesticide and metal levels that exceed their Effects Range-Low (ERLs) (EIR Table 3.4-1); however, no levels exceeded Effects Range-Median (ERM) standards and are not considered toxic per applicable thresholds. In addition, applicable laws and regulatory requirements address the safe handling of hazardous materials and toxins to prevent, control, and abate environmental pollution, such as Health and Safety Code, Division 20, Chapter 6.95, Article 2, Section 25500-25520 and Executive Order 12088. Adherence to all regulatory requirements addressing hazardous materials would be required during construction.

P11-6 Please see Master Response #6 in the FEIR addressing odor.

- mud flats with standing pools of water from tidal flows and rain water pools. We will end up with BOTH fresh water and the very aggressive Saltwater mosquitos that are reported to travel five to ten miles according to Supervisor Kerry McNeil of vector control. Just imagine those swarms of aggressive mosquitos attacking the patio diners in Carlsbad Village at Coyote Bar and other outdoor dining locations, up South Hill Street in Oceanside and at the new Cheesecake Factory patio at the Mall. Think of the lost revenues and the blight on the Carlsbad and Oceanside communities created by swarms of aggressive salt water mosquitos attacking in a 5-10 mile radius from the proposed salt water Buena Vista Lagoon. Reporter Paul Sisson of the North County Times provided an excellent article documenting the problems in Northern Oceanside at the San Luis Rey River estuary when the tide comes into it with salt water as well as the salt water lagoons in South Carlsbad. Why do we need yet another salt water Marsh? Our Chambers of Commerce will be educated and enlisted in the fight to preserve the fresh water lagoon.
6. The current Buena Vista Lagoon is one of the only fresh water lagoons on the coast of California and creates a scenic and beautiful body of water with ducks, egrets and other fresh water birds as well as sea birds and migratory birds. It also offers fishing opportunities for fresh water bass and other fish. All of these will be killed by the current salt water EIR proposal and we will get some 40 acres of the same ugly mud flats that exist at the San Elijo and other salt water lagoons to the North and South along the coast. We already have a rare and pristine ecological preserve established that only needs some dredging and reed removal to remain a scenic and biologically diverse haven..
 7. Because the current Lagoon is above sea level, any tidal flushing by destroying the current 5 foot tall weir will be extremely limited. Water will only be able to come into the current lagoon area up a deepened channel to be excavated in the course of the 2 year salt water project. Unfortunately, the figure 2.2 "Saltwater Alternative Plan View" from the EIR shows only a salt water river between 50 and 150 feet wide coming into the two lagoon areas. At low tide there will be hardly any water in that river and the mouth of the lagoon will tend to accumulate sand berms that will block any flow at all without regular sand removal. This type of frequent maintenance has already been neglected at the San Elijo and other salt marsh lagoons and ours would likely suffer the same fate, ending up with very little tidal flushing at all. The rest of the existing lagoon will become mud flats which will be an invitation to the homeless and perhaps criminal element and give them easy access to the homes and condos around the lagoon.
 8. There is an argument in the EIR that sea levels here will rise some 5.5 feet by the year 2100. This is an amazing argument considering that sea levels only rose by 10 inches over the past 100 years. An April, 2017 report by the California Ocean Protection Council called "Rising Seas of California" projected a less than 1 in 200 chance that sea levels will rise 5.5 feet in the next 82 years like the EIR claims. Their most likely projected rise is 2 feet or less by year 2100, not enough to propel salt water into the current Buena Vista Lagoon that sits above sea level already.
 9. Knowledgeable Realtors estimate a 10% to 40% loss in the values of homes and condos that currently have beautiful lagoon views but will end up with mud flat views, bad odors, and toxic digging. Those directly on the banks of the lagoon will suffer

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P11-8

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- P11-7 With tidal flushing under the Saltwater Alternative, residence times would be 1 to 3 days (EIR Table 3.2-3) depending on the basin. With this short residency time, there is not adequate time for a mosquito life cycle to produce mature mosquitos (for example, the larval stage of black salt marsh mosquito [*A. taeniorhynchus*], which can occur in fresh or saltwater, requires 5 to 15 days¹). For this reason, among others outlined in the EIR (EIR Section 3.15), the EIR found that the Saltwater Alternative would be most effective at reducing vector concerns. The FEIR states that though the conditions would be less favorable, mosquito species that would attempt to breed within and around the converted saltwater lagoon would include saltwater species and fewer freshwater mosquitoes. SANDAG has been in contact with experts at San Diego County Vector Control and understands that saltwater mosquitos (including *A. taeniorhynchus*) are more aggressive daytime biters and can travel farther distances. However, a "vector" is an animal or insect capable of transmitting the causative agent of human disease and most saltwater mosquito species are known primarily for being a nuisance to humans as opposed to a vector with human disease associations. Thus, conversion of the lagoon to a saltwater system would not only decrease the overall number of mosquitos associated with the lagoon for the reasons identified throughout Sections 3.5 and 3.15 of the EIR related to decreased opportunity for successful lifecycles, it would also decrease human health concerns related to vectors through the reduction in freshwater mosquitos. As stated in EIR Section 1.2, Project Objectives, it is a primary objective of the Enhancement Project to "Reduce vector concerns (e.g., potential for mosquito-borne disease) by minimizing potential mosquito breeding habitat."

¹ 2014. University of Florida, Entomology and Nematology Department. Featured Creatures, Black Salt Marsh Mosquito. Publication Number: EENY-591. April. Available at: http://entnemdept.ufl.edu/creatures/AQUATIC/aedes_taeniorhynchus.htm. Accessed 4/24/2018.

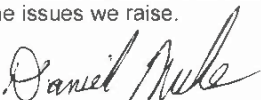
- P11-8 Please see Master Response #4 in the FEIR regarding the freshwater lagoon resource. Please see Response to Comment P2-3 above regarding wildlife species. Also see Response to Comment 12-5 in the FEIR regarding fish populations in the saltwater environment.
- P11-9 As described in the EIR Section 2.6.2, implementation of the Saltwater Alternative would include the removal of sediments to provide appropriate elevations throughout the lagoon basins to allow tidal flow and water elevations at appropriate frequencies to allow salt marsh habitat to establish. The alternative also includes channel and infrastructure improvements to ensure adequate channel size and flows. Periodic maintenance, including sediment removal, is also a required

the greatest losses up to 40% but those up the hillsides in Carlsbad, on the North shore in Oceanside and in Fire Mountain could easily see a loss of 10% to 20% of their property values by losing their water views. Overall, at least 400 homeowners will lose between 10% and 40% of the value of their home under the salt water alternative, with losses potentially in the \$60 Million range. Taking average home values of \$750,000 and an average value loss of 20% gives us \$150,000 lost value per home times 400 is \$60 Million in lost value to the homeowners. That drop in value would equate to about \$6 Million lost property tax revenue per year to the County of San Diego. Not a small consideration for all parties involved and likely to lead to litigation.

10. Even if we did nothing, Keith Greer, a lead proponent of this EIR indicates 50 years before reeds would fill the entire lagoon. The salt marsh alternative will create hydrogen Sulfide smells as well as smells from decaying fish. Some 80%+ of the respondents to the 2015 DEIR were in favor of a fresh water alternative but the final proposed EIR has ignored that input. They want to spend some \$60 Million on this salt water conversion project when we could dredge the existing fresh water lagoon and remove the cattails and reeds for probably half that amount. In the process, they will lower property values and unleash swarms of salt water mosquitos on the surrounding communities, not to mention the toxins dug up during the project. California tax payers (with some of the highest sales, gas and income tax rates in the United States) and all Federal incomes tax payers and everyone living in this wonderful country (facing 21 trillion in debt created by both parties) deserve a government (local, state and federal) that provides what they desire at an affordable cost. The salt water alternative is not good government. At \$60 Million it costs too much, destroys eco-systems, unleashes toxins and mosquitos, creates unnecessary liabilities, damages property values and tax revenues and is far inferior to the fresh water alternative.

I urge you to vote NO on this EIR and require them to go back and address the many concerns raised in this letter to arrive at an unbiased conclusion as to what should be done for the benefit of the ecology, the Cities, the County and the Homeowners. We believe the fresh water alternative gives a far superior outcome at a much reduced cost over time. At the very least, this vote should be delayed to allow more time for objective study of the issues we raise.

Sincerely,



Daniel Muhe, Ph.d., President

Financial Freedom Loans Inc.

760-450-6153 Cell

P11-12
cont

P11-13

P11-14

element of the Saltwater Alternative. All of the enhancement alternatives would require a perpetual endowment for maintenance. The endowment would be sufficient to cover the cost of the maintenance through the interest generated on the principal investment.

- P11-10 See Response to Comment P4-3 above regarding public access to private property.
- P11-11 The EIR used multiple scientific sources of information for the analysis of sea level rise, as identified in Section 3.12 of the EIR, including the California Coastal Commission 2015 *Sea-Level Rise Policy Guidance*, SANDAG's *San Diego Region Coastal Sea Level Rise Analysis*, and the California State Coastal Conservancy 2012 impact assessment guidance document, among others. Implementation of the Saltwater Alternative would include the removal of sediments to provide appropriate elevations throughout the lagoon basins to allow tidal flow and is not reliant on future sea level rise for tidal exchange.
- P11-12 Private property values and purely socioeconomic effects exceed the scope of the EIR. The commenter's concern expressed on the speculative loss of property value is part of the written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P11-13 SANDAG is aware of the estimated costs of each alternative and has published those costs on the project website. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.
- P11-14 SANDAG acknowledges the request to not certify the FEIR and the opposition to the Saltwater Alternative. The CEQA document is required to provide an unbiased analysis of the proposed project for use by the decision makers and SANDAG respectfully notes that there are no issues needing further review or study as part of the certification of the EIR.

**Buena Vista Lagoon Enhancement Project
Fluvial and Tidal Hydraulics Analyses**

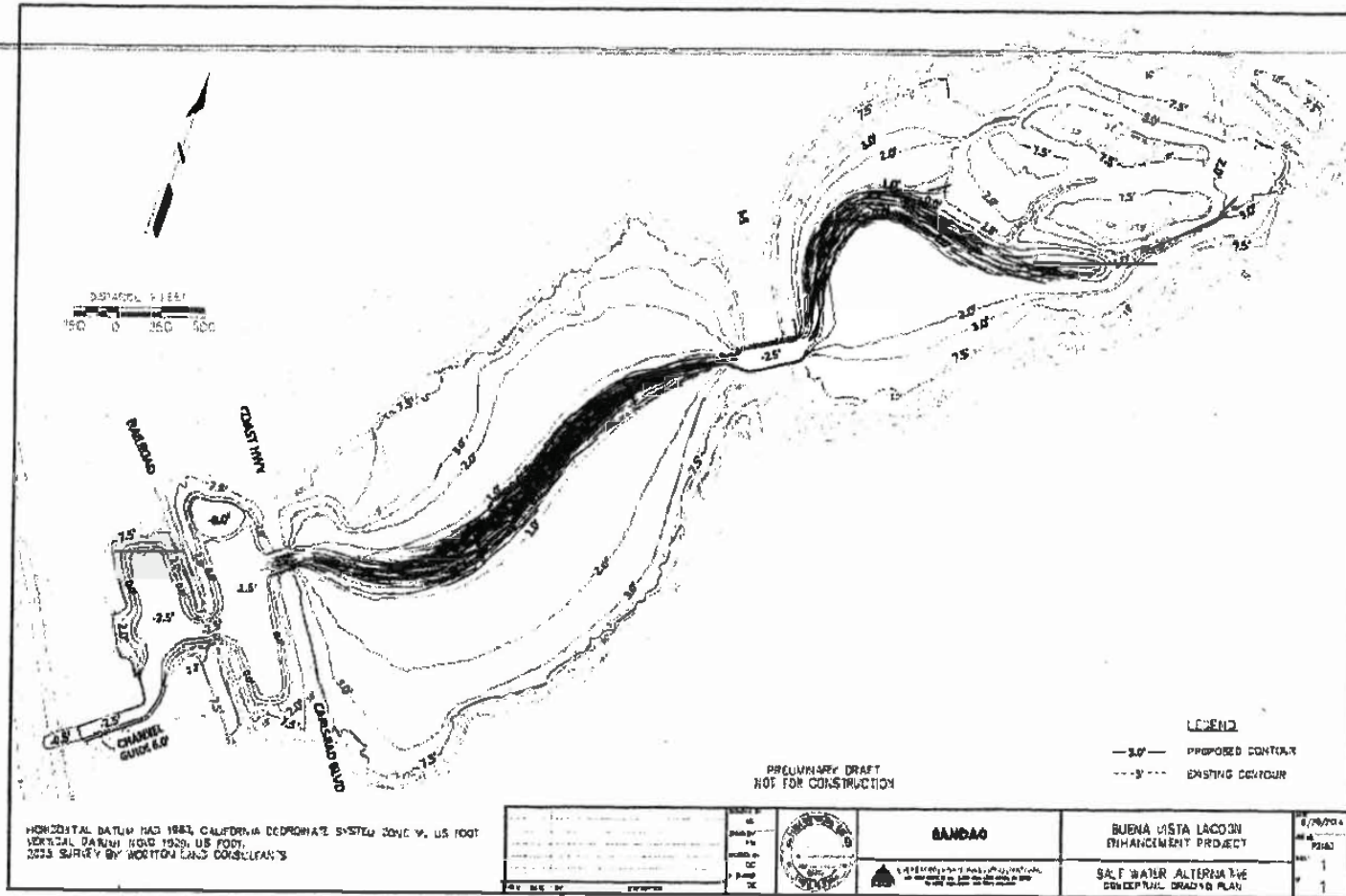


Figure 2.2 Saltwater Alternative Plan View

**LETTER 12
MICHAEL JONES**

From: Michael Jones [mailto:mgjones@mac.com]
Sent: Tuesday, January 23, 2018 3:04 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Cc: Stephanie Fox <stephaniefox@icloud.com>; John Tenaglia <johnntenaglia@me.com>
Subject: Clerk of the Board - Communication to be shared with the SANDAG Mayors prior to the January 26th Meeting

Honorable Mayors and members of SANDAG:

**I am writing to you in regard to Agenda Item #11 - Resolution
No. RTC-2018-02 regarding the Buena Vista Lagoon, approving the Saltwater
Alternative as the project.**

My family have been members of the St. Malo community, which borders the Buena Vista Lagoon, for over 70 years. We are opposed to the Saltwater Alternative. We support the Freshwater Alternative. While there are many reasons for our opposition to the Saltwater Alternative, which I detailed in a letter I submitted when comments were being accepted in the EIR process, I would like to take this opportunity to make you aware of what I believe is a fundamental flaw in the Saltwater Plan alternative. The supposed benefits outlined in in the Resolution No. RTC-2018-02, specifically in "ATTACHMENT 1A-CEQA FINDINGS OF FACT - BUENA VISTA LAGOON ENHANCEMENT PROJECT", where it states:

"Saltwater would enter the lagoon from an open tidal inlet during flood tides The Project would include a subtidal, open water channel running from the ocean to approximately halfway through the I-5 Basin. Either side of the channel would be graded to provide intertidal mudflat and a mix of coastal salt marsh habitats within each of the four basins.

The existing 50-foot weir would be removed and replaced with an 100-foot open tidal inlet to provide tidal exchange while improving flood performance. The inlet would be confined on the northern side by the existing stone revetment running along the St. Malo complex. On the southern side, the inlet would be confined by the construction of a rock or concrete channel guide running from inside the Weir Basin seaward to the shoreline position established by the St. Malo revetment to the north. The new inlet would flow freely beyond the end of the existing revetment where it would enter the ocean..."

The inlet described with stone revetment would end where the current revetment wall ends, on the beach. There would be no jetties that would protrude out into the ocean (see attached document which includes pictures of the Agua Hedionda and Batiquitos Lagoons which have saltwater flushing channels supported by jetties that protrude out into the ocean.) It is these stone jetties that direct the naturally

P12-1 The comment provides introductory statements and expresses opposition to the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P12-2 The revetment that would be installed as part of the Saltwater Alternative is intended to maintain a relatively stable inlet location, with an active tidal channel that could move between the sides of the inlet. The design of the inlet would allow the continued lateral movement of sand along the shoreline and would not require jetties that extend in the ocean surfzone. Maintenance to keep the inlet open would involve removal of sand entrained in the tidal inlet and placement of that sand on the beach adjacent to the inlet. These activities are anticipated to occur regularly, as described in Sections 2.6.2, 2.7, and 2.9.3 of the EIR, and would be incorporated as part of the project. All of the enhancement alternatives would require a perpetual endowment for maintenance. The endowment would be sufficient to cover the cost of the maintenance through the interest generated on the principal investment.

P12-1

P12-2

occurring littoral sand flow out and around the mouth of the inlet. Without these jetties, the sand will do what it has always done, it will form a barrier of accumulated sand at the mouth of the channel, and will block any ebb and flow of tidal seawater into the lagoon. Without that daily tidal flushing in and out of the lagoon, all of the benefits described in this project will not occur. The millions of dollars of taxpayer money used to construct this project will be wasted. Please reject the Saltwater Alternative, and instead approve the Freshwater Alternative, so that the Buena Vista Lagoon can continue to exist as an attractive and appreciated feature of our North County environment. Thank you for your consideration.

P12-2
cont

The proposed Saltwater Flushing Channel for the Buena Vista Lagoon will not function as described in the Resolution.

As one can see in the fotos of the Agua Hedionda and Batiquitos Lagoons, the salt water flushing is supported by large jetties that extend out into the ocean. These jetties block the natural littoral drift of sand along the coast. The sand is directed away from the shore, around the mouth of the channel and rejoins the littoral sand drift further down the coast. This allows for seawater to enter and exit the lagoons with the ebb and flow of the daily tides.

The proposed plan for the Buena Vista Lagoon does not include jetties that would extend out into the ocean. The plan calls for a revetment wall, like what currently exists on the St. Malo side of the channel, on both sides of the new channel. However, it would end where the St. Malo seawall currently ends, at the edge of the sand beach.

This will mean that that the littoral sand drift will do what it does currently. It will block the channel with sand accumulation for most of the year. The sand accumulation will only be broken, as shown in this foto, when there is a significant rain that causes the water that accumulates in the lagoon to breach the sand accumulation. This means that the benefits of Saltwater flushing with the ebb and flow of daily tides as described in the proposed plan will not occur, because saltwater will not be able to move from the ocean into the lagoon, and from the lagoon back out to the ocean.

Sincerely, Michael G. Jones, #24 St. Malo, Oceanside, CA, 92054



P12-2
cont

Buena Vista Lagoon - Proposed Channel



Agua Hedionda Lagoon - Exisiting Channel



Batiquitos Lagoon - Exisiting Channel



LETTER 13
JOHN B. MCGRATH

From: JOHN B MCGRATH [mailto:mcgrathbarry@sbcbglobal.net]
Sent: Tuesday, January 23, 2018 1:42 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Subject: Fw: Note for the Mayors

P13-1 All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on this project. Please see Master Response #4 of the FEIR regarding the freshwater resource. Also, see Response to Comment 12-38 in the FEIR regarding continued recreation and fishing opportunities at Buena Vista Lagoon.

On Monday, January 22, 2018 2:36 PM, JOHN B MCGRATH <mcgrathbarry@sbcbglobal.net> wrote:

Please consider the historical and tourist value and fishermen value in having the only fresh water lagoon in the state of California: Buena Vista Lagoon.

Sincerely,

Barry Mc Grath
2685 Garfield ST.
Carlsbad, CA 92008
760-434-3026

P13-1

Resolve Legal Solutions

Gabriela M. Torres
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Attorney
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San Diego Association of Governments (SANDAG)
401 B. Street, Suite 800
San Diego CA 92101

Attn: Keith Greer, Principal Regional Planner
keith.greer@sandag.org

January 23, 2018

Re: Buena Vista Lagoon Project - Request to Recirculate Environmental Impact Report as required by the California Environmental Quality Act (CEQA)

Dear Chairman Sinnott and Honorable Members of the Board,

We represent "Save the Fresh Water Buena Vista Lagoon Association" (*SFWL*), a nonprofit organization that consists of residents on or around the Buena Vista Lagoon. *SFWL* is supportive of efforts to restore and enhance the Buena Vista Lagoon and they pride themselves on the beauty of the area. *SFWL* agrees that decades of neglect have resulted in the deterioration of the Buena Vista Lagoon.

However, our review of the Draft Environmental Impact Report (DEIR) and the Final Environmental Impact Report (FEIR) has revealed some significant legal problems as identified below. As a result of these inadequacies, both the DEIR and FEIR are inadequate and would not pass the appropriate legal threshold if challenged under the California Environmental Quality Act (CEQA).

Consequently, we are requesting that, at your Board of Directors meeting of January 26, 2018 (the *January 26 SANDAG BM*), you do not certify the FEIR and do not approve the resolution in support of the Saltwater Alternative.

LETTER 14 GABRIELA M. TORRES

P14-1 The comment provides introductory statements. SANDAG respectfully disagrees that the CEQA document is legally inadequate; the specific individual comments are addressed below as detailed within the body of the letter. SANDAG acknowledges the request to not certify the FEIR and the opposition to the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on this project.

P14-1

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I. THE FEIR IS LEGALLY INADEQUATE BECAUSE IT FAILED TO PROVIDE REASONED RESPONSES TO COMMENTS PROVIDED DURING THE COMMENT PERIOD.

CEQA and relevant case law require that a lead agency must provide reasoned responses to criticisms voiced in the comments to a DEIR. Failure to do so results in an EIR that is legally inadequate. *Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 CA4th 603, 616.

Specificity is required in the responses. The responses to comments on a DEIR must state the reasons for rejecting suggestions and objections concerning significant environmental issues. *City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) 208 CA4th 362, 391. Further, when the Lead Agency's position is at variance with recommendations and objections raised in the comments and the comments are of significant environmental concern, that Lead Agency is required to provide detailed reasons why specific comments and suggestions were not accepted. 14 Cal. Code Regs §15088(c). Conclusory statements that are unsupported by factual evidence are not an adequate response. Thus, questions raised concerning significant environmental issues must be addressed in detail. As explained below, The FEIR does not meet this standard.

II. THE DEIR IS LEGALLY INADEQUATE

A. THE DEIR IS INADEQUATE BECAUSE IT MISREPRESENTED AND/OR OMITTED SIGNIFICANT ENVIRONMENTAL INFORMATION CONCERNING THE BUENA VISTA LAGOON – ONE OF THE LAST FRESHWATER LAGOONS IN SOUTHERN CALIFORNIA.

The historical lagoon ecology is misrepresented in both the DEIR, FEIR and Master Response #5 (MR5). Further, these documents present information that is contradictory as described below.

As a result of public concern and commentary, SANDAG drafted MR5. MR5 states that there is “considerable public debate about the historical nature of Buena Vista Lagoon.” Instead of the determination or conclusion that the Buena Vista Lagoon is a naturally freshwater or saltwater lagoon, MR5 states “the lagoon would be characterized as a bar-built or restricted-mouth estuary where sandbars or beach barriers are built up by ocean waves and currents along coastal areas. The beach barrier breaks the impact of ocean waves before they can reach the lagoon...” MR5 continues to explain that, historically, occurrences when there was a tidal/lagoon inlet opening were “relatively infrequent.” This would imply that the lagoon was historically freshwater. MR5 then states that the purpose of the project is not “an effort to specifically restore or maintain a particular type of hydrologic condition.” The aforementioned is an attempt to tiptoe around the fact that the Buena Vista Lagoon is a historically freshwater lagoon.

P14-2 SANDAG prepared written responses for each individual comment in all letters received and provided detailed responses for comments regarding environmental issues and concerns. Each response was specific and contained detailed information, explanation, and factual evidence as necessary to explain and support the response. All responses are included as Appendix P to the FEIR.

P14-3 Master Response #5 in the FEIR addresses the historical context of the lagoon and describes the varying opinions, information, and overall debate regarding the historical ecology and tidal influence of the lagoon. Master Response #5 compiles factually supported information and provides it to the reader in the clearest manner possible. It is accurate that the lagoon has had a variety of primary influences over time, and thus it is not contradictory to state that information. As stated in Section 1.2, Project Objectives of the EIR, the overall purpose of the Enhancement Project is to enhance the biological and hydrological functions of Buena Vista Lagoon to address sedimentation and invasive vegetation encroachment, as well as resulting declining coastal biodiversity, degrading water quality, water circulation restriction, and increased vector concerns. Thus, while the historical context of the lagoon is of interest, the Enhancement Project does not propose to achieve restoration back to a historical condition or “natural state.” The project’s goal is to enhance the lagoon based on the current conditions and best achieve the project objectives as described in Section 1.2 of the EIR.

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This is even more relevant given the overwhelming response and excitement within the public comments provided to restore the lagoon to its “natural state.” It befalls SANDAG to address this point adequately as one which is of significant environmental concern. Thus SANDAG must engage in a separate and appropriate study on the historical nature of the lagoon in lieu of providing vague and contradictory explanations.

Even more alarming is that the above-mentioned was added to the DEIR as part of the FEIR which states “Historically, (i.e., pre-1940s), Buena Vista Lagoon was in a dynamic equilibrium between a tidally influenced saltwater system during dry conditions and a river-influenced freshwater system during wet weather conditions.” This implies that the Buena Vista Lagoon was predominantly a saltwater lagoon and contradicts information provided elsewhere (that the Buena Vista Lagoon was predominantly a freshwater lagoon). ES2 and 1.1.1.

Further, the DEIR and the FEIR state that in “1940, the lagoon converted to a predominantly freshwater system as a result of installation of a weir.” This is and was misleading to commenters during the public review period because other statements (including those referenced above) indicate that the lagoon was freshwater prior to 1940. This is supported by MR5. The statements in MR5, the DEIR and FEIR are contradictory, misleading, unclear and based on a cursory review of history.

Due to the overwhelming interest in the comments to restore the lagoon to its “natural state”, these contradictory and deficient responses render the DEIR and FEIR inadequate. SANDAG must engage in an appropriate study concerning the historical basis of the Buena Vista Lagoon and publish that study, allowing for a period of public comment. While the purpose of the project may not be to “restore” any specific hydrologic condition, a project that risks a complete hydrologic transition without appropriate due diligence and without public transparency presents a range of significant environmental concerns that violate CEQA, especially those relating to public participation.

B. THE FEIR IS INADEQUATE BECAUSE IT FAILED TO UNDERTAKE A MEANINGFUL ANALYSIS OF THE VECTOR ISSUE UNDER THE SALTWATER ALTERNATIVE.

The FEIR states (at 3.15.12) that “more open water and the dynamic hydrologic cycle of tides would interrupt the mosquito reproduction process, and would lead to substantially increased mortality of eggs, larvae, and pupae” and that (at 4.11) the Saltwater Alternative “would provide public health and safety benefits through increased vector control from the conversion of the hydraulic regime to saltwater and tidal influence.”

Concerns surrounding saltwater mosquitos were raised in the comments yet the responses to these comments, as well as others included in the FEIR analyzing the vector issue, are conclusory. There is no meaningful examination undertaken as to the likely results of implementing the Saltwater Alternative. No expert perspective is provided other than generic vector control statements. We contend that the science suggests that the Saltwater Alternative could also result in significant public

P14-4 The Enhancement Project objective (Section 1.2 of the EIR) related to vectors states, “Reduce vector concerns (e.g., potential for mosquito-borne disease) by minimizing potential mosquito breeding habitat.” Please see Response to Comment 65-3 in the FEIR addressing the difference between “vector” and a nuisance species. SANDAG acknowledges that the presence of saltwater mosquitos can be considered a nuisance, similar to the presence of freshwater mosquitos; however, the identified Project Objective (EIR Section 1.2) of associated human health risk is reduced.

The letter received from Great Ecology referenced in the comment is included as letter P20. Please see P20-1 through P20-7 for responses to that letter.

P14-3
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P14-4

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health concerns. We are concerned by issues raised by the ecological and environmental consulting firm 'Great Ecology': those issues will be addressed in a letter to be submitted to you during the course of this week and prior to the January 26 SANDAG BM (the *Great Ecology FEIR Opinion Letter*), but in short conclude that the EIR fails to address the potential impacts of introducing salt marsh mosquitos and the difficulties of vector control that may ensue, particularly given the protected habitats of coastal birds and the consequential inability to access the nesting areas of salt marsh mosquitoes. The saltwater mosquitos may present more of a nuisance for the public than is currently present.

An adequate examination of potential disadvantages of the Saltwater Alternative on vector control should have been represented and a conclusion drawn in response to public concern raised during the comment period.

C. THE DEIR IS INADEQUATE BECAUSE IT FAILED TO UNDERTAKE A MEANINGFUL ANALYSIS OF TOXICITY EXPOSURE AND LACKED AN ENVIRONMENTAL JUSTICE COMPONENT.

CEQA requires that lead agencies consider if the environmental and public health burden of a project might affect specific communities. This is especially true with respect to the emission of pollutants. The question in this instance would be whether the environmental impact of the pollution is significant.

The dredging phase for the Saltwater Alternative raises serious health and public safety concerns. The FEIR literally barely scratches the surface. The study of sediments in the soil was extrapolated entirely from a sample which only dug 1 foot into the underwater surface of the lagoon. Consequently, there is a very unclear picture of the chemicals or bacteria contained in the sediment, where sediment will be stored or moved in close proximity to communities and what health implications may result. Despite a brief mention that the Buena Vista Lagoon stored treated wastewater and suffered from raw sewage spills, there is no mention of what impact releasing or moving this would have. Given historical sewage discharges into the lagoon that have occurred, the Cities of Vista and Carlsbad should be mindful of these impacts in particular and their exposure to such risk. Yet an examination of 1 foot of soil does not enable an adequate assessment to be undertaken. More work and analysis is required as referenced in the Great Ecology FEIR Opinion Letter.

III. THE SALTWATER ALTERNATIVE AND HYBRID ALTERNATIVES ARE NOT REASONABLE BECAUSE THEY ARE SPECULATIVE IN NATURE AND THE EIR ANALYSIS USED IS INADEQUATE.

The CEQA Guidelines require that project alternatives be reasonable and not speculative. Speculative alternatives frustrate useful analysis and public participation. CEQA Guidelines §15126.6(a).

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P14-5 As detailed in Section 3.15 of the EIR, while pesticide and metal levels were detectable in lagoon material, concentration levels were all below the defined thresholds that would pose a human health risk. These findings are consistent with previous testing as described in EIR Section 3.15.1. Also, there are very limited exposure pathways for humans as the material is removed from a wet environment and the potential for contaminants to travel to a human receptor is minimal (i.e., through dust or other exposure means). In addition, applicable laws and regulatory requirements address the safe handling of hazardous materials and toxins to prevent, control, and abate environmental pollution, such as Health and Safety Code, Division 20, Chapter 6.95, Article 2, Section 25500-25520 and Executive Order 12088. Adherence to all standard regulatory requirements addressing hazardous materials would be required during construction.

P14-6 As noted in FEIR Response to Comments 12-21, SANDAG and its team of experts based the development and design of the Hybrid and Saltwater Alternative on scientific information regarding the hydrology, ecology, and functionality of the lagoon system as explained throughout the EIR. Wetland systems are unique; therefore, it is not possible to find an exact matching lagoon scenario. The provision of information regarding comparable lagoon restorations is intended to show that lagoon restorations similar in nature to this one have been successfully undertaken in the southern California region.

SANDAG acknowledges the differences in various restoration situations and uses the unanticipated scenarios presented in the various examples as "lessons learned" for consideration in the implementation of this Enhancement Project. SANDAG acknowledges that the potential for unanticipated events can exist with project implementation in general, as is highlighted in the commenter's attachment. The comparisons were not used as a sole source of information or evidence to make any technical conclusions within the EIR.

The Southern California Wetlands Recovery Project 15-Year Report was cited within the response as WRP 2014 and the full citation provided at the end of the responses (Wetlands Restoration Project (WRP). 2014. Celebrating Fifteen Years. http://scwrp.org/wp-content/uploads/2014/12/FINAL-120414-wetlands_report_12-3_sprds.pdf).

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Here, both the Saltwater and Hybrid Alternatives would be changing the biological state and hydrologic conditions of the Buena Vista Lagoon. Concerns were raised throughout the comments to the DEIR that the alternatives are speculative and that SANDAG's reliance on comparisons between restorations of the Batiquitos and Agua Hedionda Lagoons are misleading as they provide an unequal baseline for comparison. Also troubling, is the omission of "unanticipated trends" resulting from the Batiquitos Lagoon Restoration and the necessary amendments that came after that lagoon was restored. These unforeseen occurrences stemming from the Batiquitos Lagoon Restoration are significant and relevant to the public comments expressing concern that the Saltwater Alternative is experimental. (See Amendment Request Staff Report and Preliminary Recommendation, attached here). Despite this, the FEIR response (12-21) provides only a conclusory statement concerning the impossibility of locating an identical lagoon for comparison. The response alludes to (and provides no citation information) for the 15-year report of the Southern California Wetlands Recovery Project, noting the additional examples of tidal restoration. A review of this report reveals that the descriptions of the projects referenced for comparison are overly broad in nature and insufficient to reach a technical conclusion. The response is inadequate as a result.

IV. THE DEIR DID NOT PRESENT A STABLE PROJECT WHICH ENABLED THE READER TO ADEQUATELY UNDERSTAND THE IMPACT OF THE SALTWATER ALTERNATIVE ON THE LAND.

An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR. *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193. The project must be described accurately to allow reviewers and decision makers to balance the project's benefits against its environmental costs, to consider mitigation measures, and to assess the advantages of the no-project and other alternatives.

A. THE DEIR PREJUDICIALLY IMPAIRED THE PUBLIC'S ABILITY TO PARTICIPATE IN THE CEQA PROCESS BY SETTING A RANGE OF DIFFERENT ALTERNATIVES AND BY DECLINING TO IDENTIFY A PREFERRED ALTERNATIVE.

Relevant to this matter is a decision by the Court of Appeal of California that found a DEIR to be inadequate for failing to state a preferred alternative. "A description of a broad range of possible projects, rather than a preferred or actual project, presents the public with a moving target and requires a commenter to offer input on a wide range of alternatives that may not be in any way germane to the project ultimately approved." *Washoe Meadows Community v. Departments of Parks and Recreation, et al* (2017) 17 Cal. App. 5th 277, 288.

Here, the different options included in the DEIR leave a very different impact on the footprint of the lagoon and beachfront. Specifically, the open water coverage under the Saltwater Alternative produces

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P14-7 SANDAG respectfully disagrees that there are unknown or unstable components of the project description and the comment does not specify what element of the project description is considered unknown or unstable. Each of the potential project alternatives evaluated in the EIR was presented in full and equal detail. The description of each alternative provided the same alternative-specific information presented in an explicit and accurate manner. This equal level of detail for each project alternative description allowed for the ability to provide equivalent and thorough assessment of potential impacts, mitigation, and advantages of each alternative.

P14-8 The DEIR did not provide a "broad range" of possible alternatives or "moving target" as asserted in the court case presented in the comment; rather, the DEIR equally described in depth three very distinct and detailed alternatives as well as the required No Project Alternative. SANDAG chose to provide an equal level of detail on each of the alternatives and provide a full analysis of each so that the public could be fully aware and understand the complete details and environmental effects of each alternative. The lack of an identified preferred alternative in the DEIR did not preclude the public from full analysis of each of the alternatives. All alternatives were considered by SANDAG to be highly possible options and not speculative. Further, the FEIR identified a preferred alternative, and provided the specific bases for selection of that alternative as the proposed project to be considered by the SANDAG Board of Directors.

SANDAG respectfully notes that there is no substantiation for the commenter's assertion that the public was frustrated in providing comment on the EIR. As can be seen by the large number and complexity of comment letters received during the public comment period, many members of the public chose to participate and provide their input and opinion on the alternative options. A wide range of comments would be expected from a large and complex project such as the Enhancement Project.

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an entirely different aspect that would also completely alter the biological aspect of the lagoon and surrounding areas. It is also evident from the range of comments provided that the commenters responded as if this was a canvassing project or vote. Commenters were not provided with a specific project to which they were to respond. They were given a range of speculative alternatives. This frustrated the public's opportunity to participate.

The FEIR itself states that the daily tidal changes under the Saltwater Alternative would result in moderate to high visual contrast (65-4) and goes on to reference that each alternative would maintain the general open space visual character of the lagoon system. This response disingenuously deals with the issue; it is not in dispute that the Saltwater Alternative maintains an 'open space'. The issue raised (almost uniformly across the responses of those with an address nearby to the lagoon) is the desire to maintain an open water view and how that contrasts with the likelihood of saltwater marshes predominating under the Saltwater Alternative.

The FEIR inconsistently describes the degree of Open Water under the Saltwater Alternative. Table 2-2 describes that the Freshwater Alternative would result in 133.4 acres of Open Water. The same table indicates that the Saltwater Alternative provides for 51.0 acres of Open Water. Yet the Comparison of Alternatives discussion at 4.12 states that the conversion of the lagoon to a marine system under the Saltwater Alternative would result in *an overall increase in the amount of open water*. Either the definition of what constitutes Open Water is a moving piece across the document or the conclusion is misguided (and misinforms the reader as to the true impact of the Saltwater Alternative).

B. THE DEIR PREJUDICIALLY IMPAIRED THE PUBLIC'S ABILITY TO PARTICIPATE IN THE CEQA PROCESS BY INCLUDING ALTERNATIVES THAT EACH CREATE A DIFFERENT SET OF IMPACTS, REQUIRING DIFFERENT MITIGATION MEASURES.

The different impact on the footprint of the land as between the Saltwater and Freshwater Alternatives would be keenly felt on the beach. The region benefits from the expanse of sandy beaches that run uninterrupted close to the existing weir of the lagoon. The differences between the Saltwater Alternative and the Freshwater Alternative are truly significant, as the FEIR confirms. The potential impacts - of the construction of a 100-foot channel, as the Saltwater Alternative requires – on the beach community, its businesses and its surrounds will be significant and adverse from an economic, ambiance, aesthetic and health and safety perspective.

The development of an inlet under the saltwater and hybrid alternatives interfere with public access and presents a danger to human life. The California Coastal Act, §30211 states "Development shall not interfere with the public's right of access to the sea where acquired through use of legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Yet the sandy beach currently in place is threatened with a 100ft inlet that is estimated to result in "crossing conditions" that are "potentially hazardous" 37 % of the time. 3.1-19. The proposal to mitigate this hazard with a pedestrian bridge denies the public access to an

P14-8
cont

P14-9

P14-10

P14-11

P14-9 The use of the term "open water" is not intended to be misleading; the EIR addresses both specific "open water habitat," as well as a more contextual description of open water as an aesthetic feature. Table 2-2 shows the amount of open water habitat (i.e., areas that will always remain inundated under all hydrologic conditions and never be dry or exposed soil). The extent of open water will vary under the Saltwater Alternative depending on the tidal elevation and inlet condition, but will always consist of at least 51.0 acres of open water under any condition as shown in the table. The EIR text referenced in the comment regarding the overall increase in the amount of open water is comparing the existing open water conditions (high presence of cattail vegetation) and the future saltwater conditions, which would remove a large volume of that encroaching vegetation, allowing for more open water conditions.

P14-10 See Response to Comment P4-4 above. As described in EIR Section 3.9, Visual Resources, the bridge proposed in Mitigation Measure Land Use-1 was determined to result in a significant visual impact because of the public expectation of open views in the vicinity of the lagoon as currently exist. The comment does not substantiate its assertion that these conclusions or inclusion of this mitigation measure for the Saltwater Alternative impaired the public's ability to participate in the CEQA process.

P14-11 As described in response P14-10 above, the EIR did not understate or attempt to ignore the expanded footprint on the beach as described in the comment; rather, the EIR fully acknowledged and described the new inlet across the beach and required mitigation due to significant safety impacts.

The types of items listed in the EIR text represent a suite of options that can be used to enhance public safety, such as signage and fencing. These measures are common features at area beaches and can be accomplished in a visually acceptable manner.

The commenter asserts that the Saltwater Alternative conflicts with the public access requirements of the California Coastal Act. SANDAG respectfully disagrees with the commenter's legal conclusion. Consistency with the California Coastal Act is discussed in Chapter 1 and Section 3.1 of the EIR. In addition, please see Comment Letter 2 in the FEIR Response to Comments from the California Coastal Commission, expressing support for the Saltwater Alternative.

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interrupted stretch of the beach which is now permitted use. Further, there is no guarantee that beachgoers will not be tempted to cross the inlet during unsafe conditions. The only reference to practical mitigation measures in the FEIR is the conclusion at 5.27 that “*public safety hazards are avoidable through appropriate signage, closures, fencing, barricades, and safety personnel*”. What will these mitigation measures actually look like in practice? Given the obvious litigation liability that will attach to various governmental entities if the Saltwater Alternative is approved and adopted (due to the construction of the 100-foot channel), the only mitigation of such a significant risk would be to destroy the appearance of the beach by including sizeable fences, barricades, and signage in the area.

The ‘footprint’ imposed under the Saltwater Alternative is entirely different and would be devastating for the area, both in terms of the open water aspect of the lagoon and the impact on the beachfront area.

V. THE SALTWATER ALTERNATIVE IS ECONOMICALLY INFEASIBLE

CEQA does not require that all exact costs be presented during the EIR process. However, CEQA does require that governmental agencies “consider qualitative factors as well as economic and technical factors and long-term benefits and costs” Pub. Res. Code §21001(g). To this end, California case law has applied the reasonably prudent person test, finding alternatives economically infeasible if the cost is so great compared to the other alternatives. *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600. Here, by SANDAG’s very own admission, the Saltwater Alternative has a cost that is 40% higher than the Freshwater Alternative. Further, the Saltwater Alternative will result in additional and regular maintenance costs and fees. This, coupled with impacts to property ownership and a lower property tax base, would result in a project that is economically infeasible.

VI. THE NEGLIGENT FAILURE TO MAINTAIN THE LAGOON IS THE PREDOMINANT FACTOR IN NOW POTENTIALLY ENABLING A PROJECT WITH SUCH SIGNIFICANT ENVIRONMENTAL IMPACTS.

A final but important point is the ‘baseline’ for the CEQA analysis. We would contend that the only reason CEQA enables SANDAG to consider such drastically different options (that the FEIR is able to characterize as having similar environmental impacts) is due to the absence of any meaningful maintenance having been carried out on the lagoon over such a long period of time. This appears to be a case of impactful significant project design trumping consistent and diligent maintenance of public spaces. Had the latter been a focus for the relevant agencies, there would be no need for such a costly experiment to now be undertaken upon the lagoon and its surrounding areas.

The failure to maintain the lagoon has resulted in serious and significant degradation. That degraded state is then presented in the FEIR as representing the baseline against which the environmental impact of the various options is to be considered and judged. That may or may not be correct as a legal proposition under CEQA, but it cannot be correct under any sensible practical perspective. Here, SANDAG is being afforded the opportunity to decide to enter a significant and disruptive project that

P14-12 SANDAG has conducted preliminary cost estimates for construction and maintenance of the Enhancement Project for each alternative. As stated in Response to Comment 12-52 in the FEIR, although implementation of the Saltwater Alternative would be approximately 40 percent (\$17.2 to \$18.6 million) more costly than the Freshwater Alternative for construction (this does not include long-term maintenance), increased cost alone does not render these alternatives infeasible (*Uphold Our Heritage v. Town of Woodside* [2007] 147 Cal.App.4th 587, 600.). Also of note is that the cost to maintain the Saltwater Alternative on an annualized basis is 46 to 86% lower than the annual maintenance costs of the Freshwater Alternative. The commenter provides no support for the claim that the cost of the Saltwater Alternative renders the project impractical. SANDAG is aware of the relative costs of each alternative and the cost of each alternative does not render the alternative impractical. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

P14-13 It is not the purpose of CEQA to determine the factors that have led to the existing conditions that serve as the baseline for evaluation in the EIR document. The baseline conditions used in the EIR are consistent with Section 15125 of the CEQA Guidelines, which state that the baseline condition for CEQA analysis is generally determined by existing conditions at the time the project NOP is published.

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the residents most closely affected have not requested and do not want and the legal grounds for justifying such stance has been enabled through agency negligence, that is the failure to maintain the lagoon. Had the lagoon been adequately maintained, the comparison of the Saltwater and Freshwater Alternatives and their environmental impacts would have been even starker.

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P14-13

I would be happy to discuss any of the foregoing and would welcome an opportunity to do the same.

Sincerely,

Gabriela Torres

Gabriela M. Torres, Attorney

Resolve Legal Solutions

ATTACHMENT

Amendment Request Staff Report and Preliminary Recommendation

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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W16b

Filed: 8/29/11
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Staff: M.Ahrens-SD
Staff Report: 11/17/11
Hearing Date: 12/7-9/11

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-10-020-A1

Applicant: Department of Fish and Game

Agent: Keith Merkel

Original

Description: Maintenance dredging including removal of up to 165,000 cubic yards of beach sand from the central and western basins to be deposited on beach area south of the lagoon inlet, as well as replacement and extension of fencing around designated lagoon nesting areas E2,W1 and W2.

Proposed

Amendment: West basin lagoon maintenance activities to include the redistribution of 20,000 cubic yards of sand and 560 cubic yards of cobble deposits, implementation of soft shoreline repairs to stabilize and maintain existing nesting sites, repair and enhancement of an upland rock revetment around an existing storm drain outfall, installation of new vinyl coated chain link fencing and gate around a portion of an unfenced habitat area and grading of sand berm along Carlsbad Boulevard.

Site: Batiquitos Lagoon, Carlsbad, San Diego County

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project with conditions to allow redistribution of up to 20,000 cubic yards of sand and 560 cubic yards of cobble within the parameters of the Batiquitos Lagoon, as well as minor beach maintenance activities and installation of fencing, in order to improve the ecological viability of the lagoon system and to enhance the effectiveness of the lagoon maintenance dredging permitted under CDP 6-10-020. In order to maintain a permanently open lagoon mouth and healthy

lagoon ecosystem, periodic maintenance dredging of the lagoon bottom has occurred since the completion of the initial lagoon restoration plan approved in CDP 6-90-219. These maintenance dredging activities have been generally composed of a large amount of sand being dredged from the lagoon basins and redeposited outside of the lagoon on the nearby coastal beach areas. Through further analysis of the lagoon systems and sedimentation trends within the lagoon, it has become apparent that the existing contours and conditions of the inland lagoon basins, shoreline, and sand flats contribute to the increased sedimentation of the western basin and erosion of specific habitat areas.

This permit amendment proposal will modify and redistribute the sand deposits within the western lagoon basin to reduce the frequency of necessary maintenance dredging in the lagoon and to improve the ecological function of the lagoon system. This proposal will involve no export of dredged sand or cobble materials outside of the lagoon basins. Rather, this proposal seeks to authorize the redistribution of 20,000 cubic yards of sand as well as up to 560 cubic yards of cobble within the western lagoon basin. The proposed project is consistent with the Special Conditions of the original Batiquitos lagoon restoration project 6-90-219 and will not involve any grading or cut of the lagoon areas beyond depths previously excavated in the initial lagoon restoration project and recorded in the as-built plans of the lagoon in 1997. As such, the proposed project is considered to be a maintenance activity and will not constitute new dredging. All of the Special Conditions regarding public access, protection of sensitive species and habitat areas, storage and staging and invasive species that were attached to CDP 6-10-020 remain in effect for this proposed permit amendment. As conditioned and proposed, the project will result in no adverse impacts to coastal resources, will not impede public access or existing public views and will help advance and maintain the ecological function and viability of the Batiquitos Lagoon. Therefore the proposed permit amendment can be found consistent with all applicable Chapter 3 policies of the Coastal Act.

Standard of Review: Chapter 3 policies of the Coastal Act.

Substantive File Documents: City of Carlsbad Certified East Batiquitos Lagoon/Hunt Properties segment; Batiquitos Lagoon Enhancement Project Final EIR/EIS (City of Carlsbad and U.S. Army Corps of Engineers); Batiquitos Lagoon Enhancement Project Draft Preliminary Design Report (February, 1988); Coastal Development Permit 6-90-219 and amendments; *Caulerpa taxifolia* survey; Maintenance Grading and Repairs, Batiquitos Lagoon West Basin Terra Costa/ Merkel and Associates Report dated October 26, 2011, Batiquitos Lagoon long term Biological Monitoring Program Report 2009.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-10-020 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Special Conditions.

The permit is subject to the following conditions:

1. Prior Conditions of Approval. All terms and conditions of the original approval of Coastal Development Permit 6-10-20 shall remain in full force and effect, except those that are explicitly replaced or modified in this amendment.

2. The following shall be added as new Special Condition #8:

8. Revised Final Plans for Beach Maintenance. PRIOR TO ISSUANCE OF THE PERMIT AMENDMENT, the applicant shall submit to the Executive Director for review and written approval, final plans for the beach maintenance activities that are in substantial conformance with plans submitted with this application by Terra Costa dated 8/25/11, except that they shall be modified as follows:

a. The sand dune fencing on the beach shall be deleted.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Amendment Description/Permit History.

This amendment proposal involves several maintenance activities aimed at improving the biological conditions of the Batiquitos Lagoon and associated upland habitat areas, as well as improving the condition of the existing lagoon so that it is more consistent with the original as-built conditions recorded after the initial lagoon restoration project was completed in 1996. Specifically, the amendment proposal includes redistribution of 20,000 cubic yards of sand and 560 cubic yards of cobble deposits within the western lagoon basin, implementation of soft shoreline repairs to stabilize and maintain existing nesting sites, repair and enhancement of an upland rock revetment around an existing storm drain outfall in the west basin, and installation of new vinyl coated chain link fencing and a gate around a portion of an unfenced habitat area in the western basin directly east of Carlsbad Boulevard. This proposal will involve no export of dredged sand materials outside of the lagoon basins and onto coastal beaches, but rather will focus on redistributing sand and a small amount of cobble deposits within the lagoon's western basin to combat existing, problematic, erosion and sedimentation processes. In addition, the project includes grading of the beach area next to Carlsbad Boulevard to push the sand seaward, away from the parking lot, road and bike lanes.

Project History

In the original permit for the Batiquitos Lagoon restoration (6-90-219), the Commission approved a permit for a restoration project primarily designed to restore a marine habitat regime in the lagoon. In order to create and maintain this marine habitat type, a permanently open lagoon was required. The creation of the open mouth restored continuous tidal action and the former marine ecosystem, without significant adverse impacts to established habitat values within the project limits. In addition, the permanently open lagoon mouth helps to control the sediment load remaining in the lagoon and aids in flood control. The original permit was approved by the Commission (ref. CDP 6-90-219) in March of 1991. It included special conditions addressing mitigation and monitoring, public access, timing of construction, revegetation plans, sediment control facilities, staging areas, protection of sensitive species, and disposal of dredged materials. The permit conditions were satisfied, the permit was issued and the project was subsequently constructed.

However, since the completion of the restoration project in 1996, several unanticipated trends have influenced the existing sedimentation and erosion processes within the lagoon's western and eastern basins resulting in increased erosion of upland lagoon areas and infill of intertidal and subtidal regions. The effects of these processes are exhibited in the steep slopes and cliffs formed along existing west basin nesting site W-2, which diminish the functionality of the site for use by nesting birds such as snowy plovers, the impediment to adequate tidal flushing resulting from increased infill of the western basin, and the increased erosion of specific upland areas in the western basin including the existing North Coast Transit District railroad and associated scarp. The proposed project seeks to remediate the ongoing scour of the lagoon edges in the western basin by redistributing sand deposits within higher elevations of the western basin in order to

create more gradual shoreline slopes around the existing nesting site and restore some of the habitat types that have been impacted by erosion and infill trends.

Sediments are transferred into the lagoon from both upstream development sites and through tidal action, and continually accumulate in the lagoon. As a result of the reduced tidal prism, lagoon resources become stressed, and maintenance dredging is required to assure the continued health of the lagoon. Since the original restoration project and opening of the lagoon to tidal influences maintenance dredging has occurred almost biannually. Such development has been permitted by CDPs 6-90-219-A1, 6-90-219-A3, 6-90-219-A4, 6-90-219-A5, 6-90-219-A6, 6-90-219-A-7, 6-90-219-A8, 6-90-219-A9, 6-90-219-A10, and 6-10-020. Maintenance dredging has been identified in the past as the only feasible option for maintaining an open lagoon mouth and acquiring adequate tidal influence in the lagoon's basins. However, after 15 years of comprehensive monitoring and observation of sediment and erosion trends within the lagoon system following the 1996 restoration project, the applicant has developed this proposal in order to augment the positive effects of the maintenance dredging and reduce the frequency of necessary future maintenance dredging. The most recent round of lagoon dredging activities were approved under CDP 6-10-020 and authorized up to 118,000 cubic yards of sand to be dredged from the lagoon and deposited on south Ponto beach. The lagoon dredging permitted under this permit was initiated on November 14, 2011 and is allowed to continue until March of 2012, when the avian breeding season begins. The applicant intends to conduct the proposed maintenance activities concurrently with the ongoing lagoon dredging in order to reduce impacts to public access and provide the greatest ecological benefit to the lagoon system. The proposed project activities will be subject to all of the Special Conditions of the previous CDP 6-10-020.

The proposed project will occur within Batiquitos Lagoon, where the Commission retains jurisdiction. As such, the standard of review is the Chapter 3 policies of the Coastal Act.

2. Marine Resources. Sections 30230, 30231, 30233, and 30235 of the Coastal Act apply to the proposal and state, in part:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste

water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

Sections 30230 and 30231 state, in part, that marine resources shall be maintained and restored where possible and shall promote the highest feasible level of biological productivity. The sand reconfiguration and other lagoon maintenance activities, as described by the applicant, will allow for the improved tidal flushing of the lagoon and alleviate ongoing erosion and sedimentation issues within the lagoon system which currently impede the overall ecological productivity of the lagoon.

It was anticipated in the original lagoon restoration approval that maintenance dredging and adaptive management strategies would be required to maintain lagoon health. In order to properly manage and maintain the health of the lagoon ecosystem following the 1996 restoration, CDP 6-90-219 required comprehensive monitoring reports of lagoon conditions, the last of which was submitted in 2009. The subject 2009 monitoring report provides a comprehensive retrospective on the restoration of Batiquitos Lagoon and examines post restoration physical and ecological evolution within the system. When the lagoon mouth was originally opened in 1996 and the lagoon basins were exposed to wind and wave action and the influence of oceanic swells, it initiated a process of sediment redistribution on the beach and within the lagoon. The lagoon's western and central basins were most directly influenced by coastal processes and as such experienced increased littoral sand accumulation in flood shoals, shoreline scour and erosion. The redistribution of sand and pulsing ocean swells began to erode and steepen the unconsolidated sand shoreline of the W-2 nesting site and also affect the stability of an abandoned railroad spur that remained in the western basin after the initial lagoon restoration. After noticing these damaging erosion and sedimentation trends that were initiated following the initial lagoon restoration, the applicant developed the following sand redistribution project in the western basin to flatten the shoreline slopes back to gentler 20:1 gradients from the existing 10:1 and 12:1 gradients in order to provide greater protection of tern nesting sites and shoreline areas and to reduce erosion along the railroad causeway by extending a sloping shore to an elevation above the wave impact zone.

Ultimately, these erosion and sedimentation trends also resulted in greater erosion of the banks of the western shores of the central basin as tidal flows formed deep narrow channels that migrated into marshlands and impacted some habitat areas. In addition to a deepening and narrowing of the main inflow and outflow channel, the currents in the lagoon also pushed more sand deposits towards the flood shoals in the western basin and resulted in a tidal muting of the lagoon and a reduction of the lagoon's tidal prism. The applicant's proposal to reallocate 20,000 cubic yards of existing sand deposits within the lagoon's western basin will help to stabilize the shoreline and nesting sites of the western lagoon basin and restore some ecological function to habitat types that have been subject to damaging erosion or sedimentation. By redistributing some of the sand deposits within the lagoon's western basin, subtidal areas of the lagoon will also regain some tidal circulation and will not further accumulate sand in the western basin's shoals or develop a deeper, higher velocity, lagoon inflow/ outflow channel. Commission Staff's ecologist Lesley Ewing has reviewed the proposed project and agrees that the project is a viable way to remediate some of the erosion and sedimentation issues within the lagoon.

The proposed permit amendment will be consistent with all of the special conditions attached to CDP 6-90-219 and associated amendments, as well as CDP 6-10-020, and will bring the lagoon's existing habitat zone ratios into increased compliance with those documented in the as-built plans of the lagoon from 1997. Specifically, the proposed maintenance activities would increase the subtidal area approximately 77% from current conditions and would achieve 55% of the original as-built condition. While the maintenance proposed does not result in a precise reinstatement of habitat zone types as those which were present during the 1997 as-built survey, the proposed activities will still

move the conditions of the west basin further towards the initial as-built condition. Additionally, no new excavation beyond the original dredge limits is proposed in the west basin; rather most of the proposed cut is shallower than the original as built conditions. The primary purpose of the proposed amendment is the reconfiguration of accreted sand to improve water quality and flushing, reduce erosion, and restore many of the initial habitat goals for the system, including nesting and foraging habitat connectivity. As such, the proposed project can be found consistent with the intent and conditions of the original lagoon restoration project (CDP 6-90-219), as well as with the most recent lagoon maintenance dredging project (CDP 6-10-020).

The proposed work would help to restore functionality in the lagoon's western basin and would improve physical and biological habitat conditions within the lagoon system. The proposed work would be undertaken by the California Department of Fish and Game, as the managers of the ecological reserve, with construction to be managed by the California State Lands Commission as owner of portions of the reserve land. Both of these agencies were signatory parties to the 1987 memorandum of agreement for the restoration of the lagoon as a mitigation site for the port of Los Angeles harbor fills. Following the initial lagoon restoration project the lagoon has been maintained by CDFG using a maintenance fund account provided by the port. The mitigation value of the initial lagoon restoration was provided to the port with different habitat type ratios identified for subtidal, intertidal, low marsh, high marsh, sandflats, and 'other areas'. Since the original restoration project there has been a decrease in the deeper subtidal environments due to increasing lagoon sedimentation and an increase in shallower intertidal habitat zones. The proposed project would increase the amount of subtidal acreage from 2.9 acres to 5.2 acres, bringing it closer to the 1997 as-built acreage of 9.4 acres. Additionally, the proposed project would reduce the amount of low marsh habitat area from 5.6 to 1.8 acres, also bringing that habitat zone closer to the 1997 as-built area of 2.3 acres. The other modifications to the habitat zone that will result from the proposed project are minor and will bring the overall habitat type acreages closer to the as-built lagoon conditions.

While the proposed project would involve some minor reduction of existing low marsh/upland habitat types to allow for an increase in others, the proposed project is intended to improve the ecological viability of the whole lagoon ecosystem and will not result in a loss of sensitive or wetland habitat areas or threaten any sensitive avian species. The proposed sand redistribution would involve some minor grading and dredging of the lagoon floor, but because all of the cuts proposed are to occur in areas that were previously excavated to greater depths during the initial 1996 restoration project, this proposed work is considered to be a maintenance activity rather than new dredging. Also, since the west basin currently provides seasonal nesting habitat for the California least tern and western snowy plover, two birds listed as endangered species, and since this area is mostly designated as critical habitat, the applicant has coordinated with the US Fish and Wildlife Service during the development of this proposed project in order to avoid adverse modification of the habitat during construction. To further ensure that no adverse impacts to sensitive bird species or habitat areas occur, all Special Conditions of CDP 6-10-020, which restrict staging areas and timing of construction, would be applicable to the proposed project. Furthermore, the Commission staff's

ecologist, John Dixon, has reviewed the proposed amendment proposal and has determined that the proposed project would be consistent with the intent and Special Conditions of the original Batiquitos Lagoon restoration work permitted in 6-90-219 and would result in an enhancement of the overall ecological health of the lagoon. The San Diego office of the Coastal Commission has also received letters from the National Marine Fisheries Service supporting the proposed project. Therefore, the proposed sand reconfiguration can be found consistent with the Marine Resource policies of the Coastal act.

Other than the proposed sand deposition/reconfiguration, the amendment application also includes a request for the redistribution of 560 cubic yards of cobble currently within the lagoon entrance channel below the Carlsbad Boulevard Bridge and extending westward. The purpose of this project component would be to move the 560 cubic yards of underwater cobble to the foot of an energy dissipation apron directly below a storm drain outfall in the southern area of the western lagoon basin north of the W1 tern site. At this location the cobble would serve as a secondary stabilization to the drain outfall that currently functions as a fast moving channel, funneling sand deposits directly towards the main lagoon waterway. To further stabilize this area the applicant is proposing to reconstruct the existing energy dissipater in conjunction with the cobble deposition and reduce the erosive potential of the outfall by lowering the elevation and gradient of the lagoon floor in front of the dissipater. As the existing storm drain apron has recently failed and the high velocity discharge is causing significant erosion to the western basin's lagoon banks, deposition of the 560 cubic yards of cobble in this location and reconfiguration of the lagoon floor gradient in this location would help to dissipate the energy of the storm outfall drainage and alleviate problematic erosion in the Western basin, allowing for the continued ecological function of the western basin's nesting sites and habitat areas.

The cobble component of the project will involve the removal of a minor amount of cobble from the bottom of the main lagoon inflow/outflow channel and subsequent cobble deposition in an upland area of the western basin. Currently, in the northern portion of the western basin, an existing storm drain outfall is contributing to shoreline erosion and damaging scour of the nesting site W-1. The placement of the cobble in the energy dissipation apron below the storm drain in conjunction with the remodeling of the lagoon floor's gradient directly below the storm outflow will help to reduce sand movement in this area and provide more stability to the channel bed and shoreline areas in this region of the lagoon. The existing 560 cubic yards of cobble within the lagoon proposed for reconfiguration is currently located at the bottom of the swiftly moving inflow/outflow channel and provides no habitat for sensitive marine species. As such, the removal of the cobble from its existing location would result in no adverse impacts to lagoon habitats, consistent with the Marine Resource policies of the Coastal Act. As the location proposed for cobble deposition exists as a failed storm water dissipater apron and does not support any environmentally sensitive habitat, the placement of the cobble in this location would not result in any adverse impacts to environmentally sensitive habitat areas or marine resources. Overall, the placement of the cobble deposits below the existing storm drain outfall would result in increased protection of the W-1 nesting

site and surrounding shoreline habitat from the erosive and damaging forces of the current storm drainage system.

As noted, a number of endangered bird species reside and overwinter in the lagoon. According to the applicant, the majority of species that use the staging areas and discharge sites have immediately adjacent sites that they use for loafing and feeding, and because of the timing of the project, no birds are expected to require the sites for nesting. Mammals are only found on site for foraging purposes and also have adjoining sites available for that purpose, so the proposed project is not expected to have an adverse impact on resident mammal species. The applicant proposes to complete the project outside the California least tern/Western snowy plover nesting season as the dredging sites are located in close proximity to nesting sites for endangered/threatened avian species. Moreover, the entire lagoon area is used for foraging by these and other sensitive species throughout the nesting season. All staging areas are proposed within the perimeters of the project itself and the dredge methodology and sand replenishment operations will comply with all applicable Chapter 3 Coastal Act policies.

Other sensitive lagoon habitats include eelgrass beds, which currently occupy a large part of the eastern basin and small sections of the western and central basin and provide habitat for many fish and invertebrates. However, existing eelgrass beds in the west basin lie outside of the proposed project parameters and no impacts to existing eelgrass habitats are expected as part of this proposed project. Furthermore, the eelgrass beds were an experimental addition to the lagoon and were not present prior to restoration. Eelgrass was planted with the understanding that the lagoon would require occasional dredging, and the specifications of the original permit regarding dredging authorized the occasional removal of eel grass beds. Additionally, when the lagoon is fully functional, the sheer velocity of the current deters the growth of eel grass in the proposed sand reconfiguration zone; thus, even if the project were designed to avoid the eel grass beds, once dredged, the conditions would not allow for the persistence of the eel grass population in that area of the lagoon.

Section 30233 requires that dredging of open coastal waters shall only be permitted when there is no feasible less environmentally-damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and where such dredging is one of the permitted uses cited. In the case of the subject proposal, the Commission has previously found that the Batiquitos Lagoon Enhancement Plan represented a restoration project for the lagoon and was consistent with Section 30233. Thus, the proposed project is a restoration project and is an allowed use under Section 30233. As conditioned, the project is not expected to have any significant adverse environmental impacts, so there is no feasible less environmentally-damaging alternative. In addition, because no adverse impacts are anticipated, no mitigation measures are necessary. The project is therefore consistent with the requirements of Section 30233.

Additionally, the proposed amendment includes the installation of 230 linear ft. of fencing along the south western border of the lagoon adjoining Carlsbad Boulevard. The applicant claims that without a fence in this location trespassers can easily gain access into lagoon areas that are intended to be off limits to the public and often utilize the

sensitive lagoon areas for illegal fishing activities. In order to remediate this chronic problem, the applicant has proposed to install fencing along a portion of the reserve boundary. The new galvanized chain link fencing would be approximately six feet high, but would not be situated or designed to function as a predator perch that would adversely impact sensitive nesting birds on nesting sites W-1 and W-2. The proposed vinyl coated beige/tan colored fencing has been designed to match the color of the surrounding sand on the nesting sites and is identical to other lagoon habitat area fencing approved in CDP 6-10-020. As the proposed fencing will be installed in an area of the lagoon where public access is currently prohibited and will not restrict or impede any existing public access or walking trail points and will also not be located along the edges of any least tern nesting sites or sensitive habitat areas, the fencing will have no adverse impacts to public access or lagoon habitats.

The applicant is also proposing some minor beach sand maintenance that involves the movement of a small portion of an accumulated sand berm westward and away from the adjacent Carlsbad Boulevard and associated bike lanes. The maintenance activities would redistribute 6,500 cubic yards of sand onto the westward side of the berm and out further westward onto the main beach sand area, but would not increase the elevation of the existing sand bar above what currently exists. The intent of this sand maintenance activity is to prevent sand from blowing over onto Carlsbad Boulevard and into adjoining beach parking areas, which has become a chronic problem in this location. This project component would not involve the movement or deposition of dredged sand spoils and would be limited to the reconfiguration of an existing unvegetated sand berm without an increase in the height of the berm and would not impact any habitat areas or marine resources in this region of the beach. Because the equipment will already be on the beach nearby to move the sand placed from the lagoon dredging, the costs will be reduced as well as impacts on the public. No impacts to vegetation or sensitive habitats will occur. As such, it can be considered a beach sand maintenance activity, consistent with the Marine Resource policies of the Coastal Act.

In summary, the proposed project is necessary to improve the ecological productivity of Batiquitos Lagoon to assure success of previously approved restoration efforts. The proposed project is a permitted use under Section 30233 of the Coastal Act and as conditioned, no adverse impacts to sensitive coastal resources are anticipated. In addition the Commission's staff ecologist as well as DFG and other resource agencies support the project. Therefore, the Commission finds the proposed work, as conditioned, is consistent with Section 30230, 30231 and 30233 of the Coastal Act.

3. Public Access. Sections 30604(c) and 30211, 30220, 30221, 30233(b) and 30235 apply to the proposal and state in part:

Section 30604(c)

Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter.

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30233(b)

Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

Section 30235

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30604(c) of the Coastal Act requires a public access finding to be made for projects located between the sea and the first coastal road; in this case, such a finding can be made for the proposed development, with the inclusion of Special Condition #1 in the original permit that also applies to this amendment. This condition requires that the entire proposed project be completed during the winter months, when the least number of visitors are present, to reduce the impact on public access, as regulated by Sections 30210, 30211, 30221, and 30233(b).

The subject proposal involves redistributing 20,000 cubic yards of sand within the lagoon boundaries, moving 560 cubic yards of cobble to a storm outfall dissipation apron, minor beach maintenance involving recontouring of an existing sand berm, as well as installation of fencing. The proposed sand movement within the lagoon will involve minor grading of the existing underwater contours, however, as all of the areas proposed to be cut were previously excavated to greater depths during the original restoration in 1996, the proposed work is considered to be a maintenance activity and will not constitute new dredging or involve any beach sand replenishment. The proposed fencing will be installed in an area of the lagoon where public access is currently prohibited and will not restrict or impede any existing public access or walking trail points. An extensive public walking trail is currently available along the northern boundary of the lagoon and will not be impacted as part of this proposed project.

The applicant had initially proposed to install 3ft. tall fencing along a portion of north Ponto beach bordering Carlsbad Boulevard as part of this amendment proposal to help forestall sand from migrating back onto the highway. However, as the applicant has not provided the Commission with adequate information to properly review the design and purpose of the fencing and its potential impacts on public access prior to this hearing, the applicant has indicated that it is willing to remove the beach berm fencing proposal as part of this project. In order to memorialize this, Staff is recommending Special Condition # 2, which will add Special Condition #8 to the existing Special Conditions of 6-10-020 and will require the applicant to submit a revised project plan that omits the dune fencing component of the project prior to permit issuance.

Section 30210 of the Coastal Act requires that access to the shoreline be provided consistent with public safety needs. The proposed work will occur during the same time frame as the lagoon dredging and beach replenishment project approved under CDP 6-10-020. As such, all of the same mechanisms ensuring the protection of public access as required in 6-10-020 will also be applied to the construction process associated with this proposed project. Specifically, the Department of Fish and Game shall implement a public safety and access program consisting of signs, flagging and sand bridges over discharge pipes in the project area to ensure that people walking, as well as beach maintenance and emergency vehicles, have safe access to and along the beach during construction activities and operations. As such, the proposed permit amendment can be found to be consistent with the public access and recreation policies of the Act.

4. **Visual Resources.** Section 30251 of the Coastal Act requires that:

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by

the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Batiquitos Lagoon is a scenic coastal resource area with multiple public vantage points throughout the lagoon as well as a system of public walking trails. The lagoon area is also visible from I-5 and multiple adjacent public roadways. As such, the applicant has designed the project to minimize visual impacts, and proposed fencing and sand redistribution operations have been conditioned to further protect public coastal resources from visual impacts. The proposed beach sand maintenance operations to occur on the north Ponto Beach area have been conditioned to ensure that the movement of sand in this area will not increase the height of the existing berm beyond what currently exists. To ensure the visual compatibility of the proposed fencing to be installed on portions of the lagoon adjoining Carlsbad Boulevard with the surrounding area, the applicant has proposed to install chain link fencing with beige/tan colored vinyl coating. With a vinyl coating colored to replicate the palette of the sandy ground and nearby sand nesting site, the proposed fencing has been designed to preserve the visual quality of the Batiquitos Lagoon and adjacent public beach areas and is consistent with the visual protection policies of the Coastal Act. The applicant's initial proposal to include sand berm fencing as part of this project will not be included in or permitted through this permit amendment proposal.

5. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made for the proposed development, with the inclusion of the attached conditions.

The Commission approved CDP #6-90-219 for enhancement of Batiquitos Lagoon. A critical key to success of the approved enhancement plan is to maintain an open lagoon mouth and specified tidal prism. Beach sands and sediments have accumulated within intertidal areas of the west basin and exacerbate existing erosion and sedimentation trends within the lagoon system, threatening lagoon enhancement efforts due to habitat impacts and a reduction in the tidal prism. Approval of the proposed project to redistribute these sediments/sands and small amount of cobble is consistent with previous Commission action on the original project. Therefore, approval of the proposed permit amendment, as conditioned, is consistent with Chapter 3 policies of the Coastal Act.

The City of Carlsbad has a certified LCP and the project site is within the Carlsbad LUP segment of the LCP. However, the subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of Carlsbad to continue to implement its certified LCP for the Batiquitos lagoon area.

6. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, the proposed project is consistent with the resource protection policies of the Coastal Act. Mitigation measures, in the form of seasonal restrictions, will avoid all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

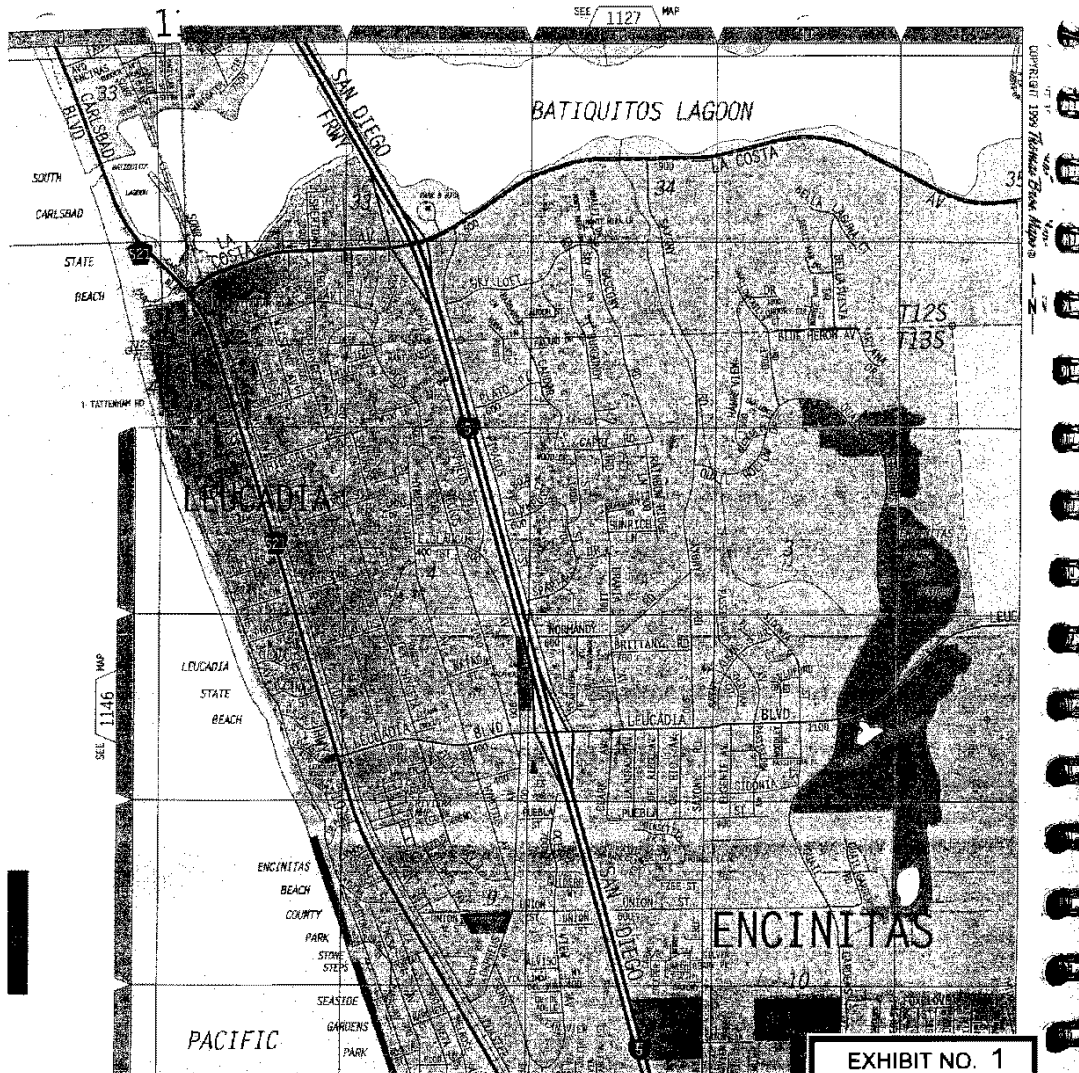

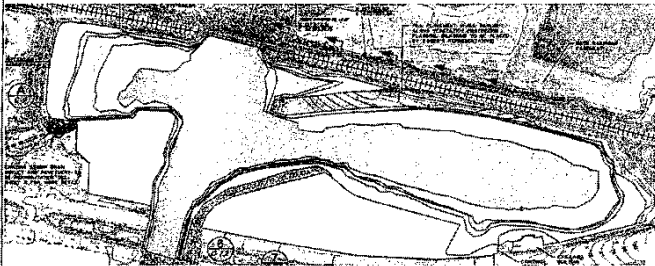


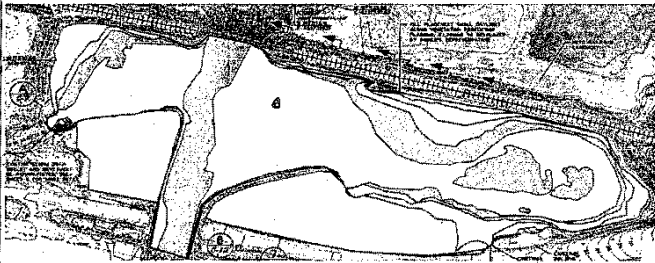
EXHIBIT NO. 1
APPLICATION NO.
6-10-020-A1
Location Map
 California Coastal Commission

**BATIQUITOS LAGOON MAINTENANCE 2011-2012
WEST BASIN HABITAT CHANGES EXPECTED**

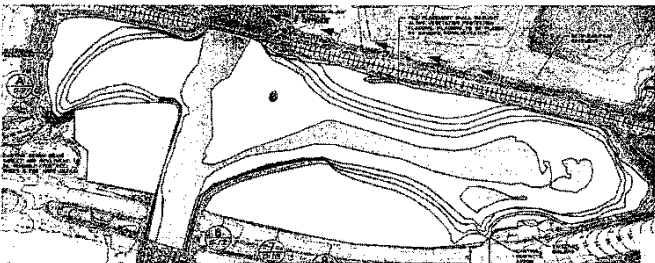
AS-BUILT CONDITIONS - 1997



CURRENT CONDITIONS - 2011



PROPOSED CONDITIONS - 2012



HABITAT ZONES	ELEVATION RANGE (ft NGVD29)	As-Built Acreage	Current Acreage	Proposed Acreage
SUBTIDAL	Below -4.16	9.4	2.9	5.2
INTERTIDAL	Between -4.16 and +1.34	6.9	10.1	10.3
LOW MARSH	Between +1.34 and +2.84	2.3	5.6	1.8
HIGH MARSH	Between +2.84 and +4.44	1.4	2.3	2.8
SAND FLATS	Above +4.44	6.8	4.2	3.9
SAND FLATS	Above +7.44	6.0	11.2	12.3
OTHER AREAS	Above +4.44	9.6	6.1	6.1
TOTAL ACRES:		42.4	42.4	42.4

EXHIBIT NO. 2

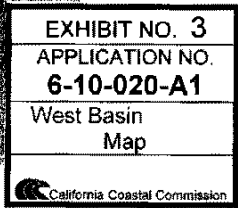
APPLICATION NO.

6-10-020-A1

West Basin Habitat

Changes

California Coastal Commission



STATE OF CALIFORNIA
STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor
EDMUND G. BROWN JR., Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



CURTIS L. FOSSUM, Executive Officer
(916) 574-1800 FAX (916) 574-1810
California Relay Service from TDD Phone 1-800-735-2928
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1870
Contact FAX: (916) 574-1875

File Ref: PRC 7242
W 20725.204

Melissa Ahrens
California Coastal Commission
7575 Metropolitan Way, Suite 103
San Diego, CA 92108

Dear Ms. Ahrens:

I have been asked to provide input from the State Lands Commission regarding the proposed work at Batiquitos Lagoon. We have previously provided you with a letter indicating our support of the current maintenance activities, inclusive of that work which you are presently processing a permit amendment. As you know, SLC is actively engaged in supporting the maintenance work as the State contract administration agency for both the design consultants and the construction contractor. As such, we are keenly aware of the details of the proposed project.

In light of the timelines to complete the project outside of critical breeding season periods we have let the contract for construction and anticipate dredging commencing within the next few weeks. The contractor is presently set for a December start for the west basin work in order to complete the project on time and vacate the tern colonies on which he must stage. We would urge your prompt attention to bringing the item before the Commission to assist us in meeting the work window needs to restore the lagoon inlet this year.

Signature on file

David W. Brown
Chief, Administration

cc: Sharilyn Sarb, Coastal Commission
Lee McEachern, Coastal Commission
John Dixon, Coastal Commission
David Zoutendyk, USFWS
Robert Hoffman NMFS
Warren Wong, CDFG
Robert Smith, USACOE
Therese O'Rourke, USACOE
Steve Jantz, City of Carlsbad

EXHIBIT NO. 4
APPLICATION NO.
6-10-020-A1
Letters of Support
Page 1 of 4
California Coastal Commission



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4212

OCT 26 2011

RECEIVED

OCT 31 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Melissa Ahrens
California Coastal Commission
7575 Metropolitan Way, Suite 103
San Diego, California 92108

Dear Ms. Ahrens:

It is my understanding that you have requested information on the position of the National Marine Fisheries Service (NMFS) with regards to the upcoming 2011 Batiquitos Lagoon maintenance dredging including work in the west basin. In connection to this work, there is an amendment pending with the Commission to implement some balanced regrading of the basin and to complete some critical repairs to drainage conditions and fencing. NMFS is aware of and supportive of the proposed work.

The work proposed benefits from greater understanding of the lagoon mouth dynamics than was available at the time of the initial design and it is anticipated that the extent of maintenance that will be required in the west basin in the future will be significantly reduced with the work proposed. The project shallows the shoeline gradients to reduce erosion potential and this proposed work has avoided impacts to the limited marsh in this basin by focusing activities in areas of sand flats and bars that have substantially filled the subtidal portions of the west basin. While the removal of sediment from the west basin does not achieve the same depths as those dredged in the original enhancement project, there is a justification for not substantially altering the channel form along the main channel since the current channel is reasonably stable and serves to bypass most sand to the central basin where it can be more efficiently removed.

While there is an expectation that limited amount of cobble will be included in the littoral sediment deposits to be excavated, we understand that the cobble encountered will be used to expand the erosion protection below the existing failed riprap dissipater that is to be reconstructed in the west basin. We support this action since it is the same natural bed armoring that creates a matrix of sand and cobble that is seen around the mouths of many of the north county creeks, including at the mouth of Batiquitos Lagoon. While not as stable as angular rock armoring, and potentially requiring greater maintenance than riprap, it is an appropriate solution in the context of this enhancement project.

We understand that the resulting habitat mix from the work will not exactly match the initial acreage of habitats that were developed in the west basin at the time of the original project construction. The resource agencies briefly discussed habitat acreage differences at our last review meeting and believe that the best overall system function should be pursued as oppose to attempting to recreate the precise starting condition habitat mix for the restoration project.



This is in the context of prior resource agency restoration review meetings (2008-2009) when we discussed the fact that the inner lagoon was generating much more low marsh than initially anticipated and that this marsh supported expanding populations of light-footed clapper rails. While the extent of low marsh habitat was not planned and the acreage of marsh came at the expense of mudflat and high marsh, the variance in habitat acreage was not viewed as negative but rather it was determined that the overall functioning of the lagoon complex was the critical metric for the enhancement project. In the present case, a similar situation exists such that shoreline erosion has severed nest site connectivity to the water and filled in the subtidal areas. To restore functions, to nest sites, curb erosion, and restore lower elevation habitats, reconfiguration of the basin is in order.

NMFS strongly supports completion of the proposed work. We understand that the contractor has already been selected and is initiating the maintenance dredging work in the next few weeks and looks forward to completing the west basin work during the low daytime tides of December and January. For this reason, I would like to urge the Commission to take this amendment up as promptly as possible so that the work may be completed as early as possible.

If you have any questions, please feel free to contact me at 562-980-4043 or via email at: bob.hoffman@noaa.gov.

Signature on file

Robert S. Hoffman
Assistant Director,
for Habitat Conservation

cc: Sharilyn Sarb, Coastal Commission
Lee McEachern, Coastal Commission
John Dixon, Coastal Commission
David Zoutendyk, USFWS
Dave Brown, CSLC
Warren Wong, CDFG
Robert Smith, USACOE
Therese O'Rourke, USACOE
Steve Jantz, City of Carlsbad

Melissa Ahrens

From: David_Zoutendyk@fws.gov
Sent: Friday, October 28, 2011 7:02 AM
To: Melissa Ahrens
Cc: Dave Brown; John Dixon; Lee McEachern; Smith, Robert R SPL; 'Steven Jantz'; Sheryllyn Sarb; Orouke, Therese SPL; 'Warren Wong'; Bob Hoffman; Sandy_Vissman@fws.gov
Subject: Batiquitos Lagoon Maintenance Dredging Project

Dear Ms. Ahrens,

The U.S. Fish and Wildlife supports the proposed Batiquitos Lagoon Maintenance Dredging Project and urges the California Coastal Commission to approve the project as soon as possible so it may be completed outside the bird breeding season.

David A. Zoutendyk
Division Chief
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011
(760) 431-9440 (P)
(760) 431-5902 (F)
David_Zoutendyk@fws.gov

LETTER 15

SAVE THE FRESH WATER BUENA VISTA LAGOON ASSOCIATION

From: Save the Fresh Water Buena Vista Lagoon Association

To: SANDAG Board of Directors

RE: Buena Vista Lagoon Enhancement Program (January 26th, 2018)

Dear SANDAG Board of Directors:

We ask that you read this document in entirety, including the attachments, prior to January 26th. Thank you for your time in advance.

We are the citizens who live and work in the Buena Vista Lagoon community. We recently formed "Save the Fresh Water Buena Vista Lagoon Association."

Our community is exceedingly concerned over the recent recommendation by the SANDAG project management team (SPMT) to change the Buena Vista Lagoon to a Salt Water environment.

Over and above the partial approach to this process that favored Salt Water was the refusal to include the people who live in this tight knit, united lagoon community. There has been a lack of regard for the impact on human life throughout this entire process. In this letter, we will elaborate on the partiality of this recommendation, we will identify the many misrepresentations, and we will expose the lack of regard for your constituents throughout the term of this process.

We are the many people who live here 24x7, 365 days a year – we are not occasional visitors. We often congregate with our families, our neighbors and friends in the Village of Carlsbad and South Oceanside. We know the restaurant owners, bartenders, waiters/waitresses - and they know us. We are the people they call "locals" and they thank us for our businesses in offseason months. We all ask, why would the SPMT recommend converting 155 acres of this beautiful fresh water paradise into 104 acres of dirt, grass and bushes with nothing more than a Salt Water creek? No one knows that answer. Not the restaurant owners we have talked to, not the bus boys, not the residents, not the surfers, not the tourists we talked to, no one.

1.) The Dangerous Beach Channel Created by the Salt Water Alternative and the Intentional Disregard for Human Life

Get ready for the following front page headline: "Little Boy Drowns in Newly Built Death Channel. Lawsuit expected to hit \$30,000,000. The dangerous beach channel was approved with full knowledge that there was a high risk of public safety, even though other options were available that were significantly safer and less expensive. There's uproar from the lagoon community who warned against the channel but lost the fight due to pressure from various government agencies and their special interest groups."

With respect to the honorable SANDAG board, we are not asserting you would vote for this, knowing that these public safety issues are present. We do feel we need to highlight this important issue and bring it to your attention.

Please see the Final Environmental Impact Report (FEIR), Section 4, Comparison of Alternatives, page 6 as follows: "Significant impacts to public recreational safety would result from operation of the Saltwater and Hybrid Alternatives. The new inlet crossing of the beach could create a safety threat to beach users during certain tidal conditions of high water volume and velocities that would render it not safe for beachgoers or recreationalists to cross. Mitigation Measure Land Use-1 requires that a

- P15-1 The comment provides introductory statements. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P15-2 Please see Response to Comment 9-8 in the FEIR regarding that significant public safety impact would result under the Saltwater and Hybrid Alternatives. Also, please see Response to Comment 12-6 in the FEIR regarding inherent risk and similar inlet crossings along the coast.

P15-1

P15-2

pedestrian bridge be constructed to span the proposed tidal inlet to provide north-south lateral access for beach users. While this measure would substantially improve public safety associated with the new inlet as it would provide a way for beach users to safely cross the inlet during times of high water levels and velocities, the overall inherent danger of the new inlet during certain conditions would remain unsafe for people swimming, walking, or otherwise recreating in the proposed lagoon inlet. Thus, public safety impacts associated with operation of the new tidal inlet under the Saltwater and Hybrid Alternatives would remain significant and unavoidable.”

The risk of drowning fatalities from the Salt Water alternative will be ongoing each and every year. There will be no reversing this \$65,000,000 decision. How can the SPMT recommend Salt Water with full knowledge of this ongoing public safety risk? What’s the real reason the SPMT is recommending Salt Water?

Further concerning is section 5.27 in the FEIR, pertaining to Salt Water, which states, “public safety hazards are avoidable through appropriate signage, closures, fencing, barricades, and safety personnel.” Are these the types of unsightly appearances we want on our beaches?

Permit, the Coastal Commission

It is worrisome that the Coastal Commission has stated they will only provide a permit for Salt Water, given that it is the most dangerous option for the reasons stated above. Further concerning regarding the permit is that Salt Water creates new restrictions regarding beach access.

2.) The SPMT’s Disrespect for the Residents that Live on the Lagoon by Intentionally Eliminating Them from All View Impact Considerations

This is not a typo – this has been confirmed in writing. The SPMT confirmed in the FEIR that they intentionally eliminated the residents who live directly on the lagoon from all view impact considerations. The cars on the 5 freeway were given more consideration than the resident property owners that live right on the lagoon. This is shown in the draft EIR (DEIR) and in the FEIR in section 3.9 entitled “Visual Resources.” See “List of Key Views,” table 3.9.1 (Exhibit A1) and “Key View Location Map” (Exhibit A2). The map clearly shows that ¾ of the lagoon and those that are most significantly impacted by views were completely eliminated from the entire view impact analysis. By eliminating ¾ of the lagoon, they eliminated having to show and discuss the most impressive water views that exist on the lagoon, many of which occur at higher elevations. This is a significantly deceiving analysis that favors Salt Water by not disclosing the most impressive Fresh Water views. The residents provided comment letters in 2015 inviting the SPMT to their homes and their area so the SPMT could fairly assess the views from other areas of the lagoon. The SPMT never responded to their invitations.

This issue of disregarding the 200 or so residents who live on the lagoon from all view consideration was addressed by many residents via their public comments in 2015. The SPMT’s response to the resident’s letter was as follows: “The alteration of a few private views in a projects immediate vicinity is not considered a significant environmental impact.” (Exhibit A3). The interpretation of this suggests that ¾ of the people who live on the lagoon are being sacrificed.

Furthermore, the issue of the Salt Water alternative causing an estimated 35% decrease in property values was also addressed by a resident’s public comments in 2015. The SPMT’s response to the resident’s concern was as follows: “Private property values and purely socioeconomic effects exceed the scope of the EIR.” (Exhibit A4). How convenient for the SPMT to intentionally create a financial disaster and concurrently abstain from all financial responsibility. Is this really how our government is supposed

P15-2
cont

P15-3

P15-4

P15-5

P15-6

P15-3 The language quoted in the comment from Letter 5-27 of the EIR relates to implementation of beach nourishment when sand would be placed on the beach. As part of this effort, safety hazards are avoidable through appropriate temporary signage, closures, fencing, barricades, and safety personnel. The Enhancement Project does not propose permanent fencing or other barricades. The types of items listed in the EIR text that can be used to enhance public safety, such as signage and fencing, are common features at regional beaches during beach nourishment activities.

P15-4 SANDAG does not have authority or jurisdiction regarding California Coastal Commission decisions. Please see the California Coastal Commission letter, Letter 2 in the FEIR Response to Comments.

P15-5 Please see Response to Comment P11-3 regarding the consideration of private views.

P15-6 Private property values and purely socioeconomic effects exceed the scope of the EIR. However, SANDAG recognizes the concerns of the homeowners in the vicinity and will take the comment under consideration together with the project record prior to taking action on the project.

to operate? Given that the SPMT had an environmental Fresh Water option that would increase property values, but instead chose the Salt Water option that will significantly decrease property values, we feel we are entitled to compensation. How will % of the Lagoon residents be compensated?

As for the remaining % of the lagoon who are our beach residents, how will they be compensated for the Salt Water eyesores from a pedestrian bridge, from unsightly warning signs, from the loss of beach, from the abolition of their privacy, and the takings of people's personal property?

A resident also provided a comment letter from 2015 with a brief analysis that the Salt Water alternative could cause a decrease of \$600,000 per year in property tax revenue to the County of San Diego. The SPMT's response to the resident's letter was as follows: "Private property values and purely socioeconomic effects exceed the scope of the EIR." (Exhibit A4 and A5). Is the County Tax Assessor aware of this and have they signed off?

Why aren't any of these costs issues discussed anywhere in the >700 page EIR? The answer is because the author of the EIR has manipulated CEQA laws to benefit their special interests. The EIR has shown no regard for the residents who have bought into this Lagoon community, many whom have worked and invested their life savings. We ask that the honorable SANDAG board to bring balance and accountability to this process by involving the people who live here.

3.) Mosquitoes

The public has been misled by the FEIR that the Salt Water alternative is best for mosquitoes. We feel the SPMT is merely using mosquitoes as an armament against the proponents of Fresh Water. We have hired experienced consultants that are examining the site who will provide evidentiary documentation and a more impartial discussion. In the interim, please review the following:

- Fish and Wildlife's (F&W) failure to maintain the Lagoon. The Mosquitoes are primarily breeding in the cattails on the outskirts of the Lagoon. If the F&W really cared about Mosquitoes, they would have maintained the lagoon and curbed the cattails, versus letting the cattails grow for over 30 years. Furthermore, if they were worried about mosquitoes, they would not delay the restoration another 12 to 15 years. Zika will have long been cured by the time they get to this Lagoon. The mosquito argument in the FEIR is both ironic and meaningless.
- If Fresh Water is such a mosquito hazard, why are they intentionally pumping acres of Fresh Water into San Dieguito Lagoon east of the 5 freeway in Del Mar? See the many acres of mud, the wasteland, the stagnant ponds, the PVC pipes and the fresh water sources. See this ongoing experiment, (exhibits B1, B2).
- To the SPMT's own admission, restoring the west Lagoon to Fresh Water will improve depth, currents, and circulation of water – mosquitoes will not breed in the middle of the water. The 155 acres of restored Fresh Water will act as a protective barrier from mosquitoes. Most of the mosquitoes would breed on the edges of the lagoon and primarily in the vegetation. We feel mitigation methods can be deployed to provide a superior mosquito strategy for Fresh Water.
- To the contrary of the FEIR, the Salt Water alternative would replace 155 acres of restored and protective fresh water into 104 acres of dirt with stagnant fresh water pools everywhere. These stagnant pools will be ongoing and unavoidable due to pressure from the Buena Vista creek from the east – the same creek that created the fresh water lagoon. Furthermore, additional stagnant fresh water pools will be created in this 104 acres of dirt, after it rains. Salt Water poses the risk of a fresh water mosquito epidemic. Next, I will discuss the concern with salt water mosquitoes.

P15-7 CEQA does not require a lead agency to determine the factors that have led to the existing conditions or ongoing actions. Please see Response to Comment P14-13 regarding baseline conditions.

As stated in Response to Comment 113-3 in the FEIR, the EIR concludes that implementation of any of the project alternatives except the No Project Alternative would result in a condition less conducive to mosquito breeding than existing conditions, and reduce the public health and safety risk associated with mosquito-borne diseases, as described in EIR Section 3.15. Please see Response to Comment 65-3 regarding mosquitos and vectors. Please also see Response to Comment 65-3 in the FEIR.

While it is possible that some small areas of freshwater could accumulate in the mudflat areas, these areas would be flushed frequently with saltwater during tidal flushing that would result from implementation of the Saltwater Alternative. Drainage patterns would be altered and circulation within the lagoon would increase with the open inlet, improved channel network and flow regimes, and increased tidal flow. With tidal flushing under the Saltwater Alternative, residence times would be 1 to 3 days (EIR Table 3.2-3). The new tidal inlet would also enable the lagoon to drain incoming freshwater more efficiently due to increased tidal flow and enhanced circulation. These short periods of time where there could be potential standing water are not long enough to create successful mosquito breeding conditions.

- The FEIR provided little analysis regarding the potential impact of saltwater mosquitoes. See exhibit C, the Union Tribune article from years back, *"Salt marsh mosquitoes inundate parts of coastal North County."* Quoting the article, *"Huge swarms of salt marsh mosquitoes have been raising welts throughout coastal North County, especially in northern Oceanside and south Carlsbad,"* *"However, combating salt marsh mosquitoes is a difficult enterprise because they occupy some of the same habitat preferred by the endangered birds that inhabit coastal estuaries, lagoons and marshes. During nesting season, which is under way, environmental laws prohibit workers from getting into some areas where the mosquitoes lay eggs."* Salt Water mosquitoes are much more aggressive biters. We are concerned the Salt Water alternative is going to create a disastrous mosquito problem and then the F&W will claim they cannot go in and eradicate the issue because the habitat is protected.

We spoke to a famous Entomologist who wanted to remain anonymous, but who sympathized with us and said the following. *"Vector Control was exclusively formed to fight Salt Water Mosquitoes."* They said the reason is because *"the potential for large cohorts of salt water mosquitoes who don't stay in one place and have the propensity to travel tens of miles; versus one mile for fresh water mosquitoes."* They said that the vector control agency was *"created in the first place entirely due to quality of life, not due to pathogens, but because salt water mosquitoes severely impact quality of life from a residential to a business perspective."* Why doesn't the FEIR discuss the many issues with salt water mosquitoes?

4.) Toxicity and Imposed Risks of Disease

The EIR poses significant medical concerns regarding toxicity. There will be potentially dangerous impacts from the dredging and pumping of fine particle dust, including metal toxicities, thousands of dead fish, dead animals, equipment derived and diesel pollutants, dredging related gasses, etc. Please understand these toxins will exist "full time" and ongoing for "18 to 30 months." Many people will be living extremely close to these pollutants and many will be caught directly downwind. Residents with existing medical issues need to understand the risks and some may be well-advised to leave their homes. We have hired consultants to further evaluate and provide a report and they will speak at the hearing on the 26th. Further evaluation is needed related to the following:

- Toxic dump sites. The potentially dangerous, unusable, fine particles appear to be stored in dump sites near people's residences.
- Inadequate testing. It seems that ~90% of the testing was taking from only ~10% of the Lagoon. Furthermore, they only tested one foot deep even though they will be dredging significantly deeper. We feel testing at depth levels consistent with dredging levels is required and this may expose very different dangers to toxicity.
- Exposure. Soil/Toxins are safer underwater than when they are disturbed and exposed to sunlight. Dewatering the lagoon may expose and increase a danger of toxicity.

The risk of permanent exposure to toxicities may be far greater with the Salt Water option because of the following:

1. Salt Water requires 30% more dredging and increases the risk of disturbing more toxins
2. Because over 100 acres of soil/toxins will be permanently exposed with Salt Water.

P15-8 Please see Response to Comment P11-7 regarding mosquitos and vectors.

P15-9 Please see Response to Comment P14-5 regarding toxins testing, soil conditions, and the limited potential for human exposure to toxins during project implementation.

P15-8

It is unclear what local toxic dump sites are referenced in the comment. As stated in Section 3.15.1 of the EIR, the Buena Vista Lagoon study area is not listed as a hazardous materials site on State of California Hazardous Waste and Substances lists compiled pursuant to Government Code Section 65962.5, and no known sites are located in the immediate vicinity of the project area.

Section 3.4 of the EIR analyzed the potential for exposure to toxins and pollutants and found that removal of dredged sediments would not be expected to result in substantial adverse changes to water or sediment quality, toxicity, or bioaccumulation of contaminants, and impacts would be less than significant. While phased dewatering would be necessary for some construction operations to occur, lagoon soils would remain wet during dredging and placement in the overdredge pit, and would generally remain moist during construction activities. In addition, in compliance with the Construction General Permit, a project SWPPP would be prepared before beginning project construction activities to identify best management practices (BMPs) that would be used to minimize pollutant discharges.

Dust control implemented as part of required BMPs would also be required during work with dry soils, which is anticipated to be limited. Additionally, Mitigation Measure AQ-2 includes requirements to control fugitive dust emissions. This limits the potential for any toxins to be released into the air and travel to human receptors.

It is correct that the Saltwater Alternative requires the most extensive amount of soil disturbance and some areas of soil would be exposed for short periods of time. However, testing of the lagoon soils shows that while pesticide and metal levels were detectable in lagoon material, concentration levels were all below the defined thresholds that would pose a human health risk. These findings are consistent with previous testing as described in EIR Section 3.15.1.

P15-9

5.) The Great Experiment with a Limited Description and No Professional Renderings

The SPMT is recommending a \$65,000,000 experiment. When standing on the beach and looking east at the Lagoon it is easy to see that the lagoon is elevated – it is obvious - not a lot of sea water will make it into the BV Lagoon, and chances are during low tide, it may be nothing but a mudflat. Remember the BV Lagoon is the only coastal lagoon in San Diego County that is “above sea level.” Water does not flow uphill. If the inlet is not properly maintained (which the county has had maintenance issues cleaning the inlets for the other lagoons), it may become a dry arroyo. The SPMT spent approximately a \$1,000,000 on the DEIR and the FEIR and avoided providing a professional rendering of the different Lagoon Alternatives. We feel this was intentional. A Salt Water Buena Vista Lagoon will not be appealing to the public eye. The SPMT do not want you to see a side by side comparison that shows a beautiful 155 acre body of Fresh Water with hundreds of various ducks, migratory water birds, fish and different pelicans in a photo next to a mostly dewatered Salt Water creek and mudflat surrounded by over 100 acres of mostly dirt mixed with grayish green vegetation. Regarding what is included in the FEIR; it does include a cartoon-like picture of Salt Water that depicts the non-attractive dirt and gray-green grass/brush in pretty, bright attractive colors – but we all know that’s not what it will really look like. The EIR also includes minimal and misrepresented “simulated” views of the different alternatives taken from the most unattractive vantage points on the lagoon which provide more of a deception than reality. The simulation in figure 3.9-10 in the Visual Resource Section shows that the existing view of the Fresh Water lagoon is identical to the proposed Salt Water alternative – this is a laughable misrepresentation and we feel this was an intentional deception (Exhibit D). Again, after spending \$1,000,000, there are No renderings provided for this \$65,000,000 project. We have included “before” and “after” photos of Fresh Water and Salt Water in a side by side comparison (exhibit E). We ask that the SANDAG board provide our association with a minimal amount of taxpayer funding so that we can submit professional renderings that compare Salt Water to Fresh Water. Real pictures are worth a more than the 700 pages of a skewed EIR. We ask that the SANDAG board evaluate impartial Renderings before reaching any decisions on this significant project.

6.) Notification.

SPMT

In 2015, many of the people most impacted by the Lagoon had no idea this project was being planned. The SPMT say they sent a postcard and we take them for their word – but the message did not get out. Notification is especially important as it directly impacts the many residents from the six condominium HOA’s and single family homes that surround the lagoon and also the many residences in the hills with a lagoon view. It is unfortunate the SPMT’s notification was not a more eye catching document like the documents the residents are accustomed to getting from the Cities of Carlsbad and Oceanside which include a drawing/picture/blueprint and description of the proposed change – versus a postcard.

Regarding the final EIR, different issues occurred regarding notification. In 2015, the SPMT told many residents they would respond to their letters within a matter of months, however the SPMT took over two years. When SPMT finally released the FEIR, they did not notify many residents east of PCH who live on the water. According to our poll, well over 80% who sent comment letters in 2015 were never notified in 2017 and had no idea the SPMT had responded to their letters or that the FEIR had been released. These residents checked their spam folders and are happy to provide their computers as evidence that they have not been tampered with, as well as provide documentation under the laws of perjury that they were never notified. Also strange, attached is a notification from the SPMT from

P15-10 As described throughout the Project Description of the Saltwater Alternative in the EIR (Chapter 2) and the Hydrology section (Section 3.2.3), extensive hydrologic modeling has been completed to ensure that the tidal prism will extend throughout the lagoon basins and water will flow into and through the lagoon as necessary to maintain circulation and various salt marsh habitats.

Visual impacts associated with each alternative are discussed in Section 3.9 of the EIR and visual simulations of future conditions for each alternative are provided from various public vantage points around the lagoon (EIR Figures 3.9-6 through 3.9-15). Simulations included in the EIR were prepared in scale with the design concepts of each alternative. The EIR describes the visible differences in the Saltwater Alternative compared to existing conditions and notes the aesthetic changes. Visual simulations in EIR Section 3.9 are presented to help the reader see the anticipated visual changes. Section 3.9 of the EIR acknowledges that the significance of this change is subjective, as it depends on preference for a certain type of view. However, based on the thresholds used for analysis, the change in the visual environment as a result of the Saltwater Alternative was not found to be a significant environmental impact under CEQA.

P15-11 Please see Master Response #7 in the FEIR Response to Comments regarding the extensive notification efforts associated with the preparation of the CEQA document and in compliance with all CEQA requirements. Please see Response to Comment P11-2 regarding additional notification efforts associated with the FEIR.

December 21st (exhibit F) which shows this resident wasn't notified for almost 60 days after the FEIR was released.

In addition, there were many new residents who purchased property after September of 2015 who had no knowledge of the DEIR or the FEIR and were never notified, nor was there any form of notification to let them know.

Please try to empathize that while many were out enjoying the Christmas and New Year's holidays, that many of the residents in this Lagoon community were frantically sending emails and fighting to protect their way of life.

Carlsbad and Oceanside

Aside from the notification issues from the SPMT, many residents were disappointed that the cities of both Carlsbad and Oceanside, who have stringent notification policies, never notified the residents of a project that has such significance. The residents do not feel this was deliberate. Still, many felt a full page notification addressed from their city with a layout or picture of the lagoon alternatives would have been much more effective in notifying residents than a nondescript postcard from the county.

7.) Misrepresentations in the EIR showing the SPMT's partiality toward Salt Water

- Misrepresentation of the View. See DEIR and FEIR, section 3.9, Visual Resources, page 29. The following is the summary of the view impact for Salt Water: *"Overall, implementation of this lagoon alternative would not have a substantial adverse effect on a scenic vista, or a substantial degradation of the existing visual character or quality of the lagoon and its surroundings. There would be no long-term significant impact."* So they plan to permanently extract 70% of the water from the Lagoon and convert it to dirt, gray grass and bushes and they say the view will not be substantially degraded and that there will not be a significant impact? Please explain this to the 200 or more residents with 180 degree water views. People do not flock to oceans and lake front communities to see dirt, gray grass and bushes - they go to see the water. In the Public Comment section, the SPMT insists this significant degradation of water views and wildlife is just the resident's "personal opinion."
- Misrepresentation of the Boardwalk. Visual Resources section, page 19. There is one simulated photo of the boardwalk in the FEIR and it reads as follows: *"Simulated View - Boardwalk and Carlsbad Boulevard bridge from Maxton Brown Park. (Saltwater and Hybrid Alternatives only)"* (exhibit G). Why does it say Salt Water and Hybrid Alternative only? In the simulated photo on the right, they intentionally added all this water around the boardwalk – however, there will be no water in that area with the Salt Water alternative – it will be dirt and bushes. They further elaborate on the beauty of the boardwalk in the Salt Water section; but conversely they say zero about the boardwalk in the Fresh Water section and provide no simulated photo of a Fresh Water boardwalk. This was explicitly pointed out in public comments in the DEIR – but the SPMT did not change any of this in the FEIR?
- Misrepresentation of Public Comments. See FEIR Public Comment section, page 8, the SPMT states, *"Based on public and agency input, SANDAG has identified the Saltwater Alternative as the proposed project in this Final EIR."* If SANDAG had based this recommendation on public input, they would have clearly chosen Fresh Water *not* Salt Water. There are 151 pages of individual comments (pages 61-212), some comments more than one page. One of our members looked through all of comments and kept track of individual desire for fresh water and

P15-11
cont

P15-12

P15-13

P15-14

P15-15

P15-12 It is the responsibility of the CEQA Lead Agency (SANDAG) to provide notification regarding the environmental document per all CEQA requirements. Please see Master Response #7 in the FEIR Response to Comments regarding public noticing.

P15-13 Please see Response to Comment P15-10 above regarding the visual change and Section 3.9.3 of the EIR for the analysis of visual resources and CEQA conclusions associated with each of the alternatives.

P15-14 Under the Freshwater Alternative heading in EIR Section 3.9.3, the EIR provides explanation of the differences in the visual setting of the boardwalk as shown in the simulation for the Saltwater and Hybrid Alternatives as compared to the Freshwater Alternative. The EIR description explains that under the Freshwater Alternative there would be no low growing vegetation and the view would include more open water.

P15-15 When considering a project, the SANDAG Board of Directors weighs many factors, including input from the public as well as many other stakeholders, agencies, and organizations. While public input and feedback are highly valued, there are many additional components considered by the Board in their decision-making process. The statement cited in the comment was not intended to be a misrepresentation or an accounting of the number of public comments received favoring or opposing the various alternatives but rather a description of some of the factors that are considered by the SANDAG Board of Directors.

salt water. There were 128 comments/letters favoring fresh water, 12 comments/letters favoring salt water. Furthermore, we would assert the Fresh Water public comments were more valuable because they pressed the SPMT to further disclose the significant liability at the beach channel and change the FEIR. Furthermore, the fresh water public comments exposed Environmental Injustice, View Impacts, Economic Infeasibility and beach access – all pertinent public comments that support Fresh Water and that were ignored regarding the SPMT recommendation.

- Misrepresentation that Funding through Mitigation Credits is only available for Salt Water. Mitigation credits are available for Fresh Water as well, though no analysis was performed or at a minimum, disclosed. Furthermore, the salt water alternative is 28% more expensive so there will need to be more mitigation credits to pay for it. We will discuss mitigation credits further at the hearing.
- Misrepresentation of Financial Costs. The FEIR left out the estimated cost of the land acquisition for the Salt Water alternative. We realize this was disclosed verbally, but most readers go right to the numbers and clearly this omission understates the overall cost and exclusively favors Salt Water. Why is the estimated cost of the land for the Salt Water alternative being withheld from the public and the voting board? What other costs were completely excluded because the cost was unknown?
We are concerned that key costs for the Salt Water alternative have not been disclosed, and that the FEIR could be certified without knowledge of these key costs. We have concerns that substantial costs will be added after certification, thereby eluding public disclosure, eluding the voting body, and eluding these costs as part of the selection process. Given that the project is 10 to 15 years out, who will held accountable and what is stopping this from happening?

In conclusion, the FEIR is not ready for certification. More public input is needed. Further information is necessary regarding Public Safety, Toxicity, Mosquitoes, View Impacts, Costs, and Renderings. Thus far, it has been disturbing to witness the government agencies and their special interest groups pile on against the residents. It comes across like a government for government and a government for their special interest groups, versus a government for the people. We are asking the honorable SANDAG Board to instill fairness and balance to this process.
Restoring the Fresh Water Buena Vista Lagoon offers a very special and unique opportunity for the city, county and the state. This is the only fresh water, coastal lagoon south of San Francisco, with the next closest being Humboldt County, 759 miles away. We hope the honorable board recognizes the value in preserving this unique piece of paradise for future generations. We ask that you do not certify the EIR in its current state and that you bring our Save the Fresh Water Buena Vista Lagoon association leaders into discussions in an effort to obtain some level of buy-in from your many constituents that live in this wonderful Lagoon community and so that we may reach a solution that is good for “everyone.”

Kind Regards,
Save the Fresh Water Buena Vista Lagoon Association
Email, SaveBVLagoon@gmail.com

P15-15
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P15-16

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P15-18

P15-19

P15-16 Mitigation credits are not discussed individually per alternatives in the EIR. Please see the California Coastal Commission letter, Letter 2 in the FEIR Response to Comments, Comment 2-4 regarding the ability of the alternatives to be used as mitigation for impacts associated with the NCC PWP/TREP. Also, please see the U.S. Fish and Wildlife Service letter, Letter 1 in the FEIR Response to Comments, Comment 1-8 regarding the lack of support for the Freshwater Alternative to be used as mitigation.

P15-17 Please see Master Response #2 in the FEIR Response to Comments regarding private property and eminent domain. It is not the purpose of the EIR to provide a cost-benefit analysis of the proposed project as this type of financial analysis is not required by CEQA. A conceptual engineering cost estimate of the construction and maintenance of the project was developed and will be considered by the SANDAG Board of Directors in evaluating the various alternatives. The costs for securing the rights for project implementation are not fully determined at this time and are not necessary for determining the potential environmental impacts of the project.

P15-18 SANDAG respectfully disagrees that further information is necessary for a legally adequate CEQA document. The information provided in the CEQA document, the appendices, and the administrative record provide adequate and accurate information supporting the conclusions drawn in the EIR.

P15-19 Please see Master Response #4 in the FEIR Response to Comments regarding the value of the freshwater lagoon resource in the coastal setting. The comment provides closing statements; the SANDAG Board of Directors acknowledges the request to not certify the FEIR and the opposition to the Saltwater Alternative.

EXHIBITS

or vistas, although the General Plan does reference the Nature Center and the lagoon (Oceanside 1995). The public vista point is the focus of the analysis. Eight key views are identified for evaluation (Table 3.9-1) and shown in Figure 3.9-1. A photograph of each location is provided in Figures 3.9-2 through 3.9-5.

Table 3.9-1
List of Key Views

Key View Number	Location	Representative Views	Sensitivity
Key View 1	Maxton Brown Park	Recreation Residential viewers on hilltop homes in Carlsbad (private views)	High to moderate
Key View 2	Hosp Grove Park	Recreation	High to moderate
Key View 3	Lagoon View Drive	Recreation (fishing)	High
Key View 4	I-5 at Lagoon Crossing	Driver	Low to moderate
Key View 5	Carlsbad Boulevard	Scenic driver Coastal Rail Trail pedestrian/bicyclist Residential viewers in Oceanside (private views); similar but not identical to homes along the west and north sides of the Weir Basin	High to moderate
Key View 6	Nature Center	Recreation	High to moderate
Key View 7	Mountain View Open Space & Access	Beach user, public access	High
Key View 8	Beach, West of Weir	Beach user, Recreation, public access	High

Computer-generated visual simulations are provided at Key View 1 to illustrate the changes to the site post-enhancement. There is a simulation for each project alternative looking east across the Coast Highway Basin from this location (three figures), plus a simulation looking north at the Boardwalk that is relative to each alternative. Two simulations at Key View 3 reflect the Freshwater and Saltwater Alternatives from Lagoon View Drive. Simulations are also provided for Key Views 7 and 8. Two simulations are provided for Key View 7, looking both northeast at the Weir Basin and directly west at the inlet toward the ocean under open tidal conditions (Saltwater and Hybrid Alternatives). One simulation is provided from the beach looking north (Key View 8). The simulations are not representative of exact project final design but provide a useful illustrative example.

For the materials disposal/reuse site evaluation, sensitive viewers were identified as public beachgoers and public recreational users. There are also private residential viewers at hilltop homes in Carlsbad, with intermittent public staircases, and adjacent homes in Oceanside as summarized in Table 3.9-2.

A-2

COMPLETELY EXCLUDED FROM VIEW IMPACTS



Source: 2013 Digital Globe

Figure 3.9-1
Key View Location Map

Buena Vista Lagoon Fish Enhancement Project Final EIR
Date: 11/01/2013 10:00 AM
Project: 11/01/2013 10:00 AM

A3

Appendix P: Public Comments on Draft EIR and Responses

<http://www.rci.rutgers.edu/~insects/sp10.htm>

<http://www.sandiegouniontribune.com/news/2009/aug/06/region-salt-marsh-mosquitoes-inundate-parts-of/>

Questions regarding the EIR

Section 3.9 in the Visual Resource section of the EIR

Page 2, second paragraph. The EIR mentions some of the view impacts. Yet excludes from the analysis the highest concentration of residences with the most significant views; which is in Carlsbad and located west of 5 and east of PCH; with at least 80 residences right on the most viewable area of the lagoon. To conclude, the primary concentration of residences most affected by views of the lagoon are never discussed while the areas least affected by lagoon views appear to be highlighted. The EIR further discusses the minimal views from people's cars on the 5 freeway; but "again" omits the most concentrated neighborhood that has the most significant views on the lagoon in the visual resource section. Please let me know if this will be changed to reflect the inclusion of this neighborhood.

Salt Water Alternative section

The EIR states that the salt water alternative provides a visual advantage as a byproduct raising the height of Pacific Coast Hwy and adding a bridge through the heart of the reserve which will then create a view for cars because they are high up and can now look down at what is left of the lagoon. Especially at low tide, it appears the salt water alternative will extract the majority of the water out of the lagoon which will leave the passer byes and homeowners with substantially depleted views of habitat, mudflat and a small body of viewable water? Will there be times during low tide that there will be no water? Why aren't these critical view elements disclosed?

Fresh Water Alternative

In the visual resource section, the EIR omits the most significant visibility and view attribute of the lagoon. That it is currently an expansively visible and beautiful body of water that the residents cherish; that people stop to admire at sunset; and that fresh water birds flock to in profusion. The omission within the EIR of the "large visible water view" in the visibility and view section is significant and obvious. The EIR makes no mention of the advantage of the fresh water solution which will provide for an even larger and more extensive visible body of water than is present today. That the fresh water alternative provides a "significant" advantage over the salt water solution by providing an expansively visible and beautiful body of water without creating any eyesores. Will the EIR be changed to reflect this? I am a long time real estate Broker and would estimate a 30% to 40% decline in real estate values all around the Lagoon if the salt water alternative ends up giving us a mud flat view at low tide.

Please refer to section 3.13 entitled Noise for the following comments:

Quoting the EIR it states, "The project does not involve construction of new permanent structures that would generate noise."

65-4

The selection of key view points for analysis and visual simulations in the EIR are based on the most available public views of the project site; therefore, selection includes views from locations such as roadways, recreation areas, and other public locations. As noted in the EIR text in Section 3.9.3, public vista points are the focus of the visual analysis. Legal precedent under CEQA directs aesthetic analysis to consider whether a project will affect the environment of persons in general, not whether a project will affect particular persons (see *Bowman v. City of Berkeley* [2004] 122 Cal.App.4th 572, 586-587; *Porterville Citizens for Responsible Hillside Development v. City of Porterville* [2007] 157 Cal.App.4th 885, 902). The alteration of a few private views in a project's immediate vicinity is not considered a significant environmental impact. SANDAG values the input of residents who have views of the lagoon and will consider those opinions when making project decisions.

As described in Section 3.9, Visual Resources, the daily tidal changes under the Saltwater Alternative would result in moderate to high visual contrast. Each of the enhancement alternatives would maintain the general open space visual character of the lagoon system, which is described in detail in Section 3.9.1. The comment provides the opinion that the open water views are most desirable and advantageous over the Saltwater Alternative. In Section 3.9.3, the EIR describes that, from some locations, the visual change under the Freshwater Alternative has the potential to be visually beneficial. To the degree that the comment addresses economic concerns, no further response is required.

65-5

The elevation of the roadway and Carlsbad Boulevard bridge is required to accommodate flood waters if the inlet under I-5 is widened as proposed under the NCC Public Works Plan; which is a separate plan approved by the California Coastal Commission. Carlsbad Boulevard does not require a bridge to implement any of the alternatives as long as the inlet improvements on I-5 are designed not to increase peak flood elevation heights west of I-5 (Fiverest, Memorandum: BVI.EP - Salt Water Alternative with Existing Carlsbad Boulevard bridge Tidal and Fluvial Hydraulic Analysis, June 2016).

Additional text has been added in Section 3.13.3 of the EIR to help describe how the increased elevation of the bridge (approximately 5 feet) is negligible when compared to the horizontal distance to the closest sensitive receptor (approximately 550 feet). At this distance, the incremental increase in noise projection that could result from the bridge elevation would not be perceptible to receptors in the vicinity of the lagoon.

65-5

A4

Appendix P: Public Comments on Draft EIR and Responses

Overall Analysis

With a 57 day limit time on comments and a busy full time job, family, vacation, medical problem, etc. – it's not easy getting through the EIR. These were the only sections of the EIR I had time to read and it left me concerned about the rest of the sections. Every one of the omissions and inclusions noted above expose concerns related to the salt water recommendation. Why was one of the most affected and densely impacted neighborhoods on the lagoon completely excluded from the EIR – especially in areas like the visual resource section where the EIR talks about who will be affected?

The above issues give the "homeowners" who live right on the lagoon a feeling of being excluded; yet it is these homeowners who will be living with 15 to 30 months of construction noise and dust – both day and night. It is these homeowners who are on the lagoon "every day." If a salt water alternative is picked, it will be these homeowners who will be going through extreme property devaluations and can lose everything they have worked for their whole lives. The EIR seems more concerned about the views of cars driving down the 5 freeway, who frankly should be focused on the road in front of them, versus a three second view of a lagoon.

Perceived Property Damages with a Salt Water Alternative

SANDAG provides the detailed costs of the different alternatives for the lagoon. It's concerning nothing is mentioned regarding cost to the homeowners for the salt water alternative? Please do not deny this fact. Come visit our condominiums and homes, I doubt anyone could look us in the eye and deny that we will incur serious damages with a salt water alternative. These issues are not just financial, they affect our quality of life that we will be dealing with "every day."

Damages - Short Term

As a result of the recommendation for the Salt Water alternative, people are having difficulty selling their property. They have to disclose this. Who's going to buy property in my neighborhood, many that are right on the lagoon with beautiful views of the water – after the owner discloses that SANDAG and FRW are recommending they extract 80% of the water out of the lagoon and perhaps even have mud flats at low tide?

Damages - Long Term

The EIR excluded the highly concentrated view properties in S. Carlsbad, west of 5 and east of PCH. There are roughly 80 to 100 residences with unobstructed lagoon views. If the government inflicts the salt water alternative on the homeowners and proceeds to extract the majority of the "visible water" out of the lagoon this will unequivocally invoke significant damages and losses to the homeowner's property values, i.e., their American Dream. Damages have been forecasted/estimated at 30% to 40% by real estate professionals in the area. The salt water alternative destroys views. The investments many of these homeowners worked for their whole lives will be gone. For new homeowners, these damages may create negative home equity that may be unrecoverable leading to foreclosure of their homes.

65-8

Please see Master Response # 7 regarding public outreach efforts. Please see response to comment 65-4 for discussion of visual impacts. Private property values and purely socioeconomic effects exceed the scope of the EIR. However, SANDAG recognizes the concerns of the homeowners in the vicinity and will take the comment under consideration together with the project record prior to taking action on the project.

BS-R

A5

Appendix P: Public Comments on Draft EIR and Responses

Along with damages created by the significant reduction of visible water views, the inclusion of the hardscape eyesore created by raising PCH/Bridge, the more than occasional smell, the increased noise, etc. will further degrade current and future valuations of these properties and reduce the marketability of properties in the entire area.

Losses in Property Tax Revenue, County of San Diego

What will be the effects of the 30 to 100 homeowners in my neighborhood requesting 30% to 40% property tax reductions from the San Diego County Assessor's office? In our neighborhood alone, it would lower property tax revenue by at least \$200,000 per year; assuming a \$600,000 average home value. Add in the 84 homes in the St. Malo community that will be impacted by property devaluation: that will be another \$400,000 per year, assuming conservative valuations of at least \$1,500,000 per home. These two neighborhoods combine for over \$600,000 per year in lost property tax revenues to San Diego County. By 2050 that would amount to almost 20 million – it may be wise to add this to the cost of the salt water alternative. Have the County Tax Assessor visit our homes and examine our potential losses under the Salt Water Alternative.

65-8
Cont.

No Government Disclosures to Property Buyers

The Buena Vista Lagoon has been a fresh water lagoon for a long, long time. This lagoon was designated as the state's first ecological reserve when it was a fresh water lagoon – many would assert it was designated because it was a fresh water lagoon – and at that time there were no intentions of changing this to salt water. This is the last fresh water lagoon in California – it is exclusive. No government disclosures were provided to residents who purchased their property that the government would potentially inflict significant damages and changes to their property and this protected site. Residents made buying decisions based on this.

65-9

Conclusion

Hopefully this is a non-issue. Take the mas out of the EIR and the fresh water alternative is clearly the best solution. Even if you leave the bias in the EIR, there is not a big enough differential either way to sway this decision to salt water; certainly not enough of a differential to destroy people's quality of life and their American dream and their investments they worked their whole lives for. The Fresh Water "Solution" should be an easy decision for both SANDAG and the Fish and Wildlife, and should have been their recommendation in the first place.

The homeowners on the lagoon will be the "inclusion ones" asked to deal with extensive months, years of construction – dust, noise, etc. The EIR states this is a 15 to 30 month construction project. 80% of the focus of the EIR is representing people who drive-by or who will show up to walk the lagoon once in a while. Will these people be here when there is noise, bright light, tug boats and construction crews working at night? Will these people be here for the dust and noise?

65-10

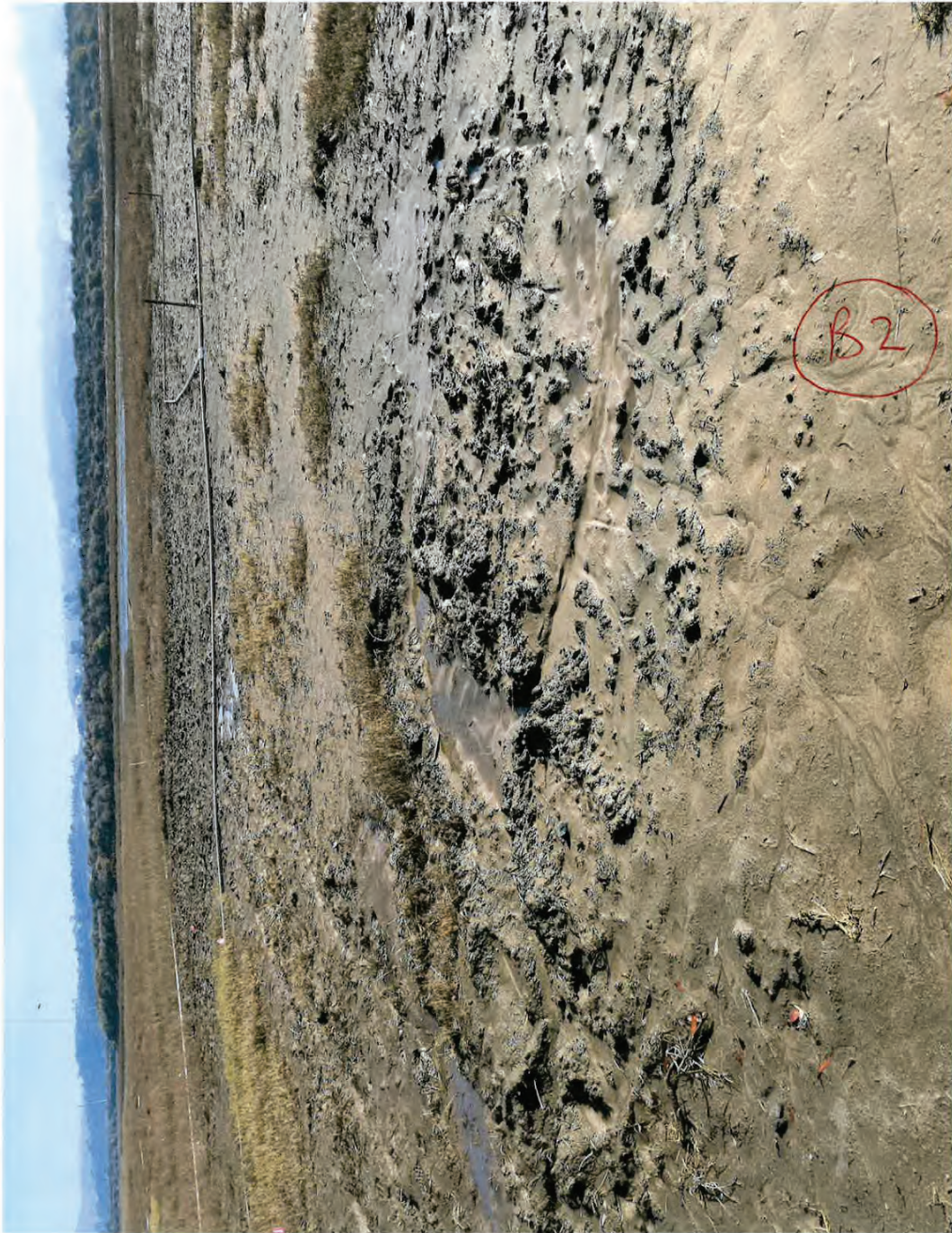
65-9

Please see Master Response #4 regarding the freshwater lagoon as a resource. Please see response to comment 65-9 regarding economic effects. The EIR identifies the potentially significant environmental impacts of the proposed project, the mitigation measures recommended to reduce impacts to below significance, and whether and which impacts remain significant with the mitigation measures recommended in the EIR. Please refer to Master Response #7 for a discussion of SANDAG's public outreach efforts prior to a proposed action on the project. No further notice is required.

65-10

SANDAG disagrees with the commenter's claim of bias. The alternatives analysis in the EIR equally addressed each alternative carried forward for detailed consideration in the EIR. SANDAG is legally required to evaluate alternatives to the proposed project prior to taking action on the project. Please see Master Response #1 for further discussion of SANDAG's deliberations regarding the project alternatives. This comment states a preference for the Freshwater Alternative. The project does not propose to dewater Buena Vista Lagoon, as is suggested by the commenter. The impacts of construction activities are discussed within each topic section analysis in the EIR. As detailed in Section 3.9, Visual Resources, the EIR identified a significant and avoidable impact for all project alternatives due to temporary construction operations within the natural lagoon setting. Impacts related to nighttime lighting under all alternatives would be significant, but mitigatable to a less than significant level with the proposed Mitigation Measure Visual-2. Section 3.11 identifies that dust (particulate matter [PM]) emissions during construction would be significant with all three alternatives and provides dust control mitigation measures (Air Quality-2) to reduce this impact; however, PM impacts cannot be reduced to less than significant for any of the alternatives. Section 3.12, Noise, identified that noise impacts from nighttime dredging and materials placement would be significant and would remain significant and unavoidable for all three alternatives even with implementation of mitigation.





REGION: Salt marsh mosquitoes inundate parts of coastal North County

By **PAUL SISSON** - psisson@nctimes.com

AUGUST 6, 2009, 8:05 PM

Huge swarms of salt marsh mosquitoes have been raising welts throughout coastal North County, especially in northern Oceanside and south Carlsbad, residents and county officials said this week.

"It's crazy man, especially after dark, they come out in swarms and bite you like crazy," said Benny Juarez, who owns a home right next to the San Luis Rey River near Fireside Drive. "They're the tiny little ones. People are not letting their kids go outside at night, and they're staying inside because there have been so many mosquitoes."

San Diego County vector control officials said Thursday that they have been inundated with complaints from residents in Oceanside and Carlsbad reporting mosquito clouds descending on neighborhoods.

Kerry McNeil, a vector control supervisor, said mosquito traps placed throughout the area have identified the offenders as a species called *Aedes taeniorhynchus*, commonly known as the black salt marsh mosquito.

McNeil said the species is known as an aggressive biter but does not carry diseases such as West Nile virus. She said the area's infestation was hatched during a high tide July 21.

On that day, an ocean storm brought large surf and high tides to the Southern California coast. The combination created a tidal surge into several river mouths and estuaries along the coast, she said. Salt water pushed into a salt marsh at the mouth of the Santa Margarita River on Camp Pendleton as well as Batiquitos Lagoon in Carlsbad.

"Salt water is what makes their eggs hatch. You end up with millions of mosquitoes all hatching at the same time when you have that surge of water," she said.

About 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal. Salt marsh mosquitoes have been demonstrated to have quite a range.

"They'll go five miles, maybe 10 if they're being pushed by a good breeze," McNeil said.

The county typically uses helicopters and boots-on-the-ground workers to apply larvicide in areas throughout the county that breed mosquitoes, especially species that are known to carry West Nile virus. The department is dropping larvicide in 40 locations countywide this year and has been dropping on the San Luis Rey River in Oceanside every three weeks since April. Another drop is scheduled for the river on Tuesday.

1/22/2018

REGION: Salt marsh mosquitoes inundate parts of coastal North County - The San Diego Union-Tribune



McNeil said that her department also keeps an eye on the tide tables in the summer, applying larvicide before and after waters rise.

However, combating salt marsh mosquitoes is a difficult enterprise because they occupy some of the same habitat preferred by the endangered birds that inhabit coastal estuaries, lagoons and marshes. During nesting season, which is under way, environmental laws prohibit workers from getting into some areas where the mosquitoes lay eggs.

"They lay their eggs in the sand, and it's always shifting," she said. "Depending on the tidal flows, we have to actually walk these areas. We do the best we can, but there is no way to get them all."

Vector control workers applied larvicide in the lagoons before the predicted 7-foot high tide, but did not know that it would be pushed inland by a strong storm at sea.

"It pushed the water further back in and hit a larger area than it usually would," said vector control supervisor Chris Wickham.

Wickham said another high tide is expected Aug. 18. That high tide should not produce such a bumper crop of salt marsh mosquitoes because it probably will not be backed by storm-driven high surf.

It was unclear Wednesday whether Camp Pendleton officials made mosquito treatments before the high tide July 21, though McNeil said she has been working closely with base officials to stem the aerial assault. Pendleton officials did not respond Thursday to a request for more information about how they are handling the problem.

Call staff writer Paul Sisson at 760-901-4087 or psisson@nctimes.com.

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This article is related to: West Nile Virus



Existing View - Northeast from Maxton Brown Park.



Simulated View - Saltwater Alternative from Maxton Brown Park.

Figure 3.9-10
Key View 1 - Simulation - Saltwater Alternative

1/22/2018

sail-sunset-mock.jpg



https://mail.google.com/mail/u/0/#advanced-search/from=maurengoerlitz%40gmail.com&has=before+and+after&sizeoperator=s_sl&sizeunit=s_smb&... 1/1

1/22/2018

Fwd: Buena Vista Lagoon Enhancement Project Update - savebvagoon@gmail.com - Gmail

From: Keith Greer@sandag.org
To: jimgates00@aol.com
Sent: 12/21/2017 4:38:52 P.M. Pacific Standard Time
Subj: Buena Vista Lagoon Enhancement Project Update

[View this email in your browser](#)



Dear Interested Stakeholder –

Recently a member of the public requested that SANDAG provide an update on the Buena Vista Lagoon Enhancement Project. On Friday, October 26, 2017, SANDAG posted the Final Environmental Impact Report (FEIR) and response to comments received on the Draft EIR. Information about the project and all relevant documents can be viewed at KeepSanDiegoMoving.com.

I hope you find this information useful. If you have any questions, please feel free to email me or call me at the number below.

Best regards,

Keith Greer
Principal Regional Planner
SANDAG
(619) 699-7390

(F)



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G



Existing View - Northwest from Maxton Brown Park toward Carlsbad Boulevard.



Simulated View - Boardwalk and Carlsbad Boulevard bridge from Maxton Brown Park.
(Saltwater and Hybrid Alternatives only)

Figure 3.9-B
Key View 1 - Simulation - Boardwalk and Bridge

**LETTER 16
HENRY REED**

-----Original Message-----

From: Henry Reed [<mailto:hcreed@earthlink.net>]
Sent: Wednesday, January 24, 2018 8:33 AM
To: Lero, Tessa <Tessa.Lero@sandag.org>; Posada, Michelle <Michelle.Posada@sandag.org>
Cc: Henry Reed <hcreed@earthlink.net>
Subject: Clerk of the SanDAG Board - January 26, 2018 SanDAG Board of Directors Meeting Agenda Item 18-01-11. Buena Vista Lagoon Enhancement Project (Keith Greer) - Regional Transportation Commission (RTC)
Resolution No. RTC-2018-02, regarding the Buean Vista ...
Importance: High

Please distribute my comments in this email to the 19 mayors/members of the SanDAG Board PRIOR to the Friday, January 26, 2018 meeting.

Dear Members of the SanDAG Board,

I hope you will reject the recommended salt water option and support the fresh water option. The fresh water option is preferred by the local community, lower cost, has the least impact on the environment and doesn't provide a hazard to the community which the salt water option does.

Sincerely,

Henry Reed
76 St Malo Beach
Oceanside, CA 92054

P16-1 This comment expresses opposition for the Saltwater Alternative and support for the Freshwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P16-1

LETTER 17
DICK AND BONNIE HOLT

From: richard holt [mailto:rholt300@gmail.com]

Sent: Tuesday, January 23, 2018 5:01 PM

To: Lero, Tessa <Tessa.Lero@sandag.org>; Posada, Michelle <Michelle.Posada@sandag.org>

Subject: BUENA VISTA LAGOON ENHANCEMENT PROJECT

RE: "Clerk of the SanDAG Board - January 26, 2018 SanDAG Board of Directors Meeting Agenda Item 18-01-11. BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* - Regional Transportation Commission (RTC) Resolution No. RTC-2018-02, regarding the Buena Vista Lagoon"

Please distribute the comments below in this email to the 19 mayors/members of the SanDAG Board PRIOR to the Friday, January 26, 2018 meeting.

Thank you.

Dear Mayors,

As residents on the Buena Vista Lagoon in Oceanside we support the Fresh Water Alternative.

We see up close the birds, turtles, and fish that depend on this resource. We also see the dangerous aspect, like a few years ago when a storm brought big waves which pushed the rapidly draining water back to the weir and stalled the drainage, resulting in flooding of the neighborhood. A stormy rising tide with similar conditions could impact the widened exit flow in the same manner. And surely, the beach walkers, day or night, will attempt to cross the exit when it is at extreme flow rates, an enticing stage for real safety concerns.

Sincerely,

Dick and Bonnie Holt, #80 St. Malo, Oceanside

- P17-1 Wildlife impacts can be found in EIR Section 3.5.3. As described in the EIR, some wildlife species would continue to utilize the lagoon under saltwater conditions and some species would not persist in the saline environment. As described in Response to Comment 12-15 in the FEIR, it is anticipated that an increased range of species could be supported in the more diverse habitat distribution that would result from the Saltwater Alternative.
- P17-2 The comment expresses concern about flooding in the vicinity of the lagoon. As shown in Table 3.2-1 of the EIR, maximum flood elevations were calculated for each alternative. As described in Chapter 4, each of the alternatives would reduce flood elevations in the lagoon compared to existing conditions and in turn reduce flood impacts to some degree. However, the Saltwater Alternative would result in the lowest flood elevations of the three alternatives under all modeled storm scenarios.
- P17-3 See Response to Comment P4-4.

P17-1

P17-2

P17-3

LETTER 18
DOROTHY MATTHIESSEN

From: Dorothy Matthiessen [mailto:dmatth9906@aol.com]
Sent: Wednesday, January 24, 2018 11:26 AM
To: tessa.lera@sandag.org
Cc: Posada, Michelle <Michelle.Posada@sandag.org>
Subject: Buena Vista Lagoon Enhancement Project

Please distribute my comment re Resolution No. RTC-2018-02 (on the Buena Vista Lagoon Project) to the members of the SANDAG Board prior to its January 26 meeting.

The risks inherent in the Saltwater and Hybrid Alternatives to valued existing ecology, public beach use and public safety are too great. Please adopt the safe alternative, the Freshwater Alternative, or No Project Alternative.

Thank you very much for your ongoing investment of time.

Dorothy Matthiessen
18 St. Malo Beach
Oceanside

P18-1 This comment expresses opposition for the Saltwater and Hybrid Alternatives and provides multiple reasons for opposition of these alternatives. The comment expresses support for the Freshwater Alternative or No Project Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P18-1

**LETTER 19
GREGORY STONE**

From: [Stone, Gregory](#)
To: [Lero, Tessa](#); [Posada, Michelle](#)
Cc: [Greer, Keith](#)
Subject: Clerk of the San DAG Board -- January 26, 2018 SanDAG Board of Directors Meeting Agenda Item 18-01-11. Buena Vista Lagoon Enhancement Project (Keith Greer) -- Regional Transportation Commission Resolution No. RTC-2018-02 regarding Buena Vista Lagoon
Date: Wednesday, January 24, 2018 1:58:32 PM

Please distribute my comments in this email to the 19 mayors/members of the SanDAG Board PRIOR to the Friday, January 26, 2018 meeting.

Dear Chairman Sinnott and Honorable Members of the Board,

I am a homeowner quite close to the Buena Vista Lagoon and also quite near the weir. My address is 30 St. Malo Beach. I am opposed to the Saltwater Alternative and ask that the Board not certify the Final Environmental Impact Report ("FEIR") and not approve the resolution in support of the Saltwater Alternative.

I look forward to sharing some of my concerns with you at Friday's meeting. Among my concerns are the following:

1. The proposed Saltwater Alternative will destroy existing natural habitats.
2. It will be less aesthetically pleasing to residents and visitors alike.
3. It will create serious safety issues, many of which are not addressed, and others which are not adequately addressed in the FEIR or, for that matter, in the Draft Environmental Impact Report ("DEIR"). These safety issues will result in injuries and possibly deaths of visitors to the area, and perhaps to residents as well, and will have an obvious and significant impact on public resources such as police, fire, paramedics, and life guards.
4. The DEIR failed to comply with the requirement of the law that it state and identify "the preferred alternative." *See, e.g., Washoe Meadows Community v. Dept. of Parks and Recreation*, 17 Cal. App. 5th 277, 288-90 (2017). Thus, the DEIR and the FEIR are legally defective and the FEIR should not be approved.

I also join in the objections and concerns raised by the "Save the Fresh Water Buena Vista Lagoon Association."

Should you have any questions or wish to discuss this matter, please do not hesitate to call or email me.

Sincerely,

Gregory P. Stone
30 St. Malo Beach
Oceanside, California 92054
(213) 309-5999 (cell)

- P19-1 The comment provides introductory statements. The SANDAG Board of Directors acknowledges the request to not certify the FEIR and the opposition to the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P19-2 Please see Response to Comment 12-18 in the FEIR regarding successful habitat establishment.
- P19-3 Please see Response to Comment P15-10 above regarding anticipated visual changes associated with project implementation.
- P19-4 SANDAG respectfully disagrees that the issue of safety has not been adequately addressed in the EIR. See Response to Comment P4-4. Public services, including lifeguard, police, and fire operations, are addressed in EIR Section 3.14 and the EIR concluded less than significant impacts.
- P19-5 SANDAG disagrees that the CEQA document is legally inadequate. SANDAG chose to provide an equal level of detail on each of the alternatives and provide a full analysis of each so that the public could be fully aware and understand the complete details and environmental effects of each alternative. If a preferred alternative would have been selected prior to publication of the EIR, the alternatives would have simply been compared against that project and the public would not have received as much individual analysis. There was no speculative alternative or broad range of options. All three alternatives were considered by SANDAG to be highly possible options.
- P19-6 The comment provides closing statements. The Save the Fresh Water Buena Vista Lagoon Association letter referenced in the comment is responded to in Comment Letter P15 of these responses.

**LETTER 20
GREAT ECOLOGY**



BUENA VISTA LAGOON ENHANCEMENT PROJECT

PRELIMINARY EVALUATION OF THE PROJECT

Submitted To
Save the Fresh Water Buena Vista Lagoon Association

Date
January 24, 2018

Prepared By



2251 San Diego Ave, Suite A218
San Diego, CA 92110
www.greatecology.com
P: (858) 750-3201

PRELIMINARY EVALUATION OF THE PROJECT

INTRODUCTION

Great Ecology is an ecological and environmental consulting firm that specializes in the restoration, planning and design of both freshwater and coastal wetlands. Based in San Diego, we are familiar with the on-going restoration efforts to improve southern California's wetlands and have worked on coastal habitat restoration projects throughout the State, and the U.S. for over 16 years.

Buena Vista Lagoon (the Site) is located at the boundary between the Cities of Carlsbad and Oceanside in northern San Diego County (FIGURE 1). The Site is surrounded by dense urbanization which over time has led to increased sedimentation, invasive vegetation encroachment, declining biodiversity, degrading water quality, and increased mosquito populations. To address these issues and improve the Site's biological and hydrological function, as well as ecological and recreational values, the proposed Buena Vista Lagoon Enhancement Project (Project) has been planned and is getting permitted now.

On behalf of the Save the Fresh Water Buena Vista Lagoon Association (SFWL), Great Ecology provided a review of the Project and associated Environmental Impact Report (EIR), with attention to the preferred Saltwater Alternative. The Saltwater Alternative (FIGURE 2) is designed to "improve" the Site by changing the hydrologic regime of the lagoon from the existing freshwater system to a saltwater system influenced primarily by saltwater entering the lagoon from an open tidal inlet during flood tides, as well as freshwater entering the lagoon from upstream and along the boundary of the lagoon. The impacts of implementing the preferred Saltwater Alternative are described within the EIR (AECOM 2017).

San Diego Association of Governments (SANDAG), as the California Environmental Quality Act (CEQA) lead agency, finds that the Saltwater Alternative would accomplish the objectives for the Site to the highest degree relative to the other alternatives. As such, SANDAG has identified the Saltwater Alternative as the preferred alternative for consideration by the SANDAG Board of Directors, prior to certification of the Final EIR.

As part of the public commenting period, Great Ecology was engaged by SFWL for this review and identified three concerns in the EIR relating to the following:

- Toxicity exposure;
- Mosquito management; and
- Habitat restoration.

The intent of this review is to document these concerns and address the significance of the impacts to these resources under CEQA. Our review, in combination with the available scientific data, presents potential issues that may need to be resolved to provide a sufficient scientific foundation to adequately inform the SANDAG Board of Directors' certification decision.

TOXICITY EXPOSURE

The EIR Saltwater Alternative determines that the potential health and safety risks associated with the construction activities and contaminants in the dredged materials would be less than significant based on the baseline geological conditions established in *Limited Geotechnical Investigation and Input to Buena Vista Lagoon Restoration Project* (Appendix L). However, the most recent data presented in Appendix L dates to 2008 and fails to account for the potential accumulation of heavy metals and other contaminants that may have resulted from sewage discharges at the Site, 2008 to present day.

P20-1 The comment provides introductory statements. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P20-2 Please see Response to Comment P14-5 above regarding toxicity testing and potential risk. SANDAG understands that, due to sewage spills, additional chemicals may be present in the lagoon soils. However, all mandatory laws and regulatory requirements would be adhered to during project implementation, including those regarding additional testing of dredged materials and proper handling of any contaminated materials.

P20-1

P20-2

FIGURE 1: PROJECT LOCATION

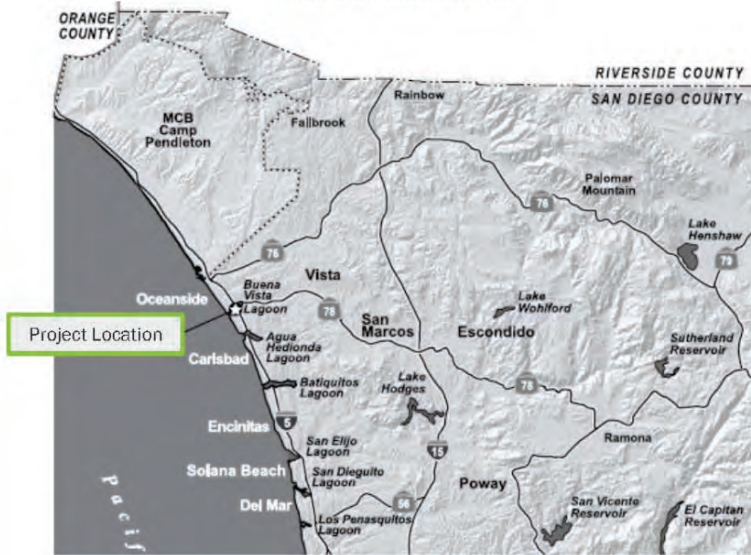
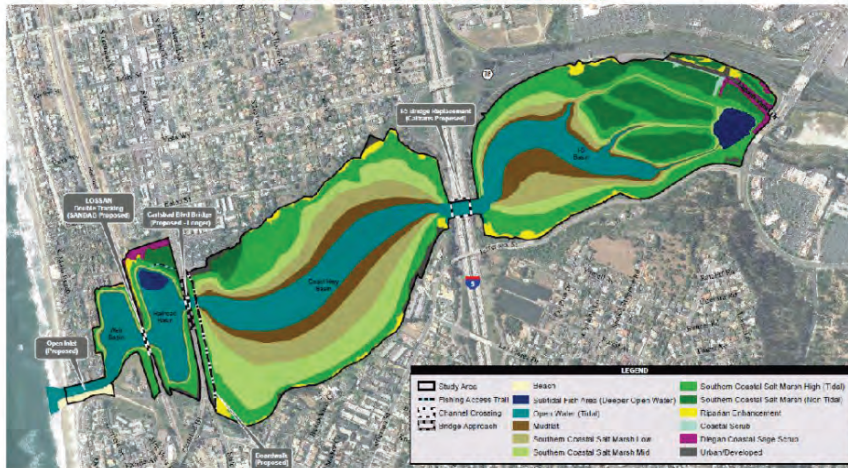


FIGURE 2: PROPOSED SALTWATER ALTERNATIVE



Since 2008, the Site has experienced multiple sewage discharges (City of Oceanside 2011). City of Oceanside (2011) also stated that these untreated sewage discharges were potentially comprised of high concentrations of bacteria, nutrients, heavy metals and synthetic organics, all with significant biochemical oxygen demand. The pollutants associated with a sewage discharge adversely affect the quality of water and have likely accumulated in the sediments over time. Considering the recent incidents of sewage discharge, using data from 2008 to characterize the sediment profile does not provide a scientifically diligent foundation to inform a 2018 investigation, especially considering the proposed construction and dredging activities. A relevant sediment profile would support the evaluation of any potential health and safety risks associated with the construction activities and inform the depth of dredging that is safe for the Site.

Appendix L further states that deep soils dredged from the lagoon basin, below elevation of -10 to -12 feet, may be suitable as beach sand. However, the sediment profiles in Appendix L that extended deeper than -12 feet are sourced from observations made in 1997. Further, Appendix L does not state what the 1997 observations were originally intended for, and it is possible that they are not relevant to the Project. Using data from 1997 to characterize the sediment profile below elevation of -10 to -12 feet may not provide a solid scientific foundation to inform a 2018 investigation, especially if these deep soils are deemed suitable to be excavated and repurposed as beach sand. Without a complete sediment profile, the impacts to human health from exposing the sediments during construction activities could be significant, impacting nearby residents, including the elderly and children (i.e. sensitive receptors).

This issue of toxicity exposure is not fully addressed. Clearly a more detailed sediment coring study should be conducted to ascertain contaminants within the sediment profile to inform the depth of dredging that is safe for the Site and surrounding area. In addition, appropriate toxicity models, eco-risk assessments and evaluations of transmitted pathways should be used.

MOSQUITO MANAGEMENT

The EIR addresses how the Saltwater Alternative would result in decreased mosquito populations by increasing circulation at the water's surface and reducing quality breeding conditions. It also removes areas of dense vegetation to enhance ongoing aerial mosquito treatment that is currently hindered by the dense stands of vegetation. Although these improvements are desirable, the EIR does not present a baseline for monitoring effectiveness. Rather, the EIR states that the use of historical mosquito trap counts from the San Diego Vector Control Program will be sufficient for a baseline comparison. These historical mosquito trap counts are not presented in the EIR. A monitoring strategy to assess the Saltwater Alternative's effectiveness at decreasing mosquito populations will require a complete baseline analysis.

The EIR further suggests that the post-project conditions would not be conducive to mosquito breeding and lifecycle requirements, thus minimizing the ability of the mosquito to survive at the Site as they currently do. While this may be the case for fresh water mosquitos at the Site, the EIR fails to address the potential impacts of introducing salt marsh mosquitos at the Site. San Diego vector control has identified the species *Aedes taeniorhynchus*, black salt marsh mosquito, as prevalent in the Oceanside and south Carlsbad regions (Sisson 2009). Although it is not a primary vector of major concern, the black salt marsh mosquito is a competent host for *Dirofilaria immitis*, or dog heartworm, which can transmit pathogens to humans and other animals (Nayar and Rutledge 2008). Black salt marsh mosquitos lay their eggs in moist soil, not directly into water, in areas that are sheltered and high enough above the water line to be affected only by sufficient flooding, which will trigger eggs to hatch (Ritchie and Johnson 1991).

P20-2
cont

P20-3

P20-4

P20-5 P20-4

P20-3 It is correct that some of the sediment information used in the EIR and technical analyses was completed previously. However, these deeper samples would not have likely been affected by recent activities on the lagoon surface and are expected to have generally the same consistency as when sampled and, therefore, this information is adequate for the purposes of the EIR. Additional testing would occur as required and all mandatory regulatory requirements regarding soils and potential contaminants would be implemented.

As described in Section 2.7.2 of the EIR, there are very specific requirements to determine if material is suitable for reuse or would require disposal. Sediment with a sand content higher than 80 percent would be suitable for beneficial use as beach placement, and sediment with a sand content between 70 percent and 80 percent would be suitable for beneficial use as nearshore placement. It is assumed that sediment with less than 70 percent sand content would not be suitable for placement within the littoral zone and would require disposal at an offshore disposal or in-lagoon disposal site. The EIR also states that because the sediment characterization is preliminary, it is possible that different volumes of material could be identified as project implementation occurs. The EIR also states in Section 2.7.2 that further soil characterization investigations during future phases of the project would provide more precise soil characterization estimates.

As described in the EIR, the deeper lagoon sediments targeted for beach replenishment consist of relatively clean sands with little contamination and this indicates little potential for biological effects (i.e., toxicity or contaminant bioaccumulation) or human health effects with sand placement operations. Sediment testing showed that some areas within the upper layer of fine material have pesticide and metal levels that exceed their Effects Range-Low (ERLs) (EIR Table 3.4-1); however, no levels exceeded Effects Range-Median (ERM) standards. Sand placement would not cause exceedances of water quality standards or discharge requirements.

P20-4 The San Diego County Vector Control Program mosquito counts are available through the references cited in the EIR and are also available as part of the CEQA administrative record of the EIR. The existing mosquito counts are not critical at this time as current mosquito conditions would be established at the time of project implementation through coordination with San Diego County Vector Control to use the most current counts available at that date. The comment does not specify what additional information should be used as a comparison point or why the County Vector Control information would not be adequate. The mosquito count data shows that Buena Vista Lagoon consistently has high levels of mosquitos trapped relative to other counted lagoons.

Management strategies for the black salt marsh mosquito populations are complex because their breeding sites often overlap with the same habitat preferred by birds in coastal estuaries, lagoons and marshes, such as the endangered Light-footed Ridgway's Rail (*Rallus obsoletus*; Zembal et al. 2015). During nesting seasons, environmental law protecting these coastal birds prohibits vector control from accessing the areas where salt marsh mosquitoes lay eggs. Limited access to these areas may inhibit the effectiveness of the source reduction management strategies, such as the spread of larvicide, implemented by the San Diego County Department of Environmental Health Vector Habitat Remediation Program. As the EIR is currently written, the issue of salt marsh mosquito proliferation and management is not addressed. A deeper interpretation of the existing data and the potential impacts of the salt marsh mosquito to biological resources and recreation resources under CEQA, could improve and inform the assessment of mosquito populations at the Site.

HABITAT RESTORATION

The EIR presents the Saltwater Alternative as the preferred project to maximize species diversity and protection of threatened and endangered species by restoring one of the most critically impacted habitats in California, the coastal saltwater lagoon. However, because the Site has functioned as a freshwater lagoon for at least 125 years, the cumulative impacts to biological and hydrological resources associated with the loss of a freshwater system could be significant.

Our concern is that the conversion of the hydrologic regime at the Site may impact a unique freshwater biological and hydrological resource that dates to 1893. The topography from 1893 (FIGURE 3) and aerial imagery from 1938 (FIGURE 4), which while difficult to see in our opinion, show the Site has historically functioned as a closed system with the sandbar present across the entire length of the lagoon entrance. This freshwater lagoon, isolated from the Pacific Ocean and excess saltwater influence, is extremely unique in southern California and the impacts to biological and hydrological resources associated with the saltwater conversion are difficult to quantify and potentially significant. Lastly, we do not know the impacts and implications the conversion of the hydrologic regime may have on the biological and hydrological systems outside the Site.

CONCLUSIONS

Great Ecology's review of the Project and associated EIR, conducted on behalf of the SFWL, identifies three scientific concerns in the EIR relating to toxicity exposure, mosquito management, and habitat restoration. The purpose of this review is to document these scientific concerns. Great Ecology ultimately finds that to adequately address the significance of the potential impacts under CEQA, the EIR could benefit from a deeper interpretation of the data and additional studies. Potential additional studies could include:

- Comprehensive sediment core sampling to better understand the sediment profile and potentially significant impacts associated with disturbing the sediments;
- Comprehensive study of significant impacts from black salt marsh mosquitos to biological resources and recreation resources under CEQA; and
- Comprehensive study of the historical lagoon ecology at the Site.

In conclusion, Great Ecology's observations elucidate concerns in the EIR relating to toxicity exposure, mosquito management, and habitat restoration that may need to be resolved to provide a sufficient scientific foundation to inform the SANDAG Board of Directors' certification decision.

P20-5
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P20-6

P20-7

P20-5 For reasons outlined in EIR Section 3.15, the EIR found that the Saltwater Alternative would be most effective at reducing vector concerns. Please see Response to Comment P11-7 regarding saltwater mosquitos. SANDAG understands from County Vector Control specialists that they would have to control saltmarsh mosquitoes based on the tides rather than just putting the lagoon on a set treatment schedule. County Vector Control would also need to have access to treat any areas of holding water and to sample for possible mosquito breeding. SANDAG would continue coordination with County Vector Control to implement the best treatment and access solutions for vector control. Because of the increased ability of the Saltwater Alternative to quickly flush and best control flooding during storm events, the potential conditions for moist soil breeding grounds for black salt marsh mosquitoes outside of the lagoon basin are limited. Solutions specific to the potential for black salt marsh mosquitos as indicated in the comment would be considered and implemented in coordination with San Diego County Vector Control.

P20-6 Please see Master Response #5 in the FEIR regarding the historical context of the lagoon and the varying opinions, information, and overall debate regarding the historical ecology and tidal influence of the lagoon. Also, please see Master Response #4 in the FEIR regarding the value of the freshwater lagoon resource in the coastal setting. SANDAG acknowledges that it is not possible to know or predict all potential implications of the lagoon conversion, but has performed due diligence to best disclose, analyze, and mitigate those potential effects, including consideration of similar comparison projects.

P20-7 The comment provides closing statements. SANDAG disagrees that additional studies as recommended by the comment are necessary for adequate analysis in the EIR document.

FIGURE 3: HISTORIC TOPOGRAPHY FROM 1893



FIGURE 4: HISTORIC AERIAL IMAGERY FROM 1938



REFERENCES

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- City of Oceanside. 2011. An Order Directing the City of Oceanside to Submit a Technical Report Pertaining to Investigation of a Discharge of Untreated Sewage to Buena Vista Creek, Buena Vista Lagoon, California Regional Water Quality Control Board, San Diego Region.
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**LETTER 21
ADAM FIRESTONE**

From: Adam Firestone [mailto:adam@firestonebeer.com]
Sent: Wednesday, January 24, 2018 12:07 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Subject: Fwd: St Malo Association Event - 1/26/18 SANDAG Mtg. #3

From: Adam Firestone, 40 St Malo Beach, oceanside

TO: Clerk of the SANDAG Board

RE: January 26, 2018 SANDAG Board of Directors Meeting Agenda Item 18-01-11. BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* - Regional Transportation Commission (RTC) Resolution No. RTC-2018-02, regarding the Buena Vista Lagoon"

REQUEST: Please distribute my comments in this email to the 19 mayors/members of the SANDAG Board PRIOR to the Friday, January 26, 2018 meeting."

Dear Mayors and Members of SANDAG,

I am writing to you as a homeowner in Oceanside adjacent to the Buena Vista Lagoon. I request that you *do not adopt Resolution No. RTC-2018-02*, regarding Buena Vista Lagoon, and *hope that you will please recirculate the EIR for further review.*

I fear that the Salt Water alternative will not be able to solve all the problems it is designed to, and in fact causes safety hazards and destroys an existing natural habitat with no guarantee in

P21-1 The comment provides introductory statements and requests recirculation of the EIR. SANDAG disagrees that the EIR requires recirculation per CEQA requirements as outlined in Section 15088.5 of the CEQA Guidelines. CEQA requires that an EIR be recirculated when "significant new information" has been added to the EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the proposed project or a feasible way to mitigate or avoid such an effect. Any information that has been added to the EIR since release of the DEIR for public review has been for clarification of the analysis and additional context and would not require recirculation.

With respect to the assertion that the Saltwater Alternative is speculative, the commenter is referred to FEIR Responses to Comments 12-5, 12-14, and 12-21. Master Comment #4 in the FEIR discusses the lagoon as a freshwater resource. See Response to Comment P4-4.

P21-1

building a new one - it is all speculation. The BV Lagoon was California's first Fresh Water Ecological Reserve. With five salt water lagoons in San Diego County, why would we destroy this precious unique lagoon with no guarantees about so many aspects of the salt water alternative? Why would we willingly create safety and environmental hazards, spending much more money on this unpredictable saltwater alternative?

My Concerns:

1. The Saltwater Alternative is a safety threat. The EIR projects the the lagoon inlet under the saltwater alternative "will not be passable approximately 37% of the time and crossing conditions would be considered potentially hazardous for some beach users" (3.1-19). This poses a safety issue for swimmers, walkers and joggers. Further, Table ES-10 9 Land Use/Recreation cites that in the Saltwater Alternative "the new inlet crossing of the beach would periodically create a new safety threat to recreational users and the impacts would be significant". The Mitigation measures propose constructing a pedestrian bridge for north-south lateral access for the beach users over the tidal inlet." This sounds extremely dangerous, and the report fails to address the issue of how the pathway on the north side of the pedestrian bridge would provide safe access across the inlet, as it would unavoidably drop pedestrians back into the dangerous water flowing in from the ocean and the tidal flushing inlet the alternative created. During times of high water there is no sand or dry land for pedestrians to exit onto. Thus, in times of high water (the time when the bridge is necessary), the

P21-1
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P21-2 The potential safety impact related to the inlet is identified as a significant impact in the EIR. Because the pedestrian bridge is proposed as mitigation and is not part of the project itself, the bridge is not at final design and has not been through a detailed design/engineering process at this point. During final bridge design, the specific bridge placement would be determined and critical factors, including tidal conditions, would be considered to appropriately locate and engineer the bridge structure. An appropriate bridge design and placement would provide safe crossing for pedestrians during most times with consideration given to tide and fluvial flow conditions. SANDAG staff has investigated the potential for tides or high water to impede access to the bridge and found that those cases are very rare (approximately 3 to 5% of the time). Also, see Appendix O, Inlet Trafficability Memorandum.

Currently, there are times that high tides and high wave action make the beach unpassable (roughly 3 to 5% of the time). The presence of a new tidal inlet and pedestrian bridge would not create a new inaccessible condition under those circumstances. At other times when there is low wave action, the beach is currently passable even at high tides. During these times, water in the inlet may be too high to safely cross, but beach users could walk to the edge of the inlet. The bridge would allow for continued safe passage of the inlet during these times.

P21-2

pedestrian bridge will actually be useless and will not ultimately provide safe access over the inlet.

2) Another area of concern is the public health and safety impact. Page ES-51 cites "the Freshwater Alternative would *not* result in the significant and unavoidable public health and safety impacts that would result from the new inlet associated with the other two alternatives (Saltwater alternative and Hybrid Alternative). The summary admits to public health and safety impact from the saltwater alternative. How can this be a recommitted alternative? ...Fairly, it goes on to explain that the "Freshwater Alternative will not achieve the same level of benefits or achieve the CEQA project objectives as the other two." Included here are the growth of cattails, bulrushes and invasive species". However, all of these seem visible to the eye in the existing saltwater lagoons south of Beuna Vista Lagoon. It is also my understanding that there has been little to no maintenance over the years. Putting together an active maintenance plan for the existing lagoon seems a must more safe, reasonable, and cost effective alternative.

3) Vector concerns are also noted, however it is my understanding that there are species called "salt marsh mosquitos". A San Diego Union Tribune article (8/6/19) claims that "salt water is what makes their eggs hatch. You end up with millions of mosquitoes all hatching at the same time and when you have that surge of water, and about 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal". A San Diego Reader article in 2015 cites "When you get an unusually high tide there, it can allow water into low-lying areas that don't always have water and if it stands

P21-2
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P21-3

P21-4

P21-3 The commenter accurately states that the potential safety impact related to the inlet associated with the Saltwater Alternative is identified as a significant impact in the EIR. The EIR is clear in explaining that the significant safety impact due to the new inlet would result only with the Saltwater Alternative (EIR Table ES-10). The safety impact was partially mitigated with the placement of a pedestrian bridge. While the safety impact is of high concern, there are many other considerations when selecting the preferred alternative and one significant impact does not necessarily dictate the selection. The saline environment resulting from the Saltwater Alternative would best reduce the growth of species such as cattails, bulrush, and other invasive species. As suggested by the commenter, the Freshwater Alternative includes an active maintenance plan as described in EIR Sections 2.6.1 and 2.9.

P21-4 The San Diego Union Tribune article quoted in the comment (assumed correct date of 8/6/09) addresses saltwater mosquitos. Please see Response to Comment P20-5 regarding saltwater mosquitos. With tidal flushing under the Saltwater Alternative, residence times would be 1 to 3 days (EIR Table 3.2-3) depending on the basin. With this short residency time, there is not adequate time for a breeding cycle (quoted as "seven to ten days" in the comment). For this reason, among others outlined in the EIR (EIR Section 3.15), the EIR found that the Saltwater Alternative would be most effective at reducing vector concerns. A "vector" is an animal or insect capable of transmitting the causative agent of human disease and most saltwater mosquito species are known primarily for being a nuisance to humans as opposed to a vector with human disease associations. Also, please see Response to Comment P20-5 addressing ongoing communication with San Diego County Vector Control to address saltwater mosquitos.

Please see Response to Comment 65-3 in the FEIR regarding mosquitos and vectors. Please see Response to Comment P14-4 regarding the reduction in vector breeding conditions that would be achieved by the Saltwater Alternative. Please see Response to Comment P11-7 regarding saltwater mosquitos. Please see Response to Comment P18-8 regarding SANDAG's ongoing coordination with San Diego County Vector Control.

seven to ten days without percolating into the ground, it's there long enough for a full mosquito-breeding cycle" and further "there are about two dozen species of mosquito in the area (in San Diego County). How can we as residents be sure that this problem will be eradicated, or worse with a salt water lagoon?

4) Cost! and Maintenance! It appears that many of the problems associated with the current Buena Vista Lagoon have to do with deferred maintenance. How, as a resident, can we be sure that money will be set aside to provide ongoing maintenance? The Saltwater Alternative is projected to cost 30% more than the Freshwater Alternative, and seems a most unsatisfactory way to spend precious city resources. Further, Page 3.9-8 discusses the concept of "lagoon enhancement... which would generally consist of vegetation removal, dredging and grading within the lagoon to raise or lower elevations, modifying existing lagoon infrastructure (weir, channels, bridge) to enhance tidal flow in and out of the lagoon (under the Saltwater and Hybrid Alternatives), disposing of sediments excavated from the lagoon to different locations, and restoring graded areas within the lagoon to facilitate recovery of habitat". Has this ever been done? what guarantee do we have that this will be carried out, as it seems it never has in the existing lagoon, but would have been beneficial to the character of the Lagoon.

Please do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and please recirculate the EIR for further review.

P21-4
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P21-5

P21-6

P21-5 The FEIR has indicated that the lagoon is in a state of ecological decline for numerous reasons. The purpose of the Enhancement Project is to enhance the lagoon resources.

Regarding cost of the Saltwater Alternative, please see Response to Comment P14-12. There are numerous lagoon restoration or enhancement efforts in California and around the country. Each is unique and context specific, but the techniques proposed are in line with state-of-the-art engineering practices.

P21-6 The comment requests Resolution No. RTC-2018-02 not be adopted and the EIR be recirculated. Please see Response to Comment P21-1 regarding recirculation. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

Sincerely,

Adam Firestone
40 St Malo Beach
Oceanside

**LETTER 22
MARNE EVANS**

From: Margaret Crowley [<mailto:marnecrowley@me.com>]
Sent: Wednesday, January 24, 2018 11:58 AM
To: Lero, Tessa <Tessa.Lero@sandag.org>
Subject: Sandag hearing

TO: Clerk of the SANDAG Board

RE: [January 26, 2018](#) SANDAG Board of Directors Meeting Agenda Item 18-01-11.

REQUEST: Please distribute this email to the 19 mayors/members of the SANDAG Board PRIOR to the [Friday, January 26, 2018](#) meeting.

Dear Mayors and Members of SANDAG,

I am writing to you as a homeowner in Oceanside adjacent to the Beuna Vista Lagoon. I request that you do not adopt Resolution No. RTC-2018-02, regarding Beuna Vista Lagoon, and hope that you will please recirculate the EIR for further review.

I fear that the Salt Water alternative will not be able to solve all the problems it is designed to, and in fact causes safety hazards and destroys an existing natural habitat with no guarantee in building a new one.

My Concerns:

1. The Saltwater Alternative is a safety threat. The EIR projects the the lagoon inlet under the saltwater alternative "will not be passable approximately 37% of the time and crossing conditions would be considered potentially hazardous for some beach users" (3.1-19). This poses a safety issue for swimmers, walkers and joggers. With young children in our family, this poses a threat to their safety and security. Further, Table ES-10 9 Land Use/Recreation cites that in the Saltwater Alternative "the new inlet crossing of the beach would periodically create a new safety threat to recreational users and the impacts would be significant". The Mitigation measures propose constructing a pedestrian bridge for north-south lateral access for the beach users over the tidal inlet." This sounds extremely dangerous, and the report fails to address the issue of how the pathway on the north side of the pedestrian bridge would provide safe access across the inlet, as it would unavoidably drop pedestrians back into the dangerous water flowing in from the ocean and the tidal flushing inlet the alternative created. During times of high water there is no sand or dry land for pedestrians to exit onto. Thus, in times of high water (the time when the bridge is necessary), the pedestrian bridge will actually be useless and will not ultimately provide safe access over the inlet.

P22-1 The comment provides introductory statements and requests recirculation of the EIR. Please see Response to Comment P21-1 regarding recirculation.

P22-2 Please see Response to Comment P21-2 regarding safety.

P22-1

P22-2

2) Another area of concern is the public health and safety impact. Page ES-51 cites "the Freshwater Alternative would *not* result in the significant and unavoidable public health and safety impacts that would result from the new inlet associated with the other two alternatives (Saltwater alternative and Hybrid Alternative). The summary admits to public health and safety impact from the saltwater alternative. How can this be a recommitted alternative? ...Fairly, it goes on to explain that the "Freshwater Alternative will not achieve the same level of benefits or achieve the CEQA project objectives as the other two." Included here are the growth of cattails, bulrushes and invasive species". However, all of these seem visible to the eye in the existing saltwater lagoons south of Buena Vista Lagoon. It is also my understanding that there has been little to no maintenance over the years. Putting together an active maintenance plan for the existing lagoon seems a must more safe, reasonable, and cost effective alternative.

3) Vector concerns are also noted, however it is my understanding that there are species called "salt marsh mosquitos". A San Diego Union Tribune article (8/6/19) claims that "salt water is what makes their eggs hatch. You end up with millions of mosquitoes all hatching at the same time and when you have that surge of water, and about 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal". A San Diego Reader article in 2015 cites " "When you get an unusually high tide there, it can allow water into low-lying areas that don't always have water and if it stands seven to ten days without percolating into the ground, it's there long enough for a full mosquito-breeding cycle" and further "there are about two dozen species of mosquito in the area { in San Diego County). How can we as residents be sure that this problem will be eradicated, or worse with a salt water lagoon?

4) Cost! and Maintenance! It appears that many of the problems associated with with the current Buena Vista Lagoon have to do with deferred maintenance. How, as a resident, can we be sure that money will be set aside to provide ongoing maintenance? The Saltwater Alternative is projected to cost 30% more than the Freshwater Alternative, and seems a most unsatisfactory way to spend precious city resources. Further, Page 3.9-8 discusses the concept of "lagoon enhancement... which would generally consist of vegetation removal, dredging and grading within the lagoon to raise or lower elevations, modifying existing lagoon infrastructure (weir, channels, bridge) to enhance tidal flow in and out of the lagoon (under the Saltwater and Hybrid Alternatives), disposing of sediments excavated from the lagoon to different locations, and restoring graded areas within the lagoon to facilitate recovery of habitat". Has this ever been done? what guarantee do we have that this will be carried out, as it seems it never has in the existing lagoon, but would have been beneficial to the character of the Lagoon.

Please do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and please recirculate the EIR for further review.

Sincerely,
Marne Evans
Oceanside CA

P22-3 Please see Response to Comment P21-3 regarding public health and safety.

P22-3 P22-4 Please see Response to Comment P21-4 regarding vectors and saltwater mosquitos.

P22-5 Please see Response to Comment P21-5 regarding costs and implementation.

P22-6 The comment requests Resolution No. RTC-2018-02 not be adopted and the EIR be recirculated. Please see Response to Comment P21-1 regarding recirculation. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P22-4

P22-5

P22-6

LETTER 23
JOHN REITNOUER

To Whom It May Concern:

I write in support of a NO vote on Resolution # RTC-2018-02. Please distribute my comments to the mayors and members of SANDAG prior to the meeting on Friday, January 26, 2018.

Our family has owned property along the Buena Vista Lagoon since 1979, and continues to appreciate what a special place it is. I would like to add to the many comments from three perspectives:

1. Buena Vista is a unique environment worth saving: We have heard one rationale for the salt water alternative is that perhaps more species are found in the nearby salt water lagoons than in fresh water. However, we have not heard what will happen to those many species displaced by the salt water. The Buena Vista Lagoon is a flyway for migratory birds. We see them every year. Fish and reptiles live in and around the lagoon. Why kill them? Why indeed, especially when this is the only alternative in the region? Mosquitos are another factor under your consideration. We have little problem contending with them while supporting the habitat. We also have been successful at controlling the tules. Wouldn't it be possible to do so to the east at a cost far less than the reportedly \$43 to \$62 million to convert the lagoon to salt water.

2. Private property is worthy of protection: Our home, like many others, is situated mere feet above a fairly constant waterline. Consider the soil is sandy and in some cases fill and you will appreciate that erosion is a serious risk. The change to a tidal environment makes the risk of property loss very real. Also consider that an effort a few years ago by well-meaning parties to encourage the use of native plants along the banks above the shoreline, with which we voluntarily complied, was a failure resulting in erosion that cost us personally a great deal to repair the hillside. The current resolution poses a far more serious threat. We purchased and improved our property based upon conditions still in place today. Can you say with certainty that the value will not also be imperiled by a significant change such as a salt water lagoon? Protecting the property is of real and ongoing concern to me as a fiduciary. You have the ability to either protect or endanger these properties. As you consider your goals and the implications of your decision, please keep in mind that private property rights are fundamental to the American economic system.

3. Buena Vista currently adds to the quality of life of the region: Many people on both sides of the lagoon benefit from the current conditions. There is no aesthetic benefit to the salt water option over the tranquility and beauty of the current lagoon. There is risk to the quality of life. When the tide is out, mud flats will be left behind. Perhaps you, like we, have been around long enough to remember the stench from the Bataquitos Lagoon mudflats, which spread far beyond the shores. Homes are more proximate to the Buena Vista Lagoon. The tide will also pose a danger to those on the beach. Furthermore, if a jetty is required to keep the sand from naturally reclaiming the shore and returning the environment to fresh water, you will interrupt the freedom of thousands to stroll or run from Oceanside to Carlsbad along a uniquely long and beautiful shoreline. These people include our Marines, tourists, visitors and locals from many cities in the county; not just our neighbors.

In summary, thank you for appreciating the significance of your decision and please vote NO.

Respectfully,

John Reitnouer, Trustee
64 St. Malo Beach
Oceanside, CA 92054

P23-1

P23-1 The comment provides introductory statements. The SANDAG Board of Directors acknowledges the request to vote no on Resolution No. RTC-2018-02. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P23-2

P23-2 Wildlife impacts can be found in EIR Section 3.5.3. As described in the EIR, some wildlife species would continue to utilize the lagoon under saltwater conditions and some species would not persist in the saline environment. As described in Response to Comment 12-15 in the FEIR, it is anticipated that an increased range of species could be supported in the more diverse habitat distribution that would result from the Saltwater Alternative. Please see Responses to Comments P6-3 and P14-4 regarding mosquitos and vectors.

P23-3

P23-3 Private property values and purely socioeconomic effects exceed the scope of the EIR. However, SANDAG recognizes the concerns of the homeowners in the vicinity and will take the comment under consideration together with the project record prior to taking action on the project. Also, please see Master Response #2 in the FEIR regarding private property.

P23-4

P23-4 Please see Response to Comment P15-10 regarding visual changes anticipated with project implementation. Visual impacts are described in EIR Section 3.9 along with visual simulations of future conditions. Please see Master Response #6 in the FEIR addressing odor. Please see Response to Comment P21-2 regarding safety. Jetties are not proposed as part of the enhancement project; please see Response to Comment P12-2.

P23-5

P23-5 The comment provides closing statements. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

LETTER 24
JOHN L. ROUSE

From: Rouse, John L. [mailto:John.L.Rouse@abc.com]
Sent: Wednesday, January 24, 2018 12:01 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Cc: Lero, Tessa <Tessa.Lero@sandag.org>
Subject: Buena Vista Lagoon

RE: [January 26, 2018](#) SANDAG Board of Directors Meeting Agenda Item 18-01-11. BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* - Regional Transportation Commission (RTC) Resolution No. RTC-2018-02, regarding the Buena Vista Lagoon"

REQUEST: Please distribute my comments in this email to the 19 mayors/members of the SANDAG Board PRIOR to the [Friday, January 26, 2018](#) meeting."

I am writing to you as a homeowner in Oceanside adjacent to the Buena Vista Lagoon. I request that you do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and hope that you will please recirculate the EIR for further review.

Based on the information that has been circulated as well as independent studies, I don't believe the Salt Water alternative will be able to solve all the problems it is designed to, and in fact causes safety hazards and destroys an existing natural habitat with no guarantee in building a new one - it is all speculation. The BV Lagoon was California's first Fresh Water Ecological Reserve. With five salt water lagoons in San Diego County, why would we destroy this precious unique lagoon with no guarantees about so many aspects of the salt water alternative? Why would we willingly create safety and environmental hazards, spending much more money on this unpredictable saltwater alternative?

My Concerns:

1. The Saltwater Alternative is a safety threat. The EIR projects the the lagoon inlet under the saltwater alternative "will not be passable approximately 37% of the time and crossing conditions would be considered potentially hazardous for some beach users" (3.1-19). This poses a safety issue for swimmers, walkers and joggers. Further, Table ES-10 9 Land Use/Recreation cites that in the Saltwater Alternative "the new inlet crossing of the beach would periodically create a new safety threat to recreational users and the impacts would be significant". The Mitigation measures propose constructing a pedestrian bridge for north-south lateral access for the beach users over the tidal inlet." This sounds extremely dangerous, and the report fails to address the issue of how the pathway on the north side of the pedestrian bridge would provide safe access across the inlet, as it would unavoidably drop pedestrians back into the dangerous water flowing in from the ocean and the tidal flushing inlet the alternative created. During times of high water there is no sand or dry land for pedestrians to exit onto. Thus, in times of high water (the time when the bridge is necessary), the pedestrian bridge will actually be useless and will not ultimately provide safe access over the inlet.

2) Another area of concern is the public health and safety impact. Page ES-51 cites "the Freshwater Alternative would not result in the significant and unavoidable public health and safety impacts that would result from the new inlet associated with the other two alternatives (Saltwater alternative and Hybrid Alternative). The summary admits to public health and safety impact from the saltwater alternative. How can this be a recommitted alternative? Fairly, it goes on to explain that the "Freshwater Alternative will not achieve the same level of benefits or achieve the CEQA project objectives as the other two." Included

P24-1 The comment provides introductory statements and requests recirculation of the EIR. Please see Response to Comment P21-1 regarding recirculation. The SANDAG Board of Directors acknowledges the request to vote no on Resolution No. RTC-2018-02. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

With respect to the assertion that the Saltwater Alternative is speculative, please refer to FEIR Responses to Comments 12-5, 12-14, and 12-21. In addition, Master Comment #4 in the FEIR discusses the lagoon as a freshwater resource. See Response to Comment P4-4.

P24-2 Please see Response to Comment P21-2 regarding safety.

P24-1

P24-3 Please see Response to Comment P21-3 regarding public health and safety.

P24-2

P24-3

here are the growth of cattails, bulrushes and invasive species". However, all of these seem visible to the eye in the existing saltwater lagoons south of Buena Vista Lagoon. It is also my understanding that there has been little to no maintenance over the years. Putting together an active maintenance plan for the existing lagoon seems a must more safe, reasonable, and cost effective alternative.

3) Vector concerns are also noted, however it is my understanding that there are species called "salt marsh mosquitos". A San Diego Union Tribune article (8/6/19) claims that "salt water is what makes their eggs hatch. You end up with millions of mosquitoes all hatching at the same time and when you have that surge of water, and about 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal". A San Diego Reader article in 2015 cites, "When you get an unusually high tide there, it can allow water into low-lying areas that don't always have water and if it stands seven to ten days without percolating into the ground, it's there long enough for a full mosquito-breeding cycle" and further "there are about two dozen species of mosquito in the area (in San Diego County). How can we as residents be sure that this problem will be eradicated, or worse with a salt water lagoon?

4) Cost and Maintenance It appears that many of the problems associated with with the current Buena Vista Lagoon have to do with deferred maintenance. How, as a resident, can we be sure that money will be set aside to provide ongoing maintenance? The Saltwater Alternative is projected to cost 30% - 40% more than the Freshwater Alternative, and seems a most unsatisfactory way to spend precious city resources when there are much larger issues to deal with in San Diego County. Further, Page 3.9-8 discusses the concept of "lagoon enhancement... which would generally consist of vegetation removal, dredging and grading within the lagoon to raise or lower elevations, modifying existing lagoon infrastructure (weir, channels, bridge) to enhance tidal flow in and out of the lagoon (under the Saltwater and Hybrid Alternatives), disposing of sediments excavated from the lagoon to different locations, and restoring graded areas within the lagoon to facilitate recovery of habitat". Has this ever been done? What guarantee do we have that this will be carried out, as it seems it never has in the existing lagoon, but would have been beneficial to the character of the Lagoon.

Please do not adopt Resolution No. RTC-2018-02, regarding Beuna Vista Lagoon, and please recirculate the EIR for further review.

Sincerely,

John Rouse
67 St. Malo Beach
Oceanside CA
818 216-7777

P24-3 P24-4
cont

Please see Response to Comment P21-4 regarding vectors and saltwater mosquitos.

P24-5 Please see Response to Comment P21-5 regarding costs and implementation.

P24-4 P24-6

The comment requests Resolution No. RTC-2018-02 not be adopted and the EIR be recirculated. Please see Response to Comment P21-1 regarding recirculation.

P24-5

P24-6

LETTER 25
JEANNIE VAUGHN

From: Jeannie Vaughn [<mailto:jeanniejv7@gmail.com>]
Sent: Wednesday, January 24, 2018 11:59 AM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Subject: Buena Vista Lagoon

Dear Michelle,

My husband and I are planning on remodeling and moving to our home at St. Malo beach. The lagoon has always been a huge part of the world for us. We walk every day from Oceanside down to Carlsbad, go out to breakfast, often dinner and walk back along the beach. The Salt Water Alternative would make walking up and down that beach impossible and that is what SO many people love about that beach. It would keep many people out of Carlsbad and thus hurt their tourist economy.

I request that you DO NOT ADOPT RESOLUTION NO. RTC-2018-02 regarding the Buena Vista Lagoon and they please recirculate the EIR for further review.

The birds in the lagoon are plentiful and we watch them from our house daily. Please do not change the eco system there.

Sincerely, Jeannie Vaughn

- | | |
|-------|--|
| P25-1 | The comment provides introductory statements. Lateral access along the beach would be maintained through a pedestrian bridge as required by Mitigation Measure Land Use-1 that would ensure a continually safe crossing was available for pedestrians. Thus, lateral access along the beach would remain and would not negatively affect the local economy. |
| P25-1 | Additionally, the project would offer new public amenities, such as the Boardwalk, that may draw more people to the area. |
| P25-2 | The SANDAG Board of Directors acknowledges the request to vote no on Resolution No. RTC-2018-02. Please see Response to Comment P21-1 regarding recirculation. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project. |
| P25-2 | |
| P25-3 | Wildlife impacts can be found in EIR Section 3.5.3. As described in the EIR, some wildlife species would continue to utilize the lagoon under saltwater conditions and some species would not persist in the saline environment. As described in Response to Comment 12-15 in the FEIR, it is anticipated that an increased range of species could be supported in the more diverse habitat distribution that would result from the Saltwater Alternative. |
| P25-3 | |

**LETTER 26
WILLIAM K. JONES**

From: Packy Jones [<mailto:packy@jonestrading.com>]
Sent: Wednesday, January 24, 2018 12:28 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Subject: Friday's Meeting

Dear Michelle,

RE: January 26, 2018 SANDAG Board of Directors Meeting Agenda Item 18-01-11. BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* - Regional Transportation Commission (RTC) Resolution No. RTC-2018-02, regarding the Buena Vista Lagoon"

REQUEST: Please distribute my comments in this email to the 19 mayors/members of the SANDAG Board PRIOR to the Friday, January 26, 2018 meeting."

Dear Mayors and Members of SANDAG,

I am writing to you as a homeowner in Oceanside adjacent to the Buena Vista Lagoon. I request that you *do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and hope that you will please recirculate the EIR for further review.*

P26-1

I fear that the Salt Water alternative will not be able to solve all the problems it is designed to, and in fact causes safety hazards and destroys an existing natural habitat with no guarantee in building a new one - it is all speculation. The BV Lagoon was California's first Fresh Water Ecological Reserve. With five salt water lagoons in San Diego County, why would we destroy this precious unique lagoon with no guarantees about so many aspects of the salt water alternative? Why would we willingly create safety and environmental hazards, spending much more money on this unpredictable saltwater alternative?

P26-2

- P26-1 The comment provides introductory statements and requests recirculation of the EIR. Please see Response to Comment P21-1 regarding recirculation. The SANDAG Board of Directors acknowledges the request to vote no on Resolution No. RTC-2018-02. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P26-2 With respect to the assertion that the Saltwater Alternative is speculative, commenter is referred to FEIR Responses to Comments 12-5, 12-14, and 12-21. Master Comment #4 in the FEIR discusses the lagoon as a freshwater resource. See Response to Comment P4-4.

My Concerns:

1. The Saltwater Alternative is a safety threat. The EIR projects the lagoon inlet under the saltwater alternative "will not be passable approximately 37% of the time and crossing conditions would be considered potentially hazardous for some beach users" (3.1-19). This poses a safety issue for swimmers, walkers and joggers. Further, Table ES-10 9 Land Use/Recreation says that in the Saltwater Alternative "the new inlet crossing of the beach would periodically create a new safety threat to recreational users and the impacts would be significant". The Mitigation measures propose constructing a pedestrian bridge for north-south lateral access for the beach users over the tidal inlet." This sounds extremely dangerous, and the report fails to address the issue of how the pathway on the north side of the pedestrian bridge would provide safe access across the inlet, as it would unavoidably drop pedestrians back into the dangerous water flowing in from the ocean and the tidal flushing inlet the alternative created. During times of high water there is no sand or dry land for pedestrians to exit onto. Thus, in times of high water (the time when the bridge is necessary), the pedestrian bridge will actually be useless and will not ultimately provide safe access over the inlet.

P26-3

P26-3 Please see Response to Comment P21-2 regarding safety.

P26-4 Please see Response to Comment P21-3 regarding public health and safety.

2) Another area of concern is the public health and safety impact. Page ES-51 cites "the Freshwater Alternative would *not* result in the significant and unavoidable public health and safety impacts that would result from the new inlet associated with the other two alternatives (Saltwater alternative and Hybrid Alternative). The summary admits to public health and safety impact from the saltwater alternative. How

P26-4

can this be a recommitted alternative? ...Fairly, it goes on to explain that the "Freshwater Alternative will not achieve the same level of benefits or achieve the CEQA project objectives as the other two." Included here are the growth of cattails, bulrushes and invasive species". However, all of these seem visible to the eye in the existing saltwater lagoons south of Buena Vista Lagoon. It is also my understanding that there has been little to no maintenance over the years. Putting together an active maintenance plan for the existing lagoon seems a must more safe, reasonable, and cost effective alternative.

3) Vector concerns are also noted, however it is my understanding that there are species called "salt marsh mosquitos". A San Diego Union Tribune article (8/6/19) claims that "salt water is what makes their eggs hatch. You end up with millions of mosquitoes all hatching at the same time and when you have that surge of water, and about 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal". A San Diego Reader article in 2015 cites " "When you get an unusually high tide there, it can allow water into low-lying areas that don't always have water and if it stands seven to ten days without percolating into the ground, it's there long enough for a full mosquito-breeding cycle" and further "there are about two dozen species of mosquito in the area (in San Diego County). How can we as residents be sure that this problem will be eradicated, or worse with a salt water lagoon?

4) Cost! and Maintenance! It appears that many of the problems associated with the current Buena Vista Lagoon have to do with deferred maintenance. How, as a resident, can we be sure that money will be set aside to provide ongoing maintenance? The Saltwater Alternative is projected to cost 30% more than the Freshwater Alternative, and seems a most unsatisfactory way to spend precious city resources. Further, Page 3.9-8 discusses the concept of "lagoon

P26-5 Please see Response to Comment P21-4 regarding vectors and saltwater mosquitos.

P26-6 Please see Response to Comment P21-5 regarding costs and implementation.

P26-4
cont

P26-5

P26-6

enhancement... which would generally consist of vegetation removal, dredging and grading within the lagoon to raise or lower elevations, modifying existing lagoon infrastructure (weir, channels, bridge) to enhance tidal flow in and out of the lagoon (under the Saltwater and Hybrid Alternatives), disposing of sediments excavated from the lagoon to different locations, and restoring graded areas within the lagoon to facilitate recovery of habitat". Has this ever been done? what guarantee do we have that this will be carried out, as it seems it never has in the existing lagoon, but would have been beneficial to the character of the Lagoon.

P26-6
cont

P26-7 The comment requests Resolution No. RTC-2018-02 not be adopted and the EIR be recirculated. Please see Response to Comment P21-1 regarding recirculation. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

Please do not adopt Resolution No. RTC- 2018- 02, regarding Buena Vista Lagoon, and please recirculate the EIR for further review.

P26-7

Sincerely,

William K Jones
25 St Malo
Oceanside, CA

**LETTER 27
LINDA CHANDLER**

From: Linda Chandler [<mailto:beachlin36@gmail.com>]
Sent: Wednesday, January 24, 2018 12:39 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>
Cc: Linda Chandler <beachlin36@gmail.com>
Subject: Fwd: St Malo Association Event - 1/26/18 SANDAG Mtg. #3

Sent from Linda's iPad

Begin forwarded message:

From: Linda Chandler <beachlin36@gmail.com>
Date: January 24, 2018 at 12:31:13 PM PST
To: Chandler Linda <beachlin36@gmail.com>
Subject: Fwd: St Malo Association Event - 1/26/18 SANDAG Mtg. #3

Clerk of the SANDAG Board

RE: January 26, 2018 SANDAG Board of Directors Meeting Agenda Item 18-01-11. BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* - Regional Transportation Commission (RTC) Resolution No. RTC-2018-02, regarding the Buena Vista Lagoon"

REQUEST: Please distribute my comments in this email to the 19 mayors/members of the SANDAG Board PRIOR to the Friday, January 26, 2018 meeting."

Dear Mayors and Members of SANDAG,

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P27-1

I fear that the Salt Water alternative will not be able to solve all the problems it is designed to, and in fact causes safety hazards and destroys an existing natural habitat with no guarantee in building a new

P27-2



- P27-1 The comment provides introductory statements and requests recirculation of the EIR. Please see Response to Comment P21-1 regarding recirculation. The SANDAG Board of Directors acknowledges the request to vote no on Resolution No. RTC-2018-02. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P27-2 With respect to the assertion that the Saltwater Alternative is speculative, commenter is referred to FEIR Responses to Comments 12-5, 12-14, and 12-21. Master Comment #4 in the FEIR discusses the lagoon as a freshwater resource. See Response to Comment P4-4.

one - it is all speculation. The BV Lagoon was California's first Fresh Water Ecological Reserve. With five salt water lagoons in San Diego County, why would we destroy this precious unique lagoon with no guarantees about so many aspects of the salt water alternative? Why would we willingly create safety and environmental hazards, spending much more money on this unpredictable saltwater alternative?

P27-2
cont

P27-3 Please see Response to Comment P21-2 regarding safety.

My Concerns:

1. The Saltwater Alternative is a safety threat. The EIR projects the the lagoon inlet under the saltwater alternative "will not be passable approximately 37% of the time and crossing conditions would be considered potentially hazardous for some beach users" (3.1-19). This poses a safety issue for swimmers, walkers and joggers. Further, Table ES-10 9 Land Use/Recreation cites that in the Saltwater Alternative "the new inlet crossing of the beach would periodically create a new safety threat to recreational users and the impacts would be significant". The Mitigation measures propose constructing a pedestrian bridge for north-south lateral access for the beach users over the tidal inlet." This sounds extremely dangerous, and the report fails to address the issue of how the pathway on the north side of the pedestrian bridge would provide safe access across the inlet, as it would unavoidably drop pedestrians back into the dangerous water flowing in from the ocean and the tidal flushing inlet the alternative created. During times of high water there is no sand or dry land for pedestrians to exit onto. Thus, in times of high water (the time when the bridge is necessary), the pedestrian bridge will actually be useless and will not ultimately provide safe access over the inlet.

P27-3

2) Another area of concern is the public health and safety impact. Page ES-51 cites "the Freshwater Alternative would *not* result in the significant and unavoidable public health and safety impacts that would result from the new inlet associated with the other two alternatives (Saltwater alternative and Hybrid Alternative). The summary admits to public health and safety impact from the saltwater alternative. How can this be a recommitted alternative? ...Fairly, it goes on to explain that the "Freshwater Alternative will not achieve the same level of benefits or achieve the CEQA project objectives as the other two." Included here are the growth of cattails, bulrushes and invasive species". However, all of these seem visible to the eye in the existing saltwater lagoons south of Beuna Vista Lagoon. It is also my understanding that there has been little to no maintenance over the years. Putting together an active maintenance plan for the existing lagoon seems a must more safe, reasonable, and cost effective alternative.

3) Vector concerns are also noted, however it is my understanding that there are species called "salt marsh mosquitos". A San Diego Union Tribune article (8/6/19) claims that "salt water is what makes their eggs hatch. You end up with millions of mosquitoes all hatching at the same time and when you have that surge of water, and about 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal". A San Diego Reader article in 2015 cites " "When you get an unusually high tide there, it can allow water into low-lying areas that don't always have water and if it stands seven to ten days without percolating into the ground, it's there long enough for a full mosquito-breeding cycle" and further "there are about two dozen species of mosquito in the area (in San Diego County). How can we as residents be sure that this problem will be eradicated, or worse with a salt water lagoon?

P27-4 Please see Response to Comment P21-3 regarding public health and safety.

P27-5 Please see Response to Comment P21-4 regarding vectors and saltwater mosquitos.

P27-4

P27-5

4) Cost! and Maintenance! It appears that many of the problems associated with the current Buena Vista Lagoon have to do with deferred maintenance. How, as a resident, can we be sure that money will be set aside to provide ongoing maintenance? The Saltwater Alternative is projected to cost 30% more than the Freshwater Alternative, and seems a most unsatisfactory way to spend precious city resources. Further, Page 3.9-8 discusses the concept of "lagoon enhancement... which would generally consist of vegetation removal, dredging and grading within the lagoon to raise or lower elevations, modifying existing lagoon infrastructure (weir, channels, bridge) to enhance tidal flow in and out of the lagoon (under the Saltwater and Hybrid Alternatives), disposing of sediments excavated from the lagoon to different locations, and restoring graded areas within the lagoon to facilitate recovery of habitat". Has this ever been done? what guarantee do we have that this will be carried out, as it seems it never has in the existing lagoon, but would have been beneficial to the character of the Lagoon.

Please do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and please recirculate the EIR for further review.

Linda Chandler

P27-6 Please see Response to Comment P21-5 regarding costs and implementation.

P27-7 The comment requests Resolution No. RTC-2018-02 not be adopted and the EIR be recirculated. Please see Response to Comment P21-1 regarding recirculation.

P27-6

P27-7

LETTER 28
LISA EVANS

From: Lisa Evans [<mailto:lisagevans4@gmail.com>]
Sent: Wednesday, January 24, 2018 1:49 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Subject: BUENA VISTA LAGOON ENHANCEMENT PROJECT

TO: Clerk of the SANDAG Board

RE: January 26, 2018 SANDAG Board of Directors Meeting Agenda Item 18-01-11.
BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* - Regional
Transportation Commission (RTC) Resolution No. RTC-2018-02, regarding the
Buena Vista Lagoon"

REQUEST: Please distribute my comments in this email to the 19
mayors/members of the SANDAG Board PRIOR to the Friday, January 26, 2018
meeting."

Dear Mayors and Members of SANDAG,

**I am writing to you as a homeowner in Oceanside (Lisa and Tom Evans 27 St.
Malo Beach) adjacent to the Beuna Vista Lagoon. I request that you *do not*
adopt Resolution No. RTC-2018-02, regarding Beuna Vista Lagoon, and *hope that*
*you will please recirculate the EIR for further review.***

P28-1

I fear that the Salt Water alternative will not be able to solve all the problems it is
designed to, and in fact causes safety hazards and destroys an existing natural
habitat with no guarantee in building a new one - it is all speculation. The BV
Lagoon was California's first Fresh Water Ecological Reserve. With five salt water
lagoons in San Diego County, why would we destroy this precious unique lagoon
with no guarantees about so many aspects of the salt water alternative? Why
would we willingly create safety and environmental hazards, spending much more
money on this unpredictable saltwater alternative?

P28-2

My Concerns:

1. The Saltwater Alternative is a safety threat. The EIR projects the the lagoon
inlet under the saltwater alternative "will not be passable approximately
37% of the time and crossing conditions would be considered potentially
hazardous for some beach users" (3.1-19). This poses a safety issue for

P28-3

- P28-1 The comment provides introductory statements and requests
recirculation of the EIR. Please see Response to Comment P21-1
regarding recirculation. The SANDAG Board of Directors acknowledges
the request to vote no on Resolution No. RTC-2018-02. Please see
Master Response #1 in the FEIR regarding alternative selection. All
written comments and documentation will be added to the record, along
with any public testimony on the item, and will be fully considered during
the SANDAG Board of Directors meeting on the project.
- P28-2 With respect to the assertion that the Saltwater Alternative is
speculative, commenter is referred to FEIR Responses to Comments
12-5, 12-14, and 12-21. Master Comment #4 in the FEIR discusses the
lagoon as a freshwater resource. See Response to Comment P4-4.
- P28-3 Please see Response to Comment P21-2 regarding safety.

swimmers, walkers and joggers. Further, Table ES-10 9 Land Use/Recreation cites that in the Saltwater Alternative "the new inlet crossing of the beach would periodically create a new safety threat to recreational users and the impacts would be significant". The Mitigation measures propose constructing a pedestrian bridge for north-south lateral access for the beach users over the tidal inlet." This sounds extremely dangerous, and the report fails to address the issue of how the pathway on the north side of the pedestrian bridge would provide safe access across the inlet, as it would unavoidably drop pedestrians back into the dangerous water flowing in from the ocean and the tidal flushing inlet the alternative created. During times of high water there is no sand or dry land for pedestrians to exit onto. Thus, in times of high water (the time when the bridge is necessary), the pedestrian bridge will actually be useless and will not ultimately provide safe access over the inlet.

P28-3
cont

- P28-4 Please see Response to Comment P21-3 regarding public health and safety.
- P28-5 Please see Response to Comment P21-4 regarding vectors and saltwater mosquitos.

2) Another area of concern is the public health and safety impact. Page ES-51 cites "the Freshwater Alternative would *not* result in the significant and unavoidable public health and safety impacts that would result from the new inlet associated with the other two alternatives (Saltwater alternative and Hybrid Alternative). The summary admits to public health and safety impact from the saltwater alternative. How can this be a recommitted alternative? ...Fairly, it goes on to explain that the "Freshwater Alternative will not achieve the same level of benefits or achieve the CEQA project objectives as the other two." Included here are the growth of cattails, bulrushes and invasive species". However, all of these seem visible to the eye in the existing saltwater lagoons south of Beuna Vista Lagoon. It is also my understanding that there has been little to no maintenance over the years. Putting together an active maintenance plan for the existing lagoon seems a must more safe, reasonable, and cost effective alternative.

P28-4

3) Vector concerns are also noted, however it is my understanding that there are species called "salt marsh mosquitos". A San Diego Union Tribune article (8/6/19) claims that "salt water is what makes their eggs hatch. You end up with millions of mosquitoes all hatching at the same time and when you have that surge of water, and about 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal". A San Diego Reader article in 2015 cites " "When you get an unusually high tide there, it can allow water into low-lying

P28-5

areas that don't always have water and if it stands seven to ten days without percolating into the ground, it's there long enough for a full mosquito-breeding cycle" and further "there are about two dozen species of mosquito in the area (in San Diego County). How can we as residents be sure that this problem will be eradicated, or worse with a salt water lagoon?

4) Cost! and Maintenance! It appears that many of the problems associated with with the current Buena Vista Lagoon have to do with deferred maintenance. How, as a resident, can we be sure that money will be set aside to provide ongoing maintenance? The Saltwater Alternative is projected to cost 30% more than the Freshwater Alternative, and seems a most unsatisfactory way to spend precious city resources. Further, Page 3.9-8 discusses the concept of "lagoon enhancement... which would generally consist of vegetation removal, dredging and grading within the lagoon to raise or lower elevations, modifying existing lagoon infrastructure (weir, channels, bridge) to enhance tidal flow in and out of the lagoon (under the Saltwater and Hybrid Alternatives), disposing of sediments excavated from the lagoon to different locations, and restoring graded areas within the lagoon to facilitate recovery of habitat". Has this ever been done? what guarantee do we have that this will be carried out, as it seems it never has in the existing lagoon, but would have been beneficial to the character of the Lagoon.

Please do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and please recirculate the EIR for further review.

Most Sincerely,

Lisa and Tom Evans
Oceanside CA

P28-5
cont

P28-6 Please see Response to Comment P21-5 regarding costs and implementation.

P28-7 The comment requests Resolution No. RTC-2018-02 not be adopted and the EIR be recirculated. Please see Response to Comment P21-1 regarding recirculation.

P28-6

P28-7

LETTER 29
ASHLEY J. GUERRA

From: Ashley Jones [mailto:ajones@gamblejones.com]
Sent: Wednesday, January 24, 2018 1:59 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Cc: Lero, Tessa <Tessa.Lero@sandag.org>
Subject: TO: Clerk of the SANDAG Board

RE: January 26, 2018 SANDAG Board of Directors Meeting Agenda Item 18-01-11. BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* - Regional Transportation Commission (RTC) Resolution No. RTC-2018-02, regarding the Buena Vista Lagoon"

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P29-1

I fear that the Salt Water alternative will not be able to solve all the problems it is designed to, and in fact causes safety hazards and destroys an existing natural habitat with no guarantee in building a new one - it is all speculation. The BV Lagoon was California's first Fresh Water Ecological Reserve. With five salt water lagoons in San Diego County, why would we destroy this precious unique lagoon with no guarantees about so many aspects of the salt water alternative? Why would we willingly create safety and environmental hazards, spending much more money on this unpredictable saltwater alternative?

P29-2

- P29-1 The comment provides introductory statements and requests recirculation of the EIR. Please see Response to Comment P21-1 regarding recirculation. The SANDAG Board of Directors acknowledges the request to vote no on Resolution No. RTC-2018-02. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P29-2 With respect to the assertion that the Saltwater Alternative is speculative, commenter is referred to FEIR Responses to Comments 12-5, 12-14, and 12-21. Master Comment #4 in the FEIR discusses the lagoon as a freshwater resource. See Response to Comment P4-4.

My Concerns:

1. The Saltwater Alternative is a safety threat. The EIR projects the the lagoon inlet under the saltwater alternative "will not be passable approximately 37% of the time and crossing conditions would be considered potentially hazardous for some beach users" (3.1-19). This poses a safety issue for swimmers, walkers and joggers. Further, Table ES-10 9 Land Use/Recreation cites that in the Saltwater Alternative "the new inlet crossing of the beach would periodically create a new safety threat to recreational users and the impacts would be significant". The Mitigation measures propose constructing a pedestrian bridge for north-south lateral access for the beach users over the tidal inlet." This sounds extremely dangerous, and the report fails to address the issue of how the pathway on the north side of the pedestrian bridge would provide safe access across the inlet, as it would unavoidably drop pedestrians back into the dangerous water flowing in from the ocean and the tidal flushing inlet the alternative created. During times of high water there is no sand or dry land for pedestrians to exit onto. Thus, in times of high water (the time when the bridge is necessary), the pedestrian bridge will actually be useless and will not ultimately provide safe access over the inlet.

P29-3

2) Another area of concern is the public health and safety impact. Page ES-51 cites "the Freshwater Alternative would *not* result in the significant and unavoidable public health and safety impacts that would result from the new inlet associated with the other two alternatives (Saltwater alternative and Hybrid Alternative). The summary admits to public health and safety impact from the saltwater alternative. How can this be a recommitted alternative? ...Fairly, it goes on to explain

P29-4

P29-3 Please see Response to Comment P21-2 regarding safety.

P29-4 Please see Response to Comment P21-3 regarding public health and safety.

that the "Freshwater Alternative will not achieve the same level of benefits or achieve the CEQA project objectives as the other two." Included here are the growth of cattails, bulrushes and invasive species". However, all of these seem visible to the eye in the existing saltwater lagoons south of Buena Vista Lagoon. It is also my understanding that there has been little to no maintenance over the years. Putting together an active maintenance plan for the existing lagoon seems a must more safe, reasonable, and cost effective alternative.

P29-4
cont

P29-5 Please see Response to Comment P21-4 regarding vectors and saltwater mosquitos.

P29-6 Please see Response to Comment P21-5 regarding costs and implementation.

3) Vector concerns are also noted, however it is my understanding that there are species called "salt marsh mosquitos". A San Diego Union Tribune article (8/6/19) claims that "salt water is what makes their eggs hatch. You end up with millions of mosquitoes all hatching at the same time and when you have that surge of water, and about 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal". A San Diego Reader article in 2015 cites " "When you get an unusually high tide there, it can allow water into low-lying areas that don't always have water and if it stands seven to ten days without percolating into the ground, it's there long enough for a full mosquito-breeding cycle" and further "there are about two dozen species of mosquito in the area (in San Diego County). How can we as residents be sure that this problem will be eradicated, or worse with a salt water lagoon?

P29-5

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P29-6

dredging and grading within the lagoon to raise or lower elevations, modifying existing lagoon infrastructure (weir, channels, bridge) to enhance tidal flow in and out of the lagoon (under the Saltwater and Hybrid Alternatives), disposing of sediments excavated from the lagoon to different locations, and restoring graded areas within the lagoon to facilitate recovery of habitat". Has this ever been done? what guarantee do we have that this will be carried out, as it seems it never has in the existing lagoon, but would have been beneficial to the character of the Lagoon.

P29-6
cont

P29-7 The comment requests Resolution No. RTC-2018-02 not be adopted and the EIR be recirculated. Please see Response to Comment P21-1 regarding recirculation. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

Please do not adopt Resolution No. RTC-2018-02, regarding Beuna Vista Lagoon, and please recirculate the EIR for further review.

P29-7

Most Sincerely,

Ashley J. Guerra
Oceanside CA

**LETTER 30
DEBORAH STERN**

From: Deborah STERN [<mailto:deborahs@me.com>]
Sent: Wednesday, January 24, 2018 1:45 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Cc: Pat Stern <patdstern@gmail.com>
Subject: Not in favor of # RTC-2018-02

TO: Clerk of the SANDAG Board

RE: January 26, 2018 SANDAG Board of Directors Meeting Agenda Item 18-01-11. BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* - Regional Transportation Commission (RTC) Resolution No. RTC-2018-02, regarding the Buena Vista Lagoon"

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My Concerns:

1. The Saltwater Alternative is a safety threat. The EIR projects the the lagoon inlet under the saltwater alternative "will not be passable approximately 37% of the time and crossing conditions would be considered potentially hazardous for some beach users" (3.1-19). This poses a safety issue for swimmers, walkers and joggers. Further, Table ES-10 9 Land Use/Recreation cites that in the Saltwater Alternative "the new inlet crossing of the beach would periodically create a new safety threat to recreational users and the impacts would be significant". The Mitigation measures propose constructing a pedestrian bridge for north-south lateral access for the beach users over the tidal inlet." This sounds extremely dangerous, and the report fails to address the issue of how the pathway on the north side of the pedestrian bridge would provide safe access across the inlet, as it would unavoidably drop pedestrians back into the dangerous water flowing in from the ocean and the tidal flushing inlet the alternative created. During times of high water there is no sand or dry land for pedestrians to exit onto. Thus, in times of high water (the time when the bridge is necessary), the pedestrian bridge will actually be useless and will not ultimately provide safe access over the inlet.

- P30-1 The comment provides introductory statements and requests recirculation of the EIR. Please see Response to Comment P21-1 regarding recirculation. The SANDAG Board of Directors acknowledges the request to vote no on Resolution No. RTC-2018-02. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P30-2 With respect to the assertion that the Saltwater Alternative is speculative, the commenter is referred to FEIR Responses to Comments 12-5, 12-14, and 12-21. Master Comment #4 in the FEIR discusses the lagoon as a freshwater resource. See Response to Comment P4-4.
- P30-3 Please see Response to Comment P21-2 regarding safety.

P30-1

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P30-3

2) Another area of concern is the public health and safety impact. Page ES-51 cites "the Freshwater Alternative would *not* result in the significant and unavoidable public health and safety impacts that would result from the new inlet associated with the other two alternatives (Saltwater alternative and Hybrid Alternative). The summary admits to public health and safety impact from the saltwater alternative. How can this be a recommitted alternative? ...Fairly, it goes on to explain that the "Freshwater Alternative will not achieve the same level of benefits or achieve the CEQA project objectives as the other two." Included here are the growth of cattails, bulrushes and invasive species". However, all of these seem visible to the eye in the existing saltwater lagoons south of Buena Vista Lagoon. It is also my understanding that there has been little to no maintenance over the years. Putting together an active maintenance plan for the existing lagoon seems a must more safe, reasonable, and cost effective alternative.

3) Vector concerns are also noted, however it is my understanding that there are species called "salt marsh mosquitos". A San Diego Union Tribune article (8/6/19) claims that "salt water is what makes their eggs hatch. You end up with millions of mosquitoes all hatching at the same time and when you have that surge of water, and about 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal". A San Diego Reader article in 2015 cites "When you get an unusually high tide there, it can allow water into low-lying areas that don't always have water and if it stands seven to ten days without percolating into the ground, it's there long enough for a full mosquito-breeding cycle" and further "there are about two dozen species of mosquito in the area (in San Diego County). How can we as residents be sure that this problem will be eradicated, or worse with a salt water lagoon?

4) Cost! and Maintenance! It appears that many of the problems associated with with the current Buena Vista Lagoon have to do with deferred maintenance. How, as a resident, can we be sure that money will be set aside to provide ongoing maintenance? The Saltwater Alternative is projected to cost 30% more than the Freshwater Alternative, and seems a most unsatisfactory way to spend precious city resources. Further, Page 3.9-8 discusses the concept of "lagoon enhancement..." which would generally consist of vegetation removal, dredging and grading within the lagoon to raise or lower elevations, modifying existing lagoon infrastructure (weir, channels, bridge) to enhance tidal flow in and out of the lagoon (under the Saltwater and Hybrid Alternatives), disposing of sediments excavated from the lagoon to different locations, and restoring graded areas within the lagoon to facilitate recovery of habitat". Has this ever been done? what guarantee do we have that this will be carried out, as it seems it never has in the existing lagoon, but would have been beneficial to the character of the Lagoon.

Please do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and please recirculate the EIR for further review.

Deborah Stern

Resident 2035 South Pacific Oceanside Calif.

Ster

P30-4 Please see Response to Comment P21-3 regarding public health and safety.

P30-4 P30-5 Please see Response to Comment P21-4 regarding vectors and saltwater mosquitos.

P30-6 Please see Response to Comment P21-5 regarding costs and implementation.

P30-7 The comment requests Resolution No. RTC-2018-02 not be adopted and the EIR be recirculated. Please see Response to Comment P21-1 regarding recirculation.

P30-5

P30-6

P30-7

LETTER 31 JOHN TENAGLIA

From: John Tenaglia [<mailto:johnntenaglia@icloud.com>]

Sent: Wednesday, January 24, 2018 1:22 PM

To: Lero, Tessa <Tessa.Lero@sandag.org>

Cc: Posada, Michelle <Michelle.Posada@sandag.org>

Subject: Fwd: Sandag Hearing - Buena Vista Lagoon Enhancement Project- RTC-2018-02

To the Honorable Mayors of Sandag:

My family lives at #46 St. Malo Beach and also owns the north half of the lagoon channel from the weir back around to the larger westernmost lagoon cell owned by the St. Malo Association. We are considered one of the "key stakeholders" in the Buena Vista Lagoon Restoration Project.

We respectfully ask that you **Not adopt Resolution RTC-2018-02 (Salt Water Alternative)** for the following reasons summarized below.

The EIR published on Oct. 26th, 2017 contains many flaws, inconsistencies and bias as follows:

HISTORICAL EVOLUTION OF THE BUENA VISTA LAGOON (BVL) :

-The EIR states that historically the lagoon was a tidally influenced salt water lagoon from the ocean and provides claims of this from a study conducted in 2014 from Beller et al. In reviewing this 119 page document (which was coincidentally not included in the Draft EIR in 2015 but magically appears in Final EIR published just 90 days ago) they represent that the lagoon was probably/possibly a salt water regime based on two photosone a black and white aerial that shows an angle of the lagoon taken in the 1930's that is inconclusive and another reporting to be near salt marshes....again inconclusive. What is factual is that in 1865 the first recorded ownership of the Buena Vista Lagoon was a Homestead Patent granted by the US Government. This meant the lagoon was not tidal and suitable for farming and ranching. I cannot image the Federal Government of the United States granting this without thorough research even back then.

Also, everyone does seem to agree that the BVL as far back as records go is 5'6" above "mean sea level" (MSL). I have never seen water go uphill therefore how can this EIR say with accuracy that this was a salt water tidal lagoon before the current weir was built. Please see Exhibit "A" at the end of this email taken in 1967 of the outlet at the BVL lagoon with a series of pipes that helped control the flow of FRESH WATER out to the Pacific Ocean. I think anyone of reasonable intelligence can see from this photo that the BVL is clearly above Mean Sea Level and therefore not a salt water regime.

EXISTING ENVIRONMENT/ WILDLIFE/ MOSQUITO'S:

The EIR first acknowledges that the Fresh Water alternative is the Environmentally Superior Alternative but then goes on to say later that the salt water and the fresh water alternatives when compared together no one alternative is environmentally superior to the other. So, which one is it ?? Complete confusion....

As for wildlife the EIR concedes that the salt water species "matriculation" under the salt water alternative will take between 5-10 years but "NO GUARANTEE" it will work.

I ask you...how can you as our governing SD Mayoral County Board consider adopting a resolution for an alternative that the proponents admit may not work??

As for Mosquitos there has been a lot of debate about this however the EIR fails to properly and thoroughly analyze mosquito's that are prevalent in a salt water system i.e.

P31-1 The comment provides introductory statements. The SANDAG Board of Directors acknowledges the request to not adopt Resolution No. RTC-2018-02. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P31-2 This comment provides information regarding the history of the lagoon. Please see Response to Comment P14-3 regarding the history of the lagoon and also see Master Response #5 in the FEIR regarding historical lagoon ecology.

P31-3 The design elevation of the weir at the western end of the lagoon creates a surface water elevation of +5.6 ft, NGVD, but ground surface elevations within the lagoon are lower where they are underwater with the weir in place. Master Response #5 in the FEIR discusses the historic condition of the lagoon and the dynamic nature of the inlet prior to installation of the weir. The inlet was intermittently open to tidal influence or closed depending on the presence of a beach berm at the inlet location. While the inlet was closed and the beach berm in place (as shown in the photo provided by the commenter), pipes could have provided additional drainage for freshwater entering the lagoon. While the inlet was open, tides could extend into the lagoon up to high tide elevations. As described in Master Response #5, topographic maps indicate that areas of salt marsh habitat were historically present, particularly around the inlet, and ponded saltwater remained in the lagoon even when no tidal connection was present. Ground elevations within the lagoon therefore indicate that they could have been exposed to tidal inundation when the inlet was intermittently open, and the lagoon would have been a saltwater regime consistent with historic habitat information.

P31-4 It is correct that the EIR identifies the Freshwater Alternative as the environmentally superior alternative based solely on number of significant impacts (EIR Section 4.4), but also provides discussion of the environmental advantages and disadvantages of each alternative. Please see Response to Comment 10-26 in the FEIR addressing the environmentally superior alternative.

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the "Black Salt Marsh mosquito. The EIR is completely biased in this regard and on purpose in my humble opinion.

MITIGATION CREDITS:

We are well aware that mitigation credits are available for a "fresh water" restoration but not considered as valuable as "salt water". The Sandag staff and agencies have been deceiving the key "stakeholders" in numerous meeting that took place last year when asked point blank about this subject. We understand there is a process where "mitigation" credits can be swapped between two different restorations. One of the speakers at the hearing on Fri. will speak at length on this subject.

PEDESTRIAN BRIDGE/BOARDWALK OVER AND ALONG THE LAGOON CHANNEL:

The EIR admits that they cannot mitigate the challenges with members of the public not using the bridge/boardwalk as designed and crossing the mouth of the BVL entrance during unsafe conditions. They acknowledge that the impacts are "significant and unavoidable". Attempts to take any properties by any form of legal action to install this bridge and boardwalk will be challenged in a court of law and court of Appeals if necessary. If this board approves this Resolution for a "salt water" alternative fatalities are a certainty in the years ahead.

You will be creating a 100' DEATH ZONE. Fortunately for members of the Sandag board you will not have to be the one making the 911 call when there is a drowning at the mouth of the lagoon but I and/or my neighbors will. I do not look forward to that day which will eventually come if you adopt this resolution on Fri.

I ASK ONCE AGAIN FOR ALL THE REASONS ABOVE THAT YOU NOT CERTIFY BVL RTC 2018-02

Sincerely,

John Tenaglia
"Key Stakeholder"

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P31-5 Please see Responses to Comments 12-5 and 100-3 in the FEIR addressing species establishment in a new saltwater lagoon system. With respect to the Saltwater Alternative's likelihood of success, the commenter is referred to FEIR Responses to Comments 12-5, 12-14, and 12-21.

P31-6 The EIR addresses mosquito and vector control in Section 3.15 and evaluates each alternative's effectiveness in reducing the public health and safety risk associated with mosquito-borne diseases. Please see Response to Comment 65-3 in the FEIR regarding mosquitos and vectors. Please see Response to Comment P14-4 regarding the reduction in vector breeding conditions that would be achieved by the Saltwater Alternative. Please see Response to Comment P11-7 regarding saltwater mosquitos. Please see Response to Comment P18-8 regarding SANDAG's ongoing coordination with San Diego County Vector Control.

P31-7 Please see Response to Comment P15-16 regarding mitigation credits.

P31-8 The comment is correct that the pedestrian bridge identified in Mitigation Measure Land Use-1 would mitigate the lateral access impact but a safety impact associated with the new inlet would remain significant and unmitigated. Though significant and unmitigated per the EIR thresholds, an appropriate bridge design and placement would ensure that a continually safe crossing was available for pedestrians.

Please see Master Response #2 in the FEIR regarding private property and eminent domain.

P31-9 The comment requests Resolution No. RTC-2018-02 not be adopted. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

EXHIBIT "A" - MOUTH OF THE BUENA VISTA LAGOON-1967



LETTER 32
CHRIS WATSON

From: Chris Watson [<mailto:chris@watsonsetzer.com>]

Sent: Wednesday, January 24, 2018 3:41 PM

To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>

Subject: January 26, 2018 SANDAG Board of Directors Meeting Agenda Item 18-01-11, Buena Vista Lagoon Enhancement Project (Keith Greer)- Regional Transportation Commission (RTC) Resolution No. RTC_2018-02, regarding the Buena Vista Lagoon.

Clerk of the SANDAG Board

Request: Please distribute my comments in this email to the 19 Mayors/Members of the SANDAG Board prior to the January 26, 2018 meeting.

Dear Mayors and Members of SANDAG,

I am writing to you as a homeowner in Oceanside adjacent to the Buena Vista Lagoon. I request that you do not adopt Resolution No. RTC_2018-02, regarding the Buena Vista Lagoon, and trust you will please recirculate the RIE for further review. I am concerned that the Salt Water alternative is motivated for reasons other than those articulated in the EIR, that the funding of the conversion to the Salt Water alternative have not been adequately detailed, Vector control impacts of a Salt Water conversion have not been properly presented and the impact of the Salt Water alternative present public health and safety issues.

Policy: What and who is the driving force behind this EIR?

EIR section ES.2 states that SANDAG became involved in enhancement efforts for the BVL as a component of the North Coast Public Work Plan/Transportation and Resource Enhancement Program (PWP/TREP) (Caltrans 2014a), a document that was prepared to address comprehensive system-wide transportation and transit improvements proposed by Caltrans and SANDAG. The PWP/TREP includes the Resource Enhancement and Mitigation Program (REMP) which provides for mitigation planning and implementation through the I-5 North Coast Corridor PWP/TREP process to effectively mitigate project impacts in a manner that addresses regionally significant resource enhancement and preservation needs. It is my understanding that SANDAG and Caltrans have been attempting to identify salt water mitigation credit projects for a number of years. It is also my understanding that the BVL represents one of the only opportunities for salt water mitigation credits in Southern California. Other than the limited mention within ES.2 there doesn't appear to be any additional detail in the EIR of the need to obtain mitigation credits to allow for other "system wide" projects. The basis for approval of the EIR is not associated with the need to obtain salt water mitigation credits. I believe the EIR should not be adopted until further review and examination is completed detailing what the true motive is that is driving the Salt Water alternative. It must also be understood why the subject resolution is proposed to be ratified by the Regional Transportation Commission and not the lead agency? No where within the EIR is an "out of kind compensatory mitigation plan" discussed. While three alternative plans are discussed within the EIR, the importance of salt water mitigation credits and the potential of substituting these credits for "out of kind compensatory credits" is never discussed.

Funding: The EIR must address the overall economic impact of proposed project.

Other than mention of the fact that the Salt Water alternative will require ongoing maintenance is there any detail about the economic impact of the EIR. There is no budget to complete the proposed alternative, nor is there any annual budget provided for ongoing maintenance. Given the continued

P32-1 The comment provides introductory statements and requests recirculation of the EIR. Please see Response to Comment P21-1 regarding recirculation. The SANDAG Board of Directors acknowledges the request to not adopt Resolution No. RTC-2018-02. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

Please see Response to Comment 100-6 in the FEIR addressing Enhancement Project funding.

The EIR addresses mosquito and vector control in Section 3.15 and evaluates each alternative's effectiveness in reducing the public health and safety risk associated with mosquito-borne diseases.

See Response to Comment P4-4.

P32-2 The California Department of Fish and Wildlife initiated a planning effort for the enhancement of the lagoon, but suspended these efforts in fall 2011. In July 2012, SANDAG was asked by the Cities of Carlsbad and Oceanside to serve as the new lead agency under CEQA for the environmental review of the Buena Vista Lagoon Enhancement Project. SANDAG accepted this request, in recognition of the lagoon's regional value and its inter-connectivity with the North Coast Corridor Public Works Plan (PWP) adopted in 2013 by the California Coastal Commission, and the future. Interstate 5/State Route 78 interchange projects.

SANDAG and Caltrans as providers of transportation infrastructure need to identify various mitigation options for biological impacts caused by the construction of the infrastructure projects. In addition, under State Senate Bill 468 (Kehoe), the opportunities to enhance lagoons should be addressed at the same time the transportation infrastructure is being planned. A package of mitigation options is identified in the Resource Enhancement and Mitigation Program, which is part of the PWP.

As the lead agency for CEQA, SANDAG prepared an EIR and purposefully addressed all alternatives equally to allow the SANDAG Board of Directors to select any of the alternatives presented in the EIR. The FEIR has a recommendation of the proposed project, which best meets the objectives identified in Section 1.2 of the EIR. A discussion of why the proposed project was selected can be found in Section 4.5 of the FEIR.

P32-1

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deferred maintenance of the existing lagoon, how as a resident can we be assured that there will be adequate funds to complete the project and ensure its viability for years to come? The Salt Water project is expected to cost at least 30% more than a Fresh Water alternative, yet no baseline for cost has been established. If appropriate levels of funding can not be evidenced for the project implementation and ongoing annual maintenance, it is irresponsible for this resolution to be ratified. One only need look at the existing BVL to see what the outcome is if funding for maintenance is not secured to ensure long term viability.

Vector Control: What about Salt Water Mosquitos

The EIR contains numerous references to the danger of leaving the current BVL unchecked from a Vector control standpoint. The assertion is made that the Salt Water alternative will assist in the eradication of mosquitos and associated illness. The EIR is silent however on the fact that there are varieties of salt water mosquitos that could invade a tidal salt water lagoon. San Diego Tribune and San Diego Reader articles detail the issue of salt water mosquitos. Making matters worse, tidal influences can impact the life cycle of certain salt marsh mosquitos with millions of mosquitos hatching at the same time if salt water levels reach the egg hatch. The EIR is silent on the threat of salt marsh or salt water mosquitos and whether their presence may be worse than fresh water varieties.

Public Health and Safety:

Public health and safety is a concern as there has been no data provided in the EIR that details what toxins and contaminants may be exposed by proposed dredging and the removal of vegetation. It is absolutely reckless to suggest that the sledge that is excavated from the BVL will be deposited on the beach for enhancement or transported off site. Again no budget has been provided and if the waste from dredging proves to be contaminated it will need be deposited at great expense to an approved waste reclamation site. It may be a safe observation to anticipate health issues when one considers that the Carlsbad and Oceanside beaches are closed due to high levels of bacteria when water from the BVL is discharged into the ocean. Inadequate data is presented in the EIR and this issue must be further evaluated before adoption of the EIR.

In summary I ask why does a salt water restoration need to happen? Is it to provide Caltrans and the RTC mitigation credits to be used for system wide improvements or is it really to ecologically benefit the Buena Vista Lagoon? Does this EIR really justify the potential and yet to be defined impacts of what is being considered? I believe more time is required to develop a comprehensive and responsible understanding of the impacts of the EIR that remain unanswered at this time. I urge you not to adopt Resolution no. RTC-2018-02 at this time.

Thank you in advance for your consideration.s

Chris Watson
Watson Setzer Real Estate Partners LLC
780 West Grand Avenue, Suite 200
Oakland, CA 94612
415-699-5992
chris@watsonsetzer.com

P32-3
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Please see also Response to Comment P15-16 regarding mitigation credits.

P32-3 Please see Response to Comment 100-6 in the FEIR addressing Enhancement Project funding. SANDAG is aware of the relative costs of each alternative. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

P32-4

P32-4 The EIR addresses mosquito and vector control in Section 3.15 and evaluates each alternative's effectiveness in reducing the public health and safety risk associated with mosquito-borne diseases. Please see Response to Comment 65-3 in the FEIR regarding mosquitos and vectors. Please see Response to Comment P14-4 regarding the reduction in vector breeding conditions that would be achieved by the Saltwater Alternative. Please see Response to Comment P11-7 regarding saltwater mosquitos. Please see Response to Comment P18-8 regarding SANDAG's ongoing coordination with San Diego County Vector Control.

P32-5

P32-5 Please see Responses to Comments P11-5, P14-5, and P15-9 regarding public health and safety relative to toxins in lagoon sediment.

P32-6

P32-6 The comment provides closing statements and reiterates issues identified under each specific response above. The SANDAG Board of Directors acknowledges the request to not adopt Resolution No. RTC-2018-02. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

LETTER 33
BARBARA AND DENNIS METZLER

From: Dennis Metzler [<mailto:dkmfirst@gmail.com>]
Sent: Wednesday, January 24, 2018 4:24 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>
Cc: BARBARA Metzler <barbaramet@cox.net>
Subject: Buena Vista Lagoon

We are writing to you as homeowners in Oceanside adjacent to the Buena Vista Lagoon. We request that you do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and hope that you will please recirculate the EIR for further review.

It appears to us that the Salt Water alternative will not be able to solve all the problems it is designed to, and in fact will create other issues by disturbing the nature of the lagoon. Further we feel the salt water approach will destroy the existing natural habitat with no guarantee in building a new one. No one really knows what the result will be from changing from fresh to salt water, however, the results of such efforts on the California coast are not encouraging. The Buena Vista Lagoon was California's first Fresh Water Ecological Reserve. With five salt water lagoons in San Diego County, why would we destroy this precious unique lagoon with no guarantees about so many aspects of the salt water alternative? Why would we willingly create safety and environmental hazards, spending much more money on this unpredictable saltwater alternative?

My Concerns:

1. The Saltwater Alternative is a safety threat. The EIR projects the the lagoon inlet under the saltwater alternative "will not be passable approximately 37% of the time and crossing conditions would be considered potentially hazardous for some beach users" (3.1-19). This poses a safety issue for swimmers, walkers and joggers. Further, Table ES-10 9 Land Use/Recreation cites that in the Saltwater Alternative "the new inlet crossing of the beach would periodically create a new safety threat to recreational users and the impacts would be significant". As part of mitigation it is proposed that a pedestrian bridge be constructed for north-south lateral access for the beach users over the tidal inlet. This sounds extremely dangerous! Furthermore the report fails to address the issue of how the pathway on the north side of the pedestrian bridge would provide safe access across the inlet, as it would unavoidably drop pedestrians back into the dangerous water flowing in from the ocean and the tidal flushing inlet the alternative created. During times of high water there is no sand or dry land for pedestrians to exit onto. Thus, in times of high water (the time when the bridge is necessary), the pedestrian bridge will actually be useless and will not ultimately provide safe access over the inlet.

- 2) Another area of concern is the public health and safety impact. Page ES-51 cites "the Freshwater Alternative would *not* result in the significant and unavoidable public health and safety impacts that would result from the new inlet associated with the other two alternatives (Saltwater alternative and Hybrid Alternative). The summary admits to public health and safety impact from the saltwater alternative. How can this be a

- P33-1 The comment provides introductory statements and requests recirculation of the EIR. Please see Response to Comment P21-1 regarding recirculation. The SANDAG Board of Directors acknowledges the request to vote no on Resolution No. RTC-2018-02. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P33-2 With respect to the assertion that the Saltwater Alternative is speculative, commenter is referred to FEIR Responses to Comments 12-5, 12-14, and 12-21. Master Comment #4 in the FEIR discusses the lagoon as a freshwater resource. See Response to Comment P4-4.
- P33-3 Please see Response to Comment P21-2 regarding safety.
- P33-4 Please see Response to Comment P21-3 regarding public health and safety.

recommended alternative? ...Fairly, it goes on to explain that the "Freshwater Alternative will not achieve the same level of benefits or achieve the CEQA project objectives as the other two." Included here are the growth of cattails, bulrushes and invasive species". However, all of these seem visible to the eye in the existing saltwater lagoons south of Buena Vista Lagoon. It is also my understanding that there has been little to no maintenance over the years. Putting together an active maintenance plan for the existing lagoon seems a must more safe, reasonable, and cost effective alternative.

3) Vector concerns are also noted, however it is my understanding that there are species called "salt marsh mosquitos". A San Diego Union Tribune article claims that "salt water is what makes their eggs hatch. The result will most likely be the creation of millions of mosquitoes all hatching at the same time. About 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal. A San Diego Reader article in 2015 said, "When you get an unusually high tide there, it can allow water into low-lying areas that don't always have water and if it stands seven to ten days without percolating into the ground, it's there long enough for a full mosquito-breeding cycle" and further "there are about two dozen species of mosquito in the area (in San Diego County)." How can we as residents be sure that this problem will be eradicated, or worse with a salt water lagoon?

4) Cost! and Maintenance! It appears that many of the problems associated with with the current Buena Vista Lagoon have to do with deferred maintenance. How, as a resident, can we be sure that money will be set aside to provide ongoing maintenance? The Saltwater Alternative is projected to cost 30% more than the Freshwater Alternative, and seems a most unsatisfactory way to spend precious city resources. Further, Page 3.9-8 discusses the concept of "lagoon enhancement... which would generally consist of vegetation removal, dredging and grading within the lagoon to raise or lower elevations, modifying existing lagoon infrastructure (weir, channels, bridge) to enhance tidal flow in and out of the lagoon (under the Saltwater and Hybrid Alternatives), disposing of sediments excavated from the lagoon to different locations, and restoring graded areas within the lagoon to facilitate recovery of habitat". Has this ever been done? what guarantee do we have that this will be carried out, as it seems it never has in the existing lagoon, but would have been beneficial to the character of the Lagoon.

In these days of tight budgets why attempt something with such high risk and limited reward? Why not simply keep the historic nature of the existing lagoon and embark on a program of proper maintenance in order to protect the existing flora and fauna? Nature has created this why spoil it? Let's preserve it!!

Please do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and please recirculate the EIR for further review.

WE ARE VERY CONCERNED AS ARE OUR NEIGHBORS.

BARBARA AND DENNIS METZLER

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P33-5 Please see Response to Comment P21-4 regarding vectors and saltwater mosquitos.

P33-6 Please see Response to Comment P21-5 regarding costs and implementation.

P33-7 The comment provides closing comments. Master Comment #4 in the FEIR discusses the lagoon as a freshwater resource.

P33-8 The comment requests Resolution No. RTC-2018-02 not be adopted and the EIR be recirculated. Please see Response to Comment P21-1 regarding recirculation.

LETTER 34 PAUL CROWLEY

From: Paul Crowley [mailto:ppaulcrowley@gmail.com]
Sent: Thursday, January 25, 2018 9:07 AM
To: Lero, Tessa <Tessa.Lero@sandag.org>
Subject: Fwd: Buena Vista Lagoon - EIR report

Dear Tessa,

I am a resident and homeowner of the fountainbleu terrace community located on the Buena Vista Lagoon. I am emailing in regard to the environmental impact report that has been drafted by SANDAG. I sent a letter one week ago to the following address but maybe it was the incorrect address (Clerk of the Board, 401B St, Suite 800 San Diego 92102).

I am surprised at the lack of notification to the public/ residents in regard to this report's recommendations, considering the magnitude of the decision for the community and Carlsbad/Oceanside in general.

I am aware that this has been an ongoing arduous discussion over the course of many years and it predates my moving to the area and purchasing a property. I am emailing as the community as a whole have not been well informed of what is being proposed (Flyer, letter, email, town hall discussion etc) to explain what is happening and why the lagoon has been left in disrepair. I would like to understand why maintenance of the lagoon has not been maintained. Is there a reason as to why the silt and cat tails have not been re-mediated to ensure the survival of the lagoon? It seems as though the place has been left in such a situation to force a drastic decision such as to pursue a salt water option that would fundamentally change (kill off) the existing Eco-system.

Would it not make more sense to dredge the lagoon and remove the cat tails as part of periodic maintenance as prescribed in the initial deeds (Army and Navy) set forth to donate the lagoon to Carlsbad and Oceanside? The fact that multiple alternate options of salt water are being pursued seems to not take the local community into consideration at all. The sheer scale of work that would have to be performed to achieve the salt water option which the majority of community members are not in favor of seems strange to say the least. The salt water option in effect will result in an outcome that is inferior to the existing state is perplexing. The salt water option brings with it the prospect of years of upheaval and un-told issues relating to health (Air quality, decaying material, fish etc), safety and major impact to quality of life for the residents. The one other item I would like to add to this is the fact that salt water also introduces the real possibility of mosquitos (Culex - West Nile disease carriers) and an ideal breathing ground directly on the doorstep of residents and the communities of both Carlsbad and Oceanside. I would hope that the impact of such a public health issue would warrant real concern and a pragmatic stance.

The issue that might negate issues of an ideal mosquito breathing ground would be the tidal full flush of the lagoon. Again, this is a very impacting approach as it would require significant widening of the entry to the ocean at the border of Oceanside and Carlsbad (Near the St Malo community). This would need to be significant to ensure a constant volume of water in the place of the existing fresh water at the lagoon. I also believe a weir would need to be removed which again is privately owned and likely challenged as it may impact their property (erosion fears etc).

- P34-1 The comment provides introductory statements. Please see Master Response #7 in the FEIR regarding the public outreach that has been undertaken to inform the public of the Enhancement Project and availability of the EIR.
- P34-2 It is outside of the scope of the EIR to address why maintenance of the lagoon has not been undertaken as suggested in the comment. For consideration of the Enhancement Project, SANDAG must acknowledge the current condition of the lagoon.
- P34-3 As suggested by the commenter, the Freshwater Alternative includes an active maintenance plan as described in EIR Sections 2.6.1 and 2.9. Air quality is addressed in Section 3.11 of the EIR. The EIR addresses mosquito and vector control in Section 3.15 and evaluates each alternative's effectiveness in reducing the public health and safety risk associated with mosquito-borne diseases. Please see Response to Comment 65-3 in the FEIR regarding mosquitos and vectors. Please see Response to Comment P14-4 regarding the reduction in vector breeding conditions that would be achieved by the Saltwater Alternative. Please see Response to Comment P11-7 regarding saltwater mosquitos. Please see Response to Comment P18-8 regarding SANDAG's ongoing coordination with San Diego County Vector Control.
- P34-4 Please see Response to Comment 14-4 regarding the reduction in vector breeding conditions that would be achieved by the Saltwater Alternative. Also see Response to Comment P11-7 addressing mosquito breeding conditions.
- P34-5 The Saltwater Alternative includes removal of the existing weir. Please see Master Response #2 in the FEIR regarding private property.

P34-1

P34-2

P34-3

P34-4

P34-5

This does not deal with the knock on effect of now having split the coastline during periods of high tide and the introduced danger to the people on the beach.

P34-6

P34-6 See Response to Comment P4-4 (EIR Table ES-10).

I could continue on (I hope you have read this far) but I hope you are seeing the complexity and real risks you are now introducing by changing the entire dynamic of the area. If this is down to money which it usually is, and this is a way to allow the I-5 and rail expansion to pay for this salt water option, it will likely have been a short sighted solution you will have pursued as the long term effects will live with the community and the two cities long after those projects have been completed.

P34-7

P34-7 Purely socioeconomic effects exceed the scope of the EIR. However, SANDAG recognizes the concerns of the homeowners in the vicinity and will take the comment under consideration together with the project record prior to taking action on the project.

In conclusion, I would hope that you may pause and really think of the real impact on the communities of Carlsbad and Oceanside and the lagoon residents when making a decision on what to do. The existing lagoon is stunning and will never be the same if it the salt water option is pursued. I am against the salt water option for the reasons mentioned above and also for the sheer fact that I can see a long and drawn out process of legal actions which will in the meantime not solve the long term survival of the lagoon. Please find attached a picture of what we are talking about (Taken 011718).

P34-8

P34-8 This comment expresses opposition for the Saltwater Alternative and provides multiple reasons for opposition of this alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

I am happy to discuss this further if you wish. Thanks for your time.

Yours sincerely,

Paul Crowley

LETTER 35
SUSI AND PETER BROWNE

From: Susi Browne [<mailto:susi.browne@gmail.com>]
Sent: Wednesday, January 24, 2018 7:17 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>
Subject: Buena Vista Lagoon, letter to the mayors/members of SANDAG

TO: Clerk of the SANDAG Board

RE: January 26, 2018 SANDAG Board of Directors Meeting Agenda Item 18-01-11. BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* - Regional Transportation Commission (RTC) Resolution No. RTC-2018-02, regarding the Buena Vista Lagoon"

REQUEST: Please distribute our comments in this email to the 19 mayors/members of the SANDAG Board PRIOR to the Friday, January 26, 2018 meeting."

Dear Mayors and Members of SANDAG,

We are writing to you as a homeowner in Oceanside adjacent to the Buena Vista Lagoon. We request that you do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and hope that you will please recirculate the EIR for further review.

We fear that the Salt Water alternative will not be able to solve all the problems it is designed to, and in fact causes safety hazards and destroys an existing natural habitat with no guarantee in building a new one - it is all speculation. The BV Lagoon was California's first Fresh Water Ecological Reserve. With five salt water lagoons in San Diego County, why would we destroy this precious unique lagoon with no guarantees about so many aspects of the salt water alternative? Why would we willingly create safety and environmental hazards, spending much more money on this unpredictable saltwater alternative?

Our Concerns:

1. The Saltwater Alternative is a safety threat. The EIR projects the lagoon inlet under the saltwater alternative "will not be passable approximately 37% of the time and crossing conditions would be considered potentially hazardous for some beach users" (3.1-19). This poses a safety issue for swimmers, walkers and joggers. Further, Table ES-10 9 Land Use/Recreation cites that in the Saltwater Alternative "the new inlet crossing of the beach would periodically create a new safety threat to recreational users and the impacts would be significant". The Mitigation measures propose constructing a pedestrian bridge for north-south lateral access for the beach users over the tidal inlet." This sounds extremely dangerous, and the report fails to address the issue of how the pathway on the north side of the pedestrian bridge would provide safe access across the inlet, as it would unavoidably drop pedestrians back into the dangerous water flowing in from the ocean and the tidal flushing inlet the alternative created. During times of high water there is no sand or dry land for pedestrians to exit onto. Thus, in times of high water (the time when the bridge is necessary), the pedestrian bridge will actually be useless and will not ultimately provide safe access over the inlet.

- P35-1 The comment provides introductory statements and requests recirculation of the EIR. Please see Response to Comment P21-1 regarding recirculation. The SANDAG Board of Directors acknowledges the request to vote no on Resolution No. RTC-2018-02. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P35-2 With respect to the assertion that the Saltwater Alternative is speculative, commenter is referred to FEIR Responses to Comments 12-5, 12-14, and 12-21. Master Comment #4 in the FEIR discusses the lagoon as a freshwater resource. See Response to Comment P4-4.
- P35-3 Please see Response to Comment P21-2 regarding safety.

P35-1

P35-2

P35-3

2) Another area of concern is the public health and safety impact. Page ES-51 cites "the Freshwater Alternative would *not* result in the significant and unavoidable public health and safety impacts that would result from the new inlet associated with the other two alternatives (Saltwater alternative and Hybrid Alternative). The summary admits to public health and safety impact from the saltwater alternative. How can this be a recommitted alternative? Additionally, it explains that the "Freshwater Alternative will not achieve the same level of benefits or achieve the CEQA project objectives as the other two." Included here are the growth of cattails, bulrushes and invasive species". However, all of these seem visible to the eye in the existing saltwater lagoons south of Buena Vista Lagoon. It is also my understanding that there has been little to no maintenance over the years. Putting together an active maintenance plan for the existing lagoon seems a much more safe, reasonable, and cost effective alternative.

3) Vector concerns are also noted, however it is my understanding that there are species called "salt marsh mosquitos". A San Diego Union Tribune article (8/6/19) claims that "salt water is what makes their eggs hatch. You end up with millions of mosquitoes all hatching at the same time and when you have that surge of water, and about 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal". A San Diego Reader article in 2015 cites "When you get an unusually high tide there, it can allow water into low-lying areas that don't always have water and if it stands seven to ten days without percolating into the ground, it's there long enough for a full mosquito-breeding cycle" and further "there are about two dozen species of mosquito in the area (in San Diego County). How can we as residents be sure that this problem will be eradicated, or will it become worse with a salt water lagoon?

4) Cost! and Maintenance! It appears that many of the problems associated with with the current Buena Vista Lagoon have to do with deferred maintenance. How, as a resident, can we be sure that money will be set aside to provide ongoing maintenance? The Saltwater Alternative is projected to cost 30% more than the Freshwater Alternative, and seems a most unsatisfactory way to spend precious city resources. Further, Page 3.9-8 discusses the concept of "lagoon enhancement... which would generally consist of vegetation removal, dredging and grading within the lagoon to raise or lower elevations, modifying existing lagoon infrastructure (weir, channels, bridge) to enhance tidal flow in and out of the lagoon (under the Saltwater and Hybrid Alternatives), disposing of sediments excavated from the lagoon to different locations, and restoring graded areas within the lagoon to facilitate recovery of habitat". Has this ever been done? what guarantee do we have that this will be carried out, as it seems it never has in the existing lagoon, but would have been beneficial to the character of the Lagoon.

Please do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and please recirculate the EIR for further review.

Thank you for your consideration,
Sincerely,
Susi and Peter Browne

P35-4

P35-5

P35-6

P35-7

P35-4 Please see Response to Comment P21-3 regarding public health and safety.

P35-5 Please see Response to Comment P21-4 regarding vectors and saltwater mosquitos.

P35-6 Please see Response to Comment P21-5 regarding costs and implementation.

P35-7 The comment requests Resolution No. RTC-2018-02 not be adopted and the EIR be recirculated. Please see Response to Comment P21-1 regarding recirculation. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

**LETTER 36
CLARK WARDLE**

From: Clark Wardle [<mailto:clarkwardle@gmail.com>]
Sent: Thursday, January 25, 2018 10:50 AM
To: Lero, Tessa <Tessa.Lero@sandag.org>; Posada, Michelle <Michelle.Posada@sandag.org>
Subject: Buena Vista Lagoon Enhancement Project

Regarding:

January 26, 2018 SANDAG Board of Directors Meeting Agenda Item 18-01-11.
BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)

Regional Transportation Commission (RTC) Resolution No. RTC-2018-02,
regarding the Buena Vista Lagoon

Request:

Please distribute this message to the mayors/members of the SANDAG Board
PRIOR to the Friday, January 26, 2018 meeting.

Dear Mayors and Members of SANDAG,

I am a homeowner in Carlsbad and I am preparing to build a new home in
Oceanside near the Buena Vista Lagoon. I ask that you do not adopt Resolution
No. RTC-2018-02 to convert the Buena Vista Lagoon to a Salt Water alternative.

Creating a saltwater wetland in this important freshwater habitat would be a tragic
disruption to a well-established ecosystem.

Please do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon.

Sincerely,

Clark Wardle
611 Red Coral Ave
Carlsbad, CA 92011
619.737.6360

P36-1 The comment requests Resolution No. RTC-2018-02 not be adopted and expresses opposition for the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. Please see Master Response #4 of the FEIR regarding the lagoon as a freshwater resource. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P36-1

LETTER 37
LORI BALL-KOENIGSFELD

From: Lori Koenigsfeld [<mailto:lekoenig@yahoo.com>]

Sent: Wednesday, January 24, 2018 8:31 PM

To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>

Subject: Buena Vista Lagoon January 26 meeting

TO: Clerk of the SANDAG Board

RE: January 26, 2018 SANDAG Board of Directors Meeting Agenda Item 18-01-11. BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* - Regional Transportation Commission (RTC) Resolution No. RTC-2018-02, regarding the Buena Vista Lagoon"

REQUEST: Please distribute my comments in this email to the 19 mayors/members of the SANDAG Board PRIOR to the Friday, January 26, 2018 meeting."

Dear Mayors and Members of SANDAG,

I am writing to you as a homeowner in Oceanside adjacent to the Buena Vista Lagoon. I request that you *do not adopt Resolution No. RTC-2018-02*, regarding Buena Vista Lagoon, and *hope that you will please recirculate the EIR for further review.*

I fear that the Salt Water alternative will not be able to solve all the problems it is designed to, and in fact causes safety hazards and destroys an existing natural habitat with no guarantee in building a new one - it is all speculation. The BV Lagoon was California's first Fresh Water Ecological Reserve. With five salt water lagoons in San Diego County, why would we destroy this precious unique lagoon with no guarantees about so many aspects of the salt water alternative? Why would we willingly create safety and environmental hazards, spending much more money on this unpredictable saltwater alternative?

My Concerns:

1. The Saltwater Alternative is a safety threat. The EIR projects the lagoon inlet under the saltwater alternative "will not be passable approximately 37% of the time and crossing conditions would be considered potentially hazardous for some beach users" (3.1-19). This poses a safety issue for swimmers, walkers and joggers. Further, Table ES-10 9 Land Use/Recreation cites that in the Saltwater Alternative "the new inlet crossing of the beach would periodically create a new safety threat to recreational users and the impacts would be significant". The Mitigation measures propose constructing a pedestrian bridge for north-south lateral access for the beach users over the tidal inlet." This sounds extremely dangerous, and the report fails to address the issue of how the pathway on the north side of the pedestrian bridge would provide safe access across the inlet, as it would unavoidably drop pedestrians back into the dangerous water flowing in from the ocean and the tidal flushing inlet the alternative created. During times of high water there is no sand or dry land for pedestrians to exit onto. Thus, in times of high water (the time when the bridge is necessary), the pedestrian bridge will actually be useless and will not ultimately provide safe access over the inlet.

2) Another area of concern is the public health and safety impact. Page ES-51 cites "the Freshwater Alternative would *not* result in the significant and unavoidable public health and safety impacts that would result from the new inlet associated with the other two alternatives (Saltwater alternative and Hybrid Alternative). The summary admits to public health and safety impact from the saltwater alternative. How can this be a recommitted alternative? ...Fairly, it goes on to explain that the "Freshwater Alternative will not achieve the same level of benefits or achieve the CEQA project objectives as the other two." Included here are the growth of cattails, bulrushes and invasive species". However, all of these seem visible to the

P37-1 The comment provides introductory statements and requests recirculation of the EIR. Please see Response to Comment P21-1 regarding recirculation. The SANDAG Board of Directors acknowledges the request to vote no on Resolution No. RTC-2018-02. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P37-2 With respect to the assertion that the Saltwater Alternative is speculative, commenter is referred to FEIR Responses to Comments 12-5, 12-14, and 12-21. Master Comment #4 in the FEIR discusses the lagoon as a freshwater resource. See Response to Comment P4-4.

P37-3 Please see Response to Comment P21-2 regarding safety.

P37-4 Please see Response to Comment P21-3 regarding public health and safety.

P37-1

P37-2

P37-3

P37-4

eye in the existing saltwater lagoons south of Buena Vista Lagoon. It is also my understanding that there has been little to no maintenance over the years. Putting together an active maintenance plan for the existing lagoon seems a must more safe, reasonable, and cost effective alternative.

3) Vector concerns are also noted, however it is my understanding that there are species called "salt marsh mosquitos". A San Diego Union Tribune article (8/6/19) claims that "salt water is what makes their eggs hatch. You end up with millions of mosquitoes all hatching at the same time and when you have that surge of water, and about 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal". A San Diego Reader article in 2015 cites "When you get an unusually high tide there, it can allow water into low-lying areas that don't always have water and if it stands seven to ten days without percolating into the ground, it's there long enough for a full mosquito-breeding cycle" and further "there are about two dozen species of mosquito in the area (in San Diego County). How can we as residents be sure that this problem will be eradicated, or worse with a salt water lagoon?

4) Cost and Maintenance It appears that many of the problems associated with the current Buena Vista Lagoon have to do with deferred maintenance. How, as a resident, can we be sure that money will be set aside to provide ongoing maintenance? The Saltwater Alternative is projected to cost 30% more than the Freshwater Alternative, and seems a most unsatisfactory way to spend precious city resources. Further, Page 3.9-8 discusses the concept of "lagoon enhancement... which would generally consist of vegetation removal, dredging and grading within the lagoon to raise or lower elevations, modifying existing lagoon infrastructure (weir, channels, bridge) to enhance tidal flow in and out of the lagoon (under the Saltwater and Hybrid Alternatives), disposing of sediments excavated from the lagoon to different locations, and restoring graded areas within the lagoon to facilitate recovery of habitat". Has this ever been done? What guarantee do we have that this will be carried out, as it seems it never has in the existing lagoon, but would have been beneficial to the character of the Lagoon.

Please do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and please recirculate the EIR for further review.

Most Sincerely,

Lori Ball-Koenigsfeld

7 Saint Malo Beach

Oceanside CA 92054

P37-4
cont

P37-5 Please see Response to Comment P21-4 regarding vectors and saltwater mosquitos.

P37-6 Please see Response to Comment P21-5 regarding costs and implementation.

P37-5

P37-7 The comment requests Resolution No. RTC-2018-02 not be adopted and the EIR be recirculated. Please see Response to Comment P21-1 regarding recirculation. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P37-6

P37-7

**LETTER 38
SUSHMA ADARKAR**

From: sushma ramarao [mailto:sushmadarkar@hotmail.com]

Sent: Wednesday, January 24, 2018 9:36 PM

To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>

Subject: Buena Vista Lagoon

Dear Mayors and Members of SANDAG,

I am writing to you as a homeowner in Oceanside adjacent to the Buena Vista Lagoon. I request that you *do not* adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and hope that you will please recirculate the EIR for further review.

P38-1

I fear that the Salt Water alternative will not be able to solve all the problems it is designed to, and in fact causes safety hazards and destroys an existing natural habitat with no guarantee in building a new one - it is all speculation. The BV Lagoon was California's first Fresh Water Ecological Reserve. With five salt water lagoons in San Diego County, why would we destroy this precious unique lagoon with no guarantees about so many aspects of the salt water alternative? Why would we willingly create safety and environmental hazards, spending much more money on this unpredictable saltwater alternative?

P38-2

My Concerns:

1. The Saltwater Alternative is a safety threat. The EIR projects the the lagoon inlet under the saltwater alternative "will not be passable approximately 37% of the time and crossing conditions would be considered potentially hazardous for some beach users" (3.1-19). This poses a safety issue for swimmers, walkers and joggers. Further, Table ES-10 9 Land Use/Recreation cites that in the Saltwater Alternative "the new inlet crossing of the beach would periodically create a new safety threat to recreational users and the impacts would be significant". The Mitigation measures propose constructing a pedestrian bridge for north-south lateral access for the beach users over the tidal inlet." This sounds extremely dangerous, and the report fails to address the issue of how the pathway on the north side of the pedestrian bridge would provide safe access across the inlet, as it would unavoidably drop pedestrians back into the dangerous water flowing in from the ocean and the tidal flushing inlet the alternative created. During times of high water there is no sand or dry land for pedestrians to exit onto. Thus, in times of high water (the time when the bridge is necessary), the pedestrian bridge will actually be useless and will not ultimately provide safe access over the inlet.

P38-3

- 2) Another area of concern is the public health and safety impact. Page ES-51 cites "the Freshwater Alternative would *not* result in the significant and unavoidable public health and safety impacts that would result from the new inlet associated with the other two alternatives (Saltwater alternative and Hybrid Alternative). The summary admits to public health and safety impact from the saltwater alternative. How can this be a recommitted alternative? ...Fairly, it goes on to explain that the "Freshwater Alternative will not achieve the same level of benefits or achieve the CEQA

P38-4

- P38-1 The comment provides introductory statements and requests recirculation of the EIR. Please see Response to Comment P21-1 regarding recirculation. The SANDAG Board of Directors acknowledges the request to vote no on Resolution No. RTC-2018-02. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P38-2 With respect to the assertion that the Saltwater Alternative is speculative, commenter is referred to FEIR Responses to Comments 12-5, 12-14, and 12-21. Master Comment #4 in the FEIR discusses the lagoon as a freshwater resource. See Response to Comment P4-4.
- P38-3 Please see Response to Comment P21-2 regarding safety.
- P38-4 Please see Response to Comment P21-3 regarding public health and safety.

project objectives as the other two." Included here are the growth of cattails, bulrushes and invasive species". However, all of these seem visible to the eye in the existing saltwater lagoons south of Buena Vista Lagoon. It is also my understanding that there has been little to no maintenance over the years. Putting together an active maintenance plan for the existing lagoon seems a must more safe, reasonable, and cost effective alternative.

3) Vector concerns are also noted, however it is my understanding that there are species called "salt marsh mosquitos". A San Diego Union Tribune article (8/6/19) claims that "salt water is what makes their eggs hatch. You end up with millions of mosquitoes all hatching at the same time and when you have that surge of water, and about 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal". A San Diego Reader article in 2015 cites " "When you get an unusually high tide there, it can allow water into low-lying areas that don't always have water and if it stands seven to ten days without percolating into the ground, it's there long enough for a full mosquito-breeding cycle" and further "there are about two dozen species of mosquito in the area (in San Diego County). How can we as residents be sure that this problem will be eradicated, or worse with a salt water lagoon?

4) Cost! and Maintenance! It appears that many of the problems associated with with the current Buena Vista Lagoon have to do with deferred maintenance. How, as a resident, can we be sure that money will be set aside to provide ongoing maintenance? The Saltwater Alternative is projected to cost 30% more than the Freshwater Alternative, and seems a most unsatisfactory way to spend precious city resources. Further, Page 3.9-8 discusses the concept of "lagoon enhancement... which would generally consist of vegetation removal, dredging and grading within the lagoon to raise or lower elevations, modifying existing lagoon infrastructure (weir, channels, bridge) to enhance tidal flow in and out of the lagoon (under the Saltwater and Hybrid Alternatives), disposing of sediments excavated from the lagoon to different locations, and restoring graded areas within the lagoon to facilitate recovery of habitat". Has this ever been done? what guarantee do we have that this will be carried out, as it seems it never has in the existing lagoon, but would have been beneficial to the character of the Lagoon.

Please do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and please recirculate the EIR for further review.

Sushma Adarkar

P38-4
cont

P38-5 Please see Response to Comment P21-4 regarding vectors and saltwater mosquitos.

P38-6 Please see Response to Comment P21-5 regarding costs and implementation.

P38-5

P38-7 The comment requests Resolution No. RTC-2018-02 not be adopted and the EIR be recirculated. Please see Response to Comment P21-1 regarding recirculation.

P38-6

P38-7

**LETTER 39
JOHN MCCARTY**

From: John Mccarty [<mailto:jmccarty@earthlink.net>]

Sent: Wednesday, January 24, 2018 11:51 AM

To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>

Subject: Clerk of the SanDAG Board - January 26, 2018 SanDAG Board of Directors Meeting Agenda Item 18-01-11. BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* - Regional Transportation Commission (RTC) Resolution No. RTC-2018-02, regarding the Buena Vista ...

Please distribute my comments in this email to the 19 mayors/members of the SanDAG Board PRIOR to the Friday, January 26, 2018 meeting."

I am writing to you in favor of the freshwater alternative mainly because of the threat of sea level rise. I have attended many lectures on the subject. During the latest one attended in the fall of 2017, over four nights, I heard from scientists from JPL, Scripps Institute of Oceanography, UC Irvine. One thing is clear, overwhelmingly scientist agree sea level rise is a threat to coastal environments.

Oceanside's has hired the environmental consultant company, ESA. On their website they have written: "According to the National Oceanic and Atmospheric Administration (NOAA), global sea level has risen 0.6 inches every 10 years since 1900. Data also suggest that starting in 1992, the rate jumped to 1.2 inches per decade, a rate that had not been seen in the last 2,000 years. Concerns for coastal communities throughout the United States are also increasing, and for good cause. As global warming trends continue, sea-level rise will threaten many Americans who live along our coasts."

According Oceanside's website, "The City of Oceanside has initiated an update of its Local Coastal Program (LCP). The California Coastal Act requires that all coastal jurisdictions in the state adopt a Local Coastal Program (LCP) to ensure local implementation of Coastal Act priorities. As the potential impacts of sea level rise and associated coastal hazards become more apparent, it is the state's expectation that Oceanside will study its vulnerability to these phenomena and prepare adaptation strategies. Thus, vulnerability assessment and adaptation planning will be key aspects of the LCP update." "The LCP Update will be informed by two CCC publications: the [LCP Update Guide](#) and the [Sea Level Rise Policy Guidelines](#). Both of these documents assist local jurisdictions in preparing LCP updates that comply with the goals and policies of the [California Coastal Act](#). " Oceanside's website also talks about King Tides as a way of looking at the effects of sea level rise. In the link to a study of King Tides, it is emphasized that King Tides will become the norm for high tides with sea level rise.

The [Sea Level Rise Policy Guidelines](#) were unanimously adopted on August 12, 2015 by the California Coastal Commission. In their executive summary: "Climate change is upon us...average global sea level has increased by 7 to 8 in (17 to 21 cm) (IPCC 2013)." "National Research Council (NRC) projects that by Year 2100, sea level in California may rise by ...17 to 66 in (42 to 167 cm) for areas south of Cape Mendocino (NRC 2012)." "Given current trends in greenhouse gas emissions, sea levels are expected to rise at an accelerating rate in the future, and scientists project an increase in California's sea level in coming decades. Until mid-century, the most damaging events for the California coast will likely be dominated by large El Niño-driven storm events in combination with high tides and large waves. Eventually, sea level will rise enough that even small storms will cause significant damage, and large events will have unprecedented consequences (Caldwell *et al.* 2013)." "While the California coast regularly experiences erosion, flooding, and significant storm events, sea level rise will exacerbate these natural forces, leading to significant social, environmental, and economic impacts." "Locations that might have seemed relatively safe from erosion or flooding 20 or 30 years ago may now be shown to have greater vulnerability due to sea level rise. Sites that might have seemed safe for 80 or 100 years might now only be safe for 40 or 50 years." "The [third National Climate Assessment](#) notes that there is strong evidence showing that the cost of doing nothing to prepare for the impacts of sea level rise exceeds the costs associated with adapting to them by about 4 to 10 times (Moser *et al.* 2014). Therefore, it is critically important that California plan and prepare for the impacts of sea level rise to ensure a resilient California coast for present and future generations."

P39-1 The comment provides opening statements and cites a large variety of recent sea level rise studies and articles.

P39-1

As per the Coastal Commission executive summary: “The California Coastal Act is one of the state’s primary coastal management laws....” “However, sea level rise and the changing climate present management challenges of a new magnitude, with the potential to significantly threaten many coastal resources, including shoreline development...” “Therefore, effective implementation of the Coastal Act and the protection of California’s coast must address global sea level rise and the greater management challenges it will bring...” In the section of the Coastal Act titled, PRINCIPLES FOR ADDRESSING SEA LEVEL RISE IN THE COASTAL ZONE, it is recommended to “Acknowledge and address sea level rise as necessary in planning and permitting decisions.” “Use a precautionary approach by planning and providing adaptive capacity for the highest amounts of possible sea level rise.” “The State of California supported the preparation of the 2012 National Research Council’s Report, *Sea-Level Rise for the Coasts of California, Oregon and Washington: Past, Present, and Future*, which is currently considered the best available science on sea level rise for California.

According to the 2012 National Research Council’s Report, *Sea-Level Rise for the Coasts of California, Oregon and Washington: Past, Present, and Future*: “Sea-level rise poses enormous risks to the valuable infrastructure, development and wetlands...” The council was asked by the three states to make independent projections for the years 2013, 2050, and 2100. They projected for the area south of Cape Mendocino: 2 – 12 in (4 – 30 cm) for 2030, 5 – 24 in (12 – 61 cm) for 2050, and 17 – 66 in (42 – 167 cm) for 2100.

During the Sea Level Rise and Coastal Vulnerabilities North Coastal Workshop on April 30, 2015, SANDAG and the other participating parties wrote in their report: “We also recognized that sea-level rise affects more than beaches – we have lagoons, rivers, and coastal infrastructure such as rail bridges that are all impacted by climate change.” The potential impacts identified in the SANDAG Climate Action Strategy (2010) are summarized in the paragraph below, “and include impacts from increased temperatures such as sea level rise and associated high surf events, ocean acidification, salt water intrusion, and flooding/erosion.”

In SANDAG’s Climate Action Strategy in 2010 it was expected that there will be “16% fewer rainy days, and 8% more rainfall during the biggest rainstorms, 12% decrease in the runoff and streamflow due to less snowpack and greater evaporation, 5 to 24 inches of sea level rise, and threats to coastlines and beaches, wetlands, and unique plants and animals” as climate impacts to the San Diego Region by 2050.

In the City of Carlsbad’s final draft Sea Level Vulnerability Assessment in May 2017: “Environmentally sensitive lands (e.g., lagoon, surrounding open lands, etc.) in the Buena Vista Lagoon area are exposed to increased tidal inundation as a result of sea level rise in year 2100 only because of the presence of the inlet weir structure. The weir elevation restricts tidal exchange through year 2050 planning horizon. Assuming no change to the existing condition, the weir becomes overwhelmed by year 2100 sea levels. Therefore, conditions within the lagoon remain unchanged/unaffected (no exposure and low sensitivity) by sea levels in the 2050 planning horizon. The vulnerability of environmentally sensitive lands to sea level rise in 2050 is low.” “By 2100, the lagoon would become subject to tides exposing environmentally sensitive lands to daily inundation (high exposure). These assets are highly sensitive to this exposure as wetland hydrology may be altered by the rising freshwater-saltwater interface (CalEMA and CNRA 2014) and intertidal and subtidal ecosystems may be affected by changes in water depth and sunlight penetration. Due to the steep topography and development along the lagoon, the ability for flora and fauna to adapt by migrating vertically and/or horizontally may be limited (low adaptive capacity). The vulnerability to environmentally sensitive lands in year 2100 is high. The vulnerability poses a high risk to the environmental resources in the city because impacts to environmentally sensitive lands are likely to occur and may adversely affect the density and diversity of these resources (high consequence). Risk of this vulnerability remains high as the consequence to density and diversity of environmental resources are significant.”

Unfortunately, the EIR recommends the alternative that would increase the likelihood of negative impacts as regards to sea level rise. In the EIR, under the chart labeled ES-10 Summary of Impacts and Mitigation Measures, under the section titled: “Global Climate Change, Greenhouse Gas Emissions and Sea Level Rise”, there is no mention of the effects of flooding as regards to those changes in the environment. How can that be with all the evidence mentioned in the above reports? The only reason why, that I can think of, is Carlsbad’s Sea Level

P39-2 SANDAG respectfully disagrees with the commenter that the Saltwater Alternative would have increased negative impacts with regard to sea level rise. Flood water elevations for each alternative under various scenarios are discussed in Section 3.2 of the EIR. The potential impacts of sea level rise and climate change into the future and each alternative’s resiliency to those changing conditions are analyzed in Section 3.12 of the EIR. Please see Response to Comment 100-2 in the FEIR addressing potential effects of sea level rise.

39-1
cont

39-2

Vulnerability Assessment finished in May 2017. It supports the keeping of the weir and thus the freshwater alternative, not the saltwater alternative: "The weir elevation restricts tidal exchange through year 2050 planning horizon. Assuming no change to the existing condition, the weir becomes overwhelmed by year 2100 sea levels." To rephrase another portion of that assessment in a more precise way: Because of the presence of the inlet weir structure, environmentally sensitive lands (e.g., lagoon, surrounding open lands, etc.) in the Buena Vista Lagoon area are only exposed to increased tidal inundation as a result of sea level rise in year 2100. While I agree with the above assessment in regard to levels with sea level rise causing major flooding in the surrounding areas of the lagoon, it does not take into account that the weir already is breached with tides above five feet when the berm in front of it is taken away by bulldozers when rain levels are expected above a certain level and the waves are higher than five feet. It is overwhelmed significantly when waves reach higher heights. Having witnessed many breaching of the weir. I would hate to think of the impact of such events if the weir wasn't impeding most of that flow, especially if the sea level increases to the predicted levels.

One of the goal listed near the beginning of the EIR is: "Promote a system of native wetland and terrestrial vegetation communities that can be sustained given the opportunities and constraints of the lagoon and anticipated sea level rise." Yet, there is no mention in the EIR of impacts of the anticipated sea level rise on those communities.

Another goal listed near the beginning of the EIR is: "Maintain or reduce current flood risk to existing infrastructure and adjacent development." Clearly, with all the data listed in the above reports, the allowing of sea water into the lagoon in the saltwater alternative would not reduce the current flooding risk, it would greatly increase the chance of flooding. According to Carlsbad's Sea Level Vulnerability Assessment, it seems the only way to prevent this is to keep the weir that the freshwater alternative provides.

According to another section of the EIR: "To achieve these objectives, the Enhancement Project would incorporate a suite of actions, including the following: Infrastructure improvements where appropriate to increase circulation while not increasing the risk of flooding." Clearly, the removal the weir will only increase the risk of flooding. The EIR alludes to this fact: "... (under the Saltwater and Hybrid Alternatives) The proposed improvements to the Carlsbad Boulevard bridge and channel under these two alternatives would occur to accommodate increases in the hydraulic connectivity between the Coast Highway and Railroad Basins. In the summary at the end of the EIR: "Additionally, the Freshwater Alternative would avoid those significant impacts related to flooding..." Much of the EIR's analysis is based on the results from infrastructure that was built that allowed sea water into the two lagoon south of the Buena Vista Lagoon. However, what is not taken into account is the acreage of the lagoons. The Agua Hedionda Lagoon is 386 acres and the Baquitos Lagoon is 610 acres. The larger size of those lagoons make them much better suited for increases due to sea level rise, especially when you include all the undeveloped acres that surround those lagoons that allow for additional flooding. The Buena Vista Lagoon is only 223 acres. There is little undeveloped land surrounding the lagoon for the allowance of flood water due to sea level rise: There is development in the form of housing on the west side and commercial developments on the north side that are not too much higher than current water levels in the lagoon. There are steep cliffs with housing above the middle section of the lagoon that would be impacted by erosion of those cliffs due to increased movement of the water in the lagoon with the saltwater alternative. This likelihood of erosion would only increase when you factor in sea level rise.

Another goal listed near the beginning of the EIR is: "Minimize cost of construction and maintenance." In the summary at the end of the EIR: "Because of the reduced dredging activity, reduced construction time, and least amount of disturbance to the lagoon setting relative to the other alternatives, many of the impacts that would result from the Freshwater Alternative would also be to a lesser degree and extent than those resulting from the Saltwater Alternative and Hybrid Alternative." In the EIR's Table ES-3 Materials Removal and Maintenance Requirements Inlet Maintenance Frequency/Duration: "Freshwater Every 1-2 years for 1 week, outside of bird nesting season. Saltwater every 12-20 months for 2-4 weeks" There is no mention of bird nesting season in the saltwater maintenance. The footnote in that section: "...maintenance is anticipated to be required approximately every 25 years..." with the freshwater alternative. This analysis is consistent with

P39-3 Predicted habitat conversion under various sea level rise scenarios is discussed in Section 3.12, and anticipated habitat distribution is described in Table 3.12-5.

P39-2
cont

P39-4 SANDAG respectfully disagrees with the commenter's assertion that removal of the weir would only increase the risk of flooding. As described in Chapter 4 of the EIR, based on hydrologic modeling, each of the alternatives would reduce water elevations in the lagoon and in turn reduce flood impacts to some degree. Therefore, each of the alternatives meets the project objective of "Maintain or reduce current flood risk to existing infrastructure and adjacent development." The anticipated results of flood improvements between the alternatives is clearly shown in Table 4-2 where floodplain acres associated with the Freshwater Alternative are reduced over current conditions by 15 acres while the other alternatives reduce the floodplain by over 55 acres. The EIR specifically states that, although water elevations would also be lower and the floodplain reduced under the Freshwater Alternative, the extent of that improvement would be less compared to the Saltwater Alternative. Contrary to the comment, the EIR and associated technical reports based the hydraulic analysis on Buena Vista Lagoon-specific modeling.

P39-4

P39-5 It is correct that in the EIR, Table ES-3, there is no mention of outside of bird nesting season requirements under the Saltwater Alternative as is listed under the Freshwater Alternative. This is because maintenance for the Saltwater Alternative would be focused on inlet maintenance involving sand removal rather than the ongoing vegetation removal as would be required for the Freshwater Alternative. Maintenance for removal of accumulated sediment would be different between the Freshwater and Saltwater Alternatives. Fine sediments would continue to accumulate in the eastern portion of the lagoon as freshwater flows enter the lagoon from the upper watershed under the Freshwater Alternative. Removal of this sediment would require disposal, potentially at offsite locations, at a frequency anticipated every 25 years based on current sediment loads. Sediment accumulating under the Saltwater Alternative would primarily be limited to sand becoming entrained in the lagoon inlet, the majority of which would be removed annually. Neither of these scenarios is anticipated to change substantially with sea level rise.

P39-5

today's state of the lagoon. The sediment levels in the lagoon only began to become a problem close to 25 years after the current weir was constructed. However, with sea level rise rates that are expected in the reports listed above, the amount of sediment into the lagoon from the ocean will only increase due to the higher rates of tidal flow. Already, the two lagoons to the south the Buena Vista Lagoon, consistently fill up with sediment near the mouths of those lagoons. Without the maintenance and the frequency that is required (which obviously hasn't occurred as often that it should), during low tides, you can see islands that the sediment has formed. This will only become more of a problem with the higher rates of tidal flow due to the effects of sea level rise.

↑
P39-5
cont

LETTER 40
JAMIE ZAPATA

From: thezapatas [mailto:the.zapatas13@gmail.com]

Sent: Wednesday, January 24, 2018 12:13 PM

To: Lero, Tessa <Tessa.Lero@sandag.org>; Posada, Michelle <Michelle.Posada@sandag.org>

Subject: RE: January 26, 2018 SANDAG Board of Directors Meeting Agenda Item 18-01-11. BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* - Regional Transportation Commission (RTC)
Resolution No. RTC-2018-02, regarding the Buena Vista Lagoon"

TO: Clerk of the SANDAG Board

REQUEST: Please distribute my comments in this email to the 19 mayors/members of the SANDAG Board PRIOR to the [Friday, January 26, 2018](#) meeting."

Dear Mayors and Members of SANDAG,

I am writing to you as a homeowner in Oceanside adjacent to the Buena Vista Lagoon. I request that you do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and hope that you will please recirculate the EIR for further review.

P40-1

I fear that the Salt Water alternative will not be able to solve all the problems it is designed to, and in fact causes safety hazards and destroys an existing natural habitat with no guarantee in building a new one - it is all speculation. The BV Lagoon was California's first Fresh Water Ecological Reserve. With five salt water lagoons in San Diego County, why would we destroy this precious unique lagoon with no guarantees about so many aspects of the salt water alternative? Why would we willingly create safety and environmental hazards, spending much more money on this unpredictable saltwater alternative?

P40-2

My Concerns:

1. The Saltwater Alternative is a safety threat. The EIR projects the the lagoon inlet under the saltwater alternative "will not be passable approximately 37% of the time and crossing conditions would be considered potentially hazardous for some beach users" (3.1-19). This poses a safety issue for swimmers, walkers and joggers. Further, Table ES-10 9 Land Use/Recreation cites that in the Saltwater Alternative "the new inlet crossing of the beach would periodically create a new safety threat to recreational users and the impacts would be significant". The Mitigation measures propose constructing a pedestrian bridge for north-south lateral access for the beach users over the tidal inlet." This sounds extremely dangerous, and the report fails to address the issue of how the pathway on the north side of the pedestrian bridge would provide safe access across the inlet, as it would unavoidably drop pedestrians back into the dangerous water flowing in from the ocean and the tidal flushing inlet the alternative created. During times of high water there is no sand or dry land for pedestrians to exit onto. Thus, in times of high water (the time when the bridge is necessary), the pedestrian bridge will actually be useless and will not ultimately provide safe access over the inlet.

P40-3

- 2) Another area of concern is the public health and safety impact. Page ES-51 cites "the Freshwater Alternative would *not* result in the significant and unavoidable public health and safety impacts that would result from the new inlet associated with the other two alternatives (Saltwater alternative and Hybrid Alternative). The summary admits to public health and safety impact from the saltwater alternative. How can this be a recommitted alternative? ...Fairly, it goes on to explain that the

P40-4

P40-1 The comment provides introductory statements and requests recirculation of the EIR. Please see Response to Comment P21-1 regarding recirculation. The SANDAG Board of Directors acknowledges the request to vote no on Resolution No. RTC-2018-02. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P40-2 With respect to the assertion that the Saltwater Alternative is speculative, commenter is referred to FEIR Responses to Comments 12-5, 12-14, and 12-21. Master Comment #4 in the FEIR discusses the lagoon as a freshwater resource. See Response to Comment P4-4.

P40-3 Please see Response to Comment P21-2 regarding safety.

P40-4 Please see Response to Comment P21-3 regarding public health and safety.

"Freshwater Alternative will not achieve the same level of benefits or achieve the CEQA project objectives as the other two." Included here are the growth of cattails, bulrushes and invasive species". However, all of these seem visible to the eye in the existing saltwater lagoons south of Buena Vista Lagoon. It is also my understanding that there has been little to no maintenance over the years. Putting together an active maintenance plan for the existing lagoon seems a must more safe, reasonable, and cost effective alternative.

P40-4

P40-5 Please see Response to Comment P21-4 regarding vectors and saltwater mosquitos.

P40-6 Please see Response to Comment P21-5 regarding costs and implementation.

3) Vector concerns are also noted, however it is my understanding that there are species called "salt marsh mosquitos". A San Diego Union Tribune article (8/6/19) claims that "salt water is what makes their eggs hatch. You end up with millions of mosquitoes all hatching at the same time and when you have that surge of water, and about 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal". A San Diego Reader article in 2015 cites " "When you get an unusually high tide there, it can allow water into low-lying areas that don't always have water and if it stands seven to ten days without percolating into the ground, it's there long enough for a full mosquito-breeding cycle" and further "there are about two dozen species of mosquito in the area (in San Diego County). How can we as residents be sure that this problem will be eradicated, or worse with a salt water lagoon?

P40-5

P40-7 The comment requests Resolution No. RTC-2018-02 not be adopted and the EIR be recirculated. Please see Response to Comment P21-1 regarding recirculation.

4) Cost! and Maintenance! It appears that many of the problems associated with with the current Buena Vista Lagoon have to do with deferred maintenance. How, as a resident, can we be sure that money will be set aside to provide ongoing maintenance? The Saltwater Alternative is projected to cost 30% more than the Freshwater Alternative, and seems a most unsatisfactory way to spend precious city resources. Further, Page 3.9-8 discusses the concept of "lagoon enhancement... which would generally consist of vegetation removal, dredging and grading within the lagoon to raise or lower elevations, modifying existing lagoon infrastructure (weir, channels, bridge) to enhance tidal flow in and out of the lagoon (under the Saltwater and Hybrid Alternatives), disposing of sediments excavated from the lagoon to different locations, and restoring graded areas within the lagoon to facilitate recovery of habitat". Has this ever been done? what guarantee do we have that this will be carried out, as it seems it never has in the existing lagoon, but would have been beneficial to the character of the Lagoon.

P40-6

Please do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and please recirculate the EIR for further review.

P40-7

Kind Regards,
Jamie Zapata
Oceanside CA

**LETTER 41
PAULA AND CLAY ALEXANDER**

From: Paula Alexander [<mailto:casealex@gmail.com>]

Sent: Wednesday, January 24, 2018 8:15 PM

To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>

Subject: January 26, 2018 SANDAG Board of Directors Meeting Agenda Item 18-01-11.

TO: Clerk of the SANDAG Board

RE: January 26, 2018 SANDAG Board of Directors Meeting Agenda Item 18-01-11. BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* - Regional Transportation Commission (RTC) Resolution No. RTC-2018-02, regarding the Buena Vista Lagoon"

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P41-1

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P41-2

My Concerns:

1) The Saltwater Alternative is a safety threat. The EIR projects the the lagoon inlet under the saltwater alternative "will not be passable approximately 37% of the time and crossing conditions would be considered potentially hazardous for some beach users" (3.1-19). This poses a safety issue for swimmers, walkers and joggers. Further, Table ES-10 9 Land Use/Recreation cites that in the Saltwater Alternative "the new inlet crossing of the beach would periodically create a new safety threat to recreational users and the impacts would be significant". The Mitigation measures propose constructing a pedestrian bridge for north-south lateral access for the beach users over the tidal inlet." This sounds extremely dangerous, and the report fails to address the issue of how the pathway on the north side of the pedestrian bridge would provide safe access across the inlet, as it would unavoidably drop pedestrians back into the dangerous water flowing in from the ocean and the tidal flushing inlet the alternative created. During times of high water there is no sand or dry land for pedestrians to exit onto. Thus, in times of high water (the time when the bridge is necessary), the pedestrian bridge will actually be useless and will not ultimately provide safe access over the inlet.

P41-3

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- P41-3 Please see Response to Comment P21-2 regarding safety.

2) Another area of concern is the public health and safety impact. Page ES-51 cites "the Freshwater Alternative would *not* result in the significant and unavoidable public health and safety impacts that would result from the new inlet associated with the other two alternatives (Saltwater alternative and Hybrid Alternative). The summary admits to public health and safety impact from the saltwater alternative. How can this be a recommitted alternative? ...Fairly, it goes on to explain that the "Freshwater Alternative will not achieve the same level of benefits or achieve the CEQA project objectives as the other two." Included here are the growth of cattails, bulrushes and invasive species". However, all of these seem visible to the eye in the existing saltwater lagoons south of Buena Vista Lagoon. It is also my understanding that there has been little to no maintenance over the years. Putting together an active maintenance plan for the existing lagoon seems a must more safe, reasonable, and cost effective alternative.

3) Vector concerns are also noted, however it is my understanding that there are species called "salt marsh mosquitos". A San Diego Union Tribune article (8/6/19) claims that "salt water is what makes their eggs hatch. You end up with millions of mosquitoes all hatching at the same time and when you have that surge of water, and about 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal". A San Diego Reader article in 2015 cites " "When you get an unusually high tide there, it can allow water into low-lying areas that don't always have water and if it stands seven to ten days without percolating into the ground, it's there long enough for a full mosquito-breeding cycle" and further "there are about two dozen species of mosquito in the area (in San Diego County). How can we as residents be sure that this problem will be eradicated, or worse with a salt water lagoon?

4) Cost! and Maintenance! It appears that many of the problems associated with with the current Buena Vista Lagoon have to do with deferred maintenance. How, as a resident, can we be sure that money will be set aside to provide ongoing maintenance? The Saltwater Alternative is projected to cost 30% more than the Freshwater Alternative, and seems a most unsatisfactory way to spend precious city resources. Further, Page 3.9-8 discusses the concept of "lagoon enhancement... which would generally consist of vegetation removal, dredging and grading within the lagoon to raise or lower elevations, modifying existing lagoon infrastructure (weir, channels, bridge) to enhance tidal flow in and out of the lagoon (under the Saltwater and Hybrid Alternatives), disposing of sediments excavated from the lagoon to different locations, and restoring graded areas within the lagoon to facilitate recovery of habitat". Has this ever been done? what guarantee do we have that this will be carried out, as it seems it never has in the existing lagoon, but would have been beneficial to the character of the Lagoon.

Please do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and please recirculate the EIR for further review.

Sincerely,

Paula and Clay Alexander
 #4 St Malo and 2016 S Pacific St, Oceanside
casealex@gmail.com
 760-521-1061

P41-4 Please see Response to Comment P21-3 regarding public health and safety.

P41-4 Please see Response to Comment P21-4 regarding vectors and saltwater mosquitos.

P41-6 Please see Response to Comment P21-5 regarding costs and implementation.

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P41-5

P41-6

P41-7

LETTER 42 LIESEL REINISCH

From: Liesel Reinisch [<mailto:lieinisch@adamsconnell.com>]

Sent: Thursday, January 25, 2018 10:09 AM

To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>

Subject: PLEASE DO NOT ADOPT RESOLUTION RTC-2018-02 Re. the Buena Vista Lagoon and PLEASE recirculate the EIR for further review!

TO: Clerk of the SANDAG Board

RE: January 26, 2018 SANDAG Board of Directors Meeting Agenda Item 18-01-11. BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* - Regional Transportation Commission (RTC) Resolution No. RTC-2018-02, regarding the Buena Vista Lagoon"

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P42-1

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Please do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and please recirculate the EIR for further review.

Most Sincerely,
Liesel Reinisch
#39 St. Malo Beach
Oceanside

P42-4 Please see Response to Comment P21-3 regarding public health and safety.

P42-4 P42-5 Please see Response to Comment P21-4 regarding vectors and saltwater mosquitos.

P42-6 Please see Response to Comment P21-5 regarding costs and implementation.

P42-7 The comment requests Resolution No. RTC-2018-02 not be adopted and the EIR be recirculated. Please see Response to Comment P21-1 regarding recirculation.

P42-5

P42-6

P42-7

LETTER 43
GREG SIMMONS

From: Greg Simmons [mailto:gregsimmons28@yahoo.com]
Sent: Thursday, January 25, 2018 12:56 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Subject: Lagoon

Greg Lagoon

Please keep the Freshwater...The Lagoon Freshwater,
Thank You!

P43-1 This comment expresses support for the Freshwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P43-1

**LETTER 44
OTIS BOOTH III**

The San Diego Association of Governments
401 B Street
Suite #800
San Diego, CA 92101

TO: Clerk of the SANDAG Board

RE: January 26, 2018 SANDAG Board of Directors Meeting, Agenda Item 18-01-11. BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)---Regional Transportation Commission (RTC) Resolution No. RTC-2018-02, regarding the Buena Vista Lagoon.

REQUEST: Please distribute my comments in this email to the 19 Mayors/Members of the SANDAG Board PRIOR to the Friday, January 26, 2018 meeting.

I am a third-generation resident of St. Malo. I strenuously object to the proposal to turn the Buena Vista Lagoon into a salt water lagoon. The singularly most important reason is that the Buena Vista Lagoon is one of the last, if not the last, fresh water lagoon on the California coast. The disruption and loss of this particular fresh water ecosystem is impractical and unrealistic.

There are numerous other and more practical reasons to reject the proposal:

1. This is a ridiculously expensive, unwarranted project. Who really cares about his but the politicians? Consider the monies that have already been spent and the monies that will be spent, regardless of where this debate goes. Does SANDAG not have other, more critical issues to address?
2. The very real potential of flooding of St. Malo homes. This has already happened and with increased tidal flow in and out of the Buena Vista Lagoon it's more likely to happen in the future. This will lead to damage to homes and increased costs. Certainly, SANDAG will not volunteer to pay those expenses.
3. With the potential construction of a pedestrian bridge on the South end and with low tide mud flats there will be increased foot traffic and, therefore, increased security issues. Both a bridge and mudflats will allow pedestrians greater access and permit them to walk all around the edges of the lagoon and approach St. Malo homes. Increased access will lead to greater security requirements. Certainly, SANDAG will not volunteer to pay those expenses.
4. If there is a channel dug to allow for tidal flowing, the mouth of the lagoon at the ocean will be impassable 38% of the time. The inflow or outflow during high tides is extremely dangerous. Consider children and adults who decide to "go for it", trying to cross an often-impassable stream. This creates a public safety hazard. Certainly, SANDAG will not volunteer to pay those expenses required if someone is injured.

- P44-1 This comment expresses opposition for the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. Please see Master Response #4 in the FEIR regarding the freshwater lagoon resource. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P44-2 SANDAG is aware of the relative costs of each alternative and the cost of each alternative does not render the alternative impractical. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.
- P44-3 The comment expresses concern about flooding in the vicinity of the lagoon. As shown in Table 3.2-1 of the EIR, maximum flood elevations were calculated for each alternative. The Saltwater Alternative would decrease flood water elevations compared to the existing conditions and would result in the lowest flood elevations of the three alternatives under all modeled storm scenarios.
- P44-4 Please see Response to Comment P4-3 regarding public access to private property.
- P44-5 See Response to Comment P4-4.

P44-1

P44-2

P44-3

P44-4

P44-5

5. Sand berms are quite likely to build up around the mouth of the lagoon and will inhibit longshore water flow. Jetties will then need to be built. Jetties are: 1) Expensive to construct; 2) Ugly; 3) Quantifiably alter the littoral flow of both water and sand; 4) Alter longshore deposition of sand. [Consider the disastrous results of the Oceanside Harbor. What has been the cost of dredging North of the harbor to maintain the beaches South of the harbor?]; 5) Jetties must be properly maintained to function and the State of California has clearly NOT demonstrated an ability to do that; 6) Without proper construction and maintenance of the mouth of a salt water lagoon you run the very possible risk of lagoon flooding. There is a very real possibility that a jetty will dramatically change the contour and nature of the beach. Certainly, SANDAG will not volunteer to pay the expenses of maintaining the beach.
6. Mudflats generate odors. Certainly, SANDAG will not volunteer to pay expenses to mitigate odors emanating from the lagoon.
7. There is a very real concern for a potential larger mosquito problem with standing water pools. There are salt water mosquitoes too. Salt water will unlikely to "fix" the mosquito issue. Certainly, SANDAG will not volunteer to pay those expenses.
8. Research indicates that SANDAG wants to approve the EIR because it provides SANDAG with project money in the form of Mitigation Credits. Fresh water restoration does NOT qualify for Mitigation Credits. Of course, SANDAG favors a salt water lagoon because it's the better choice for them, it generates monies, but clearly does not benefit the surrounding communities.

Perhaps SANDAG can use the Mitigation Credits to cover the aforementioned expenses associated with this ill-conceived and counter-productive effort.

Sincerely,



Otis Booth III
2027 South Pacific Street
Oceanside, CA 92054

P44-6 Please see Response to Comment P12-2 regarding the design of the inlet under the Saltwater Alternative.

P44-6 P44-7 Please see Master Response #6 in the FEIR addressing odor.

P44-8 As stated in EIR Section 1.2, Project Objectives, it is a primary objective of the Enhancement Project to "Reduce vector concerns (e.g., potential for mosquito-borne disease) by minimizing potential mosquito breeding habitat." The EIR addresses mosquito and vector control in Section 3.15 and evaluates each alternative's effectiveness in reducing the public health and safety risk associated with mosquito-borne diseases. Please see Response to Comment 65-3 in the FEIR regarding mosquitos and vectors. Please see Response to Comment P14-4 regarding the reduction in vector breeding conditions that would be achieved by the Saltwater Alternative. Please see Response to Comment P11-7 regarding saltwater mosquitos. Please see Response to Comment P18-8 regarding SANDAG's ongoing coordination with San Diego County Vector Control.

P44-7

P44-8

P44-9

P44-9 Please see Response to Comment P15-16 regarding mitigation credits.

LETTER 45
WILLIAM CARROLL

Honorable Members of the SanDag Board

My name is William Carroll and I am a Board Member of The the Beach Homeowners Association which is a group of 14 homes on the beach front adjacent to the Buena Vista Lagoon.. We are the ownners of 450 linear feet of the beach in front of our homes and also one half of the ocean channel leading to the Lagoon I am speaking on behalf of the 14 Owners.

We are opposed to the Salt Water Alternative for the lagoon, and are in favor of the Fresh Water lagoon. To understand our position you have to have fully studied Appendix C of the EIR and realize that the Buena Vista Lagoon is very different from the other Coastal lagoons in that the Tidal prism is much smaller than that of these other Lagoons and its tidal and hydraulic behavior is considerably different and much smaller then theirs. Inundation studies by Everest Engineering and detailed in Appendix C indicate that with a 100 foot wide excavated channel leading into the Weir lagoon that for the Salt Water Alternative under low tide conditions , the two larger lagoons, the Carlsbad Boulavard Lagoon and the the I-5 lagoon will be merely a narrow stream with a Top Water Elevation of 0.5 feet 50 percent of the time. This has to be compared to a rather wide free water surface of 5.6 feet plus for the Fresh Water alternative. However, as the inlet channel becomes filled with sediment the width of this low tide flow channel will increase. The plan is to re-excavate the channel every 16 months.

We realize that the Fresh Water Alternative has some negative aspects, such as mosquitoPs, bigger impacts of flood flows, considerable reeds, but we believe that it is possible to remedy these defects and have a very attractive Fresh Water Alternative. Any of the alternatives require good maintenance, and if you add the initial cost of construction and add to it the present worth of 50 years of annual maintenance at 6% interest, the Fresh Water Alternative is less expensive then the Salt Water Alternative.

Thank You

P45-1 The comment provides introductory comments.

P45-2 The comment expresses opposition to the Saltwater Alternative and provides discussion on the adequacy of the Fluvial and Tidal Hydraulics Report included as Appendix C to the EIR. The comment describes conditions that are different between regional lagoons, but does not include a specific fault or inaccuracy of the study that can be responded to or clarified.

P45-3 The comment does not offer specific solutions on how to remedy the asserted defects of the Freshwater Alternative listed in the comment. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

P45-3



Batiquitos Lagoon Foundation

Preserve, Protect, and Enhance

January 24, 2018

Honorable Terry Sinnott
Chairman, SANDAG Board of Directors
401 B Street, Suite 800
San Diego, CA 92101

Subject: Buena Vista Lagoon Enhancement Project Adoption Agenda Item 12,

Dear Chairman Terry Sinnott:

I am writing on behalf of the Batiquitos Lagoon Foundation (BLF) to express very strong support for adoption of the Buena Vista Lagoon *Saltwater Alternative* associated with Board of Director's Board Meeting Agenda Item 12. We very strongly support you staff's recommendation to *ADOPT*.

As a result of many false starts at resolving the issues of lagoon restoration, associated restoration options, and much public funding expense, the latest *Environmental Impact Report (EIR)* and associated studies have led to a solid science and fact-based assessment and alternative recommendations. The pro's and con's for each were objectively documented which led to the decision that the *Saltwater Alternative* was the best solution for ensuring a sustainable and healthy lagoon for many years to come. It has taken many years to reach this point and the time is now to finally make a decision and proceed with the much-needed restoration. All key federal, state and local agencies with a vested interest in this restoration project, including the California Coastal Commission and California Department of Fish and Wildlife endorse this alternative. While there remains strong opposition to adoption of the saltwater alternative and preference for a freshwater lagoon or hybrid, from a science and fact-based perspective the path forward is clear, and the BLF feels the *Saltwater Alternative* is far superior.

Again, the BLF would like to express our very strong support for adoption of the *Saltwater Alternative* by SANDAG. Thank you for your consideration of this important decision.

Sincerely,

Fred C. Sandquist
President and Board Member

cc: SANDAG, Keith Greer
Buena Vista Audubon Society
Buena Vista Lagoon Foundation, Regg V. Antle
California Department of Fish and Wildlife (multiple people)
California Coastal Conservancy (multiple people)
US Fish and Wildlife Service (multiple people)
City of Carlsbad (multiple people)
Carlsbad Watershed Network (multiple people)
North County Advocates
Citizens for North County
Sierra Club
Coastkeepers
Preserve Calaveras

LETTER 46 BATIQUITOS LAGOON FOUNDATION

P46-1 This comment expresses support for the Saltwater Alternative and provides multiple reasons for support of this alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P46-1

LETTER 47
BLAINE P. FETTER

From: Cristina Blacio [<mailto:cristina@samuelsonandfetter.com>]
Sent: Wednesday, January 24, 2018 11:39 AM
To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>
Subject: Sent on Behalf of Blaine Fetter

Good morning,

The following letter is being sent to you on behalf of homeowner, Blaine Fetter.

TO: Clerk of the SANDAG Board

RE: January 26, 2018 SANDAG Board of Directors Meeting Agenda Item 18-01-11. BUENA VISTA LAGOON ENHANCEMENT PROJECT (Keith Greer)* - Regional Transportation Commission (RTC) Resolution No. RTC-2018-02, regarding the Buena Vista Lagoon"

REQUEST: Please distribute my comments in this email to the 19 mayors/members of the SANDAG Board PRIOR to the Friday, January 26, 2018 meeting."

Dear Mayors and Members of SANDAG,

I am writing to you as a homeowner in Oceanside adjacent to the Buena Vista Lagoon. I request that you do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and hope that you will please recirculate the EIR for further review.

I fear that the Salt Water alternative will not be able to solve all the problems it is designed to, and in fact causes safety hazards and destroys an existing natural habitat with no guarantee in building a new one - it is all speculation. The BV Lagoon was California's first Fresh Water Ecological Reserve. With five salt water lagoons in San Diego County, why would we destroy this precious unique lagoon with no guarantees about so many aspects of the salt water alternative? Why would we willingly create safety and environmental hazards, spending much more money on this unpredictable saltwater alternative?

My Concerns:

1. The Saltwater Alternative is a safety threat. The EIR projects the lagoon inlet under the saltwater alternative "will not be passable approximately 37% of the time and crossing conditions would be considered potentially hazardous for some beach users" (3.1-19). This poses a safety issue for swimmers, walkers and joggers. Further, Table ES-10 9 Land Use/Recreation cites that in the Saltwater Alternative "the new inlet crossing of the beach would periodically create a new safety threat to recreational users and the impacts would be significant". The Mitigation measures propose constructing a pedestrian bridge for north-south lateral access for the beach users over the tidal inlet." This sounds extremely dangerous, and the report fails to address the issue of how the pathway on the north side of the pedestrian bridge would provide safe access across the inlet, as it would unavoidably drop pedestrians back into the dangerous water flowing in from the ocean and the tidal flushing inlet the alternative created. During times of high water there is no sand or dry

- P47-1 The comment provides introductory statements and requests recirculation of the EIR. Please see Response to Comment P21-1 regarding recirculation. The SANDAG Board of Directors acknowledges the request to vote no on Resolution No. RTC-2018-02. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P47-2 With respect to the assertion that the Saltwater Alternative is speculative, commenter is referred to FEIR Responses to Comments 12-5, 12-14, and 12-21. Master Comment #4 in the FEIR discusses the lagoon as a freshwater resource. See Response to Comment P4-4.
- P47-3 Please see Response to Comment P21-2 regarding safety.

P47-1

P47-2

P47-3

land for pedestrians to exit onto. Thus, in times of high water (the time when the bridge is necessary), the pedestrian bridge will actually be useless and will not ultimately provide safe access over the inlet.

P47-3
cont

P47-4 Please see Response to Comment P21-3 regarding public health and safety.

P47-5 Please see Response to Comment P21-4 regarding vectors.

P47-6 Please see Response to Comment P21-5 regarding costs and implementation.

P47-7 The comment requests Resolution No. RTC-2018-02 not be adopted and the EIR be recirculated. Please see Response to Comment P21-1 regarding recirculation.

2) Another area of concern is the public health and safety impact. Page ES-51 cites "the Freshwater Alternative would *not* result in the significant and unavoidable public health and safety impacts that would result from the new inlet associated with the other two alternatives (Saltwater alternative and Hybrid Alternative). The summary admits to public health and safety impact from the saltwater alternative. How can this be a recommitted alternative? ...Fairly, it goes on to explain that the "Freshwater Alternative will not achieve the same level of benefits or achieve the CEQA project objectives as the other two." Included here are the growth of cattails, bulrushes and invasive species". However, all of these seem visible to the eye in the existing saltwater lagoons south of Buena Vista Lagoon. It is also my understanding that there has been little to no maintenance over the years. Putting together an active maintenance plan for the existing lagoon seems a must more safe, reasonable, and cost-effective alternative.

P47-4

3) Vector concerns are also noted, however it is my understanding that there are species called "salt marsh mosquitos". A San Diego Union Tribune article {8/6/19} claims that "salt water is what makes their eggs hatch. You end up with millions of mosquitoes all hatching at the same time and when you have that surge of water, and about 10 days after such a surge, the mosquito larvae turn into adult blood suckers who head out looking for a meal". A San Diego Reader article in 2015 cites " "When you get an unusually high tide there, it can allow water into low-lying areas that don't always have water and if it stands seven to ten days without percolating into the ground, it's there long enough for a full mosquito-breeding cycle" and further "there are about two dozen species of mosquito in the area (in San Diego County). How can we as residents be sure that this problem will be eradicated, or worse with a salt water lagoon?

P47-5

4) Cost! and Maintenance! It appears that many of the problems associated with the current Buena Vista Lagoon have to do with deferred maintenance. How, as a resident, can we be sure that money will be set aside to provide ongoing maintenance? The Saltwater Alternative is projected to cost 30% more than the Freshwater Alternative and seems a most unsatisfactory way to spend precious city resources. Further, Page 3.9-8 discusses the concept of "lagoon enhancement... which would generally consist of vegetation removal, dredging and grading within the lagoon to raise or lower elevations, modifying existing lagoon infrastructure (weir, channels, bridge) to enhance tidal flow in and out of the lagoon (under the Saltwater and Hybrid Alternatives), disposing of sediments excavated from the lagoon to different locations, and restoring graded areas within the lagoon to facilitate recovery of habitat". Has this ever been done? what guarantee do we have that this will be carried out, as it seems it never has in the existing lagoon, but would have been beneficial to the character of the Lagoon.

P47-6

Please do not adopt Resolution No. RTC-2018-02, regarding Buena Vista Lagoon, and please recirculate the EIR for further review.

P47-7

Most Sincerely,
Blaine P. Fetter
Fetter Trust I
#16 Saint Malo

LETTER 48 GEORGE COREY

From: George Corey [mailto:grcorey3@gmail.com]
Sent: Tuesday, January 23, 2018 6:56 PM
To: Lero, Tessa <Tessa.Lero@sandag.org>; Posada, Michelle <Michelle.Posada@sandag.org>
Cc: Corey George <grcorey3@gmail.com>
Subject: Buena Vista Lagoon

Please distribute my comments below to the 19 mayors/members of the SanDAG Board PRIOR to the Friday, January 26, 2018 meeting.

Re the alternatives to the changes proposed for the Buena Vista Lagoon it is clear in the reading of the 3 alternatives that the Fresh Water Alternative (FWA) is the most environmentally and fiscally sound of the 3.

The Salt Water Alternative (SWA) creates such hazardous conditions at the mouth of the 100' widened weir that for about 1/3 of the year lateral beach access is unsafe and impassable, in direct contradiction to CEQA rulings. The mitigation measure of the pedestrian bridge is not only a visual, physical blight, but requires Eminent Domain takeover of private property that will no doubt lead to expensive litigation which will further add to the already significantly higher price of the SWA (30% anticipated, more doubt significantly more when bids come in). The top of the pedestrian bridge would be as tall or taller than the adjacent 2 story single family residences and in places 10'-20' from the residences. The UNDERSIDE of the bridge must be 20' high to account for flooding and storms.

The anticipated wildlife replacement of the SWA is speculative, but the depletion of the existing wildlife is much more certain as they will not tolerate the saltwater. Furthermore, it has been shown that mosquitoes prefer saltwater marshes for reproduction making the problem worse rather than mitigating it. The EIR states these Biological Resource (fish, birds) impacts are significant and unavoidable and "temporary" but there is no real evidence to indicate they might not be permanent. They are not an issue with the FWA.

The final EIR states the significant impacts of Visual Resources (pedestrian bridge) are unavoidable which is only the case with the SWA. The FWA does not require the footbridge as it does not create the significant lateral beach access that the SWA does.

The SWA requires the removal of significantly more vegetation (211K cy vs 129K cy) and sediment (781K cy v 562K cy) than the FWA. The additional dredging further impacts the people who live in the surrounding areas

The Hybrid Alternative is an unacceptable compromise which fails to resolve the issues created by the other 2 alternatives and creates problems of its own. The No Build Alternative has been rejected

P48-1

P48-2

P48-3

P48-4

P48-5

P48-6

P48-7

P48-8

P48-9

P48-1 This comment expresses support for the Freshwater Alternative and provides multiple reasons for support of this alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P48-2 See Response to Comment P4-4.

P48-3 As described in EIR Section 3.9, Visual Resources, the bridge proposed in Mitigation Measure Land Use-1 was determined to result in a significant visual impact because of the public expectation of open views in the vicinity of the lagoon as currently exist. SANDAG acknowledges the commenter's point that the pedestrian bridge can be well designed to be aesthetically pleasing, but this still would not alter the substantial contrast of a bridge structure where open views exist today.

Please see Master Response #2 in the FEIR regarding private property and eminent domain.

P48-4 The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project.

P48-5 Please see Response to Comment 12-7 in the FEIR regarding bridge height and clearance of high water flows.

P48-6 Wildlife impacts can be found in EIR Section 3.5.3. As described in the EIR, some wildlife species would continue to utilize the lagoon under saltwater conditions and some species would not persist in the saline environment. As described in Response to Comment 12-15 in the FEIR, it is anticipated that an increased range of species could be supported in the more diverse habitat distribution that would result from the Saltwater Alternative.

As stated in EIR Section 1.2, Project Objectives, it is a primary objective of the Enhancement Project to "Reduce vector concerns (e.g., potential for mosquito-borne disease) by minimizing potential mosquito breeding habitat." The EIR addresses mosquito and vector control in Section 3.15 and evaluates each alternative's effectiveness in reducing the public health and safety risk associated with mosquito-borne diseases. Please see Response to Comment 65-3 in the FEIR regarding mosquitos and vectors. Please see Response to Comment P14-4 regarding the reduction in vector breeding conditions that would be achieved by the Saltwater Alternative. Please see Response to Comment P11-7 regarding saltwater mosquitos. Please see Response to Comment P18-8 regarding SANDAG's ongoing coordination with San Diego County Vector Control.

even if the other Alternatives create even more problems than doing nothing.

Thank you for your attention and please realize that the Fresh Water Alternative is the environmentally correct alternative.

George R. Corey
Oceanside, CA
grcorey3@gmail.com

↑ P48-9
P48-10

- P48-7 The comment is correct that only the Saltwater Alternative would require the implementation of a pedestrian bridge and the visual impacts associated with the bridge would only occur under the Saltwater Alternative.
- P48-8 The comment is correct that the Saltwater Alternative requires the highest volume of dredging and vegetation removal. The comment does not indicate how the dredging would impact the lives of people living in the area; thus, no response can be provided.
- P48-9 This comment provides narrative on the rejection of the Hybrid and No Project Alternatives.
- P48-10 This comment expresses support for the Freshwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

LETTER 49
GARY NESSIM

From: garynessim@att.net
To: [Kathy Kinane](#); [Greer, Keith](#)
Subject: Re: Buena Vista Lagoon
Date: Friday, January 26, 2018 4:25:15 PM

A boardwalk like green cat nature reserve in Florida would be fantastic over a small part of a salt water lagoon

Gary Nessim
Sea Coast Exclusive Properties
500 Grand Avenue
Carlsbad, CA 92008
760 729 3333
...

P49-1

P49-1 As detailed in Section 2.5.1 of the EIR, an elevated pedestrian boardwalk would be incorporated into each of the enhancement alternatives and is evaluated as part of the Enhancement Project. Please see Master Response #3 in the FEIR regarding boardwalk issues, including appropriate location, public access, encroachment into sensitive lagoon resources, water circulation, indirect impacts (e.g., trash and littering), funding, and maintenance.

**LETTER 50
KATHY KINANE**

On Fri, Jan 26, 2018 at 9:20 AM -0800, "Kathy Kinane" <kathy@kinanevents.com> wrote:

Please ad us to the meeting notices.

I would really like to have a separate walking and biking path that would connect to Coast Hwy from Vista along the creek

Thanks

Sent from my iPhone
Move Your Feet Before You Eat!☐☐☐

P50-1

P50-1 The trail proposed in the comment is outside of the scope of the Enhancement Project. Construction of the Boardwalk as part of the Enhancement Project would complement existing and proposed trails within the Cities of Oceanside and Carlsbad. A new fishing access trail would also be constructed as part of the Enhancement Project as described in Section 2.5.4 of the EIR.

From: marcia terry [<mailto:mterry1@pacbell.net>]

Sent: Thursday, January 25, 2018 9:33 AM

To: PIO <PIO@sandag.org>

Subject: Buena Vista

Hello Friends,

I wish to add my voice to those who support removal of the weir at the Buena Vista Lagoon and restoring the site to its original salt water state. I hope this can be accomplished with alacrity.

Thank you for your attention.

Marcia Terry
Oceanside, CA

**LETTER 51
MARCIA TERRY**

P51-1 This comment states a preference for the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P51-1

**LETTER 52
CLINTON MUHE**

From: Clint Muhe [<mailto:clintmuhe@gmail.com>]

Sent: Thursday, February 01, 2018 10:44 AM

To: Posada, Michelle <Michelle.Posada@sandag.org>

Cc: Lero, Tessa <Tessa.Lero@sandag.org>

Subject: Buena Vista Lagoon comment: a concerned neighbor

To whom it may concern:

I'm a 35 year old man who was fortunate enough to buy a house on the lagoon on Jefferson Street in 2013. I've spent over a million dollars in total on the property and have recently heard that the EIR preferred plan for the lagoon is to open it up to the ocean. I find this to be not only wrong but bizarre. This will kill off much of the long established wildlife living here, greatly diminish the water levels and devastate market values for the Real Estate owner's here.

Needless to say I am hopeful that you will stand with the owner's living on the lagoon and help us to keep the lagoon the beautiful fresh water sanctuary it is today.

I speak on this matter not only as an owner of a house on the lagoon but a real estate Broker who knows first hand what value the lagoon adds. I've spoken to dozens of neighbors on the water who all intend to file suit if this proceeds as planned against their wishes. I have no interest in litigation and pray we can avoid that nightmare for all parties involved. I'd much rather contribute funds towards a fresh-water option instead of wasteful litigation.

If there is anything I can do to help insure the correct and best option is followed please let me know and I'll be happy to so. Maintaining Buena Vista as a fresh water lagoon is most cost effective, safest, most beautiful, conserves the existing environment which has been there for over 100 years and is preferred by every single neighbor I've spoken to.

Please lend us your support, anything you can do to assist in this cause would be greatly appreciated!

Sincerely,

Clinton Muhe
Real Estate Broker, California Bureau of Real Estate #01749127

Cell [760-828-8888](tel:760-828-8888)

P52-1 This comment states a preference for the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project. Please see Master Response #1 in the FEIR regarding alternative selection. SANDAG recognizes the concerns of the homeowners in the vicinity and will take this issue under consideration together with the project record prior to taking action on the project. Please see Master Response #5 regarding historical lagoon ecology and Master Response #2 regarding private property.

P52-1

**LETTER 53
RICHARD TAUBMAN**

From: richard taubman [<mailto:tattalat@yahoo.com>]
Sent: Thursday, February 01, 2018 12:57 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>;
matt.hall@carlsbadca.gov; clowery@ci.oceanside.ca.us
Cc: savebvlagoon@gmail.com; council@carlsbadca.gov; council@ci.oceanside.ca.us
Subject: Comment regarding the Buena Vista Lagoon

Dear SANDAG Board of Directors, Carlsbad Mayor Hall and Oceanside Deputy Mayor Lowery,

Many years ago the City of Carlsbad asked homeowners and interested parties that reside in the city of Carlsbad to attend a series of meetings with a consultant group that was paid for by the City of Carlsbad, to gather public opinion regarding the future of the Buena Vista lagoon. Considerable funds were spent! We attended the meetings, spent a reasonable amount of time listening and learning about the proposals to either refurbish the existing fresh water lagoon habitat, or replace it with a salt water option that would require the opening of the lagoon mouth to the ocean and let salt water in and change the habitat. There was a third option, that was to do nothing and let nature take its course.

After several meetings, deliberations and focus groups etc, the results were that those in attendance who spent the time to listen and learn voted for the fresh water option. Why was this consultant group hired? Why did we all spend the time to listen and learn about the history of the lagoon and the responsible options for its care going forward. Why would the city ask us for our opinions and disregard them? This is troubling and baffling to say the least. The people who attended those meetings were only those residing in the city with the proper zip codes that cared enough to take the time to attend. We cared enough, each for different reasons, for our opinions to be heard. The majority opinion was the fresh water option.

We discovered at these meeting that the fresh water option would include dredging the lagoon to take away years of accumulated silt that entered the lagoon from years of construction upstream, removal of the reeds that clog up the lagoon and a few nature trails reinstated to allow the public a bit more site access. We voted and now you pretend to ignore the findings?

Government entities continue to insist on the salt water option despite the interests of local residents. You do not listen to the people who live in and around the lagoon or help them to get the lagoon option that they want.

Locals are the ones directly involved in on a daily basis, not those passing by on the freeway for a couple seconds at a time. Troubling and Baffling that their sight line matters and not ours who live on the lagoon.

The concerns that came up repeatedly at those meetings long ago was the above mentioned issue first in addition to the preservation of the existing animals, fish, turtles, birds, etc. that would be affected. The current ecosystem is well established and a treasure to coastal Southern California. There are other salt water lagoons but nothing like the Buena Vista lagoon in its current state.

We do not feel the salt water option properly addresses the core issue that has always troubled concerned homeowners, which is the changes that a salt water environment will cause to the expanse and sight lines of open water. Can anyone deny that the changes in the sight line from open water to mud flats will mean possible decrease in the enjoyment of local residents and

P53-1 The comment provides a description of the commenter's involvement in a previous phase of the project design process, prior to the initiation of the CEQA process with SANDAG as the lead agency. Please see Response to Comment P32-2 above for a discussion of SANDAG's role as the CEQA lead agency.

All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P53-2 When considering a project, the SANDAG Board of Directors weighs many factors, including input from the public as well as many other stakeholders, agencies, and organizations. While public input and feedback are highly valued, there are many additional components considered by the Board in their decision-making process.

P53-3 As explained in Response to Comment 65-4 in the FEIR, the selection of key view points for analysis and visual simulations in the EIR are based on the most available public views of the project site as directed by CEQA legal precedent. SANDAG values the input of residents who have private views of the lagoon and will consider those opinions when making project decisions.

P53-4 Please see Master Response #5 in the FEIR regarding historical ecology of the lagoon and Master Response #4 regarding the value of the freshwater lagoon resource in the coastal setting.

P53-5 Please see Response to Comment P15-10 above addressing the analysis of visual resources.

P53-1

P53-2

P53-3

P53-4

P53-5



financial valuations at this site? I'm quite sure that all of you involved in this decision would feel unhappy if your property and views were negatively affected!

If you all are so hell bent on a salt water option can you assure homeowners on the lagoon and its surrounding sight lines that enough water will be present in the lagoon AT ALL TIMES so not to disrupt those water filled sight lines for all concerned? No you can not! You have shown us pictures of a salt water option that would include a situation that is hardly reminiscent of what we have enjoyed for years and have invested in, large open and unobstructed views of open water.

We understand and support the St Malo residents resistance and responses to the salt water option. Evidently their rights are not being considered seriously enough when you feel it would be in the public's interest to alter their sight lines and the investment that has been established by the owners so many years ago. To satisfy people who do not even live near this lagoon and have no real interest and financial realities in it at all.

Someone sitting in your seats many years ago decided to make this a unique fresh water lagoon and people have been enjoying it all these years. What they haven't enjoyed is the inaction all these years to return it to its fresh water grandeur, free from reeds and pollution. There is now machinery available that will maintain the lagoon at a fraction of the price and effort you want to put into the salt water option. All these years no regular maintenance has been done. You have intentionally let the reeds take over so that a restoration would be necessary, rather than putting regular effort into maintaining the fresh water lagoon, once again troubling and baffling!

We urge you to listen to the people who live on and near this lagoon.

We urge you to realize that going forward the people who should be listened to first and foremost are the people directly impacted by any changes in the landscapes around them. Not nearly enough time has been spent educating most of those uninformed homeowners and landowners how a salt water option could affect them regarding those open water sight lines that they all love and have been accustomed too. Nobody wants a marsh either triggered by inaction with the present situation, or changing it to tidal flushing and periods of time where no or little open water sight lines are present. Nobody wants that period!

What we are asking is for you to help those directly affected by this lagoon by making decisions that satisfy our needs. Once again I assert in the strongest possible way that if you lived at the Buena Vista Lagoon or owned property there you would feel just like we feel! We want a healthy lagoon, one that resembles in every way what it looked like when it looked and functioned at its best for us and the critters, fish and wildlife that reside there! That is what we want!

Thanks for your attention in this matter,
Richard Taubman

P53-5
cont

P53-6

53-7

P53-6 The FEIR addresses the existing conditions of the lagoon that serves as a baseline for evaluation in the EIR. The historic management of the lagoon that has led to the existing conditions is not a factor in the EIR analysis, but the comment will be part of the administrative record and provided to the SANDAG Board of Directors as part of their decision-making process.

P53-7 This comment expresses opposition to the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project. Please see Master Response #7 in the FEIR regarding the public outreach that has been undertaken to inform the public of the Enhancement Project and availability of the EIR. Although private views are not specifically addressed under CEQA, SANDAG values the input of residents who have private views of the lagoon and will consider those opinions when making project decisions.

**LETTER 54
JACINTA JONES**

From: jacinta jones [<mailto:fischerjones@gmail.com>]
Sent: Sunday, February 04, 2018 8:36 AM
To: Lero, Tessa <Tessa.Lero@sandag.org>
Subject: Save the Fresh Water Buena Vista Lagoon (Oceanside/Carlsbad)

Dear Ms. Lero,

I understand that SANDAG will be voting on Friday, February 23rd, 2018 on the future of the Buena Vista (BV) Lagoon.

I am a resident of the Sandpiper Cove (Oceanside) and my property borders the BV Lagoon. I have lived here since 1997 (21 years). One of the selling points as to why I purchased a home here was the fresh water lagoon and the eco system.

I am urging you to vote in favor of keeping this a fresh water lagoon, I cannot imagine it being anything other than that. Unfortunately, I am unable to attend the meeting and I am hoping that you will support my voice.

I look forward to the day when the BV Lagoon will be cattail free and have an abundance of water again.

Kindest regards,
Jacinta Jones

P54-1 This comment states a preference for the Freshwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P54-1

LETTER 55
PAUL ALANIS

-----Original Message-----

From: Paul Alanis [<mailto:palanis@silverflippergaming.com>]

Sent: Friday, January 19, 2018 5:13 PM

To: Chuck Lowery

Cc: Don Greene

Subject: St. Malo

Mayor Lowery,

As promised, attached are two photos taken this morning in front of our home at 50 St. Malo. The first one looks to the south and the next one looks to the north. As is obvious from the photos, when the water level is high at the mouth of the lagoon and the bridge proposed in the EIR would presumably provide lateral access, it would actually be a bridge to nowhere as there is no ability to escape the water on the north side.

Have a great weekend and I look forward to seeing you next week at the hearing.

All the best,
Paul Alanis



P55-1 The comment provides photos of the general location of the inlet proposed under the Saltwater Alternative. It is anticipated that the bridge would be located off the beach and inland towards the inlet, where it would be stable and more protected from wave action and storm surge (see EIR Figures 3.9-16 and 3.6-17). During final bridge design, the specific bridge placement would be determined and all factors, including tidal conditions, would be considered to appropriately locate and engineer the bridge structure.

P55-1



**LETTER 56
JAN ROLSTON**

-----Original Message-----

From: Jan Rolston [<mailto:cubist111@mac.com>]

Sent: Monday, February 05, 2018 2:51 PM

To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>

Subject: Strongly opposed to salt water lagoon option

Hello,

My name is Jan Rolston and I live at 2100 South Ditmar, Oceanside CA 92054. I live on the Buena Vista Lagoon.

This email is to let you know that I am strongly opposed to the salt water option for the Buena Vista Lagoon and prefer the fresh water option.

On an entirely different matter, when the tractor cut channels in the reeds at the Buena vista lagoon the fence on my property was knocked down. I have contacted the city of Oceanside, the lagoon foundation and fish and game. The lagoon foundation doesn't know what to do, the city of Oceanside absolved themselves from responsibility and fish and game will not respond to my inquiries. I've been trying to resolve for many months as well. Maybe you can help me?

Respectfully,
Jan Rolston
760-622-9181

P56-1

P56-1 This comment expresses opposition to the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P56-2

P56-2 This comment is not regarding the EIR or the Enhancement Project and is outside the ability of SANDAG to address.

LETTER 57
NATALIE SHAPIRO

From: [natalie.shapiro](#)
To: [Lero, Tessa](#); [tsinnott@delmar.ca.us](#); [Kawada, Kim](#)
Cc: [Greer, Keith](#)
Subject: Support Saltwater alternative Buena Vista Lagoon project
Date: Tuesday, February 06, 2018 11:50:49 AM

Dear Ms. Kawada, Councilmember Sinnott, and SANDAG Board:

Please support the saltwater alternative of the Buena Vista Lagoon Enhancement project. The SANDAG staff has done a very thorough job of analyzing all the alternatives and the saltwater one best achieves the goals of enhancing the lagoon, more so than the other alternatives: it improves water quality, reduces vectors, increases biological diversity, helps with flood control, and reduces prolific cattail growth. And, there are funding opportunities; with the freshwater alternative, there are no funding alternatives as mitigation moneys would not apply.

thanks so much,
Natalie Shapiro
7831 Rush Rose Drive, Unit 309
Carlsbad, CA 92009

P57-1 This comment expresses support for the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P57-1



February 7, 2018

SANDAG
Members of the Board of Directors
401 B Street, Suite 800
San Diego, CA 92101

Via Electronic Mail
comment@sandag.org

Re: **SUPPORT FOR BUENA VISTA LAGOON ENHANCEMENT:**
SALTWATER ALTERNATIVE
February 23, 2018 Meeting

Dear Chair Terry Sinnott and Board Members,

Please accept the following comments on behalf of Coastal Environmental Rights Foundation (CERF). CERF is a nonprofit environmental organization founded by surfers in North San Diego County and active throughout California's coastal communities. CERF was established to aggressively advocate, including through litigation, for the protection and enhancement of coastal natural resources and the quality of life for coastal residents.

CERF supports the Saltwater Alternative plan for enhancement of the lagoon because it is the environmentally superior alternative, and best meets the project objectives of enhancing the lagoon's biological and hydrological functions, and its recreational values.

There are many specific reasons for CERF's support of this alternative. As there have been historical losses of estuarine habitat in San Diego County, this plan is a unique opportunity to increase this habitat type and open up the lagoon to tidal influences and wildlife linkages with the ocean environment. The lagoon would again be a nursery for ocean fish and habitat for migratory shorebirds that forage and nest in the chain of lagoons along the Pacific coast flyway. The estuary and salt marsh habitat available to wildlife is very limited and this project would increase habitat that is particularly important to support threatened and endangered species.

The Saltwater Alternative will also increase water circulation in the lagoon and improve water quality, as well as reduce mosquito populations that thrive in the stagnant water and thick cattails that prevail under freshwater conditions. Finally, opening up the lagoon mouth to the ocean will reduce flooding on properties adjoining the lagoon and on Buena Vista Lagoon Ecological Reserve nature trails. Periodic flooding impedes public access to the trails and educational programs at the nature center.

For these reasons CERF joins with the public resource agencies, namely the US Fish & Wildlife Service, California Department of Fish & Wildlife, and California Coastal Conservancy, in their support of the Saltwater Alternative, as they state in their letters of comment on the Draft EIR.



LETTER 58
COASTAL ENVIRONMENTAL RIGHTS FOUNDATION

P58-1 This comment expresses support for the Saltwater Alternative and provides multiple reasons for support of this alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P58-1

At this time, CERF requests that you adopt the staff resolution to approve the Saltwater Alternative plan for Buena Vista Lagoon enhancement, and certify the project EIR. Thank you for your consideration of these comments in support of this project that is so important to coastal wildlife.

↑
P58-1
cont

Sincerely,



Livia Borak Beaudin
Legal Director, CERF

cc: Kim Kawada, Acting Executive Director, SANDAG
kim.kawada@sandag.org





February 6, 2018

SANDAG
401 B St #800
San Diego, CA 92101

This letter is on behalf of Preserve Calavera, a non-profit in coastal north San Diego county whose mission is to preserve, enhance and restore the natural resources of our area. We have long been concerned about the enhancement plan for Buena Vista Lagoon. Thankfully, SANDAG's long awaited EIR recommended the saltwater alternative for the lagoon as a means to ensure its long term health. The city council of Carlsbad unanimously approved the saltwater alternative.

I'd like to review some of our reasons for supporting the return of the lagoon to its original saltwater state:

- Climate change should be an underlying concern for any long term plans along the coastline. With sea level rise due to climate change, the ability to keep the lagoon freshwater is going to become increasingly difficult and more expensive than allowing the lagoon to absorb the increasing ocean impacts. Without raising the weir the freshwater nature of the lagoon will eventually become a moot point. Allow it to revert to its natural state now.
- The overgrowth of cattails will be a constant problem that requires much time, effort and funding to control. At the end of 2016, crews spent months cutting paths through the cattails primarily for vector control. And yet, only a year later, those cattails are readily filling in the cleared channels. These plants continue to encroach on the lagoon and are a major contributor to the lagoon's decline and current state.
- We are left with less than 10% of our historic saltwater, coastal wetlands. They support a rich variety of species, some of which are threatened or endangered. Mother Nature has spent many thousands of years creating a healthy saltwater wetland. Human manipulation is what has compromised the lagoon. We should be focused on restoring saltwater marshes rather than trying to artificially maintain a freshwater lagoon.

In conclusion, we support the EIR's recommendation to return Buena Vista Lagoon to its natural, saltwater state and hope that the SANDAG board will vote for that option.

Sincerely,

Paige DeCino
Board member, Preserve Calavera

5020 Nighthawk Way, Oceanside CA 92056
www.preservecalavera.org
Nonprofit 501(c)3 ID #33-0955504

LETTER 59 PRESERVE CALAVERA

P59-1 This comment expresses support for the Saltwater Alternative and provides multiple reasons for support of this alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P59-1

**LETTER 60
DERRICK L. JONES**

From: Mr. Derrick L. Jones [<mailto:dliheidelberg@hotmail.com>]
Sent: Friday, February 09, 2018 11:15 PM
To: Posada, Michelle; Lero, Tessa
Cc: Marco Polo
Subject: Keep the Buena Vista Lagoon a fresh water lagoon

Dear Michelle, Dear Tessa,

I am a resident of the Sandpiper Cove (Oceanside) and my property borders the Buena Vista Lagoon. I have lived here since 1997 (21 years).

One of the main reasons as to why I purchased a home here was the fresh water lagoon and the eco system that has been in place for many years now.

It simply makes no sense to kill off the existing wildlife that currently thrives in and around this lagoon, be it native or otherwise by eliminating the current fresh water in place.

I am urging you to vote in favor of keeping this a fresh water lagoon. I cannot imagine it being anything other than that. I am hoping that you will support my voice in this extremely important matter.

I look forward to the day when the Buena Vista Lagoon will be cattail free and have an abundance of water again.

Thanking you in advance for your time and for all you do for the State of California.

Kindest regards,

Derrick Jones.

South Oceanside

P60-1 This comment expresses support for the Freshwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

Wildlife impacts can be found in EIR Section 3.5.3. As described in the EIR, some wildlife species would continue to utilize the lagoon under saltwater conditions and some species would not persist in the saline environment. As described in Response to Comment 12-15 in the FEIR, it is anticipated that an increased range of species could be supported in the more diverse habitat distribution that would result from the Saltwater Alternative.

P60-1

North County Advocates

7668 El Camino Real, Suite 104-258, Carlsbad CA 92009

Feb. 13, 2018

TO:
SANDAG Board of Directors
401 B Street, Suite 800
San Diego CA 92101

RE: Buena Vista Lagoon Enhancement Project Adoption Agenda Item 12

Dear SANDAG Board of Directors:

Thank you for this opportunity to comment.

North County Advocates is a nonprofit Public Benefit Corporation which has the purpose of protecting the environment, public health and welfare through reducing, minimizing and mitigating the environmental and traffic impacts of development in the northwestern part of San Diego County.

We write in support of the Jan. 24, 2018 Letter of Comment concerning this project submitted by the Batiquitos Lagoon Foundation and to incorporate by reference that letter and any and all other letters of comment submitted for this project. We wish to be added to the long list of organizations, including the California Coastal Commission and the California Department of Fish and Wildlife, who back the saltwater alternative.

The saltwater alternative is far superior to ensure the normal tidal flushing needed to maintain a more diverse ecosystem and to provide more protection for endangered species.

We urge you to support your staff's recommendation to adopt the saltwater alternative, which was documented as being the best solution scientifically. Consider the facts, not just the emotions of a few stakeholders who may not fully understand how enhancing and restoring the natural state of the Buena Vista Lagoon ultimately benefits them too.

Thank you for your careful consideration.

Sincerely,

Dr. Howard Krausz
President, North County Advocates

Ct: Terry Sinnott
Executive Director, SANDAG

Ct: Keith Greer
BV Lagoon project manager

LETTER 61 NORTH COUNTY ADVOCATES

P61-1 This comment expresses support for the Saltwater Alternative and provides multiple reasons for support of this alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P61-1



Buena Vista Audubon Society
P.O. Box 480
Oceanside, CA 92049

LETTER 62
BUENA VISTA AUDUBON SOCIETY

- P62-1 This comment provides background regarding the health of the lagoon and past studies on this topic.
- P62-2 The comment summarizes components of the Saltwater Alternative as elaborated on in Chapter 2 of the EIR.

February 19, 2018

--Delivered Via E-Mail--

San Diego Association of Governments
401 B Street, Suite 800
San Diego, California 92101

Dear Honorable Chairperson and Members of the SANDAG Board of Directors,

Since the mid-1970s, the Buena Vista Lagoon has suffered declining water quality, accelerating sedimentation, and diminished biological productivity as a result of urbanization and impacts related to the embankments, bridges, and weir constructed within the lagoon. A baseline study of eutrophication and nutrient cycling in Buena Vista Lagoon prepared in response to a monitoring order in 2010 concluded that episodes of low dissolved oxygen and the high biomass of phytoplankton and macro-algae in the inner basins of the lagoon were symptoms of a high level of eutrophication, justifying its classification as an impaired water body under the Clean Water Act. The concluding recommendation of that study was to increase flushing and circulation within the lagoon to decrease detention of fine-grain sediments and decrease water residence time. Intertidal habitats should be favored over subtidal habitats.

This was not considered earth-shaking news for those who had been concerned about the health of the lagoon. Unfortunately, dense cattail thickets, proliferating mosquitos, summer fish die-offs, and seasonal flooding have increasingly defined the state of the lagoon in recent years. Restoration or enhancement of the Buena Vista Lagoon has now been the subject of detailed study for at least 20 years. BVAS wrote its first position paper on this project in 2003, calling for approval of a plan that would restore the lagoon to a coastal saltwater estuary and saltwater marsh system with tidal influence. All of the technical studies over the years have concluded that the saltwater alternative would best meet the stated objectives of the BVL Enhancement Project.

The BVL Enhancement Project final EIR is now being presented to the SANDAG Board of Directors with a staff recommendation for approval of the saltwater alternative. This preferred alternative would remove the weir at the mouth of the lagoon, dredge out a widened channel connecting the ocean to the RR basin, dredge out the Weir basin (owned by the St. Malo's Homeowner's Association) to make it sub-tidal and open water, and dredge and reconfigure the remaining basins and channels of the inner lagoon to support a coastal saltwater estuary/marsh with a tidal flushing regime. The RR trestle would become double-tracked and wider-spanned, the South Coast Hwy. would be raised and the bridge culvert widened, and the I-5 Hwy. bridge would be widened. Public access aspects of this proposed preferred alternative would include a pedestrian bridge at the inlet to the lagoon to facilitate north-south pedestrian traffic along the beach, and a boardwalk along the east side of South Coast Hwy. to provide a safe pedestrian connection between the BVAS Nature Center on the north side of the lagoon in Oceanside and Maxton Brown Park on the south side in Carlsbad. The boardwalk and an additional

P62-1

P62-2

proposed view deck on the RR Basin with access provided by a trail along the recently-acquired BVAS Wetlands Reserve property would provide opportunities for public wildlife viewing and fishing access.

Benefits of the saltwater alternative over the freshwater alternative include:

Maximizes overall species diversity, including marine species that require an estuary for a portion of their life cycle
Maximizes protection of endangered species
Provides greatest habitat value per dollar
Enhances coastal saltwater wetlands, one of our most endangered habitats
Best addresses community goals of mosquito abatement, cattail reduction, and beach sand replenishment
Offers best opportunity for project implementation through mitigation funding
Provides best means to address water pollution issues and meet obligations imposed by the Regional Water Quality Board pursuant to requirements of the Clean Water Act.

Long ago, state and local authorities allowed the sand berm across the wide mouth of the Buena Vista Lagoon to be widened and stabilized and allowed to be developed as an exclusive housing enclave. The mistake was compounded when the State Lands Commission did not claim the State's ownership of the westernmost basin of the lagoon as was its right under the State constitution, and instead allowed a claim of private ownership of this lagoon basin. These historical incidents provide the context in which a small group of private landowners are now attempting to impose their will on the ultimate fate of the 220-acre Buena Vista Lagoon State Ecological Reserve. State officials and restoration planners have made a sincere effort to design a project that accommodates the concerns of this small group of land owners at the mouth of the lagoon, while still providing a project that meets the environmental and societal objectives of the restoration of the State's first Ecological Reserve. The conclusions of all the studies showing that a saltwater enhancement project would best meet every public goal and objective set forth for this project are indisputable. Nevertheless, the landowner group remains insistent that a freshwater lagoon enhancement project undertaken at public expense is the only alternative they will accept.

Buena Vista Audubon is an important stakeholder in the fate of the Buena Vista Lagoon. It has operated the Audubon Nature Center on the north shore of the lagoon since 1987, hosting and educating over 300,000 visitors with nature programs, educational displays, and tours of the lagoon. In 2016, BVAS was able to purchase a 3.5-acre parcel of land across the street from the Nature Center, with over 200 local residents contributing funds to help preserve this last-remaining undeveloped parcel of privately-owned land adjacent to the lagoon. BVAS has announced its intention to have this land restored to native habitat and incorporated within the Buena Vista Lagoon Ecological Reserve. This is what civic-minded citizens do in an effort to preserve our community's natural heritage and safeguard our quality of life.

It's time for our public officials to recognize and act upon an overwhelming public interest by approving an enhancement project that returns the Buena Vista Lagoon to its historic role as a coastal saltwater estuary and marshland.

Sincerely,

Andrew Mauro, Director
Buena Vista Audubon Society

↑
P62-2
cont

P62-3 The comment lists benefits of the Saltwater Alternative over the Freshwater Alternative as perceived by the commenter.

P62-4 The comment provides commentary on the weir and sand berm currently in place and the private landowners. Please see Master Response #2 in the FEIR regarding private property.

P62-3

P62-5 The comment discusses the Buena Vista Audubon Society's position as a stakeholder in the project and expresses support for a saltwater lagoon enhancement project.

P62-4

P62-5

SANDAG

02-21-18A11:48 RCVD

RE: Alteration and Improvements to Buena Vista Lagoon, Carlsbad CA

I am a resident of Carlsbad, and my property borders the eastern edge of Buena Vista Lagoon, west of the 5 Freeway. My family and I are opposed to the suggested salt water alternative.

Reasons:

- The salt water alternative is an extremely expensive EXPERIMENT, with no guarantee of providing the results of increased species variation and water flow, as is admitted in the EIR.

- The species variation between fresh and salt water is highly subjective, not based upon scientific facts. It is an arbitrary figure.

- The agency governing the maintenance of the Lagoon should be disqualified from further actions, due to dereliction of duty. They have done almost nothing to ensure the health or upkeep of the Lagoon during the past 30 years. During which time the siltation and 'cat-tail' encroachment has reached a critical proportions. Now, Fish and Wildlife suddenly wants to rush in with an engineering plan that at best only works on paper, costing many millions of dollars.

- Mosquitoes and Odor: we hike the Carlsbad trails around the Batiquitos Lagoon. The extreme eastern edge of the Lagoon will resemble what the saltwater alternative will do to Buena Vista. We have to carry DEET and other bug spray on that trail when the tides are low. There are many mosquitoes prevalent. And the 'low tide smell' can be off-putting.

We suggest a CAUTIOUS APPROACH: keep the fresh water, cut back the 'cat-tail' encroachment.

Proceeding with the least expensive measures first would be a better use to taxpayer monies.

Thank you.

Allan J. Wanamaker
2399 Jefferson Street, 14
Carlsbad, CA 92008

LETTER 63
ALLAN J. WANAMAKER

- P63-1 The comment expresses opposition to the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P63-2 SANDAG acknowledges there is no guarantee of a specific number of saltwater species successfully populating the lagoon, and the EIR does not make such a statement. SANDAG does not agree that the Saltwater and Hybrid Alternatives are experimental. The anticipated successful conversion of the lagoon to a saltwater system as described throughout the EIR is based on scientific information and expert opinion and design, as well as previous enhancement/restoration projects. See Responses to Comments 12-5, 12-14, and 12-21 in the FEIR.
- P63-3 See Response to Comment P63-2 regarding the species variation anticipated.
- P63-4 SANDAG does not have authority to "disqualify" an agency from jurisdictional responsibility as suggested by the comment.
- P63-5 The comment describes conditions at Batiquitos Lagoon. Please see Response to Comment P11-7 regarding mosquitos and Master Response #6 in the FEIR addressing odor.
- P63-6 The comment expresses a preference for freshwater. Please see Response to Comment P21-5 regarding costs and implementation.

February 15, 2018

To SANDAG Board of Directors

02-21-18A11:48 RCV0

I am opposed to the planned Salt Water Alternatives(SWA) proposed for the Buena Vista Lagoon.

As stated in the EIR, the SWA seeks (not guarantees) to provide more species diversity. However, in reading the proposal, the following is stated:

"as the state's first Ecological Reserve, acknowledging the lagoon's significance as a home to a diverse range of plant and animal species." And this under a history of fresh water subsistence.

Given that Buena Vista is the last and only fresh water lagoon in Southern California, how can regime change provide MORE species than the 5 other salt water lagoons already provide? Don't we need the diverse species that fresh water provides also?

Thank you for your consideration,



Barbara R. Wanamaker
2399 Jefferson Street, #14
Carlsbad CA 92008-2309

LETTER 64
BARBARA R. WANAMAKER

- P64-1 The comment expresses opposition to the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P64-2 SANDAG acknowledges there is no guarantee of a specific number of saltwater species successfully populating the lagoon, and the EIR does not make such a statement. See Responses to Comments 12-5, 12-14, and 12-21. Please see Master Response #4 in the FEIR regarding the freshwater lagoon resource. Section 3.5 of the EIR describes the current freshwater species known to the lagoon and also provides description of the ecological diversity anticipated with the conversion to a saltwater system. A functioning, healthy saltwater ecosystem would be created and monitored via adaptive management (as described in EIR Section 2.9.3), providing high-quality, suitable habitat and suitable hydrologic conditions and this would allow for successful biological diversity to establish throughout the lagoon ecosystem.

P64-1

P64-2

LETTER 65
SALLY RORICK-ORLANDO

From: Rick & Sally Orlando [<mailto:rorlando@cox.net>]
Sent: Monday, March 12, 2018 4:02 PM
To: Lero, Tessa <Tessa.Lero@sandag.org>
Subject: Buena Vista Lagoon Enhancement Project

Friends — I want to write to you to tell you that I support the Saltwater Alternative for the Buena Vista Lagoon.

The reasons are many, but suffice it to say that it is important to restore the coastal salt marsh — it will reduce the mosquito population, it will maximize species diversity and improve the water quality.

I know this will be objected to by the wealthy residents of San Malo and their high power lawyers, but I urge you to support the 99 % of the population who will benefit from this action, and not cave to the rich 1%. Please, for the future of our environment, I urge you to support the Saltwater Alternative for the Buena Vista Lagoon.

Thank you,

Sally Rorick-Orlando

P65-1 The comment expresses support for the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P65-1



CITY OF OCEANSIDE

DEVELOPMENT SERVICES DEPARTMENT

March 15, 2018

Keith Greer, Principal Regional Planner
San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101

Subject: Buena Vista Lagoon Restoration Project

VIA E-MAIL: keith.greer@sandag.org

Dear Mr. Greer,

As you are aware, the Oceanside City Council has not taken an official position on the alternatives being considered for the Buena Vista Lagoon Restoration Project. However, following a thorough review of the draft EIR associated with the project, Oceanside staff believes that the saltwater alternative is superior as it has the highest likelihood of achieving the project's primary objectives and appears to be the only financially viable restoration alternative. Staff does, however, share concerns raised by some residents of the adjacent St. Malo community regarding impacts associated with the proposed pedestrian bridge that would allow continual lateral access across the proposed tidal inlet. As a result, City staff formally requests that the SANDAG Board adopt the following amended language to Mitigation Measure Land Use – 1 to read as follows:

"Land Use -1: The project proponent shall provide north-south lateral access for beach users in a manner that provides for safe pedestrian access across the proposed tidal inlet. Such access shall be provided at a height above the calculated high tidal and flood flows. The means of lateral access shall be designed and constructed in a manner that is acceptable to all responsible permitting agencies. Should a pedestrian bridge adjacent to the St. Malo community be determined to be the only viable alternative, it shall be designed in consultation with City of Oceanside staff in order to ensure that potential negative aesthetic, security and privacy impacts upon the adjacent residences are minimized. The accepted form of lateral access shall be provided prior to opening the tidal inlet."

Please do not hesitate to contact me should you have any questions regarding this request.

Sincerely,

Jonathan E. Borrego, AICP

Development Services Director

C: Michelle Skaggs Lawrence, City Manager
Deanna Lorson, Assistant City Manager

LETTER 66 CITY OF OCEANSIDE

- P66-1 The comment expresses support for the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P66-2 The comment requests revised language for Mitigation Measure Land Use-1. SANDAG acknowledges the points made in the proposed mitigation language regarding working with the permitting agencies to find an acceptable design for the lateral pedestrian access that adequately addresses aesthetics, security, and privacy of adjacent residences. As a responsible agency under CEQA, SANDAG is committed to working with the Cities of Oceanside and Carlsbad to find a solution to maintain safe, legal lateral beach access consistent with the cities Local Coastal Program as part of SANDAG's future Coastal Development Permit that will be required from the California Coastal Commission. SANDAG does not find it necessary to revise the mitigation language at this stage in the CEQA process, but the SANDAG Board of Directors could formalize this approach as part of a resolution when staff seeks policy direction on the proposed project

P66-1

P66-2

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



March 20, 2018

Board of Directors
San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101

Subject: Comments on the Final Environmental Impact Report for the Buena Vista Lagoon Enhancement Project

Dear Esteemed Board Members:

Commission staff appreciates the opportunity to provide additional comments on the above-referenced environmental document. Staff has previously provided detailed comments regarding the proposed restoration of Buena Vista Lagoon that were submitted to SANDAG in September of 2015. These comments are included for reference as Attachment A.

The proposed project is located at the boundary between the Cities of Carlsbad and Oceanside and within Buena Vista Lagoon. Portions of the proposed project are located in areas of the Commission's retained jurisdiction and will require a Coastal Development Permit (CDP) from the Coastal Commission. Additionally, the restoration site is identified as a specific project within the Restoration and Enhancement Mitigation Program (REMP) of the North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program (NCC PWP/TREP) that was approved by the Commission in August, 2014. As a result, the proposed project must also be designed to be consistent with the parameters identified in the REMP in order to ensure consistency with this larger NCC program.

The intent of this letter is to reiterate staff's position regarding the preferred alternative for restoration of Buena Vista Lagoon. Staff's position remains that the Saltwater Alternative is the environmentally superior alternative. The Saltwater Alternative maximizes benefits to water quality and biological resources while minimizing flooding and vector problems. Additionally, the Saltwater Alternative is the alternative that achieves the most project objectives. The Saltwater Alternative will also provide the greatest opportunity to increase estuarine habitat, a highly limited and therefore desirable coastal resource, within the Coastal Zone of San Diego County.

Additionally, it is staff's position that the Saltwater Alternative is the alternative that is consistent with both the Coastal Act and the NCC PWP/TREP. The restoration of Buena Vista Lagoon is listed as a project under the NCC PWP/TREP's REMP and the Saltwater Alternative is the design that will provide the level of restoration benefits envisioned by the REMP. Thus, it is unlikely that the other alternatives would be able to be used as

LETTER 67
CALIFORNIA COASTAL COMMISSION

P67-1 The comment reiterates the California Coastal Commission position provided in their first comment letter in support of the Saltwater Alternative and restates that the Saltwater Alternative is considered consistent with the Coastal Act and NCC PWP/TREP. Please see Comment Letter 2 in the FEIR Response to Comments for responses to the first California Coastal Commission comment letter (included as Attachment A to this letter).

P67-1



mitigation for impacts associated with the NCC PWP/TREP projects due to inconsistencies with the REMP provisions. Furthermore, the Saltwater Alternative is the least environmentally damaging alternative and is the alternative that provides enough restoration potential to be considered a permitted use under the Coastal Act. Therefore, we again recommend that the Saltwater Alternative be selected as the preferred alternative to ensure consistency with the Chapter 3 policies of the Coastal Act and the REMP requirements of the NCC PWP/TREP.

Thank you again for the opportunity to provide additional comment on the proposed Enhancement Project. This letter (including attachments) contains our comments at this point; however, additional comments and review will be provided as the restoration project continues to develop. If you have any questions or require further clarification, please do not hesitate to contact Kanani Leslie or myself at the above office.

Sincerely,



Toni Ross
Coastal Program Analyst II

Cc:
Karl Schwing, Coastal Commission
Gabe Buhr, Coastal Commission
Kanani Leslie, Coastal Commission
Keith Greer, SANDAG
Matt Hall, Mayor of Carlsbad
Peter Weiss, Mayor of Oceanside

↑
P67-1
cont

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

Attachment A

September 1, 2015

Lauren Washington
Environmental Planner II
San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101

Subject: Comments on the Draft Environmental Impact Report for the Buena Vista
Lagoon Enhancement Project

Dear Ms. Washington,

Commission staff appreciates the opportunity to review and provide comment on the above-referenced environmental document which was received by our San Diego District Office on July 15, 2015. We offer the following initial comments regarding the draft Environmental Impact Report (DEIR), dated July 2015, for the proposed Buena Vista Lagoon Enhancement Project (Enhancement Project). The policies of the Coastal Act should be incorporated into the environmental review of any development that would either directly or indirectly affect the resources of the California Coastal Zone. Additional and more thorough project review will be provided as part of ongoing environmental review and the future Coastal Development Permit (CDP) process.

The proposed project is located at the boundary between the Cities of Carlsbad and Oceanside in northern San Diego County and within Buena Vista Lagoon, a coastal, freshwater lagoon fed by Buena Vista Creek, which drains approximately 20 square miles of the Buena Vista Watershed into the Pacific Ocean. Portions of the proposed project are located in areas of the Commission's retained jurisdiction and will require a CDP from the Coastal Commission. The subject restoration site is also identified as a specific project within the Restoration and Enhancement Mitigation Program (REMP) of the North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program (NCC PWP/TREP) that was approved by the Commission in August 2014. As a result, the proposed project must also be designed to be consistent with the parameters identified in the REMP in order to ensure consistency with this larger NCC program.

The stated purpose of the Enhancement Project is to enhance the biological and hydrological functions and recreational values of Buena Vista Lagoon by addressing increased sedimentation and invasive vegetation encroachment, as well as resulting declining coastal biodiversity, degrading water quality, water circulation restriction, and increased vector concerns. To achieve these objectives, the Enhancement Project would consist of the following components: 1) enhancement in all lagoon basins, 2) vegetation removal and/or management to increase circulation/decrease vectors, 3) infrastructure improvements where appropriate to increase circulation while not increasing the risk of

flooding, 4) improvements to public access by construction of recreational amenities, where possible, including an elevated pedestrian boardwalk and fishing access, and 5) adaptive management strategies to maintain enhanced functions of the lagoon into the future.

A preferred alternative was not identified in the DEIR; however, of the alternatives analyzed (Freshwater Alternative, Saltwater Alternative, Hybrid Alternative with an Option A and Option B, and No Project Alternative), we support the selection of the Saltwater Alternative as the preferred alternative. The Saltwater Alternative maximizes the benefits to water quality and biological resources while minimizing flooding and vector problems. The Saltwater Alternative also achieves more of the project objectives than the Freshwater, Hybrid, and No Project Alternatives. Finally, there are few opportunities to increase native, estuarine habitat within the Coastal Zone of San Diego County and the Saltwater Alternative achieves this to a greater extent than any of the other alternatives.

Based on comparison of the alternatives in Chapter 4 of the DEIR, the Saltwater Alternative would provide the most benefits. Under the Saltwater Alternative, water elevations would be reduced more than under the Freshwater Alternative in all basins during all storm events, and the 100-year storm event floodplain would be reduced the greatest of all the alternatives. The Saltwater Alternative would provide beneficial impacts to water and sediment quality by improving lagoon-wide circulation, providing tidal exchange, and reducing existing sedimentation. Water residence times – in dry and wet weather – would be reduced most under the Saltwater Alternative. In addition, the Saltwater Alternative would have the largest biological benefit by converting the lagoon to a marine system open to tidal action which would result in a healthier benthic community and more foraging opportunities for birds, as well as support native salt marsh habitats and species. Threatened and endangered species (i.e., snowy plover, Ridgway rail, Belding's Savannah sparrow) would also have the largest nesting area under the Saltwater Alternative, with an increase of 61.5 acres of suitable nesting habitat over existing conditions. Native saltwater fish species would have access to the lagoon through the open inlet, and would also benefit from the creation of deep water habitat areas through new and improved spawning and rearing habitat, resulting in long-term beneficial effects on the stability and sustainability of native fish. Finally, the Saltwater Alternative would result in the greatest benefit in terms of vector control from the conversion of the lagoon to a tidally influenced system with no circulation issues.

The Freshwater Alternative, Hybrid Alternatives, and No Project Alternatives do not offer the same level of benefits as the Saltwater Alternative; thus, we would not support any of these other alternatives. All of these alternatives include retention, replacement, or addition of new weir structures. However, Section 30233 of the Coastal Act only allows diking, filling, or dredging of open coastal waters, wetland, and estuaries where there is no feasible less environmentally damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and is limited to very few purposes, of which the only one that would pertain to the proposed Enhancement Project is "restoration purposes." In this case, a less environmentally

damaging alternative exists in the Saltwater Alternative and the other alternatives do not provide enough restoration to be considered a permitted use under the Coastal Act. Furthermore, the Enhancement Project is listed as a project under the NCC PWP/TREP's REMP and none of the alternatives, except the Saltwater Alternative, provide the level of restoration benefits envisioned by the REMP. Thus, these other alternatives would not be able to be used as mitigation for impacts associated with the NCC PWP/TREP transportation infrastructure projects due to inconsistencies with the REMP provisions. The Freshwater and Hybrid Alternatives would also require greater maintenance and adaptive management activities than the Saltwater Alternative. Both the Freshwater and Hybrid Alternatives would require periodic vegetation removal of the remaining cattail and freshwater marsh areas for vector control. The Saltwater Alternative would reduce the need for vegetation removal as some areas currently dominated by cattails would be allowed to transition naturally with the addition of brackish waters. In addition, although the DEIR states that maintenance of sediment is anticipated to be required as a part of the Freshwater Alternative, the Enhancement Project does not include additional sediment removal as part of the alternative due to the "variable and difficult to predict nature of sediment patterns and storm events." However, the Final EIR should include some estimate of the frequency and amount of sediment removal that may be required for the Freshwater Alternative. Omission of this important maintenance component, even if speculative, does not give a full picture of the costs and impacts associated with this alternative.

Sections 30210 and 30212 of the Coastal Act encourage the provision of new public accessways to and along the coast, such as the pedestrian boardwalk proposed parallel to Carlsbad Boulevard. However, the proposed boardwalk should be designed and sited in a manner that avoids adverse impacts to sensitive habitat and wildlife that reside in and adjacent to the lagoon. As presently proposed, the boardwalk would be located 20 ft. from the edge of pavement on Carlsbad Boulevard; however additional analysis is recommended to determine whether the boardwalk could be pulled back slightly, closer to Carlsbad Boulevard, to provide a greater buffer to the lagoon and to further minimize potential impacts to fragile coastal resources while still providing an enhanced pedestrian accessway across the lagoon. In addition, it should be engineered to optimize the circulation of water and sediment underneath the boardwalk.

The new 100-ft. wide open inlet area proposed as part of the Saltwater and Hybrid Alternatives would likely be inaccessible or unsafe for beachgoers to cross during certain tidal and storm conditions. Therefore, we support Mitigation Measure Land Use-1 to construct a pedestrian bridge that spans the proposed tidal inlet at a height above the calculated high tidal and flood flows to provide north-south lateral access for beach users. With implementation of this mitigation measure, safe public access would be available across the proposed inlet and the impact to public access would be reduced to less than significant. However, this pedestrian bridge over the inlet should be designed and sited in a manner that takes into account future sea level rise.

The initial restoration of the lagoon has the potential to generate between 562,000-833,000 cu. yds. of sediment through dredging operations. Various options are available

for disposal or reuse of that material (e.g., offshore ocean disposal, placement on the beach or nearshore, and reuse on-site), depending on the characteristics. The Commission encourages the placement of sand on local beaches, assuming it is suitable and compatible with the sand at the disposal site, as it provides a low-cost public access and recreational amenity on the coast; however, the project proponents should coordinate closely with the local entities and U.S. Army Corps of Engineers to avoid adverse impacts associated with multiple, long-term beach nourishment projects. Although the proposed materials placement sites have been identified based on previously authorized projects (2001 and 2012 RBSPs), given the potential for adverse impacts associated with the placement of sand in proximity to sensitive coastal resources (e.g., near-shore reef systems, marine protected areas, surf breaks), long-term monitoring would be required. Furthermore, consideration will need to be taken regarding the timing of these proposed sand placement activities in order to avoid or minimize impacts to coastal resources and recreation.

Design recommendations from the San Diego Association of Governments (SANDAG) Sea Level Rise Study (SANDAG 2013) are proposed to be incorporated into pile foundation and abutment protection engineering for bridgework; however, the Coastal Commission's Sea Level Rise Policy Guidance document that provides an overview of best available science on sea level rise for California and recommended steps for addressing sea level rise in Coastal Commission planning and regulatory actions should be consulted as well when designing the Carlsbad Boulevard bridge replacement and the parallel boardwalk.

The DEIR discusses the coordination of phasing with the approved NCC PWP/TREP; however, efforts should be made to coordinate other aspects of the Enhancement Project with the construction of the new Interstate-5 bridge and double tracking of the rail corridor, including construction access, parking, and staging areas in order minimize temporal and spatial impacts on the lagoon environment.

The DEIR indicates that post-construction monitoring is proposed to continue for a period of 5 to 10 years following construction; however, for a project of this size and scope, a minimum of ten years of post-construction monitoring is appropriate, with additional years of monitoring, if necessary, to meet project success criteria. During the development of performance standards for the Enhancement Project, the REMP should be consulted in the determination of baseline performance standards. Any future CDP submittal for the subject restoration plan should include a fully developed monitoring plan and also identify that a sufficient endowment has been established in order to fund ongoing maintenance and monitoring activities.

Thank you again for the opportunity to provide review and comment on the proposed Enhancement Project. As mentioned previously, this letter contains our preliminary comments; however, additional and more thorough project review will be provided as this significant lagoon restoration project continues to develop. If you have any questions or require further clarification, please do not hesitate to contact Gabe Buhr or myself at the above office.

Buena Vista Lagoon Enhancement Project
September 1, 2015
Page 5

Sincerely,

A handwritten signature in black ink, appearing to read 'KB' followed by a stylized surname.

Kanani Brown
Coastal Program Analyst III

Cc (copies sent via e-mail):

Deborah Ruddock, California Coastal Conservancy
Susan Wynn, U.S. Fish and Wildlife Service
Eric Chavez, National Marine Fisheries Service
Tim Dillingham, California Department of Fish and Wildlife
Stephanie Hall, U.S. Army Corps of Engineers
Kim Smith, Caltrans
Michael Porter, Regional Water Quality Control Board

**LETTER 68
SIERRA CLUB**



March 22, 2018
SANDAG
401 B St #800
San Diego, CA 92101

Dear SANDAG Board of Directors :

This letter is submitted on behalf of the Sierra Club North County Coastal group (NCCG). The Buena Vista Lagoon, like all of our coastal lagoons, is one of the treasures of north county. The plan to restore the lagoon has a long, complex and very expensive history that extends over 20 years.

Your decision on the restoration project is the critical next step to ensure that this priceless lagoon is in fact restored. The EIR for this project carefully considered a range of alternatives. These alternatives did not just receive cursory reviews.

There was substantive technical analysis. While not required as part of the CEQA analysis, there was also an economic analysis. The two cities, Carlsbad and Oceanside, that border the lagoon also considered these options. All of the technical studies over the years support the conclusion that the saltwater alternative best meets the project objectives, is the least environmentally damaging, and complies with permitting and funding requirements. Technical experts, the bordering cities, your staff, the vast majority of stakeholder groups and the Sierra Club NCCG all support the saltwater alternative.

Without restoration the Buena Vista Lagoon will continue to experience declining water quality, reduced biological diversity, and a rate of sedimentation deposit that will destroy the lagoon in our lifetimes. Public health risks from mosquitos, fish die-offs and flooding will increase. The technical studies make it clear that restoring tidal flushing is essential to protect the biological resources, hydrology and public health.

P68-1 This comment expresses support for the Saltwater Alternative and provides discussion and multiple reasons for support of this alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P68-1

The recommended saltwater alternative would remove the weir at the mouth of the lagoon, dredge out the western basin and a widened channel connecting the ocean to the basin, widen the railroad and I-5 Highway bridges, and address public access concerns. This saltwater alternative is preferred because it would:

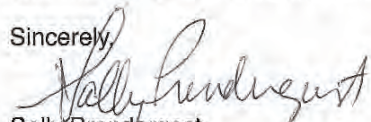
- Maximize overall species diversity, including marine species that require an estuary for a portion of their life cycle
- Maximize protection of endangered species
- Provide greatest habitat value per dollar
- Enhance coastal saltwater wetlands, one of our most endangered habitats
- Best addresses community goals of mosquito abatement, cattail reduction, and beach sand replenishment
- Offer best opportunity for project implementation through mitigation funding
- Provide best means to address water pollution issues and meet obligations imposed by the Regional Water Quality Board pursuant to requirements of the Clean Water Act.

P68-1
Cont

The special importance of this lagoon was recognized when it was designated as the Buena Vista Lagoon State Ecological Reserve. Ecological Reserves(ER's) are a very small percentage of state managed areas, but they are the most important to protect the biological diversity and coastal waters of our state. Claims by a small group of local residents are not comparable to the weight of scientific evidence and value of this area to all residents of the state, and visitors from across the country and around the world. This is a state ER- not a private pond.

We urge you to make your decision based on the facts, and the overall public good and adopt the saltwater alternative.

Sincerely,



Sally Prendergast

North County Coastal group, Sierra Club, Chair



Buena Vista Audubon
PO Box 480, Oceanside, CA 92049
www.bvaudubon.org

March 25, 2018

BUENA VISTA AUDUBON SOCIETY FAVORS THE SALT WATER ALTERNATIVE FOR BV LAGOON

Dear SANDAG Board Members,

Other speakers and letter writers from Buena Vista Audubon Society, along with many other knowledgeable citizens of North County, representatives of the wildlife and resource agencies and the cities of Oceanside and Carlsbad, and your own professional staff have presented you with the many valid reasons why salt water is a more responsible restoration/enhancement objective than fresh water. In this letter I would like to tell you about Buena Vista Audubon Society – who we are and what we do - and why you might wish to pay attention to the society's position on the restoration of Buena Vista Lagoon.

First and foremost, we are a broad-based organization which seeks to represent the public's interest on environmental issues in North County. Our 2000 member households come from Oceanside, Carlsbad, Vista, Bonsall, Fallbrook, San Marcos and all across the County. In contrast the small number of individuals advocating fresh water are mostly property owners around the lagoon, whose interests are represented by the Buena Vista Lagoon Foundation (with 136 members) and the St. Malo and North Carlsbad Beach Homeowners Associations. These few private landowners are trying to impose their will over the interests of the public. Let's remember that it is the public – the citizens of California – who are the owners of the 220 acre Buena Vista Ecological Reserve, established in 1969 as the first such reserve in the state.

Buena Vista Audubon Society began in 1951 as the coastal North County chapter of the National Audubon Society. Our members share a common interest in the natural environment of San Diego County and the wider world around us. We are a volunteer organization. Over 350 volunteers run our nature center and programs, with the help of three part-time staff: a membership coordinator, a lands manager and a nature center manager. Almost all our funds come from membership dues and donations. Our nature center, on the banks of Buena Vista Lagoon, was built in 1987 in partnership with the City of Oceanside and with the strong support of many local donors. Our Republican representatives in Sacramento, Assemblyman Bob Frazee and Senator Bill Craven, helped us obtain funds from the California Vanity License Plate Fund. Both the cities of Carlsbad and Oceanside have provided financial assistance over the years to support our nature center.

The goal of Buena Vista Audubon is conservation through education. From July 1 2016 to June 30 2017 a total of 5554 children participated in our volunteer-led nature education programs. During that year 7317 visitors came into our nature center from all over San Diego County, the United States, and ten foreign countries. We offer nature educational experiences for all ages: for special needs groups, elders, preschool nature story time, youth groups such as the Boy Scouts and Boys and Girls Clubs, elementary and secondary school students, and community groups. We offer regular birding field trips throughout

**LETTER 69
BUENA VISTA AUDUBON SOCIETY**

P69-1 This comment expresses support for the Saltwater Alternative and provides discussion and multiple reasons for support of this alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project. The comment goes on to provide background and information about the commenting organization.

P69-1

the County (the “birdiest” county in the USA with well over 500 species, a great attraction to visitors and tourists), natural history classes, and nature programs and lectures, usually at no cost to the public. Our Migrating Birders program arranges guided birding trips to distant locales, and we offer pelagic trips out at sea from Oceanside and San Diego Harbors.

Our monthly evening programs at the nature center delve into topics such as butterfly migration, tropical birding, and local raptors. We offer nature-themed special events each year, including the Birdhouse Auction, Endangered Species Day Open House, and Nature Summer camp. We publish a monthly newsletter for our members and maintain an informative website (www.bvaudubon.org).

We also encourage the preservation, restoration and enhancement of sensitive habitats within San Diego County. To that end, and with donations from hundreds and hundreds of local individuals, we purchased in January 2016 3.5 acres on the north shore of Buena Vista Lagoon, across Coast Highway from our nature center. Therefore Buena Vista Audubon Society now has a real, vested interest in the future of the lagoon. We have begun restoring this wetland property to its natural state and plan to incorporate our property into the existing Buena Vista Ecological Reserve, administered by the California Department of Fish and Wildlife.

Now we have a problem at Buena Vista Lagoon. We can hardly see the lagoon anymore from our nature center! Freshwater cattails and reeds have blocked our view, trapping sediment around their roots and rapidly transforming our lagoon into a marshy meadow. Our nature education programs are in jeopardy.

Bodies of freshwater in San Diego County are not in jeopardy. Our water storage reservoirs offer far more freshwater habitat than ever existed naturally in our county. It is coastal estuaries open to the tides that are in danger. More than 95% of California’s coastal wetlands have been lost to development. The Saltwater Alternative for the enhancement of Buena Vista Lagoon, though initially more expensive than the other alternatives, will be much cheaper to maintain and much more effectively reduce sedimentation, vectors that carry West Nile and Zika viruses, and problems of water quality such as eutrophication.

A lagoon open to the ebb and flow of the tides will provide critical habitat to more species of birds, including some in danger of extinction. A lagoon open to the ocean will provide fishermen with many species of native saltwater sport fish. Finally, a saltwater lagoon will provide the public with the opportunity to fully enjoy its very own Buena Vista Ecological Reserve and the programs offered by Buena Vista Audubon Society, the trusted voice for nature education in North County for the past 67 years.

Respectfully yours,

Dennis Huckabay
Past President and current Vice President
Buena Vista Audubon Society



P69-1
cont

P69-2

P69-3

P69-4

P69-5

- P69-2 The comment describes the blocked views from the adjacent Nature Center due to freshwater cattails. Vegetation removal, including the removal of cattails, is described for each alternative in Section 2.6 and within Table 2-4 of the EIR.
- P69-3 Please see FEIR Master Response #4 in the FEIR regarding the freshwater lagoon resource.
- P69-4 SANDAG is aware of the estimated costs of each alternative and has published those costs on the project Website. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. The EIR addresses mosquito and vector control in Section 3.15 and evaluates each alternative’s effectiveness in reducing the public health and safety risk associated with mosquito-borne diseases. Please see Response to Comment 65-3 regarding mosquitoes and vectors.
- Please see Response to Comment P11-7 regarding the reduction in vector breeding conditions that would be achieved by the Saltwater Alternative. Section 3.4 of the EIR addresses water quality issues, including eutrophication.
- P69-5 Section 3.5 of the EIR describes the current freshwater species known to the lagoon and also provides description of the ecological diversity anticipated with the conversion to a saltwater system. A functioning, healthy saltwater ecosystem would be created and monitored via adaptive management (as described in EIR Section 2.9.3), providing high-quality, suitable habitat and suitable hydrologic conditions and this would allow for successful biological diversity to establish throughout the lagoon ecosystem. Recreational fishing opportunities anticipated under each alternative are described in Section 3.1 of the EIR.



**League of Women
Voters**
North County San Diego

San Diego Association of Governments
Board of Directors
401 B Street, Suite 800
San Diego, California 92101

March 28, 2018

RE: Buena Vista Lagoon Enhancement Project

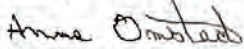
Dear SANDAG Board of Directors,
I am writing on behalf of League of Women Voters North County San Diego in support of the saltwater alternative for the Buena Vista Lagoon Enhancement Project. The League of Women Voters supports policies that assure the future availability of essential resources and which promote the conservation and stewardship of our natural resources. We support the management of natural resources as interrelated parts of life-supporting ecosystems. Of the four options considered for the Buena Vista Lagoon, we believe that the saltwater alternative best fulfills these goals.

After many years of study and the input from multiple agencies, local government, and community and environmental groups, the US Fish & Wildlife Service, the California Coastal Commission, and SANDAG staff, have all also concluded that the saltwater alternative is the best approach.

An informed decision by the SANDAG board in support of the saltwater option will insure that the Buena Vista Lagoon, California's first Ecological Reserve, will survive and thrive with improved water quality, flood control and habitat preservation. Ignoring an informed option could lead to the loss of a natural habitat and the creation of a mosquito breeding ground that will become a public health and safety problem and a testament to civic inaction.

We encourage you to take action to promote the wise management of the Lagoon and heed the advice of a community member who may have said it best "*Almost all the studies come up with the same conclusion ... that restoration to a saltwater marsh maximizes the benefits to the community*".

Thank you for your consideration,


Anne Omsted, President
League of Women Voters
North County San Diego (LWVNCSD)


Lori Thiel, President
League of Women Voters San Diego

P. O. Box 131272 • Carlsbad, CA 92013-1272 • 760.736.1608 • www.lwvncsd.org
The League of Women Voters North County San Diego is a nonprofit and tax exempt organization as defined in Section 501(c)(3) of the IRS Code. Federal ID # 95-3389795.

LETTER 70
LEAGUE OF WOMEN VOTERS

P70-1 This comment expresses support for the Saltwater Alternative and provides discussion and multiple reasons for support of this alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P70-1

From: [Gloria Carranza](#)
To: [Greer, Keith](#)
Subject: Buena Vista Lagoon
Date: Sunday, April 22, 2018 8:19:00 PM

Dear Mr. Greer:

My husband and I have lived, raised our family and owned a business in Carlsbad for over 33 years. I grew up in Oceanside and as a child in the 1950s I remember camping in the Carlsbad forest adjacent to the Buena Vista Lagoon with my Girl Scout troop. Although I was just a baby in the 1940s when Saint Malo was developed and the weir was constructed, there is no doubt in my mind that this is what commenced the Lagoon's downward spiral and has transformed it into what it is today. Saint Malo and the weir's construction has not allowed fresh saltwater to enter the Lagoon and the area's dynamic equilibrium has been slowly destroyed.

One only has to look at the Lagoon from any vantage point to see that it is being strangled with reeds and stagnate water abundant with mosquitoes and other vectors. On the corner of Jefferson Street and Marron Road, there was a duck and bird observation area that no longer exists, much to the sadness of children, bird watchers, and visitors to the area. The lagoon was a treasure and it still can be a treasure, but it is in dire need of help. A statement in the EIR really hits home: "Without enhancement, the lagoon is expected to become a vegetated freshwater marsh or riparian woodland meadow within the next 30 to 50 years." While most likely I will not be around in 30 to 50 years, I would like to say that I was a voice that spoke up to change this downward cycle to restore the natural and biological balance of the Lagoon and to stop its progressive degradation.

I have read the Buena Vista Lagoon Enhancement Project Draft EIR that was written to assess the potential environmental impacts of the various alternatives to the Lagoon. While I am certainly not an expert I sincerely believe that the best option for the Lagoon would be to allow fresh salt water from the Pacific Ocean to flow into the Lagoon so that there is a natural tidal flush of the wetlands. I believe that this would be very similar to other lagoons up and down our coastline from the northern borders of San Diego County to Torrey Pines State Beach. Something must be done soon to address the accumulation of sedimentation and the over-abundance of reeds and other non-native vegetation that is choking the Lagoon.

Something must be done soon to address the growing mosquito problem and the possible diseases that these and other vectors carry to neighboring areas. Pesticides and continuous spraying are not the solution. I know that there are numerous agencies involved in the herculean efforts and a lot of money is needed if a true enhancement project is to move forward. Doing nothing to this treasure in my opinion is NOT an option. I believe that the best option would be the SALTWATER ALTERNATIVE: saltwater would naturally flow into the Lagoon and flush the surrounding area and rainwater flowing to the west would be able to flow out to the Pacific. I believe that this is how nature intended the lagoon to be; sadly man has changed the scheme of things and now we must pay dearly to mitigate the problems.

I trust that the powers that be will make the correct decision for future generations and the jewel that we have as residents of the area. Thank you very much for taking my thoughts into consideration. Sincerely,

Gloria Carranza
Carlsbad resident

Sent from my iPhone

LETTER 71 GLORIA CARRANZA

P71-1 This comment expresses support for the Saltwater Alternative and provides discussion and multiple reasons for support of this alternative. Please see Master Response #1 in the FEIR regarding alternative selection. As described in EIR Section 2.6.2, implementation of the Saltwater Alternative would include the removal of sediments to provide appropriate elevations throughout the lagoon basins to allow tidal flow. Vegetation removal, including the removal of cattails, is described for each alternative in Section 2.6 and within Table 2-4 of the EIR. The EIR addresses mosquito and vector control in Section 3.15 and evaluates each alternative's effectiveness in reducing the public health and safety risk associated with mosquito-borne diseases. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P71-1

From: [Ziv Ran](#)
To: [Greer, Keith](#)
Subject: buena vista lagoon
Date: Sunday, April 22, 2018 2:00:44 PM

I support the return of buena vista lagoon to a saltwater lagoon as nature intended

P72-1

LETTER 72
ZIV RAN

P72-1 This comment expresses support for the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

From: [Annabella Griffo](#)
To: [Greer, Keith](#)
Subject: Support
Date: Sunday, April 22, 2018 1:59:01 PM

For Buena Vista Lagoon return to salt water.

Annabella Griffo
3167 Highland Drive
Carlsbad, CA 92008

Annabella

P73-1

LETTER 73 ANNABELLA GRIFFO

- P73-1 This comment expresses support for the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

**LETTER 74
JAMES GATES**

From: [James Gates](#)
To: [Gabe Lelli](#)
Subject: BVL FEIR comment letter regarding Fluvial Hydraulic Connections
Date: Monday, April 23, 2018 12:30:22 PM

To: Mr. Keith Greer
Principal Regional Planner

From Jim Gates
2399 Jefferson St. #11
Carlsbad, CA 92008

Mr. Greer,

Improving hydraulic connectivity is an very important aspect of the Buena Vista Lagoon Enhancement project. It is essential to compare the range of opportunities between enhancement alternatives equality.

Page 3.2-26 of the FEIR states "Under the Saltwater Alternative, water elevations would be reduced in all basins during all storm events (i.e. 2-, 5-, 10-, 50-, and 100-year), thereby reducing flooding impacts. This alternative would reduce water elevations by between 7.6 and 4.4 feet in each basin—more than the Freshwater Alternative would—". During the Carlsbad City Council presentation by SANDAG in Nov 2017, comparison charts were presented that illustrated the superior flood reduction capability of the Saltwater Alternative. This is one of the major reasons for a stated SANDAG preference for the Saltwater Alternative. It is my contention that the reason the Saltwater Alternative has improved flood reduction capability compared to the Freshwater Alternative is that the Freshwater Alternative fluvial design used inferior (reduced capacity) hydraulic connections between the basins and out to the sea.

Appendix C in the FEIR contains the Fluvial and Tidal Hydraulics Report prepared for SANDAG in 2014. The fluvial hydraulic analysis results show that the impact of storm events in the BVL varies depending on the storm magnitudes, dimensions of the hydraulic connections between the basins, and the connection between the BVL and ocean. Figures 5.10 and 5.14 show water level elevation for fresh and salt water respectively for year 2100 with a 100-year storm event. The two figures show different widths were utilized for the hydraulic connections between the I-5 and Coast Highway basins.

The Freshwater Alternative has a reduced invert width at the connection to the sea compared to the Saltwater Alternative (80 ft. versus 100 ft.). The railroad bridge invert width is the same. The Freshwater Alternative has a reduced invert width at the Carlsbad Blvd. Bridge compared to Saltwater Alternative (29 ft. versus 110 ft.). The Freshwater Alternative has a reduced invert width at the I-5 Bridge compared to Saltwater Alternative (36 ft. versus 160 ft.). The invert widths are shown in Table 4.2 and Table 4.3 (in Appendix C) for Freshwater and Saltwater respectively.

SANDAG has compared the Freshwater and Saltwater enhancement designs for flood performance: however it appears to me that the range of opportunities for enhancement did not compare alternatives equality. I believe with an appropriate Freshwater Alternative design, with comparable hydraulic connections, the Freshwater Alternative will provide comparable flood performance to the Saltwater Alternative. The Freshwater Alternative should have an appropriate fluvial design and considered having near equal flood performance to the Freshwater Alternative.

Regards, Jim Gates

P74-1 The flood conveyance performance of the Freshwater Alternative could be slightly improved by altering channel configurations (e.g., widening the outlet or changing invert elevations), but flood elevations would continue to be higher than the Saltwater Alternative under each of those scenarios due to the lack of additional storage capacity in the lagoon if a weir is in place at the inlet. The primary reason the Freshwater Alternative performs poorly in flood flow conveyance relative to the Saltwater Alternative is because the weir works like a dam to retain (store) water in the lagoon at a consistent elevation of +5.6 ft NGVD. If a beach berm accumulates, this minimum water elevation can be even higher. This retained water reduces the flood flow storage capacity of the Freshwater Alternative compared to the Saltwater Alternative, which would be maintained to have an open tidal inlet. The highest tide ever recorded along the San Diego coast was +5.36 ft NGVD at NOAA Tide Gauge Station No. 9410230 on November 13, 1997, which is 0.24 ft lower than the weir elevation of +5.6 ft NVGD.

Under the Saltwater Alternative, the lagoon water elevation would be similar to that of the tide level in the ocean. Under the Freshwater Alternative, the water elevation within the lagoon would be higher than ocean tide levels. Due to this higher starting water elevation, water entering the lagoon during flood flows or storm events would also be higher because there would be less ability for the lagoon to store water as it is discharged to the ocean. For example, if a storm were to occur when the water elevation in the lagoon was +6.5 ft NGVD and the ocean water level was +3.5 ft NGVD, there is 3 ft less of water storage capacity within the lagoon than would occur under the Saltwater Alternative. The Saltwater Alternative would “free up” this flood flow storage capacity by allowing the lagoon to drain to the ocean during ebb tides. Even when the lagoon would fill during flood tides under the Saltwater Alternative, it would not fill to a water elevation that is as high as the Freshwater Alternative.

P74-1

From: [Craig Smith](#)
To: [Greer, Keith](#)
Subject: Buena Vista Lagoon
Date: Monday, April 23, 2018 9:06:27 PM

Keith, I live on the Buena Vista Lagoon (since January of 2010). I am a retired executive/founder of a national environmental consulting firm and have read the final EIR (very impressive document) and concur with SANDAG's recommendation of the Saltwater Alternative option. However, I am anxious to see any forward progress towards the restoration of the lagoon, which is very much needed. Therefore, I would support the alternative that can be best enacted in a timely manner that results in lagoon restoration.

P75-1

LETTER 75 CRAIG SMITH

P75-1 The comment expresses concurrence with the recommendation of the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

Craig A. Smith, Ph.D
csmith@aldrIDGE-associates.com
404-933-0928

From: kyentinove@yahoo.com
To: [Greer, Keith](#)
Subject: Buena Vista Lagoon Enhancement Project
Date: Monday, April 23, 2018 11:26:03 PM

Hi Keith

Please hurry up and open the Buena Vista Lagoon to the tides so that it can return to saltwater

Roberta Malaman, Carlsbad Resident

P76-1

LETTER 76
ROBERTA MALAMAN

P76-1 This comment expresses support for a tidally influenced lagoon. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

LETTER 77
SAM LAUBER

From: Sam Lauber
To: Greer, Keith
Subject: Help with mosquitos
Date: Tuesday, April 24, 2018 12:58:17 PM

Dear Mr Greer,
Can we please get something moving on the Buena Vista lagoon before the mosquitoes come out in full force again!
I would love to enjoy my family in my backyard in the evenings without many, many citronella candles and bug
spray surrounding us. My daughters are both starting their families and won't come to my house in the evenings
due to worry of Zika virus and west Nile. This is a real health concern that is totally fixable with saltwater being
allowed back in our lagoon. Please don't let the a small group of people who worry about the smell of mud
periodically be more important than the health of my children and grandchildren.
Please let the safety of all who live around the lagoon be your priority.
Thank you
Sam Lauber

Sent from my iPhone.

P77-1

P77-1 This comment expresses support for a tidally influenced lagoon. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

Please see Response to Comment P14-4 regarding the reduction in vector breeding conditions that would be achieved by the Saltwater Alternative. Please see Responses to Comments P11-7 and P21-4 regarding saltwater mosquitos.

**LETTER 78
JAMES GATES**

From: [James Gates](#)
To: [Greer, Keith](#)
Cc: savebvlagoon@gmail.com
Subject: BVL FEIR Comment Letter regarding the saltwater alternative and survivability in rising seas
Date: Friday, April 27, 2018 3:53:53 PM

To: Mr. Keith Greer
Principal Regional Planner

From Jim Gates
2399 Jefferson St. #11
Carlsbad, CA 92008

Dear Mr. Greer,

Only a few decades ago decisions on salt marsh creation (or restoration) did not require extensive consideration of rising seas as the sea rise rate was constant (about 2 mm/year and that equates to ~ 7 inches rise in 100 years). In the past, many salt marshes were able to add height from sedimentation to match the height increase of the rising sea level.

Scientists now realize that many existing salt marsh habitats are severely threatened by the increasing rate of rise of the sea. Salt marshes that can grow (relocate) upland have a better chance and longer time of survival (such as the San Elijo restoration). Unfortunately lagoons bounded on four sides (such as the Buena Vista Lagoon basins) offer little space for upland growth and have less chance of salt marsh survival over a long time.

Since the proposed saltwater enhancement alternative creates new salt marshes how can we have confidence that rising sea levels will not soon degrade the newly created salt marsh ecosystem?

What confidence do we have that SANDAG used appropriate (the most recent) models to predict the salt marsh mudflat and plant habitat change with rising seas? Much of this modeling was done many years ago and does not represent best available science in 2018.

Why is there only a 50-year design life? Does the life expectancy begin from the date of the prior design completion or the date of enhancement construction completion, marsh planting completion or marsh plant functionality? When can we expect salt marsh loss of functionality?

A new article entitled "U.S. Pacific coastal wetland resilience and vulnerability to sea-level rise" published in Feb 2018, using a new model: Wetland Accretion Rate Model of Ecosystem Resilience (WARMER), predicts that along the Pacific coast, tidal wetlands are highly vulnerable to end-of-century submergence, with resulting extensive loss of habitat. Can we expect anything different from the Saltwater

P78-1 A sea-level rise habitat change analysis was conducted for each of the alternatives. Section 3.12, Global Climate Change, Greenhouse Gas Emission, and Sea Level Rise, provides a discussion, tables, and mapping of anticipated habitat conversion with sea level rise for each alternative in Year 2050 and Year 2100 (over 80 years from publication date). The analysis showed that the salt marsh habitats would change over time as sea level rises; however, under the Saltwater Alternative, the lagoon still would remain salt marsh habitat in 2100.

P78-2 The model (TUFLOW) used for the preliminary design of the Buena Vista Lagoon Enhancement Project is a two-dimensional hydrodynamic model that is still widely used. The reference to the "best available science" is typically used to refer specifically to sea-level rise projection models/methods (e.g., NRC 2012) as well as statewide sea-level rise vulnerability assessment models (e.g., USGS CoSMoS). The methodology utilized for the Buena Vista Lagoon Enhancement Project was conservative in that it did not include sedimentation over the next 80 years (through Year 2100), so projected habitat changes would be less if such sedimentation were included in the analysis (i.e., more salt marsh would remain in 2100).

P78-3 As described in the FEIR, the Enhancement Project modeling associated with sea level rise was based on the sea level rise projections presented in the document titled, "Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future" prepared by the National Research Council (NRC 2012). This included using a conservative estimate of a rise in sea level of 2 feet in 2050 and 5.5 feet in 2100. In 2017, the California Office of Planning and Research published additional guidance on planning for sea level rise in *Rising Seas in California: An Update on Sea-Level Rise* (2017). This report put a probability on rise in sea level under different scenarios. For San Diego, using the La Jolla NOAA tide gauge, the chance of sea level rise meeting or exceeding 2 feet by 2050 is 0.5% (1-in-200 chance). The chance of exceeding 5.5 feet by 2100 is between 0.5% and 5% depending on the air emissions scenario.

As described in response to comment P78-1, the project modeling that was prepared, and is still valid, shows habitat conversion due to sea level rise for each alternative extending out until Year 2100. Similar to the description of habitat change described in the comment from the WARMER model, the Enhancement Project modeling also showed a decline in the acreage of saltwater marsh over the extensive time period. Table 3.12-5 of the EIR estimates the habitat conversion acreage for all alternatives at year 2050 and 2100. As shown in the table, salt marsh habitats would continue to exist in year 2100 under the Saltwater Alternative.

P78-1

P78-2

P78-3

Alternative enhancement?

The link to this new article on salt marsh modelling is:
<http://advances.sciencemag.org/content/4/2/eaao3270>

Figure 1 of this above referenced article shows the predicted change in habitat for different wetlands (north to south) on the Pacific coast with low, moderate and high sea level rise (SLR) scenarios. By 2050, under moderate and high SLR scenarios, there is a gradual loss of high marsh habitats with an expansion of middle and low marsh habitats. Under moderate SLR scenarios by 2110, there is a loss of middle and high marsh habitats and submergence of tidal marsh, with a conversion to inter-tidal mudflat and open water at 36% of study sites. Under high SLR scenarios, there is a total loss of all middle and high marsh habitats and submergence at 86% of the study sites, with three study sites going partly sub-tidal. Many salt marshes have a survival problem with rising seas. The Pacific coast marsh survival problem gets worse in southern California. It seems SANDAG has not addressed this short survival life issue and specifically has not used the new WARMER model.

Audubon in their FEB 2018 national magazine commented on this new study/article. The link for the Audubon article is <http://www.audubon.org/news/west-coast-marshes-are-drowning-theres-still-time-save-their-birds>. The Audubon author comments: "Even assuming that sea level rise is moderate (around three feet), by 2110 most California marshes will have no dry areas, or will convert entirely to mudflats. Under high sea level rise (nearly four feet), all California marshes and some in southern Oregon will be replaced by mudflats, and some in southern California will become open water permanently, with no tidal activity to speak of." SANDAG, in their design has projected a large 5.5 feet sea level rise by 2100.

Given the new "WARMER" model and SANDAG projections of sea level rise – what are we likely to have to show for our investment with a salt marsh creation in 50 years?

It appears that if we consider newer and updated modeling capability and apply to the Saltwater Alternative, we will demonstrate a short lived tidal/marsh ecosystem and we will lose significant environmental functionality by year 2070, or perhaps even earlier. Given that construction may not start until 2035, the Saltwater Alternative suggests a poor Return on Investment, with higher costs and a short life span, which seems to contradict one of the main objectives of the enhancement project.

This then brings up the question: how can this newly created but soon severely degraded salt marsh be considered (or used) for any mitigation? Once the salt marsh is converted to mudflats and sub-tidal sea water, the marsh will not filter significant water, it will not provide significant nesting areas in the marsh for birds and it will not capture significant carbon. It will just be an unattractive basin with sea water, mudflats, occasional mosquitoes and smells. There will be few birds. No one will be happy!

Investing in the freshwater alternative with enhancements will provide ecosystem functionality beyond 2100 (perhaps accomplished by increasing the exiting 5'6" weir height as necessary over time). The freshwater alternative, with some design optimization is great for the environment, provides a better return on investment, has

P78-4 As described in Section 3.12 of the EIR, salt marsh habitat is anticipated to persist beyond Year 2100 under the Saltwater Alternative. Please see the California Coastal Commission letter, Letter 2 in the FEIR Response to Comments, Comment 2-4 regarding the ability of the alternatives to be used as mitigation for impacts associated with the NCC PWP/TREP. Also, please see the U.S. Fish and Wildlife Service letter, Letter 1 in the FEIR Response to Comments, Comment 1-8 regarding the lack of support for the Freshwater Alternative to be used as mitigation.

P78-5 Please see Master Response #1 in the FEIR regarding alternative selection. The referenced letter regarding inferior hydraulic connections is addressed as Letter P74 in these responses. Under the Freshwater Alternative, portions of the lagoon would be dredged to provide water depths that would preclude cattail growth and expansion; however, cattails would continue to grow in certain locations in the freshwater environment and would require ongoing maintenance every 1 to 2 years. The volume of cattail removal in the Freshwater Alternative was designed to best optimize the removal of cattail vegetation while minimizing environmental impacts.

P78-3
cont

P78-4

P78-5

a more predictable outcome and is what the vast majority of residents desire (> 80% from prior DEIR comment letters).

As an aside, in a prior emailed comment letter to Mr. Greer (4/23/2018) I pointed out that reduced capacity (inferior) hydraulic connections were used only in the Freshwater Alternative design. This significant error needs to be corrected.

Also related to comparison equality/fairness, more cattails need to be removed from the two large basins in the Freshwater Alternative enhancement, so that it is the same and comparative to the Saltwater Alternative. (historical photos show there were no or very few cattails in the lagoon cells, they are a problem now due to sewage spills, neglect and lack of desire to maintain/remove). These changes of improved hydraulics and increased cattail removal will significantly improve flood performance and reduce mosquito breeding respectively. It will also reduce Freshwater Alternative maintenance costs.

In conclusion, taking into account recent improved understanding of salt marsh vulnerability to faster rising seas and realizing that a new salt marsh creation (especially in a laterally bounded location such as the BVL) does not provide desired environmental functionality for more than one generation (20 to 30 years), another alternative should be considered. The freshwater alternative enhancement will provide excellent environmental qualities when the design is optimized and is the best return on investment. SANDAG focusing on a better and more creative design for a freshwater solution is the appropriate path forward.

Regards, Jim Gates

P78-5
cont

P78-6

P78-6 The summary comments have been addressed in detail within the text of the letter and responded to. This comment expresses support for the Freshwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

From: [richard_taubman](#)
To: [Greer, Keith](#)
Subject: Freshwater Lagoon forever
Date: Friday, April 27, 2018 8:47:53 PM

Dear Mr Greer,

I urge all of you to listen to the people most affected by a decision to end the fresh water lagoon that has been a wonderful resource to Carlsbad and the area. We like it the way it is always have. Be reminded of the costly seminars the City of Carlsbad invited us too years ago, and we voted to keep the fresh water lagoon. We want open waters with the Flora and Fauna currently onsite without the reeds. The reeds were a gift from all of the developments spewing their topsoil downstream, which the developers never cleaned up or dredged. Pull out the reeds, continue the mosquito control programs let the water stay! We do not want salt water! We never wanted Salt Water. We do not want people living, sleeping, playing, disturbing, using any open land as bathroom. we want what we have an open water view with lovely birds and fish and turtles inhabiting the lagoon not empty, smelly mudflats with thin water down the middle. How dare this happen! What a debacle! A complete change of established habitat costing millions for who? People on the freeway? Environmentalists living elsewhere? Administrators, politicians all living away from the property? How about a vote in Carlsbad? How about listening to the decision of the people who participated in the city's attempts to find out what the people who lived nearby wanted! We wanted a cleaned up fresh water lagoon with large open expanses of water not affected by the tides! We wanted it then and still do!

Please listen to the people who will be affected the most, us the people with interests and preferences that actually live nearby! Help us to achieve this, not hurt us and the habitat that lives there already.

Sincerely Richard Taubman

LETTER 79 RICHARD TAUBMAN

P79-1 This comment expresses support for a freshwater lagoon environment. Please see Response to Comment P4-3 above regarding public access to private property. As described in Response to Comment 12-15 in the FEIR, it is anticipated that an increased range of species could be supported in the more diverse habitat distribution that would result from the Saltwater Alternative. Please see Master Response #6 in the FEIR addressing odor.

P79-1

Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

**LETTER 80
CATHY SCHOLL**

From: [Cathy Scholl](#)
To: [Greer, Keith](#)
Subject: matt.hall@carlsbadca.gov, michelle.posada@sandag.org, tessa.lero@sandag.org,
Date: Monday, May 07, 2018 5:38:52 PM

Dear Mr Greer, SANDAG Board of Directors, Mayor Hall,

I would like to be added to the list of those who want to stabilize Buena Vista lagoon as a functioning and sustainable open water lagoon, maintaining existing wildlife habitats and species.

I do not believe that creating a salt marsh is the correct choice for wildlife, the environment or for humans.

I do not believe the fresh water option has been reviewed properly.

There is additional information regarding mosquito breeding and control, cattail removal, rising seas, costs and more that has not been considered.

I would like to request an additional public hearing with the Carlsbad City Council and SANDAG Board of Directors before any vote is taken so that all information can be presented and considered.

Thank you,
Cathy Scholl

<http://cathyscholl.com>
Represented by Zuma Press

P80-1

P80-2

P80-3

P80-1 This comment expresses support for a freshwater lagoon environment.

P80-2 The EIR considered the Freshwater Alternative adequately and to the same extent as all other project alternatives. The EIR provided analysis of the topics listed in the comment: mosquitos are addressed in Section 3.15; cattail removal in Sections 2.6, 2.7.1; and sea level rise in Section 3.12. Please see Response to Comment P14-12 regarding costs. The comment does not provide additional information that should be considered.

P80-3 The SANDAG Board of Directors will hold a public meeting when considering the EIR certification and Enhancement Project approval. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

From: [James Gates](#)
 To: [Greer, Keith](#)
 Cc: [savebvlagoon@gmail.com](#); [johnテナaglia@me.com](#)
 Subject: BVL FEIR Comment Letter Regarding Mosquito Threats
 Date: Wednesday, May 09, 2018 5:39:03 PM

LETTER 81 JAMES GATES

To: Mr. Keith Greer , Principal Regional Planner

From Jim Gates, 2399 Jefferson St. #11, Carlsbad, CA 92008

Mr. Greer,

Freshwater mosquitoes do not breed in open freshwater. The mosquito at the Buena Vista Lagoon (BVL) is primarily the tule mosquito (*Culex erthrorax*) and it requires calm and shallow puddle regions that are found within the cattail regions to breed.

Cutting back, thinning out or removal of cattails will further reduce fresh water mosquitoes (less breeding areas and more effective larvicide treatment). California Dept. of Fish and Wildlife (CDFW) considers the BVL cattail areas a precious habitat resource for the clapper rail bird (aka Ridgway's rail), as you have mentioned in your Carlsbad City Council meeting FEIR presentation on 7 November 2017. Birds, such as the Clapper Rail, seldom call the BVL home so cattail removal is not an issue. Bird counts (by Audubon and CDFW) back up this statement with only four Clapper Rail pairs counted in 2016 over the > 200 acre BVL ecosystem! Captive breeding and release efforts (admirable but expensive) have accomplished little (actually nothing) to increase Clapper Rail BVL populations.

The cattail growth at the BVL was stimulated by sewage discharge into the BVL over many decades and from fertilizers in urban irrigation water runoff. It appears these runoff and discharge problems are being significantly reduced/eliminated by Buena Vista Creek watershed improvement efforts. Removal of cattails by dredging and increasing water depth of the basins (by silt removal) should curtail cattail growth for many generations (less light reaching the basin bottom and less growth stimulating chemicals).

SANDAG completed the BVL Enhancement Project FEIR about seven months ago. None of the three alternatives eliminates mosquitoes. The saltwater alternative (actually a created salt marsh with mudflats connected to a narrow tidal channel opened to the sea) has a potential freshwater mosquito problem in sheltered upland puddle areas after rains and also sheltered puddle areas in the BV creek areas. The saltwater alternative also has a potential problem with saltwater mosquito breeding in marsh areas after extreme high tides. These saltwater mosquitoes are severe biters and can travel long distances. The freshwater alternative still has a potential problem with freshwater mosquito breeding. The hybrid alternative has a potential problem of both fresh and salt water mosquito breeding.

Figure 2-2, from the FEIR, shows the existing BVL habitat regions. The light green areas (freshwater marsh) are predominately cattail, bulrush and tule habitat that has been established over many decades of neglect. These regions are ranging from 20

P81-1

P81-2

P81-3

P81-4

P81-5

- P81-1 Vector issues related to mosquito breeding in the existing cattail vegetation is acknowledged and described within the EIR. Vector management within Section 2.9.3 of the EIR addresses vector control as proposed in the Adaptive Management and Maintenance plan, which includes cutting channels within the cattail stands to create swaths of open water throughout the vegetated area. This allows for increased predation of mosquito larvae by natural predators, increased effectiveness of aerial treatments, and increased localized water circulation and wind wave action
- P81-2 The presence of light-footed Ridgway's rail is discussed in Section 3.5.1 of the EIR along with a description of the species' use of marsh habitat, specifically cattail and bulrush in freshwater conditions. Section 2.6.1 of the EIR describes the proposed habitat distribution and the reasoning for the proposed vegetation removal under the Freshwater Alternative. Under the Freshwater Alternative, much of the existing freshwater marsh would be left in place to maintain habitat for some of the rare, threatened, and endangered species, such as the light-footed Ridgway's rail and Clark's marsh wren.
- P81-3 As described in Section 2.6.1 of the EIR, approximately 129,000 cubic yards (cy) of vegetation (e.g., cattails) would be removed, primarily from the interior of the lagoon under the Freshwater Alternative. Additionally, portions of the lagoon would be dredged to provide water depths that would preclude cattail growth and expansion. Approximately 562,000 cy of sediment would be removed from the lagoon under the Freshwater Alternative.
- P81-4 SANDAG concurs that some level of mosquito breeding would continue to occur at the lagoon regardless of the alternative selected as it is simply not feasible to remove all mosquito breeding potential from a wet environment. Throughout the analysis in Section 3.15, the EIR found that implementation of any of the build alternatives would result in a less-conductive vector breeding condition and reduce the public health and safety risk associated with mosquito-borne diseases. However, even with the potential for some ponded water after extreme high tides as proposed by the commenter, the EIR found that the Saltwater Alternative would provide the highest level of vector control as a result of conversion of the hydraulic regime to saltwater, as outlined in EIR Section 4.5. Please also see Response to Comment P11-7 regarding saltwater mosquitos.

ft. to 600 ft. in width from the basin edges and within these cattail regions are potential breeding areas for freshwater mosquitoes. These cattail regions need to be significantly reduced in area in an enhancement project to reduce mosquito breeding areas!

Figure 2-7 (from the FEIR) shows the proposed freshwater alternative design habitat. Many cattail regions have not been reduced in area from the existing degraded habitat (figure 2-2). The entire Carlsbad south coast of this basin has cattail regions ranging from ~ 50 ft. to 150 ft. in width. These regions were not reduced in width/area from the existing habitat. The 25 condos located at 2399 Jefferson St. are adjacent to these cattail regions and condo units #12 to #25 backyards are only about 20 ft. away from the cattails. Why was there not a better enhancement in the freshwater alternative design, with more cattail width/area reduction, if mosquitoes are mentioned as a problem with the freshwater alternative in FEIR alternative comparisons?

The eastern I-5 basin also has large areas of remaining cattails and are also designated as maintenance areas. Based on CDFW past performance at the BVL it is doubtful CDFW would actually perform sufficient maintenance. Most of these cattail regions could easily be removed by backhoe during the enhancement project dredging. These cattail regions now are used by SANDAG to make an unfair claim that the freshwater alternative has high yearly maintenance costs and freshwater mosquito breeding problems (although freshwater mosquitoes bred at this location will seldom travel far enough to come in contact with humans). Why are such large cattail maintenance areas kept in the freshwater alternative design?

In conclusion, the existing freshwater alternative has a habitat design that still facilitates freshwater mosquito breeding and increases yearly maintenance cost. The habitat design can be improved by reducing potential areas of mosquito breeding. Note that an inappropriate design also occurs with the freshwater alternative hydraulic connections (as was discussed in a prior email to Mr. Greer and FEIR comments). Wider hydraulic connections between basins will improve 100 - year flood performance of the freshwater alternative. A fair (equal) comparison of all BVL enhancement alternatives (with appropriate designs) has not occurred in the FEIR.

Regards, Jim Gates

P81-5
cont

P81-6

P81-5 The volume of cattail removal in the Freshwater Alternative was designed to best optimize the removal of cattail vegetation while minimizing environmental impacts. EIR Section 2.6.1 describes that much of the existing freshwater marsh would be left in place to maintain habitat for the rare, threatened, and endangered species, such as the light-footed Ridgway's rail and Clark's marsh wren. EIR Section 2.9.3 describes the adaptive management and maintenance specific to vector management and describes how identified cattail management areas were generally determined based on stands of cattails that extended more than 150 feet from an open water area. In these areas, cattails would be managed to reduce the suitability of the habitat for vectors, while minimizing impacts to species that use these habitats, such as Ridgway's rail.

Under the Freshwater Alternative, portions of the lagoon would be dredged to provide water depths that would preclude cattail growth and expansion; however, cattails would continue to grow in certain locations in the freshwater environment and would require ongoing maintenance every 1 to 2 years. The required maintenance would be adopted as part of the Enhancement Project for any of the alternatives and would not be an optional future action. All of the enhancement alternatives would require a perpetual endowment for maintenance. The endowment would be sufficient to cover the cost of the maintenance through the interest generated on the principal investment.

P81-6 While there could be any number of habitat design options for the freshwater alternative to achieve different purposes, the volume of cattail removal in the Freshwater Alternative was designed to best optimize the removal of cattail vegetation while minimizing environmental impacts.

The commenter's previous emails as referenced in the comment are addressed in these responses as letters P74 and P78. SANDAG respectfully disagrees that a fair and appropriate comparison of alternatives has not been provided.

LETTER 82
BOB AND SHARON SERGEANT

From: Robert Sergeant [<mailto:bobsqt@mac.com>]
Sent: Tuesday, June 12, 2018 7:32 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>;
matt.hall@carlsbadca.gov; pweiss@ci.oceanside.ca.us; council@carlsbadca.org;
council@ci.oceanside.ca.us
Subject: Buena Vista Lagoon

To whom it may concern:

I live 4 houses from the lagoon along broadway in Oceanside.

I look forward to the improvements made as it is established as a saltwater environment. I grew up in southern New Jersey around extensive salt marsh ecosystems and I am aware of the benefits in species diversity, bird habitat. I am also aware that there is not a rotten egg odor problem as a result of hydrogen sulfide.

- The elimination of the invasive grasses will be a major improvement.
- The additional sand whether through flow, excavation or dredging will be a great help to the sparse beaches of south Oceanside.
- The mosquito problem will be mitigated and minimized by the adequate drainage and establishment of flats.
- The elimination of areas where homeless encampments are common will be a benefit to surrounding neighborhoods.

I fully support the salt water alternative.

Many thanks to SaveFreshWaterBV lagoon for providing me with all of your email addresses and encouragement to reach out to support the Salt Water Alternative.

Thank you,

=====
Bob and Sharon Sergeant
303 Eaton Street
Oceanside, CA 92054

(609) 760-0900
bobsqt@mac.com

P82-1 The comment lists anticipated benefits of the Saltwater Alternative.

P82-2 This comment expresses support for the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P82-1

P82-2

From: Shirley Garner [<mailto:sgarner1439@yahoo.com>]
Sent: Wednesday, June 13, 2018 6:05 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Subject: Fw: SANDAG

On Wednesday, June 13, 2018 5:44 PM, Shirley Garner <sgarner1439@yahoo.com> wrote:

I am going to do all I can to save the FRESHWATER BUENA VISTA LAGOON. My property address is 2176 So. Coast Hwy Oceanside. My backyard is the lagoon. It has always been freshwater and all that is required right now is cleaning up the cattails. I can not understand why everyone wants to change it to salt water and spend THOUSANDS OF DOLLARS when all they need to do is clean the cattails.

I understand that with the alternative salt water proposal I will no longer have this beautiful view that I enjoy right now. It will change to a narrow creek of tidally controlled water leaving nothing but MUDFLATS at low tide, SALT MARSH MOSQUITOS, plus the salt marsh and mudflats will produce hydrogen sulfide gas and a ROTTEN EGG SMELL. MY PROPERTY VALUE WILL GO DOWN!!! I WANT A VOICE IN THIS. I WANT THE GOVERNMENT AGENCIES TO KNOW I DO NOT WANT SALT WATER, and I WANT THE PEOPLE TO BE IN THIS DECISION not just them.

Thank you for your time, Shirley Garner

P83-1

P83-2

P83-3

P83-4

P83-5

LETTER 83 SHIRLEY GARNER

- P83-1 This comment expresses opposition for the Saltwater Alternative and support for the Freshwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project. Vegetation removal, including the removal of cattails is described for each alternative in Section 2.6 and within Table 2-4 of the EIR.
- P83-2 The comment expresses the opinion that the current aesthetic view will change to visually unappealing mudflats. Visual impacts, including those associated with low tide conditions, are described in EIR Section 3.9 along with visual simulations of future conditions.
- P83-3 Please see Response to Comment P11-7 regarding saltwater mosquitos.
- P83-4 Please see Master Response #6 in the FEIR addressing odor.
- P83-5 Private property values and purely socioeconomic effects exceed the scope of the EIR. However, SANDAG appreciates the comments of the stakeholders in the vicinity and the commenter's concern expressed on the speculative loss of property value will be part of the administrative record and presented to the SANDAG Board of Directors prior to taking action on the project.

From: [Frank Gorman](#)
To: [Greer, Keith](#)
Subject: Buena Vista Fresh Water Lagoon
Date: Friday, June 29, 2018 3:39:36 PM

Mr. Greer,

In regards to the possible conversion of the BVL to saltwater I have more than several concerns. First and foremost, the Lagoon has been a freshwater lagoon for decades changing the beautiful lagoons to a salt water marsh would be a travesty in many ways. The fresh water habitat would be destroyed. The history of having fresh water lagoons that many generations have enjoyed would be ended. Instead the plan would be to cut a narrow channel from the ocean east under the freeway where tidal waters would rise and fall within the channel allowing the lagoons to go stagnate and create an ugly marsh land. This is due to fact that current lagoons at are a higher elevation then the ocean. The only way that sea water would get back to the east would be by cutting the afore mentioned channel against the natural grade of the lagoon area. I wonder why would anyone want to destroy one of the only fresh water lagoons along the ocean in southern California.

Everything that the proposed salt water alternative offers can be achieved by keeping the fresh water lagoons and maintaining them as they would the salt water proposal. Therefore, I request that Sandag approve the freshwater option and work to keep the beautiful lagoons for future generations to enjoy.

If you would like any further input I would be happy to speak to you.

Frank D. Gorman P.E.
frank.gorman@verizon.net
2186 S. Coast Highway
Oceanside, CA. 92054
951-766-8777i

LETTER 84 FRANK GORMAN

- P84-1 Please see Master Response #5 regarding historical lagoon ecology.
- P84-2 Under the Saltwater Alternative, drainage patterns would be altered and circulation within the lagoon would increase with the open inlet, improved channel network and flow regimes, and increased tidal flow. With tidal flushing under the Saltwater Alternative, residence times would be 1 to 3 days (EIR Table 3.2-3). The new tidal inlet would also enable the lagoon to drain incoming freshwater more efficiently due to increased tidal flow and enhanced circulation.
- P84-3 The comment expresses the opinion that the current aesthetic view will change to visually unappealing marsh lands. Visual impacts, including those associated with low tide conditions, are described in EIR Section 3.9 along with visual simulations of future conditions.
- P84-4 As described in the EIR Section 2.6.2, implementation of the Saltwater Alternative would include the removal of sediments to provide appropriate elevations throughout the lagoon basins to allow tidal flow and water elevations at appropriate frequencies to allow salt marsh habitat to establish.
- P84-5 Please see Master Response #4 of the FEIR regarding the freshwater resource.
- P84-5 SANDAG respectfully disagrees that keeping the freshwater lagoon can achieve to the same degree everything that the Saltwater Alternative would achieve. As described throughout Chapter 4.0 of the EIR, the Saltwater Alternative would result in the greatest amount of flood protection, hydrology benefits, water quality benefits, vector control, among others beneficial results.

The comment expresses support for the Freshwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

From: Rq Shupe [mailto:rqshupe@gmail.com]

Sent: Thursday, July 05, 2018 12:25 PM

To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>

Subject: Buena Vista Lagoon

Dear Ms. Posada and Lero:

As a long time Oceanside residence who lives near enough to the beach that my wife and I regularly walk the beach to Carlsbad for lunch or dinner, I am dismayed with the State's proposal to turn the Buena Vista Lagoon (BVL) into a salt water lagoon.

Do you really want to cut the beach with a channel that will stop pedestrian beach traffic between Oceanside and Carlsbad? In order to keep the BVL open to the ocean and allow for tidal flow, it will be necessary build two jetties. If anyone tells you differently, ask them to explain how the beach sand will be kept from blocking the BVL entrance. (Even with two jetties, Oceanside can't keep its harbor open unless the harbor channel is dredged at least once a year). The BVL will just become a smelly mudflat, salt water mosquito infested eye-sore.

I have heard rumors that with the erection of the jetties, there will be built a bridge over the lagoon opening. This would allow north-south pedestrian traffic on the beach between the two cities. This will be a huge expense. Where will the bridge terminate on the Oceanside side? The Alanis home sits there and I know personally they do not want people walking into their yard. The State or cities will have to use public funds to sue the Alanis family and the St. Malo Homeowners Association. Inverse condemnation will also certainly have to be used to get access to the portion of the lagoon owned by the St. Malo community.

I'm still not sure why the State wants to turn this fresh water lagoon into a salt water lagoon. I've heard it's an issue of cattails encroaching on the lagoon but the St. Malo HOA has been able to keep their portion of the lagoon free of cattails nearly 100 years. It's only the State which has not used its money to keep the cattail encroachment in check in its portion of the BVL. It's a lot cheaper to remove the cattails once a year than it is to build a channel, jetty and bridge. Not to mention the annual dredging necessary to keep the BVL channel open.

Lastly, when I've been notified that there will be a public meeting on this issue, the meeting gets postponed. Not only does it postponed, no new date is set. I would you hope you would send me notice of the next public hearing date. I desire to be there.

Regards,

R.Q. Shupe

Attorney at law, (retired)

LETTER 85

RQ SHUPE

- P85-1 The comment provides introductory statements and expresses opposition to the Saltwater Alternative.
- P85-2 The EIR acknowledges that implementation of either the Saltwater or Hybrid Alternatives would result in a significant impact to lateral access along the beach due to creation of a new inlet. The pedestrian bridge identified in Mitigation Measure Land Use-1 is proposed to mitigate the lateral access impact.
- P85-3 Jetties are not proposed as part of the enhancement project. Please see Response to Comment P12-2 regarding the design of the inlet that would not require jetties and the required maintenance to keep the inlet open.
- P85-4 Please see Master Response #6 in the FEIR addressing odor. Please see Response to Comment P21-4 regarding vectors and saltwater mosquitos. Visual impacts, including those associated with low tide conditions, are described in EIR Section 3.9 along with visual simulations of future conditions.
- P85-5 Jetties are not proposed as part of the enhancement project. The pedestrian bridge identified in Mitigation Measure Land Use-1 is proposed to mitigate the significant impact to public access. During final bridge design, the specific bridge placement would be determined. Please see Master Response #2 in the FEIR regarding private property and eminent domain.
- P85-6 CEQA does not require a lead agency to determine the factors that have led to the existing conditions or ongoing actions. The historic management of the lagoon that has led to the existing conditions is not a factor in the EIR analysis, but the comment will be part of the administrative record and provided to the SANDAG Board of Directors as part of their decision-making process.
- P85-7 SANDAG has prepared the estimated costs of each alternative and has published those costs on the project website. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. Please see Response to Comment P14-12 regarding alternatives cost.
- P85-8 Please see Master Response #7 in the FEIR Response to Comments regarding the extensive notification efforts associated with the preparation of the CEQA document and in compliance with all CEQA requirements. Please see Response to Comment P11-2 regarding additional notification efforts associated with the FEIR.

All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project. Prior meetings have been postponed to address questions from the public and for extension of time requested by members of the public. SANDAG is committed to provide notification to all those who have made inquiries on the project when this item is scheduled for the SANDAG Board of Directors meeting.

From: Dave [<mailto:dleonhart@gmail.com>]
Sent: Monday, July 09, 2018 8:49 AM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Cc: Lero, Tessa <Tessa.Lero@sandag.org>
Subject: Buena Vista Lagoon

I am saddened beyond words at your decision to change the lagoon from fresh to salt water.

Not just for all the people who will be impacted, but the multitudes of beautiful creatures who will no longer have a home.

Dave Leonhart

P86-1

LETTER 86
DAVE LEONHART

P86-1 The comment expresses opposition to the Saltwater Alternative. Wildlife impacts can be found in EIR Section 3.5.3. As described in the EIR, some wildlife species would continue to utilize the lagoon under saltwater conditions and some species would not persist in the saline environment. As described in Response to Comment 12-15 in the FEIR, it is anticipated that an increased range of species could be supported in the more diverse habitat distribution that would result from the Saltwater Alternative.

All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

From: Kimberly Walter [<mailto:kimmikewalter@gmail.com>]
Sent: Monday, July 09, 2018 1:34 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Subject: Buena Vista Lagoon

To whom it may concern:

We own and live in a home 1 block north of the lagoon and have been here for 23 years. We do NOT want to see the lagoon changed to salt water. The lagoon has been a wonderful area that has never bothered us in any way. Please do not change the lagoon to salt water as it is really a special lagoon filled with many beautiful features not found elsewhere.

Thank you for your consideration.

Michael & Kimberly Walter
1943 S. Tremont St.
Oceanside, CA. 92054

LETTER 87
MICHAEL AND KIMBERLY WALTER

- P87-1 The comment expresses opposition to the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. Please see Master Response #4 of the FEIR regarding the freshwater resource. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P87-1

Dear Members of the SANDAG Board of Directors:

You have an immensely important vote coming up regarding a rare ecological reserve that will have life-long impact on: residents, visitors, safety, toxicity exposures, the life and death of existing wildlife, and the rare habitat of both fresh and saltwater birds.

Please do not take this responsibility lightly.

I write this letter as a concerned Carlsbad citizen, a member of the Save the Freshwater Buena Vista Lagoon Association, A member of the Board of Directors of the Sanctuary HOA, a homeowner, and as a bird enthusiast/environmentalist.

I would like to make the following case for enhancing the existing Freshwater Buena Vista Lagoon as the best alternative for the following reasons:

1. Maximizes species diversity & enhances a rare freshwater coastal lagoon: The Buena Vista freshwater coastal lagoon is one of only two in all of California and thus is exceedingly rarer than a coastal salt marsh. All the other lagoons in our area (including Carlsbad, Encinitas, and Del Mar) have salt marsh areas.

The Buena Vista Lagoon (BVL) supports the diversity of both Sea and Freshwater birds, as well as flocks of migratory birds on the Pacific Flyaway route and freshwater fish (again unique to the area). The Buena Vista lagoon is also different than the other lagoons in the area in that it is significantly above sea-level and thus was never historically a salt-water marsh (as some have falsely claimed) but was always freshwater. I personally have spent many hours in the historical section of the Carlsbad library researching this and have documentation to substantiate the history of the lagoon as freshwater. In my research I was also struck by how the predecessors of our current Audubon Society were so instrumental in getting the Freshwater Buena Vista Lagoon established as the amazing bird sanctuary and nature reserve that it currently is.

The Buena Vista Lagoon is a well-established thriving ecosystem that needs selective enhancement not obliteration and establishment of a completely new and foreign ecosystem- which is what the Saltwater Alternative does.

**LETTER 88
MAUREEN GOERLITZ**

- P88-1 This comment provides introductory statements and expresses support for the Freshwater Alternative.
- P88-2 Please see FEIR Master Response #4 regarding the freshwater lagoon resource.
- P88-3 Please see Response to Comment P2-3 regarding freshwater and saltwater species and the anticipated biodiversity that would result from the Saltwater Alternative.
- P88-4 Please see FEIR Master Response #5 regarding historical lagoon ecology.
- P88-5 The FEIR has indicated that the lagoon is in a state of ecological decline for numerous reasons. The purpose of the Enhancement Project is to enhance the lagoon resources. Section 3.5 of the EIR provides a description of the ecological diversity anticipated with the conversion to a saltwater system. A functioning, healthy saltwater ecosystem would be created and monitored via adaptive management (as described in EIR Section 2.9.3), providing high-quality, suitable habitat and suitable hydrologic conditions and this would allow for successful biological diversity to establish throughout the lagoon ecosystem.

P88-1

P88-2

P88-3

P88-4

P88-5

2.Largest benefit to water quality: Fish and Wildlife was given stewardship of this rare freshwater lagoon which was named the first Ecological Reserve in California in 1968. They have failed miserably! They have not provided the Integrated water resource management (IWRM) they had been tasked with. This should have included invasive cattail and reed harvesting (harvesting is removing from the roots- not just mowing or trimming). The current overgrowth of reeds is attributed to Eutrophication (an enrichment of water with excess nutrients- especially nitrogen and phosphorus), from prior sewage dumping – which was allowed in the lagoon until the early 1970’s and then numerous sewage spills in the 1990’s until the sewage infrastructure was finally repaired- by the Cities of Carlsbad, Oceanside, and Vista (the responsible parties). The IWRM should also have included selective dredging to remove silt build up.

P88-6

The toxic exposure to the dead and dying fish, turtles and other wildlife from draining the lagoon, and the exposure from the deep sediment toxics (from years of prior sewage spills, DDT, lead, and pesticides) will be exposed during the bulldozing required for the Saltwater Alternative. How will the release of these fine particle toxics impact the health and safety of residents, visitors, animals, and wildlife in the area? As a voting member, this should be a consideration in your decision.

P88-7

3.Greatest benefit in terms of mosquito control: The overgrowth of cattails and reeds is the reason that mosquitos have been allowed to multiple. Mosquitos breed in small pools of water. With Eco-Harvesting cattail- maintenance the large open body of water created would not be conducive to mosquito breeding. There is a lot of documentation about the aggressiveness of salt water mosquitos- and the salt marsh/mudflats and small pools of water that would result from this Saltwater Alternative would in fact be an ideal set up for mosquitos and will make them more prevalent!

P88-8

4.Flood control: The modified “Freshwater Alternative” (FWA) which would utilize cattail/reed control and selective dredging (silt removal) returning the existing freshwater BVL to its optimum state. These steps would provide significant flood reduction capabilities.

P88-9

P88-10

5.Greatest benefit for curtailing growth of cattails and invasive species: The Buena Vista Lagoon has been impacted by the overgrowth of cattails by the negligence of Fish and Game and the contributory role of the Cities (as stated above). The Saltwater Alternative at this specific Lagoon (because we are significantly above sea-level) would only provide a minimal amount of “tidal flushing” and thus the majority cattails would not be exposed to saltwater. The

P88-11

P88-6 CEQA does not require a lead agency to determine the factors that have led to the existing conditions or ongoing actions. The historic management of the lagoon that has led to the existing conditions is not a factor in the EIR analysis, but the comment will be part of the administrative record and provided to the SANDAG Board of Directors as part of their decision-making process.

P88-7 Please see Response to Comment P11-5 regarding the toxicity of lagoon sediments. Please see Response to Comment P14-5 regarding toxins testing, soil conditions, and the limited potential for human exposure to toxins during project implementation.

P88-8 For reasons outlined in EIR Section 3.15, the EIR found that the Saltwater Alternative would be most effective at reducing vector concerns. Please see Response to Comment P11-7 regarding mosquitos and vectors. Please see Response to Comment 65-3 addressing the difference between “vector” and a nuisance species. SANDAG acknowledges that the presence of saltwater mosquitos can be considered a nuisance, similar to the presence of freshwater mosquitos; however, the identified Project Objective (EIR Section 1.2) of associated human health risk is reduced.

P88-9 The comment suggests a modified Freshwater Alternative that would utilize “ecoharvesting” of cattails. SANDAG assumes this method references the removal of cattails from the roots to inhibit future growth. While this method may slow the return of cattail habitat, the freshwater conditions would still be conducive to cattail vegetation. Cattails would continue to grow and expand back into cleared areas from remaining habitat in the freshwater environment, resulting in a continued need for ongoing maintenance. This modified alternative suggested by the comment is similar to the 4-Foot Deep Freshwater Alternative that was considered, but eliminated in the EIR as described in Table 2-1.

P88-10 As described in Chapter 4 of the EIR, based on hydrologic modeling, each of the alternatives would reduce water elevations in the lagoon and in turn reduce flood impacts to some degree. The anticipated results of flood improvements between the alternatives is shown in Table 4-2 where floodplain acres associated with the Freshwater Alternative are reduced over current conditions by 15 acres while the other alternatives reduce the floodplain by over 55 acres. The EIR specifically states that, although water elevations would also be lower and the floodplain reduced under the Freshwater Alternative, the extent of that improvement would be less compared to the Saltwater Alternative.

With the weir in place, flood elevations would continue to be higher than the Saltwater Alternative due to the lack of additional storage capacity in

the lagoon if a weir is in place at the inlet. The primary reason the Freshwater Alternative performs poorly in flood flow conveyance relative to the Saltwater Alternative is because the weir works like a dam to retain (store) water in the lagoon at a consistent elevation of +5.6 ft NGVD. This retained water reduces the flood flow storage capacity of the Freshwater Alternative compared to the Saltwater Alternative, Please see Response to Comment P74-1 for additional flood information.

- P88-11 As described in EIR Section 2.6.2, implementation of the Saltwater Alternative would include the removal of sediments to provide appropriate elevations throughout the lagoon basins to allow tidal flow. Vegetation removal, including the removal of cattails, is described for each alternative in Section 2.6 and within Table 2-4 of the EIR. Cattails are not anticipated to regrow under the Saltwater Alternative due to the increased salinity within the lagoon. Under the Freshwater Alternative, portions of the lagoon would be dredged to provide water depths that would preclude cattail growth and expansion; however, cattails would continue to grow in certain locations in the freshwater environment and would require ongoing maintenance every 1 to 2 years.

assumption that tidal flushing would control the cattail overgrowth is false and deceiving. Instead **why not** do the less invasive, less costly, and less toxic- well established techniques of Eco-harvesting, and selective dredging.

6. Long-term maintenance costs are lower: As stated above the BVL has been ignored and neglected by Fish and Wildlife. The modified Freshwater Alternative is much less costly, both in implementation and long-term maintenance costs. The options of Eco-harvesting the invasive weeds and selective dredging would cost significantly less than draining the lagoon, bulldozing, creating a 100-foot channel and the frequent dredging required to keep the channel open.

The complete dewatering of the lagoon is not necessary in a modified Freshwater Alternative. Dewatering is suggested in the over-design of the current EIR's Freshwater Alternative. I believe this was done for two reasons:

1. To falsely raise both the implementation and the maintenance costs of the Freshwater Alternative (FWA) to the levels of the Saltwater alternative (SWA).
2. The over-design of the current proposed FWA with complete dewatering/drainage of the lagoon is also an attempt to make the option look similar in impact and scope to the drastic Saltwater Alternative (The SWA- does necessitate the complete draining of the lagoon and killing of the existing wildlife). I find it ironic that any environmental group would support draining, killing existing wildlife and fish, exposing buried toxins, and bulldozing an established rare bird habitat and ecosystem in an attempt to establish a completely new habitat that never existed before.

This is not an issue of a "few homeowners" that only care about their views vs. what is best for the environment- which is what the Audubon Society would have you believe. Of course, the people that live near this rare freshwater lagoon want to preserve it- They are witness everyday of just how special and unique it is.

California's First Ecological Reserve is worth saving....

Please do not certify the FEIR
and choose the Freshwater Alternative- it's the best option for all!

↑
P88-11
cont

P88-12

P88-13

P88-14

P88-15

P88-12 SANDAG has prepared the estimated costs of each alternative and has published those costs on the project website. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. Please see Response to Comment P14-12 regarding alternatives cost.

P88-13 As described in the explanation of construction methods in the Description of Project Alternatives, Chapter 2 of the EIR, dewatering would be necessary for sediment and vegetation removal, and certain other restoration activities. Development of the construction methods for each alternative carefully considered multiple factors, such as minimization of environmental effects, cost, feasibility, and effectiveness.

P88-14 SANDAG values the input of residents who have private property near the lagoon and will consider those opinions when making project decisions.

P88-15 SANDAG acknowledges the request to not certify the FEIR and the support for the Freshwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

From: Becki Yeomans [<mailto:byeomans@lytx.com>]

Sent: Wednesday, July 11, 2018 1:31 PM

To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>

Subject: Buena Vista Lagoon - Saltwater Option

Dear Michele and Tessa,

I am an Oceanside resident who lives very close to the Buena Vista Lagoon and have been very involved in trying to get the lagoon restored to its natural system: influenced by both tidal and fluvial input. Until 1940 the lagoon was a saltwater system. For some unknown reason the community of St. Malo was given the rights to erect a weir which completely changed the eco system and left us with a swamp land of cattails which have become a prime location for mosquito breeding. Due to this unfortunate situation we are now faced with a serious mosquito problem which affects the health and safety of all the residents who live anywhere near the lagoon. This should never have been allowed to take place. Shame on our government agencies for caving in to the influence of wealthy out of towners. When our governing agencies became aware of the severe health and safety problem related to the mosquitoes, they should have done something and they did nothing!!!! The California Fish and Wildlife agency who has the responsibility for the lagoon has the authority to take the property where the weir is erected by eminent domain especially since it is a health risk to the community. But they chose to ignore the problem and do nothing and now we have spent millions of dollars on studies and a very extensive EIR which was completed some time ago stating that the best option would be to bring the lagoon back to its original state of tidal flushing from the ocean saltwater and the freshwater that flows from the river and streams.

There are other benefits to the saltwater option besides the abatement of the mosquito breeding. The tidal flushing will increase the water circulation making it a healthier water system for all species. It would reduce the likelihood of flooding and would contribute to the beach sand replenishment which is really needed in the City of Oceanside. Also, instead of looking at a swamp land of cattails you would have this beautiful lagoon.

I urge you to use your influence and do the right thing by bringing the lagoon back to its natural state and voting for the saltwater option.

Rebecca Yeomans

2021 S. Ditmar Street

Oceanside, CA 92054

Email: yeomans2021@att.net

BECKI YEOMANS Senior Executive Assistant

Direct +1 (858) 380-3193

www.lytx.com

LETTER 89 REBECCA YEOMANS

- P89-1 This comment provides introductory statements. Please see Master Response #5 regarding historical lagoon ecology.
- P89-2 The historic management of the lagoon that has led to the existing conditions is not a factor in the EIR analysis. Please see Response to Comment P11-7 regarding mosquitos and vectors. Please see Response to Comment 65-3 addressing the difference between "vector" and a nuisance species. For reasons outlined in the EIR (EIR Section 3.15), the EIR found that the Saltwater Alternative would be most effective at reducing vector concerns.
- P89-3 The comment outlines other anticipated benefits of the Saltwater Alternative. A comparison of alternatives is included in Chapter 4.0 of the EIR.
- P89-4 The comment expresses support for the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P89-1

P89-2

P89-3

P89-4

July 3, 2018

SANDAG

In re: Buena Vista Lagoon Enhancement Project

Greetings,

We live in the Sanctuary Condominiums, 2399 Jefferson Street, Carlsbad. Our property is contiguous to the Lagoon. Both my wife and I have expressed our concern over the planned salt water regime. Eliminating the fresh water and allowing what will mostly marsh area on our property line will result in a bigger mosquito problem than we have now. Currently, as the law reads, a property owner could be fined for allowing mosquito breeding areas to go untreated. How does Fish and Wildlife plan to confront this situation? They have done very little if anything over the past 40 years to maintain our Lagoon. How can we be assured that they will pay attention to this treasure in the future? It would appear to us that they are more concerned with getting their desired salt water regime than being a good neighbor to the Community.

We in Carlsbad and Oceanside have to live with the results of their decisions. Both my wife, Barbara and I pray that SANDAG take the time to understand and fully realize the consequences of a salt water decision.

Thank you

Allan & Barbara Wanamaker

LETTER 90
ALLAN AND BARBARA WANAMAKER

P90-1 The comment expresses concern over the Saltwater Alternative.

P90-2 CEQA does not require a lead agency to determine the factors that have led to the existing conditions or ongoing actions. Please see Response to Comment P11-7 regarding mosquitos and vectors. Please see Response to Comment 65-3 addressing the difference between "vector" and a nuisance species. For reasons outlined in the EIR (EIR Section 3.15), the EIR found that the Saltwater Alternative would be most effective at reducing vector concerns. Please see Responses to Comments P11-7 and P20-5 regarding SANDAG's ongoing coordination with San Diego County Vector Control.

All of the enhancement alternatives would require a perpetual endowment for maintenance. The endowment would be sufficient to cover the cost of the maintenance through the interest generated on the principal investment.

P90-3 SANDAG values the input of residents who have private property near the lagoon and will consider those opinions when making project decisions. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

July 8, 2018

SANDAG


RE: Alteration and Improvements to Buena Vista Lagoon, Carlsbad CA

I have written previously, but I believe that this issue is of such importance that I should bring more information to the Board's attention. I know that SANDAG Board is concerned with issues that cover the entire County of San Diego. And I know that the Directors have more than a full load of concerns outside of SANDAG business. But I wish to call your attention to 2 items that can't be stressed enough:

The idea of tidal flushing in the main lagoon and the lagoon east of I-5,
And the real problems left if fresh water is replaced with the salt water regime

The actual tidal flushing will only occur in the 2 western most lagoon sections, west of Highway 101. Independent engineering studies will confirm this and Mr. Canon alludes to this also. What will remain in the main and eastern most lagoons will be only the minor flow of Buena Vista Creek. And certainly not enough water to flood any existing areas leaving large patches of overgrowth. Please consider some of the problems with this regime: easier access to heretofore restricted areas, causing safety and health problems; no removal of mosquitoes as alleged. And more invasive plants due to more growing areas.

Please, I know some of the individual members of the Board may not actually have visited the Lagoon. Please come take a drive by and see it from all sides: the beach, Highway 101, I-5, Jefferson Street, Laguna Drive Maxton Brown Park and Oceanside. This is a Coastal Treasure. Please help us preserve it.


Allan and Barbara Wanamaker
2399 Jefferson St. #14
Carlsbad CA 92008

LETTER 91
ALLAN AND BARBARA WANAMAKER

- P91-1 The comment provides introductory statements.
- P91-2 The comment letter does not provide independent studies that counter the hydraulic studies and tidal information provided in the EIR. As described in EIR Section 2.6.2, implementation of the Saltwater Alternative would include the removal of sediments to provide appropriate elevations throughout the lagoon basins to allow tidal flow, including the eastern basins. As stated in Section 2.6.2 of the EIR, the Saltwater Alternative would feature a subtidal, open water channel running from the ocean (tidal inlet) to approximately halfway through the I-5 Basin. On either side of the channel, the ground would be graded to provide intertidal mudflat and a mix of coastal salt marsh habitats (low, mid, and high salt marsh) within each of the four basins. The average residency time for each basin is shown in Table 3.2-2 of the EIR and shows that the Saltwater Alternative would result in the shortest residency time of any alternative. In addition, the results of the tidal hydraulic modeling presented in Appendix C, Fluvial and Tidal Hydraulics Report indicated that tidal exchange would reach east beyond the Weir and Railroad Basins into the Highway 101 and I-5 Basins.
- P91-3 As described in Response to Comment 12-46 in the FEIR, implementation of the Saltwater Alternative would not substantially change access along existing private homes.
- P91-4 While it is possible that some small areas of freshwater could accumulate in the mudflat areas, these areas would be flushed frequently with saltwater during tidal flushing that would result from implementation of the Saltwater Alternative. Drainage patterns would be altered and circulation within the lagoon would increase with the open inlet, improved channel network and flow regimes, and increased tidal flow. With tidal flushing under the Saltwater Alternative, residence times would be 1 to 3 days (EIR Table 3.2-3). The new tidal inlet would also enable the lagoon to drain incoming freshwater more efficiently due to increased tidal flow and enhanced circulation. These short periods of time where there could be potential standing water are not long enough to create successful mosquito breeding conditions.
- P91-5 As described in the EIR Section 2.6.2, implementation of the Saltwater Alternative would include the removal of sediments to provide appropriate elevations throughout the lagoon basins to allow tidal flow and water elevations at appropriate frequencies to allow salt marsh habitat to establish. Additionally, the potential for invasive species would be controlled through implementation of the adaptive management plan

described in EIR Section 2.9.3, which includes multiple measures to address invasive species.

- P91-6 The comment provides closing statements. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

LETTER 92 JENNIFER SHEAR

From: Jennifer Shear
To: svaus@poway.org; Matt.hall@carlsbadca.gov; clowery@ci.oceanside.ca.us; cori.schumacher@carlsbadca.gov; council@carlsbadca.gov; jken@ci.oceanside.ca.us; Greer_Kelth@ci.oceanside.ca.us; Kawada_Kim@ci.oceanside.ca.us; tsinnott@delmar.ca.us; Stackwick_Victoria@ci.oceanside.ca.us; pweiss@ci.oceanside.ca.us; Posada_Michelle@ci.oceanside.ca.us; Lero_Tessa@ci.oceanside.ca.us
Subject: FRESHWATER IS THE BEST WATER FOR THE BUENA VISTA LAGOON!!
Date: Wednesday, July 11, 2018 9:19:09 PM
Attachments: [IMG_2320.JPG](#)
[IMG_3827.JPG](#)
[IMG_2372.JPG](#)
[IMG_3733.JPG](#)
[IMG_3999.JPG](#)
[IMG_2876.JPG](#)

To Whom it May Concern:

My name is Jennifer Shear and I live at the Sanctuary Condominium Complex at 2399 Jefferson Street in Carlsbad. Our building backs up directly to the beautiful Freshwater Buena Vista Lagoon. (Please see attached photos of our breathtaking view there)

I strongly recommend and urge you to keep this rare Freshwater Lagoon just that - Freshwater- the "Freshwater Alternative"- (FWA) and not be converted to a Saltwater Marsh (the "Saltwater Alternative" (SWA).

The Saltwater Alternative would only have a small river of seawater and be comprised of mostly ugly and smelly mudflats, which is not like the other lagoons that have significant seawater, The Buena Vista Lagoon is different than the other lagoons in the area in that it is significantly above sea- level.

The SWA would require a 100 foot channel at the beach in order to get any saltwater in. The amazing open water that both the flocks of birds and the citizens here greatly enjoy will be gone forever! This channel also creates limited access up and down the beach, as well as a safety hazard.

Our Buena Vista Lagoon has been mostly neglected by Fish and Wildlife, who have not maintained the cattails and silt build up. Eco-Harvesting (pulling up the cattails by the roots so they don't grow back) is a very viable option (AND SIGNIFICANTLY LESS COSTLY) that HAS NOT even been attempted here.

The SWA- requires draining the whole lagoon and thus killing all of the fish and most of our wildlife! It would require bulldozers working night and day for 2 years. Deep sediment toxins will be released (from the prior sewage spills, old DDT etc).

Years of lack of maintenance by Fish and Wildlife and how the prior sewage spills led to the overgrowth of the cattails- which directly contributes to mosquito breeding areas. Saltwater mosquitos are known to be even more aggressive than freshwater mosquitos. It would be MUCH LESS EXPENSIVE to keep the lagoon freshwater and to harvest the cattails and do selective dredging, than the millions it would cost to drain, bulldoze, and create an artificial channel and a man-made ecosystem after the existing & thriving ones are destroyed.

The Final Environmental Impact Report (FEIR) does not take into consideration our to die for views or how the SWA impacts our property values. PLEASE DO NOT CERTIFY THE FEIR & choose the FRESHWATER OPTION for our gorgeous Buena Vista Lagoon.

WE DO NOT WANT & IF YOU LIVED HERE, I'M SURE YOU WOULD NOT WANT THE FOLLOWING THAT BE THE RESULT OF THE SWA:

- A horrible view of mudflats and very little water. We LOVE our current view!
- Rotten smells
- Aggressive saltwater mosquitoes
- Lack of privacy, as people would then be able to walk into our backyards
- Home security diminished
- Loss of Property Value
- Fewer birds and species, no freshwater fish
- Loss of our unbelievable sunset views

P92-1

P92-2

P92-3

P92-4

P92-5

P92-6

P92-7

P92-8

P92-9

P92-10

P92-11

P92-12

P92-13

P92-14

P92-15

P92-16

P92-17

- P92-1 The comment provides introductory statements and expresses support for the Freshwater Alternative.
- P92-2 Contrary to the comment that the lagoon would be composed mostly of mudflats, Table 3.5-4 of the EIR shows the proposed habitat distributions and approximately 20 acres of the 238 acre site would be mud flats.
- P92-3 As described in EIR Section 2.6.2, implementation of the Saltwater Alternative would include the removal of sediments to provide appropriate elevations throughout the lagoon basins to allow tidal flow. Please see Response to Comment P15-10 regarding visual changes anticipated with project implementation. Visual impacts are described in EIR Section 3.9 along with visual simulations of future conditions. Please see Master Response #6 in the FEIR addressing odor.
- P92-4 As shown in Table 3.5-4 of the EIR, the Saltwater Alternative would maintain over 50 acres of open water habitat. As described in Response to Comment 12-15 in the FEIR, it is anticipated that an increased range of species could be supported in the more diverse habitat distribution that would result from the Saltwater Alternative.
- P92-5 Lateral access along the beach is proposed to be maintained through a pedestrian bridge as described by Mitigation Measure Land Use-1 that would provide a continually safe crossing was available for pedestrians, but a safety impact associated with the new inlet would remain significant and unmitigated for swimmers, walkers, and other recreationalists as cited in Section 3.15.3 of FEIR.
- P92-6 CEQA does not require a lead agency to determine the factors that have led to the existing conditions or ongoing actions. The historic management of the lagoon that has led to the existing conditions is not a factor in the EIR analysis, but the comment will be part of the administrative record and provided to the SANDAG Board of Directors as part of their decision-making process. Please see Responses to Comments P88-9 and P88-11 regarding eco-harvesting.
- P92-7 Please see Response to Comment P11-5 regarding the toxicity of lagoon sediments. Please see Response to Comment P14-5 regarding toxins testing, soil conditions, and the limited potential for human exposure to toxins during project implementation.
- P92-8 SANDAG acknowledges that the presence of saltwater mosquitos can be considered a nuisance, similar to the presence of freshwater mosquitos; however, the identified Project Objective (EIR Section 1.2) of

associated human health risk is reduced. Please see Response to Comments P11-7 and P20-5 regarding saltwater mosquitos.

P92-9 SANDAG has prepared the estimated costs of each alternative and has published those costs on the project website. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. Please see Response to Comment P14-12 regarding alternatives cost.

P92-10 Visual impacts are described in EIR Section 3.9 along with visual simulations of future conditions. Please see Response to Comment P15-10 regarding visual changes anticipated with project implementation.

SANDAG acknowledges the request to not certify the FEIR and the opposition to the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P92-11 The comment expresses the opinion that mudflats are not visually pleasing. Visual impacts, including those associated with low tide conditions, are described in EIR Section 3.9 along with visual simulations of future conditions.

P92-12 Please see Master Response #6 in the FEIR addressing odor.

P92-13 Please see Response to Comment 65-3 in the FEIR regarding mosquitos and vectors. Please see Response to Comment P14-4 regarding the reduction in vector breeding conditions that would be achieved by the Saltwater Alternative. Please see Response to Comment P11-7 regarding saltwater mosquitos.

P92-14 Please see Response to Comment P4-3 regarding public access to private property.

P92-15 Private property values and purely socioeconomic effects exceed the scope of the EIR. The commenter's concern expressed on the speculative loss of property value is part of the written comments and documentation will be added to the record.

P92-16 Please see Response to Comment P2-3 regarding freshwater and saltwater species and the anticipated biodiversity that would result from the Saltwater Alternative. As described in Response to Comment 12-15 in the FEIR, it is anticipated that an increased range of species could be supported in the more diverse habitat distribution that would result from the Saltwater Alternative.

P92-17 Please see Response to Comment P15-10 regarding visual changes anticipated with project implementation. Visual impacts are described in EIR Section 3.9 along with visual simulations of future conditions.

Ever since moving to Carlsbad 2.5 years ago, I've seen nothing but advertisements of Carlsbad as a place of beauty. On mailings, on social media, on websites, on real estate listings, etc.. This is one of the main reasons I moved here from the midwest. In choosing to live here, I wanted to live in a place with the BEST VIEW possible for my budget. I chose to buy in The Sanctuary – located at 2399 Jefferson Street in Carlsbad. **My condo sits directly on the Buena Vista Lagoon.**

Beauty and serenity are abundant right in my backyard. Please see the attached photos of my view from my back balcony. WHY WOULD ANYONE WANT TO TAKE AWAY SUCH STUNNING BEAUTY??? **If you lived on the lagoon, would you want this taken away?? This is what Carlsbad is all about – beauty.**

If the Lagoon is switched to a saltwater body of water, our AMAZINGLY STUNNING sunset reflections will disappear. Our daytime view would be mostly unsightly mudflats instead of the beautiful body of water that is currently there. **I'm certain that if you lived here, you wouldn't want to lose these amazingly gorgeous views.**

If the Lagoon is switched to saltwater, at low tides, the water will not even fill up the area – leaving an UGLY muddy empty eyesore. Why would anyone want that? **I'm certain you wouldn't want that in your back yard.**

If the Lagoon is switched to saltwater, the lovely wildlife in the lagoon will be forced to go away – there are currently daily sightings of ducks, regal egrets, and other happy animals. **Leave the animals be.**

If the Lagoon is switched to saltwater, our PROPERTY VALUES WILL DROP DRASTICALLY! The stunning full freshwater lagoon, the amazing reflective sunsets & wildlife are a HUGE selling point to our location. Nobody wants their view to be a muddy, mucky, half-full or empty hole in the ground. Nobody wants their property values to drop. **I'm certain you wouldn't want your property value to drop drastically.**

PLEASE LISTEN TO YOUR CONSTITUENTS THAT ARE DIRECTLY ON THE LAGOON– We DO NOT want our beautiful Lagoon changed to saltwater. PLEASE CHOOSE THE FRESHWATER ALTERNATIVE & REJECT THE FIER REPORT! It is what's best for the City of Carlsbad and its residents.

Again – take a look at our views. You wouldn't want these taken from you – and neither do we.

I URGE YOU TO PLEASE LEAVE THE LAGOON FRESHWATER. IT REALLY IS THE BEST WATER!

P92-18 The comment expresses the opinion that the current aesthetic view will change to visually unappealing marsh lands. Visual impacts, including those associated with low tide conditions, are described in EIR Section 3.9 along with visual simulations of future conditions.

P92-19 Please see Response to Comment P2-3 regarding freshwater and saltwater species and the anticipated biodiversity that would result from the Saltwater Alternative.

P92-18 P92-20 Private property values and socioeconomic effects exceed the scope of the EIR. The commenter's concern expressed on the speculative loss of property value is part of the written comments and documentation will be added to the record.

P92-21 SANDAG acknowledges the request to not certify the FEIR and support of the Freshwater Alternative.

P92-19

P92-20

P92-21

Thank you for your time,

Jennifer Shear
2399 Jefferson St #10
Carlsbad, CA 92008













**LETTER 93
LISA AMANTEA**

From: Lisa Amantea [<mailto:laa42@cox.net>]
Sent: Thursday, July 12, 2018 2:03 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>
Cc: matt.hall@carlsbadca.gov; pweiss@ci.oceanside.ca.us; council@carlsbadca.gov; council@ci.oceanside.ca.us
Subject: Buena Vista Lagoon Enhancement

Dear Interested Parties,

I am writing in regards to the upcoming decision regarding the Buena Vista Lagoon Enhancement Project. I would like to ask you to support the Saltwater Alternative. This alternative is supported by the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, the California Coastal Commission, and the Buena Vista Audubon Society.

The Saltwater Alternative provides the following:

- The most species diversity and promotes coastal saltwater wetlands which is currently an endangered habitat.
- Addresses public goals of mosquito control (a public health issue), cattail reduction, and beach sand replacement
- Adheres to the Clean Water Act's goals of tidal flushing and increased water circulation
- Best fulfills original EIR goals and objectives for lagoon enhancement.

I believe that the Saltwater Alternative best meets the needs of the general public *and* preserving our critical habitat/wildlife of San Diego and ask you to support this alternative.

Thank you for your time.

Respectfully,

Lisa Amantea
3135 Via Del Monte Libano
Vista, CA 92084

P93-1 The comment expresses support for the Saltwater Alternative and lists other supporters. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P93-1 P93-2 The comment lists anticipated benefits of the Saltwater Alternative relative to other alternatives.

P93-2

**LETTER 94
ALEX JUBB**

From: alex.jubb <aejubbucd@hotmail.com>

Date: July 13, 2018 at 9:24:20 AM PDT

To: "Tessa.lero@sandag.org" <Tessa.lero@sandag.org>

Subject: Please do not destroy our Buena Vista Lagoon by changing it to saltwater and mudflats

My name is Alex Jubb, and while I fear this letter may fall on deaf ears and be too late, I am writing today to express my concerns with the proposal to change the Buena Vista Lagoon to saltwater; I strongly disagree with this proposal for a number of reasons.

As a lifelong resident one of my greatest concerns is the beauty of our city, I for one (as do many), think open water is more attractive and appealing than a tidal salt creek surrounded by 70+ acres of smelly mudflats and salt marsh. I understand the desire to have things "natural" (keep in mind Buena Vista Lagoon is above sea level... so the salt alternative isn't exactly natural either) but I also understand that sometimes we have an opportunity to improve on natural. As a dentist working in pediatrics, I get to see braces improve "natural" every single day. As I drove to San Diego this weekend, (granted with some extreme tides) I passed mud at Agua Hedionda, Batiquitos, and Del Mar- and thought our ONE very rare freshwater/(brackish) coastal lagoon is a great improvement to all these natural areas. I don't think anyone- even in the groups supporting the saltwater alternative, can argue that 70+ acres (the equivalent of 53 football fields for perspective) of marsh and mud is better than "pretty" water.

Esthetics aside, one of my other biggest concerns is cost. Politicians seem to be claiming that the saltwater alternative is actually going to save money in the long run; but how many have actually done the math...

Let's consider long term costs and maintenance... yes the charts explain freshwater would be more expensive than the saltwater alternative for maintenance; BUT I ask have you considered how much? The studies put the freshwater maintenance cost difference as low as \$70,000 more annually to as much as \$270,000 more than the saltwater alternative- but remember, the salt option costs over \$20 million more up front. Do you know how long it is going to take the saltwater alternative to "break even," or actually be cheaper than the fresh? At conservative pricing (and no interest calculated), the saltwater alternative won't actually be the cheaper choice for another 285 years! Even at the highest estimate, the saltwater alternative will be more expensive for 80 years (after which it will finally begin to save taxpayers \$70,000 annually). Let's for argument sake average the two; regardless of plan, I'm willing to bet in the next 182 years both plans will require major changes considering what has already occurred in my lifetime of 36 years. Let's also not forget the interest on the \$20 million price tag differential... invested with a reasonable return of 6%, the interest on the savings alone would be over a million dollars- which would certainly cover the \$270,000 highest estimated maintenance costs.

Arguing that the saltwater alternative will save taxpayers money in year 2200, while in truth being more expensive from now until then, is a joke.

I propose another (somehow overlooked alternative) that would restore the lagoon's beauty, maintain the views, not destroy a rare protected ecological area, not displace all the birds and wildlife, and even address the vector issue at just 5% of the cost. CA F&W has not kept up with their maintenance, and I won't argue that something needs to be done, but why not simply correct Fish and Wildlife's years of neglect? This is not the Freshwater plan or the "do nothing alternative," but instead a hybrid. In the keepsandiegomoving.com link Mr. Greer sent me, the cost estimate for removal of cattails- including all costs of labor, transport, and dumping ranged from 1.8-3 million dollars depending on the plan. Seems like a steal compared to \$60+ million (which grossly overlooks many other fees (ie land acquisition and conservation easements)). At a cost savings of 95%, it would save taxpayers \$57+ million dollars, improve the esthetics greatly, protect a rare protected sanctuary, significantly improve the vector issue, and NOT destroy our ability to walk from N. Carlsbad to South O.

After reading the EIR, trying to keep an open mind, I continue to question the saltwater alternative. I strongly disagree with the saltwater plan, and given the available choices would have to vote for the freshwater choice. While I understand my Carlsbad City Council has already signed off on the saltwater plan, I ask you reconsider my (apparently not considered) alternative if given the opportunity, or at the very least choose salt water. I spent this holiday weekend walking the beach from ANA to St. Malo; losing the ability to do so, or our beautiful Buena Vista Lagoon, would be a great tragedy for all of Southern California- Thank you again so very much for your time.

Respectfully,

Dr. Alex Jubb

P94-1 The comment expresses the opinion that the current aesthetic view will change to visually unappealing marsh lands. Visual impacts, including those associated with low tide conditions, are described in EIR Section 3.9 along with visual simulations of future conditions. Please see Master Response #4 of the FEIR regarding the freshwater resource. Please see Master Response #6 in the FEIR addressing odor.

P94-1 P94-2 SANDAG has prepared the estimated costs of each alternative and has published those costs on the project website. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. Please see Response to Comment P14-12 regarding alternatives cost.

P94-3 The alternative proposed by the comment to only remove the cattails would not achieve the project objectives as described in Section 1.2 of the EIR, including enhance and maintain sensitive habitats and native species; promote a system of native wetland and terrestrial vegetation communities that can be sustained; and protect, improve, and maintain water quality. The alternative to solely remove the cattails would also negatively impact endangered species without any benefits to those species. This proposal most likely would require offsetting mitigation through creation of new habitat elsewhere.

The EIR acknowledges that implementation of either the Saltwater or Hybrid Alternatives would result in a significant impact to lateral access along the beach due to creation of a new inlet. The pedestrian bridge identified in Mitigation Measure Land Use-1 would mitigate the lateral access impact.

While there could be any number of habitat design options of cattail removal to achieve different purposes, the volume of cattail removal in the Freshwater Alternative was designed to best optimize the removal of cattail vegetation while minimizing environmental impacts.

P94-3

P94-4

P94-4 This comment expresses opposition for the Saltwater Alternative and support for the Freshwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. As outlined in Response to Comment P94-3, the alternative proposed by the comment to only remove the cattails would not achieve the project objectives. Lateral access along the beach would be maintained through a pedestrian bridge as identified by Mitigation Measure Land Use-1 that would ensure a continually safe crossing was available for pedestrians. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

LETTER 95
MAX JARA

-----Original Message-----

From: max.jara@rocketmail.com <max.jara@rocketmail.com>

Sent: Sunday, July 22, 2018 12:31 PM

To: Lero, Tessa <Tessa.Lero@sandag.org>; Posada, Michelle <Michelle.Posada@sandag.org>

Subject: Buena Vista Lagoon

Dear Ms. and Ms. Lero,

I am a native youth of South Oceanside; I have spent all 16 years of my life here and have spent much time hiking and observing wildlife at the Buena Vista Lagoon. I would like to express concern over the salt marsh selection progress of the lagoon. I do not believe it is necessary nor beneficial. A solution that has been presented to me would be to dredge the lagoon 10-15 feet deeper to stop any more reed growth. This way we can keep this special freshwater lagoon and solve our problem at the same time. If finance becomes an issue, perhaps we could restore it to its original condition from the '30s by offering rental man-powered boats for use on the lagoon as well as charging a day-use fee to fishermen, as the lagoon is full of beautiful bass that could not survive in saltwater. Lastly, I am an aspiring Eagle Scout and would be honored to assist in the rehabilitation of our Lagoon. Thank you for your consideration.

Sent from my iPhone

P95-1

P95-2

- P95-1 This comment expresses opposition for the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. The comment suggests dredging deeper to stop cattail growth. While this method may slow the return of cattail habitat, the freshwater conditions would still be conducive to cattail vegetation. Cattails would continue to grow and expand back into cleared areas and spread from remaining habitat in the freshwater environment and would require ongoing maintenance. While there could be any number of habitat design options of cattail removal to achieve different purposes, the volume of cattail removal in the Freshwater Alternative was designed to best optimize the removal of cattail vegetation while minimizing environmental impacts.
- P95-2 SANDAG has prepared the estimated costs of each alternative and has published those costs on the project website. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. Please see Response to Comment P14-12 regarding alternatives cost.

As described in the EIR, some wildlife species would continue to utilize the lagoon under saltwater conditions and some species would not persist in the saline environment. As described in Response to Comment 12-15 in the FEIR, it is anticipated that an increased range of species could be supported in the more diverse habitat distribution that would result from the Saltwater Alternative.

From: Marco Polo <marcopolo2727@yahoo.com>

Sent: Saturday, July 21, 2018 4:00 PM

To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>; matt.hall@carlsbadca.gov; pweiss@ci.oceanside.ca.us

Subject: Buena Vista Lagoon "Enhancement Project"

Before I get into my complaints about how poorly the Buena Vista Lagoon Enhancement EIR has been handled by our local governments, I do want to thank everyone for their devoted public service. I know it must be a tough job and I appreciate everyone's dedication and hard work.

I should start off by saying that I am a resident in one of the condominium projects that abut the Buena Vista Lagoon and will greatly impacted both financially and spiritually by the apparent decision by the SANDAG governing board, City of Carlsbad and City of Oceanside to go with the saltwater alternative that is discussed in the Draft and Final EIRs.

It's really tough to know where to start on this because there are so many disturbing layers to this whole issue. I guess what might be most disturbing is that it looks like to me the people who will be most significantly impacted by this decision, were not properly notified – particularly with the release of the Final EIR. I can testify that I personally was not notified and the same was true of many of my neighbors. Once I did hear about it and then reviewed the Final EIR, I was shocked to see that despite the overwhelming comments to the Draft EIR in favor of the freshwater alternative, the consensus of all local governments and state organizations such Dept. of Fish and Wildlife all favor the saltwater alternative. I also noticed how radically the Comparison of Alternatives – Environmentally Superior Alternative (Section 4.4) was edited. I mean the whole spin is different from draft to final EIR – then we are given 60 days to process this? How about the rendering of the what the saltwater option would look like in Figure E-3 in the Final EIR. I'm being told by some folks that have consulted experts that this is absolutely a best-case look at high tide rendering and that the most typical look will be a whole lot less water and more mudflats.....smelly mudflats, I might add. I used to live near San Elijo Lagoon and I can tell you all about the bad smells there. After that, what caught my eye was the fuzzy math involved with the annual maintenance. With freshwater alternative only requiring dredging every 25 years, I think whoever put together those cost estimates may have been playing fast and loose with the numbers. These figures should be audited to insure their accuracy, because with project costs being somewhat close, I think the annual maintenance cost is a major focus in most people's minds.

All this adds up to what seems like a deliberate effort by government to circumvent proper public opinion on this very important issue. Why? Their seems to be something bigger (\$\$\$) that is influencing all levels of government to line up on one side of this issue. All I'm hearing is that it has to do with funding for the I-5 expansion, railroad and coast highway projects. Is this clouding your vision? Perhaps the pressure from other government forces was too great?

I don't think most people are aware of how difficult it is to keep these salt water marshes working right – Look at San Elijo and San Dieguito Lagoons.....hardly a ringing endorsement of how well these salt-water water restoration projects work. Please take a look at the photo attachments I have provided. I mean seriously, the City of Carlsbad should be using these for tourism purposes. This is a local treasure! Photos like these should be on post cards, Visit Carlsbad web site, Chamber of Commerce etc. along side of the flower fields, beaches, etc. Best of all, the greater public has access to this treasure when using Maxton Brown Park at Laguna Avenue and State Street. Of course, this implies that the cattails are cut.....which should have been done all these years by Dept. of Fish and Wildlife, I might add.

While loss in home values as a result of selecting the salt water alternative may not be considered in the EIR, as public officials, you should be VERY concerned about this. Homes on and near the Buena Vista Lagoon were built and sold based on this view amenity. Make no mistake, home values are driven by this amenity (again, see attached photos) and when you take this away, and replace it with what amounts to no more than a tide fluctuating stream, mudflats and marsh, home values will drop as a result. There are about 400 homes, condos, apartments and businesses that are located on or near the lagoon and have direct views of it. Another 400 plus lagoon view homes are located on the hills of Carlsbad and Oceanside. With preliminary loss

LETTER 96 MARK ANDERSON

- P96-1 The comment provides introductory statements. Please see Master Response #7 in the FEIR Response to Comments regarding the extensive notification efforts associated with the preparation of the CEQA document and in compliance with all CEQA requirements. Please see Response to Comment P11-2 regarding additional notification efforts associated with the FEIR.
- P96-2 All responses provided by agencies, local governments, and individuals are available in the Response to Comments in the FEIR for public review.
- P96-3 It is correct that edits were made and text was added to Section 4.4, CEQA Environmentally Superior Alternative of the FEIR. These edits were made in response to comments received on the Draft EIR to better clarify and explain the comparison of alternatives relative to the discussion of the environmentally superior alternative. While information was added to the section, the conclusion of the section did not change and continued to state that no alternative was clearly environmentally superior to another.
- P96-4 Table 2-2 of the EIR shows the amount of open water habitat (i.e., areas that will always remain inundated under all hydrologic conditions and never be dry or exposed soil). The extent of open water will vary under the Saltwater Alternative depending on the tidal elevation and inlet condition, but will always consist of at least 51.0 acres of open water under any condition as shown in the table. Visual impacts, including those associated with low tide conditions, are described in EIR Section 3.9 along with visual simulations of future conditions. Please see Response to Comment P14-9. Please see Master Response #6 in the FEIR addressing odor.
- P96-5 Maintenance for removal of accumulated sediment would be different between the Freshwater and Saltwater Alternatives. Fine sediments would continue to accumulate in the eastern portion of the lagoon as freshwater flows enter the lagoon from the upper watershed under the Freshwater Alternative. Removal of this sediment would require disposal, potentially at offsite locations, at a frequency anticipated every 25 years based on current sediment loads. Sediment accumulating under the Saltwater Alternative would primarily be limited to sand becoming entrained in the lagoon inlet, the majority of which would be removed annually. SANDAG has published the costs of each alternative on the project website for public review. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to

taking action on the project. Please see Response to Comment P14-12 regarding alternatives cost.

- P96-6 SANDAG has met and exceeded CEQA public involvement requirements. Please see Master Response #7 in the FEIR Response to Comments regarding the extensive notification efforts associated with the preparation of the CEQA document and in compliance with all CEQA requirements. Please see Response to Comment P11-2 regarding additional notification efforts associated with the FEIR.

Please see Response to Comment P32-2 that describes the interaction of the proposed project and the North Coast Corridor project and other transportation projects requiring mitigation.

- P96-7 The comment provides discussion and attachments of current views. Visual impacts, including those associated with low tide conditions, are described in EIR Section 3.9 along with visual simulations of future conditions. Public access would be enhanced under all action alternatives through a Boardwalk that would connect to the Nature Center and to Maxton Brown Park (Section ES.5.1 of the EIR).

- P96-8 Private property values and socioeconomic effects exceed the scope of the EIR. The commenter's concern expressed on the speculative loss of property value is part of the written comments and documentation will be added to the record. As explained in Response to Comment 65-4 in the FEIR, the selection of key view points for analysis and visual simulations in the EIR are based on the most available public views of the project site as directed by CEQA legal precedent. SANDAG values the input of residents who have private views of the lagoon and will consider those opinions when making project decisions.

estimates ranging from 20% to 40% for those homes directly on or adjacent to the Buena Vista Lagoon and 10% to 20% for those homes up on the hills, the total loss in home value (which also translates to lost real estate tax revenues) is staggering. By some simple math, apply an average current home value of \$750,000 and multiply it by an average 20% home value loss then multiply by 800 properties and you come up with a figure of \$120 million. Be ultra conservative by cutting this figure in half, and you still have \$60 million in property loss as a result of this ill-conceived saltwater option. Do you think folks are just going to take this news with a deep sigh and move on? You may vote to approve the salt water measure, but I wouldn't get too comfortable thinking that will be the end of it. With 800 potential homeowners to chip into a legal fund, we should be able to hire the best legal defense money can buy. Perhaps you did some due diligence and are comfortable with past case law on loss of value attributed loss of views. I'm not sure I would be too comfortable with that as this is completely different and significantly bigger than a few neighbors suing over loss of view from trees that grew in front of their windows. That said, be clear that this is not intended as a threat or anything like that, and I do not speak for everyone, I just want to point out that this possibility you should be considering.

I want to conclude this email by urging you do the right thing and vote the freshwater alternative and not the saltwater alternative. Please, make sure you think this thing through carefully. While some things might make good sense for the financial coffers of the local governments, it may not be best for your citizens.....remember it is we that elected some of you and you should have gone out of your way to properly measure the pulse of your citizens and not steer the results in one direction or another. Thanks again for your dedicated public service.

Mark Anderson

P96-8
cont

P96-9

P96-9 The comment provides closing statements and expresses support for the Freshwater Alternative.

From: Mike McMahon <2mmcmahon@gmail.com>
Sent: Saturday, July 21, 2018 11:15 AM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Subject: Salt Water Alternative for the Buena Vista Lagoon

Hello Michelle,

As a north coastal resident for over 20 years and outdoor hiker, birder and person who submitted public comments, I urge your support of the salt water alternative for the Buena Vista Lagoon. This solution will be a huge step forward in supporting greater biodiversity, be a natural filter in reducing water pollution and reduce diseases that are becoming more prevalent.

Thank you for your support,

Mike McMahon
2645 Sutter Street
Carlsbad, CA 92010
7760-717-1899

LETTER 97
MIKE MCMAHON

- P97-1 The comment expresses support for the Saltwater Alternative and lists anticipated benefits of the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P97-1

From: minna riber <minna@earthlink.net>
Sent: Saturday, July 21, 2018 8:27 AM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Subject: Buena Vista Lagoon

We live in Vista and very much enjoy the Buena Vista Lagoon. We very much urge you to schedule the Buena Vista Lagoon Enhancement for approval - and support the Salt Water Alternative. It makes sense.

Thank you,
Michael & Minna Riber

P98-1

LETTER 98
MICHAEL AND MINNA RIBER

P98-1 The comment expresses support for the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

LETTER 99
ANDRE VIRIPAEFF

From: Andre Viripaeff <andreviripaeff@yahoo.com>
Sent: Wednesday, August 01, 2018 1:53 PM
To: pweiss@ci.oceanside.ca.us; Posada, Michelle <Michelle.Posada@sandag.org>;
council@carlsbadca.gov; Lero, Tessa <Tessa.Lero@sandag.org>; matt.hall@carlsbadca.gov;
council@ci.oceanside.ca.us
Subject: Supporting the saltwater alternative at Buena Vista Lagoon

Hello,

I am a local resident of South Oceanside and I am writing to you to express my support for the **Saltwater Alternative** over the Freshwater Alternative for enhancement of the Buena Vista Lagoon because of the following benefits.

1. Maximizes overall species diversity, and increases coastal saltwater wetlands, an endangered habitat
2. Best addresses community goals of mosquito abatement, cattail reduction, reduced flooding, and beach sand replenishment
3. Best reduces water pollution pursuant to the Clean Water Act by allowing tidal flushing and increased water circulation
4. Best meets the objectives for lagoon enhancement as set out at the start of the EIR process
5. Offers the best opportunity for enhancement project implementation through mitigation funding

I am joined in our support for the Saltwater Alternative by the U.S. Fish & Wildlife Service, California Department of Fish & Wildlife, and California Coastal Commission. On a personal note, mosquito abatement issue alone is a top concern of mine, especially in the era of Zika. The risk of microcephally and other grave birth defects is something we do not want present in our neighborhood. I urge you to make the wise, healthy, and environmentally friendly decision to change the Buena Vista Lagoon back to its natural salt water state. It will make our area an even greater place to live! Thank you for your time and service to our community.

Sincerely,
Andre Viripaeff
1839 S. Ditmar St.
Oceanside, CA

- P99-1 The comment expresses support for the Saltwater Alternative and lists anticipated benefits of the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P99-2 The comment expresses support for the Saltwater Alternative and lists other supporters.
- P99-3 For reasons outlined in EIR Section 3.15, the EIR found that the Saltwater Alternative would be most effective at reducing vector concerns. Please see Response to Comment P11-7 regarding mosquitos and vectors.

P99-1

P99-2

P99-3

Hello,

I am a local resident (1839 S Ditmar St) and I am writing to you to express my support for the Saltwater Alternative over the Freshwater Alternative for enhancement of the Buena Vista Lagoon because of the following benefits:

- Maximizes overall species diversity, and increases coastal saltwater wetlands, an endangered habitat;
- Best addresses community goals of mosquito abatement, cattail reduction, reduced flooding, and beach sand replenishment;
- Best reduces water pollution pursuant to the Clean Water Act by allowing tidal flushing and increased water circulation;
- Best meets the objectives for lagoon enhancement as set out at the start of the EIR process; and,
- Offers the best opportunity for enhancement project implementation through mitigation funding.

In addition, I am joined in our support for the Saltwater Alternative by the U.S. Fish & Wildlife Service, California Department of Fish & Wildlife, and California Coastal Commission. The mosquito abatement issue alone is a top concern of mine, especially in the era of Zika as I am in child bearing years (just had my first son 3 weeks ago and hopefully will be pregnant again in the next couple years) and the risk of microcephaly and other grave birth defects is so so scary. I urge you to make the wise, healthy, and environmentally friendly decision to change the Buena Vista Lagoon back to its natural salt water state.

Sincerely,

Lyndsay Price Viripaeff

1839 S Ditmar St, Oceanside, CA 92054

LETTER 100 LYNDSAY VIRIPAEFF

- P100-1 The comment expresses support for the Saltwater Alternative and lists anticipated benefits of the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.
- P100-2 The comment expresses support for the Saltwater Alternative and lists other supporters.
- P100-3 For reasons outlined in EIR Section 3.15, the EIR found that the Saltwater Alternative would be most effective at reducing vector concerns. Please see Response to Comment P11-7 regarding mosquitos and vectors.

P100-1

P100-2

P100-3

**LETTER 101
JAN NELSON**

From: Jan Nelson <rislandfever2@gmail.com>
Sent: Friday, July 27, 2018 8:50 AM
To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>;
Matt.hall@carlsbadca.gov; pweiss@ci.oceanside.ca.us; Maureen Goerlitz
<maureengoerlitz@gmail.com>
Cc: Council@carlsbadca.gov; council@ci.oceanside.ca.us
Subject: Save the Buena Vista freshwater lagoon

To: All parties copied

As a long time Oceanside/North County resident, I am writing to you all to express my concerns about the negative impact of converting Buena Vista Lagoon (BVL) to a Saltwater ecosystem. Having lived on BVL for the past 17 years, I have witnessed the deterioration of this formerly beautiful asset due to neglect. Making it saltwater would continue that trend.

In researching the Freshwater/Saltwater options I have become convinced that maintaining a freshwater ecosystem, if properly executed, would be best for the following reasons:

- Eliminate existing mosquito population by removing cattails, including the roots. Saltwater mosquitoes are more aggressive .
- Freshwater supports a greater diversity of bird life.
- It will be less expensive to harvest cattails and complete required dredging as a freshwater body. New cattail removal equipment exists and is a more cost effective control method.
- Keeping BVL freshwater ensures the continued existence of the current ecosystem and eliminates tidal mudflats which will produce a rotten egg smell from the hydrogen sulfide gas.
- Freshwater solution will not negatively impact beach access like the saltwater proposal will.

It is well documented that BLV is a freshwater lagoon and the only one left in Southern California. Please join myself and other concerned citizens in supporting our cause to preserve and maintain this special resource for current and future generations.

Sincerely,
Jan Nelson
Oceanside, CA

P101-1

P101-2

P101-3

P101-4

P101-5

P101-6

P101-7

P101-1 The comment provides introductory statements and expresses support for the Freshwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P101-2 The EIR addresses mosquito and vector control in Section 3.15 and evaluates each alternative's effectiveness in reducing the public health and safety risk associated with mosquito-borne diseases. For reasons outlined in EIR Section 3.15, the EIR found that the Saltwater Alternative would be most effective at reducing vector concerns. Please see Response to Comments P11-7, P20-5, and P21-4 regarding saltwater mosquitos and vectors. Please see Response to Comment 65-3 addressing the difference between "vector" and a nuisance species.

P101-3 Please see Response to Comment P2-3 regarding freshwater and saltwater species and the anticipated biodiversity that would result from the Saltwater Alternative. As described in Response to Comment 12-15 in the FEIR, it is anticipated that an increased range of species could be supported in the more diverse habitat distribution that would result from the Saltwater Alternative.

P101-4 SANDAG has prepared the estimated costs of each alternative and has published those costs on the project website. The SANDAG Board of Directors will consider the relative costs of the alternatives prior to taking action on the project. Please see Response to Comment P14-12 regarding alternatives cost.

P101-5 The FEIR has indicated that the lagoon is in a state of ecological decline for numerous reasons. The purpose of the Enhancement Project is to enhance the lagoon resources. Please see Master Response #6 in the FEIR addressing odor.

P101-6 The EIR acknowledges that implementation of the Saltwater Alternative would result in a significant impact to lateral access along the beach due to creation of a new inlet. The pedestrian bridge identified in Mitigation Measure Land Use-1 would mitigate the lateral access impact, but the new inlet would periodically create a new safety threat to recreational users and the impact would remain significant.

P101-7 Please see Master Response #4 of the FEIR regarding the freshwater resource.



BUENA VISTA LAGOON FOUNDATION • P.O. BOX 4516 • CARLSBAD, CALIFORNIA 92008

January 22, 2018

Board of Directors
San Diego Association of Governments (SANDAG)
401 B Street, Suite 800
San Diego, CA 92101

Re: January 26, 2018 Meeting
Agenda Item 11, RTC-2018-02
Final Environmental Impact Report and
Approval of a Proposed Project
Buena Vista Lagoon Enhancement Project

Dear Directors:

The Buena Vista Lagoon Foundation (BVLFF) Board of Directors met on January 18, 2018 and adopted, by 7-1 majority, a motion to support restoration of the Lagoon as a FRESH WATER system. The BVLFF Board recommends certification of the EIR only with the preferred environmental alternative of the Fresh Water Project rather than the proposed salt water alternative.

P102-1

Significant and unavoidable environmental impacts are not adequately identified or addressed in the proposed statement of over-riding considerations for the salt water alternative.

P1022

I will attend your January 26, meeting to provide additional comments in support of the BVLFF recommendation.

Sincerely,

Ronald W. Wootton, PLS
Executive Director

LETTER 102 BVL FOUNDATION

- P102-1 The introductory comment describes the Buena Vista Lagoon Foundation Board of Director's vote to support a freshwater lagoon system.
- P102-2 SANDAG respectfully disagrees that the Statement of Overriding Considerations document is inadequate. The information provided in the CEQA document, the appendices, and the administrative record provides adequate and accurate information supporting the conclusions drawn in the EIR and within the Statement of Overriding Considerations. The comment does not provide any examples or evidence that significant and unavoidable impacts are not properly disclosed.

July 30, 2018

SANDAG

Re: Buena Vista Lagoon delays

How terribly sad, that the Board in charge of our precious resources, is too screwed up to act, on issues that are assigned to you. The announcement of another delay on our precious resource, the North County Buena Vista Lagoon-reveals dereliction of duty on your part.

In San Diego County, SANDAG is supposed to research, analyze and make decisions on behalf of and for the COMMUNITIES YOU SERVE! We want to preserve and continue to enjoy our most important natural resources. Apparently you do not agree.

How dare you! Squirm out of making a decision on this issue! Just about every entity that has an interest, have put in funds, worked tirelessly to promote improvement at the lagoon, including completion of related studies, and list of 4 restoration projects, everyone comes together and you still need time? You defy the majority opinion, line your pockets, defy the consensus and put this vote off another 6 months? Seems like you are selling us out

The Board has always been SELF PRESERVING, FIRST, which is why this reflects so badly on your motives in this situation. What difference is it to you that the gem of our lagoon is being ruined, CERTAINLY NOT INTERESTED in the best for our community or our county. But maybe it's just all your internal problems, also in the news, that keep you from being fair and effective. A wealthy homeowner has your ear and that seems to stop any progress.

SANDAG has burned the good people who are looking to improve this lagoon, with your delays, putting this gem on the edge of health hazard! We educate and walk this trail with school kids every year and there is less desire to participate because the cities and SANDAG cannot do what is right! Saltwater heals Naturally. This lagoon is disappearing for no other reason than YOUR INACTION. There is no legitimate purpose for it.

The St. Malo group, the small wealthy group trying everything to derail this project, and has had the upper hand over 40 years, does NOT have the support of 95% of our city members, both Carlsbad and Oceanside. Yet you repeatedly give their disingenuous explanations (83 letters you just can't get thru) the benefit, against everything else, WHY? **What a betrayal to us all.**

We have a Nature Center at this lagoon. You are destroying what we have to offer to our Visitors, our seniors, handicapped and school kids....Buena Vista Lagoon is dying a slow, very sad deterioration and death, ON YOUR WATCH!

Oceanside Resident
Audubon Nature Center Volunteer

LETTER 103
STEPHANIE KRZYZOPOKSKI

P103-1 SANDAG acknowledges and the FEIR has indicated that the lagoon is in a state of ecological decline for numerous reasons. The purpose of the Enhancement Project is to enhance the lagoon resources. SANDAG has postponed the Board of Directors meeting on the Enhancement Project to address comments from the public and at the public request. All points of views will be fully considered in the decision-making process and comments letters from the public will be provided to the SANDAG Board of Directors for their consideration.

P103-1



Koala (*Phascolarctos cinereus*)

Once widespread in Australia, the koala is now confined to coastal regions of Queensland, New South Wales, Victoria, and parts of South Australia. Seasonal brush fires threaten to destroy its natural habitat.

Photographer - Barbara von Hoffmann

2-28-17 Save Buena Vista Lagoon

SAN DIEGO CA

28 FEB 2017 PM



San Diego Regarding Buena Vista Audubon Nature Center
2202 S. Coast Hwy, Oceanside.

Lauren Washington
410 B St. #800
San Diego, CA.
92101

This has been zoned a wildlife refuge since the 1930's. For the last 20 years CA Dept. of Fish and Game has been asked to clear out the reeds that have choked the life out of the fresh water lagoon, killing fish which in turn lessens the bird population. Please, do your job and clean out the reeds.

24480

impact

www.impactphotographics.com



THIS AREA FOR OFFICIAL POSTAL USE ONLY



P104-1

LETTER 104 UNKNOWN

P104-1 Sections ES.1 and ES.2 of the EIR describes the designation of the lagoon as a State Ecological Reserve. The historic management of the lagoon that has led to the existing conditions is not a factor in the EIR analysis, but the comment will be part of the administrative record and provided to the SANDAG Board of Directors as part of their decision-making process.

SANDAG
Sandag Board Members
401 B Street, Ste. 800
San Diego, Ca. 92101

Helen M. Bourne
454 Reguera St. #301A
Encinitas, Ca. 92024
August 20, '18

LETTER 105
HELEN BOURNE

P105-1 The comment expresses support for the Saltwater Alternative, lists anticipated benefits, and lists other supporters of the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

Dear Sandag Board Members:

I am writing out of concern for the future of the Buena Vista Lagoon in north County.

I ask you to please vote in favor of the saltwater alternative for the following reasons:
The saltwater alternative is supported by the California Coastal Commission, the California Dept. of Fish & Wildlife, as well as local community groups. Saltwater restoration supports species diversity, habitat health, and reduces water pollution. We need to preserve our coastal saltwater wetlands by allowing tidal flushing and increased water circulation.

Please vote in a timely manner in support of the saltwater alternative.

Sincerely,
Helen M. Bourne

-----Original Message-----

From: Jane Shriver <jashriver22@gmail.com>

Sent: Monday, August 27, 2018 12:38 PM

To: Lero, Tessa <Tessa.Lero@sandag.org>

Subject: Buena Vista Lagoon restoration

I am writing as a citizen of Oceanside to voice my support for the Saltwater Alternative for enhancement of the Buena Vista Lagoon, as recommended in the Environmental Impact Report. I believe the Saltwater Alternative is supported by the science and is in the public interest and I urge SANDAG to select it.

Jane Shriver
4550 Cordoba Way
Oceanside, CA 92056

P106-1

**LETTER 106
JANE SHRIVER**

P106-1 The comment expresses support for the Saltwater Alternative. Please see Master Response #1 in the FEIR regarding alternative selection. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

LETTER 107
PATRICK HICKEY

From: Patrick Hickey <patriciohickey@gmail.com>

Sent: Monday, August 27, 2018 11:32 PM

To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>

Subject: Buena Vista Lagoon Enhancement

I support the saltwater alternative over the freshwater alternative for a number of reasons including but not limited to the the following:

- 1) It would increase our coastal saltwater wetlands (an important endangered habitat)
- 2) It would provide a more effective approach to the mosquito abatement concern (think West Nile & Zika)
- 3) The increased water circulation would have a beneficial impact on the water quality/pollution level

I am not sure what the proponents (I am guessing they are strident and loud) of the freshwater alternative are basing their position on, but in the final analysis it appears to me to be what is in the public interest vs what is in the perceived interest of a few.

I strongly encourage you to join me, the US Fish & Wildlife Service, the California Dept of Fish & Wildlife Service, the California Coastal Commission and the Buena Vista Audubon Society in supporting the salt water alternative.

Sincerely,

Patrick Hickey
Carlsbad Resident, voter & homeowner.

P107-1 The comment expresses support for the Saltwater Alternative, lists anticipated benefits, and lists other supporters of the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P107-1

From: Susan <work.susan1951@gmail.com>

Sent: Tuesday, August 28, 2018 2:56 PM

To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>

Subject: Buena Vista Lagoon Enhancement - Salt Water Alternative, Please!

I am contacting you to let you know that I join the US Fish & Wildlife Service, California Department of Fish & Wildlife, California Coastal Commission, and Buena Vista Audubon in supporting the saltwater alternative for BV Lagoon enhancement. Science and common sense support this approach. I am a resident of Encinitas and bird the BV Lagoon regularly.

Susan Work

P108-1

LETTER 108 SUSAN WORK

P108-1 The comment expresses support for the Saltwater Alternative and lists other supporters of the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

-----Original Message-----

From: Patti Koger <pkoger@cox.net>

Sent: Tuesday, August 28, 2018 5:25 PM

Subject: Buena Vista Lagoon Enhancement

Dear SANDAG member,

Please support the Saltwater Alternative for Buena Vista Lagoon enhancement.

Thank you, Patti Koger
Cardiff by the Sea

LETTER 109
PATTI KOGER

P109-1 The comment expresses support for the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P109-1

-----Original Message-----

From: Barbara Mathis <barbaradunn92@gmail.com>
Sent: Thursday, August 30, 2018 1:15 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Cc: Lero, Tessa <Tessa.Lero@sandag.org>
Subject: Buena Vista Lagoon

Please restore Buena Vista Lagoon to a saltwater marsh. As members of the Audubon Society and concerned Oceanside citizens we are incensed that a handful of private landowners has been responsible for the degraded conditions of this important tidal estuary.

Please consider the best decision for the public, the environment, endangered species, flooding, cattail reduction, mosquito abatement, water pollution, and so many other crucial factors and RESTORE THE LAGOON TO A SALTWATER ESTUARY.

Thank you.
Sincerely,
Barbara and David Mathis
Oceanside, CA

LETTER 110
BARBARA AND DAVID MATHIS

P110-1 The comment expresses support for the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P110-1

-----Original Message-----

From: Meg Beauchamp <megbowen1@mac.com>

Sent: Monday, September 17, 2018 12:17 PM

To: Posada, Michelle <Michelle.Posada@sandag.org>; council@carlsabdca.gov;
matt.hall@carlsbadca.gov

Subject: BV Lagoon

As a concerned citizen, who moved here 12 years ago, I have sadly watched the BV Lagoon slowly deteriorate. Please take this opportunity to return the lagoon to its natural saltwater state and give it a chance to thrive.

Meg Beauchamp

CARLSBAD Ca

P111-1

LETTER 111
MEG BEAUCHAMP

P111-1 The comment expresses support for the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

-----Original Message-----

From: Satish Menon <consultmenon@gmail.com>

Sent: Monday, September 17, 2018 3:21 PM

To: Lero, Tessa <Tessa.Lero@sandag.org>

Subject: Beuna Vista Lagoon

Hi Tessa,

I support the salt water alternative for the Buena Vista lagoon.

Satish

LETTER 112
SATISH MENON

P112-1 The comment expresses support for the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P112-1

**LETTER 113
DIANE RIVERA**

From: Diane Rivera <dianariver@aol.com>
Sent: Monday, September 17, 2018 4:08 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>; Lero, Tessa <Tessa.Lero@sandag.org>;
matt.hall@carlsbadca.gov; pweiss@ci.oceanside.ca.us; Council@ci.oceanside.ca.us;
council@carlsbadca.gov
Subject: Free The Lagoon

September 17, 2018

SANDAG - Michelle Posada
SANDAG - Tessa Lero
Carlsbad Mayor Matt Hall
Oceanside Mayor Peter Weiss
Carlsbad Council
Oceanside Council

Honorable Mayors and Honorable Council Members and SANDAG Executive Assistants,

Please FREE THE LAGOON-

As a relatively new resident of Carlsbad, I want to see the Buena Vista Lagoon restored to its natural state.

I wish to echo the words of Meg Brown – Old Carlsbad

FREE THE LAGOON-

Free The Lagoon - Supporting The Saltwater Alternative the Buena Vista Audubon Society supports the Saltwater Alternative- joined in support by the U.S. Fish & Wildlife Service, California Department of Fish & Wildlife, and California Coastal Commission. If the Freshwater Alternative is selected, private landowners will be allowed to impose their will over the interests of the public. (In 1940, the lagoon was converted to a freshwater system as a result of installation_ of a weir_ across the inlet that precluded saltwater from entering the lagoon) The lagoon has progressively degraded in benefits and value to biological communities, habitats and recreational uses.

Sincerely,

Diane Rivera
Carlsbad, CA

A THOUGHT FOR TODAY:

If you don't turn your life into a story, you just become a part of someone else's story. -Terry Pratchett, novelist (28 Apr 1948-2015)

P113-1 The comment expresses support for the Saltwater Alternative and lists other supporters of the Saltwater Alternative. Please see Master Response #5 regarding historical lagoon ecology. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P113-1

LETTER 114
SYLVIA CARUETHERS

From: Sylvia Caruthers <sylvia@socalcollegeplanning.com>

Sent: Tuesday, September 18, 2018 8:13 AM

Subject: Lagoon - Remove Fence and Restore Water

Hi!

I live right above the lagoon. It would be so nice to enjoy without that horrible fence and water ;{

P114-1

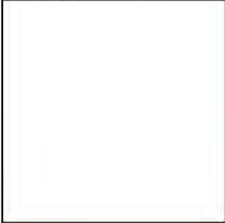
P114-1 The comment is unclear in its support or opposition of the Enhancement Project alternatives.

--
Sylvia Caruthers

Founder

Member Western Association for College Admission Counseling

Board Member Lamp of Learning Scholarship Foundation



2890 Pio Pico #203B Carlsbad, CA 92008

Office: (760) 224-0653 M-TH (call or text)

-----Original Message-----

From: Nancy Atherton <nancyatherton14@gmail.com>

Sent: Monday, September 17, 2018 2:56 PM

To: Posada, Michelle <Michelle.Posada@sandag.org>

Subject: SALTwater alternative please!

Mike and Nancy West, currently of Carlsbad, formerly of Oceanside, support the SALTwater Alternative for the Buena Vista Lagoon.

Thank you

1811 Oak Avenue, Carlsbad, 92008

LETTER 115
MIKE AND NANCY WEST

P115-1 The comment expresses support for the Saltwater Alternative. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P115-1

Received via U.S. Mail
2612 La Costa Ave
Carlsbad, CA 92009

September 24, 2018

To SANDAG:

As a resident of Carlsbad and a volunteer with various organizations within the area, I have been following the process of planning for the restoration of Buena Vista Lagoon. It has come to my attention that a few residents of the coastal area are planning on suing if the Saltwater Alternative is chosen for the restoration. They have said "we have deep pockets."

It is distressing that these individuals are holding the lagoon hostage for their own selfish reasons, while the greater population would benefit from returning the lagoon to its natural state. All the other lagoons and estuaries in San Diego County are open to the ocean, and not only does the wildlife benefit from this, but people who live near these bodies of water enjoy the open views and lack of mosquitos.

There has been a great deal of misinformation promulgated by the Freshwater proponents, in an attempt to sway the public. It would be very helpful if your website could present the true science involved in the decision to select the Saltwater Alternative.

Thank you for your attention.



Sandra McMullen

LETTER 116
SANDRA MCMULLEN

P116-1 Please see Master Response #4 of the FEIR regarding the freshwater resource. Section 3.5 of the EIR provides a description of the ecological diversity anticipated with the conversion to a saltwater system. For reasons outlined in the EIR (EIR Section 3.15), the EIR found that the Saltwater Alternative would be most effective at reducing vector concerns.

P116-2 Project documentation, including in the EIR, associated technical studies, and cost analysis have been posted on the project website at http://www.keepsandiegomoving.com/buena_vista_lagoon_docs.aspx_

P116-1

P116-2

-----Original Message-----

From: Cathy Pautz <cathy.pautz@gmail.com>
Sent: Thursday, September 27, 2018 7:15 PM
To: Posada, Michelle <Michelle.Posada@sandag.org>
Subject: Buenaventura Vista Lagoon

Hi

I would like to express my concern for the lagoon. I feel that it that it should be restored to a tidal estuary. This would benefit the citizens by reducing misquote populations as well as the birds and other species by giving them back there habit. At This time many shore birds are struggling to maintain there populations and by restoring the lagoon they could be given a helping hand.

Thank you for your consideration
Cathy Pautz

LETTER 117 CATHY PAUTZ

P117-1 The comment expresses support for the Saltwater Alternative. For reasons outlined in the EIR (EIR Section 3.15), the EIR found that the Saltwater Alternative would be most effective at reducing vector concerns. Section 3.5 of the EIR provides a description of the ecological diversity anticipated with the conversion to a saltwater system. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.

P117-1

LOS PEÑASQUITOS LAGOON FOUNDATION

P.O. Box 940
Cardiff by the Sea
CA, 92007



October 5, 2018

Keith Greer
Principal Regional Planner
SANDAG
401 B Street, Suite 800
San Diego, CA 92101

Subject: Support for the Restoring Buena Vista Lagoon to a Tidal System

Dear Mr. Greer,

The Los Peñasquitos Lagoon Foundation supports efforts to restore Buena Vista Lagoon to a tidal system and recover its historical habitats that include tidal salt marsh. Most of our coastal salt marshes have been lost to development or greatly impaired due to pressures that include urbanized watersheds and modified hydrology. As a consequence, regional connectivity between these valuable systems has been greatly fragmented, creating islands of habitat that must support rare and endangered plants, as well as listed bird species that include Belding's savannah sparrow and Ridgway's rail. Restoring Buena Vista back to a tidal system will generate numerous local and regional benefits that include:

- Supporting the resiliency of Environmentally Sensitive Habitat Areas within the region and locally.
- Support recovery plans for listed species that depend on coastal salt marsh for nesting and/or foraging.
- Support the preservation of rare and endangered plants only found in coastal salt marsh systems.
- Improve the functionality of the wetland system by restoring its natural trophic web.
- Create Essential Fish Habitat that can support coastal fish species and improve the resiliency of fish stocks within the region.
- Reduce exposure of human populations to vector-borne brain encephalitis transmitted by *Culex tarsalis*, a freshwater mosquito that currently inhabits Buena Vista Lagoon.

P118-1

If you have any questions, please feel free to contact me at (760) 271-0574 or mikehastings1066@gmail.com.

Sincerely,

Mike Hastings
Executive Director
Los Peñasquitos Lagoon Foundation

LETTER 118 LOS PEÑASQUITOS LAGOON FOUNDATION

P118-1 The comment expresses support for the Saltwater Alternative and lists anticipated benefits. All written comments and documentation will be added to the record, along with any public testimony on the item, and will be fully considered during the SANDAG Board of Directors meeting on the project.