

APPENDIX A

Notice of Preparation of a Draft Environmental Impact Report

Notice of Preparation

Subject: Notice of Preparation of a Draft Environmental Impact Report

Lead Agency: City of Carlsbad	Consulting Firm:
Agency Name: City of Carlsbad, Planning	Firm Name: Dudek & Associates
Street Address: 1635 Faraday Avenue	Street Address: 605 Third Street
City/State/Zip: Carlsbad, CA 92008	City/State/Zip: Encinitas, CA 92024
Phone: (760) 602-4618	Phone: (760) 942-5147
Contact: Scott Donnell	Contact: Joe Monaco

The City of Carlsbad will be the Lead Agency and will prepare an Environmental Impact Report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

This project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study is not attached.

Due to the time limits mandated by State Law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Scott Donnell at the address shown above. We will need a contact person in your agency. Two public scoping meetings will be held for this project on Wednesday, April 28, 2004, at the City of Carlsbad, Faraday Center, Room 173A, 1635 Faraday Avenue, Carlsbad, California, 92008. The meetings will be from 1:30 – 3:30 p.m. and 6:00 – 8:00 p.m. At both meetings, the City will present project information and receive public comments.

Project Title and Number: Power and Desalination Plants Project – EIR 03-05

Project Location: Encina Power Plant site at 4600 Carlsbad Boulevard

Project Description (brief): Construction of an approximately 50 million gallon per day seawater desalination facility and associated delivery system


MICHAEL J. HOLZMULLER, Planning Director

4/12/04
Date

**ATTACHMENT 1
PROJECT DESCRIPTION
FOR THE
POWER AND DESALINATION PLANTS PROJECT
NOTICE OF PREPARATION FOR EIR 03-05**

INTRODUCTION

In May 2002, Poseidon Resources Corporation (PRC) submitted an amendment to a pending Precise Development Plan (PDP) application to the City of Carlsbad to obtain land use approvals to construct and operate an approximately 50 million gallon per day (MGD) Carlsbad Seawater Desalination Plant (CSDP) and other appurtenant and ancillary water and support facilities to produce potable water. The PDP application was made jointly with Cabrillo Power I LLC (CPILLC), owner and operator of the Encina Generating Station (EGS), the proposed site of the CSDP. Although CPILLC is not a co-applicant for the CSDP, the co-application on the PDP was necessary to satisfy a City of Carlsbad Zoning Code requirement for properties zoned PU-Public Utility.

The intended purpose of the PDP is to provide a comprehensive understanding of all existing facilities and features of land located in the P-U zone and owned by CPILLC. In addition to a comprehensive listing of existing facilities currently onsite at the EGS, this PDP serves as a guide for development of the CSDP as proposed by Poseidon Resources Corporation.

Although not subject to the Precise Development application, the CSDP includes pipelines and appurtenant facilities proposed offsite of the EGS to deliver the product water from the desalination plant to existing water distribution networks in Carlsbad and neighboring agencies. The project that this EIR will analyze includes both the desalination plant itself and all related facilities, whether onsite at the EGS or elsewhere.

PROJECT DESCRIPTION

The Proposed Project would be co-located at the existing Encina Generating Station located immediately south of the Agua Hedionda Lagoon. The proposed co-location of related land uses is a key element of the project specifically designed to utilize built in efficiencies including ready access to electricity and existing seawater intake and outfall and keep the cost of desalinated water competitive with the cost of imported water.

The CSDP would occupy an approximately 4-acre parcel in the area currently containing Fuel Oil Tank #3, which is the southernmost of three large tanks nearest Carlsbad Boulevard. The fuel oil tank would be demolished to accommodate the desalination facility. PRC leases the proposed project site from its owner, Cabrillo Power I LLC. The EGS is a coastal dependent land use located on the south shore of the Agua Hedionda Lagoon within the City of Carlsbad, in northern San Diego County. The EGS was

originally constructed in 1954 and has been in continual operation for nearly 50 years. Regional and vicinity maps are attached. Surrounding features and land uses include the Pacific Ocean and Carlsbad Boulevard to the west, the Carlsbad State Beach and Agua Hedionda Lagoon to the west and north, Interstate 5 and SDG&E properties to the east, and SDG&E electric utility properties to the south. A North County Transit District railway bisects the EGS north to south just east of the proposed desalination facility. Access to the site is provided from Carlsbad Boulevard via the Cannon Road interchange at Interstate 5.

The proposed CSDP, would have the capacity to deliver approximately 50 MGD of Reverse Osmosis (RO) permeate (product water). From the desalination plant, the desalinated water would be distributed along several pipeline routes (some proposed, some planned and some existing) to the City of Carlsbad and various local water districts as wholesale water purchasers for ultimate use and consumption by homes and businesses in Northern San Diego County. The onsite and offsite components of the CSDP are listed below. An attached map provides description and location details on the proposed off-site elements. To facilitate distribution of product water, the EIR will analyze different pipeline alignments through portions of Carlsbad, Oceanside, San Marcos and Vista.

All components of the CSDP, including all onsite and offsite project elements, are proposed to be sized and built to accommodate and deliver 50 MGD of product water. However, production may be phased to produce amounts smaller than 50 MGD to match the amount of product water purchased by water agencies. The EIR will analyze the impacts of a 50 MGD plant.

Onsite Project Elements (located within the boundaries of the EGS)

- Approximate 50 MGD desalination facility
- Finished water pump station (which may be located with the desalination facility)
- Finished water conveyance pipeline
- Seawater supply pipeline and pump station
- Concentrate disposal pipeline
- Waste disposal pipeline
- Electrical transmission transformers and substation
- 200 feet of pipeline to connect a new onsite waste disposal line to the regional sewer system

Offsite Project Elements

- Approximately 6 miles of 48-inch diameter pipeline, 6 miles of 30 to 36-inch diameter pipeline, and approximately 4 miles of 24-inch or smaller diameter pipeline to carry the product water to delivery points in the cities of Carlsbad, Oceanside, San Marcos and Vista and neighboring water agencies.
- Pump station(s) (unmanned)
- Surge control facility (unmanned) located along a pipeline (*Note: This facility may be located onsite instead.*)

The Seawater Desalination Process

Source water for the Proposed Project will come from filtered seawater diverted from existing cooling water return pipelines at the EGS. Approximately 104 MGD of seawater would be diverted from the combined outlet of the generating station condensers and piped to the desalination facility. The source water will be pre-treated and filtered through RO membranes to produce high quality drinking water. The product water would be stored temporarily in on-site facilities before transmission to local and regional storage and distribution systems. New pipelines would be constructed for conveyance of the product water to the City of Carlsbad and other neighboring water agencies.

The by-product of the RO treatment process is water with twice the salt content of seawater (7.0 percent vs. 3.5 percent). This saline by-product water will be mixed with the combined return flow of the EGS salt water cooling system. The 15-foot wide, concrete discharge tunnel conveys the cooling water into an on-site warm water discharge area by gravity before the cooling water travels through box culverts under Carlsbad Boulevard into a riprap-lined channel leading across the beach into the Pacific Ocean.

REGULATORY BACKGROUND

Pursuant to Section 15367 of the California Environmental Quality Act (CEQA), the City of Carlsbad (City) is the Lead Agency in the preparation of this EIR. Actions identified to achieve approval of the proposed project may include, but are not limited to:

City of Carlsbad actions

- Certification of a Project EIR and approval of the Encina Generating Station Precise Development Plan (EGSPDP);
- An Amendment to the South Carlsbad Coastal Project Area Redevelopment Plan
- A Redevelopment Permit and a Disposition and Development Agreement from the Carlsbad Housing and Redevelopment Commission;
- An Amendment to the Encina Specific Plan No. 144 to incorporate the EGSPDP into the specific plan;
- A Coastal Development Permit (CDP) for the offsite project elements located within the Coastal Zone but outside the Agua Hedionda segment of the City's Local Coastal Program;
- A Conditional Use Permit (CUP) for aboveground offsite project elements;
- A Tentative Parcel Map to create a parcel for the proposed desalination plant, and;
- A Floodplain Special Use Permit.

California Coastal Commission action

- A Coastal Development Permit (CDP) for the EGSPDP. This permit is necessary as the Encina Generating Station and portions of the offsite elements are located in the Agua Hedionda segment of the City's Local Coastal Program - a segment in which the City does not have permit authority.

Other Agency actions

- Amendments to existing leases with the California State Lands Commission;
- A Domestic Water Supply Permit from the California Department of Health Services;
- A National Pollutant Discharge Elimination System (NPDES) Permit from the San Diego Regional Water Quality Control Board;
- Additional review may be provided by Federal, State and regional agencies including, but not limited to: the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Oceanic & Atmospheric Administration, U.S. National Marine Fisheries Service, U.S. Army Corp of Engineers, CALTRANS, and California Department of Fish and Game;
- Land use and development permits from the cities of Oceanside, San Marcos and Vista, and;
- Permits to connect to facilities of various local water districts.

The San Diego County Water Authority is also currently preparing a similar Environmental Impact Report that includes a desalination project at the EGS. This is a separate effort. The project and EIR described herein are not tied to the County Water Authority's work effort in any way.

Concerning the existing EGS facilities and operations, the EIR will need to identify existing baseline conditions. The EIR does not need to address future impacts of the power plant or propose new or additional mitigation measures for existing conditions, except as the project may modify the existing conditions. Additionally, the EIR will need to analyze the effect of the project on the ability to relocate the power plant in the future, which is a South Carlsbad Coastal Redevelopment Plan goal. However, the EIR will not address the specific impacts of any potential power plant relocation.

ATTACHMENT 2
PRELIMINARY SUMMARY OF
POTENTIAL ENVIRONMENTAL EFFECTS
POWER AND DESALINATION PLANTS PROJECT
NOTICE OF PREPARATION FOR EIR 03-05

The following is a preliminary identification of potential environmental effects associated with the proposed project. It should be noted that, as further analysis is conducted pursuant to the Draft EIR, some of the information contained in this summary may change. Additionally, other issues may be identified as a result of public scoping. Issues are discussed by environmental topic area.

Aesthetics

Aesthetic considerations within the EGS are minimal. However, the EGS is surrounded by elements that contribute to the scenic nature of the area (the Pacific Ocean, Agua Hedionda Lagoon, beaches and low coastal bluffs). The proposed desalination plant site is also visible to Carlsbad Boulevard, residences north of the project site and across Agua Hedionda Lagoon, and may be visible to passenger rail traffic on the North County Transit District railway. Additionally, the City of Carlsbad General Plan has designated specific transportation corridors as scenic roadways. A portion of Carlsbad Boulevard, which borders the EGS, has been designated as a “Community Theme Corridor” because of its visual access to beaches, the ocean, three lagoons and flower fields.

In consideration of aesthetic concerns, it is anticipated the precise design of the project elements, including the desalination plant, on and off-site pump stations, and surge control facilities, will include some combination of building design, setbacks and landscaping to further soften their appearance. Building schematics will be evaluated in this EIR, which will fully assess the project’s impacts and propose suitable mitigation as necessary. Removal of the existing fuel oil storage tank may result in an enhancement of visual resources. Visual impacts associated with product water pipelines are expected to be minimal since the pipelines are expected to be placed underground.

New light sources associated with the project will be regulated by local ordinance and are not expected to result in an intrusion to the surrounding area. Surface coatings and materials applied to all new structures are not anticipated to result in substantial glare impacts.

Air Quality

The proposed CSDP is essentially consistent with the existing General Plan and zoning for the site, and is anticipated to be consistent with the adopted Air Quality Management Plan for the San Diego Air Basin.

Operation of the proposed desalination plant is not expected to be labor intensive. As such, the project is not anticipated to generate substantial traffic volumes, and therefore is not anticipated to affect current levels of mobile source emissions.

Electric pumps and other equipment required to operate the desalination facility and convey product water are not anticipated to require additional permitting through the San Diego Air Pollution Control District (APCD).

Short-term construction activities may result in temporary increases in emissions, dust and odors from construction equipment, and soil movement required for site preparation. Potential air emissions effects of construction activities are localized, short term and transient. All local and San Diego APCD standards will be adhered to during the construction phase of the project. As supported by the preceding discussions, the project's impact on air quality would not be substantial. However, because the proposed project would be located within a non-attainment basin for certain criteria pollutants, the cumulative impact of the project would likely be considered significant.

Biological Resources

The proposed project has the potential to affect marine biological resources through the discharge of water with increased salinity. The focus of the terrestrial impacts relate to the offsite pipeline alignments. Additionally, sensitive bird species have been identified as utilizing the Agua Hedionda Lagoon as nesting or foraging habitat. These species and their habitat may be affected by short-term construction of the proposed desalination plant.

Potential marine biological impacts would be related to the introduction of saline by-product water. This could potentially affect marine resources immediately offshore of the discharge channel. Also, construction of the offsite pipelines and pump station(s) and surge control facilities, especially where proposed to go through presently undeveloped lands, will need to be evaluated relative to their potential to affect terrestrial biological resources and native habitats.

Cultural Resources

A Cultural Resources Assessment of the proposed project, including the desalination plant site, pump station and surge control facility sites and pipeline alternatives (pipeline routes, pump station and surge control facility sites) will be prepared. This assessment will include a site reconnaissance focusing on facilities that would involve disturbed native terrain, a formal literature/records search (including review of available cultural resource studies prepared by the City, and recommendations for project mitigation where applicable). The results of the Cultural Resource Assessment will be summarized in the EIR. Because all of the area being utilized on the EGS property has been previously heavily disturbed, no cultural resources are expected to be impacted by the proposed CSDP.

Geology and Soils

Numerous earthquake faults have been mapped within the Southern California region, although no faults have been identified either within the EGS or the general areas of the proposed pipeline alignments. Due to the widespread nature of earthquake hazards within Southern California, the EIR will address potentially adverse effects to people or structures resulting from seismic activity such as groundshaking, surface rupture, and liquefaction. Mitigation measures will be recommended to reduce the severity of any potentially significant impacts.

Because the topography of the CSDP site is relatively flat, with few slopes, the potential for landslides is considered minimal. Implementation of the proposed project would not result in substantial adverse effects to people or structures from landslides. Topography of the pipeline routes vary greatly, but landslide hazards associated with the pipelines is considered to be minimal, since the facilities will be placed underground and ground surface topography would be restored to pre-project conditions.

Implementation of the CSDP will require demolition of the fuel oil storage tank and grading to compact and smooth the existing topography of the site. The existing earthen containment berm surrounding the fuel oil storage tank will remain largely in place and encompass the CSDP. Demolition, as well as grading and other construction activities necessary to implement the project at the EGS, could reveal the presence of potentially contaminated soils. Construction activities associated with the proposed project will temporarily expose underlying soils, thereby increasing their susceptibility to erosion until the project is fully implemented. Likewise, potential impacts could arise from temporary stockpiling during pipeline construction activities. An assessment of the potential limitations of soils underlying the project, including further analysis of potential erosion and/or unstable soil conditions, including susceptibility to liquefaction, subsidence and soil expansion, will be addressed in the EIR. Where potentially significant geotechnical constraints are identified, appropriate mitigation measures will be proposed.

Hazards and Hazardous Materials

Operation of the proposed CSDP will involve some routine transport, use, and disposal of hazardous materials including non-gaseous sodium hypochlorite, ferric chloride, sulfur dioxide, carbon dioxide, anti-scalant and caustic soda. Potentially, there may be incompatibilities between these chemicals and those in use at the EGS.

The transport, handling and storage of the onsite chemicals at the EGS are governed by Federal and State (OSHA) regulations. In the unlikely event of a chemical spill, the impact would most likely be directed at EGS onsite personnel rather than the population at large. However, an upset from hazardous materials is considered to potentially have significant impacts although such a risk is considered low. This issue will be analyzed within the EIR and mitigation measures, if necessary, will be proposed where

appropriate. It is not expected that proposed off-site project elements will require use of hazardous materials.

The CSDP does not involve the emission or handling of hazardous materials within one-quarter mile of an existing or proposed school. No schools are currently located or proposed for construction within the proximity of the CSDP.

Within the EGS, there is a potential for the sites proposed for the CSDP and related support facilities to contain hazardous materials related to historic and current generating station and fuel storage operations. Specifically, the sites may include areas of contaminated soil from oil residues. In addition, potential impacts could result from unknown hazards and historic uses at the sites encountered during construction activities. These impacts and appropriate mitigation measures will be discussed in the EIR.

Hydrology/Water Quality

Encina Generating Station discharges are currently permitted and regulated under a National Pollutant Discharge Elimination System (NPDES) permit through the San Diego Regional Water Quality Control Board. The Project would not increase seawater intake beyond current or permitted levels. Seawater would be diverted after it has already been through the generating station's once through non-contact cooling water system, and before it is returned to the ocean.

The proposed project would divert approximately 104 MGD from the generating station's existing, permitted discharge of 857 MGD into the Pacific Ocean to the desalination facility. Approximately half of the water processed by the desalination facility would be converted to high quality drinking water supply and delivered to local and regional water distribution systems. The concentrated seawater by-product of the desalination process will be recombined with the generating station discharge. The impact of the concentrate discharge on near shore and ocean resources, and the applicable discharge standards will be identified and evaluated in the EIR.

Project-related construction activities have the potential to temporarily degrade stormwater runoff. The Agua Hedionda Lagoon is identified on the San Diego Regional Water Quality Control Board 303(d) list for sedimentation. Based on the project description and conceptual designs of the proposal, all aspects of the project will conform with applicable National Pollutant Discharge Elimination System (NPDES) permit requirements, including the incorporation of a Storm Water Pollution Prevention Plan (SWPPP) employing Best Management Practices (BMPs) to control soil erosion, sedimentation and turbidity. Details regarding aspects of the project that could potentially provide substantial additional sources of polluted runoff, or otherwise degrade water quality will be addressed in the EIR.

Since Agua Hedionda Lagoon is the water source for the desalination plant, the EIR will address the lagoon's water quality to determine its potential impacts on the quality of the product water that the desalination plant would produce. Additionally, the EIR will consider the product water's (1) compatibility with existing water supply infrastructure,

(2) potential blending with other water sources and related consistency issues, and (3) potential effects on industrial, commercial, and residential end-users.

Land Use/Planning

The CSDP will be located within the EGS, an established industrial site. Neither the desalination plant nor its related on or offsite facilities propose elements or aspects that would physically divide an established community.

The CSDP is generally consistent with the General Plan and zoning designations for the EGS. The project is located within the South Carlsbad Coastal Project Area Redevelopment Plan. That Plan is proposed to be amended to include the proposed desalination facility as a potential project. However, the EIR should address the impact of the desalination project on the existing vision, goals, and objectives of the Redevelopment Plan. Proposed off-site project elements are permitted in any zone; generally, however, aboveground utility buildings and facilities, such as pump stations, require a conditional use permit. In the Coastal Zone, offsite project elements will also require a coastal development permit.

As noted previously, all components of the project, whether onsite at the EGS or offsite, are subject to and will comply with the City review and approval process for a number of permits. In addition to the Redevelopment Plan, the EIR will need to analyze the relationship of the project with all applicable ordinances and planning policies, including the policies and objectives of the Local Coastal Plan and Specific Plan. Furthermore, the EIR will need to include a discussion and analysis of (1) potential coastal amenities and on and off-site improvements as they relate to applicable City plans and policies and (2) the environmental impacts of the amenities and improvements.

In addition to local review and approval, the proposed project will require review by the California Coastal Commission and will require review by neighboring cities and water districts for the portions of the proposed project located within their jurisdiction. Review of the project by other agencies at the regional, state, and federal level, such as the San Diego Air Pollution Control District and State Regional Water Quality Control Board, will also be required. The project's potential to conflict with applicable habitat conservation plan(s) or natural communities conservation plan(s) will be evaluated. Land use implications of the project will be presented within the EIR together with mitigation of impacts determined to be potentially significant.

Noise/Vibration

The proposed project site will be located immediately adjacent to an existing noise source, the Encina Generating Station. Although construction of the desalination plant and its long-term operation are not expected to generate localized external noise sufficient to exceed thresholds of significance, the EIR will present the results of a noise and vibration analysis and identify mitigation measures, if necessary, for areas in the vicinity of the desalination plant and off-site pump stations and surge control facilities.

Additionally, construction of the project water conveyance pipeline(s) will temporarily increase noise levels in areas proximate to pipeline alignment(s), with potential effects on nearby receptors. Construction activities may also result in some ground-level noise or vibration levels at adjacent land uses. The EIR will address potential impacts due to temporary construction noise generated by the project mitigation of potentially significant impacts will be proposed.

The proposed CSDP is located approximately 2.5 miles west of the McClellan Palomar Airport and approximately 17 miles southeast of the landing strip at the Marine Corps' Pendleton Base Camp north of the City of Oceanside. Given the distance and siting of these facilities in relation to the project site, aircraft-related noise impacts at the CSDP site are not anticipated to be substantial.

Traffic/Circulation

Operation of the proposed CSDP facility is not expected to cause a substantial increase in traffic in and around the EGS. The proposed facility is not labor intensive, and therefore, is not expected to cause any significant effects on the surrounding roadway network, nor will the trips generated by the project meet the Congestion Management thresholds to require the preparation of a CMP-Traffic Impact Analysis. Likewise, construction of the proposed desalination plant is not anticipated to cause any substantial impact on the roadway network. However, while project traffic generation may not be substantial, street improvements near the Encina Generating Station may still be required. The EIR will need to consider these improvements as part of the project.

Long-term operations of the project are not anticipated to conflict with or affect policies, plans or programs supporting alternate transportation, nor create any dangerous intersections or incompatible vehicular uses. However, construction the proposed project's water conveyance pipelines to transport water may cause temporary impacts to roadways, traffic circulation, and public transit. Additionally, these impacts, although temporary, could have an effect on both emergency access routes and on-street parking. These impacts will be fully evaluated in the EIR.

Utilities and Service Systems

The EIR will need to examine the impacts of filter backwash solids disposal. Two possible disposal methods include (1) off-site removal and landfill disposal or (2) sewer system disposal at the Encina Wastewater Treatment Plant. Potential impacts associated with landfill disposal include the on-site collection of waste, routes and frequency of vehicles used to remove the waste, and landfill capacity.

Possible impacts related to disposal of filter backwash solids into the sewer system include the introduction of possible constituents that are detrimental to the wastewater treatment process and infrastructure; the capacity of the Encina Wastewater treatment

plant; and the effects the disposal may have on recycled water produced at the treatment plant.

Cumulative impacts

As required by CEQA, the EIR will be required to address the potential cumulative impacts of the Project when added to all other reasonably foreseeable projects in the vicinity.

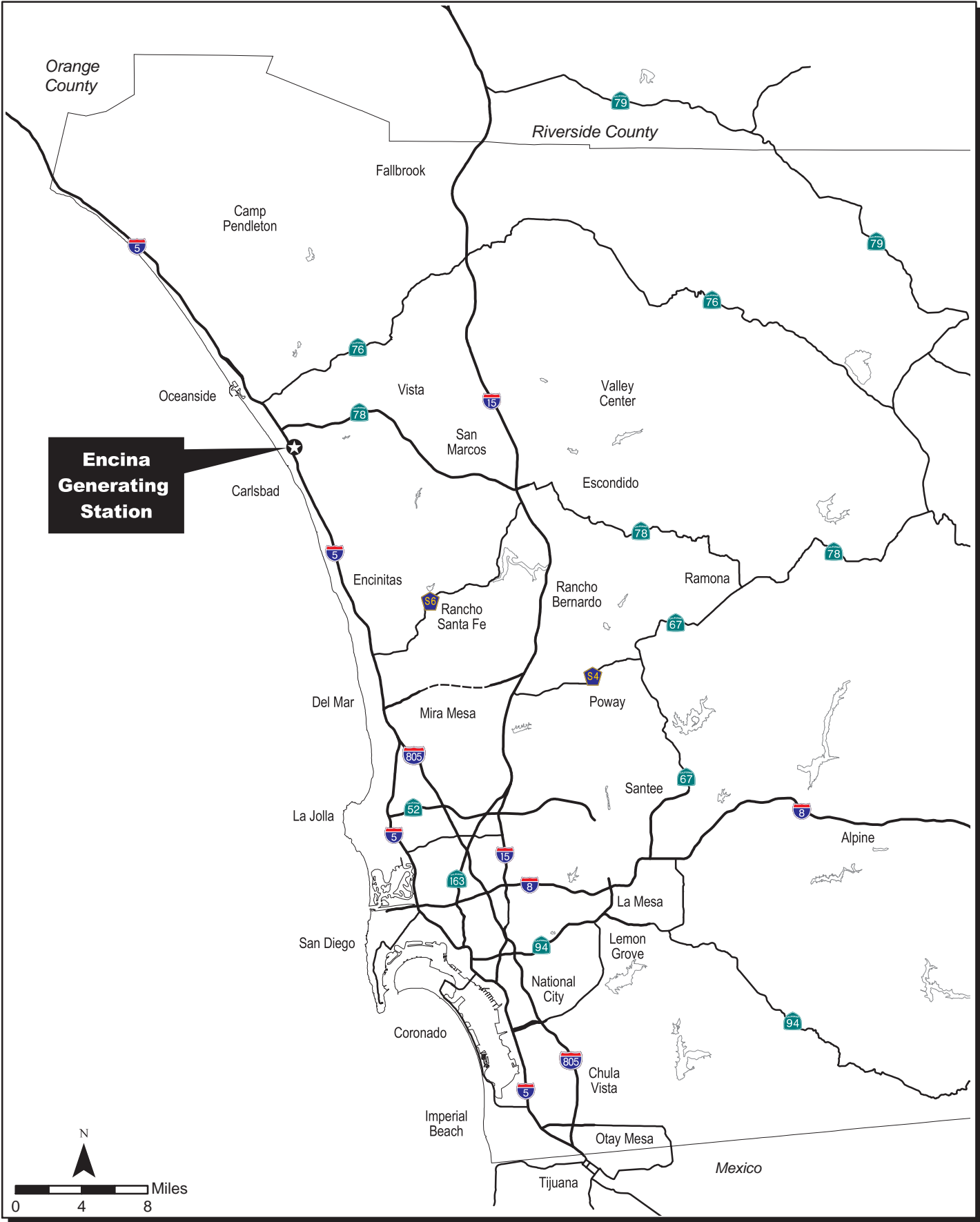
Growth Inducement

As required by CEQA, the EIR will be required to address any potential growth inducing impacts created by the proposed project.

Alternatives

As required by CEQA Guidelines Section 15126.6, the EIR will analyze various project alternatives and provide a range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives of the project. The following preliminary alternatives have been identified:

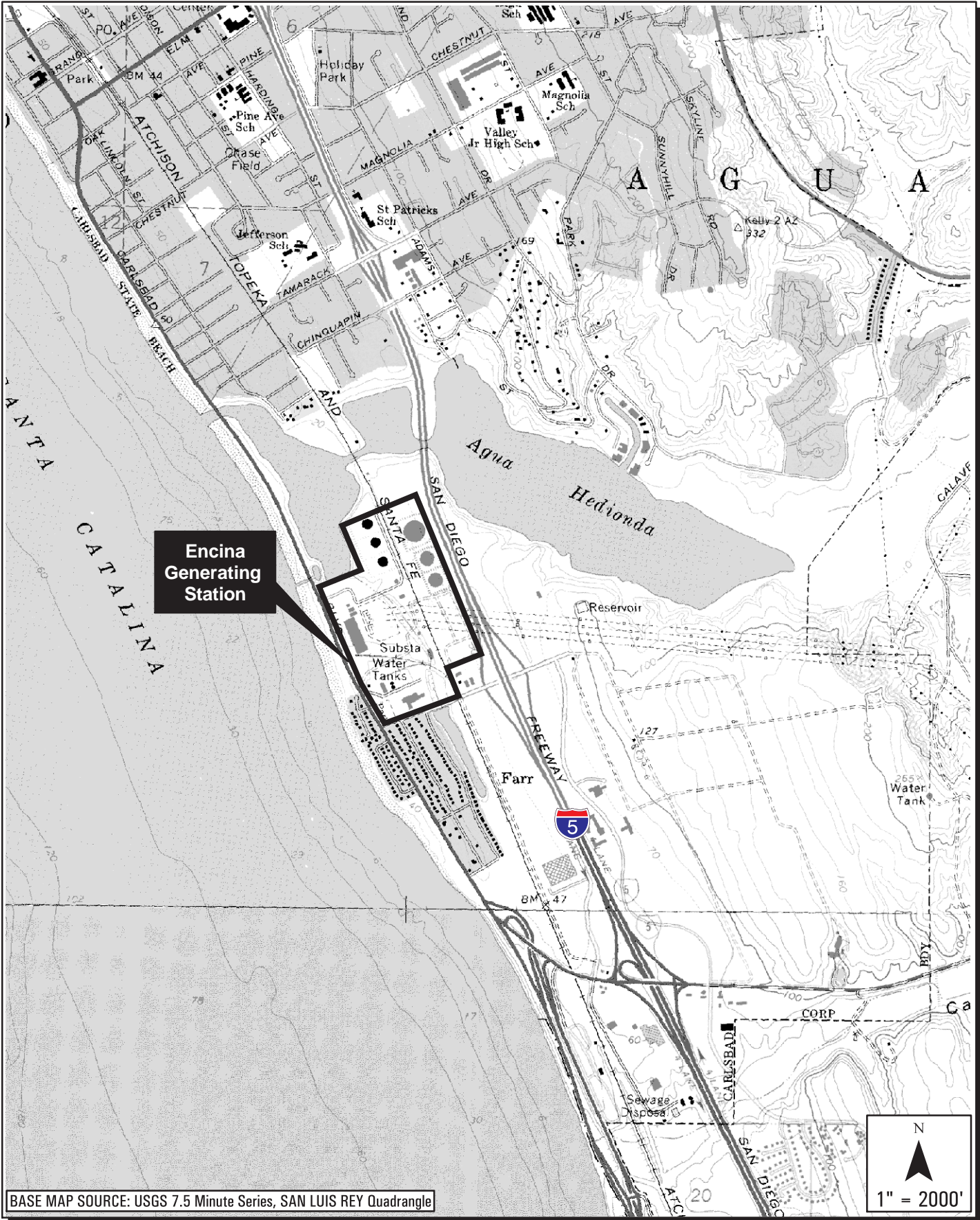
- No Project Alternative
- 20-25 MGD Project Alternative
- Alternative Project Sites
- Alternative Water Supplies



Carlsbad Power and Desalination Plants
Notice of Preparation - EIR 03-05

FIGURE
1

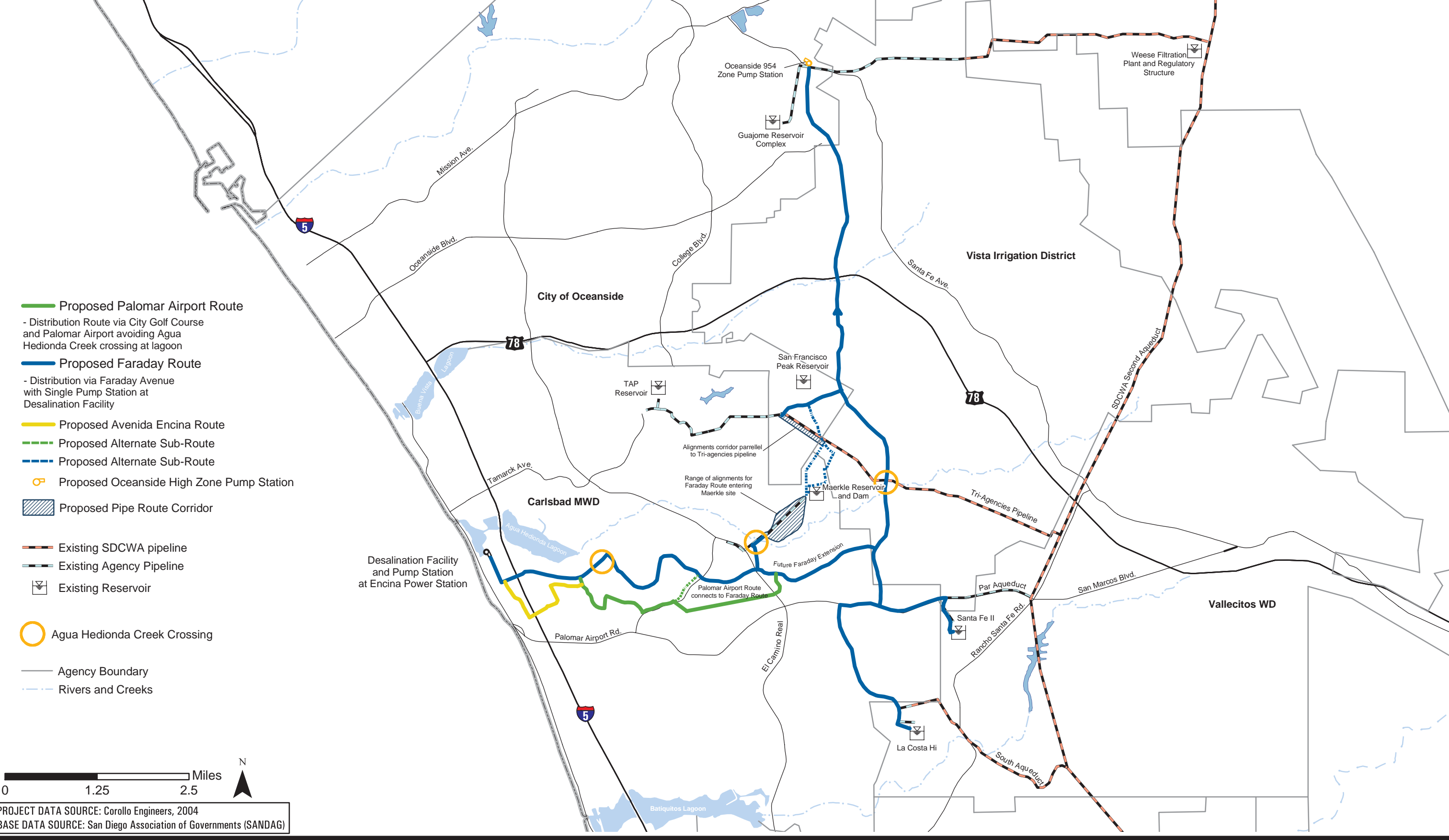
Regional Map



BASE MAP SOURCE: USGS 7.5 Minute Series, SAN LUIS REY Quadrangle

Carlsbad Power and Desalination Plants
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Vicinity Map

FIGURE
2



PROJECT DATA SOURCE: Corollo Engineers, 2004
 BASE DATA SOURCE: San Diego Association of Governments (SANDAG)

Carlsbad Power and Desalination Plants
 Notice of Preparation - EIR 03-05
Off-Site Distribution Piping Alternatives

FIGURE 3



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Deputy
Director

Notice of Preparation

April 19, 2004

10/20/04
PLANNING DEPARTMENT
City of
Carlsbad

To: Reviewing Agencies

Re: Power and Desalination Plants Project - EIR 03-05
SCH# 2004041081

Attached for your review and comment is the Notice of Preparation (NOP) for the Power and Desalination Plants Project - EIR 03-05 draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Scott Donnell
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008-7314

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Senior Planner, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2004041081
Project Title Power and Desalination Plants Project - EIR 03-05
Lead Agency Carlsbad, City of

Type NOP Notice of Preparation
Description Construction of an approximately 50 million gallon per day seawater desalination facility and associated delivery system proposed by Poseidon Resources Corporation.

Lead Agency Contact

Name Scott Donnell
Agency City of Carlsbad
Phone 760/ 602-4618 **Fax**
email
Address 1635 Faraday Avenue
City Carlsbad **State** CA **Zip** 92008-7314

Project Location

County San Diego
City Carlsbad, Oceanside, San Marcos, Vista
Region

Cross Streets

Parcel No.

Township

Range

Section

Base

Proximity to:

Highways

Airports

Railways

Waterways

Schools

Land Use Different pipeline alignments, proposed in or along streets, along existing pipelines, and across mostly vacant land, are being considered.

Project Issues Aesthetic/Visual; Air Quality; Biological Resources; Archaeologic-Historic; Geologic/Seismic; Toxic/Hazardous; Water Quality; Landuse; Noise; Other Issues; Traffic/Circulation; Public Services

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 5; Department of Health Services; Native American Heritage Commission; State Lands Commission; California Highway Patrol; Caltrans, District 11; State Water Resources Control Board, Division of Loans and Grants State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 9

Date Received 04/19/2004 **Start of Review** 04/19/2004 **End of Review** 05/18/2004

<input type="checkbox"/> Resources Agency Nadell Gayou	<input type="checkbox"/> Dept. of Fish & Game 3 Robert Floorke Region 3	<input type="checkbox"/> Public Utilities Commission Ken Lewis	<input type="checkbox"/> Dept. of Transportation B Linda Grimes, District 8	<input type="checkbox"/> Regional Water Quality Control Board (RWQCB)
<input type="checkbox"/> Resources Agency Nadell Gayou	<input type="checkbox"/> Dept. of Fish & Game 4 William Laudermilk Region 4	<input type="checkbox"/> State Lands Commission Jean Sapiro	<input type="checkbox"/> Dept. of Transportation 9 Gayle Rosander District 9	<input type="checkbox"/> RWQCB 1 Cathleen Hudson North Coast Region (1)
<input checked="" type="checkbox"/> Dept. of Boating & Waterways Suzl Betzler	<input checked="" type="checkbox"/> Dept. of Fish & Game 5 Don Chadwick Region 5, Habitat Conservation Program	<input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques	<input type="checkbox"/> Dept. of Transportation 10 Tom Dumas District 10	<input type="checkbox"/> RWQCB 2 Environmental Document Coordinator San Francisco Bay Region (2)
<input type="checkbox"/> California Coastal Commission Elizabeth A. Fuchs	<input type="checkbox"/> Dept. of Fish & Game 6 Gabriela Gatchel Region 6, Habitat Conservation Program	<u>Business, Trans & Housing</u>	<input checked="" type="checkbox"/> Dept. of Transportation 11 Bill Figgs District 11	<input type="checkbox"/> RWQCB 3 Central Coast Region (3)
<input type="checkbox"/> Colorado River Board Gerald R. Zimmelman	<input type="checkbox"/> Dept. of Fish & Game 6 I/M Tammy Allen Region 6, Invo/Mono, Habitat Conservation Program	<input type="checkbox"/> Caltrans - Division of Aeronautics Sandy Hesnard	<input type="checkbox"/> Dept. of Transportation 12 Bob Joseph District 12	<input type="checkbox"/> RWQCB 4 Jonathan Bishop Los Angeles Region (4)
<input type="checkbox"/> Dept. of Conservation Roseanne Taylor	<input type="checkbox"/> Dept. of Fish & Game M George Isaac Marine Region	<input checked="" type="checkbox"/> California Highway Patrol John Olejnik Office of Special Projects	<input type="checkbox"/> Cal EPA	<input type="checkbox"/> RWQCB 5S Central Valley Region (5)
<input type="checkbox"/> Dept. of Forestry & Fire Protection Allen Robertson	<u>Other Departments</u>	<input type="checkbox"/> Housing & Community Development Cathy Creswell Housing Policy Division	<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> RWQCB 5F Central Valley Region (5) Fresno Branch Office
<input type="checkbox"/> Office of Historic Preservation Hans Kreutzberg	<input type="checkbox"/> Food & Agriculture Steve Shaffer Dept. of Food and Agriculture	<u>Dept. of Transportation</u>	<input type="checkbox"/> Airport Projects Jim Leimer	<input type="checkbox"/> RWQCB 5R Central Valley Region (5) Redding Branch Office
<input checked="" type="checkbox"/> Dept. of Parks & Recreation B. Noah Tilghman Environmental Stewardship Section	<input type="checkbox"/> Dept. of General Services Robert Sleppy Environmental Services Section	<input type="checkbox"/> Dept. of Transportation 1 Mike Eagan District 1	<input type="checkbox"/> Transportation Projects Kurt Karperos	<input type="checkbox"/> RWQCB 6 Lahontan Region (6)
<input type="checkbox"/> Reclamation Board Lori Buford	<input checked="" type="checkbox"/> Dept. of Health Services Wayne Hubbard Dept. of Health/Drinking Water	<input type="checkbox"/> Dept. of Transportation 2 Don Anderson District 2	<input type="checkbox"/> Industrial Projects Mike Tolstrup	<input type="checkbox"/> RWQCB 6V Lahontan Region (6) Victorville Branch Office
<input type="checkbox"/> Santa Monica Mountains Conservancy Paul Edelman	<u>Independent Commissions/Boards</u>	<input type="checkbox"/> Dept. of Transportation 3 Jeff Pultveinman District 3	<input type="checkbox"/> California Integrated Waste Management Board Sus O'Leary	<input type="checkbox"/> RWQCB 7 Colorado River Basin Region (7)
<input type="checkbox"/> S.F. Bay Conservation & Dev'L Comm. Steve McAdam	<input type="checkbox"/> Delta Protection Commission Debbie Eddy	<input type="checkbox"/> Dept. of Transportation 4 Tim Sable District 4	<input type="checkbox"/> State Water Resources Control Board Jim Lockenberry Division of Financial Assistance	<input type="checkbox"/> RWQCB 8 Santa Ana Region (8)
<input checked="" type="checkbox"/> Dept. of Water Resources Resources Agency Nadell Gayou	<input type="checkbox"/> Office of Emergency Services John Rowden, Manager	<input type="checkbox"/> Dept. of Transportation 5 David Murray District 5	<input checked="" type="checkbox"/> State Water Resources Control Board Steven Herrera Division of Water Rights	<input checked="" type="checkbox"/> RWQCB 9 San Diego Region (9)
<u>Fish and Game</u>	<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Dept. of Transportation 6 Marc Bimbaum District 6	<input type="checkbox"/> State Water Resources Control Board Division of Water Quality	<input type="checkbox"/> Other
<input type="checkbox"/> Dept. of Fish & Game Scott Flint Environmental Services Division	<input type="checkbox"/> Native American Heritage Comm. Debbie Treadway	<input type="checkbox"/> Dept. of Transportation 7 Stephen J. Buswell District 7	<input type="checkbox"/> State Water Resources Control Board Division of Water Quality 401 Water Quality Certification Unit	
<input type="checkbox"/> Dept. of Fish & Game 1 Donald Koch Region 1			<input type="checkbox"/> Dept. of Toxic Substances Control CEQA Tracking Center	
<input type="checkbox"/> Dept. of Fish & Game 2 Banky Curtis Region 2				

DEPARTMENT OF TRANSPORTATION

DISTRICT 11

P. O. BOX 85406, MS 50

SAN DIEGO, CA 92186-5406

PHONE (619) 688-6954

FAX (619) 688-4299

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May 18, 2004

11-SD-005
PM 47.98 (KP 77.2)
SCH 2004041081Mr. Scott Donnell
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008-7314

Dear Mr. Donnell:

The California Department of Transportation (Department) has reviewed the Notice of Preparation (NOP) for the **Power and Desalinization Project** proposed for the Encina Power Plant located west and adjacent to Interstate 5 (I-5) at Cannon Road.

The Department will welcome the opportunity to review the Environmental Impact Report, and any impacts to Transportation/Traffic that are identified as a result of the proposed desalination plant, when available.

Close coordination with the Department is encouraged. If you have any questions, please contact Vann Hurst, Development Review Branch, at 619-688-6976.

Sincerely,

Handwritten signature of Mario H. Orso in black ink.

MARIO H. ORSO, Chief
Development Review BranchC: JCarlin (MS 55)
BFigge (MS 50)
EGojuangco (MS 55)
VHurst (MS 50)
MKharrati (MS 35)
Power & Desalinization Project

DEPARTMENT OF FISH AND GAME

South Coast Region
4949 Viewridge Avenue
San Diego, California 92123
(858) 467-4201
(858) 467-4235 FAX



May 17, 2004

Mr. Scott Donnell
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008-7314

**Comments on the Notice of Preparation of a Draft Environmental Impact Report
for the Proposed Seawater Desalination Project at Encina (SCH# 2004041081)**

Dear Mr. Donnell:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the above-referenced notice of preparation (NOP), relative to impacts to biological resources. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381 respectively. As a Trustee Agency, the Department must be consulted by the Lead Agency during the preparation and public review for project-specific CEQA documents. As a Trustee Agency, the Department reviews CEQA documents on proposed projects, comments on the project impacts, and determines whether the mitigation measures or alternatives proposed are adequate and appropriate. Pursuant to Section 1802 of the Fish and Game Code, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and habitat necessary for biologically sustainable populations of those species. Under the California Endangered Species Act (CESA), it is the policy of the State to conserve, protect, restore, and enhance any endangered species or any threatened species and its habitat (Section 2052 of the Fish and Game Code). The Department also administers the Natural Community Conservation Planning Program (NCCP).

The City of Carlsbad (the City) proposes to build a desalination facility and water distribution system that would consist of (1) a 50-million gallon per day seawater desalination plant co-located on approximately four developed acres of the existing Encina Power Station (EPS) adjacent to the southern boundary of Agua Hedionda Lagoon in Carlsbad, California, and (2) ancillary water facilities and a distribution system, including several miles of up to 48 diameter pipelines to connect the desalination plant to existing water distribution systems in the cities of Carlsbad, Oceanside, San Marcos and Vista. The project would obtain the seawater to be desalinated by reverse osmosis from an existing intake system utilized by the power plant, and would include a discharge of brine waste into the once-through cooling water discharge from the power plant. The proposed alternative alignments of the pipeline are primarily within existing roadway rights-of-way and/or other easements, though portions of the alignments some of which we have identified below would traverse undeveloped lands.

To enable the Department to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish and wildlife, we offer the following specific and general comments regarding concerns that the draft Environmental Impact Report (DEIR) should address in detail and information that the DEIR should include.

Specific Comments

The Desalination Plant

1. The NOP, under Biological Resources, indicates that the discharge of brine wastes has the potential to affect marine and coastal biological resources. The Department concurs with this evaluation. In order to adequately address the issue, the DEIR should include a full discussion on avoiding and/or mitigating such impacts. In particular, the DEIR should discuss worst-case scenarios. One scenario is the operation of the power plant at minimum flowrates (e.g., only one pump operating). In the long term, another situation that may occur would be the permanent cessation of the operation of the power plant. The brine waste footprint would change significantly under these types of operational conditions.
2. The DEIR should address the potential impacts pertaining to impingement and entrainment associated with source water intake should the power plant cease operation. Should the power plant curtail or cease operation, the desalination facility will continue to require source water and, as such, will continue to have impingement and entrainment impacts.
3. The DEIR should address biological impacts associated with the long-term maintenance dredging that may be needed to ensure proper operation of the intake system at the site. If the power plant ceases operation, the desalination project would need to continue the maintenance dredging to ensure an adequate supply of seawater.
4. The DEIR should provide a full discussion of any additional constituents that may be discharged other than brine wastes. The discussion should include the measures to be taken to ensure that all applicable water quality standards will be met (e.g., Clean Water Act, Ocean Plan, Bays and Estuaries Policy, etc.).
5. The DEIR should provide the following information: (a) the maximum volume of seawater intake that the Encina Power Plant is currently permitted; (b) the maximum volume of seawater intake that currently occurs; (c) the volume of seawater intake that would be necessary to enable the desalination plant to operate; (d) if "c" is greater than "b," address whether the extant infrastructure/measures in place to avoid or minimize impingement and entrainment of fish and other aquatic organisms by the Encina Power Plant intake structure would be sufficient to properly function at higher volumes of seawater intake.

The Distribution Pipelines

6. Figure 3 in the Final Multiple Habitat Conservation Program (MHCP) Plan (SANDAG, March 2003) depicts the composite habitat value of the area within the MHCP study area. The NOP does not provide information on the potential alternative alignments under consideration for the distribution pipelines. We are concerned that the proposed alternative alignments might traverse extensive areas of habitats of very high and high value / preserve area as designated by the MHCP Plan.

Even if all distribution pipelines would be placed underground, their construction could potentially affect some of the sensitive habitats within the portions of the alternative alignments considered in the DEIR. In addition, the establishment and maintenance of easements to ensure the ability to access the pipeline for long-term maintenance and repairs, and the repair and maintenance activities themselves would result in on-going, long-term direct and indirect effects on the biological resources within the pipeline's development footprint and area of potential effect. To enable the Department to fully comprehend the project's potential biological impacts, the DEIR should provide detailed aerial photographs with overlays of the alternative pipeline alignments and of the habitat types. The DEIR should discuss the project's potential direct and indirect effects on the sensitive habitats and the wildlife they support. The DEIR should thoroughly address measures to avoid impacts on the areas supporting habitat of very high and high value / preserve area per the MHCP Plan.

General Comments

The DEIR should include:

7. A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.
8. A complete list and assessment of the flora and fauna within and next to the project area, with particular emphasis upon identifying State or federally listed rare, threatened, endangered, or proposed candidate species, California Species-of-Special Concern and/or State Protected or Fully Protected species, and any locally unique species and sensitive habitats. Specifically, the DEIR should include:
 - a. A thorough assessment of Rare Natural Communities on site and within the area of potential effect, following the Department's Guidelines for Assessing Impacts to Rare, Threatened, and Endangered Plants and Natural Communities (Attachment 1; revised May 8, 2000).
 - b. A current inventory of the biological resources associated with each habitat type on site and within the area of potential effect. The Department's California Natural Diversity

Data Base in Sacramento should be contacted at (916) 327-5960 to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.

- c. An inventory of rare, threatened, and endangered species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, Section 15380).
 - d. Discussions regarding seasonal variations in use by sensitive species of the project site as well as the area of potential effect on those species, using acceptable species-specific survey procedures as determined through consultation with the Department. Focused species-specific surveys, conducted in conformance with established protocols at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.
3. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources. All phases (e.g., clearing, grading, construction, operation) of the project should be included in this assessment. Specifically, the DEIR should provide:
- a. Specific acreage and descriptions of the wetlands, coastal sage scrub, and other sensitive habitats that will or may be affected by the proposed project or project alternatives. Maps and tables should be used to summarize such information.
 - b. Discussions regarding the regional setting, pursuant to the CEQA Guidelines, Section 15125(a), with special emphasis on resources that are rare or unique to the region that would be affected by the project. This discussion is critical to an assessment of environmental impacts.
 - c. Detailed discussions, including both qualitative and quantitative analyses, of the potentially affected listed and sensitive species (fish, wildlife, plants), and their habitats on the proposed project site, area of potential effect, and alternative sites, including information pertaining to their local status and distribution. The anticipated or real impacts of the project on these species and habitats should be fully addressed.
 - d. Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed NCCP reserve lands. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated and provided. A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address: project-related changes on drainage patterns on and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site. The

discussions should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary, and the potential resulting impacts on the habitat, if any, supported by the groundwater.

- e. Discussions regarding project-related growth-inducement, including potential related increases in traffic along roads that bisect wildlife movement corridors.
 - f. Discussions regarding possible conflicts resulting from wildlife-human interactions at the interface between the development project and natural habitats. The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions.
 - g. An analysis of cumulative effects, as described under CEQA Guidelines, Section 15130. General and specific plans, and past, present, and anticipated future projects, should be analyzed concerning their impacts on similar plant communities and wildlife habitats.
 - h. The Department recommends that the City ensure that the development of this and other proposed projects not preclude long-term preserve planning options and that projects conform with other requirements of the NCCP program. The City should assess the project for consistency with the NCCP Conservation Guidelines. Additionally, the jurisdictions should quantify and qualify: 1) the amount of coastal sage scrub within their boundaries; 2) the acreage of coastal sage scrub habitat removed by individual projects; and 3) any acreage set aside for mitigation. This information should be kept in an updated ledger system.
4. Mitigation measures for adverse project-related impacts on sensitive plants, animals, and habitats. Measures to fully avoid and otherwise protect Rare Natural Communities (Attachment 2) from project-related impacts. The Department considers these communities as threatened habitats having both regional and local significance.
- a. Mitigation measures should emphasize avoidance, and where avoidance is infeasible, reduction of project impacts. Regarding avian species, one of the Department's responsibilities is to assure that avian breeding and nesting activities are avoided or minimized. Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds.¹ We recommend that project construction (including any additional clearing, grading) be scheduled to avoid the avian breeding season (i.e., construction should occur between September 1 and February 14, January 14 for raptors). If this is

¹ Nongame birds are those listed under the Federal Migratory Bird Treaty Act (MBTA) of 1918 [50 C.F.R. Section 10.13]. Migratory nongame native bird species are protected by international treaty under the MBTA.

infeasible, we recommend that (a) vegetation clearing occur outside of the avian breeding season in areas that would support avian nests and, (b) where there is suitable nesting habitat for any nongame birds within 300 feet of the project work area (within 500 feet for raptors) measures are implemented to avoid disturbing avian breeding behavior from indirect effects (e.g., noise, line-of-sight disturbances, night-lighting).

- b. For unavoidable impacts, off-site mitigation through acquisition and preservation in perpetuity of the affected habitats should be addressed. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts on rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.
 - c. This discussion should include measures to perpetually protect the targeted habitat values where preservation and/or restoration is proposed. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc. Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used; (c) a schematic depicting the mitigation area; (d) time of year that planting will occur; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the entity(ies) that will guarantee achieving the success criteria and provide for conservation of the mitigation site in perpetuity.
 - d. Mitigation measures to alleviate indirect project impacts on biological resources must be included, including measures to minimize changes in the hydrologic regimes on site, and means to convey runoff without damaging biological resources, including the morphology of on-site and downstream habitats.
5. Thorough descriptions and analyses of a range of alternatives to ensure that alternatives to the proposed project are fully considered and evaluated. The analyses must include alternatives that avoid or otherwise reduce impacts to sensitive biological resources. Specific alternative locations should be evaluated in areas of lower resource sensitivity where appropriate.

Unless the City has obtained take authorization for affected listed species through finalization of its MHCP Subarea Plan under preparation, a CESA Permit (Section 2081 of the Fish and Game Code) or, if applicable, a Consistency Determination (Section 2080.1 of the Fish and Game Code), must be obtained if the project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the project.

CESA Permits are issued to conserve, protect, enhance, and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required to obtain a CESA Permit.²

The Department has responsibility for the conservation of wetland and riparian habitats. It is the policy of the Department to discourage development in or conversion of wetlands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether intermittent or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations.

If appropriate, a jurisdictional delineation of lakes, streams, and associated riparian habitats should be included in the EIR, including a wetland delineation pursuant to the U.S. Fish and Wildlife Service definition (Cowardin 1979) adopted by the Department. Please note that wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers.

The proposed project may require a Lake or Streambed Alteration Agreement (SAA). The Department has direct authority under Fish and Game Code Section 1600 *et. seq.* regarding any proposed activity that would divert, obstruct, or affect the natural flow or change the bed, channel, or bank of any river, stream, or lake. The Department's issuance of a SAA for a project that is subject to CEQA requires CEQA compliance actions by the Department as a Responsible Agency. As a Responsible Agency under CEQA, the Department may consider the City's CEQA documentation. To minimize additional requirements by the Department pursuant to Section

² Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of a 2081 permit unless the project CEQA document addresses all project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a 2081 permit. For these reasons, the:

- a. biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Permit, and
- b. a Department-approved Mitigation Agreement and Mitigation Plan are required for plants listed as rare under the Native Plant Protection Act.

Mr. Donnell
May 17, 2004
Page 8 of 8

1600 *et seq.* and/or under CEQA, the documentation should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the agreement. A SAA notification form may be obtained by writing to the Department of Fish and Game, 4949 Viewridge Avenue, San Diego, California 92123-1662, or by calling (858) 636-3160, or by accessing the Department's web site at www.dfg.ca.gov/1600. The Department's SAA Program holds regularly scheduled pre-project planning/early consultation meetings. To make an appointment, please call our office at (858) 636-3160.

The Department appreciates the opportunity to comment on this NOP. We find that the project would not be de minimis in its effects on fish and wildlife per section 711.4 of the California Fish and Game Code. We encourage the City to arrange a meeting with the Department and U.S. Fish and Wildlife Service to discuss the potential alignments of the pipeline. Please contact Libby Lucas (pipeline issues) or Bill Paznokas (water quality issues) of the Department at (858) 467-4230 if you have any questions or comments concerning this letter.

Sincerely,



FOI2

William E. Tippets
Deputy Regional Manager

Literature Cited

Cowardin, Lewis M., V. Carter, G. C. Golet, and E. T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. Fish and Wildlife Service, U.S. Department of the Interior. U. S. Government Printing Office, Washington, D.C.

cc: Department of Fish and Game (Nancy Frost)
Department of Fish and Game (Marine Region)
U.S. Fish and Wildlife Service (Ben Frater)

ATTACHMENT 2

Sensitivity of Top Priority Rare Natural Communities in Southern California

Sensitivity rankings are determined by the Department of Fish and Game, California Natural Diversity Data Base and based on either number of known occurrences (locations) and/or amount of habitat remaining (acreage). The three rankings used for these top priority rare natural communities are as follows:

- S1.# Less than 6 known locations and/or on less than 2,000 acres of habitat remaining.
- S2.# Occurs in 6-20 known locations and/or 2,000-10,000 acres of habitat remaining.
- S3.# Occurs in 21-100-known locations and/or 10,000-50,000 acres of habitat remaining.

The number to the right of the decimal point after the ranking refers to the degree of threat posed to that natural community regardless of the ranking. For example:

- S1.1 = very threatened
- S2.2 = threatened
- S3.3 = no current threats known

Sensitivity Rankings (February 1992)

<u>Rank</u>	<u>Community Name</u>
S1.1	Mojave Riparian Forest Sonoran Cottonwood Willow Riparian Mesquite Bosque Elephant Tree Woodland Crucifixion Thorn Woodland Allthorn Woodland Arizonan Woodland Southern California Walnut Forest Mainland Cherry Forest Southern Bishop Pine Forest Torrey Pine Forest Desert Mountain White Fir Forest Southern Dune Scrub Southern Coastal Bluff Scrub Maritime Succulent Scrub Riversidean Alluvial Fan Sage Scrub Southern Maritime Chaparral Valley Needlegrass Grassland Great Basin Grassland Mojave Desert Grassland Pebble Plains Southern Sedge Bog Cismontane Alkali Marsh

- S1.2 Southern Foredunes
 Mono Pumice Flat
 Southern Interior Basalt Flow Vernal Pool
- S2.1 Venturan Coastal Sage Scrub
 Diegan Coastal Sage Scrub
 Riversidean Upland Coastal Sage Scrub
 Riversidean Desert Sage Scrub
 Sagebrush Steppe
 Desert Sink Scrub
 Mafic Southern Mixed Chaparral
 San Diego Mesa Hardpan Vernal Pool
 San Diego Mesa Claypan Vernal Pool
 Alkali Meadow
 Southern Coastal Salt Marsh
 Coastal Brackish Marsh
 Transmontane Alkali Marsh
 Coastal and Valley Freshwater Marsh
 Southern Arroyo Willow Riparian Forest
 Southern Willow Scrub
 Modoc-Great Basin Cottonwood Willow Riparian
 Modoc-Great Basin Riparian Scrub
 Mojave Desert Wash Scrub
 Engelmann Oak Woodland
 Open Engelmann Oak Woodland
 Closed Engelmann Oak Woodland
 Island Oak Woodland
 California Walnut Woodland
 Island Ironwood Forest
 Island Cherry Forest
 Southern Interior Cypress Forest
 Bigcone Spruce-Canyon Oak Forest
- S2.2 Active Coastal Dunes
 Active Desert Dunes
 Stabilized and Partially Stabilized Desert Dunes
 Stabilized and Partially Stabilized Desert Sandfield
 Mojave Mixed Steppe
 Transmontane Freshwater Marsh
 Coulter Pine Forest
 Southern California Fellfield
 White Mountains Fellfield
- S2.3 Bristlecone Pine Forest
 Limber Pine Forest

Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities

State of California
THE RESOURCES AGENCY
Department of Fish and Game
December 9, 1983
Revised May 8, 2000

The following recommendations are intended to help those who prepare and review environmental documents determine when a botanical survey is needed, who should be considered qualified to conduct such surveys, how field surveys should be conducted, and what information should be contained in the survey report. The Department may recommend that lead agencies not accept the results of surveys that are not conducted according to these guidelines.

1. Botanical surveys are conducted in order to determine the environmental effects of proposed projects on all rare, threatened, and endangered plants and plant communities. Rare, threatened, and endangered plants are not necessarily limited to those species which have been "listed" by state and federal agencies but should include any species that, based on all available data, can be shown to be rare, threatened, and/or endangered under the following definitions:

A species, subspecies, or variety of plant is "endangered" when the prospects of its survival and reproduction are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition, or disease. A plant is "threatened" when it is likely to become endangered in the foreseeable future in the absence of protection measures. A plant is "rare" when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens.

Rare natural communities are those communities that are of highly limited distribution. These communities may or may not contain rare, threatened, or endangered species. The most current version of the California Natural Diversity Database's List of California Terrestrial Natural Communities may be used as a guide to the names and status of communities.

2. It is appropriate to conduct a botanical field survey to determine if, or to the extent that, rare, threatened, or endangered plants will be affected by a proposed project when:
 - a. Natural vegetation occurs on the site, it is unknown if rare, threatened, or endangered plants or habitats occur on the site, and the project has the potential for direct or indirect effects on vegetation; or
 - b. Rare plants have historically been identified on the project site, but adequate information for impact assessment is lacking.
3. Botanical consultants should possess the following qualifications:
 - a. Experience conducting floristic field surveys;
 - b. Knowledge of plant taxonomy and plant community ecology;
 - c. Familiarity with the plants of the area, including rare, threatened, and endangered species;
 - d. Familiarity with the appropriate state and federal statutes related to plants and plant collecting; and,
 - e. Experience with analyzing impacts of development on native plant species and communities.
4. Field surveys should be conducted in a manner that will locate any rare, threatened, or endangered species that may be present. Specifically, rare, threatened, or endangered plant surveys should be:
 - a. Conducted in the field at the proper time of year when rare, threatened, or endangered species are both evident and identifiable. Usually, this is when the plants are flowering.

When rare, threatened, or endangered plants are known to occur in the type(s) of habitat present in the project area, nearby accessible occurrences of the plants (reference sites) should be observed to determine that the species are identifiable at the time of the survey.

- b. Floristic in nature. A floristic survey requires that every plant observed be identified to the extent necessary to determine its rarity and listing status. In addition, a sufficient number of visits spaced throughout the growing season are necessary to accurately determine what plants exist on the site. In order to properly characterize the site and document the completeness of the survey, a complete list of plants observed on the site should be included in every botanical survey report.
 - c. Conducted in a manner that is consistent with conservation ethics. Collections (voucher specimens) of rare, threatened, or endangered species, or suspected rare, threatened, or endangered species should be made only when such actions would not jeopardize the continued existence of the population and in accordance with applicable state and federal permit requirements. A collecting permit from the Habitat Conservation Planning Branch of DFG is required for collection of state-listed plant species. Voucher specimens should be deposited at recognized public herbaria for future reference. Photography should be used to document plant identification and habitat whenever possible, but especially when the population cannot withstand collection of voucher specimens.
 - d. Conducted using systematic field techniques in all habitats of the site to ensure a thorough coverage of potential impact areas.
 - e. Well documented. When a rare, threatened, or endangered plant (or rare plant community) is located, a California Native Species (or Community) Field Survey Form or equivalent written form, accompanied by a copy of the appropriate portion of a 7.5 minute topographic map with the occurrence mapped, should be completed and submitted to the Natural Diversity Database. Locations may be best documented using global positioning systems (GPS) and presented in map and digital forms as these tools become more accessible.
5. Reports of botanical field surveys should be included in or with environmental assessments, negative declarations and mitigated negative declarations, Timber Harvesting Plans (THP's), EIR's, and EIS's, and should contain the following information:
- a. Project description, including a detailed map of the project location and study area.
 - b. A written description of biological setting referencing the community nomenclature used and a vegetation map.
 - c. Detailed description of survey methodology.
 - d. Dates of field surveys and total person-hours spent on field surveys.
 - e. Results of field survey including detailed maps and specific location data for each plant population found. Investigators are encouraged to provide GPS data and maps documenting population boundaries.
 - f. An assessment of potential impacts. This should include a map showing the distribution of plants in relation to proposed activities.
 - g. Discussion of the significance of rare, threatened, or endangered plant populations in the project area considering nearby populations and total species distribution.
 - h. Recommended measures to avoid impacts.
 - i. A list of all plants observed on the project area. Plants should be identified to the taxonomic level necessary to determine whether or not they are rare, threatened or endangered.
 - j. Description of reference site(s) visited and phenological development of rare, threatened, or endangered plant(s).
 - k. Copies of all California Native Species Field Survey Forms or Natural Community Field Survey Forms.
 - l. Name of field investigator(s).
 - j. References cited, persons contacted, herbaria visited, and the location of voucher specimens.

CALIFORNIA COASTAL COMMISSION

45 FIRMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



May 14, 2004

Mr. Scott Donnell
City of Carlsbad Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

VIA FACSIMILE (760) 602-8559

RE: Comments on Notice of Preparation (NOP) of Draft EIR for Proposed Poseidon Seawater Desalination Plant (State CEQA Clearinghouse #2004041081)

Dear Mr. Donnell:

Thank you for the opportunity to comment on the above-referenced NOP. The NOP is for a 50 million gallon per day seawater desalination plant and associated pipelines and facilities, proposed to be located at the Encina Generating Station in the City of Carlsbad.

The proposed project will require a coastal development permit (CDP) from the California Coastal Commission. While the concerns and requests for information in this letter are focused largely on issues related to coastal resources and Coastal Act conformity, the issues also require evaluation during CEQA review. Addressing our comments early in the CEQA process will provide a more efficient environmental review and permitting process and will also allow the proposed project to incorporate alternatives and mitigation measures necessary to conform to Coastal Act requirements.

The comments below are in two main categories – first, general comments that apply broadly to the proposed project or to several aspects of it; and second, comments on specific aspects of the proposal. We will likely provide additional comments after our review of the DEIR.

GENERAL COMMENTS

- 1) **The DEIR should evaluate applicable issue areas identified in the Coastal Commission's Desalination Report as part of CEQA review:** As our overarching general comment on this proposal, we request you review the recently published Coastal Commission report, "Seawater Desalination and the California Coastal Act" (March 2004). It describes many of the Coastal Act policies likely to apply to this proposed project, discusses many of the concerns and types of information that will likely need to be evaluated during project review, and suggests many ways in which a proposed desalination facility might more readily conform to the applicable Coastal Act policies. The report is available online at www.coastal.ca.gov. Many of the concerns identified in the report also require review during the CEQA process to allow full consideration of alternatives and measures that may be needed to avoid, minimize, or otherwise mitigate adverse effects. This comment letter incorporates that report by reference; therefore, please include applicable information described in the report in the CEQA review.

We also recommend the DEIR incorporate applicable documents of the state Desalination Task Force (available at <http://www.owue.water.ca.gov/recycle/desal/desal.cfm>) that describe other aspects of desalination likely to require evaluation during environmental review, including issues such as energy demand, economics, environmental justice considerations, and others.

- 2) **The DEIR must identify appropriate baseline conditions for CEQA and Coastal Act conformity:** Regarding baseline conditions for marine biology, please note that environmental review of this proposed project will require a new entrainment and impingement study. This study is needed to determine existing conditions for both CEQA and the Coastal Act, as the existing data, from a previous study done in 1979-80, are out-of-date and were obtained using sampling and analytical methods that are currently considered inadequate for determining the effects of the intake structure on the marine environment. The previous study, for example, did not use consistent sampling methods, did not study the full range of affected species, and used a modeling method that has since been surpassed by more accurate methods. We note that a more recent review of the original study done in 1997 did not generate new data but only reinterpreted the previously collected data, which as noted above, were fundamentally inadequate for determining impacts. Therefore, neither the original study nor the more recent review of that study provide the information necessary to determine current baseline conditions or describe the existing marine biological community that would be affected by the proposed project.

We recommend the City ensure the necessary entrainment/impingement study be done using protocols acceptable to the Regional Board for any similar study they may require of the Encina Generating Station, pursuant to requirements of section 316(b) of the federal Clean Water Act. We believe that with proper coordination, a single study could serve to meet the requirements of CEQA, the Coastal Act, the Porter-Cologne Act, and the federal Clean Water Act.

- 3) **The DEIR should include alternatives analyses to adequately address numerous aspects of the proposal:** Due to the potential significant impacts of the proposed project and the wide range of options available to meet the project purpose, many aspects of the proposal will require extensive alternatives analyses. The NOP states that alternatives to be considered include a "no project" alternative, a smaller-sized facility, alternative project sites, and alternative water supplies. As noted below, we request that the DEIR evaluate specific aspects of those alternatives along with several other alternatives. Please note that some of our specific comments later in this letter include several additional aspects to be included in the alternatives analyses. Alternatives considered should include the following:

- a) **The "No Project" Alternative:** Within the "no project" analysis, the DEIR should describe other sources that could provide up to 50 million gallons per day of water to the proposed service area. The DEIR should describe the availability and feasibility of these other sources, including conservation and recycling, and should include an economic comparison of those alternatives with the proposed project.

- b) Alternative project locations: The proposed project would be located adjacent to the Encina Generating Station and would take advantage of several aspects of the power plant, including use of its existing cooling water structure and support infrastructure (e.g., parking, security, etc.). Even with these advantages, co-location raises unique concerns that require review of issues that may not arise for independently-located facilities. We note that the proposed facility would be located at an existing coastal power plant that was sited several decades ago using a design that may not reflect current understanding of the effects of its intake and discharge on coastal ecosystems. Therefore, while this location may offer some operational advantages for desalination, it may also contribute to ongoing significant environmental effects that will require consideration of alternative locations or designs to avoid or minimize those effects.

The Coastal Commission's desalination report describes many of the issues related to co-location, related primarily to the design, location, and combined operation of the two facilities, and the DEIR should comprehensively evaluate those issues. For example, the DEIR should evaluate the perceived advantage of having the desalination facility use the existing power plant cooling water system and balance it against the significant impacts caused by that system. This review should also identify the incremental effects of the proposed desalination facility (e.g., entrainment, energy use, etc.) that would be caused by using the existing system, and should assess whether there may be fewer adverse impacts if the desalination facility constructs a new intake and/or outfall system designed and located so as not to worsen or continue existing adverse impacts at the power plant. The DEIR should also describe the basis for any anticipated energy cost benefits for a proposed co-located facility.

In addition to siting issues related to co-location, the DEIR should also evaluate other feasible sites for the proposed facility. This analysis should consider whether there are alternative locations that may be more advantageous for distributing water to the intended service area or that may allow better connection to the existing distribution infrastructure.

- c) Alternative water sources: The DEIR should evaluate alternatives to using the once-through cooling system at EGS as the water source. For reasons noted elsewhere in this letter, there may be substantial adverse effects related to the use of that cooling system that could result in the proposed facility not conforming to Coastal Act policies or that could require extensive mitigation measures. We therefore recommend the DEIR evaluate the use of various subsurface intakes (e.g., beach wells, Raney collectors, horizontally-drilled wells, etc.) at the proposed project site and at other feasible locations. We also recommend the DEIR compare the costs and benefits of using an open-water intake and the pre-treatment needed for that water source with the use of subsurface intakes, which generally do not require the level of pre-treatment needed to remove particulates from an open water intake source. We further recommend the document evaluate other water sources that may be available, such as brackish groundwater, recycled water, or other sources that may result in fewer adverse impacts and may be less expensive to desalt.

- d) Alternative ownership and operations: As noted in the Coastal Commission's recent desalination report, there are a number of concerns about privatization of water supply and water-related infrastructure that raise questions about how such a proposal will conform not only to the Coastal Act policies but other local, state, and federal environmental requirements. The DEIR should evaluate the effect of regulations that may apply differently to facilities owned or operated by public agencies, private entities, or public/private partnerships, and the different environmental effects that may result from each form of ownership. There are areas of regulation that differentiate between public and private entities, such as the level of public oversight and control, the determination of rates, service areas, and end users, and other issues that could result in very different effects from a publicly-owned versus a privately-owned facility. We note that previous Coastal Commission decisions regarding water supplies have been based in part on whether a proposed project was public or private. To address these and associated issues, the DEIR should describe the anticipated relationship between the facility owner and operator, regulatory agencies, and the water purchasers, as well as alternative relationships that could result in fewer environmental or social effects.

The DEIR should also address differences between public, private, and public/private partnerships regarding the applicability of international trade agreements and the adverse environmental effects that may result from these differences. For example, private entities covered by provisions of these agreements (e.g., NAFTA, GATS, etc.) may attempt to use these agreements to challenge state or local regulations as barriers to free trade. The challenges could be on anything from permit conditions meant to avoid or reduce environmental impacts to limits on the amount of water produced due to local growth restrictions. If successful, these challenges could result in various local or state regulations not applying as anticipated for the proposed facility, thereby significantly increasing adverse environmental impacts well beyond the level generally assumed during the planning and review process.

While the state has expressed confidence that its statutes and regulations will be implemented regardless of these international trade provisions, given the paucity of final legal decisions about how local and state regulations might apply to companies covered by such provisions, the DEIR should include a reasonable worst-case scenario describing the adverse effects of the proposed facility if local and state regulations were determined to not apply to the facility's construction or operation due to its ownership or operation by an entity covered under these trade agreements. The DEIR should also compare the differences between the facility as proposed and one owned and/or operated entirely by a public entity, such as the City of Carlsbad or the San Diego County Water Authority. This comparison should include alternative types of ownership or management of the proposed facility, including, for example, a public agency entering into a "design-build" contract with the proponent rather than a "design-build-operate" contract or similar arrangement.

On a related note, the DEIR should evaluate how the proposed method of ownership would address the project objective of having a local and reliable water supply. While the water itself would be produced locally regardless of the type of project ownership, a private proposal would result in decisions about how and where the water is used being made elsewhere in a manner that incorporates relatively little or no local decision-making ability. The DEIR should therefore assess the effects of this ownership and decision-making scenario on local resources.

- 4) **Administrative question regarding the CEQA review process:** The NOP states that the San Diego County Water Authority is preparing an EIR for a similar desalination proposal, but that it is an entirely separate proposal from the one being reviewed by the City. The two proposals do not appear to be entirely separate, as they are both at the same site, are the same size, and are proposed by the same applicant. Please describe in the DEIR why there are two independent CEQA review processes for what seem to be the same proposed facility.

COMMENTS ON SPECIFIC ISSUES

5) **Marine Biological Resources / Water Quality and Hydrology:**

- a) Effects of intake structure: One of the key environmental concerns with desalination is its potentially significant adverse effects on marine organisms. The reverse osmosis process causes the death of essentially all organisms drawn into the desalination facility, which, depending on the location and design of the intake structure can result in substantial environmental effects to the local or regional marine ecosystem. The proposed project would use the estuarine waters of Aqua Hedionda, which are believed to provide a relatively rich and significant habitat for a wide variety of marine and estuarine species. Please note, pursuant to our comments above regarding the environmental baseline, that the results of a new entrainment/impingement study will be needed before any conclusions can be made about the effects of the proposed project on marine biological resources.
- b) Effects of proposed discharge: The NOP states that the high salinity discharge from proposed project may affect marine biological resources. The DEIR should describe the scope of this impact, including the area and the species that would be affected. This analysis should include the "worst-case scenario" that would occur when the desalination facility is operating at full capacity, the power plant is operating at its lowest flow rates, and offshore hydrologic conditions act to reduce mixing or keep the high salinity discharge close to shore or near sensitive habitat areas.

Reverse osmosis desalination facilities generally use various alkaline and acid cleaning agents and anti-scaling chemicals. The DEIR should include a description of the types, amounts, and toxicity of materials to be used, the frequency of their use, and their fate and transport in the discharge system. It should also describe alternatives and mitigation measures that would avoid or minimize related impacts, such as using less toxic chemicals or less hazardous methods during the process (e.g., using ultraviolet light instead of chemical biocides), routing all or part of the

discharge flows to a wastewater treatment facility, and shipping all or part of the generated solids to a landfill. For this latter example, the DEIR should also describe the chemical characteristics and total volume of materials that may be shipped to a landfill, along with a description of landfill capacity available for such material. The DEIR should also describe the synergistic impacts on the marine environment when the desalination discharge is introduced into a power plant discharge that has high organic and thermal loads.

- c) **Operational characteristics:** The facility as proposed would be dependent on water from the power plant cooling system, so the DEIR should include a thorough discussion of the relationship between desalination facility operations and power plant operations. As noted above, this should include an evaluation of the characteristics of intake and discharge flows when both facilities are operating and when only the desalination plant is operating. It should also describe the operational history of the power plant, any operating agreements between the two entities, and other similar considerations that could affect the type or degree of effects caused by either facility. One of the results of this evaluation should be identification of the incremental effects that would be caused by the desalination facility locating at this site and using this water source.
 - d) **Alternatives:** For both the intake and discharge, the DEIR should evaluate alternatives that would avoid, minimize, and reduce entrainment or impingement impacts. The evaluation should include alternatives such as building smaller facilities, using subsurface intakes rather than open water intakes, and other similar approaches that would reduce entrainment. We recommend that these alternatives also consider the cost savings that may accrue by using subsurface intakes, which may reduce the facility's pre-treatment costs. The DEIR should similarly evaluate alternatives that would mitigate the impacts of brine discharges, such as alternative outfall locations, multiport diffusers, or combining the discharge with other existing discharges, such as treated wastewater. Further, for both entrainment and discharge impacts, the analyses should include direct, indirect, and cumulative impacts, and describe available and feasible mitigation measures.
- 6) **Air Quality:** The Coastal Act requires that new development be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board. The NOP states that the proposed project would be in a non-attainment basin for certain pollutants and would likely result in substantial adverse impacts to air quality. The DEIR should describe the operating relationship between the proposed facility and the power plant and how the energy demand of the desalination facility (approximately 28-35 MW) would affect air emissions. The document should also assess all alternatives and mitigation measures that would allow the proposal to meet air quality requirements and would avoid or minimize the proposal's adverse impacts to air quality.
- 7) **Geology and Soils:** The DEIR should evaluate the geologic hazards at and near the site, including seismic activity, liquefaction, and tsunami-associated risks. It should also describe all feasible mitigation measures available that would avoid or minimize these risks.

- 8) **Hazards:** The NOP states that the facility would store and use various hazardous materials. The DEIR should assess the risks associated with transporting, storing, and handling these materials, and should identify measures required to minimize the associated risks.

The NOP also states that the proposed site is currently occupied by fuel storage tanks. The DEIR should include an assessment of soil conditions at and near the site, including results of samples to determine whether hydrocarbons or other hazardous materials are in the soil or groundwater. This information should be used to determine whether soil or groundwater remediation is needed and if so, how that cleanup work would affect proposed project construction and operation.

- 9) **Energy Use:** The Coastal Act requires that new development in the coastal zone minimize energy consumption. Reverse osmosis desalination facilities are energy-intensive. Recent data suggests that a 50 million gallon per day reverse osmosis facility would require approximately 28-35 megawatt-hours of electricity. The DEIR should provide an analysis of the energy use required by the proposed facility, the effects of this energy demand on local and regional energy supplies, and a discussion of feasible methods to minimize energy use at this facility. It should also discuss the costs of the electricity to be used and the assumptions behind those costs. Given the current uncertainty of energy supplies and prices, these analyses should be done using a reasonable range of possible energy costs.
- 10) **Land Use/Planning:** The DEIR should describe existing land use and zoning requirements within the areas proposed to be served by the new water supply, and should evaluate the effect of the water provided by this facility on the eventual build-out capacity of those areas.
- 11) **Growth-inducement:** The project is the largest proposed coastal desalination facility in the U.S., and could have significant growth-related effects. The DEIR should describe the growth that could potentially result from creation of this new water supply, including the location of that growth and the resulting effects on coastal resources. The DEIR should also identify any long-term commitments made or proposed to provide water to specific entities and the resulting effects of those commitments on growth.

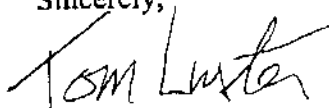
The assessment of growth-inducing impacts should also describe measures currently in place within the proposed service area or measures that could be feasibly implemented to reduce or eliminate the need for water produced by this facility. This should include mitigation measures such as conservation and reclamation, growth, planning, and zoning policies of local governments in the proposed service area, and other similar measures. We also recommend that as part of the feasibility analysis the DEIR include a cost-benefit analysis to compare the costs of these measures with the cost of the desalinated water supply. Because desalinated water is relatively expensive, it is likely that a wide range of conservation or recycling practices will be found feasible to implement, either as alternatives to the proposed project or as mitigation measures.

- 12) **Transportation/Traffic:** Along with the immediate effects of traffic resulting from the proposed construction and operation, the DEIR should evaluate the transportation and traffic impacts associated with any growth-inducing elements of the proposed project. For example, if the additional water supply is likely to result in increased growth in areas to be provided with new water, the DEIR should include an evaluation of the increased traffic impacts in those locales.
- 13) **Utilities and Service Systems:** The NOP states that the proposed facility will generate approximately 20 tons per day of non-hazardous dewatered solid waste. The DEIR should describe the location(s) and methods of disposal for this waste and the effects of this additional waste load on the active life of the disposal sites. The DEIR should also discuss the conceptual pipeline alignments and the purpose for selecting these particular alignments. Specifically, the discussion should include the water supply systems available along these selected pipeline routes and the cumulative and growth-inducing impacts associated with connecting the proposed pipeline with these systems. The DEIR should additionally discuss the compatibility of the proposed desalination facility with the existing water supply distribution system. There are at least two areas of particular concern – first, whether the existing distribution system is engineered to move water from a coastal location inland rather than the other way around; and second, whether the desalination treatment method is compatible with the treatment used for other water that will be in the distribution system (for example, water treated with chlorine is not compatible with water treated with chloramines).
- 14) **Cumulative Impacts:** Among the potential cumulative impacts of the proposed project, the DEIR should emphasize evaluating those associated with marine biology, water quality, growth-inducement, and energy use.

CONCLUSION

Again, thank you for the opportunity to comment. Please contact me at (415) 904-5428 or tluster@coastal.ca.gov if you have questions or would like more information. We look forward to continuing our involvement with the environmental review of this proposal.

Sincerely,



Tom Luster
Environmental Specialist
Energy and Ocean Resources Unit

Cc: CEQA State Clearinghouse
Poseidon Resources – Peter MacLaggan
San Diego Regional Water Quality Control Board – Hashim Navrozali
Coastal Commission – Sherilyn Sarb

From: Tom Luster <tluster@coastal.ca.gov>
To: 'Scott Donnell' <Sdonn@ci.carlsbad.ca.us>
Date: 5/19/04 11:17AM
Subject: RE: Coastal Commission Comment Letter on NOP

Hi Scott,

There were several general questions that came up during the state desal task force sessions regarding coastal desal compatibility with existing distribution systems -- recognizing that each system is different, the task force discussed general concerns mostly having to do with pipe sizes and pressures, valve configurations, etc., and also the release of built-up sediments in the pipes that would occur if flows were reversed. I also recall that there were more specific questions about compatibility that came up during last year's review of the desal proposal in Huntington Beach -- you may want to contact the City's planning office for the particular issues they needed to deal with.

Hope this helps -- please let me know if you have more questions.

Tom L.

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

From: Scott Donnell [mailto:Sdonn@ci.carlsbad.ca.us]
Sent: Wednesday, May 19, 2004 10:10 AM
To: tluster@coastal.ca.gov
Subject: Coastal Commission Comment Letter on NOP

Good morning,

I just finished reading your letter and one comment you made stands out. Under item 13, Utilities and Service Systems, you discuss compatibility of the proposed desal system with the existing water distribution system. One area of concern you mention regarding compatibility is whether the existing distribution system is engineered to move water from a coastal location inward rather than the other way around. What specifically is your concern about this aspect of the distribution system?

Thanks

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-4082
 (916) 657-5390 - Fax



Mr. Scott Donnell
 City of Carlsbad
 1635 Faraday Ave.
 Carlsbad, CA 92008-7314

PLANNING DEPARTMENT
 City of
 Carlsbad

Re: Power and Desalination Plants Project EIR - 03-05
 SCH # 2004041081

Dear Mr. Donnell:

Thank you for the opportunity to comment on the above-referenced Notice of Preparation. The Commission was able to perform a record search of its Sacred Lands File for the project area. The record search failed to indicate the presence of Native American cultural resources in the immediate project area; however, the absence of specific site information in the Sacred Lands File does not guarantee the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites. To adequately assess the specific related impact on cultural resources, the Commission recommends the following action be required:

- Contact the appropriate California Historic Resources Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- Contact the Native American Heritage Commission for a record search of our Sacred Lands File. Please provide USGS quad name, township and range for the project location.
- Lack of surface evidence of archaeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5 (e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

I am enclosing a list of appropriate Native American individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend other with specific knowledge. A minimum of two weeks must be allowed for responses after notification. If you receive notification of change of addresses and phone numbers from any these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information.

Sincerely,

Carol Gaubatz
 Program Analyst
 (916) 653-6251

CC: State Clearinghouse

NATIVE AMERICAN CONTACTS
San Diego County
April 22, 2004

Mesa Grande Band of Mission Indians
Howard Maxcy, Chairperson
P.O Box 270 Diegueno
Santa Ysabel , CA 92070
(760) 782-3818
(760) 782-9092 Fax

Carmen Lucas
PO Box 44 Diegueno - Kwaaymil
Julian 92036
, CA
(619) 709-4207

Inaja Band of Mission Indians
Rebecca Osuna
1040 East Parkway, Suite A Diegueno
Escondido , CA 92025
(760) 747-8581
(760) 747-8568 Fax

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1095 Barona Road Diegueno/Kumeyaay
Lakeside , CA 92040
(619) 443-6612
(619) 443-0681 FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Power and Desalination Plants Project EIR 03-05 draft, SCH # 2004041081, San Diego County.

NATIVE AMERICAN CONTACTS
San Diego County
April 22, 2004

Barona Group of the Capitan Grande
Clifford LaChappa, Chairperson
1095 Barona Road Diegueno
Lakeside , CA 92040
(619) 443-6612/13

Sycuan Band of Mission Indians
Danny Tucker, Chairperson
5459 Dehesa Road Diegueno/Kumey
El Cajon , CA 92021
619 445-2613
619 445-1927 Fax

Ewiiapaayp Tribal Office
Harlan Pinto, Chairperson
PO Box 2250 Kumeyaay
Alpine , CA 91903-2250
(619) 445-6315

Viejas Band of Mission Indians
Anthony Pico, Chairperson
PO Box 908 Diegueno/Kumey
Alpine , CA 91903
(619) 445-3810
(619) 445-5337 Fax

San Pasqual Band of Mission Indians
Allen E. Lawson, Chairperson
PO Box 365 Diegueno
Valley Center , CA 92082
(760) 749-3200
(760) 749-3876 Fax

Kumeyaay Cultural Historic Committee
Ron Christman
56 Viejas Grade Road Diegueno/Kumey
Alpine , CA 92001
(619) 445-0385

Santa Ysabel Band of Diegueno Indians
Johnny Hernandez, Spokesman
PO Box 130 Diegueno
Santa Ysabel , CA 92070
(760) 765-0845
(760) 765-0320 Fax

Jamul Indian Village
Leon Acevedo, Chairperson
P.O. Box 612 Diegueno/Kumey
Jamul , CA 91935
(619) 669-4785
Fax: (619) 669-4817

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources: assessment for the proposed Power and Desalination Plants Project EIR 03-05 draft, SCH # 2004041081, San Diego County.



State of California—Health and Human Services Agency
Department of Health Services



California
Department of
Health Services

SANDRA SHEWRY
Director

ARNOLD SCHWARZENEGGER
Governor

May 18, 2004

SDWSRF-Environmental Coordinator
601 North 7th Street, MS 92
P.O. Box 942732
Sacramento, CA 94234-7320

MAY 20 2004



**CARLSBAD MUNICIPAL WATER DISTRICT, SYSTEM NO. 3710005
POWER AND DESALINATION PROJECT NOTICE OF EIR PREPARATION
SCH NUMBER 2004041081**

Dear SDWSRF-Environmental Coordinator:

The Drinking Water Field Operations Branch of the California Department of Health Services (CDHS) has reviewed the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Power and Desalination Project. The Carlsbad Municipal Water District must make an application in accordance with Section 116550 of the California Health and Safety Code for an amendment to their domestic water supply permit, to be considered by the CDHS.

If you have any questions regarding this letter, please call Mike McKibben at (619) 525-4023 or me at (619) 525-4497.

Sincerely,

Brian Bernados, P.E.
District Engineer

cc: San Diego County Environmental Health Services
 City of Carlsbad

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United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009

In Reply Refer To:
FWS-SDG-4000.1

Mr. Michael Holzmilller, Planning Director
City of Carlsbad
Department of Planning
1635 Faraday Avenue
Carlsbad, California 92008

MAY 19 2004

Attn: Scott Donnell

Re: Notice of Preparation of a Draft Environmental Impact Report for the Encina Power and Desalination Plants Project, Carlsbad, California

Dear Mr. Holzmilller:

The U.S. Fish and Wildlife Service (Service) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Encina Power and Desalination Plants Project, dated April 12, 2004, and received by the Service on April 15, 2004. The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.), including the Habitat Conservation Planning program under section 10(a)(1)(B) of the Act. The City of Carlsbad (City) is the lead agency and preparer of the NOP.

The proposed Carlsbad Seawater Desalination Plant (CSDP) would be located on an approximately 4-acre parcel on the southern shore of Agua Hedionda Lagoon. The desalinated water would be distributed along several pipeline routes (some proposed and some existing) throughout the City and to other local water districts in northern San Diego County.

The Service has concerns about environmental impacts to Agua Hedionda Lagoon that may result from the on-site operations of the CSDP. Agua Hedionda Lagoon provides habitat for several species that are protected by the Act including the light-footed clapper rail (*Rallus longirostris levipes*), California least tern (*Sterna antillarum* (= *albifrons*) *browni*), brown pelican (*Pelecanus occidentalis*), and western snowy plover (*Charadrius alexandrinus nivosus*). Additionally, the least bell's vireo (*Vireo bellii pusillus*; vireo) and southwest willow flycatcher (*Empidonax traillii extimus*; flycatcher) are known to forage and nest in the vegetation near the interface of Agua Hedionda Lagoon and Agua Hedionda Creek. Therefore, the DEIR should evaluate if the

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IN AMERICA 

Mr. Holzmilller (FWS-SDG-4000.1)

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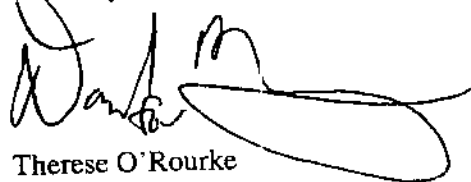
proposed project could directly and indirectly impact the above species and/or their habitats. For example, the DEIR should evaluate how the proposed project could alter water quality (e.g., salinity, temperature) in Agua Hedionda Lagoon, and how that change could impact the above species and their habitats.

The Service is also concerned about the environmental impacts that will result from the proposed pipelines that would carry water throughout the region. The map provided in the NOP is not detailed enough to speculate on specific impacts; however, the proposed pipeline alignment appears to go through sensitive habitats and across streambeds. Also, the pipeline appears to impact critical habitat of the coastal California gnatcatcher (*Poliophtila californica californica*; gnatcatcher). Therefore, the DEIR should analyze how the pipelines will impact sensitive species and habitats, including areas that are hardlined in the City's Draft Subarea Plan.

The Service recommends that updated focused surveys for the federally listed species be performed within the proposed alignment for the CSDP and associated pipelines. If the project proposes impacts to waters of the United States and a listed species and/or designated critical habitat, consultation with the U.S. Army Corps of Engineers under section 7 of the Act would be necessary.

For additional general comments, please see the Enclosure. We appreciate the opportunity to comment on the NOP, and look forward to working with you on the DEIR. If you have any questions, please contact Ben Frater of my staff at (760) 431-9440.

Sincerely,



Therese O'Rourke
Assistant Field Supervisor
U.S. Fish and Wildlife Service

Mr. Holzmilller (FWS-SDG-4000.1)

Enclosure 1

**Service Comments and Recommendations on the
Encina Power and Desalination Plants Project**

To enable Service staff to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish and wildlife, we recommend the following information be included in the draft EIR:

1. A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas.
2. A complete list and assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying federally listed threatened, endangered, or proposed candidate species, and any locally unique species and sensitive habitats. Specifically, the draft EIR should include:
 - a. A current inventory of the biological resources associated with each habitat type on site and within the area of impact.
 - b. An inventory of rare, threatened, and endangered species on site and within the area of impact.
 - c. Discussions regarding seasonal variations in use by sensitive species within the project area, using acceptable species-specific survey procedures as determined through consultation with the Service. Focused species-specific surveys, conducted in conformance with established protocols at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.
3. A thorough discussion of the potential direct, indirect, and cumulative adverse impacts on biological resources. All facets of the project should be included in this assessment. Specifically, the draft EIR should provide:
 - a. Specific acreage and descriptions of the types of wetlands, coastal sage scrub, and other sensitive habitats that would or might be affected by the proposed project or project alternatives. Maps and tables should be used to summarize such information.
 - b. Discussions regarding the regional setting, pursuant to the relevant draft subarea plans, with special emphasis on resources that are rare or unique to the region that would be affected by the project. This discussion is critical to an assessment of environmental impacts.
 - c. Detailed discussions, including both qualitative and quantitative analyses, of the potentially affected listed and sensitive species (fish, wildlife, plants), and their habitats on the proposed project site, area of impact, and alternative sites, including information

Mr. Holzmilller (FWS-SDG-4000.1)

Enclosure 2

pertaining to their local status and distribution. The anticipated or real impacts of the project on these species and habitats should be fully addressed.

- d. Discussions regarding indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, and riparian ecosystems. A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage.
 - e. An analysis of cumulative effects that would result from the proposed project. General and specific plans, and past, present, and anticipated future projects, should be analyzed concerning their impacts on similar plant communities, wildlife habitats, and wildlife.
4. Mitigation measures for adverse project-related impacts on sensitive plants, animals, and habitats. Measures to fully avoid and otherwise protect rare natural communities from project-related impacts.

Mitigation measures should emphasize avoidance, and where avoidance is infeasible, reduction of project impacts. For unavoidable impacts, off-site mitigation through acquisition and preservation in perpetuity of the affected habitats should be addressed. The Service generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts on rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful. Mitigation measures to alleviate indirect project impacts on biological resources must be included.

5. Descriptions and analyses of a range of alternatives to ensure that alternatives to the proposed project are fully considered and evaluated. The analyses must include alternatives that avoid or otherwise reduce impacts to sensitive biological resources.
6. The Service recommends the use of non-invasive species (preferably native species from local stock) to the greatest extent feasible in the landscape areas adjacent/near or draining to the open space areas and/or wetland/riparian areas on and off site. The applicant should not plant, seed or otherwise introduce invasive exotic plant species to these landscaped areas. Exotic plant species not to be used include those species listed on Lists A & B of the California Exotic Pest Plant Council's (CalEPPC) list of "Exotic Pest Plants of Greatest Ecological Concern in California as of October 1999." This list includes pampas grass, fountain grass, ice plant, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. A copy of the complete list can be obtained by accessing CalEPPC's web site at <http://www.caleppc.org>.



County of San Diego

GARY W. ERBECK
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
(619) 338-2222 FAX (619) 338-2088
1-800-253-9933
www.sdcdeh.org

RICHARD HAAS
ASSISTANT DIRECTOR

May 10, 2004

Scott Donnell, Associate Planner
City of Carlsbad
Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008



Dear Mr. Donnell,

This letter is in response to your request for comments regarding the Notice of Preparation for the Encina Power and Desalination Plants Project, EIR. Department of Environmental Health staff have reviewed the subject Notice.

Chris Conlan, Senior Vector Ecologist, Community Health Division, provided the following comment;

The project should address the potential for mosquito breeding impacts by minimizing any standing water issues in the facility design.

Please contact Mr. Conlan at (858)-694-2137 if you have specific questions or concerns about this issue.

Mark G. McCabe, Environmental Health Specialist III, Hazardous Materials Division (HMD), provided the following comments;

Summary: This proposed project would require an HMD permit for hazardous materials and hazardous wastes associated with the site. This permit and a hazardous materials business plan will be required before final occupancy can be granted. The proposal states the project will use sulfur dioxide. If the quantity of sulfur dioxide exceeds 500 lbs at any time, a Risk Management Plan (RMP) as required under the California Accidental Release Prevention Program (CalARP) must be completed before this material may be brought onsite.

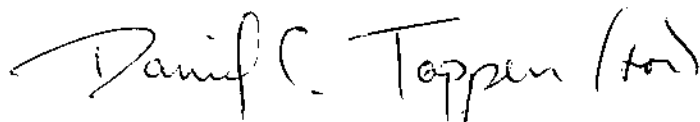
Discussion: Currently Cabrillo Power at 4600 Carlsbad Boulevard is under permit with the HMD for hazardous materials handled and hazardous wastes generated on site. Assuming that Poseidon Resource Corporation would be operating a separate facility on the Cabrillo Power site, they would require the same type of permit with the HMD for hazardous materials and hazardous wastes. The sodium hypochlorite, ferric chloride, carbon dioxide, and caustic soda listed in the Project Description will require a permit with the HMD if the quantities stored on site exceed the disclosable quantities of 500 lbs, 55 gallons, or 200 cubic feet at standard temperature and pressure of a compressed gas. One of the requirements for businesses with hazardous materials is to complete a hazardous materials business plan. Under current State Law, building departments

are prohibited from issuing a final certificate of occupancy to a businesses with hazardous materials or underground storage tanks until they have a hazardous materials business plan. This permitting requirement may apply to any ancillary pumping stations or other sites that store disclosable quantities of hazardous materials or generate hazardous waste. For further information on HMD permitting requirements, please call Veronica Garmo at 619-338-2232

The Project Description for the Power and Desalinization Plants Project states under the Hazards and Hazardous Materials section the proposed facility will routinely transport and use sulfur dioxide. This chemical is regulated under the California Accidental Release Prevention (CalARP) Program if the quantity on site exceeds 500 lbs, the threshold planning quantity (TPQ) for sulfur dioxide. The site will also be regulated by the similar Federal Clean Air Act Section 112 (r) if a TPQ of 5,000 lbs is exceeded on site. Both regulations require that a Risk Management Plan (RMP) be prepared for the facility. The California regulations require the RMP be completed and submitted to the administering agency before the regulated substance, in this case sulfur dioxide, is brought on site. In San Diego County, the HMD is the administering agency. Contact Mark McCabe at (619) 338-2453 with any questions you have concerning the RMP or CalARP.

Please contact Mr. McCabe at (619)-338-2453, if you have specific questions or concerns about these issues.

Sincerely,



JACK MILLER, Chief
Community Health Division
Department of Environmental Health

cc: Chris Conlan, Senior Vector Ecologist, CHD
Mark McCabe, Environmental Health Specialist III, HMD



City of Vista

April 28, 2004

Scott Donnell, Associate Planner
City of Carlsbad
Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

RE: NOP for Power and Desalination Plants Project EIR (EIR 03-05)

Dear Mr. Donnell:

Thank you for including the City of Vista in the scoping process for the subject Environmental Impact Report (EIR). After reviewing the Notice of Preparation (NOP), the City agrees with the environmental resources that are being analyzed and offers no further recommendations. However, it is noted that there may be infrastructure improvements on Melrose Drive within the City of Vista and, relative to the issues that are being addressed within the EIR, Vista provides the following recommendations:

Transportation/Traffic – The City of Vista is concerned that construction activities associated with the distribution pipeline may require lane closures on Melrose Drive during peak travel periods, thereby affecting traffic patterns and levels of service on this major arterial roadway. The City requests that the EIR address the potential traffic impacts resulting from anticipated construction activities. The analysis may include mitigation measures requiring traffic control plans and/or construction timeframes for construction activities within the City of Vista, subject to the approval of Vista staff.

Noise – The City requests that construction noise be evaluated in areas adjacent to sensitive land uses within Vista, including but not limited to residential, open space, and school land uses. Construction timeframes should be identified to determine that no nighttime noise impacts would occur or mitigation should be identified to minimize potential construction noise impacts.

Again, the City of Vista appreciates the opportunity to comment. Should you have any questions regarding the information presented herein, please feel free to call me at (760) 726-1340, ext. 1262.

Sincerely,


John Conley
Principal Planner



ENCINA WASTEWATER AUTHORITY

A Public Agency

6200 Avenida Encinas
Carlsbad, CA 92009-1000
Telephone: (760) 438-3941
FAX: (760) 438-3861 - Plant
(760) 431-7493 - Admin

April 27, 2004

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APR 27 2004
ENCINA WASTEWATER AUTHORITY

Admin: 04-7501

City of Carlsbad, Planning
1635 Faraday Avenue
Carlsbad, CA 92008

Attention: Scott Donnell

Subject: Environmental Information

Reference: Power and Desalination Plants Project – EIR 03-05

This letter is in response to your request for comments regarding the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the above referenced project.

The NOP lists two potential disposal methods for the solids generated from the backwash of filters used in the desalination process. These include off-site disposal at a landfill or discharge to the sewer.

The Encina Wastewater Authority (EWA) operates the wastewater treatment plant, which would ultimately receive the filter backwash solids if discharged to the sewer. Based on the proposed flow, the desalination facility would require a Class II industrial discharge permit and compliance with EWA's local limits. At the present, EWA has a local limit for Total Suspended Solids (TSS) of 500 pounds per day (lb/day). Based on information provided to EWA by Poseidon Resources, the daily discharge of solids from the desalination plant would range from 2,600 – 4,100 lb/day. As a result, this discharge would violate EWA's local limit. Consequently, discharge to the sewer would require pretreatment of the filter backwash sufficient to reduce solids loading to less than 500 lb/day TSS. Otherwise, off-site disposal at a landfill would be necessary.

Please do not hesitate to contact me with any questions at (760) 438-3941, ext. 3602.

Sincerely,

Patricia B. Berge, P.E.
Director of Environmental Compliance

cc: Debra Biggs, Enforcement Compliance Officer, EWA
Michael Hogan, General Manager, EWA
Robert Greaney, Deputy Public Works Director, City of Carlsbad



San Diego County Water Authority

1000 La Jolla Village Drive • San Diego, CA 92161 • (619) 441-1111
10770 La Jolla Village Drive • San Diego, CA 92128 • (619) 441-1111
www.san-diego-county-water.com

May 19, 2004

Mr. Scott Donnell
Associate Planner
City of Carlsbad Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

Re: Notice of Preparation of a Draft Environmental Impact Report for the Power and Desalination Plants Project (EIR 03-05)

Dear Mr. Donnell:

The San Diego County Water Authority (Water Authority) has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Power and Desalination Plants Project proposed at the Encina Generating Station (EGS) within the City of Carlsbad. The proposed project consists of a 50 million gallon per day seawater desalination plant and associated delivery system proposed by Poseidon Resources Corporation. The project would be co-located at the existing EGS located immediately south of the Agua Hedionda Lagoon. The proposed plant would occupy an approximately four-acre parcel currently occupied by a fuel oil storage tank. The desalination plant would utilize reverse osmosis (RO) technology to convert seawater into potable water, and then distribute the product water via several proposed and existing conveyance pipelines for ultimate use and consumption within northern San Diego County. Conveyance pipelines are proposed to extend through the Cities of Carlsbad, Oceanside, San Marcos, and Vista. The project would require an amendment to a pending Precise Development Plan (PDP) to obtain land use approvals for the construction and operation of a seawater desalination plant at the EGS owned by Cabrillo Power I, LLC.

The Water Authority is in general agreement with the preliminary summary of potential environmental impacts of the proposed project (Attachment 2 to the Notice of Preparation). However, there are several impact categories that will require detailed analysis within the Draft EIR in order to adequately assess the potential impacts of the project. These potential impacts are described below:

Land Use Compatibility: The Draft EIR should analyze the project's land use compatibility with relevant City planning documents, particularly the City's Local Coastal Program (LCP). As the project occurs within the coastal zone and may impact sensitive coastal resources, the project's consistency with goals and policies contained within the LCP will be necessary. The relationship of Carlsbad's LCP to any permitting authority retained by the Coastal Commission should also be explained. The Draft EIR will also require a discussion of the project's relationship to the South Carlsbad Coastal Project Area Redevelopment Plan.

MEMBER AGENCIES

 CITY OF CARLSBAD 1635 FARADAY AVENUE CARLSBAD, CA 92008 (619) 436-2200	 CITY OF ESCONDIDO 1000 MAIN STREET ESCONDIDO, CA 92026 (760) 763-3300	 CITY OF VISTA 1000 LA JOLLA VILLAGE DRIVE SAN DIEGO, CA 92161 (619) 441-1111
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Analysis of potential noise and lighting impacts on adjacent biologically sensitive areas (such as Agua Hedionda Lagoon) is also recommended.

Impingement and Entrainment: Although impingement and entrainment impacts of the project are anticipated to be incremental, a detailed analysis of the potential impingement and entrainment of marine organisms must be provided within the Draft EIR. The existing EGS intake screening system should be described, along with a description of the desalination plant's proposed screening/pretreatment process. A discussion of the proposed project's relationship to the EGS's compliance with the Clean Water Act 316(b) Phase II Final Rule recently promulgated by EPA will also be necessary. The EIR should also describe and analyze any increase/reduction in impingement or entrainment due to alternative pretreatment technologies, such as ultrafiltration/submerged media pretreatment (the use of vacuum fibers for the intake of water from the EGS cooling water system) and alternative screening designs for the facility. The Draft EIR also needs to analyze an alternative beach well intake system, based on geotechnical borings and/or other hydrogeologic evaluations.

Source Water and Receiving Water Modeling: As the proposed desalination plant would convey brine by-product water into the Pacific Ocean via the existing EGS outfall, extensive brine dispersion modeling will be necessary to adequately analyze potential impacts to marine resources. The results of this dispersion modeling should be utilized to determine the potential for adverse impacts to both benthic and pelagic marine resources due to increased salinity near the power plant's outfall. An analysis of impacts due to chemicals and/or organic waste to be discharged into the ocean due to reverse osmosis membrane maintenance "back-flush" operations should also be provided in the Draft EIR. It is imperative that the Draft EIR also includes a description and analysis of desalination operations during periods when the EGS is operating at either "low-flow" or "no-flow" levels, thus potentially impacting salinity dilution and product water reliability.

The Draft EIR also needs to provide modeling for source water for the desalination facility at the EGS intake (within Agua Hedionda Lagoon) in order to identify any contaminants that may affect the quality of desalinated product water.

The EIR should include detailed descriptions of the assumptions, methodologies, and analytical results for both source and receiving water quality modeling to allow for proper interpretation and verification of the EIR's marine biological analysis.

Waste Disposal: The Draft EIR should identify the proposed method for the disposal of organic and/or inorganic waste due to the desalination facility's pretreatment process. It is anticipated that organic/inorganic wastes would either be trucked off-site as solid waste or conveyed to the Encina Wastewater Treatment Plant for disposal.

Should organic/inorganic waste be disposed of off-site as solid waste, the Draft EIR should state the quantity of waste and the number of truck trips generated per day. The EIR should also state what type(s) of landfills can accommodate such waste.

Should organic/inorganic waste be conveyed to the Encina Wastewater Treatment Plant, the Draft EIR should state if the Wastewater Treatment Plant could accommodate the quantity and composition of proposed waste. In addition, an analysis of any impacts due to

new pipelines and connections necessary to convey the waste to the treatment plant is necessary.

Product Water Compatibility: The Draft EIR should include an analysis of the compatibility of desalinated product water with the existing local and regional water supply system. Potential impacts may include, but not be limited to, sodium and chloride levels, corrosivity, aesthetics, formation of disinfection byproducts as a result of interaction with imported water, and water stability. A discussion of compliance with all California Department of Health Services drinking water regulations should also be included.

In addition, the EIR should analyze any hydraulic impacts on the local and regional water distribution system that may result from implementation of the proposed project. As the project may utilize or connect to existing distribution pipelines, an analysis of hydraulic surge control needs to be provided.

It is also imperative that the Draft EIR specifies whether the proposed project would require the use of any easements or facilities owned and operated by the Water Authority. Should this be required, the Applicant would be required to obtain an encroachment permit, operations agreement, or similar approval from the Water Authority prior to project implementation. Any adverse water quality or hydraulic impacts are of particular concern to the Water Authority.

Energy Consumption: As the project would require between 30 and 35 megawatts of electricity for operation and is proposed to operate 24 hours per day, the Draft EIR should identify the proposed source of electricity for the proposed desalination plant. The EIR should also state the nature of new electricity connections required for project implementation and any potential associated impacts. Should electricity be provided directly from EGS, the EIR should discuss water reliability impacts due to variations in EGS electricity output. In addition, any backup sources of electricity should be identified, and a discussion of associated impacts provided.

Growth Inducement: The Draft EIR should specifically identify any product water purchase agreements entered into between local water agencies and the Applicant. This information is necessary to adequately analyze any potential growth inducing impacts of the proposed project within northern San Diego County.

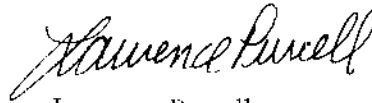
The Draft EIR should also identify whether desalinated product water would be utilized to replace existing supplies, or utilized as a new water supply. If utilized as a new water supply, the EIR should document the desalinated product water's relationship to the end-user's applicable Urban Water Management Plan and applicable growth management documents. If utilized as a replacement water supply, the EIR should document the method(s) established to ensure that the replaced supply is not utilized in the future.

Cumulative Impacts: As several seawater desalination plants are proposed within the Southern California Bight, the Draft EIR should analyze any potential cumulative impacts that would occur in association with the proposed project. Additionally, the EIR should analyze potential cumulative impacts in association with other projects within the local vicinity of the proposed desalination plant.

Mr. Scott Donnell
Power and Desalination Plants Project NOP (EIR 03-05)
Page 4 of 4

We appreciate the opportunity to provide comments on the Notice of Preparation for the Power and Desalination Plants Project. The Water Authority recognizes the water supply benefits that seawater desalination can offer to San Diego County. Please retain the Water Authority on your distribution list when the Draft EIR becomes available for public review. Should you have any questions regarding this letter or the Water Authority's concerns, please contact me at (858) 522-6752.

Sincerely,

A handwritten signature in cursive script that reads "Laurence Purcell". The signature is written in black ink and is positioned above the printed name and title.

Laurence Purcell
Water Resources Manager

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

651 GATEWAY BOULEVARD, SUITE 900
SOUTH SAN FRANCISCO, CA 94080

TEL: (650) 589-1560
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DANIEL L. CARDOZO
RICHARD T. DRJRY
THOMAS A. ENSLOW
TANYA A. GULESSERIAN
MARC D. JOSEPH
SUMA PEESAPATI

OF COUNSEL
THOMAS R. ADAMS
ANN BROADWELL

May 24, 2004

Via Facsimile and By U.S. Mail

Scott Donnell
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008-7314
Fax (760) 602-8559

Ms. Lorraine M. Wood
City Clerk
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008
Fax (760) 720-6917

Re: CEQA Notice Request – Seawater Desalination Facility
(SCH 2004041081)

Dear Mr. Donnell and Ms. Wood:

We are writing on behalf of International Brotherhood of Electrical Workers Local 569 in response to the City of Carlsbad's Notice of Preparation of an Environmental Impact Report ("EIR") for the construction of an approximately 50 million gallon per day seawater desalination facility and associated delivery system proposed by Poseidon Resources Corporation (and/or Cabrillo Power I LLC) (Project").

We hereby request mailed notice of the availability of the draft Environmental Impact Report ("EIR") and/or any environmental review document, prepared pursuant to the California Environmental Quality Act for the Project, as well as a copy of the EIR when it is made available for public review.

We also request mailed notice of any and all hearings and/or actions related to the Project. These requests are made pursuant to Public Resources Code Section 1361-013a

May 24, 2004

Page 2

21092.2 and Government Code Section 65092, which require local agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send the above requested items to our South San Francisco Office as follows:

Tanya Gulesserian
Adams Broadwell Joseph & Cardozo
651 Gateway Boulevard, Suite 900
South San Francisco, CA 94080

Please call me at (650) 589-1660 if you have any questions. Thank you for your assistance with this matter.

Sincerely,



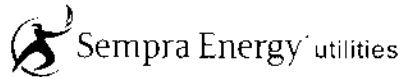
Tanya Gulesserian

TAG:bh

cc: Michael Holzmilller, Planning Director



8315 Century Park Court
San Diego, CA 92123-1516



RECEIVED
CITY OF CARLSBAD
MAY 12 2004

May 12, 2004

City of Carlsbad Planning Department
Scott Donnell
1635 Faraday Avenue
Carlsbad, CA 92008

Subject: Notice of Preparation of a Draft EIR
Power and Desalination Plants Project -- EIR 03-05

Dear Mr. Donnell:

Attached are comments from San Diego Gas and Electric regarding the Notice of Preparation for the above mentioned EIR.

- Include specific environmental impact analyses related to any proposed utility relocation including any new facilities, such as poles needed to accommodate the relocations.
- Access to transmission and distribution facilities must be provided during and after construction. Access is critical to the continued maintenance, repair, upgrade, relocation, or construction of SDG&E's facilities. Any grading or improvements that affect access to and along the easements and/or transmission lines will require written consent from SDG&E.
- Proposed access roads and grading must comply with SDG&E Guidelines for any encroachment to, and into the transmission right-of-way. Additionally, any grading to be performed within SDG&E right-of-way would require a "permission to grade letter" from SDG&E.
- Any changes in grade shall not direct drainage in a manner that increases the potential for erosion around SDG&E facilities or access roads.
- Project grades shall be coordinated to assure clearances as required by California Public Utilities Commission General Order 95. The Draft EIR should include a description of SDG&E's transmission lines, easement and fee owned property, and identify the width of the right-of-way and transmission lines on any diagrams. Please include specific environmental impact analyses related to any proposed utility relocation including any new facilities, such as poles needed to accommodate the relocations. The Draft EIR

should include a description of any SDG&E utility/facility that could be impacted by the proposed project and identify the utility on all diagrams.

- The location of all planned, proposed and existing pipelines, pipeline routes and facilities should be indicated in the DEIR as well as these facilities relationship to SDGE fee owned properties, rights-of-way and facilities
- SDGE should review the DEIR and all other discretionary permits associated with the project as noted in the NOP.
- We request that the alternative of placing the pipeline in Cannon Road instead of SDGE property be analyzed in the EIR.
- Provide a discussion of all potential construction interference issues with SDGE operations in particular the North Coast site. .
- Under the "Project Description", it is indicated that Fuel Oil Tank #3 will be demolished. Provide a discussion as to how this demolition and/or transport would affect SDGE operations; i.e., traffic delays and air quality. Indicate the duration of demolition and construction.
- In the last paragraph under "Other Agency Actions" reference is made to the South Carlsbad Coastal Redevelopment Plan goal. Provide a discussion of the Redevelopment Plan and specifically address what this goal entails with respect to power.
- In Attachment 2 under Aesthetics, explain more fully the removal of the existing fuel storage tank and how it will enhance visual resources. What will the area look like after the tank is removed?
- Under "Air Quality" it is indicated that the proposed CSDP is "essentially" consistent with the City's General Plan. What is meant by the term "essentially"? Are there areas where it is not consistent with the General Plan? Will the General Plan need to be amended in conjunction with this application to ensure consistency?
- Under "Air Quality", second paragraph; provide a traffic generation estimate.
- Under "Hazards and Hazardous Materials", last paragraph, discuss the possibility of hazardous substances migrating onto SDG&E properties.
- Under "Traffic Circulation", second paragraph, the DEIR should clarify that operations of the project cannot unreasonably interfere with SDG&E operations or surrounding properties.

Thank you for the opportunity to comment and to participate further in the review process. If you have any questions or need clarification do not hesitate to contact me at 858-565-7544.

Sincerely,

Beverly E. Blossent
Beverly E. Blossent, AICP; Senior Land Planner

Cc: Ruth Love

Jill Larson

Jack Bainbridge

Mike Williams

May 12, 2004

Scott Donnell
City of Carlsbad

Subject: Comments on EIR Scope
Power and Desalinization Plants project EIR 03-05

Dear Mr. Donnell :

These comments on the project scope are made on behalf of Preserve Calavera. Preserve Calavera is a grassroots organization of residents of Carlsbad, Oceanside, and Vista and users of the open space around Mount Calavera in northeastern Carlsbad. The area is the largest remaining, contiguous native habitat in a coastal North County city. It is roughly bounded by Lake Blvd. on the North, Palomar Airport Road on the south, El Camino Real on the east and Melrose on the west. Its value as native habitat is enhanced by including several parcels that have been protected for many years- Buena Vista Park in Vista, the Dawson-Los Monos Reserve, Oak Riparian Park in Oceanside, and Calavera Heights and Calavera Highlands mitigation banks.

The overall size, large number of distinct habitats contained within it, and the rich diversity of plants and animals make this area worth special consideration for preservation. Most of the area is classified as "Very High" habitat value in the MHCP Study Area (Figure 2-3). But perhaps what is most unique about this area is its location right in the middle of extensive development- where thousands of people have the opportunity to experience nature, learn to appreciate it, and to participate in its protection for future generations.

While much of this existing open space is technically "preserved", it is preserved in name only. Off-road vehicle use continues, invasive plants are displacing native species, storm water protection violations occur throughout the area and documented cases of the destruction of small populations of endangered plants are found in essentially every biological survey done in the area over the last ten years.

Several of the alternative alignments and associated infrastructure for the desalinization plant will directly impact this area. The areas of impact are located right in the center of this large existing open space area. The project area is particularly important to the preservation of the integrity of the larger core habitat area because of its location in the center of the core, impact to the Agua Hedionda watershed, the effect on the regional wildlife corridor linkage, the proximity to existing regional and state reserves, and the presence of several endangered/threatened species.

Development of the proposed project and the associated public infrastructure doesn't just impact the few acres where construction is proposed- it will impact thousands of acres of high quality habitat- the only core habitat remaining in a coastal north county city. We are not opposed to this project- but we all need to work together to assure that it is done

in a way that preserves the biological functioning of this area.

The following are specific comments on the scope of the EIR for this project.

- This project will need to comply with all of the conditions included in the regional Multiple Habitat Conservation Plan adopted by SANDAG on March 28, 2003.

Page 2 of Attachment 2 Preliminary Summary of Potential Environmental Impacts only identifies potential biological resource impacts to marine biological resources. There of course is the potential for significant impacts to biological resources along all conveyances, processing facilities, storage facilities and all associated construction.

This project will not be functional without water conveyance lines and storage facilities- all of these must be included in the direct and indirect impact analysis.

The DEIR analysis needs to specifically assess impacts on the regional wildlife corridor, wetlands avoidance, and impacts on the Agua Hedionda watershed as well as the direct and indirect impacts on sensitive habitat. Several of the proposed alignments cross the regional wildlife corridor and other areas identified as important regional linkages. This is of particular concerns in areas where the corridor is already compromised (less than the minimum corridor width, edge impacts from adjacent development and road crossings.) At a minimum this should include mapping of the corridor, compliance review with MHCP provisions for corridors, and corrective action for any violation of MHCP criteria.

The blue alignment includes three crossings of Agua Hedionda. All such crossings cause significant direct and indirect impacts. The DEIR should specifically identify what efforts have been taken to meet the conditions of the MHCP with respect to avoiding all wetlands impacts, and only if not avoidable to minimize impacts. The 404 permit process for the ACOE requires that the selected route must be the least environmentally damaging practical alternative. Sufficient information needs to be provided in the DEIR to document that this process has been complied with, that impacts are necessary and that mitigation is in compliance with the plan.

Failure to include this level of information in the DEIR will not allow for meaningful public review of the proposed alignment and the mandatory alternatives analysis.

- Access roads and other related public infrastructure improvements that will be needed to support the project must be specifically identified and their impacts assessed.

There are several areas where roads will need to be built, but these were not identified in the project description documents distributed at the public scoping meeting held on October 14, 2003. At a minimum this should include:

1. Access road to Maerkle reservoir

According to city of Carlsbad staff, there will be an improved road to the reservoir from Carlsbad.

2. Cannon Rd Reach 4

The Blue alignment follows this roadway segment- but the road has significant environmental issues, has no entitlements, and was evaluated very poorly on the SANDAG cost/benefit assessment. Of course the city would love to have this project utilize the road- and contribute significantly to its funding. The analysis should look at impacts both with and without this road being built.

The Cannon Rd alignment will traverse an area that was recently acquired by the wildlife agencies for conservation. Impacts to conservation land require double the normal mitigation- and will require more more extensive justification for any impacts.

3. Faraday

Green alignment is built within the extension of Faraday adjacent to the Carlsbad Safety Center. This segment of Faraday, while included in the city's Circulation Element, is not funded, is not proposed to be built for many years, and goes through land owned by the County of San Diego- part of which was recently required for habitat conservation. The analysis needs to identify impacts if done in conjunction with the road extension- or if done as a stand-alone project.

- abandoned lines removal

There are several areas where it is proposed to remove abandoned lines. Some of these are within sensitive habitat areas. Please specifically identify the impacts associated with any line removals and explain why such removal is necessary rather than just capping off and abandoning in place.

- protection of Agua Hedionda watershed

The project will add some risk of spills effecting both the lagoon, an impaired waterbody, and other areas of the watershed that are also compromised. Please discuss the risk of spills/leaks and what protective measures will be used to assure no impacts to any of the beneficial uses throughout this watershed.

- compliance with recent direction from the California Coastal Commission

The response letter by CCC staff to the proposed desalinization plant in Huntington Beach identified concerns with compliance with the city's Local Coastal Plan, and the need for analysis of the growth inducing impacts of providing increased water in an area where water is critical for development. Since significant elements of this project are located within the coastal zone, the DEIR for this project needs to clearly

demonstrate compliance with the LCP. This evaluation needs to reference the recent amendments to the LCP to comply with the MHCP.

Last year the California Coastal Commission conducted several public workshops on the issue of coastal desalinization plants which resulted in an update of their report on this issue. All of the issues identified in these hearings and the staff report will need to be adequately assessed in the DEIR so there is full local disclosure- not just discussion at hearings before a state agency that could take place hundreds of miles from local residents.

- private ownership

One of the key issues in their analysis is public vs private ownership. Based on the experience of privatizing water supply throughout the world, this ownership issue can have significant environmental consequences and therefore needs to be assessed in the DEIR.

We look forward to working with you toward a project that both supports the water needs for this area and protects our precious, dwindling natural resources.

Sincerely,
Diane Nygaard
On Behalf of Preserve Calavera



SIERRA
CLUB
FOUNDED 1892

Office (619) 299-1743

Conservation (619) 299-1741

Fax (619) 299-1742

Voice Info. (619) 299-1744

Email admin@sierraclubsandiego.org

San Diego Chapter

Serving the Environment in San Diego and Imperial Counties

April 20, 2004

PLANNING DEPARTMENT
City of
Carlsbad

Scott Donnell
City of Carlsbad
1635 Faraday Ave.
Carlsbad CA. 920

Dear Mr. Donnell,

The Sierra Club would like a few questions answered regarding the proposed Poseidon Desalinization Plant in your city.

1. How much energy will be required to produce 50 million gallons of water?
2. What percentage of the power plant will be used for water pumping and desalinization?
3. How long is the Poseidon energy contract with Encina for?
4. What other source of energy will be used in the event Encina is down?
5. Will the desalinization plant stop production at critical peak demand?
6. Will the plant be on a "demand response" program that allows the utility to reduce power at times of critical demand?

I anticipate that I will attend the public comment meeting on April 28 6 to 8 PM

Sincerely yours,

Dan Perkins
Energy – San Diego Sierra Club
perkydan@pachell.net
760-634-2963

3820 Ray Street, San Diego, CA 92104-3623

www.sierraclub.org





CALIFORNIA AND PACIFIC OFFICE
*protecting endangered species and wild places through
science, education, policy, and environmental law*

PLANNING DEPARTMENT
City of
Carlsbad

via certified mail; return receipt requested

April 22, 2004

Scott Donnell, Associate Planner
City of Carlsbad
Planning Department
1635 Faraday Ave
Carlsbad, CA 92008

RE: Notice of Preparation of Draft Environmental Impact Report for Power and Desalination Plants Project – EIR 03-05

Dear Mr. Donnell:

Thank you for this opportunity to comment on the Notice of Preparation of the EIR for the Encina Power and Desalination Project. The Center for Biological Diversity (“the Center”) is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 9000 members throughout southern California and the western United States, including many in the area affected by the construction of the desalination plant. The Center hopes that the following issues and questions will be addressed in the Draft EIR:

Biological Resources:

The Notice of Preparation states that the desalination plant will draw its source water from existing cooling water pipelines at EGS. The EIR needs to explore the possibility of entrainment and impingement of marine organisms thoroughly, regardless of what the alleged status quo is with the existing pipelines. All technological alternatives to the existing uptake pipeline should be explored, including beach well intakes and year-round pipe screens. Comprehensive studies should be conducted on current entrainment and impingement levels, including assessing current use of screens, with the goal of this project to eliminate any such impacts on marine organisms. The EIR should indicate what efforts will be made to provide for and fund continual monitoring of the impacts to

Tucson • Phoenix • Silver City • San Diego • Berkeley • Idyllwild

Adam F. Keats, Staff Attorney
PO Box 493, 54870 Pine Crest Ave., Idyllwild, CA 92549
TEL.: 909-659-6053 x.303 • FAX: 909-659-2484
email: akeats@biologicaldiversity.org • www.biologicaldiversity.org

marine life caused by uptake.

The introduction of concentrated saline by-product water into the Pacific Ocean should be thoroughly assessed. The impact of the by-product water needs to be assessed with regards to its salinity, its temperature, presence of dissolved oxygen levels, presence of other nutrients, and presence of any chemicals, including the potential for the use of pre-treatment chemicals and to what extent those chemicals would remain in the discharge. An analysis of the tidal activity and currents of the outflow area should be included in this assessment. All potential impacts should be analyzed both for the present location of the outflow pipe as well as any possible alternatives. Again, one goal of this project should be the elimination of impacts to marine organisms. Reliance on an alleged status quo of the EGS pipe is not sufficient.

Air Quality

The Notice of Preparation states that the desalination facility will use electric pumping equipment, with emissions not expected to be significant. The EIR should thoroughly assess and disclose the power expected to be consumed by the desalination plant, where this power will come from and the potential emissions that will result, indicating these levels in the EIR and then, if warranted, determining that they are insignificant.

Growth Inducement

The Notice of Preparation states that any growth inducing impacts will be addressed as required by CEQA. This assessment should be detailed and particular. The desalination plant plan calls for an addition of 50 mgd of water to for use by water agencies primarily in north San Diego County. This volume of water can support determinable numbers of homes or businesses, based on current or predicted usage averages for San Diego County. These numbers should be analyzed in this EIR, along with their relationship to current levels to assess the project's potential for growth inducement. The amount of water now available for new growth should be assessed and compared to the amount of water added to the system by this project. Reliance on already-existing growth forecasts and analyses is not sufficient and will not satisfy the requirements of CEQA.

The EIR should state with specificity whether the additional 50 mgd of water will be allotted for new growth, or if the region served by the new water will reduce its consumption of water from other sources accordingly. The draft EIR should also assess the growth inducing effects of the project with consideration of the currently planned desalination plant at the same site by SANDAG.

Cumulative Impacts

The project's potential cumulative impacts should be assessed not only with regards to reasonably foreseeable future projects, but also with past and present projects. (CEQA Guidelines, §15064(i)(1)) Thus, the cumulative impact analysis should include other impacting factors in the vicinity, including the currently operating power plant. The EIR should include a cumulative impact analysis at least for the above-mentioned issues (biological resources, air quality, and growth inducement), including special attention to assessments of the project's effects on the salinity, temperature, and pollution of ocean water and to potential uptake effects on marine organisms.

The EIR's assessment of cumulative impacts (especially regarding growth inducement) should not be limited to the desalination plant by itself. It must also include the concurrently planned desalination

plant by SANDAG in its assessment (i.e., all assessments should be made for this plant on its own and for this plant working in alongside the SANDAG-operated plant). It must be analyzed in light of the overall Master Plan, with the cumulative impacts and growth inducing effects of the Master Plan included in this EIR, using the desalination plant as the primary source for new water.

This Notice of Preparation apparently seeks to segment out this desalination plant from an analysis of the SANDAG desalination plant, and vice-versa. Such segmenting of projects is prohibited by CEQA, precisely to avoid limiting environmental review of the project. The manner in which each agency is currently proceeding with two separate EIRs for two connected and related desalination plants leads to illegal project segmentation.

Thank you for your attention to these issues, and please include me on the recipient list for the draft EIR when it is distributed.

Sincerely,

A handwritten signature in cursive script that reads "Adam Keats". The signature is written in black ink and is positioned above the typed name.

Adam F. Keats
Staff Attorney
Center for Biological Diversity



San Diego County Archaeological Society, Inc.

Environmental Review Committee

17 April 2004



To: Mr. Scott Donnell
Planning Department
City of Carlsbad
1635 Faraday Avenue
Carlsbad, California 92008

Subject: Notice of Preparation of a Draft Environmental Impact Report
Power and Desalination Plants Project
EIR 03-05


Dear Mr. Donnell:

Thank you for the Notice of Preparation for the subject project, received by this Society last week.

We are pleased to note the inclusion of cultural resources in the list of subject areas to be addressed in the DEIR, and look forward to reviewing it during the upcoming public comment period. To that end, please include us in the distribution of the DEIR, and also provide us with a copy of the cultural resources technical report(s).

SDCAS appreciates being included in the City's environmental review process for this project.

Sincerely,


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

cc: SDCAS President
File



GIA

GEMOLOGICAL INSTITUTE OF AMERICA

May 10, 2004

Scott Donnell, Associate Planner
City of Carlsbad, Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

Re: Desalination Plant Project
EIR 03-05

Dear Scott,

This letter is to notify you that the pipeline route alternate designated as *Yellow Alignment - Reach 2* is proposed to cross Lot 4 of the Carlsbad Ranch, which is owned by the Gemological Institute of America (see attachment). It is our intent to fully develop the entire parcel, and plans for the next phase are currently before the City.

Sincerely,

Gary S. Hill





OCEAN HILLS COUNTRY CLUB
HOMEOWNERS ASSOCIATION

May 17, 2004

RECEIVED

Mr. Scott Donnell
Associate City Planner
1635 Faraday Avenue
Carlsbad, CA 92008

MAY 18 2004

CITY OF CARLSBAD
PLANNING DEPT

Subject: Comments on EIR 03-05 Scope
Desalination Plant Project

Dear Mr. Donnell:

The following comments are made on behalf of the Ocean Hills Country Club Homeowners Association. Our 1633 homes border Carlsbad and Vista. Our main entrance to the community is on Cannon Road, several hundred feet from the Carlsbad/Oceanside boundary.

We are also adjacent to the most beautiful and largest contiguous native habitat in North County. Many of our homes enjoy an ocean view as well as Mount Calavera, and one of three extinct volcanoes in California. Much of this area is preserved and should remain protected. However, we are well aware of the urgent need for adequate water resources and are not opposed to this project.

The proposed Carlsbad Desalination Project and its infrastructure may necessitate construction in close proximity to a large number of homes in Ocean Hills Country Club. It is vital to our senior community that we cooperate and work together to ensure that the project is constructed in a manner that preserves our natural habitat and protects the quality of life for our residents.

The primary concerns are:

1. The access roads and infrastructure necessary for the project are not clearly identified and their impact needs to be assessed.
2. The health and well-being of our residents will be directly affected during the construction period. A number of homes are within a few feet of the access road to Maerkle Reservoir. In working together, we need to determine the following:
 - a. Hours of construction
 - b. Level of noise and vibration
 - c. Effect on air quality
 - d. Security measures
 - e. Pipeline design criteria to protect against seismic activity
 - f. Location of pump stations and surge control facility
 - g. Necessary mitigation measures

Comments on EIR-03-05 Scope
Desalination Plant Project
May 17, 2004
Page 2

Our community is desirous of working with you. We support the Carlsbad Desalination Project to provide an adequate water supply for our area. We are also desirous of protecting our most precious open space, natural habitat and quality of life for our residents.

Sincerely yours



Robert Karan, President
Ocean Hills Country Club
Homeowners Association.

cc: OHCC Board of Directors



VILLAGE OF PORTOFINO
HOMEOWNERS ASSOCIATION



PLANNING DEPARTMENT
CITY OF
OCEANSIDE

6025 Pinos Way
Oceanside CA 92056.

Phone: 760 726 4632
E. mail: dlkey@mindspring.com

3 May, 2004

Scott Donnell, Carlsbad City Planner
1635 Faraday Ave
Carlsbad CA 92008

Dear Sir,

As President of the Village of Portofino Homeowners Association I would like to register concerns about three aspects related to the proposed desalination plant. All of these concerns are because a potential route of the water line from the plant is close to the Village of Portofino boundary of the Ocean Hills Country Club. The specific concerns that should be made part of the environmental review, and given significant attention for mitigation, are:

1. Dust, noise, and other environmental pollution during construction.
2. Potential of damage to the pipe line during a severe earthquake.
3. Noise generated by the proposed pumping station near the Maerkle Reservoir.

Yours sincerely

David L. Key



COMMENT FORM

Power and Desalination Plants Project Environmental Impact Report EIR 03-05

On the lines provided below, please list those issues or concerns you feel need to be addressed by the project environmental impact report (EIR). Please be as specific and detailed as possible so that the EIR may address all of your concerns or issues. If necessary, please attach additional pages. Once completed, please submit your written comments to a City of Carlsbad representative at the scoping meeting. You may also mail, fax, or email comments to Scott Donnell, Associate Planner, City of Carlsbad, 1635 Faraday Avenue, Carlsbad, CA 92008, fax: (760) 602-8559, email: sdonn@ci.carlsbad.ca.us. **Your comments must be received by May 19, 2004.**

I cannot honestly find a downside to this project. Between the reclaimed water project currently under way & the proposed desalination plant it would appear that we may be more secure than much of the county for our future water needs. I also believe this is a good example of the forward looking or a good example of the City of Carlsbad's planning for future needs.

Submitted by (please print):

Name: <i>Mike O'Connell</i>	Agency/business/group name (if applicable):
Address: <i>1044 Laguna Dr, #18</i>	Phone number: <i>434-5775</i>
City/state/zip: <i>Carlsbad Ca 92008</i>	Date: <i>4/28/04</i>

Scott Donnell - Oppose Desalination Plant

From: "Kathy and Darryl Tell" <kdtell@hotmail.com>
To: <sdomn@ci.carlsbad.ca.us>
Date: 05/19/2004 9:41 PM
Subject: Oppose Desalination Plant

Mr. Donnell,

We wish to voice our opposition to the proposed desalination plant in Carlsbad. It would negatively impact our city and our beach. We hope you deny this project in the City of Carlsbad.

Thank you.

Kathy and Darryl Tell
2611 Highland Drive
Carlsbad, CA 92008
729-9078

MSN Toolbar provides one-click access to Hotmail from any Web page – FREE download!

From: "Wong, Jennifer" <jenwong@water.ca.gov>
To: <sdonn@ci.carlsbad.ca.us>
Date: 5/19/04 3:29PM
Subject: Notice Preparation for Power and Desalination Plants Project -- EIR 03-05

Dear Mr. Donnell,

I have read through the Notice of Preparation for the proposed power and desalination plants project and feel that it will address a good number of issues in the draft EIR. I would like to receive a copy of the draft EIR report when it is completed and would like to stay updated on the progress of this project. You may send correspondence to:

Jennifer Wong
CA Dept. of Water Resources, Southern District
770 Fairmont Ave., Suite 102
Glendale, CA 91203

Will you be conducting an entrainment study for this project as part of 316(b) under the Clean Water Act?

Sincerely,

Jennifer Wong

Fax @ (760) 602-8559
re: desalination plant EIR

Mr. Scott Donnell, City Planner
1635 Faraday Ave.
Carlsbad, Ca. 92008

Helen M. Bourne
7040 Avenida Encinas #104
Carlsbad, Ca. 92009
(760) 591-3329
May 3, '04

Dear Mr. Donnell;

I ask that the EIR for the proposed desalination plant address the cumulative effects of taking so much water from the ocean - 50 million gallons per day with the possibility of huge increases if other cities agree to this.

I also ask that the EIR address the issue of constant discharges into the ocean. Our oceans are already in a state of crisis from constant abuse by humans, and we must protect our ecosystems now.

I strongly oppose purchasing all of our water from an out of state corporation. Remember the rolling black outs and rising power bills? The Poseidon price quotes are extremely high and would go higher once we became dependent upon their technology.

I ask that the city reconsider the financial and environmental implications of this proposal. We need to address and handle our own water shortages by taking common sense steps to stop our waste and pollution of water. The EIR must address the long term effects of this proposal.

Sincerely,
Helen M. Bourne

3011 Garboso Street
Carlsbad CA 92009
760-942-7237
Email: powerplant5@sbcglobal.net

PLANNING DEPARTMENT
CITY OF CARLSBAD
1



May 4, 2004

Scott Donnell, Associate Planner
City of Carlsbad
1635 Faraday Avenue
Carlsbad CA 92008

Re: Power and Desalination Plants Project,
Environmental Impact Report EIR 03-35, COMMENT

Dear Mr. Donnell:

Thank you for your presentation at the scoping meeting on April 28, 2004 and for the handouts. I appreciate the substantial and good-faith efforts that the City of Carlsbad and the Poseidon Resources Corporation have made to communicate with the public about the project, not just for the EIR but at other forums, including the recent public pilot plant tour. I am submitting the following issues or concerns that should be addressed by the project Environmental Impact Report.

OUR BACKGROUND

My husband and I moved to Carlsbad (La Costa) on retirement in 2002 after living for over 35 years in Bakersfield, Kern County. We came here to be with our family; one daughter and the young grandkids live in Encinitas, and a second daughter lives in San Marcos. We have had many contacts with the county over the years, including our honeymoon in La Jolla in 1956. I enjoyed Carlsbad's Citizens Academy last year.

Here in Carlsbad, we are electricity power generators. We equipped our home with a 5 KW photovoltaic solar electricity generating system. Last month, we had excess power which we furnished to SDG&E.

We have always been concerned about air pollution, energy and land use. Back in the 1970's, my husband, Dr. Fred Lane, was a member of the Technical Advisory Committee to the Kern County Air Pollution Control District and assisted in the preparation of regulations for compliance with the state's new air quality laws.

COMMENT FOR THE DRAFT EIR

The Project Description notes the "...co-location of related land uses is a key element of the project..." The proposed desalination plant, coupled with the Encina Generating Station, is an exciting and innovative concept that could meet future needs for water and energy. It is encouraging to review a proposal that takes advantage of existing industrial facilities and uses.

However, the physical and fiscal health of the proposed project depends on the reliability the Encina Generating Station. The most attractive feature of the project - the tandem operation of the power plant and the desalination facility - could be Achilles Heel of the proposal if the generating station cannot maintain its obligations in the future.

Therefore, the EIR should include the following information about the power plant:

- Ownership of the plant (past and present)
- Description of the facility
- Age of the equipment
- Fuel Type and Usage (Past, Present and Projected)

Air quality issues, including variances and permits
The project description notes the proposed project is within a non-attainment basin for certain criteria pollutants and that the cumulative impact of the project will be significant. This issue should be fully discussed.

In addition, the EIR should address:

1. Complementary sources of electricity, such as solar panels;
2. The projected availability of the power plant's fuel for the estimated life of the desalination project;
3. The cost of alternative sources of energy if the power plant closes, and the source of funds to pay for those costs.

Finally, the EIR should include copies of all contracts or agreements between Poseiden Resources Corporation and the Encina Power Plant Owners (Cabrillo Power and its partners or associates) for energy supply to the desalination facility.

CONCLUSION

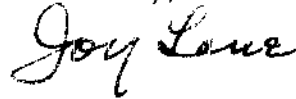
When we lived in Kern County, we were directly affected by the collapse and bankruptcy of PG&E. In an era when people were told to invest in "safe" companies, like utilities, the PG&E catastrophe was particularly shocking. It was also a reminder that even a towering concrete smokestack may not be permanent.

While the concept of converting seawater to drinking water is exciting, and the technology is available, public support of the proposed project

may hinge on the future reliability and cost of energy. The EIR should address these critical issues.

Please feel free to contact me if you have any questions.

Yours truly,

A handwritten signature in cursive script that reads "Joy Lane".

Joy Lane

cc: Joe Monaco, Dudek & Associates, 605 Third Street, Encinitas 92024

From: Scott Donnell
To: Clarence Magnusen
Date: 4/20/04 9:31AM
Subject: Re: Draft EIR

Thank you for your suggestions. They will be noted. Your email was an appropriate way to comment.

Scott Donnell
Associate Planner
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008
phone: 760.602.4618
fax: 760.602.8559
sdonn@ci.carlsbad.ca.us

>>> Clarence Magnusen <camengr@pacbell.net> 04/20/04 09:27AM >>>

A short article in the April 15 issue of the San Diego Union-Tribune indicated that suggested items for the draft EIR should be addressed to you. My suggestions are as follows:

- Blasting during construction of the pipeline
- Pipeline construction within corrosive soils
- Need for covered water storage facilities

Please reply if this means of commenting is not appropriate. C. Magnusen

From: Scott Donnell
To: Norma Wolk
Date: 4/19/04 10:09AM
Subject: Re: desalination plant

Hi Jean,

There will be opportunities to speak at the public scoping meetings on Wednesday, April 30, from 1:30 - 3:30 and again at 6:00 - 8:00. You'll find more information in the packet you received. The purpose of the meetings is to discuss what environmental impacts the EIR should address, rather than to discuss the project's merits. Hearings to discuss the project's pros and cons will occur later.

If you wish to speak at next Wednesday's meetings, simply show up. You may speak or write your comments.

Thank you.

Scott

>>> Norma Wolk <jeanwolk@webtv.net> 04/18/04 04:55PM >>>

I do not support this expensive boondogle!

What research have you done with the E.P.A. in Washington D.C. ? Where is there an existing plant, operating for a long period of time?

Poseidon Resources have been all over the coast of California for the past 10 years, beating the bushes for a government to take their bait.

It is the most expensive of all water treatment. We should consider reclamation, replenishing aquifers and storage way before desalination.

I wish to speak at your hearings, how do I arrange this?

Norma J Wolk (I go by Jean)
2457 Levante St
La Costa 92009
760-632-7344 or 944-6700