



# Lake Elsinore and San Jacinto Watersheds Authority

## Lake Elsinore Stabilization and Enhancement Project Final Program Environmental Impact Report

SCH No. 2001071042





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San Jacinto Watersheds Authority**

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Enhancement Project**

**Final  
Program Environmental Impact Report**

**SCH No. 2001071042**

**September 2005**

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# Section 1

## Executive Summary

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### 1.1 INTRODUCTION

The Lake Elsinore and San Jacinto Watersheds Authority (LESJWA) is the Lead Agency for preparation of a Program Environmental Impact Report (PEIR) for the Lake Elsinore Stabilization and Enhancement Project (Proposed Project). The lake is a 3,400-acre eutrophic natural reservoir that exhibits algal blooms, low water clarity, large variations in water level elevation and dissolved oxygen content, fish kills, and high nutrient conditions.

### 1.2 PROJECT OBJECTIVES

The objective of the Proposed Project is to define and implement a group of actions that would:

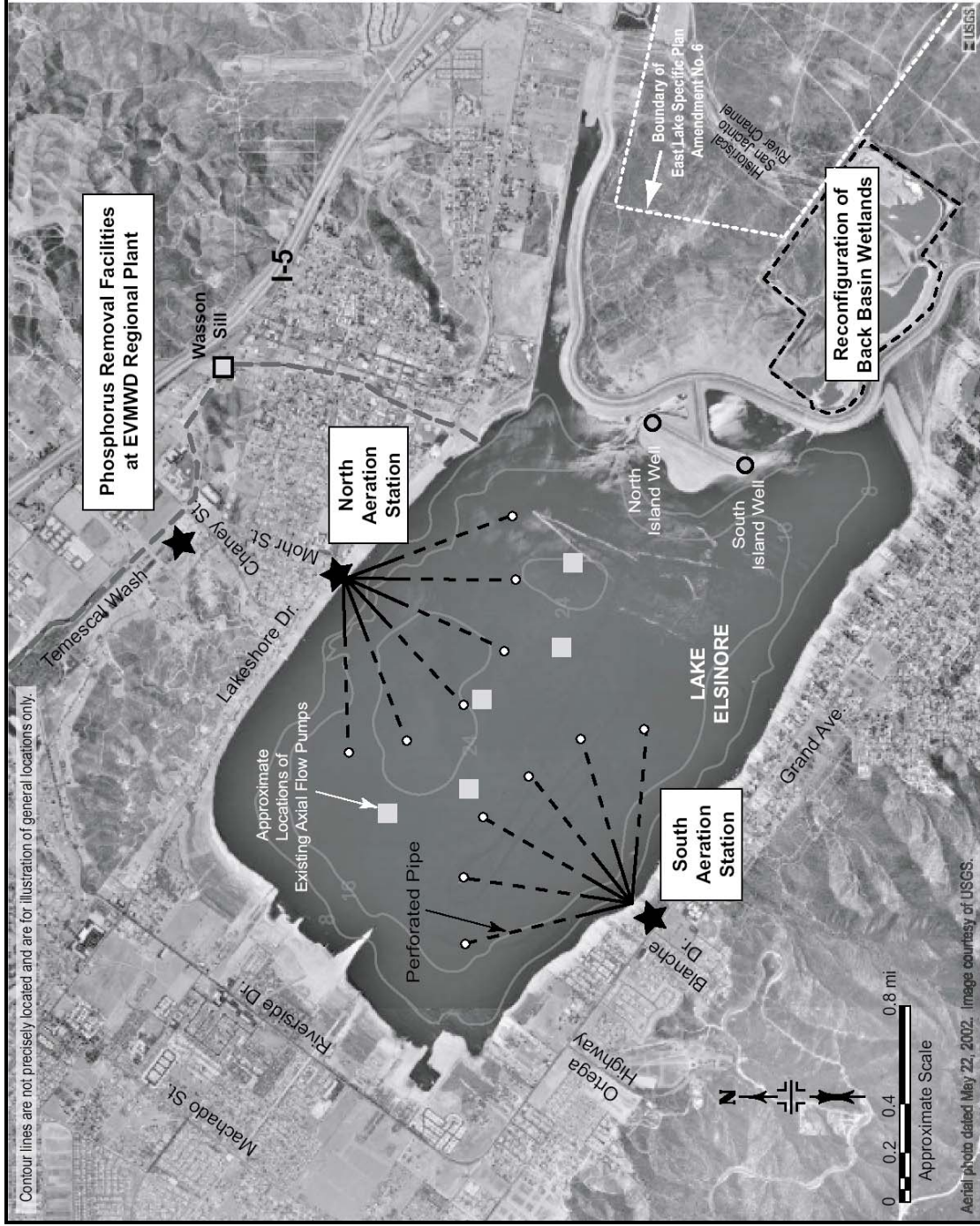
- Stabilize the water level of Lake Elsinore, by maintaining the lake elevation within a desirable operating range (minimum of 1,240 feet [ft] above mean sea level [msl] to a maximum of 1,247 ft msl)
- Improve lake water quality – reduce algae blooms, increase water clarity, increase dissolved oxygen concentrations throughout the water column, and reduce or eliminate fish kills
- Enhance Lake Elsinore as a regional aesthetic and recreational resource

### 1.3 PROJECT DESCRIPTION

The Proposed Project includes elements to stabilize lake water elevations, control nutrient inputs to the lake, and to increase dissolved oxygen and therefore water quality conditions in the lake. These elements are described in **Section 3 – Project Description** and listed below. The locations of the proposed facilities are shown in **Figure 1-1**.

- **Supplemental water addition to Lake Elsinore for lake stabilization and enhancement** – the proposed source of supplemental water to stabilize lake water elevations is recycled water from the Elsinore Valley Municipal Water District's (Elsinore Valley MWD) Regional Water Reclamation Facilities (Regional Plant). Recycled water from Eastern MWD was also considered but later dropped because of anticipated nutrient concentrations.
- **Nutrient removal facilities** to reduce nutrient concentrations in discharges to the lake from the Regional Plant, including:
  - Installation of facilities at the Regional Plant for chemical removal of phosphorus (near-term element)
  - Reconfiguration of a portion of existing wetlands in the Lake Elsinore Back Basin into treatment wetlands (long-term potential element)

Figure 1-1  
Locations of Proposed Project Elements





- **Subsurface, diffused air in-lake aeration system** – The proposed aeration system includes aeration buildings (compressed air facilities) at the north and south sides of the lake, from which piping would extend onto the lake bottom and bubble air into the water column. This subsurface aeration system is envisioned to supplement the surface axial flow pump aeration system already in place in the lake.

#### **1.4 PROJECT LOCATION AND ENVIRONMENTAL SETTING**

Lake Elsinore, the largest natural lake in southern California, is located in western Riverside County, approximately 60 miles southeast of Los Angeles and 20 miles south of the city of Riverside. The lake occupies a broad, shallow natural sink in the northwest-southeast trending Elsinore Valley and is bounded on the northeast and southwest by mountains. Immediately adjacent land uses are residential and commercial within the City of Lake Elsinore and unincorporated areas of the County of Riverside.

#### **1.5 AREAS OF KNOWN CONTROVERSY AND ISSUES TO BE RESOLVED**

In the course of preparation of the PEIR, the following issues have been identified that are controversial but will be resolved in the future:

- Impact of treated effluent discharged to Lake Elsinore for lake stabilization on eutrophication and related effects in the lake, including algae blooms, water clarity, fish kills, and odors
- Ability of the proposed aeration system to achieve nutrient removal to meet TMDL limitations for effluent supplementation of Lake Elsinore

The potential impact of recycled water discharge on Lake Elsinore is discussed in detail in **Section 4** of the EIR.

#### **1.6 ALTERNATIVES TO THE PROPOSED PROJECT**

CEQA requires description of a range of reasonable alternatives to the project that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. The following alternatives are described in the Draft EIR (See **Section 6**):

- No Project – Under the No Project alternative, adverse conditions present in Lake Elsinore would continue and slowly worsen. The No Project alternative would not meet the project objectives of stabilizing lake levels, improving water quality, and enhancing Lake Elsinore as a regional aesthetic and recreational resource.
- Water Supply Alternatives for Lake Stabilization – Other sources considered for Lake stabilization included the Stewart Wells, Metropolitan imported water, and releases from Canyon Lake. These sources were found to be technically infeasible. Eastern MWD effluent was also considered as a source for lake make-up water. This source is identified as suitable for irrigation within the Elsinore Valley MWD service area.
- Nutrient Removal Study Alternatives – As part of a Nutrient Removal Study (CH2M HILL, 2004), several alternatives for phosphorus removal (combination of biological and

## Section 1 – Executive Summary

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chemical removal methods) were considered. Alum was ultimately selected over ferric chloride as a coagulant for phosphorus removal at the Regional Plant.

- Alternative In-Lake Aeration Systems – The following in-lake aeration systems were considered: Hypolimnetic aeration/oxygenation (Speece well and Side Stream Pumping) and oxygenation/aeration with the pumped storage. Disadvantages of the hypolimnetic alternatives were their higher costs compared to the proposed system. Aeration via pumped storage was considered speculative and not under the control of LESJWA. In addition, an alternative aeration station location was considered (on the south side of the lake at Perret Park); additional costs were associated with this alternative since it would require a longer aeration pipeline.
- Chemical Addition to Lake Elsinore – Direct addition of either alum or calcium to the lake for water quality improvements was considered. Alum addition was considered unsuitable due to lake conditions (high pH and high alkalinity) for the last few years (before the storms of winter 2004-2005). In the future, alum addition may be reconsidered based on changes in lake water quality. It was concluded that calcium addition would be ineffective due to relatively high total phosphorus and low soluble reactive phosphorus conditions in the lake.

Overall, the Proposed Project is identified as the environmentally superior alternative.

### 1.7 SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

As required under CEQA, LESJWA prepared and circulated a Notice of Preparation (NOP) for the Lake Elsinore Proposed Project (see EIR **Appendix B**). The NOP was circulated for 30 days. In addition, a scoping meeting was held on July 19, 2001. The environmental impact assessment presented in **Section 4** of this EIR focuses on those potential impacts identified as potentially significant in consultations with responsible and trustee agencies and written and oral comments received on the NOP.

As summarized in **Table 1-1** of this section, most impacts on the environment are related to the quality and function of Lake Elsinore. For all topics, mitigation measures have been identified that reduce impacts to below a level of significance.

Table 1-1  
Summary of Project Impacts and Mitigation Measures

Environmental Impact	Impact Significance	Mitigation Measures	Impact Significance After Mitigation
<b>Land Use</b>			
<ul style="list-style-type: none"> <li>Impacts related to incompatible land uses and conflict with land use plans, policies or regulations</li> <li>Impact on population, housing, and employment</li> <li>Aesthetic and glare impacts</li> <li>Impacts related to inconsistencies with local and regional plans</li> <li>Growth inducing impacts</li> </ul>	LS	None	LS
	LS	None	LS
	LS	None	LS
	LS	None	LS
	LS	None	LS
<b>Earth Resources</b>			
<ul style="list-style-type: none"> <li>Impacts associated with seismic hazards</li> <li>Soil erosion impacts during construction</li> </ul>	LS	None	LS
	LS	<p><b>S-1</b> Water temporary open storage soil piles once per hour or install temporary covers.</p> <p><b>S-2</b> Water unpaved roadways used for construction vehicles three times per day or apply non-toxic soil stabilizers.</p> <p><b>S-3</b> Cease earth-moving activities on days when wind gusts exceed 25 mph or apply water to soil not more than 15 minutes prior to moving such soil.</p>	LS
<ul style="list-style-type: none"> <li>Impacts associated with unstable geology or soils</li> </ul>	LS	None	LS
<b>Water Resources</b>			
<ul style="list-style-type: none"> <li>Lake elevation stabilized above 1,240 ft msl</li> <li>Increased frequency of lake spills to Temescal Wash</li> </ul>	B	None	LS
	LS	None	LS

B: Beneficial impact      LS: Less than significant impact      PS: Potentially significant impact

Table 1-1  
 Summary of Project Impacts and Mitigation Measures (Continued)

Environmental Impact	Impact Significance	Mitigation Measures	Impact Significance After Mitigation
<ul style="list-style-type: none"> <li>Stormwater drainage from aeration stations to the lake</li> </ul>	LS	None	LS
<ul style="list-style-type: none"> <li>Additional nutrients from supplemental water to Lake Elsinore</li> </ul>	LS	None (Nutrient offsets are incorporated in the Proposed Project.)	LS
<ul style="list-style-type: none"> <li>More frequent discharge to Temescal Wash on downstream gravel mining operations</li> </ul>	LS	None	LS
<ul style="list-style-type: none"> <li>Reduced dry season flow in Temescal Wash during periods of lake supplementation.</li> </ul>	LS	None	LS
<ul style="list-style-type: none"> <li>Changed water quality in Temescal Wash due to reduced dry season flows</li> </ul>	LS	None	LS
<ul style="list-style-type: none"> <li>Reduced water levels in Lee Lake during dry season</li> </ul>	LS	None	LS
<ul style="list-style-type: none"> <li>Reduction in groundwater levels from Island Wells pumping</li> </ul>	PS	<b>GRW-1</b> To minimize impacts on the Elsinore Basin water levels, as Regional Plant effluent flows increase, Elsinore Valley MWD will preferentially discharge recycled water from the Regional Plant to Lake Elsinore over Island Well water to make up the supplementation required in a given year.	LS
<ul style="list-style-type: none"> <li>Reduction in groundwater quality from Island Wells pumping</li> </ul>	LS	None	LS
<ul style="list-style-type: none"> <li>Increased flood hazards, seiches</li> </ul>	LS	None	LS
<b>Biological Resources</b>			
<ul style="list-style-type: none"> <li>Noise impacts on sensitive breeding riparian birds from construction at Regional Plant</li> </ul>	LS	None	LS
<ul style="list-style-type: none"> <li>Noise impacts on sensitive breeding</li> </ul>	LS	<b>B-1</b> To further reduce impacts on riparian resources at the southern aeration station site,	LS

Table 1-1  
Summary of Project Impacts and Mitigation Measures (Continued)

Environmental Impact	Impact Significance	Mitigation Measures	Impact Significance After Mitigation
<p>riparian birds during construction of the south aeration station</p> <ul style="list-style-type: none"> <li>Impact of reduced flows in Temescal Wash on downstream riparian habitat</li> </ul>	PS	<p>construction would be timed to avoid the nesting season for native songbirds (mid-March through mid-August or early September).</p> <p><b>B-2a</b> Temescal Wash Baseline Characterization. EVMWD shall implement a flow and vegetation baseline characterization in the Temescal Wash reach from the Elsinore Valley Regional Plant to Lee Lake. A maximum of six locations along the reach would be evaluated in the spring to reflect time of maximum growth rate of riparian and emergent plants. Transects shall be evaluated for vegetation characteristics, channel morphology, flow characteristics (width, depth, channel cross section), and depth to groundwater. Groundwater depth would be determined by the placement of a piezometer at each sampling location. Data shall be compiled and recorded using satellite imagery or aerial photos.</p> <p><b>B-2b</b> Temescal Wash Monitoring Program. By March 1 of a year in which the EVMWD anticipates diversion of Regional Plant effluent to Lake Elsinore for lake supplementation, the District shall measure flows in the Wash in the vicinity of the discharge point at the Regional Plant. If flows in the Wash at this point are below 2.5 mgd, the following monitoring program would be implemented. During a lake supplementation year, stream flows shall be determined weekly. EVMWD shall also obtain from Eastern MWD weekly information on existing and projected flows to Temescal Wash for the lake supplementation period, to be able to assess total Wash flows during that time.</p>	LS
<ul style="list-style-type: none"> <li>Impacts of in-lake aeration system construction on biological resources</li> </ul>	LS	None	LS
<b>Traffic and Transportation</b>			
<ul style="list-style-type: none"> <li>Traffic increases during construction of the south aeration station</li> </ul>	PS	<p><b>T-1</b> The specifications for the aeration system will require the contractor to identify and use an alternative construction vehicle access route to avoid SR-74 when travelling to the south aeration station site. This would involve use of Main Street and/or Railroad Canyon Road interchanges from I-15 and accessing Grand Avenue via Mission Street and Corydon Street or other routes around the southeast side of Lake Elsinore.</p>	LS

LS: Less than significant impact

PS: Potentially significant impact

Table 1-1  
 Summary of Project Impacts and Mitigation Measures (Continued)

Environmental Impact	Impact Significance	Mitigation Measures	Impact Significance After Mitigation
<ul style="list-style-type: none"> <li>Traffic increases during construction of the Regional Plant phosphorus removal facilities and the north aeration station</li> </ul>	LS	None	LS
<ul style="list-style-type: none"> <li>Traffic increases during operation from chemical deliveries, maintenance, and workers commutes</li> </ul>	LS	None	LS
<b>Air Quality</b>			
<ul style="list-style-type: none"> <li>Air pollutant emissions project construction</li> </ul>	LS	None	LS
<ul style="list-style-type: none"> <li>Air pollutant emissions during operations from chemical deliveries, vehicle trips and electricity consumption</li> </ul>	LS	None	LS
<b>Noise</b>			
<ul style="list-style-type: none"> <li>Noise generated during construction of the Regional Plant phosphorus removal facilities and the reconfiguration of Back Basin wetlands</li> </ul>	LS	None	LS
<ul style="list-style-type: none"> <li>Noise generated during construction of the aeration stations</li> </ul>	PS	<p><b>N-1</b> During construction of the aeration stations, the construction contractor will implement the following noise reduction measures:</p> <ul style="list-style-type: none"> <li>Limit construction activities to the following work days and hours (per applicable ordinances):                             <ul style="list-style-type: none"> <li>North aeration station (City of Lake Elsinore): 7:00 a.m. to 7:00 p.m. on weekdays</li> <li>South aeration station (County of Riverside): 6:00 a.m. to 6:00 p.m. on weekdays during June through September and 7:00 a.m. to 6:00 p.m. on weekdays during October through May</li> </ul> </li> <li>Equip all construction equipment with properly operating and maintained noise mufflers and intake silencers, consistent with manufacturers' standards</li> </ul>	LS

Table 1-1  
 Summary of Project Impacts and Mitigation Measures (Continued)

Environmental Impact	Impact Significance	Mitigation Measures	Impact Significance After Mitigation
<ul style="list-style-type: none"> <li>Noise generated during operation of the Regional Plant phosphorus removal facilities and the reconfiguration of Back Basin wetlands</li> </ul>	LS	<ul style="list-style-type: none"> <li>For construction activities taking place within 200 feet of a residential structure, install temporary sound walls or acoustic blankets with a height of no less than 8 feet to reduce the residents' view of the construction effort. These sound walls or acoustic blankets shall be designed to achieve a Sound Transmission Class (STC) of 27 or greater. The surface of the sound walls or acoustic blankets shall present a solid face from top to bottom without any openings or cutouts.</li> </ul> <p><b>N-2</b> Residences and schools in the immediate vicinity of the proposed north and south aeration stations will be notified at least 1 week prior to the start of construction, e.g., via flyers. A telephone number for noise complaints will be included in this notification.</p>	LS
<ul style="list-style-type: none"> <li>Noise generated during operation of the aeration stations</li> </ul>	PS	<p><b>N-3</b> In consultation with a noise engineer, the design and specifications for the aeration station buildings will incorporate one or more of the following features to reduce noise generated by the compressors and the pumps so that the noise levels at the boundary of the nearest residential property would be less than 65 dBA during the daytime and 45 dBA during the nighttime:</p> <ul style="list-style-type: none"> <li>Acoustical louvers</li> <li>Baffle walls</li> <li>Acoustical panels</li> <li>Other sound insulation treatments</li> </ul> <p>Prior to the first nighttime operation of the aeration system, noise monitoring will be conducted at the boundary of the nearest residential property to ensure that the above standard is achieved.</p>	LS
<p><b>Hazards and Hazardous Materials</b></p> <ul style="list-style-type: none"> <li>Impacts associated with known</li> </ul>			LS

LS: Less than significant impact

PS: Potentially significant impact

Table 1-1  
 Summary of Project Impacts and Mitigation Measures (Continued)

Environmental Impact	Impact Significance	Mitigation Measures	Impact Significance After Mitigation
hazardous materials sites • Use, storage, and delivery of hazardous chemicals during operation	LS	None	LS
• Vector habitat creation at the proposed reconfigured Back Basin wetlands	PS	<p><b>H-1</b> Proposed Project plans will be submitted to the applicable vector control district for review and comment with respect to control of mosquitoes and other vectors. Upon consultation with the vector control district, appropriate vector management measures will be incorporated into the project design. Potential management measures include the following:</p> <ul style="list-style-type: none"> <li>• To the extent feasible, design and/or manage to optimize water depths and flow pattern. For mosquito control, maintain water depths and encourage/provide water circulation. For blackfly control, minimize aeration of flowing water. Design wetland cells to allow for periodical drying to desiccate vector larvae.</li> <li>• Work with the vector control district to stock ponds and other permanent water features with mosquitofish as needed.</li> <li>• Provide site access (e.g., dikes with access roads or trails) to potential breeding areas for maintenance (e.g., vegetation removal) and treatment (e.g., application of Bti or other larvicides).</li> <li>• Install nesting or roosting boxes to attract insectivorous bats and/or birds (natural predators of mosquitoes).</li> <li>• Regularly consult with the vector control district to identify mosquito management problems, mosquito monitoring and abatement procedures, and opportunities to adjust water and vegetation management practices to reduce mosquito production.</li> </ul>	LS
• Impacts of the Back Basin wetlands on bird aircraft strike hazard	LS	<p><b>H-2</b> When reconfiguration of the Back Basin wetlands is specifically proposed, the FAA Western Pacific Regional Office and Skylark Airport will be notified of the proposed land use modification to recognize potential bird strike hazards early in the planning process and avoid or minimize the hazards.</p>	LS
• Interference with emergency response, evacuation, and access during project	LS	None	LS



Table 1-1  
Summary of Project Impacts and Mitigation Measures (Continued)

Environmental Impact	Impact Significance	Mitigation Measures	Impact Significance After Mitigation
construction			
<ul style="list-style-type: none"> <li>Exposure to wildland fires</li> </ul>	LS	None	LS
<ul style="list-style-type: none"> <li>Use of hazardous materials during project construction</li> </ul>	LS	None	LS
<b>Recreation</b>			
<ul style="list-style-type: none"> <li>Impacts of the aeration system on boating and recreation on Lake Elsinore</li> </ul>	LS	<p><b>R-1</b> To avoid conflict with boating and recreation on Lake Elsinore, LESJWA will notify boaters and other lake users prior to and during construction of the aeration system via distribution of flyers and/or posting of signs at the boat ramps located at the lake.</p> <p><b>R-2</b> The LESJWA Education and Outreach Committee will include a brochure or flyer describing the subsurface aeration system and its construction in at least one Elsinore Valley MWD billing mailing.</p>	LS
<b>Public Services and Utilities</b>			
<ul style="list-style-type: none"> <li>Construction and operation impacts on police and fire protection services</li> </ul>	LS	None	LS
<ul style="list-style-type: none"> <li>Construction and operation impacts on schools</li> </ul>	LS	None	LS
<ul style="list-style-type: none"> <li>Construction and operation impacts on utilities and service systems</li> </ul>	LS	None	LS
<ul style="list-style-type: none"> <li>Construction and operation impacts on mineral resources</li> </ul>	LS	None	LS
<b>Cultural Resources</b>			
<ul style="list-style-type: none"> <li>Potential impacts on archaeological resources associated with ground disturbance during construction</li> </ul>	PS	<p><b>C-1</b> At any project site, if previously unknown cultural resources are discovered in the course of excavation for project construction, the construction inspector shall have the authority and responsibility to halt construction until a qualified archaeologist can evaluate the significance and distribution of the materials, and identify future activities needed. If the cultural material</p>	LS

LS: Less than significant impact PS: Potentially significant impact

Table 1-1  
 Summary of Project Impacts and Mitigation Measures (Continued)

Environmental Impact	Impact Significance	Impact Significance After Mitigation
	<p style="text-align: center;"><b>Mitigation Measures</b></p> <p>discovered is determined to be of potential archaeological significance, the investigation and future activities shall be conducted in consultation with a culturally affiliated Native American or other parties, as necessary, including a tribal monitor.</p> <p><b>C-2</b> At any project site, if human remains are discovered in the course of excavation for project construction, the County Coroner shall be contacted and provisions of State CEQA Guidelines Section 15064.5 shall be followed. In addition, under California Public Resource Code Section 5097.98, if Native American human remains are discovered, the Native American Heritage Commission will be contacted to name a “most likely descendant,” who shall be consulted as to the appropriate disposition of the remains.</p> <p><b>C-3</b> Excavation at the south aeration station site shall be observed by a qualified archaeological monitor. If potentially important cultural deposits are encountered in the course of excavation, work shall be temporarily diverted from the vicinity of the discovery until the monitoring archaeologist can identify and evaluate the importance of the find and conduct any appropriate assessments. The recommendations of the archaeologist shall then be implemented. In the event that such deposits are found, the archaeologist will contact and coordinate with the Pechanga tribe and Soboba Tribe as part of the resource assessment.</p> <p><b>C-4</b> Prior to the issuance of grading permits at the aeration station sites, the Lead Agency will enter into a pre-excavation agreement with the Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.</p> <p><b>C-5</b> Prior to the issuance of a grading permit at the Regional Plant site, if such a permit is required, EVMWD will enter into a pre-excavation agreement with the Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.</p>	

**Table 1-1  
Summary of Project Impacts and Mitigation Measures (Continued)**

Environmental Impact	Impact Significance	Mitigation Measures	Impact Significance After Mitigation
		<p><b>C-6</b> Prior to the issuance of a grading permit at the Back Basin wetland site, if a permit is required, EVMWD will enter into a pre-excavation agreement with the Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.</p> <p><b>C-7</b> The LESIWA will agree to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archaeological artifacts found on the aeration station sites during construction to the Soboba Band of Luiseño Indians or the Pechanga Tribe for proper treatment and disposition.</p> <p><b>C-8</b> The EVMWD will agree to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archaeological artifacts found on the Regional Plant site during construction to the Soboba Band of Luiseño Indians or the Pechanga Tribe for proper treatment and disposition.</p> <p><b>C-9</b> The EVMWD will agree to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archaeological artifacts found on the wetland treatment site during construction to the Soboba Band of Luiseño Indians or the Pechanga Tribe for proper treatment and disposition.</p> <p><b>C-10</b> The Soboba Band of Luiseño Indians and the Pechanga Tribe shall be contacted to provide a tribal monitor if archaeological materials are discovered during grading, excavation or site excavation to evaluate the significance of the resources, in conjunction with the archaeologist and the Lead Agency or landowner, as appropriate.</p>	

LS: Less than significant impact      PS: Potentially significant impact



# Section 2

## Minor Clarifications to the EIR

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The following clarifications are hereby made to the Draft EIR document. The revisions presented below are minor and do not affect the analyses and conclusions of the Draft EIR. Strikeout text is deleted and underlined text is added.

- **EIR Section 4.4.3.4 Temescal Wash** [Biological Resources], is hereby modified as follows. The added or modified text is underlined.

If the base flow in the Wash were to fall below 2.5 mgd, however, impacts to the riparian habitat of Temescal Wash could be potentially significant. However, based upon the hydrological modeling, general field observations over the past decade, and aerial photograph evidence, changes in the extent of the riparian vegetation would not be likely as long as the base flow rate remains above the minimum for stream surface water flows of 1.0 mgd. Implementation of mitigation measures B-2a and B-2b ~~B-3a and B-3b~~ by Elsinore Valley MWD would reduce this impact to a less than significant level. Mitigation will include initiation of a monitoring program for flow and biological resources in Temescal Wash from the Regional Plant to Lee Lake, to evaluate impacts and provide a basis for adjusting flows to compensate and ensure that habitat is protected.

The monitoring program would begin at or before the beginning of the growing season (March) prior to the expected next discharge to Lake Elsinore, when measurements of hydrologic and biological conditions will be taken to establish a baseline against which the effects of future actions could be compared. A maximum of six transect locations would be established, based on the locations of past hydrologic analyses of this reach of the Wash.

Monitoring would consist of several “layers” of reference and comparison, intended to ensure that the habitat values of the ecosystems supported by Temescal Wash flows are not reduced quantitatively (areal extent and physical structure of the riparian vegetation) or qualitatively (plant species diversity). Treatment plant flows and total flows within Temescal Wash would be monitored at a maximum of six specified points to determine the level of discharge contribution to the overall levels of water in the Wash. These points are situated along the Wash channel at intervals intended to determine the relationship between flow levels, outfall rates, and accretion from secondary sources. Weather data would be kept at the Regional Plant to provide a background temperature and precipitation correlation relative to higher or lower flow levels (Elsinore Valley MWD recently installed a weather station on the roof of its headquarters adjacent to the Regional Plant).

Changes in the areal extent of riparian vegetation formations may occur naturally as a result of a sequence of years with higher or lower persistent flows, or where groundwater extraction lowers the subsurface water table. Lower surface flows may result in a concentration of growth along

## **Section 2 – Minor Clarifications to the EIR**

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the immediate channel margins and also may lower rates of recruitment and stem growth, or it may result in seedling and sapling dieback particularly along the periphery, where soil moisture levels would be lowest. Conversely higher levels of standing water over time may result in a widening of the overall formation, with increased areas of surface water or marsh formation within the widened central area. If these effects are observed during the monitoring program, and determined to be significantly detrimental to the existing habitat structure or quality relative to use by LBV or other listed species, and are determined to be occurring as a result of Elsinore Valley MWD actions, flows would be adjusted to compensate, as appropriate.

Persistent surface water flows within the channel, at the various levels maintained throughout the study period, generally have assured sufficient wetting of the surrounding banks to ensure adequate water to riparian vegetation, as no losses of habitat quality or extent have been detected during this period. Should flow reductions result in a complete lack of surface water flows in the channel, subsurface water levels would be monitored via a series of piezometers, situated at the pre-determined monitoring stations. Should water levels in the piezometers persist for three dry season months (April–August) at or below the assumed minimum physical stress threshold for native riparian vegetation maintenance (12 inches or more below channel bed surface; a figure which is based upon professional judgment and experience with similar riparian systems in southern California), discharge or other supplemental flows to the Wash would be gradually increased sufficient to generate a rise in overall channel waters to the surface level within 3 months. Thus, the longest interval during which channel water levels could be not more than 12 inches below surface flow minimums would be 6 months, and because this would occur during the annual dry season, when water levels are at their lowest naturally and the vegetation is normally experiencing its driest conditions, there should be no significant impact upon the native vegetation.

- Page 2-6 is hereby amended: “At the same time, Eastern MWD has just completed a pipeline to convey recycled water from the Temecula Valley Plant to Wasson Sill. Reuse potential is being identified along the pipeline; discharge to Temescal Wash could be plant flow less these diversions and storage in the Eastern MWD service area. ~~The current capacity of the Temecula Valley Plant is 8 mgd, but an expansion to 12 mgd is underway. Buildout capacity is estimated at 32 mgd (no target year for buildout or flows in intermediate years have been identified (K.S. Dunbar, 2003).~~ The current Temecula Valley Plant capacity is 13.2 mgd and an expansion to 18 mgd is underway. Buildout capacity is estimated at 35 mgd (Carollo 2004).”
- Page 4.3-20 is hereby amended as follows: ~~Buildout flow is estimated at 32 mgd (K.S. Dunbar, 2003).~~ Buildout flow is estimated at 35 mgd (Carollo 2004).
- Table 5-4 is hereby revised as follows to incorporate projected 2025 and buildout figures for Eastern MWD flows:

**Table 5-1  
Estimated Tertiary Effluent Flows  
Eastern MWD RWRFs 2005 – Buildout (mgd)**

<b>RWRF</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>	<b><u>2025</u></b>	<b><u>Buildout</u></b>
San Jacinto Valley	8-10	8-11.5	9-11	10.5-13	<u>12-14.5</u>	<u>23</u>
Moreno Valley	9.5-11.5	13.5-17	14.5-18.5	15.5-19.3	<u>16-20.2</u>	<u>30</u>
Temecula Valley	11-13.5	13.5-17	14.5-18	15.5-19.3	<u>16-20</u>	<u>35</u>
Perris Valley	9.5-12	11-14	16-20	19-24	<u>22-27</u>	<u>85</u>
<b>Total</b>	<b>38-47</b>	<b>46-59.5</b>	<b>54-67.5</b>	<b>60.5-75.6</b>	<b><u>66-81.7</u></b>	<b><u>173</u></b>

Source: Carollo, 2004, A. Briggs, EMWD, pers. comm. August 2005.

- Cultural Resources Mitigation Measure C-1 is hereby revised as follows (underlined text is added):  
  
C-1 At any project site, if previously unknown cultural resources are discovered in the course of excavation for project construction, the construction inspector shall have the authority and responsibility to halt construction until a qualified archaeologist can evaluate the significance and distribution of the materials, and identify future activities needed. If the cultural material discovered is determined to be of potential archaeological significance, the investigation and future activities shall be conducted in consultation with a culturally affiliated Native American or other parties, as necessary, including a tribal monitor.
- Cultural Resources Mitigation Measure C-2 is hereby revised as follows (underlined text is added):  
  
C-2 At any project site, if human remains are discovered in the course of excavation for project construction, the County Coroner shall be contacted and provisions of State

## Section 2 – Minor Clarifications to the EIR

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CEQA Guidelines Section 15064.5 shall be followed. In addition, under California Public Resource Code Section 5097.98, if Native American human remains are discovered, the Native American Heritage Commission will be contacted to name a “most likely descendant,” who shall be consulted as to the appropriate disposition of the remains.

- Cultural Resources Mitigation Measure C-3 is hereby revised as follows (underlined text is added):

C-3 Excavation at the south aeration station site shall be observed by a qualified archaeological monitor. If potentially important cultural deposits are encountered in the course of excavation, work shall be temporarily diverted from the vicinity of the discovery until the monitoring archaeologist can identify and evaluate the importance of the find and conduct any appropriate assessments. The recommendations of the archaeologist shall then be implemented. In the event that such deposits are found, the archaeologist will contact and coordinate with the Pechanga tribe and Soboba Tribe as part of the resource assessment.

Based on comments received from the Soboba Band of Luiseño Indians and the Pechanga Cultural Resources office, the following measures are hereby added to the mitigation measures in Section 4.11 and to the MMRP:

C-4 Prior to the issuance of grading permits at the aeration station sites, the Lead Agency will enter into a pre-excavation agreement with the Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.

C-5 Prior to the issuance of a grading permit at the Regional Plant site, if such a permit is required, EVMWD will enter into a pre-excavation agreement with the Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.

C-6 Prior to the issuance of a grading permit at the Back Basin wetland site, if a permit is required, EVMWD will enter into a pre-excavation agreement with the Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.

C-7 The LESJWA will agree to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archaeological artifacts found on the aeration station sites during construction to the Soboba Band of Luiseño Indians or the Pechanga Tribe for proper treatment and disposition.

C-8 The EVMWD will agree to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archaeological artifacts found on the Regional Plant site during construction to the Soboba Band of Luiseño Indians or the Pechanga Tribe for proper treatment and disposition.



C-9 The EVMWD will agree to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archaeological artifacts found on the wetland treatment site during construction to the Soboba Band of Luiseño Indians or the Pechanga Tribe for proper treatment and disposition.

C-10 The Soboba Band of Luiseño Indians and the Pechanga Tribe shall be contacted to provide a tribal monitor if archaeological materials are discovered during grading, excavation or site excavation to evaluate the significance of the resources, in conjunction with the archaeologist and the Lead Agency or landowner, as appropriate.

- EIR Table 2-1 is hereby amended as shown. Inserted material is underlined.

## Section 2 – Minor Clarifications to the EIR

**Table 1-2  
List of Potential Permits and Approvals**

Agency	Potential Permits/Approvals
U.S. Army Corps of Engineers, Los Angeles District	<ul style="list-style-type: none"> <li>Section 10 Rivers and Harbors Acts for installation of the aeration system</li> </ul>
U.S. Fish and Wildlife Service	<ul style="list-style-type: none"> <li>Federal Endangered Species Act (FESA) compliance for reconfiguration of the Back Basin wetlands, if applicable</li> </ul>
California Regional Water Quality Control Board, Santa Ana Region	<ul style="list-style-type: none"> <li>NPDES permit for discharge of treated effluent into Lake Elsinore</li> <li>NPDES permit for temporary discharge of dewatering water during installation of aeration system piping</li> <li>Clean Water Act Section 401 permit for installation of the aeration system, prior to Corps of Engineers Section 10 permit</li> <li>Watershed-Wide Waste Discharge Requirements for Storm Water Discharges Associated with New Developments in the San Jacinto Watershed for construction areas over 5 acres (such as reconfiguration of the Back Basin wetlands)</li> </ul>
California Department of Fish and Game	<ul style="list-style-type: none"> <li>Lake Alteration Agreement (Fish and Game Code Section 1602) for installation of aeration system and reconfiguration of Back Basin wetlands</li> <li>California Endangered Species Act (CESA) compliance for reconfiguration of Back Basin wetlands, if applicable</li> <li><u>Streambed Alteration Agreement for Temescal Wash flow changes, if applicable</u></li> </ul>
California Department of Health Services	<ul style="list-style-type: none"> <li>Review of Title 22 Report for discharge of recycled water to Lake Elsinore</li> </ul>
Riverside County Flood Control & Water Conservation District	<ul style="list-style-type: none"> <li>Encroachment permit for reconfiguration of Back Basin wetlands, if applicable</li> </ul>
Riverside County, Department of Building Services	<ul style="list-style-type: none"> <li>Easement, building permits for aeration facilities on County land</li> </ul>
Riverside County	<ul style="list-style-type: none"> <li>Compliance with the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP)</li> </ul>
South Coast Air Quality Management District	<ul style="list-style-type: none"> <li>Compliance with Rule 403 (Fugitive Dust) during construction activity</li> <li>Permits to Operate for portable equipment for temporary electric generation during project construction, if necessary</li> </ul>
City of Lake Elsinore	<ul style="list-style-type: none"> <li>Building permit for aeration facilities on City land</li> </ul>

# Section 3

## Responses to Comments on the Draft EIR

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Public review of the Draft EIR began on April, 2005, and ended on May 27, 2005. Ten comment letters were received. Each of these comment letters, together with LESJWA's response, is included immediately following this page. The letters are arranged in the order indicated in **Table 3-1**.



**Section 3 - Responses to Comments on the Draft EIR**

**Table 3-1  
Comments Received on the Draft EIR**

<b>Date Received</b>	<b>Commenter</b>	<b>Summary of Issues Raised</b>
May 19, 2005	1. Peter Lewandowski, President The Hydro Company, Inc.	The Lake Elsinore Advanced Pumped Storage (LEAPS) Project could assist and complement the LESJWA Project with respect to lake enhancement.
May 19, 2005	2. Carol Gaubatz, Program Analyst Native American Heritage Commission	No known cultural resources in the immediate project area. List of Native American tribes; requests that all be contacted; if no response in 2 weeks, telephone. Include mitigation measures for avoidance and coordination if human remains are discovered.
May 24, 2005	Terry Roberts, Director State Clearinghouse	No State agencies submitted comments by the end of the review period. LESJWA has complied with State Clearinghouse review requirements.
May 26, 2005	3. Joseph B. Lewis Director of Engineering Services Eastern Municipal Water District	EMWD effluent is potential make-up source but will not be needed for some time. Correct information on projected Temecula Valley plant effluent flows. Updated projected flows for EMWD facilities; data enclosed.
May 26, 2006	4. Karen A. Goebel, Assistant Field Supervisor U.S. Fish and Wildlife Service	Analysis of cumulative impacts with LEAPS project. Compliance with Western Riverside MSHCP. Potential impacts on shorebirds/shorebird habitat at Lake Elsinore, enhanced recreational opportunities' impact on birds (nesting, migratory). Potential modifications to Back Basin ponds; mitigation site aquatic resources and wildlife species. Riparian vegetation along Temescal Wash.
May 26, 2005	5. Brian Wallace, Associate Regional Planner, Intergovernmental Review Southern California Association of Governments (SCAG)	States support for project. No comments on the document.
May 27, 2005	6. Teresa Tung, Senior Civil Engineer Riverside County Flood Control and Water Conservation District (RCFCWCD)	Existing 1992 Assurance Agreement between USACE and RCFCWCD needs to be amended re/ lake levels—existing allows supplementation only below 1240 ft. Need to update Lake Operating Plan submit to Corps for review/approval. If Corps approves, need new agreement between RCFCWCD, LESJWA, EMWD, and EVMWD.

**Section 3 - Responses to Comments on the Draft EIR**

**Table 3-1  
Comments Received on the Draft EIR (Continued)**

Date Received	Commenter	Summary of Issues Raised
May 27, 2005	Terry Roberts, Director State Clearinghouse	Enclosed comments were received late* but should be addressed (CDFG and SWRCB)
May 27, 2005	7. Scott Dawson, Senior Environmental Scientist California Department of Fish and Game	Lake and Streambed Alteration Agreement will be required for Temescal as well as Back Basin. Agrees that improving lake water quality will be beneficial to fish and wildlife. Alum addition to lake will require future CEQA review. Clarify minimum and maximum lake levels. More mitigation for Temescal Wash flow reduction; clarify mitigation proposed. Back Basin configuration; goals/intent of original mitigation; already mitigation—treatment wetland not an allowable use. MSHCP--Incidental take of covered species in Back Basin covered under MSHCP. Impact of treatment wetland on covered species. Additional policies and procedures. Temescal flow effects with diversion to Lake.
June 1, 2005	8. Katherine Mrowka, Chief Watershed Unit #3 State Water Resources Control Board, Division of Water Rights	An appropriate water right is not required for project. A Wastewater Change Petition may be required for changing flow to surface stream.
June 24, 2005	9. Soboba Band of Luiseño Indians Charlene Ryan, Cultural Program Director	The Project falls outside Soboba reservation boundaries but within Tribal Traditional Use Area. Requests cultural resources documentation. Requests monitor be present during construction/excavation.
July 25, 2005	10. Pechanga Cultural Resource Center Temecula Band of Luiseño Mission Indians Stephanie Gordin, Cultural Analyst	Requests copies of archeological reports and mitigation. Indian tribes must be consulted; the project lies in Luiseño territory. Concern for potential impacts on cultural resources by ground disturbing work. Requests commitment to mitigation; avoidance is preferred mitigation. Requests Pechanga monitoring during construction and an agreement on treatment of cultural resources. State law applies for discovery of human remains. Any testing should involve the tribe. Suggests mitigation measures.

\*Note: The CEQA 45-day review period for the Draft EIR closed on May 27, 2005.



**THE HYDRO COMPANY, INC.**

DBA THE NEVADA HYDRO COMPANY, INC.

May 19, 2005

Mark Norton  
**Lake Elsinore and San Jacinto Watersheds Authority**  
11615 Sterling Avenue  
Riverside, California 92503

VIA FEDERAL EXPRESS

**Subject: Draft Program Environmental Impact Report, SCH No. 2001071042  
Lake Elsinore Stabilization and Enhancement Program**

Dear Mr. Norton:

The following comments are submitted in response to the March 2005 release, by the Lake Elsinore and San Jacinto Watersheds Authority (LESJWA), of the "Draft Program Environmental Impact Report - Lake Elsinore Stabilization and Enhancement Program, SCH No. 2001071042" (DPEIR). The following comments are intended for LESJWA's consideration and for inclusion into the environmental review record for the "Lake Elsinore Stabilization and Enhancement Program."

As you are aware by its inclusion in the DPEIR, The Nevada Hydro Company, Inc. (TNHC) and the Elsinore Valley Municipal Water District (EVMWD) are jointly pursuing the development of the Lake Elsinore Advanced Pumped Storage (LEAPS) Project. The LEAPS Project, now under consideration by the Federal Energy Regulatory Commission (FERC), is a 500-megawatt advanced pumped storage federal hydropower project designed, in part, to generate electricity during peak periods. The LEAPS Project involves construction of a new approximately 5,500 acre-foot reservoir in either Morrell or Decker Canyon, located in the Elsinore Mountains, and the cycling of water (through a closed-loop system) between Lake Elsinore (afterbay) and the newly constructed upper reservoir (forebay). Lake Elsinore water would be stored in the forebay during evening and other off-peak periods and released back into Lake Elsinore during peak periods or during such other periods as Statewide demands and needs may warrant.

The LEAPS Project and its associated Talega-Escondido/Valley-Serrano 500-kV (TE/VS) Interconnect Project are reasonably advanced with regards to the environmental review process. Both energy projects are being addressed in a single project-level environmental impact statement (EIS), now being prepared by FERC under the provisions of the National Environmental Policy Act (NEPA). FERC has indicated its intent to release that EIS on or before the first quarter of 2006. Since the project is also subject to the California Environmental Quality Act (CEQA), the EVMWD is acting in the capacity of CEQA lead agency. In furtherance of those obligations, it is anticipated that the EVMWD will disseminate a project-level environmental impact report (EIR) following the release of the NEPA document.

The fortuitous timing of the LEAPS Project and its dependence on and ability to contribute to the health of Lake Elsinore create a unique opportunity for a collaborative public and private effort geared toward the lake's betterment. As part of our ongoing efforts to independently advance the LEAPS Project and assess its potential direct and indirect benefits toward stabilization of the

Mark Norton

**Draft Program Environmental Impact Report, SCH No. 2001071042**

**Lake Elsinore Stabilization and Enhancement Program**

May 19, 2005

Page 2

lake and the enhancement of water quality therein, we are aware that there exist numerous opportunities through which the LEAPS Project could assist and complement LESJWA's current planning efforts. As we finalize our design and development plans, if a need remains and if our project can serve a public benefit, TNHC wishes to express its interest and willingness to work with LESJWA toward the fulfillment of the three objectives outlined in the DPEIR, namely the stabilization of water level of Lake Elsinore, the improvement of water quality, and the enhancement of regional recreational resources.

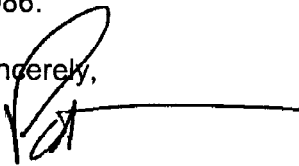
1-1

THNC appreciates the references to the LEAPS Project in the DPEIR. As indicated therein, the LEAPS Project is identified as both a "related project" and an "alternative in-lake aeration system." We concur with the declarations in the DPEIR that the "LEAPS project could have cumulative benefits with the proposed project. Dr. Horne concluded that LEAPS could result in major improvements in Lake Elsinore from an ecological and recreational standpoint, with some modifications" and "could also provide an important source of water to the proposed Back Basin wetlands" (pp. 5-12 and 5-13).

If the implementation program outlined by LESJWA proves successful in its efforts to meet TMDL standards, the referenced "modifications" may be neither needed nor required. However, if the need for further aeration or water circulation exists or is likely to exist or if further lake benefits can be obtained from the LEAPS Project, working in cooperation with LESJWA, TNHC remains willing to investigate the implementation of those actions as part of our project.

TNHC wishes to take this opportunity to wish LESJWA success in the accomplishment of its stated objectives. We reiterate our interest and ability to design and operate a hydropower project that can potentially augment those activities that are already underway and those that will soon comprise your implementation program. We remain available to meet to discuss the LEAPS Project and work cooperatively with your staff to ensure that the LEAPS Project fully addresses your agency's concerns and explores any project-potential benefits. Should you have any questions, please feel free to contact either the undersigned or Rex Wait at (760) 599-0086.

Sincerely,



Peter Lewandowski  
President



1. Response to: The Nevada Hydro Company, Inc. (“TNHC”)  
Peter Lewandowski, President

1-1 LESJWA appreciates the willingness of TNHC to investigate modifications to the LEAPS project that could have cumulative benefits with the Proposed Project with respect to lake aeration and circulation. Specific characteristics and environmental impacts of the LEAPS project will be presented in the EIS and EIR for that project, for which environmental documents are in preparation at this writing (August 2005).



Comment Letter No .2

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4082  
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RECEIVED

May 19, 2005

MAY 19 2005

Mr. Mark Norton  
Lake Elsinore and San Jacinto Watersheds Authority  
11615 Sterling Ave.  
Riverside, CA 92503

SANTA ANA WATERSHED  
PROJECT AUTHORITY

Re: Lake Elsinore Stabilization and Enhancement Project  
SCH# 2001071042

Dear Mr. Norton:

2-1 Thank you for the opportunity to comment on the above-mentioned document. The Commission was able to perform a record search of its Sacred Lands File for the project area, which failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the Sacred Lands File does not indicate 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.

2-2 Early consultation with tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed is a list of Native Americans individuals/organizations that may have knowledge of cultural resources in the project area. The Commission makes no recommendation of a single individual or group over another. Please contact all those listed; if they cannot supply you with specific information, they may be able to recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If you have not received a response within two weeks' time, we recommend that you follow-up with a telephone call to make sure that the information was received.

2-3 Lack of surface evidence of archeological resources does not preclude the existence of archeological resources. Lead agencies should consider avoidance, as defined in Section 15370 of the CEQA Guidelines, when significant cultural resources could be affected by a project. Provisions should also be included for accidentally discovered archeological resources during construction per California Environmental Quality Act (CEQA), Public Resources Code §15064.5 (f). Health and Safety Code §7050.5; and Public Resources Code §5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery and should be included in all environmental documents. If you have any questions, please contact me at (916) 653-6251.

Sincerely,

Carol Gaubatz  
Program Analyst

Cc: State Clearinghouse

**Native American Contacts**  
**Riverside County**  
**May 19, 2005**

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Pala Band of Mission Indians  
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(760) 749-8901 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 resource assessment for the proposed Lake Eisnora Stabilization and Enhancement Project, SCH# 2001071042, Riverside County.

**Native American Contacts  
Riverside County  
May 19, 2005**

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(760) 207-3618 - Cell

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 resource assessment for the proposed Lake Elsinore Stabilization and Enhancement Project, SCH# 2001071042, Riverside County.

2. Response to: Native American Heritage Commission  
Carol Gaubatz, Program Analyst
- 2-1 Other sources consulted for information on cultural resources in the preparation of the EIR included the National Register of Historic Places, California Historic Landmarks, the City of Lake Elsinore General Plan, the County of Riverside General Plan, and the Eastern Information Center at the University of California, Riverside, the regional clearinghouse for site record information.
- 2-2 All of the Native American individuals/organizations on the list attached to the NAHC comment letter were contacted by letter on June 22, 2005 to attempt to obtain additional information on cultural resources in the Proposed Project area. Contacts were followed up by telephone on July 8, 2005. Letters were subsequently received from the Soboba Band of Luiseño Indians on June 24, 2005 and from the Pechanga Cultural Resource Center on July 25, 2005. Responses to those letters are included in this section (see comment letters, Numbers 9 and 10). No other communications from these contacts were received.
- 2-3 With respect to the issue of impact avoidance, the site record and survey information for all of the project sites proposed indicated no known sites to avoid. Provisions were included for resources, including human remains, accidentally discovered during construction. Please see Draft EIR Section 4.11.4 and response to comment letter Number 9.

**Comment Letter No. 3**



MAY 26 2005

SANTA ANA WATERSHED PROJECT AUTHORITY

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Redwine and Sherrill

Post-It® Fax Note	7671	Date	5/26	# of pages	3
To	mark Norton	From	Karen Hackett		
Co./Dept.	LESJWA	Co.	EMWD		
Phone #	951 354-4220	Phone #	951 928-3777		
Fax #	951 352-3422	Fax #	951 928-6111		

May 26, 2005

Mr. Mark Norton  
Lake Elsinore and San Jacinto Watersheds Authority  
11615 Sterling Avenue  
Riverside, CA 92503

Re: Lake Elsinore Stabilization and Enhancement Project  
Draft Program Environmental Impact Report

Dear Mr. Norton

This letter is written in response to the Draft Program Environmental Impact Report (PEIR) for the Lake Elsinore Stabilization and Enhancement Project. The Lake Elsinore and San Jacinto Watersheds (LESJWA) is proposing a series of actions to stabilize the water level of the lake, improve lake water quality, and enhance Lake Elsinore as a regional aesthetic and recreational resource. The proposed project contains elements to stabilize lake water elevations that include supplemental recycled water addition from the Eastern Municipal Water District (EMWD). EMWD is commenting on this Draft PEIR as a potentially affected agency.


**COMMENTS**

- 3-1
- Page 1-1, supplemental water addition states that the sources of supplemental water to stabilize water elevations would include recycled water from the Eastern Municipal Water District. EMWD concurs with this provided the required nutrient levels can be met. However, page 3-23, Table 3-6 indicates lake levels will not need to be supplemented until January 2007 at the earliest (due to the model mentioned in the report that predicts natural rains and evaporation levels in the lake, and the fact that the lake is almost full now due to the heavy rains this past winter). Therefore, it appears EVMWD will not need EMWD flows to supplemental Lake Elsinore for some time.

Lake Elsinore and San Jacinto Watersheds Authority  
May 26, 2005  
Page 2

- 2. Page 2-6, the paragraph beginning with "At the same time" states discharges to the Temescal Wash will now be year-round, that the Temecula Valley Plant has a current capacity of 8 MGD with an expansion underway to 12 MGD; and that EMWD formerly discharged to Murrieta Creek. These statements are incorrect. The Temecula Valley flows will not necessarily be year-round, they can be stored and sent to users in the summer. Temecula Valley Plant has a present flow of 13.2 capacity as stated on page 4-3.20 in the first paragraph. An expansion to 18 MGD is currently underway. Additionally, EMWD does not have a permit to discharge to Murrieta Creek.
- 3. Page 5-34, Table 5-4 contains outdated estimated flows for EMWD facilities. Please refer to the enclosed Table 1.3, Ultimate Land Use Build-Out Population and Flow Projection Summary for the current estimated flows.
- 3-4 Thank you for the opportunity to review the Draft Program Environmental Impact Report. Please forward all future environmental documentation for this project to my attention. If you have questions regarding this letter or require further information, feel free to call me at 951-928-3777, extension. 4455 or Anne Briggs at extension 6327.

Sincerely,

  
Joseph B. Lewis  
Director of Engineering Services

JBL:kah

cc: Anne Briggs



Table 1.3 Ultimate Land Use Build-Out Population and Flow Projection Summary Year 2025 RWRWF Capital Improvement Plan Eastern Municipal Water District									
Service Area	Total Acreage	Population	Annual Average Rates					Peak Hourly Wet Weather Flow <sup>(5)</sup> (mgd)	Master Planned RWRWF Average Capacity
			Commercial Flow <sup>(1)</sup> (mgd)	Residential Flow (mgd)	Total Base Wastewater Flow (mgd)	Peak Hourly Dry Weather Flow (mgd)	Peak Hourly Wet Weather Flow <sup>(3)</sup> (mgd)		
No. 31 San Jacinto Valley	68,300	175,800	6.0	16.7	22.7	34.4	58.4	23	
No. 32 Moreno Valley	44,360	192,200	9.2	19.3	28.5	38.7	46.8 <sup>(4)</sup>	30	
No. 33 Sun City	37,860	150,800	4.8	14.3	19.1	29.0	49.2	35 <sup>(5)</sup>	
No. 34 Temecula Valley	90,920	387,600	11.5	23.3	34.8	52.9	89.8	35	
No. 35 Perris Valley	77,270	303,400	19.6	28.3	47.9	72.8	124	85	
Winchester	36,690	134,900	5.4	12.8	18.2	27.7	46.9	35 <sup>(5)</sup>	
<b>Total</b>	<b>355,400</b>	<b>1,344,700</b>	<b>56</b>	<b>115</b>	<b>171</b>	<b>N/A<sup>(2)</sup></b>	<b>N/A</b>	<b>173</b>	

Notes:  
 (1) mgd = million gallons per day.  
 (2) N/A = peak flows are not additive due to flow attenuation and/or rainfall characteristics.  
 (3) Peak Hourly Wet Weather Flow based on updated 2003 calibration with 5-year 24-hour design storm for TVRWRWF service area.  
 (4) Peak Hourly Wet Weather Flow based on updated 2003 calibration with 5-year 24-hour design storm for MVRWRWF service area.  
 (5) Included in SA 35 PVRWRWF Capacity.

3. Response to; Eastern Municipal Water District  
Joseph B. Lewis, Director of Engineering Services
- 3-1 The comment on EIR page 1-1 is correct in regards to long-term sources of recycled water, however, as noted in your comments; EVMWD has no plans at present to use Eastern MWD flows for Lake Elsinore stabilization.
- 3-2 The final EIR is hereby modified as follows (see also Errata and Minor Modifications to the EIR in the Final EIR):
- Page 2-6 is hereby amended as follows: “At the same time, Eastern MWD has just completed a pipeline to convey recycled water from the Temecula Valley Plant to Wasson Sill. Reuse potential is being identified along the pipeline; discharge to Temescal Wash could be plant flow less these diversions and storage in the Eastern MWD service area. The current Temecula Valley Plant capacity is 13.2 mgd and an expansion to 18 mgd is underway. Buildout capacity in year 2025 is estimated at 35 mgd (Carollo 2004).”
  - Page 4.3-20 is hereby amended as follows: “Buildout flow is estimated at 35 mgd (Carollo, 2004).”
- 3-3 Table 5-4 (page 5-34) is hereby revised as follows to incorporate the projected year 2025 and buildout figures provided:

**Table 5-1**  
**Estimated Tertiary Effluent Flows**  
**Eastern MWD RWRFs 2005 – Buildout (mgd)**

<b>RWRF</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>Buildout</b>
San Jacinto Valley	8-10	8-11.5	9-11	10.5-13	12-14.5	23
Moreno Valley	9.5-11.5	13.5-17	14.5-18.5	15.5-19.3	16-20.2	30
Temecula Valley	11-13.5	13.5-17	14.5-18	15.5-19.3	16-20	35
Perris Valley	9.5-12	11-14	16-20	19-24	22-27	85
<b>Total</b>	<b>38-47</b>	<b>46-59.5</b>	<b>54-67.5</b>	<b>60.5-75.6</b>	<b>66-81.7</b>	<b>173</b>

Source: Carollo, 2004, A. Briggs, EMWD, pers. comm. August 2005.

- 3-4 Future LESJWA environmental documents related to the proposed Project will be forwarded to your attention.



# 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-WRIV-4461.1

**Comment Letter No. 4**

Mark Norton  
 Lake Elsinore and San Jacinto Watersheds Authority  
 11615 Sterling Avenue  
 Riverside, California 92503

MAY 26 2005

Subj: Draft Program Environmental Impact Report for the Lake Elsinore Stabilization and Enhancement Program, City of Lake Elsinore, Riverside County, California

Dear Mr. Norton:

We have reviewed the Draft Program Environmental Impact Report (DEIR) for the Lake Elsinore Stabilization and Enhancement Program. We received the DEIR on April 11, 2005. We offer the following comments pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and in keeping with our agency's mission to work "with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people."

The proposed project would be designed to meet the following goals: 1) stabilize the water level of Lake Elsinore within a desirable operating level [between 1,240 feet (ft) above mean sea level (msl) and 1,247 ft msl]; 2) improve lake water quality; and 3) enhance aesthetics and recreational opportunities. Lake water level stabilization would be accomplished through addition of recycled water from the Eastern Municipal Water District and the Elsinore Valley Municipal Water District's Regional Water Reclamation Plant (Regional Plant). Nutrient removal would be accomplished through chemical removal of phosphorous in a newly installed facility at the Regional Plant and reconfiguration of the existing Back Basin wetlands mitigation site for nutrient treatment. A subsurface, diffused air system would be installed to increase aeration within Lake Elsinore.

Our agency is concerned with potential project induced impacts to Lake Elsinore, the Lake Elsinore Back Basin mitigation site, Temescal Wash, and their associated natural resources. We are concerned that the cumulative impacts of the proposed project and the Lake Elsinore Advanced Pump Storage Project (LEAPS), which is dependent upon the proposed project to maintain a water source, have not been adequately analyzed. We are also concerned with the potential impacts of the proposed project to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

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Mark Norton (FWS-WRIV-4461.1)

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4-2 A variety of bird species including waterfowl and shorebirds are known to use Lake Elsinore and its shoreline as a refueling stop along the Pacific Coast Route migratory flyway. In addition, the area is thought to provide breeding habitat for several migratory bird species. Maintenance of the water level in Lake Elsinore may impact habitat availability for shorebird feeding and breeding; however, the DEIR does not include a detailed discussion of shorebirds or shorebird habitat in and around Lake Elsinore, nor does the DEIR assess the potential project related impacts to these resources. In addition, it is not clear if enhanced recreational opportunities would impact migratory bird species. We recommend that your agency fully evaluate both the potential direct and indirect project related impacts to nesting and migratory bird species.

4-3 Information regarding the interdependency of the proposed action to the LEAPS project is not clearly identified in the DEIR. It is our understanding that the LEAPS project is dependent upon the successful enhancement and maintenance of the lake level within Lake Elsinore through the subject project. The Lake Elsinore Stabilization and Enhancement Program project would provide the LEAPS project with an adequate water source so that water stored at Lake Elsinore would function as a lower reservoir and water could be pumped to a newly created upper reservoir. Pumping of water from Lake Elsinore in association with the LEAPS project may result in daily lake level fluctuations of up to 1 ft per day from that which is established by the lake stabilization project. These daily fluctuations could affect shorebird nesting behavior; however, the DEIR documents associated with the subject project and the LEAPS project both failed to analyze these potential impacts. In addition, the LEAPS project has the potential to provide significant aeration for Lake Elsinore. The subject proposed action also includes methods to increase aeration within Lake Elsinore and these methods may be redundant when viewed in relation to the LEAPS project. We recommend that your agency work with representatives from the LEAPS project to ensure appropriate project coordination and that the impacts of these interrelated projects are fully addressed.

4-4 The approximately 356-acre Back Basin wetlands mitigation site was constructed as mitigation for impacts to wetland habitats associated with the United States Bureau of Reclamation's Lake Elsinore Stabilization and Enhancement Program. These mitigation measures were identified in a permit issued by the United States Army Corps of Engineers (Corps) Clean Water Act Permit. The DEIR states that the Back Basin wetlands mitigation site may be reconfigured as water treatment wetlands to increase nutrient removal from recycled water. However, the DEIR does not identify the proposed changes to the mitigation site or assess any potential impacts to aquatic resources including wildlife species. The potential effects to the mitigation site and any conditions of Corps Permit Number 88-00215-RRS/2004-00748-RRS should be assessed.

4-5 We are concerned about potential project induced impacts to species associated with riparian vegetation along Temescal Wash, including the federally endangered least Bell's vireo (*Vireo bellii pusillus*; "vireo") which is known to occupy Temescal Wash near the Regional Plant. Currently, recycled water from the Regional Plant flows into Temescal Wash and helps to maintain appropriate hydrologic conditions to support riparian vegetation. The proposed project would divert recycled water from the Regional Plant away from Temescal Wash and into Lake Elsinore for lake level maintenance. As stated in the DEIR, the resultant reduction of flows into

Mark Norton (FWS-WRIV-4461.1)

3

4-5  
(Cont'd)


Temescal Wash may impact riparian vegetation and subsequently reduce the amount of suitable habitat for riparian associated species. Measures proposed to mitigate potential impacts to riparian habitat in Temescal Wash include a baseline characterization of flows and vegetation within the wash, and a monitoring program to measure flows into the wash during project implementation. While these measures would provide data that could be used to identify and assess potential impacts to the natural resources in the wash, they would not provide a mechanism to mitigate for the loss or degradation of riparian habitat that is occupied by the vireo and other riparian associated species. Therefore, we recommend a detailed plan be prepared to address potential impacts within Temescal Wash in the event that project implementation results in impacts to aquatic resources including riparian habitats and associated species.

4-6

Although the DEIR discusses the MSHCP, there is insufficient information to assess the potential impacts to this existing habitat conservation plan. The DEIR correctly states that Lake Elsinore itself is not within the Criteria Area of the MSHCP; however, the lake is within the area designated as Public/Quasi Public Lands (PQP Lands) which are a component of the MSHCP Conservation Area. The portion of Temescal Wash immediately downstream from the Regional Plant is also designated as PQP Land. The proposed project has the potential to impact lands within the MSHCP Criteria Area including the Back Basin and portions of Temescal Wash. We recommend that a thorough evaluation of potential impacts to the MSHCP Conservation Area including the MSHCP Criteria Area be fully evaluated. In addition, the proposed project has the potential to impact sensitive species beyond the waterfowl and shorebirds discussed above including burrowing owls (*Athene cunicularia hypugaea*) and a suite of sensitive plant species. Recent biological resource evaluations conducted in support of the proposed project generally consisted of single-day surveys of proposed project sites and did not provide enough information to adequately assess potential effects to sensitive species. We recommend that focused surveys are conducted during the appropriate seasons to accurately evaluate potential impacts to sensitive species.

We recommend that the aforementioned issues be adequately addressed prior to finalizing the DEIR. We appreciate the opportunity to comment on the subject DEIR. If you should have any questions pertaining to these comments, please contact Eric Porter of this office at (760) 431-9440, extension 285.

Sincerely,

  
for Karen A. Goebel  
Assistant Field Supervisor

cc:

Robert Smith, U. S. Army Corps of Engineers, San Diego, CA  
Scott Dawson, California Department of Fish and Game Region 6, Ontario, CA

4. Response to: U.S. Fish and Wildlife Service  
Karen A. Goebel, Assistant Field Supervisor

In response to the comment letters on the EIR from the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG), LESJWA and its consultants met in the field with representatives of both agencies on July 19, 2005 to visit the proposed Project sites and discuss potential impacts of concern to the agencies. Mr. Eric Porter represented the USFWS.

- 4-1 Regarding the description of the proposed Project, please note that the use of flow from Eastern MWD for lake stabilization was considered, but is no longer proposed as part of this proposed Project at the present time, because of high nutrient levels anticipated in the flows. Comments related to potential effects on water bodies, and cumulative impacts with the LEAPS project and nexus with the MSHCP are addressed below.
- 4-2 The comment letter expressed concern for potential impacts of the proposed Project on shorebirds and waterfowl at the Lake Elsinore shoreline and on breeding of migratory birds: that maintenance of a stable water level may impact habitat availability for shorebird feeding and breeding and enhanced recreational opportunities may also affect birds. There is no known significant migratory bird breeding habitat on the present shores of Lake Elsinore, which is subject to heavy human disturbance. Birds breed in the shrubs and vegetation in the northern corner of the lake back from the shore. A heron rookery is at least a tenth of a mile from the water (F. Hovore, FH&A, pers. obs., 2001) and in the Back Basin pond area.

Double-crested cormorants are regularly observed at Lake Elsinore, likely to be foraging or wintering, as the only known rookery in west Riverside County is in the Prado Basin (Loren R. Hays, USFWS, pers. obs., as reported in the Riverside County MSHCP, 2003). Therefore, the proposed Project would have no impact on cormorant nesting habitat. This piscivorous bird would benefit from enhanced forage values resulting from higher lake levels, increased fish populations and reduced fish kills. Other fish-eating and aquatic scavenger bird species--Bonaparte's gulls, Franklin's gulls, brown pelicans—reported from Lake Elsinore would benefit in the same manner. These birds do not nest at Lake Elsinore.

Small breeding populations of snowy plover at Lake Elsinore were reported in the past (reported in CDFG Website, 2005), before the modification of Lake Elsinore into an operating lake and the Back Basin. Existing shoreline conditions, lake level fluctuations, and high levels of human use around the margins of the lake preclude nesting by snowy plover. Suitable plover nesting substrates may be present within the loafing areas of the Back Basin. The effect of the treatment wetland creation would be determined at such time as the specific location and configuration of the wetland is developed.

Caspian tern was reported nesting at Lake Elsinore. The available data reported 14 pairs in 1999 and none in the subsequent 4 years (USFWS, 2005). Conditions around the lakeshore presently do not permit this or other open-substrate nesters to form breeding colonies on the main lake, but the Back Basin loafing areas may provide suitable nesting opportunities. The effect of the treatment wetland creation would be determined at such time as the specific location and configuration of the wetland is developed.

In 2003, more than 300 *Aechmophorus* grebes were found dead and emaciated at Lake Elsinore (causes unknown) (Ivey, 2004). Numerous adult and juvenile *Aechmophorus* grebes (possibly both *clarkii* and *occidentalis*) were observed during recent site visits to the Back Basin, and it appears that breeding occurs therein. No nesting opportunities presently exist around the main lake shoreline. Improved water conditions and increased fisheries would benefit this species, and may help ensure against whatever environmental conditions led to the 2003 die-off.

Current lake fluctuations prevent the growth of macrophytes and shoreline marsh vegetation. There presently are no cattail or tule marshes within the lake shoreline, outside of the Back Basin. Therefore, a stable and clearer lake would provide improved conditions for macrophytes, which would benefit herbivorous shorebirds and waterfowl. In addition, a stable shoreline could allow the development of more marsh vegetation (reeds and cattails) on the shore, which could provide habitat for additional bird species not currently in residence or breeding at Lake Elsinore.

A higher, stable lake level would not significantly impact shorebird, wading bird, diving bird, waterfowl or marshland bird species presently using Lake Elsinore. A higher stable lake with improved water quality would improve habitat for fishes and thereby benefit piscivorous birds by increasing the prey populations and preventing fish kills. Species presently using the Back Basin wetlands and open water areas would be unaffected by the lake stabilization, the aeration system and the phosphorus removal facilities at the Regional Plant. The impact from construction and operation of a treatment wetland on Back Basin birds that currently use the existing ponds would be evaluated in detail at the time this element is developed.

Lake supplementation is needed to prevent Lake Elsinore from drying up. If the lake dries up, as it has done repeatedly in the past, there would be no shoreline, only a dust bowl, as occurred in the late 1950s-early 1960s. The history of Lake Elsinore is one of constantly fluctuating shoreline levels, from completely dry to overflowing, often within a few years of one another. Lake level fluctuations of 3 to 4 feet, are experienced annually, with or without supplementation, due to evaporation.

Enhanced recreational opportunities with a stable lake would include additional fishing from shore and from boats and additional swimming, primarily at existing public beaches. These activities are not anticipated to significantly affect shorebirds, as they would not involve any new areas that are not presently in active human use.

- 4-3 The EIR recognizes that there could be cumulative impacts or cumulative benefits with the LEAPS project (Draft EIR section 5.1.5.3). However, until the Draft EIS and Draft EIR for the LEAPS project are released (anticipated in Fall 2005 or later), the cumulative effects cannot be precisely determined or evaluated. The LESJWA EIR presented conceptual information on LEAPS that was available at the time the EIR was prepared. The EIS and EIR for the LEAPS project, which are in progress at this time, will need to address cumulative effects on the lake with the LESJWA project. The interdependency of the proposed Project to the LEAPS project is not clearly defined, because the characteristics of the LEAPS project are not clearly defined. The Service's concern, in discussions with staff, appeared to concern impacts on biological resources from fluctuating water levels, approximately one foot per day in one concept, associated with the pump storage aspects of LEAPS. The present lake stabilization project would be unrelated to these fluctuations.

In addition, as stated above, there is no known significant migratory bird breeding habitat on the present shores of Lake Elsinore, which is subject to heavy human disturbance. Birds breed in the shrubs and vegetation in the northern corner of the lake, back from the shoreline. A heron rookery is at least a tenth of a mile from the water's edge (F. Hovore, FH&A, pers. obs., 2001).

With respect to the potential redundancy of the proposed aeration system with the potential for lake aeration provided by the LEAPS project: the aeration efficacy of the proposed aeration system will be determined by monitoring over a two-year period. Similarly, the location of the LEAPS outlet pipeline is not certain, and may not overlap in location or effect with the diffuser pipelines. In addition, the concentration of dissolved oxygen in the discharged water is not known. In fact, if the water is removed from the lower depths of the constructed upper reservoir, the concentration may be lower than surface water. Whether aeration will be added to the outlet structure is possible, but not known at this time. Therefore, the assumption that the two systems would be redundant cannot be substantiated at this time. The LESJWA, Elsinore Valley Municipal Water District (EVMWD) and the Nevada Hydro Company plan to coordinate on the projects in the future.

- 4-4 Nutrient removal by reconfiguration of a portion of the Back Basin wetlands into a treatment wetland is a project element presented and evaluated in the EIR at a conceptual level only, as this element has not yet been designed. This project would be pursued by EVMWD only if other nutrient offset methods in the lake needed supplementation. That decision will not be made until after the other nutrient offset approaches have been in operation for several years. Should the



EVMWD decide in the future that a treatment wetland is an appropriate additional nutrient offset, a separate feasibility study and environmental document with site-specific mitigation, as appropriate, would be prepared (see EIR sections 2 and 3). At this time, the specific characteristics and location of this facility have not been identified, so impacts on aquatic resources and wildlife species are speculative and mitigation for potential effects of a treatment wetland cannot be developed.

However, it is anticipated that diversifying the available aquatic habitat of the Back Basin by creating a vegetated shallow marsh in a portion of the existing wetland area, while retaining open water and loafing islands, would be beneficial to wetland and aquatic species (EIR section 4.4). In the field visit to the Back Basin on July 19, 2005, Service staff concurred. The existing ponds do not appear to be heavily used by birds, have little shoreline vegetation and the shoreline uplands are increasingly invaded by tamarisk, a pest species that provides relatively poor shorebird habitat.

In addition, the U.S. Army Corps of Engineers indicated at LESJWA Technical Advisory Committee meetings on May 14 and June 11, 2001 that they would support a reconfiguration of the existing ponds to improve and diversify habitat and that they would consider funding a portion of the project, should it be proposed.

4-5 As described in EIR section 4.4, surface and subsurface flows within Temescal Wash will be monitored by piezometers (small vertical tubes) and measuring gauges along the length of the area potentially affected by changes in outfall discharge flows. Monitoring of effluent discharges would begin at flows of 2.5 mgd. This flow figure is selected because it represents the lowest recent flow in the Wash over the 2.5-year period of the pilot discharge of Regional Plant effluent to Lake Elsinore for lake supplementation. No adverse impacts on Temescal Wash resources were observed during this period. However, the Temescal Wash model developed for the proposed Project predicted that no impacts on riparian or wetland vegetation would occur until flows fell to 1.0 mgd. But for the monitoring program, the 2.5-mgd flow figure will be the trigger for monitoring and flow supplementation to the Wash, if needed to maintain habitat.

Vegetation structure and composition will be monitored by two standard methods: (1) photometric analysis comparing aerial photographs taken annually during the proposed Project lifetime with historic (pre-treatment plant) and recent aerial photographs, to determine the overall extent of the riparian forest and scrub systems (EVMWD has an annual subscription for digital aerial photographs with 1 foot pixels that include the Wash area); and (2) qualitative evaluation of density and structure at selected monitoring points along the alignment (these will correspond to the flow measurement sites). Measurements will be taken twice annually during the first 3 years of the program, one measurement falling within the Spring growing season for riparian plants, the other taken in late Fall, to determine recruitment and tip growth success. Vegetation will be characterized

by taxonomic and structural parameters, including full characterization and measurement of understory, overstory and canopy levels. Should observations document that conditions are changed reductively by either in aerial extent or by loss of species and structural complexity, due to changes determined to be from hydrologic conditions associated with discharged flows, channel flows will be supplemented to levels sufficient to reverse and remediate the perceived problem. Significant reductions of structural complexity may be further addressed by revegetation of channel margins or adjacent wetted soils, employing standard cutting/planting techniques for mulefat scrub-willow-cottonwood riparian vegetation.

Based upon a comparison of aerial photographs of the Temescal Wash and outfall ditch from August, 1985 (in the EVMWD's files, taken when the EVMWD Regional Plant was under construction) and recent years, it appears that the extent of the riparian formation presently supported by the outfall flows has expanded only very slightly with the additional water, suggesting that pre-treatment plant groundwater was sufficient to initiate and sustain the riparian areas. However, it is recognized that the aerial photos do not reveal habitat structure or complexity, and these parameters will be established and maintained by the monitoring and supplemental water mitigation measures. It is anticipated that the monitoring and mitigation program outlined above will ensure that no adverse impacts occur within occupied or potential suitable vireo habitat.

- 4-6 The EIR considers potential impacts to the Western Riverside Multiple Species Habitat Conservation Plan ("MSHCP") (See section 4.4), however, the EVMWD is not a Participating Special Entity and is not a signatory to the MSHCP. As discussed, the proposed phosphorus removal facilities at the EVMWD Regional Plant would have no impact, as the plant site is not within the MSHCP Conservation Area nor a criteria cell.

Lake Elsinore itself is within a Public/Quasi Public (PQP) land designation of the MSHCP. The aeration sites proposed would have no impacts, however, as the north site is in a cleared parking lot and the south site is in a residential area, closely flanked by houses and Grand Avenue.

The Back Basin is within a MSHCP Criteria Area; however, as discussed above, the potential impacts of a Back Basin treatment wetland on MSHCP Covered Species and habitats are too speculative to evaluate at this time, as the need for the wetland is uncertain and the specific location, layout and impacts would need to be developed in the future. A site-specific CEQA document would be prepared and MSHCP compliance addressed at that time. Therefore, focused surveys for sensitive species in the Back Basin would be performed in connection with that future analysis.

Temescal Wash immediately downstream of the Regional Plant is designated PQP Land. Temescal Wash is also part of a MSHCP Criteria Area, as riparian habitat

and sensitive species habitat. As part of MSHCP compliance, species evaluations and consistency findings are being prepared for all of the MSHCP taxa within the zone of potential effects of the proposed Project. For the purposes of analysis, it is assumed that most of the riparian obligate sensitive species would be present in some numbers somewhere along Temescal Wash. As such, impacts to these species would be determined as if they were present, and mitigated or avoided as appropriate. For upland taxa that do not reside in direct or marginal relationship to the zone of proposed Project effects, full discussion will be given as to their potential occurrence and for any residual or indirect effects.

Non-riparian wildlife species such as burrowing owl will be fully assessed for all open areas potentially providing nesting sites, which would be in the Back Basin. Where appropriate, protocol surveys would be conducted prior to initiation of actions that might adversely affect occupied habitat. At present, no active burrowing owl nests have been observed within the area of potential direct or indirect effects of the proposed Project.

Additionally, focused surveys for sensitive plant species potentially occurring within the zone of effects of the proposed Project will be conducted as appropriate during the best season of detection, should impacts to potential habitat be identified. At present no vernal pools, wetlands, clay soil slopes, coastal sage scrub or other vegetation formations supporting MSHCP sensitive species are projected affected adversely by the proposed Project.

## **References**

- Ivey, Gary L. 2004. Conservation Assessment and Management Plan for Breeding Western and Clark's Grebes in California. Accessed August 4, 2005 at: [www.carp.noaa.gov/southwest/amtrader/pdf/grebe.pdf](http://www.carp.noaa.gov/southwest/amtrader/pdf/grebe.pdf)
- USFWS. 2005. Caspian Tern Management to Reduce Predation of Juvenile Salmonids in the Columbia River Estuary. Final Environmental Impact Statement, January 2005. Appendix F: Caspian Tern Regional Population Nesting Site Locations and Colony Sizes.



## Comment Letter No. 5

SOUTHERN CALIFORNIA



**ASSOCIATION of  
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**Riverside County:** Jeff Stone, Riverside County • Thomas Buckley, Lake Elsinore • Bonnie Flickinger, Moreno Valley • Ron Loveridge, Riverside • Greg Pettis, Cathedral City • Ron Roberts, Temecula

**San Bernardino County:** Gary Ovitt, San Bernardino County • Lawrence Dale, Barstow • Paul Eaton, Montclair • Lee Ann Garcia, Grand Terrace • Tim Jasper, Town of Apple Valley • Larry McCallion, Highland • Deborah Robertson, Rialto • Alan Wapner, Ontario

**Ventura County:** Judy Mikels, Ventura County • Glen Becerra, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Hueneme

**Orange County Transportation Authority:** Lou Correa, County of Orange

**Riverside County Transportation Commission:** Robin Lowe, Hemet

**Ventura County Transportation Commission:** Keith Millhouse, Moorpark

26 May 2005

Mr. Mark Norton  
Lake Elsinore and San Jacinto Watersheds Authority  
11515 Sterling Avenue  
Riverside, CA 92503

RE: Lake Elsinore Stabilization and Enhancement Project DPEIR  
SCAG No. I 20050221

Dear Mr. Norton:

Thank you for submitting the Lake Elsinore Stabilization and Enhancement Project DPEIR to the Southern California Association of Governments (SCAG) for review and comment. SCAG's responsibility as the region's clearinghouse per Executive Order 12372 includes the implementation of California Environmental Quality Act (CEQA) §15125 [d]. This legislation requires the review of local plans, projects and programs for consistency with regional plans.

SCAG staff has evaluated your submission for consistency with the Regional Comprehensive Plan and Guide (RCPG) and the Regional Transportation Plan (RTP). SCAG supports the efforts to maintain and enhance this regionally important water and recreation resource. We have no further comments at this time. Thank you again for your submittal.

If you have any questions, please contact me at (213) 236-1851.

Sincerely,

Brian Wallace  
Associate Regional Planner  
Intergovernmental Review

DOCS # 110844v1

JUN 2 2005

SANTA ANA WATERSHED  
PROJECT AUTHORITY



5. Response to: Southern California Association of Governments (“SCAG”)  
Brian Wallace, Associate Regional Planner

LESJWA appreciates SCAG’s support of our effort to meet the proposed Project goals including, but not limited to, maintaining and enhancing Lake Elsinore.

WARREN D. WILLIAMS  
General Manager-Chief Engineer



NO. 221 P. 2/3  
1995 MARKET STREET  
RIVERSIDE, CA 92501  
951.955.1200  
951.788.9965 FAX

95036.1

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

May 27, 2005

FAXED ON THIS DATE TO 951.352.3422

**Comment Letter No. 6**

Mr. Mark Norton  
Project Manager  
Lake Elsinore and San Jacinto  
Watersheds Authority  
11615 Sterling Avenue  
Riverside, CA 92503

Dear Mr. Norton:

Re: Lake Elsinore Stabilization  
and Enhancement Program  
Notice of Availability of a  
Draft Program Environmental  
Impact Report

This letter is written in response to the Notice of Availability of a Draft Program Environmental Impact Report (PEIR) for the Lake Elsinore Stabilization and Enhancement Program. The Lake Elsinore and San Jacinto Watersheds Authority (LESJWA) is proposing a series of actions to stabilize the lake, improve water quality, and enhance Lake Elsinore as an aesthetic and recreational resource. The Riverside County Flood Control and Water Conservation District (District) has previously provided comments on the proposed project in letters dated September 29, 1997 and August 1, 2001. After reviewing the U.S. Army Corps of Engineers' analysis, the District is in agreement that a minimum lake level elevation of 1247.00 feet should not significantly alter the currently accepted 100-year lake water surface elevation of 1263.30 feet. The analysis also determined that the downstream impacts could be considered as less than significant. Even though the U.S. Army Corps of Engineers' analysis makes such findings, the existing Local Cooperation Agreement between the U.S. Army Corps of Engineers (Corps) and the District and the 1992 Assurance Agreement will still need to be amended to reflect the change.

Further, although the changes are minor, the District will need assurances that its interests are protected should these findings be challenged.

Therefore, the following comments/concerns should be addressed in the final version of the PEIR:

- 1. A Local Cooperation Agreement between the Corps and the District requires us to ensure that water may only be artificially imported when the lake elevation is below 1240 feet. In addition, a 1992 Assurance Agreement guaranteed that Lake Elsinore would be operated in a manner that would preclude artificial imports when lake levels exceed elevation 1240.0 feet. These agreements would require amendment prior to the implementation of the proposed project. Furthermore, prior to any modification of the elevation 1240.0 maximum operating level for Lake Elsinore, an updated Lake Operating Plan that details specific operating procedures for the increased minimum lake level will need to be prepared and submitted to the District for review and approval. Upon approval, the District will submit the plan to the Corps for their review and approval.

6-1

Mr. Mark Norton:  
Re: Lake Elsinore Stabilization  
and Enhancement Program  
Notice of Availability of a  
Draft Program Environmental  
Impact Report

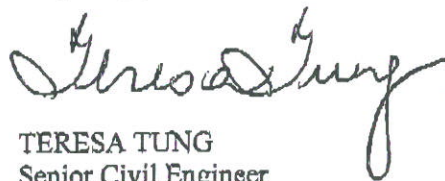
-2-

May 27, 2005

2. | If the higher operating level is approved, an agreement between the District and the project  
6-2 | proponent(s) (e.g., LESJWA, Eastern Municipal Water District, and/or Elsinore Valley  
Municipal Water District) would be required. It should be noted that as part of this agreement,  
the District would require proof of the existence of flooding easements on all land between the  
levee and the 1265-foot contour pursuant to the "Contract Between the United States and the  
6-3 | Elsinore Valley Municipal Water District Under the Small Reclamation Projects Act," dated  
September 23, 1985.

Thank you for the opportunity to review the Draft PEIR. Please forward any subsequent environmental documents regarding the project to my attention at this office. Any further questions concerning this letter may be referred to me at 951.955.1233 or Marc Mintz at 951.955.4643.

Very truly yours,



TERESA TUNG  
Senior Civil Engineer

c: EVMWD  
Attn: Phil Miller, General Manager  
EMWD  
Attn: Joe Lewis, Director Engineering Services  
City of Lake Elsinore  
Attn: Ray O'Donnell, City Engineer  
Corps of Engineers  
Attn: Don Spencer, Project Manager  
Attn: Joe Evelyn, Chief of Hydraulics & Hydrology  
Dusty Williams  
Michael Rawson  
Steve Stump  
Mekbib Degaga

MAM:blj



6. Response to: Riverside County Flood Control and Water Conservation District  
("RCFCWCD")  
Teresa Tung, Senior Civil Engineer

- 6-1 As noted in the EIR (pages 2-9 and 4.3-11), the Local Cooperation Agreement between the Army Corps of Engineers and the RCFCWCD requires amendment prior to the implementation of the proposed Project to permit the addition of supplemental water to the lake when the elevation is above 1,240 ft msl. The Lake Operating Plan would also need to be updated and submitted to RCFCWCD for review and approval. LESJWA, the EVMWD and the RCFCWCD have agreed and began meeting in August 2005 to address these issues. The revisions will then be coordinated with the Army Corps of Engineers.
- 6-2 As noted in the EIR (page 4.3-11), if the higher operating level were approved, an agreement would be required to modify the 1992 Flood Control Agreements (the March 27, 1992 Local Cooperation Agreement with the Army Corps of Engineers and the 1992 Agreement among the RCFCWCD, the City of Lake Elsinore and EVMWD, among others), which presently bear upon the introduction of supplemental water into lake Elsinore when lake levels exceed 1,240 feet.
- 6-3 The flood easements of concern in the comment letter are in the Back Basin between the levee and the flood contour. All of these easements were obtained by the Santa Ana Watershed Projects Authority. As a result, the U.S. Bureau of Reclamation contract was satisfied. The easements were recorded and are a matter of public record.

As discussed in EIR section 4.3.6 (page 4.3-35), land between the levee and the 1,265-foot contour encompasses the area around Lake Elsinore itself and the Back Basin, which is within the City of Lake Elsinore. The spill elevation for the lake at Wasson Sill is 1,255 ft. The 1265-foot contour is shown on land use maps and zoning maps for parcels adjacent to the lake. At present, the entire area below the 1,265-ft contour is shown as a flood area under the City of Lake Elsinore, the County of Riverside General Plan and the Federal Emergency Management Agency ("FEMA") mapping with a land use designation of Floodway (FEMA and City of Lake Elsinore) or Watercourse Overlay (Riverside County). The goal of the Floodway and Watercourse Overlay land use designation is to create and preserve an open space that is able to accommodate flooding that may occur from the lake. In addition, to achieve the goals of these land use designations, construction of all habitable structures is prohibited. The District's comment regarding the need of a flooding easement is noted and would be pursued if the above land use designation is not sufficient.

The proposed north shore aeration station is to be constructed outside the flood zone, either constructed above the flood contour, or on land filled above the flood elevation. The proposed south shore aeration station would be a below-grade structure for noise reduction, a vault with a floor elevation of 1,258.5 ft.

Although constructed below the 1,265 ft flood elevation, the structure would be protected from the 100-year flood: the vault would be watertight and supplied with sump pumps as backup. The air intake and ventilation systems would extend above ground to elevation 1,267 to 1,270 ft, which would place the openings of the structures above the floodplain elevation.

The majority of the Back Basin area below elevation 1,265 ft is shown as specific plan area for the East Lake Specific Plan (“ELSP”), approved by the city of Lake Elsinore in 1993. The City and Corps of Engineers are requiring that the Back Basin developments that implement the ELSP maintain flood storage capacity within their boundaries below elevation 1,265.

**DEPARTMENT OF FISH AND GAME**

<http://www.dfg.ca.gov>

Eastern Sierra-Inland Deserts Region  
3602 Inland Empire Blvd., Suite C-220  
Ontario, California 91764  
Phone (909) 484-0459  
Fax (909) 481-2945

**Comment Letter No.7**

May 27, 2005

MAY 31 2005  
SANTA ANA WATERSHED  
PROJECT AUTHORITY

Mark Norton  
Lake Elsinore and San Jacinto Watersheds Authority  
11615 Sterling Avenue  
Riverside, CA 92503

**Re: Draft Program Environmental Impact Report, Lake Elsinore Stabilization and Enhancement Project, SCH# 2001071042**

Dear Mr. Norton:

The California Department of Fish and Game (Department) has reviewed the Draft Program Environmental Impact Report (DEIR) for the above-mentioned project with regards to impacts to biological and hydrologic resources. The Lake Elsinore and San Jacinto Watersheds Authority (LESJWA) received state funding (i.e., Proposition 13) to implement water quality improvement programs in Lake Elsinore and the San Jacinto River Watershed. The LESJWA proposes the implementation of a program to stabilize lake levels, improve water quality, and enhance Lake Elsinore as an aesthetic and recreational resource.

The Department is responding as a Trustee Agency for fish and wildlife resources (Fish and Game Code sections 7117 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386) as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement.

The Department agrees with the project applicants that measures to increase water quality in Lake Elsinore are beneficial to fish and wildlife resources. The Department also acknowledges that the history of this and related projects for Lake Elsinore are exceedingly complex.

The Lake Elsinore Stabilization and Enhancement Program ("Enhancement Program") includes the following elements: 1) provision of supplemental treated water to maintain a lake water level of 1,240 to 1,247 above sea level; 2) the removal of nutrients via facilities to remove phosphorus and treatment of water through the use of 140 acres of treatment wetlands in the existing Back Basin; and 3) construction and implementation of an in-lake aeration system with two on-shore aeration stations and pipes extending into the lake.

The Department submitted comments (July 27, 2001) regarding the Notice of Preparation of the Draft Program Environmental Impact Report. In that letter, the Department raised the issues of: the adequacy of the environmental review process to address cumulative impacts, alternatives and program-wide mitigation measures; concerns about the proposed use of the existing Back Basin for a treatment wetland because it is an existing, conserved mitigation site; use of

chemicals (aluminum sulfate) in the lake; the existence and possible downstream escape of exotic fish that are detrimental to native fish; and provision of a cumulative impacts analysis to address foreseeable impacts from projects such as the Lake Elsinore Pumped Storage Hydroelectric Project and Riverside County Flood Control District Miscellaneous Flood Control Projects. The letter also included a request for a comprehensive biological study and list of topics to be addressed.

- 7-1 As regards the potential use of aluminum sulfate, the Executive Summary on page 1-4 of the DEIR states that direct addition of either alum or calcium was considered unsuitable at this time but could be reconsidered at some point in the future. Because the DEIR did not address the use of these substances and their potential impacts and mitigation measures, reconsideration of these substances would require future environmental documentation and approvals from the Department as per Section 1602 of the Fish and Game Code.
- 7-2 The DEIR states that the projected optimum lake levels of 1240-1247 above msl were established in an agreement between Ellsinore Valley MWD, the Lake Elsinore Redevelopment Agency and the City of Lake Elsinore. The document on page 3-1 describes the minimum lake elevation as 1,240 feet above msl and the maximum lake elevation as 1,247 feet above msl. However, on page 3-3, the document states that supplemental water may be added to maintain a minimum elevation of 1,247 ft above msl. The minimum lake elevation figure needs to be clarified.
- 7-3 Section 2-1 of the document discusses previous regulatory actions and other agreements but does not discuss whether the decision to restrict water flow to Temescal Wash was approved by the Department. Specifically, the document states that since 1986 the treatment plant has been releasing up to 4.6 mgd and that the 1991 DEIR for the Regional Plan expansion established a minimum effluent flow of 0.5 mgd to Temescal Wash. The removal of water which used to flow into Temescal Wash will result in less water available for vegetation and the logical conclusion is that if less water is provided, riparian vegetation will die back. The environmental impacts of reduction in water have to be analyzed and mitigated for. If the project applicants have prior approval from the Department to limit the minimum discharge of water to Temescal Wash at 0.5 mgd, then reduction in supplies would be agreed upon. Water used to supplement the lake would occur 61 percent of the time.
- 7-4 The DEIR includes two mitigation measures to monitor riparian resources in Temescal Wash. The Department requests answers to the following questions. First, will the baseline measurements be based upon water releases of 4.6 mgd? Second, at what time of year will the baseline measurements take place? There is also a question of who should be the appropriate entity to monitor the project. In Mitigation Measure-2b, the document states that if flows in the vicinity of the discharge plant fall below 2.5 mgd, the monitoring plan will be implemented. Where does the figure of 2.5 mgd come from and how was it arrived at? What is the estimated annual loss of water to Temescal Wash? Was any modeling used to try and assess impacts? Will the monitoring plan be peer reviewed? Is there a biological advisory group to provide input on the plans regarding Lake Elsinore and Temescal Wash? Also, this monitoring plan will have to be presented to the Department, Army Corps. of Engineers and US Fish and Wildlife Service for approvals prior to any reduction in the flow of water to Temescal Wash. In the absence of this missing information, the Department cannot assess whether the monitoring program is adequate to protect the endangered species and habitat in Temescal Wash.
- 7-5 Table 2-1, which lists permits and approvals, states that Department approval would be required for installation of the aeration system and any work in the Back Basin but does not state that manipulation of water to Temescal Wash would require a Lake and Streambed Alteration Agreement. In addition, the mitigation program for Temescal Wash would require a Lake and

Streambed Alteration Agreement.

7-6 In reference to using approximately 140 acres of the Back Basin for water quality purposes, the Department letter of July 27, 2001 states that "...the Department would be interested in discussing the options available for reconfiguring the Back Basin wetland area provided the project restores the loafing islands, enhances the wetland vegetation, and does not result in the loss of open water surface area." The letter also states that any temporary loss of resources during construction activities in the Back Basin would require mitigation and those impacts to the wetland area and the addition of treated wastewater to Lake Elsinore will require a Lake and Streambed Alteration Agreement.

7-7 The DEIR states that the ponds in the Back Basin were created as mitigation for the Lake Elsinore Stabilization and Enhancement Program (LEMP) facilities and consist of 356 acres of deep open water ponds with three loafing islands. The DEIR should include an analysis of the goals and intent of the 356 acre mitigation site and how the current proposal for a treatment wetland is or is not consistent with the plan. It should also be clarified if the treatment wetlands are to be used for other mitigation purposes because the 356-acre site is already being utilized for mitigation for a previous project. The description in the DEIR states that treatment wetlands are shallow and comprised of multiple cells. However, the document does not discuss the issue of sediment removal and maintenance of the shallow treatment cells. Because the 356 acres are already set aside as mitigation, conversion of up to 140 acres for water quality purposes would not be an allowable use.

7-8 Finally, the Back Basin is within the Criteria Area of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). The City of Lake Elsinore is a signatory to the Implementation Agreement of the MSHCP and the Elsinore Valley MWD is a Participating Special Entity. As such, both are covered for incidental take of covered species.

7-9 The MSHCP contains policies and objectives for species and habitats within Area Plans and Criteria Cells. The planning species within Subunit 3 of the Lake Elsinore Area Plan include: American bittern, black-crowned night heron, double crested cormorant, osprey, white-faced ibis, southwestern willow flycatcher and western pond turtle. The DEIR does not analyze how the treatment wetlands would impact these target species. Neither does the DEIR discuss what impact the proposed treatment wetlands would have on the species the site was created as mitigation for. Other MSHCP policies and procedures such as the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policy, Protection of Narrow Endemic Plant Species, Additional Survey Needs and Procedures, Fuels Management and the Guidelines Pertaining to the Urban Wildlands Interface also apply to the proposed project. These items must be addressed in a subsequent FEIR.

7-10 In Section 5.1.3.3 the document states that "...additional flow in Temescal Wash from Elsinore Valley MWD and Eastern MWD discharges, even with diversions for discharge to Lake Elsinore and for irrigation reuse would conserve wetlands in Temescal Wash, Collier Marsh and Alberhill Creek..." The document then states that in the short term diversion of Regional Plant effluent to Lake Elsinore could result in reductions of flows in Temescal Wash. As was previously noted, the current discharge to Temescal Creek is 4.6 mgd and the proposed flow to Temescal Creek is 0.5 mgd. This paragraph appears to contain contradictory statements because it refers to additional flows on the one hand and restricting flows on the other. In addition, in the absence of the results of the monitoring program, how can the DEIR state that wetlands will be conserved and there will be no significant impacts?

Thank you for your cooperation. If you have any questions, please call Robin Maloney-Rames, Environmental Specialist, at (909) 980-3818.

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott Dawson", with a long horizontal flourish extending to the right.

Scott Dawson  
Senior Environmental Scientist

cc: State Clearinghouse, Sacramento  
U.S. Fish and Wildlife Service – Doreen Stadlander, Carlsbad  
Western Riverside County Regional Conservation Authority – Ron Rempel, Riverside

7. Response to: California Department of Fish and Game (“CDFG”)  
Scott Dawson, Senior Environmental Scientist

In response to the comment letters on the EIR from the CDFG and USFWS, LESJWA and its consultants met in the field with representatives of both agencies on July 19, 2005 to visit the proposed Project sites and discuss potential impacts of concern to the agencies. Mr. Robin Maloney-Rames represented CDFG. An additional contact was made with Mr. Maloney–Rames on August 31, 2005.

Paragraph 4 of the comment letter states that 140 acres of treatment wetland will be constructed in the Back Basin. Please note that this is a conceptual element and that the acreage has not been fixed, nor has the location or configuration of the wetland.

Responses to the issues raised in the CDFG letter commenting on the NOP are addressed in the EIR in Section 3, Project Description; Section 4.4 on Biological Resources; Section 5, Cumulative Impacts; and Section 6, Alternatives.

- 7-1 It is agreed that additional CEQA compliance and CDFG approvals would be required if application of chemicals directly to the lake is proposed in the future. There are no such plans in the proposed Project.
- 7-2 The minimum lake elevation figure of 1,240 ft msl is set forth in the existing Lake Operating Plan (See EIR sections 2 and 3). While the Army Corps of Engineers and RCFCWCD concur with the City of Lake Elsinore, the EVMWD and LESJWA that elevation 1,247 ft is appropriate as the upper elevation of the desired operating range, the Lake Operating Plan has not yet been modified formally to allow addition of water to the lake when the elevation is above 1,240 ft msl. The agencies are currently working to make this change. The modified elevation will not change the analysis and conclusions reached in this PEIR, because the PEIR contemplated a change in the elevation above 1,240 ft msl.
- 7-3 Impacts on Temescal Wash of effluent flow diversions were first addressed in 1991 in the EIR for the Regional Plant expansion from 2 to 10 mgd. At that time, based on evaluations of existing flow and vegetation, a minimum flow of 0.5 mgd to Temescal Wash was proposed to maintain riparian vegetation in the Wash. The document was circulated through the State Clearinghouse and the CDFG elected not to comment. The EIR was certified and 0.5 mgd has been an assumed minimum flow from that time.

The issue of minimum flow was addressed in the present Draft EIR and discussed subsequently in the field with CDFG personnel on July 19, 2005. As discussed in the document (Section 4.4), a program of flow, groundwater and vegetation monitoring would be implemented at transects established with piezometers and field observations (See revised Mitigation Measures B-2a and B-2b). Criteria for remedial action were also presented therein. CDFG personnel indicated that

monitoring groundwater levels would be preferable to monitoring stream flow to assess potential effects on riparian vegetation during a lake supplementation period. If the criteria were exceeded in a year when EVMWD effluent was flowing into the lake, EVMWD has committed to the following: either effluent would be returned to the wash for several weeks or, alternatively, effluent from Eastern MWD would be obtained to maintain flow in the Wash during the summer months of the lake supplementation period. Based on past meteorology and lake levels, a model developed for the EVMWD projected that effluent would be required for lake supplementation approximately 61 percent of the years to maintain a stable lake level. With the implementation of these actions, the impact on the flows in the Wash would be less than significant.

- 7-4 As described in EIR section 4.4, surface and subsurface flows within Temescal Wash will be monitored by piezometers and measuring gauges along the length of the area potentially affected by changes in outfall discharge flows. Monitoring of effluent discharges would begin at flows of 2.5 mgd. This flow figure is selected because it represents the lowest recent flow in the Wash over the 2.5-year period of the pilot discharge of Regional Plant effluent to Lake Elsinore for lake supplementation. No adverse impacts on Temescal Wash resources were observed during this period. A Wash model was developed for the Project to evaluate the impacts of higher and lower flows (see the EIR Section 4.3, 4.4, and Appendix F). The model predicted no impacts on riparian vegetation above 1.0 mgd of flow. But for the monitoring program, the 2.5-mgd flow figure will be the trigger for monitoring and flow supplementation to the Wash, if needed to maintain habitat. The monitoring would be conducted by EVMWD and reports provided to the resource agencies upon request.

It was also clear to the CDFG staff from a review of an August 1985 aerial photograph (taken while the Regional Plant was under construction and not discharging any flow), provided at the site visit and subsequently to Mr. Maloney-Rames, that the extent of the riparian vegetation in Temescal Wash was not substantially different then from its extent and type today.

If a Streambed Alteration Agreement is required for the proposed Project, then the Monitoring Plan would be provided to CDFG for review and comment. With respect to USFWS and the Army Corps of Engineers, if there is no regulatory nexus with these agencies, then there would be no need for their review. The Service did not indicate this requirement in their comment letter (see comment letter number 4) and the Army Corps of Engineers did not comment on the proposed Project. Similarly, a biological advisory group is not considered to be necessary.

Monitoring for impacts to riparian vegetation within Temescal Wash, should any impacts occur as a result of implementation of the proposed Project changes, would be predicated upon flow falling below 2.5 mgd, because it is the lowest flow in recent years and was found sufficient to sustain habitat values without any



detected adverse change. This level is in excess of the historical pre-treatment plant flows, during which period of time the vegetation formations were maintained in approximately their same areal extent (as determined from the EVMWD 1985 aerial photographs). The structure and diversity of the formations cannot be determined from those photos, so the present structure and species composition will be used as the initial baseline for assessment of changes or other impacts.

Because there are other sources for surface water flows into Temescal Wash, some of them 10 or more times greater in magnitude than the changes anticipated within this proposed Project, the only riparian system that is anticipated to respond directly to outfall flow changes would be that which lies at the end of the outfall channel. This will be monitored for changes in composition, understory values and structure, and crown dieback. In accordance with Mitigation Measures B-2a and B-2b, soil moisture levels will be measured with piezometers (small tubes inserted in the ground to allow monitoring of groundwater level) and flows will be monitored at the existing weir, near the end of the outfall channel.

The projected changes to the existing surface and soil hydrological regimes would be within the levels of fluctuation that have existed since before the treatment plant effluent discharges began in the mid-1980s. It is not anticipated that substantial changes will occur within the riparian areas as a result, and the monitoring program will be sufficient to detect and react to them. The only detected endangered species within the Wash riparian formations is least Bell's vireo (LBV), which nests along the Wash alignment and could be adversely affected by extremely high flows during the nesting season, scouring flows that change the understory values, loss of understory composition, diversity or structure, or changes to the upland habitats surrounding the creek. With proposed mitigation, the proposed Project is not anticipated to result in significant changes to any of the features noted, and would therefore not generate direct impacts to the species or its present nesting habitat. Careful monitoring of the habitat values will ensure that no take of LBV or its nesting habitat occurs.

- 7-5 A Streambed Alteration Agreement for the proposed Project will be pursued as appropriate. Section 1602 of the California Fish and Game Code states that an Agreement would apply to the diversion or obstruction of natural flow, which is not the present case, as the flow in question is treated effluent. EIR Table 2-1 has been revised to include this agreement as a potential requirement. The need for the monitoring plan to have a separate Streambed Alteration Agreement is unclear as the monitoring activities would not be invasive or destructive of bed, channel or bank nor modify habitat or flow. Mr. Maloney-Rames concurred in a telephone conference on August 31, 2005.
- 7-6 The treatment wetland in the Back Basin was presented as a concept and evaluated a conceptual level only (see EIR section 2 Introduction, Section 3 Project Description, as well as Section 4.4 Biological Resources). This

component has not been designed and its site and acreage not precisely defined. Mitigation measures therefore cannot be presented for a facility defined only at this conceptual level. It is anticipated, however, that this element would be designed taking into account the biotic values of the existing ponds, to minimize potential impacts during the construction period, and to maintain open water and loafing islands in most of the existing pond area. Mitigation measures would be developed that would be site-and species-specific as appropriate.

- 7-7 Note that, although created as federal mitigation for lake modifications, the improvement of the function of these ponds was encouraged by the Army Corps of Engineers at presentations made at LESJWA meetings in 2001. The Army Corps of Engineers recognized, and CDFG personnel later concurred on the July 19, 2005 visit to the site, that changing a portion of the Back Basin ponds to a shallow vegetated wetland, while retaining open water and loafing islands in other portions, would increase habitat diversity in the Back Basin and also increase biological diversity. The ponds are deep, have little vegetation on the shoreline and are surrounded by tamarisk, an introduced pest species. Therefore, modifying a portion of the existing ponds would have a beneficial impact on biological resources.

It is recognized that the 356-acre site is being used as mitigation for a previous project. However, the Army Corps of Engineers and the Service have recognized that the present site is not providing the mitigation habitat it was designed for. Therefore, an improvement of a portion of the existing conditions to provide better habitat would be considered favorable.

- 7-8 It is recognized that the Back Basin is in a Criteria Area of the MSHCP and that the city of Lake Elsinore is covered for incidental take of covered species. EVMWD is not a signatory to the MSHCP, however, and is not a Participating Special Entity. It is therefore not subject to MSHCP compliance unless a County of Riverside permit is required for a District action. EVMWD has the option of becoming a Participating Special Entity under the MSHCP.

- 7-9 The MSHCP species noted in the comment letter will not be adversely affected, except perhaps in the short-term during construction, by any sort of future reconfiguration of the Back Basin wetlands for water quality improvement. Better water quality would, of course, benefit all wildlife species presently using the Back Basin resources, transitorily or as residents. Secondly, no plan has been drawn for the water quality wetlands, but sufficient acreage of unproductive, non-habitat area is available within the existing ponds and in the uplands around the Back Basin ponds, so siting the new wetlands therein would generate no adverse effect to the existing habitat values or avifaunal uses, except temporarily. On July 19, 2005, the existing ponds were visited with CDFG personnel who concurred with this approach. Creation of a large marshland feature would directly benefit all of the species listed (except willow flycatcher, which presently does not nest therein) by providing greater and better sheltering, nesting and foraging habitat.

If willow is planted along the margins of the wetlands, even the flycatcher may benefit. In total, the Back Basin wetland project, which at this time is entirely conceptual, would be an enhancement of the overall habitat values of the Back Basin wetlands, and would directly benefit each of the MSHCP species presently found therein.

The proposed Project elements would have no impacts on the other MSHCP elements identified: Back Basin vernal pools (there are none at the existing ponds or in the immediate vicinity), or narrow endemic plants (none on the aeration station sites or Regional Plant, or that would be affected along Temescal Wash). Similarly, no site fuels management would be required for the disturbed construction sites, nor are they located areas where urban wildlands interface is a concern. For the species included in the MSHCP for Riparian/Riverine Areas, this EIR assumed that the target species were present and developed mitigation that protected them (see EIR section 4.4, Mitigation Measures B-2a and B-2b).

- 7-10 The existing flow to Temescal Wash is approximately 4.6 mgd. With projected increases in inflows to the Regional Plant from its service area, the plant flows are projected to increase gradually over time to 7.5 mgd by year 2020 (Kennedy/Jenks, 2003). Eastern MWD discharge to Temescal Wash at that time could reach 60-75 mgd, particularly in the months when irrigation demand is lowest (revised EIR Table 5-4; see Errata). At times in the future, a portion of the EVMWD flow may be needed to stabilize Lake Elsinore, and would be discharged to the lake, thus reducing the effluent flow to the Wash. The monitoring program presented above, in the EIR and accompanying Mitigation Monitoring and Reporting Program, outlines how the wetlands would be conserved and how significant impacts would be avoided by identification of potential impact conditions and discharge of additional water from several potential sources to mitigate adverse effects.

## **References**

Kennedy/Jenks Consultants. 2003. Wastewater Master Plan, Final Draft Report. Prepared for Elsinore Valley Municipal Water District, June 2003.





Alan C. Lloyd, Ph.D.  
Agency Secretary

# State Water Resources Control Board



Arnold Schwarzenegger  
Governor

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
Mailing Address: P.O. Box 2000 ♦ Sacramento, California 95812-2000  
FAX: 916.341.5400 ♦ www.waterrights.ca.gov

In Reply Refer  
to: 334:KDM:266.0

JUN 1 2005

## Comment Letter No. 8

Mark Norton  
Lake Elsinore and San Jacinto  
Watersheds Authority  
11615 Sterling Avenue  
Riverside, CA 92503

Dear Mr. Norton:

LAKE ELSINORE STABILIZATION AND ENHANCEMENT PROJECT DRAFT PROGRAM  
ENVIRONMENTAL IMPACT REPORT (DEIR), SCII NO. 2001071042, LAKE ELSINORE,  
SAN JACINTO RIVER AND TEMESCAL CREEK IN RIVERSIDE COUNTY

8-1

Division of Water Rights (Division) staff has reviewed the DEIR identified above. The proposed project will provide up to 10,300 acre-feet per annum of recycled water from the Elsinore Valley MWD Regional Plant to Lake Elsinore, to stabilize the lake levels and improve water quality. The project may also water pumped from the Stewart groundwater wells. An appropriate water right is not required for this project, provided the groundwater wells do not withdraw water from a subterranean stream flowing in known and definite channels.

A Wastewater Change Petition may be required, pursuant to Water Code section 1211:

8-2

(a) Prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater, the owner of any wastewater treatment plant shall obtain approval of the board for that change.

8-3

(b) Subdivision (a) does not apply to changes in the discharge or use of treated wastewater that do not result in decreasing the flow in any portion of a watercourse.

Consequently, a wastewater change petition is not required for any newly developed portion of the treated wastewater that has not yet been discharged to a surface watercourse. A petition is required, however, prior to changing ongoing flow discharges to surface streams.

If you require further assistance, I can be contacted at (916) 341-5363.

Sincerely,

Katherine Mrowka, Chief  
Watershed Unit #3

California Environmental Protection Agency

8. Response to: State Water Resources Control Board, Division of Water Rights  
Katherine Mrowka, Chief, Watershed Unit #3.
- 8-1 The use of the Stewart Wells was considered but later rejected (see EIR Alternatives Section 6.3.2.1). It is no longer part of the proposed Project (see Section 3).
- 8-2 A Wastewater Change Petition pursuant to Water Code section 1211 (a) would not be required. EVMWD holds water rights permit no. 21165 that includes discharge of treated wastewater to Lake Elsinore. The EVMWD also has a 2005 NPDES permit that allows discharge to Lake Elsinore. No modification to the water rights permit would be required to implement the proposed Project.
- 8-3 The comment is made that Water Code section 1211 (a) does not apply to changes in the discharge or use of treated wastewater that do not result in decreasing the flow in any portion of a watercourse. The comment was discussed by telephone with Ms. Mrowka on August 8, 2005. She concurred that no additional Wastewater Change Petition is required, since the proposed diversion point is consistent with the permit and the quantity and season of the water diversion is within the scope of the existing permit.



23904 Soboba Road  
P.O. Box 487  
San Jacinto Ca 92581  
909-654-2765 Fax: 909-654-4198  
moyla@soboba-nsn.gov

June 24, 2005

Janet Fahey, D.Env., P.E., Project Manager  
MWH  
301 North Lake Avenue  
Pasadena, California 91101

Re: Lake Elsinore and San Jacinto Watersheds Authority, Lake Elsinore Stabilization and Enhancement Project

The Soboba Band of Luiseño Indians appreciates your observance of Tribal resources as it relates to cultural heritage and preservation in your project. The information provided on project Lake Elsinore and San Jacinto Watersheds Authority, Lake Elsinore Stabilization and Enhancement Project has been assessed through our Tribal Historic Preservation Office where it was concluded that the project area falls outside our Reservation boundaries but within the bounds of our Tribal Traditional Use Area.

Soboba Band of Luiseño Indians is requesting the following:

- 9-1 1. Copies of cultural resource documentation which may be created for supplementing the Tribal Historic Preservation Office data base.
- 9-2 2. Working in and around traditional use areas intensifies the possibility of encountering cultural resources during the construction/excavation phase. For this reason the Soboba Band of Luiseño Indians requests Cultural Resource Monitor(s) to be present during any ground disturbing proceedings. In the case of buried cultural deposits the Monitor may possibly request the discontinuation of construction upon notification of a Qualified (Secretary of the Interior's Standards and Guidelines) Archaeologist to conduct investigation and presumably prepare a mitigation plan directed to the State Historic Preservation Office as well as to the Soboba Band of Luiseño Indians, Tribal Historic Preservation Office.

Soboba Band of Luiseño Indians appreciates your cooperation in dealing with cultural heritage issues.

Please feel free to contact me if you have need of additional information at 951-654-2765 ext: 244.

Respectfully,

A handwritten signature in black ink that reads "Charlene Ryan". The signature is written in a cursive, flowing style.

Charlene Ryan  
Cultural Program Director  
Soboba Band of Luiseño Indians  
PO Box 487  
San Jacinto California 92581

Cc: Tribal Council  
Tribal Administrator



9. Response to: Soboba Band of Luiseño Indians  
Charlene Ryan, Cultural Program Director

9-1 The results of archaeological studies and reports are contained the Draft EIR for the proposed Project (Section 4.11). Additional consultation will take place during the project site work phase of construction as described in EIR section 4.11.4.

9-2 The Tribe's concern for the potential impacts of ground disturbance is noted. The analyses of the potential for cultural resources impacts of the proposed Project, based on records analyses and on-site surveys, indicated that the potential impacts of ground disturbance would be less than significant with mitigation as discussed below (see the Draft EIR Section 4.11). The EIR mitigation measures included Measure C-3, which states: "Excavation at the south aeration station shall be observed by a qualified archaeological monitor. If potentially important cultural deposits are encountered in the course of excavation, work shall be temporarily diverted from the vicinity of the discovery until the monitoring archaeologist can identify and evaluate the importance of the find and conduct any appropriate assessments. The recommendations of the archaeologist shall then be implemented." This measure has been modified to add the following: "In the event that such deposits are found, the archaeologist will contact and coordinate with the Pechanga Tribe and Soboba Tribe as part of the resource assessment. "

- The northern aeration station site is in a cleared, completely disturbed area at the lakeshore used for parking and recreation. The field survey found no cultural materials. No impacts are anticipated.
- At the southern aeration station site, although cultural resources were not visible during the field survey, the EIR found that the drainage on the site has the potential to contain buried archaeological materials, if any are present on the site. The EIR found the impact potentially significant but mitigated to below a level of significance by Mitigation C-3, provided in EIR Section 4.11.
- The EVMWD Regional Wastewater Reclamation Facilities site was surveyed thoroughly twice in the past. No cultural materials were found during surveys and none encountered during past construction on the site. The site for the proposed chemical facilities is within the plant boundaries and completely disturbed. No impacts are anticipated.
- The Back Basin wetlands location is conceptual at this time, but the EIR found that there is the potential for cultural materials to be disturbed during construction. At such time as a wetland is precisely located and designed, a separate CEQA document, including a precise cultural resources survey, will be conducted and site-specific impact analyses and mitigation measures developed,

and coordinated with the Pechanga Tribe and Soboba Tribe (see comment letter number 10).

Based on comments received from the Soboba Band of Luiseño Indians, the following measures are hereby added to the mitigation measures in Section 4.11 and to the MMRP:

- Prior to the issuance of grading permits at the aeration station sites, the Lead Agency will enter into a pre-excavation agreement with the Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.
- Prior to the issuance of a grading permit at the Regional Plant site, if such a permit is required, EVMWD will enter into a pre-excavation agreement with the Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.
- Prior to the issuance of a grading permit at the Back Basin wetland site, if a permit is required, EVMWD will enter into a pre-excavation agreement with the Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.
- A tribal monitor shall be contacted if archaeological materials are discovered during grading, excavation or site excavation to evaluate the significance of the resources, in conjunction with the archaeologist and the Lead Agency or landowner, as appropriate.
- The LESJWA will agree to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archaeological artifacts found on the aeration station sites during construction to the Soboba Band of Luiseño Indians or the Pechanga Tribe for proper treatment and disposition.
- The EVMWD will agree to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archaeological artifacts found on the Regional Plant site during construction to the Soboba Band of Luiseño Indians or the Pechanga Tribe for proper treatment and disposition.
- The EVMWD will agree to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archaeological artifacts found on the wetland treatment site during construction to the Soboba Band of Luiseño Indians or the Pechanga Tribe for proper treatment and disposition.



**PECHANGA CULTURAL RESOURCES**  
*Temecula Band of Luiseño Mission Indians*

Post Office, Box 2183 • Temecula, CA 92593  
Telephone (951) 308-9295 • Fax (951) 506-9491

**Comment Letter No. 10**

July 25, 2005

Janet Fahey  
Project Manager  
301 North Lake Avenue  
Suite 600  
Pasadena, CA. 91101

Chairperson:  
Gerraine Arenas

Vice Chairperson:  
Mary Beat Magee

Committee Members:  
Raymond Basquez, Sr.  
Evie Gerber  
Darlene Miranda  
Bridgett Barcello Maxwell

Director:  
Gary DuBois

Coordinator:  
Paul Macarro

Cultural Analyst:  
Stephanie Gordin

Monitor Supervisor:  
Aurelia Maruffo

**Re: Comments on Lake Elsinore and San Jacinto Watersheds Authority  
Lake Elsinore Stabilization and Enhancement Project**

Dear Ms. Fahey,

10-1 This comment letter is submitted by the Pechanga Band of Luiseño Indians (hereinafter, "Pechanga Tribe"), a federally recognized Indian tribe and sovereign government. The Pechanga Tribe is formally requesting, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project").

10-2 We submit the following comments on the above listed document for the Project. Additional comments may be submitted directly by Pechanga or through their attorneys. We request that all such comments be part of the official record for the approval of this Project.

10-3 We also request that MWH provide us with copies of all archeological studies, reports, site records, proposed testing plans, and proposed mitigation measures, and conditions as soon as they become available, for our comment.

**THE LEAD AGENCY MUST INCLUDE AND CONSULT WITH THE TRIBE IN ITS REVIEW PROCESS**

Pechanga comment letter to Janet Fahey, MWH  
 RE: Lake Elsinore and San Jacinto Watersheds Authority  
 Page 2

10-4

It has been the intent of the Federal Government<sup>1</sup> and the State of California<sup>2</sup> that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. This arises when tribal interests are affected by the actions of governmental agencies and departments such as approval of Specific Plans and EIRs. In this case, it is undisputed that the project lies within the Luiseño tribe's traditional territory. Therefore, in order to comply with CEQA and other applicable Federal and California law, it is imperative that the Lead Agency and the Project applicant consult with the Tribe in order to guarantee an adequate basis of knowledge for an appropriate evaluation of the project effects, as well as generating adequate mitigation measures.

### PROJECT IMPACTS TO CULTURAL RESOURCES

The Pechanga Tribe is not opposed to this development project. The Pechanga Tribe's primary concerns stem from the project's likely impacts on Native American cultural resources. The Pechanga Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño village sites and archaeological items which would be displaced by ground-disturbing work on the project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work. The Tribe would also like to point out that a preferred method of treatment for archeological sites according to the CEQA is avoidance (California Public Resources Code §21083.1), and that this is in agreement with the Tribe's practices and policies concerning cultural resources.

10-5

The Pechanga Tribe asserts that the Project area is part of the Pechanga Tribe's aboriginal territory, as evidenced by the existence of Luiseño place names, rock art pictographs, petroglyphs and extensive artifact records found in the vicinity of the Project. Given this threshold for scope of Pechanga traditional territory, the Pechanga Tribe is concerned about the potential impacts to Luiseño/Pechanga resources which may occur throughout the Project area. The Pechanga Tribe contends that the Project area is likely to contain cultural resources due to the fact that approximately 5 sites are recorded within a 1-mile radius. Native American villages have always been historically located next to or near a body of water, therefore there is a great possibility of discovering cultural resources during the land disturbance. Given all the information, there is a very strong likelihood of locating sub-surface resources during ground disturbing activities.

The Pechanga Tribe's knowledge of the continuous occupation of the Luiseño people in this geographical area for thousands of years, through their stories and songs, are cultural

<sup>1</sup> See Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments and Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments.

<sup>2</sup> See California Public Resource Code §5097.9 et seq.

Pechanga comment letter to Janet Fahcy, MWH  
 RE: Lake Elsinore and San Jacinto Watersheds Authority  
 Page 3

10-5  
 (Cont'd)

evidence that subsurface sites may exist in this Project area. Therefore, the Pechanga Tribe requests that in the case of discovery of new or additional sites or resources, that the Lead Agency re-evaluate the Project impacts to cultural resources and adopt appropriate mitigation measures to address such. The Pechanga Tribe intends to assert its legal rights with respect to additional finds of significant sites or cultural resources which are of sacred and ceremonial significance to the Pechanga Tribe.

10-6

Given that Luiseno cultural resources will likely be affected by the Project, the Pechanga Tribe must be allowed to be involved and participate with the Lead Agency and the Project Applicant in developing all monitoring and mitigation plans for the duration of the Project. Further, given the potential for archaeological resources within the Project area, it is the position of the Pechanga Tribe that Pechanga tribal monitors should be required to be present during all ground-disturbing activities conducted in connection with the project, including any archeological testing performed. It is further the position of the Pechanga Tribe that an Agreement regarding appropriate treatment of cultural resources be drafted and entered into.

10-7

Further, the Pechanga Tribe believes that if human remains are discovered, State law would apply and the mitigation measures for the permit must account for this. According to the California Public Resources Code, § 5097.98, if Native American human remains are discovered, the Native American Heritage commission must name a "most likely descendant," who shall be consulted as to the appropriate disposition of the remains. Given the Project's location in Pechanga territory, the Pechanga Tribe intends to assert its right pursuant to California law with regard to any remains or items discovered in the course of this project. And, accordingly, the Pechanga Tribe further requests that the Lead Agency work with the Tribe to draft an agreement which would address any inadvertent discoveries of cultural resources, including human remains.

Also, surveys and grading may reveal significant archaeological resources and sites which may be eligible for inclusion in the historic site register, and may contain human remains or sacred items. Therefore, we request that the Lead Agency commit to evaluating Project environmental impacts to any cultural sites that are discovered during archeological testing and grading, and to adopt appropriate mitigation for such sites, in consultation with the Pechanga Tribe.

### REQUESTED MITIGATION

10-8

The Tribe requests that appropriate assessment of the archeological and cultural resources on the Project property be evaluated to determine significant and appropriate treatment by a qualified archeologist in conjunction with the Pechanga Tribe. Any such testing should involve the Tribe, and all tests to determine impacts should be completed prior to Project approval.

For the reasons above, the Pechanga Tribe requests the following mitigation measures be adopted at the present time. Upon completion of a thorough archeological assessment additional mitigation measures may be necessary.

Pechanga comment letter to Janet Fahey, MWH

RE: Lake Elsinore and San Jacinto Watersheds Authority

Page 4

1. Prior to the issuance of grading permits, the Project Applicant/Developer is required to enter into a Pre-Excavation Agreement with the Pechanga Band of Luiseño Indians. This Agreement will address the treatment and disposition of cultural resources and human remains that may be uncovered during construction as well as provisions for tribal monitors.

2. Tribal monitors from the Pechanga Band of Luiseño Indians shall be allowed to monitor all grading, excavation and ground-breaking activities within native soils in the Tribe's aboriginal territory, including further surveys, to be compensated by the Project Applicant/Developer. The Pechanga Tribal monitors will have the authority to temporarily stop and redirect grading activities to evaluate the significance of any archaeological resources discovered on the property, in conjunction with the archeologist and the Lead Agency.

4. The landowner agrees to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archeological artifacts that are found on the Project area to the Pechanga Band of Luiseño Indians for proper treatment and disposition.

5. All sacred sites within the Project area are to be avoided and preserved.

The Pechanga Tribe looks forward to working together with Janet Fahey and MWH along with the Lead Agency and other interested agencies in protecting the invaluable Luiseño cultural resources found in the Project area. If you have any questions, please do not hesitate to contact me at (951) 308-9295 or Laura Miranda at (951) 676-2768, Ext. 2137. Thank you for the opportunity to submit these comments.

Sincerely,

Stephanie Gordin  
Cultural Analyst

10. Response to: Pechanga Cultural Resources  
Temecula Band of Luiseño Mission Indians  
Stephanie Gordin, Cultural Analyst
- 10-1 The LESJWA will notify and involve the Pechanga Tribe in the CEQA process.
- 10-2 The results of archaeological studies and reports as well as the description of proposed mitigation measures are contained the Draft EIR for the proposed Project (Section 4.11). No testing is proposed, as none is deemed necessary.
- 10-3 The present correspondence with the Pechanga Tribe and this response to the Tribe's comments is considered initial consultation. Additional consultation will take place during the site work phase of construction, as described in EIR Section 4.11.4.
- 10-4 The Tribe's concern for the potential impacts of ground disturbance is noted. The analyses of the potential for cultural resources impacts of the proposed Project, based on records analyses and on-site surveys, indicated that the potential impacts of ground disturbance would be less than significant with mitigation as discussed below (see also the Draft EIR Section 4.11). Please note that the mitigation measures have been revised in response to your and the Soboba Tribe's comments (see response to comment letter 9 and discussion below in this letter). With respect to avoidance as preferred treatment of archaeological sites, the Lead Agency concurs, but no archaeological sites were identified by research, records search or field survey to indicate any location to be avoided for the proposed Project, as described below.
- The northern aeration station site is in a cleared, completely disturbed area at the lakeshore used for parking and recreation. The field survey found no cultural materials. No impacts are anticipated.
  - At the southern aeration station site, although cultural resources were not visible during the field survey, the EIR found that the drainage on the site has the potential to contain buried archaeological materials, if any are present on the site. The EIR found the impact potentially significant but mitigated to below a level of significance by Mitigation Measure C-3, presented in response 10-5 below, and provided in EIR Section 4.11.
  - The Elsinore Valley Municipal Water District (EVMWD) Regional Wastewater Reclamation Facilities (Regional Plant) site was surveyed thoroughly twice in the past. The site is completely disturbed. No cultural materials were found during surveys and none were encountered during past construction on the site. The site for the proposed chemical facilities is within the plant boundaries and is also completely disturbed. No impacts are anticipated.

- The Back Basin wetlands location is conceptual at this time, but the EIR found that there is the potential for cultural materials to be disturbed during construction. At such time as a wetland is precisely located and designed, a separate CEQA document, including a precise cultural resources survey, will be conducted and site-specific impact analyses and mitigation measures developed, in consultation with the Pechanga Tribe.

- 10-5 The EIR mitigation measures included Measure C-3, which states: “Excavation at the south aeration station shall be observed by a qualified archaeological monitor. If potentially important cultural deposits are encountered in the course of excavation, work shall be temporarily diverted from the vicinity of the discovery until the monitoring archaeologist can identify and evaluate the importance of the find and conduct any appropriate assessments. The recommendations of the archaeologist shall then be implemented.” This measure has been modified to add the following: “In the event that such deposits are found, the archaeologist will contact and coordinate with the Pechanga Tribe and Soboba Tribe as part of the resource assessment.” See also response to comment 9-2.

If Tribal monitors wish to be present on a volunteer basis at the southern aeration station site, they would be welcome. However, as summarized in response to comment 10-4, archaeological monitors are not deemed necessary during ground disturbing activities at the other two project sites (Regional Plant and northern aeration station). In addition, Mitigation Measure C-1 will ensure protection of cultural resources if any are discovered during project construction. Please see response to comment 10-7 regarding the requested agreement with the Tribes.

- 10-6 Mitigation Measure C-2 in Section 4.11 of the EIR addresses legal requirements for the discovery of human remains. The NAHC would be contacted, as required, as well as the Pechanga Cultural Resources Office, the Soboba Band of Luiseño Indians and the County Coroner. The Mitigation Measure is hereby amended to add a reference to compliance with California Public Resource Code Section 5097.98 (See Errata section in the final EIR). All legal requirements would be met.

- 10-7 Concerning requested mitigation, no site testing is proposed since there are no known archaeological sites at any of the proposed Project locations. The reader is referred to EIR Section 4.11, which contains mitigation for cultural resources, as does the Errata section of the EIR previously referred to, and the Mitigation Monitoring and Reporting Plan (MMRP) for the proposed Project. The following measures are hereby added to the mitigation measures in Section 4.11 and to the MMRP:

Based on comments received from the Pechanga Cultural Resources Office and the Soboba Band of Luiseño Indians, the following measures are hereby added to the mitigation measures in Section 4.11 and to the MMRP:



- Prior to the issuance of grading permits at the aeration station sites, the LESJWA will enter into a pre-excavation agreement with the Pechanga Cultural Resources Office and the Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.
- Prior to the issuance of a grading permit at the Regional Plant site, if such a permit is required, EVMWD will enter into a pre-excavation agreement with the Pechanga Cultural Resources Office and the Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.
- Prior to the issuance of a grading permit at the Back Basin wetland site, if a permit is required, EVMWD will enter into a pre-excavation agreement with the Pechanga Cultural Resources Office and Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.
- A tribal monitor shall be contacted if archaeological materials are discovered during grading, excavation or site excavation to evaluate the significance of the resources, in conjunction with the archaeologist and the LESJWA or other landowner, as appropriate.
- The LESJWA will agree to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archaeological artifacts found on the aeration station sites during construction to the Soboba Band of Luiseño Indians or the Pechanga Tribe for proper treatment and disposition.
- The EVMWD will agree to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archaeological artifacts found on the Regional Plant site during construction to the Soboba Band of Luiseño Indians or the Pechanga Tribe for proper treatment and disposition.
- The EVMWD will agree to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archaeological artifacts found on the wetland treatment site during construction to the Soboba Band of Luiseño Indians or the Pechanga Tribe for proper treatment and disposition.





Arnold  
Schwarzenegger  
Governor

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



Sean Walsh  
Director

May 24, 2005

Mark Norton  
Lake Elsinore and San Jacinto Watersheds Authority  
11615 Sterling Avenue  
Riverside, CA 92503

Subject: Lake Elsinore Stabilization and Enhancement Project  
SCH#: 2001071042

Dear Mark Norton:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 23, 2005, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

RECEIVED

MAY 27 2005

SANTA ANA WATERSHED  
PROJECT AUTHORITY

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2001071042  
**Project Title** Lake Elsinore Stabilization and Enhancement Project  
**Lead Agency** Lake Elsinore and San Jacinto Watersheds Authority

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**Type** EIR Draft EIR  
**Description** The objective of the proposed project is to stabilize lake levels, improve water quality, and enhance Lake Elsinore as an aesthetic and recreational resource. Elements of the proposal include: supplemental water addition for lake stabilization and enhancement, installation of nutrient removal facilities at the Elsinore Valley Municipal Water District's Regional Wastewater Treatment Plant, enhancement of Back Basin Wetlands for nutrient removal, and installation of an in-lake aeration.

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**Lead Agency Contact**

**Name** Mark Norton  
**Agency** Lake Elsinore and San Jacinto Watersheds Authority  
**Phone** 951.354-4220 **Fax**  
**email**  
**Address** 11615 Sterling Avenue  
**City** Riverside **State** CA **Zip** 92503

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**Project Location**

**County** Riverside  
**City** Lake Elsinore  
**Region**  
**Cross Streets** Chaney St/ Strickland Ave, Lakeshore Dr/Mohr St, Grand Ave/Blanche Dr, Cereal St/Lucerne St  
**Parcel No.** Various  
**Township** 6S **Range** 4&5W **Section** Var. **Base** SBB&M

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**Proximity to:**

**Highways** I-15, SR-74  
**Airports** Skylark Airport  
**Railways**  
**Waterways** Lake Elsinore, San Jacinto River, Temescal Creek  
**Schools** Elsinore Middle and Butterfield Elementary  
**Land Use** Lake Elsinore recreational facilities, habitat areas, residential development

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**Project Issues** Archaeologic-Historic; Biological Resources; Noise; Other Issues; Traffic/Circulation; Water Supply; Wetland/Riparian

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**Reviewing Agencies** Resources Agency; Department of Boating and Waterways; Department of Fish and Game, Region 6; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; Caltrans, District 8; Department of Health Services; State Lands Commission; Native American Heritage Commission; Regional Water Quality Control Board, Region 8; State Water Resources Control Board, Clean Water Program; State Water Resources Control Board, Division of Water Rights; State Water Resources Control Board, Division of Water Quality

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**Date Received** 04/08/2005 **Start of Review** 04/08/2005 **End of Review** 05/23/2005

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Arnold  
Schwarzenegger  
Governor

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



Sean Walsh  
Director

May 27, 2005

Mark Norton  
Lake Elsinore and San Jacinto Watersheds Authority  
11615 Sterling Avenue  
Riverside, CA 92503

Subject: Lake Elsinore Stabilization and Enhancement Project  
SCH#: 2001071042

Dear Mark Norton:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on May 23, 2005. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2001071042) when contacting this office.

Sincerely,

Terry Roberts  
Senior Planner, State Clearinghouse

Enclosures  
cc: Resources Agency

RECEIVED

JUN 12 2005

SANTA ANA WATERSHED  
PROJECT AUTHORITY



# Section 4 Mitigation Monitoring and Reporting Plan

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This section contains the Mitigation Monitoring and Reporting Program for the Lake Elsinore Stabilization and Enhancement Project Program Environmental Impact Report.





**Section 4 – Mitigation Monitoring and Reporting Plan**

Impact Category and Mitigation Measures	Responsible Agency	Frequency / Timing	Monitoring Method	Monitoring Agency
<b>Earth Resources</b>				
Impact: <u>Soil erosion during construction.</u>				
<b>S-1.</b> Water temporary open storage soil piles once per hour or install temporary covers.	LESJWA and EVMWD	During construction	Review of plans and specifications to ensure incorporation of measures	LESJWA
<b>S-2.</b> Water unpaved roadways used for construction vehicles three times per day or applies non-toxic soil stabilizers.			Construction inspection	
<b>S-3.</b> Cease earth-moving activities on days when wind gusts exceed 25 mph or apply water to soil not more than 15 minutes prior to moving such soil.				
<b>Water Resources</b>				
Impact: <u>Reduction in Groundwater Levels from Island Wells pumping.</u>				
<b>GRW-1.</b> To minimize impacts on the Elsinore Basin water levels, as Regional Plant effluent flows increase, EVMWD will preferentially discharge recycled water from the Regional Plant to Lake Elsinore over Island Well water to make up the supplementation required in a given year.	EVMWD	Ongoing during life of the project	Monitoring of well level and Back Basin groundwater monitoring well and review of discharge data	EVMWD
<b>Noise</b>				
Impact: <u>Noise generated during construction of the aeration stations.</u>				
<b>N-1.</b> During construction of aeration stations, the construction contractor will implement the following noise reduction measures:	LESJWA	During construction	Review of project plans and specifications to ensure incorporation of measures	LESJWA
<ul style="list-style-type: none"> <li>● Limit construction activities to the following work days and hours (per applicable ordinances):</li> </ul>				
<ul style="list-style-type: none"> <li>– North aeration station (City of Lake Elsinore): 7:00 a.m. to 7:00 p.m. on weekdays.</li> </ul>				
<ul style="list-style-type: none"> <li>– South aeration station (County of Riverside): 6:00 a.m. to 6:00 p.m. on weekdays during June through September and 7:00 a.m. to 6:00 p.m. on weekdays during October through May</li> </ul>				
<ul style="list-style-type: none"> <li>● Equip all construction equipment with properly operating and maintained noise mufflers and intake silencers, consistent with manufacturers' standards.</li> </ul>				
<ul style="list-style-type: none"> <li>● For construction activities taking place within 200 feet of a residential structure, the contractor shall install temporary sound walls or acoustic</li> </ul>				

**Section 4 – Mitigation Monitoring and Reporting Plan**

Impact Category and Mitigation Measures	Responsible Agency	Frequency / Timing	Monitoring Method	Monitoring Agency
<p>blankets with a height of no less than 8 feet to reduce the residents' view of the construction effort. These sound walls or acoustic blankets shall be designed to achieve a Sound Transmission Class (STC) of 27 or greater. The surface of the sound walls or acoustic blankets shall present a solid face from top to bottom without any openings or cutouts.</p>				
<p><u>Impact: Noise generated during construction of the aeration stations.</u>  <b>N-2.</b> Residences and schools in the immediate vicinity of the proposed north and south aeration stations will be notified at least 1 week prior to the start of construction, e.g., via flyers. A telephone number for noise complaints will be included in this notification</p>	LESJWA	At least 1 week prior to construction	Review of mailing list for the notification	LESJWA
<p><u>Impact: Noise generated during operation of the aeration stations</u>  <b>N-3.</b> In consultation with a noise engineer, one or more of the following features would be incorporated to reduce noise generated by the compressors and the pumps so that the noise levels at the boundary of the nearest residential property would be less than 65 dBA during the daytime and 45 dBA during the nighttime: acoustical louvers, baffle walls, acoustical panels, and other sound insulation treatments.                      Prior to the first nighttime operation of the aeration system, noise monitoring will be conducted at the boundary of the nearest residential property to ensure that the above standard is achieved.</p>	LESJWA	During design of aeration stations and prior to first nighttime operation	Monitor operation noise with noise meter to meet 65 dBA during daylight hours, 45 dBA at night at property boundary.	LESJWA
<b>Hazards and Hazardous Materials</b>				
<p><u>Impact: Vector habitat creation at the reconfigured Back Basin wetlands</u>  <b>H-1.</b> Proposed Project plans will be submitted to the applicable vector control district for review and comment with respect to control of mosquitoes and other vectors. Upon consultation with the vector control district, appropriate vector management measures will be incorporated into the project design.</p> <ul style="list-style-type: none"> <li>To the extent feasible, design and/or manage to optimize water depths and flow pattern. For mosquito control, maintain water depths and encourage/provide water circulation. For blackfly control, minimize aeration of flowing water. Design wetland cells to allow for periodical drying to desiccate vector larvae.</li> </ul>	EVMWD	During project design  During project operation	Review of documentation of consultation with applicable vector control district  Review of project plans and specifications  Review of operations	EVMWD

**Section 4 – Mitigation Monitoring and Reporting Plan**

Impact Category and Mitigation Measures	Responsible Agency	Frequency / Timing	Monitoring Method	Monitoring Agency
<ul style="list-style-type: none"> <li>• Work with the vector control district to stock ponds and other permanent water features with mosquitofish as needed.</li> <li>• Provide site access (e.g., dikes with access roads or trails) to potential breeding areas for maintenance (e.g., vegetation removal) and treatment (e.g., application of Bti or other larvicides).</li> <li>• Install nesting or roosting boxes to attract insectivorous bats and/or birds (natural predators of mosquitoes).</li> <li>• Regularly consult with the vector control district to identify mosquito management problems, mosquito monitoring and abatement procedures, and opportunities to adjust water and vegetation management practices to reduce mosquito production.</li> </ul>			and maintenance plans	
<p><u>Impact:</u> Impacts of the Back Basin wetlands on bird aircraft strike hazard</p> <p><b>H-2.</b> When reconfiguration of the Back Basin wetlands is specifically proposed, the Federal Aviation Administration (FAA) Western Pacific Regional Office and Skylark Airport will be notified of the proposed land use modification to recognize potential bird strike hazards early in the planning process and avoid or minimize the hazards.</p>	EVMWD	During project design	Review of documentation of consultation with FAA and Skylark Airport	EVMWD
<b>Traffic and Transportation</b>				
<p><u>Impact:</u> Traffic increases during construction of the south aeration station</p> <p><b>T-1.</b> The specifications for the aeration system will require the contractor to identify and use an alternative construction vehicle access route to avoid SR-74 when travelling to/from the south aeration station site. This would involve use of Main Street and/or Railroad Canyon Road interchanges from I-15 and accessing Grand Avenue via Mission Street and Corydon Street or other routes around the southeast side of Lake Elsinore.</p>	LESJWA	During preparation of project plans and specifications During construction	Review of project plans and specifications Construction inspection	LESJWA
<b>Recreation</b>				
<p><u>Impact:</u> Impacts of the aeration system on boating and recreation on Lake Elsinore</p> <p><b>R-1.</b> Boaters and other lake users will be notified prior to and during construction of the aeration system via distribution of flyers and/or posting of signs at the boat ramps located at the lake.</p>	LESJWA	Prior to beginning of construction During	Confirmation of flyer distribution and/or sign posting	LESJWA

## Section 4 – Mitigation Monitoring and Reporting Plan

Impact Category and Mitigation Measures	Responsible Agency	Frequency / Timing	Monitoring Method	Monitoring Agency
<p><b>R-2.</b> The LESJWA Education and Outreach Committee will include a brochure or flyer describing the subsurface aeration system and its construction in at least one EVMWD billing mailing.</p>	<p>LESJWA and EVMWD</p>	<p>construction  Prior to beginning of construction</p>	<p>Confirmation of brochure/flyer distribution and mailing</p>	<p>LESJWA and EVMWD</p>
<b>Cultural Resources</b>				
<p><b>C-1.</b> At any project site, if previously unknown cultural resources are discovered in the course of excavation for project construction, the construction inspector shall have the authority and responsibility to halt construction until a qualified archaeologist can evaluate the significance and distribution of the materials, and identify future activities needed. If the cultural material discovered is determined to be of potential archaeological significance, the investigation and future activities shall be conducted in consultation with a culturally affiliated Native American or other parties, as necessary, including a tribal monitor.</p>	<p>LESJWA and EVMWD</p>	<p>During construction</p>	<p>Construction inspection; record of contact with archaeologist and Native American group (s), as appropriate</p>	<p>LESJWA EVMWD</p>
<p><b>C-2.</b> At any project site, if human remains are discovered in the course of excavation for project construction, the County Coroner shall be contacted and provisions of State CEQA Guidelines Section 15064.5 shall be followed. In addition, under California Public Resource Code Section 5097.98, if Native American human remains are discovered, the Native American Heritage Commission will be contacted to name a “most likely descendant,” who shall be consulted as to the appropriate disposition of the remains.</p>	<p>LESJWA EVMWD Contractor</p>	<p>During construction</p>	<p>Construction inspection; record of contact with NAHC and identified “likely descendant”</p>	<p>LESJWA EVMWD</p>
<p><b>C-3.</b> Excavation at the south aeration station site shall be observed by a qualified archaeological monitor. If potentially important cultural deposits are encountered in the course of excavation, work shall be temporarily diverted from the vicinity of the discovery until the monitoring archaeologist can identify and evaluate the importance of the find and conduct any appropriate assessments. The recommendations of the archaeologist shall then be implemented. In the event that such deposits are found, the archaeologist will contact and coordinate with the Pechanga tribe and Soboba Tribe as part of the resource assessment.</p>	<p>LESJWA EVMWD Contractor</p>	<p>During construction</p>	<p>Construction inspection; record of contact with Tribes</p>	<p>LESJWA EVMWD</p>
<p><b>C-4.</b> Prior to the issuance of grading permits at the aeration station sites, the Lead Agency will enter into a pre-excavation agreement with the Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.</p>	<p>LESJWA</p>	<p>Prior to construction at the aeration sites</p>	<p>Written Agreement</p>	<p>LESJWA Soboba Tribe</p>
<p><b>C-5.</b> Prior to the issuance of a grading permit at the Regional Plant site, if such a permit is required, EVMWD will enter into a pre-excavation agreement with the</p>	<p>EVMWD</p>	<p>Prior to construction at</p>	<p>Written Agreement</p>	<p>EVMWD,</p>

**Section 4 – Mitigation Monitoring and Reporting Plan**

Impact Category and Mitigation Measures	Responsible Agency	Frequency / Timing	Monitoring Method	Monitoring Agency
Soboba Band of Luisiño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.		the Regional Plant		Soboba Tribe
<b>C-6.</b> Prior to the issuance of a grading permit at the Back Basin wetland site, if a permit is required, EVMWD will enter into a pre-excavation agreement with the Soboba Band of Luisiño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.	EVMWD	Prior to construction for the Back Basin wetlands	Written Agreement	EVMWD, Soboba Tribe
<b>C-7.</b> The LESJWA agrees to relinquish ownership of all cultural resources, including all Luisiño sacred items, burial goods and all archaeological artifacts found on the aeration station sites during construction to the Soboba Band of Luisiño Indians or the Pechanga Tribe for proper treatment and disposition.	LESJWA	During construction at the aeration sites	Written Agreement	LESJWA Soboba and/or Pechanga Tribe
<b>C-8.</b> The EVMWD agrees to relinquish ownership of all cultural resources, including all Luisiño sacred items, burial goods and all archaeological artifacts found on the Regional Plant site during construction to the Soboba Band of Luisiño Indians or the Pechanga Tribe for proper treatment and disposition.	EVMWD	During construction at the Regional Plant	Written Agreement	EVMWD, Soboba and/or Pechanga Tribe
<b>C-9.</b> The EVMWD will agree to relinquish ownership of all cultural resources, including all Luisiño sacred items, burial goods and all archaeological artifacts found on the wetland treatment site during construction to the Soboba Band of Luisiño Indians or the Pechanga Tribe for proper treatment and disposition.	EVMWD	During construction for the Back Basin wetlands	Written Agreement	EVMWD, Soboba and/or Pechanga Tribe
<b>C-10.</b> A tribal monitor shall be contacted if archaeological materials are discovered during grading, excavation or site excavation to evaluate the significance of the resources, in conjunction with the archaeologist and the Lead Agency or landowner, as appropriate.	EVMWD or LESJWA	During construction	Written Agreement	EVMWD, Soboba and/or Pechanga Tribe
<b>Biological Resources</b>				
<b>B-1.</b> To further reduce impacts on riparian resources at the southern aeration station site, construction will be timed to avoid the nesting season for native songbirds (mid-March through mid-August or early September).	LESJWA	Incorporation into project specifications	Review of specifications	LESJWA
<b>B-2a. Temescal Wash Baseline Characterization.</b> EVMWD shall implement a flow and vegetation baseline characterization in the Temescal Wash reach from the EVMWD Regional Plant to Lee Lake. A minimum of six locations along the reach, corresponding to the monitoring sites for water in the Wash, will be thoroughly evaluated for biological and physical characteristics and vegetation	EVMWD	Commence within one year	Monitoring Reports	EVMWD CDFG USFWS

**Section 4 – Mitigation Monitoring and Reporting Plan**

Impact Category and Mitigation Measures	Responsible Agency	Frequency / Timing	Monitoring Method	Monitoring Agency
<p>stature in the spring, the initial description timed to reflect the season of maximum growth rates for riparian and streamside emergent vegetation. Transect sites shall be evaluated and described relative to vegetation composition, physical structure, and age class representation, existing channel morphology and flow characteristics (width, depth, channel cross section), and depth to groundwater. Measurement parameters would include overall canopy height and density, tree size (trunk diameter at breast height, dbh), understory height, composition and density, and general foliar condition. Digital images will be taken from fixed photo points, for comparison with similar images to be taken on subsequent monitoring visits, to verify field data, and to correlate growth patterns with hydrological and meteorological data. Images will be stored on multiple computer systems, and in CD and DvD backup. Groundwater depth would be determined by the placement of a piezometer at each sampling location. Data on the physical extent of the riparian formations shall be compiled, calculated and recorded using satellite imagery or aerial photos. The photos will be marked to show the transect sites, and new images will be taken every two years during the monitoring program. Comparisons will be made with existing historic photographs of the same areas to assess patterns of growth and distribution prior to the onset of monitoring.</p>				
<p><b>B-2b. Temescal Wash Flow Monitoring Program.</b> By March 1 of a year in which the EVMWD anticipates diversion of Regional Plant effluent to Lake Elsinore for lake supplementation, the District shall measure flows in the Wash in the vicinity of the discharge point at the Regional Plant. If flows in the Wash at this point are below 2.5 mgd, the following monitoring program would be implemented. During a lake supplementation year, stream flows shall be measured weekly. EVMWD shall also obtain from Eastern MWD weekly information on existing and projected flows to Temescal Wash for the lake supplementation period, to be able to assess total Wash flows during that time. As was proposed for the baseline developed in Mitigation Measure B-2a above, vegetation will be monitored for species composition, age class (or growth form) and overall community structure. At six pre-determined sampling points, the channel formation will be measured along a transect, and the species at each point on the transect recorded and measured. Measurement parameters would include overall canopy height and density, tree size (trunk dbh), understory height, composition and density, and general foliar condition. Digital images will be taken</p>	<p>EVMWD</p>	<p>Ongoing for life of project; frequency as described</p>	<p>Monitoring Reports</p>	<p>EVMWD CDFG USFWS</p>

**Section 4 – Mitigation Monitoring and Reporting Plan**

Impact Category and Mitigation Measures	Responsible Agency	Frequency / Timing	Monitoring Method	Monitoring Agency
<p>from fixed photo points, for comparison with similar images to be taken on subsequent monitoring visits, to verify field data, and to correlate growth patterns with hydrological and meteorological data. Images will be stored on multiple computer systems, and in CD and DvD backup.</p> <p>Subsurface water levels would be monitored via a series of piezometers, situated at the pre-determined monitoring stations, installed as part of B-2a. Should the water levels in the piezometers persist for 3 dry season months (within the April–August period) below the assumed minimum physical threshold for native vegetation maintenance (12 inches below channel bed surface, based on biological judgment, soils type, location on stream bank, and observed root depth), flows to the Wash would be gradually increased sufficient to generate a rise in overall channel waters to the surface level within 3 months.</p>				

**Abbreviations:**

- CD Compact Disc
- CDFG California Department of Fish and Game
- CEQA California Environmental Quality Act
- dBa Decibel, A-weighted scale
- dbh diameter at breast height
- DvD Digital video Disk
- EVMWD Elsinore Valley Municipal Water District
- FAA Federal Aeronautics Administration
- LESJWA Lake Elsinore and San Jacinto Watersheds Authority
- NAHC Native American Heritage Commission
- SR State Route
- USFWS United States Fish and Wildlife Service





**Section 5**  
**Findings of Fact**

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**LAKE ELSINORE AND SAN JACINTO  
WATERSHEDS AUTHORITY**

**Lake Elsinore Stabilization  
and Enhancement Project**

SCH No. 2001071042

**September 2005**



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## **1.0 INTRODUCTION**

Pursuant to the California Environmental Quality Act (“CEQA,” Public Resources Code §§ 21000-21178.1) and the *State CEQA Guidelines* (14 Cal. Code Regs., §§ 15000-15387), the Lake Elsinore and San Jacinto Watersheds Authority (“LESJWA”) is the lead agency for the Lake Elsinore Stabilization and Enhancement Project (Project). The proposed Project is a multi-element plan to improve conditions in Lake Elsinore. The LESJWA prepared a Program Environmental Impact Report (“Program EIR”) for the proposed Project (State Clearinghouse No. 2001071042), which analyzed the potentially significant environmental impacts of the proposed Project.

## **2.0 BACKGROUND**

Lake Elsinore is the largest natural lake in southern California and is considered hyper-eutrophic, with characteristic high nutrient (nitrogen and phosphorus) concentrations in the sediment and water column, algae blooms, low water clarity, and large variations in dissolved oxygen levels. Fish kills have been recorded for the lake since 1933. The combination of fluctuating water volume and poor water quality impairs both the warm freshwater habitat of the lake and its use as a regional recreational resource.

The objective of the proposed Project, pursuant to *State CEQA Guidelines* Section 15124, is to define and implement a group of actions that would:

- Stabilize the water level of Lake Elsinore, by maintaining the lake elevation within a desirable operating range (minimum of 1,240 feet [ft] above mean sea level [msl] to a maximum of 1,247 ft msl)
- Improve lake water quality – reduce algae blooms, increase water clarity, increase dissolved oxygen concentrations throughout the water column, and reduce or eliminate fish kills
- Enhance Lake Elsinore as a regional aesthetic and recreational resource

## **3.0 PROJECT DESCRIPTION**

The proposed Project includes elements to stabilize lake water elevations, control nutrient inputs to the lake, and to increase dissolved oxygen and therefore improve water quality conditions in the lake. The proposed Project includes the following elements:

- Supplemental water addition to Lake Elsinore for lake stabilization and enhancement: proposed sources are effluent from the Elsinore Valley Municipal Water District (EVMWD, a member agency of LESJWA) Regional Wastewater Treatment Facilities (Regional Plant), and to a lesser extent pumped groundwater from the EVMWD Island Wells.
- Nutrient removal facilities proposed by EVMWD to meet National Pollution Discharge Elimination System (NPDES) requirements for lake discharge from the Regional Plant: phosphorus removal at the existing Regional Plant as a near-term element; and creation and

operation of a wetland in the Lake Elsinore Back Basin to treat Regional Plant effluent before lake discharge, as long-term potential element evaluated at a conceptual level.

- Subsurface, diffused air in-lake aeration system: two onshore aeration (compressed air) stations located on the north shore of Lake Elsinore at the intersection of Mohr Street and West Lakeshore Drive, and on the south shore on Grand Avenue southeast of Blanche Drive with in-lake radial piping extending approximately 4,500 ft from the aeration station into the lake, consisting of non-perforated (nearshore) segments and perforated (deep lake) segments.

### 4.0 RECORD OF PROCEEDINGS

LESJWA, as Lead Agency under CEQA, prepared an Initial Study for the proposed Project in May 2001. Based on this Initial Study, the LESJWA found that the proposed Project would result in potentially significant environmental effects and that an environmental Impact report would be prepared.

In early July 2001, a Notice of Preparation was prepared and distributed to federal, state, and local agencies and the public. Comment letters were received from six agencies. A public scoping meeting was held on July 19, 2001 at the EVMWD Board Room. Approximately 30 to 35 people attended the meeting. The NOP is appended to the EIR.

The Draft Program Environmental Impact Report (“Draft EIR”) was published in April 2005. It was distributed to over 45 agencies and organizations, as well as to local libraries and individuals and entities requesting copies. Notice of availability of the Draft EIR was published in a local newspaper, and was mailed to adjacent landowners, to individuals who had expressed interest in the document, and to individuals who had attended the scoping meeting.

The Draft EIR analyzed the individual and cumulative effects of the proposed Project in each of the subject areas identified in the Initial Study as having potentially significant impacts. It then set forth a variety of mitigation measures designed to mitigate the analyzed effects to less than significant levels.

The Draft EIR also discussed a number of potential alternatives to the proposed Project, including chemical treatments of the lake, other nutrient removal technologies to be applied at the EVMWD Regional Plan, other sources of recycled water for lake stabilization, other aeration technologies, and the "no project" alternative.

Ten letters were received commenting on the Draft EIR. All comments received in connection with the Notice of Preparation were reviewed and considered concurrent with the preparation of the Draft EIR, and these comments were included in an appendix to the Draft EIR.

The Final Environmental Impact Report (“Final EIR”) for the proposed Project was published in September 2005; copies were provided to all commenting agencies. The Final EIR contains both general and specific responses to the comments received during the public review period for the Draft EIR.

For purposes of CEQA and the findings set forth herein, the record of proceedings for the LESJWA’s decision on the proposed Project consists of the following documents:

- The NOP for the proposed Project
- All comments submitted by agencies or members of the public during the public comment period on the NOP
- Public notices issued in conjunction with the proposed Project
- The Draft EIR
- All comments submitted by agencies or members of the public during the public comment period on the Draft EIR
- The Final EIR for the proposed Project
- The Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project
- All findings and resolutions adopted by the LESJWA in connection with the proposed Project and all documents cited or referred to therein
- All reports, studies, memoranda, maps and other planning documents relating to the proposed Project prepared by the LESJWA the LESJWA’s consultants, or responsible or trustee agencies with respect to the LESJWA’s compliance with the requirements of CEQA and with respect to the LESJWA’s action on the proposed Project
- All documents submitted to the LESJWA by agencies or members of the public in connection with the proposed Project
- Matters of common knowledge to the LESJWA, including, but not limited to, federal, state, and local laws and regulations

The custodian of the documents comprising the record of proceedings is the LESJWA, 11615 Sterling, Avenue, Riverside, California 92503.

### 5.0 FINDINGS REQUIRED UNDER CEQA

Under CEQA, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three allowable conclusions. The first allowable finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR” (*State CEQA Guidelines*, § 15091, subd. [a][1]). The second allowable finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency” (*State CEQA Guidelines*, § 15091, subd. [a][2]). The third allowable conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR” (*State CEQA Guidelines*, § 15091, subd. [a][3]). CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or

substantially reduce significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with some other agency. Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” *State CEQA Guidelines* section 15364 adds another factor: “legal” considerations (see also *Citizens of Goleta Valley v. Board of Supervisors* [“Goleta II”] [1990] 52 Cal.3d 553, 565 [276 Cal. Rptr. 410].).

This document presents the LESJWA’s findings as required by CEQA, cites substantial evidence in the record in support of each of these findings, and presents an explanation to supply the logical step between the finding and the facts in the record (*State CEQA Guidelines*, § 15091).

### **6.0 SIGNIFICANT EFFECTS, MITIGATION MEASURES AND FINDINGS**

The findings made by the LESJWA Board of Directors (“Board”), pursuant to *State CEQA Guidelines* Section 15091 on the proposed Lake Elsinore Stabilization and Enhancement Project are presented below.

The EIR included an analysis of the proposed Project’s impacts on 11 environmental categories. The EIR found that all of the impacts determined in the EIR to be significant or potentially significant can be mitigated to a level of less than significant through the adoption of feasible mitigation measures. This section presents in greater detail the LESJWA’s findings with respect to the significant or potentially significant environmental effects of the proposed Project. It also summarizes the evidence relied upon by the LESJWA in making these findings. This evidence is drawn from the Final EIR, including the comments and responses to comments on the Draft EIR, comments received on the NOP, and other evidence presented to the LESJWA, including all other information in the administrative record.

The following discussion examines each of the environmental impacts deemed significant or potentially significant in the Final EIR. According to the Final EIR, there are no environmental effects identified as potentially significant that cannot be mitigated to a level of less than significant.

Pursuant to *State CEQA Guidelines* § 15126(b), the Board finds that there are no potentially significant unavoidable environmental effects of the proposed Project. Mitigation measures and conditions of approval imposed on the proposed Project will substantially mitigate potentially significant effects to a level of less than significant.

Consequently, in accordance with *State CEQA Guidelines* § 15093, a Statement of Overriding Considerations has not been prepared for the proposed Project.

## 6.1 Biological Resources

### 6.1.1 Back Basin Wetlands and Old San Jacinto River Channel

The proposed Project may include, if required for additional nutrient offsets in the future, creation of a treatment wetland in the Lake Elsinore Back Basin of some currently undefined number of acres and location, conceptually estimated at approximately 140 acres. It is currently envisioned that the treatment wetland could involve a reconfiguration of a portion of the existing ponds, as the ponds are large and deep, while treatment wetlands would be shallow, comprised of multiple cells and encourage marsh vegetation, as described in EIR Section 3. The footprint of these treatment wetlands is envisioned to lie within the existing boundaries of the existing 356 acres of ponds. The Back Basin wetland habitat would therefore become substantially more diverse (with both deep, open water habitat with loafing islands and shallow marsh habitat) and yet maintain the present open water habitat values. Therefore, the effect on wetland habitat in the Back Basin would be anticipated to be beneficial or less than significant.

Reconfiguration of some 40 percent of the existing wetlands into a treatment wetland would, if an existing pond is drained and filled to create a shallower wetland, have a temporary loss of open water wetland of approximately 92 acres, until the new wetland is established. The impact would be temporary, and less than significant with construction timing to avoid the bird nesting season.

The conveyance of recycled water to the wetlands would likely be in a pipeline in a roadway in the Back Basin, or in the old San Jacinto River channel. The former would have only temporary and minor ground disturbance impacts, and potential noise impacts on nesting birds. The effect would be less than significant.

**Mitigation Measures:** The Back Basin wetland is not yet designed; mitigation measures would be identified once the project characteristics are identified. For example, the temporary loss of existing wetland would need to be considered and mitigated if required by Riverside County in implementing the MSHCP. Noise and disturbance effects on nesting birds would be avoided by construction timing (avoidance of the period from March 15 through September 1).

#### **Finding per State CEQA Guidelines Section 15091:**

[XX] Changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect. (Subd. [a][1].)

[XX] Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subd. [a][2].)

[ ] Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible additional mitigation measures or project alternatives identified in the Final EIR. (Subd. [a][3].)



**Rationale:** The Back Basin wetlands is a conceptual nutrient removal element evaluated in the EIR at a conceptual level as part of the proposed LESJWA Project; it would be implemented by the EVMWD. Therefore, potential site-specific impacts of this element would be the responsibility and jurisdiction of EVMWD, which would adopt appropriate mitigation measures once the design of the element is completed.

**Reference:** Final EIR Section 4.4.4.

### 6.1.2 Temescal Wash

EVMWD proposes to divert Regional Plant effluent to Lake Elsinore when lake supplementation is required, except the defined minimum 0.5 mgd flow to the Wash. Hydrologic modeling of the Wash predicts that reducing flows to 0.5 mgd to the Wash would result in a dry streambed during the dry season if there were no other flow to the Wash at that time. However, the model predicts that as little as 1 mgd of flow would keep flow in the stream down to Lee Lake. Therefore it appears, based on past biological observations of the Wash, that a base flow between 1 and 2.5 mgd would have no significant impact on riparian forest.

If the base flow in the Wash were to fall below 2.5 mgd, however, the riparian habitat of Temescal Wash could concentrate along the immediate channel margins and lower recruitment and growth, or dieback could occur along the periphery. Since the riparian forest downstream of the Regional Plant is considered sensitive habitat in its own right and is known habitat for least Bell's vireo, a listed sensitive species, and other riparian obligate bird species, this impact would be potentially significant.

**Mitigation Measures:** Mitigation will consist of an ongoing monitoring program for flow and biological resources in Temescal Wash from the Regional Plant to Lee Lake to evaluate impacts and provide a basis for adjusting flows to compensate. Flow effects would be addressed by adjusting Regional Plant discharges to Temescal Wash or providing others waters to maintain existing habitat values. The monitoring program will be implemented by EVMWD, as owner operator of the Regional Plant.

B-2a Temescal Wash Baseline Characterization. EVMWD shall implement a flow, groundwater and vegetation baseline characterization in the Temescal Wash reach from the EVMWD Regional Plant to Lee Lake. A maximum of six locations along the reach, corresponding to the monitoring sites for water in the Wash, will be evaluated for biological and physical characteristics and vegetation stature in the Spring, the initial description timed to reflect the season of maximum growth rates for riparian and streamside emergent vegetation. Transect sites shall be evaluated and described relative to vegetation composition, physical structure, and age class representation, existing channel morphology and flow characteristics (width, depth, channel cross section), and depth to groundwater. Measurement parameters would include overall canopy height and density, tree size (trunk diameter at breast height, dbh), understory height, composition and density, and general foliar condition. Digital images will be taken from fixed photo

points, for comparison with similar images to be taken on subsequent monitoring visits, to verify field data, and to correlate growth patterns with hydrological and meteorological data. Images will be stored on multiple computer systems, and in CD and DvD backup. Groundwater depth would be determined by the placement of a piezometer at each sampling location. Data on the physical extent of the riparian formations shall be compiled, calculated and recorded using satellite imagery or aerial photos. The photos will be marked to show the transect sites, and new images will be taken every two years during the monitoring program. Comparisons will be made with existing historic photographs of the same areas to assess patters of growth and distribution prior to the onset of monitoring.

- B-2b Temescal Wash Flow Monitoring Program. By March 1 of a year in which the EVMWD anticipates diversion of Regional Plant effluent to Lake Elsinore for lake supplementation, the District shall measure flows in the Wash in the vicinity of the discharge point at the Regional Plant. If flows in the Wash at this point are below 2.5 mgd, the following monitoring program would be implemented. During a lake supplementation year, stream flows shall be measured weekly. EVMWD shall also obtain from Eastern Municipal Water District (Eastern MWD) weekly information on existing and projected flows to Temescal Wash for the lake supplementation period, to be able to assess total Wash flows during that time.

As was proposed for the baseline developed in Mitigation Measure B-2a above, vegetation will be monitored for species composition, age class (or growth form) and overall community structure. At a maximum of six pre-determined sampling points, the channel formation will be measured along a transect, and the species at each point on the transect recorded and measured. Measurement parameters would include overall canopy height and density, tree size (trunk dbh), understory height, composition and density, and general foliar condition. Digital images will be taken from fixed photo points, for comparison with similar images to be taken on subsequent monitoring visits, to verify field data, and to correlate growth patterns with hydrological and meteorological data. Images will be stored on multiple computer systems, and in CD and DvD backup.

Subsurface water levels would be monitored via a series of piezometers, situated at the pre-determined monitoring stations, installed as part of B-2a. Should the water levels in the piezometers persist for 3 dry season months (within the April–August period) below the assumed minimum physical threshold for native vegetation maintenance (12 inches below channel bed surface, based on biological judgment, soils type, location on stream bank, and observed root depth), flows to the Wash would be gradually increased sufficient to generate a rise in overall channel waters to the surface level within 3 months. By maintaining the riparian habitat along Temescal Wash, impacts on least Bell’s vireo and other riparian -obligate species would be less than significant.

### **Finding per State CEQA Guidelines Section 15091:**

- [XX] Changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect. (Subd. [a][1].)

[XX] Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subd. [a][2].)

[ ] Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible additional mitigation measures or project alternatives identified in the Final EIR. (Subd. [a][3].)

**Rationale:** While this impact would result from the LESJWA proposed Project, EVMWD will implement the mitigation and monitoring plan. The plan identifies triggers for remedial actions to address potential impacts on Temescal Wash of the use of Regional Plant effluent for lake stabilization. Implementation of the plan will reduce impacts on Temescal Wash to a level of less than significant by ensuring that riparian habitat is maintained to support least Bell's vireo and other riparian obligate species .

**Reference:** Final EIR Section 4.4.

## 6.2 Cultural Resources

### 6.2.1 Significant Effect – Construction Impacts on Cultural Resources and/or Human Remains at Construction Sites

Based on analyses of site records, relevant literature, and on-site surveys, the potential for cultural resources impacts of the proposed Project are as follows:

- The northern aeration station site is in a cleared, completely disturbed area at the lakeshore used for parking and recreation. The field survey found no cultural materials. No impacts are anticipated.
- At the southern aeration station site, although cultural resources were not visible during the field survey, the EIR found that the drainage on the site has the potential to contain buried archaeological materials, if any are present on the site. The EIR found the impact potentially significant.
- The EVMWD Regional Wastewater Reclamation Facilities site was surveyed thoroughly twice in the past. No cultural materials were found during surveys and none encountered during past construction on the site. The site for the proposed chemical facilities is within the plant boundaries and completely disturbed. No impacts are anticipated.
- The Back Basin wetlands location is conceptual at this time, but the EIR found that there is the potential for cultural materials to be disturbed during construction. At such time as a wetland is precisely located and designed, a separate CEQA document, including a precise

## Section 5 – Findings of Fact

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cultural resources survey, will be conducted and site-specific impact analyses and mitigation measures developed, and coordinated with the Pechanga Tribe and Soboba Tribe.

The following mitigation measures have been identified to avoid, reduce or mitigate the impact.

- C-1 At any project site, if previously unknown cultural resources are discovered in the course of excavation for project construction, the construction inspector shall have the authority and responsibility to halt construction until a qualified archaeologist can evaluate the significance and distribution of the materials, and identify future activities needed. If the cultural material discovered is determined to be of potential archaeological significance, the investigation and future activities shall be conducted in consultation with a culturally affiliated Native American or other parties, as necessary.
- C-2 At any project site, if human remains are discovered in the course of excavation for project construction, the County Coroner shall be contacted and provisions of State CEQA Guidelines Section 15064.5 shall be followed.
- C-3 Excavation at the south aeration station site shall be observed by a qualified archaeological monitor. If potentially important cultural deposits are encountered in the course of excavation, work shall be temporarily diverted from the vicinity of the discovery until the monitoring archaeologist can identify and evaluate the importance of the find and conduct any appropriate assessments. The recommendations of the archaeologist shall then be implemented.
- C-4 Prior to the issuance of grading permits at the aeration station sites, the Lead Agency will enter into a pre-excavation agreement with the Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.
- C-5 Prior to the issuance of a grading permit at the Regional Plant site, if such a permit is required, EVMWD will enter into a pre-excavation agreement with the Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.
- C-6 Prior to the issuance of a grading permit at the Back Basin wetland site, if a permit is required, EVMWD will enter into a pre-excavation agreement with the Soboba Band of Luiseño Indians that addresses the treatment and disposition of cultural resources and human remains that may be uncovered during construction.
- C-7 The LESJWA will agree to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archaeological artifacts found on the aeration station sites during construction to the Soboba Band of Luiseño Indians or the Pechanga Tribe for proper treatment and disposition.

- C-8 The EVMWD will agree to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archaeological artifacts found on the Regional Plant site during construction to the Soboba Band of Luiseño Indians or the Pechanga Tribe for proper treatment and disposition.
- C-9 The EVMWD will agree to relinquish ownership of all cultural resources, including all Luiseño sacred items, burial goods and all archaeological artifacts found on the wetland treatment site during construction to the Soboba Band of Luiseño Indians or the Pechanga Tribe for proper treatment and disposition.
- C-10 A tribal monitor shall be contacted if archaeological materials are discovered during grading, excavation or site excavation to evaluate the significance of the resources, in conjunction with the archaeologist and the Lead Agency or landowner, as appropriate.

**Finding per State CEQA Guidelines Section 15091:**

- [XX] Changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect. (Subd. [a][1].)
- [XX] Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subd. [a][2].)
- [ ] Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible additional mitigation measures or project alternatives identified in the Final EIR. (Subd. [a][3].)

**Rationale:** With incorporation of the above mitigation measures into project specifications for projects to be implemented by LESJWA and EVMWD, and the implementation of mitigation during construction, archaeological materials previously unknown and human remains, if encountered, would be evaluated and addressed in accordance with applicable regulations and acceptable practices. The impact would then be reduced to a level of less than significant.

**Reference:** Final EIR Section 4.11.

**6.3 Hazards and Hazardous Materials**

**6.3.1 Significant Effect – Public Health Impacts related to Potential Increase in Mosquito Habitat at the Back Basin Wetlands**

The future Back Basin wetland project could create potential mosquito breeding conditions, a potentially significant public safety impact. The following mitigation measure, H-1, which would ultimately be implemented by EVMWD, has been identified to reduce the impact to a level of less than significant.

**Mitigation Measure H-1:** Proposed Project plans will be submitted to the applicable vector control district for review and comment with respect to control of mosquitoes and other vectors. Upon consultation with the vector control district, appropriate vector management measures will be incorporated into the project design. Potential management measures include the following:

- To the extent feasible, design and/or manage to optimize water depths and flow pattern. For mosquito control, maintain water depths and encourage/provide water circulation. For blackfly control, minimize aeration of flowing water. Design wetland cells to allow for periodical drying to desiccate vector larvae.
- Work with the vector control district to stock ponds and other permanent water features with mosquitofish as needed.
- Provide site access (e.g., dikes with access roads or trails) to potential breeding areas for maintenance (e.g., vegetation removal) and treatment (e.g., application of Bti or other larvicides).
- Install nesting or roosting boxes to attract insectivorous bats and/or birds (natural predators of mosquitoes).
- Regularly consult with the vector control district to identify mosquito management problems, mosquito monitoring and abatement procedures, and opportunities to adjust water and vegetation management practices to reduce mosquito production.

**Finding per State CEQA Guidelines Section 15091:**

[XX] Changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect. (Subd. [a][1].)

[XX] Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subd. [a][2].)

[ ] Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible additional mitigation measures or project alternatives identified in the Final EIR. (Subd. [a][3].)

**Rationale:** While a conceptual element of the LESJWA proposed Project, the implementation of Mitigation Measure H-1 by EVMWD requires consultation with the relevant vector control agencies and incorporating into the project design and operations measures to minimize mosquito breeding potential. Therefore, with implementation of Mitigation Measure H1, impacts on public health due to mosquitoes and mosquito-borne diseases would be reduced to less than significant levels.

## 6.4 Water Resources

### 6.4.1 Significant Effect –Impact on Elsinore Groundwater Basin

The proposed Project results in less groundwater pumping than was anticipated in the LESJWA Nutrient Removal Study (CH2MHill, 2004) or the EVMWD Elsinore Basin Groundwater Management Plan (MWH 2003), the impact of the pumping on the overdrafted Elsinore Groundwater Basin would be potentially significant, but probably of limited duration.

Implementation of the GWMP will provide the mechanism for managing the basin and eliminating the declining groundwater levels. One important feature of that plan is the construction of dual-purpose injection-extraction wells in the Back Basin area. These wells will allow EVMWD to purchase imported water during wet periods and inject that water. The proposed steady reduction in the use of Island Wells for lake make-up is consistent with this concept by using Regional Plant effluent as a first priority and only using Island Well water when the recycled water supply is insufficient. Implementation of the Mitigation Measure GRW-1 will reduce the impact of Island Well pumping to a level of less than significant.

**Mitigation Measure GRW-1:** To minimize impacts on the Elsinore Basin water levels, as Regional Plant effluent flows increase, EVMWD will preferentially discharge recycled water from the Regional Plant to Lake Elsinore over Island Well water to make up the supplementation required in a given year.

#### **Finding per State CEQA Guidelines Section 15091:**

- [XX] Changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect. (Subd. [a][1].)
- [XX] Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subd. [a][2].)
- [ ] Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible additional mitigation measures or project alternatives identified in the Final EIR. (Subd. [a][3].)

**Rationale:** EVMWD is responsible for management of the Elsinore Groundwater Basin and for water in Lake Elsinore. Since the basin is pumped faster than it can recharge, minimizing the use of Island Well water for lake stabilization will reduce to less than significant the impacts on the basin.

**Reference:** Final EIR Section 4.3.

## 6.5 Noise

### 6.5.1 Significant Effect – Construction Noise Impact on Sensitive Receptors Near the Aeration Stations

During construction of proposed project components, the highest noise-generating activities are expected to be earth moving, including excavation, grading, and filling. Noise levels at the nearest sensitive receptors during construction of the two aeration stations are, under a worst-case scenario, estimated to be greater than 75 dBA, and would therefore exceed the applicable City of Lake Elsinore construction noise standard. Therefore, noise impacts associated with construction of these elements would be potentially significant. The following mitigation measures will be implemented to reduce potentially significant noise impacts associated with construction of the proposed aeration stations:

**Mitigation Measure N-1:** During construction of the aeration stations, the construction contractor will implement the following noise reduction measures:

- Limit construction activities to the following work days and hours (per applicable ordinances):
  - North aeration station (City of Lake Elsinore): 7:00 a.m. to 7:00 p.m. on weekdays
  - South aeration station (County of Riverside): 6:00 a.m. to 6:00 p.m. on weekdays during June through September and 7:00 a.m. to 6:00 p.m. on weekdays during October through May
- Equip all construction equipment with properly operating and maintained noise mufflers and intake silencers, consistent with manufacturers' standards
- For construction activities taking place within 200 feet of a residential structure, install temporary sound walls or acoustic blankets with a height of no less than 8 feet to reduce the residents' view of the construction effort. These sound walls or acoustic blankets shall be designed to achieve a Sound Transmission Class (STC) of 27 or greater. The surface of the sound walls or acoustic blankets shall present a solid face from top to bottom without any openings or cutouts.

**Mitigation Measure N-2:** Residences and schools in the immediate vicinity of the proposed north and south aeration stations will be notified at least 1 week prior to the start of construction, e.g., via flyers. A telephone number for noise complaints will be included in this notification.

#### **Finding per State CEQA Guidelines Section 15091:**

[XX] Changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect. (Subd. [a][1].)

[ ] Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subd. [a][2].)



[ ] Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible additional mitigation measures or project alternatives identified in the Final EIR. (Subd. [a][3].)

**Rationale:** Implementation of these mitigation measures would reduce construction on noise at the proposed aeration stations to meet applicable noise ordinances and standards at the property boundary for the aeration stations. The impacts would thereby be reduced to a level of less than significant.

**Reference:** Final EIR Section 4.7.

### **6.5.2 Significant Effect – Operational Noise Impact on Sensitive Receptors Near the Aeration Stations**

During the warm months of the year when the lake aeration system is operating (likely late summer and early fall), the compressors and the pumps within the aeration station buildings would generate noise continuously (daytime and nighttime). The compressors would be enclosed (building with concrete masonry unit walls and metal roof), and a block vault and interior acoustic treatment would reduce noise emissions to 50 dBA at the outer wall of the station. Therefore, noise emitted from the aeration stations would meet the County daytime standard for operational noise. However, it would exceed the County nighttime standard of 45 dBA. Therefore, noise impacts associated with operation of the aeration system would be potentially significant. The following mitigation measure will be implemented to reduce noise impacts associated with operation of the aeration stations:

**Mitigation Measure N-3:** In consultation with a noise engineer, the design and specifications for the aeration station buildings will incorporate one or more of the following features to reduce noise generated by the compressors and the pumps so that the noise levels at the boundary of the nearest residential property would be less than 65 dBA during the daytime and 45 dBA during the nighttime:

- Acoustical louvers
- Baffle walls
- Acoustical panels
- Other sound insulation treatments

Prior to the first nighttime operation of the aeration system, noise monitoring will be conducted at the boundary of the nearest residential property to ensure that the above standard is achieved.

### **Finding per State CEQA Guidelines Section 15091:**

[XX] Changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect. (Subd. [a][1].)

- [ ] Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subd. [a][2].)
  
- [ ] Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible additional mitigation measures or project alternatives identified in the Final EIR. (Subd. [a][3].)

**Rationale:** Implementation of the above mitigation measure would reduce operation noise at the proposed aeration stations to meet applicable noise ordinances and standards at the property boundary for the aeration stations. The impacts would thereby be reduced to a level of less than significant.

**Reference:** Final EIR Section 4.7.

## **6.6 Transportation and Traffic**

### **6.6.1 Significant Effect – Impacts on Traffic during Construction of the Aeration Stations**

Construction of the proposed aeration stations would result in at most 15 vehicles travelling to each site for a period of approximately 60 work days per site. Construction traffic associated with the north aeration station would not involve use of heavily congested roads. However, the shortest access route to the south aeration site would involve use of SR-74, which has an LOS of E and F for the segments between I-15 and Grand Avenue. While increase in traffic during project construction would be minor and short-term, impacts on this heavily congested road would be potentially significant. The following mitigation measure will be implemented to reduce potentially significant traffic impacts associated with construction of the south aeration station:

**Mitigation Measure T-1:** The specifications for the aeration systems will require the contractor to identify and use an alternative construction vehicle access route to avoid State Route-74 when travelling to the south aeration station site. This would involve use of Main Street and/or Railroad Canyon Road interchanges from I-15 and accessing Grand Avenue via Mission Street and Corydon Street or other routes around the southeast side of Lake Elsinore.

#### **Finding per State CEQA Guidelines Section 15091:**

- [XX] Changes or alterations have been required in, or incorporated into, the project which avoid the significant environmental effect. (Subd. [a][1].)
  
- [ ] Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subd. [a][2].)

- [ ] Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible additional mitigation measures or project alternatives identified in the Final EIR. (Subd. [a][3].)

**Rationale:** Implementation of Mitigation Measure T-1 would reduce traffic impacts to below a level of significant for the southern aeration station by scheduling of use of busy access routes during the construction period.

**Reference:** Final EIR Section 4.5.

## 7.0 ALTERNATIVES

CEQA requires that an EIR evaluate a range of reasonable alternatives to a project, or to the location of the project, which would feasibly obtain most of the basic project objectives but would avoid or substantially lessen any of the significant effects of the project (*State CEQA Guidelines* Section 15126.6.). The “No Project” alternative must be evaluated, and if it is the environmentally superior alternative, another environmentally superior alternative must be identified among the other alternatives. (*State CEQA Guidelines* Section 15126.6(e).)

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an acceptable level solely by the adoption of mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the proposed project as mitigated (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515,521 [147 Cal. Rptr. 842]; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731 [270 Cal. Rptr. 650]; and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403 [253 Cal. Rptr. 426]).

There are no environmental impacts of the proposed Project that are significant and cannot be avoided through mitigation. Therefore, for the purposes of EIR analysis, the LESJWA evaluated the environmental effects of the following alternatives to the proposed Project in Section 6 of the EIR:

- No Project – Under the No Project alternative, adverse conditions present in Lake Elsinore would continue and slowly worsen. The No Project alternative would not meet the proposed Project objectives of stabilizing lake levels, improving water quality, and enhancing Lake Elsinore as a regional aesthetic and recreational resource. Therefore, the Board rejects this alternative.
- Water Supply Alternatives for Lake Stabilization – Other sources considered for Lake stabilization included the Stewart Wells, Metropolitan imported water, and releases from Canyon Lake. These sources were found to be technically infeasible. Eastern MWD effluent

was also considered as a source for lake make-up water. This source is identified as suitable for irrigation within the EVMWD service area. Therefore, the Board rejects this alternative because it does not meet all the goals and objectives identified under the proposed Project.

- Nutrient Removal Study Alternatives – As part of a Nutrient Removal Study (CH2MHill, 2004), several alternatives for phosphorus removal (combination of biological and chemical removal methods) were considered. Alum was ultimately selected over ferric chloride as a coagulant for phosphorus removal at the Regional Plant. Therefore, the Board rejects this alternative because it does not meet all the goals and objectives identified under the proposed Project.
- Alternative In-Lake Aeration Systems – The following in-lake aeration systems were considered: Hypolimnetic aeration/oxygenation (Speece well and Side Stream Pumping) and oxygenation/aeration with the pumped storage project. Disadvantages of the hypolimnetic alternatives were their higher costs compared to the proposed system. Aeration via pumped storage was considered speculative and not under the control of LESJWA. In addition, an alternative aeration station location was considered (on the south side of the lake at Perret Park); additional costs were associated with this alternative since it would require a longer pipeline. Therefore, the Board rejects this alternative because it does not meet all the goals and objectives identified under the proposed Project.
- Chemical Addition to Lake Elsinore – Direct addition of either alum or calcium to the lake for water quality improvements was considered. Alum addition was considered unsuitable due to lake conditions (high pH and high alkalinity) for the last few years. In the future, alum addition may be reconsidered based on changes in lake water quality. It was concluded that calcium addition would be ineffective due to relatively high total phosphorus and low soluble reactive phosphorus conditions in the lake. Therefore, the Board rejects this alternative because it does not meet all the goals and objectives identified under the proposed Project.

Overall, the proposed Project is identified as the environmentally superior alternative.

### 8.0 CERTIFICATION OF EIR

Pursuant to Public Resources Code § 21081 and *State CEQA Guidelines* § 15090, the Lake Elsinore and San Jacinto Watersheds Authority certifies that:

- (1) The Program EIR, State Clearinghouse No. 2001071042, is an accurate and objective statement that fully complies with CEQA and the *State CEQA Guidelines*;
- (2) The Program EIR was presented to the LESJWA Board, which is the decision-making body for the LESJWA, and the Board reviewed and considered the information in the Program EIR prior to approving the proposed Project; and
- (3) The Program EIR reflects the LESJWA's independent judgment and analysis.

The LESJWA Board further finds that no comments or responses to comments made during the review period for the Program EIR, or any other public hearing on the proposed Project, rise to

the level of significant new information requiring recirculation or additional environmental review pursuant to *State CEQA Guidelines* § 15088.5.

### **9.0 MITIGATION MONITORING AND REPORTING PROGRAM**

As required by Public Resources Code §21081.6, the Board, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program, designated to ensure that, during project implementation, the LESJWA, and other responsible parties will comply with the mitigation measures adopted in these Findings.

The Board hereby finds that the Mitigation Monitoring and Reporting Program, which is attached hereto and incorporated herein by reference meets the requirements of Public Resources Code §21081.6.

### **10.0 PROJECT APPROVAL**

Based upon the entire record before the LESJWA Board, including the above findings and all written evidence presented to the LESJWA hereby approves the Lake Elsinore Stabilization and Enhancement Project.

### **11.0 STAFF DIRECTION**

A Notice of Determination shall be filed with the County of Riverside and Governor's Office of Planning and Research State Clearinghouse within 5 working days of final Project approval.

