

**Mike Porter - agenda Nov 18 #9**

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**From:** <deannie550@sbcglobal.net>  
**To:** <rb9agenda@waterboards.ca.gov>  
**Date:** 10/31/2009 17:12  
**Subject:** agenda Nov 18 #9  
**CC:** "Chiara Clemente" <CClemente@waterboards.ca.gov>, <mporter@waterboards.ca.gov>

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## Item #9 Gregory Canyon Bridge

[http://www.swrcb.ca.gov/rwqcb9/water\\_issues/programs/401\\_certification/docs/projects/gregory\\_canyon](http://www.swrcb.ca.gov/rwqcb9/water_issues/programs/401_certification/docs/projects/gregory_canyon)

To Whom it May Concern,

I strongly object to issuance of a 401 permit for the Gregory Canyon Bridge. This is a premature application and as such should be postponed until such time as the primary project is either disapproved or approved, ie. the Gregory Canyon Dump project.

At this point in time, it is somewhat doubtful if that project will be approved. I can see no logical reason to disturb the San Luis Rey River and its associated water quality, quantity and flora and fauna in the immediate vicinity at this time for any reason.

This appears to be an 'end-run' to start appropriating permit approvals and is not being heard in the appropriate, logical order such as any other project that requires the same or similar permitting authority. To my knowledge, there is no project approved that this bridge could possibly serve so this application is premature. The bridge currently in place is adequate for any other needs at this time.

This is an attempt to piecemeal this project and is simply not allowed under CEQA. Any such permit should be required as a part of a complete water quality permitting package for the entire project.

What better way to protect water quality than to postpone and/or deny this permit item until such time as the collateral project has ripened? Again, it is doubtful the project can ever be built to do a lack of project water so why put the cart before the horse. This type of permit adds to the cumulative effect on water quality and thus must be considered at the same time as the other effects. The whole of the project must be considered at the same time.

Further this bridge was a reasonably foreseeable consequence of the project and the foreseeable, substantial environmental impacts were not properly considered in the EIR. Under *Laurel Heights vs. Regents (1988)* 47 Cal3rd 376 et seq, an EIR must include this information. Further CEQA Guidelines 13555 require *all* cumulative effects to be considered in the EIR for the project.

Please refuse to certify this permit at this time and I further request a Revised EIR that properly considers *all* the environmental impacts of the project in its entirety as required by by the rules and case law that shall include this bridge and its effects.

Thank you for allowing me to comment and please put into the official record. As always, I appreciate the time, effort and knowledge the staff has committed to processing information for this agenda item.

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