



Appendix LL
Response to Comments

Renewal of NPDES CA0109223
Carlsbad Desalination Project

Responses to Comments

**Supplement to the
Precise Development Plan and Desalination Plant Project
Final Environmental Impact Report (EIR 03-05)
City of Carlsbad, California
SCH# 2004041081 and 2015091060**

AUGUST 2016

TABLE OF CONTENTS

Comment Letter

Page No.

Responses to Comments	RTC-1
A City of Escondido, Joanne Tasher (Letter dated April 15, 2016)	RTC-2
B U.S. Army Corps. of Engineers (USACE), Shari Johnson, Regulatory Assistant (Letter dated April 18, 2016)	RTC-3
C California Division of Oil, Gas and Geothermal Resources, Kathleen Andrews, Associate Oil and Gas Engineer (Letter dated April 19, 2016)	RTC-5
D The Flower Fields, Joni Miringoff (Letter dated May 2, 2016).....	RTC-6
E Carlsbad Aquafarm, Thomas Grimm, CEO and President (Letter dated May 3, 2016).....	RTC-8
F Carlsbad Chamber of Commerce, Ted Owen, President and CEO (Letter dated May 4, 2016)	RTC-10
G Grand Pacific Resorts, Tim Stripe, Co-President (Letter dated May 4, 2016)	RTC-12
H San Diego Regional Economic Development Corporation (SDEDC), Mark Cafferty, President and CEO (Letter dated May 10, 2016)	RTC-13
I Agua Hedionda Lagoon Foundation (AHLF), Lisa Rodman, CEO (Letter dated May 23, 2016)	RTC-15
J City of Carlsbad, Pam Drew, Associate Planner (Letter dated May 26, 2016)	RTC-16
K California Department of Transportations (CALTRANS), Jacob Armstrong, Chief (Letter dated May 25, 2016).....	RTC-18
L San Diego Regional Water Quality Control Board (RWQCB), James G. Smith, AEO for David Gibson, Executive Officer (Letter dated May 27, 2016).....	RTC-19
M California Coastal Commission (CCC), Tom Luster (Letter dated May 27, 2016)	RTC-36
N Rincon Band of Luiseño Indians (Rincon), Vincent Whipple, Cultural Resources Manager (Letter dated May 27, 2016)	RTC-46

TABLE OF CONTENTS (Continued)

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RESPONSES TO COMMENTS

RESPONSES TO COMMENTS

This section provides the comment letters received during the 45-day public review period on the Draft SEIR, along with the Water Authority's responses to each comment. Public Resources Code §21091 and §21092 and CEQA Guidelines §15087 provide the process for a Lead Agency to allow for other agencies and public organizations and persons to review and comment on an environmental impact report (EIR) prior to the review and consideration by the designated decision-making body.

The Draft SEIR was available to the public for review in accordance with CEQA Guidelines §15087.2. A Notice of Availability (NOA) was released on April 13, 2016, starting the 45-day public review period for the Draft SEIR that ended on May 28, 2016, 2016. Consistent with CEQA Guidelines §15163(d), the Draft SEIR was circulated without the FEIR. However, the FEIR including Addenda was made available at <http://www.sdcwa.org/environmental-impact-reports-and-mitigated-negative-declarations>.

In addition, the NOA included notice of a public hearing on May 26, 2016 to receive comments on the Draft SEIR. No oral comments or public testimony was made at the public hearing. During the public review period 14 comment letters were received, for which responses are provided herein. Comment letters have been coded alphabetically based on the order in which they were received by the Water Authority.

Where responses to comments require modifications to the SEIR, those changes have been made in the Final SEIR text. The revisions made to the Final SEIR do not result in significant new information as defined by CEQA, but merely amplifies and/or clarifies the intent of information provided within the Draft SEIR (CEQA Guidelines §15088.5).

RESPONSES TO COMMENTS

Comment Letter A

From: Joanne Tasher [<mailto:jtasher@escondido.org>]
Sent: Friday, April 15, 2016 3:21 PM
To: Tegio, Mark
Subject: FW: SDCWA - EIR Notice sent from Dudek

Mark,
The City of Escondido received the attached Notice of Availability a Draft EIR for the Desal plant. The envelope was addressed to Charles Grimm, Planning Director. Charles Grimm retired a couple years ago. Could you please have someone remove his name from your database?

Please address future mailings regarding any notices for SDCWA to City of Escondido Community Development Director. This way the notices will always go to the appropriate person.
Thank you.

Regards,
Joanne Tasher
City of Escondido
Planning Division
760-839-4671

A-1

Response to Comment Letter A

City of Escondido
Joanne Tasher
April 15, 2016

A-1

The City of Escondido provides updated contact information, which the Water Authority has updated their database to reflect. No further response is necessary.

RESPONSES TO COMMENTS

Comment Letter B

From: Johnson, Shari SPL [<mailto:Shari.Johnson@usace.army.mil>]
Sent: Monday, April 18, 2016 1:04 PM
To: Tegio, Mark
Subject: RE: Carlsbad Desalination Plant Intake and Discharge Facility Modifications Project

Dear Mr. Tegio:

It has come to our attention that you are evaluating the Carlsbad Desalination Plant Intake and Discharge Facility Modifications Project.

This activity may require a U.S. Army Corps of Engineers permit.

A Corps of Engineers permit is required for:

a) structures or work in or affecting "navigable waters of the United States" pursuant to Section 10 of the Rivers and Harbors Act of 1899.

Examples include, but are not limited to,

1. constructing a pier, revetment, bulkhead, jetty, aid to navigation, artificial reef or island, and any structures to be placed under or over a navigable water;

2. dredging, dredge disposal, filling and excavation;

b) the discharge of dredged or fill material into, including any redeposit of dredged material other than incidental fallback within, "waters of the United States" and adjacent wetlands pursuant to Section 404 of the Clean Water Act of 1972. Examples include, but are not limited to,

1. creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;

2. mechanized landclearing, grading which involves filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the United States;

3. allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the United States;

4. placing pilings when such placement has or would have the effect of a discharge of fill material;

c) the transportation of dredged or fill material by vessel or other vehicle for the purpose of dumping the material into ocean waters pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972;

d) any combination of the above.

An application for a Department of the Army permit is available on Our website:

B-1

Response to Comment Letter B

**U.S. Army Corps. of Engineers (USACE)
Shari Johnson, Regulatory Assistant
April 18, 2016**

B-1

The USACE identifies activities that require a permit from the USACE. Poseidon has met with the USACE to initiate securing necessary permit(s). No further response is necessary.

RESPONSES TO COMMENTS

<http://www.usace.army.mil/Portals/2/docs/civilworks/permitapplication.pdf> .

If you have any questions, please contact me (contact information below).

Shari Johnson
Regulatory Assistant
U.S. Army Corps of Engineers, Los Angeles District Regulatory Division, Carlsbad Field Office
5900 La Place Court, Suite 100
Carlsbad, CA 92008
Tel 760.602.4829; Fax 760.602.4848

↑ B-1
Cont.

RESPONSES TO COMMENTS

Comment Letter C

From: Andrews, Kathleen@DOC [<mailto:Kathleen.Andrews@conservation.ca.gov>]
Sent: Tuesday, April 19, 2016 11:40 AM
To: Tegio, Mark
Subject: Notice of Availability of a Draft Supplement to an EIR, Precise Development Plan and Desalination Plant Project

Hello, Mark,
I received the notice of availability of the DEIR for the Precise Development Plan and Desalination Plant Project. The Division of Oil, Gas, and Geothermal Resources comments on the potential effects of projects on oil, gas, and geothermal resources. There are no anticipated effects of the project on oil, gas, or geothermal resources, so the Division is not planning on sending a formal response.

However, the letter from Dudek was addressed to Dave Sanchez. Mr. Sanchez no longer works for the Division of Oil, Gas, and Geothermal Resources, and I am preparing the Division's response to CEQA projects in southern California. Please update your records appropriately, and address similar future letters to me. Thanks in advance.

Kathleen Andrews
Associate Oil and Gas Engineer
California Division of Oil, Gas and Geothermal Resources
Cypress, CA 90630
714-816-6847



Drought.CA.gov
WaterUseItWisely.com/WaysToConserve



C-1

C-2

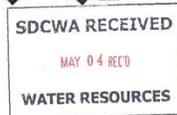
Response to Comment Letter C

**California Division of Oil,
Gas and Geothermal Resources
Kathleen Andrews, Associate Oil and Gas Engineer
April 19, 2016**

- C-1** The Division states there are no potential effects of the project on oil, gas, or geothermal resources. This is consistent with the Water Authority's analysis and no further response is necessary.
- C-2** The Division provides updated contact information, which the Water Authority has updated their database to reflect. No further response is necessary.

RESPONSES TO COMMENTS

Comment Letter D



May 2, 2016

Mr. Mark Tegio
Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Ave.
San Diego, CA 92123

Subject: Comments on the Draft Supplement to the Precise Development Plan and Desalination Plant Project Final Environmental Impact Report

Dear Mark:

I represent The Flower Fields® in Carlsbad, CA, the only working ranunculus field in the world that is open to the public, and I am writing you to comment on the Supplement to the Precise Development Plan and Desalination Plant Project Final Environmental Impact Report (EIR 03-05). I appreciate the careful production of this document and encourage the San Diego County Water Authority's Board of Directors to certify the SEIR to ensure that the Claude "Bud" Lewis Carlsbad Desalination Plant continues to meet the highest environmental standards.

The Carlsbad plant is the largest seawater desalination plant in the nation and it provides tremendous benefits for our region's water supply reliability. Shortly after commercial operations began in December 2015, the State Water Resources Control Board certified supplies from the plant as drought-resilient, reducing the impacts of the state conservation mandates on our region. In addition, the Carlsbad plant represents a strategic long-term asset for our region's 3.2 million residents and \$218 billion economy that should be preserved and protected.

The Flower Fields has been an important part of Carlsbad's local heritage for over 60 years and attracts over 150,000 visitors each season. Each spring, The Flower Fields dazzle visitors with over 50 acres of Giant Tecolote Ranunculus, roses, poinsettias and orchids. Approximately 6-8 million ranunculus bulbs are harvested each season and sold at nurseries and garden centers across the country. We also provide educational activities for children, including classroom presentations, activity sheets, field trips and an on-site growing program, and composting workshops for adults.

With the dry weather conditions our region has experienced in the past few years, irrigation water has been a necessity for the survival of our operations. Many local farms have had to reduce the size of their crop planting to compensate for the reduced water supply. One of the few options our region has in dealing with the reduction in imported water is to diversify and increase the local water supplies through desalination. We believe that the Carlsbad Desalination Plant has been well-conceived, has undergone rigorous testing to ensure environmental safety, and has been providing multiple benefits to our entire region since December 2015.

7220 AVENIDA ENCINAS SUITE 204 • CARLSBAD, CA 92011
TELEPHONE (760) 930-9123 FAX (760) 431-9020 WWW.THEFLOWERFIELDS.COM

D-1

Response to Comment Letter D

The Flower Fields
Joni Miringoff
May 2, 2016

D-1

The Flower Fields provided statements supporting the CDP and the proposed modifications. No further response is necessary.

RESPONSES TO COMMENTS



A reliable and affordable water supply is crucial to the survival of The Flower Fields and hundreds of small farming operations in San Diego. We strongly urge the Board to certify the SEIR for the Carlsbad Desalination Project so that we can continue to benefit from this important new local water supply.

Thank you again for the opportunity to comment. I look forward to the certification of the SEIR and the upgrades at the Carlsbad plant.

Sincerely,

Joni Miringoff
The Flower Fields
7220 Avenida Encinas
Suite 204
Carlsbad, CA 92011
(760) 930-9123 x118

↑
D-1
Cont.

7220 AVENIDA ENCINAS SUITE 204 • CARLSBAD, CA 92011
TELEPHONE (760) 930-9123 FAX (760) 431-9020 WWW.THEFLOWERFIELDS.COM

RESPONSES TO COMMENTS

Comment Letter E



May 3, 2016

Mr. Mark Tegio
Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Ave.
San Diego, CA 92123

Subject: Comments on the Draft Supplement to the Precise Development Plan and Desalination Plant Project Final Environmental Impact Report

Dear Mr. Tegio:

My name is Thomas Grimm and I am the CEO & President of Carlsbad Aquafarm, located at 4600 Carlsbad Blvd., Carlsbad, CA 92008. Our business is located on the Agua Hedionda Lagoon and employs 20 workers and produces over 2 million oysters, 550,000 pounds of mussels, 50,000 pounds of culinary seaweed annually. The shellfish grown in the lagoon deliver many ecosystem benefits including providing habitat and foraging grounds for a diverse community of fish, invertebrate and bird species, improving water quality, cycling nutrients, sequestering carbon, stabilizing sediments and improving the photic zone that allows eelgrass and other seagrasses to thrive. As foundation species, oysters, mussel and eelgrass improve the environment and promote ecosystem health. The Carlsbad Aquafarm, Southern California only shellfish farm, is a model of sustainable aquaculture. Local aquaculture has become increasingly important, as California becomes ever more reliant on imported seafood, which accounts for over 92% of the seafood consumed in the state. As the global demand for seafood grows, aquaculture will play an increasingly important role in food security in providing a sustainable, reliable, local supply of quality seafood for California.

Our business, in particular, is heavily dependent upon clean water and beaches. That is why, when the Supplement to the Precise Development Plan and Desalination Plant Project Final Environmental Impact Report (SEIR) for the Carlsbad Desalination Plant was circulated I paid close attention to the potential effects on the Lagoon. The Carlsbad Aquafarm appreciates the careful production of this document and encourages the San Diego County Water Authority's Board of Directors to certify the SEIR to ensure that the Claude "Bud" Lewis Carlsbad Desalination Plant continues to meet the highest environmental standards.

The SEIR shows that proposed measures will mitigate all significant impacts related to the upgrades to biological resources and water quality, and that the project will have no significant impacts on greenhouse gas emissions. In addition, no significant impacts related to energy were identified associated with the proposed modifications. The project applicant (Poseidon) has committed to an Energy Minimization and GHG Reduction Plan that requires efficient energy use and net carbon neutral plant operations inclusive of the proposed modifications.

4600 Carlsbad Boulevard, Carlsbad, CA 92008

Response to Comment Letter E

**Carlsbad Aquafarm
Thomas Grimm, CEO and President
May 3, 2016**

- E-1** The Carlsbad Aquafarm provided statements supporting the CDP and the proposed modifications. No further response is necessary.
- E-2** The Carlsbad Aquafarm provided statements supporting the CDP and the proposed modifications. No further response is necessary.

E-1

E-2

RESPONSES TO COMMENTS

The proposed upgrades assessed in the SEIR were anticipated in the Water Purchase Agreement approved by the Water Authority Board in November 2012, and I appreciate the foresight by the Water Authority and the vision of Poseidon to ensure that the plant could become a stand-alone operation that serves the San Diego region for decades to come. Specifically, the incorporation of fish-friendly pumps, upgraded screening technology and a system to safely return fish caught in the intake to the ocean will further protect marine life. This is essential with the power plant ceasing operations that the desalination plant will continue to provide the lagoon with a new steward that has a shared interest in the Lagoon's long-term vitality and ecological health.

E-3

Thank you again for the opportunity to comment. I look forward to the certification of the SEIR and the upgrades at the Carlsbad plant.

Sincerely,



Thomas Grimm, CEO & President
Carlsbad Aquafarm

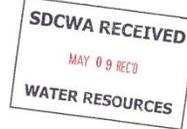
4600 Carlsbad Boulevard, Carlsbad, CA 92008

E-3

The Carlsbad Aquafarm provided statements supporting the CDP and the proposed modifications. No further response is necessary.

RESPONSES TO COMMENTS

Comment Letter F



May 4, 2016

Mr. Mark Tegio
Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Ave.
San Diego, CA 92123

Subject: Comments on the Draft Supplement to the Precise Development Plan and Desalination Plant Project Final Environmental Impact Report

Dear Mr. Tegio:

Thank you for the opportunity to comment on the Supplement to the Precise Development Plan and Desalination Plant Project Final Environmental Impact Report (EIR 03-05). The Carlsbad Chamber of Commerce appreciates the careful production of this document and encourages the San Diego County Water Authority's Board of Directors to certify the SEIR to ensure that the Claude "Bud" Lewis Carlsbad Desalination Plant continues to meet the highest environmental standards.

Since 1923, the Carlsbad Chamber of Commerce has been working to promote a favorable business climate at the local, state and federal levels. We make certain the business perspective is heard on a variety of critical issues that affect our local economy. Currently, the Chamber represents more than 1,700 business members that employ over 35,000 employees.

The Carlsbad Chamber of Commerce and many of its many members have written and testified at public hearings numerous times on behalf of the Carlsbad Desalination Plant during the past decade. The Chamber believes that the Carlsbad Plant is an environmentally responsible solution to the region's water needs is a key component to achieving the goal of water reliability. San Diego now has its own locally-produced, drought-resistant supply.

The Carlsbad plant is also among the most environmentally responsible seawater desalination plants in the world, and it will be the first to incorporate the requirements of California's 2015 Ocean Plan Amendment. The SEIR shows that proposed measures will mitigate all significant impacts related to the upgrades to biological resources and water quality, and that the project will have no significant impacts on greenhouse gas emissions. In addition, no significant

5934 Priestly Drive | Carlsbad, CA 92008 | 760.831.8400 T | 760.831.9153 F
www.carlsbad.org

F-1

F-2

Response to Comment Letter F

Carlsbad Chamber of Commerce
Ted Owen, President and CEO
May 4, 2016

F-1 The Carlsbad Chamber of Commerce acknowledges the commenting opportunity and provides a synopsis of the Chamber. No further response is necessary.

F-2 The Carlsbad Chamber of Commerce provides a summary of their prior support for the project and the commitment to the environment as evidenced by the mitigation measures identified in the SEIR that mitigate all significant impacts of the project. No further response is necessary.

RESPONSES TO COMMENTS

<p style="text-align: right;">Page 2</p> <p>impacts related to energy were identified associated with the proposed modifications. The project applicant (Poseidon) has committed to an Energy Minimization and GHG Reduction Plan that requires efficient energy use and net carbon neutral plant operations inclusive of the proposed modifications.</p> <p>The proposed upgrades assessed in the SEIR were anticipated in the Water Purchase Agreement approved by the Water Authority Board in November 2012, and I appreciate the foresight by the Water Authority and Poseidon to ensure that the plant can become a stand-alone operation that serves the San Diego region for decades. Specifically, the incorporation of fish-friendly pumps, upgraded screening technology and a system to safely return fish caught in the intake to the ocean will further protect marine life.</p> <p>Thank you again for the opportunity to comment. I look forward to the certification of the SEIR and the upgrades at the Carlsbad plant.</p> <p>Sincerely,</p>  <p>Ted Owen President/CEO</p>	<p style="text-align: center;">F-2 Cont.</p> <p style="text-align: center;">F-3</p> <p>F-3 The Carlsbad Chamber of Commerce expresses their support for the CDP and specifically for the proposed modifications. No further response is necessary.</p>
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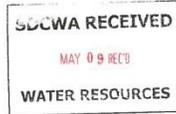
RESPONSES TO COMMENTS

Comment Letter G



May 4, 2016

Mr. Mark Tegio
Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Ave.
San Diego, CA 92123



Subject: Comments on the Draft Supplement to the Precise Development Plan and Desalination Plant Project Final Environmental Impact Report

Dear Mr. Tegio:

Thank you for the opportunity to comment on the Supplement to the Precise Development Plan and Desalination Plant Project Final Environmental Impact Report (EIR 03-05).

My company, Grand Pacific Resorts, is headquartered in Carlsbad where we manage the Pacific Palisades Resort, Grand Pacific MarBrisa, the Carlsbad Inn and the Sheraton Carlsbad, as well as numerous properties throughout California. We have always promoted North County and the entire San Diego region as a premier vacation destination to our clients. Tourism is inarguably one of our region's most important industries; it employs hundreds of thousands of San Diegans and contributes billions towards our local economy. Unfortunately, San Diego's hospitality industry has been deeply impacted by the reduced availability of water supplies we rely on to maintain our properties and ensure the comfortable environment which keeps our guests returning year after year.

Today I encourage the San Diego County Water Authority's Board of Directors to certify the SEIR to ensure that the Claude "Bud" Lewis Carlsbad Desalination Plant continues to meet the highest environmental standards. The Carlsbad plant is the largest seawater desalination plant in the nation and it provides tremendous benefits for our region's water supply reliability. Shortly after commercial operations began in December 2015, the State Water Resources Control Board certified supplies from the plant as drought-resilient, reducing the impacts of the state conservation mandates on our region. In addition, the Carlsbad plant represents a strategic long-term asset for our region's 3.2 million residents and \$218 billion economy that should be preserved and protected. Without projects like the Carlsbad desalination plant, we simply will not be able to meet the needs of residents and visitors in the future.

Thank you again for the opportunity to comment. I look forward to the certification of the SEIR and the upgrades at the Carlsbad plant.

Sincerely,

Tim Stripe, Co-President
Grand Pacific Resorts

5900 PASTEUR COURT, SUITE 200 • CARLSBAD, CA 92008 • TELEPHONE 760-438-8500 • www.grandpacificresorts.com

Response to Comment Letter G

Grand Pacific Resorts
Tim Stripe, Co-President
May 4, 2016

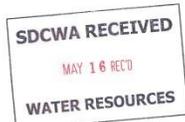
G-1

The Grand Pacific Resorts provided statements supporting the CDP and the proposed modifications. No further response is necessary.

G-1

RESPONSES TO COMMENTS

Comment Letter H



May 10, 2016

Mr. Mark Tegio
Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Ave.
San Diego, CA 92123

Subject: Comments on Draft Supplement to Precise Development Plan and Desalination Plant Project Final Environmental Impact Report

Dear Mr. Tegio:

Thank you for the opportunity to comment on the Supplement to the Precise Development Plan and Desalination Plant Project Final Environmental Impact Report. San Diego Regional Economic Development Corporation appreciates the careful production of this document and encourages the San Diego County Water Authority's Board of Directors to certify the SEIR to ensure that the Claude "Bud" Lewis Carlsbad Desalination Plant continues to meet the highest environmental standards.

As you know, the Carlsbad plant is the largest seawater desalination plant in the nation and it provides tremendous benefits for our region's water supply reliability. Shortly after commercial operations began in December 2015, the State Water Resources Control Board certified supplies from the plant as drought-resilient, reducing the impacts of the state conservation mandates on our region.

We applaud the investment as the Carlsbad plant represents a strategic long-term asset for our region's 3.2 million residents and \$218 billion economy. The Water Authority and its 24 member agencies should be commended for enhancing water supply reliability and setting a national example for water supply diversification – not only via seawater desalination but also through landmark conservation-and-transfer agreements with the Imperial Valley, potable reuse, groundwater development and water recycling.

530 B Street | 7th Floor
San Diego, CA 92101
p 619 234 8484

sded.org/business.org

H-1

Response to Comment Letter H

San Diego Regional Economic Development Corporation (SDED)

Mark Cafferty, President and CEO

May 10, 2016

H-1

The SDED provided statements supporting the CDP and the proposed modifications. No further response is necessary.

RESPONSES TO COMMENTS

Mr. Mark Tegio

May 10, 2016

Page 2

By enhancing the region's resiliency against drought and ensuring a safe, reliable supply, we can support businesses in the region's key industries as they continue to grow and compete globally. Numerous industry clusters will benefit greatly from this effort, most notably our life sciences sector, which will have access to a water supply supporting its \$14.2 billion direct economic impact and sustaining more than 34,000 jobs per year. A safe and affordable water supply will continue to make the region competitive with regions around the globe and ensure our economic prosperity long into the future.

Thank you again for the opportunity to comment.

Sincerely,



Mark Cafferty
President & CEO

H-1
Cont.

RESPONSES TO COMMENTS

Comment Letter I



Board of Directors

Maureen Simons
Chairman

Ian McDaniel
Vice-chair

Graham Beatty
Treasurer

Kimberly Holmes
Secretary

Aaron Booth

Jim Brubaker

Jim Courtnay

Cameron Durckel

Michael Gazzano

Karen McClune

Becky Moore

Eric Munoz

Rebecca Richards

Sam Ross

Tim Stak

Dee Sodona

Jimmy Ukegawa

Wendy Wiegand

Staff

Lisa Rodman
Chief Executive Officer

Samantha Richter
Director of Education

Ciarra Russo
Administrative Manager

Morgan Wofford
Trail Development Manager

Mr. Mark Tegio
Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Ave.
San Diego, CA 92123

May 23, 2016

Subject: Comments on the Draft Supplement to the Precise Development Plan and Desalination Plant Project Final Environmental Impact Report

Dear Mr. Tegio:

Thank you for the opportunity to comment on the Supplement to the Precise Development Plan and Desalination Plant Project Final Environmental Impact Report (SEIR). The Agua Hedionda Lagoon Foundation (AHLF) appreciates the careful production of this document and requests the San Diego County Water Authority's Board of Directors to consider the comments on the draft SEIR to ensure that the Claude "Bud" Lewis Carlsbad Desalination Plant continues to meet the highest environmental standards.

The AHLF was created to promote conservation, restoration and enhancement of the Agua Hedionda Lagoon, marsh, wetlands and watershed area. We strive to protect sensitive land through acquisition or other means and promote balanced recreational and commercial uses that ensure the long-term health and vitality of the lagoon.

As such, the AHLF has carefully reviewed the SEIR for Carlsbad Desalination Project to ensure that it adequately addresses and mitigates for any potential impacts on the lagoon marine life. The proposed upgrades assessed in the SEIR were anticipated in the Water Purchase Agreement approved by the Water Authority Board in November 2012, and I appreciate the foresight by the Water Authority and Poseidon to ensure that the plant can become a stand-alone operation that serves the San Diego region for decades.

Specifically, the incorporation of fish-friendly pumps, upgraded screening technology and a system to safely return fish caught in the intake to the lagoon will further protect marine life. We would like to recommend that the SEIR include an option to route the fish return to the Pacific Ocean via the existing discharge pond onsite.

The Carlsbad plant is the largest seawater desalination plant in the nation and it provides tremendous benefits for our region's water supply reliability and we are pleased to be their neighbor on the Lagoon. With Poseidon's continued stewardship we can ensure that the lagoon will continue to provide a sanctuary for marine life, public access and a safe and reliable water supply.

Thank you again for the opportunity to comment. We look forward to the certification of the SEIR and the upgrades at the Carlsbad plant.

Sincerely,

Lisa Rodman, CEO
Agua Hedionda Lagoon Foundation

A California Non-Profit Corporation #501(C) 33-0411888
1580 Cannon Road, Carlsbad, CA, 92008 760.804.1969 www.aguahedionda.org

I-1

I-2

I-3

Response to Comment Letter I

Agua Hedionda Lagoon Foundation (AHLF)
Lisa Rodman, CEO
Mat 23, 2016

I-1 The AHLF acknowledges the commenting opportunity and provides a synopsis of the AHLF. No further response is necessary.

I-2 The AHLF provides a summary of their support for the CDP and specifically the proposed modifications. AHLF also recommends that the SEIR include an option to route the fish return to the Pacific Ocean via the existing discharge pond. The Applicant investigated the feasibility of an option to route the fish return to the Pacific Ocean via the existing discharge pond. The Water Authority has reviewed the Applicant's investigation into the suggested alternative fish return route and discharge location and has determined that there are no significant impacts associated with routing the fish return to the Pacific Ocean via the existing discharge pond. As such the Final SEIR revisions include an evaluation of the discharge pond fish return option as an alternative to the lagoon fish return option, see section 4.2 of the Final SEIR pages 4.2-15 to 4.2-17.

I-3 The AHLF provided a general statement supporting the CDP. No further response is necessary.

RESPONSES TO COMMENTS

Comment Letter J



May 26, 2016

Mark Tegio
Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123-1233

SUBJECT: NOTICE OF AVAILABILITY OF A DRAFT SUPPLEMENT TO AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE PRECISE DEVELOPMENT PLAN AND DESALINATION PLANT PROJECT (SCH #2004041081 AND #2015091060) FOR THE CARLSBAD DESALINATION PLANT RELATED TO FACILITY MODIFICATIONS FOR INTAKE, DISCHARGE AND CAPACITY

Dear Mr. Tegio,

Thank you for notifying the City of Carlsbad in regard to the San Diego County Water Authority's (SDCWA) Notice of Availability of a Supplemental Environmental Impact Report (EIR) for the Desalination Plant. In 2006, the City of Carlsbad, as Lead Agency, certified the Final Environmental Impact Report (FEIR) and issued local approvals for the original project. For the proposed modifications to the Carlsbad Desalination Plant (CDP) and this fifth addendum to the FEIR, the City of Carlsbad is a Responsible Agency under the meaning of the California Environmental Quality Act (CEQA). CEQA Guidelines Section 15381 states that, "for purposes of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency (SDCWA, in this case) which have discretionary approval power over the project."

In 2006, Poseidon Resources received the following permits from the City of Carlsbad to construct and operate the CDP:

- EIR 03-05
- PDP 00-02
- SP 144(H)
- CDP 04-41
- DA 05-01
- RP 05-12
- SUP 05-04
- HMP 05-08

As stated in my letter to Laurence J. Purcell, Water Resource Manager for the SDCWA, dated October 19, 2015, the proposed changes to the Desalination Plant will require amendments to the following permits and agreement:

- Precise Development Plan Permit (PDP 00-02)
- Review Permit (RP 05-12)
- Development Agreement (DA 05-01)

The City of Carlsbad has reviewed the Draft Supplemental EIR and does not have any additional comments or concerns. Please contact me at (760) 602-4644, if you have any questions.

Sincerely,

PAM DREW
Associate Planner

cc: Frank Rebeck, Deputy General Manager, San Diego County Water Authority, 4677 Overland Avenue, San Diego, CA 92123
Peter MacLaggan, Vice President, Poseidon Water, Suite 340, 5780 Fleet Street, Carlsbad, CA 92008
George Pineda, P.E., Director Environmental Business, MNG West, Suite 200, 5790 Fleet Street, Carlsbad, CA 92008
Scott Dornoff, Senior Planner
Dana Enry

File Copy
Community & Economic Development
Planning Division | 1635 Faraday Avenue Carlsbad, CA 92008-7314 | 760-602-4600 | 760-602-8560 | www.carlsbadca.gov

J-1

J-2

Response to Comment Letter J

City of Carlsbad
Pam Drew, Associate Planner
May 26, 2016

J-1

The City of Carlsbad acknowledges the commenting opportunity and that the City of Carlsbad is a Responsible Agency as defined CEQA Guidelines § 15381. The Water Authority concurs and the SEIR identifies the City of Carlsbad as a Responsible Agency and identifies actions the City of Carlsbad is responsible for. No further response is necessary.

J-2

The City of Carlsbad provides a summary of prior permits on the project from the City and identifies the permits from the City of Carlsbad necessary for the proposed modifications, as provided in the comment letter on the NOP. The Water Authority acknowledges the City of Carlsbad's comment and the prior NOP comment letter. In response to this comment the Water Authority has added revised the list of City of Carlsbad actions as provided by the City of Carlsbad comment to restate that Review Permit is the appropriate term for "RP". As the confines of the disturbance areas are within the existing disturbed areas, the Water Authority understands that no new development agreement (or amendment thereto) is necessary. However, if the

RESPONSES TO COMMENTS

City determines an amendment to the development agreement is in fact necessary, that amendment will be addressed as part of the City's permitting process. That an amendment to the development agreement is or is not required does not affect physical environmental changes of the proposed modifications or the analysis and conclusions in the SEIR. See revisions to page 3-47 of the SEIR.

RESPONSES TO COMMENTS

Comment Letter K

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
DISTRICT 11
PLANNING DIVISION
4050 TAYLOR STREET, M.S. 240
SAN DIEGO, CA 92110
PHONE: (619) 688-4960
FAX: (619) 688-4299
TTY: 711

EDMUND G. BROWN, Jr., Governor



Serious drought.
Help save water!

May 25, 2016

11-SD-5

PM 47.98

Carlsbad Desalination Plant Intake and Discharge Facility Modification
SEIR / SCH#2015091060

Mr. Mark Tegio
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123

Dear Mr. Tegio:

The California Department of Transportation (Caltrans) received a copy of the Supplement/Subsequent Environmental Impact Report (SEIR) for the proposed Carlsbad Desalination Plant Intake and Discharge Facility Modifications Project located near I-5.

Caltrans has the following comments:

- Any work performed within Caltrans Right-of-Way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. As part of the encroachment permit process, the applicant must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts with the Caltrans' R/W, and any corresponding technical studies. Please see Section 600 of the Encroachment Permits Manual for requirements regarding utilities and state R/W:
http://www.dot.ca.gov/hq/traffops/developserv/permits/pdfmanual/Chapter_6.pdf
- The I-5 North Coast Corridor (NCC) project is proposed to widen I-5. Please consider this for any future work along the corridor.

K-1

K-2

If you have any questions, please contact Kimberly Dodson, of the Caltrans Development Review Branch, at (619) 688-2510 or by e-mail sent to kimberly.dodson@dot.ca.gov.

Sincerely,

JACOB ARMSTRONG, Chief
Development Review Branch

"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability."

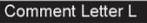
Response to Comment Letter K

California Department of Transportations (CALTRANS)
Jacob Armstrong, Chief
May 25, 2016

K-1 CALTRANS identified the conditions under which an encroachment permit may be necessary and the necessary information to provide. The proposed modifications to the CDP do not involve any activities with the CALTRANS right-of-way or access from CALTRANS roadway. No further response is necessary.

K-2 CALTRANS requests that proposed work give consideration of pending widening of the I-5 in the area. The proposed modifications would not interfere with the I-5 widening, but as requested, the Applicant will give consideration to the widening activities during construction. No further response is necessary.

RESPONSES TO COMMENTS

   <p>San Diego Regional Water Quality Control Board</p> <p>May 27, 2016 <i>Sent Via Email Only</i></p> <p>Mark Tegio, Senior Water Resources Specialist San Diego County Water Authority 4677 Overland Avenue San Diego, CA 92123-1233 E-mail: mtegio@sdcwa.org</p> <p>In reply refer to / attn: 640063; bneill</p> <p>Subject: Comments on the Draft Supplement to the Precise Development Plan and Desalination Plant Project Final Environmental Impact Report (EIR 03-05), City of Carlsbad, California, SCH Nos. 2004041081 and 2015091060</p> <p>Mr. Tegio:</p> <p>The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) and the State Water Resources Control Board (State Water Board) have reviewed the <i>Draft Supplement to the Precise Development Plan and Desalination Plant Project Final Environmental Impact Report</i> (Draft SEIR) dated April 2016. The Draft SEIR evaluates potential environmental impacts due to proposed modifications at the Claude "Bud" Lewis Carlsbad Desalination Plant (CDP) owned by Poseidon Resources (Channelside) LP (Discharger). The proposed modifications include the planned transition from co-located and temporary stand-alone operations with the Encina Power Station (EPS) to permanent stand-alone operations with a potential for increased water production.</p> <p>The San Diego Water Board is the agency responsible for issuing the National Pollutant Discharge Elimination System (NPDES) permit for the discharge of brine and other wastes from the CDP to the Pacific Ocean and for making a determination regarding the factors set forth in California Water Code (CWC) section 13142.5, subdivision (b) (CWC section 13142.5(b))¹, for the CDP. The NPDES permit will implement the provisions of the <i>Water Quality Control Plan for Ocean Waters of California</i>, including the <i>Amendment to the Water Quality Control Plan for Ocean Waters of California Addressing Desalination Facility Intakes, Brine Discharges, and the Incorporation of Other Nonsubstantive Changes</i> (Desalination Amendment). In developing the CWC section 13142.5(b) determination and the NPDES permit for the CDP, the San Diego Water Board, in consultation with the State Water Board, will rely on documents that the Discharger submitted with the Report of Waste Discharge (ROWD), information contained in the Final EIR as supplemented, and other available information. The San Diego Water Board may request that the Discharger submit additional information that is necessary for the CWC section 13142.5(b) determination or for the NPDES permit issuance. Although issuance of an NPDES permit is exempt from California Environmental Quality Act (CEQA) compliance pursuant to CWC section 13389, a CWC section 13142.5(b) determination is a discretionary approval.</p> <p>¹ CWC section 13142.5(b) requires each new or expanded coastal powerplant or other industrial installation using seawater for cooling, heating, or industrial processing, to use the best available site, design, technology, and mitigation measures feasible to minimize the intake and mortality of all forms of marine life.</p> <p style="text-align: center;"><small>HENRY ASHBAH, Ph.D., Chair DAVID GIBSON, EXECUTIVE OFFICER 2375 Northside Drive, Suite 100, San Diego, California 92108-2708 www.waterboards.ca.gov/sandiego recycle news</small></p>	<h2 style="text-align: center;">Response to Comment Letter L</h2> <h3 style="text-align: center;">San Diego Regional Water Quality Control Board (RWQCB) James G. Smith, AEO for David Gibson, Executive Officer May 27, 2016</h3> <p>L-1 The RWQCB provides context and status of their ongoing permitting process for the CDP and the proposed modifications as well as their role as a responsible agency for the purposes of CEQA. The Water Authority appreciates the status update and concurs with the RWQCB responsible agency assertion, as identified in the SEIR, page 2-1. Additional materials are provided herein as responses to comments to support the RWQCB review as well as in direct response to comments.</p>
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RESPONSES TO COMMENTS

Mr. Mark Tegio
San Diego County Water Authority

- 2 -

May 27, 2016

subject to CEQA compliance. The San Diego Water Board is a responsible agency for purposes of complying with CEQA for a CWC section 13142.5(b) determination requested by the Discharger.

The San Diego Water Board and the State Water Board offer the following comments on sections 1, 2, 3, 4.2, 4.4, 5.1, 5.2.2, and 5.2.4 of the Draft SEIR. The remaining sections were not reviewed.

Brine Mixing Zone and Flow Augmentation

1. In section 2.3, page 2.5, the Draft SEIR indicates that the outfall location is the effluent tunnel discharge point. This is inconsistent with the ROWD, as amended in September 2015, which indicates that the outfall location is the EPS surface discharge channel. The Draft SEIR should be amended to clarify the outfall location.

2. The Draft SEIR presumes (e.g. see Page 4.4-6) that the brine mixing zone (BMZ) for the CDP will be approximately 200 meters from the discharge point. However, the Desalination Amendment definition of the BMZ provides that a standard BMZ shall not exceed 100 meters laterally from each discharge point and throughout the water column. For the owner or operator of a facility that has received a conditional CWC section 13142.5(b) determination, was over 80 percent constructed by January 28, 2016, and proposes flow augmentation (additional intake of water for brine dilution) using a surface water intake, the Desalination Amendment provides the option for the Discharger to submit a proposal to the San Diego Water Board for approval of an alternative BMZ. The alternative BMZ shall not exceed 200 meters laterally from the discharge point and throughout the water column. This option is contingent upon the Discharger demonstrating and the San Diego Water Board approving in an NPDES permit, that the combination of the alternative BMZ and flow augmentation provides a level of intake and mortality of all forms of marine life that is comparable to the combination of the standard BMZ and wastewater dilution, if wastewater is available, or multiport diffusers, if wastewater is unavailable. The Desalination Amendment specifies that in no case may the discharge result in hypoxic conditions outside of the alternative BMZ.

The Discharger has submitted a request to the San Diego Water Board for approval of flow augmentation using a surface water intake and an alternative BMZ of 200 meters from the discharge point. The San Diego Water Board, in consultation with the State Water Board, is reviewing this request as part of the CWC section 13142.5(b) determination. As such, the Draft SEIR should be amended to evaluate whether the discharge would result in hypoxic conditions outside of the requested alternative BMZ. Additionally, the Draft SEIR should be amended to evaluate alternatives to flow augmentation and a BMZ greater than 100 meters that may have reduced environmental impacts. These alternatives should include withdrawing less seawater for flow augmentation, a BMZ less than 200 meters from the discharge point, diluting brine using multiport diffusers, and commingling brine with municipal wastewater prior to discharge.

3. In section 4.2, page 4.2-12, the Draft SEIR states that the proposed CDP modifications satisfy the Desalination Amendment's requirements for brine discharge using flow augmentation. In a meeting on April 12, 2016, San Diego Water Board staff verbally requested that the Discharger consult with the Encina Wastewater Authority about the possibility of diverting some of the effluent from the CDP to the Encina Ocean Outfall. The Draft SEIR should be amended to evaluate this alternative discharge option of commingling CDP's brine with wastewater.

L-1
Cont.

L-2

L-3

L-4

L-2

The RWQCB requests clarification with regards to references to the outfall location. In response to this comment the second bullet on page 2-5 of the SEIR has been revised to clarify the outfall location.

L-3

The RWQCB requests that the SEIR clarify that the brine mixing zone (BMZ) established in the Desalination Amendment is 100 meters and that the applicant has submitted to the RWQCB a request for the approval of flow augmentation and alternative BMZ of 200 meters. Further the comment requests that the SEIR be revised to include an analysis of whether hypoxic conditions outside of the alternative BMZ, and alternatives, including a reduced BMZ, reduced seawater withdrawal, dilution using multiport diffusers, and comingling with municipal wastewater. In response to this comment page 4.4-6 of the SEIR has been revised to clarify that the 200 meter BMZ is an alternative that the applicant has submitted to the RWQCB for approval.

The following is provided that further clarify how the alternative is consistent with the Ocean Plan (Desalination) Amendment, as follows:

The 200-meter brine mixing zone is consistent with the Ocean Plan Amendment as a facility-specific alternative receiving water salinity limitation. Chapter III.M.3.d provides that a facility which has received a conditional

RESPONSES TO COMMENTS

Mr. Mark Tegio
San Diego County Water Authority

- 3 -

May 27, 2016

Fish Return System

4. In section 3.4, page 3-15, the Draft SEIR states that the fish return pipe will have two cleanouts to facilitate cleaning and inspection. The Draft SEIR should be amended to describe the methods that will be used to clean the fish return pipe and the discharge pipe following the permanent cessation of operations at the EPS. Depending on the cleaning methods or agents selected, pollutants may be added to the CDP discharge, possibly resulting in additional environmental impacts. The Draft SEIR should be amended to evaluate the possible environmental impacts associated with discharge to surface waters of cleaning-in-place liquids, solvents, antiscalants, debris from cleaning, and biofouling and antifouling agents.

L-5

Construction Schedule

5. In section 3.4, page 3-30, the Draft SEIR identifies a schedule of approximately 18 months for the construction of intake and discharge modifications. Because this schedule will extend beyond the planned permanent cessation of operations at the EPS, which is currently scheduled for December 31, 2017, the Draft SEIR should be amended to describe CDP operations during the interim period when EPS is permanently shut down and prior to the new intake structure being constructed and operated.

L-6

Intake Structure Modifications

6. In section 4.2, page 4.2-5, there is a description of the proposed CDP modifications to the EPS intake structure, which consist of center-flow traveling water screens with 1 mm mesh, axial flow pumps, and a fish return system. Entrapment of marine life may occur in the intake tunnel, if organisms pass through the trash racks at the onset of the tunnel but cannot swim back through them. The Draft SEIR should be amended to evaluate alternative options, such as wedgewire screens, installation of traveling screens at the onset of intake, and an offshore intake structure, that were considered for modifications to the EPS intake structure and that may result in fewer impacts on marine life.

L-7

Alternative Receiving Water Limitation

7. In section 4.2, page 4.2-12, the Draft SEIR states that the chronic toxicity test results suggest that the CDP qualifies for a facility-specific alternative receiving water salinity limitation as provided in section III.M.3.c. of the Desalination Amendment. As part of the ROWD and the request for a CWC section 13142.5(b) determination for stand-alone operations of the CDP, the Discharger has requested guidance from the San Diego Water Board to identify future research, studies, and monitoring required to evaluate and identify a facility-specific alternative receiving water salinity limitation. The San Diego Water Board, in consultation with the State Water Board, is in the process of reviewing the Discharger's request and has yet to make a decision about whether an alternative receiving water salinity limitation for the CDP is appropriate. The Draft SEIR should be amended to more accurately describe the current status of the alternative receiving water limitation request and must also evaluate the scenario under which the San Diego Water Board does not approve an alternative receiving water salinity limitation.

L-8

Mitigation

8. In section 4.2, page 4.2-15, the Draft SEIR states that the San Diego Water Board found that the proposed measures for the CDP in the March 27, 2009 *Flow, Entrapment, and Impingement Minimization Plan* (Minimization Plan) are the best available CWC section

L-9

Water Code section §13142.5(b) determination and is over 80 percent constructed by the effective date of the Desalination Amendments, shall not exceed a daily maximum of 2.0 parts per thousand (ppt) above natural background salinity measured at the edge of the brine mixing zone 200 meters (656 ft.) away from the points of discharge. The owner or operator of such a facility must demonstrate, in accordance with chapter III.M.2.d.(2)(c), that the individual and cumulative effects of a combination of the alternative brine mixing zone and flow augmentation using a surface water intake provide a comparable level of intake and mortality of all forms of marine life as the combination of the standard brine mixing zone and wastewater dilution if wastewater is available, or multiport diffusers if wastewater is unavailable; and in no case may the discharge result in hypoxic conditions outside of the alternative brine mixing zone.

The RWQCB conducted and approved a conditional Water Code section §13142.5(b) determination in 2009 (Order R9-2009-0038) and the CDP is constructed and fully operational. The proposed modifications would continue to rely on flow augmentation using a surface water intake. The Submittal to the RWQCB includes a request that the Regional Water Board, in consultation with the State Water Board staff, approve of an alternative brine mixing zone not to exceed 200 meters

RESPONSES TO COMMENTS

Mr. Mark Tegio
San Diego County Water Authority

- 4 -

May 27, 2016

13142.5(b) mitigation feasible for the CDP. The Draft SEIR presumes that the San Diego Water Board will accept out-of-kind mitigation and a mitigation ratio of one to ten² for purposes of the requested CWC section 13142.5(b) determination. The Draft SEIR also states that no additional marine biological resources mitigation measures beyond those required by the Final Environmental Impact Report are necessary. For clarification, in Order No. R9-2009-0038, the San Diego Water Board found that the Minimization Plan will ensure that the CDP is in compliance with CWC section 13142.5(b) under *co-located and temporary shutdown* operations of EPS (emphasis added) only and that it will be necessary to evaluate compliance with CWC section 13142.5(b) for stand-alone operations if the EPS permanently ceases operations. The San Diego Water Board, in consultation with the State Water Board, is in the process of reviewing the Discharger's request for a CWC section 13142.5(b) determination for stand-alone operations of CDP, including evaluating compliance with the mitigation requirements contained in the Desalination Amendment. The San Diego Water Board has yet to make a decision regarding whether the proposed measures in the Minimization Plan constitute the best available mitigation for stand-alone operations of the CDP. The Draft SEIR should be amended to more accurately discuss the current situation with regards to mitigation.

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L-9
Cont.

9. In section 4.2, page 4.2-15, the Draft SEIR re-states section III.M.2.e(7) of the Desalination Amendment, which provides the San Diego Water Board with the discretion, when making a new CWC section 13142.5(b) determination, to account for previously-approved mitigation projects and to require additional mitigation for any additional mortality of marine life. The Draft SEIR should be amended to more accurately discuss the current situation with regards to mitigation considering 1) that the San Diego Water Board has yet to make a decision regarding these provisions and 2) that section III.M.2.e(7) of the Desalination Amendment does not obviate compliance with other mitigation requirements within section III.M.2.e of the Desalination Amendment. The San Diego Water Board will determine the appropriate mitigation requirements to compensate for the intake and mortality of all forms of marine life associated with the construction and operation of the long-term stand-alone facility when it makes the CWC section 13142.5(b) determination. As part of this process, the San Diego Water Board will assess whether to account for previously-approved mitigation as part of the mitigation for stand-alone operations of CDP. The Draft SEIR should be amended to address the possibility that previously approved mitigation will not be credited toward stand-alone operations of CDP.

↑
L-10

Groundwater Dewatering

10. In section 4.4.3, page 4.4-3, the Draft SEIR states that the construction of the proposed modifications will require groundwater extracted through dewatering to be discharged to the brine discharge structure. The Draft SEIR should be amended to explain and evaluate the impacts of the decision to discharge the groundwater to the brine discharge structure rather than to the intake system to supplement the CDP's process water requirements. The Draft SEIR should also be amended to examine whether the groundwater dewatering wells for construction may be put into permanent use after completion of construction to provide supplemental water for the CDP's process water requirements.

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L-11

² Section III.M.2.e.(3)(b)(vi) of the Desalination Amendment requires a mitigation ratio of no less than one acre of mitigation habitat for every ten acres of impacted open water or soft-bottom habitat.

(656 ft.) laterally from the discharge point and throughout the water column. Analysis provided as Appendix CC to the Submittal to the RWQCB demonstrated in accordance with chapter III.M.2.d.(2)(c), that wastewater dilution is not available. The Encina Wastewater Authority (EWA) confirmed that outfall capacity is unavailable because the Encina Water Pollution Control Facility requires the entire capacity of the outfall to discharge the peak flows during storm events up to two weeks out of the year. During average dry weather flow, the wastewater flow in the outfall drops to less than 7 mgd every day from 4 am to 6am, which limits the opportunity for dilution and disposal of the brine discharge during to about 10% of the CDP discharge. Therefore, the EWA outfall does not provide an opportunity to eliminate, or reduce the capacity of the proposed intake/discharge modifications. Analysis provided as Appendix B and Appendix K to the Submittal to the RWQCB demonstrated that the combination of the alternative brine mixing zone and flow augmentation using a surface water intake would result in a lower level of intake and mortality of all forms of marine life as the combination of the standard brine mixing zone with a multiport diffuser. The analysis provided as Appendix DD to the Submittal to the RWQCB demonstrated that the proposed discharge would not result in hypoxic conditions outside of the alternative brine mixing zone.

RESPONSES TO COMMENTS

Mr. Mark Tegio
San Diego County Water Authority

- 5 -

May 27, 2016

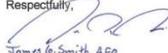
Low Impact Development

11. The Draft SEIR should be amended to address Low Impact Development (LID) requirements, as required by 1) section II.E.3 of San Diego Water Board Order No. R9-2013-0001, *National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems Draining the Watersheds within the San Diego Region* (Order No. R9-2013-0001), as amended; and 2) the City of Carlsbad's *BMP Design Manual*. Where conflict exists between the two referenced documents the most stringent requirements shall apply. The proposed modifications to the CDP provide an opportunity to examine retrofitting or otherwise implement LID principles that would minimize storm water pollution impacts to the receiving waters. Section II.E.3.a(3) of Order No. R9-2013-0001, as amended, contains minimum LID measures that all development projects must implement.

L-12

For questions or concerns, please contact Ben Neill with the San Diego Water Board at (619) 521-3376, Ben.Neill@waterboards.ca.gov, or Kim Tenggardjaja with the State Water Board at (916) 341-5473, Kimberly.Tenggardjaja@Waterboards.ca.gov. In the subject line of any response, please include the reference "640063: bneill".

Respectfully,



David Gibson
Executive Officer

DWG:jgs:dib:bno:bin

cc by email:

Peter MacLaggan, Poseidon Resources (Channelside), PMacLaggan@poseidon1.com
Kim Tenggardjaja, State Water Board, Kimberly.Tenggardjaja@Waterboards.ca.gov
Claire Waggoner, State Water Board, Claire.Waggoner@waterboards.ca.gov
Tom Luster, California Coastal Commission, Tom.Luster@coastal.ca.gov
Jamie Marincola, USEPA, Marincola.Jamespaul@epamail.epa.gov
Elaine Lukoy, City of Carlsbad, Elaine.Lukev@carlsbadca.gov

Tech Staff Info & Use	
Order No.	R9-2006-0065
Party ID	522151
WDID	9 000001429
NPDES No.	CA0109223
Reg. Measure ID	308381
Place ID	640063
Person ID	339921

The proposed brine mixing zone would be contained to 15.5-acre semicircular area extending 200 meters (656 ft.) from the end of the discharge channel. For comparison purposes, the area in which the brine mixing zone for the multiport diffuser considered in the Feasibility Study consisted of four duck-bill diffuser ports located 100 feet apart would eject the brine into the water column at a high velocity to promote rapid diffusion and dispersion. The Brine Mixing Zone would extend 100 meters (328 ft.) out from each of the four discharge points with the combined area inside the brine mixing zone covering 14.4 acres. Therefore, the size of the brine mixing zone associated with the screened intake combined with flow augmentation is slightly larger (7.6%) than the brine mixing zone for a screened intake combined with a multiport diffuser.

As part of the permitting process with RWQCB the Applicant has prepared a Feasibility Study and Addendum to the Feasibility Study (Appendix B and Appendix II to the Submittal to the RWQCB) that assessed the combined effects of each of these technologies on all forms of marine life as required by California Water Code Section §13142.5(b). The conclusion of that assessment was that the screened intake combined with flow augmentation would result in lower mortality to all forms of marine life than the

RESPONSES TO COMMENTS

	<p>screened intake combined with a multiport diffuser. The total area impacted by these technologies was found to be 99.5 acres for the screened intake combined with flow augmentation versus 118.4 acres with the screened intake combined with the multiport diffuser.</p> <p>Based on the results of the revised hydrodynamic discharge modeling study (Appendix BB to the Submittal to the RWQCB), a brine mixing zone of less than 200 meters would not be able to achieve compliance with the Ocean Plan receiving water salinity limitation of 2.0 ppt above natural background salinity at the edge of brine mixing zone during the worst case month without increasing the quantity of seawater used for flow augmentation or relaxing the receiving water salinity limitation.</p> <p>The Applicant has requested guidance from the RWQCB regarding the applicability of a facility-specific alternative receiving water salinity limitation in accordance with section §III.M.3.c. of the Ocean Plan. The Applicant conducted chronic toxicity testing to determine whether a facility-specific alternative receiving water limitation is adequately protective of beneficial uses. The chronic toxicity testing (Salinity Tolerance Interim Report Chronic Test Results included as Appendix H to the Submittal to the RWQCB) found that the lowest observed effect concentration (LOEC) for</p>
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RESPONSES TO COMMENTS

the most sensitive species, red abalone, is 36.5 ppt. The RWQCB is reviewing the Applicant's request and has yet to make a decision about whether an alternative receiving water salinity limitation for the CDP is appropriate. Absent a determination by the RWQCB that an alternative receiving water salinity limitation for the CDP is appropriate, the SEIR assumes project operations in conformance with a daily maximum salinity requirement of 2.0 ppt above natural background salinity measured at the edge of a brine mixing zone 200 meters (656 ft.) away from the points of discharge.

The Water Authority has reviewed the alternative receiving water salinity limitation (200 meter BMZ) and believes that the proposed 200 meter BMZ is the least impactful technology noting that the combined effects of multiport diffuser on all forms of marine life are greater than that associated with flow augmentation (118.4 acres vs. 99.5) and that the proposed technology is consistent with the Ocean Plan (Desalination) Amendment, and prepared the SEIR accordingly. The RWQCB has an independent permitting responsibility as stated by the RWQCB, and can exercise judgement of the materials as part of their review and permitting process.

The analysis confirming the discharge would not result in hypoxic conditions outside the 200 meter BMZ has

RESPONSES TO COMMENTS

	<p>been conducted and included in the Analysis of Hypoxic Conditions Outside the BMZ provided as Appendix DD to the Submittal to the RWQCB, which is incorporated by reference in the SEIR. The SEIR incorporates by reference the entire submittal package submitted to the RWQCB including a Feasibility Study provided as Appendix B and the Addendum to the Feasibility Study provided in Appendix II in that package, which evaluates the alternative technologies and design for intake and discharge. The alternatives to the design and technologies for the intake and discharges are not ‘project alternatives’ for CEQA purposes as they represent components of the proposed project as described in the FEIR, rather than alternatives to the CDP, and the proposed modifications do not result in any significant impacts that any suggested alternate design or technological approach might reduce. The SEIR does not, and is not required to (see SEIR §2.1), include analysis of project alternatives as the modifications are responses to a foreseen condition of the proposed project (EPS closure) rather than selection of an alternative to the CDP identified in the FEIR or a new alternative. The Water Authority has reviewed the Feasibility Study and Addendum and concurs with the conclusions and findings supporting the proposed intake and discharge modifications, and prepared the SEIR accordingly. The RWQCB has an independent permitting</p>
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RESPONSES TO COMMENTS

	<p>responsibility as stated by the RWQCB, and can exercise judgement of the materials as part of their review and permitting process.</p> <p>The opportunity for co-mingling with municipal wastewater was not expressly considered in the SEIR or any of the materials incorporated by reference therein. Alternatives analysis is not required in an SEIR, and as no significant impacts are identified in the SEIR or FEIR that would be avoided or reduced by the suggested alternate design or technologies for the proposed modifications, there is no rationale to include such an evaluation in the SEIR. However, as part of the permitting process with RWQCB the Applicant has prepared a supplement to the Feasibility Study (Appendix B to the submittal to the RWQCB) that addresses the feasibility of the suggested technologies. The assessment of the opportunity for co-mingling with municipal wastewater is included in Appendix CC to the Submittal to the RWQCB, which is incorporated by reference in the SEIR. The Water Authority has reviewed Appendix CC and concurs that the opportunity for co-mingling with municipal wastewater does not reduce or eliminate the need for the proposed intake and discharge modifications, and finds that the conclusions in the SEIR are unchanged. The RWQCB has an independent permitting responsibility as stated by the RWQCB, and can</p>
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RESPONSES TO COMMENTS

	<p>exercise judgement of the materials as part of their review and permitting process.</p> <p>L-4 The RWQCB requested that the EWA be consulted to determine the feasibility of comingling the discharge from the CDP by delivering a portion of the discharge to the Encina Water Pollution Control Facility and discharge to the ocean via the Encina Ocean Outfall. As part of the permitting process with RWQCB the Applicant is preparing an assessment of the opportunity for co-mingling with municipal wastewater, summary information from that study is provided in Section 3-1 of the SEIR.</p> <p>The SEIR incorporates by reference the entire submittal package submitted to the RWQCB including EWA's analysis of the available capacity in the Encina Ocean Outfall provided as Appendix CC. The Water Authority has reviewed Appendix CC and concurs that the opportunity for co-mingling with municipal wastewater does not reduce or eliminate the need for the proposed intake and discharge modifications, and finds that the conclusions in the SEIR are unchanged. Since the opportunity for co-mingling with municipal wastewater does not reduce or eliminate the need for the modifications, it will not be considered any further in the SEIR. The RWQCB has an independent permitting responsibility as stated by the RWQCB,</p>
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RESPONSES TO COMMENTS

	<p>and can exercise judgement of the materials as part of their review and permitting process.</p> <p>L-5 The RWQCB asks for clarification in the project description for what cleaning of the fish return would involve and indicates that additional analysis may be warranted depending on the method identified. In response to this comment, the text on page 3-15 of the SEIR has been revised.</p> <p>The clarified method for cleaning is consistent with that described on page 3-30 of the SEIR for cleaning traveling screens and the debris that would be accumulated over time sourced from the Agua Hedionda Lagoon. The fish return pipe will be designed to minimize marine growth. As such the cleaning would not introduce any foreign agents that could result in possible impacts from discharge (return) to the Agua Hedionda Lagoon or the EPS discharge pond and no further analysis is necessary.</p> <p>L-6 The RWQCB requests clarification of CDP operations during the period when the EPS is closed and construction of the proposed modifications is underway. The SEIR provides supplemental analysis of the proposed modifications and the operations of the CDP during interim closure of the EPS while the modifications are under construction would be consistent with the periodic non-operation of EPS</p>
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RESPONSES TO COMMENTS

	<p>included in the FEIR. In response to this comment, the text on page 3-21 and 4.4-5 of the SEIR has been revised.</p> <p>L-7a The RWQCB identified a concern that marine life may be trapped in the intake tunnel by passing through the trash racks but being unable to swim back out through the trash racks or get through the traveling screens, and that an alternative intake should be evaluated. The SEIR (pages 3-15 and 4.2-6) describes that under such circumstances the traveling screens include fish lifting buckets that would gather such marine life and transfer them to the fish return system for return to the lagoon. Section 4.2 of the SEIR, pages 4.2-5 through 4.2-7 have been revised to include the analysis of potential effects related to entrapment.</p> <p>L-7b The RWQCB recommended that the SEIR be amended to evaluate the marine life impacts of alternative intake options such as wedgewire screens, installation of traveling screens located at the edge of the lagoon, and an offshore intake structure. The SEIR incorporates by reference the entire submittal package submitted to the RWQCB including 2015 Intake/Discharge Feasibility Report provided as Appendix B and the 2016 Addendum to the Feasibility Report provided as Appendix II. Together, these reports provide a comprehensive assessment of marine life impacts and other feasibility criteria for 10 different combinations of intake and</p>
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RESPONSES TO COMMENTS

	<p>discharge technologies (including the technologies recommended by the RWQCB). The summary of the findings from the Feasibility Report is provided in Section 3.1 of the SEIR.</p> <p>L-8 The RWQCB requests that the SEIR clarify that the studies provided to the RWQCB and incorporated by reference in the SEIR supporting qualification for the alternative receiving water salinity limitation under §III.M.3.c of the Ocean Plan (Desalination) Amendment are under review and the status should be more accurately reflected in the SEIR. In addition, the RWQCB suggests that the SEIR evaluate the scenario whereby approval is not granted for the alternative receiving water salinity limitation. In response to this comment and comment L-3, section 4.4.3 of the SEIR has been revised to clarify that the Applicant has requested guidance from the RWQCB regarding the applicability of a facility-specific alternative receiving water salinity limitation in accordance with §III.M.3.c. of the Ocean Plan. Pending receipt of such guidance, the SEIR provides an evaluation of project operations in conformance with a daily maximum salinity requirement of 2.0 ppt above natural background salinity measured at the edge of a brine mixing zone 200 meters (656 ft.) away from the points of discharge.</p> <p>Revisions to section 4.4.3 of the SEIR have also</p>
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RESPONSES TO COMMENTS

	<p>been provided that further clarify that the RWQCB is currently reviewing the Applicant's request for guidance regarding facility-specific alternative receiving water salinity limitation, and that absent a determination by the RWQCB that an alternative receiving water salinity limitation for the CDP is appropriate, the SEIR assumes project operations in conformance with a daily maximum salinity requirement of 2.0 ppt above natural background salinity measured at the edge of a brine mixing zone 200 meters (656 ft.) away from the points of discharge.</p> <p>L-9 The RWQCB requests that the SEIR clarify that the mitigation for marine biological resources identified in the FEIR is under review by the RWQCB for application to the permanent standalone operation of the CDP. The SEIR identifies that there are no significant impacts to marine biological resources, consistent with the findings of the FEIR. The mitigation required by the RWQCB is for the co-located and temporary stand-alone CDP operations and by the California Coastal Commission (CCC) for permanent stand-alone operations have been voluntarily increased by the Applicant and were agreed to by the RWQCB and CCC for an operational condition resulting in greater impacts than would occur with implementation of the proposed modifications. In response to this comment, section 4.2.4 of the SEIR has been revised.</p>
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RESPONSES TO COMMENTS

	<p>L-10 The RWQCB requests that the SEIR clarify that the mitigation for marine biological resources identified in the FEIR is under review by the RWQCB and that consideration of any additional impacts would require additional mitigation. The SEIR identifies that there are no significant impacts to marine biological resources, consistent with the findings of the FEIR. The mitigation plan approved by the CCC was designed to fully compensate for permanent stand-alone operations. The proposed mitigation for stand-alone operations is based on the expected mortality without the intake and discharge improvements. The proposed modifications to the intake are expected to result in a reduction in impingement and entrainment mortality of marine life. For example, the mitigation plan includes 11 acres of marine habitat restoration specifically for impingement impacts that are not expected to occur with implementation of the proposed modifications. The RWQCB approval of the mitigation plan approved by the CCC mitigate for co-located and temporary stand-alone operations pursuant to its 2009 California Water Code §13142.5(b) determination for the CDP. The RWQCB’s prior approval of the mitigation plan does not extend to stand-alone operations. The RWQCB has an independent permitting responsibility, and can exercise independent judgement of adequacy of the mitigation plan as part of its §13142.5(b) determination for the stand-alone operation of the CDP.</p>
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RESPONSES TO COMMENTS

	<p>L-11 The RWQCB identifies that consideration and explanation be provided as to why the extracted groundwater during construction dewatering is to be discharged through the brine discharge rather than to supplement the CDP intake. The New Screening/Fish-friendly Pumping Structure and appurtenances would require dewatering throughout construction. Existing water systems such as the CDP that propose to add a source of supply are required to submit a permit application to the State Water Board Division of Drinking Water (DDW) (California Health and Safety Code §116525, e. seq.). As part of the permitting process for the intake/discharge modifications, the Applicant will submit an application to the State Water Board Division of Drinking Water (DDW) pursuant to California Health and Safety Code §116525, e. seq. (Drinking Water Source Water Assessment and Protection Program (DWSAP Program)) for consideration of use of the groundwater extracted during construction as a supplemental source water for the CDP. To the extent that DDW approves the application, the Applicant will supplement the source water to the CDP with the extracted groundwater. If the application is not approved by DDW, the Applicant will discharge the groundwater extracted during construction to the brine discharge vault in conformance with the Ocean Plan</p>
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RESPONSES TO COMMENTS

	<p>requirements and the applicable discharge permit requirements. No significant impacts are identified in the SEIR or FEIR that would be avoided or reduced by the use of the groundwater extracted during construction as a supplemental source water for the CDP rather than the discharge of the extracted groundwater to the brine discharge vault when compared to that for the proposed modifications. There is no rationale to include such an evaluation in the SEIR.</p> <p>L-12 The RWQCB identifies that the SEIR be amended to address low impact development (LID) as required by the NPDES and Carlsbad BMP Design Manual. The SEIR notes that FEIR Mitigation Measure 4.7-1 requires adherence to National Pollution Discharge Elimination System (NPDES) permit requirements and implementation of BMPs is applicable to the proposed modifications. The NPDES and requirements from the City of Carlsbad in effect at the time of grading permit issuance will be implemented including the application of LID.</p>
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RESPONSES TO COMMENTS

Comment Letter M

STATE OF CALIFORNIA—NATURAL RESOURCES AGENCY
CALIFORNIA COASTAL COMMISSION
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 SAN FRANCISCO, CA 94105-2219
 VOICE (415) 904-2300
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May 27, 2016

Mark Tegio, Senior Water Resources Specialist
 San Diego County Water Authority
 4677 Overland Avenue
 San Diego, CA 92123-1233

VIA EMAIL: mtegio@sdewa.org

RE: Comments on Draft Supplemental Environmental Impact Report ("SEIR") on proposed modifications to Poseidon Carlsbad Desalination Facility (SCH #2015091060)

Dear Mr. Tegio:

Thank you for the opportunity to comment on the above-referenced document. The proposed modifications will require a new or amended coastal development permit ("CDP") and federal consistency review from the Coastal Commission and will be subject to the state's 2015 Ocean Plan Amendment ("Amendment") related to desalination facilities. The Amendment requires that the State and Regional Water Boards and the Coastal Commission conduct formal consultation to determine whether key components of the proposed expansion – including its siting and design, intake method, discharge configuration, mitigation measures, and other project elements – are consistent with relevant provisions of the Amendment. We have provided below some specific but limited initial questions and comments on the Draft SEIR, but will likely have more detailed questions during the formal consultation process.

1) **General – Coordinated Environmental Review and Permitting:** We recommend the Water Authority coordinate with Commission and Board staff during the above-referenced consultation to ensure that the Final SEIR can incorporate at least a preliminary determination of project conformity to the Amendment. Alternatively, the Water Authority should consider including in the SEIR evaluations a wider range of reasonable alternative outcomes of that determination – for example, the determination may conclude that the project will require a different intake screening system or discharge configuration than those currently evaluated in the document. We have provided some examples of these alternative options and recommended additional evaluations below.

2) **SEIR Section 4.2 – Biological Resources:**

a) **Effects on marine life:** The SEIR mentions (at pages 4.2-7 and 4.2-15) that the proposed project modifications are likely to result in something less than the 100% mortality rate for entrained organisms that served as the basis of previous Commission and Board

M-1

M-2

M-3

Response to Comment Letter M

California Coastal Commission (CCC)

Tom Luster

May 27, 2016

M-1

The CCC asserts their role as a responsible agency for the purposes of CEQA and a formal consultation role for permitting purposes similar to the RWQCB. The Water Authority appreciates the status update and concurs with the CCC responsible agency assertion, as identified in the SEIR, page 2-1. The Water Authority has prepared the SEIR pursuant to CEQA and in support of the decision(s) the Water Authority must consider for the proposed modifications. The CCC has an independent permitting responsibility as stated by the CCC, and can exercise judgement of the materials as part of their review and permitting process. No further response is necessary.

M-2

The CCC identifies that the RWQCB and CCC consultation be coordinated with the preparation of the Final SEIR to incorporate preliminary determinations or broadening the SEIR to include evaluation of a range of alternatives. The Water Authority understands that the RWQCB requires that a certified CEQA document be completed prior to any determinations by the RWQCB and as such the SEIR will be completed without determinations from the

RESPONSES TO COMMENTS

Comments on Draft SEIR (SCH #2015091060) – Poseidon Carlsbad Desalination Facility
May 27, 2016

determinations and mitigation requirements. For several reasons, however, we recommend the SEIR continue to use the 100% entrainment mortality rate as the basis for its analyses. For example, the entrained organisms would experience many of the same or similar effects in the modified facility as in the existing facility and would additionally be subject to different or unquantified new effects that could result from cleaning the screens and the proposed fish return system, as-of-yet undetermined changes to the discharge, or others. Although the Amendment allows for a project owner to demonstrate that a facility results in something less than a 100% entrainment mortality rate, that burden of proof has not yet been met and the SEIR's impact assessment should therefore be based on the 100% rate.

M-3
Cont.

b) **Intake-related measures:** As noted above, the consultation conducted pursuant to the Amendment will determine whether the proposed intake and other project modifications conform to relevant Amendment provisions. In the interim, however, we recommend the SEIR evaluate additional alternatives that could reduce intake-related impacts. For example, Section 3 of the SEIR notes that some elements of project construction will require dewatering, so we recommend the SEIR evaluate whether using some or all of these dewatering wells during project operations could reduce the source water drawn in through the proposed screened open water intake and thereby reduce project entrainment.

M-4

c) **Discharge-related measures:** The document describes the project's expected salinity levels within a 200-meter brine mixing zone ("BMZ") and cites a provision of the above-referenced Ocean Plan Amendment as the basis of that 200-meter BMZ. However, the Amendment generally allows for no more than a 100-meter BMZ and provides for the described 200-meter BMZ only upon Board approval of an alternative proposal. We recommend the SEIR evaluate what measures would allow the proposed project to feasibly operate with a 100-meter BMZ or with a BMZ smaller than the assumed 200-meter size. For example, we understand that a nearby wastewater treatment facility may have the capacity to accept some amount of the project's discharge, so we recommend the SEIR evaluate whether this option would provide a feasible mitigation measure to reduce the impacts of the project's direct discharge to coastal waters and reduce the size of the BMZ.

M-5

d) **Marine life mitigation measures:** We understand the Board is reviewing mitigation requirements for the proposed modified project, which will also be the subject of consultation under the Amendment. Poseidon is currently implementing a Marine Life Mitigation Plan approved by the Coastal Commission, so we will work with the Board to ensure that any additional mitigation requirements will be coordinated with the Commission's required Plan.

M-6

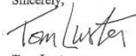
3) **SEIR Section 4.3 – Greenhouse Gas ("GHG") Emissions:** The SEIR references the Coastal Commission's approval of Poseidon's Energy Minimization and Greenhouse Gas Reduction Plan and states that the Plan is adequate to "zero out" the project's net indirect GHG emissions. Please note that we recently completed review of the Initial Annual Report required by the Plan and have determined that Poseidon is not in compliance with the Coastal Commission's requirement that the facility operations be "net carbon neutral" (see attached

M-7

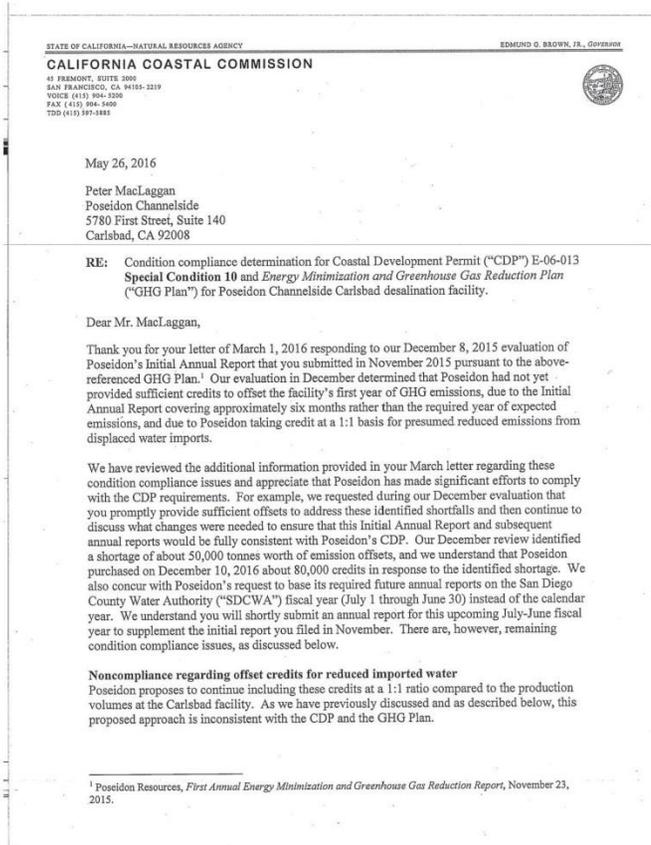
RWQCB or CCC. The Water Authority has prepared the SEIR pursuant to CEQA and in support of the decision(s) the Water Authority must consider for the proposed modifications. The CCC has an independent permitting responsibility as stated by the CCC, and can exercise judgement of the materials as part of their review and permitting process.

(See also response to L-7b) The SEIR incorporates by reference the entire submittal package submitted to the RWQCB including a Feasibility Study provided as Appendix B and an Addendum to the Feasibility Study provided as Appendix II in that package, which collectively evaluate 10 alternative technologies and design for intake and discharge. It should be noted that the alternatives to the design and technologies for the intake and discharges are not 'project alternatives' for CEQA purposes as they represent alternative technologies to designed components of the proposed project described in the FEIR aimed at accomplishing the same purpose and the proposed modifications do not result in any significant impacts that an alternative might reduce. The SEIR does not, and is not required to include analysis of project alternatives as the modifications are responses to a foreseen condition of the proposed project (EPS closure) rather than selection of an alternative identified in the FEIR or a new alternative (see SEIR §2.1). However, as part of

RESPONSES TO COMMENTS

<p style="text-align: center;">Comments on Draft SEIR (SCH #2015091060) – Poseidon Carlsbad Desalination Facility May 27, 2016</p> <p>letter). We have recommended Poseidon submit a revised Plan for Commission review and approval that ensures the project meets this required standard. In the interim, we recommend the SEIR provide a fuller evaluation of the project's GHG-related impacts that doesn't rely on the current Plan.</p> <p>4) SEIR Section 5 – Cumulative Impacts: The SEIR lists a number of planned or proposed projects in the vicinity of the desalination facility, including construction of the new Carlsbad Energy Project at the location of the Encina Power Station ("EPS"). The SEIR's description of the Carlsbad Energy Project states that once the new energy facility is built, "the project includes the removal and remediation of existing EPS generating equipment and structures." We recommend the SEIR provide a detailed description of these EPS-related activities, especially those that could potentially affect construction or operation of the proposed desalination facility, such as removal or remediation of portions of the EPS intake and discharge, activities or timing of activities that would affect the facility's footprint within the EPS site, etc.</p> <p>Again, thank you for the opportunity to comment. Please contact me at 415-904-5248 or tluster@coastal.ca.gov if you have questions or would like additional information.</p> <p>Sincerely,  Tom Luster Energy, Ocean Resources, and Federal Consistency Division</p> <p>Cc: Peter MacLaggan, Poseidon Water Ben Neill, San Diego Regional Water Quality Control Board Claire Waggoner, State Water Resources Control Board</p> <p>Attachment: May 26, 2016 Coastal Commission condition compliance letter to Poseidon Channelside</p>	<p style="text-align: right;">M-7 Cont.</p> <p style="text-align: right;">M-8</p> <p>the permitting process with RWQCB the Applicant has prepared the Feasibility Study (Appendix B to the submittal to the RWQCB) and an Addendum to the Feasibility Study (Appendix II to the submittal to the RWQCB) that collectively address the feasibility of the suggested technologies. The Water Authority has reviewed the Feasibility Study and the Addendum to the Feasibility Study and concurs with the conclusions and findings supporting the proposed intake and discharge modifications, and finds that the conclusions in the SEIR are unchanged. The CCC has an independent permitting responsibility, and can exercise judgement of the materials as part of their review and permitting process.</p> <p>M-3 The CCC recommends that the SEIR continue to assume 100% marine life mortality for entrainment, noting the SEIR mentions the modifications would likely reduce mortality rates (pages 4.2-7 and 4.2-15 of the SEIR). The SEIR does consider as worst-case scenario that mortality is experienced at 100% even with implementation of the proposed modifications designed to reduce such mortality in line with the Ocean Plan Amendment. The significance conclusion in the SEIR remains less than significant consistent with the conclusion of the FEIR.</p> <p>M-4 The CCC suggests that the SEIR evaluate</p>
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RESPONSES TO COMMENTS



M-5

alternatives to the proposed modifications to reduce intake-related impacts including the use of dewatering wells to supplement the CDP intake See response to L-11 and M-2.

The CCC suggests that the SEIR evaluate alternatives to the presumed 200 meter BMZ. The 200 meter brine mixing zone is proposed rather than presumed, and is consistent with the Ocean Plan Amendment as a facility-specific alternative receiving water salinity limitation. As part of the permitting process for the transition to stand-alone operations, the RWQCB requested that the Encina Wastewater Authority (EWA) be consulted to determine the feasibility of comingling the discharge from the CDP with treated wastewater from the Encina Water Pollution Control Facility (Encina WPCF) and discharging the combined flow to the ocean via the Encina Ocean Outfall. The Applicant is assessing the opportunity for co-mingling a portion of the CDP discharge with municipal wastewater in the Encina Ocean Outfall. Through this assessment, the Encina Wastewater Authority (EWA) confirmed that outfall is not able to accept the CDP discharge during large storm events. Such events significantly increase the quantity of treated wastewater that is processed at the Encina WPCF, leaving no excess capacity in the outfall for the CDP discharge. According to EWA, such events can last up to two weeks.

RESPONSES TO COMMENTS

Condition Compliance – E-06-013, Poseidon Water
May 26, 2016

Background: The Commission's Final Adopted Findings for the CDP describe a number of adverse impacts caused by the indirect greenhouse gas emissions resulting from Poseidon's electrical use during project operations and require that Poseidon's facility and water deliveries be "net carbon neutral." The Commission included in the CDP **Special Condition 10**, which required Poseidon to submit a plan for subsequent Commission review and approval that showed how Poseidon would meet this "net carbon neutral" standard.

In August 2008, the Commission approved Poseidon's proposed GHG Plan. The Plan identified Poseidon's expected annual electrical use and the GHG emissions expected to result from that use, identified various measures Poseidon would implement to reduce or offset those emissions, and established ongoing monitoring and reporting requirements that would identify changes in electrical use and emissions to ensure that facility operations would continue to meet the "net carbon neutral" requirement. The GHG Plan required Poseidon to submit, prior to facility operations, an Initial Annual Report that identified the project's expected first year of electricity use and the resulting indirect GHG emissions from that electricity use, and that provided evidence of Poseidon having sufficient offsets to reduce to zero the first year's net GHG emissions.

The GHG Plan's single largest emission reduction measure, representing about two-thirds of Poseidon's expected indirect emissions, was based on Poseidon's proposal to credit its facility at a 1:1 basis for decreasing GHG emissions through reduced water imports delivered from the State Water Project to the Metropolitan Water District ("MWD") – that is, for every acre-foot of water Poseidon produced, it would be credited for reduced electricity and emissions from an acre-foot of water not delivered by the State Water Project. The GHG Plan stated that Poseidon's participation in an MWD program to subsidize Poseidon's water costs would be based on Poseidon producing water that would offset an equivalent amount of imported water and that MWD would conduct recordkeeping and audits to ensure these offsets occurred.

We understand, however, that after the Commission's approval of the CDP and the GHG Plan, Poseidon, MWD, and the San Diego County Water Authority did not reach agreement over participation in the MWD program referenced in the GHG Plan. Therefore, the expected offsets, recordkeeping, and audits presumed in the GHG Plan have not occurred as described and the project is not meeting the CDP's "net carbon neutral" requirement.

Recommendation: We request that Poseidon submit a revised GHG Plan for Commission review and approval that removes the presumed 1:1 imported water offset credit. Alternatively, Poseidon may propose to provide documentation showing that the offsets have occurred as presumed by the current GHG Plan. Any documentation provided will need to be adequate to establish that Poseidon will meet the Commission's required "net carbon neutral" standard.

Noncompliance with the GHG Plan's requirement for sufficient offsets
The GHG Plan requires Poseidon to submit its Initial Annual Report prior to project operations and requires that the report provide evidence of sufficient mitigation measures and offsets to reduce to zero the project's estimated net indirect GHG emissions for the upcoming first year of Poseidon's operations. Among the mitigation options the GHG Plan allows to meet the "net carbon neutral" standard are offsets obtained through the Climate Action Reserve ("CAR").

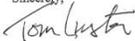
M-9
Cont.

The Ocean Plan Amendment requires that when comingling wastewater with brine discharges, there shall be at least one gallon of wastewater available for mixing with each gallon of brine introduced in the outfall. During dry weather, the wastewater flow in the Encina Ocean Outfall drops to less than 7 mgd for a period of two to three hours each day. This diurnal fluctuation in wastewater flow severely limits the amount of wastewater that is available for mixing with the CDP discharge. Therefore, the Encina Ocean Outfall is only able to accept about 10% of the CDP discharge.

As a result of these limitations, comingling the discharge from the CDP with treated wastewater from the Encina WPCF and discharging the combined flow to the ocean via the Encina Ocean Outfall would not reduce or eliminate the need for the proposed intake/discharge modifications nor would it reduce the size of the proposed BMZ. (See also responses to L-3, L-4.).

The SEIR incorporates by reference the entire submittal package submitted to the RWQCB, including EWA's analysis of the available capacity in the Encina Ocean Outfall provided as Appendix CC. The Water Authority has reviewed Appendix CC and concurs that the opportunity for co-mingling

RESPONSES TO COMMENTS

<p style="text-align: center;"><i>Condition Compliance – E-06-013, Poseidon Water May 26, 2016</i></p> <p>Poseidon states in its March 1, 2016 letter that it has purchased sufficient CAR carbon offsets to have a balance of 89,849 tonnes of offsets in its CAR account and that it expects to need about 78,048 tonnes of offsets for its first year of operations prior to consideration of any of the other mitigation options identified in the GHG Plan. As noted by CAR, however, purchased offsets do not fulfill a mitigation requirement until they are "retired."² We understand from CAR that Poseidon has not yet retired the offsets needed to "zero out" its first year emissions prior to operations. As a result, Poseidon is not yet in conformity with the GHG Plan's requirement to provide evidence that sufficient offsets have been provided to meet the required "net carbon neutral" standard.</p> <p>Recommendation: We request that Poseidon promptly provide evidence from CAR that it has retired sufficient offsets to reduce to zero the facility's expected first year of operations. As noted above, that appears to be approximately 78,048 tonnes worth of offsets. Once Poseidon retires the necessary offsets, we will apply them to the first full year of project operations and can adjust them as necessary for subsequent reporting years, as provided by the GHG Plan.</p> <p>Conclusion Thank you for your attention to these issues. We are happy to answer any questions you may have or discuss other options Poseidon may wish to propose.</p> <p>Sincerely,  Tom Luster Energy, Ocean Resources, and Federal Consistency Division</p> <p><small>² As stated by CAR, for example, "[r]etirement means CRTs have been permanently removed from further transactions after being used to offset an equivalent tonne of emissions. Retirement of CRTs is necessary to ensure that the environmental benefit actually occurs. Because of this, retirement is permanent. Once a CRT is transferred into a retirement account, it cannot be reactivated and transferred again."</small></p>	<p style="text-align: center;">M-9 Cont.</p> <p>with municipal wastewater does not reduce or eliminate the need for the proposed intake and discharge modifications, and finds that the conclusions in the SEIR are unchanged. Since the opportunity for co-mingling with municipal wastewater does not reduce or eliminate the need for the proposed intake/discharge modifications, it will not be considered any further in the SEIR.</p> <p>M-6 The CCC identifies that the Marine Life Mitigation Plan approved by the CCC is under review by the RWQCB and the CCC will work with the RWQCB to coordinate any additional measures. The SEIR identifies that there are no significant impacts to marine biological resources, consistent with the findings of the FEIR. As such any additional measures required by the RWQCB under their permitting authority would not be inconsistent with the analysis provided under CEQA unless new physical environmental effects would result, as is the case for implementation of (or revisions to) the Marine Life Mitigation Plan. See also responses to L-9 and L-10.</p> <p>M-7 The CCC identifies that Poseidon is not in compliance with the Energy Minimization and Greenhouse Gas Reduction Plan (GHG Plan) approved by the CCC, and as such the SEIR should provide an analysis that does not rely on that plan. That the CCC has identified non-</p>
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RESPONSES TO COMMENTS

	<p>compliance and provided recommendations to obtain compliance indicates that the Plan is an effective measureable Plan under which the Applicant is accountable and must demonstrate achieving the required net zero. The Applicant disagrees with the statement that it is not in compliance with the GHG Plan (see response to M-9), and is committed to resolving the issues identified by the CCC and obtaining concurrence that the Plan is being successfully implemented. Successful implementation is achieving compliance with the Plan, which realizes a net carbon neutral facility consistent with the analysis provided in the SEIR. The Water Authority considers the use of the approved and enforceable Plan a necessary component of the analysis and that the analysis provided in the SIER does not require revision. Please also see response to M-9.</p> <p>M-8 The CCC suggests that the cumulative impacts section (Section 5 of the SEIR) be revised to include more specific description and evaluation related to the removal and remediation of the EPS generating equipment and structures. The removal of EPS structures is an unrelated project (Carlsbad Energy Center), the details of which are not known at this time and not the within the decision authority of the Water Authority and is correctly identified as a cumulative project addressed under separate</p>
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RESPONSES TO COMMENTS

	<p>environmental analysis. The removal and remediation of the existing EPS site is not expected to affect construction or operation of the CDP including proposed modifications. (See also response to L-6).</p> <p>M-9 The CCC attached to their comments on the SEIR a letter to Poseidon identifying two condition compliance issues with the CCC approved Coastal Development Permit, specifically for Special Condition 10 and Energy Minimization and Greenhouse Gas Reduction Plan. The two issues consist of realizing the 1:1 offset credit of CDP generated water to imported water, and ‘retirement’ of purchased offsets is necessary to fulfill mitigation obligations. The operation of the Carlsbad Desalination Project does not result in the direct emission of greenhouse gasses. However, the Applicant agreed to offset the indirect emissions associated with electricity purchases for the project such that the project is “net carbon neutral.” The letter the Coastal Commission attached to its comments on the SEIR asserts that while Poseidon had purchased sufficient Climate Action Reserve (CAR) certified carbon offsets to fully offset the first year of project operations prior to consideration of any other mitigation options identified in the GHG Plan, Poseidon’s obligation under the GHG Plan had not yet been fulfilled because the offsets had not been</p>
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RESPONSES TO COMMENTS

“retired.” Applicant’s June 14, 2016 response to the CCC letter, notes this statement is in conflict with the explicit requirements the GHG Plan, which requires purchase of offsets prior to commencement of operation, but not the immediate retirement thereof:

“Prior to the commencement of Project operations, Poseidon will be required to purchase offsets sufficient to cover estimated net (indirect) emissions for at least the first year of operation...”

(GHG Plan at page 22, emphasis added). Nevertheless, in response to staff’s feedback, on May 27, 2016, the Applicant retired an additional 78,048 tons of the offsets purchased prior to commercial operation. This quantity of offsets is sufficient to 100% of the indirect emissions associated with CDP operations for at least the first year of operation.

With respect to the imported water offset credit, the GHG Plan provides that every acre foot of water produced by the project that results in a reduction in water supplied by MWD receives a credit for avoided GHG emissions from an acre foot that MWD would otherwise have imported from the State Water Project (the “imported water offset”):

“Because the Project will avoid the use of 56,000 AFY of imported water to Customers, once in operation, the

RESPONSES TO COMMENTS

*Project will also avoid 190,641 MWh/yr of electricity consumption otherwise required to deliver that water to Customers, as well as the GHG emissions associated with pumping, treatment and distribution of this imported water. At 780.79 lbs CO₂per MWh,19 the total expected Avoided Emissions as a result of the Project is 67,506 metric tonsCO₂/yr. Each year, **Poseidon will be credited with Avoided Emissions based on the most recent SWP emission factors and the amount of water Poseidon produces.**”*

(GHG Plan at page 19, emphasis added). While the CCC’s letter does not directly address the SEIR adequacy as it supports the CCC comment M-7, therefore, the Water Authority is including the Applicant’s response to that letter as part of the Final SEIR. Please see response to M-7.

RESPONSES TO COMMENTS

Comment Letter N

Rincon Band of Luiseño Indians Cultural Resources Department

1 West Tribal Road • Valley Center • CA 92082 • (760) 297-2635 • Fax: (760) 297-2639



May 27, 2016

Mark Tegio
Senior Water Resources Specialist
San Diego County Water Authority
4677 Overland Avenue
San Diego, CA 92123-1233

RE: Draft Supplement to the Environmental Impact Report (EIR) for the Precise Development Plan and Desalination Plant Project (SCH#2004041081 and 2015091060)

Dear Mr. Mark Tegio:

This letter is written on behalf of the Rincon Band of Luiseno Indians. We have received the Notice of Availability of a Draft Supplement to the EIR regarding the above named project.

The identified project location is within the Aboriginal Territory of the Luiseno people, and it is also within Rincon's historic area of cultural interest. Embedded in the Luiseno Territory are Rincon's history, culture, and identity, and the identified project is situated in our Traditional Use Area.

After reviewing the Draft Supplement to the EIR, we agree with the provision for Native American monitoring identified on pages 2-6 and 2-7 of the document. We still request any information you may have or will acquire regarding cultural resources on the project.

We again thank you for the opportunity consult and to protect and preserve our Luiseno cultural heritage.

Sincerely,

Vincent Whipple
Cultural Resources Manager
Rincon Band of Luiseno Indians

Bo Mazzetti Tribal Chairman Stephanie Spencer Vice Chairwoman Steve Stallings Council Member Laurie E. Gonzalez Council Member Alfonso Kolb, Sr. Council Member

Response to Comment Letter N

Rincon Band of Luiseño Indians (Rincon) Vincent Whipple, Cultural Resources Manager May 27, 2016

N-1 The Rincon Band of Luiseno Indians identifies their interest in the project and heritage in the area. The Water Authority identifies Rincon on page 2-6 in the SEIR consistent with their statements. No further response is necessary.

N-2 Rincon agrees with the monitoring provision identified on pages 2-6 and 2-7 of the SEIR and request that any information the Water Authority has or may acquire from the project be shared. The Water Authority is committed to the monitoring as described on pages 2-6 and 2-7 of the SEIR. The Water Authority provided all materials related to cultural resources to Rincon during consultation and will share any further information obtained during the monitoring of the project.