Response to Comments on Tentative Resolution No. R9-2012-0033

This document contains responses to written comments received from interested parties in response to tentative Resolution No. R9-2012-0033, which was issued in a prior draft form as tentative Resolution No. R9-2011-0021 on April 22, 2011. The comment period for the prior draft was from April 22, 2010 to June 8, 2011. All written comments submitted are contained in Attachment 5 to the Sediment TMDL for Los Peñasquitos Lagoon Staff Report dated February 15, 2012.

Responses to comments are divided into CEQA comments and comments on the remaining documents (including the tentative Resolution, Staff Report, and Basin Plan amendment). The majority of the comments have been addressed by the revision of the tentative Resolution, Staff Report, Basin Plan Amendment, and Supplemental Environmental Document from the R9-2011-0021 version to the R9-2012-0033 current draft. Many comments were also submitted again during the written comment period for R9-2012-0033. For the purpose of organizational brevity, repeat comments are responded to within the response to comments on the current draft, which can be found as Supporting Document 5.

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List of Commenters

Commenter ID Number	Company/Agency	Representative
1	City of San Diego	Kris McFadden
2	Hanson Aggregates	Steve Zacks
3	U.S. Environmental Protection Agency	Cindy Lin
4	County of San Diego	Cid Tesoro
5	Caltrans	Scott McGowen
6	California State Parks	Darren Scott Smith
7	City of Del Mar	Mikhail Ogawa
8	City of Poway	Malik Tamimi
9	Los Peñasquitos Lagoon Foundation	Mike Hastings
10	Cal CIMA	Adam Harper

CEQA Comments

Commenter ID	Comment	Response
1-21	Resolution No. R9-2011-0021, Finding 18. Delete the following: For CEQA purposes, the "project" is both the adoption of a Basin Plan amendment establishing a TMDL for sediment in the Lagoon ~~and all of the implementation activities undertaken by the responsible parties to comply with the TMDL.~~	This comment has been addressed by revisions made to R9-2011-0021
1-50	Staff Report, Section 9. Staff report lists Attachment 5 for the Environmental Analysis and Checklist. However, this document is labeled Attachment 3. Correct inconsistency.	This comment has been addressed by revisions made to R9-2011-0021
1-51	Environmental Analysis and Checklist The environmental analysis and checklist addresses bacteria issues and not entirely on sediment.	This comment has been addressed by revisions made to R9-2011-0021
1-52	Environmental Analysis and Checklist The SED should provide the level of detail as required in an EIR.	This comment has been addressed by revisions made to R9-2011-0021. It is important to note and maintain the distinction that the SED is not an EIR document.
1-53	Environmental Analysis and Checklist Cumulative impacts are not addressed in the environmental analysis.	This comment has been addressed by revisions made to R9-2011-0021
1-54	Environmental Analysis and Checklist The project has an inadequate impact analysis because there are less than significant impacts with mitigations not properly addressed and analyzed, such as cultural resources and land use.	This comment has been addressed by revisions made to R9-2011-0021
1-55	Environmental Analysis and Checklist Provide findings as described in State CEQA Guidelines section 15091 for significant environmental effects identified in an environmental impact report, and if	This comment has been addressed by revisions made to R9-2011-0021

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	the project as adopted will result in the occurrence of significant effects that are not avoided or substantially lessened, provide the specific reasons to support its action based on the final EIR and/or other information in the record described in State CEQA Guidelines section 15093 for similar significant effects identified in an environmental impact report.	
1-56	Environmental Analysis and Checklist The Statement of Overriding Considerations does not explain how the project benefits outweigh the environmental effects.	This comment has been addressed by revisions made to R9-2011-0021
1-57	Environmental Analysis and Checklist The above mentioned following require significant changes and recirculation of the Substitute Environmental Documentation.	This comment has been addressed by revisions made to R9-2011-0021
4-4	Tentative Resolution, page 6, item 18 The CEQA analysis does not address any of the implementation actions that will result from this TMDL. If it did, more specific mitigation and alternatives would need to be included in the Staff Report.	This comment has been addressed by revisions made to R9-2011-0021
4-5	Tentative Resolution, page 6, item 19 The substitute environmental documents do not identify the reasonably forseeable mitigation measures which would avoid, reduce, or eliminate impacts identified as “significant”.	This comment has been addressed by revisions made to R9-2011-0021
4-6	Tentative Resolution, pages 6-7, item 20 There is little to no specific mitigation identified or alternatives proposed that would mitigate the “project”. The supporting documents currently identify that most if not all impacts from the project are the responsibility of other agencies. The Staff Report and the Environmental Analysis include three alternatives, none of which specifically identify which, if any, potential environmental impacts that the alternative address.	This comment has been addressed by revisions made to R9-2011-0021
4-7	Tentative Resolution, page 7, item 22 The Water Boards’ economic analysis generally discusses the range of costs	This comment has been addressed by revisions made to R9-2011-0021

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	involved with construction of a few types of compliance measures. However, it does not provide an analysis of the costs required to operate and maintain these measures, the cumulative number of BMPs expected to be necessary over the life of the project, nor does it analyze the requirement for the responsible parties to identify additional staffing in the LRP. Without this information, there is no way to make a direct comparison between the anticipated economic impacts of implementing the TMDL and the environmental benefits to be achieved. Therefore, it is unclear how the Water Board has reached the conclusion that anticipated economic impacts are acceptable. These comments apply equally to Page 59, Section 9.6 in the Draft Staff Report.	
4-13	Attachment A to Basin Plan Amendment, page A-13 It would be better to make this section more general since there are likely other foreseeable methods of compliance not included on the list provided.	This comment has been addressed by revisions made to R9-2011-0021
4-24	Draft Staff Report, Section 9 This section should cite all the relevant sections of CEQA that are appropriate.	This comment has been addressed by revisions made to R9-2011-0021
4-25	Attachment 3 – Environmental Analysis and Checklist (Incorrectly cited as Attachment 5)	This comment has been addressed by revisions made to R9-2011-0021
4-26	Draft Staff Report, Section 9.7 Section 9.7 only identifies 2 of 3 alternatives discussed in the Initial Study 3-47 through 3-49. Per Section 15126.6 of CEQA, it should identify the basic objectives of the Sediment TMDL and then provide a reasonable range of alternatives that would achieve some or all objectives of the proposed project. These should be based on a goal to reduce some or all of the potentially significant environmental effects of the project. One such alternative would be the delisting of the lagoon for sediment (if appropriate). Another would be to conduct special studies first to identify the primary cause(s) of degraded lagoon health, then to pursue the regulatory approach that most efficiently addresses the impairment.	This comment has been addressed by revisions made to R9-2011-0021
4-27	Attachment 3, Environmental Analysis and Checklist, page(s) 3-3 Page 3-3 identifies this as Attachment 5. This should be changed to Attachment 3.	This comment has been addressed by revisions

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	This analysis and checklist should list appropriate sections of CEQA as necessary.	made to R9-2011-0021
4-28	Attachment 3, Environmental Analysis and Checklist, page(s) 3-3 The project description lacks sufficient detail to provide a basis for the responses in the environmental checklist.	This comment has been addressed by revisions made to R9-2011-0021
4-29	Attachment 3, Environmental Analysis and Checklist, page(s) 3-3 thru 3-5 This section does not include any information on habitats (types, acres, location, etc) found within the watershed or the lagoon upon which to base conclusions reached in the checklist.	This comment has been addressed by revisions made to R9-2011-0021
4-30	Attachment 3, Environmental Analysis and Checklist, page(s) 3-4 Add “in part” after the word “due”. The TMDL documents clearly state that while sediment and siltation are a problem for the loss of beneficial uses in the lagoon, they may not be the only reason for the loss of the estuarine beneficial use.	This comment has been addressed by revisions made to R9-2011-0021
4-31	Attachment 3, Environmental Analysis and Checklist, page(s) 3-4 and 3-5 This list should include sensitive species of plants and animals associated with the lagoon/estuary. Most of these species are riparian and upland species. This discussion should also cite references used to determine the list of species.	This comment has been addressed by revisions made to R9-2011-0021
4-32	Attachment 3, Environmental Analysis and Checklist, page(s) 3-5 and 3-6 While it is not clear as to the extent of what types of plans should be included in this section, there should be at least some discussion of the MSCP and the appropriate approved Subarea Plans for this watershed. Further, there should be some discussion on specific stormwater related ordinances that each of the Responsible Parties have adopted to control stormwater problems.	This comment has been addressed by revisions made to R9-2011-0021
4-33	Attachment 3, Environmental Analysis and Checklist, page(s) 3-6 Project Clean Water is not a program. It is a website that provides a forum for sharing information regarding water quality and watersheds in the County. It is not appropriate to reference Project Clean Water in this section.	This comment has been addressed by revisions made to R9-2011-0021

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4-34	Attachment 3, Environmental Analysis and Checklist, page(s) 3-10 This section would better support the discussions, conclusions, and findings in later sections and the Checklist if the section focused on different general methods for sediment control and runoff (for example structural vs. non-structural; site design vs. source control vs. treatment control; and/or short term (construction related) vs. long term (permanent) BMPs). Specific types of BMPs discussions i.e. sediment basins, silt fences and energy dissipaters should be listed under each of the site specific (land use) sections. See section specific comments below. As it is presented in Section 4 on page 3-10, the BMP list is not really reflected in the separate site specific discussions. For example, rain barrels are discussed on page 3-16 but are not listed on page 3-10.	This comment has been addressed by revisions made to R9-2011-0021
4-35	Attachment 3, Environmental Analysis and Checklist, page(s) 3-11 Much of this section appears to refer to the Bacteria TMDL for Beaches and Creeks, which is entirely inappropriate and leads one to question the appropriateness of the conclusions reached in sections 4.2 through 4.6 and the specific impact analysis in the Environmental Checklist Section 5.	This comment has been addressed by revisions made to R9-2011-0021
4-36	Attachment 3, Environmental Analysis and Checklist, page(s) 3-12 This section provides one of the more informative discussions regarding site specific BMPs and their potential impacts. Each of the following sections would benefit from a similar analysis. It should be noted that regardless of land use (commercial, industrial, and residential), construction BMPs on raw land (undeveloped) may be more intensive than that for developed land, which may present additional constraints on types used. This discussion should also note the temporal aspects of many of these BMPs in that they are used only during the construction phase of the development (i.e. silt fences, fiber rolls and temporary detention basis). Whereas the longer term (permanent type BMP's) should be designed to control flow, intensity and volume of runoff. However, discussions of the specific types would logically fit under the specific land use discussed in later sections. This analysis should also discuss that disturbance of the land (grading	This comment has been addressed by revisions made to R9-2011-0021

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	and brushing) has the potential to result in the greatest direct impacts related to sediment generation in excess of natural background. After construction (discussed in other sections) sediment generation is an indirect impact as a result of increased intensity and volume of runoff.	
4-37	Attachment 3, Environmental Analysis and Checklist, page(s) 3-13 This section incorrectly correlates high density to sediment generation. Sediment generation is mostly the result of land disturbance (discussed above) not the particular land use or density. High density, regardless of specific land use, can be associated with increased imperviousness leading to increase volume, intensity, and duration of runoff. However, many studies actually show that higher densities when coupled with appropriate site design and open space protection actually reduces the overall imperviousness at a watershed level.	This comment has been addressed by revisions made to R9-2011-0021
4-38	Attachment 3, Environmental Analysis and Checklist, page(s) 3-15 According to the SANDAG 2000 Land Use data, these two land uses comprised approximately 3.3 percent of the watershed. There is little support that these parks or recreation areas are located in areas that would support the type of BMPs discussed in this section or would be located to effectively reduce sediment or runoff. A more important feature of this watershed is the large percentage of the watershed that was defined as Open (43%). Much of this area will remain as open space as it is designated as part of the MSCP preserve area, which includes most of the 3 major canyons as well as the lagoon and estuary. Construction and other development would be precluded in much of these areas which would limit the type and amount of BMPs that could be utilized.	This comment has been addressed by revisions made to R9-2011-0021
4-39	Attachment 3, Environmental Analysis and Checklist, page(s) 3-16 and 3-17 As stated above for Residential, it is not clear from these discussions why population densities have any direct effect on sediment generation rates. This assumption, if true, should be supported by evidence.	This comment has been addressed by revisions made to R9-2011-0021
4-40	Attachment 3, Environmental Analysis and Checklist, page(s) 3-17	This comment has been addressed by revisions

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	Appendix G of CEQA provides a list of 9 factors that should be used when evaluating impacts associated with projects. Of particular concern in this checklist is evaluation factor 9, it is apparent from the list that the Regional Board has not clearly established thresholds in which to measure the level of significance, furthermore there is a lack of connection with many of the mitigations listed with the specific impact identified.	made to R9-2011-0021
4-41	Attachment 3, Environmental Analysis and Checklist Page 6 of the Tentative Resolution states "For CEQA purposes, the "project" is both the adoption of a Basin Plan Amendment establishing a TMDL for sediment, in the Lagoon and <u>all</u> (emphasis added) of the implementation activities undertaken by the responsible parties to comply with the TMDL." This appears to conflict with the project descriptions found elsewhere which generally state "Adoption of the Basin Plan Amendment". Furthermore, discussions of BMP's (structural or non-structural) are not specific to type of BMP but rather general in nature and therefore provide little support for conclusions reached in the checklist.	This comment has been addressed by revisions made to R9-2011-0021
4-42	Attachment 3, Environmental Analysis and Checklist, References and resources used to determine the level of impact should be cited in the discussions and included in a reference section used for the environmental checklist. While references and resources are important for each of the resources listed they are most important for those resources where a determination of "Potentially Significant" or "Less Than Significant with Mitigation" has been made. These references and resources should be used to identify the level of significance and to determine appropriate and feasible mitigation. Furthermore, they should provide the basis for making a determination whether the impact will remain significant after mitigation occurs that would require specific overriding considerations by the approving body. Additionally, even though the SED has identified that mitigation would be the responsibility of others, this does not obviate the requirement for the Checklist to identify the appropriate mitigation necessary to reduce significant impacts to a level of less than significance.	This comment has been addressed by revisions made to R9-2011-0021
4-43	Attachment 3, Environmental Analysis and Checklist, page(s) 3-17	This comment has been

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	These two evaluations identify one reference, the City of San Diego General Plan, to determine that Mira Mesa is a Public Vantage Point for the Los Peñasquitos Canyon. The discussion also identifies LP Lagoon as a scenic resource but there is no specific reference as to why this is included. Are scenic resources in the watershed limited to these two areas? The main purpose of this section should focus on whether or not implementation of the project will have any direct/indirect impact on the identified Aesthetic resources. Aesthetic impacts from the project itself should be considered in section c). The two mitigation measures that are referenced in this section, screening and undergrounding, do not appear to be feasible when considering the list of Potential Compliance Methods listed in Section 4. Mitigation provided should have the ability to mitigate impacts associated with these types of compliance methods. Finally, consideration should be given to existing protections that would preclude the placing of structural BMPs within existing aesthetic resource areas. Staff should review these existing protections: the City of San Diego General Plan and MSCP and include specific discussion how these could reduce impacts.	addressed by revisions made to R9-2011-0021
4-44	Attachment 3, Environmental Analysis and Checklist, page(s) 3-17 There are four state highways that occur in the project area, Interstate 5, Interstate 805, Interstate 15 and State Route 56. Please reference the resources used to determine that these four highways are not considered “scenic”.	This comment has been addressed by revisions made to R9-2011-0021
4-45	Attachment 3, Environmental Analysis and Checklist, page(s) 3-19 The Checklist includes specific references that could be used to determine whether the project will have an impact on these resources. It does not appear that any of these resources were utilized to assess the level of impact.	This comment has been addressed by revisions made to R9-2011-0021
4-46	Attachment 3, Environmental Analysis and Checklist, page(s) 3-20 The level of impact should not be determined simply because the SDAPCP states the County of San Diego is not compliant. There needs to be additional determination as to whether impacts associated with implementing BMP’s structural and non-structural will conflict or obstruct implementation of the plan. What is the	This comment has been addressed by revisions made to R9-2011-0021

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	connection between non structural BMPs and increased traffic? Would this traffic be in addition to planned traffic levels within the watershed? Would implementation of structural BMPs or other types of BMPs have a similar affect on traffic?	
4-47	Attachment 3, Environmental Analysis and Checklist, page(s) 3-21 Please cite specific reasons why these are considered as potentially significant. Also, if these are potentially significant, what mechanisms does the SDAPCP require to reduce the impacts to acceptable levels?	This comment has been addressed by revisions made to R9-2011-0021
4-48	Attachment 3, Environmental Analysis and Checklist, page(s) 3-22 Please cite the references used to determine the presence of habitat for and/or presence of Special Status Species found in the watershed. What thresholds were used to determine level of significance of the actions proposed? This section seems to shift focus from BMP impact analysis to the Basin Plan Amendment. Specific impacts to resources would occur at the BMP implementation portion of the project versus the Basin Plan Amendment portion. Discussions should be modified to reflect that the Water Board has considered the whole of the action involved in the project.	This comment has been addressed by revisions made to R9-2011-0021
4-49	Attachment 3, Environmental Analysis and Checklist, page(s) 3-22 a) The finding is that the project impact is potentially significant; however, the discussion indicates that all of the local, state, and federal agencies involved with species and habitat protection would need to review and approve (or deny) any project that could impact sensitive species. In all cases, projects would be denied if impacts remained significant after mitigation. Discussion should list potential mitigation required from these agencies and should include a discussion of the local MSCP. This program provides “take” authorization for the 85 species covered by the program.	This comment has been addressed by revisions made to R9-2011-0021
4-50	Attachment 3, Environmental Analysis and Checklist, page(s) 3-22 The discussion under Biological Resources states that the Regional Board would have authority to review and approve any project that impacts waters of the state	This comment has been addressed by revisions made to R9-2011-0021

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	including habitat and species associated with these projects. Therefore, since the Regional Board has this regulatory authority, specific mitigation required by the Regional Board should be identified here. Furthermore, there needs to be a clear finding regarding the level of impact after implementation of these mitigation measures.	
4-51	Attachment 3, Environmental Analysis and Checklist, page(s) 3-22 e) No level of significance is identified.	This comment has been addressed by revisions made to R9-2011-0021
4-52	Attachment 3, Environmental Analysis and Checklist, page(s) 3-22 f) This section has two impact levels listed. In the discussion on page 3-25, the Regional Board "asserts" that agencies listed would require effective mitigation as appropriate. If this is the case, the Regional Board should identify the specific mitigation that would reduce impacts. Also, if this is a factual conclusion, it would appear that the finding should be "Less than significant with mitigation".	This comment has been addressed by revisions made to R9-2011-0021
4-53	Attachment 3, Environmental Analysis and Checklist, page(s) 3-25 This section indicates that there is a "less than significant impact" to all cultural, historical and/or paleontological resources in the watershed as a result of this project. However, it also states that each of these resources are reasonably expected to occur in the watershed and that earth moving may, in fact, impact each of these resources. Neither the EA nor the Checklist provides adequate information upon which to make this finding. Any impact to these resources would require mitigation either through complete avoidance, grading monitoring, data recovery, and/or curation.	This comment has been addressed by revisions made to R9-2011-0021
4-54	Attachment 3, Environmental Analysis and Checklist, page(s) 3-26 It is not clear what resources were used to make the determination regarding the level of significance related to these resources. Were highly erosive soils or unstable geologic units or soils identified in the watershed?	This comment has been addressed by revisions made to R9-2011-0021
4-55	Attachment 3, Environmental Analysis and Checklist, page(s) 3-29 Staff should review pertinent sections of CEQA to determine the appropriate level of impact and potential mitigation for Greenhouse Gas Emissions as a result of the	This comment has been addressed by revisions made to R9-2011-0021

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	project. Specific sections of CEQA that provide guidance are: § 21083.05, § 21097, § 21155, §15064(h)(3), §15064.4, §15125(d), §15126.4(c), §15130 (B)(d), §15150 (e)(4), §15183(g)(8), §15183.5, §15364.5	
4-56	Attachment 3, Environmental Analysis and Checklist, page(s) 3-30 While the statement that there are no airports (public or private) within the watershed is accurate, it should be noted that the watershed is in the Airport influence zone of the Miramar Military Airport. It should also be noted that there are several private heliports in the watershed.	This comment has been addressed by revisions made to R9-2011-0021
4-57	Attachment 3, Environmental Analysis and Checklist, page(s) 3-34 This section seems to focus on the Basin Plan amendment, which does not include all of the subsequent implementation actions. Staff should analyze the different compliance measures and determine the level of impact. There are at least 3 cities and the County of San Diego that have General Plans, Zoning Ordinances, regulations and Habitat Conservation Plans that should be referenced when making the determinations in this section.	This comment has been addressed by revisions made to R9-2011-0021
4-58	Attachment 3, Environmental Analysis and Checklist, page(s) 3-35 No references are cited. Are there any known valuable mineral resources in the watershed? What effect would implementation of this TMDL have on the ability to mine those resources? The land use in the watershed includes the mining of sand and rock. At a minimum, this section should recognize that the use exists and that the sediment TMDL might have an impact on these operations.	This comment has been addressed by revisions made to R9-2011-0021
4-59	Attachment 3, Environmental Analysis and Checklist, page(s) 3-35 As noted above, there is no discussion regarding resources used to determine the level of significance. Furthermore, if there are regulations and other mitigation available for impacts considered to be significant, they should be listed, regardless of whether another agency has the responsibility to implement.	This comment has been addressed by revisions made to R9-2011-0021
4-60	Attachment 3, Environmental Analysis and Checklist, page(s) 3-37 The discussion for b) and c) should be expanded to explain why some housing may need to be displaced to install BMPs and why this would not result in displacement of a substantial number of people or create the need for replacement housing.	This comment has been addressed by revisions made to R9-2011-0021

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4-61	Attachment 3, Environmental Analysis and Checklist, page(s) 3-39 a) Should reevaluate what the question is asking. b) Reference included is the county congestion management agency, who exactly are you referring to? d) Would the project substantially increase the number of large slow construction vehicles on local streets?	This comment has been addressed by revisions made to R9-2011-0021
4-62	Attachment 3, Environmental Analysis and Checklist, page(s) 3-40 As stated in many of the previous sections, if these impacts are considered significant, specific mitigation needs to be listed that addresses the impact regardless of the agency responsible for carrying out the mitigation.	This comment has been addressed by revisions made to R9-2011-0021
4-63	Attachment 3, Environmental Analysis and Checklist, page(s) 3-41 a) The discussion in this section is not consistent with the finding of "Potentially Significant". This section should not be treated lightly as it is the basis for determining whether or not an EIR, Mitigated ND, or ND would be required. Based on these findings, it should be expected that the SED would provide the review and analysis that would normally be found in an EIR, including resource specific technical reports to identify resources and to detail the impacts and to provide specific mitigation for any significant direct and indirect impacts.	This comment has been addressed by revisions made to R9-2011-0021
4-64	Attachment 3, Environmental Analysis and Checklist, page(s) 3-41 b) The discussion is not consistent with the finding of "less than significant impact". There has not been any Cumulative Impact Analysis for any of the affected resources listed in the Checklist. CEQA §15130 discusses the components of an adequate Cumulative Review. The SED should be revised to include such a discussion.	This comment has been addressed by revisions made to R9-2011-0021
4-65	Attachment 3, Environmental Analysis and Checklist, page(s) 3-42 The section appears to contradict the responsibility of the Regional Board to prepare an economic analysis of its actions. The citations provided include Water Code §13241 and §13141 it is not clear that either of these sections of the water code apply to the whole of this project. However, CEQA §15124(c) requires the	This comment has been addressed by revisions made to R9-2011-0021

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	project description to include a general description of the project's technical, economic, and environmental characteristics. Other sections of CEQA that may apply include §15131 Economic and Social Effects, which provides guidance on what this may include. §15187 (d) The environmental analysis shall take into account a reasonable range of environmental, economic, and technical factors, population and geographic areas, and specific sites.	
4-66	Attachment 3, Environmental Analysis and Checklist, page(s) 3-44 Sections references bacteria reduction. Section should be revised as appropriate to evaluate sediment/runoff reduction.	This comment has been addressed by revisions made to R9-2011-0021
4-67	Attachment 3, Environmental Analysis and Checklist, page(s) 3-44 Discussions are mostly limited to initial costs for construction of a typical BMP. Other cost factors that should be considered would be the overall cost, the cost of acquiring land, environmental review required for specific projects, the cost involved with the operation and maintenance of BMPs, and staffing required for the 10-20 year life of the TMDL.	The cost estimates were revised to account for O&M costs. Because specific projects have not been identified. Any costs associated with the specific projects, as identified in this comment, are speculative and therefore not in the scope of this analysis.
4-68	Attachment 3, Environmental Analysis and Checklist, page(s) 3-45 Delete discussions regarding the Wind River. It would be more appropriate to discuss projects that have occurred in Southern California.	This comment has been addressed by revisions made to R9-2011-0021
4-69	Attachment 3, Environmental Analysis and Checklist, page(s) 3-46 Delete discussion. Sand Filters would not be considered as a reasonable or feasible BMP for the removal, reduction or treatment of sediment.	This comment has been addressed by revisions made to R9-2011-0021 The example is given to represent other

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		technologies that may be utilized in areas where other BMPs are infeasible.
4-70	Attachment 3, Environmental Analysis and Checklist, page(s) 3-47 Introductory paragraph cites the Bacteria TMDL. Revise as necessary for Sediment.	This comment has been addressed by revisions made to R9-2011-0021
4-71	Attachment 3, Environmental Analysis and Checklist, page(s) 3-47 CEQA §21002 states that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The project description should be the factual basis for determining a reasonable range of alternatives. Feasible alternatives should at least meet some of the goals and objects of the project and or reduce some or all of the significant impacts associated with the projects. Section 7.4 of the EA states "the previous three alternatives … are not expected to attain the basic objective of the project". This statement attests to the lack of a reasonable range of alternatives.	This comment has been addressed by revisions made to R9-2011-0021
4-72	Attachment 3, Environmental Analysis and Checklist, page(s) 3-49 CEQA §15093 requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." The EA should identify the specific impacts that cannot be mitigated or that will remain significant after mitigation. For each of these, there should be a statement that identifies the economic, legal social…	This comment has been addressed by revisions made to R9-2011-0021

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	benefits that outweigh the unavoidable environmental risks.	
4-73	Attachment 3, Environmental Analysis and Checklist, page(s) 3-51 CEQA §15091 requires findings for each significant impact. According to the Checklist, there are significant impacts to 8 Resources (several of which have multiple findings of significance). Section 8.2 only covers 5. These findings must be based on substantial evidence in the record. Since there are relatively few resources provided upon which to substantiate the conclusions reached in the Checklist, it cannot be shown that findings were based on substantial evidence in the record. Findings that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding are not adequate. The EA does not provide any discussion of what mitigation is available or could be implemented by that agency; therefore, these conclusions are not supported by evidence in the record. Since there is a Statement of Overriding Consideration provided in Section 8.1, findings pursuant to 15091(a)(c) need to be included here.	This comment has been addressed by revisions made to R9-2011-0021
7-7	The City requests that Section 4.1, Reasonably Foreseeable Methods of Compliance at Specific Sites, of Attachment 3, Environmental Analysis and Checklist, be revised. This section is addressing bacteria rather than sediment.	This comment has been addressed by revisions made to R9-2011-0021

Responses to Remaining Comments

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1-3	Staff Report Pg 31 We agree that it is important to include reference to the General Storm Water Permits in the TMDL. Data were not available during TMDL development to explicitly estimate the sediment load contribution from these facilities. Additional effort is needed in the future to quantify the loads and impacts from these facilities.	Comment noted.
1-4	Staff Report Pg 42 This implicit margin of safety assumption should be included in the staff report	The explicit MOS has been changed to implicit in response to comments on the current tentative resolution.
1-6	Staff Report Pg 45 The 3rd paragraph under this section notes that the Phase 1 MS4 copermittees are the ultimate point source of sediment to the lagoon. It should be noted there are several General Storm Water Permit facilities (e.g. mining operations) that discharge directly to surface waters in the watershed and not to storm water conveyances maintained by the Phase 1 MS4 copermittees. The San Diego Water Board is responsible for enforcing these permits, as noted in the 4th paragraph. The TMDL notes that the sediment contribution from these facilities is likely significant and will need to be quantified to determine the impacts from these facilities.	Comment noted.
2-1	Finding #`9 on page 4 of Tentative Resolution No. R9-2011-0021 (attached) states: Non-point sources: In this project, the “collective watershed sources” also include all the *non-point sources located in the watershed* such as agriculture (1 percent of current land use area) and open space (43 percent of current land use area). This is the case because virtually the entire Los	Discharges from Hanson Aggregates is included in the wasteload allocation (WLA). Furthermore, the Implementation Section

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	Peñasquitos watershed is drained through the Phase I MS4 collection systems and therefore these sources, although nonpoint in origin, are considered by the San Diego Water Board to be "controllable" point sources. For this reason the Phase I MS4s can be thought of as the primary and ultimate point sources of sediment to the Lagoon. Hanson Aggregates operates an aggregate and concrete operation known as Carroll Canyon. Stormwater from this operation flows directly into Carroll Canyon Creek without first entering a public storm drain. Does Finding #9 mean our site's discharge could be part of the collective watershed TMDL allocation of 2,580 tons/year described in Finding # 12 of the Tentative Resolution? If no, how would a sediment load be assigned to our site? We request that sediment load allocations be discussed with dischargers such as Hanson Aggregates before they are finalized. These discussions would include review of the feasibility of the load allocation.	of the Staff Report has been clarified to clearly indicate the expectations of industrial and construction facilities in the watershed.
2-2	A primary concern is what are the RWQCB's expectations when there are extraordinary rain events such as a 100-year storm? These events could generate the most significant sediment loading to the lagoon, but it may be infeasible to adequately control the waste load. The draft Industrial Stormwater Permit expects BMP's to be designed to a compliance storm event. RWQCB staff stated at a workshop that if the compliance storm event is exceeded, then the discharger is not expected to comply with the NAL's and NEL's. Would there be similar provisions with the TMDL?	This comment is addressed in the current response to comments. Please see Supporting Document 5, responses 32 and 33.
2-3	If our sites are assigned an effluent limit/ allocation in response to the TMDL, then how will run-on from offsite properties be accounted for? For example, assume a creek that drains a large (e.g. 10 square miles) upgradient watershed cannot handle a storm event, overflows onto our parcel, and then causes excessive sedimentation. Does this sediment apply towards our effluent limit/ allocation?	An individual allocation is not proposed under this TMDL nor does the TMDL recommend an effluent limitation be imposed on industrial facilities within the Peñasquitos watershed. Inclusion of an effluent

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		limit would only occur during revision of the General Industrial Stormwater Permit.
3-1	The TMDL must identify appropriate numeric water quality targets that provide a quantitative measure to show attainment with applicable water quality standard(s) in Los Peñasquitos Lagoon. Specifically, the TMDL is interpreting a narrative water quality objective and therefore it is essential to establish numeric measures that will define the narrative condition for protecting the beneficial uses. According to EPA's guidelines for reviewing TMDLs under existing regulations, the TMDL submittal should describe the method used to establish the cause-and-effect relationship between the numeric target and the identified pollutant sources. The staff report clearly described the beneficial uses and impact of sedimentation to the Lagoon: "The beneficial use that is most sensitive to increased sedimentation is estuarine habitat. Estuarine uses may include preservation or enhancement of estuarine habitats, vegetation, fish, shellfish, or wildlife (such as marine mammals or shorebirds)…….Impacts associated with increased and rapid sedimentation include: reduced tidal mixing within Lagoon channels, degraded and (in some cases) net loss of riparian and salt marsh vegetation, increased vulnerability to flooding for surrounding urban and industrial developments, increased turbidity associated with siltation in Lagoon channels, and constricted wildlife corridors." (p. 9 of Staff Report & p14 of Attachment 1) As such, the focus of the TMDL should identify the physical, chemical and biological factors influencing the estuarine habitat caused by sedimentation and siltation. Since the applicable water quality objective is a narrative objective for sediment, the TMDL should identify numeric targets that will provide the basis for evaluating if the water quality objectives and beneficial uses have been attained in Los Peñasquitos Lagoon. In similar sediment TMDLs adopted within the State,	This comment has been addressed by revisions made to R9-2011-0021

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	multiple targets for the water column and habitat have been included to provide a clear evaluation to determine if water quality objectives and beneficial uses are attained (e.g., tidal prism volume, turbidity, %fines, % gravel, % salt marsh habitat, etc.). In this TMDL, sedimentation has presumably caused estuarine habitat loss which is critical for the protection of rare, threatened and endangered species and spawning habitat. Specifically, sedimentation within the Lagoon restricts the tidal prism, or exchange between the ocean and the Lagoon, and degrades critical salt marsh habitats through various processes. This important information should be used to define the appropriate numeric targets. For example, Attachment 1 of the staff report carefully identified that 180 acres of 510 habitat acres have been directly impacted by sedimentation. And yet, this information was not utilized in the definition of the numeric targets or in other sections of the TMDL staff report. Instead, this TMDL defined a single numeric target based on historical conditions and calculated a historic sediment load of 12, 360 tons per critical wet period. The numeric target is appropriate in providing the load reduction required by the point sources; however, it does not provide a measure to evaluate whether the Lagoon itself has attained the water quality objectives and protection of the beneficial uses. We require the inclusion of other numeric targets that directly assess the condition of the Lagoon to ensure a clear linkage between allocations, numeric targets and the restoration goal of the TMDL.	
3-2	In our review, we did not find a complete analysis of all possible sources in the BPA and staff report. Attachment 1 of the Staff report (p37) discussed impacts of railroad-related construction activities and the railroad berm as causing sedimentation in the Lagoon. However, this source was not identified in the TMDL staff report or the BPA as a potential source to be addressed. The TMDL should identify all point and nonpoint sources of the pollutant of concern, including location of the source(s) and the quantity of the loading, e.g., lbs/per day.	This comment has been addressed by revisions made to R9-2011-0021

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	This TMDL document identified wave action from the ocean as a Load Allocation. Since the ocean is defined as a "non-controllable" background source, please appropriately identify this as a background source and not a Load Allocation. Clear sources that are due to natural background tidal exchange processes should be noted and evaluated as part of the background sources portion of the TMDL budget. If human activities are leading to increasing wave action or disrupting the sedimentation rate, a wasteload allocation should be considered.	
3-3	The CWA statute and corresponding federal regulations require that a TMDL include a margin of safety (MOS) to account for any lack of knowledge concerning the relationship between load and wasteload allocations and water quality (CWA §303(d)(1)(C), 40 C.F.R. §130.7(c)(1)). In our view, this TMDL includes huge uncertainties in the calculation of the loading capacity, including the linkage between the WLA and the numeric targets and the water quality objectives. The implicit MOS does not adequately provide a sufficient measure of protection in accounting for the large level of uncertainties. In addition, the conservative assumptions in the analysis and calculation of the wasteload allocation should be clearly defined and included to better evaluate the level of implicit or explicit MOS. We strongly recommend the TMDL include an explicit MOS unless greater clarity is provided in detailing out the assumptions and areas of conservative measures.	The implicit margin of safety has been revised to discuss the inclusion of the Lagoon numeric target as a measure to account for the uncertainties associated with calculation of the WLA and LA.
3-5	Overall, EPA finds these TMDL and BPA documents, as presented, do not provide reasonable and sufficient technical information and therefore do not appear to meet regulatory requirements for addressing excessive sedimentation in the Los Peñasquitos lagoon. More importantly, the TMDL must include clear quantitative measures that will result in direct evaluation of the Lagoon to show water quality improvements and restoration of the impaired beneficial uses. We recommend the appropriate information be included in the TMDL documents to fulfill the statute and regulatory requirements of an approvable TMDL.	This comment has been addressed by revisions made to R9-2011-0021
4-3	Tentative Resolution, pg 5, Item 17. Scientific Peer Review. Several responses (>17%) to the peer review questions state that "due to time	This comment has been addressed by revisions

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	constraints, no changes were made at this time." Additional time should be devoted to making all changes to the TMDL that are appropriate based on peer review.	made to R9-2011-0021
4-8	Attachment A, pg A9-10 Each of the listed responsible parties (Phase I MS4s, Phase II MS4s, Caltrans, and the General Construction/Industrial Stormwater Permittees) should have equal responsibility for developing, implementing, and complying with the TMDL.	The revised staff report clarifies the roles and responsibilities of each responsible party.
4-18	Staff Report, pg 2, 13 Staff Report should clearly state that the land use coverage used is not the "current" or "existing" state of the watershed and should indicate why the 2000 LU coverage was selected to define existing conditions.	This comment has been addressed by revisions made to R9-2011-0021
4-20	Staff Report, pg 10 180 acres of impaired habitats is significantly less than the original estimate under the 1996 listing of 469 acres. There is a lack of discussion regarding the severity of the effect of sediment on the Estuarine Beneficial Use and the 1996 TMDL listing. Delisting should be included as a feasible alternative for portions of the Lagoon.	As part of developing the TMDL problem statement, the extent of the impairment was reassessed. Due to a lack of studies and data, additional information on the severity of the effect of sediment on beneficial uses cannot be provided at this time. In the revision of the Staff Report, this uncertainty was accounted for with the Lagoon numeric target establishing an increasing trend target toward an acreage of saltmarsh. Furthermore, due to the uncertainty, an adaptive

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		management approach was established for implementation of the TMDL.
4-21	Staff Report, pg 15 This is contradictory to statements in the Initial Study Attachment 3 page 3-4 which states “a permanent mouth opening to ocean cannot be naturally maintained… therefore channel is “often” dredged to alleviate danger…”	This comment has been addressed by revisions made to R9-2011-0021
4-22	Staff Report, pg 19 This is contradictory to the findings that sedimentation is the leading cause in the “rapid loss” of salt marsh habitat as stated on page 10 and 19 of the Staff Report. Furthermore, Section 4.1 page 21 states “Gradual Sediment accumulation in the lagoon has created areas of higher elevation.” Findings in these documents should be consistent.	This comment has been addressed by revisions made to R9-2011-0021
4-23	Staff Report, pg 30 The Resolution and accompanying documents indentify that Phase II MS4 are responsible parties to this TMDL. Page 30 of the Staff Report indicates that there are no Phase II MS4 entities enrolled under Order No. 2003-0005-DWQ in this watershed. This section should identify the potential Phase II entities within the watershed that are subject to future enrollment.	A list of types of Phase II MS4 entities was provided in a revised Staff Report dated February 15, 2012.
5-4	Page A-11 of Attachment A to the TMDL resolution requires that the responsible parties include in the SLRP “Data sufficient to complete the side-by-side comparison of historic conditions (early 1970s) and current conditions (2000-current) to inform the lines of evidence necessary to determine compliance.” Due to the limited information available about conditions in the early 1970s, any comparison to historic conditions would likely need to be performed using the watershed and lake models developed for this TMDL. However, we have serious concerns with the accuracy of the model: a) The deposition and resuspension from bed sediments does not appear to have been evaluated by the model. This limits the ability to evaluate and account for the interaction between watershed-associated sediments and salt-pan silts in	This comment has been addressed by revisions made to R9-2011-0021

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	the Lagoon. b) The modeled volumes and flows were higher in general than those observed in the watershed (as shown in Table 14 and Figure 30 of the modeling report). This concern was corroborated by Dr. Kirk Barrett in his peer review comments (comment no. 9 from Peer Review Comments and Responses, dated April 22, 2011). c) The average difference between the modeled and measured event mean concentrations (EMCs) are significant. These are reported for CC, LPC, and CCC, to be 83%, 51%, and 65%, respectively. In addition, the modeled event mean concentrations (with the exception of one) that are shown in figure 36 of the modeling report are higher than observed concentrations. Our concern was also corroborated by Dr. Kirk Barrett (comment no. 10 from Peer Review Comments and Responses, dated April 22, 2011). In addition, Dr. Rockwell Geyer expressed significant concerns with the model results and the exclusion of important data from the TMDL documents in the peer review comment letter. The commenter notes that "the TMDL that comes out of this study should be viewed as provisional, and it should be revised as the data allows a more accurate assessment of the actual loading rate and its impact on the receiving waters" (from Peer Review Comments and Responses, dated April 22, 2011). This statement causes serious concern, and additional evaluation of the model is necessary. The Regional Board staff often cites limited time as the reason that additional verification for model and TMDL WLA assumptions was not included in the TMDL documents. This is not a satisfactory response, as it is critical to the responsible parties that the TMDL be as accurate as possible. Otherwise funds could be spent on actions that may not be effective or could even be counterproductive. Although Caltrans supports the incorporation of an adaptive management approach into the TMDL, this does not provide a satisfactory response to address our concerns. The WLAs are based on the model sediment load estimates for 1972. However, the watershed model hydrology was calibrated for 1993 to 2008. There is a twenty	

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	year gap between the period that the model was calibrated for and the period for which the WLAs were estimated. There is no validation described in the TMDL modeling report that proves that the model load estimates are accurate for 1972. Caltrans requests that, if the model is to be used to estimate the WLAs or required to perform the side-by-side comparison, the model should undergo a full review and these concerns must be addressed. Additional support should then be provided to demonstrate the accuracy of the model. Alternatively, the Regional Board could consider development of other methods to be used by the responsible parties.	
6-1	Several items within the Staff Report (and Technical Report) need to be corrected or further developed: misleading or unclear statements regarding losses to riparian habitat, clarification regarding the definitions of impaired and unimpaired with the respect to historical changes in vegetation communities, and a lack of specificity regarding monitoring parameters. Throughout the document (for example, page 1, pp. 4; page 8, pp. 4; page 17, pp. 1; page 18, pp.1) there are references to "losses of riparian habitat" or "unimpaired" freshwater habitats. While there is much evidence showing losses to tidal and alkali habitats there is little evidence of losses to riparian or other freshwater habitats. Prior to urbanization of the watershed (circa 1972) there was very little freshwater or riparian vegetation within the Los Penasquitos estuary. Since then, much of the area that formerly supported saltmarsh, saltflat, and alkali marsh has been converted to freshwater habitats. These habitats support dense native vegetation and when compared to non-estuarine riparian systems and do not appear to be impaired. They are, however, a symptom of the impairment or destruction of the tidal and alkali habitats that preceded them. The tidal and alkali systems are rarer and of higher value in southern California than freshwater riparian wetlands and are a priority for habitat restoration within the estuary.	This comment has been addressed by revisions made to R9-2011-0021
6-2	CSP support's the historic analysis approach to the sediment load modeling and the TMDL development, and is looking forward to the efforts to reduce the sediment deposition within the estuary to pre-urbanization levels. An important	Comment Noted. This comment has been

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	element of this effort is to monitor the reduction in sediment loads and to objectively assess the effects upon the estuarine habitats. This assessment should focus on measuring the accumulation of sediments within wetland habitats (particularly vegetated habitats, saltflat and mudflat), measuring the changes in the spatial extent of habitats, and measuring their species composition. The amount and velocity of freshwater flows (and potentially soil salinity) should also be carefully monitored to provide a control for the relative contribution of freshwater flows when sediment control measures are implemented.	addressed by revisions made to R9-2011-0021
8-1	During the past two years, the City of Poway has been an active participant in the third party development of the TMDL. The City and Responsible Parties spent countless hours working closely with the Regional Board and other stakeholders to develop this TMDL. Numerous options and various perspectives were discussed by all parties regarding the development of the TMDL. It was a collaborative effort up until the tentative resolution was released to the Public for review. Significant changes were observed and directives to measure and address additional items other than sediment loading have been made. The Regional Board gave direction to the City of Poway and other Responsible Parties to concentrate on sediment and not surrogate measures in the Lagoon.	This comment has been addressed by revisions made to R9-2011-0021
9-1	The Sediment TMDL for LPL and pending amendment to the Basin Plan needs to include focus on bed load sediment, the processes that affect it (e.g. sediment transport) and its contribution to impacts related to sedimentation both in and around lagoon channels, as well as associated lagoon uplands. a. The water quality objective for sediment in the Basin Plan states, “The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.” This water quality objective should also reference bed load sediment, as “suspended sediment load” tends to focus only on silts and clays. Bed load sediment can, at times of elevated sediment transport, produce more significant impacts to the lagoon’s beneficial uses by burying habitat and/or raising elevations within the lagoon and the lagoon/watershed interface. Even slight changes in elevation in coastal salt marshes can have significant impacts as it can dramatically reduce exposure to or negate tidal mixing, especially in the eastern	Staff agrees that bed load sediment contribute to the impacts related to sediment. The revised staff report requires bedload monitoring. The water quality objective for sediment in the Basin Plan will not be amended at this time. Basin Plan amendments are determined by the San Diego Water Board’s triennial review

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	portion of the lagoon. b. Bed load sediment needs to be monitored in order to calibrate the watershed model. According to State Water Board staff responses to peer review, the LSPC watershed model does account for bed load sediment and its transport based on established algorithms inherent in the model. However, there has not been adequate monitoring of bed load transport or downstream accretion of bed load sediment to calibrate the model. Give the discrepancies between modeled and observed results in the model for other factors (e.g. TSS, water levels) it can only be assumed that such discrepancies would exist for the modeled results for bed load sediment. Perhaps a solution would be to include both survey transects and grain size analysis at select locations within the lagoon AND the lagoon/watershed interface, where much of this sediment is deposited as flow rates quickly decrease due to both “natural structures” (i.e. vegetation) and anthropogenic structures (e.g. railway berm). Surveys along lagoon channels should also be used to account for the inability for the lagoon model to account for bank erosion within lagoon channels, which occur after large storm events or series of events as witnessed over the last 10 years.	process.
9-2	Preservation of Biological Habitats of Special Significance (BIOL) should be elevated to the same status or higher than Estuarine (EST) with regard to prioritizing beneficial uses to be protected in LPL and the focus of the Sediment TMDL. LPL is a dedicated Salt Marsh Preserve by the State of California with the staff report and associated literature citing the need to protect this vanishing habitat type. While the Estuarine beneficial use is an extremely important beneficial use afforded by LPL, it tends to ignore the fact that the lagoon has lost (and is still losing) coastal salt marsh habitat to conversion to brackish and riparian habitats. Unfortunately, all three of these habitat types fit under the definition of estuarine habitat resulting in the potential further loss of coastal salt marsh due to increases in brackish and riparian habitats in the lagoon and associated uplands, even with apparent TMDL compliance. Both brackish (e.g. cattails) and riparian (e.g. willows) vegetation types can act as temporary or permanent sediment sinks that could mask the true impacts of sedimentation on the beneficial uses of LPL as	This comment has been addressed by revisions made to R9-2011-0021

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	well as inaccurately display success in load reductions. a. Compliance/success criteria, as well as associated monitoring needs to focus on habitat type and conversion rates over time, as they related to sedimentation. This measure was presented by the State Water Board as a means to assess "weight of evidence" and should be used to show compliance to the TMDL and protection/future restoration of LPL's beneficial uses. Currently the Los Peñasquitos Lagoon Foundation plans on using this method in updating their lagoon enhancement plan, following a phased approach of protecting existing coastal salt marsh (short-term), restoring recently converted habitat back to coastal salt marsh (mid-term) and expanding coastal salt marsh to areas historically having this habitat type (long-term).	
1-G	Load Reduction Plan requirements call for scheduled Best Management Plan (BMP) implementation with a construction schedule, adjustments to staff scheduling and resources. As a governmental agency, our resources and staffing are based upon city council approval. It is difficult to schedule in advance when and if BMPs will be constructed, and when staff and resources will be secured. Information regarding a construction schedule, staff time, positions, and job descriptions should not be required in the TMDL Load Reduction Plan.	This comment has been addressed by revisions made to R9-2011-0021
1-7	Staff Report Pg 46 Approval of the SLRP or CLRP by the San Diego Water Board will be required in order to commit the necessary resources needed to implement the recommended actions. A timeline for the approval process should be specified.	This comment has been addressed by revisions made to R9-2011-0021
1-8	Staff Report Pg 47 Staffing and other resource needs will be determined during development of the SLRP or CLRP. A general requirement that adequate staffing and oversight of implementation efforts is acceptable. Specific language requiring a schedule for staff time, etc. should be deleted.	This comment has been addressed by revisions made to R9-2011-0021
1-11	Staff Report Pg 48 Recommended edit: "Periodically assess the water quality of all water body/pollutant combinations within the Penasquitos watershed ***that are included*** in the CLRP to identify all water quality problems."	This comment has been addressed by revisions made to R9-2011-0021
1-12	Staff Report Pg 49, Section 8.1.4	Refer to response to

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	Refer to Comment #[1-]7	comment 1-7
1-13	Staff Report Pg 50, Section 8.2 Refer to Comment #[1-]7	Refer to response to comment 1-7
1-19	Resolution No. R9-2011-0021, Pg 5 Include the following: … implement a Sediment Load Reduction Plan (SLRP) or Comprehensive Load Reduction Plan (CLRP). Include the following: … Final compliance with this TMDL must be achieved, as soon as possible, but no later than ten years for the SLRP or no later than twenty years for the CLRP from the effective date of the Basin Plan Amendment.	This comment has been addressed by revisions made to R9-2011-0021
1-24	Resolution No. R9-2011-0021 Attachment A, Pg A-10 Revise "The SLRP shall contain…" to "The SLRP is recommended to contain…"	This comment has been addressed by revisions made to R9-2011-0021
1-25	Resolution No. R9-2011-0021 Attachment A, Pg A-11 Keep only the main headings & delete details: A) Initial BMP Analysis B) Scheduled BMP Implementation C) Scheduled Periodic BMP Assessment and Optimizing Adjustments	This comment has been addressed by revisions made to R9-2011-0021
1-26	Resolution No. R9-2011-0021 Attachment A, Pg A-11 Delete "D. Continuous Budget and Funding Efforts-Securing budget and funding for BMP staffing and equipment should be scheduled early and continue until the sediment TMDL is met. The SLRP should include a schedule for staff time, including position and job description, authorized for securing funding for non-structural BMP implementation and maintenance."	This comment has been addressed by revisions made to R9-2011-0021
1-27	Resolution No. R9-2011-0021 Attachment A, Pg A-11 Delete "2) … and the Lagoon monitoring requirements."	This comment has been addressed by revisions made to R9-2011-0021
1-28	Resolution No. R9-2011-0021 Attachment A, Pg A-11 Delete "3) Details of the required special studies, including delivery dates for those studies."	This comment has been addressed by revisions made to R9-2011-0021
1-29	Resolution No. R9-2011-0021 Attachment A, Pg A-12 Revise "The CLRP shall contain…" to "The CLRP is recommended to contain…"	This comment has been addressed by revisions made to R9-2011-0021

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1-30	Resolution No. R9-2011-0021 Attachment A, Pg A-12 Delete item 2B and replace with the following: Develop watershed-based, land use planning policies and approaches each jurisdiction can review and select for use in their planning processes.	This comment has been addressed by revisions made to R9-2011-0021
1-40	Staff Report Pg 46 Revise "The SLRP shall contain…" to "The SLRP is recommended to contain…"	This comment has been addressed by revisions made to R9-2011-0021
1-41	Staff Report Pg 47 Keep only the main headings and delete details: A) Initial BMP Analysis B) Scheduled BMP Implementation CScheduled Periodic BMP Assessment and Optimizing Adjustments	This comment has been addressed by revisions made to R9-2011-0021
1-42	Staff Report Pg 47 Delete "D. Continuous Budget and Funding Efforts-Securing budget and funding for BMP staffing and equipment should be scheduled early and continue until the sediment TMDL is met. The SLRP should include a schedule for staff time, including position and job description, authorized for securing funding for non-structural BMP implementation and maintenance."	This comment has been addressed by revisions made to R9-2011-0021
1-43	Staff Report Pg 47 Delete "… and the Lagoon monitoring requirements."	This comment has been addressed by revisions made to R9-2011-0021
1-44	Staff Report Pg 47 Delete "3) Details of the required special studies, including delivery dates for those studies."	This comment has been addressed by revisions made to R9-2011-0021
1-45	Staff Report Pg 48 Revise "The CLRP shall contain…" to "The CLRP is recommended to contain…"	This comment has been addressed by revisions made to R9-2011-0021
1-46	Staff Report Pg 48 Delete item 2B and replace with the following: Develop watershed-based, and use planning policies and approaches each jurisdiction can review and select for use in their planning processes.	This comment has been addressed by revisions made to R9-2011-0021
4-9	Attachment A, pg A-10	This comment has been

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	Last paragraph replace “and” with “or” in first sentence.	addressed by revisions made to R9-2011-0021
4-10	Attachment A, pg A-10-11 It is not feasible to identify a detailed schedule for construction of BMPs and additional staffing within the timeline allowed for submittal of the SLRP. Realistically, it can take several years once a candidate project is identified to confirm implementation feasibility. Some of the issues that need to be resolved before a BMP can be constructed include: identifying funding, analyzing environmental impacts, and (in some cases) acquiring land. In general, there is too much specificity required in the SLRP.	This comment has been addressed by revisions made to R9-2011-0021
4-11	Attachment A, pg A12 This statement contradicts findings made in the Initial Study (see page 3-34 Land Use), which states that the project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.	This comment has been addressed by revisions made to R9-2011-0021
4-12	Attachment A, pg A-13 Does the language here imply that the CLRP is acceptable to the Water Board if no comments are provided on the content of the Plan?	The referenced language has been modified in response to comments on the current tentative resolution. Please see Supporting Document 5, responses 63 and 91. A lack of comments by the Water Board does not imply that the Load Reduction Plan meets the requirements of the TMDL.
4-19	Staff Report, pg 5 Language in this section indicates that Phase II MS4s and General Industrial and Construction Permit holders “may” be required to develop SLRPs. It is unclear	This comment has been addressed by revisions made to R9-2011-0021

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	from the staff report whether existing requirements for Phase II MS4s and Construction/Industrial Storm Water Permit holders are sufficient to support achievement of the load reductions required in this TMDL. The Water Board should specify the criteria that will be used to assess whether these parties will have to implement SLRPs. There are properties in the watershed, such as sand mining operations, that discharge directly to the creek or other receiving water that do not first enter an MS4 controlled by a Phase I MS4 permittee.	for said facilities as responsible parties.
5-1	Beginning on page A-2 of the TMDL Resolution, three steps are described that are envisioned by the Regional Board to completely restore the Los Peñasquitos Lagoon. The TMDL documents released by the Regional Board focus on Step 1 of the waterbody goal for restoring the Los Peñasquitos Lagoon. This step is to attain the water quality objective for sediment in the Lagoon and the analysis included in this TMDL focuses on the impacts of sediment loads. The current version of the TMDL requires the responsible parties to develop and submit either a Sediment Load Reduction Plan (SLRP) for sediment or a Comprehensive Load Reductions Plan (CLRP) for all pollutants causing impairment to the Lagoon. The plan must be submitted within 18 months of the effective date of the TMDL. The TMDL does not include the necessary analysis to understand the impacts of the other pollutants of concern that would play a critical role in the development of the CLRP. These include the evaluation of sources and the linkage analysis to evaluate how the discharges from these sources impact the water body. Without these elements, the development of the CLRP to ensure the final goals of attainment of all water quality objectives, protection of beneficial uses, and restoration of the Lagoon to a functional healthy estuarine ecosystem may be difficult. All requirements in the TMDL under the SLRP option should specifically address sediment, as this is the only pollutant that the Regional Board has evaluated for this TMDL. If the necessary analyses are made available to understand the impacts of the other pollutants of concern, then these elements could be incorporated into a comprehensive plan at that time.	This comment has been addressed by revisions made to R9-2011-0021. It is important to note that the responsible parties do not need San Diego Water Board approval to conduct special studies to refine the understanding of other pollutants and impacts within the lagoon.

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	Caltrans requests that the TMDL allow stakeholders the option to submit an SLRP to meet the initial TMDL deadlines, and, if the necessary analyses are made available to understand the impacts of the other pollutants of concern, then the responsible parties should be allowed the option to transition from the SLRP to a CLRP.	
5-5	Part D of the SLRP Requirements in Attachment A to the TMDL Resolution requires that the responsible parties secure "budget and funding for BMP staffing and equipment" early and until the sediment TMDL is met (page A-11). Furthermore, it states that "the SLRP should include a schedule for staff time, including position and job description, authorized for securing funding for non-structural BMP implementation and maintenance." Due to the current California state budget deficit, Caltrans is facing a lack of resources to address the TMDL outside of the funding allocated to applicable highway projects, and Caltrans does not have the authority to impose user or utility fees to pay for the TMDL implementation. Caltrans requests that this requirement be removed from the TMDL and that language be added to allow for flexibility in implementation during times of funding challenges.	This comment has been addressed by revisions made to R9-2011-0021
5-6	The TMDL Resolution requires that the SLRP or CLRP "must be implemented immediately upon receipt of Water Board comments and recommendation, but in any event, no later than 60 days after submittal to the San Diego Water Board". The responsible parties to the TMDL would likely need time to adjust to any significant comments or recommendations from the Regional Board. This requirement does not allow any time for this. Caltrans requests revising to allow the responsible parties to have 90 days after the receipt of comments and recommendations from the Regional Board to implement the plan.	The referenced language has been modified in response to comments on the current tentative resolution. Please see Supporting Document 5, responses 63 and 91. There is no preclusion to implementation of the plan while revisions are

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		being made in response to comments.
7-5	SLRP and CLRP Requirements – The City requests that the requirements are revised to match the language in Resolution No. R9-2010-0001, Bacteria TMDL. The Bacteria TMDL lists recommended SLRP and CLRP components rather than explicitly requiring them. This requested change is important for consistency amongst potential CLRP documents. Additionally, Load Reduction Plan requirements call for scheduled Best Management Plan (BMP) implementation with a construction schedule, adjustments to staff scheduling and resources. As a governmental agency, our resources and staffing are based upon City Council approval. Only tentative schedules can be developed for such long-term plans as the CLRP. The City recommends the following changes to the SLRP and CLRP requirements: a. Page A-10: SLRP Recommended Components ~~Requirements~~ The SLRP ~~shall~~ should contain, ~~at a minimum~~ the following components: b. Page A-12: CLRP Recommended Components ~~Requirements~~ The CLRP ~~shall~~ should contain, ~~at a minimum~~ the following components:	This comment has been addressed by revisions made to R9-2011-0021
7-6.a	The City requests the following changes be made to the TMDL: a. Page A-13, under the “Implement Load Reduction Plan” heading: “The SLRP or CLRP must be implemented immediately upon receipt of Water Board ~~comments and recommendation~~ comments, recommendation and supporting justification for any recommended program/activity changes, but in any event, no later than 60 days after submittal to the San Diego Water Board”.	This comment has been addressed by revisions made to R9-2011-0021
8-4	The load reduction plan requirements included BMP implementation schedules, staffing and resources. These requirements should not be a requirement of the Load Reduction Plan as municipalities such as Poway cannot easily provide this information without council approval.	This comment has been addressed by revisions made to R9-2011-0021
10-1	In order to ensure we properly understand our obligations under the plan we	This comment has been

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	are seeking clarification on a few issues. Under item 15 of the tentative resolution it notes that responsible parties are required to develop and implement a Sediment Load Reduction Plan (SLRP). Our review of the Implementation Plan indicates that this requirement was scheduled to apply as in Section 8.1.3: The Phase I MS4 owners (City of San Diego, City of Del Mar, City of Poway, and County of San Diego) and Caltrans are required to jointly prepare and submit for San Diego Water Board review, comment, and revision, a Sediment Load Reduction Plan (SLRP) that demonstrates how they will comply with the required waste load reductions in this TMDL. If the Phase I MS4s and Caltrans choose to address impairments due to loads from multiple pollutants, in addition to sediment, then they will be required to jointly prepare and submit a Comprehensive Load Reduction Plan in lieu of a SLRP, The implementation plan in the staff report seems to define the SLRP is a 'joint" document while item 15 of the interim resolution could be read to require each responsible party to submit a SLRP. Likewise, page 5 notes "Industrial and construction storm water permittees will also be required to comply with existing requirements under their respective permits. In addition, Phase II MS4s and Construction and Industrial Storm Water Permit holders may be required to submit Sediment Load Reduction Plans outlining a proposed BMP program that will be capable of achieving the necessary load reductions required to attain the TMDL in the Lagoon." We would appreciate clarification of this issue. Is there one SLRP submitted jointly, one by the phase 1 MS4's and Caltrans with the possibility of permit holders and phase II MS4's also needing to submit one? We believe the intent is one overarching SLRP and would note that it is important that industrial permit holders be included as stakeholders in discussions of such a SLRP. We certainly	addressed by revisions made to R9-2011-0021

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	are willing to work with the Board and the MS4's as such plans are developed to help ensure the accuracy and feasibility of considered actions and timeframes.	
1-1	Staff Report Pg 6 Development of a comprehensive approach will include an analysis of additional pollutants that can be addressed in the load reduction strategy, depending on feasibility. Recommended edit: "… demonstrate required load reductions of bacteria and other pollutants (as feasible), in addition to the sediment load reductions required by this project" .	This comment has been addressed by revisions made to R9-2011-0021
1-10	Staff Report Pg 47 Clarify that the comparison to historic conditions (early 1970s) will focus on achieving the sediment load reduction required specified in the TMDL. Several of the lines of evidence specified in Section 8.3.1 do not provide a direct measure of sediment loading. This section should be edited to focus on monitoring efforts that provide direct feedback on sediment/siltation improvements that may result from reductions in watershed loading.	This comment has been addressed by revisions made to R9-2011-0021
1-14	Staff Report Pg 51, Section 8.3.1 The Lagoon Condition lines of evidence do not provide a direct measure of sediment load reduction which is the focus of this TMDL. Several Creek Condition lines of evidence also may not have a direct linkage with sediment improvements. As noted in previous comments and elsewhere in Section 8, this TMDL specifically addresses the sediment/siltation impairment of the lagoon. Special studies would need to be developed to assess lagoon and creek conditions that may be affected by other pollutants and physical disturbances.	This comment has been addressed by revisions made to R9-2011-0021
1-18	Staff Report pg 55, section 8.5.3 Refer to Comment #16. The Adaptive Management Schedule does not allow sufficient time to show marked changes in lagoon condition from future BMP implementation activities. According to this schedule, special studies will be completed within 4 years of OAL approval. The Alternative Compliance Schedule (page 52) requires a 20% reduction in sediment loading within this time frame.	This comment has been addressed by revisions made to R9-2011-0021

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	Cost-effective management decisions cannot be made unless adequate time is allowed to measure and demonstrate changes in lagoon condition as a result of BMP implementation. A longer schedule is needed to be consistent with the Alternative Compliance Schedule and the time that will be needed for the lagoon to begin to show improvements. Refer to Comment #18 regarding the need for special studies of the lagoon and the responsible entity.	
1-39	Staff Report Pg 45, Section 8.1.1 Revise …to comply with the total wasteload allocation to reduce 'collective watershed sources' to the following: …to comply with the total wasteload allocation of this TMDL sedimentation.	This comment has been addressed by revisions made to R9-2011-0021
4-1	Tentative Resolution, pg 5, Item 15. Final Compliance within 10 years. Please add after Basin Plan Amendment, "or within 20 years if a Comprehensive Load Reduction Plan (LRP) is developed for the watershed." The compliance timelines identified in the Resolution should be consistent with those identified in the Attachment (see A-10). We agree that the option for an extended compliance timeline is appropriate for a LRP that addresses multiple pollutants. This will also ensure consistency with the recently adopted Bacteria TMDL for Beaches and Creeks, which also impacts the Los Penasquitos Watershed.	This comment has been addressed by revisions made to R9-2011-0021
4-14	Attachment A, pg A15 This section contains contradictory language. It first says "Attainment of the 1970s loading rate will be demonstrated by measuring and reporting on ***any combination of*** the following individual lines of evidence …". It then says "***Each line of evidence*** must establish the early 1970s condition and the existing condition in the SLRP or CLRP, such that progress can be quantified as a percent." It is more appropriate to some, but not all, lines of evidence to be used because it will be difficult or impossible to determine progress on many of the potential lines of evidence listed. For example, IBI and CRAM were either not completed or were not available in the 1970's and require in field measurements that cannot be recreated. Also, while vegetation maps may be available for portions of the lagoon and the watershed, there is no complete vegetation	This comment has been addressed by revisions made to R9-2011-0021

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	coverage available for the entire watershed with specific detail for the vegetation types listed.	
4-15	Attachment A, pg A16-17 It is problematic to establish load reduction targets (both interim and final) that assess sediment loading on an annual basis. Sediment loading can be highly variable across years due to changes in rainfall amounts, intensities, etc. over the course of a year. It may be more appropriate to use a 10-year running average to factor out years have abnormally high loading due to hydrologic variability. Responsible parties should be given the opportunity to propose an alternative compliance schedule that is subject to review and acceptance by the Water Board. Currently, responsible parties are only allowed to propose "additional" interim milestones and final compliance schedules.	This comment has been addressed by revisions made to R9-2011-0021
4-17	Attachment A, pg A-19 Special studies are required to be carried out within 4 years of OAL approval. The compliance timeline requires 30% of the total load reduction to be achieved by this time. If the conclusion of the special studies is that sediment is a minor factor affecting Lagoon health, the TMDL proposes that the project shift focus to other more important factors controlling lagoon health. It would be more effective from an economic perspective to conduct the special studies first, then define the appropriate regulatory approach based on the results. There is much opportunity for wasted time and money in the approach proposed by the TMDL. These comments apply equally to Section 8.5.2 and 8.5.3 in the Draft Staff Report.	This comment has been addressed by revisions made to R9-2011-0021

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5-2	The TMDL Resolution places collective responsibility for compliance with the TMDL on all of the named responsible parties. The TMDL also requires the Phase I MS4 owners and Caltrans to "jointly prepare and submit" the SLRP or CLRP to the Regional Board (page A-10). Caltrans impervious facilities in the watershed account for less than one percent of the total watershed area. Caltrans specifically requests that the Resolution allow Caltrans the option to act individually to comply with the TMDL and develop and submit TMDL deliverables or to act collectively with the other stormwater permittees.	This comment has been addressed by revisions made to R9-2011-0021
7-3	The City also requests that the following language from Resolution No. R9-2010-0001 (Bacteria TMDL) be added to this TMDL on page A-9 after the third full paragraph under the "Responsible Parties Identification" heading: *"The municipal MS4s may demonstrate that their discharges are not causing the exceedances in lagoon by providing data from their discharge points to the lagoon, by providing data collected at jurisdictional boundaries, and/or by using other methods accepted by the San Diego Water Board".*	This comment has been addressed by revisions made to R9-2011-0021
7-4	The City requests that the following language similar to Resolution No. R9-2010-0001 (Bacteria TMDL) be included in this TMDL on page A-17 in the Adaptive Management Section: *"As the implementation of these TMDLs progress, the San Diego Water Board recognized that revisions to the Basin Plan may be necessary in the future. The San Diego Water Board will initiate a Basin Plan amendment project to revise the requirements and/or provisions for implementing these TMDLs within 8 years from the effective date of this Basin Plan amendment or earlier if all of the following conditions are met:* • *Sufficient data are collected to provide the basis for the Basin Plan amendment.* • *A report is submitted to the San Diego Water Board documenting the findings from the collected data* • *A request is submitted to the San Diego Water Board with specific revisions*	This comment has been addressed by revisions made to R9-2011-0021

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	proposed to the Basin Plan, and the documentation supporting such revisions. *The San Diego Water Board will work with project proponents to ensure that the data and documentation will be adequate for the initiation of the Basin Plan amendment. The San Diego Water Board will be responsible for taking the Basin Plan amendment project through the administrative and regulatory process for adoption by the San Diego Water Board, and approval by the State Water Board, OAL, and USEPA.* *If no Basin Plan amendment has been initiated within 8 years of the effective date of this TMDL Basin Plan Amendment, and the Executive Officer determines, with Regional Board concurrence, that insufficient data exist to support the initiation of a Basin Plan amendment, a subsequent Basin Plan amendment to revise the requirements and/or provisions for the implementation of these TMDLs, will not be initiated until the Executive Officer determines the conditions specified above are met."*	
7-6.b	The City requests the following changes be made to the TMDL: b. Page A-15 under the "Weight of Evidence Approach" heading: "Each line of evidence must establish the early 1970s <u>or equivalent</u> condition <u>derived as applicable</u> and the existing condition in the SLRP and CLRP, such that progress can be quantified as a percent. In addition, all lines of evidence must be weighted".	This comment has been addressed by revisions made to R9-2011-0021
7-6.c	The City requests the following changes be made to the TMDL: c. Page 5 – Item 15: "Final compliance with this TMDL must be achieved, as soon as possible, but no later than ten years <u>if the SLRP is chosen or 20 years if the CLRP is chosen</u> from the effective date of the Basin Plan Amendment".	This comment has been addressed by revisions made to R9-2011-0021
1-2	Staff Report Pg 10 (2) focuses on lagoon monitoring. The TMDL addresses watershed reductions	This comment has been addressed by revisions

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	that are needed to reduce sediment loads long-term. Compliance monitoring requirements for sediment will be specified in the upcoming CLRP. Special studies that address the overall health of the lagoon are needed but are outside the scope of this sediment TMDL. The CLRP can include recommendations for special studies of the lagoon, with the understanding that required compliance monitoring will focus on assessing sediment load reductions from the watershed.	made to R9-2011-0021
1-9	Staff Report Pg 47 Refer to Comment #5. Lagoon monitoring references should be edited as appropriate based on the recommended changes to Section 8.5.1. Lagoon monitoring should not be required as this TMDL addresses the sediment/siltation impairment of the lagoon.	This comment has been addressed by revisions made to R9-2011-0021
1-15	Staff Report Pg 53, Section 8.5.1 Refer to Comments #2, #5, and #9. Lagoon monitoring should not be required as this TMDL addresses the sediment/siltation impairment of the lagoon. Lagoon monitoring should be referenced as follow-up special studies that may be needed to better understand existing conditions in the lagoon and to determine if additional actions are needed in the future. Specific requirements for conducting lagoon monitoring and special studies should be deleted.	This comment has been addressed by revisions made to R9-2011-0021
1-31	Resolution No. R9-2011-0021 Attachment A, Pg A-18 & 19 Delete Required Lagoon Monitoring section.	This comment has been addressed by revisions made to R9-2011-0021
1-34	Staff Report Pg 1 Delete “initiate long-term Lagoon monitoring” and replace with “compliance monitoring.” Delete “and overall health.”	This comment has been addressed by revisions made to R9-2011-0021
1-47	Staff Report Pg 53-54 Delete section 8.5.1 Required Lagoon Monitoring.	This comment has been addressed by revisions made to R9-2011-0021
5-3	The TMDL Resolution requires that the named responsible parties conduct Lagoon monitoring. Lagoon monitoring is beyond the scope of the TMDL. During the meeting that was held on February 3, 2010, Regional Board staff informed the	This comment has been addressed by revisions made to R9-2011-0021

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	responsible parties that this would not be a requirement of the TMDL. Page A-18 of Attachment A to the TMDL resolution states "The specific purpose of the Lagoon monitoring results will be to serve as a "trigger" to indicate the need for, and timing of, further follow-up regulatory actions by the San Diego Water Board and further restorative actions by the responsible parties." This statement as well as this section implies that any monitoring conducted would determine the need for additional requirements outside the scope of this sediment TMDL. All requirements in this TMDL under the SLRP option should specifically address sediment, since the necessary analyses have not been performed to understand the impacts of other pollutants of concern. Any restorative actions outside of this TMDL would require separate analyses and compliance and should be clearly described in the TMDL Resolution. Caltrans requests that the TMDL requirement for Lagoon monitoring be removed. In addition, Caltrans requests that the TMDL language include a clear description of any actions that would be required as a result of either the SLRP or CLRP monitoring approach. Any actions taken should also include a clear and quantifiable link toward compliance with the waste load allocations (WLAs).	
6-3	The Los Peñasquitos Lagoon Foundation, State Coastal Conservancy, the Southwest Wetlands Interpretive Association, and CSP are currently working on an enhancement plan for the Los Peñasquitos estuary. Part of this process will include monitoring important environmental parameters including detailed habitat and sensitive species maps, and vegetation sampling). Additionally, this plan will develop a framework for enhancement projects to repair the estuary. This is an opportunity for the Stakeholders, Board, CSP, and others to consolidate a partnership to share resources and expertise to begin effecting large-scale improvement on the function and sustainability of the Los Peñasquitos estuary.	Comment noted.
9-3	Monitoring needs to account for more than TSS within the surface water and use precipitation rates from localized sources (not Lindbergh Field) a. Total Suspended Solids does not accurately portray sedimentation trends and impacts within the watershed and lagoon, as it can be highly inaccurate (e.g.	This comment has been addressed by revisions made to R9-2011-0021

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	included organic matter within the sample) and does not measure bed load sediment. b. Topographical surveys should be included as a necessary component to water quality surveys in surface waters. Much of the indirect impacts to water quality are caused by sediment deposition in the lagoon/watershed interface. Unfortunately, the linkages between the two models does not seem to accurately describe what is occurring in this area, located mostly in the western reaches of the LSPC model. c. Precipitation levels within the watershed need to be accurate as this is a highly influential variable for determining sediment loading from the watershed. Precipitation during storm events in San Diego can vary widely by location with some nearby areas experiencing intense, prolonged rainfall while other nearby locations have little to no measurable precipitation. Therefore, weather stations within the watershed should be used rather than taking rainfall amounts from more established locations like Lindbergh Field.	
9-4	Monitoring should be conducted in conjunction with established monitoring programs in LPL. Biological monitoring has been conducted for the past 26 years at LPL and channel surveys since 1995. This information should be used to assess success of the sediment TMDL. Too often monitoring programs conducted by municipalities or agencies (e.g. Caltrans) do not capture the real processes occurring in the lagoon and watershed and consultants are given too short of a timeframe to collect data and extrapolate trends for these narrow data sets. Monitoring at LPL is currently being conducted by the Southwest Wetland Interpretive Association. This monitoring team, led by Dr. Jeff Crooks, is often consulted by both the State Water Board and the Southern California Coastal Water Research Project (SCCWRP) with regard to lagoon processes and impacts caused by urbanization at LPL and other coastal lagoons in Southern California. It is therefore, logical to consult Dr. Crooks with regards to any monitoring program created to characterize lagoon health and impacts from anthropogenic sources	A goal of the monitoring program in the revised Staff Report is “To implement the monitoring in a manner consistent with other TMDL implementation plans and regulatory actions within the Los Peñasquitos watershed.”

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	and structures.	
9-5	How will the monitoring programs include climate change variables? The monitoring and modeling aspects of the TMDL should look at climate change as it affects both intensity and duration of storm events, instead of assuming the most significant sediment loading will occur during EI Niño years. The recent storm events in late December 2010 that lead to, by some expert speculation, to a 1OO-year flood event occurred during a winter that was characterized as being a La Niña.	This comment has been addressed by revisions made to R9-2011-0021
1-cover letter bullet 1	The goal of the TMDL is to address sediment and not all of the potential pollutants of the lagoon. Step 2 Long-term Goal and Step 3 Final Goal of the Three-Step Waterbody Goal, in the Resolution attachment, is beyond the scope of this sedimentation TMDL.	This comment has been addressed by revisions made to R9-2011-0021
1-cover letter bullet 4	The Adaptive Management Schedule has management decisions being made as a result of the Special Studies on Lagoon Stressors within a 6 year timeframe. If the TMDL has a Comprehensive Load Reduction Plan, we are required to be at 20% reduction at 5 years. It is unknown how long it will take before we see improvement in the lagoon but since we are only required to be at 20% reduction in 5 years, it is not clear as to whether the Regional Board will move to Steps 2 and 3 based on the Special Study results in the 6 year timeframe	This comment has been addressed by revisions made to R9-2011-0021
1-5	Staff Report Pg 44 We support the ultimate goal of restoring the lagoon and an adaptive management approach. As noted in Section 2 – Problem Statement, the lagoon was placed on the 303(d) list for sediment/siltation (also noted in the heading for Step 1). The TMDL only addresses sediment reductions based on this listing and discussion with the San Diego Regional Board during TMDL development. As a result, achieving the required sediment reduction is the focus of the TMDL. Steps 2 and 3 may be needed in the future if it's determined that additional actions are needed to restore the lagoon. These actions and related lagoon monitoring studies are,	This comment has been addressed by revisions made to R9-2011-0021

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	however, outside the scope of this TMDL. Lagoon monitoring should be referenced as follow-up special studies that may be needed to better understand existing conditions in the lagoon and to determine if additional actions are needed in the future. The 3-Step Goal statement is appropriate, however, the above clarification is needed.	
1-16	Staff Report Pg 53 & 54, section 8.5.1 Regarding the possible need to move to Steps 2&3 of the waterbody goals – improvements in lagoon condition in response to sediment reductions will be a slow, incremental process. Adequate time will be needed to demonstrate improvements in the lagoon resulting from BMP implementation. In addition, a well-designed compliance monitoring strategy must be developed and included in the SLRP or CLRP to document these improvements and link them back to reductions in sediment loading. Special studies of the lagoon must take into account the time that will be required to measure changes in lagoon condition over time. The need for additional regulatory or restorative actions (and resources) will be dependent on an accurate measure of the lagoon's response to BMP implementation.	This comment has been addressed by revisions made to R9-2011-0021
1-20	Resolution No. R9-2011-0021, Pg 5 The Resolution is for Sedimentation/Siltation TMDL. Delete the following: TMDL Project Objective ~~and Waterbody Goal~~: The objective of this TMDL project to attain the sediment water quality objective in the Los Penasquitos Lagoon. ~~This is considered an essential first step towards achievement of the ultimate waterbody goal. The final goal for the Los Penasquitos Lagoon is full attainment of all water quality objectives, protection of all beneficial uses, and restoration to a functional healthy estuarine ecosystem.~~	This comment has been addressed by revisions made to R9-2011-0021
1-22	Resolution No. R9-2011-0021 Attachment A, Pg A-2 & A-3 1. Revise title to Reducing Sedimentation and Siltation Load to the Los Penasquitos Lagoon. 2. Delete three-step Waterbody Goal. 3. Strike out and keep the following:	This comment has been addressed by revisions made to R9-2011-0021

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	~~Step 1 Intermediate-term Goal:~~ Attain water quality objective for sediment in Los Penasquitos Lagoon and address current Clean Water Act section 303(d) sediment impairment. Overall Strategy Reduce current watershed sediment load to early 1970s watershed sediment load. Delete: ~~Initiate long-term Lagoon monitoring~~ and replace with: Compliance monitoring to assess Lagoon's response to decreasing sediment ~~and overall health~~. Strike out the entire title and paragraph of Step 2 Long-term Goal. Delete the entire title and paragraph of Step 3 Final Goal.	
1-23	Resolution No. R9-2011-0021 Attachment A, Pg A-3 Delete "Step 1" from Title.	This comment has been addressed by revisions made to R9-2011-0021
1-33	Resolution No. R9-2011-0021 Attachment A, Pg A-19 Delete Adaptive Management Schedule section.	This comment has been addressed by revisions made to R9-2011-0021
1-35	Staff Report Pg 44 Delete three-step Waterbody Goal.	This comment has been addressed by revisions made to R9-2011-0021
1-36	Staff Report Pg 44 Delete the following: Accordingly, this Implementation Plan describes both the program of implementation and the adaptive management approach necessary for achieving step 1, the Intermediate-term goal.	This comment has been addressed by revisions made to R9-2011-0021
1-37	Staff Report Pg 44 Strike out and keep the following: Step 1 Intermediate-term Goal: Attain water quality objective for sediment in Los Penasquitos Lagoon and address current Clean Water Act section 303(d) sediment impairment.	This comment has been addressed by revisions made to R9-2011-0021

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	Overall Strategy Reduce current watershed sediment load to early 1970s watershed sediment load. Delete: Initiate long-term Lagoon monitoring and replace with: Compliance monitoring to assess Lagoon's response to decreasing sediment and overall health.	
1-38	Staff Report Pg 44 Delete Step 2: Long-term Goal Section and Step 3: Final Goal Section	This comment has been addressed by revisions made to R9-2011-0021
1-49	Staff Report Pg 55 Delete section 8.5.3 Adaptive Management Schedule and Table 7.	This comment has been addressed by revisions made to R9-2011-0021
3-4	This TMDL outlines a three step process to restore Los Peñasquitos Lagoon. A phased approach outlining the implementation plan for achieving the TMDL's final wasteload allocations and numeric targets is appropriate. However, this TMDL does not clearly outline the framework nor the detail actions required for each step to show with reasonable assurance that the wasteload allocations and numeric targets to support protection of beneficial uses will be achieved. The current three step goals only describes the overall strategy and regulatory actions; the content of the strategy and actions are limited in scope and do not provide the detailed actions, measures and milestones to define how the TMDL and its goals will be achieved.	This comment has been addressed by revisions made to R9-2011-0021
4-2	Tentative Resolution, pg 5, Item 16. TMDL Project Objective and Waterbody Goal. Please delete the last sentence. This TMDL is for sediment and should remain focused on sediment. "Full attainment of all water quality objectives ... and restoration to functional healthy estuarine ecosystem" is beyond the scope of this TMDL.	This comment has been addressed by revisions made to R9-2011-0021
4-16	Attachment A, pg A18-19 While the stated objective of the TMDL is to reduce sediment loads, it appears	This comment has been addressed by revisions

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	that much of these two programs will take us immediately into Step 2 and 3. Monitoring required by the TMDL should be limited to assessing the goal of Step 1 – sediment load reduction. The last sentence under required Lagoon Monitoring starting with "One of the SD Water Board …" should be deleted from this section. It might fit into the Staff Report but does not belong in the Resolution or the Basin Plan Amendment.	made to R9-2011-0021
7-1	The Los Peñasquitos Lagoon is designated as an impaired water body for sedimentation pursuant to Clean Water Act section 303(d); however, the Lagoon is not listed for any other pollutants at this time (303(d) list dated 1/27/2010). The objective of this TMDL is to attain the sediment water quality objective in the Los Peñasquitos Lagoon, not all of the potential pollutants and issues of the lagoon. The City believes that the "Restoring Los Peñasquitos Lagoon: Three Step Waterbody Goal" approach presented in this TMDL, goes beyond the scope of this sedimentation TMDL for the lagoon. For example, it is stated on page A-2 of the TMDL "Although a return to pristine conditions is not expected, a holistic watershed restoration effort is expected to eventually result in the attainment of all applicable water quality standards in Los Peñasquitos Lagoon as well as in each of its three tributary creeks". Furthermore, Step 3 Final Goal of this TMDL is to attain all water quality objectives and protect all beneficial uses – restore lagoon to functional healthy estuarine ecosystem. While the City agrees that attaining water quality objectives and protection of all beneficial uses is of great importance, the Sedimentation TMDL is not the appropriate mechanism to address all beneficial uses in the Lagoon. Therefore, the City recommends that the language on page 5 of the Resolution Item 16 be revised to state the following: ***16. TMDL Project Objective ~~and Waterbody Goal~~:*** *The objective of this TMDL project is to attain the sediment water quality objective in the Los Peñasquitos Lagoon. ~~This is considered an essential first step towards achievement of the ultimate waterbody goal. The final goal for the Los Peñasquitos Lagoon is full attainment of all water quality objectives, protection of all beneficial uses, and~~*	This comment has been addressed by revisions made to R9-2011-0021 It is important to note that other sources of pollutants are within the jurisdictional and legal control of the responsible parties. The San Diego Water Board is hopeful that, though not a part of the sediment TMDL, the City will take actions to address other pollutants and attain water quality objectives and protection of all beneficial uses since it is "of great importance" to the City.

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	~~*restoration to a functional healthy estuarine ecosystem.*~~ The City also recommends the following language changes on page A-2 of the Resolution: ***Restoring Los Peñasquitos Lagoon~~: Three Step Waterbody Goal~~*** *Los Peñasquitos Lagoon is one of the few remaining and irreplaceable coastal lagoons in Southern California providing valuable estuarine habitat as well as numerous other important beneficial uses. Over the course of the 20th century, the lagoon has incurred a number of important anthropogenic disturbances which, cumulatively, have resulted in excessive sedimentation and the gradual degradation and loss of estuarine habitat.* *Restoration of the Lagoon is a high priority for the San Diego Water Board. Acknowledging the environmental and political complexities, as well as the time and financial resources needed to restore a coastal lagoon, the San Diego Water Board has established <u>this Sediment TMDL for the Los Peñasquitos Lagoon as the first step in addressing the impairment and beneficial uses of the lagoon. The overall strategy is to reduce the current watershed sediment load to early 1970s watershed sediment load and determine if there is a response to the salt marsh habitat of the Lagoon.</u> ~~a three-step Waterbody Goal for Los Peñasquitos Lagoon. Although a return to pristine conditions is not expected, a holistic watershed restoration effort is expected to eventually result in the attainment of all applicable water quality standards in Los Peñasquitos Lagoon as well as in each of its three tributary creeks.~~* ***~~Accordingly, the Sediment TMDL for Los Peñasquitos Lagoon, see section {insert section #}, addresses Step 1, Intermediate-term Goal.~~*** ***~~Step 1 Intermediate Goal:~~*** ***~~Attain water quality objective for sediment in Los Peñasquitos Lagoon and address current Clean Water Act section 303(d) sediment impairment~~*** ~~Overall Strategy~~ ~~Reduce current watershed sediment load to early 1970s watershed sediment load. Initiate long-term Lagoon monitoring to assess Lagoon's response to decreasing~~	

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	~~sediment loads and overall health.~~ ~~Regulatory Action~~ ~~Adopt and implement sediment TMDL~~ ~~***Step 2 Long-term Goal***~~ ~~***Stop degradation and loss of Los Peñasquitos Lagoon's salt marsh habitat.***~~ ~~***Restore to condition of early 1970s salt marsh in terms of extent and quality.***~~ ~~Overall Strategy~~ ~~To monitor, assess, and implement appropriate regulatory mechanism.~~ ~~Regulatory Action~~ ~~To be determined based on results of Lagoon monitoring.~~ ~~***Step 3 Final Goal:***~~ ~~***Attain all water quality objectives and protect all beneficial uses. Restore Lagoon to functional healthy estuarine ecosystem.***~~ ~~Overall Strategy~~ ~~To monitor, assess, and implement appropriate regulatory mechanism.~~ ~~Regulatory Action~~ ~~To be determined based on results of Lagoon monitoring.~~ **~~Step 1:~~ Sediment Total Maximum Daily Load for Los Peñasquitos Lagoon**	
8-2	The City o f Poway is concerned that the directive goes above and beyond a sedimentation TMDL. In addition to addressing sedimentation, the TMDL is requiring other potential pollutants to be addressed as part of he proposed second and third step waterbody goal. Furthermore, introduction of a second and third step water body goal is a new concept to the Responsible Parties. This is the first time this information has been presented to the City of Poway and other Responsible Parties. It is not very clear how these steps/goals tie into the compliance schedule.	This comment has been addressed by revisions made to R9-2011-0021 Please also see above response.
1-cover letter bullet 3	The City does not believe that the Required Special Study on Lagoon Stressors should be included as a requirement in the Resolution, because this TMDL addresses sedimentation impairments. Specials studies can be addressed by the Responsible Parties in the Load Reduction Plan	This comment has been addressed by revisions made to R9-2011-0021

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1-17	Staff Report Pg 54, Section 8.5.2 The Regional Board listed sediment/siltation as the 303(d) impairment cause for the lagoon. A comprehensive study of lagoon stressors, if needed, should be led and funded by the Regional Board, as this TMDL was developed to specifically address sedimentation impacts from the watershed. The SLRP or CLRP, therefore, will focus on identifying the BMP actions that are needed to reduce sediment loading to the lagoon and a compliance monitoring program to assess these changes over time.	This comment has been addressed by revisions made to R9-2011-0021.
1-32	Resolution No. R9-2011-0021 Attachment A, Pg A-19 Delete Required Special Study on Lagoon Stressors section.	This comment has been addressed by revisions made to R9-2011-0021
1-48	Staff Report Pg 54 Delete section 8.5.2 Required Special Study on Lagoon Stressors.	This comment has been addressed by revisions made to R9-2011-0021
5-7	Page A-19 of Attachment A to the TMDL resolution, states “Because sediment is not the only stressor to Lagoon health, and this TMDL is likely only a first step toward achieving the Three-Step Waterbody Goal, the responsible parties are required to quantify the magnitude and extent of impacts caused by all stressors to Lagoon health.” In addition, Attachment A states “The study should be developed in coordination with other monitoring programs. Any monitoring program developed as part of this study must include the same elements identified in Compliance Monitoring.” This special study requirement requires monitoring of all stressors (water quality objectives) on the Lagoon. The SLRP option in the TMDL should only require assessment of the impacts to the Lagoon due to sediment, not all water quality objectives. Caltrans requests that the requirement to evaluate the impacts to the Lagoon of other pollutants be removed from this TMDL.	This comment has been addressed by revisions made to R9-2011-0021

Commenter ID	Comment	Response
7-2	Required Lagoon Monitoring and Required Special Study on Lagoon Stressors a. The City does not believe the lagoon monitoring and special studies should be requirements in this Resolution. These would be more appropriately addressed by the Responsible Parties in the Load Reduction Plan. b. The Adaptive Management Schedule has inappropriate timing and should not be included. As stated on page A-18 of the TMDL, "The Long-Term Lagoon monitoring is required to measure and assess the Lagoon's response to the sediment load reductions required under this TMDL over time. The specific purpose of the Lagoon monitoring results will be to serve as a 'trigger' to indicate the need for, and timing of, further follow-up regulatory actions by the San Diego Water Board and further restorative actions by the responsible parties". The Adaptive Management Schedule included for this special study has prescribed management decisions triggered as a result of the Special Studies on Lagoon Stressors within a six-year timeframe. If the TMDL has a Comprehensive Load Reduction Plan, the responsible parties are required to meet a 20% reduction within five-years. However, Waterbody Goals 2 and 3 have the potential to be required as a result of the Special Study within six years. The timeline does not provide the responsible parties the opportunity to meet the TMDL compliance timelines prior to significant activities being required by the TMDL. The City requests that the Required Special Studies and Adaptive Management Schedule included on pages A-18 and A-19 of this TMDL be removed, and the following language be inserted on page A-10 under "Develop and Submit a Load Reduction Plan" after the second paragraph: *"The responsible parties need to develop special studies including a monitoring program to measure and assess the Lagoon's response to the sediment load reductions over time as part of their Load Reduction Plans."*	This comment has been addressed by revisions made to R9-2011-0021
8-3	Prescriptive language requiring special study on lagoon stressors in the resolution	This comment has been addressed by revisions made to R9-2011-0021

Commenter ID	Comment	Response
	should be left to the discharger to develop as part of their load reduction plans.	