



Buena Vista Audubon Society
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August 28, 2015

Lauren Washington
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San Diego, CA 92101

Sent by email to: lauren.washington@sandag.org

SUBJECT: COMMENTS ON BUENA VISTA LAGOON ENHANCEMENT DRAFT EIR

Dear Ms. Washington:

This letter is a response from the Buena Vista Audubon Society (BVAS) to the request for comments on the Buena Vista Lagoon Enhancement Project Draft EIR. The BVAS is an independent non-profit conservation organization, a chartered chapter of the National Audubon Society. We have operated the Buena Vista Audubon Nature Center on the north shore of the Buena Vista Lagoon since its opening in 1987. The BVAS membership consists of over 2,000 households in coastal North County. One of our primary missions has been the preservation and enhancement of the lagoon and its wildlife, and the reduction in watershed land uses that impact the lagoon environment. We provide nature education for the community through our nature center programs and displays, and guided nature walks at the lagoon and various locations throughout the county. BVAS is currently in escrow to purchase a 3.5-acre parcel of vacant land north of the RR basin of the lagoon and within lagoon restoration plan boundaries. Therefore, the BVAS Board and membership have a keen interest in any restoration plan approved for the lagoon.

ANALYSIS OF PROJECT OBJECTIVES

The DEIR clearly states that the Freshwater Alternative “would not have the same level of benefits or achieve the CEQA project objectives, as listed in Section ES-4, to the fullest extent or to the same level as the action alternatives”, namely the Saltwater and Hybrid Alternatives. We agree with that assessment and the Objective-Based Alternative Analysis (Appendix K) confirms it by utilizing a system of metrics. Although in the next section, we’ll address specific impacts discussed in the report, the issue of project benefits is extremely important. The Saltwater Alternative would best meet the project objectives that were identified initially by the lead agency as a result of the Notice of

Preparation process. The objectives relate to specific aspects of the lagoon environment, but in general they are project goals that are intended to enhance the biological and hydrological functions and recreational values of the Buena Vista Lagoon Ecological Reserve.

The California Fish and Game Code (Division 2, Chapter 5, Article 4, Section 1580) outlines the mission of a California Ecologic Reserve: *“The Legislature hereby declares that the policy of the state is to protect threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types, ... for the future use of mankind through the establishment of ecological reserves.”* This authorizing statute clearly states that protection of “specialized habitat types” is a primary purpose of a state ecological reserve. The Draft EIR does not adequately address the importance of restoring and preserving historic coastal saltwater estuaries and salt marshes in Southern California as critically threatened specialized habitat types. This should be added as an evaluation criteria for the four alternatives under consideration.

The Saltwater Alternative would best meet the habitat and wildlife preservation goals of a state ecological reserve. It would maximize species diversity and overall habitat value, and maximize protection of threatened and endangered species. It would maximize restoration of one of the most critically impacted habitats in California, the coastal salt marsh, a habitat relegated to 5-10% remaining acreage from historical conditions. The coastal salt marsh is a very limited resource which can only exist near the ocean, as opposed to freshwater wetlands that can be sited anywhere allowed by the topography. It also will support native saltwater fish and other marine organisms that are currently being excluded from the lagoon due to the presence of the weir.

The Saltwater Alternative meets other project objectives as well. It would increase water circulation and water quality, and reduce flood water elevations and flood risk adjacent to the lagoon. A more positive health and safety benefit would result from tidal cycles, salinity, quick draw-down, and cooler water temperatures, all of which impact vector breeding and create beneficial vector reduction.

The DEIR states specifically that the Freshwater Alternative does not fully achieve the following project objectives: 1) create conditions that curtail growth and expansion of cattails, bulrushes and invasive species; 2) protect, improve and maintain water quality to meet standards or address water quality impairment; and 3) reduce vector concerns. However, we would add to this that the Freshwater Alternative also does not adequately meet the biological objectives: 1) enhance and maintain sensitive habitat and native species, including rare and endangered species, to promote coastal diversity within the region; and 2) promote a system of native wetland and terrestrial vegetation communities that can be sustained given the opportunities and constraints of the lagoon and anticipated sea level rise.

CEQA ENVIRONMENTAL REVIEW

The DEIR concludes that the Freshwater Alternative would result in the least significant impacts compared with the other alternatives. BVAS takes exception to this characterization as misleading and inaccurate. The statement is qualified within the DEIR by the disclosure that the Freshwater Alternative does not meet project objectives as well as the other alternatives. Most of the temporary unavoidable impacts are common to all the enhancement alternatives, as these relate to construction noise, air quality, and disturbance to biological organisms. An additional temporary impact of the Saltwater Alternative is disturbance to bicycle circulation during construction of the Carlsbad Blvd

bridge over the widened channel. However, these can be substantially mitigated by temporary structures and signage that is appropriate to ensure safe passage for all vehicles on the roadway during the period of bridge construction.

The report states that there are significant permanent impacts from the Saltwater and Hybrid Alternatives relating to the public health and safety impact of the beach inlet and to visual impacts of the pedestrian bridge across the inlet. The pedestrian bridge would substantially mitigate impacts of the proposed open inlet, as it would provide a safe and convenient beach crossing at times of high water levels and velocities. Although the inlet and bridge would change the appearance of the physical environment in the area of the lagoon inlet, they will continue to allow beach access, recreational opportunities, and wildlife use. We believe they do not need to be unpleasant visual features. A well designed pedestrian bridge can be an aesthetic feature that provides an interesting contrast with the natural beach environment. Other coastal communities have stream inlets crossing the beach and beach visitors are accustomed to dealing with them by walking across when flows are low or using a nearby alternate route on a bridge or path. The DEIR makes no mention of the corresponding aesthetic impact of a lengthened weir that would be built under the Freshwater Alternative. Therefore, we do not believe that the inlet and bridge by their nature will cause negative environmental effects. The inlet and pedestrian bridge must be considered as part of the Saltwater Alternative package that the report indicates will best meet the project objectives.

ENHANCEMENT PROJECT COSTS

The Preliminary Cost Estimate Report includes estimates for construction (including materials disposal) and ongoing maintenance based on figures from similar projects in southern California. The report indicates that construction costs for the Saltwater Alternative are expected to be somewhat higher than for the Freshwater Alternative, and this is attributed to more dredging and the need to replace the existing Carlsbad Boulevard bridge over the proposed 110-foot wide channel. However, although the report estimates that there would be maintenance costs associated with all the alternatives, the higher initial cost would be partially offset by lower maintenance costs for the Saltwater Alternative. In addition to the lower maintenance costs, there would be significant economic and recreational value of the dredged sand for replenishment of Oceanside and Carlsbad beaches.

The DEIR appears to shortchange the potential impact from seasonal flooding associated with the Freshwater Alternative in several ways. The lagoon has periodically overflowed Coast Hwy. during large storm events, causing closure of the roadway, disruption in car, bicycle, and pedestrian traffic for multiple days, and additional costs associated with cleanup of debris. Over recent decades, this has occurred perhaps every five years on average. Proper mitigation for this flooding impact might involve raising Coast Hwy. and widening the bridge between the RR and Coast Hwy basins, in effect duplicating the costs associated with the rebuilding of Coast Hwy. proposed under the Saltwater and Hybrid Alternatives. Another flooding impact associated with the Freshwater Alternative and not addressed in the DEIR, is the annual flooding of the public trails at the BVAS Nature Center. This regular occurrence is the result of the buildup of the sand berm on the ocean side of the weir, preventing water from overflowing the weir and causing a rise in the water level of the lagoon. This happens a number of times each year, including as recently as August, 2015, when 40 students visiting the Nature Center were unable to complete their nature walk because of the flooded trail. Mitigation for this flooding could involve a more responsive beach maintenance effort by municipal authorities, resulting in increased maintenance costs and possible closure of the beach for several

days as a result of the release of backed-up lagoon water with increased levels of bacteria. BVAS would like to see these environmental costs assigned to the Freshwater Alternative in the DEIR.

In the report's discussion on maintenance costs, there needs to be clarification. On the one hand, it is indicated that for the Saltwater Alternative, fluvial (river) sedimentation might keep pace with sea level rise, in which case little or no maintenance would be required to remove it. However, it continues that given uncertainties of sea level rise and sedimentation it is prudent to plan for this type of maintenance. In a later discussion, it is stated that it was assumed no fluvial sedimentation maintenance would be required for the Saltwater Alternative. This conflicts with the earlier statement and might lower maintenance costs for the Saltwater Alternative even further. The final EIR should clarify this point.

CONCLUSION

In conclusion, we strongly believe the Saltwater Alternative represents the Environmentally Superior Alternative. This is in contrast to the conclusion of the DEIR that there is no Environmentally Superior Alternative but that there are only a series of tradeoffs to be made. We believe the Saltwater Alternative is the Environmentally Superior Alternative because it best meets the project objectives of enhancing the biological and hydrological functions and recreational values of the lagoon. We feel the true costs of the Freshwater alternative are understated with respect to the aesthetic impact of the weir and impacts from the flooding of Coast Blvd. and the Nature Center trails. We also feel that many of the impacts attributed to the Saltwater Alternative in the report can be substantially mitigated, as described above.

The Saltwater Alternative is an attempt to restore the lagoon to replicate its historic state as a naturally functioning saltwater estuary and marsh. A certain amount of regular maintenance will be required to counteract the impact of manmade obstructions built across the lagoon in the past. But there is a reasonable expectation that the ocean tides and storm event flows will prevent excess siltation, and keep the lagoon water cleaner, cooler, and better oxygenated. The plants and wildlife will be able to naturally repopulate the lagoon over time as this ocean-dependent specialized habitat type gradually heals and reestablishes itself. The Freshwater Alternative, on the other hand, is by design a temporary fix that imposes an unnatural habitat on the lagoon. Immediately following a Freshwater restoration project, the lagoon would begin the process of degeneration. Silt would again be trapped and the lagoon would gradually become shallower. Water temperatures would warm, the reed thickets would begin to expand, insect populations would bloom, and plant and animal species not historically native to this lagoon would continue to be displaced. The Freshwater plan consigns the community to a lifetime of costly restoration projects as it attempts to maintain an artificial habitat and hold the forces of Nature at bay.

Thank you for the opportunity to comment on the DEIR for the Buena Vista Lagoon Enhancement Project. If you have questions, I can be contacted at jmherskowitz@yahoo.com or 760/942-5167.

Sincerely,

Joan Herskowitz
Conservation Committee
Buena Vista Audubon Society