UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

JUN 10 2010

Mr. Jim Bartel
Field Supervisor
U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011

Subject: Draft Environmental Impact Statement for the San Diego County Water Authority Subregional Natural Community Conservation Plan/Habitat Conservation Plan, San Diego and Riverside Counties, California (CEQ# 20100065)

Dear Mr. Bartel:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the San Diego County Water Authority (Water Authority) Natural Communities Conservation Program/Habitat Conservation Plan pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The EPA appreciates the efforts of the Water Authority to develop a Habitat Conservation Plan (HCP or Plan) to avoid, minimize, and mitigate take of 64 species (Covered Species) and their habitats within 992,000 acres of San Diego and southwestern Riverside Counties, California (Covered Area). We recognize the importance of a coordinated approach to protecting and preserving the Covered Species and their habitats from Water Authority activities (Covered Activities) over the 55-year permit term.

Based on our review of the DEIS, we have rated the document EC-2, Environmental Concerns – Insufficient Information (see enclosed EPA Rating Definitions).

We recommend that the Final Environmental Impact Statement (FEIS) provide additional information on how climate change may affect the Covered Species and their habitats, the potential for Covered Activities to induce growth in the Covered Area, and how the Water Authority will work with the U.S. Fish and Wildlife Service (FWS) and the U.S. Army Corps of Engineers (Corps) to comply with Section 404 of the Clean

Water Act to achieve a no-net-loss of wetlands in the Covered Area. Our enclosed detailed comments provide additional information regarding these concerns.

We appreciate the opportunity to review this DEIS, and are available to discuss our comments. When the FEIS is released for public review, please send one hard copy and one CD-ROM to the address above (Mail Code: CED-2). If you have any questions, please contact me at 415-972-3521, or contact Jason Gerdes, the lead reviewer for this project. Jason can be reached at 415-947-4221 or gerdes.jason@epa.gov.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office

Enclosures: Summary of EPA Rating System
EPA's Detailed Comments

cc: Jenness McBride, Regional HCP Coordinator, U.S. Fish & Wildlife Service

U.S. EPA'S DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE SAN DIEGO COUNTY WATER AUTHORITY SUBREGIONAL NATURAL COMMUNITY CONSERVATION PLAN/HABITAT CONSERVATION PLAN, SAN DIEGO AND RIVERSIDE COUNTIES, CALIFORNIA, JUNE 10, 2010

Climate Change

The Habitat Conservation Plan (HCP) will be implemented over more than a half-century, yet the DEIS includes surprisingly little information on the greenhouse gas (GHG) emissions likely to be generated in that period of time, and, even more importantly, no discussion of how climate change may affect the Covered Species and their habitats. EPA is concerned that, over the 55-year term of the HCP, climate change may induce a multitude of effects, such as temperature increases and prolonged droughts, and these changes could result in serious impacts, including the alteration or destruction of habitat critical to the Covered Species, introduction of invasive species, and the migration of Covered Species out of the Covered Area.

Recommendation:
EPA recommends that the FEIS provide more information regarding the GHG emissions likely to be generated during the permit term, and include a detailed discussion of potential impacts of climate change on the Covered Species, how these impacts will be indentified and managed, and how the Adaptive Management Plan will ensure that mitigation measures are designed to help offset these impacts.

Induced Growth

In the section of the DEIS devoted to induced growth, the Water Authority states that Covered Activities, including the construction, operation, and maintenance of water service facilities throughout its Covered Area, "can be viewed as accommodating existing and projected future water supply demands rather than providing excess capacity for unplanned growth," and that the proposed plan and alternatives "would not have significant direct or indirect growth-inducing effects." As it is reasonably foreseeable to assume that the Covered Area will experience an increase in population and development over the 55-year permit term, and that such development would be limited or altered by the absence or modification of the Water Authority's Covered Activities, the basis for this statement is not clear. Furthermore, we recognize that the permit proposed to be issued by the Fish and Wildlife Service would permit incidental take of species in the course of the Covered Activities, not the Covered Activities themselves; however, it is reasonable to anticipate that, in the absence of the incidental take permit, pursuit of those Activities would be inhibited to some degree by the risk of liability for take of listed species. Thus, growth should be considered an indirect effect of the proposed action (issuance of an incidental take permit).

Recommendation:
Explain the basis for the Water Authority's assertion that Covered Activities are "growth accommodating rather than growth inducing," and would not have

significant direct or indirect growth-inducing effects. Clarify the nature of growth that would be expected to occur under each of the alternatives considered.

Clean Water Act Section 404

EPA commends the Water Authority for the measures already included in the Plan to mitigate the "unavoidable permanent loss of wetlands" that may result from implementing some Covered Activities. These measures, including establishing a Wetlands Program and Vernal Pool Protection Policy, and creating three wetland habitat management areas, demonstrate a proactive commitment to preserving and restoring wetland resources. EPA, however, would like to see additional information in the FEIS that describes how the Water Authority will work with the U.S. Fish and Wildlife Service (FWS) and the U.S. Army Corps of Engineers (Corps) to comply with Section 404 of the Clean Water Act (CWA). We recommend that the FEIS include an example of a potential 404 activity that could be expected to occur in the Covered Area.

Recommendation:
The FEIS should provide additional information explaining how the Water Authority will work with the FWS and the Corps to "ensure that avoidance of impacts to wetlands is considered early in the process," and how it will comply with the permit requirements of Section 404 of the CWA.