Appendix A

Public Involvement
under contracts for telecommunications services. Contracting officers and other DoD personnel use the information to ensure that information systems are protected; to participate in the establishment of tariffs for telecommunications services; and to establish reasonable prices for special construction by common carriers.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 1,428.

Number of Respondents: 424.

Responses Per Respondent: Approximately 4.

Annual Responses: 1,571.

Average Burden Per Response: 1 hour.

Frequency: On occasion.

Summary of Information Collection

The clause at DFARS 252.239–7000, Protection Against Compromising Emanations, requires that the contractor provide, upon request of the contracting officer, documentation that information technology used or provided under the contract meets appropriate information assurance requirements.

The clause at DFARS 252.239–7006, Tariff Information, requires that the contractor provide to the contracting officer: (1) Upon request, a copy of the contractor’s existing tariffs; (2) before filing, a copy of any application to a Federal, State, or other regulatory agency for new rates, charges, services, or regulations relating to any tariff or any of the facilities or services to be furnished solely or primarily to the government, and, upon request, a copy of all information, material, and data developed or prepared in support of or in connection with such an application; and (3) a notification to the contracting officer of any application submitted by anyone other than the contractor that may affect the rate or conditions of services under the agreement or contract.

DFARS 239.7408 requires the contracting officer to obtain a detailed special construction proposal from a common carrier that submits a proposal or quotation that has special construction requirements related to the performance of basic telecommunications services.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.
imported waters, to MCB Camp Pendleton and Fallbrook. Reclamation prepared a supplemental EIS for the project in 1984. However, Congress did not approve the project’s funding. A subsequent effort to design a smaller, single dam project was also unsuccessful.

A 1994 study, with additional reports in 2001 and 2002, concluded that a groundwater recharge and extraction project at the Santa Margarita conjunctive use site could result in an annual yield comparable to that of the two-dam project, at a lower cost and with fewer adverse environmental effects.


Through previous investigations, several areas of potential impact have been identified that apply to this proposed conjunctive use project. Potential impacts identified to date include, but are not be limited to, the following areas: Water quality/quantity (surface and groundwater), water rights, water reuse, fish passage, endangered species, estuarine habitat, riparian/wetland habitat, and sediment transport.

MCB Camp Pendleton, Reclamation, and Fallbrook have scheduled public meetings to describe the proposed project and obtain public input on the range of issues that should be studied in order to evaluate potential impacts of the proposed project. Each meeting will begin with a formal presentation about the proposed project from 6 p.m. to 6:30 p.m. followed by an informal open house from 6:30 p.m. to 8 p.m. These meetings will assist the agencies in identifying additional alternatives or options to meet the stated purpose of the conjunctive use project and to assist in determining issues that will be analyzed in the EIS/EIR.

In response to issues developed during scoping, other alternative means of meeting the project’s purpose will be explored and analyzed in the EIS/EIR, if found to be reasonable. Federal, state and local agencies, tribes, and the general public are invited to participate in the environmental review process.

Comments, including names and home addresses of respondents, will be made available for public review.

Individual respondents may request their home address be withheld from public disclosure. Circumstances may exist in which we would withhold a respondent’s identity from public disclosure, as allowable by law. Please prominently state at the beginning of your comment if you wish your name and/or address withheld from public disclosure. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety. Please note, unidentified comments will not be considered.


J.H. Wagshul, Commander, Judge Advocate General’s Corps, U.S. Navy, Federal Register Liaison Officer.


Robert W. Johnson, Regional Director, Department of the Interior, Bureau of Reclamation, Lower Colorado Region.

[FR Doc. 04–24335 Filed 10–29–04; 8:45 am]

BILLING CODE 3510–FF–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before December 1, 2004.

ADDRESS: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Carolyn Lovett, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency’s ability to perform its statutory obligations. The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.


Angela C. Arrington, Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.

Institute of Education Sciences

Type of Review: Revision.

Title: 2005 National Household Education Surveys Program (NHES: 2005).

Frequency: One time.

Affected Public: Individuals or household.


Abstract: NHES:2005 is a survey of households using random-digit-dialing and computer-assisted telephone interviewing. Three topical surveys are to be conducted in NHES:2005: Early Childhood Program Participation (ECPP), After-School Programs and Activities (ASPA), and Adult Education and Lifelong Learning (AELL). ECPP and ASPA will provide current measures of participation in early childhood education, after-school programs, and other forms of non-parental care, as well as in-home and out-of-home activities. AELL will provide in-depth information on the participation of adults in a wide range of training and education activities.

Requests for copies of the submission for OMB review; comment request may be accessed from http://idesweb.ed.gov, by selecting the “Browse Pending Collections” link and by clicking on link number 2630. When you access the information collection, click on “Download Attachments” to view. Written requests for information
### Documents Received on Wednesday, December 15, 2004

- General Plan Amendment No. 2004-05, changing the designation on 37.12 acres from Low Medium Density Residential (6 dwelling units/acre) to THSP; and
- Zone Change No. 2004-06, changing on 37.12 acres from R-1 to THSP; and
- Tentative Tract Map No. 31370, subdividing approximately 368 acres into 807 dwelling units, streets, community and neighborhood parks, and approximately 130 acres of natural open space.

#### 2004121067 Cielita Linda Residential Subdivision
Vista, City of
Vista--San Diego
The project consists of the annexation of approximately 7.35 acres into the City of Vista and development of a 52-lot single family residential subdivision, private streets, and associated improvements on a 20.24-acre site.

#### 2004121068 Santa Margarita River Conjunctive Use Project
Fallbrook Public Utility District
Fallbrook--San Diego
The proposed project would upgrade an existing groundwater recharge and recovery system to help meet water demands for Camp Pendleton and Fallbrook, reduce regional dependency on imported water, and improve water reliability. The project would improve existing diversion and percolation facilities and install new wells, an advanced potable water treatment plant, pump stations, and a pipeline to Fallbrook.

#### 2004121069 El Rancho Middle School Sportsfield Improvements and Lighting
Anaheim, City of
Anaheim--Orange
Lighting and improvements of El Rancho Middle School ballfield for more efficient utilization. The proposed project would result in a Joint Use Agreement between the City of Anaheim and the Orange Unified School District. This agreement will allow the City to schedule youth sports practice activities after school operation. The project involves placing permanent athletic field lighting on the 2 existing sportsfields and providing turf repair on both fields and improvements to their irrigation system.

#### 2004121070 Magnolia High School Sportsfield Reconfiguration and Lighting
Anaheim, City of
Anaheim--Orange
Reconfiguration and lighting of Magnolia High School sportsfields for more efficient utilization. The proposed project would result in a Joint Use Agreement between the City of Anaheim & the Anaheim Union High School District. Project involves improving existing uses, relocating a running track elsewhere on the site, developing new field uses, and providing night lighting for extended practice uses. In addition, the existing turf and irrigation systems on the field will be replaced.

#### 2004121071 Miller Minor Use Permit and Grading Permit; DRC2003-00053 / PMT2003-02734
San Luis Obispo County
Paso Robles--San Luis Obispo
Request to allow grading for an access road and two building pads resulting in the total disturbance of approximately 2.5 acres (a majority of which has already been completed).
## Directory of Public Scoping Comments

<table>
<thead>
<tr>
<th>Organization</th>
<th>Commenter</th>
<th>Comment Tracking Code</th>
<th>Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Federal Agencies</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Oceanic and Atmospheric Administration</td>
<td>Rodney R. McInnis</td>
<td>F1</td>
<td>3</td>
</tr>
<tr>
<td>U.S. Environmental Protection Agency</td>
<td>Lisa B. Hanf</td>
<td>F2</td>
<td>5</td>
</tr>
<tr>
<td>U.S. Fish and Wildlife Service</td>
<td>Karen A. Goebel</td>
<td>F3</td>
<td>16</td>
</tr>
<tr>
<td><strong>State Agencies</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>California Department of Fish and Game</td>
<td>Donald R. Chadwick</td>
<td>S1</td>
<td>22</td>
</tr>
<tr>
<td>Native American Heritage Commission</td>
<td>Carol Gaubatz</td>
<td>S2</td>
<td>23</td>
</tr>
<tr>
<td>State Water Resources Control Board</td>
<td>Katherine Mrowka</td>
<td>S3</td>
<td>26</td>
</tr>
<tr>
<td><strong>Local Interest Groups</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Endangered Habitats League and Conservation Biology Institute</td>
<td>Dan Silver and Michael D. White</td>
<td>L1</td>
<td>31</td>
</tr>
<tr>
<td>Fallbrook Land Conservancy Trails Council</td>
<td>Jane Comella</td>
<td>L2</td>
<td>35</td>
</tr>
<tr>
<td>Fallbrook Land Conservancy Trails Council</td>
<td>Joe Comella</td>
<td>L3</td>
<td>36</td>
</tr>
<tr>
<td>Fallbrook Land Conservancy Trails Council</td>
<td>Donna Gebhart</td>
<td>L4</td>
<td>37</td>
</tr>
<tr>
<td><strong>Individuals</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>Barbara Hayden</td>
<td>I1</td>
<td>38</td>
</tr>
<tr>
<td>None</td>
<td>Alberta Jane Parker</td>
<td>I2</td>
<td>39</td>
</tr>
<tr>
<td>None</td>
<td>James F. Pigg</td>
<td>I3</td>
<td>40</td>
</tr>
</tbody>
</table>
Response:

1. A study was prepared (Reclamation et al. 2012) to investigate the project impacts on steelhead migration in the Santa Margarita River. This study is referenced in the impact analysis of the EIS/EIR.

Santa Margarita surface water flow effects are discussed in Section 4.2, Water Resources. Potential effects to the endangered southern California steelhead are discussed in Section 4.3, Biological Resources and in the Biological Assessment submitted to NOAA Fisheries.
Response:

2. Reclamation/DON would consult with NOAA Fisheries on southern California steelhead.

Surface flows during the dry season could affect juvenile steelhead migrating to the ocean, or juvenile steelhead rearing in riverine areas near or downstream of the diversion and extraction wells. NMFS understands that there are preliminary plans for a fishway to be installed on the proposed diversion for steelhead passage, but until NMFS engineers can evaluate the final fishway design and corresponding water releases, the efficacy of any fish passage facility remains in question.

As currently proposed, NMFS believes that the proposed project has the potential to impede or preclude recovery of steelhead in the Santa Margarita watershed. Because of the potential importance of this watershed for long-term recovery of the endangered Southern California steelhead DPS, NMFS believes that BOR has the responsibility under Section 7(a)(1) of the Endangered Species Act to ensure that its actions in this watershed are carried out in a manner that will support the conservation and recovery of endangered steelhead. Accordingly, we request that you consult with us on the proposed project to ensure that the project is designed in a manner that will promote the conservation and recovery of steelhead in the Santa Margarita River, and the larger Southern California steelhead DPS. In this regard, we request that you provide us with information and plans for the project, including any design plans for fish passage, and planned water release regimes.

NMFS appreciates the opportunity to provide comments for the BOR’s proposed action. Please contact Stan Glowacki at 562-980-4051 or via email at Stan.Glowacki@noaa.gov if you have any questions concerning this letter or if you require additional information.

Sincerely,

Rodney R. Melinis
Regional Administrator

cc: Bill Barry, Camp Pendleton

Literature Cited


February 11, 2005

Bill Rohwer
Southern California Area Office
Bureau of Reclamation
27008 Jefferson Ave.
San Diego, CA 92122

Dear Mr. Rohwer:

The Environmental Protection Agency (EPA) has reviewed the Notice of Intent to prepare an environmental impact statement (EIS) for the Santa Margarita River Conjunctive Use Project, San Diego County, CA. Our review is 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.

Based on our review of the NOI and information provided to us on October 7, 2004, for regulatory agencies, we are concerned that the proposed conjunctive use project may have adverse effects on the aquatic resources associated with the Santa Margarita River. EPA’s concerns, as described in the enclosed detailed comments, focus on: (1) compliance with Section 404(b)(1) of the Clean Water Act, (2) the range of alternatives, (3) description of the environmental baseline, (4) study of environmental uses of the Santa Margarita River, (5) the method used to perfect water rights, (6) indirect and cumulative impacts, (7) potential impacts to special status species; and (8) general scoping comments for water supply projects.

In response to the December 13, 2004 letter from William Steele to our Regional Administrator, Wayne Nason, inviting EPA to become a cooperating agency on this project, we respectfully decline the Bureau of Reclamation’s invitation to participate as a Cooperating Agency due to resource constraints. While EPA has oversight responsibilities pursuant to the Clean Water Act (Section 404 wetlands, water quality), we do not have specific permitting authority and do not have the resources to assure development of the action in a timely manner. EPA Region 9 encompasses the States of California, Nevada, Hawaii, and Arizona. Pursuant to Section 309 of the Clean Air Act, EPA is required to review and comment on all Environmental Impact Statements (EIS). As such, our office is involved in a high volume of environmental reviews.
We appreciate the opportunity to provide comments on the preparation of the EIS. We appreciate the Bureau of Reclamation’s interest in working with EPA. We intend to continue our participation through the review of future environmental documents pursuant to our formal responsibilities under the Clean Water Act and National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1506), and Section 309 of the Clean Air Act.

Please send two copies of the Draft Environmental Impact Statement (DEIS) to this office at the same time it is officially released for public review or filed with our Washington D.C. Office. If you have questions, please contact me or Laura Fujii, the lead reviewer for this project. Laura can be reached at 415-972-3852 or fujii.laura@epa.gov.

Sincerely,

Lisa B. Hart, Manager
Federal Activities Office
Cross Media Division

EPA’s Detailed Comments

Cc: Robert Hargrove, EPA
Houst Center, Council on Environmental Quality
Response:

1. Impacts to Water Resources and waters of the U.S., including compliance with Section 404 of the Clean Water Act are discussed in Section 4.2, Water Resources and Section 4.3, Biological Resources.
2. Chapter 2 of the EIS/EIR discusses the action alternatives, including the process used to formulate the alternatives carried forward for detailed analysis and a description of the those alternatives eliminated from detailed study and the rational for their elimination.

3. Numerous studies were prepared with the common goal of developing feasible alternatives that would enhance and optimize the productivity of the lower Santa Margarita groundwater basin. Various potential alternatives were examined in these previous studies, including local and regional projects located within and outside the Santa Margarita River basin. Factors that were considered when identifying potential project alternatives included: Chapter 2 of the EIS/EIR provided a detailed explanation of the Alternatives development process.
Response:

4. Chapter 3, *Affected Environment* for each resource area provides the “baseline analysis” within the region of influence (ROI) for each alternative carried forward. Chapter 4, *Environmental Consequences*, for each resource area provides the “impact analysis” for each alternative carried forward, including the No-Action Alternative.

5. Section 1.4, *Project Background* describes the legal history and current institutional framework for the Conjunctive Use Project. Chapter 3, *Affected Environment* also describes the current conditions as they apply to each resource area.

6. The impact analysis for subsurface and surface water flow is provided in Section 4.2, *Water Resources*. The impact analysis for riparian and fisheries habitat is provided in Section 4.3, *Biological Resources*.

7. An analysis of flows to reintroduce species has not been included. It should be noted that the lower Santa Margarita River historically did not flow year round to the estuary. The river went underground over large stretches of the braided channel in the lower Santa Margarita River basin. Improving the ability to lower the weir and bypass flows throughout the year will improve in-stream conditions.

However, a study was prepared (Reclamation et al. 2012) to investigate the project impacts on steelhead migration in the Santa Margarita River. This study is referenced in the impact analysis of the EIS/EIR. In addition, the diversion weir is being modified and project partners will consult with NOAA Fisheries regarding the appropriate mitigation to minimize/avoid impacts to steelhead migration (i.e., fish ladder and fish screen on O’Neill Ditch) at the weir.
Response:

8. Numerous studies have been conducted and reports written regarding use of water from the Santa Margarita River and how to best achieve the water supply improvement objectives of MCB Camp Pendleton and FPUD. These studies are identified in Section 2.2 and referenced throughout the EIS/EIR analysis.

9. The purpose has been modified as described in Section 1.3; the legal background of water rights pertaining to this project is discussed in Section 1.4.

10. Provisions for protecting aquatic and riparian resources associated with the Santa Margarita River and discussed in Section 4.3, Biological Resources.

11. Special Conservation Measures for providing sufficient flows for maintain viable aquatic and riparian ecosystems along the Santa Margarita River are discussed in Section 4.3, Biological Resources.
12. Cumulative impacts and Growth Inducement impacts are discussed in Chapter 5 and Chapter 6, respectively. The Santa Margarita River Flood Control Project (P-030) and CPENTertiary Treatment Plant Project are included Chapter 5, Cumulative Impacts. BRAC has not been included for Cumulative Impact Analysis because the BRAC action did not affect resources on the Santa Margarita River.
Response:

13. The impact analysis for biological resources is presented in Section 4.3. Separate Biological Assessments have been prepared and will be provided to the USFWS and NOAA Fisheries. The USFWS and NOAA Fisheries will each issue a Biological Opinion for the project.

14. Water quality is discussed in Section 4.2, Water Resources.

15. Sensitive aquatic sites are discussed under Water Resources and Biological Resources.

16. Monitoring programs are discussed in Section 4.2, Water Resources and Section 4.3, Biological Resources.

17. A cost analysis would be prepared as part of the project feasibility study.
18. FPUD and MCB Camp Pendleton have developed and implemented Urban Water Management Plans and water conservation plans, respectively. Additional documentation of water conservation efforts beyond referencing the above documents will not be completed. Regarding “comprehensive” tracking of water use and efficiencies, this is not a requirement under CEQA or NEPA for inclusion in an EIS or EIR.

19. A discussion of baseline groundwater conditions and the analysis of groundwater impacts are provided in Sections 3.2 and 4.2, respectively, and Appendix B.

20. Surface water and groundwater quality impacts are evaluated in Section 4.2. Mitigation measures are also discussed under Section 4.2. Third party impacts are evaluated in Chapter 5, Cumulative Impacts.

21. A discussion of fish and wildlife impacts are provided in Section 4.3, Biological Resources. A discussion of changes in surface flow are provided in Section 4.2 and Appendix B.
Response:

22. Environmental requirements as they apply to each resource area are disused under the *Regulatory Setting* for the corresponding resource area in Chapter 3.

23. The EIS/EIR is analyzing the action alternatives and the No-Action Alternative. The impact analysis is limited to the project components of each alternative and does not include an analysis of historical water supply development. Historical water use dates back to the mid-1800's, with the major base infrastructure (diversion, canal, and reservoir) being built in the 1880's. This infrastructure has been analyzed under the cultural resource sections of this EIS/EIR. Regarding biological resources and cumulative impacts, analyzing the impacts of water development projects over a century old with no baseline for assessing those impacts and no data collection from which to compare is not required under NEPA.

24. Baseline air quality conditions are discussed in Section 3.5. Section 4.5, *Air Quality*, provides estimated emissions associated with the Proposed Action and alternatives.

25. Air Quality concerns and General Conformity Applicability requirements are addressed in Sections 3.5 and 4.5.

26. Please refer to Sections 3.5 and 4.5 for the requested information.
Response:

27. Compliance with EO 12898 is discussed under Chapter 3, *Socioeconomics and Environmental Justice* (for resources areas eliminated from detailed analysis).
In Reply Refer To:
FWS PWS-MC/BC/PRD=2720.3

Bill Rollauer
Bureau of Reclamation
Southern California Area Office
27708 Jefferson Ave., Suite 202
Torrance, California 90250 6250

Re: Notice of intent (NOI) to Prepare an Environmental Impact Statement/Environmental Impact Report for the Santa Margarita River Conjunctive Use Project, County of San Diego, California.

Dear Mr. Rollauer:

The California Department of Fish and Game (Department) and the U.S. Fish and Wildlife Service (Service), collectively the Wildlife Agencies, have reviewed the above-referenced NOI which we received on November 1, 2004. The proposed project involves constructing an existing groundwater recharge and recovery system on Marine Corps Base Camp Pendleton (MCB/CP) and installing new wells, pump stations, and pipelines between MCB/CP and Fallbrook Public Utilities District (Fallbrook) facilities. Potential alternatives could involve in-stream water management structures, reclaimed wastewater, off-stream storage, and recharge of other groundwater basins on MCB/CP.

Another project purpose is to perform water rights permits that have been assigned to the Bureau of Reclamation (Bureau). The NOI indicates that the water recharged from project implementation could increase from its current 7,000 acre-feet per year to 16,200 acre-feet per year. We offer the following comments and recommendations to the Bureau regarding project-associated biological impacts listed or our review of the NOI and our knowledge of habitat types and species within the project area.

The U.S. Fish and Wildlife Service is responsible for the conservation, protection, and management of the State's biological resources. The Department is also responsible, pursuant to the California Endangered Species Act (CESA) section 5156 and is responsible for the conservation, protection, and management of the State's biological resources. The Department is also responsible, pursuant to the California Endangered Species Act, Fish and Game Code 2050 et seq., for the protection of species listed by the State as endangered or threatened as a species of concern, and the habitat they require. Under section 5156 of the Fish and Game Code, no person shall cause or having caused, permit to exist, any artificial barrier (except a dam for the storage or diversion of water, public bridges and approaches thereto, groins, jetties, seawalls, breakwaters, bulkheads, wharves and piers permitted by law, and dikes from mining operations), in any stream in the state, which will prevent the passage of fish up or down stream, or which is deleterious to fish as determined by the Fish and Game Commissioner, subject to review by the courts.

Take Pride in America
The Service's mission is to work "with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people." Specifically, the Service administers the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq). Section 7 of the Act requires Federal agencies to consult with the Service should it be determined that their actions may affect (directly listed threatened or endangered species. The Service also provides comments on public notices issued by the U.S. Army Corps of Engineers (Corps) for a Federal permit or decision affecting the Nation's waters pursuant to the Clean Water Act.

The proposed project has the potential to affect State and federally listed threatened and endangered species that occur within and/or downstream of the general project area in the Camp Pendleton and Fallbrook, including the federally listed threatened least Bell's vireo (Vireo bellii pusillus), southwestern willow flycatcher (Empidonax difficilis), arroyo toad (Anaxyrus catesbeiana), California least tern (Sterna antillarum brevirostris), light-footed clapper rail (Rallus longirostris longirostris), Stephens kangaroo rat (Dipodomys stephensi), Pacific pocket mouse (Perognathus longimembris pacificus), tidewater goby (Gobiosoma ochroleucum), western scrub jay (Aphelocoma californica), California least tern, light-footed clapper rail, San Diego kangaroo rat, and the following as a State species of special concern.

We are concerned about impacts to listed or other sensitive species in upland and streams from new power plant structures. Powerplant and other structures storage structures in upland habitats could negatively affect sensitive habitats and species through construction, operation and maintenance. Upland structures will alter sediment transport within the Santa Margarita River (SMR) system, increase barriers to fish passage and other aquatic organisms, and change hydrology by increasing diversion and/or withdrawal from the surface flows in groundwater in the project area. Given the supporting evidence in the NOI that water yield could be increased by over two-fold from current withdrawals, we have significant concerns about the effects of project-related changes to hydrology in the SMR or other groundwater basins, such as the San Mateo watershed, on MCSCP. For example, increased stream flow in the SMR are included in the Southern California Ecological Reserve (SCEC). Adequate stream flow, unimpeded fish passage, ensuring access to suitable upland and riparian habitats and areas downstream of the project in essential to the conservation and recovery of steelhead in the southern portion of the SCEC.

Therefore, we recommended that the Draft Environmental Impact Statement/Evaluatoin Impact Report (DEIS/DEIR) include an overview and evaluation of the potential impacts of water withdrawal and/or diversion on the listed species that could potentially be affected by project implementation. To facilitate the identification of the proposed project from the standpoint of fish and wildlife protection, we request that the DEIS/DEIR contain the following specific information.
Response:

1. Please refer to Chapter 1 and Chapter 2 of the EIS/EIR for purpose and need and alternatives development.

2. Please refer to Sections 3.3 and 4.3, Biological Resources for the requested information.

3. Please refer to Sections 3.3 and 4.3, Biological Resources for the requested information.

4. Cumulative impacts with respect to Biological Resources is presented in Section 5.4.3.
5. Please refer to Section 4.3, *Biological Resources* for a description of special conservation and mitigation measures.

6. Please refer to Sections 3.3 and 4.3, *Biological Resources* for the requested information.

7. Please refer to Section 4.3 *Biological Resources*, for the requested information.
Response:


9. Please refer to Section 6.1 for a discussion of Growth Inducement factors.

10. Please refer to Section 2.3.1 for Special Conservation Measures that would be implemented to avoid significant hazardous materials and waste impacts associated with construction activities.

11. Please refer to Section 4.3, *Biological Resources* for a complete analysis of potential impacts to sensitive species.


14. Please refer to Section 1.4, Project Background for a discussion of historical and existing water rights obligations.
Mr. Bill Roitman (PW/DEPG-MCBPJSO-2710.3) 6

Literature Cited


<table>
<thead>
<tr>
<th>S1 – California Department of Fish and Game (page 1 of 1)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The California Department of Fish and Game submitted a joint letter with the U.S. Fish and Wildlife Service. This joint letter is addressed in Comment F3 above.</td>
<td><strong>Response:</strong> See responses to comments under F3 above.</td>
</tr>
</tbody>
</table>
Response:

1. As suggested the enclosed Native American Contacts have been added to the EIS/EIR distribution list.

2. Please refer to Sections 3.4 and 4.4, Cultural Resources for a complete discussion of records review and surveys performed for the Proposed Project.

3. Please refer to Section 4.4, Cultural Resources for the discussion of the specific protocols that would be followed in the event that archeological resources are discovered during project implementation.
### Native American Contacts

**San Diego County**  
**December 23, 2004**

<table>
<thead>
<tr>
<th>Group</th>
<th>Contact Person</th>
<th>Address 1</th>
<th>City, State, Zip Code</th>
<th>Phone</th>
<th>Fax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuna Cultural Center (Pala Band)</td>
<td>William J. Conners, Archaeology and Cultural Resource Coordinator</td>
<td>P.O. Box 450</td>
<td>Pala, CA 92059</td>
<td>(760) 742-3784</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Juanita Dixon, Environmental Coordinator</td>
<td>P.O. Box 359</td>
<td>Pala, CA 92061</td>
<td>(760) 742-1286</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>La Jolla Band of Mission Indians</td>
<td>Mr. Terry Hughes, Chairperson</td>
<td>115200 Highway 76</td>
<td>Pauma Valley, CA 92061</td>
<td>(760) 742-277172</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pala Band of Mission Indians</td>
<td>Robert Smith, Chairperson</td>
<td>P.O. Box 55</td>
<td>Pala, CA 92060</td>
<td>(760) 742-1567</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pala Band of Mission Indians</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pauma &amp; Yuma</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pauma &amp; Yuma</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rincon Band of Mission Indians</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rincon Band of Mission Indians</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rincon Band of Mission Indians</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rincon Band of Mission Indians</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**Native American Heritage Commission**

**PUBLIC COMMENTS**

---

*PUBLIC COMMENTS*
S2 – Native American Heritage Commission (page 3 of 3)

Native American Contacts
San Diego County
December 30, 2004

Rincón Band of Mission Indians;
Rob Shaffer, Tribal Administrator
P.O. Box 58
Vista 92085, CA
(760) 749-8901
Fax

San Luis Rey Band of Mission Indians;
Carmen Mejia, Co-Chair
1889 Sunset Dr.
Vista 92081, CA

Soboba Band of Mission Indians;
Robert J. Salgado, Sr., Chairperson
P.O. Box 467
San Jacinto 92582, CA
(760) 564-4168
Fax

Rincón Band of Mission Indians;
Kristie Drocen, Environmental Coordinator
P.O. Box 58
Vista, CA 92085
(760) 749-8901 Fax

San Luis Rey Band of Mission Indians;
Mark Mejia, Cultural Resources
P.O. Box 58
Vista, CA 92081
(760) 749-8901 Fax

Rincón Band of Mission Indians;
Homer Cota, President
P.O. Box 58
Valley Center 92082
(760) 749-8901 Fax

San Luis Rey Band of Mission Indians;
Henry Coyle, Most Likely Descendent
P.O. Box 467
Valley Center 92082
(760) 749-8901 Fax

San Luis Rey Band of Mission Indians;
Russell Reno, Chairman
20210 Old Poway Road
Poway 92064, CA
(619) 744-1386

Soboba Band of Mission Indians;
Bob Salgado, Sr., Chairperson
P.O. Box 467
San Jacinto 92582, CA
(760) 564-2705
Fax

209-251-3311

PUBLIC COMMENTS
Response:

1. Please refer to Chapter 1 for a discussion of the legal and institutional framework and regulatory setting for the proposed project.
**Response:**

2. Please refer to Chapter 1 for the requested information.

3. Please refer to Chapter 1 for the requested information.

4. Please refer to Chapter 1 for the requested information.

5. Other than Lake O'Neill, offstream storage is no longer being considered.
Response:

6. Instream Check Structures are no longer being considered.

7. Please refer to Section 1.4 and 1.6 for a discussion of permits required for project implementation.

8. The dredging of Lake O'Neill is no longer a part of the Conjunctive Use Project.

9. Please refer to Section 1.4 and 1.6 for a discussion of permits required for project implementation.

10. Annual and seasonal reductions of flow within the Santa Margarita River are provided in Section 4.2 and Appendix B. Impacts to beneficial uses have been evaluated in Sections 4.2 and 4.3.
11. Analysis of project impacts on surface water in the Santa Margarita River is provided in the *Santa Margarita River Conjunctive Use Project: Final Technical Memorandum No. 1 and 2* (surface water availability and surface groundwater model, respectively). These reports were updated and include analysis to steelhead migration in the *Southern California Steelhead Passage Assessment, Lower Santa Margarita River, California and CUP Surface Water Availability Analysis (TM 1.1)*. Results from these studies are presented and evaluated in Sections 4.2 and 4.3 of this EIS/EIR.

12. MCB Camp Pendleton has three water “rights”: riparian, pre-1914, and license 21471. The license is perfected at 4,000 acre-feet. The pre-1914 is quantified at 1,200 acre-feet (excluding evaporative or other system losses). The riparian right has not been quantified. MCB Camp Pendleton has at no time exceeded their legal right to water and does not have any unauthorized diversions. For additional information, refer to the California State Water Resources Control Board, the Santa Margarita River Watermaster and/or the 70 years of documented legal briefs, adjudications, interlocutory judgments, etc.
ENDANGERED HABITATS LEAGUE

VIA FACSIMILE AND US MAIL
Fallbrook Public Utility District
ATTN: Joe Jackson
P.O. Box 2290, 990 E. Mission Road
Fallbrook, CA 92028-2290

RE: Santa Margarita River Conjunctive Use Project

Dear Mr. Jackson,

The Endangered Habitats League (EHL) appreciates the opportunity to comment on the Notice of Preparation for the above-referenced project. Please find enclosed a letter from the Conservation Biology Institute providing this information.

Please retain EHL on all distribution and notification lists for this project.

Sincerely,

Dan Silver
Executive Director

cc: Bill Rohwer, U.S. Bureau of Reclamation
Response:

1. Sections 3.2 and 4.2, *Water Resources* includes a discussion of baseline and potential impacts on surface and groundwater resources. Potential impacts to Biological Resources with implementation of the action alternatives are discussed in Section 4.3.
2. Please refer to response to comment #1 on previous page.

3. Please refer to response to comment #1 on previous page.

4. Please refer to response to comment #1 on previous page.

5. Please refer to response to comment #1 on previous page.

6. Growth inducement factors are discussed in Section 6.1.
Mr. Bill Robson, January 20, 2005

Please feel to contact me if you require clarification or wish to discuss these issues further.

Sincerely,

Michael D. White, Ph.D.
Senior Ecologist

Cc: Mr. Joe Jackson, Fallbrook Public Utility District
Response:

1. The preservation of the OMSZ is an important component of the Conjunctive Use Project and can occur through more than one route or mechanism. The Proposed Action involves a transfer of the land into Federal or other third party ownership as conservation land. In both cases, all existing passive recreational activities would be maintained.
Response:

1. The preservation of the OMSZ is an important component of the Conjunctive Use Project and can occur through more than one route or mechanism. The Proposed Action involves a transfer of the land into Federal or other third party ownership as conservation land. In both cases, all existing passive recreational activities would be maintained.
Response:

1. The preservation of the OMSZ is an important component of the Conjunctive Use Project and can occur through more than one route or mechanism. The Proposed Action involves a transfer of the land into Federal or other third party ownership as conservation land. In both cases, all existing passive recreational activities would be maintained.

PUBLIC COMMENTS
Response:

1. The preservation of the OMSZ is an important component of the Conjunctive Use Project and can occur through more than one route or mechanism. The Proposed Action involves a transfer of the land into Federal or other third party ownership as conservation land. In both cases, all existing passive recreational activities would be maintained.
Response:

1. Water quality concerns are addressed under Section 4.2, Water Resources.
Response:

1. Individual has been added to the EIS/EIR mailing list as requested.