



Friends of the San Dieguito River Valley

P.O. Box 973, Del Mar, CA 92014

December 18, 2009

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Dustin Fuller
Sr. Environmental Planner
22nd District Agricultural Association
Del Mar Fairgrounds
2260 Jimmy Durante Boulevard
Del Mar CA 92014-2216

Subject: Fairgrounds Master Plan Draft Environmental Impact Report

Dear Mr. Fuller,

The Friends of the San Dieguito River Valley (FSDRV) is an incorporated nonprofit organization formed in 1986 to promote the conservation and enhancement of the natural scenic, ecological and open-space resources of the San Dieguito River Valley. Our volunteer work involves, among other things, monitoring and reviewing developments in the River Valley and opposing projects and plans that will adversely impact the natural environment.

The Del Mar Fairgrounds was created in 1935, and a racetrack was added in 1936 by legislators in Sacramento at a time when the population of California was 6.3 million (California Lands, Dana and Krueger, 1958). Since then, the population has increased six-fold to an estimated 37 million. During that period much of the population has flocked to the coastal areas and this has generated among the public an awareness of the need to protect open spaces and preserve fast-disappearing wetlands. The Coastal Act of 1976 codified the measures to be taken to protect our State wetlands. Going even further, in their desire to protect the endangered environment, county residents embraced the creation of the San Dieguito River Park Joint Powers Authority in 1989.

While bringing commercial activities into the area was a legitimate goal in the 1930's, preserving the threatened environment has become the major concern of today. Because the Fairgrounds and the San Dieguito Lagoon are in close proximity, the two visions of what should happen to this area have clashed.

The San Diego County Fair and the Del Mar Race Track are much-loved Fairgrounds activities and FSDRV understand the need to upgrade some of the Fairgrounds facilities. But we do take exception to the extraordinary intensification of use and change of purpose proposed for the Fairgrounds. These changes, as proposed in the DEIR, would create a year-round Convention Center with a hotel and major sports facilities, in violation of the DAA's original agricultural mission. There is no demonstrated need for more hotels in the area. A Convention Center and sports facilities could be



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developed
successfully

elsewhere without the negative environmental impacts that they create in this location.

Our review of the DEIR takes the form of a virtual tour starting at the future Fairgrounds train station and moving eastward toward Interstate 5.

- We will point out how the intensive development proposed in this Master Plan will have unmitigatable negative impacts on public access and scenic corridors along the San Dieguito River Park Coast to Crest Trail, in direct violation of California Coastal Act policies.
- We will address the need for a buffer zone between the river and the Fairgrounds facilities.
- We will describe the effects that proposed actions would have on the ecology of the area.
- We will show attempts to transform historical and well-documented wetlands into paved parking lots.
- We will challenge the construction of an illegal Reader Board along Interstate 5.

Thank you for the opportunity to respond to the Draft Environmental Impact Report.

Yours sincerely,

Jacqueline Winterer

President, Friends of the San Dieguito River Valley

FSDRV RESPONSE TO 22nd DAA DEIR

1. The Fairgrounds Seasonal Train Platform: summer Gateway to the San Dieguito River Coast to Crest Trail

Our assumption is that this Master Plan describes the build-out phase of the 22nd DAA Fairgrounds property. First we will examine public access to the Fairgrounds AND to the Coast to Crest Trail, going from the seasonal train platform to Jimmy Durante Boulevard, during the extensive and high-volume use of both facilities during the summer season.

A Seasonal Train Platform is repeatedly requested by the public and is part of all existing plans for a widening of the LOSAN rail corridor as well as this Master Plan DEIR. Although the 22nd DAA has no responsibility for making this seasonal train platform a reality, its future existence must be taken into account in the present DEIR.

While the main purpose of the Seasonal Train Platform would be to provide public transportation access by patrons of the San Diego County Fair and Del Mar Thoroughbred Race Meet, the train stop would also be the only possible access to the Western Coast to Crest Trail during the summer season. During the Fair and Race Meet, high intensity traffic and parking uses saturate the area and will make access to the Trail impossible except by train.

The project inadequately describes the access from the southwestern corner of the Fairgrounds to the River. Although the location of the Seasonal Train Platform is not yet determined, a clearly enhanced gateway to the Trail could and should be planned at this stage in coordination with the San Dieguito River Park Joint Powers Authority.

DEIR V.1 Figure 3.10 fails to do that.

2. The need for a buffer zone



In the DEIR, the buffer area between the River and the Fairgrounds property has been almost entirely dedicated to Fairgrounds uses, ignoring the negative impact on adjacent properties and several directives of the Coastal Act. The Master Plan DEIR (V.1. 4.16-6) discusses extensively the impact of global warming and acknowledges an impending rise in global sea level of 4.59 feet by the year 2100. We measured the water depth at high tide on November 03, 2009 at the Del Mar Public Works facility (see picture) and show that the bank of the River, during winter high tides, is 2.5 feet above the water surface today. Adding a rise of 4.59 to this high winter tide value shows that frequent flooding of the riverbanks is imminent. By locating the Coast to Crest Trail at the extreme southern edge of the Fairgrounds, the DEIR ensures that the trail will be damaged whenever high tides and rains are combined and flood the riverbanks.

The master Plan proposes to construct a high berm along the River's 100-foot buffer zone.

The project plans to protect the Fairgrounds by building a berm on the south side of the property, which will occupy almost the entirety of the historically protected 100-foot buffer zone along the river, except for a very narrow strip dedicated to the Coast to Crest Trail.

The Master Plan DEIR plans to mitigate the flood impact on Fairgrounds buildings by elevating the habitable spaces at the hotel and Exhibit halls above first floor parking structures.

The berm, described as Zone A, Enhanced Native Transition (DEIR V1 3-33) is proposed to be approximately 16 feet high, a height usually calculated to protect sheltered areas from possible 100-year flood levels in the San Dieguito River Lagoon Restoration area. The berm would require a large amount of filling and would indeed protect the Fairgrounds from a 100-year flood, but it would also have a negative impact on the areas to the south in the following ways:

- The Coastal Act (section 30233) requires that “ *filling of ..., wetlands, estuaries... shall be permitted only where there is not feasible less environmentally damaging alternative. The size of the wetland area used for ... supports facilities shall not exceed 25 % of the degraded wetlands*”. The Master Plan DEIR plans to use 90% of a possible 100-foot buffer zone along the River and fails to consider a less damaging alternative: build the Berm/Hotel/Exhibit Hall complex further inland to the north, leaving a broad swath of land along the river for the flow of the 100-year floods; then build Zone A north of the 100-foot buffer zone.
- By building the berm so close to the River, the project would have a very negative impact on properties and facilities to the south. As the effect of sea level rise occurs, every year at high winter tides the Coast to Crest trail would be flooded and damaged, threatening the required public access. The berm would deflect floodwaters toward properties and existing facilities, including the Del Mar Public Works property and the future Fire Department.
- The proposed Hotel/Exhibit Hall complex is a building one third of a mile long, and from 66 to 86 feet in height. This building will obliterate all views north of the River, in blatant violation of Section 30251 of the Coastal Act which reads: “ *The scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal area, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*”

The DEIR is inadequate in its discussion of these issues and offers no reasonable mitigation alternatives.

3. An inadequate wetland delineation assessment by Glenn and Lukos Associates and LSA in the 22nd DAA Draft EIR

No part of the DEIR concerns the members of our organization as much as the wetland delineations included in the DEIR (V.2. Appendix C Biological Resources Report Fig 8.1, P.40). We believe that an error has been made in the delineation of wetland areas. The sliver shown in the DEIR at the southern edge of the property is considerably smaller than the areas designated, both south and east, in the 1993 Army Corps of Engineers Wetlands Delineation map included in the Coastal Commission report of May 11-14 1999.

The definition of wetlands included in Section 30121 of the California Coastal Act of 1976 reads

“ wetland means lands within the coastal zone which may be periodically and permanently filled with shallow water and includes salt marshes, fresh water marshes, open or closed brackish water marshes, swamps, mudflats, and fens.”

This definition has evolved over the years through Coastal Commission rulings, but it always includes hydrological as well as biological components.

A detailed critique of the Glenn, Lukos Associates and LSA wetland delineation map

Biological surveys by Glenn and Lukos Associates were conducted May 26, 2004, March 30, April 5 & 11, 2005, all after the rainy season, when plant life and its attending habitats were most prolific (DEIR V.2. Biological Resources Report p.12). In 2006 and 2007, LSA completed its biological surveys in May, June, and July, with the assignment of identifying certain species of plants and animals, nothing more.

LSA extrapolated these surveys in a wetland delineation survey that was limited to the period between August 15 and 18, 2006 (same report page 11). These last surveys were made AFTER the Fairgrounds South (SOL) and East (EOL) Lots were thoroughly graded in anticipation of the up-coming Fair and Races. They could only identify plants and animal species in areas not impacted by the grading: thus the limited areas of suitable vegetation communities delineated by them for proposed Coastal Commission Jurisdiction. But these habitats are only one of the criteria needed for wetland identification.

All the flooding events that occur during the rainy and high-tide season (from October through early March) should be examined. During the winter season the SOL and EOL show hydrological features that are also characteristic of wetlands and were missed by the LSA surveyors. Their maps clearly overreach in their claims: they address only plant and animal observations.

DEIR Volume 2, Appendix I, Hydrology and Water Quality, should have encompassed the entire year, including the winter season. The report address issues of drainage and water quality but does not complete the wetland delineation maps for the winter. FDSRV would like to see the record completed.

A photographic album of what really happens in the EOL and SOL is included: see Appendix 1

Abundant photographs show the changing water accumulations and flows at the Del Mar Fairgrounds SOL and EOL over many years (see Appendix 1) . These photographs have been assembled in a narrative form where field observations and documents tell the story of what happens to these properties in the winter.

- The SOL and EOL are seasonal wetlands: they are dry and degraded in the summer and wet during the high winter tides and rainy season.
- The SOL and EOL exhibit fluctuations of surface water levels and water flows.
- Surface water is observed every year.
- The SOL and EOL are part of the hydrologic life of the San Dieguito River and adjacent to the vegetated wetlands described in the biological reports.
- These flooded areas meet the wetland criteria in the California Coastal Commission wetland definitions.

Vast areas of the Fairgrounds East and South lots were not surveyed in winter when the tidal ebb and flow and the rain-swollen rivers transformed the lots into wetlands with hydrologic characteristics. A complete map of Wetland Delineation is missing from the 22nd DAA Draft Environmental Impact Report. This leads to totally erroneous conclusions.

A map of the EOL was commissioned by the 22nd DAA in 1996

The 22nd DAA itself commissioned a new wetland delineation map in June 1996 from its then consultant, the Butler Roach Group (Appendix 1 Figure 3). That map covers the entire EOL and compares the boundaries of the Army Corps of Engineers Wetlands Delineation boundary of 1993 with a new, more restricted assessment. In this 22nd DAA-sanctioned map and very unlike the DEIR wetland delineation map, fragmented wetlands are observed in the western section of the EOL and cover most of the eastern EOL.

4. Ecological cost of development

The major redevelopment project proposed by this DEIR will intensify the use of the property and come at undesirable ecological cost. A salt marsh is an ecological community; every aspect is functionally related to every other aspect. Adverse effects to one organism may have compounding adverse effects on other organisms. Therefore, all human activity must be monitored to assess its ecological effects.

An Audubon Society member has recently documented the presence of endangered birds in the vicinity of the project boundaries. **Least Terns** have been observed feeding newly-fledged young on the north shore of the San Dieguito River south of the proposed hotel. Two juveniles were standing on the sandy shore, and an adult was fishing along the river. The adult then landed on the shore near the juveniles. The period immediately after a bird fledges is a particularly critical stage in its life cycle, and interference with the birds could result in the loss of the young. **Belding's Savannah Sparrows** have been observed

feeding on the shore of the San Dieguito River south of the proposed hotel, and on the north shore of the river south of Jimmy Durante Boulevard.

Ephemeral pools are formed after each rain on Fairgrounds property south of Jimmy Durante Boulevard. (See Appendix 1, Figure 10). Though temporary, and dry for part of the year, once filled these pools teem with life, and are used by birds as a feeding and roosting ground.

Ecological light pollution has been shown to seriously interfere with intrinsic cycles or rhythms that help mammals, birds, and amphibians determine when to initiate foraging, migratory, and reproductive behavior. The addition of artificial light to the nighttime environment disrupts the precision of these cycles, thus modifying behavior. In addition, predatory birds and reptiles, usually active only during the day, will forage at night under artificial lights. Increased predation will adversely impact the birds and mammals present in the lagoon area. FSDRV strongly recommends that Light Intensity studies be conducted before further consideration is given to the nighttime uses included in the DEIR.

Ecological noise pollution has been shown to affect breeding success in birds and amphibians. Noise drives birds away, and noise interferes with breeding calls of frogs, reducing their reproductive success. The effects of sound pollution from the proposed hotel and boardwalk must be minimized by maintaining a 100-foot buffer zone between the River and the exhibit and hotel buildings.

5. A *quid pro quo*: the South Lot (SOL) wetland will be restored when the EOL Parking lot is approved.

Throughout the DEIR, the proponents express the view, as a long-term plan, that they will only accept the return of the SOL to a restored wetland condition if and when a 3200-space Parking Building is authorized and built north of the EOL.

This view is challenged by the Friends of the San Dieguito River Valley. The SOL is both a historical and currently active wetland. The 22nd DAA was authorized to use it during the Fair and Racing season because these uses were permitted before the enactment of the 1976 California Coastal Act.

- Now that the 22nd DAA wants to undertake a major redevelopment project, it must submit itself to the constraints of the Coastal Act and return the SOL to its natural state as a wetland, immediately.
- The restoration of the SOL wetland is unrelated to the Fairgrounds parking problems.

6. Reader Board sign along Interstate 5

Over the years the 22nd DAA has displayed with growing frequency along Interstate 5 signs which have become bigger in size and more intrusive in affect (see Appendix 1, figure 12)

Under the Freedom of Information Act, and as recently as August 10, 2009, The Friends of the San Dieguito River Valley have sought from the 22nd DAA Board copies of the permits authorizing the district to place advertising along the Interstate.

In their response the District acknowledged that they had no such permits.

The Federal Highway Beautification Act of 1965 called for control of outdoor advertising, including the removal of signs along the nation's Interstate Highway System. The Fairgrounds has failed to respect this particular law repeatedly over many years and is seeking in the present DEIR an exemption from a law that is enforced nationally in all jurisdictions.

The DEIR fails to address either the Federal or Coastal Commission guidelines.

The San Dieguito Lagoon Restoration Project has created an Interstate corridor of great beauty that provides a framework for the Fairgrounds property and enhances it in an incomparable way. We expect the 22nd DAA to abandon the notion of adding an obtrusive flashing advertising sign to pleasing lagoon vistas.

7. Conclusions

The Del Mar Fairgrounds is a State-owned facility located in the Cities of Del Mar and San Diego and exempt from those cities' land use regulations, but it is obligated not to ignore the California Coastal Act regulations and to abide by them.

The Friends of the San Dieguito River Valley oppose the elements of the DEIR stated herein. We urge that the document undergo major revisions and address the concerns raised in this DEIR response.

Appendix 1:

A Wetland Delineation Report

**Comments on an incomplete assessment by Glenn and Lukos Associates and LSA in the
22nd DAA Draft EIR**

by

Jacqueline Winterer

Research Geomorphologist Emerita

Scripps Institution of Oceanography

Reviewers of the 22nd DAA Draft EIR are disturbed by the fact that the project limits shown on Volume 2 Appendix C, Biological Resources Report, Figure 8.1 (Figure 1 below) misrepresent the wetland boundaries and the land under the jurisdiction of the California Coastal Commission (CCC). A complete wetland delineation map is missing from the DEIR, but an accurate map may be found in the CCC report May 11-14, 1999 (Figure 2 below). It appears that a significant area of wetland has been omitted by the Fairgrounds in this DEIR.

This reviewer noticed that earlier biological surveys by Glenn and Lukos Ass. were conducted May 26, 2004, March 30, April 5 & 11, 2005, all after the rainy season, when most plant life and its attending habitats were most favorable (same report, p. 12). In 2006 and 2007, LSA completed these biological surveys in May, June, and July, with the assignment of identifying certain species of plants and animals, nothing more.

They extrapolated these surveys in a wetland delineation survey that was limited to the period between August 15 and 18, 2006 (same report, p. 11). These last surveys were made *after* the Fairgrounds South and East Lots were thoroughly graded in anticipation of the up-coming Fair and Horse Races. They could only identify plants and animal species in areas not impacted by the grading: thus the limited areas of suitable vegetation communities delineated on the Coastal Commission Jurisdiction map. But these habitats are only one of the criteria needed for wetland identification.

They did not observe all the flooding events that occur during the rainy and high-tide season (from October through early March). During the winter season, the South and East lots show hydrological features that are also characteristic of wetlands and were missed by the LSA surveyors. Their maps clearly over-reach in their claims: they address only plant and animal observations.

Volume 2, Appendix I, Hydrology and Water Quality, should have completed the Biology Survey for the winter season. These reports address issues of drainage and water quality but do not complete the wetland delineation maps for winter.

This reviewer is a professional geomorphologist (now retired) who has taken abundant photographs of the changing water accumulations and flows at the Del Mar Fairgrounds South and East lot over many years. These photographs have been assembled in a narrative, where field observations and documents tell the story of what happens to these properties in the winter. The South and East Lots are seasonal wetlands: they are dry and degraded in the summer and wet during the high winter tides and rainy season. They show fluctuations of surface water levels and water flows. Surface water is observed each year. They are part of the hydrologic life of the San Dieguito River and adjacent to the vegetated wetlands described in the biological reports. All these are also criteria in the California Coastal Commission wetlands description.

In this reviewer's estimation, vast areas of the Fairgrounds East and South Lots were not surveyed in winter, when the tidal ebb and flow and the rain-swollen rivers transformed the lots into wetlands with hydrologic characteristics. A complete Wetland Delineation Map under California Coastal Commission Jurisdiction is missing from the 22nd DAA Environmental Impact Report.

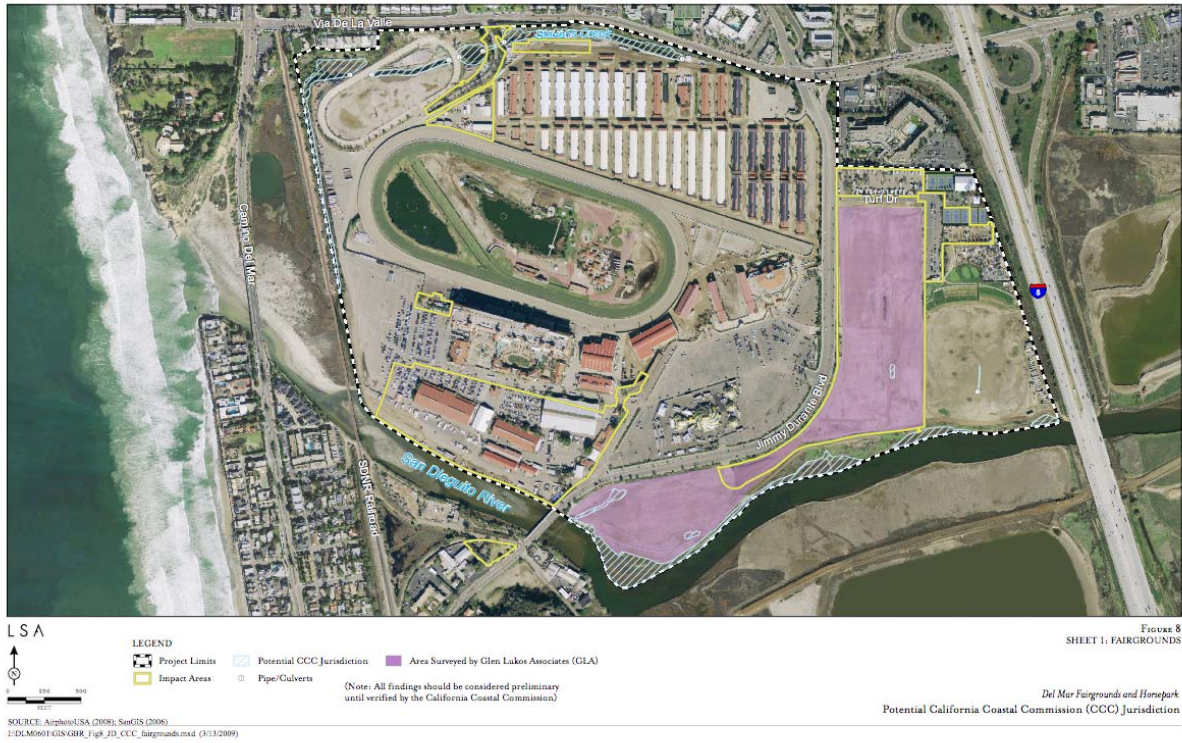


Figure 1. V. 2 Fig. 8-1 Page 43 from DEIR Biological Resources Report



Figure 2. Del Mar Fairgrounds southeastern corner along the San Dieguito River and Interstate 5. Wetland delineation map reproduced from California Coastal Commission Staff Report on Application 6-99-31, after an original by the Army Corps of Engineers dated 1993.

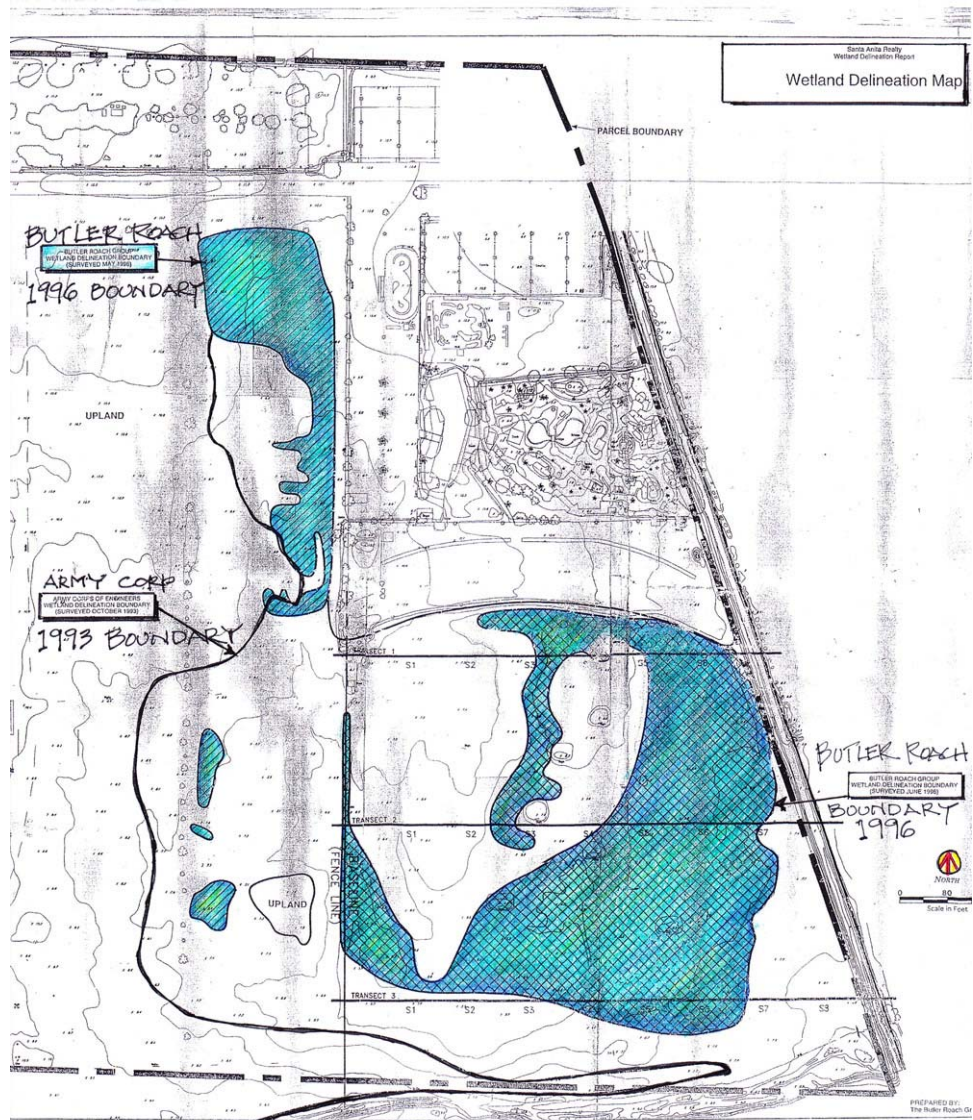


Figure 3. Wetlands delineation map prepared by Butler Roach group for 22nd DAA, June 1996. Coloring of wetlands and hand-written lettering (to make text in boxes legible) added by FSDRV.



Figure 4. Panoramic view of the Del Mar Fairgrounds South Lot taken from the utilities box located East of the Del Mar Fire Station. (Top) Panorama taken in the early morning. It shows how a combination of heavy rains and high tide fills the South Lot with water (Bottom) Several hours later, at low tide, water has been partially drained, exposing a drainage ditch dug out by Fairgrounds personnel to channel water toward a culvert. (January 8, 2005, 7:15 AM, High tide 6:43 AM)



Figure 5. **Where does the water in the South Lot go?** Some of the water evaporates, some of it percolates in place, and some flows into the San Dieguito River. Water is discharged into the San Dieguito River at the Southwest end of the South Lot through a culvert installed by Fairgrounds personnel. A manual valve gate controls flow. (Left) Gate closed. (Right) Gate open.



Figure 6. Up-stream from the gate (see Figure 3), a basin had developed around the drainage ditch. As the water flows out, it carries away sediments and enlarges the basin over time. Evaporation leaves white salt deposits. (September 12, 2005)



Figure 7. Large volumes of water are discharged into the San Dieguito River at this natural breach. This view looks south towards the wetlands overlook, the Old Grand Avenue Bridge. (September 18, 2005)



Figure 8. This view, taken from the Jimmy Durante Bridge, shows the respective locations of the two discharge points, the culvert, west of the telephone pole (see Figure 4), and the breach on the right (see Figure 6). (February 19, 2007)



Figure 9. **What is the source of the water in the wetlands?** Water comes from many sources. The obvious natural sources are a combination of rain and tidal influx. This photograph shows influx of water into the South Lot from the asphalt lot west of Jimmy Durante Blvd.



Figure 10. Runoff from Jimmy Durante Blvd itself is also discharged into the South and East Lots. (March 25, 2006)



Figure 11. After much of the water has drained or evaporated, the South Lot wetland returns to its status as a feeding area for the birds. (October 19, 2005)



Figure 12. On the East Lot, abundant plant life grows as soon as water has drained out or evaporated. Salt grass, *distichlis spicata*, is a native plant. Ripple marks show the direction of water flow. The white objects are golf balls. (December 6, 2007)



Figure 13. **Evidence of wetlands is obliterated each summer.** As summer approaches the Fairgrounds personnel start preparing for the business season. (Top) In the East Lot, non-permitted signage is frequently installed along the freeway, profoundly disturbing the 100 ft buffer zone along the river, by adding a dirt ramp. (Bottom) Large trailers are hauled across the wetlands and eradicate wetland evidence. Here, they are a visual blight, parked immediately adjacent to a section of the Coast to Crest trail. (July 6, 2009)



Figure 14. In the summer, bulldozers destroy completely all traces of the wetland. From numbers published by the Fairgrounds, the South and East lots will accommodate up to 4700 cars every day for the 20 day Fair and 45 day Racing seasons. Over any year, hundreds of thousands of cars are parked on these wetlands, destroying habitat and releasing pollutants. (July 12, 2008.)

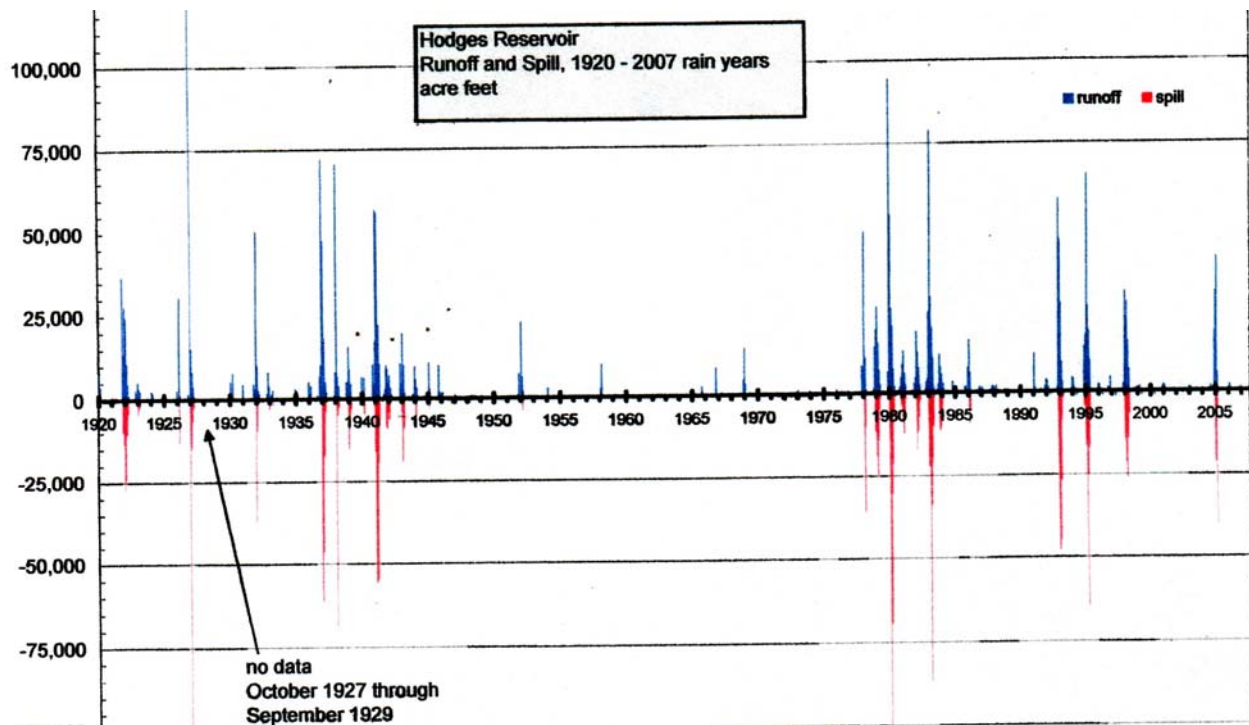


Figure 15 Occasionally, floods occur with much greater impact on the wetlands. This figure shows the frequency of severe floods. These overwhelm not only the wetlands but also significant parts of non-wetland Fairgrounds property. The runoff, in acre-feet, into Lake Hodges Reservoir, from 1920 to 2007 is shown in blue. Spills, in acre-feet, measure water released from the dam into the San Dieguito River (red).



Figure 16. Flooding in the South Lot (photograph by Alice Goodkind). (1995)