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20223 Elfin  
Forest Road

August 17, 2012

Kimberly Thorner  
Olivenhain Municipal Water District  
1966 Olivenhain Road  
Encinitas, CA 92024

RE: UNIT AA RAW WATER PIPELINE PROJECT

Dear Ms. Thorner,

The Elfin Forest/Harmony Grove Town Council is writing to you today to express our utter frustration with the Unit AA Pipeline Project and its negative impact on our community, our homes, our vehicles, and our sanity. While we understand that you and your staff are also frustrated with this project and the performance of Utah-Pacific, you are the project initiators and you can be sure that the frustration level of those of us who have been living with this project day in and day out is at a breaking point!

There are several key issues that need addressing:

- Several extensions of project timeline without community input nor Town Council notification
- The un-analyzed and unforeseen impacts of the project in the EIR: traffic, dust, noise, and biology due to more dust and noise than predicted
- The blatant violation of the traffic measures analyzed in the EIR
- The added costs inflicted on residents due to a major construction yard popping up in the middle of the community with zero analysis of impacts, or community consultation
- Extended working hours

The fact we have been recently advised that the OMWD project completion date has been yet again extended significantly past the original stated timeframe just adds insult to injury, especially after several instances of only finding out the project has been extended from reading the signs at the entrances to our community. While we understand that we cannot change this timeline, it adds to our frustration because we know that our lives will continue to be disrupted. This disruption goes far beyond the community's roads; it affects the tranquil, rural way of life that caused most of our residents to move here.

During the EIR process for this project, we agreed with the EIR conclusion that the preferred alternative was to place the new pipeline within the Elfin Forest Road alignment, rather than the considerably more expensive overland route, even though many of our residents advocated for the overland route so that our community would not be so impacted. Melanie Fallon and I personally convinced our community to accept the Elfin Forest Road alternative because of assurances made to us by OMWD regarding the mitigation of community impacts. Several specific points were questioned at that time, some repeatedly, and we were given answers that "sold" the road route, but which were, at best, mistaken, or at worst, untruthful. Either way, had the full project impact been properly analyzed and disclosed in the EIR, we would not have supported this route. Many of us feel like we were "sold up the river" based on incomplete information and a poorly planned project as none of the added impacts were caused by extraordinary and unforeseeable events, and nothing changed on the ground between the time the EIR was developed and when the project started.

Elfin Forest takes pride in its status as a quiet and environmentally healthy area that has actively defended its sensitive habitat and has worked, along with the Escondido Creek Conservancy and others, to acquire substantial amounts of open space to be preserved in perpetuity in order to maintain its rural nature. We hold community cleanup days, we have installed beautiful street sign monuments and surrounded them with gardens, we have planted pepper trees lining the streets, and we have worked hard as a community to create and maintain a beautiful environment that we could be proud of.

The OMWD contractor, Utah Pacific, has literally trashed this community. We now have severely damaged old growth trees whose trunks have clearly been struck by equipment, broken dead or dying branches hanging off trees adjacent to the roadway, and trees with leaves so covered in thick dirt that they appear to be dying. We may be losing trees for several years. Our monument signs, which used to reflect our gardening pride, are now dirty and much of the vegetation destroyed or damaged. Many of our residents have had to repeatedly pick up lunch, beverage and other personal trash from the areas the contractor was working in, along with dealing with damage to plants, irrigation, mail boxes, fencing and private roadways and driveways on their properties. In one case, damage to chaparral on one resident's property by large equipment created an opening that allowed illegal off road vehicles access onto the Sage Hill County Park property behind the resident's house. Our homes, vehicles and yards have reeked of fumes and been heavily coated with dust and dirt for extended periods of time. All of us have had to expend our own personal monies to have our cars washed and our homes cleaned more often than usual. Mail delivery was impeded by construction equipment, resulting in mail delivery being delayed. The daily blasting at the creek, sometimes multiple times a day, went on literally for weeks and resulted in endless complaints from residents upset about the noise, shaking and impact on their horses.

The community was never advised, and the EIR never addressed, that a "construction yard" would be established on property Utah Pacific apparently "rented" on the south side of Elfin Forest Road across from the Fire Station. They have now used that property for months as storage for large equipment and dirt and nearby residents have had to put up with loud equipment banging, clanging and starting up at 7:00am every morning, along with dust and dirt from the creation of huge dirt and rock piles from the loading and unloading of large truckloads of dirt at that location. People do not move to communities such as Elfin Forest to live next to an industrial yard. OMWD representatives have tried to distance themselves from responsibility for this construction yard; but, if it were not for OMWD's pipeline project, Utah Pacific would not be working in our area and this yard would not exist. Utah Pacific is working at OMWD's direction and OMWD has ultimate responsibility for every action of its chosen contractor, and for proper planning of the project so the full and realistic impacts can be analyzed under CEQA. This "industrial yard" should have been included in the EIR and its impacts analyzed and mitigated – it raises important legal questions about work being done in our community and associated impacts that WERE NOT included in the EIR.

The location of this yard is also extremely problematic to the entire community as it caused traffic control points to be located on either side of it for approximately two months, limiting access to the Fire Station and the two local businesses that are open to the public. While OMWD representatives appeared concerned about emergency vehicle access to and from the Fire Station, they did not acknowledge that it is the Community Center for the Elfin Forest area, where we hold all of our community events and committee, foundation and other meetings. Access to it during the time traffic control points blocked it was extremely difficult and aggravating and, other than on election day in June when we raised serious concerns about people being able to get in to vote at our only community polling place, our complaints seemed to fall on deaf ears. In addition, stopping traffic flow in front of the construction yard for months took its toll on the Elfin Forest Nursery and Blanca's Flowers. Elfin Forest Nursery, adjacent to the construction yard, closed its doors and has not yet reopened. Blanca's business, adjacent to the Fire Station, has also been severely impacted.

OMWD's Environmental Impact Report for this project seemed quite clear. The Traffic Circulation portion, 3.2, included:

"With the addition of project traffic, all the roadway segments are calculated to continue to operate at LOS C or better in the three scenarios. Based on the County of San Diego's published significance criteria, the proposed project is calculated to have no significant impacts to the study area segments. Even though there are no calculated significant impacts, the District would implement the following traffic control measures to minimize the interruption of traffic due to the project:

- Along Elfin Forest Road and Harmony Grove Road, a single lane of traffic would always be maintained and traffic would alternate on a single-lane road controlled by a flagger.

· Access to residences, businesses, and institutions shall be maintained at all times during construction."

During the EIR review process, I specifically questioned whether that meant that traffic flow would be continuous, just alternating in different directions in the single open traffic lane. I was assured repeatedly that that was the case and that delays would be minimal. Once construction began, however, delays were significant, often at or exceeding 30 minutes. Both lanes were initially closed for significant periods of time the first week, but reduced to approximately 15 minutes of total closure from the second week on, due to massive complaints. Either way, this was in conflict with both the written EIR and what I had been told in response to specific questions. When I again raised the issue, I was told it was a "difference in interpretation". What is not a matter of interpretation is the metric: LOS C or better. For much of the construction period, which itself has been extended considerably from what was contemplated in the EIR, the Level Of Service on the only access road to our community was at level F, not C.

I think we can all agree, and it has been amply documented, that the conditions described in the definition of LOS C were in fact never present since the beginning of project construction:

***Level-of-Service C describes at or near free-flow operations. Ability to maneuver through lanes is noticeably restricted and lane changes require more driver awareness. Minimum vehicle spacing is about 220 ft(67m) or 11 car lengths. At LOS C most experienced drivers are comfortable, roads remain safely below but efficiently close to capacity, and posted speed is maintained. Minor incidents may still have no effect but localized service will have noticeable effects and traffic delays will form behind the incident. This is the targeted LOS for some urban and most rural highways.***

What we had instead what LOS F, where traffic is severely impeded and stopped for extended time periods. There was no mitigation contemplated in the EIR for such a level of degradation of traffic.

Many people in this community either work from their homes or work irregular hours. Those of us who frequently had to leave our homes several times most days had to tolerate the traffic delays each time, no matter how urgent the mission. This was a severe infringement on our time which was not anticipated based on what we had been told in advance. **Our community would not have agreed to this pipeline route had OMWD been honest and forthcoming regarding the real traffic impact.**

The "access to residences, businesses, and institutions shall be maintained at all times during construction" clause was given lip service by OMWD representatives, but did not happen. I have previously described the access issues to the Fire Station, Nursery and Blanca's. I have heard many complaints about lack of access to residential driveways during this project and was unable to access my own on numerous occasions due to it either being blocked by equipment or by cars backed up across it because of traffic control points down the road. Resident Betsy Keithly's car was struck by a piece of Utah Pacific's equipment after she was directed by Utah Pacific personnel to park her car alongside the road due to her driveway being blocked by their equipment. She parked where she was directed, and her car was subsequently struck and damaged. Had she had access to her driveway, the accident would not have occurred.

The Final EIR also addressed a concern I had raised about the question of traffic control at more than one construction front. I had raised that question several times during the EIR review process and was told repeatedly that having more than one front requiring traffic control was "not cost effective", it wouldn't happen, and I needn't be so concerned about it. My concern was addressed in the EIR as, " It is the intent of the District to have only one area of construction-impacted traffic on Elfin Forest Road at any one time. If more than one area of construction is deemed necessary, the District will work with the community to minimize impacts." For the past several weeks the community has had to deal with traffic control areas at two construction fronts, one on the east end of Elfin Forest Rd and the other at the connection point at Sage Hill. The only consolation is that the traffic control at the Sage Hill area usually conforms with the EIR in maintaining a traffic lane at all times, stopping traffic only to let alternate traffic go. This is what we were led to expect for the totality of the project, but it did not happen.

We have also been dealing for quite some time with the project working extended hours. When the project first started construction work ended at 5pm and after discussion with the OMWD we agreed that work could be concluded prior to 6pm, with the commitment that this project would be completed one month earlier. Now the

contractors are working on Saturdays as well. This means that not only do we have to deal with the movement of large equipment and trucks and construction noise, but we also must forego the only peace and quiet the community has still retained. With Saturday construction, both the Sage Hill entrance area and the east end trails are unavailable for hiking, biking and horseback riding on Saturdays as well as the weekdays. This is above and beyond reasonable for a community that has already suffered such unforeseen and un-analyzed additional impacts beyond those contemplated in the EIR. OMWD representatives said it was necessary to keep costs down for the district overall, but it is high time that the rest of the districts customers start sharing in the burden of this project, as we have already paid dearly for over four and a half months at this point.

When we began this project we never imagined that we would have to deal with literally hundreds of community complaints regarding the traffic, noise, dust and other concerns. It has been an absolute nightmare. It is unlikely this community would ever trust OMWD again to do a project anywhere near Elfin Forest. There were too many reassurances up front that were later deemed "differences in interpretation". We believe we were misled as to what the construction plan actually was and to the impact this project was going to have on the community. We believe that verbiage was put into the EIR in order to appease us, without any actual intent to comply. CEQA requires that Environmental Impact Reports be meaningful and complete, and they are meant to be followed. With this project you have shown that your commitments are worthless and your words meaningless. This project was poorly planned and it was not thoroughly analyzed for how it would be handled, what the construction process would be and how impacts could truly be mitigated. Our entire community has suffered immensely because of your poor planning!

We want the beauty and peace of our community restored, and the impacts that our community has endured beyond what was disclosed upfront acknowledged. OMWD granted our community \$50,000 in mitigation funds for what we were led to believe at that time the inconvenience and damage would be, as analyzed in the EIR. That in no way came close to mitigating the actual inconvenience and damage, as the impacts as documented in this letter went way beyond what was contemplated in the EIR. We believe that it is extremely important that we meet very soon with you and your staff regarding how you intend to restore the damage that has been inflicted upon our community and our sanity. We want our tranquil, beautiful and healthy community back.

On a final positive note, we do want you to know that Karen Ogawa has worked very hard to appease and work with us, she has tried to find solutions when they existed and it has helped that we can vent to her, but none of that has addressed the very real damage that has been done and is continuing to be done to our community. We look forward to hearing your constructive and creative solutions to these issues incurred by your actions. Please contact me at your earliest convenience to schedule a meeting.

Sincerely,

Nancy Goodrich  
Chair of Unit AA Raw Water Pipeline Project Committee  
Elfin Forest/Harmony Grove Town Council Board.  
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