SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY

9:30 a.m. – 12:00 p.m.
Friday, June 19, 2009
County Administrative Center
1600 Pacific Highway, Room 302/303
San Diego

Speaker slips will be available. Please fill out a slip and give it to the Chair prior to the meeting if you wish to speak to an item on the agenda. The Board may take action on any item listed on the Consent or Action agenda.

Introductions and Announcements

Approval of the Minutes of April 17, 2009 and May 15, 2009

Executive Directors Report

Public Comment

This portion of the agenda provides an opportunity for members of the public to address the Board on items of interest within the jurisdiction of the Board and not appearing on today's agenda. Comments relating to items on today's agenda are to be taken at the time the item is heard. Pursuant to the Brown Act, no action shall be taken by the Board on public comment items.

CONSENT

1. Amend FY 08/09 Budget to Appropriate Funds for Vehicle Purchase (page 3)
2. Annual List of Potential Acquisition Parcels in the Unincorporated Area (page 9)
3. Award Contract for Sikes Adobe Historic Farmhouse Reconstruction (page 12)

ACTION

4. San Dieguito Watershed Invasive Species Removal Mitigated Negative Declaration (page 14)
5. Option Agreement with SANDAG for Lagoon Habitat Restoration (page 74)
6. El Camino Real Widening and Wildlife/Trail Undercrossing (page 87)
7. No Smoking Policy (page 94)
8. Donation Acceptance and Recognition Policy (page 96)

INFORMATION

9. Coordination Reports (oral)
   a. San Dieguito River Valley Conservancy
   b. Friends of the San Dieguito River Valley
   c. Volcan Mountain Preserve Foundation
   d. San Dieguito Lagoon Committee

10. Status Reports (Oral)
    a. Rancho Santa Fe Polo Club
    b. River Park Projects

11. Jurisdictional Status Reports
    An opportunity for the Board members to report on actions taken within their
    jurisdictions to further the park planning process, or on problems which have arisen.

12. Communications
    a. Letter from JPA to City of San Diego re Polo Club 4/23/09 (page 101)

13. CLOSED SESSION, CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. The Board will meet in closed session pursuant to Government Code section 54956.9(b)(1)(3) to confer with legal counsel regarding the Bernardo Mountain Utility Easement Access Issue.

THE NEXT REGULAR JPA MEETING IS SCHEDULED FOR FRIDAY, JULY 17, 2009.

If you have any questions, please call Dick Bobertz at (858) 674-2270.

****Due to the high cost of printing and mailing the JPA and CAC agendas, the JPA has converted to an email distribution of both agendas. Please advise the office at 858 674-2270 if you do not have an e-mail address and want other arrangements will be made. Full packets will continue to be mailed free of charge to JPA and CAC members upon request. For others, the cost of the full agenda, with backup material, is $45 per year, and the cost of the agenda without backup material is $10 per year. The agenda and minutes are available at no cost on the San Dieguito River Park web site at www.sdrp.org
TO: JPA
FROM: Staff
SUBJECT: Amend FY 08/09 and FY 09/10 Budget

RECOMMENDATION:

Amend FY 09/10 Budget to Remove Planned Vehicle Purchase and Amend FY 08/09 to Add Planned Vehicle Purchase.

SITUATION:

A. Summary and Recommendation

At your Board’s April meeting, you approved the FY 09/10 Budget which included the purchase of a ranger truck for $30,000. The funding for the ranger truck was from Southern California Edison as part of the Trails Management Agreement that your Board approved during the same meeting.

The Trails Management Agreement provided that the JPA would begin lagoon trail management on June 1st, and that SCE would provide sufficient funding, including funding for the truck, in order for management to begin by that time. Accordingly, they sent a check to the JPA in late May and the JPA staff purchased a ½ ton park ranger vehicle. This transaction, of course, occurred in FY 08/09, not in FY 09/10 where it was programmed.

The County Auditor/Controller’s Office, which handles accounting matters for the JPA, has informed the JPA staff that budget amendments are necessary in order to properly appropriate the funds for the truck purchase in FY 08/09, and correspondingly remove the appropriation from the FY 09/10 budget.

Staff recommends that your Board adopt the attached draft budget amendments.

Respectfully submitted,

Susan A. Carter
Deputy Director
Agenda Item 1
June 19, 2009

Attachments:

1) Draft FY 08/09 Budget Amendment
2) Draft FY 09/10 Budget Amendment
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<th>Item #</th>
<th>Appropriations</th>
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<td>Pamo/HV Trail, $15,000; Restoration $30,000</td>
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**Total Revenues** | | | | |
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**Total Revenues**

| 0640     | Deferred Credits | - | - | - |
| 44105    | Interest | 10,000 | 10,000 | 10,000 |
| 47535    | Trails Management Income (SCE) | 169,000 | 139,000 |   |
| 47535    | Trails Management Income |   |   |   |
| 9527     | SDF After the Fire Grant for Habitat Restoration (for Staff Cost) | 30,000 | - | - |
| 9527     | State EEMP grant for West Bernardo Bike Path & Cantilever | 350,000 | 350,000 | 350,000 |
| 9527     | SANDAG EMP grant for invasive species removal | 50,000 | 50,000 | 50,000 |
| 9742     | Caltrans for LH Bridge construction | 2,600,000 | - | - |
| 9742     | Sandag for LH Bridge construction | 400,000 | - | - |
| 9527     | State of California, River Parkway projects - for LH Bridge | 585,000 |   |   |
| 9527     | State TEA for I-5 Trail | 55,000 |   |   |
| 9527     | State of California, Coastal Conservancy, for I-5 Trail | 300,000 |   |   |
| 9990     | State of California, SWRCB for Treatment Ponds | 46,000 |   |   |
| 9990     | SDRVC - Pamo Valley Trail Gap | 20,000 | 25,000 | 25,000 |
| 9678     | SDRVC - Highland Valley/Poway Trail Link | 32,000 |   |   |
| 0000     | NRCS WHIP Grant | - | - | - |
| 0000     | Fund Balance | - | 57,367 | 57,367 |

**Total Revenues**

| 4,134,580 | 738,858 | 708,858 |   |   |
TO: JPA Board

FROM: Staff

SUBJECT: Approval of a List of Properties in the Unincorporated Area for Possible Acquisition/Grant Applications in FY 09/10.

RECOMMENDATION:

By motion, recommend approval of the attached list of parcels for possible acquisition and grant applications in the unincorporated area, and convey list to Board of Supervisors for their approval in compliance with Board of Supervisors Policy I-120.

SITUATION:

A. Summary and Recommendation

Board of Supervisors Policy I-120, adopted May 7, 1996, outlines the procedures for the JPA to obtain Board of Supervisors approval prior to pursuing land acquisitions in the unincorporated area, through grant funds or other means, and land disposals.

Your Board has adopted a list, “San Dieguito River Valley Parcels Desirable for Preservation by Public Agencies from Willing Sellers in the Unincorporated Area”. Your Board has updated and revised that list periodically and submitted it to the County each year. No additions to the list are proposed this year.

B. Citizens Advisory Committee Recommendation – This item has not been reviewed by the CAC.

C. Issues – No issues have been identified.

FINANCIAL CONSIDERATION

Approval of the staff recommendation will keep your Board’s options open, but does not commit your Board to any future expense or action. Therefore, there is no fiscal impact.

ALTERNATE ACTIONS

1. Approve the list of parcels as proposed.

2. Revise the list of parcels.

Respectfully submitted,
Attachments:
Recommended List of Parcels for Possible Acquisition/Grant Applications in the Unincorporated Area
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<tr>
<th>OWNER OF RECORD</th>
<th>APN #</th>
<th>ACRES</th>
<th>JURISDICTION</th>
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TO: JPA

FROM: Staff

SUBJECT: Construction Contract to Rebuild Sikes Adobe Historic Farmhouse

RECOMMENDATION:

Authorize Executive Director Dick Bobertz to execute contract for construction services for the reconstruction of the Sikes Adobe Historic Farmhouse.

SUMMARY

Architectural historians, IS Architecture, submitted drawings to the City of San Diego for the reconstruction of the Sikes Adobe Historic Farmhouse on August 15, 2008. Due to the fact that the Sikes Adobe is located within a Brush Management Zone and due to changes in the building code made in response to the fires of 2007, there were several code upgrades which had to be incorporated into the plans for the reconstruction of the farmhouse. Our insurance policy covers building code upgrades.

In the course of the review of plans by the City of San Diego, it was noted that the fire sprinkler system would best serve the building if it were a hybrid system, one which incorporated certain elements of systems required in both commercial structures and in residential structures. After much deliberation, the loss assessors determined that the costs related to the hybrid system and its design were acceptable; and that the alternative proposed will result in a cost savings. Approval of the hybrid sprinkler system is the only element still awaiting approval at the City Building Department.

The addition of these fire resistive features, both in terms of construction design and in terms of materials, will be made without losses to the historic authenticity of the building.

From the beginning, the insurers agreed to work out a negotiated bid with the original restoration company, Mark Sauer Construction, Inc., rather than go through a competitive bid process. This was at the recommendation of the historic preservation architects, who felt that the Mark Sauer Construction Company is highly experienced with historic preservation construction, and particularly experienced with the Sikes Adobe Historic Farmhouse. Mark Sauer Construction produced an estimate for the reconstruction of the Sikes Adobe Farmhouse: $614,842.96. The loss assessors, Young & Associates, studied the estimate and determined that it is reasonable and have recommended the estimate for approval to the insurance carrier, McLarens-Young and Co.

We believe that reconstruction can begin in July. Staff recommends that your Board award the reconstruction contract to Mark Sauer Construction for $614,842.96.
FINANCIAL CONSIDERATIONS

This contract will be reimbursed by our insurance company.

ALTERNATE ACTIONS

1. Approve construction contract with Mark Sauer Construction, Inc.
2. Do not approve construction contract with Mark Sauer Construction, Inc. and give staff other direction.

Respectfully submitted,

Dick Bobertz
Executive Director
TO: JPA Board
FROM: Staff
SUBJECT: Approval of the San Dieguito Watershed Invasive Species Control Program Final Mitigated Negative Declaration and MMRP

RECOMMENDATION:
Adopt resolution approving the Final Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program for the San Dieguito Watershed Invasive Species Control Program

PROJECT DESCRIPTION
As part of implementing the San Dieguito River Park’s Concept Plan, the JPA has conducted invasive species treatment and removal projects over the years in several areas of the park. Invasive species control is an ongoing component of managing open space and restoring native habitat. The JPA has worked with other agencies such as the County of San Diego and partners such as the San Dieguito River Valley Conservancy to remove and treat invasive plants including pepperweed, arundo, tamarisk and others. Funding for invasive plant removal has come from local, state and federal grants.

The San Dieguito River Valley Conservancy recently secured funds from the Natural Resources Conservation Service (NRCS) to remove eucalyptus along the river downstream of the Hodges Dam and restore this area with native willows, sycamores, and other trees and shrubs, along with arundo removal in San Pasqual Valley. The JPA has also received funding and has pending grant requests for continuing pepperweed treatment/removal throughout the river valley. Pepperweed removal began with a grant from the State Resources Agency in 2003, but pepperweed continues to threaten native habitat within the San Pasqual Valley and areas downstream.

These larger-scale projects require permits from the resources agencies (US Fish and Wildlife Service and California Department of Fish and Game) to ensure that threatened and endangered species are not harmed by the methods used to treat and remove the invasive plants. Rather than obtaining individual permits on a project-by-project basis, the JPA is in the process of securing permits to allow ongoing treatment of invasive species using a systematic comprehensive approach at a watershed-wide level. The permit process requires that the JPA comply with the California Environmental Quality Act (CEQA), thus the JPA prepared a Mitigated Negative Declaration (MND) for the invasive species control program.

CEQA Compliance:
JPA staff conducted an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and determined that the project would not cause a significant effect on the
environment because mitigation measures were incorporated into the project to avoid or reduce impacts and a Mitigated Negative Declaration (MND) was prepared. As part of the CEQA process, JPA staff provided the California Department of Fish and Game a preliminary draft for their review and comment as a responsible agency. A Notice of Intent to adopt an MND was filed by the County Clerk on May 14, 2009 to start the 30-day public review period and published in the North County Times on May 15, 2009. The Draft MND was also distributed to all responsible and trustee agencies as well as several other public agencies, interested organizations and individuals, and was posted on the San Dieguito River Park’s website. The public review period ends June 12, 2009. Any comments that are received by the deadline will be provided to the JPA Board at the meeting.

The Final MND will contain written responses to comments received on the Draft MND (if any), the Initial Study, and the Mitigation Monitoring and Reporting Program.

CAC RECOMMENDATION:

On June 5 2009, the CAC voted unanimously to recommend approval of the San Dieguito Watershed Invasive Species Control Program MND.

FINANCIAL IMPACT:

Minimal. Most invasive species control will be conducted using funds secured by public grants, private donations, or habitat endowment funds. Some limited non-native plant control is done by JPA ranger staff using operating funds.

ALTERNATIVES:

1. Approve resolution approving Final MND.
2. Do not approve MND and give staff other direction.

RECOMMENDATION:

Adopt resolution approving the Final Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program for the San Dieguito Watershed Invasive Species Control Program

Respectfully Submitted,

Shawna Anderson
Principal Planner

Attachment 1: Resolution
WHEREAS, the San Dieguito River Park Joint Powers Authority (JPA) regularly conducts invasive species plant treatment and control throughout the focused planning area and watershed using public grants and private donations based on policies adopted in the San Dieguito River Park Concept Plan, MSCP, and other regulatory documents;

WHEREAS, the San Dieguito River Park JPA has applied for watershed-wide permits from federal and state resources agencies to conduct invasive species treatment and control on an ongoing basis using a program of comprehensive and systematic methods of conducting such work;

WHEREAS, conducting invasive species control on an ongoing basis using watershed-wide permits is more efficient than obtaining individual permits for larger non-native species control projects;

WHEREAS, the JPA Board of Directors considered the issues discussed in the Draft Mitigated Negative Declaration (MND), and comments received during the public review period, for the San Dieguito Watershed Invasive Non-native Plant Control Program.

NOW THEREFORE, BE IT RESOLVED, by the JPA Board of Directors, that it hereby finds that the Mitigated Negative Declaration has been completed in compliance with the California Environmental Quality Act (CEQA), as amended (California Public Resources Code Section 21000 et seq.), that the MND reflects the independent judgement and analysis of the JPA as the Lead Agency and that the information contained in the MND, together with any comments received during the public review process, has been reviewed and considered by the JPA Board of Directors.

BE IT FURTHER RESOLVED that the JPA Board of Directors finds that the project design and methods would mitigate potentially significant effects of the project on the environment, as previously identified in the Initial Study, to a point where no significant environmental effects would occur, and

BE IT FURTHER RESOLVED, that the JPA Board of Directors finds, based on the whole record before it (including the Initial Study and comments received on the MND), that there is no substantial evidence before the JPA that the project may have a significant adverse effect on the environment and therefore, that said MND, a copy of which is attached hereto and incorporated by reference, is hereby approved, and
BE IT FURTHER RESOLVED that pursuant to California Public Resources Code Section 21081.6, the JPA Board of Directors hereby adopts the Mitigation Monitoring & Reporting Program in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference, and

BE IT FURTHER RESOLVED that the location and custodian of the documents or other materials which constitute the record of proceedings upon which this decision is based is as follows:

San Dieguito River Park Joint Powers Authority  
14103 Highland Valley Road  
Escondido, CA 92025

BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized to take any and all further steps needed to carry out the actions approved herein, including but not limited to, filing a CEQA Notice of Determination, the execution of contracts, leases and processing of required permits.

Approved and Adopted the ________________ day of ____________, 2009.

Ayes: __________

Noes: __________

Absent: __________

Abstain: __________

______________________________________________  
Pam Slater-Price, Chair

______________________________________________  
ATTEST: Dick Bobertz, Executive Director

Attachments:  
Exhibit A, Mitigated Negative Declaration for the San Dieguito Watershed Invasive Non-native Plant Control Program.

Exhibit B, Mitigation, Monitoring & Reporting Program for the San Dieguito Invasive Non-native Plant Control Program.
MITIGATED NEGATIVE DECLARATION

PROJECT NAME:
San Dieguito Watershed Invasive Non-native Plant Control Program

PROJECT LOCATION:
The proposed project is located within the San Dieguito River Watershed in San Diego County, California (Figure 1).

PROJECT DESCRIPTION:
Invasive non-native plant control for: habitat restoration, water conservation, and fire risk reduction. Please see attached Initial Study for more information.

LEAD AGENCY/PROJECT PROPONENT:
San Dieguito River Park Joint Powers Authority (JPA)

RESPONSIBLE/TRUSTEE AGENCIES INVOLVED (Agencies that will use the environmental document, permits required, & related environmental review and consultation requirements of these agencies):

Army Corps of Engineers
National Marine Fisheries Service/Habitat Conservation Division
California Department of Transportation
California Coastal Commission
California Department of Fish & Game
California Department of Parks and Recreation/Office of Historic Preservation
Regional Water Quality Control Board (9)
State Water Resources Control Board
City of San Diego
County of San Diego

DETERMINATION:
The San Dieguito River Park JPA conducted an Initial Study of the project, which determined that the proposed project could have a potentially significant effect on
the environment. However, it has been determined that there will not be a significant effect in this case because measures have been made a part of the project that would avoid or mitigate the effects to the point where clearly no significant effect on the environmental would occur. Based on this determination and in accordance with California Public Resources Code Section 21964.5, this Mitigated Negative Declaration has been prepared.

Copies of the Mitigated Negative Declaration and the Initial Study are available at the office location of the San Dieguito River Park JPA at: 14103 Highland Valley Road, Escondido, CA 92025

[Signature]
Shawna Anderson, AICP
Environmental Planner
858-674-2275, ext. 13
SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
PARK JOINT POWERS AUTHORITY
14103 Highland Valley Road
Escondido, CA 92025 (858) 674-2270

INITIAL STUDY

Project Name
San Dieguito Watershed Invasive Non-native Plant Control Program

Project Location
The proposed project would be conducted within the San Dieguito Watershed in San Diego County, California but would occur primarily along impacted riparian corridors and adjacent upland areas.

Environmental Setting
The project area is the riparian and transitional habitat in the San Dieguito Watershed. The riparian habitat along most of the San Dieguito River and its tributaries is undeveloped (not channelized with concrete banks and bottoms), retaining much of its natural, unmodified characteristics. Lake Hodges Dam, constructed in 1922, is located on the lower third of the watershed forming Hodges Reservoir. Many culverts, bridges, and crossings modify function and habitat as the area has two main urbanized zones (Del Mar and Rancho Bernardo/Escondido) and two large north/south freeway corridors (Interstates 5 and 15). The landscape is dominated by open space and agriculture surrounded by rural and suburban residential communities. Zoning in the project area varies. A substantial portion of the San Pasqual Valley where much of the invasive plants exist is zoned for agricultural use (AG-1-1). The river corridor downstream of Hodges Dam is zoned open space and flood area, and some of the land closer to and within the San Dieguito Lagoon is zoned rural residential and open space. A significant portion of the river corridor is protected open space that makes up the San Dieguito River Park. The JPA and other public agencies assist in managing these lands.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement)
The watershed based invasive control program will operate under Army Corps of Engineers (ACOE) Regional General Permit (RGP) 41. State Historic Office will also review the project under this permit. The Fish and Wildlife Service (FWS) has completed an informal consultation with the San Dieguito River Park JPA for the project (Appendix 1). The FWS has determined
that no adverse effect to listed species is likely to occur as long as minimization and avoidance measures are followed. An application to the Department of Fish and Game 1600 permit (streambed alteration agreement) process has also been submitted. Minimization and avoidance measures and conditions in the permit are expected to be similar to those outlined in this MND and from the FWS. All terms and conditions outlined in all permits will be followed and annual reports will be prepared and submitted to FWS, DFG and ACOE.

Access agreements (rights of entry) would also be required from the City and County of San Diego for access onto public land as obtained by the JPA in the past for similar projects.

**Project Description**

The program involves implementation of invasive non-native plant control using grant and/or mitigation funding through the San Dieguito JPA and its partners. These projects restore riparian habitat in the San Dieguito River Watershed through the control of invasive non-native plants, mainly *Arundo donax*, pampas grass, tamarisk, perennial pepperweed (*Lepidium latifolium*), eucalyptus, and palms, and the planting of native species (Figure 1, Table 1). Funding sources that have been used or may be used in the future to implement the project include, but are not limited to: State Water Resources Control Board, Wildlife Conservation Board (WCB), Coastal Conservancy, Department of Water Resources, County of San Diego, CA Department of Fish and Game, California Department of Food and Agriculture (CDFA), CA Resources Agency, Environmental Protection Agency (EPA), US Fish and Wildlife Service, Natural Resources Conservation Service, fees and fines, donations, foundations, and mitigation projects.

Until now, treatment/removal of invasive species by the JPA and the San Dieguito River Valley Conservancy has occurred on a case-by-case project site basis. This approach necessitated obtaining individual permits for each project site with a limited coordinated approach. Over the past two years, more funding opportunities have become available to the JPA for more large-scale invasive species treatment that would allow a more aggressive approach to removing these species from the watershed. The purpose of this project is to define a systematic comprehensive approach at a watershed-wide level with established consistent methods, standards and minimization measures to allow ongoing treatment and removal of invasive species with minimal impacts to sensitive species. Initial treatment and removal of invasive plants would occur over a period of 5-10 years depending on funding availability. Follow-up treatment, maintenance, and management would occur on an ongoing basis. The project would allow the JPA to conduct invasive plant control and removal under blanket permits approved by the regulatory agencies. Other public or private entities that treat/control invasive plants in the region (e.g., County of San Diego) may do so under their own permits. Coordination would be conducted through the San Diego Weed Management Area.

**Purpose and Need**

Several adopted resource management plans for the San Dieguito Watershed area establish the need for removal of invasive plants to restore and enhance native habitat. These plans include the
San Dieguito River Park Concept Plan (1994), Park Master Plan for the Coastal Area of the San Dieguito River Park (2000), San Dieguito Watershed Management Plan (2006; Action 4.5.4.1), and the City of San Diego MSCP Subarea Plan (1997; General Management Directive 1.5.2). The invasive non-native plant control and riparian restoration program for the San Dieguito Watershed is based on a systematic watershed-wide control of target species that provides long term ecological and resource protection benefits. This process, along with details related to restoration and exotic plant control methods have been developed in coordination with the CA Department of Fish and Game, USGS Biological Resources Division and the US Fish & Wildlife Service.

The San Dieguito invasive non-native plant control and re-vegetation program’s primary goal is to enhance ecological function. Invasive non-native plants are displacing native vegetation, modifying hydrologic functions including sediment transport, water use, and flood regimes. In addition to these impacts, non-native plants, particularly *Arundo donax*, create fire prone conditions within riparian habitat. Fires occur much more frequently and with a greater intensity. A systematic and comprehensive invasive plant control program will provide a substantial benefit to the native fauna and flora that inhabit San Dieguito Watershed.

**Ecological Impacts of Invasive Species**

The following summary of impacts caused by targeted invasive non-native plants draws from literature and communication with many different sources- a listing of the literature is available on line at: [http://www.cal-ipc.org/ip/management/plant_profiles](http://www.cal-ipc.org/ip/management/plant_profiles). Information on invasive non-native plants contained in the ‘Invasive Plant Inventory: Plant Assessment Forms’ and chapters from “Invasive Plants of California’s Wildlands” are viewable at the website, these provide good overviews of impacts caused by each invasive non-native plant.

*Arundo* and pampas grass, tamarisk, perennial pepperweed, eucalyptus, and palms pose a serious threat to the native flora and fauna, and are a significant flood and fire risk to the community (Figures 3-7). The plants have severe and negative impacts on biological, hydrological, and geomorphologic functions within the riparian system. The target invasive non-native plants are crowding out native plants and are not typically utilized as a food resource by wildlife and have poor structure for nesting and shelter. These target invasive non-native plants out-compete native vegetation forming monotypic stands that interfere with native plant succession and establishment. *Arundo* is a tall perennial grass that typically forms dense stands on disturbed sites, sand dunes, riparian areas and wetlands. *Arundo* and pampas grass alter hydrology by utilizing twice as much water as native vegetation and filling in areas that would otherwise remain open habitat, which is important for regulating flows. Creek and river flow capacity is reduced by excessive biomass that can cause overbank flows and flooding. *Arundo* and pampas grass are extremely flammable throughout the year as mature stands contain large amounts of dead material (Figures 3-4). Stands are also tall and well ventilated, contributing to fast moving hot fires that are carried up into any existing riparian woodland canopy. Riparian areas with extensive amounts of *Arundo* experience fires frequently, which would otherwise be an unusual
event. Some riparian systems with extensive *Arundo* stands are moving from a natural flood regulated system to a fire dominated system, which is drastically altering the ecosystem. Flooding is a natural process in a functional riparian ecosystem. *Arundo*, however, can alter the flood regime by blocking flows with its thick growth, creating unstable banks due to its poorly developed root systems that easily fragment, and contributing to bridge and flood control structure failure by becoming lodged against bridge pylons and blocking and diverting flows. Eventually enough water backs up against the bridge or other structure causing the structure to fail or flows to bypass the structure, causing extensive damage. Large stands of eucalyptus trees are found in several portions of the watershed, posing a fire risk and reduced value to wildlife in comparison to native forest canopy (Figure 6 & 7).

**Invasive Non-Native Plants within the San Dieguito River Watershed**

Areas mapped include most riparian zones and undeveloped upland areas; additional acreage exists in urbanized areas. All mapping is of “fully infested stands” as defined by the Army Corps of Engineers (RGP 41 (>80% cover)). Many of these areas burned in the Witch Creek Fire in October 2007. The fires did not kill the non-native plants for the most part- it only reduced the amount of above ground biomass. Not all of this acreage will be treated under this program- significant initial control work has already occurred on Perennial Pepperweed (about an 70% reduction in cover has occurred over the past five years) and large projects have treated much of tamarisk and Arundo in the upper watershed that burned in the fires.

**TABLE 1. Mapped invasive non-native plants on San Dieguito River Watershed (data is also presented in Figure 1).**

<table>
<thead>
<tr>
<th>Species/Type</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Arundo</em></td>
<td>175</td>
</tr>
<tr>
<td>Brazilian pepper tree</td>
<td>1</td>
</tr>
<tr>
<td>Canary island date palm</td>
<td>3</td>
</tr>
<tr>
<td>Eucalyptus</td>
<td>65</td>
</tr>
<tr>
<td>Mexican fan palm</td>
<td>5</td>
</tr>
<tr>
<td>Pampas grass</td>
<td>12</td>
</tr>
<tr>
<td>Perennial pepperweed</td>
<td>468</td>
</tr>
<tr>
<td>Tamarisk</td>
<td>379</td>
</tr>
<tr>
<td>Other inv non-natives</td>
<td>66</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,174</strong></td>
</tr>
</tbody>
</table>

Invasive plant control and restoration projects in the San Dieguito Watershed can be broken into three main regions: areas below Lake Hodges, and areas above Lake Hodges subdivided by whether or not they burned in wildland fires in 2007 (Figure 1). Areas that burned in October 2007 may not require reduction of biomass following treatments as most of the biomass burned during the fire (particularly stands of Arundo and tamarisk). Areas above the dam support significant populations of three listed species that use riparian habitat: least Bell’s vireo, southwestern willow flycatcher, and arroyo toad (Figure 2 & 8). These species have not been observed below the dam.
**Treatment Methods of Invasive Non-native Plants:**

This program will utilize avoidance measures and methods that have been developed with FWS and DFG over the past 10 years on several other large watershed eradication programs. The main ‘method’ is avoidance- not being in habitat areas during active breeding of wildlife. One target plant requires treatments during early/mid-summer (perennial pepperweed), so additional measures outline pre-checking habitat prior to treatments.

The invasive plant control program will conduct treatments on target plants (*Arundo*, tamarisk, eucalyptus, etc.) in a phased manner over the next five to ten years depending on funding availability. The treatment cycle typically involves foliar application of herbicide (typically an aquatic approved herbicide- Glyphosate, Imazapyr, or a mixture of the two) in either the fall or early spring. Work begins September 15th and usually ends by mid December or may occur when plants are actively growing prior to March 15th. No aerial spraying would occur.

The bulk of control and re-vegetation activities will occur between September 15th and March 15th each year. Some maintenance activities (watering of newly planted natives and weed control with backpacks) may occur outside this time frame, but only in areas that have no suitable vegetation (structure) for nesting. Perennial pepperweed (*Lepidium latifolium*) can only be treated during summer, special conditions for summer treatments are outlined the FWS permit in Appendix 1 (avian pre-surveys). Avoidance is the main measure used by the program to assure that no harassment or take of wildlife species occurs (with or without listed status). A specific treatment method is described below for each of the major invasive plant types.

**Arundo donax**

The treatment cycle for *Arundo donax* typically involves foliar application of herbicide (typically an aquatic approved herbicide- Glyphosate, Imazapyr, or a mixture of the two) in either the fall or early spring. Hand held sprayers or backpacks would be used to apply the herbicide. Initial treatment would either occur in the fall followed by biomass reduction if necessary (see below) 4-6 months later or biomass would be reduced first and regrowth would be treated after resprouting.

Biomass reduction (if carried out) may occur either before or after herbicide treatment. Biomass reduction is typically required if significant plant biomass is present (plants cover > ¼ acre). For Arundo, biomass reduction entails either mowing or hand cutting the *Arundo* cane. Hand cut *Arundo* is stacked and mowed, chipped, or left to decompose naturally. Arundo biomass mulch is left within the original footprint of the stand or may be spread over compacted areas (roads, parking areas, shoulders, etc). Areas above Lake Hodges dam that burned in the 2007 fires will not require biomass reduction; the treated cane may be left standing to decay naturally in place. The treated post fire re-sprouting biomass will decay within two to three years- much more rapidly then mature unburned Arundo stands. Unburned stands above the dam (typically in
degraded areas that are not Arroyo toad habitat, all sites are checked with FWS) and areas below the dam may have biomass reduction, particularly where stands are dense and large (>1/4 acre).

**Large Woody Non-native Vegetation**

This category of non-natives includes eucalyptus (red and blue gums), tamarix, Peruvian pepper, palms (Canary Island Date Palm and Mexican Fan Palm), *Myoporum laetum*, and *Ailanthus altissima* (tree of heaven), where they are impacting the native habitat. Eucalyptus treatment and removal is described in detail below. The other larger tree species are treated using the cut stump method where larger trees are cut and stumps treated with Garlon. Smaller trees, such as *Myoporum*, can be completely removed.

**Eucalyptus**

The main eucalyptus stands within the river channel below the Hodges Dam will be treated and removed using a phased approach so as not to remove large areas of trees all at one time. As the smaller trees are removed, areas will be revegetated with native trees and shrubs (willows, sycamores, see Table 2) and given time to establish and mature somewhat before additional eucalyptus are removed. This approach is meant to maintain vegetative cover and scenic quality within the stream channel as the invasive species control project moves downstream along the 1.8-mile long river corridor.

Treatment of eucalyptus trees will be dependent on access to the site and how much rock is present. Areas directly below Hodges Dam have limited access and extensive cover of rock (Figure 7). This makes it impossible to reduce the eucalyptus in place. This area will require that felled trees be hauled to staging areas where it will be chipped and spread on trails, roads, parking lots or taken off site (as green waste). Staging is proposed at the existing trail staging area (Figure 11). Cut stumps will be treated with Garlon. Larger trees may be girdled or treated by injection and left standing (to leave structure called “snags” for wildlife). Typically trees over 16” DBH (Diameter Breast Height) will be left standing (to leave high canopy and nest cavities for wildlife) unless they occur near roads or trails. Rubber-tired skidders will be used to haul felled trees to a staging area for chipping. Areas too rocky for the skidder require that cut material be hauled by hand or bundled and picked up by a helicopter and taken to the staging/chipping area (Figure 11). All conditions described under mowing of Arundo stands would apply including: no material may be placed in the low flow channel areas, no grading, and no use of tracked equipment (which would significantly disturb soil surfaces).

A few smaller stands of eucalyptus occur along Highland Valley Road and other locations along the river above the dam (Figure 6). These sites burned in 2007 and are within 200 yards of roads. These stands will be cut (trees felled) and stumps treated. Larger cut material will be loaded into bins for use as firewood and smaller material will be chipped and spread over compacted areas or taken off site. Larger trees may be girdled and left standing on site for wildlife. Any work above the dam and within arroyo toad habitat will comply with conditions.
outlined in the agreement between FWS and the JPA (Attachment 1). These conditions include seasonal work restrictions (September 15 through December), no biomass reduction above the dam, no spreading of mulch on soils that may be used by the toad).

**Perennial Pepperweed**

Perennial pepperweed once infested over 400 acres of the valley above the dam (Figures 1 and 5). Seven years of active control has significantly reduced the density and distribution of the plant in many areas, but it is a difficult plant to kill and not all areas have been treated. Different herbicides may be used depending on location of the plant: in areas with open water only aquatic formulations of Glyphosate and Imazapyr may be used. In drier locations Telar may be used, which has been shown in numerous studies to be the most effective herbicide on the plant. Pepperweed must be treated when green, preferably in late bolt/pre-flowering stage. This necessitates use of avian monitors to ‘pre-check’ sites for sensitive bird species to avoid areas where sensitive avian species are present. Sites with active use will be avoided (see Appendix 1). Most of the dense pepperweed stands are in areas where arroyo toads have not been recorded. Some scattered patches of pepperweed higher in the watershed do occur within toad habitat however, and additional avoidance measures must be followed in these areas (see previous paragraph about Eucalyptus).

**Re-vegetation of Treated Areas:**

Active re-vegetation will be a component of the proposed invasive species control project for most site areas. Effective control of target invasive plants is required prior to re-vegetation to avoid situations where re-treatments would harm a significant number of new plantings. This can be achieved fairly rapidly for Arundo, based on experience with other successfully treated areas of Arundo infestation in the County - a site that is treated in the fall can be reduced and planted five months later in early spring. Areas that were previously burned are proposed to be replanted with native plants the following year (they would have a fall treatment and then a re-treatment and immediate planting in year two). Eucalyptus control sites can be planted as soon as trees are taken down and biomass is moved off site. Planting should be timed from fall to early spring to take advantage of seasonal rainfall. Pepperweed is perhaps the most difficult of the control plants to re-vegetate as it is difficult to be sure high enough control has occurred. Typically 80% control is achieved by year three, allowing planting in year four.

Plant size varies from 1 gallon/D60 to rose pots (2” x 2”). Plant pallet varies based on presence or absence of tree canopy and position in the habitat (near channel, low bench, high bench etc). All growth forms of native plants are to be used: tree, shrub, half shrub, vine and perennial herb. As a class- shrubs dominate the percentage of plants planted in the field. This is due to the fact that tree canopy is frequently still present on control sites- the Arundo, tamarisk and pepperweed have pushed out shrub cover and filled in open and herb covered areas. Planting is typically at a density of 150 to 200 plants per acre- with a 5 year goal of 125 plants per acre live and established. The upper watershed is characterized by a much more open (low cover) assemblage...
of native shrubs and trees. A higher density of 250 to 300 plants per acre will be used when the target vegetation is the only vegetation occurring on the site and the area has hydrology that will support dense riparian growth. Additional ‘fill in’ planting occurs in successive years on sites until native plant establishment occurs. Depending on rainfall and water table position, plants are usually watered in and left. Supplemental watering may be needed, but occurs by hand and only for two or three cycles. The goal is to assist native plantings in becoming established enough to survive through the summer and fall of the first year. Once this occurs- plants usually become established. Average survival rates vary by species- but typically exceed 70% (as demonstrated through large programs on San Luis Rey Watershed and Carlsbad HU). Restored sites typically attain high cover from planted shrubs and trees by year five (often even year three), which helps to shade out ruderal weeds that would otherwise begin to migrate into the site as the reduced biomass/mulch begins to break down.

**Table 2: Proposed Typical Site Plant Pallet**

<table>
<thead>
<tr>
<th>Scientific name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Trees</strong></td>
<td></td>
</tr>
<tr>
<td><em>Platanus racemosa</em></td>
<td>Sycamore</td>
</tr>
<tr>
<td><em>Populus fremontii</em></td>
<td>Cottonwood</td>
</tr>
<tr>
<td><em>Quercus agrifolia</em></td>
<td>Coast Live Oak</td>
</tr>
<tr>
<td><em>Salix laevigata</em></td>
<td>Large leaf willow</td>
</tr>
<tr>
<td><em>Salix goodingii</em></td>
<td>Black willow</td>
</tr>
<tr>
<td><em>Salix lasiolepis</em></td>
<td>Arroyo willow</td>
</tr>
<tr>
<td><strong>Shrubs</strong></td>
<td></td>
</tr>
<tr>
<td><em>Baccharis salicifolia</em></td>
<td>Mulefat</td>
</tr>
<tr>
<td><em>Heteromeles arbutifolia</em></td>
<td>Christmas berry</td>
</tr>
<tr>
<td><em>Salix exigua</em></td>
<td>Sandbar willow</td>
</tr>
<tr>
<td><em>Sambucus mexicana</em></td>
<td>Mexican elderberry</td>
</tr>
<tr>
<td><strong>Half-shrubs, vines, ground covers</strong></td>
<td></td>
</tr>
<tr>
<td><em>Artemisia douglasiana</em></td>
<td>Mugwort</td>
</tr>
<tr>
<td><em>Rosa californica</em></td>
<td>California rose</td>
</tr>
<tr>
<td><em>Rubus ursinus</em></td>
<td>CA blackberry</td>
</tr>
<tr>
<td><em>Urtica dioica</em></td>
<td>Hoary nettles</td>
</tr>
<tr>
<td><em>Vitis girdiana</em></td>
<td>CA grape</td>
</tr>
</tbody>
</table>

**Environmental Analysis**

See discussion below and attached Initial Study checklist.
**Biological Resources:**

**Existing Conditions**

The San Dieguito Watershed provides habitat for several Federal and State listed animal species including: southwest arroyo toad, southwestern willow flycatcher, and least Bell’s vireo, as well as other sensitive species (Figure 8). Information from the California Department of Fish and Game’s California Natural Diversity Database (CNDDB) is presented in Figures 9 and 10.

Much of the San Dieguito River Valley is identified as core biological habitat with critical regional wildlife corridors according to the adopted Natural Communities and Conservation Plans (NCCP) including the Multiple Species Conservation Plan (MSCP) for both the City of San Diego and unincorporated County (Figure 2). Substantial portions of the watershed are under public ownership and are protected from development. The Hodges Reservoir/San Pasqual Valley core area represents one of the largest continuous blocks of habitat in the MSCP area and serves as a major east-west corridor. This area includes core gnatcatcher and cactus wren populations (cactus wren populations were significantly affected by the October 2007 wildfires), large expanses of grassland that provides valuable raptor foraging habitat, and valuable wetlands habitat in San Pasqual Valley which supports several MSCP target species dependent on riparian habitats. Sensitive vegetation types found within the project area include southern willow scrub, mule fat scrub, freshwater marsh, Diegan coastal sage scrub, and native grassland. Proposed treatment areas are dominated by the invasive plants described in the project description section of this MND. Threatened and endangered animal species in the project area include California gnatcatcher, cactus wren, arroyo toad, least Bell’s vireo, and southwestern willow flycatcher.

According to the CNDDB, two sensitive plant species, San Diego milk vetch (*Astragalus oocarpus*) and smooth tarplant (*Centromadia pungens ssp. Laevis*), may exist within the project proposed treatment areas. Both have very limited distributions in California.

**Potential Impacts**

Potential impacts to biological resources that could occur from active invasive species treatment and removal if not properly controlled and managed would include:

- Disturbance to or trampling of native species from uncontrolled access or staging of equipment
- Impacts to sensitive bird and animal species from unlimited or uncontrolled access or heavy equipment movement
- Impacts to sensitive animal species from inappropriate use of herbicide by non-licensed applicators or during breeding/nesting season where sensitive species are present
- Potential destruction of or disturbance to nests if trees are cut or removed during nesting season
- Impacts to adjacent native habitat if not identified and avoided prior to treatment and removal of invasive plants
- Crushing or damaging sensitive plant species that may exist within or adjacent to the treatment area
Measures that have been incorporated into the Project to Avoid Significant Biological Impacts:

The types of habitat restoration and enhancement activities proposed for this project and described in this MND are considered by the US Fish & Wildlife Service and the Army Corps of Engineers to be a form of mitigation for potential impacts to riparian habitat as a result of treatment and removal of invasive plant species. An informal consultation with FWS staff occurred for this project in July through September 2008. The resulting documentation from this technical assistance process is included in Appendix 1 of this MND. Based on the information contained in the application, the FWS has determined that impacts to listed species are unlikely as long as conditions outlined in the Request and ‘Technical Assistance’ letter are followed.

Adherence to the following measures will ensure that no significant impacts to biological resources would occur from this project:

- Non-native plant control methods will be used that minimize impacts to native vegetation. These methods include: preparing target plants for herbicide application by separating them from native vegetation, using targeted foliar application of herbicide by crews on foot, using qualified licensed-applicator contractors who have experience treating non-native plants in sensitive riparian habitat, and using herbicides that are approved for use in wetlands (aquatic approved formulations of glyphosate and imazapyr) which have no negative impact on wildlife species.

- All mixing of herbicides and maintenance of equipment to occur only in areas that are naturally devoid of native vegetation, that are adjacent to existing roads, and have compacted disturbed soils. These areas are not sensitive species habitat, they are not adjacent to the river channel, and they have no cover of native woody vegetation.

- A qualified biologist will oversee work activities to assure that conditions of regulatory permits are being followed. No restoration activities with heavy equipment shall occur during the designated breeding season for the two endangered bird species occurring in the project area. The two federally listed species in the project area, least Bell’s vireo (Vireo pusillus bellii) and southwestern willow flycatcher (Empidonax traillii extimus), are migratory and are usually not present in the habitat during most of the restoration activities (from September 15th to March 15th).

- Annual reports to regulatory agencies that have issued permits will be provided by the JPA documenting work and compliance: US Army Corps of Engineers, Department of Fish and Game, and Fish and Wildlife Service. All permits clearly indicate work conditions, and minimization & avoidance measures. Regulatory agencies, county project managers and the project biologist assure compliance with these conditions. Any violations would result in termination of active work and possible fines or a request for compensatory mitigation.
Detailed Avoidance and Minimization Measures:

The JPA will be responsible for monitoring the non native plant control program to ensure that the following avoidance and minimization measures will be followed. The project monitor will be responsible for conducting pre-construction meetings with project contractors, flagging work areas and areas to be avoided as defined below, monitoring pre-construction avian surveys where appropriate in time periods defined below, and documenting project progress.

BIOLOGICAL RESOURCES

Initial Foliar Treatment of Arundo, tamarisk, pampas grass (excluding pepperweed):

Herbicide Application

1) No more then three crews will be active on the watershed at one time.
2) Only one crew will operate at a given site at a time (sites are separated by at least one mile- and are usually on entirely different reaches of the watershed).
3) Crew size will not exceed 16 individuals- and no more then five people will be working together at a given spot.
4) Herbicide application will occur with either backpack sprayers (3 gallon) or hand held power sprayers. Power sprayers are moved by ATV’s and consist of a small gas powered engine (3 hp) on a trailer with a tank/reservoir (50gal useable volume).
5) To reduce the chance/impact of spillage, work crews can only mix herbicide, refill power sprayers (using concentrate and water: i.e. mixing), load mixed chemical into ATV’s (for refilling backpack sprayers or power sprayers), and refuel (ATV’s or power sprayer) in staging areas. Mixed chemical (application strength) may be added to sprayers in the field.
6) Staging areas are disturbed sites such as roads, shoulders, graded areas, or sites with compacted soil that support no vegetation or weedy vegetation.
7) Foliar spraying will not occur when ambient wind speeds exceed 5 miles per hour.
8) Crew members will avoid wading through streams whenever possible.
9) Each crew may use up to 2 ATV’s (typically one is used- to move mixed herbicide to crews in the field).
10) ATV’s will not drive in channel areas.
11) ATV’s will operate only in open areas- woody vegetation (>1” DBH) will not be cleared or driven upon.
12) Site preparation is carried out prior to treatment of Arundo. Preparation entails separating, or creating a space, between stands of Arundo and native vegetation. This allows the Arundo to be treated without affecting the native woody vegetation. The space between Arundo and native vegetation is created by pushing, detangling and/or trimming the vegetation. Both Arundo and native woody vegetation may be trimmed. However, woody vegetation may not be trimmed that is in excess of four inches in diameter. Excessive trimming of Arundo is not usually carried out because this triggers re-sprouting which results in a much longer re-treatment cycle (before vegetation removal, see species conservation measures).
13) All regulations involving use of herbicides will be followed including BMP’s. All applicators will be licensed and certified. Aquatic herbicide formulations will be used...
when near open water and all additives including any additives (spreading agents and dye’s).

14) A marking dye will be used to assure that drift or overspray onto non-target vegetation is not occurring.

15) All garbage and waste material generated by the work crew will be removed from the site.

**Biomass reduction (lowering dead or live *Arundo* cane or other target plants)**

This biomass reduction section pertains to areas below the dam (no arroyo toads). Two areas along creeks may also have reduction— but a site visit and specific authorization will be given when that area is treated (Figure 5).

Large *Arundo* stands (>1/8 acre or >75 feet across) are usually cut or mowed to allow for active native plant restoration and to speed up the decomposition of the dead *Arundo* cane. Scattered smaller stands are left to decompose naturally (they are left standing). Typically all biomass reduction methods are used on sites with large stands of *Arundo* due to factors including: amount and distribution of native woody vegetation, access to the site and site topography, visibility of the site, and input from the property owner.

The normal biomass reduction process is: 1) a large mower mows stands, 2) hand crews cut all Arundo that mowers could not reduce, 3) a smaller mower mows hand cut Arundo. Some sites that do not have mowing access may be cut by hand and chipped.

Biomass reduction occurs from mid-January up to March 15, but most work is completed by late February to allow for replanting. As mentioned previously, some sites may be mowed first (anytime between Sep 15th and January) and then the re-sprouting cane is treated. These sites typically are high fire risk sites- or are sites where immediate biomass reduction is needed.

**Mowing:**

Mowing is carried out using a fixed tooth or hammer flail mowing attachment mounted on a tractor. The mowing attachment mulches the dead (or live) *Arundo* cane into a layer about 4” thick (thickness varies at site from ½” to 10”). The mowing attachment and tractor do not dig into the soil surface or change topography of the site. All tractors are rubber tired. Several sizes of tractors are used: from a larger 45,000 lb tractor with four large tires (about 56” by 18”) with a mowing implement 100” wide to a smaller size 8,000 lb tractor with two large (48” x 16”) and two small tires (24” x 12”) with a mowing implement 74” wide. Live or dead *Arundo* stands are mowed standing and piles of dead *Arundo* stacked by hand crews are mowed.

1) No native vegetation is mowed.
2) No mowing occurs in the stream channel.
3) No mulched/mowed biomass will be placed in the channel.
4) All mowed material is over previously existing stands of *Arundo*, no open habitat or native vegetation will be covered with *Arundo* mulch.

**Cutting by hand crews:**
Crews cut dead *Arundo* using chainsaws operated by hand. Hand tools (loppers and machetes) may be used, but in limited situations.

1) Crews are of 16 or fewer individuals will work in teams of 5 or less. For each team one person cuts and the other team members pull, haul, and stack the cut dead *Arundo* cane.
2) No more than one crew may operate at a given site.
3) No more then three sites may be active on the watershed at once.
4) Crews typically do not use ATV’s, but sites far from roads with previously used trails for ATV’s (during the fall herbicide application) may re-use these same access routes in open areas. No ATV use can occur in channel areas or in areas with native woody vegetation.
5) Chippers may be used at sites where mowing is not possible due to site topography. Typically this is on tributaries where creeks have deep profiles. Chippers may be staged on roads and may chip material onto disturbed/maintained areas outside the creek profile, chip into areas where *Arundo* previously existed, or ship into containers for hauling off site.

**Re-vegetation (native planting) Activities: Between December 15\(^{th}\) and March 15\(^{th}\)**

1) No more then two crews will be active on the watershed at one time.
2) Only one crew will operate at a given site at a time (sites are separated by at least one mile- and are usually on entirely different reaches of the watershed).
3) Crew size will not exceed 12 individuals.
4) Each crew may use up to 2 ATV’s to move plants from staging areas to planting locations. ATV’s typically drive only in areas that have been mowed (on dead *Arundo* mulch) or along established compacted trails and roads. Some sites that are flat and connected to roads, may allow use of a 4 wheel drive truck to access mowed areas and deliver plants.
5) ATV’s will not drive in channel areas.
6) ATV’s will operate only in open areas, usually on mowed dead *Arundo* mulch- no woody vegetation (>1” DBH) will be cleared or driven upon.

**Maintenance Activities (watering and re-treatments): Between March 15\(^{th}\) and Sep 15\(^{th}\)**

1) No more then two crews will be active on the watershed at one time.
2) Only one crew will operate at a given site at a time (sites are separated by at least one mile- and are usually on entirely different reaches of the watershed).
3) Crew size will not exceed 6 individuals.
4) No areas may be worked in that have vegetation structure suitable for nesting (work only in mowed areas with new plantings).
5) No powered equipment may be used within the riparian vegetation zone. Watering and treatment with back packs or power sprayers may occur- but all trucks (which have a gas powered pump) will operate along access roads, road shoulders or in staging areas. Only foot crews will enter riparian habitat restoration areas.
6) Avian monitors may be used as requested.
**Treatment of Perrenial Pepperweed: Between April 15th and July 30th**

1) No more then two crews will be active on the watershed at one time.
2) Only one crew will operate at a given site at a time ( sites are separated by at least one mile- and are usually on entirely different reaches of the watershed).
3) Crew size will not exceed 8 individuals- and no more then four people will be working together at a given spot.
4) Herbicide application will occur with either backpack sprayers (3 gallon) or hand held power sprayers. Power sprayers will be operated using long lines- with tanks and motors mounted on trucks, trailers (pulled by ATV’s), or tractors. Aquatic formulations will be used if standing water is present. Upland formulations will be used in areas away from standing water. All label guidelines will be followed.
5) Trucks and tractors may only use roads and established trails (compacted areas). ATV’s may be used in open areas with no woody structure (other then occasional large mature gallery trees that have no low branching structure). Spray rigs may be used on ATV’s in some areas where cover is high. Old fields with no native cover may have treatments using tractors or truck mounted spray rigs- but only outside of arroyo toad areas.
6) To reduce the chance/impact of spillage, work crews can only mix herbicide, refill power sprayers (using concentrate and water: i.e. mixing), load mixed chemical into ATV’s (for refilling backpack sprayers or power sprayers), and refuel (ATV’s or power sprayer) in staging areas. Mixed chemical (application strength) may be added to sprayers in the field.
7) Staging areas are disturbed sites such as roads, shoulders, graded areas, or sites with compacted soil that support no vegetation or weedy vegetation.
8) Foliar spraying will not occur when ambient wind speeds exceed 5 miles per hour.
9) Crew members will avoid wading through streams whenever possible.
10) Each crew may use up to 2 ATV’s (typically one is used- to move mixed herbicide to crews in the field).
11) ATV’s will not drive in channel areas.
12) ATV’s will operate only in open areas- woody vegetation (>1” DBH) will not be cleared or driven upon.
13) Avian monitors will pre-survey pepperweed sites one to three days prior to work. Sites with active vireo or willow flycatcher use will have a monitor on site during work activity and a minimum 100’ buffer will be maintained. Any additional conditions requested under FWS Technical Assistance will be followed.

**Eucalyptus: Treatment and biomass**

The eucalyptus plant control component will be conducted in phases to avoid denudation of trees within the stream channel. Segments of the stream channel will be treated at one time per the measures below. Native trees will be planted per the Re-vegetation measures described above to replace removed eucalyptus within each channel segment and given time to mature before moving downstream.

1) No more then three crews will be active on the watershed at one time.
2) Only one crew will operate at a given site at a time (sites are separated by at least one mile- and are usually on entirely different reaches of the watershed).
3) Crew size will not exceed 20 individuals- and no more then five people will be working together at a given spot.
4) Herbicide application is typically cut stump, injection and or girdling. Some smaller class plants may have basal bark treatment.
5) To reduce the chance/impact of spillage, work crews can only mix herbicide, load mixed chemical into ATV’s (for refilling backpack sprayers), and refuel (ATV’s) in staging areas.
6) Staging areas are disturbed sites such as roads, permanent trails, shoulders, graded areas, or sites with compacted soil that support no vegetation or weedy vegetation.
7) Crew members will avoid wading through streams whenever possible.
8) Each crew may use up to 2 ATV’s (typically one is used- to move mixed herbicide to crews in the field).
9) ATV’s will not drive in channel areas.
10) ATV’s will operate only in open areas- woody vegetation (>1” DBH) will not be cleared or driven upon.
11) A rubber tire skidder will be used to haul cut eucalyptus to the staging area for chipping/masticating (Figure 3).
12) The skidder may only operate in open areas- no removal of native vegetation is permitted. Some smaller class shrubs and sub shrubs may be crushed- these should re-sprout. Re-vegetation of areas used by skidder will restore or exceed density of woody vegetation that existed prior to work.
13) Many areas are not traversable by any rubber tired equipment. Biomass in these areas will be bundled and helicoptered out (Figure 3). Helicopters may not cross power lines. They will deposit cut material along roads, permanent trails, or degraded compacted areas with no native vegetation. Mastication (chipping) of material will then occur at deposition site. Material will be spread on roads, trails, of degraded areas having no native vegetation. This will only occur in areas outside of arroyo toad habitat (areas below dam). Mulched material may not exceed 4” depth.
14) If material is chipped at the Highland Valley Road site (above dam, Figure 5), it will be hauled off site or spread on compacted areas (old roads or road shoulders).
15) Larger trees may be girdled or treated by injection and left standing (to leave structure for wildlife). Typically trees over 16” DBH are left standing unless they occur near roads or trails (to leave high canopy and nest cavities for wildlife).

The following measures are listed in the attached Environmental Checklist and would assure that impacts to land use, cultural resources, and hazards are avoided:

**LAND USE**

No work will occur on private or public property without prior notification and permission from the land owner.
No work will occur in areas that are leased for farming operations without prior notification and permission from the owner.

**NOISE**

All work will comply with the applicable, adopted noise regulations and ordinances.

**CULTURAL RESOURCES**

To assure avoidance of impacts a record search for registered archaeological sites will be carried out for each project site at the South Coastal Information Center. Any mowing and restoration work near or within registered sites will have a certified archeologist and a cultural monitor on site to assure that no impacts to cultural resources occur.

If archaeological or cultural features or materials are identified by the archaeologist during the mowing, work will stop immediately in that area. No archaeological or cultural materials will be collected. Work will be diverted away from the sensitive areas, which will remain intact. If approved by the archaeological monitor, hand cutting of Arundo and other invasive plants may take place around identified milling features or other cultural resource/areas. Plant biomass will be carried to areas with no sensitive resources and mulching will occur at that location.

**HAZARDS**

During restoration activities contractors will employ best management practices for spill control and prevention in accordance with state regulations.

Restoration equipment storage and staging will be conducted in non-habitat areas (already disturbed areas such as road sides, shoulders, parking lots, and areas with bare compacted soil).

All mixing of herbicides and maintenance of equipment will occur only in areas that are devoid of vegetation and that are adjacent to existing roads (staging areas as described above).
Figure 1. San Dieguito River Watershed (221,550 acres) with location and acreage of riparian invasive non-native plants (totaling 874 acres).
Figure 2. Core biological resource areas and biological linkages from the MSCP and FWS endangered species GIS data.
Four months after Arundo driven fire in 2001 on San Dieguito River, approximately 45 acres burned. View from bridge at top of photo below.

Figure 3. *Arundo* and tamarisk stands at confluence of San Dieguito and Santa Maria in spring 2007, the area has become dense stands of *Arundo* and tamarisk.
Figure 4. *Arundo* and tamarisk stands burn for a second time in 10-2007 fire at confluence of San Dieguito and Santa Maria. *Arundo* and tamarisk have nearly 100% re-sprouted by 11-08.

Figure 5. Perennial pepperweed quickly and vigorously re-sprouted (from its extensive root system) after the 10-2007 fire. Burned willows were slower to re-sprout (6-08).
Figure 6. Eucalyptus stand along Highland Valley Road 6/2008 - post 10-2007 fire.

Figure 7. Eucalyptus stand below dam with existing haul road visible.
Figure 8. San Dieguito Invasive Plant Control Program: Distribution of Sensitive Species - East Watershed. San Dieguito JPA lead (covers multiple restoration projects: San Dieguito Conservancy, County, JPA).
Figure 9. CNDDB data for project area. Sensitive species and resource data is shown; this data set is not as detailed as FWS and watershed specific data presented in figure 8, however it shows a wider range of candidate species and broader habitat that is suitable for species.
Figure 10. CNDDB data for project area. Sensitive species and resource data is shown; this data set is not as detailed as FWS and watershed specific data presented in figure 8, however it shows a wider range of candidate species and broader habitat that is suitable for species.
Figure 11
Eucalyptus project area below dam: lower dense section. Acreage of ground and helicoptered areas indicated. Lengths of haul roads/trails indicated in feet. Haul roads are existing trails or old graded roads.
**ENVIRONMENTAL ANALYSIS CHECKLIST**

<table>
<thead>
<tr>
<th>ISSUES &amp; SUPPORTING DATA SOURCES:</th>
<th>Potential Significant Effect</th>
<th>Less than Significant w/ Mitigation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

1. **LAND USE & PLANNING.** Would the project:
   
a) Conflict with general plan designation or zoning?

   No impact. The project will work within multiple zoning areas (residential, commercial, agricultural, and open space) and various areas covered under general plans. However the project does not change land use designation or create a new land use, as nothing is constructed and no changes in rights of use occur. Project activities may occur on both public and private lands- but only with clear ‘right of entry’ or authorization from the property owner or entity managing the land.

   ![☐](true) ![☐](false) ![☐](false) ![☐](true)

b) Conflict with applicable environmental plans or policies of agencies with jurisdiction over the project?

   No impact. The proposed project would comply with existing land use plans. No construction, land use change, or change in zoning would occur. The program facilitates Cities, the County and other entities in complying with environmental regulations by creating a watershed based program that controls invasive non-native vegetation. No work occurs without explicit permission from persons or the entity owning lands where project activities would occur. This project will enhance water quality, habitat function and reduce risk of fire and flood damage for all properties on the watershed. This project implements portions of regional plans related to control of invasive non-native plants for water conservation, habitat enhancement and fire/flood risk reduction.

   ![☐](false) ![☐](false) ![☐](false) ![☐](true)

c) Disrupt or divide the physical arrangement of an established community (e.g. low income, minority)?

   No impact. There will be no physical structures built and no displacement or separation of communities.

   ![☐](false) ![☐](false) ![☐](false) ![☐](true)

d) Conflict with adjacent, existing or planned land uses?

   No impact. The project does not involve construction or change existing land use. Work will not occur on private property without prior notification and permission from the owner.

   ![☐](false) ![☐](false) ![☐](false) ![☐](true)

2. **AGRICULTURE.** Would project:
   
a) Convert Farmlands listed as "Prime", "Unique" or of "Statewide Importance," as shown on the State Farmland Mapping and Monitoring Program, to non-agricultural use?

   No impact. The project does not convert farmland to non-agricultural use.

   ![☐](true) ![☐](false) ![☐](false) ![☐](true)

b) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

   No impact. Areas of farmland exist adjacent to parts of the riparian floodplain that will be restored; however the project will have no affect on use/conversion of adjacent farmlands. No work will be done in areas that are leased for agricultural operations without prior notification and permission from the owner. Control on invasive non-native plants on a watershed scale is a benefit to agricultural operations as it reduces their long term control costs- many of the target plants are listed noxious weeds that CDFA regulates including: Arundo, perennial pepperweed, tamarisk, and others.

   ![☐](true) ![☐](false) ![☐](false) ![☐](true)

3. **POPULATION & HOUSING.** Would project:
   
a) Cumulatively exceed adopted regional or local population projections?

   No impact. The proposed project does not affect population growth.

   ![☐](false) ![☐](false) ![☐](false) ![☐](true)

b) Induce substantial growth in an area directly or indirectly through project in an undeveloped area or extension of major infrastructure?

   No impact. The proposed project does not directly or indirectly affect population growth.

   ![☐](false) ![☐](false) ![☐](false) ![☐](true)

c) Displace existing housing affecting a substantial number of people?

   No impact. People would not be displaced as a result of this project.

   ![☐](false) ![☐](false) ![☐](false) ![☐](true)
4. **GEOPHYSICAL.** Would project result in or expose people to impacts involving:

a) **Local fault rupture?**

   No impact. No project related activities could rupture an earthquake fault. The project area is open space in riparian habitat. The project will not include structures for human occupancy or facilities that would be considered essential to sustain life, so the project would not expose people or structures to potential substantial adverse effects related to these hazards.

b) **Seismicity: ground shaking or liquefaction?**

   No impact. The project site is not located within a known liquefaction area and it is unlikely for the project to be affected by seismic-related ground failure.

c) **Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

   No impact. The proposed project would not require water or sewer service, septic tanks, or alternative wastewater disposal.

d) **Landslides or mudslides?**

   No Impact. The location of project activities is relatively flat and the project area would not be subject to landslides.

e) **Erosion, changes in topography or unstable soil conditions from excavation, grading or fill?**

   No Impact. The restoration project does not disturb the soil surface and therefore will not result in substantial erosion or loss of topsoil. Areas with stands of *Arundo* and other target non-native plants that are mowed will have a layer of mulch covering the soil surface. This mulch layer, existing root structure of treated plants and re-vegetation with native plants make soil erosion unlikely and will reduce long term erosion rates as native woody plantings have better root structure than *Arundo*.

f) **Subsidence of the land?**

   No impact. The site is not located near unstable geologic units.

g) **Expansive soils?**

   No impact. The site is not located in an area known for expansive soils.

h) **Unique geologic or physical features?**

   No impact. The project will not alter any unique geologic or physical features within the project area.

5. **HYDROLOGY & DRAINAGE.** Would the project:

a) **Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in manner which would result in:**

   i) **substantial erosion or siltation on- or off-site?**

      No Impact. The restoration project will not change or modify the low flow channel position. No structures or bank channel modifications will occur as part of the project. The soil surface will not be disturbed; therefore no substantial erosion or siltation on- or off-site will occur.

   ii) **a substantial increase in the rate or amount of surface runoff in manner which would result in flooding on- or off-site?**

      No Impact. The restoration project will not change or modify the low flow channel position. No construction structures or bank channel modifications will occur as part of the project. The risk of flooding will be reduced by the restoration project through the reduction of *Arundo* and pampas grass biomass in the flood zone. *Arundo* is documented as increasing flood risk in riparian areas. No changes or re-direction of surface runoff is associated with the project.

b) **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

   No Impact. The project will not contribute to or change storm water run-off.

c) **Place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

   No Impact. The project does not involve the constructions of any structures.
d) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami, or mudflow?

No impact. The project would not expose people to seiche, tsunami, or mudflow. The project reduces the likelihood of flooding by controlling Arundo which contributes significantly to flood damage (through diversion of water or biomass damming on structures).

6. WATER QUALITY. Would the project:

   a) Violate any water quality standards or waste discharge requirements?

No impact. Restoration activities will not impact channel areas with water flow or result in the discharge of any contaminants. No soil disturbance will occur on site and no biomass will be placed in the active river/stream channel. Aquatic approved herbicides will be used for treatments of non-native plants. These herbicides are approved for use by open water by the Environmental Protection Agency. The active ingredients are glyphosate and imazapyr which have extremely low toxicity to wildlife (Appendix II). No direct applications of herbicide to water will occur.

   b) Substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of a local groundwater table level?

No Impact. Treatments of Arundo and other non-native will result in increased supply of groundwater and increased infiltration which will help raise groundwater levels. Arundo and pampas grass utilize twice as much water as native riparian woody vegetation and occupies areas that would have been a mixture of riparian habitat and open spaces. Completion of the project will provide approximately 400 acre feet of water per year for increased surface flows and groundwater recharge.

   c) Otherwise substantially degrade water quality?

No Impact. The project will not affect water quality. Aquatic approved herbicides will be used for treatments of non-native plants. These herbicides are approved for use in aquatic habitats by the Environmental Protection Agency. The active ingredients are glyphosate and imazapyr (Appendix II). Surfactants, when used, are approved for use by open water. Surfactant products (such as No-Foam A and Sure Spreader) are approved for use in aquatic systems. No direct applications of herbicide to water will occur. Treatments do not occur during rain events or when rain is forecast within 24hrs. Control of target invasive species will improve water quality over the long term by reducing the frequency of fires, naturalizing shade structure along open water (effecting temperature regimes) and normalizing organic debris cycles (over abundant Arundo growth is creating above normal amounts of organic material in the system).

7. TRANSPORTATION/CIRCULATION. Would the project result in:

   a) Increased vehicle trips or traffic congestion beyond adopted policies and/or forecasts?

No impact. This project would not significantly increase vehicle trips or traffic congestion.

   b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

No impact.

   c) Safety hazards from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?

Less than significant impact. The project would have no effect on area roadway design or cause significant traffic/transportation hazards. Work crews will use tractors and other equipment- but in unimproved areas and staging areas. Any temporary movement of equipment or work near roads will be signed. Crews will not stop or divert traffic.

   d) Inadequate emergency access or access to nearby uses?

No impact. The project does not propose changes to access in surrounding areas.

   e) Insufficient parking capacity on-site or off-site?

No impact. The project will not affect parking capacity.

   f) Hazards or barriers for pedestrians or bicyclists?

No impact. The project will not pose hazards or barriers for pedestrians or bicyclists.

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No impact. The project does not involve permanent modification of trails, bike lanes, or road shoulders/sidewalks. Some areas may have improved access and safety once non-native plants are controlled/reduced/and or removed- where non-native plants encroach on these areas. Temporary closing of road shoulders/sidewalks/trails may occur while work is carried out- but these effects will be temporary and signage will clearly designate work areas.

g) Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?

- No impact. The project does not conflict with existing transportation policies.

h) Rail, waterborne or air traffic impacts?

- No impact. The project does not affect rail, waterborne or air traffic.

i) Change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

- No impact. The proposed project would not affect air traffic patterns.

8. AIR QUALITY. Would the project:

a) Exceed any SCAQMD standard or contribute to air quality deterioration beyond projections of SCAQMD?

- Less than significant impact. The proposed project will generate minor short-term air emissions. Short-term air emissions will occur during restoration activities- clearing Arundo biomass from the project site. Some dust is generated when the dried Arundo biomass is mowed, however this is a very local and short-term effect. No significant soil disturbance will occur, which is typically the main source of particulate air pollution. Dust emissions will be well below significant thresholds and would occur from Sep 15th to Mar 15th. No long-term emissions will result from implementation of this project.

b) Expose sensitive population groups to pollutants in excess of acceptable levels?

- No impact. This project will not expose anyone in the populations to pollutants in excess of acceptable levels. No population groups are nearby areas that would be sprayed. Herbicide is local foliate and does not travel. No aerial spraying.

c) Alter air movement, moisture, or temperature, or cause any change in climate?

- No impact. This project will not affect these environmental factors. The project will substantially reduce the risk of fire and the intensity of fire events, if they were to occur, by reducing non-native plant biomass- which is far more substantial and flammable than native riparian vegetation. Reduced fire occurrence and intensity resulting form the project improve air quality.

d) Create objectionable odors affecting a substantial number of people?

- No Impact. The project would not create offensive odors. The project areas are typically wildlands or undeveloped open spaces that do not affect a substantial number of people.

9. NOISE. Would the project:

a) Increase existing noise levels?

- Less Than Significant Impact. All work with equipment will be performed between Sep 15 and Mar 15. During this time period there may be temporary or periodic increases in ambient noise levels due to workers carrying out invasive non-native plant treatments and restoration activities. Non-native plant biomass reduction may occur from mid September 15th to early March. This work will involve the use of chainsaws and/or a tractor with a mowing attachment. Noise generated from the restoration activities are insignificant due to their short duration and low levels in comparison to highway noise and surrounding land uses. In addition, most activities are within undeveloped open space areas with limited public use/access. The following avoidance and minimization measures are in place to assure that noise level thresholds are not exceeded.

1. All construction vehicles or equipment, fixed or mobile, operated within 1,000’ of a dwelling shall be equipped with properly operating and maintained mufflers.

2. All operations shall comply with San Diego County Codified Ordinance (Noise Control).

3. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

b) Expose people to noise levels exceeding adopted County standards?

- No Impact. The project would not expose anyone to noise levels exceeding adopted County standards.
Less Than Significant Impact. Work occurs in wildland and open space areas. Standard types of equipment are used (tractors, chainsaws, etc.). The proposed restoration activities will occur between 7:30 a.m. and 4:30 p.m. on Mondays through Saturdays from September 15th to March 15th. All project work would fall within normal working hours. Restoration activities will be conducted during the non-breeding season, thus avoiding noise impacts to endangered species and nesting birds. Noise levels will comply with City and County standards.

The following avoidance and minimization measures are in place to assure that noise level thresholds are not exceeded.

1. All construction vehicles or equipment, fixed or mobile, operated within 1,000’ of a dwelling shall be equipped with properly operating and maintained mufflers.
2. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
3. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

If located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels?

No Impact. The project is not located within an airport land use plan or within two miles of a public airport or public use airport.

10. BIOLOGICAL RESOURCES. Would the project impact:

a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals and birds)?
Less Than Significant Impact with Mitigation, Minimization and Avoidance Measures. The type of restoration activities carried out in this project are considered by the CA Department of Fish & Game, the US Fish & Wildlife Service and the Army Corps of Engineers to be a form of mitigation for impacts to riparian habitat (e.g. for small permanent impacts and temporary impacts). The result of this project will be habitat improvement for the three federally listed species in the project area: least Bell’s vireo (Vireo pusillus bellii), southwestern willow flycatcher (Empidonax traillii extimus) and the arroyo southwestern toad (Bufo californicus) (See Appendix I). The FWS Technical Assistance letter and DFG 1600 permits outline specific impact minimization and avoidance measures to protect these listed species. Both agencies conclude that the project is a net benefit and does not cause a significant adverse effect. The following avoidance and minimization measures are in place to assure that there will be less than significant impacts to these species due to the utilization of a methodology that avoids impacts:

- Non-native plant control methods will be used that avoid impacts to non-target native vegetation. These methods include: preparing target plants for herbicide application by separating them from native vegetation (see project description), using targeted foliar application of herbicide by crews on foot, using highly qualified contractors who have experience treating non-native plants in sensitive riparian habitat, and using herbicides that are approved for use in wetlands (aquatic approved formulations of glyphosate and imazapyr) which have no negative impact on wildlife species (Appendix I).

- A biologist will oversee work activities to assure that conditions of DFG and FWS permits are being followed.

- No restoration activities with heavy equipment shall occur during the designated breeding season for the two endangered bird species occurring in the project area. The two federally listed species in the project area, least Bell’s vireo (Vireo pusillus bellii) and southwestern willow flycatcher (Empidonax traillii extimus), are migratory and are usually not present in the habitat during most of the restoration activities (from September 15th to March 15th).

- To avoid impacts to the arroyo southwestern toad (only for upper San Dieguito Watershed) the following project methodologies are in place as determined stated in the Technical Assistance letter from US Fish & Wildlife:
  d) Arundo, tamarisk and eucalyptus control work will only occur between September 15th and March 15th.
  e) No soil movement/disturbance, or bank/channel modifications will occur.
  f) No heavy equipment (>20,000 lbs) will be used.
  g) No biomass reduction within Arroyo toad habitat areas may occur (sites may be checked by FWS and determined to be ‘unsuitable habitat’).
  h) Biomass, if removed/moved in toad habitat areas, will be done my hand and taken to staging areas and where it will be chipped/reduced and spread over compacted disturbed soils (parking lots, shoulders, trails, etc.) or taken to a green waste facility.
  i) Crews will avoid walking through flowing channel areas. Crew sizes will be limited to less than 15 individuals working in small teams.

- No native plants are endangered within the project areas, candidate species will be avoided during work activities. Only target invasive non-native plants will be treated.

- All mixing of herbicides and maintenance of equipment will occur only in areas that are devoid of native vegetation, that are adjacent to existing roads, and have compacted disturbed soils. These areas are not sensitive species habitat, they are not adjacent to the river channel, and they have no cover of native woody vegetation.

Annual reports document work and compliance are provided to regulatory agencies that have issued permits: US Army Corps of Engineers, Department of Fish and Game, and Fish and Wildlife Service. All permits clearly indicate work conditions, and minimization & avoidance measures. Regulatory agencies, county project managers and the project biologist assure compliance with these conditions. Any violations would result in termination of active work and possible fines or a request for compensatory mitigation.

b) Locally designated species (e.g. heritage trees)?
   □ □ □ ☒
   No impact. The project does not affect locally designated species.

c) Locally designated natural communities (e.g. oak forest, coastal habitat, etc.)?
   □ □ ☒ ☒
   Less Than Significant Impact. The project restores and protects native habitat and open space. Natural communities will be worked in- but will be enhanced and fire and flood risk will be reduced.

d) Wetland habitat (e.g. marsh, riparian and vernal pool)?
   □ □ ☒ ☒
   Less Than Significant Impact. The restoration project will restore native riparian habitat, improving habitat quality for listed wildlife species. The type of restoration activities carried out in this project (non-native plant control and native replanting) are considered by the CA Department of Fish & Game, the US Fish & Wildlife Service and the Army Corps of Engineers to be mitigation for impacts to riparian habitat (e.g. for small permanent impacts and temporary impacts). The methodology described above (see project description and section IV (b)) will avoid negative impacts to the riparian habitat and endangered species that are found within the system. Arundo and other target non-native plants severely impact the biological function of the riparian system by increasing fire and flood damage, modifying hydrology, and out competing native vegetation (effecting food and nesting resources). The project is a net benefit, restoring riparian habitat.

e) Wildlife dispersal or migration corridors?
   □ □ □ ☒
   No impact. The project will not alter channel position or otherwise impede water flows. No equipment will operate in channels or flowing water. No cut or reduced non-native plant biomass will be left in low flow channel areas.
11. AESTHETICS. Would the project:

f) Adopted or proposed conservation plans and policies (e.g., Natural Community Conservation Plan or Resource Management Plan)?

No Impact. The restoration project does not conflict with any existing conservation plans. The overall effect of the restoration project is to enhance riparian habitat. Control of invasive non-native species is a high priority within several plans including: Multiple Species Conservation Plans, watershed plans and integrated resource management plans. This program will facilitate completion of those goals in an efficient and comprehensive manner.

12. CULTURAL/SCIENTIFIC RESOURCES, Would the project:

a) Disturb archaeo or paleo resources?

Less than significant impact. See 12 (b).

b) Affect historical resources?

Less than significant impact. Treatment of non-native plants would have no impact. Reduction of treated biomass and re-vegetation would have a less than significant impact. Significant disturbance of soil does not occur- no grading, use of tracked equipment, or other mechanized movement of soil occurs. The State Historic Office has concurred that impacts are unlikely during biomass reduction using these methods.

To assure avoidance of impacts a search of registered archaeological sites is carried out for each project area at the South Coastal Information Center. Any mowing and restoration work near or within registered sites will have a certified archeologist and a cultural monitor on site to assure that no impacts to cultural resources occur.

If archaeological or cultural features or materials are identified by the archaeologist during the mowing, work will stop immediately in that area. No archaeological or cultural materials will be collected. Work will be diverted away from the sensitive areas, which will remain intact. If approved by the archaeological monitor, hand cutting of Arundo and other invasive plants may take place around identified milling features or other cultural resource/areas. Plant biomass will be carried to areas with no sensitive resources and mulching will occur at that location.

c) Have the potential to cause a physical change which would affect unique ethnic cultural values?

Less than significant impact. No grading or significant soil disturbance will occur, making the changes to unique cultural resources unlikely. Target non-native vegetation was not a component of the landscape utilized by native cultures.

13. RECREATION. Would project:
14. MINERAL RESOURCES. Would the project:
   a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
      No impact. This project will not impact future availability of sand or rock for mining.

   b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?
      No impact. This project will not impact future availability of sand or rock for mining.

15. HAZARDS. Would the project:
   a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
      Less Than Significant Impact. Fuel and plant herbicides (glyphosate, imazapyr) will be transported and used on site during habitat restoration. Plant herbicides used in the restoration of sites have very low toxicity and are approved for use in aquatic areas (appendix II). No disposal of materials will occur at project sites. The following BMPs will be in place to ensure that there are no significant impacts to the environment:
      • The transport of hazardous materials is regulated by the State and the transport of such materials to the site would comply with these regulations.
      • During restoration activities contractors will employ best management practices for spill control and prevention. With prevention and management in place, any spills of hazardous materials are considered less than significant.
      • Restoration equipment storage and maintenance will be conducted in non-wetland areas (degraded staging areas such as road sides, shoulders, parking lots, and areas with bare compacted soil. All mixing of herbicides and maintenance of equipment will occur only in areas that are devoid of vegetation and that are adjacent to existing roads (staging areas as described above).

   b) Create a hazard to the public or the environment through reasonably foreseeable upset & accident conditions involving the release of hazardous materials into the environment?
      Less Than Significant Impact. Some hazardous materials, such as fuel and plant herbicides, would be transported and used at the site during restoration activities, which could create a hazard to the environment should a significant spill occur. The BMPs incorporated into the project (see above) would reduce the hazards to a less than significant level.

   c) Exposure of people to existing sources of health hazards?

   d) For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
      No impact. The site is not located within an airport land use plan or within 2 miles of a public airport or public use airport.

   e) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
      No impact. The site is not located within the vicinity of a private airstrip.

   f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
No impact. The project activities are typically in open space areas and do not necessitate closing or blocking roads, or restricting their use. Project activity would not alter emergency response or emergency evacuation routes.

g) Expose people or structures to a significant risk or loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No impact. The project will not expose people or structures to significant risk of loss, injury or death involving wildland fires. The control of Arundo and other non-native plants and replacement with native riparian vegetation will reduce the risk of wildland fire. A significant reduction of fire risk will occur.

16. PUBLIC SERVICES. Would project result in need(s) for new/altered government facilities/services in:

a) Fire protection?

No impact. The project would not result in new or altered government facilities in fire protection.

b) Police protection?

No impact. The project would not result in new or altered government facilities in police protection.

c) Schools?

No impact. The project would not result in new or altered government facilities for schools.

d) Maintenance of public facilities, including roads?

No impact. The project would not result in any changes to the maintenance of public facilities, including roads.

e) Other government services?

No impact. The project would not result in new or altered government facilities in other government service areas.

17. UTILITIES & SERVICE SYSTEMS.

Would project result in need(s) for new or substantial alterations in:

a) Power or natural gas?

No impact. The restoration project will not result in new or substantial alterations in power or natural gas.

b) Communications systems?

No impact. The restoration project will not result in new or substantial alterations to communications systems.

c) Local or regional water treatment or distribution facilities?

No impact. The restoration project will not result in new or substantial alterations to water treatment or distribution facilities.

d) Sewer or septic tanks?

No impact. The restoration project will not result in new or substantial alterations to sewer lines or septic tanks.

e) Solid waste disposal?

No impact. The restoration project will not create solid waste that needs to be disposed of.

MANDATORY FINDINGS

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California or prehistory?

Less than significant impact. The restoration activities carried out in this project are considered by DFG, FWS and ACOE to be a form of mitigation for impacts to riparian habitat. Arundo and non-native plant control and re-vegetation with native riparian species, increases the quality of riparian habitat for fish and wildlife species. This project will directly enhance the riparian habitat, benefiting the endangered species that inhabit the San Dieguito Watershed. The FWS Technical Assistance Letter and DFG permits assure that as long as impact minimization and avoidance measures are followed, no significant impacts would result. The project does not impact important examples of the major periods of California or prehistory.
b) Does the project have the potential to achieve the short-term environmental goals to the disadvantage of the long-term environmental goals?

No impact. The invasive plant control program provides long term environmental benefits by implementing watershed based eradication of Arundo, pampas grass and other invasives. This makes the projects sustainable over the long term and helps assure that habitat improvements, water conservation and fire/flood risk reduction are not just temporary enhancements but long term benefits. Watershed based implementation is built around pre-mapping of invasive non-native plant distributions (completed: Figure 1), watershed based permitting to facilitate comprehensive control and restoration (completed: FWS, ACOE, SWCB and in process: CEQA and DFG), and coordinated and planned implementation, all of which assure that target plant population are treated in a systematic and sustainable fashion.

c) Does the project have possible environmental effects which are individually limited but cumulatively considerable? ("cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less than significant impact. The proposed project has been found to have less than significant impacts as determined by FWS Section 7 consultation. No cumulatively considerable impacts would be realized when viewed in connection with the effects of existing or future proposed projects. This project is part of a watershed wide habitat improvement program that will ensure that the project benefits are long lasting.

d) Does project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No impact. The project has been found to have no impacts or less than significant environmental impacts which are temporary. Therefore, the project would not cause substantial adverse effects on human beings.

DETERMINATION:

Based upon the evidence in light of the whole record documented in the attached environmental checklist explanation, cited incorporations and attachments, I find that the proposed project:

COULD NOT have a significant effect on the environment, and a negative declaration (ND) will be prepared pursuant to CEQA Guidelines Article 6, 15070 through 15075.

COULD have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures have been added to the project. A negative declaration (ND) will be prepared pursuant to CEQA Guidelines Article 6, 15070 through 15075.

MAY have a significant effect on the environment which has not been analyzed previously. Therefore, an environmental impact report (EIR) is required.

Signature:

Environmental Planner: Shawna Anderson
Telephone: 858-674-2275 x 13

NOTE: All referenced and/or incorporated documents may be reviewed at:

San Dieguito River Park JPA
14103 Highland Valley Road, Escondido CA 92025
APPENDIX 1

USFWS has already completed a ‘Technical Assistance Letter’ for the program. The letter states that as long as minimization and avoidance measures are followed (as outline in the plan submitted by San Dieguito Rive Park JPA), harassment and or take of listed species is unlikely. A section 7 consultation with the Service is not required at this time.
In Reply Refer To:
PWS-SDG-08B0725-08TA0838

Ms. Shawna Anderson, Environmental Planner
San Dieguito River Park JPA
14130 Highland Valley Road
Escondido, California 92025

Subject: Request for Technical Assistance on the Invasive Plant Control and Re-vegetation for the San Dieguito Watershed Project, San Diego County, California

Dear Ms. Anderson:

This letter is in response to a July 15, 2008, letter from Jason Giessow, your representative, requesting your concurrence that the proposed Invasive Plant Control and Re-vegetation Project (project) for the San Dieguito Watershed may affect, but is not likely to adversely affect the federally-listed endangered least Bell's vireo (Vireo bellii pusillus; vireo) and arroyo toad (Bufo arroyoensis; arroyo toad).

The San Dieguito River Park JPA (JPA) is initiating a watershed based invasive non-native plant control and re-vegetation program on the San Dieguito Watershed. The project consists of a watershed based invasive non-native plant control and re-vegetation program with an emphasis on Arundo, pampas grass, eucalyptus, and perennial pepperweed (other species may be controlled if observed). The program will start at Lake Hodges and will work downstream to the estuary.

The bulk of control and re-vegetation activities will occur between September 15 and March 15 each year. Some maintenance activities (i.e., watering of plantings and weed control) may occur outside this time frame, but only in areas that have no suitable vegetation for avian nesting. In addition, pepperweed will require treatment during early summer when it is actively growing.

The typical treatment cycle will start with foliar application of glyphosate herbicide in the fall. Work will begin September 15 and usually end by early December. Areas above the dam that burned in the 2007 fires will be left in place (no biomass reduction). Biomass reduction below the dam may occur where stands are dense and large (over 1/8 acres). Biomass reduction will occur from mid-January up to March 15, but most work is completed by late February. Biomass reduction will entail either mowing or hand cutting the dead Arundo cane/pampas grass. Hand cut Arundo will be stacked and mowed, chipped, or left to decompose naturally. The normal biomass reduction process is: 1) a large mower mows stands, 2) hand crews cut all Arundo that mowers could not reduce, 3) a smaller mower mows hand cut Arundo. Some sites that do not have mowing access may be cut by hand and chipped. Mowing will be carried out using a fixed
tooth or hammer flail mowing attachment mounted on a tractor. The mowing attachment mulches the dead (or live) Arundo cane into a layer about 4" thick (thickness varies at site from ½" to 10"). The mowing attachment and tractor do not dig into the soil surface or change topography of the site. All tractors are rubber tired. Several sizes of tractors are used: from a larger 45,000 lb tractor with four large tires (about 56" by 18") with a mowing implement 100" wide to a smaller size 8,000 lb tractor with two large (48" x 16") and two small tires (24" x 12") with a mowing implement 74" wide. Live or dead Arundo stands are mowed standing and piles of dead Arundo stacked by hand crews are mowed. Arundo biomass mulch will be left within the original footprint of the stand or may be spread over compacted areas (roads, parking areas, shoulders, etc.). No mulch will be spread over soil above the dam that could be used by arroyo toads.

Eucalyptus biomass will not be mowed in place. Instead, the biomass will be cut and material will be chipper spread on trails, roads, parking lots or taken off site. Cut stumps will be treated with Garlon. Larger trees may be girdled to leave structure for wildlife. Below the dam, rubber tire skidders will be used to move/drag cut trees to staging areas for chipping. Areas that are too rocky for the skidder will have cut material bundled and then a helicopter will pick up the material and take it to the staging area.

Based on project information above, and the attached list of avoidance/minimization measures that were proposed as part of the technical assistance request, the Service concurs that the proposed project may affect, but will not likely adversely affect the vireo and arroyo toad. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

If you have any questions regarding this letter, please contact Michelle Moreno of my staff at (760) 431-9440.

Sincerely,

[Signature]

Karen A. Goebel
Assistant Field Supervisor

Attachment
ATTACHMENT

Avoidance and Minimization Measures for the San Dieguito Watershed Invasive Plant Control and Re-vegetation Project

Initial Foliar Treatment of Arundo, tamarisk, pampas grass (excluding pepperweed): Herbicide Application

1) No more then three crews will be active on the watershed at one time.
2) Only one crew will operate at a given site at a time (sites are separated by at least one mile- and are usually on entirely different reaches of the watershed).
3) Crew size will not exceed 16 individuals and no more then five people will be working together at a given spot.
4) Herbicide application will occur with either backpack sprayers (3 gallon) or hand held power sprayers. Power sprayers are moved by ATV’s and consist of a small gas powered engine (3 hp) on a trailer with a tank/reservoir (50 gal useable volume).
5) To reduce the chance/impact of spillage, work crews can only mix herbicide, refill power sprayers (using concentrate and water: i.e. mixing), load mixed chemical into ATV’s (for refilling backpack sprayers or power sprayers), and refuel (ATV’s or power sprayer) in staging areas. Mixed chemical (application strength) may be added to sprayers in the field.
6) Staging areas are disturbed sites such as roads, shoulders, graded areas, or sites with compacted soil that support no vegetation or woody vegetation.
7) Foliar spraying will not occur when ambient wind speeds exceed 5 miles per hour.
8) Crew members will avoid wading through streams whenever possible.
9) Each crew may use up to 2 ATV’s (typically one is used- to move mixed herbicide to crews in the field).
10) ATV’s will not drive in channel areas.
11) ATV’s will operate only in open areas- woody vegetation (>1” DBH) will not be cleared or driven upon.
12) Site preparation is carried out prior to treatment of Arundo. Preparation entails separating, or creating a space, between stands of Arundo and native vegetation. This allows the Arundo to be treated without affecting the native woody vegetation. The space between Arundo and native vegetation is created by pushing, detangling and/or trimming the vegetation. Both Arundo and native woody vegetation may be trimmed. However, woody vegetation may not be trimmed that is in excess of four inches in diameter. Excessive trimming of Arundo is not usually carried out because this triggers re-sprouting which results in a much longer re-treatment cycle (before vegetation removal, see species conservation measures).
13) All regulations involving use of herbicides will be followed including BMP’s. All applicators will be licensed and certified. Aquatic herbicide formulations will be used when near open water and all additives including any additives (spreading agents and dye’s).
14) A marking dye will be used to assure that drift or overspray onto non-target vegetation is not occurring.
15) All garbage and waste material generated by the work crew will be removed from the site.

**Biomass Reduction (Lowering Dead or Live Arundo Cane)**

1) No native vegetation is mowed.
2) No mowing occurs in the stream channel.
3) No mulched/mowed biomass will be placed in the channel.
4) All mowed material is over previously existing stands of Arundo, no open habitat or native vegetation will be covered with Arundo mulch.
5) Crews are of 16 or fewer individuals will work in teams of 5 or less. For each team one person cuts and the other team members pull, haul, and stack the cut dead Arundo cane.
6) No more than one crew may operate at a given site.
7) No more than three sites may be active on the watershed at once.
8) Crews typically do not use ATV’s, but sites far from roads with previously used trails for ATV’s (during the fall herbicide application) may re-use these same access routes in open areas. No ATV use can occur in channel areas or in areas with native woody vegetation.
9) Chippers may be used at sites where mowing is not possible due to site topography. Typically this is on tributaries where creeks have deep profiles. Chippers may be staged on roads and may chip material on disturbed/maintained areas outside the creek profile, chip into areas where Arundo previously existed, or ship into containers for hauling off site.

**Re-vegetation (native planting) Activities: Between December 15th and March 15th**

1) No more than two crews will be active on the watershed at one time.
2) Only one crew will operate at a given site at a time (sites are separated by at least one mile and are usually on entirely different reaches of the watershed).
3) Crew size will not exceed 12 individuals.
4) Each crew may use up to 2 ATV’s to move plants from staging areas to planting locations. ATV’s typically drive only in areas that have been mowed (or dead Arundo mulch) or along established compacted trails and roads. Some sites that are flat and connected to roads, may allow use of a 4 wheel drive truck to access mowed areas and deliver plants.
5) ATV’s will not drive in channel areas.
6) ATV’s will operate only in open areas, usually on mowed dead Arundo mulch, no woody vegetation (>1” DBH) will be cleared or driven upon.

**Maintenance Activities: Between March 15th and Sep 15th**

1) No areas may be worked in that have vegetation structure suitable for nesting (work only in mowed areas with new plantings).
2) No powered equipment may be used at the restoration sites (only watering and treatments with backpacks). The water truck does have a gas powered pump, but this will operate along access roads or in staging areas.
3) Avian monitors may be used as requested.

**Treatment of Perennial Pepperweed: Between April 15th and July 15th**

1) No more then two crews will be active on the watershed at one time.
2) Only one crew will operate at a given site at a time (sites are separated by at least one mile and are usually on entirely different reaches of the watershed).
3) Crew size will not exceed 8 individuals and no more than four people will be working together at a given spot.
4) Herbicide application will occur with either backpack sprayers (3 gallon) or hand held power sprayers. Power sprayers will be operated using long lines with tanks and motors mounted on trucks, trailers (pulled by ATV's), ortractors.
5) Trucks and tractors may only use roads and established trails (compacted areas). ATV's may be used in open areas with no woody structure (other than occasional large mature gallery trees that have no low branching structure). Spray rigs may be used on ATV's in some areas where cover is high.
6) To reduce the chance/impact of spillage, work crews can only mix herbicide, refill power sprayers (using concentrate and water; i.e. mixing), load mixed chemical into ATV's (for refilling backpack sprayers or power sprayers), and refuel (ATV's or power sprayer) in staging areas. Mixed chemical (application strength) may be added to sprayers in the field.
7) Staging areas are disturbed sites such as roads, shoulders, graded areas, or sites with compacted soil that support no vegetation or weedy vegetation.
8) Foliage spraying will not occur when ambient wind speeds exceed 5 miles per hour.
9) Crew members will avoid wading through streams whenever possible.
10) Each crew may use up to 2 ATV's (typically one is used to move mixed herbicide to crews in the field).
11) ATV's will not drive in channel areas.
12) ATV's will operate only in open areas- woody vegetation (> 1" DBH) will not be cleared or driven upon.
13) Stands of pepperweed within areas of active toad use will have a toad biologist check the area for toad activity (usually at night and/or early morning). If active use is occurring- the Service will be contacted for permission to work. Areas may be skipped in years of high toad activity (as dictated by rainfall patterns).

**Eucalyptus: Treatment and biomass**

1) No more then three crews will be active on the watershed at one time.
2) Only one crew will operate at a given site at a time (sites are separated by at least one mile and are usually on entirely different reaches of the watershed).
3) Crew size will not exceed 20 individuals and no more than five people will be working together at a given spot.

4) Herbicide application is typically cut stump, injection and or girdling. Some smaller class plants may have basal bark treatment.

5) To reduce the chance/impact of spillage, work crews can only mix herbicide, load mixed chemical into ATV’s (for refilling backpack sprayers), and refuel (ATV’s) in staging areas.

6) Staging areas are disturbed sites such as roads, permanent trails, shoulders, graded areas, or sites with compacted soil that support no vegetation or weedy vegetation.

7) Crew members will avoid wading through streams whenever possible.

8) Each crew may use up to 2 ATV’s (typically one is used to move mixed herbicide to crews in the field).

9) ATV’s will not drive in channel areas.

10) ATV’s will operate only in open areas—woody vegetation (>1” DBH) will not be cleared or driven upon.

11) A rubber tire skidder will be used to haul cut eucalyptus to the staging area for chipping/masticating.

12) The skidder may only operate in open areas—no removal of native vegetation is permitted. Some smaller class shrubs and sub shrubs may be crushed—these should re-sprout. Re-vegetation of areas used by skidder will restore or exceed density of woody vegetation that existed prior to work.

13) Many areas are not traversable by any rubber tired equipment. Biomass in these areas will be bundled and helicoptered out. Helicopters may not cross power lines. They will deposit cut material along roads, permanent trails, or degraded compacted areas with no native vegetation. Mastication (chipping) of material will then occur at deposition site. Material will be spread on roads, trails, of degraded areas having no native vegetation. This will only occur in areas outside of arroyo toad habitat (areas below dam). Mulched material may not exceed 4” depth.

14) If material is chipped at the Highland Valley Road site, a map and visit will be made to determine if there are suitable areas for spreading mulch

**Annual report of completed and planned activities: due August 15th Annually**

1) A brief annual report summarizing completed and planned work activities— with maps.

2) All partners working with the JPA will be indicated.

3) A list of biological monitors used to meet avian monitoring requirements will be provided.

4) A summary of any substantive emails or phone consultations with the Service will be given.
APPENDIX 2

Aquatic approved herbicides approved by EPA for use in aquatic systems:

1. Imazapyr:
   (Currently only Habitat® is registered as an approved aquatic formulation)
   Habitat®: Label & MSDS

2. Glyphosate:
   (Multiple formulations exist- Aquamaster® is presented as an example)
   Aquamaster®: Label & MSDS
BASF Corporation

MATERIAL SAFETY DATA SHEET

Agricultural Products Group
P.O. Box 13506,
Research Triangle Park, NC 27709
(919) 547-3200

Product No.: 58A119 Habitat® Herbicide

Date Prepared: 9/22/2003  Date Revised: 1/21/2004

SECTION I

Trade Name: Habitat® Herbicide

Chemical Name: 2-[[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-3-pyridinecarboxylic acid, salt with 2-propanamine (1:1)

Synonyms: Isopropylamine of imazapyr; AC252, 925; Formula: C(13)H(15)N(3)O(3)C(3)H(9)N

Chemical Family: Imidazolinone

Mol Wt: 320.4

SECTION II - INGREDIENTS

<table>
<thead>
<tr>
<th>COMPONENT</th>
<th>CAS NO</th>
<th>%</th>
<th>PEL/TLV - SOURCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Isopropylamine salt of imazapyr</td>
<td>8510-83-0</td>
<td>28.7</td>
<td>0.5 mg/m3 TWA BASF recommended</td>
</tr>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>71.3</td>
<td>None established</td>
</tr>
</tbody>
</table>

SARA Title III Section 313: Not listed

SECTION III - PHYSICAL DATA

BOILING/MELTING POINT: N/D

VAPOR PRESSURE: 1 mm Hg @ 20°C: N/D

SPECIFIC GRAVITY OR BULK DENSITY: 1.04 - 1.07 g/ml

SOLUBILITY IN WATER: Soluble

APPEARANCE: Clear blue liquid

ODOR: Ammonia

INTENSITY: Slight

SECTION IV - FIRE AND EXPLOSION DATA

FLASH POINT (TEST METHOD): >210°F SFCC

AUTOIGNITION TEMP: > 200°F

FLAMMABILITY LIMITS IN AIR (% BY VOL): LOWER: N/D  UPPER: N/D

NFPA 704 HAZARD CODES

HEALTH: 1  FLAMMABLE: 1  INSTABILITY: 0  OTHER: N/R

NFPA 30 STORAGE CLASSIFICATION: Class III B

EXTINGUISHING: Use water fog, foam, CO2, or dry chemical extinguishing media.

SPECIAL FIREFIGHTING PROCEDURES: Firefighters should be equipped with self-contained breathing apparatus and turnout gear.

UNUSUAL FIRE EXPLOSION HAZARDS: None known.

SELECT ACRONYM KEY

N/A - Not available; N/D - Not determined; N/R - Not rated; N/E - Not established

Page 1 of 2
SECTION V - HEALTH DATA

TOXICOLOGICAL TEST DATA:
Data for formulated product:
- Rat, Oral LD50 (combined sexes) > 5000 mg/kg
- Rabbit, Dermal LD50 (combined sexes) > 2000 mg/kg
- Rat, Inhalation LC50 (4 hr) > 4.62 mg/L
- Rat, Inhalation LC50 (1 hr calculated) > 18.48 mg/L
- Rabbit, Eye Irritation - Not Irritating
- Rabbit, Skin Irritation - Mildly irritating
- Guinea pig, Dermal Sensitizer - Not Sensitizer

OSHA, NTP, or IARC Carcinogen: Not listed.

EFFECTS OF OVEREXPOSURE:
See Product Label and Directions For Use for additional precautionary statements.

CAUTION
Avoid contact with skin, eyes, and clothing. Avoid breathing spray mist.

Existing medical conditions aggravated by this product:
None known.

FIRST AID PROCEDURES
If on skin: Wash with plenty of soap and water. Get medical attention if irritation persists.
If in eyes: Flush eyes with plenty of water. Call a physician if irritation persists.
If inhaled: Remove victim to fresh air. If not breathing, give artificial respiration, preferably mouth-to-mouth. Get medical attention.
If swallowed: Call a physician or Poison Control Center. Drink 1 or 2 glasses of water and induce vomiting by touching back of throat with finger. If person is unconscious, do not give anything by mouth and do not induce vomiting.

Note to physician: Treat symptomatically. No specific antidote.

Note: Have the product container or label with you when calling a poison control center or doctor or going for treatment.

SECTION VI - REACTIVITY DATA

STABILITY: Stable. Do not store below 32°F or above 100°F.

CONDITIONS TO AVOID: Store in original container in cool, dry, well ventilated place away from ignition sources, heat or flame.

CHEMICAL INCOMPATIBILITY: Oxidizing agents and reducing agents.

HAZARDOUS DECOMPOSITION PRODUCTS: Including but not limited to oxides of carbon and nitrogen.

HAZARDOUS POLYMERIZATION: Does not occur.

CONDITIONS TO AVOID: Does not polymerize.

CORROSIVE TO METAL: Mild steel, brass

OXIDIZER: No
SECTION VII - PERSONAL PROTECTION

Users of a pesticidal end use product should refer to the product label for personal protective equipment requirements.

RECOMMENDATIONS FOR MANUFACTURING, COMMERCIAL BLENDING, AND PACKAGING WORKERS:

Respiratory Protection:
Supplied air respirators should be worn if large quantities of mist/dust are generated or prolonged exposure possible.

Eye Protection:
Chemical goggles when respirator does not provide eye protection.

Protective Clothing:
Gloves and protective clothing as necessary to prevent skin contact.

Ventilation:
Whenever possible, engineering controls should be used to minimize the need for personal protective equipment.

SECTION VIII - ENVIRONMENTAL DATA

ENVIRONMENTAL TOXICITY DATA

See the product label for information regarding environmental toxicity.

SARA 313/312 REPORTING


SPILL AND LEAK PROCEDURES:

In case of large scale spillage of this product, avoid contact, isolate area and keep out animals and unprotected persons. Call CHEMTREC (800 424-9300) or BASF Corporation (800 832-HELP). For a small spill, wear personal protective equipment as specified on the label.

FOR A LIQUID SPILL: Dike and contain the spill with inert material (sand, earth, etc.) and transfer the liquid and solid diking materials to separate containers for disposal.

FOR A SOLID SPILL: Sweep solid into a drum for re-use or disposal. Remove personal protective equipment and decontaminate it prior to re-use.

HAZARDOUS SUBSTANCE SUPERFUND: No  RQ(lbs): None

WASTE DISPOSAL METHOD:

Pesticide wastes are acutely hazardous. Wastes resulting from this product may be disposed of on site or at an approved waste disposal facility. Improper disposal of excess pesticide, spray mix or rinsate is a violation of federal law. If these wastes cannot be disposed of according to label instructions, contact the state agency responsible for pesticide regulation or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

HAZARDOUS WASTE 40CFR261: No  HAZARDOUS WASTE NUMBER: None

CONTAINER DISPOSAL:

FOR PLASTIC CONTAINERS: Triple rinse (or equivalent) and add rinsate to the spray tank. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

FOR BULK CONTAINERS: Reusable containers should be returned to the point of purchase for cleaning and refilling.

FOR MINI/BULK CONTAINERS: Clean all tanks on an approved loading pad so rinsate can be collected and mixed into the spray solution or into a dedicated tank. Using a high pressure sprayer, rinse several times with small volumes of water to minimize rinsate.

Page 3 of 4
### SECTION IX - SHIPPING DATA - PACKAGE AND BULK

<table>
<thead>
<tr>
<th>HAZARDOUS SUBSTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>(49 CFR CERCLA LIST):</td>
</tr>
<tr>
<td>None</td>
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</table>

<table>
<thead>
<tr>
<th>RQ(lbs):</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
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<table>
<thead>
<tr>
<th>PRIMARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>SECONDARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D.O.T. LABELS REQUIRED (49CFR172.101-102):</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D.O.T. PLACARDS REQUIRED (CFR172.504):</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>POISON CONSTITUENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(49CFR172.203(K)):</td>
</tr>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BILL OF LADING DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compounds, tree or weed killing, NO/BN</td>
</tr>
<tr>
<td>This product is not regulated by the Department of Transportation (DOT). It does not meet the definition of DOT corrosive (49 CFR 173.130).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CC NO.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable</td>
</tr>
</tbody>
</table>

### SECTION X - ADDITIONAL INFORMATION

<table>
<thead>
<tr>
<th>UNNA CODE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Habitat © Herbicide</td>
</tr>
</tbody>
</table>

**KEEP OUT OF REACH OF CHILDREN**

**CAUTION**

BASF Corporation
Agricultural Products Group
P.O.Box 13528,
Research Triangle Park, NC 27709
(919) 547-2000

**DISCLAIMER**

IMPORTANT: WHILE THE DESCRIPTIONS, DESIGNS, DATA AND INFORMATION CONTAINED HEREIN ARE PRESENTED IN GOOD FAITH AND BELIEVED TO BE ACCURATE, IT IS PROVIDED FOR YOUR GUIDANCE ONLY. BECAUSE MANY FACTORS MAY AFFECT PROCESSING OR APPLICATION/USE, WE RECOMMEND THAT YOU MAKE TESTS TO DETERMINE THE SUITABILITY OF A PRODUCT FOR YOUR PARTICULAR PURPOSE PRIOR TO USE. NO WARRANTIES OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, ARE MADE REGARDING PRODUCTS DESCRIBED OR DESIGNS, DATA OR INFORMATION SET FORTH, OR THAT THE PRODUCTS, DESIGNS, DATA OR INFORMATION MAY BE USED WITHOUT INFRINGING THE INTELLECTUAL PROPERTY RIGHTS OF OTHERS. IN NO CASE SHALL THE DESCRIPTIONS, INFORMATION, DATA OR DESIGNS PROVIDED BE CONSIDERED A PART OF OUR TERMS AND CONDITIONS OF SALE. FURTHER, YOU EXPRESSLY UNDERSTAND AND AGREE THAT THE DESCRIPTIONS, DESIGNS, DATA, AND INFORMATION FURNISHED BY BASF HEREUNDER ARE GIVEN GRATIS AND BASF ASSUMES NO OBLIGATION OR LIABILITY FOR THE DESCRIPTION, DESIGNS, DATA AND INFORMATION GIVEN OR RESULTS OBTAINED, ALL SUCH BEING GIVEN AND ACCEPTED AT YOUR RISK.
1. PRODUCT AND COMPANY IDENTIFICATION

Product name
AquaMaster [TM] Herbicide

EPA Reg. No.
524-343

Product use
 Herbicide

Chemical name
Not applicable.

Synonyms
None.

Company
MONSANTO COMPANY, 800 N. Lindbergh Blvd., St. Louis, MO, 63167
Telephone: 800-332-3111, Fax: 314-694-5557

Emergency numbers
FOR CHEMICAL EMERGENCY, SPILL LEAK, FIRE, EXPOSURE, OR ACCIDENT Call CHEMTREC - Day or Night: 1-800-424-9300 toll free in the continental U.S., Puerto Rico, Canada, or Virgin Islands. For calls originating elsewhere: 703-527-3887 (collect calls accepted).
FOR MEDICAL EMERGENCY - Day or Night: 314-694-4000 (collect calls accepted).

2. COMPOSITION/INFORMATION ON INGREDIENTS

Active ingredient
Isopropylamine salt of N-(phosphonomethyl)glycine; [Isopropylamine salt of glyphosate]

Composition

<table>
<thead>
<tr>
<th>COMPONENT</th>
<th>CAS No.</th>
<th>% by weight (approximate)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Isopropylamine salt of glyphosate</td>
<td>81641-94-0</td>
<td>53.8</td>
</tr>
<tr>
<td>Water</td>
<td>7732-18-5</td>
<td>46.2</td>
</tr>
</tbody>
</table>

OSHA Status
This product is not hazardous according to the OSHA Hazard Communication Standard, 29 CFR 1910.1200.

3. HAZARDS IDENTIFICATION

Emergency overview
Appearance and odour (colour/form/odour): Colourless - Amber / Liquid, (viscous) / Odourless

CAUTION!

Potential health effects
Likely routes of exposure
Skin contact, eye contact, inhalation

Eye contact, short term
Not expected to produce significant adverse effects when recommended use instructions are followed.

Skin contact, short term
Not expected to produce significant adverse effects when recommended use instructions are followed.

Inhalation, short term
Not expected to produce significant adverse effects when recommended use instructions are followed.

Refer to section 11 for toxicological and section 12 for environmental information.

4. FIRST AID MEASURES

Eye contact
- Immediately flush with plenty of water.
- If easy to do, remove contact lenses.

Skin contact
- Take off contaminated clothing, wristwatch, and jewelry.
- Wash affected skin with plenty of water.
- Wash clothes and clean shoes before re-use.

Inhalation
- Remove to fresh air.

Ingestion
- Immediately offer water to drink.
- Do NOT induce vomiting unless directed by medical personnel.
- If symptoms occur, get medical attention.

Advice to doctors
- This product is not an inhibitor of cholinesterase.

Antidote
- Treatment with atropine and oximes is not indicated.

5. FIRE-FIGHTING MEASURES

Flash point
- None

Extinguishing media
- Recommended: Water, foam, dry chemical, carbon dioxide (CO2)

Unusual fire and explosion hazards
- None.
- Environmental precautions: see section 6.

Hazardous products of combustion
- Carbon monoxide (CO), phosphorus oxides (P2O5), nitrogen oxides (NOx)

Fire fighting equipment
- Self-contained breathing apparatus.
- Equipment should be thoroughly decontaminated after use.

6. ACCIDENTAL RELEASE MEASURES

Personal precautions
- Use personal protection recommended in section 8.

Environmental precautions
- SMALL QUANTITIES:
  - Low environmental hazard.
LARGE QUANTITIES:
Minimise spread.
Keep out of drains, sewers, ditches and water ways.
Notify authorities.

Methods for cleaning up
SMALL QUANTITIES:
Flush spill area with water.

LARGE QUANTITIES:
Absorb in earth, sand or absorbent material.
Dig up heavily contaminated soil.
Collect in containers for disposal.
Refer to section 7 for types of containers.
Flush residues with small quantities of water.
Minimise use of water to prevent environmental contamination.

Refer to section 13 for disposal of spilled material.

7. HANDLING AND STORAGE

Good industrial practice in housekeeping and personal hygiene should be followed.

Handling
Avoid contact with skin and eyes.
When using do not eat, drink or smoke.
Wash hands thoroughly after handing or contact.
Thoroughly clean equipment after use.
Do not contaminate drains, sewers and water ways when disposing of equipment rinse water.
Refer to section 13 for disposal of rinse water.
Emptied containers retain vapour and product residue.

Storage
Minimum storage temperature: -15 °C
Maximum storage temperature: 50 °C
Compatible materials for storage: stainless steel, aluminium, fibreglass, plastic, glass lining
Incompatible materials for storage: galvanised steel, unlined mild steel, see section 10.
Keep out of reach of children.
Keep away from food, drink and animal feed.
Keep only in the original container.
Partial crystallization may occur on prolonged storage below the minimum storage temperature.
If frozen, place in warm room and shake frequently to put back into solution.
Minimum shelf life: 5 years.

8. EXPOSURE CONTROLS/PERSONAL PROTECTION

Airborne exposure limits

<table>
<thead>
<tr>
<th>Components</th>
<th>Exposure Guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Isopropylamine salt of glyphosate</td>
<td>No specific occupational exposure limit has been established.</td>
</tr>
<tr>
<td>Water</td>
<td>No specific occupational exposure limit has been established.</td>
</tr>
</tbody>
</table>

Engineering controls
No special requirement when used as recommended.

Eye protection
Skin protection
No special requirement when used as recommended.

Respiratory protection
No special requirement when used as recommended.

When recommended, consult manufacturer of personal protective equipment for the appropriate type of equipment for a given application.

9. PHYSICAL AND CHEMICAL PROPERTIES

These physical data are typical values based on material tested but may vary from sample to sample. Typical values should not be construed as a guaranteed analysis of any specific lot or as specifications for the product.

<table>
<thead>
<tr>
<th>Property</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colour/colour range</td>
<td>Colourless - Amber</td>
</tr>
<tr>
<td>Form</td>
<td>Liquid, (viscous)</td>
</tr>
<tr>
<td>Odour</td>
<td>Odourless</td>
</tr>
<tr>
<td>Flash point</td>
<td>none</td>
</tr>
<tr>
<td>Specific gravity</td>
<td>1.206 @ 20 °C / 1.156 °C</td>
</tr>
<tr>
<td>Solubility</td>
<td>Water: Completely miscible</td>
</tr>
<tr>
<td>pH</td>
<td>4.6 - 4.8 @ 63 g/l</td>
</tr>
<tr>
<td>Partition coefficient (log Pow)</td>
<td>&lt; 0.006 (active ingredient)</td>
</tr>
</tbody>
</table>

10. STABILITY AND REACTIVITY

Stability
Stable under normal conditions of handling and storage.

Hazardous decomposition
Thermal decomposition: Hazardous products of combustion: see section 5.

Materials to avoid/Reactivity
Reacts with galvanized steel or unlined mild steel to produce hydrogen, a highly flammable gas that could explode.

11. TOXICOLOGICAL INFORMATION

This section is intended for use by toxicologists and other health professionals.

Data obtained on product and components are summarized below.

Acute inhalation toxicity
Rat, LC50, 4 hours, aerosol:
Slightly toxic.
FIFRA category III.
No 4-hr LC50 at the maximum achievable concentration.

Skin sensitization
Czucena pig, 9-induction Buehler test:
Positive incidence: 0 %

Mutagenicity
Micronucleus test(s):
Not mutagenic.
Ames test(s):
Not mutagenic with and without metabolic activation.
**Isopropylamine salt of glyphosate (62%)**

Data obtained on product and components are summarized below.

**Acute oral toxicity**
- Rat, LD50 (limit test): > 5,000 mg/kg body weight
  - Practically non-toxic.
  - FIFRA category IV.
  - No mortality.
- Mouse, LD50 (limit test): > 5,000 mg/kg body weight
  - Practically non-toxic.
  - FIFRA category IV.
  - No mortality.

**Acute dermal toxicity**
- Rabbit, LD50 (limit test): > 5,000 mg/kg body weight
  - Practically non-toxic.
  - FIFRA category IV.
  - No mortality.

**Skin irritation**
- Rabbit, 6 animals, Draize test:
  - Days to heal: 3
  - Primary Irritation Index (PII): 0.0/8.0
  - Essentially non-irritating.
  - FIFRA category IV.

**Acute inhalation toxicity**
- Rat, LC50, 4 hours, aerosol: > 4.24 mg/L
  - Practically non-toxic.
  - FIFRA category IV.
  - No mortality. Maximum attainable concentration.

**Skin sensitization**
- Guinea pig, Buehler test:
  - Positive incidence: 0%

**N-(phosphonomethy)glycine (glyphosate)**

**Mutagenicity**
- In vitro and in vivo mutagenicity test(s):
  - Not mutagenic.

**Repeated dose toxicity**
- Rabbit, dermal, 21 days:
  - NOAEL toxicity: > 5,000 mg/kg body weight/day
  - Target organs/systems: none
  - Other effects: none
- Rat, oral, 3 months:
  - NOAEL toxicity: > 20,000 mg/kg diet
  - Target organs/systems: none
  - Other effects: none

**Chronic effects/carcinogenicity**
- Mouse, oral, 24 months:
  - NOEL tumour: > 30,000 mg/kg diet
  - NOAEL toxicity: > 5,000 mg/kg diet
  - Tumours: none
  - Target organs/systems: liver
  - Other effects: decrease of body weight gain, histopathologic effects
- Rat, oral, 24 months:
  - NOEL tumour: > 20,000 mg/kg diet
### MITIGATION MEASURE

<table>
<thead>
<tr>
<th>MITIGATION MEASURE</th>
<th>MONITORING &amp; REPORTING ACTION</th>
<th>RESPONSIBILITY</th>
<th>TIMING</th>
</tr>
</thead>
<tbody>
<tr>
<td>All conditions contained in the USFWS Technical Assistance permit shall be followed regarding non-native plant control methods that minimize impacts to native vegetation. These methods include: preparing target plants for herbicide application by separating them from native vegetation, using targeted foliar application of herbicide by crews on foot, using qualified licensed-applicator contractors who have experience treating non-native plants in sensitive riparian habitat, and using herbicides that are approved for use in wetlands (aquatic approved formulations of glyphosate and imazapyr) which have no negative impact on wildlife species.</td>
<td>BC</td>
<td>JPA</td>
<td>Prel DI</td>
</tr>
<tr>
<td>All mixing of herbicides and maintenance of equipment to occur only in areas that are naturally devoid of native vegetation, that are adjacent to existing roads, and have compacted disturbed soils. These areas are not sensitive species habitat, they are not adjacent to the river channel, and they have no cover of native woody vegetation.</td>
<td>BC</td>
<td>JPA</td>
<td>Prel DI</td>
</tr>
<tr>
<td>A qualified biologist will oversee work activities to assure that conditions of regulatory permits are being followed. No restoration activities with heavy equipment shall occur during the designated breeding season for the two endangered bird species occurring in the project area. The two federally listed species in the project area, least Bell’s vireo (Vireo pusillus bellii) and southwestern willow flycatcher (Empidonax traillii extimus), are migratory and are usually not present in the habitat during most of the restoration activities (from September 15th to March 15th).</td>
<td>BC</td>
<td>JPA</td>
<td>Prel DI</td>
</tr>
<tr>
<td>Annual reports to regulatory agencies that have issued permits will be provided by the JPA documenting work and compliance: US Army Corps of Engineers, Department of Fish and Game, and Fish and Wildlife Service. All permits clearly indicate work conditions, and minimization &amp; avoidance measures. Regulatory agencies, county project managers and the project biologist assure compliance with these conditions. Any violations would result in termination of active work and possible fines or a request for compensatory mitigation.</td>
<td>CA</td>
<td>JPA</td>
<td>Prel PI</td>
</tr>
<tr>
<td>No work will occur on private or public property without prior notification and permission from the land owner.</td>
<td>AB</td>
<td>JPA</td>
<td>Prel</td>
</tr>
<tr>
<td>No work will occur in areas that are leased for farming operations without prior notification and permission from the owner.</td>
<td>AB</td>
<td>JPA</td>
<td>Prel</td>
</tr>
</tbody>
</table>
### MITIGATION MEASURE

<table>
<thead>
<tr>
<th>Monitoring and Reporting Action</th>
<th>Responsibility</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>A, B</td>
<td>JPA</td>
<td>Prel</td>
</tr>
<tr>
<td>c</td>
<td></td>
<td>DI</td>
</tr>
<tr>
<td>A</td>
<td>JPA</td>
<td>DI</td>
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<td>B</td>
<td>JPA</td>
<td>DI</td>
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<td>B</td>
<td>JPA</td>
<td>DI</td>
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<td>B</td>
<td>JPA</td>
<td>DI</td>
</tr>
<tr>
<td>c</td>
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</tr>
</tbody>
</table>

1. **Monitoring and Reporting Action:**
   
   **Monitoring Frequency**
   
   A = Prior to start  
   B = Throughout implementation  
   C = On completion  
   D = Operating  
   E = On violation

   **Reporting Frequency**
   
   a = Once on completion  
   b = Ongoing  
   c = On violation

2. **Timing:**
   
   PreI = Pre-project Implementation  
   DI = During project implementation  
   PI = Post project implementation

---

To assure avoidance of impacts a record search for registered archaeological sites will be carried out for each project site at the South Coastal Information Center. Any mowing and restoration work near or within registered sites will have a certified archeologist and a cultural monitor on site to assure that no impacts to cultural resources occur.

If archaeological or cultural features or materials are identified by the archaeologist during the mowing, work will stop immediately in that area. No archaeological or cultural materials will be collected. Work will be diverted away from the sensitive areas, which will remain intact. If approved by the archaeological monitor, hand cutting of Arundo and other invasive plants may take place around identified milling features or other cultural resource/areas. Plant biomass will be carried to areas with no sensitive resources and mulching will occur at that location.

During restoration activities contractors will employ best management practices for spill control and prevention in accordance with state regulations.

Restoration equipment storage and staging will be conducted in non-habitat areas (already disturbed areas such as road sides, shoulders, parking lots, and areas with bare compacted soil).

All mixing of herbicides and maintenance of equipment will occur only in areas that are devoid of vegetation and that are adjacent to existing roads (staging areas as described above).
TO: JPA Board
FROM: Staff
SUBJECT: Option Agreement with SANDAG for Habitat Restoration in San Dieguito Lagoon

RECOMMENDATION:

Approve Option Agreement with SANDAG for Habitat Restoration in San Dieguito Lagoon subject to final non-substantive changes, approved by General Counsel.

SITUATION:

Summary and Recommendation

Last year your Board entered into an agreement with Poseidon Resources whereby Poseidon funded a feasibility study to determine if it would be hydrologically feasible to create an additional 37 acres of tidal wetlands in the San Dieguito Lagoon. Members of the SCE design team, Dr. Howard Chang and Dr. Scott Jenkins, performed the studies and determined that it is feasible to create additional acres of tidal wetlands that would not negatively impact the Southern California Edison project, or create additional scour, provided that certain design criteria are followed. SCE was asked to review the feasibility study when it was completed. SCE raised the concern that if some part of their own tidal wetland creation project fails, that the Coastal Commission could require SCE to do additional wetland creation. Accordingly, SCE said it would consent to the project if certain conditions were met, including peer review, a pro-rata contribution toward inlet maintenance, and designing the project ten acres larger than Poseidon needed in order to accommodate SCE’s future potential need for mitigation associated with their Coastal Development Permit.

Following SCE’s comments, Poseidon did not proceed to enter into an agreement with the JPA to secure the right to use the JPA’s lagoon property or to initiate further project design or environmental review. In Fall 2008, Poseidon began an investigation of wetland creation potential at 11 different sites in Southern California.
Subsequently, JPA staff was approached by SANDAG, which, working with CALTRANS, is seeking to identify and secure properties in the region suitable for tidal wetland creation as well as upland habitat as mitigation for the widening of I-5 and the LOSSAN Rail Corridor.

The attached draft agreement would give SANDAG the right to restore up to approximately 100 acres of JPA property in the San Dieguito Lagoon for a period of seven years. This area includes the location that Poseidon was formerly considering use of for 37 tidal wetland acres, and almost all of the former Boudreau property. In return, SANDAG would pay the JPA $440,000 at signing and $50,000 annually for four years that would enable the JPA to comply with its own requirements to complete the revegetation of the treatment ponds, conduct water quality monitoring and reporting for the treatment ponds, and create 2.736 acres of seasonal salt marsh. In addition, the agreement requires SANDAG to comply with the conditions that SCE requested.

Citizens Advisory Committee Recommendation – This item was reported to the CAC at their June 5’ 2009 meeting.

Issues – No issues have been identified.

FINANCIAL CONSIDERATION

None - costs will be reimbursed.

ALTERNATIVE ACTIONS

1. Approve Restoration Agreement as written.
2. Revise Restoration Agreement.
3. Do not approve the Restoration Agreement and give staff other direction.

Respectfully submitted,

Dick Bobertz
Executive Director

Attachment:
1) Draft Restoration Agreement
Agreement Regarding Restoration Of Land Within
The San Dieguito River Valley

This Agreement Regarding Restoration of Land Within the San Dieguito River Valley ("Agreement") is made this _____ day of __________, 2009, between The San Dieguito River Valley Regional Open Space Park Joint Powers Authority, a local government agency created by the County of San Diego and the Cities of Del Mar, Escondido, Poway, San Diego and Solana Beach for the purpose of creating a greenway and natural open space park system in the San Dieguito River Valley ("JPA"), and the San Diego Association of Governments, a legislatively created regional government agency, ("SANDAG"), hereafter collectively referred to as the Parties, with respect to the following facts:

RECITALS

1. Whereas, in April 2003 SANDAG’s Board of Directors (SANDAG Board) adopted the 2030 Regional Transportation Plan (RTP) entitled “MOBILITY 2030, The Transportation Plan for the San Diego Region”; and

2. Whereas, the RTP includes a list of transportation network improvements and other transportation programs that are intended to improve the mobility of people and goods throughout the region; and

3. Whereas, the TransNet Extension Ordinance and Expenditure Plan (Transnet Extension Ordinance) was adopted by the SANDAG Board on May 28, 2004, and approved by the voters on November 2, 2004, to provide for continuation of the half-cent transportation sales tax for 40 years to relieve traffic congestion, improve safety, and match state/federal funds; and

4. Whereas, the TransNet Extension Ordinance included the establishment and implementation of an Environmental Mitigation Program (EMP), including 11 principles that further defined the major elements of the EMP; and

5. Whereas, the TransNet EMP is intended, in part, to provide for early large-scale acquisition and management of important habitat areas and to create a reliable approach for funding required mitigation for future transportation improvements, thereby enabling the purchase of habitat that may become more scarce in the future, reducing future costs and accelerating project delivery; and

6. Whereas, proactive mitigation of transportation projects would provide an opportunity to implement the TransNet EMP by providing opportunities for early large-scale conservation, permit streamlining, and certain cost savings; and
7. Whereas, on September 26, 2008, the SANDAG Board of Directors delegated authority to its Executive Director to secure mitigation property for regional transportation projects and local streets and roads; and

8. Whereas, Parties have identified property owned by the JPA that is located on the east side of I-5 in the San Diequito River Valley, just south of Via de la Vallee consisting of approximately 100 acres, as more specifically described in Exhibit A, which is attached hereto and incorporated herein by this reference, that could be used to satisfy some of the mitigation requirements of regional transportation projects (“Mitigation Property”); and

9. Whereas, a technical report prepared by Nordby Biological Consultants (Nordby Report) has indicated that the Mitigation Property could be restored to inter tidal wetlands and upland habitat; and

10. Whereas, the Nordby Report is preliminary, and no commitment to proceed with restoration of the Mitigation Property will be made by any party, until after completion of environmental review in compliance with the California Environmental Quality Act (CEQA), and if a federal action is required, the National Environmental Policy Act (NEPA); and

11. Whereas, any restoration of the Mitigation Property would have to be designed and implemented in a manner that did not adversely impact the San Dieguito Wetlands Restoration Project being implemented by Southern California Edison (SCE); and would also require SCE’s written consent because SCE has certain restoration rights in the Mitigation Property that would have to be respected; and

12. Whereas, the Mitigation Property is located within the Multiple Species Conservation Planning Area of the City of San Diego and identified as potential restoration area in the San Dieguito JPA’s Park Master Plan; and

13. Whereas, on ______________, 2009, consistent with the TransNet EMP Memorandum of Agreement signed on March 19, 2008 by SANDAG, Caltrans and the Wildlife Agencies, and with the SANDAG Board of Director’s September 26, 2008 delegated authority, the Executive Director of SANDAG is authorized to execute this Agreement; and

14. Whereas, the California Department of Transportation (“Caltrans”) has by way of a separate Cooperative Agreement, attached hereto as Exhibit __, reserved the right to use up to 20-acres of JPA and/or City of San Diego land within the San Dieguito River Valley as mitigation property for projects along the I-5 Transportation Corridor; and

15. Whereas, Caltrans and SANDAG are working cooperatively to acquire and develop mitigation for projects within the I-5 Transportation Corridor, including
restoration of property within the San Dieguito River Valley in a manner that is consistent with the Cooperative Agreement; and

16. Whereas, the Parties desire to enter into an agreement that establishes a process for the design, environmental review, consideration, and implementation of a restoration project on the Mitigation Property,

NOW, THEREFORE, in consideration of the above recitals, which are incorporated herein as a substantive part of this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and pursuant to California law, the parties agree as follows:

I  SANDAG’S RESTORATION RIGHTS

The JPA hereby grants SANDAG the right to design a restoration project for the Mitigation Property that includes tidal wetlands and upland habitat (Restoration Project), the right to process the Restoration Project for approval by the JPA and all other agencies with jurisdiction over the project, and if a Restoration Project is approved, the right to implement the Restoration Project for mitigation credits (these rights are collectively referred to as the “Restoration Rights”). The Restoration Rights are subject to the following terms and conditions:

1. SANDAG’s Restoration Rights shall commence on the date this Agreement is signed by all Parties and shall continue for a period of seven (7) years or until such time as the JPA approves a Restoration Project, whichever occurs first. If a Restoration Project is approved by the JPA, the terms and conditions of SANDAG’s future Restoration Rights shall be specified in the approval. If after the passage of seven years, the JPA has not approved a Restoration Project, either because one or more proposals were denied or no proposal was submitted for approval, then this Agreement shall automatically terminate and be of no further force of effect.

2. SANDAG, its agents and consultants are granted access to the Mitigation Property for the purposes of the development of a restoration plan; including but not limited to access to obtain elevations, groundwater depths, hazardous material assessments, and biological and cultural resource surveys.

3. Any Restoration Project proposed shall comply with minimum design criteria set forth below in Section II.

4. The Restoration Rights granted herein are not a commitment by the JPA to approve a Restoration Project proposal. The JPA agrees that restoration of the Mitigation Property to increase tidal wetlands and restore upland habitat is consistent with the overall objectives for the San Dieguito River Valley, but cannot make any commitment to a particular Restoration Project until all of its environmental consequences have been considered. Likewise, acceptance of
the Restoration Rights granted herein is not a commitment by SANDAG to proceed with a Restoration Project. Accordingly, final approval of any Restoration Project by the JPA or SANDAG shall not be considered until after completion of environmental review process in compliance with CEQA.

5. Subject to the existing rights possessed by SCE and Caltrans, the Restoration Rights granted herein are exclusive. During the term of this Agreement, the JPA shall not grant any other person or entity Restoration Rights in the Mitigation Property.

6. Implementation of a Restoration Project shall not commence until all required permits and approvals have been obtained, including written consent of SCE. In addition, SCE and SANDAG shall enter into a written agreement regarding the rights and obligations of each Party prior to commencement of any Restoration Project work by SANDAG."

II Restoration Project Design

SANDAG shall be responsible for the Restoration Project design, which shall include the following elements:

1. It shall be limited to creation, restoration and enhancement of natural open space habitat, both wetland and upland habitats;

2. It shall not impair the San Dieguito Wetlands Restoration Project being implemented by SCE;

3. It shall not increase flooding hazards or scour over the conditions identified in the final design for the San Dieguito Wetlands Restoration Project approved by the Coastal Commission;

4. It shall be peer reviewed by one or more independent experts, qualified in such restoration designs;

5. It shall include restoration of up to 10 acres of tidal wetlands that would be reserved and available for use by SCE for a period of 5 years after completion of the Restoration Project, if needed to satisfy SCE’s Coastal Permit obligations for the San Dieguito Wetlands Restoration Project. SCE would compensate SANDAG for the actual restoration costs of any restored wetlands used.

The conditions set forth above are minimum standards and shall not limit imposition of additional conditions deemed appropriate by the Parties to this Agreement or any other party with approval authority over a Restoration Project.
Upon request, SANDAG shall provide copies of any technical reports and informational documents prepared by consultants or in conjunction with the Restoration Project Design.

III ENVIRONMENTAL REVIEW AND PARK MASTER PLAN AMENDMENT PROCESS

1. The JPA shall serve as the lead agency for purposes of state environmental review pursuant to CEQA, and shall prepare the appropriate environmental document, which is anticipated to be a supplemental or subsequent environmental impact report. SANDAG agrees to cooperate in providing any information in its control necessary for the CEQA process.

2. The JPA shall prepare a proposed amendment to its Park Master Plan, and any other applicable land use documents, needed for final consideration of the Restoration Plan.

3. If required, the JPA shall prepare or assist in the preparation of a National Environmental Policy Act (“NEPA”) environmental document under the direction of a federal lead agency.

4. SANDAG shall reimburse the JPA for the cost of the environmental review and plan amendment process, including the cost of consultants, technical reports and staff time.

IV RESTORATION PROJECT APPROVAL BY THE JPA

1. After certification of the CEQA document for the Restoration Project, the JPA Board of Directors will consider whether to approve the Restoration Project. The approval would include an amendment of the JPA’s Park Master Plan and any other applicable land use documents.

2. The Board’s decision shall be guided by, among other things: (i) the general agreement that restoration of river park property as natural, open space habitat and expansion of tidal wetlands is consistent with the JPA’s overall purpose and goals, (ii) the basic design standards set forth in Section II above, (iii) the results of the peer review process, (iv) the results of the environmental review process, and (v) the testimony and evidence submitted by interested agencies and members of the public.

V SCE AND CALTRANS APPROVALS

1. SCE’s written consent for the Restoration Project to proceed forward shall be required as a condition of final approval. In addition, the Parties and SCE shall mutually agree on cost sharing agreement whereby SANDAG pays a fair
share contribution towards the cost of keeping the San Dieguito river mouth open.

2. Caltrans written confirmation that the Restoration Project is consistent with the restoration rights it possesses by way of the Cooperative Agreement shall also be required as a condition of final approval.

3. The Parties shall work cooperatively to obtain the required SCE and Caltrans agreements.

VI OTHER APPROVALS

1. SANDAG shall be responsible for obtaining all other Restoration Project approvals and permits.

2. The JPA shall cooperate in the approval processes.

VII RESTORATION PROJECT IMPLEMENTATION, PRESERVATION, AND LONG-TERM MAINTENANCE.

1. If approved, the Restoration Project shall be implemented by SANDAG. The JPA shall grant all necessary easements and/or licenses required and shall otherwise cooperate in with implementation of the Restoration Project.

2. The Restoration Project shall be permanently preserved as protected, natural open space by way of a deed restriction, conservation easement or other method acceptable to the Parties.

3. Long-term maintenance of the Restoration Project shall be performed by the JPA pursuant to a habitat management plan (“HMP”) approved by the Parties. The HMP, or other agreement acceptable to the Parties, shall define when SANDAG’s restoration obligations end and the JPA’s long-term management obligation begin, and it shall provide for an endowment to fully fund the JPA’s long-term management obligations.

VIII CONSIDERATION FOR RESTORATION RIGHTS

In addition to the obligations set forth in this Agreement, SANDAG agrees to the following as additional consideration for the Restoration Rights granted herein:

1. Upon signing this Agreement, to make an initial payment of $300,000, followed by $50,000 payments annually, to JPA for four years, which shall be used by the JPA to satisfy its obligations to build and monitor a water treatment pond, including landscaping for the pond and water quality monitoring costs.
2. Upon the signing of this Agreement to make an additional one-time payment of $140,000 to the JPA to help pay for the restoration of 2.73 acres of seasonal salt marsh required by an existing JPA mitigation requirement.

IX. COOPERATION

The Parties agree:

1. To cooperate in determining and obtaining any necessary approvals and permits, including, but not limited to, agreements with SCE and attainment of a coastal development permit;

2. To cooperate with the lead agency in the context of CEQA and NEPA matters related to this Agreement; and

3. To cooperate to secure the rights over City of San Diego land to the San Dieguito River pursuant to the existing Cooperative Agreement between Caltrans, JPA and the City of San Diego, entered on December 5, 2001.

X. JPA’S WARRANTIES

1. JPA, its heirs, successors or assignees agrees to promptly cooperate with and accommodate any of SANDAG’s reasonable requests regarding the baseline condition of the Property.

2. JPA certifies to SANDAG that to the JPA’s actual knowledge, there are no structures or improvements, encroachments, debris or hazardous materials of any kind whatsoever existing on the Property.

3. JPA certifies, represents and warrants to SANDAG that to the JPA’s actual knowledge, there are no previously granted easements, liens, and/or encroachments existing on the Property that interfere or conflict with the purposes of this AGREEMENT.

XI. SPECIFIC RIGHTS OF SANDAG

SANDAG, its employees, agents or assignees, may, without additional approval or license from JPA:

1. Access the Property at any and all times to perform the rights and duties set forth herein, and those outlined in the Land Management Agreement, as amended from time to time; and
2. Erect, maintain, and/or remove, at SANDAG’s expense, signs or other appropriate markers in prominent locations on the Property, visible from public roads or other adjoining property, bearing information indicating that TransNet Environmental Mitigation Program acquisition funds were used for the purpose of protecting the Property’s sensitive habitat, and those additional Purposes outlined in this Agreement; and

3. Enforce the terms and conditions of this Agreement and the Land Management Agreement and any amendments thereto; and

4. Exercise its discretion in taking any reasonable actions necessary to fulfill the Purposes of this Agreement.

XII  General Provisions.

1. NO THIRD PARTY RIGHTS

This Agreement is not intended to create any rights for third parties.

2. TERMINATION OF RIGHTS AND OBLIGATIONS

The JPA may only terminate this Agreement for failure to make the payments required by Section VIII or other material breach of this Agreement, and only after first giving a 90 days written notice to SANDAG.

Except as required by law, and in particular, Public Utilities Code Section 132321 et. seq., SANDAG may terminate this Agreement by giving the JPA ninety days (90) advance written notice.

All payments made to the JPA prior to termination of this Agreement shall be non-refundable, and the Parties liability for acts or omissions that occurred prior to the effective date of the termination shall survive.

3. TRANSFER, ASSIGNMENT, SALE OR CONVEYANCE OF PROPERTY

Subject to consent of the JPA, which shall not be unreasonably withheld, consistent with Public Utilities Code Section 132321 et seq., and any amendments thereto, SANDAG shall have the right to transfer or assign its rights under this Agreement to any entity, and/or entities that is/are qualified under applicable law to hold Conservation Easements and which assignee or transferee agrees to comply with the terms of this Agreement. In the event the transfers, described herein, occur, JPA, its agents, successors or assigns, agrees to cooperate with SANDAG in effecting any such transfers.

4. SUCCESSORS
The covenants, terms, conditions, and restrictions of this Memorandum of Understanding shall be binding upon, and inure to the benefit of, the Parties hereto and their respective successors and assigns and shall constitute a servitude burdening and running in perpetuity with the Property.

5. AMENDMENT

This Agreement may be amended by JPA and SANDAG, their successors or assigns, only by mutual written agreement, and subject to the written approval of the SANDAG’s Board or its authorized designee. Any such amendment shall be consistent with the purposes of the Agreement and applicable law.

6. DUTY TO DEFEND AND INDEMNIFY

(a) JPA, its successors and assigns, agrees to defend, indemnify, protect and hold SANDAG, its successors and assigns, and its Directors, officers, employees, and agents harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property, including environmental claims (CERCLA, RCRA, etc.), or injury to the JPA’s or its subcontractors’ employees, agents, or officers, which arise from or are connected with or are caused or claimed to be caused by the negligent, reckless, or willful acts or omissions of the JPA, its successors and assigns and its subcontractors and their agents, officers, or employees, in performing the terms and conditions of this Agreement, and all expenses of investigating and defending against same, including attorney’s fees and costs; provided, however, that the JPA’s duty to indemnify and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of SANDAG, its Directors, agents, officers, or employees.

(b) Likewise, SANDAG, its successors and assigns, agrees to defend, indemnify, protect and hold JPA, its successors and assigns, and its Directors, officers, employees and agents harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property, including environmental claims (CERCLA, RCRA, etc.), or injury to SANDAG or its subcontractors’ employees, agents, or officers, which arise from or are connected with or are caused or claimed to be caused by the negligent, reckless, or willful acts or omissions of the SANDAG, its successors and assigns and its subcontractors and their agents, officers, or employees, in performing the terms and conditions of this Agreement, and all expenses of investigating and defending against same, including attorney’s fees and costs; provided, however, that SANDAG’s duty to indemnify and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of JPA, its Directors, agents, officers, or employees.

7. LIENS OR SUBDIVISION
Consistent with Public Utilities Code Section 132321, et seq., JPA, its successors or assigns shall not cause liens of any kind to be placed against, nor use the Property as collateral or security for any loan. Neither shall the JPA subdivide the Property. JPA shall ensure that the covenants in this section are passed through to its successors or assigns in written agreements.

8. SEVERABILITY

If a court of competent jurisdiction voids, invalidates or declares unenforceable any part of this Agreement on its face, or the application thereof to a person, entity or circumstance, such action shall not affect the remainder of this Agreement, or its application to other persons, entities or circumstances.

9. LIBERAL CONSTRUCTION

Despite any general rule of construction to the contrary, this Agreement shall be liberally construed to affect the purposes of this Agreement. If any provision in this Agreement is found to be ambiguous, an interpretation consistent with the Purposes described herein that would render the provision valid shall be favored over any interpretation that would render it invalid.

10. ENTIRE AGREEMENT

This instrument sets forth the entire agreement between the Parties regarding this Agreement and supersedes all prior discussions, negotiations, understandings, or agreements relating to it that are not incorporated herein by reference. No alteration or variation of this instrument shall be valid or binding unless amended consistent with the Amendment requirements outlined herein.

11. CONTROLLING LAW AND VENUE

The laws of the State of California shall govern the interpretation and performance of this Agreement. Venue shall lie in the County of San Diego, State of California.

12. NOTICES

Any notice, demand, request, consent, approval, or communication that any party desires or is required to give to the other party shall be in writing and be delivered by first class mail, postage fully prepaid, or sent by a cognized overnight courier that guarantees next-day delivery, addressed as follows:

JPA: SANDAG:

EXECUTION
JPA and SANDAG have executed this Agreement on the date first written above.

JPA:                 SANDAG:

Approved as to Form:               Approved as to Form:

EXHIBITS INCORPORATED INTO MEMORANDUM OF UNDERSTANDING
Exhibit: Legal Description of Property or is APNs OK
Exhibit: December 5, 2001 Cooperative Agreement
Exhibit:
TO: JPA Board

FROM: Staff

SUBJECT: El Camino Real Widening and Wildlife Undercrossing

RECOMMENDATION:

Direct staff to send the attached letter supporting the Carmel Valley CPB’s request regarding the El Camino Real Widening and Wildlife/Trail Undercrossing.

SITUATION:

As a follow-up to recently-held meetings regarding the widening of El Camino Real from Sea Country Lane to San Dieguito Road including two field meetings with City of San Diego and JPA staff, the Carmel Valley Community Planning Board (CVCPB) sent the attached letter to City staff (Attachment 1). The letter addresses the inclusion of the wildlife/trail undercrossing into the widening plans for El Camino Real. The JPA Board has already taken a position of supporting the inclusion of a wildlife/trail undercrossing as part of the widening of El Camino Real. However, the issue now is timing because the City is legally obligated to immediately release the bonds to widen the road even though the plans do not include the undercrossing.

The CVCPB is asking that the JPA Board support the actions requested in their letter. Specifically, the CVCPB asked the city to consider alternatives to releasing funds from D.R. Horton to widen the road, which would include finding gap funding to incorporate the undercrossing into the road widening project and negotiating a full-value payment by D.R. Horton to a sequestered project account making this a City project rather than a private project. This would give the City time to design the undercrossing and apply for grants for construction. The City has the funds to design the undercrossing, but not to construct it.

CAC RECOMMENDATION:

The CAC considered the CVCPB letter at their June 5, 2009 meeting and voted unanimously to recommend that the JPA Board support the CVCPB’s request.

ALTERNATIVES

1. Direct staff to send the attached letter.
2. Provide direction on additional issues/items to include in a letter.
3. Give staff other direction.
Respectfully submitted,

Shawna Anderson
Principal Environmental Planner

Attachments:

1. Carmel Valley Community Planning Board letter dated May 12, 2009
2. Draft JPA letter
May 12, 2009

Ms. Patti Boekamp
Engineering & Capital Projects
City of San Diego
1222 First Ave.
San Diego, CA 92101


Focus: The MHPA Wildlife/Trail Undercrossing at This Segment of El Camino Real.

Dear Patti:

The Board greatly appreciates your and City staff’s efforts toward achieving this undercrossing, including our January 28, 2009 meeting with you, followed by the site visit you organized for City staff and us on March 3, 2009.

As you know, this undercrossing is important to our community because of its value as a habitat corridor link and safe trail crossing of this multi-lane, high speed roadway. An adequately designed undercrossing would provide a critical link in the City’s MHPA; the MSCP Subarea Plan for the northern tier of the MSCP; the City’s "Framework Plan"; the San Dieguito River Park’s "Concept Plan"; the open space trails, and biology aspects of the "Pacific Highlands Ranch Subarea Plan" and the City’s (both MSCP and Park and Recreation Dept’s) trails plans. It can provide a safe trail undercrossing of El Camino Real to link the Gonzales Canyon trail system and points to the east with the Coast-to-Crest trail, future San Dieguito Lagoon trail system, future trail link to the Del Mar Fairgrounds and future trail link to the beach in Del Mar. Moreover, a very significant investment has been made to implement the City’s MSCP in the NCFUA and associated trail system. An adequate undercrossing of El Camino Real must be commensurate with the investment made in other crossings throughout Carmel Valley and the NCFUA to sufficiently implement the MSCP and City’s General Plan. As you and other City staff are now well aware, this is the only remaining segment, along El Camino Real, where a viable undercrossing is possible.

Among many of the City open space plans and policies we have quoted you, a key one is from the Council-approved "NCFUA Framework Plan":

"4.10a: Within the 100-year floodplain fringe of the San Dieguito River, fill for roads and other public improvements and/or permanent structures will be permitted only if such development is consistent with the policies detailed in the North City Local Coastal Program (LCP)"

89 ATTACHMENT 1
Additionally: “5.5a: Where it is essential that a road cross the environmental tier, bridge structures shall be required to provide unobstructed wildlife corridors...Where roads enter and traverse portions of the open space system, provisions shall be taken to provide for wildlife movement across the road a minimum of once every ½ mile...5.5f: Roads which cross the 100-year floodplain shall be constructed above grade, using bridge or causeway structures.”

Mayor Sanders and (then) Council President Scott Peters appointed a "Western River Valley Task Force" to propose alternatives to the 24-year old plans to widen El Camino Real and Via de la Valle. This task force included many City staff, developers, the CVCPB, advocates for the San Dieguito River Valley and members of the San Dieguito Planning Group. One of our task force’s strongest recommendations concerned this portion of El Camino Real:

"C. El Camino Real from San Dieguito Road to Half-Mile Drive: Limit widening to two travel lanes, an emergency vehicle center lane, bike lanes, and landscaped parkways with pedestrian/equestrian paths, and an improved trail and wildlife undercrossing under the road to connect Gonzales Canyon to the western river valley." (p. 5, "River Park Compatible Road Improvements, Prepared by the San Dieguito Western River Valley Task Force established by Council President Scott Peters and Mayor Jerry Sanders, City of San Diego – March, 2007)

The task force’s final report also reminded the City that the MSCP approval by the EPA/Wildlife Agencies was conditioned on "MHPA Guideline C15" which specified a wildlife undercrossing in this location (also referenced in the MSCP Subarea Plan for the northern tier).

Two locations for the wildlife undercrossing are being considered: one at the location of the existing undercrossing and a second, proposed by Latitude 33, further up the road. We have just learned, through Rick Engineering, that the location for the undercrossing conceptualized by John Eardensohn, Latitude 33, may have additional constraints including a large gravity sewer line beneath the roadway. John Eardensohn does not believe that the constraints at the second site disqualify that site.

A recent on-site discussion revealed that the road widening might require the removal of or improvements to the existing triple box culvert because of its deteriorating condition. We are optimistic that this keeps the door wide open for us to get the engineering design to begin for a larger and more improved undercrossing at this site. We already have negotiated with Pardee Homes on several projects, which resulted in $200,000 of funding directly related to this undercrossing. $100,000 of this is available through the Pacific Highlands Ranch's Public Facilities Financing Plan update in 2006:

"EL CAMINO REAL WIDENING (HALF-MILE DRIVE TO SAN DIEGUITO ROAD)

...Project T-12.2...Department: Engineering and Capital Projects...Pardee has agreed to contribute $100,000 towards the cost of a wildlife undercrossing as part of the terms of its development agreement..."

The remaining $100,000 is part of Pardee’s development agreements for the approvals of the "Proposition C"/Pacific Highlands Ranch ballot measure and the approval of the City’s Multiple Species Conservation Program Plan. These funds are not specifically for engineering and design, but they can be used for that purpose as well as for construction of the undercrossing. We also have just learned that SANDAG is showing interest in a grant for this undercrossing through a special fund for transportation projects such as this.
Our problem is time: according to the City’s Facilities Financing Division, the funds from D.R. Horton for this widening must be released. In order to achieve the undercrossing and the road widening as one project, we urge you consider alternatives such as: (1) Finding gap funding to incorporate the undercrossing in the road project and (2) Negotiating a full-value payment by Horton to a sequestered project account and making this a City project.

On the recent site visit mentioned above, the consultant from Rick Engineering also visited our Neighborhood 10 (Carmel Country Rd. just south of SR 56) wildlife and pedestrian/equestrian undercrossing. He has been asked by his client to do some rough calculations (design and funding) for a similar arched clear span undercrossing at El Camino Real. We are optimistic that this step will get us much closer to a good outcome on El Camino Real.

Rick Engineering March 12, 2009 Letter to John Fisher regarding the latest "Cycles Issue" report:

This letter points out the conflict between the conditions for this road-widening project in its 1985 environmental clearance and Coastal Development Permit and today's conditions. In 1985 there was no "Framework Plan" or "MSCP". Despite assurances to the public in both of these later plans/policies and many others that widening El Camino Real would satisfy strict environmental standards, the developer was not required to modify the road widening plans.

Just as with the wildlife/trail undercrossing, Rick Engineering answers any question from the City regarding the "Environmentally Sensitive Lands" ordinance as follows:

"(City) Comment 18: It has not yet been established that the proposed project will provide an adequate wetland buffer. Address how an adequate wetland buffer will be provided between proposed development and existing wetlands... (Rick Engineering) Response: The proposed project entails the completion of a road project that received environmental clearance and a coastal permit in 1985 for a four-lane arterial"

In addition, we have recently learned that the land on both sides of the existing box culvert will likely be restored to habitat within the next 2-3 years.

We believe that the changed plans and conditions for the land alongside this segment of El Camino Real, and the City's apparent inability to require the developer to respond adequately to those changes, argue strongly for either gap funding or a City-built project.
Conclusion

We hope that this update on the road widening will result in our further working together with you and City staff to resolve these inconsistencies and to achieve an adequate undercrossing vital to our entire City open space system.

Sincerely,
Carmel Valley Community Planning Board

Frisco White, AIA
Chair

Manjeet Ranu, AICP
Vice-Chair

Jan Fuchs and Anne Harvey
Regional Issues Subcommittee
Co-Chairs

cc: Councilwoman Sherri Lightner, District 1
    Tim Nguyen, CP&CI, City of San Diego
    Wm. Thomas Hespeler, PE, Rick Engineering Co.
    John Fisher, Development Services Project Manager
    Vena Lewis, Development Services Project Manager
    Rick Thompson, City of San Diego
    Charlene M. Gabriel, Facilities Financing Manager, City Planning & Community Investment
    Shawna Anderson, San Dieguito River Park JPA
June 19, 2009

Ms. Patti Boekamp  
Engineering and Capital Projects  
City of San Diego  
1222 First Avenue  
San Diego, CA 92101

Subject: El Camino Real Widening Project #145081 and Wildlife/Trail Undercrossing

Dear Ms. Boekamp:

The JPA Board of Directors considered the above-listed project regarding the issue of the wildlife/trail undercrossing at their June 19, 2009 meeting. The JPA took action back in 2004 calling for this critical undercrossing to be incorporated into the widening of El Camino Real and strongly supports the Carmel Valley Community Planning Board’s most recent request to find funds for this important MSCP project. The undercrossing represents the last remaining critical link to allow wildlife passage from Gonzales Canyon to the recently restored and protected San Dieguito Lagoon.

We are pleased to hear that City staff has recently met with JPA staff and community members resulting in positive progress toward a conceptual design for the undercrossing. However, the undercrossing still has not been incorporated into the construction plans for widening El Camino Real and although funds do exist to design the undercrossing, the City is now faced with a timing obligation to release the development bonds to start the road widening project. We urge the City to seriously pursue a funding mechanism that would allow the necessary time to incorporate the undercrossing into the road widening plans before construction commences.

We hope that a solution can be reached soon to resolve this problem.

Sincerely,

Pam Slater-Price, County Supervisor  
JPA Board Chair

Cc: Frisco White, Carmel Valley Community Planning Board  
John Fisher, City of San Diego Development Services  
Charlene Gabriel, Facilities Financing Manager, City Planning & Community Investment
TO: JPA Board

FROM: Staff

SUBJECT: No Smoking Policy

RECOMMENDATION:

Adopt Attached Policy.

SITUATION:

At your 4/17/09 meeting, Board Member David Roberts reported that he had received suggestions that the River Park should join other agencies such as the Cities of San Diego, Solana Beach and County of San Diego in establishing a policy of no smoking in park areas. Your Board referred the item to the CAC for a recommendation.

The CAC considered whether to adopt the attached “no smoking” policy at their May 1st meeting. The policy was approved by a vote of 12 yes and 4 no.

A draft no smoking policy is attached

CITIZENS ADVISORY COMMITTEE RECOMMENDATION – This item was considered by the CAC at their May 1st meeting, and was approved by a vote of 12 yes and 4 no.

FINANCIAL CONSIDERATION

Such a policy would require posting standard international no smoking symbols in a similar manner to other advisory symbols such as dogs-on-leash. However, because this would be implemented over time as new signs are installed, the fiscal impacts are minimal.

Respectfully submitted,

Dick Bobertz
Executive Director

Attachments:

1. Draft “No Smoking” Policy.
POLICY NO. 09-01
ADOPTION DATE:

SAN DIEGUITO RIVER PARK JOINT POWERS AUTHORITY POLICY ON SMOKING

PURPOSE

The Board of Directors of the San Dieguito River Park Joint Powers Authority (JPA) was formed to plan, create, preserve and enhance the San Dieguito River Valley Regional Open Space Park. Smoking has been determined to be a hazard to natural habitat due to the potential for causing wildfires and an aesthetic impact due to litter.

POLICY

It is the policy of the San Dieguito River Valley Regional Open Space Park JPA that smoking is not allowed within the Focused Planning Area (FPA) in habitat areas, trails and San Dieguito River Valley Regional Open Space Park facilities.
Agenda Item 8
June 19, 2009

TO: JPA Board
FROM: Staff
SUBJECT: Donation Acceptance and Recognition Policy

RECOMMENDATION:

Adopt Attached Policy.

SITUATION:

At your 4/17/09 meeting, your Board requested that staff return within ninety days with a draft “Naming Rights” policy for your Board’s consideration.

The CAC had already been considering a “donations policy” and had formed a committee for that purpose. The committee (Jacqueline Winterer, Tony Joseph, Terry Badger and Tom Golich) researched a number of policies adopted by other agencies to arrive at policy that would address the types of issues that may arise regarding accepting and giving recognition for donated funds or objects, and that would establish the River Park’s criteria in making these decisions. The attached policy was approved unanimously by the CAC at their June 5th meeting.

Respectfully submitted,

Dick Bobertz
Executive Director

Attachments:

1. Draft Donation Acceptance and Recognition Policy.
SAN DIEGUITO RIVER PARK JOINT POWERS AUTHORITY
DONATION ACCEPTANCE AND RECOGNITION POLICY

PURPOSE

The Board of Directors of the San Dieguito River Park Joint Powers Authority receives support from members of the community and from donors that helps to implement the vision and goals of the San Dieguito River Park, and wishes to recognize those contributions appropriately without detracting from the mission of the San Dieguito River Park. The guidance provided in this policy describes procedures for accepting and recognizing such contributions.

POLICY

It is the policy of the San Dieguito River Park Joint Powers Authority (JPA) that in accordance with the protocols described below, the JPA will encourage and accept the support of donors and members of the community in order to implement the mission of the San Dieguito River Park and will recognize that support through appropriate means. The guiding principle for this policy is dedication to maintaining the open space environment and natural beauty of the land within the Focused Planning Area of the Park.

I. Donations

A. The JPA shall encourage donations from individuals, for-profit, non-profit and public entities, as long as the donations will enhance the Park and are consistent with the Park Concept Plan and mission.
B. Donations may be in the form of land, or interests therein, money or securities, or equipment or other objects.
C. Appropriate items for specified donations shall include, but not be limited to:
   a. Benches
   b. Picnic tables
   c. Drinking fountains
   d. Kiosks
   e. Interpretive signs and markers
   f. Trails or portions thereof
   g. Native gardens or restoration areas
   h. Bridges and Undercrossings
   i. Staging areas
   j. Visitor Center or Nature Center, or portions thereof
D. When donated items are accepted by the Park, these items will be maintained in their designated locations for a reasonable period of time. Donors will be advised, if possible, when the donated item is to be moved or removed.
E. Acceptance of a donation is at the discretion of the Executive Director. A donation may be declined if the donor individual or entity is associated with activities that are incompatible with the goals and objectives of the San Dieguito River Park.

F. The River Park Staff shall be responsible for acceptance, location, usage, maintenance and record-keeping of all donations.

G. When donations are received, the staff will enter the information into an appropriate Donations Record file, which should include:
   a. Name of Donor
   b. Amount of donation
   c. Date of donation
   d. Donor-requested use or purpose of donation
   e. Actual use of donation
   f. Location of donation if appropriate

H. Park staff shall send an acknowledgement letter to each donor to thank them for the donation and provide a receipt for tax purposes.

I. Maintenance
   a. All items donated to the Park shall become the Park’s property and the Park’s responsibility to maintain.
   b. Projects constructed by community or charitable groups may be maintained by the donor group for a time requested by the group if approved by the Park.
   c. The Park will be under no obligation to maintain in place, or replace signs, plaques, structures, or other donated objects if they are vandalized, lost, stolen or otherwise destroyed, or in need of relocation as a result of Park operations. Maintenance or replacement of said objects will be at the discretion of the Park.
   d. When donated items are accepted by the Park, these items will be maintained in their designated locations for a reasonable period of time. Donors will be advised (if possible) when the donated item is to be moved or removed. In the latter instance, the donor will have the first right of acceptance of the removed object.

J. If a member of the public, including the donor, or a member of the CAC, disagrees with the staff’s handling of any aspect of a donation, the disagreement should be made known to the staff in writing, and if the disagreement persists, that party may submit an appeal, in writing, to the JPA. JPA’s decisions on all appeals shall be made in a timely manner, and shall be final.

K. Donations accepted by the Park shall be regularly listed on the CAC agenda so that CAC members or other members of the public are informed regarding the donations that the JPA has received and accepted.

II. Recognition

A. Recognition for certain donated or funded items such as benches, picnic tables, signs and kiosks (items C.a through C.e. above) will generally take the form of a commemorative plaque, approximately 4 inches by 6 inches, recording the name of the donor, honoree if any, and the date of the donation, which shall be affixed to the donated item.

B. Recognition for certain donations such as gardens or staging areas (items C.f, C.g or C.i above) may take the form of a small freestanding sign giving the name of the donor, honoree if any, and the date of the donation.
C. For recognition of multiple donations associated with large facilities it will be appropriate to have a plaque or similar display listing all donors, which shall be located in a conspicuous but not distracting location. Size, scale, and material of the sign or other method of display shall be consistent with the number of donors and the structure.

D. The Executive Director of the San Dieguito River Park has the authority to accept the donations described in Section I.C. above, pursuant to the terms of this Policy. The Executive Director shall use his/her judgment regarding whether a donation has the potential to be controversial, and in such case the Executive Director may consult with an ad hoc committee of the Citizens Advisory Committee for advice and recommendation.

E. The donated items described in Section I.C. above will be located in appropriate locations in the Park as determined by the Executive Director or his designee. It is important that the placement of items and/or recognition for donated items minimize impacts to native habitat and the wildlife that uses it, preserve and respect views, and preserve and respect the pristine nature of undeveloped areas.

F. No religious or political statements are allowed on any signage.

G. Recognition for larger gifts may take the form of Naming Rights consistent with Section III.

III. Naming Rights

Naming rights may be granted by the JPA in recognition of any significant contribution to the Park that it wishes to honor. These contributions can be financial in nature or for meritorious service not associated with a donation and is at the discretion of the JPA Board in agreement with the party or their representatives. Naming rights will be granted at the sole discretion of the JPA Board in recognition of persons or entities it wishes to honor.

A. The JPA will not name a geographic feature of the Park, such as a mountain, lagoon or creek, after an individual or other entity.

B. Historical or geographical names for Park facilities are preferred, with the name of the donor or memorial name secondary to the historical or geographical name.

C. Naming Park facilities after individuals (donors, honorariums and memorials) should be given careful consideration by the JPA Board and staff.

D. One of the following two criteria must be fulfilled in order for the granting of Naming Rights to be considered:
   a. Recognition of outstanding service to the Park;
   b. Recognition of an exceptionally generous financial contribution from a donor (be it by way of donation, bequest, sponsorship, etc.)

E. Physical Display of Naming Rights
   a. The physical display of the Naming Rights shall be decided or negotiated by the JPA Board on a case by case basis, with consideration given to appropriateness of the size, style and refinement of the display in proportion to the facility and its setting.

F. Duration of Naming Rights. The duration of the recognition – whether in perpetuity or for a designated period – will be determined by the JPA Board in consultation with the donor/contributor or a trustee at the time of the donation/contribution. Notwithstanding this clause, any responsibility of the JPA toward the donor regarding
the naming rights is subject to Section I.I.c. and shall be terminated if the named object no longer exists.

G. Informed Consent. The JPA shall not grant a Naming Right without the informed consent of the named party or the named party’s legal representative.

H. Monetary Valuation of Naming Rights. Monetary valuations may be assigned to Naming Rights possibilities on a case by case basis to aid with making decisions about granting Naming Rights.

I. Acceptance of a donation in association with naming rights must be approved by the JPA Board, with recommendation from the CAC. Any member of the public may request that the CAC reconsider its recommendation of acceptance or denial before the item is considered by the JPA Board for a final decision.

IV. This Policy may be amended by majority vote of the JPA Board.
Agenda Item 12a

San Dieguito River Valley
Regional Open Space Park
14103 Highland Valley Road
Escondido, CA 92025
(858) 674-2270 Fax (858) 674-2280
www.srdp.org

April 23, 2009

Mayor Jerry Sanders
City of San Diego
202 C Street
San Diego, CA 92101

Subject: Rancho Santa Fe Polo Club Status

Dear Honorable Mayor Sanders:

After several years of limited progress regarding resolving the grading and public trail violations at the Rancho Santa Fe Polo Club, the JPA is encouraged by a recently proposed new plan by the Polo Club to restore the public trail along their leasehold. After receiving the Development Services Department’s latest assessment letter on the Polo Club’s January 2009 site development application and after meeting once again with San Dieguito River Park staff and community, Polo Club lessee Chris Collins presented a revised trail plan to the JPA for consideration at their April 17, 2009 Board meeting. The JPA and Polo Club representatives would like to meet with City officials including the City’s Planning and Community Investment Department, Development Services Department, and Real Estate Assets Department directors, to present and discuss the Polo Club’s new proposal, which includes a separate public trail for bicyclists and hikers and a shared equestrian trail.

According to the Polo Club, their proposal includes a separate 10-foot wide public trail along the north side of the river for hikers and bicyclists. Next to this trail would be a 24-foot wide equestrian trail separated by a 6-foot high equestrian fence. (installed by the Polo Club). The equestrian trail would also be open to the public but would be a shared use with the Polo Club’s equestrian exercise trail. The improved trails would constitute a segment of the San Dieguito River Park’s Coast to Crest Trail through this area. According to Mr. Collins, most of the length of the two proposed adjacent trails can be accommodated within the existing footprint of the current exercise trail. However, this needs to be confirmed on the site and we will be asking Chris Collins to stake the proposed new trail plan on the ground to better understand the changes that may need to be made to accommodate two trails while still restoring the stream bank/edge back to its original condition before the Polo Club illegally graded and filled the area to establish their exercise track. Plans provided by Mr. Collins indicate that some of the eucalyptus trees and berm that currently exist between the dirt vehicular road and the polo exercise track will need to be removed.

The JPA agrees with comments made by City’s Development Services staff in their February 17, 2009 assessment letter to the applicant. While we are encouraged by the Polo Club’s recent attempt to propose a solution, several important details need to be worked out including, but not limited to:

- The JPA remains concerned about the feasibility of safely accommodating both recreational riders and polo ponies on one trail that will be used by the
Polo Club several times a day to exercise strings of polo ponies taking up almost the full width of the 24-foot trail.

- Determination of the illegally graded areas to be restored to wetlands to correct their permit violations, and confirmation that the bike/pedestrian trail would not encroach into the restored areas or the stream channel itself. This may require moving the equestrian trail slightly to the north through some areas to adequately accommodate both trails.

- Necessary permitting and improvements of both public trails to be done by the Polo Club to replace/restore the public trail that existed prior to Polo Club operations. This should be done under the site development permit they are currently seeking.

- The Polo Club must be responsible for all necessary grading and surfacing (stabilized DG) to improve the 10-foot wide bike/pedestrian trail (i.e., to restore what was the public trail).

- Equestrian fence would be supplied and installed by the Polo Club.

- The ability of the Polo Club to maintain their exercise track (disking, drainage) without encroaching onto or damaging the pedestrian/bicycle trail.

- Repair drainage issues on existing trail so that ponding does not occur on the trail (large areas of standing water occur on the trail when not in use by the Polo Club).

The Coast to Crest Trail connections, at both the west and east ends of the Polo Club leasehold, will be made in the future. The JPA is working with the City on a western connection dependent on the City's plans for replacement/realignment of the El Camino Real bridge. The plan is for the trail to travel under the new bridge and connect directly to the trail along the Polo Club. The trail within the lagoon area to Horse Park is currently under construction and will be finished by this summer. An eastern connection will be made by the JPA sometime in the future.

The JPA is hopeful that a solution to this critical issue will be reached soon to the satisfaction of all parties. I will follow up with the noted department directors after the proposed alignment has been staked on the Polo Club site. We look forward to further progress on this important and long-standing issue.

Sincerely,

Pam Slater-Price
Supervisor Pam Slater-Price
JPA Board Chair

Cc: Members of the San Diego City Council
    William Anderson, City Planning and Community Investment
    Jim Barwick, Real Estate Assets
    Kelly Broughton, Development Services
    Frisco White, Chair, Carmel Valley Planning Board
    Chris Collins, San Diego Polo Club