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 20, 2012

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. FY 2012/13 Budget Amendment (page 3)

ACTIONS

2. Rancho Del Mar Decision (Page 7)

3. Proposed Bandy Canyon Ranch Land Acquisition (Page 10)

INFORMATION

4. Trailside Open Air Classroom (“The Birdwing”) (Page 19)

5. Report on Regional Water Quality Control Board (RWQCB) Stormwater Requirement Issues (Page 28)

6. Sikes Adobe Landscape Plan Presentation (Page 29)
7. **Status Reports (Oral)**
   
a. **River Park Projects**
   
i. **Coast Trail “App” Demo Presentation** (Please bring your iPAD if you have one.)
   
ii. **Other**

8. **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**

9. **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.

10. **Communications**
   
a. **Letter from Supervisor Slater-Price to CCC re Wetland Delineation** (Page 31)

11. **Closed Session**
   
a. **Conference with Legal Counsel pursuant to Government Code Sec. 54956.9(a) regarding pending litigation: City of Solana Beach et al. v. 22nd District Agricultural Association.**


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 to be made. **The agenda and minutes are available at no cost on the San Dieguito River Park web site at www.sdrp.org.**
TO: JPA Board
FROM: Staff
SUBJECT: Amend FY 12/13 Operating Budget to Appropriate Grant Funds Received

RECOMMENDATION:

Adopt the attached amendment to the FY 12/13 Operating Budget

A. Background

Staff recommends that your Board amend the current year operating budget to appropriate grant funds that were received after the FY 12/13 budget was adopted. These grants were from the County of San Diego Neighborhood Reinvestment Act and Community Enhancement Programs at the recommendation of Supervisor Slater-Price.

- $12,000 for creation of a Trail App for the entire Coast to Crest Trail.
- $112,600 for a shade structure and pathways for the planned Trailside Open Air Classroom (see separate staff report).

Staff recommends that your Board adopt the attached FY 12/13 operating budget amendment.

Respectfully Submitted,

Dick Bobertz
Executive Director

Attachments:
1. Proposed Amended FY 12/13 Trails Budget
2. Proposed Amended FY 12/13 Capital Project Budget
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TO: JPA Board
FROM: Staff
SUBJECT: Rancho Del Mar Decision

RECOMMENDATION:

Send a response letter to the City Attorney’s office asking that they re-evaluate the Rancho Del Mar Prop A issue in light of concerns and information provided by the JPA, Protect San Dieguito River Valley Coalition, and others.

UPDATE:

At your previous meeting of April 20 2012, your Board directed staff to send the attached letter to the City of San Diego’s Land Use & Housing Committee regarding a recent Planning Commission decision on the proposed Rancho Del Mar project (Attachment 1). No workshop was held by the LU&H Committee and instead a memo from the Deputy City Attorney to the City’s Development Services Director was issued (Attachment 2) in response to letters and inquiries from the JPA, Protect San Dieguito River Valley Coalition (Attachment 3), Carmel Valley Community Planning Board, Sierra Club, C-3, and staff from Councilmember and JPA Board Sherri Lightner. Most recently on August 2nd, members of the now-reconstituted San Diegans for Managed Growth (Prop A), the “Coalition”, C-3, and other organizations met with Ms. Lightner’s staff to press their points again with respect to the perceived violations of Proposition A and the City Attorney’s position.

Although the Deputy City Attorney’s June 2012 memo spoke to some of the concerns raised and left the option for DSD to disallow the project if certain findings could be made, it left many unanswered questions and did not directly address the fundamental issue of a Proposition A violation. In response to a request from JPA staff, JPA’s counsel Wayne Brechtel provided an analysis of the points discussed in the City Attorney’s memo (Attachment 4). A draft letter to the City Attorney’s office for your consideration today (Attachment 5) is based on the information included in Mr. Brechtel’s memo.

The Coalition’s letter and the JPA Counsel’s memo both provide convincing legal arguments why the proposed Rancho del Mar project cannot be processed as a Conditional Use Permit (CUP) without a vote of the people and must follow the requirements of Proposition A, which requires a majority vote of the people to approve the project. Primarily, these reasons are:

1. The proposed project does not meet the definition of an Intermediate Care Facility under the legal definition of such by State Code and by its primary use. Only 50 of the
proposed 224 units would meet the legal definition of an ICF and thus, an ICF cannot be considered its primary use, which is residential. The project greatly exceeds the residential density allowed on the property under the current zone.

2. City ordinances passed as a result of Proposition A to carry out its intended purpose for land uses that were “inconsistent with general plan policy objectives” included prohibiting institutional uses such as nursing homes, hospitals, and Intermediate Care Facilities in agricultural zones. To revert back to then allowing those uses, even with a CUP, would seem to violate Proposition A.

3. The project clearly does not meet any of the three criteria/findings that would need to be made by the City Council to allow such a use in an agricultural zone with a CUP, those being: a) the project is resource dependent; 2) the project is non-urban in character and scale; or c) the project is of an interim nature which would not result in an irrevocable commitment of land precluding future uses. Because these findings clearly cannot be made, the City should advise the project applicant to withdraw their proposed project.

CAC RECOMMENDATION:

JPA staff and the PRC presented an update to the CAC on this issue at their August 3, 2012 meeting and stated that JPA staff planned to ask the JPA Board to respond to the City Attorney’s opinion memo. The CAC generally supported staff’s position, but it was an Information Item and therefore no formal action was taken at the meeting.

RECOMMENDATION:

Send a response letter to the City Attorney’s office asking that they re-evaluate the Rancho Del Mar Prop A issue in light of concerns and information provided by the JPA, Protect San Dieguito River Valley Coalition, and others.

ALTERNATIVES

1. Authorize the Chair to sign the attached draft JPA letter to the City Attorney’s Office.
2. Provide direction on additional issues/items to include in letter.
3. Give staff other direction.

Respectfully submitted,

Shawna Anderson
Principal Environmental Planner

Attachments:
1. JPA letter to LU&H Committee dated April 23, 2012
2. Deputy City Attorney Memo dated June 7, 2012
3. Letter dated June 11, 2012 from Jan Chatten-Brown, legal representative for the Protect San Dieguito River Valley Coalition
5. Draft JPA letter
TO: JPA Board
FROM: Staff
SUBJECT: Proposed Bandy Canyon Ranch Land Acquisition

RECOMMENDATION:

Adopt the attached resolution authorizing the Executive Director and Counsel to prepare and execute a conditional purchase agreement for the Bandy Canyon Ranch Parcel B, and commence escrow, and request the California Department of Fish & Game to allocate funding for the purchase.

SITUATION

An opportunity has arisen to purchase a property that has been on the JPA’s “Identified Properties List for Potential Acquisition” for many years. The property is the Bandy Canyon Ranch Parcel B, located in the unincorporated county area along Santa Maria Creek. (See Attachment 1. Vicinity Map). It lies between the County-owned Ramona Grasslands Preserve and San Pasqual Valley. The entire property consists of Parcel A and Parcel B. (See Attachment 2. Site Map). Parcel A is 238 acres which is already preserved as “Environmental Tier” and can only be sold for mitigation purposes. It is currently in the process of approval as a Conservation Bank by the Resource Agencies. Parcel B, 74.66 acres, has an approved map for 9 development units. In 2008, Palomar Community College District purchased mitigation credits on 90 acres of the overall property, and your Board accepted a Conservation Easement for the 90 acres and an endowment to manage the Conservation Easement. The Conservation Easement follows habitat lines, not parcel lines (see Attachment 3. PCC Easement Map). A portion of Parcel B is already encumbered by the Conservation Easement and therefore would not be included in the purchase.

The property owner has offered the Parcel B property for sale to the JPA and would like to enter into a Purchase Agreement and Escrow, recognizing that the purchase would be conditioned on several things as listed in the draft resolution, including availability of financing and an appraisal that is approved by the State. The purchase price that the seller is asking for the remainder 61.25 acres of Parcel B is $2.2 million, or approximately $35,918 per acre.

Reasons for the purchase include:

- The property is natural open space along the Santa Maria Creek, a continuation of the Ramona Grasslands Preserve into San Pasqual Valley, providing a natural open space connection for wildlife movement;
The property is located in a highly scenic area. Development of 9 houses on this Parcel would create an island of development in a rural area with limited development, adjacent to the City of San Diego Agricultural Preserve. The development would have jarring, visual impacts on this pastoral landscape,

Development of 9 houses on this Parcel would make it very difficult for our rangers to manage the Conservation Easement that crosses in different locations over each of the 9 individual parcels. Our rangers would have to respond and deal with a variety of issues caused by individual property owners trying to fence their property or put in grass or other unknown complications.

have negative impacts on the habitat in the adjacent mitigation site that we are currently managing, and would have negative effects on the adjacent Santa Maria Creek;

Ownership of the property would enable us to utilize a portion of the Old Survey Road 97 for a trail connecting the Coast to Crest Trail to the Ramona Grasslands Preserve.

The property is expected to provide habitat for several threatened and endangered species, among them arroyo toad and California gnatcatcher. Protocol surveys could be done to verify presence.

Eagle nests are located on cliffs just to the south of this property. Owning the property will enable us to have more control over unauthorized access to the nests, which has been identified as an existing concern.

The California Wildlife Conservation Board has funding available for certain land acquisitions from Propositions 40, 50 and 84. Which projects they fund is determined based on recommendations by the California Department of Fish & Game. JPA staff has been in discussions with CDFG about this property. They have requested additional information and will consider it at a preliminary local committee level later this month. Their initial analysis will focus on whether this property meets the criteria for funding by the California Wildlife Conservation Board. Depending on the presence of identified Federally endangered species, the property could also qualify for funding via Federal Section 6 money, a source that was used to purchase much of the Ramona Grasslands.

Staff recommends that your Board adopt the attached resolution authorizing the Executive Director and Counsel to prepare a purchase agreement and to commence escrow for the purchase, as well as placement of the required legal notices for Notice of Intent to Purchase. If no State or Federal money is allocated for the purchase, then the purchase agreement will be terminated at no cost to the JPA. If CDFG does express interest in funding the purchase, then it will be necessary to secure a qualified appraisal that meets the State’s standards. Our recommendation also includes a formal request from your Board to CDFG to fund this purchase.
CAC RECOMMENDATION:

This item has not been reviewed by the CAC

RECOMMENDATION:

Adopt the attached resolution authorizing the Executive Director and Counsel to prepare and execute a conditional purchase agreement for the Bandy Canyon Ranch Parcel B, and commence escrow, and request the California Department of Fish & Game to allocate funding for the purchase.

ALTERNATIVES

1. Adopt Resolution Authorizing Conditional Purchase
2. Do Not Adopt Resolution Authorizing Conditional Purchase
3. Give staff other direction.

Respectfully submitted,

Susan Carter
Deputy Director

Attachments:
1. Vicinity Map
2. Site Map
3. Palomar Community College Conservation Easement Map
4. Vegetation Map
5. Draft Resolution
OPEN SPACE EASEMENTS
PALOMAR COMMUNITY COLLEGE MITIGATION

LEGEND

- OPEN SPACE EASEMENT FOR DIEGAN COASTAL SAGE SCRUB (DCS)
- OPEN SPACE EASEMENT FOR NON-NATIVE GRASSLAND (NNG)

THE SHADED OPEN SPACE AREAS SHOWN ON THIS EXHIBIT ARE THOSE MEETING THE SPECIFIC HABITAT MITIGATION NEEDS OF PALOMAR COMMUNITY COLLEGE AND ARE DEPICTED IN A MATRIX OF LAND COMPRISING THE REMAINING OPEN SPACE, WHICH WILL BE SOLD TO OTHERS.

PALOMAR COMMUNITY COLLEGE MITIGATION NOTES:

<table>
<thead>
<tr>
<th>HABITAT</th>
<th>MITIGATION REQUIRED*</th>
<th>EASEMENT AREA PROPOSED**</th>
</tr>
</thead>
<tbody>
<tr>
<td>DCS</td>
<td>49.20 ACRES</td>
<td>49.20 ACRES</td>
</tr>
<tr>
<td>NNG</td>
<td>37.13 ACRES</td>
<td>37.13 ACRES</td>
</tr>
</tbody>
</table>

* TAKEN FROM MITIGATION TABLE DATED JUNE 11, 2008
PREPARED BY RBF & ASSOCIATES, INC.

** SEE BELOW FOR BREAKDOWN OF ACRES PER PARCEL

DCS: PARCEL E6 - 0.55 AC.
PARCEL E3 - 49.65 AC.
TOTAL - 49.20 AC.

NNG: PARCEL E1 - 13.43 AC.
PARCEL E5 - 1.88 AC.
PARCEL E6 - 8.41 AC.
PARCEL R3 - 0.65 AC.
PARCEL R4 - 1.19 AC.
PARCEL R5 - 2.07 AC.
PARCEL R6 - 2.97 AC.
PARCEL R7 - 2.23 AC.
PARCEL R8 - 2.89 AC.
PARCEL R9 - 1.41 AC.
TOTAL - 37.13 AC.
Proposed purchase area - Parcel B
RESOLUTION NO. ___

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SAN DIEGUITO RIVER VALLEY REGIONAL
OPEN SPACE PARK JOINT POWERS AUTHORITY
AUTHORIZING COMMENCEMENT OF ESCROW
FOR THE PURCHASE OF CERTAIN REAL PROPERTY

WHEREAS, The San Dieguito River Valley Regional Open Space Park Joint Powers Authority ("JPA") is empowered by its Joint Powers Agreement and by the State Joint Powers Law (Government Code Section 6500 et seq.) to acquire property to further its purposes; and

WHEREAS, the owners of the Bandy Canyon Ranch have offered to sell 61.25 acres of property, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, (hereafter "Bandy Canyon Ranch Parcel B") for the sum of $2,200,000.00; and

WHEREAS, the Bandy Canyon Ranch Parcel B property is within the JPA's Focused Planning Area and a priority parcel for purchase as described in the JPA's Conceptual Area Protection Plan and would be a desirable addition to the River Valley Park; and

WHEREAS, it is understood that an independent appraisal by a qualified appraiser must be conducted and must confirm that the price upon which the property is offered to the JPA is not more than its current fair market value; and

WHEREAS, the JPA desires to enter into Escrow for purchase of the subject property and provide notice of its intent to purchase the property as required by Government Code section 25350; and

WHEREAS, entering into escrow for the purchase of the Bandy Canyon Ranch Parcel B property is categorically exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to Section 15325 of the CEQA Guidelines (transfers of ownership to preserve natural conditions) and Section 15313 (acquisition of land for wildlife conservation purposes);

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.

2. The Board of Directors of the JPA hereby approves entry into escrow for the purchase of the Bandy Canyon Ranch Parcel B property with the following contingencies:

A. Receipt of funds from the State of California Wildlife Conservation Board
or other State or Federal funds in the amount of the Purchase Price.

B. Review and approval of a title report for the Property.

C. Physical inspection of the Property and/or investigation by JPA, at JPA’s discretion and expense, that reveals no evidence of the presence of hazardous waste or other harmful materials, to be completed within 45 days of the commencement of escrow.

D. Receipt of written confirmation from an authorized agent of the County of San Diego approving JPA’s acquisition of the Property.

E. Final approval of the purchase by the JPA Board of Directors after statutory notice and public hearing requirements have been met.

F. Additional contingencies or assurances as the Executive Director, in consultation with JPA’s counsel, may deem reasonably necessary and appropriate in the interest of the JPA prior to acquisition.

3. The Executive Director is hereby authorized to expend JPA funds for the purposes of conducting appropriate inspections and investigations into the Bandy Canyon Ranch Parcel B property, as he deems necessary.

4. The Executive Director is authorized to sign such documents and to take such further action as may be reasonably necessary to complete the transaction as authorized by this Resolution.

5. The Executive Director is instructed to publish notice of the JPA’s intention to purchase the Bandy Canyon Ranch Parcel B property in conformance with Section 25350 of the Government Code and to schedule a hearing to approve the purchase of the Bandy Canyon Ranch Parcel B property at the next regularly scheduled Board meeting.

PASSED AND ADOPTED THIS 17th DAY OF AUGUST 2012 BY THE FOLLOWING VOTE:

AYES:    ABSENT:

NOES:    ABSTAIN:

ATTEST:

____________________________  ______________________
Olga Diaz, Chair
TO: JPA
FROM: Staff
SUBJECT: Lagoon Trailside Open Air Classroom and Ranger Maintenance Building

RECOMMENDATION

This is an information item, no action is required.

When your Board approved the concept of the proposed Lagoon Center on the DS 32 site (just south of Via de la Valle) in October 2009, the project included several components.

- A 6,000 square foot, earth-sheltered Lagoon Center building located between the upper and lower trails;

- An amphitheater, since renamed the Trailside Open Air Classroom to avoid conjuring mistaken images of a rock concert venue, would consist of formed, curved seating cut into the hillside slope between the upper and lower trail. It would be shaded and located directly adjacent and east of the future Lagoon Center. It would be designed to seat about 80 people.

- The Ranger Maintenance building, to be located in the far west corner of the site, generally where the construction trailers were located.

As you know, JPA staff applied for grant funding for the Lagoon Center but was unsuccessful. The construction estimate for the Lagoon Center was approximately $7 million. The next step was to identify whether the overall project could be implemented in phases over time. Staff determined that the two most useful and fundable components would be the Open Air Classroom and the Ranger Maintenance building and that these components would have stand-alone utility and could be implemented in the near future. A freestanding public restroom is also highly desirable to serve visitors to the Open Air Classroom as well as the trail.

ISSUES

Ranger Maintenance Building The Ranger Maintenance Building was expressly included in the EIR for the Park Master Plan for the Coastal Area (adopted September 2000), as was parking for 60 vehicles. When the Lagoon Center Plan was developed in 2009, it included a design and floorplan for the Ranger Maintenance Building, keeping it at the originally proposed location at the far northwest corner of the DS32 site (formerly known
Agenda Item 4
August 17, 2012

as the Villages). Public parking is also proposed adjacent to the Ranger Maintenance Building, as shown in Attachment 1. JPA staff has been in discussions with Southern California Edison regarding how to satisfy their obligation to provide office space for 2 ½ rangers (per agreement dated May 2009). SCE has been evaluating various options that would satisfy that obligation, ranging from renting office space in a commercial building to providing a trailer at the site, to building the Ranger Maintenance Building as designed. The latter was JPA staff’s proposal, of course. Discussions now are focused on identifying what is a fair monthly amount for SCE to provide to the JPA that the JPA could use as it deems appropriate to provide office space for the coastal rangers. Once this amount has been negotiated, the existing Trails Management Agreement will be amended and brought to your Board for approval at your October meeting. The idea is that this amount would provide a sufficient, secure revenue stream to enable either the JPA or the San Dieguito River Valley Conservancy to obtain a construction loan and subsequently a mortgage for the Ranger Maintenance Building.

A Coastal Development Permit from the Coastal Commission will be required. Once a loan is secured the design and site layout would be fleshed out, and a submittal would be made to the Coastal Commission. Currently the building is designed to include ranger desk space, a restroom for ranger use, garage and storage areas and enclosed outdoor space. However, there is a possibility that the building could be enlarged modestly to include meeting space, a wet lab, and even some office space for the Conservancy. A freestanding public restroom to be located nearby could be included if separate funding is identified. These concepts will be explored after a funding agreement with SCE is approved. Construction is expected to begin in 2013. In the meantime, our ranger staff is housed in Edison’s rented office in the California Bank & Trust Building on San Andres.

Trailside Open Air Classroom.

The Trailside Open Air Classroom, or amphitheater, was not expressly envisioned in the Park Master Plan for the Coastal Area. It came out of the Lagoon Center public workshop process. The Trailside Classroom will provide a facility for San Dieguito River Park rangers or teachers or Coastal Commission scientists to gather students to teach about wetlands and their importance, aquatic species habitat, migratory birds, effects of climate change and much more. From the Trailside Classroom, students can be led out to the lagoon or Treatment Ponds for further learning activities. The Trailside Classroom can be used as a venue for adult lecture series on these same topics. When it is not being used for teaching purposes, the Trailside Classroom is a place where visitors and trail users can rest, enjoy the view of the lagoon, watch birds, and meet friends. The Trailside Classroom could be the site of San Dieguito River Valley Conservancy day-time fundraising events and parties, and occasional small-scale, non-amplified musical performances such as a violinist or guitarist. On occasion the Trailside Classroom could be a venue for intimate outdoor weddings.

No additional CEQA review is needed for this element because it would not cause any
impacts that were not already addressed in the EIR for the Park Master Plan. The City of San Diego concurs, and agreed to submit a form to the Coastal Commission stating that the project is categorically exempt per CEQA and that it needs no permits other than a building permit. SCE agreed to allow the Open Air Classroom grading plans to be added to their existing construction grading plan and to allow the JPA to process the change as a construction change order, which the City of San Diego also agreed to. Using privately secured funds, the San Dieguito River Valley Conservancy hired a landscape architect to prepare a detailed design and site plan for the open air classroom and designs for the shade structure. Funding for the shade structure and associated pathways in the amount of $112,600 was provided by the County of San Diego at the recommendation of Supervisor Slater-Price. Additional funding will be needed for the excavation and formed seating. This project must proceed expeditiously to complete grading work before the bird nesting season begins March 15, 2013. At today’s meeting there will be a virtual tour of the Outdoor Classroom or “The Birdwing” as it is being called. The virtual tour will show a simulation of the proposed shade structure, which evokes the graceful form of a bird’s wing, hence the name “The Birdwing.” A Coastal Development Permit application to the Coastal Commission will be submitted in the near future, with a target date for approval at the November Coastal Commission meeting. Concurrently, your staff will work with the architects to develop construction documents and send the project out to bid, for your Board’s subsequent action.

CAC RECOMMENDATION

The CAC reviewed the proposal for the Trailside Open Air Classroom and provided design input at their meetings of June 1, 2012 and August 3, 2012.

Meetings with the Carmel Valley Planning Board and the Del Mar Lagoon Committee to present these projects are being scheduled.

Respectfully submitted,

Susan Carter
Deputy Director

Attachments:
1. Lagoon Center Site Plan
2. Ranger Maintenance Building Concept
3. Sketch of Trailside Open Air Classroom
4. Simulation of Trailside Open Air Classroom
Overview from Lagoon Center Plan

Proposed Ranger
Maintenance Building

Proposed Outdoor
Classroom
Aerial View

3 Trail Links

- Coast to Crest Trail
- Salt Marsh Bird View Trail
- Lagoon
Looking west and heading in to the left.
LOOKING WEST - LAGOON ON LEFT, VIA DE LA VALLE TO THE RIGHT
TO: JPA Board
FROM: Staff
SUBJECT: Regional Water Quality Control Board (RWQCB) Storm Water Requirements

RECOMMENDATION:
Receive Information

SITUATION:
The Building Industry Association (BIA) is seeking support to modify requirements of a draft Storm Water Discharge Permit which they consider ineffective in improving wetland water quality or impractical to achieve in San Diego County soil conditions. Industry representatives detailed their issues to the CAC on August 3, 2012. Representatives of San Diego County (Co-permittee) and the Regional Water Quality Control Board (RWQCB) also made presentations in response.

The Storm Water Discharge Permit at issue was drafted in April 2012 and is currently undergoing review in a series of public meetings scheduled to continue through September 2012 with a finalized draft tentatively scheduled to be released for public comment in Fall 2012. The BIA reported that they were not yet ready to offer a detailed alternative to accomplish water quality objectives and that they would attend future meetings when they are able to detail a proposal.

CAC RECOMMENDATION:
On a vote of 16-0-3 the CAC voted to “notify the JPA Board that information was received from the BIA, San Diego County and the RWQCB but that the CAC was not in a position to make a recommendation at this time. However, the CAC continues to have concerns about water quality and quantity in the San Dieguito River Valley”.
Mr. Tim Jachlewski of In-Site Design, will be present today to give a brief presentation about the Comprehensive Site Master Plan he prepared, pro bono, for the Sikes Adobe Historic Farmstead Park. Mr. Jachlewski is president-elect of the American Society of Landscape Architects (ASLA). To prepare the Site Master Plan (which is based on earlier designs developed by Laura Burnett, of Burnett Land & Water Landscape Architecture, as presented previously to your Board), Mr. Jachlewski and two of his associates visited the site several times, and met with Anne Cooper, Museum Manager, and Lynne Baker, Executive Director of the Conservancy, and Susan Carter. He developed the Site Master Plan as a preliminary step to enable us to apply for a $5,000 grant from the ASLA. And then he helped enhance our grant application to make it as competitive as possible. Among other things, the grant application would fund a large display sign of the Comprehensive Site Master Plan, marked “Master Plan Vision”, to put at the site where the most people driving by or using the trail would see it. It would also provide funding for irrigation and native grape plantings around the picket fence and trees for shade and screening around the site.

Attachment:

1. Comprehensive Site Master Plan
Sikes Adobe Historic Farmstead
San Dieguito River Park Joint Powers Authority

Key:
1. Area of Historical Significance: Historic Home, Windmill, Creamery
2. Multi-Use Barn with Restrooms
3. Outdoor Event Space
4. Shade Canopy (Typical)
5. Community Garden (25) 4'x12' Plots
6. Community Orchard
7. Entry Signage
8. ADA and Staff Parking (5) Spaces Total plus Loading Zone
9. ADA and Visitor Parking (35) Spaces Total
10. Multi-Use Space: Overflow Parking, Large Events, Farmer's Market
11. Stabilized Decomposed Granite Path (Typical)
12. Berm with Native Vegetative Screening
13. Native Vegetation Water Quality Feature
14. Prefabricated Trail Bridge
15. Groundskeeper Mobile Home: Screen from Key Areas
16. Directional Signage
17. Wheat Fields
18. Chicken Coop, Shed, Livestock Pens, Cattle Chute
19. CA Native Grape (Propagated from historic stock)
20. Pumpkin Patch
21. Bee Hives
22. Equestrian Trailer Parking (3 Spaces)

Picnic Table
July 16, 2012

Ms. Deborah N. Lee, District Manager
California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Ste 103
San Diego, CA 92108-4402

RE: 22nd DAA/CCC Cease & Desist and Remediation Orders

Dear Ms. Lee,

I write to express great concern about how the wetlands delineation is being carried out at the 22nd District Agricultural Association ("DAA") under the Cease and Desist and Remediation Orders ("Orders") that apply. As you know section 3.2(C)(1) of the Orders requires a "Wetland delineation, completed pursuant to Coastal Commission protocol, of the subject properties submitted for review and approval of the Executive Director." You have advised that the referenced Coastal Commission protocol requires that an area be designated as wetlands if any one of the applicable three wetlands criteria exists: (1) the area reflects wetland hydrology, (2) hydric soils are found, or (3) wetland plants are found. This is in contrast to the Federal protocol used by the Army Corps which, we understand, requires the presence of all three factors.

You are also aware of the long history of illegal grading, scraping, and filling that has occurred in the east overflow lot ("EOL") and the south overflow lot ("SOL") by the DAA. Photographic and other evidence has been submitted documenting that grading, scraping, and filling continued to occur up until, and after, the effective date of the Orders and into the time period when, I understand, the wetland delineation survey work was to be conducted.

Put simply, here is my concern: The site has been so profoundly altered that the results of a survey will not show the true hydrology of the area. If the survey finds no areas that are ponding or otherwise reflective of wetland hydrology to meet the first of the three criteria, it will be the result of illegal grading and filling. We know illegal grading and filling has been, in part, to accommodate parking and that means eliminating areas that pond. If hydric soils are not found, how will the survey prove that they have been removed by scraping and grading, or buried by imported fill? If no wetland plants are found, it will be because the area was scraped clean of vegetation.
Additionally, why isn’t the delineation being carried out in the rainy season? Staff admits that it is not ideal and that’s obvious as to why. During the dry season, there is less evidence of ponding and wetland indicator plants are less likely to be found.

In your message on this topic to Jacqueline Winterer of July 10, 2012, you state:

"While conducting a delineation outside the peak rainy period and in areas subject to on-going clearance/scraping for parking use is not ideal, there are protocols for dealing with atypical situations. In addition, it is important to keep in mind that the Coastal Commission utilizes a single parameter test (i.e. wetland vegetation; wetland hydrology or presence of hydric soils) for its delineations rather than the three parameter test used by the Army Corps of Engineers. Therefore, given that our staff reviews delineations on a case by case basis to address atypical conditions and utilizes the more rigorous single parameter test, we are confident that any final delineation will adequately capture the extent of wetlands present at the EOL."

I write to ask that you clarify, in writing, what the protocols are that you reference for dealing with atypical situations like those existing at the fairgrounds and to confirm, in writing, how a proper wetland delineation will be completed under such circumstances. In order to have confidence in the result we need to know the specifics regarding how each criterion will be applied:

1. Exactly how will wetland hydrology be judged? Will aerial photographs and other evidence be examined? Will the inquiry go back in time to predate the illegal grading? Will persons with personal knowledge be interviewed? Will the Commission consider historic evidence of ponding in its determination since Commission practice is to determine wetlands or other ESHA on the basis of what might have been there had there been no unauthorized disturbance?

2. How will it be determined if hydric soils existed? Will borings and depth samples be taken to see if hydric soils have been buried? Will off-site fill piles be identified and tested that might contain soils removed from the EOL and SOL? Will areas of runoff be examined to see if hydric soils are found in the runoff deposits? If hydric soils have been disturbed and intermixed with non-hydric soils on site how will that be handled? How much hydric soil must be found to qualify an area as wetland? How are hydric soils distinguished from non-hydric soils?

3. With regard to vegetation, the photographic evidence already submitted makes clear that the site has been repeatedly scraped clean, including as recently as a few months ago. How will it be determined if wetland plants might have been present prior to such scraping? Will photographic evidence be used dating back to a time before the site was scraped? Will persons with personal knowledge be interviewed? If the area is capable of supporting wetland plants but has recently been scraped clean, will this criterion be deemed met? Are there other techniques?
I trust you will agree that a wetlands delineation that meets Coastal Commission standards must be based upon the condition of the property unaffected by any illegal grading, scraping, or filling. Otherwise, violators are rewarded if they can remove a wetlands designation from their property by illegal activity.

I also know that you and the Commission share my support for the restoration of the San Dieguito lagoon. In this context, the EOL and SOL are key remaining pieces of the restoration. They are already in public ownership so there should be no issue of private property rights conflicting with restoration goals. The evidence seems overwhelming that, in their natural condition, the EOL and SOL were entirely, or nearly entirely, wetlands comprising a functioning part of the lagoon system. It is important for the long-term not only that the ongoing wetland delineation be properly done, but that interested parties like myself also have confidence in the methodology and in the result. I know you share that approach, and look forward to working with you on it further.

I suggest that you consider setting a meeting where you and I can sit down with the consultants actually doing the wetland delineation, along with other experts and knowledgeable parties, to discuss these issues in an informal manner. This could go a long way toward reassurance that the survey is being properly done. The alternative is for us to wait for completion of the survey and then to be left with no alternative but to challenge it before the Commission if we believe it to be inadequate. I, for one, would much prefer to work with you and the consultants in advance to try and ensure that it will be properly done in the first instance.

Sincerely,

PAM SLATER-PRICE
District 3 Supervisor
San Diego County Board of Supervisors
PSP/sk