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 July 16, 2010

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. Resolution Applying for State Environmental Enhancement Mitigation Program Funds. (page 3)

2. Resolution Applying for State Department of Justice ORI Number (page 7)

3. Award Fencing Contract for Lagoon Trail (Segment 8) (page 10)

ACTION

4. Report from the Finance Committee re Long-Term Operational Funding Alternatives (page 15)

5. Sikes Adobe Historic Farmstead (page 21)
   a. Agreement with Happy Trails Livestock Company LLC
   b. Status Report on Master Plan
6. I-5 North Coast Corridor Project Draft EIR/EIS (page 26)
7. Marine Life Protection Act (MLPA) EIR (page 39)

INFORMATION

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. Status Reports (Oral)
   a. River Park Projects

10. 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.

11. Communications

THE NEXT REGULAR JPA MEETING WILL BE NOVEMBER 19TH.

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: Application for State Environmental Enhancement and Mitigation Program (EEMP) Grant

RECOMMENDATION:

Adopt attached resolution applying for EEMP grant funds for acquisition of Del Mar parcels

SITUATION:

A. Summary and Recommendation

The Environmental Enhancement and Mitigation Program (EEMP) was established by the Legislature in 1989. It offers a total of $10 million each year for grants to local, state, and federal governmental agencies and to nonprofit organizations for projects to mitigate the environmental impacts caused by new or modified state transportation facilities. State gasoline tax monies fund the EEMP. Applicants may apply for these funds to undertake environmental enhancement and mitigation projects that are directly or indirectly related to the environmental impact of modifying existing transportation facilities, or for the design, construction or expansion of new transportation facilities. The related transportation facility must be modified or constructed in 1990 or later and the EEM project must be over and above the required mitigation for the related transportation project. The grant program funds three types of projects: Highway Landscape and Urban Forestry, Resource Lands, and Roadside Recreation. Grants are generally limited to $350,000.

The deadline this year is October 1st. Staff recommends that your Board adopt the attached resolution applying for $350,000 in the Resource Lands category to purchase the three remaining parcels along San Dieguito Drive. These parcels, often referred to collectively as the Del Mar parcels, are adjacent to several similar parcels owned by the City of Del Mar and the San Dieguito River Valley Conservancy. The owners have indicated a willingness to sell, but a purchase price has not been set. Purchasing the last three parcels would bring the entire group of parcels between the Grand Avenue Bridge Overlook and the commercial block at the corner of San Dieguito Drive and Jimmy Durante Blvd. into public ownership. The purpose of owning these parcels is to restore them to wetland habitat and to provide a location for a trail that would connect the Grand Avenue Bridge Overlook with the Riverpath Del Mar and the Lagoon Boardwalk. The grant proposal includes preparation of a restoration plan.

Staff recommends that your Board adopt the attached resolution approving the filing of an application for the grant funds, certifying that the JPA will make adequate provisions for operation and maintenance of the project and appointing Dick Bobertz as the Board’s agent to execute all documents as may be necessary.
ALTERNATIVES

1. Adopt attached resolution
2. Do not adopt attached resolution and do not apply for these grant funds.
3. Give staff other direction.

Respectfully submitted,

Susan A. Carter
Deputy Director

Attachments:

1. Map of Parcel Location (handout at meeting)
2. Draft Resolution
RESOLUTION of the Board of Directors of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority approving the application for grant funds for the Environmental Enhancement and Mitigation Program under the section 164.56 of the streets and highways code for the following project: Acquisition of Del Mar Parcels

WHEREAS, the Legislature of the State of California has enacted AB 471 (Chapter 106 of the Statutes of 1989), which is intended to provide $10 million annually for a period of 10 years for grant funds to local, state and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities; and

WHEREAS, the Resources Agency has established the procedures and criteria for reviewing grant proposals and is required to submit to the California Transportation Commission a list of recommended projects from which the grant recipients will be selected; and

WHEREAS, said procedures and criteria established by the Resources Agency require a resolution certifying the approval of application by the applicant's governing body before submission of said application to the State; and

WHEREAS, the application contains assurances that the applicant must comply with; and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the environmental enhancement and mitigation project;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS

1. Approves the filing of an application for the Environmental Enhancement and Mitigation Program for grant assistance.

2. Certifies that said applicant will make adequate provisions for operation and maintenance of the project.

3. Appoints Dick Bobertz, Executive Director, as agent of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

Approved and Adopted the _________ day of ____________________, 2_____________.
I, the undersigned, hereby certify that the foregoing Resolution Number ______________
was duly adopted by the Board of Directors following roll call vote:

Ayes:

Noes:

Absent:

______________________________________
Richard Earnest, Chair

______________________________________
Jan Lines, Office Manager
TO: JPA Board  
FROM: Staff  
SUBJECT: Resolution Applying for State Department of Justice ORI Number  

RECOMMENDATION:

Adopt attached resolution applying for State Department of Justice ORI Number  

SITUATION:

A. Summary and Recommendation

It is important to know when individuals volunteer at the River Park to do activities where they could interact with the public or appear to represent the River Park in some official capacity, whether those volunteers are who they say they are and that they do not have a violent criminal record or sex offender status. In the past the JPA has not done background checks on our volunteers, but this year’s tragic event in Rancho Bernardo has made it clear that we must. Staff has investigated our options for doing this, and determined that the most cost-effective method is to participate in a live-scan (fingerprinting) program. This program costs $20 per volunteer, but it requires an agreement with the State Department of Justice to obtain an ORI (Originating Agency Identifier) number before we can begin processing background checks through the system. The State Department of Justice requires that your Board adopt a resolution agreeing to certain conditions prior to approving an agreement. Staff recommends that your Board adopt the attached resolution.

ALTERNATIVES

1. Adopt attached resolution
2. Do not adopt attached resolution and provide staff with other direction regarding background checks.

Respectfully submitted,

Susan A. Carter  
Deputy Director

Attachments:

1. Draft Resolution
Resolution of the Board of Directors of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority (also known as San Dieguito River Park Joint Powers Authority) requesting an Originating Agency Identifier (ORI) from the California Department of Justice

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts and joint powers authorities to access state and local summary criminal history information for employment, licensing or certification purposes; and

WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties, districts and joint powers authorities to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, governing body of a city, county, district or joint powers authority to specifically authorize access to summary criminal history information for employment, licensing or certification purposes.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the San Dieguito River Park Joint Powers Authority are hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and contract employees) purposes and may not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED, that the Board of Directors of the San Dieguito River Park Joint Powers Authority shall consider a person who has been convicted of a violent or serious felony or misdemeanor eligible for employment (including volunteers and contract employees); except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment, volunteer or license in question.

I, the undersigned, hereby certify that the foregoing Resolution Number _______________ was duly adopted by the Board of Directors following roll call vote:

Ayes:

Noes:

Absent:
TO: JPA Board

FROM: Staff

SUBJECT: Award Contract for Fencing at Lagoon Trail (Segment 8)

RECOMMENDATION:

Award Contract to Sierra Pacific Fence for Fencing Installation at Lagoon Trail (Segment 8)

SITUATION:

A. Summary and Recommendation

Grants totaling $100,000 were received from the State Coastal Conservancy and Southern California Edison to construct the Lagoon Trail (Segment 8) between San Andres and Horsepark. This project includes the Coast to Crest Trail at the top of the slope and a pedestrian only nature trail below it, the two of them forming a loop trail. Ranger staff has been working to construct the trail. However, it was determined that the 4,878 feet of wooden lodgepole trail fencing should be contracted out. Quotes were requested from several fence companies that the River Park has worked with previously. Price quotes were received from Bellfree Contractors and from Sierra Pacific Fence. Bellfree’s quote was $13.33 per linear foot. Sierra Pacific Fence’s quote was $12.35 per linear foot. Both of these companies have satisfactorily installed this same type of fencing for the River Park on other jobs.

Staff recommends that your Board award the contract to Sierra Pacific Fence for $60,243.50

CITIZENS ADVISORY COMMITTEE RECOMMENDATION:

This item has not been reviewed by the CAC.

FISCAL IMPACT:

None. This contract will be reimbursed by grants.

ALTERNATIVES

1. Award contract to the lowest responsible bidder, Sierra Pacific Fence.
2. Do not award contract to Sierra Pacific Fence and give staff other direction.
Respectfully submitted,

Susan A. Carter
Deputy Director

Attachments:

1. Diagram of Trail Alignment where Fencing will be Installed
2. Quote from Sierra Pacific Fence
3. Quote from Bellfree Contractors.
Install 2,901’ Lf. Of 3’ high 2 rail lodge pole fence with galvanize 16d nails and concrete footings @ upper trail per e-mail

Install 1,977’ Lf. Of 3’ high 2- rail lodge pole fence with galvanize 16d nails and concrete footings @ lower trail per e-mail

Install (3) 14’ x 4 rail pipe gates 1 5/8 frame

MATERIALS ARE PRESSURE TREATED 5”x 5’ POSTS AND RAILS 3½” x 96”

CONVERSATION WITH JASON LOPEZ GOOD ACCESS TO FENCE LOCATIONS

Total Material and Installation: $ 60,243.50

Terms: DEPOSIT $ DUE UPON COMPLETION $ 60,243.50

AGREED TO AS STAKED
NOT RESPONSIBLE FOR UNDERGROUND LINES
Contractor and Purchaser further agree as follows: More or Less footage, gate, and/or terminal post shall be charged or credited in accordance with the above figures. Any cancellation of contract by purchaser will be subject to 20 percent service charge. Rock, soil conditions, sewer pipes, and other obstacles causing additional erection expense may be charged extra upon the prevailing time and material cost basis. We agree to perform what is written on the face hereof; oral presentations or statements not binding on us. All orders are subject to final approval by sales manager. Contractor shall not be responsible for breakage of any underground utility not specifically located by customer. Contractor will not be responsible for property line location with fence installation. Contract price, above stated, shall be due and payable in cash upon completion of work, unless otherwise specifically stated. Any contract not so paid shall be subject to a 2% monthly charge commencing ten days after completion of said work. Purchaser promises to pay all cost, including reasonable attorney’s fees and court cost, incurred by contractor in the collection amount due under this contract. At the election of contractor, title to the fence and materials installed under this contract shall not pass to purchaser, but shall remain vested contractor until the amount due under contract, and all interest due thereon is fully paid. In the event of default in payment of the amount due hereunder, contractor may use, without notice or demand, enter upon purchaser’

X_____________________________________________________ X___________________________ __________________________
Steve Rodriguez  President                   Customer Accepted
Dear Susan,

I am pleased to submit this quotation to install Lodgepole rail fencing and three gates for the Lagoon Trail.

The scope of work is as follows:

1. Provide and install 4878 LF of two rail lodgepole railing fencing along the trail.
2. Provide and install three steel pipe four rail gates 4’ high x 8’ wide.

We can complete this project for the sum of $65,057.00

Prices quoted are honored for 120 days from the date of this quote unless extended in writing.

Thank you for the opportunity to review your needs and offer this quotation. Please call me at (818) 975-5120 or e-mail me at hans@bellfreecontractors.com if you have any questions or need any further information.

Thank you, Hans Keifer
TO: JPA Board
FROM: Staff
SUBJECT: Finance Committee Report

RECOMMENDATION:

Receive Finance Committee Report and Discuss

SUMMARY:

At the July 16th JPA Board meeting, your Board assigned the Acquisition & Financing Strategies Committee (“Finance Committee”) to research, identify and develop alternative funding sources for ongoing operations, and to report back to the full Board regularly. The Finance Committee, comprising members Pam Slater-Price, Jim Cunningham and Tom Golich, met on September 2nd. The report below is the staff report they received with their comments and recommendations.

Below in Item #2 are the funding options that staff has identified to date. The intention is that the potential funding sources the committee decides to pursue would be in addition to the City of San Diego annual contribution which it is hoped will eventually be resumed. Most of the potential sources listed below have a lead-time of several years.

1. You may want to keep in mind what the River Park’s long-term operational needs will be. Our Resources and Trails Manager has given us his projection below for ranger needs park-wide:

<table>
<thead>
<tr>
<th>Description</th>
<th>Positions</th>
<th>Cost: Salaries plus benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>To replace rangers that were transferred to the Coast.</td>
<td>2.5</td>
<td>$145,080</td>
</tr>
<tr>
<td>To restore Environmental Planner position to ¾ time.</td>
<td>.3</td>
<td>$42,859</td>
</tr>
<tr>
<td>To restore funding for Executive Director position.</td>
<td>1</td>
<td>$155,000</td>
</tr>
<tr>
<td>Subtotal: Annual amount required to restore previous staffing level.</td>
<td>3.8</td>
<td>$342,939.00</td>
</tr>
<tr>
<td>To add rangers to patrol and manage existing trails and new areas west of Hodges Dam, east of El Camino Real. (Ranger I level)</td>
<td>2</td>
<td>$116,064</td>
</tr>
<tr>
<td>To add a ranger to manage JPA land east of Lake Sutherland and manage new trails. (Ranger I level)</td>
<td>1</td>
<td>$58,032</td>
</tr>
</tbody>
</table>
2. Discussion of Potential Long-Term Operational Revenue Sources – (see detail below)
   a. Land Management Income
   b. User Fees
   c. Vehicle License Fee
   d. Bingo
   e. Cell Tower Rent
   f. County-wide Park District
   g. Park District for SDRP Focused Planning Area
   h. Quality of Life Initiative (SANDAG)
   i. Sikes Adobe Historic Farmstead Activities

   a. Land Management Income. This is a direction that the JPA has been moving in for some time with increasing success. It takes several forms. If a developer or agency has a project that impacts habitat, they have to mitigate for that impact by purchasing other habitat at some ratio of the original impact. The resource agencies now require that they can’t just mitigate by purchasing property, they also have to provide for long term management of the acquired property. Generally that long term management takes the form of an endowment which produces income sufficient to pay for the management. The developer or agency also has to select a land manager that will be responsible for managing the property. In some cases the title is transferred to the JPA, in other cases the title is retained by the original owner but a conservation easement is put in the JPA’s name. The JPA is currently managing 495 acres of habitat, and earning $75,000 in income each year for doing so. The disadvantage to this program is that it requires substantial effort on the part of the JPA’s rangers to manage the property in accordance with the resource agency requirements. Thus, the income derived from land management is not freely available for the JPA to spend as desired, but must be spent on rangers to manage the property. This means that the equivalent block of ranger time is not available for more traditional uses such as patrol, interaction with the public, trail maintenance, etc. The other disadvantage is that growth in this area is uncertain, because it is limited by factors we have no control over – primarily, whether or not California gnatcatchers are present on the property.

   Committee Discussion: Modest potential. Has produced $300,000 over 3 years, but has limited future due to staff shortage.
b. **User Fees.** All of the SDRP programs are currently free to the public. There have been a few occasions when we have charged a small fee for programs to cover cost of materials, but generally there has been no charge. The County of San Diego is currently working with a consultant on a cost recovery program, where they are identifying a range of benefits to determine whether they are “core level” services which are appropriate to be funded by taxes, or provide more personal benefit and therefore should be paid for by the individual receiving the benefit. Your committee may wish to discuss your philosophy regarding user fees and where and how user fees could be instituted where they would provide substantive income without substantially reducing the number of users. For example, should or could we charge people to hike or bike or ride on our trails? Should or could we institute an annual fee to hike or bike or ride on SDRP trails? Should we try to develop a more substantial activity program (similar to the San Diego Natural History Museum) and charge a fee for the activities that produce actual revenue, not just cover cost of materials?

*Committee Discussion: Not feasible in the River Park due to control and enforcement issues, even if desired. See i. Sikes Adobe discussion.*

c. **Vehicle License Fee** - Prop. 21 will give California vehicles free day-use admission to the state parks in exchange for a new $18 vehicle license fee, which will be specifically dedicated to state parks and wildlife conservation. The surcharge will apply to most California vehicles, including motorcycles and recreational vehicles, and will be collected by the Department of Motor Vehicles as part of the annual vehicle license fee. It will not apply to larger commercial vehicles (those subject to the Commercial Vehicle Registration Act), mobile homes or permanent trailers. Your committee may wish to consider something similar at the local level. In 2005 there were 2,237,205 registered vehicles in San Diego County. Suppose a small fee of $2 per vehicle for local parks were added to the vehicle license fee for San Diego County residents. Based on the number of registered vehicles in 2005, $2 per vehicle fee would raise $4,474,410 County-wide. Since SDRP FPA is 343 square miles, and the County is 4,526 square miles, the SDRP FPA is 7.5% of the County’s geographic size. 7.5% of the money raised ANNUALLY would be $335,580. This would pay the salaries and benefits for 5 rangers. The remaining funds ($4,138,830) would be split proportionally among the County and municipalities. If your committee is interested in pursuing this idea, staff would have to investigate what the legal requirements are regarding adding items to the VLF and coordinate with the County.

*Committee Discussion: Not a politically viable option.*

d. **Bingo.** The Bingo Ordinance is scheduled for action by the Del Mar City Council in September. Once it is approved, the 22nd Ag District will move forward with their plans to have bingo games at their Satellite Wagering Facility 7 days a week,
twice a day. It is currently not clear how much potential revenue is associated with the bingo, and how many non-profit organizations will participate.

*Committee Discussion: Good potential but the revenue amount is unknown. Coordinate with City of Del Mar and 22nd DAA.*

e. **Cell Tower rent.** Permitting a cell tower on public property can be very lucrative. The catch is that the property has to be useful for cell tower purposes. The JPA has been approached several times in the past for permission to build a cell tower at Bernardo Mountain. To date the issue has been the access road, which would need to be upgraded to be used for that purpose. The cost of the associated upgrade and mitigation for the upgrade has so far dissuaded interest by prospective cellular companies.

*Committee Discussion: Good potential but there are no current inquiries underway. Committee suggested we inform telecommunication companies of potential available sites owned by the River Park.*

f. **County-wide Park District.** Section 5506.3 of the Government Code says that the San Diego County Board of Supervisors may initiate formation of Regional Park/Open Space District by adoption of a resolution provided, among other things, that the boundaries of the district are coterminous with the boundaries of the entire county. A minimum of 80% of all proceeds from any assessment levied under section 5539.3 of the general provisions of the Law must be spent on capital improvements [5506.3(c)(7)]. At the time this language was added to the Code, it would have allowed for a parcel tax to finance the County-wide park district with 50+1% of the voters approval. Now it is subject to Proposition 218 (adopted in 1996) and would therefore probably require 66% voter approval. Since our primary needs are for operational funds, not capital project funds, this vehicle as is, would not serve. But your committee should consider whether legislative modifications would make this code section more useful for our purposes. There are advantages associated with teaming up with County Parks if you are considering a ballot measure, because there will be substantial legal and marketing costs. We have learned that County Parks is independently researching long-term funding strategies and may be looking into some kind of County-wide park district.

*Committee Discussion: Good potential IF the hurdle of a 2/3 vote requirement can be overcome. Work with County Parks.*

g. **Park District surrounding SDRP Focused Planning Area.** Section 5500 of the Government Code allows for creation of a special district. The boundaries of the proposed district could be tailored to fit a specific area, such as the Focused Planning Area for the San Dieguito River Park, and any assessments and/or taxes levied and approved could be spent as the board sees fit, not limited to capital
improvement expenditures. In this situation, the JPA alone would have to bear the legal and marketing costs. In addition, there would be “engineering” costs because a specialized engineer would have to determine the “benefit” per parcel associated with its proximity to the San Dieguito River Park. Again, post-Proposition 218, it is probable that passage would require 2/3 voter approval instead of 50%.

Committee Discussion: This option is less feasible than Item f because all the costs would have to be borne by the JPA alone. Recommend looking into this option only as a backup to Item f.

h. Quality of Life Initiative (SANDAG). SANDAG has created a steering committee and a working group to look into a long-term funding mechanism for habitat conservation, shoreline preservation, water quality and public transit. The Chair of the Working Group is Crystal Crawford. The Working Group has been meeting monthly to carefully examine criteria and strategies. The funding mechanism that the group seems to favor is a sales tax increase that would be on the ballot in 2012. The advantage of sales tax is that it raises a considerable amount of money and can be spent as needed (or as described in the ballot language). 2/3 voter approval is required. As described in the Habitat Conservation write-ups by SANDAG staff, habitat conservation would include public access control and trail maintenance. Thus funding through the Quality of Life Initiative should be available to the JPA for those purposes, but some kind of allocation system should be agreed to in advance as part of the ballot language.

Committee Discussion: Good potential IF the hurdle of a 2/3 vote requirement can be overcome. Continue following SANDAG Stakeholder Working Group meetings.

i. Sikes Adobe Historic Farmstead Activities At your Board’s last meeting, you directed staff to prepare a Master Plan for the Sikes Adobe Historic Farmstead, with direction that Sikes should be self-supporting, while at the same time preserving the historic integrity of the site. This was prompted by ideas proposed by Tom Cook and Dan Winne that part of the property, outside of the interpretive boundary, had revenue earning potential. They asserted that the property could earn $40,000 in the first year, with activities such as the wagon rides, pony rides, farmers market and a produce stand. If it did earn $40,000 a year, those funds would cover current expenses: $26,500 salary/benefits of the half-time Sikes Adobe Museum Manager and $6,000 in Sikes’ operational expenses. However, in reality, if the farmers market and produce stand are successful, they could potentially earn quite a bit more than that. As in any business the success will depend on a number of factors – the right location, the right idea, the right marketing, the right management. A portion of the excess income could be reinvested at the site and a portion could come back to the JPA.

Committee Discussion: Good potential. See Agenda Item 5.
Respectfully submitted,

Dick Bobertz  
Executive Director
RECOMMENDATION:

Staff recommends that your Board approve the attached agreement with Happy Trails, and provide input to staff regarding the Master Plan.

SUMMARY AND RECOMMENDATION:

At your Board’s July 16 meeting, the Board directed staff to prepare a Master Plan for the Sikes Adobe Historic Farmstead with the goal that the Sikes site would become self-sustaining while at the same time preserving the historical integrity of the site. The Board also directed that staff bring back an agreement with Mr. Dan Winne that would enable him to initiate some revenue-producing activities at the site as soon as possible, even though the Master Plan will not be completed and adopted for some time.

Agreement with Happy Trails

The proposed revenue-producing activities that are covered in the draft agreement (Attachment 1) with Mr. Winne include pony-rides, wagon rides (which have been ongoing since March), a produce stand, farmers market, harvest festivals and an educational farm. The profits from these activities will be split between Mr. Winne and the JPA. The initial agreement is for one year, because it is understood that as a result of the Master Plan the desired uses may be modified. The one-year period gives both parties an opportunity to re-evaluate at the end of the period, prior to a longer term agreement being adopted. The proposed agreement was reviewed by the Finance Committee (Slater-Price, Cunningham, Golich) at their September 2nd meeting, and is recommended by them for approval.

Status of Master Plan for the Sikes Adobe Historic Farmstead

Your Board directed staff to return with regular status reports on the Master Plan. A Table of Contents is included below and an Outline is being prepared that will be handed out at today’s meeting. The Master Plan, which will be brought to the CAC and JPA Board for review and approval as we move forward, will delineate the themes and uses that are appropriate for the site, provide a phased site plan to show where the uses will be located, and establish design criteria, among other things. It will also include a Business Plan.

The Citizens Advisory Committee will be discussing the Master Plan at its September 10th
meeting. A preliminary discussion about the Master Plan proposals was held with the San Pasqual Planning Group in early August. It is our hope that the activities proposed at the Sikes Adobe Historic Farmstead will provide mutually beneficial opportunities for both the JPA and the farmers of the valley. To that end the Master Plan will promote the Sikes Adobe Historic Farmstead as the gateway to the San Pasqual Valley that will introduce visitors to the resources and products of the valley through a variety of farm-related activities and events.

Sikes Adobe Master Plan Table of Contents

1. Vision Statement
2. Executive Summary
3. Organization and Existing Conditions
4. Historical Context
5. Preservation Plan
   A. Collections Management Plan
6. Phased Development Plan
   A. Site Plans
   B. Use Plan
7. Interpretive Plan
   A. Exhibits Interior and Exterior
   B. Furnishings Plan
8. Business Plan

**RECOMMENDATION:**

Staff recommends that your Board approve the attached agreement with Happy Trails, and provide input to staff regarding the Master Plan.

Respectfully submitted,

Dick Bobertz  
Executive Director

Attachments: Proposed Agreement with Happy Trails LLC
AGREEMENT FOR SERVICES AT SIKES ADOBE HISTORIC FARMSTEAD

PARTIES

This agreement is by and among the San Dieguito River Valley Regional Open Space Park Joint Powers Authority ("JPA") and Happy Trails Livestock Company LLC, Dan Winne as President, ("Happy Trails") (at times collectively referred to as “Parties”).

RECITALS

A. WHEREAS JPA is a joint powers authority existing pursuant to California Government Code Section 6500, et seq. whose purposes and powers include the power to jointly “acquire, plan, design, improve, manage, operate and maintain the San Dieguito River Valley Regional Open Space Park;

B. WHEREAS JPA owns and is responsible for managing and operating the Sikes Adobe Historic Farmstead (“Sikes”), a State Point of Historic Interest and a registered historic site in the City and County of San Diego;

C. WHEREAS JPA intends to develop a Master Plan for the Sikes Adobe Historic Farmstead which establishes Sikes as a source of revenue, while at the same time, preserving its historic integrity and ambience;

D. WHEREAS certain activities, such as pony rides, wagon rides, farmers market, produce stand and others, have been identified as potential revenue-producing activities that could be employed at Sikes;

E. WHEREAS Mr. Dan Winne has proposed to undertake certain of these activities at his cost, with profits to be shared with JPA;

F. WHEREAS, until such time as the Master Plan is completed, the JPA wishes to engage the services of Happy Trails Livestock Company LLC, Dan Winne as President, to operate certain proposed activities at Sikes on a trial basis;

NOW THEREFORE, the Parties agree as follows:

1. With the exception of the Wagon Rides, the activities covered by this agreement shall be confined to the area labeled “Activity Zone” on the attached Site Plan (Attachment 1).

2. No structures of any kind, portable or otherwise, shall be erected at the site without the written approval and permission of the JPA Executive Director.

3. Happy Trails will clear and grade the site as needed in order to set up and carry out the proposed activities.

4. JPA will be responsible for applying for land use permits as may be needed.

5. If a permit is obtained, Happy Trails will be responsible for complying with the conditions of the permit.

6. With respect to the Wagon Rides (which use the Mule Hill Trail from Sikes Adobe Historic Farmhouse to the Mule Hill Trail Interpretive Stations) at a minimum of once a month Happy Trails will provide wagons and a driver for up
to three daily wagon ride tours. A fee will be charged for the wagon ride tours. That fee will be split in the following manner: 45% to Happy Trails, 40% to Sikes and 15% to the Rancho Bernardo Historical Society, in return for approximately 25 hours of work monthly scheduling, promoting and marketing the rides and providing a docent for the rides.

7. With respect to the pony rides, Happy Trails will provide a pony wheel and operator and will collect payment from riders. Profit from the pony rides will be split equally between Happy Trails and Sikes. If agreed by Parties, Happy Trails may convert to a riding track instead of the pony wheel under the same terms.

8. With respect to the proposed produce stand, if Parties agree that such use is desired and consistent with zoning and a permit, if needed, has been obtained, Happy Trails will establish said business activity, erect a simple structure that may be necessary (subject to approval by the JPA Executive Director), and provide personnel to operate the produce stand. Profit from produce sales will be split equally between Happy Trails and Sikes.

9. With respect to the proposed farmers market, if Parties agree that such use is desired and consistent with zoning and a permit, if needed, has been obtained, Happy Trails will establish said business activity and provide personnel to operate the farmers market. Profits from the farmers market, including fees for spaces rented out to local farmers, will be split equally between Happy Trails and Sikes.

10. Happy Trails and JPA agree that holiday festivals associated with farming (such as harvest festivals) are a desired activity at the site, and that Happy Trails will initiate and promote said festivals and provide personnel to operate them. Profits from the holiday festivals will be split equally between Happy Trails and Sikes.

11. Happy Trails and JPA agree that an exhibition/educational farm is a desired activity, which may be operated as a non-profit or for-profit activity. Happy Trails will consult with the Sikes Adobe Museum Manager on the uses to be included, the crops to be included, and the design and location of the farm operation. Happy Trails will improve the soil and plant the agreed upon crops and take care of the crops so that they grow successfully. JPA will provide water for the exhibition/educational farm.

12. If souvenir gifts are sold in the Activity Zone, those items must be approved by the Sikes Adobe Museum Manager, and net proceeds will be split between Happy Trails and Sikes.

13. Subject to approval of the JPA Executive Director, the Sikes Adobe Museum Manager will provide up to ten hours per week of time to consult and/or assist Happy Trails with items 8,9,10, 11 and 12.

14. If Parties wish to include additional activities that have not been detailed above, this agreement may be amended to address those activities.

15. Parties recognize that this agreement represents a preliminary trial of potential uses and services at Sikes and that a Master Plan for Sikes is being developed, which may include design criteria or other criteria to which the initial activities described in this agreement may need to be modified to comply.

16. No party shall be liable to the other if any of the activities provided for in this agreement are canceled or discontinued in response to actions of other entities or
persons, including among other things, a denial or refusal to grant necessary permits of approvals.

17. Evidence of Insurance in the amount of three million dollars shall be provided by Happy Trails, and the JPA shall be listed as a “named insured” on said insurance policy.

18. This agreement shall remain in effect for a term of one year from date of signature by both Parties.

19. Either party may terminate this agreement for any reason by providing at least 90-days written notice to the other. Notice shall be delivered by first class mail or personal delivery to the address designated by each party below.

20. The undersigned Parties agree to comply with the terms and conditions above.

DATED: ________________  
SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY

By ________________________________
Address: ________________________________

DATED: ________________  
HAPPY TRAILS LIVESTOCK COMPANY, LLC, DAN WINNE, PRESIDENT

By ________________________________
Address: ________________________________
TO: JPA Board

FROM: Staff

SUBJECT: Interstate 5 North Coast Corridor Project Draft EIR/EIS

RECOMMENDATION:

Direct staff to send comment letter in response to the I-5 North Coast Corridor Draft EIR.

SITUATION:

Caltrans plans to widen Interstate 5 from La Jolla to Oceanside and has released a Draft EIR/S for public comment. Comments on the Draft EIR/S are due by October 7, 2010. JPA staff has reviewed the EIR/S and compiled a list of comments (with the input of the Project Review Committee) for your Board’s consideration. These comments will be included in a draft comment letter to be presented at your Board meeting. Project information and sections of the Draft EIR/S can be viewed and downloaded from the following link: http://www.keepsandiegomoving.com/I-5-Corridor/I-5-project-ml.aspx

Although the Draft EIR/S only addresses the freeway widening, the Caltrans project is part of a larger draft transportation plan called the North Coast Corridor System Management Plan that includes vehicular, rail, and pedestrian and bicycle routes. SANDAG’s transportation forecast called the 2030 Regional Transportation Plan (RTP) includes freeway widening as well as implementation of double tracking the LOSSAN rail corridor although the rail project is not funded and its timeline is uncertain.

ISSUES:

The I-5 widening project is complex with many project components that cover a 27-mile long freeway corridor. The JPA staff/PRC limited their review to the potential impacts of this project on the San Dieguito River Park between the ridgelines that define the San Dieguito River Valley, roughly between the Del Mar Heights and Via de la Valle freeway ramps. A draft list of comments intended to be incorporated into a formal comment letter from your Board is attached for your review and consideration (Attachment 1).

The Draft EIR evaluates two basic alternative configurations for widening the freeway along most of the 27-mile long corridor including this stretch. The basic alternatives are named 8+4 and 10+4 describing the total number of “general purpose” lanes (aka, SOV) and HOV (High Occupancy Vehicle) lanes proposed, respectively (Attachments 2-5). The alternatives also include either a “barrier” or “buffer” configuration - a concrete barrier separating the HOV lanes from the general lanes or painted stripes between the two types of lanes. The barrier configuration would require more freeway width because safety shoulders would be needed.
adjacent to the barriers. The existing I-5 freeway through the San Dieguito River Valley consists of five general lanes and one HOV lane in each direction (painted stripes separating); therefore, it appears that what is proposed through this stretch of freeway would be to add another HOV lane in each direction to equal 10+4 lanes, plus ramp redesigns. Although most of the widening within the SDRP would occur within Caltrans’ existing right-of-way (R/W), the Draft EIR describes slivers of land that would be “acquired” to accommodate the project but does not provide much detail on why new R/W is needed (Attachment 6). In addition the EIR compares the design alternatives to the No Build Alternative which assumes that the freeway is not widened but that other aspects of the County’s RTP are implemented.

The freeway bridge over the San Dieguito River is proposed to be widened to accommodate the new lanes. In addition, the existing freeway slopes along the west and east sides of the freeway would be modified with retaining walls to widen the freeway. Noise walls are considered and evaluated in the EIR/S along the southbound side near Via de la Valle, but are determined not to be feasible.

As part of the freeway widening project, Caltrans is also proposing a number of “community enhancements” along the entire freeway corridor. These enhancements include new trails, trail over and under passes, landscaping, utility undergrounding, a new Batiquitos Lagoon nature center, and other amenities. However, the project does not propose any enhancement projects within the San Dieguito River Park even though several “opportunities” were identified during their planning process. Attachment 1 includes a comment regarding the lack of enhancements proposed within the San Dieguito Lagoon. Although the lagoon trail is almost complete other opportunities exist for enhancements in the Park including a trail staging area, trail connections along San Dieguito Road, interpretive signs, public art including improvements to the freeway trail undercrossing, native habitat restoration, utility undergrounding, and potential additional amenities for the proposed nature center. Caltrans is proposing to mitigate for project impacts at the San Dieguito Lagoon and will be creating and restoring approximately 60 acres of wetlands contiguous to the SCE wetland restoration project east of I-5. In addition, some upland habitat impacts are also being mitigated within the lagoon area.

**CAC RECOMMENDATION:**

The CAC is scheduled to consider the Draft EIR/S at their meeting on September 10, 2010 which has not yet occurred at the time of this writing. The results of that meeting will be reported at your meeting.

**RECOMMENDATION:**

Direct staff to send comment letter in response to the I-5 North Coast Corridor Draft EIR.
ALTERNATIVES

1. Direct staff to send a letter with attached comments.
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. Draft list of EIR/S comments from PRC and JPA staff
2. I-5 widening schematic
3. Cross section 10+4 alternative
4. Cross section 8+4 alternative
5. Project Features
6. Proposed Right-of-way
Draft Comments on Interstate 5 North Coast Corridor Draft EIR/EIS

The Draft EIR does not adequately address the need for the project, in particular the need relative to or in combination with the proposed LOSSAN rail corridor. In Section 1.3 “Need for the Project”, a statement is made “even with the proposed improvements (to the rail corridor), capacity would not be sufficient to address anticipated travel demand along the I-5 corridor in 2030”, yet no further explanation or analysis is provided to justify why widening of the I-5 to 14 lanes is needed if public transit along the LOSSAN corridor is expanded (ie, double tracking). The Draft EIR should provide a quantified comparison of vehicular and rail trips within the I-5 corridor and how implementation of both the I-5 widening project and double tracking affects those trips. In addition, Table 1.3-11 only states that the LOSSAN double tracking (to expand public transit) is only a “vision” yet is included in SANDAG’s 2030 RTP. It is not clear in the Draft EIR that expanding public transit would still require a need for the project to the extent proposed.

How does the project fit with the I-5 NCC Corridor System Management Plan (CSMP) with respect to a multi-modal approach to the corridor? Again, the Draft EIR does not adequately convey how the different modes of transit work together to meet demand and how public transit would reduce vehicular travel. If Caltrans continues to widen freeways to improve level of service and decrease vehicular travel times then there is no incentive for the public to use public transit.

The EIR must provide more detail on the amount of additional freeway right-of-way (R/W) needed for the widening. Figure 10 (page A-25) shows new R/W over the Coast to Crest Trail, but states in the EIR that the project would not cause permanent impacts to the trail. It is unclear why the EIR states that no impacts would occur to the existing trail when it appears that new R/W is proposed for the 10+4 Barrier alternative (Figure 10 east side of freeway) in the location of the existing public trail. Page 3.1-25 refers to “minor acquisitions” in San Dieguito River Park but provides no details on the amount or need for these acquisitions. “Minor acquisitions” do not appear consistent with what is shown in Figure 10.

The text in the 2nd paragraph on page A-27 that discusses the existing trails within the lagoon area should be updated. For example, the Coast to Crest Trail lagoon segment is not proposed, but is now complete from Horsepark to Jimmy Durante and includes a freeway undercrossing.

The last sentence of this same paragraph conflicts with the statement on Figure 10 “not subject to 4(f) (private)” shown for the area that contains the existing trail and on land that is clearly part of the San Dieguito River Park. In addition, the aerial background should be updated to show the current condition in order to accurately analyze impacts to the Park.
The Coast to Crest Trail lagoon segment is not clearly described or shown accurately in the Draft EIR. Figure 9 describes it as “proposed hiking trail”. The trail already exists and is not just a “hiking trail” but a regional public multi-use trail and the western extent of the CTC Trail.

During the widening of I-15 Managed Lanes in the Lake Hodges area the Coast to Crest Trail undercrossing was impacted by the lengthy freeway widening construction period and was not rebuilt in a satisfactory condition. Litter and drainage impacts occurred throughout the multi-year construction period and adequate notice was not provided to JPA staff and trail users during periods of trail closures. Trail facilities such as bollards, fences, benches, and signs were also damaged or removed by Caltrans’ contractors and, in some cases, were not repaired or replaced.

Better communication and coordination with JPA staff must occur during project implementation. Please add the JPA to the agencies to be coordinated with stated on page 3.1-25 under San Dieguito River Park Concept Plan.

Aerial backgrounds used for base maps are outdated and do not show the dramatic changes in the lagoon area from the restoration/creation of over 150 acres of wetlands, a new tidal basin just west of I-5, new tidal wetlands on both sides of freeway, and the new Coast to Crest Trail lagoon segment. Views of this area from the freeway and surrounding area have been greatly enhanced and the coastal wetland and upland habitat has been expanded and greatly improved.

Of great concern to the JPA is the lack of community enhancements proposed for this portion of the North Coast Corridor that includes the western gateway to the regional 55-mile long San Dieguito River Park. The I-5 corridor provides vehicular access and public views to the park but at the same time represents the major urban intrusion into the park as it does for the other coastal lagoon along the transportation corridor. Proposed I-5 widening will negatively impact this area by greatly expanding the freeway expanse through the lagoon and park by as much as 146 feet (Figure 2-2.10). Several opportunities for community enhancements were documented in Caltrans’ Community Enhancement Plan (Jan 2008) including an extended trail along San Dieguito Drive and a nature center east of I-5 visible from the freeway, but are not proposed as part of the I-5 NCC project. A lack of public parking also exists in this area to provide adequate public access to recreational facilities that were recently expanded. In addition, the Coast to Crest Trail is incomplete west of Jimmy Durante. The JPA has obtained over $7.1 million in public grants and private donations to acquire open space and build public park facilities in this area (in addition to SCE’s $86M wetlands mitigation project) that could be further expanded and enhanced. The I-5 NCC does not contribute to any enhancements in the San Dieguito River Park area.

The JPA opposes noise walls along the I-5 lagoon corridor because they would block scenic views to the lagoon, valley floor, and ocean beyond. Coastal lagoon views define the character of the coastal drive through north San Diego County. These views through the lagoon areas would be destroyed by noise walls that would also form a tunnel along the freeway. We agree with the
impact assessment in the Draft EIR of sound wall 573 described on page 3.15-9 and oppose any recommended noise barriers (e.g., S603).

The information in the Draft EIR about retaining walls proposed for both sides of the freeway is inadequate to accurately determine impacts to habitat and scenic views. The EIR should describe exposed height, design, length, and proposed landscaping, etc. Native landscaped buffers should be incorporated into any wall design within the San Dieguito River Valley specifically adjacent to the existing preserved open space.

The information in the Draft EIR about widening San Dieguito Bridge over the river is inadequate to accurately determine impacts to habitat, hydrology, tidal flushing, and to the existing trail undercrossing. Oppose adding any piers in river. Page 3.9-5 under San Dieguito River states that the bridge would be widened by 39 feet on each side. How is this widening to be accomplished without impacting the existing trail or drainage channel?

How are the two existing drainage channels paralleling I-5 impacted by the project? The Coast to Crest Trail bridges exist over both drainages that drain into the river. The Draft EIR does not describe these or identify impacts.

Why doesn’t the EIR address a potential DAR to the Fairgrounds? The Draft EIR (page 1-9) states “A DAR at Via de la Valle may be analyzed in conjunction with the anticipated traffic impacts from the Del Mar Fairgrounds project.”, yet neither the I-5 NCC Draft EIR nor the Fairgrounds Master Plan Draft EIR address a DAR. Not providing this information is piecemealing the project.

The biological analysis must be updated to reflect the current condition of the lagoon since SCE created 150 acres of new tidal wetlands including a new tidal basin on the west side of the freeway and several acres of new marsh habitat on both sides of the freeway. The restoration has substantially increased the number and species of fish and birds at the lagoon as well as the quality of habitat. The biological surveys were conducted prior to the restoration (lagoon technical study is dated June 2006, which is during construction of the restoration project) and do not reflect the existing condition. In fact, if the surveys were conducted during lagoon restoration construction then the results may be even further underestimated. Indirect impacts to species are of particular concern from increases in noise (temporary during construction and permanent after project completion), urban intrusion, air quality, edge effects, litter, and visual.

The floodplain and hydrologic analyses are based on conditions that existed prior to the San Dieguito Lagoon restoration and must be updated to accurately assess the impacts of the project since new areas of wetlands were created.
Chapter 2 – Project Alternatives

Figure 2-2.6: Schematic for 10+4 Barrier Alternative

LEGEND
Proposed Improvements
- Add 2 General Purpose Lanes (1 in each direction)
- Add 4 HOV / Managed Lanes (2 in each direction)
- Add 2 HOV / Managed Lanes (1 in each direction added to the existing 2 HOV lanes) Totaling 4 HOV Lanes
- Add 2 HOV / Managed Lanes (1 in each direction)
- Existing Auxiliary Lane
- Add Auxiliary Lane
- Add Proposed Direct Access Ramp Locations (DAR)
- Add Barrier between Main Lanes and HOV/Managed Lanes

ATTACHMENT 2
Figure 2-2.11: Typical Cross section for 8+4 Barrier and Buffer Alternatives
Figure 2-2.14i  Project Features Map: 10+4 Buffer Alternative
Chapter 2 – Project Alternatives

**LEGEND**
- Existing Right of Way
- Proposed Right of Way
- Noise Receiver Site
- Proposed Sound Wall
- Proposed Retaining Wall
- Proposed Concrete Barrier
- Jurisdictional Boundary
- Proposed Detention Basin
- Proposed Cut and Fill Line
- Existing Power poles
- Proposed Utility Pole Relocation
- Proposed Bio Swales

**Project Features Map: 10+4 Buffer Alternative**

Figure 2-2.14m
This figure shows the Proposed Right-of-Way for the 8+4 Barrier Alternative because this alternative would result in the greatest amount of use of the San Dieguito River Park.

- **0.03-hectare (0.08-acre)**
- **0.004-hectare (0.01-acre)**
- **0.32-hectare (0.78-acre)**

Figure 10
Impacts to the Coastal Area of the San Dieguito River Park

Source: DigitalGlobe 2008; SanGIS 2009; Caltrans 2007
Scale: 1:1,824; 1 inch = 152 feet
TO: JPA Board

FROM: Staff

SUBJECT: Marine Life Protection Act Initiative Draft EIR

RECOMMENDATION:

Direct staff to send comment letter in response to the Draft EIR.

SITUATION:

The California Department of Fish and Game (DFG) has released a Draft EIR for modifications to the Marine Life Protection Act (MLPA) called the South Coast Marine Protected Areas Project. The project will make changes to the existing MPAs within the South Coast Study Region which includes coastal San Diego County. Comments on the Draft EIR are due by October 4, 2010. The Draft EIR can be reviewed on the following website:

http://www.dfg.ca.gov/mlpa/impact_sc.asp

The proposed project would make several changes to existing Marine Protected Areas (MPAs) within the south coast region and also add new MPAs. MPAs include four distinct types or levels of state protection: state marine reserve (SMR), state marine conservation area (SMCA), state marine park (SMP), and state marine recreational management area (SMRMA). Currently, the San Dieguito Lagoon west of I-5 is designated as an SMP.

ISSUES:

The JPA staff was involved early on during the public participation and planning stages for the MLPA project. This item was before your Board in October 2009 where it was reported by Executive Director Dick Bobertz that the San Dieguito Lagoon was being recommended for marine protection at the highest protection status as a state marine reserve and expanded to the east to encompass the entire restored lagoon area. The recommendation was made as part of several alternative proposals by the MLPA Stakeholders Group. Your Board as well as the City of Del Mar supported that designation. However, it was subsequently brought to JPA staff’s attention that the DFG was considering removing the proposed state marine reserve designation. JPA staff and the City of Del Mar both wrote letters in support of the reserve designation, but also expressed concern about the ability of SCE to complete and maintain the wetland restoration project with more restrictive conditions (Attachments 1 and 2). As of December 2009, the MLPA proposals included three alternatives with the San Dieguito Lagoon as an SMR and one that completely removed the lagoon’s existing MPA designation (Attachment 3).

The Draft EIR identifies the proposed project as the Integrated Preferred Alternative. This alternative proposes that the existing MPA for the San Dieguito Lagoon be eliminated and that
no marine protection status be afforded to the San Dieguito Lagoon under the MLPA. Not having an MPA status would allow commercial and recreational fishing. It is unclear whether local laws would apply (for example, the City of Del Mar does not allow fishing off of bridges including the Grand Avenue Bridge). No explanation is provided as to the rationale for this preferred alternative and why it is recommended over the others. As required by CEQA, the Draft EIR contains three other project alternatives all of which would expand the designation at the San Dieguito Lagoon to a state marine reserve. A draft EIR comment letter addressing this issue is provided for your consideration (Attachment 4). JPA staff is attempting to contact DFG project representatives to better understand why no MPA is recommended for the lagoon.

CAC RECOMMENDATION:

The CAC is scheduled to consider the MLPA Draft EIR at their meeting on September 10, 2010 which has not yet occurred. The results of that meeting will be reported at your meeting.

RECOMMENDATION:

Direct staff to send comment letter in response to the Draft EIR.

ALTERNATIVES

1. Direct staff to send attached comment 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. JPA letter dated November 24, 2009
3. California MLPA South Coast Study Region Proposals, December 2, 2009
4. Draft EIR comment letter
November 24, 2009

Ken Wiseman, Executive Director, MLPA Initiative
California Department of Fish and Game
1416 Ninth Street
Sacramento, CA 95814

Re: Letter of Support for State Marine Reserve or State Marine Conservation Area for the San Dieguito Lagoon

Dear Mr. Wiseman:

The San Dieguito River Park Joint Powers Authority was very surprised that the SMR designation for the San Dieguito Lagoon that was supported at the local level and proposed during the entire MLPA process was dropped at the last minute resulting in no recommended designation change.

Over the last twenty years the San Dieguito River Park JPA has been working to restore the San Dieguito Lagoon, associated wetlands and upland habitat in an area of over 700 acres now owned by the River Park and partners. Full restoration to create a functioning ecological habitat that will provide for tidal flushing, open water, wetlands, grassland and other upland habitat is now almost complete.

Our support of the SMR designation depended on the continued ability to carry out and potentially expand the San Dieguito Lagoon Restoration Project including the Coastal Commission approved, periodic dredging of the San Dieguito River mouth to maintain sufficient tidal flow necessary for habitat health. Sand from that dredging program is deposited on the Del Mar Beach in coordination with the SANDAG/City of Del Mar Beach Replenishment Program.

We had been assured during the MLPA process that would be the case. However, if there are doubts that those previous assurances cannot be guaranteed we request designation as a SMCA to provide support for ongoing and future conservation efforts in the San Dieguito Lagoon.

Sincerely,

Dick Bobertz
Executive Director
November 24, 2009

Mr. Ken Wiseman, Executive Director
Marine Life Protection Act Initiative
c/o California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Subject: Appropriate MLPA designation for the San Dieguito Lagoon

Dear Mr. Wiseman,

I again write to clarify the City of Del Mar’s position on designation of the San Dieguito Lagoon as either a State Marine Reserve or a Marine Conservation Area under the proposed MLPA program.

In previous letters, copies of which are attached, the City has expressed support for inclusion of the San Dieguito Lagoon in the MLPA program. In the most recent letter, dated November 13, 2009, we pointed to what we believed to be an oversight in the action taken by the MLPA Blue Ribbon Task Force (BRTF) on November 10, 2009. The map that was referenced in the motion on a recommendation from the BRTF did not include a MLPA designation for the San Dieguito Lagoon and Rivermouth. In that letter, I stated our belief that the map should have included the Lagoon as a State Marine Reserve (SMR) - as it had been identified in earlier iterations of MLPA maps that had been reviewed by the BRTF and as proposed by all other stakeholder groups.

The City continues to support a MPLA designation for the San Dieguito Lagoon and Rivermouth. Failure to provide some level of protection under the MLPA for this area would be unacceptable. However, we are concerned about whether identification as a State Marine Reserve (SMR) or a State Marine Conservation Area (SMCA) would be most appropriate for the San Dieguito Lagoon. The concern arises from our desire to ensure the MLPA designation, ultimately applied, does not interfere with the completion of and on-going maintenance of the San Dieguito Lagoon Restoration project being carried out by Southern California Edison.

The restoration project, as approved by the Coastal Commission and the Army Corps of Engineers, requires periodic dredging of the mouth of the San Dieguito River to ensure tidal flushing for the long-term health of the lagoon and its habitat. The approved restoration and maintenance plans call for the dredged sand to be placed on the adjacent Del Mar beach or to be used for Least Tern nesting habitat in areas of the lagoon itself. The project also includes periodic monitoring of sand levels.
If designation as a State Marine Reserve might interfere with any of the project’s approved activities, the City proposes that designation of the area as a Marine Conservation Area may be more appropriate. The City requests that, whatever designation is applied, the corresponding regulatory language include a specific clause to permit all activities included and required under the various permits for the San Dieguito Lagoon Restoration project. The language should further specify that those activities are allowed without the need for discretionary approval.

I believe that you will be receiving a letter with comments, similar to those contained herein, from representatives of the San Dieguito River Park Joint Powers Authority (the JPA). The JPA has been protecting the natural resources of the San Dieguito Lagoon for many years and was instrumental in the planning and implementation of the Lagoon Restoration Project.

I hope this information helps clarify the City’s position on the MLPA designation. Thank you for your continued efforts on behalf of the MLPA Initiative. If you have any questions or if I can be of further assistance, please let me know.

Sincerely,

Crystal Crawford

Crystal Crawford, Mayor
City of Del Mar

Enclosures – Previous Letters: November 13, 2009
October 9, 2009
July 29, 2009

cc: Pam Slater-Price, County Supervisor, District 3;
Chair, Shoreline Preservation Working Group, SANDAG
Dick Bobertz, Executive Director, San Dieguito Joint Powers Authority
Dawn Rawls, Chair, Del Mar San Dieguito Lagoon Committee
David Kay, Southern California Edison
Catherine Reheis-Boyd, Chairwoman of the BRTF
Meg Caldwell, BRTF
Jim Kellogg, President, DFG Commission
Michael Sutton, Member, DFG Commission
Daniel W. Richards, Member, DFG Commission
Donald Benninghoven, Member, DFG Commission
Bruce Reznik, San Diego Coastkeeper
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SMCA = state marine conservation area  
SMP = state marine park  
SMR = state marine reserve
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SMP = state marine park  
SMR = state marine reserve
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SMCA = state marine conservation area  SMP = state marine park  SMR = state marine reserve
# California MLPA South Coast Study Region

## Consideration of Existing State MPAs in South Coast MPA Proposals—Side-by-Side Comparison

**Document Revision Date December 2, 2009**

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<th>MLPA South Coast Integrated Preferred Alternative</th>
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</table>

**SMCA = state marine conservation area**  **SMP = state marine park**  **SMR = state marine reserve**
## California MLPA South Coast Study Region
### Consideration of Existing State MPAs in South Coast MPA Proposals—Side-by-Side Comparison

Document Revision Date December 2, 2009

<table>
<thead>
<tr>
<th>Subregion 5 - Agua Hedionda to California/Mexico Border</th>
<th>Existing MPA Name</th>
<th>Revised SCRSG MPA Proposal 1</th>
<th>Revised SCRSG MPA Proposal 2</th>
<th>Revised SCRSG MPA Proposal 3</th>
<th>MLPA South Coast Integrated Preferred Alternative</th>
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Subregion 5 = Agua Hedionda to California/Mexico Border  SMCA = state marine conservation area  SMP = state marine park  SMR = state marine reserve
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# Consideration of Existing State MPAs in South Coast MPA Proposals—Side-by-Side Comparison

**Document Revision Date December 2, 2009**

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<th>Revised SCRSG MPA Proposal 1</th>
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<th>Revised SCRSG MPA Proposal 3</th>
<th>MLPA South Coast Integrated Preferred Alternative</th>
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<tr>
<td>Catalina Marine Science Center SMR</td>
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</tbody>
</table>

*SMCA = state marine conservation area  SMP = state marine park  SMR = state marine reserve*
September 17, 2010

MLPA South Coast CEQA
California Department of Fish and Game
4665 Lampson, Suite C
Los Alamitos, CA 90720

Subject: Comments on MLPA Initiative South Coast Draft EIR

The San Dieguito River Park Joint Powers Authority (JPA) Board of Directors considered the MLPA Initiative South Coast Draft EIR at their meeting of September 17, 2010. The JPA is extremely concerned and perplexed as to why the proposed Integrated Preferred Alternative for the MLPA project not only avoids any MPA designation for the San Dieguito Lagoon but completely eliminates the existing MPA designation as a state marine park. The JPA has always supported marine protection of the San Dieguito Lagoon under the MLPA and was involved in the MLPA process (see attached letter dated November 24, 2009). Sometime between October 2009 and December 2009, when the MLPA Initiative’s blue ribbon task force and stakeholders group were still considering a state marine reserve designation for the San Dieguito Lagoon, the “integrated preferred alternative” was selected, which completely removed MLPA status at the San Dieguito Lagoon. The JPA was not aware that this decision was made and is disappointed that no explanation was given to the stakeholders as to the rationale for this decision.

As you may well know, the San Dieguito Lagoon is currently undergoing an $86 million wetland restoration mitigation project by Southern California Edison that will establish 150 new acres of tidal wetlands and preserve 350 additional acres as protected wildlife habitat. Although the JPA expressed concern about the ability to undertake ongoing maintenance requirements related to the lagoon restoration mitigation project, other San Diego coastal lagoons that have undergone similar restoration efforts are recommended for MPAs with exceptions that allow continued maintenance such as periodic dredging. The San Dieguito Lagoon deserves protection status now more than ever and should be included as a state marine reserve.

The Draft EIR fails to address why the preferred alternative completely eliminates marine protection area status for the San Dieguito Lagoon. Nor is any analysis provided in the Draft EIR that evaluates the effect of removing the current MPA status of a state marine park. The Draft EIR also does not document the impact of eliminating commercial and recreational fishing restrictions at the lagoon. The project is inconsistent with MPAs proposed for the other restored coastal lagoons in San Diego County. The alternatives considered expand the San Dieguito Lagoon MPA to a state marine reserve, but no explanation or analysis is provided that compares the impacts of the preferred project to the alternatives. The proposed project strips the San Dieguito Lagoon of its existing state marine protection status yet fails to address the impacts of such a measure. The Draft EIR is therefore inadequate and should be revised to include this information.
In addition, we urge the Fish and Game Commission to reconsider the proposed project to expand MLPA protection status at the San Dieguito Lagoon. We look forward to continued communication with your staff.

Sincerely,
Richard Earnest
JPA Board Chair

Attachment