

**SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK
JOINT POWERS AUTHORITY
Minutes of February 20th, 2009**

MEMBERS PRESENT

Pam Slater-Price Chair
Betty Rexford
Olga Diaz
Richard Earnest
Dave Roberts
Dianne Jacob
Sherri Lightner
Phil Pryde

REPRESENTING

County of San Diego
City of Poway
City of Escondido
City of Del Mar
City of Solana Beach
County of San Diego
City of San Diego
Citizens Advisory Committee

VISITORS/STAFF PRESENT

Ken Cariffe	JPA Counsel
Dick Bobertz	San Dieguito River Park JPA
Susan Carter	San Dieguito River Park JPA
Shawna Anderson	San Dieguito River Park JPA
Jan Lines	San Dieguito River Park JPA
Craig Adams	San Dieguito River Valley Conservancy
Jan McMillan	San Dieguito Lagoon Committee
John Degenfelder	Ramona Trails
Garth Murphy	SCRSG member
Louis Zimm	Fisheries Information Committee

Introduction and Announcements

Chair Slater-Price convened the meeting at 9:30 a.m. in the County Administration Building, 1600 Pacific Highway, Room 302/303, San Diego, CA 92101

Approval of Minutes January 16, 2009

Director Bobertz said that there is a misspelled word on page 3 of the minutes: Ad Hock should be changed to Ad Hoc.

Boardmember Roberts made a motion to approve the minutes of January 16, 2009, as revised.
Boardmember Pryde seconded the motion. All in favor

Boardmember Pryde introduced the CAC members in attendance as, Craig Adams Jan McMillan, John Degenfelder.

Executive Director's Report

Executive Director Bobertz brought to the Board's attention the press articles that we have received in the last month including the Lake Hodges Bridge, Grand Ave Bridge Overlook ,Sempra Foundation Grant and

volunteer work that has been done. Mr. Bobertz reported on the progress and the ultimate reward of sending a letter to ask Pedro Orso Delgado, District 11 Director, for a review of the Caltrans' staff level decision to deny the placement of signs on the freeway marking the San Dieguito lagoon. He was pleased to announce that the initial decision was reversed and there will now be signs along I-5 designating the San Dieguito Lagoon for a cost of \$2500. Craig Adams said that the Conservancy will pay for the cost of the signs. There will be 2 signs in each direction designating the lagoon and acknowledging the San Dieguito River.

Public Comment- None

ACTION

1. Receive and Distribute Audit for Year Ending June 30, 2008

Executive Director Bobertz said that the audit we received was positive and on page 45 of the audit it reads "We did not identify any deficiencies in internal control of finances that we consider to be material weakness as defined". Boardmember Roberts made a motion to receive and distribute the audit and Boardmember Jacob seconded. All in favor.

2. El Camino Real Road Widening

Recommendation: *Direct staff to send the attached letter urging the City to use the available \$150,000 to design the wildlife undercrossing as part of the El Camino Real widening project and to explore funding opportunities to construct the undercrossing.*

Shawna Anderson reported that this item has been before this board in the past and as a reminder she showed on a map the 2 phases of the project being proposed by the City of San Diego. The second phase of the project is this issue that will be discussed today which is the widening between San Dieguito Drive and Sea Country Lane. This part of the widening project is mitigation from Black Mountain Ranch developers and we have stated our concerns in several letters and the most important issue is the wildlife crossing at El Camino Real. The MSCP identified this wildlife corridor in the early 1990's but the current plans that have been going through the permitting process since 2003 do not include the crossing. An Ad Hoc task force was formed by the previous Boardmember Scott Peters and Councilmember of the City of San Diego but the comprehensive report that was generated by the participation of many groups including staff has not resulted in the wildlife undercrossing being designed into the road widening plans. Ms. Anderson said that our recommendation to the Board today is to send a letter to the City of San Diego asking them to use the \$150,000 that was donated by the developer to incorporate the crossing into the widening plans. It was noted that because the project has not started the bonds for the project have expired and are now taxable so there is a problem with the funding. The EIR needs to be re-released since there have been some design changes.

Boardmember Roberts made a motion to approve the letter and suggested that this letter be addressed to the Mayor of San Diego with copies to Councilmembers and the planning department. Boardmember Pryde seconded and the vote was 7 Yes and 1 Abstained.

3. Marine Life Protection Act

Recommendation: *Authorize the Chair to send a letter to the California Department of Fish and Game to request State Marine Reserve status for the San Dieguito Lagoon as part of the Marine Life Protection Act Initiative.*

Director Bobertz said that the Marine Life Protection Act is a state law that requires California's system of marine protected areas to be redesigned to better protect marine life and habitat. The State is going through a very extensive process that includes public participation to distinguish the three categories. First is the State Marine Reserve which is very restrictive, second is the State Marine Park which we are currently listed as with the final category as State Marine Conservation Area. The Reserve category is a "no take" area and does not allow fishing, kayaking or spear fishing and can have jurisdiction into the ocean area. Mr. Bobertz said that our status as a Marine Park designates the State Parks Department to manage the area and this has become a burden for them because these are isolated areas and they do not have the manpower to cover all the marine parks. Under the Marine Reserve the Department of Fish and Game would have jurisdiction and there might be consequences that we would not want restricted. One consideration to becoming a reserve would be that dredging the river mouth which would "take" sand with creatures in it and placing them on the beach could conceivably restrict us in opening the river mouth. In discussions with a representative of the MLPA he did not feel that would be an issue as some of the restrictions have been scientifically shown not to disturb the ecology. The Marine Park status that we currently have allows for fishing on the shore but we are considering requesting Reserve status to keep fisherman from destroying our habitat and this very expensive restoration by trying to reach areas that are better for fishing. Mr. Bobertz suggested that the Board support the new State Marine Reserve status to protect our estuary and habitat with the provision that the river mouth continue to be dredged and the sand put on the beach.

Boardmember Pryde said that the CAC supported the staff recommendation with some concern for lack of fishing in the area.

Speaker Louis Simms said that he is a member of the Fisheries Information Committee. He urged the JPA Board to carefully consider all sides of the issues before making a decision that will restrict many uses.

Speaker Garth Murphy who is a member of the Regional Stakeholders Group answered several questions about the use of kayaking, fishing and river mouth openings in a reserve areas. Mr. Murphy stressed the need to have a lagoon with the reserve status to preserve the estuary and he discussed possibly designating part of the lagoon for fishing if this was specified in the mitigation agreement. The problems with not being a reserve are monitoring the site to make sure that the rules are being followed along with how many fish are being removed and keeping an eye on kayakers activities. Mr. Murphy said that the State Parks Department does not have the funds to monitor this area and would not be enforcing the restrictions if left in a State Marine Park status.

Boardmember Jacob said that it is important to note that the Marine Park status will not be effectually monitored by the State Parks Department due to their budget restraints and there are many places for fisherman to fish in the area with the ocean and many lakes. Ms. Jacob felt that we should take this once in a lifetime opportunity to preserve this lagoon for an estuary and habitat without having to monitor everything that could harm it.

Boardmember Roberts made a motion to send a letter on behalf of the JPA to the State Department of Fish and Game with a copy to all jurisdictional agencies requesting a change in status to State Marine Reserve. Boardmember Rexford seconded and the vote was 6 Yes 1 abstain.

Chair Slater-Price thanked the two speakers for their informative presentations.

4. Powerlines on Via de la Valle

Recommendation: *Direct staff to participate in meetings with utility providers and City Councilmember Lightner's representatives to try to identify a solution to excess utility poles along Via De La Valle.*

Director Bobertz said that in July of 2008 the Board authorized staff to send a letter to the City of San Diego requesting consolidation of numerous powerlines to one set of poles. In a meeting on January 16, 2009 with the San Dieguito Planning Group we were urged to do more to get this goal accomplished. On the 27th of January 2009 we received a response letter from the City of San Diego stating that they could not direct SDG&E to move the lines because the City of San Diego does not have an active project in this area. On February 10th, 2009 Councilmember Sherri Lightner's office held a meeting with the City of San Diego undergrounding coordinator, SDG&E and the proponent of this project, Mr. Bruce Liska to seek a solution. Mr. Bobertz said that at the end of the meeting it was the job of each entity to try to find a solution and another meeting will be scheduled to try to accomplish this important task..

Chair Slater-Price made a motion to have staff participate in and help identify a solution to the excess utility poles along Via de la Valle. Boardmember Roberts seconded. All in favor

INFORMATION

5. Coordination Reports

- a. San Dieguito River Valley Conservancy- None
- b. Friends of the San Dieguito River Valley- None
- c. Volcan Mountain Preserve Foundation- None
- d. San Dieguito Lagoon Committee- Jan McMillan said that she is representing Freda Reid and thanked everyone who participated in the Grand Ave Bridge opening as it was a wonderful event. She said that the Lagoon Committee is very concerned about the water quality and bacteria in the lagoon and showed a map of the areas with a report on the testing stations that are monitoring the lagoon. Ms. McMillan said that the responsibility for this testing falls on the jurisdiction of the City of Del Mar and SEMPRA Energy. A consultant, Dr. H. Elwany has taken many samples from different areas in the lagoon and there is some concern as to the bacteria level. She suggested that the River Park staff get this report and review it. She thanked Leslie Woollenweber for her consultation on plants.

6. Status Reports

- a. State Budget Impacts- Deputy Director Carter said that she reported last month that our exposure was small but have since learned that State Parks has a travel ban and can not inspect projects that we completed months ago and can not authorize final payment due to the crisis. It was suggested that the River Park pay for the agent to fly down and inspect the projects as a lot of money is at stake. Ms. Carter hoped that it would be resolved now that a new budget has been signed.

- b. Fire Recovery- Director Bobertz said that the bridge building projects have been successful with the completion of the 7 bridges in the Santa Fe Valley area along with the Green Valley Creek bridge and the Green Valley Bridge on the Piedras Pintadas trail. Mr. Bobertz said that our architect has submitted documents on the office replacement to the City of Poway for review. The Sikes Adobe Farmhouse replacement plans are still in process at the City of San Diego.
 - c. River Park Projects- Deputy Director Carter said that the new exciting grant from SEMBRA for the Nature Center at the lagoon is underway. We have issued a Request for Proposal which will be due on March 17, 2009 asking for architect teams to develop concepts with public input. After we have the first designs we will again ask the public for comments with an emphasis on a fully "green" building. Boardmember Roberts said that he and Chair Slater-Price will be meeting with SEMBRA next week to discuss the funding for the rest of this important project.
 - d. Revenue/Expenditures/Accomplishments Report 1989/2008- Director Bobertz said that we put out a report in 2004 and felt that it is important to update and report on the financial crisis and how it is affecting the River Park.. With our current budget being cut due to the member agencies' concerns, we will be meeting with the Budget Committee to iron out all the ways to reduce spending. Mr. Bobertz said that we are trying to increase our own funding by taking over management of mitigation properties with endowments that will help fund our staff time along with Edison's project at the lagoon where we will be moving a ranger over to that site with funding from Edison for monitoring and patrol of the area. Mr. Bobertz noted that the copies handed out to the Boardmembers had an error and he asked that the Boardmembers leave their copy today and it would be fixed and returned to them.
7. Jurisdictional Status Reports- Boardmember Diaz said that she and her family walked a River Park trail and enjoyed the experience. She hopes to do more hiking on our trails but requested staff to provide some maps for hiking use. Boardmember Earnest said that since the Grand Ave Bridge overlook was celebrated there have been many more people walking to see it. He noticed how disappointed they are when they get there and find it is not actually open yet. Mr. Earnest suggested that we take the necessary steps to comply with the requirements to get it open. Boardmember Roberts thanked Director Bobertz for his insight into the budget problems and trying to increase revenue and decrease spending. Boardmember Rexford said that she appreciated Director Bobertz meeting with the City of Poway City Manager about the concerns of agency contributions for this and the next year.
8. Communications
- a. Letter from Pedro Orso-Delgado at Caltrans re San Dieguito Lagoon sign on I-5 in Caltrans Right-of-Way, 2/5/09.

Chair Slater-Price adjourned the meeting at 11:10

These minutes approved by Board Action

Date

Executive Director