

**SAN DIEGUITO RIVER PARK
JOINT POWERS AUTHORITY
Minutes of Special Meeting, April 8, 2015**

MEMBERS PRESENT

Don Mosier - Chair
Dave Grosch
Mark Kersey
Dave Roberts
Dave Zito
Tom Golich
Becky Bartling

REPRESENTING

City of Del Mar
City of Poway
City of San Diego
County of San Diego
City of Solana Beach
Citizens Advisory Committee
22 District Agricultural Association

VISITORS/STAFF PRESENT

Wayne Brechtel
Mark Ochenduszko
Shawna Anderson
Brenda Miller
Peter Shapiro
Trish Boaz
Carol Carr
Jeff Barnouw
Jacqueline Winterer

JPA Counsel
San Dieguito River Park JPA
San Dieguito River Park JPA
San Dieguito River Park JPA
San Dieguito River Valley Conservancy
San Dieguito River Valley Conservancy
Citizens Advisory Committee
Friends of the San Dieguito Lagoon
Friends of the San Dieguito Lagoon

Roll Call

JPA Counsel Brechtel announced that Boardmembers Bartling, Golich, Grosch, Zito, Kersey, Roberts and Mosier are present.

Introduction and Announcements

Chair Mosier convened the meeting at 4:20 p.m. at the City of Del Mar, Main Annex, 1050 Camino Del Mar, Del Mar, CA. 92014.

Public Comment- None

ACTION AGENDA

1. Approval of Tentative Compromise With the California Coastal Commission to Retain a Portion of the Boardwalk at the San Dieguito Lagoon and Direct Staff to Discontinue Request for Motion of Reconsideration of Denial of Appeal Regarding Boardwalk

Executive Director Ochenduszko gave an overview of the issue. In the fall of 2014 the California Coastal Commission (CCC) decided that as part of the South Overflow Lot

Restoration, the boardwalk at the San Dieguito Lagoon would be removed. The JPA filed an appeal that was heard at the March 11, 2015 CCC meeting. The appeal was denied. The JPA board directed staff to prepare a request for reconsideration of this decision which is due April 10, 2015. Dwight Worden, Del Mar City Council member, offered to write the request for motion of reconsideration on behalf of the JPA. The criteria for a motion of reconsideration acceptance is; that there is information that has not been presented or there is new information, that if the CCC would have known about it, may have ruled differently. The motion must be filed within 30 days. If the motion for reconsideration is accepted, the CCC schedules the motion for a subsequent meeting. The next meeting of the CCC is May, 2015 in Santa Barbara. An important note is that reconsideration is rarely granted and a change of decision is difficult to achieve. The associated issues are; whether the motion would be granted, whether we would win reconsideration if the motion was granted, who would pay for preservation of the boardwalk if we were successful with the reconsideration, who would pay the cost to relocate the boardwalk if necessary. Another issue is the repayment of \$377,000 in grant money received in 2005, back to the Coastal Conservancy. If the boardwalk is retained, the standard mitigation requirements are four acres to one acre. The boardwalk is described as one acre therefore the JPA would have to provide four acres of mitigation property at an estimated cost of approximately \$250,000 per acre.

The CCC staff asked to meet with the JPA to discuss this issue. A meeting was held April 6, 2015. Attendees of the meeting were Chair Mosier, Boardmember Roberts and Bartling, San Dieguito River Valley Conservancy Executive Director Trish Boaz, 22nd District Agricultural Association (DAA) representative Dustin Fuller, JPA staff Shawna Anderson and Mark Ochendusko, Dwight Worden and CCC staff. At the meeting the CCC staff was willing to compromise their position. A significant portion of the boardwalk would be retained at its current location, with the approach from the western end. The CCC staff is willing to accept, as the only required mitigation in this compromise, the removal of the berm on which the remainder of the boardwalk is located. No other mitigation would be required. The compromise agreement is subject to the JPA not filing a request for motion of reconsideration. The JPA will not be responsible for any additional costs. Executive Director Ochendusko spoke with the Coastal Conservancy and was informed that if the compromise is approved, the remaining boardwalk and the Coast to Crest Trail meet the requirements of the grant received in 2005, and therefore the grant funds would not have to be paid back.

The Coast to Crest Trail will be constructed along the north end of the lagoon and will connect from El Camino Real to Jimmy Durante Boulevard. The lagoon experience will be the boardwalk. The compromise plan is subject to approval by the JPA board. If the board votes to go forward with the motion to reconsider, the strongest grounds are the subject of mitigation.

Chair Mosier stated that it was a difficult negotiation with the CCC. The CCC staff was adamant that the boardwalk should be removed. Through the negotiation, a large portion of the boardwalk has been retained. The matter of no additional mitigation is important for the JPA.

The compromise is an important matter for the CCC due to the project time limit to restore the South Overflow Lot.

Shawna Anderson showed a drawing to explain the compromise to the board members. The plan is to remove the 282 foot section of trail and berm on the east end to allow the 22nd DAA to design the restoration so there will be full hydrological connection to the San Dieguito River. In addition 682 feet of the boardwalk section would be removed. The current viewing platform would be rebuilt at the end of the “new” boardwalk. The new planned boardwalk would be 800 feet from Jimmy Durante to the new viewing platform. The South Overflow Lot restoration plan has been approved with the Coast to Crest Trail. The name plates on the boardwalk would be removed and reinstalled on the new boardwalk. The boards could also be reused.

Boardmember Bartling stated that the boardwalk would need to be removed around the first part of 2016 at no cost to the JPA. The only cost would be to build the platform at the end.

Public Comment

Peter Shapiro, President of the San Dieguito River Valley Conservancy, stated that the SDRVC would prefer to retain the entire boardwalk and had pushed for the request for motion of reconsideration. Mr. Shapiro continued to say that SDRVC now supports the compromise and supports the JPA Board’s decision.

Trish Boaz, Executive Director of the San Dieguito River Valley Conservancy, commented that the SDRVC supports retention of entire boardwalk.

Carol Carr, Chair of Trails Committee of the Citizens Advisory Committee stated she was opposed to cutting the boardwalk in half. Ms. Carr stated that she believed the CCC erred regarding the loss of wetland with the boardwalk in place and continued to say the water does flow in and out under boardwalk.

Dwight Worden commented that he has read twenty requests for reconsideration and in only two cases has the outcome changed. Mr. Worden feels the compromise is the best option available. The estimated cost to remove the boardwalk is \$430,000. Mr. Worden understands that if the JPA pursued the request for motion of reconsideration and lost, the JPA would risk having to pay the cost to remove the boardwalk. Mr. Worden continued to say that only walkers would be allowed on the boardwalk, bikes and horses would be on the Coast to Crest Trail and finished by saying if he had to vote, he would vote for the compromise.

Jeff Barnouw, Friends of the San Dieguito River Valley said he agreed with the compromise.

Jacqueline Winterer said she feels the compromise will make trail users unhappy and that it will have a bad impact on wetlands.

Board Discussion

Boardmember Golich stated that the majority of the Citizens Advisory Committee wanted to see the boardwalk stay however; he said the CAC members did support a compromise but did not want this support to be on the record at the time.

Boardmember Roberts stated that this situation has been difficult. The new information regarding the hydrology and the necessary water flow has made it easier to understand the position of the CCC. The new Coast to Crest Trail will have a berm protecting it and making it further away from Jimmy Durante Boulevard and stated that it would be reasonable to ask that the Coast to Crest Trail be completed before the boardwalk is removed. Boardmember Roberts commented that he is inclined to support the compromise.

Boardmember Zito stated that he would like to have the Coast to Crest trail constructed before the boardwalk is removed and supports the compromise at this time.

Boardmember Kersey stated he feels asking for the reconsideration is risky for our organization and the JPA cannot afford the price of mitigation. Boardmember Kersey stated he does support the compromise.

Boardmember Grosch appreciated all of the citizen emails. Boardmember Grosch stated the compromise is happy and sad, and cost is an issue. He added that the JPA could fight and end up with zero. Boardmember Grosch stated that no one wants the boardwalk to go and that he supports the compromise.

Chair Mosier stated that he reluctantly believes that the compromise is the best solution. Staff recommendation is to approve compromise with the California Coastal Commission and direct staff not to file the request for motion of reconsideration.

Boardmember Golich made the motion to approve the tentative compromise with the California Coastal Commission to retain a portion of the boardwalk at the San Dieguito Lagoon and direct staff to discontinue request for motion of reconsideration of denial of appeal regarding boardwalk removal and ask that the California Coastal Commission will look at options of building the Coast to Crest trail first.

Boardmember Roberts seconded the motion.

Yes votes: Golich, Grosch, Zito, Kersey, Roberts, Mosier

Absent: Lightner, Diaz, Jacob

Chair Mosier adjourned the meeting at 5:07 P.M.

These minutes approved by Board Action

Date

Executive Director