

Notice of Public Meeting

San Diego River Conservancy

A public meeting of the Governing Board of
The San Diego River Conservancy
will be held Thursday,

March 5, 2009
1:30 pm – 3:30 pm

Meeting Location

San Diego City Hall 202 "C" Street
Conference Room A, 12th Floor
San Diego, California 92101

Tele-Conference Location: 1416 Ninth Street
Resources Agency Conference Room 1305 Sacramento, CA 95814
(866) 673-2851 / Pass code 3486949

Contact: Michael Nelson
(619) 645-3183

Meeting Agenda

1. Roll Call
2. Approval of Minutes
3. Public Comment
Any person may address the Governing Board at this time regarding any matter within the Board's authority. Presentations will be limited to three minutes for individuals and five minutes for representatives of organizations. Submission of information in writing is encouraged.
4. Chairperson's and Governing Board Members' Report
5. Deputy Attorney General Report

6. San Diego River Trail – Riverford Road Trail Project

Presentation and Report:

Michael Nelson, Executive Officer
Robin Rierdan, Lakeside's River Park Conservancy
Resolution 09-02

7. Supplemental Environmental Projects (SEP): San Diego State University Research Foundation : San Diego River Watershed Data Collection and Restoration Program

Department of Toxic Substances Control (SEP)

Kyocera: Case No. 37-2007-00074954-CU- MC-CTL)

San Diego Regional Water Quality Control Board (SEP)

San Diego County Water Authority / Amended Complaint R9-2007-0014

Presentation and Report:

Michael Nelson, Executive Officer
Matt Rahn, PhD, San Diego State University
Resolution 09-03
Resolution 09-04

8. San Diego River Conservancy 2009 Work Plan

Presentation and Report:

Michael Nelson, Executive Officer
San Diego River Coalition 2009 Work Plan
Resolution 09-05

9. San Diego River Trail –Potential Funding Opportunities at SANDAG

Presentation and Report

Michael Nelson, Executive Officer
Kathy Keehan, Executive Director
San Diego County Bicycle Coalition
Resolution 09-06

10. Closed Session / Walker Properties Santee

Assessor Parcel Numbers

381-160-35-00	381-160-41-00
381-160-19-00	381-160-46-00
381-160-69-00	381-160-63-00
381-160-79-00	381-160-42-00
381-171-04-00	
381-171-07-00	
381-171-08-00	

Closed session to discuss the status of real estate negotiations for the Walker Properties in Santee, California, provide direction and consider necessary actions. Closed session is authorized by California Government Code Section 11126(c) (7).

Negotiators: Michael Nelson, Executive Officer; Trust for Public Land, Bob Flewelling, Virginia Lorne

11. Executive Officer's Report

The following topics may be included in the Executive Officers Report. The Board may take action regarding any of them:

Budget Letters: Interim Loans for General Obligation Bonds and Lease Revenue Bond Projects

Project Updates

-Bike Path

-Invasives Removal Program: Carlton Oaks, Cactus Park, San Diego County DPW Property

Contracts & Procurements

-Department of Fish & Game Property

12. Adjournment

Accessibility

In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call Michael Nelson at 619-645-3183

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of March 5, 2009

ITEM: 1

SUBJECT: **ROLL CALL AND INTRODUCTIONS**

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of March 5, 2009

ITEM: 2

SUBJECT: **APPROVAL OF MINUTES**

The Board will consider adoption of the **January 8, 2009** public meeting minutes.

PURPOSE: The minutes of the **January 8, 2009** Board Meeting are attached for your review.

RECOMMENDATION: Approve minutes

**SAN DIEGO RIVER CONSERVANCY (SDRC)
Minutes of January 8, 2009 Public Meeting**

(Draft Minutes for Approval March 5, 2009)

Chairperson Donna Frye called the January 8, 2009 meeting of the San Diego River Conservancy to order at approximately 1:40 p.m.

1. Roll Call

Members Present:

Donna Frye, Chair	Council Member, City of San Diego
Anne Haddad	Public at Large—via phone
Ben Clay	Public at Large
Dianne Jacob	Supervisor, Second District
Ruth Hayward	Public at Large
Tom Sheehy	Department of Finance— via phone
Toni Atkins	Council Member, Public at Large
David King	San Diego Regional Water Quality Board
John Donnelly	Wildlife Conservation Board
Andrew Poat	Public at Large—arrived at 1:45
Karen Scarborough	Resources Agency- via phone

Absent:

Jerry Sanders	Mayor, City of San Diego
Ronie Clark	Department of Parks and Recreation Alternate Designee

Staff Present:

Michael Nelson	Executive Officer
Hayley Peterson	Deputy Attorney General
Flenell Owens	Administrative Services Manager
Ann Van Leer	Consultant, San Diego River Conservancy

2. Approval of Minutes

Toni Atkins moved approval of the minutes of the November 21, 2008 meeting. The motion was seconded by Ben Clay and adopted by a voice vote of 7-0-0.

3. Public Comment

Any person may address the Governing Board at this time regarding any matter within the Board's authority. Presentations will be limited to three minutes for individuals and five minutes for representatives of organizations. Submission of information in writing is encouraged.

4. Chairperson's and Governing Board Members' Report

No Report

6. Deputy Attorney General's Report

Hayley Peterson stated that the Conservancy has a teleconference location that is printed on the agenda. This location is at the Resources Agency's headquarters in Sacramento which is being attended by three Board members and is accessible to the public. She added that Mrs. Haddad was calling in from another location that was not identified on the agenda and recommended that she listen, but not participate or vote on any of the agenda items.

Hayley Peterson reminded everyone of their obligation to complete a Form 700. She said that if a member held other public office(s) that required completion of a Form 700, a member might consider selecting the office which had the widest disclosure obligations, then attach a different cover page that applied to the San Diego River Conservancy. The deadline to submit the forms to the FPPC is April 1st, and Mike Nelson is the filing officer for the Conservancy.

Mike Nelson distributed copies of the Form 700 and said that he would also send an email with the forms attached. He also reminded Board members that ethics training is required every two years and that it could be accomplished online.

Hayley Peterson: recommended the interactive version of the ethics training and advised that a certificate was automatically printed upon completion.

Chairperson Frye: said that state regulations require a minimum of two hours of training.

Hayley Peterson: commented that state ethics training was different than the local training and covers different topics.

Dianne Jacob asked if a member had already completed the ethics training that the state requires, could they make a copy and provide it to the Executive Officer.

Hayley Peterson responded that that was correct.

(Donna Frye reordered the agenda to move Item 5 to the end.)

9. San Diego River Coalition 2009 Work Plan

Rob Hutsel, Executive Director of the San Diego River Park Foundation and **Kathy Keehan**, Vice Chair of the San Diego River Coalition, and Executive Director of the San Diego County Bicycle Coalition presented the San Diego River Coalition's 2009 Work Plan.

Kathy Keehan stated that were three things the Coalition would like the Conservancy to consider:

1. Incorporation of the Work Plan in SDRC's planning documents for 2009
2. Work with our partners to accomplish projects that have been started but not completed.
3. Examine the capacity of our partners to determine their ability to implement projects.

Rob Hutsel: explained that the Coalition believed that a strategy that focused on the San Diego River Trail was best. The Trail is something that everyone can embrace and accept as the backbone of the River Park.

Ben Clay: said that a question came to him from Sacramento that a member of the press was asking about the fiscal impact of proposed cutbacks to the California Conservation Corps would have on invasive removal projects referenced in the Coalition's Work Plan.

Rob Hutsel: responded that the cutbacks would have an impact and said an example was the City of San Diego's decision to stop a 4 acre restoration that this Board help fund.

Toni Atkins: said that her examination of the Coalition's Work Plan concluded that it is in line with the SDRC's mission, and asked if the Executive Officer shared her conclusion or had any concerns with incorporating the Coalition's Work.

Mike Nelson: responded that the Conservancy has cross referenced the Coalition's Work Plan for the

past two years and would encourage the Board to do the same this year.

Chairperson Frye: suggested that the Board have a discussion of the SDRC work plan before endorsing the Coalition's.

Andrew Poat: stated that what he was hearing was that our process will be informed by the Coalition's list and will discuss its priorities and ours in March.

Chairperson Frye: agreed and observed that it was conceivable that during the year as opportunities arise there might be funding for projects that were found only in the Coalition's Work Plan.

Toni Atkins: said that our discussion of Work Plans in March may be simplified because of the financial situation which confronts the State of California.

Mike Nelson: stressed that the Board has approved many of the projects identified as high priorities in the Coalition's 2009 Work Plan and commented that he felt it was critical to identify bond funding or alternative sources to complete the projects the Conservancy had approved.

David King: stated that there appeared to be symmetry between SDRC's work and the Coalition's as far as trail projects and habitat restoration, but asked Rob Hutsel whether there was support and collaboration with the Regional Water Board, the City, the County, and other municipal storm water departments regarding water quality and hydrology?

Rob Hutsel: replied that the Coalition enjoyed a very good working relationship with all of the relative agencies.

Supplemental Environmental Project (SEP): San Diego River Park Foundation Projects: River Blitz Field Surveys & Clean and Green Volunteers

Mike Nelson: reported that SDRC had been fortunate to receive \$75,000 from the San Diego County Water Authority (SDCWA) as a Supplemental Environmental Project which was approved by the San Diego Regional Water Quality Board (SDRWQB.) He explained that when SDCWA approached SDRC, they had previously discussed a SEP with the San Diego River Park Foundation (SDRPF) regarding these projects and made the observation that it would be expedient to have SDRC administer the SEP as a state agency. So, SDRC agreed to provide the oversight and the administration of the funds. Essentially, SDRC grants ½ of the funds to SDRPF and the remaining funds to SDRC's project with SDSU. He said that he was asking to Board approve grants to SDRPF for projects necessary to implement the Supplemental Environmental Project, and that Resolution 09-01 would do just that and fund two SDRPF projects: River Blitz Surveys and 12 river clean up projects.

Rob Hutsel: explained these grants would fund two signature programs that employ a strategy that builds a community of people around the river so they would begin to take care of it, and also accomplish some source reduction through education. He provided two websites. The first was www.imrivers.com/sandiego. This effort engages people interested in knowing where the trash and debris is located along the river and places these sites on the web. Volunteers take photos and document the locations where clean ups are or will occur. The second is www.ecolayers.com, a project which involves a partnership with the Conservancy and the Regional Board. It collects and disseminates hard data from many sources including 401s. As a consequence of these efforts, SDRPF realized that a comprehensive field survey of the river had never occurred, so the Foundation established River Blitz to go out twice a year and conduct a river long survey. Our most recent survey covered 30 miles and gathered information to organize the clean ups this grant will fund.

Andrew Poat moved for approval of Resolution 09-01 authorizing and endorsing a \$35,000 grant to the San Diego River Park Foundation for River Blitz Field Surveys and Clean and Green

Volunteers River clean ups to implement a Supplemental Environmental Project. Ben Clay seconded the motion. The Board voted 7-0-1 to approve the motion. Ann Haddad abstained.

8. El Monte Valley: Acquisition, Development and Restoration Plans (Hanson Ponds and Helix Water District Properties)

Mark Weston, General Manager of the Helix Water District and **Michael Beck**, Executive Director of the Endangered Habitats Conservancy provided a status report for several projects in El Monte Valley. He reported that the Helix Water District had entered into a long term lease to build two golf courses. Though construction was initiated, the District was subsequently approached by the lessee and the Endangered Habitats Conservancy with a request to radically alter the project to restore the river area and improve habitat within the Valley. He indicated that the District was intrigued and realized that the proposal could be a ground water recharge project, which would use highly treated recycled water to create a brand new water supply. He suggested Helix would prepare an Environmental Impact Report that would define the entire project. The El Monte Valley Groundwater Recharge and River Restoration Project will create about 5000 acre feet of new water. The project would take recycled water from the Padre Dam Municipal Water District in Santee and treat it with the same technology that is used for desalination. He stated that the process would produce water that is superior in quality to the raw water the region presently receives from the Colorado River Basin or northern California. He stated that the water would be percolated into the groundwater basin so the level of the water would be just below the river bottom and would provide water to the newly re-vegetated habitat. For every gallon of water we put in, we would pull out just about a gallon of water and send it to another water treatment plant. This could create about 10-15% of Helix's water supply or enough for 30000 to 40000 people. Simultaneously, there will be a complete restoration and creation of habitat in the Valley. He added that it would be necessary to remove about 12 feet of sand to re-contour and re-vegetate the valley floor.

Michael Beck stated that Endangered Habitats Conservancy (EHC) role in these efforts was driven by their potential to improve and create wildlife habitat in the El Monte Valley. He said that the incorporation of many organizations was an indication that EHC recognized the importance of providing public access to wildlife. Eventually EHC would hold fee title for Hanson Ponds as well as the lands transferred from Helix and would enroll all of them in the NCCP. This objective will require that the partners achieve a link between public use, wildlife and conservation. This project comprises 1000-1500 acres in the El Monte Valley and will be one of the largest restoration projects in California. We have designed and budgeted for an equestrian trail and a significant amount of public use for the Hanson site. There is a purchase agreement which has not been executed because of the uncertainty of a closing date. We thought the acquisition would be scheduled for the February WCB meeting; but then everything crashed. We are probably going to be on the May agenda, but we just don't know. Essentially concurrence with the property owner has been achieved and funding has been identified. It is just a matter of putting an accurate closing date on the purchase agreement. Components of the Hanson site will also include a camping area for environmental education, a trail and a boardwalk designed by James Hubbell that goes over the restored wetland.

Tom Sheehy: stated that he appreciated the presentation and understand EHC's anxiousness to get the projects approved. I also understand that you were hoping to get action by the WCB in February and now feel May might be possible. Though none of us know what is going to happen, I would be remiss if I didn't let you know that it is extremely unlikely that you will see any fund releases from the State of California for any projects before the summer or fall. Release could not occur unless there is a total and complete \$41 billion solution to the State's budget deficit, all laws have been passed, all

expenditures have been cut, revenues have been raised, all of the propositions that were taken to the voters approved, and the lottery has been successfully securitized. In other words, everything must go perfectly in Sacramento, Republican and Democrats must reach agreement. If any of those things don't happen, you won't see any fund releases in summer or fall; and, it could be a couple of years before we are at a point where the State of California re- enters the bond market for enough money to free up State bond funds. It is very serious and an evolving situation. The Schwarzenegger administration continues to work closely with agencies that have bond funded programs to determine if there are ways to make some funding exceptions. It can't be done alone. We have to work with our partners in the Legislature; we are on the brink of financial disaster. I apologize for throwing such an unhappy scenario on the table, but I really think it is important for everyone to understand what the likelihood is of any State funding being made available.

Michael Beck: made the point that that there are tens of millions of dollars of conservation projects throughout the state that are on the verge of collapsing because we can't get so much as an IOU. Though he recognized that it is an impossibly difficult situation in Sacramento, he wondered whether a policy decision could be made that states that these projects will not just wither on the vine since they have already been approved.

John Donnelly: said that WCB is trying to secure as much funding as is necessary to close escrow on projects that have been approved by the board, but the answer to that question remains outstanding.

Ben Clay: asked that if a County or City thought about fronting the money, would the State consider reimbursement for those projects that have been approved especially if a local entity was fronting of some of the funds?

John Donnelly: indicated that WCB was considering that, but the advice WCB was giving to grant recipients with approved projects, as well those that have been signed, and those that have been approved and are waiting to be executed; was that unfortunately the risk was entirely up to the applicant, since there is no guarantee that the money will be available in the immediate future or in the long term.

Tom Sheehy: stated that the problem is twofold. The first is that there is a lot of turmoil in the capital market. A number of municipalities across the country are experiencing difficulty with their offerings which is affecting public markets and private placement. On top of that, California for almost a decade has been unable to get its fiscal house in order, which has spanned both Democrat and Republican administrations. The capital markets and rating agencies are well aware of this and it has been well documented. We are being advised by the experts that even if all of Governor Schwarzenegger's proposals, which he unveiled, last week for the State's budget, were enacted the way he proposed, the State would be unable to enter the capital market for some time. Without the ability to enter the capital market and sell bonds, there simply won't be any way that the Pooled Money Investment Account can front any money to anybody for anything because that Account is in an extremely precarious situation. It must be managed on a daily basis to make certain the State of California does not default on its General Obligations. He emphasized how intensely bad the situation was and concluded that immediate actions must be taken to prevent the State from going off a fiscal cliff. So, any decision, by anybody to spend local money on any of these projects has to be done with understanding that there might not be another dime coming out of Sacramento for a couple of years.

7. Update on City of San Diego River Park Master Plan

Robin Shifflet, from the City of San Diego introduced herself as the Project Manager for the City's San Diego River Park Draft Master Plan and provided the Board with a status Report. She stated that the document was created by the community, our consultant, and with a great deal of work from the local San Diego River Coalition. She said it comprised five principles:

1. To restore the health of the river including the water and the wildlife
2. Provide an identity for the river corridor
3. Celebrate the different reaches of the river
4. Review the history
5. Re-orientate the development to the river

The Draft Master Plan was completed in 2005 and presented to the City Council in 2007; the City hired Jones & Stokes to prepare a programmatic EIR and to finish remaining sections of the Master Plan. They asked the consultant to make recommendations to implement the Plan through the municipal code. In 2008, the City Council initiated plan amendments and encouraged staff to examine the Community Plan and offer any amendments to the municipal code which might be necessary. We have conducted two workshops to receive input from the community. Though we were looking to create an overlay zone for the San Diego River, based on the comments from the community we have decided a better approach would be to amend the Mission Valley Planning District Ordinance and the Navajo Community Plan. So, we intend to amend municipal codes to assure implementation of the Master Plan. Staff also envisions the creation of an overlay zone for East Elliot and Tierrasanta. Our goal is to present the City Council in 2010 with a final document, a program EIR, community plan amendments, and zoning overlays.

10. SDRC Logo Design

Mike Nelson introduced **Tanya Brederhoff** from Artefact Design to present new logo concepts for the San Diego River Conservancy. She requested that the Board select one of the logo design and color patterns.

Chairperson Frye asked each member which Concept they preferred.

Tom Sheehy selected 1.A.1 in blue and green.

John Donnelly selected 1.A.1 in blue and green

Karen Scarborough selected 1.A.1 in blue and green. (In and out of the meeting)

Andrew Poat was indifferent on shape, but selected blue and green as the color.

Ben Clay selected 1.A.1 in blue and green

Dianne Jacob selected 1.A.1 in blue and green

Chairperson Frye selected 1.A.1 in blue and green

Ruth Hayward selected 1.A.1 in blue and green

Toni Atkins selected 1.A.1 in blue and green

Ben Clay moved to approve the selection of logo 1.A.1 letter B. The motion was seconded by **Andrew Poat**. The Board voted 7-0-1 to approve the motion. **Ann Haddad** abstained.

5. Executive Officer's Report

Final Adoption/2009 meeting Schedule

Mike Nelson: said that the Board did not formally adopt a 2009 schedule at the last meeting and decided that it should be placed on today's agenda.

Karen Scarborough: remarked that several of the Conservancies have modified their schedules as an acknowledgement of these economically challenging times and encouraged the Executive Officer to be certain that the agendas were sufficient to warrant traveling to SDRC meetings. She added that other Conservancies have actually canceled their January and February meetings since there is a lack of bond funds to expend.

Chairperson Frye: said that it would be her recommendation to support this schedule, and then if there was an insufficient agenda or lack of a quorum, the meeting could be cancelled.

Dianne Jacob moved to adopt the 2009 meeting dates. The motion was seconded by Ben Clay and approved unanimously by a voice vote of 8-0-1.

Budget Letter: Interim Loans/ General Obligation Bonds and Lease Revenue Bond Projects

Mike Nelson: said that he didn't have much to add and deferred to Tom Sheehy's presentation on the fiscal situation that confronts bond funding in the State of California. He did remind the Board that that Conservancy's principal fund sources were general obligation bonds from Propositions 84 and 40; and, that as a consequence, virtually all SDRC projects had been suspended.

Dianne Jacob: asked whether the suspension was because the State of California could not sell its bonds?

Tom Sheehy: suggested that the suspension was a combination of two things. The State's fiscal situation, which was the biggest problem, and then the fact that the capital markets themselves are encountering a historically difficult time.

Dianne Jacob: reminded the board that these were bonds measures that were approved by the voters and that they were approved some time ago, so it is was frustrating to hear that.

Tom Sheehy: Let me make a constructive suggestion. All of you on the Board that care about your programs being bond funded need to contact your elected representative in Sacramento.

Dianne Jacob: added that those of us who are in an elected office were well aware of where the targets are.

Andrew Poat: inquired whether work would be suspended on any SDRC projects because of the State's cash flow situation?

Michael Nelson: responded that most of SDRC projects had been suspended. He stated that he would provide the Board with a report that provided project status as well as reimbursements.

Andrew Poat: said that restarting the projects would represent a premium for a contractor. He questioned whether the Board would have to adopt contract amendments?

Michael Nelson: explained that funds were never directly appropriated to SDRC, the funds exist in the Resources Agency's or the Coastal Conservancy's budget. He cited as an example, the Ocean Beach Bike Path extension; the City of San Diego had entered into an agreement with the Resources Agency and accordingly had executed a construction contract for the project. Any contract amendments or modifications would occur as a result of a decision by the sponsor, which in this case is the City of San Diego.

Ruth Hayward: Where does this leave the Conservancy's staff?

Michael Nelson: replied that fortunately SDRC support budgets is not bond funded that in fact, it was not general funded. SDRC's support budget is provided by the Environmental License Plate Fund.

Supplemental Environmental Project (SEP)

Michael Nelson: said that the Supplemental Environmental Project (SEP) that the Board just approved to the San Diego River Park Foundation was from the payment of fines that were the result of a violations. He added that at the next Board meeting he would be requesting approval for a \$200,000 SEP negotiated by Kyocera America. He stated that these funds would be governed in much the same way as the funds that the Board just granted to the SDRPF. This SEP would be used to install four sensors on the San Diego River as part of our watershed monitoring program with SDSU.

Contract & Procurements

Michael Nelson: said that staff had successfully conducted an extensive procurement with Fish & Game to control arundo on their 14 acre property near Qualcomm stadium.

Dianne Jacob: asked about the list of suspended projects and whether the Executive Officer could provide and estimate of the amount of funding that was frozen.

Michael Nelson: responded that it would be in the neighborhood of \$12,000,000.00.

Dianne Jacob: I would to suggest that the Chair send off a letter to our San Diego delegation in Sacramento and to the governor to let them know the list of projects that are on hold. It has a double impact and stress the urgency of getting the State's fiscal house in order.

Karen Scarborough: Communication is absolutely critical and helpful. I would also defer and request Mr. Ben Clay's expertise on the best way to communicate to legislators.

David King: suggested that there appears to be a variety of financial constraints that are largely out of our control, but we should focusing on things that maybe SDRC might influence that would not require cash outlays. He offered an example that for private properties where we would be interested in a conservation easement, if people were offered the opportunity to get a reassessment down to zero, it might be attractive; though he recognized that this would not come without a cost to the County, He said that maybe we could collaborate with the County to focus on projects where we don't have spend monies to secure conservation easements.

Dianne Jacob: said it was a good question. She added that the County assessor would be able to address those questions and advised that the assessor was guided by parameters that were found in law.

Dianne Jacob invited the Board to the Lakeside Baseball Park grand opening on January 24th at 10:00.

11. The meeting was adjourned at 3:30 PM.

Accessibility

In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call Michael Nelson at 619-645-3183.

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of March 5, 2009

ITEM: **3**

SUBJECT: **PUBLIC COMMENT**

PURPOSE: Any person may address the Governing Board at this time regarding any matter within the Board's authority which is not on the agenda. Submission of information in writing is encouraged. Presentations will be limited to three minutes for individuals and five minutes for representatives of organizations. Presentation times may be reduced depending on the number of speakers.

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of March 5, 2009

ITEM: **4**

SUBJECT: **CHAIRPERSON'S AND GOVERNING BOARD
MEMBER'S COMMENTS**

PURPOSE: These items are for Board discussion only and the Board
will take no formal action.

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S REPORT
Meeting of March 5, 2009

ITEM: 5

SUBJECT: **DEPUTY ATTORNEY GENERAL'S REPORT**
This item is for Board discussion only and the Board will
take no formal action. (*Hayley Peterson*)

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of March 5, 2009

- ITEM: 6
- SUBJECT: **AUTHORIZING A (\$800,000) PROPOSITION 40, RIVER PARKWAYS GRANT APPLICATION AND RESOLUTION BY THE SAN DIEGO RIVER CONSERVANCY FOR THE CONSTRUCTION OF THE SAN DIEGO RIVER TRAIL (RIVERFORD ROAD SECTION).**
- PURPOSE: The Board may consider adoption of Resolution 09-02 which amends and replaces Resolution 08-03 which authorized the Lakeside River Park Conservancy in partnership with the San Diego River Conservancy, to develop the Riverford Section of the San Diego River Trail. Resolution 09-02 would allow the San Diego River Conservancy to be the grant applicant in partnership with Lakeside's River Park Conservancy and the County of San Diego.
- STRATEGIC PLAN CONSISTENCY This item will help to implement Program 2, Project 1, *Complete the San Diego River Park Trail*
- BACKGROUND: The Conservancy's enabling statute includes a statement directing the Conservancy: **"to provide recreation opportunities, open space,...and lands for educational uses within the area."** **"To provide for the public's enjoyment and to enhance the recreational and educational experience on public lands in the territory in a manner consistent with the protection of land and natural resources, as well as economic resources, in the area."**

The Conservancy's Strategic Plan includes in Program 2: Project 1.6, Complete at least 2 miles of trail in the Lakeside Reach

This grant will complete a .95 mile segment of the San Diego River Trail in the unincorporated community of Lakeside, providing new recreational opportunities including strolling, hiking, bicycling, and equestrian uses in the disadvantaged community. The project also helps achieve other recreational goals and objectives for the region and the Lakeside community. For example, the project has been included in several other planning documents. Those documents are The RiverWay Trails Plan: An Implementation Guide for Trails along the Upper San Diego River, the County Trails Program and the Community Trails Master Plan. The Lakeside Community Trails Plan also includes this trail. See appendix, *County Trails Master Plan*

The Riverford Road segment of the San Diego River Trail will be designed to balance public access to the river with protection of the river's natural resources. Protecting the natural resources of the river is a statutory obligation of the San Diego River Conservancy and a goal shared by the 60+ member San Diego River Coalition and the Lakeside Conservancy. Compatibility is especially important because the San Diego River Trail is within a habitat corridor identified in the region's award winning multiple species conservation program.

The proposed trail alignment is co-terminus with an existing haul road that was used as a part of previous sand mining. Using an existing haul road will minimize the impact to the environment while providing public access to the river. This haul road is proposed to be narrowed to 10 feet to allow for the maintenance of existing riparian habitat and to meet County trail standards. The current haul road lacks landscape plantings, lodge pole fencing and a bona fide trail surface.

THIS ACTION: The action is for the Governing Board to approve Resolution 09-02 endorses an application by Lakeside's River Park Conservancy, San Diego River Conservancy or the County of San Diego to the Resources Agency for a Proposition 40 grant to construct .95 miles of trail along the San Diego River in the unincorporated community of Lakeside, implementing a portion of the 52-mile San Diego River Trail.

SUPPORTING DOCUMENTS: Resolution 09-02

RECOMMENDATION: Adopt Resolution 09-02

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of March 5, 2009

ITEM: 7

SUBJECT: **AUTHORIZING AND ENDORSING TWO SUPPLEMENTAL ENVIROMENTAL PROJECT (SEP) GRANTS TO THE SAN DIEGO STATE UNIVERSITY RESEARCH FOUNDTION FOR THE SAN DIEGO RIVER WATERHED DATA COLLECTION AND RESTORATION PROGRAM**

PURPOSE: The Board may consider adoption of Resolutions 09-03 and 09-04 authorizing the San Diego River Conservancy (SDRC) to make two grants to the San Diego State University Research Foundation totaling \$240,000 from the Special Deposit Fund, which includes funds from the San Diego County Water Authority and Kyocera America for the implementation of Supplemental Environmental Projects (SEP).

STRATEGIC PLAN CONSISTENCY:

Program 4: Water Quality and Natural Flood Conveyance

Supporting the data collection and integration for future hydrological assessments of the watershed. Supporting data collection, monitoring, analysis, research, and educational opportunities.

Program 2: Recreation and Education

Project 2 – Make the River Park Real

Assisting with Public Outreach and Interpretative Centers. Providing research and education opportunities with faculty and students and SDSU. Providing outreach and education support for community and region.

Project 3. Make it Safe and Make it Visible

Assisting public access via the Internet, sensor network, real-time camera stations, and kiosks. Increase security potential through video surveillance opportunities. Providing data collection and information support for the selection and monitoring of invasive species removal and habitat restoration projects.

BACKGROUND:

Project Summary:

The San Diego River Watershed Data Collection and Restoration Program is designed to support the establishment of the San Diego River Research Center and develop a framework for the Nation's largest "wireless watershed". Contributions from the President's Leadership Fund at SDSU and the Field Stations Program (\$30,000) will be used as matching funds in this effort.

This project will create a system that is capable of monitoring and evaluating the diverse factors that influence and threaten our watershed, including land use, climate, water flow, water quality, and beneficial uses. The Wireless Watershed will be a real-time watershed monitoring program that will support existing efforts, inform conservation and management activities, and alert agencies to hazardous events (such as floods or water/sewer line breaks) allowing for near-immediate notification and a rapid response. Hopefully, this project will serve as a model for California: creating awareness, informing management, and ensuring a sustainable future for our precious natural resources.

\$240,000.00 from Supplemental Environmental Projects (SEP) approved by the San Diego Regional Water Quality Board and the California Department of Toxic Substances Control Board will provide the funds necessary to launch this project. What follows are summaries of the SEPs:

- 1) The San Diego County Water Authority (SDCWA) requested that the San Diego Regional Water Quality Control Board (SDRWQCB) authorize a Supplemental Environmental Project (SEP) for the San Diego River to address Order No. 2001-96, NPDES NO. CAG919002. SDRC recommended a SEP that included three projects totaling \$75,000. One of those projects, the San Diego River Watershed Data Collection and Restoration Program was to receive **\$40,000** of this amount. The SDRWQCB approved an Amended Complaint R9-2007-0014 to allow the SDCWA and SDRC to implement the SEP.
- 2) California Department of Toxic Substances Control approved a Supplemental Environmental Project requested by Kyocera America, Inc. to provide **\$200,000** for purchase and installation of four wireless environment sensors to support the San Diego River Watershed Data Collection and Restoration Program; Final Consent and Injunction Case No. 37-2007-00074954-CU-MC-CTL.

Project Discussion:

In an effort to support management and conservation of the San Diego River Watershed, San Diego State University signed on to a partnership with the San Diego Conservancy and the San Diego River Park Foundation in April 2008. Motivated by this significant event, the partners have begun the development of the San Diego River Watershed Data Collection and Restoration Program.

SDSU is working toward establishing a new model for watershed management, monitoring, and conservation. Most land management and water conservation strategies operate in a paucity of data, often making critical decisions without long-term, rigorous data or scientific support.

We propose to build a network of sensors, dedicated to the real-time monitoring of the environment, targeting water quality (conductivity, turbidity, pH, temperature, dissolved oxygen, and water depth/pressure), weather (air temperature, relative humidity, wind speed/direction, precipitation), and digital camera stations. All information will be integrated into a web-based application, distributing real-time data and storing long-term monitoring information for public and agency access. Most sensors will be powered by solar panels, increasing the sustainability and long-term viability of the monitoring stations.

The location of these sensors will be determined through a series of meetings and workshops with key stakeholders, project partners, and agencies. We will use a strict, science-based approach to site prioritization and selection that integrates information on key landscape features, such as stream confluences, geomorphology, critical pollution zones, beneficial uses, and sensitive habitats/species. We will be working with stakeholders, partners, and other data collection efforts to link monitoring locations with existing data collection and priority sites (e.g. USGS gauging stations, the San Diego River Park Foundation – River Watch Team).

All the information collected by the sensors will be available via an online database service and geo-referenced using a Geographic Information System (GIS). The information will be readily available to the stakeholders and agencies within the region and can be used to track changes within the watershed, monitor the success or failure of management or restoration programs, and inform future management and conservation within the watershed.

The funding provided will be used to install four monitoring stations within the San Diego Watershed (locations to be determined), establish wireless communications, data streaming, and web-site distribution. These stations, communications, and website will be installed and running within 18 months of the funding start date. Agreements with local landowners or project partners will be established for the long-

term maintenance and calibration of the sensors. A fund will be established in the amount of \$10,000 per station to pay for incidental repairs and calibration solutions during for ten years. Major equipment failure, loss, or damage will not be covered by this fund.

State Coastal Conservancy (Frozen)	\$ 76,000
President's Leadership Fund (SDSU)	\$ 30,000
Kyocera America, Inc. (SEP)	\$ 200,000
San Diego County Water Authority (SEP)	<u>\$ 40,000</u>
TOTAL GRANTS	\$ 346,000

**SUPPORTING
DOCUMENTS:**

Resolution 09-03
Resolution 09-04
Kyocera America letter to SDRC
Final Consent Judgment and Injunction
Amended Complaint R9-2007-0014
SDRC letter to SDRWQCB

Resolution No: 09-03
RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO RIVER CONSERVANCY
AUTHORIZING AND ENDORSING A \$200,000 GRANT TO
THE SAN DIEGO STATE UNIVERSITY RESEARCH FOUNDATION FOR THE SAN DIEGO
RIVER WATERSHED DATA COLLECTION AND RESTORATION PROGRAM

WHEREAS, the California Department of Toxic Substances Control (DTSC) approved a Final Consent Judgment and Injunction for Case No. 37-2007-00074954-CU-MC-CTL with Kyocera America Inc. which provides the San Diego River Conservancy and the San Diego State University Research Foundation with \$200,000 to fund a Supplemental Environmental Project (SEP) for the San Diego River Watershed Data Collection and Restoration Program ("Program"); and,

WHEREAS, the DTSC and Kyocera America have endorsed the Program and seek to provide funding to assist the development of a network of sensors, dedicated to monitoring of the environment and water quality; and,

WHEREAS, the Final Consent Judgment and Injunction requires that \$200,000 be used for the purchase and installation of four wireless sensors to assess, monitor and address the impacts of pollutants to public health and water quality; and

WHEREAS, the San Diego State University Research Foundation has agreed to initiate the Program, comply with the terms of the Final Consent Judgment and Injunction, and work in partnership with the San Diego River Conservancy and the San Diego River Park Foundation; and,

WHEREAS, the Governing Board of the San Diego River Conservancy finds that providing a grant to the Research Foundation to establish the Program is consistent with the San Diego River Conservancy's Five Year Strategic and Infrastructure Plan, specifically Program 2, Recreation & Education and Program 4, Water Quality and Natural Flood Conveyance.

NOW, THEREFORE, BE IT RESOLVED that the San Diego River Conservancy Board of Directors:

1. Awards a \$200,000 grant to the San Diego State University Research Foundation to create a network of sensors that is capable of monitoring and evaluating the diverse factors that influence the San Diego River Watershed, including land use, climate, water flow, water quality, and beneficial uses.); and
2. Requires the San Diego State University Research Foundation to enter into a project agreement with the San Diego River Conservancy and provide assurances that the Work Program contained in this agreement will be completed; and
3. Appoints the Executive Officer as agent for San Diego River Conservancy to conduct all the negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project.

Approved and adopted the 5th day of March, 2009. I, the undersigned, hereby certify that the foregoing Resolution Number 09-03 was duly adopted by the San Diego River Conservancy's Governing Board.

Roll Call Vote:

Ayes: _____

Nos: _____

Michael J. Nelson, Executive Officer
San Diego River Conservancy



KYOCERA AMERICA, INC.

8611 Balboa Avenue
San Diego, CA 92123-1580
Phone: 858/576-2600
Fax: 858/ 569-9412

Mr. Michael Nelson
Executive Officer
San Diego River Conservancy
1350 Front Street, Suite 3024
San Diego, CA 92101

December 30, 2008

Mr. Nelson:

Enclosed please find a check in the amount of \$200,000 from Kyocera America, Inc. (KAI) to fund a SEP for purchase and installation of four wireless environmental sensors to support the San Diego River Watershed Data Collection and Restoration Program, along with a copy of the SEP description document.

It is important to KAI that the San Diego River Conservancy understands the nature of our dispute with the State of California and the Dept of Toxic Substances Control. Throughout the dispute, which began in 2003, DTSC never alleged that KAI was polluting or causing environmental harm or threats to human health or the environment. Rather, the dispute focused on whether KAI had appropriate permits and/or other authorization for its manufacturing processes reusing industrial process water and certain precious metals. KAI contended that its processes were exempt from permit requirements or otherwise authorized because the materials involved were not "waste," as defined by applicable regulations. Although the settlement will require KAI to incur substantial additional costs to resolve the permitting/authorization issues, KAI believes that doing so is the most expedient way to validate its processes and their proven ability to reduce waste.

KAI developed its reuse processes to enhance our environmental citizenship. The company is eager to continue its safe reuse of water and other materials instead of discarding them to the environment. When KAI is able to resume these processes, we expect to reduce waste by more than 85% in key areas. We therefore decided that this settlement represents the fastest means of achieving our environmental goals and resolving the issues with DTSC in a mutually agreeable manner. As a part of the settlement agreement, KAI feels fortunate that the state agreed to designate a portion to fund this SEP, a project that will have a direct impact on San Diego and our local environment.

If you have any questions, please do not hesitate to contact me.

Sincerely,


Meridith A.M. Marquis
Manager, Headquarters

ATTACHMENT "2" TO FINAL CONSENT JUDGMENT AND INJUNCTION

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Case No. 37-2007-00074954-CU-MC-CTL

The SEP funds in the amount of \$200,000 shall be used for the purchase and installation of four wireless environmental sensors at a cost of \$41,887.84 per unit and associated equipment (see attached itemized cost per unit) for the San Diego River Watershed Data Collection and Restoration Program ("Program") to assess, monitor and address the long-term impacts of pollutants to public health and water quality in the San Diego River Watershed. The remainder of funds shall be used for ongoing maintenance of wireless environmental sensors.

SEP Description:

At the first meeting of its governing Board following receipt of the designated funds, the San Diego River Conservancy shall approve a grant of the designated funds for Program purposes to San Diego State University (SDSU) for the purchase, installation, and maintenance of the sensors and equipment. SDSU shall use the funds for establishing a data collection and dissemination system that will inform environmental protection regulators and water resource managers of current and changing environmental conditions, allowing them to base decisions on real-time data and on sound science. SDSU will also use data generated from the project to enhance classroom instruction in environmental curricula as well as to assist community organizations with resource management decisions in an urban environment.

As part of the terms of the grant, SDSU will be responsible for preparing an Annual Report that will be made available to environmental regulators, including the Department of Toxic Substances Control, and watershed managers, summarizing findings related to the project and associated data collection activities. If, during the course of monitoring, data suggest that a release or other source of contaminants is impacting the watershed, SDSU shall either (1) investigate to determine the cause, and/or (2) immediately report this finding to environmental regulators and watershed managers.

San Diego State University, the San Diego River Conservancy and the San Diego River Park Foundation partnered to create the San Diego River Research Center, which is charged with the collection, understanding, and sharing of environmental information within the San Diego River Watershed. The Research Center also works to improve the waterway's natural function in areas altered by heavy development and historical industrial sewage spills and discharges. When completed the project will consist of 23 to 25 sensors and a wireless network for transmitting monitoring data about the watershed to researchers. As part of the sensor network, basic water chemistry data, including water temperature, pH, stream flow, dissolved oxygen, turbidity, and conductivity will be collected via an online database service and georeferenced using a Geographic Information System (GIS).

SUPPLEMENTAL ENVIRONMENTAL PROJECT
Case No. 37-2007-00074954-CU-MC-CTL

Additional Terms and Conditions:

The San Diego River Conservancy or its designated grantee shall own the equipment and shall be solely responsible for all matters associated with the Program, including without limitation, project fees, expenses, and costs related to the acquisition, installation, operation, and ongoing maintenance and repair of the equipment. The San Diego River Conservancy or its designated grantee will also be responsible for any reporting obligations as detailed above.

Completion Date:

Within thirty (30) days from the date of entry of the parties' final Judgment, Kyocera shall provide the San Diego River Conservancy with the designated funds on the condition they be spent only for the specified purposes identified above.

Resolution No: 09-04
RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO RIVER CONSERVANCY
AUTHORIZING AND ENDORSING A \$40,000 GRANT TO
THE SAN DIEGO STATE UNIVERSITY RESEARCH FOUNDATION FOR THE SAN DIEGO
RIVER WATERSHED DATA COLLECTION AND RESTORATION PROGRAM

WHEREAS, the San Diego Regional Water Quality Board (SDRWQCB) approved an Amended Complaint R9-2007-0014 with the San Diego County Water Authority (SDCWA) to provide the San Diego River Conservancy(SDRC) with \$75,0000 to fund a Supplemental Environmental Project (SEP) for the San Diego River; and,

WHEREAS, the SDRWQB and the SDCWA reviewed and approved the projects SDRC proposed to implement the SEP; and,

WHEREAS, the SEP indentified the San Diego River Watershed Data Collection and Restoration Program and San Diego State University Research Foundation as a recipient of a \$40,000 grant; and

WHEREAS, the San Diego State University Research Foundation has agreed to initiate the San Diego River Watershed Data Collection and Restoration Program in partnership with the SDRC and the San Diego River Park Foundation; and,

WHEREAS, the SDCWA has made a \$75,000 payment to SDRC to implement and fund these projects consistent with the SEP and the Amended Complaint; and,

WHEREAS, the Governing Board of the SDRC finds that providing a grant to the San Diego State University Research Foundation to establish the San Diego River Watershed Data Collection and Restoration Program, is consistent with the Conservancy's Five Year Strategic and Infrastructure Plan, specifically Program 2, Recreation & Education and Program 4, Water Quality and Natural Flood Conveyance.

NOW, THEREFORE, BE IT RESOLVED that the San Diego River Conservancy Board of Directors:

1. Awards a \$40,000 grant to the San Diego State University Research Foundation to create a network of sensors that is capable of monitoring and evaluating the diverse factors that influence the San Diego River Watershed, including land use, climate, water flow, water quality, and beneficial uses.); and
2. Requires the San Diego State University Research Foundation to enter into a project agreement with the San Diego River Conservancy and provide assurances that the Work Program contained in this agreement will be completed; and
3. Appoints the Executive Officer as agent for San Diego River Conservancy to conduct all the negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project.

Approved and adopted the 5th day of March, 2009. I, the undersigned, hereby certify that the foregoing Resolution Number 09-04 was duly adopted by the San Diego River Conservancy's Governing Board.

Roll Call Vote:

Ayes: _____

Nos: _____

Michael J. Nelson, Executive Officer
San Diego River Conservancy



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA



Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

October 2, 2008

CERTIFIED-RETURN RECEIPT REQUESTED
7007 3020 0001 0040 6860

Ms. Maureen A. Stapleton
General Manager
San Diego County Water Authority
4677 Overland Avenue
San Diego, California 92123-1233

In reply refer to:
CAU:14-1414.02:rstewart
Place ID: 625254

Dear Ms. Stapleton:

AMENDED COMPLAINT NO. R9-2007-0014 FOR ADMINISTRATIVE CIVIL LIABILITY FOR MANDATORY MINIMUM PENALTIES UNDER WATER CODE SECTION 13385, VIOLATION OF ORDER NO. 2001-96, NPDES CO. CAG919002

Enclosed is Amended Complaint No. R9-2007-0014, Administrative Civil Liability with Mandatory Minimum Penalties, for the amount of \$135,000 for violations of effluent limitations established by Order No. 2001-96, NPDES No. CAG919002, *General Waste Discharge Requirements for Groundwater Extraction and Similar Waste Discharges from Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except for San Diego Bay*. The violations addressed in the Complaint result from the San Vicente Pipeline Project dewatering discharges at the Slaughterhouse Canyon Shaft Site to a tributary to the San Diego River.

The \$15,000 increase in the recommended liability above the original Complaint, issued on January 22, 2007, is necessary to account for five additional effluent limitation violations that you reported to the Regional Board for the December 2006 and January 2007 reporting periods that were not contained in the original Complaint.

Based on communication with representatives of San Diego County Water Authority, I understand that you do not intend to contest the assessment of the mandatory penalty, however, you request that \$75,000 of the penalty be used to fund a Supplemental Environmental Project (SEP) by the San Diego River Conservancy. This is the maximum amount allowed under WCS 13385(l)(1). The remaining \$60,000 of the penalty would be paid to the State Water Resources Water Pollution Cleanup and Abatement Account.

California Environmental Protection Agency

Ms. Maureen A. Stapleton
San Diego County Water Authority

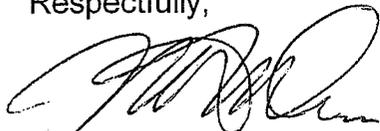
- 2 -

October 2, 2008

In order for this matter to appear on the Regional Board's November 12, 2008 agenda you must verify your intentions in writing no later than October 14, 2008. Mr. Michael Nelson of the San Diego River Conservancy has already provided the Regional Board with a description of the SEP that is proposed to be funded.

Please contact Rebecca Stewart at (858) 467-2966 or via e-mail at Rstewart@waterboards.ca.gov if you have any questions concerning this matter.

Respectfully,



MICHAEL P. McCANN
Assistant Executive Officer

MPM:mja:rls

Enclosures: Amended Complaint No. R9-2007-0014

cc: with enclosures (via email only)

Larry Purcell, San Diego County Water Authority, LPurcell@sdcwa.org

Daniel Hentschke, General Counsel, San Diego County Water Authority
DHentschke@sdcwa.org

Dan Diehr, San Diego County Water Authority, DDiehr@sdcwa.org

Erik Spiess, Office of Enforcement, SWRCB, espiess@waterboards.ca.gov

Michael Nelson, San Diego River Conservancy, mnelson@sdrc.ca.gov

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:)

SAN DIEGO COUNTY WATER AUTHORITY)
SAN VICENTE PIPELINE PROJECT)
DEWATERING, LAKESIDE, CALIFORNIA)

VIOLATIONS OF EFFLUENT LIMITATIONS)
IN ORDER NO. 2001-96, NPDES NO.)
CAG919002 GENERAL WASTE DISCHARGE)
REQUIREMENTS FROM GROUNDWATER)
EXTRACTION AND SIMILAR DISCHARGES)
FROM CONSTRUCTION, REMEDIATION,)
AND PERMANENT GROUNDWATER)
EXTRACTION PROJECTS TO SURFACE)
WATERS WITHIN THE SAN DIEGO REGION)
EXCEPT FOR SAN DIEGO BAY)
WDID NO. 9 000001414)

AMENDED

**COMPLAINT NO. R9-2007-0014
FOR
ADMINISTRATIVE CIVIL LIABILITY
WITH
MANDATORY MINIMUM PENALTIES**

OCTOBER 2, 2008

SAN DIEGO COUNTY WATER AUTHORITY IS HEREBY GIVEN NOTICE THAT:

1. San Diego County Water Authority is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, §13385 of the California Water Code (CWC). The violations alleged herein include violations of effluent limitations in waste discharge requirements for discharges of pollutants from point sources to navigable waters for which the Regional Board must impose mandatory minimum penalties (MMP).
2. San Diego County Water Authority discharged treated wastewater to a tributary to the San Diego River subject to waste discharge requirements, including numeric effluent limitations, contained in *Order No. 2001-96, NPDES No. CAG919002, General Waste Discharge Requirements for Groundwater Extraction and Similar Waste Discharges from Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except for San Diego Bay.*
3. CWC section 13385 (h) includes provisions for MMP for serious violations of waste discharge requirements for surface water discharges. Each serious violation (defined as a violation of an effluent limitation for Group I pollutants by 40 percent or more, or for Group II pollutants by 20 percent or more) is subject to

a three thousand dollar (\$3,000) MMP.

ALLEGATIONS

4. Between December 2005 and January 2007 the discharge to a tributary to the San Diego River exceeded effluent limitations for total nitrogen as noted in *Table 1. Amended Summary of Effluent Violations* (attached).
5. Pursuant to subdivision (h) of Section 13385 of the CWC, the Regional Board must impose an MMP of one hundred thirty five thousand dollars (\$135,000) for the alleged violations of effluent limitations as determined by the following:

- a. On January 9 and 24, 2006, the concentrations of total nitrogen (a Group I pollutant) in your discharge were 2.23 mg/L and 8.35 mg/L respectively, which exceeded the instantaneous maximum effluent limitation (2.0 mg/L) by 40% or more.

Based on samples collected on January 9, 17, and 24, 2006, the average concentration of total nitrogen in January 2006 was 1.73 mg/L, which exceeded the average monthly effluent limitation (AMEL) (1.0 mg/L) by 40% or more.

- b. On February 7 and 24, 2006 the concentrations of total nitrogen in your discharge were 16.1 mg/L and 25.2 mg/L respectively, which exceeded the instantaneous maximum effluent limitation by 40% or more.

Based on samples collected on February 7 and 14, 2006, the average concentration of total nitrogen in February 2006 was 20.6 mg/L, which exceeded the AMEL by 40% or more.

- c. On March 3, 10, 16, 17, and 30, 2006, the concentrations of total nitrogen in your discharge were 20 mg/L, 12.9 mg/L, 5.8 mg/L, 9.3 mg/L and 7.08 mg/L respectively, which exceeded the instantaneous maximum effluent limitation by 40% or more.

Based on samples collected on March 3, 10, 16, 17, 20, 24, and 30, 2006, the average concentration of total nitrogen in March 2006 was 8.3 mg/L, which exceeded the AMEL by 40% or more.

- d. On April 6 and 11, 2006, the concentrations of total nitrogen in your discharge were 6.4 mg/L and 2.96 mg/L respectively, which exceeded the instantaneous maximum effluent limitation by 40% or more.

Based on samples collected on April 6 and 11, 2006, the average concentration of total nitrogen in April 2006 was 4.7 mg/L, which exceeded

the AMEL by 40% or more.

- e. On May 18 and 25, 2006, the concentrations of total nitrogen in your discharge were 5.2 mg/L and 5.28 mg/L respectively, which exceeded the instantaneous maximum effluent limitation by 40% or more.

Based on samples collected on May 18, 25, and 31, 2006, the average concentration of total nitrogen in May 2006 was 3.7 mg/L, which exceeded the AMEL by 40% or more.

- f. On June 13, 20, and 27, 2006, the concentrations of total nitrogen in your discharge were 2.61 mg/L, 6.4 mg/L and 4.9 mg/L which exceeded the AMEL by 40% or more.

Based on samples collected on June 6, 13, 20, and 27, 2006, the average concentration of total nitrogen in June 2006 was 3.72 mg/L, which exceeded the AMEL by 40% or more.

- g. On July 25, 2006, the concentration of total nitrogen in your discharge was 7.67 mg/L, which exceeded the instantaneous maximum effluent limitation by 40% or more.

Based on samples collected on July 7, 13, and 25, 2006, the average concentration of total nitrogen in July 2006 was 3.2 mg/L, which exceeded the AMEL by 40% or more.

- h. On August 1, 8, 15, 22, and 29, 2006, the concentrations of total nitrogen in your discharge were 10.4 mg/L, 3.1 mg/L, 7.8 mg/L, 17.6 mg/L and 3.6 mg/L respectively, which exceeded the instantaneous maximum effluent limitation by 40% or more.

Based on samples collected on August 1, 8, 15, 22, and 29, 2006, the average concentration of total nitrogen in August 2006 was 8.5 mg/L, which exceeded the AMEL by 40% or more.

- i. On September 18, 2006 the concentration of total nitrogen in your discharge was 19.6 mg/L, which exceeded the instantaneous maximum effluent limitation by 40% or more.

Based on the September 18, 2006 sample, the average concentration of total nitrogen in September 2006 was 19.6 mg/L, which exceeded the AMEL by 40% or more.

- j. On October 4, 10, 17, and 25, 2006, the concentrations of total nitrogen in your discharge were 4.3 mg/L, 7.3 mg/L, 4.8 mg/L, and 6.5 mg/L respectively,

which exceeded the instantaneous maximum effluent limitation by 40% or more.

Based on samples collected on October 4, 10, 17, and 25, 2006, the average concentration of total nitrogen in October 2006 was 5.7 mg/L which exceeded the AMEL by 40% or more.

- k. On November 7, 16, and 25, 2006, the concentrations of total nitrogen in your discharge were 13.2 mg/L, 2.8 mg/L, and 9.07 mg/L respectively, which exceeded the instantaneous maximum effluent limitation by 40% or more.

Base on samples collected on November 7, 16, 25, and 27, 2006, the average concentration of total nitrogen in November 2006 was 6.5 mg/L, which exceeded the AMEL by 40% or more.

- l. On December 8 and 13, 2006, the concentrations of total nitrogen in your discharge were 8.6 mg/L and 4.6 mg/L respectively, which exceeded the instantaneous maximum effluent limitation by 40% or more.

Based on samples collected on December 1, 8, 13, 19 and 29, 2006, the average concentration of total nitrogen in December 2006 was 3.2 mg/L which exceeded the AMEL by 40% or more.

- m. On January 6, 2007, the concentration of total nitrogen in your discharge was 4.0 mg/L which exceeded the instantaneous maximum effluent limitation by 40% or more.

Based on the sample collected on January 6, 2007, the average concentration of total nitrogen in January 2007 was 4.0 mg/L which exceeded the AMEL by 40% or more.

PROPOSED CIVIL LIABILITY

6. Pursuant to sections 13385(h) and (i) of the CWC, the Regional Board must impose mandatory minimum penalties of one hundred thirty five thousand dollars (\$135,000) on San Diego County Water Authority. No additional civil liability for the violations alleged in this Complaint is recommended.

Dated this 2nd day of October, 2008



MICHAEL P. McCANN
Assistant Executive Officer



San Diego River Conservancy

1350 Front Street, Suite 3024, San Diego, California 92101
(619) 645-3183 • Fax (619) 238-7068

John Robertus
Executive Officer
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA. 92123-4340

Dear Mr. Robertus:

I understand that the San Diego Regional Water Quality Control Board (SDRWQCB) is willing to consider a Supplemental Environmental Project (SEP) proposal for \$75,000, as a result of an enforcement action taken in response to a violation that occurred in the watershed of the San Diego River by the San Diego County Water Authority.

The purpose of this correspondence is to express the interest of the San Diego River Conservancy (SDRC) in obtaining these funds to pursue water quality improvement projects in the watershed. The SDRC proposes to work with the San Diego River Park Foundation (SDRPF) and San Diego State University (SDSU) to invest these funds in three projects, two of which would involve a grant to the San Diego River Park Foundation and a third for a project that is being developed with SDRC, SDRPF and SDSU. What follows is a brief description of these three projects:

San Diego River Park Foundation:

The San Diego River Conservancy would provide a grants totaling \$35,000 to expand two of the Foundation projects and cover their administrative costs (\$3500)

1. RIVER BLITZ (\$7500 Field Surveys)

The Conservancy would propose to make a \$7500 grant to expand and enhance the Foundations River Blitz program. Twice a year teams go out and survey the River. These teams of trained volunteers use handheld GPS (Global Positioning System) units to record the precise location of any trash. The trash is also photographed with a digital camera. The volunteers also record selected invasive non-native plants, graffiti, and water quality problems. The surveys are conducted in April and October to create a snapshot of the river from Lakeside to the Ocean. Additionally, once per year the upper portion of the river is surveyed.

The data collected is used to coordinate future trash removal efforts. This work is done in partnership with public agencies, landowners and community-based organizations. Each year the data is used to prepare a Health of the River report. The report is made publicly available. The data is also placed in a web-based clearinghouse so the partners can access and use the data for planning purposes.

2. CLEAN AND GREEN VOLUNTEERS (\$24000 River Clean-Ups)

This grant would fund 12 River Clean-Ups. The Clean and Green Volunteers do the heavy work of removing trash from along and in the River. Events are organized on a regular basis. Typically, these events have between 50 and 125 volunteers. The clean-up locations are based upon data collected through the semi-annual River Blitz field surveys as well as reports received from the public. The Clean and Green Team also works on controlling the problem at its source by providing information about the importance of a clean and healthy river to volunteers and the public. The Team works with property owners and public agencies to address chronic problems.

Additionally, an Action Response Team (ART) stands ready to respond to join urgent needs or smaller projects where a few people can really make a big difference.

San Diego River Conservancy, San Diego River Park Foundation and San Diego State University

3. SAN DIEGO RIVER WATERSHED DATA COLLECTION and RESTORATION PROGRAM (\$40,000)

The San Diego River Watershed data Collection and Restoration Program is collaboration between SDRC SDSU SDRPF are pursuing the development of a project that would address multiple objectives: assist the implementation of the San Diego River Watershed Management Plan; San Diego River Conservancy's Strategic and Infrastructure Plan, and the establishment of a network of wireless environmental sensors. This program would compliment the Foundation's successful, volunteer-driven water quality monitoring and data collection program, as well as their web-based clearinghouse. The project would include the following components:

- Stakeholder engagement: Engage watershed stakeholders, resource and regulatory agencies, and interested parties to inform development, implementation, and management of the Program.
- Data use plan: Identify the data gaps and the end users that have a need for watershed data, the data format required by the end users, and the ultimate uses for the data.
- Data collection plan: Identify the most efficient and effective methods for collecting the data required by the end users, identify sites, and create experimental design
- Maintenance/funding plan: Coordinate with data users to identify a long-term funding strategy for the program.
- Outreach and outreach plan: Formulate a plan for sharing the data with the end users, including the general public.

The San Diego River Conservancy is willing to assume responsibility for oversight and management of the SEP. Moreover, the aforementioned projects are consistent with its San Diego River Conservancy Act. I appreciate any consideration you may give to this proposal


Michael Nelson
Executive Officer

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S REPORT
Meeting of March 5, 2009

ITEM: **8**

SUBJECT: **SAN DIEGO RIVER CONSERVANCY 2009
WORK PLAN**

Presentation and Report:
Michael Nelson, Executive Officer
San Diego River Coalition 2009 Work Plan
Resolution 09-05

San Diego River Conservancy

2009 Work Plan

3.5.09

Governing Board Meeting

To: *Governing Board / San Diego River Conservancy*
From: *Michael Nelson, Executive Officer*
Subject: *2009 Work Plan*

At our last meeting, the Board discussed an action taken by the Pooled Money Investment Board (PMIB) on December 18, 2008 to freeze all disbursements from (Pooled Money Investment Account (PMIA) which included current projected expenditures for General Obligation Bond funded programs. (Props. 204, 12, 13, 40, 50, 84, 1E)

Accordingly, the Department of Finance executed a Budget Letter that directed all state entities that had expenditure, control and oversight of General Obligation and Lease Revenue bond programs to:

- Cease authorizing any new grants or obligations for bond projects, including new phases for existing projects; and,
- Suspend all projects, excluding those for which Department of Finance (DOF) authorizes an exemption based on criteria described unless the contracting entity can continue with non-state funding sources (private, local, or federal funds).

Since SDRC utilizes set-asides from Proposition 40 and 84; this action affects all but 3 of the 21 bond funded projects the Governing Board has endorsed since SDRC's inception in 2002. The freeze has a \$12.6 million impact; \$8.2 million for projects authorized by the Governing Board that have commenced and \$4.3 million that has not been allocated.

As a consequence, the Board of Governors asked the Executive Officer to develop a 2009 Work Plan that reflected the impacts of this suspension, as well as one, that assumed existing funding commitments would be honored; essentially, a Work Plan with bond funding and one without.

Rather than develop two separate Work Plans, the response to the Board's directive is a Work Plan that can guide the Conservancy's actions regardless of whether there is bond funding or not.

It proposes a course of action that would require the Conservancy to embrace the following:

- *Pursue new and existing funding opportunities, particularly those that might occur from a re-prioritization of current operating and capital programs.*
- *Explore governance and organizational structures that would assist the Conservancy in the accomplishment of its objectives.*
- *Examine and develop business practices and processes that promote efficiency and effective operations and service.*
- *Maintain a commitment to implement the strategic plan and complete projects approved by the Board of Governors.*

2009 Work Plan

1. Pursue new and existing funding opportunities, particularly those that might occur from a re-prioritization of current operating and capital programs

95% of all projects contemplated or approved by the Conservancy's Governing Board were to be funded by General Obligation Bond, Proposition 40 and 84. Though the Conservancy should be optimistic that bond funding will be restored, it is by no means a certainty. Therefore, it would seem prudent to identify alternative funding sources to honor its commitment to its partners and previously approved projects; and, to the mission and objectives set forth in the Strategic Plan and the San Diego River Conservancy Act. This initiative should place great emphasis on federal and local funding opportunities, as well as an exploration of charitable donations from foundations and corporate entities.

Regional and federal and private opportunities

The Executive Officer should develop strategies that would make certain the Conservancy is in a strong position to be the beneficiary of local, federal and charitable funds.

One tactic would be for SDRC to capitalize and build on its current local, federal applications and successful requests for private funding. Examples include:

- **Supplemental Environmental Projects that are funded from penalties associated with violations of environmental laws, SDRC has recently secured \$275,000 in funding from the San Diego Regional Water Quality Control Board and the Department of Toxic Substances Control.**
- **Pursue federal funding for restorations, trail development and acquisitions such as the \$400,000 secured for the trail project beneath SR 163 or SDRC's application to the U. S. Fish and Wildlife Service for the Walker properties in Santee.**
- **Solicit regional funding that may emerge from the federal economic stimulus program and those at SANDAG, which SDRC is pursuing for habitat restoration and trail funding.**
- **Continue to seek funds from the San Diego Foundation for restoration of least Bell's Vireo habitat and our watershed invasives control program.**

Legislative Initiatives

The Executive Officer should work with a Working Group of Governing Board members to establish a government relations program with elected officials and key personnel of counties and municipalities. This project is crucial if the Conservancy is to be aware of legislative initiatives or funding possibilities that might arise, which could include the projects and programs of SDRC.

Explore local funding opportunities within existing operating and capital budgets.

The Governing Board has adopted Work Plans that contained these recommendations:

- Recognizing the regional stature of the Board of Governors, SDRC should seek to have its priorities integrated with those of state, municipal, county and federal governments in the watershed. This exercise should result in SDRC's goals and objectives inclusion in the appropriate Capital Improvement Programs for these governments
- Commence building a network and relationships with key state legislators and staff, as well as public officials in state, local and federal government
- Explore the development a more direct role for key partners, including ex officio memberships, corporate counsels, and governmental working group's jurisdiction.

Real progress was made on each of these recommendations, primarily because SDRC has been fortunate to enter into project funding agreements with state federal and local government and non profits in the watershed.

These recommendations embraced the concept that the projects found in the Strategic Plan and the San Diego River Park Conceptual Plan should receive consideration for inclusion in the capital improvement programs of local as well as state governments. Though there have been numerous important expenditures by local and municipal governments, perhaps an even stronger and more formal linkage could occur. This observation is not meant to diminish the significant investments governmental entities along the River have and continue to make, such as City of San Diego's efforts to the finalize and implement the Draft Master Plan for San Diego River Park; the City of Santee's ongoing commitment to Mast Park; or, the U. S. Forest Service's contributions to the development of the River Gorge Trail. Equally important, this observation is also made with an understanding that it would be for new appropriations, but rather for possible re-prioritizations within existing budgets.

2. Governance

If local and municipal governments should elect to examine their present financial commitments to the restoration of the San Diego River, the Executive Officer would work with the appropriate representatives to consider whether these expenditures are consistent with and complement the San Diego River Conservancy Act and its Five Year Strategic and Infrastructure Plan Board.

All levels of governments are wrestling with the economic crisis that confronts the State of California and the nation. Budgets and staff are being dramatically reduced. Undoubtedly, proposals like these may receive little consideration for valid reasons, and most certainly will not be popular. Nonetheless, there are some who feel that "You never want a serious crisis to go to waste" that difficult times are precisely when unpopular proposals should receive attention.

Many state chartered Conservancies have an affiliation or member ship with a Joint Powers Authority(s) (JPA) or a Joint Express Powers Authority (JEPA). The City and the County of San

Diego are both members of these intergovernmental entities. Though presently both the City and County are evaluating the value and costs of their participation in these organizations, the establishment of a JPA affiliated with the Conservancy could conceivably address a number of problems it faces, and could serve as an additional financing vehicle to address SDRC objectives.

3. Business Practices and Processes

Though the Conservancy has recently secured its contracting authority and established guidelines for compliance with CEQA, the business practices and processes of the Conservancy should be evaluated and new ones created to promote efficiencies. Improvements that would enable SDRC to be a lead agency and respond quickly when funding is available or provide funds to our partners more effectively.

An example would be the development of protocols to administer grants the Conservancy awards and manages. This exercise would logically include standards for project agreements, work programs, and project budgets.

4. Maintain a commitment to implement the strategic plan and complete projects approved by Governing Board.

The San Diego River Conservancy's Five Year Strategic and Infrastructure Plan recommend projects totaling \$164 million in four programmatic areas. It has invested approximately \$14 million in good projects within these programs, most of which have neither been completed or received reimbursement. Though It is important for SDRC to be flexible and pursue new projects, we must maintain a commitment to finish the projects this organization has previously endorsed, while remaining vigilant for new funding opportunities that may arise.

This plan acknowledges that there are ongoing projects that are not listed which the Conservancy will continue to manage and that certainly opportunities will emerge that this agency must pursue. Members of the Governing Board may also be a source of new projects.

What follows are projects identified in 2008 and earlier Work Plans. The projects are assembled according to the four programs and projects adopted in the Conservancy's Five Year Strategic and Infrastructure Plan. Brief project summaries can be found at the conclusion of each program.

LAND CONSERVATION

1. Pursue a preservation strategy through acquisition or other means of key river properties in 4 reaches.

- **Preservation of key properties in 4 reaches of the San Diego River**
Target properties that connect public properties particularly those that establish a riparian corridor from the El Capitan Dam to and including the City of San Diego. Encourage the

acquisition programs of state, federal and local governments to include the San Diego River in their land conservation priorities. Seek to engage the services of national non-profits capable of advance funding the purchases of key properties.

Strategic Plan, Program 1(Projects 1.2 through 1.5

Project 1.2 / El Capitan Reservoir to 67 Freeway Reach

Project 1.3 / Lakeside Reach

Project 1.4 / Santee Reach

Project 1.5 / City of San Diego Reach

Project	Grantee	Est. Cost	SDRC Aprv.	Allocation	Status	Description
<i>Prop. 40</i>						
CALMAT	LRPC	\$2,200,000	Before SDRC Act	\$2,200000	completed	100 acres
Eagle Peak 1	SDRPF		9.10.04	\$175,000	completed	112 acres
Eagle Peak 2	SDRPF		8.11.2006	\$527,000	completed	180 acres
Hanson Ponds	EHC		3.2.07	\$1,521,000	purchase agreement	143.5 acre
<i>Prop 13</i>						
CalMat	L RPC	\$2,200,000	Before SDRC Act	\$2,200000	completed	100 acres

<i>Prop. 84</i>						
Walker	SDRC	\$10,000,000	11.9.07	TBD	negotiation	140 acres
EMV Flume	SDRC		8.13.06 /1.19.07	TBD	negotiation	6 mile flume EMV

RECREATION AND EDUCATION

Place emphasis on the acquisition and development of key sections of the San Diego River Park Trail, as well as public safety.

- **Feasibility study to connect key area in the Mission Valley Reach**

One of the key connections to the river trail is between the Mission Valley YMCA and Sefton Field. A feasibility study is needed to turn this concept into a project. This 2008 work item will include seeking funding to make this connection.

- **Pursue the development of the Mission Valley Greenway (Fashion Valley to Qualcomm Stadium).**

Capitalize on investments the City of San Diego has made in this section of the Trail and those that are planned to capture grant funding. Consider using 07-08 Proposition 84 funding to match available appropriations that are available to commence the design of missing links.

Strategic Plan, Program 2, Project 1.9

- **Continued preservation of the flume in the El Monte Valley Reach**

Secure safe and legal public access on the historic six-mile flume trail from El Capitan Reservoir to Lake Jennings.

Continue preservation of the flume properties in the El Monte Valley between Lake Jennings and the El Capitan Reservoir. Work with the private property owners and public agencies to address acquisition and management issues. Continue to seek grant funds to develop an interpretative program as well as funding for implementation and management.

Strategic Plan, Program 2, Project 1.4

- **Connecting key areas in the Lakeside Reach**

Work with public and private partners to connect the river trail from Santee Border to the Lakeside River Park Conservancy-owned trail.

Strategic Plan, Program 2, Project 1.6

- **Establish San Diego River Trail from Mast Park to Carlton Oaks Golf Course (Santee Reach)**

Work with the County of San Diego and the City of Santee. Explore the use of Proposition 40 funds as well as other appropriate fund sources to design and build this connection.

Strategic Plan, Program 2, Project 1.7

- **Making the river safe in all reaches**

Place emphasis on the development of public safety projects, such as a volunteer patrol, and strengthen the Conservancy’s relationship with the San Diego Police Department and County Sheriff to “Make the River Park Safe.”

Strategic Plan, Program 2, Project 3

<i>Project</i>	<i>Grantee</i>	<i>Est. Cost</i>	<i>SDRC Aprv.</i>	<i>Allocation</i>	<i>Status</i>	<i>Description</i>
<i><u>Prop 40</u> Ocean Beach SD River Trail</i>	<i>San Diego</i>	<i>\$2,000,000</i>	<i>9.10.04</i>	<i>\$2,000,000</i>	<i>90% complete</i>	<i>.75 miles</i>
<i>River Gorge S D River Trail</i>	<i>SDRC/USFS</i>	<i>\$190,644(1) \$634442(2)</i>	<i>8.12.05</i>	<i>\$677,000</i>	<i>design</i>	<i>4.75 miles</i>

<i>Lakeside River Park San Diego River Trail</i>	<i>L RPC</i>	<i>\$450,000</i>	<i>8.11.06</i>	<i>\$450,000</i>	<i>complete</i>	<i>.75 miles</i>
<i>Riverford Road San Diego River Trail</i>	<i>SDRC/LRPC</i>	<i>\$800,000</i>	<i>11.9.07 7.17.08</i>	<i>\$800,000</i>	<i>design</i>	<i>1 mile</i>
<i>Mast Park West San Diego River Trail</i>	<i>Santee</i>	<i>\$475,000</i>	<i>9.18.08 11.21.08</i>	<i>\$475,000</i>	<i>design</i>	<i>2500 feet</i>
<i>Prop 84 MV Greenway San Diego River Trail</i>	<i>San Diego</i>	<i>1,400,000</i>	<i>5.15.08</i>	<i>\$1,400,000</i>	<i>design</i>	<i>Fashion Valley Mall to Hazard Center (163)</i>
<i>Tributary/ Canyon</i>	<i>SDRC</i>	<i>\$150,000</i>	<i>9.28.07</i>	<i>\$150,000</i>	<i>design</i>	<i>trail connections canyons north and south</i>

NATURAL AND CULTURAL RESOURCES PRESERVATION AND RESTORATION

Support the cultural preservation and interpretation of the river as well as enhancement of its natural resources

- **Remove Invasive Non-Native Plants, Restore and Manage the Land**

Initiate and implement the San Diego River Watershed Invasive Non-Native Plant Removal and Restoration Program, which targets more than 325 acres. Establish a focus on public properties with the greatest concentrations of invasives. The program has mapped and identified the most prominent infestations and is developing plans to restore habitat for the Least Bells Vireo.

In addition to the Prop 40 funds that have been set aside, SDRC and its consultants should examine and seek funding from other private and public sources.

Strategic Plan, Program 3, Project 1.5

Project	Grantee	Est. Cost	SDRC Aprv.	Allocation	Status	Description
Prop 40 Watershed Invasive Non-Native Plant Removal	SDRC	\$5,000,000	3.20.07 11.9.07 11.21.08	\$915,000	Underway	329 acres
Mission	San Diego	\$500,000	9.10.04	\$500,000	Phase 1	4.22 acres

Valley Preserve					complete	
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WATER QUALITY AND NATURAL FLOOD CONVEYANCE

- **Finalize and sign draft Memorandum of Understanding with Bureau of Reclamation (U.S. Dept. of Interior) to develop Scope of Work for Hydrology Assessment of San Diego River Watershed.**

SDRC should work with the City of San Diego, the Regional Water Quality Board, the Bureau of Reclamation and SDRC to revise the Scope of Work for the SDRC’s Hydrology Study so that it would complement and integrate its tasks with a Hydrology Study the City is procuring, which is almost under contract.

Strategic Plan, Program 4, Project 1

Project	Grantee	Cost Est.	SDRC Approval	Funds Allocated	Status	Description
<u>Special Deposit Fund</u> Hydrology Study	DOI/BOR	TBD	8.12.05	\$30,000	Preliminary Report	Hydrological analysis for SDR Plan implementation
Watershed Information System	SDRPF	\$25,000	7.17.08	\$25,000	75% complete	Web based stakeholder communication system
River Blitz and Clean Ups	SDRPF	\$35,000	11.21.08	\$35,000	In Progress	12 Clean Ups and Surveys
Watershed Data Collection & Restoration	SDSU SDRC SDRPF	TBD	3.5.09	\$346,000	design	4 wireless sensors

PROJECT NAME	GRANTEE	ESTIMATED COST	BOARD APPROVAL	ALLOCATED	REIMBURSED	PROJECT STATUS	COALITION WORK PLAN	PROJECT DESCRIPTION
PROPOSITION 40 (TOTAL ALLOCATION: \$10,000,000)								
CALMAT (Acq.) Eagle Peak Preserve (Acq. Phase 1)	Lakeside RPC	\$2,200,000	Before SDRC Act	\$2,200,000	\$2,200,000	completed	Prior Year WP	Acquired 100 acres Calmat Property. Nucleus of Lakeside's River Park
	SDRPF	N/A	10-Sep-04	\$175,000	\$175,000	completed	Prior Year WP	Acquired 112 acres of land within the SD River Watershed
Mission Valley Preserve	City of SD	\$500,000	10-Sep-04	\$500,000	\$0	phase 1 completed	2009 WP	Eradicate 4.22 acres of non-native vegetation and replace it with native plants within the Mission Valley Preserve.
Ocean Beach Bike Path	City of SD	\$2,550,000	10-Sep-04	\$2,000,000	\$0	initiated	Prior Year WP	Extend Ocean Beach Bike Path .75 miles from Pacific Highway to Hotel Circle
River Gorge Trail	Phase 1 - \$190,644	\$127,204	12-Aug-05	\$127,204	\$0	design	2009 WP	Construct 4.75 miles of multi purpose trail on the east and west sides of the SD River.
San Diego River Trail	SDRC/USFS	Phase 2-\$634,442	07/	\$550,000	\$0	design	2009 WP	Construct trail improvements at the west San Diego River Gorge Trailhead.
Eagle Peak Preserve (Acq. Phase 3)	SDRPF	\$674,000	11-Aug-06	\$527,000	\$674,000	completed	Prior Year WP	Acquired 180 acres of land within the Headwaters Reach
Lakeside River Park Trail	Lakeside RPC	\$450,000	11-Aug-06	\$203,000	\$203,000	completed	Prior Year WP	.75 miles of trail adjacent to the San Diego River in the City of Lakeside
San Diego River Trail	EHC	\$5,000,000	2-Mar-07	\$1,521,000	\$0	negotiations successful	2009 WP	Proposed acquisition of 143.5 acre Hanson Property for habitat restoration and public access to the river
Watershed Invasive Non-Native Plant Removal	SDRC	\$5,000,000	2 Mar 07 / 9 Nov 07 / 18 Sep-08	\$915,000	\$0	design	2009 WP	Control and replant over 329 acres of invasive plant species beginning on the main stem of the river
Wast Park West	City of Santee	\$475,000	21 Nov 08	\$475,000	\$0	design	2009 WP	City of Santee will develop an additional 2500 feet of San Diego River Trail
Riverford Road	Lakeside RPC	\$800,000	9 Nov-07 / 17 Jul-08	\$800,000	\$0	design	2009 WP	SDRC and Lakeside River Park Conservancy are working to develop an additional mile of San Diego River Trail.
San Diego River Trail				\$9,993,204	\$3,252,000			
PROPOSITION 84 (TOTAL ALLOCATION:\$5,935,000)								
Tributary./ Canyon	SDRC	TBD	28 Sep-07/15 May-08	\$150,000	\$0	design	2009 WP	Design urban trails to connect canyons north and south of the San Diego River.
Walker (ACO) Santee	SDRC	\$10,000,000	9-Nov-07	N/A	\$0	negotiation		Negotiating 140 acres of land in Santee, comprising 2 miles of riparian corridor.
MV Greenway	City of SD	\$1,400,000	15-May-08	\$1,400,000	\$0	design	2009 WP	City of San Diego will design, construct, and connect the San Diego River Trail from Fashion Valley Mall to Hazard Center (Under 163)
San Diego River Trail				\$1,550,000	\$0			
SPECIAL DEPOSIT FUND (TOTAL ALLOCATION:\$663,191)								
Hydrology Study	DOI/BOR	\$719,000	12-Aug-05	\$30,000	\$0	phase 1 complete	Prior Year WP	Provide analysis for implementation of the San Diego River Plans.
Data and Watershed Information System	SDRPF	\$25,000	17-Jul-08	\$25,000	\$0	design	2009 WP	Develop digital tool box which will allow SDRP to track and manage projects.
Sponsorship	SDNHM	\$10,000	17-Jul-08	\$10,000	\$0	complete	N/A	H2O Water = Life Exhibits Sponsorship and Promotions
Strategic Plan Addendum	TPL	\$100,000	21-Nov-08	\$100,000	\$0		N/A	
River Blitz & Clean Ups	SDRPF	\$35,000	8-Jan-09	\$35,000	\$0		2009 WP	
EMV Flume Properties	SDRC	\$723,838	13 Oct-06/ 19 Jan-07	N/A	\$0	in progress	2009 WP	Secure land along the six mile historic flume in EMV for public trail.
				\$200,000	\$0			
PROPOSITION 13 (TOTAL ALLOCATION: \$2,000,000)								
CALMAT (Acq.)	Lakeside RPC	\$2,000,000		\$2,000,000	\$2,000,000		Prior Year WP	
FUND SUMMARY								
FUND SOURCE	APPROPRIATION	SDRC APPROVED	BALANCE	REIMBURSED	OUTSTANDING REIMBURSEMENTS	COMMENTS		
Proposition 40	\$10,000,000	\$9,993,204	\$6,796	\$3,252,000	\$6,741,204			
Proposition 84	\$5,935,000	\$1,550,000	\$4,385,000	\$0	\$1,550,000			
Special Deposit Fund	\$663,191	\$200,000	\$463,191	N/A	N/A			
Proposition 13	\$2,000,000	\$2,000,000	\$0	\$2,000,000	\$0			
Total	\$18,598,191	\$13,743,204	\$4,854,987	\$5,252,000	\$8,291,204			
Partners								
San Diego River Park Foundation								
San Diego Natural History Museum								
Lakeside's River Park Conservancy								
Trust for Public Land								
San Diego State University								
Endangered Habitats Conservancy								
Dept of Interior - Bureau of Reclamation								
Abbreviations								
SDRFP								
SDNHM								
LRPC								
TPL								
SDSU								
EHC								
DOI/BOR								

Resolution No: 09-05

**RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO RIVER
CONSERVANCY**

**AUTHORIZING AND ENDORSING A 2009 WORK PLAN FOR
THE SAN DIEGO RIVER CONSERVANCY**

The Governing Board of the San Diego River Conservancy hereby approves the proposed 2009 Work Plan and directs the Executive Officer to incorporate the Work Plan of the San Diego River Coalition as an addendum.

It is the desire of the Governing Board that the Executive Officer and staff use this plan, which is consistent with the objectives set forth in the San Diego River Conservancy Act and the Five Year Strategic and Infrastructure Plan, as guidance for its actions and activities.

The Governing Board also recognizes that there are ongoing and previously approved projects that may not be listed in the 2009 Work Plan that will continue to represent a priority for funding and completion.

Finally, the Board acknowledges that opportunities will emerge that will require the annual work program to be flexible, dynamic and subject to change.

*I, Michael J. Nelson, Executive Officer, do hereby certify that the forgoing is a full, true and correct copy of a Resolution adopted by the San Diego River Conservancy on March 5, 2009.
San Diego River Conservancy*

Michael J. Nelson
Executive Officer

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S REPORT
Meeting of March 5, 2009

ITEM: 9

SUBJECT: **SAN DIEGO RIVER TRAIL –POTENTIAL
FUNDING OPPORTUNITIES AT SANDAG**

Presentation and Report
Michael Nelson, Executive Officer
Kathy Keehan, Executive Director
San Diego County Bicycle Coalition
Resolution 09-06

Resolution No: 09-06

**RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO RIVER
CONSERVANCY**

**AUTHORIZING AND ENDORSING THE DEVELOPMENT OF A REGIONAL
STRATEGY TO PROMOTE AND SECURE FUNDING FOR THE COMPLETION
OF THE SAN DIEGO RIVER TRAIL**

The Governing Board of the San Diego River Conservancy directs the Executive Officer to work with Board Members and the San Diego River Coalition to develop a campaign that aggressively seeks state, local, federal and private funding to ensure completion of the San Diego River Trail.

This strategy should place great emphasis on funding opportunities associated with the program, projects and plans of the San Diego Association of Governments (SANDAG).

The Executive Officer should also establish a government relations program with elected officials and key personnel of counties and municipalities as a component of this campaign.

Finally, a San Diego River Trail Working Group should be formed comprising members of the Governing Board to assist in the implementation of a successful funding strategy for the Trail.

*I, Michael J. Nelson, Executive Officer, do hereby certify that the forgoing is a full, true and correct copy of a Resolution adopted by the San Diego River Conservancy on March 5, 2009.
San Diego River Conservancy*

Michael J. Nelson
Executive Officer

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S REPORT
Meeting of March 5, 2009

ITEM: 10

SUBJECT: **CLOSED SESSION / WALKER PROPERTIES
SANTEE**

Assessor Parcel Numbers

381-160-35-00	381-160-41-00
381-160-19-00	381-160-46-00
381-160-69-00	381-160-63-00
381-160-79-00	381-160-42-00
381-171-04-00	
381-171-07-00	
381-171-08-00	

Closed session to discuss the status of real estate negotiations for the Walker Properties in Santee, California, provide direction and consider necessary actions. Closed session is authorized by California Government Code Section 11126(c) (7).

Negotiators: Michael Nelson, Executive Officer; Trust for Public Land, Bob Flewelling, Virginia Lorne

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S REPORT
Meeting of March 5, 2009

ITEM: 11

SUBJECT: EXECUTIVE OFFICER'S REPORT

The following topics may be included in the Executive Officers Report. The Board may take action regarding any of them:

Budget Letters: Interim Loans for General Obligation Bonds and Lease Revenue Bond Projects

Project Updates

- Bike Path
- Invasives Removal Program: Carlton Oaks, Cactus Park, San Diego County DPW Property

Contracts & Procurements

- Department of Fish & Game Property