

**EXECUTIVE OFFICER'S REPORT**

August 12, 2005

a) **Executive Officer Activities**

The following list highlights a sampling of recent meetings, speaking engagements and other important events at which I represented the Conservancy.

Jun 1 – Mission Valley Unified Planning Committee – Guest Speaker

Jun 3 – Board Member Toni Atkins and staff

Jun 8 – San Diego Regional Water Quality Control Board – public speaker

Jun 15 – Patti Boekamp and staff, City of San Diego Engineering Department

Jun 17 – San Diego River Coalition

Jun 17 – Proposition 50 Workgroup

Jun 21 – City Council Meeting – testify

Jun 23 – Board Member Norman Roberts

Jun 27– Wetland Recovery Project

Jun 28 – 29: trip to Sacramento, including numerous meetings with legislators and key staff.

Jul 7 – Clean Water Summit

Jul 14 – Tony Fulton, SDSU

Jul 19 – California State University Board of Trustees – testify

Jul 21 – Mission Valley Community Council – guest speaker

Jul 21 – Deanna Spehn (Senator Kehoe)

Jul 27 – Assemblymember Lori Saldana

Aug 1 – County Supervisor Pam Slater and staff

Aug 5 – City of San Diego, Park Planning staff

b) **FY 2005/2006 SDRC Budget**

The following is the portion of the California FY 2005/2006 Budget Bill (SB 77) which affects the San Diego River Conservancy. The Conservancy's final dollar amounts represent the same amounts approved by the Governing Board in Resolution 05-01 on April 8, 2005.

As anticipated, the Conservancy's Support Budget was increased slightly to \$274,000 (from \$269,000 in FY 04/05). In response to our request, the Conservancy was successful in establishing a Capital Outlay line-item to allow the Conservancy to receive Capital Outlay Funds in the future. Our Capital Outlay line-item currently contains \$0. We also requested and received Reimbursement Authority of \$500,000 which will allow the Conservancy to receive funds from other state entities as appropriate through Interagency Agreements for project-related funding.

*3845-001-0140--For support of San Diego River Conservancy, payable from the California Environmental License Plate Fund. . . . 274,000*  
*Schedule:*

*(1) 10-San Diego River Conservancy . . . 274,000*

*3845-301-0140--For capital outlay, San Diego River Conservancy, payable from the Environmental License Plate Fund . . . 0*

*Schedule:*

- (1) 20-Capital Outlay Acquisition and Enhancement Projects . 500,000*
- (2) Reimbursements . . . -500,000*

*Provisions:*

- 1. The funds appropriated in this item are available for encumbrance for either capital outlay or local assistance until June 30, 2008.*

c) **FY 2006/2007 SDRC Budget**

Initially I had included this item to report about a potential source of funding I recently discovered for the Conservancy. The potential source was unexpended Proposition 13 funds (i.e., funds that were not needed by the projects to which they were initially appropriated and therefore were designated to “revert” to Proposition 13 and be available for expenditure on new projects). Unfortunately, upon further inquiry, I have found that there are no unexpended or unallocated funds available this year for which the Conservancy would qualify. I will continue to pursue any and all sources of monies that the Conservancy might be eligible to receive. Please let me know if you become aware of any potential sources you would like me to investigate.

d) **Grantville Redevelopment Plan**

On July 8, 2005, the County of San Diego sued the City of San Diego over the City’s Grantville Redevelopment Area. According to the lawsuit, the County claims that the City Council did not have enough evidence to declare the area physically and economically blighted, as required under state redevelopment law. The County claims that the City has not evidenced physical blight, nor has the City shown that current conditions exist to such an extent that they constitute a serious physical and economic burden on the community. The County could potentially lose up to \$200 million dollars over 45 years if the Grantville Redevelopment Plan goes forward.

Unfortunately, the County’s lawsuit does not focus on the issues that have been of most concern to the Conservancy. The Conservancy’s concerns with the Redevelopment Project have always been with the inadequacy of the environmental analysis contained in the Environmental Impact Report and the plan’s inconsistency with several planning and regulatory documents.

At a minimum, this lawsuit significantly slows down the progress of the Grantville Redevelopment Plan.

As you may recall from the Executive Officer Summary Report, June 10 Board Meeting, Agenda Item 16, the San Diego City Council and Redevelopment Agency have: (1) certified the EIR; (2) adopted the ordinance approving the Redevelopment Plan for the Grantville Redevelopment Project; and (3) adopted a Statement of Overriding Consideration.

Also with the June 10 Agenda Item 16, I included a copy of one Community Plan amendment to the Navajo Community Plan which was recently (May 12, 2005) initiated by the Planning Commission. Since then, I have learned that there are a total of five Navajo Community Plan amendments in progress at various stages. None of

these community plan amendments were mentioned in the Grantville environmental analysis provided by the City. The Community Plan amendment with the greatest potential impact on the San Diego River is titled "Technology Park". It proposes the creation of new policies to govern future development along the banks of the San Diego River.

e) **SDSU Campus Master Plan Expansion/Adobe Falls**

Per the Board's direction, I traveled to Long Beach on July 19, 2005 to testify before the California State University Board of Trustees - Committee on Campus Planning, Buildings and Grounds - to relay the Conservancy's concerns regarding the Adobe Falls development portion of the SDSU 2005 Master Plan Revision. The purpose of the Board of Trustees' July 19 agenda item was to: (1) certify a Final Environmental Impact Report (FEIR); (2) Approve an increase in the master plan enrollment ceiling from 25,000 Full Time Equivalent Students (FTE) to 35,000 (FTE); and (3) approve the proposed campus master plan revision.

SDSU President Stephen Weber requested that the Committee postpone final action on this issue until their September 20, 2005 meeting. President Weber wants the opportunity to continue to look at alternative housing issues, conduct a traffic study in order to plan for the increased expected traffic in the development area, and more time to address the neighborhood concerns.

With the exception of my comments and the Del Cerro residents concerns about neighborhood traffic and safety, the major emphasis of the Board's discussion and public testimony focused on the need to expand the campus to accommodate qualified students. The Conservancy's environmental concerns regarding impacts to hydrology, water quality and especially cumulative impacts seem to have gotten lost in the overall discussion. However, a letter relaying the Conservancy Board's April 8<sup>th</sup> discussion on this project, my additional comments, and adopted Resolution 05-07 were sent to each of the Board of Trustees for further consideration in advance of the hearing. See **Supporting Document E-3**.

The Executive Officer is seeking the Board's guidance on an appropriate strategy for continuing to work with San Diego State University on the SDSU Master Plan Revision / Proposed Adobe Falls Development. Given the limited resources of this agency, I would like direction regarding the expenditure of additional staff time on this issue. Specifically, should I invest further time attempting to locate alternative locations for the proposed Adobe Falls faculty housing development? It should be noted that although this project falls outside the legal jurisdiction of the San Diego River Conservancy, it will have a major impact on Alvarado Creek and the San Diego River.

In addition, the Executive Officer seeks guidance on any further action the Board would like to take with respect to the certification of the Final Environmental Impact Report. In the absence of a significant event, I anticipate that the Board of Trustees will certify the EIR as "adequate" on September 20, 2005.

f) **San Diego River Park Draft Master Plan, City of San Diego**

Pursuant to the Board's direction, I testified before the San Diego City Council on June 21, 2005 to articulate the Governing Board's concerns with the June 2005 Draft of the City's River Park Master Plan. Attached as **Supporting Document F-1** is the memo I submitted to the City Council along with my oral testimony on behalf of the Conservancy.

As you are aware, the Conservancy provided substantial comments to the City on the June 2004 version of the River Park Master Plan, and the Conservancy's comments were fully incorporated into the January 2005 version which was docketed for City Council consideration. The Master Plan was then removed from the City Council docket and significantly revised to accommodate the Grantville Redevelopment Project. The Master Plan was then re-visited by the San Diego River Coalition and further revised. The Conservancy's major concerns were adequately addressed in the January 2005 version of the Master Plan. However, during the course of two subsequent revisions, our recommended language to address our most important concerns was removed and our major concerns are no longer adequately addressed. The two most significant revisions include the removal of (1) the numeric minimum corridor widths; and (2) the language "no more building in the floodplain". The cause and effect of these changes were discussed at length at the June 10, 2005 Board Meeting.

On June 21, 2005, the City Council voted to approve the City Manager's Report 05-132, regarding the San Diego River Park Draft Master Plan. Councilmember Frye articulated the concerns and recommendations of the Conservancy to her City Council colleagues.

Next step: The City is now in the process of finding funding for the conduct of the CEQA environmental review. Estimates for the cost of the CEQA review range somewhere between \$600,000 and \$800,000. To date, the City has identified approximately \$150,000 to \$250,000 for this purpose. One possible alternative for the use of the Conservancy's \$240,000 settlement is to provide a portion of the funding for the CEQA review. See Agenda Item #16. The Executive Officer is seeking guidance regarding the next steps the Board would like to take with respect to the River Park Master Plan.

g) **Culverts vs. bridges in Mission Valley (Fashion Valley Road)**

On June 15, 2005 I met with Patti Boekamp (Director, City of San Diego Engineering Department) and her staff to (1) ask for assistance in funding a river-wide hydrology study; and (2) request that the City make a commitment to consider replacing all of the culverts in Mission Valley with bridges. Ms. Boekamp made a verbal commitment to do both.

On June 17, 2005 the San Diego Regional Water Quality Control Board issued a conditional 401 certification to the City to allow them to move forward with the culvert repair of Fashion Valley Road. One of the conditions of the certification is to

conduct a hydrology study of the lower reach of the San Diego River (from the downstream terminus of the gorge in Mission Gorge to the tidally influenced estuary). The results of this hydrology study are to be submitted to the Regional Board by September 2008.

I have a follow-up meeting planned with Ms. Boekamp and her staff on August 23, 2005. At this time I am planning to propose a partnership with the City for the conduct of the river-wide hydrology study in which the City would cover all expenses within the City of San Diego, consistent with the Regional Board's 401 certification. The Conservancy would fund, or seek partners to fund, the remaining portion of the study. I am recommending that the study encompass the entire length of the River from El Capitan Dam to the Pacific Ocean. I also plan to propose that SDSU participate in the hydrology study, perhaps focusing on the area of confluence of Alvarado Creek and the San Diego River.

h) **Five-Year Infrastructure Plan / Environmental Services Contract**

The purpose of this Executive Officer's report is to provide the Board with a brief update on the status of our Five-Year Infrastructure Plan. Although some preliminary steps have been taken, formal writing of the document has not yet begun. The overall purpose of the Five-Year Infrastructure Plan is to quantify, justify and support future Support Budget Requests and Capital Outlay line-item allocation requests. Most of my preliminary work to date has been spent researching the type of (1) plan (purpose, contents); (2) contract agreement; and (3) consultant that would best fit the Conservancy's needs.

Although I clearly understand the importance of developing and completing our Five-Year Infrastructure Plan as soon as possible, there have been a few obstacles to proceeding with its development. Most importantly, when I came on board numerous critical planning documents, development plans and environmental impact reports were nearing completion. With your guidance, and because these documents will have potential significant long-term affects, I made the decision to reprioritize my work and devote significant resources to reviewing and influencing these documents and projects within the typically small window of opportunity remaining. Similarly, there were several grant opportunities I pursued which were significant investments of time. Finally until recently, we did not have an effective structure set up to hire and pay consultants to assist me. The Interagency Agreement with State Coastal Conservancy is now established and can be used as a source for hiring and compensating consultants and contractors.

I now believe we are at a time when I can once again initiate work on the Five-Year Infrastructure Plan in earnest. For this purpose, I have decided to pursue an Environmental Services Contract which involves a very streamlined, open-bid process for hiring a consultant. Between now and the end of August, I hope to interview, hire and have a consultant(s) on board. The primary responsibilities of the contractor will be to assist me in the development of our first Five-Year Infrastructure Plan. Other responsibilities include (1) conduct research, as needed, (2) review and

comment on updates of both the City of San Diego General Plan and the County of San Diego General Plan (highlighting conflicts with the Conservancy's mission); (3) review and comment on CEQA documents; (4) participate in amendments to Community Plans; (5) review Development Permits which have the potential to adversely affect the San Diego River; (6) pursue and apply for potential grant opportunities; and (7) participate in future negotiations with willing sellers for property acquisitions.

i) **Upcoming Medical Leave**

Beginning August 31, 2005, I will be out on medical leave. I anticipate a 2-3 month recovery period. I plan to be working from my home office as soon as possible and will be in regular communication with my assistant to provide guidance and direction. Day-to-day operations will be entrusted to Susan Huntington in my absence. You can reach Susan at (858) 467-2733 or [shuntington@waterboards.ca.gov](mailto:shuntington@waterboards.ca.gov).

Pursuant to Resolution 04-06 (Delegation of Authority to Executive Officer), adopted by this Board on July 9, 2004, "*the Executive Officer shall be able to designate (1) a member of her staff to serve as Acting Executive Officer, and/or (2) members of her staff to perform various of her functions, when she, the Executive Officer, is absent or unable to perform her regular duties. However, if the Executive Officer's absence or inability occurs without her having designated an Acting Executive Officer, the Chairman of the Conservancy would designate an Acting Executive Officer, or designate a number of staff persons to perform various functions.*"

j) **Environmental Services Contract**

See Letter H above for explanation of and need for an Environmental Service Contract.

I am seeking your authorization to enter into one or more Environmental Service Contracts with one or more consultant(s) to develop a draft Five-Year Infrastructure Plan for the Conservancy and to perform other important environmental work during my medical absence. These potential contractors would work on separate, distinct contracts. I am currently proposing to initiate one or more 6-month contract(s) with a not to exceed cap of \$60,000. Please consider adopting the following tentative Resolution 05-25.

"The Governing Board of the San Diego River Conservancy hereby authorizes the Executive Officer to enter into a contractual agreement(s) for environmental services in an amount not to exceed \$60,000 per contract. The Scope of Work for these contract(s) will include, but is not limited to: (1) Developing a draft Five-Year Infrastructure Plan; (2) Reviewing the General Plan Updates (both City of San Diego and County of San Diego) and highlighting conflicts with the Conservancy's mission; (3) Reviewing and commenting on CEQA documents; (4) Participating in amendments to several Community Plans; (5) Reviewing Development Permits which have the potential to adversely affect the San Diego River; (6) Pursuing and

applying for potential grant opportunities; and (7) participating in future negotiations with willing sellers for property acquisitions.”

k) **Nomination of Member Minan and RWQCB for ABA Award**

I wanted to share with the Board that I recently nominated Board Member Jack Minan to receive the American Bar Association, Section of Environment, Energy, and Resources’ 2005 ABA Award For Excellence In Environmental and Resources Stewardship. His nomination is based on his leadership to move the controversial MS4 (municipal storm water permit for San Diego County) permit forward. **Supporting Document K-1** is the Nomination Narrative I submitted for this award.

l) **San Diego Union Tribune Op-Ed article**

I recently submitted a small op-ed piece to the San Diego Union Tribune in support of the Lakeside’s River Park Conservancy’s efforts to create a six-mile portion of the San Diego River Park in Lakeside. The Lakeside’s River Park Conservancy will be bringing a 100-acre river restoration project before the San Diego County Planning Commission for approval on August 19, 2005. This is the same 100-acre site acquired by the Lakeside Conservancy using the first \$4.2 million of the original \$12 million allocation earmarked for the San Diego River. You will recall that former Governor Davis appropriated a total of \$12 million (in Prop 13 / Prop 40) to the San Diego River at the time he signed the legislation creating the San Diego River Conservancy. There is currently \$5 million (of the original \$12 million total) remaining in Prop 40 River Parkways Fund. Please see attached **Supporting Document L-1**.

m) **ARCO – Alleged Underground Leak Affecting the San Diego River**

I have recently been informed that an ARCO underground storage tank, located at the corner of Fashion Valley Road and Friars Road is currently leaking. Some of the surrounding residents are concerned that the leak is polluting the San Diego River. The Arco station is very near the site of the Fashion Valley Road failure that occurred in December 2004 and that is currently undergoing repair. I have forwarded this information to the appropriate underground storage tanks staff person at the San Diego Regional Water Quality Control Board will keep you informed.

n) **AB 1126 (Saldana): Establishing San Diego and Mission Bay State-chartered Conservancy**

This bill, introduced by Assemblymember Lori Saldana, would establish a state conservancy program to protect, promote, and enhance the natural resources, cultural heritage, and economic values of San Diego Bay and Mission Bay for the purpose of preserving those attributes for the benefit of present and future generations. The bill is currently in its early stages of development. I will keep you informed of its progress through the legislature. See attached article from the San Diego Union Tribune. (**Supporting Document N-1**)

