

State of California
San Diego River Conservancy

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: 1

SUBJECT: **ROLL CALL AND INTRODUCTIONS**

State of California
San Diego River Conservancy

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: **2**

SUBJECT: **APPROVAL OF MINUTES**

PURPOSE: The minutes of the June 10, 2005 Board Meeting are attached for your review.

RECOMMENDATION: Approve minutes.

San Diego River Conservancy (SDRC)
MINUTES of JUNE 10, 2005 PUBLIC MEETING
(Draft Minutes for Approval August 12, 2005)

Chairman Murphy called the June 10, 2005 meeting of San Diego River Conservancy to order at 9:11 AM.

1. Roll Call

Members Present:

Dick Murphy, Chairman (*Mayor of San Diego*)
Donna Frye, Vice-Chair (*City Council of San Diego*)
Toni Atkins (*Public at Large, Appointed by Assembly*)
Jim Bartell (*Public at Large, Appointed by Governor*)
Dr. Susan Hector (*Public at Large, Appointed by Governor*)
Jim Peugh (*Public at Large, Appointed by Senate*)

Non-Voting Members Present:

Jennifer Kraus (*San Diego Regional Water Quality Control Board Designee*)

Others Present:

Mike McCann (*San Diego Regional Water Quality Control Board Alternate Designee*)
Deborah Jayne, Executive Officer
Jamee Jordan Patterson, Deputy Attorney General
Susan Huntington, staff

Absent:

David Harper (*Director of Finance Designee*)
Norman Roberts (*Public at Large, Appointed by Governor*)
Karen Scarborough (*Secretary of Resources Agency Designee*)
Sam Schuchat (*Secretary of Resources Agency Alternate Designee*)
Al Wright (*Executive Director, Wildlife Conservation Board*)

2. Approval of Minutes

Vice-Chair Frye moved approval of the minutes of the April 8, 2005 public meeting. The motion was seconded by Board Member Atkins and adopted by a voice vote of 6-0.

3. Public Comment

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.

*Jim Lewanski, Vice President of Helix Water District, thanked the Conservancy Governing Board for the opportunity to provide a tour of their part of the San Diego River. As a token of their appreciation, Mr. Lewanski provided commemorative t-shirts and 8*10 photos of Cedar Creek Falls. Chairman Murphy thanked Mr. Lewanski and Mr. Mark Weston (General Manager for Helix Water District) for the spectacular trip. He suggested that in the future, as Conservancy Board Members change, future tours should be scheduled so that incoming Board Members can get an appreciation of the history and splendor of the San Diego River. Mr. Mark Weston enthusiastically agreed to host future tours.*

4. Chairman's and Governing Board Members' Comments

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

There were no comments.

5. Executive Officer's Report (Deborah Jayne) (5 minutes)

This item is for Board discussion only and the Board will take no formal action. The following topics *may* be included on the Executive Officer's Report:

- a) Executive Officer Activities
- b) Fashion Valley Road Failure and Repair
- c) FY 05/06 Budget -- Status Report
- d) FY 06/07 Budget -- Early Planning
- e) SDRC Website Upgrade / New Domain
- f) Helix Water District Tour of Cedar Creek Falls
- g) Earth Day (Sunday May 1, 2005)
- h) San Diego River Day, RiverFest 2005 (Saturday, May 21, 2005)

The Executive Officer reported that Governor Schwarzenegger has appointed a new member to the Conservancy Governing Board. Mr. Norman Roberts will be joining the Governing Board as of his appointment date, June 8, 2005. The Executive Officer provided a brief summary of his background. Additionally, Ms. Jayne expressed regret that Board Member Minan will no longer be serving on the Board and that his absence will be an enormous loss. Having already prepared for today's meeting, Board Member Minan asked that Ms. Jayne pass along his eagerness to recognize Chairman Murphy and his contributions to this Board (referring to agenda item 12). Vice-Chair Frye directed the

Executive Officer to docket an item on the next agenda to recognize Board Member Minan for his service to the Conservancy.

All other items of the Executive Officer's report were deferred to the end of the meeting in the interest of time.

6. Deputy Attorney General's Report (*Jamee Patterson*)

Hayley Peterson anticipates returning to the Deputy Attorney General's Office in October, probably on a part-time basis. In the meantime, Jamee Patterson is available for all issues which arise.

Consent Items 7, 8, 9, 10, 11

7. Proposition 40 Cultural and Historical Funds

Attached is a report on the grant cycle for Proposition 40 Cultural and Historical Preservation funds. These grant funds are potentially available for restoration and preservation of historical sites along the San Diego River. The Board may take an action. (*Deborah Jayne*)

8. Interagency Agreement with State Coastal Conservancy

Attached is a status report on the development of an Interagency Agreement with the State Coastal Conservancy. The Board may take an action. (*Deborah Jayne*)

9. Conservancy Line Items in Potential State Bond Acts: SB 153 and AB 1269

The Conservancy Governing Board will consider and possibly adopt a resolution (*tentative Resolution 05-10*) supporting the inclusion of a specific "line item" allocation for the San Diego River Conservancy in any and all future Bond Acts. If ultimately approved (by the legislature and voters), two bills currently making their way through committee could provide a substantial source of future capital outlay funding for the San Diego River Conservancy. An overview and status of each is attached. (*Deborah Jayne*)

10. Potential Federal Transportation Enhancement Funds for Pedestrian Bridge at Mission Valley Library

The Conservancy Governing Board will consider and possibly adopt a resolution (*tentative Resolution 05-11*) authorizing the Executive Officer to prepare a letter in support of the City's application for \$2 million in federal Transportation Enhancement funds. The funds will be used to design and construct a pedestrian/bicycle bridge over the San Diego River adjacent to the Mission Valley Library. The funding will be administered through SANDAG as part of the Smart Growth Incentive Program Funding. (*Deborah Jayne*)

11. Famosa Slough Culvert Extension Construction Project

The Conservancy Governing Board will consider and possibly adopt a resolution (*tentative Resolution 05-12*) authorizing the Executive Officer to prepare a letter in support of the City of San Diego's Famosa Slough Culvert Extension Project. The project will increase tidal exchange within the Slough and will be funded by the State Coastal Conservancy through the Southern California Wetlands Recovery Project. (*Deborah Jayne*)

Vice-Chair Frye made a motion to accept Consent Items 7, 8, 9, 10, and 11. The motion was seconded by Board Member Bartell and all passed unanimously by a voice vote of 6-0. (Items 7 and 8: the Board accepted the reports; Items 9, 10 and 11: the Board adopted Resolutions 05-10, 05-11 and 05-12, respectively.)

Discussion Items

12. Resolution of Appreciation for Chairman Murphy

Upon approval of the Governing Board, Member Minan will present Chairman Murphy with a Resolution of Appreciation (*tentative Resolution 05-13*) for his service, leadership and dedication to the San Diego River Conservancy. (*Member Minan*) (10 minutes)

Vice-Chair Frye presented a Resolution of Appreciation to Chairman Murphy for both his leadership on the Conservancy Governing Board and his leadership and vision with respect to the San Diego River in general. Chairman Murphy was thanked by each of his colleagues on the Governing Board (Board Members Peugh, Bartell, Hector, Atkins and the Executive Officer) for his leadership, dedication and stewardship of not only the San Diego River, but of all open space in San Diego.

Chairman Murphy mentioned that he will continue to be interested in staying involved in the task of preserving and restoring the San Diego River. The grand task is to continue to preserve the River, which is of great importance, but it takes a lot of time. The San Diego River Conservancy is the constant guardian of the River for all time, as citizen's groups ebb and flow. Chairman Murphy said that he was happy to have had the chance to serve on this Governing Board, and to be the Conservancy's first Board Chair.

Vice-Chair Frye made a motion to adopt the Resolution 05-13. The motion was seconded by Board Member Atkins and passed unanimously by a voice vote of 6-0.

13. Election of Pro Tem Vice-Chair

Commencing with the August 12, 2005 Board meeting and continuing through the remainder of the current two-year term (ending November 12, 2005), the Vice-Chair will assume all Chairperson responsibilities for the Governing Board. The Board may wish to elect a Pro Tem Vice-Chair to serve during this period. *(All) (10 minutes)*

Board Members discussed electing a ProTem Vice-Chair to assist the acting Chairperson (Frye) with Board duties and responsibilities for the remainder of the current board terms. Acting Chairperson Frye and Board Member Atkins will form a subcommittee to come back at the next meeting with a recommendation on who should fulfill that role.

Vice-Chair Frye moved that this item be continued until the next meeting. The motion was seconded by Board Member Atkins and passed unanimously by a voice vote of 6-0.

14. San Diego River Park Draft Master Plan, City of San Diego

Consideration and possible action on the San Diego River Park Draft Master Plan, Final Draft. Jeff Harkness (City of San Diego, Park and Recreation Department, Project Manager) and Mark Johnson (Civitas, Inc) will provide an update on the City of San Diego's River Park Master Planning effort. The Board may take an action. *(Jeff Harkness, Mark Johnson) (30 minutes)*

A verbatim account of the Board Members comments on this item is attached at the end of this document.

After much discussion, Vice-Chair Frye made a motion to:

- 1) adopt all the comments/revisions that Board members made today (see below);*
- 2) direct the Executive Officer to attend the City Council meeting on June 21 to express Conservancy's concerns and the revisions adopted today; and*
- 3) Ask the Executive Officer to further evaluate the June 2005 draft for consistency with all Conservancy comments (current and prior) and report back to Board at the next regularly scheduled meeting (August 2005).*

The specific recommendations the San Diego River Conservancy has adopted:

- 1) Page 47, Paragraph 2, after the first sentence, insert the following sentence: "Any development in the floodplain should be strongly discouraged."*

- 2) *Add: The area between Fashion Valley Road and Highway 163 should be a high restoration priority, especially area north of the Union Tribune building.*
- 3) *Page 46, Paragraph 2 under the “Re-contour the channel to encourage meander and braiding” heading, first sentence should be amended to read “Although it is impractical to consider returning THE ENTIRE VALLEY FLOOR (in any substantial form) to the River, it is possible to increase river length and decrease flow velocities”.*
- 4) *Change language from “water quality buffer in all reaches: preferred 100 feet” to minimum 100 foot buffer on both sides of the river (make it an absolute as opposed to “preferred”). Change wording on page 98 as well as throughout document.*
- 5) *Add language in reference to the Habitat and Open Space Corridor width: the minimum corridor width is defined as the floodway plus whatever additional width is needed to achieve the applicable habitat objectives. We are looking for a minimum of 500 feet to achieve the habitat objectives and hoping to achieve more wherever possible.*
- 6) *Add an “intention statement”: The intention of Master Plan (from the San Diego River Conservancy’s perspective) is to protect, preserve and restore the River; not to accommodate specific development projects. This document is an overall vision statement for the River Park. It is not a negotiating document for certain development projects.*

This motion was seconded by Board Member Peugh and passed unanimously by a vote of 5-0. (Board Member Atkins left at 11:20am and was not present for this vote.)

15. TransNet Mitigation Funds: Process and Availability

Craig Scott (TransNet Project Manager, SANDAG) will present an overview of the process, priorities, and availability of TransNet Mitigation Funds. The Board may take an action. *(Craig Scott) (20 minutes)*

Having run out of time, Chairman Murphy trailed this item to a future meeting.

16. Grantville Redevelopment Project

The Executive Officer will provide an update on the Planning Commission’s, Redevelopment Agency’s, and City Council’s recent actions on the Grantville Redevelopment Project. The Executive Officer

is seeking direction from the Governing Board regarding potential acquisition of properties in the Grantville Redevelopment area. The Board may take an action. *(Deborah Jayne) (20 minutes)*

Having run out of time, Chairman Murphy trailed this item to a future meeting.

17. SDSU 2005 Campus Master Plan Revision / Paseo Redevelopment Project

Consideration and possible action on the Conservancy's comprehensive comments on the Draft Environmental Impact Report for SDSU's 2005 Campus Master Plan Revision / Proposed Adobe Falls Development. The Executive Officer will present a brief status report on her analysis and preliminary findings. The Board may take an action. *(Deborah Jayne) (10 minutes)*

Having run out of time, Chairman Murphy trailed this item to a future meeting.

18. Recommendation for Use of \$240,000 Settlement Award: River-wide Hydrological Assessment and Other Alternatives

Consideration and possible adoption of a resolution (*tentative Resolution 05-14*) authorizing the Executive Officer to enter into a contractual agreement for the conduct of a river-wide hydrological assessment. Alternative uses for the funds will also be presented. *(Deborah Jayne) (15 minutes)*

Having run out of time, Chairman Murphy trailed this item to a future meeting.

19. Administrative Matters

This item is for minor administrative matters only and the Board will take no formal action.

20. Executive Session

Following or any time during the meeting, the Governing Board may recess or adjourn to closed session to consider pending or potential litigation; property negotiations; or personnel-related matters. Authority: Government Code Section 11126(a), (c) (7), or (e).

21. Upcoming Events

San Diego River Park Foundation's 4th Anniversary Celebration
Friday, September 16, 2005. 5:30PM - 7:30PM.

22. Arrangements for Next Meeting and Adjournment

Friday, August 12, 2005

9:00 am to 11:30 am

Location: San Diego Regional Water Quality Control Board Office

9174 Sky Park Court, Suite 100

San Diego, California

(858) 467-2733

Chairman Murphy adjourned the meeting at approximately 11:45am.

SAN DIEGO RIVER CONSERVANCY

RESOLUTION 05-10

***Conservancy Line Items in Potential State Bond Acts:
SB 153 and AB 1269***

The Governing Board of the San Diego River Conservancy hereby strongly supports the inclusion of a specific line-item allocation for the San Diego River Conservancy in any upcoming state resource Bond Acts, including but not limited to, SB 153 and AB 1269. The Board authorizes the Executive Officer to work cooperatively with state legislators to secure capital outlay funding for the San Diego River Conservancy.

I, Deborah S. Jayne, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the San Diego River Conservancy on June 10, 2005.

Deborah S. Jayne
Executive Officer

SAN DIEGO RIVER CONSERVANCY

RESOLUTION 05-11

Potential Federal Transportation Enhancement Funds

The Governing Board of the San Diego River Conservancy hereby authorizes the Executive Officer to prepare a letter in support of the City of San Diego's application for federal Transportation Enhancement funds being administered by SANDGAG through the Smart Growth Incentive Program. The Executive Officer is authorized to use her discretion in determining that the City's project supports the mission and goals of the San Diego River Conservancy.

I, Deborah S. Jayne, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the San Diego River Conservancy on June 10, 2005.

Deborah S. Jayne
Executive Officer

SAN DIEGO RIVER CONSERVANCY

RESOLUTION 05-12

Famosa Slough Culvert Extension Construction Project

The Governing Board of the San Diego River Conservancy hereby authorizes the Executive Officer to prepare a letter in support of the City of San Diego's Famosa Slough Culvert Extension Construction Project. The project will increase tidal exchange within the Slough and will be funded by the State Coastal Conservancy through the Southern California Wetlands Recovery Project.

I, Deborah S. Jayne, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the San Diego River Conservancy on June 10, 2005.

Deborah S. Jayne
Executive Officer

SAN DIEGO RIVER CONSERVANCY

RESOLUTION 05-13

A Resolution Honoring Dick Murphy

Whereas, *Dick Murphy's leadership and vision were critical to the creation of the San Diego River Conservancy, a state and local partnership dedicated to restoring and preserving the San Diego River through the conservation of public land; and,*

Whereas, *Dick Murphy served as the Chairman of the San Diego River Conservancy from November 2003 to June 2005; and,*

Whereas, *Dick Murphy was elected by the Governing Board to serve as Chairman due to his extensive knowledge and commitment to the protection and preservation of the San Diego River; and,*

Whereas, *Dick Murphy's leadership and outstanding dedication to the San Diego River has played a key role in shaping the vision for a fifty-two mile long River Park for present and future generations of Californians to enjoy; and,*

Whereas, *Dick Murphy also formed and chaired the San Diego River Park Alliance to address policy issues prior to the establishment of the San Diego River Conservancy; and,*

Whereas, *Dick Murphy has created a legacy for restoring and conserving the natural and cultural resources of the San Diego River Area for all time; and,*

Whereas, *Dick Murphy while serving as the Mayor of San Diego contributed valuable technical and historical expertise to San Diego River Conservancy deliberations and decisions; and,*

Whereas, *July 15, 2005 will be his last day of service as a member of the San Diego River Conservancy Governing Board; now, therefore, be it*

Resolved, that the members of the San Diego River Conservancy hereby express to Dick Murphy their appreciation and sincere respect for his dedicated service to the San Diego River Conservancy and the people of California and extend to him best wishes in his future endeavors; and,

Be it Further Resolved, that the members of the San Diego River Conservancy request that Dick Murphy continue to share his knowledge and commitment to River protection and restoration with the public and private sectors of the San Diego community, as well as with the San Diego River Conservancy Governing Board.

Donna Frye, Vice-Chair

*Mike Chrisman,
Secretary of California
Resources Agency*

Jack Minan

Toni Atkins

Susan Hector

Jim Peugh

James Bartell

Jennifer Kraus

Al Wright

David Harper

I, Deborah S. Jayne, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the San Diego River Conservancy on June 10, 2005.

Deborah S. Jayne
Executive Officer

SDRC Governing Board Members Comments on City of San Diego's Draft River Park Master Plan

The following comments on the San Diego River Park Master Plan, Draft June 2005 were made by the Governing Board Members of the San Diego River Conservancy at their public meeting on June 10, 2005. This verbatim account also includes comments from the public.

DICK MURPHY, CHAIRMAN:

Thank you for that report. I am looking to take some action on this item today. It is coming to the City Council a week from next Tuesday. I think you have done a great job. Nothing is ever perfect and perfection is the enemy of progress. I think it is important to get something tentatively adopted so that we can pursue the EIR. We need to do that to prevent further degradation of the river. Comments, questions, thoughts?

JIM PEUGH, BOARD MEMBER:

As I read it over, looking at the different sets of comments that we have done...

DICK MURPHY, CHAIRMAN:

I'm sorry. We had a public speaker. Let's have Rob Hutsel come up and then we will go back to you Jim.

ROB HUTSEL, SAN DIEGO RIVER COALITION:

Good Morning. First of all I just want to echo everything that has been said about Mayor Murphy. As you know we deeply appreciate everything you have done and your leadership. Without that we certainly would not be here and we certainly hope you have September 16th marked on your calendar because I wouldn't be surprised if we tried to recognize you there as well. That is the anniversary celebration of the River. On this issue I will be brief. Related to these issues, I just wanted to echo and confirm that the Coalition did unanimously support the draft as written. It represents many, many hours of discussion, and community involvement. As the Mayor just said, it is not a perfect document. Whenever you have a collaborative process, nobody thinks it's perfect. And that is a part of collaboration. But it does represent the big picture, the big idea and the big vision. We also believe that it is a document that is a living document and it should always be thought of in that way. As we learn and progress, the plan will change in essence. But it is more than a starting point. It is five years of work to get to this point. And it builds wonderfully on the Conceptual Plan that was developed earlier.

Just a couple of brief things. One: I just want to mention that there are a lot of specifics here and one of things that we tried to do throughout the meetings with the Coalition is to remind people that it is hard to look at specific words, you need to look at the ideas and you need to look at the big picture throughout the document. Because in some sections of the document, certain things are specifically focused on and if you take that out of context you don't understand the bigger picture and how it is addressed later in the document. That is an important issue for us. We have wordsmithed this thing to death and even today when I was re-reading it for the 4000th time we noticed that there are still

some corrections to be made- some typos here and some typos there. So I am sure you will find some things as well. We will be giving those things to Jeff as we always do and continue that living process. Again, I just wanted to say “Thank You” and we appreciate your support and your input on this process.

DICK MURPHY, CHAIRMAN:

Thank you for all the work you and the Coalition put in on this.

JIM PEUGH, BOARD MEMBER:

As I read it back over and read back over some of the comments that got us to where we are (the first set of comments, the large set and the second set), it looks like some of the things we got in after the first set somehow got undone. There were pages where references were made to ways that certain comments would be resolved in the document and then when I looked back I found that somehow they weren't there anymore- they got resolved out. And I have a list of them... some of them are really important to me.

Also I particularly asked that among the priority list that the area between Fashion Valley Road and the Union Tribune be put in. And the comment was that it would be put in the priority list but then it is not there. I couldn't find in on the maps or the boxes that talked about the maps or anywhere in the text. And I think that is a high priority area. That is a real chokepoint for the River and we know that that bridge washed out which brings more focus to that area, but there was a lot of focus on that area as a constraint for wildlife and water. And I think that needs to be put on the priority list.

I am really concerned about the discussion of corridors. I tried to go through and make some sense of it. And the explanation today sounded really clear but then I found places where I just couldn't make sense of it. Page 9 of the comments (comes from page 98 of the Report) there is a paragraph that talks about 100 foot from the edge of the low flow channel as being the “preferred” width and then elsewhere in the same page it talks about it being the “minimum” and then in other cases it mentions that it is “less than” 100. So we have 100 foot being the maximum, the minimum and the minimum being less than that. And so I think that we have tried to satisfy a lot of things with the discussion of the corridor width and I don't think that we have quite done it. It is still a little bit confusing and needs more work.

And I am also worried about the area, this one section, I guess it was a write up from Jeff, trying to bring a bigger picture to the corridors that talked about letting the developer, telling the developer what sorts of animals the corridor is for and then letting the developer then figure out what corridor would go appropriately with that. I just don't think that would work. I can imagine someone saying “a two foot corridor is good enough because we will put in a cage with a little tram where an animal can get into the cage and they will be moved to the other end of the corridor so two foot will do.” I know that is facetious, honest. But I just think that we need to resolve these corridor issues in this document as a big picture. They don't have to be iron clad- they can be subject to some flexibility- but they do need to have clear guidelines all the way through. I don't think we quite have that.

I was intimidated by your words, Mayor, that we are the guardians of the River. Now I have to work a lot harder. Thank you for that intimidation.

And then there was a general comment. I just worry that the water quality part wasn't... we had tried to get words in, as we systematically look at each source of runoff. And I think that those words didn't get in as clear as they started out. So I am worried that the water quality shell is there but the stuff that needs to go inside the shell is no longer in it as well as it was.

I could babble on like this for hours, unfortunately. But I probably shouldn't. So I just think that there is a general weakening of the essence of the document and I am sure that it is... Rob mentioned that you have to look at the whole, not just parts, and unfortunately in my last review I was looking at parts more than wholes. And so there could be problems with my analysis but right now... It is a wonderful document, but right now I just think that it needs some more coherence to it that it doesn't quite have as a result of trying to make everybody happy.

DICK MURPHY, CHAIRMAN:

Let me ask the consultant to respond and Rob Hutsel, if you have anything you want to add feel free. Or Jeff.

TODD MEAD, CIVITAS:

First of all, thank you for your comments.

Going back to the corridor width itself, as you know, that went through a lot of discussion with the Coalition. We are trying to make sure we are achieving the right goals through that process and not making it a target that is not going to be successful in the end. The intent of the 100 foot water buffer is that it is "preferred". If it does still say "minimum" that is my error. And we know that there are going to be places where the River is simply closer than 100 feet to the edge of development. So it is what we are looking to achieve, but where the center line of the River moves across within the valley, it is not always achievable. But it is what we are looking for.

Relative to water quality: we attempted to add that language throughout the document, created a regulatory framework section on page 24, and throughout the document added additional specific goals in terms of how we could achieve that. And if you have some specific comments on how we can reinforce that, we certainly look for ways to do that.

JIM PEUGH, BOARD MEMBER:

There are another two that mentioned "culverts" and the answer to the comments listed three places that we specifically discuss impacts and the desire to get rid of culverts, but somehow they got taken out. And the only one that I could find that remained was the one that was specific to Alvarado Canyon. So, I think somehow the earlier comments need to be reinstated.

TODD MEAD, CIVITAS:

Well, I noticed that in Deborah's comments too. I think it was on page 45 section that referred to that. And it's possible that the page numbers did shift after this document was prepared as we added information into it.

JIM PEUGH, BOARD MEMBER:

Well what I think what has happened is that the word "culvert" got replaced with the word "obstacles", but I don't think "obstacles" is sufficient. I think we can say something like "culverts and other obstacles" but I think we need to discuss "culverts" specifically as a word rather than replacing it with "obstacles".

TODD MEAD, CIVITAS:

In the heading to that section of the document, we did say "obstacles". Within the text itself, we did say "culverts", on page 45. We have "These disconnects include ponds, lakes, culverts, roads and dams." But there are issues that go beyond the culverts themselves, but certainly they are the major one obviously all the way through FISDRIP. We included in our specific recommendations in the matrix of the various short-term and long-term actions, that ultimately those culverts would be removed in the FISDRIP section as that area is rethought.

JIM PEUGH, BOARD MEMBER:

OK. Then I am getting somehow the area east of Fashion Valley crossing identified as a priority. I would hope that we could do something about that.

TODD MEAD, CIVITAS:

I will look into that.

DICK MURPHY, CHAIRMAN:

Ok. Your point is that the plan as it is now written does not specifically talk about the priority of the area between Fashion Valley Road and the Union-Tribune building of widening the... that is not specifically called out for in here?

TODD MEAD, CIVITAS:

No, certainly not in those terms. I felt that we had covered that general zone in terms of how we dealt with the River in that area. Let me look back into it and make sure we get that specifically stated.

DICK MURPHY, CHAIRMAN:

Let me just add that I agree with Jim. That I think it is important that we say that getting rid of culverts and putting in bridges is the beset way of restoring hydrologic function of the River. It needs to be said. And I think that is Jim's point. If you are telling me that you think it is said there, that is fine. But it is an important point.

TODD MEAD, CIVITAS:

I believe it is stated there.

DICK MURPHY, CHAIRMAN:

Secondly, that it is equally important, I agree with Jim, that water quality is a very important part of that. But, I read that that was in this report. That water quality was emphasized.

TODD MEAD, CIVITAS:

We added language throughout the document. Yes. We added a regulatory framework section that refers specifically to the Clean Water Act, with the language pointing out the fact that San Diego River is of lower quality according to Clean Water Act standards.

DICK MURPHY, CHAIRMAN:

I thought it was covered, so I would just have to agree that the culvert thing is just not emphasized as much as it should be- which we have all become aware of because of the Fashion Valley Road issue which focused our concern about that. Other comments?

DONNA FRYE, VICE-CHAIR:

So maybe I could just get a better understanding of the process. Because you know, it was a pretty good public process. And how do you think it went from after those changes were incorporated (changes that this Board had asked be incorporated) to where the changes were pulled out? What was the process that that occurred? Because I remember that the plan had actually come before the City Council. In other words the changes had been made and the document had come before the City Council and then it had been pulled. And something happened when it was pulled--- between the time that it was pulled and the time that it ended up back here --- and so I guess I am just trying to understand how certain changes were made that seemed to have been done in a not necessarily public process. I guess that is my question.

TODD MEAD, CIVITAS:

Well they were done at the public meetings of the Coalition. That is where the issues came up. We had debate both there and we responded to those, came up with the specific corridor discussions, and reviewed them publicly there as well.

DONNA FRYE, VICE-CHAIR:

And so on the corridor issues, do you think it is clear, as far as what Mr. Peugh raised, that the minimum buffer would be 100 feet? Do you think that is clear? Do you think that if we sat here and had a debate about this, if someone could pull up the document and find five spots where they could say "that's not really what it means". In other words, is there enough clarity that we could..?

TODD MEAD, CIVITAS:

I would not state that the 100 feet is a minimum. That is a preferred for specifically water quality. What we are looking for is more than that to accommodate wildlife movement as well as the additional 25 foot corridor on top of that. So it comes back to achieving wildlife movement objectives, which in studies that we've reviewed from the general area and according to City of San Diego dimensioning, generally puts it in the 500 foot width for larger mammals and 300 foot for small animals and birds. That is

really what we are referring back to. Where we were being questioned was whether a study done in Miramar can apply to the San Diego River Valley and actually doing a wildlife study of that detail was beyond the scope of the Master Plan. So we are putting that onus back on each individual development to prove that they ...

DONNA FRYE, VICE-CHAIR:

And maybe that is the problem that I am having. Maybe you have hit the nail on the head. My concern is that if this isn't the "visioning document" that looks at the entirety of the corridor and allows individual projects to make their own individual determination, the impacts essentially would be minimized. If you look at impacts on a single basis, on a very small level, it would give the appearance of having a minimal impact. If you take that and multiply it by the length of the 52 miles of the River and you look at that and you say "if we build there and if we build there" eventually you start seeing the cumulative impacts of that type of development that is never addressed when you deal with it piecemeal. And for my thinking, this is exactly that place that we want to have that vision that says "this is a system- this is something that is connected." Because if you say on one hand that we want to have this interconnectedness but on the other hand that say that it is sort of ok if people look at it individually for their impact on it, we end up with Mission Valley again. So I guess I am trying to not continue that thought process and discourage that type of thinking. There are parts of it that sort of contradict themselves is what I am saying.

Not that I don't think it is really, really good. And I did find the stuff about water quality and the TMDLs and the 303(d) and I appreciate it. But what I am saying is that this is an opportunity that may never present itself again. And it is really important to me that with this particularly opportunity that we not lose the moment. Not lose that ability in order to say "well, it's almost there" and then we go back and we say "ah, gee we should have ..." I guess that is part of my concern.

Some of the issue on the flooding issues, the buffer issues, not quite as much on the water quality issues because I did find that point, but also with the development issues and particularly with the flooding issues. We are a conservancy and it is our intention and absolutely our responsibility to protect and preserve the River. That is what we are supposed to be doing, and not necessarily reviewing as we might as a member of the Council or something like that. The Conservancy looks at it with a different set of eyes, I guess. So maybe that is the problem because so many sets of eyes looks at it and I guess it was just a little frustrating that we thought that as the Conservancy we had gotten that into the plan only to find them removed and now as we are trying to put some of them back in it is sort of like "well we have already drafted it. The wording has already been fixed. And we have already fixed it all up." Even though we have removed much of the language that had been put in when this Board commented. I guess that is why I am struggling a little.

TODD MEAD, CIVITAS:

I would like to point out two things. The corridors are also tied to the floodway width which in many places is substantially wider than the original dimensions that we've suggested. So we have gained by making that link back to floodways.

DONNA FRYE, VICE-CHAIR:

Could you just comment again, or help me out with, the flooding issues? Maybe you could help me find a little more comfort in how we are dealing with the floodplain and the floodway and as far as when we talk about development because we had been fairly, maybe too, strident saying "no development in the middle of a river" although I think that is just common sense. And I think that again, I don't think that our purpose here as a Conservancy is to say "well, we need to accommodate development in the middle of a river". I don't see how that makes any sense of all.

TODD MEAD, CIVITAS:

No, and we did not make that statement. And we added a great deal of language supporting all the Conservancy comments. What I feel we have lost specifically is the statement "no development in the floodplain". And there was a great deal of concern about that amongst Coalition members and had quite an extensive discussion and Rob lead a subcommittee in discussion to come up with a type of language that the Coalition could support and that it what you see in the highlighted version on page 47.

The specific statement that was lost was "no development should occur in the floodplain". We tested language about further development in the floodway and ultimately came up with the statement that you see in there now.

DICK MURPHY, CHAIRMAN:

Which statement?

TODD MEAD, CIVITAS:

Second Paragraph. It is also highlighted in the document that was part of your package.

DONNA FRYE, VICE-CHAIR:

Past development in the floodplain and projects that have channelized the river exacerbate flooding problems and increase the potential economic damage of major flood events. "Development should look for ways to provide future projects that would not degrade the River's natural carrying capacity, water quality or riparian habitat. Such land use decisions should be made with sensitivity to the River."

TODD MEAD, CIVITAS:

So rather than the statement "no further development in the floodplain" the second sentence "Development should look for ways to provide future projects that would not degrade the River's natural carrying capacity, water quality or riparian habitat. Such land use decisions should be made with sensitivity to the river." That is the language that was crafted by the Coalition.

DICK MURPHY, CHAIRMAN:

Rob, do you want to come up and say anything about that? This is related to, but not identical, to the corridor issue.

ROB HUTSEL, SAN DIEGO RIVER COALITION:

Maybe I should speak to process a little bit. This came to the Coalition and the Coalition asked that it come back to the Coalition about 3-4 months ago now. At that point we had a discussion at the Coalition. It was clear that we needed to have addition conversations amongst the members so everyone in the Coalition was invited to participate in the subcommittee. Those were public meetings. We ended up having three over four-hour meetings each discussing that. We came up with some suggested language which we brought back to the Coalition itself. The Coalition again, some members were not happy with the language and we worked it out. That is where the unanimous consent was achieved. It is the probably one of the core issues in this entire document. Maybe if I can take just twenty seconds to talk about that.

The question I think, listening to the various Coalition members, is one that there will not be widespread coming together of the minds. It is something that I think people have to look to the future and try to come up with a vision statement as opposed to a regulatory statement. That is the way I phrase it and that is intentional. The idea is that we want to include people in the process and try to achieve something here. And if we can look to the future on how we can improve this situation and not say what we don't want as opposed to what we do want. That is where that statement comes from. A statement of what do we want as opposed to what is a no statement here. And that was the way that we were able as a group to bring that statement together to something that everybody could achieve. And Jim was there so he could speak to that process. It was not pretty-clearly. It was something where everybody was able to vote and we were actually a little bit shocked when we got to a point that we were like "oh, that works". And there was a moment of collective ah that worked and we voted very quickly. And everybody supported the language. So that is the best I can do to explain it.

DONNA FRYE, VICE-CHAIR:

And I appreciate that. I guess my concern is... I guess I am going to go back to my understanding of a vision. And I understand the more strident language which says that no development should occur but I would certainly understand language that at least said "development in the middle of a river is not encouraged".

DICK MURPHY, CHAIRMAN:

Let me jump in. I have written this down and it is really along this same line. Just dealing with page 47, that paragraph, if the second sentence read "development in the floodplain should be strongly discouraged" and then goes on to say "Development should look for ways to provide future projects that would not degrade the river's natural carrying capacity, water quality or riparian habitat." "Development in the floodplain should be strongly discouraged" is not a regulatory ban or prohibition but it makes the statement that there ought to be a damn good reason if you are going to do something like

that. I think that Donna voted for this issue on the Mission Valley YMCA, but we have been pretty much trying to vote against development in the floodplain.

DONNA FRYE, VICE-CHAIR:

Because people can die. Even though it is not necessarily our task here, if you look at a beneficial use and say we are supposed to protect all the users of the River, one of them is that when we have the flooding issues that you shouldn't expect part of your vision statement to put the public's health at risk. Not just the wildlife corridors. I am talking about public, human health that every time we have a significant flooding in Mission Valley, you see people doing something dumb. And either having to be rescued or potentially die. And so for me, that is a big issue. And in my vision, I visualize people not dying and people's health and businesses and property not being put at risk because we want to try and put in language that is somehow acceptable to everyone. It is not acceptable to me that we would not at least say something that it is not a good idea, similar to what the chair has said. That just isn't acceptable to me.

DICK MURPHY, CHAIRMAN:

So if we added that language that I just suggested, I think Donna would probably support.

DONNA FRYE, VICE-CHAIR:

I would.

DICK MURPHY, CHAIRMAN:

What is your reaction to that?

ROB HUTSEL, SAN DIEGO RIVER COALITION:

I am going to ask Jim to comment as well as a member of the Coalition. But I would think that they would be fine with that. That is my general sense. I would also think that the language on page 45, under recommendations which says "Expand the Floodplain" is also an important comment. It is a big picture idea and maybe that language there could be enhanced a little bit.

DONNA FRYE, VICE-CHAIR:

And where is that specifically on page 45?

ROB HUTSEL, SAN DIEGO RIVER COALITION:

Under "Recommendations", it's about the fifth one down. It is just a bullet that says "Expand the Floodplain".

DONNA FRYE, VICE-CHAIR:

Right. And I think that makes sense. And again I am not trying to be critical. It is just such an important issue to me. Every time it rains and we deal with this...

DICK MURPHY, CHAIRMAN:

So, why don't we then as a Conservancy, if our recommendation to the Council to approve the Master Plan with the following changes, we would add to that specifically

that 1) on page 47 we would insert after the first sentence in paragraph two, the sentence “Development in the floodplain should be strongly discouraged”.

DONNA FRYE, VICE-CHAIR:

Works for me.

TODD MEAD, CIVITAS:

If it works for the Coalition, we are pleased to add that back.

DONNA FRYE, VICE-CHAIR:

Well I don't know if Mr. Peugh's comments were part of a motion. Or if not, I would be happy to start crafting a motion.

DICK MURPHY, CHAIRMAN:

Why don't you start crafting that motion?

DONNA FRYE, VICE-CHAIR:

Ok. Well lets start with on page 47 under the “Expand the River's Recharge Area” in the second paragraph that beings “Past Development in the floodplain”, after the first sentence add the sentence “Development in the floodplain should be strongly discouraged”.

TODD MEAD, CIVITAS:

This would be a new second sentence, correct?

DONNA FRYE, VICE-CHAIR:

Yes, the new second sentence before we talk about development. We should strongly discourage it, and if you need to do that we will fight you tooth and nail. No, if they really instance then... no. That would be my first motion.

DICK MURPHY, CHAIRMAN:

How about a motion that recommends approval with the following changes?

DONNA FRYE, VICE-CHAIR:

That is fine too. So that is the first part of the motion.

DICK MURPHY, CHAIRMAN:

I'll second that.

TODD MEAD, CIVITAS:

Just to make sure I get the wording right, but I am sure it will be in the minutes as well, is it any “further” development or any “future” development shall be strongly discouraged?

DONNA FRYE, VICE-CHAIR:

Any development.

ROB HUTSEL, SAN DIEGO RIVER COALITION:

If it would be alright, what I will do is take that language and email it out to the Coalition just so they are aware of that because it is a change from what we did vote upon. And so they will have an opportunity to comment at Council.

DONNA FRYE, VICE-CHAIR:

And I appreciate that because again different groups are tasked with different missions and for me in this particular role the mission is to protect the River- not developers. So that is how I see it.

There were also some issues that Mr. Peugh raised that I can certainly include in the motion. If you want to help me with that Mr. Peugh.

DICK MURPHY, CHAIRMAN:

Well, let me just bring one up. Is there some way that Mr. Peugh wanted to make a point that the area between Fashion Valley Road and the Union Tribune should be a restoration priority. The idea was to widen the River in that area. Is that specifically in there anywhere, Rob?

ROB HUTSEL, SAN DIEGO RIVER COALITION:

No. It speaks about that corridor, looking for opportunities to expand and make an urban open space park, something along those lines. ... (Microphone cuts out)

DICK MURPHY, CHAIRMAN:

Fashion Valley Road to 163?

ROB HUTSEL, SAN DIEGO RIVER COALITION:

Make it the complete stretch.

DICK MURPHY, CHAIRMAN:

Well I like that better so it's not just singling out just one primary property.

JIM BARTELL, BOARD MEMBER:

And if they ever move.

DONNA FRYE, VICE-CHAIR:

No, I think that makes sense.

JIM PEUGH, BOARD MEMBER:

Now, will that go into the LSL something or other?

ROB HUTSEL, SAN DIEGO RIVER COALITION:

I think it was LS7.

DICK MURPHY, CHAIRMAN:

Well maybe we can give you the opportunity to talk about where that would be added, either in the discussion section on that reach of the River.

TODD MEAD, CIVITAS:

I think the appropriate location is both. Bring it into the text section of the lower valley and specifically add it to the recommendation list there. And when we move to the matrix with the map itself, add it too as a keynote.

DICK MURPHY, CHAIRMAN:

Do you have any particular problem with that suggestion?

TODD MEAD, CIVITAS:

No.

DONNA FRYE, VICE-CHAIR:

Alright then. On the floodplain, on page 45 where it talks about part of the recommendations are to expand the floodplain that makes sense. But then on page 46, under the heading **“Re-Contour the Channel to Encourage Meander and Braiding”** in the second paragraph, first sentence “Although it is impractical to consider returning the floodplain to the River in any substantial form, it is possible to increase river length and decrease flow velocity” seems to be contradicting the recommendations.

TODD MEAD, CIVITAS:

I think it is pointing out a matter of extent. What that is trying to say is that it once was the entire valley floor, we can really get there.

DONNA FRYE, VICE-CHAIR:

Right. But if it said that, “that it once was the entire valley floor”

TODD MEAD, CIVITAS:

Why don't we make that correction?

DONNA FRYE, VICE-CHAIR:

That would be helpful.

DICK MURPHY, CHAIRMAN:

Where is that?

DONNA FRYE, VICE-CHAIR:

That is on page 46 under the larger heading **“Re-Contour the Channel to Encourage Meander and Braiding”**. It would be the second paragraph and it would include the language. Can you please just read that?

TODD MEAD, CIVITAS:

The second paragraph would read “Although it is impractical to consider returning THE ENTIRE VALLEY FLOOR (~~in any substantial form~~) to the River, it is possible to increase River length and decrease flow velocities.”

DONNA FRYE, VICE-CHAIR:

That is much better.

DICK MURPHY, CHAIRMAN:

That will be the third addition to the motion and I will second that.

DONNA FRYE, VICE-CHAIR:

OK. Then I think there was some stuff on page 49. Mr. Peugh, have we figured out then as far as resolving those corridor issues and addressing those? Has that been resolved?

JIM PEUGH, BOARD MEMBER:

I am uncomfortable, and I think you were too, with having each development define the corridor.

DONNA FRYE, VICE-CHAIR:

Right. So what would be a way to?

DICK MURPHY, CHAIRMAN:

Where is that language?

TODD MEAD, CIVITAS:

It is stated that each developer must achieve the objective in terms of wildlife movement, but we are also tying it to the floodway which is not defined by the developer.

DONNA FRYE, VICE-CHAIR:

And which page would that be?

TODD MEAD, CIVITAS:

Oh, that is towards the back.

DICK MURPHY, CHAIRMAN:

Is that page 98?

TODD MEAD, CIVITAS:

Yes it is. Thank you.

DICK MURPHY, CHAIRMAN:

Not that I memorized the document.

DONNA FRYE, VICE-CHAIR:

And where is that?

TODD MEAD, CIVITAS:

Under “**Habitat and Open Space Corridor, San Diego River, minimum total widths**”. The very top of the left hand side of page 98. So in the estuary, the corridor is equal to the present dimensions of the dike. In the lower valley and confluence, it is equal to the 100 year floodway alignment.

DONNA FRYE, VICE-CHAIR:

And Mr. Peugh, which is the language that you are uncomfortable with?

JIM PEUGH, BOARD MEMBER:

I found it in the comments and not in the document itself. I don’t know where it ended up in the document. Or did it?

TODD MEAD, CIVITAS:

Which?

JIM PEUGH, BOARD MEMBER:

This discussion about having the developer figure out what is appropriate for what kinds of animals are in his particular section?

TODD MEAD, CIVITAS:

Well, he is not determining which type of animal...

JIM PEUGH, BOARD MEMBER:

No, the plan would determine what size animal whether it is a large animals or small animals...

TODD MEAD, CIVITAS:

He would need to prove whether he is providing adequate.

JIM PEUGH, BOARD MEMBER:

The corridor space he was providing was adequate. And I couldn’t find it. I didn’t look for it in the document I just saw it in the comments. Did it actually get in the document?

TODD MEAD, CIVITAS:

I am not sure what you are referring to. What we are stating as we get into specific actions, for instance in the Superior Mine area and Admiral Baker, is that in addition to achieving the floodway as the corridor they must also prove that they are achieving our wildlife movement objectives.

JIM PEUGH, BOARD MEMBER:

So in addition to?

TODD MEAD, CIVITAS:

It is not instead of the floodway. And that is a specific reaction to knowing that the floodway narrows in certain places and we are looking to add on to that.

JIM PEUGH, BOARD MEMBER:

I didn't understand that.

DONNA FRYE, VICE-CHAIR:

Maybe what we are looking for in on page 80. Maybe that is where... it could be on page 80 of the study, Mr. Peugh. Where some of these comments... For example, on page 80 "Superior Mine redevelopment revised sentence to read that said "minimum 500" to read "an open space corridor to incorporate within it trail corridor buffer is recommended". If you look at the comments, and then they refer you to pages and I am assuming those changes were made. But then again it appears to me we have made changes talking about corridors, we started losing our vision and started micromanaging words to accommodate a specific development. And I am not sure that is the intention of a Master Plan.

TODD MEAD, CIVITAS:

No, that wasn't our intent either.

DONNA FRYE, VICE-CHAIR:

Ok. But if you go to page 30, hold on here so I can get you to the right attachment here. It would be "Responses to Comments, dated January 14, City of San Diego", on page 30 of that it would be H2. And we seem to have some very specific language and changes based on a specific project and I specifically in this case Superior Mine redevelopment are where changes that had been made by the Conservancy were changed to address specific development issues rather than keep this as a visioning document. We seem to be heading in the exact opposite direction.

TODD MEAD, CIVITAS:

Well this wasn't in response to the Conservancy comment. It was in response to a general questioning of making a specific dimensional corridor based on the wildlife... (end of tape) ... the actual dimension was specifically stated as it occurred in the Superior Mine area. So. What we are looking to do is wherever we said 500 feet or 300 feet we tied it back to our design guideline area that defined the corridor dimension back to floodway and the specific wildlife objectives. So, it was not attempting to respond to a specific area there, just wanted to clean up the document so we were consistent throughout and bringing everyone back to the definition of a corridor.

JIM BARTELL, BOARD MEMBER:

On page 30 of your letter it references page 81, Superior Mine, Key Points. I don't see that referenced on page 81.

DONNA FRYE, VICE-CHAIR:

Maybe the page number has changed. It is now on page 83.

TODD MEAD, CIVITAS:

We are looking at Statement H2. Upper Valley- Superior Mine Redevelopment. Because of additional language elsewhere in the document was pushed forward two pages to page 83.

JIM BARTELL, BOARD MEMBER:

Thank you.

ROB HUTSEL, SAN DIEGO RIVER COALITION:

I think one of the big ideas here is that we were actually thinking a little bit differently than has been explained. Personally, I think if we define a dimension in here is what we are going to get. If we say it is the minimum, at least that was the feeling of many members of the Coalition, that if we write down it is 300 feet or 500 feet, that is what we will end up with. What we want is more. We don't want to put a number necessarily because we might want to actually try to achieve more than that. The one place in the City of San Diego where this is possible is Admiral Baker and Superior Mine. This is the one place really that I think the Conservancy's power could come and actually bring some revenue and funding to make it much bigger than 500 feet and that would be our objective here.

The other thing that was not stated and I think it is important, just in case it was not clear, is that the open space and the habitat corridor is not defined in such a way that it is centered on the River itself. It is designed in such a way that it can move. In particular, at the Admiral Baker site it is a little bit different than the Superior site because you do have the hillside there. So, if we can move it a little bit and blow it out toward Tierrasanta we can capture that whole wildlife corridor and it will help with the deer in particular- which is really what we are trying to achieve in that area is deer. So that is part of the big idea there.

DONNA FRYE, VICE-CHAIR:

And see the way you just said that, that big idea, would sound really good if you said that the minimum that is envisioned is 500, however the goal is to make it much, much larger than that. Otherwise you haven't even established anything. You could end up with a 100 foot. Because you explained it much better than it is written, I guess. You say "we want more, so we'll ask for nothing". And my way of looking at things, is that if you want something, you establish a minimum of what you want and then say "that is the least we want. That is the very least of what we envision for this- because we really envision a whole lot more. But if we are stuck, and are pushed up against a wall, at least you have a minimum. If you had no minimum I would look at it quite differently- having dealt with development projects – you end up with 100, if you are lucky. I guess there are two ways of looking at the world. One being the way that we usually end up with which is again trying to understand what this Conservancy is tasked to do.

So I am just much more comfortable with language such as that that says this is for our vision, this is the least we would be happy with because we really want a whole lot more. I am sure when you were dealing with the development project that you were dealing

with for your Mission Trails, and they said that they were going to put this development in, you said “no, we want zero development”. You state what it is you want in order to achieve that. This states “an open space corridor”. So I guess that is why I am getting a little...

DICK MURPHY, CHAIRMAN:

So let me just ask you this: On page 98, where it talks about open space corridors on the River, and it says that “The Water Quality buffer, minimum width” would be preferred 100 feet from the edge of the low flow channel”. That is the floodway?

TODD MEAD, CIVITAS:

No. The channel itself is not the same as the floodway. The channel is where the water typically runs today in a non-flood condition.

DICK MURPHY, CHAIRMAN:

I think what Donna is concerned about, and I may be putting words in her mouth, in addition to having goals there ought to be a mandated minimum 100 foot, from the river channel. This language I think was your compromise.

TODD MEAD, CIVITAS:

Yes “preferred” 100 foot minimum.

DICK MURPHY, CHAIRMAN:

As opposed to a 100 foot minimum.

TODD MEAD, CIVITAS:

Yes exactly.

DICK MURPHY, CHAIRMAN:

And I am not sure if that came out of the Superior, if that softer language was part of negotiations I just don’t know what the whole history....

TODD MEAD, CIVITAS:

Yes, there were discussions with Councilman Madaffer that started to push this in this direction. And various meetings and came back to the Coalition.

DICK MURPHY, CHAIRMAN:

But I thought, and Rob again if you want to comment on this, I had thought that the problem was that the original 500 foot. They were concerned about its impact on the Grantville Redevelopment project. Is there a problem with the 100 foot water buffer?

ROB HUTSEL, SAN DIEGO RIVER COALITION:

I think that if we had the maps, it would clearly show it. One of the issues that clearly popped up is that the way that the river is now, and then looking where those lines fell, the real question here, it had a huge impact. The 500 foot actually extended past Mission Gorge Rd. as I recall.

DICK MURPHY, CHAIRMAN:

I understand that the 500 foot presents a problem. I am pretty familiar with that area myself. But the 100 foot water quality buffer as opposed to the 500?

ROB HUTSEL, SAN DIEGO RIVER COALITION:

It should be fine. As I recall.

DICK MURPHY, CHAIRMAN:

And I think what Donna is saying is that we at least ought to have at least 100 foot minimum buffer from the channel on each side as a starting point.

DONNA FRYE, VICE-CHAIR:

Well, what I am saying, I guess in the larger view here is that my concerns are we are taking a Master Plan that is supposed to be a River Master Plan and we are amending it, and changing it to accommodate specific development projects. And I do not believe that is appropriate. I guess that is what I am saying. So in some ways we are losing our vision in order to accommodate development which is not the purpose of this plan. The purpose of this plan, as I see it, is to enhance our River Park. It is not to make it easier to develop in the River Park and change it every time somebody says "I might have a project that this could impact". It just makes me a little nuts.

DICK MURPHY, CHAIRMAN:

What I am suggesting is that strengthening the language on page 98...

DONNA FRYE, VICE-CHAIR:

Absolutely strengthening the language...

DICK MURPHY, CHAIRMAN:

...to say that it is not a "preferred", it is a minimum width. In other words, it says Water Quality Buffer, minimum width all reaches: 100 feet from edge of low flow channel. Now I am not sure that I understand all the implications of doing that, but I am saying that... maybe take small victories when you get them. I am saying that that is better than what we have.

DONNA FRYE, VICE-CHAIR:

It is better than what we have, but I guess the thing is, you ask yourself, what is the purpose and intent of a San Diego River Park Master Plan. Is it to accommodate development? Or is it to plan a River Park? My belief is that it is to plan a river park. It is not to change language in a vision to accommodate specific development projects. I guess that is where I am philosophically having some issues.

TODD MEAD, CIVITAS:

May I make a suggestion on how we can improve that?

DONNA FRYE, VICE-CHAIR:

Yes.

TODD MEAD, CIVITAS:

First, take out the word “preferred” as it is associated with the 100 foot buffer. Second, introduce the corridor section with language that we use elsewhere throughout the document about trying to unify fragmented lands on a principal level. It is glomming on to anything that is not developed yet and trying to make that part of the park. We can’t cause it to be bought, but we can point out that it should be. It is the language that Rob just used that we used throughout the document. But we didn’t introduce the corridor section with it. I am suggesting we add language there that it is not just about the corridors described here, but it is about pulling in any undeveloped land and take it as an opportunity to make it much larger than any specific dimension. And include there, to point out the fact again, as we did earlier in the document, that for the habitat objectives that what we have learned elsewhere in San Diego, that large animals require 500 feet. That is what we are looking for. Reiterate and make it clearer and stronger. It is there, but what you are pointing out is the softness of it. Or the fact that it is not reiterated.

DONNA FRYE, VICE-CHAIR:

I think what I am pointing out, and again this is where so many people have taken so much time working on this to find language that is specifically directed to a particular development as part of a Master Plan is a bit offensive to me from the standpoint that we see again “remove the green shaded area from the western end of the Superior Property”, “remove the words potential improved open space”. In other words I see less of a visioning on some of these particular properties and more of a directive for a development project that is moving down the stream and changing an entire plan in order to accommodate one or two development projects. And that is where my outrage is coming from right now. Because I feel like it is a bit inappropriate. And so it is making me, as much as I really, really, want to move this thing along, and it is very important that we do that, I am very concerned how we do that, and what it is we are trying to accomplish here because we seem to have a philosophical, that one person can come in and say “I have some projects in my particular district” and so therefore you need to change your River Park Master in order to accommodate development in certain parts of the community. I just don’t... And so maybe, maybe somebody else wants to jump in.

DICK MURPHY, CHAIRMAN:

My suggestion, while I think that Donna and I are mostly in agreement on this, that in order for the Conservancy to influence the City Council’s decision-making in ten days, we ought to make the changes that we have here, which are 1) the Fashion Valley to SR 163 2) strongly discourage development in the floodplain 3) Change 100 minimum on each side as an absolute instead of preferred and 4) to use the introductory language you suggested as to what the goal is. I think that moves us a lot closer to what I would prefer to see it.

DONNA FRYE, VICE-CHAIR:

And I am going to try to work with you on that.

DICK MURPHY, CHAIRMAN:

I would suggest that we adopt that with those four amendments and recommend them to Council. And the Council will probably adopt all that. And I think that will be an improvement.

DONNA FRYE, VICE-CHAIR:

And perhaps the way to address my concerns is to acknowledge and perhaps maybe it would be an intention statement that the intention of the Conservancy is to protect and preserve the River or whatever our mission statement is, and we could go with that and I am sorry that this is taking so much time, but to say that the intention is not to accommodate individual development projects. And I guess when I look at some of this language, and like I said I just got it recently, it really concerns me where I see very specific language being placed in order to change the place to accommodate some development. And it just concerns me. Maybe if that concern could at least be noted because I feel very strongly about it. It is pretty frustrating to me.

DICK MURPHY, CHAIRMAN:

Well. I am sure I will hear that again, a week from Tuesday. I am not sure I am prepared to comment on that because I have to go back and look at it from that perspective. I did not read the Master Plan from that perspective. And I know that there has been a lot of work to try to get the Grantville Redevelopment effort in sync with the River Park Master. And I know that a lot of negotiations down that I am not a party to.

DONNA FRYE, VICE-CHAIR:

But that's the problem. There have been negotiations that the public has not been party to after we had made comments to have things changed and yanked and language essentially changed without having these discussions. Now, we are having them on the backend and after it's all pretty and neat and it puts us in a position where we say "well it's better than what we had", but it is worse than the language that this board had recommended. And it was changed. And so the question then is- so this board language gets changed but then it goes to another group and they can change our language, etc. I don't know.

DICK MURPHY, CHAIRMAN:

The perspective here is this is the City of San Diego's River Park Master plan for the San Diego River to which the Conservancy is being invited enthusiastically, as well as the Coalition enthusiastically, to comment and suggest amendments. And I would have to go back and reread this whole thing to understand if I really have a problem with what Donna is saying or not. I don't know if I do or not. I am just saying that I agree with Mr. Peugh's and Ms. Frye's comments that we need to strengthen a couple of things on the floodplain and the corridor. My belief, having actually written the Mission Trails Park Master Plan, at least I have been accused of it because I rewrote so much of it when it was adopted, specificity is very helpful in areas where you want to have bright lines it is helpful to have bright lines because then people understand what is expected of them. But, I am just saying that we ought to adopt an approval with these four recommendations

or if there is something else that we haven't gotten to yet. And then be sure those are put in when it is adopted at the Council. If you have other things that have to be changed, you can bring them up at the Council meeting or even now, but I am just saying that I don't know about this philosophical point. We can certainly put that in our letter of conveyance to the Council that we are concerned about that issue.

TONI ATKINS, BOARD MEMBER:

Can I just ask kind of a technical question? The Council is going to hear this on what date? And then what happens?

DICK MURPHY, CHAIRMAN:

On the 21st. Let's ask Jeff that question.

JEFF HARKNESS, CITY OF SAN DIEGO:

All we are looking for is support of the Draft Master plan as it stands right now. We do not have an environmental document. The next phase is to develop an environmental document. Then it would all go out for the formal public review and then will come back to Council and the Conservancy and other community groups and the Coalition. And then look to the Council for adoption of the Master Plan.

DICK MURPHY, CHAIRMAN:

And the problem, Toni, is that we don't have the funding right now for the EIR. Now I tried to use the Prop 40 monies and was told I couldn't. Which I'm sure makes you happy for one reason. We don't have the money identified right now for the EIR which is a \$500,000 project. And the EIR will take how long, Jeff?

JEFF HARKNESS, CITY OF SAN DIEGO:

You are looking at a year to 18 months.

DICK MURPHY, CHAIRMAN:

We are probably two years away at best to having an EIR. The point is in the meantime we have something out there. As you told me, Jeff, if Superior Mine or whatever the name of the group is, comes in with a project I am assuming that at least City staff will look at this Master Plan, even if it is not formally adopted, as at least a guideline for them.

JEFF HARKNESS, CITY OF SAN DIEGO:

It would be guideline. They can not enforce it because it is not an adopted document.

DICK MURPHY, CHAIRMAN:

But the fact that it is a guideline is helpful than no guideline which now says if you look at certain places says "let's build right up to the riverbank".

DONNA FRYE, VICE-CHAIR:

I understand that. And because it is a guideline at this point, why not make it erring on the side of, or supporting, the vision of a River Park rather than the bare minimum. That

is where I am trying to push you into that visioning process, rather than this negotiation process. I am trying to get people to look at plans and Master Plan and these types of documents as truly a vision and not a negotiating document for certain developments. I guess that is all I am trying to say.

JIM BARTELL, BOARD MEMBER:

I share Donna's concern about the intent of the Master Plan having been through this process back in the mid-80s when we incorporated a River Park Plan in the Santee General Plan in 1984 after two years of developing a River Park Plan, like this. We didn't include any specific development projects that existed at that time in the Master Plan. We had a vision for the River Park extending from Mission Trails extending to the community of Lakeside, knowing at some point we would have to consider development projects adjacent to the park or even concurrent with the park design outlines. But there were design provisions put in that document to anticipate those kinds of development—whether it be housing, commercial, recreational. Those were all anticipated and appropriate design guidelines were included in that document to work against making those kinds of decisions, whether it be a CUP, a major use permit, a variance to the codes, a parcel map. Whatever was being brought forward we had sufficient guidelines to address those concerns, keeping in mind our mission was to create a well thought out and well designed Park Master Plan. And I think that occurred.

We have had since 1984, since that was included in the General Plan, we've had development adjacent to the Carlton Oaks Country Club, we've had development in town center, both commercial and residential development along the river, we're about 60% developed along the River corridor at this point. Every one of those development segments we had a set of guidelines that anticipated those developments, whether they were residential or commercial and they were very easily incorporated into the design of the Park Master Plan. And today you have the buffers, the pathways, and everything was able to be worked out. But, the negotiations occurred after the fact- not as part of the development of the Master Plan. I think that is where Donna is going with this. And I concur with that.

We don't know who is going own the property, what their land use plan might be, they might change their ideas, the market and the economy changes what's possible. And we shouldn't worry at this point, in terms of creating a visioning document what that land use might be. We should anticipate what the options might be and make sure that we have guidelines to address those options. But ultimately the decision must be based on what is best for the River and what's best for the community. And I am not sure that negotiating land use decisions now is the best way to create a master plan.

DICK MURPHY, CHAIRMAN:

Do you have a response to Mr. Bartell's comments?

TODD MEAD, CIVITAS:

Yes, I agree with you. And that we are not suggesting what these developments are, whether it's Superior Mine or the future of Riverwalk Golf Course or anywhere else

along the way. Our discussion is here within the document is entirely focused on the River. We also recommend that each Community Plan has a set of guidelines and we are recommending that those be revised at the next step so that there can be some consistency throughout the valley in terms of how the River is addressed. Part of it comes back to how this is actually adopted by the City- whether this is done through a Community Plan process or whether it is part of the General Plan or part of an overlay. That is yet to be determined and that will be the mechanism that I think the design guidelines can then be best addressed for each individual development.

DICK MURPHY, CHAIRMAN:

Before I call on Ms. Krause, I think you need to answer Ms. Frye's comment. She believes this Master Plan, at least this little piece of the Master Plan, has been developed, has been proposed, in response to the Superior Mine Development and other development. I didn't read the document to see it that way. But I think you need to respond to that. Mr. Bartell is concerned about the same thing. And you just kind of said it to Mr. Bartell but, more head-on, was it done that way?

TODD MEAD, CIVITAS:

The discussion about the corridor width and the challenge about the dimension originated with discussions with Councilman Madaffer and that brought into light "how can we make these stronger?" And so that took us back to what our objectives were from a wildlife standpoint and how we could use the floodway, which is a dimension, a mapped element, as a stronger way of providing that space for the river. So it was the origin of it, but the intent was not just to say let's map it different here. As you will see in all the comments, the reason that it refers to that specific section because that is where we had had a specific dimension statement. So wherever I made a change in dimension I put that in the list. So it occurred throughout the document and every reach where we took out language that had said 500 feet or 300 feet and replaced it with language about the objectives in the floodway that is what got documented in the January 14 "Response to Comments". So it wasn't all specifically oriented toward Superior Mine. That wasn't the intent.

JEFF HARKNESS, CITY OF SAN DIEGO:

Can I add to that? In the subcommittee for the Coalition, we also were trying again, one of the goals of this is to reach a balance between the river, people and wildlife. As part of the subcommittee for the Coalition we had property owners, large property owners along the San Diego River, join in in regards to the last cut of ~~strikeout~~ / underlines that you see came from the Coalition. So I can't say that it was just one property owner that had those concerns. There were other property owners who also had those concerns.

JENNIFER KRAUS, BOARD MEMBER:

I had just a couple of concerns with this and I am feeling more comfortable now with my level of discomfort I think that I had experienced. And I had read the document from start to end and one of my biggest concerns was the issue of the floodplain and development in the floodplain. I think the proposed language, even though I can't vote on my support for it, I am much more comfortable with that.

But the other issue is this issue of even specifically, and this is building on my colleague Mr. Bartell's comments, if you look at the executive summary at the beginning of the document- which is a great document by the way. I could tell a great deal of time and effort and work has gone into this. The second paragraph says specifically "Since then, the river has suffered under the region's increasing development pressure." So, the document acknowledges upfront that this is an issue and is directly impacting the health of the river- which directly impacts public health. So, some of my discomfort stems from the fact that some of these specific development projects are actually mentioned in the document, as opposed to providing guidelines everyone can use whether they are developers or whatnot. I think that is some of where I have concerns. So I just wanted to reiterate my support for Mr. Bartell's recent comments that is there not a conflict here? I wonder. I felt it important to support that perspective.

TODD MEAD, CIVITAS:

The intent was not to deal with specific development itself. We use the term "Superior Mine" to identify a land area. We know it is a land area that is going to change. So what we are stating is "here's way to influence how it changes in the future". We weren't intending to talk about what their development is. I really don't know what they are going to attempt to do. Similarly with Admiral Baker Golf Course, we've had some negotiations, some discussions with Navy about where that might go in the future. And no one knows, but we have also made comments on how they could change things should they come into that. So it was really trying to address land areas rather than a specific developer. If we knew something about it, we suggested how that might change. RiverWalk is another example where there is a specific plan from 1987 that does another FISDRIP. We are suggesting don't do another FISDRIP. That is conflict with this plan- that is in conflict with the intent of the Coalition and the Conservancy and the City. It's kind of a dated approach. We are suggesting taking a different approach.

DONNA FRYE, VICE-CHAIR:

If I could... If you go to page 68 and you look at where we are essentially, say for example we talk about Mission Valley, and we have a really cool thing with the Mission Valley Central Park. And then we talk about we are going to provide scenarios for all this new development. And like I said, I think you know how I felt about that. It seems to me that we should be talking about a River Park and not saying how we are going to help develop where it says for example "accommodating a new stadium". Why are we? Accommodating a park for a River Park makes sense to me. Accommodating a new stadium, that's where those design guidelines and that sort of thing would come in. Where we don't try to design a park, because then someone comes in and says "look, it's in the River Park Master Plan. This would be one of the alternatives that everybody agreed to." No. It really isn't. And so information can be used in a way that can push things in a way beyond what has really been agreed to.

TODD MEAD, CIVITAS:

We were attempting to show a different way of thinking about what is there at the stadium now. We know it is something on its own track. Through our process, we are not going to control its timeline or its direction. We were suggesting different ways to

think about that place. And with your recommendation showing specifically a park and let the stadium go away.

DICK MURPHY, CHAIRMAN:

Let me suggest this then. Here are our choices: We have at least five different suggestions: 1) “development in the floodplain should be strongly discouraged” as an addition to the Master Plan. 2) there be an emphasis that the area between Fashion Valley Road and SR 163 be a top priority for restoration 3) that there be a minimum corridor of 100 feet on each side, not the preferred minimum corridor 4) there be some sort of broad discussion at the introduction of the corridor 5) that there is concern with reference to particular development project being included.

Here is what we can do. We can either approve the plan with these five comments, or we can accept the report with these five comments, or we can just make those five comments.

It sounds to me like people have difficulty with “approving the plan” because it suggests that developments are being ratified somehow or other. I don’t really see it that way, but I am suggesting any one of those three approaches will at least get us there.

DEBORAH JAYNE, EXECUTIVE DIRECTOR:

I kind of regret that I didn’t give my little overview first before we got into this. But your comments were all so excellent that I didn’t want to interrupt you. But I do want to say a couple of things.

Let me start out by asking you to pull out the spreadsheet that I provided for you this morning. And the reason I provided this spreadsheet for you, the purpose of it was to show you how the City and Civitas had responded to your comments directly. And then show you how the text reflected your comments and then what the current status looks like. So if you just look at the top of that spreadsheet with me, I just want to go over that first row with you.

You reviewed in July the June 2004 draft. You made your comments on (#B) on the June 2004 draft. Then, the comments were responded to. And what I want to tell you is than in September 2004 which I believe was an informal draft, and January 2005, those two versions, to a large extent implemented your comments. The information you provided about your concerns about the building in the floodplain, many of the comments you had and you were very, very strong and clear on the comments, I was pleased to see were responded to fairly accurately. By that I mean, they were responsive to your comments. What happened between January 2005 and June 2005 drafts, there was some concern about this being possibly too limiting to development. And I asked the question “Why were these changes made?” And the answer I got was that there is a need to make this more flexible to accommodate development and my understanding was that there were a couple of specific projects that had some problems with the language they way it appeared because it would put a major hamper on moving forward with those project. And I do think that a chunk of them was in the Grantville area. One of the reasons I

come to that conclusion is because if you look down the changes in the language, you will see that most of them, with regard to corridor width, for example, the changes that I have outlined for you are in Grantville, specifically about the Superior Mine.

I would like to echo what Donna said. I think we as a Conservancy need to keep our focus on what our mission is which is to protect and restore the River. And that is where I think our focus should be. I do definitely want you to keep that in mind.

I would also like to point out that it is my understanding, and I think it was confirmed this morning, that once this document, when we get an approved document, this document will be extremely important. It will be made some sort of official policy of the City-whether that be an amendment to Community Plans or incorporation into the General Plan, I don't know how it will be done, but the intent is to make it part of the City's official policy. So what that means to us is that when future development comes before us, the City Council will look to this document for guidance. And if it is basically consistent with what it says chances are real good that it will get moved forward because there was an enormous vetting process on this. All I am saying here is that we need to be very... this document, it may be a working document, but I think we need to get it to the place where it most reflects what your concerns are as soon as possible because I do think it is critical and it will be used by the City Council to make decision about whether we can approve certain developments or not.

TONI ATKINS, BOARD MEMBER:

I know you might have more to say. I have to speak at noon and I anticipate that I will get lost along the way, but I just want to weigh in and I don't really know if we have a quorum if I leave. So here is my point in terms of what you are recommending, I don't think it is ok to just accept a report from this body because we need to have clear, give clear direction, before it goes before the City Council. I know this is something that needs to move in a fairly, I know that we have been doing this for quite a while, a lot of people have worked on it given it very critical input to make it better. However, I don't want to approve, I don't want to not approve something from this body. I think we are responsible to approve something not just accept it, particularly given what this is.

Secondly, I don't know if we have to get to Council in two weeks. So, because I have to leave I am concerned about the options.

DICK MURPHY, CHAIRMAN:

There are two options. We could continue this meeting I suppose.

DONNA FRYE, VICE-CHAIR:

I would like to do that.

DICK MURPHY, CHAIRMAN:

But only if the state rules work the same as the City rules. But I have been pushing to get this through to Council by the 21st because I want it through the Council before I leave because I think that I have been the person here sort of balancing Donna's concerns

(which I pretty much embrace), Madaffer's concern's whatever they exactly are, and trying to get something in place and done.

The alternative is if we want to continue this discussion to continue this meeting a week. And I have to ask Jamee, the City Council has the ability under the Brown Act to simply say "We are not done. We are continuing it." And just meet. I don't know if you need to re-notice this. I don't know what the issues are.

DONNA FRYE, VICE-CHAIR:

And quite frankly, I doubt that I can... I mean I am already... I already have scheduling for next Friday. I guess my concern is that, and I very much appreciate the fact that you would like to see this before the City Council before you leave and I believe me I am doing everything I can to try to accommodate that. However, that can not be my... that can not be a reason to not make sure that my role on this board gets us something that I think is as good as I think it can be. And I guess right now I am just not feeling that in my capacity as a Conservancy board member.

JIM BARTELL, BOARD MEMBER:

I don't think it is really our role to approve or even accept. This is a Draft Master Plan that, as you stated earlier, is going through another set of processes (the preparation of the draft EIR, the public review and then the revisions and responses to those comments on the draft EIR, and then back to City Council for ultimate approval.) We have many, many more opportunities to intervene in that process and provide comment and direction. I would like to share the Mayor's concern of keeping this process going. It is going to be long enough as it is. I encourage it to come to City Council on the 21st, and taking it to the next step of having the Draft EIR prepared. As long as our comments, our previous comments and today's comments are passed on to the City for consideration as part of the process, I am very comfortable with that. I don't think this is the last time we are going to have an opportunity to have our impact heard.

DONNA FRYE, VICE-CHAIR:

And I guess my question would be then, that if it is approved by a body what does that mean then? It means that people will take this plan and use it as part of their projects—whether or not it is approved or whether there is an EIR they will still use it to say that bodies have approved. Even though it doesn't have an official meaning, because I have seen that done before. So that would be my concern.

DICK MURPHY, CHAIRMAN:

My suggestion would be for us, since nobody is comfortable with approving it, and accepting it is not a meaningful term one way or the other, is to incorporate by reference the prior comments we have made as part of our recommendation to the City Council.

DEBORAH JAYNE, EXECUTIVE DIRECTOR:

Well, I want to add something. And that is that going through this little exercise to put this together for you was very helpful for me. I hope it will be for you when you have a chance to look at it. But, believe it or not, it takes quite a bit of time. This is just

skimming the surface, this is just partial. What I would like to see done, either by the City, the consultant or by me (given the opportunity and the time) is to go through all of our comments and show basically what the drafts look like, so you can see what happened to your recommendations and what the final version was. So you can see that at one point your recommendations were being considered and incorporated and then the latest draft there were changes to it and the changes were definitely in the direction, there is no question, of weakening the document from our standpoint (protect and restore the river). And they were done, as we have all discussed here many times, they were done for the purpose of compromising so that everybody (the developers included) could come to consideration.

I guess what I am saying here is that I think we need to have this type of spreadsheet, whether it be this exact one or not, but some analysis done. There was no redline, strikeout document as these changes were being made. They are all on different pages, there are inconsistencies throughout. I found that just working on this. There were places where it got changed in some places and didn't get changed in other places. And so what I think is that it needs a thorough analysis- just lay out everything and make sure that you guys understand what the changes were. I mean you have commented yourself that you don't know the details what happened through the process and what the final text says. So that was the purpose of doing that spreadsheet for you. But it needs more time. One thing you might consider is asking the consultant or the City to continue this process and complete it for all of your comments so that you will have a chance to look at it.

On the idea of the corridor, what you do with a corridor width is you look at its specific to a species. The Department of Fish and Game who underwrote the City's own code, were supposed to get their advice and take it very seriously. Basically what they are saying is that you need to the size and the character of the buffer has to be determined by the requirements of the most sensitive species and so for any given point along the river that analysis needs to be done. So keep that in mind.

A couple little thoughts to throw your way. I recall one of the things we were all celebrating was that not so long ago there was a bobcat tracks found under I-5. The 500 foot width was the minimum width that is cited in literature for accommodating large mammals. Well when we found these tracks... (end of tape)... under I-5 that kind of changed things. It just didn't get incorporated in here to say "now we have a bobcat down at the I-5". So whether it made a lot of sense or not, we did have a bobcat.

And the other thing I want to say is I have real concerns about the piecemeal approach also. I think that a guidance document should indicate what we consider the minimum because think about in reality, if you don't specify minimum, you are not going to get more. You usually get the bare minimum. And if anything they are trying to jimmy it down. So I really believe we need to set absolute minimums. And as Rob was saying, the goal is to do more. And if the goal is to do more, that is wonderful. But if we don't convey that, it will get lost in the process of development after development and all the pressures that are on the City Council to move forward with these developments.

I am respectful and cognizant of your timeframe, Mr. Mayor, and I would love to see it there, but I am just telling you that from my own experience doing four pages of this we need some more time. We need some more time to look at it. That would be my recommendation to you.

DICK MURPHY, CHAIRMAN:

The question is, I am not agreeing that this is going to be continued on the 21st. A lot of people were planning on that happening on that day. And so we can think about that. And I certainly need to look at your comparison issues. The question is: do we want to do nothing today, do we want to add the comments that we have made?

DONNA FRYE, VICE-CHAIR:

I would like to add the comments that we have made and direct the Executive Director to do a further review for consistency with our comments, and all the other comments we have made, and then report back to us. That is exactly what I would like to see happen. And how you handle this at the City Council is completely another matter as far as I am concerned.

DICK MURPHY, CHAIRMAN:

So adopt the comments that we have made, and ask the ED to further evaluate the report and report back to us at the regularly scheduled meeting.

JAMEE PATTERSON, STAFF COUNSEL:

May I make a suggestion? It might be helpful for your ED to attend the meeting of the City Council on the 21st and present this Conservancy's concerns to the City Council.

DONNA FRYE, VICE-CHAIR:

I would add that to my motion.

DICK MURPHY, CHAIRMAN:

So the motion is to direct the Executive Director to attend the City Council meeting to express the issues that we have said, the five issues we have adopted, and then to ask the Executive Director to continue to evaluate the report.

DONNA FRYE, VICE-CHAIR:

And report back at the next regularly scheduled River Conservancy meeting so that we all have more time to review this. I want this to be a great document.

DICK MURPHY, CHAIRMAN:

I don't have any problem with that motion. I am going to support it. It doesn't mean that we are going to continue the matter on the 21st at the City Council.

DONNA FRYE, VICE-CHAIR:

But that is not an issue before this board.

DICK MURPHY, CHAIRMAN:

Right. It does mean at least that the comments that have been made today will be expressed at that Council meeting. All in favor signify by saying aye.

Passes unanimously 5-0.

State of California
San Diego River Conservancy

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

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 SUMMARY REPORT
August 12, 2005

ITEM: **4**

SUBJECT: **CHAIRMAN'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 SUMMARY REPORT
August 12, 2005

ITEM: **5**

SUBJECT: **EXECUTIVE OFFICER'S REPORT**
(Deborah Jayne)

PURPOSE: The following topics *may* be included on the Executive Officer's Report. The Board may take an action:

- a) Executive Officer Activities
- b) FY 2005/2006 SDRC Budget
- c) FY 2006/2007 SDRC Budget
- d) Grantville Redevelopment Plan
- e) SDSU Campus Master Plan Expansion/Adobe Falls
- f) San Diego River Park Draft Master Plan, City of San Diego
- g) Culverts vs. bridges in Mission Valley (Fashion Valley Road)
- h) Five-Year Infrastructure Plan
- i) Upcoming Medical Leave
- j) Environmental Services Contract
- k) Nomination of Member Minan and RWQCB for ABA Award

The Executive Officer's Report will be included in the supplemental mailing.

Agenda Item 5
Supporting Document D-1

“S.D. County Sues City Over Grantville Redevelopment Zone”
From
The San Diego Union Tribune

Dated July 29, 2005

S.D. County sues city over Grantville redevelopment zone

By Jeanette Steele
STAFF WRITER

July 29, 2005

County officials and a private business are suing San Diego over the city's new Grantville redevelopment area, in what may be the first time an entire San Diego redevelopment zone has faced a legal challenge.

The county claims in its lawsuit that the City Council didn't have enough evidence in May to declare the area physically and economically blighted, as required under state redevelopment law.

And, the lawsuit argues, the city didn't prove that natural development couldn't solve the area's problems or show how its redevelopment plan would make the fixes.

In short, the county accuses the city of forming the redevelopment district just to get the extra tax dollars it brings, without proving that conditions there are bad enough to justify it.

The lawsuit says the city's move is "contrary to the spirit and letter" of redevelopment law.

In response, a city attorney said City Hall did nothing wrong under the law.

"The city established by substantial evidence all the requirements that were necessary," said Rachel Witt, a chief deputy city attorney.

San Diego County stands to lose at least \$200 million over 45 years because of the city's action, according to an April letter to the city.

By creating a redevelopment area, the city captures more of the property-tax dollars for use there. As property values rise, the city will be required to spend 60 to 65 cents of each new tax dollar on projects in Grantville.

Some tax money will still go to the county. But the loss will put a "severe strain on the county's ability to provide needed public health and safety programs throughout the region," the county's letter said.

This is the first time the county has sued over one of the city's 17 redevelopment areas.

It is not alone, though. Atomic Investments, a property-management company with land in Grantville, has filed a lawsuit challenging the city on similar grounds.

City attorneys said they can't remember any lawsuits over other redevelopment zones, but that couldn't be definitively confirmed.

The city has been touted nationally for its past redevelopment successes, such as downtown, where Petco Park, Horton Plaza and residential high-rises now dot the skyline.

Councilman Jim Madaffer championed the creation of a redevelopment zone in Grantville to address chronic problems there, including gridlocked streets and flooding. He has said it is the only way Grantville, which is in his district, will get those problems fixed.

The Grantville redevelopment area is just north of Interstate 8 along Mission Gorge Road and includes Kaiser Permanente's Zion Avenue hospital and medical center.

■Jeanette Steele: (619) 293-1030; jen.steele@uniontrib.com

Agenda Item 5
Supporting Document D-2

***Complaint by County of San Diego to
Determine Validity of Grantville Redevelopment Project***

Dated July 8, 2005

Agenda Item 5
Supporting Document D-3

***Summons on Complaint By County of San Diego to
Determine Validity of Grantville Redevelopment Project***

Dated July 12, 2005

Agenda Item 5
Supporting Document D-4

Proof of Service of Summons

Agenda Item 5
Supporting Document D-5

Answer and Joinder of Interested Party To County Suit

Agenda Item 5
Supporting Document D-6

San Diego Union Tribune
Letters to the Editor
“Grantville Project ‘A Misuse’ of Law”

Dated August 3, 2005

State of California
San Diego River Conservancy

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: **6**

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

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: 7

SUBJECT: **NEW PROPOSTION 50 RIVER PARKWAYS FUNDS**
Consideration and possible adoption of a resolution (*tentative Resolution 05-15*) authorizing the Executive Officer to prepare and submit an application(s) for grant funding through the California River Parkways Grant Program established by Proposition 50 and administered by the California Resources Agency. (*Deborah Jayne*)

PURPOSE: Consideration and possible adoption of tentative Resolution 05-15.

DISCUSSION: The Resources Agency has announced the release of the Guidelines and Application for the California River Parkways Grant Program.

The California River Parkways Grant Program is a statewide competitive grant program administered by the Office of the Secretary for Resources. Funding is available to acquire, restore, protect and develop river parkways, through the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 – Proposition 50.

Eligible projects must provide public access or be a component of a larger parkway plan that provides public access.

A resolution approving the application for grant funds from the Governing Board must be submitted as part of the application. The application deadline is October 18, 2005.

LEGAL CONCERNS: None.

FISCAL IMPACT: None.

SUPPORTING

DOCUMENTS:

1. Tentative Resolution 05-15
2. Excerpt from Grant Guidelines, including resolution template

RECOMMENDATION: Adopt tentative Resolution 05-15.

SAN DIEGO RIVER CONSERVANCY

Tentative RESOLUTION 05-15

***Approving the Application for Grant Funds for
The California River Parkways Grant Program Under the
Water Security, Clean Drinking Water, Coastal and Beach Protection Act
of 2002 (Proposition 50)***

Whereas, the Legislature and Governor of the State of California have provided Funds for the program shown above; and

Whereas, the Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

Whereas, said procedures established by the State Resources Agency require a resolution certifying the approval of application(s) by the Applicants Governing Board before submission of said application(s) to the State; and

Whereas, the applicant, if selected, will enter into an agreement with the State of California to carry out the Project;

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

1. Approves the filing of an application for the Proposition 50 River Parkways Funds;
2. Certifies that Applicant understands the assurances and certification in the application, and
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the Project(s) consistent with the land tenure requirements; or will secure the resources to do so, and
4. Certifies that it will comply with the provisions of Section 1771.8 of the State Labor Code regarding payment of prevailing wages on Projects awarded Proposition 50 Funds, and
5. If applicable, certifies that the Project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, and, that prior to commencement of construction, all applicable permits will have been obtained, and

6. Appoints the Executive Officer, or designee, as agent to conduct all 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(s).

Approved and adopted the 12 day of August 2005. I, the undersigned, hereby certify that the foregoing Resolution Number 05-15 was duly adopted by the San Diego River Conservancy Governing Board.

Following Roll Call Vote: Ayes:
 Nos:
 Absent:

I, Deborah S. Jayne, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the San Diego River Conservancy on August 12, 2005.

Deborah S. Jayne
Executive Officer

Agenda Item 7
Supporting Document 2

*Excerpt from Grant Guidelines,
including resolution template*

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: **10**

SUBJECT: **PARTNERSHIP WITH SAN DIEGO POLICE
DEPARTMENT**

Consideration and possible adoption of a resolution (*tentative Resolution 05-18*) authorizing the Executive Officer to explore a potential partnership with the San Diego Police Department. The purpose of this partnership is to increase public safety in the San Diego River Park. (*Deborah Jayne*)

PURPOSE: Consideration and possible adoption of tentative Resolution 05-18.

DISCUSSION: Public safety in and along the San Diego River (and the Public's perception of its safety) must be greatly enhanced if the River Park is to become a reality. Towards that end, the San Diego Police Department has recently approached the Conservancy about a potential partnership. I am supportive of the concept and am seeking the Governing Board's authorization to initiate further discussions with the Department for this purpose.

Background

Beginning in 1996, San Diego Police Department, Western Division has made regular sweeps of the San Diego Riverbed in an attempt to curb homelessness and criminal activity along the San Diego River.

According to their statistics, during an aggressive three-month campaign last year, 161 arrests were made which generated over 1000 convictions for crimes ranging from assault/rape to drug offenses to trespassing.

The Mission Valley Preserve is the 51-acre stretch of riverbed favored by the homeless. The Preserve begins just south of the YMCA on Friars Road and runs to Interstate 5. The riverbed is used as a base for criminal activity for several reasons including: (1) dense brush and vegetation which provides

privacy for criminal activity; (2) a lack of access – it is difficult for the police and the general public to gain entry; and (3) location—the area is located near business and residences.

In addition to the criminal activity in the riverbed, trespassers are damaging the river’s sensitive ecosystem. Hazardous materials found onsite include: paint, car batteries, human waste, chemicals (used for making drugs), spray paint, and biohazard waste.

Stepped up police enforcement and conviction, particularly those convictions with “stay-away” conditions, have decreased the homeless population.

However, unfortunately at this time, the San Diego Police Department does not have the resources to continue their aggressive presence. They are looking for partners and stakeholders interested in increasing public safety in the riverbed.

A potential partnership between the Conservancy and the San Diego Police Department could take numerous forms. For example, funding could be provided to enhance police presence in the Riverbed or to conduct a large-scale mapping and removal effort of non-native invasive vegetation (i.e., from Mission Trails Regional Park to the ocean). A project of this kind in the San Diego River would serve two important purposes: (1) restore the natural ecology of the riverbed; and (2) remove overgrowth which provides shelter and concealment to transients. In any event, the Conservancy would coordinate closely with others (e.g., City of San Diego, San Diego River Park Foundation, and Friends of Mission Valley Preserve, etc.) to ensure that all new efforts compliment/build upon past or ongoing efforts. Recall that one of the three projects you previously approved for Proposition 40 River Parkways funding provides money to the City for restoration efforts in the Mission Valley Preserve.

The balance of the Proposition 40 River Parkways allocation or new Proposition 50 River Parkways grants are possible sources of funding to support the proposed partnership. Several other jurisdictions have received State grant money to map and remove non-native invasive vegetation (e.g., the Mission Trails Regional Park and the Santa Margarita and San Luis Rey Watersheds Weed Management Area).

LEGAL CONCERNS: None.

FISCAL IMPACT: None.

SUPPORTING
DOCUMENTS:

1. Tentative Resolution 05-18
2. "Rains Roused Riverbed Dwellers". San Diego Union Tribune. December 6, 2004.
3. San Diego Police Department Report "*Mission Valley River Preserve: Transforming a Criminal Refuge into a Nature Preserve through Collaborative Effort*", 1998.

RECOMMENDATION: Adopt Resolution 05-18.

SAN DIEGO RIVER CONSERVANCY

Tentative RESOLUTION 05-18

Partnership with the San Diego Police Department

The Governing Board of the San Diego River Conservancy hereby authorizes the Executive Officer to work in collaboration with the San Diego Police Department to develop programs and strategies to enhance public safety in and along the San Diego River.

I, Deborah S. Jayne, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the San Diego River Conservancy on August 12, 2005.

Deborah S. Jayne
Executive Officer

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: **11**

SUBJECT: **ELECTION OF PRO TEM VICE-CHAIR**

The Pro Tem Vice-Chair Subcommittee will report its recommendations to the full Governing Board. The Board will consider and possibly elect a Pro Tem Vice-Chair to serve during the remainder of the current two-year term (ending November 12, 2005). (*Acting-Chair Frye and Board Member Atkins*)

PURPOSE: To provide an opportunity for the Governing Board to nominate and elect a Pro Tem Vice-Chair.

DISCUSSION: California Public Resources Code section 32636 defines the procedure for the selecting the Board's Chairperson and Vice Chairperson.

"The governing board shall elect from its own members a chairperson and vice chairperson, whose terms of office shall be two years, and who may serve more than one term. In the event of a vacancy, a new chairperson or vice chairperson may be elected by the governing body before the expiration of the two-year term to fill out the remainder of that two-year term."

On November 12, 2003, the Governing Board elected former Mayor Murphy and Councilmember Donna Frye to be the Chairperson and Vice- Chairperson, respectively, of the Conservancy. These terms expire on November 12, 2005.

Commencing July 15, 2005, Vice-Chair Frye assumed all Chairperson responsibilities for the Governing Board. The Board may wish to nominate and elect an interim Vice-Chair to assist with those duties and responsibilities.

The Governing Board will hold elections for the next two year terms for Chairman and Vice-Chair at its next meeting on

October 14, 2005 (or possibly delay the vote until December 2, 2005 following the San Diego Mayoral election).

LEGAL CONCERNS: None.

FISCAL IMPACT: None.

SUPPORTING
DOCUMENTS: None.

RECOMMENDATION: Elect Pro Tem Vice-Chair.

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: 12

SUBJECT: **RESOLUTION OF APPRECIATION FOR BOARD MEMBER JENNIFER KRAUS**
Upon approval of the Governing Board, Acting-Chair Frye will present Board Member Kraus with a Resolution of Appreciation (*tentative Resolution 05-19*) for her service to the San Diego River Conservancy. (*Acting-Chair Frye*)

PURPOSE: Consideration and possible adoption of tentative Resolution 05-19.

DISCUSSION: Pending the Boards adoption, a Resolution of Appreciation will be presented to Board Member Kraus for her service to the San Diego River Conservancy and for her commitment to preserving and protecting the San Diego River.

The Executive Director will sign the Resolution on behalf of the Governing Board.

Jennifer Kraus will remain the alternate representative for the San Diego Regional Water Quality Control Board.

LEGAL CONCERNS: None.

FISCAL IMPACT: None.

SUPPORTING DOCUMENTS: Tentative Resolution 05-19

RECOMMENDATION: Adopt Resolution 05-19.

San Diego River Conservancy
RESOLUTION NO. 05-19

A RESOLUTION HONORING JENNIFER KRAUS

Whereas, *Jennifer Kraus served on the San Diego River Conservancy Governing Board from April 2005 to July 2005; and,*

Whereas, *Jennifer Kraus, while serving as the designee of the San Diego Regional Water Quality Control Board, contributed significant knowledge and commitment to water quality concerns and River issues; and,*

Whereas, *Jennifer Kraus shared her knowledge of the San Diego community and her insights on the water quality issues important to the preservation and protection of the San Diego River; and,*

Whereas, *Jennifer Kraus attended Board meetings and public events to advance the mission of the San Diego River Conservancy; and,*

Whereas, *Jennifer Kraus was willing to sacrifice personal convenience to attend to the responsibilities of the San Diego River Conservancy; and,*

Whereas, *July 1, 2005 was Jennifer Kraus' last day of service as a Governing Board Member of the San Diego River Conservancy; now, therefore, be it*

Resolved, that the members of the San Diego River Conservancy, hereby express to Jennifer Kraus their appreciation and sincere respect for her dedicated service to the San Diego River Conservancy and the people of California and extend to her best wishes in her future endeavors; and,

Be it Further Resolved, that the members of the San Diego River Conservancy, request that Jennifer Kraus continue to share her knowledge and commitment to River issues with the public and private sectors of the San Diego community and other regions in the State of California.

On Behalf of the San Diego River Conservancy Governing Board,
Presented August 12, 2005 by

Deborah S. Jayne, Executive Officer

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: **13**

SUBJECT: **TRANSNET MITIGATION FUNDS: AVAILABILITY TO THE CONSERVANCY**

Rob Rundle (TransNet Project Manager, SANDAG) will present an overview of the process, priorities, and availability of TransNet Mitigation Funds to the San Diego River Conservancy. The Board may take an action. *(Rob Rundle)*
(20 minutes)

PURPOSE: To inform the Governing Board how the Conservancy can participate in (i.e. receive) TransNet funding.

DISCUSSION: Per the Board's request, Mr. Rob Rundle (TransNet Project Manager, SANDAG) will provide an overview of the recently approved TransNet sales tax ordinance. His presentation will emphasize the Environmental Mitigation Program element of the ordinance and its potential availability to the Conservancy.

Last year, voters countywide approved Proposition A, the 40-year extension of TransNet, the county's half-cent sales tax for transportation improvements. The half-cent-on-the-dollar sales tax for transportation projects will generate an estimated \$14 billion over 40 years for transportation improvement projects, which require matching funds from state and federal sources.

An estimated \$850 million will be used to fund habitat-related environmental mitigation activities required in the implementation of the major highway, transit and regional arterial and local street and road improvements identified in the Regional Transportation Plan. Of this total, an estimated \$250 million is related to mitigation requirements for local transportation projects and an estimated \$600 million is related to mitigation requirements for the major highway and transit projects identified in the Regional Transportation Plan.

The intent is to establish a program to provide for large-scale acquisition and management of critical habitat areas and to create a reliable approach for funding required mitigation for future transportation improvements thereby reducing future costs and accelerating project delivery. This approach would be implemented by obtaining coverage for transportation projects through existing and proposed multiple species conservation plans. If this approach cannot be fully implemented, then these funds shall be used for environmental mitigation purposes on a project by project basis.

LEGAL CONCERNS: None.

FISCAL IMPACT: None.

SUPPORTING
DOCUMENTS: 1. SANDAG Environmental Mitigation Program PowerPoint
Presentation Slideshow

RECOMMENDATION: Accept Mr. Rundle's report.

Agenda Item 13
Supporting Document 1

***SANDAG Environmental Mitigation Program:
Slideshow presentation***

Dated June 2005

State of California
San Diego River Conservancy

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: **14**

SUBJECT: **FY 06 FEDERAL APPROPRIATION FOR
ACQUISITIONS IN CLEVELAND NATIONAL FOREST
/ HEADWATERS OF SAN DIEGO RIVER**

The Conservancy requested a \$500,000 FY 06 Federal Appropriation to support acquisitions of Cleveland National Forest “in-holdings” within the headwaters of the San Diego River. H.R. 2361, Department of Interior Appropriations Bill, provides for acquisition of lands within the Cleveland National Forest (along with seven other forests) and allocates just over \$1 million to be shared among the eight named forests. The Board may adopt a resolution (*tentative Resolution 05-20*) authorizing (1) the use of Proposition 40 River Parkways Funds for State match purposes; and (2) the initiation of willing seller negotiations. (*Deborah Jayne*)

This item will be sent in supplemental agenda packet.

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: 15

SUBJECT: **SENATE BILL 153 – “CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2006”**

Consideration and possible adoption of a resolution (*tentative Resolution 05-21*) authorizing the Executive Office to seek augmentation to the \$10 million line-item allocation currently proposed for the San Diego River Conservancy in Senate Bill 153. An overview of the currently proposed funding breakdown will be provided. (*Deborah Jayne*)

PURPOSE:

Consideration and possible adoption of tentative Resolution 05-21. The Board may discuss additional actions that individual Board members, or the Conservancy as a whole, may wish to take. The Board may also consider directing the Executive Officer to draft a letter to Senator Chesboro (the bill's author), Assemblymember Pavley, the San Diego delegation, and/or other legislators requesting their support for an increased line-item allocation and transmitting Resolution 05-21 for their consideration.

The Executive Officer is seeking the Governing Board's guidance on additional specific language for Resolution 05-21 and/or the letter from the Governing Board requesting an augmented line-item allocation.

DISCUSSION:

On June 10, 2005, the Governing Board adopted Resolution 05-10 supporting the inclusion of a specific line-item allocation for the San Diego River Conservancy in any upcoming state resource Bond Acts, including SB 153 and AB 1269. Furthermore, it authorized the Executive Officer to work with state legislators to secure capital outlay funding for the San Diego River Conservancy. (A copy of signed Resolution 05-10 is attached at the end of the June 10, 2005 Minutes, Agenda Item 2.)

Note: AB 1269 (Pavley) the “Clean Air, Clean Water, Coastal Protection, and Parks Act of 2007” did not pass out of its house of origin (Assembly) by the legislative deadline required for further consideration for this year. This bill may progress when the Legislature reconvenes in January 2006.

During two recent trips to Sacramento, your Executive Officer met with several legislators and their staff to advocate for a capital outlay line-item allocation for the San Diego River Conservancy.

At that time, specific dollar allocations were not included in the language for SB 153. However since then, the bill has been amended a couple of times and now provides a breakdown of how the bond money will potentially be distributed.

Current Language of SB 153

The total dollar amount currently proposed in the bond act is \$3,865,000,000. The sum of \$300,000,000 will be allocated to state conservancies (*see SB 153, Article 3, Section (e)*) in accordance with the particular provisions of the statute creating each conservancy, for acquisition, development, restoration and interpretation, according to the following schedule¹:

1. Baldwin Hills Conservancy - \$40 million
2. San Gabriel and Lower LA Rivers and Mountains Conservancy - \$40 million
3. San Francisco Bay Area Conservancy - \$40 million²
4. Santa Monica Mountains Conservancy - \$40 million
5. Sierra Nevada Conservancy – \$40 million
6. California Tahoe Conservancy - \$40 million
7. Coachella Valley Mountains Conservancy - \$20 million
8. San Joaquin River Conservancy - \$30 million
9. San Diego River Conservancy - \$10 million

It has been explained that the reason the San Diego River Conservancy received the smallest allocation is due to our size (we are the smallest of the state conservancies) and the lack of an established track record for expending money and making acquisitions.

¹ State Coastal Conservancy allocation of \$500 million is specified in Article 4, Section (d) and Article 5, Section (a) of the bond. In addition to the \$500 million, the State Coastal Conservancy has been allocated \$50 million for acquisition, development and restoration to expand the Santa Ana River Parkway.

² Note that the San Francisco Bay Area Conservancy is NOT a state-chartered conservancy. It is instead a program of the State Coastal Conservancy.

Current Status of SD 153

7/11/05- Read for a second time in Assembly Appropriations Committee. On August 15, 2005, the legislature reconvenes from recess, and ideally this bill will pass out of Assembly Appropriations to the Assembly Floor for a vote. September 2nd is the last day to amend bills on the Floor. September 9th is the deadline for Assembly to pass this bill. If approved, this measure would appear on the 2006 statewide primary election.

The Importance of a Track Record / “Funding Catch-22”

It is very important to develop a track record which demonstrates that the Conservancy has the organizational capacity to expend money, acquire and manage land, create effective partnerships and leverage funds, etc.

For example, it is important for the Conservancy to get appropriate recognition for the three projects previously approved by the Board for Prop 40 funding (Eagle Peak Acquisition, Ocean Beach Bicycle Path, and Mission Valley Preserve Restoration). When money flows directly from Resources Agency to the City of San Diego or the San Diego River Park Foundation, the Conservancy’s role and “value added” is much less obvious.

The San Diego River Conservancy is a “good investment of State resources”. The Catch-22 appears to be “you need money (and a track record) to get money”.

Justification / Track Record

The Conservancy has made considerable progress in its capacity to work with local partners, potential sellers, and bring attention to the San Diego River. Important efforts that could be used to justify an augmentation to the Conservancy’s line-item allocation are:

- Several promising acquisitions in the headwaters
- Several promising acquisitions in Mission Valley
- Initiated or strengthened new working relationships with key partners of legislators.
- Spoke at or participated in community groups and public outreach events
- Developed first Conservancy brochure and promotional giveaways for public outreach purposes.
- Analyzed and commented on numerous critical planning documents and CEQA reviews for new proposed developments along the San Diego River

Role of Conservancy

In agenda item 19, the Board will be asked to make a policy decision to identify the best role (and strategy) for the Conservancy in an upcoming potential acquisition. The Governing Board could provide direction on what the role of the Conservancy should be, keeping in mind the importance and effects of establishing a track record.

There are three possible roles the Conservancy could take:

1. Conservancy obtains a grant from Resources Agency (Prop 40 funds) and we acquire the property directly. The Conservancy then transfers the property to a local partner for long-term maintenance; OR
2. Conservancy obtains a grant from Resources Agency (Prop 40 funds). The Conservancy then “re-grants” the funds to a partner. The partner then acquires the property; OR
3. Our partner obtains a grant directly from Resources Agency. The Conservancy Governing Board approves and recommends the project for funding. The Partner then acquires the property.

LEGAL CONCERNS: None.

FISCAL IMPACT: Potential increase in Capitol Outlay funding.

SUPPORTING
DOCUMENTS:

1. Tentative Resolution 05-21
2. Current Text of SB 153 (Chesboro)

RECOMMENDATION: Adopt Resolution 05-21.

SAN DIEGO RIVER CONSERVANCY

Tentative RESOLUTION 05-21

SB 153 “The California Clean Water, Safe Neighborhood Parks, and Coastal Protection Act of 2006”

The Governing Board of the San Diego River Conservancy hereby strongly supports the augmentation of the currently proposed \$10 million line-item allocation for the San Diego River Conservancy in SB 153.

The Governing Board authorizes the Executive Officer to transmit Resolution 05-21 and a cover letter requesting support for a larger San Diego River Conservancy line-item to Senator Chesboro, Assembly member Pavley, all San Diego-region state legislators, and all key staff members. Furthermore, the Governing Board authorizes the Executive Officer to work cooperatively with State legislators and key partners to augment the proposed capital outlay funding for the San Diego River Conservancy.

I, Deborah S. Jayne, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the San Diego River Conservancy on August 12, 2005.

Deborah S. Jayne
Executive Officer

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: **16**

SUBJECT: **RECOMMENDATION FOR USE OF \$240,000
SETTLEMENT AWARD: RIVER-WIDE
HYDROLOGICAL ASSESSMENT**

Consideration and possible adoption of a resolution (*tentative Resolution 05-22*) authorizing the Executive Officer to enter into a contractual agreement for the conduct of a river-wide hydrological assessment. Alternative uses for the funds will also be presented. (*Deborah Jayne*)

PURPOSE: Consideration and possible adoption of tentative Resolution 05-22.

DISCUSSION: At the April 8, 2005 Board meeting, the Board adopted Resolution 05-02, authorizing the Executive Officer to accept \$240,000 of a settlement agreement between the City of San Diego and the California Regional Water Quality Control Board, San Diego Region and to deposit these funds into a special interest bearing account.

Since that time, the Executive Officer has requested that the Department of Finance establish an interest-bearing Special Deposit Fund Account to hold certain funds received by the Conservancy as a result of a negotiated settlement or supplemental environmental project (SEP) (**Supporting Document 2**). The Special Deposit Fund Account will provide the Conservancy the time and flexibility needed to evaluate various alternative uses for the funds and to select the use that best supports the Conservancy's mission, taking into account both current and long-term needs and objectives.

Riverwide Hydrology Assessment

Although there are many good alternatives, at this time the Executive Officer recommends that the \$240,000 be used to conduct a Hydrology Assessment of the San Diego River from the El Capitan Dam to the Pacific Ocean. The single most

important purpose of the Hydrology Assessment is to provide decision-makers with the essential information they need to make “*informed decisions*” about future project proposals (for development, redevelopment, maintenance, and repair, etc.).

Using sophisticated models, the Assessment will describe current or “baseline” conditions in the San Diego River in terms of numerous key hydrologic parameters. Once baseline is established, the model can then be used to predict the future hydrologic consequences of an infinite number of “build-out scenarios” associated with proposed development and redevelopment projects. Taking into account relevant factors such as percent impervious surfaces, new pollutant sources (such as people, cars and buildings), the model can predict the flow, volume, velocity, and pollutant loading (among other parameters) that the proposed project will generate under various weather conditions.

Armed with this powerful tool, the decision-makers can now “*see*” the hydrologic and water quality consequences of each proposed project before they are asked to make a decision. In the absence of this tool, decision-makers must continue to rely on the adequacy and accuracy of CEQA documents, their own personal experience and judgment, and whatever historical evidence may be available (there is no lack of mistakes from which to learn). The decision-maker must then wait, along with the public they serve, to actually observe the long-term impacts of their decisions.

As you know in the case of the Grantville Redevelopment Project and numerous other upcoming proposals, I strongly believe that the results of an area-wide Hydrology Assessment of the River and major tributaries are absolutely essential to informed decision-making. I also believe that this hydrology information must be reviewed and carefully considered prior to certifying the adequacy of an EIR or approving a project.

In summary, it seems only fair and common sense to provide the necessary tools to our decision-makers that allow them to make informed decisions. Informed decision-makers will hopefully make more River-sensitive decisions and can also be held more fully accountable for the long-term results of those decisions. Further I believe that an understanding of San Diego River hydrology should also be the starting point for the Conservancy’s decision-making and long-term strategic planning.

Potential Funding Partners

City of San Diego
San Diego State University

Potential Contractors

- Dr. Cheng, retired SDSU Professor of Engineering
- US Department of the Interior, Department of Reclamation
- US Environmental Protection Agency (USEPA)
- private contractors

Other Alternatives

Although the Executive Officer is currently recommending that the \$240,000 be used for a Hydrologic Assessment of the San Diego River, the Board may wish to consider a number of other alternatives including:

- 1) CEQA Analysis for City's River Park Master Plan: Provide funding towards conduct of CEQA analysis for City's Master Plan. Upon completion of CEQA and adoption by the San Diego City Council, the Master Plan design guidelines and overlay zone will be "enforceable" as formal City policy. Total cost of CEQA is estimated to be approximately \$600,000.
- 2) Geospatial Information Management System: Develop a Geospatial Information Management System for the Conservancy and San Diego River Watershed. The Executive Officer has discussed development and benefits of such a system several times over the past year with (a) members of San Diego Regional Workbench Consortium (Keith Pezzolli, et al); and (b) the Executive Officer of the San Diego Regional Water Quality Control Board.
- 3) Acquisitions Fund: Set funds aside for high priority acquisitions and easements (which are currently unspecified).
- 4) Matching Funds: Set funds aside to meet the "matching funds" requirement for current and future grant funding proposals.
- 5) Revolving Loan Fund: Establish a Revolving Loan Fund to provide quick cash to cover upfront costs for property acquisitions or conservation easements. For

example, appraisals or option agreements as needed to secure a property or easement.

- 6) Other Projects: Other projects as specified in the City's River Park Master Plan or other relevant planning document.

The Board may also wish to recommend additional alternatives.

LEGAL CONCERNS: None.

FISCAL IMPACT: None.

SUPPORTING
DOCUMENTS:

1. Tentative Resolution 05-22
2. Letter from Deborah Jayne to Ken Lane, Department of Finance. June 1, 2005.

RECOMMENDATION: Adopt Resolution 05-22.

SAN DIEGO RIVER CONSERVANCY

Tentative RESOLUTION 05-22

***Recommendation for Use of \$240,000 Settlement Award:
River-wide Hydrological Assessment and Other Alternatives***

The Governing Board of the San Diego River Conservancy hereby authorizes the Executive Officer to enter into a contractual agreement for the conduct of a river-wide hydrological assessment.

I, Deborah S. Jayne, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the San Diego River Conservancy on August 12, 2005.

Deborah S. Jayne
Executive Officer

State of California
San Diego River Conservancy

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: 17

SUBJECT: **PROTECTION OF LIFE AND PROPERTY FROM
FLOODING ALONG THE SAN DIEGO RIVER**

The Executive Officer will provide an informational report on a variety of approaches used in Southern California and elsewhere to minimize public and private losses due to flooding. The Board may take an action. (*Deborah Jayne*)

This item will be included in the supplemental mailing.

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: **18**

SUBJECT: **STATUS OF PREVIOUSLY APPROVED PROPOSITION
40 RIVER PARKWAYS PROJECTS**

Attached is a status report on the three projects previously authorized by the San Diego River Conservancy Governing Board for Proposition 40 River Parkways funding. The Board may take an action. (*Deborah Jayne*)

PURPOSE: Information item. This item is included to inform the Board about the status of the previously approved Proposition 40 River Parkways expenditures and to provide an opportunity for Board discussion and further direction.

DISCUSSION: Although approved by this Governing Board for Proposition 40 River Parkways funding almost a year ago, complete applications for Prop 40 funding have not yet been received by the Resources Agency for any of the three approved projects. Consequently, no funds have been expended to date.

For the sake of efficiency, you may recall that I recommended, and you concurred, that the City of San Diego and the San Diego River Park Foundation apply directly to the Resources Agency for Prop 40 funding for their respective projects. The alternative was for the Conservancy to apply for and receive River Parkways grant funds and then “re-grant” these funds to the City and Foundation for project implementation.

Under the approach we selected, the City and Foundation were to apply for and receive direct funding. The Conservancy’s role would be to (1) review each project for consistency with the Conservancy’s enabling statute, mission, and numerous San Diego River planning documents (in various stages of development); (2) evaluate the relative merit and priority of each project; (3) approve and recommend each project to the Resources Agency for Prop 40 funding; (4) facilitate the grant application and award process as needed; and (5) facilitate

project implementation. To date the Conservancy has completed numbers 1 through 3. The Conservancy has also, on numerous occasions, offered to assist the City and Foundation in any way possible in order to facilitate and expedite the grant application process. As described below, the City and the Foundation have made significant progress on their project grant applications, but have not yet completed them.

Background

In late 2002, former Governor Davis signed the fiscal year 2002-2003 budget bill which appropriated \$12 million in bond funds for the protection and restoration of the San Diego River.

This Executive Officer Summary Report is intended to provide the Board with an update of the application for, and expenditure of, those funds to date.

| | |
|---|-----------------|
| Total Appropriation for San Diego River | \$12 million |
| Lakeside Conservancy CalMat Acquisition | (\$4.2 million) |
| Remaining Appropriation (in April 2004) | \$7.8 million |

In September 2004, this Governing Board voted to formally endorse and recommend expenditure of Proposition 40 River Parkways funds for the following three projects:

| | |
|---|----------------|
| 1) Eagle Peak Acquisition | (\$ 200,000) |
| 2) Construction of Bicycle Pathway | (\$ 2 million) |
| 3) Restoration of Mission Valley Preserve | (\$ 500,000) |
| Total Cost of Three Proposed Projects | \$2.7 million |

| | |
|---|-----------------------------|
| Current Balance of Appropriation | \$7.8 million |
| Approved Projects | (2.7 million) |
| <i>Remaining Appropriation</i> | <i>\$5.1 million</i> |
| <i>(assumes implementation of three approved projects)</i> | |

The Conservancy is partnering with the San Diego River Park Foundation on the first project and with the City of San Diego on the other two projects. To date, no funds have been expended on these projects.

Current Status of Grant Applications

Eagle Peak Acquisition: The San Diego River Park Foundation is in the final stages of completing its grant application to Resources Agency. Mr. Hutsel has agreed to let me review the application after Foundation Board Members have reviewed it.

City Projects: The City of San Diego has submitted preliminary applications for each of its two projects. The Resources Agency responded with a list of additional detailed information which it requires to process the applications. The City has committed to providing the requested information to the Resources Agency in the month of August.

I will keep in contact with the City, the Foundation, and the grants staff of the Resources Agency. I will keep you apprised of progress and continue to look for ways to facilitate the process.

LEGAL CONCERNS: None.

FISCAL IMPACT: None.

SUPPORTING
DOCUMENTS:

1. San Diego River Conservancy, Adopted Minutes from the September 4, 2004 Governing Board Meeting. (**See Item 13, Page 4**).
2. Support Letter from Deborah Jayne to Rob Hutsel (San Diego River Park Foundation) dated October 25, 2004 regarding Eagle Peak Preserve acquisition.

RECOMMENDATION: Accept the Executive Officer's Report.

State of California
San Diego River Conservancy

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: **19**

SUBJECT: **NEW PROPOSITION 40 RIVER PARKWAYS PROPOSALS** (*Deborah Jayne*)

Consideration and possible adoption of a resolution (*tentative Resolution 05-23*) authorizing the Executive Officer to secure River Parkways Proposition 40 funding for:

- (1) Cedar Creek Falls Trail – Continue construction of Cedar Creek Falls Trail in partnership with Cleveland National Forest (and possibly Helix Water District)
- (2) Potential San Diego River Acquisitions
- (3) Other potential projects

This item will be included in the supplemental mailing.

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: **20**

SUBJECT: **POTENTIAL \$50,000 SEP FROM METROPOLITAN TRANSIT SYSTEM (MTS)**

Consideration and possible adoption of a resolution (*tentative Resolution 05-24*) authorizing the Executive Officer to compete for a \$50,000 Supplemental Environmental Project (SEP) award from MTS. The SEP is part of a larger settlement between the California Regional Water Quality Control Board, San Diego Region and MTS for discharges to the San Diego River associated with construction activity at MTS' Mission Valley East Light Rail Transit Project. (*Deborah Jayne*)

PURPOSE: Consideration and possible adoption of tentative Resolution 05-24.

DISCUSSION:

Background

Beginning May 2001 through June 2005, the Metropolitan Transit System (MTS) owned and operated a construction site known as the Mission Valley East Light Rail Transit (MVE LRT) Project. The MVE LRT project consists of a relatively narrow six-mile long, 134-acre rail line, constructed within and adjacent to the San Diego River, Alvarado Creek, and other lesser tributaries to the San Diego River. The new rail line section begins in the Grantville community (east of Qualcomm Stadium), then continues underground through San Diego State University, and terminates aboveground at the western side of La Mesa near Interstate 8. Pursuant to the State's General Construction NPDES Storm Water Permit, MTS was required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) and implement Best Management Practices (BMPs) to reduce pollutants in storm water and non-storm water discharges from the construction site.

On March 17, 2005, the San Diego Regional Water Quality Control Board issued Administrative Civil Liability (ACL) Complaint No. R9-2005-0062 to the MTS in the amount of

\$500,000. The complaint alleged a wide variety of violations including chronic failure to implement and/or maintain BMPs over two wet weather seasons (499 days); at least 27 days of sediment discharges into Alvarado Creek (a tributary to the San Diego River); and the discharge of sewage from a construction trailer directly into Alvarado Creek.

On August 10, 2005 the Regional Water Quality Control Board is scheduled to consider a settlement offer proposed by MTS. The offer currently consists of a total payment of \$150,000, with \$100,000 to the State Water Resources Control Board's Cleanup and Abatement Account and \$50,000 for a Supplemental Environmental Project (SEP) to improve water quality within the San Diego River.

In the event the Regional Board accepts the settlement offer, the MTS may initiate a solicitation period to receive project applications for SEP funding. Assuming MTS selects a project for funding, the project would likely then go back to the Regional Board for final approval. If MTS does not propose a specific SEP to the Regional Board, the Regional Board may recommend a project for SEP funding.

The Executive Officer is seeking authorization to submit an application to MTS (and/or the Regional Board) for a water quality related SEP in the San Diego River.

LEGAL CONCERNS: None.

FISCAL IMPACT: None.

SUPPORTING DOCUMENTS: Tentative Resolution 05-24.

RECOMMENDATION: Adopt tentative Resolution 05-24.

SAN DIEGO RIVER CONSERVANCY

Tentative RESOLUTION 05-24

Authorization to Submit an Application for SEP Funding

Assuming the San Diego Regional Water Quality Control Board accepts the Metropolitan Transit System's (MTS's) proposed settlement for illicit discharges to Alvarado Creek, the Governing Board of the San Diego River Conservancy hereby authorizes its Executive Officer to prepare and submit an application to MTS (and/or the Regional Board) for a water quality related Supplemental Environmental Project (SEP) in the San Diego River.

I, Deborah S. Jayne, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the San Diego River Conservancy on August 12, 2005.

Deborah S. Jayne
Executive Officer

State of California
San Diego River Conservancy

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: **21**

SUBJECT: **ADMINISTRATIVE MATTERS**

PURPOSE: This item is for minor administrative matters only and the Board will take no formal action.

State of California
San Diego River Conservancy

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: **22**

SUBJECT: **EXECUTIVE SESSION**

PURPOSE: Following or any time during the meeting, the Governing Board may recess or adjourn to closed session to consider pending or potential litigation; property negotiations; or personnel-related matters. Authority: Government Code Section 11126(a), (c)(7), or (e).

State of California
San Diego River Conservancy

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: **23**

SUBJECT: **UPCOMING EVENTS**

San Diego River Park Foundation's 4th Anniversary Celebration
Friday, September 16, 2005. 5:30PM - 7:30PM.

State of California
San Diego River Conservancy

EXECUTIVE OFFICER SUMMARY REPORT
August 12, 2005

ITEM: **24**

SUBJECT: **ARRANGEMENTS FOR NEXT MEETING AND
ADJOURNMENT**

Friday, October 14, 2005

9:00 am to 11:30 am

Location: San Diego Regional Water Quality Control Board
Office

9174 Sky Park Court, Suite 100

San Diego, California

(858) 467-2733

News Articles which mention the San Diego River Conservancy

1. *Bill Adds Clout To The Water In S.D.*
By Michael Gardner
San Diego Union Tribune
June 20, 2005

News Articles which mention the San Diego River

2. *Long-Awaited Path*
By Alex Roth
San Diego Union Tribune
July 27, 2005
3. *River's Health An Issue In Fashion Valley Road Repair*
By Terry Rodgers
San Diego Union Tribune
June 10, 2005
4. *The Mess That Is Mission Valley*
By Thomas K. Arnold
San Diego Magazine
April, 2005
5. *Valley Of No Return*
By Roger M. Showley
San Diego Union Tribune
December 12, 2004
6. *The Rise In Falls*
By Scott Lafee
San Diego Union Tribune
May 15, 2005
7. *Wildfire Torches 10 Acres Of Brush*
By Bruce Lieberman
San Diego Union Tribune
July 16, 2005
8. *Murphy Era At An End*
By Philip J. LaVelle
San Diego Union Tribune
July 15, 2005

9. *Going To The Source*
By Peter Rowe
San Diego Union Tribune
September 1, 2002

10. *A Way With Water*
By Peter Rowe
San Diego Union Tribune
September 2, 2002

11. *Last Chances*
By Peter Rowe
San Diego Union Tribune
September 3, 2002

12. *A Line Of Scrimmage*
By Ronald W. Powell
San Diego Union Tribune
July 4, 2005

13. *Bracing For The Big One*
By Michael Grant
Voice Of San Diego
July 11, 2005

14. *Moving On Up To The East Side*
By Geroge Varga and Mark Sauer
San Diego Union Tribune
July 29, 2005

Additional News Articles of Interest

15. *Governor Schwarzenegger Signs Budget That Improves Fire and Flood Protection, Preserves California's Natural Resources*
Press Release
July 12, 2005

16. *Developers Score In Court*
By Greg Moran
San Diego Union Tribune
June 24, 2005

17. *State Lawmakers Try To Limit Ruling On Property Seizure*
By Kathleen Hennessey
San Diego Union Tribune
July 15, 2005

18. *Property Can Be Taken For Development-Supreme Court*
By James Vicini
Reuters
June 23, 2005
19. *SDSU Growth Plan Runs Into Resistance On A Del Cerro Cul-De-Sac*
By Karen Kucher
San Diego Union Tribune
July 14, 2005
20. *Control Issues Hamper Paseo Plan Near SDSU*
By Lisa Petrillo
San Diego Union Tribune
July 13, 2005
21. *Project EIR Provides A Snapshot Of 12-Acre Urban Village At SDSU*
By Kristen Green
San Diego Union Tribune
April 19, 2005
22. *Tiny Bird Wields Great Power*
By Richard Riehl
North County Times
June 20, 2005
23. *New Forest Plans Due Out In September*
By Dave Downey
North County Times
July 5, 2005
24. *Guns And Buffer*
By Mike Lee
San Diego Union Tribune
July 26, 2005
25. *New River Cleanup Set In Motion With State Bill's Signing*
By Mike Lee
San Diego Union Tribune
July 27, 2005
26. *Conservancy Buys Riverfront Land*
By Gregory W. Griggs
Los Angeles Times
July 22, 2005

27. *\$5 Million OK'd To Buy Land Along San Luis Rey River For A Park*
By J. Harry Jones
San Diego Union Tribune
July 14, 2005

28. *Putting A Deal Together To Save Land*
By David S. Broder
San Diego Union Tribune
June 19, 2005

29. *State Ready To Improve Park Access For Disabled*
By Michael Gardner
San Diego Union Tribune
July 13, 2005

30. *State High Court Rules For Coastal Commission*
By Terry Rodgers
San Diego Union Tribune
June 24, 2005

31. *Bucking The Tide*
By Terry Rodgers
San Diego Union Tribune
June 5, 2005

32. *Padilla Is Named To Coastal Panel Seat*
By Amy Oakes
San Diego Union Tribune
July 14, 2005

33. *New Play Is Possible In Stadium Financing*
By Michael Gardner
San Diego Union Tribune
June 23, 2005

34. *Chargers Plan To Ask Voters About Stadium*
By Ronald W. Powell
San Diego Union Tribune
June 20, 2005

35. *Court Blocks Rural O.C. Development*
By David Reyes and Sara Lin
Los Angeles Times
June 30, 2005

36. *Some Wary Of Water Authority Measures*
By Michael Gardner
San Diego Union Tribune
June 13, 2005

37. *Big Pipeline Project's A 'Go'*
By Michele Clock
San Diego Union Tribune
June 24, 2005

38. *'Repurified' Wastewater Backed For Home Use*
By Mike Lee
San Diego Union Tribune
July 15, 2005

39. *Bay Cleanup Plan Stalls; Report To Be Released*
By Mike Lee
San Diego Union Tribune
June 30, 2005

40. *Managing Disputed Bay Cleanup Shapes Up As Test For Water Board*
By Mike Lee
San Diego Union Tribune
June 29, 2005

