

Notice of Public Meeting

San Diego River Conservancy

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

November 21, 2008
9:30 am – 11:30 am

Meeting Location

San Diego City Hall 202 "C" Street
Closed Session Committee Room, 12th Floor
San Diego, California 92101

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

Contact: Michael Nelson
(619) 645-3183

Meeting Agenda

1. Roll Call
2. Approval of Minutes
3. **Public Comment**
Any person may address the Governing Board at this time regarding any matter within the Board's authority. Presentations will be limited to three minutes for individuals and five minutes for representatives of organizations. Submission of information in writing is encouraged.
4. **Chairperson's and Governing Board Members' Report**
5. **Executive Officer's Report**
The following topics may be included in the Executive Officers Report. The Board may take action regarding any of them:

Project Updates

- Bike Path
- Logo Design
- SDSU, SDRRC, SDRPF / San Diego River Watershed Data Collection and Restoration Program

Supplemental Environmental Project (SEP)

- San Diego Regional Water Quality Control Board- San Diego Water Authority

Contract & Procurements

- Department of Fish & Game Property

Legislative News

- SB 1428
- 08-09 Budget

2008-2009 Special Session – Governor’s Announcement

6. Deputy Attorney Generals Report
7. San Diego River Trail - Mast Park West-City of Santee
(Proposition 40 Grant Application)
 - Presentation: City of Santee
 - Resolution 08-07
8. Trust for Public Lands (TPL) - New Partnership
(Grant for TPL’s Conservation Vision Services)
 - Presentation & Report: Michael Nelson & Caryn Ernst of TPL
 - Resolution 08-08
9. San Diego River Gorge Trail and Trailhead Improvement Project
(Consideration of Adoption of a Negative Declaration)
 - Presentation and Report: Michael Nelson, Ann Van Leer
 - Resolution 08-09
10. Adjournment

Accessibility

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

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of November 21, 2008

ITEM: 1

SUBJECT: **ROLL CALL AND INTRODUCTIONS**

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of November 21, 2008

ITEM: 2

SUBJECT: **APPROVAL OF MINUTES**

The Board will consider adoption of the **September 18, 2008** public meeting minutes.

PURPOSE: The minutes of the **September 18, 2008** Board Meeting are attached for your review.

RECOMMENDATION: Approve minutes

SAN DIEGO RIVER CONSERVANCY (SDRC)
Minutes of September 18, 2008 Public Meeting

(Draft Minutes for Approval November 21, 2008)

Chairperson Donna Frye called the September 18, 2008 meeting of the San Diego River Conservancy to order at approximately 1:05 p.m.

1. Roll Call

Members Present:

Donna Frye, Chair	Council Member, City of San Diego
Dianne Jacob	Supervisor, Second District, County of San Diego
Jerry Sanders	Mayor, City of San Diego—Arrived at 1:30 p.m.
John Donnelly	Wildlife Conservation Board—Via Phone
Anne Sheehan	Department of Finance—Via Phone
Anne Haddad	Public at Large
Ronie Clark	Department of Parks and Recreation
Ben Clay	Public at Large
David King	San Diego Regional Water Quality Board
Toni Atkins	Council Member, Public at Large
Karen Scarborough	Resources Agency

Absent:

Ruth Hayward	Public at Large
Andrew Poat	Public at Large

Staff Members Present:

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

Others Present:

Janet Redding, Michael Beck, Nicole McGinnis, Jeffery Pasek, Chuck Muse, Sue Richardson, Chet Barfield, Melanie Kush, Brian Albright, Megan Hamilton, Brent Eidson, Stephen Hill, Megan Johnson, Tale Hase, Mark West

2. Approval of Minutes

Ben Clay moved approval of the minutes of the July 18, 2008 public meeting. The motion was seconded by Ann Haddad. The minutes were adopted unanimously.

3. Public Comment

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

Anne Sheehan informed the Board that this meeting would be her last as alternate for the Department of Finance. She stated that she was leaving the Department of Finance to accept a position as Director of Corporate Governance. Tom Sheehy who is presently the Department's, Legislative Director would be filling in until a permanent replacement is selected.

4. Chairperson's and Governing Board Members' Report

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

6. Deputy Attorney General's Report

(No report)

7. Proposition 40 Allocations: Status Report / Introduction of New Partners

Mike Nelson explained that a critical deadline was approaching for the SDRC's Proposition 40 funding; that the Resources Agency had established a deadline of May 2009 to have all funds encumbered. He mentioned that at the last meeting he said that he would review the status of all Proposition 40 projects to make certain that projects could meet this deadline and would make recommendations regarding any remaining funds. He asked Ann Van Leer to give a status report of Proposition 40 funds and projects and to introduce SDRC's new partners to the Board for those projects that would utilize the Proposition 40 funds that remained.

Ann Van Leer stated that there was approximately \$4.2 million of funds left unencumbered from the original \$10 million set aside for SDRC by the Resources Agency. She indicated that Hanson Ponds and the Riverford Road Trail will soon be encumbered and reduce the remaining balance to \$2.2million. She stated that today's agenda included two resolutions for previously approved projects, Invasives Removal and the River Gorge Trail. She added that the Board's approval of these resolutions would further reduce the balance to approximately \$450,000. She also indicated that the Board would receive a presentation from the City of Santee regarding a San Diego River Trail project that would encumber the balance of the Proposition 40 funds; it would appear on SDRC's next meeting agenda. She introduced representatives of projects that would use the funds approved for the invasives program.

Carlton Oaks Golf Course

Jeff Pasek City of San Diego, Water Department stated that the Water Department owned about 101 acres at the City's eastern boundaries. Presently, 73 acres is leased to the Carlton Oaks Golf Course. It is a 50-year lease that will expire at the end of this calendar year. He further stated that it was the City of San Diego and the Water Department's intention to hold on to the land and renegotiate a lease with the golf course operators. He said that 65 acres along the San Diego River would be retained as riparian habitat. He added the Water Department valued the golf course and the

undeveloped riparian habitat because they protected ground water resources and other resources along the river.

Cactus Park

Mike Nelson recalled that the Board had encouraged a meeting with all of the property owners in the vicinity of Cactus Park to determine whether these properties could be restored and possibly improved to provide greater public benefits. The Parks and Recreation Department for the County of San Diego took the lead.

Brian Albright Assistant Director of the Department of Parks and Recreation indicated that since the attempted child abduction near the park, the County had thinned the vegetation and made improvements to its property. He added that the County had met with neighboring land owners, which have become partners, to look at the larger area and determine what biological resources were present and identify invasives that could be removed to make these properties less attractive as a site for encampments. A biological study was commissioned which identified infestations of invasive vegetation, both arundo and tamarisk. He said the County would like to proceed with a restoration project and improve a trail which could extend from the Lakeside River Park Conservancy's trail across Highway 67 and terminate at Cactus Park. He noted that the Department of Parks and Recreation has a multi-year contract with California Conservation Corps which meant that if funding was available his Department could move quickly, do some hand thinning and then dispatch their crew to improve the trail.

Ann Van Leer provided an update on the River Gorge Trail Project. She stated that this project has been evolutionary. It started as a trail, then a trailhead and has now been combined into one larger project. She said that the project hadn't gone as quickly as SDRC would have liked, but Al Colby and Joan Friedlander, the new district ranger, have stepped in and made it a priority for Cleveland National Forest. One of the resolutions before the Board today would obligate additional funds and allow progress to continue.

Ann Van Leer introduced **Melanie Kush** from the City of Santee who gave a presentation on the Mast Park West Trail for which Santee will request funding.

Mast Park West

Melanie Kush City Planner for the City of Santee introduced **Sue Richardson** from the City of Santee, Community Services Department. She said the Mast Park West project is comprised of a trail and trailhead within a 43-acre property adjacent to the San Diego River. The project is estimated to cost \$470,000 and would establish a critical segment in the San Diego River Trail. She stated that the project would balance habitat conservation values and public enjoyment in an environmentally responsible way. She explained the City of Santee had been offered the property contingent upon the recordation of a Conservation Agreement and that quitclaim deed is pending approval of the Conservation Agreement by the Wildlife Agencies. The City would like to participate in making this important regional river trail connection. She said they would add a trailhead, a kiosk, nature and regulatory signs and lodge pole fencing. The trail would formalize the non-formalized access over a path that already exists; and, it would widen and create an improved surface for cyclist and equestrians users. The cost of this project is approximately \$470,000 and includes a 15% contingency.

Ronie Clark asked if the City was planning for parking near the trailhead.

Melanie Kush said that Santee was not planning any parking near the trail head, but at Mast

Park there is parking directly across the street under the bridge.

Dianne Jacob: I am very excited about these projects. She stated that clearing out arundo and inviting bringing the public to these areas will solve other problems like transients in the area.

Anne Sheehan questioned if the motion would be to approve both Resolutions 08-05 and 08-06.

Chairperson Frye responded affirmatively and said the motion would also allow adjustment of earlier allocations of Prop 40 funds with the approval of the Chair.

Dianne Jacob moved the approval of Resolution 08-05 and 08-06 to refine earlier allocations of Proposition 40 funds and to also authorize the executive officer, with the approval of the chair, to modify funding levels for the proposed projects, Invasives, and River Gorge Trail/Trailhead, within the unencumbered balance of \$1,918,796.00 and retaining sufficient funding to support the Santee Trail should Governing Board members choose to do so at the meeting of November 21.

Ben Clay seconded the motion. The Board voted 9-0-0 to approve the motion.

8. Proposition 84 Allocations: Status Report / Introduction of New Project Manager

Mike Nelson mentioned that since the Board had expressed interest in the status of Prop 40 funding, that today's meeting would also provide an opportunity to review the status of Proposition 84 funds, the only other fund source presently available to SDRC. He reported that SDRC received a \$2.9 million set aside of Proposition 84 funding in the Fiscal Year 07/08 budget which had been allocated to the State Coastal Conservancy (SCC). He explained that this "set aside" was accomplished through "budget language" placed within SCC's budget. The SDRC Board has approved two projects that utilize these funds: the Tributary/Canyon Project and the San Diego River Trail connection beneath SR 163 between Fashion Valley Mall and Hazard Center. He added that in addition to the \$2.9 million, another \$3 million had been identified in budget language for SDRC projects in the 08/09 budget approved by the Legislature.

He stated that he is presently working with SCC to obligate and encumber funds for those projects and has identified SDRC projects that would be candidates for the remaining funds. He introduced Megan Cooper, the project officer for SCC, to review the status of the Proposition 84 funding.

Megan Cooper presented the actions SCC had taken to obligate this budget allocation. She focused on three projects:

Tributary/Canyons Project

She reported that SCC had approved a \$150,000 planning grant for the Tributary/Canyons Project June 5, 2008. Jim King is SDRC's manager for this grant. SCC's approval provides SDRC with funding necessary to prepare a conceptual design before proceeding with implementation. She stated that Jim King was in the process of hiring contractors to get the design phase underway.

The San Diego River Trail (SR 163)

Regarding the San Diego River Trail Project at SR163, she reported that SDRC and she had discussed the project with officials from the City of San Diego and it was agreed that the City would fund all preconstruction costs, including engineering and permitting. After completing the design, permitting and achieving environmental compliance (CEQA), SCC would tentatively agree to fund construction.

She also informed the Board that she had arranged a bike ride along the San Diego River Trail with the SCC's Regional Manager, the Executive Director of the San Diego County Bicycle Coalition and SDRC's Executive Officer. She stated that the group toured trail segments from Lakeside to Ocean Beach and indicated that it had helped achieve a better understanding of the San Diego River Trail, as well as the gaps that must be addressed. In fact, SCC and SDRC are considering the advisability of doing a "gaps analysis" that would better define, the impediments, the distance of the missing linkages, and preliminary calculation of the construction costs.

Mike Nelson emphasized that the "gaps analysis" would establish estimates for the investment that has been made in the Trail. As an example, he suggested that the document would attempt to estimate private and public funding throughout Mission Valley; facts that would hopefully make SDRC and its partners grant applications more attractive.

Watershed Monitoring Project

The third project, which this Board had approved at an earlier meeting and has been referred to as, RiverNet, was the subject of a discussion in Oakland with Mike Nelson, officials from San Diego State University and SCC's Conservancy's Executive Officer. A decision was made that SCC would consider a planning grant to better define the scope of the project. What the data needs were and how the data would be utilized. She stated that this could be a fairly quick exercise that would make certain the project was eligible for funding by SCC. She noted that she planned to present the proposal to the SCC Board, December 5, 2008.

John Donnelly asked if Megan could explain the fiscal relationship between SCC and SDRC and whether the Coastal Conservancy has final say over the allocation or SDRC.

Megan Cooper responded that the funding was contained in the SCC's budget, so SCC has the final say. Though the funding must be spent on projects approved by the SDRC Board, ultimately, SCC remains responsible for the expenditure of funds.

John Donnelly also asked whether the allocation was in budget language or bond language.

Megan Cooper replied that it was budget language.

Mike Nelson stated that SDRC has agreed to pursue projects that are consistent with the goals of SDRC and SCC.

Ben Clay asked what the footnote on the Walker/Santee and Hanson Ponds acquisitions meant and quoted "funds budgeted for these acquisitions may decrease if grant applications for them are successful".

Mike Nelson explained that *Hanson Ponds* was one of the Proposition 40 projects that Ann Van Leer referred to in her overview and that to date; SDRC has approved \$1.5 million of Proposition 40 funds for this acquisition. He continued that SDRC's partner, the Endangered Habitat Conservancy (EHC) has negotiated a \$5 million purchase price for the property and had successfully applied to the Resources Agency for \$1.5 million in Proposition 50 funds. He said that EHC intended to apply for the additional \$2 million from other fund sources. He advised that he had discussions with EHC and SCC and suggested that he would be willing to recommend to the SDRC Board a proposal to consider the approval of an additional one million dollars, if EHC's applications were unsuccessful, rather than jeopardize this 125-acre land conservation opportunity. Since all of our Prop 40 funds have been obligated he would have proposed using Prop 84 funds. He further stated that he was optimistic EHC will be successful, and that his inclusion of the project in the matrix was intended to serve as a placeholder, not an allocation the

SDRC Board had approved. He further stated that the *Walker Property* was also included on the Proposition 84 matrix as a placeholder.

Ben Clay asked if any of SCC's Proposition 84 funds were at risk.

Anne Sheehan advised that she was not aware of an effort to reprogram these funds.

9. New Logo

Mike Nelson recalled that the Board requested that he obtain proposals from a graphic designer for an SDRC logo. He said that 4 conceptual designs were developed for their consideration.

Dianne Jacob inquired how the logo would be used.

Mike Nelson said it would be used on all stationary, business cards, banners, and any marketing or promotional piece.

Dianne Jacob asked if it would be used on signs along the river.

Mike Nelson replied that it he had not contemplated its usage for signs. Moreover, he advised that the Conceptual Plan for San Diego River Park encouraged unified signage.

Ann Haddad asked whether these concepts would compete or be similar to those of our partners or other entities.

Mike Nelson responded that California EPA has a logo that is somewhat similar to one of the conceptual designs.

Dianne Jacob asked how many different river park logos were there.

Chairperson Frye responded that there were probably 50 or more different organizations.

Chairperson Frye asked each member which Concept they preferred.

John Donnelly selected Concept 3C.

Ann Sheehan selected Concept 3C as first choice, Concept 2A as second.

Dianne Jacob selected Logo Concept 2.

Toni Atkins selected Concept 2B as her first choice and Concept 3C as her second.

Mayor Jerry Sanders took no position.

Ronie Clark selected the Concept 2

Anne Haddad selected Concept 1A.

Ben Clay selected Concept 2.

Karen Scarborough selected Concept 1.

David King selected Concept 2A.

Chairperson Frye selected Concept 2.

Chairperson Frye stated that it appears the voting members prefer Concept 2.

Ben Clay made a motion to support the selection of Concept 2 as the new logo for the Conservancy. Mayor Jerry Sanders seconded the motion.

Chairperson Frye asked if there was any further discussion about the Concept 2 logo.

Ann Haddad remarked that Concept 2 was too similar to the San Diego River Park Foundation's logo. She added that she was aware that as partners we were all interrelated, but felt SDRC's should be different and believed the Board should look at other designs.

Chairperson Frye offered that conceptually, if Concept 2 was narrowed, so it wasn't so blocky to differentiate it from the San Diego River Park Foundation's logo. She also observed that the Concept 2

could be lengthened to fit Concept1 which Ann Haddad and Karen preferred.

Karen Scarborough asked if what she proposed was to meld Concept 1 and 2.

Chairperson Frye replied that yes that was the case.

Dianne Jacob clarified that the Board was not approving a Concept, but asking the graphic designer to resubmit different approaches to Concepts 1 and 2.

Chairperson Frye restated the motion to request the designer to take Concept 1 and 2, elongate Concept 2 and make it more closely resemble Concept 1.

The Board voted unanimously by a vote of 9-0-2 to approve the motion.

5. Executive Officer's Report

2009 Meeting Schedule

Mike Nelson stated that the Board should consider establishing a schedule of meetings for 2009. He asked the Board for guidance as to whether there was a preference for the second or third week of alternating months; or the beginning or end of the week. Alternatively, he said he could conduct a poll of possible dates utilizing software designed for this purpose.

Chairperson Frye suggested that we should use the software and encouraged everyone to respond back within two weeks.

Karen Scarborough said that conflicts with schedules for SANDAG, Coastal Commission, and Coastal Conservancy should be avoided and asked if the software could eliminate those dates. She added that this year's calendar was sporadic, but asked how well it worked.

Mike Nelson: answered that the program could take the dates of those Boards into consideration. He said that the sporadic calendar did work; a quorum was always achieved

Dianne Jacob asked what is wrong with this Thursday at 1 PM on alternating months.

Chairperson Frye said she just wanted to accommodate as many members as possible and continue to have a quorum. She asked Mike Nelson to conduct a poll that determined whether the third Thursday of the month in the afternoon would work.

Status of Legislation

AB 8

Mike Nelson said there was a Water Bond introduced which specifically referred to the projects of SDRC, but it was no longer receiving serious consideration.

SB 1428

Mike Nelson reported that this legislation had been approved by the both the Senate and the Assembly and hopefully would receive a favorable review by the Governor.

Ben Clay advised that if there was no agreement on the Budget then some bills would disappear. If there is an agreement put together between all of the parties on the Budget, then he suspects many bills will sail through; but, if there is no agreement, these bills are at risk.

Anne Sheehan replied that she agreed with Ben's assessment.

08-09 Budget

Mike Nelson stated that the budget for SDRC had not changed and the operating budget remained at \$333,000, he also advised that the SCC's 08/09 budget included budget language that could provide a \$3,000,000 Capital Outlay.

Project Updates

OB Bike Path

Mike Nelson said that while the problem with Caltrans and a longitudinal encroachment permit had been solved, similar right-of-way issues existed with MTS and its partner the North County Transit Authority.

Ben Clay asked if permits from Caltrans and others could be obtained simultaneously for the San Diego River Trail beneath SR163.

Mike Nelson responded that he had discussed this issue with the District Engineer for Caltrans who expressed a willingness to establish a working group to examine encroachment issues along the entire length the San Diego River.

SDSU &SDRC Inter Agency Agreement

Mike Nelson reported that the partnership with SDSU was progressing. He advised that SDRC had worked with the Resource Agency and the San Diego State University's Research Foundation to allow the University to be directly involved with the invasives removal program. He spoke of SDRC securing the permits and regulatory approvals, resolving any land tenure issues and then turning the project over to the Research Foundation for implementation and invasives removal throughout the watershed. He reminded the Board that Megan Cooper of the SCC had provide a status report for the RiverNet project.

Walker Properties-City of Santee

Mike Nelson said that appraisals for the properties were almost complete, that negotiations with the property owners should commence in November and that as he had previously mentioned, The Trust for Public Lands, a national nonprofit, had agreed to assist SDRC with this acquisition and possibly others along the river.

Hanson Ponds

Mike Nelson advised that SDRC had approved \$1.5 million of our Proposition 40 funds for this project and that he had been notified by EHC that a purchase and sale agreement for the property was being prepared and that the property owners were seeking a closing this calendar year.

Michael Beck said that the transaction must be reviewed and approved by the Wildlife Conservation

Board (WCB), and that it would be very difficult to get on WCB's November agenda. **John Donnelly** replied that he didn't believe the contract could make his November agenda.

Hydrology Study

Mike Nelson stated that the scope of work had been revised for this study which had been approved by the Board sometime ago with the Department of Interior's, Bureau of Reclamation. The hydrology study will now include the City of San Diego, examine the numerous planning documents that exist, make recommendations consistent with these plans, and identify projects that will improve the hydrology of the San Diego River

Sponsorships

Mike Nelson advised the Board that he had prepared a memorandum and policy recommendations for future sponsorships. He said that the memorandum also answered questions raised at SDRC's last meeting regarding SDRC's sponsorships, with the Museum of Natural History Museum. He summarized the responses to the Board's questions, listed the sponsorship benefits, and indicated that **Janet Redding** was in attendance to respond to any questions members of the Board might have.

10. The meeting was adjourned at 2:30 PM.

Accessibility

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

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of November 21, 2008

ITEM: **3**

SUBJECT: **PUBLIC COMMENT**

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

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of November 21, 2008

ITEM: **4**

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

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

		Jan-09				Mar-09				May-09			
		Thu 8		Thu 15		Thu 5		Thu 12		Thu 7		Thu 14	
		9:30 AM	1:30 PM	9:30 AM	1:30 PM	9:30 AM	1:30 PM	9:30 AM	1:30 PM	9:30 AM	1:30 PM	9:30 AM	1:30 PM
Ann Haddad		OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
John P. Donnelly		OK	OK			OK	OK			OK	OK		
Ruth Hayward		OK	OK	OK	OK	OK	OK	OK	OK				
Andrew Poat			OK	OK		OK			OK	OK	OK	OK	OK
Alice Re on behalf of Dianne Jacob		OK	OK		OK		OK	OK	OK	OK	OK	OK	OK
clay			OK		OK		OK		OK		OK		OK
Lee on behalf of Donna Frye		OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
Your name	Count	5	7	4	5	5	6	4	6	5	6	4	5
Participate													
		Jul-09				Sep-09				Nov-09			
		Thu 9		Thu 16		Thu 3		Thu 10		Thu 5		Thu 12	
		9:30 AM	1:30 PM	9:30 AM	1:30 PM	9:30 AM	1:30 PM	9:30 AM	1:30 PM	9:30 AM	1:30 PM	9:30 AM	1:30 PM
Ann Haddad		OK	OK	OK	OK	OK	OK		OK	OK	OK	OK	OK
John P. Donnelly		OK	OK										
Ruth Hayward		OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
Andrew Poat		OK	OK		OK	OK	OK		OK	OK		OK	OK
Alice Re on behalf of Dianne Jacob		OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
clay													
Lee on behalf of Donna Frye		OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
	Count	6	6	4	5	5	5	4	5	5	5	4	5

Summary of Availability			
Yes votes for	9:30 AM	1:30 PM	
8-Jan	5	7	
15-Jan	4	5	
5-Mar	5	6	
12-Mar	4	6	
7-May	5	6	
14-May	4	5	
9-Jul	6	6	
16-Jul	4	5	
3-Sep	5	5	
10-Sep	4	5	
5-Nov	5	5	
12-Nov	4	5	

Comment by toni atkins. (Monday, October 27, 2008 1:02:51 PM PDT)

I don't know what my schedule will be in 2009 but I imagine it will be easier for me to do afternoons.

I'll remain open to anything.

Comment by Beth for Karen Scarborough. (Wednesday, October 29, 2008 12:17:23 PM PDT)

Possible conflict with Coastal Commission might occur. Prefer morning meetings over afternoon.

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S REPORT
Meeting of November 21, 2008

ITEM: **5**

SUBJECT: **EXECUTIVE OFFICER'S REPORT**
The following topics may be included in the Executive Officers Report. The Board may take action regarding any of them:

Project Updates

- Bike Path
- Logo Design
- SDSU, SDRRC, SDRPF / San Diego River Watershed Data Collection and Restoration Program

Supplemental Environmental Project (SEP)

- San Diego Regional Water Quality Control Board- San Diego Water Authority

Contract & Procurements

- Department of Fish & Game Property

Legislative News

- SB 1428
- 08-09 Budget

2008-2009 Special Session – Governor's Announcement



1.A



ARTEFACT DESIGN

2130 NEWCASTLE AVE
CARDIFF, CA 92007

TEL 760 944-3502
FAX 760 944-1443

PROJECT NAME

San Diego River Conservancy Logo Design

DRAWING TITLE

Logo Concept 1

SCALE

No scale

DATE

31/OCT/08

SHEET NO.

C-01-2



San Diego River
CONSERVANCY



San Diego River
CONSERVANCY

2.A



San Diego River
CONSERVANCY



San Diego River
CONSERVANCY

2.B



2.C



ARTEFACT DESIGN

2130 NEWCASTLE AVE
CARDIFF, CA 92007

TEL 760 944-3502
FAX 760 944-1443

PROJECT NAME

San Diego River Conservancy Logo Design

DRAWING TITLE

Logo Concept 2

SCALE

No scale

DATE

31/OCT/08

SHEET NO.

C-02-2



San Diego River Conservancy

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

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

Dear Mr. Robertus:

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

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

San Diego River Park Foundation:

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

1. RIVER BLITZ (\$7500 Field Surveys)

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

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

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

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

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

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

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

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

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

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


Michael Nelson
Executive Officer



California Regional Water Quality Control Board San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
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Governor

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(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

October 2, 2008

CERTIFIED-RETURN RECEIPT REQUESTED
7007 3020 0001 0040 6860

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

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

Dear Ms. Stapleton:

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

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

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

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

California Environmental Protection Agency

Ms. Maureen A. Stapleton
San Diego County Water Authority

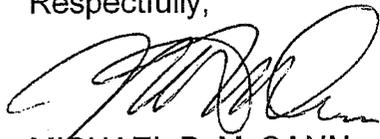
- 2 -

October 2, 2008

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

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

Respectfully,



MICHAEL P. McCANN
Assistant Executive Officer

MPM:mja:rls

Enclosures: Amended Complaint No. R9-2007-0014

cc: with enclosures (via email only)

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

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

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

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

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

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

IN THE MATTER OF:)

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

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

AMENDED

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

OCTOBER 2, 2008

SAN DIEGO COUNTY WATER AUTHORITY IS HEREBY GIVEN NOTICE THAT:

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

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

ALLEGATIONS

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

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

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

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

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

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

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

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

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

the AMEL by 40% or more.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROPOSED CIVIL LIABILITY

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

Dated this 2nd day of October, 2008



MICHAEL P. McCANN
Assistant Executive Officer

Senate Bill No. 1428

CHAPTER 406

An act to amend Sections 32631, 32634, and 32661 of the Public Resources Code, relating to the San Diego River Conservancy.

[Approved by Governor September 27, 2008. Filed with Secretary of State September 27, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1428, Kehoe. San Diego River Conservancy.

Existing law authorizes the San Diego River Conservancy to acquire and manage certain public lands in the San Diego River area. These provisions are repealed on January 1, 2010, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date. The governing board of the conservancy consists of 11 voting members, including the Mayor of San Diego, and 2 nonvoting members.

This bill would extend the repeal date until January 1, 2020. The bill would provide that the Mayor of San Diego or his or her designee shall be a voting member.

Existing law states that the conservancy has developed a Five Year Strategic and Infrastructure Plan that is consistent with the San Diego River Parkway Concept Plan.

This bill would delete this provision.

The people of the State of California do enact as follows:

SECTION 1. Section 32631 of the Public Resources Code is amended to read:

32631. (a) The San Diego River is a natural, historic, and recreational resource in the heart of San Diego. From its headwaters near the town of Julian in east San Diego County, it runs 52 miles through Mission Valley and the first settlement in California at Old Town San Diego before it empties into the Pacific Ocean at Ocean Beach. The river has been subjected to intense development in some parts; it runs through one of San Diego's most populated neighborhoods and is in need of restoration, conservation, and enhancement all along its length. The area presents excellent opportunities for recreation, scientific research, historic preservation of the first aqueduct in the United States, and educational and cultural activities, of value to California and the nation. Reestablishing the cultural and historic connections between the San Diego River, Old Town San Diego State Historic Park, the Military Presidio, and the Kumeyaay Nation will provide the public with the opportunity to appreciate the state's historic beginnings.

(b) Given the opportunities available, the state recognizes the importance of holding this land in trust to be preserved and enhanced for the enjoyment of present and future generations.

SEC. 2. Section 32634 of the Public Resources Code is amended to read:

32634. (a) The governing board of the conservancy shall consist of 11 voting members and two nonvoting members.

(b) The voting members of the board shall consist of the following:

(1) The Secretary of the Resources Agency, or his or her designee.

(2) The Director of Finance, or his or her designee.

(3) The Director of Parks and Recreation, or his or her designee.

(4) Five members of the public at large, three of whom shall be appointed by the Governor, one of whom shall be appointed by the Senate Committee on Rules, and one of whom shall be appointed by the Speaker of the Assembly.

(5) The Mayor of San Diego, or his or her designee.

(6) One member of the City Council of San Diego, elected by a majority of the membership of the council.

(7) One member of the Board of Supervisors of the County of San Diego, whose district includes the preponderance of the San Diego River watershed.

(c) The two nonvoting members shall consist of the following:

(1) The Executive Director of the Wildlife Conservation Board, or his or her designee.

(2) A representative selected by the San Diego Regional Water Quality Control Board.

(d) Two of the three initial appointments by the Governor pursuant to paragraph (4) of subdivision (b) shall be for three-year terms and the third appointment shall be for a two-year term. All subsequent appointments shall be for four-year terms.

(e) No person shall continue as a member of the governing board if that person ceases to hold the office that qualifies that person for membership. Upon the occurrence of those events, the person's membership on the governing board shall automatically terminate.

SEC. 3. Section 32661 of the Public Resources Code is amended to read:

32661. This division shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

River protectors gain time

10-year extension bolsters oversight agency, partners

By Mike Lee
STAFF WRITER

October 1, 2008

Supporters of the state agency in charge of protecting the San Diego River are enjoying a new lease on life and projecting big things over the next decade.

The San Diego River Conservancy's charter was extended to 2020 by legislation from state Sen. Christine Kehoe, D-San Diego. Gov. Arnold Schwarzenegger signed the bill over the weekend.

The conservancy, established in 2002, was set to close Jan. 1, 2010. It has been hampered by staff turnover, and some backers have expressed frustration with the agency's slow progress in buying land and cleaning up the waterway.

Yesterday, conservancy leaders said the governor's signature validated their efforts and will give partner organizations confidence to continue working with the conservancy.

"The restoration of the San Diego River is going to gain momentum here, and an additional 10 years will allow us to demonstrate that we are making real progress," said Michael Nelson, the conservancy's executive director.

The agency runs on about \$350,000 annually from the state, plus bond and grant money for specific projects. In fiscal 2009, it has been allocated \$3 million through the state's Coastal Conservancy.

In recent years, San Diego River restoration advocates have enjoyed growing support – particularly for their goal of creating a trail that extends some 52 miles from the river's headwaters near Julian to its mouth at Ocean Beach.

Much of the credit for that interest goes to nonprofit groups that have invested heavily in river restoration and celebrations. However, river watchers said the conservancy plays an increasingly important role in attracting money and coordinating the work.

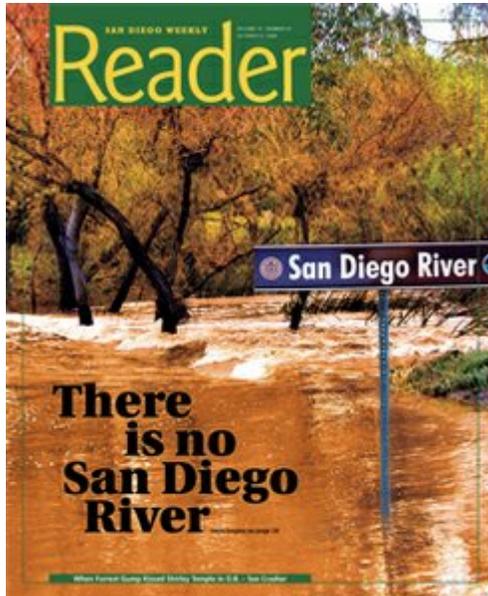
"Projects have been picking up speed, and people are more hopeful about getting them done," said Jim Peugh, a former conservancy board member and a veteran environmentalist in San Diego. "For a lot of years, there wasn't progress. We had ideas, but it wasn't easy to get them going."

The conservancy's to-do list includes land conservation, recreation, education and water quality. Its current efforts include connecting trail sections along the lower river; the possible purchase of riverside land in Santee; and trails to provide river access from neighborhoods such as Normal Heights.

In 2006, the agency's board adopted a \$164.5 million plan to develop related programs, and most of those projects remain unfinished.

The new legislation deleted a specific reference to that strategy. Deanna Spehn, policy director for Kehoe, said removing that language was an attempt to avoid any implication that the state had committed to funding the entire package.

She said Kehoe wrote the conservancy's extension legislation to give river advocates security about the agency's future. "Extending the deadline to 2020 gives that longevity that allows (the conservancy) to enter into long-term commitments with other agencies," Spehn said.



There Is No San Diego River

By Bill Manson / Published Wednesday, Oct. 22, 2008

TEXT SIZE: [A](#) | [A](#) | [A](#)

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San Diego River? “There *is* no San Diego River,” says Pete Cuthbert. “What you’re dangling your toes in is the Colorado River, the Sacramento River, the Feather River — but not the San Diego River.”

“Not the San Diego River...?”

“No. This San Diego river water is basically runoff from the lawns and cisterns and radiators and factories and gas stations of San Diego, via polluted tributaries like Forester Creek in El Cajon. And we get most of that water from Northern California. Without runoff there would be no river, period. Not at this time of year.”

Pete and I are sitting at an idyllic pond above the Old Mission Dam. It’s a June morning. The day is just warming up. Around us the trees and scrub grow wild and messy, pretty much as they did in Kumeyaay times, I’m guessing. Ten yards to our left, a blue heron stands statue-still on a spit of sand, looking for fish

movement. Wouldn't mind tossing in a line myself. This fresh morning, you feel a bit like Huck Finn heading out for an adventure up the river.

And, actually, that's what we're having. We're setting out to see if this 52-mile-long ribbon of life still has life in it. Or if it has been dammed and developed and poisoned to death by us — the three million people who've come here to a semi-desert and expect water whenever we turn the taps on.

Because, come on: mentality-wise, San Diego is a beach town, right? Not a river town. We're not talking Paris and the Seine (accordions, please), London and the Thames, Baghdad and the Euphrates, Cairo and the Nile. Why worry about this little local "upside-down river," as the Kumeyaay called it in summer when the water disappeared and flowed underground? We have water from the north. The mighty Colorado is just a couple of hundred miles east. This local river has no spectacular rapids. It's no Moon River, "wider than a mile." It's just something that floods Fashion Valley every winter, a wasteland where you toss your old mattress when nobody's looking. Yard fences back onto it. Heck, it only gives us five percent of the water we need. It takes up valuable shopping space in beautiful Mission Valley, and it could be piped or sluiced through unseen concrete pipes to get out to sea. Especially if Pete's right — that it's kind of like the Salton Sea, just a collection point for pesticide/fertilizer/oil-laden runoff that you wouldn't push your mother-in-law into. After all, L.A.'s done it, T.J.'s done it: laid a concrete bed, got rid of the messy riverbank ecology with its bushes where homeless hide out and West Nile virus mosquitoes breed, and just turned it into a pragmatic ditch. Why should you have to deal with the gritty water, the flooding, the bridges...

Guess the problem with that is, well, think Twain: *Huck Finn*. Think Grahame: *The Wind in the Willows*; or Renoir: *Luncheon of the Boating Party*; or Andy Williams crooning "Moon River"... River culture is so damned seductive. The feeling that life is born here. This moment. Sitting by a pool of brownish but clear water, tossing Pooh sticks to see which will drift to the little waterfall first (you have read your Winnie the Pooh — A.A. Milne's *House at Pooh Corner* — haven't you?), as if we were kids, dragonflies darting, unknown birds squeaking — least Bell's vireos? — unseen in the trees, and the rustle of...snakes? No. Cheeky lizards. This is the other Diego. In the culture of beach, desert, and freeways, this green, cool, slow, secret world has been left out of the picture.

But now I'm in it, it's growing on me.

It's an eerie feeling, here among the trees, contemplating the river. Europeans have been here, what? Two hundred years. The Kumeyaay, 2000 years. The river, 2,000,000 years. This is not "our" river. We're temporary shapers of its way. But it will have its way in the end.

Which is what Mr. Cuthbert is trying to show me too. He has been fighting to save San Diego's modest river (its watershed — the area it draws its real waters from — is 400 square miles — compare that with the Tijuana River's 1700 square miles) for half a century. He has walked most of its length. He's compiling a book on the "Native Plants of the San Diego River Basin." The man's a walking watercourse encyclopedia. He

wants to show me why this is worth saving from its abusers, from gravel-pit diggers, garbage dumpers, recklessly near-the-bank condo developers, levee builders, from a general attitude of disrespect and neglect. Twenty-five years ago, Cuthbert was the City's park planner and project manager for a comprehensive "Preliminary Master Plan" for what was then called the "San Diego River Project." The plan took years to work up. It went into all the problems and ended up, of course, on a dusty shelf. Cuthbert has what is probably the sole remaining copy.

Today, he's going to show me what went into that report.

The River's Upside-Down Today

"This is what I wanted to show you first," Pete says. We're at the Old 1815 Mission Dam, the earliest-known big dam in San Diego. "It was the first irrigation/flood-control project on the Pacific Coast," Pete says. This was the place where the padres and the Kumeyaay worked together to provide the Mission with water. So the padres could plant their corn and raise their cattle, using the converted Indians as convenient labor, of course. Working in the fields for the Lord. Their work, our Lord.

But the dam certainly did get the Mission and the Spanish colonists going agriculturally.

I'm looking at this great, thick, brick and rock and cement wall that stands over 10 feet high, 10 feet thick, and runs about 245 feet across the river, like a Roman bridge. The water spills through a 12-foot center section where you can see slots for planks to complete the damming process. We're about six miles upriver from the San Diego Mission. The padres needed constant water for their fields and for themselves, and, then as now, the San Diego River was a stop-start affair. Either flood or drought, it seemed. So in 1813, 195 years ago, right on this spot, which is now part of the City's underappreciated Mission Trails Regional Park, their Kumeyaay converts recommended a place for a dam with a flume to run the water down to the Mission. They used kilns here to make a mortar of lime and seashells to cement rocks together, a method brought directly from Rome. Then they built the six-mile cobblestone flume lined with ceramic tile (also shaped and baked here), placed like upside-down roof tiles.

It was one of those miracles that made the padres realize they could stay and make a go of it here after all. The water backing up behind the dam formed Kumeyaay (formerly Collins) Lake, 300 yards of potable (at least then), fishable, irrigation-capable water. In the years following, during the early 19th Century, the padres were said to have accumulated 20,000 sheep, 10,000 cattle, and 1,200 horses on their lands. All because back in 1774, they had elbowed aside the Kumeyaay village of Nipaguay and moved their Mission from Old Town's Presidio up to near today's Qualcomm Stadium. It proved a good site: Above the waters (the 1916 superflood came up to the fifth step of the Mission's front staircase), yet accessible to fresh water, thanks to the flume.

Pete and I walk through flat areas that he says were occupied, back in 1774, by a Kumeyaay village. We look for some of the tiles that lined the flume. We find evidence of sleeping circles, circles of stone where

Kumeyaay men, or women, slept. “Watch for those gopher holes,” Pete says. “Snakes often use them.” He hadn’t wanted to do this earlier in the day because rattlesnakes and their young often emerge from dens early to warm up. By now, they’re seeking shade under rocks. But we come around one bend to see a red-and-cream snake, maybe five feet long, sunning itself on the gravel road. It sees us and sidewinds off into the bushes. “Red racer,” says Pete. “Not poisonous. But when I was climbing this riverbed on my own, I brought a snake kit with me, just in case I surprised a rattler.”

What strikes me, as we drive up through Mission Trails Park, is how healthy and pristine the river looks. “Appearances can be deceiving,” Pete says. “The only reason fish survive in many of these patches of river is that the fertilizers from lawns promote plant growth, and even though that strangles the river, it provides oxygen for the fish to breathe in what would otherwise be dead water.” He drives me past admirable floodplain parks such as El Monte, a green, treed oasis among piles of sand and gravel, then onto a dirt road and through a valley busy with horse ranchettes. We’re headed for El Capitan, the dam that stops the San Diego River, and its fish, in their tracks. Finally, we turn right to cross the river — and drive over dry dirt.

“That was the river?” I ask.

“That was the river. Underground today.”

I think of the old Kumeyaay phrase, “upside-down river.” This is what they were talking about.

Rivers Need to Have a Life

And yet, farther up, near the river’s exit from El Capitan Reservoir, here it is gurgling again. We stop beside a gang of orange-jumpsuited female prisoners hauling beds and mattresses and lamps and garbage up from the side of the river and onto a truck’s flatbed.

“Would you drink this river water here?” I ask Pete.

He shakes his head.

“Look, the health of the river is directly proportional to the amount of water that flows down it,” he says. “Today, what we have in the San Diego River below this dam is largely what it gets from Forester Creek, which drains the El Cajon Valley, meaning runoff from people watering their front yards, draining their radiators, cleaning their roof gutters, and so on. The quality of Forester Creek is not good at all. And then we have other little creeks that come into the San Diego River, and they all contribute to its unhealthy state. And the groundwater is very poor quality. San Diego still has wells in Santee; they have wells in the Grantville area, but they don’t use them. The quality is bad. Very bad. It’s definitely polluted. If we have a good rainy season, that helps reduce the salinity in the underground water. It also helps clean up the rivers. But I would say today that the river’s not very healthy. There are a few reasons why: the bulrushes, the *Arundo donax*, cattails, nonnatives. The river can’t sluice them out. The dams are holding back the normal flow of water.

You'd probably have a year-round flow if it wasn't for the dams. The dams help our water supply. We're taking more than half of the river's water above El Capitan and San Vicente dams. But that's only five to ten percent of the water San Diego needs."

With dams, he says, natural processes grind to a halt. The fish can't swim up to spawn, the floodwaters are held back so the river can't clean itself out, then when there's a really big flood, the dams spill, and it becomes very damaging.

"Rivers need to have a life," he says.

And people get a false sense of security downstream. The sand and gravel companies dig big holes, which change the dynamics and temperature of the river flow. Developers build nearer to the river bottom (land right next to the bank). Cities build levees to stop flood waters spreading out. Result? Water, river denizens, and good fertile silt race out to sea.

So what happened to Cuthbert's grand 1983 plan for the river...

...which he and the consulting company, Wirth Associates, submitted to the county?

"I prepared [a report] for the approval of the Board of Supervisors," Cuthbert says. "We were going to hire a consultant to come up with a plan. A \$300,000 plan. What to do with the river, recreationally and [financially, etc]. It was going to be a river-park plan. So then I came up with a large plan that I presented to the Board of Supervisors."

Cuthbert and the consultants advocated habitat restoration and the transformation of much river bottomland into parks, aiming for riverside walkways "from the ocean to the mountains."

"I garnered the best talent I could find," he says. "And we had a pretty good relationship with the Bureau of Land Management and other agencies, because they're already acquainted with the project. It can be a juggling act, especially with 300 property owners, some of whom were irate. We had to convince them that we were not trying to take their property away, and in reality, we're probably going to help improve their property values. I also tried to get funding for lower Mission Valley, and state funding, but it lost by one vote of a particular committee."

Maybe that was because the writing was already on the wall: Intensive commercial development for Mission Valley had long since trumped the river's health and flooding concerns. When the city allowed the Town and Country Hotel to come in, they knew they were opening a Pandora's box.

"[By 1983] Mission Valley was the geographic center of metropolitan San Diego," Pete says. "Development came in faster than they expected, and that's been sort of typical of the City of San Diego. They are always having to react, rather than plan ahead. They say, 'Oh, gee, we have this developer who's coming in with this beautiful project. What should we do?' In most cases they say, 'Okay. We'll give them the rubber stamp'

because they don't have any advance planning to know whether that project is a good project or not. That has historically been a problem for the City of San Diego, in the Planning Department."

Since 1983, he says, not much has happened. "There was a little activity in the Lakeside area. People there borrowed my reports and exerted a little bit of pressure. They have done some work in developing park space. Santee has done some work, but nothing extensive, utilizing river bottomland. As far as I know, [since] this plan died on the shelf, there have been no efforts to acquire land or set aside land or zone it for open space or anything like that. In the lower San Diego River, they have. But not in the upper San Diego River. [In the lower San Diego River area] they have the City of San Diego behind them. Its planning department is [aiming] for walkways, some greenbelts, green space, but it's virtually minimal. Adjacent property owners do not want to give up that land. I mean, it's worth hundreds of thousands of dollars an acre. And so they look at it from that pragmatic point of view. They don't look at it from the aesthetics at all.

"For instance, there are big-mouth bass there, bluegills. They live for the floods, so to speak, and they take advantage of the ponds around there. There are portions of the San Diego River, like around Grantville, that are fairly deep, and they hunker down and wait for the rains to come. But that would be the only area that would have any fish, the Grantville area."

How do we rate against other river towns?

Cuthbert says most towns just want to squeeze their rivers down as tight as they can. "You've got Los Angeles: all concrete channels. Phoenix, Arizona, has tried to change. They have a pretty good river/flood-control project. Phoenix is the most forbidding area to try to have a park, in a river bottom. But they have worked at it. And San Antonio, Sacramento, and Seattle have some river projects, restoring the natural ecology and making them available for the public. San Diego is very far behind all these people. The property owners here control the situation, unfortunately. The gravel and sand people were the ones, initially. Over the past 30 years, they did not want any parks or anything. They're also the ones who were dumping construction spoil in the barrow pits where they had mined the sand and gravel. And they're probably getting paid to allow [people] to dump in these barrow pits. So they become little ponds. Well, to utilize that land, the sand and gravel companies would rather have these ponds in-filled and covered over because eventually, maybe 20, 30, 40 years from now, they can build on them. So they have their own priority. And it's not recreation, and it's not aesthetics."

Restricting Humans So the River Can Have Life

It's morning in La Jolla. Here at UCSD's Thurgood Marshall College, Jim Bell holds forth to undergrads, mostly engineering students. He has a PowerPoint presentation on the blackboard screen. It shows an artist's rendering of a verdant valley, seen from above. A river winds down among woodland and meadow, with some fields cultivated, and some houses — but only peeking down from the valley rim.

“When I ran for mayor of San Diego in 2004, against Murphy and Roberts and Peter Q. Davis,” says Bell, a big, fervent, self-styled eco-designer from O.B., “the final debate was on Channel 10. It turned out I was the last one to speak, and I’d written this little poem: ‘These guys are the old, I’m the new, I’ve got a plan, They haven’t a clue.’”

He looks up at the painting. “This,” he says, “is Mission Valley [as it could be in], say, 2060. It has the best soil. It has a river that needs its 100-year floodplain. You can either constrict the river or restrict humans. That’s what we’re doing here. Restricting humans so the river can have life. Remember, every year, pretty much, Mission Valley floods in winter. The chronic and the catastrophic costs add up. It’s common sense.”

He goes on to explain the logic behind depopulating and “re-naturing” the San Diego River’s 100-year floodplain. “If you add all the tax revenue being generated by the properties down there [in Mission Valley], that’s the income. And then you say, ‘Well, what are the chronic costs every year? What are the 10-year flood-frequency costs? What are the 25-year frequency costs? Hundred-year flood costs?’ We can’t prove it yet because we haven’t done the work, but I think it would turn out that it would be a net loss.

“And it’s like the developers would get in, and they make money, and then they’re out of it. And then when the disaster happens, it’s the public who’ll be on the hook.

“So, let’s say I’m elected mayor: I put forward an ordinance to prohibit any further development in the historic 100-year floodplain. People can still be there, but they won’t be able to add on to whatever they have. They can repair, but eventually buildings wear out and aren’t worthy of repairing anymore. So then you take them out of there [or] move them someplace else. And, of course, as soon as you pass a law that says you can’t develop the floodplain, it’s going to make the land in the floodplain less valuable. So people could legitimately scream, ‘Hey! What are you doing? You’re changing the rules.’ Assuming they were playing by an old set of rules, and playing correctly, they shouldn’t be penalized. So the way you work it is that the land in the floodplains goes down in value — but what’s going to happen to the land just outside the floodplain? That’s going to go up in value. Because eventually you’re going to be overlooking this beautiful park area, agrarian, horseback riding, tourists coming from all over the world... And so what happens is, somebody who already owns land outside of the floodplain (in that same local area) decides to sell their land. And let’s say that before you prohibited floodplain development, the land was worth a million dollars. OK, after you prohibit it, [that land] is worth \$2 million. But that second million is unearned. Because they didn’t do any improvement. So you let them have 20 percent of that. They get the million, they get 20 percent more, then you use the other \$800,000 that’s left to compensate the people whose land got devalued. So everybody gets out whole. No taxes [have been] involved.”

What Jim Bell’s worried about, he says, is the Big Flood coming. Like the one that happened in January 1916, when 70,200 cubic feet of river water per second gushed through Mission Valley, when it flooded wall-to-wall up to the fifth step of the San Diego Mission.

Yes, he says, it might take at least 60 years to give the river its floodplain back. “I mean, you’d say, ‘We’d like to do it as soon as we can because otherwise we’re just keeping our fingers crossed that the big flood doesn’t happen in the meantime.’ But the more we’ve done when the big flood comes, the less we’re going to lose, the less the damage is going to cost.

“We in San Diego [city] have done a particularly egregious job, building [recklessly] in the floodplain. But many cities build in floodplains. Look no further than Del Mar. Its racetrack is squarely on the San Dieguito floodplain. There you [might] say, ‘Well, maybe that’s not so bad, because you run over a racetrack with a flood, big deal. You can push the broken buildings into the ocean.’

“But also, here’s the thing. Floodplains are fertile. How crazy is it to pave over your most fertile land? Especially as ‘think global, act local’ will become more and more necessary. Look at the rising cost of transporting, say, lettuces 1500 miles. We’re going to need our fertile land. But there are lots of things you can do in the floodplain, like grow food and make [tourist] money, [things] that are not going to be damaged very much if there is a big flood. Some Mississippi towns have already backed up beyond their floodplains. It’s just common sense.”

Bell has an interesting résumé. He has written two books on living harmoniously with Mother Earth (*Achieving Eco-Nomic Security on Spaceship Earth* and *Creating a Sustainable Economy and Future on Our Planet*) and worked for César Chávez during his Farm Workers’ Union organizing days. “If a flood happened when El Capitan and San Vicente dams were full or broken, you could expect, where 163 crosses the river, to have water 30 feet deep. It could go as high as 100 feet. The last so-called 100-year flood was 1916. And now, with global warming, there are fears the hurricane track will edge north toward San Diego.”

“We Decided to Give the River a Voice”

Bell isn’t alone on this. There are at least 68 related groups working to save the San Diego River. Rob Hutsel tries to coordinate their efforts. More than that, he’s been prepared to get down and do the nitty-gritty things like pick up trash along the riverbank — in a different league from spotting for least Bell’s vireos here and elsewhere. And his group is actually making significant progress in a part of the river just east of the 5, across from Old Town.

I got off the green line trolley at Morena Linda Vista after a beautiful scenic ride crisscrossing the river from San Diego State. You walk across Friars Road, run down a gravel embankment where a wooden sign says “Mission Valley Preserve,” and suddenly you’re in a different zone. It’s like putting on a pair of those Bose noise-dampening earphones. You’re hearing birdsong, kids laughing. A group of YMCA children is sitting on a wooden bench in a clearing in the bushes, hearing about how to use native plants for medicine and food. Hutsel’s here, looking the dapper guy he is (he used to work in Mayor Susan Golding’s office and says she called him her “Officer of Common Sense”), as the director of the San Diego River Park Foundation. He starts giving me the spiel, which is fine because I know nothing about this place. Never noticed it before. “It’s

the only City park in all of Mission Valley,” he says. “Fifty-two acres. Bounded by 5, 8, and the river runs through it. It’s a good study for what we’re trying to do.” He’s leading me along a track as he speaks. He stops at a bush with clusters of cream-colored flowers with little racks of blue berries. He picks a few off. “Try some,” he says.

I do, and they taste like...blueberries. “Blue elderberry,” he says. “Native. Birds love them too.”

He says he came to this kind of work after the massive (34-million-gallon) sewage spill up around SDSU, Adobe Falls, that happened back in 2000. Of course, the sewage ended up in the river. “It ran for a week,” he says. “Nobody cared. There was no public outcry. A dozen of us got together at Donna and Skip Frye’s surf shop and decided to get organized. We decided to give the river a voice. We needed to create an umbrella nonprofit.”

But the Mission Valley Preserve actually started off as a police project.

“The Western Division station is right across Friars Road. And they were dealing with a whole lot of petty crimes, vandalism, misdemeanors. They got together with councilmember Valerie Stallings. I was working for the mayor. I’d come down and volunteer in a cleanup, and then we had the idea to dedicate it as parkland. Police brought their Homeless Outreach Team, their HOT team, and they did a survey. It was amazing. They found that there were over 100 people living down here in this river area. One person had been living here for longer than 12 years. And you’d go down, and there were literally piles of trash 20–30 feet across, solid paper, human waste, clothes. But they had kitchens set up, car batteries that were probably stolen — that’s how the police got involved. But they had incredible places. Sometimes the ‘homes’ were two stories high. They had a mayor; and the community was purposely divided: on one side of the river — the north side — were the people who did drugs; on the other — the south — were the people who didn’t. So the River Foundation was born a little after that survey, and one of the big health impacts was the homeless population. All of that trash. And people were living in the river, bathing in the river, defecating in the river... Imagine 100 people doing that: it doesn’t sound like a lot, but it is. And the one thing that got us going was the fires. There used to be a fire a week down here. Some of the wires were being stolen from the neighborhood [from businesses and homes], and then they’d come down here and melt off the insulation, and then they’d sell the copper. There were hundreds of needles. So we made a decision that we were going to try to make a difference. I personally made a decision that it wasn’t okay to leave the status quo here. It wasn’t good for the people living here, it wasn’t good for the wildlife. So, and slowly and methodically...now, the fruits of our labor are such that all that trash is gone. We’ve removed it all, over 800,000 pounds of trash. That’s just our side. The city’s removed a whole bunch as well. And we tried to find alternative places for the people to live. But our latest survey shows nine camps with one or two people in each. So that’s way down.”

As we talk, we walk. We’re going down a path that heads underneath the low trolley bridge and then into taller trees. “But dealing with homeless problems is not my job,” Hutsel says. “My job is to make the river

healthy, and that I will do. The great news is that in the last year to two years, we've seen two endangered bird species, including least Bell's vireo, come back. They winter down in Baja, and this year we've heard two pairs. Which is incredible. There's something like 1000 left in the world, and the San Diego River is one of the places they come to. The other we've spotted is the Southwestern willow flycatcher. And we have lots of willows. Though when we started out it was wasteland. We've also seen bobcats in here. The fact that they're here means that it's an inviting-enough place for them. We've seen the tracks and the bobcats themselves."

We pass a kiosk shade-structure that kids from High Tech High designed and built. "We call this 'the gathering place,'" Hutsel says. "We'll be having the trolley dancers here this year. Who would have thought of that?"

We carry on through the trees, looking at areas Hutsel's teams of volunteers have cleared, nonnative trees, like palms, that they have rooted out, and pipes that deliver trash-loaded runoff water from gutters as far away as USD up the hill. "So if you're up on Linda Vista Road," Hutsel says, "and you throw your cup out, this is where it comes out, and we have to pick it up."

We follow tracks down to the water — yes, past one blue tent hiding in the reeds. It almost seems like a vernal pool, deep, still, with bubbles that make you think there might be fish down below. I spot a little island farther out, the perfect Peter Pan pirate hideout. By the time we're through, I'm sold. These guys' efforts are going to be worth it. It's as if they have dug up a beautiful, invaluable, forgotten ancient treasure, even though, so far, they've just cleaned off the first layer.

"What we really want is a 52-mile-long river park," says Hutsel, "from ocean to mountain source. We're planning an October 'River Blitz' to document the whole length. Plus, we've established a river garden. Planted 1300 plantings, like sycamore trees and a lot of flowering native plants. The idea is to take over this space and make it attractive."

And, yes, he says, they have perch, bass, catfish, and mullet near the coast that are surviving quite well. Fish often like the winter better because it's cooler, and more water tumbles more vigorously, capturing more oxygen.

Still, there are forces out there to deal with, like the trolley people, who pushed through their trolley line — which travels back and forth across the floodplain — without real consultation. "They effectively stopped the continuity of the trails because the bridge supports are too low in places," Hutsel says.

Standing here, with the willows, and the water, and an egret in the water yonder, I suddenly think of Renoir's famous river painting, *Luncheon of the Boating Party*.

"Any chance of river cafés strutting out over the river?" I ask.

“Oh, sure. We’re thinking about that,” Hutsel says. “In fact, we’re planning a 17-acre Discovery Center, near Qualcomm Way, which would include cafés and educational programs. We have the conceptual drawings already.”

I leave Rob back at the gathering place and then head into the bushes to see if I can locate the guy living in the blue tent. Instead, I’m hardly into the trees when I spot this guy and a lady, walking toward me and heading for the road. He calls out, “Help you with something? Looking for somebody?”

Pretty soon we’re talking away. Tom. He was a Marine in Vietnam. Medic. Had some ba-ad experiences. Relives them every night. Prefers the open air, where he doesn’t feel trapped. “Drugs? No. That’s not it, man. It’s...freedom. That’s what it is. Me and my lady here. We’ve got all the shops we want nearby. There are 47 of us living out here in this part of the river. It’s just the right amount. Forty-eight, and we’d have fights. You know when the tipping point comes, and somebody’s got to move on down the river.”

His lady says she wouldn’t have it any other way. “Sometimes people from the outside see me, a chick, especially, and they’ll come up and it’s ‘Let me tell you about these programs. Here’s a list of shelters, places you can stay.’ And I don’t want that. That’s like jail to me. You’ve got to live by somebody else’s rules.”

“I’ve lived down here for years,” says Tom. “But I tried the other. I went out and rented a place in Spring Valley, \$2100 a month. Beautiful view, nice house, central heating, everything — it was driving me nuts! I went and got everything I was supposed to have, swimming pool, Jacuzzi, beautiful house, nice neighborhood. But I was starting to get claustrophobic. And you know what? The best part about camping out is when you’re settled in, and it’s all nice and warm-snuggle, and the rain’s hitting your tent, or the sun’s rising...that’s what it’s like out here. I’m a carpenter, I worked down in NASSCO for years. I was a paramedic too. If somebody gets hurt down here, they come to me. I’ve set shoulders. Couple of weeks ago, a guy had a heart attack. I ran over and got that guy going...and you know, that’s what it’s like out here. We’re family.”

Would I be able to spot his place from the bridge? “No way, man! Vietnam. Camouflage. You never give them a reason to come after you. Plus, I’ve got a couple of herons I rescued as young babies. A blue and a white. They’re my guard dogs now, and they can see from above. Nobody finds my island without my knowing. This is my river, man.” He puts his arm around his lady. “Our river.”

* * *

Jim Pugh and I stand stock still. Pugh is one of San Diego’s most respected environmental advocates. We’re transfixed by a giant bird standing in the reeds. A breeze ruffles the waters. “He’s spotted something,” Pugh whispers. “He’s waiting...whoa!”

The heron stabs the water, keeps his head under for the longest time, then comes up with what looks like an eight-inch squiggling fish, which he flips back and forth until it points throatwards. Then you see it travel,

struggling, on its last voyage, down the long, thin gullet. Who knew? Right here in deepest Midway, near the Sports Arena, at the end of the river's 52-mile journey to the sea.

It's a slough, the Famosa Slough, an inlet where the tidal waters of the San Diego River and the Pacific Ocean mix, and where wildlife unexpectedly thrives. "It's incredibly healthy," Pugh says. "And not by chance." For sure. The battles over the Famosa Slough are, well, famous. People have been fighting over this little nursing ground for fish, plants, and birds since the '30s, but especially since the 1970s, when development threatened to fill it in. The city bought the 37-acre waterway to preserve it in the early '90s, but it has been local neighbors like Pugh — who have fought unremittingly to keep people back, give the wildlife breathing room, filter the polluted waters of the river channel, plant native plants, and fight invasive exotics — who have made it the life-sustaining miracle that it is. "Today, we have 180 species of birds, 8 species of fish, and countless crabs that use this slough," Pugh says. "It's an important Pacific Flyway stop and vital for 'vagrants,' birds that decide to settle and live here. Even though it's a shadow of what it was, when the whole of Mission Bay Park was a slough, it's something." He also knows it's just one small body part of a giant living organism called the San Diego River, whose larger recovery is not going nearly so well. But he and the rest of the silent army up and down the river, people who love it, from Hutsel to Cuthbert to Jim Bell to Tom, aren't about to give up. "Our motto is 'Every loss is permanent,' " Pugh says, " 'and every victory is temporary.' "

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COMMENTS

1. The San Diego River has actually been serving the people San Diego for over 8,000 years, not 2,000 years. What other feature in our lovely region could lay claim to that? Without our river we would not have had the San Diego that we love today. Our county is named after the river and Old Town grew up along it's banks. Unfortunately it has become one of the more polluted waterways in the U.S. and it runs right along our schools, playing fields, homes, churches etc.
How can we continue to let that happen? You can't have a healthy community without a healthy river. It's truly appalling, we are a first world city with a 3rd world river running right through the middle of it.
The San Diego River is historically, culturally and ecologically significant.
It's referred to as California's first river as discovered by Europeans. San Diego itself, including the San Diego River is home to more bio-diversity than any other county on the U.S. mainland. There are more unique species of flora and fauna here than anywhere else. As such, our region is prone to more extinction than any other county. That extinction is real and is hapening right now in Mission Valley, in Santee, right

by your house or your favorite shopping center.

Fortunately, there are like minded people out there who are no longer going to sit down and let our river be abused and neglected. I am thrilled that people are giving a voice to our river and working to make it healthy again. I urge you to do an internet search on the San Diego River and see how you can get involved. How exciting that we will soon have a river park and trail where you can walk or ride your bike from OB to Julian, going through Mission Valley, through Mission Trails Regional Park up to our beautiful mountains. The river park will be a world class destination and will be a great tourist draw on par with Balboa Park, the Zoo and other local attractions on which so much of our economy depends. Parts of the trail and river park exist right now and are waiting for you to explore and discover parts of our county you may not know exist. It's time to take back our river and return the love it has given to us.

By **richard** 10:23 a.m., Oct 23, 2008 > Report it

State of California
San Diego River Conservancy

EXECUTIVE OFFICER'S REPORT
Meeting of November 21, 2008

ITEM: **6**

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

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of November 21, 2008

ITEM: **Item 7**

SUBJECT: **Mast Park West Section/San Diego River Trail**

**APPLICATION FOR GRANT FUNDS FROM
PROPOSITION 40, RIVER PARKWAYS PROGRAM
UNDER THE CALIFORNIA CLEAN WATER, CLEAN
AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL
PROTECTION ACT OF 2002**

PURPOSE: The Board may consider adoption of Resolution 08-07 authorizing the City of Santee, to obtain Proposition 40 funds from the Resources Agency to develop the **Mast Park West Section of the San Diego River Trail.**

STRATEGIC PLAN
CONSISTENCY

This item will help to implement Program 2, Project 1, *Complete the San Diego River Park Trail*

BACKGROUND:

The Conservancy's enabling statute includes a statement directing the Conservancy: **"to provide recreation opportunities, open space,...and lands for educational uses within the area."** **"To provide for the public's enjoyment and to enhance the recreational and educational experience on public lands in the territory in a manner consistent with the protection of land and natural resources, as well as economic resources, in the area."**

The Conservancy's Strategic Plan includes in Program 2: Recreation and Education states; Complete projects that will most expeditiously result in River Park amenities that the public can begin to see and use. Complete or significantly advance at least 32 miles of River Park Trail.

At the Conservancy Meeting of September 18, 2008, the City of Santee made a presentation entitled Mast Park West, San Diego River Trail and Trailhead which proposed the construction of a project that comprised a trail and trailhead within a 43-acre property adjacent to the San Diego River.

The trail's length would be 2,500 feet. The project includes: regional trail linkage, trailhead off Carlton Hills Boulevard, trailhead kiosk, nature and regulatory signs, and lodge pole fencing. The cost of construction was estimated to be \$475,000.

THIS ACTION: The action is for the Governing Board to approve resolution 08-07 supporting the City of Santee's application to the Resources Agency for an amount not to exceed **\$475,000** of Proposition 40 funds set aside for the San Diego River Conservancy to develop the San Diego River Trail at Mast Park West.

SUPPORTING DOCUMENTS: Resolution 08-07

RECOMMENDATION: Adopt Resolutions 08-07

Resolution No: 08-07

RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO RIVER CONSERVANCY

SUPPORTING THE APPLICATION FOR **\$475,000** OF GRANT FUNDS FROM PROPOSITION 40, RIVER PARKWAYS PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 BY THE CITY OF SANTEE, CALIFORNIA

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the State 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 by the applicant's governing board before submission of said application to the State; and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the project; and,

WHEREAS, The project is comprised of a 2,500 feet of trail and trailhead within a 43-acre property adjacent to the San Diego River, which is consistent with the San Diego River Conservancy Act and the Five-Year Strategic and Infrastructure Plan; and,

WHEREAS, the Governing Board of the San Diego River Conservancy finds the application for **an \$475,000 Proposition 40, River Parkways Grant to construct the Mast Park West Segment of the San Diego River Trail**, consistent with the Conservancy's Five Year Strategic and Infrastructure Plan, Program 2: Recreation and Education, Project 1. Complete the San Diego River Park Trail.

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

1. Approves the filing of an application for the construction of the Mast Park West section of the San Diego River Trail by the City of Santee; and,
2. Finds that the City of Santee has certified that it has sufficient funds to operate and maintain the Project(s) consistent with the land tenure requirements; or will secure the resources to do so; and,
3. Finds that City of Santee has reviewed and understands the Special and General Provisions contained in the Sample Project Agreement shown in the Procedural Guide.

Approved and adopted the 21st day of November 2008. I, the undersigned, hereby certify that the foregoing Resolution Number 08-07 was duly adopted by the San Diego River Conservancy's Governing Board.

Following Roll Call Vote: Ayes: _____
 Nos: _____
 Absent: _____

Michael J. Nelson, Executive Officer

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of November 21, 2008

ITEM: 8

SUBJECT: **AUTHORIZING THE PREPARATION OF A GRANT REQUEST TO DEVELOP AN ADDENDUM TO THE 5-YEAR STRATEGIC & INFRASTRUCTURE PLAN THAT IDENTIFIES AND RECOMMENDS GEOGRAPHICALLY SPECIFIC PRIORITIES FOR THE PROGRAMS AND PROJECTS CONTAINED IN THE PLAN**

PURPOSE: The Board may consider adoption of Resolution 08-08 authorizing the Conservancy to request approximately \$100,000 from the Coastal Conservancy to allow the Trust for Public Land's, Conservation Visioning Group to develop an addendum to the Conservancy's Five Year Strategic and Infrastructure Plan 2006-2011, adopted March 2006.

STRATEGIC PLAN CONSISTENCY: This item seeks to refine and provide geographic specificity to the programmatic objectives established in the 2006-2011 Strategic and Infrastructure Plan and its 4 programs: Land Conservation, Recreation & Education and Program 3, Natural and Cultural Resources Preservation and Restoration, Water Quality and Natural Flood Conveyance.

BACKGROUND: Project Summary: The 2006 - 2011 Five Year Strategic and Infrastructure Plan (Plan) describes current resource allocations to the Conservancy, public needs served by the Conservancy, policies and principles guiding the Conservancy and the intended and recommended future course of the Conservancy's efforts. This future course is expressed in terms of four major programs and a number of projects designed to implement each program. The four major programs are:

- Land Conservation
- Recreation and Education
- Natural and Cultural Resources Preservation and Restoration
- Water Quality and Natural Flood Conveyance

Many of the projects within this Plan are described within their respective reach of the River. In most cases the program goals are expressed quantitatively not geographically (e.g. land conservation, 1500 acres; recreation and education, 32 miles of trail; restoration, 900 acres).

Though considerable progress has been made in all four programmatic areas these successes have never been articulated. This exercise would not only demonstrate our accomplishments, it would also develop priorities, create an implementation strategy, and provide geographic specificity to our programmatic goals and projects.

The Trust for Public Land (TPL) has extensive conservation, park and trail planning experience around the country, including over 40 active or completed Greenprint projects. This action would enable the TPL to prepare a document that would:

- Fully utilize the conservation, park, trail and watershed plans that have already been completed such as, the SDRC Strategic Plan and Statute; San Diego River Park Conceptual Plan, The City of San Diego's Draft Master Plan/ San Diego River Park.; The San Diego River Watershed Management Plan.
- Produce a document plan that is brief, visually appealing and presents a broad implementation strategy for the goals of the Conservancy; a document that can be incorporated as an addendum to the Conservancy's Strategic Plan and sets forth an action plan for Conservancy's four programmatic areas.
- Create a strategy which articulates the values associated with a corridor that connects multiple habitat and sub areas plans essential to implementation of the Multiple Species Conservation Program;
- Create a document that could serve as a Conceptual Area Protection Plan, which are used to guide investments by the California Department of Fish and Game and the Wildlife Conservation Board;
- A brochure that is concise, attractive and motivating, that can be used for program development and fundraising.

SUPPORTING
DOCUMENTS:

Resolution 08-08
Project report

Resolution No: 08-08
RESOLUTION OF THE GOVERNING BOARD OF THE SAN DIEGO RIVER CONSERVANCY
AUTHORIZING THE TRUST FOR PUBLIC LAND, CONSERVATION VISIONING SERVICES,
TO SEEK A GRANT FROM THE STATE COASTAL CONSERVANCY TO FUND
DEVELOPMENT OF AN ADDENDUM TO THE SAN DIEGO RIVER CONSERVANCY'S 2006 -
2011 FIVE YEAR STRATEGIC AND INFRASTRUCTURE PLAN

WHEREAS, the San Diego River Conservancy (Conservancy) and the Trust for Public Land (TPL) have developed a partnership to pursue the conservation of a riparian corridor in Santee, California, known as the Walker Properties;

WHEREAS, TPL is a national nonprofit land conservation and park organization offering services in Conservation Vision, Conservation Finance, Conservation Transactions, and Research & Education;

WHEREAS, the Conservancy finds that developing an addendum to the Conservancy's 2006-2011 Five Year Strategic and Infrastructure Plan that illustrates accomplishments and provides geographic specificity to the goals and objectives of the Conservancy's four programs would be beneficial and consistent with the San Diego River Conservancy Act; and

WHEREAS, TPL, in addition to its real estate expertise, has extensive conservation, park and trail planning experience around the country, including over 40 active or completed projects, and uses a geographic information system (GIS) to identify priorities, which combines the science behind habitat, water quality and other resource protection goals with the art of working with the local leaders and stakeholders.

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

1. Authorizes TPL, Conservation Visioning Services to seek a grant from the State Coastal Conservancy to fund the preparation of an addendum to the 2006-2011 Strategic and Infrastructure Plan that provides geographic specificity to the goals and objectives of the Conservancy's four programs and creates a shared vision for the Conservancy, its participating local governments and its nonprofit partners, such as San Diego River Park Foundation, Lakeside's River Park Conservancy, Endangered Habitats Conservancy and the San Diego River Coalition; and,
2. Requires the San Diego River Conservancy to negotiate a Scope of Work with TPL to secure the grant from the State Coastal Conservancy, and,
3. Appoints the Executive Officer as agent for San Diego River Conservancy to conduct negotiations, execute and submit all documents which may be necessary for the completion of the aforementioned project.

Approved and adopted the 21st day of November, 2008. I, the undersigned, hereby certify that the foregoing Resolution Number 08-08 was duly adopted by the San Diego River Conservancy's Governing Board.

Vote: Ayes: _____ Nos: _____

Michael J. Nelson, Executive Officer
San Diego River Conservancy

EXECUTIVE OFFICER'S SUMMARY REPORT
Meeting of November 21, 2008

ITEM 9

SUBJECT **San Diego River Gorge Trail and Trailhead Improvement Project**
(Consideration of Adoption of a Negative Declaration)

PURPOSE The Board may consider adoption of Resolution 08-09, Adopting a Negative Declaration for the U.S. Forest Service's San Diego River Gorge Trail and Trailhead Improvement Project

STRATEGIC PLAN CONSISTENCY The Project will improve the San Diego River Gorge Trail and trailhead and will help implement Program 2, Project 1.1 and 1.2 of the Five Year Strategic Plan. The San Diego River Gorge Trail provides access to the San Diego River Trail from the West in Ramona and from the East near Eagle Peak and thus this project also supports Strategic Plan Program 2, Project 1, *Complete the San Diego River Park Trail*.

PREVIOUS BOARD ACTIONS The SDRC Board has considered this project at previous meetings, and the Board authorized Conservancy staff to pursue Prop 40 grants for the River Gorge Trail and Trailhead improvements.

BACKGROUND This project is in partnership with the U.S. Forest Service (Forest Service) which manages the Cleveland National Forest on behalf of the American people. This is a high priority project for the Forest Service, primarily because current unsafe conditions have led to repeated rescues including calls to Life Flight to remove hikers suffering from heat exhaustion from the gorge. Additionally, unauthorized trails in the project area have created environmental degradation such as erosion, threatening biological resources in the area.

This is also a high priority for the Conservancy, for the same reasons. The Conservancy is providing Proposition 40 funding to support improvements to the trail and trailhead. Proposition 40 requires a California Environmental Quality Act (CEQA) analysis because state

funds are being used to implement this project on Forest Service land. The CEQA discloses the environmental impacts from a State decision to provide funding. However, the requirements for CEQA do not apply to decisions the Forest Service makes. State funding, neither authorizes nor directs whether, where and how the trail would be built which is a Forest Service decision subject to NEPA requirements. The Forest Service will oversee construction and maintain the trail and trailhead. It is anticipated that volunteers, such as members of the Ramona Trails Association, will lend support to maintain the improvements. Additionally, the San Diego River Gorge Trail will serve as a portion of the Transcounty Trail and county trail volunteers may also support maintenance of the improvements.

This year marks the 100th anniversary of the Cleveland National Forest. The land encompassing the proposed River Gorge Trail and Trailhead has been a part of the National Forest since the Cleveland National Forest was established in 1908. For decades, forest visitors have accessed the San Diego River and gorge from both the west and east sides; the primary draw is Cedar Creek Falls which is located on land owned by the Helix Water District at the bottom of the gorge. Because of the ease of public access, the West River Gorge Trail, located at the end of Thornbush Road in the Ramona Country Estates, has been historically used. According to the Forest Service, the falls are one of the two most popular attractions on the Palomar Ranger District.

There are no officially recognized Forest trails that access the San Diego River Gorge. Over the decades, Forest visitors have created multiple unauthorized trails from the west side that bisect the hillsides leading down to the falls. Steep, unauthorized trails do not meet Forest Service trail standards making them both unsafe for hikers and an impact to the environment. In some cases trails have caused or exacerbated erosion on the hillsides and affected habitat that supported sensitive species prior to recent fires.

Because the area is unimproved (for example, no water is available for trail users) and often hot, there have been numerous occasions where Life Flight helicopters have been called to rescue hikers out of the gorge. It is for all

these reasons the Forest Service has proposed improvements to the trail and trailhead to enhance public safety, environmental protection and the recreational experience. Improving the River Gorge Trail and Trailhead enhances public safety and environmental protections in the Gorge and improves access to the San Diego River. It is for all these reasons, the Conservancy is providing Proposition 40 funding to implement improvements to the trail and trailhead.

**COMMENTS ON
THE INITIAL
STUDY AND
NEGATIVE
DECLARATION**

The Conservancy received seven communications on the Initial Study and Negative Declaration. Four communications were from residents who live near the trailhead on Thornbush Road and expressed opposition to the improvements. One communication was from an individual who expressed support for the project. Another communication was from the Ramona Water District expressing no comments or concerns with the project. The Conservancy also received a letter from the Department of Fish and Game seeking technical clarifications about the project. The communications and responses are included in Attachment A.

**ADDITIONAL
COMMENTS ON
THE PROJECT**

The Conservancy has received other communications concerning the project, including communications in opposition to the project from residents residing near the proposed trailhead on Thornbush Road. Many of those communications suggested the trailhead be located onto another nearby street, Ramona Oaks Road. These communications were directed to the Forest Service and later provided to the Conservancy. The Forest Service has responded to these communications in a letter to Representative Duncan Hunter and a second letter to Supervisor Dianne Jacob; both of those letters are included in Attachment B. In addition, the Conservancy received a letter from the Department of Toxic Substances Control on November 13, after the CEQA comment deadline; its contents have been noted and it is also included in Attachment B.

THIS ACTION

The action is for the Governing Board to approve resolution 08-09 adopting a Negative Declaration for the San Diego River Gorge Trail and Trailhead Improvement Project.

SUPPORTING DOCUMENTS

- Resolution 08-09
- Attachment A - Communications on the River Gorge Trail and Trailhead Project Received by the Conservancy by the Deadline
- Attachment B - Other Communications on the River Gorge Trail and Trailhead Project
- Negative Declaration/Initial Study and an addendum dated November 17, 2008 - (Included in Packet Pouch)

RECOMMENDATION AND MOTION

Staff recommends the Conservancy adopt Resolution 08-09 by the following motion:

I move that the Conservancy find the negative declaration reflects the Board's independent judgment and there is no substantial evidence in the record before us that the Project will have a significant effect on the environment and therefore move approval of Resolution 08-09.

ATTACHMENT 1

Communications on the River Gorge Trail and Trailhead Project Received by the Conservancy by the comment Deadline of November 3, 2008

A1. Communication from Diane Hall (via Carol Wylie)

From: Carole Wylie [wyliearchitecture@cox.net]

Sent: Monday, November 03, 2008 8:42 AM

To: brooketerri@msn.com; Marian Brown; Eileen Castberg; cddgo2@aol.com; daniel@tassociates.com; ddlovestoride@yahoo.com; Leo Frisk; Millie Gurzi; Tale Halse; Philip Harding; Michael Harrison; jpchis4@netzero.com; ken.uekert@cox.net; Chuck LeMemager; loftydottie@aol.com; Robert F Macon; Christine Morgan; Mike Nelson; rkelly@san.rr.com; Flip Rodine; tabarrow@cox.net; Mario Trejo; Cindy Venolia; Steve Venolia; Edward Wylie

Subject: Fwd: San Diego River Gorge Trail and Trailhead Improvement Project

Begin forwarded message:

From: Diane Hall <ddlovestoride@yahoo.com>
Date: November 2, 2008 2:27:34 PM PST
To: Tale.Halse@sdcounty.ca.gov
Cc: wyliearchitecture@cox.net
Subject: Re: San Diego River Gorge Trail and Trailhead Improvement Project
Reply-To: ddlovestoride@yahoo.com

I am writing to add my concerns regarding the proposed trailhead project in the SD Country Estates. Please add my name to your mail list so that I may be kept up to date on what the County Board of Supervisors is going to do to stop this project from destroying the residential neighborhood that surrounds it.

I am very opposed to this project and feel strongly that there are alternatives that would be less invasive. I hope that Ms. Jacob and all the Supervisors will listen to the constituents/voters regarding this matter.

Time and time again the residence in the SD Country Estates area and the Barona Mesa area have had to fight to stop our RESIDENTIAL area from being taken over by motorcyclists, off-roaders and other recreational activities that have no business being placed in or near a residential neighborhood. These kinds of issues don't seem to occur in or near other residential neighborhoods - why this one?

We are plagued with motorcyclists who come up here from San Diego and ride their bikes on our dirt roads and the horse/hiking/bicycling trails causing noise, scaring horses, ruining our dirt roads/trails with their spinning and circling and going at such a speed as to cause great danger to motorists in vehicles, bicyclists and horseback riders. It's a continual problem in my 20 years in this area.

Please listen to our concerns.

I hope Supervisor Jacob recovers quickly.

Sincerely,

Diane Hall, Ramona resident and concerned voter

Response to Communication from Diane Hall: The Conservancy appreciates this communication and concurs with the response from the Forest Service included in the letters to Representative Duncan Hunter and Supervisor Dianne Jacob included in Attachment B.

A2. Communication from Carole Wylie

From: Carole Wylie [cwyliearchitecture@cox.net]
Sent: Friday, October 10, 2008 3:57 PM
To: mnelson@sdrca.gov
Cc: Eileen; Leo Frisk; Robert F Macon; sage29@mail.com; Millie Gurzi; rkelly@san.rr.com; ddlovestoride@yahoo.com; schad@worldnet.att.net; tral00@aol.com; jpchis4@netzero.com; ken.uekert@cox.net; brooketerri@msn.com; akumph@cox.net; cddgo2@aol.com; loftydottie@aol.com; tabarrow@cox.net; daniel@tassociates.com; Philip Harding
Subject: San Diego River Gorge Trail and Trailhead Improvement Project

Dear Mr. Nelson,
We completely oppose this project!

This is the third time that I have written to you with our family and neighbors concerns regarding the San Diego River Gorge Trail and Trailhead Improvement Project. We have resided at 15628 Thornbush Rd. for the past 18 years and in that time have been evacuated three times due to wild fires. The first two times, the fires were set by people on the trails in the area that you have planned for this project. We lost many homes in our neighborhood during the Cedar Fire and our home sustained major damage during the fire that occurred on Mothers Day in the year 1993. We are extremely opposed to any development of these trails that would encourage more people to frequent the area and cause greater fire danger than we already face.

We also feel that it is completely wrong to propose any such development of public parking and restrooms, etc. on a residential side street where there are children playing and residents backing out of their driveways. Country Estates was designed with major circulation element roads to handle the traffic that would access public facilities, such as parks, equestrian areas, the country club, etc. to keep the traffic off of our residential streets. These roads are free from driveways that take access to single family homes. When any public project such as this is proposed, it should continue to meet those original design standards that made us choose to live in this community and neighborhood to begin with. This project should not be allowed to take access off of Thornbush Road.

Do not adopt this Negative Declaration.

Sincerely,

Carole Wylie
Resident of Thornbush Rd., Registered Architect and Planner

Response to Communication from Carole Wylie: The Conservancy appreciates this communication and concurs with the response from the Forest Service included in the letter to Representative Duncan Hunter and Supervisor Dianne Jacob included in Attachment B.

A3. Communication from Geoffrey Smith

From: Geoffrey Smith [mailto:geoffrey.smith@money4nature.com]
Sent: Thursday, October 30, 2008 10:46 PM
To: Mike Nelson
Cc: Ann Van Leer and Jim Wilkinson; Troy Murphree
Subject: San Diego River Gorge Trail Improvements, comments

October 30, 2008

Mr. Mike Nelson, Executive Officer, San Diego River Conservancy
mnelson@sdrc.ca.gov

Subject: Negative Declaration for the San Diego River Gorge Trail and Trailhead Improvement Project

Dear Mr. Nelson,

I am pleased to support this plan for significant restoration work in connection with trail improvements for the Trans County Trail, from the Thornbush trailhead in San Diego Country Estates, up to Saddleback on Eagle Peak Road. The degraded state of this habitat due to un-regulated volunteer trail proliferation and down-hill mountain bike racing is well-known. This project would rehabilitate habitat damaged by over three acres of out-of-control trails, install a public restroom and water fountain, an ADA trail, and establish a much-needed volunteer host presence. This is a wonderful proposal!

By applying much-needed restoration, and providing continuous presence through volunteer hosts, this beautiful yet highly-impacted recreation area will

finally have a chance to recover. As a gateway to the proposed Eagle Peak Wilderness complex, this project is justified, welcomed, and a much-needed injection of support for a popular recreation area that has been 'loved to death' over the years. This trail corridor provides direct access to the San Diego River Gorge Proposed Wilderness, Cedar Creek Proposed Wilderness, and Eagle Peak Proposed Wilderness – all part of a combined total of nearly 25,000 acres of pristine, untrammeled land. The presence of this rehabilitated trail system, ADA overlook, and interpretive components, will provide much-needed public education for these important public lands resources.

I wish your office the best of luck with this project. Please keep Wilderness4All volunteers in mind as you schedule volunteer projects in the future!

Geoffrey Smith

Response to Communication from Geoffrey Smith: The Conservancy appreciates this communication and has noted the comment.

A4. Communication from Eileen Castberg:

-----Original Message-----

From: Eileen [<mailto:ecastberg@cox.net>]
Sent: Friday, October 10, 2008 8:01 PM
To: mnelson@sdrc.ca.gov; Carole Wylie
Cc: loftydottie@aol.com; Leo Frisk; Millie Gurzi; cddgo2@aol.com; daniel@tassociates.com; sage29@mail.com; rkelly@san.rr.com; tral00@aol.com; jpchis4@netzero.com; brooketerri@msn.com; ken.uekert@cox.net; ddlovestoride@yahoo.com; tabarrow@cox.net; schad@worldnet.att.net; Philip Harding; aklumph@cox.net; Robert F Macon
Subject: Re: San Diego River Gorge Trail and Trailhead Improvement Project

Great letter Carole. I might add - there currently are no trailheads in San Diego County in any residential neighbors--why this one?
Eileen

Response to Communication from Eileen Castber: The Conservancy appreciates this communication and concurs with the response from the Forest Service included in the letter to Representative Duncan Hunter and Supervisor Dianne Jacob included in Attachment B.

A5. Communication from Millie Gurzi:

-----Original Message-----

From: Millie Gurzi [<mailto:magurzi@cox.net>]
Sent: Friday, October 10, 2008 9:27 PM
To: 'Carole Wylie'; mnelson@sdrca.gov
Cc: 'Eileen'; 'Leo Frisk'; 'Robert F Macon'; sage29@mail.com;
rkelly@san.rr.com; ddlovestoride@yahoo.com; schad@worldnet.att.net;
tral00@aol.com; jpchis4@netzero.com; ken.uekert@cox.net;
brooketerri@msn.com; aklumph@cox.net; cddgo2@aol.com;
loftydottie@aol.com; tabarrow@cox.net; daniel@tassociates.com; 'Philip
Harding'
Subject: RE: San Diego River Gorge Trail and Trailhead Improvement
Project

Great letter, Carole,
I hope you didn't mind me asking him to call you. I feel that you make
a very good representative for the neighborhood. Are we still planning
a meeting for the 22nd? Do we know where? Mr. Nelson expressed an
interest in attending the meeting. Not sure if we should have our own
meeting first, just to be better organized when he takes the time to
come listen to our concerns.
Let me know if I can help, like making phone calls to let people know,
etc.

Millie A. Gurzi

**Response to Communication from Millie Gurzi: The Conservancy
appreciates this communication and concurs with the response from the
Forest Service included in the letter to Representative Duncan Hunter and
Supervisor Dianne Jacob included in Attachment B.**

***A6. Communication from Ralph McIntosh, Ramona Municipal Water
District:***

From: Ralph McIntosh [<mailto:ralphmcintosh@rmwd.org>]
Sent: Tuesday, October 28, 2008 11:37 AM
To: mnelson@sdrca.gov
Subject: San Diego River Gorge Trail and Trailhead Improvements
Importance: High

Mike,

Regarding the Negative Declaration for the San Diego River Gorge Trail and Trailhead
Improvements, the Ramona Municipal Water District has no comments or concerns regarding the
project.

Thanks,

Ralph McIntosh
General Manager
Ramona Municipal Water District

**Response to Communication from the Ramona Water District: The
Conservancy appreciates this communication and has noted the comment.**

A7. Communication from the Department of Fish and Game



State of California – The Resources Agency
DEPARTMENT OF FISH AND GAME
<http://www.dfg.ca.gov>
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201

ARNOLD SCHWARZENEGGER, Governor



October 29, 2008

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

Subject: Comments on the Negative Declaration for the San Diego River Gorge Trail and Trailhead Improvement Project, San Diego County, California, (SCH# 2008101018)

Dear Mr. Nelson:

The Department of Fish and Game (Department) has reviewed the above-referenced Negative Declaration (ND) dated October 2, 2008 for which the San Diego River Conservancy (Conservancy) serves as the lead agency. The comments provided herein are based on information provided in the draft ND, our knowledge of sensitive and declining vegetation communities in the County of San Diego, and our participation in regional conservation planning efforts.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Sections 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code Section 2050 *et seq.*) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning Program.

The San Diego River Gorge Trail project is located within central San Diego County on United States Forest Service lands (Cleveland National Forest), within proximity to the community of Ramona, an unincorporated portion of San Diego County. The existing trail descends down to the San Diego River Gorge through Forest Service lands, crossing onto Helix Water District lands at the bottom of the gorge and connecting to the eastern portion of the trail. The trailhead location for the West San Diego River Gorge Trail is located near the residential community of San Diego Country Estates, whereas the trailhead for the East San Diego River Gorge is located in the Wynola area of San Diego County.

The components of the project consist of trail head improvements and trail improvements. The primary trailhead improvements would occur at the West San Diego River Gorge Trailhead and includes the following: installation of one three-paneled information kiosk (approximately 48 inches x 48 inches per panel); one two-person restroom which would be compliant with American with Disabilities Act (ADA) design standards, approximately 26 feet x 20 feet x 12 feet; new water service to restroom facilities via a 1000 foot water service connection provided by the Ramona Water District, originating from San Diego County Estates; a 16 feet x 16 feet shaded picnic and rest area; one paved ADA compliant parking space, one paved vehicle turnaround, approximately 11,000 feet x 60 feet added to an existing parking area that provides

Conserving California's Wildlife Since 1870

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space for 18 vehicles; an approximate 20 feet x 40 feet trailer pad with water, sewer and electrical service connection; and an ADA compliant cement walk way connecting all features at the trailhead. The trailhead improvements to the East County River Gorge Trailhead would be limited to the installation of an informational kiosk similar in design to the west trailhead site.

The trail improvements portion of the project would involve two components. The first part of the project would occur on the West San Diego River Gorge Trail and consist of constructing approximately 2.27 miles of new trail that would descend from the West San Diego River Gorge Trailhead to Helix Water District owned-lands. There would be approximately 4.60 miles of trail decommissioning and rehabilitation occurring on the West San Diego River Gorge Trail. The second portion of trail improvements would involve solely rehabilitation of approximately 3 miles of East San Diego River Gorge Trail, which would start from the boundary of Helix Water District lands and extend east to the east trailhead. All improvements for this portion of the project would occur on previously disturbed trail.

The West San Diego River Gorge Trail transitions to the East San Diego River Gorge Trail through property owned by the Helix Water District (i.e., land located at the bottom of the San Diego River Gorge). Along with the above mentioned trail improvements, a formalized easement agreement would be established between Helix Water District (approximately 3,000 foot corridor) and the U.S. Forest Service (Forest Service), through which a 50-foot wide trail corridor on Helix Water District's owned-lands would be granted to the Forest Service. The 50-foot wide corridor would be defined across the east/west trending easement, from which a 10-foot wide "floating" or "transitory trail" would be defined each year, in order to take into account changes that occur to the trail location from flooding events.

According to the initial study approximately 1.32 acres of an undefined habitat would be impacted by the proposed trail improvements associated with the West San Diego Gorge Trail. A minimum of 1.78 acres of current user defined trails and associated erosion would be restored resulting in a minimum net gain of 0.46 acres of restored habitat. Furthermore, an existing 0.55 mile fire break which is currently used as a trail would also be rehabilitated and closed from any further use.

The Department offers the following comments and recommendations to assist the Conservancy in avoiding or minimizing potential project impacts on biological resources.

1. Further clarification should be provided in the ND that identifies the established thresholds by which the Conservancy have deemed or utilized to determine the significance of effects for this project on biological resources (e.g., CEQA encourages each lead agency to develop thresholds of significance to aid that agency in determining the significance of environmental effects (CEQA Guidelines §15064.7 (a) (b)).
2. As acknowledged in the ND the potential impacts to sensitive species would be avoided by "seasonal construction restrictions and monitoring". However, the specific details of those measures (e.g., specific type of biological monitoring or success/performance criteria for revegetation activities) have not been clearly outlined in the ND to adequately demonstrate that all potentially significant effects would be avoided or reduced to below a level of significance (e.g., avoidance measures for nesting birds). Furthermore, depending on the National Environmental Policy Act (NEPA)-related actions for this project, there still may be mitigation measures that would be desirable to consider and adopt even though the impacts from the action would not be significant. Consequently, it is unclear to the Department how the Conservancy reached the conclusions in the initial study that impacts would be a less than significant impact without providing further discussion or details on incorporated measures that are broadly referred to in the ND.

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At a minimum, the ND should have included specific details such as implementation of preconstruction meetings that define the roles and responsibilities of all parties involved and work-related activities. This should include restrictions on types/timing of work activities, scope of biological monitoring and individual(s) responsible for performing duties, flagging-off or installation of construction fencing to define work footprint, and detailed construction documents that address water quality and erosion/sedimentation concerns through application of water quality best management practices. Additionally, for those avoidance and minimization measures that have been incorporated into the project (to assure that effects related to project implementation would be below a level of significance) there should be specific conditions that identify the sensitive plant and animal resources to avoid and all other efforts that would be implemented to avoid or minimize direct/indirect impacts to biological resources (e.g., restriction on construction activities outside of the defined avian breeding season).

3. The evaluation for direct habitat impacts identify that there would be a less than significant impact due to proposed restoration and rehabilitation of previously impacted habitat. As acknowledged in the ND, the Department considers coastal sage scrub a sensitive vegetation type. The CEQA document should clearly identify whether the Forest Service considers habitat-based level of protection (as opposed to species-based level of protection), since impacts to individual species, outside of any impacts to habitat, were only mentioned in the biological resources report. The report states that plant species observed at the site were included in Appendix 1; however that information was not included within the ND that the Department received. The Department believes that each habitat type (i.e., coastal sage scrub, chaparral, mixed coastal scrub/chaparral) that would be impacted should be quantified and restored in-kind to offset impacts below a level of significance. Furthermore, the ND mentions new construction and/or rehabilitation of approximately 2.27 miles of the West San Diego River Gorge Trail, whereas the Forest Service scope letter (dated October 2008) refers solely to 2.27 mile of new construction. For purposes of consistency please ensure that project descriptions for CEQA/NEPA documents correspond (i.e., specific distance and width of newly proposed trails).

The Department further emphasizes that direct/indirect impacts to vegetation associated with the trailhead improvements should also be quantified and fully mitigated (if needed) as a requirement for this project, this includes quantifying the acreage impacts that would result from the installation of the water service connection (1,000 feet of trench required) and whether there are significant impacts to sensitive biological resources. The acreage impacts for each portion of the project should be provided in a tabular format.

Although there is mention to the area proposed for trailhead improves as being heavily disturbed with minimal vegetation, at a minimum the percentage of disturbed/ruderal habitat to any remnant native vegetation should be identified, along with that information being combined with the acreage impacts for trails construction. Also, the potential indirect effects to adjacent environmentally sensitive lands upon the completion of the trailhead improvements should be discussed in the CEQA document.

4. The figures that were provided in the ND for the proposed trail improvements do not clearly define the entirely newly created constructed trails, in comparison to the rehabilitated trails and the existing user defined trails that would be restored by revegetation. For example, Figure 2 (*Proposed San Diego River Gorge Trail Improvements*) identifies only the Existing User Defined Trails. Since new trails are proposed there should be figures showing their locations. Supplemental figures should be provided in subsequent CEQA documents. A detailed figure should also be provided that identifies the proximity of trail rehabilitation activities in proximity to the defined bed and bank of the San Diego River.

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5. Since revegetation measures are proposed for this project the environmental document should include, at a minimum, a conceptual revegetation and monitoring plan (including the defined success and performance criteria) within the technical appendices of the ND and the substantive components of those measures should have been identified in the body of CEQA document.
6. Site-specific details of the placement and design features of the proposed trail markings near the San Diego River (i.e., located on Helix Water District lands) should have been included in the ND. Unless the trail avoids the riparian and wetland habitats (e.g., spans the riparian corridor), it will require a Streambed Alteration Agreement (SAA), pursuant to Section 1600 *et seq.* of the Fish and Game Code, prior to the commencement of any activity that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank (which may include associated riparian resources) of a river, stream or lake, or use material from a streambed an SAA notification is required. The Department's issuance of a SAA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department as a responsible agency under CEQA may consider the local jurisdiction's (lead agency) ND or Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to Section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the SAA. A Streambed Alteration Agreement notification form may be obtained by writing to the Department of Fish and Game, 4949 Viewridge Avenue, San Diego, California 92123-1662, or by calling (858) 636-3160, or by accessing the Department's web site at www.dfg.ca.gov/1600. Furthermore, site-specific details of the drainage course and the placement/design features of these markers should be included within revised CEQA documents.
7. The evaluation for noise that was provided in the initial study mentions that trail use would include equestrian riders. The Department has concerns as to whether improvements to the trail would contribute to an increase in equestrian usage (as well as all other recreational users) compared to existing use conditions and whether there is any substantial evidence that potential additional use would contribute to a significant effect to biological resources.

The potential adverse effect of this issue has not been carried over as a discussion point within the biological resource section of the initial study. Consideration should be given to these concerns. Also, the project description should be amended to identify the existing user base that is permitted on these trails.

We appreciate the opportunity to comment on the draft ND for this project and to assist the City of San Diego in further minimizing and mitigating project impacts to biological resources. If you have questions or comments regarding this letter, please contact Paul Schlitt of the Department at (858) 637-5510.

Sincerely,


for Edmund J. Pert
Regional Manager
California Department of Fish and Game

cc: Paul Schlitt, San Diego

Response to Communication from Department of Fish and Game: The Conservancy appreciates this communication. See replies to DFG comments below.

The following has been provided by the Forest Service in regards to comments submitted by the California Department of Fish and Game in a letter dated October 29, 2008, and a subsequent meeting held on November 12, 2008.

1. Establishment of thresholds in determination.

The Forest Service's determination of this project having no negative significant effects is based upon several conditions, including both standardized criteria established by federal law (NEPA). Determining the threshold for significance under NEPA regulations (40 CFR 1500-1508), is based on the twin criteria of context and intensity (40 CFR 1508.27).

Context means the affected environment in which a proposed action would occur; it can be local, regional, national, or all three, depending upon the circumstances. Intensity means the degree to which the proposed action would involve one or more of the following 10 factors:

- Adverse effects associated with "beneficial projects";
- effects on public health or safety;
- unique characteristics of the geographic area (e.g., historic resources, park lands, prime farmland, wetlands, wild and scenic rivers, ecologically critical areas);
- degree of controversy;
- degree of highly uncertain effects or unique or unknown risks;
- precedent-setting effects;
- cumulative effects;
- adverse effects on scientific, cultural or historical resources;
- adverse effects on endangered or threatened species or designated critical habitat (pursuant to the Endangered Species Act); and
- Violations of federal, state, or local environmental law.

Based on the Forest's review of the San Diego River Gorge Trail and Trailhead project, given the small scope of the project in terms of the acres and the beneficial effects from restoring unauthorized trails in the area, it was determined that the effects of the trail and trailhead project are not significant. With regard to the loss of habitat, the total area affected is degraded chamise chaparral. This project does not meet the level of significance. Rationale for this includes:

- a) Small scope (size) of project.
- b) No threatened and endangered species present within project area.
- c) No proposed ground disturbing activities within riparian habitat.
- d) Proposed activity will avoid heritage sites that have already been inventoried.
- e) Proposed project will improve current conditions by reducing impacts from unauthorized trails.
- f) Potential effects will be mitigated through restoration.

- g) Proposed project will not change the current use of area as the focus of this project is to better manage an already existing condition.

2. Project Mitigation Measures.

The level of detail suggested in the DFG letter regarding roles and responsibilities is not appropriate for the State to place in a state decision document as this is a Forest Service determination, and one that we do not typically include in our NEPA documentation. All project conditions and applicable environmental constraints will be presented and discussed with contractor personnel prior to the commencement of work. This is standard USFS procedure and is conducted through a Contracting Officer, Contracting Officer representative, and designated project inspector. In addition, the appropriate USFS staff personnel will also participate (e.g., district biologist, archeologist etc) as needed. Topics covered under this pre-work meeting include identification of work area, unique site conditions, and/or restrictions, safety and fire hazard restrictions, etc. Environmental constraints, including adherence to construction, trail standards and Forest Plan requirements will be a part of the final Forest Service decision and carried forward into the contract as appropriate.

Trailhead Construction

The proposed trailhead and associated facilities occur within chamise chaparral. This area is unsuitable for California gnatcatchers and has no recorded occupation by this species. Overall condition of the habitat within this area ranges from fair to poor, with varying levels of disturbance due to proximity to existing houses, roads, trails and other infrastructure and human disturbance. No threatened, endangered or Forest sensitive species are documented within the proposed Trailhead area. Specific mitigation measures for the Trailhead construction will include Forest Service standard Best Management Practices (BMPs) for construction and ground disturbance. These include project construction area limitations (marked boundaries), erosion and runoff control measures, parking, storage, and staging area restrictions, etc. Any other site specific environmental mitigation measures identified for this phase of the NEPA project decision and carried forward into the contract as appropriate.

Trail Construction

The proposed trail is approximately 2.27 miles in length. Standard mitigation measures for trail construction include BMP's as outlined above. In addition, specific wildlife and botany mitigations will be utilized during the trail construction phase:

- a) California Gnatcatcher: Prior to the most recent fires (pre-2003), gnatcatchers were known to be present in the project area. However, much of the habitat has type-converted and there is no record of them using the area since the fires. Since they were previously known to use *the area*, prior to initiation of work, the Palomar District wildlife biologist will survey the trail route. If gnatcatchers are present within 300' of the trail

- route, then construction activities will be suspended within that area until monitoring can determine the gnatcatcher's breeding status, general territory location and nest site location. If gnatcatchers are nesting within 300 feet of the trail route, then construction activities will be suspended until the breeding season is over (August 1) or until monitoring has determined that the pair has successfully fledged young.
- b) Least Bell's vireo and southwestern willow flycatcher: Prior to any construction activities occurring within 300 feet of riparian habitat, the Palomar District biologist will survey for the presence of these species within the project area (300' of trail route). If either of these species is present, then all construction activities will be suspended within 100' of riparian habitat until August 15.
 - c) Coastal sage scrub habitat: Trail construction activities within coastal sage scrub habitat will be restricted to the minimal area of disturbance necessary. Staging and equipment storage activities will be restricted to the trail route pathway. Trail route will be flagged at all times. Staging areas outside of the trail route zone will be pre-defined and marked and be limited to previously disturbed areas where native vegetation is limited or absent.
 - d) Riparian habitat: No trail construction activities or vegetation disturbance is proposed within riparian habitat. Activities within this habitat type are limited to placing trail marker signs along existing route.

3. Direct and Indirect Impacts to Vegetation

Section 1.4 of the Initial Study describes the impacts to vegetation associated with this project. Impacts will occur to native habitat, largely chamise chaparral but including lesser amounts of coastal sage scrub. All of the impacted chamise chaparral is in a disturbed condition due to proximity to existing roads, trails, homes and other structures, and proximity to existing trail. At least 1/3 of the coastal sage scrub habitat is in disturbed condition due to its proximity and overlap with existing trail. As described in the IS, there is a net gain in habitat from this project of .46 acres due to the proposed restoration of unauthorized trails.

4. Figures and mapping.

Figure 2 was mislabeled and has been corrected to "San Diego River Gorge Trail Existing Conditions on USGS 7.5' Quadrangles." Final trail location will be located within the red cross hatched project area and constructed to minimize impacts to the resource. Regarding trail rehabilitation near the river, see response to 5, below.

5. Revegetation Plan

The Forest Service is responsible for decisions regarding revegetation, where needed. Prior to seeding, all identified unauthorized routes will be rehabilitated mechanically and/or manually. This work includes returning areas to natural contour, restoring drainage function, eliminating berms and ruts, and pulling back in rock and existing natural material. This technique is a standard method for road and trail obliteration and rehabilitation for the USFS and CDF/Calfire.

Revegetation activities will be performed under a separate revegetation project in the area for over 200 acres of coastal sage scrub habitat. This effort will utilize a revegetation plan written by restoration ecologist Margot Griswold of Earthworks, Inc. After the routes have been returned to natural condition, the areas will be reseeded with a mixture of native plant seed, including California sage (*Artemesia californica*), deerweed (*Lotus scoparius*), flat-top buckwheat (*Eriogonum fasciculatum*), white sage (*Salvia apiana*), Cleveland sage (*Salvia clevelandii*), foothill needlegrass (*Nassella lepida*), and snapdragon penstemon (*Keckiella antirrhinoides*). Reseeding will be done through a seedball application in which the native seed is encased in a clay and humus ball, which is distributed within the area. Monitoring of seed success will be accomplished through;

- a) Sample plots within the coastal sage scrub restoration project area.
- b) Photo plots within the trail restoration sites in conjunction with user compliance monitoring of closed trail sections. Minimum of 5 photo plots.

6. Streambed and riparian activities within San Diego River

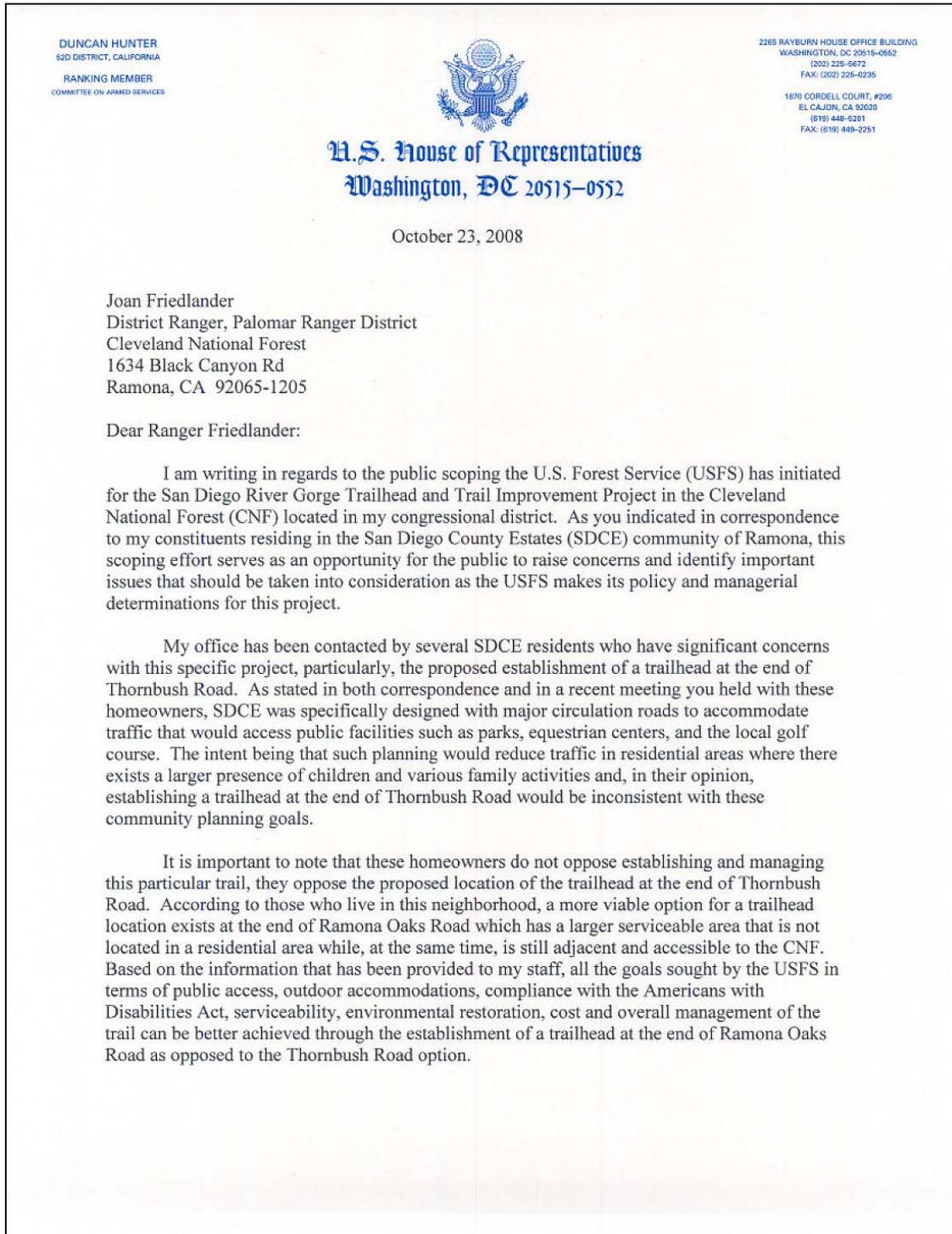
There are no proposed activities within stream or riparian habitat other than carsonite trail markers on either end to point hikers in the correct direction. Forest Service requirements regarding impacts to riparian areas are governed by best management practices set for in the Cleveland National Forest Plan. An SAA is not required by the Forest Service who will be the responsible party for the easement across Helix land. No Proposition 40 funding will be used on Helix property. Information on the Helix easement was provided as a courtesy to the reader.

7. Equestrian and other use increases.

The USFS is not proposing to expand or permit trail use or activities that are not already permitted within the area. In addition, the Forest Service is not creating significantly changed conditions within the area. If the trail is not constructed, the area will still be utilized by the public and current degradation will continue. The proposed trail and trailhead are also not providing a significantly increased benefit to equestrian use which has occurred in this area for decades.

ATTACHMENT B
Other Communications on the River Gorge Trail and Trailhead Project

B1. Communication from Rep. Duncan Hunter to the Forest Service and from the Forest Service to Rep. Duncan Hunter.



I have always been a strong proponent of ensuring that public land remain accessible for recreational activities and I applaud the efforts by the USFS to be proactive in providing opportunities that allow the public to enjoy one of our greatest natural and local resources. At the same time, however, I believe the USFS has a responsibility to follow a policy of being a good neighbor and provide the same validity to the concerns raised by homeowners living adjacent to the CNF's boundaries as to those advocating the increased management of this trail.

Ranger Friedlander, I appreciate and respect the candor you displayed in the meeting recently held with the homeowners where you made clear that the responsibility of this decision ultimately lies with yourself. While I understand that your tenure at your current position has been relatively brief and your predecessor had reportedly made recommendations opposing the Ramona Oaks Road option, I am hopeful that you will take the initiative to personally explore all the possibilities and concerns raised by homeowners before making your final decision. Additionally, if the USFS has exhausted all options regarding the establishment of a trailhead at the end of Ramona Oaks Road, I would appreciate your office providing me with a thorough and detailed explanation as to why this location is not viable.

Thank you in advance for your time and consideration and I look forward to hearing from you regarding this important matter. If you have any questions, or require additional information, please do not hesitate to contact me directly or Michael Harrison in my office at (619) 448-5201.

With best wishes.

Sincerely,



Duncan Hunter
Member of Congress

DH/mrh



United States
Department of
Agriculture

Forest
Service

Cleveland National Forest

Palomar Ranger District
1634 Black Canyon Road
Ramona, CA 92065-1205
(760) 788-0250
(760) 788-6130 FAX
CRS 1-800 735-2922

File Code: 1510-4

Date: November 14, 2008

Congressman Duncan Hunter
U.S. House of Representatives
1870 Cordell Court, #206
El Cajon, CA 92020

Dear Congressman Hunter:

We appreciate your interest and that of San Diego Country Estates (SDCE) residents you represent who have expressed concerns over the proposed location of the San Diego River Gorge Trail on the Palomar Ranger District, Cleveland National Forest. This letter responds to the concerns raised by affected SDCE residents noted in your inquiry dated October 23, 2008.

Since the meeting with concerned SDCE homeowners living on or near Thornbush Rd, attended by Mike Harris of your staff and myself, I reviewed all written documentation related to the proposed San Diego River Gorge Trail. Though new to this District, in the past few months I have visited *all* potential trailhead areas, and hiked down to Cedar Creek Falls. I also personally consulted with the Forest Service staff responsible for conducting the initial planning efforts including evaluating several options regarding alternate locations for this trail.

The purpose and need for this project is to provide a safe, accessible, and affordable trail route to Cedar Falls, one of the most popular destinations on the Cleveland National Forest. Additionally, the Forest Service has partnered with the San Diego River Conservancy District in an effort to provide the public with opportunities to access the San Diego River gorge and associated trail network.

Foremost in our thinking has been a long standing need to provide a quality recreation user experience, while simultaneously addressing a number of health and safety problems associated with hikers who have long utilized the Thornbush site to access Cedar Falls. In addition to building a trail to the popular Cedar Falls, the project design includes obliterating undesirable trails and building a trailhead that includes a restroom, water fountain; and designated parking for approximately 10 or more vehicles. This and other design features will go a long ways to remedy longstanding problems including:

- o A network of poorly located user defined trails that are steep, unsafe and erosive;
- o Emergency evacuation of hikers because they are ill prepared for the steep hike;
- o Recreational visitors who park their vehicles next to residences;
- o Trail users (including SDCE residents) who leave or dump trash at the Thornbush site;
- o Human waste deposited at this undeveloped trailhead and along the trail;
- o Hikers who disturb nearby residents for drinking water or use of their bathrooms;



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- Drug and alcohol related incidents.

The Forest Service is inclined to utilize the existing Thornbush site as the most environmentally feasible route to develop and maintain. Rationale used by the Forest Service in considering four options for considering the trail location is outlined as follows.

Accessing Cedar Falls from the Eagle Peak Road (Saddleback) from the direction of Pine Hills near Julian. Accessing the trail from the northern end of the District requires an additional 65 to 75 minutes of driving time, some on gravel roads, for the majority of the users to access this trailhead. This additional drive time, combined with gas prices makes it unlikely that this access would become an acceptable access for the public. The length of trail required is estimated to be 2.2 miles across steep terrain. The public has and continues to show clear preference for access from the Thornbush road. Under this scenario, the Forest Service would be investing in a trail that would do little to change current use patterns, including problems from use occurring at the Thornbush site. As a result, the Forest Service would end up with two trail systems, one official, and one user created as has been the situation for many years. These issues were chief among the considerations used by the Forest Service to reject this as a viable alternative.

Accessing via Ramona Oaks side of San Diego Country Estates (SDCE). This is the preferred trail location for residents opposing a trailhead located on Thornbush road. Residents living adjacent to Ramona Oaks have voiced concerns similar to those living off of Thornbush road and have indicated a preference for either no trail, or a trail accessed from the current Thornbush site. Roughly, the same number of residences of 8-10 back up to either the Ramona Oaks or Thornbush locations. The Forest Service has estimated the trail length from Ramona Oaks to Cedar Falls to be 1.8 miles, perhaps shorter than the Thornbush trail.

The Forest Service considers this a less desirable option because:

1. The Forest Service does not have legal access through a short distance of private property at the end of Ramona Oaks which we believe to be the common area owned by the SDCE Association.
2. While it's possible that use patterns could be shifted in part to the Ramona Oaks site, use of the Thornbush site for hiking or other purposes would likely continue because of longstanding use which detracts from the purpose and need for the project.
3. While traffic on the arterial road accessing this site would be less obtrusive to homeowners than Thornbush Rd, the closer proximity and visibility to houses is of concern to nearby residents and the Forest Service.
4. While the trail is potentially shorter (1.8 miles), the access to the trail involves traversing a deep gully which is complex undertaking.
5. The trailhead design would require more land area disturbance.
6. The entire estimated project costs are higher though sewer access would cost less.
7. Terrain and visual ascetics are less suitable for an ADA wheelchair accessible trail spur.
8. Concern exists whether this site would meet Forest Plan scenic integrity objectives.

Accessing the trail just above Ramona Oaks from the Forest Service Gower Rd. Because the Forest Service does not have legal access through the Ramona Oaks site, and in an attempt to skirt the private land, the District considered locating a trailhead and trail on Gower Road.

Gower road is a narrow one lane road approximately 1000 yards directly above Ramona Oaks. This length of this trail would be 2.0 to 2.4 miles in length.

All of the concerns except for lack of legal access apply to the Gower Rd alternative. The Forest Service documented it's conclusions in 2006 that "Due to the presence of the existing water tank and extensive construction which as already occurred on Thornbush, disturbing the alternative sites [Ramona Oaks and Gower] was not administratively, financially, or environmentally practical". For example, the Gower site consists of a narrow one lane road that requires widening. This site would result in far higher construction costs compared to all alternatives.

Trailhead Access from Thornbush Rd. This alternative would involve approximately 2.2 miles of trail development. This site had the existing advantage of a wide improved asphalt roadway as a result of a road that accesses the water tank permitted to occupy Forest Service land. Trailhead construction costs are expected to be lower at this site because of the wide asphalted road which is naturally suited for parking and other improvements. The chief advantage of this site was that the Forest Service would not be managing for more than one area since this is where the principle historical use has occurred. In addition, the trail and trailhead was located farther from residents than at the Ramona Oaks location. This site met scenic integrity objectives set forth in the Forest Plan. This site also has a short section of a few hundred yards that leads to an overlook that is very scenic and would accommodate an ADA accessible trail. At the time residents bought or built their homes backing up to Forest Service, trail activity was occurring though there was not a developed trailhead.

I recognize that there is no simply solution to the concerns and needs of all citizens affected by this project. The question for the Forest Service is how to best to provide access to a popular destination while effectively managing associated recreational impacts. Moving the trailhead to a less ideal location would increase the management footprint, satisfy one group of residents only to shift concerns to another, and in our view, perhaps double the area to be managed. It is important to note, that we received letters of support for the trail from both SDCE residents and non-residents alike. There has been considerable interaction with the public including meetings that the previous District Ranger and I have had with affected residents.

I understand and appreciate the legitimate concerns of the residents and in fact it was these very concerns that led us the District to propose this project. The Forest Service strives to be a good neighbor while also serving a broad public. In our attempt to address the concerns of local residents, we have included in our design a trailer pad to accommodate a volunteer host that would reside at the site to educate, inform and monitor the actions of visitors to Cedar Falls.

Please let me know if I can answer any further questions you have.

Sincerely,

JOAN FRIEDLANDER
District Ranger

B2. Communications from Sup. Dianne Jacob to the Forest Service and from the Forest Service to Sup. Dianne Jacob.



DIANNE JACOB
SUPERVISOR, SECOND DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

November 7, 2008

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Joan Friedlander
District Ranger, Palomar Ranger District
Cleveland National Forest
1634 Black Canyon Road
Ramona, CA 92065-1205

Dear Ranger Friedlander:

As Supervisor of San Diego County's Second Supervisorial District, which includes San Diego River Gorge area in Ramona, I'm writing in regards to the proposed trailhead and trail improvement project in the Cleveland National Forest.

I have been a strong supporter of building and extending our trail network to gain key connections and connect communities as well as increasing opportunities for hikers and equestrians. I'm also aware that the River Gorge Trail is a key access point to Cedar Creek Falls.

However, I have some concerns with the proposed trailhead project at the end of Thornbush Road. It is my understanding that the neighbors have proposed an alternate location for the trailhead at the end of Ramona Oaks Road which is not in a residential area but still adjacent to the Cleveland National Forest. I would appreciate any information that could be provided in regards to this location and why or why not it may be viable.

Thank you for your time and consideration and I look forward to hearing from you. If I can be of any assistance, please feel free to contact me or Tale Halse of my staff at (619) 531-5522, or via e-mail at www.diannejacob.com.

Sincerely,

Dianne Jacob
Vice Chairwoman

DJ:th

1600 PACIFIC HIGHWAY, ROOM 335 • SAN DIEGO, CALIFORNIA 92101-2470
(619) 531-5522 • FAX: (619) 696-7253 • TOLL FREE: 800-852-7322
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United States
Department of
Agriculture

Forest
Service

Cleveland National Forest

Palomar Ranger District
1634 Black Canyon Road
Ramona, CA 92065-1205
(760) 788-0250
(760) 788-6130 FAX
CRS 1-800 735-2922

File Code: 7720-3

Date: November 14, 2008

Supervisor Diane Jacob
San Diego County Board of Supervisors
1600 Pacific highway
San Diego, CA 92101-2470

Dear Supervisor Jacob:

We appreciate your interest and that of San Diego Country Estates (SDCE) residents you represent who have expressed concerns over the proposed location of the San Diego River Gorge Trail on the Palomar Ranger District, Cleveland National Forest. This letter responds to the concerns raised by affected SDCE residents noted in your inquiry dated November 7, 2008.

I appreciate the opportunity to meet with Tale Hase of your staff, with Mike Nelson from the San Diego River Gorge Conservancy on November 13. I recently met with concerned SDCE homeowners living on or near Thornbush and since that time I reviewed all written documentation related to the proposed San Diego River Gorge Trail. Though new to this District, in the past few months I have visited *all* potential trailhead areas, and hiked down to Cedar Creek Falls. I also personally consulted with the Forest Service staff responsible for conducting the initial planning efforts including evaluating several options regarding alternate locations for this trail.

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- o A network of poorly located user defined trails that are steep, unsafe and erosive;
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Trailhead Access from Thornbush Rd. This alternative would involve approximately 2.2 miles of trail development. This site had the existing advantage of a wide improved asphalt roadway as a result of a road that accesses the water tank permitted to occupy Forest Service land. Trailhead construction costs are expected to be lower at this site because of the wide asphalted road which is naturally suited for parking and other improvements. The chief advantage of this site was that the Forest Service would not be managing for more than one area since this is where the principle historical use has occurred. In addition, the trail and trailhead was located farther from residents than at the Ramona Oaks location. This site met scenic integrity objectives set forth in the Forest Plan. This site also has a short section of a few hundred yards that leads to an overlook that is very scenic and would accommodate an ADA accessible trail. At the time residents bought or built their homes backing up to Forest Service, trail activity was occurring though there was not a developed trailhead.

I recognize that there is no simply solution to the concerns and needs of all citizens affected by this project. The question for the Forest Service is how to best to provide access to a popular destination while effectively managing associated recreational impacts. Moving the trailhead to a less ideal location would increase the management footprint, satisfy one group of residents only to shift concerns to another, and in our view, perhaps double the area to be managed. It is important to note, that we received letters of support for the trail from both SDCE residents and non-residents alike. There has been considerable interaction with the public including meetings that the previous District Ranger and I have had with affected residents.

I understand and appreciate the legitimate concerns of the residents and in fact it was these very concerns that led us the District to propose this project. The Forest Service strives to be a good neighbor while also serving a broad public. In our attempt to address the concerns of local residents, we have included in our design a trailer pad to accommodate a volunteer host that would reside at the site to educate, inform and monitor the actions of visitors to Cedar Falls.

Please let me know if I can answer any further questions you have.

Sincerely,

/s/Joan Friedlander
JOAN FRIEDLANDER
District Ranger

B3. Communication from Todd Barrow:

To: Al Colby <acolby@fs.fed.us>
 From: "Todd A. Barrow" <tabarrow@cox.net>
 Date: 10/14/2008 06:02PM
 Subject: Re: Forest Service River Gorge Project Scoping Documents

Attached is my public comment and repeated concern for public safety of our children by having the traffic go through a small neighborhood street without safety measures (speed bumps) and limited police and ranger patrols. Thank you.
 Todd Barrow

PUBLIC COMMENT FORM
SAN DIEGO RIVER GORGE TRAILHEAD AND TRAIL IMPROVEMENT PROJECT

Thank you for your interest in the Forest Service planning processes. Please PRINT your name, address, telephone number, and email address clearly, and write any comments specific to the enclosed proposal in the spaces provided below. Attach additional comments to this form, if needed. Please indicate if you would like to remain on the mailing list for this project.

Yes	No	I wish to remain on the mailing list for this project.
Name and Address: Todd A. Barrow 15546 Thornbush Road Ramona, CA 92065		
Affiliation: Telephone Number: 760-789-7126 Email address: tabarrow@cox.net		
COMMENTS: The project has left off the main concern for homeowners with children in this neighborhood. SAFETY. The increased traffic will overload a street not designed for increased traffic. Failure to do a traffic impact study would demonstrate negligence for the safety of our children. It will also bring in more People to the neighborhood that has inadequate police and ranger patrol. This Puts our children at risk. Please consider the factor of safety into the equation Since there has not been a park so close to a neighborhood.		
<p>PLEASE MAIL or EMAIL YOUR COMMENTS TO:</p> <p style="text-align: center;">Cleveland National Forest acolby@fs.fed.us Palomar Ranger District 1634 Black Canyon Road, Ramona, California 92065</p> <p style="text-align: center;">Attn: Al Colby, Recreation and Lands Staff Officer, SAN DIEGO RIVER GORGE TRAILHEAD AND TRAIL IMPROVEMENT PROJECT</p>		

Response to Communication from Todd Barrow: The Conservancy appreciates this communication and concurs with the response from the Forest Service included in the letters to Representative Duncan Hunter and Supervisor Dianne Jacob included in Attachment B.

B4. Communication from Race Paddock:

To: acolby@fs.fed.us
From: RACE PADDOCK <bbpaddock3@yahoo.com>
Date: 10/13/2008 12:13PM
Subject: San Diego River Gorge Trailhead and Trail Improvement Project

I have visited this area since high school with my major interest always being focused on Cedar Creek Falls. This dates back to 1968/69'. I realize the attraction and allure. At the time there were several ways to get in there..... from the west side of Julian down Eagle Peak Road, from Ramona Country Estates on the north side, and from Wildcat Canyon Road turning east at the Painted Rock and travelling down past the old adobe mission and the Helix diversion dam. It is truly a beautiful area. Your intentions are certainly different from what I have seen in the past in watching and dealing directly as well as indirectly with organizations such as "The Nature Conservancy", "Save our Forests and Ranchlands"(Duncan), "The State Water Quality Control Board", Mr. Kimura and "The Sierra Club", and also some folks representing the "State Parks" in the San Diego County area. This is a pleasant surprise and your proposed actions are commendable in concept to relieve the residential street parking, mitigating the trash left by trail users, addressing the unsanitary conditions, and minimizing repeated nuisances of trail users to local residents. Your intent of this plan seems very beneficial to all. Instead of closing off the area, which would be virtually impossible to enforce and very cost prohibitive to try, you are making this public area available to the public with oversight and mitigating efforts.....good luck in your endeavors, my hat is off to you.....Race H. Paddock

Please feel free to forward this to whoever you feel needs this input.

B5. Communication from Chris Burzo:

To: <acolby@fs.fed.us>
From: Chris Burzo <chris.burzo@hotmail.com>
Date: 10/13/2008 12:26PM
Subject: San Diego River Gorge Trailhead etc

Dear Sir,

I have read the proposal. I believe the proposal ignores a significant population of hikers who don't want four foot wide switchbacks. Those hikers will want to continue to use a more direct path.

Since that group is also part of your constituency, you should take their desires into account.

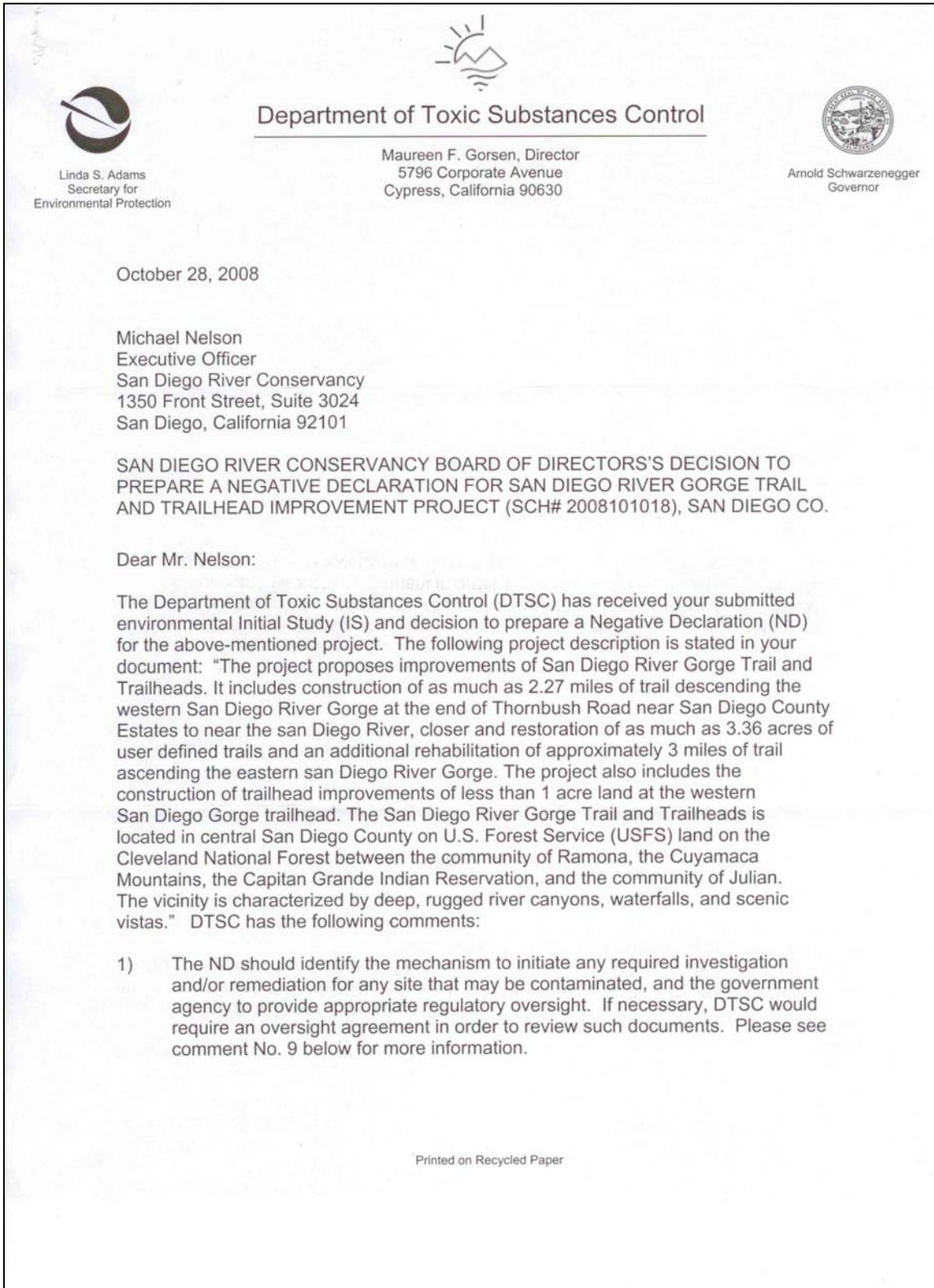
The last time the FS sent bulldozers in to muck up the existing trails, new trails were created almost immediately, trails that didn't follow the broad trail.

I respectfully submit that you provide some method for more advanced hikers to be able to get down to the San Diego River from the west side.

Thanks

Chris Burzo

B6. Letter from the Department of Toxic Substances Control:



Michael Nelson
October 28, 2008
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- 2) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table.
- 3) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 4) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 5) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 6) If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).
- 7) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented.
- 8) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or

Michael Nelson
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Page 3 of 3

other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

- 9) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be considered responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.
- 10) In future CEQA documents, please provide your e-mail address, so DTSC can send you comments both electronically and by mail.

If you have any questions regarding this letter, please contact Mr. Rafiq Ahmed , Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491 .

Sincerely,



Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program – Cypress

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
1001 I Street, 22nd Floor, M.S. 22-2
Sacramento, California 95814
gmoskat@dtsc.ca.gov

CEQA# 2344

Response to Communication from Department of Toxics Substance Control: The Conservancy appreciates this communication which was received November 13. A response to the Department's comments will be presented at the public hearing on November 21, 2008.

Resolution No. 08-09

RESOLUTION OF THE SAN DIEGO RIVER CONSERVANCY ADOPTING A
NEGATIVE DECLARATION FOR THE U.S. FOREST SERVICE'S SAN DIEGO RIVER
GORGE TRAIL AND TRAILHEAD IMPROVEMENT PROJECT

WHEREAS, the U.S. Forest Service ("USFS") is proposing to undertake trail and trailhead improvements and sustainability measures (e.g. restoration of current user defined trails and implementation of erosion control measures) in central San Diego County on lands owned by the Forest Service in the Cleveland National Forest ("San Diego River Gorge Trail and Trailhead Improvement Project" or "Project") as further described in the Project's Initial Study;

WHEREAS, USFS is the deciding agency for actions occurring on Forest Service lands and has completed the *Forest Service Scoping Letter for the San Diego River Gorge Trailhead and Trail Improvement NEPA Document* (USFS 2008) as a preliminary analysis of trail alternatives in the project area;

WHEREAS, the Legislature and Governor of the State of California have provided funds for the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 ("Proposition 40");

WHEREAS, ten million in Proposition 40 funds have been set aside for use on projects supported by the San Diego River Conservancy (Conservancy);

WHEREAS on Aug 11, 2006 and Nov 9, 2007, the Conservancy approved resolutions 06-06 and 06-14, recommending funding from Proposition 40 be allocated for the San Diego River Gorge Trail and Trailhead Project;

WHEREAS, Proposition 40 provides that CEQA compliance must be completed before grant funds can be distributed;

WHEREAS, the San Diego River Conservancy (Conservancy) is the state lead agency for compliance with the California Environmental Quality Act (CEQA);

WHEREAS, pursuant to the requirements of CEQA, an Initial Study was conducted for the Project which determined that as a result of mitigation measures incorporated into the Project, the Project will not result in a significant adverse impact upon the environment;

WHEREAS, a Draft Negative Declaration was prepared and advertised for public review from October 3, 2008 to November 3, 2008;

WHEREAS, on November 21, 2008, the Conservancy held a public hearing on the Project;

WHEREAS, the Conservancy considered the Staff Report, the Final Negative Declaration, all comments, recommendations from staff, and public testimony; and

WHEREAS, the Governing Board of the San Diego River Conservancy finds the Project consistent with the Five Year Strategic and Infrastructure Plan of the San Diego

Resolution No. 08-09

RESOLUTION OF THE SAN DIEGO RIVER CONSERVANCY ADOPTING A
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River Conservancy, especially Program 2, Projects 1.1 and 1.2 because it will improve the San Diego River Gorge Trail and trailhead and Program 2, Project 1, Complete the San Diego River Park Trail, because the Trail provides access to the San Diego River Trail from the West in Ramona and from the East near Eagle Peak.

NOW, THEREFORE, BE IT RESOLVED by the San Diego River Conservancy, after considering the evidence presented at the public hearing, as follows:

1. The final Negative Declaration reflects the independent judgment of the Board.
2. The Project will not result in a significant adverse impact upon the environment, and the final Negative Declaration, dated November 21, 2008, is approved.
3. The Board directs the Executive Officer or his designee to file a Notice of Determination within five days of the Board's action on this item.

Approved and adopted the 21st day of November 2008. I, the undersigned, hereby certify that the foregoing Resolution Number 08-09 was duly adopted by the San Diego River Conservancy's Governing Board.

Following Roll Call Vote: Ayes: _____

 Noes: _____

 Absent: _____

Michael Nelson, Executive Officer
San Diego River Conservancy