

RESOLUTION NO. R00-8

**RESOLUTION OF THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE
PARK JOINT POWERS AUTHORITY BOARD OF DIRECTORS**

(1) CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PARK MASTER PLAN FOR THE COASTAL AREA OF THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK AND SAN DIEGUITO WETLAND RESTORATION PROJECT; (2) ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM; (3) ADOPTING CEQA FINDINGS AND A STATEMENT OF BENEFITS AND OVERRIDING CONSIDERATIONS; AND (4) ADOPTING THE PARK MASTER PLAN FOR THE COASTAL AREA OF THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK

WHEREAS, on February 18, 1994 the Board adopted the San Dieguito River Park Concept Plan To establish the vision and goals for preservation and restoration of the San Dieguito River Valley which stretches fifty-five miles from the ocean at Del Mar to the source at Volcan Mountain. One of the primary goals of the Concept Plan is to restore the San Dieguito Lagoon which has the largest watershed of the six San Diego coastal lagoons and is one of the few remaining coastal wetlands in California; and

WHEREAS, the San Dieguito River Valley Concept Plan directs development of detailed master plans for each of fourteen defined landscape units along the San Dieguito River, one of which is Landscape Unit A - Del Mar Coastal Lagoon; and

WHEREAS, the purpose of the Master Plan and Wetlands Restoration Project is to provide the detailed structure and guidelines that will lead to the restoration of the Del Mar Coastal Lagoon area of the San Dieguito River Valley into a well-functioning ecological unit comprising a healthy estuary and associated uplands that support diverse and abundant plant and wildlife species, and in addition provide for public access and interpretation that lead to greater public understanding of the value of our coastal wetlands; and

WHEREAS, the process for development and review of the Master Plan and Wetlands Restoration Project included extensive review and recommendation over a time span of several years from individuals and interest groups represented on the Del Mar Lagoon Committee, San Dieguito River Park Citizens Advisory Committee, homeowner associations and community planning groups and affected public agencies including the California Coastal Commission, U.S. Fish & Wildlife Service, U.S. Army Corps of Engineers, California Coastal Conservancy, California Department of Conservation, California Department of Fish and Game, California Regional Water Quality Control Board, California Department of Transportation, 22nd District Agricultural Association; and Cities of Del Mar, San Diego and Solana Beach;

WHEREAS, the Board has reviewed the Draft EIR for the Park Master Plan and San Dieguito Wetland Restoration Project, has reviewed the comments thereon and the responses thereto, and has, on September 15, 2000 conducted a public hearing on said Master Plan and Wetland Restoration Project;

NOW, THEREFORE, it is hereby resolved, determined, and ordered by the Board of Directors of the San Dieguito River Valley Regional Open Space Park Joint Powers Authority ("JPA") as follows:

RECITALS

1. The foregoing recitals are true and correct.
2. CERTIFICATION OF COMPLIANCE WITH ENVIRONMENTAL LAWS.
 - a. Certification of EIS/EIR.

The Board hereby certifies that it has independently reviewed and considered, and finds adequate, the proposed final EIS/EIR, that the same:

- (1) The final EIR/EIS has been completed in compliance with CEQA and NEPA, and that the same reflects the JPA's own independent analysis and judgment; and
- (2) The final EIR was presented to the JPA Board acting as the CEQA Lead Agency and that the Board reviewed and considered the information contained in the final EIR prior to approving the project; and
- (3) The final EIR reflects the Board's independent judgment and analysis.

- b. Designation of Environmentally Preferred Alternative.

The Board hereby concurs in and certifies the findings, conclusions, and recommendations of the EIR/EIS and of the staff reports that the Mixed Habitat alternative is the preferred alternative and that the environmental impacts thereof have either been eliminated, substantially reduced or, if unable to be eliminated or substantially reduced, as to any remaining impacts the Board has found overriding considerations which justify proceeding with the project in any event, all as set out in more detail in the Findings and Statement of Benefits and Overriding Considerations set forth on Exhibit 1 attached hereto and incorporated herein by this reference.

- c. Environmentally Least Damaging Alternative; Clean Water Act.

The Board hereby finds based on the discussions and conclusions of the EIR/EIS, of the staff reports, and of other relevant information, that (1) the Mixed Habitat alternative is the environmentally least damaging alternative from an overall perspective, and (2) that this alternative is the environmentally least damaging practicable alternative with respect to wetlands

- i. Future Approvals; Changes. This approval is limited to certification of the EIR under CEQA and to selection of the Mixed Habitat project alternative. Further JPA review and approval will be required for other aspects of the project not covered by this approval and with respect to any changes or alterations in the project subsequent to this approval.
- ii. Related Agreements. The JPA's obligation and commitment to proceed with Project implementation is expressly contingent on the JPA's review and approval of: (1) A final Memorandum of Agreement with the 22nd District Agricultural Association and SCE regarding the provision of Least Tern sites as part of the Project and addressing issues related to the river mouth area of the Project.¹ (2) A final revised Memorandum of Agreement between the JPA and SCE with regard to the creation and funding of a long-term endowment for the Project and funding of the Mitigation Monitoring and Reporting program². (3) Such other final agreements with landowners, other agencies, or others, as the JPA may in its discretion determine are required.
- iii. Other Permits and Approvals. The JPA's obligation and commitment to proceed with Project implementation is expressly, and necessarily, contingent upon the Project's receipt of all other necessary permits and entitlements, including but not limited to, permit approvals by the Coastal Commission and the US Army Corps of Engineers.

4. FURTHER ACTION; AUTHORITY OF EXECUTIVE DIRECTOR

The Executive Director and his staff are directed to take any and all such further actions, and to execute such further documents on behalf of the Board, as may reasonably be necessary to carry the project forward in a manner consistent with the terms and conditions of this Resolution. The Executive Director may provide copies of this Resolution to other agencies and parties, and this Resolution shall be evidence that the Executive Director has the Board's authority to implement this Resolution without further Board action.

5. CUSTODIAN OF RECORDS

The Board designates the Executive Director as the Custodian of Records of all documents relied upon by the Board in reaching this decision. Such documents are located at:

San Dieguito River Park Office
18372 Sycamore Creek Road
Escondido, CA 92025

¹A draft of the subject MOA is currently under review by the JPA, the 22nd Agricultural District, SCE, and other interested parties including the USFW and CDFG.

²A draft revised MOA is under review by the parties.

Wildlife Service, National Marine Fisheries Service, California Department of Fish and Game and the California Coastal Commission and consideration of the goals and objectives established by the San Dieguito River Park Concept Plan.

The Mixed Habitat alternative best optimizes a balancing of biological benefits with improved tidal flow because increased seawater volume circulated nearer the lagoon mouth improves the self-maintaining nature of the mouth and will develop high aquatic habitat values. The Mixed Habitat alternative has the highest likelihood of biological success and broadest spectrum of fish and wildlife benefits for the least amount of dredging.

c. Constructability and Adaptability.

In approving the Mixed Habitat alternative, the Board has taken into account the reality that this is a long-term project and that there is always the possibility that circumstances may change. The best analyses and projections today in 2000 may well need revision over the life of the project. By utilizing the studies and experiences of other wetland restoration projects to the extent possible, in addition to the thorough studies of the proposed project, the Board finds that the Mixed Habitat alternative maximizes the ability to adapt the project to changing future needs.

d. Impacts to People.

The Board finds that, of all the alternatives, the Mixed Habitat alternative will achieve the best balance of minimizing impacts to people and their property interests while providing the maximum environmental benefits; and that with the mitigation and monitoring measures approved incident to the project, these impacts can and will be reduced to the fullest extent possible. The Board finds that the Mixed Habitat alternative appropriately balances the needs of the environment, economic needs, and the needs of people and their private property.

The Board further finds that the approval does not result in disproportionate environmental degradation or other disproportionate impacts to low income/minority communities within or the San Diego region disabled. The project will increase recreational opportunities to all income /minority groups and the disabled.

e. Constructability.

The Board finds that the approved alternative is practical and capable of reliable construction and implementation with known technology. By carrying out any one of the approved alternatives the Board has a high level of confidence, based upon the known technology proposed to be used, that the best value for each dollar spent will be realized.

f. Limitations on Approval.

In adopting this Resolution approving the Park Master Plan and Mixed Habitat alternative and in directing that staff proceed therewith, the Board expressly directs and determines that:

and such other documentation as may be required under NEPA/CEQA evidencing the Board's certification of the EIS/EIR and related environmental determinations and its approval of the project, and shall file the final EIS/EIR as required by law.

3. APPROVAL OF PROJECT.

Having fully reviewed and considered the voluminous documentation regarding this important decision, including: the draft and final EIS/EIR, the Park Master Plan, the JPA's governing documents, relevant JPA Plans, goals and objectives, and related environmental documents; the analysis and recommendations of the staff as set forth in the staff reports on file herein, the background and related studies, reports and documents set out on Exhibit 4, the input of affected public agencies and property owners, and the input of the public, the Board hereby approves the Park Master Plan for the San Dieguito Coastal Area and selects and approves the Mixed Habitat alternative as the project to be carried forward.

In making this decision the JPA recognizes that it is not a land use agency having land use and permit jurisdiction over the Project, but rather that the JPA is a landowner and one of the sponsor agencies for the project. In selecting the Mixed Habitat alternative for approval the Board has determined that it is (1) consistent with the JPA's governing documents and the JPA's applicable plans, goals and objectives, (2) is environmentally acceptable (3) is in the JPA's judgment in compliance with, and can qualify to be permitted by, the agencies that do have land use and permit jurisdiction over the Project, (4) that implementation of the Mixed Habitat alternative would be in furtherance of the public health, safety and general welfare.

In addition to the reasons set forth above in this Resolution, in the Findings (Exhibit 2) and in the Statement of Benefits and Overriding Considerations (Exhibit 1) attached hereto, the Board, in summary, states its reasons for proceeding with this project as follows:

a. Purpose and Need.

More than 90% of California's coastal wetlands, including much of the San Dieguito Lagoon, were filled in before their value was realized. Coastal wetlands are now known to be among the most productive natural resource areas that provide resting and feeding spots for migratory waterfowl, food-rich nurseries for ocean-going fish and habitat for a unique variety of wildlife including endangered species.

The project is intended to restore the San Dieguito Lagoon wetland ecosystem and surrounding uplands as much as feasible and add compatible elements of public access, interpretation and education.

b. The Mixed Habitat Alternative is the Better of the Available Alternatives

The identification of the Mixed Habitat alternative as the preferred restoration alternative resulted from consideration of public and agency comments on the full array of alternatives described in the draft EIR/EIS, consultation with professional biologists of the U.S. Fish and

and related wetland impacts within the meaning of the Federal Clean Water Act and, its implementing Guidelines and regulations, and the California Coastal Act and that all appropriate and practicable steps have been taken to minimize potential adverse impacts to wetlands.

The Board further finds and determines that the selected alternative does not cause or contribute to significant degradation of the waters of the United States and that the benefits of proceeding with the proposed project outweigh any damage to wetland resources.

d. Historic Resources

The Board finds that all effects, if any, of the proposed project to historic properties, archeological resources and paleontological resources have been taken into account and such impacts have been avoided and minimized to the fullest extent possible. The Board further finds that any remaining adverse impacts to historic properties and archeological and paleontological resources are unavoidable and that there is no less damaging practical alternative to eliminate these remaining impacts.

e. Endangered Species.

The Board finds that all effects, if any, to threatened, endangered and special concern species have been taken into account and, that the proposed action is not likely to jeopardize the continued existence of any endangered or threatened such species, and that the effects, if any, to endangered or threatened such species have either been avoided or will be mitigated pursuant to the Mitigation, Monitoring and Reporting Program adopted as part of Project approval.

f. Environmental Findings.

The Board hereby adopts the Environmental Findings set forth on Exhibit 2 attached hereto and incorporated herein by this reference.

g. Mitigation Monitoring and Reporting.

The Board hereby approves and adopts the Mitigation, Monitoring and Reporting Program attached hereto and incorporated herein by this reference as Exhibit 3 and directs that said Mitigation, Monitoring and Reporting measures be implemented incident to the carrying out of the project.

h. Statement of Benefits and Overriding Considerations.

The Board hereby adopts the Statement of Benefits and Overriding Considerations set forth on Exhibit 1 attached hereto and incorporated herein by this reference.

i. Notice of Determination.

The JPA's Executive Director is authorized and directed to file a Notice of Determination

THE FOREGOING RESOLUTION, NUMBER R00-8, PASSED AND ADOPTED THIS
15th DAY OF September, 2000, BY THE FOLLOWING VOTE:

AYES: 6

NOES: 0

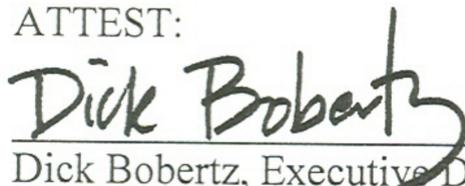
ABSENT: 3

ABSTAIN: 0



Mark Whitehead, Chair

ATTEST:



Dick Bobertz, Executive Director