

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
December 3, 2015**

MEMBERS PRESENT:

Douglas Bosco (Public Member), Chairman
Steve Kinsey, Coastal Commission Chair
Bryan Cash (Designated, Natural Resources)
Karen Finn (Designated, Dept. of Finance)

OVERSIGHT MEMBERS PRESENT:

Assembly Member Mark Stone

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Mary Small, Chief Deputy Executive Officer
Amy Hutzler, Deputy Executive Officer
Jonathon Gurish, Legal Counsel

LOCATION:

Sunset Center, Carpenter Hall
San Carlos St., Between 8th and 10th St.
Carmel, CA

1. WELCOME

Chair Bosco introduced the Mayor of Carmel, Mr. Jason Burnett, who welcomed and thanked the Conservancy for all their work and support on the central California coast – including the walkways on the Carmel River.

- 2. APPROVAL OF THE MINUTES** of the October 1, 2015 public meeting. Moved and seconded. The minutes were approved by a vote of 4-0.

3. CONSENT ITEMS

Chair Bosco asked the board members if they wished any consent items needed to be removed from the Consent Calendar for discussion. No items were requested to be removed.

A. EEL RIVER ESTUARY AND CENTERVILLE SLOUGH

Resolution:

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“The State Coastal Conservancy hereby augments its April 18, 2013 authorization to disburse an additional amount up to one hundred seventy five thousand dollars (\$175,000) to California Trout, Inc. (“CalTrout”) in order to include the Russ family properties in the preparation of planning documents for the Eel River Estuary and Centerville Slough Enhancement Project, (formerly known as the Eel River Estuary Preserve Restoration Project). Prior to the disbursement of funds, CalTrout shall submit for the review and approval of the Executive Officer a revised workplan, including budget and schedule, landowner access agreement, and the names and qualifications of any subcontractors to be employed on the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the proposed project remains consistent with the Conservancy’s April 18, 2013, findings with respect to Project Selection Criteria and Guidelines; Division 21 of the Public Resources Code (Sections 31111 and 31251-31270); and the nonprofit status of California Trout, Inc.; and it further finds that the proposed project is consistent with the Conservancy’s 2015 revised Strategic Plan; and with its 2014 revisions to the Project Selection Criteria and Guidelines.”

B. SEA OTTER RECOVERY

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to one hundred eighteen thousand dollars (\$118,000) to implement projects focused on the recovery of the southern sea otter, specifically as follows, to the:

- U.S. Fish and Wildlife Service: sixty-two thousand dollars (\$62,000) to reduce sea otter disturbance through a public education campaign on responsible-viewing of wild sea otters.
- Regents of the University of California, Davis Campus (UCD): fifty-six thousand dollars (\$56,000) to develop diagnostic methods for identifying microcystin intoxication in sea otters.

Prior to the disbursement of funds each grantee shall submit for the review and written approval of the Executive Officer of the Conservancy a work program, including scope of work, budget and schedule; and the names and qualifications of any contractors to be employed in carrying out the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

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1. The proposed authorization is consistent with Chapter 5.5 of Division 21 of the Public Resources Code, regarding Integrated Coastal and Marine Resource Protection.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.”

C. PACIFIC ESPLANADE BLUFFS

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed seventy five thousand dollars (\$75,000) to the City of Pacifica (City) for preparation of final plans, permit applications and environmental documents for future public access improvements at 400 Esplanade Drive, Pacifica, San Mateo County, subject to the following conditions:

1. Prior to the disbursement of funds, the City shall submit for the review and approval of the Executive Officer of the Conservancy a work program, budget, schedule, and names and qualifications of any contractors to be employed for these tasks.
2. To the extent appropriate, the City shall ensure that the final designs of the project are consistent with the Conservancy’s ‘Standards and Recommendations for Accessway Location.”
3. The City shall submit a sign plan for the project identifying locations for posting directional signs and Coastal Trail signs.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the Conservancy’s current Project Selection Criteria and Guidelines.
2. The proposed project is consistent with Chapter 9, sections 31400 *et seq.* of Division 21 of the Public Resources Code, regarding coastal access.
3. The proposed project serves greater than local needs.”

D. BAY AREA RIDGE TRAIL-GREEN VALLEY ROAD

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed twenty five thousand dollars (\$25,000) to the City of Fairfield for planning and design of a segment of the Bay Area Ridge Trail located in the City of Fairfield, Solano County. No Conservancy funds shall be disbursed until the Executive Officer of the

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Conservancy has approved in writing a final work plan, including a budget and schedule, and any proposed contractors.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the resource and recreational goals of the San Francisco Bay area.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.”

E. VICTORINE RANCY PROPERTY

Resolution:

“The State Coastal Conservancy hereby approves modification of the Disposition/Implementation Plan (Disposition Plan) for the “Craven-Nation” property in the Victorine Ranch subdivision, previously approved by the Conservancy on March 23, 2000, by revising the language of the Disposition Plan, as shown in the accompanying Exhibit 3 to this staff recommendation, to allow for the marketing and sale of the property as one single lot, two separate lots, or three separate lots.

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization remains consistent with Chapter 5 of Division 21 of the Public Resources Code, regarding coastal restoration, and Section 31107 regarding transfer of Conservancy land interests.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. Marketing and sale of the Victorine Ranch property, as revised by this authorization, remains consistent with the authority of the Conservancy under Section 31107 of the Public Resources Code, with property disposition procedures developed by the Conservancy and the Department of General Services pursuant to Section 31107.1 of the Public Resources Code.”

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F. ELIJO LAGOON RESTORATION PROJECT

Resolution:

"The State Coastal Conservancy hereby augments its April 18, 2013 authorization to disburse an additional amount of up to three million, nine hundred fifty eight thousand, one hundred forty six dollars (\$3,958,146) to the San Elijo Lagoon Conservancy for further technical studies needed for permitting and design, preparing engineering submittals, and permit applications for the San Elijo Lagoon Restoration Project, San Diego County. This authorization remains subject to the conditions of its April 18, 2013 authorization."

Finding:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that the proposed project remains consistent with the Conservancy's findings in its April 18, 2013 authorization with respect to the Conservancy's enabling legislation, Project Selection Criteria and Guidelines; and the nonprofit status of the San Elijo Lagoon Conservancy and further finds that the project is consistent with the Conservancy's most recent Strategic Plan.

G. LIVING SHORELINES PROJECT

Resolution:

"The State Coastal Conservancy authorizes disbursement of up to \$250,000 (two hundred fifty thousand dollars) to conduct an additional year of monitoring for current Shoreline site in Marin County and at the Eden Landing Ecological Reserve site in Alameda County, subject to the following conditions: :

1. Prior to disbursement of any Conservancy funds for the project, the contractor shall submit for the review and approval of the Conservancy's Executive Officer a work program, schedule, and budget for the proposed monitoring and the names and qualifications of all contractors and subcontractors that will be retained to complete any portion of the monitoring.
2. In carrying out any monitoring the contractor shall comply with all applicable mitigation and monitoring measures that are that are required by any permit or approval for the project."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project remains consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the resource goals of the San Francisco Bay Area Conservancy Program.

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2. The proposed project remains consistent with the Project Selection Criteria and Guidelines adopted on October 2, 2014.”

4. EXECUTIVE OFFICER REPORT

A. Mary Small, Chief Deputy Executive Officer, of the State Coastal Conservancy gave a status report on the first round of Proposition 1 grants and the “Explore the Coast” grant round. The Conservancy received far more Prop 1 applications than it can fund. Of the 54 applications, staff anticipates recommending about 10 projects for funding. These successful projects will come to the Board as a future board agenda items for review and approval. The Explore the Coast grants will be presented at the March 2016 meeting.

B. Matt Gerhart, newly appointed Program Manager for the San Francisco Bay Area distributed and discussed *the Baylands Goals Science Update* (2015).

C. A resolution acknowledging the public service of Nadine Peterson was moved and seconded. Approved by a vote of 4-0.

CENTRAL COAST

5. ELKHORN SLOUGH

Rachel Couch of the Coastal Conservancy presented the staff recommendation.

Speaking in support of the staff recommendation: Monique Fountain, Elkhorn Foundation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of up to one million dollars (\$1,000,000) in grant funds awarded to the Conservancy by the U.S. Fish and Wildlife Service under its National Coastal Wetlands Conservation Grant Program, to the Elkhorn Slough Foundation (“ESF”) to prepare final engineering designs and undertake restoration of tidal wetlands and connected uplands in Elkhorn Slough, as shown on Exhibit 1 to the accompanying staff recommendation. This authorization is subject to the following condition:

1. Prior to the disbursement of funds, ESF shall submit for review and approval of the Executive Officer of the Conservancy:
 - a. A work program, budget, schedule, and list of contractors to be retained for the project.
 - b. Evidence that all necessary permits and approvals have been obtained.
 - c. A signing plan for the project acknowledging Conservancy funding.”

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Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives set forth in Chapter 6 of Division 21 the Public Resources Code (Section 31251-31270) regarding enhancement of coastal resources.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. Elkhorn Slough Foundation is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.
4. As a responsible agency, the Conservancy independently reviewed and considered the California Department of Fish and Wildlife’s “Initial Study/Mitigated Negative Declaration for the Elkhorn Slough Tidal Restoration Project,” adopted on August 27, 2015, and finds that based on the record as a whole the proposed project, as mitigated, will not have a significant adverse effect on the environment.”

Moved and seconded. Approved by a vote of 4-0.

6. POINT PINOS COASTAL TRAIL

Tim Duff of the Coastal Conservancy presented the staff recommendation.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement to the City of Pacific Grove of up to one hundred thousand dollars (\$100,000) to construct public access improvements above the area known as the Great Tide Pool and up to one hundred and fifty thousand dollars (\$150,000) for preparation of final plans, permit and environmental documents for additional public access improvements at Point Pinos, Monterey County.

1. Prior to the disbursement of Conservancy funds, the grantee shall submit for the review and approval of the Executive Officer of the Conservancy (“the Executive Officer”):
 - a. A final work program, budget, schedule, and names of any contractors to be employed for these tasks.
 - b. A signing plan for the project acknowledging Conservancy participation and displaying coastal trail emblems provided by the Conservancy at locations identified in the project area in consultation with the Conservancy.
2. Additionally, prior to the disbursement of Conservancy funds with respect to the Great Tide Pool, the grantee shall submit for the review and approval of the Executive Officer

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evidence that the grantee has obtained all necessary permits and approvals necessary to complete the Great Tide Pool access improvements.

3. Prior to opening the Great Tide Pool access improvements to the public, the grantee shall prepare and submit for the review and approval of the Executive Officer an access management and operation plan that is consistent with all permit conditions.

4. To the extent feasible, the final designs for the projects shall be consistent with the Conservancy's 'Standards and Recommendations for Accessway Location.'"

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the Conservancy's current Project Selection Criteria and Guidelines.

2. The proposed project is consistent with Chapter 9, sections 31400 *et. seq.* of Division 21 of the Public Resources Code, regarding coastal access.

3. The proposed project serves greater than local needs."

Moved and seconded. Approved by a vote of 4-0.

SOUTH COAST

7. SUNSET CLIFFS NATIONAL PARK

Julia Elkin of the Coastal Conservancy presented the staff recommendation

Speaking in favor of the staff recommendation: Paul Jacob, City of San Diego, Park and Recreation Department;

Speaking and requesting conditional approval: Dr. Craig Barilotti, and Camilla Ingram, Sunset Cliffs Association. Handout distributed attached.

Resolution:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed eight hundred thousand dollars (\$800,000) to the City of San Diego (the City) to implement the Sunset Cliff Natural Park Hillside Section Improvements Project (the Project) subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds the City shall submit for the review and written approval of the Executive Officer of the Conservancy a work plan, budget and schedule, the names and qualifications of any contractors to be employed to carry out these tasks, and evidence that the City has obtained all necessary permits and approvals.

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2. In carrying out the Project, the City shall:
 - a. Implement the project as described in the Master Environmental Impact Report and Project Findings for the Sunset Cliff Natural Park Hillside Section Improvements project and comply with all applicable mitigation and monitoring measures identified in the mitigation, monitoring and reporting program for the Project (pages 3-21 of the attached Subsequent Project Findings, Exhibit 4).
 - b. Ensure that the Project improvements are consistent with the Conservancy's 'Standards and Recommendations for Accessway Location and Development', with the Coastal Development Permit and with all applicable federal and state statutes, regulations and guidelines governing access for persons with disabilities.
 - c. Implement all feasible Best Management Practices to reduce the Project's greenhouse gas emissions, and require all contractors to do the same.
3. At the time project improvements are made, the City shall acknowledge Conservancy funding and designate the project as a segment of the California Coastal Trail as identified in a signage plan. The plan shall be reviewed and approved by the Executive Officer and shall also identify, and the City shall sign, all other real property interests controlled, maintained or managed by the City that are deemed to be existing segments of the Coastal Trail."

Findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed Project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code regarding coastal resource enhancement, and Chapter 9 regarding establishment of a system of public accessways.
3. The Conservancy has reviewed the Sunset Cliff Natural Park Master Plan MEIR (2004), the Sunset Cliffs Natural Park Master Plan MEIR (2008), the Initial Study (2013) and the City's Subsequent Project Findings (2013), attached to the accompanying staff recommendation as Exhibit 4, adopts the mitigation and monitoring plan provided in the MEIR, and finds, based on the State Coastal Conservancy's independent judgment and analysis of the whole record before it, including the environmental documents and public comments received, that
 - a. the Project avoids, or reduces the possible significant environmental effects to a level of insignificance, and that there is no substantial evidence that the Project may have a significant effect on the environment, as defined in 14 California Code Regulations Section 15382

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- b. the Project is within the scope of the MEIR
 - c. although the MEIR is more than 5 years old, no substantial changes have occurred with respect to the Project described in the MEIR
 - d. there is no new information which was not known and could not have been known at the time the MEIR was certified which requires additional environmental review of the Project.
4. The proposed Project serves greater-than-local-needs.”

Moved and seconded. Approved by a vote of 4-0.

NORTH COAST

8. WOOD CREEK ENHANCEMENT PHASE II

Joel Gerwein of the Coastal Conservancy presented the staff recommendation

Resolution:

“The State Coastal Conservancy hereby: authorizes the disbursement of four hundred three thousand eight hundred dollars (\$403,800) from a U.S. Fish and Wildlife Service grant for the Wood Creek Enhancement Project and the disbursement of an additional thirty three thousand dollars (\$33,000) of Conservancy funds, for a total disbursement not to exceed four hundred thirty six thousand eight hundred dollars (\$436,800), to the Northcoast Regional Land Trust (NRLT) for the restoration and enhancement of coastal wetlands at Wood Creek, within the Freshwater Farms Reserve in the Freshwater Creek watershed of Humboldt Bay in unincorporated Humboldt County (Exhibit 1); and adopts the Mitigation Monitoring and Reporting Plan attached as Exhibit 3 to the accompanying staff recommendation.

This authorization is subject to the following conditions:

1. Prior to disbursement of any funds for the project, the NRLT shall submit for the review and approval of the Executive Officer:
 - a. A work plan, schedule, budget, and the names of any contractors or subcontractors to be retained for implementation of the project.
 - b. Evidence that all permits and approvals necessary to the project have been obtained.
 - c. Evidence that all necessary funds for implementation of the project have been obtained.
 - d. A plan for the installation of a sign acknowledging Conservancy and USFWS funding.
2. In implementing the project the NRLT shall ensure compliance with:
 - a. All applicable mitigation measures and monitoring and reporting requirements for the project that are identified in the Addendum and Initial Study-Mitigated Negative

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Declaration (“Addendum and IS-MND”), attached to the accompanying staff recommendation as Exhibit 2, and the Mitigation Monitoring and Reporting Plan (“MMRP”), attached to the accompanying staff recommendation as Exhibit 3, or in any permits, approvals or additional environmental documentation required for the project.”

- b. All requirements of the USFWS grant, including compliance with the National Environmental Policy Act.

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed project is consistent with the purposes and objectives of Chapter 5.5 of Division 21 of the Public Resources Code, regarding integrated coastal and marine resources protection projects.
3. The Conservancy has independently reviewed and considered the information contained in the Addendum and IS-MND, pursuant to its responsibilities under the California Environmental Quality Act (“CEQA”). The Addendum and IS-MND identify potentially significant effects from implementation of the Project in the areas of biological resources, hazards/hazardous materials, and hydrology/water quality. As modified by incorporation of the mitigation measures identified in the IS-MND, project implementation will avoid, reduce, or mitigate all of the possible significant environmental effects of the project to a level that is less than significant. Based on the record as a whole, there is no substantial evidence that the implementation of Phase II of the Wood Creek Enhancement Project, as mitigated, will have a significant effect on the environment.
4. NRLT is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code."

Moved and seconded. Approved by a vote of 4-0.

SAN FRANCISCO BAY AREA

9. BAY AREA RIDGE TRAIL PROJECTS

Matt Gerhart of the Coastal Conservancy presented the staff recommendation

Speaking in favor of the staff recommendation: Janet McBride, Bay Area Ridge Trail Council

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Resolution:

“The State Coastal Conservancy hereby authorizes disbursement to the Bay Area Ridge Trail Council of an amount not to exceed seven hundred sixty five thousand dollars (\$765,000) to conduct planning and feasibility studies, data collection and resource evaluation activities to support future development, construction, and real property acquisition of new Bay Area Ridge Trail segments. Prior to the disbursement of any Conservancy funds, the Bay Area Ridge Trail Council shall submit for review and approval of the Executive Officer of the Conservancy a work program, schedule and budget, and the names and qualifications of any subcontractors that it intends to employ for this planning work.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code, regarding the recreational goals of the San Francisco Bay Area Conservancy Program, including public access to, within and around the bay and ridgetops.
2. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
3. The Bay Area Ridge Trail Council is a nonprofit organization existing under Section 501(c) 3 of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the California Public Resources Code.”

Moved and seconded. Approved by a vote of 4-0.

10. CHILDREN’S DISCOVERY MUSEUM

Laura Cholodenko of the Coastal Conservancy presented the staff recommendation.

Speaking in favor of the staff recommendation: Marilee Jennings, Children’s Discovery Museum.

Resolution:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three hundred twenty two thousand eight hundred eighteen dollars (\$322,818) to the Children’s Discovery Museum (CDM) of San Jose to design and install an outdoor nature-based play space adjacent to the Guadalupe River in the City of San Jose, Santa Clara County, subject to the following conditions:

1. Prior to the disbursement of funds, CDM shall submit for the review and approval of the Executive Officer of the Conservancy a final work program, schedule and budget, and the roster of contractors to be retained for the project.

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2. CDM shall install signs acknowledging the Conservancy and displaying its logo in accordance with a sign plan approved by the Executive Officer.
3. Prior to the disbursement of funds, CDM shall enter into an agreement with the City of San Jose authorizing the project on City property and protecting the public interest in the project pursuant to Public Resources Code Section 31116(c).
4. Prior to the disbursement of funds, CDM shall demonstrate that it has sufficient funds to complete project design, construction of infrastructure, and installation of major interactive features of the project.

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the protection of resources in the San Francisco Bay Area.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Children’s Discovery Museum of San Jose is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.
4. The Conservancy has independently reviewed and considered the Environmental Impact Report for San Jose Downtown Strategy 2000 (EIR), adopted by the City of San Jose (City) on June 21, 2005 and the City’s Addendum PP06-076 to the EIR, pursuant to the California Environmental Quality Act, attached as Exhibit 5 to the accompanying staff recommendation. The Conservancy finds, that the proposed project will not have a significant effect on the environment as defined by the CEQA Guidelines, 14 Cal. Code Regs §15382.”

Moved and seconded. Approved by a vote of 4-0.

11. CLOSED SESSION

There was no closed session.

12. CONSERVANCY MEMBER COMMENT

There were no Conservancy member comments

13. PUBLIC COMMENTS ON NON –AGENDA ITEMS

There were no public comments

14. ADJOURNMENT

Meeting adjourned at 11:10 am



Sunset Cliffs Association

**Talking Points for the Presentation to the
California State Coastal Conservancy**

December 3, 2015



Photo taken by Roy Klumpp of Garbage Beach looking north, after a 0.1-inch rainfall event on saturated soil.

Sunset Cliffs Association Comments Regarding the Hillside Improvement Project December 3, 2015

1. Errors, omissions and contradictions – that will negatively affect SCNP and Trails

- **Incorrectly filling out Development Services Department Form DS-560** – The City has the Project classified as a Standard Development Project, rather than a Priority Development Project that requires a much more stringent CEQA review.

- **Item 6 – Hillside development greater than 5,600 square ft:** There is >5,000 sq ft of impermeable surface being added at the 8-12 ft wide multiuse trail / utility road per the 100% plans. It will generate runoff and be an eyesore in a natural park.

“Decomposed granite (DG) – stabilized compacted to 90%” (6” D) (Sheet LD-1, Detail A).” 90% Compaction means there will be minimal permeability, not like concrete or asphalt, but still creating a surface which will sheet flow runoff rather than allowing incident rainfall to penetrate to the native soil. DG is not recommended for utility road construction by trail design manuals.

Although the City has improved the bioswale design, we still have concerns:

1. With no LID/BMPs upslope the volume of runoff generated from parking lots and roads within the Park, along with runoff flowing into the Park from PLNU, will erode the steep hillsides above and clog the multipurpose trail under drains and the bioswales.
2. During moderate rain events, without upslope LID/BMPs, the runoff will overtop the bioswales and run as sheet flow across the multipurpose trail clogging the DG with mud.



Figure 1. Nearshore turbidity plume April 20, 2007, generated by a 0.38" rainfall.

- **Item 7 – Water Quality Sensitive Area:** SCNP is located adjacent to an area of environmental sensitivity, the Pacific Ocean and the intertidal and subtidal areas used on a daily basis by Park visitors. This fact was ignored in the environmental work, and mention of LID/BMP measures to protect the nearshore waters from pollution was omitted.

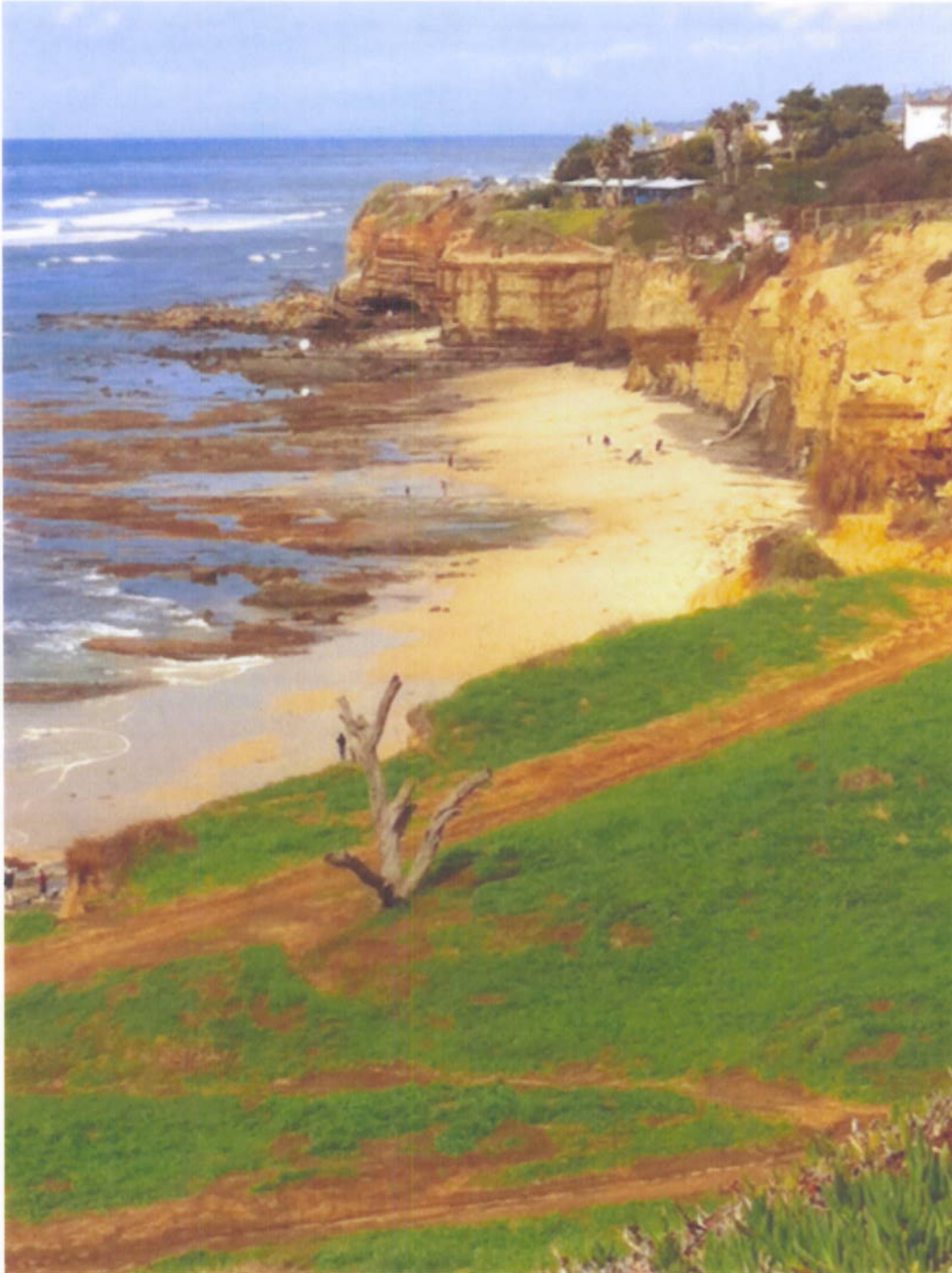


Figure 2. Sunset Cliffs Natural Park intertidal, February 9, 2013, showing the concrete swale that was destroyed in Dec. 2014. This swale / outfall was to have been an important feature of the Hillside Improvement Project drainage system. The application / plans should have shown how, using LID/BMPs methods, the need for ocean disposal was going to be eliminated.



Figure 3. Rainstorm October 5, 2011, 0.4" rainfall

2. Omitting discussion of marine waters and habitats:

The Application fails to recognize that the SCNP, in addition to being a wonderful 1.5 mile long coastline area of San Diego with magnificent view sheds and open space accessible to the Public, also provides access to intertidal and subtidal habitats that have been continuously degraded by the accelerated erosion from run-on and runoff through SCNP from the late 1970s forward. Erosion and marine problems were officially reported in a 1992 letter from the San Diego Water Board to the City requesting the City resolve the marine pollution issues plaguing the SCNP before the next rainy season.

"In the 1970's and into the early 80's the general clarity of the water was in the 10 to 15 foot range most of the time and during summer months there were days when visibility could be up to 20 feet. It was very normal to see large numbers of fish, such as Garibaldi (the State fish), anchovies and other fish. It was even very common to see Garibaldi on some of the smaller, shallower inside reefs.

"In the early 80's there was a change in the clarity of the water due to heavy runoff directly from the hillside portion of the park. One of the most obvious sources was the uncontrolled outfall from what is known as Culvert Canyon. It was not uncommon to see huge amounts of mud-laden water shooting over the cliffs directly into the south channel. The current generally goes straight out, but will also curve to the north through the outside of Garbage reef. The result of this uncontrolled runoff has been a very heavy buildup of sediments on the bottom in the channel and onto the two reefs directly adjacent to it. This uncontrolled runoff has resulted in turbid water that is now the norm rather than the rare condition, even when the surf is very small surf. Today it is a very rare event to see Garibaldi; I do not remember seeing one for a good 10 years. The poor condition of the near shore environment in this area is directly attributable to the continued uncontrolled use of the ocean as a dumping environment." Dan Mendiguchia

3. Possible marine pollution:

- The marine pollution, caused by runoff from the SCNP and PLNU Campus run-on, is well documented (see 1992 letter from the Water Board to the City). It includes adverse environmental impacts to tide pool plants and animals, including ones that are buried or prevented from settling and attaching to intertidal rocks, and degradation of nursery habitats for lobster and fish.
- A band of surf grass, which serves as a nursery habitat for juvenile lobsters for the first 1-2 years after they settle out of the plankton, can be found along most of the shallow marine waters adjacent to the SCNP. Adverse sediment stress due to not controlling runoff at the source, as recommended by MS4 regulations, will contribute, to a lesser degree than is now the situation, but it could be brought to natural levels if MS4 guidelines are written into a revised Application.



Figure 4. SCNP surfgrass exposed at low tide.

- Now that the Water Board has included SCNP in its September amendments to **Order R9-2013-0001** (MS4 storm water regulations) due to environmental concerns about **Sediments** and **Erosion** in SCNP, the City will need to rewrite the Application for Phase 1B to bring it into conformance with MS4.
 - This major requirement of MS4 regulations was omitted by the City in their Application is clearly covered in the MS4 regulations in the Definitions Section, Article 16.

4. Not following MS4 guidelines:

- A key MS4 guideline for controlling pollutants not included in the Project plans is to locate BMPs to capture "pollutant generation at its source and is the best 'first line of defense.' Source control BMPs, both structural and non-structural, minimize the contact between pollutants and runoff, therefore keeping pollutants onsite and out of receiving waters. Treatment control BMPs remove pollutants that have been mobilized by storm water or non-storm water flows."



Figure 5. Bioswale, 5-months after installation, Scripps Upper Mesa, Univ. Calif., San Diego, showing one that is wide and deep enough, with use of California native plants, to provide treatment and allow infiltration of the runoff that it collects, except perhaps in a 100-year storm.

- Allowing storm water or runoff to flow into marine waters and habitats during periods of major rainfall events does not meet the criteria for BMPs in "Finding 16. Best Management Practices. Waste and pollutants, which are deposited and accumulate in MS4 drainage structures will be discharged from these structures to waters of the U.S. unless they are removed. These discharges may cause or contribute to, or threaten to cause or contribute to, a condition of pollution in receiving waters. For this reason, pollutants in storm water discharges from the MS4s can be and must be effectively reduced in runoff by the application of a combination of pollution prevention, source control, and treatment control BMPs. Pollution prevention is the reduction or elimination of pollutant generation at its source and is the best "first line of defense". Source control BMPs (both structural and non-structural) minimize the contact between pollutants and runoff, therefore keeping pollutants onsite and out of receiving waters. Treatment control BMPs remove pollutants that have been mobilized by storm water or non-storm water flows."

Without better upslope protection, the new trails will be washed out, albeit in a piecemeal fashion.

Additional Omissions

- **The Application counts non-native annual grasses as part of the 80% cover.** The California Native Plant Society, Policy on Invasive Exotic Plants, adopted September 1996, for all cities and state agencies:
"...insists that all landscaping, mitigation, restoration, revegetation, and habitat/species recovery monitoring plans include provision for identifying and managing non-native plants and identifying potential for damaging the genetic structure of local native plant communities."
Exotic annual grasses should not be counted as part of the 80% cover.
- **The Application does not note that the Lower Parking Lot storm drain outfall is not functional.** The 100% plans show that this is an intact structure even though ~30% of drainage outfall is no longer there, the remainder is undermined, cracked and missing portions, and the storm drain itself in the lower parking lot is deteriorated and likely non-functional.

The City of San Diego has not changed the plans regarding use of this non-existent outfall (see Sheet C-8) nor stated how they will control this major source of runoff to Garbage Beach, since there is no existing drainage system.

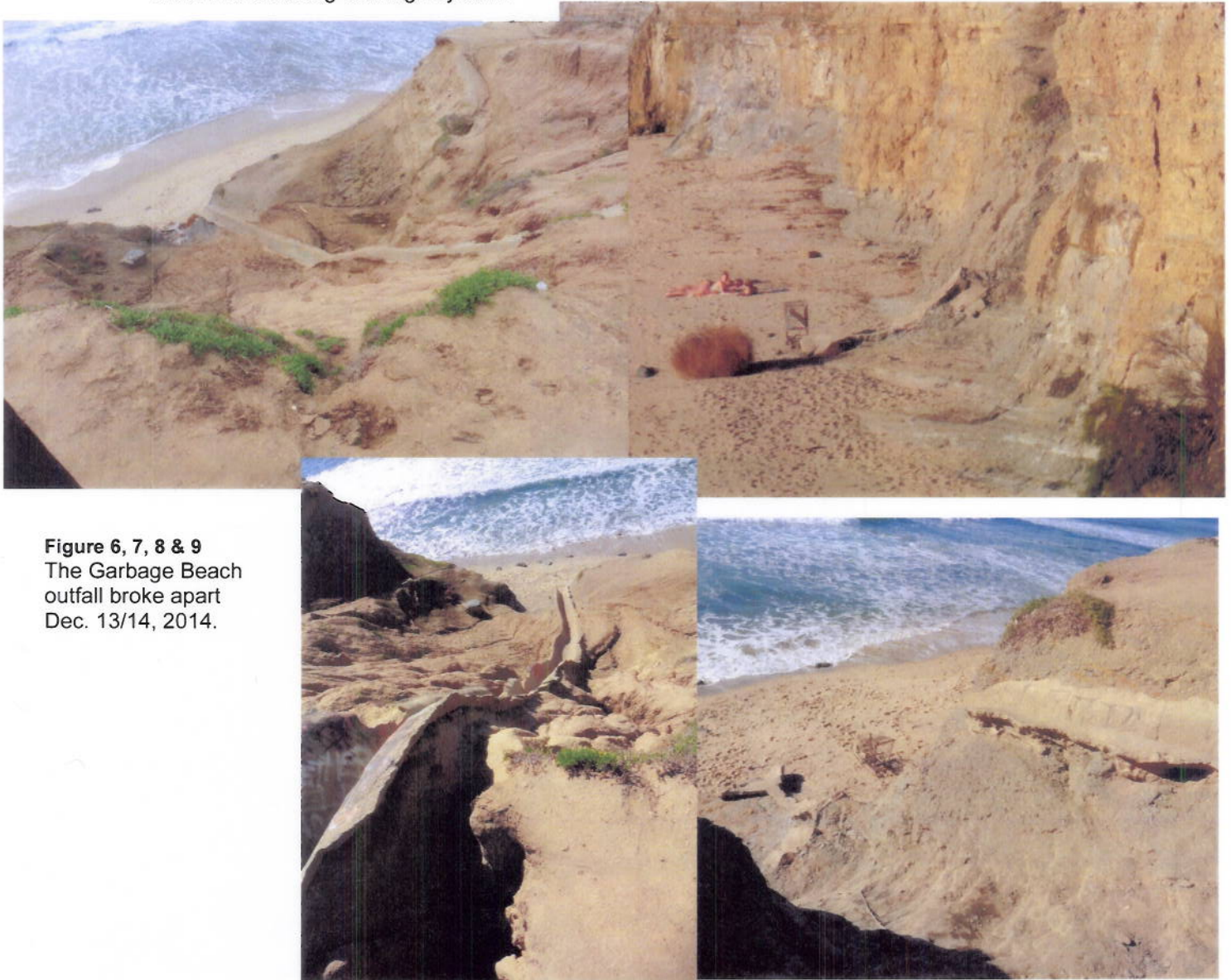


Figure 6, 7, 8 & 9
The Garbage Beach
outfall broke apart
Dec. 13/14, 2014.

- **The application states the Ladera Street Properties will be demolished**, but the plans state they will be protected in place. The demolishing of the Ladera Street buildings, contouring and vegetation of this area is needed, but this is no longer on the project.
"[Ladera Street Properties] Existing building, 4315 Ladera St. to remain", Sheet SP-1



Figure 10. From October 2002 through October 2006, the runoff from this property increased the number of erosion gullies in this section of SCNP, and noticeably expanded the one marked with a red arrow. A new gully to the north formed over a couple of days in early February 2005, and severed the trail that ran near the edge of the cliff (see next figure). Removal of the built surfaces, restoration of the land with appropriate contouring and native plant cover, should stop this top-down erosion.

Figure 11. Bluff trail washout due to runoff from the Ladera Street property.



Conclusion

Based on the City not analyzing the impacts to the intertidal and near shore waters of the runoff generated by the Park and the additional impervious surfaces during the CEQA process, not analyzing the environmental impacts that will occur from redirecting storm water to new Parkland areas (e.g. upper parking lot asphalt flow directors and gabions); omitting the new environmental impacts that will occur due to the lower parking lot drainage system being destroyed; and not following MS4 Findings in the design of the Project swale drainage system, to name a few, the City should be required to consider these impacts before being granted the \$800,000 from the California State Coastal Conservancy. Completing these items and conditioning the Grant request approval, should adequately protect the Park and adjacent marine waters and habitats.