

COASTAL CONSERVANCY

Staff Recommendation
June 18, 2020

NELSON SLOAN QUARRY RESTORATION PLAN AND ENVIRONMENTAL REVIEW

Project No. 10-019-02
Project Manager: Sam Jenniches

RECOMMENDED ACTION: Authorization to disburse up to \$250,000 to the California Department of Parks and Recreation to augment a previously authorized Conservancy grant of \$250,000 to prepare a restoration plan and conduct environmental review for the Nelson Sloan Quarry Restoration Project in the Tijuana River Valley region of San Diego County.

LOCATION: Tijuana River Valley, City of San Diego, San Diego County

PROGRAM CATEGORY: Integrated Coastal and Marine Resources Protection

EXHIBITS

- Exhibit 1: [Project Location Map](#)
 - Exhibit 2: [February 2, 2017 Staff Recommendation](#)
 - Exhibit 3: [Project Letters](#)
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31111 and 31220 of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred and fifty thousand dollars (\$250,000) to the California Department of Parks and Recreation (State Parks) to augment a previously authorized Conservancy grant of \$250,000 to prepare a restoration plan and conduct environmental review for the Nelson Sloan Quarry Restoration Project in the Tijuana River Valley region of San Diego County. Prior to disbursement of the additional funds, State Parks shall submit for the review and written approval of the Conservancy's Executive Officer a revised detailed work program."

Staff further recommends that the Conservancy adopt the following findings:

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

1. The proposed authorization remains consistent with Chapters 3 and 5.5 of Division 21 of the Public Resources Code, regarding funding feasibility studies and integrated coastal and marine resources protection, respectively.
2. The proposed project remains consistent with the current Conservancy Project Selection Criteria and Guidelines.”

PROJECT SUMMARY:

On February 2, 2017, the Conservancy authorized disbursement of up to \$250,000 to the California Department of Parks and Recreation (State Parks) to prepare a restoration plan and conduct environmental review (“project”) for the Nelson Sloan Quarry Restoration Project (“Restoration Project”) in the Tijuana River Valley region of San Diego County. (Exhibit 2) Staff recommends that the Conservancy authorize disbursement of an additional \$250,000 to State Parks for the project. The additional funds are necessary for State Parks to complete the project, which consists of preparation of design plans, regulatory permit applications, feasibility and planning studies, a monitoring and reporting plan, a multi-jurisdictional agreement for operation, and environmental documentation for the Restoration Project. The project has higher costs than anticipated for preparation of environmental documentation and preparation of the operation agreement.

The Restoration Project will fill an abandoned sand and gravel quarry in the Tijuana River Valley and restore it to native coastal sage scrub habitat through beneficial re-use of sediment excavated from the Goat Canyon Sediment Basins, other flood control channels, and habitat restoration projects located in the Tijuana River Valley.

The proposed augmentation will address budget shortfalls associated with the project. The proposed augmentation will enable State Parks to address City of San Diego (“City”) and County of San Diego (“County”) CEQA thresholds of significance and additional endangered species analysis. The original scope included only EIR analysis using State Parks’ thresholds of significance for the CEQA Guidelines Appendix G ; however, due to the multijurisdictional nature of the project, State Parks requested that the contractor consider and analyze the City’s and the County’s thresholds of significance. Multiple EIR sections require augmentation to satisfy these additional analyses. In addition, during 2019 surveys, project contractors observed the endangered Quino checkerspot butterfly on the project site, requiring out-of-scope surveys, a biological technical report, and a take permit.

Throughout the initial phases of design development and environmental review, State Parks has convened several multi-agency working meetings to develop a multijurisdictional operations agreement. While these efforts have been productive, it is now clear that developing an operations agreement will require consultant time for meeting facilitation, content development, and subsequent production of the proposed operations agreement.

State Parks will conduct the additional necessary project management coordination and project administration for the project.

A more detailed *Project Summary* can be found in the February 2, 2017 staff recommendation (Exhibit 2).

Site Description: The Restoration Project site is in an area known as the Border Highlands and is part of the Tijuana River Valley Regional Park, owned and operated by the County of San Diego and located within the City of San Diego (Exhibit 1). The site is included in the Multi-Habitat Planning Area (MHPA) of the City of San Diego's Subarea Plan for the Multiple Species Conservation Plan. The Border Highlands predominantly support coastal sage scrub and coastal chaparral plant communities but also support a number of plants at the northern limits of their range or found only in isolated locations such as the Channel Islands.

In 1982, Nelson and Sloan received a 20-year permit to operate a sand and gravel quarry called the Border Highlands Pit with capacity to extract up to 7.5 million cubic yards of material from approximately 139 acres. After mining ceased in 2002, the quarry site was bisected by a steep cut slope with the eastern half being flat and the western half containing two steep canyons draining north. Coastal sage scrub habitat has naturally established on the low-lying areas exposed by mining operations. Endangered California gnatcatchers were heard during site visits in Fall 2009 and Spring 2010. The proposed project site is bounded by the Border Wall Infrastructure Project to the south, the South Bay International Wastewater Treatment Plant to the northeast, and agricultural operations and open space to the north.

Grantee Qualifications: State Parks is a prominent partner in the Tijuana River Valley. It is active in the management of the Tijuana River Estuarine Research Reserve and Border Field State Park and is a critical member of the Tijuana River Valley Recovery Team. State Parks has a vested interest in the success of the Restoration Project and the proven capacity to implement it.

Project History: In February 2017, the Conservancy approved \$250,000 for State Parks' project management costs for the Restoration Project planning and design. The Executive Officer subsequently clarified that the intent of the authorization is use of the grant funds for preparation of the Restoration Project planning documents, not just project management costs. The Conservancy's grant was matched by a grant award from the California Department of Water Resources and San Diego County Water Authority Integrated Regional Water Management Program's grant program for Disadvantaged Communities. In March of 2020, State Parks contacted Conservancy staff to indicate that environmental review had resulted in the discovery of Quino Checkerspot Butterfly on the site, a federal endangered species. Additionally, State Parks instructed their environmental review contractor to address City and County guidelines for CEQA thresholds of significance for use with the CEQA Guidelines Appendix G due to the multi-jurisdictional nature of the eventual implementation of the project. This combined to create an expansion of scope that resulted in a funding shortfall.

A more detailed *Project History* can be found in the February 2, 2017 staff recommendation (Exhibit 2).

PROJECT FINANCING

Coastal Conservancy

Feb 2, 2017 Authorization \$250,000

Proposed Augmentation \$250,000

CA Department of Water Resources \$890,000

Project Total \$1,390,000

The expected source of funds for this project is the FY 2019/20 appropriation to the Conservancy from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Proposition 68, Public Resources Code Sections 80000-80173). Chapter 9 of Proposition 68 (section 80120-80121) allocates funds to the Conservancy to enhance and protect coastal and ocean resources, and, in particular, to grant funds to public agencies and nonprofit organizations for the protection of beaches, bays, wetlands, and coastal watershed resources. (Public Resources Code Section 80120 (c)).

The project will use part of the \$15 million of the Conservancy’s FY 2019/20 Proposition 68 funds that were appropriated specifically for the Tijuana Border Pollution Control Project.. Section 31111.3 of the Public Resources Code further guides the expenditure of these funds (See Senate Bill 690 (Hueso, 2019)). Section 31111.3 states:

When granting funds appropriated by Assembly Bill 74 (Chapter 23 of the Statutes of 2019 [the Budget Act of 2019]) for purposes of addressing transboundary flows and pollution in the Tijuana River Valley, the conservancy [sic] is encouraged to prioritize those projects identified in the studies described in subdivision (b) of Section 5907.5, to the extent feasible.

Public Resources Code Section 5907.5 requires the County to conduct a study that addresses the improvement and protection of natural lands, including the main river channel, in the Tijuana River Valley (5907.5(b)(2)). The Restoration Project is identified in the County’s Needs and Opportunities Assessment (2020), which was written per Section 5907.5 of the Public Resources Code.

Consistent with the purposes of Proposition 68, the proposed project consists of preparing a restoration plan and environmental review for the Nelson Sloan Quarry Restoration Project, which, when implemented, will protect the beaches, wetlands and coastal resources of the Tijuana River Watershed and adjacent areas.

The proposed project is consistent with the funding guidelines for expenditure of Proposition 68 adopted by the Conservancy on December 6, 2018 (Guidelines). (See Pub. Res. Code section 80010). As described in the Guidelines, Proposition 68 requires that at least 15% of the total funds available under Chapter 9 be used for projects that serve severely disadvantaged

communities (SDACs), defined as a community with a median household income less than 60 percent of the statewide average (Section 80008(a)(2)). Under the Guidelines, “serving” an SDAC means the project is located within an SDAC, located within a mile of an SDAC, or is not located in an SDAC but provides other benefits to an SDAC. For this project, approximately \$250,000 will be used to prepare a restoration plan and environmental review for the Nelson Sloan Quarry Restoration Project, which, when implemented, will protect the beaches, wetlands and coastal resources of the Tijuana River Watershed and adjacent areas. The proposed restoration site is 1 mile from an SDAC and the resources that will be protected are frequently used by residents of the adjacent SDACs.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION, CONSERVANCY’S PROJECT SELECTION CRITERIA & GUIDELINES AND CONSISTENCY WITH LOCAL WATERSHED MANAGEMENT PLAN/ STATE WATER QUALITY CONTROL PLAN:

Although costs have increased, the proposed project has not changed from the description and other aspects of the project detailed in the February 2, 2017 staff recommendation (Exhibit 2). Accordingly, for the same reasons specified in the February 2, 2017 staff recommendation, the project remains consistent with the Conservancy’s enabling legislation, and Project Selection Criteria & Guidelines and with the local watershed management plan/state water quality control plan.

CONSISTENCY WITH CONSERVANCY’S [2018-2022 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 6, Objective 6a** of the Conservancy’s 2018-2022 Strategic Plan, the proposed project will develop a restoration plan to assist in the restoration and enhancement of coastal habitats of the Tijuana River and Estuary.

Consistent with **Goal 6, Objective 6c** of the Conservancy’s 2018-2022 Strategic Plan, the proposed project will develop a restoration plan to preserve and enhance coastal watersheds and floodplains of the Tijuana River and Estuary.

Consistent with **Goal 6, Objective 6f** of the Conservancy’s 2018-2022 Strategic Plan, the proposed project will develop a restoration plan to improve water quality of the Tijuana River and Estuary to benefit California coastal and ocean resources.

CEQA COMPLIANCE:

The project remains statutorily exempt from review under the California Environmental Quality Act pursuant to 14 California Code of Regulations Section 15262, in that it involves only planning studies and feasibility analyses for possible future actions which have not yet been approved, adopted, or funded as described in this report and the February 2, 2017 staff recommendation (Exhibit 2).

