



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
5900 LA PLACE COURT, SUITE 100
CARLSBAD, CALIFORNIA 92008

January 22, 2016

Mr. Hasan Yousef
City of San Diego
Transportation and Stormwater Division
1010 2nd Avenue, Ste. 800, MS 609
San Diego, California 92101

DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT NO. 63

Dear Mr. Yousef:

I am responding to your request (SPL-2015-00942-RAG) for a Department of the Army permit for your proposed project, Smythe Channel Maintenance. The proposed project is located behind residences at 3684 Shooting Star Drive, City of San Diego, San Diego County, California (Latitude 32.56766°N and Longitude -117.0556°W) (Figures 1 and 2). Proposed work would include the removal of sediment and vegetation from the earthen-lined section of Smythe Channel. The maintenance would begin west of Picador Boulevard and end at the 8 foot by 8 foot culvert running under Del Sur Boulevard, as depicted in Figure 3.

Because this project would result in a discharge of dredged and/or fill material into waters of the United States a Department of the Army permit is required pursuant to Section 404 of the Clean Water Act (33 USC 1344; 33 CFR parts 323 and 330).

I have determined construction of your proposed project, if constructed as described in your application, would comply with Regional General Permit (RGP) No. 63 - Repair and Protection Activities in Emergency Situations. Specifically, and as shown in Figure 3, you are authorized to:

1. Permanently impact approximately 0.73 acre (1,392 linear feet) of wetland waters of the U.S. within the earthen-lined section of Smythe Channel by excavating accumulated sediment and vegetation including:
 - a. The removal of riparian scrub (southern willow scrub) totaling approximately 0.62 acre.
 - b. The removal of freshwater marsh totaling approximately 0.11 acre.
 - c. This work would result in a channel bottom approximately 20 feet wide and a channel top of approximately 47 feet wide and would be approximately 1.5 to 3 feet in depth.
2. Temporarily impact 0.001 acre of non-wetland waters of the U.S. in Smythe Channel by placing fill in the channel consisting of a sandbag berm approximately 2 feet wide, 3 feet high, and 30 feet long and water pump during maintenance activities to prevent upstream

flows from entering the work area. The sandbag berm is to be placed in the location depicted in the figure titled, "Access and Staging Area".

For this RGP verification letter to be valid, you must comply with all of the terms and conditions of RGP No. 63 - Repair and Protection Activities in Emergency Situations, available at <http://www.spl.usace.army.mil/Missions/Regulatory/RegionalGeneralPermits.aspx>. Furthermore, you must comply with the following non-discretionary Special Conditions:

1. The work authorized by this RGP must be underway no later than fourteen (14) calendar days from date of issuance of this letter of verification. All work must be completed no later than 90 days from the date of this letter. If the Permittee is unable to complete the authorized work by this date, the Permittee must request, in writing, an extension from the U.S. Army Corps of Engineers (Corps) Regulatory Division prior to the deadline.
2. All work shall be monitored by a qualified biologist and the sandbag berm and all equipment removed within one week of completed work.
3. As directed in RGP No. 63, any work authorized by this RGP must be the minimum necessary to alleviate the immediate emergency, unless complete reconstruction does not result in significantly increased impacts to aquatic resources and logistical concerns indicate such reconstruction is as expedient considering the condition of the project site and is limited to in-kind replacement or refurbishment.
4. To mitigate for impacts to 0.73 acre of wetland waters of the U.S., the Permittee shall purchase mitigation credits at a Corps-approved mitigation bank at a minimum of a 3 to 1 ratio (i.e., 2.19 acre). Prior to purchasing the credits, the Permittee must receive approval of the mitigation bank and credit type proposed to be purchased. If credits are not available at a Corps-approved mitigation bank in the service area of the project and with the correct type of credit the Permittee shall provide a draft Habitat Mitigation and Monitoring Plan (HMMP) outlining the proposed mitigation within 90 days. The draft HMMP shall meet all the requirements outlined in 33 CFR 332, including providing justification for the site selection and how the mitigation addresses the needs of the watershed. The credits proposed for purchase or the draft HMMP must be submitted to the Corps within 45 days of project completion.
5. As directed in RGP No. 63, you shall provide a written report to this office (within 45 days of completing the project) after completion of any action conducted under this RGP.
PROVIDING THIS REPORT IS MANDATORY. At a minimum the Report shall include the following:

- a. The name, address, and telephone number of the applicant and the applicant's agent (if appropriate).
- b. Full description of the activity including:
 - i. Description of the emergency and the potential for loss of life or property;
 - ii. Purpose of the activity;
 - iii. Final goal of the entire activity;

- iv. Location (e.g., latitude/longitude or UTM coordinates; section/township/range on appropriate USGS topographic map; Thomas Guide map, or other source to accurately portray project location);
- v. Size and description of project area (include maps or drawings showing the areal and lineal extent of the project, and pre- and post-construction photographs); and
- vi. Quantities of materials used.
- c. Information on receiving waterbody impacted including:
 - i. Name of waterbody;
 - ii. Type of receiving waterbody (e.g., river/streambed, lake/reservoir, ocean/estuary/bay, riparian area, wetland type, etc.);
 - iii. Temporary/permanent adverse impact(s) in acres/cubic yards/linear feet;
 - iv. Compensatory mitigation in acres/cubic yards/linear feet; and
 - v. Other mitigation steps (to avoid, minimize, compensate).
- d. Information on federally listed or proposed endangered species or designated or proposed critical habitat including:
 - i. Temporary/permanent adverse impacts;
 - ii. Compensatory mitigation; and
 - iii. Other mitigation steps (to avoid, minimize, compensate).

A general permit does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others or authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, State, or local authorizations required by law.

If you have any questions, please contact Rose Galer at 760-602-4835 or via e-mail at Rose.A.Galer@usace.army.mil. Please help me to evaluate and improve the regulatory experience for others by completing the customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

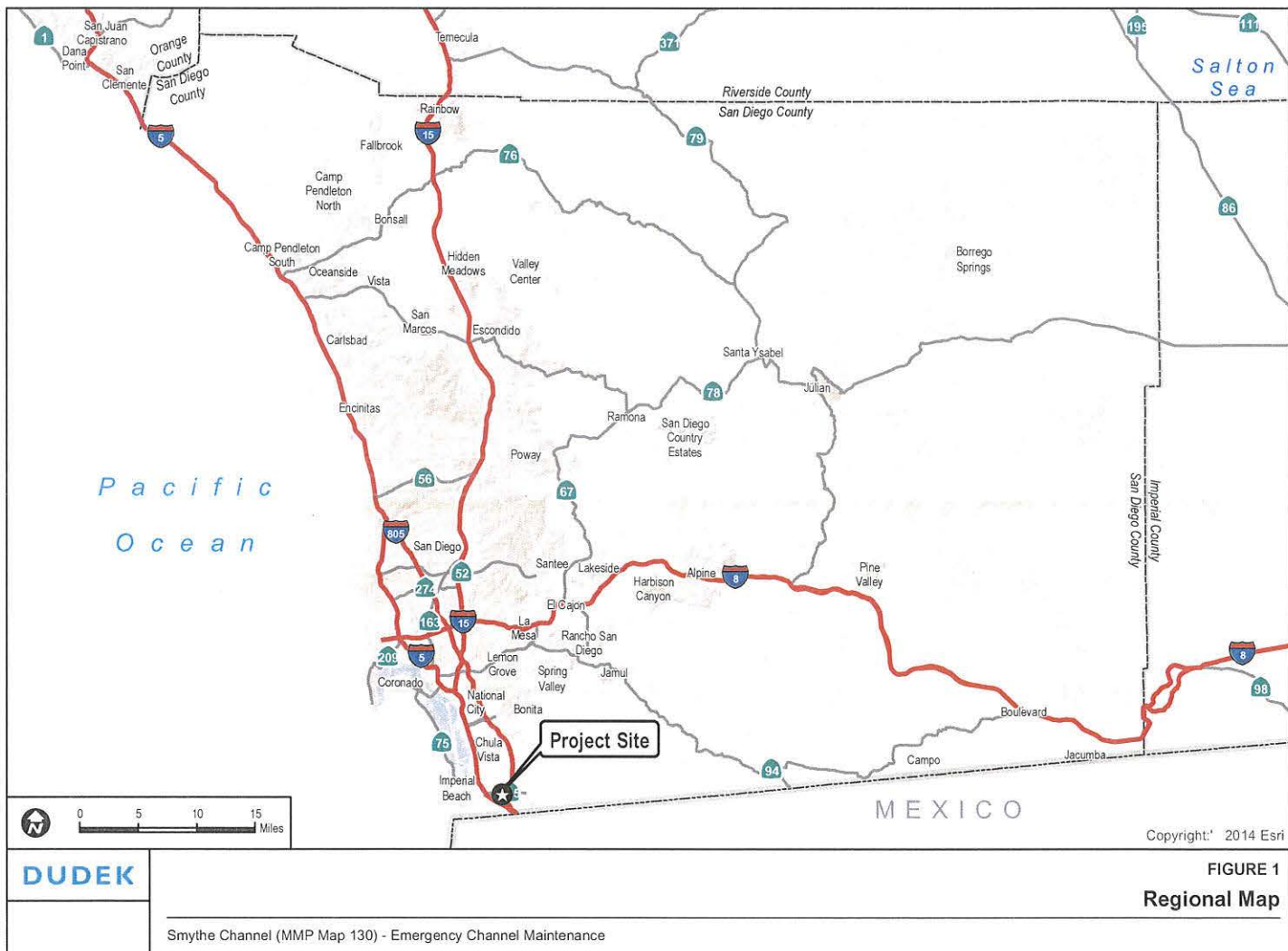
Sincerely,

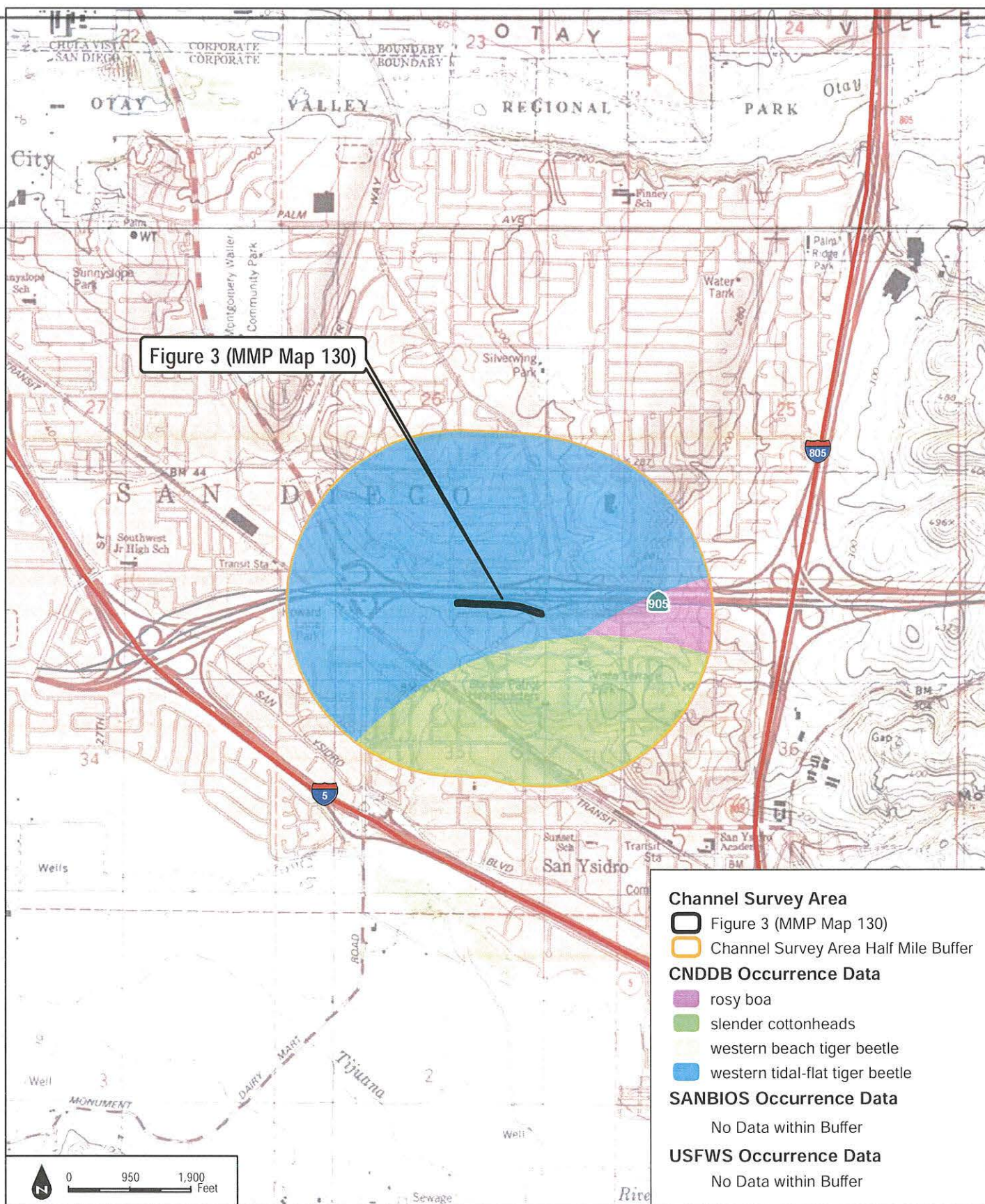
VAN
SANT.RICHARD.J.13885
94337

Digitally signed by VAN
SANT.RICHARD.J.1388594337
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USA, cn=VAN
SANT.RICHARD.J.1388594337
Date: 2016.01.22 13:38:42 -0800

Richard J. Van Sant III
Acting Team Lead
South Coast Branch

Enclosures





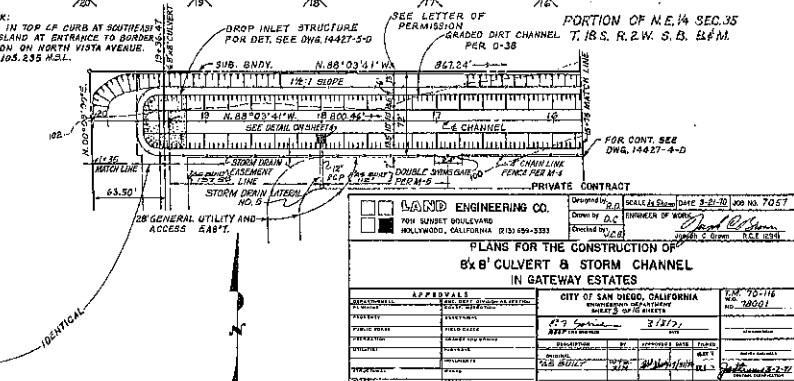
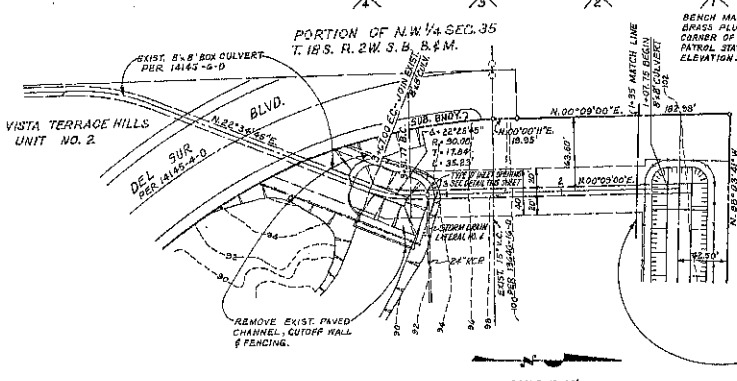
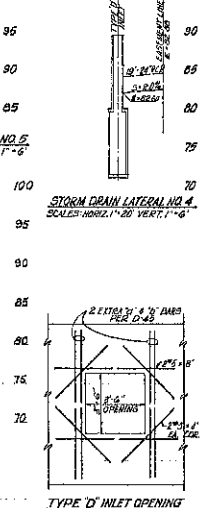
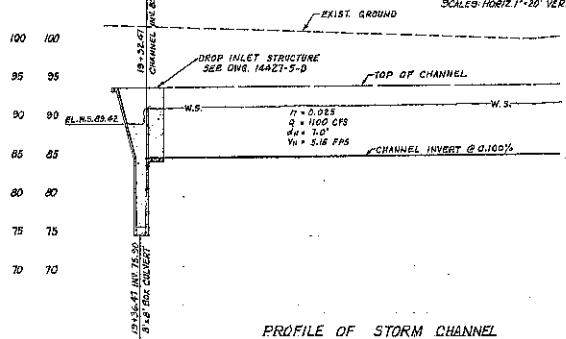
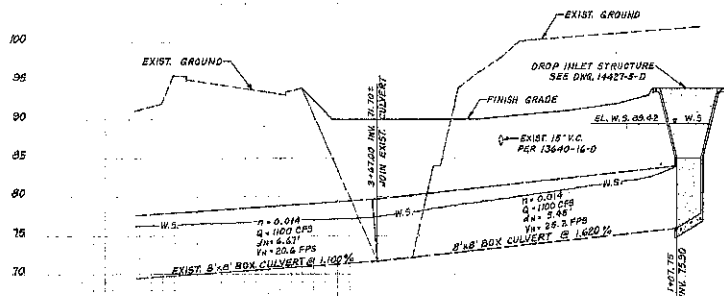
SOURCE: USGS 7.5-Minute Series - Imperial Beach Quadrangle, CNDDDB, 12/01/2015, SANBIOS, 03/20/2009, USFWS, 2015.

FIGURE 2
Vicinity Map

DUDEK

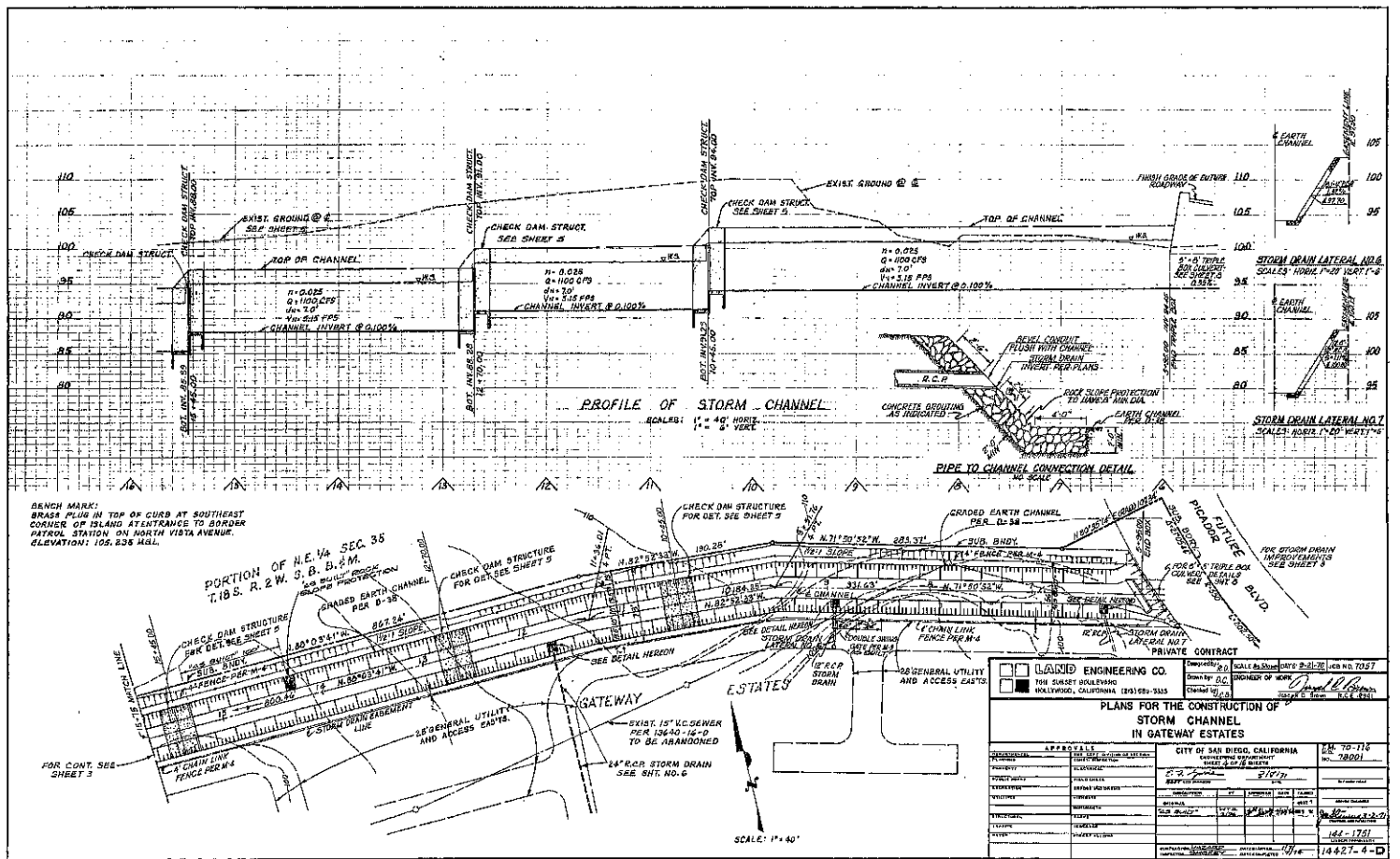
Smythe Channel (MMP Map 130) - Emergency Channel Maintenance





LAND ENGINEERING CO. 1000 NORTH BROADWAY HOLLYWOOD, CALIFORNIA 91601-3333		Drawn by: <i>[Signature]</i> Checked by: <i>[Signature]</i> Date: 3/17/71
PLANS FOR THE CONSTRUCTION OF 8x8' CULVERT & STORM CHANNEL IN GATEWAY ESTATES		
APPROVALS PROJECT: <i>[Signature]</i> DESIGNER: <i>[Signature]</i> CHECKER: <i>[Signature]</i> INCHARGE: <i>[Signature]</i> DATE: 3/17/71	CITY OF SAN DIEGO, CALIFORNIA ENGINEERING DEPARTMENT 1601 K STREET SAN DIEGO, CALIFORNIA 92101 SCALE: 1"=40' DATE: 3/17/71	SHEET NO. 14427-3-D TOTAL SHEETS: 14427-3-D

AS BUILT



LAND ENGINEERING CO. 2101 STREET BOLLING HOLLYWOOD, CALIFORNIA (213) 981-3333		Contract No. 1044-27-6-D Sheet No. 1 of 1
PLANS FOR THE CONSTRUCTION OF STORM CHANNEL IN GATEWAY ESTATES		
APPROVALS PREPARED BY: [Signature] CHECKED BY: [Signature] DESIGNED BY: [Signature] DRAWN BY: [Signature] INCHES: [Signature] TYPED BY: [Signature] REVIEWED BY: [Signature]		CITY OF SAN DIEGO, CALIFORNIA ENGINEERING DEPARTMENT SHEET 1 OF 1 DATE: 10-17-61 PROJECT NO. 1044-27-6-D
PROJECT NO. 1044-27-6-D SHEET 1 OF 1 DATE: 10-17-61 PROJECT NO. 1044-27-6-D		SHEET NO. 1 OF 1 DATE: 10-17-61 PROJECT NO. 1044-27-6-D

AS BUILT

ATTACHMENT A

Smythe Channel Emergency Maintenance, MMP Map 130

Photograph Log

Photograph 1: Looking towards Access/Staging area and vegetation in the east end of the proposed maintenance area located just west of Picador Blvd. (MMP Map 130; Figure 3).



(November 13, 2015; 8:24am)

Photograph 2: Looking west from within the channel just west of Picador Blvd. at vegetation (willows and vines) growing up in the channel (MMP Map 130; Figure 3).



(November 13, 2015; 8:30am)

Photograph 3: Looking upstream from within the channel just west of Picador Blvd. at vegetation (willows and vines) growing up in the channel (MMP Map 130; Figure 3).



(November 13, 2015)

Photograph 4: Evidence of flooding and degradation of banks on south side of channel adjacent to private residence 3770 Shooting Star Dr. (MMP Map 130; Figure 3).



(November 13, 2015)

Photograph 5: Looking upstream from the east end of the proposed maintenance area at the disturbed land and riparian scrub (southern willow scrub) within the channel (MMP Map 130; Figure 3).



(November 13, 2015; 11:19am)

Photograph 6: Looking at one of the three concrete energy dissipators installed along the north end of the channel (MMP Map 130; Figure 3).



(November 13, 2015; 11:29am)

Photograph 7: Looking south from the north side of the channel near the center of MMP Map 130; Figure 3 towards the homes that are located on the south side of the channel (Attachment B).



(November 13, 2015; 11:19am)

Photograph 8: Looking south into the channel at a section of freshwater marsh habitat near the western end of the maintenance area (MMP Map 130; Figure 3).

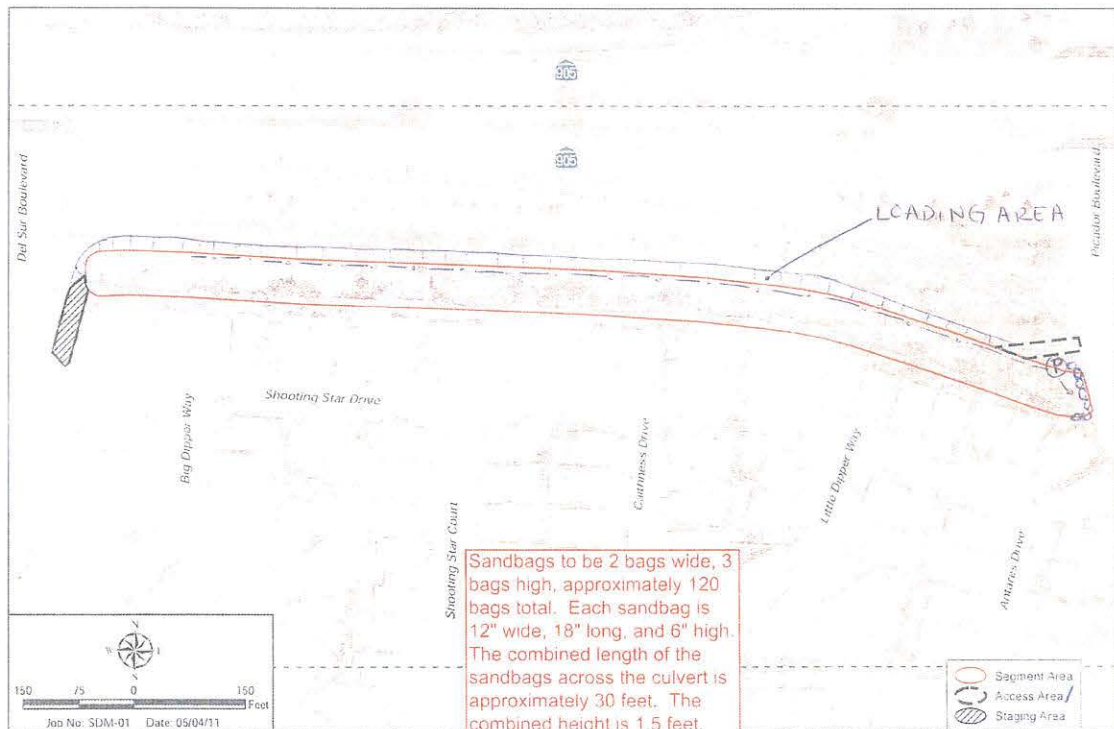


(November 13, 2015; 11:34am)

Photograph 9: Looking down at culvert inlet at the western end of the proposed maintenance area that runs west under Del Sur Blvd. within MMP Map 130; Figure 3.



(November 13, 2015; 11:37am)



Sandbags to be 2 bags wide, 3 bags high, approximately 120 bags total. Each sandbag is 12" wide, 18" long, and 6" high. The combined length of the sandbags across the culvert is approximately 30 feet. The combined height is 1.5 feet. By-pass pump to be placed at top of channel. By-pass hose to be placed along top of channel and discharge to downstream end. The total length of the hose is approximately 1,200 feet.

cccc = sandbags
 (P) = Pump(s)
 --- = downstream pump

From: [Lehotsky, Genene](#)
To: [Lehotsky, Genene](#)
Subject: FW: RWQCB Bi-monthly meetings, Smythe Channel Enrollment to RGP 63, R9-2016-0014:820683:amonji
Date: Monday, June 20, 2016 8:26:27 AM

From: Monji, Alan@Waterboards [<mailto:Alan.Monji@waterboards.ca.gov>]

Sent: Wednesday, January 27, 2016 3:19 PM

To: Rothman, Christine <CRothman@sandiego.gov>

Cc: Becker, Eric@Waterboards <Eric.Becker@waterboards.ca.gov>; Honma, Lisa@Waterboards <Lisa.Honma@waterboards.ca.gov>; Galer, Rose A SPL (Rose.A.Galer@usace.army.mil) <Rose.A.Galer@usace.army.mil>

Subject: RE: RWQCB Bi-monthly meetings, Smythe Channel Enrollment to RGP 63, R9-2016-0014:820683:amonji

Christine:

Consistent with the San Diego Water Board's approach in certifying routine channel maintenance projects and in accordance with section VI of Clean Water Act Section 401 Water Quality Certification for U.S. Army Corps of Engineers Reauthorization of Regional General Permit 63 for Repair and Protection Activities in Emergency Situations, SB13006IN (RGP-63 Certification), the City of San Diego is required to provide compensatory mitigation for permanent impacts that result in a loss of functions in the amount of 3:1 (area mitigated:area impacted) in mitigation credits for the removal of southern willow scrub and freshwater marsh at Smythe Channel. If mitigation credits are not available, the San Diego Water will consider alternate mitigation proposals that adequately compensate for the permanent loss of south willow scrub and freshwater marsh habitat. No compensatory mitigation is required for removal of non-native vegetation.

At this point in time, the City of San Diego has met the emergency notification and fee requirements of the RGP-63 Certification and can be enrolled in the Certification upon the U.S. Army Corps of Engineers' authorization of RGP-63.

As noted in yesterday's meeting, please send me notifications for the start and stop dates of construction for this project.

Thanks

Alan T. Monji
Environmental Scientist
Regional Water Quality Control Board - San Diego
2375 Northside Dr. Suite 100
San Diego CA 92108
619-521-3968

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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE
LAKE OR STREAMBED ALTERATION PROGRAM



Information Regarding Emergency Work

Fish and Game Code section 1610 exempts certain types of emergency work from the notification requirement in section 1602. Specifically, notification is not required before beginning any of the following emergency work:

- 1) immediate emergency work necessary to protect life or property;
- 2) immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in an area in which the Governor has proclaimed a state of emergency; and/or
- 3) emergency projects undertaken, carried out, or approved by a state or local governmental agency to maintain, repair, or restore an existing highway, as defined in Vehicle Code section 360, within the existing right-of-way of the highway, that has been damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage.

Although notification is not required *before* beginning the emergency work, the Department must be notified in writing within 14 days *after* the work begins ("emergency notification"). The notification requirement can be met by completing and submitting the attached Emergency Notification form to the Department regional office that serves the county where the emergency work occurs.

If the Department does not receive the emergency notification within 14 days after the work begins, or the work did not constitute emergency work, the entity responsible for the work may be subject to criminal or civil prosecution. Hence, it is important that the work meets the definition of "emergency."

"Emergency" means "a **sudden, unexpected** occurrence, involving a clear and imminent danger, demanding **immediate** action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services. 'Emergency' includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage." (Public Resources Code section 21060.3 (emphasis added)). See also Fish and Game Code section 1601, subdivision (c).

Although emergency work is exempt from the notification requirement in Fish and Game Code section 1602, the entity responsible for completing the emergency work must comply with other applicable local, state, and federal laws, including other provisions in the Fish and Game Code, such as section 5650 (prohibiting the discharge or release of deleterious substances or materials) and section 5901 (prohibiting the construction or maintenance of any device or contrivance that prevents or impedes fish passage).

The Department recommends that emergency work be conducted in accordance with the guidelines below to minimize impacts to fish and wildlife resources.

- 1) The person(s) completing the emergency work should prevent raw cement, concrete, or washings thereof, asphalt, paint, or other coating material, oil or other petroleum products, or any other substance which can be deleterious to aquatic life from contaminating soil and/or entering a river, stream, lake or other waters of the state. (See Fish and Game Code section 5650.)
- 2) The person(s) completing the emergency work should minimize the disturbance or removal of vegetation in completing the work.

FOR DEPARTMENT USE ONLY

Date Received

Notification Number



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE
LAKE OR STREAMBED ALTERATION PROGRAM
NOTIFICATION OF EMERGENCY WORK



Complete EACH field and attach additional pages if necessary.

1. PERSON, BUSINESS, OR AGENCY RESPONSIBLE FOR EMERGENCY WORK

If the emergency work is being conducted by a business, agency, or utility, please include the name of your designated representative.

Name	Gene Matter		
Business/Agency	City of San Diego Storm Water Division		
Street Address	2781 Caminito Chollas, MS 44		
City, State, Zip	San Diego, CA, 92105		
Telephone	619-527-7506	Fax	619-527-7445
Email	rmatter@sandiego.gov		

2. LOCATION OF EMERGENCY WORK

Address or description of project location. (Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway.)

Access Addresses: 43684 Shooting Star Dr. San Diego, CA 92173
From I-5 South: take Exit 3 for CA-905 East/Tocayo Ave. and continue onto CA-905 East. Take Exit 2A for Picador Blvd. toward Smythe Ave. and turn right onto Picador Blvd. and the channel is located on the immediate right.

☐ Continued on additional page(s)

River, stream, or lake affected by project	Unnamed tributary to Tijuana River (Hydrologic Unit Basin Number 11.11)
--------------------------------------------	-------------------------------------------------------------------------

What water body is the river, stream, or lake tributary to?	Tijuana River (Hydrologic Unit Basin Number 11.11)
-------------------------------------------------------------	----------------------------------------------------

Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?

☐ Yes

☒ No

☐ Unknown

County	San Diego
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USGS 7.5 Minute Quad Map Name	Township	Range	Section	Section
Imperial Beach	18S	2W	35	N/A

☐ Continued on additional page(s)

Meridian (check one)	<input type="checkbox"/> Humboldt	<input type="checkbox"/> Mt. Diablo	<input checked="" type="checkbox"/> San Bernardino
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NOTIFICATION OF EMERGENCY WORK

2. LOCATION OF EMERGENCY WORK continued

Assessor's Parcel Number(s)			
6382511100, 6382511000, 6382511500, 6382512300, 6382512400, 6382510400, 6382511800, 6382510600, 6382510100, 6382510200, 6382510900, 6382511300, 6382511900, 6382512100, 6382510500, 6382510700, 6382511600, 6382510800, 6382511200, 6382511400, 6382512000, 6382512200, 6382511700, 6382510300			
<input type="checkbox"/> Continued on additional page(s)			
Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes.)			
Latitude/Longitude	Latitude: 32°34'3.44"		Longitude: 117°3'20.08"
	<input checked="" type="checkbox"/> Degrees/Minutes/Seconds <input type="checkbox"/> Decimal Degrees <input type="checkbox"/> Decimal Minutes		
UTM	Easting:	Northing:	<input type="checkbox"/> Zone 10 <input type="checkbox"/> Zone 11
Datum used for Latitude/Longitude or UTM		<input type="checkbox"/> NAD 27 <input checked="" type="checkbox"/> NAD 83 or WGS 84	

3. NATURE OF EMERGENCY WORK

Date emergency began or was first discovered	11/13/15
Date emergency work began	02/03/16
Date emergency work was or will be completed	Estimated 02/19/16, but no later than 05/03/16 (based on RGP 63 authorization period)
Briefly describe the type of emergency (e.g., flooding or earth movement).	
<p>With the forecasted El Niño-influenced weather patterns bringing heavier than normal rainfall to the San Diego region during the winter of 2015-2016 and given the existing sediment and vegetation that is constricting channel flows and is at risk of clogging culverts during predicted heavy flows, the City has concluded there is an imminent threat to public health and safety from the pre-maintenance condition of this channel. Given the likelihood of heavy rains in the near future, these conditions constituted an emergency situation requiring immediate action..</p>	
Identify the type of property affected by the emergency by marking the appropriate boxes below.	
<input checked="" type="checkbox"/> Bridge, culvert, or other water crossing <input checked="" type="checkbox"/> Dwelling or other building <input type="checkbox"/> Levee or other bank protection <input checked="" type="checkbox"/> Road	
<input type="checkbox"/> Farmland <input type="checkbox"/> Utility <input type="checkbox"/> Other (describe): _____	
Describe the emergency work.	
<p>The emergency work will remove all sediment and vegetation (approximate 1.5 - 3 feet in depth) that has accumulated within the Smythe Channel from where the sediment begins just west of Picador Blvd. along the length of the channel west to the inlet that runs under Del Sur Blvd. (MMP Map 130; Figure 3). The Dozer, Gradall, and Excavator are the primary tools being used to clear material within the channel. In drier sections of the channel, the Dozer pushes material within the channel to the Gradall to be scooped and loaded into dump trucks. In areas where the ground is too soft for the Dozer, the Excavator removes channel material from above the channel on the access road to the north (MMP Map 130; Figure 3). This equipment accesses the channel from Del Sur Blvd. and Picador Blvd. as shown on MMP Map 130; Figure 3. Once the debris is loaded into dump trucks, it is taken, first, to an approved stockpiling location (2130 Monument Rd.) and then to the Miramar Landfill for disposal at a later date. All work will continue to be monitored by a qualified biologist, archaeologist, and Native American monitors and equipment will be removed from the site at the end of the project.</p>	
<input type="checkbox"/> Continued on additional page(s)	

NOTIFICATION OF EMERGENCY WORK

3. NATURE OF EMERGENCY WORK continued

Briefly describe the dimensions (e.g., length and width) of the area or areas affected by the emergency and the work area.

The entire length of the Smythe Channel is earthen (MMP Map 130; Figure 3) and is proposed for emergency maintenance. The proposed maintenance area begins just west of Picador Blvd. and continues 1,335 feet west, with a bottom width of approximately 30 feet, ending at the large inlet that carries flows west under Del Sur Blvd. (MMP Map 130; Figure 3). A total of 0.20 acre of freshwater marsh and 0.77 acre of riparian scrub (southern willow scrub) (0.39 acre below the ordinary high water mark [OHWM] in ACOE/RWQCB jurisdiction and 0.38 acre above the OHWM in CDFW jurisdiction only). Total impacts to CDFW jurisdiction are 0.97 acre.

☐ Continued on additional page(s)

Describe any work you intend to complete after the emergency to restore the affected area.

The project will restore the as-built condition of this channel. The Army Corps of Engineers has required the purchase of mitigation credits at a 3:1 ratio, or an alternate mitigation plan proposal, to compensate for the loss of wetland waters of the U.S. Due to the abundance of vegetation in the channel, impacts to wetland waters of the U.S. were originally estimated to be 0.73 acre. However, once vegetation removal resulted in improved access and allowed for a more thorough review of the channel, impacts were found to be 0.59 acre.

☐ Continued on additional page(s)

4. SIGNATURE


I hereby certify that to the best of my knowledge the information in this emergency notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the person, business, or agency responsible for the emergency work. *I understand that if the Department does not receive this emergency notification within 14 days after the emergency work begins, or the work did not constitute emergency work, I and/or the person, business, or agency responsible for the emergency work may be subject to criminal or civil prosecution.*



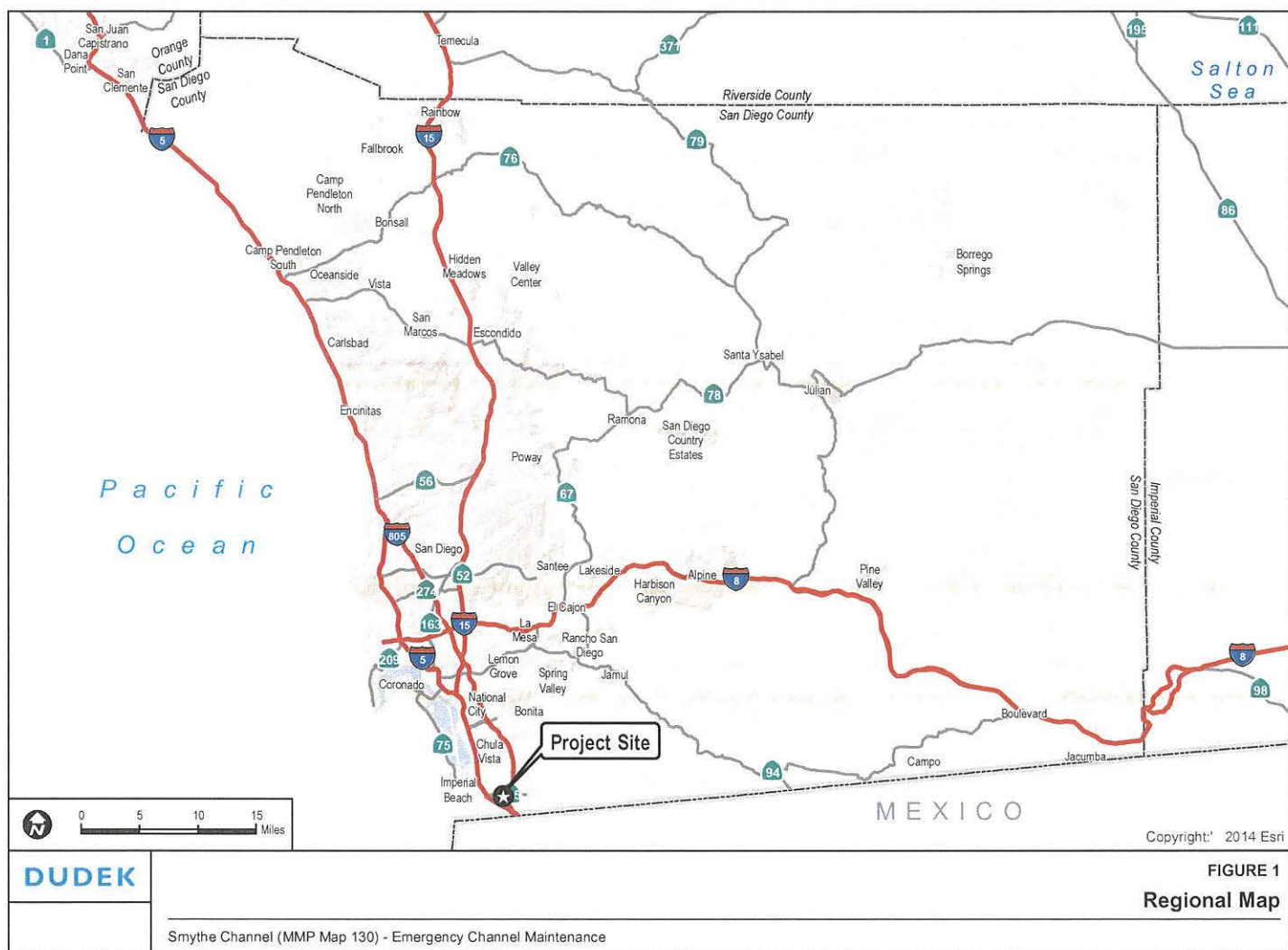
Signature of Applicant or Applicant's Authorized Representative

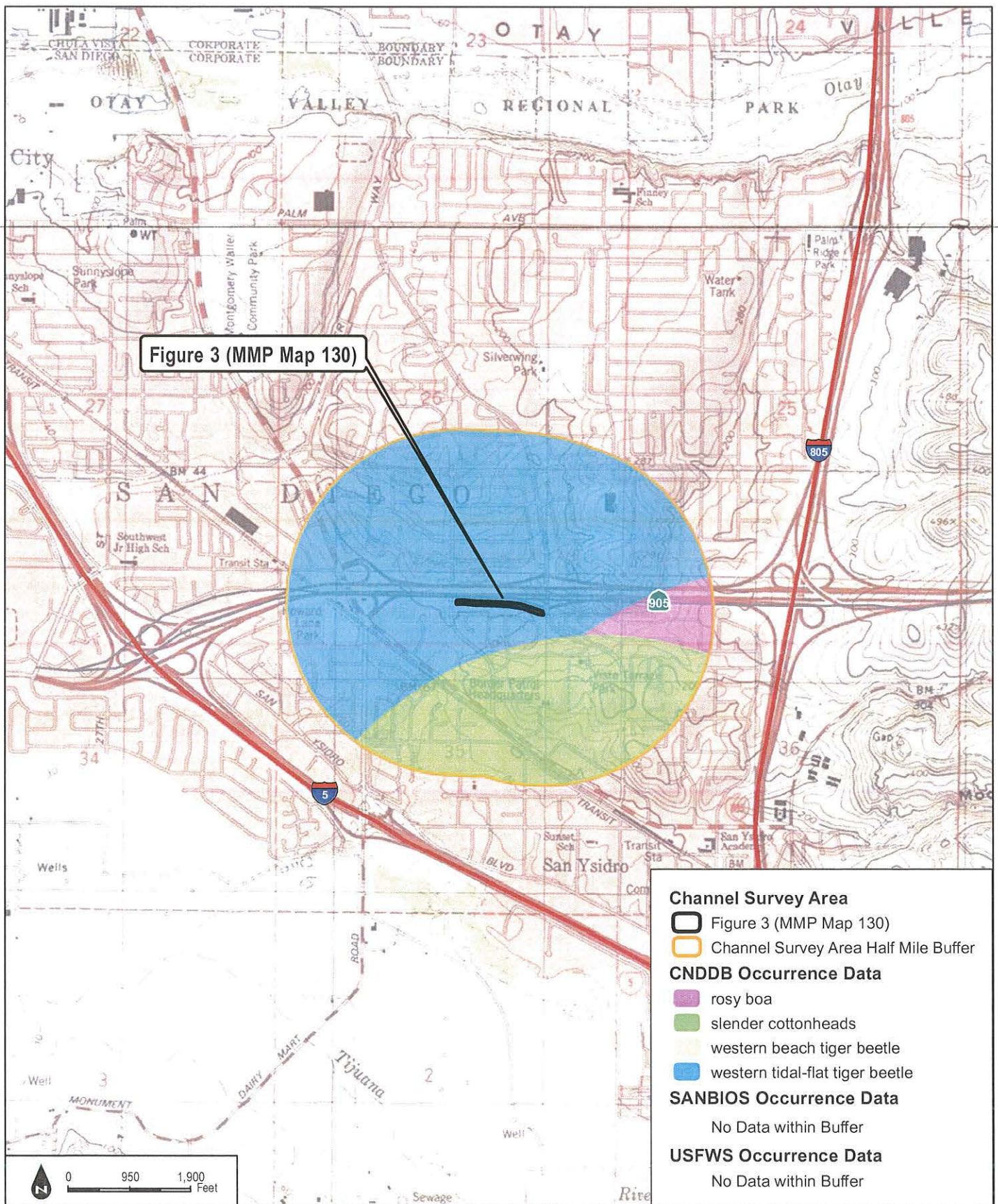


Date



Print Name







ATTACHMENT A

Smythe Channel Emergency Maintenance, MMP Map 130

Photograph Log

Photograph 1: Looking toward access/staging area and vegetation in the east end of the proposed maintenance area located just west of Picador Blvd. (MMP Map 130; Figure 3).



(November 13, 2015; 8:24am)

Photograph 6: Looking at one of the three concrete energy dissipators installed along the north end of the channel (MMP Map 130; Figure 3).



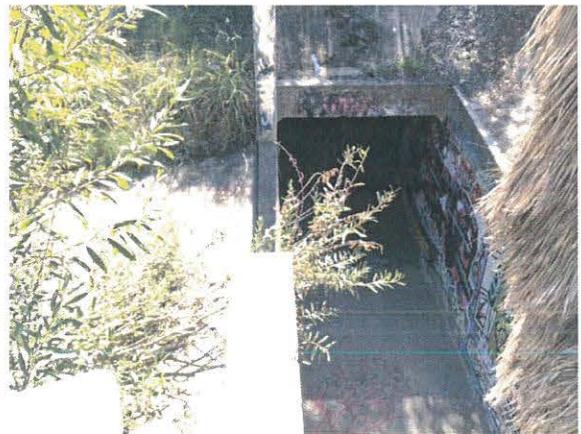
(November 13, 2015; 11:29am)

Photograph 3: Looking upstream from within the channel just west of Picador Blvd. at vegetation growing up in the channel (MMP Map 130; Figure 3).



(November 13, 2015)

Photograph 9: Looking down at culvert inlet at the western end of the proposed maintenance area that runs southwest under Del Sur Blvd. within MMP Map 130; Figure 3.



(November 13, 2015; 11:37am)

Photograph 8: Looking south into the channel near the western end of the maintenance area (MMP Map 130; Figure 3).



(November 13, 2015; 11:34am)

Photograph 6: Looking toward western section of the project area during maintenance (MMP Map 130; Figure 3).



(February 10, 2016; 11:42am)

Photograph 7: Looking east from the western section of the project area during maintenance (MMP Map 130; Figure 3).



(February 10, 2016; 2:59pm)

Photograph 8: Looking west into the channel from the east end of the project area at maintenance work and upstream pumping, which was initiated to clear flows coming from upstream of the project area (MMP Map 130; Figure 3).



(February 13, 2016; 10:49am)

Photograph 9: Looking toward the culvert inlet at the western end of the proposed maintenance area that runs southwest under Del Sur Blvd. (MMP Map 130; Figure 3).



(February 13, 2016)

EMERGENCY PERMIT

1. City of San Diego Transportation Storm Water Department 12-29-15
(Name) (Date)
2. 2781 Caminito Chollas MS 44
(Street Name & No.)
3. San Diego, CA 92105
(City, State, Zip)
4. PTS 464339 Smythe Channel Channel Emergency Maintenance (Map 130)
Approval No. 1624456
(PTS and Emergency Permit Number)
5. **Project Location-**Work within an earthen channel located south of State Route 905, north of Shooting Star Drive, east of Del Sur Boulevard, and west of Picador Boulevard within the San Ysidro Community Planning Area, Council District 8.
6. **SCOPE-** Emergency Channel Maintenance for removal of dense vegetation and sediment and reestablishment of the as-built grade of the channel bottom and banks. This will allow positive flow within an approximately 1,392 linear foot (LF) earthen drainage channel.
Vactor machines may be used to remove water from ponding areas within the project. A Dozer will push vegetation and sediment to a Gradall, which will be staged outside and above the northern rim of the channel. The Gradall will scoop out the materials from the channel and load the trucks. The materials will initially be hauled to an approved staging area (i.e., Staging Area 'B'), located at 2130 Monument Road, and later transported to the Miramar Landfill. This emergency work is expected to remove an estimated 2,760 cubic yards of material from the channel segments.

Dear Ms. Rothman:

This letter constitutes approval of the emergency work you or your representative have requested to be done at the location listed above. Based on the submitted information and staff's site inspection an unexpected geotechnical occurrence requiring immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.


- a. An emergency exists which requires action more quickly than permitted by the procedures for acquiring a Coastal and/or Site Development Permit; and
- b. Public comment on the proposed emergency action has been solicited and reviewed to the extent feasible; and

The work is hereby approved, subject to the following conditions:

- 1. **Only** that work specifically requested as described above, described within the CEQA document and for the specific property listed above is authorized. Any additional work requires separate authorization from the City Manager.
- 2. The permittee shall apply for a Public Project Assessment to determine if a follow-up permit is needed **or** submit for a regular Coastal and/or Site Development Permit to have the emergency work be considered permanent.
- 3. **This permit does not eliminate the need to obtain necessary authorizations and/or permits from other agencies.**

If you have any questions about the provisions of this authorization, please call the City of San Diego, Development Services Department.

EMERGENCY PERMIT APPROVED:



Helene Deisher, Development Project Manager

JOB ORDER NUMBER: 21003732



Approval

12/29/15 5:08 pm

THE CITY OF SAN DIEGO
Development Services

Page 1 of 1

L64A-005

1222 First Avenue, San Diego, CA 92101-4154

Project Information

Project Nbr: **464339** Title: Smythe EM Maint. (Map 130)

Project Mgr: Deisher, Helene

(619)446-5223

hmdeisher@sandiego.gov



Approval Information

Approval Nbr: **16 24456**

Type: Emergency
Authorization-ESL

Status: Issued



Issued: 12/29/2015 5:04 pm

Issued By: Deisher, Helene

Permit Holder: Rothman, Christine - Transportation Stormwater

Completed:

Completed By:

Owner Occupied: ☐

Overridden: ☐

Extension Qty: 0

Extended By:

Cancel Reason:

Scope: Emergency Channel Maintenance for removal of dense vegetation and sediment and reestablishment of the as-built grade of the channel bottom and banks. This will allow positive flow within an approximately 1,392 linear foot (LF) earthen drainage channel.

Precancel Status:

Land Doc Type:

Recorded Map No.:

Recorded Date:

Job Location (3606 SHOOTING STAR DR)

Address

3606 SHOOTING STAR DR

Assessor Parcel

638-251-0100

NOTICE OF EXEMPTION

FEB 10 2016

BY JISIP
DEPUTY

(Check one or both)

TO: X RECORDER/COUNTY CLERK
P.O. BOX 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
PLANNING DEPARTMENT
1010 SECOND AVENUE, SUITE 1200
EAST TOWER, MS 413
SAN DIEGO, CA 92101

 OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

PROJECT NO.: N/A PROJECT TITLE: **Smythe Channel Emergency Maintenance (Map 130)**

PROJECT LOCATION-SPECIFIC: The project is the emergency maintenance of an earthen channel located south of State Route 905, north of Shooting Star Drive, east of Del Sur Boulevard, and west of Picador Boulevard within the San Ysidro Community Planning Area, Council District 8.

PROJECT LOCATION-CITY/COUNTY: City of San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: The emergency action is for removal of dense vegetation and sediment and reestablishment of the as-built grade of the channel bottom and banks. This will allow positive flow within an approximately 1,392 linear foot (LF) earthen drainage channel. The channel expands from a bottom width of 20 feet to a top width of 47 feet. Access to the earthen channel would be from 1660 Picador Boulevard, immediately south of State Route 905. Access to the site would be just west of 3606 Shooting Star Drive. The staging and loading is immediately north of the channel, along an established dirt easement (developed area/disturbed habitat). If needed, a sandbag berm and pump will be deployed at the top of the channel and the water will be bypass pumped to an area within the channel where there is positive flow to the west. Vactor machines may be used to remove water from ponding areas within the project. A Dozer will push vegetation and sediment to a Gradall, which will be staged outside and above the northern rim of the channel. The Gradall will scoop out the materials from the channel and load the trucks. The materials will initially be hauled to an approved staging area (i.e., Staging Area 'B'), located at 2130 Monument Road, and later transported to the Miramar Landfill. This emergency work is expected to remove an estimated 2,760 cubic yards of material from the channel segments.

Land covers and vegetation impacted by emergency work include 0.62 acres of riparian scrub (southern willow scrub), 0.2 acres of riparian scrub (southern willow scrub – CDFW jurisdiction only), 0.04 acres of developed land, 0.01 acres of developed land – energy dissipator, 0.42 acres of disturbed land, 0.04 acres of non-native grassland, 0.06 acres of ornamental plantings, and 0.11 acres of freshwater marsh. Total impacts to jurisdictional areas are 0.73 acres (1,392 linear feet) of wetland waters of the U.S. The channel is not located within or adjacent to the Multi-Habitat Planning Area. All work will be monitored by a qualified biologist and all equipment and materials will be removed following completion of work. If needed, the work will be monitored by archaeological and Native American monitors during the maintenance activities. This emergency activity will require subsequent permit review pursuant to the modified Substantial Conformance Review Procedures as described in Chapter 7 of the Master Storm Water System Maintenance Program (MMP); and the City of San Diego's Land Development Code §143.0126 Emergency Authorization to Impact Environmentally Sensitive Lands. The application shall be submitted within 60 days of completion of the emergency work.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Transportation & Storm Water Department,
Operations and Maintenance Division, 2781 Caminito Chollas, MS 44, San Diego, CA 92105, Gene Matter
619.527.7506

EXEMPT STATUS: (CHECK ONE)

- ☐ MINISTERIAL (Sec. 21080 (b) (1); 15268);
☐ DECLARED EMERGENCY (Sec. 21080 (b) (3); 15269(a));
☒ EMERGENCY PROJECT [Sec. 21080(b)(2),(4); 15269(b),(c)]
☐ CATEGORICAL EXEMPTION: (Sec. 15301)
☐ STATUTORY EXEMPTIONS: (Sec. 15269)

REASONS WHY PROJECT IS EXEMPT: This emergency activity meets the criteria set forth in Public Resources Code Section 21080(b)(4) and Section 15269(c) of the CEQA Guidelines, which allow for actions necessary to prevent or mitigate an emergency. The work may also include emergency repairs to public or private facilities necessary to maintain service, which are exempt under Public Resources Code Section 21080(b)(2) and CEQA Guidelines Section 15269(b).

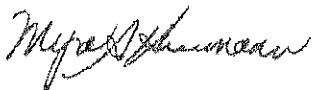
Transportation & Storm Water staff has determined that an imminent threat to properties adjacent to the channel exists. Inspections on November 13 and December 17, 2015 revealed that the channel cannot convey storm water as designed due to significant uneven build-up of sediment and vegetation (an average of 1.5 feet). Degradation of the banks on the south side of channel adjacent to private residences was also observed. The removal of approximately 1,392 LF of vegetation and sediment and smoothing of the channel bottom and banks is necessary to avoid or minimize the threat of loss or damage to life, property or essential public services. The work is the minimum necessary to prevent and mitigate the emergency and will have no more than a minimal and temporary effect on the aquatic environment.

LEAD AGENCY CONTACT PERSON: Myra Herrmann, Senior Planner, Planning Department, Telephone: (619) 446-5372

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
☐ YES ☐ NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA



SENIOR PLANNER

SIGNATURE/TITLE

January 26, 2016

DATE

CHECK ONE:

- ☒ SIGNED BY LEAD AGENCY
☐ SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

FILED IN THE OFFICE OF THE COUNTY CLERK

San Diego County on FEB 10 2016

Posted FEB 10 2016 Removed

Returned to agency on

Deputy JISIP