AGENCY JURISDICTION AND APPLICABLE CITY PLANS

AGENCY JURISDICTION AND PERMIT REQUIREMENTS

A number of agencies may have direct or indirect involvement with land use planning, resource protection, and permit approvals for FSDRIP and the FSDRIP Specific Plan area. The primary agencies and their degree of involvement are described below.

City of San Diego: The Park and Recreation Department is responsible for the day-to-day management of FSDRIP operating under the authority of the City Manager. Park and Recreation takes responsibility for maintaining the irrigation system, picnic tables, and signs; emptying trash cans; and keeping sidewalks clear and clean. Additionally, the Department undertakes weed control, replacing dead vegetation, and rehabilitating damaged areas. Most landscape maintenance and biological monitoring activities are contracted for through private providers, with oversight by Park and Recreation. Park and Recreation monitors adjacent development activities to assure protection of resources within FSDRIP. The City-owned property in FSDRIP also is subject to deed restriction. The Natural Resources Section of the Department also is involved with FSDRIP. This section oversees the implementation of programs and policies outlined in this Natural Resources Management Plan and advises the Park and Recreation Department on any remedial measures needed.

Other City departments involved in FSDRIP and the FSDRIP Specific Plan area include the Development Services , Community Planning and Development, Police, Fire, Water, Transportation, and Engineering and Capital Projects departments. The focus of the Development Services is on environmental review of proposed developments and environmental review associated with community plan amendments and updates. Community Planning and Development reviews development projects for conformance with the FSDRIP Specific Plan and processes amendments to the Plan. Onsite maintenance projects may also require environmental review. Development Services serves as the City's liaison between state and federal resource agencies and the public in the development decision making process. Water is responsible for

maintenance of water and sewer lines within FSDRIP. Transportation is responsible for keeping culverts open and free of debris. Engineering and Capital Projects is responsible for channel maintenance for purposes of flood control. This responsibility requires periodic monitoring of channel sediment deposition, and dredging when required to remove built-up sediment that impedes flood control. Police and Fire are involved from a public safety standpoint, but have no direct management supervision of FSDRIP and the FSDRIP Specific Plan area.

U.S. Army Corps of Engineer: The Army Corps of Engineers (CORPS) exercises permit authority over projects which require a permit under Section 404 of the Clean Water Act. Projects discharging fill or dredge material into the waters of the United States must secure a Section 404 permit. FSDRIP was built under the requirements of CORPS Section 404, Permit No. 84-1342-AA. This NRMP is the final requirement of this permit condition. Approval of the NRMP will result in CORPS agreement and release that all permit conditions have been met. Additional projects which impact the riparian habitat within FSDRIP would require new 404 permits. Dredging, however, to maintain open water areas for flood control was included as part of the 404 permit conditions for FSDRIP.

U.S. Fish and Wildlife Service: The primary mandate of the U.S. Fish and Wildlife Service (USFWS) is the protection of public fish and wildlife resources and their habitats. The USFWS is responsible for administering portions of the Endangered Species Act of 1973, as amended. To avoid violation of this Act, a Section 7 consultation or a Section 10 (a) permit is often required. In addition, the USFWS reviews and comments on projects requiring CORPS permits (Section 404) under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et. seq.), and other authorities mandating Department of Interior concern for environmental values. The USFWS would review and provide comment on any future 404 permits required for FSDRIP. They also reviewed and approved this management plan. Previously, USFWS was a major participant in the Advisory Board overseeing FSDRIP construction and monitoring activities.

State Regional Water Quality Control Board: The Regional Water Quality Control Board

(RWQCB) issues permits for activities affecting water quality. Generally, a permit is required for any project involving dredging or filling of 5,000 cubic yards of material within waterways or bodies of water. The RWQCB also serves in a advisory capacity to other agencies. Any future developments in the FSDRIP Specific Plan area which potentially affect water quality issues in the river would require a permit from the RWQCB.

California Department of Fish and Game: California Department of Fish and Game (CDFG) involvement occurs in one of two ways: 1) for projects involving alteration of a streambed, a permit must be issued pursuant to Sections 1601-1606 of the CDFG code; and 2) serving in an advisory capacity to other permitting agencies, such as CORPS. The CDFG reviewed and approved this NRMP. They were also a participant in the FSDRIP Advisory Board which monitored the mitigation implementation and success standards. Any future projects impacting FSDRIP woodlands would require a new permit from CDFG, except for channel dredging required for flood control, as previously stated.

CITY OF SAN DIEGO PLANS APPLICABLE TO FSDRIP NATURAL RESOURCES

Three major City planning documents pertain to FSDRIP: 1) the Mission Valley Community Plan; 2) the FSDRIP Specific Plan; and 3) the FSDRIP Revegetation Plan, including maintenance and monitoring. These plans, including the FSDRIP NRMP, build upon each other providing increasing levels of detail. The Community Plan is the foundation document for enhancement and future development within the Mission Valley community. Included in the Community Plan is the San Diego River Wetlands Management Plan which establishes specific biological design criteria, coordinated with hydrologic confinement criteria, for projects proposing changes to the floodplain configuration. The FSDRIP Specific Plan serves as a development plan for the specific area within its boundaries, including private development proposed by FSDRIP owners; flood control channel reconfiguration, maintenance and monitoring; and revegetation for mitigation of riparian impacts. The FSDRIP Development Agreement is not a planning document in itself but further supports the Specific Plan by outlining City and owner responsibilities including owners' fiscal requirements. The FSDRIP

Revegatation Plan outlines the precise details for mitigation requirements, implementation, and monitoring. The FSDRIP NRMP begins where the Revegetation Plan ends by providing guidelines for long-term management, protection, and maintenance of the mitigation area based on the actual results of Revegetation Plan implementation. The NRMP will be used as a future management tool for FSDRIP's natural resources.

The Mission Valley Community Plan (1985) covers approximately 2,418 acres in San Diego's Mission Valley. It addresses all land use areas that border FSDRIP, except the Caltrans Highway 163 right-of-way. The purpose of the community plan is to provide recommendations to guide overall development in the Mission Valley area through the plan's maximum occupancy capacity and design guidelines. This plan specifies, for example, residential development along FSDRIP's borders and forbids the installation of fences between residences and the project.

Even though the FSDRIP Specific Plan mitigation, flood control channel improvements, and most of the planned development has been implemented, there are many specific guidelines in the Community Plan which address adjacent development, including upstream and downstream, and are important in governing FSDRIP's setting. Specific guidelines related to FSDRIP maintenance and the interface with adjacent development include the following:

- A flood control facility should be capable of containing the year 2000, 100-year flood, of 49,000 cubic feet per second as determined by the CORPS and the City Engineer and as updated thereafter in order to provide public safety and protect public and private investment.

- Any given segment of a flood control facility should deliver and receive water at velocities equal to the existing exit and entry velocities.

- Dikes, embankments, etc., should be vegetated or otherwise protected against erosion. Riprap may be used in limited areas where scouring is likely to occur during high

velocity flows of water.

- A maintenance plan should be established to insure the future quality and preservation of wetland and riparian habitat areas.

- A revegetation and maintenance monitoring program for a flood control facility should be developed in conformance with the guidelines provided by the Wetland Management Plan.

- Maintenance of a flood control facility should include maintenance of the biological resources, the floodway's hydraulic efficiency, and the river corridor's aesthetic quality.

- Maintenance should be privately funded.

- Mitigation shall be appropriate for the quantity and type of vegetation lost and shall consist of habitat conversion or improvement of degraded woodland. If the impact is to wetlands, there shall be an in-kind replacement of total wetlands and individual habitat types (unless it is demonstrated that the habitat would be improved through alternative replacement). If the impact is to non-wetlands in the floodway zone, there shall be out-of-kind compensation through conversion to wetlands.

- Mitigation shall be accomplished concurrent with or in advance of floodway loss.

- The first priority is for wetland mitigation to occur within the same segment of the river in which the impact has occurred. Where it can be demonstrated that mitigation is not possible within the same segment, mitigation shall be permitted elsewhere within the study area.

- Use only appropriate plants native to coastal southern California in vegetation (FSDRIP Specific Plan provides a list).

- Use specialized plantings to serve as barriers to human access in wildlife nodes or in areas with little or no buffer between the wetlands and development. Specialized plantings would consist of brambly species or those with a thicket-like growth form that would discourage human access.

- Dredging and construction of a flood-channel should not disrupt bird breeding which occurs from April 1 - August 1. Clearing of vegetation should be accomplished prior to April 1. If this is not practicable, there must be a phasing plan that provides for the retention of natural vegetation within the same river section.

- Mitigation for the loss of riparian woodland requires special treatment to ensure that the habitat value is offset. Wooded wetlands, especially those dominated by mature trees, are of high habitat value and their reconstruction cannot rapidly or with certainty provide an equivalent value to that destroyed. Therefore, compensation for the loss of woodland must meet additional requirements. These include:

    - Revegetation shall be according to state-of-the-art techniques;

    - Trees to be planted shall vary in size and include trees of large stature;

    - The newly-created woodland shall be of limited accessibility and protected from human disturbance; and

    - There shall be a means of assuring the long-term preservation of the habitat.

- If these requirements cannot be met, compensation for the loss of woodland shall be at a ratio of 2:1 (two acres replaced for each acre lost) or greater to provide an equivalent habitat value.

- Public recreation along the river corridor should include only passive uses such as hiking, nature study, viewing, and picnicking. Designated pathways should be located along the outer edges of the wetlands and lead to specified recreation areas. Access to the wetlands in other areas should be discouraged through the use of specialized plantings.

- Buildings should be designed so that the skyline slopes down toward the wetlands. Low-story buildings should be located closest to the floodway channel with high-rise buildings away from the floodway. This will allow a wider flight path for birds.

- Reflective plate glass should not be used on building facades which face the river. In a wooded setting, reflective plate glass buildings cause high bird mortality.

- Lighting must be directed rather than general, except as required for safety, and should not illuminate habitat areas.

The FSDRIP Specific Plan (1984) area consists of approximately 261 acres in the City of San Diego located in Mission Valley. This Specific Plan provides for the specific developments proposed within the Plan's boundaries, the construction of the flood control channel, and the mitigation of its adverse environmental impacts through revegetation of the project with native riparian and upland habitats. In addition, the Specific Plan takes into account appropriate recreational uses, protection of public health and safety, and provides for the protection of adjacent private property. Since the adoption of the Specific Plan, several private properties have been developed or are in the process of development. The FSDRIP Maintenance Assessment District, comprised of most of the adjacent property owners and other owners with property benefitting from FSDRIP, funds FSDRIP maintenance activities on an ongoing basis, as outlined in the NRMP.

The FSDRIP Development Agreement (1982; amended 1983, 1987, 1992, and 1994) between the

City of San Diego and owners of FSDRIP Specific Plan and mitigation areas governs the implementation of the Specific Plan. The Development Agreement states that development will occur per the FSDRIP Specific Plan and that owners agree to finance development, maintenance, and management of the mitigation area. Other than the Development Agreement, nothing in this document would prohibit the owners from pursuing non-City, local, state, and/or federal funding for repairs to FSDRIP associated with damages caused by catastrophic or upstream impacts not associated with FSDRIP ownership.

The FSDRIP Revegetation Plan (April 1984) specifies installation, maintenance, and monitoring measures which were used to meet original FSDRIP 404 permit requirements for creation of wetland and riparian woodland habitats. The final condition for release from this 404 permit was the preparation and approval of this NRMP by the CORPS and USFWS.