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

April 5, 2016

Mr. Gene Matter
City of San Diego
Storm Water Division
2781 Caminito Chollas, MS 44
San Diego, California 92105

DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT NO. 63

Dear Mr. Matter:

I am responding to your request (Corps File No. SPL-2016-00198-RAG) for a Department of the Army permit for your proposed project, Sorrento Creek Maintenance Reach 3. The proposed project is located south of the intersection of Sorrento Valley Road and Sorrento Valley Boulevard, in the City of San Diego, San Diego County, California (Latitude 32.89764° and Longitude -117.2206°) (see enclosed Figure 3b).

Reach 3 of Sorrento Creek is a combination of trapezoidal concrete-lined channel and earthen-lined channel. Work activities would include the maintenance and repair of a section of the concrete-lined portion of Reach 3. Work crews would utilize two access/staging areas shown on Figures 3a. The removed material would be loaded into dump trucks in the access/staging areas and taken to the Miramar Landfill for disposal.

Because this project will result in a discharge of dredged and/or fill material into waters of the United States (U.S.) 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 project complies with RGP No. 63 - Repair and Protection Activities in Emergency Situations. Specifically, you are authorized to:

1) Temporarily impact Sorrento Creek by placing up to two water diversion berms and a submersible pump within and immediately upstream of Reach 3, to prevent flows from entering the work area (see Figure 3b). Each water diversion berm would be approximately 63 feet wide, 5 feet tall, and 3 feet deep (approximately 70 cubic yards) and constructed with a combination of sandbags, gravel bags, and/or water-filled plastic barriers. Temporary impacts would total approximately 189 square feet (0.004 acre).

2) Permanently impact approximately 300 linear feet (0.17 acre) of Sorrento Creek by removing the existing, broken concrete, repairing the eroded channel bottom, and pouring of a new concrete channel bottom (see Figure 3b).

For this RGP verification letter to be valid, you must comply with all of the terms and conditions stated in the enclosed copy of RGP No. 63. Furthermore, you must comply with the following non-discretionary Special Conditions:

1. The project site may support the federally endangered light-footed Ridgway's rail (*Rallus obsoletus levipes*; Ridgway's rail) and least Bell's vireo (*Vireo bellii pusillus*; vireo); therefore, the Permittee shall implement the following conservation measures to avoid and minimize potential adverse effects to the vireo and Ridgeway's rail:
    a. Immediately after the project construction footprint is surveyed by the project biologist, a 3- to 5-foot tall exclusionary fence with 2-inch mesh openings shall be installed to inhibit entry of Ridgway's rails into the project impact footprint and to ensure that impact limits are not exceeded. In areas subject to high flows a silt curtain or boom may be used as the exclusionary fence;
    b. The Permittee shall assign a biologist knowledgeable of Ridgway's rail biology and ecology (biologist) who will be responsible for overseeing compliance with conservation measures for the Ridgway's rail. The biologist will be approved by the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers (Agencies). The Permittee shall submit the biologist's name, address, telephone number, and work schedule on the project to the Service prior to initiating project impacts. The biologist will perform the following duties:
        i. Immediately prior to initiating project construction, survey the project area for Ridgway's rail. The Permittee shall notify the Agencies within 24 hours of detecting any Ridgway's rails in the project area;
        ii. Before each workday begins, check to see if Ridgway's rails have entered the project impact footprint;
        iii. If any Ridgway's rails are found within the project impact footprint, the biologist will direct construction personnel to begin in an area away from the Ridgway's rails. In addition, the biologist will walk ahead of clearing/dredging equipment to flush birds towards channel areas to be avoided. It will be the responsibility of the biologist to ensure that Ridgway's rails will not be injured or killed by project implementation. The biologist will also record the number and location of Ridgway's rails disturbed by project clearing/dredging;
        iv. Be on site during work activities to ensure compliance with all conservation measures;
        v. Train all contractors and construction personnel on the biological resources associated with this project and ensure that training is implemented by construction personnel. At a minimum, training will include: 1) the purpose for resource protection; 2) a description of the Ridgway's rail and its habitat; 3) the conservation measures that should be implemented during project construction to avoid and/or minimize impacts to the Ridgway's rail and its habitat, including strictly limiting activities, vehicles, equipment, and construction materials to the project footprint to avoid sensitive resource areas in the field (i.e., access roads, and the

dewatering/staging areas); 4) environmentally responsible construction practices in Special Condition 2 below; and 5) the protocol to resolve conflicts that may arise at any time during the construction process;

vi. Halt work, if necessary, for any project activities that are not in compliance with the conservation measures. The biologist will report any non-compliance issues to the Agencies within 24 hours of its occurrence and confer with the Agencies to ensure the proper implementation of species and habitat protection measures;

vii. Submit a final report to the Agencies within 45 days of project completion that includes: as-built construction drawings with an overlay of areas that were impacted and other relevant information documenting that authorized impacts were not exceeded and that general compliance with the conservation measures, was achieved.

2. The Permittee shall ensure that the following environmentally responsible practices are implemented during project construction: 1) Contractors and construction personnel will strictly limit their activities, vehicles, equipment, and construction materials to the project footprint; 2) The project site will be kept as clean of debris as possible. All food-related trash items will be enclosed in sealed containers and regularly removed from the site; 3) All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will occur in designated areas outside of waters of the U.S. within the fenced project impact limits. These designated areas will be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the U.S., and will be shown on the construction plans. Fueling of equipment will take place within existing paved areas greater than 100 feet from waters of the U.S. Contractor equipment will be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" will be designated on construction plans; and 4) No work will occur at night.

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 Corps Regulatory Division prior to the deadline.

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.

Thank you for participating in the regulatory program. If you have any questions, 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,

SANTULLI.SHANTI.ABICHANDANI.1298955284

Digitally signed by SANTULLI.SHANTI.ABICHANDANI.1298955284
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA, cn=SANTULLI.SHANTI.ABICHANDANI.1298955284
Date: 2016.04.05 14:05:16 -07'00'

Shanti Abichandani Santulli
Team Lead
Carlsbad Field Office

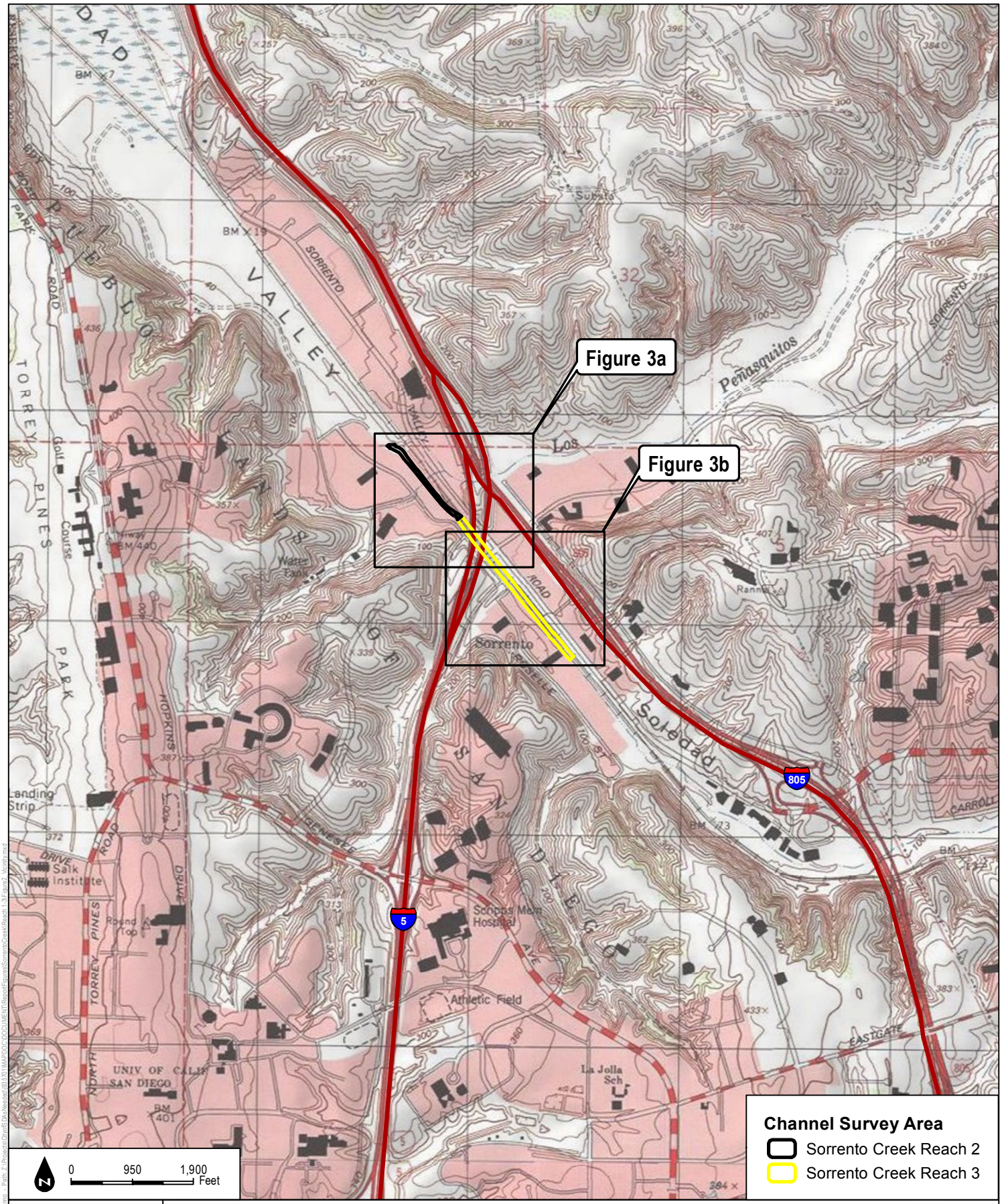
Enclosures

DUDEK

FIGURE 1

Regional Map

Sorrento Valley 2016 Emergency Channel Maintenance (Reaches 2-3)



SOURCE: USGS 7.5-Minute Series - Del Mar Quadrangle.

FIGURE 2

Vicinity Map

DUDEK

Sorrento Valley 2016 Emergency Channel Maintenance (Reaches 2-3)

Channel Survey Area
StagingAreas
Access Ramp and Access Path

Jurisdictional Delineation

ACOE/RWQCB/CDFW

Impacts

Vegetation and Debris Removal
Sediment Removal
Vegetation and Sediment Removal
Diversion Berm

Vegetation Communities
DEV, Developed
DEV_CC, Developed (Concrete Lined Channel)
DL, Disturbed Lands
DW, Disturbed Wetland
DW_ARU, Disturbed Wetland (Arundo-dominated)
EUC, Eucalyptus Woodland
FWM_CC, Freshwater Marsh (Concrete Lined Channel)
ORN, Ornamental Plantings
OW, Open Water
RF_SF, Riparian Forect (Sycamore Forest)
RS_SWS, Riparian Scrub (Southern Willow Scrub)
dFWM, Disturbed Freshwater Marsh

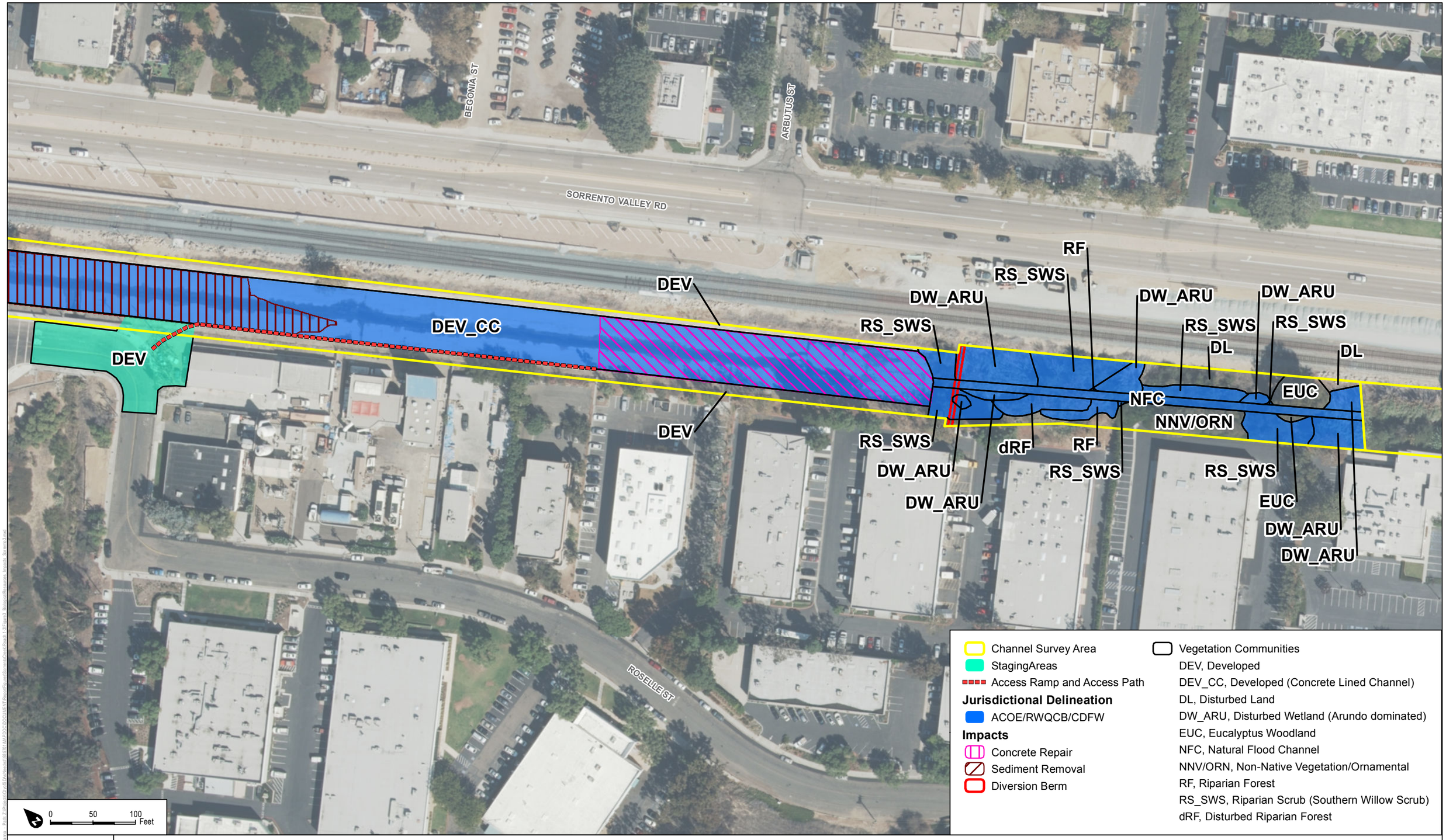
DUDEK

SOURCE: SANDAG Imagery, 2016.

FIGURE 3a

Biological Resources and Impacts

Sorrento Valley 2016 Emergency Channel Maintenance (Reaches 2-3)



DUDEK

SOURCE: SANDAG Imagery, 2016.

FIGURE 3b

Biological Resources and Impacts

Sorrento Valley 2016 Emergency Channel Maintenance (Reaches 2-3)

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FINAL REPORT FORM FOR REGIONAL GENERAL PERMIT 63 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS (RGP 63)

Instructions for Attachment E

Attachment E must be submitted electronically as a pdf with a valid signature within 45 calendar days of completion of any emergency actions conducted under RGP 63. Attachment E must be submitted to the State Water Resources Control Board (State Water Board) and the applicable Regional Water Quality Control Board (Regional Water Board).

For State Water Board Submittal
Email: Stateboard401@waterboards.ca.gov (Subject: RGP 63)

For the applicable Regional Water Board Submittal
A staff directory that includes contact information for the State and Regional Water Boards is found at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf

PROPERTY OWNER		
Name: City of San Diego	Phone Number: 619-527-7506	
Mailing Address: 2781 Caminito Chollas, MS 44		
City: San Diego	State: CA	ZIP Code: 92105
Contact Person: Gene Matter	E-Mail: rmatter@sandiego.gov	
BILLING ADDRESS		
Name: SAME AS ABOVE	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
DISCHARGER (If different from owner)		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
PROJECT SITE LOCATION		
Street (include address, if any): 10749 Roselle St. San Diego, CA 92121		
Nearest Cross Street(s): Roselle St. and Sorrento Valley Blvd.		
County: San Diego	Total size of project site (acres): 0.17	
Photos Attached: X Yes ☐ No		

Latitude/Longitude (Center of Discharge Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)

DMS: N. Latitude Deg. Deg. __32___ Min. __54____ Sec. __0.71_____

W. Longitude Deg. _117___ Min. ___13____ Sec. __22.84_____

DD: N. Latitude _____

W. Longitude _____

Attach a map of at least 1:24000 (1" = 2000') detail of the impact site(s).

Indicate the map format used (listed in order of preference):

X **GIS shapefiles**. The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the aquatic resource type. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection.

☐ **Google KML files** saved from Google Maps: My Maps (free) or Google Earth Pro (not free). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted.*

X Aquatic resource maps marked on paper USGS 7.5 minute **topographic maps** or DOQQ printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted.

*** If using Google Maps: My Maps or similar, provide URL(s) of maps.**

DISCHARGE INFORMATION	
Project Start Date: March 4, 2016	Project Completion Date: March 5, 2016
Names of Receiving Water(s):	
Los Peñasquitos Lagoon (Hydrologic Unit Basin Number 6.10)	
Receiving Water Types:	
☐Lake/Reservoir ☐Ocean/Estuary/Bay X River/Streambed	X Riparian Area ☐Vernal Pool ☐ Wetland
Regulatory Agencies with Jurisdiction Over Project and Associated Permits/Agreements:	
Army Corps of Engineers – RGP 63, Authorization SPL-2016-00198-RAG California Department of Fish and Wildlife – SAA # 1600-2006-0183-R5 City of San Diego – Emergency Permit PTS #483881 & Approval No. 1695138	

Emergency Project Description: (e.g. discharge of riprap; discharge of fill; excavation for a utility line)

The emergency project resulted in a discharge of dredged and/or fill material in an earthen-bottom channel (Reach 2; Figure 3). In order to access Reach 2 and to alleviate the flood risk, access was taken and sediment was removed from Reach 3, which is authorized under 401 Certification No. RS-2013-0116 and NWP 33 (SPL-2013-00432). A water diversion berm was placed downstream of the project within Reach 2 (Figure 3) to prevent sediment and any incidental flow from the project from travelling downstream. An earthen berm was also built upstream of the work area using existing sediment within the channel to prevent downstream flows from entering the work area. Diversion berms and pumps were used to bypass downstream flows around the emergency maintenance area from upstream of the Reach 3 channel to a point where positive flows enabled the jobsite to be sufficiently dried out. Flows were diverted around the work area from above the upstream earthen berm using a highline pump system and filter bag.

Approximately 213 linear feet (LF) of the Soledad Creek Reach 2 channel was permanently impacted by removing vegetation and debris from the channel bottom. The emergency maintenance extended southeast approximately 524 feet from the downstream berm in Reach 2 where sediment and vegetation build up began into the Reach 3 concrete-lined channel just northwest of Sorrento Valley Boulevard (Figure 3). The earthen transition channel section in Reach 2 has an average earthen bottom width of approximately 49 feet and the concrete-lined Reach 3 section has an average concrete bottom width of approximately 63 feet.

Equipment used for this work included a Loader, Tracksteer/Bobcat, Dozer, and Excavator. This equipment utilized the access/staging area just east of Roselle at the bus turnaround in order to access the Reach 2 channel (Figure 3). Sediment and vegetation were removed using the Excavator and Dozer and then the material was loaded into dump trucks in the Reach 3 concrete-lined channel and hauled off for legal disposal. All work was monitored by a qualified biologist and equipment was removed from the site at the end of the project.

Land covers and vegetation removed within Reach 2 during maintenance included 0.08 acre of disturbed freshwater marsh (earthen bottom), 0.02 acre of open water (earthen bottom), and 0.06 acre of riparian scrub (southern willow scrub). Total impacts to jurisdictional areas are 0.17 acre (213 linear feet) of wetland and non-wetland waters of the U.S.

Purpose of the Entire Project Activity: (e.g. stream-bank erosion control; maintain, repair, or restore damaged property)

The purpose of the project was to remove sediment and vegetation that had built up within the Sorrento Valley Channels (Reaches 2 & 3 transition; Figure 3) and was constricting capacity and had caused the flooding of adjacent roadways and properties during past rain events.

City crews were called out in January 2016 to clean up the surrounding area from sediment and debris that had overflowed from the channel onto Roselle St. during a prior rain event. Observations by City staff on February 5, 2016 noted significant sediment and vegetation build up within the proposed emergency maintenance area (Figure 3), particularly within the Reach 2 & Reach 3 transition area where the Reach 3 concrete-lined channel meets the Reach 2 earthen bottom channel. There had been severe flooding of these channel sections, the surrounding businesses, and City infrastructure during heavy storms on January 7, 2016. This flooding overran several cars in the area and flooded Roselle St. up to 4 feet in height (property owner video evidence). In an analysis conducted by ESA of the projected flooding risk before and after this proposed emergency maintenance, it was concluded that the removal of this sediment and

vegetation (Figure 3) would minimize the risk of overtopping and flooding of the channel, whereas the current conditions and channel capacity will likely cause additional flooding of adjacent properties during future forecasted storm events. With the prediction of ongoing El Nino pattern and heavy winter storms, the City determined that the commercial properties and City infrastructure adjacent to this channel were under imminent threat of further damage from storm flows, given the current condition of the channel.

This emergency activity met the criteria set forth in CEQA Section 21080(b)(4) and Section 15269 of the CEQA Guidelines which allows for actions necessary to prevent or mitigate an emergency.

Erosion and Sediment Control Measures Implemented:

Sandbag and sediment berms were also constructed and pumps were used to create dry conditions within the work area of the channel. The discharge hose of the pump had a filter bag and was monitored to ensure no sedimentation or erosion occurred.

Pollution Prevention Measures Implemented:

The 401 Certification for RGP 63 lists 7 BMP conditions (Section D):

1. Appropriate materials were kept on site to contain potential spills. No spills occurred.
2. Fueling, vehicle maintenance, storage, etc. were located outside of waters of the state and did not result in any discharges.
3. No spills occurred and therefore no notification to the Water Boards was required.
4. All construction materials and debris were removed following completion of the emergency action.
5. The water diversion activities did not result in degradation of beneficial uses. Placement of temporary dams caused little or no siltation. Normal flows were restored to the stream upon completion of work.
6. All necessary BMPs to control erosion and runoff from staging and access areas (e.g., fiber rolls) were employed. No temporary impacts occurred and therefore no restoration is required.
7. No revegetation is required. Channel maintenance was conducted within the channel bed which cannot be revegetated and will naturally recruit where areas are suitable for vegetation. Areas of invasive species which were cut to grade will continue (for up to 2 years) to be re-treated to control re-sprouts.

Fill and Excavation Discharges: For each aquatic resource type listed below indicate in acres, cubic yards, and linear feet the actual discharge to waters of the state, and identify the impact(s) as permanent and/or temporary.

Aquatic Resource Type	Temporary Impact			Permanent Impact		
	Acres	*Cubic Yards*	*Linear Feet*	*Acres*	*Cubic Yards*	*Linear Feet*
Lake/Reservoir						
Ocean/Estuary/Bay						
Riparian Zone						
Stream Channel				0.17	275	213
Vernal Pool						
Wetland						

COMPENSATORY MITIGATION

Required: X Yes ☐ No | Photos Attached: X Yes ☐ No

Compensatory Mitigation Description (include aquatic resource type and acres and linear feet):

Vegetation communities that were removed from Reach 2 as part of this maintenance included 0.08 acre (163 linear feet) of disturbed freshwater marsh (earthen bottom) and 0.06 acre (19 linear feet) of riparian scrub (southern willow scrub). There was also an additional 0.02 acre (31 linear feet) of open water (earthen bottom) impacted within the maintenance area that was not vegetated. The City has prepared a verification report which demonstrates that impacts within Reach 2 were previously permitted and mitigated at the El Cuervo Wetland Mitigation Project (El Cuervo Mitigation Verification Report 2013). The documentation includes a recent assessment of the mitigation site which evaluates the site in terms of original mitigation plan performance standards.

USACE & RWQCB Jurisdictional Wetlands:

The USACE authorized the proposed maintenance on April 5, 2016 through issuance of a Regional General Permit 63 Authorization (SPL-2016-00198-RAG). It should be noted that the ACOE RGP 63 Authorization estimates the impacts as "0.28 acre (250 linear feet) and approximately 250 cubic yards of material. The vegetation is dominated by giant reed (*Arundo donax*)." Actual impacts were to a lesser acreage and linear feet; the description in the authorization of the presence of giant reed is inaccurate and was not described as such in the City's application.

The USACE authorized a temporary impact in Sorrento Creek from the placement of a water diversion berm approximately 2.5 feet wide, 4 feet high and 30 feet long into the Reach 2 channel during maintenance activities. The total amount of fill results in approximately 120 square feet (0.003 acre). No compensatory mitigation is required under the RGP 63 Authorization.

The San Diego RWQCB acknowledged the Army Corps of Engineer's RGP 63 authorization for the project in an email from Alan Monji dated March 3, 2016. The email states: "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 will be required to provide compensatory mitigation for permanent impacts that result in a loss of functions in the amount of 2:1 (area mitigated:area impacted) in wetland enhancement for the removal of southern willow scrub and freshwater marsh in the transition area (soft bottom channel) between Reaches 2 and 3. No compensatory mitigation will be required for the removal of non-native vegetation." Since all impacts with Reach 2 have been previously mitigated and the mitigation site continues to provide the intended ecological functions, no additional mitigation is proposed.

MITIGATION SITE LOCATION

Street (include address, if any): N/A

Nearest Cross Street(s): Sorrento Valley Boulevard and Juniper Park Lane

County: San Diego

Latitude/Longitude (Center of Mitigation Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)

DMS: N. Latitude Deg. _____ Min. _____ Sec. _____

W. Longitude Deg. _____ Min. _____ Sec. _____

DD: N. Latitude ____32.915967_____

W. Longitude ___-117.199611_____

Attach a map of at least 1:24000 (1" = 2000') detail of the mitigation site.

Indicate the map format used (listed in order of preference):

X **GIS shapefiles**. The shapefiles must depict the boundaries of all project(s) and extent of aquatic resources. Each shape should be attributed with the aquatic resource type. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection.

☐ **Google KML files** saved from Google Maps: My Maps (free) or Google Earth Pro (not free). Maps must show the boundaries of all project(s) and extent/type of aquatic resources.*

☐ Aquatic resource maps marked on paper USGS 7.5 minute **topographic maps** or DOQQ printouts. Maps must show the boundaries of all project(s) and extent/type of aquatic resources.

*** If using Google Maps: My Maps or similar, provide URL(s) of maps.**

CERTIFICATION	
"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of this Certification and Corps Regional General Permit No. 63 will be complied with."	
Signature of Discharger 	Title Assistant Deputy Director
Printed or Typed Name Gene Matter	Date 4-21-16

EMERGENCY NOTIFICATION FORM FOR REGIONAL GENERAL PERMIT 63 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS (RGP 63)

PROPERTY OWNER		
Name: City of San Diego	Phone Number: 619-527-7506	
Mailing Address: 2781 Caminito Chollas, MS 44		
City: San Diego	State: CA	ZIP Code: 92101
Contact Person: Gene Matter	E-Mail: rmatter@sandiego.gov	
PROSPECTIVE DISCHARGER (If different from owner)		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
PROJECT SITE LOCATION		
Street (include address, if any): 10749 Roselle St. San Diego, CA 92121		
Nearest Cross Street(s): Roselle St. and Sorrento Valley Blvd.		
County: San Diego	Total size of project site (acres): 2.8 acres	

Latitude/Longitude (Center of Discharge Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)

DMS: N. Latitude Deg. __32___ Min. __54____ Sec. __0.71_____

W. Longitude Deg. _117___ Min. ___13____ Sec. __22.84_____

DD: N. Latitude _____

W. Longitude _____

Map Attached: X Yes ☐ No

Photos Attached: X Yes ☐ No

DISCHARGE INFORMATION	
Names of Receiving Water(s):	
Los Penasquitos Lagoon (Hydrologic Unit Basin Number 6.10)	
Receiving Water Types:	
☐Lake/Reservoir	X Riparian Area
☐Ocean/Estuary/Bay	☐Vernal Pool
X River/Streambed	☐Wetland
Emergency Project Description:	
The purpose of the project is to remove sediment and vegetation that has built up within the Sorrento Valley Channels (Reaches 2 transition & Reach 3; Figures 3a&3b) and is constricting capacity and causing the flooding of adjacent roadways and properties. In addition, the concrete channel within the upper portion of Reach 3 is severely damaged and further damage threatens downstream infrastructure	

and public safety.

City crews were called out in January 2016 to clean up the area from mud and debris that had overflowed from the channel onto Roselle St. during a rain event. Observations on February 5, 2016 noted significant sediment and vegetation build up within the proposed emergency maintenance area (Figures 3a & 3b), especially surrounding the Reach 2 & Reach 3 transition area where the concrete-lined channel meets the earthen bottom channel. There was severe flooding of these channel sections, the surrounding businesses, and City infrastructure during heavy storms on January 7, 2016. This flooding overran several cars in the area and flooded Roselle St. up to 4 feet in height. In an analysis conducted by ESA of the projected flooding risk before and after this proposed emergency maintenance (Attachment C), it was concluded that the removal of this sediment and vegetation (Figures 3a & 3b) would minimize the risk of overtopping and flooding of the channel, whereas the current conditions and channel capacity will likely cause additional flooding of adjacent properties during future forecasted storm events. With the prediction of ongoing El Nino pattern and heavy winter storms, the City has determined that the commercial properties and City infrastructure adjacent to this channel (Attachment B) are under imminent threat of further damage from storm flows, given the current condition of the channel.

This length of channel is a combination of trapezoidal concrete-lined channel (Reach 3; Figures 3a &3b) and earthen natural flood channel (Reach 2; Figure 3a). There is also a small section of channel upstream of Reach 3 where a diversion berm will be installed in order to prevent any downstream flows from entering the work area (Figure 3b) and a diversion berm will also be installed at the downstream extent of the maintenance within Reach 2 (Figure 3a). There is a single, linear length of channel proposed for emergency maintenance that extends from the transition area between Reaches 2 & 3 where sediment and vegetation build up begins (Figure 3a) southeast approximately 2,131 feet to the end of the Reach 3 concrete-lined channel (Figure 3b). The transition to the Reach 2 channel section has an average bottom width of approximately 49 feet and the Reach 3 section has an average bottom width of approximately 63 feet. Emergency maintenance of the channel will include the removal of all existing vegetation within the proposed work area as well as removal of sediment from Reach 3. Land covers and vegetation proposed for removal include 2.4 acres of developed concrete-lined channel, 0.04 acres of disturbed freshwater marsh (earthen bottom), 0.28 acres of freshwater marsh (concrete-lined), 0.01 acres of open water (earthen bottom), and 0.07 acres of riparian scrub (southern willow scrub). Total impacts to jurisdictional areas are 2.8 acres (2,131 linear feet) of wetland and non-wetland waters of the U.S. The diversion berms and pumps will be used to bypass downstream flows around the emergency maintenance area from upstream of the Reach 3 channel as needed. Waters will be bypass pumped northwest, underneath I-5 and past the Reach 2 & Reach 3 transition area., to a point where positive flows enable the jobsite to be sufficiently dried out. Since the work may be conducted in segments, additional berms may be constructed within Reach 3 so that they bypass pipes do not need to extend the entire length of Reach 3.

Proposed Solution to Emergency:

The proposed project solution is to remove all sediment and vegetation that has accumulated within the proposed maintenance areas of the Reach 2 & Reach 3 channels from where the sediment begins just east of the upstream Access/Staging area down to the project limit within Reach 2 (Figures 3a & 3b). A Loader, Dozer, and Excavator will be the primary methods of removal and will utilize the two access/staging areas shown on Reach 2&3; Figures 3a&3b. Due to the accumulation of sediment, it will be necessary to use the smaller Tracksteer or Bobcat to clear material from beneath the pedestrian bridge just southeast of the Reach 2 & 3 transition area (Figure 3a). The debris will then be loaded into dump trucks in the Access/Staging areas and taken to the Miramar Landfill for disposal. All work will be monitored by a qualified biologist and equipment will be removed from the site at the end of the project.

In addition to the sediment and vegetation removal within Reach 3, approximately 300 linear feet (0.17 acres) of concrete repair work will be conducted within the channel at the southeastern end of the Reach 3 concrete-lining (Figure 3b) in order to ensure the integrity of the lining during heavy storms. Steel plates and a temporary access ramp will be installed from the southeastern Access/Staging area to the bottom of the channel to allow concrete repair equipment to enter the Reach 3 channel. The primary equipment

necessary for this work will be concrete saw, Backhoe, Dozer, Bobcat/Tracksteer, Excavator, concrete laser screed, Concrete Conveyor truck, and dump trucks. The existing reinforced concrete floor panels will be removed and new concrete forms will be set and wire mesh will be welded together in the new panel locations. New concrete panels will then be installed. Concrete slurry will also be used to backfill all voids behind the existing concrete slope walls, which were created by erosion from runoff from the adjacent parking lot. All equipment and debris will be removed from the channel following this repair work.

Diversion berms are expected to be constructed with a combination of sandbags, gravel bags, and/or water-filled plastic barriers. Up to four diversion berms may be utilized within Reach 3 and the area immediately upstream of Reach 3; each berm would be approximately 63 feet wide, 5 feet tall, and 3 feet deep (approximately 140 cubic yards). The diversion berm at the downstream end of the transition into Reach 2, is expected to be approximately 4 feet tall, 30 feet wide, and 3 feet deep (additional 13 cubic yards).

All proposed work within Reach 3 is within the area authorized for repeat channel maintenance under a Section 401 Water Quality Certification #2013-0116. This previous authorization allowed for temporary discharge of fill material to create diversion berms and for the removal of accumulated sediment and vegetation. The proposed activities under this RGP 63 application would also include repair of concrete lining within the damaged portions of Reach 3. The placement of a diversion berm upstream of Reach 3 has not been previously authorized by the ACOE/RWQCB. The maintenance of vegetation and sediment within Reach 2 has been previously authorized by the RWQCB, most recently under Section 401 Water Quality Certification #06C-062. The impacts within Reaches 2 and 3 are within areas previously authorized for maintenance, where mitigation has been required and either has been successfully implemented (for Reach 2) or is in the processing of being implemented (Reach 3).

Erosion and Sediment Control Measures Proposed:

The work described in this application will only be conducted during times when there is no flowing water present in the proposed channel maintenance areas. Diversion berms and pumps will be used to bypass any downstream flows around the emergency maintenance area during work from upstream of the Reach 3 channel, as well as prevent any water from flowing out of the maintenance area.

Description of how Emergency Definition is Satisfied:
(i.e., unexpected; potential loss of life or property)

Given the changed conditions within the channel, including sediment build up, reduced capacity of the Reach 2 & Reach 3 channels, recent flooding of adjacent businesses and City infrastructure (https://www.youtube.com/watch?v=3EEmxjToKxo), combined with the likelihood of heavy rain in the near future due to the forecasted El Niño storm season, the City of San Diego has determined that an imminent threat to properties adjacent to the proposed emergency maintenance section of the Sorrento Valley channel exists. In an analysis conducted by ESA of the projected flooding risk before and after this proposed emergency maintenance, it was concluded that the removal of this sediment and vegetation (Figures 3a&3b) would minimize the risk of overtopping and flooding of the channel, whereas the current conditions and channel capacity will likely cause additional flooding of adjacent properties during future forecasted storm events.

Which of these criteria does the project satisfy? (Check all that apply)

EMERGENCY NOTIFICATION FORM FOR REGIONAL GENERAL PERMIT 63 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS (RGP 63)

☐	Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with section 8550 of the Government Code.
X	Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare.
X	Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.
☐	Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This does not apply to highways designated as official State scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.
☐	Seismic work on highways and bridges pursuant to section 180.2 of the Streets and Highways Code, section 180 et seq.

EMERGENCY NOTIFICATION FORM FOR REGIONAL GENERAL PERMIT 63 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS (RGP 63)

Fill and Excavation Discharges: For each aquatic resource type listed below indicate in acres, cubic yards, and linear feet the estimated discharge to waters of the state, and identify the impact(s) as permanent and/or temporary.

Aquatic Resource Type	Temporary Impact			Permanent Impact		
	Acres	*Cubic Yards*	*Linear Feet*	*Acres*	*Cubic Yards*	*Linear Feet*
Lake/Reservoir						
Ocean/Estuary/Bay						
Riparian Zone						
Stream Channel				2.69	2,750	2,002
Vernal Pool						
Wetland				0.11	250	129

CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of this Certification and Corps Regional General Permit No. 63 will be complied with."

Signature of Discharger	Title Assistant Deputy Director
Printed or Typed Name Gene Matter	Date 3/1/16

Whitney, Travis

From: Monji, Alan@Waterboards <Alan.Monji@waterboards.ca.gov>
Sent: Thursday, March 03, 2016 2:16 PM
To: Rothman, Christine
Cc: Rom, Catherine; Whitney, Travis; Galer, Rose A SPL (Rose.A.Galer@usace.army.mil); Becker, Eric@Waterboards
Subject: RE: City of San Diego, Sorrento/Soledad Creek, RGP 63 Application - Transition Area Reaches 2 and 3

The City has been enrolled in the General Certification for RGP-63. The City is responsible for meeting the provisions of the permit.

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 will be required to provide compensatory mitigation for permanent impacts that result in a loss of functions in the amount of 2:1 (area mitigated:area impacted) in wetland enhancement for the removal of southern willow scrub and freshwater marsh in the transition area (soft bottom channel) between Reaches 2 and 3. No compensatory mitigation will be required for the removal of non-native vegetation.

Routine channel maintenance work involving the removal of accumulated sediment and vegetation in Reach 3 is already covered under 401 Water Quality Certification R9-2013-0116, Soledad Canyon/Sorrento Creek and Flintkote Channel Maintenance.

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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-----Original Message-----
From: Rothman, Christine [mailto:CRothman@sandiego.gov]
Sent: Thursday, March 03, 2016 11:27 AM
To: Monji, Alan@Waterboards
Cc: Rom, Catherine; Whitney, Travis
Subject: FW: City of San Diego, Sorrento/Soledad Creek, RGP 63 Application - Check

Alan,

A check and transmittal letter were delivered on Wed., March 2nd to the front desk at Northside Dr. Please let us know if you did not receive it.

Thanks,

Christine Rothman, AICP

Development Project Manager III
City of San Diego | Transportation & Stormwater|Operations & Maintenance
2781 Caminito Chollas, MS#44 | San Diego, CA 92105 | office: (619) 527.3470

-----Original Message-----
From: Galer, Rose A SPL [mailto:Rose.A.Galer@usace.army.mil]
Sent: Wednesday, March 02, 2016 6:39 AM
To: Rothman, Christine <CRothman@sandiego.gov>; Monji, Alan@Waterboards <Alan.Monji@waterboards.ca.gov>
Cc: Fisher, Kelly@Wildlife <Kelly.Fisher@wildlife.ca.gov>; Llerandi, Alexander@Coastal <Alexander.Llerandi@coastal.ca.gov>; Vipul Joshi (vjoshi@dudek.com) <vjoshi@dudek.com>; Matter, Gene <RMatter@sandiego.gov>; Rom, Catherine <CRom@sandiego.gov>; Whitney, Travis <TWhitney@sandiego.gov>; Scott Gressard <sgressard@dudek.com>; Deisher, Helene <HMDeisher@sandiego.gov>; Gower, Patrick <patrick_gower@fws.gov>
Subject: RE: City of San Diego, Sorrento/Soledad Creek, RGP 63 Application

Christine- I received your request and I will begin to process it asap. I'll let you know if I need any additional information. Best, Rose

-----Original Message-----
From: Rothman, Christine [mailto:CRothman@sandiego.gov]
Sent: Tuesday, March 01, 2016 5:50 PM
To: Galer, Rose A SPL <Rose.A.Galer@usace.army.mil>; Monji, Alan@Waterboards <Alan.Monji@waterboards.ca.gov>
Cc: Fisher, Kelly@Wildlife <Kelly.Fisher@wildlife.ca.gov>; Llerandi, Alexander@Coastal <Alexander.Llerandi@coastal.ca.gov>; Vipul Joshi (vjoshi@dudek.com) <vjoshi@dudek.com>; Matter, Gene <RMatter@sandiego.gov>; Rom, Catherine <CRom@sandiego.gov>; Whitney, Travis <TWhitney@sandiego.gov>; Scott Gressard <sgressard@dudek.com>; Deisher, Helene <HMDeisher@sandiego.gov>; Gower, Patrick <patrick_gower@fws.gov>
Subject: [EXTERNAL] City of San Diego, Sorrento/Soledad Creek, RGP 63 Application

Hello Rose and Alan,

Please find the attached applications and supporting attachments for emergency channel maintenance authorization under Regional General Permit 63 for proposed work within Reach 2&3 of the Soledad Creek (also known as Sorrento Creek).

As we discussed at the recent site visit, the Reach 2 and Reach 3 channels, as well as the adjacent and downstream commercial properties, have experienced severe flooding this El Nino storm season during the most recent heavy rain event that occurred on January 7, 2016. The flows that resulted from this event caused damage to many of these adjacent and downstream properties and also undermined a 300 linear foot section of the concrete lining within Reach 3, which is also proposed for repair under this application.

Based on a current posting from the National Weather Service's Forecast Discussion (posted at 2:30 a.m. on March 1, 2016), a strong storm system is expected to be moving into the San Diego area beginning Saturday March 5th. With this

storm system, the City expects heavy rain, strong wind, and cold air. One to two inches of rain with high tides will lead to flood conditions potentially similar to those that overtopped the Reach 2&3 channels on January 7, 2016.

Due to this imminent storm forecast, the City is asking that your offices issue an urgent, initial authorization for the City contractors to clear the most severely clogged section of the proposed Sorrento maintenance area. This area consists of a 300 linear foot length of channel located where the Reach 2 channel (earthen) meets the Reach 3 channel (concrete-lined). The City estimates that if the authorization is received by the close of business on Wednesday (March 2, 2016), crews will have time (3 working days) to clear this section (approximately 500 cubic yards total of sediment) prior to the forecasted rain event, which will alleviate some of the flood risk to the properties described above. Following the forecasted rains, the City would await further authorization from your offices before initiating concrete repair activities and also before removing sediment and vegetation in the remaining sections of channel.

Your urgent attention to this matter is greatly appreciated and we are available to answer any questions you may have regarding the full application and/or the immediate work that can be accomplished prior to the upcoming rain event. We will continue to communicate with the agencies regarding any changes in the City's assessment of the upcoming rain event and any unilateral decisions that are made.

Thanks,

Christine Rothman, AICP

Development Project Manager III

City of San Diego | Transportation & Stormwater | Operations & Maintenance

2781 Caminito Chollas, MS#44 | San Diego, CA 92105 | office: (619) 527.3470

Rom, Catherine

From: Rothman, Christine
Sent: Monday, March 07, 2016 11:35 AM
To: Fisher, Kelly@Wildlife
Cc: Vipul Joshi (vjoshi@dudek.com); Rom, Catherine; Matter, Gene; Whitney, Travis
Subject: RE: City of San Diego, Sorrento/Soledad Creek, USFWS & CDFW written approval request

Thank you, Kelly.

Christine Rothman, AICP
Development Project Manager III
City of San Diego | Transportation & Stormwater|Operations & Maintenance
2781 Caminito Chollas, MS#44 | San Diego, CA 92105 | office: (619) 527.3470

From: Fisher, Kelly@Wildlife [mailto:Kelly.Fisher@wildlife.ca.gov]
Sent: Monday, March 07, 2016 11:22 AM
To: Rothman, Christine <CRothman@sandiego.gov>
Subject: RE: City of San Diego, Sorrento/Soledad Creek, USFWS & CDFW written approval request

Christine,

You are authorized to work past February 15, as long as you are working in accordance with your Streambed Alteration Agreement.

Kelly Fisher
Environmental Scientist
(858) 467-4207
kelly.fisher@wildlife.ca.gov

California Department of Fish and Wildlife
Lake and Streambed Alteration Program
3883 Ruffin Road
San Diego, California 92123

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Every Californian should conserve water. Find out how at:

SaveOurWater.com · Drought.CA.gov

From: Rothman, Christine [mailto:CRothman@sandiego.gov]
Sent: Friday, March 04, 2016 8:50 PM
To: Fisher, Kelly@Wildlife
Cc: Vipul Joshi (vjoshi@dudek.com); Matter, Gene; Rom, Catherine; Whitney, Travis; Scott Gressard; Deisher, Helene; Llerandi, Alexander@Coastal
Subject: Re: City of San Diego, Sorrento/Soledad Creek, USFWS & CDFW written approval request

Hi Kelly,

Work has begun at Sorrento Creek to remove sediment from Reach 3 and to clear the transition area between Reach 2-3 in accordance with the RGP 63 that the City received. The City is adhering to all of the protocols in the RGP 63 that were provided by the USFWS (see attached).

Our Coastal Development Permit for the Master Maintenance Program requires that we get written authorization from your agency to work past Feb. 15th. Are you able to provide that in writing?

Thank you,
Christine

From: Rothman, Christine
Sent: Tuesday, March 1, 2016 5:53 PM
To: Fisher, Kelly@Wildlife; Gower, Patrick
Cc: Vipul Joshi (vjoshi@dudek.com); Matter, Gene; Rom, Catherine; Whitney, Travis; Scott Gressard; Deisher, Helene; Llerandi, Alexander@Coastal
Subject: Re: City of San Diego, Sorrento/Soledad Creek, USFWS & CDFW written approval request

Hello Patrick and Kelly,

As you are aware, the City's Coastal Development Permit (A-6-NOC-11-086) for channel maintenance within the coastal zone requires the City to get USFWS and CDFW written approval for each project where work is occurring after February 15. As you are aware, the City has been assessing the need for emergency channel maintenance and repair within Sorrento Creek. An application for RGP 63 was submitted today and the City anticipates a need to conduct the initial, most critical part of the emergency work from March 3-5, 2016, prior to a rain event that is predicted to start on the evening of March 5th.

This project has been previously evaluated by the FWS under an informal consultation FWS-SDG-12B0118-12I0190 and by the CDFW under a SAA 1600-2006-0183-R5. All required procedures, including pre-construction surveys and monitoring, as listed in these documents will be followed for any emergency work conducted in 2016.

Please reply at your earliest convenience with an email indicating concurrence that the work proposed by the City, if conducted in accordance with permit conditions, is acceptable.

If you have any questions regarding this request, please feel free to contact me at 619-527-3470.

Thank you for your consideration,

Christine Rothman, AICP

Development Project Manager III

City of San Diego | Transportation & Stormwater | Operations & Maintenance

2781 Caminito Chollas, MS#44 | San Diego, CA 92105 | office: (619) 527.3470

Correspondents should assume that all communication to or from this address is recorded and may be reviewed by third parties.

From: Rothman, Christine
Sent: Tuesday, March 1, 2016 5:49 PM
To: Galer, Rose A SPL; Monji, Alan@Waterboards
Cc: Fisher, Kelly@Wildlife; Llerandi, Alexander@Coastal; Vipul Joshi (vjoshi@dudek.com); Matter, Gene; Rom, Catherine; Whitney, Travis; Scott Gressard; Deisher, Helene; Gower, Patrick
Subject: City of San Diego, Sorrento/Soledad Creek, RGP 63 Application

Hello Rose and Alan,

Please find the attached applications and supporting attachments for emergency channel maintenance authorization under Regional General Permit 63 for proposed work within Reach 2&3 of the Soledad Creek (also known as Sorrento Creek).

As we discussed at the recent site visit, the Reach 2 and Reach 3 channels, as well as the adjacent and downstream commercial properties, have experienced severe flooding this El Nino storm season during the most recent heavy rain event that occurred on January 7, 2016. The flows that resulted from this event caused damage to many of these adjacent and downstream properties and also undermined a 300 linear foot section of the concrete lining within Reach 3, which is also proposed for repair under this application.

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Your urgent attention to this matter is greatly appreciated and we are available to answer any questions you may have regarding the full application and/or the immediate work that can be accomplished prior to the upcoming rain event. We will continue to communicate with the agencies regarding any changes in the City's assessment of the upcoming rain event and any unilateral decisions that are made.

Thanks,

Christine Rothman, AICP

Development Project Manager III

City of San Diego | Transportation & Stormwater | Operations & Maintenance

2781 Caminito Chollas, MS#44 | San Diego, CA 92105 | office: (619) 527.3470

Correspondents should assume that all communication to or from this address is recorded and may be reviewed by third parties.

THE CITY OF SAN DIEGO

DATE OF NOTICE: October 26, 2016

NOTICE OF DECISION

DEVELOPMENT SERVICES DEPARTMENT

PROJECT NO:	**505897**
PROJECT NAME:	**SOLEDAD EMERGENCY CHANNEL MAINTENANCE**
PROJECT TYPE:	**SUBSTANTIAL CONFORMANCE REVIEW AND COASTAL DEVELOPMENT PERMIT PROCESS TWO**
APPLICANT:	**City of San Diego, Transportation & Storm Water Department, Catherine Rom**
COMMUNITY PLAN AREA:	**TORREY PINES**
COUNCIL DISTRICT:	**1**
CITY PROJECT MANAGER:	**Helene Deisher, Development Project Manager**
PHONE NUMBER/E-MAIL:	**(619) 446-5223 / HMDeisher@sandiego.gov**

On October 26, 2016 Development Services Department APPROVED an application for previous emergency work to remove vegetation and sediment from approximately 500 linear feet of concrete and earthen channel and 300 linear feet of concrete repair. The work was near 11010-11080 Roselle Street. This site is included under the Master Storm Water System Maintenance Program (MSWMP), Amended SDP 1134892 and PEIR 42891/SCH 2004101032 (MMP Map 11 & 12). This development is within the Coastal Overlay (Appealable) zone and the application was filed on (August 11, 2016). The project was determined to be exempt from a Coastal Development Permit.

If you have any questions about this project, the decision, or wish to receive a copy of the resolution approving or denying the project, contact the City Project Manager above.

This project is within the scope of Program Environmental Impact Report No. 42891, Certified on October 2011. This Program Environmental Impact Report adequately describes the activity for the purposes of CEQA.

The decision of the Development Services Department Staff can be appealed to the City Council. An appeal must be made within twelve (12) business days after the decision date. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101. Please do not e-mail your appeal as it will not be accepted.

This information will be made available in alternative formats upon request.

Internal Order No.: 21003732

cc: Noel Spaid, Chair Torrey pines Community Planning Community Planning Board