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Date: 8/25/2008 3:12 PM
Subject: Moritz Property Agency Meeting Summary 08/25/08

Here is the summary of the meeting held today to review the Conceptual Stream Restoration Plan, and gain consensus on the way forward towards compliance with the Cleanup and Abatement Order R9-2008-0074. Thanks to everyone who attended. If I have mis-stated anyone's position or left out any vital facts please feel free to correct me.

1. Permits that will be required prior to implementation of the Stream Restoration Plan :

ACOE 404 permit: Dr. Moritz's representatives will need to contact the Army Corps of Engineers to determine whether a CWA Section 404 permit will be necessary to remove unauthorized fill and restore the ephemeral streambed, If the ACOE asserts jurisdiction and requires a 404 permit then the RWQCB will issue a **CWA Section 401 Water Quality Certification**. Fees for the 401 cert. would be a flat \$500.00 for restoration project.

CA Dept. of Fish & Game Streambed alteration Agreement: A streambed alteration agreement will be required for the restoration work, Kelly Fisher stated that fees applied for the original incomplete application can be applied towards the restoration project.

City of Poway Grading Permit: A grading permit will be required to implement the stream restoration plan. Dr. Moritz's representative will coordinate with the City to obtain this permit. An erosion control plan will be developed as part of the application process and BMPs proposed for plan will comply with the City of Poway's March 2008 Jurisdictional Urban Runoff Management plan (JURMP) requirements. The City anticipates that the Grading permit can be issued within 2-3 weeks of receipt of the application.

2. CEQA Requirements/ Fire Access Road:

The Restoration Plan will most likely be exempt from CEQA as a restoration project. The City of Poway is the lead agency on CEQA matters regarding this project.

Addition of the *Fire Access Road* component into the project would likely require further CEQA documentation (ie Mitigated Negative Declaration) and could cause substantial delays in the project implementation. The general consensus of the agencies is that compliance with the CAO and restoration of the creek should be completed prior to consideration of any separate projects. The Fire Marshall for the City of Poway believes that the fire access road is not necessary to ensure safety, and fire protection can be maintained with existing roadways.

3. Interim Erosion and Sedimentation Site Stabilization Measures:

The City of Poway is awaiting word on when they will be able to inspect the interim controls in place to make sure they are sufficient to comply with the City Stormwater requirements. It is hoped that they can inspect some time this week. Dr. Moritz's representatives will coordinate with City Staff to set up a time to check on site stabilization.

4. Stream Restoration Plan Comments:

Section 3-2.4 : should reference City of Poway JURMP bmp requirements; not the Caltrans Stormwater quality handbook.

Qualifications of Restoration Plan Authors: Directive No. 3 of the CAO requires that the restoration plan be prepared by a qualified professional with at least 5 years experience in stream restoration work, some language should be added to the plan that reflects that this requirement has been met.

Seed Mix: The City of Poway has some concerns on the seed mix proposed in the plan. The City of Poway will email Geosyntec with a revised seed mixture that they have used on previous projects.

Design storm to be modeled for new channel: There was some confusion about the storm event to be utilized for sizing the restored channel. Geosyntec originally utilized a 50 year/6-hour design storm, Danis Bechter stated that the City of Poway Engineer stated that it needed to be a 100 year/no duration event. Ronald Johnson will contact City Engineering Dept. to verify which design storm should be used.

Channel Cross section/Design Considerations: The RWQCB had requested a more natural stream cross-section than

the proposed trapezoidal channel. After discussion with Fish & Game and Geosyntec, the consensus was that the trapezoidal channel as depicted on the plans would be allowed to be constructed, in anticipation that natural stream processes would ultimately adjust the stream contour to what it needs.

Time line for construction of project: The Revised Stream Restoration Plan should include a Time line of how long the project will take to complete, after all permits have been obtained. and an assessment as to whether the Time line in the CAO can be reasonably met.

No time lines in the CAO will be changed until a better understanding of how long the project will take is devised. RWQCB will revisit the Time line issue in early Oct. and make determination of how best to amend the due dates for the directives.

Revised Stream Restoration Plan Submittal: After Geosyntec reviews comments on plan, they will submit a revised Stream Restoration Plan to all the appropriate agencies. This should be the first order of business.

Consultation with San Diego County Water Authority/ Easements across property

Dr. Moritz's representatives need to consult with the San Diego Water Authority regarding land use issues within the SDCWA easement across his property, The revised Stream Restoration plan should include a diagram delineating the extent of the Water Authority easement across his property.

So to sum up here is the proposed action plan that needs to take place to get things going:

1. Revise Stream Restoration Plan to incorporate comments
2. Consult with ACOE in regards to 404 permit for restoration (If 401 cert. is needed RWQCB will expedite)
3. Amend Streambed Alteration Agreement Application with CDF&G (2-3 weeks for CDFG to process)
4. Obtain Grading permit from City of Poway (processing by City 2-3 weeks)
5. RWQCB will amend CAO directive due dates if necessary.
6. Complete Restoration of Stream

Let me know if you have any comments or corrections.

Respectfully,

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