

Exhibit 3

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**ORDER NO. R9-2007-0211**

**A CONDITIONAL WAIVER OF STATUTORY REQUIREMENTS TO FILE A REPORT  
OF WASTE DISCHARGE AND  
FOR ADOPTION OF WASTE DISCHARGE REQUIREMENTS FOR  
DISCHARGES TO NON-FEDERAL WATERS OF THE STATE ASSOCIATED WITH  
REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS  
IN THE SAN DIEGO REGION**

The California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board), finds that:

1. Section 13260(a)(1) of the California Water Code (Water Code) requires that any person discharging waste or proposing to discharge waste within the San Diego Region, other than to a community sewer system, which could affect the quality of the waters of the State,<sup>1</sup> file a report of waste discharge (ROWD) with the San Diego Water Board.
2. Section 13263(a) of the Water Code requires that the San Diego Water Board prescribe discharge requirements for any existing or proposed waste discharges within its area of jurisdiction, except discharges into a community sewer system, even if no ROWD has been filed.
3. Section 13264(a) of the Water Code, in part, prohibits the initiation of a new discharge of waste or any material change to any discharge prior to the filing of an ROWD.
4. Emergency situations, as defined by the California Environmental Quality Act (CEQA), can create extraordinary conditions within and beyond waters of the state that pose imminent threats to life, health, property, the delivery of public services, and beneficial uses of waters of the State. Under CEQA, California Public Resources Code section 21060.3, an "emergency" is defined to be:

*A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate 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.*

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<sup>1</sup> "Waters of the State" as defined in Water Code section 13050(e).

5. Discharges of dredged or fill material into non-federal waters of the State<sup>2</sup> may be necessary for repair and protection measures associated with an emergency situation to mitigate and abate threats caused by emergencies, as defined under CEQA.<sup>3</sup>
6. The discharge of dredged or fill material for emergency repair and protection measures may constitute discharge of waste that could affect the quality of waters of the State. Repair and protection activities that may result in such discharges can include, but are not limited to, the cleaning of culverts and associated concrete aprons, bank or slope stabilization, removal of debris (e.g., trash, dead vegetation, structural debris), repair of transportation routes, and the construction of check dams and sediment basins. Discharges that may occur during the conduct of emergency repair and protection activities can include, but are not limited to, earth, rock, or similar inert materials and discharges of pollutants associated with construction equipment or materials.
7. Water Code section 13269 gives the San Diego Water Board the authority to conditionally waive the provisions of sections 13260(a)(1), 13263(a), or 13264(a) for a specific discharge or specific type of discharge where it finds that such a waiver is consistent with the Water Quality Control Plan for the San Diego Region (Basin Plan), in the public interest and the following conditions are met:
  - a. The waiver is conditional;
  - b. Waiver conditions include performance of individual, group, or watershed monitoring, except for discharges that the State Water Board or Regional Water Board determines not to pose a significant threat to water quality;
  - c. Compliance with waiver conditions by the discharger; and
  - d. A necessary public meeting is held.
8. This conditional waiver of the requirements set forth in Water Code sections 13260(a) and (b), 13263(a), and 13264(a) for discharges of waste to non-federal waters of the State associated with repair and protection activities in emergency situations contains conditions which, if complied with, will not result in a violation of the Basin Plan.

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<sup>2</sup> Non-federal waters of the State include surface waters determined by the U.S. Army Corps of Engineers and / or the U.S. Environmental Protection Agency to be outside of federal jurisdiction (e.g., certain vernal pools, other isolated water bodies, and certain intermittent or ephemeral streambeds that lack a significant nexus to traditionally navigable waters).

<sup>3</sup> In addition, wildfires can exacerbate the risk of flooding, erosion, debris flows, and slope failures as a result of the loss of vegetated cover within a watershed. Likewise, damage from earthquakes/after shocks, and landslides can affect vital infrastructure and threaten beneficial uses of waters of the state.

9. This conditional waiver for covered activities is in the interests of the San Diego Water Board and the public. It will result in increased protection of public health and the environment by expediting authorization for activities associated with cleanup and recovery following emergencies and will minimize the use of San Diego Water Board's resources, allowing it to focus on discharges that have a higher potential threat to water quality in the Region.<sup>4</sup>
10. Discharges subject to this conditional waiver will not pose a significant threat to water quality if dischargers comply with the waiver conditions. Therefore, monitoring requirements for discharges to non-federal waters of the State associated with repair and protection activities in emergency situations are not necessary.
11. Except as provided under Water Code section 13269, subdivision (d), and upon notification of the Regional Board, section 13269 subdivision (c) provides that neither submittal of a report of waste discharge, nor the adoption of waste discharge requirements is required for discharges that result from certain emergency activities. The emergency activities described in Water Code section 13269(c) are:
  - a. *Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service 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 Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code; and*
  - b. *Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide within one year of the damage. This paragraph does not exempt from this section 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. [Water Code section 13269(c)(1) and (2).]*

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<sup>4</sup> This conditional waiver is consistent with the purposes of the Governor's Executive Order, S-13-07, issued October 26, 2007, which encourages accelerated cleanup and recovery necessary as a result of the recent wildfires in San Diego and other Counties together with protection of public health and the environment. (See Executive Order S-13-07, Ordering Paragraph 13.)

12. Pursuant to Water Code section 13269(d), the San Diego Water Board has the authority to establish and require compliance with conditions of a waiver of requirements for discharges resulting from activities otherwise addressed by Water Code Section 13269(c). In these cases, dischargers must comply with an applicable conditional waiver issued by the San Diego Water Board.
13. California has largely relied upon its authority under section 401 of the federal Clean Water Act (CWA) (33 U.S.C. § 1341) to regulate discharges of dredged or fill material to California waters. Discharges to federal waters associated with emergency recovery actions can be addressed through the U.S. Army Corps of Engineers Regional General Permit (RGP) No. 63, which has been certified, pursuant to CWA section 401, by the State Water Resources Control Board (State Water Board) and are subject to waste discharge requirements issued by the State Water Board in *Water Quality Order No. 2003-0017-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges That Have Received State Water Quality Certification*. Therefore, this conditional waiver does not apply to discharges to federal waters that are subject to sections 401 and 404 of the CWA. This conditional waiver likewise does not apply to discharges regulated under a CWA section 402 storm water permit.
14. Eligible discharges to non-federal waters of the State, associated with emergency repair and protection activities, could be subject to *Water Quality Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges To Waters Deemed by The U.S. Army Corps of Engineers To Be Outside of Federal Jurisdiction*.<sup>5</sup> This emergency conditional waiver can expedite projects that do not qualify for coverage by Order 2004-0004-DWQ but are conducted in response to emergency situations.
15. A conditional waiver may be terminated at any time by the State Water Board or the San Diego Water Board. Even if a discharger complies with all the conditions of a conditional waiver, the San Diego Water Board may choose to regulate any specific discharge with waste discharge requirements.
16. According to Water Code Section 13350(a), any person who discharges waste in violation of any waiver condition shall be liable civilly, and liability may be imposed, in accordance with Water Code Section 13350(d) or (e).

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<sup>5</sup> For instance, the General WDRs in Water Quality Order No. 2004-0004-DWQ are restricted to dredged or fill discharges of not more than two-tenths (0.2) of an acre and 400 linear feet for fill and excavation discharges, and of not more than 50 cubic yards for dredging discharges. Projects that may be covered include land development, detention basins, disposal of dredged material, bank stabilization, revetment, channelization, and other similar projects.

17. Pursuant to Title 14, California Code of Regulations, Section 15269, waiver of the requirements to submit reports of waste discharge and to obtain waste discharge requirements is statutorily exempt from the requirements of the CEQA because the waiver would apply only to emergency projects.
18. Any person aggrieved by this action of the San Diego Water Board may file a petition for review with the State Water Board. Petitions for review must be received by the State Water Board's Office of Chief Counsel within 30 days of the San Diego Water Board action. Laws and regulations pertaining to petitions are available on the State Water Board web site or will be provided by the San Diego Water Board upon request.

**IT IS HEREBY ORDERED THAT**, pursuant to California Water Code section 13269, the San Diego Water Board may waive the requirements to submit a report of waste discharge (Water Code sections 13269(a) and (b) and 13264(a)) and establish waste discharge requirements (Water Code section 13263(a)) for discharges to non-federal waters of the State associated with repair and protection activities in emergency situations in the San Diego Region, provided that the following conditions are met.

## I. GENERAL, MONITORING, AND NOTIFICATION CONDITIONS

### A. General Conditions

1. Discharge activities must not create or contribute to a condition of pollution or nuisance, as defined by Water Code section 13050.
2. Discharge activities must not create or contribute to conditions which violate the discharge prohibitions of the Water Quality Control Plan (Basin Plan) for the San Diego Region.
3. Discharges must not consist of unsuitable material (e.g., asphalt, hazardous wastes,<sup>6</sup> nonhazardous wastes,<sup>7</sup> designated wastes<sup>8</sup> etc.) and material discharged must be free from toxic pollutants in toxic amounts.

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<sup>6</sup> Wastes that are required to be managed as hazardous wastes pursuant to California Code of Regulations, Title 22, Division 4.5

<sup>7</sup> Nonhazardous wastes are defined in California Code of Regulations, Title 27, section 20220.

<sup>8</sup> Designated wastes are defined in California Water Code section 13173.

4. Discharge activities must not result in the taking of any State endangered species, threatened species, or candidate species, or the habitat of such a species, unless the activity is authorized by the Department of Fish and Game pursuant to a permit, memorandum of understanding, or other document or program in accordance with Fish and Game Code sections 2081, 2081.1, or 2086.
5. This waiver is limited to emergency actions that meet the California Environmental Quality Act (CEQA) definition of "emergency" (California Public Resources Code section 21060.3)
6. Emergency projects exempt from the requirements of CEQA are defined by State of California Administrative Code (CEQA Guidelines), Title 14, California Code of Regulations, section 15269 as:
  - a. *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. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.*
  - b. *Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare.*
  - c. *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.*
  - d. *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 exemption 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.*

- e. *Seismic work on highways and bridges pursuant to Section 180.2 of the Streets and Highways Code, Section 180 et seq.*
7. Discharge activities 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. Moderate upgrading would be considered if the applicant wishes to use bioremediation or other environmentally sensitive solutions.<sup>9</sup> The waiver may NOT be used to upgrade an existing structure to current standards when that activity would result in additional adverse effects on aquatic resources. Such upgrade projects are considered separate activities for which a report of waste discharge will be required.
8. To ensure the project is being or has been accomplished in compliance with the terms and conditions of this waiver, representatives from the San Diego Water Board, or authorized representatives, must be allowed at all times, upon presentation of credentials:<sup>10</sup>
  - a. Entry onto project premises, including all areas on which fill or compensatory mitigation is located or in which records are kept;
  - b. Access to copy any records required to be kept under the terms and conditions of this certification;
  - c. Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification; and
  - d. Sampling of any discharge or surface water covered by this Order
9. Work with heavy equipment must be avoided whenever feasible. If necessary, projects requiring heavy equipment to work in wetlands must implement effective measures to minimize soil disturbance. Such measures may include, but are not limited to, the use of wide-treaded equipment, mats, or flotation devices.
10. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species that normally migrate through the area. Culverts placed in streams must be installed to maintain low flow conditions.
11. Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

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<sup>9</sup> For example, it may be determined that reconstruction of a bridge crossing or a roadway damaged by flood flows is a more appropriate course of action than temporarily shoring up the facility to allow an immediate return of its use. When continued public safety is an issue, such reconstruction will remain a viable option for consideration under this waiver.

<sup>10</sup> Pursuant to statutory authority granted under Water Code section 13267.

12. Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
13. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water except within the existing river plain (unless the primary purpose of the activity is to impound waters).
14. If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow must be minimized to the maximum extent practicable.
15. Any structure or fill subject to the waiver must be maintained; including maintenance to ensure public safety, unless it is later determined that the structure is further contributing to other adverse conditions to private or public property. In such situations, corrective measures must be taken to rectify these adverse conditions, including removal and/or redesign of the original emergency corrective action, or appropriate mitigation as determined through coordination among the discharger and appropriate resource agencies. Temporary levees constructed to control flows shall not be maintained beyond the current storm season (i.e., maintenance of temporary levees is not authorized after the storm season in which the need arose).

## **B. Mitigation Conditions**

1. Every effort must be made to ensure any material dredged or excavated from non-federal waters of the State is not likely to be washed back into any water of the State. When feasible, erosion and siltation controls designed to minimize turbidity in the watercourse above background levels existing at the time of construction, must be used and maintained in effective operating condition during construction unless conditions preclude their use, or if conditions are such that the proposed work would not increase turbidity levels above the background level existing at the time of work. All exposed soil and other fills, as well as any work below bankfull stage, or high tide line, must be stabilized at the earliest practicable date to preclude additional damage to the project area through erosion or siltation.

2. Temporary fills must be removed in their entirety and the affected areas returned to their pre-existing elevations and revegetated with appropriate native riparian or wetland vegetation common to the area. If an area impacted by such a temporary fill is considered likely to naturally re-establish native riparian or wetland vegetation to a level similar to pre-project or pre-event conditions within two years, then the requirement to re-vegetate may be eliminated by the San Diego Water Board.
3. Discharges of dredged or fill material into non-federal waters of the State must be avoided or minimized to the maximum extent practicable at the project site. Compensation for unavoidable discharge of fill materials may require appropriate mitigation measures. Factors that the San Diego Water Board will consider when determining the acceptability of appropriate and practicable mitigation will include, but are not limited to:
  - a. The approximate functions and values of the aquatic resource being affected, such as habitat value, aquifer recharge, sediment conveyance or retention, flood storage, etc.;
  - b. The permanence of the project's effects on the resource; and
  - c. The potential long-term effects of the action on remaining functions and values of the affected aquatic resource.

To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing wetland or upland buffer zones to protect aquatic resource values; replacing the loss of aquatic resource values by creating, restoring, or enhancing similar functions and values; or using bioremediation techniques in conjunction with other methods to offset project impacts. To the extent appropriate, applicants may consider mitigation banking and other forms of mitigation, provide they contribute to the restoration, creation, replacement, enhancement, or preservation of aquatic resources.

### **C. Notification Conditions**

1. Any person proposing discharges to non-federal waters of the State associated with repair and protection activities resulting from emergency situations in the San Diego Region must send the San Diego Water Board a signed, completed Notice of Intent (Attachment No. 1) as described below:
  - a. As early as practicable, but not later than 30 days following initiation of the discharge, in the following circumstances:

- i. A situation described in Finding No. 11 (Water Code section 13269(c)(1) and (2)). This includes immediate work in response to a disaster when a state of emergency has been proclaimed by the Governor;
    - ii. A clear and imminent threat demanding immediate action exists in response to an emergency as described in Finding No. 4 (CEQA-defined emergencies), where prior notification to the San Diego Water Board is impractical. This can include emergencies that do not result in a state of emergency being declared by the Governor; or
    - iii. A repair and protection activity in response to an emergency as described in Finding No. 4 (CEQA-defined emergencies) would result in an insignificant or temporary (less than 120 days) discharge of inert material (e.g., sand bags or other erosion control material).
  - b. As early as possible, but not later than two days prior to the initial discharge activity in all other situations.
2. If part or all of a discharge activity that is enrolled in RGP No. 63 is determined to occur in non-federal waters of the State prior to the completion of the activity (i.e. submittal of RGP No. 63 completion report), the discharger shall submit a Notice of Intent to the San Diego Water Board within 30 days of notification of jurisdictional changes by the USACE. The project applicant may request that the San Diego Water Board consider actions taken to satisfy the requirements of RGP No. 63 as sufficient to fulfill the conditions set forth in this waiver.
  3. The discharger must send the San Diego Water Board a signed, completed Notice of Termination (Attachment No. 2) within 45 working days of completing the discharge activities and restoration activities.

## II. NOTIFICATIONS

- A. This conditional waiver of statutory requirements in Water Code sections 13260(a) and (b), 13263(a), and 13264(a) shall remain in effect until **November 14, 2012**, unless the San Diego Water Board takes action to extend, revise, or rescind these requirements.
- B. The San Diego Water Board may issue specific waste discharge requirements for discharges of waste derived from disaster stricken areas creating emergency conditions located within the San Diego Region.

C. Any waiver of waste discharge requirements is conditional, may be terminated at any time, does not authorize or excuse an illegal discharge, does not preclude the need for any permits, licenses, or authorizations which may be required by other state or local governmental agencies or landowners, and does not preclude the San Diego Water Board from administering enforcement remedies pursuant to Section 13300, et seq., of the Water Code.

I, John H. Robertus, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Diego Region, on November 14, 2007.

  
John H. Robertus  
Executive Officer

**Attachment 1:      Notice of Intent**  
**Attachment 2:      Notice of Termination**

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**  
**SAN DIEGO REGION**  
 9174 Sky Park Court, Suite 100  
 San Diego, California 92123-4340



## NOTICE OF INTENT

TO COMPLY WITH  
 CONDITIONAL WAIVERS OF WASTE DISCHARGE REQUIREMENTS  
 FOR SPECIFIC TYPES OF DISCHARGE WITHIN  
 THE SAN DIEGO REGION

### I. PROPERTY/FACILITY INFORMATION<sup>1</sup>

Property/Facility Name:			
Property/Facility Contact:			
Property/Facility Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):		Hydrologic Area/Subarea:	
Latitude / Longitude			

### II. PROPERTY/FACILITY OWNER INFORMATION

Property/Facility Owner Name:			
Property/Facility Owner Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

### III. PROPERTY/FACILITY OPERATOR INFORMATION

Property/Facility Operator Name:			
Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

### IV. CONDITIONAL WAIVER FOR NOTICE OF INTENT

Mark (☒) the conditional waiver proposed for the discharge:

- Conditional Waiver, Order No. R9-2007-0211 – A Conditional Waiver of Statutory Requirements To File A Report of Waste Discharge And for Adoption of Waste Discharge Requirements for Discharges To Non-Federal Waters of The State Associated with Repair And Protection Activities in Emergency Situations in The San Diego Region.

Note: under California Environmental Quality Act (CEQA), California Public Resources Code section 21063.3, an "emergency" is defined to be:

*A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate 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.*

<sup>1</sup> Sufficient location information must be submitted to properly identify the project. In certain instances, some location information may be omitted until the Notice of Termination is completed. A single Notice of Intent may be submitted for a project involving several locations over a large geographic area and being conducted by a single project proponent.

**V. DESCRIPTION OF DISCHARGE AND IMMINENT THREAT TO LIFE OR PROPERTY**

*Describe the discharge activity and a brief, but clear, description of the imminent threat to life and/or property and the proposed project's purpose and need. Use additional pages, and provide a map of the property/facility if necessary.*

**VI. DESCRIPTION OF MANAGEMENT MEASURES AND PRACTICES**

*Describe what management measures and practices will be implemented to minimize or eliminate the discharge of pollutants to waters of the state and comply with waiver conditions of Section A and Section B.1 of the conditional waiver. Use additional pages as needed. Provide a map of the property/facility showing locations of management measures and practices if necessary.*

**VII. PROJECT AREA INFORMATION**

*Please provide information about the project area's existing conditions and anticipated impacts to non-federal waters resulting from the proposed work (e.g., removal of significant vegetation, loss of habitat, etc.) Use additional pages and attach maps as needed.*

**VIII. MITIGATION INFORMATION**

*Please provide information about plans for compensatory mitigation of unavoidable discharges of fill and/or how the discharger intends to comply with the waiver conditions of Section B of the conditional waiver. Use additional pages as needed.*

**IX. ADDITIONAL INFORMATION**

*Please provide additional information, as needed or required, about the discharge and/or how the discharger intends to comply with the waiver conditions of the conditional waiver. Use additional pages as needed.*

**X. CERTIFICATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

\_\_\_\_\_  
Signature (Owner or Authorized Representative)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**  
**SAN DIEGO REGION**  
 9174 Sky Park Court, Suite 100  
 San Diego, California 92123-4340



## NOTICE OF TERMINATION

**ORDER NO. R9-2007-0211**

A CONDITIONAL WAIVER OF STATUTORY REQUIREMENTS TO  
 FILE A REPORT OF WASTE DISCHARGE AND FOR ADOPTION OF  
 WASTE DISCHARGE REQUIREMENTS FOR  
 DISCHARGES TO NON-FEDERAL WATERS OF THE STATE ASSOCIATED WITH  
 REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS  
 IN THE SAN DIEGO REGION

### I. PROPERTY/FACILITY INFORMATION

Property/Facility Name:			
Property/Facility Contact:			
Property/Facility Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	
Assessor Parcel Number(s):		Hydrologic Area/Subarea:	
Latitude / Longitude /			

### II. PROPERTY/FACILITY OWNER INFORMATION

Property/Facility Owner Name:			
Property Owner/Discharger Contact and Title:			
Property/Facility Owner Mailing Address:			
City:	County:	State:	Zip:
Telephone:	Fax:	Email:	

### III. DISCHARGE AND DREDGE INFORMATION

Date(s) of Discharge and Dredge Activities:
Did Any Activity Occur within Wetlands?
Did Any Activity Create an Impoundment? If <u>yes</u> , describe how adverse effects to aquatic system were minimized.

Quantity of Discharge: (indicate in ACRES and LINEAR FEET the extent affected, and identify the effects as permanent and/or temporary for discharge.)

	<u>Permanent Effects</u>		<u>Temporary Effects</u>	
	linear feet	acres	linear feet	acres
Wetlands:				
Non-wetland waters:				

Quantity of Dredging (cubic yards):  
Provide a description of the types of material dredged and disposal location:

**IV. COMPENSATORY MITIGATION INFORMATION**

Were Temporary Fills Restored?  
If no, please describe rationale:

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Was Compensatory Mitigation Provided?  
If no, please describe rationale:

If yes, attach (1) a map clearly identifying the mitigation location areas, and (2) contact information for the owner/operator of the mitigation area property.  
Also indicate below in ACRES and LINEAR FEET the total quantity of each water body that was created, restored, or enhanced, for purposes of providing compensatory mitigation. Use additional pages if necessary.

	Created (acres / linear feet)	Restored (acres / linear feet)	Enhanced (acres / linear feet)
Wetland			
Non-Wetland			

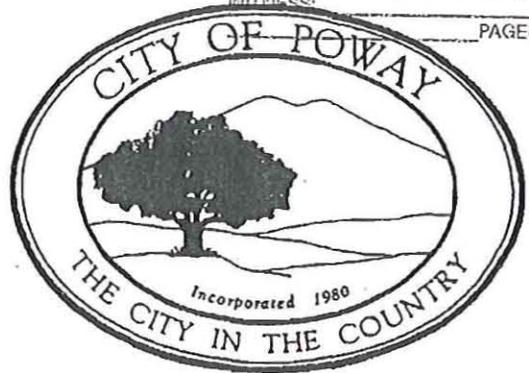
**V. FINAL DISPOSAL CERTIFICATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

_____ Signature (Owner or Authorized Representative)	_____ Date
_____ Print Name	_____ Title

Exhibit 4

# NOTICE



- STOP WORK
- CORRECT WORK

DATE: 2/17/08  
PROJ: Jermine  
14272

**THIS PROJECT IS IN CONFLICT WITH THE FOLLOWING:**

- STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION
- SAN DIEGO REGIONAL STANDARD DRAWINGS
- CITY OF POWAY GRADING ORDINANCE (1.)
- CITY OF POWAY WATER STANDARDS
- CITY OF POWAY SEWER STANDARDS
- OTHER: \_\_\_\_\_

**THE AREA(S) OF CONFLICT IS:**

Importing fill w/out local pt. permit.  
Road is dirty & needs cleaned off - contractor grading a  
scale of the horse coral - contact Sam Tadros @  
city of poway - 2608 - 4601 ASHP -

THIS NOTICE WAS ISSUED TO:  
CC:

Bill Montz  
DATE: 2/17/08  
TIME: 1:50 p.m.  
BY: Don Sharp  
TITLE: Construction Coordinator  
PHONE: 858-470-0251

IF YOU HAVE FURTHER QUESTIONS, PLEASE CALL THE CITY OF POWAY'S DEVELOPMENT SERVICES DEPARTMENT AT THE ABOVE LISTED TELEPHONE NUMBER.

(1.) A VIOLATION OF THE CITY OF POWAY'S GRADING ORDINANCE IS A MISDEMEANOR. EACH SEPARATE DAY OR PORTION THEREOF ON WHICH A VIOLATION EXISTS OR IS ALLOWED TO EXIST SHALL CONSTITUTE A SEPARATE OFFENSE PUNISHABLE BY THE PROVISIONS OF THE ORDINANCE.

Exhibit 5

1 aware that they send that so they send me a copy of it.  
2 So that was like 10 months ago. I can't really remember.

3 Q. You don't remember the events surrounding  
4 Exhibit 55?

5 A. No. They just come and put the exhibit in my  
6 inbox.

7 Q. How many of those do you get in a typical week at  
8 least during the time that were you here?

9 A. I have -- I saw a few of the notice of violation.  
10 During that time I had too many hats I'm wearing. I'm  
11 doing projects in CPI, I'm doing projects in land  
12 development, reviewing plans, and I have my own projects  
13 doing it. I'm trying to manage CIP and land development  
14 at the same time. It was hectic time. I was working over  
15 15, 18 years -- 18 hours a day, so that was overwhelming  
16 amount of work, so I can't tell you exactly what -- you  
17 know, if I saw this or I saw this. It's really, you know,  
18 I can't tell. I have to be, you know, exact and accurate  
19 about what I'm saying.

20 Q. Why did you leave the city of Poway?

21 A. It was a promotion.

22 Q. Better money, better position?

23 A. Better position, yes, not better money.

24 Q. Do you ever -- strike that.

25 At the time you went downstairs to work some

1 additional hours and responsibilities, did you move desks?

2 A. I have a desk upstairs in CIP, and I have another  
3 desk in land development downstairs.

4 Q. Did you have phones both places?

5 A. Yes.

6 Q. Do you have phone records for phones that --  
7 phone calls that you made or received?

8 A. I don't know. There is someone doing that, but I  
9 can't -- I can tell you.

10 Q. Did you keep any diary or log of phone calls that  
11 you made or received?

12 A. Unless I receive a message, I write it down on a  
13 piece of paper so I can reply to the sender. Otherwise, I  
14 don't keep record of that.

15 Q. Do you know one way or the other whether Bill  
16 Moritz called you as of approximately the date of Exhibit  
17 55, February 7, 2008?

18 A. I can't remember.

19 Q. How about as of approximately the date of exhibit  
20 56, February 8, 2008?

21 A. I can't remember.

22 Q. Did you ever talk with Jim Lyon about this site?

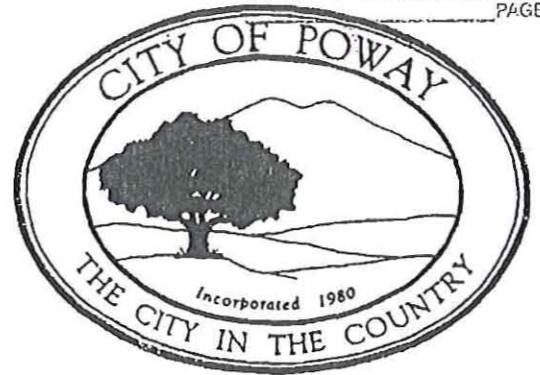
23 A. Yes.

24 Q. What did you guys talk about?

25 MS. FOSTER: That calls for hearsay.

Exhibit 6

# NOTICE



- STOP WORK
- CORRECT WORK

DATE: 2/10/08  
PROJ: Bill Moritz  
14272 Terminal

**THIS PROJECT IS IN CONFLICT WITH THE FOLLOWING:**

- STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION
- SAN DIEGO REGIONAL STANDARD DRAWINGS
- CITY OF POWAY GRADING ORDINANCE (1.)
- CITY OF POWAY WATER STANDARDS
- CITY OF POWAY SEWER STANDARDS
- OTHER: \_\_\_\_\_

**THE AREA(S) OF CONFLICT IS:**

Grading in an ephemeral stream  
is not allowed. please contact Jim Lyon at planning  
prior to regrading the graded area to its original state  
Jim Lyon the 669 4857

All grading & transport is to  
stop immediately.

THIS NOTICE WAS ISSUED TO: Bill Moritz  
CC: \_\_\_\_\_  
DATE: 2/10/08  
TIME: 2:53 PM  
BY: Don Sharp  
TITLE: Construction Inspector  
PHONE: 959-472-0251

IF YOU HAVE FURTHER QUESTIONS, PLEASE CALL THE CITY OF POWAY'S DEVELOPMENT SERVICES DEPARTMENT AT THE ABOVE LISTED TELEPHONE NUMBER.

(1.) A VIOLATION OF THE CITY OF POWAY'S GRADING ORDINANCE IS A MISDEMEANOR. EACH SEPARATE DAY OR PORTION THEREOF ON WHICH A VIOLATION EXISTS OR IS ALLOWED TO EXIST SHALL CONSTITUTE A SEPARATE OFFENSE PUNISHABLE BY THE PROVISIONS OF THE ORDINANCE.

Exhibit 7

ROUGH DRAFT

ROUGH DRAFT

ROUGH DRAFT

Q Have you ever had any conversations with Dennis Bechter about that?

A Maybe general discussions but no training or anything of that nature.

Q Did Bill Moritz tell you what happens during storm events on his property, specifically relating to that ephemeral stream?

A Back in February 14th?

Q At any time.

A Not that I recall no.

Q You mentioned earlier that he described a stone creek.

A Yes.

Q I'm going to show you what's been marked as Exhibit 52. Have you seen that document before?

A Yes.

Q What is that?

A That was a drawing done by his daughter depicting what he believed was an appropriate restoration plan for the creek.

Q Did you believe that the stone creek that he described was appropriate?

A I thought it was in its initial design in this configuration as far as the picture, the concept was good. Ultimately, I mean, you need to have a better

ROUGH DRAFT

ROUGH DRAFT

ROUGH DRAFT

engineering design to really evaluate whether it's sufficient to carry the required storm volumes. And this is kind of an artist's rendering of a -- well, it should be an engineering drawing.

Q Referring to Exhibit 52?

A Correct.

Q Did you tell him that he needed to do more in the way of planning or drawings back in February of 2008 or did you tell him that he had done enough?

A I believe at the time we said we needed to have some sort of drawing that would depict how he would restore the stream and that this was the first shot or subsequent to or in response to that request.

Q So if I understand your testimony correctly, then, back in February of 2008, you told him that he needed to have -- he needed to show the city of Poway what he intended to do for the stream and the response to that was Exhibit 52?

A Correct.

Q Did you ever talk to him about Exhibit 52 after you received it?

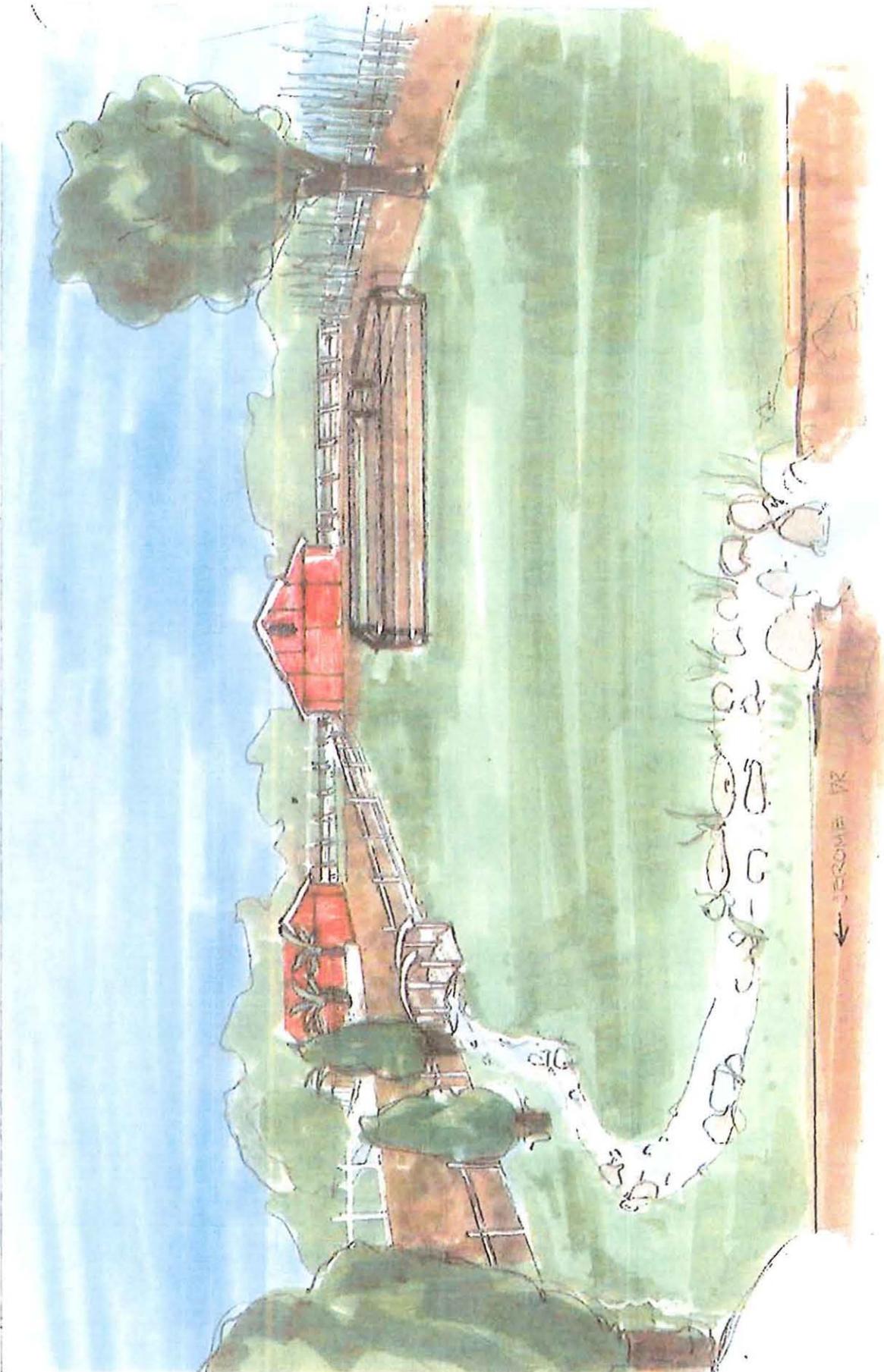
A No.

Q Do you know if anybody did?

A I do not.

Q Did you tell him not to do any further work

Exhibit 8

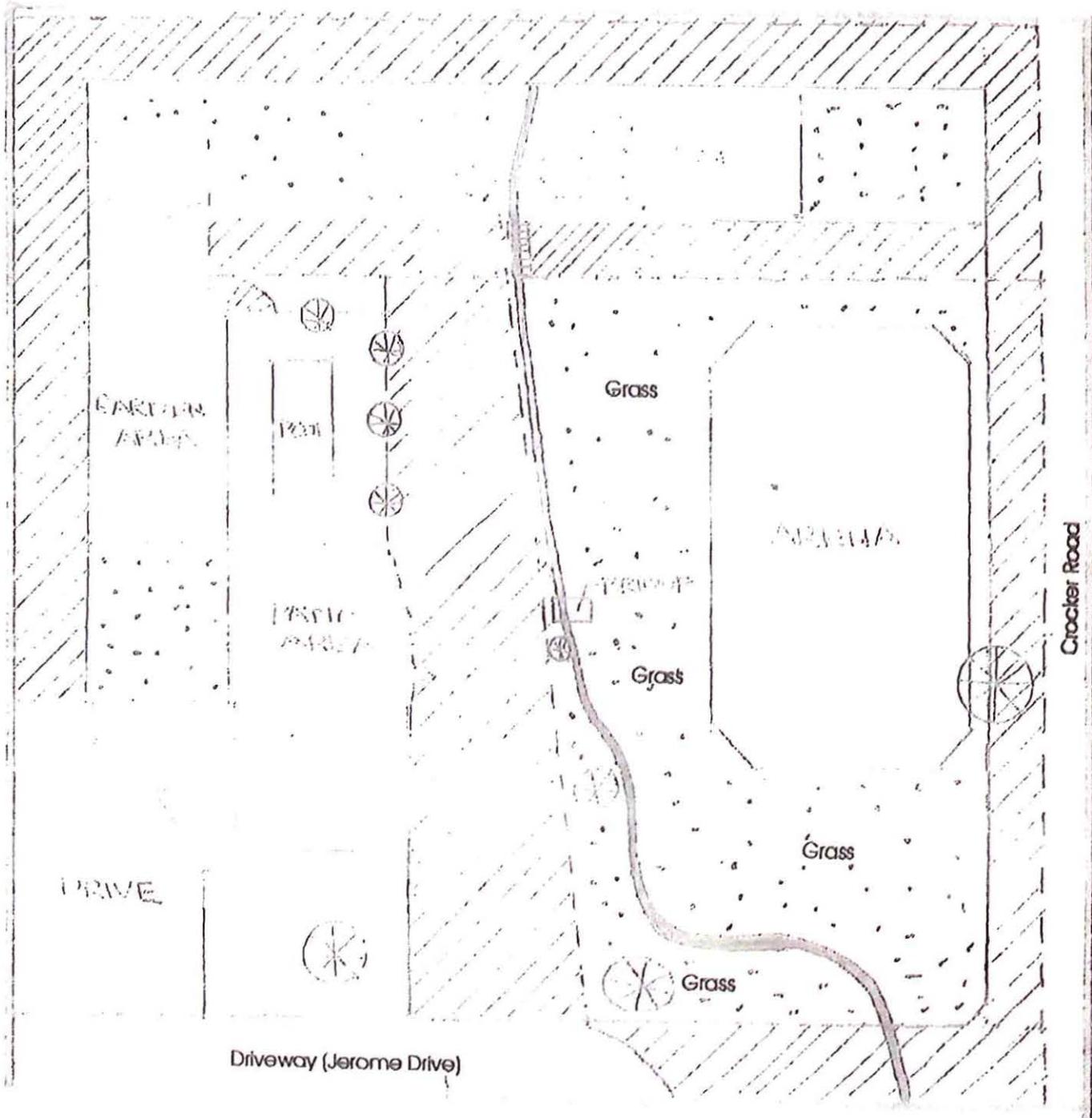


Moritz Residence.  
14272 Jerome Drive  
Poway, Ca 92064  
858 735-5589

— Landscape plan for  
equestrian area with  
storm water channel

Artist's Rendering  
- not to scale -

Landscape plan for  
equestrian area with  
storm water channel



Moritz Residence  
14272 Jerome Drive  
Poway, Ca 92064  
858 735-5589





FOR DEPARTMENT USE ONLY

Date Received: 05/14/08      Amount Received: \$ 200.00      Amount Due: \$      Date Complete: \_\_\_\_\_  
 Notification No.: 1600-2008-0169-R5      *Kelly Fisher*



STATE OF CALIFORNIA  
 DEPARTMENT OF FISH AND GAME  
**NOTIFICATION OF LAKE OR STREAMBED ALTERATION**



Complete EACH field, unless otherwise indicated, following the enclosed instructions and submit ALL required enclosures. Attach additional pages, if necessary.

**1. APPLICANT PROPOSING PROJECT**

Name	<u>DR Bill &amp; Lori Moritz</u>
Business/Agency	
Street Address	<u>14272 JEROME DRIVE</u>
City, State, Zip	<u>POWAY, CA 92064</u>
Telephone	<u>858 735-5589</u> <input type="checkbox"/> Fax
Email	<u>DRBill@ShareKids.com</u>

**2. CONTACT PERSON (Complete only if different from applicant)**

Name	
Street Address	
City, State, Zip	
Telephone	<input type="checkbox"/> Fax
Email	

**3. PROPERTY OWNER (Complete only if different from applicant)**

Name	
Street Address	
City, State, Zip	
Telephone	<input type="checkbox"/> Fax
Email	

**4. PROJECT NAME AND AGREEMENT TERM**

A. Project Name					
B. Agreement Term Requested					
<input type="checkbox"/> Regular (5 years or less)					
<input type="checkbox"/> Long-term (greater than 5 years)					
C. Project Term		D. Seasonal Work Period		E. Number of Work Days	
Beginning (Year)	Ending (Year)	Start Date (month/day)	End Date (month/day)		

**CAO # R9-2008-0074**

Place ID 719044  
 Party ID 472125  
 Reg. Measure 347272

# NOTIFICATION OF LAKE OR STREAMBED ALTERATION

## 5. AGREEMENT TYPE

Check the applicable box. If box B, C, D, or E is checked, complete the specified attachment.

- A.  Standard (Most construction projects, excluding the categories listed below)
- B.  Gravel/Sand/Rock Extraction (Attachment A) Mine I.D. Number: \_\_\_\_\_
- C.  Timber Harvesting (Attachment B) THP Number: \_\_\_\_\_
- D.  Water Diversion/Extraction/Impoundment (Attachment C) SWRCB Number: \_\_\_\_\_
- E.  Routine Maintenance (Attachment D)
- F.  DFG Fisheries Restoration Grant Program (FRGP) FRGP Contract Number: \_\_\_\_\_
- G.  Master
- H.  Master Timber Harvesting

## 6. FEES

Please see the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. *Note: The Department may not process this notification until the correct fee has been received.*

A. Project	B. Project Cost	C. Project Fee
1	< 5,000	\$200. ✓
2		
3		
4		
5		

D. Base Fee  
 (if applicable)  
 E. TOTAL FEE  
 ENCLOSED

\$200. ✓

## 7. PRIOR NOTIFICATION OR ORDER

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, the Department for the project described in this notification?

- Yes (Provide the information below)
  No

Applicant: \_\_\_\_\_ Notification Number: \_\_\_\_\_ Date: \_\_\_\_\_

B. Is this notification being submitted in response to an order, notice, or other directive ("order") by a court or administrative agency (including the Department)?

- No
  Yes (Enclose a copy of the order, notice, or other directive. If the directive is not in writing, identify the person who directed the applicant to submit this notification and the agency he or she represents, and describe the circumstances relating to the order.)

Continued on additional page(s)

62.2

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

8. PROJECT LOCATION

A. 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)

Continued on additional page(s)

B. River, stream, or lake affected by the project.  
C. What water body is the river, stream, or lake tributary to?  
D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?  Yes  No  Unknown  
E. County  
F. USGS 7.5 Minute Quad Map Name G. Township H. Range I. Section J. 1/4 Section

Continued on additional page(s)

K. Meridian (check one)  Humboldt  Mt. Diablo  San Bernardino  
L. Assessor's Parcel Number(s)

Continued on additional page(s)

M. Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes)  
Latitude/Longitude  Degrees/Minutes/Seconds  Decimal Degrees  Decimal Minutes  
UTM Easting: Northing:  Zone 10  Zone 11  
Datum used for Latitude/Longitude or UTM  NAD 27  NAD 83 or WGS 84

62.3

# NOTIFICATION OF LAKE OR STREAMBED ALTERATION

## 9. PROJECT CATEGORY AND WORK TYPE (Check each box that applies)

PROJECT CATEGORY	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR/MAINTAIN EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bank stabilization – rip-rap/retaining wall/gabion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat dock/pier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat ramp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bridge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Channel clearing/vegetation management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Culvert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debris basin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion structure – weir or pump intake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Filling of wetland, river, stream, or lake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical survey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Habitat enhancement – revegetation/mitigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Levee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low water crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road/trail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sediment removal – pond, stream, or marina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm drain outfall structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporary stream crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utility crossing : Horizontal Directional Drilling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jack/bore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Open trench	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NO. LOCATION OF LAKE OR STREAMBELT ALTERATION

10. PROJECT DESCRIPTION

A. Describe the project in detail. Photographs of the project location and immediate surrounding area should be included. Include any structures (e.g., rip-rap, culverts, or channel clearing) that will be placed, built, or completed in or near the stream, river, or lake. Specify the type and volume of materials that will be used. If water will be diverted or drafted, specify the purpose or use. Enclose diagrams, drawings, plans, and/or maps that provide all of the following: site specific construction details; the dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; an overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity; significant area features; and where the equipment/machinery will enter and exit the project area.

Continued on additional page(s)

B. Specify the equipment and machinery that will be used to complete the project.

TRACTOR, PICK, SHOVEL

Continued on additional page(s)

C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B)  Yes  No (Skip to box 11)

D. Will the proposed project require work in the wetted portion of the channel?  Yes (Enclose a plan to divert water around work site)  No

G2.5

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

11. PROJECT IMPACTS

A. Describe impacts to the bed, channel, and bank of the river, stream, or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise disturbed, if applicable.

2' x 340' Pipe

Continued on additional page(s)

B. Will the project affect any vegetation?

Yes (Complete the tables below)  No

Vegetation Type	Temporary Impact	Permanent Impact
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)

Continued on additional page(s)

C. Are any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

Yes (List each species and/or describe the habitat below)  No  Unknown

Continued on additional page(s)

D. Identify the source(s) of information that supports a yes or no answer above in Box 11.C

Continued on additional page(s)

E. Has a biological study been completed for the project site?

Yes (Enclose the biological study)  No

Note: A biological assessment or study may be required to evaluate potential project impacts on biological resources.

F. Has a hydrological study been completed for the project or project site?

Yes (Enclose the hydrological study)  No

Note: A hydrological study or other information on site hydraulics (e.g., flows, channel characteristics, and/or flood recurrence intervals) may be required to evaluate potential project impacts on hydrology.

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES

A. Describe the techniques that will be used to prevent sediment from entering watercourses during and after construction.

Continued on additional page(s)

B. Describe project avoidance and/or minimization measures to protect fish, wildlife, and plant resources.

Continued on additional page(s)

C. Describe any project mitigation and/or compensation measures to protect fish, wildlife, and plant resources.

Continued on additional page(s)

13. PERMITS

List any local, state, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued.

A. \_\_\_\_\_  Applied  Issued

B. \_\_\_\_\_  Applied  Issued

C. \_\_\_\_\_  Applied  Issued

D. Unknown whether  local,  state, or  federal permit is needed for the project. (Check each box that applies)

Continued on additional page(s)

62.5

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

14. ENVIRONMENTAL REVIEW

A. Has a draft or final document been prepared for the project pursuant to the California Environmental Quality Act (CEQA), National Environmental Protection Act (NEPA), California Endangered Species Act (CESA) and/or federal Endangered Species Act (ESA)?

- Yes (Check the box for each CEQA, NEPA, CESA, and ESA document that has been prepared and enclose a copy of each)
No (Check the box for each CEQA, NEPA, CESA, and ESA document listed below that will be or is being prepared)

- Notice of Exemption, Mitigated Negative Declaration, NEPA document (type):
Initial Study, Environmental Impact Report, CESA document (type):
Negative Declaration, Notice of Determination (Enclose), ESA document (type):
THP/ NTMP, Mitigation, Monitoring, Reporting Plan

B. State Clearinghouse Number (if applicable)

C. Has a CEQA lead agency been determined? Yes (Complete boxes D, E, and F) No (Skip to box 14.G)

D. CEQA Lead Agency

E. Contact Person

F. Telephone Number

G. If the project described in this notification is part of a larger project or plan, briefly describe that larger project or plan

Continued on additional page(s)

H. Has an environmental filing fee (Fish and Game Code section 711.4) been paid?

- Yes (Enclose proof of payment) No (Briefly explain below the reason a filing fee has not been paid)

Note: If a filing fee is required, the Department may not finalize a Lake or Streambed Alteration Agreement until the filing fee is paid.

15. SITE INSPECTION

Check one box only

In the event the Department determines that a site inspection is necessary, I hereby authorize a Department representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant the Department such entry.

I request the Department to first contact (insert name) DR BILL MORITZ at (insert telephone number) 958 735-5589 to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay the Department's determination as to whether a Lake or Streambed Alteration Agreement is required and/or the Department's issuance of a draft agreement pursuant to this notification.

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

16. DIGITAL FORMAT

Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?

- Yes (Please enclose the information via digital media with the completed notification form)
- No

17. SIGNATURE

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, the Department may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless the Department has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.

  
\_\_\_\_\_  
Signature of Applicant or Applicant's Authorized Representative

14 MAY 08  
\_\_\_\_\_  
Date

DR BILL MORITZ  
\_\_\_\_\_  
Print Name

THE MORITZ GROUP INC DBA SECUREDSITE  
14272 JEROME DRIVE  
POWAY, CA 92084  
PH. 858-735-5589

4005

16-24/1220 4478  
7063029677

14 MAY 08

Pay to the  
Order of

*1605-2008-7063029677-1257-114*  
*Storm Water (Sewer) Fees*

\$ 200.00

Dollars



WELLS FARGO

1605-2008-7063029677-1257-114  
For Storm Water (Sewer) Fees

*William J. [Signature]*

⑆ 122000 247 ⑆ 7063029677 ⑆ 04005

# Notification of Proposed Project

Project description: Storm water and silt management, Fire access, landscaping

Subject property: Dr. Bill & Lori Moritz  
14272 Jerome Drive  
Poway, Ca 92064  
858 735-5589

## Problem:

- 1) Non existent storm water, debris and silt management
- 2) Non existent Fire Department access
- 3) Inability to landscape

Development of homes to the north and 'up hill' of our property were, obviously, approved without consideration of storm water and silt management - causing ongoing damage to our property.

Storm water has been diverted under Crocker Road through a 14" culvert. During severe storms, water, silt and debris flow unabated over our neighbor's property then on to our property.

Although this rarely occurs, only every five years or so according to our neighbors, the damage caused to our property has been extensive. The storm water gains velocity flowing down hill over the entire length of our property, gathering more silt as it cuts an ever deepening trench through our yard. This left our property unusable as it was impossible to drive over the trench or landscape the area.

---

This became a public safety issue October 2007 during the fire storm. The fire department could not drive through our property to reach the fire on Crocker Road.

Had it not been for local volunteers who stayed behind to fight the fires, our property along with all of our neighbors would have been destroyed. The fire department admitted that had the fire not been controlled, everything east of Espola road would have been lost. (Pictures available upon request)

We also wanted to landscape our property. Planting trees, bushes and meadow grass would further assist with storm water run off and silt management.

As city ordinances do not require permits for landscaping, I bought a tractor and began grading a fire access road, repairing the property and addressing the storm water and silt issue. However, the city told me to stop work and, apparently, contacted Fish & Game. Warden Travis Vuich, came out to look at the work in progress.

I explained to Warden Vuich what I was attempting to accomplish. He said my 'situation' was common in older rural areas and I only needed to contact Fish and Game in order to obtain an 'agreement' for the work.

**Solution:**

My intention is to construct a four foot by six foot wide, by seven foot deep concrete silt basin (REF drawings) at the point where the storm waters, silt and debris enter at the north side of our property.

From the silt basin, I intend to run a twenty-four inch (24") dual wall HDPE (corrugated/smooth lined) or corrugated galvanized metal pipe for a length of approximately three-hundred and forty feet (340'), to the south side of the property - exiting my property at the same location as the previous trench. It is a continuous downhill slope. (REF drawings)

I chose twenty-four inch (24") pipe as an 'over kill' because it is significantly larger than the fourteen inch (14") pipe under Crocker Road and only slightly smaller than the thirty inch (30") pipe which runs under Golden Sunset Road, two properties South of our property.

It should be noted that the thirty inch (30") pipe which runs under Golden Sunset Road receives water from several other sources besides our property and our southerly neighbors.

I also intend to build two additional silt basins; one at the Southeast corner of the property in an effort to trap silt entering our property from Crocker Road runoff and another at the end of Jerome Drive to control storm water and trap silt which flows down Jerome Drive during heavy storms.

Both silt basins we be three feet by three feet wide, by three feet deep and will be connected to the twenty-four inch (24") pipe by a ten inch (10") pipe running a distance of seventy feet (70') from the East side (Crocker Road) and sixty feet (60') from the West side (Jerome Drive).

Upon completion of the pipe installation, I intend to soften the downhill slope in order to minimize surface water velocity then landscape the entire area with trees, bushes and meadow grass.

**Conclusion:**

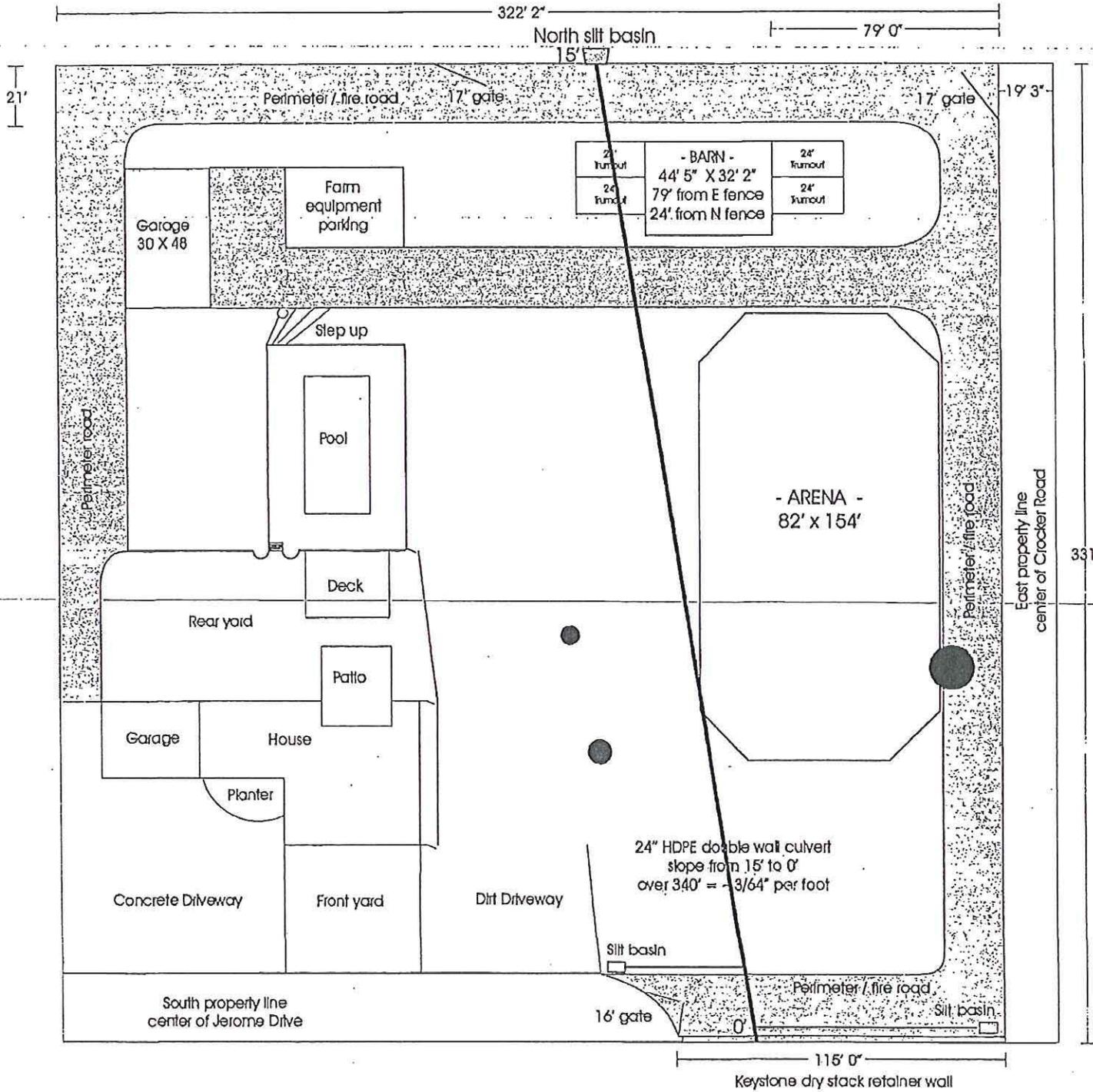
In addition to repairing, at my expense, the damaged caused by the diversion of storm water onto our property, the 'project' provides ample benefits to all concerned:

- 1) Storm water run off, silt and debris will be properly controlled;
- 2) Public safety will be augmented via a Fire Access road;
- 3) Our property will finally become useable and attractive, increasing the value of our property as well as the entire neighborhood.

There is no perceived downside to the proposed project and an agreement should be made for all the reasons stated above.

Moritz residence  
 14272 Jerome Drive  
 Poway, CA 92064  
 858 735-5589

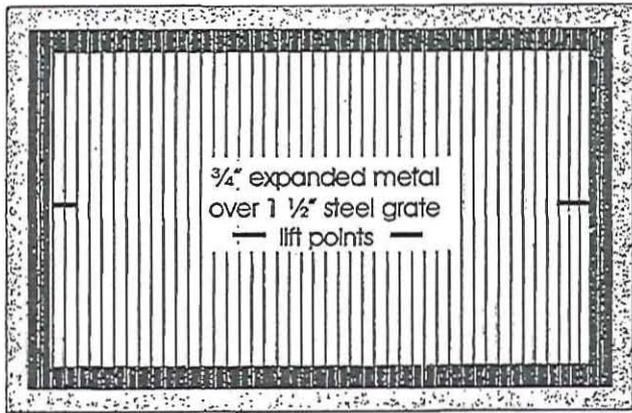
Storm water, silt and  
 erosion management  
 Fire access road



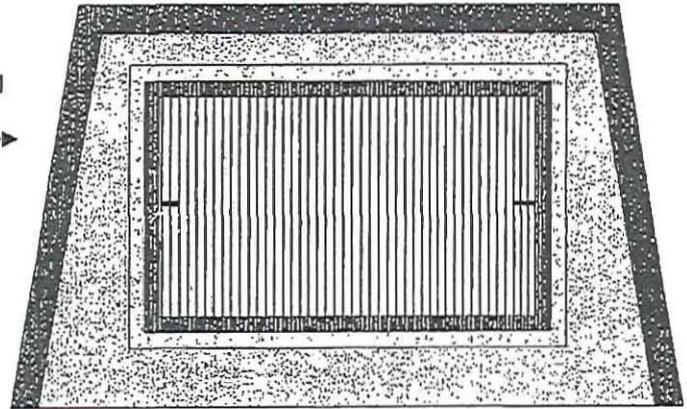
- North Silt Basin Detail -

4' x 6' x 7' deep  
6" poured in place concrete  
#3 bar reinforcement

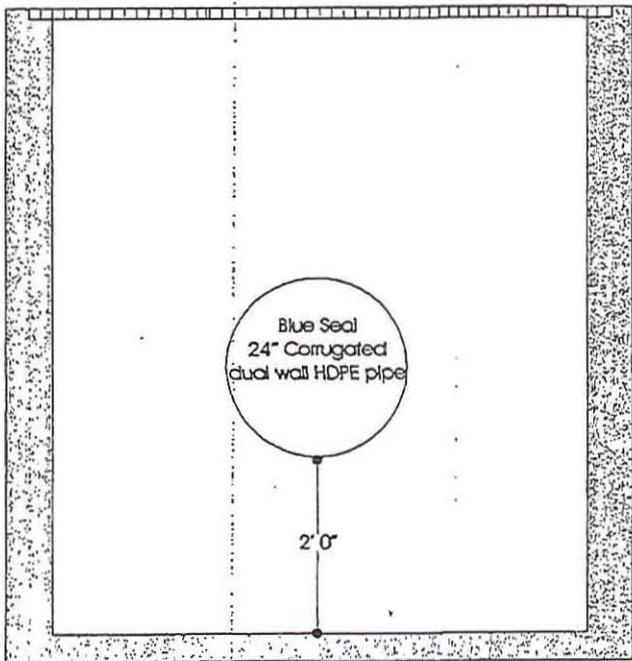
62.1



10" concrete head wall  
over 3 1/2" slab



3'3" 6'0" 6"



3'0"  
4'0"

3'3" 4'0" 6"

