

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



Click here to go to
original staff report

W31a

Addendum

March 10, 2015

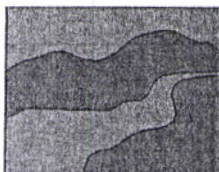
To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W31a**, Coastal Commission Permit Amendment
Application **No. 6-04-088-A12 (JPA Boardwalk)**, for the Commission
Meeting of Wednesday, March 11, 2015

Staff recommends the following changes be made to the above-referenced staff report:

1. Add Exhibit No. 5 – Letters of Support for Current Boardwalk Alignment
2. Add Exhibit No. 6 – Letters of Support for Staff-Recommended Boardwalk Alignment
3. Add Exhibit No. 7 – March 9, 2015 Staff Memo Regarding Traffic Impacts on Wildlife



San Dieguito River Park
Joint Powers Authority
18372 Sycamore Creek Road
Escondido, CA 92025
(858) 674-2270 Fax (858) 674-2280
www.sdrp.org

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Commissioners and Staff
California Coastal Commission
San Diego Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Application: 6-04-088-A12

Dear Commissioners and Staff:

The San Dieguito River Park Joint Powers Authority urges the Coastal Commission to support the San Dieguito River Park and retain the boardwalk trail in its current configuration to allow the restoration of the South Overflow Lot and save this important community asset. As such, the JPA opposes the Coastal staff's recommendation to deny Application 6-04-088-A12 and asks that you instead approve our application to retain the boardwalk.

The JPA has worked tirelessly for 25 years to bring the coastal lagoon back to functioning tidal wetlands and has been a strong proponent of restoring the Fairgrounds South Overflow Lot to wetlands. As an important component to this restoration, the boardwalk trail provides a unique public asset that should be retained – built in 2006 with public grant funds and volunteer labor, the boardwalk trail provides a beneficial use for nature study and pedestrian access to public land. We urge the Commission to support our request to allow the boardwalk trail to remain in its current form as an educational resource.

The Coastal staff report for this item incorrectly states that the boardwalk trail would be "relocated" or "realigned" to the northern edge of the South Overflow Lot. In fact, the boardwalk trail would be removed if the Commission accepts the staff's recommendation. The boardwalk trail is not part of the Coast to Crest Trail, but a separate pedestrian trail to provide nature study and a quiet up-close educational experience with the adjacent wetlands. The Coast to Crest Trail is a separate multi-use trail (cyclists, hikers) that is required to be extended along the northern edge of the SOL from its current terminus. The Coastal Commission's Consent Order (CCC-12-CD-02) requires the 22nd DAA to construct this section of trail. The boardwalk is a separate trail that provides a vital educational experience for local trail users.

The coastal staff report points out that our original CDP requires the location of the boardwalk "be addressed in the coastal development permit for the wetland restoration of the South Overflow Lot and the boardwalk may be relocated at that time". That SOL hearing occurred in November 2013 (CDP 6-12-067) and at no point was the relocation of the boardwalk mentioned. If you recall, at that time the JPA advocated for wetland restoration of the lower third of the EOL (in support of your staff's recommendation), which we have provided for additional wetlands without removing a community trail asset

EXHIBIT NO. 5
APPLICATION NO.
6-04-088-A12
Letters of Support

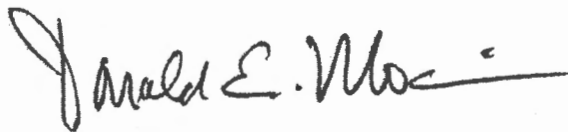
that motion failed, and now the boardwalk would be sacrificed to provide additional wetlands.

State Coastal Conservancy and Federal Transportation Enhancement Activities program grant funds were used to construct the boardwalk and the boardwalk planks were installed by local volunteers including the Del Mar Rotary. Ongoing maintenance is provided through donations made by selling name plates on the boardwalk planks. Approximately 545 name plates have been installed along the edge of the boardwalk – all of which would have to be removed if the boardwalk was removed as proposed.

For the reasons stated above, the JPA strongly opposes the coastal staff's recommendation to deny Application 6-04-088-A12 and urges the Commission to support the San Dieguito River Park and retain the boardwalk trail.

We appreciate your continuing efforts to protect our vital coastal resources for the betterment of the wildlife that depends on it and for the public to learn and enjoy.

Sincerely,



Don Mosier
JPA Board Chair

Cc: JPA Board and CAC members
San Dieguito River Valley Conservancy
Del Mar City Council and Staff
Solana Beach City Council and Staff
Del Mar Lagoon Committee
Friends of the San Dieguito River Valley

Passed September 2, 2014 JPA Board Meeting:

AYES: 5 (ROBERTS, GOLICH, KERSEY, MOSIER, ZITO)
NOES: 0
ABSTAIN: 1 (DIAZ)
ABSENT: 3 (CUNNINGHAM, JACOB, LIGHTNER)

SAN DIEGUITO
RIVER VALLEY



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Trish Boul

January 27, 2015

Supervisor Steve Kinsey
California Coastal Commission Chair
County of Marin
Board of Supervisors
3501 Civic Center Dr # 329
San Rafael, CA 94903-4193

Re: San Dieguito River Park Joint Powers Authority (JPA)
Permit Application 6-04-088-A12

Dear Chair Kinsey,

The purpose of this letter is to strongly encourage the Coastal Commission to approve the San Dieguito River Park JPA's application to make the San Dieguito Lagoon Boardwalk a permanent facility.

The San Dieguito River Valley Conservancy (Conservancy) is in receipt of the Coastal Commission staff report for the above-referenced permit scheduled to be heard at the March Coastal Commission hearing in San Diego. Coastal Commission staff is recommending "relocation" of the San Dieguito Lagoon Boardwalk, which will actually result in the removal and elimination of the boardwalk. However, the Commission already approved the boardwalk as a permanent facility when it approved the 22nd District Agricultural Association permit in February 2014.

In a letter dated May 19, 2014 (attached) the 22nd District Agricultural Association, San Dieguito River Park JPA, the Cities of Solana Beach and Del Mar and the San Dieguito River Valley Conservancy strenuously objected to Coastal Commission staff's belief that they could make this decision as opposed to it being heard at a public hearing. It was only after Coastal Commission staff attempted to unilaterally make the decision to remove the boardwalk without a public hearing in front of the Coastal Commission that the San Dieguito River Park JPA submitted this application.

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



Special Condition #4 CDP 6-12-067 requires the 22nd District Agricultural Association to submit a final restoration plan in substantial conformance with the restoration plan approved by the Commission which, as noted above, identifies the boardwalk in its existing location. In fact, Coastal Commission staff touted the benefits of the boardwalk in its February 2014 staff report for CDP 6-12-067 as follows:

"The raised boardwalk minimizes impacts to the delineated, but nonvegetated, wetlands currently existing on the project site by channeling traffic across the site and minimizing the potential for people to wander through the wetland vegetation itself. The elevated boardwalk provides views of the river without the necessity to walk through habitat to get close enough to see the water, and, in combination with the presence of informational kiosks, plays an important role in public education of the local ecology."

Staff's independent direction to the 22nd District Agricultural Association to remove the boardwalk from its restoration plans and refusing to approve any restoration plans that include the boardwalk - months after the Commission's approval of CDP -12-067 - constitutes a significant change to the approved CDP and is an attempt by staff to bypass review by the Coastal Commission and the public. The Conservancy expressed our objection to staff's action in a letter dated June 9, 2014 (attached).

A key misconception Coastal Commission staff continues to perpetuate is that the San Dieguito Lagoon Boardwalk is a segment of the 70-mile, multi-use Coast to Crest Trail. The boardwalk is - and always has been - a separate pedestrian-only facility. Figure 4.17 of the Final SCE Restoration Plan (November 2006, attached) clearly depicts the proposed alignment of the Coast to Crest Trail (page 4.81). As you can see, the multi-use Coast to Crest Trail was always planned for north of the wetland restoration area (segment 2). The San Dieguito Lagoon Boardwalk is shown as a separate pedestrian-only facility (segment 1b). Please refer to page 4.82 where further details show the Boardwalk is a separate facility for PEDESTRIAN USE ONLY whereas , the Coast to Crest Trail is a MULTI-USE facility.

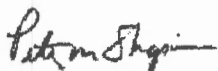
Your staff states that the Coastal Commission does not approve boardwalks through wetland areas. Attached to this letter is a document which describes several boardwalks - *some approved by the Coastal Commission* - others approved by other governmental agencies in conformance with the Coastal Act - that are located in San Diego County and throughout the State. These boardwalks traverse wetlands and provide recreational and nature education opportunities for people of all ages and abilities.

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Kinsey
January 27, 2015

We respectfully request that the Coastal Commission approve the San Dieguito River Park JPA's permit application 6-04-088-A12 and confirm that the San Dieguito Lagoon Boardwalk is a permanent facility for the enjoyment of generations to come.

If you have any questions, please contact Trish Boaz, Executive Director at 858-755-6956 or trish@sdrvc.org.

Sincerely,



Peter Shapiro
President

cc:

Alternate Commissioner Sarah Glade Gurney
Commission Vice-Chair Jana Zimmer
Alternate Commissioner Terri Bowman
Commissioner Dayna Bochco
Alternate Commissioner Belinda Faustinos
Commissioner Effie Turnbull-Sanders
Commissioner Wendy Mitchell
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California State Transportation Representative Dale Jones
San Dieguito River Valley Conservancy Executive Director Trish Boaz
San Dieguito River Park JPA Chair Don Mosier
Third District County Supervisor Dave Roberts
City of Del Mar Mayor Al Corti

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Kinsey
January 27, 2015

City of Solana Beach, Mayor Lesa Heebner
San Dieguito River Park JPA Interim Executive Director Mark
Ochendusko
22nd District Agricultural Association President Frederick Schenk
22nd District Agricultural Association Executive Director Tim Fennell
Southern California Edison, David Kay

Attachments:

Joint Letter dated May 19, 2014
Conservancy Letter dated June 9, 2014
Final SCE Restoration Plan (CDP 6-81-330-A3); Excerpts
Examples of other approved California wetlands boardwalks

DO NOT REMOVE THE SAN DIEGUITO LAGOON BOARDWALK!

[San Dieguito River Valley Conservancy](#)



The San Dieguito Boardwalk Trail was built by volunteers to protect wetlands while providing people of all ages and abilities the opportunity to enjoy and study nature. The San Dieguito Boardwalk Trail is a valuable community asset that promotes environmental education and appreciation of our unique lagoon wetland environment.

Letter to

California Coastal Commission Charles Lester

Do not remove the Boardwalk Trail at the San Dieguito Lagoon! There are many other boardwalks traversing wetlands in San Diego County and California! You can see examples here: <http://sdrvc.org/wp-content>

[Read more](#)

[Updates](#)

Sign this petition

1,046 supporters

Llerandi, Alexander@Coastal

From: Sarb, Sherilyn@Coastal
Sent: Tuesday, January 27, 2015 4:37 PM
To: Llerandi, Alexander@Coastal
Subject: FW: San Dieguito lagoon boardwalk (Permit #6-04-088-A12)

Sherilyn Sarb, Deputy Director
California Coastal Commission
San Diego District (619)767-2370
South Coast District, Orange County (562)590-5071
ssarb@coastal.ca.gov

From: Lester, Charles@Coastal
Sent: Monday, January 26, 2015 8:49 PM
To: Sarb, Sherilyn@Coastal
Subject: FW: San Dieguito lagoon boardwalk (Permit #6-04-088-A12)

From: Susan Miller [<mailto:susan3733@gmail.com>]
Sent: Monday, January 26, 2015 8:48 PM
To: Lester, Charles@Coastal
Subject: San Dieguito lagoon boardwalk (Permit #6-04-088-A12)

Dear Commissioner Lester:

Please save this wonderful boardwalk. It is the only way for residents, especially those who are either very young or elderly, to access the lagoon and truly appreciate its beauty without harming its eco structure. Hundreds of visitors each week enjoy walking, biking and running on the boardwalk without disrupting nature.

Please do not remove this precious bit of our ever-diminishing natural surroundings.

Thank you.

Sincerely,

Susan Miller
2469 Oakridge Cove
Del Mar, CA 92014

Llerandi, Alexander@Coastal

From: Andreason, Grai <gandreason@ucsd.edu>
Sent: Tuesday, February 03, 2015 8:28 AM
To: Lester, Charles@Coastal; Llerandi, Alexander@Coastal
Subject: San Dieguito Boardwalk (Permit #6-04-088-A12)

Dear Mr. Lester & Ms. Lerandi,

I am writing to support making the boardwalk in the San Dieguito to River Park a permanent part of the estuary. While I support the reasoning cited in the SD River Conservancy's petition, this is a personal note from a local resident. My little boys and I periodically walk the trail and we particularly enjoy the boardwalk - to the extent that I purchase a plank for each of us. This provided a way to demonstrate how our family could support the work on the Park and it also gave them a small sense of ownership in how we treat our environment. I believe that the design of the boardwalk accomplished the goal of not impacting that environment while providing a means for all to enjoy the estuary and see the part that this transitional zone plays in the overall health of the area. I sincerely hope that you will conscientiously review the points in the letter submitted by the San Dieguito River Conservancy and make a considered decision about the future of our boardwalk. It would be a loss to all of us should it be removed.

Sincerely,
G. Andreason

Permit #6-04-088-A12.

Llerandi, Alexander@Coastal

From: Dave Batzler <cyndee.batzler@gmail.com>
Sent: Tuesday, February 03, 2015 9:05 AM
To: Lester, Charles@Coastal; Llerandi, Alexander@Coastal
Subject: PLEASE DO NOT REMOVE THE BOARDWALK

Dear Sirs:

I am emailing because I support the Boardwalk at San Dieguito River Park. A few years ago, my husband and I worked at the park helping to plant areas with native vegetation. Dave also lead birding walks and explained why they are so important to our community. We have seen it being developed and looked forward to a path from the eastern side of the park to the western area. That boardwalk was finally finished thanks to many volunteers who spent their free time to help give our city a place to experience and learn about nature. Have you never been to all the beautiful areas in Florida where these boardwalks meander through natural areas; where one can view and learn about the wildlife (Corkscrew Swamp, Loxahatchee, etc.)? I have been on these boardwalks with school children who are so excited to see the birds, turtles, alligators, plant life, etc. all along the way. What a fabulous way to reach and teach our children about the wildlife and how important they are in our lives. By removing the boardwalk you are removing one more way to get our children out in nature. Yes, there are trails around San Diego, but the boardwalk is very unique in that it gives them a chance to view birds and the tidal wildlife in this area. Please do not remove it.

Sincerely,

Cyndee and Dave Batzler
Carlsbad, CA

Llerandi, Alexander@Coastal

From: Barbara Kubarych <barb@carrierbrokers.com>
Sent: Tuesday, February 03, 2015 11:20 AM
To: Lester, Charles@Coastal; Llerandi, Alexander@Coastal
Cc: Ken Kubarych; Janice Kurth; sdrvc@sdrvc.org
Subject: Permit #6-04-088-A12. San Dieguito Lagoon Boardwalk.

Dear Sirs,

We are native Californians and 30 year residents of Del Mar, California and love our community and the active lifestyle that we have here.

We are writing to encourage you to reconsider the Coastal Commission position of removing the San Dieguito Lagoon Boardwalk. This Boardwalk is a tremendous asset to the community, used every day of the year by walkers, bird watchers, cyclists and residents and visitors of all ages. The planks are a critical link through the wetlands and between the dirt sections of the path down the San Dieguito River Valley to the beach, a precious public resource which we all treasure and use respectfully.

Personally, we ride our bikes several times a week along the river valley path, across the plank section and out to the beach.; we would not be able to do this bike ride if not for the planked section. In fact, would not be riding our bikes at all as it is way too dangerous to ride in the street; this beautiful path is the only safe way for walkers and cyclists to enjoy the River Valley, and the public to have the opportunity to read the signage and observe the wetlands up close without harm. Otherwise, you just drive by it and have no idea of the treasure that is there.

If it is your job to provide public access as well as protect the environment, we encourage you to come visit and see the appropriate use that the plank section provides to the public; we also encourage you to leave this great asset to the community in place.

Thank you

Dr. Kenneth Kubarych
Barbara Kubarych
4652 Sun Valley Rd
Del Mar, CA 92014

Llerandi, Alexander@Coastal

From: juliesandiego20@gmail.com on behalf of Julie Hocking <juliehocking@cox.net>
Sent: Tuesday, February 03, 2015 11:39 AM
To: Lester, Charles@Coastal; Llerandi, Alexander@Coastal
Subject: Permit #6-04-088-A12f

Please don't remove the Boardwalk!

This is a wonderful amenity for the community to safely traverse this area.

I use it often.

Julie Hocking
3335 N. Mountain View Dr.
In San Diego, CA

Llerandi, Alexander@Coastal

From: sherry <sherrysutton@cox.net>
Sent: Tuesday, February 03, 2015 1:21 PM
To: Llerandi, Alexander@Coastal
Subject: SD River Park Boardwalk

Please do not move the SD River Park Boardwalk from its current location.

Llerandi, Alexander@Coastal

From: Sarb, Sherilyn@Coastal
Sent: Tuesday, February 03, 2015 4:15 PM
To: Llerandi, Alexander@Coastal
Subject: FW: Keep the boardwalk, please:)

for the file

Sherilyn Sarb, Deputy Director
California Coastal Commission
San Diego District (619)767-2370
South Coast District, Orange County (562)590-5071
ssarb@coastal.ca.gov

From: Lester, Charles@Coastal
Sent: Tuesday, February 03, 2015 9:50 AM
To: Sarb, Sherilyn@Coastal; Llerandi, Alexander@Coastal
Subject: FW: Keep the boardwalk, please:)

From: elihowardsurfschool@gmail.com [<mailto:elihowardsurfschool@gmail.com>] **On Behalf Of** Eli Howard
Sent: Tuesday, February 03, 2015 8:40 AM
To: Lester, Charles@Coastal
Subject: Keep the boardwalk, please:)

Please keep the boardwalk at the Del Mar lagoon:). Many local lagoons including this one have buildings, shopping malls, residential homes, train tracks, and more all encroaching the lagoons:(The current board walk that raises awareness, invites exploring the beauty, and is raised off the ground does little to negatively impact the health of the lagoons. Please consider saving the previously accepted Boardwalk and consider stronger rules by business instead to keep the flood plan of the lagoons free of permanent development in the future. I look forward to enjoying the lagoon and seeing the governments make less permanent developments like huge buildings in the future!

Enjoy your winter days,
Emily Kessler

--
Eli Howard Surf School
PO Box 232690
Encinitas, CA. 92023
(760)809-3069

Llerandi, Alexander@Coastal

From: Carol Carr <caroldcarr@gmail.com>
Sent: Thursday, February 05, 2015 7:04 PM
To: Llerandi, Alexander@Coastal
Subject: Save the San Dieguito River Park Boardwalk

Ref: Permit #6-04-088-A12

Mr. Llerandi,

The Boardwalk Trail has always been a great opportunity to expose young children to nature and the environment. On any Saturday or Sunday, the Boardwalk is full of children, parents with baby carriages, dog walkers, and other casual trail users. The chance to "follow the boards" draws the attention of many visitors and locals, and leaves them with a fresh appreciation of nature.

In contrast, the Coast-to-Crest trail segment for our multi-use trail, to be built by the Fairgrounds, will pass through a parking lot then parallel a busy road. While that trail is an important part of our trail system, the appeal of the Boardwalk is so much more! Please keep the Boardwalk intact, for future generations as well as the rest of us who love it today.

Thank you.

Carol Carr

11305 Carmel Creek Rd.

San Diego, CA 92130

858-481-7425

Llerandi, Alexander@Coasta!

From: Terance <tkopanski@sbcglobal.net>
Sent: Friday, February 06, 2015 11:38 AM
To: Llerandi, Alexander@Coasta!
Subject: Permit #6-04-088-A12.

Dear Mr. Llerandi,

This email is to urge you to maintain the San Dieguito Boardwalk. It is an integral part of our enjoyment of the Lagoon.

Sincerely,

Terry Kopanski
1919 Zapo Street
Del Mar, CA 92014

This email has been checked for viruses by Avast antivirus software.
<http://www.avast.com>

Llerandi, Alexander@Coastal

From: Brad Bartlett <brad@bradbartlettlaw.com>
Sent: Monday, March 02, 2015 11:21 AM
To: Lester, Charles@Coastal
Cc: Llerandi, Alexander@Coastal
Subject: San Dieguito Lagoon Boardwalk

Dear Mr. Lester --

Please allow this to express my support for the Boardwalk at the San Dieguito Lagoon. The structure does no harm, and it gives the public a significant opportunity to see and appreciate our natural world. Preservation requires appreciation and public support. In balance, this is a beneficial asset that should be preserved.

Thank you for allowing me to express my view.

Bradley A. Bartlett
219 Rialto Glen
Escondido, CA 92025
760-504-3838 (cell)

Llerandi, Alexander@Coastal

From: Bruce Breneman <ascbcb@aol.com>
Sent: Monday, March 02, 2015 11:37 AM
To: Lester, Charles@Coastal; Llerandi, Alexander@Coastal
Cc: sdrvc@sdrvc.org
Subject: San Dieguito Lagoon Boardwalk
Attachments: Peregrine_flying.jpg

Dear Mr. Lester and Mr. Alleradi,

I am writing in strong support of keeping the San Dieguito Lagoon Boardwalk in its current form.

I use the Boardwalk and lagoon trail almost daily as do many local residents. It is a true gem and an environmental asset to the lagoon and our community. The Boardwalk is well utilized and keeps the hikers and cyclist on the boardwalk and not the sensitive areas surrounding the river. I have seen the environment and natural landscape improve over the last year and I attribute much of this to the presence of the Boardwalk.

Furthermore having spent much time in this area I believe the location of the Boardwalk is excellent and does exactly what was intended - to provide access to the public while protecting the environment and lagoon.

I implore you to vote to do what is best for the public and environment by allowing the Boardwalk to remain as is and allow it to protect the environment as it has so superbly done to date.

I would absolutely attend the March 11th meeting to lend my support for keeping the Boardwalk as is except for double hip replacement surgeries this week. Please use and or read this letter in my absence.

I look forward to rehabbing from my surgeries on the Boardwalk!

PS - attached a photo of a Peregrine Falcon often seen from the viewing platform of the Boardwalk

Regards,

Bruce Breneman
Distinguished Engineer
Toshiba Medical Research Institute, USA
email: BBreneman@TMRIUSA.com
Office: (858) 759-1659
Cell: (858) 603-5537



Please consider the environment before printing this email



Llerandi, Alexander@Coastal

From: Cindy C <cindyriverpark@yahoo.com>
Sent: Monday, March 02, 2015 2:08 PM
To: Llerandi, Alexander@Coastal
Subject: Save the Board Walk

Please save the board walk. I live in Rancho Santa Fe and walk that portion of the trail at least once a week. I love seeing the names of the donors, I love the feel of the board and most importantly it **keeps walkers, hikers, and riders out of the sensitive habitat** on a direct route (plus we don't get our feet wet on rainy days like today :))

SAVE THE BOARD WALK!

#6-04-088-A12

Sincerely,
Cindy Collins
619-977-5512

Llerandi, Alexander@Coastal

From: Sarb, Sherilyn@Coastal
Sent: Tuesday, March 03, 2015 7:35 PM
To: Llerandi, Alexander@Coastal
Subject: FW: Permit #6-04-088-A12 San Dieguito Riverpark boardwalk trail

for the file

From: Lester, Charles@Coastal
Sent: Monday, March 02, 2015 6:05 PM
To: Sarb, Sherilyn@Coastal
Subject: FW: Permit #6-04-088-A12 San Dieguito Riverpark boardwalk trail

From: Chaco Clotfelter [chaco@willisallen.com]
Sent: Monday, March 02, 2015 1:06 PM
To: Lester, Charles@Coastal
Subject: Permit #6-04-088-A12 San Dieguito Riverpark boardwalk trail

Dear Dr. Lester,

I would like to kindly ask you to reconsider your groups desire to remove or relocate the San Dieguito River Park boardwalk trail from it's current location.

Having walked this boardwalk trail at least once per week for several years I can easily summarize it unique attributes.

-This unique segment of boardwalk trail in fact allows citizens a closer look into the lagoon than really anywhere else along the circumference of the lagoon.

-The informational and educational 'read boards' attract lots of attention and in essence help to educate the public on the species that frequent the lagoon in addition to habitat sensitivity & preservation.

-The benches installed along the boardwalk trail allow older citizens an opportunity to catch their breath or others to simply stop to enjoy the tremendous views.

-The current location of the boardwalk trail is thoughtfully located well away from the busy and noisy Jummy Durante Blvd that has a traffic count over 8,000 car trips per day Being away from the road naturally creates a more desirable ambiance for citizens walks.

Thank you for listening.

Chaco Clotz

Llerandi, Alexander@Coastal

From: Sarb, Sherilyn@Coastal
Sent: Tuesday, March 03, 2015 7:36 PM
To: Llerandi, Alexander@Coastal
Subject: FW: Del Mar lagoon boardwalk

for the file

From: Lester, Charles@Coastal
Sent: Monday, March 02, 2015 6:02 PM
To: Sarb, Sherilyn@Coastal
Subject: FW: Del Mar lagoon boardwalk

From: R Bruce Liska [bruce.bettyliska@gmail.com]
Sent: Monday, March 02, 2015 2:09 PM
To: Lester, Charles@Coastal
Subject: Del Mar lagoon boardwalk

Please do not destroy the Del Mar lagoon boardwalk! It is a minimally intrusive way for citizens to see and enjoy the wildlife and vegetation in an important estuary that has recently been saved thanks to Southern California Edison. It was built by volunteer labor and materials and deserves to remain an important part of our landscape.

Bruce Liska

Llerandi, Alexander@Coastal

From: Sarb, Sherilyn@Coastal
Sent: Tuesday, March 03, 2015 7:37 PM
To: Llerandi, Alexander@Coastal
Subject: FW: The Boardwalk

for the file

From: Lester, Charles@Coastal
Sent: Monday, March 02, 2015 6:00 PM
To: Sarb, Sherilyn@Coastal
Subject: FW: The Boardwalk

From: seredawill [seredawill@aol.com]
Sent: Monday, March 02, 2015 3:15 PM
To: Lester, Charles@Coastal
Subject: The Boardwalk

Provides the type of sense experience that can help people to appreciate our very special outdoor environment.

Hope that you can find a way to preserve this experience.

Thank you.
William M. Sereda, MD

Agenda number: W31A
Permit number: 6-04-088-A12
Philip R. Pryde (opposed)

Mar **RECEIVED**

MAR 05 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

To: Members, California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

With regard to the March 11, 2015 Commission hearing item concerning the proposed removal of the existing boardwalk in the South Overflow Lot area of the San Dieguito Estuary wetlands, I would like to offer the following personal observations and comments.

Since the 1990s I have led birding trips for San Diego Audubon Society to locations all over North America, and taken professionally led trips to dozens of other major birding venues. Most of these have wetlands, and many have boardwalks. As a result, I have had considerable opportunities to observe bird behavior in the vicinity of heavily used wetland boardwalks.

The biologist for the California Coastal Commission has been quoted as having said, "Putting human activity in the middle of a natural habitat is always a bad idea because it maximizes disturbance to the habitat. Wildlife, particularly birds, are especially sensitive to activity that is above them ...".

Without question, there are many circumstances in which this statement is accurate, and many species of birds would be sensitive to human activities near them, but this statement is an overly-broad generalization, and is not necessarily correct in the context of all water birds.

Birds, like all other animate life, are first and foremost concerned with self-preservation, and they quickly learn what does and does not constitute a threat to them. Many water birds, through experience, conclude that human beings walking nearby, or on a boardwalk near them, present little or no threat, and simply go on about their other main concerns, feeding and propagation. They are of course sensitive to threats above them, such as raptor activity, but not necessarily to people on nearby boardwalks behaving in a non-threatening manner.

Indeed, since predators are a frequent threat to water birds, such birds learn that a boardwalk is a safe place to be near, because where people are nearby there are usually fewer predators, since predators (raptors, raccoons, feral cats, etc.) tend to avoid people. Thus, far from "maximizing disturbance" to the habitat of marsh birds, properly constructed boardwalks, and the people on them, may well provide a useful protective service to wetland birds.

Among the best-known and frequently visited protected wetlands in the United States are those that have been developed near the Convention Center on South Padre Island, Texas, at the Green Cay and Wakodahatchee reclamation ponds near Delray Beach, Florida, and at the Black Swamp Bird Observatory along Lake Erie in Ohio. Bird preservation and reproduction are primary objectives at all these sites, and at all of them, most of the trails are built on berms or boardwalks that extend throughout the wetlands.

At the Florida sites, small trees that are prolific nesting sites for herons, cormorants, and anhingas are only a few feet from boardwalks where people are observing and photographing these birds. As noted, the birds understand from experience that the nearby human presence poses no danger to them (see accompanying photo).

Locally, in a similar vein, I have seen Ridgway's (Clapper) Rails in the Tijuana Estuary wetlands along the McCoy trail (which is built on a berm) stroll within a few feet of me as I observed them from the trail, unconcerned by my passive presence.

Thus, the statement quoted above, while often true, should not be viewed as necessarily applicable to wetland areas where trails and boardwalks have been built in an appropriate manner. Experience at sites across the country demonstrates that water birds will accept human presence at properly designed wetland boardwalks and berm trails.

In conclusion, based on actual wetland avifauna behavior, there is no justification for removing the San Dieguito estuary boardwalk, and forfeiting its considerable educational value. Therefore, I would urge that the recommendation to remove the boardwalk be rejected.

As for the concern that has been mentioned regarding dogs, there is no reason why the wetland trails and boardwalks can't be made off-limits to dogs (and they should be).

Sincerely,



Philip R. Pryde (Ph.D.)

Professor Emeritus, San Diego State University

Past Chair, San Diego Audubon Society

Past Chair, San Diego County Planning Commission

Nest tree by the boardwalk at the Wakodahatchee Water
Reclamation Wetlands, Delray Beach, Florida



Llerandi, Alexander@Coastal

From: Sarb, Sherilyn@Coastal
Sent: Monday, March 09, 2015 10:40 AM
To: Llerandi, Alexander@Coastal
Subject: FW: save the board walk

For the file

Sherilyn Sarb, Deputy Director
California Coastal Commission
San Diego District (619)767-2370
South Coast District, Orange County (562)590-5071
ssarb@coastal.ca.gov

From: Lester, Charles@Coastal
Sent: Monday, March 09, 2015 10:35 AM
To: Sarb, Sherilyn@Coastal
Subject: FW: save the board walk

Charles Lester
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
(415) 904-5203
www.coastal.ca.gov



CALIFORNIA
COASTAL
COMMISSION

From: trishsdrvc@gmail.com [<mailto:trishsdrvc@gmail.com>] **On Behalf Of** Trish Boaz
Sent: Monday, March 09, 2015 8:34 AM
To: allerandri@coastal.ca.gov; Lester, Charles@Coastal
Subject: Fwd: save the board walk

----- Forwarded message -----

From: Mireya Rodriguez <mireya.rodriguez@physiocorp.com>
Date: Mon, Mar 9, 2015 at 7:10 AM
Subject: save the board walk
To: sdrvc@sdrvc.org

From: Mireya Rodriguez <mireya.rodriguez@physiocorp.com>
Subject: save the board walk

Message Body:

please save the board walk let us be a part of our nature. Its such a beautiful place and enjoy so much taking a walk there and just have a place to relax and be safe. Thank you

Llerandi, Alexander@Coastal

From: Susie Hedrick <sjahedrick@me.com>
Sent: Monday, March 09, 2015 5:52 PM
To: Lester, Charles@Coastal; Llerandi, Alexander@Coastal
Subject: Permit #6-04-088-A12; San Dieguito Lagoon boardwalk

Dear Sirs,

I am writing to encourage you to allow the San Dieguito Lagoon boardwalk to stand in its existing location. It is a valuable resource in our area which allows people of all ages and abilities to be up close with the lagoon habitat while they learn to understand, appreciate and protect our coastal lagoons.

Sincerely,

Susie Hedrick
Solana Beach, CA

Llerandi, Alexander@Coastal

From: Shane Watson <shane7777w@yahoo.com>
Sent: Monday, March 09, 2015 7:44 PM
To: Llerandi, Alexander@Coastal
Subject: Permit #6-04-088-A12.

Please vote to keep the boardwalk at San Dieguito Lagoon.
My kids and grandkids love it!

John Watson
3438 Aldford Drive
San Diego, CA 92111

Llerandi, Alexander@Coastal

From: W J Proffer <bill@proffer.net>
Sent: Monday, March 09, 2015 9:31 PM
To: Lester, Charles@Coastal; Llerandi, Alexander@Coastal
Cc: Trish Boaz; Peter Shapiro; W J Proffer
Subject: reference Permit #6-04-088-A12; San Dieguito Lagoon Boardwalk

Mr. Lester, Mr. Llerandi;

As the past president of the San Diego River Valley Conservancy during the time which the boardwalk was installed, it was our clear and consensus understanding that the alignment was approved and appropriate between all parties involved, including the Coastal Commission board and staff at the time. All of the planning, design and construction of the boardwalk trail segment was done under the clear understanding and agreement that it was "permanent", given the remote likelihood at the time of restoring the fairgrounds parking lot. At the time I recall no exception to this consensus.

Your staff's currently proposed action is inconsistent with both the letter and intent of which was agreed to at that time by the Commissioners.

I frankly have a real problem with preserving/remediating the coastal environment and then not letting the public enjoy both the effort and money they have expended to do so.

The dictionary definition of "park" in this context is two-fold, we must allow for both usages in an urban area such as Del Mar by finding a compromise solution. In this particular case, there is no demonstrated significant harm to the surrounding coastal environment from the existing trail given the already urban nature of the area, rather the current alignment and situation is a considerable improvement on the previous unconstrained trails and illegal parking lot. This is not a scenario in which a "perfect environment" can be recreated or is desired by the public in the context of the coastal act.

The use of the word "feasible" in the coastal act text is operative here. Section 30233(a)(7) allows for "nature study". Aligning the trail with a busy boulevard is hardly consistent with "nature study" and therefore I submit that the proposed realignment is not "feasible".

Relegating the Coast to Crest Trail to an alignment parallel to Jimmy Durante Blvd. is hardly what anyone has in mind in terms of the trail experience and potentially endangers the trail users for no good reason.

Please do not waste the valuable time, effort and money hundreds of enthusiastic River Park supporters expended on this short segment of the trail. Please leave the trail alignment as it currently is.

I would personally appreciate it if your staff's time and effort could instead be focused on completing the trail to the beach in my lifetime. This would be quite valuable to the public common good and consistent with the charter of the Commission as we the voters and citizens of California intended it to be and which I have come to expect and appreciate from the Commission.

Thank you,

Bill

William Proffer
Past President, San Dieguito River Valley Conservancy
P.O. Box 895
Del Mar, CA

Llerandi, Alexander@Coastal

From: betty dehoney <bdehoney@gmail.com>
Sent: Tuesday, March 10, 2015 8:30 AM
To: Lester, Charles@Coastal; Llerandi, Alexander@Coastal; San Dieguito River Park and Conservancy
Subject: Permit #6-04-088-A12

As an environmental professional with over 30 years of experience preparing environmental documents and permitting projects, including actions in the Coastal Zone, I fully support the retention of the Boardwalk. These types of facilities support:

1. Coastal access by the community in a responsible manner
2. Educational opportunity for our youth
3. Minimize adverse effects on the natural resources by confining pedestrian access to specific areas

These attributes of the project meet the CCC guidelines and policies. I fully support the access of our community into areas that support sensitive resources in a responsible manner. It is important for our community, particularly the youth, to be exposed to these resources in a manner that they become responsible stewards and support efforts to protect our resources.

Betty Dehoney, CEP, PMP, ENV SP

Llerandi, Alexander@Coastal

From: gkitchen@sdsc.edu
Sent: Tuesday, March 10, 2015 9:52 AM
To: Llerandi, Alexander@Coastal
Subject: Permit #6-04-088-A12. Please do not move the SDRP Boardwalk

Re: Permit #6-04-088-A12

Mr Llerandi,

Please read this. I'd like you to know how important having the SDRP boardwalk near the river is for me and I can't get off work in Rancho Bernardo to go to your meeting in Chula Vista tomorrow when you discuss its fate.

I wouldn't be a volunteer without the boardwalk. I live in Solana Beach, within a mile of SDRP's Lagoon Trail, but I did not know about the trail until recently. When driving north on Hwy 5 I saw the dirt road that parallels the highway, but it is a long way from the water and the thought of walking it wasn't appealing. Three years ago a friend who is a docent at Blue Sky Reserve in Poway suggested that we go on a bird walk at the Lagoon Trail led by an expert from Audubon and then walk to the fairgrounds for a home show. That was when I learned about the trail near the river on the west side of Hwy 5.

The next day I walked the Lagoon Trail with another friend, starting from the west this time. We stopped on the boardwalk for 15 minutes or more to watch a great blue heron fishing in the water nearby. We saw gorgeous white egrets, a telephone wire full of cormorants, and a river full of ducks, teals, and grebes – although I didn't know what any of the birds were at the time. My friend and I donated to SDRP soon after and our names are on plaques on the boardwalk.

I started volunteering with SDRP within a couple of months. Despite working full time, I put in over 500 volunteer hours last year. I do frequent trail patrols, hiking various sections of the Coast to Crest trail, not only on the coast but inland as far as Santa Ysabel. The Lagoon Trail is still my favorite, and I hike it at least three times a week. I have mentored three other people who are now trail patrollers too. I took Coastkeeper's class so I could do water quality monitoring with the rangers at the lagoon once a month. I write articles for SDRP's monthly newsletter. The company I work for, Teradata, gives employees two four-hour blocks of paid time off to do volunteer work each quarter and I join the Friday morning Dust Devils at the lagoon to do habitat restoration and trail maintenance. Teradata has given SDRP two grants to purchase native plants for the lagoon, and last year my office won "volunteers of the year" and gave the \$1000 award to SDRP.

None of this would have happened without the boardwalk and the rest of the trail west of Hwy 5 being close to the water. Coastal scrub is not beautiful to most people, including me. We need to be close to the wildlife and the water in order to care about the habitat. I truly do not think the birds care that the boardwalk bisects their habitat now that the fairgrounds is not allowed to park right up against the boardwalk any more. I could show you photos of killdeer, grebes, egrets, and dozens of other birds going about their business within yards of me on the boardwalk, no more concerned than if I were a rabbit.

Please leave the SDRP Lagoon Trail Boardwalk where it is.

Ginni Kitchen
171 Del Mar Shores Ter
Solana Beach, CA 92075
858-755-4901

Llerandi, Alexander@Coastal

From: Heidi Acosta <hacosta@san.rr.com>
Sent: Tuesday, March 10, 2015 11:19 AM
To: Lester, Charles@Coastal; Llerandi, Alexander@Coastal
Subject: Permit #6-04-088-A12

Re: San Dieguito Lagoon Boardwalk Trail

Save the boardwalk! I walk the trail many times throughout the year and encourage friends and visitors to do the same. I have purchased a plank for my father. The boardwalk is a wonderful resource and helps to explain the value of the San Dieguito River.

Heidi Acosta
Member of SDRVC

Llerandi, Alexander@Coastal

From: Sarb, Sherilyn@Coastal
Sent: Tuesday, March 10, 2015 1:24 PM
To: Llerandi, Alexander@Coastal
Subject: FW: March meeting.Permit#6-04-088-A12 San Dieguito Boardwalk removal

For the file

Sherilyn Sarb, Deputy Director
California Coastal Commission
San Diego District (619)767-2370
South Coast District, Orange County (562)590-5071 ssarb@coastal.ca.gov -----Original Message-----
From: Lester, Charles@Coastal
Sent: Tuesday, March 10, 2015 12:56 PM
To: Sarb, Sherilyn@Coastal
Subject: FW: March meeting.Permit#6-04-088-A12 San Dieguito Boardwalk removal

From: Reid, Freda [freid@ucsd.edu]
Sent: Tuesday, March 10, 2015 10:37 AM
To: Lester, Charles@Coastal
Subject: March meeting.Permit#6-04-088-A12 San Dieguito Boardwalk removal

Coastal Commission Board : March meeting. Chula Vista Permit #6-04-088-A12

PLEASE DO NOT REMOVE THE BOARDWALK at San Dieguito lagoon

- * This is a valued part of our lagoon area, much used by many including elderly and children.
 - * It is treated with respect as a part of a valuable remnant of the original coastal landscape.
 - * Its construction was a perfect example of public/private/fairgrounds/city cooperation.
 - * It was funded by donations from many entities and has a physical record of this generosity on the construction boards.
 - * The Rotary Club of Del Mar/Solana Beach/Carmel Valley area was instrumental in a massive day long effort to complete the structure along with San Dieguito River park members. This sort of cooperation is rare and should not be negated by removal of the results of the work.
- We have fought and worked for this structure for many years. Please respect our desires to keep it in place.

Freda and Joseph Reid 1105 Cuchara Dr Del Mar

Llerandi, Alexander@Coastal

From: Lester, Charles@Coastal
Sent: Monday, March 09, 2015 1:09 PM
To: Llerandi, Alexander@Coastal; Sarb, Sherilyn@Coastal
Subject: FW: Item: CDP No. 6-04-088-A12

Charles Lester
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105
(415) 904-5203
www.coastal.ca.gov



CALIFORNIA
COASTAL
COMMISSION

From: Pam Heatherington [<mailto:pjheatherington@gmail.com>]
Sent: Monday, March 09, 2015 12:40 PM
To: Lester, Charles@Coastal
Subject: Item: CDP No. 6-04-088-A12

March 9, 2015

California Coastal Commission
ATTN: Charles Lester, Executive Director
Via electronic mail
Re: CDP No. 6-04-088-A12

Dear Director Lester,

I am writing to you in support of staff's recommendation to deny the proposed amendment to Coastal Development Permit (CDP) No. 6-04-088, specifically the Appeal to delete Special Condition No. 6(d) of the original permit.

The original Coastal Development Permit considered the future restoration project in issuing the placement of the boardwalk as an interim location until restoration takes place. The time has come to restore the South Overflow Lot to its natural (or as natural as feasible) state. Leaving the boardwalk in its present place goes against the ESHA policies under the Coastal Act, Chapter 3, and Article 5. While the environmentally sensitive habitat areas are currently disturbed, restoration can only take place if the area is returned to a natural state. The boardwalk bisects the area most in need of restoration and should be moved to the inland edge site to assure the restoration is effective.

EXHIBIT NO. 6
APPLICATION NO.
6-04-088-A12

Letter of Support for
Staff Alignment

I support staff's position because of the importance in preserving and restoring as much environmentally sensitive habits as possible before it is all gone. While many groups and individuals have asked you to support the Appeal, the Coastal Act does not support permanent placement of the boardwalk in an ESHA.

Thank you for this opportunity to submit this letter to the Commission.

Sincerely,

Pam Heatherington
16973 Hierba Dr.
San Diego, CA 92128
858-524-6979
805-835-1833

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT
1385 8th Street, Suite 130
ARCATA, CA 95521
(707) 826-8950



MEMORANDUM

FROM: John D. Dixon, Ph.D.
Ecologist

TO: Alex Llerandi

SUBJECT: Effects of pedestrian traffic on wildlife

DATE: March 9, 2015

Documents reviewed:

Borgmann, K.L. No date. A review of human disturbance impacts on waterbirds. A report by Audubon California based on a review of 111 studies of the effects of human disturbance on waterbirds, waterfowl, and shorebirds, with a focus on the results of 50 studies of those species likely to occur in the San Francisco Bay area. Accessed on 03-09-15 at: <http://ca.audubon.org/sites/default/files/documents/humandisturbanceimpactsreportfinal.pdf>

Burger, J. 1986. The effect of human activity on shorebirds in two coastal bays in northeastern United States. *Environmental Conservation* 13:123-130

Fernandez-Juricic, E., E.F. Zahn, T. Parker, and T. Stankowich. 2009. California's endangered Belding's savannah sparrow (*Passerculus sandwichensis beldingi*): Tolerance of pedestrian disturbance. *Avian Conservation and Ecology* 4:1-15. Online at: <http://www.ace-eco.org/vol4/iss2/art1>.

Glover, H.K., M.A. Weston, G.S. Maguire, K.K. Miller, and B.A. Christie. 2011. Towards ecologically meaningful and socially acceptable buffers: Response distances of shorebirds in Victoria, Australia to human disturbance. *Landscape and Urban Planning* 103:326-334.

Pryde, P.R. 2015. Letter to California Coastal Commissioners in opposition to the staff recommendation of denial for an amendment to Coastal Development Permit 6-04-088-A12 received March 5, 2015.

Rodgers, J.A. Jr. and H.T. Smith. 1997. Buffer zone distances to protect foraging and loafing waterbirds from human disturbance. *Wildlife Society Bulletin* 25:139-145

Valente, J.V. and R.A. Fischer. 2011. Reducing human disturbance to waterbird communities. DOER Technical Notes Collection. ERDC TN DOER-E29. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

It has been suggested that pedestrian use of boardwalks through wetlands does not have a negative effect on birds (Pryde 2015). Although there is much anecdotal evidence of particular birds tolerating human presence, 40 years of scientific studies reported in well over 100 peer-reviewed articles in scientific journals have demonstrated that human activities, including simply walking, do have significant negative impacts on a taxonomically diverse group of birds, including shorebirds, wading birds, and waterfowl. A few review articles are listed ab

EXHIBIT NO.

APPLICATION N

6-04-088-A1

Memo on Traffic
Impacts on Wildl

Most studies are based on observing the response of birds to human activities at various distances, or by experimentally approaching birds and observing their response. The basic metric reported is generally the "flight initiation distance" or FID, which is also referred to as the flushing distance. The average flushing distance for most birds that are likely to be found in coastal saltmarsh habitats is between about 20 m (65 ft) and 60 m (196 ft), depending on species (e.g., Valente & Fischer 2011, Glover et al. 2011, Rogers & Smith 1997). Herons and egrets tend to flush sooner (i.e., at greater distances). To reduce impacts from walking and other activities Audubon California (Borgmann nd) recommends a buffer or set back from bird habitat of 250 m (820 ft). However, the studies upon which this recommendation was made included boating. In the literature reviewed, the recommended setbacks from shorebirds, wading birds, and waterfowl for pedestrian activities varied from 30 m (98 ft) to 245 m (804 ft), depending on species and study, and averaged 120 m (394 ft). Other reviewers have recommended 100-m (328-ft) buffers to protect against disturbance from pedestrians, vehicles, and boats (Rodgers and Smith 1997). In that review, the average flushing distance from walkers was 26 m (85 ft).

A species of particular concern in the San Dieguito wetlands is the resident Belding's savannah sparrow, an endangered species. A recent study in southern California (Fernandez-Juricic et al. 2009) examined the effects of hikers on trails and found Belding's savannah sparrows took flight when hikers on defined paths approached to an average distance between 12 m (39 ft) and 19 m (62 ft), depending on the situation, but showed changes in behavior before that. These authors recommend keeping hikers at least 63 m (207 ft) away from Belding's savannah sparrow breeding territories or heavily used areas.

It is clear that a pedestrian path through the middle of a tidal saltmarsh will reduce the benefits of the restored habitat to native wetland birds.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



W31a

Filed: 10/8/14
180th Day: 4/6/15
Staff: A. Llerandi-SD
Staff Report: 2/5/15
Hearing Date: 3/11-13/15

STAFF REPORT: AMENDMENT

Application No.: 6-04-088-A12

Applicant: San Dieguito River Park Joint Powers Authority

Agent: Shawna Anderson

Location: 2260 Jimmy Durante Blvd, Del Mar, San Diego County
(APN: No. 299-042-01, 299-042-02, 299-003-04)

Original Project Description: Application from Southern California Edison and San Dieguito River Park Joint Powers Authority for implementation of the San Dieguito Wetland Restoration Plan and construction of a portion of the Coast to Crest Trail.

Proposed Amendment: Allow the boardwalk segment of the Coast to Crest Trail to remain in its current alignment rather than be relocated to the inland edge of the restored wetland, through deletion of Special Condition No. 6(d) that identifies the boardwalk as an interim use until such time as the South Overflow Lot is restored to functional wetland habitat.

Staff Recommendation: Denial

SUMMARY OF STAFF RECOMMENDATION

The applicant proposes to amend Coastal Development Permit (CDP) No. 6-04-088 to delete Special Condition No. 6(d) of the original permit which identifies the existing 1,200-foot boardwalk section of the Coast to Crest Trail located in the South Overflow Lot (SOL) as an interim use until such time as the SOL is restored to functional wetland habitat; then at the time of such restoration, the condition requires the relocation of this Coast to Crest Trail segment to be coordinated with the final wetland restoration plans as addressed in a subsequent permit. Approval of this amendment to delete Special Condition No. 6(d) would allow the boardwalk to remain in its current alignment within the wetland restoration area rather than be relocated to the inland edge of the restored wetland approved pursuant to CDP No. 6-12-067. If retained in its current alignment the boardwalk would occupy land that would otherwise facilitate further restoration and ecological connectivity within the restoration site. Contrary to representations by the applicant and members of the public, denial of this amendment would not result in complete removal of the boardwalk segment, but would require it to be relocated to the inland edge of the restored wetland.

The primary Coastal Act issues that are associated with this project include public access and habitat protection. The trail section considered by this amendment is part of the larger Coast to Crest Trail, a public trail system that when finished will extend from the Pacific Ocean to Volcan Mountain near Julian, 70 miles away. The portion of the trail between its origin at Jimmy Durante Boulevard and El Camino Real to the east was identified, mapped, and approved by the Commission in the underlying CDP at the October 2005 hearing. Currently, the boardwalk runs along the San Dieguito River and provides public access to views of the river and habitat for pedestrians and bicyclists, while providing educational opportunities to the public. The question raised by the proposed amendment is whether the boardwalk segment should be permitted to remain in its current alignment, which bisects the restoration site, or be relocated along the inland edge of the newly restored wetland area in the SOL. Significant habitat protection issues are at stake because the existing alignment of the boardwalk trail through the South Overflow Lot currently occupies land within the restoration site that could become additional wetland habitat, as well as filling an area that could otherwise enhance the hydrologic connectivity from the restoration site to the larger estuarine system. Furthermore, if allowed to remain in its current location, the boardwalk would also introduce significant human interaction that could further degrade the biological productivity within the restoration site. Relocation of the boardwalk from its current orientation at the river to the inland edge of the restoration site could affect the physical and visual access currently afforded by the boardwalk in this location; however, similar benefits would still be available if the boardwalk were to be relocated inland along the perimeter of the restoration site. Furthermore, the existing boardwalk components – including donor nameplates on the planks – could be reused in the new alignment and provide the same historic and aesthetic contributions currently afforded by the existing boardwalk design.

In light of the requirement to restore the South Overflow Lot to wetland habitat and the adjacent location available to relocate the boardwalk that would preserve the existing

public access and educational benefits provided by the trail, the proposed amendment that would maintain the boardwalk in its current alignment contradicts the intent of the Commission's action in the underlying permit and subsequent actions and fails to meet the standard for the least environmentally damaging alternative. The boardwalk and supporting fill currently occupies land that could be converted into approximately 1.0 acres of wetland habitat. Furthermore, the realigned boardwalk would still run adjacent to the restored wetland habitat and be at an elevation where views of both the wetlands and the larger river valley would remain available. The original Commission approval of Special Condition No. 6(d) in the underlying permit balanced the interest of protecting natural resources on the subject site while still accommodating public access and educational opportunities. Past Commission action both in the underlying permit and in related permits regarding this site have explicitly addressed the presence of the boardwalk. The Commission has consistently reiterated that the boardwalk's location was approved as an interim fixture and that the ultimate location would be addressed in connection with the larger wetland restoration design for the South Overflow Lot, in order to maximize the restoration potential across the site as a whole. Thus, the proposed amendment is inconsistent with Chapter 3 of the Coastal Act, as well as the record and intent of the Commission's past actions, and staff recommends denial.

Commission staff recommends **denial** of coastal development permit amendment 6-04-088-A12.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Existing Trail Map](#)

[Exhibit 3 – Restoration and Trail Relocation Plan](#)

[Exhibit 4 – Memo from Dr. John Dixon, Commission Staff Ecologist](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit Application No. 6-04-088-A12 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **NO** vote on the foregoing motion. Failure of this motion will result in denial of the permit amendment and adoption of the following resolution or findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby denies coastal development permit amendment 6-04-088-A12 and adopts the findings set forth below on grounds that the development as amended will not be in conformity with the policies of Chapter 3 of the Coastal Act and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have not been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. FINDINGS AND DECLARATIONS

A. AMENDMENT PROJECT DESCRIPTION

The proposed amendment is to modify Coastal Development Permit No. 6-04-088 by deleting Special Condition No. 6(d), which identified the existing wooden boardwalk segment of the Coast to Crest Trail within the South Overflow Lot as an interim use, and that relocation of the trail segment would be addressed through the permit for restoration of the South Overflow Lot to wetland habitat. Specifically, the Special Condition states, in relevant part:

6. Final Coast to Crest Trail Plans. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE TRAILS AND WITHIN 18 MONTHS OF COMMISSION ACTION ON THE PERMIT, the applicants shall submit final plans for construction of the coastal segment of the Coast to Crest Trail commencing at Jimmy Durante boulevard and ending at the proposed weir or inland extent of the restoration work. Said plans shall be in substantial conformance with the trail alignment shown in the Wetland Delineation for the Proposed San Dieguito River Park Coast to Crest Trail San Diego, California prepared by Tierra Environmental Services, Inc. and revised July 14, 2005, and

City of Del Mar Sheets 36-46 dated 6/17/05 and City of San Diego Sheets 73-89 dated 5/26/05, and shall include the following revisions. Upon written approval by the Executive Director of trail plans for segments 1 through 8, the JPA may commence construction of segments 1 through 3 in accordance with the approved plans and written authorization by the Executive Director.

- a. The trail segment including the boardwalk (Segment 1a-1b) shall be designated pedestrian only.*

[...]

- d. A note indicating the following: the boardwalk (segment 1b) is an interim use in the approved alignment within non-vegetated wetlands in the South Overflow Lot until such time as the South Overflow Lot is restored to functional wetland habitat. The location of the boardwalk shall be addressed in the coastal development permit for the wetland restoration of the South Overflow Lot and the boardwalk may be relocated at that time.*

[...]

Currently, the boardwalk is located along the southern rim of the South Overflow Lot, directly adjacent to the San Dieguito River [\[Exhibit 1 and 2\]](#). This area is slated to be restored to functioning wetland habitat by the property owner – 22nd District Agricultural Association (22nd DAA) – pursuant to separate a Commission permit (CDP No. 6-12-067). Upon working with 22nd DAA to finalize the restoration plans through condition compliance, and at the recommendation of the staff ecologist Dr. John Dixon, Commission staff required that the boardwalk segment be realigned northward of the existing alignment so as to run along the inland perimeter of the restored wetlands, as opposed to its existing alignment that extends directly through the restoration site [\[Exhibit 3 and 4\]](#). This alternative trail alignment will increase wetland acreage by approximately 12% (an additional 1.0 acres of restored habitat) compared to retaining the boardwalk segment in its current alignment, while still maintaining a public access path through the South Overflow Lot that preserves existing educational and viewing experiences of the adjacent wetland ecosystem.

The JPA as applicant for the trail permit requests that the boardwalk segment be retained in its current alignment because relocation to the northern boundary of the restoration area, as opposed to its current location along the southern boundary, would diminish current educational benefits afforded by the existing trail alignment. The applicant alleges these public access benefits outweigh the significant habitat benefits gained from the additional wetland acreage that would arise from the realignment of this trail segment.

B. DESCRIPTION OF ORIGINAL PROJECT AND SUBSEQUENT AMENDMENTS

The San Dieguito Wetland Restoration Plan was proposed primarily to meet the requirements of Coastal Development Permit No. 6-81-330 to mitigate adverse impacts to

the marine environment occurring through operation of the San Onofre Nuclear Generating Station (SONGS) Units 2 and 3. Southern California Edison (SCE), the principal owner of SONGS, was required to provide approximately 150 acres of new, or significantly restored, wetland habitat. Maintenance of the lagoon tidal inlet was considered a key component of the restoration plan and SCE was therefore granted 35 acres of wetland mitigation credit for agreeing to maintain the inlet in an open condition in perpetuity. Coastal Development Permit No. 6-04-88 for the construction of the wetland restoration project included these requirements. Additional components of the restoration project included the construction of three berms adjacent to the San Dieguito River to confine existing flows and maintain sediment transport to the ocean, bank protection for portions of the berms, culverts in the berms to help balance water levels and a weir to eliminate any backwater effect on the upstream river channel, the creation of four new nesting sites and rehabilitation of an existing site for the California Least Tern and Western Snowy Plover, the creation of treatment ponds to filter freshwater runoff and reduce freshwater flows into the restored tidal wetlands, the construction of a public access trail, including interpretive signage, and improvements to beach access, the upland and beach disposal of excavated material, and maintenance and monitoring programs. The San Dieguito Wetland Restoration Plan encompasses almost the entire San Dieguito River Valley west of El Camino Real, although SCE is only responsible for restoring a portion of that area. Other portions of the restoration plan will be implemented by the San Dieguito River Park Joint Powers Authority (JPA). The permit was originally approved by the Commission on October 12, 2005. Since that time, there have been several amendments as follows:

- 6-04-088-A1: Immaterial amendment to modify the language of Special Condition No. 4 related to the timing of berm construction. Approved August 10, 2006.
- 6-04-088-A2: Material amendment to remove approximately 4,000-5,000 cubic yards of material along an 800' long, 60' wide road and berm. Approved July 7, 2007.
- 6-04-088-A3: Withdrawn August 7, 2007.
- 6-04-088-A4: Material amendment for the replacement of restoration module W45 with restoration module W16, modification of the timing for the construction of public beach accessways, and modifications to the special condition regarding a riverbank revetment. Approved June 9, 2010.
- 6-04-088-A5: Immaterial amendment to modify the language of Special Condition #8 regarding coastal sage scrub mitigation for the trail and treatment ponds. Approved October 11, 2007.
- 6-04-088-A6: Immaterial amendment to allow the use of 40-foot long, 20-foot wide bridges to cross the drainage channels on both sides of I-5 for the continuation of the Coast-to-Crest Trail instead of the use of open

bottom concrete culverts, resulting in a reduction of permanent wetland and upland impacts. Approved February 5, 2008.

- 6-04-088-A7: Immaterial amendment to establish a pedestrian-only trail along an existing slope stability bench on the engineered slope of Disposal Site 32 (DS32) located directly south of Via De La Valle. Approved October 9, 2009.
- 6-04-088-A8: Immaterial amendment to modify the location of coastal sage scrub mitigation sites required in Special Condition #8 as mitigation for impacts associated with the Coast to Crest Trail and Freshwater Treatment Ponds. Approved November 17, 2010.
- 6-04-088-A9: Immaterial amendment to modify the timing restriction placed upon the staging or storage of construction equipment on North Beach in association with dredging activities associated with the San Dieguito Wetland Restoration Project. Approved July 14, 2010.
- 6-04-088-A10: Material amendment to modify the location of wetland mitigation required in Special Condition No. 8 as mitigation for impacts associated with the Coast to Crest Trail and Freshwater Treatment Ponds, while adding the Mesa Loop Trail to the final plans. Approved September, 2011.
- 6-04-088-A11: Immaterial amendment to modify the approved location of permanent access roads within the San Dieguito Wetland Restoration Project used for maintenance and monitoring responsibilities. Approved September, 2012.

C. WETLANDS

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 of the Coastal Act states in relevant part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other

applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- 1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities;*
 - 2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basin, vessel berthing and mooring areas, ad boat launching ramps;*
 - 3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities;*
 - 4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
 - 5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas;*
 - 6) Restoration purposes;*
 - 7) Nature study, aquaculture, or similar resource dependent activities*
- (b) Dredging and spoils shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.*

[...]

Virtually the entire Fairgrounds property was created by filling tidelands back in the 1930's. Although most of the site is now developed, there are several areas which still contain seasonal wetland resources, including the SOL, which comprises approximately 12 acres in total area (both Phase I and Phase II combined) [[Exhibit 1](#)]. In addition, all of the Fairgrounds is within the 100-year floodplain of the adjacent San Dieguito River and experiences periodic inundation during average winter rainy seasons.

Historically, the SOL was used by the 22nd DAA as public parking during the annual summer county fair and race seasons. According to historical and more recent photographs of the site, when the SOL has not been used for parking, sparse wetland

vegetation returned, and the area was used for resting and feeding by shorebirds and migratory species. Depending on the specific species, some nesting may also have occurred, although most species' nesting seasons continue into the summer months when the lot was historically used for parking.

The restoration of the SOL is being undertaken in two phases. The size and location of the SOL Phase I restoration was a result of discussions between the 22nd DAA and the ACOE, and was found acceptable by ACOE to satisfy its enforcement action. The majority of the Phase I restoration project was intended to resolve a long-standing ACOE enforcement action, and was proposed in accordance with a restoration order from the ACOE (the SOL Phase II restoration is not a part of the ACOE enforcement action). The ACOE enforcement action was a result of unpermitted grading and stockpiling of soil on the SOL in June of 1990. The ACOE enforcement action requires the 22nd DAA to restore 2.14 acres of salt marsh habitat and additional areas of upland in the SOL in addition to restoring wetlands in other parts of the Fairgrounds. The Commission, in approving the CDP for the Phase I restoration, concurred with the siting for the restoration. The location of the Phase II restoration was designed to restore the balance of the SOL that remained available for restoration.

The SOL Phase II restoration plan that calls for the realignment of the boardwalk segment has been reviewed by Dr. Dixon, the Commission's staff ecologist, who has found that restoration will greatly enhance the habitat value of the subject site [\[Exhibit 4\]](#). Habitat restoration is an allowable use in wetlands under Section 30233. The proposed grading is necessary to lower existing elevations to historic levels in order to introduce tidal influences, which are necessary for the re-establishment of salt marsh habitat in the restoration area. The proposed wetland impacts are associated solely with actions necessary to remove sediments and re-contour the area for restoration of coastal salt marsh. Impacts have been minimized to the maximum extent feasible, and only grading that is necessary to restore habitat is proposed.

The portion of the SOL proposed to be restored currently functions as a disturbed wetland during parts of the year. However, the proposed project will significantly improve the functionality of the wetland habitat to a significantly enhanced capacity. Existing vegetation on the SOL restoration area consists of some incidental nonnative species such as ice plant and grasses, although the majority of the site is bare compacted dirt. The restoration of Phase II of the SOL that leaves the existing boardwalk in place would result in 9.55 acres of sub tidal, salt marsh, and upland transitional habitat. The upland transitional habitat does not meet the criteria of "wetland," and thus the SOL Phase II restoration that retains the boardwalk in its current location would result in 7.63 acres of wetland habitat.

The applicant has stated that the boardwalk is elevated on piers that keep the surface above the grade of the soil, and thus retention of the current alignment shouldn't preclude restoration of the supporting berm to wetlands. However, the boardwalk is constructed on piers and posts with the posts simply resting on the substrate, the area under and around the boardwalk must remain upland and above the reach of the tides to prevent eroding the boardwalk supports. Additionally, this claim does not recognize that retention of the

boardwalk segment would give rise to shading impacts on the soils beneath the boardwalk, which would detrimentally impact the restoration efforts. Furthermore, the piers supporting the boardwalk will increase the likelihood of siltation around the supports, burying the plant area and blocking the tidal flushing necessary to support restoration. Finally, the boardwalk could allow people and their pets to be above open water at times, increasing the likelihood of introducing detritus and waste directly into the coastal waters, negatively impacting water quality, along with disturbing the flora and fauna utilizing the restoration site. By realigning the boardwalk to the northern upland transitional boundary area, these impacts can be minimized or eliminated.

By realigning the boardwalk to the northern boundary of the restoration area, an additional 1.0 acre of prime wetland habitat will be gained (for an approximate total of 8.63 acres of wetland). Relocating the boardwalk to upland habitat would reduce the amount of non-wetland upland habitat by 0.74 acres. The Commission's staff ecologist further believes that the conversion of the current area of the boardwalk alignment into lower and mid-salt marsh will improve the hydrological connection between the restoration area and the adjacent river, by allowing for sheet flow rather than constraining the tidal connection to a single channel under a boardwalk bridge. Furthermore, by realigning the boardwalk through the transitional upland, potential adverse impacts to wetland species from pedestrian activity will be largely eliminated.

At the November 2013 hearing to approve CDP No. 6-12-067, which authorized year-round activity on the East Overflow Lot and Golf Driving Range portions of the Del Mar Fairgrounds and the impacts to the unvegetated wetlands contained therein, many stakeholders and members of the public – including the San Dieguito River Park JPA – stated on the record that the wetlands gained in compensation for permitting such year-round activity were inadequate when compared to historical mitigation ratios utilized by the Commission. Commission staff also recognized this need for additional restoration opportunities and by realigning the boardwalk to the northern boundary of the restoration area, additional acreage for this important wetland restoration can be achieved that would result in about a 12% increase of wetland acreage within Phase II of the SOL.

The Commission typically does not endorse public access paths through restoration sites. Public access paths are typically placed at the perimeter of restoration projects in order to facilitate maximum wetland habitat restoration and tidal circulation and to minimize disturbance. A path through the middle of a wetland habitat will result in human disturbance to sensitive wetland species, increase the risk of weed invasion, and increase the amount of refuse in the habitat. The proposed restoration project with the relocated trail would result in major habitat enhancement through the creation of additional native habitat and through increased wetland connectivity between the restoration area and the larger San Dieguito River system.

In most cases, the first 100 feet upland from a wetland is reserved as a buffer to provide transitional habitat between the actual wetland and permitted development. Although the size of an individual buffer can vary depending on site-specific circumstances, 100 feet is generally accepted as a minimum. A buffer provides a distance barrier and a percolating medium, and reduces the chance that any adverse impact associated with development

will find its way into the wetlands. In addition, buffers provide upland habitat that acts as a refuge area for birds and other species that use the various wetlands throughout the river valley.

In approving the Coast to Crest Trail and the original San Dieguito Wetland Restoration Project, the Commission approved trail alignments further inland from wetland resources and separated from restoration areas by a buffer of 100 feet whenever feasible. Commission staff is recommending that the realignment of the boardwalk segment in the SOL be located within an area of transitional habitat at the base of a slope below Jimmy Durante Boulevard [Exhibit 3]. Within the subject site, it is not feasible to provide for a 100 foot buffer from wetland habitats for a trail while still maximizing restoration potential across the site, so a compromise was reached that would place the trail proximate to the restoration site but still provided some separation from the wetlands within. The final location allows for close exposure to the wetland habitats for trail users, while still affording separation from the adjacent roadway and Fairgrounds development. This was done in recognition that the primary goal of the San Dieguito Wetland Restoration Project was to maximize habitat restoration and to minimize direct and indirect impacts arising from public access in the river valley, but also to acknowledge that providing a valuable public access experience to these sensitive coastal environments also is an important resource.

The realignment of the boardwalk segment of the Coast to Crest Trail currently recommended by the Commission properly balances the public access benefits of the boardwalk with the habitat restoration goals of the Commission's underlying action by realigning the boardwalk segment to a nearby location that retains public views and public access while expanding potential habitat area. Thus, the applicant's proposed permit amendment is not in conformance with the intent of past Commission action nor the resource protection policies of Chapter 3 of the Coastal Act, and must be denied.

D. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states, in part:

- (a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

[...]

- (c) *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

[...]

Section 30604 of the Coastal Act states, in part:

[...]

- (c) *Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).*

The Del Mar Fairgrounds, the property owned by the 22nd District Agricultural Association on which the subject boardwalk segment is sited, is located near the mouth of the San Dieguito River, west of Interstate 5 and east of Camino del Mar (Old Highway 101). It is between the river to the south and Via de la Valle, which is the first public east-west road north of the river. El Camino Real (east of the I-5) is currently the first continuous north-south public road east of the site. Thus, the entire Fairgrounds complex, including the project site, is located between the sea and first public roadway. As the 22nd DAA is another state agency, the property is in public ownership, and for the most part, the public can freely access various portions of the grounds, including the

riverfront, particularly when no formal events are taking place. The portion of the Del Mar Fairgrounds on which the boardwalk is located is called the South Overflow Lot (SOL). The SOL portion of the restoration is located south of the Del Mar Fairgrounds racetrack complex and is bounded by the San Dieguito River on the south and Jimmy Durante Boulevard on the north [[Exhibit 1](#)].

A portion of the Coast to Crest Trail is sited on Fairgrounds property, which enhances public access in this area [[Exhibit 2](#)]. The portion of the Coast to Crest trail within the SOL is built as a boardwalk slightly elevated on support fill. In this current location the trail provides access through and allows views of the river and the existing and restored wetlands. The coastal portion of the trail begins at the westernmost point of the SOL at Jimmy Durante Boulevard and continues east along the San Dieguito River, crosses underneath I-5, and continues to El Camino Real.

The original permit (CDP No. 6-04-088) for the San Dieguito Lagoon restoration project included the installation of the Del Mar segment of the Coast to Crest Trail, located along the northern perimeter of the lagoon and river channel. Special Condition No. 6 of the permit detailed the location of the trail and contained specific direction regarding trail construction and maintenance. The adopted findings supporting the Commission's approval of the original permit explicitly described the approved delineation of the Coast to Crest Trail and specifically detailed the subject segment – segment 1b in the underlying permit – as an interim use. Nowhere in the Commission's action was the boardwalk referred to or approved as a separate, distinct trail from the Coast to Crest Trail – they were treated as one and the same. Indeed, at the October, 2005, hearing, the applicant made a comment to the Commission trying to have that distinction entered into the approval; however, the Commission did not act on this request. The Commission's approval of the original CDP did recognize that the proposed Coast to Crest Trail created the benefit of formalizing pedestrians' access along a pre-determined path and eliminated the uncontrolled access across the yet-to-be restored wetlands, as well as providing viewing and nature study benefits. However, wetland surveys indicated that the proposed trail alignment would have direct and indirect impacts to existing wetland resources, which further supported the Commission's requirement that future trail location for this section of the Coast to Crest Trail be designed in concert with future restoration plans across the entire SOL.

Furthermore, the applicant has stated to Commission staff that the boardwalk is an amenity designed for pedestrian use only. However, many boardwalk users have stated to Commission staff that they use the boardwalk for activities other than walking, such as biking, exercising, or walking their pets. To date no information has been submitted to the Commission indicating that such actions have been detrimental to the structural integrity of the boardwalk, and thus such activities could continue on a realigned boardwalk alignment. The only use that could possibly be precluded from a boardwalk design would be equestrian use. However, such use has already long been prohibited west of Interstate 5 by Commission action due to the water quality impacts arising from animal waste related to equestrian use. Thus realignment of the 1,200 foot long boardwalk would have no impact on existing equestrian access along the remainder of the 55-mile trail system.

At the October 2005 hearing in which CDP No. 6-04-088 was brought before the Commission, the Commission's staff ecologist stated on the record that having a public access trail through restoration areas would cause impacts to wetlands and was, not an ideal development, and that the alignment was simply the least impactful of the alignments being considered at the time. This sentiment was echoed by various Commissioners during the motion to approve CDP No. 6-04-088. However, at the time of that original hearing, plans for restoration of the SOL were yet to be realized, and so the original permit included Special Condition No. 6(d) that allowed for the boardwalk section of the Coast to Crest Trail to be constructed in its current location as an interim use, with the provision that at the time that future restoration plans for the SOL were developed the ultimate location of the trail would be determined in concert with the final restoration design.

The Commission typically does not endorse public access through restoration sites. Public access paths are usually placed at the perimeter of restoration projects in order to facilitate maximum wetland habitat restoration and tidal circulation. In addition, a public access path traversing through the middle of a sensitive habitat area also has the potential to disturb wetland species and would likely increase the amount of refuse that enters the restoration area.

Pursuant to Section 30233 of the Coastal Act, the Commission acknowledged that proposed trail improvements, if sited appropriately, were permitted uses in wetlands at the time of CDP No. 6-04-088's approval. It should be noted that although the SOL periodically ponds water and is technically a wetland, it has been routinely scraped to remove vegetation and facilitate its use as a parking lot. As a result of this frequent disturbance, it provided few habitat functions at the time of the Commission's original action. The Commission found that the impacts to existing wetlands associated with the construction of a public access trail system were a permitted use within wetlands under then current conditions with acknowledgement that future restoration of the site might deem that no longer to be the case. Public Resources Code Section 30233 requires that for any use allowed within existing wetlands, the Commission must find the impacts to be the least environmentally damaging feasible alternative and that feasible mitigation measures have been provided to minimize adverse effects. In 2005, during the approval of the original permit, that finding could be made because the boardwalk was located along the periphery of the greater 150-acre San Dieguito wetland restoration, and studies indicated that the trail alignment would not occupy areas containing high quality wetland vegetation or where it would be subject to tidal influence. However, the Commission's approval also noted that the South Overflow Lot was historic wetland that, while "atypical" due to periodic disturbance arising from operation of the Del Mar Fairgrounds, was fully capable of being restored to viable functioning salt marsh.

It is no longer the case today that the existing boardwalk alignment represents the least environmentally damaging feasible alternative, which was foreseen when the original Special Condition No. 6 was drafted and approved by the Commission. Indeed, the Commission's report at the hearing approving CDP No. 6-04-088 stated that "due to the possibility that the south overflow lot may be restored to functional salt marsh habitat in

the future, Special Condition #6d acknowledges the boardwalk to be a *temporary interim use that may be relocated* in the future in association with any future wetland restoration of the south overflow lot.” [emphasis added]. Now that the 22nd DAA is coordinating with Commission staff to develop the final plan for that restoration, the Commission’s staff ecologist has recommended that the boardwalk segment be relocated to the northern periphery of the SOL restoration area to allow for greater habitat benefits from the proposed restoration.

At the March 8, 2012, hearing, the Coastal Commission approved Cease and Desist Order CCC-12-CD-02 and Restoration Order CCC-12-RO-02 (“Consent Order”), which, among other requirements, mandated the restoration of the SOL to functional wetland habitat. Specifically, Section 3.2.H, which addresses restoration of the SOL, states in relevant part:

Within (six) 6 months of the effective date of these Consent Orders, DAA shall submit, for the review and approval of the Commission’s Executive Director, a Removal, Restoration, Revegetation, and Monitoring Plan (“SOL Restoration Plan”) for the restoration of the SOL to a fully tidal salt marsh within thirty (30) months of Commission approval of a CDP for development or use on the EOL... This SOL Restoration Plan shall be harmonious with the San Dieguito Restoration Plan detailed in CDP 6-04-088...

The Commission once again foresaw the benefit of a relocated northern alignment for public access along the restored South Overflow Lot, and included in the approved Consent order Section 3.6.A, addressing mitigation, which further states, in relevant part:

DAA shall include the alignment of the Trail, from its terminus at the existing Boardwalk through the northern portion of the SOL, in the CDP application identified in Section 3.2.B of these Consent Orders. DAA will be responsible for construction of the trail, which shall be completed within thirty (30) days of completion of revegetation of the SOL pursuant to Section 4.4 of these Consent Orders...

The current wetland restoration being undertaken by 22nd DAA is actually the second of two phases for the full restoration of the SOL into wetland habitat [Exhibit 3]. At the November 2012 hearing, the Commission approved CDP No. 6-12-040, which authorized Phase I of the SOL restoration – and resulted in restoration of approximately 3.5 acres of salt marsh and related upland habitat. Phase I was handled in a separate CDP action from Phase II due to Phase I being partly driven by enforcement action by the Army Corps of Engineers (ACOE). Because the Commission understood that Phase I would be soon followed by the adjacent – and much greater – Phase II restoration, the Commission’s approval for Phase I restoration contained Special Condition No. 9, which stated:

9. Compatibility with South Overflow Lot (SOL) Phase II Restoration. *Changes to the SOL Phase I Restoration may be required in order to implement the SOL Phase II Restoration including, but not limited to, the following:*

a. Widening and/or deepening the three proposed spillover locations (Exhibit 7)

b. Grading of the entire berm that will separate the Phase I restoration from the remaining parking lot (and future Phase II restoration area) to wetland elevations consistent with the surrounding wetland topography

c. Realignment of the existing San Dieguito River Park Joint Powers Authority (JPA) public access trail within the entire SOL

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above.

Thus, the Commission once again reiterated that the boardwalk trail segment located within the SOL restoration area would possibly require realignment pursuant to the final restoration plan for the whole of the SOL to wetland habitat. The realignment did not occur in association with the approval of Phase I because Phase I only contained approximately 300 feet of the 1,200 foot boardwalk segment, and the exact parameters of the Phase II restoration were yet to be detailed between 22nd DAA and Commission staff.

When the preliminary SOL Phase II restoration plan was submitted to the Commission pursuant to CDP No. 6-12-067 (which approved the SOL restoration in accompaniment to year-round use of the East Overflow Lot and Golf Driving Range by the 22nd DAA) the plan depicted two trail alignment alternatives through the SOL – the current boardwalk segment alignment along the southern boundary of the restoration area and an alternate realignment along the northern boundary. Because the submitted plan depicted both possible alignments of the boardwalk, as well as information on the plant pallets and monitoring methods to be used in the restoration, the Commission was able to approve CDP No. 6-12-067 with a condition that a final plan be submitted as condition compliance that would include details regarding the ultimate trail location. The intent of this final plan condition was to identify the two alternative locations considered for the Coast to Crest Trail within the SOL, and was not meant to suggest that two separate trail segments should be considered for the subject site. The findings for CDP No. 6-12-067 further emphasized that proposed restoration plans may not adversely impact wetlands and should result in optimized habitat enhancement through the creation of additional native habitat and through increased wetland connectivity to the larger estuarine system. To this end, Dr. Dixon has identified the northern alignment of the boardwalk as the biologically superior alternative that would maximize wetland restoration efforts at the SOL site [[Exhibit 4](#)].

The applicant contends that the alternative trail alignment depicted on 22nd DAA's submitted plans represent the final location of the actual Coast to Crest Trail, and presents that the boardwalk is a distinct public access resource that, while connected to the trail, is unrelated to Commission action governing the Coast to Crest Trail, and thus is not subject to a realignment as described in Special Condition No. 6(d) of the original CDP. Analysis of the original staff report and the record from the October, 2005, hearing

approving the original permit, as well as findings from subsequent Commission actions clearly demonstrate that this depiction by the applicant is counter to the position taken by the Commission consistently through the permit history for the subject trail segment. The Commission has never represented the boardwalk segment of the Coast to Crest Trail as distinct from the larger trail itself, and indeed, all 8 segments in the original permit were all treated and addressed as smaller and linked components of the larger Coast to Crest Trail at the hearing that approved the trail along with the greater San Dieguito Wetland Restoration Project.

The portion of the trail crossing the SOL was conditioned for pedestrians only as part of the Commission's approval of the San Dieguito Wetlands Restoration (CDP No. 6-04-088), conducted by Southern California Edison and approved by the Commission as mitigation for the San Onofre Nuclear Generating Station's impacts on fish populations. The raised boardwalk minimizes impacts to the delineated wetlands currently existing on the project site by channeling traffic across the site and minimizing the potential for people to wander through the wetland adjacent to the river. The elevated boardwalk provides views of the river without needing to walk through habitat to get close enough to see the water, and, in combination with the presence of informational kiosks, plays an important role in public education of the local ecology.

However, in previously approving the boardwalk in its current location, it was noted on the approved plans that "...[t]he location of the boardwalk shall be addressed in the coastal development permit for the wetland restoration of the South Overflow Lot [SOL] and the boardwalk may be relocated at that time." Throughout the San Dieguito River Valley, trail segments of the Coast to Crest Trail were constructed with a buffer of 100 feet between the trails and wetland habitat areas, except where constraints limited the distance that the trail could be constructed away from sensitive habitats. This buffer was implemented in order to allow for valuable public access and visual interaction with the natural environment, while minimizing disturbance to the sensitive ecological systems present within the restoration site. If the boardwalk were permitted to persist in its current location and the habitat bisected indefinitely, sensitive ecological systems would likely be disturbed. By moving the boardwalk section north along the perimeter of the restoration site, as was accepted by the Commission staff as a part of the condition compliance for CDP No. 6-12-067, this conflict between public access and biological resources would be minimized in a manner consistent with the other Commission approvals for the surrounding area.

The applicant suggests that relocating the boardwalk from its current location to an alignment along the northern boundary of the SOL restoration site would substantially impact the educational value of the boardwalk. The boardwalk in its realigned location would still border the restoration area of the SOL and would be at an elevation below the adjacent roadway and Fairgrounds complex in order to buffer the natural experience from the surrounding uses. Furthermore, due to the low, flat grade of the SOL (which will actually become lower in parts once the tidal channels are dug) and the higher elevation of the transitional upland in which the realigned trail would be located, views of the San Dieguito River and the river valley beyond will still be available. The applicant's position does not recognize the fact that the trail alignment recommended by the Commission

would also still retain viewing platforms at the eastern and western terminus of the existing boardwalk alignment, providing pedestrians with additional visual access to observe the river valley [Exhibit 3]. These areas provide space for informational kiosks and allow for additional river-side views of the wetlands while still directing the majority of through traffic along the perimeter of the restoration site.

Finally, the applicant states that the boardwalk design includes a significant community enhancement comprised of the actual boardwalk structure and design that would be lost if the trail were realigned. There is no evidence that the boardwalk structural components could not be repurposed in a realigned trail location. The entire existing boardwalk components – including donor nameplates on the planks – could be reused in the new alignment and provide the same historic and aesthetic contributions currently afforded by the existing boardwalk design.

Thus, for the reasons stated above, the applicant's proposed amendment is contrary to the intent of past Commission action and is not in conformance with the public access policies of Chapter 3 of the Coastal Act, and must be denied.

E. LOCAL COASTAL PLANNING

The Cities of Del Mar and San Diego have fully certified Local Coastal Programs (LCPs) and issue their own coastal development permits (CDPs) throughout most of their coastal zone areas. However, the subject site is an area of filled tidelands within wetlands; this area remains under the Coastal Commission's jurisdiction, and Chapter 3 of the Coastal Act is the legal standard of review. Parts of the restoration project are located in the Torrey Pines Community Plan for North City in the San Diego LCP, with the rest located in the City of Del Mar's LCP jurisdiction. Both LCPs call for protection and enhancement of natural resource areas, and the overall restoration plan was found consistent with both LCPs. The proposed project serves to protect the resource value of the area, and is thus consistent with both LCPs. Therefore, the Commission finds that the proposal, as conditioned, will not prejudice either City's ability to continue implementation of its certified LCP.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080(b)(5) of CEQA, as implemented by section 15270 of the CEQA Guidelines, provides that CEQA does not apply to projects which a public agency rejects or disapproves. The Commission finds that denial, for the reasons stated in these findings, is necessary to avoid the significant effects on coastal resources that would occur if the amendment were approved. Accordingly, the Commission's denial of this project represents an action to which CEQA, and all requirements contained therein that might otherwise apply to regulatory actions by the Commission, do not apply.

Even if CEQA did apply, Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. As discussed above, the proposed removal of Special Condition No. 6d in order to retain the existing boardwalk is inconsistent with the policies of Chapter 3 of the Coastal Act. The proposed amendment would pose risks to the integrity of the surrounding environmentally sensitive areas and future restoration efforts. In addition, there are feasible alternatives to the proposed amendment available which would substantially lessen any significant adverse impact which the activity may have on the environment.

APPENDIX A

- Coastal Development Permit No. 6-04-088
- Cease and Desist Order CCC-12-CD-02 and Restoration Order CCC-12-RO-02
- Coastal Development Permit No. 6-12-040
- Coastal Development Permit No. 6-12-067



EXHIBIT NO. 2
APPLICATION NO.
6-04-088-A12

Trail Map

San Dieguito River Park Coast to Crest Trail

Figure 4.17. Coast to Crest Trail Plan

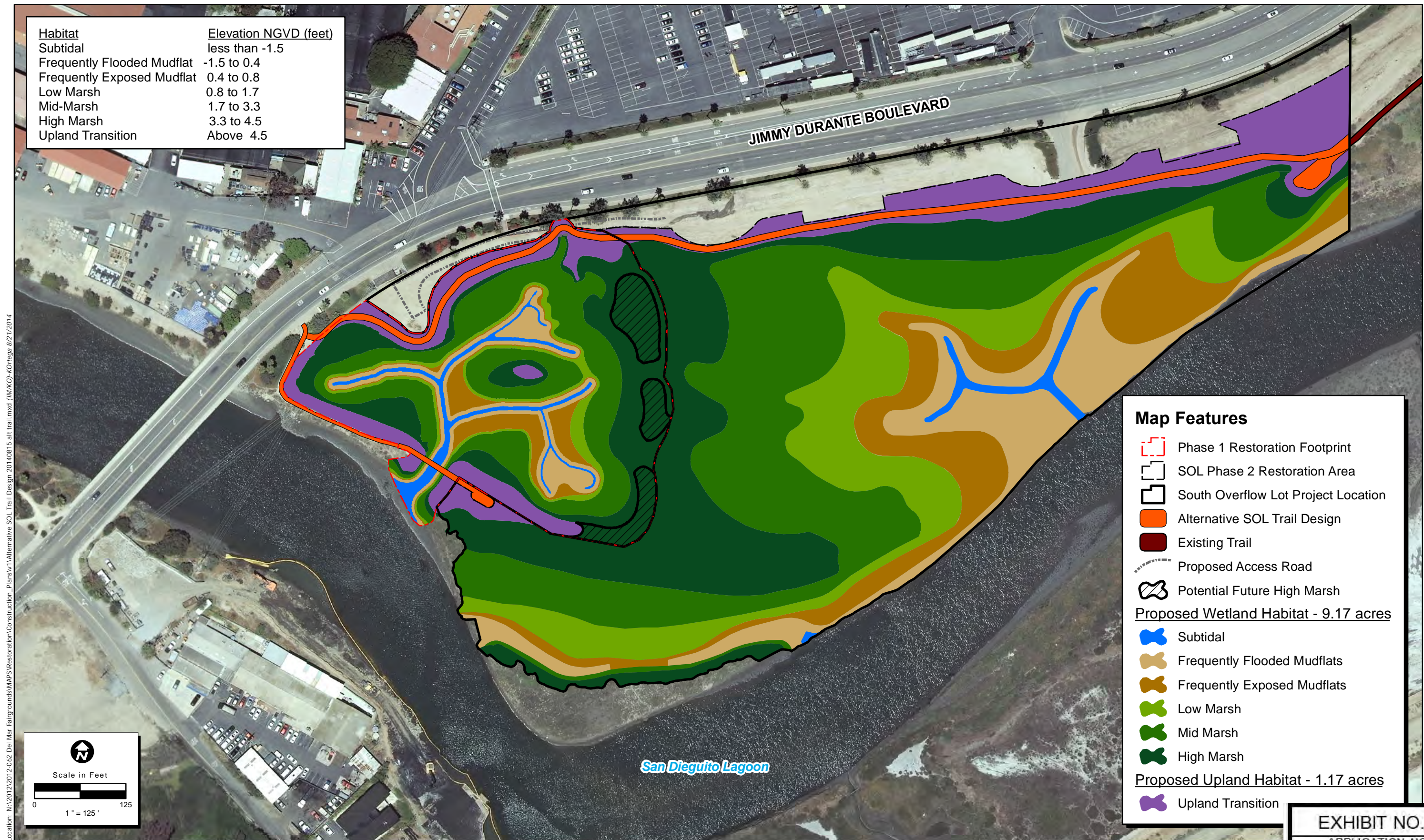


Figure 3. Conceptual Phase 2 Alternative SOL Trail Design Exhibit

2012-062 Del Mar Restoration



EXHIBIT NO. 3

APPLICATION NO.

6-04-088-A12

Restoration and Trail
Realignment Plan

California Coastal Commission

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT
1385 8th Street, Suite 130
ARCATA, CA 95521
(707) 826-8950

**MEMORANDUM**

FROM: John D. Dixon, Ph.D.
Ecologist

TO: Alex Llerandi

SUBJECT: JPA CDP Amendment Regarding the Boardwalk Trail

DATE: February 18, 2015

Documents reviewed:

Ecorp Consulting, Inc. 2014a. Habitat restoration, maintenance, and monitoring plan for the south overflow lot Phase II of the Del Mar Fairgrounds. A report to Atkins North America and the 22nd District Agricultural Association dated August 2014.

Ecorp Consulting, Inc. 2014b. Conceptual revised habitat restoration plan incorporating removal of boardwalk and berm for the south overflow lot Phase II of the Del Mar Fairgrounds. A report to Atkins North America and the 22nd District Agricultural Association dated August 2014.

Gill, J. (Army Corps of Engineers). 1993. Letter (Restoration Order) dated April 28, 1993 to 22nd District Agricultural Association regarding a June 1990 fill of wetlands in violation of the Clean Water Act and requirement for restoration of 2.1 acres of salt marsh wetlands.

Henderson, B. (Army Corps of Engineers). 1994. Letter dated March (day illegible), 1994 to P. Butler (22nd District Agricultural Association) regarding a wetland delineation of fairground property east of Jimmy Durante Boulevard conducted by ACOE and Environmental Protection Agency in 1993.

Although delineated by the Army Corps of Engineers (Corps) as a jurisdictional wetland (Henderson 1994), the south overflow parking lot of the Del Mar Fairgrounds has been used periodically for parking for many years (e.g., Figure 1). This has entailed periodic scraping and grading with heavy equipment (Figure 2). The scraping of adjacent salt marsh vegetation resulted in a Clean Water Act violation and in enforcement action and a restoration order from the Corps requiring 2.1 acres of wetland restoration (Gill 1993). As part of a Consent Cease and Desist Order (CCC-12-CD-02) and Restoration Order (CCC-12-RO-02) with the Coastal Commission, the 22nd District Agricultural Association (22nd DAA) agreed to the restoration of nearly all of the south overflow parking lot in two phases. Phase I of the parking lot restoration and the restoration of an additional area adjacent to the San Dieguito river have been constructed (Figure 3) and satisfy the requirements of the Corps.

EXHIBIT NO. 4

APPLICATION NO.
6-04-088-A12

Memo from Dr. Dixon

Although the south overflow lot is technically a wetland, and periodically ponds water and supports some wetland vegetation between disturbance episodes, it has very little habitat value because of the frequent scraping and grading. As a result the construction of a pedestrian boardwalk across the parking lot had minimal, if any, habitat impacts (Figure 4). For this reason, staff had no objection to the placement of the boardwalk across the parking lot with the caveat that this was an interim use until such time as the restoration of the parking lot took place. At that time, the location of the boardwalk and trail would have to be addressed, which might require relocation of the boardwalk. That time is now.

The current application is to amend the original permit to allow the boardwalk to remain in its existing location. In terms of habitat impacts, this is essentially an application to construct a boardwalk through a restored salt marsh (as simulated in Figure 5) and not across a dirt parking lot. However, because the boardwalk is already in place, it also constrains the design of the restoration, particularly its hydrological connection to tidal waters. Because the boardwalk is constructed on piers and posts with the posts simply resting on the substrate, the area under and around the boardwalk must remain upland and above the reach of the tides to prevent eroding the boardwalk supports (Figure 6).

Figure 7 shows conceptual plans for restoring the remainder of the south overflow parking lot to tidal salt marsh, both with the boardwalk trail in its current location (7A) and with it relocated to the perimeter of the restored saltmarsh (7B). With the trail in its existing location it displaces about 1.0 acre of saltmarsh, increases the amount of infrequently inundated high marsh, and constrains the tidal connection to a single point. With the trail relocated, there is the opportunity to pattern the restoration after the natural and restored marshes across the San Dieguito River (Figure 3), which have tidal creeks within shallow swales and sheet flow of tidal water throughout. When properly graded this facilitates inundation and, equally important, draining between tides so salt deposits do not build up. Relocating the boardwalk trail is also critically important to avoid introducing human disturbance to vegetated marsh that would otherwise be suitable habitat for a variety of wildlife species, including the state listed endangered Belding's Savannah Sparrow that is present within the San Dieguito lagoon.

Although Section 30233 of the Coastal Act allows wetland fill for nature study or similar resource dependent activities, which could describe a trail, it also requires that there be no feasible less environmentally damaging alternative and that feasible mitigation measures be provided to minimize the environmental effects. In this case, a peripheral trail is feasible and much less environmentally damaging. Were the trail to remain where it displaces about 1.0 acre of tidal salt marsh, mitigation would be required. The Commission's usual practice in this context is to require 4 acres of wetland creation for each 1 acre of wetland impact, as it did for Southern California Edison and for the Joint Powers Authority for impacts associated with restoration activities east of the I-5 freeway (6-04-088).

Figure 1. Use of the Del Mar Fairgrounds south overflow parking lot in June 1990. The green patch between the parking lot and the San Dieguito River is salt marsh vegetation (Photograph courtesy of J. Winterer).



Figure 2. Del Mar Fairgrounds south overflow parking lot being prepared for parking. The lot was routinely graded and occasionally fill was added.



Figure 3. Restoration areas adjacent to the San Dieguito River and Lagoon. The circled areas were restored by the 22nd District Agricultural Association. The area south of the river designated W2/W3 has been restored by Southern California Edison (SCE) as partial mitigation for the environmental impacts of the San Onofre Nuclear Generating Station. Both the SCE restoration and the 22nd DAA restoration to the west are graded to create tidal channels within shallow basins and to allow for sheet flow of tidal waters across the restored marsh.

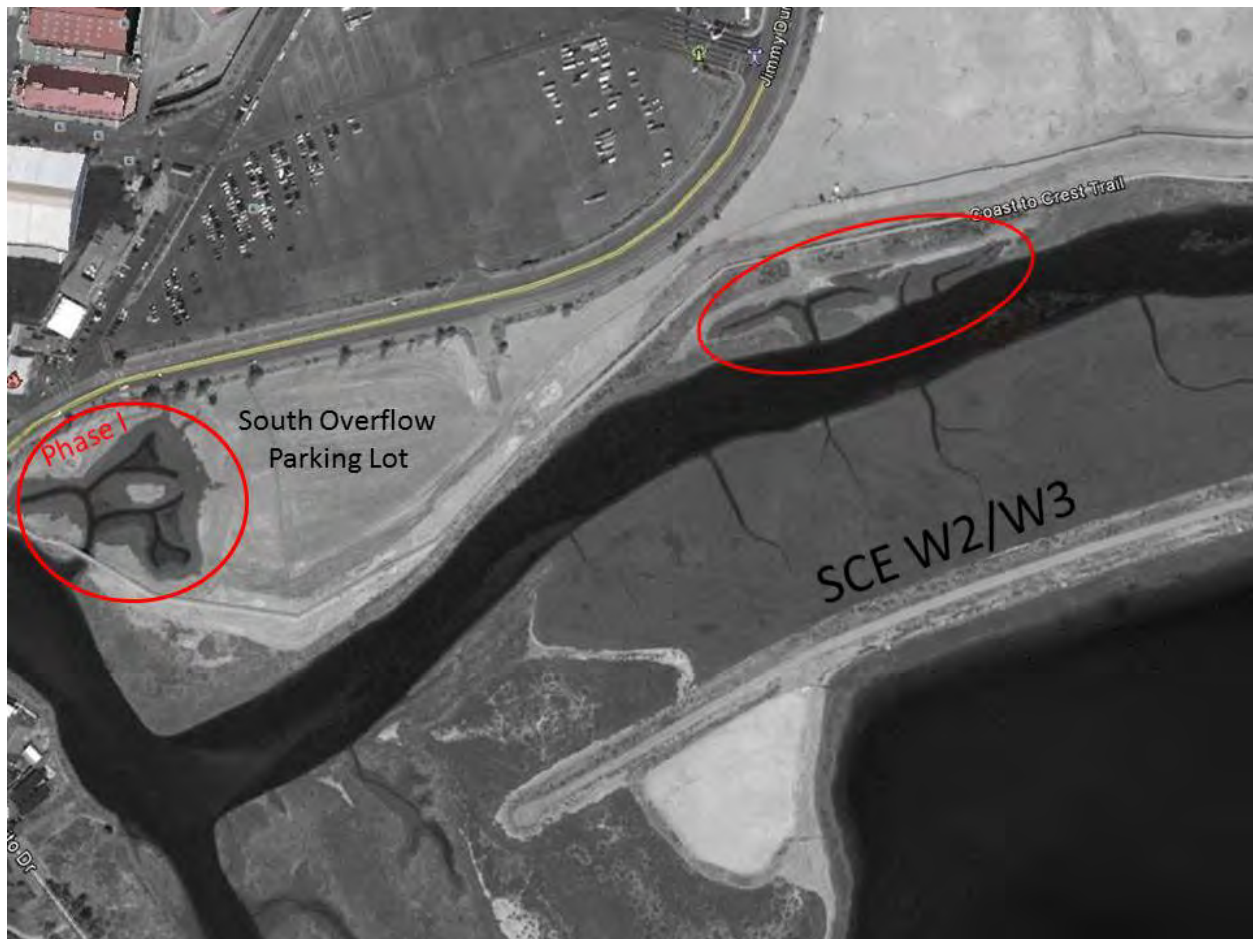


Figure 4. Construction of the pedestrian boardwalk across the south overflow parking lot at the Del Mar Fairgrounds. As a result of frequent scraping and grading, the area covered by the boardwalk had minimal habitat value and construction and use of the boardwalk had no significant environmental impacts.



Figure 5. The south overflow parking lot at the Del Mar Fairgrounds with the existing boardwalk trail through simulated saltmarsh. The actual restored habitat would be at a lower elevation after the site was graded to accommodate tidal inundation and would periodically be inundated. The boardwalk trail would exist on upland in order to protect it from erosion and adjacent steep slope would be infrequently inundated.



Figure 6. The existing boardwalk is constructed on piers and posts. The piers simply rest on the existing substrate and would be destabilized by erosion if they were frequently subjected to moving water, as they were after a heavy rain storm in 2007. To maintain stability, the area under and adjacent to the boardwalk would remain upland above the reach of the tides and the adjacent wetland would be infrequently inundated high marsh.



Figure 7. Conceptual plans for Phase II saltmarsh restoration of the south overflow parking lot at the Del Mar Fairgrounds.

A. With the boardwalk in its current location (Ecorp 2014a).



B. With the trail and boardwalk relocated to the periphery of the restored saltmarsh (Ecorp 2014b).

