CALIFORNIA COASTAL COMMISSION

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K. Brown-SD
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4/10-12/13

STAFF REPORT: CONSENT CALENDAR

Application No.:	6-12-079
Applicant:	San Diego Association of Governments (SANDAG)
Agent:	Rob Rundle
Location:	Eastern edge of Harbor Drive right-of-way from 32 nd Street to the municipal boundary of City of National City, San Diego, San Diego County
Project Description:	Construct segment 4 of Bayshore Bikeway, to be part of a contiguous 24 mile bike path around San Diego Bay. The proposed segment would consist of a ½ mile long, 8-12 ft. wide Class I bike path, median and traffic signal modifications, signage, restriping, removal and replacement of up to 10 Eucalyptus trees, landscaping, and 1,801 cu. yds. of grading.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **approval** of the proposed project with four (4) special conditions regarding 1) final plans, 2) stormwater runoff control plans, 3) interim erosion control plans and construction responsibilities, and 4) staging areas/public access. The proposed project is for the construction of Segment 4 of the Bayshore Bikeway, a partially constructed, 24-mile, Class I bicycle path around the San Diego Bay. Construction would be contained within the parameters of the existing road right-of-way. Approval of this

project, as proposed, would result in no temporary or permanent impacts to native habitat or water quality. However, in order to minimize any potential adverse impacts during construction, special conditions addressing timing, staging areas, and construction BMPs are recommended. As conditioned and designed, the proposed bikeway segment would facilitate the expansion and improvement of public coastal recreation facilities and accessways around the San Diego Bay with no impacts to coastal resources.

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EXHIBITS

Exhibit 1 – Vicinity Map Exhibit 2 – Bayshore Bikeway Map Exhibit 3 – Segment 4 Map Exhibit 4 – Project Plans

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** *the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

- 1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans for the development. Said plans shall first be approved by the City of San Diego and be in substantial conformance with the preliminary plans submitted by SANDAG on February 11, 2013.

The applicant shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Stormwater Runoff Control Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a stormwater runoff control plan that incorporates Best Management Practices (BMPs), designed to reduce both the volume and pollutant load of runoff from the proposed development, to the greatest extent feasible. The plan shall be subject to the following criteria and including the following components:

- a) Opportunities for directing runoff from the proposed bikeway improvements to permeable spaces for infiltration shall be utilized to the maximum extent feasible. Where this is infeasible, maintain postdevelopment peak runoff rate and average volume at levels that are similar to pre-development levels.
- b) Runoff should be conveyed from the site in a non-erosive manner.

The permittee shall undertake the development in accordance with the approved stormwater runoff control plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Interim Erosion Control Plans and Construction Responsibilities.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, an Interim Erosion Control and Construction Best Management Practices plan, prepared by a licensed civil engineer or qualified water quality professional. The consulting civil engineer/water quality professional shall certify in writing that the Interim Erosion Control and Construction Best Management Practices (BMPs) plan is in conformance with the following requirements:

- 1. Erosion Control Plan
 - (a) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas.

- (b) Include a narrative describing all temporary run-off and erosion control measures to be used during construction.
- (c) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
- (d) The plan shall specify that should grading take place during the rainy season (November 1 March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; stabilize any stockpiled fill with geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible.
- (e) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- (f) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
- 2. Construction Best Management Practices
 - (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
 - (b) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
 - (c) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.

- (d) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (e) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (f) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (g) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (h) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (i) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (j) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (k) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (1) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- B. The final Interim Erosion Control and Construction Best Management Practices plan, shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

- 4. **Staging Area/Public Access Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, detailed plans identifying the location of staging areas and access corridors to the construction site. The plans shall include, at a minimum, the following:
 - a) No overnight storage of equipment, construction materials, or excavated materials shall occur within native vegetation areas or public parking spaces. Stockpiles shall be located away from drainage courses, covered at all times and contained with runoff control measures.
 - b) Storage and staging areas shall be located in a manner that has the least impact on vehicular and pedestrian traffic.
 - c) No work shall occur on weekends or holidays between Memorial Day weekend and Labor Day of any year.
 - d) Staging site(s) shall be removed and/or restored immediately following completion of the development.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND HISTORY

The proposed project is for the construction of Segment 4 of the Bayshore Bikeway, consisting of a $\frac{1}{2}$ mile long, 12-ft. wide Class I bike path (except for approximately 400 feet of path extending south from 32^{nd} St which would be 8-ft. wide), median and traffic signal modifications at the intersection of 32^{nd} Street and Harbor Drive, installation of signage, restriping, removal and replacement of up to 10 Eucalyptus trees, landscaping, and 1,801 cu. yds. of grading (1,636 cu. yds. of cut, 165 cu. yds. of fill). A Class I bicycle path is one that provides a completely separated right-of-way for the exclusive use of bicycles and pedestrians with minimal cross flow by motorists. While temporary lane closures may be necessary, construction is proposed to be phased in order to avoid any road closures.

The Bayshore Bikeway is a partially constructed, 24-mile bicycle path around San Diego Bay (Exhibit 1). Even in its currently unfinished state, the Bayshore Bikeway is recognized as a popular public coastal amenity in the San Diego area. Establishment of the Bayshore Bikeway was first initiated in 1975 with planning efforts that sought to construct a 24 mile separated bike path that would provide the public with increased coastal recreational opportunities and improve the connectivity of non-automobile transportation routes around the San Diego Bay. In 2006, SANDAG released an official Bayshore Bikeway Plan that depicted each segment of the planned bikeway system. The Bayshore Bikeway is planned as a separated bike path that would extend around San Diego Bay beginning from the Broadway Pier in downtown San Diego through the cities of San Diego, National City, Chula Vista, Imperial Beach, and Coronado, ending at the Coronado ferry terminal. While portions of the designated Bayshore Bikeway remain unconstructed, the majority of the route has been completed or is in the planning process (Exhibit 2). With the completion of Segments 7 and 8A (refer to CDP No. 6-10-079) along Bay Boulevard in the Cities of San Diego and Chula Vista in 2012, the bikeway currently consists of approximately 13 miles of Class I bike path and 11 miles of onstreet bike lanes and bike routes.

An on-street bike lane currently comprises Segment 4 of the bikeway. With construction of the proposed project, this area will become a Class I bikeway along the eastern edge of Harbor Drive right-of-way from 32nd Street to the municipal boundary of the City of National City (Exhibit 3). This segment of Harbor Drive has a right-of-way width of 120 feet and contains one 12-ft. wide and one 13-ft. wide travel lane in each direction, a center raised median, and an 8-ft. wide paved shoulder on each side of the road. The proposed bikeway would provide a completely separated right-of-way for the exclusive use of bicycles and pedestrians with minimal cross flow by motorists.

The proposed segment would be constructed within the Harbor Drive right-of-way, owned by the Department of the Navy; therefore, the subject site is within the Coastal Commission's permit jurisdiction. The applicant has submitted the Navy's approval as part of the submittal. This segment of the bikeway is largely fronted by the Naval Station San Diego. The bikeway is proposed within the existing road right-of-way located on the northbound side of Harbor Drive (Exhibit 4). The subject site has been previously disturbed and a small portion of the right-of-way consists of non-native shrubs and Eucalyptus trees. The applicant proposes to replace removed trees at a 1:1 ratio.

B. BIOLOGICAL RESOURCES AND WATER QUALITY

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

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 groundwater supplies and substantial interference with surface waterflow, encouraging waste water reclamation,

maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The applicant proposes to construct Segment 4 of the planned Bayshore Bikeway, to extend around the San Diego Bay from Broadway Pier to the Coronado ferry terminal. The subject segment would be constructed according to Class I bikeway standards (with the exception of an approximately 400-ft. portion of the project that would be 8-ft. wide) and would be established within the boundary of the existing road right-of-way. Class I bikeway standards mandate, in part, that the proposed bikeway segment be 12 ft. wide and include yellow striping in the middle to separate travel in opposite directions. Segment 4 would be constructed through a region that largely contains a naval base, industrial properties, paved roadways, and adjacent railway corridor. This segment would be constructed within the limits of an existing roadway (Harbor Drive right-of-way) and would not result in any temporary or permanent impacts to environmentally sensitive habitat areas.

A small portion of the Harbor Drive right-of-way includes a previously disturbed, unpaved area directly adjacent to the shoulder containing non-native shrubs and bushes, as well as Eucalyptus trees measuring 8-in. to 18-in. diameter at breast height. Non-native vegetation, including iceplant and ocean locoweed, located on approximately 2.35 acres of disturbed land would be removed as part of the project. However, the applicant has proposed to replant with a minimum of 60% native and 40% drought tolerant species. According to the applicant, using a conservative estimate, up to 10 Eucalyptus trees could be removed; however, the applicant proposes to replace removed trees at a 1:1 ratio. Additionally, in order to avoid potential adverse impacts to nesting birds, the applicant proposes to remove vegetation during the non-nesting season, between September 2nd and February 14th, unless a qualified biologist conducts a nesting survey with negative results.

The shoulders for Segment 4 are proposed to be constructed using permeable pavement along Harbor Drive and would not encroach beyond the parameter of the existing road right-of-way, nor result in any temporary or permanent impacts to water quality of the San Diego Bay. Harbor Drive is located approximately 0.3 miles from the San Diego Bay. In order to ensure that potential impacts to water quality are avoided during construction, **Special Condition #3** and **Special Condition #4**, addressing construction best management practices and stormwater runoff control, are recommended.

As discussed above, the proposed development will not have an adverse impact on any sensitive habitat, and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate temporary erosion controls and construction BMPs will be provided. Therefore, the Commission finds that the development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act.

C. VISUAL RESOURCES

Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The San Diego Bay is a popular coastal recreational center that provides users with a multitude of ocean and bay views. However, in the area surrounding the subject site, views of the bay are blocked by existing development, including the Naval Station, as well as industrial and maritime-related businesses located on the west side of Harbor Drive. Therefore, construction of the proposed Class I bikeway segment, and associated signage, would not result in any blockage of existing coastal views and would improve the visual character of the existing roadway and adjacent railroad corridor in the subject area. Establishment of the proposed bikeway segment would involve repaving and recurbing portions of the existing roadway and would improve the aesthetics of the pavement in these areas. The proposed bikeway segment would also be striped and paved with materials that match the color palette of the existing roadway, ensuring that the proposed bikeway segment would be visually compatible with the surrounding area. Finally, landscaping with native and drought tolerant vegetation is proposed to further enhance the visual quality of Harbor Drive. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. PUBLIC ACCESS AND RECREATION

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 30212(a) of the Coastal Act states:

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.

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 30214 of the Coastal Act states, in part:

- (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:
 - (1) Topographic and geologic site characteristics
 - (2) The capacity of the site to sustain use and at what level of intensity.
 - (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreation uses shall be reserved for such uses, where feasible.

The site of the proposed project is located in the southwestern most part of the City of San Diego that borders the San Diego Bay and the City of National City. Public coastal recreation opportunities are limited in this area, as this region has historically been a hub for industrial facilities, naval station, port landings, and various maritime operations. Since this area is removed from any core residential districts and has long been inundated with industrial activities, coastal public recreation opportunities are restricted and there are no designated public bikeways or trails currently provided along the San Diego Bay in this region. Construction of Segment 4 of the Bayshore Bikeway would provide the public with new coastal recreational opportunities and would also improve the connectivity between the Bayshore Bikeway segments in National City and downtown San Diego.

The proposed bikeway would expand public coastal access through this area of the San Diego Bay by providing a completely separated right-of-way for the exclusive use of bicycles and pedestrians with minimal cross flow by motorists. Establishment of the proposed segment would lengthen the existing public coastal Bayshore Bikeway facility and further the completion of the Bayshore Bikeway around the entire San Diego Bay. The Bayshore Bikeway is a popular recreational amenity and the proposed project would enhance coastal recreational opportunities for bicyclists and pedestrians alike. According to the applicant, the bikeway is heavily utilized by all members of the public, including children, families, recreational walkers or joggers, and cyclists of all abilities.

The proposed development would not have an adverse impact on public access to the coast, as public coastal access to the bayfront is not currently provided along or adjacent to the proposed segment. Industrial, naval and maritime facilities flank the majority of the bayfront in this area and there are no sandy beaches or wharfs available for public use. Additionally, no public parking exists along the proposed segment, so no parking would be removed as part of the proposed project. Further, no public coastal parking facilities would be utilized for construction worker parking or staging areas, as stipulated in **Special Condition #4**. Finally, public access along Harbor Drive is proposed to be maintained during construction, with only temporary lane closures. Therefore, the Commission finds that, as conditioned, the proposed development will not have an

adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210, 30212, 30213, 30214, and 30223 of the Coastal Act.

E. LOCAL COASTAL PLANNING

The proposed project is located in the City of San Diego; however it is not part of the City's certified LCP because it is on federal land. The Harbor Drive right-of-way is owned by the Department of the Navy; therefore, the Commission has retained coastal development permit jurisdiction, even though the City of San Diego has a certified Local Coastal Program. The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act and will not prejudice the ability of the City of San Diego to continue to implement its certified LCP.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) 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 21080.5(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.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Special conditions addressing the timing of construction, BMPs during construction, and staging will minimize all potentially adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

SUBSTANTIVE FILE DOCUMENTS

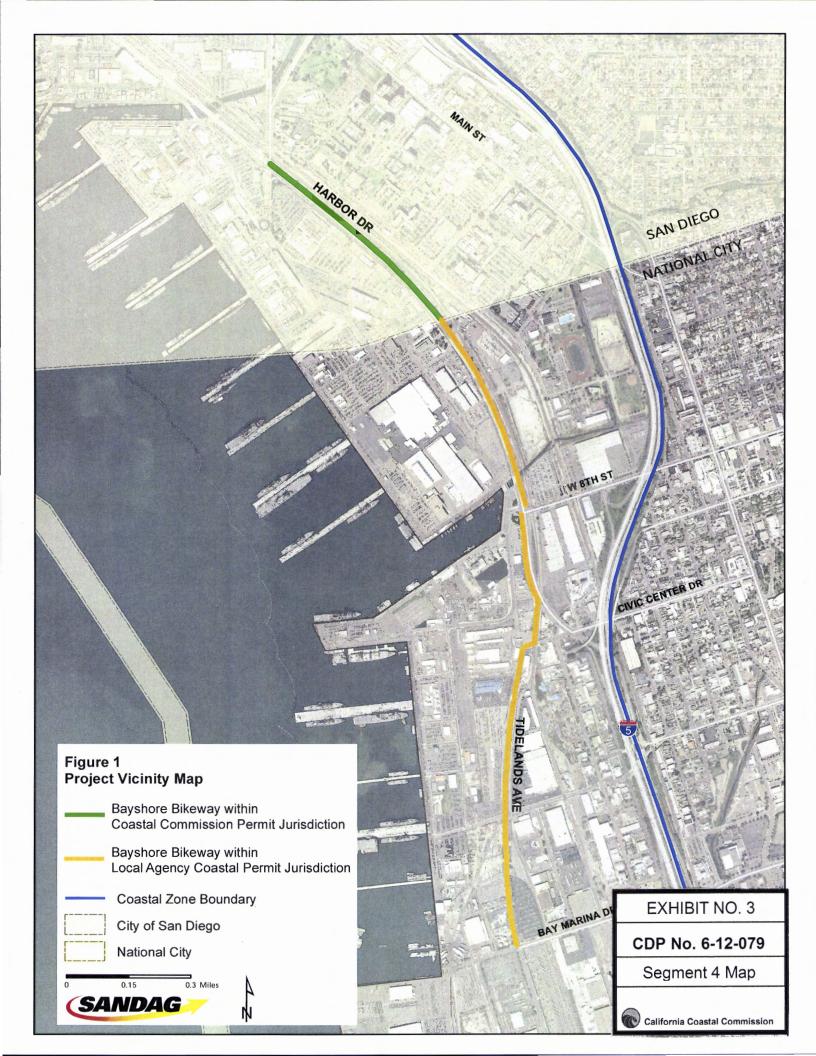
San Diego Association of Governments Second Addendum to the Final Mitigated Negative Declaration/Initial Study for Bayshore Bikeway Projects Segments 4, 5, 7, and 8a, dated October 2010; San Diego Association of Governments 2006 Bayshore Bikeway Plan dated March 17, 2006; Coastal Development Permit No. 6-10-076; Coastal Development Permit No. 6-07-079

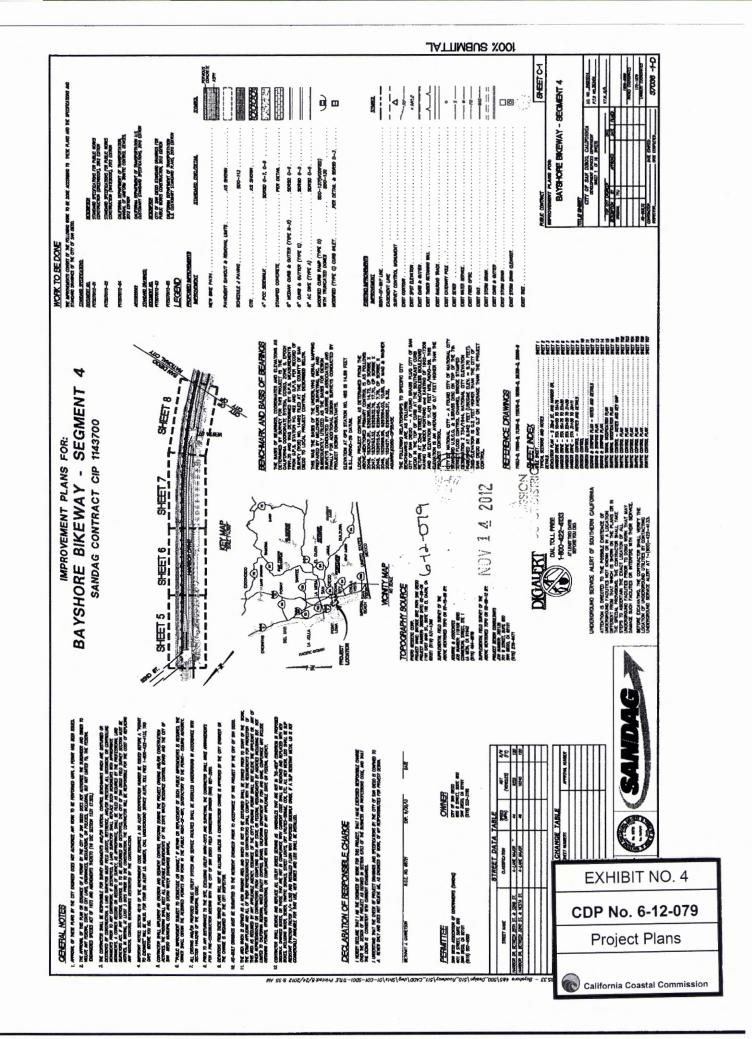
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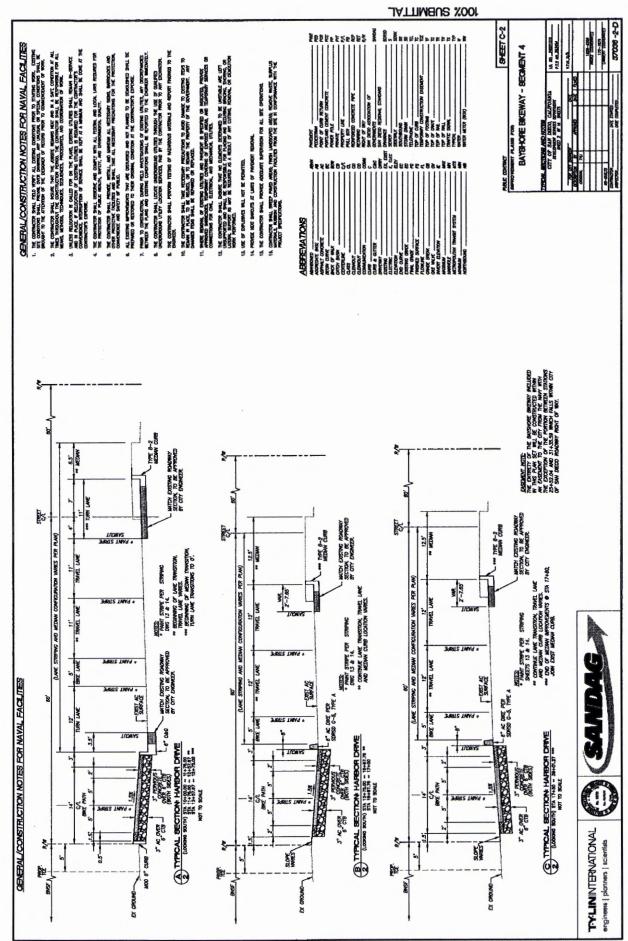


EXHIBIT NO. 1
CDP No. 6-12-079
Vicinity Map
California Coastal Commission



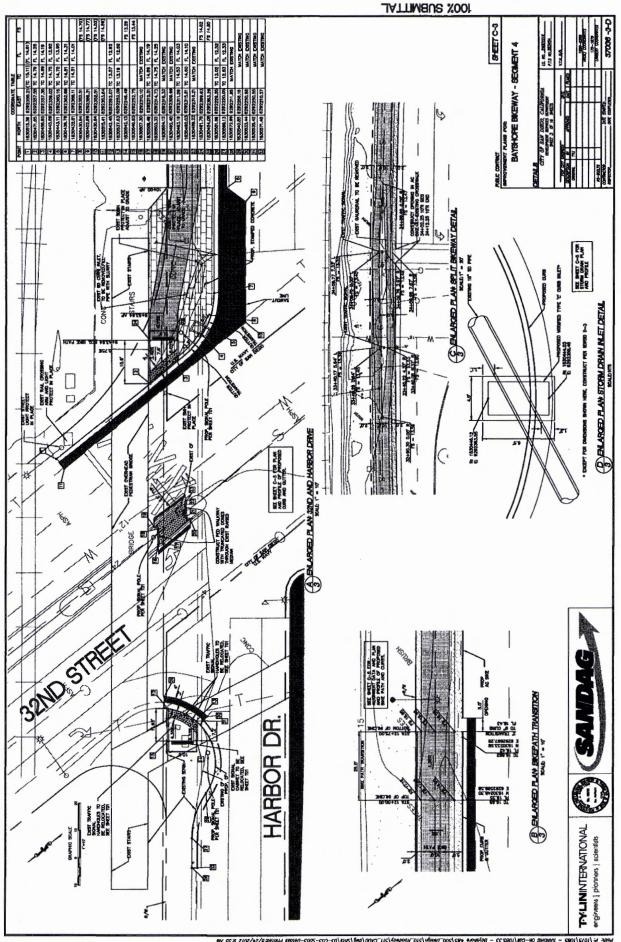




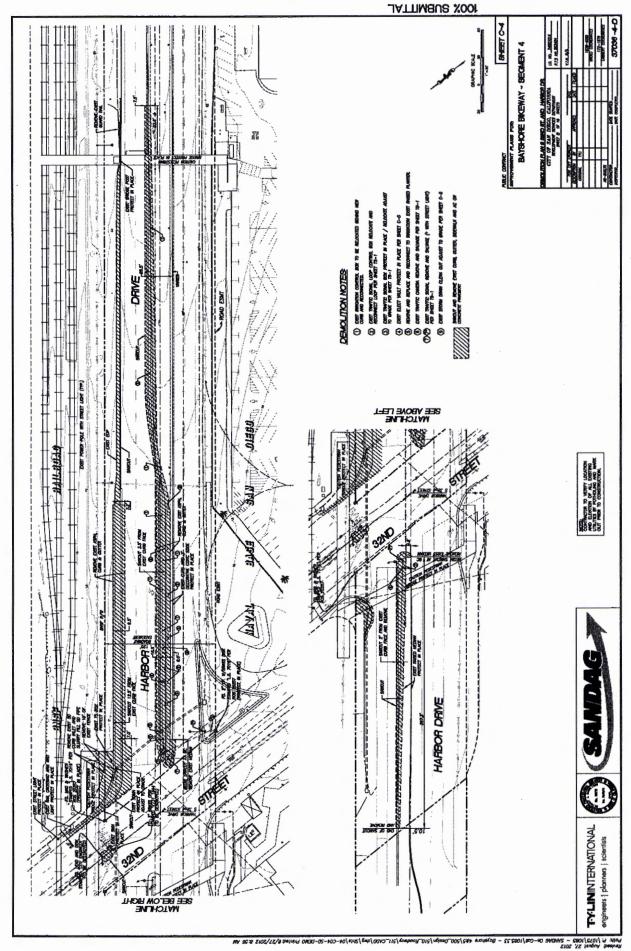


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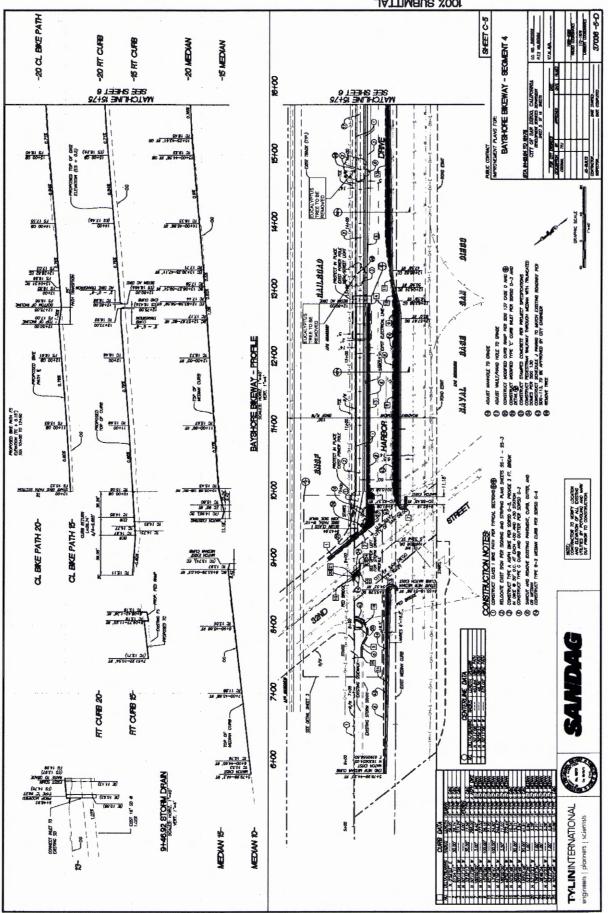
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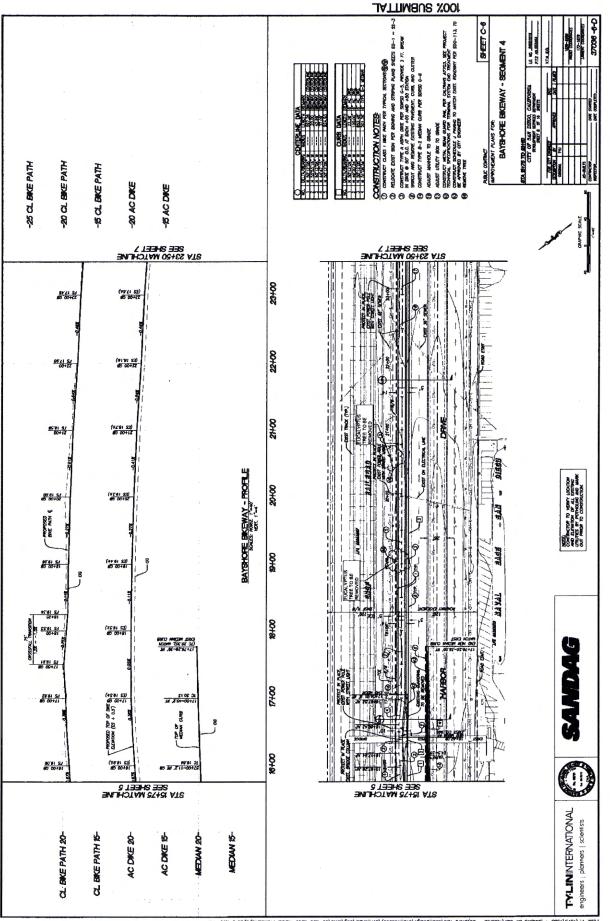


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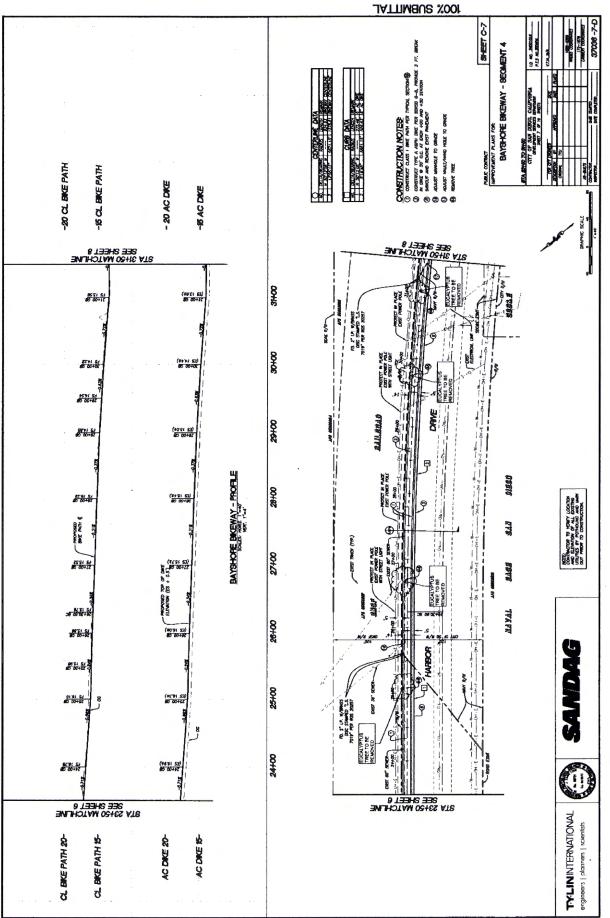


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