

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CALIFORNIA 92108-4402  
(619) 767-2370 FAX (619) 767-2384

WWW.COASTAL.CA.GOV



# TH23

## SAN DIEGO COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the*

*December 2015 Meeting of the California Coastal Commission*

December 07, 2015

**To:** Commissioners and Interested Parties  
**From:** Sherilyn Sarb, San Diego Coast District Deputy Director

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the San Diego Coast District Office for the December 2015 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the San Diego Coast District.

**REGULAR WAIVERS**

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

<b>Applicant</b>	<b>Project Description</b>	<b>Project Location</b>
6-15-1737-W Paul Heidemann	Construction of an approximately 305 sq.ft. first-story addition, an approximately 1,285 sq.ft. second-story addition, and interior remodels to an existing two-story 2,403 sq.ft. single-family residence with an approximately 480 sq.ft. attached garage on a 16,713 sq.ft. lot.	716 Rawl Place, Solana Beach, San Diego County. (APN: 263-103-04)

**DE MINIMIS WAIVERS**

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<b>Applicant</b>	<b>Project Description</b>	<b>Project Location</b>
6-15-1872-W Ashely Smith	Construction of a new 1-story, 640 sq.ft. accessory unit and a new 282 sq.ft. off-street, concrete parking pad on a 9,450 sq.ft. lot.	1821 Valencia Avenue, Carlsbad, San Diego County. (APN: 207-250-63)
6-15-1981-W Doris Bergum	Demolition of an existing 535 sq.ft. accessory living unit and construction of a new 623 sq.ft. accessory living unit with a 218 sq.ft. attached garage on an 11,275 sq.ft. lot also containing an existing 1,456 sq.ft. 2-story, single-family residence with a 166 sq.ft. basement. Other development that does not require a coastal development permit includes construction of an 868 sq.ft. addition to the subterranean level, an 876 sq.ft. addition to the first floor, a 75 sq.ft. addition to the second floor, and interior remodels.	339 South Granados Ave, Solana Beach, San Diego County (APN: 298-075-10)

**IMMATERIAL AMENDMENTS**

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<b>Applicant</b>	<b>Project Description</b>	<b>Project Location</b>
6-08-037-A1 22nd DAA, Attn: Dustin Fuller	Removal of accumulated sediment, debris, and vegetation within a twelve-foot-wide strip through the middle of Stevens Creek for approximately 1,150 linear feet to prevent flooding. Project includes use of silt curtains, removal of non-native vegetation, planting of native/non-invasive vegetation, monitoring and maintenance.	2260 Jimmy Durante Boulevard, Del Mar, San Diego County. (APN(s): 298-260-15, 298-260-35, 298-271-03)

**EXTENSIONS - IMMATERIAL**

<b>Applicant</b>	<b>Project Description</b>	<b>Project Location</b>
6-86-396-A13-E1 Symphony Asset Pool XVI	Proposal to install 90 new parking spaces in parking lot south of Belmont Park and implement a valet parking service utilizing the new 90 spaces.	3146 Mission Boulevard, Mission Beach, San Diego, San Diego County. (APN 760-117-07)

**EMERGENCY PERMIT WAIVER**

City of San Diego Section 30611 – Emergency Permit Waiver (Sorrento Valley Road and Carmel Mountain Road, San Diego, San Diego County)

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November 30, 2015

## Coastal Development Permit Waiver Improvements to Existing Single-Family Residences or Structures Coastal Act Sections 30610(a) and (b)

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-15-1737-W

**Applicant:** Paul Heidemann

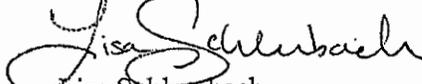
**Location:** 716 Rawl Place, Solana Beach (San Diego County) (APN: 263-103-04)

**Proposed Development:** Construction of an approximately 305 sq.ft. first-story addition, an approximately 1,285 sq.ft. second-story addition, and interior remodels to an existing two-story 2,403 sq.ft. single-family residence with an approximately 480 sq.ft. attached garage on a 16,713 sq.ft. lot.

**Rationale:** The proposed development is located on an existing developed lot within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development. The development will not block any public views or impact public access, is not subject to any of the special overlays in the City of Solana Beach certified Land Use Plan, and is consistent with the zoning and plan designations for the City. The project is consistent with all Chapter 3 policies of the Coastal Act and no impacts to coastal resources are expected.

This waiver will not become effective until reported to the Commission at their November 2015 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Lester,  
Executive Director

  
Lisa Schlembach  
Coastal Program Analyst

cc: File

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November 10, 2015

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-15-1872-W

**Applicant:** Ashley and Christopher Smith

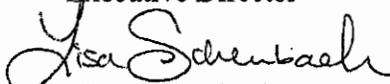
**Location:** 1821 Valencia Avenue, Carlsbad (San Diego County) APN 207-250-63

**Proposed Development:** Construction of a new 1-story, 640 sq.ft. accessory unit and a new 282 sq.ft. off-street, concrete parking pad on a 9,450 sq.ft. lot.

**Rationale:** The proposed development is located on an existing developed lot within an established residential neighborhood consisting of single-family residences and accessory units similar in size and scale to the proposed development. The project will not be out of character with the surrounding community and will not block any public views or impact public access. The project is consistent with the City of Carlsbad's requirements for second dwelling units, with the zoning and planning designations for the City, and has been approved by the City. The project is consistent with all Chapter 3 policies of the Coastal Act and no impacts to coastal resources are expected.

This waiver will not become effective until reported to the Commission at their December 2015 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Lester,  
Executive Director

  
Lisa Schlembach  
Coastal Program Analyst

cc: File

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November 30, 2015

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-15-1981-W

**Applicant:** Stan and Doris Bergum

**Location:** 339 South Granados Ave, Solana Beach (San Diego County) (APN: 298-075-10)

**Proposed Development:** Demolition of an existing 535 sq.ft. accessory living unit and construction of a new 623 sq.ft. accessory living unit with a 218 sq.ft. attached garage on an 11,275 sq.ft. lot also containing an existing 1,456 sq.ft. 2-story, single-family residence with a 166 sq.ft. basement. Other development that does not require a coastal development permit includes construction of an 868 sq.ft. addition to the subterranean level, an 876 sq.ft. addition to the first floor, a 75 sq.ft. addition to the second floor, and interior remodels.

**Rationale:** The proposed development is located on an existing developed lot within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development. The development will not block any public views or impact public access, is not subject to any of the special overlays in the City of Solana Beach certified Land Use Plan, and is consistent with the zoning and plan designations for the City. The project is consistent with all Chapter 3 policies of the Coastal Act and no impacts to coastal resources are expected.

This waiver will not become effective until reported to the Commission at their December 2015 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Lester,  
Executive Director

  
Lisa Schlembach  
Coastal Program Analyst

cc: File

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## NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **6-08-037-A1**

December 4, 2015

**To:** All Interested Parties

**From:** Charles Lester, Executive Director

**Subject:** Permit No. **6-08-037-A1** granted to **22nd District Agricultural Association (22nd DAA)** for: Removal of accumulated sediment, debris, and vegetation within a twelve-foot-wide strip through the middle of Stevens Creek for approximately 1,150 linear feet to prevent flooding. Project includes use of silt curtains, removal of non-native vegetation, planting of native/non-invasive vegetation, monitoring and maintenance.

**Project Site:** 2260 Jimmy Durante Blvd., Del Mar (San Diego County) APN(s): 298-260-15, 298-260-35, 298-271-03

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Amend Special Condition No. 1, which limits to term of the permit to 5 years from the date of original Commission approval, to read as follows:

"1. Term of Permit. This permit is valid for a period of five years from the date of issuance of permit amendment no. 6-08-037-A1. Future flood control maintenance beyond this date will require a coastal development permit, or an amendment to this permit, from the California Coastal Commission. Any modification of the project within the five year period will require an amendment to this permit unless the Executive Director determines that no amendment is legally required.

### FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing. This amendment has been considered "immaterial" for the following reason(s):

The continued maintenance of this 1,150-foot segment of Stevens Creek would be conducted in the same area and manner as the previously approved permit, meaning only the central 12-foot wide open water area will be cleared as needed. Past annual mitigation monitoring reports indicate that the required 0.43-acre mitigation area along the northern creek bank has been established and successful.

If you have any questions about the proposal or wish to register an objection, please contact Alexander Llerandi at the phone number provided above.

cc: Commissioners/File

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## NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

November 30, 2015

Notice is hereby given that Symphony Asset Pool XVI has applied for a one year extension of 6-86-396-A13 granted by the California Coastal Commission on January 10, 2014.

for: Proposal to install 90 new parking spaces in parking lot south of Belmont Park and implement a valet parking service utilizing the new 90 spaces.

at: 3146 Mission Blvd, Mission Beach, San Diego (San Diego County) APN: 760-217-07

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,  
Charles Lester  
Executive Director

A handwritten signature in black ink that reads "Alex Llerandi". The signature is written in a cursive style and is enclosed within a large, hand-drawn oval.

Alexander Llerandi  
Coastal Program Analyst

cc: Commissioners/File

**CALIFORNIA COASTAL COMMISSION**

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



# Th23

## Deputy Directors Report Memo

December 7, 2015

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Memo for **Item Th23**, San Diego Deputy Director's Report, 30611  
Emergency Permit Waiver (City of San Diego), for the Commission  
Meeting of December 10, 2015

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The City of San Diego notified Commission staff of an emergency situation involving a broken water main within the Commission's permitting jurisdiction via email. After detailed discussion with the City about the work proposed to alleviate the emergency situation and the potential for impacts to coastal resources, Commission staff determined that this project qualifies for a 30611 Emergency Permit Waiver for the following reasons:

1. Immediate action by a public agency, the City of San Diego, is necessary to protect public property and repair public utilities, and the proposed work is the minimum necessary to alleviate the emergency condition.
2. Commission staff was notified of the emergency situation within three days of the City's discovery of the emergency.
3. There will be no permanent erection of any structures valued at more than \$25,000.
4. Project impacts are limited to approximately 400 sq. ft. of disturbed riparian vegetation, which will be mitigated at a 3:1 ratio pursuant to the Biology Guidelines contained in the City's certified IP. Mitigation will be achieved by replanting the area disturbed by the emergency work, and deduction of mitigation credits from the City's Los Penasquitos North Wetland Creation Site in the coastal zone. The proposed impacts to riparian habitat are the minimum necessary to complete the emergency work, and will be sufficiently mitigated.
5. The City will provide post-construction report documenting the work done and the final impacts upon completion of the emergency work.



## THE CITY OF SAN DIEGO

November 10, 2015

California Coastal Commission  
San Diego District Office  
Coastal Program Analyst

Dear Brittney Laver:

SUBJECT: Sorrento Valley Rd. and Carmel Mountain Rd. Water Emergency Project

The City of San Diego hereby formally transmits the enclosed documents and information in response to your email received November 4, 2015. Enclosed you will find the RGP 63 Verification Letter (USACE) and the Conservation Measures from the U.S. Fish and Wildlife Service. A 24-inch diameter water main has broken and is emptying water into the area adjacent to Penasquitos River at the corner of Sorrento Valley Road and Carmel Mountain Road. Water is ponding in, and flowing out of a cement vault that house a decommissioned hydraulics valve.

The Sorrento Valley Road and Carmel Mountain Valley Road Emergency Project (Project) when completed will result in minor, temporary impacts to regulated wetland habitat. Most of the vegetation has been removed by the adjacent project (Penasquitos Bridge Replacement Project). Within our project there is approximately 20 feet by 20 feet (400 square feet [0.009 acre]) of disturbed riparian vegetation that consists of iceplant, coyote bush, Mexican fan palm, cattail, a single willow, and other non-native species. We anticipate the project will result in temporary impacts to 0.018 acre of bare soil (vegetation removed by Bridge Project).

The City will revegetate the 0.009 acre area that contained disturbed riparian vegetation with a native and appropriate seed mix and it will be monitored for 60 months for erosion control and non-natives. A restoration plan for the temporarily disturbed area shall be submitted within 45 days of completion of the emergency work as per the USACE Verification Letter (see attached). All of the impact will occur within the previously disturbed right-of-ways of Sorrento Valley Road, MTS Rail Road, and the water main easement.

Emergency crews began work to alleviate the immediate emergency on October 28, 2015. Work included identifying ways to turn off the water and alleviate the immediate emergency condition; shut down an electrical box sitting in the water; de-water the significant amount of water that was and continues to be pumped out of the project area into an adjacent sewer manhole; and coordinate with the railroad to gain right of entry. Crews have used regular construction equipment to dig a 20 foot wide trench above the water main to access the pipe. Crews will continue to work until the water main break can be identified and repaired. No permanent structures over \$25,000 will be installed.

**Public Utilities Department**  
9192 Topaz Way • San Diego, CA 92123  
Tel (858) 292-6300 Fax (858) 292-6310

Mitigation ratios are based on the City of San Diego's Land Development Code Biology Guidelines (2001). The proposed project will temporarily impact approximately 0.009 acre of disturbed riparian vegetation. Impacts to wetland communities must be mitigated at habitat specific ratios, and must result in a no net loss of functions and values. Mitigation will be achieved through deduction of credits at a 3:1 ratio from a City creation, restoration, and/or enhancement mitigation site within the coastal zone.

The Public Utilities Department (PUD) creates and manages larger mitigation projects to accommodate sewer and water projects that have impacts to protected habitats that require compensatory mitigation. PUD would assign mitigation for this project in the Los Penasquitos North Wetland Creation Site. The City of San Diego Development Services Department, California Fish and Wildlife, Regional Water Quality Control Board, and Army Corps of Engineers have all approved this mitigation site and we anticipate they will approve this mitigation strategy. Assignment of acreage at this site satisfies the no net loss requirement for wetland creation and enhancement. The Los Penasquitos North Mitigation Project is located in Los Penasquitos Canyon in the Penasquitos Watershed and within the coastal Zone.

If you have any questions or need additional information, please contact me at (858) 614-5714.

Sincerely,



Summer Adleberg  
Environmental Biologist III



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

October 23, 2015

Summer Adleberg  
City of San Diego  
Public Utilities Department  
525 B Street  
San Diego, CA 92101

**DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT**

Dear Ms. Adleberg:

I am responding to your request (SPL-2015-00771-WSZ) for a Department of the Army permit for your proposed project, Sorrento Valley and Carmel Mountain Road intersection Water Main Break. The proposed project is located at the intersection of Sorrento Valley Road and Carmel Mountain Road, San Diego County, California.

Because this project would result in a discharge of dredged and/or fill material into waters of the United States a Department of the Army permit is required pursuant to Section 404 of the Clean Water Act (33 USC 1344; 33 CFR parts 323 and 330).

I have determined construction of your proposed project, if constructed as described in your application, would comply with Regional General Permit (RGP) No. 63, Repair and Protection Activities in Emergency Situations. Specifically, and as shown in the enclosed figure, you are authorized to temporarily discharge fill material associated with the excavation of 74 cubic yards of earth within 0.036 acre (1,600 square feet, 15 feet deep) of wetland waters of the U.S. in order to repair or replace a 24-inch broken water main located within a no longer functioning vault.

Furthermore, you must comply with the following non-discretionary Special Conditions:

1. This Corps permit does not authorize you to take any threatened or endangered species, in particular the Least Bell's Vireo (*Vireo Bellii pusillus*), or adversely modify its designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g., ESA Section 10 permit, or a Biological Opinion (BO) under ESA Section 7, with "incidental take" provisions with which you must comply). Your authorization under this Corps permit is conditional upon your compliance with all of the attached Conservation Measures (Enclosure 1). Failure to comply with the required avoidance and minimization measures would constitute non-compliance with your Corps permit.

2. The permittee shall ensure all sites within waters of the U.S. subject to authorized, temporary impacts are restored to pre-project alignments, elevation contours, and conditions, including revegetation with appropriate native plant species after completion of construction in the area. The permittee shall submit a detailed temporary restoration plan for the Corps review and approval 45 days after the completion of the authorized work describing pre-project conditions and all work conducted and planned to restore the project area to pre-project conditions, including proposed performance standards to ensure restoration of all temporarily impacted waters of the U.S. functions and services. At a minimum, the acreage of waters of the U.S. and aquatic resource functions of each site shall equal or exceed pre-project acreage of waters of the U.S. and aquatic resource functions by the end of a 5-year monitoring period as specified in the plan. The permittee's responsibility to complete the required restoration as set forth in this special condition shall not be considered fulfilled until the permittee has met or exceeded all final performance standards for each impact area and has obtained written confirmation from the Corps verifying successful restoration

For this RGP verification letter to be valid, you must comply with all of the terms and conditions of RGP No. 63, Repair and Protection Activities in Emergency Situations, available at <http://www.spl.usace.army.mil/Missions/Regulatory/RegionalGeneralPermits.aspx>.

A general permit does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others or authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, State, or local authorizations required by law.

Thank you for participating in the regulatory program. If you have any questions, contact Winston Zack at 760-602-4838 or via e-mail at [Winston.S.Zack@usace.army.mil](mailto:Winston.S.Zack@usace.army.mil). Please help me to evaluate and improve the regulatory experience for others by completing the customer survey form at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey).

Sincerely,

Shanti Abichandani Santulli  
Acting Team Lead  
South Coast Branch

Enclosure

## Enclosure 1. Conservation Measures: Least Bell's Vireo

- CM-1. The City will temporarily fence (erosion and sediment control devices) the limits of project impacts (including construction staging areas and access routes) to prevent additional impacts and prevent the spread of silt from the construction zone into adjacent habitats to be avoided. Fencing/marking will be installed in a manner that does not impact avoided habitats. The City will submit to the Agencies photographs that show the fenced/ marked limits of impact. If work occurs beyond the fenced/marked limits of impact, all work will cease until the problem has been remedied to the satisfaction of the Agencies. Any riparian/wetland or upland habitat impacts that occur beyond the approved fenced project footprint will be offset as determined by the Agencies. Temporary construction fencing/marking will be removed upon project completion.
- CM-2. The City will staff a biologist knowledgeable of vireo biology and ecology who will be responsible for overseeing compliance with conservation measures for the vireo. This biologist will be approved by the Agencies. The City will submit a list of qualified biologists to the Agencies that will be available to monitor, a monitor from the list will be on-site during all emergency activities that have the potential to impact adjacent least Bell's vireo (LBVI) habitat. The biologist will perform the following duties:
- a) Be on site during work to ensure compliance with all conservation measures;
  - b) Oversee installation of and inspect the fencing and erosion control measures within project footprint a minimum of once per week and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately;
  - c) Monitor the work area to ensure that work activities do not generate excessive amounts of dust;
  - d) Train all contractors and construction personnel on the biological resources associated with this project and ensure that training is implemented by construction personnel. At a minimum, training will include: 1) the purpose for resource protection; 2) a description of the vireo; 3) the conservation measures given in the biological opinion that should be implemented during project construction to avoid and/or minimize impacts to the vireo and its critical habitat, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); 4) the protocol to resolve conflicts that may arise at any time during the construction process; 5) the general provisions of the Act, the need to adhere to the provisions of the Act, and the penalties associated with violating the Act;
  - e) Halt work, if necessary, for any project activities that are not in compliance with the conservation measures committed to as part of the project and conditions of the Corps permit. The biologist will report any non-compliance issues to the

Enclosure 1. Conservation Measures: Least Bell's Vireo

Agencies within 24 hours of its occurrence and confer with the Agencies to ensure the proper implementation of species and habitat protection measures

- f) Submit a post-impact report (including photographs of impact areas) to the Agencies to show that authorized impacts were not exceeded and general compliance with all conservation measures. A separate report will be prepared and submitted to the Agencies immediately if an impact occurs outside of the approved project limits;
- g) Submit a final report to the Agencies within 45 days of project completion that includes relevant information documenting that authorized impacts were not exceeded. This report will document general compliance with the project as described in the Corps Pre-Construction Notification for the project and the conservation measures.

CM-3. The City will ensure that the following environmentally responsible practices are implemented during project construction:

- a) Contractors and construction personnel will strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint;
- b) The project site will be kept as clean of debris as possible. All food related trash items will be enclosed in sealed containers and regularly removed from the site;
- c) Pets of project personnel will not be allowed on the project site;
- d) All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will occur in designated areas outside of waters of the United States within the fenced project impact limits. These designated areas will be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the United States and will be shown on the construction plans. Fueling of equipment will take place within existing paved areas greater than 100 feet from waters of the United States. Contractor equipment will be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" will be designated on construction plans; and
- e) Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures; and
- f) If work is necessary at night all temporary lighting will be directed onto the immediate work area and not the surrounding sensitive habitats.