

**MINUTE ITEM**  
This Calendar Item No. C46 was approved as  
Minute Item No. 46 by the California State Lands  
Commission by a vote of 3 to 0 at its  
8-17-04 meeting.

**MINUTE ITEM  
C46**

08/17/04  
PRC 8553 W 20725  
J. Smith

**SAN DIEGUITO RIVER VALLEY REGIONAL OPEN  
SPACE PARK JOINT POWERS AUTHORITY AND  
SOUTHERN CALIFORNIA EDISON COMPANY.**

**(APPLICANTS)**

**CALENDAR ITEM C46 WAS MOVED FROM CONSENT TO  
REGULAR AND APPROVED AS PRESENTED BY A 3-0 VOTE.**

001340

MINUTE PAGE

CALENDAR ITEM

**C46**

A 74

08/17/04

S 38

W 20725.103

J. Smith

**GENERAL LEASE - WETLAND RESTORATION USE**

**APPLICANTS:**

San Dieguito River Valley Regional Open Space Park  
Joint Powers Authority  
18372 Sycamore Creek Road  
Escondido, California 92025

Southern California Edison Company  
2244 Walnut Grove Ave.  
Rosemead, California 91770

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in the Pacific Ocean and San Dieguito Lagoon, city of Del Mar, San Diego County.

**AUTHORIZED USE:**

Construction, operation and maintenance of the San Dieguito Wetland Restoration Project, including, but not limited to, maintaining a permanent inlet opening; creation of subtidal and intertidal habitat; seasonal salt marsh; nesting habitat for the California least tern and western snowy plover; construction of berms to maintain sediment flows; restoration of native habitat; and creation of public access trails.

**LEASE TERM:**

49 years, beginning September 1, 2004.

**CONSIDERATION:**

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

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**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance with coverage of no less than \$5,000,000.

**OTHER PERTINENT INFORMATION:**

1. The Applicants own, have, or will have a right to use the lands adjoining the lease premises.
2. The San Dieguito River Valley Regional Open Space Park Joint Powers Authority (JPA), the government body that operates the San Dieguito River Park, has submitted an application for construction and maintenance of the San Dieguito Wetland Restoration Project (Project). The JPA was formed as a separate public agency on June 12, 1989, by the County of San Diego and the cities of Del Mar, Escondido, Poway, San Diego and Solana Beach. The JPA Board is composed of two elected officials each from the County of San Diego and the city of San Diego, one elected official each from the cities of Del Mar, Escondido, Poway and Solana Beach, and one public member representing the Citizens Advisory Committee.

The JPA is the agency responsible for creating a natural open space park in the San Dieguito River Valley. The proposed park boundary will extend from the Pacific Ocean, at Del Mar, to Volcan Mountain, near Anza Borrego State Park, an approximately 55-mile corridor.

San Dieguito Lagoon, sometimes known as San Dieguito River, hereafter Lagoon, was once the largest of the six San Diego coastal lagoons, and has the largest watershed. The marsh area alone is believed to have been over 600 acres, while the entire lagoon probably covered 1,000 acres. Over the years, the Lagoon was subjected to major filling activities and lost over half of its marshes. The filling activities included construction of the Southern Pacific Railroad crossing in the 1800s, U.S. Highway 101, Jimmy Durante Boulevard, residential land development, the Del Mar Fairgrounds, and a World War II airport. Two large dams were constructed upstream on the San Dieguito River, greatly reducing freshwater inflows. The fill activities and loss of natural river flows have caused constriction of the Lagoon and severe reduction to the tidal prism resulting in closure of the Lagoon mouth for long periods. Today, the Lagoon mouth is opened naturally only during large winter floods or by artificial means when excavated.

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Restoration of the Lagoon as a functioning coastal wetland has been a stated goal of the cities of Del Mar and San Diego, and the organizers of the San Dieguito River Park for almost two decades. In 1983, utilizing, in part, a \$1.3 million grant from the California Coastal Conservancy, the California Department of Fish and Game created a tidal basin in a 70-acre area of the southern Lagoon. In addition, the Lagoon mouth was reopened, restoring tidal influence, at least temporarily, to the entire coastal wetland. The ultimate restoration goal, as stated in the San Dieguito Lagoon Resource Enhancement Program (adopted in 1979) and the San Dieguito River Park Concept Plan (adopted in 1994), is to restore what remains of the historically significant San Dieguito Lagoon system.

The current Project is being implemented by Southern California Edison (SCE) to provide mitigation for environmental impacts caused by San Onofre Nuclear Generating Station (SONGS) Units 2 and 3. In consultation with staff of the California Coastal Commission (CCC), SCE selected the Lagoon as the site to satisfy the Coastal Development Permit condition to create or substantially restore 150 acres of tidal wetlands. SCE, as the managing owner of SONGS (other owners include San Diego Gas & Electric, the city of Riverside, and the city of Anaheim), developed a coastal wetlands restoration plan for the San Dieguito Lagoon that is intended to satisfy this condition. The determination as to whether or not the proposed restoration plan meets the CCC permit condition is the sole responsibility of the CCC.

Elements of the Project include: 1) tidal inlet maintenance to promote regular tidal exchange through excavation of the river channel and periodic maintenance dredging (no physical structures would be constructed at the inlet or on the beach to maintain an open channel); 2) excavation of tidal and upland areas to create subtidal and intertidal habitat; 3) creation of seasonal salt marsh; 4) provision of up to 19 acres within the project area for the creation of nesting habitat for the California least tern and western snowy plover; 5) construction of berms within the river's effective flow area in order to maintain the existing sediment flows within the river and to the beach (it is important to note that these berms are not intended to serve as flood control devices; however, the Project has been determined to result in no reduction in hydrologic conveyance and will improve the hydrologic efficiency and tidal circulation in the Lagoon, resulting in reduced flood flows); 6) dredge disposal sites within

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the project boundary; 7) restoration of native habitat to non-tidal areas surrounding the wetland restoration project; and 8) creation of public access trails and opportunities for interpretation.

The Project will involve excavation and disposal of approximately 2.3 million cubic yards of material. Some of the excavated material will be used on-site for construction of the berms and the nesting sites. All beach quality sand that is not used to create the nesting sites will be deposited on the beach. The remaining excavated material will be deposited at various sites within the project area.

The Project includes proposals for compatible passive recreational use in the area, specifically trails. A wildlife viewing area, with trails open only to pedestrians, is proposed for the uplands in the southeastern portion of the project area (Mesa Loop Trail). A parking area with up to 25 spaces would be required to accommodate this use. A segment of the San Dieguito River Park's Coast to Crest Trail is also proposed within the project area and would be located along the project's northern boundary. The Coast to Crest Trail would be a multi-use, non-motorized trail consisting of an 8-foot-wide, hard-surfaced trail and an adjoining 4-foot-wide dirt trail. The hard-surfaced trail would accommodate bicycles and would be designed to meet the standards required under the federal Americans with Disabilities Act. The dirt path would be provided for hikers and equestrians. The Coast to Crest Trail would extend from Jimmy Durante Blvd. on the west to El Camino Real on the east. Approximately 1000 feet of the trail, beginning at the west end, is planned as a boardwalk for pedestrian use only. At the Jimmy Durante Boulevard Bridge, trail users could cross the bridge via the sidewalk, and continue east on the Del Mar River Path. In addition, the city of Del Mar maintains a public access trail to the west pursuant to State Lease No. PRC 8408.

The Project is supported by the U.S. Fish and Wildlife Service, the Department of Fish and Game, the San Diego Association of Governments, the cities of Del Mar and Solana Beach, and the San Diego Bay Council (a coalition of environmental organizations composed of the Surfrider Foundation, the Sierra Club, the San Diego Audubon Society, San Diego Baykeeper and the Environmental Health Coalition).

Construction is expected to begin in Summer 2005, and take approximately three years to complete. SCE is responsible for funding

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the Project and for its long-term maintenance for the life of SONGS (40± years). The JPA will then assume control over the area pursuant to an endowment fund that SCE will establish.

3. The Commission has issued several leases to private parties and public agencies for various uses of its sovereign lands within San Dieguito Lagoon. Protective structure leases have been issued to: Beach Colony One, Ltd., and Beach Colony Two, Ltd., for rock riprap protection on the south side of the San Dieguito Lagoon between the railroad and the coast highway (PRC 6198 and PRC 6199); and Frank and Joanne Warren for rock riprap protection on the lagoon side of their oceanfront property (PRC 7899). Various public agency leases have been issued to the city of Del Mar for the Jimmy Durante Boulevard bridge (PRC 6133); the Camino Del Mar Bridge, including a railing and pedestrian walkway (PRC 8181); a one-time emergency breaching of the Lagoon mouth (PRC 8248) and a subsequent lease to maintain a Lagoon mouth opening (PRC 8426) until June 2006; a public pedestrian trail and landscaping on the south bank of the San Dieguito River, west of Jimmy Durante Boulevard at San Dieguito Drive (PRC 8408). The Department of Transportation was issued a lease pursuant to Section 101.5 of the Streets and Highways Code for maintenance of the I-5 Bridge over the Lagoon (PRC 6982). The Commission also issued a public agency lease to the Department of Fish and Game for management of sovereign interests as part of the San Dieguito Lagoon Ecological Reserve located between I-5 and the railroad (PRC 6329).
4. A Joint EIR/EIS was prepared and certified for this Project by the San Dieguito River Park Joint Powers Authority and the United States Fish and Wildlife Service. The California State Lands Commission staff has reviewed that document and Mitigation Monitoring Program adopted by the lead agency.

Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are on file in the Sacramento Office of the Commission.

The JPA adopted a Statement of Overriding Considerations, attached hereto as Exhibit C, in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093), with respect to the impacts identified in the Final EIR/EIS for the San Dieguito Wetland

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Restoration Project that cannot be reduced, with mitigation, to a level that is not significant, or impacts that are not capable of being mitigated. Some of these impacts could potentially affect lands under the Commission's jurisdiction. These include the following:

- Land Use: The use of a proposed tram on the trail system that is not recommended or approved by the JPA that would conflict with recreational uses, cause safety impacts, and diminish recreational experience.
- Natural Resources: Loss of Prime Farmland and Farmland of Statewide Importance.
- Landforms: Landform alterations resulting from berm construction and dredge disposal and grading for bird nesting plateaus.
- Visual Quality: Short-term visual impact during earth moving/construction activities until vegetation is established (2-4 years) and the area returns to a more natural appearance and contrast in the visual appearance of California least tern nesting sites compared to surrounding areas.

The Statement of Overriding Considerations also incorporates other impact areas where the JPA has made an alternative finding that the Project could potentially result in significant impacts if the applied mitigation is not applicable for reasons stated in the Findings. Some of these impacts that could be potentially significant affect lands under the Commission's jurisdiction. These include the following:

- Land Use: Excavation/construction west of I-5, inlet dredging and maintenance dredging may be incompatible with residences along Sandy Lane; use of Staging Area 1 (SA1) located on the beach and river mouth during construction and for maintenance dredging could cause temporary impacts to beach access and recreational uses; and, maintaining the inlet channel will reduce the ability of pedestrians to cross the mouth of the San Dieguito River (River) if it becomes infeasible to construct a pedestrian pathway across the inlet as proposed to reduce the impact to below a level of significance.

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- Hydrology: The proposed Wetland Restoration Project will substantially alter the lower reaches of the River that is an essential part of the Project and impacts have been minimized to the extent feasible.

The San Dieguito Wetland Restoration Project, which would create/restore up to 247 acres of coastal wetlands, will have numerous public trust related benefits to the State of California in general and to lands under the Commission's jurisdiction. The Project:

- Improves, restores and preserves wetland habitat for fish, birds, benthic invertebrates, and plants, including threatened and endangered species.
- Provides needed integrated habitat preservation of the originally largest and currently one of the major lagoon/estuarine systems in the region.
- Improves overall water quality and biological habitat as the result of restoring tidal exchange and circulation within the lagoon.
- Reduces the potential for flooding.
- Provides nesting habitat for the California least terns, Western snowy plover, and other waterbirds, contributing to the restoration of ecosystem function and values throughout the system.
- Increases diversity of estuarine and tidal marsh species by the creation of tidal habitats, including open water, intertidal flats, and salt marsh.
- Contributes to San Diego's regional tourism economy.
- Provides significant scenic, visual, and aesthetic benefits to the residents of San Diego and visitors to the area.
- Provides existing and additional compatible public access, extensive recreational benefits, and interpretive activities created by the restoration components of the Project.



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5. Subsequent to the JPA's certification of the EIR/EIS for this project, the JPA and Southern California Edison were sued by the Del Mar Sandy Lane Association (Association), among others, who claimed that the certification was not supported by substantial evidence in the record. On August 4, 2003, the Court of Appeal for the Fourth Appellate District issued a 74 page decision upholding the JPA's certification of the EIR/EIS on the ground that "there is substantial credible evidence supporting each of the JPA's conclusions concerning the environmental impacts of the Project and the appropriateness of the mitigation measures." (Page 2 of that decision, a copy of which is on file at the Sacramento office of the Commission.) The Association did not seek review of that decision, and the decision is now final.

Citizens United, a group of property owners, filed a lawsuit on May 25, 2001, Citizens United to Save the Beach v. California State Lands Commission (Superior Court, County of San Diego, Case No. GIN015816), challenging the first lease that the Commission issued to the city of Del Mar for the one-time emergency breaching of the Lagoon mouth. That lease allowed the City to remove a sand berm that formed where the River empties into the Pacific Ocean. The berm caused the Lagoon's waters to stagnate, leading to massive fish deaths and other environmental harm. Citizens United subsequently added the Coastal Commission as a defendant after the California Coastal Commission issued a permit authorizing the City's project. On February 27, 2002, the trial court dismissed, on statute of limitations and indispensable party grounds, all of Citizens' claims. Citizens appealed, but only as to the causes of action against the California State Lands Commission.

On October 1, 2002, the Commission authorized another lease to the city of Del Mar allowing for periodic breaching of the Lagoon mouth, for the same reasons as cited above, until June 2006. That lease was subsequently brought into the Citizens' lawsuit. On July 21, 2003, the Court of Appeal for the Fourth Appellate District issued an unpublished decision affirming the dismissal of the CEQA claims against the Commission. However, the Court remanded the case to the trial court to review Citizens' remaining claim -- that the Commission's lease violates the Public Trust Doctrine. The Court of Appeal found that the claim was timely raised, but declined to address it, indicating that it should first be reviewed by the trial court. No further substantive proceedings have taken place since that ruling.

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6. Based upon all available information and evidence in the record, staff believes that the Project will further the public trust values of the Lagoon and Pacific Ocean. As outlined on pages 4-7 of the ATTACHMENT TO STATE LANDS LEASE APPLICATION, in the documents cited in that attachment, and previously in this calendar item, the Project will (a) "improve, preserve, and create a variety of habitats to increase and maintain fish and wildlife and ensure protection of endangered species" (EIR/EIS, p. I-20), (b) serve as an ecological unit for scientific study, (c) provide recreational benefits through trails and a wildlife viewing area, (d) provide value as open space, and (e) help preserve and restore the visual, scenic and aesthetic attributes of the lagoon. Staff maintains that, on balance, these benefits far outweigh any potential impacts to Public Trust values, such as the previously noted (a) temporary impacts on beach access and recreational uses during construction and maintenance dredging; (b) potentially reduced ability of pedestrians to cross the River mouth if it becomes infeasible to construct a proposed pedestrian pathway across the inlet; and (c) increased period of time that the River mouth beach area is covered by ocean water (an increase from approximately 32% of the time, to full time).
7. The precise location of the State's sovereign interests have not been fixed by agreement or adjudication within the Lagoon area, except for an area between the railroad and the Coast Highway, which was the subject of Boundary Line Agreement 253 authorized by the Commission on February 28, 1985, between the State Lands Commission and Beach Colony One, Ltd., and Beach Colony Two, Ltd.
8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq.

**FURTHER APPROVALS REQUIRED:**

U.S. Fish and Wildlife Service; U.S. Army Corps of Engineers; Regional Water Quality Control Board; California Department of Fish and Game; Cities of Del Mar and San Diego; California Coastal Commission; 22<sup>nd</sup> District Agricultural Association; California State Lands Commission.

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**EXHIBITS:**

- A. Location and Site Map
- B. Land Description
- C. Statement of Overriding Considerations

**PERMIT STREAMLINING ACT DEADLINE:**

August 25, 2004

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT A JOINT EIR/EIS WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY THE SAN DIEGUITO RIVER PARK JOINT POWERS AUTHORITY AND THE UNITED STATES FISH AND WILDLIFE SERVICE AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096(h) ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.

ADOPT THE MITIGATION MONITORING PROGRAM, ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSISON.

ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATONS, SECTION 15093, AS CONTAINED IN EXHIBIT C, ATTACHED HERETO.

**SIGNIFICANT LANDS INVENTORY FINDING:**

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**PUBLIC TRUST FINDING:**

FIND THAT THE ACTIVITY AUTHORIZED BY THIS LEASE IS CONSISTENT WITH AND IN FURTHERANCE OF PUBLIC TRUST

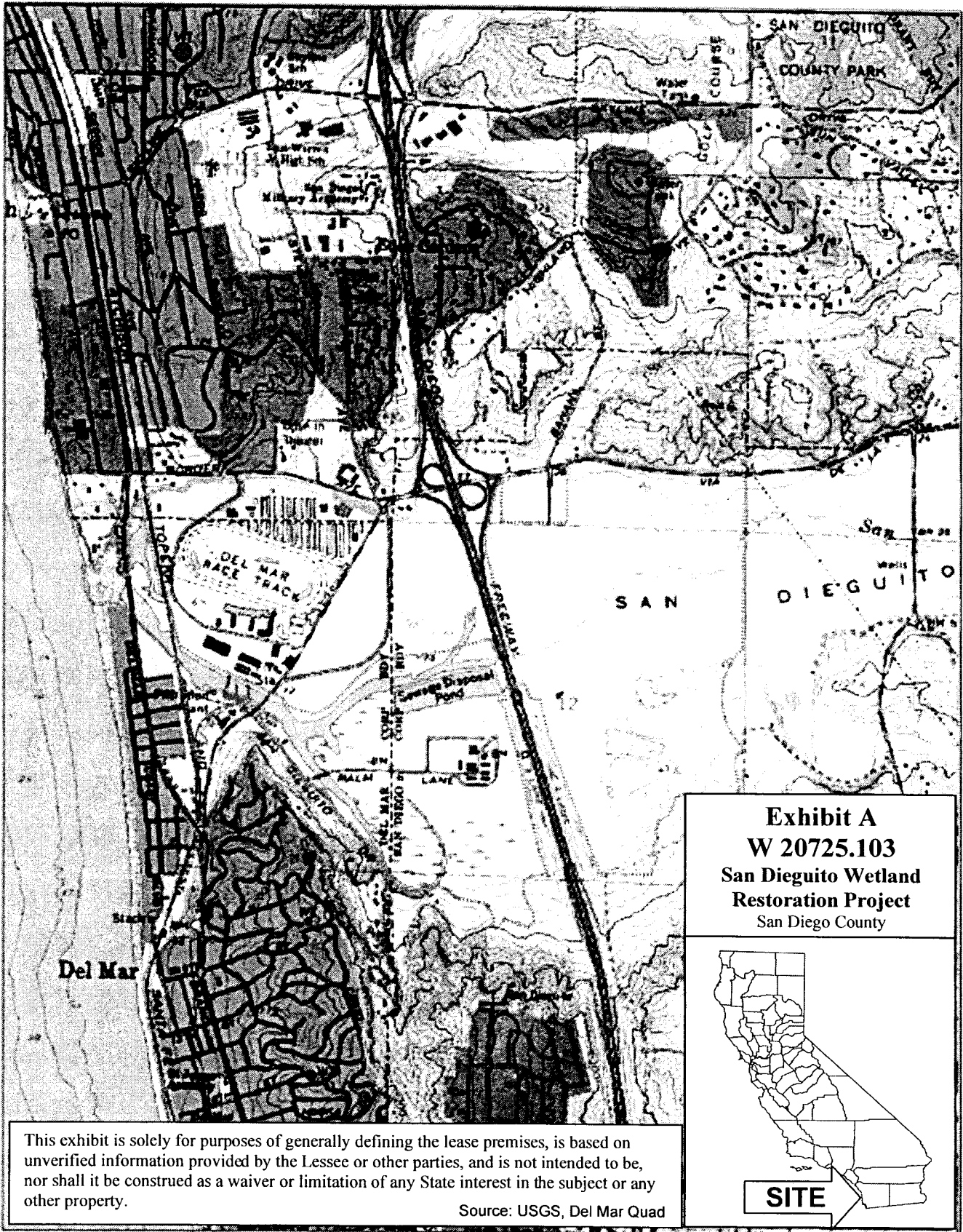
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NEEDS OF SAN DIEGUITO LAGOON AND ITS CONNECTION WITH  
THE PACIFIC OCEAN.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO THE SAN DIEGUITO RIVER VALLEY  
REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY AND  
SOUTHERN CALIFORNIA EDISON COMPANY, OF A GENERAL LEASE  
- WETLAND RESTORATION USE, BEGINNING SEPTEMBER 1, 2004,  
FOR A TERM OF 49 YEARS, FOR CONSTRUCTION, OPERATION AND  
MAINTENANCE OF THE SAN DIEGUITO WETLAND RESTORATION  
PROJECT ON THE LAND DESCRIBED ON EXHIBIT B ATTACHED AND  
BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION IS  
THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE  
RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE  
COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST  
INTEREST; LIABILITY INSURANCE WITH COVERAGE OF NO LESS  
THAN \$5,000,000.

EXHIBIT A



This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties, and is not intended to be, nor shall it be construed as a waiver or limitation of any State interest in the subject or any other property.

Source: USGS, Del Mar Quad

**EXHIBIT B**

ALL THOSE STATE-OWNED SOVEREIGN LANDS WITHIN PORTIONS OF SECTION 12, THE SOUTHEAST QUARTER OF SECTION 1, THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF SAN DIEGO, AND SECTION 11, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF DEL MAR, ACCORDING TO THE OFFICIAL PLAT THEREOF, TOGETHER WITH A PORTION OF PARCEL 1 OF PARCEL MAP NO. 10281, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AND THOSE STATE-OWNED SOVEREIGN LANDS OF THE PACIFIC OCEAN, SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, LYING WITHIN THE PERIMETER OF THE FOLLOWING DESCRIBED PROPERTY:

**BEGINNING** AT THE NORTHEAST CORNER OF SAID SECTION 12, THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID SECTION 12 TO THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID SECTION 12 TO THE NORTHWESTERLY CORNER OF PARCEL "A" OF MAP NO. 11215, RECORDED APRIL 26, 1985 AS FILE NO. 85-144258, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; SAID NORTHWESTERLY CORNER BEING THE NORTHEASTERLY TERMINUS OF THAT CERTAIN COURSE BEARING NORTH 54°28'46" EAST 1283.23 FEET; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID PARCEL "A" TO THE WESTERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 10281; THENCE NORTHERLY ALONG SAID WESTERLY LINE TO THE SOUTH LINE OF SAID SECTION 12, SAID SOUTH LINE ALSO BEING THE NORTHERLY LINE OF SAID SECTION 13; THENCE WESTERLY ALONG THE NORTHERLY LINE THEREOF TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13 TO THE NORTHERLY RIGHT OF WAY LINE OF RACE TRACK VIEW DRIVE BEING A 56 FOOT WIDE ROAD AS SHOWN ON PARCEL MAP NO. 14043, RECORDED NOVEMBER 22, 1985 AS FILE NO. 85-443947 IN THE OFFICE OF SAID COUNTY RECORDER; THENCE WESTERLY AND NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE EASTERLY BOUNDARY LINE OF THE CITY OF DEL MAR AS SHOWN ON RECORD OF SURVEY NO. 12340, RECORDED SEPTEMBER 21, 1989 AS FILE NO. 89-509665 IN THE OFFICE OF SAID COUNTY RECORDER; THENCE ALONG SAID CITY BOUNDARY LINE NORTHERLY AND NORTHWESTERLY TO THE SOUTHEAST CORNER OF SAID SECTION 11; THENCE WESTERLY, LEAVING SAID CITY BOUNDARY LINE AND ALONG THE SOUTHERLY LINE OF SAID SECTION 11 NORTH 88°51'16" WEST 101.00 FEET TO A POINT ON THE NORTHEASTERLY SIDELINE OF SAN DIEGUITO DRIVE AS SHOWN ON SAID RECORD OF SURVEY NO. 12340, BEING 40.00 FEET WIDE; THENCE NORTHWESTERLY ALONG SAID SIDELINE THE FOLLOWING COURSES, NORTH 40°18'24" WEST 65.54 FEET; THENCE NORTH 19°22'11" WEST 227.20 FEET; THENCE NORTH 37°29'46" WEST 118.46 FEET; THENCE NORTH 53°43'41" WEST 210.63 FEET; THENCE NORTH 35°02'05" WEST 175.02 FEET; THENCE NORTH 50°03'58" WEST 87.85 FEET; THENCE NORTH 65°02'23" WEST 57.78 FEET; THENCE NORTH 47°36'27" WEST 144.61 FEET; THENCE NORTH 14°03'53" WEST 156.84 FEET; THENCE NORTH 29°24'51" WEST 184.92 FEET; THENCE NORTH 44°57'47" WEST 146.01 FEET; THENCE NORTH 56°09'57" WEST 186.87 FEET TO THE BEGINNING OF A TANGENT 21.96 FOOT RADIUS CURVE CONCAVE TO THE EAST, SAID CURVE BEING ON THE SOUTHERLY SIDELINE OF ROAD SURVEY NO. 923; THENCE ALONG THE ARC OF SAID CURVE NORTHWESTERLY, NORTHERLY, NORTHEASTERLY, AND EASTERLY 48.75 FEET THROUGH A CENTRAL ANGLE OF 127°12'13"; THENCE NORTH 71°02'16" EAST 60.13 FEET TO E.C. STATION NO. 14+69.66 OF SAID ROAD SURVEY NO. 923 ; THENCE AT RIGHT ANGLES NORTH 18°57'44" WEST 30.00 FEET TO THE CENTERLINE OF ROAD SURVEY NO. 923; THENCE NORTH 40°27'02" WEST 361.10 FEET; THENCE NORTH 33°40'22" WEST 256.00 FEET; THENCE NORTH 24°20'37" WEST 111.06 FEET; THENCE NORTH 43°18'18" WEST 199.28 FEET; THENCE NORTH 35°50'44" EAST 45.23 FEET TO THE BEGINNING OF A NON-TANGENT 1407.70 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, A RADIAL LINE TO SAID BEGINNING BEARS NORTH 37°55'19" EAST, SAID CURVE ALSO BEING COMMON TO THE SOUTHERLY LINE OF THE RAILROAD SPUR LINE AND LOT 828 OF MAP NO. 1592; THENCE ALONG THE ARC OF SAID CURVE NORTHWESTERLY 442.93 FEET THROUGH A CENTRAL ANGLE OF 18°01'41" TO THE BEGINNING OF A NON-TANGENT 740.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, A RADIAL LINE TO SAID BEGINNING BEARS SOUTH 37°12'21" EAST, SAID CURVE BEING THE SOUTHEASTERLY SIDELINE OF JIMMY DURANTE BOULEVARD AS PER ROAD SURVEY NO. 470, BEING 80.00 FEET WIDE; THENCE ALONG THE ARC OF SAID CURVE NORTHEASTERLY 57.80 FEET THROUGH A CENTRAL ANGLE OF 4°28'30" TO THE BEGINNING OF A

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NON-TANGENT 1457.70 FOOT RADIUS CURVE CONCAVE TO THE SOUTH, A RADIAL LINE TO SAID BEGINNING BEARS NORTH 21°03'08" EAST, SAID CURVE ALSO BEING COMMON TO THE NORTHERLY LINE OF THE RAILROAD SPUR AND LOT 828 OF MAP NO. 1592; THENCE ALONG THE ARC OF SAID CURVE WESTERLY 93.36 FEET THROUGH A CENTRAL ANGLE OF 3°40'11" TO THE BEGINNING OF A NON-TANGENT 660.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, A RADIAL LINE TO SAID BEGINNING BEARS SOUTH 37°44'11" EAST, SAID CURVE BEING ON THE NORTHWESTERLY SIDELINE OF JIMMY DURANTE BOULEVARD AS PER ROAD SURVEY NO. 470, BEING 80.00 FEET WIDE; THENCE ALONG THE ARC OF SAID CURVE NORTHEASTERLY 57.74 FEET THROUGH A CENTRAL ANGLE OF 5°00'44"; THENCE LEAVING SAID CURVE ON THE FOLLOWING COURSES; NORTH 59°39'54" WEST 128.45 FEET; THENCE NORTH 74°34'29" WEST 275.71 FEET; THENCE NORTH 51°11'06" WEST 157.05 FEET; THENCE NORTH 73°30'52" WEST 194.26 FEET; THENCE NORTH 59°37'24" WEST 398.62 FEET; THENCE NORTH 48°53'20" WEST 100.73 FEET TO THE EASTERLY SIDELINE OF THE NORTH COUNTY TRANSIT DISTRICT RIGHT-OF-WAY (FORMERLY THE A.T.&S.F. RAILWAY) BEING 200.00 FEET WIDE; THENCE NORTH 51°28'35" WEST 307.72 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY SIDELINE OF SAID NORTH COUNTY TRANSIT DISTRICT RIGHT-OF-WAY AND THE AGREED TO ORDINARY HIGH WATER MARK AS SHOWN ON RECORD OF SURVEY NO. 10040; THENCE NORTHWESTERLY ALONG SAID AGREED TO ORDINARY HIGH WATER MARK THE FOLLOWING COURSES; NORTH 33°22'38" WEST 66.12 FEET; THENCE NORTH 44°56'47" WEST 249.68 FEET; THENCE NORTH 53°12'15" WEST 123.87 FEET; THENCE NORTH 43°27'53" WEST 227.06 FEET TO A POINT ON THE EASTERLY SIDELINE OF CAMINO DEL MAR (FORMERLY BEING STATE HIGHWAY 101, DESIGNATION XI-SD-2-A) OF VARIABLE WIDTH AS SHOWN ON RECORD OF SURVEY NO. 6097; THENCE NORTH 44°26'13" WEST 138.64 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY SIDELINE OF SAID CAMINO DEL MAR AND THE SOUTH LINE OF SAID RECORD OF SURVEY NO. 6097; THENCE ALONG LAST SAID SOUTH LINE THE FOLLOWING COURSES; NORTH 55°19'00" WEST 289.96 FEET; THENCE SOUTH 83°14'45" WEST 230 FEET MORE OR LESS TO A POINT OF INTERSECTION WITH THE ORDINARY HIGH WATER MARK OF THE PACIFIC OCEAN; THENCE ALONG SAID ORDINARY HIGH WATER MARK TO A POINT OF INTERSECTION WITH A WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID SECTION 11; THENCE WESTERLY ALONG SAID PROLONGATION 400 FEET ; THENCE NORTHERLY ALONG A LINE PARALLELING THE ORDINARY HIGH WATER MARK TO A POINT OF INTERSECTION WITH THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID SECTION 11; THENCE EASTERLY ALONG LAST SAID WESTERLY PROLONGATION TO A POINT OF INTERSECTION WITH SAID ORDINARY HIGH WATER MARK; THENCE SOUTHERLY ALONG SAID ORDINARY HIGH WATER MARK TO A POINT OF INTERSECTION WITH THAT CERTAIN COURSE SHOWN ON SAID RECORD OF SURVEY NO. 6097 BEING NORTH 75° 09'20" WEST 70 FEET; THENCE SOUTH 74°36'05" EAST 70 FEET MORE OR LESS TO AN ANGLE POINT IN THE NORTHWESTERLY LINE OF SAID RECORD OF SURVEY NO. 6097; THENCE ALONG LAST SAID NORTHWESTERLY LINE THE FOLLOWING COURSES; NORTH 41°57'25" EAST 202.04 FEET; THENCE NORTH 29°09'25" EAST 97.00 FEET; THENCE NORTH 14°13'55" EAST 91.00 FEET; THENCE NORTH 28°44'25" EAST 185.00 FEET; THENCE 6. NORTH 16°28'38" EAST 331.31 FEET TO THE NORTH OF SAID SECTION 11; THENCE EASTERLY ALONG LAST SAID NORTH LINE SOUTH 89°35'31" EAST 513.72 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF SAID NORTH COUNTY TRANSIT DISTRICT RIGHT-OF-WAY, BEING 200.00 FEET WIDE; THENCE ALONG SAID EASTERLY LINE SOUTH 10°54'10" EAST 1968.73 FEET TO A POINT; THENCE LEAVING LAST SAID EASTERLY LINE THE FOLLOWING COURSES; SOUTH 55°26'38" EAST 281.29 FEET; THENCE SOUTH 60°51'53" EAST 519.36 FEET; THENCE SOUTH 73°05'25" EAST 127.00 FEET; THENCE SOUTH 65°06'09" EAST 444.51 FEET; THENCE SOUTH 55°48'01" EAST 61.13 FEET; THENCE SOUTH 80°53'12" EAST 84.32 FEET; THENCE SOUTH 50°02'44" EAST 80.23 FEET; THENCE SOUTH 66°49'06" EAST 211.75 FEET; THENCE SOUTH 42°42'19" EAST 174.83 FEET; THENCE SOUTH 72°25'44" EAST 349.82 FEET; THENCE NORTH 56°20'13" EAST 399.71 FEET; THENCE NORTH 45°25'50" EAST 439.77 FEET; THENCE NORTH 50°25'15" EAST 395.43 FEET; THENCE NORTH 79°22'14" EAST 431.76 FEET; THENCE NORTH 79°35'04" EAST 471.03 FEET; THENCE NORTH 87°47'58" EAST 70.43 FEET; THENCE SOUTH 86°28'20" EAST 288.19 FEET; THENCE NORTH 76°59'51" EAST 480.51 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF INTERSTATE FIVE (DESIGNATION XI-SD-2) AS SHOWN ON M.S. 776; THENCE NORTH 72°55'00" EAST 322.12 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SAID INTERSTATE FIVE; THENCE ALONG LAST SAID EASTERLY RIGHT OF WAY THE FOLLOWING COURSES; NORTH 17°05'00" WEST 788.26 FEET; THENCE NORTH 12°04'58" WEST 401.53

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FEET; THENCE NORTH 15°39'04" WEST 200.06 FEET; THENCE NORTH 03°35'10" WEST 257.12 FEET; THENCE NORTH 14°57'37" EAST 202.43 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 12, ALSO BEING COMMON TO THE SOUTH LINE OF SECTION 1; THENCE ALONG LAST SAID NORTH LINE SOUTH 88°39'49" EAST 1186.70 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 1 AND 12; THENCE NORTHERLY ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 1 TO THE SOUTHERLY RIGHT OF WAY LINE OF VIA DE LA VALLE BEING 80 FEET WIDE AS SHOWN ON COUNTY ROAD SURVEY NO. 443 AND RECORDED IN THE OFFICE OF SAID COUNTY RECORDER; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY TO THE EASTERLY LINE OF SAID SECTION 1; THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF SECTION 1 TO THE **POINT OF BEGINNING**.

SAID BEARINGS ARE IN TERMS OF THE CALIFORNIA COORDINATE SYSTEM, NAD 83, ZONE 6. (EPOCH 1991.35) PER RECORD OF SURVEY NO. 14492.

THIS LEGAL DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE LAND SURVEYOR'S ACT.



\_\_\_\_\_  
REX S. PLUMMER DATE  
LS 6641  
EXPIRATION DATE 12/31/05



EXHIBIT C

STATEMENT OF BENEFITS AND OVERRIDING CONSIDERATIONS  
[CEQA Guidelines 15093]

I. INTRODUCTION.

The San Dieguito River Valley Regional Open Space Park joint Powers Authority (JPA), acting as lead agency under the California Environmental Quality Act (CEQA), and the United States Fish and Wildlife Service (USFW) acting as the lead agency under the National Environmental Policy Act (NEPA) have prepared a joint Environmental Impact Statement (EIS under NEPA) and Environmental Impact Report (EIR under CEQA) to review the proposed San Dieguito Wetlands Restoration Project and Park Master Plan for the Coastal Area of the San Dieguito River Valley Regional Open Space Park (herein Project).

The purpose and background of the Project are described in detail in the joint EIR/EIS. The EIR/EIS identifies the significant impacts anticipated to occur from implementation of the various alternative project configurations studied in the EIR/EIS and identifies appropriate mitigation measures. As to each such impact of the proposed Project, specific findings regarding mitigation have been prepared and will be considered for adoption by the JPA Board concurrent with its consideration of this Statement of Benefits and Overriding Considerations.

The specifics of proposed mitigation are set out in a Mitigation Monitoring and Reporting Program adopted by the JPA Board (MMRP). To the extent that there are any remaining significant environmental impacts after mitigation, this Statement of Benefits and Overriding Considerations is adopted as the JPA Board's reasons for proceeding with the project notwithstanding any such remaining significant impacts.

II. SUMMARY OF LAW REGARDING STATEMENTS OF BENEFITS AND OVERRIDING

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CONSIDERATIONS.

CEQA Guidelines section 15043 states:

**15043. Authority to Approve Projects Despite Significant Effects**

*A public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that:*

- (a) There is no feasible way to lessen or avoid the significant effect (see Section 15091);*
- and*
- (b) Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project. (See: Section 15093.)*

This Guideline codifies and confirms the authority recognized in the cases that an agency may approve a project notwithstanding its significant environmental effects if it identifies expected benefits that outweigh any impacts from the significant environmental effects. CEQA Guidelines section 15093, in turn, describes how a Statement of Overriding Considerations is to be made when the agency determines it is appropriate to exercise this authority. Section 15093 provides:

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**15093. Statement of Overriding Considerations**

a) *CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."*

b) *When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.*

c) *If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.*

Under these authorities the JPA makes the following Statement of Overriding Considerations:

**III. STATEMENT OF BENEFITS AND OVERRIDING CONSIDERATIONS.**

Based upon its review of the entire record including the draft and final EIR/EIS, the CEQA Findings, the Mitigation, Monitoring and Reporting Program, the staff report and recommendation,

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the comments and input of the public, other public agencies, and landowners, taking into account the general public health, safety and welfare, and balancing the positives and negatives of the Project, the Board concludes that the following overriding benefits justify approval of the project and outweigh any significant environmental effects remaining after project mitigation is imposed.

Specifically, the significant effects that are determined to be overridden by the Project's benefits are those identified in the EIR/EIS and in the Findings and include: (1) Loss of agriculturally important lands (2) Land form alterations resulting from berm construction and dredge disposal (3) Contrast in the visual appearance of California least tern nesting sites compared to surrounding areas (4) Loss of wetlands should Disposal Site DS 38 (Surf and Turf) be used, which is not recommended or approved by the JPA (5) Conflicts caused if potential tram use of the trail system is implemented, which is also not recommended or approved by the JPA, and (6) any of the other impact areas where the JPA has made an alternative finding of potential that the Project could potentially result in significant impacts or that are otherwise determined to be significant.

The following summarizes the benefits and overriding considerations:

A. Restoration and Preservation of Habitat and of Threatened, Endangered, and Other Species.

The overall intent and purpose of the Project is environmental restoration and preservation, i.e., to restore to a more natural condition, and to preserve and protect the wetlands eco-system in the west end of the San Dieguito River Valley. The Project will return the west end of the River Valley to a more natural condition closer to that which existed before human interference in the natural system. The Project will to a great degree alleviate this historic wetland's degraded condition, and will greatly improve a variety of wetland and related habitats for fish, birds, benthic

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and other flora and fauna, including threatened and endangered species, that exist or can exist in this portion of the River Valley.

In order to achieve these overriding environmental preservation benefits for the medium and long term, it is necessary to undertake short term construction and related Project activities to implement the restoration, and thereafter to undertake periodic maintenance activities. As a consequence, it will be necessary to accommodate, on an interim basis, some adverse consequences of the construction, maintenance, and related activities. As described in the EIR/EIS, in the Findings, and in the MMRP, these short term adverse effects have been mitigated to the extent feasible, but cannot be totally eliminated. The JPA finds that, on balance, the medium and long term benefits of the restoration project will greatly outweigh any short term adverse consequences.

It is also necessary in order to achieve these benefits to include berms in the project to ensure proper hydraulics and Project functioning, to aid in efficient sediment transport minimizing sediment disposition and damage to restored habitat, and to minimize flood risk. Likewise, inclusion of the tern nesting areas in the Project is key to the project and achieving the Project's restoration goals and to providing much needed habitat for endangered species. The contrast in coloration of these areas is a necessary component of a well designed tern nesting habitat and is unavoidable. The loss of agricultural land is also unavoidable as described in the EIR/EIS and in the Findings. Each of these longer term significant Project impacts, and all of them together cumulatively, is overridden by the benefits of the Project.

While use of area DS 38 (Surf and Turf) as a disposal site and tram use of the trail are also identified as potentially significant and adverse in the EIR/EIS, these are not essential elements needed to achieve the Project objectives and, therefore, are not recommended or approved by the

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JPA. The JPA finds, however, that even if these components were included in the Project, the JPA determines that the benefits of the Project override the adverse impacts of these project components.

The JPA also finds that restoration of the wetland system as proposed will serve to attract more people to the wetland system for scientific, educational, and recreation purposes. A trail system is included as part of the project to mitigate what would otherwise be the significant adverse consequences of people, their pets, and vehicles, accessing the restored wetlands on an unorganized, ad hoc basis, leaving trash, trampling sensitive areas, etc. The JPA finds that not only will the trail system will mitigate these otherwise significant adverse impacts of the Project and will to some extent provide benefits in the form of increased opportunities for scientific, educational, and recreational activities. The Board finds and determines that accommodation of the planned human uses as part of the Project through implementation of the proposed managed trail system is necessary to avoid otherwise significant adverse impacts and to ensure the viability of the overall preservation program, and that the benefits of the preservation and restoration aspects of the Project far outweigh any significant effects that may result from the limited and controlled accommodation of human activities.

B. Provision of Needed Major Integrated Habitat Preservation.

The Board finds that there is a lack of protected major, integrated habitat systems in the San Diego Region. The Board recognizes that, to some extent, important habitat preservation activities are underway elsewhere in the San Diego Region, including but not limited to:

1. The Tijuana Estuary Preservation Program;
2. The Batiquitos Lagoon Restoration Program;
3. The Santa Margarita River Valley Planning Effort;

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4. The City of San Diego Clean Water Program Multiple Species Conservation Program;
5. The North County Multiple Habitat Conservation Program; and
6. Other preservation programs.

However, the Board finds that the San Dieguito lagoon and associated wetlands was originally the largest, and currently is one of the major lagoon/estuarian systems, in the region and is in dire need of restoration, rehabilitation, and long term management. The Board recognizes that the financial resources for the restoration Project are coming primarily from Southern California Edison (SCE) which is obligated to fund the restoration to assure 150 acres of functioning wetlands as called for by SCE's coastal permit for its San Onofre Nuclear Generating Station ("SONGS").

The Board also recognizes that the California Coastal Commission's role in reviewing the Project will be to assure compliance with the Coastal Act and with the existing SONGS Coastal approvals, and the JPA recognizes SCE's needs to conform to these Coastal Act requirements.

Notwithstanding, the Board finds that the EIR/EIS considered a full range of reasonable alternatives that was not artificially constrained by SCE or Coastal Commission needs and that the Project as approved by the JPA reflects the best overall balance of environmental, technical, economic, land owner, and human needs for the long term for this area. The Board further finds that there is a shortage of in-place programs for restoration and preservation of integrated major habitat systems such as is proposed by the Project, and that funding for such projects is extremely limited.

In this context the Board finds that the availability of SCE funding is an opportunity, not a constraint.

The Board further finds that the Project will, in important respects, integrate with adjoining

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beach and up river programs, providing important benefits not provided by other programs in the County, including but not limited to, habitat linkages and corridors, and linked opportunities for hiking, biking, equestrian activities, nature study, and other compatible human activities. The Board finds that these overriding benefits outweigh any significant environmental effects of the project.

C. Social and Economic Benefits.

The Board finds that implementation of the Project will have all of the following social and economic benefits:

1. Concept and Other Plans.

Completion of the Project will be a key milestone in implementing the JPA's Concept Plan for the area and in bringing the region closer to the reality of a 55 mile regional open space park stretching from the restored wetlands on the west to the conifer forests of Volcan Mountain on the East, with trails and linkages along the way.

The Board further finds that completion of the Project will be consistent with, and will help achieve goals of, the Planning efforts of the Cities of San Diego, Del Mar and Solana Beach, and of the County of San Diego, for this area as well as of the Coastal Commission, and Coastal Conservancy, each of which has plans and policies calling for the restoration of the wetlands in this area.

3. Economics.

Tourism is a key component of San Diego's economy. SANDAG predicts that approximately another one million people will be residing in the San Diego region in the next 20 years, and a large number of these people will be in the north county. The Board finds that the restoration of the San Dieguito wetlands as proposed by the Project will contribute to San Diego's



regional tourism economy by making this area of north county a more desirable place to visit and by providing much needed natural areas with trails and visitor facilities suitable for visiting, walking, biking, equestrian activities, and other visitor related activities.

The Project will also help stabilize what has, in its recent degraded condition, been a relatively unstable environment, sometimes dry and stagnant with bad odors and vector problems, and sometimes in flood with risk of damage to adjoining properties and activities. By restoring a more natural and consistent system and by stabilizing a regular tidal exchange the Project will help eliminate these negative pre-existing conditions, will not exacerbate existing flood or other risks, but will help control and reduce them, thereby contributing economic value to the area.

It is expected that the Project will also stimulate further investment in restoration of the area beyond the scope of the current project. Many other agencies and landowners area, and will be in the future, in need of opportunities to mitigate for the impacts of their activities. The Project will provide a convenient and cost effective base project that can be expanded, in conformance with the JPA Concept Plan, to ultimately provide an even greater restoration area and greater benefits. Completion of the current Project will help serve as a catalyst to attract such future expansion projects.

The Board finds that implementation of the Project will provide an opportunity for the Valley to be recipient of mitigation funds from a variety of sources, including but not limited to, federal, state, and local grants, mitigation funds from private and public developments, and other sources. The Board notes that mitigation funds have already been obtained in this manner from CALTRANS, SCE and the City of San Diego. The Board finds that the receipt of such funds, and the anticipated continuance of future receipt of such funds, provides a substantial benefit to the San

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Diego region in terms of restoration and preservation of habitat.

The Board further finds that completion of the Project will contribute generally to the beauty and desirability of the area thereby positively affecting nearby property values.

D. Psychological Benefits.

The Board finds that, as the San Diego region becomes more and more urban, more crowded, and more competitive, that opportunities for "peace and quiet," for communing with nature, and for enjoying the outdoors become more and more important to the psychological well-being of San Diego's residents and visitors. The Board finds that implementation of the Project will provide a very important, close by opportunity for San Diego residents and visitors to enjoy these psychological benefits.

E. Visual, Scenic, and Aesthetic Benefits.

The Board finds that implementation of the Project will provide significant scenic, visual, and aesthetic benefits to the residents of San Diego and to visitors to the area. The Board finds that these benefits will accrue not only to those who actively utilize the River Valley itself, but also to those who travel through the area on the freeways, by rail, and on the road system. In particular, implementation of the Project will help restore and preserve the visual, scenic, and aesthetic aspects of a major River and wetland system at a time when such systems are otherwise rapidly disappearing.

IV. EVIDENCE SUPPORTING THIS STATEMENT.

In making this Statement the Board has relied upon the Draft and Final EIR/EIS, the CEQA Findings made by the Board, the Mitigation Monitoring and Reporting Program, the JPA's Concept Plan, the JPA's Goals and Objectives, the Memoranda of Agreements and draft plans for the

restoration of the San Dieguito Lagoon, the acquisition plans of the JPA, the contacts and proposals the JPA has received from other parties and agencies regarding various mitigation proposals, joint proposals, and other preservation proposals, the recommendations of its Citizens Advisory Committee, the input of its member agencies, the input of its various other committees, the input and expertise of its staff and of its Board Members, the input from landowners, from other interested agencies and parties, and from its study of other projects and planning efforts underway in the region. This Statement is based upon all of this information and on the Board's consideration thereof and not just upon the Project documents or the EIR/EIS.

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