



THE CITY OF SAN DIEGO  
**REPORT TO THE CITY COUNCIL**

DATE ISSUED: September 20, 2007 REPORT NO: 07-150  
ATTENTION: Natural Resources & Culture Committee  
Agenda of Sept. 26, 2007  
SUBJECT: Update on the City of San Diego's Storm Drain Maintenance Permit Program  
REFERENCE:

REQUESTED ACTION:

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE NATURAL RESOURCES AND CULTURE COMMITTEE OR THE CITY COUNCIL.

STAFF RECOMMENDATION:

N/A

SUMMARY:

In a memorandum dated May 7, 2007, Councilmember Hueso requested an update on the City's progress on a proposed Master Permit for Storm Drain Channel Clearing at the Natural Resources and Culture Committee. In addition, Councilmember Hueso requested an overview of what work can and cannot be done within storm drain channels and how some of the issues concerning the channel maintenance can be addressed on an interim basis as the permitting process proceeds.

There are approximately 84 miles of storm drain channels within the City of San Diego. These channels consist of natural, unimproved as well as paved, improved channels. Most of the channels have been in existence for over 100 years. Maintenance within the channels varied throughout the years but focused solely on the purpose for which the channels were constructed; flood control. Today, channel maintenance focuses on flood control, water quality and wetland vegetation restoration.

In recent years there has been increasing regulatory constraints on channel maintenance. Storm drain channel maintenance often require permits and/or approvals from the Army Corps of Engineers (ACOE), the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), the San Diego Regional Water Quality Control Board (RWQCB), the City of San Diego Development Services Department (DSD) and in some cases, the California

Coastal Commission (CCC). As part of the permitting process, compliance with the California Environmental Quality Act (CEQA) is required, and if Federal funds are included, the National Environmental Policy Act (NEPA) is triggered.

It is pertinent to note that other local jurisdictions face similar challenges regarding permitting for storm channel maintenance. Local cities, including the City of San Diego, have joined forces to form a Regional Channel Maintenance Workgroup. This group hired a consultant to meet with the resource agencies and develop a channel maintenance programmatic permitting guide, which will be used by the various cities to help prepare and process permit applications for channel maintenance activities.

**Master Permit:**

Prior to March 2000, Street Division staff worked informally with the regulatory agencies to obtain permission to enter and maintain the channels. Request to clean the channels was primarily done verbally. Approval from the agencies was also primarily received verbally. However, as the regulatory requirements continued to increase, it became apparent that Street Division needed experience and expertise to work with the regulatory agencies and thus hired a consultant. On March 31, 2000, Street Division hired Dudek & Associates to design a conceptual mitigation plan to process a Regional General Permit (RGP) from the ACOE. The City's intent was to mitigate all impacts arising from the channel maintenance projects and to consolidate the mitigation into as few project sites as practicable. The scope of work was limited and the Division was learning about the regulatory requirements.

On June 17, 2003, Street Division hired Mooney and Associates to assist in obtaining permits for emergency storm drain projects and urgent "individual" permits for storm drain channels that did not rise to the level of an emergency but require immediate maintenance. Mooney and Associates did some preliminary mapping work of mitigation opportunities and also performed some work to obtain the RGP from the ACOE. The scope of work was also limited and was not sufficient to obtain the permit.

Recognizing the need to address regulatory permitting on a more comprehensive basis, the City's General Services Department is attempting to obtain Master Permits from the various resource agencies to facilitate and expedite channel maintenance, thereby significantly reducing the process to obtain separate permits from each agency for each individual channel. As a primary step in the Master Permit process, on October 14, 2004 Council approved a \$150,000 As-Needed contract with Helix Environmental Inc (Helix). The first task order was authorized in November 2004 to research the available data and regulatory requirements concerning the major storm channels and help formulate the permitting strategy. The end products of this first task order were provided to the City on March 15, 2005 and included an inventory of available data concerning the channels and a letter describing the recommended approaches/strategies for preparing the Program Environmental Impact Report (PEIR) and obtaining the master permits to allow the City to conduct regular maintenance of the major channels, as well as to resolve a violation in the Tijuana River.



As part of this agreement Helix also conducted Mapping and Biological Surveys of our channels. A Master Permit will consolidate requirements from the various resource agencies to facilitate and expedite channel maintenance, thereby minimizing the review of separate permits for each individual channel. Application and approval for a Master Permit requires the City's completion of a Programmatic Environmental Impact Report (PEIR).

In May 2005, the City decided to expand the scope of the PEIR and master permits to address maintenance of storm water gutters, outlets and minor channels, as well as the originally identified major channels. The City then commenced preparation of a new Notice of Preparation, Initial Study and scoping letter, completing these in July 2005. City staff then began to work with Helix to determine how best to address the major channels and other smaller facilities within the PEIR, particularly from a biology survey/mapping perspective. It was determined that the easement boundaries of the channels and potential areas to be cleared would need to be defined, in order to obtain a useful estimate of the potential biology impacts due to channel clearing. Substantially over or under estimating the impacts could result in significant additional mitigation costs to the City.

Defining the Channel boundaries proved to be a major challenge, because information regarding the City's jurisdiction and ownership/easement limits was not readily available and had to be researched, and additional minor channel/ditch locations were gradually identified during the research. Although major channel centerlines were available, channel widths were unknown. Initially it was anticipated that City staff could provide "as built" drawings for the major channels to Helix and then Helix would digitize the channel boundaries for biology survey purposes; however, it was determined that the available mapping information was incomplete and inconsistent, and Helix's contract funds would not have been sufficient for this effort. Around February 2006, the City initiated work to create a GIS layer showing the boundaries of all the major channels. The work was completed in January 2007.

In January 2006, it was determined that the PEIR and master permits should also cover detention basins. By May 2006, the City identified 15 basins for biological surveys. The boundaries of the 15 identified detention basins were mapped with a GPS unit. Additionally, aerial photo field maps of the basins boundaries were created and then biological surveys were completed for each basin. The survey and mapping work for the basins was completed in July 2006.

On November 21, 2006, an Amendment to the agreement with Helix in the amount of \$345,000 was approved by Council. The requested increase was necessary because the permitting agencies expanded the requirements, including technical reports and biological surveys. The amendment addresses the expanded scope of the PEIR and provided for Helix's participation through the end of the CEQA/master permitting process. The scope of work, and cost estimate were modified several times to also reflect the inclusion of additional drainage features within the PEIR and master permits. Preparation of both the Draft and Final Program EIRs, were also included in the revised scope of work.

The Programmatic EIR has identified three primary objectives for the Master Drainage Maintenance Program: (1) establish a program to inspect and maintain approximately 350 drainage segments in a timely, systematic and comprehensive manner; (2) identify and

implement the most efficient and environmentally sensitive means of cleaning those segments, recognizing that most contain wetland habitat; and (3) identify all appropriate permits, authorizations, agreements and clearances from the local, state and federal regulatory agencies to implement the proposed program.

On April 16, 2007 Helix provided a draft submittal and an overview of the mapping process of the channel areas. This significant field effort will provide the City an accurate inventory of the channel system including biologically significant habitat and identification of vegetation and jurisdictional wetlands. On July 31, 2007 Helix presented a draft inventory of the various work methods, equipment, staging areas and ancillary activities associated with the cleaning, maintenance, and repair of the channels that form the basis of the PEIR "Project Description".

The PEIR, and the associated environmental permits, will address the maintenance and repair of the City's storm drain system. The nine tasks included in the contract with Helix consist of the following:

1. Project Initiation and Information Gathering
2. Mapping and Biological Surveys
3. Final Project Description
4. Technical Studies
5. First Screencheck Draft PEIR
6. Second Screencheck Draft and Final PEIRs
7. State and Federal Resource Agency Permitting
8. Project Management
9. Meetings

To date, Helix has prepared 150 GIS base maps, has conducted biological surveys and jurisdictional delineations of the channels. Helix has completed the 1<sup>st</sup> draft of the Project Description and is currently preparing the 1<sup>st</sup> screen check of the PEIR and the technical studies to be included in the PEIR. A public review draft of the document is anticipated by early 2009. The public review for the Final EIR is scheduled for mid 2009.

After the PEIR is finalized, a Master Permits request will be submitted. Depending on regulatory review and field investigations, the Master Permit is scheduled to be obtained by late 2009. Obtaining a Master Permit will require mitigation land to offset the impacts caused by the necessary maintenance within the storm drain channels. The cost to acquire, develop and manage the mitigation land is expected to be in the millions.

**Current Maintenance Activities:**

Street Division responds to individual requests for channel maintenance if it can determine that there would be "zero" environmental impacts. In such cases, this limited channel cleaning can be accomplished through partnering with the Urban Corp, Alpha Project and local community groups. A variety of non-invasive work (by hand) for removal of debris and invasive vegetation may be accomplished with minimal permitting and/or notification to the agencies. In order to accomplish this work, the following conditions must be met:



1. No disturbance of soil (per ACOE),
2. No mechanical equipment within wetlands,
3. No alteration of habitat, and
4. No work can occur during the nesting season (March - September) if nesting birds are present.

Standing water can be removed by utilizing a vactor truck to pump the water out of the channel if access is accomplished on existing roadways or without disturbing habitat. The water is tested to verify the levels and types of contaminants in the water and then disposed of in the sewer system. This process is expensive and limited in its use. For standing water outside of natural habitat, the County of San Diego's Department of Environmental Health, Vector Control Program will place "Gambusia Affinis", mosquito fish in the standing water. The mosquito fish eat mosquito larvae as fast as they hatch from eggs. Although the mosquito fish are provide at no cost, they are not placed in lakes, streams, rivers or creeks.

Removal of non-native vegetation such as arundo, creates a unique challenge since it is in prime riparian habitat. Arundo is invasive in wetland areas and exacerbates the risk of flooding. Improper arundo removal has been shown to spread this invasive plant to other areas within the channel or watershed. Therefore, removal requires effective disposal to prevent accidental dispersion. Prior to eradication actions, the City has to obtain clear evidence, through biological surveys that the proposed removal does not impact significant habitat and must monitor the impacts during the proposed work.

Since 2003, General Services Department, Street Division has obtained "After-the-fact"/Emergency Permits for a variety of channels including;

- |                                  |                         |
|----------------------------------|-------------------------|
| - Fairmount Ave                  | - 9449 Friars Rd        |
| - 42 <sup>nd</sup> St & Thorn St | - 5600 Cervantes Ave    |
| - 828 Deal Ct                    | - 2474 Grand Ave        |
| - 2100 Monument Rd               | - 4561 Mission Gorge Rd |
| - Sorrento Valley Rd             | - 6363 Alvarado Ct      |

The process to obtain approval to clean channels via Emergency Permits is not efficient or recommended by city staff or the regulatory agencies. The mitigation requirements placed on the City as a condition of approving the permit by the regulatory agencies are more severe than applying for an individual permit or in our case, the Master Permit.

Recently, the Street Division applied for an Emergency Permit to clean a section of the Grove Ave Channel. The ACOE rejected the request and cited that the conditions did not present sufficient evidence to qualify for an emergency permit, and warranted a standard permitting approach under the 404/401 permitting process. City staff has requested Helix determine the best method to obtain a permit to allow cleaning the Grove Avenue channel.

On Saturday, September 15, 2007, Chollas Creek Channel between 41<sup>st</sup> Street and 43<sup>rd</sup> Street also had trash and non-native vegetation removed as a result of a Streambed Alteration Agreement with the CDFG. The channel clean up was coordinated by Groundwork San Diego.

FISCAL CONSIDERATIONS:

To date, Helix has received approximately \$100,000 of the \$495,000 available in the agreement. It is expected that the costs to acquire, develop and maintain the mitigation land necessary to offset the impacts of the required channel maintenance will be in the millions.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Agreement for as-needed environmental consulting services and the long term drainage maintenance program with Helix Environmental Planning, Inc., dated October 14, 2004 for \$150,000.

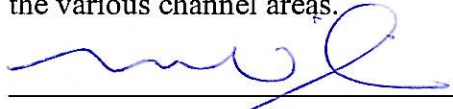
First Amendment to the agreement of Helix Environmental – Long Term Drainage Maintenance Program, dated November 21, 2006 for \$345,000.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

As part of the PEIR and Master Permit effort, there will be a number of public meetings and other opportunities to ensure the participation of the community and other stakeholders.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Due to the preliminary stage of the PEIR process, detailed impacts have not yet been identified, but it is anticipated that there will be both permanent and temporary jurisdictional impacts to wetlands that will have to be mitigated as part of this effort. Key stakeholders include other jurisdictions, the various resource agencies, environmental groups, and communities surrounding the various channel areas.



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