

HELIX Environmental Planning, Inc.
7578 El Cajon Boulevard
Suite 200
La Mesa, CA 91942
619.462.1515 tel
619.462.0552 fax
www.helixepi.com



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SDD-23.13

Mr. Paul Sirois, Assistant Deputy Director
Open Space Division
Park and Recreation Department
202 "C" Street, 5th Floor (MS 5D)
San Diego, CA 92101

Subject: Dishwasher Pond Restoration – Feasibility Analysis

Dear Mr. Sirois:

At the request of the City of San Diego's (City's) Park and Recreation Department, HELIX Environmental Planning, Inc. (HELIX) has prepared the following anticipated work plan and cost estimate for the planning, permitting, implementation, and mitigation associated with the proposed restoration of Dishwasher Pond (pond or project site). The work plan and cost estimate were developed to assist the City in determining the feasibility of restoring open water habitat in the pond. HELIX Biologist Stacy Nigro conducted a brief site reconnaissance of the pond on November 23, 2015.

Project Location

Dishwasher Pond is located in the City's Tierrasanta Community, south of the intersection of Corte Playa Encino and Avenida Playa Veracruz. The pond is located in a portion of Shepherd Canyon, within the City's Multi-habitat Planning Area (MHPA).

Project Description and Background

A review of historic aerial imagery indicates that Dishwasher Pond was constructed in the early 1960s by building an earthen dam across a small ephemeral stream; surrounding areas were undeveloped at the time. A concrete spillway appears to have been constructed in 1980. Urban development adjacent to the canyon, particularly from 1980 onward, has since resulted in urban runoff into the canyon and establishment of riparian vegetation along the stream. The pond itself, however, has always been maintained as a predominantly open water feature. The pond, which

is aerated and supplemented by water, is used by residents for fishing and bird watching, and also is a source of water for area wildlife.

Regulatory constraints over the past few years have hindered maintenance activities in the pond, resulting in accumulation of sediment and resulting encroachment of cattails and bulrush into previous open water habitat. Currently, the middle of the pond consists of open water, which is surrounded by a wide band of cattails and bulrush (see photos on the last page of this letter). Several immature willow trees are also growing along the margin of the pond, and southern riparian forest abuts the pond's upstream edge. Coastal sage scrub habitat is adjacent to the pond's north side, while native and non-native grassland are present along its south side. As the open water area shrinks, Tierrasanta residents are urging the City to conduct cattail/bulrush removal and sediment removal to restore open water habitat.

The pond was created through the damming of what is assumed to be a jurisdictional stream. In such cases, the original stream and the resulting pond are typically considered to fall under the jurisdiction of the U.S. Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), and Regional Water Quality Control Board (RWQCB). The City of San Diego may or may not consider the pond to be a City-defined wetland. The City's wetland definition sometimes excludes man-made features in non-wetland areas; however, the presence of the original natural stream and the anticipated agency jurisdiction could result in the City determination that it is a City-defined wetland. Impacts to City-defined wetlands require that the City and the CDFW and USFWS agree that the habitat to be impacted is of low quality, and that the resulting project is the "biologically superior alternative."

One consideration during permitting is the functions and services of the existing pond versus what might result post-project. While it might be argued that a stand of solid cattails (monotypic habitat) might not support the same biological functions and services of an open water pond, the water quality benefits of a cattail-filled pond versus open water might not be as easy to argue. In addition, the presence of scattered willow trees along the pond margin increases the habitat value of the existing pond for area wildlife. Consideration should also be given to how this pond and any proposed changes to it fits in with the City's water quality strategy for compliance with its MS4 permit with the RWQCB.

In terms of feasibility and permitting strategy, it will likely be necessary for the project to demonstrate that it clearly represents a biological superior option. One possible option is to enlarge the pond to increase the amount of wetlands (allows for establishment of new wetland habitat) so that both open water and wetland habitat can be accommodated. However, the presence of coastal sage scrub and native grassland in close proximity to the pond makes this option less feasible. Consideration was given to enhancing the adjacent watershed up and downstream of the project, but it was noted in the field that exotics have already been eliminated from this area through volunteer efforts. Off site mitigation is also a possibility, but this would increase the cost considerably.

Because the intent of the project is to restore open water habitat, it could potentially be considered a restoration project by the Agencies. However, the Agencies would need to concur with this approach and there is no guarantee that it could be implemented without additional mitigation requirements. To this end, it is highly recommended that a pre-application meeting be held with City Environmental Analysis Section (EAS) and MSCP staffs, as well as representatives from CDFW, RWQCB, USACE, and USFWS to help determine the feasibility of a project that could be permitted.

Work Plan

Several tasks are anticipated to require completion as part of the proposed pond restoration. It is anticipated that dredging the pond to restore open water habitat may require the tasks outlined below. This work plan is approximate and based on previous experience and potential permitting requirements. Please note that regulatory requirements are constantly changing and that this preliminary work plan is an approximation of potential requirements. These tasks are outlined below and estimated costs provided in Table 1.

Task 1 Construction Plans

Construction plans showing the area of proposed dredging and cattail/bulrush removal would need to be prepared. The plans should include locations and descriptions of Best Management Practices (BMPs) to protect adjacent and downstream biological resources during construction activities, and clearly identify equipment access and staging/stockpile areas. Measures to conform to MHPA Adjacency Guidelines (i.e. water quality, lighting, noise, barriers, and invasive species) should also be incorporated. This scope and cost estimate does not include supporting documents (i.e. stormwater pollution prevention plan, hydrology study, geotechnical study, etc.) that may be required.

Task 2 Maintenance Plan

A long-term maintenance plan for future vegetation removal and dredging should be prepared, including the anticipated frequency of such work, and the trigger for when work is determined to be needed. Seasonal restrictions on clearing vegetation and dredging to avoid impacts to nesting birds should be incorporated into the plan.

Task 3 General Biological Survey

A general biological survey, including vegetation mapping, should be conducted to provide a baseline for biological resources present in and adjacent to the proposed work area. The City would need to provide a file or map identifying the proposed or approximate boundaries of the proposed work area prior to the survey.

Task 4 Least Bell's Vireo Protocol Surveys

Protocol surveys for least Bell's vireo would likely be required as part of permitting and should be conducted. Current U.S. Fish and Wildlife Service (USFWS) protocol requires eight surveys at least ten days apart be conducted between April 10 and July 31, and a written report submitted to the USFWS after completing the final survey.

Task 5 Jurisdictional Delineation

A jurisdictional delineation should be conducted to identify the boundaries of jurisdictional waters and wetlands, including areas of jurisdiction under the USACE, RWQCB, CDFW, and/or City-defined wetlands. The results would be incorporated into the biological resources technical report (see Task 6). A separate jurisdictional delineation report is not anticipated to be required.

Task 6 Biological Resources Technical Report

A biological resources technical report would need to be prepared to describe the projects effects on biological resources and proposed mitigation measures. This report would include an analysis of impacts to City-defined wetlands, and would require justification that the project is the biologically superior option, and that the wetlands to be impacted are of low quality.

Task 7 Cultural Resources Survey and Technical Report

A cultural resources survey, including a pedestrian survey and records search, would need to be conducted, and a technical report presenting the findings and analysis would need to be prepared. This task would satisfy CEQA requirements as well as Section 106 consultation requirements for obtaining a Nationwide Permit from the USACE.

Task 8 Site Development Permit

A site development permit (SDP) from the City is likely to be required. However, if the project is considered an enhancement/restoration project, rather than a construction or development project, it may be exempt from the SDP process. Coordination with Development Services Department staff would be required to determine the applicability of an SDP.

Task 9 CEQA Document

A CEQA document would be required. It is anticipated that the project could be processed as a Mitigated Negative Declaration (MND).

Task 10 Regulatory Permits from USACE, RWQCB, and CDFW

The project would require permitting through the USACE, RWQCB, and CDFW. Permanent and temporary fills and discharges (impacts) to Waters of the U.S. (WUS) are regulated by USACE under Section 404 of the Clean Water Act (CWA). Impacts to WUS would require a CWA Section 404 permit from the Los Angeles District USACE. A CWA Section 401 Water Quality Certification (WQC) administered by the State Water Resources Control Board (SWRCB) or RWQCB must be issued prior to any 404 Permit.

The CDFW regulates temporary and permanent alterations or impacts to streambeds or lakes under California Fish and Game Code Sections 1600 et seq. Notification of Lake or Streambed Alteration to CDFW is required for projects that will divert or obstruct the natural flow of water; change the bed, channel, or bank of any stream or lake; or use any material from a lake or streambed. A Streambed Alteration Agreement (SAA) is issued by CDFW as a contract between the applicant and CDFW stating what activities can occur in the riparian zone and stream course.

Task 11 Regulatory Permit Fees

The RWQCB collects application fees to process CWA Section 401 WQCs. The fees are based on area and linear feet of impact to WUS. The CDFW collects fees to process SAAs. The fees are based on project cost.

Task 12 Wetland Mitigation Plan

The project would likely require preparation of a wetland mitigation plan to fulfill mitigation requirements for the USACE, RWQCB, CDFW, and/or City.

Task 13 Implementation of Wetland Mitigation

If wetland mitigation is required for the project, implementation costs associated with constructing, planting, monitoring, and maintaining the mitigation site would need to be allocated. The wetland mitigation plan would provide the details of what is required for mitigation implementation.

Cost Estimate

A preliminary cost estimate for the tasks above is provided in the following table.

Table 1 ANTICIPATED TASKS AND COST ESTIMATES		
Task No.	Task	Estimated Cost
1	Construction Plans	\$10,000
2	Maintenance Plan	8,000
3	General Biological Survey	1,800
4	Least Bell's Vireo Protocol Surveys	3,800
5	Jurisdictional Delineation	2,500
6	Biological Resources Technical Report	10,000
7	Cultural Resources Survey and Technical Report	7,000
8a	Site Development Permit Consultant Fees	15,000
8b	Site Development Permit Fees to City DSD	50,000
9	CEQA Document Consultant Fees	15,000
10	Regulatory Permits from USACE, RWQCB, and CDFW	20,000
11	Regulatory Permit Fees	3,600 ¹
12	Wetland Mitigation Plan	8,500
13	Implementation of Wetland Mitigation	150,000- 200,000 ²
Total		305,200-355,200

¹ Assumes \$2,300 project fee for RWQCB (assumes 100 ft by 100 ft area of work in the pond) and approximately \$1,300 fee for CDFW..

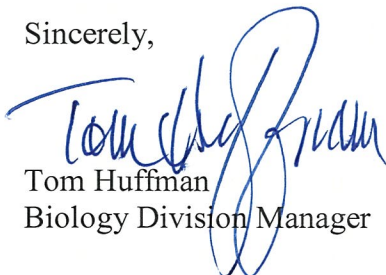
² Mitigation fees are difficult to estimate, and depend on a variety of factors, including land cost, grading, future management, etc.

CONCLUSION

This letter provides a preliminary work plan and cost estimate for implementation of a project to return Dishwasher Pond to an open water habitat.

If you have any questions, please call Stacy Nigro or me at (619) 462-1515.

Sincerely,



Tom Huffman
Biology Division Manager



Photo 1. Looking east at Dishwasher Pond from the concrete spillway.
Photo taken November 23, 2015.



Photo 2. Looking southeast at Dishwasher Pond from adjacent hillside.
Photo taken November 23, 2015.