



THE
LIGHTFOOT
PLANNING
GROUP

June 9, 2011

Ms. Diane Nygaard
5020 Nighthawk Way
Oceanside CA 92056

RE: El Salto Falls Management Plan

Attached for your information and files is a copy of the Management Plan for El Salto Falls. This is being sent to each of the addressees listed in the document who may be involved with implementation or regulation of this plan in the future.

As noted in the document, any changes in contact information should be coordinated with the City of Oceanside City Planner, Mr. Jerry Hittleman.

If you have any questions about this document, you may also contact me at 760-692-1924 ext. 247 or by email ann@lightfootpg.com.

Sincerely,

Ann Gunter, AICP
Vice President

5750 FLEET STREET, STE 250
CARLSBAD, CA 92008

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El Salto Falls
Management Plan

June 1, 2010

Approved:

A handwritten signature in black ink, appearing to read "Jerry Hittleman", is written over a solid horizontal line.

Jerry Hittleman
City Planner
City of Oceanside

EL SALTO FALLS MANAGEMENT PLAN

1.0 PURPOSE

This Falls Management Plan provides guidelines for management of areas within 200-feet of and including El Salto Falls within the property subject to quarry reclamation. It has been prepared in accordance with condition 15 of Oceanside Planning Commission Resolution 2010-P16.

El Salto Falls has been identified by the Luiseño people, particularly the San Luis Rey Band, as a sacred site for tribal religious ceremonies and a site important in their cultural history, is recognized by the state Native American Heritage Commission as a sacred site, and meets the criteria in National Register Bulletin 38 for designation as a traditional cultural property. In addition to its cultural values, the Falls have biological, aesthetic and community values. The overall purpose of the Falls Management Plan is to protect these values, maintain the integrity of the sacred waters and culturally important areas around the falls and creek by providing for ongoing maintenance, security and cleaning as required to protect the falls and surrounding area from issues that can occur given the nearby urbanized conditions.

2.0 LOCATION

The area subject to this Falls Management Plan is located with the boundaries of the former South Coast Materials quarry, in the cities of Carlsbad and Oceanside (APNs 167-040-21 and 168-011-20) as shown on Figure 1. The Carlsbad and Oceanside parcels are currently in separate legal ownership. The Falls Management Plan portion of the site includes the El Salto Falls and areas within 200-feet of the falls as shown on Figure 2.

A Reclamation Plan for the former quarry was approved by the City of Oceanside, and this Falls Management Plan was required as a condition thereof. All reclamation work on both parcels is the responsibility of Hanson Aggregates Pacific Southwest, Inc. Reclamation grading and revegetation will occur as shown on the approved plans. Areas at and immediately surrounding the falls (the “core” zone) will not be graded, with only removal of invasive plant materials occurring in this “core” zone.

3.0 RESPONSIBILITY FOR FALLS MANAGEMENT PLAN COMPLIANCE

The provisions of this Falls Management Plan apply to the area prior to, during and following reclamation activities. Owner(s), its successors and assigns retain all responsibilities of the Falls Management Plan and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the area until/unless superseded by a development and management plan associated with any future use of the subject area or portion thereof.

There will be a Conservation Easement and Preserve Management Plan for certain open space areas on the property, including Buena Vista Creek and the El Salto Falls, which will ultimately regulate habitat monitoring activities within portions of the area addressed in this Falls Management Plan. Areas within the Conservation Easement are shown on Figure 2 for reference.

Areas within this Falls Management Plan and outside of the Conservation Easement limits will continue to be managed by the Owner(s) under these Falls Management Plan provisions until/unless superseded by a development and management plan associated with any future use of the subject area or portion thereof.

Administration of this Falls Management Plan shall be by the Oceanside City Planner.

Based on the cultural sensitivity associated with the Falls, any and all physical work within the limits of the Falls Management Plan shall be coordinated in advance with the San Luis Rey Band of Mission Indians, and a tribe member may be present during work as determined necessary by the tribe.

3.1 Contact Requirements

A Site Manager shall be designated by the Owner(s) and available during normal business hours to respond to issues raised through the Code Enforcement Office, the Fire Marshall's Office, or the Police Department of either the City of Oceanside or the City of Carlsbad, or by the San Luis Rey Band of Mission Indians regarding any issues which may arise in the Falls area with respect to compliance with this Management Plan. Initial contact information for the site is included as Attachment 1, and any changes in designated contacts shall be provided to the City of Oceanside Planning Department and designated representative of the San Luis Rey Band of Mission Indians. Contact information for the Site Manager shall include a telephone number for emergencies during non-business hours.

References to coordination or notifications between parties in provisions of this Falls Management Plan are provided to encourage ongoing communication between the site manager, the tribe and the local agencies to enhance and better manage the values associated with El Salto Falls. Such contact can be via US Mail, email or telephone contact. In general, at least one week prior notice is considered desirable, though it is recognized that this may not always be possible or appropriate to address specific access needs or issues that may arise

3.2 Access

All reasonable actions shall be taken to prevent the unlawful entry and trespass by persons whose activities may degrade or harm the values of the property. This includes limiting public access into the falls and surrounding areas, and may include fencing or barriers placed at likely points of entry. Erecting signs and other notification features as determined necessary indicating access restriction, no trespassing, presence of natural areas or similar may be provided to inform persons of the nature and restrictions on the property, subject to approval of a detailed signage plan showing location, size and content of the sign(s). While it is preferable to keep any fencing and/or

signage away from the falls, if it is determined that such fencing or signage needs to be placed within the El Salto Falls core area, the specific location and design shall be coordinated with the San Luis Rey Band of Mission Indians with approval by the tribe and city prior to installation to ensure that any placement is sensitive to the sacred site conditions of the falls.

Access to property within the limits of this Falls Management Plan may be permitted to personnel engaged in performing site work as authorized by the Reclamation Plan, including grading, construction, landscaping and biological monitoring, local and other government agency personnel.

As noted above, El Salto Falls is identified as a sacred site to the San Luis Rey Band of Mission Indians, and access by Luiseño tribal members for cultural and religious purposes is to be permitted, subject to notification/coordination with Site Manager or Owner(s).

3.3 Security - Frequency of Site Monitoring

The Site Manager will be the central point of contact for security concerns at the falls. Regular inspections of the property shall be performed including site visits and patrols to protect the falls area from human impacts. Frequency of monitoring may need to be adjusted based on the level of intrusion or issues with encroachment that may occur at and around the site. Patrols are expected to respect the sensitive nature of the Management Plan area, are to be done primarily on foot, walking to selected areas with good sight lines and observation points from on and around the site.

While it is recognized that onsite presence and security patrols cannot preclude all intrusions or trespass, a more frequent presence onsite typically serves as a greater deterrent to unauthorized activities. While site activities are ongoing (recycling, remediation, reclamation, revegetation), regular patrols shall be provided, including evening and weekend presence. Following completion of reclamation work, regular patrols can be reduced on the following schedule:

- Weekly for 1 month
- Every other week for the next 2 months
- Monthly thereafter. This may be done in conjunction with monitoring within the Conservation Easement boundaries. Coordination with adjacent property monitors is also acceptable to the extent it may increase effectiveness and reduce costs of patrols.

At the discretion of the tribe, members of the San Luis Rey Band shall be allowed to do supplemental security patrols within the Falls area to help safeguard the cultural values of this area.

If at any time the frequency of issues or problems associated with human intrusion to the falls is documented as having increased, the monitoring, patrols and other site control features should be evaluated by the Site Manager and/or Owner(s) in consultation with the local police department and code enforcement staff and the San Luis Rey Band. This may involve Oceanside and/or Carlsbad staff depending on the location of problems respective to the city boundaries. Based on

that evaluation, changes should be implemented to the level and for the duration reasonably determined necessary, with final determination of measures to rest with the Police Department.

3.4 Maintenance and Cleanup

Owner(s) obligations under this Falls Management Plan are to prevent any activity on or use of the site area that is inconsistent with the reclamation plan as approved, including grading, revegetation, habitat enhancement activities, erosion control, and stormwater management, and require the repair or restoration of such areas or features of the site area that may be damaged by any act, failure to act or any use that is inconsistent with the purpose of the Falls Management Plan. Litter and other debris is considered to impair the importance and integrity of the sacred waters and culturally important areas around the falls and the creek. The Site manager shall notify the SLR Band prior to any maintenance or other work within the Falls Core Area to allow for monitoring by the tribe if desired. Reasonable prior notice shall be given to the tribe, and shall be a minimum of 10 days for routine work. Specific maintenance requirements include, but are not necessarily limited to:

3.4.1 Trash Removal – The primary source of trash or man-made debris is anticipated to enter the falls area from upstream, though unauthorized activities at the falls may also contribute to the need for trash removal. There shall be bi-annual removal of trash or man-made debris (generally prior to and following the rainy season). If regular inspections note unusual or significant debris, supplemental removal of such debris shall be provided.

3.4.2 Maintenance - Annual maintenance of signage and other notification features shall be provided by the Site Manager. Repair/replacement of fencing used for control of access shall be provided as necessary.

3.4.3 Graffiti Removal – Any graffiti within the falls area shall be promptly removed and the tribe must be notified prior to removal. To the extent possible, graffiti should be removed within 24 hours of occurrence. However, it is recognized that paint removal may require special removal methods and clearances/permits due to the falls location within the Buena Vista Creek and the need to avoid pollution of the water. If removal cannot occur within the 24-hour period, the Site Manager shall notify the City Code Enforcement Office of the planned schedule for removal.

3.5 Construction Regulations - Reclamation Grading and Revegetation

Hanson shall undertake construction, maintenance and monitoring of site areas pursuant to the Reclamation Plan and agency permits. Any activity or use permitted by the Reclamation Plan shall be undertaken in accordance with all applicable local, state and federal regulations.

Any fencing and/or signage shall require prior coordination with and approval by the SLR Band and is subject to approval by the respective City of the location, materials, size and content of the sign.

4.0 NOTICES

4.1 Notification Regarding Property Conditions

Routine notifications regarding provisions of this Falls Management Plan shall be to the designated Site Manager as outlined in Section 3.1, above.

If the City or other parties are aware of information regarding property concerns, issues, or non-compliance under this Falls Management Plan, notice shall be provided to the Site Manager as identified under Section 3.1/Attachment 1 and Owner(s) as indicated in Section 4.2.

The Site Manager or Owner(s) shall implement correction or compliance within 10 days, or shall document a plan and time schedule to complete the necessary work. All work must be done in accordance with local, state and federal regulations.

4.2 Notification Regarding Plan Amendments/Non-Compliance by Site Manager

Formal notification to the Owner(s) and City are required for changes or amendments of this plan, and may be used in the event of inadequate response by the Site Manager, or other non-compliance issues that remain unresolved. Formal notification shall be provided as follows: All notices, demands, requests, consents, approvals, or communications from one party to another shall be personally delivered to the persons set forth below or shall be deemed given five (5) days after deposit in the United States mail, certified and postage prepaid, return receipt requested, and addressed as follows, or at such other address as any Party may from time to time specify to the other parties in writing.

OWNER (APN 167-040-21)
Mr. Marvin Howell
Hanson Aggregates Pacific Southwest, Inc.
P.O. Box 639069
San Diego, CA 92123-9069

and

John Gillan, Assistant General Counsel
Hanson Aggregates Pacific Southwest, Inc.
300 E. John Carpenter Freeway, Suite 1645
Irving, TX 75062

OWNER (APN 168-011-20)
Mr. Todd Galarneau
Quarry Creek Investors, LLC
P.O. Box 85104
San Diego, CA 92086

and

Mr. Mark McGuire
McGuire Law
2311 Calle Las Palmas
San Clemente, CA 92672

CITY OF OCEANSIDE

Mr. Jerry Hittleman, City Planner
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

and

Mr. John Mullen, City Attorney
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

5.0 AMENDMENT

It is recognized that from time to time, there may be changes to this Falls Management Plan that are desired or needed. This Falls Management Plan may be amended only by mutual agreement and only with the written consent of the City of Oceanside. Any changes or revisions in this Management Plan requested by the Owner(s) must be submitted to the City of Oceanside Planning Division for review and action by the City Planner. Any such amendment shall be consistent with the purpose of this Falls Management Plan and the conditions of Resolution 2010-P16.



**ATTACHMENT 1
CONTACT LIST REGARDING FALLS MANAGEMENT PLAN**

This list of contacts is provided to facilitate coordination and contact between parties that may be necessary related to implementing the Falls Management Plan.

Changes or additions to any contact information should be directed to the Oceanside City Planner, who is responsible for distributing any such changes to all others on this list.

SITE MANAGER

Mr. Brett Hurst
Operations Manager
Hanson Building Materials America
12560 Highway 67
Lakeside, CA 92040
858-547-2140 - direct
619-857-7160 - cell

Brett.Hurst@hanson.biz

OWNER (APN 167-040-21)

Mr. Marvin Howell
Hanson Aggregates Pacific Southwest, Inc.
P.O. Box 639069
San Diego, CA 92123-9069
858-577-2770

Marvin.Howell@hanson.biz

OWNER (APN 168-011-20)

Mr. Todd Galarneau
Quarry Creek Investors, LLC
P.O. Box 85104
San Diego, CA 92086
(619) 794-1303

tgalarnau@mcmillin.com

OWNER'S ATTORNEY

Mr. Mark McGuire
McGuire Law
2311 Calle Las Palmas
San Clemente, CA 92672
949-584-1126

mrmcguirelaw@cox.net

TRIBE (SAN LUIS REY BAND OF MISSION INDIANS)

Carmen Mojado, Secy of Govt Relations
1889 Sunset Drive
Vista, CA 92081
760-724-8505

cjmojado@slrmissionindians.org

COUNSEL FOR THE SAN LUIS REY BAND OF MISSION INDIANS

Merri Lopez-Keifer
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Martinez, CA 94553
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lopezkeifer@gmail.com

CITY OF OCEANSIDE

Mailing Address:
300 North Coast Highway
Oceanside, CA 92054

Planning

Mr. Jerry Hittleman, City Planner
Planning Division
760-435-3535

JHittleman@ci.oceanside.ca.us

City Attorney

Mr. John Mullen, City Attorney
760-435-3984

JMullen@ci.oceanside.ca.us

Reclamation Project Manager

Mr. Jim Knowlton
Engineering Division
760-435-5075

JKnowlton@ci.oceanside.ca.us

Code Enforcement

Mr. David Manley
Neighborhood Services Division
760-435-3963

DManley@ci.oceanside.ca.us

Police

Mr. Val Warner-Saadat
760-435-4645

VSaadat@ci.oceanside.ca.us

Fire

Mr. Mike Margot
760-435-4306

MMargot@ci.oceanside.ca.us

CITY OF CARLSBAD

Planning

Community and Economic Development Department

Planning Division

Don Neu, Planning Director

planning@carlsbadca.gov

1635 Faraday Avenue

Carlsbad CA 92008

760-602-4600

Code Enforcement

Housing & Neighborhood Services Department

Debbie Fountain, Director

Code Enforcement Division

codeenforcement@carlsbadca

2965 Roosevelt St.

Carlsbad CA 92008

760-602-2703

Police

Field Operations Division

Neil Gallucci, Police Captain

2560 Orion Way

Carlsbad CA 92010

760-931-2100 business line

police@carlsbadca.gov

Fire

Fire Prevention Department

Fire Marshall

1635 Faraday Avenue

Carlsbad CA 92008

760-602-4666

firemail@carlsbadca.gov



