



*City of
Encinitas*

November 10, 2004

San Elijo Lagoon Conservancy
Attn: Doug Gibson
P.O. Box 230634
Encinitas, CA 92024

RE: Exemption from Coastal Development Permit requirements for certain work proposed to remove specified invasive plant materials as part of the Carlsbad Watershed Network Invasive Species Removal Program.

Pursuant to our conversation today, this letter is to confirm that the City of Encinitas has determined portions of the work associated with removing invasive vegetation within the Encinitas portions of the watershed agreement area to be exempt from coastal permitting requirements. This determination is made pursuant to Section 30.80.050 (B.) of the Encinitas Municipal Code and Section 13252 of Title 14 of the California Code of Regulations. Thereunder, certain repair and maintenance activities are exempt which can be applied to your invasive species removal program as described in the "Description of the Proposed Action" submitted with application 04-214 CDP, with two exceptions. Those exceptions (i.e. non-exempt activities) are (1) "...any work located in an environmentally sensitive habitat area.... within 20 ft. of coastal waters or streams", and (2) work that involves the use of "mechanized equipment or construction materials".

Accordingly, work under the program may proceed at this time that does not the two non-exempt activities noted above. Such exempt work, as outlined in the "Description of the Proposed Action" referenced above, would include such activities as application of herbicidal treatments to the specified invasive plant materials and hand clearing (i.e. utilizing hand-held clearing devices as opposed to non-exempt mechanized equipment such as tractors or mowers), and the like.

The City will continue to process Coastal Development Permit application 04-214 CDP under the noticing and other time frames we have discussed, including a November 22, 2004 hearing date. That permit would allow the full range of activities contained in the program to be implemented, including the mowing of the (previously herbicide-treated) invasive plant materials.

If you have any questions or need anything further, please call me at (760) 633-2712 or email tcurreid@ci.encinitas.ca.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Curriden". The signature is written in a cursive style with a horizontal line underneath it.

Tom Curriden
Principal Planner

cc

Patrick Murphy, Planning and Building Director
Bill Weedman, City Planner
Chris Miller, Project Planner