

MINUTE ITEM 27

W 24833

Jeff Fong

PUBLIC AGENCY PERMIT

Calendar Item C27, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item C27

A 26

S 5

CALENDAR ITEM

C 2 7

A 26

S 5

09/23/92

W 24833

Fong

PUBLIC AGENCY PERMIT

**APPLICANT:**

Reclamation District No. 2074  
P. O. Box 20  
Stockton, California 95201-3020

**AREA, TYPE LAND AND LOCATION:**

3,400 feet of tide and submerged land along the southerly bank of Fourteen-Mile Slough along the northerly bank of Reclamation District No. 2074 and the Sargent-Barnhart Tract, Stockton, San Joaquin County.

**LAND USE:**

Repair, stabilization, and protection of the waterside bank slope of approximately 3,400 feet of the south bank of Fourteen-Mile Slough.

**TERMS OF PROPOSED PERMIT:**

Initial period:  
Forty-nine (49) years beginning September 24, 1992.

**CONSIDERATION:**

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

**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Code Regs. 2003.

**APPLICANT STATUS:**

Applicant is owner/permittee of upland.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee and processing costs have been received.

**STATUTORY AND OTHER REFERENCES:**

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

**AB 884:**  
N/A

**OTHER PERTINENT INFORMATION:**

1. A Negative Declaration, SCH No. 92042015, was prepared and adopted for this project by Reclamation District (RD) 2074. The State Lands Commission's staff has reviewed such document.
2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Code Regs. 2954 is not applicable.
3. The United States Army Corps of Engineers has issued, by letter dated September 14, 1992, a permit for RD 2074 with Special Conditions a.-e. (Exhibit "D"). Staff concurs with such conditions and has incorporated them as special permit conditions to the Commission's permit. In addition, the Commission's permit requires the Applicant to submit the plan described in Special Condition d. to staff for its approval prior to the start of construction and to submit the photographic evidence described in Special Condition e. to the Commission also.

**APPROVALS OBTAINED:**

State Reclamation Board.

**FURTHER APPROVALS REQUIRED:**

United States Army Corps of Engineers and Department of Fish and Game Streambed Alteration Agreement.

**EXHIBITS:**

- A. Land Description
- B. Location Map
- C. Notice of Determination
- D. United States Army Corps of Engineers Permit
- E. Special Permit Conditions

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY RECLAMATION DISTRICT 2074 AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. AUTHORIZE ISSUANCE TO RECLAMATION DISTRICT 2074 OF A FORTY-NINE-YEAR PUBLIC AGENCY PERMIT, WITH CONDITIONS, BEGINNING SEPTEMBER 24, 1992; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; FOR THE PLACEMENT OF STONE FILL AND STONE PROTECTION FOR THE REPAIR, STABILIZATION AND PROTECTION OF 3,400 FEET OF THE SOUTH BANK OF FOURTEEN MILE SLOUGH, AS DESCRIBED IN THE APPLICATION ON FILE WITH THE COMMISSION ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

## LAND DESCRIPTION

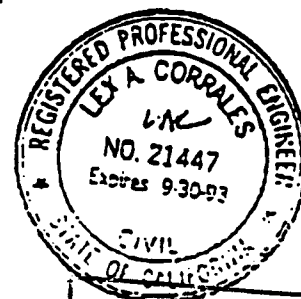
TWENTY-FIVE (25') FOOT WIDE STRIP OF LAND  
FOURTEEN MILE SLOUGH

Being a twenty-five (25') foot wide strip of land located on the southerly, easterly and southeasterly waterside bank of Fourteen Mile Slough in Sections 29 and 30, Township 2 North, Range 6 East, Mount Diablo Meridian, San Joaquin County, California, the southerly, easterly and southeasterly lines of said twenty-five (25') foot wide strip of land more particularly described as follows:

Beginning at the southeast corner of the forty (40') foot wide strip of land described in Exhibit "F", recorded in Instrument No. 92029274, San Joaquin County Records; said last mentioned corner also being a point on the northerly fixed agreed boundary line, said last mentioned line being described in Exhibit "D", recorded in Instrument No. 90071574, San Joaquin County Records; thence along said northerly fixed agreed boundary line the following fifteen (15) courses: (1) South 87° 35' 30" East 150.69 feet, (2) South 89° 37' 00" East 200.23 feet, (3) North 84° 55' 00" East 200.23 feet, (4) North 89° 27' 30" East 200.10 feet, (5) North 87° 00' 00" East 200.01 feet, (6) North 83° 05' 00" East 200.64 feet, (7) North 79° 18' 00" East 101.07 feet, (8) North 82° 23' 00" East 100.42 feet, (9) South 84° 08' 00" East 103.62 feet, (10) North 76° 53' 00" East 19.42 feet, (11) North 72° 44' 00" East 44.77 feet, (12) North 19° 46' 00" East 72.07 feet, (13) North 05° 47' 00" East 108.16 feet, (14) North 00° 08' 30" East 814.06 feet, and (15) North 22° 49' 00" East 30.84 feet to a point on the east line of said Section 30, said point being designated Point "G" in said Exhibit "D"; thence along the southeasterly waterside bank of Fourteen Mile Slough the following five (5) courses: (1) North 22° 07' 00" East 17.47 feet, (2) North 51° 14' 00" East 71.67 feet, (3) North 45° 56' 00" East 76.90 feet, (4) North 36° 10' 00" East 78.55 feet, (5) North 20° 12' 00" East 31.85 feet to a point, said point being on the westerly boundary of Parcel 6635-01-01 recorded in Book 4415 of Official Records, Page 943, San Joaquin County Records; thence continuing along the southeasterly waterside bank of Fourteen Mile Slough the following six (6) courses: (1) North 20° 12' 00" East 57.29 feet, (2) North 18° 39' 00" East 68.32 feet, (3) North 23° 27' 00" East 76.13 feet, (4) North 16° 52' 00" East 78.35 feet, (5) North 09° 04' 00" East 129.55 feet, and (6) North 06° 52' 00" East 63.93 feet to a point on the easterly boundary of said Parcel 6635-01-01, said last mentioned point being the point of termination of said twenty-five (25') foot wide strip of land.

END OF DESCRIPTION

Reviewed and approved September 18, 1992  
by Bob Lea, LS4589, of SLC Delta Team



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2932  
Lex A. Corrales



DECLARATION DISTRICT 2074  
NOTICE OF DETERMINATION

EXHIBIT "C"

TO:  County Clerk  
San Joaquin County  
  
 Office of Planning and Research  
1400 - 10th Street, #121  
Sacramento, CA 95814

FROM: Lead Agency  
Reclamation District  
c/o Harry Montgomery  
P.O. Drawer 20  
Stockton, CA 95201-3020

FILED  
92 MAY 21 10:37  
CLERK  
Bennie R. [unclear]

Contact Person: HARRY MONTGOMERY  
Phone: (209) 957-1219

SUBJECT: NOTICE OF DETERMINATION PURSUANT TO PUBLIC RESOURCES CODE, SECTION 21152 AND CAL. CODE OF REGULATIONS, SECTIONS 15075 AND 15094

Project Title: Fourteen Mile Slough Bank Stabilization Project  
State Clearing House No: SCM #92042015  
Discretionary Application(s) File No.(s): R.W. Siegfried Files (Reclamation District 2074)  
Project Applicant: Reclamation District 2074  
Project Description/Location: Proposed bank stabilization project for the water side of the right bank of Fourteen Mile Slough from the I-5 Freeway to Ten Mile Slough. It is estimated that approximately 15,600 tons of stone fill and 14,000 tons of stone protection will be required for the project.

Determinations: This is to advise that Reclamation District 2074 approved the above described project on May 21, 1992 and has made the following determinations regarding the project:

1. The project will,  will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures  were, were not incorporated as part of the approval of the project.
4. A Mitigation Monitoring and Reporting Program  was, was not adopted for this project.
5. A Statement of Overriding Considerations was,  was not adopted for this project.
6. Findings were,  were not made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration or Final EIR and any adopted mitigation measures, findings, statements of overriding consideration, and record of project approval may be examined at the above-noted Lead Agency address.

ROBERT RIPKEN, PRESIDENT  
BOARD OF TRUSTEES, RECLAMATION DISTRICT 2074

By Harry W. Montgomery  
HARRY MONTGOMERY, REGISTERED CIVIL ENGINEER

Date MAY 21, 1992

AFFIDAVIT OF FILING AND POSTING

I declare that on the date stamped above, I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

Bonnie R. [unclear]  
Signature

MAY 21 1992  
Title

SDG.NOT-DET.WFP

CALENDAR PAGE 318  
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REPLY TO  
ATTENTION OF

EXHIBIT "D"  
DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922

September 14, 1992

Regulatory Section (199200482)

Reclamation District 2074  
Attn: Harry Montgomery  
P.O. Drawer 20  
Stockton, California 95201-3020

RECEIVED  
SEP. 17 1992 U  
R.W. Siegfried & Assoc.

Dear Mr. Montgomery:

Two draft copies of Department of the Army Permit Number 199200482 are enclosed for your review and signature.

To complete permit processing, please do the following:

- a. Sign and date both copies of the permit on Page 3. Your signature will indicate acceptance of all permit conditions.
- b. Enclose a check or money order in the amount of \$10.00 made payable to FAO-USAED Sacramento.
- c. Return all of the above items in the envelope provided.

Upon receipt of these items, we will issue your permit. The original will then be forwarded to you.

Thank you for your cooperation. If you have any questions, please write to Tom Cavanaugh, Room 1444, or telephone (916) 557-5261.

Sincerely,

Art Champ  
Chief, Regulatory Section

Enclosures

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REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922

DEPARTMENT OF THE ARMY PERMIT

Permittee: Reclamation District 2074  
Attn: Harry Montgomery  
P.O. Drawer 20  
Stockton, CA 95201-3020

Permit Number: 199200482

Issuing Office: U.S. Army Engineer District, Sacramento  
Corps of Engineers  
1325 "J" Street  
Sacramento, California 95814-2922

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:**

To repair, stabilize, and protect the waterside bank of approximately 7400' of the south bank of Fourteen Mile Slough from Ten Mile Slough Levee easterly to Smith Levee and the east bank of Fourteen Mile Slough from Smith Levee northerly to the I-5 Freeway embankment, with stone fill and placement of stone protection. 7500 cubic yards of stone fill will be used to restore waterside banks to a 2:1 slope. 7000 cubic yards of stone protection will be used to protect the reconstructed waterside bank.

All work is to be completed in accordance with the attached plans.

**Project Location:**

At Fourteen Mile Slough, from Ten Mile Slough to the I-5 Freeway embankment.

**Permit Conditions:**

**General Conditions:**

1. The time limit for completing the work authorized ends on 30 September 1995. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

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EXHIBIT "D"

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

- a. Permittee shall use only clean materials for bank protection, free of dirt, asphalt, and protruding reinforcing bars.
- b. Willow cuttings shall be placed in the zone of saturation at four foot intervals at the base of the protected slope prior to placement of rock slope protection.
- c. The levee shall be allowed to vegetate and no mat rooted species that subsequently grow such as willows, blackberries, vines, or grasses shall be removed or destroyed prior to demonstrating the need to the District Engineer or his representative.
- d. The permittee shall provide the Corps of Engineers and U.S. Fish and Wildlife Service a plan detailing the location at which the mitigation tree plantings will take place and annual monitoring reports for a period of five years or until establishment of the mitigation tree plantings. The monitoring reports shall detail the condition of those trees that have been planted as mitigation for those that are removed (five five-gallon trees of a native species for each tree with a diameter of 5 inches or more), as described in the Expanded Initial Study and the Addendum to the Expanded Initial Study.
- e. The permittee shall submit sufficient photographic evidence, annually, for a period of five years to the Corps of Engineers and U.S. Fish and Wildlife Service to document plant growth on the protected rock slope. If at the end of this period, plant cover is judged to be inadequate, manual plantings will be required.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal projects.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant.

Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

\_\_\_\_\_  
(PERMITTEE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(PERMITTEE)

\_\_\_\_\_  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Issued for and in behalf of Colonel Laurence Sadoff, District Engineer

\_\_\_\_\_  
Art Champ, Chief, Regulatory Section

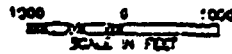
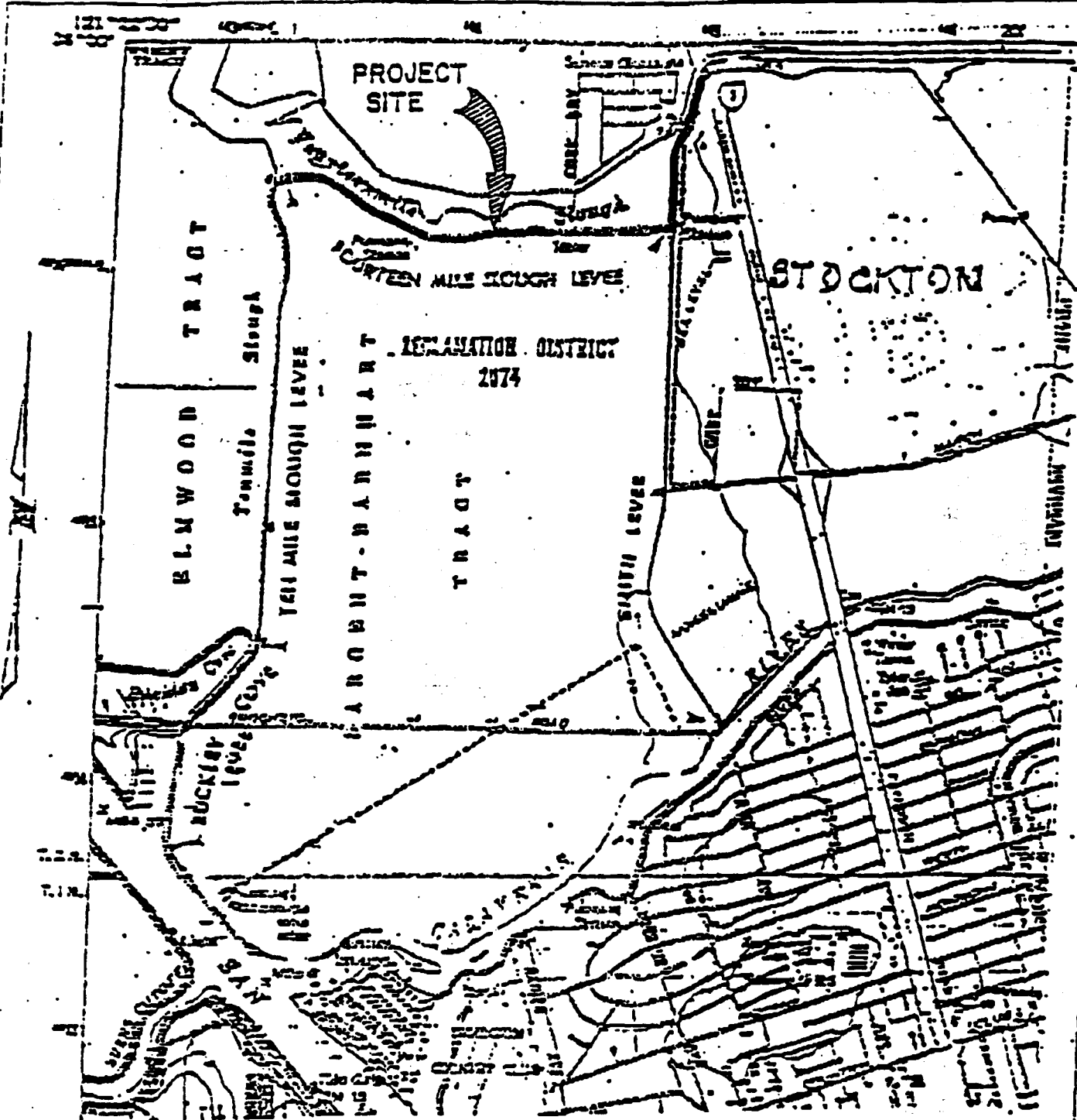
\_\_\_\_\_  
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)

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DATUM:  
ALL ELEVATIONS ARE REFERENCED  
TO U.S.C. & G.S. DATUM

FROM: U.S.G.S. QUAD SHEET (STOCKTON WEST, CALIF.)

**PURPOSE:**  
REPAIR & STABILIZE WATERSIDE BANK SLOPE  
& PROVIDE STONE PROTECTION

VICINITY MAP

RECLAMATION DISTRICT NO. 2074

P.O. DRAWER 20  
STOCKTON, CA 95201-9978

**PROPOSED LEVEL  
RECONSTRUCTION**

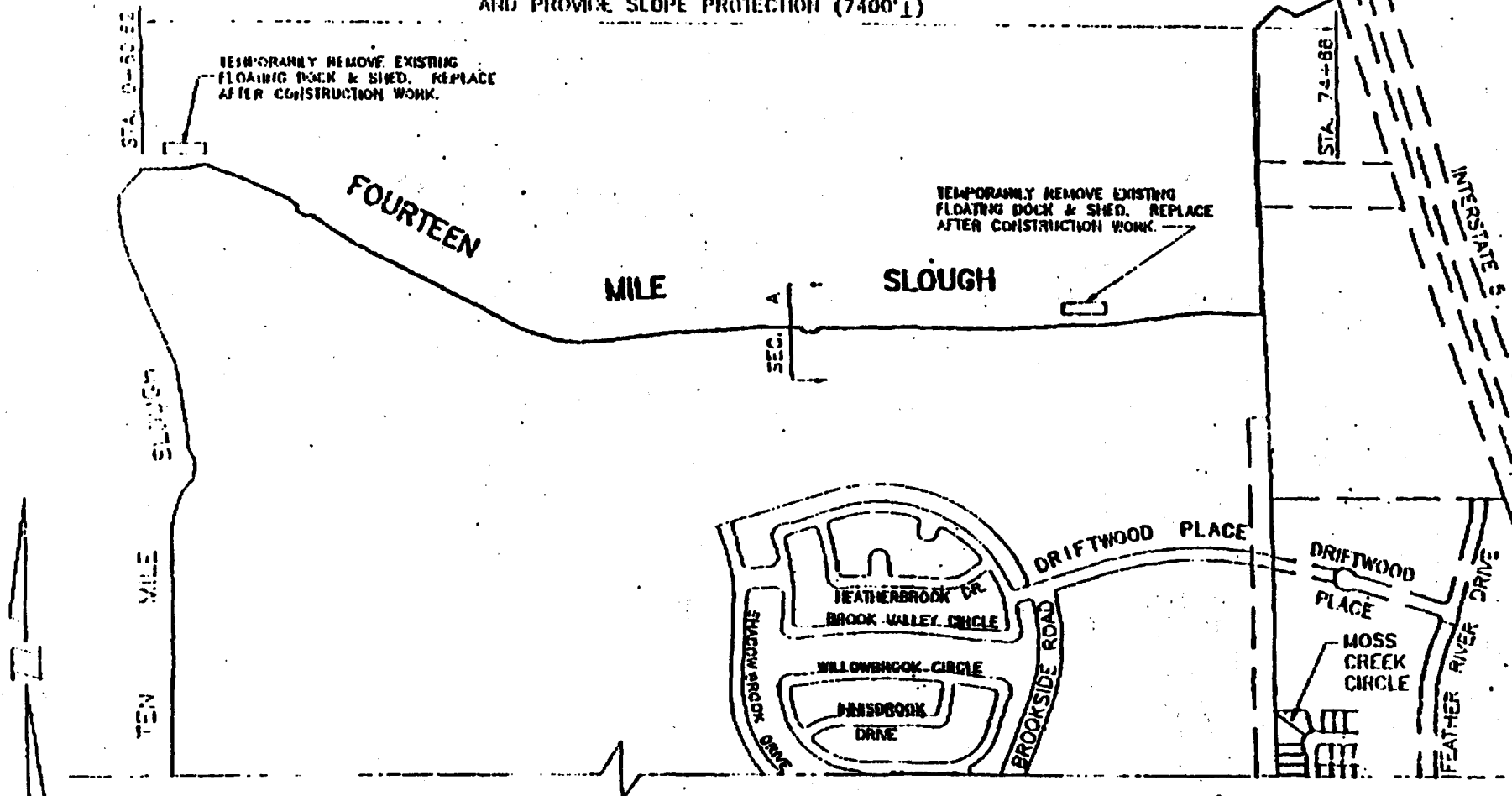
IN: FOURTEEN MILE SLOUGH  
AT: SARGENT-BARNHART TRACT  
CITY OF STOCKTON  
COUNTY OF SAN JOAQUIN  
STATE OF CALIFORNIA  
APPLICATION BY: RECLAMATION DISTRICT  
NO. 2074

DATUM: NGVD  
ADJACENT PROPERTY OWNERS:  
CITY OF STOCKTON  
S.J. COUNTY FLOOD CONTROL DISTRICT  
PACIFIC GAS & ELECTRIC  
ROBERT L. RIPKEN  
MICHAEL T. TSUTSUI

SHEET NO. 3 OF 3 DATE: 6-01-92

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REPAIR AND STABILIZE WATERSIDE BANK SLOPE  
AND PROVIDE SLOPE PROTECTION (7400' L)



SCALE: 1" = 800'

**PURPOSE:**  
REPAIR & STABILIZE WATERSIDE BANK SLOPE  
& PROVIDE STONE PROTECTION

DATUM: MGD  
ADJACENT PROPERTY OWNERS:  
CITY OF STOCKTON  
S.J. COUNTY FLOOD CONTROL DISTRICT  
PACIFIC GAS & ELECTRIC  
ROBERT L. RIPKEN  
MICHAEL T. TSUTSUI

LOCATION MAP

RECLAMATION DISTRICT NO. 2074  
  
P.O. DRAWER 20  
STOCKTON, CA 95201-9978

**PROPOSED LEVEL  
RECONSTRUCTION**

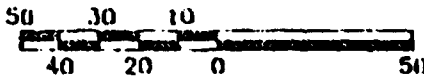
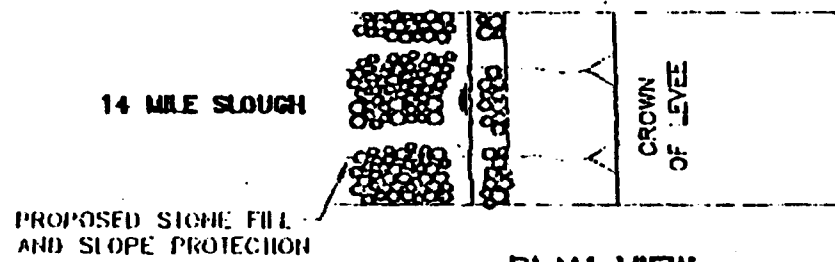
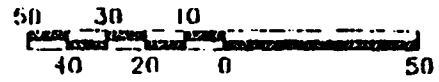
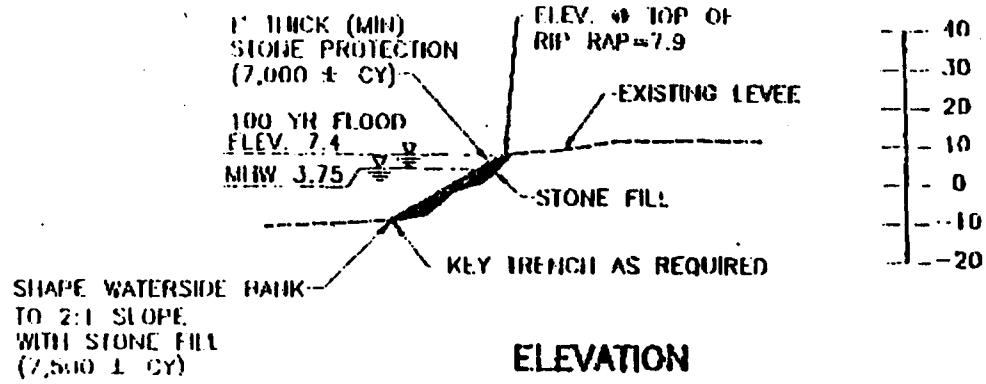
IN: FOURTEEN MILE SLOUGH  
AT: SARGENT-BARNHART TRACT  
CITY OF STOCKTON  
COUNTY OF SAN JOAQUIN  
STATE OF CALIFORNIA  
APPLICATION BY: RECLAMATION DISTRICT  
NO. 2074  
SHEET 2 OF 3 DATE: 6-01-92

PN# 199200482

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EXHIBIT "D"

**14 MILE SLOUGH**



U.S.G.S. DATUM

**PURPOSE:**  
REPAIR & STABILIZE WATERSIDE BANK SLOPE  
& PROVIDE STONE PROTECTION

DATUM: NGVD  
ADJACENT PROPERTY OWNERS:  
CITY OF STOCKTON  
S.J. COUNTY FLOOD CONTROL DISTRICT  
PACIFIC GAS & ELECTRIC  
ROBERT L. RIPKEN  
MICHAEL T. TSUTSUI

**SECTION A**

STA. 40+00

RECLAMATION DISTRICT NO. 2074

P.O. DRAWER 20  
STOCKTON, CA 95201-9978

**PROPOSED LEVEE RECONSTRUCTION**

IN: FOURTEEN MILE SLOUGH  
AT: SARGENT-BARNHART TRACT  
CITY OF STOCKTON  
COUNTY OF SAN JOAQUIN  
STATE OF CALIFORNIA  
APPLICATION BY: RECLAMATION DISTRICT  
NO. 2074  
SHEET 3 OF 3 DATE: 6-01-92

PN# 199200482

CALENDAR PAGE

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EXHIBIT "D"

## EXHIBIT E

### Special Conditions

1. Permittee shall use only clean materials for bank protection, free of dirt, asphalt, and bars.
2. Willow cuttings shall be placed in the zone of saturation at four foot intervals at the base of the protected slope prior to the placement of rock slope protection.
3. The levee shall be allowed to vegetate and no mat rooted species that subsequently grow such as willows, blackberries, vines, or grasses shall be removed or destroyed prior to demonstrating, in consultation with staff of the Commission, the need to the District Engineer or his representative.
4. The permittee shall provide the Corps of Engineers and U. S. Fish and Wildlife Service a plan detailing the location at which the mitigation tree plantings will take place and annual reports for a period of five years or until establishment of the mitigation tree plantings. Such plan shall also be submitted to the staff of the Commission for review and approval prior to the start of construction. The monitoring reports shall also be submitted to the Commission and shall detail the condition of those trees that have planted as mitigation for those that are removed (five five-gallon trees of a native indigenous species for each tree with a diameter of 5 inches or more), as described in the Expanded Initial Study and the Addendum to the Expanded Initial Study.
5. The permittee shall submit sufficient photographic evidence, annually, for a period of five years to the Corps of Engineers, the U. S. Fish and Wildlife Service and the Commission to document plant growth on the protected rock slope. If at the end of this period, plant cover is judged to be inadequate, manual plantings will be required

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