



September 3, 2019

County of San Diego
Mr. Mark Wardlaw
5510 Overland Ave., Suite 310 (MS O-650)
San Diego, CA 92123

County of San Diego-Parks and Recreation
Mr. Brian Albright
5510 Overland Ave., Suite 410
San Diego, CA 92123

RE: North County MSCP Letter of Support

Dear Mr. Wardlaw and Mr. Albright:

The following text from the BIA letter of October 28, 2016, is incorporated into this letter. Almost nothing has changed since then, except for an even greater emphasis on multi-benefit usage of preserved lands. This includes not just habitat conservation, but stormwater management, greenhouse gas sequestration, and sometimes, groundwater recharge. In sum, the BIA and Alliance still conditionally support the MSCP North County and look forward to its successful completion.

“The Building Industry Association of San Diego County represents 700 member companies and a workforce of over 60,000 men and women. As representatives of the regulated community we appreciate the outreach in regards to the pursuit of a comprehensive habitat conservation program in the North County. To ensure clarity toward this process, we provide the following issue points that we deem essential to a successful outcome of this endeavor:

Landowner/Stakeholder Process – Affected and interested parties, including landowners, developers, farmers, industry representatives, and environmental organizations with a stake in making the plan work must be brought (per the Planning Agreement) to the table to reach agreement on plan objectives, conservation goals, the mitigation framework, and other policy issues affecting plan development and implementation.

MSCP “Deal Points” and the “Three Legged (Funding) Stool” – These deal points were adopted by the Board of Supervisors in advance of the adoption of the MSCP. These deal points were critical to the support of the County and the other stakeholders. The North County MSCP needs to achieve them as well in order to ensure its support and approval by the Board.

Mitigation Framework – The mitigation framework (e.g., landscape-level approach, mitigation ratios, habitat tier structure, out-of-kind habitat mitigation, narrow endemic species conservation levels, etc.) should match that of the South County MSCP. The South County Plan has a greater variety of threatened and endangered species, more development pressure, and more challenges with fragmentation. If the mitigation framework worked for the South County Plan, it should work for the North County MSCP as well.

MSCP Biological Mitigation and CEQA are part and parcel—The North County MSCP must be the vehicle for mitigation for biology impacts in North County. The County has extensive lists of sensitive species for which mitigation may be required. The majority of these species will live in the habitats proposed for conservation under the NC MSCP. The NC MSCP must recognize the benefit of the program to all species and make revisions to the sensitive species list, eliminating additional CEQA mitigation. This includes the California Native Plant Society's Rare Plant Lists, which are predominantly found in habitats significantly and sufficiently conserved by the Plan.

If the MSCP only mitigates for cumulative impacts and a limited number of listed species, there is little benefit to landowners and builders.

Stormwater Integration in Habitat Planning—Stormwater management systems employing biological treatment using native vegetation need to be permitted uses within preserves. Dual utility will be permitted, that is, riparian/wetlands mitigation may also get credit for stormwater permit mitigation.

Brush Management/Fuel Modification Zone 2 Areas—Fuel Modification Areas should be treated as "impact neutral" as they are in the City of San Diego and allowed within the Preserve subject to the following criteria:

1. The native vegetation will be retained but only thinned to a maximum of 50% of its density
2. No irrigation is allowed in these areas except for temporarily irrigated restoration areas
3. These areas will be maintained free of weeds and other ruderal vegetation
4. These areas will be maintained as native vegetation and subject to the same suite of preserve management responsibilities and objectives as the rest of the preserve with the exception of the vegetation thinning required
5. These areas are contiguous with other areas proposed or already dedicated as Preserve

Covered Species List—This list needs to include both currently listed and unlisted species which may be foreseeably listed in the future, as well as rare species that need to be conserved but may not be listed. If the wildlife agencies wish to remove many of the species originally included on the covered species list, then the amount of conservation required under the Plan should likewise be reduced. In principle, if the habitat can be found to be significantly or sufficiently conserved by the Plan, then the sensitive species that reside in that habitat should obtain coverage under the Plan.

PAMA—No minimum conservation levels should be placed on PAMA designated lands. Rather than apply a minimum conservation level to a project site or all lands designated as PAMA, conservation levels should be tied to the habitat types found within the Plan area that need to be significantly or sufficiently conserved to obtain species coverage. The application of PAMA should take into consideration the following factors so as to not be overly broad:

1. Updated biological resource mapping
2. General Plan Land Use Designations and the County's General Plan
3. Adjacent land uses
4. Proximity to infrastructure (e.g., major roads)
5. Topography
6. Habitat Quality and Type(s)
7. Other factors, including project applications with site specific bio and proposed preserve areas

Plan Implementation—The Plan should be carried out with future wildlife agency involvement limited to monitoring Plan implementation. If the wildlife agencies retain any control over the issuance of Take Authorizations for individual projects following plan approval, the Plan will function like the individual 10(a)/HCP process, defeating the benefits of the Plan to the regulated community.

Hardline Boundary Agreements – Hardline boundary agreements (take authorized areas) are critical to the success of the Plan. Essential components: 1) hardlines may be negotiated at the behest of any landowner in the planning area; 2) that once negotiated and subjected to plan-level conservation analysis, they run with the land regardless of who owns the land or whether the subject MSCP Subarea Plan is approved; and 3) that changes can occur, but only with analysis and consent of the landowner.

Conservation Analysis – To the extent the County has proposed development and preserve boundaries from projects that have “completed applications”, these projects should be considered potential future projects and those preserve and development areas should be included in the Draft Plan and the Plan’s conservation analysis.

Significantly and Sufficiently Conserved Vegetation – This component needs to be in the NC MSCP Implementing Agreement. This ensures recognition that many species will benefit from a landscape level plan, eliminating the need for extensive species-specific mitigation now required. NOTE: these specific protections were never in the 2008 draft in spite of repeated requests that it be included. The FWS Mitigation Policy expressly encourages this as the preferred approach.

Robust Adaptive Management and Monitoring – Now that San Diego Management and Monitoring Plan is deployed, there have been huge strides in the management and monitoring of MSCP preserved areas. The level of detail and prescriptive actions needs to be the minimum to meet plan approval standards. (The current draft Santa Clara County NCCP/HCP is over 2,000 pages, which is completely unnecessary and a deterrent to doing a plan). Instead, put the effort into robust management and monitoring carried out at a publicly funded, regional level. Responsibility and costs must be clearly described and assigned.”

The BIA and Alliance for Habitat Conservation look forward to working with other stakeholders to complete the MSCP North County Plan.

Please let us know if you have any questions.

Very truly yours,



Matthew Adams
Building Industry Association of San Diego

James E. Whalen
Alliance for Habitat Conservation

Wildlife and Habitat Conservation Coalition

Dedicated to the sustained conservation of native animal and plant species in the Southwest Bioregion.



April 2, 2020

Ms. Chelsea Oakes, Manager
Land Use and Environmental Planning
County of San Diego
Via: mscp@sdcounty.ca.gov

RE: WHCC comments on ICF report options for the North County Multiple Species Conservation Plan.

Dear Ms. Oakes:

The undersigned members of the Wildlife and Habitat Conservation Coalition would like to offer the following general comments on the ICF report. Individual organizations will have more specific and detailed comments, but we wanted to provide some overview recommendations on several questions posed by the ICF report. There are many recommendations made by ICF that we strongly support. These, also, are listed below.

1. We strongly support a primary focus for all future effort on Option 5: Revise and Adopt a North County MSCP (NC-MSCP).

Although we understand that under different conditions, some of the other options outlined in the ICF report may have merits, in our case we recommend we focus all energy on Option 5. A North County MSCP that meets both the HCP and NCCP standards is the only option which meets legal requirements under the General Plan and provides ecosystem-based conservation planning and management.

Further, any other option makes unlikely the assemblage of effective wildlife corridors between core habitat areas. Many species of wildlife require corridors and climate change will exacerbate this need. Without corridors, the County will experience increased risks of extinctions of sensitive and rare species west of the mountains. Last, a quality MSCP is our best strategy for ensuring that critical habitat is protected and housing is more easily constructed (reduced regulatory burden) in areas where it makes sense—urban infill and along or near transportation corridors.

2. Rancho Guejito and Warner Springs Ranch should be included.

As the largest, intact Mexican Land Grant in the state, all efforts should be made to include this area as an essential portion of the North County conservation plan. While the current landowner may not be willing to participate at this time, the County should include Rancho Guejito in the NC-MSCP as a “Major Amendment” area as an unplanned/unpermitted portion of the North County preserve area, subject to future negotiations. Such designation would be similar to how unresolved but essential portions of the South County MSCP were addressed

and would clarify the County's acknowledgment of the important conservation values of the property.

In addition, we recommend that County add Warner Springs Ranch to the NC-MSCP as this property would provide important habitat conservation and species coverage and could be included in advance of the East County plan completion.

3. Golden Eagle should be included in the NC-MSCP

It is important to include the golden eagle as it has landscape-level conservation implications, particularly because it needs large grassland areas and remote rocky nesting sites, and it has been dramatically declining in SD County and SoCal. The inclusion of Warner Springs Ranch would allow for better conditions for the golden eagle to be covered in the species list of the NC_MSCP. If not included, we would like to engage immediately in understanding of what regional or countywide recovery plan will be pursued and when.

4. Engelmann Oak should be included in the NC-MSCP

As we recall, the Engelmann oak was on the plan originally as a keystone species. While not a listed species itself (yet), the loss of oak woodlands in the North County MSCP would be catastrophic to other species. Our experience with once abundant species that quickly become extinct or endangered (e.g. American chestnut, American elm, Passenger Pigeon) should be reason for cause and care. Even our local, currently abundant Coast Live Oak may well be threatened due to drought and boring beetle infestations. If these established, anchor species are further reduced due to the many current stressors without rapid action they'll disappear due to the length of time it takes for them to reach reproductive maturity. It is for these reasons we believe the Engelmann Oak should be included as an indicator species in the MSCP.

5. We support an in-lieu fee if properly conditioned

An in-lieu fee program, if allowed, should have several conditions placed on it. It should be allowed for the acquisition of properties only in the North County planning area and only if the County places limitations on its use (e.g., constrained in time, restricted to the planning area, and used to purchase equivalent habitat). For example, there must be actual habitat land acquisitions commensurate with impacts (habitat mitigation in rough proportion to habitat and species impacts and consistent with mitigation ratios).

Further, any in-lieu fee program must not be allowed to accumulate funds in perpetuity but must verify appropriate habitat acquisitions on at least a biannual basis, allowing for the in-lieu funds to build to some acceptable level.

Last, if the County relies on mitigation banks, only those (both public and private banks) within the designated planning area boundary should be used. To facilitate this, the County should encourage the establishment of private mitigation banks within the designated planning area.

6. The impact of trails and recreation in sensitive habitat areas is a key concern and not adequately addressed in the ICF report.

The ICF report and the County's Preserve Trail Guidelines (2018) reflect a common assumption that non-consumptive recreation is compatible with the protection of biological resources. However, documented evidence indicates that this is a flawed assumption and that the majority of the documented effects on wildlife from non-consumptive recreation (nature and wildlife viewing and photography, hiking, biking, horseback riding, etc.) are negative.

Establishing areas in North County dedicated to recreation separate from areas conserved for the covered species would be the optimal way to achieve the plan's conservation objectives, particularly because (a) the North County planning area has fewer and smaller areas of "core habitat" and its natural connections (internally and externally) are more constrained than in other plan areas, and (b) the greater the proportion of a conserved area directly and indirectly affected by trails and recreational activities, the fewer options there are for wildlife to move to areas outside the recreationally affected areas, and the less likely it is that spatial buffers will protect the covered species from recreational disturbance.

Moving forward with the NC-MSCP, this matter warrants full consideration for habitats conserved primarily or solely for the perpetuation of viable populations of the covered species and under circumstances where there are insufficient resources to ensure that proper planning of recreational infrastructure (i.e. trails) and adequate monitoring, management, and enforcement of recreation will occur.

7. Issue resolution should include a stakeholder group.

The overall approach to problem solving and issue resolution is reasonably complete, but we see a need for regular involvement with stakeholders. We recommend that the County retain/establish a stakeholder advisory group and include it in the process at key intervals.

8. Funding remains key to success of the plan.

The costs to manage the preserve in perpetuity should reference that the 1998 MSCP Regional Plan envisioned the establishment of a regional funding mechanism.¹ While this has not yet been established, this remains a possible solution for the County and all other San Diego NCCP/HCPs. The potential of a SANDAG transportation funding program which integrates its transportation needs and the San Diego NCCP/HCPs is one potential way for the funding for this plan to be achieved.

9. Additional report recommendations we support

- Page 3-4. We strongly support the use and improvement of the best available scientific data to prepare habitat suitability and species distribution modeling that are used to assess potential take and conservation, and to develop preserve design, monitoring and management.

¹ <https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/FinalMSCPProgramPlan.pdf>.

- Page 3-7. We strongly support the recommendation: *“the biological goals and objectives need to, at a minimum, quantitatively establish the amount of habitat for each species (based on species distribution modeling) that will be included in the Preserve System through project mitigation or other additional conservation.”*
- Page 3-8. We strongly support the recommendation that all fuel management clearing occur within project footprints, and not be allowed to extend into the preserve.
- Page 3-12. We cautiously support the recommendation to have the North County plan prepared without undue influence from the South County plan’s approach. We will be interested in discussing further effective substitute mechanisms to the BMO and PAMA approach.
- Pages 3-15 and 3-16. The recommended changes to how to approach preserve assembly appear to be reasonable for this planning area.
- Page 3-20. We support an assigned staff and a separate and dedicated team for implementation. We do not think this program is best located within the Parks and Recreation Department, due to the competing objectives of a Preserve system for wildlife conservation and the Department’s mission to provide recreation for the public.

Thank you for the opportunity to comment on this important effort and we look forward to working with the County on the North County MSCP.

Sincerely,

Frank Landis, California Native Plant Society

Dan Silver, Endangered Habitats League

Pamela Heatherington, Environmental Center of San Diego

David Hogan, The Chaparral Lands Conservancy

Cody Pettersen, San Diego Democrats for Environmental Action

NeySa Ely, San Pasqual Valley Preservation Alliance

Bill Tippetts, Southwest Wetlands Interpretive Association

Mary Clarke, North County MSCP/MHCP Task Force, Sierra Club San Diego

Laura Hunter, Escondido Neighbors United

Diane Nygaard, Preserve Calavera

Joan Herskowitz, Buena Vista Audubon Society

Karen Zirk, Friends of Rose Creek

Jim Peugh, San Diego Audubon Society

George Courser, Sierra Club San Diego Chapter

Richard W. Halsey, California Chaparral Institute

cc.

Supervisor Dianne Jacob

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Deborah Mosley

Jason Hemmens



April 17, 2020

Chelsea Oakes
Dept of Planning and Development Services
5510 Overland Ave, 3rd Floor
San Diego CA 92123

RE: North County Multiple Species Conservation Plan Status Review and Options Assessment

Dear Ms. Oakes:

Endangered Habitats League (EHL) appreciates the opportunity to share our views. I am also writing in my capacity as member of the North County MSCP Steering Committee. I also served the South County MSCP in a similar advisory role, and bring that experience to the North County.

General comments

The ICF report is thorough and thoughtful. While we do not concur with all its recommendations, it has provided a complete and logical analysis of the costs and benefits of the alternatives and has addressed several miscellaneous issues. It forms a sound basis for decision-making.

Preferred option

EHL strongly supports Option 5, Revised North County Plan (HCP/NCCP). Compared with all other options, its benefits to *all sectors* are *substantially* greater, yet its dollar cost is comparable. Also, only this option satisfies General Plan provisions and mitigation measures. From EHL's perspective, only this option delivers an *ecosystem approach* that reconciles conservation with infrastructure and development.

The other choices lag far behind, but HCP/2081 (no NCCP) – Public and Private Covered Activities would be second, followed by Conservation Strategy. HCP/2081 (no NCCP) – County-Only Covered Activities has too small a scope to justify it, and Project-by-Project ESA/CESA Compliance leaves us with chaos.

Covered species list

The rationales given for removing the Engelmann oaks are not persuasive. Tree ordinances protect individual (mature) specimens, not the oak woodland community. Absent including this community, the plan devolves from an *ecosystem plan* into a *regulated species* plan. No particular obstacles to covering the Engelmann oak are

provided. Rather, public ownership of substantial Engelmann oak woodlands will assist with coverage. Poor natural regeneration is a threat factor that future preserve management actions could benefit.

The golden eagle is a top predator and keystone species whose ecosystem functions exceed its numbers. Given the history of conflicts over eagle management, we are not sanguine that the County would prepare and implement a standalone eagle conservation strategy, which the report offers as an alternative. BGEPA is also not a viable option for, as the report notes, it does not protect foraging habitat. We suggest that this decision be based on more information. Where are the extant eagle territories in the plan area? In other words, what is at stake? How challenging is coverage? How exactly would eagle coverage slow the plan down?

As a general but crucial question, how would the loss of key covered species like the Engelmann oak and golden eagle affect the plan's ability to meet the ecosystem requirements of the amended NCCP Act?

Hardline projects

Only such projects that have received wildlife agency approval should be included in the draft NC MSCP. This procedure was followed in the South County plan, and was accepted by all stakeholders. For example, on this basis, and also due to its recent decertification, the Newland Sierra project should not be part of a revised draft.

RMP and trail issues

In principle, EHL supports a requirement for wildlife agency approval of all individual RMPs developed subsequent to the framework-level RMP. Such a process leads to greatest accountability to the plan, and therefore public benefit. In the interests of compromise, though, we are willing to explore the alternative of providing greater detail at the framework level, as the ICF report suggests, and foregoing formal agency approval of individual plans. That does not mean that their input should not be obtained, of course.

The report notes that “ICF has developed rule sets for trail construction and use that have been successfully applied in other similar plans ...” We would welcome these ideas and this experience. The report goes on to discuss a mitigation system for trails impacts. While we are open to this, *the most vital component is the appropriate siting of trails in the first place*. In this regard, the key step in reaching consensus on trails is, as the report notes, to “Identify areas that may have minimal to no public access to protect the full mitigation value and functional integrity of the preserve.”

In practice, proper identification and siting depends upon the *timing* of trails planning in the RMP process. An essential safeguard—which *reflects current County practice*—is that the location of trails and other public use areas be determined only *after* a draft RMP is completed and sensitive resource areas are identified for protection from

human use. Trails should *not* be sited as part of the land use/entitlement process, which leads to non-scientific actions.

Approach to Problem Solving and Issue Resolution

Resolving outstanding conflicts between the County and the wildlife agencies is the biggest challenge to moving the North County Plan forwards. The report's recommendations here are sound but have in large part already been tried. The *new* aspects which can, in our view, make a real difference, and which we particularly support are below.

An expert team with extensive experience preparing HCP/NCCPs, who has three primary roles: (1) lead authors of plan document(s); (2) a mediator to help resolve differences between the County and the Wildlife Agencies; and (3) trusted advisors who can bring options and alternatives based on their understanding of current best practices for HCP/NCCPs.

The County should hire individuals with extensive experience preparing NCCPs and HCPs to lead all aspects of Plan preparation. The individuals must have a mix of senior strategic advisors and technical staff with HCP experience to efficiently and cost-effectively prepare the Plan. The individuals will organize and facilitate all Wildlife Agency meetings to serve as an “honest broker” and neutral leader of the HCP/NCCP process.

Develop North County Plan Independent of South County Plan and Restructure Preserve Assembly Methods and Assumptions

We agree that due to the passage of time, the South County plan may no longer serve as a direct template for the North County plan, although the MSCP-driven San Diego Management and Monitoring Program should be referred to as a guide for species, reserve design, linkage, wildfire, climate change, and invasive species management strategies. Looking at other NCCP/HCPs obviously makes sense. The ICF report suggests re-thinking the use and role of Pre-Approved Mitigation Areas, yet does not discuss in any detail the future role for a North County Biological Mitigation Ordinance. (There is a placeholder in Table 3.2.) The plan must have the mechanisms to ensure that future projects contribute—where appropriate and in sufficient amount—to preserve assembly and do not foreclose preserve design and assembly options.

Rancho Guejito

The plan would be irretrievably diminished by the loss of Rancho Guejito, which could not be compensated for elsewhere. That said, EHL recognizes the practical difficulties in achieving substantial conservation in the face of concerted landowner opposition. We do not see removal from the plan area as the only option, though. Better that the property become a *major amendment area*, as occurred in the South County MSCP on Otay Mesa. This option allows the landowner to seek state and federal agency

permits outside of the MSCP, but also provides the option of amendment into the plan upon meeting MSCP standards and agency concurrence.

EHL fully concurs with bringing Lake Henshaw/Warner Springs into the plan due to its ecosystem functions and the sensitive species noted in the report. *Due to their scale and public ownership, a concerted effort to bring in Vista Irrigation District lands is indicated, as well.*

Implementation

We concur that a stronger implementation structure at the County is needed. In the early years following South County MSCP adoption, DPDS had a biologist dedicated to, and expert in, MSCP implementation. This should be recaptured.

More broadly, in EHL's experience with several plans, the strongest and most effective structure for implementation has been a single-purpose agency, e.g., the Western Riverside County Regional Conservation Authority and Coachella Valley Association of Governments/Coachella Valley Conservation Commission. In contrast, MSCP implementation at the County has been undertaken not only by more than one department, but by departments with their *own* missions, which may conflict with habitat plan goals. As a result, *at times*, MSCP interests have been subsumed by competing priorities within DPDS (to facilitate development) or DPR (for recreation). As a result, too great a burden has been placed upon the wildlife agencies to provide accountability to the plan. The wildlife agencies do not have the institutional strength for this task, particularly when implementation of the plan is fundamentally delegated to the County.

While it is fine to say, "The common thread of all of these implementation models is dedication and focus," it is another matter to achieve this goal absent a true single purpose agency. Full time staff will help, as recommended, but putting MSCP staff in a secondary, *advisory* role to the "actual" implementing departments (PDS, DPW, DPR, and Department of General Services) would continue the *status quo* of fragmented implementation. For example, MSCP consistency findings must be under the purview of the dedicated DPDS MSCP biologist.

Further thought needs to be given to a more functional and plan-oriented implementation structure at the County. More thought also needs to be given to an effective *dispute resolution process* with the wildlife agencies. A public oversight committee and/or an independent scientist committee are promising ideas. In addition, the range of enforcement actions available to the wildlife agencies should be more nuanced than the all-or-nothing options of doing nothing or pulling permits.

Overall, we see positive momentum toward completing a long-sought and beneficial planning effort. We urge all parties to rapidly reach consensus on an approach, and we believe this consensus is within reach. We *thank* the County for commissioning

this report, for organizing public and stakeholder outreach, and allowing all of us to step back and reassess.

We appreciate the consideration of our views and we hope to continue to constructively engage on a successful effort.

Yours truly,

A handwritten signature in blue ink, appearing to read "Dan Silver", with a stylized flourish at the end.

Dan Silver
Executive Director

April 22, 2020

Chelsea Oakes
Dept of Planning and Development Services
5510 Overland Ave, 3rd Floor
San Diego CA 92123

RE: North County Multiple Species Conservation Plan Status Review and Options Assessment

Dear Ms. Oakes,

Thank you and Planning for a chance to share my views. I am commenting as a member of the North County Multiple Species Conservation Plan Steering Committee. Overall, I appreciate the work that went into the ICF report. While I do not agree with all of its recommendations, as described below, I think it a good and thoughtful analysis of the costs and benefits of the alternatives, and that it will be useful for decision making going forward.

Preferred option

I strongly support Option 5, the Revised North County Plan (HCP/NCCP). Its benefits to all sectors of society are substantially greater than are those of other options, while its costs are comparable. Importantly, it allows for Countywide planning on an ecosystem basis. Option five makes it possible to assemble the large preserves and migration corridors essential both for the continued existence of large species in the County, and for plants and animals to migrate in response to climate change. The ecosystem approach also allows conservation, development, and infrastructure to be planned concurrently, rather than piecemeal or in opposition.

The other four options lag so far behind that they really are not worth considering. Among these, the HCP/2081 (no NCCP) – Public and Private Covered Activities is the least inadequate. The HCP/2081 (no NCCP) – County-Only Covered Activities has an insufficient scope to be useful, and projects simply complying with FESA and CESA would take us back to the chaotic situation everybody hoped to escape with the MSCP in the first place.

Covered species list

I strongly disagree with the rationale for removing the Engelmann oak, because San Diego County tree ordinances at best protect individual trees, not oak woodlands. Moreover, given the County's reaction to the issue of Nuttall's scrub oak, on Otay Ranch Village 13 at the Planning Commission on April 17, I believe that the County has a serious issue going forward. Existing planning policy appears inadequate for the continued existence of slow-growing species in the County, not just in the NC-MSCP. I suggest expanding coverage of slow-growing species, not contracting it. This is doubly true for Engelmann and other oaks, which have important ecosystem roles, meaning that they provide food, habitat, and shelter to many species.

The basic problem with any slow-growing species is that, once their numbers decline far enough that they are noticeably in trouble, it will take decades for the next generation to reach maturity. Worse, even if they are subject to a massive rescue effort, there will be a gap of multiple decades until the next generation can perform the ecosystem services that their predecessors did.

For example, if Engelmann oaks started succumbing en masse to infestations of shothole borers and gold-spotted oak borers, as coast live oaks are doing now, it would take probably 20 years for saplings to start to replace them. In the interim, other species that depend on the oaks die out.

What happened at the April 17 County Planning meeting with Nuttall's scrub oak made this obvious. Given the unmitigated take of 1,200 scrub oaks, the only mitigation option the County acknowledged was planting more oaks somewhere else, on the interesting assumption that 1,200 seedlings or even acorns will be available if this unique population is wiped out. All the species that depended on those oaks would be long dead in the two decades the seedlings would need to grow big enough to start to replace their parents. This is a major ecosystem loss, yet the County appears incapable of imagining anything else for sensitive species outside the MSCP.

In order to preserve the oak woodland ecosystems, I strongly urge the County to retain Engelmann oak in the NC-MSCP. I also urge the County to add Nuttall's scrub oak (*Quercus dumosa*) to the NC-MSCP, to emphasize the need to preserve this species for its ecosystem services, even if it is only preserved in isolated patches. Birds and animals need those acorns. I also suggest adding summer holly (*Comarostaphylis diversifolia*, CRPR List 1B.1) to the NC-MSCP, again because it is a slow growing species that is easier to protect than to restore, and because its berries feed animals.

While I normally only focus on plant species, I have to point out that excluding the golden eagle from the NC-MSCP is foolhardy. Yes, in an ideal world it would be better to preserve them with a larger regional plan. Unfortunately, no such plan is under consideration, and worse, the wildlife agencies that would help assemble that plan have to deal with the current administration in Washington DC. Given the history of the NC-MSCP, I am also dubious that a standalone eagle conservation plan could be crafted locally.

It is unclear to me what damage covering the golden eagle causes. Is there some project that is harmed by covering this species? Since it is a keystone predator, loss of golden eagles from the County will definitely have an impact, but it is certainly not clear from the ICF report what damage is caused by keeping them on the list and protecting their foraging habitat..

The NCCP Act as amended is intended to protect ecosystems, not just species. Eliminating species, like oaks and eagles, that have substantial ecosystem benefits makes it difficult to meet the requirements of the NCCP.

Adding more species

As background, I got my PhD at the University of Wisconsin-Madison, so the story of the loss of the American chestnut to chestnut blight was something that was taught more there than here. Two lessons are relevant to San Diego. One is that chestnuts played a key role comparable to our oaks in the ecosystems they dominated, and they were replaced by oaks when they disappeared. However, it wasn't a clean substitution, as the chestnuts provided more food than do oaks, and so the animals now are smaller than they were centuries ago. The other lesson is that American chestnut recovery was crippled by wholesale cutting of chestnuts in a failed attempt to stop the disease. It was an understandable reaction, but the problem is that potentially resistant chestnuts were cut down along with vulnerable trees, making it massively harder to find trees from which to breed resistant chestnuts to reintroduce.

The reason this is relevant is that the oak trees in California face three terrible problems: Sudden Oak Death, a pathogen that is a bigger problem up north, the shothole borers, and Gold-

spotted oak borer. We are likely to lose a lot of oaks in the next decade, and we want to avoid the cascading ecosystem effects of losing these trees, if possible.

One partial solution is to protect Engelmann and scrub oaks, which are less vulnerable. This is imperfect, but possible using the NC-MSCP.

Additionally, I would suggest making it possible for the NC-MSCP to be amended to include other species, especially but not exclusively oaks and other trees, if their numbers drop low enough that they deserve protection. This could be done with a review of the covered species list every five years. I believe that making it possible to amend the NC-MSCP species list to protect more species will be more useful than trying to proceed into a future of climate change with a list of covered species that unfortunately becomes increasingly inadequate.

Rancho Guejito

The plan would be massively diminished by the loss of Rancho Guejito, which could not be compensated for elsewhere. This property either enables or blocks a major north-south wildlife corridor.

While I agree that landowner opposition is a real difficulty, I do not believe that removing Rancho Guejito is the only option. Another option is allowing the Rancho to become a major amendment area, akin to Otay Mesa in the SC-MSCP. This option allows the property owner to seek state and federal permits outside the MSCP, but also provides the possibility of amending the NC-MSCP to include Rancho Guejito, if the landowner changes their mind and it meets with Agency concurrence and MSCP standards.

Warner Springs, Lake Henshaw, and other possible additions.

Adding these areas to the NC-MSCP is a good idea, due to the presence of sensitive species and the ecosystem functions these areas serve. Vista Irrigation District Lands are another area that warrants consideration.

Hardline Projects

I strongly suggest that only projects that have received wildlife agency approval should be included in the draft NC MSCP, as was done in the SC-MSCP. For example, Newland Sierra has been decertified by the voters and the Board of Supervisors. It should not be part of any revised NC-MSCP.

RMP and trail issues

Having spent years seeing and dealing with the damage caused by non-consumptive uses of areas set aside for conservation, I strongly believe in continuing the current County practice of first drafting the RMP to identify the sensitive resources that need to be protected from human use. Only when this is done should trails and other public use areas be sited. Trails *should not* be sited as part of the land use/entitlement process. This is particularly true in the North County, where there are few core habitat areas and the linkages between them are tightly constrained. It also behooves the County to, where possible separate recreation lands from conserved lands, so that people may have trails without the continual conflict that having trails inside habitat cores invariably causes.

Approach to Problem Solving and Issue Resolution

The overall approach to problem solving and issue resolution is reasonably complete, although much of it may have already been tried. Regardless, I see a need for regular stakeholder involvement and ask that the stakeholder advisory group be retained.

I echo others' calls for hiring an outside group that is experienced in preparing HCP/NCCPs to be the lead authors, help mediate disputes, and act as advisors. These plans have been created successfully elsewhere, and given the turnover of County personnel, it seems prudent to hire an experienced group to create this rather than to build the requisite expertise in-house, especially given the current financial situation.

Develop North County Plan Independent of South County Plan and Restructure Preserve Assembly Methods and Assumptions

As with the above approach (hiring an outside expert), I think it is reasonable to not use the SC-MSCP as a template for the NC-MSCP, and to use examples and expertise from outside the County. However, I strongly urge that the SC-MSCP be used as a reference for species, reserve design, linkage, wildfire, climate change, and invasive species management, among other topics.

That said, I believe that the NC-MSCP must have a plan for how to assemble functioning, successful preserves and wildlife corridors in the North County. Whether this uses something like the Pre-Approved Mitigation Areas, or has a role for the North County Biological Mitigation Ordinance, needs to be determined.

Implementation

I also believe that the County needs a stronger implementation structure. It would be appropriate to hire a biologist expert in and dedicated to implementation of the NC-MSCP. Based on the reports from other counties, the most effective approach would be to have a single-purpose agency managing the MSCP, analogous to the Western Riverside County Regional Conservation Authority. Having it implemented across both development services and parks has resulted in occasional conflicts between development, recreation, and conservation, with the burden of accountability left to the agencies. Having a group dedicated to both implementing the MSCP and resolving disputes among stakeholders, including the wildlife agencies, development, recreation, and conservation interest, seems like the simplest and most effective way to go.

Overall, I am glad that there is interest in completing this planning effort, and I hope all parties will work towards a consensus approach. My thanks go to the county for commissioning this report and organizing input from the stakeholders and the public.

Thank you also for taking this input.

Stay safe,



Frank Landis, PhD

Oakes, Chelsea

From: ECO San Diego <contactecosd@gmail.com>
Sent: Wednesday, April 29, 2020 7:02 PM
To: LUEG, MSCP
Subject: North County MSCP

April 29, 2020

Chelsea Oakes, Manager
Environmental Planning

Land Use and
County of San Diego

via MSCP@sdcounty.ca.gov

RE: Comments on ICF Report Options for the North County Multiple Species Conservation Plan

Dear Ms. Oakes:

Although I completed the survey, I feel you have presented only one acceptable option, Option #5 -Revised North County Plan. The consultants have laid clear this is the superior choice for our region. Optimizing the protection of wildlife and habitat in North San Diego County, yet also giving benefits to the county and the developer community.

In addition, I urge you to include Rancho Guejito in the Plan, as well as the Golden Eagle, and Engelmann Oak. These are iconic to San Diego and need to be included. A Stakeholder Advisory Group should be an active part of the process. Importantly, funding issues must be addressed and resolved.

Our North County wildlife and habitat deserve careful consideration must be given protected areas set aside for wildlife habitat and movement from public impacts such as excessive use of trails in the Preserve; off road vehicles and biking activities; and any illegal activities.

Thank you for your consideration of my comments.

Sincerely,

Pamela Heatherington
Bernardo

Rancho
805-835-1833

Oakes, Chelsea

From: ron.askeland@gmail.com
Sent: Thursday, April 30, 2020 9:04 AM
To: LUEG, MSCP
Subject: North County Multiple Species Conservation Plan

Hi Chelsea,

I was in the process of filling out the North County Multiple Species Conservation Plan Stakeholder Survey, but decided to write an email instead. I have a strong preference for Option 5, but oppose options 1-4 (didn't want to rank any of these as #2).

A couple of comments:

Would like to make sure that attention is paid to wildlife corridors to ensure genetic diversity of native species. Also, would like to see active involvement of a stakeholder advisory group.

Please add me to your email list for conservation projects.

Thank you,
Ron Askeland

May 8, 2020

Chelsea Oakes
Dept of Planning and Development Services
5510 Overland Ave, 3rd Floor
San Diego CA 92123
Via: mscp@sdcounty.ca.gov

RE: North County Multiple Species Conservation Plan Status Review and Options Assessment

Dear Ms. Oakes:

STAY COOL for Grandkids (SC4G) appreciates the opportunity to provide comments on the above referenced report. *SC4G* is a membership organization of grandparents and other citizens in the San Diego region dedicated to preserving a livable climate in the name of those too young to have voice: our future generations. Along with other partner organizations in our region, we advocate for meaningful action on climate change and support policies that will have a lasting effect by reducing emissions and securing our quality of life. **We urge the County to support the completion of the North County MSCP as the only option that complies with the County General Plan and meets the higher protection and habitat planning standards of the state.**

General Comments

The ICF report is thorough and thoughtful. While we do not concur with all its recommendations, it has provided a complete and logical analysis of the costs and benefits of the alternatives and has addressed several related issues. We feel that it forms a sound basis for decision-making. As a primary point, it is critical that the County maintain the integrity of the Multiple Species Conservation Plan, a commitment made 20 years ago and intended to continue so that the future of our open space areas and the precious ecosystems are protected in perpetuity.

Preferred Option

We strongly support Option 5, Revised North County Plan (HCP/NCCP).

Compared with all other options, its benefits to *all sectors* are *substantially* greater. We understand that there are a number of environmental, economic and social issues to be considered. However, we think it is particularly important to recognize that Option 5 is the **only option** that will allow the County of San Diego to “progress towards a countywide HCP/NCCP program.” (p. 2-3, Table 2-2) This conclusion is explained by the consultant as follows:

“The County has been an active participant in and supporter of the MSCP process since the beginning of the program in the early 1990s. The MSCP Subregional Plan and

associated Subarea Plans were a landmark accomplishment of the use of Section 10 for regional HCPs and for the fledgling NCCP Act, and the County has been an essential partner in the MSCP development and implementation from the start. Over the years the County has supported the HCP/NCCP process, and the County General Plan clearly reflects the expectation of an ongoing commitment to the process.” (p. 1-15).

We recognize that there are several challenging issues that will need to be resolved for the County of San Diego to be able to adopt a legally compliant Plan. However, we feel strongly that the report lays out a workable approach for resolving those issues, and it will be in the best interest of all parties to work toward resolution of those issues as quickly and efficiently as possible. As noted in the report, there are a number of collateral benefits, related to critical issues such as Greenhouse Gas Reduction, Climate Resilience, Water Resource Protection, and Regional Infrastructure Funding, that are dependent on having a reliable Habitat Conservation Plan and implementation program in place for the entire region.

We appreciate the opportunity to comment on this report and we would be happy to provide support and assistance to the County of San Diego in meeting this important commitment. If you have questions, you are welcome to contact me at LGPratt@sbcglobal.net or Robert Leiter at rleiter9@cox.net.

Sincerely,

Linda Giannelli Pratt

Linda Giannelli Pratt
STAY COOL for Grandkids (SC4G) Advisory Council Chair

From: Wayne Tyson
To: [LUEG, MSCP](#)
Subject: North County MSCP
Date: Saturday, May 09, 2020 11:17:56 AM

May 9, 2020

Chelsea Oakes

Dept of Planning and Development Services

5510 Overland Ave, 3rd Floor

San Diego CA 92123

Via: mscp@sdcounty.ca.gov

RE: North County Multiple Species Conservation Plan Status Review and

Options Assessment

Dear Ms. Oakes:

I am a member of *STAY COOL for Grandkids (SC4G)* and we advocate for meaningful action on climate change and support policies that will have a lasting effect by reducing emissions and securing our quality of life. **I urge the County to support the completion of the North County MSCP as the only option that complies with the County General Plan and meets the higher protection and habitat planning standards of the state.**

General Comments

I feel strongly that it is critical for the County to maintain the integrity of the Multiple Species Conservation Plan, a commitment made 20 years ago and intended to continue so that the future of our open space areas and the precious ecosystems are protected in perpetuity.

Preferred Option

Stay Cool strongly supports Option 5, Revised North County Plan (HCP/NCCP).

Compared with all other options, its benefits to *all sectors* are *substantially* greater. We understand that there are several environmental, economic and social issues to be considered. However, we think it is particularly important to recognize that Option 5 is the **only option** that will allow the County of San Diego to “progress towards a countywide HCP/NCCP

program.” (p. 2-3, Table 2-2)

I feel strongly that protecting the MSCP is important. Collateral benefits include Greenhouse Gas Reduction, Climate Resilience, Water Resource Protection, and Regional Infrastructure Funding. All of these are dependent on having a reliable Habitat Conservation Plan and implementation program in place for the entire region. Please do this for us and for generations to come.

Sincerely,

Rose and Wayne Tyson

From: Swift, Timothy
To: [LUEG, MSCP](#)
Subject: RE: North County Multiple Species Conservation Plan Status Review and
Date: Sunday, May 10, 2020 8:36:25 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

May 10, 2020

Chelsea Oakes
Dept of Planning and Development Services
5510 Overland Ave, 3rd Floor
San Diego CA 92123
Via: mscp@sdcounty.ca.gov

RE: North County Multiple Species Conservation Plan Status Review and Options Assessment

Dear Ms. Oakes:

As a member of the Community Advisory Group on climate action planning for Escondido, land use planning & urban sprawl mitigation are cornerstones in our effort to sequester carbon and mitigate the effects of climate change. In southern California, the California Natural Community Conservation Planning (NCCP) program and Habitat Conservation Plans (HCPs) have resulted in protected area networks to address widespread habitat fragmentation across the region. Connectivity is essential if these networks are to support the long-term goals of protecting biodiversity, particularly as species' ranges are likely to shift in response to climate change. Landscape connectivity allows for movement among patches of suitable habitat, reduces the chance of extinction for small populations, and maintains gene flow in patchy landscapes. Over longer time scales, and in the face of changing environmental conditions, connectivity will prove critical for facilitating range shifts in response to landscape changes caused by changing climate and altered disturbance regimes.

I urge the County to support the completion of the North County MSCP as the only option that complies with the County General Plan and meets the higher protection and habitat planning standards of the state.

Sincerely,

Tim Swift
2147 Willowbrook St
Escondido, CA 92029

Timothy Swift
District Sales Manager

Phenomenex
411 Madrid Avenue
Torrance, CA 90501

Cell: 858.784.1684

Email: TimothyS@phenomenex.com

Website: <http://www.phenomenex.com>

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May 11, 2020

Chelsea Oakes
Dept of Planning and Development Services
5510 Overland Ave, 3rd Floor
San Diego CA 92123
Via: mscp@sdcounty.ca.gov

RE: North County Multiple Species Conservation Plan Status Review and Options Assessment

Dear Ms. Oakes:

I urge the County to support the completion of the North County MSCP as the only option that complies with the County General Plan and meets the higher protection and habitat planning standards of the state.

I feel strongly that it is critical for the County to maintain the integrity of the Multiple Species Conservation Plan, a commitment made 20 years ago and intended to continue so that the future of our open space areas and the precious ecosystems are protected in perpetuity.

Preferred Option

I strongly support Option 5, Revised North County Plan (HCP/NCCP).

Compared with all other options, its benefits to *all sectors* are *substantially* greater. I understand that there are several environmental, economic and social issues to be considered. However, I think it is particularly important to recognize that Option 5 is the **only option** that will allow the County of San Diego to “progress towards a countywide HCP/NCCP program.” (p. 2-3, Table 2-2)

I feel strongly that protecting the MSCP is important. Collateral benefits include Greenhouse Gas Reduction, Climate Resilience, Water Resource Protection, and Regional Infrastructure Funding. All of these are dependent on having a reliable Habitat Conservation Plan and implementation program in place for the entire region. Please do this for us and for generations to come.

Sincerely,

LeAnn Williams
840 Chamberlain Pl.
Escondido, CA 92025



FARM BUREAU San Diego County

The Voice of Local Farmers
Serving San Diego agriculture since 1914

May 13, 2020

Mark Wardlaw
Director, Planning and Development Services
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, CA 92123

Subject: North County MSCP: Status Review and Options Assessment

Dear Mr. Wardlaw,

Agricultural operations cover nearly 250,000 acres of land in the County of San Diego, with a substantial portion of this land occurring in the North County Multiple Species Conservation Plan (North County MSCP) area. Our industry contributes \$1.7 billion in total annual value of production to the local economy and is the 5th largest contributor to our local economy. The North County MSCP threatens the economic viability of our industry, unless revised to incorporate distinct differences between agricultural land uses and other land uses, such as open space or mitigation land.

On behalf of the San Diego County Farm Bureau, please accept the following comments on the proposed North County MSCP Status Review and Options Assessment.

1. Agriculture lands are distinctly different than open space lands and should not be categorized as the same, nor treated the same within the North County MSCP. Land where agricultural operations are currently established should not be counted as open space or mitigation land. Agriculture in San Diego County is unique and occurs in all areas of the County, including urban land uses, rural land uses, large parcels and small parcels. Sixty-nine percent of farms in San Diego County are 1 to 9 acres. Agricultural lands are part of the working landscape with a function of providing food and horticultural products and a value of feeding humanity and sequestering carbon. The function of open space lands is to preserve the natural environment and the value is to benefit flora and fauna. The North County MSCP must make a clear distinction between the use of the term open space/mitigation land and agricultural lands.
2. The Status Review and Options Assessment fails to analyze any of the General Plan Goals and Policies related to the promotion and protection of agricultural operations within the County of San Diego. We are concerned that the MSCP will conflict with the long term economic viability of the agricultural community and would like to see an analysis completed to address potential conflicts with General Plan Polices COS-6.1 through COS-6.5.
3. The economic impacts of implementing the North County MSCP have not been properly assessed in relation to the agricultural industry. The calculations used in the Status Review and Options Assessment are based on building industry data and do not account for economic impacts related to local agricultural operations, for which a substantial portion occur within the North County MSCP.



FARM BUREAU San Diego County

The Voice of Local Farmers

Serving San Diego agriculture since 1914

4. We are deeply concerned that the mapping used as the basis for the MSCP has incorrectly identified thousands of acres of agricultural lands as high quality, environmentally sensitive habitats. All agricultural lands under commercial operation within the County should be mapped as "Agriculture" or "Developed" and should not be mapped as other habitat types. Grazing lands should be mapped as agriculture, not non-native grasslands. The County of San Diego Department of Agriculture identifies over 250,000 acres of agricultural lands in the County. The vast discrepancy between the existing habitat mapping and County documented commercial agriculture needs to be remedied. It appears the existing mapping is not relying upon the best available data, which is available through the County of San Diego Department of Agriculture, Weights and Measures or the San Diego Regional Water Quality Control Board. Implementation of the North County MSCP must not limit agricultural operations, or prohibit the conversion of one commodity type to another. For example, orange groves cannot be mapped as high quality habitat that supports sensitive species, and then prohibited from converting to other commodity types due to such an incorrect classification.
5. Agricultural lands should not be included in any hardline preserve areas. With the existing acreage, acquisitions and dedications already made in the North County MSCP area during the last 10 years, there is essentially no need to include any ongoing agricultural operations in the PAMA areas or hardline areas. Ranch and farmland is not compatible for designation as high quality habitat, wildlife corridors, PAMA buffers or buffer areas. These designations limit the production potential for agriculture and production agricultural is imperative to a thriving agricultural industry within our County.
6. If there is an allowable "take" by acreage it should be a net number (baseline) so that as other agriculture areas transition into formal open space agreements or acquisitions those areas would be added back into the allowable impact for new agriculture operations.

We appreciate all the actions the Board of Supervisors has taken to ensure a viable agricultural community within our County and we look forward to seeing more practical measures adopted by the County so this very important industry may thrive for many years to come. It is imperative that policies affecting agricultural operations are supported by agricultural stakeholders. Conservation and mitigation plans and policies that conflict with the ability for farmers and ranchers to expand and implement production, such as the North County MSCP, will have significant adverse impacts on our important local industry. We appreciate your attention to our requested revisions, as implementation of the North County MSCP will affect every day agricultural activities within the County of San Diego.

Sincerely,

HANNAH GBEH *Executive Director*

420 S. Broadway, Ste. 200, Escondido, CA 92025

Office: 760.745.3023

hannah@sdfarmbureau.org

Cell: 760-504-4109



The Voice of Local Farming



Chelsea Oakes, Manager
Land Use and Environmental Planning
County of San Diego
Via mscp@sdcounty.ca.gov

May 13, 2020

RE: Comments on ICF Report: Options for North County Multiple Species Conservation Plan

Dear Ms. Oakes:

Thank you for this opportunity to provide input regarding ICF's report on options for the North County Multiple Species Conservation Plan (NC Plan). We are writing on behalf of the Conservation Committee of the Sierra Club, San Diego Chapter, and our North County MSCP Task Force.

The San Diego Chapter of the Sierra Club has been involved in the development of the NC Plan since its inception, and we have supported the County's efforts to complete the NC Plan. We are pleased that the County has retained ICF to provide options and guidance for moving forward with the NC Plan. We have reviewed the ICF report and participated in the virtual meeting on April 30 with ICF and County staff.

We are writing to you in lieu of completing the Stakeholder Survey because the Sierra Club – San Diego Chapter supports only one option for the completion of the Plan, which is Option #5, "Revised North County Plan." According to the ICF report, this option is clearly superior to the others as it results in a NC Plan that optimizes the protection of wildlife and habitat in North San Diego County. Option #5 also provides benefits to the County and developers, such as reduced costs of processing projects and regulatory assurances.

Chapter 3 of the ICF report, "Evaluation of the Current Plan and Recommendations," discusses a number of issues that need to be addressed if the County decides to complete the NC Plan as an HCP/NCCP. We would like to point out the following:

1. In-lieu Fee Program

An in-lieu fee program could be included in the NC Plan if there are firm conditions that the in-lieu fees will be used for acquisition of properties only in the North County Planning Area and that there are limitations on its use. For example, there should be time constraints for the use of the funds; acquisitions must be restricted to the NC Planning Area; and acquisitions must provide equivalent

environmental assets. Land acquisitions must be commensurate with impacts: habitat mitigation must be in rough proportion to habitat and species impacts and consistent with mitigation ratios.

If the County relies on mitigation banks, only those in the North County Planning Area should be used. To accomplish this, the County should encourage the establishment of North County Planning Area mitigation banks.

2. Changes to the Covered Species List

a. Golden Eagle

The golden eagle should be included in the NC Plan because it has landscape-scale conservation implications, and it has been dramatically declining in San Diego County and Southern California. We recommend that Warner Springs Ranch be included in the NC Plan to improve the conditions for the golden eagle to be included as a covered species in the NC Plan.

b. Engelmann Oak

We believe that the Engelmann Oak should be included in the NC Plan as it is a keystone species that supports numerous other species.

3. Trails and Recreation in Sensitive Habitat Areas

Sensitive species thrive best in fully protected areas. Trails and recreational activities for the public are often incompatible with the goals of HCPs/NCCPs and should be minimized to the fullest possible extent in the NC Plan. Acquisition and management of open space lands for trails and other outdoor recreation should be prioritized separately from the NC MSCP.

4. Rancho Guejito

Rancho Guejito should be included in the NC Plan. It could be included as a "Major Amendment Area," an unplanned/unpermitted portion of the North County Preserve area, subject to future negotiations.

5. Stakeholder Advisory Group

We recommend that the County retain/establish a Stakeholder Advisory Group and include it in the Plan development process at key intervals.

6. Regional Funding Source

Funding is key to the success of the Plan. The regional funding source envisioned in the 1998 MSCP Regional Plan has never been established. Funding mechanisms for the costs to acquire and manage the Preserve in perpetuity must be established as an integral part of the NC Plan.

7. Defensible Space

The Plan must ensure that all vegetation management for wildfire safety and defensible space occurs within project footprints and does not extend into the Preserve.

8. Alternatives to the PAMA Approach to the Assembly of the Preserve

The ICF report suggests that the PAMA approach is not the optimal way to assemble the Preserve. We are unclear as to what approaches to Preserve assembly would be effective substitutes. We request further information on this issue.

9. Organization of County Staff for Implementation of the Plan

We support an assigned staff and a separate and dedicated team for implementation. We do not think this program is best located within the Parks and Recreation Department, due to the competing objectives of a Preserve system for wildlife conservation and the Department's mission to provide recreation for the public.

We hope our comments on the ICF report on NC Plan options will be helpful. We reiterate that we fully support Option #5, the full HCP/NCCP, with possible revisions.

Please feel free to contact us if you have any questions or concerns.

Sincerely,

George Courser
Conservation Chair, Sierra Club, San Diego Chapter
gcourser@hotmail.com

Mary H. Clarke
Co-Chair, North County MSCP/MHCP
clarkemh@aol.com

cc: Dianne Jacob, Dianne.Jacob@sdcounty.ca.gov
Nathan Fletcher, Nathan.Fletcher@sdcounty.ca.gov
Adam Wilson, Adam.Wilson@sdcounty.ca.gov
Emily Wier, Emily.Wier@sdcounty.ca.gov
Michelle Fehrensens, Michelle.Fehrensens@sdcounty.ca.gov
Scott Sobiech, scott_sobiech@fws.gov
Susan Wynn, susan_wynn@fws.gov
Eric Porter, eric_porter@fws.gov
Ed Pert, ed.pert@wildlife.ca.gov
Gail Sevens, gail.sevens@wildlife.ca.gov
David Mayer, david.mayer@wildlife.ca.gov

ANNE S. FEGE, PH.D., M.B.A.
12934 TEXANA STREET
SAN DIEGO, CA 92129
PHONE 858-472-1293, EMAIL AFEGE@AOL.COM

May 14, 2020

Ms. Chelsea Oakes
Land Use/Environmental Planning Manager
Department of Planning and Development Services
County of San Diego
5510 Overland Ave, 3rd Floor
San Diego CA 92123 MSCP@sdcounty.ca.gov

SUBJECT: North County Multiple Species Conservation Plan Status Review and Options Assessment

Dear Ms. Oakes:

Thank you for the opportunity to provide comments on the North County Multiple Species Conservation Plan (MSCP) Status Review and Options Assessment. The plan completion will be a milestone for County habitat conservation, especially as it has been in progress for 19 years.

Benefits. The environmental benefits are extensive and long-ranging, especially for conserving large blocks of natural areas; protecting linkages and corridors; fulfilling goals, policies and mitigation of the General Plan; and streamlining regulatory compliance with wetlands permitting, California Environmental Quality Act (CEQA), and wildlife agency consultations.

Preferred option. Option Five should be selected and implemented. The costs of the full comprehensive planning are relatively low compared to the benefits to both the County and developers—and to the conservation of key habitats. Other options are far inferior in the compliance and regulatory certainty.

Covered species. Engelmann oaks are a dominant, endemic and invaluable species, and must be included in the covered species list. The increasing mortality of other local oak species to the gold spotted oak borer actually enhance the value of Engelmann oaks, that are less susceptible. The loss of oak meadows, and all the habitat values provided to animals and humans, is unimaginable.

Golden eagles are dominant predators and have recovered because of their protection over many decades. Local populations are far lower than historic levels, so it is premature to abandon golden eagles as a protected species.

Plan coverage. Rancho Guejito is unparalleled in local habitat value, north-south orientation for wildlife corridors, and conservation benefits, and This large landholding should be retained in the North County MSCP area, and not summarily excluded.

Trails. The additional attention to trail guidelines should clarify the trade-offs between conservation and recreation values, emphasizing that these are foremost preserved areas.

Implementation structure. The conservation benefits are abstract and elusive unless the MSCP is actually written, adopted and implemented, so the approaches to strengthening implementation structure are important.

It is expected that the MSCP assessment would be undertaken by consultants who have considerable experience with local habitats and with state-wide or national habitat conservation planning.

Full-time county staff provide scientific, managerial, and policy continuity that can never be achieved when much of the work is repeatedly done by consultants.

Closing. Thank you for the opportunity to comment. It is indeed encouraging that the County will finally re-invest in the North County MSCP and its implementation.

Sincerely,

A handwritten signature in black ink that reads "Anne S. Fege". The signature is written in a cursive, flowing style.

Anne S. Fege, Ph.D.

Retired Forest Supervisor, Cleveland National Forest

Adjunct Professor, Department of Biology, San Diego State University

By email

May 14, 2020

Chelsea Oakes,
County of San Diego, Planning and Development Services
5510 Overland Ave., Suite 310
San Diego, CA 92123

Dear Ms. Oakes and County Staff,

I am writing to address issues with and opportunities to improve the North County MSCP.

Opportunities relating to the North County MSCP are discussed in Part I. There are many problems with the Status Review and Options Assessment and ongoing public comment period including those addressed in Part II below. I would also appreciate answers to the questions raised in Part III.

- I. This MSCP should be redrafted to be fair, reward preservation and should include PAMA landowner representation on the Steering Committee.

There is an opportunity for the MSCP to live up to the ideals articulated in plan documents that espouse ideals of consensus building, habitat preservation and a representative Steering Committee. However, the majority of these offered options (Options 2, 4, 5) penalize landowners who have preserved property.

Landowners have different interests than builders/developers and are not represented by the special interest membership organizations on the Steering Committee. Landowners within the PAMA bear higher environmental and project processing requirements so these requirements are lower for projects outside the PAMA, which benefits most or all Steering Committee members and their membership. Ultimately, this means a handful of property owners are being chosen to bear all preservation burdens for the region so that development elsewhere can continue and thrive. This is especially galling when inclusion within the PAMA is often erroneous.

Regulations and mapping overlays decrease property values. By depreciating the value of all PAMA lands at once, these plans enable the cheaper acquisition of habitat lands, something that appears to be considered a feature of Table 2-2 of the Status Review and Options Assessment, as described above. Where there is a 50% mitigation requirement, the landowner loses 50% of the value of their property. Thus, all economic losses for these programs are borne by the PAMA landowners owning property, not subsequent owners, not builders/developers. We can document property worth less today than in 1980.

Let's be very clear: with these habitat plans the County is picking economic winners and losers without consideration of onsite habitat value.

Staff and document language considers that only developers have land interests which is shortsighted, incorrect, and opposed to the goals of an HCP/NCCP. This is especially incorrect because builders/developers generally only purchase entitled properties.

The HCP/NCCP is a 50 year plan that incentivizes habitat degradation because habitat land is not valued equally to development land. Landowners are disincentivized from maintaining/preserving high quality

habitat, for example, by removing invasive plants, as this harms their land values and usability. If preservation and maintenance of habitat outside of development is not incentivized, then there could be unintended consequences such as habitat degradation within preserve lands (and related County expense) as difficult/expensive-to-control invasives move in.

If preserving privately owned habitat is valued by our region, or if the region desires the ability to continue outside of Option 1 (project-by-project approvals) then the region should incentivize and reward its preservation. That means ascribing market prices to habitat lands, not the artificially manipulated/discounted \$15,000-\$22,000 per acre contemplated by the plan. These prices are not anywhere near approaching fair market price, especially if access to services is considered along with proximity to neighboring homes/developments and roads.

A far better approach for long-term regional viability and preservation is to value habitat equally to development. Many landowners care for their lands would far rather see their property preserved. If preservation is an important value to the region, and if all County residents benefit from preservation, then costs for preservation should be borne by the entire County. Alternatively, if the region desires to avoid project-by-project processing and facilitate ongoing development across the County, preservation should be subsidized through fees, taxes, and/or exactions on all development projects across the region, rather than penalizing a small group and forcing them to bear all costs and losses.

Any habitat conservation efforts should be drafted to be fair and equitable, which is not the case today, and must involve the people who actually own and control the lands most affected by these plans.

II. Problems with the Status Review and Options Assessment include the following:

(1) MSCP Status Review and Options Assessment, Question Prompts and Public Presentations were Unclear and Misleading,

While presented as a neutral “Status Review and Options Assessment”, language buried within the ICF assessment¹ along with the videotaped presentation admits this was only a benefits assessment with extremely limited references to any costs. Without clear disclosure to readers, these documents fail to consider complete costs, harms and other negative externalities of the options. This was confirmed during the 4/30/2020 Q&A by disclosing there was not enough funding for a complete cost and benefit assessment. The public comment prompts (a) considers only benefits and (b) privileges the North County Plan option to the exclusion of the other options. The North County Plan (Option 5) imposes the highest preservation requirements on PAMA landowners.

It took me multiple reads of the document to understand what was omitted from the Status Review and Options Assessment, details likely missed by most participants in this process.

This report should have clearly and honestly laid out what exactly was in and out of scope. Disclosure of the limitations of this document and analysis was not explicit and therefore public comment is solicited on documents that are unclear and misleading.

¹ Page 1-1 of the December 2019 Status Review and Options Assessment states that Chapter 1 “includes a description of the benefits desired by the County that were originally sought through the North County Plan. This chapter also summarizes the typical costs of an HCP/NCCP” while Chapter 2 assesses “for each of the [five] option[s], the benefits and drawbacks are described, compared, and evaluated against the desired benefits identified in Chapter 1.”

By assessing benefits only (with minimal mentions of costs) it is clear that this was not a neutral analysis and the County is seeking a predetermined outcome to this notice and comment process. A full costs/benefits analysis must be prepared that includes impacts to landowners and all other costs, harms, and externalities. The public comment must be redone and neutral prompts should be asked so that the public can provide informed, meaningful input as to available options. Further, process must include landowner representation and widespread public comment, including specific outreach to and consensus with PAMA landowners, before this project can proceed.

(2) There has not been legitimate public outreach and engagement for this comment period.

During Covid-19 lockdown, stakeholders with contact information on file were not provided complete, accurate or timely information concerning this public comment period and MSCP materials. Staff made incorrect assumptions, implied email contact addresses, appear to have conflated a mailing address with a physical address, and did not send both physical and email notices, as has been done by the County in past. I know stakeholders on the stakeholder list who had to affirmatively ask for information concerning this public comment period as they were not automatically provided materials by the County. They received some materials over a week after the issue was raised to the County, on 4/28/2020, and such information provided was incomplete, e.g., they were not provided subsequent County correspondence that the public comment period had been extended beyond 4/30/2020. Staff's response was that they expected and assumed that other people on the stakeholder list were responsible for ensuring that County notice and comment obligations were met.

The 4/30/2020 Q&A did not provide equivalent information for telephone and internet users, and many internet users were unable to view materials presented and discussed during the presentation. The call number provided was a long distance telephone number for North County residents. Unlike other PDS programs (e.g., a SB 743 webinar) where call details were directly provided, call information was only provided upon request to Staff.

During Covid-19 lockdown, the County has relied extensively on internet distribution of public comment materials. Providing public notice and comment materials solely by email and website excludes all persons without computers and internet access, especially since public libraries are closed and physical distribution of materials through libraries has ceased. The World Bank data provides that 13% of Americans do not use the internet.² As age is inversely correlated with computer/internet access, seniors are disproportionately affected. Persons of color are also disproportionately affected. Seniors have lower income, and along with those experiencing financial difficulties during this period of economic contraction, may also not be able to afford to pay for internet, phone and computer access to participate in this public comment process. Access to public meetings, including Q&As, should not be limited to people who can pay to attend.

Stakeholders did not have complete access to all provided County materials. Some could not meaningfully participate in this notice and comment and public survey as a result. This means that the results of the survey cannot be trusted and are not representative.

(3) Status Review and Options Assessment does not contemplate impact of proposals on PAMA land value.

² <https://data.worldbank.org/indicator/IT.NET.USER.ZS>

Table 2-2 of the Status Review and Options Assessment contemplates mitigation costs are lowest for the Revised North County Plan. This plan will depreciate and limit the value of all PAMA properties at once. The 2009 MSCP documents estimate PAMA land is worth \$15,000 per acre, I understand the current estimate is \$22,000. That is an unreasonably low number for land adjacent to 1-2 acre properties, especially in cases where roads and services are already provided. We can document that properties are worth less per acre today than in 1980 because of environmental restrictions, including plans such as this one. This is not addressed in the MSCP documentation.

When asked about decreases in value caused by this plan, the Consultant brushed off the question saying that they didn't find this to be the case. This further underscores the importance of landowner involvement as it demonstrates the limits of consultant and government knowledge.

(4) This process is requesting public comment on the basis of incomplete information.

For example, ICF Report Section 3.2.5 describes restructuring preserve assembly methods and assumptions but provides no detail or information as to impacts, including mitigation and other requirements. When asked for further information on contemplated changes at the 4/30/2020 Q&A, the ICF Consultant said this information was not known.

We are in the midst of a public notice and comment period requesting public input on the five options. Yet the preservation mechanisms and requirements, and other information concerning Staff's and the Consultant's preferred option are entirely unknown and undisclosed. This is material information concerning the plan that could affect public input and ranking of the five options. This process must not continue until complete information is provided to the public.

(5) Sunk costs, such as preparation and staff costs for the North County Plan, should not have been included in the Status Review and Options Assessment.

Sunk costs are sums paid in past that cannot be recovered; only future costs are relevant to rational decision making. The ICF report should not have included sunk costs in its analysis, including references to "loss of investment by County staff, Wildlife Agency staff, federal planning grants and stakeholders" or similar statements.

Public notice and comment needs to be redone on the basis of correct information and studies.

(6) Baseline Data and habitat inventory is likely incorrect and inclusion as a benefit is misleading.

We know that lands mapped within the PAMA do not necessarily have high habitat value and do not consider historic use. For example, in 2018, the General Plan was amended (SD15) in order to increase density from 61 units on a 69 acre lot within the PAMA to 362 acres plus commercial. While this land was mapped within the PAMA, staff studies showed it had other historic uses and a much lower habitat value.

I spend significant amounts of time correcting mapping and other errors by the County and other governmental entities. There will be many problems with models, algorithms, and data underlying the PAMA designation. Data does not reflect on-the-ground conditions, but MSCP documents, including the Status Review and Options Assessment do not disclose and address these risks. Other HCP/NCCPs have been very clear as to limitations.

As such, future use of these models as a benefit is incomplete and misleading, and overstates actual species/projected take.

- (7) The Status Review and Options Assessment does not address the costs of enshrining existing County Ordinances into law for 50 years.

Section 3.1.1.2 discusses including key provisions of the BMO and potentially other ordinances within the North County Plan, stating that these provisions must be upheld for the 50 year length of the plan. That limits the ability of our elected officials to adapt our laws to fit changing needs and limits County optionality. This was never disclosed in the public comment materials which is misleading, and public comment must be redone.

- (8) Estimating and quantifying take based on predicted distribution will overstate species distribution.

Per my comments above, I have seen these predictive models within PAMA lands be significantly incorrect. By estimating and quantifying take, these models will overstate species distribution, and impose higher mitigation requirements than justified by the actual habitat.

- (9) Section 3.2.6 of the Status Review and Options Assessment should go further and ban trails within mitigation areas and land managers must be prohibited from unilaterally blazing new trails.

Trail use is not compatible with environmental preservation and maintenance of habitat lands. Mitigation lands should protect the habitat and species preserved and recreational use is not the primary purpose of preserved/mitigation lands.

Attempts have been made to stop trail blazing on mitigation lands only to find that the land manager authorized Mountain Bike Association members to blaze new trails, without any environmental studies or permissions obtained from US Fish and Wildlife, California Fish and Wildlife or the County.

- (10) ICF suggestions that “a neutral third-party consultant” is necessary to assist the County staff to liaise with the Wildlife Agencies is a self-interested waste of taxpayer funds and must be rejected.

County staff is already dedicated to these issues. Issues should be resolved directly with the Wildlife agencies.

- III. Please answer the following questions:
 - a. Steering Committee Members:
 - i. How were Steering Committee Members chosen and by whom?
 - ii. Please provide all documentation submitted by Steering Committee Members, including application materials.
 - iii. What are the County’s rules and requirements relating to conflicts of interest?
 - iv. Please explain how Steering Committee conflicts of interest are documented and understood. Please provide all documentation regarding conflicts of interest.
 - v. Please confirm that all Steering Committee members live within the North County Plan area. If people live outside of the County/North County Plan Area:

- (1) how was this permitted and approved, and (2) how is this representative of North County Plan Area residents/landowners?
- vi. What properties do Steering Committee members, personally or professionally, or member organizations, have a direct or indirect beneficial interests? What are the details of properties they own, or represent within the PAMA, if any?
 - vii. Why is the Chamber of Commerce represented on the Steering Committee?
 - viii. How many members are in each of the following paid membership organizations: Alliance for Habitat Conservation, Building Industry Association and Chamber of Commerce? Please provide lists of members. What are dues for members?
 - ix. Please provide all information known by the County about the Alliance for Habitat Conservation, Building Industry Association and Chamber of Commerce and Endangered Habitats League related to the MSCP.
 - x. What properties within the County are beneficially owned (directly or indirectly) by the members of the Alliance for Habitat Conservation, Building Industry Association and Chamber of Commerce?
 - xi. Please explain who on the Steering Committee represents the interests of property owners owning property within the PAMA and on what basis is this representation undertaken?
- b. Please list all stakeholders that ICF spoke to concerning “the importance of the North County Plan and the planning process to date” (1.3 of the Status Review and Options Assessment).
 - c. How was the public notified of this public notice and comment period? Did anyone receive paper mailings? Which documents?
 - d. Which documents and materials were provided to all stakeholders and which documents and materials were not?
 - e. Did all members of the public have equal access to all materials relevant to this public notice and comment period?
 - f. How would people without access to computers and internet access the online ICF presentation regarding the Status Review and Options Assessment?
 - g. How has the County notified stakeholders without email addresses on file of this public comment process?
 - h. Many properties identified in the MSCP are already within the spheres of influence of cities. Many County properties, included within the MSCP, were already addressed within the MHCP. In fact, the MHCP contemplated 400-500 acres to be preserved in the County island between Encinitas, Carlsbad and San Marcos, a figure that has already been met. Please explain the following:
 - i. Given that the MHCP already met all land goals in the area, how can MSCP also regulate the same properties with different standards?
 - ii. The MSCP specifically discusses annexation requirements even though these properties are already covered by a preexisting HCP. As many properties are already contemplated for annexation (e.g., are within spheres of influence) and are subject to the MHCP, please explain how the MSCP applies to properties subject to the MHCP upon annexation.

- i. MSCP documentation states that the North County Plan will drive development away from remote properties that lack roads and services. Many properties within the PAMA already have existing services and roads. Do the County's maps/data/algorithms/models underlying the PAMA take into account existing access to services and roads? How?

Thank you for your attention.

Sincerely,

Camille Perkins

Camille.Perkins@gmail.com

From: [Kathryn Burton](#)
To: [LUEG, MSCP](#)
Subject: North County Plan
Date: Thursday, May 14, 2020 3:48:18 PM

Please enact protections for Golden Eagle nesting sites on county land.

I support a strong Multiple Species Conservation Program for North County that is enforced.

May 14, 2020

Mr. Mark Wardlaw
Director, Planning & Development Services
County of San Diego
5510 Overland Avenue, Suite 310
San Diego, CA 92123



RE: Draft North County MSCP Status Review and Options Assessment

Dear Mr. Wardlaw:

The Building Industry Association of San Diego County (BIA) and the Alliance for Habitat Conservation (Alliance) jointly submit this comment letter on the North County MSCP. Thank you for this opportunity to provide input on the Status Review and Options Assessment prepared by ICF (“ICF Assessment”) of the Draft North County Multiple Species Conservation Program (MSCP) Plan (“North County Plan” or “North County MSCP”).

The BIA and the Alliance support the implementation of a North County MSCP that follows the process model and regulatory structure implemented with the South County MSCP. We recognize that changing circumstances and new information may support adjustments to the approach used with the South County MSCP Subarea Plan, however any adjustments need to be developed collaboratively, consistent with the original Enrollment Agreement and the original NCCP Act, and be implementable or connected to achievable results.

The ICF Assessment provides a solid foundation for moving the North County MSCP forward to completion. We offer the following comments and recommendations, as follows:

The 2009 Preliminary Public Review Draft should be used as the Baseline.

The 2009 Preliminary Public Review Draft of the North County MSCP (“2009 Draft Plan”) should be used as the baseline for moving forward. The 2009 Draft Plan contains valid hardline projects and a complete conservation analysis. The Preserve design (PAMA) for the 2009 Draft Plan also satisfies the “rough proportionality” requirement cited in Fish & Game Code Section 2820(b)(3)(B). Therefore, the 2009 Draft Plan should serve as the foundation for moving the North County Plan forward.

Potential Benefits of the North County Plan

We generally agree with the potential permitting benefits identified in the ICF Assessment. In order for the plan to work, it needs to strike the proper balance between development and preservation, between achievable and feasible development outcomes required to implement the preservation outcomes sought by the Plan. In the South County MSCP, with over 90 thousand

acres of preservation created by private landowners and developers, development has and continues to play a major role in implementing the Subarea Plan's ultimate preservation outcome. The South County Plan is over 70% assembled 30 years in advance of the timetable.

Development rights need to be balanced up with the ultimate preservation requirements that apply to projects. Well planned development can help the County achieve the ultimate preserve assembly and management outcome of the North County MSCP while also addressing the County's existing and planned housing, infrastructure, and public service needs in North County communities, a double benefit.

Cost to Administer the North County MSCP and Manage and Monitor the Preserve

ICF identifies substantially higher Administrative Costs than the County, \$600,000 per year versus the County's \$250,000. The cost of administering the North County Subarea Plan should be assumed to be roughly equal to or less than the current yearly administrative cost to administer the South County Subarea Plan, as the same division of people would logically administer both Subarea Plans.

The ICF report identifies a potential funding deficiency for the County's portion of the long-term preserve management and monitoring. In reality, in implementing the South County Subarea Plan, the County has annually funded and conducted preserve management and monitoring. Nevertheless, the North County Plan presents a new funding obligation for these activities. The BIA and the Alliance support equitable, community-wide or County-wide approaches to address this funding shortage using the planning standards of the South County Plan.

Streamlining Federal and State Wetland Permitting and County RPO Compliance

One of the benefits identified in the ICF Assessment is a streamlining of federal and state wetland permitting. The balance between federal and state regulation of these areas has changed by two recent outcomes: the Army Corps of Engineers regulated area has decreased and the State Water Resources Board has adopted new regulations with new definitions for wetlands and waters, as defined by the state.

The North County MSCP presents an opportunity to address these new regulatory requirements in a manner that achieves watershed-level preservation outcomes and, thereby, also streamlines the federal and state permitting requirements over wetlands and waters of the U.S. and of the state.

With respect to the County's local regulation, the North County MSCP also creates an opportunity to address the lack of consistency between the County's existing Public Road standards, the Resource Protection Ordinance (RPO), and the County's General Plan Mobility Element policy framework calling for environmentally sensitive road design to avoid and minimize impacts¹.

¹ **County General Plan Mobility Element Policy "M-2.3, Environmentally Sensitive Road Design"** states, "(L)ocate and design public and private roads to minimize impacts to significant biological and other environmental and visual resources. Avoid road alignments through floodplains to minimize impacts on floodplain habitats and limit the need for constructing flood control measures. Design new roads to maintain wildlife movement and retrofit existing roads for that purpose. Utilize fencing to reduce road kill and to direct animals to under crossings."

By addressing local, state, and federal regulatory requirements with the Plan framework and implementation, then higher overall conservation of the highest value resources such as wetlands, and riparian areas can be achieved and sooner.

More broadly, for any plan to work properly, it must include the mitigation options necessary to implement the conservation requirements of the Plan. The County should use the North County Plan in conjunction with new road standards specific for environmentally sensitive areas (as designated by the MSCP) to implement this goal.

CEQA Compliance, Covered Species and Other Species within the Plan Area

The North County Plan needs to serve as direct and cumulative mitigation under CEQA for projects and covered activities that comply with the Plan requirements. In this way, direct and cumulative biological impacts are fully addressed for the purposes of satisfying CEQA.

As it pertains to the proposed covered species list, the ICF Assessment notes that the number of covered species was reduced from 63 to 29 (see Table 1-1) and recommends a further reduction of species coverage by eliminating the Golden Eagle and Engelmann Oaks from the covered species list. We do not support additional removal of species from the covered species list and note that no reciprocal reduction to the preservation or mitigation requirements has been recommended as the covered species list has been substantially reduced. More broadly, the substantial reduction in the number of covered species runs counter to the argument made by some stakeholders that higher conservation and mitigation requirements should be imposed on new development.

Rather than a continued reduction of the covered species list, the covered species listed included with the 2009 Draft Plan, which is supported by a valid conservation analysis, should be used as the starting point for addressing coverage moving forward. For species that are not on the covered species list but occur within the Plan area and should be addressed by CEQA, we support the preparation of a quantitative conservation analysis for these species that is prepared as part of the North County Plan EIR.

Fuel Modification Inside the Preserve

The South County MSCP and the City of San Diego MSCP conditionally allow non-irrigated, thinned native vegetation areas that serve as fuel breaks for new development, often referred to Fuel Modification Zone 2 Areas and Special Management Areas, to be counted toward onsite preservation requirements for biological impacts. In other words, the overall preservation requirement recognizes these areas serve as both buffers for the preserve and to allow species migration and even limited foraging habitat benefits. In fact, certain native species prefer or benefit from disturbed or thinned native habitat that is not otherwise altered by irrigation or grading, including raptors and deer. Other native landscape palettes (such as cacti for cactus wren) should also be considered as providing dual functionality, as a fuel break and as habitat.

These areas clearly offer some partial preserve benefits, including buffering, migration, and foraging/hunting needs. Therefore, certain fuel modification zones should be allowed and counted

toward preservation requirements and treated as impact neutral for the purposes of biological mitigation.

Trails in the Preserve

We believe the County's underlying mission to provide public access can be satisfied while still addressing the issues presented by the Wildlife Agencies associated with general public access to preserve areas. Where trails are included in preserve areas, wherever practicable, they should avoid higher value habitat areas, follow preserve edges, and be in conjunction with other required access, such as for fire, utilities, stormwater, or preserve access for management and monitoring.

Notwithstanding, at the landscape level, the existence and the existing range of uses associated with existing and planned connections to regional trails, including maintenance and improvements to these trail systems, needs to be assumed as a covered activity and accounted for in the Plan.

Hardline Projects

We do not agree with the ICF recommendation that hardline projects not be included as part of the North County MSCP. These hardline projects require the CEQA coverage for cumulative level mitigation afforded by compliance with the Plan. As planned or approved projects, they are also foundational to implementing the County's housing and infrastructure needs. Eliminating the Plan coverage for these projects fundamentally undermines the central purpose behind establishing a hardline project.

Further, hardline projects also provide an excellent baseline for assessing the conservation outcome of the Plan. Fully 65 separate projects from Otay to Alpine to Del Mar Mesa to Carlsbad were built into the foundation of four separate MSCP Subarea Plans in the region and all of these plans have been a major success from the standpoint of high conservation outcomes in conjunction with high quality development. Based on years long management and monitoring by the San Diego Management & Monitoring Program (SDMMP), all of these plans are generally on pace to meet or exceed their baseline conservation outcomes and recent biological monitoring data shows stable or improving conditions for most species. The 65 separate hardline projects are a critical part of the success of these other MSCPs.

Landowner Assurances (No Surprises) and County Implementation

The County and landowner assurances/"No Surprises" provisions are foundational to the South County Plan's success. The South County MSCP Implementing Agreement provides for these core assurances in order for the Plan to work and also provides a process to address changes in circumstances due to a change in the protection/listing status or projected conservation outcome of a covered species. These assurances need to be built into the Implementing Agreement for the North County MSCP.

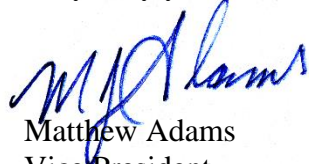
To properly convey take authorization, implementation of the North County MSCP needs to be under County management and authority. This includes approval of individual project development boundaries and mitigation consistent with the Biological Mitigation Ordinance and

County approval of Resource Management Plans. Using the South County MSCP as a model, the preserve design principles established by the Plan, the detailed mitigation and avoidance requirements of the BMO, and adaptive management along with annual reporting ensure that the Plan is being implemented as intended.

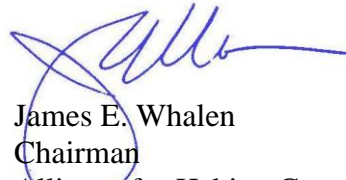
In summary, the ICF Assessment presents an important opportunity to outline a strategy to complete the North County MSCP. And, the Plan presents an opportunity to incorporate other avoidance and mitigation requirements in a way that streamlines the process with state and federal agencies. However, certain ICF recommendations may be counterproductive to Plan success and these issues should be resolved as part of the process of moving forward.

Thank you for this opportunity to provide input on the process forward for the North County MSCP. We look forward to working with other stakeholders and the County to develop a Plan that is modeled after the South County MSCP and which includes these strategies and assurances discussed above.

Very truly yours,



Matthew Adams
Vice President
Building Industry Association of San Diego



James E. Whalen
Chairman
Alliance for Habitat Conservation

cc: County of San Diego Board of Supervisors
Sarah Aghassi, County of San Diego, Deputy Chief Administrative Officer
Brian Albright, County of San Diego, Director of Parks and Recreation



Championship
Golf

Equestrian
Center

Resort
Hotel

Meeting
Facilities

May 14, 2020

Mr. Mark Wardlaw
Director

Spa & Mineral
Hot Springs

Planning and Development Services
5510 Overland Avenue
San Diego, CA 92123

Fine Dining

Winery &
Vineyard

Via Email: mark.wardlaw@sdcounty.ca.gov

Tennis

RE: Comments and Recommendations on ICF North County MSCP
Status Review and Options Assessment

Bicycle &
Hiking Trails

Dear Mr. Wardlaw:

Horse &
Cattle Ranch

Thank you for this opportunity for Warner Springs Ranch Resort (WSRR) to comment on the ICF North County MSCP assessment and recommendations report. The County has wisely undertaken a thorough review process before moving forward to the Board of Supervisors for a final decision in the fall of 2020 on the path forward. We generally support the North County MSCP, and will make that position clear with the Board of Supervisors.

Cultural
Center

Hunting &
Fishing

This letter is the Ranch response to both the assessment and recommendations in the ICF report. Generally, while supportive of most of the recommendations, WSRR has serious concerns about the accuracy of some of what was expressed, especially statements made regarding the historical regulatory basis for the County MSCP Plan.

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& Gas Station

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PO Box 70 31652 Hwy 79
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www.warnerspringsranchresort.com

Warner Springs Ranch Resort, LLC
11250 El Camino Real, Suite 100
San Diego, CA 92130
T: (858) 481-2476 F: (858) 481-2998
www.warnerspringsranchresort.com

We can fully support the approval of the North County MSCP (NCMSCP) with modification of the Plan area to add the entire valley that includes Lake Henshaw and WSRR, including almost 100,000 acres, and the removal of Rancho Guejito. While Rancho Guejito is a large property with important biological resources, it is a single ownership and can easily pursue its own habitat permitting independent of NCMSCP. For the NCMSCP to succeed in conserving key target species, adding the Warner Springs region more than compensates for the removal of Rancho Guejito. Fortunately, more scientific studies have been focused on the Warner Springs than any other part of the NCMSCP, so data are plentiful. Equally fortunate, a manageable handful of landowners comprises the lion's share of the added Plan area. This is a textbook example of partnerships between the public sector and private interests for the good of the American public.

BACKGROUND

The historic Warner Springs Ranch property and its environs has had human occupation for over 16,000 years, and its cultural importance to Native Americans is well-known, as well as the earliest modern-day settlers. What may not be known is that the valley in which Warner Springs is located is one of the most critical ecological crossroads in Southern California. Ecoregions converge at this valley and as a result, these uniquely important connections should be conserved. Before the degradation of the valley many years ago from groundwater extraction and cattle grazing, seasonal ponds laced the entire valley and hosted waterfowl in gigantic migrating flocks. Mountain lions and other large mammals were common, as were golden eagles.

The County has an opportunity to play a central role in what we call "the rewilding" of this historic landscape by incorporating the area into the future NCMSCP habitat plan and directing resources for its conservation. As the owner of the Warner Springs Ranch, I am proud to continue on-the-ground conservation efforts that I have offered leadership and resources, including marine conservation in past years, and recently, focused on waterfowl habitat, freshwater wetlands restoration at both Warner Springs and the Salton Sea. With the County's help, it is literally possible to foresee the protection and resurgence of pronghorn antelope,

stephen's kangaroo rat, arroyo toad, southwestern willow flycatcher, tricolored blackbird, golden eagles, and waterfowls to the Valley.

OPTIONS ASSESSMENT

First, WSRR generally concurs with the content and thrust of the combined Alliance for Habitat Conservation and Building Industry Association letter. We want to emphasize a number of shared points of view:

1. The ICF assessment lacks a key foundational element with its incorrect position that the 2003 NCCP Act is the relevant regulatory basis for the NCMSCP. In fact, the original NCCP Enrollment Agreement that the County signed in 1992 is still in force, while being augmented over the ensuing years by four Planning Agreements, the most recent of which expired this past January. The 2003 NCCP Act explicitly exempts NCCP plans developed pursuant to enrollment agreements executed on or before January 1, 2001 (Fish & Game Code Section 2830(d)).

Simple proof of the durability of the 1992 Agreement is the unbroken record of the County implementing its Coastal Sage Scrub Interim Loss Permit program since its inception in 1993. Without a valid Enrollment Agreement, the County could not have administered 4(d) program as it does, Countywide. The Enrollment Agreement covers the entire unincorporated area, not just South, East or North County.

A reading of document reveals that there is no termination date at all, instead being subject to the sole discretion of the County. Note that this is not an unusual situation; the City of Santee is currently pursuing its own MSCP Subarea Plan under the auspices of its 1992 Enrollment Agreement. For a complete list of these agreements, please see <https://wildlife.ca.gov/Conservation/Planning/NCCP/Plans/San-Diego-MSCP>. The County should return to the original NCCP Act used for its award-winning MSCP South County and save money and time.

2. A second critical foundational omission in the ICF document was not including the most recent public review draft of the NCMSCP, which was circulated in 2009-2010. The 2009 Public Review draft was prepared and circulated for public review, documenting hard-line agreements securing conservation and development boundaries for many large properties. More recent drafts have no regulatory cogency and were largely unsupported by landowners.
3. We support the other four recommended approaches, and have suggestions on how to improve them even more, such as by establishing an aquatic resource focus for the NCMSCP, thus allowing the County to seek exemptions from parts of onerous new State Wetlands Definitions and regulations. Another large benefit is to use the NCMSCP, Warner Springs Ranch Resort as a local carbon offset vehicle.

PLAN INCLUSION

We particularly support the fourth recommendation in the ICF assessment to remove Rancho Guejito and replace it with the Lake Henshaw/Warner Springs area. While in agreement, we are assuming that once the property was included in the NCMSCP Plan area it would not revert should Rancho Guejito change its mind. Besides having the large grassland areas for Stephens kangaroo rat and burrowing owl noted by ICF in their assessment, there are other reasons to adjust the NCMSCP plan boundary to include the area:

- a) Given that there is only public land between the existing NCMSCP plan boundary and WSRR, very few private property owners will be affected, making for a simpler integration into the NCMSCP. Adjusting the MSCP North County plan boundary is not unprecedented—it was adjusted to include all of Rancho Guejito after the first draft of the Plan;

- b) There has been a tremendous amount of scientific research done on both Warner Springs Ranch and the Valley at large, with studies on key species led by the U.S. Geological Service, the U.S. Navy, the U.S. Fish & Wildlife Service, Merkel & Associates, Steve Montgomery, and others. The area is well known to the scientific community due to its importance and potential, and having all the existing data would substantially expedite the integration of the area into the NCMSCP Plan area;
- c) The MSCP North County plan is in large part based on conserving two large watersheds, the San Luis Rey and San Dieguito Rivers, yet the critical upper reaches of the San Luis Rey have not been included in the Plan area. Moving the WSRR and Lake Henshaw area to the Plan area adds in the rest of the upstream San Luis Rey drainage as well as the Agua Caliente Creek drainage, a major source of water for conservation use;
- d) Including the area would greatly increase the conservation levels of listed and unlisted covered species not yet well protected in the MSCP North Plan, such as Stephens kangaroo rat, arroyo toad, tri-colored blackbird, willow flycatcher, golden eagle, burrowing owl, spadefoot toad, southwestern pond turtle, Quino checkerspot butterfly, as well as various rare plants and habitat types;
- e) Changing the Plan boundary would provide an immediate opportunity to engage with the Native American groups in the area, such as the adjacent Los Coyotes Reservation, as well as public agencies like the Navy, Vista Irrigation District, and Cleveland National Forest. The Boy Scouts are another major landowner. By being included in the Plan area, these stakeholders can collaborate and take advantage of the County's permit if they should so desire;
- f) Given ongoing efforts to improve golden eagle conservation, the long-term planning of a mega-preserve in north San Diego County specifically targeting golden eagle has taken on more importance.
- g) With large areas of deep-rooted trees, there is tremendous opportunity for local carbon offsets by sequestering atmospheric carbon in vegetation. Also apropos of the County's climate action plan, given the valley's elevation over 3,000 ft above sea level,

including the WSRR area in the plan will maintain critical connectivity for climate change adaptation to occur as species' ranges move to higher elevations;

h) The inclusion of the Pacific Crest Trail, the California Riding and Hiking Trail, and the legendary Warner Springs Ranch Resort recreational areas would enhance outdoor recreation opportunities in the Plan area, connecting large areas of both active and passive outdoor recreation;

i) Finally, and somewhat more parochial, WSRR does need an incidental take permit for species that may be impacted during periodic airport maintenance, and later, for incidental species impacts during restoration activities. Including the property in the MSCP North plan would address that need.

I look forward to working with the County in moving this ambitious, but ultimately very rewarding endeavor ahead. Please do not hesitate with any questions you might have.

Very truly yours,


Warner Springs Ranch Resort, LLC

William H. McWethy Jr.

Managing Partner

cc: Mr. Jim Desmond (County Supervisor)
Mr. Brian Albright (County of San Diego)
Mr. James Whalen (J. Whalen Associates)
Robert Fisher, PhD. U.S. Geological Service
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