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In Reply Refer to:
FWS-SDG-1432.10

Ms. Holly Cheong
City of San Diego, Planning Department
202 C Street, MS 5A
San Diego, California 92101-3865

DEC 19 2002

Re: Comments on the draft Black Mountain Open Space Park Natural Resource Management Plan, in the City of San Diego, San Diego County, California

Dear Ms. Cheong:

The California Department of Fish and Game (Department) and U. S. Fish and Wildlife Service (Service), collectively the "Wildlife Agencies," have reviewed the above-referenced draft Black Mountain Open Space Park (Park) Natural Resource Management Plan (NRMP). The Wildlife Agencies have concerns regarding the effects of the draft NRMP on the Montana Mirador conservation area, which is located within the Park. The comments provided herein are based on the information provided in the draft NRMP (June 2002); the Service's biological opinion on the San Diego County Water Authority (CWA) Emergency Storage Project (ESP)(1-6-97-F-13, biological opinion); a letter to the Service from the City of San Diego (City) dated June 20, 2002; the Wildlife Agencies' knowledge of sensitive and declining vegetation communities in San Diego County (County); and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*). The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381 respectively. The Department is responsible for the conservation, protection, and management of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA), and administers the Natural Community Conservation Planning Program (NCCP).

The 1,262 acre Park is located immediately east of the community of Rancho Los Penasquitos, in the central portion of the City of San Diego. The Park is located within the Multi-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program (MSCP) Subarea Plan. The Montana Mirador parcel consists of 538 acres in the southern portion of the Park, of

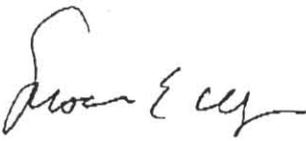
which 325 acres were to be conserved to offset biological impacts to sensitive upland habitats resulting from the ESP. As you are aware, the biological opinion for the ESP contained specific requirements pertaining to this project, that may in some cases differ from the requirements of the MSCP. Term and Condition number 2.3 of the biological opinion for the ESP required development of long-term management plans for all land acquired as part of the ESP, and written approval of the plans and land manager from the Service. The City is responsible for development of the long-term management plan for the Montana Mirador site, consistent with an agreement between the City and CWA (letter to the Service, June 20, 2002). The NRMP is intended to: (1) serve as the long-term management plan for the Montana Mirador site; and (2) to fulfill the requirements of the biological opinion (page 7, NRMP; letter to the Service, June 20, 2002).

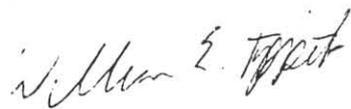
The Wildlife Agencies appreciate the opportunity to comment on the draft NRMP. We offer our recommendations and comments in an enclosure to assist the City in preparing the long-term management plan for the Montana Mirador site. In summary, we have the following concerns about the draft NRMP:

- 1) The draft NRMP does not describe how the 325-acre Montana Mirador conservation area, acquired to offset impacts from the ESP, fulfills Term and Condition 2.1 of the biological opinion.
- 2) The draft NRMP does not fully establish the biological baseline for the 325-acre Montana Mirador conservation area.
- 3) The draft NRMP does not specifically address the management needs of the 325-acre Montana Mirador conservation area, but rather, incorporates management of the conservation area into the overall management guidelines for the Park.
- 4) The draft NRMP does not describe the funding that will be required to provide for perpetual management of the conservation area, as required by Term and Condition 2.3 of the biological opinion for the ESP.

The Wildlife Agencies appreciate the opportunity to comment on the draft NRMP. We are available to work with the City of San Diego to address our concerns. Please contact Sandra Marquez of the Service at (760) 431-9440 extension 268 or David Mayer of the Department at (858) 467-4234 if you have any questions or comments concerning this letter.

Sincerely,

FOR

Peter Sorensen
Acting Assistant Field Supervisor
U.S. Fish and Wildlife Service


William E. Tippetts
Environmental Program Manager
California Department of Fish and Game

Enclosure

**WILDLIFE AGENCY
COMMENTS AND RECOMMENDATIONS
ON THE DRAFT BLACK MOUNTAIN OPEN SPACE PARK
NATURAL RESOURCE MANAGEMENT PLAN**

1. Term and Condition 2.1 of the biological opinion for the ESP requires the Corps and CWA to preserve and manage 420 acres of coastal sage scrub habitat, of which 210 acres are to be located within a core California gnatcatcher (*Polioptila californica californica*; gnatcatcher) population, and consist of habitat evaluated as high/very high for the gnatcatcher; support a minimum density of nine gnatcatcher pairs; and contain a minimum of 475 acres of land designated as “very high” and 44 acres designated as “high,” according to the Multiple Species Conservation Program Habitat Evaluation Model Results. In our letter to the CWA dated April 19, 2001, the Service concurred with the CWA that acquisition of the Montana Mirador property (along with acquisition of conservation credits from the San Miguel Mitigation Bank), partially fulfilled the terms and conditions of the biological opinion. However, the NRMP should discuss how the 325-acre Montana Mirador conservation area, acquired by the CWA to offset impacts from the ESP, fulfills Term and Condition 2.1 of the biological opinion. That is, the NRMP should identify the biological values of the conservation area, such as the number of acres of high/very high habitat value, the number of core coastal sage scrub acres, and the number of gnatcatchers within the 325-acre Montana Mirador conservation area. This clarification is necessary for us to evaluate whether the management activities proposed in the NRMP are adequate to maintain the biological values of the 325-acre conservation area. An appropriate place for this discussion would be Chapter 1, Section B, Purpose.
2. The draft NRMP does not sufficiently describe the biological resources within the 325-acre Montana Mirador conservation area. A baseline biological inventory and assessment of the conservation area should be a priority action. We recommend the final NRMP include the following information: a map that delineates and quantifies baseline vegetation communities by acreage, including areas that contain exotic vegetation; photographic documentation of existing conditions, to assist in tracking habitat changes over time; and any relevant plant and animal survey data. Detailed information on the results from gnatcatcher surveys should be included, such as a map depicting location of observations, sex and age (adult or juvenile) of gnatcatchers observed, etc. An appropriate place for this information would be Chapter 3, Existing Conditions.
3. The draft NRMP does not provide adequate management guidelines specific to the 325-acre Montana Mirador conservation area. In order to serve as an effective long-term management plan, the NRMP should include the following information and management actions specific to the 325-acre Montana Mirador conservation area:
 - a. Fully evaluate current and future potential threats to sensitive species and habitats within the 325-acre Montana Mirador conservation area, and develop management actions to eliminate or minimize those threats. The specific sections we have concerns with are as follows:

Chapter 3. Existing Conditions

E. Land Use and Recreation

- Discuss the current and proposed future land uses (allowed and unauthorized), within, and adjacent to, the 325-acre Montana Mirador conservation area.
- Identify threats to protected species and habitats posed from these land use activities.
- Provide a detailed map showing the locations of sensitive resources within the 325-acre Montana Mirador conservation area relative to the current, and proposed future, land uses.

Figure 8. Land Use

- Revise Figure 8 to clearly depict the various land uses. More distinguishable colors and/or patterns would provide clarity. Additionally, the boundary of the 325-acre Montana Mirador conservation area should be clearly delineated to indicate land uses in relation to the conservation area.

F. Management Issues

- Identify threats from public use, overuse, and urban encroachment, specific to protected species and habitats within the 325-acre Montana Mirador conservation area.
- Discuss any potential impacts to protected species and habitats from the easement that crosses the Montana Mirador conservation area.
- Identify known locations of erosion and sedimentation problems that exist within the 325-acre Montana Mirador conservation area.

Chapter 4. Land Use Proposals

Introduction

- Paragraph 2 states that, “Any impacts to mitigation lands associated with the CWA ESP shall be approved by the CWA, USFWS, and City of San Diego. Additional

mitigation will be required to offset any impacts to the mitigation lands within the Park.” Impacts to the 325-acre Montana Mirador conservation area should be avoided. The final NRMP should identify any anticipated impacts to the conservation area, and incorporate specific measures to avoid these impacts.

B.1. Habitat Restoration and Enhancement

- Management area 1 is heavily used as a recreation area by adjacent residents and has makeshift trails. Figure 7 indicates that this management area is occupied by gnatcatchers. The NRMP should clarify whether management area 1 is within the 325-acre Montana Mirador conservation area, and describe management actions (e.g., fencing) that will be implemented to protect gnatcatchers and gnatcatcher habitat from impacts.
- Management areas 3, 4, and 5 are subject to significant urban edge effects. These management areas are located within the 325-acre Montana Mirador conservation area, are occupied by gnatcatchers, and are adjacent to occupied gnatcatcher habitat (Figure 7). Signs and fencing should be used to preclude public access to sensitive resources.
- Management area 6 is susceptible to exotic species invasions and other problems associated with urban edge effects. This management area is within the 325-acre Montana Mirador conservation area and contains San Diego barrel cactus (Figure 7); however, no management actions are proposed. Specific management actions to address threats to the habitat and sensitive species in management area 6 should be provided.
- Management area 8 is currently being used as a makeshift BMX park and is ranked as low priority. Although this area does not appear to be occupied by gnatcatchers (Figure 7), it is within the 325-acre Montana Mirador conservation area. The Wildlife Agencies have concerns regarding the impacts occurring from BMX activity, and with the potential for BMX activity to expand into other parts of the conservation area. Therefore, we recommend that management area 8 should be classified as moderate to high priority.

B.3. Trail Closures and Development

- The Wildlife Agencies do not support development of a trail system within the 325-acre Montana Mirador conservation area. If the City determines that a trail system is necessary within the conservation area, existing trails, within the least environmentally sensitive areas, should be used.
 - The locations of unauthorized trails within the 325-acre Montana Mirador conservation area should be identified, closed, and restored.
 - The closure and restoration of trails within the 325-acre Montana Mirador conservation area should be prioritized according to the threats posed to sensitive species and habitat.
 - No new trails should be developed within the conservation area.
- b. Specify restrictions to development and activities:
- The Wildlife Agencies consider the primary purpose of the 325-acre Montana Mirador conservation area to be the protection of sensitive species and their habitat, and fulfillment of the CWA's obligations pursuant to the biological opinion for the ESP. To achieve the intended purpose, no development or recreational activities (including trails, hiking, and equestrian) should be allowed in the conservation area. Specific management guidelines that restrict development and actions in the conservation area should be included in Chapter 5, Section A, New Development; Section D, Trail Construction; and Chapter 6, Recreational Uses.
 - Chapter 9, Mitigation Options and Guidelines, should clarify that any unauthorized impacts to coastal sage scrub within the Montana Mirador conservation area shall be mitigated consistent with the biological opinion for the ESP (at a 5:1 ratio).
- c. Identify and prioritize restoration needs and opportunities:
- Chapter 10, Enhancement and Restoration Guidelines, should identify and prioritize restoration needs and opportunities within the 325-acre Montana Mirador conservation area. Specific information regarding the threat of non-native and invasive species to protected

species and habitats within the conservation area, should be included. Management of bullfrogs and cowbirds should be incorporated, as these threats have been identified within the Park.

d. Identify and prioritize monitoring needs, and incorporate annual reporting:

- Chapter 11, B. Biological Monitoring, should include a monitoring and reporting plan for the conservation area that: (1) establishes a schedule for sensitive species surveys; (2) identifies ecological trends; (3) analyzes the effectiveness of management activities; and (4) provides new data on population trends. This information should be submitted in an annual report to the Service, as required under Term and Condition number 2.3 of the biological opinion for the ESP. We recommend that the long-term management plan be revised every 5-10 years based upon changing site conditions, priorities, and adaptive management strategies. Additionally, the Park database should be updated on a regular basis (more often than every 5 years).

4. Term and Condition number 2.3 of the biological opinion for the ESP states, "... After the mitigation site is selected, an endowment fund or other program which provides for perpetual management shall be established, based on an analysis of management and monitoring needs for the specific site selected." Chapter 13, Implementation, should include a Property Analysis Record (PAR), or equivalent with Wildlife Agencies approval, to evaluate the management tasks and accompanying costs associated with the Montana Mirador conservation area. Management /monitoring actions required for the first five years should be clearly distinguished from ongoing management requirements. The costs should be used to determine the necessary City funding to be appropriated to cover all the required costs of managing and monitoring the Montana Mirador conservation area.