

2001 MSCP Annual Public Workshop - Summary Report
September 20, 2001

BACKGROUND:

On March 18, 1997, the San Diego City Council unanimously adopted the Multiple Species Conservation Program (MSCP). The U.S. Fish and Wildlife Service (FWS) and the California Department of Fish and Game (CDFG), collectively referred to as the wildlife agencies, entered into an Implementing Agreement (I.A.) with the City in July 1997. The I.A. requires the City to prepare a report containing an annual accounting of the habitat acreage lost and conserved within the City's MSCP Subarea. In addition, the City and the wildlife agencies are required to jointly conduct a public workshop to disseminate and discuss the annual report.

The City's fourth MSCP Annual Report was submitted to the wildlife agencies on February 20, 2001. The report identifies by project, the habitat loss and conservation from January 1, 2000 through the end of the 2000 calendar year.

In 2000, habitat conservation efforts within the City's MSCP preserve area, referred to as the Multi-Habitat Planning Area (MHPA), were focused on acquiring critical areas of sensitive habitat and securing wildlife corridors within the MHPA as well as initiating monitoring efforts. Acquisitions have been accomplished through public purchase and by directing private mitigation to parcels within the MHPA. The City and the Fish and Wildlife Service have also acquired habitat within the MHPA with state and federal funding. The City is continuing to increase its efforts for the restoration, monitoring and management of habitat within the MHPA as described below.

ANNUAL REPORT SUMMARY:

Within the reporting period (January 1, 2000 - December 31, 2000), 540.6 acres of habitat were conserved in or adjacent to the MHPA, compared to the loss of 60.5 acres of habitat inside the MHPA. Outside the MHPA, 462.4 acres of habitat loss occurred (88 percent of the total habitat lost). Acres lost represents the acreage impacted by projects approved for construction within the reporting period.

As of the end of the 2000 reporting period (December 31, 2000), a total of 30,823.5 acres have been conserved in (29,106.9 acres) or adjacent to (1,716.6 acres) the MHPA. This includes pre-MSCP (baseline) conserved lands totaling 22,083 acres.

The habitat loss and conservation for the 2000 annual reporting period is summarized as follows:

TABLE 1 -2000 HABITAT LOSS AND CONSERVATION
(January 1, 2000 - December 31, 2000)

Habitat Type & Examples of Habitats	Habitat Loss (acres)		Habitat Conserved (acres)	
	2000	Cumulative ¹	2000	Cumulative ¹
Wetlands: Coastal Wetlands(Salt Pan/Salt Marsh) Riparian Habitats Freshwater Marsh Natural Flood Channel Disturbed Wetland Vernal Pools ² Marine Habitats(Pacific Ocean/Deep Bay) Eelgrass Beds (Shallow Bays) Open Water	0.4	27.7	26.9	4,747.6
TIER 1 (rare uplands): Southern Fore dunes Torrey Pines Forest Southern Coastal Bluff Scrub Maritime Succulent Scrub Southern Maritime Chaparral Native Grassland ³ Oak Woodlands	19.0	221.2	100.3	1,898.3
TIER II (uncommon uplands): Coastal Sage Scrub CSS/Chaparral	107.5	759.0	84.6	10,890.1
TIER III A (common uplands): Mixed Chaparral Chamise Chaparral	30.5	257.7	203.6	6,264.4
TIER III B (common uplands): Nonnative Grasslands	130.1	2000.6	14.8	3,120.0
TIER IV (other uplands) Disturbed Agriculture Eucalyptus	148.8	773.9	102.6	2,942.7
Others: Beach Urban/Developed	85.7	667.9	7.8	960.4
Total	522.9	4,708.0	540.6	30,823.5⁴

The acreages in the table were generated by a geographic information system which tracks habitat loss and gain. This system, "Habitrak", uses the regional GIS (SANGIS) land base in its

¹Includes loss/gain from July 17, 1997 through December 31, 2000

²No approved loss of vernal pools in 2000

³Based upon regional vegetation classifications. Native grasslands are included with non-native grasslands

⁴Number includes 29,106.9 acres inside the MHPA

area calculations. This is the second year that the Habitrak system has been used to compile the habitat loss/gain information and maps for the annual report. Habitrak was developed to facilitate and standardize the annual reports for each jurisdiction that participates in the MSCP. Funding for the software development was provided by a grant from the California Department of Fish and Game and was administered by SANDAG.

PUBLIC LAND ACQUISITIONS:

In September 2000, the City of San Diego, in partnership with the State of California Coastal Conservancy, the State Wildlife Conservation Board, the Crestridge Mitigation Bank and the U.S. Fish and Wildlife Service, acquired the 9.4-acre Torrey Surf parcel located on Carmel Mountain. This five-way joint acquisition provides for additional protection of vernal pool watersheds and viewsheds.

In April 2000, the City Council Rule's Committee approved the City priorities for MSCP land acquisition projects. Four areas totaling 4,181 acres were identified:

- Montana Mirador
- Del Mar Mesa
- East Elliott
- Otay Mesa

In April of 2001, the City completed the acquisition of the 538-acre Montana Mirador parcel located within the Rancho Peñasquitos community planning area. Funding was provided by the County Water Authority as partial mitigation for their Emergency Water Storage project (\$4.4 million), with a matching grant provided by the Wildlife Conservation Board under the Open Space Bond Act Proposition 12 (\$3.4 million).

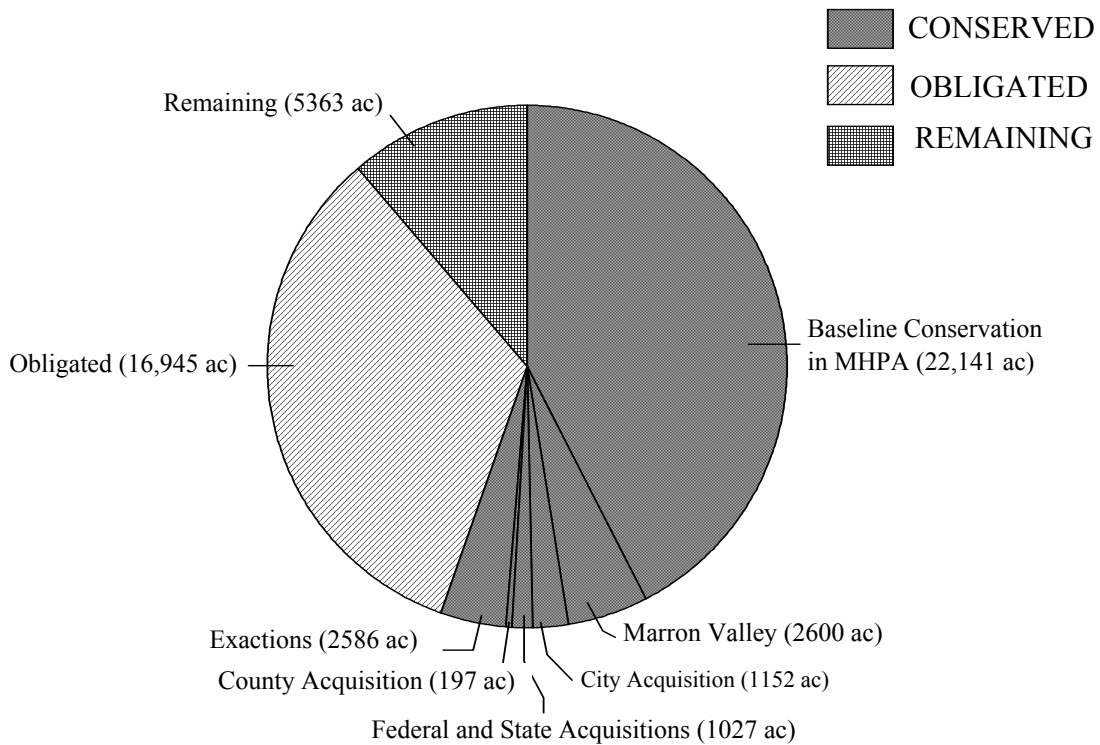
CURRENT ACQUISITION STATUS:

Since the adoption of the MSCP Subarea Plan, efforts by the City, the county, wildlife agencies, and private development interests have resulted in the conservation of 29,703 acres within the MHPA (See Pie Chart). The contribution by the City includes dedication of existing public lands (22,141 acres), establishment of the Marron Valley Mitigation Bank (2600 acres), acquisitions by the City (1,152 acres), as well as mitigation and exactions for private development (2,586 acres). The County of San Diego has acquired 197 acres in the Tijuana River Valley. The federal and state government has acquired 1,027 acres.

Additionally, efforts are underway to acquire property in Del Mar Mesa and East Elliott. City staff has obtained several state and federal grants to facilitate this effort. Appraisals of selected parcels have been completed and negotiations are underway for land acquisitions.

Conservation Status

September 2001



PROJECT REVIEWS:

In 2000, 141 development projects were reviewed by the MSCP staff for consistency with the adopted MSCP Subarea Plan and implementing regulations. Since January 2001, an additional 77 development projects have been reviewed. City staff continues to ensure that the MHPA preserve design, land use adjacency guidelines, mitigation requirements and specific area management directives have been evaluated and, as appropriate, incorporated into project designs. Projects that comply with the policies of the MSCP are afforded "Third Party Beneficiary" status as provided for in the City's MSCP Implementing Agreement (Section 17.1).

Adjustments to the boundary of the MHPA are allowed on a project by project basis if the boundary adjustment is deemed functionally equivalent to the land that is proposed to be removed from the MHPA (see Section 5.4.2 MSCP Plan, August 1998). The wildlife agencies must concur with the adjustment. This year, MSCP staff has established bimonthly meetings with wildlife agency staff to discuss proposed MHPA boundary line adjustments and to obtain concurrence from the wildlife agencies during the preparation of the project's environmental document. After each meeting, MSCP staff confirm in writing the determination made by wildlife agency staff.

GRANTS:

Grant funding is a key component to the successful implementation of the MSCP Subarea Plan. Below is a summary of current grant projects. These projects are further described within the Management Activities and Monitoring Efforts sections of this report. In 2000 and 2001, the City of San Diego has secured \$9.88 million in grant funding for acquisition, management and monitoring of lands within the MSCP. An additional \$250,000 in grant funding is pending approval.

Table 2 - 2000/2001 GRANTS

GRANT TYPE	GRANTOR	2000	2001
Natural Communities Conservation Planning (NCCP)	California Department of Fish and Game	Awarded six grants for MSCP monitoring and management activities	Awarded two grants for MSCP management activities
Coastal Conservancy	California Coastal Conservancy	Awarded grant for partial acquisition of a property in Carmel Mountain (Torrey Surf).	Awarded a grant for managing the restoration of Lopez Canyon.
Wildlife Conservation Board (WCB)	State of California Wildlife Conservation Board	Awarded grant for acquisition of vernal pool habitat on Del Mar Mesa. Awarded grant for partial acquisition of a property in Carmel Mountain (Torrey Surf).	Awarded matching grant funds for the acquisition of Montana Mirador -- one of the four City Council MSCP target acquisition areas. An additional grant consisting of federal monies was approved for use by the City of purchase of land in Del Mar Mesa.
Watershed Planning - Prop. 13 Planning Grant	State Water Resource Control Board		Awarded a grant for the development of a watershed management plan in Los Peñasquitos watershed. The City was copermittees on several other watershed grants for the Otay Valley, Tijuana River Valley and San Diego River watersheds.
Environmental Enhancement and Mitigation Grant (EEMP)	California Transportation Commission		Awarded grant for exotic weed removal in the Carmel Valley Restoration and Enhancement Plan area.
Total:		\$ 5,201,170	\$ 4,688,275

MANAGEMENT ACTIVITIES:

In accordance with the City’s Implementing Agreement (I.A.), Section 10.6B, the City was obligated to prepare a Framework Management Plan within six months after the adoption of the MSCP Subarea Plan. The City’s MSCP Subarea Plan was adopted by the City Council in March

1997. A Framework Management Plan was included as Section 1.5 of the Subarea Plan, therefore, the City has fulfilled their obligations pursuant to Section 10.6B of the I.A.

Until a regional funding source is in place, management for biological resources has been focused on maintaining the existing biological values of the habitat land under City control. Opportunities for specific biological management activities have been pursued when local or grant funding could be obtained. Various funding sources and associated management activities that are currently underway are described below:

- ▶ The proposed FY 2002 Park and Recreation Department Budget includes \$1,959,394 for Open Space/MSCP Lands Management. Of this amount, \$370,477 is new funding to cover the additional costs attributable to the larger inventory of public lands resulting from the acquisition of MSCP open space and increased levels of management for the existing Park Open Space lands.
- ▶ The following (Area-Specific) Management Plans are completed or underway:

Table 3

AREA SPECIFIC MANAGEMENT PLANS

LOCATION	ACTIVITY	STATUS
Mission Trails Regional Park	San Diego Ambrosia Plan: Funded by a NCCP grant, this project identifies the distribution and management recommendations for San Diego Ambrosia within Mission Trails Regional Park.	The Final Plan was adopted by the Mission Trails Taskforce on May 15, 2000.
Pacific Highlands Ranch	City Council approved preparation of a 2,400 acre management plan in July 1999.	Master Revegetation Plan for the entire Pacific Highlands Ranch Subarea was completed in October 2000.
Rancho Encantada, a 1,500 acre parcel located adjacent to Sycamore County Park	Under the direction of the City, McMillian Development Company prepared a management plan for this property.	The final draft habitat management plan was completed in July 2000. Currently under review by wildlife agencies and subject to City Council approval.
Boden Canyon	Funded by a grant awarded to the City of San Diego, the San Dieguito JPA is preparing a joint management plan for publicly owned lands in Boden Canyon.	The final draft management plan was completed in September 2001. Currently under review by wildlife agencies and subject to City Council approval.
Western Otay River Valley Management Plan	Funded by a NCCP grant and a \$68,490 match from the City of San Diego, the Park and Recreation Department is preparing a management plan for the Otay River Valley between 1-5 to Heritage Road.	The final draft management plan was completed in April 2001. Currently under review by wildlife agencies and subject to City Council approval.

Marron Valley Management Plan	City of San Diego Water Department has provided \$87,186 to prepare a management plan for the 2,600 acre Marron Valley Cornerstone Mitigation Bank.	The final draft management plan was completed in June 2001. Currently under review by the Real Estate Assets Department.
Carmel Mountain and Del Mar Mesa	The City and the USFWS Refuges Division is preparing an interagency management plan for Carmel Mountain and Del Mar Mesa. The project is funded by an NCCP grant, a USFWS Challenge Grant and a City match of \$27,134.	Initiated in October 2000. The scheduled completion date is March 2002.
Black Mountain	Funded by an NCCP grant, the City of San Diego Planning Department has retained a consultant to complete sensitive plant species surveys on Black Mountain, including the recently acquired Montana Mirador. The City of San Diego Water Department is also funding surveys for their land adjacent to the open space park.	Once biological surveys are completed, development of a management plan for Black Mountain Open Space Park and the surrounding City lands will commence. Development of the plan is anticipated to start in October 2001 with completion in late 2002.
San Pasqual/Lake Hodges Cornerstone	Funded by an NCCP grant, the City of San Diego Planning and Water Departments will develop a management plan for the San Pasqual and Lake Hodges Cornerstone banks which will include vegetation mapping, rare plant surveys, wildlife habitat assessments, and evaluations of recreation potential and enhancement opportunities.	Plan initiation is proposed this fall. The scheduled completion date is March 2003.

- ▶ The following Management Activities are completed or underway:

Table 4

MANAGEMENT ACTIVITIES COMPLETED OR UNDERWAY

LOCATION	ACTIVITY	STATUS
Brammer Lease: San Pasqual River Valley	Funded by an NCCP grant, the City is restoring 15 acres of existing agricultural fields in the San Pasqual River Valley to coastal sage scrub (CSS). The restored habitat will provide connectivity between the San Pasqual River Valley and existing uplands containing gnatcatcher and other sensitive species	The site was cleared and “imprinted” with seed from coastal sage scrub species in January 2000. Maintenance and monitoring will continue through 2003.
Otay Mesa	Funded by an NCCP grant, the City has restored and is continuing maintenance and monitoring of vernal pools on Otay Mesa. The restored vernal pools contain many endangered plant and animal species including fairy shrimp, Otay Mesa mint, and San Diego button celery.	The site was restored to vernal pool habitat in 1998 using salvage plant material donated by nearby development projects. Maintenance and monitoring will continue through 2002.

Lopez Canyon	Working with the Friends of Los Peñasquitos Canyon (Friends) and the California Native Plant Society, the City has secured a grant from the U.S. Fish and Wildlife Service and the State of California to restore the hydrology of Lopez Canyon for the protection and re-establishment of willow monardella (<i>Monardella linoides ssp. viminea</i>)	Currently the City and the Friends are collecting seed from various populations occurring on publically owned land. In 2000, the Friends will be constructing gabion walls to prevent undercutting of the alluvial benches on which the willow monardella occurs. The seed and other source material will be used to establish new populations.
Carmel Valley - CVREP	The City has secured a grant from the State of California to remove exotic plant species from the Carmel Valley Restoration and Enhancement Project (CVREP).	Exotic plant removal is currently underway. Maintenance will continue until 2003.
San Pasqual/Lake Hodges	The County Agricultural Department has secured funding from the State under a Weed Management Area program to remove exotic perennial peppergrass from the San Pasqual/Lake Hodges area.	Peppergrass removal began in Spring 2001. Maintenance and monitoring will continue as long as peppergrass still needs to be controlled and funding can be obtained.
Los Penasquitos Canyon Preserve	The City has secured grants from Caltrans, USFWS, and HCF for San Diego ambrosia restoration and riparian enhancement in Penasquitos Canyon.	Ambrosia restoration began in 1996 and a final report is expected by the end of 2001. The riparian enhancement efforts began in 1996 and 1999 and were completed in 2000.
Tecolote Canyon	The City obtained a HCF grant for riparian restoration in Tecolote Canyon. The effort included removal of exotics and replanting of native habitat.	The riparian restoration began in 1994 and was completed in June 2001. The restoration site will be monitored as needed by Park and Recreation staff.
Rose Canyon Open Space	The City obtained a HCF grant for riparian, chamise, and CSS restoration in Rose Canyon. The effort included removal of exotics and replanting of native habitat.	The restoration effort began in 1997 and is currently ongoing. It is estimated that the restoration effort will be complete by January 2002.
Marian Bear Memorial Park	The City obtained a HCF grant for riparian, chamise, and CSS restoration in Marian Bear Memorial Park. The effort included removal of exotics and replanting of native habitat.	The restoration effort began in 1997 and is currently ongoing. Estimated date of completion is 2003.
Mission Trails Regional Park	The City conducted multiple volunteer trail closures along riparian, grassland, and CSS habitat areas. The City is also conducting exotic removal of water primrose and hyacinth in Kumeyaay Lakes.	The trail closures along riparian areas began in 2000 and are restoring nicely. The grassland and CSS restoration areas began in 2000/2001 and required scarification and reseeding. Monitoring is currently ongoing. The exotic removal effort began in 2000 and will probably require 5 years of maintenance and monitoring to be successful.
Otay Valley Regional Park	The City is conducting exotic removal funded in conjunction with USFWS.	This exotic removal effort began in March 2001 and was completed in April 2001.

Black Mountain Open Space	The City obtained a HCF grant for rehabilitation of the 2.5-mile Miners Ridge Loop Trail. Trail rehabilitation will include restoration of native habitat on eroded areas.	This project began in 2000 and is currently ongoing.
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MONITORING EFFORTS:

City staff is initiating those elements of the MSCP Biological Monitoring Plan (CDFG 1996) that can be accomplished with currently available funding. The following summarizes the status of current and proposed monitoring activities:

- ▶ Habitat Quality Pilot Project (SDSU): Working with Dr. Doug Stow and Dr. John O’Leary of SDSU, this project evaluated remote sensing for monitoring existing habitat conditions and the detection of changes over time. Dr. O’Leary has established the first two permanent habitat quality monitoring plots (Mission Trails and Crestridge). This project was funded by an NCCP grant. The final report has been completed and is entitled *Application of Digital Imaging Technologies for Monitoring and Managing MSCP/NCCP Reserves* (March 2001). A copy of this report is available.
- ▶ CSS Reptile Monitoring (SDSU-BRD): Dr. Robert Fisher’s group is continuing to implement pitfall trapping at ten sites throughout the MSCP. The project has added three new research sites to the existing locations which have been monitored for the past five years. The project was funded by an NCCP Grant and a final report on the thirteen monitoring sites, *Herpetofaunal Monitoring in the MSCP Region of San Diego*, (March 2001) has been completed. A copy of this report is available. The State also funded two new sampling locations in 2001, located on Carmel Mountain and Del Mar Mesa. These sites are currently being monitored by the USGS under contract to the City.
- ▶ Priority Plant Monitoring: In 2001, City MSCP staff and volunteers monitored the following covered plant species (copies of these reports are available):
 - San Diego thornmint in Penasquitos Preserve, Sabre Springs, Black Mountain Ranch, and Mission Trails. Annual monitoring began in 2000 for all sites except Mission Trails, where monitoring began in 2001. In addition, the Friends of Los Peñasquitos Canyon Preserve have conducted some monitoring on this species since 1992.
 - Nuttall’s lotus in Mission Bay. Annual monitoring began in 2000.
 - Ambrosia pumila in Mission Trails Regional Park. Monitoring began in 2000 and will be conducted once every two years in the future pursuant to the monitoring plan.
 - Willowy Monardella in Lopez Canyon, Upper Sycamore, and Marron Valley. Annual monitoring began in 2000.
 - Wart-stemmed ceanothus around Lake Hodges. A pilot project using photo plot monitoring was conducted on the ground in 2000 and from helicopter in 2001. Results are still being analyzed.
- ▶ Baseline Rare Plant Monitoring: Under contract to the City, the Conservation Biology Institute (CBI) has conducted baseline surveys for all 1st and 2nd priority plant species

within the City of San Diego. The goal of this project was to determine the distribution and size of rare plant populations for future monitoring efforts. These species include Orcutt's brodiaea, Orcutt's bird's beak, variegated dudleya, Del Mar sand aster, and Cleveland's goldenstar. Preliminary field data from this effort is available.

- ▶ Quino Checkerspot Butterfly: City staff have conducted surveys throughout City-owned land during the 1998, 1999, 2000, and 2001 flight season. Focused surveys are expected to continue through the 2002 flight season.
- ▶ California Gnatcatcher: The City has contracted URS to conduct California gnatcatcher surveys pursuant to the methodology in the MSCP Biological Monitoring Plan. Surveys have been completed for 2001 in the following locations: Lake Hodges, East San Pasqual, Black Mountain, Peñasquitos Canyon, Mission Trails Regional Park, Otay Lakes, Spooner's Mesa, Spring Canyon, and Marron Valley. A copy of this report is available
- ▶ Burrowing Owls and Other Raptors: Funded by an NCCP grant, the City has contracted Wildlife Research Institute to conduct burrowing owl and other raptor surveys in Otay Mesa. A final report of the survey effort is scheduled for March 2003.
- ▶ Develop Monitoring Database: City staff is working with SANDAG, the County and the wildlife agencies on a pilot project for the development of a monitoring database to track the monitoring and management activities. This project is funded by an NCCP grant. It is proposed that the information from this database will be made available via the internet to interested stakeholders.
- ▶ Wildlife Corridor Monitoring: Wildlife corridor monitoring is being conducted in various sites throughout the City of San Diego by Sierra Hayden, a student at San Diego State University under contract with Conservation Biology Institute. Several stations, including some with cameras, have been set up to track and document wildlife moving through the corridors. A copy of the draft report produced for this effort is available.

The City's FY 2002 budget has allocated \$178,000 for MSCP Monitoring. Specific monitoring efforts set for Spring 2002 will be coordinated with the wildlife agencies and the County of San Diego.

IMPLEMENTATION ISSUES:

Regional Funding: City staff, in cooperation, with the other participating jurisdictions continue to work on establishing a long-term regional funding source for the MSCP. In July 2000, the SANDAG Board referred a proposal to develop a strategy on the re-authorization of *TransNet*, an existing half-percent sale transportation sales tax program, to the SANDAG Transportation Subcommittee and Citizens Advisory Committee for Transportation (CAC). Meeting biweekly throughout last year, the CAC has identified funding needs for transportation, open space/habitat and storm water quality. On July 11, 2001, the CAC recommended the following items to the SANDAG Transportation Subcommittee regarding *TransNet*:

- Oppose any transportation funding measure (*TransNet*) that is directed at implementing

- the 2020 Regional Transportation Plan (RTP),
- Develop a regional “smart growth” strategic action plan and develop a broad and comprehensive ballot measure (this smart growth strategic action plan was clarified at the July 11, 2001 CAC meeting to refer to the following elements: transportation system, open space/habitat conservation, clean beaches and water ways, and infill infrastructure to support affordable housing),
 - Urge local governments and agencies to examine all potential funding sources,
 - Oppose transferring or reducing current transportation funds to non-transportation programs and request audits from local jurisdictions showing how transportation monies have been spent for the last five years, and
 - Move forward in an expedient a timeframe.

On July 13, 2001, the SANDAG Board heard a discussion on the extension of *TransNet* and discussed options on the timing of a regional vote (November 2002 or November 2004), and alternatives including a transportation only ballot measure or a transportation, open space/habitat and water quality measure. No action was taken on these issues. SANDAG directed its Transportation Subcommittee and CAC to continue to work on refining the *TransNet* extension concept and to return with a recommendation. On September 28, 2001, the SANDAG Board will meet to discuss whether or not to proceed with an enhanced public information program.

On July 27, 2001, SANDAG voted to discontinue work on the 2020 RTP and directed SANDAG staff to begin work on the 2030 RTP and bring a draft to the Board in July 2002. At that time SANDAG could then consider whether or not to proceed to a ballot vote in November 2002 or later, and whether to limit the ballot to a transportation only measure. Any extension to *TransNet* funding will require a county-wide vote with a 2/3 margin to pass.

A state legislative action would be required in order for *TransNet* to extend to uses beyond transportation (e.g., habitat/open space, water quality). Senator Dede Alpert has sponsored a bill (SB 521) to allow the flexibility in the use of *TransNet* monies. The bill was approved by the legislature on August 28, 2001, and signed into law by the Governor on September 12, 2001.

Interim Funding: In March 1999, the San Diego City Council approved "The Smart and Healthy San Diego Plan." This plan allocates a portion of the annual tobacco litigation settlement payments to improve the City's park and open space system including the Multiple Species Conservation Program. The funding plan will provide \$12.67 million over the first five years and \$200,000 annually thereafter. The Fiscal Year 2002 budget includes \$2,830,394 for land acquisition (\$693,000), open space/ biological management (\$1,959,394) and biological monitoring (\$178,000). Future monies necessary to implement the MSCP will be allocated by the City Council during the annual budget process until a regional funding source is secured.

A three year interim funding plan for MSCP was presented by City staff and approved by the NCCP Managers on October 11, 2000 and adopted by the City Council on November 27, 2000. The proposed funding policy statement would generate \$25.4 million of interim funding for MSCP management, monitoring and acquisition through 2004. Subject to Council approval during the annual budget process, funding to implement the MSCP would come from Tobacco Settlement monies (\$4.6 million), the General Fund (\$7.8 million), and various other sources (\$13.0 million), including mitigation, property sales, and grants.

In March 2000, the voters approved Proposition 12 (Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act). Included in Proposition 12 is a \$100 million allocation for open space acquisition in jurisdictions with approved Natural Communities Conservation Plans (NCCP). The MSCP is one of two such plans within the state. Orange County has an approved NCCP plan for the Central County area. To date, the City has successfully obtained \$6,994,050 of Prop 12 funding to acquire properties such as Montana Mirador and Torrey Surf. Prop 12 funds are available through competitive grants with a requirement of matching local funds.

Vernal Pool Lawsuit: On December 10, 1998, a coalition of environmental groups sued the United States Fish and Wildlife Services (FWS) and the City for allegedly violating the Endangered Species Act (ESA) with regard to the MSCP's effects on seven vernal pool species. The plaintiffs contend, among other things, that the FWS violated the Endangered Species Act when it found that the MSCP will not appreciably reduce the likelihood of the survival and recovery of five plant and two animal species typically found in vernal pools.

On January 9, 2001, the U.S. Supreme Court issued its decision in the Solid Waste Agency of Northern Cook County (SWAANC) v. The U.S. Army Corps of Engineers (Corps), 99-1189. The SWAANC decision calls into question the authority of the Corps to regulate vernal pools under Section 404 of the Clean Water Act. The MSCP Biological Opinion and the Implementing Agreement for the MSCP indicate that take authority for the Riverside fairy shrimp and San Diego fairy shrimp would occur during future ESA Section 7(a)(2) consultations between the FWS and the Army Corps as part of the 404 permit process. Based upon the SWAANC decision and the conditions of the City's incidental take permit, the City, FWS and the plaintiffs attorneys are discuss settlement options. A status conference is scheduled for October 10, 2001.

Wetland Regulations (Deviations): City Council has directed staff to provide clarifying language to the existing wetland regulations that are incorporated in the Environmentally Sensitive Lands Ordinance of the Municipal Code. A stakeholder group, made up of several key representatives from the development and environmental communities, have met for the last five months to discuss this issue. An agreement has been reached amongst the members of this group and a set of draft deviation findings have been developed. Staff from the City, FWS and CDFG are meeting to discuss the proposed clarifications to the deviation language. It is expected that a final draft of the deviations will be available for public review and docketed for City Council Committee consideration this fall.

TRAINING AND PUBLIC OUTREACH:

Since 1999, members of the public and government staff have been able to access information on the MSCP through the City's website. Located at www.sandiego.gov/mscp/, the site contains general information on the MSCP, as well as some program-related documents and maps, and City contact information. Currently, Mayor Dick Murphy's staff is designing a web page to highlight the Mayor's ten goals for the City of San Diego. Goal Ten is to "Complete MSCP Open Space Acquisitions." This web site will provide information on the MSCP land acquisitions priority areas (Montana Mirador, Del Mar Mesa, East Elliott, and Otay Mesa), listing of rare & endangered species, annual workshop reports, regional funding information and hyper-links to other state and federal web sites.

In March 2001, vernal pool staff training was provided by a consortium of City departments to staff from a wide variety of City Departments. MSCP participated in the training sessions, with the focus to educate City staff on identifying and avoiding vernal pools, and the current regulatory environment in the City of San Diego.

CONCLUSION:

Since the adoption of the City's MSCP Subarea Plan in July 1997, significant achievements have occurred which continue to contribute to the successful implementation of the City's MSCP Subarea Plan. During the 2000 reporting period, 540.5 acres of habitat were conserved within or adjacent to the MHPA. Of the 522 acres of habitat that was impacted due to project approvals within this same time period, 88 percent of the loss occurred outside of the MHPA. In 2000, 141 projects were reviewed for consistency with the City's MSCP Subarea Plan.

The City continues to be successful in securing state and federal grants, many of which have been instrumental in providing for MHPA acquisitions and ongoing management and monitoring activities as described in this report. Additional significant acquisitions of private land in Del Mar Mesa, East Elliott and Otay Mesa are expected to occur over the next two years. Additional information on the status of the MSCP is available through the City's website. The City's MSCP Subarea Plan program objectives for the first four years have been achieved.

(signed on September 17, 2001)

Gary Halbert, Chief Deputy Director
Planning Department

GH:KG:JK