

**East County MSCP Steering Committee Meeting
 County Administration Center (CAC) Room 302/303
 1600 Pacific Coast Highway, San Diego, CA
 March 19, 2008 1:30pm – 3:30pm**

1:30 p.m. Introductions (Bryan Woods, Steering Committee Facilitator)

1:35 p.m. Review Minutes for Steering Committee Meeting # 2 (February 6, 2008)

1:45 p.m. Overview/Discussion of Key Issues with Steering Committee

1. Importance of East County MSCP (Tom Oberbauer)
2. Hardline Criteria Policy (Tom Oberbauer)
3. East County MSCP Planning Approach (Adam Wagschal)
4. Overview of Wildfires (Tom Oberbauer)

3:00 p.m. Opportunity for Public Input (Bryan Woods)

3:20 p.m. Proposed Dates for Upcoming Meetings (Tom Oberbauer)

Steering Committee Meeting # 4 Topic: Planning Approach/ Preserve Assembly Strategies	April 30, 2008 (Wed.) 1:30 pm – 3:30 pm County Admin. Center, 1600 Pacific Coast Hwy., Room 302/303 (3rd Floor)
Steering Committee Meeting # 5 Topic: TBD	May 28, 2008 (Wed.) 1:30 pm – 3:30 pm County Admin. Center, 1600 Pacific Coast Hwy., Tower 7 (7 th Floor)
Steering Committee Meeting # 6 Topic: TBD	June 25, 2008 (Wed.) 1:30 pm – 3:30 pm County Admin. Center, 1600 Pacific Coast Hwy., Tower 7 (7 th Floor)

3:25 p.m. Closing Comments (Bryan Woods)

Attachments:

1. Updated Steering Committee List
2. Steering Committee Minutes for Meeting # 2 (Feb. 6, 2008)
3. Power Point Presentation for Meeting # 3 (March 19, 2008)
4. MSCP Acronyms & Draft Definitions
5. Hardline Criteria Policy

East County MSCP Steering Committee List (Updated March 19, 2008)

1. Bryan Woods, Steering Committee Facilitator and County Planning Commissioner
2. Matthew Adams, Building Industry Association of San Diego County
3. Eric Anderson, San Diego County Farm Bureau
4. Jeff Barfield, RBF Consulting, Inc.
5. Craig Benedetto, Benedetto Communications, Inc.
6. Bev Esry, Lake Morena-Campo CPG
7. Diane Green, Native Plant Society
8. Cherry Diefenbach, Pine Valley CPG
9. Judy Halderman, Borrego CSG (Co-Chair)
10. David Hogan, Southwest Center for Biological Diversity
11. Abby King, Borrego CSG (Co-Chair)
12. Eric Larson, San Diego County Farm Bureau
13. Libby Lucas, CA Dept of Fish and Game
14. David Mayer, CA Dept of Fish and Game
15. Heather Schmalbach, CA Dept of Fish and Game
16. Rikki Schroeder, RMA Consultants
17. Dan Silver, Endangered Habitats League
18. Pete Sorensen, US Fish and Wildlife Service
19. Dr. Almeda Starkey, San Diego-Imperial California Cattlemen's Association
20. Donna Tisdale, Boulevard CPG
21. Kathy Viatella, The Nature Conservancy
22. Jim Whalen, Alliance for Habitat Conservation
23. Susan Wynn, US Fish and Wildlife Service

**EAST COUNTY MSCP
STEERING COMMITTEE
MEETING # 3**

March 19, 2008

1:30 pm – 3:30 pm

Room 302/303

1600 Pacific Coast Hwy

IMPORTANCE OF EAST COUNTY MSCP

IMPORTANCE OF MSCP

- **Fulfills County commitment per the 1992 NCCP agreement.**
- **Allows for the continuation of the HLP/4d processes.**
- **Provides a long-range conservation plan for one of the most bio-diverse locations in the nation.**

IMPORTANCE CONT.

- Provides certainty for development
- Reduces likelihood of future species listings
- Compliments the retention of the rural character in the backcountry
- Attracts funding from Federal and State and Regional sources



BENEFITS TO HABITAT

Without MSCP

**Piecemeal, isolated
open space easements**

**Uncoordinated funding
efforts for habitat
conservation**

**Habitat management is
inconsistent**

With MSCP

**Regional, inter-
connected preserve
system**

**Focus of Bond Act
funding backed by 5-
county group**

**Regional adaptive
management programs**



COST & TIME SAVINGS

Without MSCP

Developers & local agencies bear all costs

Multiple permit authorities

Project by project negotiations

Disruptions from future ESA listings

With MSCP

Cost sharing

County has permit authority

Pre-established requirements

No disruptions from future ESA listings



**STEERING COMMITTEE &
PROPERTY OWNER
PARTICIPATION**

STEERING COMMITTEE'S ROLE

The ECMSCP Steering Committee will be asked to:

- Provide review key issues and input on draft policies
- Assist with development of goals and strategies for the ECMSCP Plan

HOW DOES MSCP AFFECT PROPERTY OWNERS?

- **No change in Land Use = Status Quo**
- **Development or Change of Land Use = Compliance with CEQA, the Endangered Species Act (ESA) and other regulations**

IS THE EMSCP VOLUNTARY?

- The ECMSCP Plan is the 3rd and final MSCP Plan for the County. It will provide a regional level conservation plan that complements South/North MSCP Plans as well as adjacent publicly owned land.
- The County has voluntarily enrolled in the NCCP Planning Process to assist property owners in streamlining the permitting process.
- Compliance with CEQA and the Endangered Species Act (ESA) is not voluntary and the MSCP is a vehicle that will address existing regulations.
- Land will only be conserved if property owners volunteer to sell or place an easement on their property.

HARDLINE POLICY

HARDLINE CRITERIA POLICY

- **An Active Discretionary Permit must be on File with DPLU.**
- **Biology reports completed by December 19, 2008.**
- **Hardline Concept accepted by Wildlife Agencies by Feb 27, 2009.**
- **CEQA out for public review by July 22, 2009.**

STEERING COMMITTEE INPUT

Hardline Policy Suggestions are as follows:

- Add a requirement that any project that enters the East County MSCP hardline system must be consistent with *either* the current General Plan *or* with the lowest density of the draft General Plan Update alternatives.
- A ramification of this would be that projects consistent with the newly created Village densities of the Update would be allowed to participate. No approvals would be guaranteed.
- Also, non-pipelined projects proceeding under the current/old General Plan would not be immunized against the new plan, and would proceed at their own risk.

PLANNING APPROACH

East County Mscp Study Area is Different from Coastal MSCP Plans

- **More public land**
- **Larger Parcels**
- **Lower Density Zoning**
- **Less development potential**

GENERAL APPROACH

- **Divide the Planning Area into segments that will be meaningful for Plan development.**
- **Within each segment, identify likely impacts and conservation needs.**
- **Within each segment, develop goals for conservation, development, and agriculture.**
- **Develop appropriate policies that will achieve the goals.**
- **Reserve Selection Algorithm output will be informative, but will not necessarily equate to a Pre-approved Mitigation Area (PAMA).**

GOALS FOR KEY AREAS

- **Conservation:** Conserve sensitive populations and allow for wildlife connectivity.
- **Development:** Provide assurances for ESA compliance associated with development, fire clearing, etc.
- **Agriculture:** Provide assurances for ESA compliance associated with agricultural activities or expansion of agricultural activities.

CONSERVATION TOOLS

- **There are numerous tools available. Within each segment, the appropriate tools will be utilized to achieve conservation, development, and agricultural goals.**
 - **Pre-approved Mitigation Area (PAMA)**
 - **Hardlines**
 - **Project design criteria**
 - **Species-specific policies**
 - **Purchase of easements**
 - **Incentives for best management practices (BMPs)**

PRE-APPROVED MITIGATION AREA (PAMA)

- **Area where conservation efforts will be focused.**
- **Specific conservation locations within the PAMA not identified in advance.**
- **Land is only acquired from willing sellers.**
- **Land conserved by:**
 - **Acquisition (public purchase from willing sellers only).**
 - **Mitigation for Impacts.**

HARDLINES

- Conservation and impact areas determined as part of East County MSCP Planning process.
- Participation in Hardline Process is optional.

OTHER CONSERVATION TOOLS

- Project design criteria.
- Species specific policies.
- Purchase of easements.
- Incentives for best management practices.

SUMMARY

- Within different segments of the Planning Area, goals will be developed for conservation, development and agriculture.
- Appropriate tools will be developed to meet the goals.
- Steering committee input will be critical to the success of this process.

NEXT STEPS

NEXT MEETING

Steering Committee Meeting # 4

April 30, 2008

1:30 pm – 3:30 pm

County Administration Center

Room 302/303 1600 Pacific Coast Hwy

WILDFIRE

WILDFIRE OVERVIEW

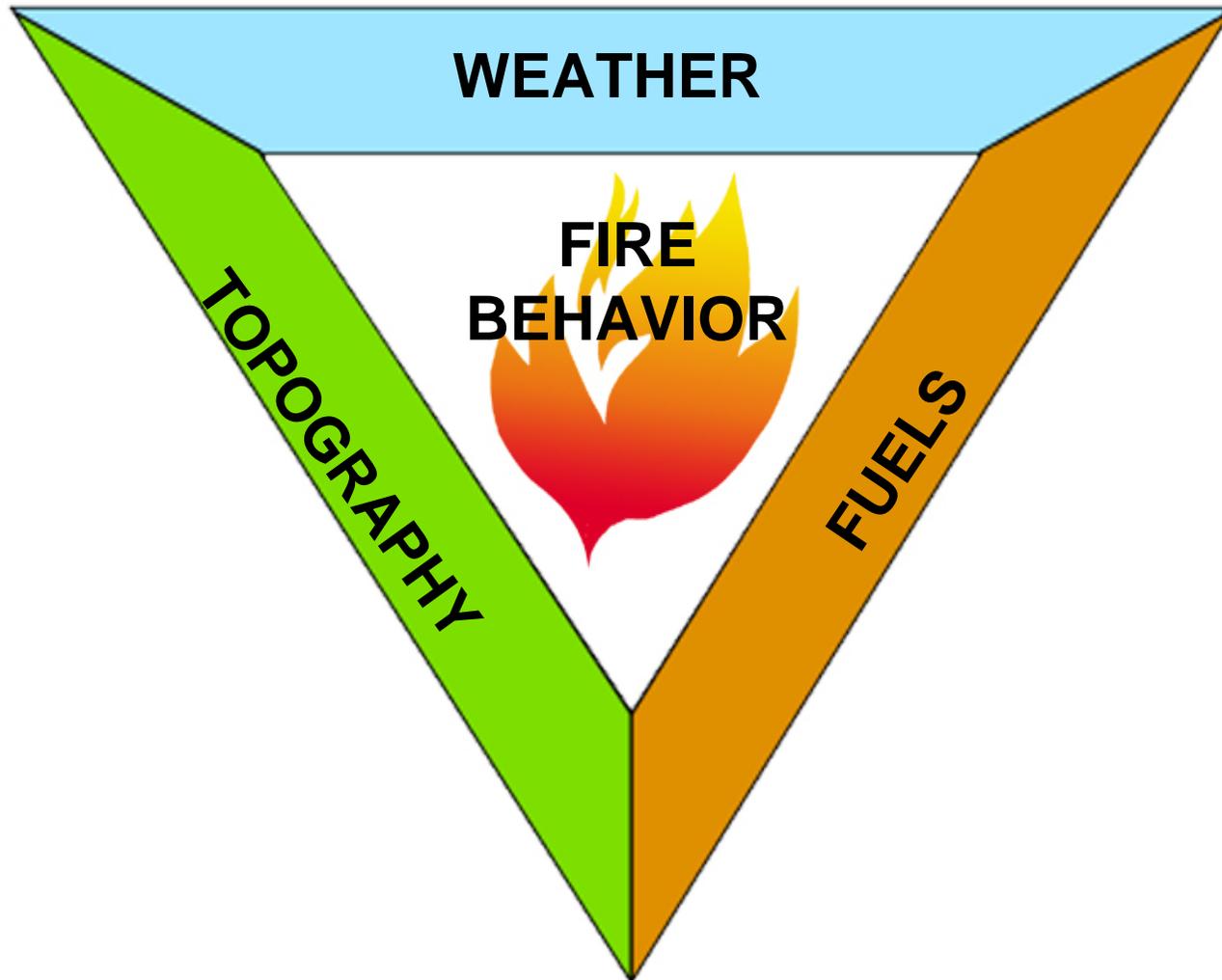
- Natural element of the environment.
- 1000s of wildfires have occurred-insignificant & catastrophic-over the past century in San Diego.
- Natural/human causes: lightening, power lines arson, smoking, campfires, fireworks, military activities, shooting, hunting, equipment use, railroads, and burning debris.

WILDFIRE CHARACTERISTICS

- Often in sparsely populated areas with moderate to heavy vegetation coverage.
- Potential for fire varies by fuel load, vegetation type, topography, rainfall, weather conditions, and ignition sources.
- Fire season typically lasts from May to October, but the threat always exists.

ISSUES

FIRE BEHAVIOR TRIANGLE



WILDFIRE ISSUES

- Potential threat to human safety, life, property, recreation amenities, and resources.
- Repeat/severe fire may make recovery difficult for some species and native habitat (chaparral/CSS).
- Non-native/invasive species may be encouraged.



WILDLAND URBAN INTERFACE



- Increased development in suburban/semi-rural areas near fire-prone forests/vegetation, increases safety, property, and resource issues.
- Historic fire loss patterns indicate that HIGH WIND speed is a major factor contributing to fire movement.

RESOURCE IMPACTS FROM FIRE

- Historic management practices and presence of non-native species have altered natural fire regime.
- Sugar and coulter pines at Cuyamaca Rancho State Park severely impacted and are being replaced by oaks/ceanothus.
- Large mammals are vulnerable to direct effects of fires.
- Animal species potentially impacted by recent fires include the Cactus wren, least Bell's vireo, California gnatcatcher, Arroyo toad, Western pond turtle, and Quino checkerspot.



BENEFITS OF FIRE

- Promotes vegetation/wildlife diversity, releases nutrients, and eliminates heavy fuel loads.
- Reduces dense vegetation, resulting in less water absorption by plants, increased water supply, and fuller streams.
- Kills diseases and insects that prey on trees.

WILDFIRE: 2003 & 2007

Fire Storm 2003



OCTOBER 2003

- Cedar, Paradise, and Otay Fires spread simultaneously, burning 383,269 acres.
- Fires were driven mainly by fuels and slopes.
- County responded with new regulations (i.e., increased fire clearing requirements) to improve public safety.

Fire Storm 2007



OCTOBER 2007

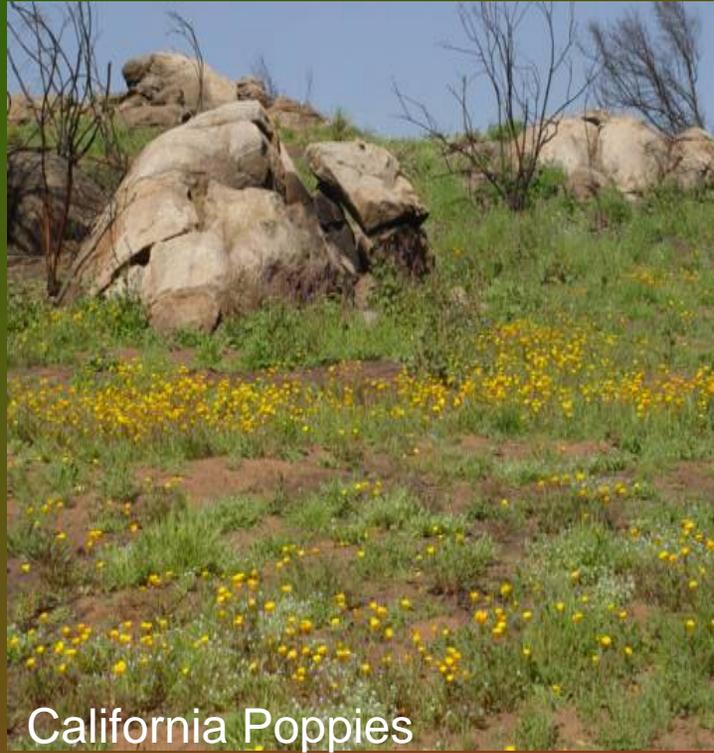
- ~360,000 acres burned in San Diego County.
- 7 fires burned simultaneously, including Witch Creek, Rice Canyon, and Poomacha Fires.
- Intensity and duration higher than in 2003.
- Major contributing factors: drought, weather, unusually strong Santa Ana wind, topography.



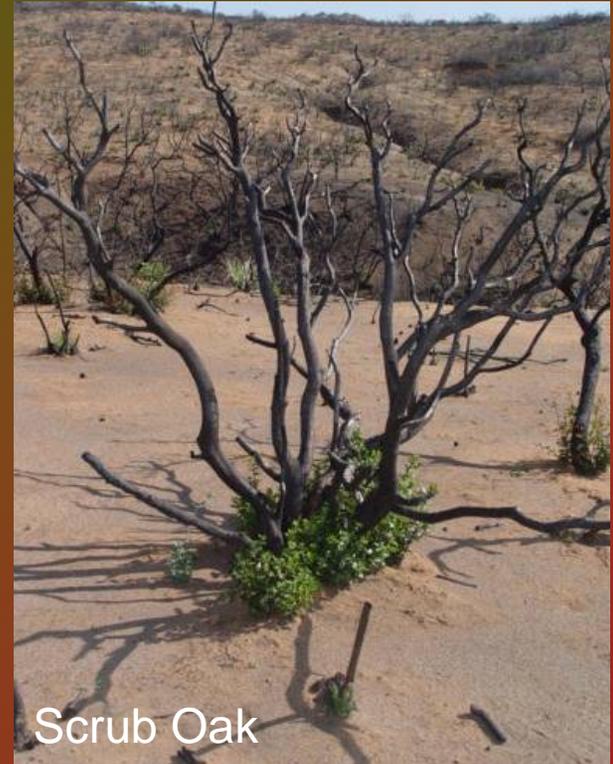
REGROWTH AFTER WILDFIRES



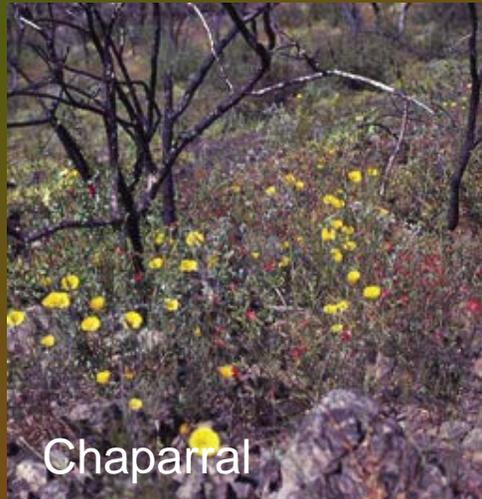
Oak Regeneration



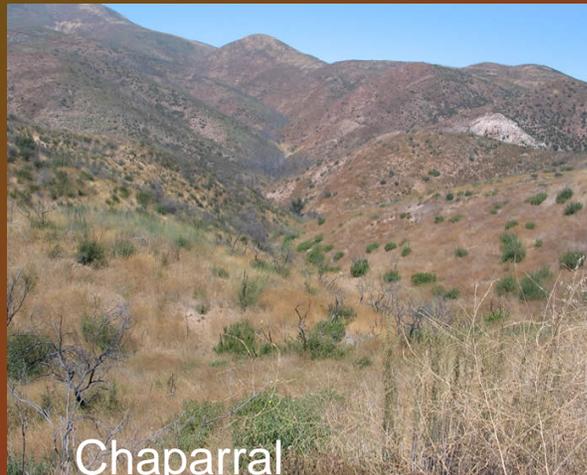
California Poppies



Scrub Oak



Chaparral



Chaparral



Wildflowers

FIRE MANAGEMENT

FUEL MANAGEMENT

- Manage vegetative fuels to control flame length, spread, heat, etc.
- Fuel breaks; prescribed burns; selective thinning; and chemical, mechanical, and biological treatments.
- ECMSCP will provide fire and vegetation management on preserves through specific plans for each area, with buffers from homes/roads.
- Public education, outreach, and assistance improves understanding.
- Dead, dying, and diseased tree removal program has been positive.
- The maintenance of defensible space around structures is essential.

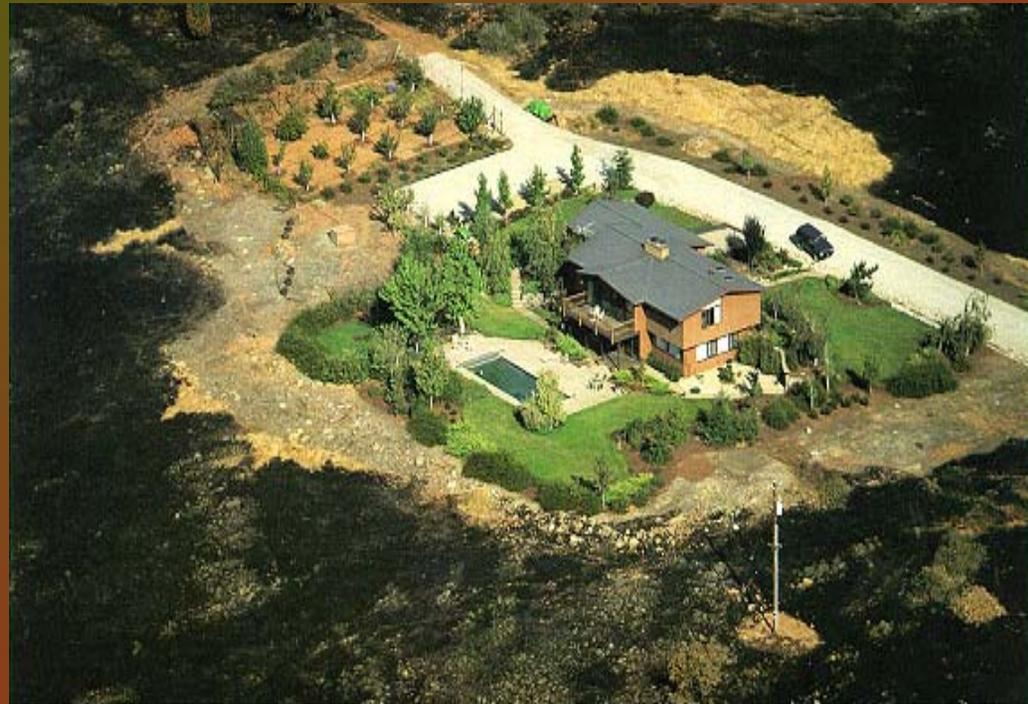
FUEL/FIRE REDUCTION

Maintaining a defensible fire space around structures is essential.



DEFENSIBLE SPACE

- 100' fuel modification zone around structures (selective thinning).
- Additional clearing may be allowed if required by fire authorities.
- Native, non-invasive, drought and fire resistant plants used within zone.
- ECMSCP supports ability of landowners to create defensible space.



FUEL MANAGEMENT/ SUPPRESSION ALTERNATIVES



DEAD, DYING, & DISEASED TREES

CAUSES:

- Severe drought
- Unnaturally high tree density
- Bark beetle infestation



TREE REMOVAL PROGRAM

- Over \$40 million in grant funds were received following 2003 fires for removal of DDDT.
- Focus on areas of Palomar, Julian, Cuyamaca, Descanso, Lost Valley, Warner Springs and roadways.
- County is currently in the process of securing additional grants to continue this program.



PALOMAR MOUNTAIN AREA

PALOMAR MOUNTAIN

- Removal of dead, dying, and diseased trees in this area reduced fuel available for fire.
- Fuel breaks also helped to keep fires from reaching the top of Palomar Mountain.
- The road/fuel break provided working space for firefighters to prevent continuation of fire.
- Aerial assistance was also beneficial.

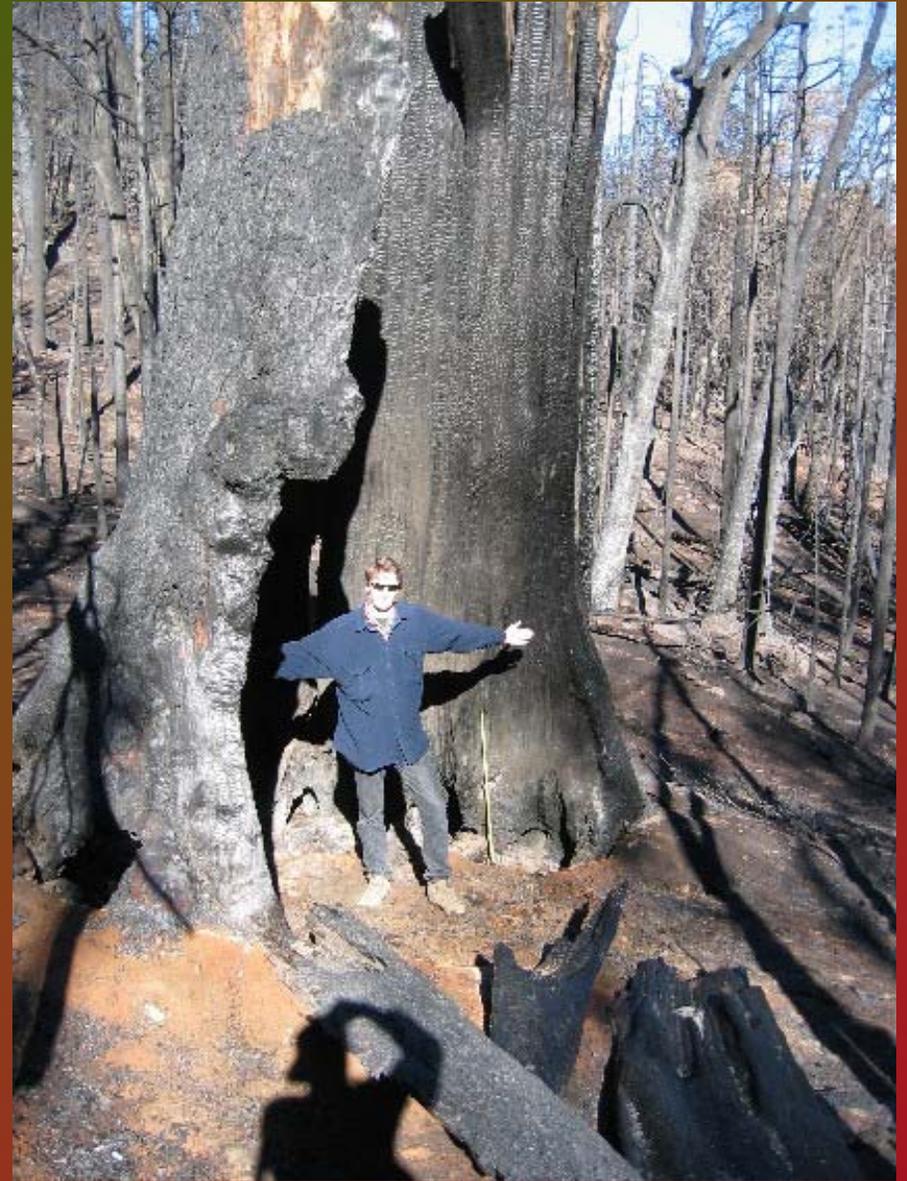








CUYAMACA AREA



9 ft. wide Sugar Pine: before and after 2003 Fire

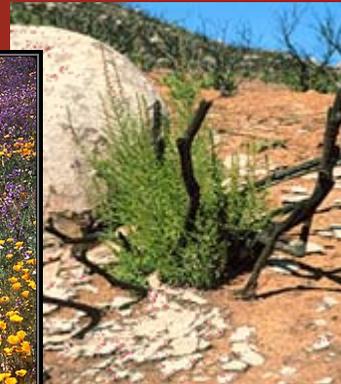




East Mesa Cuyamaca Controlled Burn Summer 2003

SUMMARY

- Wildfire is a natural event that benefits many species.
- Severe/repeat fire may threaten sensitive habitat and species.
- Fuel modification programs and coordination between landowners and stakeholders are essential.
- Further analysis of the history and effects of wildfire is needed.
- Wildfire issues will be addressed by ECMSCP through the preserves, management, and monitoring.





Middle Peak Cuyamaca Lake-1880s

LIST OF ACRONYMS

ACOE	United States Army Corps of Engineers
BLM	United States Bureau of Land Management
BMP	Best Management Practice
Caltrans	California Department of Transportation
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CWA	San Diego County Water Authority
EIR/EIS	Environmental Impact Report / Environmental Impact Statement
ESA	Federal Endangered Species Act
GIS	Geographic Information System
HCP	Habitat Conservation Program
MHCP	Multiple Habitat Conservation Program
MMRP	Mitigation Monitoring and Reporting Program
MSCP	Multiple Species Conservation Program
NCCP	California Natural Community Conservation Planning Act
NEPA	National Environmental Policy Act
RWQCB	California Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SDNWR	San Diego National Wildlife Refuge
USFWS	United States Fish and Wildlife Service

MSCP DRAFT DEFINITIONS

Adaptive Management – A decision process that promotes flexible decision making, which can be adjusted in the face of uncertainties as outcomes from management actions and other events are better understood. Careful monitoring of these outcomes advances scientific understanding and helps adjust policies and/or operations as part of an interactive learning process. Adaptive management also recognizes the importance of natural variability in contributing to ecological resilience and productivity.

Agriculture – Routine and ongoing commercial operations associated with farm, grove, dairy, or other agricultural business, including: (1) cultivation and tillage of soil; crop rotation; fallowing for agricultural purposes; production, cultivation, growing, replanting, and harvesting of any agricultural commodity including viticulture, vermiculture, apiculture, or horticulture; (2) raising of livestock, fur bearing animals, fish, or poultry and dairying; (3) any practices performed by a farmer on a farm incidental to or in conjunction with those farming or grove operations, including the preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market; and (4) ordinary pasture maintenance and renovation consistent with rangeland management and soil disturbance activities. All such activities must be consistent with the economics of commercial agricultural operations and other similar agricultural activities. The final determination of a qualifying use shall be made by the Director.

California Environmental Quality Act – California Public Resources Code 21000 et seq., including all regulations promulgated pursuant to that Act.

California Endangered Species Act – California Fish and Game Code 2050 et seq., including all regulations promulgated pursuant to that Act. CESA prohibits CDFG from authorizing any Incidental Take of a state-listed threatened or endangered species if that take would jeopardize the continued existence of the species; all impacts to state-listed species must be fully mitigated.

Clearing – The removal of natural vegetation by any means, including brushing and grubbing

Conserve – To protect and manage land for its natural value to species or habitat.

Corridor – A specific route that is used for movement and migration of species. A corridor may be different from a linkage because it represents a smaller or narrower avenue for movement.

County – The County of San Diego, a local government entity.

Covered Activities – Land uses, land and public infrastructure development, and conservation activities identified in this Plan and subject to the County of San Diego's jurisdiction and control that may result in Incidental Take of Covered Species during the term of this Plan and for which Incidental Take coverage is requested under the Take Authorizations.

Covered Projects – Those projects involving development within the East County MSCP Planning Area which receive Take Authorization directly through this Plan.

Covered Species – Those species within the Plan that will be adequately conserved through implementation of the Plan. Assurances are granted for all of these species. Incidental Take or loss of Covered Species Subject to Incidental Take is allowed, provided that the provisions of the Plan are implemented.

Developed Land – Land that has been constructed upon or otherwise covered with a permanent or semi-permanent unnatural surface shall be considered developed (Holland 12000). Regardless of substrate, areas covered by a large amount of debris or other materials may also be considered developed (i.e., car recycling plant, quarry, etc.).

Development – The uses to which land shall be put, including construction of buildings and structures and all alterations of the land incidental thereto, excluding agricultural operations.

Director – The County’s Director of Planning and Land Use, Director of Public Works, or Director of Agriculture/Weights & Measures depending upon the permit being issued.

Disturbed Land – Land which has been significantly modified by previous legal human activity, but continues to retain a soil substrate shall be considered disturbed land (Holland Code 11300). This shall include areas that have been graded, repeatedly cleared for fuel management purposes, and/or experienced recurring use resulting in compacted soils and minimal potential for natural revegetation (i.e., dirt parking lots, incised trails, etc.).

Edge Effects – Indirect impacts to a preserve area caused by development adjacent to the preserve area.

Emergency – An event or situation that poses considerable risk to human health and safety. This includes, but is not strictly limited to, loss of human life, property damage, or air and water contamination threatening human health and safety.

Endangered Species – A species listed as endangered under the federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA).

Endangered Species Act – The federal Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), including all regulations promulgated pursuant to that Act.

Floodplain – An area of land that would be inundated by a flood with a probability of occurring once in 100 years. These areas are identified in the "County of San Diego Floodplain Maps" report approved by the Board of Supervisors.

Fully Protected Species – Those species listed in Sections 3511 (Fully Protected Birds), 4700 (Fully Protected Mammals), 5050 (Fully Protected Reptiles and Amphibians), and 5515 (Fully Protected Fish) of the California Fish and Game Code that may not be taken or possessed at any time and for which no licenses or permits may be issued for their Take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.

Grading - Any excavating, filling, or combination thereof, including the land in its excavated or filled condition according to the County’s Grading Ordinance.

Grubbing – The removal of natural vegetation by any means, including removal of the root system.

Hardline project – A project included in this Plan, or amended thereunto, for which specific development (Take-Authorized) and preserve boundaries, as well as conditions for Take Authorization, have been included and analyzed under this Plan. Take-Authorized areas are approved by the Wildlife Agencies as part of this Plan.

HCP/NCCP Plan – A Habitat Conservation Plan (HCP) approved pursuant to 16 U.S.C. 1539(a)(2)(A) and the plan developed in accordance with the Natural Community Conservation Act, California Fish and Game Code section 2800 et seq., also referred to as an NCCP.

Implementing Agreement – The legal agreement between the County of San Diego and Wildlife Agencies that ensures implementation of the MSCP Plan that binds each of the parties to perform the obligations, responsibilities, and tasks assigned and provides remedies and recourse should any of the parties fail to perform as required.

Incidental Take Permit – The permit granting take of listed species provided such take is incidental to and not the purpose of the carrying out of an otherwise lawful activity. For purposes of the section 10(a)(1)(B) permit, Incidental Take refers solely to species other than plant species.

Indian Country - Lands defined in 18 U.S.C. 1151, which includes all land located within the exterior boundaries of a federally recognized reservation.

In-kind Mitigation – Mitigation with the same species or vegetation community classification as the site being impacted.

Joint Water Agencies - Helix Water District, Padre Dam Municipal Water District, and Sweetwater Authority, which have jointly prepared a HCP/NCCP Plan.

Linkage – An area of land which supports or contributes to the long-term movement of wildlife and genetic exchange by providing live-in habitat that connects to other habitat areas, including agricultural lands that contribute to wildlife movement.

Listed Non-covered Species – A species listed as threatened or endangered under the federal Endangered Species Act or the California Endangered Species Act, but for which neither a section 10 (a)(1)(B) nor a section 2835 permit has not been granted pursuant to the MSCP.

Mature Riparian woodland – A grouping of sycamores, cottonwoods, willows, and/or oak trees having substantial biological value where at least 10 of the trees have a diameter of six inches or greater.

Migratory Bird Treaty Act – The federal Migratory Bird Treaty Act (16 U.S.C. 701 et seq.), including all regulations promulgated pursuant to that Act.

Multiple Habitat Conservation Program –An HCP/NCCP Plan for the incorporated areas in northern San Diego County and coordinated by SANDAG.

MSCP Subregional Plan – The Multiple Species Conservation Program Plan, a comprehensive habitat conservation planning program dated August 1998 which addresses multiple species habitat needs and the preservation of native vegetation for a 900-square mile area in southwestern San Diego County.

Native Vegetation – Vegetation composed of plants that naturally occur in the San Diego region and were not introduced directly or indirectly by humans. Native vegetation may be found in, but is not limited to, marshes, native grasslands, coastal/inland sage scrub, chaparral, woodlands, forests, and other vegetation communities.

Natural Vegetation – Vegetation communities included in Tiers I, II, and III on the List of San Diego County Vegetation Communities and Tier Levels. Non-native grassland shall be included under this definition because it is a naturalized community that provides habitat for a number of native and sensitive species of plants and animals.

Natural Community Conservation Planning (NCCP) Act – The California Natural Community Conservation Planning Act of 1991, enacted by Chapter 765 of the California statutes of 1991 (A.B. 2172, codified in part at California Fish and Game Code § 2800, et seq.), including all regulations promulgated pursuant to that Act. Amendments to the NCCP Act enacted effective January 1, 2003 (Chapter 4, § 1 and 2 of California statutes 2002 (S.B. 107)).

NCCP Authorization – Any authorization issued by CDFG under the NCCP Act or California Fish and Game Commission under the NCCP Act to permit the Take of a species listed as threatened or endangered under CESA, species that is a candidate for such a listing, or species identified pursuant to section 2835, with the exception that no NCCP authorization may be given for the Take of five fully protected birds listed in the California Fish and Game Code section 3511 (golden eagle, American peregrine falcon, bald eagle, California brown pelican, and California least tern) or the mountain lion, protected by the California Fish and Game Code section 4800.

NCCP Plan – A plan developed in accordance with the NCCP Act which provides for comprehensive management and conservation of multiple wildlife species and identifies and provides for regional or area-wide protection and perpetuation of natural wildlife diversity while allowing compatible and appropriate development and growth.

Non-native Grassland – Land which supports non-native grassland (Holland 42200) as generally indicated by the presence of *Avena*, *Bromus*, *Erodium*, *Brassica*, and other annual species. Land shall also be identified as non-native grassland when site conditions are such that annual grassland species are sparse, but the habitat cannot be identified as developed, disturbed, or agriculture based on the County definitions above or any other native/non-native habitat as defined by Holland (Holland 11000-11200, 13000-13400, 20000-85100).

East County MSCP – This refers to the East County Multiple Species Conservation Program. The program is the ongoing, coordinated effort to implement this Plan within a specified geographic region.

Pathways – Non-motorized transportation facilities located within a parkway or road right-of-way. A riding and hiking trail located in the road right-of-way is considered a pathway. They can range from a separated, soft-surface, single track adjacent to a rural road to a widened, decomposed-granite shoulder intended for biking, hiking, and equestrian use. Pathways are intended to serve both circulation and recreation.

Plan –The East County MSCP Plan including all volumes and appendices. This refers to the document itself, which prescribes the necessary future actions to be carried out as part of the program. “Plan” is capitalized when referring to the East County MSCP Plan, as opposed to other plans.

Planning Area – The affected area of the East County MSCP under the County’s land use authority. This excludes lands that are generally independent of the County’s regulatory authority (i.e., Forest Service lands and special district lands) even though these lands are included in the Study Area.

Population – An interbreeding group of individuals of the same species. The geographical limits of a population should be delineated as most appropriate for that species depending on its mobility, method of reproduction, and known distribution. Proportions of a population shall generally be determined based on the number of individuals; however, area may be appropriate for some species.

Pre-Approved Mitigation Area (PAMA) – Lands within the boundaries of the Pre-approved Mitigation Area for the East County MSCP Plan. Undeveloped land includes areas classified as anything other than “developed,” defined above. Conservation efforts will be focused within the PAMA during the implementation of this Plan.

Preserve – (n.) A discrete area of conserved land, which is owned and/or managed by one entity.

Preserve System – (n.) The overall system of permanently conserved lands within the Study Area.

Rare and Narrow Endemic Species – Rare species in the study area that are highly restricted by habitat affinities, edaphic requirements, or other ecological factors, excluding those occurring in wetlands. Narrow endemic species have limited but important populations within the Planning Area, such that habitat-based mitigation would not adequately conserve these species.

Rare Species – A species that exists in such small numbers throughout all or a significant portion of its range that it may become endangered or threatened, as defined by CESA or ESA, if factors affecting its survival worsen.

Section 10(a)(1)(B) Permit – A permit issued by the USFWS under section 10(a)(1)(B) of the ESA (16 U.S.C. 1539(a)(1)(B)) to allow the Incidental Take of Species Adequately Conserved and/or Covered Species, to the extent Take of such species is otherwise prohibited under section 9 of the ESA. The Take of listed plant species is not prohibited under the ESA or authorized under a section 10(a)(1)(B) permit. However, plant species adequately conserved by the East County MSCP Plan are listed in the 10(a)(1)(B) permit in recognition of the conservation measures and benefits provided for them under the Plan and such plant species receive assurances pursuant to the USFWS “No Surprises” Rule.

Section 1600 – Section 1600 of the California Fish and Game Code, which regulates alterations to permanent or intermittent stream courses.

Section 2835 – Section 2835 of the California Fish and Game Code, which allows the Take of identified species whose conservation and management is provided for through a NCCP approved by the CDFG.

Section 4(d) Special Rule – The regulation concerning the California gnatcatcher published by the USFWS on December 10, 1993 (58 F.R. 65088) and codified at 50 C.F.R. 17.41(b) pursuant to the ESA which describes one particular set of conditions under which the Incidental Take of the California gnatcatcher in the course of certain land use activities is lawful.

Section 404 – Section 404(b)(1) of the federal Clean Water Act (33 U.S.C. 1344), which regulates discharge of dredged and fill material into the waters of the United States, including wetlands.

Section 7 – Section 7(a)(2) of the ESA (16 U.S.C. 1536 (a)(2)) which requires that any federal agency that permits, licenses, funds, or otherwise authorizes activities that may affect species listed under the ESA consult with the USFWS to ensure that its actions will not jeopardize the continued existence of any listed species or adversely modify the designated critical habitat of a listed species.

Sensitive Plant Species – Those plants which meet the following criteria as determined by the County and maintained in its list of sensitive plant species. Species are ranked according to the following criteria:

- Group A - Plants that are rare, threatened, or endangered in California and elsewhere;
- Group B - Plants that are rare, threatened, or endangered in California but more common elsewhere;
- Group C - Plants which may be quite rare, but need more information to determine their true rarity status; and
- Group D - Plants of limited distribution that are uncommon, but not presently rare or endangered.

Sensitive Species – Species which meet any of the following criteria: (1) those species that are included on generally accepted and documented lists of plants and animals of endangered, threatened, candidate, or of special concern by the federal government or State of California; (2) narrow endemic species or sensitive plant species (as defined herein); or (3) those species that meet the definition of "rare or endangered species" under § 15380 of the CEQA Guidelines.

Significant Population – A group or groups of sensitive species, wherever located, the loss of which would substantially reduce the likelihood of the survival and recovery of the species.

Steep Slope Lands – All lands having a slope with natural gradient of 25 percent or greater and a minimum rise of 50 feet, unless said land has been substantially disturbed by previous legal grading. The minimum rise shall be measured vertically from the toe of slope to the top of slope within the project boundary.

Study Area – The geographic limits of the area analyzed as part of the conservation planning for the East County MSCP. This excludes all tribal lands (i.e., Indian Country), military lands, and lands that are part of the Multiple Habitat Conservation Program (MHCP).

Take – Refers to the meaning provided by the ESA and the California Fish and Game Code, including relevant regulations and case law. Under the ESA, "Take" is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)) and "harm" has been further defined to "include any act which actually kills or injures fish or wildlife" including "significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife (40 FR 44412 and 46 FR 54748).

Take Authorization – Permit authority granted through a section 10(a)(1)(B) permit pursuant to the ESA and/or a section 2835 permit granted pursuant to the NCCP Act.

Take Authorized Area – Areas that were included or amended into the East County MSCP Plan and analyzed as part of the Plan. The Wildlife Agencies have granted Take for these areas in accordance to the terms and conditions of the East County MSCP.

Third Party Beneficiary – Any landowner or other public or private entity that obtains Take Authorization through the County’s Take Authorization.

Threatened Species – A species listed as “threatened” under the ESA or CESA that is likely to become endangered in the foreseeable future.

Trail – Soft-surface facilities for single or multiple uses by pedestrians, equestrians, and mountain bicyclists. Trails are typically away from vehicular roads and are primarily recreational in nature but can also serve as an alternative mode of transportation.

Unforeseen Circumstances – Changes in circumstances affecting a species or geographic area covered by the Plan that could not reasonably have been anticipated by Plan developers or the USFWS at the time of the Plan’s negotiation and development, which result in a substantial and adverse change in the status of the Covered Species.

Urban Area – An area consisting of one or more dwelling units per acre.

Vernal Pool – A seasonally flooded depression that supports a distinctive living community adapted to extreme variability in hydrologic conditions (seasonally very dry and very wet conditions). In order to be considered a vernal pool both of the following conditions must be met: (1) the basin is at least partially vegetated during the normal growing season or is unvegetated due to heavy clay or hardpan soils that do not support plant growth; and (2) the basin contains at least one vernal pool obligate species (i.e., species which occur primarily in vernal pools).

Watershed – All land surface area that drains toward a body of water, including vernal pools.

Wetland – Lands having one or more of the following attributes are wetlands:

- 1) At least periodically, the land supports a predominance of hydrophytes (plants whose habitat is water or very wet places);
 - a) The substratum is predominantly undrained hydric soil; or
 - b) It is an ephemeral or perennial stream and substratum is predominantly non-soil in which waters from a tributary drainage area of 100 acres or larger flow.
- 2) Notwithstanding paragraph (1) above, the following shall not be considered wetlands:
 - a) Lands which have attribute(s) specified in paragraph (1) solely due to man-made structures (i.e., culverts, ditches, road crossings, or agricultural ponds), provided that the Director of Planning and Land Use determines that they:
 - (a) Have negligible biological function or value as wetlands;
 - (b) Are small and geographically isolated from other wetland systems;
 - (c) Are not vernal pools; and
 - (d) Do not have substantial or locally important populations of wetland dependent sensitive species.
 - b) Lands that have been degraded by past legal land disturbance activities, to the point that they meet the following criteria as determined by the Director of Planning and Land Use:
 - (a) Have negligible biological function or value as wetlands even if restored to the extent feasible; and
 - (b) Do not have substantial or locally important populations of wetland dependant sensitive species.

Wetland Obligate Species – Species which depend upon open water or wetland vegetation communities within the Study Area for their survival.

Wildlife Agencies – The United States Fish and Wildlife Service and the California Department of Fish and Game.



DATE: October 16, 2007

TO: MSCP Staff
MSCP Stakeholders

FROM: Eric Gibson, Interim Director

RE: **CRITERIA FOR HARD-LINE CONSIDERATION FOR THE EAST COUNTY MSCP**

As we initiate the habitat preserve mapping and modeling phase of the East County MSCP, criteria must be established to determine when a development proposal will be considered a "Hard-Lined Development Project." By definition, a Hard-lined Development Project is a project for which the boundaries of the proposed Biological Open Space and the proposed Development Area have been identified and incorporated into a Multiple Species Conservation Program (MSCP) Plan. Under the MSCP plan, the Biological Open Space is shown as Gains and the Development Area is shown as Take Authorized Area. Upon approval of the MSCP plan, Take of Covered Species Subject to Incidental Take will be authorized within the Take Authorized Area and Adaptive Management will be required within the Biological Open Space.

A Hard-Lined Development Project does not confer any development rights or project approvals; it is only used to assess the functionality of the proposed East County MSCP preserve area assuming certain conceptual development impact areas that are proposed within that preserve area. In order to be considered a hard-line in the East County MSCP, a development project must comply with the following criteria.

- I. An active discretionary permit application is on file with DPLU; and,
- II. A biological technical report has been prepared by the applicant and accepted as complete by the County by no later than December 19, 2008; and,
- III. The proposed habitat preserve hard-line has been accepted in concept by DPLU and the Wildlife Agencies as being consistent with draft conservation policies or providing conservation of resources that might otherwise not be conserved by no later than February 27, 2009; and,
- IV. The environmental analysis (CEQA) has gone out for public review, the project is scheduled for public hearing, or the project has received tentative approval from the decision-making authority by no later than July 22, 2009.

If a proposed project meets the criterion listed above, the property owner must be informed of the following via a letter from the County.

- The East County MSCP map and plan text will be submitted to the Wildlife Agencies as a draft proposal by the County. If the Wildlife Agencies raise legitimate concerns regarding the effect of the Hard-Lined Development Project on the East County MSCP, the project will be removed from the MSCP plan and revert to the designation of Pre-Approved Mitigation Area.

- The project hardlines are specific to the proposed discretionary permit application. If the development project is denied or expires for any reason, the agreed upon hardlines will revert to the designation of Pre-Approved Mitigation Area.
- It is important to note that DPLU's acceptance of this project as a Hard-Lined Development Project only pertains to take authorizations that are anticipated under the East County MSCP and should not be construed as a preliminary approval of the proposed project.
- The decision to include the project as a Hard-Lined Development Project does not endorse or guarantee future approvals of the proposed project through the regulatory process, nor does it pre-suppose or assure land uses within these areas will be approved.
- The proposed development project must comply with all applicable County ordinances and analyze a full range of alternatives under CEQA. Any significant modifications to the project design that occur after the East County plan is adopted will likely require that you process an amendment to the MSCP plan.

If you should have any questions, please contact Jeff Murphy, Interim Deputy Director at (858) 694-3765 or Tom Oberbauer, Chief MSCP, at (858) 694-3701.

**East County MSCP Plan Steering Committee Meeting
County Administration Center (CAC) Room 302/303
1600 Pacific Coast Highway, San Diego, CA
March 19, 2008 1:30pm – 3:30pm**

Introductions (Bryan Woods, Steering Committee Facilitator)

This is the third Steering Committee meeting for the East County MSCP Plan. Introductions were made for members of the Steering Committee and public present. Bryan Woods took a moment to remember Mike Thometz, a large contributor to the County's environmental community.

Review Minutes for Steering Committee Meeting # 2 (February 6, 2008)

Bryan Woods asked the Steering Committee to review the February 6, 2008 meeting minutes provided in the handout, which were also e-mailed to Steering Committee members. Craig Benedetto motioned to approve the minutes and Eric Anderson seconded the motion. However, Bryan Woods stated that there was not a quorum and asked the Steering Committee members to review the February 6, 2008 and March 19, 2008 minutes for a vote at the next meeting.

Overview/Discussion of Key Issues with Steering Committee

The topics to be reviewed today include: 1) Importance of the East County MSCP, 2) Hardline Criteria Policy, 3) East County MSCP Planning Approach, and 4) Overview of Wildfires. Staff will bring issue papers to future meetings for Steering Committee review, the first of which will be on wildfires. (Tom Oberbauer)

1. Importance of East County MSCP PLAN (Tom Oberbauer)

Summary of Presentation: Once the East County MSCP Plan is complete, 4(d) permits for take of the California gnatcatcher will not be required. The MSCP provides for regional conservation and coordination, including numerous benefits and cost savings for property owners. If landowners are not changing land use(s), then they would not be impacted by the East County MSCP Plan. The likelihood of future species listings under the state and federal ESAs will also be reduced through the MSCP. The County has been successful in attracting funding from federal, state, and regional sources to assemble the preserve system. (Tom Oberbauer)

2. Hardline Criteria Policy (Tom Oberbauer)

- 2.1 The hardline policy would subject all private land in the East County MSCP Planning Area to a Pre-Approved Mitigation Area (PAMA), forcing landowners into a similar situation as the Lakeside-Jamul Segment under the South County MSCP Plan. The Alliance does not oppose PAMA, but the deadlines in the hardline policy should not drive the process. (Craig Benedetto)
- 2.2 County Response: In some areas, PAMA may be appropriate; it is not the County's intent to subject all private lands to PAMA. A number of different conservation policies may be applied (as appropriate) to reach desired conservation, development, and agricultural goals. (Tom Oberbauer)
- 2.3 I have no problem with flexibility in timelines. However, the General Plan Update is being prepared simultaneous to the East County MSCP. These

plans must be consistent. There is concern that the General Plan is being sacrificed. (Dan Silver)

- 2.4 County Response: The East County MSCP Plan will not sacrifice the General Plan, as neither the General Plan nor the General Plan Update will be changed through our process. While the East County MSCP Plan and General Plan must be consistent, each stands alone. The low densities proposed in the General Plan Update may have a relationship to the most appropriate planning strategy for the East County MSCP, as we discussed further today and throughout the planning process. (Tom Oberbauer)
- 2.5 Establishing hardlines does not set a threshold for development and we should not be tying the East County MSCP Plan to the General Plan.(Craig Benedetto)
- 2.6 There is a fundamental need to deal with “leap frog” development. Hardline projects may be inconsistent with infrastructure, services, and costs required by the General Plan Update. Projects may come in under the guise of a habitat plan with adequate biological findings, but still be inconsistent with the General Plan. The East County MSCP Plan and hardlines must not be a substitute for comprehensive land use planning under the General Plan. (Dan Silver)
- 2.7 County Response: Agreed. (Tom Oberbauer)
- 2.8 The MSCP Plan is not a General Plan substitute and does approve development. MSCP Plans show where biological resources are most valuable and provide them with certainty, especially through hardlines. Hardlines should be encouraged whenever possible, as certainty is good for the MSCP. The General Plan is dynamic and can be revised every five, 10, or 20 years, as opposed to the MSCP, which cannot. The more hardlines now, the better. It is not biologically defensible to tie the General Plan and MSCP Plan together. (Rikki Alberson)
- 2.9 The General Plan is a top level land use layer and the East County MSCP is a lower layer that will provide for protection of species. Boulevard straddles the Tecate divide and the vegetation has changed over the years and it is not clear if this is due to climate change, drought, or other factors. (Donna Tisdale)
- 2.10 In fairness to the schedule for hardlines, a project may have air quality or traffic impacts that must be analyzed, which could hold a project up and cause a discretionary application to miss the proposed hardline policy deadlines. (Jeff Barfield)
- 2.11 Conflicts should not be created between the General Plan and East County MSCP. (Dan Silver)
- 2.12 With more hardlines there are generally more guarantees, but the East County MSCP Plan is different. In the North County MSCP, all hardline projects were located in the PAMA area. (Susan Wynn)
- 2.13 Hardlines were already drawn when PAMA was drawn in the North County MSCP. (Rikki Alberson)
- 2.14 Policies regarding biology and land use should be consistent, so there are reasons to connect the East County MSCP to the General Plan and factor relationships between them into the decision making process. (Kathy Viatella)

- 2.15 The date required for submittal of biology reports in the hardline policy may need to be reconsidered, as applicants may not be able to do spring surveys anymore this year. But, there should be assurances that hardlines will not extend the timeline for the East County MSCP, as hardlines caused significant delays in the North County MSCP, which is now at least a year behind schedule. (David Mayer)
- 2.16 Does the ESA section 4d rule apply in the area covered by the East County MSCP? (Eric Anderson)
- 2.17 County Response: There is some coastal sage scrub in East County, but not much. (Tom Oberbauer)
- 2.18 Hardlines favor developers and those with attorneys, not small landowners. Those who own small parcels are under-represented, do not have access to hardline policies, and would find out about them when it is too late; when they are at the County for permits. (Eric Anderson)
- 2.19 Hardlines allow delineation of development and conservation that is more biologically based than what is required by CEQA. (David Mayer)
- 2.20 Can a map be created that overlays the PAMA, General Plan, and resources? (Trish Boaz)
- 2.21 County Response: The MSCP Division coordinates with the General Plan Update to ensure consistency with density and resources. (Tom Oberbauer)
- 2.22 As it is set up, in reality, there will be no hardlines because there are no projects that can meet the hardline policy criteria as it is written. (Craig Benedetto)
- 2.23 The original theme of the MSCP is certainty and timing. Hardlines are central to this and it seems that perhaps due to time constraints, the County does not want to give these assurances under the East County MSCP. There would be no South County MSCP without the hardline policy. (Jim Whalen)
- 2.24 Why have hardlines when there is already the MSCP? East County seems different than South County, because there are lower development pressures. (Kathy Viatella)
- 2.25 All areas are different. South County has heavy development pressure and North County has more agriculture, making long-term inducements important due to potential future development pressure. East County seems more like North County, but there must be property owner support, which hardlines help create. (Jim Whalen)
- 2.26 Hardlines cannot undermine the General Plan Update or be used to get around the General Plan Update. (Dan Silver)
- 2.27 There is no land use entitlement associated with hardlines; they only establish the footprint for development and open space areas. (Jim Whalen)
- 2.28 It seems that there was an exception to this for a project in North County where entitlement was given. (David Mayer)

- 2.29 County Response: There was an agreement between the developers and Wildlife Agencies for the Merriam Mountains Project for the development footprint, but not density. (Tom Oberbauer)
- 2.30 In order to do a hardline, there must be a real project. (Susan Wynn)
- 2.31 The way to do hardlines so that they do not create delays is to get the word out and provide support. (Rikki Alberson)
- 2.32 Could the deadline be extended for submittal of projects to be considered as hardlines? (Jim Whalen)
- 2.33 County Response: Staff will take the Steering Committee's feedback on the hardline policy to County management for review. (Tom Oberbauer)

3. East County MSCP Planning Approach (Adam Wagschal)

- 3.1 Summary of Presentation: Aspects of the East County MSCP Plan are unique from the South County and North County MSCP Plans. Our general approach will be to first identify Planning Units, or segments, that are meaningful for planning purposes. Next, within those Planning Units, we will identify conservation, development, and agricultural goals and develop policies that will allow those goals to be achieved. (Adam Wagschal)
- 3.2 What is the definition of segments? Are you asking the Steering Committee to consider segments? Is this a homework assignment for the Steering Committee? (Dr. Almeda Starkey)
- 3.3 County Response: The County will consider various preserve design tools to develop the East County MSCP Plan. (Tom Oberbauer)
- 3.4 I like the idea of segments, as they would add validity to the Plan and would like to see a list of factors and characteristics that will be used for the model. (Jeff Barfield)
- 3.5 County Response: There are a lot of working landscapes in the East County MSCP Planning Area, which will be considered in evaluating the segments and creating conservation policies. (Dahvia Lynch)
- 3.6 The Safe Harbor program is sun- setting under SB- 213. (Eric Anderson)
- 3.7 Can the County duplicate the Safe Harbor policy and have the Wildlife Agencies approve it? (Jim Whalen)
- 3.8 County Response: If farmers follow best management practices, then they will be protected. (Tom Oberbauer)
- 3.9 Where would the hardline projects be in the East County MSCP Planning Area? Where is the development that is driving the need for mitigation? We must identify corridors and easements and also re-conceptualize management agreements, provide financial incentives, and. The East County MSCP Plan must be consistent with the General Plan Update. There should also be an alternative word for "PAMA." (Dan Silver)

3.10 County Response: The County is reviewing discretionary projects in the ECMSCP Plan area. (Tom Oberbauer)

4. Overview of Wildfires (Tom Oberbauer)

- 4.1 A PowerPoint presentation was given. Most recent wildfires burned vegetation that was over 60 years old. Non-native species may be encouraged in areas that burned in 2003 and 2007, although native vegetation often comes back. Personal safety, protection of structures, and maintenance of long-term habitats are all critical and supported by the MSCP. (Tom Oberbauer)
- 4.2 Wildfire needs to be managed, with erosion control following fires. The use of goats to clear vegetation can be an issue, as well, since they may go into areas that should not be grazed and must be controlled. (David Mayer)

Opportunity for Public Input (Bryan Woods)

The MSCP was created to streamline development projects; however, it leaves out rural ranchers. There is concern over putting agricultural land in a wildlife preserve corridor, linkage, or PAMA, which could restrict ranchers' ability to earn a living. Most of the County's livestock and poultry are in East County. The County and Wildlife Agencies should review the Small Business Regulatory Fairness Act (SBRFA) and determine the economic impacts of the Plan, as they may be subject to the SBRFA. Everyone says that "the East County MSCP is different." One planning guide states that desert and mountain communities are relatively protected. Since there are a small number of farmers in East County, the County could exempt active agriculture from PAMA. The economics of farming has been restricted by the South County MSCP. The minutes from SANDAG's Board of Directors meeting on July 13, 2007 were cited, stating that Dave Mayer of the California Department of Fish and Game said that "one thing that gets lost is that the MSCP is to address economic impacts." (Mr. Starkey)

There should be a comparative analysis of farming in different regions of the County and staff could bring back a comparison of farming/working landscapes in the South, North, and East County MSCP areas. This item can be brought back to the next Steering Committee meeting and the Farm Bureau can weigh in, as well. (Bryan Woods).

Upcoming Meetings (Bryan Woods)

The Steering Committee was asked to mark their calendars for the upcoming meetings, below.

Steering Committee Meeting # 4 Topic: Planning Approach, Working Landscapes, Preserve Assembly Strategies	May 28, 2008 (Wed.) 1:30 pm – 3:30 pm County Admin. Center 1600 Pacific Coast Hwy. Tower 7 (7 th Floor)
Steering Committee Meeting # 5 Topic: TBD	June 25, 2008 (Wed.) 1:30 pm – 3:30 pm County Admin. Center 1600 Pacific Coast Hwy. Tower 7 (7 th Floor)

Closing Comments (Bryan Woods)

Steering Committee members should provide written comments to County staff on the hardline policy for County management review. Bryan Woods thanked the Steering Committee and attendees for their participation and input. The meeting was adjourned, as there were no more questions or comments.