

Wildlife and Habitat Conservation Coalition

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

April 1, 2109

Chair Jacob and Supervisors
Board of Supervisors
1600 Pacific Highway
San Diego, CA 92101
Via email



Re: WHCC requests related to MSCP dispute resolution

Dear Chairperson Jacob and Members of the Board:

The Wildlife and Habitat Conservation Coalition is comprised of 22 conservation-based organizations in San Diego with a keen interest in and commitment to effective, implementation of the MSCP. We write today in support of the recent letter to you from the Endangered Habitats League (EHL) on the topic of dispute resolution related to MSCP implementation.

We strongly endorse the three principles or precepts that should guide dispute resolution discussions with the California Dept. of Fish and Wildlife.

Before discussing some principle that should guide any dispute issues, we wish to underscore that the County should take the proper and straightforward solution by **amending the General Plan to conform to the Subarea Plan by rezoning Proctor Valley Parcels PV 1, 2, and 3 to open space**. As there are no vested rights involved, the County can do this under its own authority.

In the event the County does not resolve this issue, we recommend the following principles.

1) Biology

Any resolution must achieve equal or greater a) conserved acreage **and** b) preserve biological functions and values. We have confidence in Department of Fish and Wildlife biologists staff on these evaluations. We also note significant outstanding golden eagle and quino checkerspot butterfly issues that should also be addressed.

2) Public process

Any plan amendment must have full and open public participation, regardless of whether the parties pursue formal or informal dispute resolution. We strongly believe that a major amendment is the only option here.

3) No advance project approval

As background, the County's proposed "condition of approval" would re-create the situation that existed *prior* to the MSCP, when the County did not have permitting authority over species and the Department was given that role post-project approval. Now, in exchange for the streamlining benefits

that come with delegation of permitting authority to the County, it is the *County's* responsibility to ensure project consistency with the plan. It must use its own land use authority to do so. It is wholly contrary to the MSCP to shirk this responsibility and “kick the can down the road” to the Department post-entitlement. To do so would set a terrible and untenable precedent for this and other plans.

Along with the Department, the undersigned members of the WHCC thus rejects the County’s proposed conditional approval. We urge the County to go further and not approve a project that is inconsistent with the current MSCP ***unless and until*** a MSCP amendment has been finally approved, and the project modified accordingly. Any approach that allows project approval *before* completion of the public amendment process undermines the integrity of that process.

Our member organizations seek to work with you to protect the integrity of the MSCP.

Sincerely,

Laura Hunter, Coordinator, Wildlife and Habitat Conservation Coalition

George Courser, Sierra Club San Diego

Pamela Heatherington, Environmental Center of San Diego

Frank Landis, California Native Plant Society, San Diego Chapter

Dan Silver, Endangered Habitats League

Dr. Mike McCoy, Bill Tippets, Southwest Wetlands Interpretive Association

Van K. Collinsworth, Preserve Wild Santee

Karin Zirk, Friends of Rose Creek

Joan Herskowitz, Buena Vista Audubon

Jim Peugh, San Diego Audubon Society

Renee Owen, Wild Zone Conservation League