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California Department of Fish and Wildlife  
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In Reply Refer To:  
FWS/CDFW-15B0202-15CPA0237

**MAY 21 2015**

Mr. Dennis Campbell  
County of San Diego  
Planning and Development Services  
5510 Overland Avenue, Suite 110  
San Diego, California 92123

Subject: Draft Environmental Impact Report, General Plan Amendment, and Specific Plan Amendment for Otay Ranch Village 13/Resort Village (PDS2004-3800-04-003; PDS2004-3810-04-002; PDS2004-3600-04-009; PDS2004-3100-5361A & B; LOG NO. PDS2004-04-19005; SCH NO. 2004101058), San Diego County, California

Dear Mr. Campbell:

This letter provides the U.S. Fish and Wildlife Service (Service) and California Department of Fish and Wildlife (Department) (collectively, the Wildlife Agencies) comments on the March 2015 draft Environmental Impact Report (DEIR), General Plan Amendment (GPA), and Specific Plan Amendment (SPA) for the Otay Ranch Village 13/Resort Village Project (Village 13 project). The GPA includes a revision to the Otay Ranch Phase 2 Resource Management Plan (RMP), which is a component of the Multiple Species Conservation Program (MSCP) Subarea Plans for the County of San Diego (County) and the City of Chula Vista (City). As part of this response, the Wildlife Agencies are including general comments to assist the County in fulfilling the conservation obligations described in its MSCP Subarea Plan and to address potential impacts to the golden eagle (*Aquila chrysaetos*) and the federally listed endangered Quino checkerspot butterfly (*Euphydryas editha quino*; Quino) and San Diego fairy shrimp (*Branchinecta sandiegonensis*). Specific comments on the DEIR and RMP are provided in the enclosure.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is responsible for administering the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712), Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668-668c), and the Federal Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1)(B) of this act.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§ 15386 and 15381, respectively) and is responsible for

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A-1-2  
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ensuring appropriate conservation of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) program.

A-1-3

The Service issued a section 10(a)(1)(B) permit pursuant to the ESA for the County's MSCP Subarea Plan on March 17, 1998, and for the City's MSCP Subarea Plan on January 11, 2005. The Department also issued NCCP Approval and Take Authorization per Section 2800 *et seq.* of the California Fish and Game Code. The MSCP is a comprehensive, long-term habitat conservation planning program that addresses the needs of multiple species and the preservation of natural vegetation communities within the southwestern subregion of San Diego County. The MSCP also addresses the loss of covered species and their habitats due to the direct, indirect, and cumulative impacts associated with land development. The County and City's MSCP Subarea Plans and associated Implementing Agreements and permits are the means by which the County and City are obligated to assemble the MSCP Preserve and to mitigate for impacts to covered species and their habitats. We offer the following recommendations and comments to assist the County in minimizing and mitigating project impacts to biological resources and to assure that the proposed project is consistent with the MSCP and the County's Subarea Plan.

A-1-4

The proposed project is a mixed-use development on an undeveloped 1,869-acre site located just north of Otay Lakes. The project includes 1,881 single-family residences (525 acres); mixed uses (14 acres); parklands (29 acres); public safety facility (2 acres); elementary school (1 acre); a resort (17 acres); manufactured slopes (144 acres); preserve open space (1,089 acres); and associated roadways (39 acres).

#### *Alternatives*

A-1-5

The DEIR identifies six alternatives (B-G) besides the Proposed Project and the No Project Alternatives. Alternatives C-G would significantly reduce impacts to biological resources on site and improve the reserve design for the MSCP. Alternative G results in the fewest impacts to the Quino and vernal pool habitat and is identified by the DEIR as the "environmentally superior alternative." We strongly support the selection of an alternative that avoids and minimizes impacts to the onsite biological resources.

#### *MSCP and Otay Ranch Specific Plan Implementation*

A-1-6

The County and City's MSCP Subarea Plans rely on the Otay Ranch RMP to conserve and manage the Otay Ranch Preserve. The introduction to the RMP states that:

*The goal of the Otay Ranch Resource Management Plan (RMP) is to establish a permanent preserve within Otay Ranch to protect and enhance biological, paleontological, cultural and scenic resources, maintain biological diversity, and promote the survival and recovery of native species and habitats. The RMP is written in two phases. Whereas Phase 1 establishes the framework for the RMP, the Phase 2 RMP translates Phase 1 policies into specific action*

*programs. The Phase 2 RMP defines specifically how the adopted Phase 1 policies will be implemented.*

The DEIR (sections 1.2.2.5 and 3.3.2.2) includes a list of updates that were to be included in the revised RMP; however, the RMP does not fully address these issues. Otay Ranch now has multiple land owners, which affects how the land is conveyed to the Otay Ranch Preserve and managed. In addition, the approach to management and monitoring described in the RMP does not reflect the changes that have occurred within the monitoring program for the MSCP. We recommend the RMP be revised to address the updates identified in the DEIR and to reflect current conditions. We recommend the County meet with the Wildlife Agencies and the City to discuss an approach to update the RMP.

A-1-6  
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The revisions to the RMP should reflect changes that have occurred since the original RMP was written. As described in Section II. B (*Otay Ranch Preserve Conveyance*) of the RMP, the assumption has been that a conveyance obligation of 1.188 acres conveyed per every acre developed in the Otay Ranch Specific Plan was sufficient to build out the Otay Ranch Preserve (a component of the MSCP Preserve); however, Table 4 of the RMP suggests that this ratio will not be sufficient to complete conveyance of the 11,375-acre Otay Ranch Preserve. The RMP identifies a shortfall of 869 acres of land to be conveyed to the Otay Ranch Preserve based on an updated analysis that incorporates completed or pending projects. According to the RMP, this shortfall is due to an underestimate of the common use areas in the existing GDP and the coarse scale that was used to estimate the conveyance obligation. Given that Village 13 is the first village in the County to prepare more precise engineering maps, we are concerned that the shortfall may actually be larger when Villages 14, 16, and Planning Area 19 are processed. We recommend that the RMP include a description of the methodology used to calculate the acreage included in Table 4 and that Table 4 be updated to address this concern. Any shortfall identified in this analysis should be addressed prior to approval of the Village 13 project.

A-1-7

Section 3.3.1.2 (*Regulatory Setting*) of the DEIR summarizes adopted regulatory plans and policies applicable to the proposed project including the County's MSCP Subarea Plan and the process that was used to include Otay Ranch in the plan. The section on the South County Segment accurately summarizes the components of the "Baldwin Letter" and its inclusion in the County and City's MSCP Subarea Plans; however, we disagree with the statement that it is not a formal, binding agreement. Inclusion of the Baldwin Letter in the County's MSCP Subarea Plan and the Service's reliance on it, in part, to issue the County's section 10(a)(1)(B) permit for the plan make it binding.

A-1-8

We request that the update to the Otay Ranch SPA, RMP, and the General Plan include all of the components of the Baldwin Letter (as modified by the new footprint for Village 13). Specifically, all maps should be updated to reflect element 1 of the letter (elimination and reduction of development areas in Proctor Valley and San Ysidro Mountains Parcels). In addition, the RMP should be updated to reflect element 4 (apportionment of Preserve management responsibilities), as outlined in our letter dated June 6, 2013 (enclosure). This letter was sent to the County and the City and identifies the appropriate land management

A-1-8  
Cont. | agency (i.e., Service, Department, or Bureau of Land Management) for Otay Ranch Preserve lands east of lower Otay Lakes.

*Quino Checkerspot Butterfly*

The majority of the project site supports suitable habitat for the Quino. Surveys detected 71 unique individuals in 2008 located throughout the project site. The proposed project would impact 12 of these occurrences and approximately 500 acres of suitable habitat.

The Wildlife Agencies have been working with the County to develop a regional mitigation strategy for the Quino in anticipation of a proposed amendment to the County's MSCP Subarea Plan 10(a)(1)(B) permit and NCCP approvals that would add Quino to the covered species list and exempt incidental take of this species under the ESA for County authorized projects. Because of the importance of the proposed project site to the species, planning efforts for this proposed "Quino Amendment" included the Village 13 project. We have worked with the project proponent to re-design the project footprint to minimize impacts to Quino, while maintaining the same acreage of development. The proposed project footprint reflects the results of these efforts.

However, because all of our discussions regarding impacts to Quino from the Village 13 project have been in the context of a regional mitigation strategy, we have not considered the project's specific direct, indirect, and cumulative impacts on Quino, including its proposed mitigation measures, and how the project independent of a regional mitigation strategy will affect the species survival and recovery. This is of particular concern because Quino populations appear to function as meta-populations and the species may require conservation, management, and monitoring of sites beyond the Village 13 boundaries to ensure population persistence on the project site. Thus, should the Village 13 project move forward independent of a County proposal for a Quino Amendment to its MSCP Subarea Plan and in the absence of a regional mitigation strategy for Quino, the potential impacts to the core population of Quino on site may be greater because the project will not receive the significant benefit of the regional mitigation strategy.

Moreover, the current effects of the drought will complicate any such project-specific analysis. The ongoing drought has the potential to cause another Quino population collapse similar to what was observed in the 1960s and 1980s (USFWS 2009, p. 8). Thus, mitigation specific to the Village 13 project will need to have different goals and objectives than a regional strategy and include greater project-specific conservation. As stated above, Alternatives C-G would all result in fewer impacts to Quino and result in greater conservation of suitable habitat. Based on the alternatives presented in the DEIR, Alternative G provides the highest level of conservation for Quino and in absence of a regional mitigation strategy is supported by the Wildlife Agencies as the preferred alternative.

The Village 13 project site is located within critical habitat Unit 8 (Otay Unit), which supports the Otay Mountain Core Occurrence Complex (74 FR 28811). The Quino population on site meets the Service's definition of a core occurrence population, which is defined in the revised critical habitat rule (74 FR 28776) as an area where at least two of the following criteria apply: (1) 50 or more adults have been observed during a single survey; (2) immature

life stages have been recorded; and (3) the geographic area within the occurrence complex (i.e., within 0.6 mile [1 kilometer] of subspecies occurrences) is greater than 1,290 acres. Although the loss of habitat on site is small relative to the available habitat in the unit, the potential loss of a core population is of great concern as it could result in irreversible long-term extinctions in this recovery unit (Murphy and White 1984).

To offset the loss of habitat and individuals on site, the Wildlife Agencies have had preliminary discussions with the project proponent and the County regarding the development of a regional management and monitoring program for a proposed Quino Amendment. The Biological Technical Report includes a *Management/Enhancement Plan for the Quino Checkerspot Butterfly* (Appendix K). This plan includes components that are consistent with our discussions regarding regional management and monitoring for a proposed Quino Amendment; however, its scope is limited to the project site. We will need to evaluate whether the Management/Enhancement Plan developed for the proposed project can suffice absent of a commitment to a regional strategy. In addition, although it does include an estimate of costs, it is not clear how the funding will be provided. Given the extensive material contained in the DEIR and associated appendices, we were unable to complete a review of Appendix K. However, the Service will complete a review of the Management/Enhancement Plan when addressing overall project compliance with the ESA, including the processing of an incidental take exemption for Quino.

Again, such efforts may be more reasonably achieved through a regional mitigation strategy. We recommend that the Wildlife Agencies meet to discuss the status of the County's plans to propose a Quino Amendment, identify the necessary steps to complete the amendment, and determine if the Village 13 project should be included.

### *Golden Eagle*

The DEIR acknowledges the use of the proposed project site by golden eagles and states that the project would directly impact 620 acres of foraging habitat. The DEIR does not address any potential indirect effects to the remaining habitat on site. Preliminary data collected by the U.S. Geological Survey (USGS) indicates that much of the site is used for foraging by at least one pair of golden eagles. Whether golden eagles will continue to use the onsite open space after the proposed development occurs needs to be evaluated. In addition, the cumulative loss of foraging habitat to golden eagle nesting pairs from development in this vicinity is substantial. Therefore, the conclusion that impacts to golden eagles are considered less than significant is not substantiated.

An evaluation of whether golden eagles are likely to continue to forage within the proposed onsite open space needs to be conducted for each of the development alternatives. As provided in past discussions and letters and particularly in light of the Service's 2009 permit regulations (74 FR 46835-46879) under the Eagle Act, we continue to recommend that the County work with the Wildlife Agencies to address the conservation of golden eagles consistent with the 10(a)(1)(B) permit issued for your MSCP Subarea Plan and the 2009 Eagle Act regulations.



The MSCP conservation analysis for the golden eagle (Table 3-5 in the final MSCP Plan) identified 4 of 11 active nesting territories that may not remain viable based, in part, on the potential for greater than 20 percent loss of foraging habitat within their territories. Portions of two golden eagle territories have been mapped on the project site. Neither of these territories was specific to the four identified in Table 3-5 as not being viable. Thus, the 10(a)(1)(B) permit issued for the MSCP did not anticipate loss of these two golden eagle territories.

A-1-14

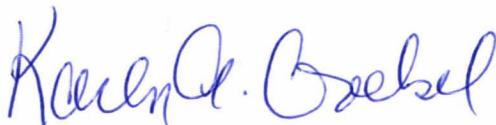
In 2010, the Wildlife Research Institute (WRI) documented 11 active territories within the MSCP subregion; however, the extent of the territories is not clearly understood, and no analysis has been conducted to determine the status of foraging habitat. Effects of recreation, adjacent land use, and direct loss of foraging habitat need to be evaluated to determine if the MSCP conservation goals for the golden eagle can be met.

The ongoing study by USGS is collecting data that will allow us to better understand how golden eagles are using the landscape and should help us evaluate the status of golden eagles in the MSCP subregion including the potential impacts from the Village 13 project. If the data indicate that the MSCP is not meeting the expected conservation goals for the golden eagle or additional take is anticipated beyond what was exempted under the County's 10(a)(1)(B) permit, the County and the Wildlife Agencies will need to re-evaluate the status of coverage for golden eagles within the County's MSCP Subarea Plan and assess any additional requirements (e.g., minor or major permit amendment) that may be needed to address compliance with the Eagle Act regulations.

A-1-15

The Wildlife Agencies appreciate the opportunity to comment on the subject DEIR. Although we did not have time to review all of the associated restoration and management plans that were included as appendices to the Biological Technical Report, we expect to provide comments and any appropriate approvals on these documents during our review and processing of the project's overall compliance with the ESA. Because of the concerns raised in this letter, we recommend that the DEIR not be adopted until these issues are addressed. If you have any questions, please contact Susan Wynn of the Service at 760-431-9440, extension 216, or David Mayer of the Department at 858-467-4234.

Sincerely,



Karen A. Goebel  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service



Gail K. Sevens  
Environmental Program Manager  
California Department of Fish and Wildlife

Enclosures

cc:  
State Clearinghouse

## References

Murphy, D. D. and R. R. White. 1984. Rainfall, resources, and dispersal in southern populations of *Euphydryas editha* (Lepidoptera: Nymphalidae). Pan-Pacific Entomologist 60: 350-355.

U.S. Fish and Wildlife Service (USFWS). 2009. Quino checkerspot butterfly (*Euphydryas editha quino*) 5-year review: Summary and evaluation. Prepared by the Carlsbad Fish and Wildlife Office, Carlsbad, California. 54 pp.

WRI (Wildlife Research Institute, Inc.). 2011. Golden eagles of the San Diego Multiple Species Conservation Plan area (2004- 2010). Prepared for San Diego Association of Governments. January 5. 116 pp.

A-1-15  
Cont.

**Wildlife Agencies Specific Comments on the  
Draft Environmental Impact Report Plan (DEIR) for the Otay Ranch Village 13 Project  
and the Otay Ranch Phase 2 Resource Management (RMP)  
(March 2015)**

DEIR

A-1-16

Section S.5 (*Project Alternatives*): This section should be updated to be consistent with Table 4.0-1, which states that Alternatives C, D, E, F, and G all result in fewer impacts to biological resources than the proposed project.

A-1-17

Section 2.3 (*Biological Resources*): This section references the previous environmental work that was completed as part of the programmatic DEIR for Otay Ranch in 1992 and the timing of its adoption by the Board of Supervisors relative to the adoption of MSCP. We disagree with the conclusion that the adoption of the Multiple Species Conservation Program (MSCP) mitigates the significant unavoidable impacts to biological resources in Otay Ranch due to loss of raptor foraging habitat. As you are aware, grasslands are not considered significantly or sufficiently conserved, as defined in the MSCP, and the County's MSCP Subarea Plan. The County's Subarea Plan included measures that could be taken to increase the level of grassland conservation in MSCP; however, these measures have not been completed. In addition, a significant portion of the grasslands on Otay Mesa within the minor amendment area have been approved for development or are currently processing permits adding to the cumulative loss of this vegetation community. We recommend that the cumulative loss of grasslands be addressed and measures identified to offset the loss prior to finalizing the DEIR.

A-1-18

Section 2.3.2.3 (*Special-Status Species*): This section includes a summary of the potential impacts to federally and State listed wildlife, including the Quino checkerspot butterfly (*Euphydryas editha quino*; Quino) and San Diego fairy shrimp (*Branchinecta sandiegonensis*). The DEIR states that the project would permanently impact 483 acres of suitable Quino habitat. It is unclear from this paragraph whether this acreage is based on designated critical habitat or site-specific resources. The critical habitat designation does not include all suitable and/or occupied habitat within the project site; therefore, it should not be used to estimate impacts to onsite Quino habitat. We recommend that impacts be calculated based on the observed resources, including host plants, hill tops, and nectar resources as described in the County's draft Quino Amendment dated July 2009. Figure 2.3-11 should be revised to reflect the data that were collected by Dudek during the 2008 Quino surveys, which then can be used as the basis for assessing suitable habitat.

A-1-19

Consistent with the draft Quino Amendment, the DEIR proposes to preserve 2 acres of suitable Quino habitat for every 1 acre impacted. Given that the majority of the site supports suitable habitat, this ratio will result in the need to convey more acreage than is required under the Otay Ranch RMP (i.e., 1.188:1). The Final EIR should reflect the additional acreage that will need to be conveyed to mitigate for impacts to Quino. This additional acreage could help make up the shortfall in conveyance of the overall Otay Ranch Preserve



- A-1-19  
Cont. | identified in the RMP. This section also includes an analysis of the potential impacts to critical habitat Unit 8 (Otay Unit); however, it is incorrect. Unit 8 includes 34,941 acres of critical habitat; thus, this project (as proposed) will impact 1 percent of the unit, not 27 percent as stated in the DEIR.
- A-1-20 | With regard to San Diego fairy shrimp, section 2.3.2.3 states that impacts are considered significant absent mitigation because this species is not covered by the Otay Ranch RMP or the MSCP Subarea Plan. Vernal pools are addressed in both of these documents; therefore, this statement is unclear. Specific comments on the RMP's treatment of vernal pools are provided below. With regard to the MSCP, we agree that no take was provided under the County's MSCP Subarea Plan; however, the County made a commitment to provide for the management and monitoring of vernal pool habitat.
- A-1-21 | Figures 3.3-4, 3.3-13, and 3.3-14 should be updated to include legends.
- A-1-22 | Figures 3.3-13, 3.3-14, 3.3-15A, 3.3-15B, 3.3-16A, 3.3-16B, and 3.3-17 all include a red line that is defined on the figures with a legend as "Areas Acquired for Open Space." Only areas owned by the State are shown within this boundary. We recommend that lands owned by the Service (San Diego National Wildlife Refuge) also be included in this designation.
- A-1-23 | RMP  
Appendices: Eight appendices (1, 2, 3, 4, 5, 6, 7, and 11) are referenced in the document; however, none of them were provided on the County's website for review. We request that copies of these reports be made available so that we can complete our review of the RMP.
- A-1-24 | Section II. B. 3. (*Permitted Uses*): Please clarify under what circumstances the Preserve Owner Manager (POM) would "sell, lease, or gift" areas of conveyed lands.
- A-1-25 | Section II. C. 1. (*Funding Program Context*): This section describes the various entities that own and/or manage land within the Otay Ranch Preserve boundaries. A description of the lands that are owned and managed by the State (Department and Caltrans) is missing from this section. Please update this section to include State lands as well as the Baldwin Letter Agreement and our June 6, 2013, letter. Conveyance of lands east of Otay Lakes to the resource agencies will affect the funding analysis for the lands managed by the POM. With the proposed development of Village 13, we recommend the County definitively identify the proposed habitat management and monitoring funding mechanism that will be established for Otay Ranch developments in the County. In addition, the RMP should describe how funding and management and monitoring of the Otay Ranch Preserve will be coordinated with the City of Chula Vista.
- A-1-26 | Section III. A. 1. (*Ongoing California Gnatcatcher and Cactus Wren Studies*): Unlike the subsequent 5 sections, which state that the RMP Objective has been satisfied, this section implies that the work is ongoing. We recommend that the County meet with us, the San Diego Management and Monitoring Program (SDMMP), and the City of Chula Vista to

- A-1-26  
Cont. | discuss ongoing regional gnatcatcher and cactus wren monitoring and how they relate to monitoring efforts by the POM. In particular we would like to review the methodology and ensure consistency with the regional efforts.
- A-1-27 | Section III. A. 4. (*Raptor Study*): This section concludes that the Phase 2 RMP requirement to prepare a Raptor Study was satisfied in 1993, with the preparation of the “Otay Ranch Raptor Management Study” by Ogden Environmental and Energy Services; however, this conclusion is not consistent with the intent of Mitigation Measure 35 in the General Development Plan (GDP). Measure 35 states that a long-term raptor management plan for Otay Ranch should be prepared based on the recommendations of the Ogden Study and should include provisions for periodic long-term monitoring of onsite raptor populations to determine their status and the appropriateness of management techniques. The goal of the management program shall be to maintain and, where feasible, enhance preserved raptor populations. We recommend that a raptor management plan for Otay Ranch be prepared in close coordination with the Wildlife Agencies and SDMMP.
- A-1-28 | Section III. B. 1. (*Vernal Pool Preservation and Management Plan*): This section should be updated to reflect the current conservation status of the vernal pool resources within Otay Ranch. Vernal pools have been conserved and restored in Proctor Valley, south of Otay Lakes, and on Otay Mesa south of the Otay River Valley. These areas were purchased to offset impacts associated with projects other than Otay Ranch projects (i.e., State Routes 125 and 11, Otay Business Park, and Otay Crossings) or with Federal and State grant funds. The alternative vernal pool preserve boundaries described in this section and reflected in Figure 7 are moot given the acquisition and restoration that is currently occurring within these complexes.
- A-1-29 | Section III. B. 3. (*Maritime Succulent Scrub Pilot Restoration Program*): We recommend a clearer statement of the current maritime succulent scrub restoration obligations for Otay Ranch projects.
- A-1-30 | Section III. B. 4. (*Biota Monitoring Program*): As we stated above for gnatcatchers and cactus wren, we recommend that the County meet with us, the City of Chula Vista, and the SDMMP to discuss Otay Ranch Preserve monitoring activities and how they relate to the ongoing regional monitoring efforts. This section should be updated to reflect the current status of monitoring efforts and priorities rather than summarizing the 1995 program prepared by Dudek, which pre-dates the MSCP.
- A-1-31 | Table 10 (*Biological Resources to be Monitored*): Table 10 includes a list of species and habitats to be monitored as well as the percent to be conserved within the Otay Ranch Preserve. We recommend that this table be updated to reflect whether the estimated level of conservation is being achieved. In addition, for those species that were not covered by MSCP, please clarify the expected conservation, given that there is no “HCP/MSCP Standard.” As an example, for Quino the table states that 100% of the HCP/MSCP Standard will be preserved.

# Enclosure 2



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
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In Reply Refer To:  
FWS-SDG-08B0340-13TA0150

JUN 06 2013

Mr. Brian Albright  
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County of San Diego  
5500 Overland Avenue, Suite 410  
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Mr. Gary Halbert  
City of Chula Vista  
276 Fourth Avenue  
Chula Vista, California 91910

Attention: Megan Hamilton, Group Program Manager, County of San Diego  
Glen Laube, Associate Planner, City of Chula Vista

Subject: Transfer of Ownership within the Otay Ranch Preserve, Unincorporated  
San Diego County, California

A-1-32

Dear Mr. Albright and Mr. Halbert:

As described in our letter dated March 3, 2012, the U. S. Fish and Wildlife Service (Service) supports the transfer of dedicated lands to the Otay Ranch Preserve (Preserve) east of lower Otay Lake to the Service, California Department of Fish and Wildlife (Department), and Bureau of Land Management (BLM) consistent with the Baldwin Company letter dated November 10, 1995, and a response from the Service and Department dated February 22, 1996 (i.e., Baldwin Agreement). The purpose of this letter is to expedite land transfers by identifying the appropriate land management agency to accept each parcel once conveyed to the Preserve Owner Manager (POM) rather than make decisions on a case by case basis. Agencies were chosen for each parcel of land based on geographic location and access constraints with the ultimate goal of maximizing efficient use of land management resources.

Consistent with the Baldwin Agreement, the Service in coordination with the Department and BLM has identified a land management agency for each parcel that will become part of the Preserve as identified in Table 1 and depicted on the map (Enclosure). Lands already conveyed to the Preserve and currently managed by the POM are identified as "Conveyed Lands Under POM" on the map. It should be noted that a land management agency has not been identified for the easternmost area of the Preserve described as the San Ysidro Restricted

Development Area (RDA) in the Otay Ranch Specific Plan. Because development within the San Ysidro RDA may result in land conservation that is interstitial with the development, this area of the Preserve may need to be managed by the POM. However, this decision will need to be discussed at such time the area is developed.

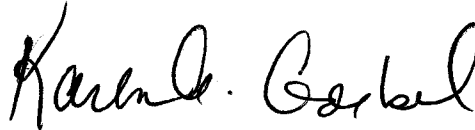
The land management agencies understand that there will be no management funding provided with the transfer of lands as contemplated in the Baldwin Agreement. Furthermore, the Service acknowledges that the City of Chula Vista (City) and County of San Diego (County) will be relieved of their obligations to assure land management consistent with their respective Multiple Species Conservation Plan (MSCP) Subarea Plans once lands are transferred.

A-1-32  
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The designation of these land managers does not change the basic requirements for each agency to accept ownership of new lands. For example, the agency accepting a parcel will need to be satisfied at the time of transfer with the condition of the property with regard to access control, legal title, and environmental contaminants. The agencies cannot be held accountable/obligated to fund clean-up of any site following transfer. In addition, lands proposed to be transferred will need to be clear of encumbrances such as easements, deeds, or covenants that restrict the ability of the agencies to manage lands consistent with their missions. For example, the agencies will not accept parcels with trail easements; however, they will coordinate with local jurisdictions on development of trail use plans as deemed consistent with the normal land use practices of the agencies. For lands currently identified for transfer to the BLM, we recommend that the offer to donate include a request for the land to be designated as "wilderness area" consistent with the surrounding BLM land designation.

It is our intent to streamline future land transfers, and our next step will be to identify the land transfer process for each of the designated land management agencies. We appreciate the opportunity to provide assistance to both the City and County in implementing their respective MSCP Subarea Plans, including the Baldwin Agreement, and we look forward to our continued coordination on this matter. If you have any questions or concerns about the information in this letter, please contact Doreen Stadtlander at 760-431-9440, extension 223.

Sincerely,



Karen A. Goebel  
Assistant Field Supervisor

Enclosure

cc:

David Mayer, California Department of Fish and Wildlife, San Diego, CA

Glen Laube, City of Chula Vista, Chula Vista, CA

Cheryl Goddard, County of San Diego, San Diego, CA

Andy Yuen, U. S. Fish and Wildlife Service, Chula Vista, CA

Richard Burg, California Department of Fish and Wildlife, San Diego, CA

John Kalish, Bureau of Land Management, Palm Springs, CA

Scott Eubanks, Bureau of Land Management, Moreno Valley, CA

**Table 1.** Parcels indicated by Assessor's Parcel Number (APN) as assigned to each land management agency

Department		Service		BLM		Undetermined (San Ysidro)	
APN	Acres	APN	Acres	APN	Acres	APN	Acres
597-02-006	13.00	597-02-010	28.72	598-16-017	168.62	598-12-003	56.44
597-02-010	90.61	598-01-002	197.60	598-17-016	87.79	598-17-016	39.89
597-06-004	4.23	598-02-004	64.11	598-17-018	152.07	598-18-001	671.84
597-06-005	85.09	598-02-005	35.42	647-05-006	193.20	600-14-002	343.02
597-14-004	156.66	598-02-006	74.55	647-06-003	70.05	647-07-001	296.15
597-14-005	121.15	598-02-102	80.77	647-06-005	258.74	649-01-001	580.28
597-14-008	116.52	598-03-001	151.47	647-11-003	129.33	649-01-002	42.32
597-15-003	20.37	598-07-004	85.07	647-12-003	39.66	649-01-003	20.09
597-15-006	93.59	598-07-007	172.10			649-01-004	10.25
597-15-007	74.14	598-07-008	223.37			649-02-011	37.97
597-15-008	21.60	598-07-009	16.21			649-10-001	290.59
597-15-009	9.40	598-07-010	39.78			649-11-001	82.61
597-15-010	41.58	598-08-001	390.72				
597-15-012	78.60	598-08-002	119.06				
597-15-013	43.50	598-08-003	40.87				
597-19-023	16.69	598-09-001	647.28				
598-10-010	57.28	598-13-005	125.78				
598-16-002	10.27	598-13-006	258.36				
598-16-015	47.79	598-14-004	282.92				
647-02-014	116.31	598-14-005	114.74				
647-03-005	86.58	598-14-006	150.88				
647-09-007	123.78	598-15-004	278.45				
647-10-008	123.52						
647-10-010	117.24						
647-13-003	204.97						
647-14-001	332.26						



