



Final MHCP Executive Summary

Prepared for:

Multiple Habitat Conservation Program

Administered by:



**for the Cities of Carlsbad, Encinitas,
Escondido, Oceanside, San Marcos,
Solana Beach, and Vista**

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Prepared by:

**AMEC Earth & Environmental, Inc.
Conservation Biology Institute**

March 2003



1.0 INTRODUCTION

The Multiple Habitat Conservation Program (MHCP) is a comprehensive, multiple jurisdictional planning program designed to create, manage, and monitor an ecosystem preserve in northwestern San Diego County. It is one of several large, multiple jurisdictional habitat planning efforts in San Diego County (Figure ES-1), each of which constitutes a “subregional” plan under the State of California’s Natural Community Conservation Planning (NCCP) Act of 1991. The MHCP preserve system is intended to protect viable populations of native plant and animal species and their habitats in perpetuity, while accommodating continued economic development and quality of life for residents of North County.

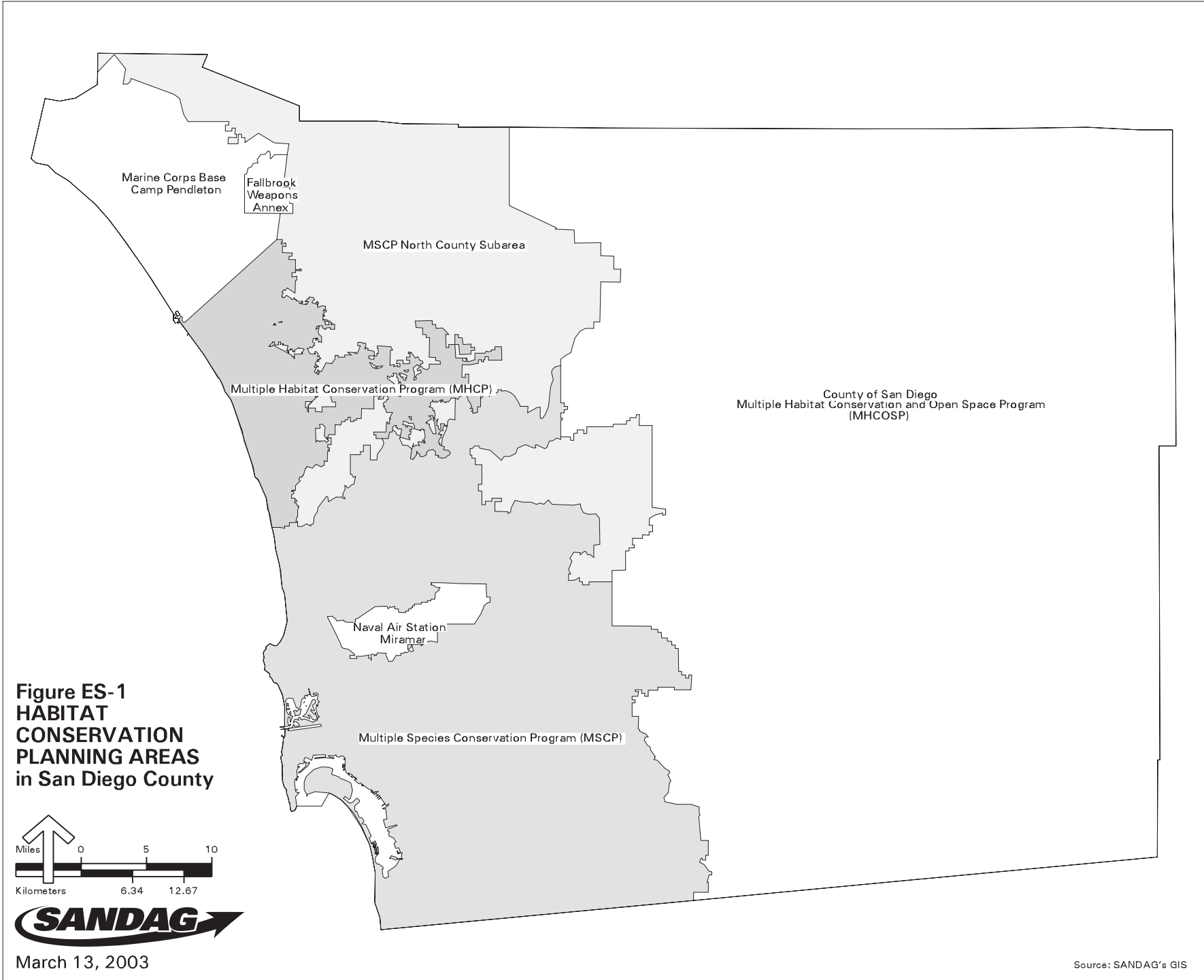
The MHCP subregion (Figure ES-2) encompasses the seven incorporated cities of northwestern San Diego County (Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista). These jurisdictions will implement their portions of the MHCP plan through citywide “subarea” plans, which describe the specific policies each city will institute for the MHCP.

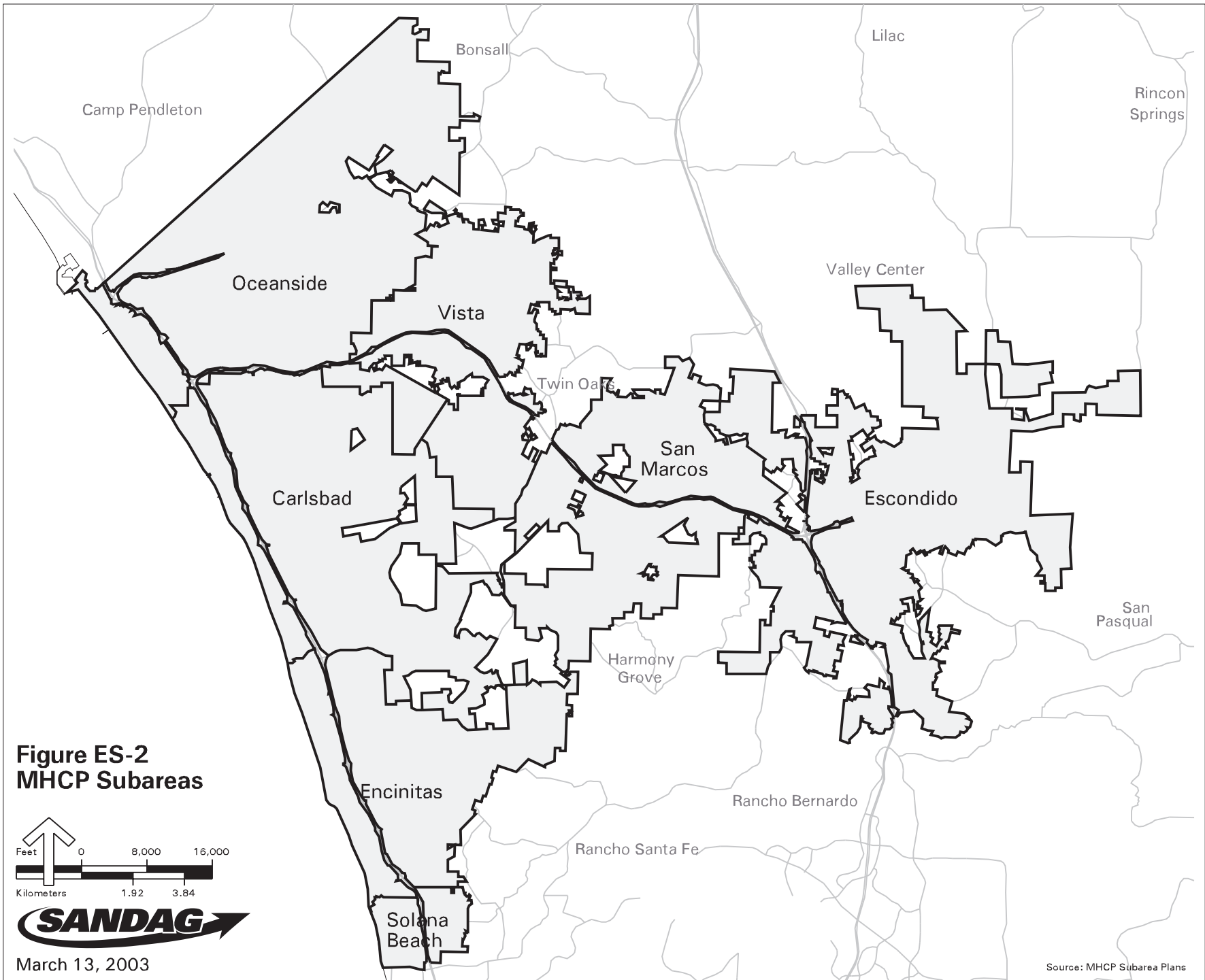
Plan Organization

The MHCP plan is presented in three volumes. Volume I describes the planning process and the resultant plan itself, including how the preserve system will be assembled over time, how the plan will be implemented through locally enacted policies and a cooperative implementation structure, and how it will be financed. Volume I also describes the general resource protection policies and general preserve management and monitoring guidelines that subarea plans must follow.

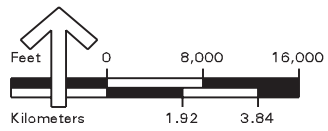
Volume II presents the biological analysis and permitting conditions that MHCP subarea plans must meet to receive take authorizations for covered species. It details the scientific methods used to analyze plan effects on ecological communities, natural habitats, and 77 sensitive species of plants and animals. Based on results of these analyses, each species is categorized in one of four ways: (1) covered, (2) covered subject to species-specific conditions, (3) not covered unless subarea plans adopt additional measures, and (4) not covered. These determinations are based on how well current public review draft subarea plans meet MHCP conservation objectives and ESA and NCCP requirements for take authorizations.

Volume III presents the MHCP biological monitoring and management plan. It describes the various approaches needed to monitor plan compliance and effectiveness at the scale of individual reserve areas as well as at the broader, subregional scale. Volume III also describes how management decisions will be guided by monitoring results within a scientifically valid adaptive management program. Finally, Volume III describes the primary roles, responsibilities, and staffing levels necessary to implement the monitoring and management program.





**Figure ES-2
MHCP Subareas**



March 13, 2003

Source: MHCP Subarea Plans

Purpose and Need

The San Diego region is a “hotspot” for biodiversity and species endangerment, having more rare, threatened, and endangered species than any comparable land area in the continental United States. This has led to intense conflicts between economic growth and endangered species protection laws. Moreover, the traditional project-by-project approach to gaining approvals to develop in habitat of protected species is costly and inefficient, resulting in piece-meal preserve designation that doesn’t ensure continued species or ecosystem viability. The MHCP replaces this approach with a coordinated, comprehensive program that ensures that project mitigations are directed to those areas most critical to biological conservation, while allowing expedited development of less important habitat areas. MHCP implementation will also include perpetual monitoring and management of the preserve system.

In exchange for these conservation actions, participating cities will receive “take authorizations” from the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). Take authorizations allow for otherwise lawful actions that may incidentally harm individuals of a species or its habitat (generally outside of the preserve system) in exchange for conserving the species inside the preserve system. Jurisdictions granted these take authorizations may share their benefits by using them to permit take by public or private projects that comply with the city’s subarea plan. This delegation of state and federal endangered species authority to local cities is made possible through the combination of the subregional MHCP plan and city subarea plans, which together serve as a multiple species Habitat Conservation Plan (HCP) pursuant to Section 10(a)(1)(B) of the federal Endangered Species Act (ESA), as well as an NCCP plan under the NCCP Act and the California Endangered Species Act (CESA). An implementing agreement (IA) serves as the contract obligating each city and the wildlife agencies to fulfill their conservation, management, and monitoring responsibilities under each subarea plan.

Planning Process

The MHCP plan and its policies have evolved with consensus and input from numerous stakeholders. Primary direction has come from the MHCP Advisory Committee, which met regularly throughout the process in a public forum and included representatives from the seven participating cities, the County and City of San Diego, federal and state wildlife agencies, public facility providers, environmental organizations, property owners, developers, and various citizen and special interest groups. The Board of Directors of the San Diego Association of Governments (SANDAG) serves as the overall policy body for the MHCP. An ad hoc Committee of Elected Officials, one from each participating city, has also provided policy perspectives since July 1997 on MHCP policy issues that affect the cities, such as program funding and intergovernmental coordination. The MHCP also established a Scientific Review Panel comprised of experts on MHCP biological issues.

2.0 DESCRIPTION OF MHCP STUDY AREA

Biological Resources

Approximately 29,962 acres of natural vegetation remain in the study area (Figure ES-3). These remnant natural areas are highly fragmented, existing mostly as small, scattered patches surrounded by development or agriculture, except for a few larger blocks of habitat within certain cities. Nevertheless, the MHCP area supports a wide variety of rare, threatened, and endangered species, and is important to the conservation and recovery of many of them.

The MHCP study area supports approximately 400 to 600 breeding pairs of California gnatcatchers, which are patchily distributed due to the highly fragmented state of their remaining coastal sage scrub habitat. Few habitat patches in the study area are large enough and contiguous enough to be considered reliable core breeding areas for gnatcatchers. Rather, most are considered “stepping-stones” that help link larger, core gnatcatcher populations to the north and south of the MHCP area. These stepping-stones are thought to serve a critical function in genetically and demographically linking together the regional network of gnatcatcher populations.

Ownership and Land Use

About 71% of land in the study area is in private ownership. Of the 19,584 publicly owned acres (about 17% of total), the largest proportion (16,843 acres, or 86% of the public ownership) is owned by local jurisdictions. The state owns 417 acres in the study area, mostly natural habitats at the coastal lagoons.

Approximately 48% of the total study area is currently planned for residential use, and about 15% is currently planned open space. The remainder is planned for other forms of development or agriculture.

Historical and Forecast Growth

Between 1990 and 2002, total population in San Diego region (San Diego County) grew by an average of 1.3% per year to 2,918,300, and total housing in the region increased by slightly less than 1% per year to 1,062,870 units. The slower growth of housing relative to population has led to a lack of affordable housing in the region. According to San Diego Association of Governments (SANDAG), the region's population is projected to grow to 3.9 million in 2030, while the number of housing units is projected to grow to 1.4 million units. The region, including the MHCP study area, thus faces a pressing need to accommodate future growth, particularly in housing.

Local jurisdictions and SANDAG are currently (through 2004) preparing a regional comprehensive plan (RCP) to integrate land uses, transportation systems, infrastructure needs, and public investment strategies for the San Diego region. A key feature of the RCP is emphasis on "smart growth," which would limit urban sprawl and improve

existing neighborhoods, directing future development away from rural areas and closer to existing and planned job centers, education and health institutions, and transportation corridors. The goals of the MHCP are consistent with and support the implementation of smart growth by limiting urban sprawl and conserving currently undeveloped areas.

3.0 CONSERVATION PLANNING

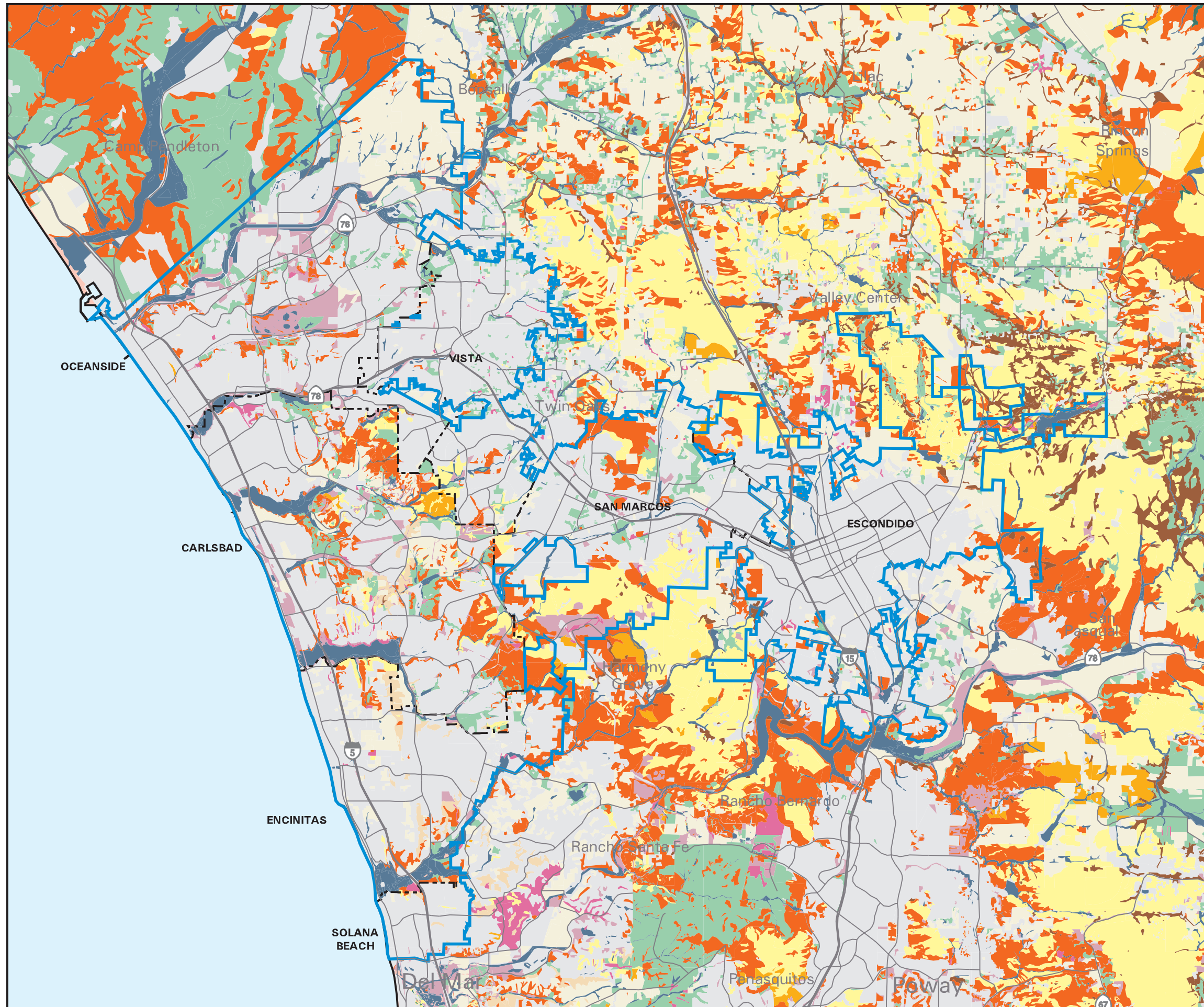
The MHCP plan contains the overall conservation strategy for the subregion and documents the conservation actions that collectively will guarantee the protection of species covered by individual subarea plans. The subregional plan also describes the institutional mechanisms to coordinate MHCP implementation among the cities and other agencies. The MHCP subregional plan does not by itself authorize the taking of biological resources and does not receive a permit. Permits or authorizations to take biological resources will be granted to individual cities preparing adequate subarea plans, which describe the specific conservation and management actions each city will take to implement the goals, guidelines, and standards of the MHCP.

Focused Planning Areas

The MHCP jurisdictions identified focused planning areas (FPAs) within which some lands will be dedicated for open space and habitat conservation (Figure ES-4). Conservation within FPAs will be achieved by the implementing measures documented in each city's subarea plan, including land use regulation (avoidance of lands based on land use policies), minimization of impacts, mitigation, and acquisition of parcels from willing sellers. FPAs were designed to conserve as much of the Biological Core and Linkage Area (BCLA) as possible, minimize preserve fragmentation, maximize use of existing public lands and open space, and maintain private property rights and economic viability. They include "hard-line" areas (lands to be conserved and managed primarily for biological resources) and "soft-line" planning areas, within which hard-line preserve areas will ultimately be delineated based on further data and planning. Each jurisdiction's subarea plan must contain written guidelines for preserve design and land-use planning in soft-line areas, as well as guidelines for habitat management, mitigation, interim protection during the planning period, and a process for establishing permanent protection of conserved lands.

Figure ES-4 also illustrates two other important land categories: (1) properties already planned under existing HCPs or Section 7 agreements, and therefore not subject to MHCP preserve planning, and (2) the "unincorporated gnatcatcher core area," which is indicated by a red circle around the general area within which the MHCP will conserve additional core breeding habitat for California gnatcatchers outside of the seven-city study planning area.

**Figure ES-3
Vegetation Communities
MHCP Study Area**

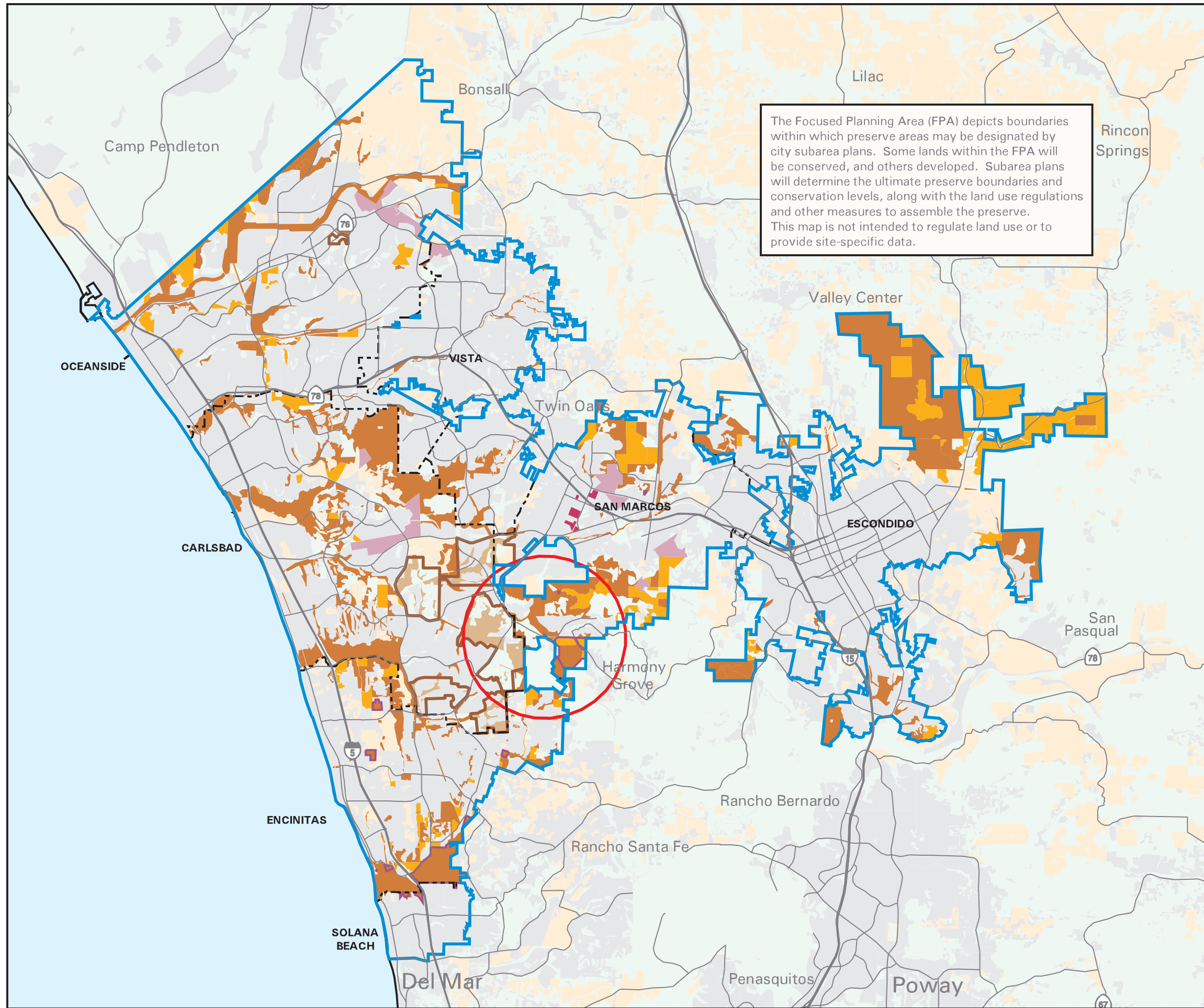


- Dunes and Beaches
- Coastal Sage Scrub
- Chaparral
- Southern Maritime Chaparral
- Coastal Sage Scrub/Chaparral Mix
- Grassland
- Riparian/Wetlands
- Oak Woodlands
- Eucalyptus Woodlands
- Agricultural Land
- Disturbed Land
- Developed
- Generalized Subarea Plan Boundary
- MHCP Boundary

SOURCE: 1995 Vegetation Inventory, SANDAG

Figure ES-4 Focused Planning Area MHCP Study Area

The Focused Planning Area (FPA) depicts boundaries within which preserve areas may be designated by city subarea plans. Some lands within the FPA will be conserved, and others developed. Subarea plans will determine the ultimate preserve boundaries and conservation levels, along with the land use regulations and other measures to assemble the preserve. This map is not intended to regulate land use or to provide site-specific data.



- Hardline Areas (90% to 100% Conservation)
- Softline Areas (Less than 90% Conservation)
- Hardline Preserves on Already Permitted Properties
- Not Part of Subarea Plans
- Major Amendment Areas
- Natural Habitats (Outside FPA)
- Agricultural Land
- Developed/Disturbed Land
- General Area for Core Gnatcatcher Conservation (USFWS Circle)
- County-owned FPA land
- Projects Already Permitted
- Generalized Subarea Plan Boundary
- MHCP Boundary

SOURCE: Local Jurisdictions in MHCP Study Area

Conservation Analysis

The levels of biological conservation and take under the MHCP were analyzed using the October 2002 FPA and assumptions about how conservation will occur under city subarea plans (see MHCP Volume II for details). Table ES-1 summarizes the level of conservation for each vegetation community relative to total acreage in the study area and as a proportion of the BCLA. The BCLA conservation figures represent conservation of the biologically most valuable lands. Overall conservation of wetland vegetation communities is very high due to the MHCP no net loss policy. However, only those wetland vegetation communities inside of the FPA are assured management as part of the preserve system.

Conservation of coastal sage scrub is expected to increase given the following additional conservation actions: 338 acres of coastal sage scrub restoration within the FPA (in key locations for California gnatcatchers), 400 to 500 acres of additional coastal sage scrub conservation in the unincorporated core area, and additional unquantified contributions from offsite mitigation or acquisition.

Given the existing high degree of habitat fragmentation in the study area, it is not possible to achieve a biologically ideal preserve design consisting of large contiguous blocks of habitat connected by broad, unbroken landscape linkages. However, the MHCP will conserve as contiguous and functional a preserve system as possible given all of the legal, financial, and physical constraints to preserve design. In particular, the MHCP will (1) conserve and manage the majority (cumulatively, approximately 73%) of remaining BCLA; (2) help conserve a large core area contiguous with but outside the study area boundary in a regionally significant location; (3) conserve most east-west movement corridors between upland areas and coastal lagoon systems; (4) conserve a regionally significant north-south stepping stone corridor for bird species, especially the California gnatcatcher; (5) preserve significant landscape linkages between the study area and adjoining jurisdictions; and (6) restore and enhance linkage function in some critical locations. Nevertheless, many of these linkages and other habitat areas will be narrow and subject to severe edge effects. Consequently, active management to control edge effects and ensure ecosystem function will be required to achieve MHCP biological goals.

Covered Species

Table ES-2 presents a preliminary list of species considered at this time to be adequately conserved by the MHCP, based on current drafts of city subarea plans and provided that participants meet all permit conditions. Final determination of species coverage will be done on a subarea-by-subarea basis. This determination can only be made by the wildlife agencies upon completion of a USFWS internal Section 7 consultation concerning permit issuance for each subarea plan submitted with a request for take authorizations. The wildlife agencies will attach the city-specific covered species list to the subarea plan implementing agreement for that city. If a covered but unlisted species becomes listed as

Table ES-1

**CONSERVATION ACREAGES OF NATURAL
VEGETATION COMMUNITIES IN THE MHCP
STUDY AREA FOCUSED PLANNING AREA (FPA)**

Vegetation Community	Total Existing in Study Area	Conservation inside FPA	Total Conserved in Study Area	Total Net Conservation inside the BCLA¹
Southern coastal bluff scrub	2	0	0 (0%)	0 (0%)
Maritime succulent scrub	32	29	29 (90%)	29 (93%)
Coastal sage scrub	8,656	5,334	5,334 (62%)	4,948 (69%)
Chaparral	8,324	5,806	5,806 (70%)	5,615 (73%)
Southern maritime chaparral	968	748	748 (77%)	717 (79%)
Coastal sage/chaparral mix	462	246	246 (53%)	237 (54%)
Grassland	5,219	1,687	1,687 (32%)	1,565 (47%)
Southern coastal salt marsh	272	251	272 (100%)	270 (100%)
Alkali marsh	165	157	165 (100%)	165 (100%)
Freshwater marsh	518	428	518 (100%)	442 (100%)
Riparian forest	676	533	676 (100%)	404 (100%)
Riparian woodland	250	180	250 (100%)	133 (100%)
Riparian scrub	1,739	1,283	1,739 (100%)	1,191 (100%)
Engelmann oak woodland	230	188	188 (82%)	185 (89%)
Coast live oak woodland	650	511	511 (79%)	483 (83%)
Other oak woodlands	1	1	1 (100%)	1 (100%)
Freshwater	444	401	444 (100%)	396 (100%)
Estuarine	955	947	955 (100%)	954 (100%)
Disturbed wetland	202	121	202 (100%)	87 (100%)
Natural floodchannel/streambed	142	142	142 (100%)	130 (100%)
Beach	48	7	8 (16%)	8 (33%)
Saltpan/Mudflats	8	7	8 (100%)	8 (100%)
Vernal pool ²	22	9	22 (100%)	17 (100%)
Total	29,962	19,007	19,928 (67%)	17,966 (73%)

Note: Numbers may not sum to total as shown due to rounding and because vernal pool acreage is excluded.

Source: Vegetation acreage calculations from October 2002 SANDAG GIS calculations.

¹Acreage and percentage of each vegetation community inside the biological core and linkage area that will be conserved.

²Vernal pools were mapped as an overlay to other vegetation communities and thus their acreage is not included in this total. The MHCP study area does not include the San Marcos Major Amendment Area.

Table ES-2

PROPOSED MHCP COVERED SPECIES LIST

Scientific Name	Common Name	Status ¹
Plants		
<i>Acanthomintha ilicifolia</i>	San Diego thorn-mint	FT/CE
<i>Ambrosia pumila</i>	San Diego ambrosia	FE/
<i>Arctostaphylos glandulosa</i> ssp. <i>crassifolia</i>	Del Mar manzanita	FE/
<i>Baccharis vanessae</i>	Encinitas baccharis	FT/CE
<i>Ceanothus verrucosus</i>	Wart-stemmed ceanothus	FSC */
<i>Chorizanthe orcuttiana</i>	Orcutt's spineflower	FE/CE
<i>Comarostaphylis diversifolia</i> ssp. <i>diversifolia</i>	Summer-holly	FSC */
<i>Corethrogyne filaginifolia</i> var. <i>linifolia</i>	Del Mar Mesa sand aster	FSC †/
<i>Euphorbia misera</i>	Cliff spurge	None
<i>Ferocactus viridescens</i>	San Diego barrel cactus	FSC */
<i>Hazardia orcuttii</i>	Orcutt's hazardia	FSC */
<i>Iva hayesiana</i>	San Diego marsh-elder	FSC */
<i>Lotus nuttallianus</i>	Nuttall's lotus	FSC */
<i>Myosurus minimus</i> ssp. <i>apus</i>	Little mousetail	FSC */
<i>Navarretia fossalis</i>	Spreading navarretia	FT/
<i>Orcuttia californica</i>	California Orcutt grass	FE/CE
<i>Pinus torreyana</i> ssp. <i>torreyana</i>	Torrey pine	FSC */
<i>Quercus dumosa</i>	Nuttall's scrub oak	FSC */
<i>Quercus engelmannii</i>	Engelmann oak	None
<i>Tetracoccus dioicus</i>	Parry's tetracoccus	FSC */
Invertebrates		
<i>Streptocephalus woottoni</i>	Riverside fairy shrimp	FE/
<i>Euphyes vestris harbisoni</i>	Harbison's dun skipper	FSC */
<i>Panoquina errans</i>	Salt marsh skipper	FSC */
Amphibians and Reptiles		
<i>Scaphiopus [Spea] hammondii</i>	Western spadefoot toad	/CSC
<i>Clemmys marmorata pallida</i>	Southwestern pond turtle	FSC */CSC
<i>Cnemidophorus hyperythrus beldingi</i>	Orange-throated whiptail	FSC */CSC
Birds		
<i>Pelecanus occidentalis californicus</i>	California brown pelican	FE/CE, FP
<i>Plegadis chihi</i>	White-faced ibis	FSC */CSC
<i>Accipiter cooperii</i>	Cooper's hawk	/CSC
<i>Pandion haliaetus</i>	Osprey	/CSC
<i>Falco peregrinus anatum</i>	Peregrine falcon	/CE, FP
<i>Rallus longirostris levipes</i>	Light-footed clapper rail	FE/CE, FP
<i>Charadrius alexandrinus nivosus</i>	Western snowy plover	FT/CSC
<i>Sterna elegans</i>	Elegant tern	FSC */CSC
<i>Sterna antillarum browni</i>	California least tern	FE/CE, FP
<i>Empidonax traillii extimus</i>	Southwestern willow flycatcher	FE/CE
<i>Campylorhynchus brunneicapillus cousei</i>	Coastal cactus wren	FSC */CSC
<i>Polioptila californica californica</i>	Coastal California gnatcatcher	FT/CSC

Table ES-2 (Continued)

PROPOSED MHCP COVERED SPECIES LIST

Scientific Name	Common Name	Status ¹
Birds (continued)		
<i>Sialia mexicana</i>	Western bluebird	None
<i>Vireo bellii pusillus</i>	Least bell's vireo	FE/CE
<i>Icteria virens</i>	Yellow-breasted chat	/CSC
<i>Aimophila ruficeps canescens</i>	Rufous-crowned sparrow	FSC */CSC
<i>Passerculus sandwichensis beldingi</i>	Belding's savannah sparrow	FSC */CE
<i>Passerculus sandwichensis rostratus</i>	Large-billed savannah sparrow	FSC */CSC
<i>Amphispiza belli belli</i>	Bell's sage sparrow	FSC */CSC
Mammals		
<i>Dipodomys stephensi</i>	Stephens' kangaroo rat	FE/CT
<i>Chaetodipus fallax fallax</i>	Northwestern San Diego pocket mouse	FSC */CSC
<i>Lepus californicus bennettii</i>	San Diego black-tailed jackrabbit	FSC */CSC
<i>Felis concolor</i>	Mountain lion	CA protected
<i>Odocoileus hemionus fuliginata</i>	Southern mule deer	CA game species

¹Status (Federal/State)

FE = Federally endangered

PE = Proposed for federal listing as endangered

FT = Federally threatened

PT = Proposed for federal listing as threatened

C = Candidate for federal listing

BEPA = Bald Eagle Protection Act

CE = State endangered

CT = State threatened

FP = State fully protected

CSC = State Species of Special Concern

FSC * = Federal Species of Concern; formerly Category 2 or Category 3 candidate or proposed for federal listing

FSC † = Federal Species of Concern; proposed rule to list as endangered or threatened has been withdrawn

protected = moratorium on hunting

none = no federal or state status

endangered or threatened in the future, the take authorization becomes effective concurrent with its listing. For many species, "take" will be restricted to removal or adverse impacts to the species' habitat; lethal take of individuals or populations is not permitted. For California Fully Protected Species (California brown pelican, American peregrine falcon, light-footed clapper rail, and California least tern) lethal take of individuals is forbidden, and MHCP subarea plans will only allow habitat alteration or disturbance that will not affect breeding individuals. For some very rare and narrow endemic species, no take of individuals, populations, or habitat may be allowed until a certain regional conservation threshold has been achieved in support of species recovery.

Conservation and management actions for covered species will also benefit many other, uncovered, species. Listed species not on the MHCP covered species list will continue to be regulated under the ESA and CESA. Species can be added to the MHCP covered species list by an amendment process, which may involve additional or reprioritized management practices or habitat acquisition. At the jurisdiction's discretion, significant impacts to unlisted species that are not on the covered species list may require additional protection or mitigation under CEQA or according to city-specific guidelines.

Biological Resource Protections

Subarea plans will demonstrate how take authorization holders will achieve consistency with the MHCP and its conservation targets through avoidance, minimization, and mitigation of impacts, including such mechanisms as encroachment allowances, zoning, sensitive lands ordinances, land acquisition, management, and other mechanisms. Subarea plans will emphasize avoidance of impacts to biologically sensitive resources, which include wetlands and other sensitive vegetation communities, vernal pools, narrow endemic species, major populations, and critical locations. Projects proposing to directly or indirectly impact sensitive resources must factually substantiate in a CEQA document or in findings prepared under a local MHCP implementing ordinance that such impacts could not be avoided while allowing for some economic or productive use of the property. If impacts cannot be avoided, all feasible means of minimizing encroachment must be fully addressed, and the impacts must be mitigated at compensation ratios no less than those presented in Section 4. Where impacts cannot be avoided, acquisition of the property for conservation purposes shall also be pursued as a high priority, but only from willing sellers.

Wetland communities (vernal pools, saltpan, salt marsh, alkali marsh, freshwater marsh, riparian forest, riparian woodland, riparian scrub, freshwater, estuarine, marine, disturbed wetlands, and natural flood channel) within the MHCP study area include areas subject to California Fish and Game Code Section 1600 et seq. and Section 404 of the federal Clean Water Act. Such areas will continue to be regulated by these state and federal statutes, as well as by an MHCP no net loss policy for wetland vegetation communities. The MHCP also requires that, as part of the CEQA review, development projects on properties supporting wetlands will demonstrate that impacts to wetlands have been avoided to the maximum extant possible while maintaining some economic or productive use of property. Where impacts are not totally avoidable, they must be minimized and appropriately mitigated. Mitigation for unavoidable impacts to wetlands will require wetland habitat restoration or creation at replacement mitigation ratios to be identified in the subarea plan, and must meet the goal of no net loss of wetland area, function, and value.

Certain locations are defined in MHCP Volume II as supporting *major populations* of MHCP species. Subarea plans are expected to substantially conserve all major populations. *Critical locations* include some major population areas as well as some habitat linkages or other areas considered essential to reserve design or species conservation. Critical locations must be substantially conserved for a subarea plan to

receive take authorizations for affected species or their habitats. Mitigation for unavoidable impacts to critical locations must achieve no net loss in viability of critical populations, and no net loss in ecological functions for habitat areas, wildlife corridors, and linkages. In no case shall a city permit more than 20% gross cumulative loss of critical populations or occupied habitat acreage within its subarea planning area.

Impacts must also be avoided and minimized to the maximum extent possible for MHCP *narrow endemic species*. Inside of FPAs, mitigation for unavoidable impacts must be designed to achieve no net loss of narrow endemic populations, occupied acreage, or population viability. In no case shall a city permit more than 5% loss of narrow endemic populations or occupied acreage within the FPA. Outside of FPAs, subarea plans must require, in priority order, avoidance, minimization, and mitigation designed to achieve no net loss of narrow endemic population locations, occupied acreage, or population viability in the MHCP subregion. In no case shall a city permit more than 20% loss of narrow endemic locations, population numbers, or occupied acreage within the city. Regardless of location, narrow endemic populations listed as critical by the MHCP must be totally avoided, and any populations that are later discovered and determined to meet the criteria for a critical population must be maximally avoided.

4.0 ASSEMBLING THE MHCP PRESERVE

Upon completion, the MHCP preserve will conserve over 20,000 acres of natural habitat, including approximately 19,928 acres within the boundaries of participating cities and 400 to 500 acres of coastal sage scrub capable of supporting 16 to 23 pairs of California gnatcatchers in the unincorporated area near Carlsbad, Encinitas, and San Marcos. This preserve will be assembled using contributions from federal, state, and local governments and private property holders (Table ES-3).

Upon signing of the implementing agreement, some preserve areas will be dedicated immediately or within a timeframe to be described in the agreement, such as existing public lands proposed to be dedicated for biological conservation. Most of the preserve system will be built over time by lands avoided or dedicated as mitigation through the normal development approval process.

Based on reviews of existing and future lands use, the MHCP cities expect that the proposed habitat preserve system can be assembled from public lands, private mitigation areas, and future impact avoidance, without recourse to public acquisition. However, public acquisition of habitat may become desirable or even necessary when the goals of biological conservation may conflict with those of private development or when it becomes difficult to accommodate reasonable economic use of private property. Based on considerations of biological resources and open space objectives of the MHCP cities, the plan identified 1,028 acres of priority conservation areas in the cities and 320 acres in the planning area of the unincorporated gnatcatcher core, or a total of 1,348 acres, where potential conflicts may occur. Priority 1 conservation areas (approximately 609 acres) include areas that are highly constrained by narrow endemic species, major or critical

Table ES-3

SUMMARY OF PRESERVE ASSEMBLY

Ownership / Preservation Method	Conserved Habitat in MHCP Cities	Conserved Land in Uninc. Core
Federal and State Governments		
o Manage and maintain existing federal and state habitat lands located in the FPAs according to MHCP guidelines.	1,944	-
o Assumed to acquire up to 609 acres in MHCP cities and the unincorporated core ¹ through purchase or noncash methods. ²	389	220
<i>Total acres conserved by federal and state governments</i>	2,334	220
Cities		
o Manage and maintain currently owned habitat lands located in FPAs according to MHCP guidelines.	7,142	-
o Acquire up to 738 acres in MHCP cities and the unincorporated core ³ through purchase or by noncash methods. ² Manage, maintain, and monitor the acquired lands.	638	100
o Ensure conservation of natural habitat on privately owned lands and appropriate mitigation in accordance with local land use regulations and environmental review.	-	-
<i>Total acres conserved by MHCP cities</i>	7,781	100
Other Local Agencies⁵		
o Manage and maintain currently owned habitat lands located in FPAs according to MHCP guidelines.	1,056	-
<i>Total acres conserved by other local agencies</i>	1,056	-
Private Landowners / Development		
o Manage and maintain existing private mitigation banks and approved mitigation areas.	946	345
o Manage and maintain future mitigation areas conserved in accordance with MHCP guidelines and local land use policies.	2,054	-
o Maintain habitat areas as project open space, either by homeowners' associations or under open space easements.	6,785	-
o Sale of habitat for conservation ⁶	(1,028)	-
<i>Total acres conserved by private development</i>	8,758	345
Total Acres Conserved in MHCP Cities	19,928	665

Source: Tables 4-2 through 4-9.

Figures, in acres, have been rounded and may not add to totals as shown.

¹ Priority 1 conservation areas; assumed to be acquired by state or federal governments from willing sellers, if the MHCP cities would establish endowment to manage and monitor those lands in perpetuity (see Section 4.1.2).

² Public projects will also conserve habitat lands for offsite mitigation, in addition to acquisition solely for conservation purposes.

³ Priority 2 conservation areas; to be acquired by the MHCP cities if funding is available from a regional funding program or from alternative funding sources (see Section 4.1.2).

⁴ MHCP cities will implement local land use policies and environmental guidelines to mitigate impacts of future development through conservation (i.e., preservation and management) of natural habitat.

⁵ Lands owned by special districts; also includes selected open space lands owned by the County of San Diego, such as portions of San Elijo Lagoon.

⁶ Total of Priority 1 and 2 conservation areas, if acquired.

locations of MHCP species, or essential wildlife corridors. Priority 2 conservation areas (approximately 738 acres) include areas with important biological resources, which also meet other open space objectives of the cities.

Actions by Federal and State Governments

Approximately 1,944 acres of federal- and state-owned habitat lands in the MHCP study area will be dedicated and managed for their biological resources. In addition, based on preliminary discussions between the cities and wildlife agencies, this plan assumes that state and/or federal governments will acquire Priority 1 conservation areas, if there are willing sellers and if the cities agree to establish an endowment to fund the management and monitoring of those lands (plus certain other lands) in perpetuity.

Actions by Local Governments

Approximately 7,142 acres of natural habitat owned by the participating cities will be incorporated into the preserve system. In addition, if a regional funding program is established, or if an alternative funding source is available, the MHCP cities will acquire up to 738 acres of Priority 2 conservation areas. Habitat lands may be purchased in fee or as less than fee interest, such as a permanent conservation easement recorded in favor of a public agency or nonprofit conservation organization. Private habitat lands that are preserved through development regulations by means of avoidance of impacts may be transferred in fee title to a government or nonprofit agency if the landowner voluntarily dedicates the land and if the agency accepts responsibility for perpetual management and monitoring. Lands may also be acquired by means of exchanges of local government lands or through a transfer of development rights program.

Mitigation Guidelines and Ratios

The MHCP incorporates guidelines for mitigation of biological impacts from future public and private projects. Biological mitigation requires the following steps in priority order: (1) avoid impacts by not taking a proposed action or by modifying the location or characteristics of the action; (2) minimize impacts by limiting the degree or magnitude of an action; (3) rectify the impact by repairing, rehabilitating, or restoring the impacted environment; (4) reduce or eliminate the impact over time by preservation and maintenance actions during the life of an action; and (5) compensate for the impact by replacing or providing substitute resources or environments. Habitat conservation in the FPAs will be achieved primarily through avoidance of impacts to onsite biological resources. Any unavoidable impacts will be minimized, with development sited on the least sensitive habitat areas of a property under consideration. Natural habitat areas that are not impacted will be preserved in perpetuity through a conservation easement or other similar method.

Subarea plan land use policies and mitigation guidelines confirm the primary role of impact avoidance and onsite conservation of biological resources in the FPAs, i.e., applying higher ratios of compensatory mitigation (mitigation ratios) for impacts to

vegetation communities inside an FPA (or the BCLA) than outside, and “crediting” the onsite conservation and management of habitat areas inside the FPA (or the BCLA) toward meeting the mitigation obligations of unavoidable impacts. For unavoidable impacts, subarea plans must establish compensatory mitigation ratios that are equivalent or higher than those established by the MHCP for purposes of analysis (Tables ES-4 and ES-5), unless the city demonstrates that their methods of preserve assembly would achieve equivalent or greater levels of conservation than those described in the MHCP even with lower mitigation compensation ratios. The ratios vary with the rarity or sensitivity of particular vegetation communities, which have been collected into habitat groups for this purpose. Rare uplands include southern coastal bluff scrub, maritime succulent scrub, southern maritime chaparral, oak woodlands, and native grasslands.

5.0 POLICIES AND IMPLEMENTATION STRUCTURE

Local jurisdictions will implement the MHCP through their normal land use planning and approval process and through management of contributed local public lands. Specific implementation measures are contained in city subarea plans and implementing agreements.

The MHCP is not intended to override the requirements of the Coastal Zone Management Act. Each development project in the Coastal Zone must be evaluated at the project level for conformance with requirements of the Coastal Act, including the acquisition of individual Coastal Development Permits. Each coastal city will review its adopted Local Coastal Plan (LCP) and make any necessary revisions to that LCP for consistency with its subarea plan.

Plan Implementation Policies and Assurances

Take authorizations to cities are severable (independent) from those granted to others, to protect each take authorization holder from noncompliance by others. However, coverage of some species in some cities is contingent upon implementation of acceptable subarea plans by other cities.

The “No Surprises” Rule (50 CFR, Part 14, 1998) provides that as long as an HCP is being properly implemented, the federal government will not require additional land or money from the permittee. As HCPs, subarea plans must address conservation responses the cities will take in the event of changed circumstances that may affect a species covered by a subarea plan and that can reasonably be anticipated during planning. Unforeseen circumstances are events that may substantially and adversely affect species covered by the plan that could not reasonably have been anticipated during planning. The wildlife agencies bear the burden of demonstrating that unforeseen circumstances exist, using the best available scientific and commercial data available. If unforeseen circumstances are found to be adversely affecting covered resources, the wildlife agencies will not require the cities to commit additional land or financial compensation, or place additional restrictions on the use of land, water, or other natural resources, unless

Table ES-4

**RATIOS OF MITIGATION OBLIGATION TO
IMPACTED AREA BY HABITAT GROUP¹**

Habitat Group	Location of Impacted Habitat	
	Inside Focused Planning Area ²	Outside Focused Planning Area
Group A. Wetland/Riparian	No net loss ³	
Group B. Rare upland	3:1	2:1
Group C. Coastal sage scrub	2:1	1:1
Group D. Chaparral	1:1	0.5:1
Group E. Annual grasslands	0.5:1	0.5:1
Group F. Other lands	None ⁴	None ⁴

¹ These assumptions have been developed for the purpose of analyzing preserve assembly and financing of MHCP implementation. Jurisdictions participating in the MHCP could use different mitigation ratios, if they demonstrate that the methods of preserve assembly proposed in the subarea plan would achieve equivalent or greater levels of conservation than those described in the MHCP plan.

It is also assumed that jurisdictions would independently determine, through the process of reviewing and approving project plans, the appropriate balance of land development and habitat conservation. For purposes of analysis, mitigation ratios for unavoidable impacts as shown in this table are assumed to be applied separately from the determination of onsite conservation through impact avoidance. The mitigation ratios neither require nor limit the avoidance of impacts to biological resources addressed by the MHCP plan.

² Primary conservation actions for natural habitat inside a FPA are assumed to be impact avoidance and minimization of unavoidable impacts. Inside a FPA, habitat that is conserved through impact avoidance may be used, subject to the jurisdiction's mitigation guidelines, to satisfy the mitigation obligation associated with habitat impacts of development elsewhere onsite.

³ See Table ES-5.

⁴ A local jurisdiction may require mitigation or levy of an in-lieu mitigation fee for impact to this habitat group if it finds that such actions are necessary to meet the goals of the MHCP or the subarea plan.

the city consents. If additional actions are required to counteract adverse effects of unforeseen circumstances, it is the responsibility of the state and federal governments to bear the costs.

Subarea Plans

Take authorizations are issued to a city based on a completed permit package, consisting of the MHCP plan and the city's subarea plan, implementing agreement, and environmental documentation. The MHCP includes a joint environmental impact report and environmental impact statement (EIR/EIS) covering the five subarea plans submitted with the MHCP. Subarea plans submitted later must be accompanied by their own environmental documents.

Table ES-5

**REPLACEMENT MITIGATION RATIOS FOR IMPACTS
TO WETLAND VEGETATION COMMUNITIES¹**

Wetland Vegetation Community	Mitigation Ratio ²
Coastal salt marsh	4:1
Alkali marsh	4:1
Estuarine	4:1
Saltpan / mudflats	4:1
Oak riparian forest	3:1
Riparian forest	3:1
Riparian woodland	3:1
Riparian scrub	1:1 to 2:1
Fresh water	1:1
Freshwater marsh	1:1 to 2:1
Flood channel	1:1 to 2:1
Disturbed wetlands	1:1 to 2:1
Vernal pool	2:1 to 4:1

Notes:

1. These communities are subject to the goal of no net loss in acreage, function, and biological value. The highest priority will be given to impact avoidance and minimization. Replacement of habitat subject to unavoidable impact will occur through restoration or creation of substitute habitat areas, generally of the same kind and in the vicinity of the impacted habitat.
2. Mitigation ratios applicable in areas subject to review by the California Coastal Commission will be addressed in the cities' respective subarea plans. Such ratios may differ from those noted here.

Each city will guarantee implementation of the subarea plan through interim and permanent regulatory measures, including codes, ordinances, and policies contained in the General Plan, Local Coastal Plan (for coastal cities), and other city policy documents. No project requiring discretionary approval by the city—and no vegetation clearing, brushing, grubbing, grading, or conversion of nonagricultural lands to active agriculture—will be approved without a determination of conformance with the subarea plan.

Subarea plans may be amended for major changes in preserve configuration or for land annexations by a city. This requires CEQA and NEPA documentation to address impacts of the amendment on biological resources and subarea plan implementation. Some adjustments to preserve boundaries can be made without amending the subarea plan or MHCP if the adjustment will result in the same or higher biological value to the preserve system and the same or more total conserved acreage.

Annual Reporting

The city will maintain and update at least annually a list and map of all take authorizations it grants under the subarea plan. The list will describe the project, the amount and vegetation type of acres taken and conserved by the project, and the physical location of the tentative map or other record of project approval produced by the city. This information will be included in an annual report to the wildlife agencies and presented in an annual public workshop.

Cooperative MHCP Implementation Structure

State and federal approval of the MHCP requires a local structure to assure successful implementation, including managing and monitoring preserve lands consistently across political boundaries. The MHCP implementation structure includes an Elected Officials Committee to provide policy direction and an MHCP Advisory Committee to coordinate implementation. The cities may also choose to select or establish a local, nonprofit, MHCP Land Conservancy to facilitate preserve assembly, monitoring, and management.

6.0 GUIDELINES FOR COMPATIBLE LAND USES, PRESERVE MANAGEMENT, AND MONITORING

Ownership

Existing legal land uses within and adjacent to the preserve may continue, and existing ownerships will be maintained unless lands are otherwise obtained by public entities through purchase, dedication, or donation. On private lands that become part of the preserve, public access will be allowed only on properties where access has been granted by the owner through an appropriate easement or on property that has been voluntarily dedicated in fee title to a public agency or nonprofit organization.

Management Responsibility

Each city will be responsible (either directly or through agreements with other agencies or organizations) for the management and biological monitoring of its own public lands (including those with conservation easements); lands obtained as mitigation (where those lands have been dedicated to the jurisdictions in fee title or easement); and lands within its jurisdiction that have been acquired through the regional funding program. Likewise, the federal and state agencies will manage and monitor their present land holdings, consistent with the MHCP plan. Priority 1 conservation areas, if acquired by federal or state government, will be managed and monitored by the MHCP cities.

Private landowners within the preserve who are not third-party beneficiaries of the local jurisdiction's take authorizations will have no additional obligations as a result of the MHCP for management or biological monitoring of their lands. Private landowners who are third-party beneficiaries will be responsible for management of preserve lands they

retain in private ownership to the extent required by the jurisdiction's subarea plan and implementing regulations and as specified as conditions of development permits.

Guidelines for Land Uses Within and Adjacent to the Preserve

The MHCP plan includes guidelines for land uses that are compatible within preserve areas or in adjacent buffers, as well as guidelines for minimizing adverse impacts of land uses in and near preserve areas. Passive recreational uses, such as hiking, bird watching, and public education are compatible within preserve areas, whereas active recreational uses that remove native vegetation are not (e.g., golf courses, athletic fields, camping, off-road vehicle use). Hiking and riding trails must be designed and sited to minimize adverse effects on sensitive resources.

Agriculture. Neither the MHCP nor its subarea plans impose new regulations on existing agricultural activities or attempt to displace existing agriculture. Agricultural uses are generally compatible with adjacent preserve areas, although expansion of agricultural uses into preserve areas is not. At the option of participating jurisdictions, take authorizations may apply to agricultural activities in the MHCP study area on lands outside the FPA. Only agricultural lands of biological significance that are set aside as open space by the property owner or are acquired from willing sellers at fair market value will be included in the preserve.

Mining. New or expanded mining operations on conserved lands are incompatible with MHCP preserve goals. Land associated with abandoned mining operations within the preserve should be restored using native species to the degree feasible.

Brush Management. Where new development is planned, brush management will be incorporated within the development boundaries and will not encroach into the preserve. Subarea plans should identify what entities have responsibility for brush management.

Guidelines for Preserve Management

Each subarea plan must include a framework management and monitoring plan that provides general direction for all preserve management issues within the subarea plan's boundaries. The cities will also develop area-specific management directives in accordance with the framework plan to address management and monitoring issues at the site-specific level. Area-specific management directives will be prepared as lands are conserved as part of the preserve.

Both framework plans (generally) and area-specific management directives (specifically) will address fire management, hydrological management, removal of invasive species, nonnative predator control, species monitoring and management, and habitat restoration. Maintenance activities should include public access control, road maintenance, fencing and gates, ranger patrol, trail maintenance, signs and lighting, trash and litter removal, and enforcement of property and homeowner requirements.

Biological Monitoring and Research

Biological monitoring will evaluate whether the preserve system is meeting subarea plan conservation targets for covered plant and animal species and their habitats, address specific questions regarding species population status and ecosystem functions, identify threats to covered species and their habitats, and help identify management needs. The MHCP Biological Monitoring and Management Plan (MHCP Volume III) outlines the issues to be addressed by the long-term monitoring program. In addition to this subregional program, area-specific habitat management and monitoring plans must be prepared for individual preserve areas and should fully address preserve-level monitoring and management.

Biological monitoring must be coordinated among the various subarea preserves and among the participating cities. This coordination could be the responsibility of an MHCP Land Conservancy if one is established. The USFWS and CDFG will provide oversight for the monitoring program, including review and approval of results and reports generated by the subregional monitoring program, data analysis, and technical assistance. Individual subareas, or the MHCP Conservancy, are responsible for preserve level monitoring and management.

7.0 FINANCING OF HABITAT ACQUISITION AND MANAGEMENT

Implementation of the MHCP will require funding for acquisition, restoration, management and monitoring of natural habitat areas and administration, legal, and other costs. Subject to qualifications discussed in Section 4, state or federal government would acquire Priority 1 conservation areas and the MHCP cities, Priority 2 conservation areas.

It is assumed in general that funding for management and monitoring of conserved habitat lands will be the responsibility of the landowner (i.e., federal- or state-owned habitat lands by federal or state agencies, and the cities' habitat lands by the cities). There are known exceptions to this, where there are management agreements between public agencies, such as portions of San Elijo Lagoon. Also, Priority 1 conservation areas, if acquired by the state or federal government, would be managed and maintained by the MHCP cities. Finally, the MHCP cities would manage and monitor privately owned habitat lands, if a regional funding program is established and if agreements on access are reached with the landowners.

The cities' share of costs to implement the MHCP plan will be funded by a regional (county-wide) or subregional (MHCP cities) funding program, to be established cooperatively by the participating local jurisdictions. The plan assumes that the regional or subregional funding program will be in effect for 30 years. It also assumes that existing conservation banks and other areas conserved and managed for mitigation will continue to be managed by their owners and that no additional funds will be needed from the MHCP funding program.

Estimated Costs of Plan Implementation

All costs are in 2002 dollars, unless otherwise noted, subject to adjustment for inflation.

Habitat Acquisition. The combined cost of Priority 1 conservation areas is estimated to range between \$32.3 and \$38 million (average of \$35.2 million). The combined cost of Priority 2 conservation areas is estimated to range between \$33.1 and \$39 million (average of \$36.1 million). Thus, if all priority conservation areas are acquired, approximately one-half of the acquisition cost would be borne by state and/or federal agencies, and approximately one-half by the local jurisdictions.

Habitat Restoration. Approximately 338 acres of coastal sage scrub habitat would be enhanced or restored in areas critical to conservation of the California gnatcatcher. Costs of these efforts vary from about \$18,000 to \$76,000 per acre. Required new funding for coastal sage scrub restoration totals approximately \$3.8 million, with restoration sites located in the cities of Carlsbad, Oceanside, and San Marcos.

Habitat Management, Biological Monitoring, and Program Administration. Management and monitoring of the completed preserve system is expected to cost about \$2.39 million per year, excluding federal and state lands and areas that are already managed with dedicated funding sources. This estimate also includes annual contribution to a contingency fund for adaptive management and cost to administer the MHCP.

Endowment to Fund Recurring Costs. To fund annual costs to manage, monitor, and administer the preserve system in perpetuity, an endowment may be established. Assuming net interest revenues of 2.5% per year after adjustment for inflation, the required endowment in year 2002 dollars is \$95.5 million, or about \$200 million in 2032 dollars. If an endowment is not established, the selected funding program must be renewed, or a new funding program established, to pay for recurring costs of management, monitoring, and administration in perpetuity.

Options for Regional or Subregional Sources of Funds

For the MHCP cities, implementation of the conservation program is estimated to involve \$42.1 million of one-time costs, \$2.39 million in annual costs, and establishment of a \$95.5 million endowment (Table ES-6). These figures assume acquisition of all Priority 2 conservation areas and management and monitoring of nearly 13,500 acres of natural habitat, including city-owned lands, Priority 1 and 2 conservation areas, and privately owned habitat lands without adequate management programs.

In selecting a funding source for plan implementation, the MHCP would result in substantial benefits to the regional economy by improving the quality of life, creating a consistent and efficient framework for compliance with federal and state endangered species acts, and facilitating orderly growth in population, housing, and employment. These benefits will be realized through increases in building construction, employment,

Table ES-6

**ESTIMATES OF ONE-TIME AND ANNUAL COSTS
OF MHCP IMPLEMENTATION**

	Permanent Financing¹ <i>(with Regional Funding Program)</i>	Interim Financing² <i>(prior to Regional Funding Program)</i>
One-time Cost of Implementation		
Habitat Acquisition	\$36.1 M	\$1.9 M ³
Habitat Restoration	3.8 M	–
Start-up Cost of Habitat Management ⁴	<u>2.2 M</u>	<u>0.9 M</u>
Total One-time Cost	\$42.1 M	\$2.8 M
Annual Cost at Buildout		
Management and Monitoring ⁵		
Areas Managed by Cities ⁶	\$0.84 M	\$0.73 M
Areas Under Control of HOAs and Other Private Entities ⁷	0.88 M	–
Habitat Management Contingency ⁸	0.26 M	0.11 M
Program Administration	<u>0.40 M</u>	<u>0.20 M</u>
Total Annual Cost	\$2.39 M	\$1.04 M
Endowment at Net Interest Revenue of 2.5% ⁹	\$95.5 M	\$5.0 M
Annual Contribution to Endowment	\$ 3.01 M ¹⁰	\$1.02 M ¹¹

Note: All costs in millions of 2002 dollars. Figures may not add to totals as shown due to rounding.

¹ Annual cost at buildout, assuming establishment of a regional or subregional funding program.

² Annual cost to be funded by MHCP cities prior to establishment of a regional or subregional funding program; funding source to be identified in the implementing agreement. Interim financing costs are included in permanent financing costs; they are not additional costs.

³ Interim acquisition budget is from Draft Carlsbad Habitat Management Plan (HMP 1999), with inflation adjustment of 10%. Permanent acquisition budget includes the interim budget plus Priority 2 conservation areas that would substantially improve the MHCP preserve system. Priority 1 conservation areas are assumed to be acquired by state or federal governments and are not included in these costs for the MHCP cities.

⁴ Estimated to be 125% of annual management and monitoring costs, excluding contingency and administration.

⁵ Includes on-site management and biological monitoring.

⁶ Areas currently managed by MHCP cities, plus Priority 1 conservation areas, assuming purchase by state or federal government and the cities' acceptance of management responsibility.

⁷ Areas maintained by homeowners associations (HOAs) and other privately owned habitat areas without specified management programs. Also includes subregional biological monitoring.

⁸ Contingency budget (15%) for adaptive management.

⁹ Amount of endowment fund required to fund annual costs is perpetuity, assuming net interest revenue of 2.5% per year, after adjustment for inflation.

¹⁰ Constant annual deposits into an endowment fund over 30 years, assuming 5% interest revenue and inflation adjustment of 2.5% per year.

¹¹ Similar to Note 10, but over 5 years.

and regional and household income. Accordingly, local revenues for MHCP implementation should be collected from many types and locations of land uses and activities throughout San Diego County.

The participating local jurisdictions identified potential sources of funds to implement the MHCP (Table ES-7). These sources may be grouped as follows:

Taxes. An increase in existing tax may be approved by the voters (e.g., sales tax and property tax). The tax increase would be classified as a special tax if the revenues are to be used for a special purpose, such as habitat conservation.

Assessments. Special assessments may be levied, subject to provisions of Proposition 218. Examples include benefit assessments, landscape and lighting maintenance assessments, and habitat maintenance assessments.

Fees. A jurisdiction may levy a development impact fee or in-lieu mitigation fee on new development, subject to provisions of the Mitigation Fee Act.

The alternative revenue sources have different fiscal impacts on residential and nonresidential developments. Parcel or property-based taxes or assessments generate the majority of revenues from residential uses. Typical applications, based on benefit, collect from 80% to 85% of total revenues from residential land uses, and the remainder from commercial and industrial land uses. Ad valorem property tax revenues reflect the relatively fixed allocation that exists in the assessed value base. Sales taxes tend to place the lowest burden on residential land uses, with a significant amount paid by both businesses and visitors to the San Diego region. Fees for habitat purposes are calculated based on acres of impact or total acres of project. Residential development generally impacts the most area, generating the most revenues in comparison with commercial or industrial development.

Issues to Be Considered in Selecting a Local Funding Source

The use of any assessment, fee, or tax must meet the requirements of Proposition 218, which generally requires two-thirds voter approval for special-use taxes. The funding sources must be flexible to address different needs associated with habitat acquisition, restoration, management and monitoring, and to allow creation of a permanent endowment to fund ongoing costs of management and administration. The program should provide funding for up to 30 years and allow issuance of bonds. Implementation may require state legislation, as in the case of AB 2007, to meet special funding needs or to coordinate actions by multiple jurisdictions.

Table ES-7

POTENTIAL LOCAL FUNDING SOURCES FOR HABITAT ACQUISITION AND MANAGEMENT

Funding Source / Financing Mechanism	Statutory Authority	Required Voter Approval	Implementing Agency	Allowed Uses of Revenues	Notes
Ad Valorem Tax / General Obligation Bond	California Constitution, Art. XIII A, XVI	2/3 Majority	City or special district	Habitat acquisition and restoration; not management or monitoring	
Mello-Roos Special Tax / Limited Obligation Bond	Mello-Roos Act, Gov. C. 53311 ff.	2/3 Majority	City, special district, or JPA	Habitat acquisition, restoration, management, monitoring, and administration	
Sales Tax / Revenue Bond	Rev. & T. C. 7200 ff.; Gov. C. 50665.1 ff.	2/3 Majority	County or special district	Habitat acquisition, restoration, management, monitoring, and administration	Countywide program, requires coordination with MSCP and other habitat programs
Benefit Assessment / Assessment Bond	AB 2007, Pub. Res. C. 5506.3 ff.	Majority (Prop. 218)	County; regional park and open space district	Primarily for habitat acquisition and restoration; habitat management expenses limited to 20% of annual revenues	Countywide district, requires coordination with MSCP and other habitat programs
Habitat Maintenance Assessment / Assessment Bond	SB 445, Gov. C. 50060 ff.	Majority (Prop. 218)	City	Habitat acquisition, restoration, management, monitoring, and administration	
Landscaping and Lighting Maintenance Assessment / Assessment Bond	Landscaping and Lighting Act of 1972, Str. & H. C. 22500 ff.	Majority (Prop. 218)	City or special district	Habitat acquisition, restoration, management, monitoring, and administration	
Development Impact / In-lieu Mitigation Fee	Mitigation Fee Act, Gov. C. 66000 ff.	No voter approval required	City	Primarily for habitat acquisition and restoration	Primarily pay-as-you-go; limited bonding capacity

Gov. C. -- Government Code

JPA -- Joint Powers Authority

Pub. Res. C. -- Public Resources Code

Rev. & T. C. -- Revenue and Taxation Code

Str. & H. C. -- Streets and Highways Code

Federal and State Funding Programs

The federal and state shares of implementation costs include acquisition of up to 609 acres of Priority 1 conservation areas, and management and monitoring of habitat lands owned by federal or state agencies (with exceptions as noted in Section 7). Some of the major federal programs are Cooperative Endangered Species Conservation Fund and various wetlands conservation programs. State programs for the acquisition of habitat and open space are generally implemented by the Wildlife Conservation Board. CDFG and state conservancies have other programs to assist conservation efforts by local jurisdictions.

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