

COASTAL CONSERVANCY

Staff Recommendation  
December 2, 2010

**CITY OF SAN DIEGO NCCP PROGRAM  
VERNAL POOL HABITAT CONSERVATION PLAN**

Project No. 98-011-02  
Project Manager: Mary Small

**RECOMMENDED ACTION:** Authorization for the City of San Diego to expend up to \$56,000 to complete a Vernal Pool Habitat Conservation Plan within the City, including Del Mar, Mira, Kearny, Otay Mesas; Carmel Mountain, Mission Trails Regional Park; Otay Lakes; and Marron Valley, San Diego County.

**LOCATION:** City of San Diego, San Diego County

**PROGRAM CATEGORY:** Resource Enhancement

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**EXHIBITS**

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [Photographs](#)

Exhibit 3: [June 25, 1998 Staff Recommendation](#)

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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31111 and 31251-31270 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the City of San Diego to expend up to fifty-six thousand dollars (\$56,000) to complete a Vernal Pool Habitat Conservation Plan within the City, more particularly described in the attached Exhibit 1 to the accompanying staff recommendation.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
  2. The proposed authorization is consistent with the purposes and objectives of Sections 31111 and Sections 31251-270 (Chapter 6) of Division 21 of the Public Resources Code, regarding coastal resource enhancement.”
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**PROJECT SUMMARY:**

Staff is recommending approval for the City of San Diego to use up to \$56,000 of Conservancy funds to develop a Vernal Pool Habitat Conservation Plan (HCP). Conservancy funds may be used to complete the planning, technical studies and environmental review of the HCP. The Vernal Pool HCP will identify strategies and adaptive management techniques to conserve, protect, restore, and enhance natural vernal pool communities. Vernal pool ecosystems are one of the most threatened ecosystems in the San Diego region, with less than 5% of the historic habitat remaining.

The Vernal Pool HCP will analyze the remaining habitat, determine the boundaries of preserve areas, include funding mechanisms for long-term maintenance and management and provide the basis for the City to issue incidental take permits. The plan will focus on five threatened or endangered plants, two threatened or endangered animals and one species listed by the California Native Plant Society, including: San Diego and Riverside Fairy Shrimp, San Diego Button Celery, Little Mousetail, Spreading Navarretia, California Orcutt Grass, San Diego Mesa Mint, and Otay Mesa Mint. Federal and state agencies as well as local stakeholders have agreed that the optimal strategy for preservation of vernal pools, and the highly threatened species that depend on them, is through the development of a Vernal Pool HCP.

The study area for the HCP focuses on approximately 200,000 acres in the City of San Diego as shown on Exhibit 1. Within the City of San Diego, vernal pools are found in the following areas: Del Mar Mesa, Mira Mesa, Carmel Mountain, Kearny Mesa, Mission Trails Regional Park, Otay Mesa and Otay Lakes, and Marron Valley (Exhibit 1).

The HCP and resulting preserve will follow the format of the City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan. The MSCP is a regional habitat conservation planning program intended to protect endangered and threatened plant and animal species that covers approximately 900 square miles (582,243 acres) in southwestern San Diego County. The MSCP was developed pursuant to the federal and California Endangered Species Acts and the California Natural Community Conservation Planning (NCCP) Act. It was developed through the cooperative effort of participating jurisdictions in partnership with federal and state wildlife agencies, property owners, representatives of the development industry and environmental groups. In 1998, the City of San Diego adopted the MSCP. The MSCP is implemented within the City of San Diego through the City's Subarea Plan and an agreement between the City, the US Fish and Wildlife Service (USFWS) and the California Department of Fish and Game.

The City of San Diego and USFWS have entered into an agreement for the planning and preparation of the HCP consistent with the NCCP. The California Department of Fish and Game will be an advisory agency to the HCP process and the project will be done in collaboration with the San Diego Association of Governments (SANDAG). The City will also be responsible for implementing the HCP. The City of San Diego Parks and Recreation Department Open Space Division currently monitors and manages over 20,000 acres of City owned lands as part of the MSCP. The division employs 62 staff to manage and monitor these sites, including rangers, biologists, and planners.

**Site Description:**

The study area for the HCP covers 206,124 acres in the southwest portion of San Diego County, on lands owned by or within the jurisdiction of the City of San Diego as shown on Exhibit 1. Within the City of San Diego, vernal pools are found in the following areas: Del Mar Mesa, Mira Mesa, Carmel Mountain, Kearny Mesa, Mission Trails Regional Park, Otay Mesa and nearby Otay Lakes, and Marron Valley. The City of San Diego conducted a detailed Vernal Pool Inventory in 2002-2003, with funding from the USFWS, to document all vernal pools in the City. A total of 2,516 vernal pool basins at 62 sites were mapped during the 2002-2003 rainy season. Basins sizes ranged from 2.13 to 68,364 square feet. This inventory will be the foundation of the HCP.

In southern California, remnants of historic vernal pool complexes occur on coastal mesas in the counties of Santa Barbara, Los Angeles, Orange and San Diego, as well as inland in the San Diego foothills and Riverside basalt terraces. Vernal pools occur in small depressions underlain by impenetrable clay soils that allow water to accumulate in winter and spring wet seasons. Vernal pool ecosystems are one of the most threatened ecosystems in the San Diego region; it is estimated that 95% of the historic habitat has been lost. Several plants and animals endemic to vernal pools have been listed as federal and/or state endangered species. Vernal pools are significant environmental resources that provide habitat for these rare species.

**Project History:**

In June 1998, the Conservancy granted \$2,000,000 to the City of San Diego to acquire a specific property to implement the City's NCCP. These funds came from a FY 1998 appropriation from the general fund for implementation of NCCPs. After close of escrow, an audit and survey determined that the City had acquired 6 acres less than had been anticipated at the time of Conservancy approval. As a result, based on the approved appraised value (per acre), the Conservancy's grant agreement was amended to require that the City reduce the Conservancy's contribution to the acquisition by a proportional amount (\$46,191), and that those funds be held by the City in an interest bearing account for use on a future project to implement the NCCP, subject to the Conservancy's approval. In May of 2000, the City was informed that \$3,122.00 in taxes had not been paid at the close of escrow. With Conservancy approval, these back taxes were paid from this account. The balance of that account is currently about \$56,000. If approved, this project will use all of the remaining funds.

The program began in 1991 under the State's NCCP Act. The NCCP program is managed by the Department of Fish and Game and takes ecosystem approach to planning for the protection and perpetuation of biological diversity. The primary objective of the NCCP program is to conserve natural communities at the ecosystem level while accommodating compatible land use and development.

The City of San Diego MSCP Subarea Plan was approved in 1998. At the time, some conservationists felt that MSCP did not sufficiently evaluate the impacts to seven vernal pool species and filed a lawsuit in 1998. As a result of settlement negotiations, the City of San Diego agreed to develop the HCP to include seven vernal pool species—San Diego and Riverside Fairy Shrimp, San Diego Button Celery, Little Mousetail, Spreading Navarretia, California Orcutt

Grass, San Diego Mesa Mint, and Otay Mesa Mint as defined and governed by the Endangered Species Act. All development and planning project that potentially affect vernal pools, including public infrastructure projects, are on hold until the HCP is completed or until March 2012, whichever comes first.

**PROJECT FINANCING**

<b>Coastal Conservancy</b>	56,000
<b>USFWS Section 6 Grant</b>	<u>500,000</u>
<b>Total Project Costs</b>	\$556,000

The anticipated source of Conservancy funds is a FY 1998 appropriation from the general fund for NCCP Program. As required by a prior grant agreement, the City has held \$46,191 in a segregated, interest bearing account for use on a future project to implement the NCCP, subject to the Conservancy’s approval. There is currently about \$56,000 in that account.

In addition, the City will provide approximately \$205,000 of in-kind matching funds.

**CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

This project is consistent with Section 31111 of the Public Resources Code, the Conservancy’s enabling legislation, which authorizes the Conservancy to fund plans and feasibility studies and to award grants to public agencies for these purposes.

This project also is consistent with Chapter 6 of the Conservancy's enabling legislation, Sections 31251-31270 of the Public Resources Code, regarding enhancement of coastal resources. Vernal pools are a rare and valuable coastal resource that was historically found on coastal terraces throughout Southern California.

Consistent with Section 31251, the Conservancy may award grants to public agencies to enhance coastal resources that have suffered loss of natural values. Vernal pool ecosystems have suffered significant losses in the San Diego region, less than 5% of the historic habitat remains.

Consistent with Section 31251.2, the Conservancy may award a grant for a project to enhance a coastal resource partly outside the coastal zone at the request of the local public agency with jurisdiction over the project area. The planning area is approximately 200,000 acres, some of which lie outside the coastal zone but all of which benefit the natural or scenic character of coastal resources within the coastal zone. This project area is entirely within the City of San Diego, the local public agency with jurisdiction, and is being undertaken at its request.

**CONSISTENCY WITH CONSERVANCY’S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 6, Objective A** of the Conservancy’s 2007 Strategic Plan, the proposed project would develop a plan to conserve, protect, restore, and enhance coastal watershed resources, specifically vernal pool complexes that occur on coastal mesas.

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The HCP process will include agencies, environmental groups, real estate interests, and the academic community. During settlement discussions (see Project History), the stakeholders agreed that the optimal strategy for preservation of vernal pools in the San Diego region would be accomplished through development of a new HCP specific to vernal pool species. Development of the vernal pool HCP has the support of the environmental and developmental communities including the Building Industry Association.
4. **Location:** The study area for the HCP focuses on approximately 200,000 acres in the City of San Diego as shown on Exhibit 1. The HCP will focus on vernal pools identified in a recent inventory completed by the City. Within the City, vernal pools are found in the following areas: Del Mar Mesa, Mira Mesa, Carmel Mountain, Kearny Mesa, Mission Trails Regional Park, Otay Mesa and nearby Otay Lakes, and Marron Valley.
5. **Need:** Conservancy funds are needed to fill a non-federal matching requirement for the \$500,000 grant from the USFWS. Without the Conservancy funds, the City will not be able to complete this HCP.
6. **Greater-than-local interest:** Vernal pool ecosystems are one of the most threatened ecosystems in the San Diego region, with less than 5% of the historic habitat remaining. The HCP will help conserve eight very rare species and the habitats they depend upon.
7. **Sea level rise vulnerability:** In southern California and throughout the City of San Diego, remnant vernal pool complexes occur on coastal mesas, foothills and basalt terraces. These sites are not vulnerable to sea level rise.

**Additional Criteria**

8. **Urgency:** As discussed above, all development planning, including public infrastructure projects, in the City of San Diego that potentially affect vernal pool habitat are on hold until the HCP is completed. In addition, several of the vernal pool properties are within areas identified and zoned for potential development. Completion of the HCP will facilitate protection of these resources.
10. **Leverage:** See the "Project Financing" section above.
11. **Conflict resolution:** The primary objective of the NCCP program is to conserve natural communities at the ecosystem level while accommodating compatible land use and development.

13. **Readiness:** The City has received grant funds from the USFWS for this project and is ready to implement it immediately. The City's inventory of vernal pools has been completed and it hopes to complete the HCP by 2012.
14. **Realization of prior Conservancy goals:** See "Project History", above.
17. **Vulnerability from climate change impacts other than sea level rise:** The plan will include scientific forecasts related to climate change and evaluation of how climate change may affect vernal pool resources. The HCP will be done in conjunction with regional efforts including SANDAG's Climate Protection Action Plan.

**CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The only vernal pool site in the City's inventory that is within the coastal zone is the Salk Institute site. This site is already preserved. Policies for resource protection from the LCP are included in the management plan for the site.

**COMPLIANCE WITH CEQA:** As a planning activity for possible future actions that have not been approved, adopted, or funded, this project is exempt from California Environmental Quality Act (CEQA) review under 14 California Code of Regulations Section 15262. Similarly, the project is exempt from CEQA review under Section 15306, which exempts basic data collection, research, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. Upon approval, staff will file a Notice of Exemption for the project.