



DEPARTMENT OF FISH AND GAME

John McCamman, Director

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February 28, 2011

Iain Fisher, California Public Utilities Commission
Greg Thomsen, Bureau of Land Management
c/o Dudek
605 Third Street
Encinitas, California 92024
Email: ecosub@dudek.com and catulewind@blm.gov
Fax #: (800) 371-8854

Subject: Draft Environmental Impact Report for East County Substation/Tule Wind/Energia Juarez Gen-tie Projects, (SCH# 2009121079), County of San Diego

Dear Mr. Fisher:

The Department of Fish and Game (Department) has reviewed the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) received December 27, 2010, for the proposed construction of three projects: San Diego Gas & Electric's (SDG&E) East County (ECO) Substation; Iberdrola Renewables, Inc./Pacific Wind Development's Tule Wind Project (Tule); and Energia Sierra Juarez U.S. Transmission, LLC's Energia Sierra Juarez Generator Tie-Line (ESJ Gen-Tie). All three projects (collectively referred to as the Project) are located within unincorporated southeastern San Diego County (County) near the communities of Boulevard and Jacumba. The Department requested an extension to the comment period on the EIR/EIS, which the California Public Utilities Commission (CPUC) and Bureau of Land (BLM) granted until March 4, 2011. We appreciate the extension.

When SDG&E filed the application with the CPUC for the Permit to Construct the ECO Substation, the CPUC determined pursuant to the California Environmental Quality Act (CEQA) that the ECO Substation, Tule Wind, and ESJ Gen-Tie projects were "connected actions" and, therefore, all three projects would be evaluated under a single document. In addition, the CPUC and BLM included the Campo Wind Project, Manzanita Wind Project, and Jordan Wind Project in their review because all three projects are proposed to connect to the transmission line associated with the Boulevard Substation proposed to be rebuilt as part of the ECO Substation project. Therefore, the EIR/EIS generally addresses the potential direct and indirect environmental impacts from the construction and operation of the Campo, Manzanita, and Jordan Wind projects.

PROJECT SUMMARY

ECO Substation: SDG&E's proposed ECO Substation includes the construction of a 500/230/138 kV substation, construction of the Southwestern Powerlink (SWPL) Loop-in (tie-in of the substation to the SWPL 500 kV line), a rebuild of the existing Boulevard Substation, and construction of a 13.3-mile 138 kV transmission line between the rebuilt Boulevard Substation and the proposed ECO Substation. The proposed ECO Substation would result in 48.69 acres of temporary impacts and 110.35 acres of permanent impacts.

Tule Wind: The footprint of Pacific Wind Development's proposed 200 MW Tule Wind Project, located north of McCain Valley Road, encompasses lands variously owned or managed by BLM, California State Lands, Ewiiapaayp Indian Reservation, and private parties. The project would consist of up to 134 wind turbines (1.5 MW to 3.0 MW towers ranging from 328 feet to 492 feet in height, with a rotor diameter of approximately 201 to 238 feet), a 34.5 kV overhead and underground collector cable system linking the wind turbines to the collector substation, a 5-acre collector substation, a 5-acre operations and maintenance building site, two permanent meteorological towers, one sonic detecting and ranging (SODAR) unit, and a 138 kV overhead transmission line running south from the collector substation to interconnect with the Boulevard Substation proposed to be rebuilt as part of the ECO Substation project. The Tule Wind project would result in 290.4 acres of temporary impacts and 562.8 acres of permanent impacts.

ESJ Gen-Tie: The ESJ Gen-Tie project includes a 0.5-mile segment of transmission line required to connect a 1,250 MW wind project proposed in Baja California, Mexico, to the SWPL transmission line at the proposed ECO Substation. The transmission line would include 500kV or 230kV transmission capacity. The proposed project would result in no more than 10.65 acres of permanent impacts.

Campo Wind: Invenergy and SDG&E propose to construct and operate the Campo Wind Project, including approximately 106 wind turbines capable of generating 160 MW of electricity on the Campo Indian Reservation land located north and south of the Crestwood/Old Highway 80 exit off Interstate 8, west of Boulevard and south of the Tule Wind project. The approximately 450-foot-tall turbines would be located on available ridgelines on the reservation. The project would also include a switchyard and new 138 kV transmission line on non-tribal land along the existing 69kV transmission route. The Campo tribe has requested an additional 140 MW of capacity be analyzed under the Bureau of Indian Affairs' (BIA) National Environmental Policy Act (NEPA) review for further development purposes. The proposed Campo Wind Project would connect with the rebuilt Boulevard Substation.

Manzanita Wind: The Manzanita tribe proposes to construct an approximately 57.5 MW wind farm which would include up to 25 wind turbines. The approximately 414-foot-tall wind turbines would be located on the same ridgeline as the existing Kumeyaay Wind facility north of the proposed location for the Campo Wind project and south of the proposed location of the Tule Wind project. The Manzanita Wind project would connect with the rebuilt Boulevard Substation, and would also include a switchyard and new 138 kV transmission line on non-tribal land along the existing 69kV transmission route.

Jordan Wind: Enel Green Power (now known as Jewel Valley Wind) has completed a preliminary wind energy assessment to construct and operate a 92 MW facility of approximately forty 2.3 MW turbines west of Boulevard and east of the proposed Manzanita and Campo projects. The turbines would be approximately 430 feet tall. The preferred point of interconnection for the Jordan Wind project is the rebuilt Boulevard Substation.

DEPARTMENT'S COMMENTS AND RECOMMENDATIONS

Department Jurisdiction: The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the Project (CEQA Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed Project that come under the purview of the CESA, (Fish and Game Code § 2050 *et seq.*) and/or

Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) Act.

Coordination: The EIR/EIS does not address previous Department comments. The analysis of impacts to sensitive species and natural resources within the Department's public trust mandate could be more complete if they were to reflect comments and outcomes from the following discussions:

- The Department recommends Iberdrola meet with the Department to discuss the need for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) for impacts to State-listed species.
- The Department recommends additional coordination between the CPUC, BLM and the applicants, informed by input from the Department, to develop measures to help minimize impacts and avoid potential "take" of golden eagles, a species designated as fully-protected pursuant to Section 3511 of the Fish and Game Code.
- The Department recommends the proponents meet with stakeholders of the East County Multiple Species Conservation Program (MSCP) Plan (County, Department, and U.S. Fish and Wildlife Service (Service)) to discuss the proposed Projects implications for the planning process for the MSCP Plan.
- The Department recommends BLM meet with stakeholders of the East County MSCP Plan (County, Department, and Service) to discuss the implications of these large-scale wind projects for regional planning efforts, and approaches BLM and the stakeholders could employ cooperatively to avoid or minimize the projects' negative biological impacts.

Campo, Manzanita, and Jordan Wind projects: Because the EIR/EIS provides no specific information about these projects, the Department cannot provide specific comments herein on their design, though we do comment on their proposed construction relative to regional planning efforts, wildlife movement, and habitat connectivity. We intend to provide specific comments on the Campo, Manzanita, and Jordan Wind projects during the comment period for each project's respective subsequent environmental document.

Section D.2.2.2 State Laws and Regulations: All statutes in the Fish and Game Code relevant to this project (CESA, NCCP Act, Native Plant Protection Act, section 1600 *et seq.*, *etc.*) should be included in this section. The Department provides the following additional comments on this section:

- 1) CESA – This section references Fish and Game Code section 2091 for State Agency Consultation. Please delete this section as it was repealed in 1999.
- 2) California Fish and Game Code: The title of this section is too general because the Fish and Game Code contains many statutes unrelated to birds and mammals. Please title the first paragraph in this section more accurately as *Birds and Mammals* to capture the discussion of Fish and Game Code sections 3511 and 4700 *et seq.*, and title the second paragraph as *Resident and Migratory Birds*. The Department recommends this paragraph cite compliance with Fish and Game Code sections 3503, 3503.5, and 3511.
- 3) California Natural Community Conservation Planning Act – Please cite this section as Fish and Game Code section 2800 *et seq.*, and reference the East County NCCP Planning Agreement in this section (see comments below regarding the East County NCCP).

Fully Protected Species: The Department has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. "Take" of fully protected species is prohibited, and the Department cannot authorize "take" of these taxa. The bighorn sheep (*Ovis canadensis*), golden eagle (*Aquila chrysaetos*), and California condor (*Gymnogyps californianus*) are fully protected species that could occur within the Project footprint. Although the Project includes several measures to minimize the potential for "take" of fully protected species, based on the information in the EIR/EIS, the Department cannot conclude that these measures will prevent "take" during construction and particularly operation of the wind projects.

Peninsular Bighorn Sheep: Although the Project is located just to the west of federally designated Critical Habitat for bighorn sheep, the Department is concerned that the Project may negatively affect bighorn sheep. The Department recommends removal of three turbines (R8, R9, and R10) to reduce the likelihood that bighorn sheep would be impacted by the Project. The Department welcomes coordination with our bighorn sheep experts to determine adequate minimization measure for the species.

Golden Eagle: Section 15126.6(a) of the CEQA Guidelines states that an EIR should describe "alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives." Section 15126.6(f) of the CEQA Guidelines, the "Rule of reason", requires, "The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project."

The proposed Project includes the build-out of all 134 turbines in two phases to accommodate a ten year (minimum) study on golden eagles in the Project vicinity (BIO-10). The Department disagrees with this strategy because we maintain that the identification of project-related mitigation after and outside of the CEQA process is inconsistent with CEQA Guidelines §15002(a)¹ because it deprives the public of knowledge about how impacts will be mitigated and undermines a fundamental purpose of CEQA, which is to determine whether project impacts will be adequately mitigated. The draft EIR/EIS should include clearly articulated feasible mitigation measures, rather than deferring the identification of the mitigation to a later time (CEQA Guidelines, § 15126.4 (a)(1)(B)). Without the study results recommended in the EIR/EIS, the document does not provide the analysis necessary to determine the full effects the Project has on golden eagles. Absent an analysis of the results of the golden eagle survey completed by Wildlife Research Institute (WRI) in 2010, and the results of the eagle study (BIO-10) to be

¹ Section 15002(a) of the CEQA Guidelines defines the purpose of CEQA to:

- (1) Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
- (2) Identify ways that environmental damage can be avoided or significantly reduced.
- (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

conducted prior to Project approval, the Department cannot provide meaningful comments on project impacts to golden eagles

In addition, the Department is not able to conclude that "take" of eagle will be avoided by the reduction of turbines (Alternative 5 - Reduction in Turbines). Based on the analysis in the draft EIR/EIS, the Department can only conclude that, because the Reduced Turbine Alternative minimizes impacts to golden eagles, it is an environmentally superior alternative. However, this Alternative does not assure "take" of golden eagles will be avoided.

Finally, mitigation for loss of golden eagle habitat is not included in the draft EIR/EIS. The final EIR/EIS should include a measure providing for compensation of lost nesting and foraging habitat resulting from project actions. The analysis and mitigation determination should consider the need for land-based compensatory mitigation in the form of land acquisition and perpetual conservation.

Species listed under CESA

Willow Flycatcher: The Department has reviewed the applicant's 2005-2006 Avian Survey Report and 2007-2008 Avian Survey Report (Tetra Tech 2008 and 2009). According to the 2007-2008 survey report (page 13), the state-listed willow flycatcher was observed on the Project site. The EIR/EIS (page D.2-159) states that the subspecies southwestern willow flycatcher (*Empidonax traillii extimus*) does not have the potential to occur on site, but "the full species of willow flycatcher (*Empidonax traillii*) could occur during migration in the variety of shrub/tree habitats." The EIR/EIS concludes "...the loss of willow flycatcher is significant but can be mitigated to less than significant (Class II) with the implementation of mitigation measures." We recommend the proponent consult with the Department regarding anticipated Project-related "take" of willow flycatcher to determine the need for an Incidental ITP under CESA. In our February 10, 2010, comment letter on the Notice to Preparation of the EIR/EIS, and our comments on June 6, 2010 and July 14, 2010 on EIR/EIS Administrative drafts, we recommended early consultation on the Project with the Department to determine if "take" authorization is required. If "take" of this species cannot be avoided during construction and operation of the Project, as the direct EIR/EIS indicates, "take" authorization would be required to comply with CESA.

Swainson's Hawk: Although Swainson's hawk (*Buteo swainsoni*) were not observed during the Tetra Tech 2007-2008 avian surveys, this species is known to generally migrate through the Project area. The final EIR/EIS should analyze the potential for "take" of this species during operation of the Project. If Project-related mortality of Swainson's hawk is anticipated, we recommend the proponent consult with the Department to determine the need for an ITP.

NCCP Program: The County participates in the NCCP program by implementing its approved East County Multiple Species Conservation Plan. The County is also actively working towards approval of the North County MSCP and Implementing Agreement under the NCCP program and has conducted a preliminary habitat evaluation for the draft East County MSCP Plan. The Project location is within the geographical area covered by the East County MSCP Plan.

East County Multiple Species Conservation Plan/Class III Impact for Wildlife Movement: Page D.2-121 "County of San Diego Multiple Species Conservation Program - East County Plan" - Please amend this section to include the preparation of a joint NCCP/Federal Habitat Conservation Plan (HCP). The County, Department, and Service are signatory to an approved

Planning Agreement (preliminary planning document for the NCCP), which sets the framework for the East County MSCP Plan and defines broad conservation goals and objectives for the County to conserve multiple species, their habitats, and connectivity to habitats to ensure long-term retention of functions and values of the biological resources of East County. The Planning Agreement also provides an interim process which the County uses for projects seeking approval prior to the completion of the East County MSCP Plan. This interim process is included as Attachment B of the Planning Agreement. Upon completion of the East County Plan, the Department will issue a permit for the "take" of both listed and not listed species "covered" by the NCCP/HCP. The last line of this paragraph in the EIR/EIS should be amended to reflect that the "take" authorization applies to "Covered Species" under the NCCP Act (Fish and Game Code § 2835).

The Department's June 6, 2010 and July 14, 2010 comments on the Administrative drafts of the EIR/EIS discussed the need for the EIR/EIS to adequately address Project impacts on the East County MSCP Plan. However, the EIR/EIS does not adequately address this concern. Although the Plan is draft, the County has drafted the East County MSCP Working Draft Focused Conservation Area Map (County 2008), a large scale map of the Planning Area that designates a conceptual reserve design within "Future Conservation Areas." The EIR/EIS does not evaluate the proposed Project's implication to the "Future Conservation Areas," and the species covered under the NCCP planning process, nor does it adequately analyze whether the Project, once built, would preclude the County from meeting the goals and objectives of the NCCP Planning Agreement. The Department is concerned that the proposed Project alone and the cumulative effects of it in conjunction with the additional Campo, Manzanita, and Jordan Wind projects, could have the potential to severely compromise the completion of the East County MSCP Plan.

Wildlife Movement and Connectivity: The EIR/EIS does not provide data to substantiate its conclusions that the proposed Project would have no impacts to wildlife movement and that wildlife will acclimate to the Project. The Department is not aware of any wildlife movement study that analyzes the Project-related effects of habitat loss or movement restrictions within the Project area. Based on the projected number of wind turbines proposed in the study area and the lack of data to support the EIR/EIS' above conclusions, the Department cannot concur with the conclusion in the document. The footprints of the proposed Tule Wind Project and the Campo, Manzanita, and Jordan Wind projects incorporate a substantial portion of the remaining private land within the conceptual Focused Conservation Area of the East County MSCP Plan. The installation of these projects on these lands may significantly negatively affect wildlife movement within the Focused Conservation Area and between Cleveland National Forest and BLM land. As the Department recommended previously, the EIR/EIS should thoroughly analyze these impacts and require actions (e.g., redesign, relocate, mitigate) to avoid or minimize them.

BLM Eastern San Diego County Resource Management Plan

The Land Use Section D.4-61 of the EIR/EIS discusses the BLM's Eastern San Diego County Resource Management Plan (RMP) (BLM 2008). BLM prepared the RMP to guide the development and management of the Eastern San Diego County Planning Area. The RMP addresses conflicts among various recreational uses, provides direction for future site-specific development, and provides for planning monitoring to determine the effectiveness of BLM's land management strategies. The RMP contains goals, policies, and management actions directed towards Lands and Realty Management. While the proposed Project is located outside of BLM dedicated Wilderness Study Areas and Areas of Critical Environmental Concern, portions of the Project footprint on BLM land nevertheless support important habitat linkages and connectivity

between existing open spaces significant to the regional conservation planning efforts, as addressed above in the context of the East County MSCP Plan. Again, the Department is concerned about the lack of analysis in the EIR/EIS of the Project-related effects on the East County MSCP Plan, relative to both the implications for its planning process and the impacts on its Focused Conservation Area.

The BLM is signatory to a Memorandum of Understanding (MOU) (see Attachment) with the Department, Service, County, City of San Diego, and San Diego Association of Governments (signed on July 21, 1994). The purpose of the MOU was to provide a framework within the NCCP process for a collaborative conservation planning and management approach among all the land use agencies within the County. It is not evident to the Department that the letter or intent of this MOU have been integrated into the proposed Project, particularly (as addressed above) in the context of the potential Project-related significant impacts on the long-term conservation planning process (MOU page 3, paragraph D and E). The EIR/EIS should explicitly address the MOU and discuss how the Project would be modified to avoid or minimize these impacts.

Mitigation, Monitoring, Compliance and Reporting Program

The Department has the following comments on the measures identified on the Mitigation, Monitoring, Compliance, and Reporting (MMCRP) table in the draft EIR/EIS Biological section.

- The MMCRP includes measures for mitigation of permanent impacts (BIO-1e). The Department recommends compensatory mitigation is provided for temporary impacts as well as permanent impacts. The Department also recommends mitigation for impacts to native vegetation communities consistent with the County's *Guidelines for Determining Significance and Report Format and Content Requirements, Biological Resources*, Table 5 page 56 (September 15, 2010).
- The MMCRP should include a measure requiring that all vegetation clearing be conducted outside of the avian breeding season (generally from February 15 to September 15).
- Measure BIO-7j – *Conduct preconstruction nesting bird surveys and implement appropriate avoidance measures for identified nesting birds*. It appears this condition allows construction during the breeding season (see above) only in already cleared areas, provided preconstruction surveys are conducted. Please add to this measure to prohibit construction which will result in nest abandonment or failure within the work area or buffer zones.
- The MMCRP should include a measure prohibiting the removal of active raptor nests during the breeding season (generally January to June) pursuant to Fish and Game Code section 3503.5.

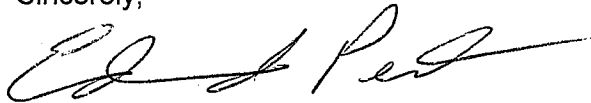
Cumulative Impacts: CEQA requires considering cumulative impacts (CEQA Guidelines §§15065(a)(3), 15130). Cumulative impact analysis requires considering the "incremental impacts of closely related past, present, and reasonable foreseeable probable future projects" (CEQA Guidelines §15355). When a project's impact is cumulatively considerable, an EIR is required unless the impact is mitigated to less than significant levels. Section F.3.1 of the draft EIR/EIS evaluates the Project's cumulative impacts to Biological Resources.

The final EIR/EIS should include mitigation to offset cumulative avian and bat fatalities, avian displacement, or avian habitat degradation resulting from fatality risk. The project has the potential to contribute to significant cumulative impacts on birds and bats, and should provide commensurate mitigation for these impacts.

Iain Fisher, California Public Utilities Commission
Greg Thomsen, Bureau of Land Management
February 28, 2011
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Thank you for this opportunity to provide comment. Please contact Mrs. Erinn Wilson, Staff Environmental Scientist, at (714) 968-0953 if you should have any questions and for further coordination on the proposed Project.

Sincerely,



Edmund Pert
Regional Manager
South Coast Region

Attachment

Memorandum of Understanding –BLM, County, City of San Diego, U.S. Fish and Wildlife Service, Department, in Cooperation with the San Diego Association of Governments for Cooperation in Habitat Conservation Planning and Management.

References:

County of San Diego Department of Planning and Land Use. 2008.
http://www.sdcounty.ca.gov/dplu/mscp/docs/east_mscp_csa2_2_8x11.pdf
<http://www.sdcounty.ca.gov/dplu/mscp/ec.html>

County of San Diego, Department of Planning and Land Use and Department of Public Works, *Guidelines for Determining Significance and Report Format and Content Requirements, Biological Resources* (September 15, 2010).

cc: Mr. Stephen M. Juarez, Department of Fish and Game, San Diego
Mr. Steve Cannata, Department of Fish and Game, San Diego
Ms. Erinn Wilson, Department of Fish and Game, Huntington Beach
Mr. William Condon, Department of Fish and Game, Sacramento
HabCon-Chron, Department of Fish and Game, San Diego
Mr. Eric Porter, U.S. Fish and Wildlife Service, San Diego
Ms. Bobbie Stephenson, County of San Diego
State Clearinghouse, Sacramento

CA 730-462

MEMORANDUM OF UNDERSTANDING
 AMONG THE
 U.S. DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT,
 THE COUNTY OF SAN DIEGO, THE CITY OF SAN DIEGO,
 THE U.S. DEPARTMENT OF THE INTERIOR - FISH AND WILDLIFE SERVICE,
 THE CALIFORNIA DEPARTMENT OF FISH AND GAME, AND
 IN COOPERATION WITH
 THE SAN DIEGO ASSOCIATION OF GOVERNMENTS
 FOR
 COOPERATION IN HABITAT CONSERVATION PLANNING AND MANAGEMENT

I. PREAMBLE

The U.S. Department of Interior - Bureau of Land Management (BLM), the County of San Diego (County), the City of San Diego (City), and in cooperation with the San Diego Association of Governments (SANDAG), share a common interest with the California Department of Fish & Game (CDFG) and the U.S. Department of the Interior - Fish & Wildlife Service (FWS) in sustaining the integrity of biological and natural resource systems and the human and economic values they support. Efforts to coordinate conservation programs among local, State, and Federal agencies in California are well established. In 1991, *The Agreement on Biological Diversity* created an Executive Council on Biological Diversity. The signing of this agreement by twenty-seven Federal, State, and local representatives (including BLM, CDFG, and FWS) exemplifies California's commitment to cooperative ecosystem management. The agreement establishes a framework by which State and Federal resource managers, local governments, and the public can discuss and establish collaborative conservation planning and management programs on a bioregional or local scale. The State of California's Natural Community Conservation Planning (NCCP) Program is a mechanism for implementing this framework as well.

BLM manages over 1 million acres in California and is actively involved in managing its lands to accomplish these shared goals. The majority of these lands are located in Southern California. Currently BLM has recently concluded its land use planning efforts in the South Coast Planning Area located in San Diego, Riverside, San Bernardino, Los Angeles, and Orange Counties. Roughly, 80,000 acres of BLM lands are located in western San Diego County and are included in the South Coast Resource Management Plan (RMP). Another 100,000 acres of BLM lands are located in the eastern portion of the County and are covered under BLM's Eastern San Diego County Management Framework Plan (MFP), completed in 1981.

The County, the City, and SANDAG are also actively involved in several multi-habitat conservation programs to accomplish these shared goals. The three programs are designed to protect key habitat areas and wildlife corridors and to meet the requirements of the Federal and State Endangered Species Acts in a manner that addresses land use and economic objectives of the San Diego region. Lands which contain the remaining critical biological resources are being identified and plans are being developed to design conservation areas and wildlife corridors. Each program is individually tailored to a specific geographic area, yet is being coordinated to

avoid duplication and will be linked together to create a regional habitat conservation system.

The three programs referenced above are the County's Multiple Habitat Conservation/Open Space Program (MH/OSP), the City's Multiple Species Conservation Program (MSCP), and SANDAG's North County Multiple Habitat Conservation Program (MHCP), all of which are consistent with the NCCP Program.

II. PURPOSE OF THE AGREEMENT

This Memorandum of Understanding (MOU) establishes a partnership between BLM, the County, the City, CD FG, and FWS in cooperation with SANDAG, to cooperate in planning and managing publicly-owned lands within the San Diego region for the purpose of conserving the area's rich and unique biological diversity and maintaining its economic viability. It seeks to develop a proactive, coordinated approach for assessing wildlife value of publicly-owned lands and the relation of these lands to the long-term needs of the areas's native plants and animals. The MOU also seeks to design and implement a strategy for incorporating publicly-owned lands with high wildlife value within the planned regional habitat conservation system. The strategy will be developed within the framework of the existing legal authorities of the parties to this MOU.

III. POLICIES

- A. The signatory parties agree to make maintenance and management of the area's unique biological diversity a principal goal in the design and implementation of their respective habitat conservation programs. Furthermore, BLM agrees to work with local government representatives to assure the development of a coordinated approach for incorporating those lands managed by BLM within the regional habitat conservation programs.
- B. BLM agrees to coordinate with the other signatory parties regarding assessment of the wildlife values of those lands managed by BLM within San Diego County. These lands amount to approximately 180,000 acres. The County, the City, and SANDAG agree to provide BLM with information regarding types of vegetation and quality of vegetation on lands managed by BLM in their respective habitat conservation program areas. BLM agrees to apply this information as appropriate to provide an assessment of wildlife habitat values on the lands it manages within San Diego County. In addition, BLM agrees to use this information to aid in its determination of the relation of BLM lands to the long-term protection of the San Diego region's native plant and animal species and the adequacy of BLM's management prescriptions for meeting these objectives.
- C. Using its Geographic Information System (GIS) data base, SANDAG agrees to map biological, land use, and ownership information on all lands in the San Diego region, including those managed by BLM within that region. SANDAG agrees to provide digital files and hard copy maps to BLM upon request. BLM agrees to provide SANDAG digital files on the lands BLM manages in the South

Coast planning area. Separate protocols for updating and revising the data base are being prepared by the County and the City for the lands within their respective planning areas.

- D. Where BLM, State, regional and/or local land management prescriptions are found to be inconsistent with existing or proposed conservation objectives, the parties will work collaboratively to resolve these inconsistencies. If significant changes are found to be necessary, BLM will consider modifying its plans in compliance with the Bureau's planning regulations (43 CFR 1600). Modifications to State, regional, and/or local plans shall also be considered where significant changes are found to be warranted. Whether or not change is needed to a particular State, regional, and/or local plan shall be decided by the agency that has administrative authority over that plan.
- E. An integral part of habitat conservation planning strategies revolves around the creation of a regional interconnected habitat conservation system. The system is intended to protect key habitat areas and corridors within the San Diego region. BLM agrees to work with the County, the City, SANDAG, CDFG, and FWS in identifying the lands it manages for inclusion within the region's habitat conservation system. While these and other publicly owned lands will provide the initial system framework, it is understood that contributions to the system will be derived from privately owned lands as well. The County, the City, and SANDAG are committed to pursuing multiple funding sources to provide a balance between public and private contributions. BLM, CDFG, and FWS agree to work with the other signatory agencies in identifying and pursuing Federal funding sources, including funding from the Federal Land and Water Conservation Trust Fund (LWCTF).
- F. A variety of other techniques are available for acquiring key habitat areas and corridors. BLM, CDFG, and FWS agree to work with the other signatory parties to incorporate those techniques available to them in the acquisition strategies being designed by the County, the City, and MSCP Policy Committee. Aside from the LWCTF, other techniques potentially available to BLM, CDFG, and FWS include land acquisitions through exchanges, the Federal Recreation & Public Purposes Act (R&PP), and donations. While lands acquired by BLM must be retained by BLM, they will be managed by BLM to conform with the habitat conservation plans of the other signatory parties. In addition to acquisition strategies, the signatory parties also agree to design strategies for effectively and efficiently managing the lands acquired through their respective acquisition efforts. This may entail the development and use of cooperative management agreements between the signatory parties and/or other agencies.

IV. MODIFICATIONS

This MOU is to remain in effect until modification by the parties in writing; it is negotiable at the option of any of the parties.

IN WITNESS WHEREOF, this MOU is executed by action of the following signatories:

USDI - BUREAU OF LAND MANAGEMENT

By: Edward L. Hanley Date: 7/11/94
EDWARD L. HANLEY, California State Director

CALIFORNIA EXECUTIVE COUNCIL ON BIOLOGICAL DIVERSITY

By: Douglas Wheeler Date: 7-21-94
DOUGLAS WHEELER, Chairman

USDI - FISH AND WILDLIFE SERVICE

By: Wayne S. White Date: 7/12/94
WAYNE S. WHITE, California State Supervisor

CALIFORNIA DEPARTMENT OF FISH AND GAME

By: Boyd Gibbons Date: 7/19/94
BOYD GIBBONS, Director

CITY OF SAN DIEGO

Approved as to form and legality
this 21st day of June 1994
JOHN W. WITT, City Attorney

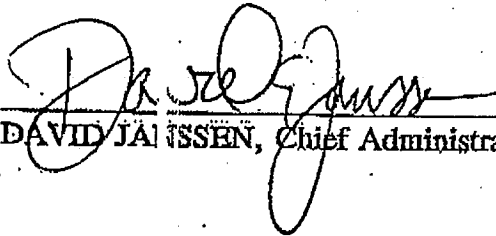
By: Kelly J. Sarb
Deputy City Attorney

By: Jack McGrory
JACK McGRORY City Manager

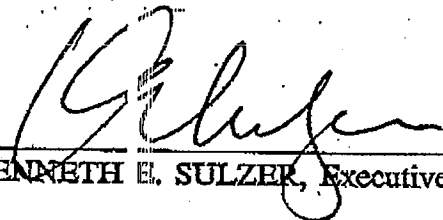
Date: 6-20-94

R-284032

COUNTY OF SAN DIEGO

By:  Date: 7-1-94
DAVID JANSSEN, Chief Administrative Officer

COOPERATING AGENCY:
SAN DIEGO ASSOCIATION OF GOVERNMENTS

By:  Date: 6-28-94
KENNETH E. SULZER, Executive Director


(R-94-1870)

RESOLUTION NUMBER R-284032ADOPTED ON JUN 06 1994

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and is hereby authorized and empowered to execute, for and on behalf of said City, a memorandum of understanding among the U.S. Department of the Interior - Bureau of Land Management, the County of San Diego, the U.S. Department of the Interior - Fish and Wildlife Service, the California Department of Fish and Game, and the San Diego Association of Governments (in a coordinating role), to cooperate in planning and managing publicly-owned lands within the San Diego region for conservation of the region's rich and unique biological diversity and maintenance of its economic viability, under the terms and conditions set forth in the Memorandum of Understanding, on file in the office of the City Clerk as Document No. RR-284032, as well as any reasonably necessary amendments or modifications thereto which do not increase this project's scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and Memorandum of Understanding.

APPROVED: JOHN W. WITT City Attorney

BY


Frederick M. Ortlieb
Deputy City AttorneyFMO:mb
05/24/94
Or. Dept: Metro.
R-94-1870

Passed and adopted by the Council of San Diego on June 6, 1994 by the following vote:

YEAS: Roberts, Kehoe, Stevens, Warden, Stallings, McCarty, Vargas, Mayor Golding.

NAYS: None.

NOT PRESENT: Mathis.

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(Seal)

By: RHONDA R. BARNES, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. R-284032, passed and adopted by the Council of The City of San Diego, California on June 6, 1994.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: Blonda R. Barnes, Deputy



San Diego
ASSOCIATION OF
GOVERNMENTS

First Interstate Plaza, Suite 800
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(619) 595-5300 Fax (619) 595-5305

RESOLUTION

No. 94-89

MEMORANDUM OF UNDERSTANDING WITH BUREAU OF LAND MANAGEMENT

WHEREAS, the Bureau of Land Management manages approximately 180,000 acres in the San Diego region; and

WHEREAS, many, if not all, of these acres may have habitat value and thus warrant inclusion in a habitat preserve system; and

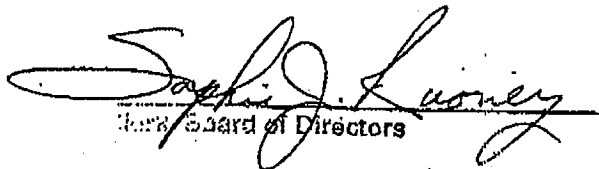
WHEREAS, the cities and County of San Diego are in the process of identifying a habitat preserve system; and

WHEREAS, the BLM agrees to make the maintenance and enhancement of the region's biological diversity a principal goal in the design and implementation of their management strategy NOW THEREFORE

BE IT RESOLVED that the Executive Director is authorized to sign the Memorandum of Understanding for Cooperation in Habitat Conservation Planning and Management.

PASSED AND ADOPTED this 24th day of June, 1994.

I hereby certify this to be a true copy of the original document on file in the San Diego Association of Governments records.


Joseph J. Loney
Executive Director


Gloria A. McElhenny
CHAIRPERSON

ATTEST: 
SECRETARY