

Wildlife and Habitat Conservation Coalition

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



April 24, 2017

The Hon. Dianne Jacob, Chair
Board of Supervisors
San Diego County
1600 Pacific Highway, Room 335
San Diego, CA 92101

RE: Newland Sierra project and the North County Multiple Species Conservation Program

Dear Chairperson Jacob and Members of the Board:

The San Diego Wildlife Conservation Coalition writes to express its concern over how the Department of Planning and Development Services (DPDS) is treating the Newland Sierra proposed project in the context of the North County Multiple Species Conservation Program (NC MSCP). The Coalition consists of 16 San Diego conservation groups representing with over 25,000 members.

First, however, we wish to convey our appreciation to your Board for moving forward on the long delayed and important North County MSCP. Further, we believe that your staff is firm in its commitment to the plan and, at this time, our comments are limited to the Newland Sierra matter.

As a bit of background, earlier this year, DPDS released a list of development projects that would be placed into the draft NC MSCP and also placed into the plan's DEIR for analysis. This list of "private projects" **inappropriately** contained Newland Sierra, a massive proposed development and General Plan amendment (GPA) along I-15 near Twin Oaks. All other projects on this list have already been *approved* by your Board and have substantial concurrence from our partners in the NC MSCP, the state and federal wildlife agencies.

To the contrary, your Board has not approved Newland Sierra, and the site design – which staff would place into the draft plan – has been soundly rejected by the wildlife agencies in numerous letters, due to fragmentation of Pre-Approved Mitigation Area (PAMA) and loss of connectivity.

Our objections are two-fold. First, until such time as *your Board* chooses to amend the General Plan, staff should not effectively pre-judge a GPA and give a "leg up" through environmental analysis and incorporation into the draft NC MSCP. *The adopted General Plan merits a presumption of validity.* In this case, it is noteworthy that a similar project (Merriam Mountains) was actually denied by your Board, and the 2011 General Plan shows the site as Resource Conservation Area, denoting special protection. Especially given previous Board action, we ask that you direct your staff to respect the General Plan.

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Second, when the former project on the Merriam Mountains site was denied, the planning process was restarted and the site reverted to PAMA. This understanding between the County and the wildlife agencies is documented in draft meeting notes, dated January 23, 2014, as follows:

“Background (Merriam Mountains Project)

- a. Mark Slovick summarized the project attributes and hardline that had been established for the Merriam Mountains project, which was denied by the Board of Supervisors in 2010.
- b. After denial, the project reversed to PAMA (Pre-approved Mitigation Area in the draft NC Plan.”

In addition, the fact that any subsequent hardline remained to be negotiated is documented in Notice of Preparation comments from the California Dept. of Fish and Wildlife (letter of March 11, 2015 to County of San Diego):

“3. The County and the Wildlife Agencies have met multiple times to discuss the proposed Newland-Sierra Project site, formerly known as Merriam Mountains, including the following dates: January 23rd, 2014; March 27th, 2014 (Site Visit); April 3rd, 2014; July 29th, 2014 (Site Visit); November 19th, 2014; and, most recently on February 19th, 2015. Based on our past meetings with the County, the Department has provided the following tenets that will guide any hardlined agreement negotiations for the Project:

- a) Though this is a new project, it is very similar to the Merriam Mountains project; however, *all parties agree that it will be evaluated independent of the previous Merriam Mountains Project;*
- b) Potential hardline discussion will be based on current conditions at the project site, in the North County Plan area, and in the County as a whole, as conditions have changed . . .” (Emphasis added.)

Given the failure of the parties to reach concurrence on a *new* site design, it is inappropriate for a project footprint that has been rejected by our wildlife agency partners as inconsistent with the NC MSCP preserve to be placed in the draft plan and its DEIR.

The rationale provided by DPDS is that the *former* project of a *former* developer had “hardline” status. However, because the site has clearly reverted to PAMA, no footprint should be prematurely advanced into environmental review. The proper course of action is to develop the NC MSCP and, when and if the project comes to your Board, assess at that time its compatibility with the NC MSCP (or its current draft) as part of your decision-making.

Again, we recognize and appreciate the overall progress the County is making toward completing the plan but wish to let you know of our concern that this good work could be undermined.

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In closing, we request that the Board direct staff to remove the proposed project footprints in question from the NC MSCP draft plan and from the plan's DEIR, and to show those areas as PAMA.

Sincerely,

Joan Herskowitz, Buena Vista Audubon

George Courser, Sierra Club San Diego

Richard Fowler, Palomar Audubon Society

Pamela Heatherington, Environmental Center of San Diego

Frank Landis, California Native Plant Society, San Diego Chapter

Laura Hunter, Escondido Neighbors United

Dan Silver, Endangered Habitats League

Richard Fowler, Palomar Audubon Society

Jim Peugh, San Diego Audubon Society

Marco Gonzalez, Coastal Environmental Rights Foundation

Van K. Collinsworth, Preserve Wild Santee

cc.

Sarah Aghassi

Mark Wardlaw

Mary Kopaskie

Brian Albright

Peter Eichar

LeAnn Carmichael

Crystal Benham