

SECTION 6 SUBAREA PLAN IMPLEMENTATION

This section describes SAP implementation actions to be taken by the City. These actions are specific to the City and are generally supplemental to the overall implementation structure described in Section 5 of the MHCP Vol. I. Key policy areas described in the MHCP that also apply to the City's SAP include the Overall Assurances, Plan Amendment Process, Process for Addition of Species, Severability, and the Cooperative Structure for Plan Implementation. All requirements of the MHCP apply to the City of Oceanside's Subarea Plan unless the Subarea Plan explicitly states that its direction supercedes the direction of the MHCP.

6.1 IMPLEMENTATION POLICIES AND ASSURANCES

The following implementation policies are gathered from various sources, including Issue Papers approved by the MHCP Advisory Committee, policies intended to apply to all subregional and subarea plans (as documented in the MHCP), discussions of the *ad hoc* committee of MHCP Elected Officials, agreements reached at the meetings of the MHCP Elected Officials and Wildlife Agencies Management Team, and through direction of the City. Consistency between the MHCP and this SAP is essential for meeting the requirements of State and Federal species take permits. These policies and assurances apply to all MHCP subarea plans, and specifically to the City's SAP.

6.1.1 Cooperative Implementation Structure

The MHCP, and component subarea plans, rely on cooperation between local, State, and Federal governments for successful implementation. The MHCP and the City's SAP will be implemented by the City through application of local land use authority. Assurances for cooperative implementation include the following:

6.1.1.1 Local Implementation. The City will guarantee implementation of this MHCP SAP through interim and permanent regulatory measures, including codes, ordinances, and policies contained in the General Plan, LCP, and other City policy documents. No project requiring discretionary approval by the City and no vegetation clearing, brushing, grubbing, grading or conversion of non-agricultural lands to agriculture will be approved without a determination of consistency with the SAP.

The City will implement the MHCP directly through this locally prepared and adopted SAP. The SAP is the subject of an individual Implementing Agreement between the City, CDFG, and the USFWS.

6.1.1.2 No New Institutional Structures. The MHCP will not create a new regional regulatory structure or authority for its implementation. A land conservancy may be created, however, to facilitate Preserve assembly, Preserve management, and/or MHCP implementation.

6.1.1.3 Phased Local Implementation. Revisions to land use plans, regulations, and ordinances to implement and fund the MHCP and the SAP will be phased, using City regulations, ordinances, the LCP, and land use plan approval in the interim to achieve the goals of the MHCP. In this SAP, grubbing, clearing, and grading ordinances and similar regulations have been used to ensure that habitat is not destroyed prior to issuance of all local approvals. No development moratorium is required during subarea planning and implementation.

- Immediately upon approval of the SAP and execution by the Parties of this Agreement, the City will adopt an urgency ordinance pursuant to Government Code § 65858 to require compliance with the SAP while permanent regulatory measures are drafted and approved. The urgency ordinance will be attached to the Implementing Agreement. No take shall be allowed under the Take Permit until the urgency ordinance is enacted.
- The City will amend the Environmental Resource Management Element of its General Plan to incorporate the SAP by reference within 12 months of the Effective Date.
- The City will amend its Zoning Ordinance (Article 15) to add the Preserve areas as undevelopable open space lands conserved exclusively and in perpetuity for conservation purposes consistent with the SAP.
- The City will amend its Zoning Ordinance to add a new section to require lands located within the WCPZ, the Pre-approved Mitigation Areas, and the Offsite

Mitigation Zone to comply with the specific conservation standards contained in Section 5 of the SAP within 12 months of the Effective Date.

- The City will amend its General Plan to make the conservation of habitat as identified in the SAP a priority use for otherwise developable land.
- Wetlands Protection Program. For wetlands, impacts will be avoided to the maximum extent practicable as set forth in Sections 5.2.4 and 5.3.4 of the SAP. Impacts that cannot be avoided shall be minimized and mitigated in accordance with the wetland mitigation ratios set forth in Table 5-2 of the SAP. Mitigation consistent with the SAP will be identified through environmental review documents prepared pursuant to CEQA and associated mitigation monitoring and reporting programs, and required by the City as legally enforceable conditions of approval.

6.1.1.4 Sequential Adoption. The City and the other local jurisdictions participating in the MHCP are preparing subarea plans and executing Implementing Agreements on separate schedules. These subarea plans are interdependent, however, because they form a collective conservation strategy when combined in a subregional plan. For example, the coverage of some species in the City may depend on conservation actions in another jurisdiction.

6.1.1.5 Rough-step Implementation. The Preserve will be assembled over time and, when assembly is completed, must be in a configuration and contain suitable habitats (both location and acres) that provide for the conservation of covered species as outlined in this document and described in more detail in the Conservation Analysis. As additional Preserve areas are acquired, the City must be able to demonstrate that lands being conserved within the Preserve achieve the conservation objectives for covered species and are appropriately focused on conserving parcels within the Preserve needed to meet natural community preservation objectives. To track compliance with this condition, there will be an annual Rough Step analysis conducted by the City for the SAP Study Area. This report will become part of the Annual Report provided to the Wildlife Agencies. This Rough Step Analysis will include a summary of the total acreage within the Preserve at the beginning of the tracking year and the number of acres added during the year. This annual accounting of acreage by vegetation community and location will be provided to the Wildlife Agencies in GIS format. The Rough Step analysis shall

ensure, on an annual basis, that additions to the Preserve are within 10% of the level needed to offset the level of development within the Preserve. If the Rough Step rule is not met during any analysis period, the City must conserve appropriate lands necessary to meet the specific Preserve build-out objectives to bring the SAP back into the parameters of the rule prior to authorizing additional impacts within the SAP Study Area.

6.1.2 Take Authorizations for Covered Species

The USFWS and CDFG will issue a long term, 50-year take permit for covered species to the City for implementing a legally adequate SAP pursuant to the MHCP. “Take” in this case means that covered species or their habitats may be impacted by projects that are consistent with this SAP and approved by the City. These take permits allow impacts to covered species and their habitats so long as those resources are found to be adequately conserved and managed by the MHCP and individual subarea plans.

The City becomes a take authorization holder upon signature of the Implementing Agreement by all parties and issuance of State and Federal permits. The City can share the benefits of its take authorizations with individuals as well as public and private sector projects for covered activities within the City through their project-approval process. Section 2.4 of this document identifies certain known public development projects that will be covered under this SAP in the event that project implementation results in take of the covered species.

6.1.2.1 City of Oceanside. Upon receiving Federal and State take permits for covered species, the City will receive assurances from the Wildlife Agencies through the Implementing Agreement described in Section 6.3. Completion and approval of the SAP will eliminate the 5 percent limit on interim take of coastal sage scrub that was a part of the NCCP program through the Section 4(d) rule regarding the listing of the gnatcatcher.

6.1.2.2 Project Proponents. Proponents of projects approved by the City, consistent with its take permits, become “third-party participants” to those permits, as described in the Implementing Agreement. Proponents receive assurances that their mitigation obligations for covered species will not be altered once development approvals have been granted by the jurisdiction and mitigation has been assured consistent with this SAP.

6.1.3 Development Process Assurances

Significant benefits accrue to jurisdictions that participate in the MHCP and through subarea plan implementation. Benefits apply to both the City and project proponents who receive approvals from the City through the development review and permitting process. Refer to Section 5.2.3 (Implementing Agreements) of the MHCP Volume II for additional background information

6.1.3.1 Flexible Subarea Plan Development. The City's SAP is designed to be flexible in its implementation while meeting the overall subregional goals of the MHCP. This flexibility includes incremental implementation of the Plan through local land use authority, the ability to implement Federal and State laws through local actions, and the ability of the City to independently determine how local actions including development regulation, land acquisition, project mitigation, regulations implementing the General Plan, and other discretionary actions will be used to meet SAP implementation requirements. This SAP describes the combination of actions the City will take to implement the MHCP.

6.1.3.2 Improved Regulatory Process. A primary purpose of the SAP is to simplify the project-approval process by eliminating duplicative regulatory and mitigation processes, including project-by-project take permits for each listed species. Upon receiving its take permits, the City will have land use authority over lands supporting habitats and covered species described in this SAP.

6.1.3.3 Equitable Allocation of Costs. The City will contribute its fair share to implementation of the subregional MHCP Preserve, as specified in its SAP, through development regulations, mitigation requirements, contributions of public land, land acquisition, and other conservation actions.

6.1.3.4 Plan Implementation Monitoring. The City's SAP includes a process and criteria for the Wildlife Agencies to regularly monitor SAP implementation and to ensure that habitat conservation proceeds in step with development (Section 6.1.1.5).

6.1.3.5 Private Property Rights. The City's SAP and the subregional MHCP are designed to respect private property rights. The acquisition of any lands required to

implement the SAP will be based on purchases from willing sellers at fair market values that are cooperatively established.

6.2 IMPLEMENTING AGREEMENT

The Implementing Agreement is the binding contract between the City, the USFWS and CDFG. This agreement identifies responsibilities associated with implementation of the SAP, binds the parties to their respective stated obligations, and specifies remedies should any party fail to perform its obligations.

6.2.1 Assurances in the Implementing Agreement

The key assurances in the Implementing Agreement are described below; they are in addition to those included in Section 6.1.

6.2.1.1 Local Land Use. The Wildlife Agencies will issue to the City a 50-year permit to take species covered by the SAP. In addition, the MHCP and this SAP should minimize Wildlife Agency involvement in the project-specific review and approval process. Impacts to wetlands must continue to be regulated through the Clean Water Act, Fish and Game Code Section 1600 et seq., LCP, and other local regulations, although coverage for federally threatened and endangered species through this SAP is intended to facilitate any consultation required between the USFWS and ACOE.

6.2.1.2 New Development. Proponents of local land development projects will be allowed to take covered species and habitats incidental to project construction, operation, and maintenance based on the approvals extended to the project through the local project permitting process provided they are consistent with this SAP and meet the mitigation standards of CEQA and/or NEPA.

6.2.1.3 Streamlining Environmental Review. CEQA and NEPA compliance for the City's SAP was accomplished through the EIS/EIR for the MHCP and for all concurrently submitted subarea plans. Any new project that uses the City's SAP for coverage must demonstrate consistency with the SAP by making consistency findings through a public review process, which will be through a CEQA review or separate 30-day findings review period.

6.2.1.4 Phased Implementation and Severability. The Wildlife Agencies have agreed to phased implementation of the MHCP and subarea plans. Phasing means that the City may implement the SAP over time based on economic demand for land development, and/or upon other constraints or incentives the City may place on certain areas. The take permits granted by the Wildlife Agencies will also be severable from those granted to other jurisdictions or entities, protecting each jurisdiction from noncompliance by the other jurisdictions. However, coverage of certain species in the City will depend upon completion of subarea plans by other cities.

6.2.1.5 Covered Species. The City will receive take permits for a list of covered species (Table 3-4) that are found to be adequately conserved by the City's SAP. Coverage of other species will depend on adoption of other MHCP subarea plans (Table 3-4). The list includes State and federally listed and non-listed species, as well as other species not currently listed under either the ESA or CESA.

6.2.1.6 Critical Habitat. If in the future an ESA Critical Habitat designation is made for a covered species, that determination will not result in the City having to implement additional mitigation measures including land acquisition or place additional restrictions on development if this SAP is being implemented in compliance with the permit conditions for that species (summarized in Appendix A).

6.2.1.7 Future Listings of Covered and Non-Covered Species. This SAP incorporates policies describing how the covered species list may be expanded to include new species once actions in other jurisdictions, or in the City, ensure the species' long-term conservation (Section 6.7). If a species not on the covered species list is subsequently proposed for listing under ESA or CESA, the City will propose conservation measures that are necessary to adequately protect the species. The Wildlife Agencies will work with the City to determine whether such conservation measures are beyond those prescribed in the SAP and MHCP. If the MHCP and subarea plans already contain sufficient conservation measures for the species, that species can be added to the City's covered species list. Adding a new species to the covered species list requires a major amendment to the SAP, the IA, and take permits.

6.2.2 Changed and Unforeseen Circumstances

The “No Surprises” Rule of the United States Department of the Interior, (50 CFR Part 17.22(b)(5) and 17.32(b)(5), 1998) generally provides that as long as the SAP is being properly implemented, the Federal government will not require additional land or money from the City. Pursuant to the “No Surprises” rule, in the event the Wildlife Agencies make a finding of Unforeseen Circumstances, the Wildlife Agencies will not require the commitment of additional land, water, financial compensation, or additional restrictions on the use of land, water, or other natural resources beyond the level agreed to in the SAP and the Implementation Agreement with respect to covered activities without the consent of the City. The Final Rule included a description of *Changed and Unforeseen Circumstances* which defines potential future responsibilities based on whether future impacts to covered species could reasonably be foreseen.

6.2.2.1 Changed Circumstances

Changed circumstances are defined under the Federal “No Surprises” rule as “changes in circumstances affecting a species or geographic area covered by a conservation plan that can reasonably be anticipated by plan developers and the Wildlife Agencies and that can be planned for”. Changed Circumstances addressed by this SAP include the following, which are summarized below:

1. Repetitive fire
2. Flood
3. Climatic drought
4. Invasive species
5. Disease
6. Listing of Non-Covered Species.

The Wildlife Agencies and the City agree that the Changed Circumstances defined by this Section of the SAP represent all Changed Circumstances to be addressed by the City;

the City is responsible for funding measures to offset any detrimental effects as a result of the Changed Circumstances identified below. These Changed Circumstances provisions reflect changes in circumstances that can reasonably be anticipated to occur to covered species or within dedicated Preserve. These Changed Circumstances provisions are not intended to cover the same or similar circumstances outside City jurisdiction, nor occurrences within the City's subarea but outside of the Preserve where the City has no legal authority to carry out the Planned Responses, nor if they occur within the proposed hard-line Preserve as depicted on **Figure 4-1** before the land is lawfully dedicated or conveyed to the Preserve.

Except for the future listing of non-covered species, each of the defined Changed Circumstances includes an assessment of risk, a description of preventative measures, and a summary of Planned Responses (measures to be undertaken in the case of Changed Circumstances) as provided below. Preventative measures are those measures that are or will be undertaken by the City to reduce the potential for occurrence of the Changed Circumstance, and/or that reduce the potential for damage to the Preserve resulting from a Changed Circumstance event. Planned Responses are the specific responses that will be undertaken in the event of a Changed Circumstance. Planned Responses will not include any actions beyond those expressly identified in this Section, nor for any event not specifically identified as a Changed Circumstance. Planned Responses will be implemented to the extent that it is possible to do so and remain consistent with the primary goal to prevent harm to the public health, safety, and welfare. Planned Responses will be implemented by using the funding sources described in Section 5

6.2.2.1.1 Repetitive Fire

For the purpose of defining Changed Circumstance, Repetitive Fire is defined as fire, occurring in the same location as a previous fire no sooner than three years following nor longer than ten years subsequent to an initial fire, and damaging up to 5 acres of Preserve habitat.

Risk Assessment

Because fire is a natural feature within the City's subarea, under normal circumstances natural re-growth of habitat is expected. However, the Wildlife Agencies have indicated that certain Repetitive Fires within the same location of the City's Preserve may

adversely affect the covered species conserved by this SAP as a result of vegetation community conversion from existing habitat(s) to invasive or nonnative weeds.

The Wildlife Agencies have indicated that for the vegetation communities prevalent in the City's Preserve, including coastal sage scrub, maritime succulent scrub, and riparian habitat, a re-burn within the same footprint within ten years of the original burn can adversely hamper natural re-growth and interrupt the ability of the habitat to rejuvenate. After ten years, vegetation communities prevalent in the Preserve are expected to be fully re-established and capable of natural regeneration. A "Repetitive Fire" (a fire anticipated to occur and to create the potential for type conversion) is therefore considered a fire incident which occurs in the same location as a previous fire incident (initial fire) no more than ten years subsequent to the initial fire.

In order to further estimate the potential for Repetitive Fire, a history of fire incidents throughout the City was evaluated. The fire incident history for the City records 151 wildland fires for the years 2004 through 2008. Because the level of fire response in urban areas is rapid (average of 6.97 minutes) and responders are highly trained, fire incidents are contained more quickly and rarely damage large areas. Thus, the average area of land burned in the fires was less than 5 acres.

In addition, Fire Department officials note that vegetation that has been burned requires approximately three years to grow before becoming a potentially hazardous fuel load. It is therefore not anticipated that Repetitive Fire, if it were to occur, would occur in the same location for at least three-to-five years subsequent to an initial fire. For the purpose of defining Changed Circumstances, the City has determined that a Repetitive Fire occurring within the first three years subsequent to an initial fire is therefore not reasonably anticipated.

Preventative Measures

Preventative measures to reduce the likelihood of, or harm from, a single fire in the Preserve are included in the Preserve management guidelines specified in Section 7 of this SAP and will be more specifically identified in the area-specific management directives for the Preserve. Additionally, the following measures may be implemented by the City to prevent or respond to the effects of fire on covered species and/or habitats:

- Proximity of Fire Services to the Preserve - The City's Preserve is primarily an urban Preserve that is almost entirely surrounded by developed areas. Although the presence of urban uses may increase the potential for fire, it greatly decreases the potential for large, non-contained fires due to the proximate location of buildings. Additionally, urbanization causes fire department responders to be located closer to the Preserve facilitating a rapid response. Rapid response leads to fewer acres burned. The average response time to fire incidents within the City is 6.97 minutes.
- Brush Abatement Program - In order to further reduce the risk of fire, the City will institute a weed abatement and brush management program focused particularly on the interface between developed areas and the Preserve. However, no weed abatement or brush management activities may reduce the amount and/or quality of habitat within the Preserve. Therefore, areas subject to these activities will not be included in the Preserve. Any impacts to the Preserve due to these activities that are deemed necessary for public health, safety and welfare and approved by the Wildlife Agencies will require compensatory mitigation at the applicable ratios specified in Section 5.

Emergency Fire Management Plan - The City will prepare an Emergency Management Plan that identifies the procedures the City will implement both prior to and during any single fire in the Preserve. The Emergency Fire Management Plan will stipulate that the City will coordinate an emergency notification and response system that will strive to protect the covered species and the Preserve, to the extent that it is possible to do so and remain consistent with the primary goal of containing and extinguishing the fire to prevent harm to public health, safety, and welfare. The Emergency Fire Management Plan will provide for a triage system that includes notification of the Wildlife Agencies as soon as feasible after the onset of the fire. The Emergency Fire Management Plan will also provide for restricted public access to the Preserve in times of drought, when fire hazard is very high. The City will submit the Emergency Fire Management Plan to the Wildlife Agencies for approval within one year of completing the SAP.

Planned Responses

Upon the occurrence of a Repetitive Fire Changed Circumstance as defined above, the City will notify the Wildlife Agencies pursuant to the protocol which will be established

by the City's Emergency Fire Management Plan. Within 30 days of the Repetitive Fire incident, the City will assess the damage caused by the fire within the Preserve. Depending upon the extent and severity of the fire damage, and as determined by the City, with concurrence of the Wildlife Agencies, the City will take the following action:

- Develop and implement a program to monitor natural re-growth within the damaged areas for a period of up to 2 years. The monitoring program will provide for site visits on a regular basis, as determined by the City and the Wildlife Agencies, as appropriate to the scope and severity of the burn. Management of the burned area will emphasize removal of, and preventing infestation by, invasive species. Should monitoring observations indicate an increase in invasive nonnative species and/or an increased potential for type conversion, the Preserve management program will be modified to eliminate the infestation and reduce the potential for such invasion and/or type conversion consistent with the relevant open space or preserve management plan and the terms of the IA.

6.2.2.1.2 Flood

For the purpose of defining Changed Circumstance, Flood is defined as natural rain runoff events occurring within, and causing damage to, Preserve floodplains associated with any one of the City's five hydrologic areas (HA): the Ysidro HA of the Santa Margarita watershed; the San Luis Rey HA of the San Luis Rey River watershed; and the Loma Alta Creek, Buena Vista Creek, Agua Hedionda Creek HA's of the Carlsbad watershed, and/or their associated tributaries, at greater than 50-year levels and up to and including a 100-year flood, as classified by the Federal Emergency Management Agency (FEMA) and determined by the Oceanside Department of Public Works..

Portions of the Santa Margarita, San Luis Rey and Carlsbad watersheds are located within the planning area. Each watershed is divided into hydrologic areas (HA) that are defined by the creeks or rivers that comprise the larger watershed. Below is a discussion of the 5 hydrologic areas of the City.

A very small portion of the Ysidro HA of the Santa Margarita watershed is included in the planning area. The HA is approximately 9,000 acres total and extends roughly 6 miles inland from the coast. A very small portion (1%) of the HA is in the planning area which is comprised of 90 acres of mostly developed land surrounding North Harbor in the north

east corner of the City. No named rivers or streams exist within the Plan area inside of this HA.

The Lower San Luis Rey HA is part of the San Luis Rey River watershed and is the northern most HA of the planning area. It is the largest HA in the planning area and is roughly 119,661 acres in its entirety. Approximately 13% of the Lower San Luis Rey HA is located in the planning area. The upper reaches within the Plan area are dominated by agricultural land uses, with land uses becoming increasingly urban downstream. The San Luis Rey River forms the spine of the HA. The San Luis Rey Flood Control Project and numerous wetland mitigation projects are located along the river.

Loma Alta Creek is the northern most HA of the Carlsbad watershed located inside of the Plan area. In its entirety the HA totals approximately 6,300 acres and extends 7.3 miles inland. The waters of the HA travel through Loma Alta Creek which drains into the Loma Alta Slough and ultimately the Pacific Ocean. Approximately 96% of the Loma Alta Creek HA is inside of the planning area with the remainder located in the City of Vista.

Buena Vista Creek HA, also of the Carlsbad watershed, totals approximately 14,400 acres and extends 10.6 miles inland from the coast. Buena Vista Creek HA originates on the western slopes of the San Marcos Mountains and its primary receiving waters are Buena Vista Creek, the Buena Vista Lagoon, and the Pacific Ocean. The majority of Buena Vista Creek travels through developed or disturbed areas before reaching Buena Vista Lagoon. Approximately 25% of the HA is located in the planning area. The largest portion is in the City of Vista (45%) and the remaining in Carlsbad and San Diego County.

Agua Hedionda Creek of the Carlsbad watershed is the southern most HA of the planning area and is approximately 18,800 acres in its entirety. It extends roughly 10.6 miles inland from the coast and it originates on the southwestern slopes of the San Marcos Mountains in west central San Diego County. Calavera and Agua Hedionda creek are the two main tributaries of the HA and they originate in Oceanside and Vista respectively. Only Calavera creek passes through the planning area and travels through mostly developed land. The HA drains into Carlsbad and the Agua Hedionda Lagoon before reaching the Pacific Ocean. A very small portion (8%) of the HA is located in the planning area. At 45%, the majority of the HA is in the City of Carlsbad.

Risk Assessment

FEMA provides local jurisdictions with mapping that defines the areas that may be affected, or inundated, by flood. FEMA typically addresses the 100-year flood event and its consequences for people and structures. A 100-year flood, as defined by FEMA, produces a magnitude of inundation that has a one percent chance of occurring in any given year. A 100-year flood has a 39 percent chance of occurring in any given 50-year period, and thus is reasonably foreseeable during the life of this SAP and associated permits. However, flooding is a natural event and is not anticipated to cause damage sufficiently severe to prevent natural regeneration of existing habitats with the Preserve.

Information on flooding potentials is available from several sources. FEMA maps on file with the City identify the 100-year flood zones located within the Preserve. Areas that would be subject to flooding in a 50-year event are not mapped by FEMA but can be inferred. These areas primarily follow the creeks which form the watersheds named above, and are essentially confined to natural drainage channels and riparian areas, where water has historically been known to occur.

Preventative Measures

Preventative measures to reduce the likelihood of or harm from flooding in the Preserve are included in Preserve management guidelines specified in Section 7 of this SAP, and will be more specifically identified in the area-specific management directives for the Preserve. City land use policies ensure that land use regulations and public improvements do not increase the rate, magnitude, and duration of natural flood flows.

All development projects approved by the City will also include implementation of BMPs for stormwater and surface runoff pursuant to the standards promulgated by the California Regional Water Quality Control Board (RWQCB). For all discretionary projects approved by the City, the City will include mitigation measures or other conditions, as appropriate, to ensure that the rate, magnitude, and duration of natural flood flows are not increased and reduce the likelihood that a flood would adversely

impact covered species and the conserved habitat. As a co-permittee of the RWQCB National Pollution Discharge Elimination System (NPDES) Permit, the City is required to adopt a Standard Urban Storm Water Mitigation Plan (SUSMP). The large majority of new development projects and significant redevelopment projects must meet SUSMP requirements to reduce pollution and runoff flows. The City's SUSMP includes a list of recommended source control and structural treatment BMPs.

Planned Responses

Upon the occurrence of a Changed Circumstances Flood as defined by this Section, the City will notify the Wildlife Agencies pursuant to the protocol established by the City's Open Space Management Plan. Within 60 days of the flood incident, the City will assess the damage caused by the flood within the affected drainage to determine, with concurrence of the Wildlife Agencies, if a monitoring plan is required. Anticipated damage would include erosion to the main channel or bank, possibly with loss of riparian vegetation. The assessment will identify measures to minimize, to the extent practicable, adverse impacts on covered species resulting from the flood event. Measures developed by consensus between the City and the Wildlife Agencies will be implemented. Ongoing maintenance and operations activities may continue until new measures resulting from the assessment are developed.

Should the extent and severity of the flood damage necessitate monitoring, the City will develop and implement a monitoring program for a period of up to two years to monitor natural re-growth within the damaged area. The monitoring program will provide for site visits on a regular basis, as determined by the City and the Wildlife Agencies, as appropriate to the scope and severity of the flood damage.

At any time during the monitoring program, should monitoring observations indicate that habitat regrowth is resulting in increased opportunity for invasion by nonnative species and/or increased potential for type conversion, the Preserve management program will be modified to reduce the potential for such invasion and/or type conversion, consistent with the relevant open space or preserve management plan and the terms of the IA. One or both of the following management activities will be incorporated into the modified management program, as appropriate for the circumstance: (1) removal of sediment and/or debris, and/or (2) control of nonnative weeds and other invasive species through approved techniques.

6.2.2.1.3 Drought

For the purpose of defining Changed Circumstance, Drought is defined as climatic drought up to three years in length, as declared by the California State Department of Water Resources and/or the San Diego County Water Authority (SDCWA).

Risk Assessment

Drought is a cyclical weather phenomenon that is beyond human control. Drought is not uncommon in southern California, and it is a phenomenon to which local natural habitats and species have adapted to over time. Drought occurs slowly over many years, differing from the catastrophic events of fire and flood, which occur rapidly and afford little time for preparing for disaster response. Drought conditions may adversely affect covered species and conserved vegetation communities, if the species and/or habitats are unable to adapt to the changing conditions.

The potential for drought to impact conserved habitats increases with the length of a drought. As covered species and their habitats begin to react to a prolonged reduction in rainfall, carry-over supplies in reservoirs are depleted and water levels in groundwater basins also decline, making imported water resources less available for non-potable uses. Both San Diego County and the City rely on imported water. However, according to the California Department of Water Resources (DWR), in their document “Droughts in California,” droughts exceeding three years are rare in northern California, the area of California that is the source of much of the State’s developed water supply and of imported water for southern California.

Preventative Measures

This SAP does not contain measures to prevent climatic drought because drought is not preventable by human intervention.

The City is served by the City of Oceanside’s Water Utilities Department, which purchases imported water from the SDCWA. In order to reduce reliance upon imported

water, the City has a desalination plant which draws water from the San Luis Rey groundwater basin and blends it with water purchased from the SDCWA.

To prepare for potential diminished water supply, the City will assess its use of reclaimed water Citywide, and will consider directing reclaimed water to areas of the Preserve undergoing active restoration where water is needed, and where it is possible to do so. It is acknowledged that it may not be feasible to use reclaimed water for active restoration areas in times of drought or diminished water supply. However, to the extent that it is able, the City will work with responsible water agencies to determine whether adequate reclaimed water supplies would be available to serve restoration areas in the Preserve.

Planned Responses

Upon the occurrence of a drought Changed Circumstance as defined above, the City and the Wildlife Agencies will assess the condition of the Preserve to determine if a monitoring program is required for all or portions of the Preserve. Based upon the extent and severity of the Drought, the City will develop and implement an assessment of the condition of the Preserve to determine whether covered species are being affected or whether there is potential for damage to the Preserve. Based on the results of the assessment, the City will implement a program to monitor natural re-growth within damaged areas for a period of up to two years. The monitoring program will provide for site visits on a regular basis, determined by the City and the Wildlife Agencies, as appropriate to the drought situation.

At any time during the monitoring program, should observations indicate that habitat regrowth is resulting in increased opportunity for invasion by exotic species and/or increased potential for type conversion, the Preserve management program will be modified to reduce the potential for such invasion and/or type conversion, consistent with the relevant open space or preserve management plan and the terms of the IA. One or both of the following management activities will be incorporated into the modified management program, as appropriate for the circumstance: (1) providing temporary irrigation to strategic areas of the Preserve; and/or (2) controlling non-native weeds and other invasive species through approved techniques.

6.2.2.1.4 Invasion of Exotic Species

For the purpose of defining Changed Circumstance, invasion of exotic species is defined as an increase of invasive species within the Preserve to the extent that, as mutually determined by the City and the Wildlife Agencies, such increase is of sufficient magnitude to significantly, adversely affect any covered species. For the purpose of implementing the actions specified by this Section, species to be considered potentially invasive are those defined in Table 5-5 of this SAP.

Risk Assessment

Although invasive, exotic, or pest species of plants and/or animals may currently be present within the Preserve, an unexpected and/or sudden increase in certain invasive species may create the potential for impacts to covered species which could have a significant adverse affect on one or more of the covered species within the conserved habitat. Opportunities for increases in invasive species could occur as urban development expands in areas surrounding conserved habitat. The occurrence of a catastrophic event, including changed circumstances defined in this Section, may precipitate sudden increases of invasive species. Planned responses to these changed circumstances include measures to reduce the opportunity for invasion by exotic species.

Preventative Measures

Establishment of the Preserve and management actions that will be undertaken as part of the implementation of this SAP will reduce the probability of sudden increases in invasive species. The Preserve management guidelines in Section 7 of this SAP contain measures specifically designed to prevent invasive species from threatening conserved habitat that will be more specifically identified in the area-specific management directives for the Preserve. These measures include restrictions on the use of invasive plant species in landscape palettes, visitor/resident invasive species education, fencing around development areas, training and use of volunteers in removing invasive plant species, and inspecting container plants to limit invasive ants. Through implementation of Preserve management activities associated with this SAP, invasive species will, under

normal circumstances, be discovered prior to becoming a threat to covered species. When invasive species are discovered, the Preserve management program is designed to be tailored to eliminate, reduce, and/or manage such species.

Planned Responses

If, as determined by the City in consultation with the Wildlife Agencies, an increase in invasive species has occurred within the Preserve at a magnitude sufficient to present a significant adverse affect to any covered species, the City will notify the Wildlife Agencies pursuant to the protocol established by the City's Open Space Management Plan. If the influx of invasive species involves a species included on the CalIPPC "List A", within 30 days of such notice to the Wildlife Agencies the City will assess and implement changes to the adaptive management program that are necessary to control the invasive species. If the influx of invasive species involves a species listed on the CalIPPC "Red Alert" list (**Appendix X**), the City will also notify other relevant agencies as recommended by CalIPPC. Within 30 days of obtaining responses from the agencies contacted, the recommendations of the agencies will be used by the City with concurrence of the Wildlife Agencies to determine appropriate modifications to be made to the adaptive management program.

Modification of the adaptive management program to address an invasive species Changed Circumstance will include implementation of a monitoring program of up to two years, as determined by the City. The monitoring program will provide for site visits on a regular basis, determined by the City and the Wildlife Agencies, as appropriate to the type, scope and location of the exotic species infestation.

6.2.2.1.5 West Nile Virus

West Nile Virus (WNV) is a mosquito-borne disease that infects both wild and domesticated bird species, livestock, humans, and various other species. The disease can be fatal. WNV was first detected in the United States in the State of New York in 1999. The illness has spread from East to West across the United States by birds and mosquitoes. WNV was first detected in California in Imperial County on August 20,

2003. The virus has since been discovered in dead birds collected from Los Angeles County, Riverside County, Imperial County, Orange County, and San Diego County, including the City.

WNV is a region-wide issue, not restricted to the City. It is addressed here as a Changed Circumstance because we are aware that there are infected birds in the City and throughout the region. It is not possible at this time to define with any precision a threshold between Changed Circumstances due to WNV and Unforeseen Circumstances. The following discussion is offered to describe what we currently understand about the disease and efforts to respond to it.

Risk Assessment

Thus far, WNV has not killed large numbers of wild birds, but the overall extent of the infection in wildlife is not well understood. There is the potential for the disease to become a significant mortality factor to certain bird species. However, because the disease is a threat to human health, current prevention activities (as outlined below) are likely to reduce the threat to both humans and wildlife. Because public health officials use bird deaths to gauge the effectiveness of their WNV prevention programs, any significant increase in bird deaths is likely to produce public concern, leading to intensified efforts to halt spread of the disease.

Preventive Measures

Mosquito control is probably the single most important and effective element in inhibiting the spread of WNV to all species. In San Diego County, mosquito abatement is carried out by the Vector Control Program of the County Department of Environmental Health. Concern about WNV and other mosquito-borne diseases has led Vector Control to expand its efforts to control mosquito populations. These activities have included aerial spraying/application of mosquito larvicide (Bacillus sphaericus (Bs) and Bacillus thuringiensis israelensis (Bti)) of large bodies of fresh water, spot spraying or hand broadcasting of bascillus (6s and Bti) of smaller waterbodies, distribution of fish that eat

mosquito larvae to property owners with ponds, and public education to encourage abatement of miscellaneous sources of standing water. These preventive measures have been largely effective as evidenced by the relatively low death rate from the disease.

A secondary preventive measure is the heightened public awareness of the fact that the disease can be fatal to birds. County Vector Control and other agencies have carried out an extensive educational campaign to inform the public that dead birds should be reported to them. Tests are performed on dead birds to determine whether the bird was infected with WNV. Although this level of monitoring of bird deaths is far from complete, it provides the best information available about the extent and virulence of the disease in wild bird populations.

Planned Responses

Any indications of increase in human or animal mortality due to WNV would be treated as a very serious public health concern and would receive a high level of response. Mosquito abatement activities by County Vector Control would be intensified, as well as public information activities directed toward elimination of standing water and reporting of dead birds. Any chemical response to WNV other than application of Bacillus (Bs and Bti) larvicide would require the City to consult with and receive approval from the Wildlife Agencies prior to such application to ensure that species covered by the MHCP would not be adversely affected beyond what is currently analyzed.

Because of the potential risk to human health, normal budgetary limitations would not be allowed to constrain efforts to halt the disease. These activities will benefit bird species and well as people, so it would not be necessary to have programs directed solely toward addressing the disease in wildlife. In addition, planned responses to the disease are carried out on a regional basis. The City would not be alone in attempting to respond to a major outbreak.

6.2.2.1.6 Future Listings of Non-Covered Species

The City recognizes, as noted in the USFWS discussion of its “Habitat Conservation Plan Assurances (‘No Surprise’) Rule,” (63 F.R. 8859; February 23, 1998), that the future listing of a species whose conservation was not provided for in the MHCP to a level sufficient to include the species as a City covered species can be viewed as a Changed Circumstance. In the event that a species, which is not a covered species pursuant to this SAP and associated take permit, is listed by USFWS subsequent to the issuance of a take permit pursuant to the SAP, such listing will be considered a Changed Circumstance.

In the event of a non-covered species, the City and Wildlife Agencies will jointly identify measures that the City will follow to avoid take, jeopardy and/or adverse modification of any designated Critical Habitat within the subarea, until and unless the City’s permit is amended to include coverage for the newly-listed species as City covered species or the Wildlife Agencies notify the City that such measures are no longer required to avoid jeopardy, take or adverse modification of designated Critical Habitat of the newly-listed species. Among other measures, the City will require that prior to the City’s issuance of any permit for land development, clearing and/or grubbing, applicants must obtain take permits for any listed, non-covered species through appropriate Federal and/or State permit processes.

6.2.2.2 Unforeseen Circumstances

Unforeseen Circumstances are events affecting a species or geographic area covered by the SAP that could not reasonably have been anticipated by the City or the Wildlife Agencies at the time the SAP was approved, and that result in a substantial and adverse change in the status of a covered species. Unforeseen Circumstances include future unanticipated conditions which are either not defined as Changed Circumstances, or which exceed the definitions developed for Changed Circumstances particularly in terms of severity or extent. Unforeseen Circumstances include the following examples:

- Fire, occurring in the same location within the first three years following an initial fire, and damaging greater than five acres of Preserve habitat.

- Flood events occurring within the Preserve floodplains associated with the San Luis Rey River, Loma Alta Creek, Buena Vista Creek, and Agua Hedionda Creek, and their associated tributaries, at greater than 100-year levels, as classified by the Federal Emergency Management Agency (FEMA) and determined by the Oceanside Department of Public Works.
- Climatic drought greater than three years in length, as declared by the California State Department of Water Resources and/or the San Diego County Water Authority.
- An increase of invasive species within the Preserve to the extent that, as determined by the City's Preserve Manager in consultation with the Wildlife Agencies, such an increase is of sufficient magnitude to significantly adversely affect any covered species.

Pursuant to the “No Surprises” rule, the Wildlife Agencies bear the burden of demonstrating that Unforeseen Circumstances exist and must use the best available scientific and commercial data available. The findings that Unforeseen Circumstances exist must be clearly documented and based on reliable information regarding the status and habitat requirements of the affected covered species. Factors that the Wildlife Agencies will consider in making a determination of Unforeseen Circumstances include, but are not limited to, the geographic range of the affected covered species, the percentage of the range of the affected covered species conserved by the SAP and the implementation and effectiveness of conservation measures employed by the SAP, and whether the adoption of additional conservation measures would appreciably increase the likelihood of survival and recovery of the affected covered species.. In the event of a potential Unforeseen Circumstance, the City and the Wildlife Agency will notify each other of the situation, and the Wildlife Agencies will initiate their review to determine if an Unforeseen Circumstance has occurred.

Assuming the City has been properly implementing the conservation measures of the SAP, the Wildlife Agencies will not require the commitment of additional land, financial compensation, or additional restrictions on the use of land, water, or other natural resources, upon a finding of Unforeseen Circumstances, beyond those provided for under the SAP unless the City consents. Upon a finding of Unforeseen Circumstances, the Wildlife Agencies are limited to modifications within conserved habitat areas or

reprioritizations of conservation actions in the SAP's conservation program. Additional conservation and mitigation measures will not involve the commitment of additional land, water, or financial compensation, or additional restrictions on the use of land, water or other natural resources without the consent of the City. Any additional measure required of the City by the Wildlife Agencies in the event of a finding of Unforeseen Circumstances must maintain the original terms of the SAP to the maximum extent possible and must be limited to modifications within the Preserve and to the SAP's operating conservation program. Pursuant to 50 C.F.R section 17.22(b)(8) and 17.32(b)(8), the take authorization may be revoked by the Wildlife Agencies where an Unforeseen Circumstance would appreciably reduce the likelihood of the survival and recovery of the species in the wild.

6.3 CITY IMPLEMENTATION ACTIONS AND PROCESS

The City will enter into the Implementing Agreement with the Wildlife Agencies following an action of the Oceanside City Council to adopt the SAP and authorize the Agreement. The duration of the Agreement will be 50 years, with an option for renewal of the Agreement. The Implementing Agreement will ensure that the Oceanside Subarea Plan will be continuously implemented over the next 50 years, and that the State and Federal take permits will be in effect for the same time period. Key assurances for all parties described in the subregional MHCP and this SAP will be incorporated in the Implementing Agreement in full.

For its part, the City will guarantee implementation of the SAP through interim and permanent regulatory measures, including codes, ordinances, and policies contained in the Oceanside General Plan, and other City policy documents described in Section 2.3. The City affirms that within 2 years of the signing of an Implementing Agreement with the Wildlife Agencies, it will develop and schedule action on a comprehensive General Plan and LCP amendment that will codify any new or modified City policies required to fully implement and execute the SAP. By mutual agreement the parties may extend this period for an additional 1 year. This action will ensure consistent implementation of the SAP through City policy, private and public project review and approval, and guidelines for operations and management of public lands. Regardless of this time period, the City will fully implement the terms of the SAP, the Implementing Agreement, and the take permits during the interim period through the process described earlier in Section 6.2.

6.3.1 Local Regulatory Actions

Upon signing the Implementing Agreement, the City will use its land use regulatory authority to fully implement the provisions of the SAP. Regulatory implementation shall consist of the following actions:

6.3.1.1 Urgency Ordinance for Interim Compliance. Concurrent with approval of the SAP, the City will enact an urgency ordinance as permitted by California Government Code Section 65858, to require interim compliance with the SAP while permanent regulatory measures are being drafted and approved.

6.3.1.2 General Plan Update. The City will amend the Land Use, Environmental Resource Management, Recreational Trails, and Community Facilities Elements of the General Plan as well as the Master Plan for Parks and Recreation to incorporate the SAP by reference. These elements and associated policies and guidelines are discussed in Section 2.3. Open Space and Land Use Maps contained in the elements will be amended to show the existing and proposed hardline areas of the Preserve as open space. If necessary or applicable, existing goals, objectives or policies contained in the elements will be amended to strengthen the City position regarding SAP implementation.

6.3.1.3 Update Local Coastal Program Land Use Plan. The City's LCP Land Use Plan and San Luis Rey River Specific Plan will be updated and amended by reference to add conserved habitat lands, identified in the SAP or during Plan implementation, as undevelopable open space lands.

6.3.1.4 Update Municipal Code. The City's Municipal Code will be amended by reference to require lands addressed by the SAP to comply with the conservation standards contained in Section 5 of the SAP.

6.3.1.5 Update Zoning Ordinance. Additional text will be added to the Zoning Ordinance and a new Article will be drafted to describe the effective boundaries and intent of the SAP. A review process similar to the Hillside Development Plan described in Section 3039 will be required for all development within the City.

This addition to the ordinance will also create several preserve planning zones: WCPZ, Agricultural Exclusion Zone, Pre-approved Mitigation Areas, and Offsite Mitigation Zone. These overlay zones are illustrated and described in Section 4; specific standards and policies that apply in each zone are described in Section 5.3. The addition to the Zoning Ordinance will apply these additional protections for biological resources to the overlay zones to supplement requirements of the underlying zone(s). These criteria will make the Zoning Ordinance reflect the requirements of the SAP in appropriate areas of the City.

The City will also review and modify other development regulations, as needed, to ensure that approval of private and public development projects is consistent with the SAP.

6.3.1.6 Revise Hillside Development Provisions. The Hillside Development Provisions will be revised to prohibit development within the WCPZ on all slopes greater than 40 percent with an elevation differential of at least 25 feet, regardless of underlying zoning. This revision will effectively extend protection for habitats occurring on steep slopes to nonresidential parcels and will increase protection by precluding exceptions to the development restrictions based on a Hillside Development Plan.

6.3.1.7 Update Grading Regulations Manual and Ordinances. The City will update the Grading Regulations Manual, the Flood Plain Management Ordinance, and the Fire Ordinance to reflect final details of the SAP and the MHCP as ultimately adopted by the City. Current ordinances will be strengthened regarding enforcement and penalties for illegal grading, clearing, and other operations within habitat or other sensitive resource areas.

6.3.1.8 Comply with Implementing Agreement and Permits. The City will comply with all terms and conditions of the Implementing Agreement and permits.

6.3.2 Interim Resource Protection

The goal of interim protection is to prevent important habitat areas or species from being lost to clearing, conversion, or development in the time period between signing the Implementing Agreement and City action to adopt the General Plan update. Existing City regulations and ordinances, as well as project-specific plans described in this SAP, will

provide both interim and permanent protection. No proposed project requiring discretionary approval within the City will be approved by the City without a determination of consistency with the SAP once the Implementing Agreement is signed. No grading will be done within the City without a determination of consistency with the SAP by the City Planner.

The City will act on the urgency ordinance outlined in Section 6.3.1 to require review of any clearing, brushing, grubbing, or grading of vacant lands, or conversion of nonagricultural lands to active agriculture. If these lands are not directly addressed by the SAP but contain resources covered by the SAP, an appropriate permit and level of mitigation consistent with the SAP will be required. If such lands are directly addressed in the SAP, the SAP's requirements must be met as if the City had fully incorporated the SAP into the City's General Plan.

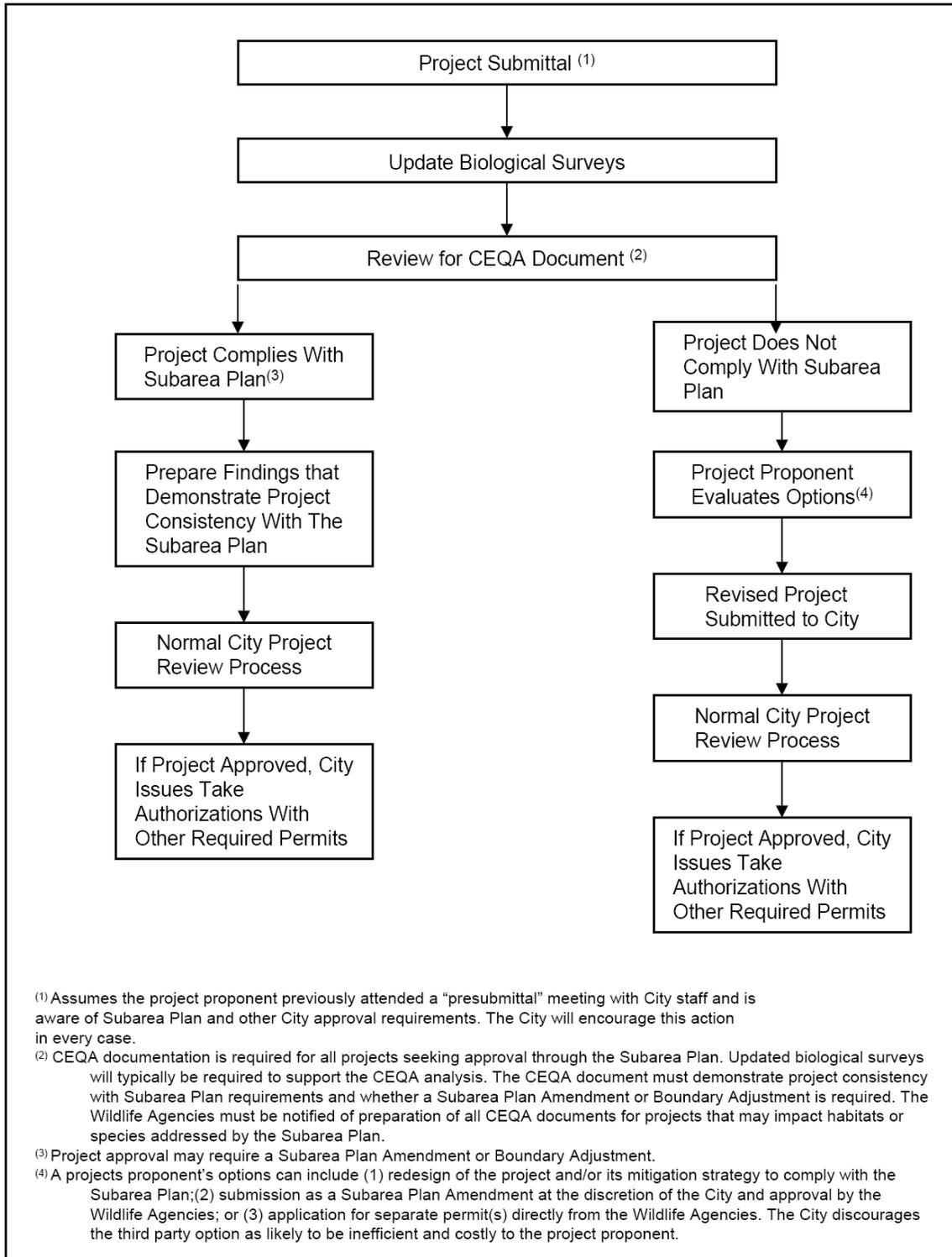
6.3.3 Development Review and Approval Process

Establishment of the regulatory framework described in Section 6.3 will enable the City to fully implement the land conservation policies of the SAP through the normal project review and approval process. The process summarized in Figure 6-1 will apply to all private and public projects where the City has jurisdictional land use authority. The City will apply the same process for project areas where hardline plans are incorporated into the SAP as well as those limited areas where compliance is driven by criteria and standards.

6.3.3.1 Hardlined Project Plans. Some areas within City boundaries at the time of SAP adoption are addressed by hardlined plans incorporated or referenced in this SAP. Hardlined project plans contain a map that shows where conservation and development will occur on the site. Hardlined projects must also incorporate City mandated development requirements before approvals are granted. Section 5 contains overall project design guidelines that must also be considered when developing final detailed plans for hardlined areas. Taken together, these constitute the "Subarea Plan Compliance" step included in Figure 6-1.

FIGURE 6-1

DEVELOPMENT REVIEW AND APPROVAL PROCESS



6.3.3.2 Softlined Project Plans. For other areas of the City, it was not possible to prepare project level plans prior to approval of the SAP. Conservation requirements for these areas are described as specific standards and criteria for preserve design and project approval described in Section 5. In these areas, the City will ensure that all standards and criteria are fully satisfied before any project approvals are issued.

6.3.3.3 Planning Zones. For properties in the City which have not submitted proposed hardline designs for inclusion in the Preserve, the SAP includes conservation goals and standards which will apply to future development proposals in the planning zones described in Section 5. Habitat conservation planning for any properties located in these zones and the conversion of these properties to proposed hardline areas shall be processed as a Consistency Finding (see Section 6.4.1.2). Projects proposed within the planning zones will be required to demonstrate compliance with the standards of the specific zone before they can be approved by the City.

6.3.3.4 Wildlife Agency Consultation. Once the Implementing Agreement is signed, the City will not be required to consult with the wildlife agencies in the normal course of review and approval of project plans. The agencies will receive notification of a project through a CEQA Notice of Preparation (NOP) and may request a voluntary consultation within the normal public review period listed on the NOP, where coordination may help clarify and address key issues or may help to streamline the regulatory permitting process. Any new project that uses the Oceanside Subarea Plan for coverage must demonstrate consistency with the subarea plan by making consistency findings through a public review process, which will typically be through a CEQA review. For projects that would not require a CEQA review but require a subarea plan consistency finding, a separate consistency determination and wildlife agency notification would be required.

6.3.3.5 Habitat Tracking and Reporting

The City will maintain an accounting of all projects or actions within the Plan area, including those within and outside of the Preserve. The information will be input and managed in a spatial Geographic Information System (GIS) database, and will include the name and description of the project or action and the boundaries of the impacted and conserved portions of the property. Boundaries of fuel modification zones will be included as well. The loss of habitat will be accounted for when the grading permit is issued. For lands added to the Preserve, habitat gain will be accounted for on the

recordation of title transfer, recordation of a conservation easement, or execution/recordation of any other instrument that confers third-party beneficiary status to the project or property.

Using Habitrak software, the City will account, by project and cumulatively, for the amount and location of habitat acreage, by vegetation community, lost and preserved within the subarea. Habitrak is a well-established GIS-based regional accounting and reporting system used for the MHCP and all other current NCCPs in the San Diego region. The data will be updated at least annually, and will be used to ensure that the City is making adequate progress towards the conservation acreage outlined in this Plan, and that habitat preservation is proceeding in rough step with development.

6.3.3.6 Reporting and Annual Meeting

To show that the City is in compliance with their SAP, the City shall prepare and submit a public Annual Report to the Wildlife Agencies by February 15 of each year. This report will contain information on acres lost and preserved within the Plan area, including acres conserved within the Preserve and acres committed to development, both within and outside of the Preserve, as described above. With the exception of projects that require a major amendment to the SAP, all issuances of project approvals, minor amendments to the SAP, and boundary line adjustments to the Preserve over the course of a given reporting year will be documented in the annual report. In addition, the report will summarize issues of greatest concern, management and monitoring activities, failed and/or successful remediation or restoration measures, and other relevant information to guide adaptive management and inform other NCCP agencies in achieving more effective preserve system management. Every third year, the report will consist of a three-year summary that includes City-wide management priorities for the next three-year period, monitoring results and status of covered species, and an evaluation of funding adequacy relative to resource management goals.

Every year the City shall meet with the Wildlife Agencies to review and evaluate implementation of the Oceanside SAP during the previous year. Progress toward achieving conservation goals and requirements will be reviewed; key conservation, management and monitoring actions implemented during the year will be summarized; and habitat management issues will be discussed along with a review of project approvals issued by the City over the course of the year. If the parties determine that this Plan is not

being implemented as required, the Wildlife Agencies and the City will take the actions specified in the implementing agreement to remedy the situation. These actions may include additional management activities, modification of the project compliance process, or redirection of implementation funds, as long as they are consistent with the provisions of the implementing agreement. To allow for public participation, the annual meeting can be open to the public, or the City may choose to hold a separate public workshop.

Every three years the City, in conjunction with the other participating local jurisdictions, shall prepare a public report on the status of the MHCP Plan and shall hold a public hearing in conjunction with the issuance of this report. The report shall incorporate information on the amount of land preserved to date, the amount of land added to the MHCP Preserve within the previous three years, and the total expenditures made toward habitat acquisition to date over the preceding three years. This report shall also include a subarea by subarea accounting of all funds received and expended during the previous three years to implement the subarea plans, including the amounts received and expended on habitat acquisition, management and monitoring.

6.3.4 Oceanside Conservation Strategy and Preserve Design

The City has developed a conservation strategy that is unique and adapted to City-specific issues and development conditions with regard to the NCCP process. This approach is consistent with the guidelines and process of the NCCP program and provides the basis for the City's achievement of the overall MHCP conservation goals described in this SAP. The preserve design is based on the division of the City into distinct planning zones: a WCPZ, Pre-approved Mitigation Areas, an Offsite Mitigation Zone, the Coastal Zone, and the Agricultural Exclusion Zone. These zones are designed to achieve Preserve objectives that will contribute to local and regional conservation goals by focusing conservation activities and project mitigations into the WCPZ and other important biological resource areas. The critical role that the City plays in providing a regional linkage for key species, such as the gnatcatcher, was one of the key considerations and driving forces prompting the unique conservation strategy and preserve design approach outlined in this SAP. Details concerning the contents and biological justification for this preserve design are discussed in Section 4.3.

6.3.5 San Luis Rey River Channel

The San Luis Rey River between the Pacific Ocean and College Boulevard is the subject of a Habitat Management Plan (HMP) prepared by the ACOE in consultation with the City and the Wildlife Agencies. The intent of the HMP is to provide adequate flood protection while preserving as much habitat as possible for sensitive riparian dependent species such as the vireo. A separate Section 7 consultation with the ACOE has been completed for the Flood Control Management Plan project, which addressed the potential effects of the project on the following federally-listed species: least Bell's vireo, southwestern willow flycatcher, California gnatcatcher, and arroyo toad. The City also obtained a CESA take permit from CDFG for impacts to two State-listed species: least Bell's vireo and southwestern flycatcher, and a Streambed Alteration Agreement per California Fish and Game Code Section 1600 et seq. Although take authorizations for this project were not obtained under the City's SAP, the long-term management and monitoring obligations that were required as mitigation under the CESA permit will be implemented in association with the City's long-term management and monitoring obligations for the City-owned portions of the Preserve. Therefore, the cost of the long-term management and monitoring of the mitigation associated with the Flood Control Project is included in the final cost analysis for the City-owned portions of the Preserve.

6.3.6 Buena Vista Lagoon Restoration and Management Plan

The Buena Vista Lagoon is located within a portion of the cities of Oceanside and Carlsbad and is managed as a State ecological reserve by CDFG. An updated Management Plan is currently being prepared under the guidance of CDFG, the Buena Vista Lagoon Foundation, and the State Coastal Conservancy. The Management Plan will identify a preferred lagoon restoration scenario and will contain policies and standards to ensure lagoon restoration success and the long term health and management of the lagoon ecosystem. Implementation of the management plan will be considered part of overall SAP implementation.

6.4 SUBAREA PLAN AMENDMENTS

Amendments to the SAP may be necessary over time, including:

- Minor changes to maps showing boundaries of the SAP area including existing or proposed hardline areas;
- Conversion of standards areas to hardline areas; and
- Possible future additions to the list of covered species.

To facilitate the processing of such changes, the SAP amendment process described below will apply.

6.4.1 Minor Amendments

6.4.1.1 Equivalency Findings

Minor changes to the Preserve map to show actual, precise boundaries of conserved habitat, and which do not reduce the acreage or quality of the habitat, will be treated as automatic amendments under an Equivalency Finding. The City will provide written notice of the Equivalency Findings to USFWS and CDFG, and unless the Wildlife Agencies object within 30 days after notification, the change will be considered approved. If objections are raised, the City will meet with the Wildlife Agencies to resolve the issue; written approval of the resulting change will be required. Minor boundary changes will not require an amendment to the General Plan Open Space and Conservation Element.

6.4.1.2 Consistency Findings

Habitat conservation planning for any properties located in the planning zones of the SAP area, and the conversion of these properties to proposed hardline areas, shall be processed as a Consistency Finding. City projects not shown as proposed hardlines shall also be processed as a Consistency Finding. All proposed projects will be required to demonstrate compliance with the appropriate planning zone standards before they can be

approved by the City. The process for completing minor SAP amendments includes the following:

1. The project proponent must meet with the City to discuss the proposed development.
2. The project proponent must prepare and submit updated biological surveys (CEQA-level).
3. The project proponent must then demonstrate that they meet the specific planning zone standards (i.e., mitigation ratios, necessary buffers). Depending on the planning zone, the project proponent may complete mitigation onsite, offsite, or by some combination thereof. Regardless of the mitigation method, all mitigation must meet the following requirements:
 - a. If the project proponent proposes to establish Preserve boundaries onsite, such Preserve boundaries must be designed pursuant to the Preserve design criteria in Section 4 of the MHCP Plan.
 - b. Mitigation must meet the requirements of the Planning Zone.
 - c. An agreement must be reached between the City and the Wildlife Agencies for establishment of a suitable mitigation solution.
4. Project proponent must incorporate biological information for the Preserve boundaries or mitigation agreed-upon by the applicant, City, and Wildlife Agencies into the project's environmental documentation.
5. The City will consider adoption of a Minor Amendment during a project's entitlement process.

6.4.2 Major Amendments

Removal of lands from conserved areas, or reconfiguration of hardline areas resulting in a decrease of acreage or quality of habitat, shall constitute a Major Amendment to the SAP. Once the subregional MHCP is completed and/or as additional biological analysis

and information becomes available, additions to the covered species list shall also require a Major Amendment to the SAP. Major Amendments shall require environmental review including CEQA and NEPA, approval by the Wildlife Agencies, and be subject to the amendment process described below.

1. The project proponent must meet with the City and the Wildlife Agencies to discuss the proposed development project and required biological surveys. The project proponent must include alternatives that would offset the loss of Preserve habitat and make the Preserve as “whole” as possible. Possible mitigation to offset impacts to the Preserve include but are not limited to (1) conserve additional land somewhere else in the MHCP Biological Core and Linkage Area (BCLA), (2) conduct more restoration than required by the SAP, (3) fund management on lands currently lacking funding, and/or (4) fund and carry-out management activities beyond what the SAP requires.
2. Project proponent must submit updated biological surveys per City’s MHCP Implementation Guidelines.
3. Project proponent must define Preserve boundaries consistent with the requirements of the Preserve design criteria in Section 4 of the MHCP Plan, and the conditions for species coverage under of this Plan.
4. Project proponent must receive agreement form the City and the Wildlife Agencies for establishment of new Preserve boundaries.
5. Project proponent must incorporate biological information and Preserve boundaries agreed-upon by the City and Wildlife Agencies into project environmental documentation.
6. Project proponent must prepare Major SAP Amendment meeting the Habitat Conservation Plan standards of the ESA and required Federal and State environmental documents.
6. The City will consider adoption of a Major Amendment during a project’s entitlement process.

7. The Wildlife Agencies will process Major SAP Amendment and an amendment to their respective Incidental Take permits in accordance with all statutory and regulatory requirements.

6.5 PRESERVE BOUNDARY ADJUSTMENTS

Adjustments to the Preserve boundaries may be made without the need to amend either this Plan or the MHCP where the new Preserve boundary results in either same or higher biological value of the Preserve. For the purposes of this SAP, there are two categories of Preserve line adjustments: mapping conflicts and boundary adjustments.

6.5.1 Mapping Conflicts

Correction of mapping conflicts may be made by the City with concurrence from the Wildlife Agencies when there is a discrepancy between the Preserve map and one or more of the other mapping databases (e.g., vegetation, approved hardline plan, updated topography, etc.). Mapping conflicts covered by this category include requests for Preserve line alterations when mapping errors have placed an area into the Preserve, which is developed or expressly intended for development and/or when mapping errors have removed from the Preserve an area with sensitive resources expressly intended to be conserved. In the case of a mapping conflict, the City will determine the adjusted Preserve line pursuant to the following process:

1. The City Planner (or designee) declares that a mapping conflict has occurred and determines the revised Preserve line based on review of all available information and data.
2. The City will notify the Wildlife Agencies about the mapping conflict during the next regularly scheduled monthly SAP implementation meeting. If the Wildlife Agencies agree with the City's assessment, then the mapping conflict can be rectified with no further requirement. If, however, the Wildlife Agencies do not agree that it is a mapping conflict, the project proponent can propose a boundary adjustment and proceed according to Section 6.5.2 below. The City can provide the project proponent with a summary of the meeting notes regarding his/her project.

6.5.2 Boundary Adjustments

Boundary adjustments may occur for reasons such as: (1) new biological information obtained through site-specific studies; (2) unforeseen engineering design opportunities or constraints; (3) a landowner or other constituent request to change boundaries in the context of the equivalency standard set forth in this section, and/or (4) timely and adequate notice of objection by the Wildlife Agencies to a mapping conflict determination made by the City Planner as defined by Section 6.5.1 of this SAP. In the case of a Boundary Adjustment, the City will determine the adjusted Preserve boundary pursuant to the following process:

1. A preliminary determination of the biological value of a proposed boundary adjustment will be made by the City Planner (or designee) in accordance with Section 5.3.6 of the MHCP and this SAP, if appropriate.
2. The City notifies the Wildlife Agencies in writing of the boundary adjustment, including written findings of equivalency made by the City Planner.
3. The adjusted boundary becomes the adopted boundary upon project approval unless the Wildlife Agencies object to the adjusted boundary within 30 days of receipt of City's written notice to the Wildlife Agencies. Objections by the Wildlife Agencies to boundary adjustments must be in writing and must state the rationale in support of the objection.
4. If the City receives written objection to a determination of a boundary adjustment by the Wildlife Agencies within 30 days of receipt of City's written notice to the Wildlife Agencies, then the City and Wildlife Agencies will have 60 days to meet, confer, and reach agreement upon final Preserve boundaries. If agreement is not reached, the boundary adjustment as proposed will not be approved.
5. If the Wildlife Agencies fail to respond to the City's notice within 30 days of receipt of the City's determination, the decision by the City Planner shall be deemed accepted.

Any adjustments to the Preserve boundary will be disclosed in any necessary environmental documentation prepared for the specific project. An evaluation of the

proposed boundary adjustment will be provided in the biological technical report and summarized in the appropriate sections of the environmental document. If it is determined through the process identified in Section 5.3.6 of the MHCP that the adjustment will result in the same or higher biological value of the Preserve area, no further action by the jurisdictions or Wildlife Agencies shall be required. An adjustment that does not meet the equivalency test will require an amendment to this SAP (or separate Federal Section 10(a)(1)(B) permit or Section 7 Consultation).

6.6 ANNEXATIONS

Future annexations of land to the City must be addressed by the requirements of the SAP. These include interim protection of resources and conformance to the SAP project review and approval process depicted in Figure 6-1 if development is proposed in the annexed area. The status of County NCCP Plan(s) in annexed areas prescribes the City's actions. The City will implement the SAP in the case of annexations as follows:

- If *no* approved county or other SAP exists for the area being annexed, the City must assure that any development project is consistent with the overall conservation directives and preserve design strategy of the City's SAP and the MHCP.
- If an approved County or other SAP *exists* for the area being annexed, the approved County SAP applies, and may be modified through the boundary adjustment process described in Section 6.5.
- This same approach will apply to de-annexation or re-annexation of lands from another incorporated City.

The City will additionally apply the following guidelines to annexations whether a County or other subarea plan exists or not.

- For small annexations of less than 40 acres, or where little habitat is present, the City will meet SAP requirements by ensuring that overall conservation and project design guidelines be addressed in any project plan proposed to the City for approval. No consultation with the Wildlife Agencies is required for this process, and notification will occur through the process described in Section 6.3.3.

- In the case of annexations of land greater than 40 acres that require take permits for development, the City will work cooperatively with the County of San Diego or other entity to assure consistency between the City's SAP, County MSCP, or other applicable conservation standards. The Wildlife Agencies must be consulted in the event of an annexation larger than 40 acres. If any existing County or other SAP will not be modified, or is modified in a way consistent with the Boundary Adjustment process, the resulting project design will be appended to the City's SAP and no plan amendment is required. If a major variation from a County or other SAP is proposed, the City's SAP must be amended following the procedures described in Section 6.4 including the CEQA and NEPA requirements. The City and County, or other responsible jurisdiction, may agree on which agency will issue the take authorizations, but the City will be responsible for assuring that any project-level conservation plan is implemented following annexation to the City.

6.7 PROCESS FOR ADDING NON-COVERED SPECIES TO COVERED SPECIES LIST

If a species that is not on the covered species list is proposed for listing pursuant to the Federal or State ESA, the City may request the species be added to the covered species list. The Wildlife Agencies will determine whether additional conservation measures, beyond those prescribed by the MHCP and City's SAP, are necessary to adequately protect the species. If no such measures are necessary, the species will be added to the covered species list using the Federal and State take permit amendment process if requested by the City. Adding new species to the covered species list will require a major amendment to the SAP as described above, which must justify why the species is being conserved and managed.

If the MHCP and SAP conservation measures would not adequately protect the species, the Wildlife Agencies will work with the participants to identify and jointly implement the steps necessary for coverage. These may include the following measures:

- Management practices and enhancement opportunities within the Preserve, provided these measures do not adversely affect any covered species; and

- Habitat acquisition through the reallocation of City, Federal, State, and regional funds identified for MHCP implementation, provided such reallocation does not adversely affect any covered species.

If these options are not adequate to meet the species' conservation requirements, the Wildlife Agencies will determine the additional measures necessary to add the species to the covered species list, with preference given to conservation means that do not require additional mitigation or dedication of land.

If the species is a candidate for the Federal ESA, the City or other parties holding permits issued by the City through the SAP will not be required to approve or implement conservation measures necessary to add the species to the covered species list until such time as the species is listed. However, if the species is a candidate for the State ESA, the species is treated as if it is listed and all conservation measures would have to be approved and implemented before take authorization could be granted to the City and any of its third party participants.

6.8 PERMANENT RESOURCE PROTECTION

6.8.1 Local Regulations

As has been described, the City will, as appropriate, update, consolidate, and codify the environmental regulations contained in the SAP into the City's General Plan. Additionally, the City implements CEQA through the development review and approval process, which requires protection of significant biological resources and mitigation for project impacts. Findings of consistency with the MHCP and City's SAP will be required for all projects with the potential to impact habitat.

6.8.2 Assurance of Long-term Biological Integrity

The long-term biological integrity of the land conserved through implementation of the subarea plan will be assured as follows:

- Lands set aside as mitigation for development, whether onsite or offsite, and lands acquired for the Preserve with public funds, will be protected with conservation easements and dedicated in fee to the City or another governmental or nonprofit

- agency, which will take over management responsibilities and liability. The City will require the project proponent to establish a non-wasting endowment to fund the management of the property in perpetuity.
- Newly acquired public lands (Federal, State, and local) that will be part of the Preserve will be protected for conservation either through conservation easements and/or fee title to an appropriate conservation entity.
 - Both private and public facility development will be regulated as has been described. Development will be directed toward the least biologically sensitive portion of the site by local ordinance using the hardlined project plans and other standards and criteria established in this subarea plan. Agreements or permits implementing these land regulations will be recorded with the County Recorder and will run with the land. The indirect impacts of the development will be addressed in the agreements or permit(s) to ensure protection of the sensitive resources remaining on the premises outside of the development area.

6.9 RELATIONSHIP OF SUBAREA PLAN APPROVAL TO MHCP CORE CONSERVATION

It is a general requirement for jurisdictions participating in the MHCP that conservation of an additional “core area” of coastal sage scrub habitat be guaranteed by Implementing Agreements before take authorizations may be issued. These core areas, overall responsibilities of the parties, and the strategy for its assembly are described in Section 5.3.9 of the MHCP Volume I. It is anticipated that the 400 to 500 acre core area will be located in or near either Carlsbad or San Marcos as they are the only cities with a remaining large, unfragmented core area of coastal sage scrub that could potentially be used as a breeding area for gnatcatchers.

The approval process for the City’s SAP may proceed as soon as the City and Wildlife Agencies agree that the conservation strategy and other required SAP elements are sufficiently addressed, and need not wait for final resolution of the core area. As stated in Section 3.3.2 of MHCP Volume I, the biological goals for the core area have been met by the recent and ongoing acquisition of core area lands by various entities for conservation. As specified in the MHCP, the cities of Carlsbad, Encinitas, and San Marcos were responsible for addressing the conservation needs of the core area. The City has no specific acquisition responsibility to expend either cash or direct mitigation to secure the

core area. However, the City will support efforts to establish a regional or subregional habitat acquisition and/or management funding measure, which may be used in part for acquisition and/or management of lands in the core.

6.10 COORDINATION WITH OTHER NCCP SUBAREA PLANS AND THE MHCP

As other subarea and subregional plans are prepared and implemented under the NCCP program in San Diego County, the following measures will be implemented:

- To the extent reasonable and feasible, the City will coordinate establishment and management of the Preserve within the City with adjacent jurisdictions;
- The City will continue to participate in the MHCP and NCCP planning process;
- The City will ensure that implementation of this SAP does not preclude conservation of regionally sufficient biological resources; and
- The City will participate in any regional efforts to secure funding for habitat acquisitions and management from public and private sources. The City's participation in any regional funding effort or proposal will be subject to the limitations stated in the Implementing Agreement.

6.11 COOPERATIVE MHCP IMPLEMENTATION STRUCTURE

6.11.1 Introduction and Overview

A structure to assure successful implementation of the MHCP and constituent subarea plans must be accepted by the State and Federal agencies. Implementation involves executing all subarea plan policies, managing and monitoring the Preserve, and raising and distributing necessary funds. The responsibility for MHCP implementation falls to the individual cities that enter into Implementing Agreements with the Wildlife Agencies. The cities can choose to work in concert or independent of one another on policy and funding issues; however, the Preserve must be managed consistently across political boundaries.

The cooperative implementation structure for the MHCP has several goals:

- Coordinate implementation of preserve assembly, management, and monitoring among the cities;

- Meet the requirements of the ESA and NCCP ACT;
- Coordinate regional planning and infrastructure development among the MHCP cities;
- Coordinate local land use and conservation activities on shared municipal boundaries;
- Guarantee local flexibility in MHCP implementation; and
- Raise and manage the local funds required for MHCP implementation.

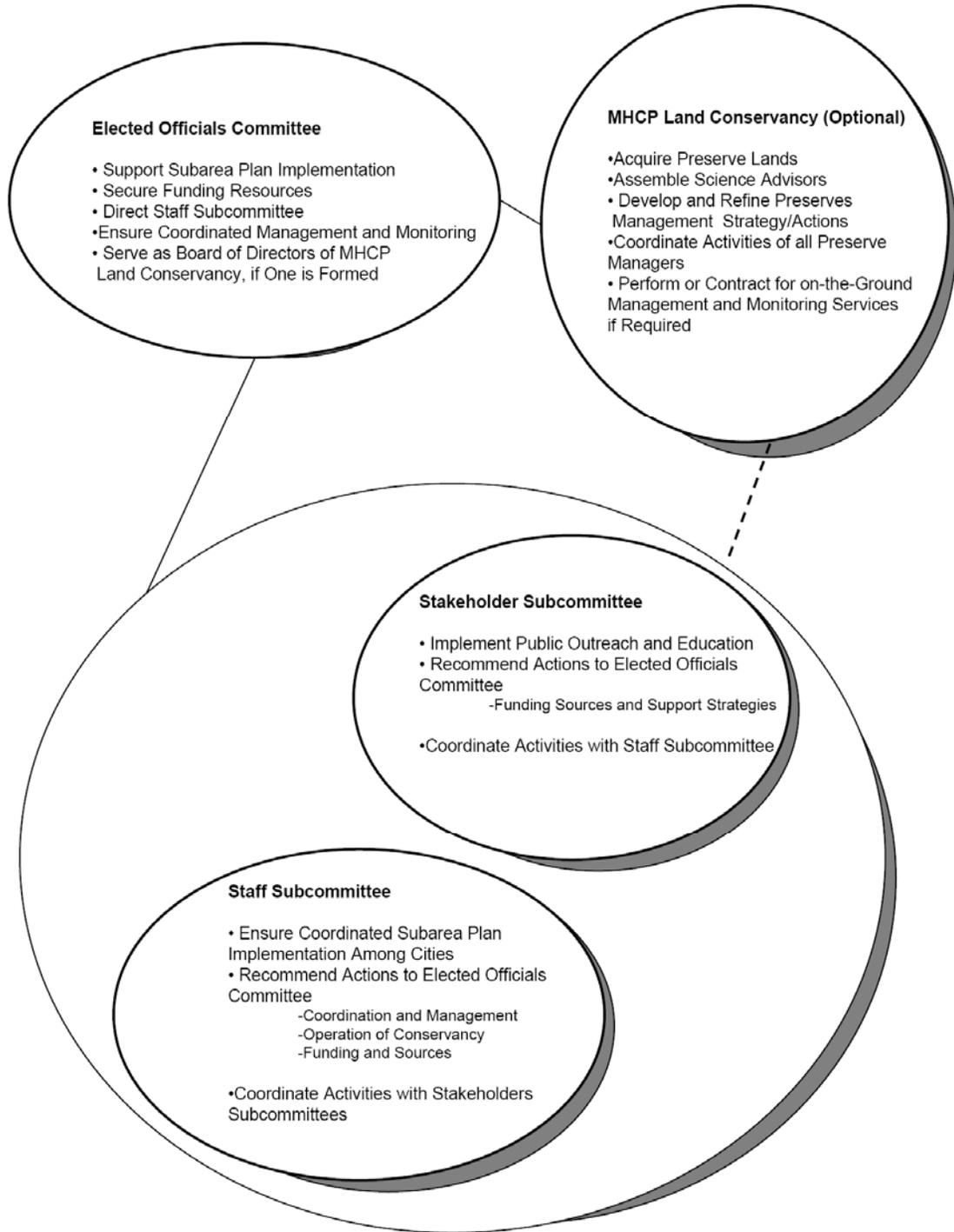
The structure described briefly in this section facilitates cooperation among the cities, assures subarea plan implementation by each city, provides fiscal support for plan implementation, and assures Preserve management consistency across jurisdictional boundaries. The structure creates roles and responsibilities for elected officials, staff, and stakeholders from each city, and forms a local not-for-profit land conservancy to facilitate Preserve assembly, management, and monitoring. Figure 6-2 illustrates the proposed implementation structure, which is described more completely in Section 5.7 of the MHCP Volume I (AMEC and CBI 2003).

6.11.2 MHCP Elected Officials Committee Structure

Oceanside will send a City council member to the Elected Officials Committee. This Committee is composed of a City council member for each participating city. The Committee must be formed once two or more cities have entered into Implementing Agreements with the Wildlife Agencies. During any interim period, when only one MHCP City has completed an implementing agreement, coordination of MHCP implementation will be directly between that City and the Wildlife Agencies according to the terms of that city's Subarea plan and Implementing Agreement. The Elected Officials Committee can be organized as a subcommittee of the SANDAG Board with individual members selected by each participating City, or the committee can be independent of the SANDAG structure. The MHCP Elected Officials Committee has, at a minimum, the following responsibilities:

FIGURE 6-2

MHCP IMPLEMENTATION STRUCTURE PRIMARY RESPONSIBILITIES



- Develop the financial support required by the cities for subarea plan implementation. This is the single most important responsibility of the Committee and should be the primary focus of its activities. A guaranteed source of funds is required for the major aspects of the subarea plan implementation, including land acquisition, habitat monitoring and management, and Preserve maintenance and operation;
- Guarantee the financing and implementation coordination legally necessary to obtain and hold Federal and State take permits;
- Sponsor subregional funding efforts required to implement the MHCP and cooperate in development of any proposed regional funding effort;
- Assure the autonomy of participating cities;
- Appoint any required science advisors;
- Serve as the Board of Directors of an MHCP conservancy if one is formed; and
- Assure that participating cities with implementing agreements are fully coordinating their management, monitoring, and maintenance plans through the activities of the MHCP Staff Subcommittee. The Elected Officials Committee shall develop and sponsor a memorandum of agreement (MOA) or other similar and equally effective process among the cities to assure coordination of MHCP implementation actions.

6.11.3 MHCP Advisory Committee

The MHCP Advisory Committee is appointed by the Elected Officials Committee. Their overall responsibility is to provide a forum for cooperation on policy and technical issues by the cities as well as a structure for continued involvement by interested organizations, groups and individuals. The Advisory Committee is divided into two functional subcommittees. The Staff Subcommittee, composed of members from the participating cities, and the Stakeholders Subcommittee, which initially has much the same membership as the original MHCP Advisory Committee.

The Subcommittees have no discretionary powers and are advisory to the MHCP Elected Officials Committee. Each subcommittee selects a chairperson and vice-chairpersons from among its membership. They are responsible for scheduling publicly noticed meetings, developing agendas, and coordinating quarterly meetings where the two subcommittees can meet together as a committee of the whole. The chairpersons (or vice-

chairpersons) from the subcommittees serve as co-chairs at these quarterly meetings. These quarterly meetings are noticed and open to the public and at minimum, includes on the agenda status reports from the Elected Officials Committee and from a land conservancy if one is formed. Each subcommittee may meet separately as required to address MHCP implementation and coordination responsibilities and other issues as they arise.

6.11.3.1 MHCP Staff Subcommittee. The Staff Subcommittee must address land use and public facility planning, local implementation, acquisition and management funding, Preserve monitoring, and similar issues that requires coordination of public policies and actions among the cities. Their role is to directly coordinate City implementation actions and issues, and to recommend policy actions to the Elected Officials Committee. Membership of the Staff Subcommittee is limited to the cities that either have entered into, or anticipate entering into implementing agreements. One member of the Staff Subcommittee must serve as a liaison to the MHCP Stakeholders Subcommittee and also serve as a member of that group. The MHCP Staff Subcommittee has, at a minimum, the following primary responsibilities:

- Coordinate implementation of subarea plans where jurisdictions have common boundaries or issues;
- Provide a regularly scheduled opportunity to discuss implementation requirements and needs;
- Coordinate cities' actions on Preserve management and on maintenance issues;
- Assure that required Preserve monitoring, reporting, and management is coordinated among the cities, and that these activities employ the directives and guidelines of the MHCP Biological Monitoring and Management Plan;
- Develop recommendations on MHCP implementation and coordination for consideration by the Elected Officials Committee;
- Coordinate closely with the Wildlife Agencies on MHCP implementation issues;
- Coordinate the annual accounting process to determine land conserved and permits issued, and assist in database maintenance;
- Cooperate with the Stakeholders Subcommittee to identify MHCP implementation funding opportunities and develop joint recommendations on funding programs and legislation;
- Cooperate with the Stakeholders Subcommittee to develop public outreach efforts;

- Work closely with the MHCP Implementation Coordinating Committee; and
- Coordinate with the County of San Diego on both development and implementation of the North County MSCP Subarea Plan.

6.11.3.2 MHCP Stakeholders Subcommittee. The Stakeholders Subcommittee provides a forum for early and continuous involvement with issues of MHCP implementation, funding, and public outreach. Members of the Stakeholders Subcommittee are determined through appointment by the Elected Officials Committee. The Elected Officials Committee will develop membership selection criteria that will provide a balance of skills, experience, abilities, geographic representation, and other special interests. Membership is limited to 20 people.

The MHCP Staff Subcommittee is initially responsible for contacting qualified local groups to determine if they have an interest in serving on the Stakeholders Subcommittee. These contacts will include groups that have been members of the MHCP Advisory Committee that are still active. Based on membership selection criteria established by the Elected Officials Committee, the Staff Subcommittee will present a list of candidate members for the Stakeholders Subcommittee to the Elected Officials Committee at their second scheduled meeting. One member of the Staff Subcommittee must serve as a liaison to the Stakeholders Subcommittee as well as a member of that group. The Elected Officials Committee will review the Stakeholders Subcommittee membership annually and make adjustments to that membership accordingly. The Stakeholders Subcommittee may make recommendations to the Elected Officials Committee to request changes in Subcommittee membership.

The MHCP Stakeholders will have, at a minimum, the following responsibilities:

- Provide a forum for involvement of interested parties in MHCP implementation;
- Cooperate with the Staff Subcommittee to develop public outreach efforts;
- Disseminate public information on MHCP implementation and issues;
- Identify funding sources for plan implementation;
- Cooperate with the Staff Subcommittee to identify MHCP implementation funding opportunities and develop joint recommendations on funding programs and legislation; and

- Develop and implement actions to support funding requests and legislation in cooperation with outside groups established to support and encourage implementation of habitat conservation and NCCP programs.

6.11.4 MHCP Land Conservancy

The locally based, not-for-profit Land Conservancy would facilitate assembly and management of the Preserve. The Conservancy would employ a manager who would report to the Conservancy's Board of Directors (the Elected Officials Committee). The Conservancy would acquire habitat lands, finance the purchase of lands, and facilitate coordination among the Preserve managers. The Conservancy would work with a team of science advisors, appointed by the Board of Directors, with special expertise in the species and habitats of the Preserve. The advisors may be independent, associated with educational institutions or public agencies, be members of a not-for-profit organization, or be employees of biological science firms. The Conservancy would also coordinate activities of the habitat managers tasked specifically with the job of managing the Preserve according to the subarea plan. These managers could be a coalition of City departments, State agencies, and private organizations.

The land conservancy will have at a minimum the following responsibilities:

- Acquire, assemble, and own land in tax-exempt status;
- Shelter the cities from legal liability associated with ownership of habitat lands;
- Negotiate land acquisitions through innovative means including packaging of financial resources, installment purchases, land swaps, and non-cash transactions;
- Focus the efforts of other conservation organizations and trusts on MHCP needs;
- Accept gifts of land donated for conservation in exchange for tax credits;
- Structure and enter into agreements for conservation easements, living trusts, and other less-than-fee agreements; and
- Develop Preserve management recommendations for funding approval by a land conservancy board of directors.

If the Land Conservancy is not created, these responsibilities would belong to the City.

6.11.5 MHCP Preserve Manager

There may be a case where land is purchased for the Preserve that cannot be managed by one of the existing land managers, or a City decides to have the lands managed by another entity. In this case, the Conservancy, if established, could choose to hire a Preserve manager with the responsibilities listed below. The Preserve manager would coordinate activities with other Preserve managers through the Land Conservancy structure.

- Implement actions required by the habitat management plan for the SAP including area-specific directives as they are developed.
- Implement additional policies and actions approved by a MHCP land conservancy board of directors.
- Perform all “on-the-ground” management and monitoring actions.

6.11.6 Preserve Steward

The Preserve Steward is an individual responsible for overseeing the entirety of the City’s Preserve system. It is a pivotally important position that requires a background in ecology, conservation biology, and statistics. The preserve steward should ideally be empowered with the authority to resolve conflicts within the preserve system or report directly to someone who does. The Preserve Steward will be staff of the Land Conservancy, a contracted individual, or a City staff person under the direction of the City Manager’s office responsible for:

- Leading and coordinating City-wide preserve management, monitoring, and reporting.
- Regular communication with preserve managers, relevant City departments and representatives, and the wildlife agencies.
- Serving as the City’s leading scientific voice and providing science-based technical support to preserve managers on survey design, data collection, analysis, and reporting.
- Providing regular training and updates to City development review staff on development standards and guidelines in or adjacent to preserves.
- Providing technical input and advice to City development review staff when conflicts arise during review of development plans.

6.11.7 Preserve Manager

Each preserve or group of preserves will have a Preserve Manager, who is the individual responsible for on-the-ground activities and planning within a given preserve or preserve group. Preserve managers would typically be employed by the organization with ownership and/or maintenance responsibilities for the preserve (e.g. the City, CDFG, or San Diego Gas and Electric) or by a recognized professional third-party biological management entity. The Land Conservancy, if created, could choose to hire a Preserve Manager for a Preserve that cannot be managed by one of the existing land managers, or if the City decides to have the lands managed by another entity. The preserve manager should have a background in ecology or management of natural systems and is responsible for:

- Development of a preserve management plan and updating the plan as necessary.
- Managing individual preserve areas according to their individual preserve management plans.
- Monitoring species, habitats, and management actions according to their preserve management plans.
- Coordinating with the Preserve Steward, other preserve managers, the City, and the wildlife agencies regarding open space management issues, management, and monitoring.
- Coordinating the activities of scientists, the public, or other organizations that are participating in or studying preserve management activities.
- Collection of biological monitoring data according to MHCP established protocols for preserve-level, MHCP-level, and regional level monitoring, and submitting data to the Preserve Steward and wildlife agencies.