

RESOLUTION NUMBER R- 312795

DATE OF FINAL PASSAGE DEC 19 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE APPLICATION AND ACCEPTANCE OF THE SECTION 6 GRANT FUNDS FROM THE UNITED STATES FISH AND WILDLIFE SERVICE, TO TAKE ALL ACTIONS NECESSARY TO SECURE FUNDING FOR LAND ACQUISITION IN OTAY MESA AND KEARNY MESA, AND THE EXPENDITURE OF GRANT FUNDS FOR LAND ACQUISITION.

ITEM # 101A
12/17/19

WHEREAS, the Cooperative Endangered Species Conservation Fund (Fund) is authorized under Section 6 of the federal Endangered Species Act and provides funding to states and territories for species and habitat conservation actions on non-federal lands; and

WHEREAS, in 1997, the United States Congress established the Habitat Conservation Plan (HCP) Land Acquisition Grants program as one of the grant categories under the Fund; and

WHEREAS, under the HCP Land Acquisition Grants program, the United States Fish and Wildlife Service (USFWS) grants funds to states for land acquisitions that are associated with approved HCPs and providing habitat protection adjacent to HCP areas with a focus on endangered species and their supporting ecosystems; and

WHEREAS, the HCP Land Acquisition Grants program has three primary purposes: (1) to fund land acquisitions that complement, but do not replace, mitigation responsibilities contained in HCPs; (2) to fund land acquisitions that have important benefits for listed and candidate species; and (3) to fund land acquisitions that have important benefits for ecosystems that support listed and candidate species; and

WHEREAS, pursuant to 50 CFR Part 81 sections 81.3 and 81.8, state agencies with an approved cooperative agreement with the Secretary of the Interior are eligible to receive HCP

Land Acquisition Grant funds and may work with cities as sub-grantees to expend the funds on mutually beneficial conservation efforts; and

WHEREAS, on August 28, 1991, the California Department of Fish and Game (CDFG) entered into an approved cooperative agreement with the Secretary of the Interior through the delegated authority of the USFWS Director; and

WHEREAS, the State of California has enacted the Natural Community Conservation Planning Act (NCCPA) that adequately and actively conserves endangered and threatened species and authority resides in the CDFG to implement the conservation purposes of the NCCPA; and

WHEREAS, the City of San Diego, through an adopted Subarea Plan (Resolution No. R-288455 dated March 18, 1997), is part of a Multiple Species Conservation Program (MSCP), which is a joint HCP and Natural Community Conservation Plan covering approximately 900 square miles including the City of San Diego, the County of San Diego, and ten other jurisdictions; and

WHEREAS, the CDFG may work together with the City of San Diego to prepare a Project proposal to submit to the USFWS as an application for HCP Land Acquisition Grant funds to acquire land to complement the City's MSCP Subarea Plan; and

WHEREAS, as part of the City's MSCP Implementing Agreement, the City is required to conserve 52,727 acres; to date, 50,541 acres have been conserved or obligated for future conservation; and

WHEREAS, the City submitted, along with the CDFG, a grant application for FY 2017 in order to receive \$1,000,000 in HCP Land Acquisition Grant funds for land acquisition

including important and unprotected vernal pool habitats in Otay Mesa and/or Kearny Mesa that are threatened due to ongoing off-road activity and development pressures; and

WHEREAS, properties purchased with the HCP Land Acquisition Grant funds would be owned by the General Fund and managed in perpetuity, consistent with the conservation needs of the species, by the Open Space Division of the City Parks and Recreation Department; and

WHEREAS, the HCP Land Acquisition Land Grant program requires that grant recipients contribute a cost share (cost share or match) of at least 40 percent of the total grant funds to be awarded; and

WHEREAS, the proposed in-kind land match for the grant would be the City-owned Del Mar Mesa parcel (APN 306-050-05) which was acquired in November of 2013 (R-308565) for conservation using Fund 200697 Prop C Implementation Fund designated for open space land acquisitions and a parcel near Black Mountain Ranch (APN 313-010-5900) which was authorized for acquisition on December 1, 2016 (R-310777) for conservation using Fund 200697 Prop C Implementation Fund designated for open space land acquisitions; and

WHEREAS, USFWS award of the HCP Land Acquisition Grant funds would complement, but not replace, the City of San Diego's legal responsibilities under the MSCP Implementing Agreement (approved by City Council on March 19, 1997 by Resolution No. R-288455) and will help to ensure the long-term viability and sustainability of native ecosystem functions throughout the MSCP with no impact to the City's General Fund; NOW, THEREFORE,


BE IT RESOLVED, by the Council of the City of San Diego as follows:

1. That the Council authorizes the Mayor, or his designee, to apply to the U.S. Fish and Wildlife Service for \$1,000,000 in Endangered Species Act Section 6 Grant Program funds for land acquisition in Otay Mesa and/or Kearny Mesa (Project), and conduct all negotiations, execute and submit all documents, including, but not limited to, applications, agreements, amendments, which may be necessary to secure funding and to carry out all obligations, responsibilities and duties of the aforementioned Project.
2. That the Mayor, or his designee, is authorized to accept Endangered Species Act Section 6 Grant Program funds, FY 2017 Recovery Land Acquisition Grant (totaling \$1,000,000) and to establish an escrow account for land acquisition in Otay Mesa and/or Kearny Mesa.
3. That the Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$1,000,000 from the escrow account in grant fund 600000 for the purpose of land acquisition within Otay Mesa and/or Kearny Mesa, contingent upon receipt of a fully executed subgrant agreement(s).
4. That the Mayor, or his designee, is authorized to use the City-owned land acquired for conservation, a Del Mar Mesa parcel (APN 306-050-05) and a parcel near Black Mountain Ranch (APN 313-010-5900), as the required 40% grant match as needed.
5. That the Real Estate Assets Department Director is authorized to execute any and all documents for the purposes for land acquisition for this Project, once grant funding is secured.
6. That the Mayor, or his designee, is authorized to execute and record any grant and subgrant agreement(s) to ensure the management of the Section 6 Grants properties, including

the appropriation and expenditure of the funds associated with the agreements, consistent with the conservation needs of the species for the purposes of this Project.

7. That the Real Estate Assets Department Director is authorized to execute and record Covenant of Easements on the acquired properties for the Project to ensure the management of the Section 6 Grant Program properties in perpetuity consistent with the conservation needs of the species for the purposes of this Project.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Corrine L. Neuffer
Deputy City Attorney

CLN:als
11/26/2019
Or.Dept: Planning
Doc. No.: 2231305

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 17 2019.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

KEVIN L. FAULCONER, Mayor

Approved: 12/19/19
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on DEC 17 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 19 2019.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Hay Reed*, Deputy

Office of the City Clerk, San Diego, California
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