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RECEIVED

OCT 11 2004

PLANNING DEPARTMENT

In Reply Refer To:
 FWS-SDG- 4072.2

Mr. Keith A. Greer
 Deputy Planning Director
 City of San Diego Development Services Center
 1222 First Avenue, MS 501
 San Diego, California 92101

SEP 27 2004

Re: Response to letter regarding proposed mitigation for the significant biological impacts from the implementation of the proposed brush management revisions to the Land Development Code

Dear Mr. Greer:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), collectively the "Wildlife Agencies," appreciate the above-referenced letter from the City of San Diego (City) which we received on September 21, 2004. We also appreciate meeting with you on August 6, 2004, to discuss our joint July 9, 2004, comment letter on the draft Subsequent Environmental Impact Report/Environmental Assessment (SEIR/EA) on the proposed brush management code revisions. We appreciate that both the meeting and the letter reflect the City's efforts to respond favorably to our concerns and to ensure that the requirements of the Multiple Species Conservation Program (MSCP) are met. The City's letter (a) responds to three major concerns that we raised in our comment letter and discussed in the August 6 meeting, (b) states that the recommendations described in the letter are "contingent upon a written concurrence by the Wildlife Agencies that the City's proposed revisions to the brush management regulations would be consistent with the requirements of the MSCP and the City's Subarea Plan," and (c) requests a letter of concurrence from the Wildlife Agencies by September 27.

The City's letter addresses seasonal restrictions of brush management activities, narrow endemic species, and increasing the conservation acreage of the City's MSCP Multiple Habitat Preservation Area (MHPA), which were our major concerns. We concur with your proposed mitigation to address these issues and agree that they are consistent with the intent of your MSCP Subarea Plan. We offer the following additional comments for your review. We acknowledge that the City does not believe that the proposed expansion of the brush management Zone Two would result in impacts not already accounted for through the biological impact analysis for the MSCP. Our July 9, 2004, letter (see attached) explains why we disagree with the City on this point and discusses additional concerns which remain unresolved.

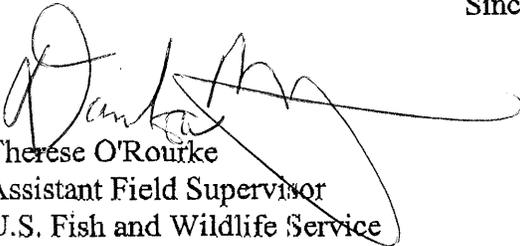
1. Your letter indicates that the City proposes to add the following language to the proposed code revisions, “Brush management activities are prohibited within coastal sage scrub habitat from March 1 through August 15.” We concur that adding this language to the proposed code revisions, and enforcing it, would meet the seasonal restriction required by the MSCP to protect the California gnatcatcher (*Poliopitila californica*, gnatcatcher). We request that the term *coastal sage scrub habitat* be changed to either *scrub habitat* or *gnatcatcher habitat* in order to capture all of the habitat types utilized by gnatcatchers. As an example, the Biological Opinion prepared for the MSCP uses the term *scrub habitat* as habitat that supports gnatcatcher and includes coastal sage scrub, maritime succulent chaparral, and coastal sage/chaparral in that designation (page 66 of the Biological Opinion).
2. Regarding the expansion of the City’s conservation acreage identified in the City’s MSCP Subarea Plan, your letter indicates the City Manager is willing to propose to the Council that the conservation target be increased from 52,012 acres to 52,727 acres. We concur with the approach of adding acreage to the MHPA to compensate for the project-related impacts on the MHPA, and request that this approach be expanded to address all of the habitat impacts to the preserve from this project (i.e., impacts beyond the 715 acres, including impacts from new development, identified in the SEIR/EA). Please see our previous letter for further discussion of our concerns related to this issue. The City should commit to ensuring that the increased MHPA acreage would mitigate in-kind for all Tier I habitats affected by implementation of the proposed code revisions.
3. The City’s current and proposed brush management regulations require that Zone Two “be maintained on a regular basis by pruning and thinning plants, controlling weeds ...” [Section 142.0412(h)(6), emphasis added]. In addition, Sections 1.4.3 and 1.5.2 of the MSCP Subarea Plan prohibit the introduction of invasive exotic plant species into the MHPA and areas adjacent to the MHPA, and calls for monitoring and removal of invasive exotic plant species within the MHPA as funding or other assistance becomes available. The prevalence of invasive exotic plant species at the urban-wildland interface throughout the City, including brush management areas within the MHPA, confirms lack of conformance with the City’s requirements, including the brush management regulations by both the City on public lands and private parties (i.e., lack of enforcement by the City). Enforcement of these regulations is critical to ensure that the impacts from brush management have been minimized.
4. Page 49 of the MSCP Subarea Plan states, Zone Two “may be located in the MHPA ...except where narrow wildlife corridors require it to be located outside of the MHPA.” In a discussion about wildlife corridors, the SEIR/EA states, “where corridors are narrow and already tenuous, special management measures are required, including implementing measures to control runoff, noise, lighting, exotic predators and invasive plants.” However, the SEIR/EA does not provide any analysis of whether, or where, the proposed revisions would expand existing Zone Two areas, or locate future Zone Two areas, in narrow wildlife corridors within the MHPA and how this would be addressed. We request that the proposed revisions be modified to reflect that Zone Two areas are not to occur within narrow wildlife corridors.

Mr. Greer (FWS-SDG- 4072.2)

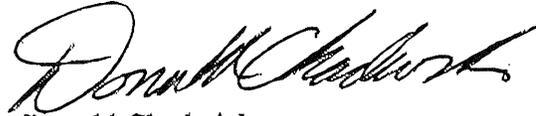
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Thank you for the opportunity to review and respond to your letter. Please see our previous comments, which provide supplemental information on some unresolved concerns related to the City's proposed brush management code revisions. Please contact Libby Lucas of the Department at (858) 467-4230 or Ben Frater of the Service at (760) 431-9440, if you have any questions or comments concerning this letter.

Sincerely,



Therese O'Rourke
Assistant Field Supervisor
U.S. Fish and Wildlife Service



Donald Chadwick
Habitat Conservation Planning Supervisor
California Department of Fish and Game

cc: Tom Story, Mayor's Office
Sam Oates, City of San Diego Fire-Rescue Department
Sherilyn Sarb, California Coastal Commission

Attachment