

CITY OF SAN DIEGO, CALIFORNIA
Draft- CITY POLICY

PROPOSED

SUBJECT: Restoration of City-Owned Lands for Conservation Purposes

POLICY NO.: XXX

EFFECTIVE DATE: Proposed

BACKGROUND:

Over the past decade, the voters of California have approved a series of state bonds to improve water quality and quantity, to provide and improve parks and recreation and to enhance wildlife habitat. The result has been to encourage conservation activity throughout California. Most recently in 2006, California voters approved Proposition 84, a \$5.388 billion general obligation bond to improve water quality and supply, flood control and coastal protection. Of particular interest to the City of San Diego, \$27 million was included in Proposition 84 for the protection of San Diego Bay and adjacent watersheds, \$25 million was included for the University of California Natural Reserve System (which could benefit Mission Bay) and \$91 million was included for the San Diego region to address water quality issues. Because the City of San Diego is one of the largest property owners in the region, approval of the bonds has sparked interest by community, non-profit, academic and private organizations to restore and enhance City-owned lands using state and other non-City funds to achieve multiple goals including water quality improvements, restoration of wildlife habitat, wildfire prevention (via removal of non-native exotic plant species), improved public safety and general community enhancement.

There has been no clear City policy to define if and/or how City lands can be used for conservation purposes by non-City entities. One concern that has been raised by City staff is that if City lands are released for restoration with state or other non-City funding, they would no longer be available for the City to use to mitigate for its own activities. Some departments have cited a 1987 memo (attached) by then-Deputy City Manager Jack McGrory for this determination. That memo focused on a request by a developer to use City lands for mitigation which McGrory found inappropriate because sites would later be unavailable for City mitigation and releasing City land for this purpose might encourage developers to completely develop their properties irrespective of biological concerns. Other concerns have been raised over the conditions placed in some grants, such as a requirement to maintain the funded improvements for as much as 25 years.

The unfortunate result of this unclear policy is the City has turned away opportunities to complete restoration projects on City lands that could result in significant community and environmental enhancement and public safety improvements. Allowing restoration projects on City lands could also help the City meet other environmental obligations such as reducing storm water and other pollution discharges into our creeks and rivers as well as into Mission and San Diego Bay and area beaches, reducing the City's future liability under environmental protection laws as well as enhancing area recreational resources, including tourism. This interpretation has also eliminated the potential to improve and enhance the City's natural areas; improvements that would otherwise strengthen the City's commitment under the Multiple Species Conservation Program (MSCP) and other wildlife protection laws. Instead, the City undertakes piecemeal project-by-project mitigation projects as its need arises. This approach all but eliminates the opportunity to restore City lands at scale, as part of a larger natural system

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such as a watershed, which is the recommended approach by conservation biologists where sustainable results are the goal.

PURPOSE:

It is the purpose of this policy to establish procedures to respond to requests from non-City entities regarding the use of City-owned lands for conservation purposes.

POLICY:

It is the City's policy that proactive conservation activities on City-owned lands could provide multiple benefits to City government and City and area residents. In particular, restoration of City-owned land for conservation purposes by the City or non-City entities can provide multiple beneficial public uses including, but not limited to, improved water quality and quantity, enhanced wildlife habitat, public recreational opportunities and public safety improvements.

REQUESTS FOR USE OF CITY-OWNED LAND FOR CONSERVATION PURPOSES:

In the event that a State, Federal, non-profit, community or private organization proposes to restore or enhance habitat or provide for public recreation improvements on City property, the City shall evaluate, before determining whether to allow or reject the proposed use, whether the project meets at least X of the following conditions including Condition 5.:

1. The project is consistent with and will help implement City-adopted plans addressing natural resources or community concerns including but not limited to the MSCP, Park and Recreation Department Natural Resource Management and Park Plans, community plans, and area watershed plans or watershed assessments.
2. The project is consistent with and will help implement plans developed by the City's governmental partners including but not limited to the County of San Diego, the San Dieguito Joint Powers Authority, the County Water Authority and the San Diego River Conservancy.
3. The proposed project will provide benefits to the residents of the City of San Diego and County of San Diego and area visitors. Benefits include improvements to water quality and quantity, wildlife habitat, conservation research and education, public safety and low impact recreational use.
4. The City has determined the proposed project site will not be needed for City-required mitigation within the next six months. Such determination will be provided to the project proponent in writing, if requested. The City's written determination that the project site will be needed for mitigation within the next six months must include a description of the proposed City mitigation project.
5. The long and short-term operation and maintenance of the conservation project has been addressed such that the project will not place an undue burden on the City's near or long-term budget.

PROJECT REVIEW AND OVERSIGHT RESPONSIBILITIES:

Conservation proposals for City-owned lands shall be evaluated by affected City departments and will be subject to environmental, land use and design review, as required by law. Conservation proposals will be

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reviewed by City departments for consistency with applicable Council-adopted plans and policies, as well as community review. Conservation projects meeting the conditions above will be provided a right of entry permit and other applicable information required to implement the project.

DEFINITIONS:

1. Conservation Purposes:

Conservation purposes include an enhancement to a natural area, such as the creation of new habitat or improving public access to increase the public's enjoyment of a natural area.

Conservation purposes can also mean the restoration of a natural area, to return it to more natural conditions.

2. Low Impact Recreation Use:

Low impact recreational uses are human powered and may include walking, hiking, cycling, non-motorized boating or equestrian use; bird watching, fishing, star gazing or photography; and organized events such as interpretive tours, nature walks or educational programs.

HISTORY:

December 8, 1987: Memo from Mike Stepner, Acting Planning Department Director, to Jack McGrory, Deputy City Manager, regarding Private Mitigation Projects on City Owned Open Space