



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

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First District

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Fifth District

DATE: **October 16, 2019**

09

TO: Board of Supervisors

SUBJECT

MOUNTAIN MEADOW PRESERVE – APPROVE AGREEMENTS WITH U.S. DEPARTMENT OF THE NAVY AND THE SAN DIEGO FOUNDATION RELATING TO THE MANAGEMENT OF THE PRESERVE (DISTRICT: 5)

OVERVIEW

On September 28, 2018, the County of San Diego (County) acquired the 670-acre Mountain Meadow County Preserve (Preserve) south of Mountain Meadow Road and east of Interstate 15 near the headwaters of Escondido Creek. The U.S. Department of the Navy (Navy) matched County funding to acquire the Preserve with Readiness and Environmental Protection Integration (REPI) buffer program funds for Camp Pendleton. The REPI program helps offset damage that occurs to sensitive habitat during training maneuvers. Prior to acquisition, an additional approximately \$2.0 million was committed from the REPI program to fund management of the Preserve with the final value to be set once a habitat management plan was finalized. The Escondido Creek Conservancy (TECC) agreed to manage the Preserve under an agreement with the County and will be reimbursed for their management costs pursuant to an existing REPI agreement.

The County, TECC and Navy finalized a habitat management plan for the Preserve on July 12, 2019. The plan details stewardship activities planned for the Preserve and estimates costs associated with those activities. After approval of the plan, the Navy funded a total of \$2.15 million split between an endowment fund (\$1.55 million) for long-term management and a non-endowment fund (\$0.6 million) for approximately three years of start-up work on the Preserve. The San Diego Foundation (Foundation) received the Navy funding on August 28, 2019 and will manage the two funds in perpetuity. TECC and the Foundation have executed agreements so that TECC is eligible to be reimbursed from the non-endowment and endowment funds for its stewardship activities at the Preserve. The County also needs to execute agreements with TECC and the Foundation for the County to access the funds in the event the County must conduct management activities within the Preserve. Additionally, per REPI program requirements, the County must execute an agreement directly with the Navy to be eligible for reimbursement.

Today's action is to approve and authorize the Director, Department of Parks and Recreation, to execute 1) an Encroachment Partnering Agreement with the Navy to allow the County to be reimbursed from the Navy's management money and 2) two agreements with the Foundation and TECC for the endowment and non-endowment funds committed to managing the Preserve.

SUBJECT: MOUNTAIN MEADOW PRESERVE – APPROVE AGREEMENTS WITH U.S. DEPARTMENT OF THE NAVY AND THE SAN DIEGO FOUNDATION RELATING TO THE MANAGEMENT OF THE PRESERVE (DISTRICT: 5)

**RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER**

1. Find that the proposed action is not subject to review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) and (3) because it does not have a direct or indirect effect on the environment and the action is not a project as defined in Section 15378(b)(4) and (5) of the State CEQA Guidelines and in accordance with State CEQA Guidelines section 15061(b)(3), find that it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment for the reasons stated in the Notice of Exemption.
2. Approve and authorize the Director, Department of Parks and Recreation, or designee, to execute an Encroachment Partnering Agreement with the Department of Navy, Contract #N6247316RP00063.
3. Approve and authorize the Director, Department of Parks and Recreation, or designee, to execute an endowment fund agreement and a non-endowment fund agreement with the San Diego Foundation and The Escondido Creek Conservancy for the Mountain Meadow Preserve.

FISCAL IMPACT

There is no fiscal impact associated with today's recommendations. Currently, the Escondido Creek Conservancy (TECC) manages the Mountain Meadow County Preserve (Preserve). Funding of \$2.15 million was deposited directly to the San Diego Foundation from the U.S. Department of the Navy from an escrow account on August 28, 2019. The deposited money funds the management of the Preserve and will reimburse TECC's costs for management of the Preserve. If TECC ceases to manage the Preserve, the estimated cost for the County to manage the Preserve is approximately \$80,000 per year and the funding source would be reimbursement from the management fund.

There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

The County of San Diego (County) acquired the 670-acre Mountain Meadow County Preserve (Preserve), just east of Interstate 15 and south of Mountain Meadow Road, on September 28, 2018. The Preserve features quality habitat, including southern willow scrub, Engelmann and coast live oak woodland, Diegan coastal sage scrub, southern mixed chaparral and chaparral scrub vegetation

SUBJECT: MOUNTAIN MEADOW PRESERVE – APPROVE AGREEMENTS WITH U.S. DEPARTMENT OF THE NAVY AND THE SAN DIEGO FOUNDATION RELATING TO THE MANAGEMENT OF THE PRESERVE (DISTRICT: 5)

communities. The Preserve will be added to the conserved area of the Multiple Species Conservation Program, which is a regional conservation planning program that balances long-term protection for sensitive plant and animal species found throughout the county with development, agriculture and public recreation.

The U.S. Department of the Navy (Navy) matched County money to acquire the 670-acre Preserve. Navy funding for the acquisition came from the Readiness and Environmental Protection Integration (REPI) buffer program for Camp Pendleton. The Navy benefits through the REPI program because contributing to the purchase of the Preserve helps offset damage done to sensitive habitats on Camp Pendleton during training maneuvers. Prior to acquisition, an additional approximately \$2.0 million was committed from the REPI program to fund the management of the Preserve with the final value to be set once a habitat management plan was reviewed and finalized. After acquisition of the Preserve, the County entered into an agreement with The Escondido Creek Conservancy (TECC) for TECC to manage the Preserve. The agreement also stipulated that TECC would be reimbursed for their management costs pursuant to an existing REPI agreement.

After acquiring the Preserve, TECC, the County and the Navy worked collaboratively to develop a habitat management plan for the Preserve. The habitat management plan details guidance for stewardship of the Preserve, which includes activities such as signage, boundary surveys, access control measures, and vegetation management, and outlines estimated costs associated with the stewardship tasks. On July 12, 2019, the habitat management plan was finalized and the REPI program committed a final value of \$2.15 million to fund the tasks outlined in the habitat management plan. The San Diego Foundation (Foundation), a non-profit organization that invests assets in accounts, including endowment accounts, received the REPI program funds on August 28, 2019. It is anticipated that the endowment's annual interest earnings will fund the annual cost of long-term management of the Preserve in perpetuity and that the interest-bearing non-endowment fund held by the Foundation will support approximately three years of initial stewardship activities on the Preserve, which will be completed by TECC.

Per REPI program requirements, the County must execute an agreement directly with the Navy to allow the County to access the proceeds from the \$2.15 million of REPI funds. While TECC is eligible to access the REPI funds under an existing agreement signed prior to acquisition, the County is not yet a party to that agreement, entitled an Encroachment Partnering Agreement. By executing the Encroachment Partnering Agreement and the two Foundation and TECC fund agreements, the County could choose to be reimbursed for management expenses it incurs if, for example, the County Department of Parks and Recreation (DPR) performed management activities within the Preserve. It is anticipated that the annual interest earnings from the endowment would cover the total cost of management in the event that DPR were to manage the property. If the interest earnings do not cover the total cost of management for DPR, DPR would absorb any additional costs and perform the necessary management activities to be funded within the existing DPR budget.

Today's action requests entering into an agreement with the Navy and entering into two agreements with the Foundation and TECC so that the County could oversee the Preserve

SUBJECT: MOUNTAIN MEADOW PRESERVE – APPROVE AGREEMENTS WITH U.S. DEPARTMENT OF THE NAVY AND THE SAN DIEGO FOUNDATION RELATING TO THE MANAGEMENT OF THE PRESERVE (DISTRICT: 5)

management funding. The Board of Supervisors is asked to approve and authorize the Director, DPR to execute three agreements: 1) an Encroachment Partnering Agreement (EPA) with the Navy; 2) an agreement with the Foundation and TECC for the County to be eligible to be reimbursed for stewardship activities from a \$0.6 million non-endowment fund for approximately three years of start-up work on the Preserve; and 3) an agreement with the Foundation and TECC for the County to be eligible to be reimbursed for stewardship activities from a \$1.55 million endowment fund for long-term management of the Preserve.

ENVIRONMENTAL STATEMENT

Today's actions to execute an Encroachment Partnering Agreement with the Department of Navy and execute two agreements with the San Diego Foundation and The Escondido Creek Conservancy (TECC) for stewardship of the Mountain Meadow Preserve are not subject to CEQA pursuant to State CEQA Guidelines section 15060(c)(2) and (3) as they will not result in direct or indirect physical changes in the environment and the proposed actions are not projects as they are administrative activities as defined by Section 15378(b)(4) and (5) of the CEQA Guidelines. The County became obligated to manage the Preserve for habitat on September 28, 2018 when a Restrictive Use Easement in favor of the Navy was recorded on the Property. The agreements will authorize the County to be reimbursed for its management activities at the Preserve under an existing habitat plan if it were to perform those activities instead of the current habitat manager, TECC. Additionally, even if the execution of the three agreements is a project, in accordance with State CEQA Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment because the obligation to manage the Preserve for habitat occurred when a Restrictive Use Easement in favor of the Navy was recorded on the Property and the actions today will allow for the County to be reimbursed for the management of the Preserve if it performs the management instead of the entity currently managing the Preserve and for the reasons stated in the Notice of Exemption.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions to enter into agreements to benefit the County's Mountain Meadow Preserve support the Sustainable Environments/Thriving Strategic Initiative in the County of San Diego's 2019-2014 Strategic Plan by protecting natural resources, diverse habitats and sensitive species.

Respectfully submitted,



SARAH E. AGHASSI
Deputy Chief Administrative Officer

ATTACHMENT(S)

Attachment A – Mountain Meadow Preserve Vicinity Map

SUBJECT: MOUNTAIN MEADOW PRESERVE – APPROVE AGREEMENTS WITH U.S. DEPARTMENT OF THE NAVY AND THE SAN DIEGO FOUNDATION RELATING TO THE MANAGEMENT OF THE PRESERVE (DISTRICT: 5)

AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: ☐ Yes ☒ No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

☐ Yes ☒ No

PREVIOUS RELEVANT BOARD ACTIONS:

On September 12, 2018 (4), the Board of Supervisors (Board) approved the purchase of 670 acres from The Escondido Creek Conservancy.

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

ORIGINATING DEPARTMENT: Parks and Recreation

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

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