List of all Briefing Documents
For the Rancho Jamul Land Exchange

New Items since December 4

Letters of Support
- Letter to VCB from Kevin Strandburg
- Letter to VCB from San Diego Mayor
- Letter to VCB from Assemblymember Randy Voepel
- Letter to VCB from J. Whitkin Associates, Inc.
- Letter to VCB from CAL FIRE, Firefighters Local #2891
- Letter to VCB from Supervisor Jim Desmond
- Letter to VCB from Jim Wiener and others

Letters of Opposition
- Letter to VCB from Angeles National Forest
- 83 Opposition emails from ELS. To serve alert

News
- Memo regarding review of Letters to VCB
- Conservation Board meets to reject land exchange in San Diego County. Cal Matters, Good Commentary.
- In a first, California considers allowing housing projects on San Diego ecological reserve. The San Diego Union-Tribune

New Items since November 25

WCB Information
- Final DEIR Findings - Pinto Valley Land Exchange - Dec. 8 meeting
- GDCI and ODESI
  - Letters to the seven Board members from ODI regarding LOS/WS Findings
- Wildfire
  - Wildfire 14 Exchange Letter

Letters of Support
- Letter to VCB from Supervisor Dave Roberts
- Letter to VCB from J. Whitkin Associates, Inc.

Letters of Opposition
- Letter to VCB from Resources Legacy Fund
- Letter to VCB from San Diego County Wildlife Federation
- Letter to VCB from the Natural Resources Defense Council
- Letter to VCB from The Wildlands Conservancy
- Letter to VCB from Palm Valley Audubon Society
- 39 Opposition emails from ELS. To serve alert

Endangered habitats Bylaws
- Letter from ODI Director to Wiener - Response to ODI Serves Re-mapping of Pinto Conservation Area, land exchange project
- Letter from Shari Minsky & Weiner LLP

Documents from August Board meeting

GSP Information
- ODI letter from Pinto Valley
- Pinto Valley Motion Update
- LOS package with signatures

GDCI and ODESI
- Video presentation on behalf of GDCI
- PowerPoint presentation

Letters of Support
- Scott Peters, Congressman, 52nd District
- Doug Cox, Chairman, San Diego County Board of Supervisors
- David McLucas, Board Chair, San Diego County Water Authority
- Linda Monsma, Sassen Healthcare, Dave Gann, and Wells Fargo
- Ken and Jennifer Murphy, Rancho Hidden Valley Company
- Jani Santors, Forester & CEO, San Diego Regional Chamber of Commerce
- David Lembach, President & CEO, San Diego Sierra Club's Conservation Program
- Josie Elam, President & CEO, San Diego East County Economic Development Council
- David Hudak, Giant Billabong & Balian LLC
- Patrick Walker, 52nd District Vice President, ODI, CAL FIRE, Firefighters of Local #2891
- Lisa Cohen, CEO, Chula Vista Chamber of Commerce

Letters of Opposition
- Jay Zögler, Director of External Affairs and Public Policy, The Nature Conservancy
- Drop OSDESI letters to 37 State, Federal, and Local organizations
- Suzanne Thompson, Chair, Pinto Valley Audubon Saving Our Project

Endangered habitats Bylaws (EHB)
- Hamilton-Brown resolution of LCE
- Letter from Attorney William White, Shari Minsky & Weiner LLP
- First step
- Contact
- Summary
- California Water Letter
- ELS
- Exhibit 1 (1-17) to the letter from William White of Shari, Minsky & Weiner LLP
- Administrative Records (see document 1 in folder for list)

New Items for December 8 Board meeting up to November 25

San Diego Board of Supervisors, Doug Cox
- Rancho Jamul Land Exchange Letter
- Letter from San Diego Planning Department to ELS re: DEIR for Naval Base Point Loma Annexation and Specific Plan
- Map of 1987 South County Multiple Species Conservation Program, Tale Anonymous Area
- Letter from San Diego County Multiple Species Conservation Program Amendment, Tale Anonymous Area to MSCP Covered Species
- GDCI and ODESI
- Letters to ODI, ODI General Council, from David Hudak, GSB#: 947, 948, 949, 950, 951, 952, and 953
- Letter to Executive Director and Board Members from David Hudak, GSB#: 947, re: David Santors of ELS. Claim
- Superior Court of San Diego County, California - Rejection of ELS Claim
- Fiscal Background - Review of ODI Approved Land Exchanges and Historical Proceeds
- Fiscal Background - Existing Restoration Requirements
- Letter from Frank Thomas, Chief Executive Officer, DOC Communities
- GSB Letter and ODI Project Letter, J.P. Memorandum addressing conditionality
- Letter from David Hudak to JOCI and ELS, dated September 2, 2023, which was remitted to ODI for inclusion in Pinto Board briefing packet
- Letter to Cox, Director re: GDCI Fiscal Detail Sheet - 1
- Substation Map Add
- GDCI Land Exchange - Additional Fiscal Detail #6 FCB GA
- Letter to Cox, Director in response to Hamilton Biological Comments (11-24-23)

Letters of Support
- John Wiener, Supervisor, City of Chula Vista
- Letters of Support from Congressman Vargas, community groups, and more than 150 local residents

Letters of Opposition
- Opposition letter from Land Trust Community
- 23 Opposition emails from ELS. To serve alert
- Letter recommending denial from San Diego ESD Terre Lawren-Reiner

Endangered habitats Bylaws
- Proposed Exchange Final Sheet
19. Rancho Jamul Land Exchange
Slide 1
Current Preserve and Exchange Parcels.
19. Rancho Jamul Land Exchange

Slide 2

Post Land Exchange
Left picture is the current development plan.

Right picture is the post development plan after the exchange.
19. Rancho Jamul Land Exchange
Slide 4
Looking south at exchange Parcel R-16.
19. Rancho Jamul Land Exchange

Southerly view of a GDCI exchange parcel to CDFW.
19. Rancho Jamul Land Exchange

Slide 6

Northerly view of GDCI exchange parcel to CDFW.
19. Rancho Jamul Land Exchange
Slide 7
Easterly view of CDFW exchange parcel to GDCI.
19. Rancho Jamul Land Exchange

Slide 8

- Easterly view across CDFW exchange parcel to GDCI.
19. Rancho Jamul Land Exchange

Northwesterly view of CDFW exchange parcel to GDCI.
Rancho Jamul Land Exchange
General Background

Slide 1

- CDFW to exchange 219± acres to GDCI.
- GDCI to exchange 339± acres to CDFW plus a conservation easement held by CDFW covering 191± acres.
- CDFW lands appraised at $31,000,000.
- GDCI lands (fee interest plus conservation easement) appraised at $56,485,000.
- DGS approved the appraisal concluding the “appraiser has demonstrated the value of the GDCI Exchange Parcels exceeds the value of the CDFW Exchange Parcels” and the “appraisals are adequately supported and are credible for the stated intended use (relative valuation for land exchange).”
- The exchange was contemplated in the Dispute Resolution Agreement (DRA).
WCB Authority to Conduct CDFW Exchanges

Slide 2

• WCB has authority to conduct exchanges on behalf of CDFW under Fish and Game Code section 1348.

• Although the intent of all CDFW acquisitions is to own and preserve the property in perpetuity, state and federal law allows and the Department, at times, does exchange these properties.
Past CDFW Exchanges

• CDFW exchanges are not uncommon.
• WCB has conducted 20+ exchanges for CDFW.
• Many land exchanges are minor to allow for resolution of boundary disputes and encroachments or to allow for roadway realignments/expansions.
• The ability to conduct exchanges is beneficial to CDFW as it avoids unnecessary litigation (such as eminent domain in the context of roadways or disputes with neighboring landowners).
• The ability to conduct exchanges also allows CDFW to be nimble and negotiate to achieve the greatest possible conservation outcome.
Past CDFW Exchanges (cont.)

Slide 4

- Land exchanges are supported by Land Conversion Evaluations (LCE) prepared by CDFW.
- Land exchanges typically do not require a restriction on the land CDFW transfers out of ownership.
• Section 6 identifies a path for disposal of land acquired with Section 6 funding. USFWS approved the exchange of the fee parcels on November 18 concluding that there is biological equivalency between the fee parcels being exchanged.

• USFWS’ determination did not analyze the conservation easement as part of its equivalency analysis. Therefore, the conservation easement provides additional habitat values to CDFW as part of the exchange.

• WCB has processed exchanges acquired with other federal funding sources such as the Land Water Conservation Fund.
• Natural Community Conservation Plans (NCCP) are plans entered into between CDFW and local agencies to provide comprehensive management and conservation of multiple wildlife species. (Fish and Game Code § 2800, *et seq.*)

• The Multiple Species Conservation Program Subarea Plan discussed as part of this project is a comprehensive, long-term habitat conservation plan approved under the Federal Endangered Species Act and the Natural Community Conservation Plan program administered by CDFW.

• The MSCP allows for permitted development to occur with take authorization for listed species covered by the plan and identifies habitat mitigation and the land to be preserved for that mitigation.
The County’s MSCP Subarea Plan

• The MSCP covers a total of 85 species. At the time of the County’s original approval (2019), the quino checkerspot butterfly (Quino) was not covered by the plan. Quino is only a listed species under the federal Endangered Species Act.

• The County’s MSCP Subarea Plan allows for amendments and has been amended prior to the current amendment.

• Although the LCE concludes there will be a loss of Quino habitat, the exchange results in benefits to other species, including San Diego Fairy Shrimp (CDFW LCE Letter July 2020). The exchange also preserves important connectivity/corridors for Quino.
What is the Board considering today?

The Board is not being asked to approve the MSCP Subarea Plan amendment. That amendment was approved by the County (June 2020), CDFW (August 2020), and, in principle, by the USFWS (November 2020). The USFWS’ final permit will not be issued until after a Board approval of the Exchange.

Today, the Board is being asked to approve an exchange of property (recommended by CDFW) which will help to implement the MSCP Subarea Plan, as amended.

The purpose of the original funding sources (USFWS Section 6 and Prop. 12 [PRC § 5096.350(a)(6)]) is to implement NCCPs. The requirements of the funding sources will be applied to the properties CDFW will be receiving in the exchange, if approved, and will further the MSCP. The Section 6 funding requirements are only applied to the fee parcels being acquired.
Implications to CDFW of Not Approving the Exchange

Slide 9

• WCB is charged to help CDFW implement NCCPs through various funding sources (Prop. 12, Prop. 68, Prop. 84).

• If the exchange is not approved, GDCI’s original plan is fully entitled by the County to move forward and would result in impacts to CDFW lands.

• However, approving the exchange assists CDFW in fulfilling its statutory role under the NCCP program, is consistent with the funding sources used, and is in keeping with WCB’s traditional role of assisting CDFW in implementing its regulatory role and NCCPs.
Biological Considerations Supporting the Exchange

Slide 10

- Public Resources Code § 5096.516 allows for exchanges of conservation lands for “lands of greater biological value for wildlife habitat.”

- The statute does not dictate how such an analysis occur. Accordingly, among other things, the LCE considered the impacts to CDFW lands that would result from implementation of the 2019 County Approved GDCI project versus the alternative of implementing the exchange with the reduced development footprint.

- The LCE prepared by CDFW, after reviewing the exchange lands, concluded that the land exchange is “biologically superior to that which would result from implementation of the Current Land Plan [the 2019 County approved GDCI development plan].” (LCE at pg. 13)

- CDFW confirmed this finding in two subsequent letters to WCB. (July 2020 letter to WCB and August 2020 letter to WCB).
Biological Considerations (cont.)

Slide 11

• Biological evaluations are not always conducive to comparing apples to apples. CDFW biological staff must evaluate differing habitat conditions and types, species composition, connectivity, and management considerations and determine if the exchange results in greater biological value for wildlife habitat.

• In addition, impacts to Quino were not the sole consideration driving the evaluation. CDFW considered the evaluation in the context of the MSCP and the 85 species covered by the plan. This is consistent with the funding sources which are used for the purposes of implementing the MSCP and benefiting the covered species.
Biological Considerations (cont.)

Slide 12

- CDFW acknowledges that “the CDFW Exchange Lands currently possess higher biological value in terms of habitat and sensitive species.”

- However, CDFW placed greater emphasis on reducing edge effects by consolidating development. CDFW also identified that potential habitat loss and fragmentation from the 2019 County approved project at the west end of Proctor Valley would be “a significant adverse impact on regional MSCP preserve design.”
The LCE identified the negative impacts that would occur to CDFW lands in the absence of the exchange. For example, Area A would be surrounded by development on 3 sides and a road on the fourth side which would “bring commensurate edge effects having a significant adverse impact to the flora and fauna in Area A.” (LCE at p. 12.) Areas B, C, and E would all be subject to edge effects.

CDFW’s August 2020 letter to WCB concluded that “[o]n balance, the Department determined that the benefits from the Land Exchange by providing a net increase in conservation lands, reducing fragmentation, and maintaining connectivity outweighed the loss of certain lands with superior habitat values.”
In short, CDFW acknowledged the difference in habitat values but ultimately concluded the exchange was superior for wildlife habitat based on a multitude of factors, not just impacts to one species or the exact comparison of habitat conditions.

Ultimately, CDFW concluded that the exchange results in an exchange for lands of greater biological value as wildlife habitat.

The exchange contemplated fully complies with the law.
The CEQA challenge against CDFW related to its decision to enter into the DRA was decided in favor of CDFW. However, that decision was recently appealed.

WCB, as a responsible agency, is relying on the County approved EIR and Addendum prepared and adopted by the County. Although there are existing lawsuits related to the validity of the EIR and the Addendum, CEQA states that absent an injunction, responsible agencies shall assume that the EIR complies with the law (Pub. Resources Code section 21167.3(b).) At present, there is no court issued injunction or stay.

USFWS approved the County Subarea Plan Amendment and the Section 6 exchange of the fee parcels on November 18, 2020.
Board staff recommends approval of the project as proposed for the following reasons:

- The exchange is legal. It is consistent with WCB’s statutory authority, the funding sources, and with the Public Resources Code provisions regarding exchanges of conserved lands.
- The exchange results in greater biological value as wildlife habitat as opposed to the impacts that would occur from the original project development which is supported by CDFW’s LCE. The exchange of properties is also supported by a DGS and USFWS approved appraisal which verifies that CDFW is receiving lands of greater monetary value.
- The exchange supports CDFW’s regulatory role in implementing the MSCP and WCB’s role in supporting NCCPs.
- WCB is fully complying with CEQA as part of its approval of the exchange.
Questions/Comments