

Wildlife and Habitat Conservation Coalition

Dedicated to sustained conservation of native animal and plant species in the Southwest Bioregion.



August 7, 2017

Senator Patricia C. Bates
State Capitol, Room 305
Sacramento, CA 95814

Assemblymember Rocky Chavez
804 Pier View Way, Suite 100
Oceanside, CA 92054

Subject: Recreational uses on conserved lands

Dear Honorable Senator Bates and Assemblymember Chavez:

Please accept this letter on behalf of the below members of the Wildlife and Habitat Conservation Coalition (WHCC), a group of San Diego regional conservation organizations representing more than 25,000 members. We formed to support and ensure the effectiveness of collaborative regional habitat planning and implementation intended to reconcile traditional land use conflicts. Part of our mission is to encourage all parties, including the regulated community, regulators, public officials, and the public to work together to preserve native wildlife, plants, and habitat.

The WHCC understands that you are accepting input on the issue of recreational uses, particularly mountain-biking, on lands set aside for biological conservation; these conservation lands include, but are not limited to, Ecological Reserves, Wildlife Areas, National Wildlife Refuges, and mitigation lands. This issue is very important to our member organizations, and we wish to provide the following comments. We also seek a meeting with you and WHCC's Recreation Subcommittee.

The WHCC does not support the authorization of currently unauthorized recreational uses on lands that were designated for species conservation, including lands purchased with wildlife and habitat conservation funds. On conserved lands where some recreational uses are already authorized, we suggest herein some opportunities for consideration.

The occurrence of unauthorized recreational activities on conserved lands is a long-standing issue that continues to drain financial and agency staff resources, strain community relationships, and cause habitat degradation. As such, we offer our perspective to you with the hope that all parties will better understand each other's perspectives on this issue and the importance of

solving it in a manner that prevents further ecological damage from unauthorized activities on our region's conserved lands and that restores the associated damage done to date.

CONSIDERATIONS

Interests of and Impacts by Mountain-Biking Community

The WHCC recognizes that recreationists, including the mountain-biking community, are stakeholders in this issue. As to mountain biking specifically, it is a healthful recreational activity requiring expansive areas to ride, and like other stakeholders, many in the mountain-biking community want to pursue their recreation in natural areas, whether conserved or not. While all recreationists using natural areas cause negative impacts, mountain biking has some particular impacts - long distances travelled, high speeds of travel, cutting of new trails, and creation of features like dirt jumps; all can exacerbate erosion along the trails and cause negative direct and indirect impacts on the plant and animal species supported by the affected habitats. Consequently, mountain biking should be authorized only on lands where it would be ecologically acceptable, lands that are dedicated for such use and are well managed. One example where we understand management is working well is the La Costa Preserve/Denk Mountain.

Needs and Interests of Conservation Community and Natural Resources

The WHCC is also concerned that endangered and threatened species and habitats continue to be under assault and that conserved lands set aside specifically for the species' recovery and/or persistence are increasingly encroached upon. Numerous new development projects threaten destruction of our natural lands. Many of these projects were not included in San Diego County's long-negotiated General Plan and the myriad project-related amendments proposed to it will further undermine conservation agreements. Throughout San Diego, the ecological pressures from development and recreational activities have intensified with more and more demand on less and less available land. Conserved lands set aside for the protection of biological resources should never have been and cannot continue to be the default destination for unauthorized recreational uses.

Some conserved lands are set aside for protection per permit requirements including specified uses; for other conserved lands, regulations stipulate the authorized uses.

It is important to understand that some conserved lands are designated to meet the requirements of (a) Federal and/or State permits authorizing the take of species and/or (b) development permits. These lands were conserved to mitigate the losses of sensitive habitats elsewhere by affording protection of their habitats and the species they support. In some cases, such as Ecological Reserves, conserved lands are purchased with public funds expressly dedicated and intended for habitat and species conservation. Generally, authorized recreational uses are

stipulated, whether by permit or regulation, at the time of or prior to the dedication of conserved lands.

These conserved lands are widely treasured by residents, businesses, and visitors and are a key component of what makes our region so special. As public officials, you are entrusted to protect these lands and respect the agreements that established them. Where there are competing uses, your leadership is needed to provide other, new areas for recreational activities to occur.

Compliance with habitat conservation plan permits is essential.

Conserved lands dedicated in order to satisfy permit requirements must retain their biological values or they will no longer serve their intended purpose and the underlying permits will be at risk of revocation. Generally, the WHCC opposes any changes to increase the types of recreation on existing conserved lands. Further, we urge increased enforcement on and management of these lands so that the biological resources they support retain the values intended by their protection. To fail to increase enforcement would jeopardize decades of conservation planning, including planning in the City of Carlsbad.

A regional funding source, as called for in San Diego's multiple species plans, is vital to finance adequate management and enforcement. We call for a renewed effort to identify and implement such regional funding.

POTENTIAL POSSIBILITIES / OPPORTUNITIES

On some conserved lands where recreational uses are authorized, it may be appropriate to consider opportunities to change and improve the locations of those uses, or, in some very limited cases, to change the authorized uses themselves.

We understand there have been requests to authorize a wider range of recreational uses on conserved lands. As stated above, the WHCC does not support authorizing currently unauthorized recreational uses on conserved lands, including lands that were purchased with wildlife and habitat conservation funds. However, for some conserved lands with authorized recreational uses, the users and the wildlife, may benefit from shifting the areas of use. Trails must be optimized to protect sensitive or intact biological resources and recreational trails sited to respect these constraints. And, there may be circumstances on some conserved lands that warrant the consideration of changing the authorized uses.

Consideration of such shifts or changes would best be done collaboratively among all stakeholders and through a process that ensures continuation of the extant level or an improvement in the level of protection for the biological resources for which the conserved lands were designated. We would welcome sharing with you what we believe to be the essential elements of such a process.

WHCC recommendations to address shortfalls in recreational lands, habitat funding, and planning.

To address the current significant shortfalls in recreation areas and address the current and future conflicts between recreational and ecological demands, we request that your office assist in enhancing efforts towards the following.

1. Obtain adequate funding for fully effective enforcement of restrictions related to public use of the conserved lands.
2. As housing and other developments proceed, ensure adequate set-asides of natural lands not only for biological conservation to mitigate habitat losses but also to accommodate the increasing demands for recreational opportunities reliant on natural lands.
3. Pursue a more refined set of land use designations so zoning can be more realistic, protective, understandable, and appropriate for the values and uses intended.
4. Establish and implement requirements that provide for buffers to conserved lands; these buffers could be less sensitive areas around the conserved lands and would accommodate trails to offset the restrictions on recreation within the conserved lands. The preparation of trails plans should be required as part of the mitigation plan and reserve planning in advance so all stakeholders understand and have input.
5. Establish a regional funding source committed to 20 years ago for habitat conservation planning and implementation.
6. Facilitate the preparation of a high quality and expanded North County Multiple Species Conservation Program plan that includes in its design buffers to accommodate recreation.

We appreciate the opportunity to comment on recreational uses on conserved lands and request a meeting with you and your relevant staff to discuss such uses and their ecological and legal implications. We look forward to working with your office on this important issue.

Thank you for your consideration,

Joan Herskowitz, Buena Vista Audubon Society
Frank Landis, California Native Plant Society San Diego Chapter
Rick Halsey, California Chaparral Institute
Dan Silver, Endangered Habitats League
Pamela Heatherington, Environmental Center of San Diego
Laura Hunter, Escondido Neighbors United
Richard Fowler, Palomar Audubon Society
Diane Nygaard, Preserve Calavera
Jim Peugh, San Diego Audubon Society
Dr. Michael McCoy, Southwest Wetlands Interpretive Association

cc

Senator Robert M. Hertzberg (Chair), Senate Committee on Natural Resources and Water

Senator Toni Atkins, Senate Committee on Natural Resources and Water

Senator Ben Hueso, Senate Committee on Natural Resources and Water

Assembly Member Cristina Garcia, Chair of the Assembly Natural Resources Committee

CDFW, Charlton H. Bonham, Director

CDFW, Edmund J. Pert, Regional Manager, South Coast Region

CDFW, Gail Sevens, Environmental Program Manager, South Coast Region

CDFW, Richard Burg, Lands/Wildlife Program Supervisor, South Coast Region

CDFW, David Mayer, NCCP Supervisor, South Coast Region

USFWS, Mendel Stewart, Field Supervisor, Carlsbad and Palm Springs Offices

USFWS, Karen Goebel, Assistant Field Supervisor, Carlsbad Fish and Wildlife Office

USFWS, Doreen Stadtlander, Division Chief, Carlsbad Fish and Wildlife Office

USFWS, Susan Wynn, Fish and Wildlife Biologist, Carlsbad Fish and Wildlife Office

Mayor and City Council, Carlsbad