

SDAS Advocacy Issues

Triple Border Fence

Construction of the triple border fence has continued without consideration for any federal and state legal requirements. Due to a provision included in the Real ID Act of 2005, all laws and regulations pertaining to construction of the border fence may be waived. These include the Endangered Species Act, the Migratory Bird Treaty Act, the National Environmental Policy Act, the Coastal Zone Management Act, the Clean Water Act, the Clean Air Act, and the National Historic Preservation Act. Current plans include the extension of the triple fence system through the Tijuana River National Estuarine Research Reserve, the filling of Smugglers Gulch, and leveling Lichtig Mesa. SDAS is working in a coalition to encourage the Federal Government to revise the design so that the environmental impacts, costs, and human impacts are greatly reduced.

Chula Vista Bayfront

This is currently one of the largest waterfront planning efforts in the nation. The lead agencies involved in creating the master plan for this space are the City of Chula Vista, the Port of San Diego, Gaylord Hotels, and Pacifica Companies, the private developers. The plan calls for multiple-use developments that include condominiums, shops, hotels, a park, and bikeways. However, the proposed site for this development is adjacent to the Sweetwater Marsh National Wildlife Refuge, where endangered bird species such as the Snowy Plover and California Least Tern are found. SDAS is working with other groups to make sure that the project will adequately avoid or fully offset the potential negative impacts that could result from this development. These include edge effects such as noise and light, water quality impacts caused by untreated runoff, unnatural predators, and habitat fragmentation.

Potable Water Reuse

Water supply and use will undoubtedly become an increasingly critical challenge in coming years. The San Diego City Water Department estimates that, even with conservation measures, we may require 25% more water by 2030 than we are using now. To meet this projected demand, the City Council has proposed the implementation of indirect potable reuse (IPR). *IPR is the practice of taking recycled water that meets all regulatory requirements for non-potable use, treating it further with several advanced treatment processes to meet potable water standards, and adding it to the raw water supply, usually a water body such as a surface water reservoir or a groundwater aquifer (City of SD, Water Department, 2006).* SDAS supports IPR and additional water conservation measures to ensure that our limited water supplies can support both people and wildlife (including wildlife in the Bay Delta and Colorado River Mouth) into the future.

Rancho Guejito

Rancho Guejito is the best preserved Mexican land grant in Southern California. It was originally granted in 1845 and still contains relics of this era, including adobe houses that are over 100 years old. The ranch hosts a mosaic of grassland and forest ecosystems, and contains twenty different plant communities and up to 66 rare or threatened species. Recent actions have been made by the property owners that suggest that they are planning to develop portions of the ranch. This would result in very inappropriate sprawl development and tragic

loss of habitat value. SDAS is monitoring this property and advocates that it be acquired as a public park and wildlife preserve to meet our future environmental needs and provide for nature-oriented recreation.

Rose Canyon – Regents Road Bridge

In 2006, San Diego Audubon, Friends of Rose Canyon, The Endangered habitats League, and Coastkeeper successfully sued the City over inadequacies in an Environmental Impact Report (EIR) that evaluated traffic relief alternatives for University City. The EIR included alternatives that would construct a bridge across Rose Canyon as an extension of Regents Road. San Diego Audubon, along with 30 other environmental organizations, opposes this environmentally damaging traffic relief alternative. We won this lawsuit and the settlement requires the City to conduct a new project specific EIR for the bridge including evaluation of reasonable alternatives. In addition to drafting a new EIR, the City also had to pay our attorneys \$450,218 in legal fees related to the 2006 lawsuit.

In spite of these setbacks, the City attempted to implement a final bridge design before the new EIR has even begun - a clear case of

“putting the cart before the horse.” On November 5, 2007 they passed an ordinance that authorized funding for design of the bridge. Once again, San Diego Audubon, Friends of Rose Canyon and the Endangered Habitats League filed a lawsuit related to the proposed Regents Road Bridge in Rose Canyon. This suit was designed to prevent the City from spending \$4.8 million taxpayer dollars for final design of the bridge before a new EIR had been completed. (The California Environmental Quality Act prevents a government project from significantly going forward until an EIR has been completed. Otherwise the government would be “precommitting” to a particular design alternative.) After two and a half years of legal wrangling, we effectively won the case.

On March 2, 2010 the City agreed to rescind the bridge design contract and pay legal fees incurred by the plaintiffs. However, they also agreed to docket a future agreement that would fund a project specific EIR to build the bridge. Sometime in 2010 it is expected that the City Council will vote on this issue. Thus the battle to preserve Rose Canyon’s quite beauty for wildlife and people continues. We cannot afford to lose this struggle even once.

Brush Management Policy

The City of San Diego’s Brush Management program has recently experienced exponential growth, due in part to a multi-million dollar grant from FEMA. In a period of two years, the amount of City open space slated for brush management has grown from 70 acres to almost 700 acres in fiscal year 2008-2009. Many individuals in the conservation community have noted that previous brush management implementation by the City has resulted in type conversion from slow-growing, deep rooted coastal sage scrub vegetation to highly flammable, shallowly rooted, weedy invasive vegetation. It is feared that current City brush management practices will result in the loss of hundreds of acres of native chaparral and coastal sage scrub wildlife habitat. Also, county-wide, several severe management methods have been proposed such as clear-cutting up to 300ft. of defensible space, conducting large-scale controlled burnings, and other

symptomatic approaches that do not most effectively reduce fire risk. Indeed, these requirements were established in great haste with virtually no understanding of the long term consequences such as:

- their overall cost and the opportunity costs of excluding other methods of fire protection
- their likelihood of increasing fire risk by replacing native chaparral communities with fire-prone, grassy weeds
- they will increase the likelihood of flooding and mudslides in the winter
- they are distracting people from taking more productive measures such as removing flammable materials close to their homes and making structural improvements on the homes themselves
- they will reduce the ability of our native wildlife to thrive in our region, including several sensitive and endangered species

Our chapter is collaborating with other organizations in a 'Fuel Management Working Group' with the mission of "advocating for altering the City of San Diego's brush management ordinances, bulletins, policies, and implementation practices in order to increase public safety, reduce fire risk, and minimize damage to the City's public and private land resources." The group aims to raise awareness among the public and decision-makers on how fire prevention can most effectively and sustainably be implemented in San Diego.

Inadequate Funding for State Environmental Agencies

California has experienced severe budget problems that have only continued to worsen in recent months. Our state environmental agencies have been cut anew during each decline; however funding has not increased accordingly in times of prosperity. Funding for state environmental agencies has been reduced as the need for their services has increased. For instance, the local office of the Coastal Commission, Fish and Game Department, California State Parks and the Regional Water Quality Board are all severely understaffed as a result of successive funding cuts. This translates into the reduced ability of these agencies to adequately advise jurisdictions and the public, implement our environmental regulations, monitor and prevent violations in the field, and to adequately manage and protect our publicly-owned open spaces. SDAS works with Audubon California and other organizations to inform legislators about the need to better fund these agencies.

Sunrise Powerlink

The Sunrise Powerlink is a high-voltage transmission line development project proposed by San Diego Gas & Electric. This transmission line would bring power from El Centro to northern San Diego County by way of a 150 mile long power line that would traverse Anza-Borrego Desert State Park and the Cleveland National Forest. This project has been protested on many fronts, including arguments that the power line will be harmful to the environment, increase fire risk, will be costly to ratepayers, and will increase greenhouse gas emissions rather than reduce them. Recently, several alternatives have been proposed to mitigate the adverse effects of the original plan. One option would be to substantially expand local solar power sources, improve conservation, or bring energy via a northern route that would have less impact to our parks and natural areas. For various reasons, SDG&E opposes this alternative. SDAS will continue to support efforts to satisfy our energy needs in ways that do not degrade our local environment and that will reduce our contribution to green house gasses.

Global Climate Change

SDAS does not have a coherent program on reducing green house gasses or seeking ways to minimize the effects of climate change on local species and habitats. But we do address these issues in comments on environmental documents and in education events, we support the more coherent efforts of the National Audubon Society and other organizations, and we work to reduce energy use in the SDAS office and projects. We will participate in local efforts to identify climate change related problems for local wildlife and seek ways to mitigate them. We will also advocate for solving the human problems caused by climate change in ways that do not degrade habitat or put wildlife at greater risk.

City of San Diego Master Storm Water System Maintenance Program

The Master Storm Water System Maintenance Program (MSWSMP) is meant to reduce flooding and improve storm water runoff through drainage channels by clearing them of soil and vegetation. The project could cumulatively impact over 70 acres of wetlands plus 24 acres of natural stream bed, 20 acres of sensitive upland habitat and 9 acres of disturbed upland habitat. Passage of the project, as proposed, would give the City a 20-year approval to clear storm drain channels of sediment and vegetation. Many of the targeted drainage channels contain valuable wetland habitat and all help to filter contaminants from urban runoff, which helps protect the water quality of our streams, bays, and beaches. Some help slow runoff that tends to protect downstream homes and streets from flooding. Some help retain water so that it is absorbed by the soil and eventually recharge our ground water resources.

The City has a Flood Management Plan that discusses a wide range of measures to prevent flooding and contains an analysis of high priority needs. Contrary to that plan, the Master Storm Water System Maintenance Program assumes that clearing creeks and channels is the solution to all our flooding problems. It comes to that conclusion without analyzing the unintended consequences. It is a shallow, one-size-fits-all program. It does not include the case by case analysis that is required to assess if removal of vegetation is needed or if another solution or combination of solutions would be more effective, cost effective, or better for our environment. It ignores possible alternative solutions such as widening some waterways, adding upstream wetlands or basins to slow peak flood flows, adding additional conveyances, or relocating flood prone development as the Flood Management Plan does. It fails to identify the degradation of water quality that will result from the program. It also provides inadequate mitigation that fails to replace the functions and values that the project will destroy. The current programmatic approach will deny the public adequate project by project information and opportunity to point out the problems that the projects will create.

Any action by the Council or the Mayor to advance this project without resolving its serious deficiencies would be shortsighted and wasteful. San Diego Audubon urges our decision makers to demand a much wiser and more comprehensive approach before moving ahead with this program. To accomplish this we recommend that the City Council create a Storm Water System Maintenance Task Force that will address alternative approaches that will provide for flood control and not conflict with our water quality and habitat goals. The 2002 Canyon Sewer Access Task Force and resulting PEIR should serve as a model for the next steps of this project.

Silver Strand Training Complex

The Navy would like to expand the frequency and types of training that occur at the Silver Strand Training Complex. The No action alternative is to continue training that has been ongoing for over 60 years. Alternative 1 (Preferred) proposes to increase the frequency

and types of training and proposes to use different existing lanes for training activities (using lanes 8/9/10 during nesting season). Modeling has been done and they have estimated takes (of nests) at 105 nests during a nesting season under the Preferred Alternative. The Navy would also conditionally increase access to training areas, including in dry vernal pools.

Mitigation activities in and around Snowy Plover nesting areas include installing a 30m buffer around a maximum of 22 nests once they are spotted. The Navy will continue to monitor nests 6 days/week. They also propose to shift training activities to areas that have less nests.

San Diego Audubon is concerned that impacts to both nesting plovers and vernal pools will be substantial and are not adequately mitigated for. There should also be a provision in the EIS that if there is a decreased training demand, they reduce their usage of the training area accordingly. Lastly, we need a better understanding of what is happening on other adjacent properties and what the cumulative impacts might be.