

Narrative of Various Aspects of the San Bruno Mountain Habitat Conservation Plan

A. HCP Jurisdiction and Administration

San Bruno Mountain presently is under the jurisdiction of four public entities, the County of San Mateo has jurisdiction over all of the unincorporated land on the mountain and the cities have jurisdiction over lands within their respective jurisdictions: Brisbane, Daly City, and South San Francisco.

Within the various jurisdictions are lands owned by public landowners and by several private landowners. Public landowners include the State of California (which owns the state park), the County of San Mateo (which owns the county park), the California Department of Fish and Game which owns Owl and Buckeye Canyons, and the City of Brisbane which owns approximately 22 acres of the Brisbane Acres. Publicly owned lands cover approximately 2,600 acres on the mountain; privately owned lands cover approximately 700 acres.

The County and the three cities were co applicants for the HCP and exercise their land use authority, as set forth in the California Government Code and in the California Constitution, to enforce the conditions of the Permit and the terms of the Agreement. As permittees, the Cities of Brisbane, Daly City and South San Francisco and the County of San Mateo have a duty to comply with the HCP within their respective jurisdictions. The terms of the HCP are subject to the final enforcement authority of the U.S. Fish and Wildlife Service which have authority over the federally listed species that occur on the Mountain.

The County of San Mateo County is the Plan Operator and is the overall administrator of the HCP.

B. Development and Site Activity Review

1. Development Mitigation, Funding and Enforcement

Only areas designated in the HCP are eligible for development and only in the locations specified in the HCP. Developers who plan construction in the San Bruno Mountain area must submit their plans to the appropriate local agency and follow the normal approval procedures. In addition, the developers must consult with the Plan Operator (San Mateo County) and must demonstrate to the local agency as provided below that they are complying with the HCP.

HCP Land Dedication

Each developer must offer for dedication to the County of San Mateo those parcels which are designated as conserved habitat in Chapter VII of the HCP. The offer of dedication of Conserved Habitat may be phased at the option of the Landowner but must occur prior to or concurrently with the recordation of the final subdivision tract map for the area to be dedicated. Title must be dedicated in fee to the County or the State, as appropriate. San Mateo County must accept these dedications.

County of San Mateo Dedication and Restoration Standards

In 1999, the County developed a set of standards entitled “Standards for Acceptance of any Dedicated Lands by the County of San Mateo in Accordance with the San Bruno Mountain Area Habitat Conservation Plan” to be used to review the status of private lands to be dedicated to the County of San Mateo in accordance with requirements of the HCP and approved Operating Programs. The standards were also intended to provide a basis for the County’s review for the successful revegetation in disturbed habitats on San Bruno Mountain. Parcels being offered for dedication which do not meet the basic requirements of the guidelines may not be accepted for dedication until the guidelines have been met to the satisfaction of the Plan Operator.

The Standards were updated by the County in 2007 and provide detailed guidance on weed eradication, restoration of disturbed lands, and monitoring of habitat restoration and erosion control effectiveness. The primary goal of the updated Standards is to ensure that dedicated lands provide quality habitat for the listed butterflies and are delivered to the County without the need for further maintenance or restoration work, aside from some ongoing weed control that is typical within San Bruno Mountain County Park land.

The dedication element addresses the following topics: contiguity of lands with other County lands, maintenance of drainage structures, weed eradication, debris and habitation removal, fencing, defensible space, and land survey requirements. The restoration element addresses the following topics: seed and planting mixes and spacing, erosion control, soil preparation and watering, success criteria, and financial assurances.

Implementation of the Standards will help to ensure that dedicated lands provide habitat for the listed butterflies and do not endanger nearby habitat through the introduction of weeds, genetically variant natives, or erosion.

HCP Funding

A basic element of the HCP is creation of a funding mechanism which is able to support the monitoring, research, enhancement and other conservation techniques provided for in this HCP for permanent habitat conservation. The amount of funding must be adequate and protected against inflation. The HCP relies on private funding for habitat maintenance. Funds for habitat maintenance are generated in two ways: service contract funding, and permanent funding.

Planning Assistance funds have also been raised through fees charged to the developers for monitoring of development, and for consultation provided to the developers, by the Plan Operator. The fees charged cover the Plan Operator's costs and expenses and also provide some extra money for operation and enhancement of the Conserved Habitat. These fees vary from year to year depending on the amount of development, but overall they have not contributed a significant amount to the funding program. Once development is completed on the Mountain developer assistance funding will all but be eliminated.

Permanent and ongoing funding for habitat operation, maintenance and enhancement since 1983 has been provided by a \$20.00 annual charge per dwelling unit within the Development Areas and a \$10.00 annual charge per 1,000 square feet of floor area of private non residential development on the Mountain. This dollar amount has been increased for inflation since 1983 and the 2004 assessments are: \$34.00 per dwelling unit and \$17.00 per 1,000 square feet of floor area.

Concurrently with the execution of the HCP, the County and the Cities entered into a trust agreement and thereby and thereupon established the "San Bruno Mountain Area Habitat Conservation Trust Fund" (hereinafter "Trust Fund"). The trustees of the Trust Fund are the Managers for the County and the Cities who act and administer the Trust Fund solely for the purpose of providing the County with funds for the protection and enhancement of the Species of Concern by the operation, maintenance and enhancement of the Conserved Habitat for such purposes, all as set forth in greater detail in the Trust Agreement. The Trustees have the duty to use the funds for habitat conservation on San Bruno Mountain so as to provide for the conservation of the Mission blue, Callippe silverspot and other Species of Concern and the San Bruno Mountain Area Ecological Community.

The HCP Trust was formed in late 1982. The Trust entered into an agreement with the County of San Mateo, in its capacity as Plan Operator, through which the Trust undertakes to provide funds to the County to carry out conservation and enhancement

activities on the Mountain. Each fiscal year (July 1 to June 30), the Trustees enter into an agreement with the Habitat Manager for conservation and enhancement activities to be performed during the ensuing fiscal year.

Funds are collected from individual developments through direct billing to individual property owners, or, where homeowners' associations have been created, through collection agreements with the homeowners' associations.

HCP Enforcement

The HCP provides that no grading shall occur within the Conserved Habitat other than in specifically designated Reclaimed Habitat areas. The applicant for a grading permit must sign a statement acknowledging that grading in the Preserved Habitat may be a crime.

At the pre grading conference, the prohibition against grading beyond fenced areas shall be explained. The parties to the pre grading conference shall include, in addition to the local agency, at a minimum, the contractors, developers, foremen, heavy equipment operators and the Habitat Manager.

The appropriate local agency must issue and enforce a stop work order immediately upon its determination that there has been grading outside the grading boundaries as shown on the approved grading plan.

Local agencies shall have available the full extent of legal and equitable remedies available to them in the event of violations of the HCP. Violations may result in requiring reclamation of any improperly graded area, donation to the County of undisturbed habitat within the permit area equivalent to the habitat improperly graded, forfeiture of bonds, revocation of the grading permit (and concomitantly the authorization for taking under that grading permit) and/or any other appropriate and available remedies in the discretion of the local public entity.

2. Site Activity Review

In the mid-1980's the County initiated a Site Activity Review process in order to assure that potential ground disturbing activities were in compliance with the HCP. In order to prevent impacts to listed species or their habitat from occurring outside specific locations where the HCP covers incidental take, a procedure for issuing specific site activity reviews has been established by the Plan Operator. It was primarily designed for activities of parks departments, public works departments and utility companies that must maintain facilities on the Mountain. However, the procedure also applies to pre-development activities proposed in planned development sites prior to the receipt of final

HCP compliance clearance, including such things as habitat fence installation and geotechnical investigations.

A Site Activity Review application must be filled out by any known entity that proposes to conduct a potential ground disturbing activity within undeveloped land contained within the San Bruno Mountain HCP area. The Review application, contained in Appendix E, requires an applicant to describe in as much detail as possible the type and location of the activity, equipment and personnel required to carry out the activity, and the schedule and timing of the activity. The applicant must also describe the scope of impact the activity may have on the environment.

Upon receipt of the application, the Plan Operator must determine if the proposed activity: 1) will have an impact on a listed species and whether such impact is covered by the HCP; 2) whether the activity should be denied if it is not a covered activity and/or cannot avoid take of listed species; 3) whether there are ways to avoid impacts to listed species, and 4) the conditions to be placed on the activity if it consistent with the HCP.

C. Management and Monitoring of Conserved Habitat

Management and monitoring of conserved habitat is done under the direction of a habitat management plan (HMP). The HMP implements adaptive management requirements under the existing HCP and is focused on continuing the current habitat management methods that have proven to be successful, and utilizing additional methods to change the conditions that favor invasive species and brush on San Bruno Mountain. The HMP has been reviewed by the USFWS and has been approved by the Trustees, who have agreed to provide the USFWS with notice and an opportunity to comment on future revisions prior to approval. The HMP includes a statement of biological goals and objectives and an adaptive management program for vegetation management and species monitoring.

1. Technical Advisory Committee

The HCP specifies that a Technical Advisory Committee (TAC) provide assistance in the reporting of the biological program (research, monitoring and habitat enhancement), and report on the Plan's scientific effectiveness and costs (HCP, Vol. 1, 1982). A TAC was initially formed to assist in the implementation of the HCP in 1982, and provided guidance on developing invasive species control strategies for the first few years of the plan.

The TAC was reformed in 2006 following the recommendations of the HCP Trust. The committee is currently chaired by the Director of San Mateo County Parks and participants include staff from the County (Plan Operator and Habitat Manager), weed control and restoration sub-contractors, and representatives of volunteer groups that are

active on the Mountain (i.e., California Native Plant Society (CNPS), Heart of the Mountain, Friends of San Bruno Mountain and San Bruno Mountain Watch).

The TAC meets quarterly to review and recommend to the HCP Trustees annual and long-term management plans, review contractors proposed scopes of work, and initiate research to meet HCP goals. The TAC has reviewed this Habitat Management Plan and will provide ongoing review of current habitat management programs. Adaptations to the Habitat Management Plan will be made based on recommendations of the TAC and approved by the HCP Trust.

2. Vegetation Management Activities

There are currently approximately 2,750 acres of Conserved Habitat (parks and dedicated lands) on San Bruno Mountain. Much of these lands provide habitat for the Mountain's listed butterflies, as well as the other rare and endangered species that inhabit it. Habitat management activities are authorized under the HCP, and since the 1990s, habitat maintenance has been guided by management plans, which had been updated every five years. Periodic revision of the management plans has allowed the Mountain to be adaptively managed.

The current HMP attached continues the adaptive management practices but is designed as a long-term management plan to be revised as needed rather than updated every five years. It includes a number of activities to counteract processes, such as succession, build up of thatch and non-native species invasion, that adversely affect the amount and quality of the Mountain's grassland areas. Techniques include manual work (e.g., hand removal of invasive weeds), mechanical labor (e.g., use of bulldozers to remove areas of scrub), herbicide, application grazing, burning and mowing. (In order to conduct grazing on the Mountain, infrastructure such as fencing, water troughs and access need to be installed.) In addition to these methods of removal of unwanted species, the HMP also calls for replanting and restoration of disturbed and treated areas. In many cases, a combination of these techniques will be warranted.

3. Monitoring

The HCP requires monitoring to ensure compliance with the terms of the HCP and to evaluate effectiveness of ongoing conservation efforts. It does not detail specific monitoring methods. The HMP's monitoring program, which is intended to implement the monitoring requirements of the HCP based on contemporary scientific practices, clarifies the specific activities that may be used.

As described in the HMP, compliance monitoring consists of monitoring mitigation sites. It will not result in adverse effects on the Mountain's listed species because it does not

involve habitat modification or any other activities that could affect the Mountain's butterflies.

Effectiveness monitoring includes both monitoring of butterflies and their habitat and could affect the listed species covered by the HCP. Effectiveness monitoring includes monitoring of population status (including status of habitat), research and pilot study programs, and Conserved Habitat enhancement programs. The HCP states that the population status and trends monitoring should allow the Plan Operator to determine trends in population abundance and distribution. All of the existing and anticipated butterfly monitoring programs anticipated under the HCP and HMP consist of walking through butterfly habitat, and thus could result in minimal habitat modification. Future surveys may also employ mark and recapture techniques, if deemed appropriate by the HCP Plan Operator.

In addition to directly monitoring the butterflies, the HMP also calls for habitat monitoring. Habitat monitoring is designed for use in conjunction with species monitoring so that the effects of habitat management techniques can be related to habitat changes and hopefully, response of the species. Vegetation monitoring will not be limited to host and nectar plants.