

Preserving the Environment: Multiple Species Conservation Plan (MSCP) An Example of Collaborative Governance Structure

1. Introduction

In the 21st century, environmental degradation has been increasing globally with a serious threat to all humanity. As visionary planners and environmentalists, we need to raise public awareness to the issue of this global environmental decay, and to develop long-term and achievable solutions to protect our one and only earth. The purpose of this paper is to illustrate one approach to comprehensive planning that resolves conflict between development and conservation that may be applicable to other developing regions. This paper will present Multiple Species Conservation Plan (MSCP) as an effective plan, which assists in the protection of biodiversity by conserving the habitat as well as encouraging economic developments throughout the region.

Often times, protection of open space or the entire habitat is perceived as contradictory to economic development opportunities. In environmental planning, San Diego designed an award winning conservation plan protecting our valuable environment while encouraging economic development by streamlining permit processes and cost sharing by various public and private entities. The purpose of this case study is to outline MSCP especially by focusing on the unique political partnership aspect of the plan. The MSCP is a visionary plan encouraging community partnership in various layers of planning process for the facilitation of economic growth as well as conservation on a regional level.

Within that context, the MSCP represents this unique collaboration since the implementation structure of the plan is being followed by the federal, state, local agencies as well as the public and various stakeholders successfully. It is believed that the MSCP will provide wide range of views and modeling ideas for balancing economy and ecology by developing an array of methods to protect the irreplaceable dynamics of the habitat. This research will also highlight the effectiveness of community partnership rather than community consultation. As Dr. Garry Smith emphasizes in his article on Government-Citizen Partnership in Local Planning, "There is a well-recognized need for planning to move beyond community consultation into community partnering."¹ San Diego's MSCP model represents true application of this kind of community partnership to preserve the habitat as well as to facilitate economic growth in the region.

2. San Diego: the hot spot for biodiversity and species endangerment

San Diego, California is the seventh largest city in the United States, with 2.5 million residents. The city is also the significant component of the Pacific Rim, with its seventy miles of beaches. As it is spelled out in the draft Regional Comprehensive Plan (RCP), prepared by the San Diego Association of Governments (SANDAG), the San Diego region strives to balance both its economy and its ecology. While we are well-known for our high-technology job base, we are also recognized for our pioneering habitat conservation efforts that protect our native plant and animal species – we have been identified as a major "hot spot" for biodiversity and species endangerment. The region possesses a unique and varied landscape. Figure 1 shows the satellite view of San Diego's unique geography. Within a one-hour drive of the center of the region are mountains, deserts, mesas, canyons, river valleys, lakes, bays, and the ocean.² The work of this widely recognized habitat's conservation effort and collaboration will be the core of this case study.

Figure 1
Satellite View of San Diego



Source: http://www.gesource.ac.uk/worldguide/html/image_2119.html

3. Multiple Species Conservation Program (MSCP) Outline

What is the MSCP?

The **MSCP** is a comprehensive, long-term habitat conservation plan for the Covered Species which addresses the needs of multiple species and the preservation of natural vegetation communities.

What is the purpose of the MSCP?

The MSCP is designed to protect multiple species and to facilitate development processes at the local level without damaging the critical habitat as a result of proposed development. The MSCP provides a framework for evaluating whether land uses are compatible with the preserve and presents guidelines for preserve management and reporting. Facilitation of the development process is the critical and unique aspect of the MSCP, displaying a long-term vision for the region.

Before describing the key functions of the plan, three main terms of the MSCP need to be defined for clarity in the following sections of this paper. First of all "Covered Species" are species of which long-term viability was determined, and need to be protected under a particular preserve design. Secondly, the term of "conservation" is defined as the management of natural resources to prevent waste, destruction, and degradation. In California, conservation element is one of the seven state-mandated elements of a local general plan. This element contains adopted goals, policies, and implementation programs for the conservation, development, and use of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources.³ Lastly, "preserves" are areas in which beneficial uses in their present condition are protected.

Considering the meanings of these three major terms of the MSCP, what would be the relationship between habitat conservation plan and economic growth via increased number of new developments? Are not these two concepts, conservation and development, seem to be

conflicting? Not in the MSCP! How is this achieved? Through collaborative partnership including United States Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), property owners, participating jurisdictions, special districts, and representatives of various stakeholders such as Endangered Habitats League, I Love a Clean San Diego, National Wildlife Federation, SANDAG, San Diego Farm Bureau, and San Diego Sierra Club, and other various environmental groups. This partnership produced the MSCP which addresses the potential impacts of urban growth, natural habitat loss and creates a plan to mitigate for the potential loss of covered species due to the direct and indirect impacts of future development of both private and public lands within the designated MSCP area.⁴

How does the MSCP work?

What makes the MSCP and its public and private partnership distinctive? A regional approach to the issue of habitat degradation and economic growth are the key indicators of the MSCP's success in the long-term regional perspective. Prior to the MSCP, local jurisdictions would review private development proposals and analyze their impacts. When you look at an individual project, one, two or three acres of negative impacts might not seem to be an alerting level of impact. The consequence of this project by project review resulted in piecemeal mitigation and ineffective conservation. The regional approach brought the understanding of cumulative impacts of all these individual development proposals. The MSCP was the accumulation of a planning process aimed at developing a regional approach to conservation.

Through private developers' commitment to preserve sensitive habitat and state and local agencies' development permit approvals, an extra layer of bureaucracy has been removed right at the beginning of development proposal. In that sense, partnering with public and private entities might be applicable to some other developing regions to protect their habitat as well as facilitate their economic growth on a regional basis. As a summary, the MSCP could be defined as a plan for preserves encouraging regional economic viability by helping to reduce and streamline the development permit process.

The MSCP is considered as a major milestone in America's conservation history and a model plan for communities nationwide as the plan applies voluntary conservation partnerships on private lands. In other words, the MSCP is the product of advocates of environmental protection and is intended to be an exemplary model to the national and international habitat protection agencies. The primary goals and objectives of the MSCP are listed as:

- To preserve as much of the core biological resource areas as possible,
- To maximize the inclusion of public lands and lands already conserved as open space,
- To create an affordable preserve with the equitable sharing of costs.⁵

To implement these goals and objectives, each participating jurisdictions identified conservation areas called Multi-Habitat Planning Areas (MHPA). An MHPA is the area where the permanent MSCP preserve will be designated and managed for its biological resources. An MHPA is made up of private lands provided by developers and purchased from private parties as well as public lands set aside for conservation. The core of the MHPA is that private lands will be acquired from willing sellers to develop a permanent MSCP preserve. MHPA is defined by mapped boundaries and by quantitative targets for conservation of vegetation communities and by goals and criteria for preserve design. Based on the MHPA, participating jurisdictions and special districts develop their own subarea plans and define their boundaries of the MHPA based on common objectives and criteria. The interesting point assuring the power of authority of participating jurisdictions comes into play during the implementation phase. The jurisdictions could apply different methods of implementations in their own subareas as long as the common objectives are maintained.

4. Decision Makers for Future Growth and Conservation

Habitat Conservation Planning emerged in response to the Endangered Species Act (ESA), enacted by Congress in 1973 in response to an alarming decline of many animal and plant species. That federal legislation prohibited the killing or harassment of an endangered species. There was a provision for the incidental take of a species if it would be demonstrated that the action would not jeopardize the continued existence of that species.

As for the responsible agency for insuring compliance with the ESA, the U.S. Fish and Wildlife Service (USFWS) is the principal federal agency. The USFWS is responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The agency also enforces federal wildlife laws, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts.

While the local jurisdictions obtain permit authority from the USFWS for 30 years within the MSCP program, they still retain authority to make land use decisions in their local jurisdictions. "Land Use" element is another state-mandated elements of local general plans. This element serves as a guide to the structuring of zoning and subdivision controls, urban renewal and capital improvements programs, and to official decisions regarding the distribution and intensity of development and the location of public facilities and open space.

5. Can MSCP work effectively? Yes. How? Through MSCP Preserve Assembly

To provide a coordinated implementation and monitoring strategy, the collection of lands that need to be preserved formed the MSCP Preserve Assembly. This assembly ensures an active participation of all interested public and private agencies, and delegates specific tasks to each participants.

The summary of the assembly mandates to

- Federal and State Governments to manage existing federal and state lands based on the MSCP guidelines; monitor those lands with state funds,
- Local jurisdictions to assure conservation of natural habitat on privately owned lands in accordance with local land use regulations and environmental review,
- Private developments to conserve through the development process habitat lands currently in private ownership, and provide offsite mitigation through purchase of privately owned habitat lands inside the MSCP, in accordance with local land use regulations and environmental review.⁶

As it is seen from this brief description of responsibilities, the MSCP preserve assembly formed clear goals and objectives expected from the federal, state, local agencies and private groups. The formation of this assembly is also one of the most crucial elements which brings success in the preparation and implementation phase of the MSCP. This assembly also demonstrates that the MSCP gets everybody around the table and shares the duties in partnership. With this assembly, the MSCP also presents its pro-active quality, asking federal, state, and local jurisdictions to work and conserve ahead of time and to approve development permits with an initial knowledge of the critical habitat in potential development areas.

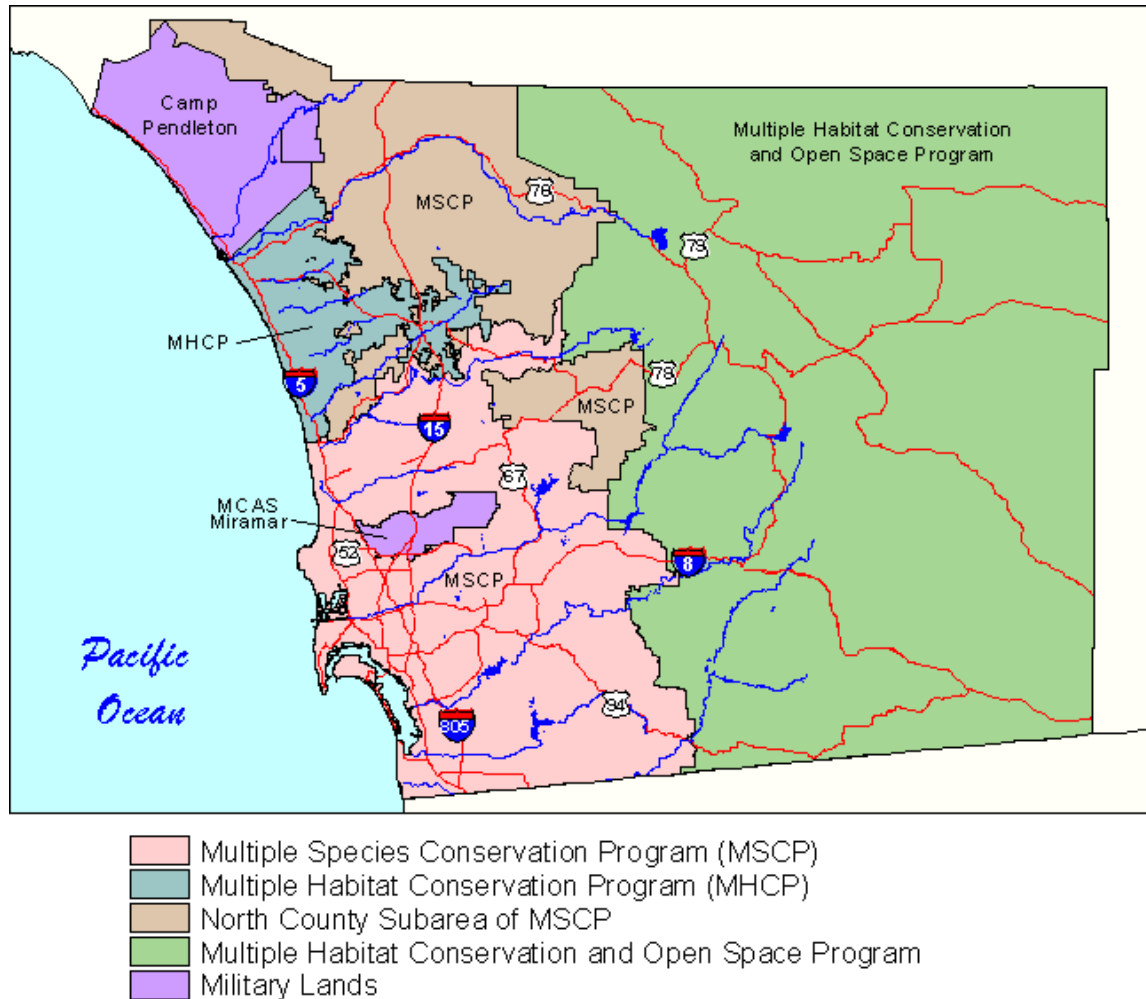
6. Implementation Strategy and Structure

The MSCP plan seems a well-prepared document. The MSCP preserve assembly has been formed; goals and objectives have been explained to the public. Now, the implementation of the

the MSCP requires coordinated actions among the participating local jurisdictions, other development permit authorities, the wildlife agencies, and the private sector. Dr. Garry Smith implies a similar partnership by stating that: "The complexity of ecologically sustainable development at the biological and land use levels, and the need to integrate environmental, economic, and social planning components, makes genuine community partnering vital to ecologically sustainable development." In that sense, the MSCP Plan represents a strong community partnering as well as establishing the overall framework, while allowing the flexibility for each jurisdiction to implement the MSCP through their own subarea plans and implementing agreements. Region wide partnership of Habitat Conservation Plans could be seen in Figure 2. These plans also work in coordination with the City of San Diego's MSCP.

Figure 2

Existing Conservation Plans in the San Diego Region



Source: <http://www.sannet.gov/mscp/plansum.shtml>

The MSCP's implementation strategy has been strengthened by the implementing agreement signed by and between USFWS and other participating agencies. The agreement also outlines sources for USFWS and local jurisdictions to implement the MSCP. For example, local jurisdictions will implement the MSCP through

- their approved subarea plans,

- amendment of their land use plans,
- development regulations,
- codes and guidelines, as needed, to assure that development projects are consistent with the subarea plan and that conservation targets are reached.

On the other hand, USFWS will implement MSCP through their

- permit authorizations for covered species based on the subarea plans and implementing agreements,
- contribute and manage identified existing federal and state lands and those acquired with federal and state funds,
- coordinate the biological monitoring program,
- meet annually with take authorization holders,
- ensure that other wildlife agency permits/consultations are coordinated and consistent with the MSCP,
- provide technical assistance,
- include MSCP funding in annual budget proposals,
- assist jurisdictions and other agencies in developing a regional funding source and in public outreach or education programs.⁷

7. Challenges of the MSCP

One of the major issues throughout the process of the MSCP is the article of "property rights" in the United States. The Fifth Amendment of the United States Constitution mandates that private property shall not be taken for public use without just compensation. This is where public raises their concerns in regards to the MSCP's conservation policy. It is generally perceived that any involvement in a Habitat Conservation Plan means restrictions coming from government agencies. Landowners will resist ideas that might appear as limiting their rights to operate in their own property unless they are provided some incentives to participate. This issue will always be debated unless the reasons for habitat conservation and seriousness of increasing environmental degradation are not communicated to the public. This is where federal, state, and local agencies can work hand in hand to produce long lasting and healthy solution for the entire community without violating the fifth amendment right of the citizens.

8. How does the MSCP encourage development and habitat protection at the same time?

First of all, MSCP promotes economic growth while conserving the habitat. It does not prevent development. However, all projects must be in conformance with the MSCP's implementing agreement articles. Each project's conforming measures varies depending on the type of development. Some projects meet certain exemption criteria and do not require any modification while others require revisions and mitigation in order for the project to conform.

Secondly, MSCP benefits threatened and endangered species since they provide an incentive for landowners to integrate conservation measures into the day-to-day management of their lands. A landowner must provide a long-term commitment to species conservation through development of the MSCP to be able to proceed with their proposed development.

Finally, benefits of the MSCP to developers could be summarized by looking into two different scenarios:

Without MSCP

With MSCP

Habitat fragmentation	vs.	Regional scale habitat systems
Multiple permit authorities	vs.	Local agency permit authority
Developers & local agencies bear all costs	vs.	Cost sharing with state & federal agencies
Mitigation uncertain & inflexible	vs.	Mitigation certainty & flexibility
Disruption from future ESA listings	vs.	No disruptions from future ESA listings
Passive or no management	vs.	Active management with standards
Ad-hoc bio-monitoring	vs.	Funded bio-monitoring with standards

As it is clear from this comparison, the MSCP initiates pro-active partnership in various levels of government. Strong and active leadership promotes continuation of economic developments and protection of our viable habitat. One of the tackling issue in local planning lies in the government and citizen partnerships. San Diego region has been working diligently to promote and achieve the MSCP for their future economic sustainability. This requires active and persistent collaboration of all players in planning. As Dr. Smith expresses an ideal situation in plan development is agreement and commitment between a community and its local government authority for a development plan. He also underlines that genuine partnering is only rarely achieved today.⁸ That is why San Diego's MSCP could be considered an exemplary model with its collaborating efforts. It developed a strong partnership and understanding among the public agencies, local jurisdictions, and private developers. The process of the MSCP also provided the opportunity to create a strong network opportunities in the community by encouraging the public's input and participation. Figure 3 shows a group of Sierra club members participating in the volunteer habitat conservation activities.

Figure 3

Public Participation in Juniper Canyon



Source: <http://sandiego.sierraclub.org/canyons/>

9. Conclusion: Power of Collaboration and Committed Partnership

The MSCP is a plan which was prepared with rigorous studies and analyses of habitat and biological resources in San Diego region. The scientific findings of the significant level of habitat and endangered species loss increased the awareness in public. Habitat conservation plans could not be achieved by only individual jurisdictions, but require thorough strong political and financial commitment by federal and state governments.

An important finding of this case study is the clear communication and sharing of responsibilities among the key players. The expectations from each federal and state agency were specified clearly in the implementing agreement. With the prepared subarea plans, and maps, as well as the power of incidental take, which is the permit given the jurisdictions by the federal agency, many public and private developers have become aware of the existence of many types of habitat within their development site. This process helps the developers to act in precaution prior to their proposal submittal to the local jurisdictions. As a result of this, the MSCP accommodates future economic growth by streamlining building regulations. Allison Rolfe, San Diego Baykeeper's Policy Director, underlines that MSCP, a new tool promoting habitat protection and economic growth, supplements and improves on conventional administration of existing species protection laws and local land-use regulations.⁹

As a conclusion, with the MSCP, San Diego initiates a model for how to plan for and balance both the needs of human beings and also the nature. Most importantly, the MSCP demonstrates that economic development is achievable while protecting the environment.

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<<http://www.sw-center.org/swcbd/activist/HCP.html>>