SAN DIEGO MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP) PLAN

Interviews:
- **Keith Greer**, City of San Diego, Associate Environmental Planner (12/17/97)
- **Nancy Gilbert**, Fish and Wildlife Service, Supervisory Biologist for San Diego County (12/10/97)
- **Allison Rolfe**, Southwest Center for Biodiversity, Coordinator (12/10/97)
- **Michael Beck**, San Diego Director for the Endangered Habitats League (12/15/97)
- **James Whalen**, Building Industries Association (1/16/98)
- **Ann DeBovoise**, small private property owner (1/15/98)
- **Jerre Stallcup**, Ogden Environmental, Project Manager for the MSCP Consultant Team (12/16/97) (to supplement City of San Diego information)
- **Karen Scarborough**, Chair of the Citizen Working Group (1/30/98) (to supplement City of San Diego information)

I. BACKGROUND:

The San Diego Multiple Species Conservation Program (MSCP) Plan is an effort by the local governments in the San Diego area of Southern California to deal with the tensions between endangered and threatened species and current and future land uses. It is a species conservation plan that is directly linked to local land use issues, especially development and open space. In addition to the federal Endangered Species Act, California has its own Endangered Species Act, and in 1991, passed the National Communities Conservation Program (NCCP) Act. The MSCP Plan satisfies the requirements of the California and federal ESAs as well as California’s NCCP Act. The MSCP Plan (Plan) covers the southwest corner of the County of San Diego (see Map). The applicants were the County and each participating city (five in total). Each applicant was treated as a separate “jurisdiction” that can sign onto the plan through their individual planning and/or zoning approval processes. The USFWS agreed to accept the Plan as viable once both the City and County of San Diego -- the two jurisdictions committing the most property to the restrictions of the plan -- approved the Plan and signed the Implementing Agreement. The Plan was developed as a county-wide plan, but the primary applicant was the City of San Diego, the jurisdiction facing the largest impacts and committing the most resources (both in terms of land and implementation of the plan). This case study focuses on the City of San Diego as the applicant.

- **Participants**: The main participants involved in negotiating this HCP were the City of San Diego (the primary applicant) and the regulatory agencies (USUSFWS and California Department of Fish & Game). The City of San Diego contracted out preparation of the MSCP and combination Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) to Ogden Environmental, an environmental consultant. The MSCP affected the property rights and interests of many groups and individuals. Two interest groups that sought an active role influencing the development of the MSCP were the Endangered Habitats League (representing primarily conservation interests) and the Building...
Industry Association (which included the Alliance for Habitat Conservation, both representing primarily land development interests). These two interest groups represented many smaller organizations and/or companies with parallel interests. Other groups and individuals, not represented by the two groups above, that participated frequently during plan development included: Southwest Center for Biodiversity, California Native Plant Society, Citizens for Private Property Rights, and Ann DeBovoise (representing her father’s approximately 40-acre parcel of land).

- **Status:** The MSCP Plan has been finalized in both the City and County of San Diego. The USFWS completed a formal consultation and issued their biological opinion under section 7 of the ESA. A Record of Decision (ROD) has been entered on the EIR/EIS. The City Council of San Diego and the San Diego County Planning Board have both approved the Plan and its associated documents and have both signed an implementation agreement (IA) with the USFWS. With the Plan complete, USFWS has issued incidental take permits (ITPs) for the City and County and other cities may apply for their own ITPs.

- **Location and Size:** The MSCP covers approximately 900 square miles or 582,243 acres in southwestern San Diego County. Within the MSCP study area is a preserve design of 171,917 acres of vacant land.

- **Causes/Catalysts:** According to the USFWS, preliminary discussions about multiple species planning originated from plans for sewer expansion by the City of San Diego in 1987. Although conservation groups supported open space preservation to maximize habitat for multiple species, cities and development interests feared burdensome constraints on population growth. The NCCP’s efforts on the Coastal Sage Scrub Pilot Project and the listing of the California gnatcatcher as a threatened species in 1993 both provided necessary incentives to keep the development community and property owners participating in the MSCP. The NCCP Pilot Project offered a chance for development interests to secure certainty in the constantly changing context of endangered species regulation. The listing of the gnatcatcher was a prime example of this changing context and the presence of gnatcatcher habitat throughout Southern California forced large property owners into making working with the NCCP project. As the MSCP came to conform with the NCCP guidelines for the Coastal Sage Scrub Pilot Project, the MSCP became an early, concrete example of the incentives and regulations offered by the NCCP.

- **Species Involved:** The Plan targets 85 species for adequate “coverage,” including endangered, threatened, and currently unlisted species (see Table 1). This list includes such plant species as Shaw’s agave, two species of manzanita, San Diego barrel cactus, Snake cholla, and Torrey pine; and such animal species as Salt marsh skipper butterfly, Orange-throated whiptail, bald eagle, Western snowy plover, California least tern, California gnatcatcher, and mountain lion.

- **Duration:** The IA and Take Authorizations are for a period of 50 years. The IA also includes a provision that recognizes that since a taking is permanent, habitat protection and maintenance efforts are meant to be permanent.
• **Major Elements of the Plan:**
  
  **Biological Goal:** The biological goal of the MSCP is, “to conserve both the diversity and function of [the southwestern San Diego County] ecosystem through the preservation and adaptive management of large blocks of interconnected habitat and smaller areas that support rare vegetation communities (e.g., vernal pools). The MSCP is also designed to conserve specific species at levels that meet the take authorization issuance standards of the federal and state Endangered Species Acts and the NCCP Act” (MSCP Plan, Volume I, Revised, page 1-5).

  **Preserve Design:** The backbone of the MSCP will be the designation of a preserve area. The goals of the preserve are:
  
  • to preserve as much core biological resource areas and linkages as possible;
  • to maximize the inclusion of lands already conserved as open space;
  • to make the preserve affordable and share the costs equitably among all beneficiaries
  
  (MSCP Plan, Volume I, Revised, page 3-1). The Plan discusses assembly of the preserve through three means: conserving existing public lands, government acquisition of private lands with regional habitat value from willing sellers, and private contributions through development regulations and mitigation (MSCP Plan, Volume I, Revised, page 4-1).

  **Implementation:** Because the MSCP Plan covers many subareas, implementation will occur locally and no new regional structure or authority is created. Implementation will be phased in by using current regulations and ordinances in the interim. Furthermore, each jurisdiction’s subarea plan and implementing agreement is severable from the others; action or inaction by any other jurisdiction does not affect the take authorization of any other jurisdiction. Jurisdictions that did not prepare their subarea plans for inclusion in the programmatic EIR/EIS must conduct additional environmental review. These future subarea plans will follow the guidelines established in the MSCP Plan (MSCP Plan, Volume I, Revised, pages 5-1 to 5-2).

  **Financing:** The costs of the MSCP are intended to be borne cooperatively by the local jurisdictions, residents and business; the state government; and the federal government. The total costs expected for local jurisdictions, residents, and businesses based on a 30-year benefit assessment program are projected to range from $339 million to $411 million in 1996 dollars. Land acquisition of approximately 27,000 acres over the next 30 years is estimated at $262 million to $360 million, with one half of that acquisition met by the federal and state governments. Preserve management of the approximately 106,000 acres of lands expected to be managed by local jurisdictions is estimated at $4.6 million per year. Biological monitoring (surveys, mapping, and data collection and analysis) is anticipated to cost anywhere from $109,800 to $405,300 per year. Total monitoring costs for local jurisdictions over 30 years is estimated to total $3.7 million (in 1996 dollars). Program administration covers land acquisition activities, coordination of subarea plan implementation, legal support, financial management, reporting and database management, and facilities and equipment. These annual costs are estimated at $835,200 in 2000, rising
to $1.3 million in 2004 during land acquisition, falling to $255,000 when the preserve is complete. The three areas of annual recurring costs (preserve management, biological monitoring, and program administration) are expected to total $4.6 million at preserve completion. To cover these costs when the regional funding ends in 30 years, the example financial plan included in the MSCP Plan proposes using an endowment of $239 million in 2029 ($75 million in 1996 dollars). In this example, the jurisdictions would contribute money during the 30 years of regional funding to establish this endowment (MSCP Plan, Volume I, Revised, pages 7-1 to 7-2).

- **Monitoring and Adaptive Management Provisions**: Implementation of the MSCP is tracked through annual summary of habitat acquisition and destruction and biological monitoring. “Each take authorization holder will provide an annual accounting, both by project and cumulatively, or habitat acreage destroyed and conserved within its subarea, and will submit this information to the wildlife agencies and regional coordinating entity.” The wildlife agencies will meet with the individual take authorization holders annually to review subarea plan implementation and to coordinate activities. For monitoring, a separate document known as the Biological Monitoring Plan was created to identify covered species and habitat and to describe standardized methodologies. Monitoring activities will be funded jointly by the jurisdictions. These activities will occur based on available budget and specific needs and the Plan does not set forth specific requirements for monitoring. A monitoring report is due every three years. Also, “A MSCP status report will be issued and public hearings held every 3 years by participating jurisdictions” (MSCP Plan, Volume I, Revised, pages 6-11 and 6-12).

- **Important External Events**: The MSCP grew out of the City of San Diego’s pursuit of upgrading their sewer capacity, which in turn, would allow more homes, businesses, and industrial facilities to be built. San Diego currently has a waiver from the requirement of tertiary treatment for its sewer plant. Eventually, the City will have to upgrade its sewer treatment and to do so will require construction in the sensitive habitat along the Pacific coast. In 1987, the EPA approved a grant to help fund upgrading San Diego’s sewage treatment plant upgrade from secondary to tertiary treatment. At that time, the USFWS told the City of San Diego that the issues of secondary growth associated with expanded sewer capacity would require a multi-species planning approach (Gilbert). “The MSCP began in July 1991 as a way to address the mitigation needs of the City of San Diego Metropolitan Wastewater Department for planned improvements to the Metropolitan Sewerage System. From this initial project, the MSCP has evolved into a comprehensive plan to address the impacts of regional growth on native species and their habitats in the study area” (MSCP Plan, Volume I, Revised, p. 1-6).

The controversy that culminated in the 1993 listing of the California gnatcatcher as a threatened species under the federal ESA also affected the MSCP. First, the threat of the gnatcatcher listing made future development in most of Southern California an uncertain prospect. Second, this uncertainty motivated California to pass the NCCP Act in 1991, which created a way for local governments to engage in long-term planning while still satisfying the California and federal ESAs. “CDFG and the California Resources Agency
prepared NCCP guidelines for the southern California coastal sage scrub region, which were recognized and incorporated by the USUSFWS for listing the California gnatcatcher as threatened . . . The MSCP Plan and constituent subarea plans have been prepared pursuant to the NCCP guidelines and meet requirements of the NCCP” (MSCP Plan, Volume I, Revised, p. 1-6).

II. DESCRIPTION OF THE PUBLIC PARTICIPATION PROCESS:

The process used to develop the San Diego MSCP Plan began as a new model, one that has influenced most of the regional HCP efforts underway in the Southwest. The model is characterized by the applicant being a local government (city, county, etc.) seeking to create a new regional “master plan” that will resolve conflicts between species protection and current and future land use. In this sense, the “project” is public approval of a new land use planning structure to govern private and public property within the jurisdiction of the applicant(s). The model is further characterized by the applicant conducting extensive public scoping using an advisory group of public representatives and holding workshops and hearings to supplement the usual NEPA comment period.

Chronologically, development of the MSCP Plan began with negotiations between the agencies and the local governments (applicants). The agencies relied on separate meetings with larger interests groups, such as major conservation organizations, to draft proposed language for the HCP, ITPs, and IAs. The City of San Diego contracted with Ogden Environmental, Inc. to prepare the MSCP Plan and, upon Plan completion, the EIR/EIS. While negotiation over and drafting of the Plan language was taking place, the City of San Diego organized a public participation process centered around a citizen advisory group, known as the MSCP Working Group. The City of San Diego selected interest group representatives for the Working Group and also held public workshops and scoping sessions around San Diego County to raise awareness. The Working Group evaluated draft language for the MSCP Plan and forwarded recommendations to the decision-making bodies of the major applicants (the City and County of San Diego and a few other cities). Ogden finalized the Plan and drafted an EIR/EIS. The City released the draft Plan and EIR/EIS for public comment, revised both documents, issued revised drafts for additional public comment, and then issued the final documents.

Through interviews, six places were identified where some type of public participation occurred in the San Diego MSCP Plan: 1) Meetings of USFWS and California Department of Fish & Game (CDFG); 2) The advisory MSCP Working Group established by the City of San Diego; 3) The Saturday Workshops and public hearings held on the Plan; 4) Hearings and open meetings of local political bodies such as the San Diego City Council, the San Diego County Planning Board, and their subcommittees; 5) The solicitation of scientific review of the biological standards used to guide the creation of the Plan; and 6) the 90-day NEPA comment period. As discussed below, interviewees identified differing views of the perceived effects of each of these six arenas of public participation.

III. DISCUSSION:
• **Wildlife Agency Meetings:** During the approximately six years of developing the Plan, USFWS and CDFG met often to go over common strategies and concerns. During the negotiations over the specifics of the Plan, the agencies held these “policy meetings” monthly where the language of the Plan, the boundaries of the preserve, and other technical points were discussed. Some of these meetings were opened to members of the public, although they were not widely publicized. “First you had to find out that it was happening, that there were these backroom negotiations... and then you had to find a way in” (Rolfe). Although these meetings were perceived as “by invitation” only, “there were times people found out about the policy meetings and they weren’t turned away” (Rolfe). These meetings would focus on the language that would meet the “take” authorizations and that language would then be discussed at the more formal Working Group. “Those agency meetings were critical because it was where all the policy negotiation was happening” (Rolfe). Other participants perceived that their comments at later stages such as the Working Group meetings and public hearings were ignored “because [the Working Group and the City of San Diego] had already made up their minds... in closed-door sessions” (DeBovoise).

• **The Advisory MSCP Working Group:** In 1990, the City of San Diego established an advisory group known as the MSCP Working Group to bring together representatives of the many interests affected by the Plan. Meetings of the Working Group were open to the public, who were allowed to speak at the end of each meeting to raise issues of concern. The purpose of the Working Group was to advise the consultants and the City of San Diego on the content of the Plan; it did not have any decision-making authority (Greer and Scarborough). Subsidiary functions of the group included raising all the relevant issues and concerns about the Plan, increasing awareness of and support for the Plan, and facilitating problem-solving for contentious issues. The Working Group would deliberate on particular issues and then would forward their consensus recommendations or opinions, if any, in the form of “issue papers” to Ogden, who compiled them into language for the draft Plan. Once the Plan had been drafted by Ogden, the Working Group forwarded the Plan to City Council (Scarborough).

Initially, the City of San Diego’s Clean Water Program (now called the Metropolitan Waste Water Department) chose representatives of a cross-section of potentially affected interests (Scarborough). Later the Working Group itself recommended membership to cover more interest groups (Gilbert). “It included all the jurisdictions within the boundary area, San Diego Gas & Electric, the water authority, the building industry representative [the Building Industries Association], the environmental representative [the Endangered Habitats League], the farm bureau, CDFG, USFWS” (Gilbert).

Most interviewees pointed toward the Working Group as one of the most helpful aspects of the process leading to the MSCP Plan. The Working Group offered a way to involve many different stakeholders closely with development of the Plan, to allow for public comment, and to develop some recommendations by consensus of the representatives (Gilbert, Greer, Beck, and Rolfe). The chair of the Working Group, Karen Scarborough, from the Mayor’s office, was consistently mentioned as extremely helpful for both the Working Group and public participation throughout the Plan’s development (Gilbert, Greer, Beck, Whalen, and
Some participants felt that the success of the Working Group was due to having the same people involved over several years. It took three or four years to move away from position-taking toward mutual respect for divergent positions and toward clear communication between the stakeholders (Beck and Whalen).

The Working Group could not, however, handle some of the more specialized or controversial issues such as financing and mitigation ratios (Gilbert and Beck). Often those issues were “[fought] out in front of Council or Council subcommittees” (Beck). Around 1995-6, when some of the issues were particularly polarized, the City established an intermediate group between the Working Group and the City Council known as the “MSCP Policy Committee.” That body consisted of local elected officials and did not meet very often (Scarborough). The Policy Committee provided recommendations for the Working Group “to provide them direction,” in what one person characterized as “a reiterative process” (Greer).

One criticism of the Working Group meetings was a lack of notice. Interested citizens had difficulty finding out about the meetings and getting on the mailing list (Rolfe and DeBovoise). Another criticism from individual property owners of the Working Group meetings (as well as some of the Plan hearings and Council meetings on the Plan) was that most of them took place in the middle of the day, making them inconvenient and burdensome to attend. Furthermore, public comment was reserved for the end of the sessions, which often lasted two to three hours (DeBovoise).

**Workshops and Non-NEPA Hearings:** In order to raise awareness about the MSCP and the development of a plan, the City of San Diego and other applicant cities held a series of workshops on Saturday (Gilbert). The City also held various hearings just on the MSCP during the development of the Plan so that the public could see the maps, biological surveys, and proposed preserve boundaries. All interviewees observed that the complexity of the MSCP and Plan hindered public participation, and this surfaced during these MSCP events. Some citizens found these early presentations on the MSCP “intimidating.” Allison Rolfe observed that, “I think once people saw [the GIS-produced map] they thought, ‘This thing is high-tech, this thing is way too technical for me; I can’t possibly comment on this, look how much money and people-power is going into this.’”

**Local Political Processes:** Many of the most contentious issues were not capable of resolution in the Citizen Working Group. In some cases, the Working Group would receive direction from the Policy Committee. In most cases, City Council debated the tough decisions. Interested groups, including those represented on the Working Group lobbied and testified in front of City Council, the County Planning Board, and subcommittees of each. All interviewees acknowledged that this opportunity for public participation was an extension of the political nature of the Plan’s development. It differed from the Working Group meetings in that presentations were more adversarial and outcomes were expected sooner. These opportunities presented stakeholders with the chance to directly interact with the decision-makers or their staffers. The structure of public participation, however, was too inaccessible to most publics. It had similar constraints as the Working Group process:
meetings and hearings were difficult to attend because of poor notice and inconvenient timing, and input from individual citizens was not perceived as effective (Rolfe and DeBovoise).

Two examples of how this HCP was another “layer” on top of local planning were the need to follow local regulations and the use of “Community Planning Groups.” Since the MSCP was activated by local planning, the process had to follow existing land use ordinances and regulations. For example, local laws required that every single property owner within 300 feet of proposed preserve boundaries or otherwise affected be notified (usually by mail) that their property may be affected (Greer). Also of note was the fact that San Diego has a “Community Planning Group” process in addition to the regulatory planning or zoning boards. This process uses an advisory board of citizens that can influence the outcome of permitting. In some parts of the San Diego region these groups were very active and those participants were generally more informed about the development of the Plan (Whalen). In general, participants associated higher awareness of the Plan with greater political viability when the time came for City Council to endorse or reject the Plan.

**Scientific Review:** One controversial issue for the Plan was the involvement of independent scientific review. There was no formal mechanism for scientific review of the Plan (Gilbert and Greer). Independent scientists were able to review and comment on Ogden’s initial information on the relevant species, which became known as the “Biological Standards and Guidelines” (Greer and Stallcup). Otherwise, scientists commented on the draft and final documents as they were released to the public. During the initial stages of Plan development, Ogden consultants sought input on the Biological Standards and Guidelines, which were the foundation for the modeling and analysis involved in drafting the Plan (Stallcup). The consultants contacted recognized experts in the academic and consulting communities and incorporated their comments. Independent scientists did not have another separate opportunity to review or participate in development of the Plan. Some experts complained that their comments were ignored (Rolfe).

According to USFWS, the opinions on how to approach scientific review ranged from having an independent panel review the Plan at the end, to using the scientific review during the entire plan development stage, to sticking to the same approach used for the MSCP (Gilbert). These views corresponded to a particular interpretation of the purpose of the MSCP. Keith Greer from the City of San Diego summed up his view as, “You get all your biological information up front and then you begin to use more of your land use tools and regulations to develop a plan.” Michael Beck of the Endangered Habitats League shared this view, “There’s more to our HCP than simply science; there’s a lot of politics, economics, biology, stuff that goes beyond what can be provided by a ‘God Squad’ of academics.” Regarding scientific uncertainty, James Whalen of the Building Industries Association felt, “If we had waited for the science to be up to snuff, we wouldn’t even be done now.” In contrast, Ann DeBovoise observed some local experts, “taking a very analytical approach: we don’t have the information to make a sound decision.”
Views on the NEPA Process: The MSCP Plan required the preparation of a joint EIR/EIS in order for USFWS to satisfy the decision-making requirements under CEQA and NEPA. All the interviewees agreed that the public participation that occurred in preparing the Plan began much earlier than the standard NEPA scoping and review periods would have provided. The City of San Diego found attendance at the three scoping meetings was poor, (Greer), and other stakeholders agreed that these meetings were of little importance to the Plan: “by the time you get to the hearings, the game is pretty much over” (Beck); “Do I think the NEPA process added anything to [the earlier meetings and hearings]? No” (Whalen); “I don’t think they contributed much” (Rolfe).

The EIR/EIS comment period lasted 90 days and was extended to provide for another 90 days of public comment on a second draft. The City of San Diego and USFWS both felt that the NEPA comment period provided important public input (Greer and Gilbert). The revised Plan included 28 new species and deleted 3 species. Some guidelines for land use within the Plan area underwent extensive changes. Guidelines changed included agriculture, development, and mineral extraction (MSCP Plan, Volume I, Revised, pages 3-23, 6-1 to 6-8).

The City of San Diego, USFWS, the Endangered Habitats League, and the Building Industries Association generally agreed that the comment period length was adequate or “reasonable” (Greer, Gilbert, Beck, Whalen). The Southwest Center for Biodiversity and small private property owners, both of whom did not participate in the Working Group, felt that the review period was inadequate given the large amount and complexity of the EIS/EIR and related documents (Rolfe and DeBovoise). “There’s seven pounds of documents; I can’t tell you how many pages because there were too many to count . . . I don’t think you could have done it even if you were reviewing it full-time” (DeBovoise). The Plan and related documents were relatively expensive (about $210 for a complete set) so they were placed at public libraries around the City to provide more access. This raised problems, too, however: “I think some of the libraries did not keep very good track of [the documents] because it was very hard to walk into a library and get what you needed” (Rolfe).

As mentioned, the large number of public comments resulted in a second draft EIR/EIS. The huge number of issues covered by the MSCP meant that a large number of USFWS staff were involved in responding to these comments. One consequence of this was a perception by some that the document did not substantially change in response to the wide spectrum of comments and that conflicting responses were generated. Some feared that USFWS could not be held to a common, consistent set of responses (Rolfe).

Another criticism focused on the fact that NEPA only comes into play at the end of the process, so late as to be “irrelevant.” Jim Whalen of the Building Industries Association voiced this general critique of NEPA, adding, “The NEPA process is so technical that most people don’t even know what it means, they think it’s some kind of fruit. It’s not suitable for the public . . . If you’re going to use NEPA it should be for something easily understandable.”
• **Effects of Public Participation:** Public participation definitely affected the development and approval of the MSCP Plan. That is not to say that all the interested parties (nor interviewees) were satisfied with the process or products. Rather, public participation resulted in several objective changes to the Plan and the interviewees ranked the importance of those changes differently.

Public participation also resulted in two major outcomes. The first was the successful public demand for the release of the Species Evaluation forms used by the USFWS. The agency uses these forms to document the status of a species and to help decide on the mitigation measures necessary for issuance of the ITPs. Since USFWS staff used these forms to evaluate a given species’ risk associated with the preserve, some of the public felt that information was needed to evaluate the merits of the Plan (Rolfe). Public outcry for release of the forms resulted in USFWS making them available for review. The second major outcome caused by public participation was that enough substantive comments were received that a second draft EIR/EIS was circulated prior to the final version.

Opinions varied as to how much the MSCP or the Plan were changed as a result of public participation. Most agreed that public testimony at the large hearings was not given much attention. Some felt that was a result of the testimony occurring later in the development process; others felt that Ogden, the Working Group, and the City of San Diego representatives were ignoring perspectives they didn’t want to include, such as small property owners and off-road vehicle users. Participants in the Working Group felt that their participation was crucial to the content and the general support of the plan (Beck and Whalen). USFWS and the City of San Diego both felt that the public input received throughout development resulted in changes to every aspect of the Plan from assurances to mitigation, from preserve design to financing (Gilbert and Greer). Participation of groups and individuals helped legitimize the plan and draw general support among the population of the affected region. This support was, in some sense, the entire purpose of the development stage because without public disclosure and public support, the Plan would have been politically unviable for the City Council.

The different methods of public involvement controlled how much influence that input had on the Plan. Early involvement in policy meetings was the most difficult to achieve and the most powerful type of participation. In contrast, public hearings and workshops held in the evenings or on weekends may have been the most accessible and were the least influential.

• **Satisfaction with Process/Product/Participation:** Among the interviewees, there was not much agreement on satisfaction. In general, the satisfaction for all three areas was highest (four to five out of five) for the City of San Diego and USFWS; was moderate (three to five out of five) for stakeholders participating in the Working Group; and was lowest for stakeholders not participating in the Working Group (one to three out of five). At least one stakeholder felt that any evaluation of the final products was still premature given the untested nature of the Plan. Similarly, another stakeholder felt that the process at the beginning was highly unsatisfactory (one out of five) and ended up being somewhat
satisfactory (four out of five) but could not be generalized into one “process.” Thus, perceptions of the “process” and “products” are not necessarily comparable.

Every interviewee flagged the complexity of the program as seriously impeding participation by both citizens and scientists. The complexity of the program originated in its massive scale; the number of affected stakeholders included literally thousands of individual property owners in San Diego County. The sheer number of affected parties made structuring a fair and effective participation process extremely difficult (Scarborough).

Also related to complexity was the large commitment of time required to stay up to date with obtaining and reviewing documents as well as to find out about and participate in meetings and hearings. Allison Rolfe noted that “you have to have almost 100% of your time to dedicate to really be a part of the negotiations and stay in there.” Ann DeBovoise summed it up this way: “It was irritating to look around and see all these people were getting paid to do this, especially when their decisions were affecting our land and a lot of other people. To be a participant, fight back, and protect our interests took all of our spare time, evenings, or weekends.”

IV. CONCLUSION AND LESSONS:

This case study provides an example of the rewards and difficulties of using a public participation model that uses an advisory citizen group and local political bodies to help blend a regional, multi-species HCP with local government land use planning. Relying on established political structures and a citizen board composed of representatives of major interests, this type of HCP has many opportunities for public participation, both formal and informal. These opportunities include testifying at public meetings of city councils, council subcommittees, and county planning boards; participating in public workshops and advisory group meetings; and attending informal meetings of the wildlife agencies or the local governments (the main negotiating parties).

However, this model also faces challenges with the complexity of the process, significant complexity of the science, excessive demands on participant’s time, and perceived powerlessness of individual citizens. The San Diego MSCP Plan experience allows us to draw some lessons about this regional land use planning model of public participation and suggest some recommended actions for applicants, agency staff, and interest group representatives involved in future HCP efforts of this type:

1) **Early involvement of affected parties is necessary to lend political support to massive planning efforts yet is not well-correlated with formal opportunities to participate, such as NEPA.** Use of public participation tools well before the NEPA process proved invaluable to the development of this HCP. Without the early participation of major interest groups for conservation and development interests, this plan would have foundered when offered to the political decision makers. NEPA, CEQA, and the traditional public hearing approach could not provide the structure for this early public participation. Instead, this HCP relied
on new approaches including a citizen advisory board and workshops to involve the public in the planning process where input mattered most: before preparation of the EIR/EIS.

2) **The use of many different methods of involving the public should be structured and coordinated yet flexible enough to respond to difficulties with complexity.** This HCP benefited from the early involvement of many different stakeholders through a citizen advisory board. Arguably, both the content and the credibility of the HCP were improved with this public participation tool. Additional public input was achieved through hearings and workshops as well as the NEPA comment period. These latter tools, however, were perceived as less or not effective. Despite many attempts to raise public awareness and to provide access to information and decision-making, visibility and comprehension of the HCP remained low. The overriding factor cited for hindering public participation, especially outside of the advisory board was the overwhelming number and complexity of the HCP documents. Instead of simply more meetings and hearings, development of a regional HCP would benefit from addressing its inherent complexity.

3) **Opportunities for independent scientific review need to be provided early and throughout the development of the HCP.** While an HCP, especially a regional one, consists of much more than pure biology, both the scientific analysis and the perceived credibility of the HCP benefit from additional scientific input. One significant barrier to that input is the lack of compensation for the massive time and effort expended by independent reviewers. Participants have suggested that scientists could be compensated for reviewing documents. Furthermore, early involvement of scientific reviewers combats the problem of complexity by reducing the amount of catching up the reviewers must do.

4) **Many interests upon whom a successful plan rests do not have the resources to participate fully.** The local political structure offers the usual representative democracy model of public input. The development of this HCP did not confine itself to this structure and instead empowered many different perspectives by creating a citizen advisory board. Still, individuals or smaller groups were disadvantaged by the advisory board structure and as a result denied the same opportunities to be heard. Efforts should be made to incorporate their participation, whether through local government assistance or a supplemental private funding mechanism.

5) **The use of a citizen advisory group for a large, regional HCP that affects thousands of property owners still faces difficulties in representing the affected interests.** Despite the use of a citizen advisory group, some affected individuals still felt their interests were excluded and their suggestions ignored. Public meetings were perceived as intimidating to some and were not conducted until after HCP development was well underway. Even those interested citizens
able to attend the meetings and hearings sometimes felt that the sacrifice of their work or personal time was often not worth it.