



November 18, 2020

John P. Donnelly, Executive Director  
California Wildlife Conservation Board  
P.O. Box 944209  
Sacramento, CA 94244-2090

**RE: Rancho Jamul Land Exchange - *Opposition***

Dear Mr. Donnelly:

The undersigned members of the California land trust community write to respectfully express our strong opposition to the proposed conversion and exchange of Rancho Jamul State Ecological Reserve lands. As you know, our organizations work regularly in partnership with WCB and share the Board's dedication to the conservation of California's extraordinary land and water resources in perpetuity for future generations.

We write because the proposed exchange, if consummated, would set harmful precedents that would threaten the permanent protected status of state conservation lands. This permanence is of critical importance to the land conservation community and is what our organizations and partners rely upon when making strategic and financial decisions for conservation. The proposed conversion of lands sends a signal that protected lands throughout the state can be traded away for private development and therefore strikes at the integrity of public and private support for conservation. The need to protect the state's remaining wildlands from development has never been more urgent, and it is critical that the Board take actions that sustain its conservation mission. We therefore request that you deny the proposed exchange.

**Exceptional Quality State Conservation Lands Should Not Be Converted Except When There Are Extraordinary and Indisputable Benefits.**

The 219 acres of state Ecological Reserve land proposed for conversion were purchased with public funds for the express purpose of "permanent protection." When our land trusts work with WCB and transfer lands to the California Department of Fish and Wildlife (Department) for conservation, we, and the public, believe and understand that such lands will remain conserved in perpetuity. The stability and durability of this permanent protection is fundamental to our programs of conservation design, and essential to our ability to plan strategically for regional conservation and commit financial and organizational resources to land acquisitions and restoration projects.

The proposed exchange is unlike anything WCB has been asked to consider before. A review of all records the Department could furnish over the last 30 years shows that virtually all prior conversions and exchanges have been small scale, for purposes such as resolving a nuisance on adjacent property or making boundary adjustments. Biological benefits in these instances have been indisputable, with the land conveyed by the state often substantially degraded. We are aware of only a single large-scale exchange of conservation lands—the Garibaldi Land Exchange in the Suisun marsh—and that exchange was very different from what is being proposed at Rancho Jamul. In the Suisun case, the state not only acquired lands with indisputably superior biological value, but the lands exchanged out of state ownership were conveyed to a nonprofit organization subject to a conservation easement. The purpose of that exchange was to restore wildlife values on the trade-out site and create the Pacific Flyway visitor

center to advance public education and access. Never before has the state approved a large conversion of conservation lands to enable a development project that would damage the very habitat that the state had sought to protect when it acquired those lands, such as is now proposed.

The State statutes and Department guidelines governing conversion of conservation lands are in place as safeguards and are intended to avoid such a result:

- Under statute, conservation lands can be exchanged only if the lands to be received by the state have “greater biological value as wildlife habitat” than the lands given up. The Department’s analysis demonstrated that the lands to be given to the Department possess *lower* biological value than the lands traded out, which were determined to have “exceptional” value.
- Under departmental guidelines, endangered species habitat may only be converted if the species has been “extirpated” from the lands, and sensitive vegetation should not be converted unless “irreversible impacts” are present. Here, the lands are designated critical habitat for an endangered species—the Quino checkerspot butterfly—that occupies the property, and the habitat is pristine.

The statute and departmental guidelines clearly express how an exchange of conservation lands must be determined. Conservation lands should never be converted unless the exchange is minor and has clear biological benefits, or, for a larger exchange, when the benefits are extraordinary and not subject to dispute. To do otherwise serves to undermine larger conservation objectives, including durability of designated conservation lands.

To approve the proposed exchange—where exceptional conservation lands are traded for lands of lower value—would deviate from statute and guidelines, open a door to future abuse, and jeopardize our organizations’ past and future investments in the conservation estate.

### **Lands that Are Already Protected Cannot Be Treated as “Benefits” of an Exchange.**

The proposed exchange is even more troubling in its counting of lands that are already protected from development as “benefits” offsetting the loss of the Ecological Reserve lands. The exchange relies heavily on lands owned by the developer that are designated as hardline preserve under San Diego County’s Multiple Species Conservation Plan (MSCP), a natural community conservation plan and habitat conservation plan (NCCP/HCP) under state and federal endangered species laws. As the Department stated in written correspondence, no take of covered species is authorized, and no development is permitted on these lands. Of the remaining lands to be received by the Department, most of these are required to be placed under conservation easement as CEQA mitigation for the impacts of the project. The exchange would actually result in a substantial net loss of protected lands.

To justify trading away conservation lands by “double counting” the conservation value of lands that are already protected would set a devastating precedent that could lead to net-loss exchanges throughout the state, and threatens to shrink the corpus of protected lands that our organizations and this Board have worked tirelessly to grow.

### **Conclusion**

Approval of the proposed exchange would undermine the confidence of our organizations and the public that lands acquired and designated for conservation by the state will be permanently protected. A reliable expectation of durable stewardship over lands we help the state acquire is essential for our

missions and operations. The proposed exchange would also put at risk the conservation objectives of NCCP/HCPs and encourage developers and local governments to flout the restrictions that have been carefully developed under those plans. The ramifications of approving the proposed exchange are grave and extend far beyond the particulars of this case in San Diego. We therefore must ask that you reject the exchange and preserve the Rancho Jamul Ecological Reserve.

Sincerely,

Jay Ziegler  
**The Nature Conservancy**

Sam Hodder  
**Save the Redwoods League**

Tom Maloney  
**Ojai Valley Land Conservancy**

Trish Boaz  
**San Dieguito River Valley Conservancy**

Walter Moore  
**Peninsula Open Space Trust**

Elizabeth Lambe  
**Los Cerritos Wetlands Land Trust**

Liz DiGiorgio  
**Agricultural-Natural Resources Trust**

Kim Kolpit  
**Bolsa Chica Land Trust**

Geary Hund  
**Mojave Desert Land Trust**

Sara Barth  
**Sempervirens Fund**

Ann Van Leer  
**The Escondido Creek Conservancy**

Bridget Fithian  
**Sierra Foothill Conservancy**

David Brunner  
**California Council of Land Trusts**

Nicole Braddock  
**Solano Land Trust**

Cam Tredennick  
**Sequoia Riverlands Trust**

Larry Wan  
**Western Alliance for Nature**

Kay Ogden  
**Eastern Sierra Land Trust**

Bri Fordem  
**Anza Borrego Foundation**

Ray Fort  
**Marin Agricultural Land Trust**

Laurie Oberholtzer  
**Sierra County Land Trust**

Jack Easton  
**Rivers and Lands Conservancy**

Deborah L. Rogers  
**Center for Natural Lands Management**

Jill Bays  
**Transition Habitat Conservancy**

Darla Guenzler  
**Wildlife Heritage Foundation**

Jeannette Tuitele-Lewis  
**Big Sur Land Trust**

Kaila Dettman  
**The Land Conservancy of San Luis Obispo  
County**

Karla Standridge  
**Fallbrook Land Conservancy**