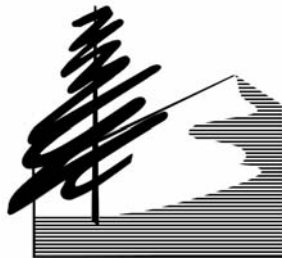


Kelly Ranch Habitat Conservation Area

Annual Report
October 2006 - September 2007

Prepared for:
U.S. Fish and Wildlife Service
California Department of Fish and Game
City of Carlsbad

Prepared by:



Patrick McConnell
The Center for Natural Lands Management
215 West Ash Street
Fallbrook, CA 92028

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I. Introduction

This report summarizes the management activities carried out on the Kelly Ranch Habitat Conservation Area (Preserve) by the Center for Natural Lands Management (CNLM) during the fiscal year of October 1, 2006 to September 30, 2007. The tasks and objectives discussed below are those derived from the *Kelly Ranch Habitat Conservation Area Management Plan*, prepared by CNLM in November of 2002 (CNLM 2002).

The Preserve is located approximately two miles inland from the Pacific Ocean and lies at the east end of Agua Hedionda Lagoon (Figures 1 and 2). Roads near the Preserve include Cannon Road along the northern boundaries and Faraday Avenue near the eastern boundary. The Preserve (63 acres) is not one unit, but is comprised of multiple parcels varying in size from a few acres to about 15 acres that are located within the housing development of Kelly Ranch and surrounding communities. Most of the Preserve and adjacent land was formerly known as Evans Point. The Preserve was set aside to protect its habitat, coastal sage scrub and southern maritime chaparral, and the threatened coastal California gnatcatcher (*Poliophtila californica californica*).

CNLM began managing the Preserve in March of 2002. CNLM has a conservation easement (CE) over the Preserve and is fully endowed for long-term management. Management at the Preserve includes maintaining signs, gates and fences (capital improvements), biological surveys, habitat maintenance and restoration, public services, and reporting. Each of these activities and their fiscal year results are summarized below and fully described within this report.

2006-2007 CNLM ACTIVITY SUMMARY

- Four pair of coastal California gnatcatchers were detected
- One cliff spurge population (*Euphorbia misera*) was counted and mapped
- Orcutt's hazardia (*Hazardia orcuttii*) that were planted near Cannon Road were counted, and some seedlings were located and counted
- Regular patrol, site enforcement and trash pickup was conducted to protect the Preserve
- Nonnative species such as over 250 tree tobacco (*Nicotiana glauca*), 20 pampas grass (*Cortaderia selloana*), hundreds of poison hemlock (*Conium maculatum*) and black mustard (*Brassica nigra*), and many fennel (*Foeniculum vulgare*) were removed
- CNLM continued to work with the Home Owner's Association (HOA) to install trash cans at kiosk locations, and doggie bag distribution stands
- CNLM continued to correspond with the HOA to stay in agreement with their Covenants, Conditions and Restrictions
- Restoration was coordinated with Planning Systems, Inc. (the environmental consultant for the Kelly Ranch development)

II. Capital Improvements

Several signs were installed along the southwest property, at edge of the detention basin, west of the Agua Hedionda Lagoon Discovery Center. These signs were installed in order to dissuade skateboarders from using the concrete spillway.

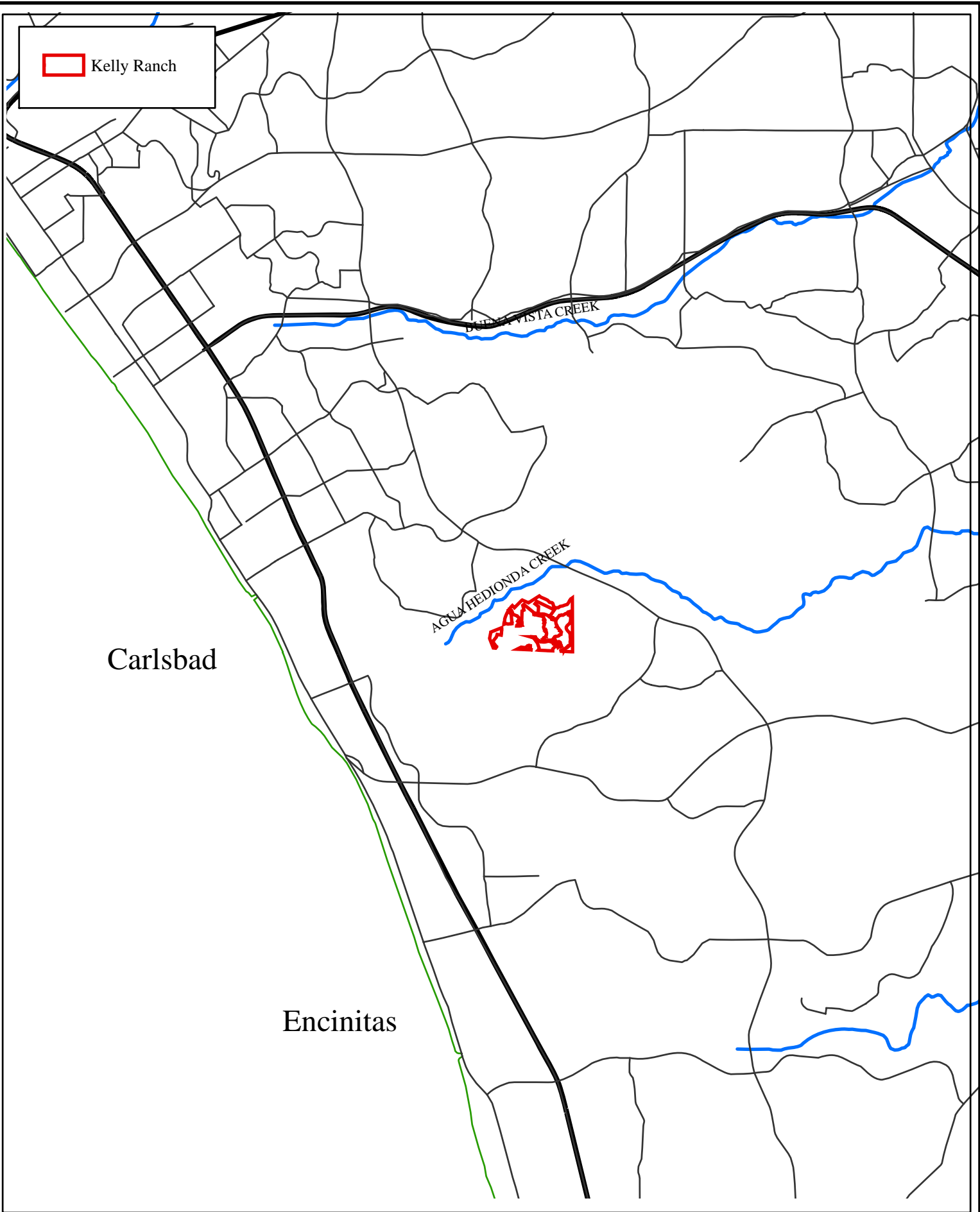


Figure 1
Preserve Vicinity
Kelly Ranch Habitat Conservation Area - Carlsbad, CA





Figure 2
Preserve Location
Kelly Ranch Habitat Conservation Area - Carlsbad, CA



III. Biological Surveys

CNLM performed the first set of biological surveys in 2003. Year 2004 built upon the 2003 surveys and laid groundwork for the current surveys. The *Management Plan* (CNLM 2002) outlines the goals of biological monitoring at the Preserve. The general goal of the monitoring activities at Kelly Ranch is to 1) collect inventory data and 2) to assess the health of the vegetation communities. Since the site is relatively small, steep and fragmented, little research can be done on the Preserve.

Biological surveys are described below by the following categories: reptiles and amphibians, mammal, birds, and plants and vegetation communities. A discussion of the biological surveys completed during the fiscal year are described below under each appropriate category.

1. Reptiles and Amphibians Reptiles and amphibians were noted anecdotally during surveys for other taxa. No focused surveys were conducted. Species detected during the year include western fence lizards (*Sceloporus occidentalis*), side-blotched lizards (*Uta stansburiana*), and coastal whiptail (*Aspidoscelis tigris stejnegeri*).

2. Mammals No focused mammal surveys were conducted during the year. Mammals observed during patrols included cottontail rabbit (*Sylvilagus audubonii*), California ground squirrel (*Spermophilus beecheyi*), and coyote (*Canis latrans*).

3. Birds Two raptors were observed and mapped where seen foraging on the preserve this year (Figure 3). These include the Northern Harrier (*Circus cyaneus*), a CDFG species of special concern, and the more common red tailed hawk (*Buteo jamaicensi*).

USFWS protocol surveys for coastal California gnatcatchers were conducted during the months of March and April on three separate days (Table 1). Table 1 outlines survey dates, times, and weather conditions. Surveys were conducted by Ms. Jessica Vinje who holds an independent USFWS Section 10a “take” permit (TE094318-0) authorizing her for such surveys. Four pair of gnatcatchers were observed during the surveys (Figure 3).

Table 1. 2007 USFWS Coastal California Gnatcatcher Surveys

Date	Time	Weather
3/19/2007	7:15 a.m. -11:30 a.m.	59 F; wind .6 mph; cloudy and overcast
4/4/2007	7:15 a.m. - 10:00 a.m.	61 F; wind .9 mph; cloudy
4/10/2007	8:05 a.m. – 8:30 a.m.	63 F; wind 0 mph; cloudy

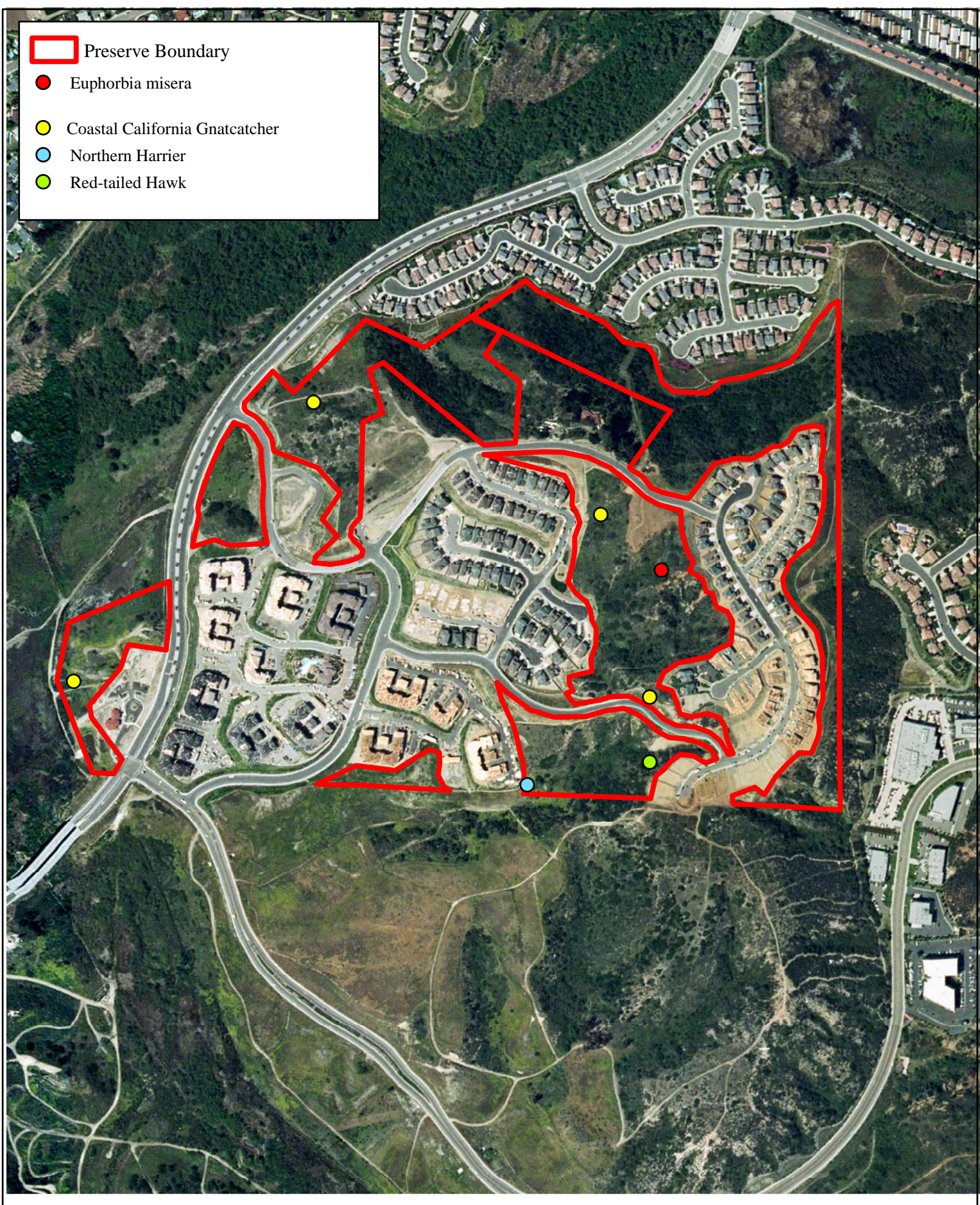


Figure 3
Sensitive Species Locations, 2007 Observations
Kelly Ranch Habitat Conservation Area - Carlsbad, CA

4. Plants and Vegetation Communities As per the Management Plan, surveys will be conducted for all sensitive plant species, except Orcutt's hazardia, in 2008. Orcutt's hazardia surveys were conducted during this fiscal year. During this fiscal year, additional sensitive plants were mapped if the plants located were new populations that had not been mapped during the 2003 sensitive plant survey effort. We located eleven cliff spurge shrubs and GPS'd their position in April (Figure 3). We, therefore, located more individuals of this species than were found in 2003.

The Center owns the only known naturally occurring population of Orcutt's hazardia located within the Manchester Habitat Conservation Area. In the spring of 2003, the Center planted 25 Orcutt's hazardia at Kelly Ranch, just off Cannon Road. In the spring of 2004, the Center planted 100 additional Orcutt's hazardia within the same area. Habitat conditions (i.e., soils, aspect, vegetation community, proximity to the ocean) in the transplant location at the Kelly Ranch Preserve are similar to the habitat found at the Manchester Habitat Conservation Area. By the summer of 2005, 97 Orcutt's hazardia had survived. Approximately 104 Orcutt's hazardia were counted in 2006, and 106 adult shrubs were counted in 2007. This is the first year that seedlings were noted, and 3 were counted this year. One of these seedlings appeared to be at least a year old, and thus was probably overlooked during the previous year's survey effort.

Vegetation communities were mapped in 2005. In general the vegetation communities on Kelly Ranch are of very high quality. Several areas are being restored by Planning Systems (Shea Homes' Environmental Consultant) as part of the Kelly Ranch Development requirements (Planning Systems, 2001).

IV. Habitat Maintenance and Restoration

Habitat restoration goals for the Preserve include removing nonnative plants from the preserve. For the most part, the Preserve is in good condition and has little nonnative plant cover.

During the past fiscal year, approximately twenty pampas grass and a few small iceplant (*Carprobrotus edulis*) patches were sprayed, and about 250 tree tobacco plants were cut and stump-sprayed with herbicide. We also focused on enhancing the grassland and coastal sage scrub near Hemmingway and Cannon Road by removing mustard, poison hemlock, and fennel. Hundreds of poison hemlock and black mustard were sprayed, and approximately 100 fennel were sprayed in this area.

Planning Systems is continuing its revegetation program that should end in about 1 year. This includes enhancing habitat west of Cannon Road, along some preserve edges and manufactured slopes within the development, and restoring former agricultural land within the Preserve (Planning Systems, 2001).

V. Public Service

Public service activities have included patrolling the Preserve in an attempt to control dumping and associated vandalism. In addition, public services include trash pick up and meeting with neighboring home owners who have questions or concerns regarding the Preserve.

The Preserve was patrolled at least 3-4 times per month. During each visit the Preserve was surveyed for illegal activities, trash was picked up, and nonnative, invasive plants were killed.

The Center has worked closely with Planning Systems to ensure that invasive weeds are controlled within the restoration and enhancement areas. Several phone calls and emails were sent to representatives of Planning Systems to ensure invasive species were dealt with in a timely manner.

Official correspondence was sent by our office to Karah Kessler, the former Property Manager for the Heron Bay/Spyglass HOA regarding the erosion and non-native species introductions occurring within two parcels outlined in the said Correspondence (Appendix A). In July, it was determined through email correspondence and phone calls that Karah Kessler is no longer the Property Manager for this development. The information is currently in the hands of Allicyn Allured, the new Property Manager for the Heron Bay/Spyglass HOA. This issue will be brought up at the next HOA board meeting to be held in September 2007. Discussions, both by phone and email, with the HOA regarding these issues, have been ongoing since March 2006 (Appendix A). Issues include planting of iceplant by the HOA and Shea Homes in the HOA maintained areas between the homes and the CE; and erosion on the western side of the Spyglass development. Planting nonnative plants within the HOA owned and maintained open space areas (and not subject to the CE) are violations of the Covenants, Conditions, and Restrictions of the HOA.

We persuaded the HOA to install a trash can at the upper kiosk that is located in the center of the property, to the south of Hemingway Drive, but no response has been forthcoming regarding our request that a trash can also be placed at the lower kiosk along the northwest of Hemingway Drive. The HOA also installed a dog-liter bag dispenser nearby the upper kiosk. No HOA approval has been met for our request to place information in the kiosks, and thus they are currently lacking any information about the site.

VI. Reporting

Reporting includes all data analysis, GIS and remote sensing, regional coordination, photo documentation activities and budget and financial status. Additionally, during this fiscal year, a Conservation Easement (CE) compliance binder was created for the Preserve. The CE compliance binder contains Kelly Ranch CE baseline documentation (including photo viewpoints) and CE monitoring procedures. The baseline documentation is how the Center establishes the current habitat quality and condition of a property at the time a CE is granted. If a CE violation occurs, the baseline documentation is the evidence necessary to prove that violation and win resolution. The monitoring policy included in the CE binder was designed to standardize the Center's monitoring of CE properties. It ensures that all CE properties are being managed appropriately while ensuring continuity amongst CNLM's staff.

Data that has been entered into digital databases include survey (plant and animal) data. This report represents the sixth annual report for the Preserve. An annual work plan for the next fiscal year will be provided to the wildlife agencies in December of 2007. Photo documentation stations were established during the 2005-2006 fiscal year and photos were taken at that time.

Finally, the Preserve manager has maintained all necessary agency permits to allow the continued monitoring of the Preserve's biota.

Budget/Financials: The total expenditures for the fiscal year were \$13,565 of a planned budget of \$14,227. The unspent monies mostly represent planned contingency funds which were not required during the fiscal year. The total Endowment as of April 30, 2007 is \$421,922.

VII. Summary and Discussion

Management of the Preserve continues to be successful by protecting it from human encroachment, building baseline biological data, and developing a better understanding of the Preserve and its regional context. Preserve Management in next year will continue in a similar fashion as this year. A detailed work plan for the next fiscal year has been developed for this purpose.

VIII. References

CNLM. The Center for Natural Lands Management. 2002. Habitat Management Plan for the Kelly Ranch Habitat Conservation Area. November 2002.

Planning Systems. 2001. Revised Open Space Natural Habitat Restoration and Revegetation Program, Kelly Ranch "Core Area." Planning Systems # 980738.

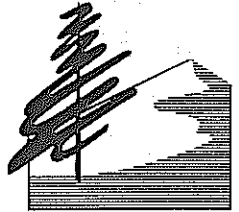
Appendix A

Letter to Spyglass HOA

Center for Natural Lands Management

A non-profit organization for the protection and management of natural resources

215 West Ash Street
Fallbrook, CA 92028-2904
Phone: 760.731.7790
Fax: 760.731.7791
www.cnlm.org



April 25, 2007

Karah Kessler
Property Manager
Heron Bay/Spyglass Homeowners Association
The Prescott Companies
5966 La Place Court, Suite 170
Carlsbad, CA 92008

RE: Erosion problems and nonnative plant species

Dear Ms. Kessler:

The Center for Natural Lands Management (Center) is concerned about ongoing erosion caused by human land use practices within the open space areas governed by the Heron Bay/Spyglass Homeowners Association (HOA). We have made you aware of our concerns by email and in personal conversation. Although our concern at this time focuses on parcel 208-185-0200, it also applies to other parcels owned by the HOA.

As you know, the Center holds a conservation easement (CE) over portions of parcels owned by the HOA. The enclosed an aerial photograph shows the parcel boundaries and parcel numbers, and the plat shows the boundaries of the CE. Note that our property interest does not cover the fuel management areas that are between the CE and the fences of the property owners.

We have two areas of concern relating to non-intrinsic natural process erosion, and recommend that corrective actions be undertaken as soon as possible to manage risks posed to homeowner property and the conservation area covered by the CE.

First, as has been mentioned to you before¹, the Center is concerned about erosion potential resulting from introduction of ice plant within the HOA area. In particular, we are concerned about the planting within the fuel management zone on parcel 208-185-0200.² Introduction of this plant species both is in violation of your CC&Rs and harmful to the structural integrity of the property. Ice plant develops into thick dense mats of plant material that become extremely heavy. Soil underneath ice plant does not dry out as compared to areas with native plants. Over time the ice plant will weigh down the soil, resulting in down-slope movement of saturated soil in response to gravity. These "slumps" have the potential to enter the CE area, resulting in damage to protected habitat and HOA-member property.

Second, we are not only concerned about erosion that will be caused by the ice plant, but also the erosion that we are observing along Tolkien Way³ and along portions of the eastern boundary of parcel

¹ March 28, 2006 email to your from Jessie Vinje.

² See photographs 1 and 2, enclosed.

³ See photograph 4, enclosed.

208-185-0200.⁴ We believe that the erosion along Tolkien way (adjacent to the home located at 5217 Clemens Court) is being caused by both natural factors, and the over irrigation of the lawn in the back yard of the adjacent home. Regardless, it is threatening the CE areas beneath it and soon will cause damage to the neighboring property. The soils displacement along the eastern boundary of parcel 208-185-200 has affected the CE, modestly at present but there exists a real potential to cause significant habitat damage in the near future if corrective action is not undertaken shortly.

I believe that you need address the concerns described above. The Center is not responsible for erosion control with the CE. The HOA has this responsibility. The HOA should (a) remove, or cause to be removed, all ice plant, and (b) implement best practice erosion control measures, including the planting native plant species⁵ within erosion risk areas. We also ask that you fix the erosion problem along Tolkien Way and along portions of the eastern boundary of parcel 208-185-0200. We suggest that you speak to the homeowners that live above this parcel. They should be reducing their irrigation to prevent soil saturation and run-off.

And finally, our preserve managers have noticed the nonnative plant myoporum (*Myoporum laetum*) encroaching through fence lines in several areas⁶. Please make sure that this species is removed as well.

If you have any questions, please call Markus Spiegelberg (619.295.4953) of my staff.

Sincerely,



Sherry Teresa
Executive Director

Enclosures

Cc: Kevin Elliott, President, Heron Bay/Spyglass HOA
Markus Spiegelberg (CNLM)
David A. Monroe, Esq. (CNLM)

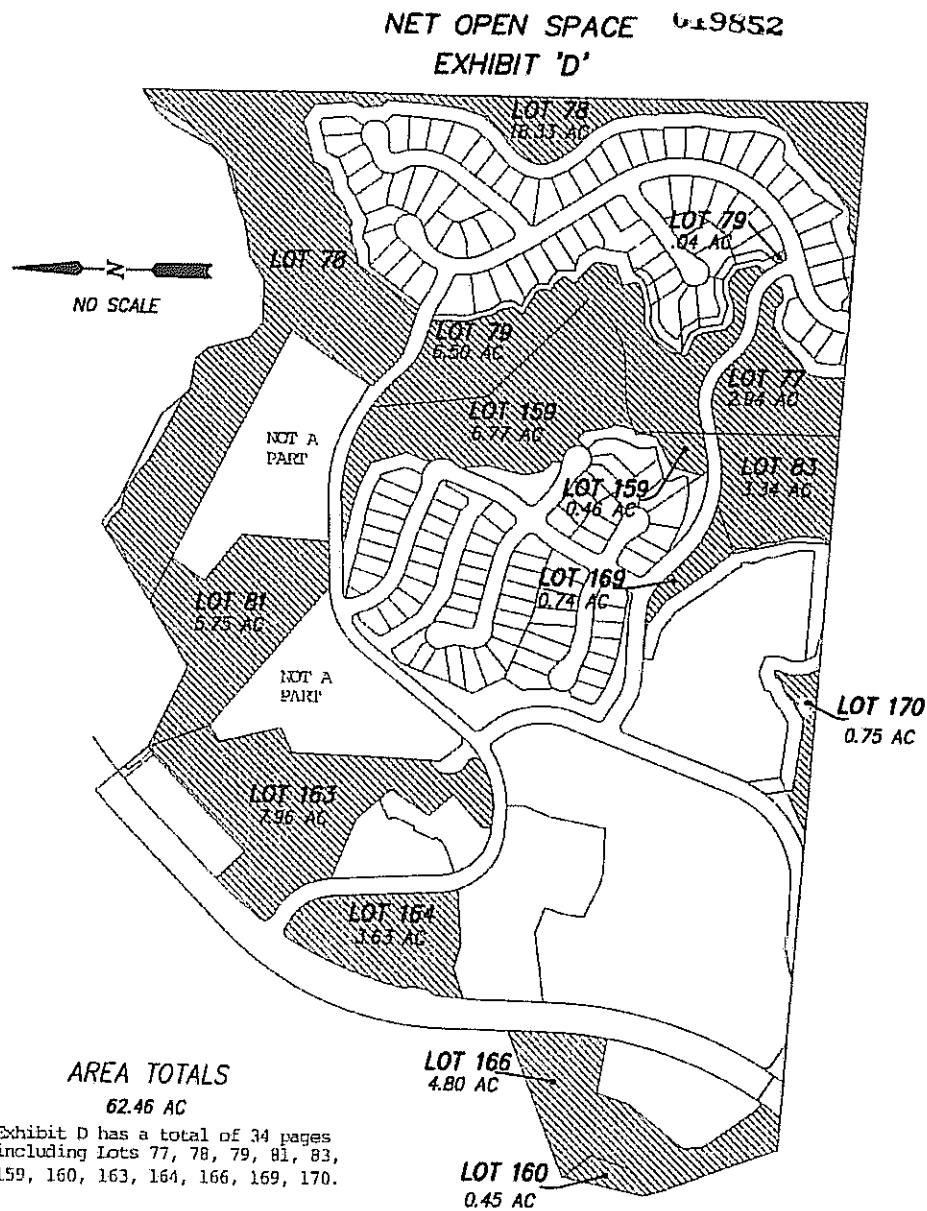
⁴ See photograph 3, enclosed.

⁵ See March 28, 2006 email for a list of native species well suited for erosion control and fire protection.

⁶ See photograph 3, enclosed.



Kelly



Ranch/Heron Bay Spyglass Conservation Easement Area shown as hatched area which excludes fuel management zones.



Picture 1. Iceplant planted along eastern boundary of parcel 208-185-0200.



Picture 2. Iceplant planted along eastern boundary of parcel 208-185-0200.



Picture 3. Erosion (fallen soil) along eastern boundary of parcel 208-185-0200. The nonnative plant *Myoporum* (*Myoporum laetum*) is seen growing through the fence line.



Picture 4. Erosion along Tolkien Way