



SIERRA CLUB

C A L I F O R N I A

CalFed HCP Scoping Public Hearing
Sept. 23, 1997

Remarks of Bill Craven, State Director
Sierra Club California

The Sierra Club has grave concerns about creating a Habitat Conservation Plan (HCP) within the context of the CalFed process. In light of the numerous problems with the HCP process, it is imprudent to overlay an HCP of such unprecedented size and scope onto a process that is already as difficult and complex as the CalFed process.

Sierra Club staff and volunteers have been working on the water-related policy questions involved in CalFed for several years. Those issues are themselves amazingly complex. It is our belief that the objectives of the CalFed process, including the endangered species implications, can be achieved without an HCP.

Our concerns are based on the poor track record of other HCP's in California and elsewhere, and our apprehension that many of those same mistakes would be repeated in a CalFed HCP. We would be pleased to be wrong about that, but we have seen no reason for optimism.

HCP's supposedly are designed to protect habitat of protected species on a large scale and are intended to avoid the species-by-species listing fights under the ESA with which we are all too familiar. That's the good news.

The bad news is that too frequently, HCP's are viewed as a substitute for listing, don't involve independent scientific review, and seldom take into account the necessity of public participation at the earliest stages of HCP development. Rather, the public is consigned to the role of commenting on what is, for all practical purposes, a finished product of back-door negotiations.

Another leading difficulty with HCP's is that they allow for substantial "incidental take" of protected species without ensuring the recovery of those species.

HCP's typically lock in provisions that allow for the development of the habitat of the protected species without accounting for changed circumstances or new scientific information that underscores the need for additional habitat protection to prevent species decline and/or allow for species recovery.

These assurances to developers are called the "no surprises" policy. We view this policy as currently implemented as fundamentally at odds with the concept of true adaptive management which respects the biological needs of the species involved. The Sierra Club position is that regulatory assurances to developers must be commensurate with the level



of species protection provided for in the HCP. The species protections must themselves be comprehensive and involve mutual assurances including measurable, objective performance standards and biological goals and objectives.

We are unclear whether public agencies or private firms are considering for applying for incidental take authority in this proposed HCP. We would strongly object if public agencies use an HCP to obtain regulatory assurances that violate the principle of adaptive management.

Adaptive management requires reconsidering "assurances" given to those who hold incidental take permits.

If a delta-wide HCP is viewed as harming the recovery of salmon and trout species, for example, there is no way the Sierra Club will participate. Another example of key importance to our members is the Swainson's hawk. An HCP that doesn't lead to recovery--including funding for recovery--for these and other listed species will likely be opposed by the Sierra Club.

I appreciate that the public has been asked to participate in this scoping meeting. That is in marked contrast to the limited public participation that has occurred in the development of various HCP's. If an affirmative decision to proceed with an HCP is made, it is my strong suggestion that public participation and independent scientific input be solicited at the earliest possible stage.

Thank you for considering the views of Sierra Club California.



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