

DATE: September 19, 1997

TO: CALFED Bay-Delta Program Habitat Conservation Plan (HCP) Team

FROM: Gregg Ellis, Jones & Stokes Associates, Inc.

SUBJECT: HCP Scoping Meeting, Redding, California - Questions and Comments

Below is a compilation of questions and comments received at the HCP scoping meeting in Redding, California on September 16, 1997. A complete summary will be provided later.

QUESTIONS

- Can an HCP cover federal agencies? If it can't, will there be no assurances to federal water users?
- Who will be the lead agency with respect to federal agencies with differing jurisdictions?
- Define "extraordinary circumstances" and "economic compatibility".
- Why "no surprises" for water users so early in the process?
- What is the geographic scope of the HCP? Does it include significant habitats above dams?
- How will individual projects within the geographic scope of the HCP determine the range of mitigation, limits on geographic scope of mitigation, and priority for in-kind onsite mitigation?
- Will HCP address operational changes (e.g., reservoir levels)?
- How is government assurance of funding provided? How certain is it?
- How do HCPs balance costs to the north Valley (e.g., higher risk of flooding)?
- What is the CALFED Bay-Delta Program (CALFED) doing with regard to San Joaquin River mitigation?
- Why doesn't the California Department of Fish and Game address the problems on the mainstem of San Joaquin River?

COMMENTS

Commercial Fishing

- The Section 7 process is adaptive and does not provide "no surprises".
- The HCP should be based on science, not politics.
- Adaptive management is necessary because of scientific uncertainty. Causes of mortality are uncertain enough to quantify. Information is inadequate to provide "no surprises".
- Extraordinary circumstances place burden on fish.
- The HCP is premature; too great a level of uncertainty for "no surprises".
- There is a fundamental inconsistency between a "no surprises" policy and adaptive management.

Tehama Fly Fishers

- Concern over Delta outflows (west). Needs to be addressed before developing HCP.

Regional Council of Rural Counties (RCRC)

- RCRC has no formal policy position yet.
- Clarify role of federal projects. Coordinated Operating Agreement makes the California Department of Water Resources (DWR) a federal entity.
- Entire watershed, Bay and ocean to the Farallon Islands should be within the geographic scope to avoid ecosystem fragmentation.

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- Address "no surprises" above dam including the Federal Energy Regulatory Commission licensees, U.S. Forest Service, and U.S. Bureau of Land Management. Examine logging, mining, and grazing.
- Concern over species scope. How will Trinity River water be addressed?
- Will the HCP allocate water? If so, the HCP must be subject to area-of-origin rights and protections.
- CALFED should consider removing Delta pumps.
- Is Friant water-users area included in the HCP? Will it be eligible for "no surprises"?
- Will the HCP include urban water-use efficiency; SWP service area water-use efficiency?
- How long will "no surprises" last? CALFED needs to address temporal effects.
- How will government funding be ensured?
- The HCP's "no surprises" is inconsistent with adaptive management.
- There is inadequate information to provide "no surprises" assurances.

Nor-Cal Guides and Sportsmen's Association

- Supports previous speakers.
- Be equitable: match guarantees for water users with guarantees for species.
- Be specific: the HCP should cover a predetermined species list. Limit "no surprises" in time, type, and location.
- Provide consequences: to be used if "take" goes beyond specified limits.

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Tehama-Colusa Canal Authority

- How long will the HCP and Natural Communities Conservation Plan (NCCP) work together? Will state-listed species be included?
- Inconsistent "no surprises" policies?
- What happens to unforeseen species and species not included in the HCP/NCCP?
- Would the HCP assume an NCCP would be prepared?
- Is the HCP approved by Federal agencies and the NCCP approved by State agencies?
- Will the HCP apply to early implementation projects?