



M e m o r a n d u m

Date: December 1, 1997
 To: BDAC Members
 From: Lester A. Snow, Executive Director
 CALFED Bay-Delta Program
 Subject: ESA/CESA Compliance Strategy

CALFED is currently developing a strategy for compliance with the state and federal Endangered Species Acts (ESAs). This compliance strategy will include development of a Programmatic Habitat Conservation Plan (HCP), a Natural Community Conservation Plan (NCCP), and an ESA Section 7 consultation. Discussions to date have centered around a variety of issues that were raised during the public scoping session for inclusion of a Programmatic HCP/NCCP as part of the CALFED Bay-Delta Program. Many of these issues were discussed at the last BDAC meeting and are summarized in a Scoping Report (attached). The Scoping Report summarizes all of the comments received during the scoping period and provides responses to assist readers in understanding how CALFED intends to address some of the significant issues raised during the scoping period.

Several key points have been discussed with CALFED agencies and are highlighted below:

- A Programmatic HCP-NCCP will be part of the CALFED ESA/CESA compliance strategy, although it is not yet clear which CALFED actions would be covered by a Section 7 consultation and which would be covered an a Programmatic HCP/NCCP;
- The term for a Programmatic HCP/NCCP will most likely be the same as the CALFED Bay-Delta Program term (25 to 30 years, however, no final decision has been made concerning term.
- The geographic scope of the Programmatic HCP/NCCP will be no broader than the CALFED Bay-Delta Program. It will probably be more narrow, depending on the actions to be covered;

CALFED Agencies

California The Resources Agency
 Department of Fish and Game
 Department of Water Resources
 California Environmental Protection Agency
 State Water Resources Control Board

Federal Environmental Protection Agency
 Department of the Interior
 Fish and Wildlife Service
 Bureau of Reclamation
 U.S. Army Corps of Engineers

Department of Agriculture
 Natural Resources Conservation Service
 Department of Commerce
 National Marine Fisheries Service

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- The CALFED state agencies will likely be the initial permittees at the programmatic level;
- The species to be covered by a Programmatic HCP/NCCP are still to be determined. A Programmatic HCP/NCCP would cover only those species for which adequate information is available. Species not covered by the Programmatic HCP/NCCP would not be included in the "No Surprises" assurances.
- A Programmatic HCP/NCCP will include monitoring, scientific review, an adaptive management component and adequate funding to implement the plan;
- The CALFED agencies commit to public participation and involvement of stakeholders through presentations at BDAC and BDAC Assurances Work Group, the BDAC Ecosystem Restoration Work Group, and informal meetings.