



NOTICE OF PUBLIC SCOPING MEETINGS SUPPLEMENTAL NOTICE OF INTENT/PREPARATION September 5, 1997

What is CALFED?

CALFED is a group of state and federal agencies working together to develop long-term solutions to the problems affecting the San Francisco Bay/Sacramento-San Joaquin River Delta (Bay-Delta system). The solution-finding effort focuses on ecosystem quality, water supply reliability, water quality, and vulnerability of Delta levees and channels to natural disasters. Public input is an important component to develop a workable, long-term integrated solution for the Bay-Delta system.

CALFED has been working over the last two years, and is currently in Phase II of a three-phase process. In Phase I, from June 1995 through August 1996, the Program identified problems in the Bay-Delta, developed a mission statement and guiding principles, and designed three alternative solutions. In Phase II, from June 1996 through September 1998, the Program is conducting a broad-based environmental review of the three alternative solutions to identify a preferred alternative. In Phase III, scheduled to start in late 1998 or early 1999 and lasting for several years, the preferred alternative will be implemented in stages.

Supplemental Notice of Intent/Preparation to Prepare a Programmatic Environmental Impact Statement/Report

CALFED is expanding the scope of its programmatic Environmental Impact Statement/Report (EIR/EIS) to include preparation of a Habitat Conservation Plan (HCP) and/or Natural Community Conservation Plan (NCCP). The original Notice of Intent/Preparation (NOI/NOP) was issued in March 1996. A supplemental NOI reflecting the expanded scope of the EIR/EIS was published in the Federal Register at 62 FR 97-22895, August 28, 1997. This supplemental NOP is being distributed pursuant to Section 15082 of the Guidelines for Implementation of the California Environmental Quality Act. The location of the project and probable environmental effects have not changed, however the description of the project is now

expanded to include the preparation of an HCP and/or NCCP.

What is a Habitat Conservation Plan?

A Habitat Conservation Plan or HCP is a tool that can be used to promote long-term habitat protection, and recovery of threatened and endangered species.

The Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA) require permits or authorizations for any activity which could result in "take" of threatened and endangered species. ("Take" is defined by FESA as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" an endangered or threatened species, and could include actions that destroy or impact habitat.) "Incidental take" is defined as take that "is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity."

The process requires applicants for incidental take permits to prepare and submit a plan, or HCP, to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service describing impacts of the "take" and how they will be mitigated.

If an HCP is approved and an incidental take permit issued, non-Federal members of CALFED could receive assurances, pursuant to the Department of the Interior's No Surprises Policy. The purpose of CALFED's HCP is to provide comprehensive, long-term conservation strategies that will allow for the recovery of any listed species and not contribute to the need to list any currently unlisted species. Under such a plan, participants would be assured that, in the event of unforeseen circumstances affecting those species, no additional land, funds, or restrictions on covered Program actions will be required.

Under state law, with the approval of a conservation plan, "take" of identified species may be authorized under CESA or, where sufficient conservation is provided, under the NCCP Act. A conservation plan prepared under the NCCP Act is a plan for the conservation of natural resources that takes a landscape or ecosystem approach

and encourages cooperation between private and government interests. The plan identifies and provides for the regional or area-wide protection of plants, wildlife and their habitats, while allowing compatible and appropriate development and growth. Plans approved by the Department of Fish and Game provide the basis for issuance of state authorizations for the take of listed species.

The HCP planning process is intended to ensure that the effects of the incidental take are avoided, minimized, or mitigated to the maximum extent practicable. An HCP must ensure that the likelihood of survival and recovery of any species covered by the plan is not appreciably reduced as a result of Program actions. The joint programmatic EIR/EIS will include an evaluation of potential impacts to the environment associated with HCP actions and subsequent issuance of an incidental take permit.

Scoping is the first step in environmental problem-solving. The process helps identify public and agency concerns, define the issues and alternatives to be examined in detail in the HCP, and ensure that the HCP document adequately addresses relevant issues.

The HCP scoping meetings are designed to meet the following two purposes: first, to provide an overview to the public about the CALFED Program, give an update on Program status, including evaluation of alternatives and the EIR/EIS; and second, to provide a forum for public input, specifically on the structure of an HCP and assurances provided through the No Surprises Policy.

Who Should Attend a Scoping Meeting?

Anyone interested in learning more about the CALFED Bay-Delta Program should attend one of the scoping meetings. We need your assistance in developing a suitable structure for the HCP. The relaxed setting of the scoping meetings will allow you to look at background material, ask questions, and comment on the issues you believe are important.

Public Input is Essential

Public participation and guidance are essential to this process. The CALFED Bay-Delta Program provides many opportunities for public involvement through public scoping meetings and public review of the draft programmatic EIR/EIS. CALFED will be conducting several public meetings this fall throughout California to provide an opportunity for interested individuals and agencies to learn

about the Bay-Delta Program and to comment on its efforts.

HCP Options

The CALFED agencies are considering several options for the structure of an HCP.

1. Standard HCP: Develop a comprehensive HCP that would address all reasonable and foreseeable activities and associated impacts under consideration for the program. Assurances to appropriate entities would be commensurate with the level of specificity and detail provided in the HCP.

2. Phased HCP with Conditioned Permit: Develop an initial HCP for the Bay-Delta Program which addresses all known actions; supplemental HCPs (and appropriate CEQA and NEPA compliance) would be developed in the future as unknown/undefined program components became defined. Upon determination by the Services that issuance criteria have been met, an incidental take permit for the whole Bay-Delta Program would be issued; the permit would be conditioned to become effective in stages corresponding to approval of supplemental HCPs. Assurances to appropriate entities would also become effective in stages.

3. Phased HCP with Permit Amendments: Develop an initial HCP for the Bay-Delta Program which covers all known actions; subsequent supplemental HCPs (and appropriate CEQA and NEPA compliance) would be developed in the future as unknown/undefined program components became defined. An incidental take permit, covering only those actions included in the initial HCP, would be issued upon approval of the initial HCP. Permit amendments would be processed as supplemental HCP's were approved. Assurances would be provided to appropriate entities only for that portion of the overall Program as covered by each permit or permit amendment.

Scope of Comments

1. The CALFED agencies are seeking comments on the HCP options outlined above and are seeking comments on additional ideas for HCP options not discussed above.
2. The CALFED agencies are seeking comments on assurances provided in conjunction with an HCP, pursuant to the Department of the Interior's No Surprises Policy, which would be given to non-Federal participants.
3. The CALFED Agencies are seeking comments on the use of the NCCP process for the Bay-Delta Program.

Scoping Meeting Schedule

Date	Location
Tuesday, September 16, 7-9 p.m.	Red Lion Hotel, Redding
Tuesday, September 23, 7-9 p.m.	Convention Center, 1400 "J" Street, Sacramento
Wednesday, September 24, 7-9 p.m.	Orange County Airport Hilton (near Irvine)
Tuesday, October 14, 7-9 p.m.	Marina Marriott, Berkeley

If special assistance is required, please contact Ms. Pauline Nevins at least one week prior to each public meeting to enable CALFED to secure the needed services. If a request cannot be honored, the requestor will be notified. A telephone device for the hearing impaired (TDD) is available from TDD phones at 1-800-735-2929; from voice phones at 1-800-735-2922.

CALFED Mission Statement

The mission of the CALFED Bay-Delta Program is to develop a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the Bay-Delta system.

Public Comment Information:

Written comments on the proposal to prepare an HCP for the CALFED Bay-Delta Program should be sent to:

Ms. Sharon Gross
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, California 95814

Written public comments on the options for structuring an HCP and the potential of granting assurances by way of the HCP process should be sent to CALFED by October 20, 1997.

For additional information, contact Ms. Sharon Gross at the above address or by calling (916) 657-2666.

CALFED Agencies

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

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