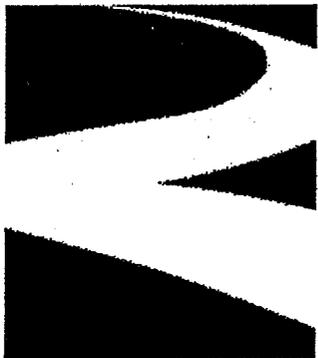


**THE CALFED BAY-DELTA PROGRAM
HABITAT CONSERVATION PLAN**

**PRELIMINARY ADMINISTRATIVE DRAFT
RESPONSES TO SCOPING COMMENTS**



**CALFED
BAY-DELTA
PROGRAM**

November 13, 1997

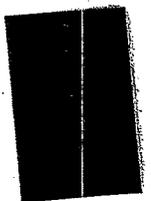


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**CALFED BAY-DELTA PROGRAM
HABITAT CONSERVATION PLAN
PRELIMINARY ADMINISTRATIVE DRAFT RESPONSES TO
SCOPING COMMENTS**

The mission of the CALFED Bay-Delta Program (CALFED) is to restore ecological health and improve water management and beneficial uses in the Sacramento-San Joaquin Bay-Delta (Bay-Delta) system. CALFED will comply with the State and federal Endangered Species Acts (ESAs) through initiation of the formal consultation process and development of a Programmatic Habitat Conservation Plan (HCP), a Natural Communities Conservation Plan (NCCP), or both. An HCP/NCCP can be used to promote long-term habitat protection and recovery of threatened and endangered species while providing assurances that allow for implementation of CALFED.

A supplemental Notice of Intent/Notice of Preparation (NOI/NOP) to prepare a Programmatic Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was published and distributed pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). CALFED is expanding the scope of its Programmatic EIR/EIS to include preparation of an HCP/NCCP.

Five public scoping meetings were held to encourage the public to assist in developing a suitable structure for a CALFED HCP. Scoping meetings were designed to provide an overview to the public about CALFED and to provide a forum for public input. The scoping process helps identify public and agency concerns, define the issues and alternatives to be examined in detail in an HCP, and ensure that an HCP document adequately addresses relevant issues. Both oral and written comments were solicited through the notices and at the public scoping meetings. The public scoping meetings were held in Redding, Sacramento, Irvine, Los Banos, and Berkeley, California on September 16, 23, 24, and 30, 1997 and October 14, 1997, respectively. Total attendance at the five scoping meetings was approximately 90.

Many questions and comments were received as part of the scoping process. Questions and comments have been grouped by common themes and summarized. Responses to some questions and comments are included; additional responses are being prepared.

GENERAL QUESTIONS AND COMMENTS	RESPONSE
ESA protections can be provided outside the HCP process.	Under ESA, there are two mechanisms for providing species protection, a Section 7 consultation and biological opinion for federal actions or a Section 10(a)(1)(B) Permit and its corresponding HCP for nonfederal actions.
Problems inherent in other HCPs that make them inadequate, such as not requiring the recovery of species and being unable to respond to changing biological information, would be manifest in this process.	Two important goals of an HCP are to promote long-term habitat protection and promote recovery of threatened and endangered species. The CALFED HCP would include a process of adaptive management that allows for revision or modification to the methods used to achieve the goals of the plan based on new information, monitoring programs, or both.
Will the CALFED process produce a single document or multiple documents?	Unknown at this time.
Define "extraordinary circumstances" and "economic compatibility".	Extraordinary circumstances and economic compatibility will be defined during the development of an HCP/NCCP.
Will there be integration with local HCPs?	Local HCPs would be considered in the HCP/NCCP development and implementation processes.
Does "no net loss" of habitat mean a ratification of the status quo?	No. No net loss in the terms of an HCP/NCCP means that during the timeframe of the HCP/NCCP there will be no loss of habitat value for any covered species for the duration of the plan. Because of CALFED's objective of restoring the ecosystem and aiding in the recovery of the listed species, the resulting condition should be better than the status quo.
How do HCPs balance costs to the north Valley (e.g., higher risk of flooding)?	It is unclear at this point.
Opposed to any HCP that doesn't lead to species recovery, including funding for recovery.	An HCP, coupled with the Ecosystem Restoration Program Plan (ERPP), would provide for species recovery. A mechanism to provide adequate funding for ERPP is being developed as part of CALFED.
Legislation must be passed to ensure that HCPs provide for recovery, stewardship, prevention, science-based standards, growth management, legal assurances, public participation, adaptive management, enforcement, funding, implementation, and monitoring.	

HCPs lack standards and are a compromise.	There are required elements to be included in every HCP as set forth in the ESA and its implementing regulations. Plan-specific standards are written into each individual HCP, as necessary. An HCP/NCCP is typically a negotiated agreement that allows for economic viability while affording the covered species long-term protection.
Concerned with the ability of CALFED to adequately meet the standard HCP requirements to minimize and mitigate impacts.	Mitigation contained in the Programmatic EIR/EIS, as well as ERPP, the ecosystem restoration component of CALFED, contain adequate measures to minimize and mitigate potential impacts associated with implementation of the overall program. The HCP is one of the tools that would allow these components to be implemented.
HCP is a thinly guised permit application and is in conflict with the expressed goal of CALFED for resource protection.	An incidental take permit may be required to implement the ERPP, levee, or other programs. This public scoping effort is intended to seek public comment on this proposal.
Regulatory agencies are not acting responsibly by promoting an HCP.	An HCP would be part of the overall assurances plan. HCPs are one of the tools available to assure ESA compliance.
Why does CALFED think that an HCP will be adequate when existing regulations have failed to protect resources?	
Why is there so much focus on permits for the ESA if a major focus of CALFED is environmental restoration?	The restoration efforts of ERPP would be an important component of the HCP. An incidental take permit may be necessary to carry out some of the ERPP actions.
HCP is only appropriate at a project-specific level when project-specific impacts can be assessed.	Programmatic HCPs are allowable under Section 10. It remains to be determined how a programmatic HCP could be structured for CALFED.
The CALFED and HCP development process should consider nonstructural, nonfacility alternatives. Too much focus is placed on storage and conveyance.	Comment noted.
Concerned about the expense of developing a CALFED HCP.	
Has the decision to complete an HCP already been made?	No.
With regard to timing, how will the decision on a preferred alternative correlate with a decision on the inclusion of an HCP?	The draft Programmatic EIR/EIS will include a discussion of compliance with ESA.
Beginning an HCP now is appropriate and important for ecosystem restoration implementation.	Comment noted.

USFWS should consider the suitability of an HCP outside of the parameters set by CALFED.	We need more clarification on this comment.
CALFED should demonstrate the advantages and disadvantages of preparing an HCP.	CALFED is examining the advantages and disadvantages through public scoping as well as discussions within the CALFED agencies.
CALFED should demonstrate the link between an HCP and ERPP.	This is essential if an HCP were to move forward.
CALFED (including plans and scientific basis) should be developed in a manner that enables it to conform to the standards of an HCP and act as a "functional equivalent" to an HCP.	Comment noted.
A middle-path marketing approach, which provides farmers with credit for positive actions, should be pursued.	All conservation strategies will be considered as part of a programmatic conservation plan.
Extraordinary circumstances place burden on fish.	
Delta outflows (west) need to be addressed before developing an HCP.	
CALFED should consider removing Delta pumps.	
Is CALFED planning to "enhance" habitats? If so, will lower or junior appropriators or other users be a source for this water? Are San Joaquin River water-users rights being addressed by CALFED?	
Why doesn't the California Department of Fish and Game (DFG) address the problems on the mainstem of the San Joaquin River?	
Landscape ecology difficult to subject to standards, but CALFED should pursue.	
Costs for protecting public trust interests should be borne by the resource users.	
Historically, government enforcement has not been successful.	
Water is the reason that species are in decline.	
Resource agencies have a greater responsibility for public trust assets than for the concerns of federal water contractors.	
What public interest is served by the State trustee agencies acting through CALFED?	
The CALFED schedule is too tight.	

Comments on the HCP should be accepted throughout the development process.	CALFED will seek public comment and involvement throughout the discussion and development of an HCP.
The NOP is inconsistent with the CEQA Guidelines. CALFED should conduct an Initial Study, expand the NOP, and recirculate the NOP through the State Clearinghouse.	
Impacts on agriculture must be considered.	

ROLES AND JURISDICTION OF AGENCIES QUESTIONS AND COMMENTS	RESPONSE
Is it appropriate for State agencies to be permittees?	Yes, under Section 10, it is appropriate for any nonfederal entity to be a permittee.
Who will be the lead agency with respect to federal agencies with differing jurisdictions?	
Clarify DFG's authority to require other State agencies and private parties to undertake actions contained in an NCCP.	DFG has the authority to require the signatories of an NCCP to undertake the actions they agreed to in a signed NCCP through the NCCP's Implementing Agreement.
USFWS should have ultimate authority on HCP-related decisions.	USFWS and NMFS would have clearly defined authority and responsibilities for HCP-related decisions, including making the determination of whether the HCP meets the statutory issuance criteria for a Section 10(a)(1)(B) permit.

HCP PREMATURE/CALFED TOO COMPLEX QUESTIONS AND COMMENTS	RESPONSE
CALFED is a complicated planning process and an HCP would confuse the process.	
Based on previous experience, the CALFED proposed HCP is too large and is a mistake to pursue. An HCP might occur at the expense of habitat and species.	Comment noted.
Inclusion of an HCP in CALFED is premature and inappropriate.	Comment noted.
Project should be fully defined before an HCP is developed to allow for identification of impacts and mitigation. Not doing so is contrary to CEQA and NEPA.	CALFED believes the public should be aware of the possible inclusion of an HCP/NCCP at an early stage and play a role in the process of its development. Actions to be taken pursuant to the entire CALFED process will be analyzed in the EIR/EIS as required by CEQA and NEPA.
HCP should be shelved until assurances package and ERPP have been put in place. HCP and ERPP should be delivered together.	In order to include an HCP in an assurances package and to present it with the ERPP, work needs to begin now to analyze an HCP.

SCOPE OF ACTIVITIES TO BE COVERED BY HCP QUESTIONS AND COMMENTS	RESPONSE
Existing operations and operating criteria should be included in a CALFED HCP.	Operations could be part of the HCP; however, the complete scope of covered actions has not been determined.
Will the HCP include urban water use efficiency, State Water Project (SWP) service area water use efficiency?	Water use efficiency is a common element included in all CALFED alternatives and coverage will be discussed at the time decisions are made on covered activities. As to the SWP service area, the geographic scope of the HCP/NCCP has not yet been determined.
HCP should only cover actions that are well defined. There are too many unknowns, including actions and mitigation measures, to develop a satisfactory HCP at this time.	
Will the HCP apply to streamflow decisions made by CALFED? How will that be integrated with water rights decisions?	Flow modifications will be a part of ERPP and therefore may be part of the HCP. The intent of ERPP is to ensure the recovery of Delta species and assist in the recovery of other species.
Will the HCP apply to early implementation projects?	The HCP/NCCP being considered would not apply to early implementation projects; those projects will undergo separate environmental review and ESA compliance.
The HCP is inconsistent with ERPP in that the HCP only addresses the mitigation of negative impacts, whereas ERPP addresses the overall ecosystem needs.	
Will the HCP allocate water? If so, the HCP must be subject to area-of-origin rights and protections.	

HCP/NCCP OPTIONS AND ELEMENTS QUESTIONS AND COMMENTS	RESPONSE
<p>If an HCP is considered, it should be limited to HCP Option 1 (Standard HCP); however, the following should take place after the project is clearly defined and prior to the development of an HCP: relevant species, habitats, ecosystems, hydrologic processes, and the interactions among each of these should be identified and described, including all potential impacts and the potential for their mitigation.</p>	<p>CALFED is including the preparation of an HCP/NCCP in the scoping process. This allows CALFED to prepare an HCP/NCCP. The decision to prepare an HCP/NCCP has not been made at this point. Relevant species, habitats, ecosystems, hydrologic processes, and the interactions among each of these, among other issues, will be addressed in the CALFED Programmatic EIR/EIS. Potential impacts and mitigation measures will be addressed at a programmatic level. Potential restoration activities are addressed in the CALFED ERPP.</p>
<p>Prefer HCP Option 2 (Phased HCP with Conditioned Permit) or Option 3 (Phased HCP with Permit Amendments). Would like greater detail on these options.</p>	<p>Further details on the three suggested HCP options, as well as any additional options developed during the scoping process, will be provided as they are more fully developed.</p>
<p>CALFED should include a wide range of HCP/NCCP alternatives.</p>	
<p>Original HCP framework probably never anticipated an HCP the magnitude of that being considered by CALFED. If an HCP is used in CALFED it should be designed to match the program and not be based on the existing HCP process.</p>	<p>CALFED agencies believe that the existing HCP framework allows the flexibility to create an HCP that is consistent with the mission and goals of CALFED and ESA.</p>
<p>The HCP needs to include monitoring, enforcement, adequate funding, and standards to judge adequacy of plan.</p>	<p>Required elements of an HCP include measures to monitor the overall success of the plan and to ensure that adequate funding to implement the plan is available. The adaptive management component of ERPP would ensure that the habitat objectives of the HCP/NCCP are met.</p>
<p>HCP should include trigger mechanisms that lead to enforcement actions. What types of trigger mechanisms for enforcement are envisioned?</p>	<p>Unknown at this point.</p>

<p align="center">RELATIONSHIP BETWEEN HCP AND NCCP QUESTIONS AND COMMENTS</p>	<p align="center">RESPONSE</p>
<p>What is the difference between an HCP and an NCCP?</p>	<p>An HCP must ensure that the effects of the authorized incidental take of a listed species will be adequately minimized and mitigated and that listed species are not jeopardized. An NCCP is a conservation plan with an ecosystem/landscape focus. Although their purposes may differ, the two plans can ultimately be identical and can work in parallel.</p>
<p>How long will the HCP and NCCP work together?</p>	<p>Unknown at this time.</p>
<p>Is the HCP approved by federal agencies and the NCCP approved by State agencies?</p>	<p>An HCP is approved by USFWS and NMFS; an NCCP is approved by DFG. The preparation of an HCP does not necessitate an NCCP; however, State-listed species must be addressed by CALFED. The mechanisms for this is an NCCP or CESA or both.</p>
<p>Would the HCP assume an NCCP would be prepared?</p>	<p>A decision on how CALFED will comply with State and federal ESAs requires CALFED to decide on both an HCP and an NCCP.</p>
<p>The NCCP Act is insufficient to support a CALFED HCP.</p>	<p>Actually, because of the focus on conservation of large natural communities, an NCCP may lend itself better to the programmatic and ecosystem basis of CALFED than does the more species-focused HCP.</p>

SCOPING/PUBLIC INVOLVEMENT QUESTIONS AND COMMENTS	RESPONSE
The rescoping process to include preparation of an HCP and/or NCCP is necessary.	
Concerned that HCPs historically include insufficient public input and that citizens/local interests will not be part of the CALFED HCP development process.	Public participation has always been and will remain an integral part of the CALFED solution process. Public scoping meetings have been held in five separate locations to represent the broad geographic scope of CALFED.
Scoping meetings should have been scheduled in the Delta area.	Initial scoping meetings did include a Delta-area meeting. This supplemental scoping included meetings in Redding, Sacramento, Irvine, Los Banos, and Berkeley.
Public participation is essential if process proceeds.	CALFED will continue to involve the public throughout the planning process.
HCP scoping process will ultimately lead to the preparation of an HCP; thereby setting a poor precedent. Decision to include an HCP should be delayed.	Comment noted.
How will public be included in long-term implementation of HCP?	Because an HCP has not yet been developed, it is unclear how public involvement in implementing the HCP would occur.
HCP scoping process must acknowledge need to address public trust assets.	The entire CALFED process will address public trust resources.
Were these public scoping meetings for the HCP legally required?	

GEOGRAPHIC SCOPE OF HCP QUESTIONS AND COMMENTS	RESPONSE
Concerned that HCP will be geographically limited to lower watershed. HCP should address the entire Bay-Delta watersheds, including the habitats above dams and the Bay and ocean to the Farallon Islands, to avoid ecosystem fragmentation. HCP should also address offshore influences.	It is not yet clear which actions would be addressed by an HCP. The geographic scope will be somewhat dependent on the answer to this question. It is not anticipated that the HCP would have a broader geographic scope than CALFED, for which it would be designed.
Concern that geographic scope is too large and therefore process will be too complex.	See answer above.

ASSURANCES QUESTIONS AND COMMENTS	RESPONSE
<p>Potential problems with HCP need to be remedied as part of assurances package. A tool needs to be provided that will accommodate for potential HCP shortcomings. As a component of adaptive management, CALFED should look to financial models to provide self-assurance.</p>	<p>The goal of a CALFED HCP would be to provide a plan to ensure that the effects of authorized incidental take are adequately minimized and mitigated. Adaptive management strategies, which allow for progressive solutions, would be included in the HCP and will accommodate for potential shortcomings. CALFED's assurances package will accommodate for changes made pursuant to adaptive management while continuing to provide regulatory certainty to CALFED participants. It is necessary to provide regulatory certainty, through assurances, to permit holders to ensure that restoration actions are implemented, including those of ERPP. Assurances would be commensurate with the level of certainty that resources are adequately protected.</p> <p>The idea of using financial models to provide self-assurance is a good one.</p>
<p>Regulatory assurances must be comparable to restoration actions.</p>	
<p>Assurances should be provided to water users to the extent that they are provided to species and habitats.</p>	
<p>Assurances for species protection must be provided, including measurable, objective performance standards and biological goals and objectives.</p>	<p>The intent is that ERPP will provide those goals and objectives and that the monitoring and management practices necessary under the adaptive management component will assure their attainment.</p>
<p>Assurances, such as the no-surprises policy, are at odds with adaptive management.</p>	
<p>Assurances should provide certainty into the future. System must be flexible enough to address changing information and circumstances. "Shelf life" of assurances should be 50-100 years.</p>	<p>Comment noted.</p>
<p>HCP may prove to be important assurances tool.</p>	<p>Comment noted.</p>
<p>State and federal contractors and direct diverters should receive comparable assurances. CALFED should link Sections 7 and 10 processes and explore comprehensive permitting. How will assurances for federal contractors be addressed? It is necessary to address this subject even if it requires legislation.</p>	<p>These issues will be considered during the development of an HCP/NCCP, should one be done.</p>

Clarify role of federal projects and elaborate on their eligibility for assurances. Coordinated Operating Agreement makes the California Department of Water Resources (DWR) a federal entity.	Comment noted.
Strongly object if public agencies would use an HCP to obtain regulatory assurances that violate the principle of adaptive management.	Comment noted.
What assurances will be provided for the protection of public trust resources?	
Concerned about the level of attention being placed on an HCP when it is only one element of a much larger group of potential assurances.	
Assurances are necessary to maintain broad support for CALFED.	
Assurances, including those provided through an HCP, allow for long-term planning.	
Assurances package should be considered as a whole and at a later time.	
How will enforcement actions be assured?	
Will there be scoping for other elements of the assurances package?	The assurances working group will consider all forms of assurances and the public will be involved in the process.
How is government assurance of funding provided?	
A balance of power is the best form of assurance, rather than an HCP.	Comment noted.
Assurances should not be provided until adequate information is available.	

NO SURPRISES ¹ QUESTIONS AND COMMENTS	RESPONSE
No-surprises policy is currently too one sided in favor of developers. There needs to be an equilibrium between development and species protection.	
The Section 7 process is adaptive and does not provide a no-surprises policy. HCP should be similar.	Although Section 7 does not provide a no-surprises policy, CALFED intends to devise a comprehensive assurances package that would ensure that the preferred alternative will be implemented and operated as agreed.
Address how the no-surprises policy will apply to areas above the major dams including the Federal Energy Regulatory Commission licensees, U.S. Forest Service, and U.S. Bureau of Land Management. Logging, mining, and grazing should be examined as part of this process.	At this point the geographical scope of the potential HCP has not yet been determined. No surprises assurances for those areas, should they be included in the HCP, would be addressed.
Phased HCP should not require starting over with each new issue (species) addressed. No-surprises policy is important element.	Comment noted.
Is Friant water-users area included in the HCP? Will it be eligible for no-surprises policy?	The geographic scope has not yet been determined.
How long will no-surprises policy last? CALFED needs to address temporal effects.	The no-surprises policy would be in effect as long as the 10(a)(1)(B) Permit is in effect.
The HCP should be specific and cover a predetermined species list. Limit no-surprises policy in time, type, and location.	
Why is the no-surprises policy for water users being analyzed so early in the process?	
What kind of actions can be taken to solve a problem once a no-surprises policy is in place? What mechanisms would trigger the need for remediation?	

¹One form of assurance is the "No Surprises" policy, which provides the permit applicant with regulatory certainty. The policy assures the applicant that if unforeseen circumstances arise, USFWS and NMFS will not require additional mitigation in the form of additional lands or funds from any permittee who is adequately implementing, or has implemented, an approved HCP, except in extraordinary circumstances. In addition, if the HCP was designed to provide an overall net benefit for covered species and contained measurable criteria that have been or are being met, USFWS and NMFS will not seek any additional benefits, even if there are extraordinary circumstances. The policy is intended to encourage HCP applicants to develop HCPs that provide an overall net benefit to affected species.

There is a fundamental inconsistency between a no-surprises policy and adaptive management.	
How would no surprises apply to flow?	
No-surprises policy is inconsistent with public trust responsibilities.	
What is USFWS' current thoughts on extending the no-surprises policy to the U.S. Bureau of Reclamation/Central Valley Project (CVP) water contractors?	No surprises does not apply to federal agencies that would be receiving a biological opinion under Section 7. Assurances for federal agencies would be part of CALFED's assurances package.
The no-surprises policy should not be extended to federal programs. Assurances can be extended to federal programs through other mechanisms, such as Section 7 of the ESA. Section 7 can provide an equal level of assurances as well as a stronger legal foundation.	See above.
The intent of the no-surprises policy is to reduce the burden on private property owners and allow federal agencies to act as the safety net. Extending the no-surprises policy to federal agencies would eliminate that role.	See above.

ADAPTIVE MANAGEMENT ² QUESTIONS AND COMMENTS	RESPONSE
Adaptive management is critical for ecosystem restoration. HCP options must include adaptive management explicitly. The three HCP options suggested in the Supplemental NOI/NOP do not adequately provide for adaptive management. Adaptive management needs to allow for adjustments that will also be covered by assurances.	Adaptive management is an integral part of ERPP and would also be a critical element in an HCP.
Adaptive management is necessary because of scientific uncertainty. Causes of mortality are uncertain enough to quantify.	Comment noted.
Surprises are inherent in an adaptive management process.	
What is the regulatory mechanism that will allow the adaptive management process to alter flows if deemed necessary?	
Adaptive management as it relates to CALFED needs to be thoroughly explained.	

²Adaptive management is an iterative process that involves rigorous scientific testing of actions, incorporates new technical information and current conditions and values into updating project management decisions. The process will lead to the modification of targets and actions to reflect the most up-to-date information.

TAKE/SPECIES QUESTIONS AND COMMENTS	RESPONSE
CALFED should be equitable by matching guarantees for water users with guarantees for species.	
CALFED should impose penalties if take goes beyond specified limits.	
Will State-listed species be included?	State-listed species would be covered under the NCCP, or by using other tools within the California ESA, such as Section 2081 or 2090.
What happens to unforeseen species and species not included in the HCP/NCCP? What is status of DFG take authorization as it relates to species not presently listed but included in the HCP? What happens with future listings?	Both the HCP and NCCP would provide assurances for a specified list of species and habitat types that would be adequately covered in the HCP/NCCP. Assurances are provided only for those species addressed in the plan.
Will HCP address all species of concern listed in ERPP?	Unknown at this time.
Concern over species scope. How will Trinity River region/water be addressed?	We don't know at this point because the geographical scope of the HCP has not been determined.
Incidental take permit puts species at risk.	
Incidental take permits should be revoked if established milestones and schedules for achieving predetermined measures of both individual species and ecosystem integrity are not met.	
HCP will allow take immediately while restoration actions will be implemented over a very long period with unknown results.	
Incidental take permit should not be issued prior to project-specific evaluations.	
Species that may become endangered/listed in the future need protection.	
Proposed scope of incidental take permit is too broad.	
USFWS should closely supervise the permitting process while the HCP is being developed.	
Implementation agreements should be the basis for ESA take authorizations	Implementation agreements are legally binding documents that articulate the responsibilities established under an HCP.

<p>The belief that the HCP process is the only option to allow take is dangerous and unnecessary.</p>	
<p>Implementation of ERPP should have some mitigation value and should be considered part of the mitigation package for take under ESA.</p>	
<p>USFWS, NMFS, and DFG should, on approval of the CALFED Implementation Agreement, list all species that, by any biological measure, should have been listed long ago but haven't been because of power politics. No party to the CALFED Implementation Agreement should be affected by the listings because they are completely covered under the HCP's implementation agreement.</p>	

MITIGATION QUESTIONS AND COMMENTS	RESPONSE
Is saltwater intrusion included in water quality program? Will the flooding of agricultural land with saltwater to create habitat meet federal goals?	
Is HCP mitigation intended to mitigate for take authorization or to mitigate for species recovery plan?	HCP mitigation would address incidental take caused by actions authorized by CALFED, including ecosystem restoration and species recovery.
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?	
What is CALFED doing with regard to mitigation on the San Joaquin River?	ERPP provides for some restoration on the San Joaquin River, primarily on its tributaries.
HCP process must allow for future additional mitigation. Water users should pay for additional mitigation, not taxpayers	
CALFED should provide for ESA take authorizations for the implementation of ERPP projects without the need to mitigate for take that occurs as a result of the restoration action. ERPP should be viewed as self-mitigating.	

SCIENTIFIC REVIEW QUESTIONS AND COMMENTS	RESPONSE
Scientific review is essential if process proceeds.	The Bay-Delta Advisory Committee (BDAC) is actively developing a scientific review process.