

## Comments on the Multi-species Conservation Strategy, Administrative Draft dated 4/12/99

### General Comments

The MSCS will appropriately prescribe actions to “avoid, minimize, and compensate” for impacts. However, the MSCS also reaches to another level: additional actions to achieve conservation goals. (See pp. E-6, 1-2 of the MSCS) The nature and extent of these additional actions are not well-defined. It seems that there should not be any additional conservation actions. These actions should be identified and described at a programmatic level in the ERPP. If their inclusion is not appropriate in the ERPP, then it seems the actions probably are not appropriate as conservation measures either.

The MSCS includes only a brief mention on p. 5-31 of a very important concept: that we will not be guided strictly by an approach of mitigation, but that there will be a relationship between beneficial results of ERP (or other) actions and a consequent reduction in the compensatory conservation measures that would be required. This seems to be a centrally important point that should be discussed more prominently and in more detail and specificity.

### Specific Comments

- vii This page refers to a MSCS technical report containing species accounts. There are already species accounts in the ERPP. Coordinating the preparation of species accounts and presenting them in one place would be preferable to preparing printing, and distributing two slightly different sets of accounts.
- G-3 The words “conserve” and “conservation” are used throughout the document, their meaning is central to the MSCS, but they are not defined here in the Glossary. They should be.
- G-5 The term NCCP or Natural Communities Conservation Plan should be defined and described here. Several related terms such as “NCCP community” are defined, but not an NCCP itself.
- G-6 It is not clear that the term “recovery” as defined here is completely consistent with the definition used in recovery plans. If not, then the difference should be explained here.
- G-7 Definition of the word subsidence does not mention oxidation of organic soils, the most common mechanism of subsidence in the Delta.
- G-8 Definition of “Watershed Planning Area” includes a parenthetical statement that makes the definition confusing. It seems to suggest that a watershed planning area is synonymous with a water project service area.

- ES-1 There is a parenthesis missing in para. 2, line 6. Its omission affects the meaning of the paragraph.

Here and throughout the document there is reference to the "CALFED Service Area." **CALFED is not a water project and it does not have a service area. This term must be changed to CALFED solution area.**

It is not clear that the framework referred to in the third paragraph is the same as the framework referred to in the first paragraph.

The statement is made that a purpose of the MSCS is to "identify CALFED's conservation goals for the affected habitats and species." This identification should be made in the ERPP, or at minimum the identical conservation goals should be described or referenced in both documents.

- ES-2 The first paragraph uses the terms "conservation" and "NCCP" but they have not been defined.

It appears that "special-status species in the context of the MSCS" includes many more species than are described and addressed in the ERPP. The difference should be explained clearly.

- ES-3 The first paragraph refers to "MSCS areas" but does not make it clear which area, or all three.

- ES-4 Conveyance actions described here should be updated to reflect the language of the preferred program alternative.

- ES-5 This page uses the term "conservation" extensively without ever defining it.

- ES-6 This page mentions conservation measures that may be required, in addition to proposed ERP actions. It has not been established that such actions should be included. Why aren't they a part of the ERP?

- ES-8 Statements regarding the scope and substance of CMARP, which may need to be expanded to support the MSCS, should be conveyed to the CMARP preparers.

- 1-2 Statement is made that the MSCS establishes goals for species and habitats. Shouldn't the ERP establish those goals?

Text mentions additional actions that may be needed to achieve conservation goals. Again, these should be in the ERP.

1-3 The word "affect" is used when "effect" is appropriate.

The word "complimentary" is used when "complementary" is appropriate.

Text states that "there is no environmental ratcheting between [the ERP and MSCS] yet the mention of conservation goals above the level of "avoid, minimize, compensate" and above the ERP suggests that there is precisely this sort of ratcheting.

Once again, there is no such thing as the CALFED service area and this term should not be used. There is a CALFED solution area.

1-7 Legend for this graphic should refer to solution area, not service area.

1-10 Statement says that the information in the MSCS will allow CDFG to prepare a programmatic NCCP, but statements on pp. ES-2 and 2-1 state that the MSCS is the NCCP.

2-1 Statement is made that the 18 habitat types were developed to be consistent with the ERP, but the ERP only has 13 habitat types. Ideally, the same scheme should be used. If for some reason this is not possible, a diagram should be included to graphically portray the differences.

2-2 The word "discreetly" is used when "discretely" is appropriate.

2-5 Several references are made to habitat types not included in the ERP, or described using different terms in the ERP. It would be preferable to use a consistent scheme of habitat types.

2-7 This page includes the first of many notes on how to obtain copies of MSCS Technical Reports. Printing and distribution of these reports needs to be coordinated with CALFED staff.

2-14 I did not scrutinize the technical content of this table, but it did occur to me that perhaps the Ringtail should have a species goal of r or R rather than m.

3-1 This page misstates CALFED intentions. In most or all cases, CALFED proposes actions intended to improve and increase habitat and increase populations well beyond the minimum needed for recovery or delisting. This is stated more accurately on p. 3-2.

3-4 In order to be consistent, the exact words from this table should appear in the ERPP species visions. In some cases the language does appear in the ERPP, called "restoration goals," but in other cases different language is used. For some species, the ERP proposes to go beyond recovery. Both the MSCS and the ERPP should make it easy to figure out

which species, and what additional habitat or population levels are involved.

- 4-8 This description of conveyance must be updated to reflect the most recent preferred program alternative language.
- 5-2 This page includes more discussion of conservation measures when the term has not been defined and the justification for conservation measures beyond the ERP has not been made.
- 5-3 The column heading "SJR" is missing. Also, the footnote should appear at the bottom of the first page of the table.
- 5-8 A part of the water use efficiency that may have a higher likelihood of impacts is water management on refuges, but that part of the program is not included in this table.
- 5-30 The MSCS should not need to develop conservation measures "to ensure that species recovery goals are achieved." Such measure should be in the ERPP.

It is not clear why "The entity implementing a program action or actions may also influence which conservation measures will apply." Shouldn't the same standards apply regardless of implementing entity?

- 5-31 The last paragraph of this page introduces a very important concept: that we will not be guided strictly by an approach of mitigation, but that there will be a relationship between beneficial results of ERP (or other) actions and a consequent reduction in the compensatory conservation measures that would be required. This seems to be a centrally important point that should be discussed more prominently and in more detail and specificity.
- 5-34 The list of "general categories of conservation measures designed to achieve species goals" seems like a list of actions that are either already included in the ERP, or actions that cannot be done until Phase III. It is not clear that this list should be in the document.
- 5-35 In the list of conservation measures for species with an "m" goal, it is not clear how measures 4 and 8 differ.
- 6-1 Reference must be to CALFED solution area, not service area.  
  
Text is missing at the bottom of the page.
- 6-4 Text at the top of the page is repeated, and text at the bottom of the page is missing.
- 6-5 The topic of service area impacts has been a contentious one for a long time. It is not

likely that CALFED agencies such as DWR and USBR will approve of distributing the draft MSCS with this section missing.

- 7-2 Section 7.2 suggests that an action might be delayed because there is not enough biological information available on a species. Is this the intended meaning?
- 7-4 There is a spelling error in the title of figure 7-2.
- 7-5 It seems highly unlikely that there will be any Type 1 actions because the ERPP does not describe actions in sufficient detail. Is it misleading to imply that there will be a whole category of such actions?
- 7-8 The draft implementation plan is now to be included in an appendix to the EIS/EIR, with a summary in the Phase II document dated June 1999. The same is true for the governance plan.
- 7-11 The absence of the planned section on assurances is a significant and unfortunate omission. Will it be included in the public draft? Will CALFED agencies have a chance to review it beforehand?
- 8-3 Monitoring of "r" species and monitoring habitat conditions for all "m" species may be significant and very costly additions to the monitoring effort. A detailed explanation of the extent of, and need for, such monitoring would be helpful.
- 9-1 This section makes the statement that specific conservation measures may be refined in the future as result of our adaptive management efforts. While this is understandable, it removes a great deal of assurance that entities have of knowing what they may be asked to do in the future.
- A-1 In the headings of Attachment 1, the word "occurrences" is misspelled.