

Notes on BSEACD HCP MAC Facilitation Session April 14, 2014

FORM Strategic Consulting, LLC

Page xiii – should read “FORM Strategic Consulting, LLC” Done.

General for District

1. What are the messages that the District wants to get across? Not discretionary. Provides legal cover to both District and permittees. Balancing production and protection. Balancing risks of ESA taking and compensable regulatory taking. Sound science used, but still lots of unknowns and uncertainties>not a reason to not have an ITP.

General for MAC at conclusion of work sessions?

1. What are the top 5 opportunities to come from this exercise – or your role on the MAC?
2. What are your top 5 concerns or the concerns of the constituents you may represent?
3. Does the proposed HCP sufficiently avoid, minimize & mitigate take of the covered species given the District's authority, statutory limitations, and financial ability?

Section 2 – Purpose and Need for ITP/HCP

1. Do you understand the purpose of the HCP?
2. Do you agree there is a need for the HCP? Why or why not?
3. In your opinion, what does the HCP provide to your constituents?

Section 3 - Description of Areas to Be Analyzed

1. Are the descriptions of the Planning Area adequate?
2. Is the ITP area for the District appropriately defined?
3. Is the physical setting of the ITP Area appropriately defined?
4. Is the ecological setting of the ITP Area appropriately defined?
5. Have the antecedent conditions of the ITP Area been appropriately defined?
Does it reflect the ongoing drought?
6. Is the list of Protected Species in the ITP complete?

Section 4 – Proposed Actions

1. Are the proposed covered actions inclusive?
2. Do you agree with the exemptions/non-exemptions?
3. Is the historical perspective as portrayed in the HCP accurate?
4. What level of public participation has occurred to date and how would you like to see that carried out in the future?
5. Is the permit duration as requested reasonable?

Section 5 – Analysis of Impacts Likely to Result from the Takings

1. Any issues/problems? with the descriptions of the species, their distribution, and

reasons for threats to survival?

2. Have the survival needs of the covered species been adequately identified?
3. Are the effects of Take on the covered species adequately characterized?
4. Are the assumed forms of Take thorough and complete?
5. Is the extent of Take accurate?
6. Are the estimates of Take realistic? If not, how would you modify?
7. Are the estimates of impact to the covered species population realistic? If not, how would you modify?

Section 6 – Conservation Program

1. Do you agree with the Biological Goals and Objectives of the HCP? Why or why not? What has been left out?
2. Are the direct HCP measures to minimize/mitigate impact realistic? Are there any other measures you might suggest?
3. Are the other HCP measures to minimize/mitigate impact realistic? Are there any other measures you might suggest?
4. Are the monitoring activities thorough enough?
5. Is the Adaptive Management Process proposed by the District adequate?
6. Have all participants in the implementation of the HCP identified?
7. Are their roles adequately defined?

Section 7 – Changed and Unforeseen Circumstances

1. Is the overall methodology for dealing with changed or unforeseen circumstances reasonable?
2. Have all levels of uncertainty been defined?
3. Has climate change, and its potential impacts, been addressed appropriately?

Section 8 – District HCP Funding Assurances

1. Has the District adequately assessed cost impacts to itself or users or other interested parties in the HCP area?
2. Is there adequate funding available to implement the HCP?

Section 9 - Alternatives to the Taking

1. Does the HCP fully evaluate the alternatives to avoid Take?