

Appendix B

**Notices of Intent and Preparation, Scoping
Summary, and Comment Letters**

marine mammals. The applications were submitted to satisfy requirements of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*) and/or the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), and the regulations governing endangered species (50 CFR part 17) and/or marine mammals (50 CFR part 18). Written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications should be submitted to the Director (address above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

PRT-072135.

Applicant: Paul M. Vial, Fresno, CA

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Lancaster Sound polar bear population in Canada for personal use.

Applicant: Mark D. Nuessle, Scottsdale, AZ

PRT-072138.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Lancaster Sound polar bear population in Canada for personal use.

Applicant: Michael B. Thomas, Atlanta, GA

PRT-072240.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Lancaster Sound polar bear population in Canada for personal use.

Applicant: Scott S. Snyder, McCook, NE

PRT-072383.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Lancaster Sound polar bear population in Canada for personal use.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018-0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Dated: May 23, 2003.

Monica Farris,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 03-14151 Filed 6-4-03; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

Preparation of an Environmental Impact Statement for Issuance of Incidental Take Permits Associated With a Habitat Conservation Plan for East Contra Costa County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, we, the U.S. Fish and Wildlife Service (Service) are advising the public that we intend to gather information necessary to prepare, in coordination with the East Contra Costa County Habitat Conservation Plan Association (Association), a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on the East Contra Costa County Habitat Conservation Plan (Plan), which is being prepared in conjunction with a Natural Community Conservation Plan. The Plan is being prepared under Section 10 (a)(1)(B) of the Federal Endangered Species Act of 1973, as amended, (ESA); whereas the Natural Community Conservation Plan is being prepared under the State of California's Natural Community Conservation Planning Act. The Association intends to request an ESA permit for 7 species federally listed as threatened or endangered and 18 unlisted species that may become listed during the term of the permit. The permit is needed to authorize take of listed species that could occur as a result of activities implemented under the Plan.

We provide this notice to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the EIS/EIR. We invite written comments from interested parties to ensure that the full range of issues related to the permit request are identified.

DATES: Written comments should be received on or before August 4, 2003. Public meetings will be held on: July 17, 2003, 3:30 p.m. to 5:30 p.m., and 7 p.m. to 8:30 p.m., Pittsburg, CA.

ADDRESSES: The public meetings will be held at: Pittsburg City Hall, 65 Civic

Drive, Pittsburg, CA, 94565.

Information, written comments, or questions related to the preparation of the EIS/EIR and the NEPA process should be submitted to Sheila Larsen, Conservation Planning, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W-2605, Sacramento, California 95825; FAX (916) 414-6713.

FOR FURTHER INFORMATION CONTACT:

Sheila Larsen, Fish and Wildlife Biologist, at the Sacramento Fish and Wildlife Office at (916) 414-6600.

SUPPLEMENTARY INFORMATION:**Reasonable Accommodation**

Persons needing reasonable accommodations in order to attend and participate in the public meeting should contact Sheila Larsen as soon as possible. In order to allow sufficient time to process requests, please call no later than one week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

Background

Section 9 of the ESA and its implementing Federal regulations prohibit the "take" of a species listed as endangered or threatened. Take is defined under the ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). However, under section 10(a)(1)(B) of the ESA, we may issue permits to authorize "incidental take" of listed species. "Incidental take" is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for threatened and endangered species are found in the Code of Federal Regulations at 50 CFR 17.32 and 50 CFR 17.22.

We anticipate that the Association will request an ESA incidental take permit. The Association is a Joint Powers Authority consisting of seven member agencies: Contra Costa County; cities of Brentwood, Clayton, Oakley, and Pittsburg; Contra Costa Water District; and East Bay Regional Park District.

Currently, 26 species are proposed for coverage under the Plan. These include the federally listed endangered San Joaquin kit fox (*Vulpes macrotus mutica*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardii*), the threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*), giant garter snake

(*Thamnophis gigas*), California red-legged frog (*Rana aurora draytonii*), vernal pool fairy shrimp (*Branchinecta lynchi*), and the proposed California tiger salamander (*Ambystoma californiense*), and their habitats. The 18 unlisted species proposed to be covered under the Plan include the Townsend's western big-eared bat (*Corynorhinus townsendii townsendii*), tricolored blackbird (*Agelaius tricolor*), golden eagle (*Aquila chrysaetos*), western burrowing owl (*Athene cunicularia hypugea*), Swainson's hawk (*Buteo swainsoni*), silvery legless lizard (*Anniella pulchra pulchra*), foothill yellow-legged frog (*Rana boylei*), midvalley fairy shrimp (*Branchinecta mesovalliensis*), Mount Diablo manzanita (*Arctostaphylos auriculata*), brittle scale (*Atriplex depressa*), San Joaquin spearscale (*Atriplex joaquiniana*), big tarplant (*Blepharizonia plumosa*), Mount Diablo fairy lantern (*Calochortus pulchellus*), recurved larkspur (*Delphinium recurvatum*), Diablo helianthella (*Helianthella castanea*), Brewer's dwarf flax (*Hesperolinin breweri*), showy madia (*Madia radiata*), and adobe navarretia (*Navarretia nigelliformis* spp. *nigelliformis*). Species may be added or deleted during the course of Plan development based on further analysis, new information, agency consultation, and public comment.

The Plan area consists of approximately 170,000 acres in East Contra Costa County, California, including watersheds that drain the eastern flanks of Mount Diablo. The boundaries of the Plan area are generally defined by the Alameda-Contra Costa county line, the San Joaquin-Contra Costa county line, the Sacramento-Contra Costa county line, and the eastern flanks of Mount Diablo and adjacent foothills in the Diablo Range. Excluded areas include current and historic tidal areas, the City of Antioch, the community of Discovery Bay, and the Clifton Court Forebay.

Implementation activities that may be covered under the Plan include urban development and associated infrastructure, and County and/or city projects related to road maintenance/construction, water delivery infrastructure, flood control, sanitary systems, and recreational opportunities. Under the Plan, the effects of covered activities are expected to be minimized and mitigated through participation in a conservation program, which will be fully described in the Plan. The focus of a conservation program is to provide long-term protection of covered species by protecting biological communities in

the Plan area. The Plan is also a Natural Community Conservation Plan, therefore it will provide protection at an ecosystem level while accommodating compatible land use and economic growth.

Components of a conservation program are now under consideration by the Service and Association. These components will likely include: Avoidance and minimization measures, monitoring, adaptive management, research, and mitigation measures consisting of preservation, restoration and enhancement of habitat.

Environmental Impact Statement/Report

The Association and the Service have selected Jones & Stokes to prepare the Draft EIS/EIR. The joint document will be prepared in compliance with NEPA and the California Environmental Quality Act (CEQA). Although Jones & Stokes will prepare the EIS/EIR, the Service will be responsible for the scope and content of the document for NEPA purposes, and the County will be responsible for the scope and content of the document for CEQA purposes.

The EIS/EIR will consider the proposed action, the issuance of an incidental take permit, no action (no permit), and a reasonable range of alternatives. A detailed description of the proposed action and alternatives will be included in the EIS/EIR. We anticipate that several alternatives will be developed, which may vary by the level of conservation, impacts caused by the proposed activities, permit area, covered species, or a combination of these factors.

The EIS/EIR will also identify potentially significant impacts on biological resources, land use, air quality, water quality, mineral resources, water resources, economics, and other environmental resource issues that could occur directly or indirectly with implementation of the proposed action and alternatives. For all potentially significant impacts, the EIS/EIR will identify mitigation measures where feasible to reduce these impacts to a level below significance.

Environmental review of the EIS/EIR will be conducted in accordance with the requirements of NEPA (42 U.S.C. 4321 *et seq.*), its implementing regulations (40 CFR parts 1500–1508), other applicable regulations, and Service procedures for compliance with those regulations. We are publishing this notice in accordance with Section 1501.7 of NEPA to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the

EIS/EIR. More specifically, we provide this notice: (1) To describe the proposed action and possible alternatives; (2) to advise other Federal and State agencies, affected Tribes, and the public of our intent to prepare an EIS/EIR; (3) to announce the initiation of a public scoping period; and (4) to obtain suggestions and information on the scope of issues to be included in the EIS/EIR. The primary purpose of the scoping process is to identify, rather than to debate, significant issues related to the proposed action. We invite written comments from interested parties to ensure that the full range of issues related to the permit request are identified. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

Dated: May 23, 2003.

D. Kenneth McDermond,

Deputy Manager, Region 1, California/Nevada Operations Office, Sacramento, California.

[FR Doc. 03–14109 Filed 6–4–03; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Preparation of an Environmental Impact Statement for Issuance of Incidental Take Permits Associated With a Habitat Conservation Plan for Solano County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, we, the U.S. Fish and Wildlife Service (USFWS) are advising the public that we intend to gather information necessary to prepare, in coordination with the National Marine Fisheries Service (NMFS), as a cooperating agency, and the Solano County Water Agency, a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on the Solano Habitat Conservation Plan (Plan), which is being prepared in conjunction with a Natural Community Conservation Plan. The Plan is being prepared under Section 10(a)(1)(B) of the Federal Endangered Species Act of 1973, as amended, (ESA); whereas the Natural Community Conservation Plan is being prepared under the State of California's Natural Community Conservation Planning Act.

Solano County Water Agency, six of its eight member agencies, and

HCPA East Contra Costa County Habitat Conservation Plan Association

DATE: June 30, 2003

SUBJECT

Notice of Preparation (NOP) to prepare an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Issuance of Incidental Take Permits Associated with a Habitat Conservation Plan and Natural Community Conservation Plan for East Contra Costa County, California.

INTRODUCTION

Pursuant to the California Environmental Quality Act (CEQA), the East Contra Costa County Habitat Conservation Plan Association (Association) and the U.S. Fish and Wildlife Service (Service) plan to prepare an EIR/EIS on the East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan (Plan). The Association is a Joint Powers Authority consisting of the following seven member agencies: Contra Costa County; cities of Brentwood, Clayton, Oakley, and Pittsburg; Contra Costa Water District; and East Bay Regional Park District.

The Plan has identified a 170,000-acre planning area that includes watersheds draining the eastern flanks of Mount Diablo in East Contra Costa County, California. Members of the Association intend to request Endangered Species Act (Act) permits for 7 species federally listed as threatened or endangered and 19 other species that are either listed as threatened or endangered under the California Endangered Species Act or identified as a Federal or State species of concern (see Table 1 for full list of species and their status). The permits are needed to authorize take of listed species that could occur as a result of implementation activities covered under the Plan (see Proposed Implementation Activities below).

EAST CONTRA COSTA COUNTY HABITAT CONSERVATION PLAN/ NATURAL COMMUNITY CONSERVATION PLAN

Covered Species

Currently, 26 species are proposed for coverage under the Plan. Table 1 lists those species and their current status. Species may be added or deleted during the course of Plan development based on further analysis, new information, agency consultation, and public comment.

Plan Area

The Plan area includes approximately 170,000 acres in East Contra Costa. The southern boundary of the Plan area is defined by the Alameda-Contra Costa County line. The boundary from the county line to Mt. Diablo is defined by the Kellogg Creek and Marsh Creek watersheds. From the peak of Mount Diablo to the north, the western boundary follows the Mount Diablo Meridian to the City of Clayton Sphere of Influence to include the entirety of the City of Clayton Sphere of Influence within the Plan area. The

northwestern boundary follows the watershed line in the hills between Pittsburg and Concord but excludes the City of Concord and Concord Naval Weapons Station. The northern boundary of the inventory area was defined by the limit of urban development along the San Joaquin River shoreline. It excludes current and historic tidal areas (as determined by Soil Conservation Service soil surveys [1977]) to avoid the need to cover Delta-exclusive species and natural communities. The eastern boundary of the inventory area was defined based on the course of the most western Delta sloughs between Oakley and the Alameda–Contra Costa County line near Clifton Court Forebay. Former tidal areas were also excluded from the eastern boundary of the inventory area. In addition, the community of Discovery Bay was excluded because it is already built-out and will not require additional coverage under the Act. The Clifton Court Forebay in the southeastern corner of the County was excluded because no activities are contemplated in that area that will require coverage under the Act.

Proposed Implementation Activities

Because the Plan is still under development, the list of covered activities has not been finalized. The following implementation activities are currently under consideration by the Association and Service for coverage under the Plan.

1. Residential, commercial, and industrial development
2. Road and highway construction and maintenance
3. Water infrastructure construction and maintenance
4. Flood control project construction and maintenance
5. Sanitary system infrastructure construction and maintenance
6. Rural recreational facility construction, maintenance, and operation
7. Recreational use of rural parks and preserves
8. Mining facility construction, operation, and maintenance (if requested by mining companies)
9. Miscellaneous development in rural areas (to be defined)
10. Population surveys, species relocation, habitat restoration, management, and scientific research on preserve lands or potential preserve lands
11. Clearing, grading, or filling of natural communities for new irrigated agriculture (if requested by agricultural community)
12. On-going operations of existing agriculture (if requested by the agriculture community)

One project has been identified that will be excluded from the take permit: the potential expansion of the Los Vaqueros Reservoir. This project would obtain any necessary take authorization in a separate consultation between the U.S. Bureau of Reclamation and the Service. During Plan development, other projects may also be identified as excluded from the Plan.

Mitigation

Under the Plan, the effects of covered activities are expected to be minimized and mitigated through participation in a conservation program, which will be fully described in the Plan. The focus of a conservation program is to provide long-term protection of

covered species by protecting biological communities in the Plan area. Because the Plan is also a Natural Community Conservation Plan, it will also contribute to the recovery of the listed covered species and to the conservation of non-listed species to try to prevent their listing in the future.

Components of a conservation program are now under consideration by the Association and Service. These components will likely include:

- avoidance and mitigation measures,
- habitat preservation,
- habitat restoration and enhancement,
- monitoring and adaptive management, and
- research.

ENVIRONMENTAL IMPACT REPORT/STATEMENT

The Association and Service will prepare a joint document in compliance with CEQA and the National Environmental Policy Act (NEPA). The Association will be responsible for the scope and content of the document for CEQA purposes, and the Service will be responsible for the scope and content of the document for NEPA purposes.

The EIR/EIS will consider the proposed action (issuance of ESA permits), and a reasonable range of alternatives. A detailed description of the proposed action and alternatives will be included in the EIR/EIS. It is anticipated that several alternatives will be developed, which may vary by the level of conservation, impacts caused by the proposed activities, permit area, covered species, or a combination of these factors.

The EIR/EIS will also identify potentially significant impacts on biological resources, land use, air quality, water quality, mineral resources, water resources, economics, and other environmental issues that could occur directly or indirectly with implementation of the proposed action and alternatives. For all potentially significant impacts, the EIR/EIS will identify mitigation measures where feasible to reduce these impacts to a level below significance.

PUBLIC MEETING

Two public meetings have been scheduled to provide an overview of the proposed action and obtain feedback. The meetings will be held on:

July 17, 2003, 3:30 p.m. – 5:00 p.m.

July 17, 2003, 7:00 p.m. – 8:30 p.m.

The public meetings will be held at:

Pittsburg City Hall, Council Chambers
65 Civic Drive
Pittsburg, CA 94565

SUBMITTING COMMENTS

Written comments from interested parties are invited to ensure that the full range of issues related to the proposed action are identified. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public. Information, written comments, or questions related to the preparation of the EIR/EIS should be received on or before August 4, 2003. Written comments should be directed to the contact below.

FOR FURTHER INFORMATION CONTACT:

John Kopchik
Contra Costa County Community Development Department
651 Pine Street
Martinez, CA 94553
(925) 335-1227

Additional information may also be found at the following website: www.cocohcp.org

SUPPLEMENTARY INFORMATION

Persons needing reasonable accommodations in order to attend and participate in the public meeting should contact John Kopchik at (925) 335-1227 as soon as possible. In order to allow sufficient time to process requests, please call no later than one week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

Table 1. Special-Status Species Proposed for Coverage by the ECCC HCP/NCCP [Note: List is preliminary]

Common Name	Scientific name	Status ¹	
		State	Federal
Mammals			
Townsend's western big-eared bat	<i>Corynorhinus townsendii townsendii</i>	CSC	FSC
San Joaquin kit fox	<i>Vulpes macrotus mutica</i>	ST	FE
Birds			
Tricolored blackbird	<i>Agelaius tricolor</i>	CSC-1	FSC
Golden eagle	<i>Aquila chrysaetos</i>	FP	BGPA
Western burrowing owl	<i>Athene cunicularia hypugea</i>	CSC-1	FSC
Swainson's hawk	<i>Buteo swainsoni</i>	ST	–
Reptiles			
Silvery legless lizard	<i>Anniella pulchra pulchra</i>	CSC	FSC
Alameda whipsnake	<i>Masticophis lateralis euryxanthus</i>	ST	FT
Giant garter snake	<i>Thamnophis gigas</i>	ST	FT
Amphibians			
California tiger salamander	<i>Ambystoma californiense</i>	CSC	FPL
California red-legged frog	<i>Rana aurora draytonii</i>	–	FT
Foothill yellow-legged frog	<i>Rana boylei</i>	CSC	FSC
Invertebrates			
Longhorn fairy shrimp	<i>Brachinecta longiantenna</i>	–	FE
Vernal pool fairy shrimp	<i>Brachinecta lynchi</i>	–	FT
Midvalley fairy shrimp	<i>Brachinecta mesovallensis</i>	–	FSC
Vernal pool tadpole shrimp	<i>Lepidurus packardi</i>	–	FE
Plants		CNPS	
Mount Diablo manzanita	<i>Arctostaphylos auriculata</i>	1B	–
Brittlescale	<i>Atriplex depressa</i>	1B	–
San Joaquin spearscale	<i>Atriplex joanquiniana</i>	1B	–
Big tarplant	<i>Blepharizonia plumosa</i>	1B	–
Mount Diablo fairy lantern	<i>Calochortus pulchellus</i>	1B	–
Recurved larkspur	<i>Delphinium recurvatum</i>	1B	–
Diablo helianthella	<i>Helianthella castanea</i>	1B	–
Brewer's dwarf flax	<i>Hesperolinon breweri</i>	1B	–
Showy madia	<i>Madia radiata</i>	1B	–
Adobe navarretia	<i>Navarretia nigelliformis</i> ssp. <i>nigelliformis</i>	1B	–

¹**Status:**

Federal

- FE Federally Endangered
- FT Federally Threatened
- FPT Federally Proposed for Threatened Listing
- FPL Federally Proposed for Listing
- FPD Federally Proposed for Delisting
- FD Federally Delisted
- FSC Federal Special Concern Species
- BGPA Bald Eagle and Golden Eagle Protection Act

State

- SE State Listed as Endangered
- ST State Listed as Threatened
- CSC California Special Concern Species
- CSC 1 Bird Species of Special Concern; First Priority
- CSC 2 Bird Species of Special Concern; Second Priority
- CSC 3 Bird Species of Special Concern; Third Priority
- SR State Rare (plants)
- FP Fully Protected
- 1B California Native Plant Society, Rare or Endangered in California and Elsewhere

HCP EIR/EIS Scoping Comments 7/17/03

Schedule and Process for Environmental Document

- Scheduling: Will EIR/EIS and HCP drafts be available @ same time?
- Comment letters on the draft EIR/EIS will be included in final EIR/EIS document.
- EIR/EIS & HCP are separate documents (independent).

Property Acquisitions, Easements and Valuation

- What is the process of acquiring property? How are potential sellers informed of HCP process?
- Is there an opt-out process?
- Easement purchase: HCP should consider long-term value of easement. HCP should consider perpetual payments.
- The EIR/EIS needs to study impacts to property owners that become isolated in conservation areas (e.g., availability of utility services)

Covered Species

- Will Table 1 (proposed covered species) be included in EIR/EIS?
- Are there listed/special status plants in the study area? Will plants be included even though they are not yet federally listed?
- Who determines who is an “expert” with respect to covered species/plants and critters?
- How do species get listed and how do we verify the science behind listing a species?
- How do we verify historical/current occurrence of species?

Wetlands and U.S. Army Corps of Engineers

- How does the EIR/EIS address wetlands issues with Army Corps? 404 & ESA issues.

Growth Inducement

- HCP impacts on growth should be examined in the EIR/EIS. How will this be done and what is the relationship to other planning documents (e.g., general plans)?

Scientific Review

- Will scientists peer review the science driving the HCP?
- Scientists have biases – will the EIR/EIS publish those biases?

MORRISON & FOERSTER LLP

SAN FRANCISCO
LOS ANGELES
DENVER
PALO ALTO
WALNUT CREEK
SACRAMENTO
CENTURY CITY
ORANGE COUNTY
SAN DIEGO

ATTORNEYS AT LAW

PLEASE RESPOND TO:
P.O. BOX 8130
WALNUT CREEK, CALIFORNIA 94596-8130

101 YGNACIO VALLEY ROAD, SUITE 450
WALNUT CREEK, CALIFORNIA 94596-4094
TELEPHONE (925) 295-3300
TELEFACSIMILE (925) 946-9912

NEW YORK
WASHINGTON, D.C.
NORTHERN VIRGINIA
LONDON
BRUSSELS
BEIJING
HONG KONG
SINGAPORE
TOKYO

August 4, 2003

Writer's Direct Contact
925/295-3317
CMorrison@mfofo.com

John Kopchik
Contra Costa County Community Development Department
County Administration Building
N. Wing, 4th Floor
651 Pine Street
Martinez, CA 94553

Re: HCP EIR/EIS Scoping Comments

Dear Mr. Kopchik,

I am writing on behalf of the Contra Costa Council, in conjunction with the Home Builders Association of Northern California, to offer our comments regarding the proposed scope of the EIR/EIS being prepared for the Habitat Conservation Plan/Natural Community Conservation Plan for Eastern Contra Costa County ("HCP").

First, it is essential that scope of the EIR/EIS be sufficiently broad to include an evaluation of the environmental impacts associated with an HCP permit area covering enough acreage to satisfy the projected housing needs for Eastern Contra Costa County through 2034. This will ensure the continued viability of the HCP throughout its projected thirty year lifespan and allow the building community to take full advantage of the HCP while assisting local governments in their effort to meet state housing mandates.

Second, the EIR/EIS should evaluate the impacts associated with an expanded list of HCP covered species, such list to include currently unprotected species that are likely candidates for future listings. If this proposed expansion is incorporated into the adopted HCP it will (1) obviate the need for future HCP amendments if and when such listings occur and (2) save applicants the time and expense of processing additional take permits for later-listed species.

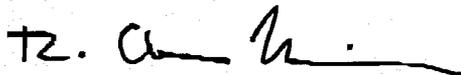
MORRISON & FOERSTER LLP

John Kopchick
August 4, 2003
Page Two

Third, the EIR/EIS should evaluate the environmental impacts associated with a HCP that provides coordinated permit processing under Fish and Game Code § 1601 and Clean Water Act §§ 401 and 404, in addition to the permitting requirements of state and federal endangered species regulatory schemes.

We hope that these comments are helpful to the scoping process. Please contact me if you have any questions regarding this matter or if we can be of further assistance. We are sure that, as the HCP and associated environmental documents are being developed, many issues of importance to the Contra Costa Council will arise, and we look forward to discussing those with you further.

Sincerely,



R. Clark Morrison

cc: Paul Campos
Jim Jakel
Edward Shaffer



San Francisco Bay Chapter

Serving the counties of Alameda, Contra Costa, Marin and San Francisco

August 4, 2003

John Kopchik
Contra Costa County Community Development Department
651 Pine Street, North Wing, 4th Floor
Martinez, CA 94553

Sent via fax to: (925) 335-1299

Dear Mr. Kopchik, *John*

Please accept the following Scoping comments on the East Contra Costa Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) on behalf of the Sierra Club. These comments were prepared with the assistance of John Slaymaker of Greenbelt Alliance

1. There should be a comprehensive listing of the foreseeable conditions: sudden oak death, groundwater depletion, West Nile, catastrophic wildfire across a fox corridor, etc. There should be a range of likely concrete provisions for these foreseeable conditions in the Adaptive management strategy;
2. The EIR alternatives should explore the underlying land use assumptions in terms of smart growth models versus current growth models; I.e., housing need does not necessitate open space loss at the rate currently experienced;
3. The lack of comprehensiveness of the current biological data suggests a poor foundation for determining species and natural communities accounts etc. as a basis for the HCP no surprises assurances. This should be improved by the alternatives studies of the EIR/EIS.

We are also re-submitting our Draft Conservation comments as scoping comments. Attached.

Thank you,

Mike Daley

Mike Daley
Chapter Conservation Director



August 1, 2003

Mr. John Kopchik
Contra Costa County
Community Development Department
651 Pine Street
Martinez, CA 94553

**Re: Notice of Preparation for an EIR/EIS for the Issuance of Incidental Take Permits
Associated with the East Contra Costa County Habitat Conservation Plan**

Dear Mr. Kopchik:

On February 13, 2003, the Mayor of the City of Antioch sent a letter to the East Contra Costa County Habitat Conservation Plan Association dated February 13, 2003 requesting that the City of Antioch be removed from the HCP study area. A copy of this letter is attached for reference.

The City of Antioch continues to be included in HCP study area as described in the Plan Area summary of the NOP. Once again the City of Antioch requests that the City be removed from the HCP study area. Preparation of an HCP with the associated implementation activities and mitigations are land use decisions to be made by the Antioch City Council; there is no present Antioch representation on the HCPA. Please note that a Resource Management Plan (RMP) for Future Urban Area 1 is being prepared in order to manage biologic issues.

Very truly yours,

WILLIAM R. GALSTAN
City Attorney

TW/WRG/sh
Attachment

cc: Mayor and City Council Members
Members of the Planning Commission
Linda J. Pappas Díaz, Acting City Manager
Joseph G. Brandt, Director of Community Development/City Engineer

03 AUG '03 PM 1:05