

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Legislative Policy: Federal Endangered Species Act Reauthorization

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Purpose

To establish a legislative policy regarding Federal Endangered Species Act reauthorization to enhance the ability of the Washington Representatives to provide timely input to legislators concerning the County's interest in conservation and endangered species legislation.

Background

Because of the natural history and human history of the San Diego area, the biologic diversity (species richness and numbers) is markedly declining. The Federal Endangered Species Act (ESA) identifies the policy of the nation that individual species and the habitats they depend upon will be protected from extinction. The current ESA is inadequate to address the vast number of candidate and listed threatened and endangered species, particularly those found in the San Diego Region. In order to ensure that the policy protects species from extinction and concurrently allows necessary economic growth of the region, the ESA should be amended to be better funded and be more efficient in carrying out its purposes.

Policy

It shall be the policy of the Board of Supervisors of the County of San Diego with regard to Federal Endangered Species Act legislation to support the inclusion of the following provisions:

1. Listing Process

- a) An emphasis on identifying and conserving sensitive and endangered habitats and associated species at an early stage would reduce the potential for emergency listings and would speed the protection of a greater number of species in a more efficient manner. Where appropriate, species should be listed in batches and grouped by habitat types to reduce the duplication and time required for listing.
- b) The time for the listing process should be shortened and the decision process should include better supporting evidence. Besides information published in the Federal Register, supporting evidence for a new listing should be available for public review at regional Fish and Wildlife Service offices and local jurisdictional offices.
- c) The economic effects of a proposed listing rule should be reported at the time of the proposed rule-making publication in the Federal Register. Relevant subjects of this analysis should include potential beneficial and adverse effects on regional and

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local economic conditions, employment and land value changes. This analysis should be repeated at the time Recovery Plans and other conservation actions are being proposed, and include the positive and negative economic effects of the action(s). There should be an economic cost-benefit assessment provided with each listing package so that the public and Service can understand the social and economic costs involved with a listing decision.

d) Priority guidelines should be published to identify the species or kinds of species that will be given priority in the listing process; priority should be given to those species which are most endangered and groups of species representing a distinct habitat or geographical subregion. Initial critical habitat boundaries should be proposed at the time of listing to clearly indicate the areas necessary for planning for the species survival.

e) There should be an expanded administrative remedy process to settle disputes as to data availability and accuracy.

2. Conservation Planning and Permitting

a) The primary focus of the ESA should be broadened toward comprehensive planning for sensitive habitats containing candidate or listed species and maintaining essential ecological processes. This would substantially reduce both the time and money spent in the listing process and give focus for conservation or recovery plans. For those species where single species listing and conservation planning are still appropriate, the essential elements of the ESA should be retained, but simplified (similar to emergency listings).

b) The Service should be empowered and directed to allow the processing of Habitat Conservation Plans (HCPs) on candidate species before listing is necessary. Such plans should meet the same standards for these species as for listed species, as appropriate, and may be delegated to state departments if the standards of the ESA are followed.

c) Specific recognition should be granted in the ESA for local governments' land use authority in the context of creating and implementing multiple species and habitat conservation plans. The ESA should provide federal funding and technical assistance to local land use jurisdictions who are engaged in multiple species/multiple habitat plans.

d) The Service should be adequately funded and required to produce species and/or habitat Recovery Plans within a specified period of time after listing; these plans

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should integrate local and state government and private sector activities and include adequate public input. Where appropriate, these Recovery Plans should address species' conservation actions through multiple-species habitat-based planning activities.

e) The endangered species permitting process should be simplified. Section 10 and Section 7 consultation requirements should be combined and made available to applicants who do not necessarily require other federal permits.

3. Funding Needs

a) Funding for the ESA should be very substantially increased. The Fish and Wildlife Service should be given substantially more qualified personnel, technology, and funds to address species listing issues and to resolve the endangerment status of candidate and proposed species.

b) Substantial additional funds should be made available to state and local jurisdictions engaged in conservation planning activities which deal with candidate species and the listing process.

c) The federal government should support and partially fund habitat-level conservation planning as outlined in the California Natural Communities Conservation Plan process; funds should go to federal, state and local agencies cooperating in these programs.

Sunset Review

This policy will be reviewed for continuance by 12-31-22.

Board Action

6/15/93 (36 and 36-A)

08-07-02 (5)

12-09-08 (33)

11-17-15 (26)

CAO Reference

1. Chief Administrative Office

2. Office of Strategy and Intergovernmental Affairs