



Testimony of Michael D. DeLapa, Executive Director, LandWatch Monterey County

FORA Feb. 21, 2020 Agenda Item 7b: Habitat Conservation Plan ("HCP") /
Environmental Impact Report ("EIR") Options

Good afternoon. Michael DeLapa, Executive Director, LandWatch Monterey County.

I want to thank FORA staff for considering our February 10 letter regarding completion of the HCP EIR. Our letter made several points.

- First, FORA would have to spend another \$225,000 to complete the current EIR.
- Second, there is no need to spend that money now. It makes no sense to complete the EIR before the local agencies agree on two things: whether to pursue an HCP and, if so, at what scale. There is no agreement on this yet.
- Third, whatever is useful in the current EIR can be reused later without certifying it now. The draft EIR isn't going anywhere. Neither are the consultants.
- Fourth, certifying the EIR without actually approving the HCP will not establish the current large-scale HCP's impacts as the "baseline" for future analysis. Our letter addresses this in detail because we believe the Habitat Working Group may have been under the wrong impression about this. The Holland & Knight memo does not address this issue. If they had disagreed with us, they would probably have mentioned it.

But the main point is that it makes no sense to spend \$225,000 now to certify an EIR without being prepared to approve an HCP that the local and state agencies will accept. As the Holland & Knight memo says: "There is limited value of a certified EIR for responsible agencies if the HCP is not approved or until the HCP is approved."

The staff report and the Holland & Knight memo identify 5 options. The first three or four options would require hasty action by FORA to certify an EIR. That EIR would be for an HCP that will not be approved by FORA and may be entirely unnecessary if no HCP is approved.

The better option is to let the Habitat Working Group first reach agreement about the nature and scale of any joint action on habitat.

FORA could fund the Working Group's consultants to advise the working group on alternatives. That would be a prudent use of FORA's resources. But FORA should leave the decision on joint action to the local agencies when they have reached an agreement about joint action.

Joint action might include an HCP or just implementing the existing Habitat Management Plan. If joint action requires an EIR later, the local agencies can complete and certify an EIR through a JPA.

But, again, until the agencies decide what action they want to take, it is pointless to spend \$225,000 to finish the EIR for the large-scale HCP for which there is clearly no consensus and for which there are very significant financial, technical and risks.