



COMMITTEE FOR
GREEN FOOTHILLS

Friday, April 23, 2004

Mayor Ron Gonzales
801 North First Street, Rm. 600
San Jose, CA 95110
fax (408) 277-3868

Wayne White, Field Supervisor
US Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, California 95825
fax (916) 414-6713

Re: City of San Jose's failure to sign the MOU needed to begin planning a HCP for Santa Clara County

Dear Mayor Gonzales and Supervisor White:

The Committee for Green Foothills urges the City of San Jose (City) to sign the Memorandum of Understanding (MOU) it had negotiated with other Santa Clara County agencies to begin the Habitat Conservation Planning process for Santa Clara County. We additionally request that the Fish and Wildlife Service (FWS) notify the City that San Jose needs to begin the planning process in order to complete the HCP application prior to the January 2006 deadline imposed on the City by FWS.

The City and County agencies are facing a 2006 deadline for preparing a countywide HCP, a deadline that is part of the Highway 101 widening and the Bailey interchange construction. That date is not as far off as it may sound. In anticipation of this date, the City negotiated with other agencies a MOU to share costs for preparing the HCP. Despite its failure to raise objections to the MOU that it had negotiated, the City has so far failed to sign the MOU, seven months after the other agencies have signed. Failure to submit an acceptable HCP application in 2006 would violate the terms of FWS Biological Opinion approval of the Highway 101 projects under Section 7 of the ESA, potentially requiring re-initiation of FWS consultation over the highway project. Equally important, a rushed preparation of the HCP will result in an inadequate plan.

Santa Clara County environmental groups are well aware of the many controversies surrounding HCPs and the potential for entirely inadequate HCPs that give little protection for listed species while laying out a welcome mat for developers. In the case of our County, the eventual HCP could be something that is very helpful, especially for serpentine soil habitats and for anadromous species, or it could be just a giveaway of environmental protections. We implore the City and the other County agencies to create a HCP that lives up to its potential, which means starting now with the planning process. We would regret being forced to take a stance opposing approval of the HCP, but the quality of the eventual proposal will determine our stance.

Thank you for listening to our concerns, and please contact me if you have any questions.

Sincerely,
<signed>

Brian A. Schmidt
Legislative Advocate, Santa Clara County

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