



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2943 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO
PAS 1277.1399.2385

July 22, 2004

Steve Monowitz, Permit Supervisor
California Coastal Commission
Central Coast District
725 Front Street, Suite 300
Santa Cruz, California 95060

Dear Mr. Monowitz:

This letter is in response to your July 7, 2004, electronic mail request for information regarding our review of the draft Habitat Conservation Plan (HCP) for the Los Osos area. We are in receipt of the draft HCP and have begun our review. We will provide our written comments to the Los Osos Community Services District (LOCSD), after we have completed our review of the document.

It is important that you know that we have been working with the LOCSD as well as California Coastal Commission staff, the California Department of Fish and Game, and the County of San Luis Obispo (County), for several years on the development of the HCP. Because there is a great need for an HCP that would cover activities on the properties outside the sewer service area, as well as within, we have advocated the development of an HCP for the entire Los Osos area. However, the Service has determined that the LOCSD does not have the authority to hold a section 10(a)(1)(B) permit to cover those properties outside their jurisdiction, in the sewer service area.

Therefore, in order to accomplish the goal of a community-wide HCP, one of two permitting scenarios would need to occur: 1) the County could hold a master permit that would cover the entire community; or 2) the LOCSD and the County could both hold individual permits that would cover their respective jurisdictions. At this time the LOCSD and the County are pursuing the second option and would each apply to the Service for section 10(a)(1)(B) permits. The LOCSD's permit would address impacts to federally listed species and other sensitive resources that are likely to occur as a result of the new development that would occur inside the sewer service area, when the wastewater project is completed and operational. The County's permit would cover activities such as new development that would occur outside the sewer service area and County maintenance activities.

Although the LOCSD's consultants are currently writing one HCP that would accommodate two permits, the possibility exists that issues could arise that would affect one applicant but not the other. This could result in unnecessary delays for the unaffected parties. Therefore, we have

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advocated that each section of the HCP be separated into easily discernable components that clearly describe the responsibilities of each applicant. This strategy would allow one applicant to move forward and apply for a section 10(a)(1)(B) permit independent of the other applicant, if the need were to arise.

In addition to our review of the HCP, we are in the process of completing our biological opinion on the construction of the proposed wastewater treatment project. The biological opinion, pursuant to section 7 of the Act, would address affects to federally listed species that are likely to result from the construction of the wastewater project.

We are encouraged by the progress that has been made on this complicated and important resource protection plan and look forward to continuing our work with the California Coastal Commission in the development of the Los Osos HCP. If you have any questions regarding these issues, please contact Steve Kirkland of my staff at (805) 644-1766.

Sincerely,

/s/: Steve Henry

Steve Henry
Acting Division Chief, San Luis Obispo