



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

October 7, 2020

Ms. Bridget Fahey
U.S. Fish and Wildlife Service
Division of Conservation and Classification
5275 Leesburg Pike
Falls Church, VA 22041-3803

RE: Docket No. FWS-HQ-ES-2019-0115-0001: Endangered and Threatened Wildlife and Plants; Regulations for Designating Critical Habitat

Dear Ms. Fahey:

On behalf of the Rural County Representatives of California (RCRC), I write to express RCRC's support for several provisions contained in the proposed Endangered and Threatened Wildlife and Plants; Regulations for Designating Critical Habitat (Docket No. FWS-HQ-ES-2019-0115-0001). RCRC is an association of thirty-seven rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from those member county.

RCRC member counties cover nearly half of California's land mass. While California as a whole is approximately 50 percent publicly owned land and 50 percent privately owned land, many of our member counties have a substantially higher percentage of public land, with one county having less than 2 percent privately owned land within its boundaries. Many RCRC member counties are economically dependent on tourism and agriculture, as well as holding responsibilities for maintaining public safety and transportation infrastructure.

County governments are tasked with myriad responsibilities that are often impacted by decisions made pursuant to the Endangered Species Act of 1973 (ESA), including road and infrastructure maintenance and preservation of public safety infrastructure such as flood conveyance systems. California's counties are also under strict mandates to increase affordable housing units in all areas of the state, which places extra pressure on local governments to plan and develop communities in areas where they otherwise might not desire to build due to habitat, wildfire risk and other ecological issues.

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In particular, RCRC supports the proposed provisions to allow the Secretary to conduct a critical habitat exclusion analysis, acknowledging that impacted entities such as local governments may have expertise that warrants careful consideration before finalizing a designation. The ability of local governments to perform public works projects that have immediate impact on public safety can hinge on critical habitat designations, which often delay or prevent vital local projects from being completed. In turn, the resulting delays can become costly to counties that are already struggling to meet local budgetary needs, particularly at a time when tourism-based economies are taking a hit due to the coronavirus pandemic.

Furthermore, counties in California are subject to requirements under the state's Regional Housing Needs Allocation (RHNA) that often conflict even with the state's own environmental laws and wildfire prevention goals. Under RHNA, local governments are regionally required to plan and site for an allocated number of low-income housing units regardless of wildfire risk, habitat concerns or other state or federal mandates. In order to meet RHNA requirements in the future, counties will necessarily need to seek exclusions from critical habitat in order to meet California's ambitious housing goals. The proposed provisions for critical habitat exclusions will give local governments the flexibility to meet these types of state mandates while still complying with federal requirements.

For these reasons, RCRC supports the proposed Regulations for Designating Critical Habitat. We appreciate your consideration of our comments and encourage you to contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Staci Heaton", written in a cursive style.

STACI HEATON
Senior Regulatory Affairs Advocate

cc: Members of the RCRC Board of Directors