



May 2, 2013

Sent Via Facsimile: (760) 322-4648

Ms. Janness McBride, Division Chief
Palm Springs Fish and Wildlife Office
U.S. Fish & Wildlife Service
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, CA 92262

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District 6

**INTERIM
CITY MANAGER**

Stephen P. Compton

Dear Ms. McBride,

Per our ongoing communications, I am formally corresponding with you on behalf of the Colton City Council, property owners, businesses and residents of Colton.

After years of negotiation and work to complete a suitable Habitat Conservation Plan (HCP) for the Delhi Sands Flower-loving Fly (DSF) in the West Valley area of the City of Colton, we are pleased that significant progress has been made and the HCP is moving toward formal adoption. The City is further pleased with the cooperative working relationship we now have with the U.S. Fish & Wildlife Service (USFWS), which has brought this plan to fruition.

In reference to this request, attached is a letter from the City of Colton, dated April 11, 2013. This letter was sent to you confirming the verbally agreed-upon completed tasks and timeline for completion of Colton's West Valley HCP for the DSF. It specifies the completed and remaining tasks, delineated for clarification of the status of our HCP. The letter also estimates the timeframe for completion and adoption of the HCP is January-February 2014.

In the last paragraph of the letter, the City requested a confirmation letter of the completed and remaining tasks and estimated timeframes. Colton is now in a critical phase with land owners in the West Valley area. Securing this confirmation letter from the USFW would provide the land owners a level of confidence to move forward with preparations for the beginning of development in the area. On this basis, we seek your continued cooperation and humbly request a letter of confirmation from your office.

With the collaborative efforts of your office, it would be a privilege to begin laying the groundwork for economic growth and development that is long overdue in the City of Colton. The potential success would be reflective of two government agencies working on a matter that serves for the good of the people. We appreciate the courtesy and cooperation you have extended to us and look forward to your positive response.

Sincerely,

David Toro
Mayor Pro Tem

Attachment: Colton Letter, date April 11, 2013

CC: Mayor and Members of the Colton City Council
Stephen Compton, Colton Interim City Manager
Mark Tomich, Colton Development Services Director
Art Morgan, Economic Development Manager
Gary Miller, U.S. Representative, 31st Congressional District (fx 909.908-1651, 202.226-6962)
Cheryl Brown, California State Assembly Member (fx 916-319-2147, 916-885-8569)
Josie Gonzales, San Bernardino County Board Supervisor, 5th District (fx 909-387-5392)

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April 11, 2013

Jenness McBride, Division Chief
Palm Springs Fish & Wildlife Office
U.S. Fish & Wildlife Service
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, CA 92262

Re: West Valley Habitat Conservation Plan for the Delhi Sands Flower-loving Fly (City of Colton)

Dear Ms. McBride:

As follow-up to our meeting on March 12, 2013, this is to confirm the tasks that the City of Colton has completed for the West Valley HCP and those steps that remain to be completed, including estimated timeframes:

Completed Tasks

1. October 2010 - Draft revised conservation strategy submitted to the U.S. Fish & Wildlife Service (FWS).
2. Following negotiations with Palm Springs Fish and Wildlife Office (PSFWO) staff in December 2010 and January 2011, the City and PSFWO staff reached tentative agreement on the conservation strategy. Consultant began work on revised HCP in early 2011. Iterative components of the HCP are submitted to PSFWO and commented upon.
3. April 18, 2012 – Draft HCP submitted to PSFWO. PSFWO completes comments on July 26, 2012.
4. September 5, 2012 – Revised Draft HCP submitted to PSFWO. PSFWO completes comments on November 18, 2012.
5. January 10, 2013 - Revised "Preliminary Final" HCP submitted to PSFWO.
6. February 19, 2013 – Draft Environmental Assessment (EA) submitted to PSFWO.
7. February 26, 2013 – Draft Implementing Agreement submitted to PSFWO.

Remaining Tasks

1. As requested by PSFWO, City will provide PSFWO with additional funding details for inclusion in the draft HCP, including within Property Analysis Record (PAR) and Management Plan. This will include a detailed description of the anticipated funding mechanism and projected revenue and expenditure tables over the life of the plan (est. mid-April 2013).
2. PSFWO completes review of EA (est. late April 2013).
3. PSFWO and the City of Colton make final edits to the draft HCP (est. late April 2013).
4. PSFO completes review of Draft Implementing Agreement (est. early May 2013). Following PSFO review, it is forwarded to their "Solicitor" for review. This process requires approximately 4 to 6 weeks.

5. City of Colton submits HCP permit application to PSFWO (est. mid-May 2013).
6. A Federal Register notice is prepared and submitted with the draft EA, HCP, and IA and Management Plan¹ are submitted to Fish and Wildlife (FWS) Regional Office via PSFWO and subsequently published in the Federal Register for 60-day public comment period (est. publication early July 2013). If any comments are received, a 30-day response-to-comments period goes into effect.
7. Concurrent with 60-day comment period for EA, FWS submits the Cultural Resources section of the EA to the State Historic Preservation Office (SHPO) for 30-day review.
8. PSFWO conducts a "Section 7 Consultation" on the HCP. This involves sending the HCP to the Regional FWS office. This process takes up to 135 days; however, it can be initiated during the public review process.
9. Following the public review and Section 7 Consultation process, the PSFWO prepares a "Finding of No Significant Impact" (FONSI), Permit Terms & Conditions and Findings & Recommendations and submits them to the FWS Regional Office with the biological opinion, Final HCP and Final EA.
10. Copies of the Implementing Agreement are signed by the City and our land manager and submitted to the FWS Regional Office for FWS signature.
11. The 10a "Incidental Take Permit" is issued.

If all tasks occur in accordance with the timeframes identified above, including overlap of the EA public review process with the Section 7 Consultation process, it can reasonably be expected that the 10a Incidental Take Permit may be issued by January-February 2014.

We would appreciate your confirmation of the completed and remaining tasks, including estimated timeframes as identified above. Thank you for the continuing progress on this HCP to the benefit of FWS, the City, and of course, the listed species.

Sincerely,



Mark R. Tomich, AICP
Development Services Director

Cc: Mayor Pro Tem David Toro
Geary Hund, PFSWO

¹ Because the draft HCP, EA, Implementing Agreement and Management Plan are released concurrently for public review the public review process cannot start until they are all completed.