

SCHEDULED MATTER

SUBJECT: STATUS OF DELISTING PROCESS FOR VALLEY ELDERBERRY LONGHORN BEETLE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

BACKGROUND:

For over a decade, the US Fish and Wildlife Service (Service) has discussed removing the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) from the Federal List of Endangered and Threatened Wildlife. Since the species was first added to the list in 1980, projects within the City of Porterville have been affected by mitigation requirements associated with the protected status of the beetle and its habitat. In 2003, the City initiated preparation of a Habitat Conservation Plan (HCP) to provide a comprehensive approach to addressing project-related impacts to the beetle and its habitat while providing an expedited method of mitigating those impacts. However, after submittal of the draft HCP, Service staffers were delayed in their responsiveness, anticipating the delisting of the beetle. For over three years, the City's draft HCP was held in a tentative state without being processed because of the pending removal of the beetle from the threatened list. In 2011, with a change in Service staff, the City was able to see some movement on the draft HCP, but the comments received were significantly different from the direction provided initially by the Service.

In 2012, the Service was prompted to formally begin the delisting process as a result of litigation citing years of research and information gathering. This action was based on a review of the best available scientific and commercial data, which indicates that the subspecies no longer meets the definition of endangered or threatened under the Endangered Species Act of 1973, as amended. The Service invited public comment for a mandatory 60-day period which ended on December 3, 2012. On January 23, 2013, the Service announced a supplemental 30-day period to allow an additional opportunity to comment on the proposed rule and to submit information on the status of the species. The second comment period ended on February 25, 2013. The Service has not stated whether or not additional, optional comment periods might be provided.

COMMENT: Recently, Staff received a response from the Service related to an inquiry about the status of the process of delisting the valley elderberry longhorn beetle (VELB). Robert Moler, the Assistant Field Supervisor for External Affairs (Sacramento office) spoke with Staff and confirmed that the second comment

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period had closed on February 25, 2013. The Service is currently considering the comments received and the peer review which was prepared. Mr. Moler advised Staff that the typical timeframe to finalize a decision is 12 months, and that waiting for 12 months during this period of consideration before proceeding with a project would not necessarily result in avoiding the need to address VELB, as the possibility exists that the Service will not delist the VELB.

The continued delay of action on this matter results in significant costs to the City and the development community as a result of required mitigation. A determination is necessary to effectively plan and develop within the City of Porterville and the region.

RECOMMENDATION: That the City Council adopt the draft resolution supporting the delisting of the valley elderberry longhorn beetle from the Federal List of Endangered and Threatened Wildlife.

ATTACHMENTS: Draft Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE IN SUPPORT OF DELISTING THE VALLEY ELDERBERRY LONGHORN BEETLE FROM THE LIST OF ENDANGERED AND THREATENED WILDLIFE

WHEREAS: The valley elderberry longhorn beetle is a medium sized beetle that is endemic to the Great Central Valley of California. It was listed in 1980 because it was believed that its habitat had been nearly destroyed in the riparian environments in the lower Sacramento and upper San Joaquin Valleys of California; and

WHEREAS: At the time of its listing in 1980, the beetle was known from less than ten locations on the American River, Putah Creek, and the Merced River in the Central Valley of California. The beetle is now known to inhabit the Central Valley from southern Shasta County south to Kern County; and

WHEREAS: At the time of listing, the loss of riparian habitat was identified as a major threat to the beetle. Since that time, the Service reports that the rate of riparian habitat loss has slowed due to efforts to protect and restore riparian areas; and

WHEREAS: Over the past decade, the City of Porterville alone has invested nearly \$750,000 in mitigation efforts toward the valley elderberry longhorn beetle. This does not include allocating value to the time expended relative to the protection of the species; and

WHEREAS: Private developers and other public entities similarly face large costs and delays associated with mitigation of lost beetle habitat, where scientific research has shown that primary threats to the beetle have been reduced; and

WHEREAS: Further delays in delisting pose additional project delays and significant added costs. The potential economic impact of halted projects has negative physical and economic impacts on this community and beyond; and

WHEREAS: There have been multiple sightings of the beetle along the Tule River on numerous occasions, which is evidence of its presence; and

WHEREAS: It is the opinion of the City Council of the City of Porterville that the valley elderberry longhorn beetle has experienced increased habitat and increased population from the information originally believed at the time of listing the species.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby support expeditious conclusion of the delisting process. Further, the City Council encourages the efforts of our legislature and of the United States Fish and Wildlife Service to amend the list of Endangered and Threatened Wildlife to remove the valley elderberry longhorn beetle.

PASSED, APPROVED AND ADOPTED this ____ day of April, 2013.

By: _____

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By:

Patrice Hildreth, Chief Deputy City Clerk