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Habitat Conservation Plans (HCPs)

- Endangered Species Act Section 10(a)(1)(B)
- For private landowners, corporations, Tribal governments, State and local governments, and other non-Federal landowners

HCP Purpose

To permit non-Federal projects that will result in “incidental take” of listed species

To reduce conflicts between endangered species and economic activities

Purpose (cont.)

To describe anticipated effects of the proposed taking and how impacts of that take will be minimized and mitigated

To develop flexible, creative public/private partnerships

Mandatory Elements of An HCP

- Impacts likely to result from the proposed taking of listed species
- Measures to monitor, minimize, and mitigate impacts and ensure funding
- Alternative actions considered
- Additional measures required for the purposes of the plan

Documents Required for the HCP

- Draft HCP
- Draft NEPA document
- Permit Application Form and Fee
- Certification that HCP documents are complete
- Federal Register Notice
- Implementation Agreement**

**May be required

Additional Required Documents

- Biological Opinion
- Draft HCP/EIS including proposed terms and conditions and permitted levels of incidental take
- Findings Document
- NEPA record of decision

General Permit Issuance Criteria

- Must have a valid need for the permit and show responsibility
- Cannot threaten the continued existence of listed wildlife or plant population
- Service can determine the applicant is qualified to conduct the proposed activities

Issuance Criteria for HCPs

(50 CFR 17.22(b)(2) & ESA Section 10(a)(2)(B))


- ❖ The taking will be incidental
- ❖ The Applicant will avoid, minimize and mitigate to the maximum extent practicable
- ❖ The Applicant will ensure that adequate funding is available
- ❖ The taking will not appreciably reduce the likelihood of survival and recovery in the wild

Issuance Criteria for HCPs

- The applicant will ensure that other measures the Service may require as being necessary will be provided
- The Service has received such assurances as may be required that the HCP will be implemented

No Surprises Rule

Additional conservation and mitigation measures will not involve more land, water, or money, or additional restrictions on the use of natural resources, other than those agreed to in the HCP.



Questions

