

Santa Clara Valley Habitat Conservation Plan/ Natural Community Conservation Plan

Overview of HCP/NCCP Process

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Planning Commission
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SANTA CLARA VALLEY HCP/NCCP PARTNERSHIP



 Jones & Stokes

Overview Outline

- ◆ What is an HCP and NCCP?
- ◆ HCP/NCCP Origins
- ◆ Study Area
- ◆ Mandatory Elements
- ◆ What the Plan will and won't do
- ◆ Endangered Species Permit Process
- ◆ Benefits and Concerns
- ◆ Process and Schedule
- ◆ Covered Species

What is an HCP/NCCP?

- ◆ Habitat Conservation Plan/Natural Community Conservation Plan
- ◆ Federal/State mechanism to resolve conflicts between threatened and endangered species and development
- ◆ Plan to conserve species and habitats in exchange for permits to “take” threatened or endangered species
- ◆ What is “take”?
 - Under ESA, “take” is defined as “an action or attempt to hunt, harm, harass, pursue, shoot, wound, capture, kill, trap, or collect a species.”

Comparison of HCP & NCCP

HCP

- ◆ Federal ESA
- ◆ Minimize/Mitigate
- ◆ Listed/non-listed species
- ◆ Scalable (small-large area)
- ◆ Monitoring, adaptive management and public participation required
- ◆ Incidental take permit for non federal action
- ◆ “No surprises”

NCCP

- ◆ California ESA
- ◆ Provide for conservation
- ◆ Listed/non-listed species
- ◆ Regional only
- ◆ Independent science, public participation, monitoring & adaptive management required
- ◆ Take authorization
- ◆ Statutory assurances

Santa Clara Valley HCP/NCCP Origins

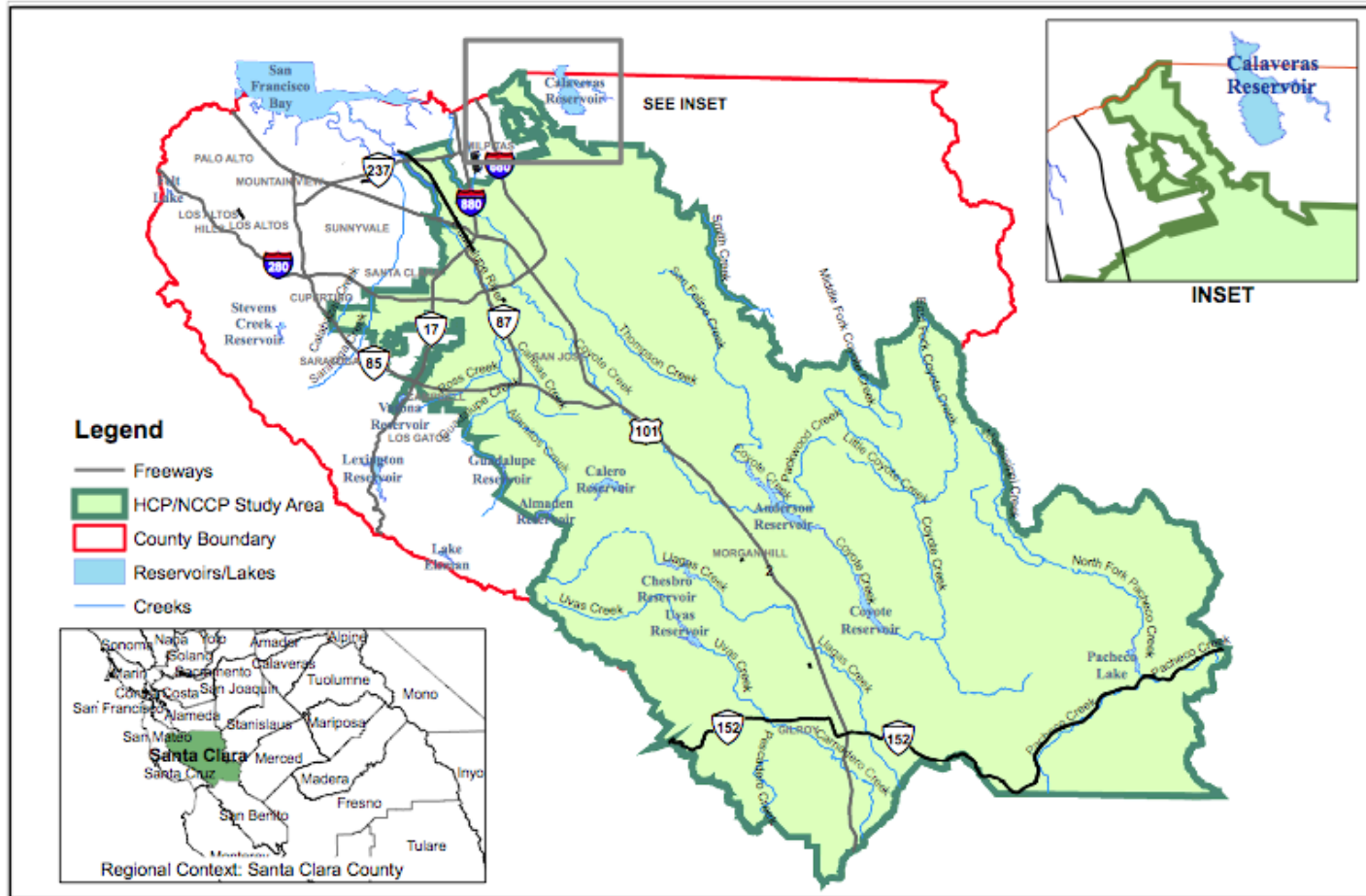
- ◆ USFWS Sect. 7 Biological Opinion (2001) requires regional HCP as condition of approval for
 - Highway 101 widening (San Jose to Morgan Hill)
 - Bailey Avenue interchange
 - Highway 85/101 interchange
 - Coyote Valley Research Park
- ◆ Original Local Partners bound by MOU (June 2004)
 - Santa Clara County
 - City of San Jose
 - Santa Clara Valley Water District
 - Santa Clara Valley Transportation Authority
- ◆ New Partners added in 2005
 - City of Gilroy
 - City of Morgan Hill
- ◆ NCCP Planning Agreement signed by all October 2005



Study Area

- ◆ SCV HCP/NCCP Boundary based on
 - Watershed boundaries (Coyote, Uvas/Llagas/Pajaro)
 - Serpentine and Bay checkerspot butterfly habitat
 - Jurisdictional boundaries (San Jose, County)
 - Land use boundaries (County Parks)
- ◆ 520,000 acres

Study Area



Santa Clara Valley HCP/NCCP Study Area Boundary



While the GIS data used to create this map is deemed reliable, it should be only used for planning purposes and the Local Partners assume no liability

Mandatory Elements of HCP

- ◆ Assessment of impacts likely to result from the proposed taking (level of take)
- ◆ Identification of measures the permit applicant will undertake to monitor, minimize, and mitigate for impacts (also funding to implement)
- ◆ Alternatives considered and reasons for rejection
- ◆ Additional measures required by USFWS or NMFS

Key HCP/NCCP Elements

- ◆ Scope – Geographic Area and Goals
- ◆ Covered Species / Natural Communities
- ◆ Covered Activities
- ◆ Principles of Conservation Biology
- ◆ Conservation Strategy
- ◆ Monitoring
- ◆ Adaptive Management
- ◆ Funding
- ◆ Assurances

What the HCP/NCCP Will Do

- ◆ **Provide permits** from USFWS, NMFS, and CDFG for “take” of listed species to Local Partners
- ◆ **Streamline projects.** Local Partner jurisdictions will extend this take authorization to applicants who meet requirements of HCP/NCCP
- ◆ **Improve mitigation.** Provide large-scale habitat and species conservation in areas of high biological value—avoid project-by-project approach
- ◆ **Provide new money.** Attract new sources of state and federal funding for conservation in Santa Clara County

What the HCP/NCCCP Will Not Do

- ◆ Be the “end all” habitat or species conservation plan for Santa Clara County
- ◆ Eliminate need for projects to comply with ESA, CESA, CEQA, or other local, state, federal laws
- ◆ Solve all environmental conflicts in the County
 - Water quality?
 - Viewsheds?
 - Riparian setbacks?

Endangered Species Permit Process

Current Process

- ◆ Costly surveys & time consuming, uncertain agency negotiations
- ◆ Mitigation requirements & costs continue to increase over time
- ◆ Project by project basis = small, unconnected mitigation w/ inconsistent management & monitoring
- ◆ CDFG & US FWS separately issue or deny permits
- ◆ Project proponent implements costly on-or off-site mitigation and monitoring on-site before and during construction

Process With HCP/NCCP

- ◆ Clearly defined, limited and inexpensive survey requirements
- ◆ Project proponent incorporates pre-defined design elements when project occurs adjacent to open space
- ◆ Local jurisdiction processes application under the HCP/NCCP (CDFG & USFWS is never contacted)
- ◆ Pre-defined HCP/NCCP fee based on formulas (e.g. acres of impact) or land in lieu of fee option
- ◆ Project proponent implements BMPs, design measures, and limited pre-construction surveys and monitoring for covered species that may occur

Interim Projects Review Process

- ◆ Wildlife Agencies have a high priority to provide comments on projects
- ◆ Those comments are linked to the developing information on the HCP/NCCP
- ◆ Local Agency responses to comments are monitored by the local and Wildlife Agencies

Benefits & Concerns

Interest group	Benefit	Concern
Development	Certainty of process, reduced permit costs, faster approval	May limit land use, new fees, long process
Landowner/Ag	Ag/ranchland preservation, new market for open space	May restrict land management, perception of more govt regs
Environmental	Large habitat preserves, controls urban sprawl, ongoing monitoring & adaptive management	Facilities development, may be net loss of habitat
Local Agencies	Local control of ESA issues, streamline approval process for public projects and O&M, new funding sources	Long, staff intensive process, responsible for implementing plan
General Public	More open space, more recreational opportunities	Perception of new fee, high cost to develop and implement plan

Benefits to SC County

- ◆ Project proponents have streamlined permitting process
- ◆ Open space acquired will be in county jurisdiction
- ◆ Creates more recreational opportunities within the county
- ◆ Protect county's viewshed
- ◆ Help implement County General Plan
- ◆ Local control over endangered species permit
- ◆ Protects the watershed

The HCP/NCCP Process & Schedule

1. Establish Decision Making Structure (Done)
2. Collect and analyze data; develop and evaluate alternative conservation strategies including costing and funding analysis; prepare monitoring and adaptive management plan (2005-07)
3. Public Draft *HCP/NCCP, EIR/EIS, Permit Application* (2008)
4. Obtain Permits (2009)
5. HCP/NCCP Implementation (Post-permit)

Covered Species

Recommended 35 species be covered by Plan:
18 wildlife species



Townsend's big-eared bat



Western pond turtle



San Joaquin kit fox



Golden eagle



Steelhead trout



Tricolored blackbird



California red-legged frog



California tiger salamander



Photo by Richard A. Armond

Bay checkerspot butterfly



Western burrowing owl

Covered Species

17 plant species

Most beautiful
jewelflower

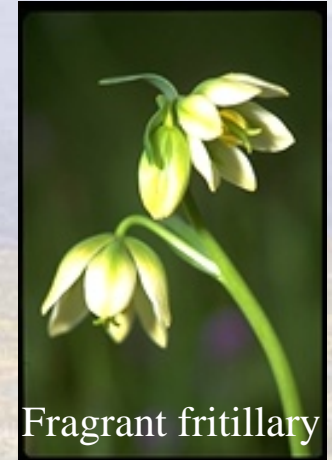


Santa Clara Valley dudleya



Smooth lessingia

© 2003 Dean Wm. Taylor



Fragrant fritillary

© 1999 California Academy of Sciences



Hall's bush mallow

© 2005 David A. Tharp



Coyote ceanothus

© 2005 Janell Hillman



Mt. Hamilton thistle



Chaparral harebell

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Questions & Answers

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