

Santa Clara Valley Habitat Conservation Plan/ Natural Community Conservation Plan

Overview of HCP/NCCP Process

Santa Clara County
Open Space Authority
September 14, 2006



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SANTA CLARA VALLEY HCP/NCCP PARTNERSHIP



 Jones & Stokes

Overview Outline

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

What is an HCP/NCCCP?

- ◆ 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”

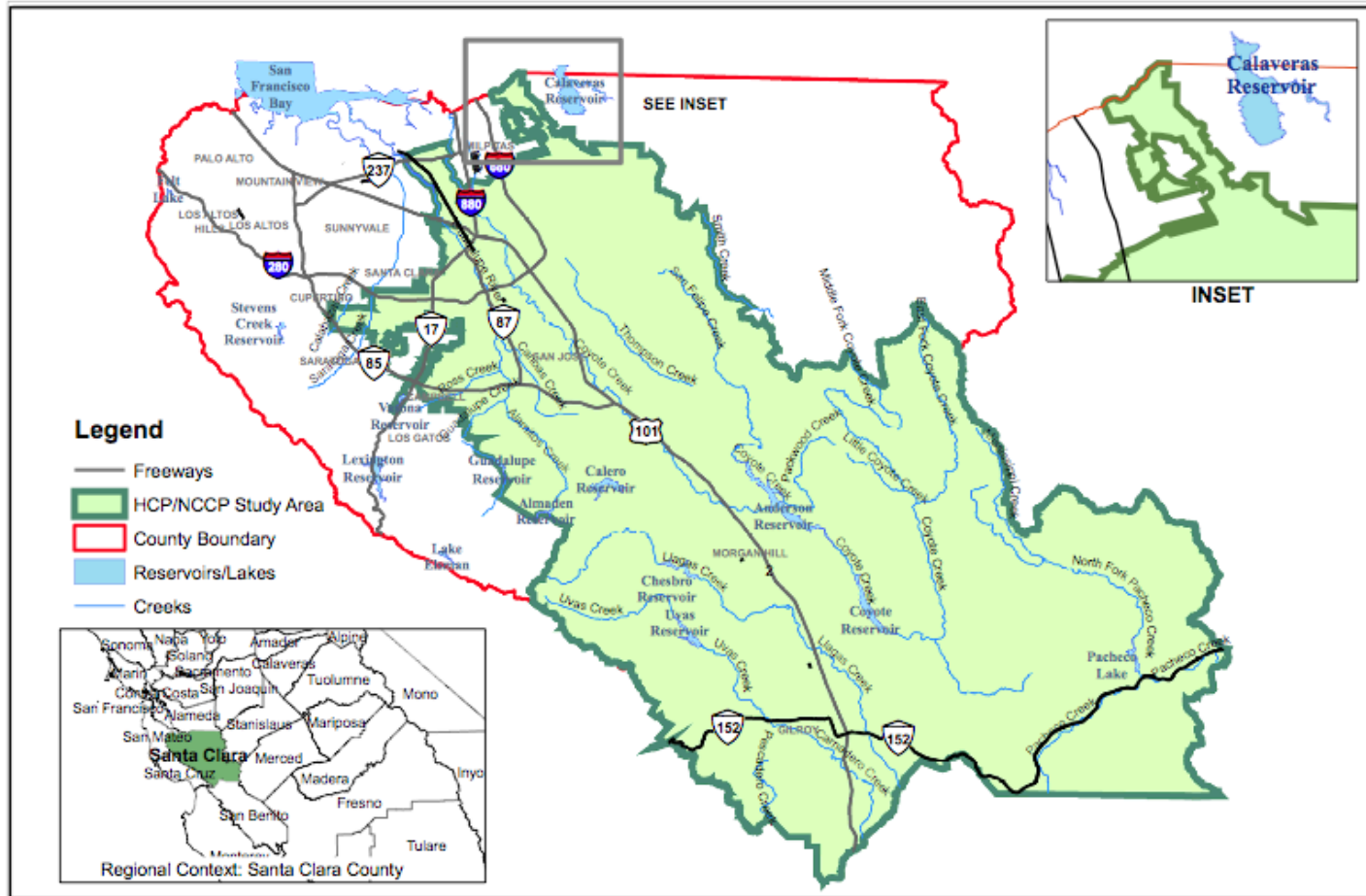
NCCP

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

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



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

Implementation Partner (IP) Benefits

- ◆ State and federal permits for take authorization
- ◆ Streamline environmental review process
- ◆ Increased coordination with Local Partners and Wildlife Agencies
- ◆ Access to potential funding sources for land acquisition, habitat and species management and long-term monitoring
- ◆ Develop standardized Best Management Practices (BMPs) for ongoing and new projects

Local Partner Benefits from IP

- ◆ Comprehensive, integrated regional approach
- ◆ Technical and policy information on biological issues, conservation strategies and implementation plans
- ◆ Access to additional funding sources for HCP/NCCP implementation
- ◆ Expanded implementation options via collaboration and newly acquired lands
- ◆ Create a more robust HCP/NCCP, elevating it's importance and stature

Expectations of Implementation Partners

- ◆ Limited staff participation with Local Partners and Wildlife Agencies for data collection, policy and technical comments on key elements of Plan
- ◆ Identify activities covered under Plan
- ◆ Approve the HCP/NCCP
- ◆ Approve Implementing Agreement
- ◆ Apply for incidental take permits under the HCP/NCCP
- ◆ Actively participate in the implementation of the HCP/NCCP
- ◆ Encourage community involvement and participation in developing the HCP/NCCP

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

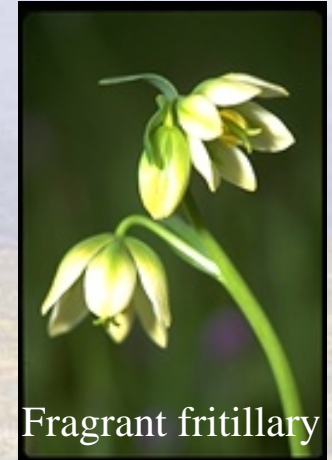


Santa Clara Valley dudleya



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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Community Meeting – Sept 28th

- ◆ Learn more about the HCP/NCCP
- ◆ Comment on key habitat conservation planning issues such as study area, permit term, covered species and covered activities

Thursday, September 28

Isaac Newton Auditorium, First Floor
County of Santa Clara Government Center
70 W. Hedding, San Jose
6:30pm Open House
7:00pm – 9:00pm Presentation and Q&A

Questions & Answers

Contact Information

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