

# 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”

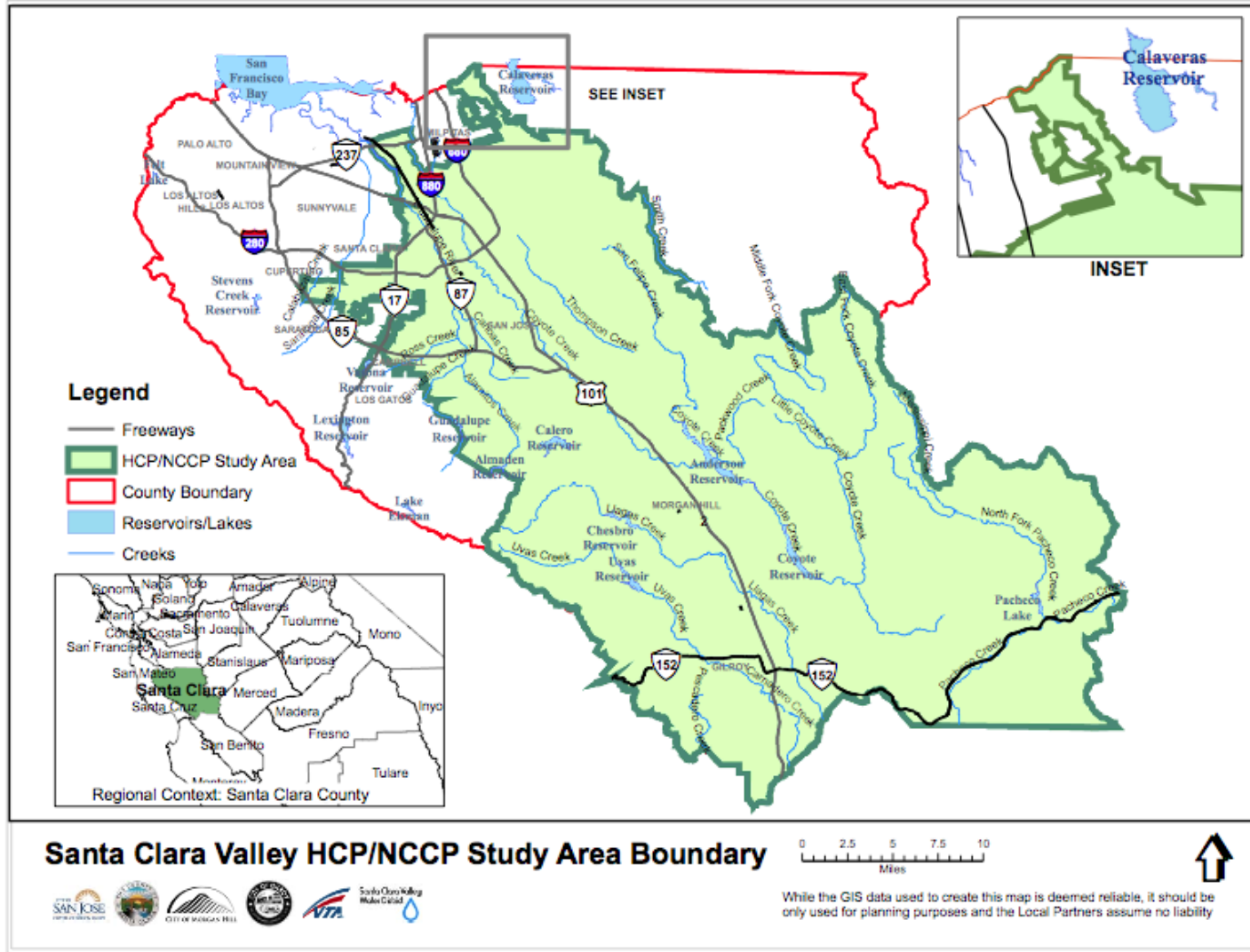
## NCCP

- ◆ 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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