Habitat Conservation Plans

Requirements and Opportunities

Habitat Conservation Plans

Prohibition of take:

Section 9 of ESA prohibits unauthorized "take" of listed wildlife

- Definition of "take" includes killing, injuring, harming, or harassing
- Harm can include habitat modification

Incidental Take Permit

- Allows take of listed species under an analysis of whether the take would result in jeopardizing the species.
- Allow otherwise lawful acts to be compliant with section 9 (take prohibited) of the ESA
- Federal Agencies do this through section 7 consultation under ESA

Habitat Conservation Plans

Incidental take permits for non-Federal activities

- Authorized by Section 10(a)(1)(B) of the Endangered Species Act
- Require a Habitat Conservation Plan
- Available to private landowners, corporations, Tribal governments, State and local governments, and other non-Federal landowners

Habitat Conservation Plans

- Tool to work cooperatively with landowners and non-Federal entities.
- Works to allow an applicant's actions to move forward and address the legal obligations for protected species conservation.
- 100% voluntary
- Specific to the needs of the applicant. Not a "one size fits all" tool.

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Types of activities addressed in HCPs:

- Development (e.g., construction of housing, commercial, industrial, infrastructure)
- Sustainable Uses (e.g., forest, water, and rangeland management)

Habitat Conservation Plans

Elements of an HCP:

- Impacts to species
- Measures to minimize, mitigate, and monitor impacts
- Funding to implement the HCP
- Other alternatives considered
- Additional measures as required

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Species that can be included in HCPs:

- Listed species—at least 1 animal ***must*** be present
- Proposed species
- Candidate species
- Non-listed species
- Not a tool for reintroducing species

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Benefits of HCPs:

- Provide a forum for long-term, regional planning – cost savings if combined with other planning efforts
- Reduce conflicts between endangered species and economic activities
- Allow non-Federal projects that impact listed species to proceed

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Benefits of HCPs (continued):

- Provide regulatory certainty (“no surprises”) and streamlining – enhances consistency, saves time
- Develop creative partnerships between the public and private sectors
- Provide for the conservation of species and their habitats, which enhances quality of life for residents – economic benefits

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Benefits of HCPs (continued):

- Different approaches for different applicant circumstances – land conservation, fees for conservation fund, regulatory tools, etc.

Habitat Conservation Plans

The "No Surprises" rule:

Additional conservation and mitigation measures will not involve the landowner committing any additional land, water, or financial compensation, or additional restrictions on the use of his/her land, water, or other natural resources, other than those agreed to in the HCP

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HCPs completed in Arizona:

• El Coronado Ranch	(1998)	Yaqui fish
• Lazy K Bar Ranch	(1998)	pygmy-owl
• SRP Roosevelt Dam	(2003)	flycatcher, cuckoo, bald eagle, YCR
• Sky Ranch	(2004)	pygmy-owl
• Lower Colorado River	(2005)	multi-spp
• Malpai Borderlands Group	(2008)	multi-spp
• Horseshoe-Bartlett	(2008)	multi-spp

Habitat Conservation Plans

HCPs in Progress in Arizona:

- Town of Marana multi-spp
- Pima County multi-spp
- City of Tucson multi-spp