



*"Out of intense complexities
intense simplicities emerge."*
– Winston Churchill

SERVICES

Environmental Project
Delivery

Ecosystem Analysis,
Mitigation, & Restoration

Regulatory Strategy,
Compliance, & Permitting

Adaptive Management in Habitat Conservation Plan EISs

Challenges and Strategies

07/29/2014

Presentation Overview

- What is an Habitat Conservation Plan?
 - Types
 - Requirements
- Uncertainties/Risks/Challenges
- Strategies
- Continuing issues for Adaptive Management
- Implications to HCP NEPA Analysis

What is an HCP?

- ESA Section 10 Stop Gap measure
- Available to non-federal landowners
- Mitigation Plan for an Incidental Take Permit
- Addresses “covered” activities and species
- Minimizes and mitigates for impacts to covered species by covered activities
- Only to the *maximum extent practicable*

Types of HCPs

- Programmatic vs project-specific
- Single species vs multi-species
- Single activity vs multiple activities
- Short-term vs long-term
- Small-scale vs large-scale
- Contiguous vs fragmented ownership
- Public vs private lands

ITP Issuance Criteria

1. The taking will be incidental.
2. The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking.
3. The applicant will ensure that adequate funding for the HCP and procedures to deal with unforeseen circumstances will be provided.
4. The taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild.

Uncertainties/Risks/Challenges

- Risk of species jeopardy from failed assumptions
- Intolerable delays to business from indecision
- Prohibitive costs or restrictions on business
- Greater risk necessitates more robust AM&M
- Lack of guaranteed funding for AM&M

Strategies

- Limit HCP coverage
 - Number of species
 - Species with limited biological information
 - Duration of the HCP
- Worse-case scenario analysis
- “No surprises” policy
- Improved AM&M

Outstanding Issues

- AM&M in large, long-term HCPs is often just a placeholder
- Approved HCPs are used as models for others
- Landscape-scale HCPs are often “built on” for future plans.
- Timeframes for impacts of take may outpace identification of a problem and response
- Funding for AM&M is still not always guaranteed

Issues in AM&M in HCP NEPA

- Similar to other landscape-scale species conservation plans
- Commitment to AM&M is HCP built into the alternatives; however
 - AM&M is only for covered species.
 - AM&M may be only a commitment but no plan.
 - AM&M may have no guaranteed funding.