



**Developing Successful
HCPs and NCCPs**



HCP/NCCP



Habitat Conservation Plan and Natural Community Conservation Plan:

- Federal and State mechanism to resolve conflicts between threatened and endangered species and development
- Balance the needs of endangered or threatened species with the needs of non-federal landowners
- Plan to conserve species and habitats in exchange for permits to “take” threatened or endangered species

“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.”



NCCP Regulatory Requirements

- Conserve large habitat blocks, ecosystem function, and biodiversity
- Support sustainable populations of covered species
- Provide linkages among reserves and with outside areas
- Sustain movement of species among reserves
- Incorporate a range of environmental gradients and habitat diversity to support shifting species distributions



HCP/NCCP Process

Plan Development

- Scientific baseline data collection and analysis
- Stakeholder input
- Science Advisors
- Permit Issuance Criteria
- Mitigation: conservation and management



HCP/NCCP Process

- **Negotiation of terms**
- **Land Use and Property Rights considerations**
- **Funding – federal and State commitments (Section 6, WCB, etc)**
- **CEQA and NEPA review**



Challenges

- **Balancing private property rights with assurances needed for take coverage (Hard-line vs Soft-line Conservation)**
- **More flexibility in implementation typically requires more complexity in the implementation process**

Case Study: Western Riverside MSHCP

HCP/NCCP Process

Implementation

- Carrying Out Prescribed Mitigation Actions
- Collecting Funds
- Monitoring and Adaptive Management
- Reporting and Tracking Take Levels and Species Impacts



Implementation Issues

- **Individuals at the table negotiating the terms and provisions of the HCP are typically not the ones implementing the Plan**
- **Recollection of discussions and of the intent of the provisions is not consistent**
- **Permit conditions may be inconsistent with the Plan provisions**

Lessons Learned

- **Get everything in writing especially concerning individual projects.**
 - Verbal commitments or Initials on a map are not enough.
 - Try and define words like: approvals, consistency determinations, consultation, expedited etc.
- **Try and think through all possible scenarios of how the agreed upon processes could play out.**

Lessons Learned

- **Be specific about how future CEQA processes for future private and public projects can use/tier off the HCP EIR/EIS.**
 - **What analysis still has to be done such as habitat assessments?**
 - **What about surveys? If protocol surveys are no longer required then spell that out in the plan.**
 - **Have all impacts been mitigated to below level of significance - this is important to be able to use for projects using mitigated negative declarations?**

Lessons Learned

- **Make sure that you carefully review permit conditions and understand what they mean before accepting the permit**
- **Make sure the stated “assumptions” in the BO do not contradict or go beyond the analysis or assumptions of the Plan**
- **Be very clear about the responsibilities of the permittees especially if there is a JPA or other agency that has some HCP wide responsibility such as acquisition.**

Lessons Learned

- **Be careful with provisions for Conditional Coverage**
 - Data deficiencies may force the need for additional data collection (surveys, etc.)
 - Often requires additional conservation of unknown populations
 - Need to be clear on how these provisions will play out through implementation
 - Need to weigh the value of getting coverage for these species – especially if they are not listed

Lessons Learned

- **Wetlands and Section 7**
 - Special provisions for wetland habitats
 - Mirror other regulatory processes without creating duplicative requirements
 - Federal nexus through 404 or other federal permit will trigger Section 7 which may result in additional requirements

