Overview of HCP/NCCP Process

Santa Clara County Parks & Recreation Commission
April 5, 2006

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Santa Clara Valley Habitat Conservation Plan/
Natural Community Conservation Plan
Overview Outline

- What is an HCP and NCCP?
- Why are we preparing one?
- What the plan will and won’t do
- Benefits to County parks
- Process and Schedule
- Study Area and Covered Species
What is an HCP/NCCP?

- 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

<table>
<thead>
<tr>
<th>HCP</th>
<th>NCCP</th>
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<tbody>
<tr>
<td>Federal ESA</td>
<td>California ESA</td>
</tr>
<tr>
<td>Minimize/Mitigate</td>
<td>Provide for conservation</td>
</tr>
<tr>
<td>Listed/non-listed species</td>
<td>Listed/non-listed species</td>
</tr>
<tr>
<td>Scalable (small-large area)</td>
<td>Regional only</td>
</tr>
<tr>
<td>5 point Policy guidance</td>
<td>Independent science, public participation, monitoring &amp; adaptive management required</td>
</tr>
<tr>
<td>Incidental take permit for non federal action</td>
<td>Take authorization</td>
</tr>
<tr>
<td>“No surprises”</td>
<td>Statutory assurances</td>
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Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan
Why prepare an HCP/NCCP?

- Growing need for regional conservation as growth continues
- USFWS Sect. 7 Biological Opinion (2001) requires regional HCP as condition of approval for
  - Highway 101 widening (San Jose to Morgan Hill)
  - Bailey Avenue interchange
  - Highway 85/101 interchange
  - Coyote Valley Research Park
Santa Clara Valley HCP/NCCP Origins

- Original Local Partners bound by MOU (June 2004)
  - Santa Clara County
  - City of San Jose
  - Santa Clara Valley Water District
  - Santa Clara Valley Transportation Authority

- New Partners added in 2005
  - City of Gilroy
  - City of Morgan Hill

- NCCP Planning Agreement signed by all October 2005
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/NCCP 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?
Benefits to SCC Parks & Recreation

- More flexibility in siting trails and other facilities
- Streamlined permits for new construction and O&M
- More open space, as well as additional recreation opportunities in HCP/NCCP reserves
- Potential new funding source for species management and monitoring in County parks that support HCP/NCCP
- Possible funding for new County parks
The HCP/NCCP Process & Schedule

1. Establish Decision Making Structure (Done)
2. Develop Draft HCP/NCCP and EIR/EIS (2006-07)
4. Obtain Permits (2009)
5. HCP/NCCP Implementation (Post-permit)
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
Covered Species

Recommended 35 species be covered by Plan:
18 wildlife species

- Townsend’s big-eared bat
- Western pond turtle
- Steelhead trout
- San Joaquin kit fox
- California tiger salamander
- California red-legged frog
- Golden eagle
- Tricolored blackbird
- Western burrowing owl
- Steelhead trout
- Bay checkerspot butterfly
Covered Species

17 plant species

- Most beautiful jewelflower
- Santa Clara Valley dudleya
- Robust spineflower
- Fragrant fritillary
- Smooth lessingia
- Mt. Hamilton thistle
- Chaparral harebell
- Hall’s bush mallow
- Coyote ceanothus
- Robust spineflower

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Questions & Answers

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<table>
<thead>
<tr>
<th>Benefits</th>
<th>Concerns</th>
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<tr>
<td>Provides regulatory certainty and local control</td>
<td>Long, staff intensive HCP/NCCP process</td>
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<td>More open space and recreational opportunities</td>
<td>May restrict land management/limit land use</td>
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<tr>
<td>Creates large habitat preserves</td>
<td>Perception of more gov’t regulations</td>
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<td>Better conservation than project-by-project</td>
<td>Local agencies responsible for implementation</td>
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<td>Improved monitoring &amp; mitigation</td>
<td>Cost to develop and implement plan is high (new fees)</td>
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<tr>
<td>Streamlined approval process for public projects and O&amp;M activities</td>
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<tr>
<td>Interest Group</td>
<td>Benefit</td>
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<td>---------------------</td>
<td>-------------------------------------------------------------------------</td>
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<tr>
<td>Development</td>
<td>Certainty of process, reduced permit costs, faster approval</td>
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<tr>
<td>Landowner/Ag</td>
<td>Ag/ranchland preservation, new market for open space</td>
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<tr>
<td>Environmental</td>
<td>Large habitat preserves, controls urban sprawl, better than project-by-project</td>
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<tr>
<td>Local Agencies</td>
<td>Local control of ESA issues, streamline approval process for public projects and O&amp;M, watershed protection</td>
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<tr>
<td>General Public</td>
<td>More open space, more recreational opportunities</td>
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