Santa Clara Valley Habitat Conservation Plan/
Natural Community Conservation Plan

Overview of HCP/NCCP Process
Santa Clara County Planning Department
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Overview Outline

- What is an HCP and NCCP?
- Study Area
- Why are we preparing one?
- What the Plan will and won’t do
- Endangered Species Permit Process
- Benefits and Concerns
- Process and Schedule
- 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.”
<table>
<thead>
<tr>
<th><strong>Comparison of HCP &amp; NCCP</strong></th>
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<tr>
<td><strong>HCP</strong></td>
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<tr>
<td>Federal ESA</td>
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<tr>
<td>Minimize/Mitigate</td>
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<td>Listed/non-listed species</td>
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<td>Scalable (small-large area)</td>
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<td>Monitoring, adaptive management and public participation required</td>
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<td>Incidental take permit for non federal action</td>
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<td>“No surprises”</td>
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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
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?
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

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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.
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<tr>
<th>Interest group</th>
<th>Benefit</th>
<th>Concern</th>
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<tr>
<td>Development</td>
<td>Certainty of process, reduced permit costs, faster approval</td>
<td>May limit land use, new fees, long process</td>
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<td>Landowner/Ag</td>
<td>Ag/ranchland preservation, new market for open space</td>
<td>May restrict land management, perception of more govt regs</td>
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<td>Environmental</td>
<td>Large habitat preserves, controls urban sprawl, ongoing monitoring &amp; adaptive management</td>
<td>Facilitates development, may be net loss of habitat</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, new funding sources</td>
<td>Long, staff intensive process, responsible for implementing plan</td>
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<td>General Public</td>
<td>More open space, more recreational opportunities</td>
<td>Perception of new fee, high cost to develop and implement plan</td>
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Benefits to SC County Planning Dept

- Project proponents have streamlined permitting process
- Streamlined process for county projects – roads, maintenance, etc.
- Open space acquired will be in county jurisdiction
- Creates more recreational opportunities within the county
- Protect county’s viewshed
- Help implement County General Plan
- Local control over endangered species permit
- Protects the watershed
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)


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
- Tricolored blackbird
- Steelhead trout
- California tiger salamander
- Bay checkerspot butterfly
- Western burrowing owl
- California red-legged frog
17 plant species

Most beautiful jewelflower
Santa Clara Valley dudleya
Smooth lessingia
Fragrant fritillary
Coyote ceanothus
Mt. Hamilton thistle
Chaparral harebell

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Questions & Answers

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