Other Relevant Federal Laws

- Bald Eagle and Golden Eagle Protection Act
- Migratory Bird Treaty Act
- Clean Water Act Sections 401 and 404 (wetlands and water quality permitting)
- National Historic Preservation Act (addressed in EIS)

Section 2. The Santa Clara Valley HCP/NCCP
Context and Process
HCPs in the U.S. and CA

- As of January 3, 2006, in U.S.
  - 502 HCPs approved
  - 826 permits approved
  - 245 amendments approved
  - 33.6 million acres (= Georgia)

- In Process:
  - CA has most regional HCPs approved and in process
  - Sacramento field office is busiest in U.S.

- Data online: http://ecos.fws.gov/conserv_plans

Locations of Approved HCPs

Source: USFWS 1/3/06
Plan Origins

- 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

Plan Development

- 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 10/20/05
Project Consultants

1. Program Manager: Ken Schreiber
2. HCP/NCCP: Jones & Stokes
3. Stakeholder facilitation: MIG
4. Science Advisor facilitation: Kleinschmidt
5. Public outreach: Jones & Stokes
6. Economic Analysis: TBD
7. EIR/EIS: TBD
8. Implementing Agreement: TBD
Goals of Santa Clara Valley HCP/NCCP

Source: Planning Agreement

- Allow appropriate compatible growth and development;
- Provide permits and authorizations to allow take of listed species;
- Provide take authorization for covered species that are not currently listed but that may be listed in the future;

Goals of Santa Clara Valley HCP/NCCP (Cont.)

- Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements of FESA, CEQA, NEPA, NCCPA
- Ensure that public and private actions will be governed equally and consistently, reducing delays, expenses and regulatory duplication;
- Provide a less costly, more efficient project review process which results in greater conservation values than the current project-by-project, species-by-species review and regulatory regime; and
- Provide take authority for covered activities related to the need for uninterrupted water supply, flood protection and watershed activities to the extent consistent with applicable laws.
The HCP/NCCP Process

1. Establish Decision-Making Structure (done)
2. Develop Draft HCP/NCCP and EIR/EIS
3. Public Draft HCP/NCCP, EIR/EIS, Permit Application
4. Obtain Permits
5. HCP/NCCP Implementation (Post-Permit)