

# Southern Edwards Plateau Regional HCP



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# Endangered Species Act

Enacted in 1973

## Findings , Purpose and Policy (Section 2)

- Determined that these species are valuable to the Nation (aesthetic, ecological, educational, historical, recreational, and scientific)
- Charge: To develop a conservation strategy to include States and other interested parties with the goal being to conserve ecosystems upon which threatened and endangered species depend
- Water resource issues must also be resolved in conjunction with species conservation



# Section 10

## Habitat Conservation Plans (HCPs)

- Endangered Species Act Section 10(a)(1)(B)
- For private landowners, corporations, Tribal governments, State and local governments, and other non-Federal landowners
- To permit non-Federal projects that will result in “incidental take” of listed species
- To reduce conflicts between endangered species and economic activities



# Listing Criteria – Five Factors

- A. Destruction, modification or curtailment of the species range or habitat
- B. Over-utilization for commercial, recreational, scientific, or educational purposes
- C. Disease or predation
- D. Inadequacy of existing regulatory mechanisms
- E. Other factors affecting the continued existence of the species



# Recovery

**Goal** - Maintain or restore self-sustaining wild populations

Stop or reverse declines

- Neutralize or remove threats
- Meet recovery objectives



Recovery is an improvement in the status of a listed species to the point at which listing is no longer appropriate.



# Section 6

## Cooperative Endangered Species Conservation Fund

- Recognizes the role of States in management of fish, wildlife, and plants
- Provides for coordination between the Service and States
  - Management agreements
  - Cooperative agreements
  - Allocation of Service funds to States
- All projects include at least 25% non-Federal match



# Southern Edwards Plateau Regional HCP

- What are we trying to accomplish?
- Why is this important?
- What is your role?
- What is the Service's role?
- What are the Service's expectations?
- Communication is the key to success



# QUESTIONS



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# SOUTHERN EDWARDS PLATEAU HABITAT CONSERVATION PLAN

*PRESENTATION TO THE*  
CITIZENS ADVISORY COMMITTEE

*JANUARY 19, 2010*



LOOMIS

PARTNERS

# Background for SEP-HCP

- Endangered Species Act of 1973 (as amended)
  - ESA protects species that have been listed as “threatened” or “endangered”
    - 15 species are currently listed as endangered in Bexar County
  - ESA prohibits “take” of listed species (including direct and indirect taking)



# Background for SEP-HCP

- “Take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct.
- “Harm” means “an act which actually kills or injures fish or wildlife. Such an act may include significant habitat modification . . . which actually kills or injures . . . wildlife by significantly impairing essential behavioral patterns . . .”



# Background for SEP-HCP

- Section 10(a) of the ESA allows non-federal entities to obtain an “Incidental Take Permit”
  - The taking will be incidental to an otherwise lawful activity (i.e., the purpose of the activity can not be to take the species).
  - Applicant formulates a habitat conservation plan (HCP) that will, to the maximum extent practicable, minimize and mitigate the impacts of such taking.
  - Applicant will ensure adequate funding exists to implement the conservation program.
  - The proposed taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild.
  - Applicant will meet other measures that the USFWS may require as being necessary or appropriate for the purposes of the plan.



# Background for SEP-HCP

- Habitat Conservation Plans
  - Describe the impacts that will likely result from the taking.
  - Identify the steps applicant will take to minimize and mitigate such impacts, and the funding that will be available to implement such steps.
  - Describe alternative actions to the proposed taking and the reasons why such alternatives are not being utilized.
  - Identify the biological goals and objectives of the conservation plan.
  - A monitoring program to measure and assess the effectiveness of the conservation program and document compliance with the conditions of the permit.
  - An adaptive management strategy to address uncertainties and changes over time.



# Background for SEP-HCP

- Texas Parks and Wildlife Code, Chapter 83
  - Regulates development of HCPs by local governments
  - Includes both substantive and procedural requirements
    - Requires input from CAC and BAT
    - Time limits on preserve acquisitions
    - Prevents discrimination of other local government services for endangered species issues
    - Requires that any required mitigation be based on the amount of harm to the endangered species (can also be partially based on recovery plans)



# Background for SEP-HCP

- National Environmental Policy Act (NEPA)
  - Issuance of a permit by USFWS is a federal action subject to NEPA
  - Requires analysis of impacts of an action (issuance of permit and implementation of SEP-HCP) on the human environment
  - Environmental Impact Statement (EIS)
    - Describes the affected environment
    - Identifies and describes alternative actions, including “No Action”
    - Assesses the direct, indirect, and cumulative impacts of the proposed action and the alternatives on a broad range of resources
  - NEPA compliance is a federal requirement, but applicants typically prepare a preliminary draft of the NEPA document on behalf of the agency.



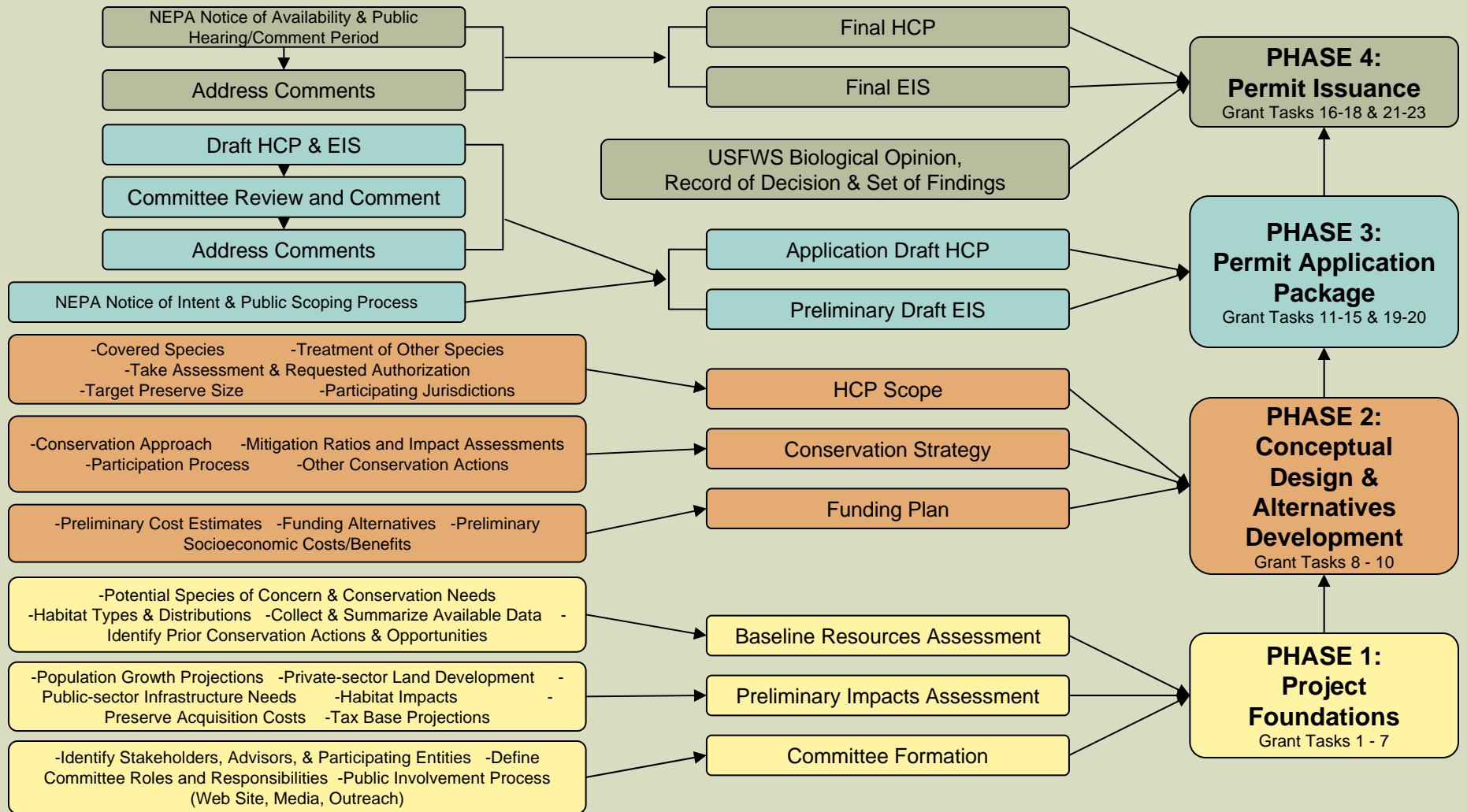
# Background for SEP-HCP

- NEPA Process
  - Scoping
    - Formal opportunity for public to provide input on the range of issues to address in the EIS. Includes a 30-day comment period and a public meeting.
  - Preliminary Draft EIS will be part of the permit application package submitted to USFWS.
  - Public Comment / Public Hearing
    - Second formal opportunity for public to provide input on the draft HCP and the draft EIS after the application has been submitted to the USFWS.
    - Includes a 90-day comment period and a public hearing. (Public hearing also required under TPW Code Chapter 83.)
  - Final HCP and Final EIS
    - Draft documents are revised to address comments and finalized.
  - USFWS issues a Record of Decision on the environmental impacts of the proposed action.

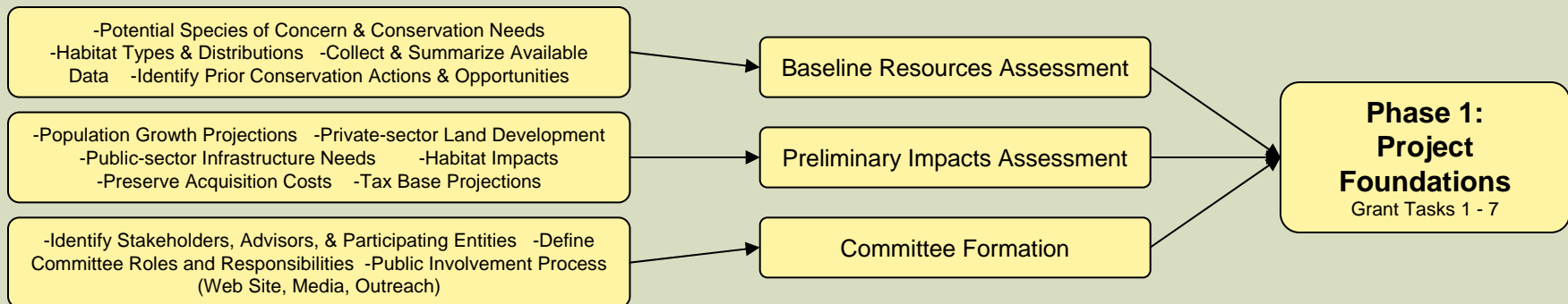




# SEP-HCP Work Plan



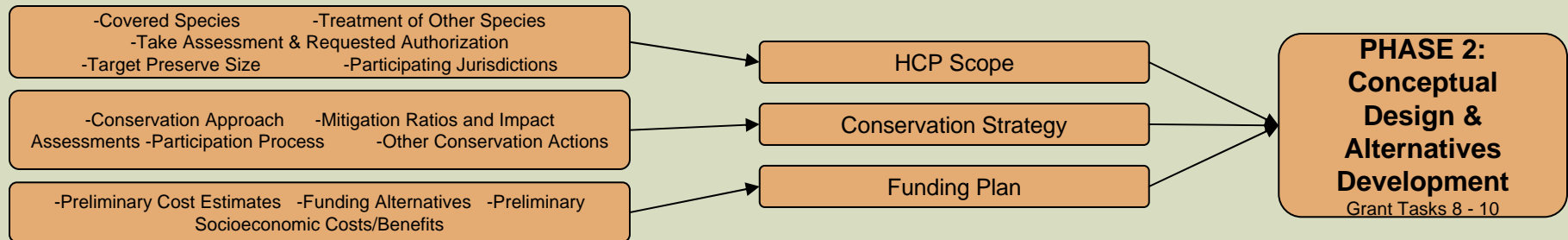
# Phase 1: Project Foundations



- Develop the baseline review of the status and condition of species and habitats; population and land development trends; and conservation threats and opportunities.
- Determine scale of potential impacts.
- Identify and contact important stakeholders, and form the SEP-HCP committees.
- Establish processes for work flow, documentation, and communications.



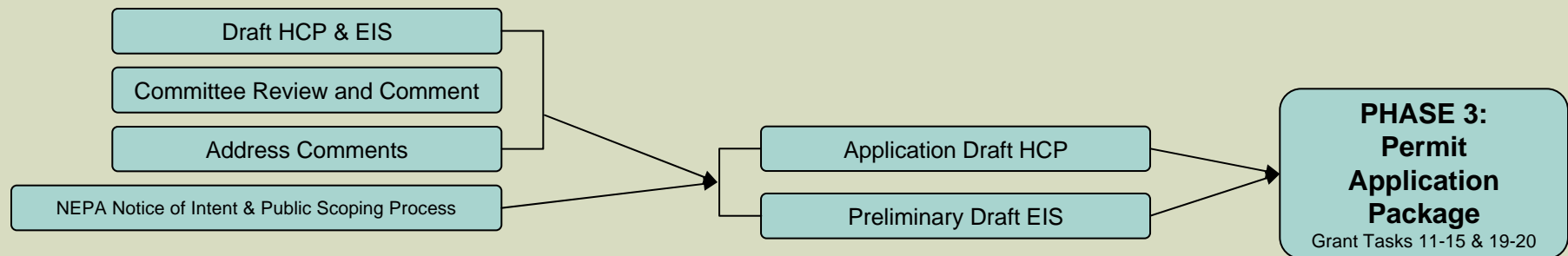
## Phase 2: Conceptual Design & Alternatives



- Develop conceptual alternatives for the scope, conservation strategy, and plan funding.
- Achieve committee consensus on a preferred conceptual plan.



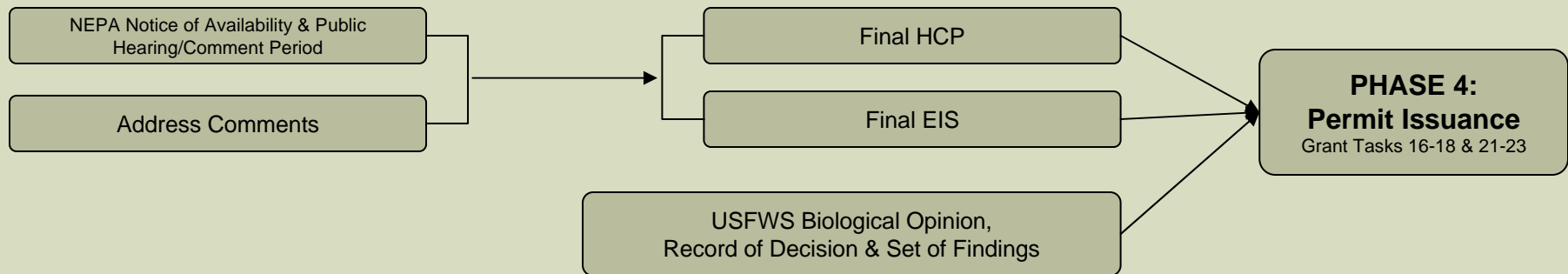
# Phase 3: Permit Application



- Prepare the application draft HCP.
- Conduct NEPA scoping and prepare preliminary draft EIS.



# Phase 4: Permit Issuance



- Assist the USFWS with various documents and processes, including Federal Register notices, organizing NEPA public hearings, TPW code hearing, addressing comments.
- Finalize the HCP and EIS.



# Major Milestones

		<b>PERMIT ISSUANCE: SEPT 2012</b>	
<b>MAJOR MILESTONE: Complete Phase 4 Permit Issuance</b>	Address public comments on draft HCP and draft EIS. Finalize HCP and assist USFWS with finalization of EIS and other permitting documents, as appropriate. Permit issued.	5 mos.	APR 2012
	Local USFWS office review and comment. NEPA Notice of Availability, public hearing, and 60 to 90-day comment period on draft HCP and draft EIS.	7 mos.	<b>SEPT 2011</b>
<b>MAJOR MILESTONE: Complete Phase 3 Permit Application Package</b>	Prepare Final Application Draft of HCP (incorporating comments from the first draft) and a complete draft of the PDEIS for approval by committees and Client. Submit draft HCP and PDEIS to USFWS as part of application for ESA Section 10(a) permit.	5 mos.	APR 2011
	Prepare First Draft of HCP and Alternatives Considered/Affected Resources sections of the PDEIS. Present to committees for review and comment. Collect and address comments. Conduct NEPA scoping process, including Notice of Intent, public scoping meeting, and 30-day comment period.	7 mos.	<b>SEPT 2010</b>
<b>MAJOR MILESTONE: Complete Phase 2 Conceptual Design and Alternatives</b>	Present conceptual alternatives to committees and identify consensus opinion regarding the preferred alternative for HCP. Preferred alternative scope, strategy, and funding mechanism form the framework of a Preliminary Draft HCP.	2 mos.	JULY 2010
	Develop conceptual alternatives for HCP scope, conservation strategy, and funding plan.	2 mos.	<b>MAY 2010</b>
<b>MAJOR MILESTONE: Complete Phase 1 Project Foundations</b>	Complete interim deliverables for Baseline Resources Assessment and Preliminary Impacts Assessment. Present assessments to committees and discuss early ideas and concerns.	2 mos.	MAR 2010
	Initial briefings of committee members on overall ESA process and HCPs. Begin technical documents for species, habitats, population, and land development. Identify major framing issues and preferred alternatives for critical path decisions.	2 mos.	JAN 2009
	Complete contracting arrangements. Preliminary project planning and scoping. Establish processes for communications and work flow. Early coordination with potential stakeholders and agencies. Establish process for committee involvement. Identify, contact, and appoint committee members.	2 mos.	<b>NOV 2009</b>



# Major Framing Issues

- Major framing issues form the “backbone” of the conservation plan and set the general direction for plan development.
  - Overall Goals and Objectives
  - Plan Area
  - Covered Species
  - Covered Activities
- Regulations provide little specific guidance for the overall shape of the conservation plan.
- Committees will evaluate alternatives for each of these issues and provide recommendations for a preferred alternative.



# General Considerations

- Overall Goals and Objectives
  - A primary topic for the CAC to consider.
  - Identifies the community’s “vision” for the conservation plan.
  - May include goals and objectives for both community and species benefits.
  - Overall scope and scale of the conservation plan should balance species needs, community interests, legal limitations, and the available resources for implementation.

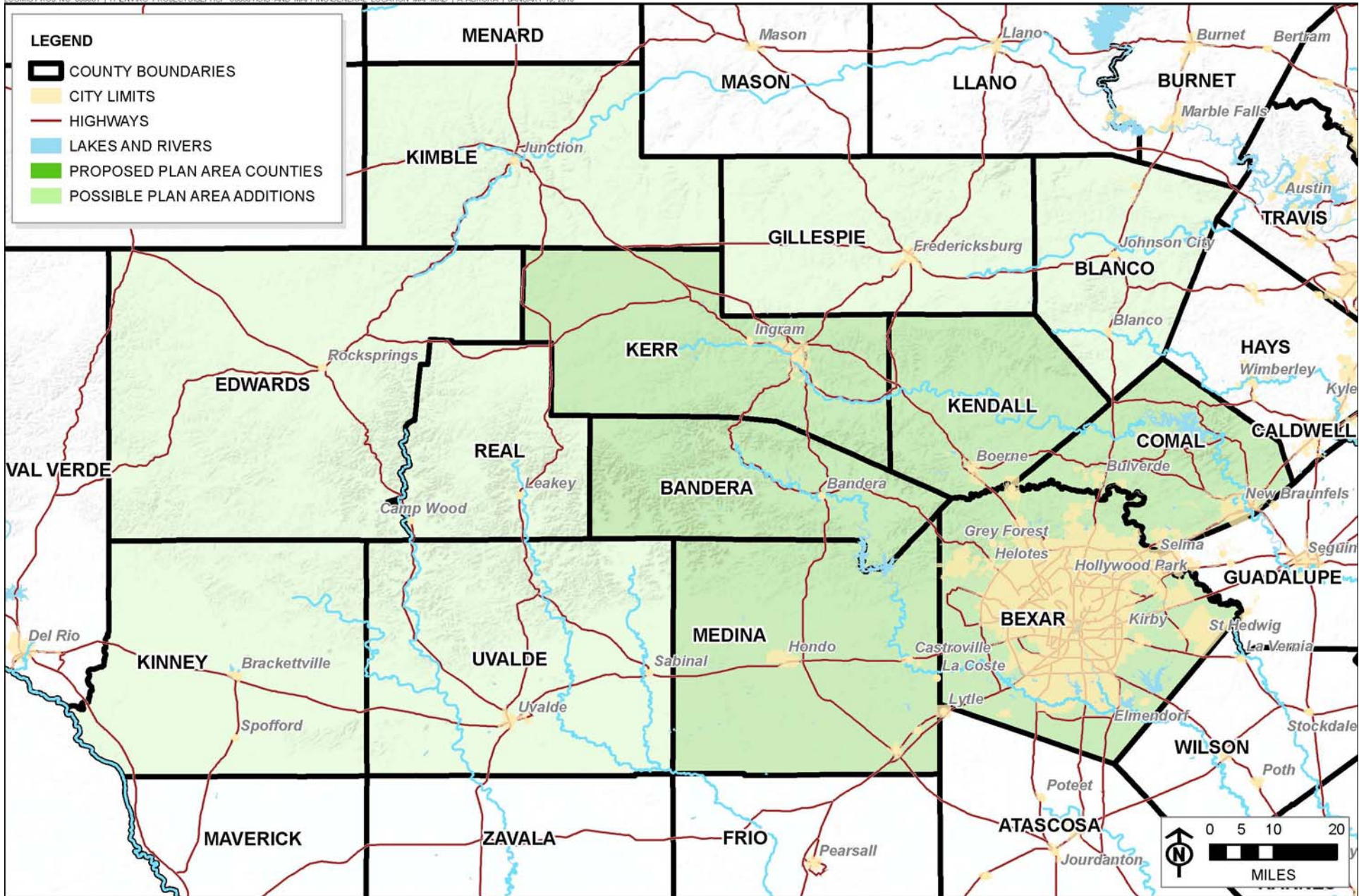




# General Considerations

- Plan Area
  - A critical path decision for beginning substantive work on assessing baseline conditions.
  - Grant award anticipated a multi-county, regional plan.
  - Decision should consider both biological and practical factors, as well as interactions with other regional plans.

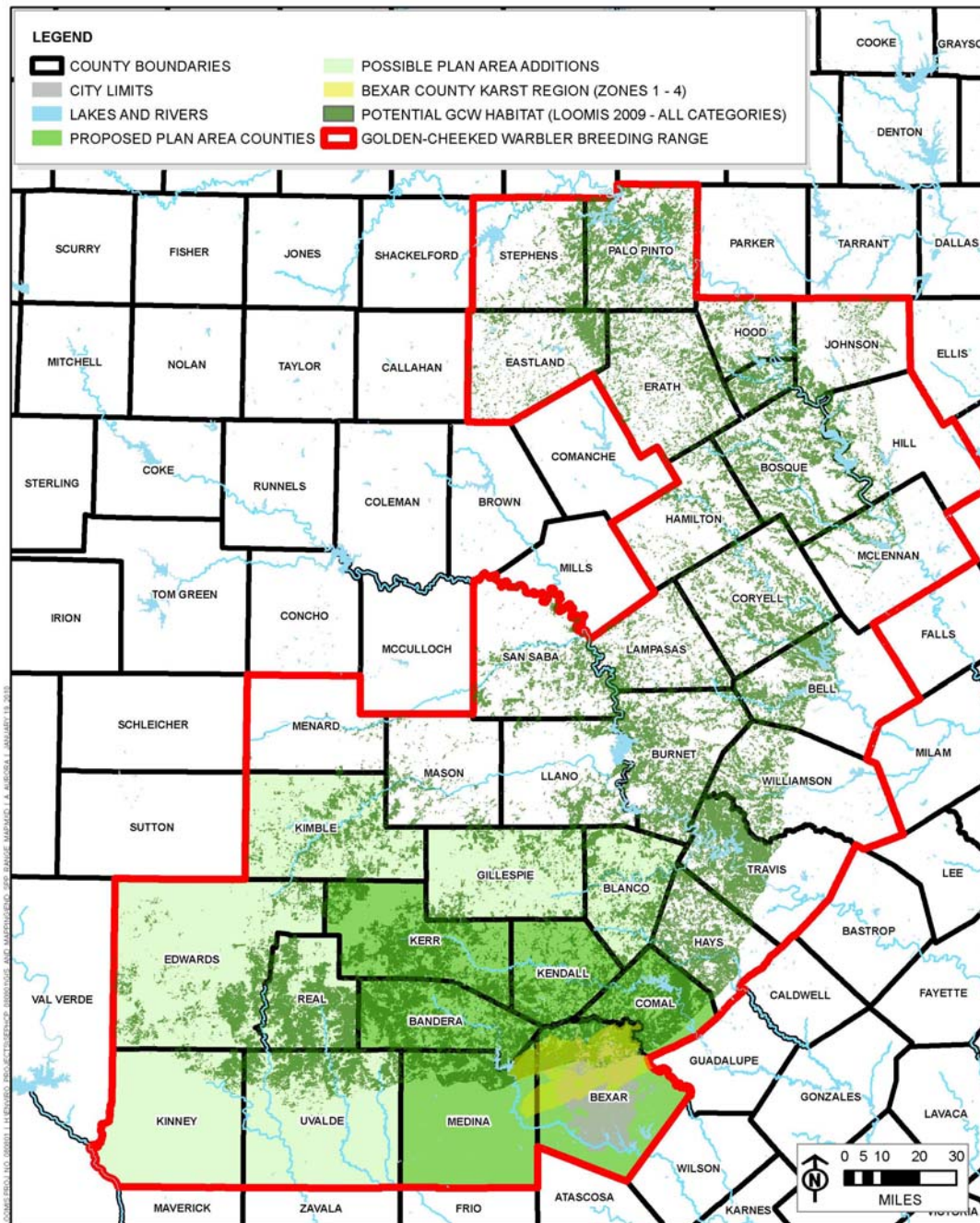




# General Considerations

- Covered Species
  - The list of species for which incidental take coverage will be sought.
  - Number of species covered is the factor that most affects the complexity of the conservation plan.
  - Can cover listed and unlisted species, but:
    - Must have sufficient species information to perform a take and impacts analysis and design effective conservation measures
    - Conservation measures must be practicable to implement.
    - Incidental take must not cause jeopardy of the species.





# General Considerations

- Covered Activities
  - The activities that cause incidental take to be covered by the permit.
  - Can cover all types of land uses that cause incidental take, or limit the plan to only certain types of activities.

