

The National HCP Coalition Mission

Further the use, effectiveness of and support for large scale Habitat Conservation Plans (HCPs) as local solutions to facilitate economic development and the conservation of threatened and endangered species and their habitats.

What is a Habitat Conservation Plan?

A habitat conservation plan (HCP) is a planning document that is recognized by the U.S. Fish and Wildlife Service (FWS) as part of the enforcement of the Endangered Species Act and is a recommendation in the application to obtain an incidental take permit (ITP). The HCP identifies certain conservation measures developed and agreed on by local stakeholders to protect threatened and endangered species and their habitats.

What is an Incidental Take Permit?

An Incidental Take Permit (ITP) is a permit issued by the FWS, under the Endangered Species Act (ESA), authorizing permittees the incidental “take” of a covered species during the implementation of development and habitat conservation activities. “Take” as defined by the ESA, means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct”.

What are the covered activities under the ITP?

Covered Activities are those projects and actions conducted by the permittee that may result in take of Covered Species. An ITP permits take, under the ESA, from these actions and will require avoidance, minimization, and mitigation measures to fully offset the impact of the take to Covered Species



What is an endangered species?

An endangered species is an organism that is considered to be at risk of extinction. A species can be listed as endangered or threatened by the FWS or the National Marine Fisheries Service (NMFS) through the candidate assessment program or by a petition request for the FWS or NMFS to list a species. A species may be listed if it is threatened or endangered due to: 1) present or threatened destruction, modification, or curtailment of its habitat or range; 2) over-utilization of the species for commercial, recreational, scientific, or educational purposes; 3) disease or predation; 4) inadequacy of existing regulatory mechanisms; and/or 5) other natural or manmade factors affecting its continued existence. The Endangered Species Act of 1973 was established to protect those species listed as endangered or threatened and their designated critical habitat.

What is the benefit of an ITP?

An ITP grants landowners, developers, and municipalities authorization to proceed with an activity that would otherwise result in illegal take of a federally listed species. By utilizing a HCP, public and private agencies can facilitate development in environmentally sensitive areas and keep the health and protection of the environment a top priority.



What is the science that supports the implementation of the HCP?

The implementation of a HCP is supported by scientific research and analysis. Programs such as environmental modeling and applied research evaluate the impact and effectiveness of the conservation measures implemented in the HCP and provide scientific guidance in the adaptive management processes.

What is a CCA and a CCAA?

The FWS defines Candidate Conservation Agreements (CCAs) as “voluntary conservation agreements between the FWS and one or more public or private parties.

The Service works with its partners to identify threats to candidate species, plan the measures needed to address the threats and conserve these species, identify willing landowners, develop agreements, and design and implement conservation measures and monitor their effectiveness.” Additionally, Candidate Conservation Agreements with Assurances (CCAAs) “expand on the success of traditional CCAs by providing non-federal land-owners with additional incentives for engaging in voluntary proactive conservation through assurances that limit future conservation obligations.”

What is NEPA and the role of NEPA in a HCP?

The National Environmental Policy Act (NEPA) is a law that requires environmental assessments and/or environmental impact statements of proposed actions prior to decision making. Using the NEPA process, agencies evaluate the environment and related social and economic effects of their proposed actions. Under NEPA, the FWS may be required to prepare an Environmental Impact Statement (EIS) as part of the evaluation of a proposed HCP.

What is a Biological Opinion and its role in a HCP?

Prior to issuance of an ITP, the FWS submits a Biological Opinion of the actions described in a proposed HCP. Consultation includes analysis of indirect effects, effects on federally listed plants, and effects on Critical Habitat. A Biological Opinion is generally produced near the end of the ESA permitting

process to document conclusions regarding the likelihood of jeopardizing the continued existence of, or destroying or adversely modifying designated Critical Habitat for, any listed species.

Endangered Species Act: Plants vs. Animals

Under the ESA there are no Federal prohibitions for the take of listed plant species on non-federal lands, unless taking of those plants is in violation of state law. In contrast, prohibitions on the take of listed animal species is applicable to both non-Federal and Federal lands. Prior to the issuance of an ITP, the FWS reviews the HCP to ensure that conservation methods do not jeopardize any threatened or endangered species, including plants.

What are “no surprises” and “unforeseen circumstances”?

According to the FWS, “No Surprises” assurances are provided by the government through the HCP process to non-Federal landowners. Essentially private landowners are assured that if “unforeseen circumstances” arise, the FWS will not require the commitment of additional land, water or financial compensation or additional restrictions on the use of land, water, or other natural resources beyond the level otherwise agreed to in the HCP without the consent of the permittee. The government will honor these assurances as long as a permittee is implementing the terms and conditions of the HCP, permit, and other associated documents in good faith.”