

Frequently Asked Questions about the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP)

What is the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP)?

The Santa Clara Valley HCP/NCCP will identify and preserve land that provides important habitat for endangered and threatened species. The land preservation is both to mitigate for the environmental impacts of planned development and public infrastructure operations and maintenance activities and to enhance the long term viability of endangered species.

In many areas of California, development of land for roads, housing and other needs adversely affects wildlife and fish protected by the federal Endangered Species Act (ESA) and the State Endangered Species Act (CESA). An HCP/NCCP looks at habitat resources on a large area basis and identifies conservation and mitigation measures to protect listed species while allowing for orderly development and public agency activities.

A Habitat Conservation Plan (HCP) is a document consistent with the federal Endangered Species Act (ESA) that allows local agencies to approve projects in endangered species' habitats in exchange for identifying mitigation strategies based on a coordinated regional plan for conserving natural communities and endangered species.

A Natural Community Conservation Plan (NCCP) is the state counterpart to the federal HCP and provides a means of complying with the California Endangered Species Act. The NCCP goes farther than the HCP in that it has to address mitigation of development impacts and actions necessary to promote the long-term restoration of species. Thus the State requirements go above and beyond the federal mitigation requirements. The Santa Clara Valley Local Partners are preparing a joint HCP/NCCP since the requirements of both documents are similar and the Partners desire coverage of state-listed species as well.

Once the plan is approved, resource agencies responsible for permitting land disturbing activities (including the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service) will issue permits to local agencies to allow limited impacts to endangered species. Local agencies will then administer the endangered species permits for specific projects rather than having permits issued by a State and/or federal agency.

Who are the Local Partners and why are they doing the HCP/NCCP?

An HCP/NCCP was required in the early 2000s as part of State and federal approval of several local transportation projects (U.S. 101 widening from San Jose to Morgan Hill, the U.S. 101/Bailey Avenue Interchange, Highway 85/U.S. 101 Interchange, and the Coyote Valley Research Park). Four local agencies (i.e., the Local Partners) joined together to develop the HCP/NCCP. The original Local Partners (City of San Jose, County of Santa Clara, Santa Clara Valley Water District and Valley Transportation Authority) were joined in 2005 by the Cities of Gilroy and Morgan Hill.

Habitat conservation plans are a relatively new tool for the protection of endangered species and represent an important integration of land-use planning and habitat conservation. The Santa Clara Valley HCP/NCCP is being prepared to offer a more efficient process for protecting the environment and processing applications for local projects that may affect endangered species. Under our current system, local governments must evaluate projects individually in consultation with a variety of federal and state regulators to mitigate for habitat loss — a lengthy process that can cost both parties considerable time and money. The current system also does less to

protect wildlife because project specific mitigation measures result in land being set aside on a piecemeal basis, resulting in fragmented habitats that are less ecologically viable and also more difficult to manage.

What is the process for permission to develop in sensitive habitat areas?

Private landowners, corporations, state or local governments, or other non-federal entities who wish to conduct activities on land that might harm or "take" wildlife that are listed as endangered or threatened must first obtain a permit from one or more Wildlife Agencies (the California Department of Fish and Game, U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service). The Santa Clara Valley habitat plan will ensure there is adequate mitigation for the effects of authorized incidental take while providing State and federal endangered species permit applicants' long-term assurances of regulatory compliance with State and/or federal requirements. State and federal approval of the HCP/NCCP will result in transferring issuance of project specific permits for impacts on endangered and threatened species to the local agencies.

What is the Santa Clara Valley HCP/NCCP process and schedule?

The Santa Clara Valley HCP/NCCP began in 2005 and is expected to be complete by 2009. The current timeline anticipates completion of the draft conservation strategies in 2007, completion of the draft HCP/NCCP by 2008 and the final HCP/NCCP by 2009.

What are the boundaries of the Santa Clara Valley HCP/NCCP?

The SCV HCP/NCCP covers approximately 520,000 acres, primarily within south Santa Clara County. The HCP/NCCP study area covers land from the Santa Clara/Alameda County border south to Santa Clara County's boundary with San Benito County, and from the western edge of San Jose east to the County boundary.

How will the impacts of the plan be analyzed? What level of environmental review is required related to the development of a Habitat Conservation Plan/Natural Community Conservation Plan?

The California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) requires an evaluation of a habitat plan's impacts on the human environment. In the case of the Santa Clara Valley HCP/NCCP, an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) will be prepared identifying and evaluating the plan's affect on the environment as a whole (such as impacts on the local economy, impacts from the loss of open space, etc.) in addition to the impact on the species listed in the permit.

Will the Habitat Conservation Plan/Natural Community Conservation Plan authorize new development? What will be the benefit of the HCP/NCCP to landowners?

The HCP/NCCP will not approve any development or other projects. The HCP/NCCP will establish environmental safeguards should a local government choose to approve a particular project. Local governments will retain authority to approve or disapprove proposed development projects. For landowners wishing to develop a parcel of land, the HCP/NCCP will streamline the permitting process by pre-identifying mitigation obligations. In this manner, the HCP/NCCP will allow landowners seeking permits to pursue their projects with increased certainty of project timelines and associated costs.

What land-disturbing activities will be covered by the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan?

The Santa Clara Valley HCP/NCCP will specifically state what land-disturbing activities will be covered by the State and federal permits issued in conjunction with the Plan. These activities are expected to include urban and rural development activities consistent with current city and County land use plans; maintenance and development of public infrastructure (water, transportation, etc.), activities within streams and management and monitoring activities within preserve lands.

Will I be affected if a preserve is developed next door to my property?

The HCP/NCCP will include a “neighboring landowner protection” provision whereby properties adjacent to preserves developed as a result of the HCP/NCCP will be allowed to continue their activities without being impacted by an adjacent preserve of habitat area. This has been done successfully in several HCP/NCCPs.

Once approved, how long will the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan be in effect? How will the success of the HCP/NCCP be monitored throughout plan implementation?

The duration of the Plan is proposed by staff from the Local Partners to be 50 years. A final decision on the permit term will be made when the State and federal permit applications are filed in 2008.

Implementation of the Santa Clara Valley HCP/NCCP will be adaptively managed. Adaptive management is a type of natural resource management where the results of actions are monitored to provide ongoing information to determine whether a specific course of action should be altered or refined. Incorporating new scientific findings into the HCP/NCCP is one way the plan will be adaptively managed.

How will stakeholders and the interested public be afforded opportunities to participate in HCP/NCCP process?

Throughout the HCP/NCCP process, the following will be provided to interested parties:

- Timely information about the HCP/NCCP process, schedule and opportunities for public input
- Opportunities for interested parties to provide input at key milestones in the development process
- Informational updates after key decisions are made

This exchange of information will be provided by the following outreach activities:

- Open meetings with key stakeholders throughout the plan-development process
- Public updates when draft documents are available for review and comment
- Public open houses, fact sheets and news releases
- Regular updates to the project Web site

How can stakeholders contribute to and evaluate the Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) and planning process?

In reviewing the adequacy of the HCP/NCCP and planning process, stakeholders should consider the following questions and provide written comment:

- What geographic area, species, habitat types and activities are covered by the plan?
- How long will the plan last?
- What are the scientific assumptions of the plan?
- What alternatives are considered and what impacts are analyzed?
- What will the plan do for listed and unlisted species?
- Does the plan comply with, or require changes to, other applicable laws?
- What provision is made for funding the plan?
- How will implementation of the plan be managed and monitored?

How is development of the HCP/NCCP being funded and will public financing be required to implement the Santa Clara Valley HCP/NCCP?

The costs for developing the HCP/NCCP are being funded by the Local Partners including the County of Santa Clara; the cities of San Jose, Gilroy and Morgan Hill; the Santa Clara Valley Water District, and the Santa Clara Valley Transportation Authority and by the federal Fish and Wildlife Service through habitat planning grants. Implementation of the HCP/NCCP will be partially funded by the Local Partners and private sector interests who need to obtain Endangered Species Act coverage for their projects. It is anticipated that both development-related fees and more broadly based revenue sources will be part of the funding plan. State and federal grants to implement parts of the HCP/NCCP are also anticipated.