



# Addendum to the HCP Handbook

## *Questions and Answers*

### **What is the addendum to the HCP Handbook?**

The Fish and Wildlife Service and National Marine Fisheries Service have finalized an addendum to the *Handbook for Habitat Conservation Planning and Incidental Take Permitting Process*. This addendum, also known as the “5-point policy,” provides additional guidance on HCPs. Some of this guidance is derived from approaches we currently apply to the HCP process. In particular, we will use this guidance (1) to establish biological goals for HCPs, (2) to clarify and expand the use of adaptive management, (3) to clarify the use of monitoring, (4) to provide criteria to be considered by the Services in determining incidental take permit duration, and (5) to expand the use of public participation.

### **Why was the addendum developed?**

The Habitat Conservation Planning process was designed to provide the Services flexibility in resolving conflicts between economic development and species conservation. The Services continue to learn as we implement the HCP program, resulting in better HCPs and species conservation. In response to comments received from the public through a variety of circumstances (workshops, meetings, training sessions, scientific studies, participation in the development and implementation of HCPs, and during comment periods on various ESA regulations and policies) as well as deliberations within the Services, on March 9, 1999, we provided the draft 5-point policy initiative for public review and comment.

### **How will identifying biological goals and objectives affect the HCP development process?**

A concern frequently expressed by applicants is that there is little guidance to assist them in determining what actions should be taken to provide the necessary species conservation. Developing biological goals and objectives for HCPs will help to provide applicants with a clear concept of what an operating conservation program is trying to accomplish.



*The Wisconsin Statewide HCP contains an adaptive management strategy for the conservation of the endangered Karner blue butterfly. Photo by Joel Trick.*

This will not only assist applicants by providing information regarding species conservation needs, but also in understanding why these actions are necessary.

### **How will the development of biological goals and objectives affect species conservation?**

Developing biological goals and objectives for individual HCPs, will help to focus the conservation programs of HCPs on cumulatively achieving landscape-level conservation. Applicants will better be able to tailor their conservation programs to take advantage of the activities of other programs, such as recovery activities and on-going research. This should increase the effectiveness of individual HCPs' operating conservation program by ensuring that conservation activities are implemented in a more coordinated manner.

### **How will biological goals and objectives be developed?**

How the Services and applicants will develop biological goals and objectives will be dependent on: the biology of the species; the threats to the species; the effect of the proposed activity; and the scope of the HCP. For example, a proposed action may increase a species' vulnerability to predation. A biological goal for an HCP developed for that proposed action would be to reduce the predation of the affected population. The mitigation or minimization measures would be designed to achieve that goal. Although a landowner may not be able to remove the threat of predation for the entire species, his/her HCP may contribute to that conservation need. Biological goals and objectives can be described in terms of habitat or the species.

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### **When is it appropriate to use adaptive management?**

Adaptive management is an essential component of HCPs that would otherwise pose a significant risk to the species due to significant data or information gaps. Note that this is not limited simply to biological information, but also can include uncertainty in the mitigation or management techniques, effects of the action, or any other information gap that poses a significant risk.

### **How can adaptive management assist the HCP development process?**

Rather than delay the process while sufficient information is gathered to predict the outcome accurately, the Services and applicants jointly develop the adaptive management strategy. Thus, all parties are assured of a suitable outcome. However, adaptive management should not replace crafting and implementing appropriate conservation measures up-front.

### **What incentives are there for HCP applicants to incorporate adaptive management into HCPs?**

Adaptive management allows for flexibility over time during the implementation of the HCP. Additionally, it provides applicants and the Services another conservation tool to use to improve HCPs, thereby increasing the applicant's ability to meet the criteria for obtaining an incidental take permit.

### **Do biological goals and adaptive management conflict with "No Surprises" assurances?**

No; the premise of adaptive management is that in the face of uncertainty, the applicant and the Services will jointly identify the range of possible outcomes and the appropriate changes in the HCP. The principle behind the "No Surprises" assurances is that the permittee will be provided with long-term predictability regarding the actions that will be needed to fulfill their permit responsibilities. By implementing adaptive management and identifying the range of potential actions that may be expected, the applicant is provided with the assurance that actions outside the scope of those agreed upon will not be required of them.

With or without adaptive management, as long as the permittee is properly implementing the HCP, intended to meet biological goals, no additional mitigation would be required. If there is significant uncertainty that the operating conservation program will meet the biological goals and objectives, then an adaptive management strategy would be devised up-front to increase the likelihood of meeting the biological goals and objectives.

### **How extensive does a monitoring program need to be?**

Monitoring is a mandatory element of all HCPs and is part of the permittee's implementation obligation. The scope of a monitoring plan is directly related to the significance of the biological impacts. For instance, an HCP that will impact a relatively small amount of habitat for a wide-ranging species may require no more monitoring than to ensure that any agreed upon habitat protection and/or restoration activities are successfully implemented. However, a regional HCP that affects a large amount of habitat or a significant portion of a species' range may require more extensive monitoring that examines the species' status (e.g., population levels, reproductive rates, etc.). Applicants should work with the Services to determine the level of monitoring appropriate for their specific HCP.

### **What factors should be included in a monitoring plan?**

The factors that should be monitored are dependent on information needed to determine compliance, the biological goals and objectives, and the needs of any adaptive management implemented as part of the HCP. For example, an HCP requiring habitat restoration should incorporate monitoring that sets and examines restoration success criteria; an HCP requiring the maintenance of a certain population level within the HCP area should incorporate population counts. If an adaptive management strategy is incorporated into the HCP, then the monitoring program must include the feedback loops of that strategy.

### **How do the Services determine the duration of the incidental take permit?**

Factors that the Services consider when determining permit duration include the duration of the applicant's proposed activities and the duration of expected positive or negative effects on the covered species. For instance, if the permittee's action or the effects to the species occur over a long period of time, such as timber harvest, the permit would need to encompass that time period.

The Services also will consider the extent of information underlying the HCP, the length of time necessary to implement and achieve the benefits of the operating conservation program, and the extent to which the program incorporates adaptive management strategies. Significant biological uncertainty may necessitate an adaptive management strategy. The gathering of new information through the monitoring program requires the appropriate period of time for interpretation of new information and

subsequent changes in management; this could necessitate a permit with a longer duration. However, if an adaptive management strategy that significantly reduces the risk of the HCP to that species cannot be devised and implemented, then a shorter duration may be appropriate.

### **How has the public comment period changed?**

The ESA requires that all HCPs have a minimum 30 day public comment period. Because of the concern that this does not provide enough time for members of the public to review and provide meaningful comments, the Services extended the minimum comment period for most HCPs to 60 days. Low effect HCPs and amendments will continue to have a 30-day comment period, while large HCPs will have a 90-day minimum comment period, unless there has been significant public involvement during development.

### **What other means of public participation exists in the HCP process?**

The Services are committed to providing opportunities for increased public involvement wherever possible. When practicable, the Services will seek to announce the availability of HCPs in local newspapers of general circulation and in electronic format. Additionally, we will provide assistance to the applicants in developing options for including the public in development of their HCPs, such as holding informational meetings and establishing steering committees.

### **What are the incentives to applicants to include the public in the development of their HCPs?**

Overall, up-front public involvement provides opportunities for education and input in the development of the HCP, leading to less controversy for the permittee and more partnerships in the implementation of the HCP. By informing and involving the public during HCP development, the applicant is more likely to receive educated and meaningful input during the public comment period, thereby improving their HCPs.

**For more information, visit the U. S. Fish and Wildlife Service HCP web site:**  
<http://endangered.fws.gov/hcp>

**U.S. Fish & Wildlife Service  
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