

2016 Joint U.S. Fish and Wildlife Service and National Marine Fisheries Service Habitat Conservation Planning Handbook Questions and Answers

How will the revised Joint U.S. Fish and Wildlife Service and National Marine Fisheries Service (Services) Habitat Conservation Planning Handbook (HCP Handbook) affect existing HCPs or those in development?

For existing plans, the revised Handbook should not have any impact provided that the incidental take permit is in compliance. For those HCPs under development, it will depend upon how close the HCP is to completion. Contact your local [Ecological Services Field Office](#) for additional guidance pertaining to your specific project.

On what date was the Final HCP Handbook made publically available?

It was made publically available in the Federal Register on December 21, 2016.

Is the HCP Handbook guidance or policy?

The HCP Handbook is guidance for Services staff, but it explains how to apply the policies and regulations that govern section 10(a)(1)(B) of the Endangered Species Act.

Will a similar HCP Handbook be developed for HCP applicants?

The HCP Handbook is designed to guide Services staff in our efforts to assist applicants with developing HCPs and processing incidental take permit applications. At this time, there are no plans to develop a separate handbook for applicants. While the HCP Handbook provides information that applications will find relevant, we recommend applicants contact their local [Ecological Services Field Office](#) to request technical assistance from HCP staff to assist with development of their HCP.

Will hard copies of the HCP Handbook be made available?

In our efforts to conserve natural resources and minimize costs, the HCP Handbook will not be formally printed or distributed. However, it can found online at https://www.fws.gov/endangered/what-we-do/hcp_handbook-chapters.html.

Is the 5-Point Policy still in effect?

The revised 2016 HCP Handbook supersedes the 5-Point Policy as it was fully incorporated into the HCP Handbook revision. The only exception is the public comment periods, which were aligned to be consistent with Council on Environmental Quality's (CEQ) National Environmental Policy (NEPA) Guidance.

How does the new HCP Handbook address low-effect HCPs?

To allow more projects to qualify, the low-effect screening form now allows for the consideration of minimization and mitigation measures in the significance analysis.

How do the U.S. Fish and Wildlife Service's Mitigation and Compensatory Mitigation Policies intersect with HCPs?

U.S. Fish and Wildlife Service staff will use the mitigation policies to guide what mitigation recommendations are provided to applicants. However, U.S. Fish and Wildlife Service decisions are based on the regulations and the incidental take permit issuance criteria that define the mitigation standard for the HCP program. The National Marine Fisheries Service has not developed similar mitigation guidance to date.

Can the public access everything in the HCP Toolbox, such as USFWS' Environmental Conservation Online System (ECOS)?

Although much of the information in the HCP Handbook Toolbox is publically available, there are databases that are only available to Services staff, including portions of ECOS. However, information generated from these databases can be shared with the applicant and made available to public through the appropriate mechanisms. It is important to keep in mind that the HCP Handbook was developed for Services staff.

Why does the HCP Handbook focus so much on landscape scale HCPs?

One of the goals of the HCP Handbook was to provide a compressive guide to developing HCPs, regardless of the scale. Each element and step of the HCP Handbook is typically necessary for any HCP. The difference may be the level of detail. Think of the Handbook as a pantry; it contains all the necessary ingredients to develop a successful HCP, but the specific ingredients and the amount will be tailored to meet the applicant's project needs. U.S. Fish and Wildlife Service staff can help you to identify what is and is not necessary for your particular project.

Are the Services expecting applicants to recover species?

Under the Endangered Species Act, the Services, not applicants, are required to help recover listed species. The Services should ensure the applicant's HCP does not undermine the potential recovery of the species and includes a conservation strategy that helps to contribute to species recovery.

What are some of the changes to the new HCP Handbook as compared to the 1996 HCP Handbook?

- Reorganization of the HCP Handbook to follow the HCP process.
- Encourages concurrent development of National Environmental Policy Act (NEPA) and National Historic Preservation Act compliance documents, as well as, intraservice section 7 consultation as early in the HCP process as reasonable to streamline the process.

- Discourages the combination of HCP and NEPA documents to clearly define the responsibilities of the applicant and Services.
- Discourages the use of Implementing Agreements. Instead, these agreements should be incorporated into the HCP or incidental take permit.
- Incorporates the consideration of climate change effects throughout the planning process.
- Incorporates the Five-Point Policy, except the public comment period timeframes were changed to align with CEQ's NEPA Guidelines: 30 days for low-effects and Environmental Assessments, and 60 days for Environmental Impact Statements.
- Revises the low-effect screening form to allow consideration of minimization and mitigation measures.
- Provides detailed guidance for providing adequate funding assurances.
- Provides guidance for compliance with the National Historic Preservation Act.
- Provides an online [HCP Handbook Tool Box](#).