

National Environmental Policy Act, the Endangered Species Act, and Habitat Conservation Plans

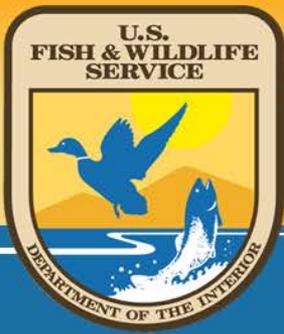




National Environmental Policy Act, the Endangered Species Act, and Habitat Conservation Plans

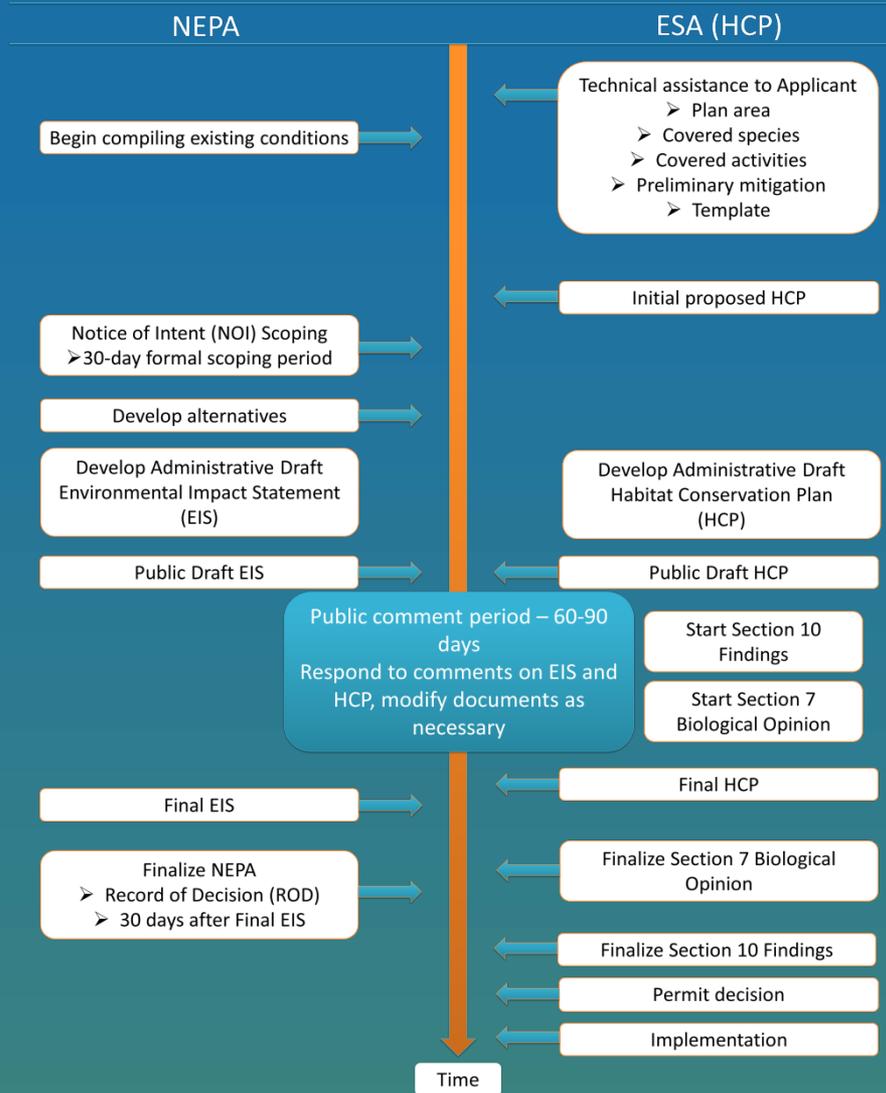
Why are we here?

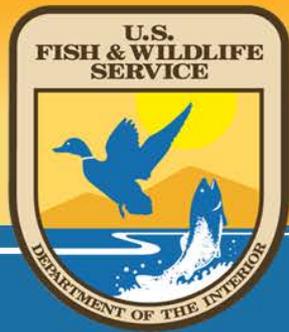
- The DBBC and the City of Prineville are preparing a Habitat Conservation Plan (HCP) for several Deschutes River-dependent species.
- In response, USFWS will prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) for the HCP.
- Preparation of an EIS, triggers scoping.



ESA/NEPA Processes

NEPA and ESA Timeline





Scoping

Why do Scoping?

- **Scoping engages the public and asks for input**
- **The process identifies significant environmental issues for further analysis**
- **Other, less significant environmental issues, are identified but further analysis may not be necessary.**



Scoping

- **Get involved to help us identify important issues**
- **Give us your comments**
the public comment period goes through September 22, 2017



NEPA Options

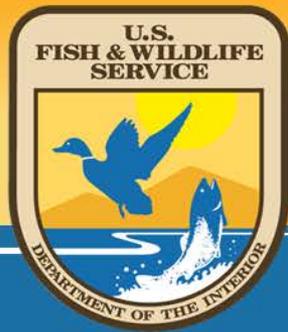
	Categorical Exemption	Environmental Assessment	Environmental Impact Statement
Notice of Intent (NOI)	--	--	✓
Scoping	--	--	✓
Notice of Availability (NOA) of Draft HCP and Draft NEPA document	✓	✓	✓
Draft review period	30 days	30-60 days	60-90 days
Final document	--	Optional	✓
Responses to comments	--	Optional	✓
Final NOA	--	--	30 days
Decision document	Categorical Exclusion Questionnaire	Finding of No Significant Impact (FONSI)	Record of Decision (ROD)



Scoping

We want comments on:

- Alternatives to the proposed action**
- Measures to avoid, mitigate, or minimize effects**
- Existing environmental conditions in the basin**
- Permit duration**
- Covered species and activities**
- Biological goals and objectives of the HCP**
- Any other significant issues**



National Environmental Policy Act

The NEPA process:

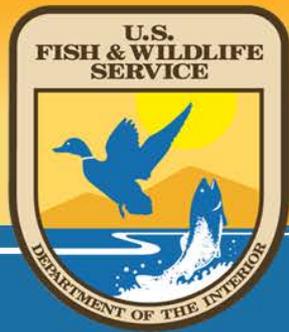
- Is required for the Service to approve an Applicants' HCP.
- Helps the Service make decisions based on our understanding of the environmental consequences of approving the HCP.
- Is used to identify and take actions that protect, restore, and enhance the environment.
- Analyzes the effects of all the alternatives considered.



National Environmental Policy Act

NEPA considers the impacts of a federal action on elements of the human environment such as:

- water quality
- wetlands
- air quality
- socio-economic and cultural resources
- fish and wildlife species including ESA-listed



Environmental Impact Statement and Habitat Conservation Plans

The Service will prepare an EIS because the HCP is likely to:

- Cover a significant portion of the basin**
- Cover multiple species and multiple activities**
- Cover water management activities in the basin**
- Affect the human environment and listed species**



Environmental Impact Statement

What does an EIS include?

- Purpose and need for the action
- Alternatives (no action, proposed action, others)
- Affected environment
- Environmental effects of the alternatives
- Cumulative effects



Endangered Species Act



USFWS / Freshwaters Illustrated



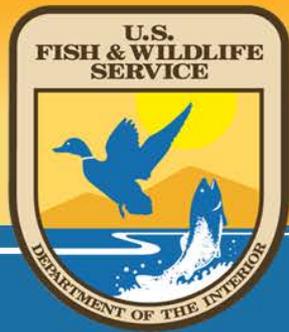


Endangered Species Act

Purpose

- To protect and recover imperiled species and the ecosystems upon which they depend.





Endangered Species Act

Species listed as endangered or threatened:

- **'Threatened'** means a species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range.
- **'Endangered'** means a species is in danger of extinction throughout all or a significant portion of its range.



Endangered Species Act (ESA)

ESA protects endangered and threatened species and their habitats by prohibiting “take”

- **Take** means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct.”



Endangered Species Act (ESA)

- **Section 9 of the ESA** states it is unlawful for anyone to take endangered or threatened species.

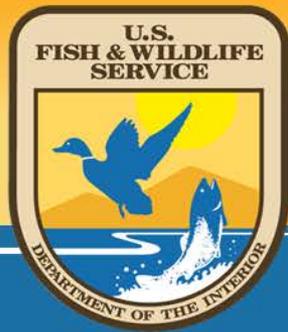
However....

- **Section 10 of the ESA** allows incidental take of threatened and endangered species, if take occurs under an approved habitat conservation plan.



Habitat Conservation Plans

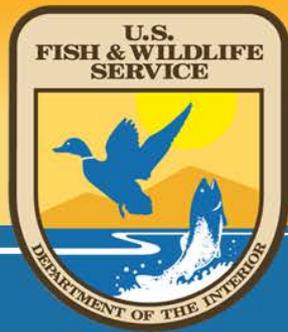
- **Incidental Take** refers to take that results from carrying out an otherwise lawful activity (for example, residential and commercial development, or road construction)
- A **Habitat Conservation Plan** is a voluntary plan developed by a non-Federal applicant in order to receive an incidental take permit.



Habitat Conservation Plans

The Applicant's HCP must describe and include:

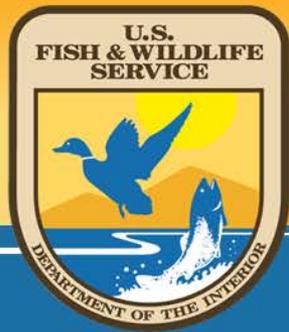
- **Impacts likely to result from the taking of the species**
- **Measures the applicants will take to minimize and mitigate impacts**
- **Adequate funding to perform those measures**
- **Alternative actions that would not result in take and reasons those alternatives are not being used**
- **Additional measures as required by the Service**



Habitat Conservation Plans

To approve the Applicant's HCP and issue an incidental take permit, the Service must determine:

- Taking is incidental
- The Applicants will, to the maximum extent practicable, minimize and mitigate the impacts of the taking
- The Applicants ensure adequate funding for the plan
- The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild
- Any measures required by the Service will be met



Next Steps/Timeline

- **NEPA Scoping**
 - Public comment period ends **9/22/2017**
- **Draft EIS and draft HCP**
 - Public comment period **(2018)**
- **Final EIS and final HCP**
 - Public comment period **(2019)**
- **HCP Implementation**



Contact Us

Send comments to:

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More information:

<http://bit.ly/DeschutesHCP>

August 14-15, 2017