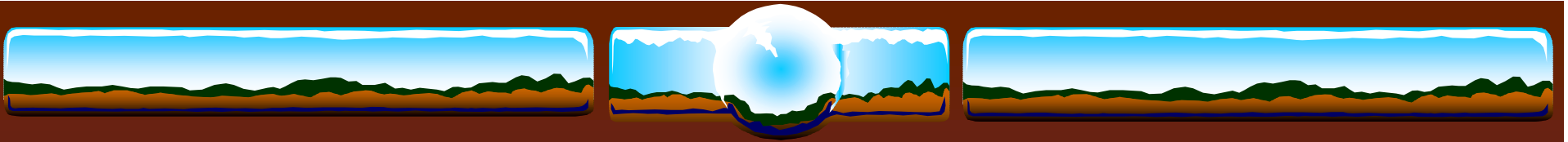


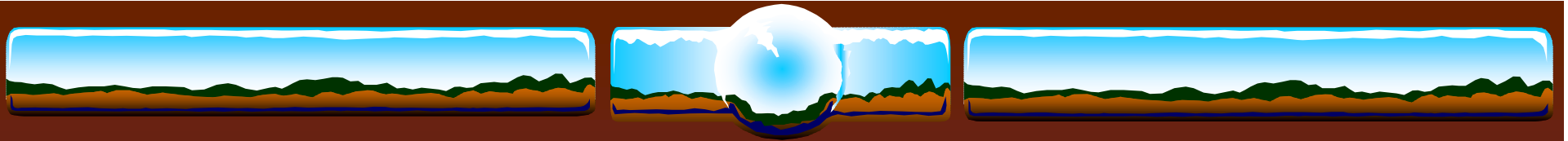
THE ESA IS NOT DESIGNED  
TO STOP DEVELOPMENT

BUT PROMOTES  
ENVIRONMENTALLY SENSITIVE  
DEVELOPMENT



## An HCP is a Partnership

- ❖ To plan ahead for future development
- ❖ To guide how the community looks in the future
- ❖ To protect quality of life in the community
- ❖ To protect listed and rare species
- ❖ Protect water quality for people and wildlife



# Other Permitting Requirements

A HCP and incidental take permit do not remove the need to acquire other State and Federal permits for development, including any permits required under the Clean Water Act, but it can simplify the process

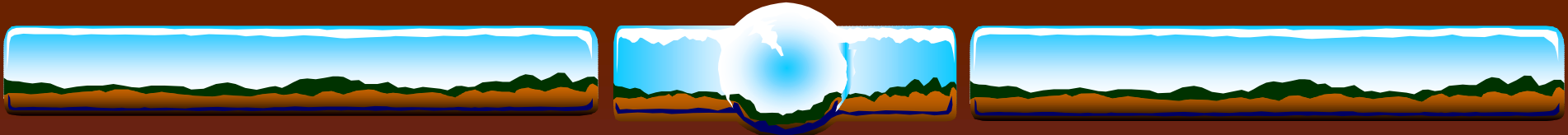


# Endangered Species Act

- ❖ Prohibits **take** of listed fish and wildlife
- ❖ But allows for **incidental take** with FWS approval

Amber  
Darter

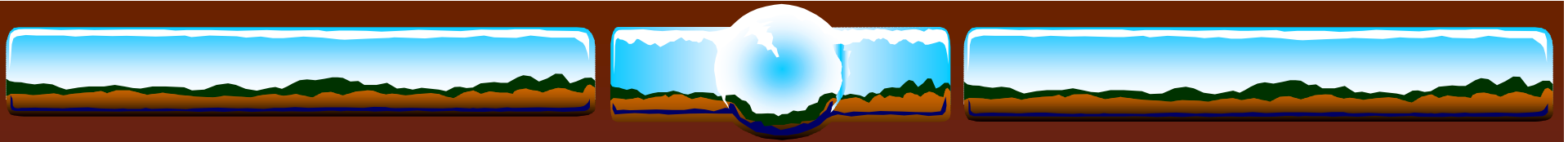




# What Actions Might Take Listed Aquatics

- ❖ Culverts or pipes in streams
- ❖ Open trench construction
- ❖ Clearing riparian vegetation
- ❖ Dams and impoundments
- ❖ Upland construction that increases % impervious surface or sediment in runoff
- ❖ Increased contaminants in runoff
- ❖ Forestry and agriculture

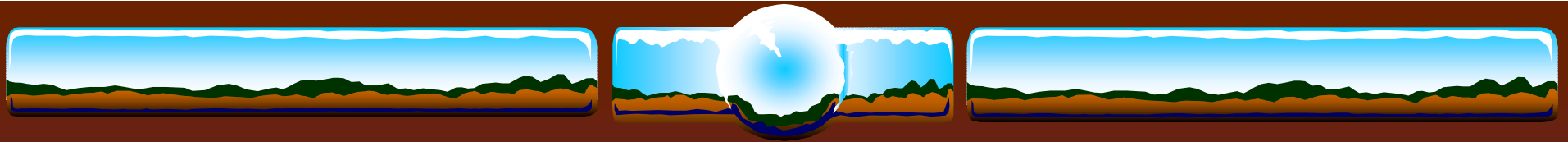




## Section 7 vs. Section 10

**Section 7** – between Federal agencies  
(formal consultation ends with a  
biological opinion)

**Section 10** – between FWS and non-  
federal agencies/private landowners  
(coordination ends with an HCP)



## Section 7

vs

## Section 10

### ❖ Consultation between Federal agencies (BOs)

- Corps Section 404 permit
- FERC licensed  
powerline/pipeline
- FHWA funded road
- FCC licensed cell tower
- work on Lake Allatoona

### ❖ No Federal agency involvement (HCPs)

- bridges and arch spans
- local utility lines
- non-FHWA funded roads
- farm ponds and other ag
- riparian clearing/forestry
- other upland activities



## Regional HCP Could Cover:

- ❖ Road and utility crossings
- ❖ Subdivisions/commercial development
- ❖ Water supply reservoirs
- ❖ Riparian clearing
- ❖ Forestry operations
- ❖ Farm ponds
- ❖ Agriculture
- ❖ Other???

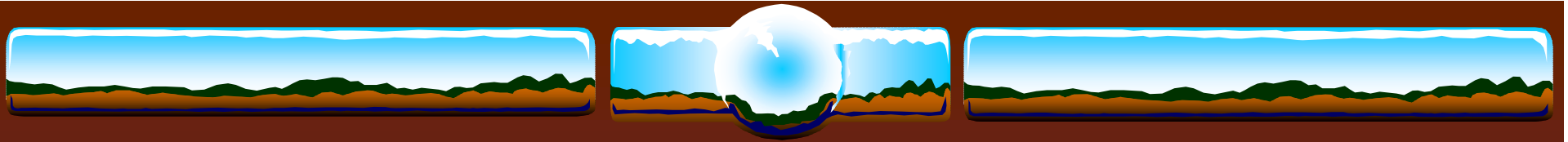


Etowah darter



Cherokee darter





## How Set up HCP

- ❖ An appropriate way is to tier different ways of constructing a given project based on level of impact to stream habitat and listed species
- ❖ Where the construction method with least impacts means less review under the HCP, fewer construction restrictions, and less mitigation



# Road Crossings

- ❖ Bridges and arch spans
- ❖ Box culverts
- ❖ Pipe culverts





# Underground Utility Crossings

- ❖ Directional or conventional bore
- ❖ Open trench





# Powerlines

- ❖ Powerlines with riparian buffer maintained
- ❖ Powerlines with cleared riparian zone





# Subdivisions/Commercial Dev't

- ❖ Various tiers of HCP requirements based on:
  - stream impacts
  - amount of land clearing in one phase
  - % impervious surface
  - use of stream-friendly building codes
  - level of stormwater controls
  - adherence to the land management plan





# Reservoir

- ❖ Various tiers of HCP requirements based on:
  - stream biodiversity
  - size of reservoir
  - downstream flows below the dam





# Riparian Clearing

- ❖ Various tiers of HCP requirements based on:
  - % stream buffered
  - width of the riparian buffer
  - adjacent land use



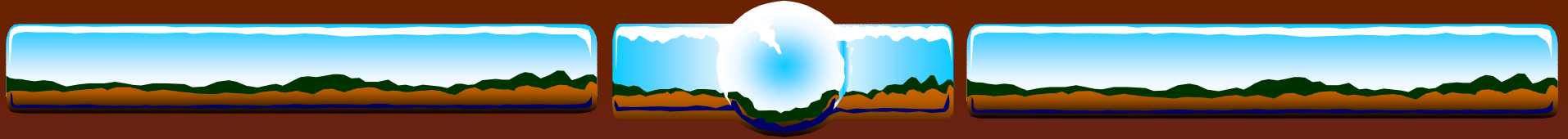


# Forestry Operations

- ❖ Various tiers of HCP requirements based on:
  - proposed number of stream crossings
  - width of streamside management zone







# Farm Ponds

- ❖ Located in stream's headwaters
- ❖ Located below headwaters where blocks fish movement





# Agriculture

- ❖ Various tiers of HCP requirements based on:
  - % stream buffered
  - width of the riparian buffer

