



Frequently Asked Questions

FEBRUARY 2009

WHY DO WE NEED AN HCP?

The Endangered Species Act makes it illegal to "take" listed species without a permit. This includes direct impacts, such as hunting, harming or collecting individuals, as well as indirect impacts, such as habitat destruction. In the Etowah, these listed species include three species of darters. To comply with section 10 of the Endangered Species Act, without an HCP, each individual action that might impact, or cause "take" of, a listed species must be reviewed by the Fish and Wildlife Service (FWS) and an individual Incidental Take Permit (ITP) issued.

Individuals, businesses, and non-federal governments (such as counties and cities) can write HCPs to describe how they will provide for the overall protection of a species, even though there may be some "incidental take" of individuals pursuant to development activities. The Incidental Take Permit (ITP) is issued after FWS review and approval of the HCP and provides protection for incidental loss of species as long as the plan policies and provisions are followed.

Compliance with the HCP also dramatically streamlines the consultation process with FWS that local governments, individuals, and businesses have to go through under Section 7 of the Endangered Species Act regarding federal actions.

HOW WAS THE HCP DEVELOPED?

A Steering Committee composed of representatives from the local governments within the Etowah Basin oversaw development of the HCP. Representatives from state and federal agencies and numerous stakeholder organizations provided input and review of the plan. Faculty and staff at the University of Georgia and Kennesaw State University helped staff the effort.

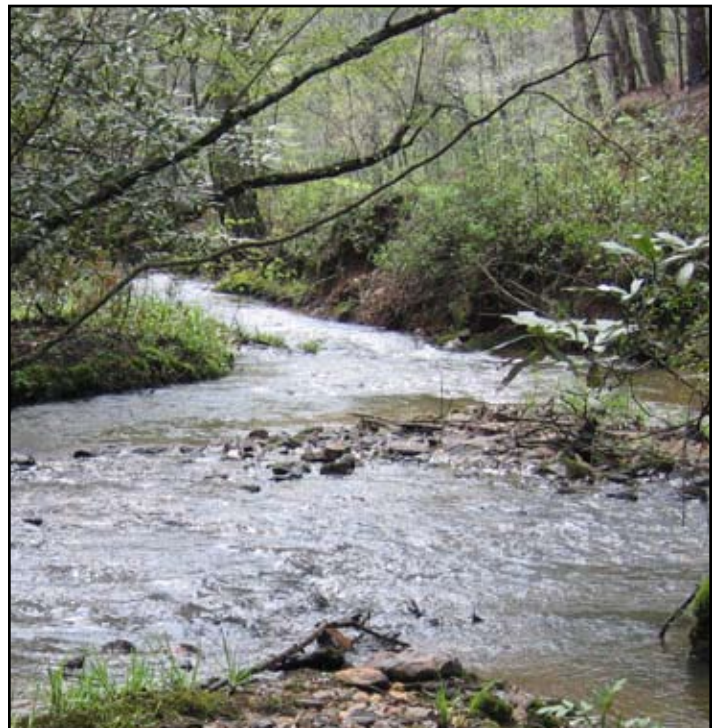
HOW DOES A LOCAL GOVERNMENT ADOPT THE HCP?

Participating local governments have each passed a resolution to officially authorize the submission of the document to the FWS. This submission allows FWS to review the plan and determine if species protection afforded by the plan justifies incidental take that will occur as the basin develops. In the event the agency finds the plan adequate, each local government will decide if it

wants to formally adopt the HCP including the ordinances and policies that minimize and mitigate the impacts of development activities on imperiled fish. Those local governments who adopt the HCP will receive an ITP from FWS that covers development activities within their jurisdictions. The ordinances and policies include:

- Stormwater Management
- Stream Buffer Ordinance
- Erosion & Sedimentation Control
- Utility Stream Crossing Policy
- Road Stream Crossing Policy
- Water Supply Planning
- Monitoring & Adaptive Management

Other local governments can opt into the HCP at a later date if they desire, though they may have to go through a separate notice and comment period, which may extend the amount of time it will take for them to receive their incidental take permits.



For more information, please contact:

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WAS THERE PUBLIC INVOLVEMENT AND INPUT IN THE DEVELOPMENT AND PLANNING OF THE HCP?

There has been extensive public involvement throughout the six-year development of the HCP. Over 200 meetings related to the HCP have been held throughout the Etowah watershed during this time.

WHAT IS THE SCIENTIFIC BASIS FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE HCP?

The HCP is based on a series of scientific studies conducted in the Etowah watershed and on reviews of the best available scientific information from other regions. The science of the HCP has been independently reviewed by scientists with expertise in the field. Studies conducted as part of the HCP have been published in leading peer-reviewed professional journals. All research can be found at the Etowah HCP website at www.etowahhcp.org. At the menu, go to Research: Scientific Research.

HOW WERE THE STORMWATER STANDARDS DEVELOPED AND HOW WILL THEY AFFECT DEVELOPMENT?

The stormwater management standards were developed by a technical committee comprised of engineers, government officials, developers, and consultants working in the Etowah. The stormwater requirements of the HCP are designed to mimic a site's pre-development hydrology. Although this type of stormwater management may be new to some developers, the techniques have been widely employed around the U.S. and the standards are currently being met in many projects in the Etowah.

WHEN WILL THE HCP BE ADOPTED?

The HCP has been submitted to the regional FWS office for review. Upon approval by FWS, the HCP will be reviewed by the Office of the Solicitor of the U.S. Department of the Interior. When approved by the Office of the Solicitor, a 60 day public comment period notice will be posted in the Federal Register. At the end of that period, public comments and suggestions will be reviewed; any changes to the HCP will be made and approved by the steering committee and FWS. The HCP may then be adopted by the municipalities that have submitted applications for incidental take permits. More information about the approval process is available on the website www.etowahhcp.org. At the menu, go to Documents; Policy Fact Sheets; Factsheet # 10.

HOW WILL GROWTH AND DEVELOPMENT BE AFFECTED BY IMPLEMENTATION OF THE HCP?

In jurisdictions that adopt the HCP, the need for individual project ITPs is eliminated. This will streamline the permitting process, saving the developer both time and money. The policies that have been developed as part of the plan are designed to protect the imperiled fish species while allowing environmentally sensitive development to continue in the watershed.

WHEN A MUNICIPALITY OR COUNTY SIGNS THE AGREEMENT TO BE PART OF THE HCP, WILL IT BE ABLE TO WITHDRAW FROM THE AGREEMENT AT A LATER DATE?

Participation in the HCP is voluntary, and local governments can choose to withdraw at any time.



The HCP includes a stormwater ordinance for post-construction runoff. This ordinance applies to new development and some types of redevelopment. It is adapted from the Metropolitan North Georgia Water Planning District (“Metro District”) ordinance and is identical in many important respects, so that jurisdictions within the Metro District can meet both requirements in a single set of regulations. The ordinance includes performance standards for water quality protection, stream channel protection, and flood protection. In addition, the HCP stormwater ordinance includes a performance standard that limits the volume of runoff in watersheds most critical to the survival of the federally protected fish species of the Etowah. This “Runoff Limits” standard is what makes the HCP such an effective tool for protecting imperiled species in the Etowah.

Detailed information about the Runoff Limits program and its development by the technical committee is found at www.etowahhcp.org. At the menu, go to Policies: Stormwater: Technical Committee Report.

WHAT ARE THE PRIORITY AREAS AND WHERE CAN I GET A DETAILED MAP OF THEM?

The watersheds where the Runoff Limits apply are known as Priority Areas 1 and 2. Priority Area 1 is home to the most sensitive species protected by the HCP and so has the most restrictive standard. Priority Area 2 supports species that are slightly less sensitive, and has a slightly less restrictive standard. Parts of the Upper Etowah that do not currently provide significant habitat to any imperiled fish are classified as Priority Area 3 and are not subject to the Runoff Limits.

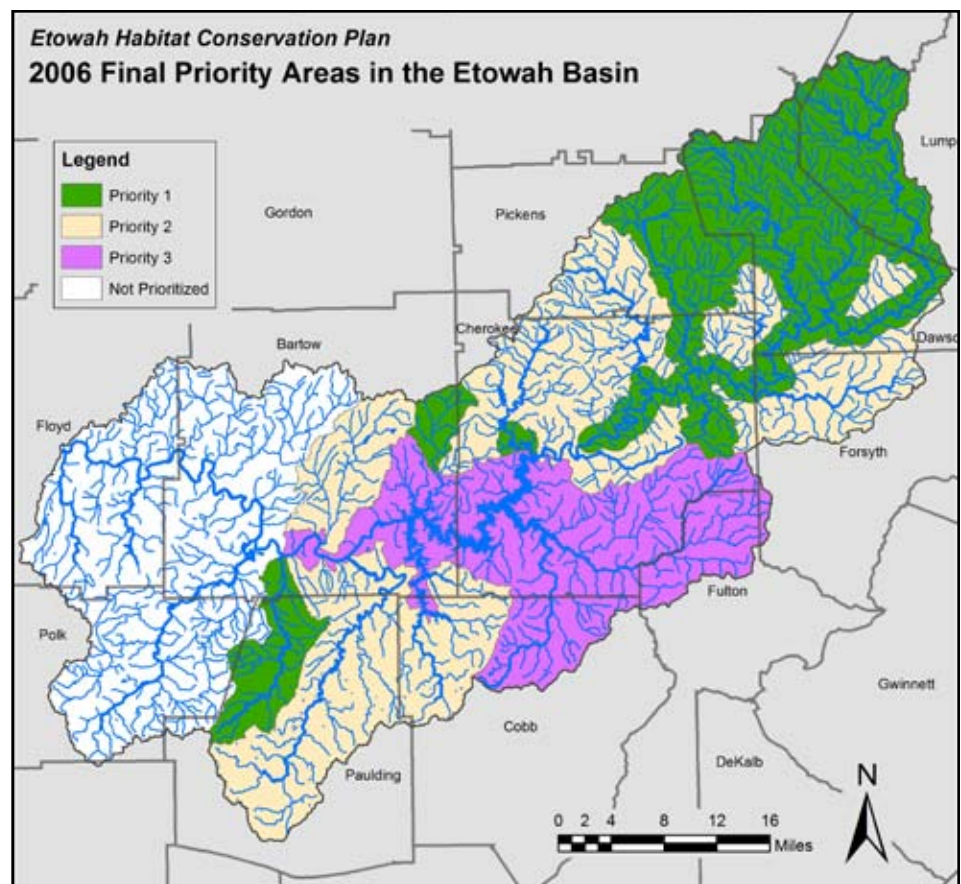
In Priority Area 1, the volume of runoff from small storms must be the same as if the site were in a forested condition—in other words, the site must “act like a forest,” as far as runoff is concerned. In Priority Area 2, development projects are allowed to generate an additional volume of runoff; however, it cannot exceed the amount that would occur if the site were 95% forested and 5% impervious. In both Priority Areas 1 and 2, local governments can designate some locations as “development nodes,” where restrictions are significantly relaxed. Detailed maps of the Priority Areas may be found on line at www.etowahhcp.org. Go to Background; Maps; Priority Areas. More information about Priority Areas may be found on the same website under Background: Etowah HCP Overview.

WHERE CAN I FIND OUT MORE ABOUT THE HCP?

Information about the HCP may be found on the website: www.etowahhcp.org. Anyone interested in more information about the HCP may also call the Etowah HCP outreach coordinator, Deborah Millsap at (706) 202-2271.

HOW IS ZONING AFFECTED WITHIN JURISDICTIONS THAT ADOPT THE HCP?

Adoption of the HCP does not change zoning in the participating jurisdictions. Some jurisdictions, however, may choose to make changes to their local zoning codes to accommodate node designations and boundaries.



For more information, please contact:

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WILL IMPLEMENTATION OF THE HCP BE EXPENSIVE?

There will be an \$85/disturbed acre implementation fee for new development activity in participating jurisdictions, which will support HCP implementation, monitoring activities, and technical assistance for local governments.

Developers may have to investigate alternative stormwater management practices and site designs other than those they are accustomed to, but in many cases, these practices are more cost efficient and may provide a selling point in a growing conservation-minded market.

In nonparticipating jurisdictions, the Fish and Wildlife Service may require the development of individual HCPs for projects applying for individual Incidental Take Permits adding substantial time and expense to the cost of development activities.

WHO WILL BE RESPONSIBLE FOR ENFORCEMENT OF THE POLICIES OF THE HCP?

Each local government will be responsible for enforcing the ordinances and policies within the HCP and meeting the requirements of its ITP. However, if a local government fails to meet the terms of its ITP, the FWS can revoke it and require individual ITPs to be written for development projects within that jurisdiction.

HCP implementation staff will aid local governments in implementing HCP policies, monitoring activities, and adaptive management activities. This staff will be hired by the Etowah Aquatic HCP Board, which will consist of representatives from participating local governments.

