

# Habitat Conservation Plan — A Brief Overview

Santa Cruz City Council Meeting, April 5, 2011

## Protecting Endangered Species Will Mean Less Water for City System

For the past 10 years, the City of Santa Cruz has been developing a Habitat Conservation Plan (HCP) that is required in order to protect threatened and endangered (special status) fish species in local streams and comply with the state and federal Endangered Species Acts. The proposed plan will result in less water being available for the City's drinking water system.

The HCP process is required under the Endangered Species Act (ESA) and an approved plan is required before the City can obtain federal permits to continue to take water from the San Lorenzo River, Newell Creek and North Coast streams. The HCP evaluates the impacts to endangered fish and spells out how it will avoid or minimize impacts to endangered species and establishes an agreed-upon amount of water that is needed to protect their habitat.

The Habitat Conservation Plan will protect special status species, such as coho salmon and steelhead trout, in the streams that supply water to the City of Santa Cruz and other streams as well. Implementing the plan, however, will have an impact on the City's water supply system and result in the loss of cheap, high quality surface water and increased requirements for monitoring and restoration.

## HCP Indicates an Incidental Take Permit is Needed

The various studies for the HCP have evaluated how much water flow is needed in streams, and during what times of the year, to protect the fisheries habitat during all freshwater life phases (such as migration, spawning and rearing) within a range of hydrologic year types. The result is that more water must remain in the streams to protect the fisheries.

The studies show that there is take, or harm to endangered fish, occurring due to the City's existing operations and the City needs a federal Incidental Take Permit (ITP) to continue to extract water from the San Lorenzo River, Newell Creek and the North Coast streams. An ITP is required if activity such as the city's withdrawal of surface water will result in the take or harm to endangered species. An HCP must accompany the ITP permit application and City officials must negotiate with federal regulators for approval of the conservation plan.

## Conservation Strategy Improves Instream Flows for Fish

The conservation strategy being proposed by the City improves instream flow for anadromous salmonids (coho salmon and steelhead trout) while recognizing the limits of the existing water supply system. A supplemental water supply project would allow instream flows to more closely approximate optimal instream flow levels and improve conditions for fish. A supplemental water supply, such as the desalination project being proposed, would protect endangered fish and provide a safety net for the City's water system during drought.

## Variable Impact of Tiers 1, 2 and 3

Stream flow types are categorized as Tier 1, 2 and 3 — with Tier 1 representing current flows that maintain existing habitat levels. Tier 2 refers to flows that would improve habitat and Tier 3 would significantly improve stream flows. Each of these Tiers would have a variable impact on City water supplies. While it is unknown how much of the City's water supply would be lost, it could be a minimum of 800 million gallons per year, or as much as 1,600 million gallons per year in some dry years.

### Key Issues:

- City needs an Incidental Take Permit to continue to take water from local streams in order to protect endangered fish.
- A Habitat Conservation Plan (HCP) must be approved that includes a conservation strategy to protect species with an agreed-upon amount of water that can be taken from local streams
- The HCP will reduce the amount of water the City can take from local streams and a supplemental supply, such as the proposed desal project, will be needed to implement the plan.

### **City Council Options and Next Steps**

During its April 5, 2011 meeting, the City Council is being asked to direct staff to enter into negotiations with federal officials from the National Oceanic and Atmospheric Administration (NOAA) for approval of the Habitat Conservation Plan for an Incidental Take Permit to bring the City's water operations into compliance with the Endangered Species Act.

If the council so directs, City staff would be authorized to explore the following conditions while negotiating a conservation strategy that would include: A) using current water supplies; B) a conservation strategy with supplemental water supply should the City approve a supply project (2.5 mgd desalination plant currently being studied in an EIR process) and; C) explore the potential to provide more water for fish, with an even larger supplemental supply project.

The next steps in the process include coming to agreement with federal regulators on the conservation strategy, assessing the remaining take (harm to fish) with this strategy in place, finalize negotiation of the ITP, developing the monitoring plan, writing the implementing agreement, securing long-term funding, conducting environmental analyses and — ultimately — implementation of the permit.

### **What if the City fails to reach an agreement on a permit?**

If the City fails to devise a Habitat Conservation Plan that adequately protects special status species and reach agreements with regulators for its permits under the Endangered Species Act, it could face fines and court-ordered limits on its water operations.

### **Other Special Status Species Being Protected**

In addition to coho and steelhead salmon, other protected special status species being studied in Habitat Conservation Plans within the City of Santa Cruz Water System include the Pacific lamprey, Pacific pond turtle, tidewater goby, California red-legged frog, Mount Hermon june beetle, Zayante band-winged grasshopper and the Ohlone tiger beetle. Various studies of these species include assessing habitat, evaluating the effects of the City's water operations and facilities, and developing conservation strategies and mitigations.

### **Links for more information:**

- U.S. Fish & Wildlife Service – Habitat Conservation Plans under the Endangered Species Act: [www.fws.gov/endangered/esa-library/pdf/hcp.pdf](http://www.fws.gov/endangered/esa-library/pdf/hcp.pdf)
- National Oceanic and Atmospheric Administration (NOAA) – Habitat Conservation Planning and Incidental Take Permit Processing Handbook: [www.nmfs.noaa.gov/pr/pdfs/laws/hcp\\_handbook.pdf](http://www.nmfs.noaa.gov/pr/pdfs/laws/hcp_handbook.pdf)
- City of Santa Cruz: [www.cityofsantacruz.com/index.aspx?page=425](http://www.cityofsantacruz.com/index.aspx?page=425)
- scwd<sup>2</sup> Regional Seawater Desalination Program: [www.scwd2desal.org](http://www.scwd2desal.org)



For more information, contact:  
Bill Kocher, Director  
Santa Cruz Water Department  
(831) 420-5205  
[bkocher@cityofsantacruz.com](mailto:bkocher@cityofsantacruz.com)