



Connecting Central Oregon's Water, Land & Environment

HABITAT CONSERVATION PLAN FREQUENTLY ASKED QUESTIONS

What is a Habitat Conservation Plan?

A habitat conservation plan (HCP) is a voluntary method pursuant to which a non-Federal entity may comply with the Endangered Species Act (ESA). As laid out in section 10 of the ESA, an HCP enables the U.S. Fish and Wildlife Service and National Marine Fisheries Service to issue permits to allow non-Federal entities to carry out otherwise legal activities that may have an impact on species that are listed as threatened or endangered under the ESA. A plan is usually built around conservation measures that will be implemented over the life of the permits. HCPs can apply to both listed and nonlisted species, including those that are candidates or have been proposed for listing. Conserving species before they are in danger of extinction or are likely to become so can also provide early benefits and prevent the need for listing.

What is an incidental take permit?

The Endangered Species Act prohibits the "take" of listed species through harm or habitat destruction. In the 1982 ESA amendments, Congress authorized the U.S. Fish and Wildlife Service and National Marine Fisheries Service (Services) to issue permits for the "incidental take" of endangered and threatened wildlife species ([see Section 10a\(1\)\(B\) of the ESA](#)). Thus, permit holders can proceed with an activity that is legal in all other respects, but that results in the "incidental" taking of a listed species.

Who needs an incidental take permit?

Anyone whose otherwise-lawful activities will result in the "incidental take" of a listed wildlife species needs a permit.

What is Section 7?

To issue an incidental take permit, the Services must comply with Section 7 of the ESA, which requires Federal agencies to ensure that their activities are "not likely to jeopardize the continued existence of any endangered species or threatened species" or result in the destruction of a species' critical habitat. Federal agencies must consult regarding any activity that may impact listed species. The issuance of incidental take permits and approval of an HCP requires that the Services conduct formal consultation and draft Biological Opinions regarding the incidental take permits' potential impact on all listed species, candidate species, and critical habitat for those species.



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What species are covered by the HCP?

The habitat conservation plan proposes to include three Federally listed threatened species: the Oregon spotted frog, bull trout, and steelhead, and two species not currently listed under the ESA: sockeye salmon and spring Chinook salmon.

Why are the City of Prineville and the Deschutes Basin Board of Control (DBBC) developing an HCP?

The DBBC, which includes the eight irrigation districts that have developed the proposed HCP, and the City of Prineville, are supportive of water planning efforts in the basin to address long-term water and habitat needs.

In the Deschutes Basin, irrigation districts and the City have long been charged with the management of water in the basin, including the storage and delivery of water. This water management may have an effect on the Oregon spotted frog, bull trout, and steelhead, which are all listed as threatened under the ESA. The conservation measures in the HCP are designed to minimize and mitigate impacts to species listed under the ESA, where such impacts may result from the storage, release, diversion, and return of irrigation water by the districts and City of Prineville. The districts and City of Prineville are focused on the conservation measures set forth in their proposed HCP, and those measures will be the priorities for the immediate future.

Does the HCP address all water issues in the Deschutes Basin?

While the HCP encompasses multiple water storage reservoirs owned or operated by the districts and many stream miles through which water is transported, the HCP is narrowly tailored to cover only the district and City activities that may affect the listed species. The HCP does not and is not intended to address the actions of cities other than Prineville, local agencies, private parties, or Federal entities that may also affect listed species. The HCP does not and is not intended to address all water issues in the Deschutes Basin. Instead, the focus is on the three listed species, and two species not currently listed under the ESA, and the focus is only on the activities of the districts and the City that may affect these species.

What happens once the HCP is approved?

Once approved, the districts and City of Prineville will begin implementation of the HCP.