

Etowah Practicum HCP Compliance & Drafting Initiative



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Etowah River Basin

Home of

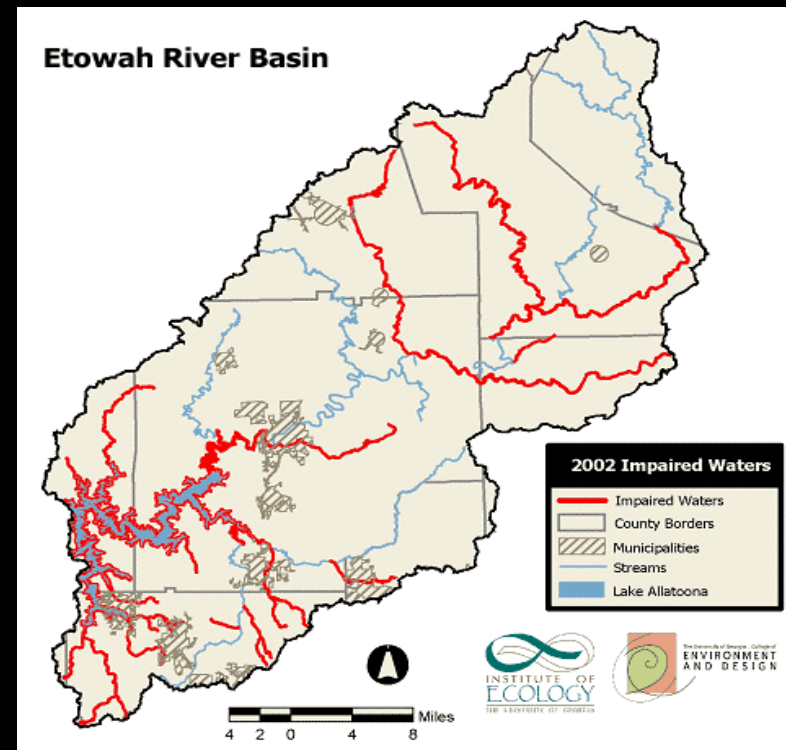
- Endangered Species
 - Amber darter
 - Etowah darter
 - Upland combshell
 - Southern clubshell
 - Triangular kidneyshell
- Threatened Species
 - Cherokee darter
 - Finelined pocketbook
 - Alabama moccasinshell
- Candidates for protection
 - Frecklebelly madtom
 - Freckled darter
 - Holiday darter
 - Bridled darter
 - Etowah caddisfly





Habitat Conservation Plan

Due to population growth and rapid development in the Etowah River Basin, the HCP was created to address threats to aquatic communities and water/stream quality. The HCP includes local governments as permittees who have authority to manage the pattern of land development in their areas and will allow them to issue *certificates of inclusion* to developers who need to obtain government permits for activities that may impact aquatic habitat. Jurisdictions' implementation of policies to minimize impacts of development on imperiled species will promote intelligent growth with conservation in mind.





HCP

The HCP also has an impact on private land owners by helping to define what can and can not be done with land which houses endangered or threatened species and/or critical habitats.

The objective is to protect the ecological and economic viability of the basin while promoting development that is environmentally sustainable and has conservation of ecological diversity in mind.



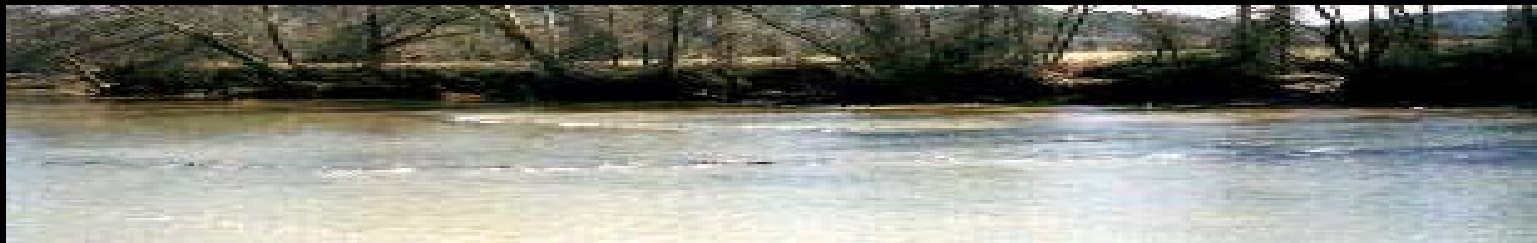
Goals of the HCP

- Legal assurances for developers
- Habitat conservation from smart growth



Project Goals –

- To comprehend and convey policy that affects the implementation of the HCP
- Define legal compliance for an HCP, an EA, and an EIS according to NEPA and the ESA
- Provide a framework for drafting initiation





Endangered Species Act

The ESA describes the process for the determination of a species as endangered, threatened, or a proposed candidate for protection. It also provides for the designation of qualified areas as critical habitat necessitating protective measures.

The ESA makes it illegal to “take” a species, whereas take means : to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.

The Act also provides for the issuance of permits for limited takes if a habitat conservation plan is provided that reveals the project’s impacts on the environment.

ESA’ s HCP requirements

1. The impact that will likely result from such a taking
2. What steps the applicant will take to minimize and mitigate such impacts and the funding that will be available to implement such steps
3. What alternative actions to such taking the applicant considered and the reason why such alternatives are not utilized
4. Such other measures that the Secretary may require as being necessary or appropriate for purposes of the plan



National Environmental Policy Act

The National Environmental Policy Act (NEPA) is federal legislation that requires federal agencies to take a “hard look” at the potential environmental consequences of actions the agency is considering to undertake before agencies make an irreversible and irretrievable commitment of resources. Before an agency acts, it must analyze the environmental impacts of various courses of action by drafting an Environmental Assessment (EA) document evaluating whether the contemplated action will have a significant impact on the environment. If the agency finds that the action will have a significant impact on the environment, it must draft an Environmental Impact Statement (EIS), a more detailed statement of projected impacts and action alternatives.





Habitat Conservation Plan

EA

FONSI?

EIS

- the purpose and need for the proposed action
- the nature of the proposed action
- alternatives to the proposed action that were considered
- the environmental impacts of the proposed action and its alternatives
- a list of agencies and persons consulted in the NEPA review process

* Much less public notice requirements *

*Much more extensive showing of the same:

- Purpose and need for proposed action
- Proposed alternatives
- Affected environment
- Environmental consequences of proposed action and each proposed alternative

* Much more public notice requirements *

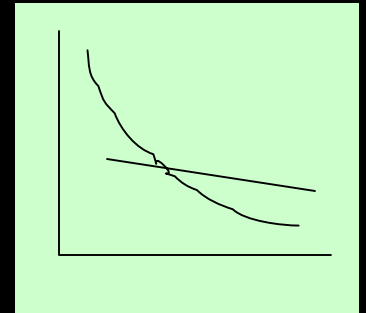


Dilemma!!??

How to quantify "significance"

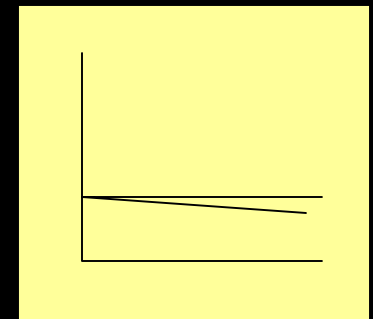
Valenta style –

- calculate significance by looking at the *past and predicted future* life of each species and environmental attribute that may be affected
- then compare this with the projected effects the HCP will have on these species and environmental attributes
 - » will show more significance - most likely to result in an EIS



Appel Style -

- Calculate significance by looking at the *current* position of each species and environmental attribute
- Then compare this with the projected effect the HCP will have on these species and environmental attributes
 - » less significance will be found – may result in EA





So... significance or no significance?

We don't know!!!

Documents we created –

- »ESA compliance document for the HCP
- »NEPA compliance document for the EA
- »NEPA compliance document for the EIS
- »GEPA compliance document for the HCP
- »Preliminary examples of model documents

Stay tuned for future developments in understanding!!!



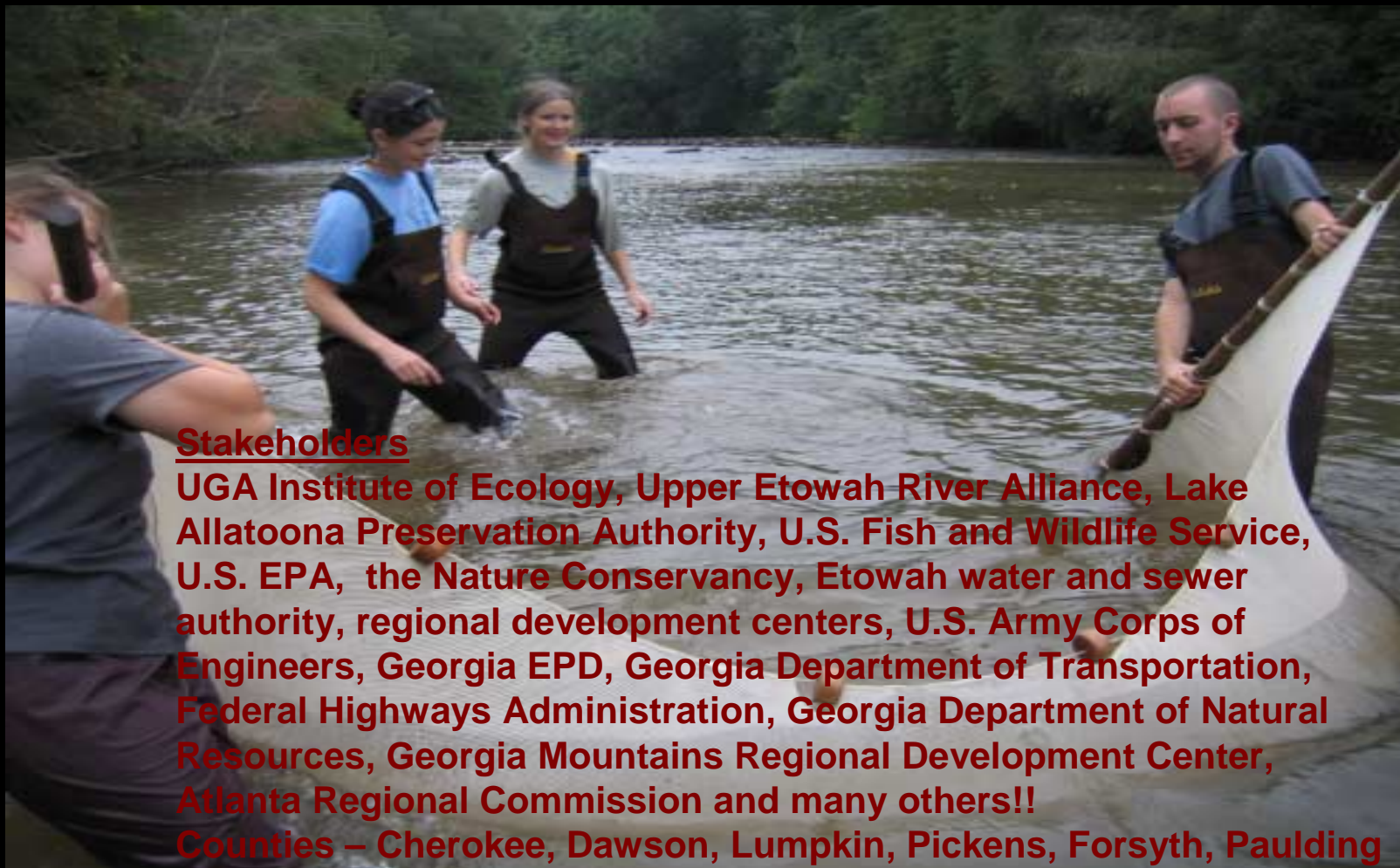
Written Resources

National Environmental Policy Act
Endangered Species Act
Georgia Environmental Policy Act
Environmental Protection Agency
US Fish & Wildlife Service
US Department of Agriculture
US Department of the Interior
Federal Registrar
Model Documents
Case Studies
Journal Articles

Human Resources

Seth Wenger – Institute of Ecology
Laurie Fowler – Institute of Ecology
Peter Appel – UGA Law School
Mary Freeman – Institute of Ecology
Bud Freeman – Institute of Ecology
Aaron Valenta – Fish & Wildlife
Beth Gavrilles – Institute of Ecology





Stakeholders

**UGA Institute of Ecology, Upper Etowah River Alliance, Lake Allatoona Preservation Authority, U.S. Fish and Wildlife Service, U.S. EPA, the Nature Conservancy, Etowah water and sewer authority, regional development centers, U.S. Army Corps of Engineers, Georgia EPD, Georgia Department of Transportation, Federal Highways Administration, Georgia Department of Natural Resources, Georgia Mountains Regional Development Center, Atlanta Regional Commission and many others!!
Counties – Cherokee, Dawson, Lumpkin, Pickens, Forsyth, Paulding**

Background Goals Policy Findings Resources Stakeholders **End**



Hasta Luego!
EL FIN

