

Required Conservation Plan (CP) Elements and Recommended CP Outline

For an incidental take permit application to be considered complete, the applicant must submit a conservation plan that includes the required information specified in Endangered Species Act (ESA) section 10(a)(2)(A) and *Federal Regulation* 50 CFR 222.307(b) and is consistent with National Marine Fisheries Service (NMFS) current policy and guidance. The CP must contain sufficient detail for NMFS to conduct the required analysis under ESA sections 7 and 10, the National Environmental Policy Act, and other applicable federal laws.

Statute: [ESA section 10\(a\)\(2\)\(A\)](#) states that the conservation plan must specify:

- (i) The impact which will likely result from such taking;
- (ii) What steps the applicant will take to minimize and mitigate such impacts, and the funding that will be available to implement such steps;
- (iii) What alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized; and
- (iv) Such other measures the Secretary may require as being necessary or appropriate for purposes of the plan

Regulations: NMFS ESA implementing regulations, [50 CFR 222.307\(b\)\(5\)](#), states the application must include a conservation plan, based on the best scientific and commercial data available, which specifies:

- (i) The anticipated impact (i.e., amount, extent, and type of anticipated taking) of the proposed activity on the species or stocks;
- (ii) The anticipated impact of the proposed activity on the habitat of the species or stocks and the likelihood of restoration of the affected habitat;
- (iii) The steps (specialized equipment, methods of conducting activities, or other means) that will be taken to monitor, minimize, and mitigate such impacts, and the funding available to implement such measures;
- (iv) The alternative actions to such taking that were considered and the reasons why those alternatives are not being used; and
- (v) A list of all sources of data used in preparation of the plan, including reference reports, environmental assessments and impact statements, and personal communications with recognized experts on the species or activity who may have access to data not published in current literature.

Policy and Guidance: [Habitat Conservation Planning and Incidental Take Permit Processing Handbook, US Fish and Wildlife Service and NOAA Fisheries, 2016](#)

Recommended Conservation Plan Outline

Cover page with CP title and date

Applicant Contact Information

If applying as an individual:

First Name and Last Name

Occupation/Title

Affiliation/Doing business as, Website URL (if applicable)

Telephone number

E-mail Address

If applying on behalf of a business, corporation, public agency, Tribe, or institution

Name of business, agency, Tribe, or institution

Doing business as

Description of business, agency, Tribe, or institution, Website URL (if applicable)

Responsible Party: First and Last Name, Title, Telephone Number, and E-mail Address

Primary Point of Contact: First and Last Name, Title, Telephone Number, and E-mail Address

All applicants complete address information:

Physical address

Mailing address (include if different than physical address; include name of contact person if applicable)

Executive Summary

List of Appendices

List of Tables

List of Figures

List of Acronyms

Chapter 1 Introduction and Background

1.1 CP Vision, Goals, Purpose, and Need

[Briefly explain the vision and biological goals of the CP; why the ITP/CP is sought and needed]

1.2 Proposed Action (HCP Handbook Chapters [3](#), [5](#), [6](#))

[Include a brief overview description and map (if possible) of the geographic scope of the CP Plan and Permit Areas (if different), species to be covered by the permit, brief description of minimization and mitigation measures, and identifies the requested duration of incidental take permit (HCP Handbook Chapter [12](#)).]

1.3 Plan Development (HCP Handbook Chapter [4](#))

[Briefly describe any public outreach or public meetings held, if applicable.]

1.4 Regulatory Framework (HCP Handbook Chapters [1](#), [2](#), [3](#), [4](#))

[The CP is designed primarily to comply with the ESA, but the CP must also be consistent with all other federal and state wildlife and related laws and regulations to demonstrate the take is incidental to otherwise lawful activities. This section describes how the CP is consistent with other laws such as National Environmental Policy Act, Marine Mammal

Protection Act, Magnuson-Stevens Fishery Conservation and Management Act (including Essential Fish Habitat), state, and local laws.]

Chapter 2 Description of the Area to be Analyzed

2.1 Environmental Setting (HCP Handbook Chapter [6](#))

[Describe the physical environment; habitat type (coastal, estuarine, nearshore, offshore, etc.); depth, seasonality, etc.,]

2.2 Covered Species (HCP Handbook Chapter [7](#))

[Provide a summary overview description of all species (or Distinct Population Segments) within the permit area for which take is reasonably certain to occur; detailed species descriptions should be in an appendix.]

2.3 Federally Listed Species and Activities Not Proposed for Coverage (HCP Handbook Chapter [7](#))

[Listed species within the plan area for which take is not expected, can be a table or summary paragraph explaining why they are not covered species (a detailed rationale should be included in an appendix). This can include a list of species where take is anticipated but will be authorized under an existing biological opinion or another existing mechanism.]

Chapter 3 Proposed Action (HCP Handbook Chapters [3](#), [5](#) and [6](#))

[Covered Activities: full and detailed description of all activities in the plan area that are expected to result in incidental take.]

Chapter 4 Analysis of Impacts (HCP Handbook Chapters [7](#), [8](#), and [12](#))

[Fully describe all the anticipated impacts of the covered activities on each of the covered species and their habitat, and how it was determined, including indirect effects (if applicable), effects on designated critical habitat, summarize the projected impacts of the taking (table format), and the anticipated impact of the proposed activity on the habitat of the species and the likelihood of restoration of the affected habitat.]

Chapter 5 Conservation Program (HCP Handbook Chapter [9](#))

[Biological goal and conservation objectives; minimization and mitigation measures. This section explains the measurable goals and objectives of the conservation program, how impacts to the covered species will be avoided, minimized, and how the remaining take will be mitigated.]

Chapter 6 Net Effect of the CP (HCP Handbook Chapters [12](#))

[To support the ITP issuance criteria ([ESA section 10\(a\)\(2\)\(B\)\(ii\)](#)), provide a description of the expected benefits of the conservation program and the net effects to the covered species: *Negative impact of the taking + Benefits of the Conservation Program = Net effect of CP*]

Chapter 7 Implementation (HCP Handbook Chapters [4.5](#) and [17](#))

[Explain roles and responsibilities; data management; describe possible changed circumstances/responses; unforeseen circumstances and no surprises assurances; amendment procedure, annual reporting, permit renewal, enforcement, etc.]

Chapter 8 Monitoring and Adaptive Management (HCP Handbook Chapters [9](#) and [10](#))

[Monitoring for baseline Information; effectiveness and compliance monitoring, protocols, and monitoring data management; and adaptive management]

Chapter 9 Costs and Funding (HCP Handbook Chapter [11](#))

[Describe the costs to implement the Conservation Program and how it will be funded; include the cost estimate methodology, conservation program funding sources and assurances; and endowments (if applicable).]

Chapter 10 Alternatives (HCP Handbook Chapter [5.6](#))

[Describe the alternative actions to the taking that were considered and the reasons why those alternatives are not being used. The CP alternatives are related to the covered activities, result in less or no take; do not confuse with NEPA alternatives]

Chapter 11 References

Chapter 12 Glossary

Appendices

[Important, but extraneous details should be included in the appendices; please include a summary and key points from the modeled data provided. For complex CPs, it is not unusual for the appendices to account for half or more of the CP's page count.]

Resources

[Link to 2016 HCP Handbook](#)