

Cache Slough Complex HCP FAQs

What is a Habitat Conservation Plan (HCP) and Incidental Take Permit (ITP)?

A Habitat Conservation Plan (HCP) is a planning document required as part of an application for an Incidental Take Permit (ITP).

An Incidental Take Permit (ITP) authorizes the lawful “taking” of a threatened or endangered species under specific covered activities and includes the terms and conditions of the Habitat Conservation Plan.

What are the Key Benefits?

- Allows a permit holder/participant to legally proceed with an activity that would otherwise result in the unlawful take of a listed species and penalties.
- Streamlines the project permitting process.
- Provides regulatory assurances called “No Surprises Regulations”
- Benefits the environment by establishing an efficient program to conserve at-risk species and their habitats.

What are No Surprises Regulations?

No surprises regulations provide HCP/ITP participants assurances of “unforeseen circumstances”. United States Fish & Wildlife (USFWS) or National Marine Fisheries Service (NMFS) will not require the commitment of additional land, water, or financial compensation or additional restrictions on the use of land, water, or natural resources beyond the level otherwise agreed to in the HCP without the consent of the permittee. The Federal government will honor these assurances as long as a permittee is implementing the terms and conditions of the HCP, permit, and other associated documents in good faith. In effect, this regulation states that the government will honor its commitment as long as the HCP permittees honor theirs.

What are Covered Activities?

“Covered activities” are those activities for which take authorization will be provided under permit through US Fish and Wildlife (USFWS) or National Marine Fisheries Services (NMFS) and California Department Fish and Wildlife (CDFW) for the *covered species* addressed in the HCP. The Cache Slough HCP is intended to cover activities such as:

- Major and Minor maintenance, and repair of existing local public and private water supply facilities
- Decommissioning of existing intakes and consolidation of existing intakes.

Additional activities may be added as the HCP evolves.

What is NOT Covered?

- Any new intake associated with a new or expanded water right (i.e. only operations under existing water rights used for irrigation purposes will be covered by the HCP).
- Levee Maintenance
- State and Federal activities that support restoration projects in the Plan Area.

Additional activities may be added as the HCP evolves

What are the Covered Species?

HCPs can apply to both listed and non-listed species, including those that are candidates or have been proposed for listing. The Cache Slough HCP proposes to include listed fish and some other species to be protected as Covered Species and describes how these species will be protected. The proposed endangered fish and some terrestrial species to be covered under the HCP include Delta Smelt, Longfin Smelt, Chinook Salmon, Steelhead, North American Green Sturgeon, White Sturgeon, Valley Elderberry Longhorn Beetle, Burrowing Owl, California Blackrail, Tricolored Blackbird, California Tiger Salamander, Giant Garter Snake and plant species - Mason's lilaepsis

How is the Cache Slough HCP different from the restoration projects themselves?

The habitat restoration projects that have been or will be constructed in an around the Cache Slough Complex and Yolo Bypass have or will seek take coverage independent from the coverage provided under the Cache Slough HCP. The Steering Committee is developing the HCP to address the operation and maintenance of existing agricultural and municipal intakes operated under existing water rights as the potential for increased take of listed fish is expected to increase due to improved aquatic habitat.

I am an agricultural water diversion owner in the Plan Area, why should I participate?

Participating and becoming an enrollee in the plan is voluntary. Participants would benefit as the HCP and ITP would provide long-term regulatory assurances and avoid penalties against the taking of a listed species. The Cache Slough HCP Steering Committee is considering a permit term as much as possible, with a minimum of 20 to 30 years. At the end of this permit term, the permit can be renewed or extended.

What does it cost to participate? How long is the process?

Participating in the planning process have no costs to the enrollees. The Cache Slough HCP Steering Committee expects to complete the HCP and receive approval by Winter 2022.

If my land is included in the Cache Slough HCP, will I still be able to develop it?

The HCP does not change land uses. Existing allowable uses will persist under the HCP.