

Background and Purpose

River and stream corridors in Colorado’s San Luis Valley provide habitat for two federally protected bird species – southwestern willow flycatcher and yellow-billed cuckoo. Impacts to the birds *or their habitat* are subject to regulation under the Endangered Species Act (ESA) and other federal laws. Individual landowners and local governments in the San Luis Valley are potentially liable for impacts to these species as they conduct otherwise lawful activities. Flycatchers and cuckoos generally occur in willow and cottonwood patches adjacent to wet meadow habitat.

In 2004, the Rio Grande Water Conservation District initiated the HCP process in partnership with the six counties and principal municipalities of the San Luis Valley.

An HCP is a community-based plan to conserve endangered species habitat while allowing private land use and management to continue. Without a regional HCP, individual landowners could be regulated under the ESA on a case-by-case basis. A completed HCP is necessary to receive an Incidental Take Permit, which authorizes impacts to ESA-listed species, provided certain conditions and assurances are met. The HCP was completed in 2012, and is being implemented under an Implementing Agreement between the participants and the U.S. Fish and Wildlife Service, and Incidental Take Permits held by each participant.

The HCP provides for the long-term protection and conservation of the covered species while allowing for the continuation of ongoing and routine agriculture, community infrastructure, and riparian conservation and restoration activities.

HCP Participants

Rio Grande Water Conservation District
Colorado Department of Natural Resources
Alamosa County
Conejos County
Costilla County
Mineral County
Rio Grande County
Saguache County
City of Alamosa
City of Monte Vista
Town of Del Norte
Town of South Fork

Species Covered

Southwestern willow flycatcher
Yellow-billed cuckoo

Geographic Area Covered

Non-federal lands in the San Luis Valley

Permit Duration

30 years



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Goals of this HCP

The following goals provide the philosophical background for the HCP and a basis for its implementation. These goals and more specific objectives are described in the HCP.

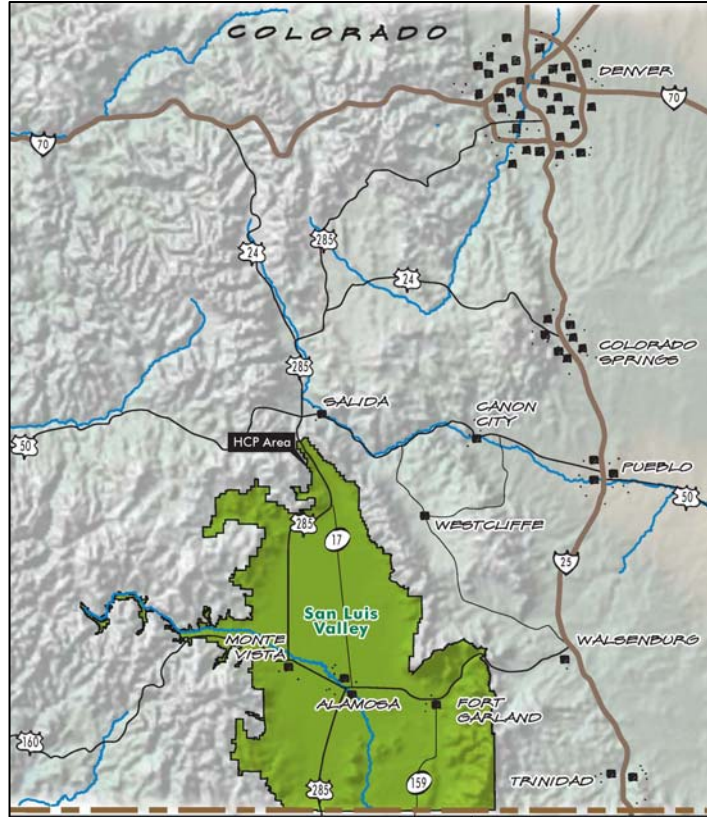
Incidental Take Coverage – Allow landowners and units of government to conduct routine agricultural, infrastructure, and conservation activities unencumbered by concerns about ESA liability.

Species Conservation – Protect the habitat for the covered species in a manner that contributes to long-term recovery of those species.

Riparian Habitat Conservation – Provide a framework for and contribute to the long-term conservation and management of riparian habitat, beyond what is necessary for mitigation.

Landowner and Community Outreach – Provide landowners with the tools and information to manage and protect riparian habitat on private lands on balance with economic and land management needs.

Inter-Agency Coordination – Work closely with other federal, state, and local agencies to protect and enhance core habitat and buffer habitat areas and provide additional resources to riparian habitat conservation.



What is an HCP?

The federal Endangered Species Act of 1973 (ESA) prohibits any person or entity from “taking” a listed threatened or endangered species. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” This definition also includes “significant habitat modification” that could impair essential behavioral patterns such as breeding, feeding, or sheltering (16 U.S.C. § 1531(18)). The ESA can be used to restrict activities on public or private lands that could result in take of an ESA listed species. The U.S. Fish and Wildlife Service is the agency responsible for enforcing the ESA.

A Habitat Conservation Plan (HCP) allows landowners/jurisdictions to take a listed species or its habitat if the taking is “incidental to, and not the purpose of...an otherwise lawful activity.” Individuals or government entities may develop an HCP in order to obtain an Incidental Take Permit, which authorizes activities to continue without the threat of additional ESA regulation.

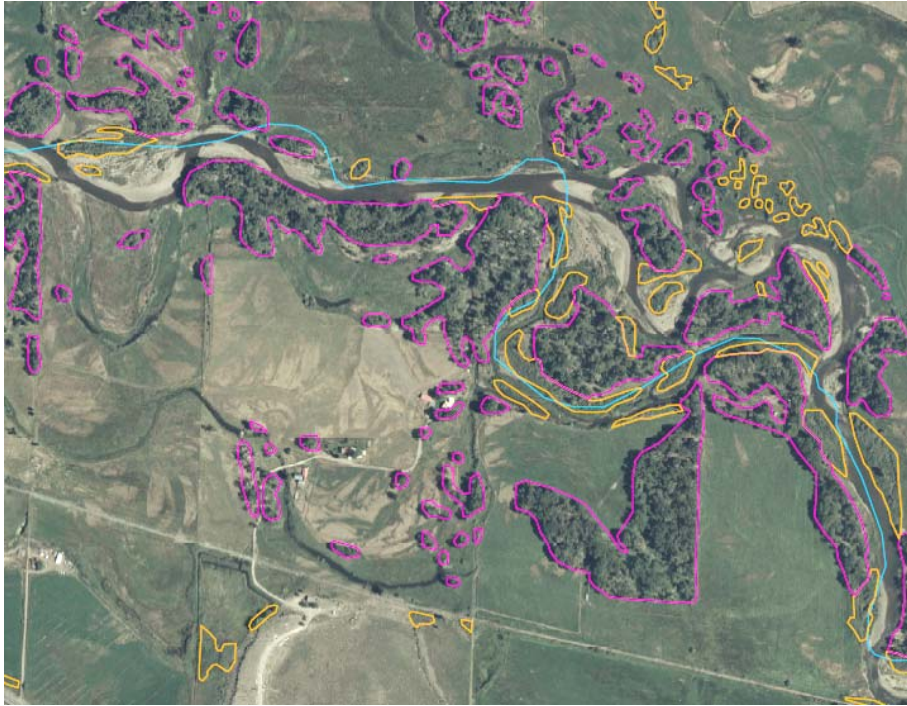
HCP’s are required to describe the following:

1. Activities to be covered
2. Impacts of the covered activities
3. Measures to minimize or mitigate the impacts
4. Monitoring to ensure effectiveness of mitigation
5. Funding and other assurances to ensure implementation

Riparian Habitat in the San Luis Valley

Riparian habitat in the Valley generally consists of a mosaic of woody trees and shrubs, wetlands, grasslands, and open water. For the development of this HCP, existing woody willow and cottonwood components of riparian habitat was mapped along key drainages and is intended to be an indicator for suitable nesting habitat for flycatchers and cuckoos.

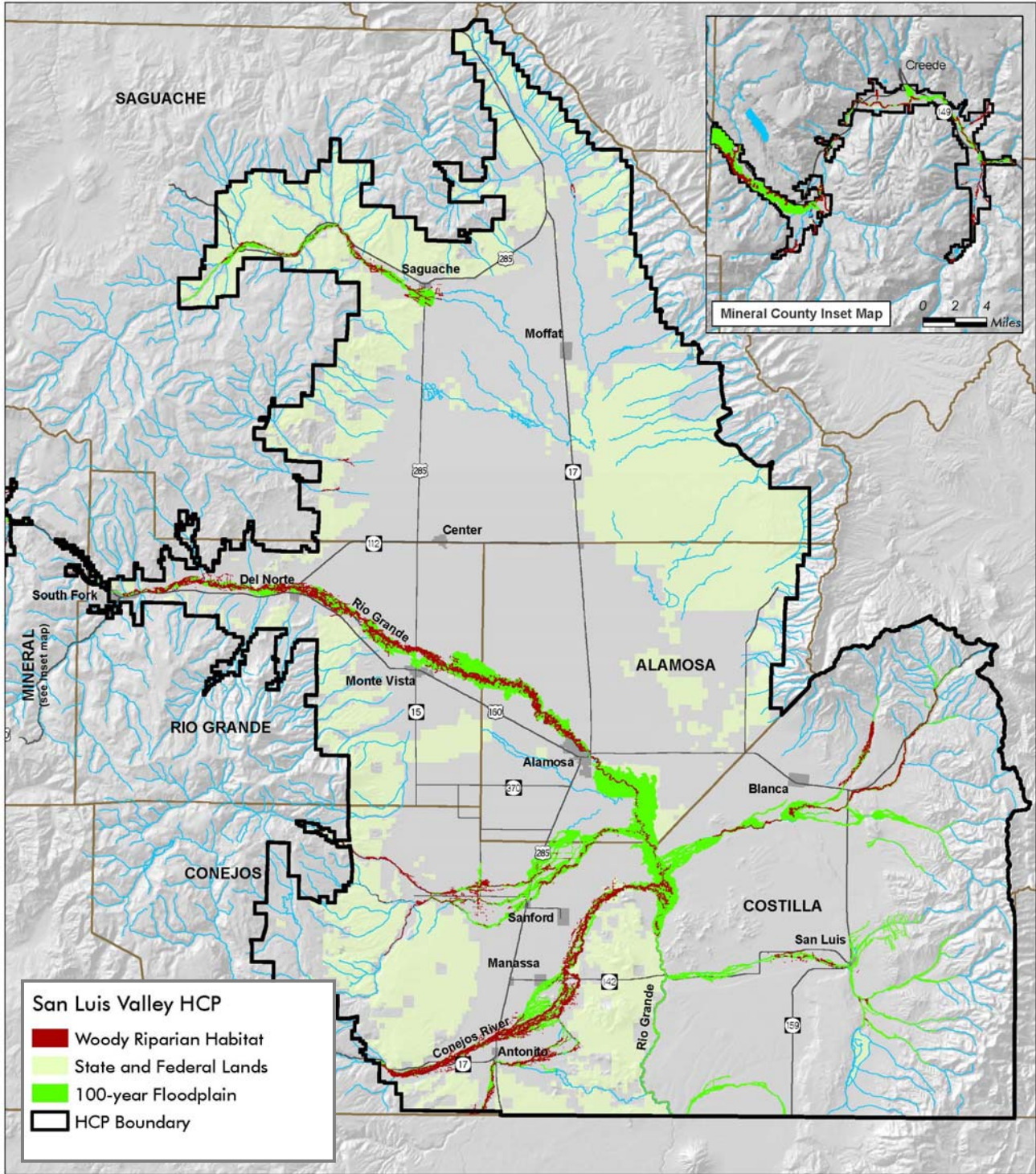
A total of 15,128 acres of woody riparian habitat currently exists in the Valley. This is the quantitative baseline for the HCP impact and mitigation figures.



Riparian habitat mapping and habitat examples in the San Luis Valley



Riparian Habitat and HCP Coverage Area



Covered Activities

The HCP provides incidental take coverage for a specific set of typical and routine activities that are conducted by the participating entities, private landowners and others.

ROUTINE AGRICULTURE	COMMUNITY INFRASTRUCTURE	RIPARIAN CONSERVATION AND RESTORATION
<p>Common agricultural and irrigation management activities that are conducted by farmers, ranchers, and water managers as part of the Valley’s longstanding agricultural economy:</p> <ul style="list-style-type: none"> • Grazing • Fence construction and maintenance • Ditch clearing and maintenance • Water facility maintenance • New small-scale water facility construction • Water management and administration 	<p>Common activities and facilities that are conducted or maintained by public and private entities to support the health, safety, economic capacity, mobility, and overall livability of the Valley:</p> <ul style="list-style-type: none"> • Vegetation removal from floodways • Levee construction and maintenance • Sediment removal • Infrastructure construction • Infrastructure maintenance • Road and bridge maintenance 	<p>Common activities that are conducted by public and private entities to improve the structure, function, and value of riparian habitat in the Valley:</p> <ul style="list-style-type: none"> • Channel shaping and stabilization • Habitat creation and restoration • Weed management • Wetland creation and management



Activities Not Covered by the HCP

The following types of activities are not covered by the proposed HCP:

- Development-related activities
- Construction of large-scale water projects or impoundments
- Construction or maintenance of sanitation or industrial water impoundments
- Highway construction
- Activities conducted, funded, or authorized by federal agencies (including projects requiring a Section 404 Wetlands Permit)

Impacts of the Covered Activities

Each of the covered activities was analyzed to determine and quantify, where possible, the impact it would have on the covered species and their habitat during the life of the HCP. Most of the covered activities result in temporary impacts to small areas of habitat as part of the Valley’s historic “rotating matrix” of localized impacts. Due to the temporary, rotating nature of these impacts and subsequent regeneration of impacted areas, most of the estimated annual impacts of the covered activities do not accumulate over multiple years (i.e., the temporary impacts are not additive over the life of the HCP).

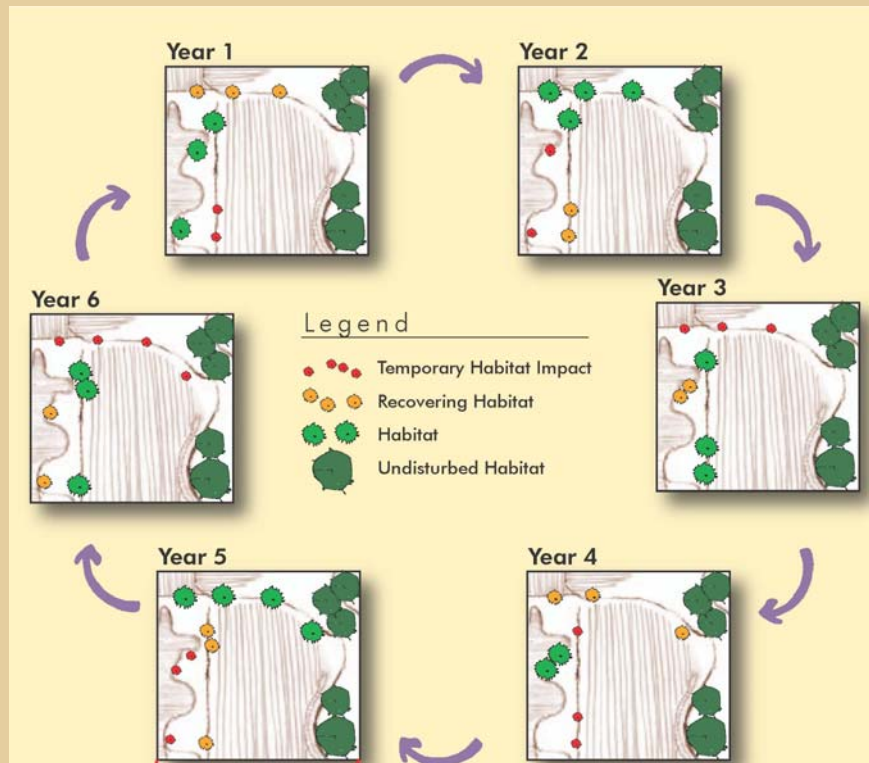
Covered Activity Type	Annual Temporary Impacts* (acres/year)	Permanent Impacts (acres/year)
Routine Agriculture	247	0.2
Community Infrastructure	21	0.9
Conservation and Restoration	2	None
Maximum Total Impact	270	1.1
Percent of Habitat**	1.8%	0.01%

* A range of estimated impacts was calculated for the HCP; only the high end of the range, representing the greatest potential impact, is presented here.

** Based on a total of 15,128 acres of mapped riparian habitat.

Rotating Matrix Concept

A key dynamic influencing the effects of the covered activities is their “rotating matrix” of localized, small, individual impacts of each activity that are scattered among hundreds of landowners and thousands of acres of habitat each year. In subsequent years, vegetation in impacted areas regenerates as other localized areas are impacted. This pattern of impacts and regeneration has taken place for generations, has shaped the present state of habitat in the Valley, and will continue into the future.



HCP Implementation

To mitigate the impacts to the covered species or their potential habitat and meet the requirement of the HCP, the participants will implement the following mitigation measures.

Habitat Mitigation

Tools

The District and other participants will mitigate the impacts from the covered activities by ensuring the conservation, management, and/or enhancement of a specified area (acres) of riparian habitat at a sufficient level of habitat quality.

Mitigation credits are obtained through conservation easements, management agreements, or restoration projects on private or state lands. Private landowners may participate in HCP mitigation through voluntary agreements with the District that ensure conservation on their property and allow access for routine habitat quality monitoring. It is the responsibility of the District and other participants to ensure sufficient agreements are in place to satisfy mitigation requirements.

Conceptual Mitigation Worksheet

Mitigation Project	Credit
Site A – <i>conservation easement</i>	120 acres
Site B – <i>restoration project</i>	50 acres
Site C – <i>conservation easement</i>	60 acres
Site D – <i>habitat management agreement</i>	60 acres
Total Mitigation Credits	280 acres
Total Mitigation Need	270 acres
Balance	+ 10 acres

Conservation Easements

High quality habitat areas that are protected by a conservation easement may be included in the HCP mitigation program if the easement protections meet certain eligibility criteria, and the landowner enters into a voluntary cooperative agreement with the District. While the



protections included in the conservation easement make a parcel eligible for HCP mitigation, the quality of that habitat within the easement is what is important for mitigation credit. The cooperative agreement formalizes the use of the easement for mitigation credits, and allows periodic access for habitat quality monitoring.

Restoration Projects

Efforts to actively restore and enhance riparian habitat may be used for HCP mitigation credit, once monitoring demonstrates the success of those efforts to create, expand, or improve habitat. Such projects may include fencing to manage livestock, planting or transplanting native riparian vegetation, or in-channel grading or structures to improve bank habitat.

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Habitat Management Agreements

Private lands that are not covered by a conservation easement may be used for HCP mitigation through a habitat management agreement that documents the landowner's commitment to manage riparian habitat on their property in a manner that supports and protects riparian habitat. Monitoring would ensure that habitat quality standards are maintained.

Federal Partnerships

Federally-funded conservation or restoration projects, such as those conducted by the Natural Resources Conservation Service, are not eligible for use as HCP mitigation credits. However, many of these projects are the result of creative partnerships between federal agencies, state and local governments, conservation organizations, and private landowners to protect and restore riparian habitat. In order to recognize these partnerships, federal/non-federal conservation and restoration projects may be eligible for HCP mitigation credit at a level that is proportional to the non-federal contribution (e.g., cost-share, grant, or donation).

Core Habitat Conservation and Management

Federal and state land management agencies commit to managing their lands to maintain the existing extent and quality of riparian habitat on their lands. This ensures that the existing "core habitat" for the covered species in the Valley is not lost, the agencies meet their existing commitments to habitat management, and provides a benchmark for evaluating fluctuations in habitat on private lands.

Monitoring and Adaptive Management

The cornerstone of the mitigation approach for this HCP is the conservation and enhancement of a sufficient number of acres of riparian habitat at a specified level of habitat quality. A key component of this approach is monitoring mitigation lands to ensure that sufficient habitat quality is maintained.

All of the mitigation sites on private and state lands will be monitored for habitat quality. If monitoring indicates that habitat quality on a mitigation parcel has declined below a specified standard, the District will either: 1) work with the landowner to restore or enhance habitat, or 2) remove the parcel from the mitigation pool and substitute another parcel of sufficient size and quality.

Every 10 years, Valley-wide riparian habitat mapping will be revised to track landscape-scale habitat changes and trends, revisit impact assumptions and calculations for the covered activities, and revise subsequent mitigation requirements (as needed).

Education and Outreach

The District will actively work with local agencies, communities, and landowners to develop an understanding of this HCP and its benefits among landowners and the community; reduce the long-term impacts of covered and non-covered activities on riparian habitat; better understand trends related to the covered activities; and solidify support for HCP mitigation programs. This will occur through structured outreach activities, including information for landowners about this HCP and what they can do to protect riparian habitat.



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HCP Administration

The District, on behalf of the other participants, has committed an appropriate level of staffing, (up to one half-time employee) to administer this HCP in an effective and efficient manner. In addition, the District will coordinate a steering committee to play an advisory role in directing HCP implementation, monitoring, and landowner outreach.



Implementation Costs and Funding

The District and other participants are committed to fully implementing the mitigation and implementation strategies documented in the HCP. While the mitigation acreage is relatively certain, the specific mechanisms and partnerships to satisfy mitigation requirements are not certain and will likely change over time. Such flexibility is a key part of the implementation approach and will be integral to its success.

In general, funding sources for HCP implementation elements that are easily foreseeable will come from the District’s regular operating expenses, County discretionary funds, and State funding through CPW, DNR, or other programs (to the extent allowed by law). These basic funding sources also may be supplemented by state or private grants.

Estimated Annual Implementation Costs

HCP Activity	Responsible Entity	Estimated Annual Cost
Habitat Mitigation	District/Participants	Unknown
Staff Support	District	\$30,000
Education/Outreach	District	\$750
Landowner Notification	Counties	--
Habitat quality monitoring	District	\$7,500
SWA surveys/monitoring	State	\$10,000
Total		\$48,250

Additional costs, occurring every 10 years, will be necessary for HCP coordination and maintenance, landowner notification, and revised habitat mapping.

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Summary of Implementation Responsibilities

Implementation of this HCP will be a collaborative effort between the District, other participants, and implementation partners. Specific implementation responsibilities are summarized below.

Rio Grande Water Conservation District

- Oversee HCP implementation
- Provide HCP staff support
- Track impacts and identify mitigation credits
- Coordinate landowner agreements, enhancement activities, and other conservation tools
- Conduct habitat quality monitoring
- Conduct repeat habitat mapping (every 10 years)
- Coordinate HCP steering committee
- Coordinate education and outreach
- Prepare annual report
- Provide a point of contact for agencies, landowners, and the general public

Counties

Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache

- Participate in HCP steering committee
- Adopt regulatory language to enable implementation
- Provide landowner notification (every 10 years)
- Report County-permitted activities with permanent impacts
- Provide HCP information and guidance to landowners

State of Colorado Department of Natural Resources

- Participate in HCP steering committee
- Covered species surveys on state lands
- Habitat quality monitoring on state lands

Municipalities

Alamosa, Monte Vista, Del Norte, and South Fork

- Participate in HCP steering committee
- Report municipal activities with permanent impacts
- Report floodway clearing in excess of 4 acres/year

Federal Agencies

U.S. Fish and Wildlife Service and Bureau of Land Management

- Conduct species surveys on federal lands
- Monitor habitat quality on federal lands
- Participate in HCP steering committee

Landowners

- No requirements

Contact

The San Luis Valley Regional Habitat Conservation Plan was developed under the direction of the Rio Grande Water Conservation District by ERO Resources, a Denver-based consulting firm. Questions and comments about the HCP, what it means to you, and what you can do to help are welcome at any time.

Rio Grande Water Conservation District

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