

CREATIVE SOLUTIONS IN CONSERVATION PLANNING

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CREATIVE SOLUTIONS IN REGIONAL CONSERVATION PLANNING

1. *Habitat and Open Space is an Integral Part of the Urban Fabric*

- Habitat and open space should not be viewed as apart and separate from the urban fabric but as an integral part of that fabric.
- The economics of habitat protection should be viewed broadly and treated no differently than the economics of other public and community facilities such as roads and schools.
- There are economic benefits associated with habitat and open space protection as measured by quality of life indicators, enhanced property values, and the ability to create a sustainable future.

2. *Design of Habitat Plans Should Be Based on Sound Science*

- The shape, size, and location of habitat preserves and plans should be based on the best biological data available.
- Development plans should be designed to minimize habitat destruction, where possible, and to maximize the achievement of other public policy goals, such as flood control and fire prevention, in addition to preserving habitat and open space (i.e., create collateral values).

3. *Economic Impact Assessments Should Include Broad Economic Benefits Associated with Habitat and Open Space Protection*

- Habitat protection has multiple functions and benefits. In addition to the protection of endangered and threatened species, the preservation of habitat can result in overlapping collateral benefits, thus achieving multiple public policy goals such as:
 - ✓ agricultural land protection
 - ✓ erosion control
 - ✓ open space and viewshed protection
 - ✓ flood control
 - ✓ watershed protection
 - ✓ air and water quality protection
 - ✓ scenic corridor protection
 - ✓ educational and recreational benefits
 - ✓ wildfire prevention and control
- The ability to identify collateral values increases opportunities for fund raising from non-traditional conservation sources and for creating nexus for a broad base of financial support.

4. *Who Should Pay for Habitat Protection?*

There are changing attitudes in America regarding the notion of “public trust,” as indicated by recent court cases. Whose responsibility is it to protect open space and habitat?

- Equitable sharing of habitat impact mitigation requires a broad perspective on community responsibility.
- A determination of who causes the impacts on habitat and who pays for its protection will direct the choice of appropriate financing mechanisms for regional habitat conservation plans.
- Net costs of habitat protection (net of supplemental funding sources) should be distributed equitably. If both new and existing residents benefit from habitat protection, then both new development and existing property owners should pay a share of the costs.

5. *Financing Strategies*

The following principles should be applied in developing a financing strategy for large-scale habitat protection plans:

- **Equity.** The funding should be fairly distributed, and all beneficiaries should contribute towards the cost of habitat preservation. Based on this principle, it should not only be new development but also existing development that contributes to the financing.
- **Broad based.** Utilize revenues from a variety of sources and maximize those sources that can achieve other public policy goals (i.e., collateral benefits).
- **Match the “tool to the problem.”** Select the appropriate mix of land preservation techniques suited to the habitat type and land management requirements, development and land ownership patterns, and sources of supplemental funding.

There are a variety of funding mechanisms available such as dedications and exactions, impact fees, sales tax increases, assessments, and special taxes. Large-scale habitat conservation programs may require a mix of several different funding mechanisms plus maximizing supplemental funding sources.

6. Lessons Learned from Selected Habitat Conservation Plans (HCP)s

The following summarizes some of the key lessons gleaned from the HCPs we have worked on, specifically: the Yolo County HCP, the El Dorado County Ecological Preserves, and the ongoing South Sacramento County HCP.

- **HCPs are not a replacement for effective and consistent land use regulation.** The most successful HCPs are backed up by rigorously enforced land use regulations and rational land use plans. In Yolo County, for example, land use regulations support agricultural preservation with large lot zoning and narrowly defined urban growth limits. This helps to keep the overall cost of the program manageable. In Sacramento County the costs are going to be significantly higher for preserving agricultural land due to the influence of a large Urban Services Boundary on land values.
- **Mitigation is not conservation.** A regional ecosystem approach that combines mitigation and preservation efforts can result in a more effective and biologically sounder conservation plan. Furthermore, by coordinating and combining regional conservation efforts, the plan can attract additional funding sources and leverage the efforts of private, non-profit conservation organizations. In Sacramento County, for example, The Nature Conservancy (TNC) and the Sacramento County Valley Open Space Conservancy are both actively acquiring land and conservation easements in South Sacramento County that will contribute to the overall conservation goal for vernal pool habitats. Multiple funding sources have been used, including the Central Valley Project Improvement Act (CVPIA) Habitat Restoration Program and the Natural Resources Conservation Service (NRCS) Wetlands Reserve Program.
- **Maximize opportunities for collateral values.** Conservation plans that create opportunities for collateral benefits can reduce overall costs of the plan and achieve other public benefits. For example, in El Dorado County an Ecological Preserve Fee program designed to protect the habitat of several edaphic endangered plant species will also reduce the threat of wildfires in the semi-rural areas of the County by requiring periodically controlled burns of certain habitat areas. In Yolo County, where agriculture is the main economic base, the HCP designed to protect Swainson Hawk, among other species, will have the additional benefit of achieving permanent agricultural preservation through the purchase of conservation easements that promote and encourage continued “normal” agricultural activities.

- **Reduce uncertainty by streamlining regulatory hurdles.** A significant cost, incurred by landowners and developers trying to comply with ESA and CESA requirements, is the delays and uncertainties while waiting for biological surveys to be completed and for resource agency personnel to determine the type and amount of mitigation required, if any. Individual permits may take between two and ten years to negotiate, and the resulting mitigation costs will remain uncertain until all the resource agencies have signed off on the permit. In contrast, once a regional mitigation plan is approved, all subject landowners will know how much their mitigation costs will be and will receive ESA/CESA approvals along with a building permit. An even greater incentive is offered to private landowners and developers if the HCP can create a one-stop shop for all permits and regulatory requirements, including Section 404 Clean Water Act permits, CEQA conservation requirements, and local General Plan open space and resource conservation requirements. To achieve this blanket regulatory coverage, a high degree of coordination and cooperation between federal, state, regional, and local regulatory agencies is required during the HCP planning stages.
- **Reduce the risks of liability associated with adjacency to preserves.** Many regional conservation plans also contain provisions such that adjoining parcels within one-half mile radius of a preserve, or participating habitat enhanced property, will receive “hold harmless” protection from future liability under the incidental take permit and associated management authority. Hold harmless protected properties will be able to continue ordinary farming, mining, reclamation, and maintenance practices, even if such activity results in an incidental take.
- **Reduce the risks of subsequent endangered species listings.** Most HCPs provide for currently unlisted target species that may later become listed, so that these species will also be covered by the regional Section 10(a)(1)(b) and Section 2081 permits, thereby reducing one of the greatest risks of uncertainty associated with single-species and individual mitigation projects.