

**SAMPLE
HABITAT CONSERVATION PLAN**

The following is a sample Habitat Conservation Plan (HCP) that the Applicant may use as a template in the preparation of his/her HCP. Please note that the plan may have to be modified to fit the Applicant's particular situation.

If you have any questions, call Rob Bittner (ext. 120) or Mike Jennings (ext. 126) at 904-232-2580, or write to the following address:

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Habitat Conservation Plan
for the
Threatened Florida Scrub-Jay (*Aphelocoma coerulescens*)
in Palm Bay, Brevard County, Florida

Prepared By:

Introduction

_____ (Applicant) has prepared this Habitat Conservation Plan (HCP) to fulfill partial requirements of section 10(a)(1)(B) of the Endangered Species Act (Act). The Applicant currently owns one residential lot containing about ___ acre located in the City of Palm Bay within Port Malabar Unit __, Block ____, Brevard County, Florida (Figure 1).

Florida scrub-jays (*Aphelocoma coerulescens*)(scrub-jay) were located within 438 feet of the lot during surveys conducted in 2001-2002 by Brevard County staff (Figure 2). Given the close proximity of the lot to documented sightings of scrub-jays and the lack of any apparent obstacles between areas where scrub-jays have been observed and the lot, we expect that scrub-jays use Lot __. Since little woody vegetation exists on these two lots, we believe scrub-jays use these lots for feeding and caching acorns.

Preparation for residential construction and installation of infrastructure will result in the destruction of 0. ___ acre of occupied scrub-jay habitat. The City of Palm Bay's building department has instructed the Applicant that local permitting necessary to begin residential construction will not be provided until such time that they are notified by the Service that a building permit may be issued. Without the ability to obtain a building permit, the Applicant is unable to build on the residential lot. This HCP and incidental take permit (ITP) application have been completed by the Applicant to acquire approval from the Service to clear and construct a residence on the lot.

Purpose

The Applicant proposes to seek a building permit from the City of Palm Bay to construct a single-family residence on Lot __, Block ____, Unit __. Construction of a single-family home and infrastructure will destroy habitat occupied by the scrub-jay. The anticipated take will occur as a result of harm to resident scrub-jays. The proposed actions are otherwise legal and consistent with local, County, and State laws. Therefore, we are applying for incidental take authority for the Florida scrub-jays inhabiting the residential site identified above.

Permit Duration

The Applicant intends to complete construction within six months of the issuance of an incidental take permit (ITP) from the Service. However, to ensure against the possibility of unavoidable delays, the Applicants are requesting an ITP duration of one year.

Project Site Conditions

Location - Lot __ is located in Section __, Township __ South, Range __ East, within Unit __, Block ____, Brevard County, Florida. This lot contains about 0. ___ acre.

On-site Conditions - The residential lot covered under this HCP has been cleared of woody vegetation. Scattered sandy patches interspersed with low growing plants and grasses occur throughout the two parcels. The lack of woody vegetation precludes use of the residential lot by nesting scrub-jays. However, the relative openness of the lot provides foraging opportunities for scrub-jays and the sandy areas provide locations for caching acorns (modify this discussion to fit your particular lot).

Surrounding Land Uses - The residential lot in question is part of the large, partially built-out Port Malabar subdivision. It is estimated that about 50 percent of the lots currently contain homes. The remaining lots contain native and/or exotic vegetation or have been previously cleared of vegetation.

Wildlife - Due to the small size of the residential lot and the fragmented nature of the remaining undeveloped lots in this subdivision, few wide-ranging wildlife species are likely to be present. As typically found in most urban settings, a number of common passerine birds can be expected to frequent the residential lots in question. Common “backyard” animals, such as gray squirrels, armadillos, and raccoons are also likely to be present occasionally.

Impact Assessment

The sale and subsequent construction of a single-family home on Lot ___ will destroy about 0. ___ acre of foraging habitat within the scrub-jay habitat polygon. The extent to which this will affect scrub-jays is not known entirely since the configuration and size of scrub-jay territories is difficult to assess in urban areas. We suspect that the territory of scrub-jays in this area also includes other undeveloped lots that would provide alternative areas suitable for nesting, foraging, and sheltering habitat. However, if the lot is critical to scrub-jays, there is the possibility that they may abandon the territory or be forced to compete with other scrub-jay families known to have established territories in the vicinity.

Minimization Measures

On-site impact avoidance measures are not practical on Lot ___ since future construction and infrastructure (including sodded lawn) will require most, if not all, of the area. Furthermore, the Service has indicated that saving small remnants of habitat would have little ecological value to scrub-jays and may actually result in higher mortality of any birds that may continue to reside in the area. Since no nesting can occur on the lot, we do not believe it is reasonable to avoid construction during the nesting season as is typically done when scrub-oaks are present.

Mitigation Measures

We considered pursuing the off-site acquisition of scrub-jay habitat but found that we did not have the expertise in real estate to successfully search for and buy scrub-jay habitat. Although we considered seeking professional realty assistance, the broker was unable to

locate 0.____ acre of suitable scrub-jay habitat for sale in southern Brevard County. A larger parcel was available, but the cost of this parcel exceeded our ability to pay.

Therefore, we propose to provide \$_____ to the Florida Scrub-jay Conservation Fund (Fund) administered by the National Fish and Wildlife Foundation sufficient to acquire and perpetually manage ±__.0 acres of suitable occupied scrub-jay habitat. The amount of mitigation funding provided is consistent with acquisition and management endowment costs currently applied by a private, for-profit company that acquires scrub-jay mitigation parcels for section 10 applicants. The amount also meets the Service's guidelines for scrub-jays. We propose to submit funding to the Fund within 30 days following issuance of the incidental take permit by the Service.

Monitoring

Due to the small scope of the proposed action and the short duration of the requested ITP, extensive monitoring is not proposed. However, to ensure that residential construction does not affect nesting scrub-jays, we agree to look for active nests nearby during the nesting season. If any nests are found, we will contact the Service for further coordination.

Biological Goals of the HCP

The biological goal of this HCP is to provide sufficient funding to ensure that a commensurate amount of scrub-jay habitat is purchased and managed perpetually so that the scrub-jay population in southern Brevard County will continue to survive.

Alternatives Considered to Avoid Take of Scrub-jays

Avoiding take of scrub-jays could be accomplished only if the residential parcel was not developed. The Applicant could avoid taking scrub-jays by declining to build on the lot. However, this alternative is not viable since the construction of the residence provides the Applicant's family with a home and investment for the future. In addition, since the subject parcel is small and contained within a residential setting, purchase for conservation purposes by local governments or non-profit organizations is not likely. The property is not currently listed by the State or local County government as a target for conservation acquisition.

Changed Circumstances

We expect that circumstances in and around the vicinity of the residential lot will remain unchanged during the duration of the requested permit. This area is residentially platted with infrastructure and there is no expectation that this use will change in the future. Furthermore, due to urbanization in this area, it is unlikely that habitat suitability for the Florida scrub-jay will be enhanced over the permit period. Accordingly, due to the short duration of the permit request, small size of the area to be impacted, and continued future

use of this area as a residential community, we do not believe that changed circumstances are expected.

Unforeseen Circumstances

The short duration of the requested permit, small size of the parcel and biological information for scrub-jays suggest that unforeseen circumstances are unlikely. However, the Applicant understands that it is possible that unforeseen circumstances may arise and agree to work with the Service to resolve them provided such resolution is consistent with the Service's "No Surprises" policy.



Figure 1. Location of lot __, Port Malabar Unit __, Block __, City of Palm Bay, Brevard County, Florida.



Figure 2. Location of lot __, Port Malabar Unit __, Block __ (white polygon) and location of scrub-jays observed during 2001/2002 surveys (white circles).