Habitat Conservation Plans Under the Endangered Species Act: Defenders of Wildlife Publishes a Three-Decade Analysis



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05/16/2025

The Defenders of Wildlife's Center for Conservation Innovation announced the publication of a paper titled:

Habitat conservation plans under the endangered species act: A comprehensive three-decade analysis ("Paper").

The Paper was first published on May 8th, and its authors include:

- Heather Harl
- Natalie Madden
- David E. Jennings
- Andrew Carter

Section 10 of the ESA allows for the development of Habitat Conservation Plans ("HCP") which result in Incidental Take Permits that give exceptions to the prohibition against "take" of a listed species.

In the context of the Endangered Species Act ("ESA") a HCP is typically described as a planning document designed to accommodate economic development to the extent possible by authorizing the limited and unintentional take of listed species if occurring incidental to otherwise lawful activities. The HCP addresses:

- Anticipated effects of the proposed taking.
- How such impacts will be minimized and mitigated.
- How the conservation measures included in the plan will be funded.

The Paper examined 629 HCPs (covering 38 states and territories/748 species) in the United States. The authors are stated to have used three key factors for analysis:

- Presence of required documents.
- Adequacy of monitoring.
- Consistency of conservation measures.

The Paper concluded that conservation measures outlined in the HCPs were "often inconsistent and required documentation was lacking".

The Paper recommends what it describes as "needed improvements" to the HCP program such as:

- Develop a greater understanding of the needs and challenges regional or field office staff of the federal agencies face when implementing overseen HCPs.
- Establish clear benchmarks and standards of guidance for projects to meet ESA requirements.
- Create a centralized HCP database.
- Improve recordkeeping and monitoring and ensuring better public transparency.

A copy of the Paper can be downloaded here.