



# Endangered Species

**REVIEWED**
*By Chris Tighe at 12:08 pm, Aug 27, 2018*
**Midwest Region**
[Midwest Endangered Species Home](#)
[Permits Home](#)
[Applying for a Permit](#)
[Choosing the Right Permit](#)
[HCPs & Incidental Take Permits](#)
[HCPs: Completed and Under Development](#)
[Enhancement of Survival Permits](#)
[Field Office Contacts](#)
[Regional Office Contacts](#)
[Contact Us](#)


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## Endangered Species Permits

### Explanation of the HCP Development Process

In general, there are three main phases to the HCP process. They are the pre-application phase, permit processing phase, and the post-issuance phase. Roles and responsibilities of the applicant and the U.S. Fish and Wildlife Service are summarized as follows:

#### I. Pre-application Phase

1. Communication occurs between landowner and U.S. Fish and Wildlife Service, including technical advice for HCP development. This may involve site visits, habitat assessments, coordination with the applicant's consultant, evaluation of the issues involved, and development of monitoring strategies. [Go here for U.S. Fish and Wildlife Service Field Office contact information in the upper Midwest.](#)
2. The U.S. Fish and Wildlife Service must comply with the National Environmental Policy Act (NEPA) before issuing the landowner an Incidental Take Permit. Therefore, the FWS must first determine whether the project qualifies for a categorical exclusion as a "[low-effect HCP](#)". If the action is not a "low-effect" project, an Environmental Assessment or Environmental Impact Statement would need to be prepared. Preparation of NEPA documents is the responsibility of the U.S. Fish and Wildlife Service. However, we often ask the applicant to prepare the draft NEPA document to save time and speed up the process.
3. If the project is not a "low-effect" HCP, then an Implementing Agreement must be prepared by the applicant.
4. The U.S. Fish and Wildlife Service will review and comment on draft HCP, NEPA document, and Implementing Agreements.

#### II. Permit Processing Phase

5. The applicant submits a complete application package, including the permit application, the draft HCP, and an application fee.
6. The U.S. Fish and Wildlife Service and/or the applicant have finalized the draft NEPA documents and Implementing Agreement, if applicable.
7. The U.S. Fish and Wildlife Service reviews all documents to determine if they are statutorily complete.
8. The permit "package" (all documents) is mailed to the U.S. Fish and Wildlife Service regional office (Fort Snelling, MN) for review.
9. The USFWS prepares an announcement to be published in the Federal Register for public comments on the draft HCP. The public comment period is usually 30 days.
10. The U.S. Fish and Wildlife Service prepares a "biological opinion" on their issuance of an ITP.
11. The U.S. Fish and Wildlife Service addresses public comments on draft HCP.
12. The U.S. Fish and Wildlife Service drafts the appropriate NEPA document (or works with the applicant to complete it).
13. The U.S. Fish and Wildlife Service issues the ITP to the applicant.

#### III. Post-issuance Phase

14. Permittee implements HCP and ITP terms, and the U.S. Fish and Wildlife Service implements responsibilities agreed to in the HCP.
15. Permit holder submits all the required reports that are described in the HCP and/or implementing agreement. Periodic meetings, phone calls and site visits may be needed during implementation of the HCP.
16. The U.S. Fish and Wildlife Service monitors and evaluates the HCP and permit compliance.

[Back to Incidental Take and HCPs page](#)

Last updated: February 22, 2016

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